PLANNING COMMISSION MEETING
City of Gardner, Kansas
Tuesday, March 24, 2020
7 p.m.
Gardner City Hall
120 E. Main Street

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:05 p.m. on Tuesday, March 24, 2020, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

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
Ryan Denk, City Attorney (via phone)

There were three members of the public in attendance.

CONSENT AGENDA

1. **Approval of the minutes as written for the meeting on February 25, 2020.**

   Motion made by McNeer and seconded by Ford.

   Motion passed 7-0.

REGULAR AGENDA

1. **BRECKENWOOD CREEK**
   Located approximately 0.4 miles north of 175th Street, along Kill Creek Road
   a. **Z-20-04**: Hold a public hearing and consider a rezoning of approximately 38.6 acres from R-1 District to R-2 District.

b. **PP-20-03:** Consider a preliminary plat for a 38.6 acre, 131 lot single-family residential development.

Ms. Kelly Drake Woodward, Chief Planner, presented an application on the rezoning prior to a public hearing and discussion, followed by her presentation on the preliminary plat of the same property. The rezoning application was to rezone from the R-1 Single-Family Residential District to R-2 Two-Family Residential District. It was accompanied by a preliminary plat that was intended for the Detached House – Neighborhood building type, or single-family homes on smaller lots (generally a minimum of 50' wide and 6,000). The property includes 38.6 acres of land located approximately 0.4 miles north of 175th Street along Kill Creek Road, north of the Gardner Municipal Airport, adjacent to St. John's Highlands II subdivision. Four streets terminate at the property boundary, including two collector streets (Madison St and Kill Creek Rd), and two local streets (W. 172nd St and W. 173rd St). The site was annexed on September 5, 2000, was rezoned several times, but has remained undeveloped. The subject parcel has been designated for single-family as part of a 141 acre planned district to include a mix of housing densities and nonresidential development.

North of the subject property is a parcel that retains County Rural Agriculture zoning and a vacant agricultural property zoned R-1. R-1 zoning abuts the east, west, and portion of the south boundaries. Other adjacent zoning districts include RP-2 and RP-3. The area has long been envisioned for a mix of residential housing densities and nonresidential uses.

Adjacent land uses to the north are undeveloped agriculture properties with a preliminary plat approved for Hilltop Ridge single-family development (northwest of subject parcel), which will include an extension of W Madison Street along the boundary with St. John's Trace. The property is surrounded by single-family subdivisions to the west, east, and a portion of the southern boundaries. The City received an application to the south for a combination of duplex and quad multi-family homes, adjacent to the Prairiebrooke Duplexes. The Madison Street connection across the waterway will provide existing neighborhoods, and this development, with a second, more-direct route to the Gardner Edgerton High School. The Kill Creek connection will extend to the properties to the north eventually connecting from 175th up to Celebration Park at 159th Street.

Infrastructure for all utility connections is available. This development will allow greater resilience through looped water and sanitary sewer lines instead of dead-ends. Customary utility easements are being provided with this plat, except that the utility easement will be in front of lots 19-54. This allows the preservation of the natural tree line on the north property boundary, and creates a natural buffer from the rear of the lots to the proposed continuation of the east-west collector Madison Street. As requested by the Fire District, the paved cul-de-sacs will be of a larger radius within the typical right-of-way radius, and sidewalks will be accommodated in easements around the cul-de-sac.

The new road network will include sidewalks on both sides of the roads and the new trails/greenways create a natural amenity for these neighborhoods as well as a new non-motorized connection between Kill Creek Rd and Madison St. It will connect with the Kill Creek Trail. The roads and trails are all consistent with the Comprehensive Plan. Additionally, the proposed plat 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.

This plan also supports many housing goals of the Comprehensive Plan including housing variety to support ongoing investment, attract new residents, respond to a variety of needs, and help all income levels move toward home ownership. It also encourages the development of housing to allow seniors to age in place, promotes infill in incomplete subdivisions, and provides housing within close proximity to schools and parks. The application is consistent with the low-density residential future land use described as including detached single-family homes and duplexes or triplexes in low-density formats. The LDC translates Low-Density Residential future land use into three possible zoning districts plus the planned districts that would go with them, being RE, R-1 and R-2. The parcel is also located in the New Growth Area of the Residential Area Plan which is intended to provide opportunities to:

- Contribute to and enforce the City's existing character and identity – the lots in the associated plat are designed for smaller scale homes than existing homes, but of similar character;
- Ensure new development meets the requirements in the *LDC*– this development is designed to meet all standards for the Detached House – Neighborhood building type and Neighborhood Yard frontage type;
- Ensure the character of new residential areas are compatible with existing neighborhoods and reflect the intended character of Gardner in terms of block size and configuration, housing scale and architecture, and design of the public realm; and
- Work closely with residential developers to encourage local development patterns that provide a variety of housing types and allow residents to "downsize" and stay in the neighborhood or subdivision.

Other staff findings are the plan has block patterns consistent with existing development, and achieves the code intent to minimize the number of lots accessing collector streets. The potential uses of the R-2 District are compatible with adjacent uses and zoning districts. The two additional building types are subject to design standards that promote better neighborhood character and a pedestrian-friendly environment. The application provides for infill development of a key but challenging parcel, and addresses changing population needs by offering smaller lot residential as a means for affordable housing for the expanding job market around the City. Staff recommends approval of this application.

Mr. Todd Allenbrand, Payne and Brockway, thanked staff, Commissioners, and the City for helping on this project as the developers were anxious to get it started. He said they were in agreement with staff and were available to answer questions.

PUBLIC HEARING

No one from the public came forward to speak.

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

Motion passed, 7-0.

COMMISSION DISCUSSION

Commissioners Ford and McNeer both commented on the plan and said they thought the developers did a good job of utilizing the space.

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

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

Ms. Woodward continued with a presentation on **PP-20-03**, a preliminary plat for Breckenwood Creek. The Subdivision Standards of the LDC provide limits to block and cul-de-sac length. The proposed preliminary plat indicates cul-de-sac lengths consistent with plans approved under the former code, but which are longer than current standards allow. However, the LDC provides exceptions to block and connectivity standards. On the eastern cul-de-sac, blocks abutting or containing important natural features or otherwise creating parts of the Civic Space system may be larger provided the proposed street layout preserves these features and integrates them into the overall structure of the community. This layout preserves the floodplain area and provides a mid-block connection to the trail through the natural area. The western cul-de-sac is constrained by existing residential development to the south which would not accommodate an additional local road to break up this block. An additional north-south road connection is not necessary this close to collectors (Kill Creek Road and Madison Street). Instead, the applicant has provided a mid-block pedestrian connection to the north on this cul-de-sac to facilitate easier pedestrian access to Madison Street in the future. Even with the exceptions, this proposed preliminary plat meets the intent for street networks to:

- Provide for efficient and safe movement of all potential users of the streets;
- Use streetscape design to call attention to differing contexts and better support development patterns and uses abutting the streets; and
- Increase connectivity and improve options for access in the community.

The Fire District has offered support of these exceptions provided that the cul-de-sac width is increased. This request will be accommodated within the typical right-of-way width by providing pedestrian easements on private property for sidewalks around the cul-de-sacs.

Staff finds this infill development will promote future development on adjacent property and benefit existing development with new roads, trails, pedestrian and utility connections that provide more direct access to the high school to spread the traffic load along multiple routes. The development prototypes shown on the application indicate that all development and site design standards will be met, including the design intent to provide less prominent garages and decreased front pavement areas. The development will utilize shared driveways and side-access or setback garages. Approval of this plat with its conditions is recommended.

Mr. Allenbrand of Payne and Brockway stated the applicant was in agreement with staff and was available to answer questions from the Commission.

Commissioner Meder asked if, as stated, the construction on Madison St would be done as early in the phasing as possible, why was it slated for Phase III on the plans? She wanted to know the process of why it was not included in Phase I.

Mr. Allenbrand replied they were working with the City to change that and were looking into some alternatives and it could be changed by the final plat submittal. The cost for constructing Madison St. alone was very high considering the small amount of street but it is because of the needed box culvert. They were still working with City staff and legal to determine a route to go.

COMMISSION DISCUSSION

No discussion ensued.

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

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

Motion made by Meder and seconded by McNeer.

Motion passed 7-0.

2. **PRAIRIE TRACE**
Located southeast corner of W 175th Street and Interstate 35
   a. **Z-20-03**: Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 and PEC3 Districts to City of Gardner District C-3.
   b. **Z-20-02**: Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 and PEC3 Districts to City of Gardner District R-3.
   c. **Z-20-01(PDP-20-01)**: Hold a public hearing and consider a rezoning of approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (approximately 88.2 acres) and RP-2 (approximately 48.1 acres) and associated preliminary development plan for Prairie Trace.
   d. **PP-20-01**: Consider a preliminary plat 356 single-family lots for Prairie Trace.

Ms. Michelle Leininger, Principal Planner, began the presentation with a summary of the project that includes three rezoning applications for a proposed development adjacent to the I-35 and 175th Street interchange. The project features commercial, multi-family, and single-family land uses and a total of four proposed zoning districts. Two of the proposed zoning districts are regular zoning districts (not planned districts) and include the C-3 (Heavy Commercial) and R-3 (Garden Apartment) Districts. Two of the proposed zoning districts are planned districts and include the RP-1 (Planned Single-Family Residential) and RP-2 (Planned Two-Family Residential) Districts.

Application **Z-20-03** is a request to rezone a portion of two parcels from County zoning designations to a City commercial zoning designation. The location of the property is just southeast of the I-35 and 175th Street interchange and abuts Clare Road on the east. They

were annexed into the City last September and are currently unimproved agricultural use. The existing infrastructure includes Evergy overhead electric lines along the entire south property border and a portion of the north border and overhead electric primary lines on the adjacent parcel to the west. A City of Gardner gas line runs along the west property boundary and a Southern Star gas pipeline running through the central portion of the property and has been a major obstacle for the applicant. There is also a no-build 66' easement around this pipeline. The request is to rezone from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner C-3 (Heavy Commercial) District. Since this request is not to rezone to a planned district, no formal development plan has been submitted with the application. The plans are conceptual. This development will be served by new arterial and collector streets that provide access to 175th Street and Clare Road, and continue south paralleling the interstate.

Because the property is located within 1 mile of the New Century AirCenter, plans will be reviewed by the Airport Commission and Johnson County Board of Commissioners. Kansas Statutes give the county statutory authority to adopt zoning and land use regulations within a one mile radius of the airport. The AirCenter has adopted a modified review area called the "Airport Interest Area" that shows recommended future land uses and their impact to airport facilities. This parcel lies within the boundaries of both and is therefore subject to their reviews. There is a flight corridor that will impact future development on the west 125' of this property. These corridors are intended to be reserved for open spaces or compatible non-residential uses without concentrations of people. The two primary concerns for the County are noise impacts of aircraft operations and operationally safe approaches that protect the public. The application will be presented to the Johnson County Airport Commission and County Commission for approval after the City's review.

The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan. The north and west sides of the property are designated for Regional Commercial, with Commercial and Light Industrial and Heavy Commercial and Industrial in the central and south areas of the property. There are also some smaller areas of Parks/Recreation and Open Space. The C-3 (Heavy Commercial) zoning district is one of three zoning districts that the *Land Development Code* identifies as typically associated with the Regional Commercial future land use; the other applicable districts are the C-2 (General Business) and M-1 (Restricted Industrial) districts. Other options include planned districts and the Activity Center Planned District that could be applicable to this area.

Staff finds the proposed rezoning consistent with the Comprehensive Plan and the *I-35 and 175th Street Interchange Subarea Plan*. The street network generally matches the concepts in the subarea plan and the project incorporates good planning in concentrating commercial opportunities near regional transportation routes. The extended utilities for this development will help future development in the area. This rezoning supports goals of the Strategic Plan to annex land that can be developed for commercial opportunities and diversify the tax base. Staff recommends approval with conditions.

Mr. Travis Schram, Grata Development and applicant, spoke via video conferencing to present the project. The primary item he wanted to stress was he had numerous conversations with the County for their thoughts on what was required to comply with the needs of the airport. He felt everyone would be in agreement on the preliminary plan he

would be submitting. He then reserved additional comments for the other applications being presented.

PUBLIC HEARING

No one from the public came forward to speak.

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

Motion passed, 7-0.

COMMISSION DISCUSSION

The Planning Commission had no questions nor comments.

Motion made after review of Application Z-20-03, a Zoning Map Amendment for portions of parcels 2F231429-3001 and 2F231429-1001 located southwest of the intersection of W. 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the application as proposed, provided the following conditions are met/actions are taken:

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

Motion made by Simmons-Lee and seconded by Ford.

Motion passed 7-0.

Ms. Leininger continued with a presentation on **Z-20-02**, an application for the multi-family portion of the proposed commercial/residential development for Prairie Trace. This is for a standard base zoning district so the next step would be either a site plan or to rezone to a planned district. This request is to rezone from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner R-3 (Garden Apartment) District. The parcel is bounded by 175th Street on the north and Clare Road on the east. The character of the neighborhood is currently rural and is a key development area for the Gardner community. The future flight corridor that goes through the middle of this development has been abandoned but Flight Corridor C that encompasses 125' on the west side will impact future development. Johnson County Planning staff and Airport staff have done a preliminary review of this application and submitted comments. Their issue with development too close to the flight path is to protect it from congregations of people and birds.

The future land use map of the New Century AirCenter (NCAC) Comprehensive Compatibility Plan serves as a recommendation for compatible uses and land use restrictions within the Airport Interest Area. Future land uses for the subject property include Airport Industrial Park for the majority of the parcel and General Commercial on the northeast portion. The County is concerned with locating buildings away from the flight corridor, maximizing open space and having no permanent water features or drainage near the flight corridor which can encourage concentrations of birds that could interfere with aircraft. They also are concerned with the gross density and configuration of residential development. County staff recommends that the maximum density of multi-family residential be 12.5 units per acre of gross land area for the R-3 zoning but the Gardner LDC and the anticipated building type of Garden Apartment minimum lot size is 1,500 sf per dwelling unit. This means 29 dwelling units could be developed on one gross acre provided the units are stacked to meet the 40% building coverage maximum footprint. This is a significant difference in development rights conferred by City and County recommendations/regulations. The reduced density may/may not meet the needs or expectations of the developer, but that will be addressed with the County review following City action.

The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was a guide for the future land use plan as shown on the slide. Since the adoption of the plan, the property owner's concept has changed to include commercial on the north and northwest, multi-family on the west and single-family on the east and south. The idea is for the residential development to support the development of the commercial uses, and to satisfy a market demand for housing in the area close to jobs. Although this request is not consistent with the future land use map of the Comprehensive Plan, it does provide opportunity to support some housing goals of the Comprehensive Plan such as promoting housing diversity to support the housing needs of various residents.

Staff finds the proposed street network generally matches the subarea plan, and the development is consistent with the goals of the Comprehensive Plan and the intent of the R-3 District. It is also consistent with the City of Gardner Strategic Plan. Staff recommends approval of this rezoning with conditions to address County concerns regarding New Century AirCenter operations.

Mr. Travis Schram, Grata Development and applicant, stated his comments were similar to the previous rezoning application. His work with the Airport Authority has made him confident they were going to get a plan together by limiting the buildings to 12.5 units per acre and provide the requested buffering from the west property line to stay out of the flight corridor.

PUBLIC HEARING

No one from the public came forward to speak.

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

Motion passed 7-0.

COMMISSION DISCUSSION

The Planning Commission had no questions nor comments.

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

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

Motion made by McNeer and seconded by Meder.

Motion passed 7-0.

Mr. Larry Powell, Director of Business & Economic Development, presented **Z-20-01 (PDP-20-01)**, a rezoning and preliminary development plan for Prairie Trace. The parcel is currently zoned County RUR (Rural residential), PRB2 (Planned Neighborhood Retail Business), and PEC3 (Planned light industrial) and is proposed for Planned single-family and two-family residential with a development plan identifying single-family building types. He gave an overview of the history of the site, existing utilities and its consistency with the Comprehensive Plan. Staff finds the proposed zoning and potential uses are consistent with nearby properties but the property is not suitable for the current zoning as it holds County zoning within the City. This rezoning will not detrimentally affect nearby property. No development could occur without a rezoning. The requested zoning is consistent with various goals and policies of the Comprehensive Plan and the project will require the expansion of utilities to the east side of the interstate which will support more development.

The preliminary development plan contains the Estates on 94 acres with 194 lots and the Meadows on 42 acres with 162 lots. This includes 20 acres of greenway/trail and open area. New Trails Parkway will be constructed as part of Phase 1 of the Meadows from 175th Street to around the first curve to where the street turns south. Also in Phase 1, 178th Street will be constructed past Houston Street. Staff finds the plan reflects generally accepted planning and urban design principles, and supports various goals and policies of the Comprehensive Plan. The benefits from the flexibility in the standards proposed promote the public health, safety and welfare of the community by preserving wetland and stream areas and extending City utility services to the area for future development.

Mr. Powell explained the proposed deviations by stating the standards, the applicant's proposal to each deviation and the staff comment for each. These are summarized below:

1. Section 17.04.010(C.3) Typical Cross Sections – Local Neighborhood street
   Standard: 5' sidewalk on both sides of the street
   Proposed: 5' sidewalks on one side of the street or adjacent to a trail
   Staff Comment: Staff felt this proposal met the intent of pedestrian connectivity and supported this deviation.

2. Section 17.07.020 Table 7-2 Detached House-Suburban; Minimum Rear Setback/Section 17.07.040 Specific Building Type Standards Detached House-Suburban; Minimum Rear Setback (Estates)
   Standard: 25'
   Proposed: 20" adjacent to open space
   Staff Comment: Staff supported this deviation on all Estate lots except Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 which shall meet the 25' rear yard setback minimum.

3. Section 17.07.020 Table 7-2 Detached House-Suburban; Building Coverage/Section 17.07.040 Specific Building Type Standards Detached House- Suburban; Building Coverage (Estates)
   Standard: 30%
   Proposed: 40% adjacent to open space
   Staff Comment: Staff supported this deviation on all Estate lots except Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 which shall meet the 30% building coverage maximum.

4. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width (Estates)
   Standard: 15%; 20' max
   Proposed: 30%; 20' max
   Staff Comment: The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Greenspace provides for the softening of the area from the pavement, less heat from the pavement and a more inviting space. The access and hardscape allocations are calculations the go together to help create an inviting public realm. Staff recommended the Planning Commission discuss this deviation.

5. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation (Estates)
   Standard: 5%-20%
   Staff Comment: 37% on rectangle lots; 49% on cul-de-sac lots
   Result: The hardscape allocation provides for up to a certain amount of hardscape or pavement and a certain amount of turf or landscape in the frontage area to soften the impact of the amount of paved area in the public realm. The amount of hardscape (driveways from the property line to the house) within cul-de-sacs is more difficult to balance due to the pie shaped lots with smaller street frontages. Staff recommended the Commission to discuss this deviation.

6. Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Sidewalk Connection (Estates)
   Standard: 4' wide sidewalk between sidewalk and front entry feature
   Proposed: 4' wide sidewalk between driveway and front entry feature
   Staff Comment: Staff supported this deviation based on the proposed context of the planned development.

7. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Minimum Lot Size/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Minimum Lot Size (Meadows)
   Standard: 6,000 sf
   Proposed: 5,750 sf
   Staff Comment: This deviation request falls within the Administrative Adjustment allowance of up to 5%. Staff supported this deviation.

8. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Minimum Rear Setback/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Minimum Rear Setback (Meadows)
   Standard: 25'
   Proposed: 20' on lots adjacent to open space
   Staff Comment: Staff supported this deviation on all Meadows lots except Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 which shall meet the 25' rear yard setback minimum.

9. Section 17.07.020 Table 7-2 Detached House-Neighborhood; Building Coverage/Section 17.07.040 Specific Building Type Standards Detached House-Neighborhood; Building Coverage (Meadows)
   Standard: 40%
   Proposed: 45% adjacent to open space
   Staff Comment: Staff supported this deviation on all Meadows lots except Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 which shall meet the 40% building coverage maximum.

10. Section 17.07.040 Specific Building Type Standards Detached House- Neighborhood; Design and Performance Standards: Garage Limits (Meadows)
    Standard: 25% of façade if front loaded (Counting the garage door width only)
    Proposed Standard: 40% (16' garage door width)
    Staff Comment: The intent of the garage limits standard is to enhance the streetscape in areas intended for more compact and walkable development, to mitigate the effect of narrow lots with frequent repetition along the block by limiting front-loaded garage access and encouraging set back garages, or side or rear access garages. It is likely the structures will be 40' wide which calculates to 40% of the building being garage door. The Planning Commission previously discussed garage limit standards as part of a potential text amendment on the Duplex building type but not on the Detached House building types. Staff recommended the Commission discuss this deviation.

11. Section 17.07.05(C) Design Standards; Neighborhood Yard; Access Width Limits (Meadows)
    Standard: 15%; 20' max
    Proposed: 40%; 20' max
    Staff Comment: The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Some residents look for larger driveways to offset storage in the garage, though with the smaller lots, the Code anticipates the utilization of alternatives to address the access limitations. Staff recommended the Commission discuss this deviation.

12. Section 17.07.05(C) Frontage Design, Design Standards; Neighborhood Yard; Hardscape Allocation (Meadows)

Standard: 5% - 20%
Proposed: 40% on rectangular lots, 45% on cul-de-sac lots
Staff Comment: The hardscape percentage has a similar intent as the access width limit and they work together. The applicant is asking for a 20% increase on standard rectangular lots and a 25% increase on cul-de-sac lots to accommodate the larger driveway as requested in the previous deviation. A cul-de-sac lot has an irregular shaped front yard and more road surface in front than a lot on a standard 50' wide street would have which can have a substantial impact on that area. Staff recommended the Commission discuss this deviation.

13. Section 17.07.05(C) Frontage Design, Design Standards; Neighborhood Yard; Sidewalk Connection (Meadows)
Standard: 4' wide sidewalk between sidewalk and front entry feature
Proposed: 4' wide sidewalk between driveway and front entry feature
Staff Comment: Staff supported this deviation.

Mr. Powell concluded his presentation by inviting the Commission to discuss the deviations above that staff had requested of them, these being numbers 4, 5, 10, 11, and 12. Staff recommended approval of the rezoning and associated preliminary development plan with conditions.

Mr. Shram, Grata Development and applicant, spoke via video conferencing, presented the project as a whole entity rather than by rezoning areas for the Commission. He described the problems with the site as no access, the 66' easement for the gas line, a flight corridor and the wetlands through the project area. One of the major rear yard setback issues was to stay clear of these wetlands because of high mitigation costs and runoff issues. The commercial area is referred to as New Trails, multi-family residential is Prairie Forge and single-family residential is Prairie Trace, comprised of the Estates and the Meadows. He described the challenges of bringing utilities to the site and working with two different gas companies.

He said the reason for the large number of deviations was due to the co-mingling of two different project types, these being the narrow villas-style lots and traditional single-family lots. The same street type was used for both which dictated the same yard type. He explained they work with many builders and try to determine what these builders may construct and take the biggest house and put it on the most restrictive lot. He wanted to get all possible deviation requests before the Commission now rather than once construction began. He showed a typical Estates residence on a cul-de-sac lot and described the need for deviations. Boulder Creek, his development at 167th St and Mur-Len is the same type of project he wants to build in Gardner. The Meadows consists of the intermingling of different products and therefore had several deviations. The concept being requested in Gardner is 50' lots with two-car, front-facing garages. He showed examples of local subdivisions that used this same concept successfully. His market studies have shown that rear loading and side loading garages were not preferable to buyers. He cited developments in Gardner with frontage hardscapes exceeding the 40% maximum and reiterated the popularity of the product he presented.

COMMISSION DISCUSSION

Commissioner McNeer asked Mr. Schram if he was using the 50' lot width to get more lots per acre to help offset the expense of the development. He wanted to know if expense, price point, features and lifestyle were the goals.

Mr. Schram replied they were trying to create two distinct price points and wanted a different kind of feel for the area. Buffering would be needed from the retail and he did not want to do duplexes since there were already several in Gardner. He was rezoning as R-2 but putting in single-family housing with lower lot prices to keep prices down to the mid-to-high $200,000's. The amenities would be in Phase I to serve both housing price points.

Commissioner McNeer asked if the 20' drive width on both the Estates and Meadows lots was driven by market demand.

Mr. Schram said 50' lot widths leave 7.5 feet on the driveway which is not wide enough. The market wants a 2-car garage and sharing a drive is a definite market obstacle.

Chairman Boden asked Mr. Schram if he was in agreement where staff wanted lots removed from some of the deviations or if he wanted deviations to be standard throughout the development. He referred to the deviation for the lots that did not meet the 50% requirement of being adjacent to open space and the lots that did not have enough open space behind them.

Mr. Schram replied he went through them lot by lot and some were exceptionally deep. They were not the most desirable lots being that that are internal so they would not have the biggest houses on them. He said he felt like he had pushed city staff on the lots to get as far as he had gotten and was willing to concede those lots.

Commissioner McNeer had a question regarding the 20' versus the 25' rear setback on lots that adjoin to the green space. He asked if the extra 5' was needed to fit the house footprint onto the lots.

Mr. Schram answered that it was. He takes the deepest house and puts it onto the shallowest lot to see if it could work and tries the scenarios with all of the lots. Also, covered porches are a popular feature and that is also considered in the depth of the house. Driving lots into the wetlands would mean mitigating them and add expense.

PUBLIC HEARING

No one from the public came forward to speak.

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

Motion passed 7-0.

COMMISSION DISCUSSION

Commissioner McNeer asked where the reduced frontages and driveways originated in the LDC.

Mr. Powell replied the process began about four years ago in the drafting of the Land Development Code and the City was looking for ways to create the secondary market of housing. It was felt this type of development could set Gardner apart. It was reviewed by developers, real estate people, the public, and staff. It was a massive undertaking. It was well vetted by the time it made its way to the Council for adoption. Like all living documents, as things change they get reviewed with the opportunity to tweak and change them.

Commissioner McNeer asked what it would take to make changes to the LDC.

Mr. Powell replied tonight was to approve the deviations that have been requested. To change the Code, the items would be looked at on a piece by piece basis and determine the changes needed. The deviations requested on this project would only affect this project and no other. If other developers wanted changes and it was determined changes were needed to the Code, the City would go through the process to change the LDC. However, most properties will not have the issues as this particular piece of land.

Commissioner Meder was involved with the writing of the LDC and commented on the long process. She said she would not want to choose items willy-nilly to change in the Code and go through that process again. If a developer needs some changes they can go through the deviation process.

Commissioner Hansen and Chairman Boden discussed driveway widths and the deviations for clarification.

Motion made after review of applications Z-20-01, a rezoning for 136 acres from County RUR, PRB2 and PEC3 to RP-1 and RP-2 located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan PDP-20-01 for Prairie Trace and dated March 2, 2020, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

1. **Label the following tracts and add the size in the summary tables**
    1. **Trail tract between Estates Lot 177 and Lot 178.**
    2. **Trail tract between Estates Lot 79 and Lot 80.**
2. **Revise the "Single Family Site Data" number of lots to be 194 for the 'Estates' and 162 for the 'Meadows'.**
3. **Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.**
4. **Change notes indicating a 10' asphalt trail along New Trails Parkway to be a 10' concrete trail.**
5. **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.**

6. **Provide a written agreement that KCP&L/Evergy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10' concrete trail to be located within their 70' electric line easement.**
7. **Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.**
8. **Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25' rear yard setback minimum.**
9. **Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.**
10. **Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25' minimum rear yard setback.**
11. **Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.**
12. **Revise the deviation requests on the first three pages of the plan to reflect what has been approved.**
13. **Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.**
14. **Revise the right-of-way for 177th Street to be at least 80' in width.**
15. **Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.**
16. **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.**
17. **Accept Deviation 4 Section 17.07.05(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width for the Estates to be 30% maximum width and a 20' maximum at the right-of-way.**

Ms. Leininger clarified with Mr. Schram that Deviation 4 for the Access Width for the Estates residential development would be as proposed at 30% for the lot width 20' maximum width at the right-of-way line.

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

Mr. Powell made a presentation on **PP-20-01**, a preliminary plat for Prairie Trace single-family development. The plat includes 356 single-family lots, right-of-way, and 25 tracts. Staff finds the plat supports various goals and policies of the Comprehensive Plan and meets an exception for the block size and connectivity for natural features. It will also meet the remainder of the LDC standards through the preliminary development plan process. The proposed phasing demonstrates logical and coordinated development and extends public utilities to the site and across the interstate to support this project and future development. Staff recommends approval of this preliminary plat with conditions.

COMMISSION DISCUSSION

The Commission had no questions nor comments.

Motion made after review of Application PP-20-01, a preliminary plat for 136 acres including 356 single-family lots located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan/preliminary plat dated March 10, 2020 and staff report dated March 24, 2020, the Planning Commission approves the application, provided the following conditions are met:

1. **Approval of rezoning Z-20-01 and preliminary development plan PDP-20-01 for Prairie Trace.**
2. **The preliminary plat shall be revised to be consistent with the approved preliminary development plan.**
3. **Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.**
4. **Revise the right-of-way for 177th Street to be at least 80' in width.**
5. **Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.**
6. **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 Hansen and seconded by Ford.

Motion passed 7-0.

DISCUSSION ITEMS

No items discussed.

ADJOURNMENT

Motion to adjourn made by McNeer and seconded by Ford.

Motion passed 7-0.

Meeting adjourned at 9:27 pm

PLANNING COMMISSION MEETING
City of Gardner, Kansas
Tuesday, February 25, 2020
7 p.m.
Gardner City Hall
120 E. Main Street

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Tuesday, February 25, 2020, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE

Chairman Boden led the Pledge of Allegiance.

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
Kristie Hatley, Planning Technician
Ryan Denk, City Attorney

There were twelve members of the public in attendance.

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on January 28, 2020.

Motion passed 7-0.

REGULAR AGENDA

1. **NEW LIFE COMMUNITY CHURCH**
FDP-20-01: Consider a final development plan for New Life Community Church located east of the intersection of S Gardner Road and E 188th Street.

DRAFT

Mr. Bob Case, Planner, presented the final development plan for this project that includes 11.65 acres of undeveloped farmland on which the developer is proposing a 1,092 seat large assembly church. This site is consistent with the City of Gardner Comprehensive Plan and the *I-35 & Gardner Road Interchange Subarea Plan*. This area supports users that are generally on larger parcels and are best located near interstates and major arterial roads.

Four deviation requests were approved as part of the Preliminary Development Plan with a request for another being sought. This fifth deviation is from Chapter 17.07.050 Frontage Design: Terrace Frontage with access width limits allowing for a maximum of 20% or up to 20'. The applicant requests an access onto 188th Street of 31' which is the main access from the road to the church. The access width limits for Terrace Frontage would possibly cause congestion at this access point with the number of vehicles that will be arriving and departing at the same time. The large flared entrance also allows for larger trucks to be able to make deliveries without driving over the curb. Staff is supportive of this deviation.

The total square footage of the building is 71,000 square feet with the south elevation being the front of the church and most prominent elevation as viewed by the public from 188th Street. The building design and size is appropriate with the size of the lot and its close proximity to the interstate. The building elements are proportional to the building and create a unique structure. Materials include decorative siding and a mix of metal and natural materials. Existing utilities including electric and sewers are located along the proposed extension of 188th Street and water will be extended to the east with this 188th Street construction. Staff has found the project consistent with the Comprehensive Plan and the final development plan consistent with the approved preliminary plan. The site is capable of accommodating the proposed buildings and site design elements. The project uses quality architecture, building design and materials and is compatible with the context of the area.

Mr. Chris Bell, Rose Design Group, said this was phase 1 and future phases were dependent upon pricing. He thanked staff, concurred with each of their recommendations and was available to answer questions.

COMMISSION DISCUSSION

No discussed ensued.

After review of Application FDP-20-01, a final development plan for New Life Community Church (Tax IDs CF221436-2019 and CF221436-2018), and final development plans dated February 14, 2020, and staff report dated February 25, 2020, the Planning Commission approves the application provided the following conditions are met:

1. **The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit;**
2. **The final plat FP-19-04 shall be recorded with the Johnson County Records and Tax Administration prior to the issuance of a building permit;**
3. **Paved access meeting Fire District and City requirements shall be provided to the site prior to the issuance of building permits;**

4. **Approval of the final Traffic Impact Study and Stormwater Management Plan;**
5. **Substitute deciduous trees for the northern-most trees adjacent to the deferred parking, and space along the perimeter of the parking lot.**
6. **Provide a direct, continuous sidewalk/crosswalk from the Church to the deferred parking lot.**

Motion made by Ford and seconded by Meder.

Motion passed 7-0.

2. **PRAIRIE TRACE **DEFERRED TO MARCH 24, 2020****
Located southeast corner of W 175th Street and Interstate 35
   a. **Z-20-01(PDP-20-01)**: Hold a public hearing and consider a rezoning of approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (approximately 88.2 acres) and RP-2 (approximately 48.1 acres) and associated preliminary development plan for Prairie Trace.
   b. **Z-20-02**: Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 and PEC3 District to City of Gardner District R-3.
   c. **Z-20-03**: Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County and PEC3 Districts to City of Gardner District C-3.
   d. **PP-20-01**: Consider a preliminary plat 356 single-family lots for Prairie Trace.

3. **FRONTIER COMMUNITY CREDIT UNION**
Located southwest of the intersection of Madison Street and Moonlight Road
   a. **PP-20-02**: Consider a preliminary plat for a 2 lot, 3.23 acre commercial subdivision.
   b. **FP-20-01**: Consider a final plat for a 2 lot, 3.23 acres commercial subdivision.
   c. **SP-20-01**: Consider a site plan for the Frontier Community Credit Union.

Mr. Robert Case, Planner, presented **PP-20-02** and **FP-20-01** together with separate Commission discussions and actions. Located at Madison Street and Moonlight Road, the northeast corner of the original parcel was platted in 2014 for the Casey's General Store with the rest of the property remaining un-platted. The Comprehensive Plan has identified this area as community mixed use, which complies with the proposed use of the site.

Community Mixed-Use areas are intended to provide retail and professional services for the everyday needs of the people residing or working in the community. These areas are developed with a focus on pedestrian safety and connectivity and support of alternative transportation options. Vehicular circulation and connectivity is accommodated in a less visually prominent pattern, minimizing the number of access drives. Properties directly adjacent to the development are primarily low- and medium-density residential and community mixed-use to both the south and east.

The preliminary plat has two lots being subdivided from the parent parcel. Access from Lot 1 will be from an existing drive onto Moonlight Road and access to Lot 2 will be from an existing drive onto Madison Street. The layout and design of the final plat is in substantial compliance with the preliminary plat and the Land Development Code. Staff has found these plats consistent with the established goals and policies of the City and recommends approval with the conditions found in the motion.

Ms. Kisha Nickell, Principle Design Studio, stated she was available to answer questions.

COMMISSION DISCUSSION – PRELIMINARY PLAT

The Planning Commission discussed an additional condition of approval for the motion regarding a required maintenance agreement that was mentioned in the staff report.

Motion made after review of Application PP-20-02, a preliminary plat for Frontier Commerce Park – 1st Plat, located on the west side of Moonlight Road, approximately 240' south of Madison Street, (Tax Ids CF221424-4032 and CF221424-4028) and preliminary plat dated February 18, 2020, and staff report dated February 25, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. **Approval of the Traffic Impact Study and Stormwater Management Plan by the City of Gardner Public Works Department prior to the release of the plat for recording.**
2. **Provide a maintenance agreement for the shared access easements prior to the release of the plat for recording.**
3. **Review and approval at the Johnson County Airport Commission and Board of County Commission shall be completed prior to the issuance of a building permit.**

Motion made by Simmons-Lee and seconded by Ford.

Motion passed 7-0.

Mr. Case stated that three of the conditions on the final plat including the Traffic Impact Study, Stormwater Management Plan and maintenance agreement were received by the City after the staff report was sent to the Planning Commission.

COMMISSION DISCUSSION – FINAL PLAT

No discussed ensued.

Motion made after review of Application FP-20-01, a final plat for Frontier Commerce Park – 1st Plat, located on the west side of Moonlight Road approximately 240' south of Madison Street (Tax Ids CF221424-4032 and CF221424-4028) and final plat dated February 18, 2020, and staff report dated February 25, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. **Preliminary plat PP-20-02 shall be approved prior to the release of the final plat FP-20-01 for recording.**
2. **Approval of the Traffic Impact Study by the City of Gardner Public Works Department.**
3. **Approval of the Stormwater Management Plan by the City of Gardner Public Works Department.**
4. **Provide a maintenance agreement for the shared access easements prior to the release of the plat for recording.**
5. **Payment of excise tax to the City.**
6. **Approval of the application by Johnson County Airport is completed prior**

to the release of the plat for recording.

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

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

Ms. Kelly Woodward, Chief Planner, presented **SP-20-01**, a site plan for Frontier Community Credit Union. The facility is adequately accommodated on this site and benefits the function and design of adjacent property by providing for the continuation of the shared access drives between Moonlight Road and Madison Street. The truck turning template indicates that site circulation is adequately accommodated. Access onto Moonlight Road will be a right-in, right-out only due to a median on Moonlight Road. The plan also provides for a cross access easement and paved driveway stub that could accommodate an interior vehicular connection to the property to the south in the future.

Two additional elements were added by the applicant for optimal code compliance. To provide enhanced pedestrian/non-motorized connectivity for the large block, and to accommodate sidewalk access to Lot 2, the applicant provided a mid-block public sidewalk connection along the south lot lines for Lots 1 and 2. The sidewalk provides more direct access from neighborhoods to the west to Moonlight Road businesses. The city will need to negotiate to finish that connection from the undeveloped Lot 2 through a drainage easement to the sidewalk at Evergreen Street.

The Land Development Code (LDC) provides that no use shall provide greater than 20 percent more than the minimum required parking (9 spaces in this case) without documented evidence of actual parking demand (proposed at 16 spaces) based on studies of similar uses in similar contexts. Additionally, any parking permitted over 20 percent more than the minimum would require mitigation of potential impacts through one or more stated strategies. The applicant provided a letter documenting the need for 6 spaces at any one time for employees with the remainder for members. The Credit Union hosts financial seminars and needs additional spaces for this use. Potential impacts are being mitigated through additional foundation landscaping and a continuous shrub border along the east access drive that screens the parking. The plan provides for the correct total number of trees, but there is a condition of approval that four medium/large shade trees are relocated to the area of the right-of-way adjacent to the public trail to meet the requirement for street trees.

The variety of complementary materials meets design standards and parapet heights add interest to this attractive building. The entry door faces north towards Casey's and the side facing Moonlight Road has much transparency. It is not clear whether the rooftop mechanical equipment will be adequately screened by the parapets, so there is a recommended condition of approval regarding this item. A traffic report for Frontier was submitted and approved and the City is currently designing a signal for the Madison and Moonlight intersection to be constructed this summer. A Stormwater Management Plan is being revised and under the review of Public Works.

<u>COMMISSION DISCUSSION</u>

No discussed ensued.

Motion made after review of Application SP-20-01, a site plan for Frontier Community Credit Union, located on the west side of Moonlight Road, approximately 260' south of Madison Street, and site plan dated February 14, 2020, and staff report dated February 25, 2020, the Planning Commission approves the application provided the following conditions are met:

1. **Approval of the Traffic Impact Study and Stormwater Management Plan by the City of Gardner Public Works Department prior to the release of the plat for recording.**
2. **Review and approval at the Johnson County Airport Commission and Board of County Commission shall be completed prior to the issuance of a building permit.**
3. **The final plat FP-20-01 shall be recorded with the Johnson County Records and Tax Administration prior to the issuance of a building permit.**
4. **Relocate four medium/large shade trees to the area of the right-of-way adjacent to the public trail to meet the requirement for street trees.**
5. **Provide a maintenance agreement for the shared access easements prior to the release of the plat for recording.**
6. **If the rooftop mechanical equipment is not adequately screened by the building parapets, the equipment will be screened in accordance with Sections 17.05.020 (B.1) and 17.08.040 (A.1).**

Commissioner Ford asked for clarification on the excise tax that was included in the previous motions on the project but not included on this site plan.

Ms. Woodward explained the excise tax was not related to the site plan but only related to the plat.

Motion made by Hansen and seconded by Simmons-Lee.

Motion passed 7-0.

4. **COMPREHENSIVE PLAN AMENDMENT**

CPA-20-01: Hold a public hearing and consider adopting the *Gardner Destination Downtown Plan* and incorporating by reference the Plan into the *Gardner Comprehensive Plan*.

Mr. Terry Burkbuegler, Confluence, gave a presentation containing highlights from the full presentation given at the January meeting. He stated the initial goals of the project coming out of the original Main Street Corridor Plan was a desire to create a heart of downtown. Within that they wanted to:

- Define the users and the program for the downtown green spaces
- Provide flexible and interactive commons to promote social inclusion and civic identity
- Relate public spaces to the surrounding context of properties
- Define the experience of those spaces for a quality experience for the visitors
- Honor the community's aspirations and vision
- Respect the site and budget

Another key component of the project was the streetscape with the driving goal being to

use it to reinforce Gardner's downtown identity. The key points were to:

- Define the character of the streetscape
- Accommodate a balance between vehicular and non-vehicular activity
- Ensure design that is authentic to Gardner
- Recommend technically viable solutions for safety
- Improve conditions for those with mobility challenges in navigating downtown

The key success factors or outcomes of this project relate to the four areas of public spaces, streetscape, ADA facilities and parking, and mobility hubs. He described the different options on how to approach streetscape from a design standpoint. He also briefly spoke about the master plan for the entire study area and emphasized that parking was not being eliminated but instead redistributed. The one thing he could not guarantee was the order in which these elements would be implemented since they are market driven. With this document, the City would be equipped to react when the market dictated.

Ms. Woodward approached the Commission and asked them to take action to amend the Comprehensive Plan to incorporate this plan by reference. The *Gardner Destination Downtown Plan* addresses some of the current Comprehensive Plan objectives such as Commercial Areas with streetscapes, Transportation and Mobility with ADA improvements, Community Facilities and Open Space for community events, Community Character with signage and fairgrounds compatibility, and Sustainability with stormwater planning.

PUBLIC HEARING

No one from the public chose to speak.

Motion to close the public hearing made by McNeer and seconded by Ford.

Motion passed 7-0.

COMMISSION DISCUSSION

No discussed ensued.

Motion made to adopt Planning Commission Resolution No. PC-20-01 to amend the following portions of the *City of Gardner Comprehensive Plan*: Cover Page, Chapter 1 Introduction, Chapter 3 Public Participation, Chapter 4 Vision, Goals & Objectives, Chapter 5 Land Use & Development, Chapter 9 Image & Identity, Chapter 10 Sustainability Framework, and Chapter 11 Implementation and adopt and incorporating by reference the *Gardner Destination Downtown: A Placemaking and Mobility Enhancement Project* plan, and recommend the Governing Body approve the amendments to the *City of Gardner Comprehensive Plan*, and adopt and incorporate by reference the *Gardner Destination Downtown: A Placemaking and Mobility Enhancement Project* plan.

Motion made by Meder and seconded by Ford.

Motion passed 7-0.

5. **ELECTION OF A VICE-CHAIR**
Nominate and elect a Vice-Chair of the Planning Commission for a term to expire July 2020.

Commissioner Ford nominated Commissioner McNeer for the position.
Chairman Boden nominated Commissioner Meder for the position.

Commissioner Meder was elected Vice-Chair, 5-2.

DISCUSSION ITEMS

1. **SMALLER LOT SINGLE-FAMILY HOUSING IN GARDNER LAND DEVELOPMENT CODE**

Ms. Woodward explained that the City has started to get some inquiries from developers who want to utilize the smaller lot, more compact single-family building types that were added to the LDC in 2016. In preparation for these development reviews, staff wanted to introduce the Planning Commission to the building types and frontage types that build a pattern for compact neighborhoods in Gardner. The Gardner LDC is a form-based code. These kinds of codes focus more on the overall development pattern, relationship of buildings to the streetscapes (public realm) and design features as viewed from the public space. The LDC is based on Street Types, Open and Civic Space Types, Building Types, and Frontage Types that work together to create different contexts and development patterns. This discussion would focus on mainly one new building type and the two possible frontage types that go with it.

The Standard Street Type is meant to only be applied to subdivisions that existed before the adoption of the LDC but most new neighborhoods are meant to utilize the Neighborhood Street Type. The main differences are target speed, achieved through narrower travel lanes and narrower parking areas and trees spaced more closely on neighborhood streets. In a comparison of the main characteristics of the Detached House - Suburban (most common in single-family development in Gardner) and Detached House - Neighborhood (the smaller lot use under discussion) building types are:

- Lot size
- Lot width
- Front setback
- Maximum building coverage
- Garage Limits – percent of front façade that can be garage door (applies only to Neighborhood building type).

The goal of garage limits it to encourage large garages to be setback further from the street, or to be side- or rear-loaded, or are accessed from the rear. The garage limits should accommodate at least a one-car, front-loaded garage. These limits support residential designs that orient porches and windows to the front of the lot, supporting crime prevention, safety, and security through “eyes on the street”. They also support enduring property values through a more visually attractive, vital streetscape lending traditional neighborhood character.

Each of these building types pairs with a frontage type and the two most common single-family are Suburban Yard and Neighborhood Yard. The main distinguishing characteristics between these are in:

- Access width limits (driveway width)
- Allocation of Space (hardscape limit)
- Required building frontage (percentage of lot width that need to occupied by a building within the prescribed setback)
- Direct sidewalk connections to the public sidewalk

The intent of this new building type of Detached House - Neighborhood with a Neighborhood Yard frontage is to:

- Permit compact residential development, but with the trade-off of a more engaging public realm (area you would experience while walking down the sidewalk in the neighborhood, looking at the front yard area and building fronts
- Create human-scale neighborhood design that is oriented to pedestrians rather than vehicles
- Calm traffic with understated driveway and garages while engaging front entrances
- Allow more uninterrupted sidewalks and fewer potential conflicts between pedestrians and vehicles

Many times people start to focus more on what they can't do (if they are more used to suburban design), than the great things about what they can do. They focus on the garage/driveway, and not on the benefits of this design pattern. Bigger garages and driveways are still possible provided they are on wider lots. The Code encourages the use of alternative access standards to achieve a walkable, human scale place for people.

Ms. Woodward presented examples of the different options for alternate access garage design including double driveways, single-to-double driveways, single drives, shared drives, common drives, and internal access streets. She then showed images of the Detached House - Neighborhood building style that support walkable neighborhoods, existing in the metropolitan area.

The presentation was a preview of developments that would meet or possibly meet the Detached House - Neighborhood building type with the Neighborhood Yard frontage type. There are flexibilities within the code such as Administrative Adjustments by the Director for an administratively approved Site Plan. For a Site Plan and Design Review, the Planning Commission may grant Administrative Adjustments. This process provides flexibility when minimal modifications are needed, and where those modifications will equally or better meet the purpose, intent or design objectives of these regulations. When an Administrative Adjustment comes before the Planning Commission, Staff will provide information on the purpose, intent, and design objectives of the regulations, and whether the proposed adjustment meets the numerical limitations or whether, in Staff's opinion, the proposed modification addresses the intent of the regulation. The Commission then makes the final decision on the Administrative Adjustment.

