

PLANNING COMMISSION MEETING

City of Gardner, Kansas

Tuesday, April 28, 2020

7 p.m.

Remotely via Zoom

CALL TO ORDER

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

ROLL CALL

Commissioners present:

Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Hansen
Commissioner McNeer
Commissioner Meder
Commissioner Simmons-Lee

Staff members present:

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

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

CONSENT AGENDA

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

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

REGULAR AGENDA

1. **PRAIRIEBROOKE DUPLEXES - ~~WITHDRAWN~~**

Located northwest and south of the intersection of Pratt Street and 174th St.

Z-20-05: Hold a public hearing and consider a rezoning for five lots, Lots 9, 10, 11, 15 and 16 in Prairiebrooke Subdivision from RP-2 District to R-2 District.

2. PRAIRIE TRACE MEADOWS

Located southeast corner of W 175th Street and Interstate 35

- a. **FDP-20-02:** Consider a final development plan for 27 single-family lots, Phase I of Prairie Trace Meadows.
- b. **FP-20-02:** Consider a final plat for 12.76 acre Prairie Trace Meadows, First Plat.

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

The three deviation requests are as follows:

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

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

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

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

COMMISSION DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

Motion made by Meder and seconded by McNeer.

Motion passed 7-0.

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

Ms. Leininger asked which he wanted.

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

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

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

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

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

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

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

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

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

Motion approved 6-1.

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

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

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

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

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

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

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

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

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

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

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

Motion passed 7-0.

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

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

Motion passed 7-0.

3. PRAIRIE TRACE ESTATES

Located southeast corner of W 175th Street and Interstate 35

- a. **FDP-20-03:** Consider a final development plan for 27 single-family lots, Phase I of Prairie Trace Estates.
- b. **FP-20-03:** Consider a final plat for 17.93 acre Prairie Trace Estates, First Plat.

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

Motion passed 7-0.

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

Motion passed 7-0.

4. QUIKTRIP

Located at the southwest corner of W 188th Street and S Gardner Road.

- a. **PP-20-04:** Consider a preliminary plat for an 8.9 acre, 2-lot commercial subdivision.
- b. **FP-20-05:** Consider a final plat for a 2-lot commercial subdivision.

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

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

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

COMMISSION DISCUSSION

No discussion ensued.

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

Motion made by McNeer and seconded by Meder.

Motion passed 7-0.

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

COMMISSION DISCUSSION

No discussion ensued.

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

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

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

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

5. PRAIRIEBROOKE VILLAS

Located north of the intersection of Pratt Street and 174th Street, east of Kill Creek Rd.

- a. Z-20-06: (PDP-20-02)** Hold a public hearing and consider rezoning of approximately 14 acres from RP-2 District to RP-3 District and the associated preliminary development plan for Prairiebrooke Villas.
- b. PP-20-05:** Consider a preliminary plat for a 20-lot multi-family subdivision.

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

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

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

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

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

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

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

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

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

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

The Staff findings for this project are as follows:

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

There were 12 deviations requested by the applicant as follows:

Duplex Deviation Requests

Deviation 12: Duplex

Section 17.07.030 Building Design Standards, (B.2.a) Primary Entry Features, Residential buildings

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

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

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

Deviation 4: Duplex

Section 17.07.040 Specific Building Type Standards, Duplex building type

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

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

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

Deviation 6: Duplex

Section 17.07.040 Specific Building Type Standards, Frontage type for the Duplex building type

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

Proposed: Buffer Edge frontage type.

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

Deviation 5: Duplex

Section 17.07.050 Frontage Design Access Width Limits

Standard:

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

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

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

Row House Deviation Requests

Deviation 3: Row House

Section 17.07.030 Building Design Standards, (B.2.a) Primary Entry Features, Residential buildings

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

Proposed: Row Houses – Interior 2-bedroom units will have a 7' wide x 3' deep unenclosed covered walk space (7' x 4'6" walk space including uncovered space) separated from the 3-bedroom units; the 3-bedroom units will have a 7' x 1'6" unenclosed walk space separated from the 2-bedroom units.

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

Deviation 7: Row House

Section 17.07.040 Specific Building Type Standards, Row House Lot Width

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

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

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

Deviation 8: Row House

Section 17.07.040 Specific Building Type Standards, Row House Lot Area

Standard: The Row House building type lot area range is 2,000 sf – 4500 sf per unit. For a 4-plex, this would be a range of 8,000 sf – 18,000 sf.

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

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

Deviation 9: Row House

Section 17.07.040 Specific Building Type Standards, Row House Front Setback

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

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

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

Deviation 10: Row House

Section 17.07.050 Frontage Design, Buffer Edge frontage type, Access Width Limits

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

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

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

General Deviation Requests

Deviation 1: Street Network and Design

Section 17.04.010 Street Networks and Street Design, Table 4-1: Block Sizes and Connectivity, Suburban Planning Context

Standard: Block length – 500' minimum.

Proposed: All blocks less than 500' in length.

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

Deviation 2: Street Network and Design

Section 17.04.010 Street Networks and Street Design, Table 4-1: Block Sizes and Connectivity, Suburban Planning Context

Standard: Block area – 5 acre minimum.

Proposed: All blocks less than 5 acres.

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

Deviation 11: Access and Parking

Section 17.09.030 Required Parking, E. Bicycle Parking

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

Proposed: No bicycle parking.

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

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

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

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

PUBLIC HEARING

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

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

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

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

Motion passed 7-0.

COMMISSION DISCUSSION

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

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

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

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

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

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

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

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

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

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

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

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

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

COMMISSION DISCUSSION

No discussion ensued.

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

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

Motion made by Hansen and seconded by Meder.

Motion passed 7-0.

6. PROJECT BOURGMONT - **WITHDRAWN**

Located northeast corner of Four Corners Road and US Hwy 56.

- a. Z-20-07: (PDP-20-03)** Hold a public hearing and consider a rezoning for 123 acres from County RUR District to City MP-1 District and the associated preliminary development plan for Project Bourgmont.
- b. PP-20-06:** Consider a preliminary plat for a single-lot industrial subdivision.

DISCUSSION ITEMS

No items discussed.

ADJOURNMENT

Motion to adjourn made by Ford and seconded by McNeer.

Motion passed 7-0.

Meeting adjourned at 9:40 pm

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 that 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

PROJECT NUMBER / TITLE: FDP-20-02 Final Development Plan and FP-20-02 for Prairie Trace Meadows First Plat

PROCESS INFORMATION

Type of Request: Final Development Plan and Final Plat

Date Received: March 13, 2020

APPLICATION INFORMATION

Applicant: Schlagel & Associates, P.A., Mark Breuer, PE

Owner: Day3, LLC (Grata Development)

Parcel ID: CF231429-3002 & CF231429-1001

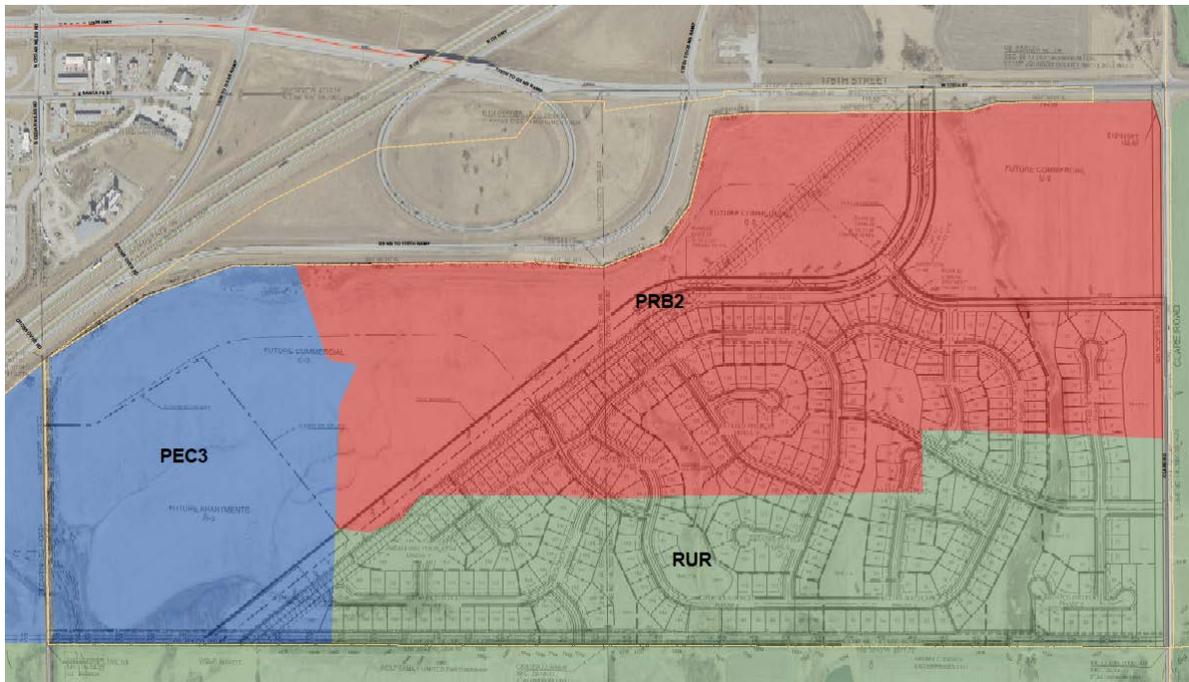
Location: Southeast corner of the intersection of Interstate 35 and 175th Street