Another process that provides flexibility is the planned development process that is intended to encourage innovation in development, unique and distinctive places and efficient use of land, buildings and infrastructure. Most importantly to note is departures shall not be justified for simply wanting flexibility of deviations from standards.

COMMISSION DISCUSSION

Chairman Boden and Commissioner Hansen asked who would be responsible for the maintenance of an alley or a shared driveway.

Ms. Woodward replied the HOA would maintain it or if it's a public access easement they could have a maintenance agreement. The Code requires a maintenance agreement on shared drives signed by all parties.

Commissioner McNeer asked if that agreement goes with the property in a transfer and what would happen if they did not agree to sign it. He did not feel that shared drives were a good choice. He felt it encouraged more parking to occur along the streets when driveways are being choked down and parking is taken away from private residences. As we limit spaces we must be careful of the possibility of unintended consequences.

Ms. Woodward said the agreement does go with any transfer of the properties and if someone did not want to sign it they would not be buying the property. She continued to say several different strategies could be used in one development to provide diversity.

Mr. Larry Powell, Director of Business & Economic Development, stated the City currently has one subdivision planning on providing shared driveways between quads. This will be a maintenance provided item so that a disagreement on the upkeep does not occur. These will be for sale or for lease.

Chairman Boden said some people like to live with the rules that come with HOAs while others do not. As long as there are maintenance agreements, it has nothing to do with the Planning Commission. These type neighborhoods are found all over the country and they look nice from the front and is a good choice for someone who wants a small yard.

Commissioner Hansen said he liked the idea of encouraging parking behind the houses because our town is full of parking in front of homes.

ADJOURNMENT

Motion to adjourn made by McNeer and seconded by Ford.

Motion passed 7-0.

Meeting adjourned at 8:35 pm

GARDNER KANSAS
Blazing New Trails

Planning Commission

February 25, 2020

Name	Address
RICK GEORGE	16469 AGNES, GARDNER
CHRIS BELL	15311 W. 109th LENEXA KS
DOUG UBBEN	1270 N. WINCHESTER, OLATHE, KS 66061
KEVIN WRIGHT	20261 W. 223rd TERR., SPRING HILL
Dan Frandy	22 [illegible] W 188, Olathe
LARRY PRATO	12215 ENGLAND ST, OP KS
Kisha Nickell	71 SE 29th Terr, Lees Summit, MO 64082
Jim Long	5195 W. 198th St. Stilwell, KS

GARDNER KANSAS
Blazing New Trails

Planning Commission

February 25, 2020

Name	Address
MARSHALL ALLEN	N. KANSAS CITY
Drew Pearson	KCMO
VICKI NOTEIS	KCMO
Terry Burkbuegler	KCMO

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

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

PROCESS INFORMATION

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

APPLICATION INFORMATION

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

REQUESTED ACTIONS

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

EXISTING ZONING AND LAND USE

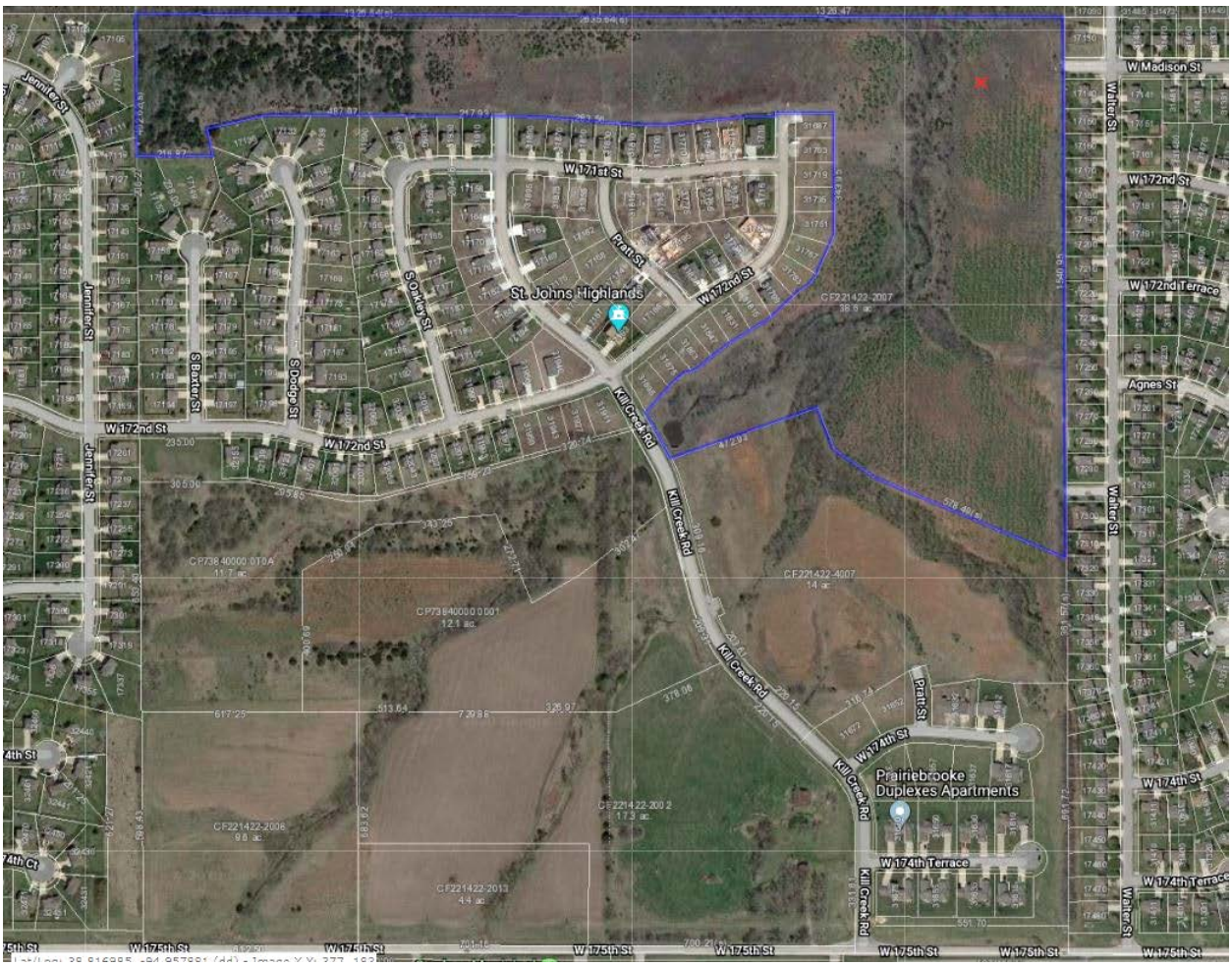
The site is currently zoned R-1 (Single-Family Residential) District, and is undeveloped, with developed properties to the east, west, and a portion of the south boundaries. Areas north of this property remain undeveloped at this time.

SURROUNDING ZONING AND LAND USE

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

EXISTING CONDITIONS

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

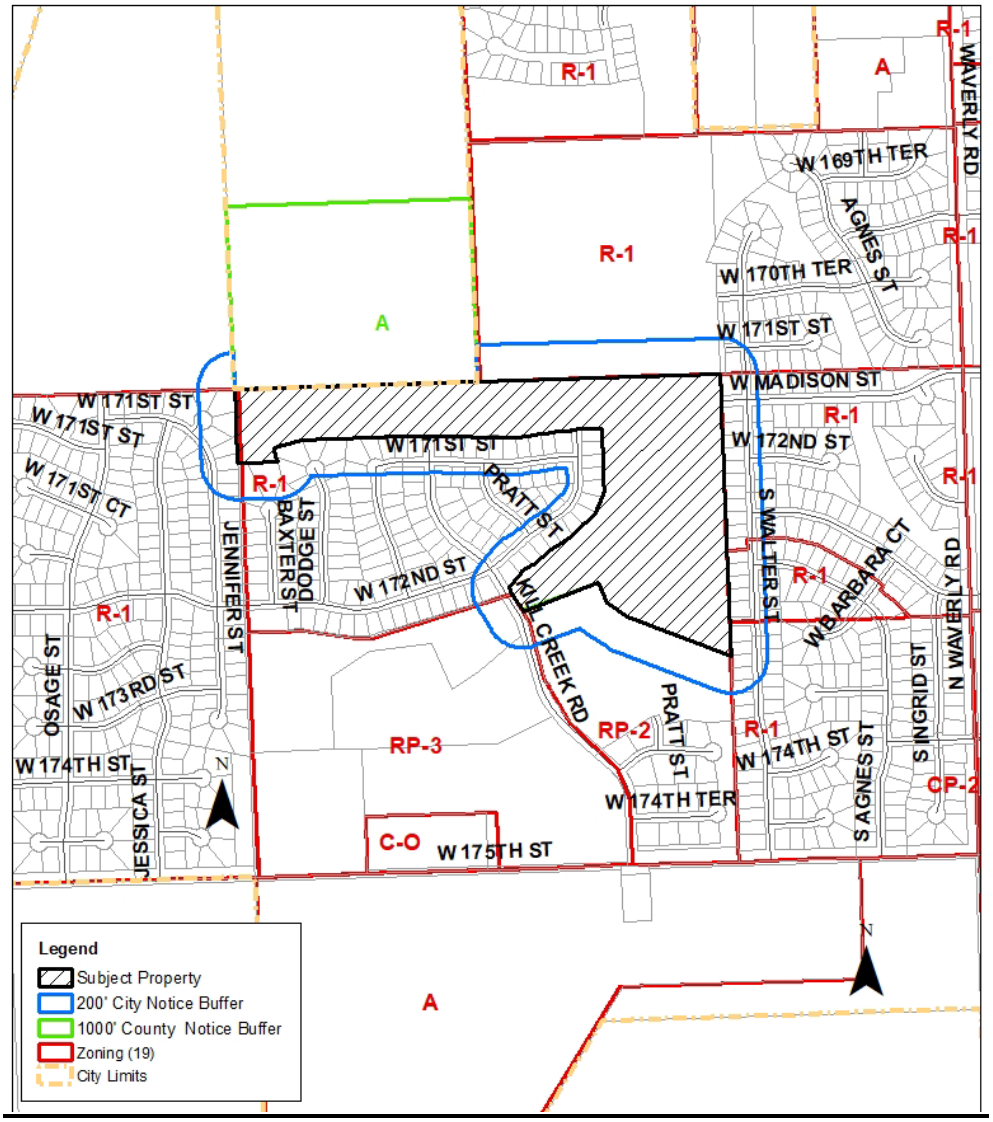


BACKGROUND / HISTORY

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

entire planned development property; floodplain and riparian protection, and dedication of ROW for W. 175th Street. This property was rezoned (Z-03-24) from PUD to R-1 (Single Family Residential) District by Ordinance No. 2099 on April 19, 2004 and has remained vacant.

The image below represents the public notice area of 200' in the city (blue line) and 1,000' in the County (green line).



CONSISTENCY WITH COMPREHENSIVE PLAN

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.

The parcel is indicated for Low Density Residential future land use on the Future Land Use plan of the Comprehensive Plan. Low Density Residential areas "primarily consist of detached single family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single family homes. Housing is typically arranged on a local street grid, or as part of a subdivision, and may include local amenities such as small community or civic buildings, playgrounds or gardens that serve residents." Table 5-1 of the *Gardner Land Development Code* (LDC) translates Low Density Residential future land use into the RE (Residential Estates), R-1 (Single-Family Residential) and R-2 (Two-Family Residential) Districts to develop more walkable neighborhoods with a mix of housing types and connection to walkable community centers.

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

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

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

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

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

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

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

STAFF ANALYSIS - ZONING

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

ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

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

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

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

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

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

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

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

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

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

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

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

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

7. The recommendations of professional staff;

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

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

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

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

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

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

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

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

PRELIMINARY PLAT

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

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

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

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

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

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

17.03.020 (D1) Review Criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

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

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

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

ATTACHMENTS

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

ACTIONS

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

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

EFFECT OF DECISION

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

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

REZONING RECOMMENDATION

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

Rezoning Recommended Motion:

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

PRELIMINARY PLAT RECOMMENDATION

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

Preliminary Plat Recommended Motion:

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

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

LEGAL DESCRIPTION
FOR
BRECKENWOOD CREEK
Rezoning and Preliminary Plat

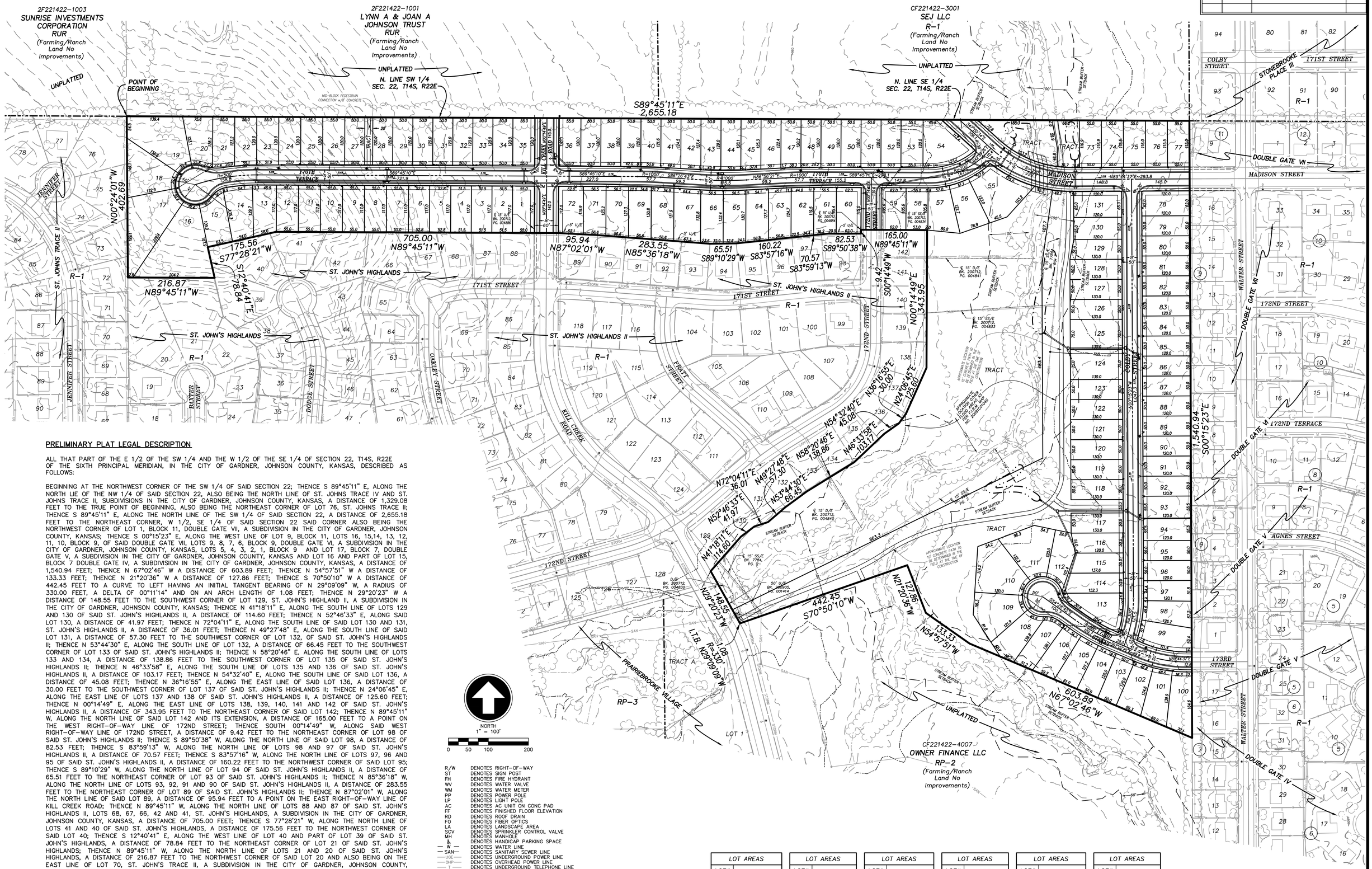
All that part of the E½ of the SW¼ and the W½ of the SE¼ of Section 22, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, described as follows:

Beginning at the Northwest corner of the SW¼ of said Section 22; thence S 89°45'11" E, along the North lie of the NW¼ of said Section 22, also being the North line of St. Johns Trace IV and St. Johns Trace II, subdivisions in the City of Gardner, Johnson County, Kansas, a distance of 1,329.08 feet to the TRUE POINT OF BEGINNING, also being the Northeast corner of Lot 76, St. Johns Trace II; thence S 89°45'11" E, along the North line of the SW¼ of said Section 22, a distance of 2,655.18 feet to the Northeast corner, W½, SE¼ of said Section 22 said corner also being the Northwest corner of Lot 9, Block 11, Double Gate VII, a subdivision in the City of Gardner, Johnson County, Kansas; thence S 00°15'23" E, along the West line of Lot 1, Block 11, Lots 16, 15,14, 13, 12, 11, 10, Block 9, of said Double Gate VII, Lots 9, 8, 7, 6, Block 9, Double Gate VI, a subdivision in the City of Gardner, Johnson County, Kansas, Lots 5, 4, 3, 2, 1, Block 9 and Lot 17, Block 7, Double Gate V, a subdivision in the City of Gardner, Johnson County, Kansas and lot 16 and part of Lot 15, Block 7 Double Gate IV, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 1,540.94 feet; thence N 67°02'46" W a distance of 603.89 feet; thence N 54°57'51" W a distance of 133.33 feet; thence N 21°20'36" W a distance of 127.86 feet; thence S 70°50'10" W a distance of 442.45 feet to a curve to left having an initial tangent bearing of N 29°09'09" W, a radius of 330.00 feet, a delta of 00°11'14" and on an arch length of 1.08 feet; thence N 29°20'23" W a distance of 148.55 feet to the Southwest corner of Lot 129, St. John's Highland II, a subdivision in the City of Gardner, Johnson County, Kansas; thence N 41°18'11" E, along the South line of Lots 129 and 130 of said St. John's Highlands II, a distance of 114.60 feet; thence N 52°46'33" E, along said Lot 130, a distance of 41.97 feet; thence N 72°04'11" E, along the South line of said Lot 130 and 131, St. John's Highlands II, a distance of 36.01 feet; thence N 49°27'48" E, along the South line of said Lot 131, a distance of 57.30 feet to the Southwest corner of Lot 132, of said St. John's Highlands II; thence N 53°44'30" E, along the South line of Lot 132, a distance of 66.45 feet to the Southwest corner of Lot 133 of said St. John's Highlands II; thence N 58°20'46" E, along the South line of Lots 133 and 134, a distance of 138.86 feet to the Southwest corner of Lot 135 of said St. John's Highlands II; thence N 46°33'58" E, along the South line of Lots 135 and 136 of said St. John's Highlands II, a distance of 103.17 feet; thence N 54°32'40" E, along the South line of said Lot 136, a distance of 45.08 feet; thence N 36°16'55" E, along the East line of said Lot 136, a distance of 30.00 feet to the Southwest corner of Lot 137 of said St. John's Highlands II; thence N 24°06'45" E, along the East line of Lots 137 and 138 of said St. John's Highlands II, a distance of 125.60 feet; thence N 00°14'49" E, along the East line of Lots 138, 139, 140, 141 and 142 of said St. John's Highlands II, a distance of 343.95 feet to the Northeast corner of said Lot 142; thence N 89°45'11" W, along the North line of said Lot 142 and its extension, a distance of 165.00 feet to a point on the West right-of-way line of 172nd Street; thence South 00°14'49" W, along said West right-of-way line of 172nd Street, a distance of 9.42 feet to the Northeast corner of Lot 98 of said St. John's Highlands II; thence S 89°50'38" W, along the North line of said Lot 98, a distance of 82.53 feet; thence S 83°59'13" W, along the North line of Lots 98 and 97 of said St. John's Highlands II, a distance

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

BRECKENWOOD CREEK

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



PRELIMINARY PLAT LEGAL DESCRIPTION

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

BEGINNING AT THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 22; THENCE S 89°45'11" E, ALONG THE NORTH LIE OF THE NW 1/4 OF SAID SECTION 22, ALSO BEING THE NORTH LINE OF ST. JOHNS TRACE IV AND ST. JOHNS TRACE II, SUBDIVISIONS IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, A DISTANCE OF 1,329.08 FEET TO THE TRUE POINT OF BEGINNING, ALSO BEING THE NORTHEAST CORNER OF LOT 76, ST. 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PROJECT NOTES:

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

THE TOPOGRAPHY WAS SUPPLIED BY PAYNE AND BROCKWAY FIELD DATA/RECORDS AND JOHNSON COUNTY AIMS (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON KANSAS STATE PLANE NORTH/USGS DATUM NAD83 AND NAVD88.

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

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

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

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

ALL SIDEWALKS WILL BE CONCRETE, EXCEPT HAS DEFINED OTHERWISE.

ACCORDING TO F.I.R.M. MAP NO. 20091C0104G JOHNSON COUNTY, KANSAS, DATED AUGUST 3, 2009, A PORTION OF THE SITE IS DETERMINED TO BE INSIDE OTHER FLOOD AREAS. ZONE X, FUTURE BASE FLOOD (AREAS OF 1% ANNUAL CHANCE FLOOD BASED ON FUTURE CONDITIONS HYDROLOGY. NO BASE FLOOD ELEVATIONS DETERMINED)

R/W	DENOTES RIGHT-OF-WAY
ST	DENOTES SIGN POST
FH	DENOTES FIRE HYDRANT
WV	DENOTES WATER VALVE
WM	DENOTES WATER METER
PP	DENOTES POWER POLE
LP	DENOTES LIGHT POLE
AC	DENOTES AC UNIT ON CONC PAD
FF	DENOTES FINISHED FLOOR ELEVATION
RD	DENOTES ROOF DRAIN
FO	DENOTES FIBER OPTICS
LA	DENOTES LANDSCAPE AREA
SCV	DENOTES SPRINKLER CONTROL VALVE
MH	DENOTES MANHOLE
&	DENOTES HANDICAP PARKING SPACE
— W —	DENOTES WATER LINE
— SAN—	DENOTES SANITARY SEWER LINE
—UGE—	DENOTES UNDERGROUND POWER LINE
—OHP—	DENOTES OVERHEAD POWER LINE
— T —	DENOTES UNDERGROUND TELEPHONE LINE
— G —	DENOTES UNDERGROUND GAS LINE
—TCL—	DENOTES UNDERGROUND STREET LIGHT LINE
	DENOTES EXISTING CONTOURS
	DENOTES EXISTING BUILDING LINE
	DENOTES OVERHANG

PROJECT SUMMARY:

EXISTING ZONING	R-1
PROPOSED ZONING	R-2
AREA	38.6 ACRES
LOTS	131
DENSITY	3.39 LOTS PER ACRE
TRACTS	5
OPEN SPACE AREA	11.5 ACRES
FRONT SETBACKS	10'
SIDE SETBACKS	10'
SIDEYARD SETBACKS	5' MINIMUM
REARYARD SETBACKS	25' MINIMUM

STREET TYPES	
KILL CREEK ROAD	COLLECTOR – NEIGHBORHOOD
MADISON STREET	COLLECTOR – NEIGHBORHOOD
COLBY STREET	LOCAL – NEIGHBORHOOD
170TH TERRACE	LOCAL – NEIGHBORHOOD
173RD TERRACE	LOCAL – NEIGHBORHOOD
BUILDING TYPE	DETACHED HOUSE – NEIGHBORHOOD
FRONTAGE TYPE	TERRACE
OPEN AND CIVIC SPACE TYPE	TRAIL/GREENWAY

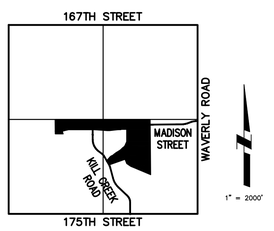
DENOTES PROPOSED CURB
DENOTES PROPOSED 5' SIDEWALK
DENOTES PROPOSED STORM
DENOTES PROPOSED SANITARY
DENOTES PROPOSED WATERLINE
DENOTES PROPOSED FIRE HYDRANT
DENOTES PROPOSED LIGHT POLE
DENOTES STORMWATER BMP BOUNDARY
DENOTES EXISTING CURB
DENOTES EXISTING SIDEWALK
DENOTES EXISTING STORM
DENOTES EXISTING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

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

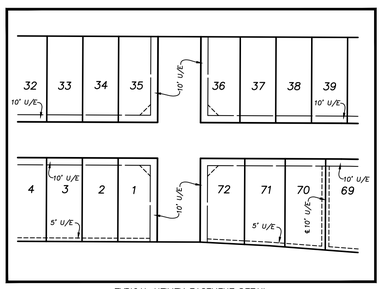
OPEN SPACE TRACTS 324,130 Sq.Ft.

OPEN AND CIVIC SPACE TRACT 175,454 Sq.Ft.

RIGHTS-OF-WAY 243,693 Sq.Ft.



LOCATION MAP
SEC. 22, T14S, R22E



TYPICAL UTILITY EASEMENT DETAIL
SANITARY SEWER AND DRAINAGE EASEMENTS WILL MET REQUIRED GARDNER'S MUNICIPAL CODE WIDTHS

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

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

Date Prepared: February 7, 2020

PRELIMINARY PLAT

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

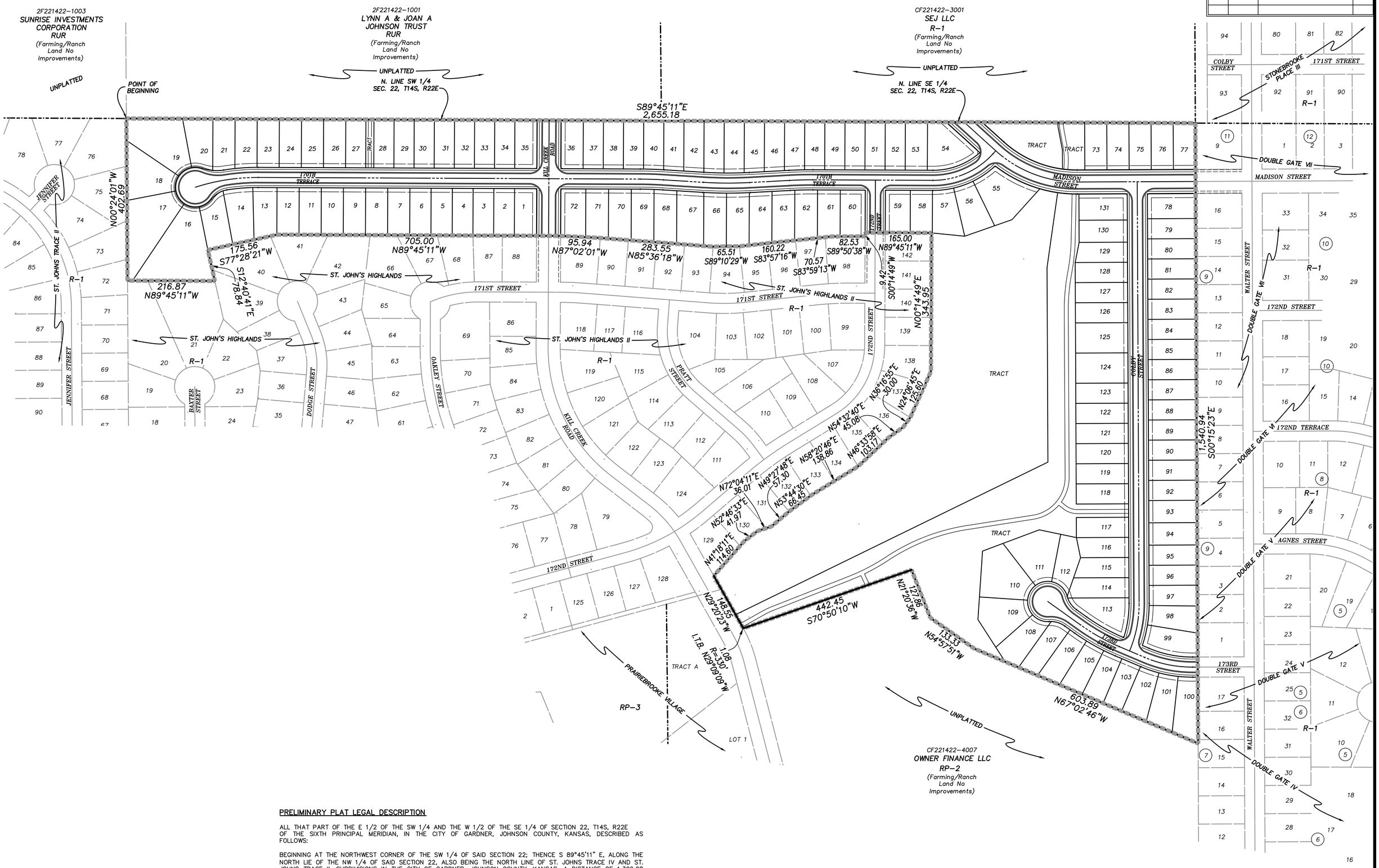
Payne & Brockway P.A.
Civil Engineers & Land Surveyors
426 South Kansas Ave. Olathe, Kansas 66061
Ph: 913.782.4800 Fax: 913.782.0907
www.Payne-Brockway.com

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

19-0029/DWG/19-0029 PRP.dwg/PRP

BRECKENWOOD CREEK

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



PRELIMINARY PLAT LEGAL DESCRIPTION

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NORTH
1" = 100'
0 50 100 200

R/W	DENOTES RIGHT-OF-WAY
ST	DENOTES SIGN POST
FH	DENOTES FIRE HYDRANT
WV	DENOTES WATER VALVE
WM	DENOTES WATER METER
PP	DENOTES POWER POLE
LP	DENOTES LIGHT POLE
AC	DENOTES AC UNIT ON CONC PAD
FF	DENOTES FINISHED FLOOR ELEVATION
RD	DENOTES ROOF DRAIN
FO	DENOTES FIBER OPTICS
LA	DENOTES LANDSCAPE AREA
SCV	DENOTES SPRINKLER CONTROL VALVE
MH	DENOTES MANHOLE
&	DENOTES HANDICAP PARKING SPACE
— W —	DENOTES WATER LINE
— SAN—	DENOTES SANITARY SEWER LINE
—UGE—	DENOTES UNDERGROUND POWER LINE
—OHP—	DENOTES OVERHEAD POWER LINE
— T —	DENOTES UNDERGROUND TELEPHONE LINE
— G —	DENOTES UNDERGROUND GAS LINE
—TCL—	DENOTES UNDERGROUND STREET LIGHT LINE
	DENOTES EXISTING CONTOURS
	DENOTES EXISTING BUILDING LINE
	DENOTES OVERHANG

DENOTES REZONING BOUNDARY

MARK S. HUGHES
LICENSED
10689
3/16/20
KANSAS
PROFESSIONAL ENGINEER

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

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

Date Prepared: February 7, 2020

REZONING PLAN

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

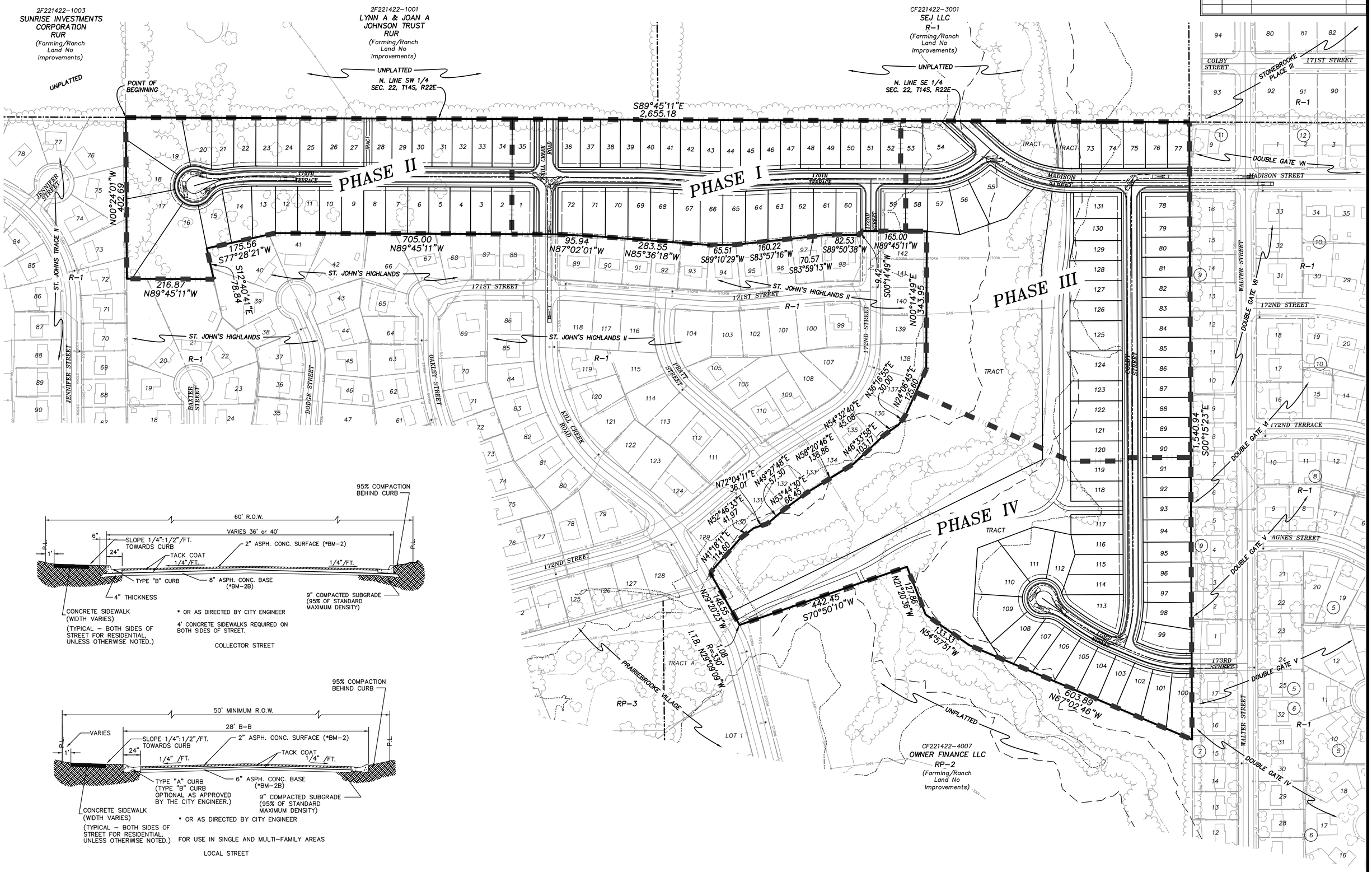
Payne & Brockway P.A.
CIVIL ENGINEERS & LAND SURVEYORS
426 SOUTH KANSAS AVE. OLATHE, KANSAS 66061
PH: 913.782.4800 FAX: 913.782.0907
WWW.PAYNE-BROCKWAY.COM

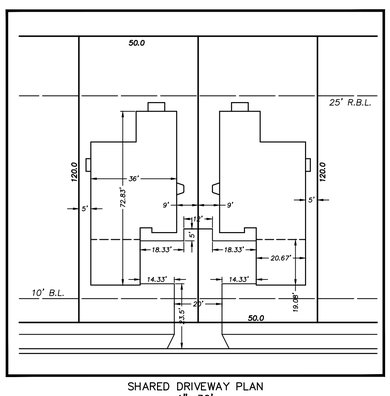
DATE	SCALE	SHEET	OF
2/07/20	100	2	3

19-0029/DWG/19-0029 PRP.dwg/REZ

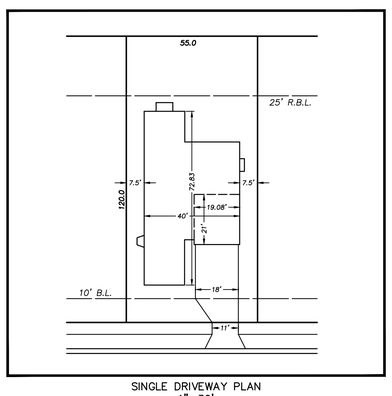
BRECKENWOOD CREEK

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

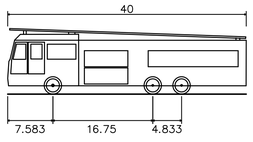




SHARED DRIVEWAY PLAN
1"=30'



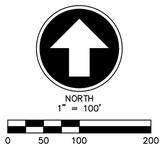
SINGLE DRIVEWAY PLAN
1"=30'



E-ONE HP100 Aerial

Overall Length	40.000ft
Overall Width	8.333ft
Overall Body Height	11.000ft
Min Body Ground Clearance	1.393ft
Track Width	8.333ft
Lock-to-lock time	6.00s
Max Wheel Angle	45.00°

N.T.S.



R/W	DENOTES RIGHT-OF-WAY
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FH	DENOTES FIRE HYDRANT
WV	DENOTES WATER VALVE
WM	DENOTES WATER METER
PP	DENOTES POWER POLE
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RD	DENOTES ROOF DRAIN
FO	DENOTES FIBER OPTICS
LA	DENOTES LANDSCAPE AREA
SCV	DENOTES SPRINKLER CONTROL VALVE
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— W —	DENOTES WATER LINE
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— G —	DENOTES UNDERGROUND GAS LINE
— TCL —	DENOTES UNDERGROUND STREET LIGHT LINE
— —	DENOTES EXISTING CONTOURS
— —	DENOTES EXISTING BUILDING LINE
- - - - - -	DENOTES OVERHANG

DENOTES PHASE BOUNDARY LINES

PHASE	LOTS/TRACTS
I	33/1
II	33
III	36/4
IV	29/2

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

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

Date Prepared: February 7, 2020

PHASING & VEHICULAR TRACKING PLAN

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

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

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

19-0029/DWG/19-0029 PRP.dwg/Phase-Vehicular

GARDNER KANSAS
Blazing New Trails

BUSINESS & ECONOMIC DEVELOPMENT

March 2, 2020

Dear Property Owner:

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

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

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

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

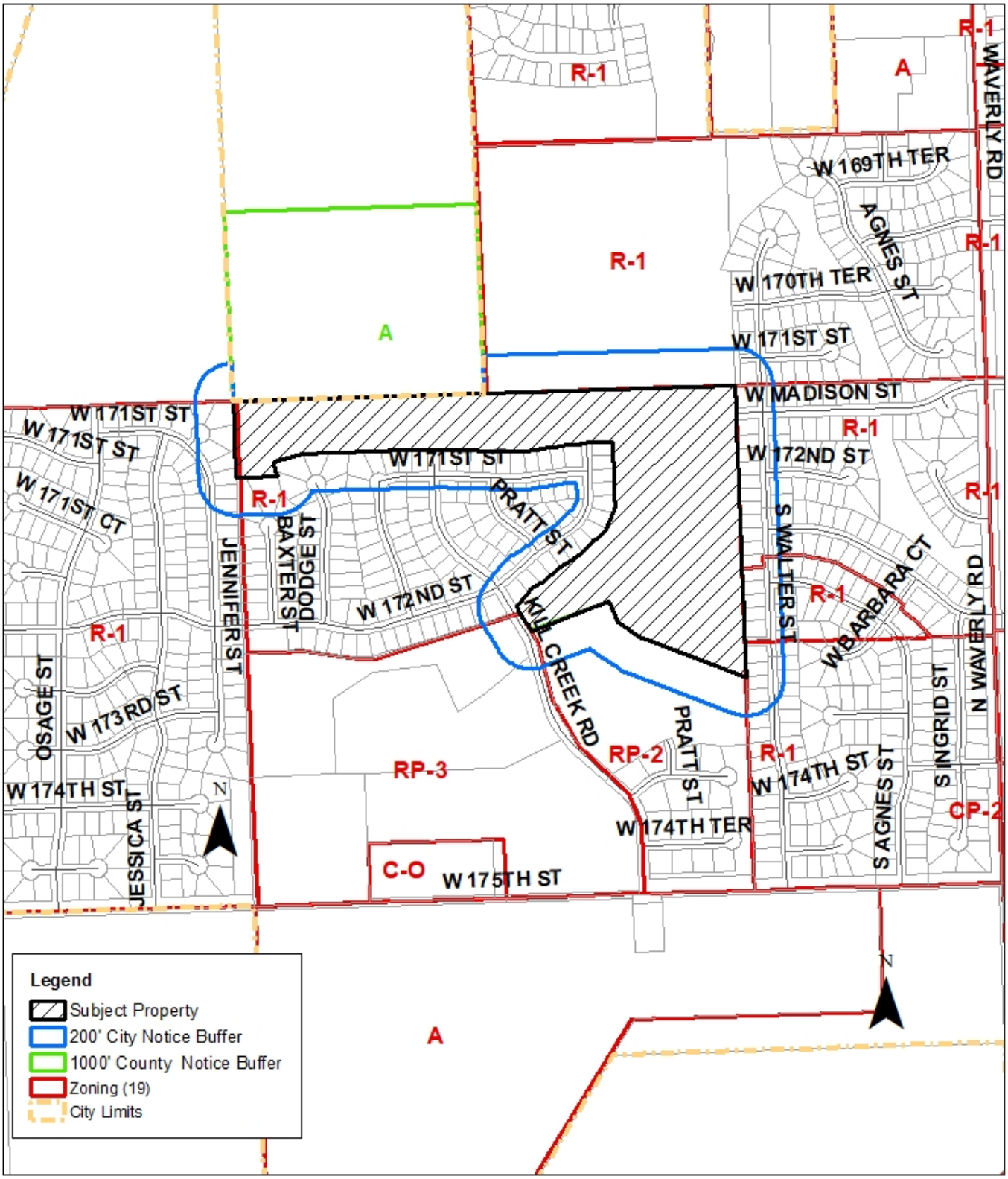
After the Planning Commission makes a recommendation, property owners within 200' of the subject area, 1,000' in the county, may submit a protest petition against such recommendation. The protest petition must be filed with the City Clerk, within 14 days of the conclusion of the public hearing. For more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

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

Sincerely,

Kelly Drake-Woodward, AICP
Chief Planner

Enclosure



GARDNER KANSAS
Blazing New Trails

Gardner Planning Commission
Z-20-04: Rezoning from R-1 to R-2 for Breckenwood Creek
Meeting Date: March 24, 2020

Map Date: 2/28/20

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

ZONING MAP AMENDMENT (REZONING) APPLICATION

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Breckenwood Creek, LLC

Contact Craig J. Schaffer

Address 6709 W 119th Street, #211

City Overland Park State KS Zip 66029

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

APPLICANT/AGENT INFORMATION

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

Contact Todd Allenbrand

Address 426 S. Kansas Avenue

City Olathe State KS Zip 66061

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

SITE INFORMATION

Property Address/Location: 171st Street and Kill Creek Road

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

Total Site Area 38.6

Present Zoning R-1 Proposed Zoning R-2

Present Land Use Single Family Proposed Land Use Single Family

Proposed Building Type(s) Detached House- Neighborhood

Please indicate a reason for the request:
The rezoning request is to give the developer an option for smaller single-family lots.

SIGNATURE

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

Signature(s): _____ Date 2/07/20

_____ Date _____

19-0029

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	
☑	☐	1. Complete application packet
☑	☐	2. Application fee
☑	☐	3. Digital copies (PDF) of the completed application and legal description (Word)
☑	☐	4. Sign posting affidavit
☐	☑	5. Preliminary Development Plan application and plans (if rezoning to a planned development)

Please respond to the following statements:

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

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

I hereby submit all information required for rezoning application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.

C. [signature] — Signature of Applicant

2/07/20 — Date

19-0029

Business & Economic Development
Planning Division
120 E. Main St. Gardner, KS 66030
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www.gardnerkansas.gov

OWNER AFFIDAVIT

I/WE Craig J. Schaffer, Member of Breckenwood Creek LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of Feb, 20 20, make the following statements to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize Payne & Brockway P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding 38.60 Acres at 171st Street & Kill Creek Road (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation 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.

Craig J. Schaffer, Member
of Breckenwood Creek LLC

Owner

STATE OF KANSAS

COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this 6th day of February, 20 20, by Craig J. Schaffer, Member.

My Commission Expires:

Notary Public

NOTARY PUBLIC - State of Kansas
CURTIS ALLENBRAND
My Appt. Expires 1/14/24

19-0029

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

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Breckenwood Creek LLC

Contact Craig J. Schaffer

Address 6709 W 119th Street, #211

City Overland Park State KS Zip 66029

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

APPLICANT/AGENT INFORMATION

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

Contact Todd Allenbrand

Address 426 S. Kansas Avenue

City Olathe State KS Zip 66061

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

SITE INFORMATION

Property Address/Location 171st Street and Kill Creek Road

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

Number of Existing Lots 0 Number of Proposed Lots 131

Total Site Area 38.6 Present Zoning R-2

Number of Existing Structures 0 Present Land Use Single Family

Proposed Street Design Type(s) & Class Neighborhood

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

Proposed Frontage Type(s) Terrace

Proposed Building Types(s) Detached House- Neighborhood

SIGNATURE

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

Signature(s): _____ Date 2/07/20

_____ Date _____

19-0029

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		
✓		1.	**Complete application packet**
✓		2.	**Application fee**
✓		3.	**10 complete sets of full sized plans printed and folded**
✓		4.	**Digital copies (PDF) of the completed application, plans, and legal description**
	✓	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).
	✓	8.	**Preliminary Stormwater Management Plan** (2 printed and 1 digital copy)
	✓	9.	**Preliminary Traffic Assessment** See Access Management Code. (2 printed and 1 digital copy)

PRELIMINARY PLAT REQUIREMENTS

✓		1.	**Name of subdivision** (unique and numerically consistent and the words "PRELIMINARY PLAT," prominently displayed as the title.)
✓		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.).
✓		3.	**Date of preparation** of preliminary plat and/or revisions.
✓		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.)
✓		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.
✓		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.
✓		7.	**Boundary lines** of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).
✓		8.	**All public streets** within the plat conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.
✓		9.	**Building setback lines** along public and private streets with dimensions in feet.

Business & Economic Development
Planning Division
120 E. Main St. Gardner, KS 66030
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Yes	No	
☑	☐	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
☑	☐	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.
☐	☑	12. **Note on plat** indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts.
☑	☐	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.
☑	☐	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.
☑	☐	15. **Location of existing buildings** and structures within 200 feet of the plat.
☐	☐	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.
☑	☐	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.
☑	☐	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.
☑	☐	19. **Proposed sidewalks** and/or trail locations including proposed widths.
☑	☐	20. **Proposed utilities,** including approximate location of sanitary sewer, water main, street lights, storm sewer, detention and treatment facilities.
☑	☐	21. **Existing and proposed easements** with dimensions. Existing easements shall be labeled with book and page number.
☑	☐	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).
☐	☑	23. **Stream corridor boundary** and dimensions.
☐	☑	24. **Intersection site distance analysis.**
☑	☐	25. **Copies of all pertinent exception documents**, or a copy of a current American Land Title Association (ALTA) survey, or both.