REQUESTED ACTION

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

EXISTING ZONING AND LAND USE

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



SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
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.

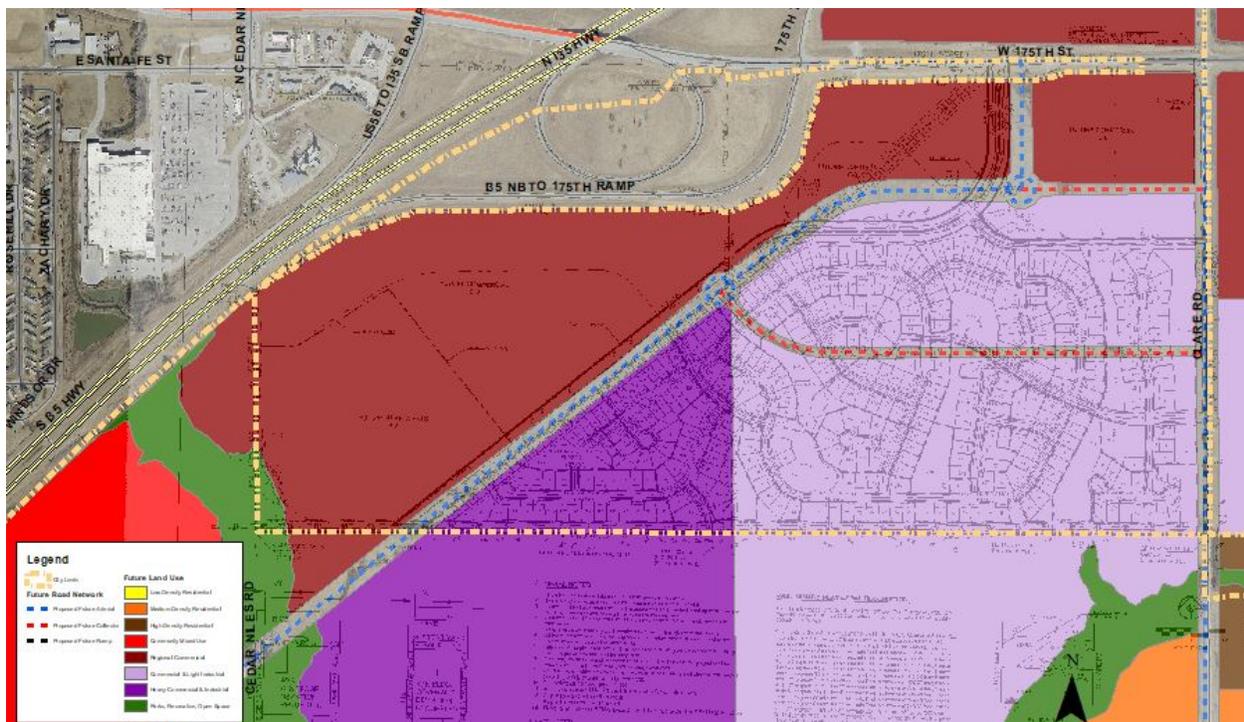


BACKGROUND / HISTORY

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 which is currently in the process for a rezoning (Z-20-01) and preliminary development plan (PDP-20-01) and preliminary plat (PP-20-01) for Prairie Trace. The Planning Commission recommended approval of the rezoning and PDP at their March 24, 2020 meeting and the Governing Body at their April 20, 2020 meeting approved the rezoning and associated preliminary development. These application require review and approval by the Johnson County Airport Commission and Johnson County Board of County Commissioners before complete.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as “Southeast Quadrant Market Determined Growth Area” with Regional Commercial identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two area plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 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 Interchange Subarea Plan*, the following Goals support the proposed project:

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

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

Additionally the following Policies support the proposed project:

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

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

- *Residential Land Uses*

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

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

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

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

The proposal provides for future street connections to the south.

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

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

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

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

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

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

STAFF ANALYSIS - FINAL DEVELOPMENT PLAN

This phase is the first phase of the Meadows development portion of Prairie Trace. The Meadows includes smaller, minimum 50' wide lots and phase one includes 27 lots, a portion of New Trails Parkway, 177th Street and Houston Street.

17.03.040 (F) Review Criteria:

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

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

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

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

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

Staff Comment: *The design and arrangement of buildings and open spaces is minimal in the proposed landscaping. The proposed arrangement of buildings is consistent with good practice and principles. The applicant is proposing deviations from required frontage landscaping, and general landscaping. Paired with the approved deviation to increase the frontage area hardscape, this can have a negative impact on the site and the public realm. The landscaping helps to create a softening of building and pavements within the public realm and creates a place where people to interact. It also provides areas for stormwater infiltration and management of shade for cooling of yards and homes.*

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

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

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

Staff Comment: *The overall design is compatible with the relationship to other proposed buildings and open space to the east as determined in the preliminary development plan process.*

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

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

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

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

4. The recommendations of professional staff.

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

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

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

DEVIATIONS

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