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

5) No covenants and restrictions are established. 6) The developer is in discussion about establishing an HOA or entering into an existing HOA 7) Preliminary floodplain modeling will be supplied at a later date. 8) Preliminary stormwater management plan will be supplied at the time of the preliminary floodplain modeling. 9) Not applicable. 12) Final platting will address ownership, purpose and maintenance responsibilities of tracts. 23) Stream coridor will be determined and shown at the stormwater management plan has been completed. 24) Intersection sight distance will be shown on the landscape plan

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

C. [illegible] — Signature of Applicant

2/01/20 — Date

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

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2. I/We the undersigned, have previously authorized and hereby authorize Payne & Brockway P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding 38.60 Acres at 171st Street & Kill Creek Road (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

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Craig J. Schaffer, Member
of Breckenwood Creek LLC

Owner

STATE OF KANSAS

COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this 6th day of February, 20 20, by Craig J. Schaffer, Member.

My Commission Expires:

Notary Public

NOTARY PUBLIC - State of Kansas
CURTIS ALLENBRAND
My Appt. Expires 1/14/24

19-0029

PLANNING COMMISSION STAFF REPORT — NEW BUSINESS ITEM NO. 2A
MEETING DATE: MARCH 24, 2020
PREPARED BY: KELLY DRAKE WOODWARD, AICP, CHIEF PLANNER

PROJECT NUMBER / TITLE: Z-20-03 Rezoning Prairie Trace Commercial

PROCESS INFORMATION

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

APPLICATION INFORMATION

Applicant: Schlagel & Associates, PA
Owner: Grata Development
Parcel ID: Portions of Tax Ids 2F231429-3001& 2F231429-1001
Location: Southwest of the intersection of 175th Street and S. Clare Road

REQUESTED ACTION

Hold a public hearing on and consider a rezoning of 100.4 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner District C-3 (Heavy Commercial) District.

EXISTING ZONING AND LAND USE

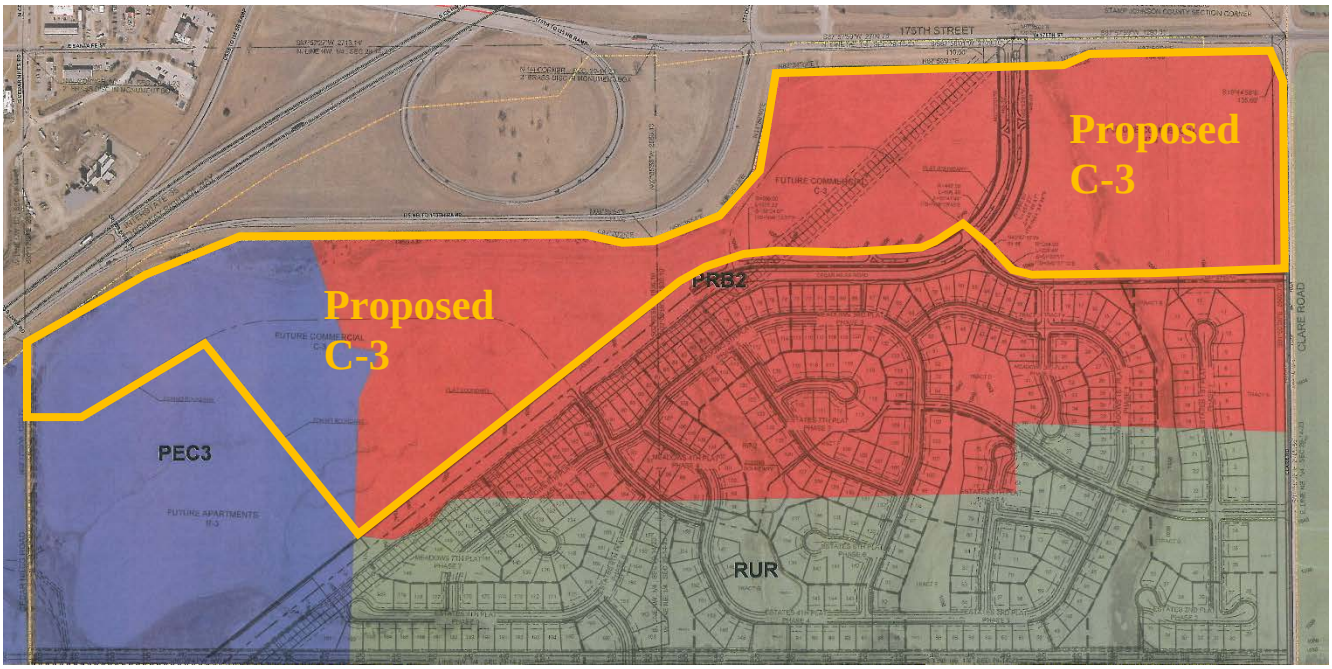
Although the property was annexed on September 3, 2019 per Ordinance 2622, it retains the County zoning designations of County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District. The site is currently an unimproved agricultural use. It is located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

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
KDOT right-of-way	Interstate 35
C-3 (Heavy Commercial) District	Hotels, restaurant and vacant
CP-2 (Planned General Commercial) District	Unimproved agriculture use
M-1 (Restricted Industrial) District	Vacant
East of subject property	
County RUR (Rural) Districts	Unimproved agriculture use
South of subject property	
County RUR (Rural, Agriculture) District	Unimproved agriculture use

West of subject property	
County PEC3 (Planned Light Industrial Park) District	Unimproved agriculture use
KDOT right-of-way	Interstate 35

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



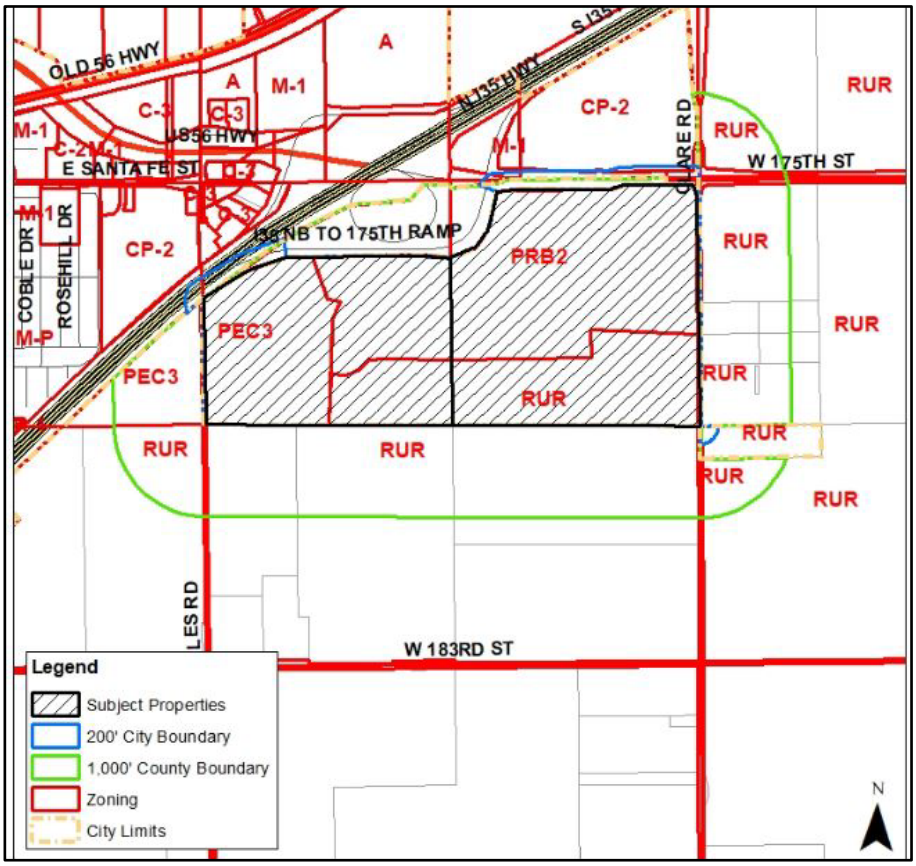
EXISTING CONDITIONS

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

BACKGROUND / HISTORY

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

Donald's
Arby's
Perkins Restaurant & Bakery
Super 8 by Wyndham Gardner
Hampton Inn Gardner Conference Center
W 175th St
W 175th St
W 175th St
S Clare Rd


OLD 56 HWY
US 56 HWY
E SANTA FE ST
N 135 HWY
S 135
CLARE RD
W 175TH ST
I35 NB TO 175TH RAMP
COBLE DR
ROSEHILL DR
W 183RD ST
A
M-1
C-3
CP-2
PRB2
PEC3
M-P
RUR
Legend
Subject Properties
200' City Boundary
1,000' County Boundary
Zoning
City Limits
N

The subject property is located within 1 mile of the New Century AirCenter, and is therefore subject to review by the Airport Commission and Johnson County Commission in accordance with applicable State Statute and Section 17.06.030 Industrial Airport Overlay District of the LDC. The intent is to ensure that the height of buildings, structures, or trees, the location of certain land uses, and other development issues near the Johnson County Industrial Airport do not present a hazard to people or property, or interfere with the safe operation of the Airport. Per K.S.A. 3-307e, the airport commission shall make zoning recommendations for the airport and surrounding areas within one mile except where such areas have already been zoned by city. Any changes in existing city zoning must have the approval of the board of county commissioners.

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

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

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

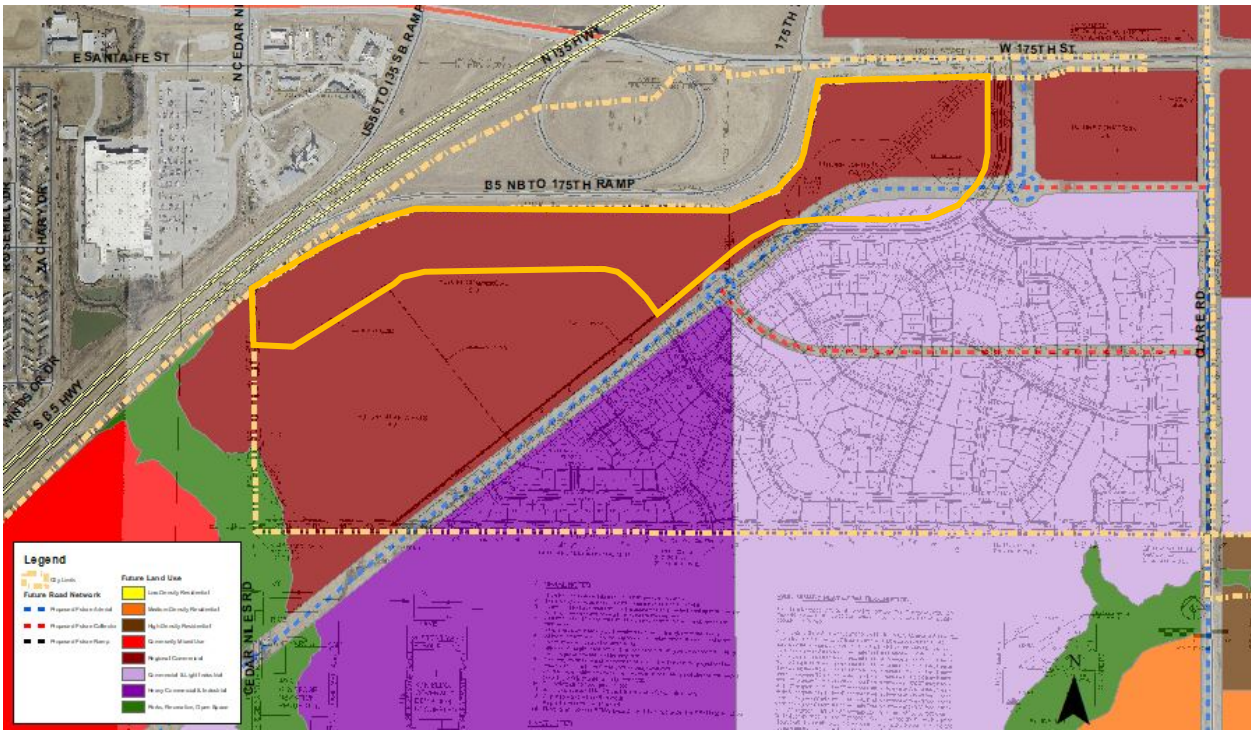
With regard to the subject property, the County is concerned with the following:

- A preference to have low-density commercial and industrial uses adjacent to and within the primary flight corridor.
- Having no buildings within the primary flight corridor (western 125' of the property).
- Maximizing open space adjacent to the primary flight corridor.
- Having no permanent water features or drainage areas in proximity to the primary flight corridor.
- Compatibility of commercial uses with airport operations.
- No uses that attract crowds in excess of 500 persons at a time, or concentrates people who have limited ability to respond to emergency situations (day care, nursing homes).

- Impacts of lighting on airport operations.
- Noise-proofing of development located in the Airport Interest Area.

CONSISTENCY WITH COMPREHENSIVE PLAN

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



Regional Commercial is described as follows:

- *The intent of the Regional Commercial land use designation is to allow for retail and service uses located near I-35 interchanges. A regional commercial area provides goods and services aimed toward those traveling by an auto and capitalizes on accessibility from areas beyond Gardner. This designation may also include light industrial and utility uses.*

- *Intensity: Medium-High*

- *Zoning Districts: C-2 General Business District, CP-2 – Planned General Business District, C-3 Heavy Commercial District, CP-3 Planned Heavy Commercial District; M-1 Restricted Industrial District, MP-1 Planned Restricted Industrial District.*

- *Building Types: Small Commercial – Storefront, Small Commercial/Pad Site, Mixed-Use, General Commercial, Large Commercial, Prominent Civic, Small Civic, Small Industrial/Workshop, General Industrial*

- *Primary Uses: Assembly, cultural and public service, school, open/civic space, residential care, retail, grocery, outdoor sales, convenience store/fuel station, animal care, food and beverage, heath care, lodging, office, personal services, recreation/entertainment, vehicle/equipment service and repair, manufacturing – limited/artisan, light, and general, commercial storage, animal care, freight and distribution – light, vehicle equipment service repair – limited, general, and heavy, public utility facility – minor*

Commercial & Light Industrial is described as follows:

- The Commercial & Light Industrial land use designation involves the manufacturing, processing, storage and distribution of goods and materials that may have limited effect on surrounding uses. Typically, operations occur indoors with large office parks and corporate campuses also being suitable.

- Intensity: Medium

- Zoning Districts: C-O Office District, CP-O Planned Office District, C-3 Heavy Commercial District, CP-3 Planned Heavy Commercial District, M-1 – Restricted Industrial District, MP-1 – Planned Restricted Industrial District

- Building Types: Row House, Walk-up Apartment, Live/work, Small Commercial – storefront, Small Commercial – Pad Site, Mixed-use, General Commercial, Large Commercial, Prominent Civic, Small Civic, Small Industrial/Workshop, General Industrial

- Primary Uses: Multi-unity household living, live/work, assembly, cultural and public service, school, open/civic space, mixed use, small scale retail, outdoor sales, convenience store/fuel station, animal care, food and beverage, heath care, lodging, office, personal services, recreation/entertainment, vehicle/equipment service and repair, manufacturing, freight and distribution, commercial storage, agriculture processing, public utility facility – minor.

Since the adoption of the plan, the property owner's concept has changed to include commercial on the north and northwest, multi-family on the west subject parcel, and single-family on the east and south. The idea is for the residential development to support the development of the commercial uses, and to satisfy a market demand for housing in the area close to jobs. Specifically, the developer states that, with respect to the anticipated relationship of proposed zoning to economic development or public health, safety and welfare – "Commercial: The interstate accessibility and visibility of the commercial element of this project make it ideal to attract sales and the subsequent tax revenue from non-residents as they travel along I-35. Additionally, this project will bring more options to the current citizens of Gardner. As the other residential elements of the development mature, the area will see additional retail options of increasing quality and variety."

This rezoning request is consistent with the future land use map of the Comprehensive Plan.

STAFF ANALYSIS - ZONING

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request. This request is for a rezoning to a base zoning district, and thus is not accompanied by a development plan or a plat at this time. The review must consider all potential uses that could occur within the proposed zoning district, although the applicant plans to develop the site with commercial development.

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

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

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

ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

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

Staff Comment: *The character of the neighborhood is rural at present but this is a key development area for the Gardner community. The proposed streets that will serve this parcel meet the general configuration as conceptualized in the applicable subarea plan. The eastern extent of the subject parcel is the intersection of W. 175th Street and Clare Road, and the property extends west to the I-35 interchange. It is anticipated that new Arterial and Collector Streets will provide access to W. 175th Street and Clare Road, and continue along the southern boundary to provide access to properties southwest of the subject property. Civic and open space plans will be reviewed with a site or development plan. The proposed use is consistent with the subarea plan of the Comprehensive Plan. It is anticipated that the County will address concerns regarding the operation and uses of land and buildings after the City process is complete regarding this rezoning application.*

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

Staff Comment: *This area of the community has been in agricultural use for many years. Because of its proximity to a major highway interchange, however, this area is slated for growth opportunity. Regional commercial and medium-density residential land uses have evolved near the airport on the other side of this highway interchange with no known incompatibilities with airport operations. This application represents only a portion of the future development for this area, which is to include commercial, multi-family, and single-family land uses. This development is arranged in a transitional pattern with higher-intensity uses adjacent to the major roadways and less intense uses adjacent to remaining agriculture and very low-density residential uses. The C-3 (Heavy Commercial) District would accommodate commercial, civic and industrial building types, and a wide variety of civic/institutional, retail, service and employment, and industrial uses.*

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

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

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

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

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

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

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

Staff Comment: *The proposed rezoning remains consistent with restrictions within the County regarding potential land uses. This application proposes to accommodate the transition from County to City zoning district. There is anticipated to be a net gain in favor of economic development and public health, safety and welfare with consideration of this application.*

7. The recommendations of professional staff;

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

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

Staff Comment: *The rezoning request is consistent with the Comprehensive Plan. The intent of the C-3 (Heavy Commercial) District is to provide retail, service and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, and typically are not compatible with or easily integrated with other land uses or development patterns. This supports the intent of the Regional Commercial future land use to allow for retail, service, light industrial and utility uses located near the I-35 interchanges, to provide goods and services aimed toward those traveling by an auto, and to capitalize on accessibility from areas beyond Gardner.*

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

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

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

Staff Comment: *The City of Gardner Strategic Plan indicates an opportunity for the city to annex adjacent land areas that could be developed into commercial and industrial properties that would diversify the tax base. This application is consistent with that goal by seeking to attract businesses and private investment. Adjacent jurisdictions are capturing industrial development opportunity, providing an opportunity for Gardner to support the development of housing and commercial opportunities to compliment those job sources. This application supports economic opportunity and the diversification of the tax base, and provides quality of life through strengthening the regional image.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

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

Environmental conditions – The subject property is in the Little Bull Creek watershed. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. Rated as very limited soils for dwellings with basements and septic tanks.

Staff Comment: *Pertaining to the anticipated impact of zoning/use on existing public infrastructure, the developer states that "sanitary sewer, water, and electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of*

these utilities will set the table for future development in the area by bringing utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable." The developer will provide necessary road improvements to serve the development.

ATTACHMENTS

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

ACTIONS

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

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

EFFECT OF DECISION

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

RECOMMENDATION

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

Recommended Motion:

After review of Application Z-20-03, a Zoning Map Amendment for portions of parcels 2F231429-3001 and 2F231429-1001 located southwest of the intersection of W. 175th Street and S. Clare Road**,** and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approves the application as proposed, provided the following conditions are met/actions are taken:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.

3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.

GARDNER KANSAS

RECEIVED
JAN 10 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 _____
Fee $1300.00 ✓
File No. Z-20-03

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

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

SITE INFORMATION

Property Address/Location: I-35 Hwy and 175th Street
Legal Description (Attach If Necessary) see the attached legal description
Total Site Area 100.58
Present Zoning C02, A & M-1 Proposed Zoning C-3
Present Land Use AG Proposed Land Use commercial
Proposed Building Type(s) commercial / retail use

Please indicate a reason for the request:
see attached narrative.

SIGNATURE

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

Signature(s): _____ Date 12/27/19
_____ Date _____

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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
		5. Preliminary Development Plan application and plans (if rezoning to a planned development)

Please respond to the following statements:

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

see attached narrative.

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

see attached narrative.

I hereby submit all information required for rezoning application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.

Signature of Applicant

12/27/19
Date

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 Grata Development, LLC by Travis Schram, Manager, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 27th day of Dec, 20 19, make the following statements to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding property located at 175th St & I-35 (no address) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation 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 27th day of Dec, 20 19, by Grata Development, LLC, by Travis Schram, Manager.

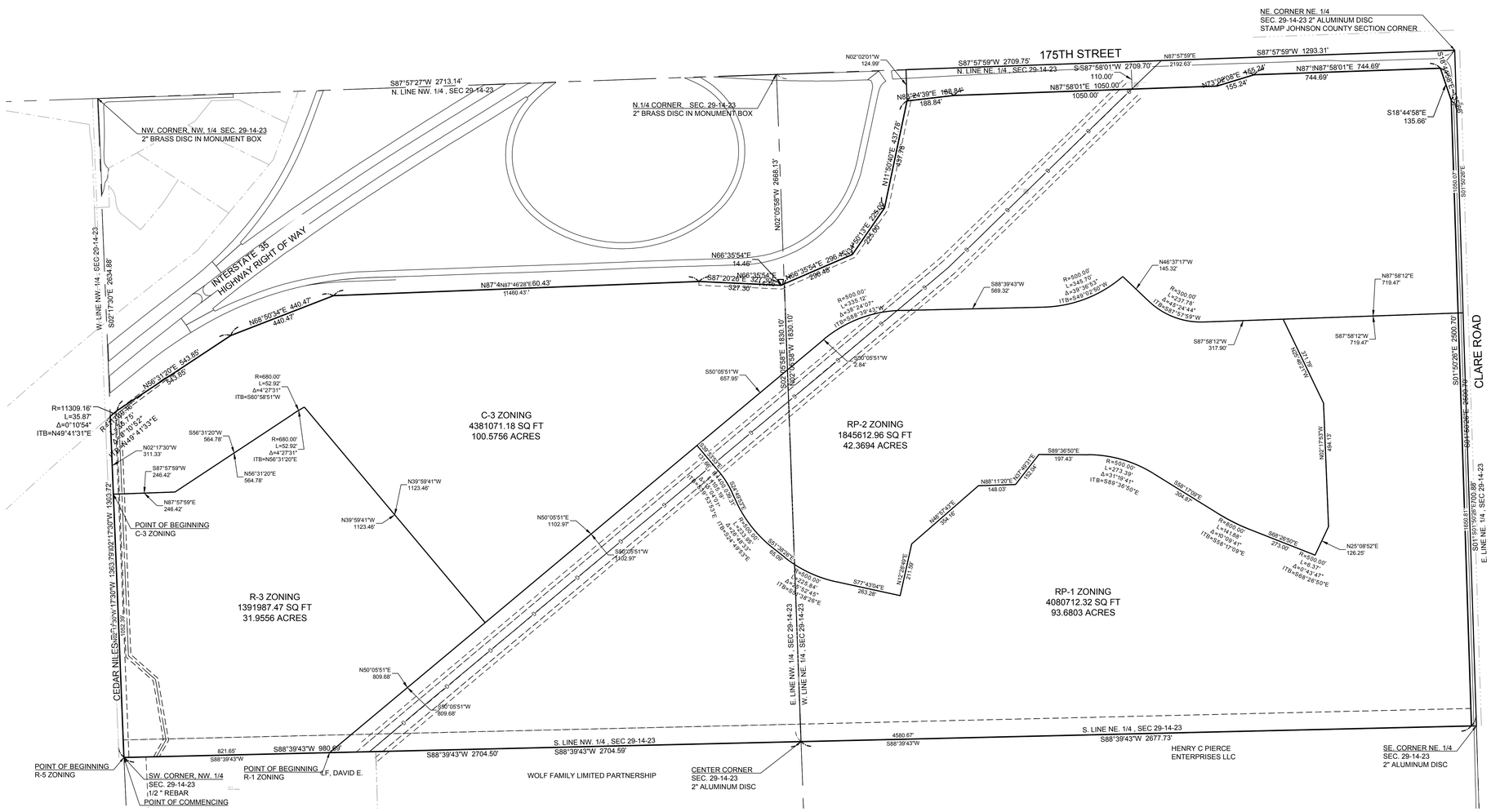
My Commission Expires: MARCIA K. BERGIN Notary Public, State of Kansas My Appointment Expires February 23, 2020

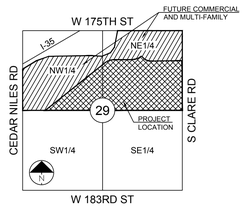
Notary Public

C-3 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence North 02 degrees 17 minutes 30 seconds West, a distance of 311.33 feet; thence North 49 degrees 45 minutes 42 seconds East, a distance of 35.89 feet; thence North 56 degrees 31 minutes 26 seconds East, a distance of 543.83 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 310.94 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 02 minutes 01 seconds West, a distance of 124.99 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 2192.63 feet; thence South 01 degrees 50 minutes 26 seconds East, a distance of 1050.07 feet; thence South 87 degrees 58 minutes 12 seconds West, a distance of 1037.37 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 45 degrees 24 minutes 44 seconds , a chord bearing of North 69 degrees 19 minutes 39 seconds West, and an arc length of 237.78 feet; thence North 46 degrees 37 minutes 17 seconds West, a distance of 145.32 feet to a point of curvature; thence along a curve to the right, and having a radius of 500.00 feet, a central angle of 39 degrees 36 minutes 53 seconds , a chord bearing of South 68 degrees 51 minutes 17 seconds West, and an arc length of 345.70 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 569.32 feet to a point of curvature; thence along a curve to the left, and having a radius of 500.00 feet, a central angle of 38 degrees 24 minutes 07 seconds , a chord bearing of South 69 degrees 27 minutes 40 seconds West, and an arc length of 335.12 feet; thence South 50 degrees 05 minutes 51 seconds West, a distance of 1763.76 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1123.46 feet to a point of curvature; thence along a curve to the left, and having a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds , a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.42 feet, said point being the Point of Beginning, and containing 100.5755 acres, more or less.





SECTION 14-23-29

LOCATION MAP

SCALE 1" = 2000'

RP-1 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East, a distance of 821.65 feet to the POINT OF BEGINNING; thence North 50 degrees 05 minutes 51 seconds East, a distance of 1912.66 feet; thence South 39 degrees 53 minutes 53 seconds East, a distance of 131.66 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 400.00 feet, a central angle of 15 degrees 04 minutes 01 seconds , a chord bearing of South 32 degrees 21 minutes 53 seconds East, and an arc length of 105.19 feet; thence South 24 degrees 49 minutes 53 seconds East, a distance of 39.31 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 48 minutes 33 seconds , a chord bearing of South 38 degrees 14 minutes 09 seconds East, and an arc length of 233.95 feet; thence South 51 degrees 38 minutes 26 seconds East, a distance of 65.09 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 25 degrees 52 minutes 45 seconds , a chord bearing of South 64 degrees 34 minutes 48 seconds East, and an arc length of 225.84 feet; thence South 77 degrees 43 minutes 04 seconds East, a distance of 263.28 feet; thence North 12 degrees 28 minutes 49 seconds East, a distance of 211.59 feet; thence North 77 degrees 43 minutes 04 seconds West, a distance of 263.28 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course ? and having a radius of 500.00 feet, a central angle of 25 degrees 52 minutes 45 seconds , a chord bearing of North 64 degrees 34 minutes 48 seconds West, and an arc length of 225.84 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course ? and having a radius of 500.00 feet, a central angle of 26 degrees 48 minutes 33 seconds , a chord bearing of North 38 degrees 14 minutes 09 seconds West, and an arc length of 233.95 feet; thence North 24 degrees 49 minutes 53 seconds West, a distance of 39.31 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 400.00 feet, a central angle of 15 degrees 04 minutes 01 seconds , a chord bearing of North 32 degrees 21 minutes 53 seconds West, and an arc length of 105.19 feet; thence North 39 degrees 53 minutes 53 seconds West, a distance of 131.66 feet, said point being the Point of Beginning, and containing 42.3694 acres, more or less.

RP-2 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East, a distance of 821.65 feet; thence North 50 degrees 05 minutes 51 seconds East, a distance of 1912.66 feet to the POINT OF BEGINNING; thence North 50 degrees 05 minutes 51 seconds East, a distance of 657.95 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 43 minutes 37 seconds , a chord bearing of North 69 degrees 17 minutes 55 seconds East, and an arc length of 337.96 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 569.32 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 39 degrees 36 minutes 53 seconds , a chord bearing of North 68 degrees 51 minutes 17 seconds East, and an arc length of 345.70 feet; thence South 46 degrees 37 minutes 17 seconds East, a distance of 145.32 feet to a point of curvature; thence along a curve to the left, tangent to the previous course ? and having a radius of 300.00 feet, a central angle of 45 degrees 24 minutes 44 seconds , a chord bearing of South 69 degrees 19 minutes 39 seconds East, and an arc length of 237.78 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 317.90 feet; thence South 25 degrees 46 minutes 21 seconds East, a distance of 371.79 feet; thence South 02 degrees 17 minutes 53 seconds East, a distance of 494.13 feet; thence South 25 degrees 08 minutes 52 seconds West, a distance of 126.25 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds , a chord bearing of North 68 degrees 48 minutes 44 seconds West, and an arc length of 6.37 feet; thence North 68 degrees 26 minutes 50 seconds West, a distance of 273.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course ? and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds , a chord bearing of North 63 degrees 22 minutes 00 seconds West, and an arc length of 141.88 feet; thence North 58 degrees 17 minutes 09 seconds West, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds , a chord bearing of North 73 degrees 57 minutes 00 seconds West, and an arc length of 273.39 feet; thence North 89 degrees 36 minutes 50 seconds West, a distance of 197.43 feet; thence South 37 degrees 49 minutes 31 seconds West, a distance of 152.04 feet; thence South 88 degrees 11 minutes 20 seconds West, a distance of 148.03 feet; thence South 48 degrees 57 minutes 43 seconds West, a distance of 354.16 feet; thence South 12 degrees 28 minutes 49 seconds West, a distance of 211.59 feet; thence North 77 degrees 43 minutes 04 seconds West, a distance of 263.28 feet to a point of curvature; thence along a curve to the right, tangent to the previous course ? and having a radius of 500.00 feet, a central angle of 25 degrees 52 minutes 45 seconds , a chord bearing of North 64 degrees 34 minutes 48 seconds West, and an arc length of 225.84 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course ? and having a radius of 500.00 feet, a central angle of 26 degrees 48 minutes 33 seconds , a chord bearing of North 38 degrees 14 minutes 09 seconds West, and an arc length of 233.95 feet; thence North 24 degrees 49 minutes 53 seconds West, a distance of 39.31 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 400.00 feet, a central angle of 15 degrees 04 minutes 01 seconds , a chord bearing of North 32 degrees 21 minutes 53 seconds West, and an arc length of 105.19 feet; thence North 39 degrees 53 minutes 53 seconds West, a distance of 131.66 feet, said point being the Point of Beginning, and containing 42.3694 acres, more or less.

R-3 LEGAL DESCRIPTION

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

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

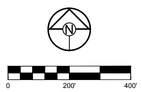
C-3 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence North 02 degrees 17 minutes 30 seconds West, a distance of 311.33 feet; thence North 49 degrees 45 minutes 42 seconds East, a distance of 35.89 feet; thence North 56 degrees 31 minutes 26 seconds East, a distance of 543.83 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 310.94 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 02 minutes 01 seconds West, a distance of 124.99 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 2192.63 feet; thence South 01 degrees 50 minutes 26 seconds East, a distance of 1050.07 feet; thence South 87 degrees 58 minutes 12 seconds West, a distance of 1037.37 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 45 degrees 24 minutes 44 seconds , a chord bearing of North 69 degrees 19 minutes 39 seconds West, and an arc length of 237.78 feet; thence North 46 degrees 37 minutes 17 seconds West, a distance of 145.32 feet to a point of curvature; thence along a curve to the right, and having a radius of 500.00 feet, a central angle of 39 degrees 36 minutes 53 seconds , a chord bearing of South 68 degrees 51 minutes 17 seconds West, and an arc length of 345.70 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 569.32 feet to a point of curvature; thence along a curve to the left, and having a radius of 500.00 feet, a central angle of 38 degrees 24 minutes 07 seconds , a chord bearing of South 69 degrees 27 minutes 40 seconds West, and an arc length of 335.12 feet; thence South 50 degrees 05 minutes 51 seconds West, a distance of 1763.76 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1123.46 feet to a point of curvature; thence along a curve to the left, and having a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds , a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.42 feet, said point being the Point of Beginning, and containing 100.5755 acres, more or less.

BENCH MARK:

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles West of the intersection of 175th Street and Hedge Lane.
EL = 1042.06



SCALE: 1" = 200'

DEVELOPER:

GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223

913-732-4778
INFO@GRATA.LAND

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14920 W 107TH TERRACE • LENEXA, KS 66215
(913) 492-5158 • Fax: (913) 492-8400
WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificates of Authority
#E-295 #LA-29 #LS-54

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT

I-35 & 175TH STREET GARDNER, KS

REVISION DATE	DESCRIPTION
A	
B	
C	
D	
E	
F	
G	

DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 19-295

ZONING EXHIBIT

Z-1

I:\PROJECTS\2019\19-295\3.0 Design\3.0 DWG Plans\2.0 PDP\19-295-PDP-ZONE.dwg, 1/9/2020 4:36:54 PM, 1:1

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

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

1. "**Anticipated relationship of proposed zoning to economic development or public health, safety and welfare"**
    a. **Multi-Family**: The proposed Multi-family project is designed to bring much needed quality workforce housing to the area. There is a significant need for workforce housing in the area and a project of this scale would be significant in reducing the current shortage. Highway visibility as well as accessibility make this an ideal location for attracting new residents to the area.
    b. **Commercial:** The interstate accessibility and visibility of the commercial element of this project make it ideal to attract sales and the subsequent tax revenue from non-residents as they travel along I-35. Additionally, this project will bring more options to the current citizens of Gardner. As the other residential elements of the development mature, the area will see additional retail options of increasing quality and variety.
2. "**Anticipated impact of zoning/use on existing public infrastructure"**
    a. **Multi-Family:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brough to the site by the applicant. The extension of these utilities will set the table for future development in the area by brining utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.
    b. **Commercial:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brough to the site by the applicant. The extension of these utilities will set the table for future development in the area by brining utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.

Thank you,

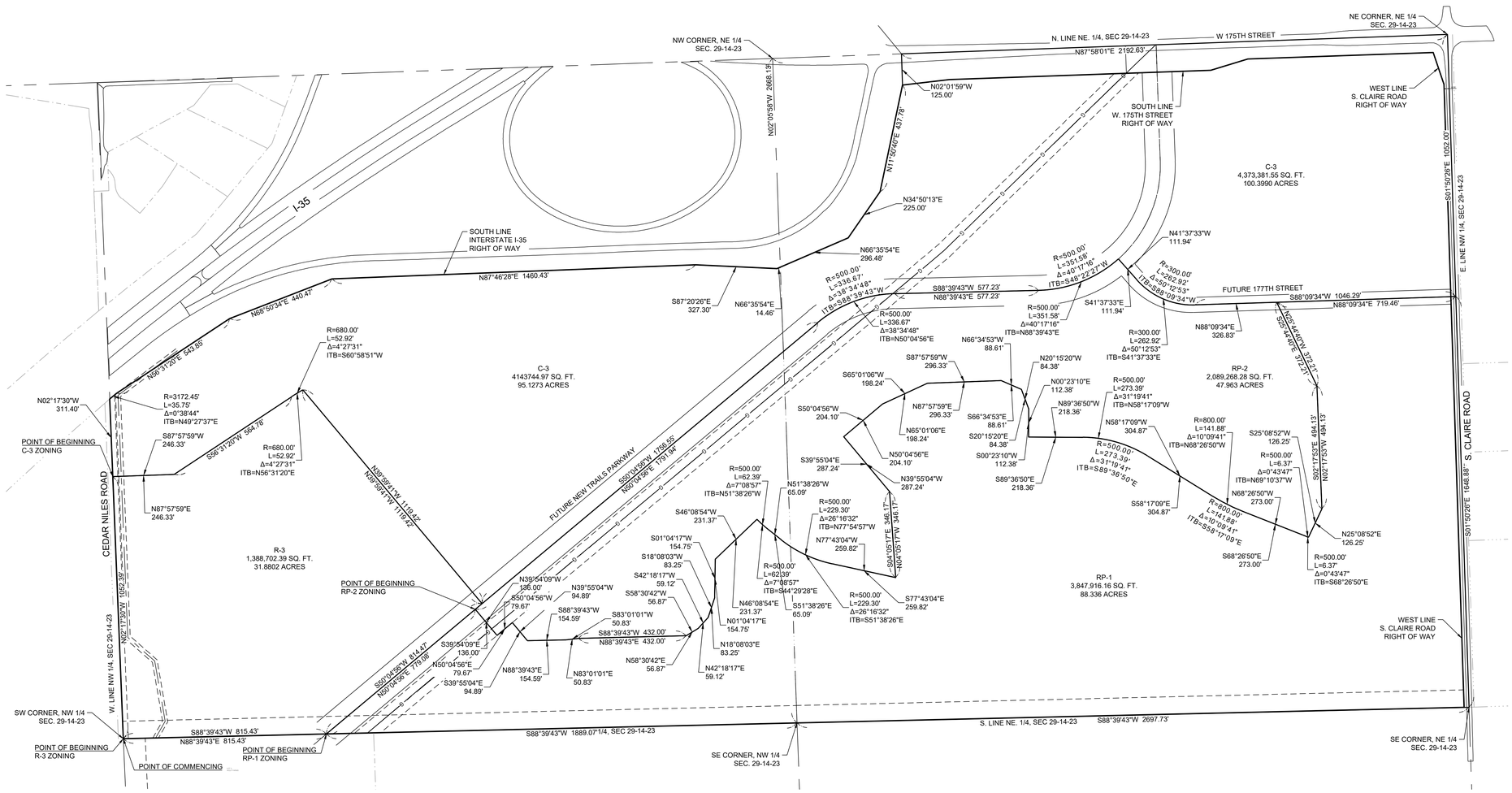
Travis Schram

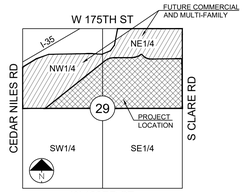
C-3 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence continuing along said West line North 02 degrees 17 minutes 30 seconds West, a distance of 311.40 feet to a point on the South line of Interstate Highway I-35 Right-of-way as now established, said point also being a point of curvature; thence Northeasterly along said South right-of way line on a curve to the right, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 11309.16 feet, a central angle of 00 degrees 10 minutes 52 seconds, a chord bearing of North 49 degrees 46 minutes 59 seconds East, and an arc length of 35.75 feet; thence continuing along said South Right-of-Way for the next eight courses, North 56 degrees 31 minutes 20 seconds East, a distance of 543.85 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 14.46 feet to a point on the East line of the Northwest One-Quarter of said Section 29; thence continuing North 66 degrees 35 minutes 54 seconds East, a distance of 296.48 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 01 minutes 59 seconds West, a distance of 125.00 feet to a point on the North line of the Northeast One-Quarter of said Section 29; thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 2192.63 feet to the Northeast corner of said Section 29; thence South 01 degrees 50 minutes 26 seconds East along the East line of said Northeast One-Quarter a distance of 1052.00 feet; thence leaving said East line South 88 degrees 09 minutes 34 seconds West, a distance of 1046.29 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 50 degrees 12 minutes 53 seconds, a chord bearing of North 66 degrees 43 minutes 59 seconds West, and an arc length of 262.92 feet; thence North 41 degrees 37 minutes 53 seconds West, a distance of 111.94 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of South 48 degrees 22 minutes 27 seconds West, a radius of 500.00 feet, a central angle of 40 degrees 17 minutes 16 seconds, a chord bearing of South 68 degrees 31 minutes 05 seconds West, and an arc length of 351.58 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 577.23 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of South 69 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 1756.55 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1119.42 feet to a point of curvature; thence

along a curve to the left, having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.33 feet to the Point of Beginning, and containing 100.3990 acres, more or less.





SECTION 29-14-23

LOCATION MAP

SCALE 1" = 2000'

RP-1 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet to the POINT OF BEGINNING; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet; thence South 39 degrees 54 minutes 09 seconds East, a distance of 136.00 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 79.67 feet; thence South 39 degrees 55 minutes 04 seconds East, a distance of 94.89 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 154.59 feet; thence North 83 degrees 01 minutes 01 seconds East, a distance of 50.83 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 432.00 feet; thence North 58 degrees 30 minutes 42 seconds East, a distance of 56.87 feet; thence North 18 degrees 08 minutes 03 seconds East, a distance of 83.25 feet; thence North 01 degrees 04 minutes 17 seconds East, a distance of 154.75 feet; thence North 46 degrees 08 minutes 54 seconds East, a distance of 231.37 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 44 degrees 29 minutes 28 seconds East, a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds, a chord bearing of South 48 degrees 03 minutes 57 seconds East, and an arc length of 62.39 feet; thence South 51 degrees 38 minutes 26 seconds East, a distance of 65.09 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds , a chord bearing of South 64 degrees 46 minutes 42 seconds East, and an arc length of 229.30 feet; thence South 77 degrees 43 minutes 04 seconds East, a distance of 259.82 feet; thence North 04 degrees 05 minutes 17 seconds West, a distance of 346.17 feet; thence North 39 degrees 55 minutes 04 seconds West, a distance of 287.24 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 204.10 feet; thence North 65 degrees 01 minutes 06 seconds East, a distance of 198.24 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 296.33 feet; thence South 66 degrees 34 minutes 53 seconds East, a distance of 88.61 feet; thence South 20 degrees 15 minutes 20 seconds East, a distance of 84.38 feet; thence South 00 degrees 23 minutes 10 seconds West, a distance of 112.38 feet; thence South 89 degrees 36 minutes 50 seconds East, a distance of 218.36 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of South 73 degrees 57 minutes 00 seconds East, and an arc length of 273.39 feet; thence South 58 degrees 17 minutes 09 seconds East, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of South 63 degrees 22 minutes 00 seconds East, and an arc length of 141.88 feet; thence South 68 degrees 26 minutes 50 seconds East, a distance of 273.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of South 68 degrees 48 minutes 44 seconds East, and an arc length of 6.37 feet; thence North 25 degrees 08 minutes 52 seconds East, a distance of 126.25 feet; thence North 02 degrees 17 minutes 53 seconds West, a distance of 494.13 feet; thence North 25 degrees 44 minutes 40 seconds West, a distance of 372.21 feet; thence North 88 degrees 09 minutes 34 seconds East, a distance of 719.46 feet to a point on the East line of the Northeast One-Quarter of said Section 29; thence South 01 degrees 50 minutes 26 seconds East, along said East line a distance of 1648.88 feet to the Southeast Corner of the Northeast One-Quarter of said Section 29; thence South 88 degrees 39 minutes 43 seconds West, along the South line of said Northeast One-Quarter, a distance of 2697.73 feet to the Southeast corner of the Northwest One-Quarter of said Section 29; thence South 88 degrees 39 minutes 43 seconds West, along the South line of the Northwest One-Quarter of said Section 29, a distance of 1889.07 feet to the Point of Beginning, and containing 88.336 acres, more or less.

RP-2 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet to the POINT OF BEGINNING; thence continuing North 50 degrees 04 minutes 56 seconds East, a distance of 1791.94 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of North 69 degrees 22 minutes 20 seconds East, and an arc length of 336.67 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 577.23 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 40 degrees 17 minutes 16 seconds, a chord bearing of North 68 degrees 31 minutes 05 seconds East, and an arc length of 351.58 feet; thence South 41 degrees 37 minutes 33 seconds East, a distance of 111.94 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 300.00 feet, a central angle of 50 degrees 12 minutes 53 seconds, a chord bearing of South 66 degrees 43 minutes 59 seconds East, and an arc length of 262.92 feet; thence North 88 degrees 09 minutes 34 seconds East, a distance of 326.83 feet; thence South 25 degrees 44 minutes 40 seconds East, a distance of 372.21 feet; thence South 02 degrees 17 minutes 53 seconds East, a distance of 494.13 feet; thence South 25 degrees 08 minutes 52 seconds West, a distance of 126.25 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 89 degrees 10 minutes 37 seconds West, a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of North 68 degrees 48 minutes 44 seconds West, and an arc length of 6.37 feet; thence North 68 degrees 26 minutes 50 seconds West, a distance of 273.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of North 63 degrees 22 minutes 00 seconds West, and an arc length of 141.88 feet; thence North 58 degrees 17 minutes 09 seconds West, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of North 73 degrees 57 minutes 00 seconds West, and an arc length of 273.39 feet; thence North 89 degrees 36 minutes 50 seconds West, a distance of 218.36 feet; thence North 00 degrees 23 minutes 10 seconds East, a distance of 112.38 feet; thence North 20 degrees 15 minutes 20 seconds West, a distance of 84.38 feet; thence North 66 degrees 34 minutes 53 seconds West, a distance of 88.61 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 296.33 feet; thence South 65 degrees 01 minutes 06 seconds West, a distance of 198.24 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 204.10 feet; thence South 39 degrees 55 minutes 04 seconds East, a distance of 287.24 feet; thence South 04 degrees 05 minutes 17 seconds East, a distance of 346.17 feet; thence North 77 degrees 43 minutes 04 seconds West, a distance of 259.82 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 77 degrees 54 minutes 57 seconds West, a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds, a chord bearing of North 64 degrees 46 minutes 42 seconds West, and an arc length of 229.30 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds , a chord bearing of North 48 degrees 03 minutes 57 seconds West, and an arc length of 62.39 feet; thence South 46 degrees 08 minutes 54 seconds West, a distance of 231.37 feet; thence North 01 degrees 04 minutes 17 seconds West, a distance of 154.75 feet; thence South 18 degrees 08 minutes 03 seconds West, a distance of 83.25 feet; thence South 42 degrees 18 minutes 17 seconds West, a distance of 59.12 feet; thence South 58 degrees 30 minutes 42 seconds West, a distance of 56.87 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 432.00 feet; thence South 83 degrees 01 minutes 01 seconds West, a distance of 50.83 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 154.59 feet; North 39 degrees 55 minutes 04 seconds West, a distance of 94.89 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 79.67 feet; thence North 39 degrees 54 minutes 09 seconds West, a distance of 136.00 to the Point of Beginning, and containing 47.963 acres, more or less.

R-3 LEGAL DESCRIPTION

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

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

C-3 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence continuing along said West line North 02 degrees 17 minutes 30 seconds West, a distance of 311.40 feet to a point on the South line of Interstate Highway I-35 Right-of-way as now established, said point also being a point of curvature; thence Northeasterly along said South right-of way line on a curve to the right, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 11309.16 feet, a central angle of 00 degrees 10 minutes 52 seconds, a chord bearing of North 49 degrees 46 minutes 59 seconds East, and an arc length of 35.75 feet; thence continuing along said South Right-of-Way for the next eight courses, North 56 degrees 31 minutes 20 seconds East, a distance of 543.85 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 14.46 feet to a point on the East line of the Northwest One-Quarter of said Section 29; thence continuing North 66 degrees 35 minutes 54 seconds East, a distance of 296.48 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 01 minutes 59 seconds West, a distance of 125.00 feet to a point on the North line of the Northeast One-Quarter of said Section 29; thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 2192.63 feet to the Northeast corner of said Section 29; thence South 01 degrees 50 minutes 26 seconds East along the East line of said Northeast One-Quarter a distance of 1052.00 feet; thence leaving said East line South 88 degrees 09 minutes 34 seconds West, a distance of 1046.29 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 50 degrees 12 minutes 53 seconds, a chord bearing of North 66 degrees 43 minutes 59 seconds West, and an arc length of 262.92 feet; thence North 41 degrees 37 minutes 53 seconds West, a distance of 111.94 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of South 48 degrees 22 minutes 27 seconds West, a radius of 500.00 feet, a central angle of 40 degrees 17 minutes 16 seconds, a chord bearing of South 68 degrees 31 minutes 05 seconds West, and an arc length of 351.58 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 577.23 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of South 69 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 1791.94 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 39 degrees 59 minutes 41 seconds East, a distance of 1119.42 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 814.47 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 815.43 feet to the Point of Beginning, and containing 100.3990 acres, more or less.

BENCH MARK:

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles West of the intersection of 175th Street and Hedge Lane.

EL = 1042.06

DEVELOPER:

GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223

913-732-4778
INFO@GRATA.LAND

0 200' 400'
SCALE: 1" = 200'

SCHLAGEL
PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14920 W. 107TH STREET • OLATHE, KANSAS 66061-8215
(913) 492-5158 • Fax: (913) 492-8400
WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificates of Authority
#E-208 #LA-29 #LS-54

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

REVISION	DATE	DESCRIPTION
1	1-23-2020	CITY COMMENTS
2	2-10-2020	CITY COMMENTS
3	2-12-2020	CITY COMMENTS
4	2-18-2020	CITY COMMENTS
5	3-9-2020	CITY COMMENTS
6		
7		
8		

DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 18-226

ZONING EXHIBIT

Z-1

GARDNER KANSAS
Blazing New Trails
BUSINESS & ECONOMIC DEVELOPMENT

February 4, 2019

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, February 25, 2020, beginning at 7:00 p.m.,** in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

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

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

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

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Written comments are welcome and encouraged.

A complete legal description for this property is available at the City of Gardner Business & Economic Development Department at Gardner City Hall, 120 E. Main Street, Monday - Friday from 8:00 a.m. - 5:00 p.m. If you have questions relating to this matter, please contact me at 913-856-0909.

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

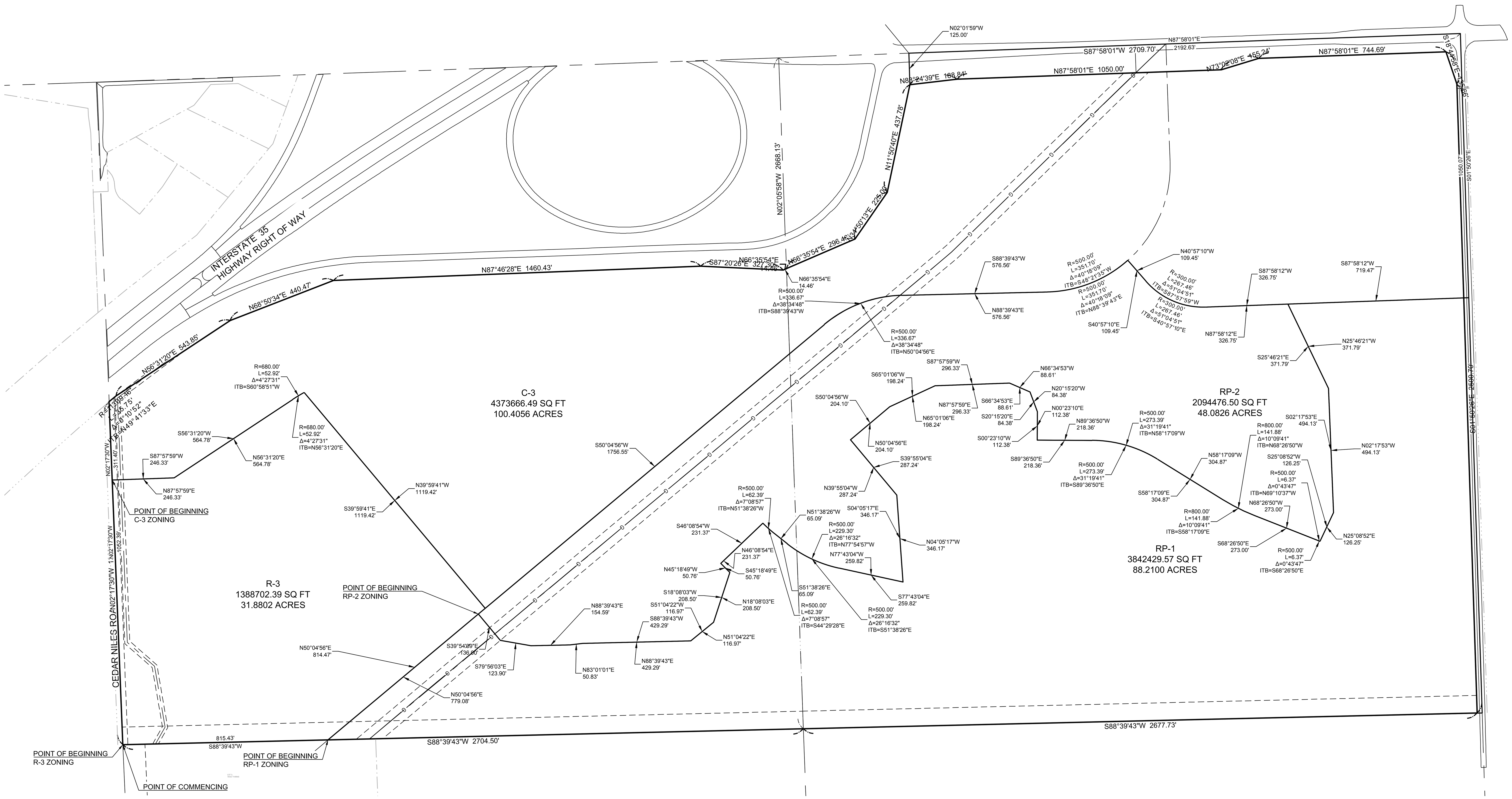
PLEASE NOTE: If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

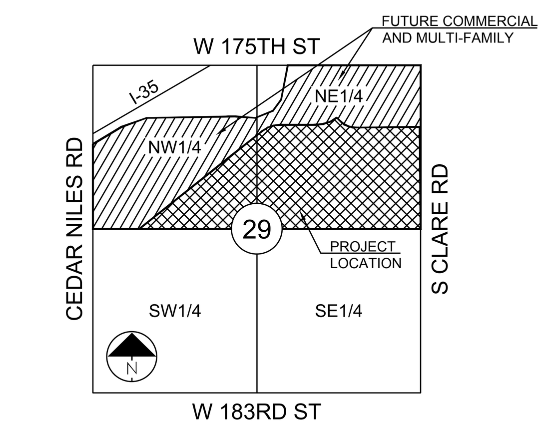
Sincerely,

Michelle Leininger

Michelle Leininger, AICP
Principal Planner

Enclosure





SECTION 14-23-29

LOCATION MAP
SCALE 1" = 2000'

RP-1 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet to the POINT OF BEGINNING; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet; thence South 39 degrees 54 minutes 09 seconds East, a distance of 136.00 feet; thence South 79 degrees 56 minutes 03 seconds East, a distance of 123.90 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 154.59 feet; thence North 83 degrees 01 minutes 01 seconds East, a distance of 50.83 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 429.29 feet; thence North 51 degrees 04 minutes 22 seconds East, a distance of 116.97 feet; thence North 18 degrees 08 minutes 03 seconds East, a distance of 208.50 feet; thence North 45 degrees 18 minutes 49 seconds West, a distance of 50.76 feet; thence North 46 degrees 08 minutes 54 seconds East, a distance of 231.37 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 44 degrees 29 minutes 28 seconds East, a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds, a chord bearing of South 48 degrees 03 minutes 57 seconds East, and an arc length of 62.39 feet; thence South 51 degrees 38 minutes 26 seconds East, a distance of 65.09 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds , a chord bearing of South 64 degrees 46 minutes 42 seconds East, and an arc length of 229.30 feet; thence South 77 degrees 43 minutes 04 seconds East, a distance of 259.82 feet; thence North 04 degrees 05 minutes 17 seconds West, a distance of 346.17 feet; thence North 39 degrees 55 minutes 04 seconds West, a distance of 287.24 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 204.10 feet; thence North 65 degrees 01 minutes 06 seconds East, a distance of 198.24 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 296.33 feet; thence South 66 degrees 34 minutes 53 seconds East, a distance of 88.61 feet; thence South 20 degrees 15 minutes 20 seconds East, a distance of 84.38 feet; thence South 00 degrees 23 minutes 10 seconds West, a distance of 112.38 feet; thence South 89 degrees 36 minutes 50 seconds East, a distance of 218.36 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of South 73 degrees 57 minutes 00 seconds East, and an arc length of 273.39 feet; thence South 58 degrees 17 minutes 09 seconds East, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of South 63 degrees 22 minutes 00 seconds East, and an arc length of 141.88 feet; thence South 68 degrees 26 minutes 50 seconds East, a distance of 273.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of South 68 degrees 48 minutes 44 seconds East, and an arc length of 6.37 feet; thence North 25 degrees 08 minutes 52 seconds East, a distance of 126.25 feet; thence North 02 degrees 17 minutes 53 seconds West, a distance of 494.13 feet; thence North 25 degrees 46 minutes 21 seconds West, a distance of 371.79 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 719.47 feet to a point on the East line of the Northeast One-Quarter of said Section 29; thence South 01 degrees 50 minutes 26 seconds East, along said East line a distance of 1650.81 feet to the Southeast corner of said Section 29; thence South 88 degrees 39 minutes 43 seconds West, along the South line of said Northeast One-Quarter, a distance of 2697.73 feet to the Southwest corner of said Northeast One-Quarter; thence South 88 degrees 39 minutes 43 seconds West, along the South line of said Northwest One-Quarter, a distance of 1889.07 feet to the Point of Beginning, and containing 88.2100 acres, more or less.

RP-2 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet to the POINT OF BEGINNING; thence continuing North 50 degrees 04 minutes 56 seconds East, a distance of 1791.94 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of North 69 degrees 22 minutes 20 seconds East, and an arc length of 336.67 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 576.56 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 40 degrees 18 minutes 09 seconds, a chord bearing of North 68 degrees 30 minutes 39 seconds East, and an arc length of 351.70 feet; thence South 40 degrees 57 minutes 10 seconds East, a distance of 109.45 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 300.00 feet, a central angle of 51 degrees 04 minutes 51 seconds, a chord bearing of South 66 degrees 29 minutes 36 seconds East, and an arc length of 267.46 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 326.75 feet; thence South 25 degrees 46 minutes 21 seconds East, a distance of 371.79 feet; thence South 02 degrees 17 minutes 53 seconds East, a distance of 494.13 feet; thence South 25 degrees 08 minutes 52 seconds West, a distance of 126.25 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 69 degrees 10 minutes 37 seconds West, a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of North 68 degrees 48 minutes 44 seconds West, and an arc length of 6.37 feet; thence North 68 degrees 26 minutes 50 seconds West, a distance of 273.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of North 63 degrees 22 minutes 00 seconds West, and an arc length of 141.88 feet; thence North 58 degrees 17 minutes 09 seconds West, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of North 73 degrees 57 minutes 00 seconds West, and an arc length of 273.39 feet; thence North 89 degrees 36 minutes 50 seconds West, a distance of 218.36 feet; thence North 00 degrees 23 minutes 10 seconds East, a distance of 112.38 feet; thence North 20 degrees 15 minutes 20 seconds West, a distance of 84.38 feet; thence North 66 degrees 34 minutes 53 seconds West, a distance of 88.61 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 296.33 feet; thence South 65 degrees 01 minutes 06 seconds West, a distance of 198.24 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 204.10 feet; thence South 39 degrees 55 minutes 04 seconds East, a distance of 287.24 feet; thence South 04 degrees 05 minutes 17 seconds East, a distance of 346.17 feet; thence North 77 degrees 43 minutes 04 seconds West, a distance of 259.82 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 77 degrees 54 minutes 57 seconds West, a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds, a chord bearing of North 64 degrees 46 minutes 42 seconds West, and an arc length of 229.30 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds , a chord bearing of North 48 degrees 03 minutes 57 seconds West, and an arc length of 62.39 feet; thence South 46 degrees 08 minutes 54 seconds West, a distance of 231.37 feet; thence South 45 degrees 18 minutes 49 seconds East, a distance of 50.76 feet; thence South 18 degrees 08 minutes 03 seconds West, a distance of 208.50 feet; thence South 51 degrees 04 minutes 22 seconds West, a distance of 116.97 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 429.29 feet; thence South 83 degrees 01 minutes 01 seconds West, a distance of 50.83 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 154.59 feet; thence North 79 degrees 56 minutes 03 seconds West, a distance of 123.90 feet; thence North 39 degrees 54 minutes 09 seconds West, a distance of 136.00 feet to the Point of Beginning, and containing 48.0826 acres, more or less.

R-3 LEGAL DESCRIPTION

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

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

C-3 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence continuing along said West line North 02 degrees 17 minutes 30 seconds West, a distance of 311.40 feet to a point on the South line of Interstate Highway I-35 Right-of-way as now established, said point also being a point of curvature; thence Northeasterly along said South right-of way line on a curve to the right, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 11309.16 feet, a central angle of 00 degrees 10 minutes 52 seconds, a chord bearing of North 49 degrees 46 minutes 59 seconds East, and an arc length of 35.75 feet; thence continuing along said South Right-of-Way for the next eight courses, North 56 degrees 31 minutes 20 seconds East, a distance of 543.85 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 14.46 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 296.48 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 01 minutes 59 seconds West, a distance of 125.00 feet to a point on the North line of the Northeast One-Quarter of Section 29-T14S, R23E; thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 2192.63 feet to the Northeast corner of said Section 29; thence South 01 degrees 50 minutes 26 seconds East along the East line of said Northeast One-Quarter a distance of 1050.07 feet; thence leaving said East line South 87 degrees 58 minutes 12 seconds West, a distance of 1046.22 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 51 degrees 04 minutes 51 seconds, a chord bearing of North 66 degrees 29 minutes 36 seconds West, and an arc length of 267.46 feet; thence North 40 degrees 57 minutes 10 seconds West, a distance of 109.45 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of South 48 degrees 21 minutes 35 seconds West, a radius of 500.00 feet, a central angle of 40 degrees 18 minutes 09 seconds, a chord bearing of South 68 degrees 30 minutes 39 seconds West, and an arc length of 351.70 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 576.56 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of South 69 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 1756.55 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1119.42 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.33 feet to the Point of Beginning, and containing 100.4056 acres, more or less.

BENCH MARK:

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles West of the intersection of 175th Street and Hedge Lane.
EL = 1042.06

SCALE: 1" = 200'

DEVELOPER:

GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223

913-732-4778
INFO@GRATA.LAND

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PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

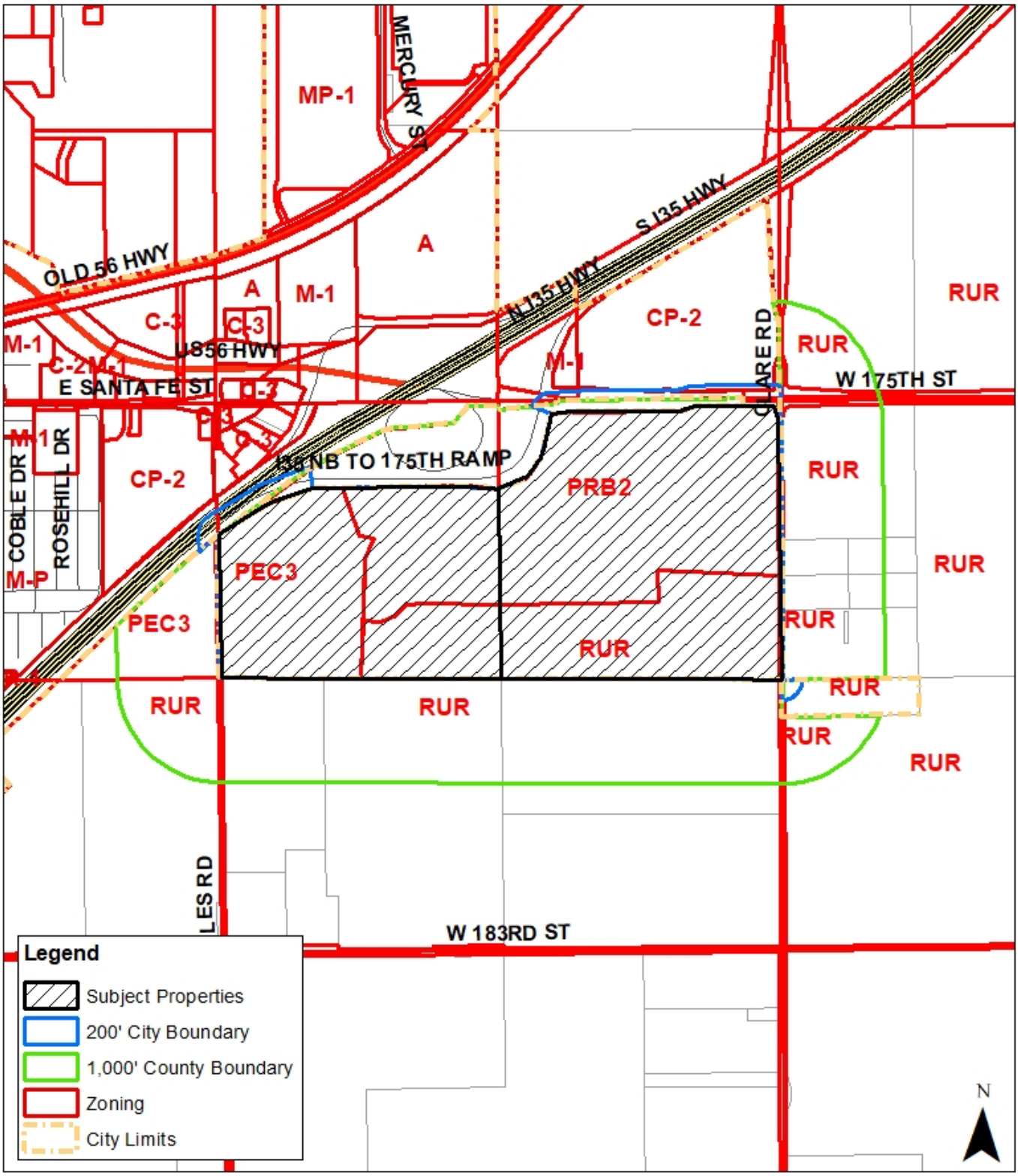
PRAIRIE TRACE
PRELIMINARY PLAT
I-35 & 175TH STREET GARDNER, KS

REVISION DATE	DESCRIPTION
1-23-2020	CITY COMMENTS

DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 18-226

ZONING EXHIBIT

Z-1



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

Map Date: 2/4/20

JOHNSON COUNTY
KANSAS
Planning, Development & Codes

March 6, 2020

To: Michelle Leininger, City of Gardner

From: Sean Pendley, Johnson County Planning Department

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

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

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

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

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

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

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

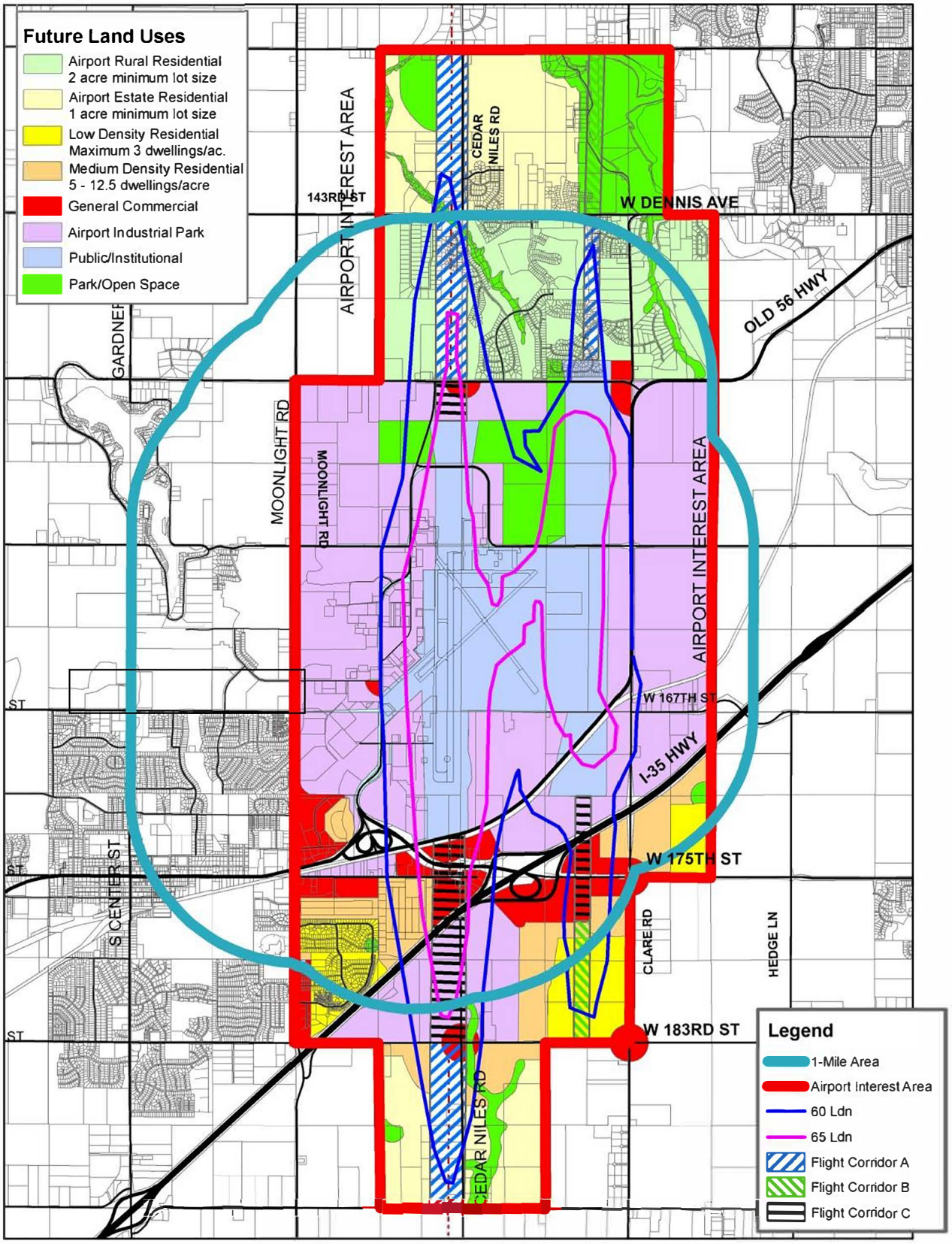
Please note, if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, then county staff anticipates recommending that the Board grant conditional zoning approval, made subject to subsequent compliance with the above-referenced conditions.

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

Respectfully,

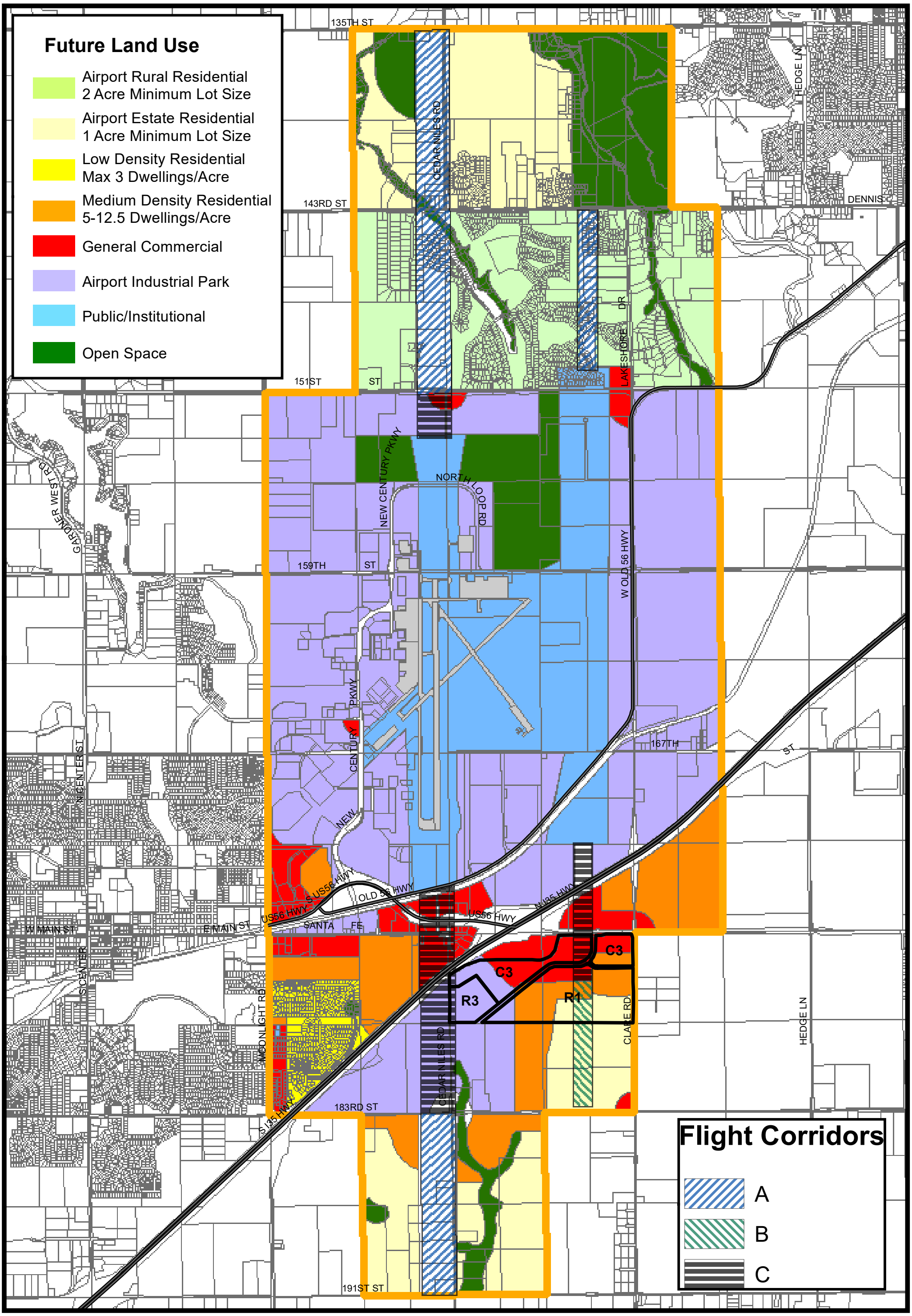
Sean Pendley, AICP
Deputy Director of Planning

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

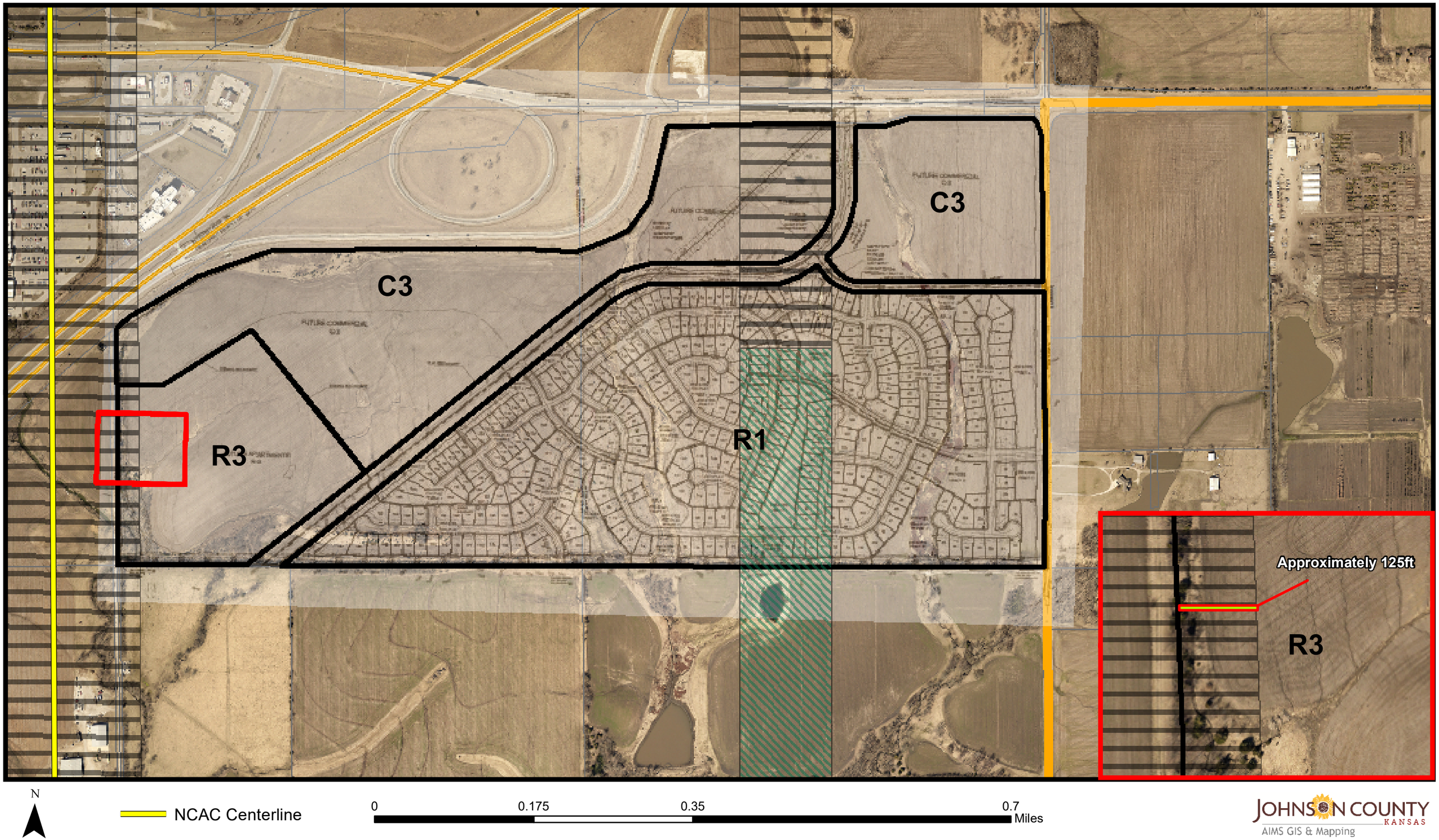


REPLICA OF NCAC FUTURE LAND USE MAP

New Century Airport



Prarie Trace (Proposed)



PLANNING COMMISSION STAFF REPORT — NEW BUSINESS ITEM NO. 2B
MEETING DATE: MARCH 24, 2020
PREPARED BY: KELLY DRAKE WOODWARD, AICP, CHIEF PLANNER

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

PROCESS INFORMATION

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

APPLICATION INFORMATION

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

REQUESTED ACTION

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

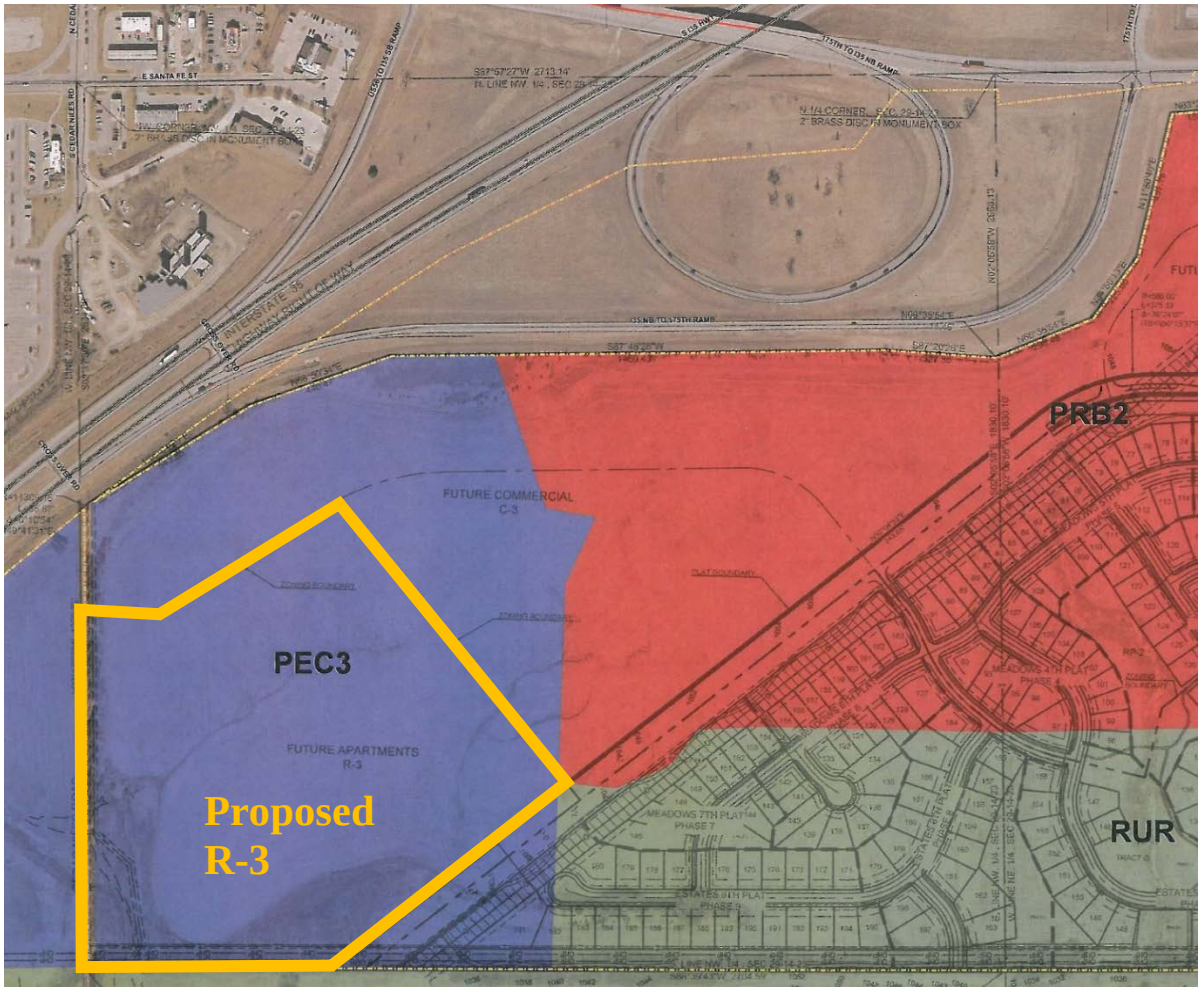
EXISTING ZONING AND LAND USE

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

SURROUNDING ZONING AND LAND USE

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

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

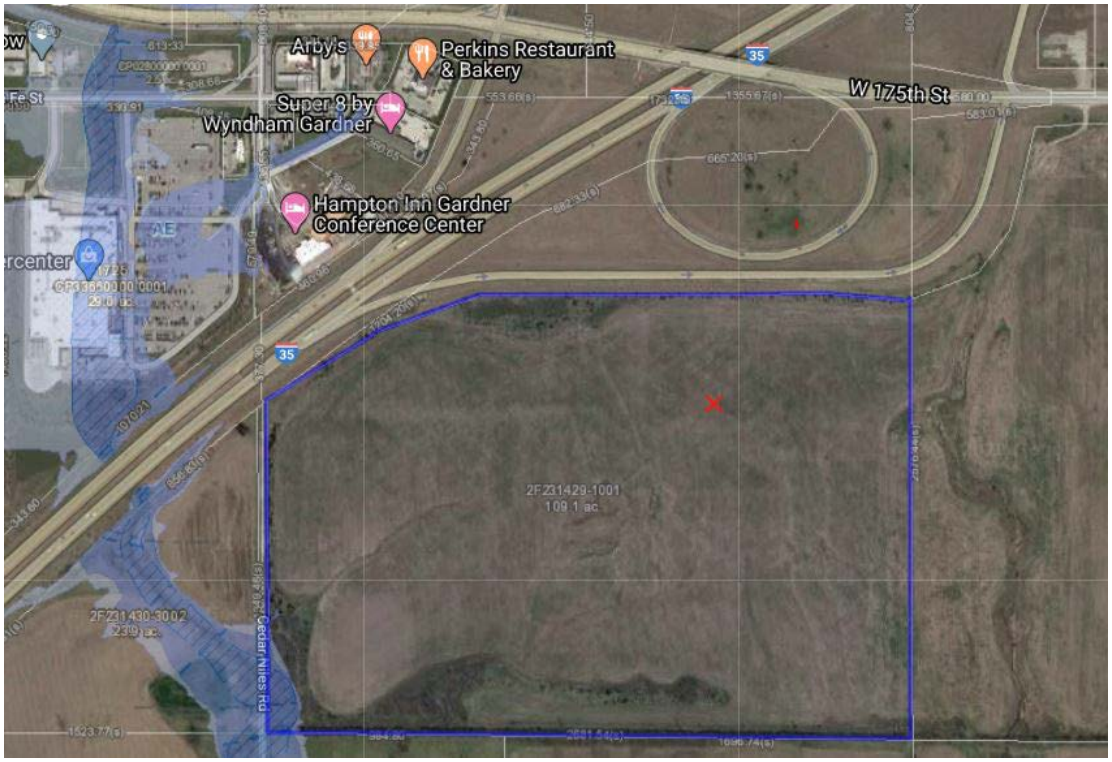


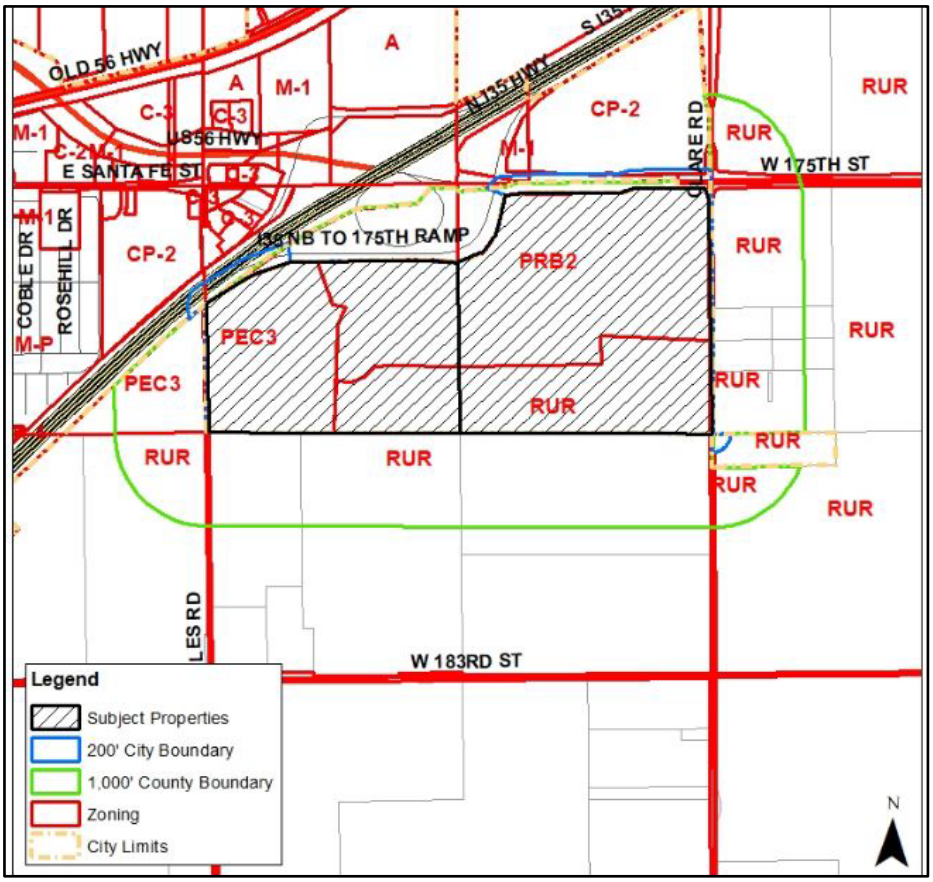
EXISTING CONDITIONS

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

BACKGROUND / HISTORY

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


Arby's
Perkins Restaurant & Bakery
Super 8 by Wyndham Gardner
Hampton Inn Gardner Conference Center
W 175th St
35
2F231429-1001
109.1 ac
2F231430-3002
23.9 ac
Cedar Niles Rd


OLD 56 HWY
S I35
N I35 HWY
A
M-1
C-3
C-2
US56 HWY
E SANTA FE ST
CP-2
RUR
GLARE RD
W 175TH ST
I35 NB TO 175TH RAMP
PRB2
PEC3
COBLE DR
ROSEHILL DR
M-P
LES RD
W 183RD ST
Legend
Subject Properties
200' City Boundary
1,000' County Boundary
Zoning
City Limits
N

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

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

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

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

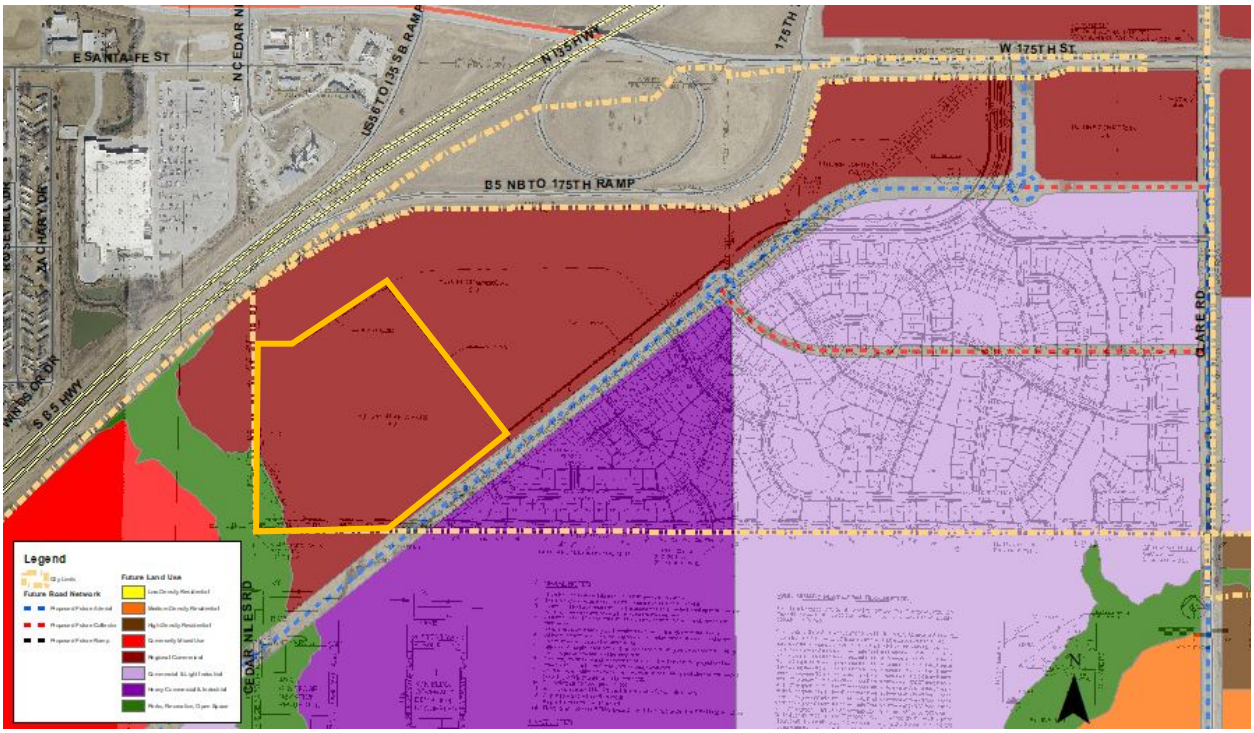
With regard to the subject property, the County is concerned with the following:

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

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

CONSISTENCY WITH COMPREHENSIVE PLAN

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



Regional Commercial is described as follows:

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

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

- *Intensity: Medium-High*

- *Zoning Districts: C-2 General Business District, CP-2 – Planned General Business District, C-3 Heavy Commercial District, CP-3 Planned Heavy Commercial District; M-1 Restricted Industrial District, MP-1 Planned Restricted Industrial District.*

- *Building Types: Small Commercial – Storefront, Small Commercial/Pad Site, Mixed-Use, General Commercial, Large Commercial, Prominent Civic, Small Civic, Small Industrial/Workshop, General Industrial*

- *Primary Uses: Assembly, cultural and public service, school, open/civic space, residential care, retail, grocery, outdoor sales, convenience store/fuel station, animal care, food and beverage, heath care, lodging, office, personal services, recreation/entertainment, vehicle/equipment service and repair, manufacturing – limited/artisan, light, and general, commercial storage, animal care, freight and distribution – light, vehicle equipment service repair – limited, general, and heavy, public utility facility – minor*

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

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

STAFF ANALYSIS - ZONING

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request. This request is for a rezoning to a base zoning district, and thus is not accompanied by a development plan or a plat at this time. The review must consider all potential uses that could occur within the proposed zoning district, although the applicant plans to develop the site with an apartment development.

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

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

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

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

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

ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

7. The recommendations of professional staff;

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

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

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

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

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

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

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

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

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

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

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

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

ATTACHMENTS

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

ACTIONS

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

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

EFFECT OF DECISION

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

RECOMMENDATION

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

Recommended Motion:

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

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

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

GARDNER KANSAS

RECEIVED
JAN 10 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 _____
Fee $750.00 ✓
File No. Z-20-02

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

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

SITE INFORMATION

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

Please indicate a reason for the request:
see attached narrative.

SIGNATURE

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

Signature(s): _____ Date 12/27/19
_____ Date _____

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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
		5. Preliminary Development Plan application and plans (if rezoning to a planned development)

Please respond to the following statements:

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

see attached narrative.

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

see attached narrative.

I hereby submit all information required for rezoning application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.

Signature of Applicant

12/27/19
Date

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

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

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

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding property located at 175th St & I-35 (no address) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation 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 Johnson Kansas
COUNTY OF Johnson

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

My Commission Expires: MARCIA K. BERGIN Notary Public, State of Kansas My Appointment Expires February 23, 2020

Notary Public

R-3 LEGAL DESCRIPTION

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

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

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

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

1. "**Anticipated relationship of proposed zoning to economic development or public health, safety and welfare"**
    a. **Multi-Family**: The proposed Multi-family project is designed to bring much needed quality workforce housing to the area. There is a significant need for workforce housing in the area and a project of this scale would be significant in reducing the current shortage. Highway visibility as well as accessibility make this an ideal location for attracting new residents to the area.
    b. **Commercial:** The interstate accessibility and visibility of the commercial element of this project make it ideal to attract sales and the subsequent tax revenue from non-residents as they travel along I-35. Additionally, this project will bring more options to the current citizens of Gardner. As the other residential elements of the development mature, the area will see additional retail options of increasing quality and variety.
2. "**Anticipated impact of zoning/use on existing public infrastructure"**
    a. **Multi-Family:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brough to the site by the applicant. The extension of these utilities will set the table for future development in the area by brining utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.
    b. **Commercial:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brough to the site by the applicant. The extension of these utilities will set the table for future development in the area by brining utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.

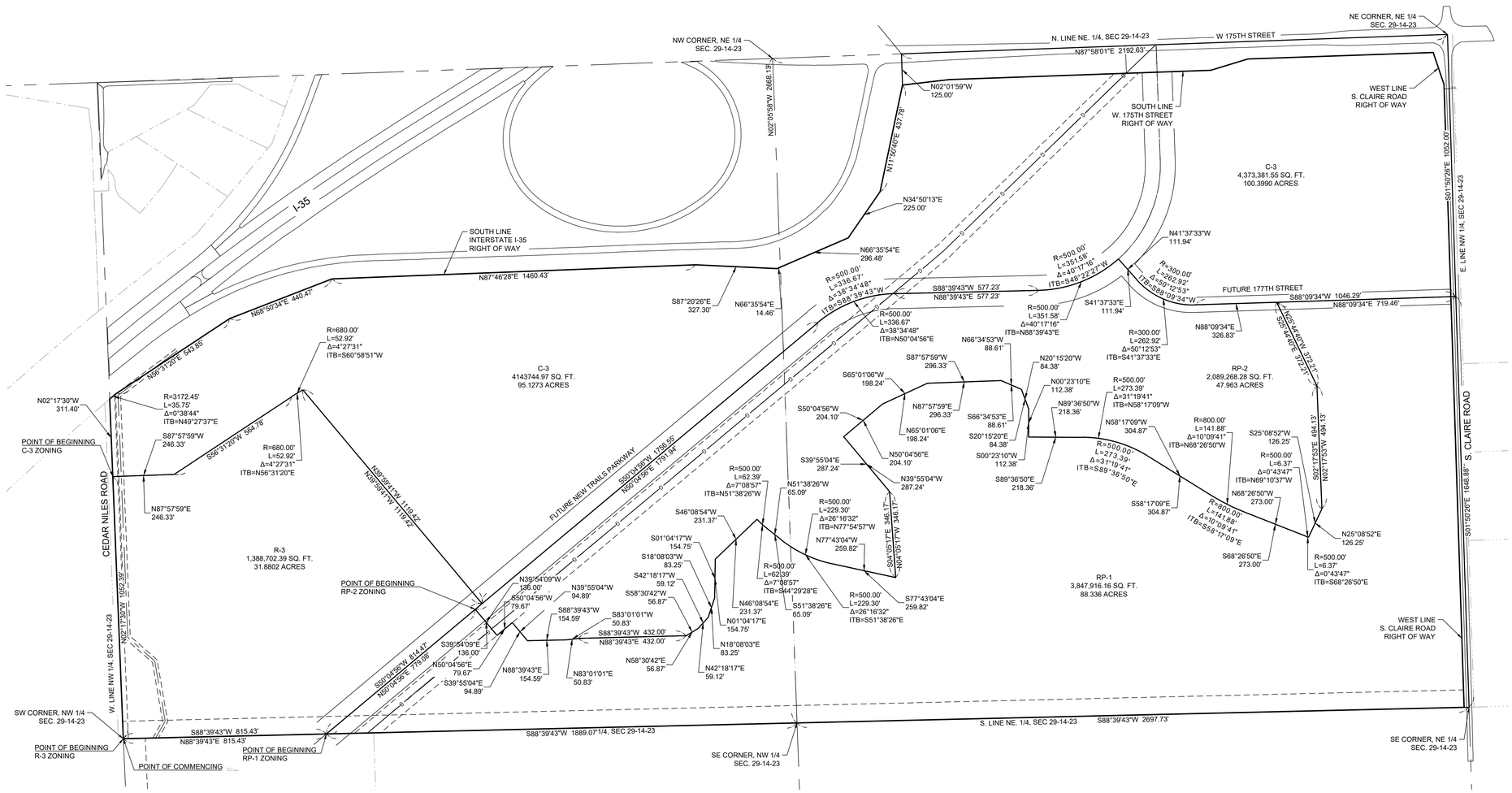
Thank you,

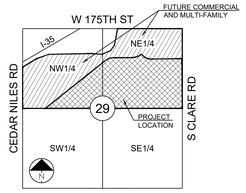
Travis Schram

R-3 LEGAL DESCRIPTION

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

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





SECTION 29-14-23

LOCATION MAP

SCALE 1" = 2000'

RP-1 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet to the POINT OF BEGINNING; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet; thence South 39 degrees 54 minutes 09 seconds East, a distance of 136.00 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 79.67 feet; thence South 39 degrees 55 minutes 04 seconds East, a distance of 94.89 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 154.59 feet; thence North 83 degrees 01 minutes 01 seconds East, a distance of 50.83 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 432.00 feet; thence North 58 degrees 30 minutes 42 seconds East, a distance of 56.87 feet; thence North 18 degrees 08 minutes 03 seconds East, a distance of 83.25 feet; thence North 01 degrees 04 minutes 17 seconds East, a distance of 154.75 feet; thence North 46 degrees 08 minutes 54 seconds East, a distance of 231.37 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 44 degrees 29 minutes 28 seconds East, a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds, a chord bearing of South 48 degrees 03 minutes 57 seconds East, and an arc length of 62.39 feet; thence South 51 degrees 38 minutes 26 seconds East, a distance of 65.09 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds , a chord bearing of South 64 degrees 46 minutes 42 seconds East, and an arc length of 229.30 feet; thence South 77 degrees 43 minutes 04 seconds East, a distance of 259.82 feet; thence North 04 degrees 05 minutes 17 seconds West, a distance of 346.17 feet; thence North 39 degrees 55 minutes 04 seconds West, a distance of 287.24 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 204.10 feet; thence North 65 degrees 01 minutes 06 seconds East, a distance of 198.24 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 296.33 feet; thence South 66 degrees 34 minutes 53 seconds East, a distance of 88.61 feet; thence South 20 degrees 15 minutes 20 seconds East, a distance of 84.38 feet; thence South 00 degrees 23 minutes 10 seconds West, a distance of 112.38 feet; thence South 89 degrees 36 minutes 50 seconds East, a distance of 218.36 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of South 73 degrees 57 minutes 00 seconds East, and an arc length of 273.39 feet; thence South 58 degrees 17 minutes 09 seconds East, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of South 63 degrees 22 minutes 00 seconds East, and an arc length of 141.88 feet; thence South 68 degrees 26 minutes 50 seconds East, a distance of 273.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of South 68 degrees 48 minutes 44 seconds East, and an arc length of 6.37 feet; thence North 25 degrees 08 minutes 52 seconds East, a distance of 126.25 feet; thence North 02 degrees 17 minutes 53 seconds West, a distance of 494.13 feet; thence North 25 degrees 44 minutes 40 seconds West, a distance of 372.21 feet; thence North 88 degrees 09 minutes 34 seconds East, a distance of 719.46 feet to a point on the East line of the Northeast One-Quarter of said Section 29; thence South 01 degrees 50 minutes 26 seconds East, along said East line a distance of 1648.88 feet to the Southeast Corner of the Northeast One-Quarter of said Section 29; thence South 88 degrees 39 minutes 43 seconds West, along the South line of said Northeast One-Quarter, a distance of 2697.73 feet to the Southeast corner of the Northwest One-Quarter of said Section 29; thence South 88 degrees 39 minutes 43 seconds West, along the South line of the Northwest One-Quarter of said Section 29, a distance of 1889.07 feet to the Point of Beginning, and containing 88.336 acres, more or less.

RP-2 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet to the POINT OF BEGINNING; thence continuing North 50 degrees 04 minutes 56 seconds East, a distance of 1791.94 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of North 69 degrees 22 minutes 20 seconds East, and an arc length of 336.67 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 577.23 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 40 degrees 17 minutes 16 seconds, a chord bearing of North 68 degrees 31 minutes 05 seconds East, and an arc length of 351.58 feet; thence South 41 degrees 37 minutes 33 seconds East, a distance of 111.94 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 300.00 feet, a central angle of 50 degrees 12 minutes 53 seconds, a chord bearing of South 66 degrees 43 minutes 59 seconds East, and an arc length of 262.92 feet; thence North 88 degrees 09 minutes 34 seconds East, a distance of 326.83 feet; thence South 25 degrees 44 minutes 40 seconds East, a distance of 372.21 feet; thence South 02 degrees 17 minutes 53 seconds East, a distance of 494.13 feet; thence South 25 degrees 08 minutes 52 seconds West, a distance of 126.25 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 89 degrees 10 minutes 37 seconds West, a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of North 68 degrees 48 minutes 44 seconds West, and an arc length of 6.37 feet; thence North 68 degrees 26 minutes 50 seconds West, a distance of 273.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of North 63 degrees 22 minutes 00 seconds West, and an arc length of 141.88 feet; thence North 58 degrees 17 minutes 09 seconds West, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of North 73 degrees 57 minutes 00 seconds West, and an arc length of 273.39 feet; thence North 89 degrees 36 minutes 50 seconds West, a distance of 218.36 feet; thence North 00 degrees 23 minutes 10 seconds East, a distance of 112.38 feet; thence North 20 degrees 15 minutes 20 seconds West, a distance of 84.38 feet; thence North 66 degrees 34 minutes 53 seconds West, a distance of 88.61 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 296.33 feet; thence South 65 degrees 01 minutes 06 seconds West, a distance of 198.24 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 204.10 feet; thence South 39 degrees 55 minutes 04 seconds East, a distance of 287.24 feet; thence South 04 degrees 05 minutes 17 seconds East, a distance of 346.17 feet; thence North 77 degrees 43 minutes 04 seconds West, a distance of 259.82 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 77 degrees 54 minutes 57 seconds West, a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds, a chord bearing of North 64 degrees 46 minutes 42 seconds West, and an arc length of 229.30 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds , a chord bearing of North 48 degrees 03 minutes 57 seconds West, and an arc length of 62.39 feet; thence South 46 degrees 08 minutes 54 seconds West, a distance of 231.37 feet; thence North 01 degrees 04 minutes 17 seconds West, a distance of 154.75 feet; thence South 18 degrees 08 minutes 03 seconds West, a distance of 83.25 feet; thence South 42 degrees 18 minutes 17 seconds West, a distance of 59.12 feet; thence South 58 degrees 30 minutes 42 seconds West, a distance of 56.87 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 432.00 feet; thence South 83 degrees 01 minutes 01 seconds West, a distance of 50.83 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 154.59 feet; North 39 degrees 55 minutes 04 seconds West, a distance of 94.89 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 79.67 feet; thence North 39 degrees 54 minutes 09 seconds West, a distance of 136.00 to the Point of Beginning, and containing 47.963 acres, more or less.

R-3 LEGAL DESCRIPTION

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

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

C-3 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence continuing along said West line North 02 degrees 17 minutes 30 seconds West, a distance of 311.40 feet to a point on the South line of Interstate Highway I-35 Right-of-way as now established, said point also being a point of curvature; thence Northeasterly along said South right-of way line on a curve to the right, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 11309.16 feet, a central angle of 00 degrees 10 minutes 52 seconds, a chord bearing of North 49 degrees 46 minutes 59 seconds East, and an arc length of 35.75 feet; thence continuing along said South Right-of-Way for the next eight courses, North 56 degrees 31 minutes 20 seconds East, a distance of 543.85 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 14.46 feet to a point on the East line of the Northwest One-Quarter of said Section 29; thence continuing North 66 degrees 35 minutes 54 seconds East, a distance of 296.48 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 01 minutes 59 seconds West, a distance of 125.00 feet to a point on the North line of the Northeast One-Quarter of said Section 29; thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 2192.63 feet to the Northeast corner of said Section 29; thence South 01 degrees 50 minutes 26 seconds East along the East line of said Northeast One-Quarter a distance of 1052.00 feet; thence leaving said East line South 88 degrees 09 minutes 34 seconds West, a distance of 1046.29 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 50 degrees 12 minutes 53 seconds, a chord bearing of North 66 degrees 43 minutes 59 seconds West, and an arc length of 262.92 feet; thence North 41 degrees 37 minutes 53 seconds West, a distance of 111.94 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of South 48 degrees 22 minutes 27 seconds West, a radius of 500.00 feet, a central angle of 40 degrees 17 minutes 16 seconds, a chord bearing of South 68 degrees 31 minutes 05 seconds West, and an arc length of 351.58 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 577.23 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of South 69 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 1791.94 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 39 degrees 59 minutes 41 seconds East, a distance of 1119.42 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 814.47 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 815.43 feet to the Point of Beginning, and containing 100.3990 acres, more or less.

BENCH MARK:

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles West of the intersection of 175th Street and Hedge Lane.

EL = 1042.06

DEVELOPER:

GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223

913-732-4778
INFO@GRATA.LAND

0 200' 400'
SCALE: 1" = 200'

SCHLAGEL
PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14920 W. 107TH STREET • OLATHE, KANSAS 66061-8215
(913) 492-5158 • Fax: (913) 492-8400
WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificates of Authority
#E-208 #LA-29 #LS-54

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

REVISION	DATE	DESCRIPTION
1	1-23-2020	CITY COMMENTS
2	2-10-2020	CITY COMMENTS
3	2-12-2020	CITY COMMENTS
4	2-18-2020	CITY COMMENTS
5	3-9-2020	CITY COMMENTS
6		
7		
8		

DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 18-226

ZONING EXHIBIT

Z-1

GARDNER KANSAS
Blazing New Trails
BUSINESS & ECONOMIC DEVELOPMENT

February 4, 2019

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, February 25, 2020, beginning at 7:00 p.m.,** in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

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

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

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

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Written comments are welcome and encouraged.

A complete legal description for this property is available at the City of Gardner Business & Economic Development Department at Gardner City Hall, 120 E. Main Street, Monday - Friday from 8:00 a.m. - 5:00 p.m. If you have questions relating to this matter, please contact me at 913-856-0909.

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

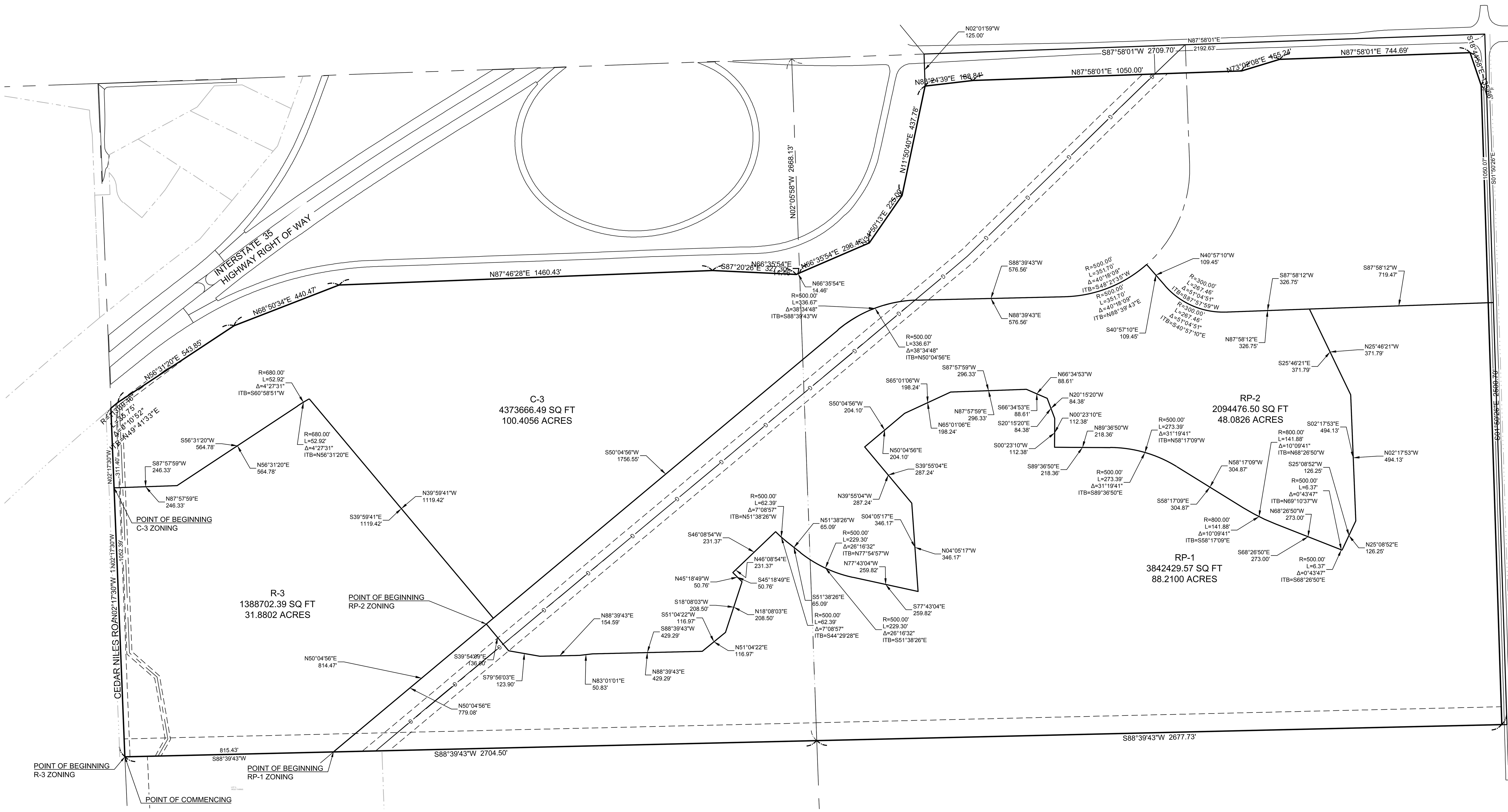
PLEASE NOTE: If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

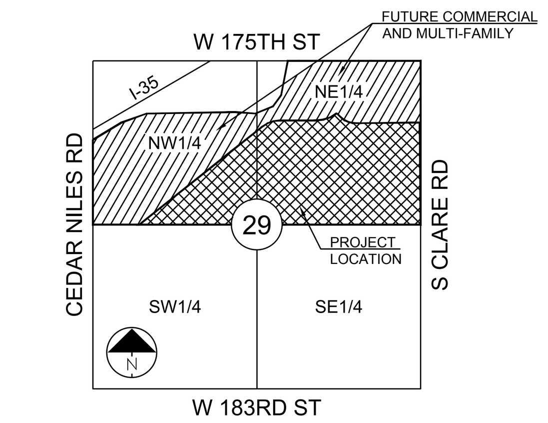
Sincerely,

Michelle Leininger

Michelle Leininger, AICP
Principal Planner

Enclosure





SECTION 14-23-29

LOCATION MAP

SCALE 1" = 2000'

RP-1 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet to the POINT OF BEGINNING; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet; thence South 39 degrees 54 minutes 09 seconds East, a distance of 136.00 feet; thence South 79 degrees 56 minutes 03 seconds East, a distance of 123.90 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 154.59 feet; thence North 83 degrees 01 minutes 01 seconds East, a distance of 50.83 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 429.29 feet; thence North 51 degrees 04 minutes 22 seconds East, a distance of 116.97 feet; thence North 18 degrees 08 minutes 03 seconds East, a distance of 208.50 feet; thence North 45 degrees 18 minutes 49 seconds West, a distance of 50.76 feet; thence North 46 degrees 08 minutes 54 seconds East, a distance of 231.37 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 44 degrees 29 minutes 28 seconds East, a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds, a chord bearing of South 48 degrees 03 minutes 57 seconds East, and an arc length of 62.39 feet; thence South 51 degrees 38 minutes 26 seconds East, a distance of 65.09 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds , a chord bearing of South 64 degrees 46 minutes 42 seconds East, and an arc length of 229.30 feet; thence South 77 degrees 43 minutes 04 seconds East, a distance of 259.82 feet; thence North 04 degrees 05 minutes 17 seconds West, a distance of 346.17 feet; thence North 39 degrees 55 minutes 04 seconds West, a distance of 287.24 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 204.10 feet; thence North 65 degrees 01 minutes 06 seconds East, a distance of 198.24 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 296.33 feet; thence South 66 degrees 34 minutes 53 seconds East, a distance of 88.61 feet; thence South 20 degrees 15 minutes 20 seconds East, a distance of 84.38 feet; thence South 00 degrees 23 minutes 10 seconds West, a distance of 112.38 feet; thence South 89 degrees 36 minutes 50 seconds East, a distance of 218.36 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of South 73 degrees 57 minutes 00 seconds East, and an arc length of 273.39 feet; thence South 58 degrees 17 minutes 09 seconds East, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of South 63 degrees 22 minutes 00 seconds East, and an arc length of 141.88 feet; thence South 68 degrees 26 minutes 50 seconds East, a distance of 273.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of South 68 degrees 48 minutes 44 seconds East, and an arc length of 6.37 feet; thence North 25 degrees 08 minutes 52 seconds East, a distance of 126.25 feet; thence North 02 degrees 17 minutes 53 seconds West, a distance of 494.13 feet; thence North 25 degrees 46 minutes 21 seconds West, a distance of 371.79 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 719.47 feet to a point on the East line of the Northeast One-Quarter of said Section 29; thence South 01 degrees 50 minutes 26 seconds East, along said East line a distance of 1650.81 feet to the Southeast corner of said Section 29; thence South 88 degrees 39 minutes 43 seconds West, along the South line of said Northeast One-Quarter, a distance of 2697.73 feet to the Southwest corner of said Northeast One-Quarter; thence South 88 degrees 39 minutes 43 seconds West, along the South line of said Northwest One-Quarter, a distance of 1889.07 feet to the Point of Beginning, and containing 88.2100 acres, more or less.

RP-2 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet to the POINT OF BEGINNING; thence continuing North 50 degrees 04 minutes 56 seconds East, a distance of 1791.94 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of North 69 degrees 22 minutes 20 seconds East, and an arc length of 336.67 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 576.56 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 40 degrees 18 minutes 09 seconds, a chord bearing of North 68 degrees 30 minutes 39 seconds East, and an arc length of 351.70 feet; thence South 40 degrees 57 minutes 10 seconds East, a distance of 109.45 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 300.00 feet, a central angle of 51 degrees 04 minutes 51 seconds, a chord bearing of South 66 degrees 29 minutes 36 seconds East, and an arc length of 267.46 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 326.75 feet; thence South 25 degrees 46 minutes 21 seconds East, a distance of 371.79 feet; thence South 02 degrees 17 minutes 53 seconds East, a distance of 494.13 feet; thence South 25 degrees 08 minutes 52 seconds West, a distance of 126.25 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 69 degrees 10 minutes 37 seconds West, a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of North 68 degrees 48 minutes 44 seconds West, and an arc length of 6.37 feet; thence North 68 degrees 26 minutes 50 seconds West, a distance of 273.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of North 63 degrees 22 minutes 00 seconds West, and an arc length of 141.88 feet; thence North 58 degrees 17 minutes 09 seconds West, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of North 73 degrees 57 minutes 00 seconds West, and an arc length of 273.39 feet; thence North 89 degrees 36 minutes 50 seconds West, a distance of 218.36 feet; thence North 00 degrees 23 minutes 10 seconds East, a distance of 112.38 feet; thence North 20 degrees 15 minutes 20 seconds West, a distance of 84.38 feet; thence North 66 degrees 34 minutes 53 seconds West, a distance of 88.61 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 296.33 feet; thence South 65 degrees 01 minutes 06 seconds West, a distance of 198.24 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 204.10 feet; thence South 39 degrees 55 minutes 04 seconds East, a distance of 287.24 feet; thence South 04 degrees 05 minutes 17 seconds East, a distance of 346.17 feet; thence North 77 degrees 43 minutes 04 seconds West, a distance of 259.82 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 77 degrees 54 minutes 57 seconds West, a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds, a chord bearing of North 64 degrees 46 minutes 42 seconds West, and an arc length of 229.30 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds , a chord bearing of North 48 degrees 03 minutes 57 seconds West, and an arc length of 62.39 feet; thence South 46 degrees 08 minutes 54 seconds West, a distance of 231.37 feet; thence South 45 degrees 18 minutes 49 seconds East, a distance of 50.76 feet; thence South 18 degrees 08 minutes 03 seconds West, a distance of 208.50 feet; thence South 51 degrees 04 minutes 22 seconds West, a distance of 116.97 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 429.29 feet; thence South 83 degrees 01 minutes 01 seconds West, a distance of 50.83 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 154.59 feet; thence North 79 degrees 56 minutes 03 seconds West, a distance of 123.90 feet; thence North 39 degrees 54 minutes 09 seconds West, a distance of 136.00 feet to the Point of Beginning, and containing 48.0826 acres, more or less.

R-3 LEGAL DESCRIPTION

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

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

C-3 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence continuing along said West line North 02 degrees 17 minutes 30 seconds West, a distance of 311.40 feet to a point on the South line of Interstate Highway I-35 Right-of-way as now established, said point also being a point of curvature; thence Northeasterly along said South right-of way line on a curve to the right, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 11309.16 feet, a central angle of 00 degrees 10 minutes 52 seconds, a chord bearing of North 49 degrees 46 minutes 59 seconds East, and an arc length of 35.75 feet; thence continuing along said South Right-of-Way for the next eight courses, North 56 degrees 31 minutes 20 seconds East, a distance of 543.85 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 14.46 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 296.48 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 01 minutes 59 seconds West, a distance of 125.00 feet to a point on the North line of the Northeast One-Quarter of Section 29-T14S, R23E; thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 2192.63 feet to the Northeast corner of said Section 29; thence South 01 degrees 50 minutes 26 seconds East along the East line of said Northeast One-Quarter a distance of 1050.07 feet; thence leaving said East line South 87 degrees 58 minutes 12 seconds West, a distance of 1046.22 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 51 degrees 04 minutes 51 seconds, a chord bearing of North 66 degrees 29 minutes 36 seconds West, and an arc length of 267.46 feet; thence North 40 degrees 57 minutes 10 seconds West, a distance of 109.45 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of South 48 degrees 21 minutes 35 seconds West, a radius of 500.00 feet, a central angle of 40 degrees 18 minutes 09 seconds, a chord bearing of South 68 degrees 30 minutes 39 seconds West, and an arc length of 351.70 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 576.56 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of South 69 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 1756.55 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1119.42 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.33 feet to the Point of Beginning, and containing 100.4056 acres, more or less.

BENCH MARK:

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles West of the intersection of 175th Street and Hedge Lane.
EL = 1042.06

SCALE: 1" = 200'

DEVELOPER:

GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223

913-732-4778
INFO@GRATA.LAND

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14920 West 107th Street • Lenexa, Kansas 66215
(913) 492-5158 • Fax: (913) 492-8400
WWW.SCHLAGELASSOCIATES.COM

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

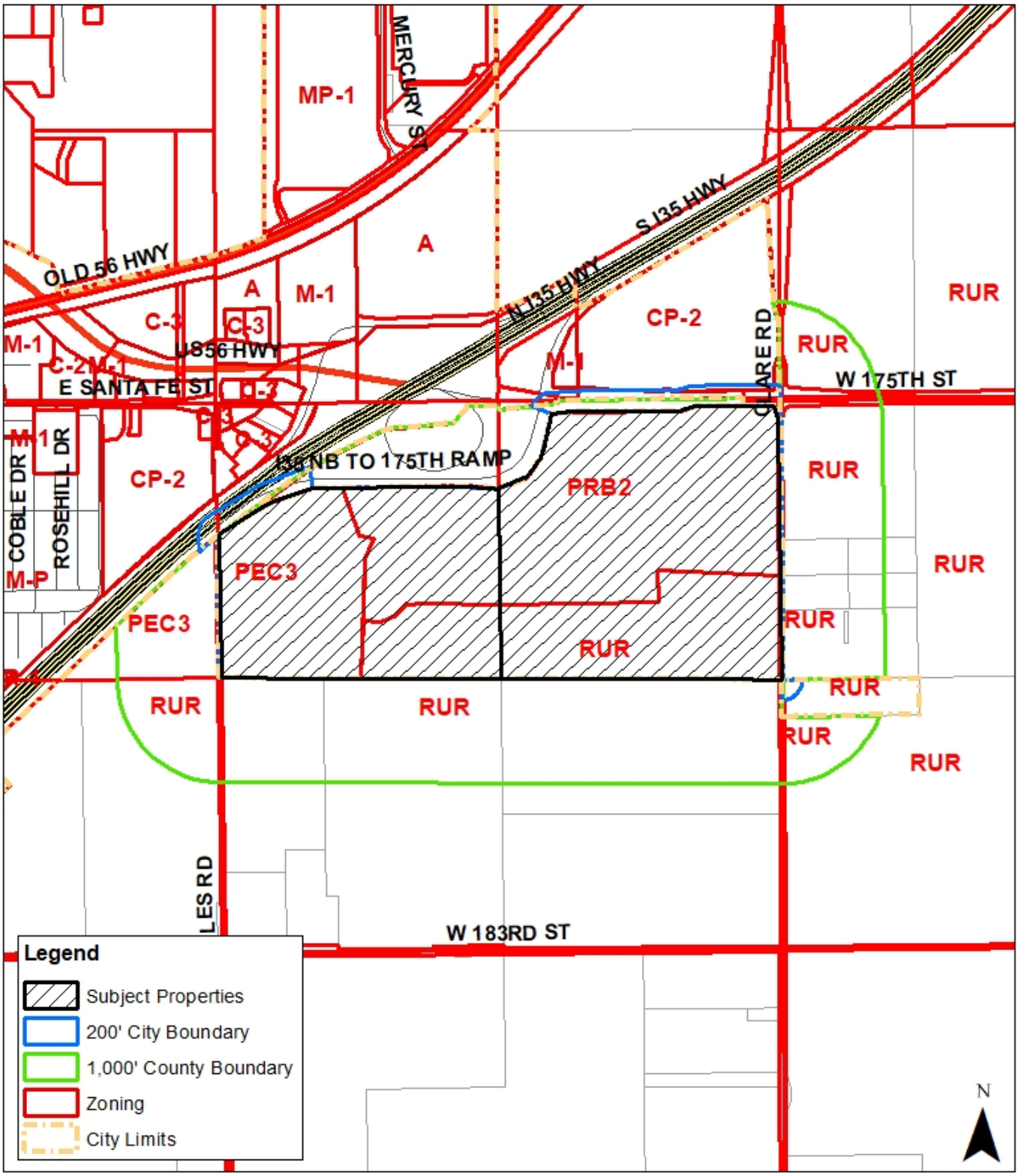
PRAIRIE TRACE
PRELIMINARY PLAT
I-35 & 175TH STREET GARDNER, KS

REVISION DATE	DESCRIPTION
1-23-2020	CITY COMMENTS

DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 18-226

ZONING EXHIBIT

Z-1



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

Map Date: 2/4/20

JOHNSON COUNTY
KANSAS
Planning, Development & Codes

March 6, 2020

To: Michelle Leininger, City of Gardner

From: Sean Pendley, Johnson County Planning Department

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

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

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

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

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

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

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

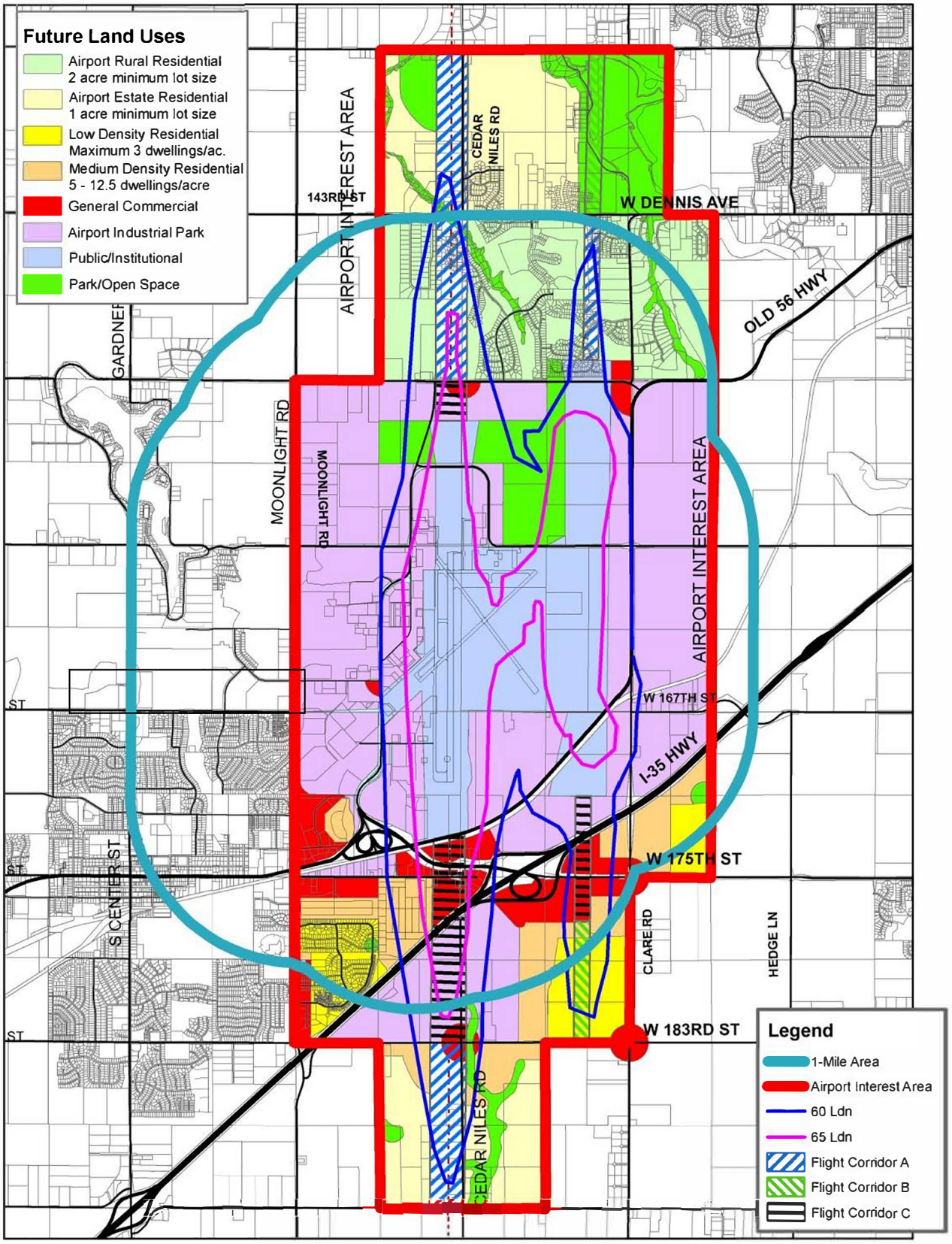
Please note, if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, then county staff anticipates recommending that the Board grant conditional zoning approval, made subject to subsequent compliance with the above-referenced conditions.

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

Respectfully,

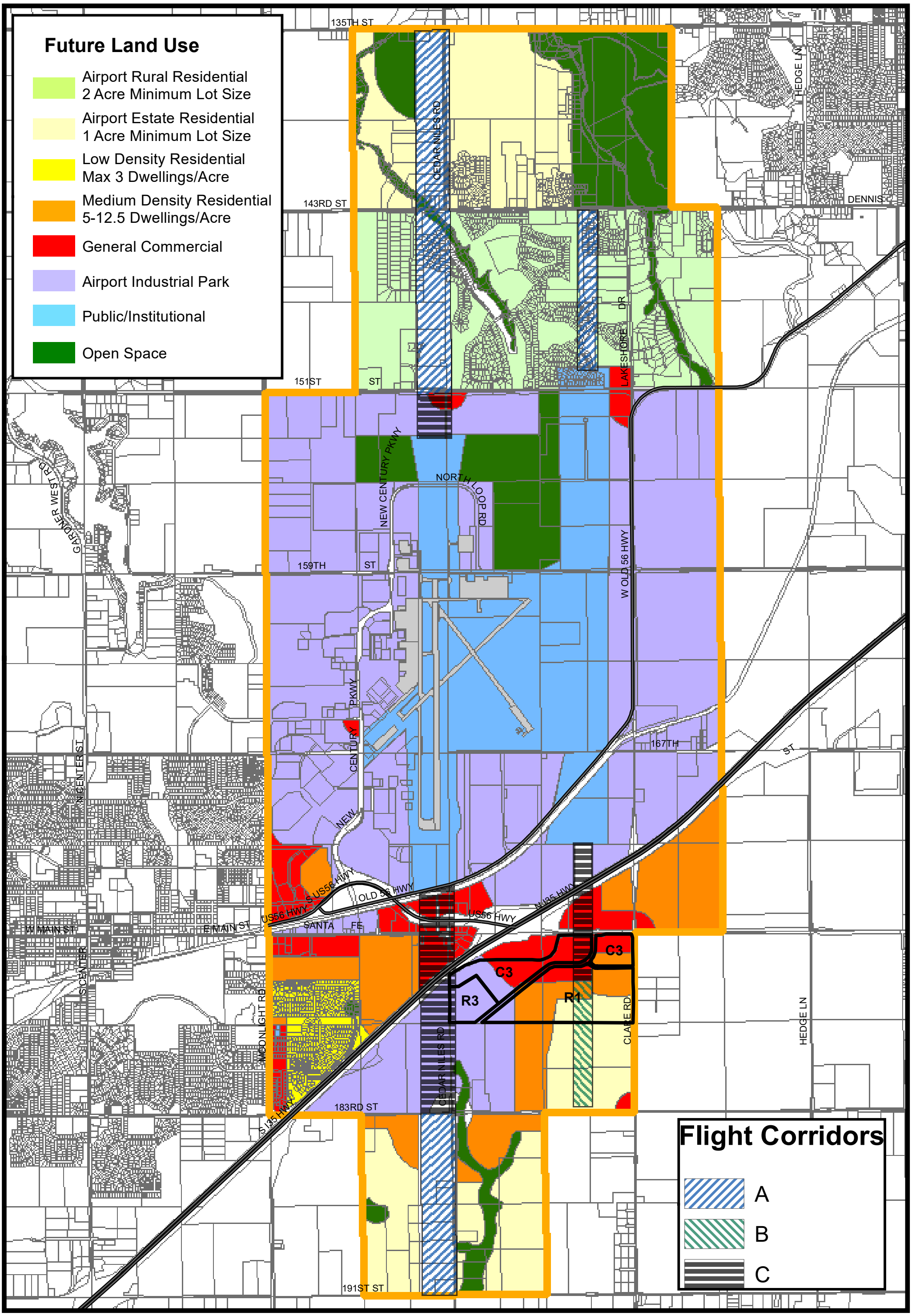
Sean Pendley, AICP
Deputy Director of Planning

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

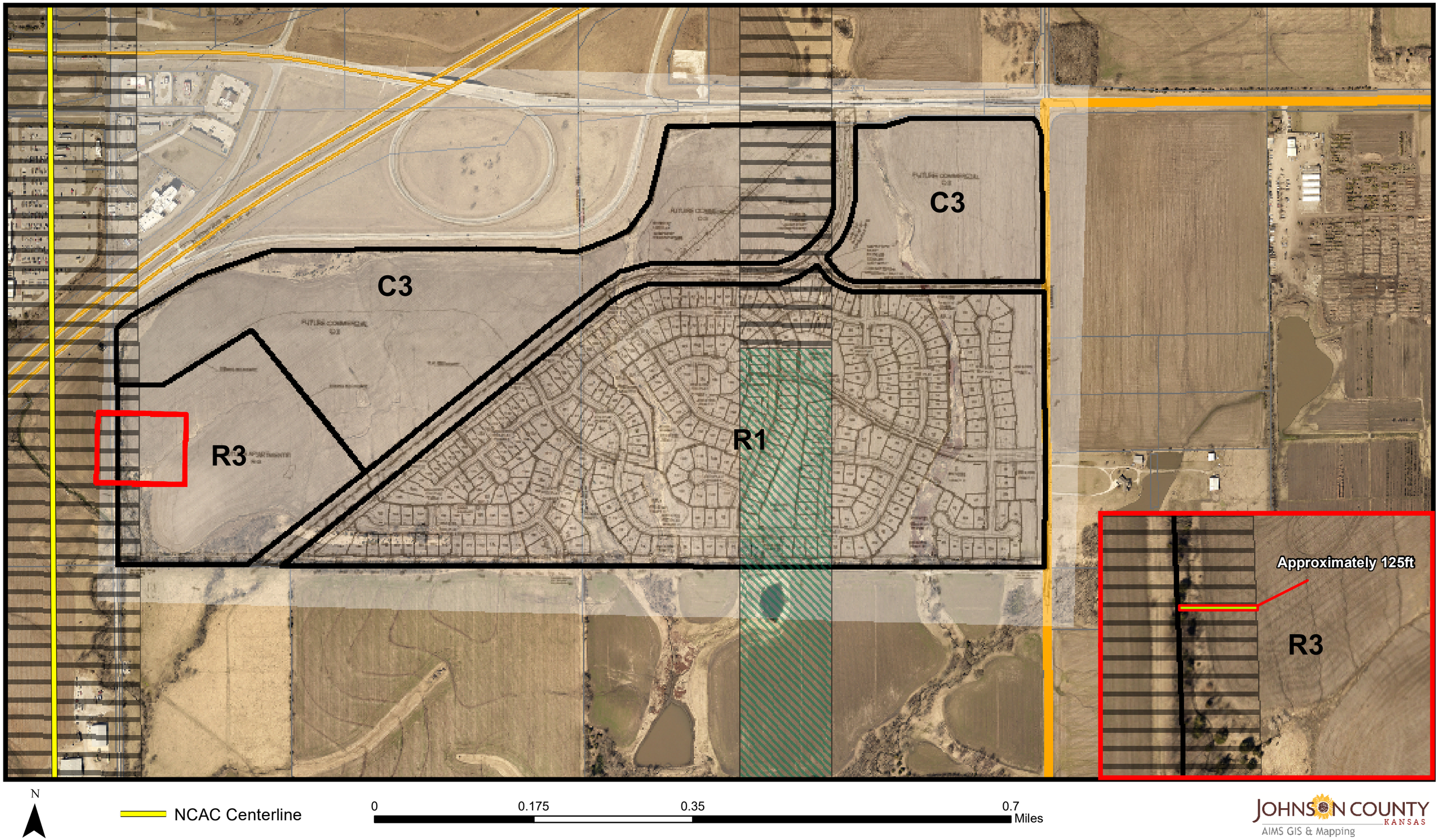


REPLICA OF NCAC FUTURE LAND USE MAP

New Century Airport



Prarie Trace (Proposed)



PLANNING COMMISSION STAFF REPORT **NEW BUSINESS ITEM NO. 2C**
MEETING DATE: MARCH 24, 2020
PREPARED BY: MICHELLE LEININGER, AICP, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: Z-20-01(PDP-20-01): Rezoning from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 and RP-2 and associated preliminary development plan for Prairie Trace

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PROCESS INFORMATION

Type of Request: Rezoning and Preliminary Development Plan
Date Received: January 10, 2020

APPLICATION INFORMATION

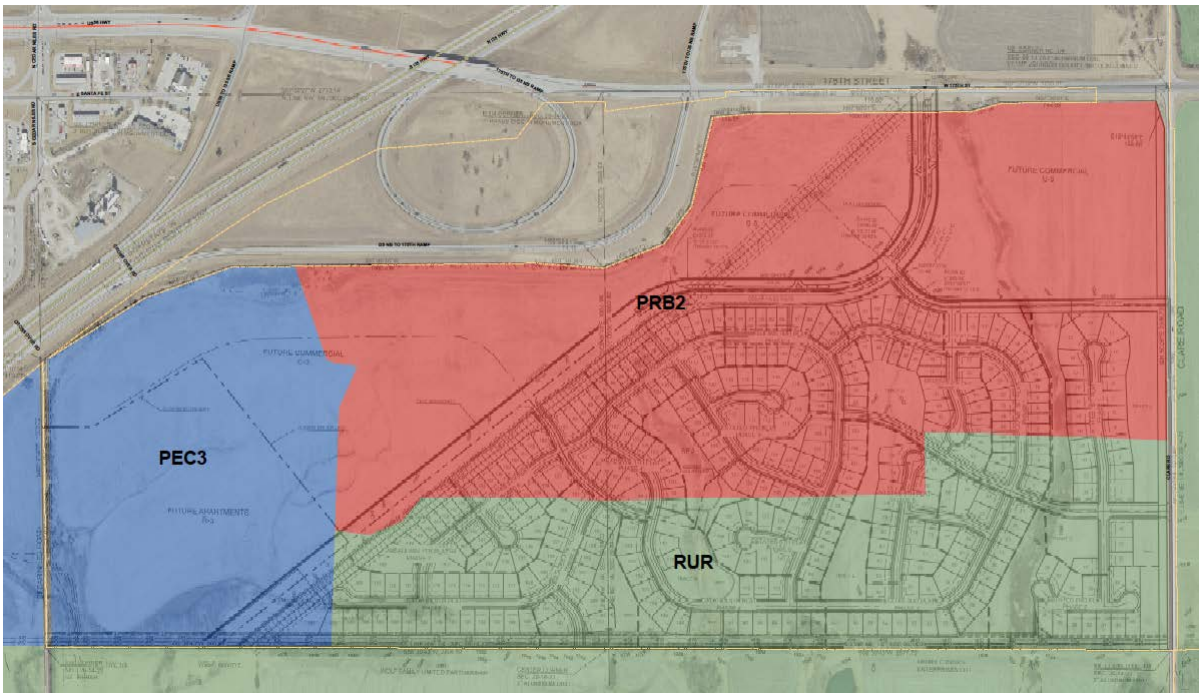
Applicant: Schlagel & Associates, P.A. (Daniel Foster)
Owner: Day3 LLC (Grata Development)
Parcel ID: A portion of 2F231429-3001; 2F231429-1001
Location: Southeast corner of Interstate 35 and 175th Street

REQUESTED ACTION

The applicant is requesting approval of a rezoning from County RUR, PRB2 and PEC3 Districts to City of Gardner RP-1 and RP-2 Districts containing 88.21 acres and 48.08 acres respectively. Additionally the applicant is requesting approval of an associated preliminary development plan for Prairie Trace containing 356 single-family dwelling units a pool and clubhouse facility and various tracts, all containing 136.05 acres.

EXISTING ZONING AND LAND USE

Currently the properties are zoned County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts. The properties are currently cultivated for row crops.

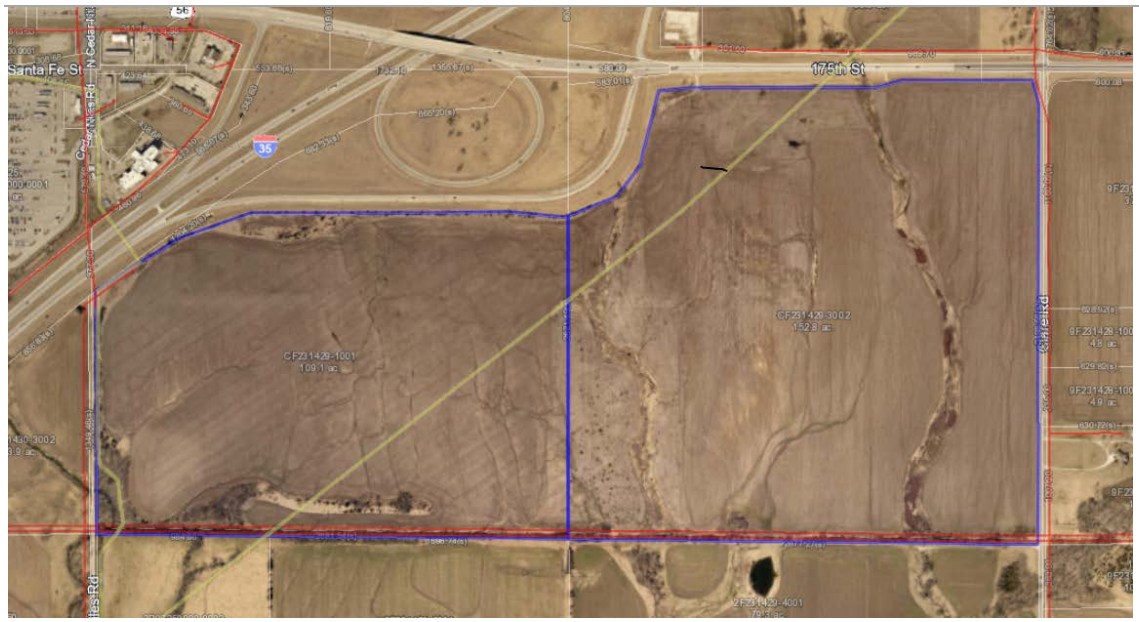


SURROUNDING ZONING AND LAND USE

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

EXISTING CONDITIONS

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

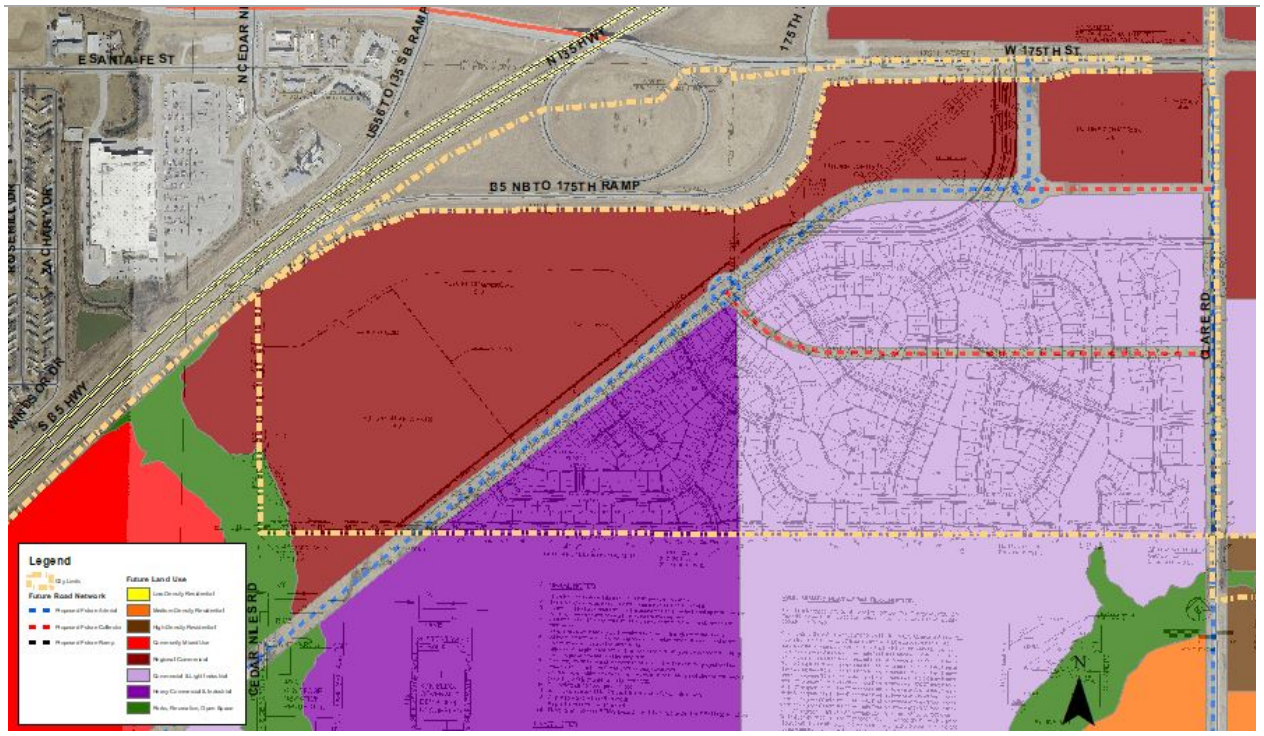


BACKGROUND / HISTORY

The properties were zoned RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts in the County and annexed into the City as such in September 2019. The subject properties are part of a larger development project that includes the single-family planned district, multi-family residential and commercial. The single-family portion is what is included in this application.

CONSISTENCY WITH COMPREHENSIVE PLAN

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



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

In the *I-35 & 175th Street Subarea Plan,* the following Goals support the proposed project:

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

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

Additionally the following Policies support the proposed project:

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

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

- *Residential Land Uses*
  While the property is not identified for residential land use, the application proposes residential land use and therefore the following apply:

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

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

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

  The proposal provides for future street connections to the south.

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

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

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

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

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

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

STAFF ANALYSIS – ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

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

Staff Comment: *The site is rural in nature as are the adjacent properties, and is currently used for cultivated crops. 175th Street abuts the property to the north which is a 2 lane paved arterial road. To the west is Interstate 35, and the subject properties do not have direct access to the interstate. Clare Road abuts the property to the east and Clare is a 2 lane paved arterial road. The subject property contains two wetland areas, a 66' gas pipeline easement and 70' electrical easement. There are no structures on the property and the only structure nearby is a single-family farmstead to the east.*

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 zoning of the nearby properties are mainly RUR District which is a County rural residential district. The properties to the north and across I-35 are zoned for commercial, though only the property across the interstate is developed with commercial uses. The property to the west is zoned for planned industrial in the County though it is undeveloped. The majority of the surrounding properties are cultivated with either row crops or hay or contain open space. One residence is located just to the east of the subject property. The proposed rezoning to accommodate single-family residential uses would be compatible with the surrounding uses as would the proposed RP-1 and RP-2 Districts.*

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

Staff Comment: *The property is currently zoned with County zoning districts though it is within the City limits. This occurs when property is annexed and it remains County zoning until the request is made to change. Properties within the City cannot develop with County zoning and need to request City zoning. The portion of property in question is mainly zoned for rural residential which is a limited type of development within the City. The property as it is zoned today is in a transitional phase – while the ground may be suitable for the district for which it's zoned, it can't be developed because it's not City zoning. Having single-family residential adjacent to proposed commercial and within proximity of the interstate interchange also are appropriate.*

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

Staff Comment: *The removal of the current restrictions will not detrimentally affect nearby properties as the subject properties are not developable as they are currently zoned with County zoning designations within the City. The proposed zoning is less intense than the commercial and industrial zoning in the County but more intense than the rural zoning. The* I-35 & 175th Street Subarea Plan *anticipated warehouse and light industrial uses in this location and the proposed single-family residential is less intensive than originally planned. This will have a lesser impact on the nearby properties.*

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

Staff Comment: *The subject property has never been developed.*

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: *The relative gain by the current restrictions on the applicant's property is very little as compared to the greater hardship imposed by such restrictions upon the property. The property cannot be developed as zoned as the properties hold County zoning designations. The property can remain to be cultivated but that economic gain is very small compared to if it is rezoned in order to be developed. Additionally the development will bring City utilities to the other side of the interstate and allow for additional development in the area.*

7. The recommendations of professional staff;

Staff Comment: *Staff recommends approval of the rezoning.*

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 designations, however the proposal is supported by various goals and policies as stated above. The intent statements for the R-1, R-2 and Planned Zoning Districts are as follows:*

- *R-1 District: "The Single-Family Residential District provides residential living in a low-density neighborhood setting, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used in the contemporary neighborhoods of the residential area plans, or in association with the planned zoning process or other complementary residential zoning districts to implement development patterns identified in the new growth areas."*
- *R-2 District: "The Two-Family Residential District provides residential living in a moderate-density residential setting, providing a mix of housing options at strategic locations in relation to complementary uses that support strong residential neighborhoods."*
- *Planned Zoning Districts: "The intent of the planned zoning districts is to encourage innovation in development, unique and distinctive places, and efficient use of land, buildings and infrastructure. Specifically, planned zoning and development plans to support the flexibility offered through planned zoning should accomplish one or more of the following:*
    1. *Preservation of distinct natural features on the land and integration of them into amenities for the project.*
    2. *Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.*
    3. *Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.*
    4. *Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.*
    5. *Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.*

In the Gardner Comprehensive Plan, the Low Density Residential Land Use Category is described as: "Low Density Residential areas 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."

This project would be between 2-4 dwelling units per acre gross across the development and about 3-5.5 dwelling units net across the development. Typically about 7-8 dwelling units per acre is the top of what would be considered low-density. The Low Density Land Use Category is consistent with this range and are in character with a typical single-family home subdivision although part of it, the PR-2 District is proposed to have smaller lots. The development will have local amenities including trails and a pool/clubhouse facility.

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: *This project would require extension of City utilities to the other side of the interstate. This will allow for the expansion of the necessary capacity of utilities.*

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

Staff Comment: *None.*

STAFF ANALYSIS - PRELIMINARY DEVELOPMENT PLAN

The intent of the planned zoning districts is to encourage innovation in development, unique and distinctive places, and efficient use of land, buildings and infrastructure. Specifically, planned zoning and development plans to support the flexibility offered through planned zoning should accomplish one or more of the following:

1. Preservation of distinct natural features on the land and integration of them into amenities for the project.
2. Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.
3. Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.
4. Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.
5. Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.

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.

A preliminary development plan represents an overall plan for a development to include 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.

A final development plan provides specific details of the portion or entirety of the approved preliminary development plan. This includes elevations, building materials, landscaping and other specific details. The final development plan has the same review criteria as a site plan.

Project Overview

The proposed project is for two types of development, the ‘Estates’ which is a 194 lot, standard single-family suburban subdivision, and the ‘Meadows’ which is a 162 smaller lot, single-family subdivision. Included within the subdivision are many areas of open space, walking trails and a proposed pool and clubhouse facility.

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 Comprehensive Plan identifies the subject property for industrial and commercial uses however, as stated above, changes circumstances for this area and other goals and polices can support the land use change. The subject property has many influences that impact the layout including a 66' wide high pressure gas line along the west, a 70' electric easement along the south and two wetland areas. The project could have utilized the RP-3 District with the Detached House - Compact Building Type to better meet the base standards for the 'Meadows" area and reduce the number of deviations being requested. The applicant did not wish to rezone to the RP-3 District. As proposed, the application provides for increased lot coverage (building and hardscape), offset by open space and pedestrian amenities. The applicant has proposed a more typical "suburban" home design consistent with what they have utilized elsewhere, that they believe will better accommodate reasonably priced housing for people who wish to downsize in their later years. Although the project does not achieve the design intent of the LDC for walkable neighborhoods by utilizing less prominent, front-loaded garages and reduced front paving, the project does provide for extensive recreational walking opportunities throughout the development, and a future benefit for residents who may be able to walk to access adjacent commercial goods and services.*

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 benefits from the flexibility in the standards proposed promote the public health, safety and welfare of the community by preserving wetland and stream areas and extending City utility services to the area for future development. These things benefit both the applicant and the surrounding properties.*

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 Single-Family Residential District provides residential living in a low-density neighborhood setting, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used in the contemporary neighborhoods of the residential area plans, or in association with the planned zoning process or other complementary residential zoning districts to implement development patterns identified in the new growth areas.*

The Two-Family Residential District provides residential living in a moderate-density residential setting, providing a mix of housing options at strategic locations in relation to complementary uses that support strong residential neighborhoods.

The project provides for both Single-Family R-1 and Two-Family R-2 Planned Districts though the proposal utilizes the Detached House – Suburban and Detached House – Neighborhood Building Types which are both single-family type structures. The project benefits from the flexibility of the standards pared with a large amount of open space area. These homes will have access to nearby commercial to the north, when developed. The overall project density is consistent with low-density development.

Something to note, 13 deviations have been requested and are discussed below. The applicant has not requested a lot width deviation for 'Meadows' lots however it appears that there are six

lots that do not meet the minimum 50' lot width when measured at the front lot line or when measured at the building setback line for irregular lots. These lots include 'Meadows' Lots 149, and 154-158. Revising these lots to meet the minimum lot width will be a condition of approval.

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: *The plan reflects generally accepted planning and urban design principles by preserving and protecting wetland and stream areas and utilizing the utility easements that are undevelopable to provide pedestrian trails and connectivity throughout the development.*

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

Staff Comment: *The plan generally meets the review criteria for a zoning map amendment. The proposal does not meet the future land use designated for the property however the project is supported by various goals and polices within the Plan.*

DEVIATIONS

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

Street Network and Street Design

1. **Section 17.04.010(C.3) Typical Cross Sections - Local Neighborhood**

   Standard: 5' sidewalk on both sides of the street

   Proposed: 5' sidewalks on one side of the street or adjacent to a trail

   Applicant Response: *It is our desire to provide pedestrian connectivity that encourages recreational walking through out the neighborhood. Recreational walking is often done in larger groups and with children requiring strollers and other riding toys. By providing a 10' trail on the North, South and West sides of the property we are providing a 10' trail that runs for near 1.75 miles with only 4 road crossings. Internal trails provide pedestrian connectivity through the green spaces within the community. This expansive trail systems adds additional impervious system and cost to the project. As such we are requesting a deviation from the requirement of 5' sidewalks on both sides of the street. We have set forth a pedestrian plan that provides direct sidewalk access to every lot in the development either in front of the home or in the rear via the trail system. We believe this pedestrian plan supports and encourages pedestrian activity in a manner suitable to the location and style of the neighborhood.*

   Staff Comment: *The Land Development Code supports pedestrian connectivity and requires sidewalks on both sides of a street. The previous Code also supported sidewalks on both sides of the street. Additionally Public Works standards requires sidewalk on both sides of the street. The applicant has proposed for each lot to either have a sidewalk along the street in front of the lot or be adjacent to either a public trail or private trail/walkway. Some streets do meet the standard of having sidewalks on both sides of the street and the others provide pass through (mid-block) pedestrian connectivity. Staff feels that this proposal meets the intent of pedestrian connectivity and supports this deviation.*

Detached House - Suburban (Estates)

2. **Section 17.07.020 Table 7-2; Detached House – Suburban; Minimum Rear Setback/Section 17.07.040 Specific Building Type Standards Detached House – Suburban; Minimum Rear Setback**

   Standard: 25'

   Proposed: 20'

   Applicant Response: *This reduction of the rear-yard setback allows for homes with larger footprints while maintaining the natural beauty of the preserved wetlands. While extending the rear lot lines into the wetland area is possible without disturbing them it would require mitigation at the cost of $55,000/acre. We are only asking for rear yard setback deductions on lots that are adjacent to greenspace. Other lots backing to greenspace include those backing to the Evergy easement on the Southern property line. We have worked with Evergy to obtain utility easements and an encroachment agreement for a trail through that green space. Lots that are not adjacent to green space will have the normal 25' rear yard setback. This is a practice embraced by many municipalities in an effort to promote common greenspaces.*

   Staff Comment: *The applicant is requesting a 5' reduction (25' min to 20' min) in the rear setback on the 'Estates' lots that are adjacent to greenspace. By limiting this potential building increase to lots adjacent to open space (on rear or side), it offsets the impact of potential increase in building footprint. Staff has identified lots that are not adjacent to open space including lots that have less than 50% of the rear or side lot line length or lots adjacent to open space that does not have enough depth to make the intended impact. As such, the following lots in the 'Estates" area should meet the 25' minimum rear yard setback: Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194. This is 61 of the proposed 194 'Estates' lots or 31%. Staff support this deviation on all of the 'Estate' lots with the exception of the lots outline above.*

3. **Section 17.07.020 Table 7-2; Detached House – Suburban; Building Coverage/Section 17.07.040 Specific Building Type Standards Detached House – Suburban; Building Coverage**

   Standard: 30%

   Proposed: 40%

   Applicant Response: *Strategic placement of lots around the preserved wetlands create a large expanse of natural areas to be enjoyed by multiple lots. 71% of lots in this phase back to a common green space, this creates a unique spaciousness that can be enjoyed by all rather than confining it with a lot boundary. Enlarging the lots would unnecessarily increase the cost of homes as most if not all homes will likely be built below this lot coverage. Enlargement would decrease the density and thus increase the cost. The result would be an increase in the price of the home pushing it out of market acceptance. By pushing the allowed building coverage up, we are leaving an opportunity for larger houses to be built and helping the city meet its goal of providing step-up housing for its current residents. This type of lot coverage is in line with national trends of decreased lot sizes. This request is made with respect to the largest house we think is feasible in the development being built on the smallest lot. Typically, the smaller lots are not as desirable to the customer that want the larger homes. This development only has 2 lots that are the minimum lot size.*

   Staff Comment: *The applicant is asking for a 10% increase in lot coverage on the 'Estate' lots. As stated above, lots adjacent to shared open space can utilize that open space as mitigation to the reduction in lot open space. As stated in the above deviation staff comments,*

staff is recommending this reduction only apply to lots adjacent to the common open space. These lots in the 'Estates" area include Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 that will have to meet the 30% maximum lot coverage. This is 61 of the proposed 194 'Estates' lots or 31%. Staff supports this deviation on all of the 'Estate' lots with the exception of the lots outline above.

4. **Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width**

Standard: 15%; 20' max

Proposed: 30%; 20' max

Applicant Response: *This request allows for a 20' driveway at the curb for all lots. This is standard in suburban settings. Additionally, it encourages driveway parking instead of on-street parking.*

Staff Comment: *The Code provides design objectives for the Frontage Design Section 17.07.050 which state:*

Frontage Type design objectives establish the relationship of the building to the public realm, based upon the context, streetscape design, and the specific buildings and uses permitted on a block. The design standards for the Frontage Types have the following objectives:

1. *Create transitions that allow a range of different buildings to engage the streetscape in compatible ways along a block.*
2. *Enhance the image of the City by coordinating streetscape investment with private lot and building investment.*
3. *Coordinate development across several lots, considering access, parking, landscape and civic/open space design.*
4. *Promote higher design amenities in areas intended for more compact and walkable development.*

The Detached House - Suburban Building Type provides for the option of the Suburban Yard and Neighborhood Yard which is also dependent on the Street Type. The Suburban Yard Frontage Type would be utilized with the Standard Local Street Type and the Neighborhood Yard Frontage Type would be utilized with the Neighborhood Local Street Type. These are intended to be paired together based on the context of the development. The Standard Street Type is intended to be used with an existing context and Neighborhood Street Type is intended to be used in a new, greenfield setting in order to establish the public realm design.

In the proposed development, the Neighborhood Local Street Type is being utilized which pairs with the Neighborhood Frontage Type. This frontage type permits access width limits of 15% for the lot width and 20' maximum. For a standard 70' wide lot in the "Estates", the driveway would be permitted to be 10.5' wide within the entire frontage area. The Neighborhood Frontage Type limits the width of the drive in the entire frontage area, not just at the right-of-way as the Suburban Yard Frontage Type does, so the max width would be 20' all the way to the front building line (provided the lot is wide enough to accommodate the 20' width). This is not what the applicant has diagramed on page 1 of the plans. The access type and design for the Suburban Frontage Type more closely meets what is shown on the plan diagrams. If the Suburban Yard Frontage Type was able to utilized, the access limits could be 30% of the lot width and 24' maximum, applicable to the area within the right-of-way, which for a standard 70' wide lot would be 21', brought down because of the proposed max of 20'. This is not an option with the street type.

The summary table below provides calculations based on the diagrams for proposed driveway configuration on the front page of the plans. The requested deviation will need to be revised to reflect what is shown in the diagram in order to allow for the driveway to widen to 3 car garage width.

	Neighborhood Yard Frontage-standard lot	***Neighborhood Yard Frontage-cul-de-sac lot***
Standard	*10.5' wide, 315 sf area*	*10.5' wide, > 315 sf area with a curve*
As proposed	*20' wide, 600 sf area*	*20' wide, 655 sf*
As proposed with 3rd car "flair"	*20' wide at street to approx. 38'; 777 sf area*	*20' wide at street to approx. 38'; 816 sf area*

The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Greenspace provides for the softening of the area from the pavement, less heat from the pavement and a more inviting space. The access and hardscape allocations are calculations the go together to help create an inviting public realm. If the access limits change, the hardscape allocations need to increase to compensate for the larger driveway. It is acknowledged that some people are looking for larger driveways to offset storage in the garage. This is a balance that the Planning Commission should discuss.

5. **Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation**

   Standard: 5%-20%

   Proposed: 37% on rectangle lots; 49% on cul-de-sac lots

   Applicant Response: *Lots located on a cul-de-sac or a curved street often on have to narrow in the front to match the curvature of the street. This shaping results in street frontages with reduced square footage. This increased hardscape percentage allows for driveways and sidewalks necessary to access these homes.*

   Staff Comment: *The hardscape percentage has a similar intent as the access width limit and they work together. The hardscape allocation provides for up to a certain amount of hardscape or pavement and a certain amount of turf or landscape in the frontage area to soften the impact of the amount of paved area in the public realm. Staff does not include the sidewalk connection within this calculated percentage. The applicant is asking for a 17% increase on standard rectangular lots and a 29% increase on cul-de-sac lots. This accommodates the larger driveway as requested in the deviation above. A cul-de-sac lot has an irregular shaped front yard and more road surface in front than a lot on a standard 50' wide street would have, which can have a substantial impact on that area. This is a balance that the Planning Commission should discuss for both a typical and irregular shaped lot.*

6. **Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Sidewalk Connection**

   Standard: 4' wide sidewalk between sidewalk and front entry feature

   Proposed: 4' wide sidewalk between driveway and front entry feature

   Applicant Response: *This requests allows for sidewalks to connect from the driveway to the front entryway of the home. This practice is predominantly used when the homes are featuring*

rear loaded or detached garages. The return of the sidewalk allows for easy passage from the driveway to the front of the home and promotes parking in the driveway rather than on the street. Additionally it reduces the amount of impervious surface decreasing the amount of runoff. This also allows for an enhanced visual appeal by allowing for more landscaping.

Staff Comment: *The intent of this standard is to promote walkability and a pedestrian-oriented framework as experienced from the public realm to the front door of the house. Often driveways are parked with cars, making it less inviting to get to the front of the house. The applicant is proposing a sidewalk from the front of the house to the driveway. Having any walkway helps to maintain that visual connection, and therefore staff supports this deviation based on the proposed context of the planned development.*

<u>Detached House - Neighborhood (Meadows)</u>

7. **Section 17.07.020 Table 7-2; Detached House – Neighborhood; Minimum Lot Size /Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Minimum Lot Size**

   Standard: 6,000 square feet

   Proposed: 5,750 square feet

   Applicant Response: *This reduction of the minimum lots size allows for homes with larger footprints while maintaining the natural beauty of the preserved wetlands. By building houses on smaller lots, it allows for a value proposition that is unique to the area. Only 22 Lots of 163(13.4%) are below the 6000 sq ft. minimum.*

   Staff Comment: *The applicant is requesting for lots of a minimum of 5,750 square feet in the 'Meadows' area of the development. This is a 4% reduction in lot area. The Code allows for Administrative Adjustments of up to 5% for altering a building standard. This falls within the built in flexibility of the code. This would apply to 41 or 25% of the 'Meadows' lots with the average lot area in this portion of the development being 7,377 square feet. Staff supports this deviation.*

8. **Section 17.07.020 Table 7-2; Detached House – Neighborhood; Minimum Rear Setback /Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Minimum Rear Setback**

   Standard: 25'

   Proposed: 20' on lots adjacent to open space

   Applicant Response: *This reduction of the rear-yard setback allows for homes with larger footprints while maintaining the natural beauty of the preserved wetlands. While extending the rear lot lines into the wetland area is possible without disturbing them it would require mitigation at the cost of $55,000/acre. We are only asking for rear yard setback deductions on lots that are adjacent to greenspace. Other Lots backing to greenspace include those that are backing to the Southern Star Gas pipeline. Rear lot lines could have been extended the rear lot lines into this gas easement. However, during our negotiation with Southern Star we offered to keep the easement in a continuous track to make it easier should they need to service the lines. In return, we were able to place the arterial road at the desired angle across their pipeline (40 degrees instead of their required 70 degrees); as well as obtain an encroachment agreement for the trail system running through the easement and necessary agreements for the retail space. This is a practice embraced by many municipalities to promote common greenspaces. Lenexa has allowed as few as 15' setbacks from greenspace. Lots that are not adjacent to green space will have the normal 25' rear yard setback.*

Staff Comment: *The applicant is requesting a 5' reduction (25' min to 20' min) in the rear setback on the 'Meadows' lots that are adjacent to greenspace. By limiting this potential building increase to lots adjacent to open space (on rear or side), it offsets the impact of potential increase in building footprint. Staff has identified lots that are not adjacent to open space as including lots that have less than 50% of the rear or side lot line length or lots adjacent to open space that does not have enough depth to make the intended impact. As such, the following lots in the 'Meadows' area should meet the 25' minimum rear yard setback: Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154. This is 69 of the proposed 162 'Meadows' lots or 43%. Staff supports this deviation of a 20' rear yard setback minimum on all of the 'Meadows' lots with the exception of the lots outline above.*

9. **Section 17.07.020 Table 7-2 Detached House – Neighborhood; Building Coverage/17.07.040 Specific Building Type Standards Detached House – Neighborhood; Building Coverage**

   Standard: 40%

   Proposed: 45%

   Applicant Response: *Strategic placement of lots around the preserved wetlands create a large expanse of natural areas to be enjoyed by multiple lots. 71% of lots in this phase back to a common green space, this creates a unique spaciousness that can be enjoyed by all rather than confining it with a lot boundary. This type of lot coverage is in line with national trends of decreased lot sizes. This request is made with respect to the largest house we think is feasible in the development being built on the smallest lot. Typically, the smaller lots are not as desirable to the customer that want the larger homes. This development only has 11 lots that are the minimum lot size.*

   Staff Comment: *The applicant is asking for a 5% increase in lot coverage on the 'Meadows' lots. As stated above, lots adjacent to shared open space can utilize that open space as mitigation to the reduction in lot open space. As stated in the above deviation staff comments, staff is recommending this reduction only apply to lots adjacent to the common open space. These lots in the 'Meadows" area include Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99-100, 120-125, 135-154 that will have to meet the 40% maximum lot coverage. This is 61 of the proposed 162 estates lots or 31%. Staff supports this deviation on all of the 'Meadows lots with the exception of the lots outline above.*

10. **Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Design and Performance Standards; Garage Limits**

    Standard: 25% of facade if front loaded (Counting the garage door width only)

    Proposed: 40% (16' garage door width)

    Applicant Response: *This modification allows for a 2-car front loaded garage that is standard in the previously discussed similar projects but prohibits a 3-car garage frontage. While in surveys consumers generally prefer an aesthetic where garage doors are not as prevalent, they are not willing to deal with the consequences of these design changes. The market has shown strong negative reactions to new home communities with detached garages, rear alleys, and shared driveways in suburban and exurban contexts.*

    Staff Comment: *The intent of the garage limits standard is to enhance the streetscape in areas intended for more compact and walkable development, and to mitigate the effect of narrow lots with frequent repetition along the block by limiting front-loaded garage access and encouraging set back garages, or side or rear access garages. The applicant is proposing 16' wide garage doors on the minimum width of lots of 50', where it is likely that the structure will be 40' wide. This calculates to 40% of the building being garage door. The standard*

allows for a maximum of a 10' wide garage door on a 50' wide lot with a 40' wide structure. Typical single garage door widths range from 8'-10' and typical double garage door widths range from 12'-18'. An option to meet the standard and provide garage space for two vehicles is a tandem garage which allows for two parking spaces, one in front of another, with the appearance of a single garage door.

The Planning Commission previously discussed Garage limit standards as part of a potential text amendment regarding garage door limits on the Duplex building type. The Commission recommended that the Governing Body change the garage limits to 30% of the facade if front-loaded. This would potentially allow one double car garage (for one unit) or two single-car garages (one for each unit) on the front of a duplex built on the minimum lot size of 70'. The Governing Body has not yet taken action this recommendation. The Planning Commission has not discussed amending garage limits for Detached House Building Types. Some of the staff findings for the duplex garage limit discussion that generally apply are:

- *Problems generally only occur when a developer wishes to pair suburban building design with more compact urban lot configurations contrary to the intent of the LDC (big homes with multiple front-loaded garages on small lots).*
- *When the majority of the front facade is occupied rooms and windows rather than garage, greater safety is encouraged through "eyes on the street".*
- *The large front garages and accompanying driveways degrade the pedestrian realm by creating frequent, large expanses of concrete for pedestrians to cross while walking on the sidewalk and avoiding backing cars or parked cars that encroach on the sidewalk.*

A deviation from any building design standard as provided for in Administrative Adjustments would require an alternative "equal or better" solution is proposed by the applicant. No mitigating factor has been proposed. Other projects that have requested similar Administrative Adjustments for the Duplex Building Type in regard to garage limits have provided alternatives such as enhanced carriage garage doors, garage doors with windows, and increased landscaping (both dressed up doors and landscaping together) as a solution to enhance the streetscape. This could be an option, though it may not be enough to mitigate the potential of 40% of each structure to be a garage, and garages being what is mainly seen while traveling down the street. The Planning Commission should discuss these points to consider garage limit deviations on the Detached House building types as presented in this development plan.

11. **Section 17.05.05(C) Design Standards; Neighborhood Yard; Access Width Limits**

Standard: 15%; 20' max

Proposed: 40%; 20' max

Applicant Response: *This request allows for a 16' driveway at the curb for all lots. This is standard in suburban settings. Additionally, it encourages driveway parking instead of on-street parking.*

Staff Comment: *The Neighborhood Frontage Type permits access width limits of 15% of the lot width up to 20' maximum, which for a standard 50' wide lot in the "Meadows", the driveway would be permitted to be 7.5' wide. The Neighborhood Frontage does not allow for the width of the drive to change until the building setback line, so the max width would be 7.5' all the way to the front building line. This is not what the applicant has diagramed on page 1 of the plans.*

The access limits are intended to maintain space for on-street parking between accesses and to maintain greenspace in the public realm. Greenspace provides for the softening of the area

from the pavement, less heat from the pavement, and a more inviting space. The access and hardscape allocations are calculations that go together to help create an inviting public realm. If the access limits change, the hardscape allocations need to increase to compensate for the larger driveway. It is acknowledged that some people are looking for larger driveways to offset storage in the garage, though with the smaller lots, the Code anticipates the utilization of alternatives to address the access limitations. This is a balance that the Planning Commission should discuss.

12. **Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation**

    Standard: 5%-20%

    Proposed: 40% on rectangular lots, 45% on cul-de-sac lots

    Applicant Response: *Lots located on a cul-de-sac or a curved street often on have to narrow in the front to match the curvature of the street. This shaping results in street frontages with reduced square footage. This increased hardscape percentage allows for driveways and sidewalks necessary to access these homes.*

    Staff Comment: *The hardscape percentage has a similar intent as the access width limit and they work together. The hardscape allocation provides for up to a certain amount of hardscape or pavement and a certain amount of turf or landscape in the frontage area to soften the impact of the amount of paved area in the public realm. Staff does not include the sidewalk connection within this calculated percentage. The applicant is asking for a 20% increase on standard rectangular lots and a 25% increase on cul-de-sac lots. This accommodates for the larger driveway as requested in the deviation above. A cul-de-sac lot has an irregular shaped front yard and more road surface in front than a lot on a standard 50' wide street would have which can have a substantial impact on that area. This is a balance that the Planning Commission should discuss for both a typical and irregular shaped lot.*

13. **Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Sidewalk Connection**

    Standard: 4' wide sidewalk between sidewalk and front entry feature

    Proposed: 4' wide sidewalk between driveway and front entry feature

    Applicant Response: *This requests allows for sidewalks to connect from the driveway to the front entryway of the home. This practice is predominantly used when the homes are featuring rear loaded or detached garages. The return of the sidewalk allows for easy passage from the driveway to the front of the home and promotes parking in the driveway rather than on the street. Additionally it reduces the amount of impervious surface decreasing the amount of runoff. This also allows for an enhanced visual appeal by allowing for more landscaping.*

    Staff Comment: *The intent of this standard is to promote walkability and a pedestrian-oriented framework as experienced from the public realm to the front door of the house. Often driveways are parked with cars, making it less inviting to get to the front of the house. The applicant is proposing a sidewalk from the front of the house to the driveway. Having any walkway helps to maintain that visual connection, and therefore staff supports this deviation based on the proposed context of the planned development.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

ELECTRIC –

Electric utilities will be provided to the property by the City. The City will extend the utilities across the interstate and to the development. Ten foot easements have generally been provided along the rear or every property. Additional 10' easements will need to be provided along the south side of Meadows Lot 79, the east side of Estates Tract H, and along the west side of Estates Tract G.

WATER –

Water is to be provided by Water District #7 and WaterOne. The applicant will work with the appropriate water district for approval and installation.

SANITARY SEWER –

Sanitary sewer will be provided by the City of Gardner. The utilities will be extended across the interstate and a new lift station will need to be installed generally within the area of Estates Tract E and located outside of all detention and stream setback areas. The sanitary sewer line locations will be further defined with the public improvement plans.

STORM SEWER –

Storm sewer improvements are provided for with the proposed storm water detention and drainage areas. A preliminary storm water study has been submitted and comments are being addressed in the final study.

ROADWAY NETWORK & VEHICULAR ACCESS –

The applicant is proposing to construct an arterial road, New Trails Parkway, with the first and fourth phases of the Meadows development. A collector will be constructed partially with Meadows Phase one and the remainder will be constructed with the commercial to the north. Local streets within the residential development will be constructed by the developer. With the project being adjacent to Interstate 35 and within the impact area of the interchange, the Kansas Department of Transportation (KDOT) will need to review the Traffic Impact Study (TIS) regarding access to 175th Street, at the final development and final plat phases. KDOT has accepted the TIS "in concept".

The Public Works Department has identified in the TIS that there will be a need for a larger road, 80' wide, for the proposed collector, 177th Street, in order to accommodate a 4-lane road.

The applicant has proposed eight cul-de-sacs and the Fire Department has requested that the pavement on the cul-de-sac be 96' in diameter. The applicant has revised seven of those cul-de-sacs to meet that standard though they have included in the proposal a 20' island in the middle. The Fire Department has requested a turning template be shown on the cul-de-sac to diagram that the largest fire truck can turn around within said cul-de sac.

SIDEWALKS –

The Neighborhood Local street design requires a 5' sidewalk along both sides of the street. The applicant has proposed to provide pedestrian connections to all lots either by sidewalks on one side of the street or an adjacent trail. This is discussed in the deviation requests above.

The arterial street is to have a 10' trail on the south side. The remaining design of the street will occur at a later date. The collector will require a 5' sidewalk on both sides and the design of the street will occur at a later date.

NEW CENTURY AIRCENTER –

The subject property is within the New Century AirCenter Airport Interest Area and within 1 mile of airport owned property. Within the New Century AirCenter Future Land Use Map for the Airport Area of Interest, the subject properties are identified generally for low and medium density residential uses with a limit of 3 and 5-12.5 dwelling units per acre respectively. The proposed gross density of the RP-1 District area is 2 dwelling units per acre and the RP-2 District gross density is 3.8 dwelling units per acre. The net dwelling units per acre are 2.9 and 5.5 respectively. These density areas, when averaged, fall within the stated limits. The Johnson County Airport Board and Johnson County Board of County Commissioners will have to review and take action on these applications because of the proximity of the property to the airport.

ATTACHMENTS

I. Preliminary development plan
II. Johnson County Planning comment letter
III. Public notice letter
IV. 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. Recommend approval the application.
2. Recommend approval the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Recommend denial 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:

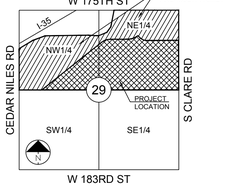
After review of applications Z-20-01, a rezoning for 136 acres from County RUR, PRB2 and PEC3 to RP-1 and RP-2 located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan PDP-20-01 for Prairie Trace and dated March 2, 2020, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

1. Label the following tracts and add the size in the summary tables
    1. Trail tract between Estates Lot 177 and Lot 178.
    2. Trail tract between Estates Lot 79 and Lot 80.
2. Revise the "Single Family Site Data" number of lots to be 194 for the 'Estates' and 162 for the 'Meadows'.
3. Meadows Lots 149, and 154-158 shall be revised to meet the minimum lot width at the setback line.
4. Change notes indicating a 10' asphalt trail along New Trails Parkway to be a 10' concrete trail.
5. 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.
6. Provide a written agreement that KCP&L/Evergy has reviewed the plans and agrees to the proposed street crossings, easements, utility lines, and 10' concrete trail to be located within their 70' electric line easement.
7. Trail and pedestrian amenities shall be installed with the development of the phase in which it is platted.
8. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 25' rear yard setback minimum.
9. Update the Deviation outline on the plans to note that 'Estate' Lots 28, 39, 40, 57-67, 82, 86, 87, 96-108, 117-119, 123-128, 131-133, 141-146, 152, 153, 162, 164-170, 186-194 shall meet the 30% Building Coverage maximum.
10. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 25' minimum rear yard setback.
11. Update the Deviation outline on the plans to note that 'Meadows' Lots 19-36, 42, 43, 58, 59, 68-79, 84-90, 99, 100, 120-125, 135-154 shall meet the 40% Building Coverage maximum.
12. Potential conditions regarding Deviation #4, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Access Width for the 'Estates' area.
13. Potential conditions regarding Deviation #5, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation for the 'Estates' area.

14. Potential conditions regarding Deviation #10, Section 17.07.040 Specific Building Type Standards Detached House – Neighborhood; Design and Performance Standards; Garage Limits for the 'Meadows' area.
15. Potential conditions regarding Deviation #11, Section 17.05.05(C) Design Standards; Neighborhood Yard; Access Width Limits for the 'Meadows' area.
16. Potential conditions regarding Deviation #12, Section 17.07.050(C) Frontage Design, Design Standards, Neighborhood Yard; Hardscape Allocation for the 'Meadows' area.
17. Revise the deviation requests on the first three pages of the plan to reflect what has been approved.
18. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.
19. Revise the right-of-way for 177th Street to be at least 80' in width.
20. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
21. 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.

PRELIMINARY PLAT & PLAN
FOR
PRAIRIE TRACE

IN THE CITY OF GARDNER
JOHNSON COUNTY, KANSAS



SECTION 29-14-23

LOCATION MAP
SCALE 1" = 2000'

OVERALL SITE DATA:

Overall Plan Data	
Existing Use	Agriculture
Proposed Use	Single Family
Future Land Use Map Designation	Regional Commercial and Light Industrial Southeast Quadrant Market Determined Growth Area
Existing Zoning	CNTY PRB2, RUR, PEC3
Proposed Zoning	RP-1, RP-2,
RP-1 Single Family Residential Gross Land Area	93.68 Acres
RP-2 Single Family Residential Gross Land Area	42.37 Acres
TOTAL GROSS LAND AREA	136.05 Acres
RP-1 DENSITY	2.07 DU/AC
RP-2 DENSITY	3.82 DU/AC

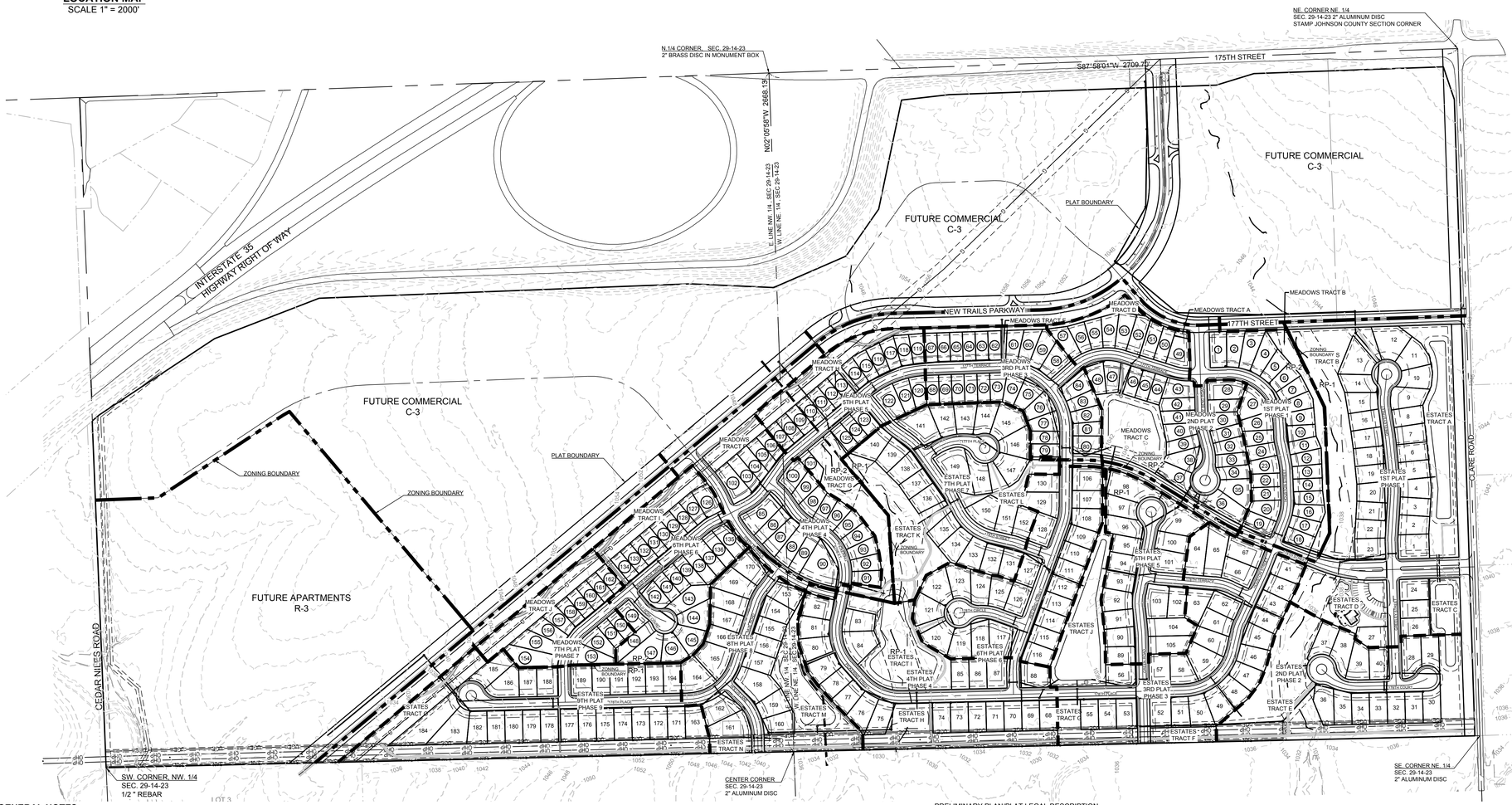
SINGLE FAMILY SITE DATA:

General Data	
Estates Detached Single Family(Suburban) Number of Lots	194 Lots
Meadows Detached Single Family(Neighborhood) Number of Lots	162 Lots
Total Number of Lots	356 Lots
Estates Detached House - Neighborhood Data	
Total Number of lots	197 lots
17.07.020 Zoning Districts – Building Type and Development Standards	
Building Type	Detached House-Suburban
Lot Size Minimum Per Code	8,000 s.f.
Lot Size Minimum Proposed	8,000 s.f.
Lot Width Minimum Per Code	70'
Lot Width Minimum Proposed	70'
Lot Size Minimum Proposed	70' x 120'
Building Coverage Maximum Per Code	30%
Building Coverage Maximum Proposed	40% (deviation requested)
Front Setback Per Code	25'-50"
Front Setback Proposed	30'
Interior Side Setback Per Code	7'
Interior Side Setback Proposed	7'
Street Side Setback Per Code	20'
Street Side Setback Proposed	20'
Rear Setback Per Code	25'
Rear Setback Proposed	20'(deviation requested)
Driveway Setback From Side Lot Line Per Code	3'
17.07.040 Specific Building Type Standards	
Frontage Type Per Code	Suburban: Neighborhood
Frontage Type Proposed	Neighborhood
17.07.050 Frontage Design	
Frontage Type Proposed	Neighborhood
Depth Minimum Per Code	25'-35'
Depth Proposed	30'
Access Limits Per Code	15%(70x.15=10.5')
20' max. per access point, applicable to the area within the right-of-way	
Access Limits Proposed	30%(20' max)(deviation requested)
Access Type	Double Driveway
Required Building Frontage Per Code	50%
Building Frontage Proposed	50%
Hardscape Area Per Code	5%-20%
Hardscape Area Proposed	28.6% 2 car 37% 3 car rectangular lot 38.8% 2 car 48.4% 3 car cul de sac lot (deviation requested)
Front Entry Walk Location Per Code	Direct connect to street
Front Entry Walk Proposed	Direct connect to driveway (deviation req)
Meadows Detached House - Neighborhood Data	
Total Number of lots	163 lots
17.07.020 Zoning Districts – Building Type and Development Standards	
Building Type	Detached House-Neighborhood
Lot Size Minimum Per Code	6,000 s.f.
Lot Size Minimum Proposed	5,750 s.f.(deviation requested)
Lot Width Minimum Per Code	50'
Lot Width Minimum Proposed	50'
Lot Size Minimum Proposed	50' x 115'
Building Coverage Maximum Per Code	40%
Building Coverage Maximum Proposed	45%(deviation requested)
Front Setback Per Code	10'-35'
Front Setback Proposed	25'
Interior Side Setback Per Code	5'
Interior Side Setback Proposed	5'
Street Side Setback Per Code	10'
Street Side Setback Proposed	20'
Rear Setback Per Code	25'
Rear Setback Proposed	20'(deviation requested)
17.07.040 Specific Building Type Standards	
Frontage Type Required by Code	Neighborhood Yard;Terrace(limited)
Frontage Type Proposed	Neighborhood
Garage Limits Per Code 25% of facade if front-loaded; up to 45% if set back 15'+ from front building line; no limits if side-loaded, rear or detached(door only).	
Garage Frontage Proposed(16' door)	40%(deviation requested)
Single-story front entry feature required	
Single-story entry feature provided	
17.07.050 Frontage Design	
Frontage Type Proposed	Neighborhood
Depth Minimum Per Code	25'
Depth Proposed	25'
Access Limits Per Code	15% 20' max. per access point
Access Limits Proposed	32%(16')(deviation requested)
Access Type	Double Driveway
Required Building Frontage Per Code	50%
Building Frontage Proposed	50%
Hardscape Area Per Code	5%-20%
Hardscape Area Proposed on Smallest Yard Lots(cul dec sac)	39% for rectangular lot 45.4 % for cul de sac lot (deviation requested)
Front Entry Walk Location Per Code	Direct connect to street
Front Entry Walk Proposed	Direct connect to driveway (deviation req)
Street Design Data for Suburban and Meadows Single Family	
17.04.010 Street Networks and Street Design	
NEIGHBORHOOD TYPE- ALL STREETS WITHIN SINGLE FAMILY AREA	
Block Length Per Code	500' Min. - 1,000'Max
Block Length Proposed	165'-2,360'(deviation requested)
Block Area Per Code	5-8 Acres
Block Area Proposed	3.9;4.13;1.5;.5;3.4;4.5;3;1.5;1.6;2.6; 8.4 (deviation requested)
Cul De Sac Length Maximum	500'
Cul De Sac Length Maximum proposed (1 cul de sac due to terrain/access)	780'(deviation requested)
Right of Way Per Code	50'
Right of Way Proposed	50'
Pavement Width Per Code	25'-28' back of curb to back of curb
Pavement Width Proposed	28' back of curb to back of curb
Utility Placement Per Code	Right of way and Easement
Utility Placement Proposed	Right of way and Easement
Sidewalk Per Code	5' both sides
Sidewalk Proposed	5' and trail so each lot has access(deviation requested)
Planting Area/Amenity Per Code	6'
Planting Amenity Proposed	5'(deviation requested)
Drainage/Street Edge	1' – 2' curb/gutter
Drainage/Street Edge Proposed	2' curb/gutter
Travel Lane Per Code	9' two way or 14' yield flow
Travel Lane Proposed	9'
Parking Area/Shoulder Per Code	6' limited parking
Parking Area/ Shoulder Proposed	6'
Walkway Type Per Code	Detached Sidewalk
Walkway Type Proposed	Detached Sidewalk
Planting Type Per Code	Tree Lawn
Planting Type Proposed	Tree Lawn
Tree Spacing Per Code	25'-40' on center
Tree Spacing Proposed	25'-40' on center
Bicycle Facility Per Code	None – within traffic flow
Bicycle Facility Proposed	None – within traffic flow
Target Speed Per Code	<20 mph
Target Speed Proposed	<20 mph
COLLECTOR-STANDARD	
Right of Way Per Code	60'
Right of Way Proposed	60'
Pavement Width Per Code	28'-32' back of curb to back of curb
Pavement Width Proposed	28' min back of curb to back of curb
Utility Placement Per Code	Right of way and Easement
Utility Placement Proposed	Right of way and Easement
Sidewalk Per Code	5' both sides
Tree Spacing Per Code	40' – 60' on center
Tree Spacing Proposed	40' – 60' on center
Bicycle Facility Per Code	14' outside lane
Bicycle Facility Proposed	None – within traffic flow
Target Speed Per Code	35 mph
Target Speed Proposed	30-35 mph
Open Space Data	
17.04.020 Open and Civic Space Systems	
Context	Suburban
Preferred Types Per Code	Park, Trail/Greenway,Green Natural Area
Type Proposed	Park/Pool, Trail/Greenway
Open Space Minimum Required by Section D of Code	10%(12.79 Acres)
Open Space Proposed	16%(20.86 Acres)
Estates Tract A (Green with Pedestrian Overlook) 0.41 ac(only part of tract)	
Estates Tract D (Park/Pool Tract) 1.62 ac	
Estates Tract E (Trail/Greenway) 2.81 ac(only part of tract)	
Estates Tract F (Trail/Greenway) 0.36 ac	
Estates Tract G (Trail/Greenway) 0.68 ac	
Estates Tract H (Trail/Greenway) 1.51 ac	
Estates Tract I (Trail/Greenway and Natural Area) 2.03 ac	
Estates Tract J (Natural Area with Pedestrian Overlook) 0.23 ac(only part of tract)	
Estates Tract K (Trail/Greenway and Natural Area) 2.08 ac	
Estates Tract N (Trail/Greenway) 0.23 ac	
Estates Tract O (Trail/Greenway) 2.94 ac	
Meadows Tract C (Natural Area with Pedestrian Overlook) 0.59 ac(only part of tract)	
Meadows Tract E (Trail/Greenway) 0.26 ac	
Meadows Tract F (Trail/Greenway) 0.46 ac	
Meadows Tract G (Trail/Greenway and Natural Area) 1.50 ac	
Meadows Tract H (Trail/Greenway) 1.13 ac	
Meadows Tract I (Trail/Greenway) 0.97 ac	
Meadows Tract J (Trail/Greenway) 1.05 ac	

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

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

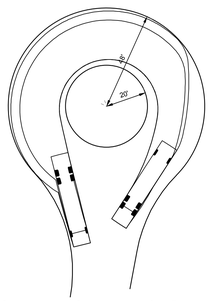


GENERAL NOTES:

1. The FIRM Map #20091C0121G dated August 3, 2009 indicates that the entire site is within ZONE X, Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
2. Boundary and easement data is from survey provided by Owner
3. Topography and adjacent plat and improvements based on JOCO AIMS.
4. Approval of this plan does not result in generating a building permit. A separate building permit approval process must be completed.
5. The project will be developed in phases. Phasing will follow the platting indicated on this plan. For example 1st Plat of each product type will be 1st phase.

PUBLIC IMPROVEMENT NOTES(STREETS, STORMWATER MANAGEMENT, SANTIARY SEWER, WATER, UTILITIES):

1. Existing utilities have been shown to the greatest extent possible based upon field locates by utility companies and information provided to the engineer.
2. All public walks will be 5' in width and constructed of Portland cement concrete.
3. All public trails will be 10' in width and constructed of Portland cement concrete.
4. All landscaped medians and islands shall be maintained by the homeowners association.



FIRE TRUCK TURNING
TEMPLATE DETAIL

PRELIMINARY PLAN/PLAT LEGAL DESCRIPTION

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

Commencing at the Southwest corner of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East; thence North 88 degrees 39 minutes 43 seconds East, a distance of 726.13 feet to the POINT OF BEGINNING; thence North 50 degrees 04 minutes 56 seconds East, a distance of 2646.24 feet; thence South 40 degrees 06 minutes 03 seconds West, a distance of 0.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 560.00 feet, a central angle of 38 degrees 34 minutes 48 seconds , a chord bearing of North 69 degrees 22 minutes 20 seconds East, and an arc length of 377.07 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 576.56 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 440.00 feet, a central angle of 90 degrees 41 minutes 44 seconds , a chord bearing of North 43 degrees 18 minutes 51 seconds East, and an arc length of 696.49 feet; thence North 02 degrees 02 minutes 01 seconds West, a distance of 468.10 feet; thence North 87 degrees 58 minutes 01 seconds East, a distance of 120.00 feet; thence South 02 degrees 02 minutes 01 seconds East, a distance of 468.10 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 560.00 feet, a central angle of 46 degrees 46 minutes 46 seconds , a chord bearing of South 21 degrees 21 minutes 22 seconds West, and an arc length of 457.22 feet; thence South 40 degrees 57 minutes 10 seconds East, a distance of 63.48 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 254.00 feet, a central angle of 51 degrees 04 minutes 51 seconds , a chord bearing of South 66 degrees 29 minutes 36 seconds East, and an arc length of 226.45 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 1046.25 feet; thence South 01 degrees 50 minutes 26 seconds East, a distance of 1680.87 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 2697.73 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 1985.28 feet, said point being the Point of Beginning, and containing 145.0780 acres, more or less.

TRACT NOTES:

1. ALL TRACTS WILL BE OWNED AND MAINTAINED BY THE PRAIRIE TRACE HOME OWNERS ASSOCIATION.
2. TRACTS ARE INTENDED FOR THE FOLLOWING USES

ESTATES
TRACTS A,B,C,E, H, I & J TO BE USED FOR DETENTION AND STORMWATER QUALITY FEATURES, OPEN SPACE AND NATURAL AREAS.

TRACT D WILL CONTAIN AN AMENITY AREA WITH A SWIMMING POOL

TRACTS F, G, M,N,&K TO BE USED FOR OPEN SPACE.

MEADOWS
TRACTS C,D,J& H TO BE USED FOR DETENTION AND STORMWATER QUALITY FEATURES, OPEN SPACE AND NATURAL AREAS.

TRACTS A,B,E,F,G,I,J&K TO BE USED FOR OPEN SPACE.

BENCH MARK:

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles West of the intersection of 175th Street and Hedge Lane.
EL = 1042.06

LOT LEGEND:

(XX) MEADOWS

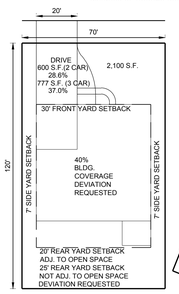
XX ESTATES

DEVELOPER:

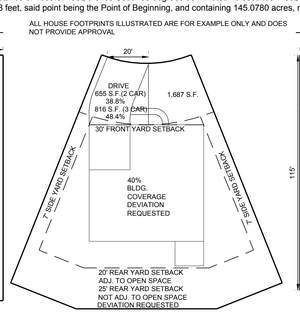
GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223

913-732-4778
INFO@GRATA.LAND

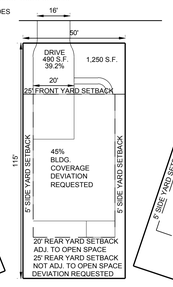
ALL HOUSE FOOTPRINTS ILLUSTRATED ARE FOR EXAMPLE ONLY AND DOES NOT PROVIDE APPROVAL



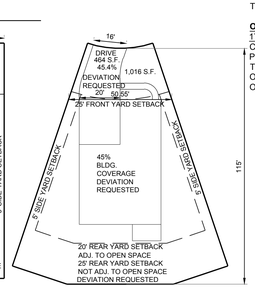
ESTATES
DETACHED HOUSE
SUBURBAN



ESTATES
DETACHED HOUSE
SUBURBAN



MEADOWS
DETACHED HOUSE
NEIGHBORHOOD



MEADOWS
DETACHED HOUSE
NEIGHBORHOOD

0 200' 400'
SCALE: 1" = 200'

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

REVISION	DATE	DESCRIPTION
1	1-23-2020	CITY COMMENTS
2	2-10-2020	CITY COMMENTS
3	2-12-2020	CITY COMMENTS
4	3-2-2020	CITY COMMENTS
5	3-9-2020	CITY COMMENTS
6		
7		
8		

DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 18-226

GENERAL LAYOUT - OVERALL

1

I:\PROJECTS\2018\18-226\3.0 Design\3.0 DWG Plans\2.0 PDP\18-226-PDP-GEN.dwg, 3/10/2020 7:45:34 AM, 1:1

	Code Section	Code Standard	Standard	Request	Notes
ESTATES					
1	17.07.020 A; TABLE 1-2 & 17.07.040	Detached House - Suburban Maximum Building Coverage	30%	40%	
2	17.07.020 A; TABLE 1-2 & 17.07.040	Detached House - Suburban Rear Setback	25'	20'	Lots adjacent to open space. Lots not adjacent to open space would be required to meet the 25' setback include lots 28,39,40,57-67,82,86,87,99-105,117-119,124-128,131-133,141-146 152,162,164-170,185-194
3	17.07.050 C	Detached House - Neighborhood Access Limits	15%, 20' max	30%, 20' max	
4	17.07.050 C	Detached House - Neighborhood Hardscape Area	15%, 20' max	48.4%	Allocation of space hardscape 28.6% 2 car 37% 3 car rectangular lot 38.8% 2 car 48.4% 3 car cul de sac
5	17.07.050 C	Detached House - Neighborhood Sidewalk	Direct Connect to Street	Direct Connect to Driveway	
MEADOW LOTS					
1	17.07.020 A; TABLE 1-2 & 17.07.040	Detached House - Neighborhood Minimum Lot Size	6,000 sf	5,750 sf	
2	17.07.020 A; TABLE 1-2 & 17.07.040	Detached House - Neighborhood Maximum Building Coverage	40%	45%	
3	17.07.020 A; TABLE 1-2 & 17.07.040	Detached House - Neighborhood Rear Setback	25'	20'	Lots adjacent to open space. Lots not adjacent to open space would be required to meet the 25' setback include lots 43,58,59,68-79,84-90,98,100,103-125,135-153
4	17.07.040	Detached House - Neighborhood Garage Limit	25%, up to 45% if stbk 15+ from front lk	40%	16' Garage door width
5	17.07.050 C	Detached House - Neighborhood Access Limits	15%, 20' max	32%, 16' max	
6	17.07.050 C	Detached House - Neighborhood Hardscape Area	5%-20%	40%-45.4%	39% rectangular lot 45.4% for cul de sac
7	17.07.050 C	Detached House - Neighborhood Sidewalk	Direct Connect to Street	Direct Connect to Driveway	
STREET DESIGN					
1	17.04.010	Block length	500'-1,000'	165'-2,360'	1.400; 2.358; 1.048;
2	17.04.010	Block area	5-8 ac	1.5 ac-8.4 ac	3.9; 4.13; 1.5; 1.5; 3.4; 4.5; 3; 1.5; 1.6; 2.6; 6.4
3	17.04.010	Cul-de-sac length	500'	780'	780;741
4	17.04.010	Sidewalk on both sides of local streets	2 sides	1 side in some areas	All lots will have a sidewalk or trail adjacent to them.

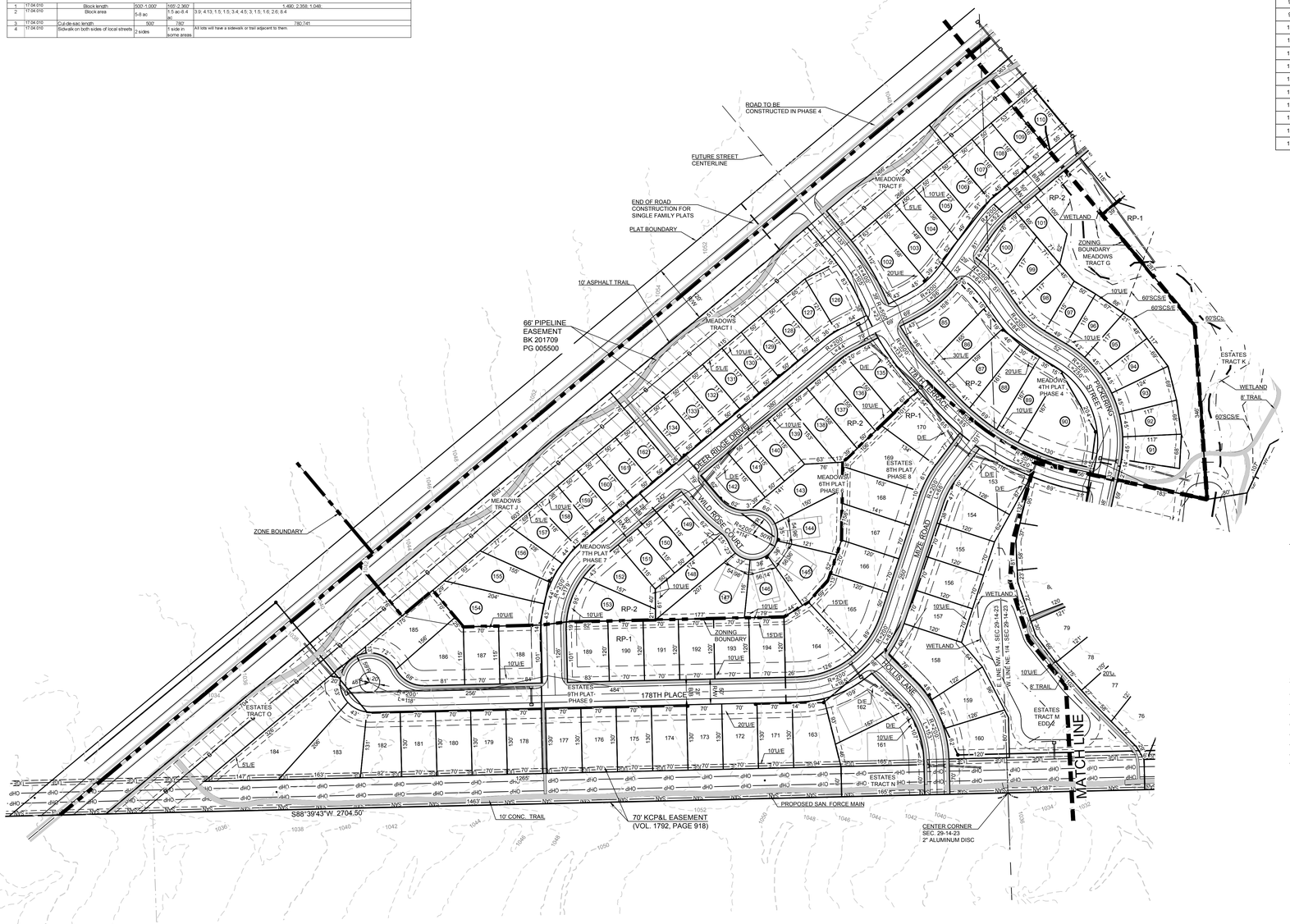
MEADOWS WEST

LOT #	AREA (SF)	LOT #	AREA (SF)
85	12,674	126	8,639
86	8,239	127	6,565
87	9,262	128	5,853
88	9,456	129	5,853
89	8,379	130	5,853
90	18,253	131	5,853
91	6,541	132	5,853
92	6,542	133	5,853
93	6,781	134	5,853
94	6,781	135	9,474
95	6,709	136	7,639
96	6,445	137	7,816
97	5,750	138	7,941
98	7,078	139	6,691
99	6,812	140	6,035
100	8,419	141	5,750
101	5,895	142	7,605
102	11,087	143	11,351
103	7,750	144	10,637
104	7,142	145	9,768
105	6,476	146	9,311
106	5,925	147	13,097
107	5,800	148	8,938
108	5,800	149	7,565
109	6,148	150	5,750
		151	5,750
		152	8,484
		153	9,653
		154	12,819
		155	10,928
		156	8,134
		157	6,844
		158	6,051
		159	5,853
		160	5,853
		161	5,853
		162	5,853

LOT #	AREA (SF)
MEADOWS TRACT A	1,310
MEADOWS TRACT B	32,766
MEADOWS TRACT C	66,529
MEADOWS TRACT D	10,442
MEADOWS TRACT E	11,465
MEADOWS TRACT F	20,217
MEADOWS TRACT G	65,302
MEADOWS TRACT H	49,191
MEADOWS TRACT I	42,388
MEADOWS TRACT J	45,807

ESTATES WEST

LOT #	AREA (SF)	LOT #	AREA (SF)
153	10,317	ESTATES TRACT A	101,192
154	9,232	ESTATES TRACT B	120,804
155	8,400	ESTATES TRACT C	27,310
156	8,400	ESTATES TRACT D	66,397
157	8,400	ESTATES TRACT E	183,132
158	15,232	ESTATES TRACT F	15,532
159	9,622	ESTATES TRACT G	29,771
160	9,727	ESTATES TRACT H	66,077
161	13,335	ESTATES TRACT I	91,303
162	11,962	ESTATES TRACT J	85,340
163	10,415	ESTATES TRACT K	89,361
164	13,898	ESTATES TRACT L	26,752
165	13,761	ESTATES TRACT M	90,872
166	8,400	ESTATES TRACT N	9,893
167	9,152	ESTATES TRACT O	128,031
168	10,657		
169	12,497		
170	11,172		
171	9,100		
172	9,100		
173	9,100		
174	9,100		
175	9,100		
176	9,100		
177	9,100		
178	9,100		
179	9,100		
180	9,100		
181	9,100		
182	9,663		
183	14,718		
184	21,551		
185	11,720		
186	11,556		
187	8,050		
188	9,682		
189	9,954		
190	8,400		
191	8,400		
192	8,400		
193	8,400		
194	8,400		



LEGEND:

- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR UNLESS OTHERWISE NOTED
- SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED

B/B - BACK TO BACK
BL or B.L. - BUILDING LINE
D/E - DRAINAGE EASEMENT
L/E - LANDSCAPE EASEMENT
R/W - RIGHT-OF-WAY
S/E - SANITARY SEWER EASEMENT
U/E - UTILITY EASEMENT
SCS/E - STREAM CORRIDOR SETBACK EASEMENT

- CURB & GUTTER
- EXISTING LOT AND PROPERTY LINES
- EXISTING PLAT AND R/W LINES
- OHP - OVERHEAD POWER LINE
- SAN - SANITARY SEWER MAIN
- W - WATERLINE
- E - ELECTRIC LINE
- G - GAS LINE
- STO - STORM SEWER
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- POWER POLE
- GAS VALVE
- GUY WIRE
- LIGHT OVERHEAD
- P POWER PEDESTAL
- T TELEPHONE PEDESTAL

LOT LEGEND:

- (XX) MEADOWS
- XX ESTATES

0 100' 200'
SCALE: 1" = 100'

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PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

REVISION DATE	DESCRIPTION
1-23-2020	CITY COMMENTS
2-10-2020	CITY COMMENTS
2-12-2020	CITY COMMENTS
3-12-2020	CITY COMMENTS
3-24-2020	CITY COMMENTS

DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 18-226

GENERAL LAYOUT - WEST

2

I:\PROJECTS\2018\18-226\3.0 Design\3.0 DWG Plans\2.0 PDP\18-226-PDP-GEN.dwg, 3/10/2020 7:45:44 AM, 1:1

MEADOWS EAST

LOT #	AREA (SF)
1	9,268
2	8,581
3	9,681
4	8,930
5	6,956
6	6,590
7	6,608
8	6,775
9	6,604
10	6,518
11	6,014
12	6,498
13	5,985
14	5,757
15	6,189
16	7,022
17	6,319
18	7,475
19	7,970
20	7,516
21	6,135
22	6,108
23	7,120
24	6,383
25	6,545
26	7,509
27	11,004
28	10,886
29	6,225
30	7,125
31	6,186
32	6,819
33	6,329
34	6,460
35	10,681
36	13,062
37	10,459
38	9,513
39	6,634
40	7,316
41	6,784
42	6,916
43	8,439
44	5,750
45	5,750
46	5,750
47	7,212
48	7,765
49	9,256
50	6,829
51	8,032
52	8,565
53	8,437
54	7,573
55	6,627
56	6,669
57	8,114
58	9,161
59	8,563
60	7,932

LOT #	AREA (SF)
61	6,765
62	5,823
63	5,750
64	5,750
65	5,750
66	5,750
67	5,808
68	5,850
69	5,750
70	5,750
71	5,854
72	5,750
73	6,636
74	7,263
75	8,094
76	7,910
77	7,543
78	5,759
79	5,879
80	8,072
81	6,131
82	6,731
83	6,495
84	9,079

LOT #	AREA (SF)
110	6,380
111	6,380
112	5,800
113	5,800
114	6,192
115	6,310
116	6,216
117	6,518
118	6,511
119	6,194
120	6,869
121	7,269
122	9,654
123	7,475
124	5,750
125	5,750

LOT #	AREA (SF)
MEADOWS TRACT A	1,310
MEADOWS TRACT B	32,766
MEADOWS TRACT C	66,529
MEADOWS TRACT D	10,442
MEADOWS TRACT E	11,465
MEADOWS TRACT F	20,217
MEADOWS TRACT G	65,302
MEADOWS TRACT H	49,191
MEADOWS TRACT I	42,388
MEADOWS TRACT J	45,807

ESTATES EAST

LOT #	AREA (SF)
1	11,633
2	8,849
3	8,400
4	9,019
5	8,400
6	8,400
7	8,624
8	8,635
9	10,648
10	10,125
11	10,914
12	14,584
13	13,413
14	9,385
15	9,336
16	8,400
17	8,676
18	8,400
19	8,400
20	9,281
21	8,400
22	8,736
23	10,207
24	9,545
25	8,050
26	8,050
27	9,481
28	11,923
29	8,809
30	9,226
31	8,748
32	8,749
33	8,750
34	8,758
35	9,339
36	10,580
37	10,158
38	11,487
39	11,209
40	9,854
41	9,960
42	8,616
43	8,400
44	8,400
45	9,594
46	9,308
47	9,412
48	9,369
49	10,201
50	10,247
51	8,648
52	9,960
53	9,960
54	8,400
55	8,400
56	9,960
57	9,960
58	10,624
59	12,726
60	10,158

LOT #	AREA (SF)
61	9,181
62	10,137
63	11,175
64	13,327
65	14,925
66	10,727
67	12,144
68	8,400
69	8,400
70	8,400
71	8,400
72	8,400
73	8,400
74	8,400
75	10,020
76	10,797
77	9,038
78	8,605
79	9,602
80	9,580
81	9,628
82	10,330
83	9,832
84	12,582
85	8,400
86	8,400
87	9,470
88	11,035
89	8,400
90	8,821
91	8,400
92	9,528
93	8,433
94	8,944
95	8,400
96	10,468
97	9,392
98	16,366
99	17,525
100	8,983
101	11,256
102	8,661
103	11,489
104	12,677
105	11,360
106	11,281
107	8,455
108	9,615
109	8,587
110	8,400
111	8,400
112	8,400
113	8,400
114	8,400
115	8,400
116	9,165
117	12,809
118	10,750
119	10,120
120	11,076

LOT #	AREA (SF)
121	11,153
122	12,622
123	11,358
124	9,777
125	9,300
126	9,360
127	9,360
128	9,957
129	11,423
130	8,989
131	8,927
132	8,707
133	9,699
134	10,285
135	8,793
136	9,129
137	8,413
138	9,493
139	9,796
140	11,083
141	15,980
142	10,380
143	9,570
144	9,546
145	13,588
146	11,404
147	10,955
148	10,314
149	17,677
150	11,994
151	8,525
152	8,872

LOT #	AREA (SF)
ESTATES TRACT A	101,192
ESTATES TRACT B	120,804
ESTATES TRACT C	27,310
ESTATES TRACT D	66,397
ESTATES TRACT E	183,132
ESTATES TRACT F	15,532
ESTATES TRACT G	29,771
ESTATES TRACT H	66,077
ESTATES TRACT I	91,303
ESTATES TRACT J	85,340
ESTATES TRACT K	89,361
ESTATES TRACT L	26,752
ESTATES TRACT M	90,872
ESTATES TRACT N	9,893
ESTATES TRACT O	128,031

LEGEND:

■	FOUND MONUMENT AS NOTED
●	FOUND 1/2" REBAR UNLESS OTHERWISE NOTED
○	SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
B/B	BACK TO BACK
BL or B.L.	BUILDING LINE
D/E	DRAINAGE EASEMENT
L/E	LANDSCAPE EASEMENT
R/W	RIGHT-OF-WAY
S/E	SANITARY SEWER EASEMENT
U/E	UTILITY EASEMENT
	CURB & GUTTER
	EXISTING LOT AND PROPERTY LINES
	EXISTING PLAT AND R/W LINES
OHP	OVERHEAD POWER LINE
SAN	SANITARY SEWER MAIN
W	WATERLINE
E	ELECTRIC LINE
G	GAS LINE
STO	STORM SEWER
	SANITARY MANHOLE
	FIRE HYDRANT
	WATER VALVE
	POWER POLE
	GAS VALVE
	GUY WIRE
	LIGHT OVERHEAD
P	POWER PEDESTAL
T	TELEPHONE PEDESTAL

LOT LEGEND:

(XX)	MEADOWS
XX	ESTATES

	Code Section	Code Standard	Standard	Request	Notes
ESTATES					
1	17.07.020.A-TABLE 7-2 & 17.07.040	Detached House - Suburban Maximum Building Coverage	30%	40%	
2	17.07.020.A-TABLE 7-2 & 17.07.040	Detached House - Suburban Rear Setback	25'	20'	Lots adjacent to open space. Lots not adjacent to open space would be required to meet the 25' setback include lots 28,39,40,57-67,82,86,87,99-105,117-119,124-128,131-133,141-146.152,162,164-170,186-194
3	17.07.050.C	Detached House - Neighborhood Access Limits	15%, 20' max	30%; 20' max	
4	17.07.050.C	Detached House - Neighborhood Hardscape Area	15%, 20' max	48.40%	Allocation of space hardscape 28.6% 2 car 37% 3 car rectangular lot 38.8% 2 car 48.4% 3 car cul de sac
5	17.07.050.C	Detached House - Neighborhood Sidewalk	Direct Connect to Street	Driect Connect to Driveway	
MEADOW LOTS					
1	17.07.020.A-TABLE 7-2 & 17.07.040	Detached House - Neighborhood Minimum Lot Size	6,000 sf	5,750 sf	
2	17.07.020.A-TABLE 7-2 & 17.07.040	Detached House - Neighborhood Maximum Building Coverage	40%	45%	
3	17.07.020.A-TABLE 7-2 & 17.07.040	Detached House - Neighborhood Rear Setback	25'	20'	Lots adjacent to open space. Lots not adjacent to open space would be required to meet the 25' setback include lots 43,58,59,68-79,84-90,99,100,120-125,135-153
4	17.07.040	Detached House - Neighborhood Garage Limit	25%, up to 45% if stbk 15'+ from front BL	40%	16' Garage door width
5	17.07.050.C	Detached House - Neighborhood Access Limits	15%, 20' max	32%; 16' max	
6	17.07.050.C	Detached House - Neighborhood Hardscape Area	5%-20%	40%-45.4%	39% rectangular lot 45.4% for cul de sac
7	17.07.050.C	Detached House - Neighborhood Sidewalk	Direct Connect to Street	Driect Connect to Driveway	
STREET DESIGN					
1	17.04.010	Block length	500'-1,000'	165'-2,360'	1,490; 2,358; 1,048;
2	17.04.010	Block area	5-8 ac	1.5 ac-8.4 ac	3.9; 4.13; 1.5; 1.5; 3.4; 4.5; 3; 1.5; 1.6; 2.6; 8.4
3	17.04.010	Cul-de-sac length	500'	780'	780;741
4	17.04.010	Sidwalk on both sides of local streets	2 sides	1 side in some areas	All lots will have a sidewalk or trail adjacent to them.

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PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

DRAWN BY:	CHECKED BY:	DATE PREPARED:	PROJ. NUMBER:
AJC	MAB	01.10.20	18-226

	REVISION DATE	DESCRIPTION
1	1-23-2020	CITY COMMENTS
2	2-10-2020	CITY COMMENTS
3	2-12-2020	CITY COMMENTS
4	3-2-2020	CITY COMMENTS
5	3-9-2020	CITY COMMENTS
6		
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GENERAL LAYOUT - EAST

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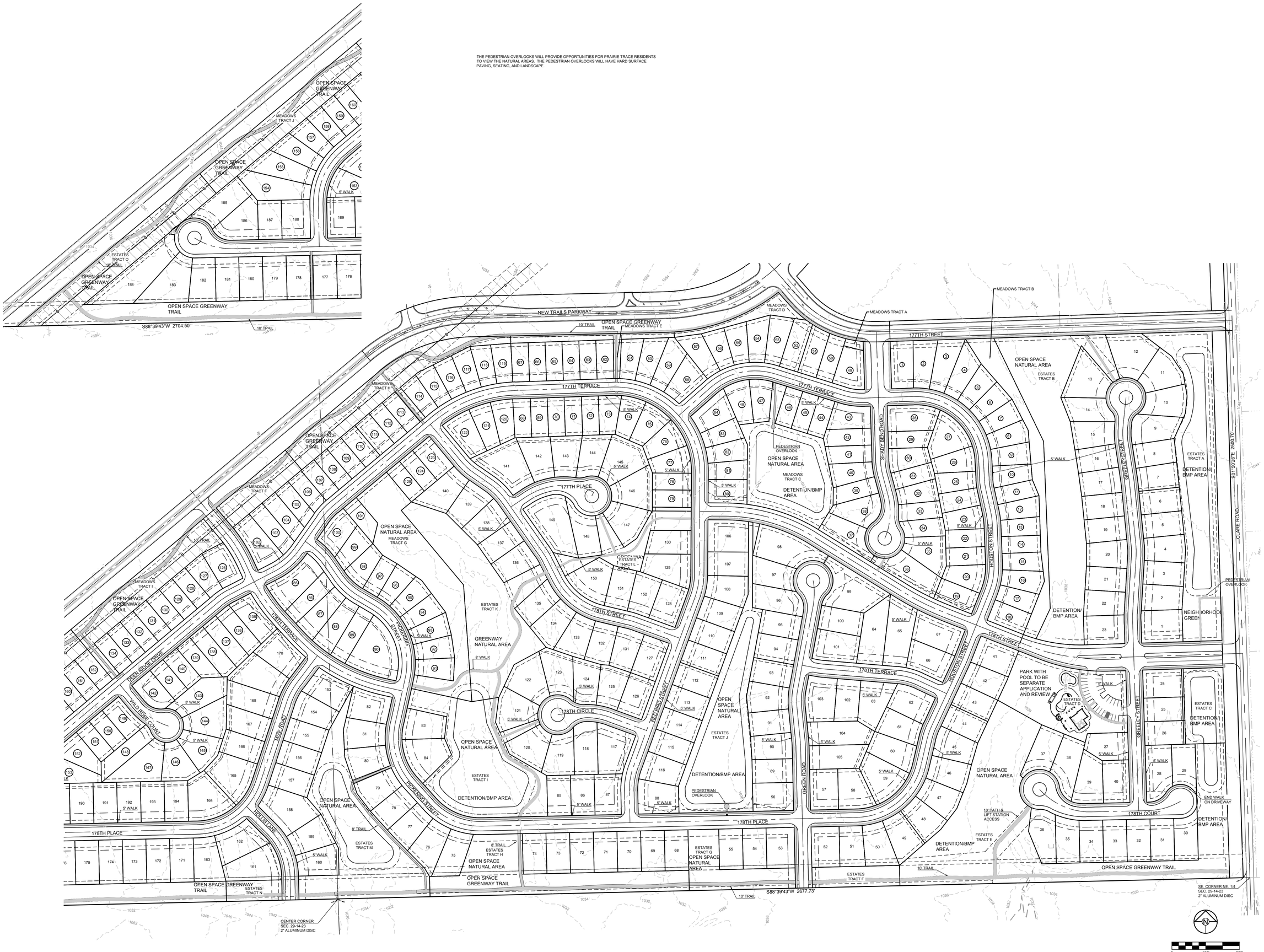
THE PEDESTRIAN OVERLOOKS WILL PROVIDE OPPORTUNITIES FOR PRAIRIE TRACE RESIDENTS TO VIEW THE NATURAL AREAS. THE PEDESTRIAN OVERLOOKS WILL HAVE HARD SURFACE PAVING, SEATING, AND LANDSCAPE.



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PRAIRIE TRACE
PRELIMINARY PLAT & PLAN
I-35 & 175TH STREET GARDNER, KANSAS

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DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 18-226

PEDESTRIAN PLAN

4

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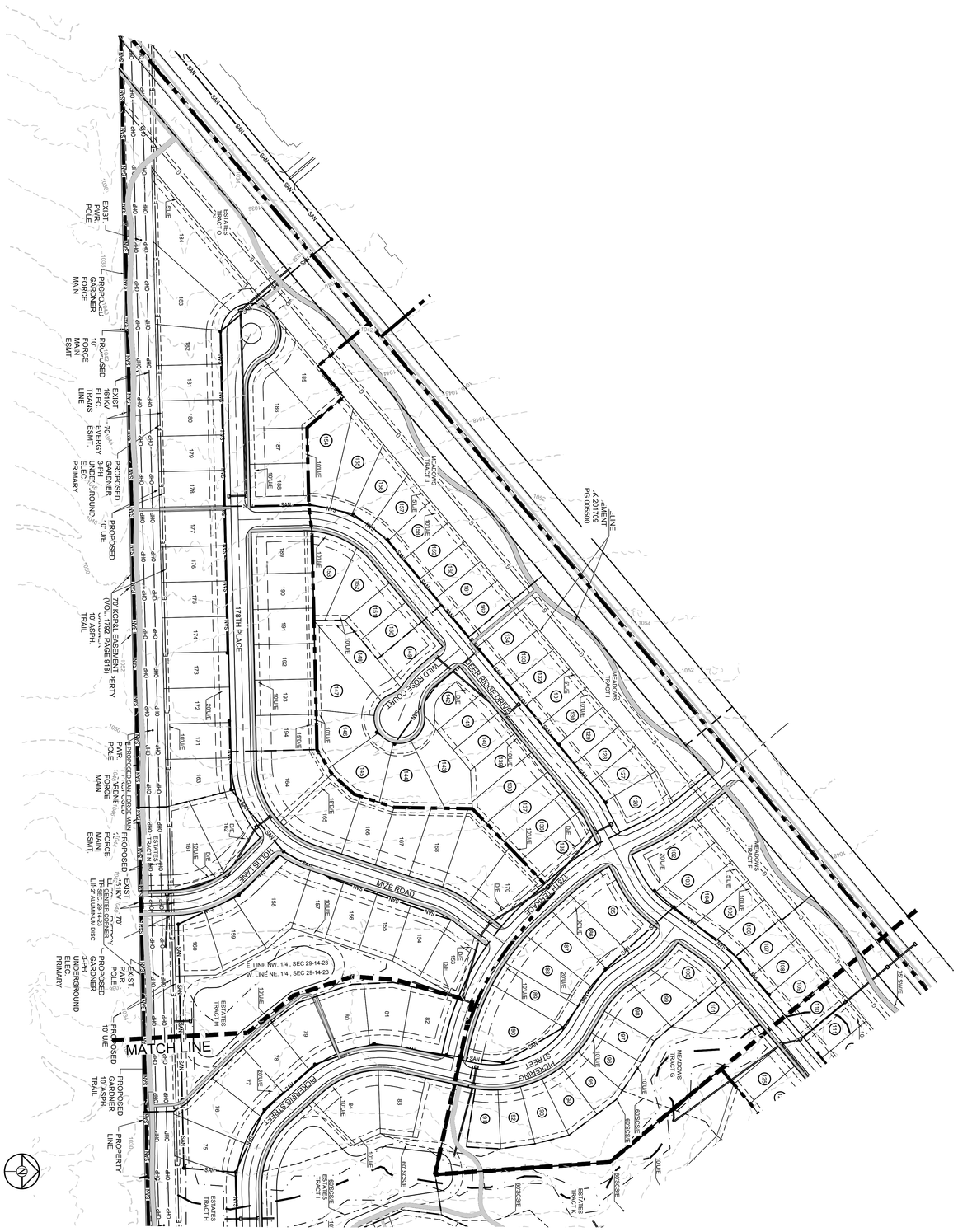

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AJC	1 1-23-2020	CITY COMMENTS
CHECKED BY:	2 2-10-2020	CITY COMMENTS
MAB	3 2-12-2020	CITY COMMENTS
DATE PREPARED:	4 3-2-2020	CITY COMMENTS
01.10.20	5 3-9-2020	CITY COMMENTS
PROJ. NUMBER:	6	
18-226	7	
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PRELIMINARY UTILITY PLAN - WEST

PRAIRIE TRACE
PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

SCHLAGEL & ASSOCIATES, P.A.

PREPARED BY:

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PRAIRIE TRACE
PRELIMINARY PLAT & PLAN

I-35 & 175TH STREET GARDNER, KANSAS

REVISION	DATE	DESCRIPTION
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PRELIMINARY UTILITY PLAN - EAST

6

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JOHNSON COUNTY
KANSAS
Planning, Development & Codes

March 6, 2020

To: Michelle Leininger, City of Gardner

From: Sean Pendley, Johnson County Planning Department

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

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

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

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

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

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

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

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

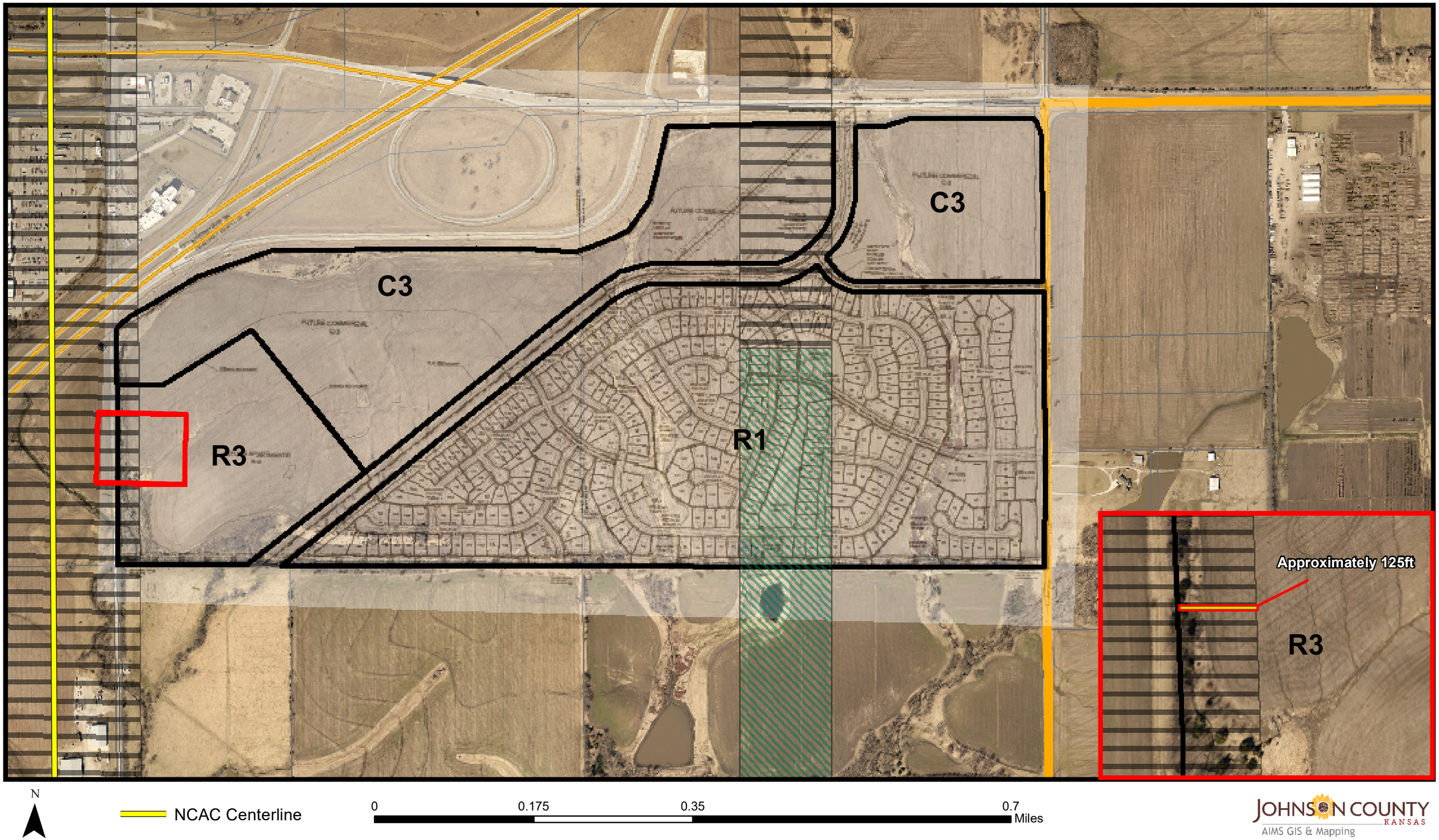
If you have any questions concerning these comments, please contact me at (913) 715-2205. Thank you for your cooperation in this matter.

Respectfully,

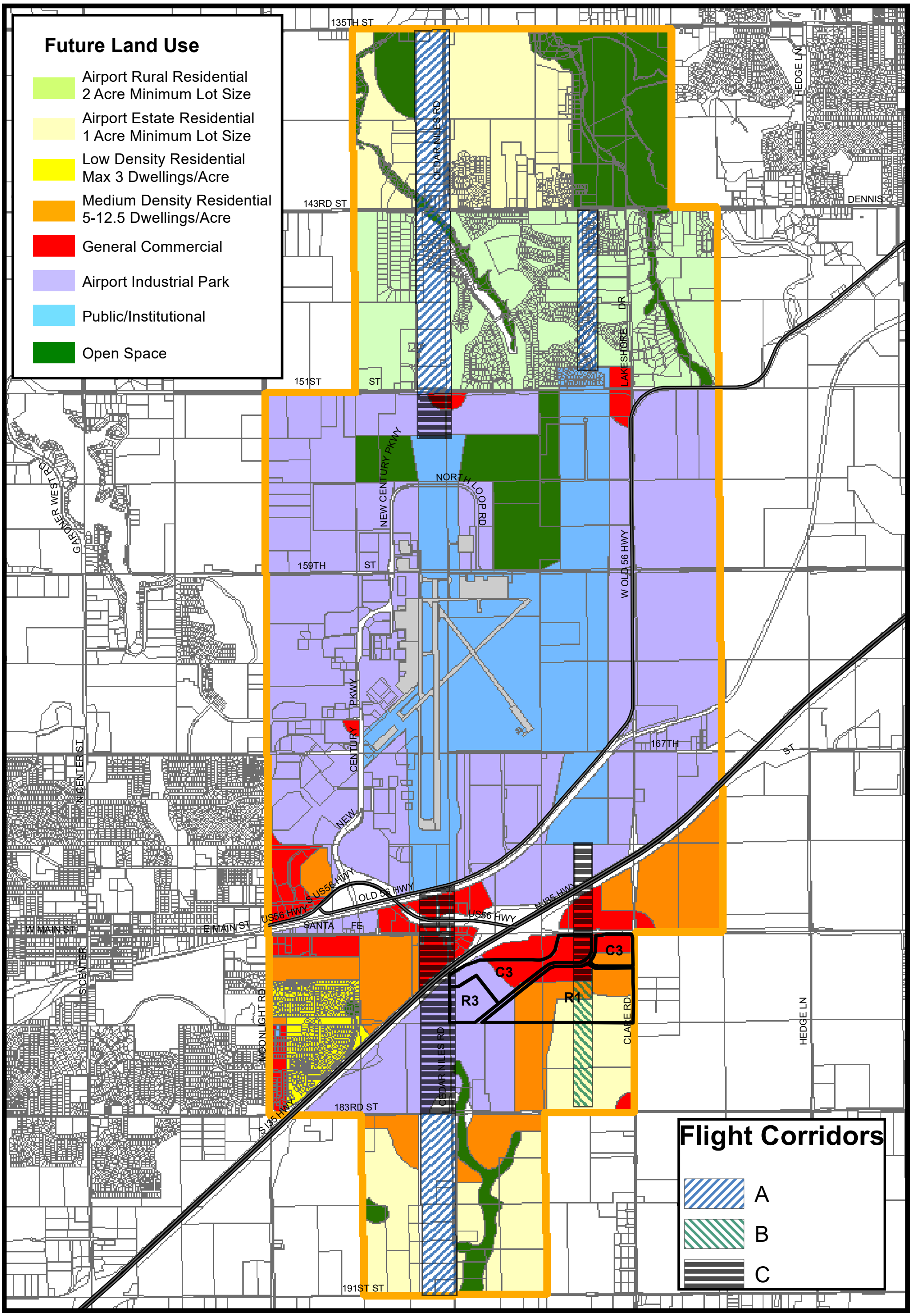
Sean Pendley, AICP
Deputy Director of Planning

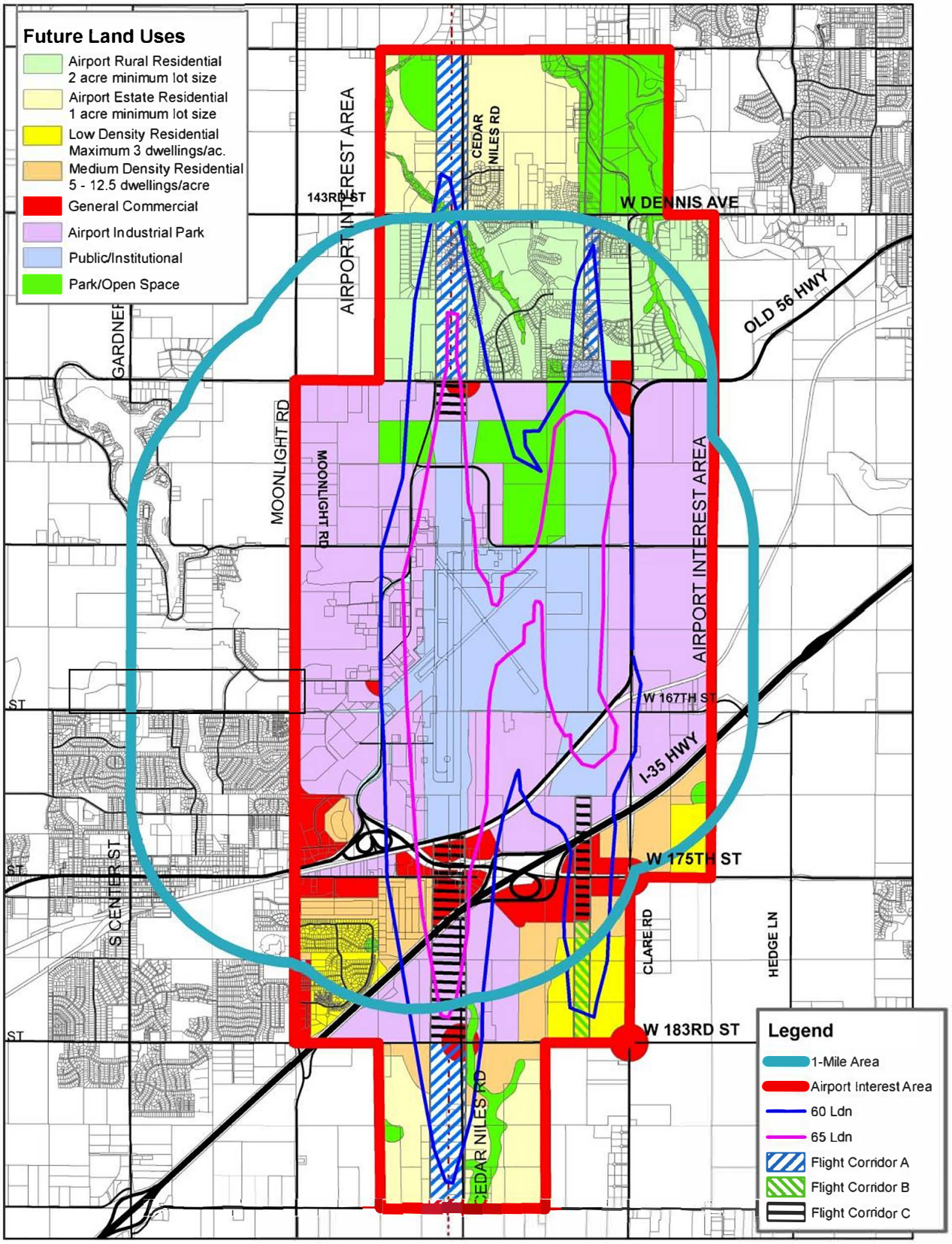
Cc: Aaron Otto, Johnson County Airport Commission
Larry Peet, Johnson County Airport Commission
Jay Leipzig, Johnson Count Planning
Richard Lind, Johnson County Legal

Prarie Trace (Proposed)



New Century Airport





REPLICA OF NCAC FUTURE LAND USE MAP

GARDNER KANSAS
Blazing New Trails
BUSINESS & ECONOMIC DEVELOPMENT

February 4, 2019

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, February 25, 2020, beginning at 7:00 p.m.,** in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

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

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

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

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Written comments are welcome and encouraged.

A complete legal description for this property is available at the City of Gardner Business & Economic Development Department at Gardner City Hall, 120 E. Main Street, Monday - Friday from 8:00 a.m. - 5:00 p.m. If you have questions relating to this matter, please contact me at 913-856-0909.

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

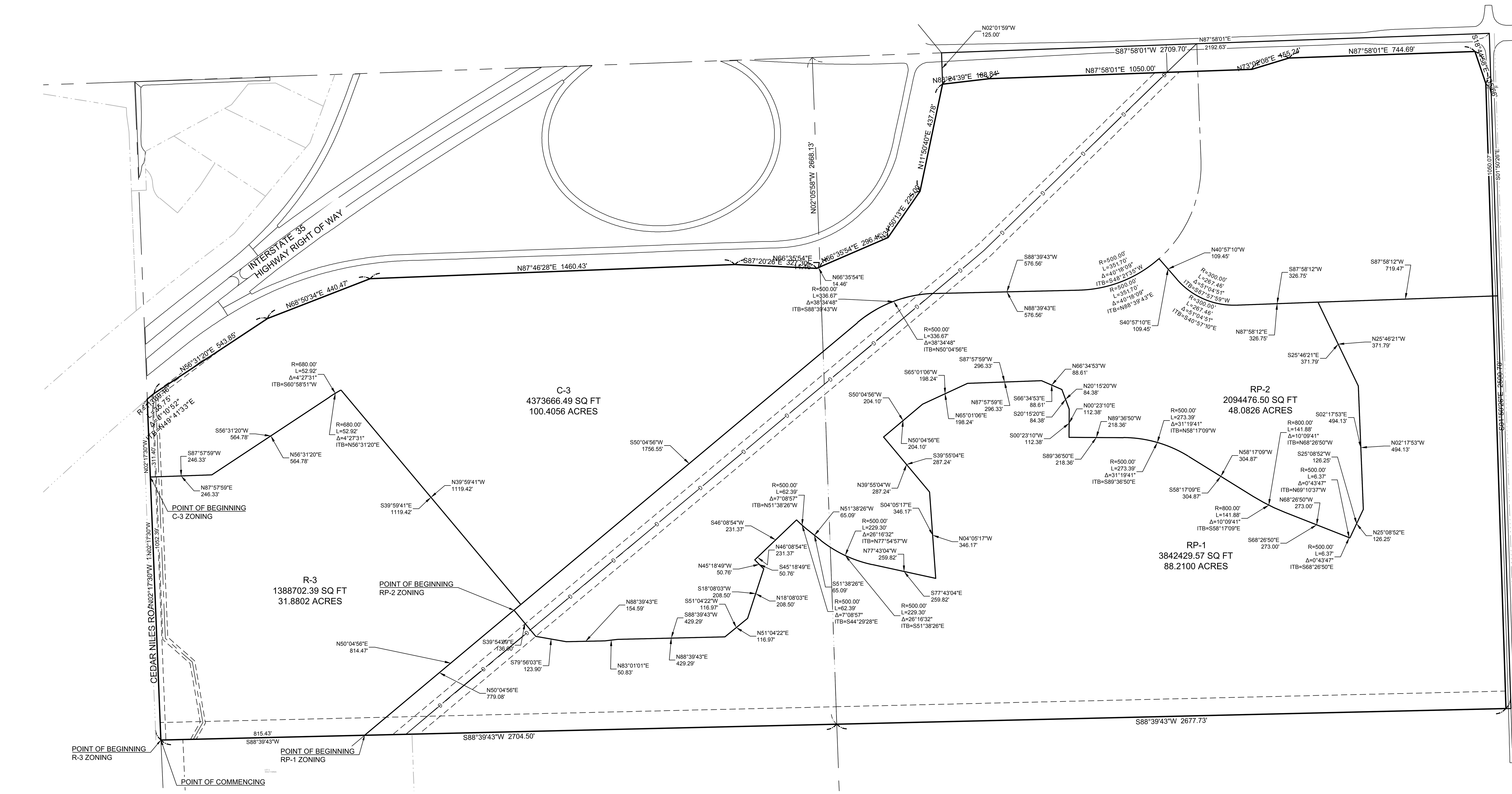
PLEASE NOTE: If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

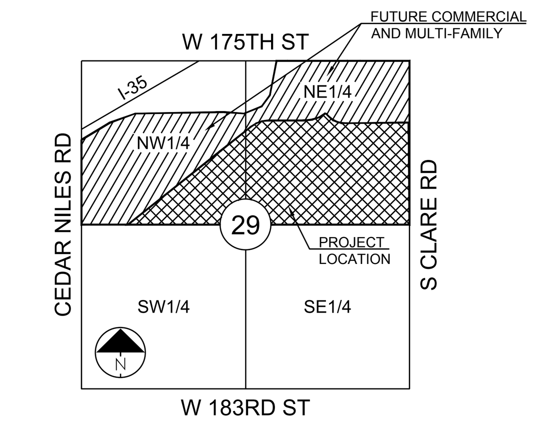
Sincerely,

Michelle Leininger

Michelle Leininger, AICP
Principal Planner

Enclosure





SECTION 14-23-29

LOCATION MAP

SCALE 1" = 2000'

RP-1 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet to the POINT OF BEGINNING; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet; thence South 39 degrees 54 minutes 09 seconds East, a distance of 136.00 feet; thence South 79 degrees 56 minutes 03 seconds East, a distance of 123.90 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 154.59 feet; thence North 83 degrees 01 minutes 01 seconds East, a distance of 50.83 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 429.29 feet; thence North 51 degrees 04 minutes 22 seconds East, a distance of 116.97 feet; thence North 18 degrees 08 minutes 03 seconds East, a distance of 208.50 feet; thence North 45 degrees 18 minutes 49 seconds West, a distance of 50.76 feet; thence North 46 degrees 08 minutes 54 seconds East, a distance of 231.37 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 44 degrees 29 minutes 28 seconds East, a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds, a chord bearing of South 48 degrees 03 minutes 57 seconds East, and an arc length of 62.39 feet; thence South 51 degrees 38 minutes 26 seconds East, a distance of 65.09 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds , a chord bearing of South 64 degrees 46 minutes 42 seconds East, and an arc length of 229.30 feet; thence South 77 degrees 43 minutes 04 seconds East, a distance of 259.82 feet; thence North 04 degrees 05 minutes 17 seconds West, a distance of 346.17 feet; thence North 39 degrees 55 minutes 04 seconds West, a distance of 287.24 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 204.10 feet; thence North 65 degrees 01 minutes 06 seconds East, a distance of 198.24 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 296.33 feet; thence South 66 degrees 34 minutes 53 seconds East, a distance of 88.61 feet; thence South 20 degrees 15 minutes 20 seconds East, a distance of 84.38 feet; thence South 00 degrees 23 minutes 10 seconds West, a distance of 112.38 feet; thence South 89 degrees 36 minutes 50 seconds East, a distance of 218.36 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of South 73 degrees 57 minutes 00 seconds East, and an arc length of 273.39 feet; thence South 58 degrees 17 minutes 09 seconds East, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of South 63 degrees 22 minutes 00 seconds East, and an arc length of 141.88 feet; thence South 68 degrees 26 minutes 50 seconds East, a distance of 273.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of South 68 degrees 48 minutes 44 seconds East, and an arc length of 6.37 feet; thence North 25 degrees 08 minutes 52 seconds East, a distance of 126.25 feet; thence North 02 degrees 17 minutes 53 seconds West, a distance of 494.13 feet; thence North 25 degrees 46 minutes 21 seconds West, a distance of 371.79 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 719.47 feet to a point on the East line of the Northeast One-Quarter of said Section 29; thence South 01 degrees 50 minutes 26 seconds East, along said East line a distance of 1650.81 feet to the Southeast corner of said Section 29; thence South 88 degrees 39 minutes 43 seconds West, along the South line of said Northeast One-Quarter, a distance of 2697.73 feet to the Southwest corner of said Northeast One-Quarter; thence South 88 degrees 39 minutes 43 seconds West, along the South line of said Northwest One-Quarter, a distance of 1889.07 feet to the Point of Beginning, and containing 88.2100 acres, more or less.

RP-2 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 88 degrees 39 minutes 43 seconds East along the South line of said Northwest One-Quarter a distance of 815.43 feet; thence North 50 degrees 04 minutes 56 seconds East, a distance of 779.08 feet to the POINT OF BEGINNING; thence continuing North 50 degrees 04 minutes 56 seconds East, a distance of 1791.94 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of North 69 degrees 22 minutes 20 seconds East, and an arc length of 336.67 feet; thence North 88 degrees 39 minutes 43 seconds East, a distance of 576.56 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 40 degrees 18 minutes 09 seconds, a chord bearing of North 68 degrees 30 minutes 39 seconds East, and an arc length of 351.70 feet; thence South 40 degrees 57 minutes 10 seconds East, a distance of 109.45 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 300.00 feet, a central angle of 51 degrees 04 minutes 51 seconds, a chord bearing of South 66 degrees 29 minutes 36 seconds East, and an arc length of 267.46 feet; thence North 87 degrees 58 minutes 12 seconds East, a distance of 326.75 feet; thence South 25 degrees 46 minutes 21 seconds East, a distance of 371.79 feet; thence South 02 degrees 17 minutes 53 seconds East, a distance of 494.13 feet; thence South 25 degrees 08 minutes 52 seconds West, a distance of 126.25 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 69 degrees 10 minutes 37 seconds West, a radius of 500.00 feet, a central angle of 00 degrees 43 minutes 47 seconds, a chord bearing of North 68 degrees 48 minutes 44 seconds West, and an arc length of 6.37 feet; thence North 68 degrees 26 minutes 50 seconds West, a distance of 273.00 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 800.00 feet, a central angle of 10 degrees 09 minutes 41 seconds, a chord bearing of North 63 degrees 22 minutes 00 seconds West, and an arc length of 141.88 feet; thence North 58 degrees 17 minutes 09 seconds West, a distance of 304.87 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 31 degrees 19 minutes 41 seconds, a chord bearing of North 73 degrees 57 minutes 00 seconds West, and an arc length of 273.39 feet; thence North 89 degrees 36 minutes 50 seconds West, a distance of 218.36 feet; thence North 00 degrees 23 minutes 10 seconds East, a distance of 112.38 feet; thence North 20 degrees 15 minutes 20 seconds West, a distance of 84.38 feet; thence North 66 degrees 34 minutes 53 seconds West, a distance of 88.61 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 296.33 feet; thence South 65 degrees 01 minutes 06 seconds West, a distance of 198.24 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 204.10 feet; thence South 39 degrees 55 minutes 04 seconds East, a distance of 287.24 feet; thence South 04 degrees 05 minutes 17 seconds East, a distance of 346.17 feet; thence North 77 degrees 43 minutes 04 seconds West, a distance of 259.82 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of North 77 degrees 54 minutes 57 seconds West, a radius of 500.00 feet, a central angle of 26 degrees 16 minutes 32 seconds, a chord bearing of North 64 degrees 46 minutes 42 seconds West, and an arc length of 229.30 feet; thence North 51 degrees 38 minutes 26 seconds West, a distance of 65.09 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 500.00 feet, a central angle of 07 degrees 08 minutes 57 seconds , a chord bearing of North 48 degrees 03 minutes 57 seconds West, and an arc length of 62.39 feet; thence South 46 degrees 08 minutes 54 seconds West, a distance of 231.37 feet; thence South 45 degrees 18 minutes 49 seconds East, a distance of 50.76 feet; thence South 18 degrees 08 minutes 03 seconds West, a distance of 208.50 feet; thence South 51 degrees 04 minutes 22 seconds West, a distance of 116.97 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 429.29 feet; thence South 83 degrees 01 minutes 01 seconds West, a distance of 50.83 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 154.59 feet; thence North 79 degrees 56 minutes 03 seconds West, a distance of 123.90 feet; thence North 39 degrees 54 minutes 09 seconds West, a distance of 136.00 feet to the Point of Beginning, and containing 48.0826 acres, more or less.

R-3 LEGAL DESCRIPTION

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

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

C-3 LEGAL DESCRIPTION

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

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence along the West line of said Northwest One-Quarter North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet to the POINT OF BEGINNING; thence continuing along said West line North 02 degrees 17 minutes 30 seconds West, a distance of 311.40 feet to a point on the South line of Interstate Highway I-35 Right-of-way as now established, said point also being a point of curvature; thence Northeasterly along said South right-of way line on a curve to the right, having an initial tangent bearing of North 49 degrees 41 minutes 33 seconds East, a radius of 11309.16 feet, a central angle of 00 degrees 10 minutes 52 seconds, a chord bearing of North 49 degrees 46 minutes 59 seconds East, and an arc length of 35.75 feet; thence continuing along said South Right-of-Way for the next eight courses, North 56 degrees 31 minutes 20 seconds East, a distance of 543.85 feet; thence North 68 degrees 50 minutes 34 seconds East, a distance of 440.47 feet; thence North 87 degrees 46 minutes 28 seconds East, a distance of 1460.43 feet; thence South 87 degrees 20 minutes 26 seconds East, a distance of 327.30 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 14.46 feet; thence North 66 degrees 35 minutes 54 seconds East, a distance of 296.48 feet; thence North 34 degrees 50 minutes 13 seconds East, a distance of 225.00 feet; thence North 11 degrees 50 minutes 40 seconds East, a distance of 437.78 feet; thence North 02 degrees 01 minutes 59 seconds West, a distance of 125.00 feet to a point on the North line of the Northeast One-Quarter of Section 29-T14S, R23E; thence along said North line North 87 degrees 58 minutes 01 seconds East, a distance of 2192.63 feet to the Northeast corner of said Section 29; thence South 01 degrees 50 minutes 26 seconds East along the East line of said Northeast One-Quarter a distance of 1050.07 feet; thence leaving said East line South 87 degrees 58 minutes 12 seconds West, a distance of 1046.22 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 300.00 feet, a central angle of 51 degrees 04 minutes 51 seconds, a chord bearing of North 66 degrees 29 minutes 36 seconds West, and an arc length of 267.46 feet; thence North 40 degrees 57 minutes 10 seconds West, a distance of 109.45 feet to a point of curvature; thence along a curve to the right, having an initial tangent bearing of South 48 degrees 21 minutes 35 seconds West, a radius of 500.00 feet, a central angle of 40 degrees 18 minutes 09 seconds, a chord bearing of South 68 degrees 30 minutes 39 seconds West, and an arc length of 351.70 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 576.56 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 500.00 feet, a central angle of 38 degrees 34 minutes 48 seconds, a chord bearing of South 69 degrees 22 minutes 20 seconds West, and an arc length of 336.67 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 1756.55 feet; thence North 39 degrees 59 minutes 41 seconds West, a distance of 1119.42 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of South 60 degrees 58 minutes 51 seconds West, a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of South 58 degrees 45 minutes 06 seconds West, and an arc length of 52.92 feet; thence South 56 degrees 31 minutes 20 seconds West, a distance of 564.78 feet; thence South 87 degrees 57 minutes 59 seconds West, a distance of 246.33 feet to the Point of Beginning, and containing 100.4056 acres, more or less.

BENCH MARK:

Johnson County Bench Mark BM 166.
Located on the NW corner of headwall, North of 175th Street, 0.5 miles West of the intersection of 175th Street and Hedge Lane.
EL = 1042.06

SCALE: 1" = 200'

DEVELOPER:

GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223

913-732-4778
INFO@GRATA.LAND

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14920 West 107th Street • Lenexa, Kansas 66215
(913) 492-5158 • Fax: (913) 492-8400
WWW.SCHLAGELASSOCIATES.COM

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE PRELIMINARY PLAT

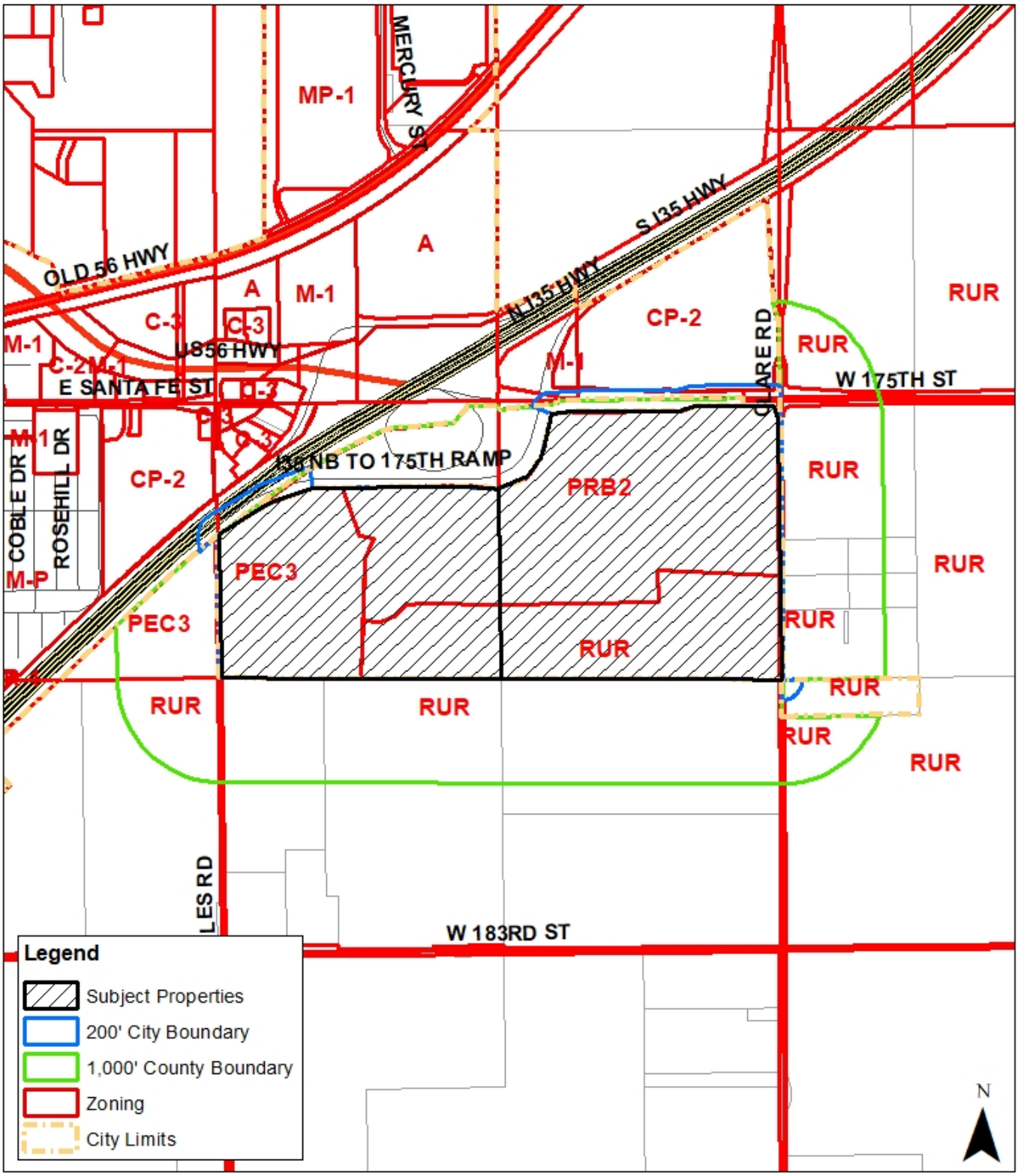
I-35 & 175TH STREET GARDNER, KS

REVISION DATE	CITY COMMENTS / DESCRIPTION
1-23-2020	CITY COMMENTS

DRAWN BY: AJC
CHECKED BY: MAB
DATE PREPARED: 01.10.20
PROJ. NUMBER: 18-226

ZONING EXHIBIT

Z-1



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

Map Date: 2/4/20

GARDNER KANSAS

RECEIVED
JAN 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

PRELIMINARY DEVELOPMENT PLAN APPLICATION

Pre-App Date
Fee $350 —
File No. PDP-20-01

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

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

SITE INFORMATION

Property Address/Location I-35 Hwy and 175th Street
Legal Description (Attach If Necessary) see the attached legal description
Number of Existing Lots 2 unplatted parcels Number of Proposed Lots 360
Total Site Area 268.59 Present Zoning A,C-2, M-1
Present Land Use vacant Proposed Use(s) single family
Proposed Street Design Type(s) & Class suburban
Proposed Type(s) Open & Civic Space Natural Area, Trail Greenway, Park (Pool)
Proposed Frontage Type(s) Surburban and Neighborhood
Proposed Building Types(s) Detached House - Suburban and Neighborhood

SIGNATURE

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

Signature(s): _____ Date 1-13-20

_____ Date _____

GARDNER KANSAS

Business & Economic Development
Planning Division
120 E. Main St. Gardner, KS 66030
P: 913.856.0913 | F: 913.856.4562
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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** (on Preliminary Plan/Plat)
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.).

GARDNER KANSAS

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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).

GARDNER KANSAS

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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

1-13-20
Date

GARDNER KANSAS

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

I/WE Grata Development, LLC by Travis Schram, Manager, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 13th day of January, 2020, make the following statements to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding property located at 175th St & I-35 (no address) (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation 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 January, 2020, by Cindy K. Huston.

My Commission Expires:

CINDY K. HUSTON
Notary Public, State of Kansas
My Appointment Expires
12-19-2021

Cindy K. Huston
Notary Public

Prairie Trace Narrative

January 10, 2020

The Prairie Trace Development will be the residential portion of the New Trails Development proposed on the southeast corner of 175th and I-35 in Gardner, Kansas. The New Trails Master Planned Development was designed to open a new chapter of Gardner east of I-35 and includes 100 Acres of Commercial Development, 32 acres of multi-family development as well as this 136-acre single family development. Prairie Trace is divided into two distinct section, Prairie Trace Estates and Prairie Trace Manor. GRATA Development has been working for almost 12 months to lay the groundwork for this project. GRATA and the City of Gardner reached an agreement in October that provided for the annexation of this property into the City as well as arrangements to provide utilities to this site. This site has been expertly designed to account for, the proximity to I-35, a high-pressure gas main through the site as well as incorporate the preservation of wetlands. This unique layout requires some deviations from the standard street network. We are requesting a block length minimum reduction to 165'. We are also requesting a maximum cul-de-sac length exception of 750' due to an access restriction, and prohibitive terrain. Prairie Trace will include an amenity space with an open-air clubhouse and swimming pool that will be completed in conjunction with the first phase. The proposed greenspace and amenity areas exceed the open space requirements of the current code, even without including the wetland preservation areas.

Prairie Trace Estates

Prairie Trace Estates is designed not only to provide step-up housing for the current citizens of Gardner, but also to provide high-quality, spacious homes at a price point that will attract new citizens to the area. In its natural state, the property is marked by three wetland corridors that will be preserved to enhance water quality and bring a natural beauty to the development. The strategic placement of lots around these preservation areas allows for 71% of these lots to back to greenspace. In order to make this placement work, we are requesting a deviation from the rear yard setback requirement allowing for a minimum of 20' from 30' and an increase in lot coverage maximums from 30% to 49%. These deviations allow for large uninterrupted green spaces that not only promote wildlife and preservation but provide fantastic views while continuing to promote walkability in the neighborhood. This project will be similar to our Boulder Creek Project at 167th and Murlen in Olathe.

Prairie Trace Manor

Is designed to provide a price conscious option to both first time home buyers as well those wishing to downsize in their later years. The product will be strategically positioned to provide a buffer between the proposed commercial and multi-family developments. Prairie Trace Manor will incorporate wetland preservation areas into its design. This results in 50% of the lots being adjacent to green space. To achieve this effect, we are requesting the use of a "Detached House-Neighborhood" yard style with some minor modifications to achieve the desired result. Specifically we are requesting, a decrease in the rear yard set back from 25 feet to 20 feet as well as reduction of the minimum lot size from 6000 s.f . to 5,750 s.f. This smaller lot will also make an increase in the lot coverage from 40% to 55% necessary. Additionally, we are requesting a deviations that would allow for a garage door to make up 55% of the

front façade. This is a nearly identical to the Grayson place project in Olathe and will be similar to our Boulder Hills Enclave project in Olathe.

About GRATA Development

GRATA Development exists to empower people to enjoy life together as they live, work, and play in their neighborhoods. We see a return to the front porch mindset, where people gather on their front lawn in the evenings and hold backyard barbecues on the weekends. We envision neighbors who know the important things going on in each other's lives and who are prepared to offer a helping hand when needed. We see neighbors becoming friends and friends becoming family. As a company we are Kansas City born and bred. With the financial backing by the Jon Burrell Family, and a team of life-long Kansas City natives, we are committed to seeing our city transformed by tight-knit community. We have several projects currently under construction including The Communities of Falcon Lakes (Basehor, Ks), Boulder Springs (Spring Hill, Ks) Boulder Hills (Olathe, Ks) and Boulder Creek (Olathe, Ks). We would encourage you to learn more about what we do and how we do it on our website. www.GRATA.land

PLANNING COMMISSION STAFF REPORT **NEW BUSINESS ITEM NO. 2D**
MEETING DATE: MARCH 24, 2020
PREPARED BY: MICHELLE LEININGER, AICP, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: PP-20-01 Preliminary Plat for Prairie Trace

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PROCESS INFORMATION

Type of Request: Preliminary Plat
Date Received: January 10, 2020

APPLICATION INFORMATION

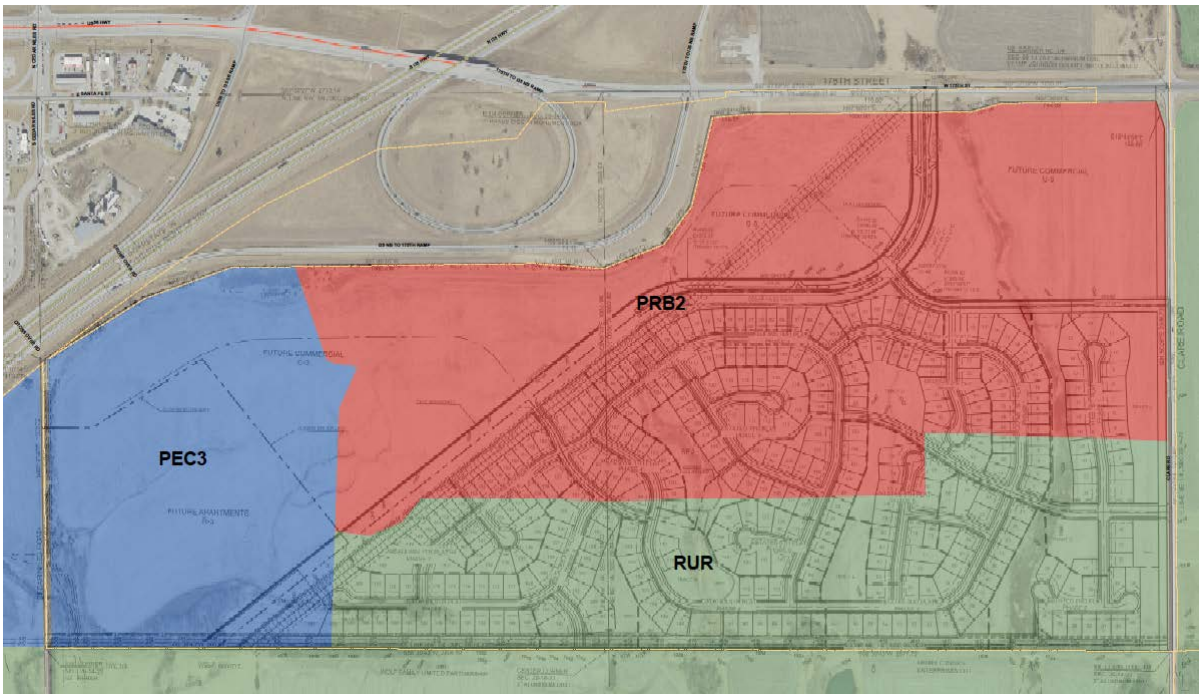
Applicant: Schlagel & Associates, P.A. (Daniel Foster)
Owner: Day3 LLC (Grata Development)
Parcel ID: A portion of 2F231429-3001; 2F231429-1001
Location: Southeast corner of Interstate 35 and 175th Street

REQUESTED ACTION

The applicant is requesting approval of a preliminary plat for Prairie Trace, a single-family subdivision containing 136.05 acres.

EXISTING ZONING AND LAND USE

Currently the properties are zoned County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts. The properties are currently cultivated for row crops.



SURROUNDING ZONING AND LAND USE

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

EXISTING CONDITIONS

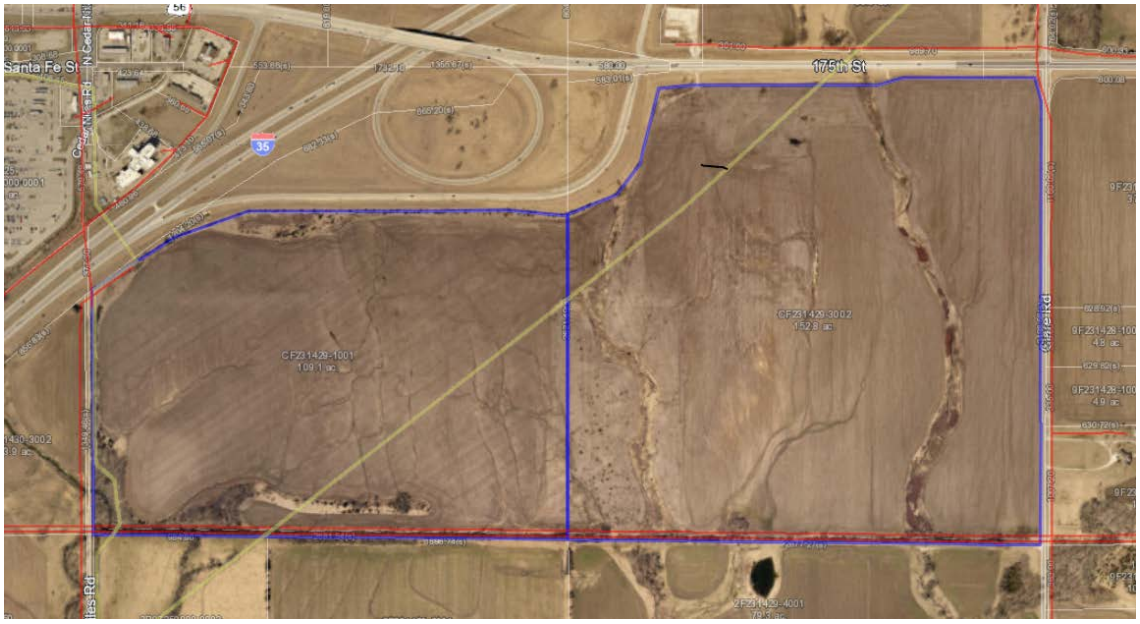
These properties were annexed into the City on September 3, 2019 per Ordinance 2622. The properties are two parcels located along Interstate 35, at the southeast corner of the I-35 and 175th Street interchange with city limits bordering to the north and northwest sides of the property. Currently the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

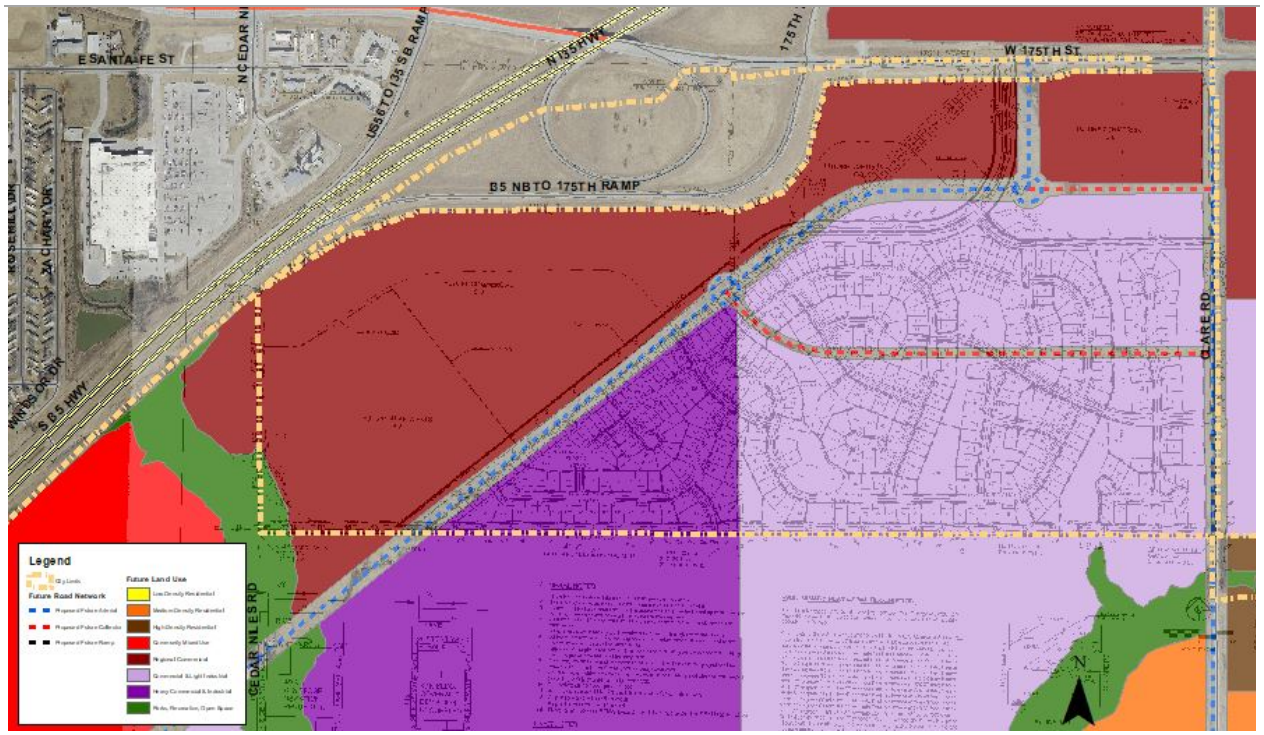
BACKGROUND / HISTORY

The properties were zoned RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts in the County and annexed into the City as such in September 2019. The subject properties are part of a larger development project that includes the single-family planned district, multi-family residential and commercial. The single-family portion is what is included in this application.

CONSISTENCY WITH COMPREHENSIVE PLAN

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





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

In the *I-35 & 175th Street Subarea Plan,* the following Goals support the proposed project:

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

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

Additionally the following Policies support the proposed project:

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

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

- *Residential Land Uses*

While the property is not identified for residential land use, the proposal does and the following apply.

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

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

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

  The proposal provides for future street connections to the south.

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

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

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

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

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

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

STAFF ANALYSIS - 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 proposed application is not consistent with the future land use map designations however the proposal is supported by various goals and policies as stated above. The physical patterns reflect the preservation of streams and drainage areas and using those to*

shape the development area, and providing pedestrian connectivity. The proposed street layout is consistent with the I-35 & 175th Street Subarea Plan*.*

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: *The plat is in compliance with the requirements of the LDC with the exception of the deviations requested as part of the rezoning/preliminary development plan process. Additionally, there are six lots in the 'Meadows' area that do not appear to meet the minimum 50' lot width at either the property line or front building line. A deviation has not been requested for this standard, and Lots 149, and Lots 154-158 will need to be revised to meet this standard.*

The block size and connectivity standards in Table 4-1 of Section 17.04.010(B.1) are not met. These standards for the Suburban Planning Context include: block length 500'-1,000'; block area 5-8 acres; and cul-de-sac length maximum 500'. The proposed block lengths range from 165'-1,000'; block area 1.5-8.4 acres; and cul-de-sac length 780'.

The same section continues at Section 17.04.010(B.4) for exceptions to these standards. Letter 'a' of that section provides an exception for natural features and civic space. This exemption states, "Natural Features and Civic Spaces. Blocks or parcels abutting or containing important natural features, topographical constraints or otherwise creating parts of the Civic Space System, may be larger provided the proposed street layout preserves these features and integrates them into the overall structure of the community." This property has several stream and wetland areas that the development is designed around. Additionally the property abuts large utility easements on the west and south sides which are not natural features but have limitations all of their own. Within these easement areas the applicant is providing for trails to integrate additional pedestrian facilities into the area. The applicant has provided pedestrian connectivity where possible to break up long blocks and street lengths, and to provide for additional connections at the end of cul-de-sacs.

The project is required to provide 10% open and civic space based on the proposed zoning, and 16% is being proposed. The applicant is proposing the Natural Area, Park, and Trail/Greenway types on the property. The natural areas are the areas where stream buffers and wetland protection is provided. The park is the location of the pool and clubhouse area. The trail/greenways are provided throughout the site. These open spaces will be designed to meet the Code standards with the final development plans.

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: *Phasing is noted on the front page of the plans and has been numbered. This plat has two different areas as designated by the lot size and building type, 'Estates' and 'Meadows'. There is a phase 1 for each area and both first phases will move forward at the same time. Additionally, the applicant has provided for multiple accesses to be constructed as necessary to maintain access for safety personnel, for each phase. The International Fire Code that the City has adopted and Johnson County Fire District #1 implements allows for up to 30 dwelling units before a second access shall be provided. This standard is met with the proposed phasing.*

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 Preliminary Storm Water Study and Preliminary Traffic Study have been submitted to Public Works staff for review. Staff is working on comments to be addressed in the final study.*

The Traffic Study has provided a conceptual approval from KDOT with a final review with each phase. The Public Works Department has identified in the TIS that there is a need for a larger road, 80' wide, for the proposed collector, 177th Street, in order to accommodate a 4-lane road.

The applicant has proposed eight cul-de-sacs and the Fire Department has requested that the pavement on the cul-de-sac be 96' in diameter. The applicant has revised seven of those cul-de-sacs to meet that standard though they have proposed a 20' island in the middle. The Fire Department has requested a turning template be shown on the cul-de-sac to diagram that the largest fire truck can turn around within said cul-de sac.

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: *The application does not deter future development on adjacent property. The development provides two streets stubbed to the south for future development, and connectivity is provided for via the future extension of roads to the east beyond Clare Road.*

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

Staff Comment: *The applicant is providing the construction of the New Trails Parkway and the City is working to extend utilities, electric and waste water, across I-35 to the site. This supports future construction and future public infrastructure in the area, allowing for development on the east side of the interstate.*

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 with the document updated to reflect the deviations approved on the preliminary development plan.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

ELECTRIC –

Electric utilities will be provided to the property by the City. The City will extend the utilities across the interstate and to the development. Ten foot easements have generally been provided along the rear or every property. Additional 10' easements will need to be provided along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.

WATER –

Water is to be provided by Water District #7 and WaterOne. The applicant will work with the appropriate water district for approval and installation.

SANITARY SEWER –

Sanitary sewer will be provided by the City of Gardner. The utilities will be extended across the interstate and a new lift station will need to be installed generally within the area of Estates Tract

E and located outside of all detention and stream setback areas. The sanitary sewer line locations will be further defined with the public improvement plans.

STORM SEWER –

Storm sewer improvements are provided for with the proposed storm water detention and drainage areas. A preliminary storm water study has been submitted and comments are being addressed in the final study.

ROADWAY NETWORK & VEHICULAR ACCESS –

The applicant is proposing to construct an arterial road, New Trails Parkway with the first and fourth phase of the Meadows development. A collector will be constructed partially with Meadows Phase one and the remainder will be constructed with the commercial to the north. Local streets within the residential development will be constructed by the developer. With the project being adjacent to Interstate 35 and within the impact area of the interchange, the Kansas Department of Transportation (KDOT) will need to review the Traffic Impact Study (TIS) regarding access to 175th Street, at the final development and final plat phases. KDOT has accepted the TIS "in concept".

The Public Works Department has identified in the TIS that there will be a need for a larger road, 80' wide, for the proposed collector, 177th Street in order to accommodate a 4-lane road.

The applicant has proposed eight cul-de-sacs and the Fire Department has requested that the pavement on the cul-de-sac be 96' in diameter. The applicant has revised seven of those cul-de-sacs to meet that standard though they have included the proposal a 20' island in the middle. The Fire Department has requested a turning template be shown on the cul-de-sac to diagram that the largest fire truck can turn around within said cul-de sac.

SIDEWALKS –

The Neighborhood Local street design requires a 5' sidewalk along both sides of the street. The applicant has proposed to provide pedestrian connections to all lots either by sidewalks on one side of the street or an adjacent trail. This is discussed in the deviation requests above.

The arterial street is to have a 10' trail on the south side. The remaining design of the street will occur at a later date. The collector will require a 5' sidewalk on both sides and the design of the street will occur at a later date.

NEW CENTURY AIRCENTER –

The subject property is within the New Century AirCenter Airport Interest Area and within 1 mile of airport owned property. Within the New Century AirCenter Future Land Use Map for the Airport Area of Interest, the subject properties are identified generally for low and medium density residential uses with a limit of 3 and 5-12.5 dwelling units per acre respectively. The proposed gross density of the RP-1 District area is 2 dwelling units per acre and the RP-2 District gross density is 3.8 dwelling units per acre. The net dwelling units per acre are 2.9 and 5.5 respectively. These density areas, when averaged, fall within the stated limits. The Johnson County Airport Board and Johnson County Board of County Commissioners will have to review and take action on these applications because of the proximity of the property to the airport.

ATTACHMENTS

I. Preliminary development plan/preliminary plat
II. Johnson County Planning comment letter
III. 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 PP-20-01 for Prairie Trace with the conditions outlined below.

Recommended Motion:

After review of Application PP-20-01, a preliminary plat for 136 acres including 356 single-family lots located approximately a quarter mile south of the intersection of 175th Street and Clare Road, portions of parcel IDs CF231429-3002 and CF231429-1001, and preliminary development plan/preliminary plat dated March 10, 2020 and staff report dated March 24, 2020, the Planning Commission approves the application, provided the following conditions are met:

1. Approval of rezoning Z-20-01 and preliminary development plan PDP-20-01 for Prairie Trace.
2. The preliminary plat shall be revised to be consistent with the approved preliminary development plan.

3. Provide a 10' easement along the south side of Meadows Lot 79, east side of Estates Tract H, and along the west side of Estates Tract G.
4. Revise the right-of-way for 177th Street to be at least 80' in width.
5. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
6. 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.

GARDNER KANSAS

RECEIVED
JAN 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

PRELIMINARY DEVELOPMENT PLAN APPLICATION

Pre-App Date _____
Fee $350 — PD
File No. PDP-20-01

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

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

SITE INFORMATION

Property Address/Location I-35 Hwy and 175th Street
Legal Description (Attach If Necessary) see the attached legal description
Number of Existing Lots 2 unplatted parcels Number of Proposed Lots 360
Total Site Area 268.59 Present Zoning A,C-2, M-1
Present Land Use vacant Proposed Use(s) single family
Proposed Street Design Type(s) & Class suburban
Proposed Type(s) Open & Civic Space Natural Area, Trail Greenway, Park (Pool)
Proposed Frontage Type(s) Surburban and Neighborhood
Proposed Building Types(s) Detached House - Suburban and Neighborhood

SIGNATURE

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

Signature(s): _____ Date 1-13-20
_____ Date _____

GARDNER KANSAS

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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** (on Preliminary Plan/Plat)
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	
☒	☐	6. **Date of preparation** and/or revisions.
☒	☐	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.)
☒	☐	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.
☒	☐	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.
☒	☐	10. **Boundary lines** of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).
☒	☐	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.
☒	☐	12. **Building setback lines** along public and private streets with dimensions in feet.
☒	☐	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.
☒	☐	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.
☒	☐	15. **Location of existing buildings** and structures within 200 feet of the plat.
☒	☐	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.
☒	☐	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.
☒	☐	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.
☒	☐	19. **Proposed sidewalks** and/or trail locations including proposed widths.
☒	☐	20. **Proposed utilities,** including approximate location of sanitary sewer, water main, street lights, and storm sewer.
☒	☐	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.
☒	☐	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

1-13-20
Date