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

Standard: 1 tree per 10,000 sf

Proposed: None

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

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

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

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

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

Standard: 1 shrub per 5,000 sf

Proposed: None

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

Staff Comment: *This standard is a general requirement carried over into the LDC from the previous code. This requirement are the only required shrubs on a lot, and the shrubs can be located anywhere on the site as this is a general requirement. Shrubs help aesthetics of the property as they are typically planned along the foundation of a house and they can also help*

with foundation insulation in the colder times of the year. They can also be used to screen the air conditioning units as required. All of the proposed lots in this phase are under 10,000 sf which would require two shrubs to comply with this standard with the exception of Lot 27 which is 11,003 sf and would require three shrubs to meet this standard.

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

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

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

Proposed: None

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

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

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

STAFF ANALYSIS - FINAL PLAT

17.03.020 (E1) Review Criteria:

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

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

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

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

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

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

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

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

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

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

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

ELECTRIC –

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

WATER –

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

SANITARY SEWER –

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

STORM SEWER –

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

ROADWAY NETWORK & VEHICULAR ACCESS –

The applicant is 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”.

SIDEWALKS –

The Neighborhood Local street design requires a 5’ sidewalk along both sides of the street. A deviation to allow for all lots either to be adjacent to a trail or to have a sidewalk has been approved.

The arterial street is to have a 10’ trail on the south side and the collector will require a 5’ sidewalk on both sides. These will be designed and constructed with the street, and reviewed and approved by the City Engineer.

NEW CENTURY AIRCENTER –

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

EXCISE TAX

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

ATTACHMENTS

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

ACTIONS

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

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

EFFECT OF DECISION

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

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

and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

RECOMMENDATION – FINAL DEVELOPMENT PLAN

Staff recommends approval of the final development plan for Prairie Trace Meadows 1st Phase with the conditions outlined in the Recommended Motion below.

Recommended Motion:

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

1. Remove the proposed lot entrances into adjacent properties off New Trails Parkway.
2. Revise the landscape plan, in the data summary, removed the details regarding Tract A.
3. Revise the landscape plan, section for building standards, update the Allocation of Landscape Space Required to reflect what was approved on the PDP.
4. Revise the landscape plan, update the information regarding 177th Street to be a Collector-Standard Street and tree spacing to be 40'-60' on center.
5. Revise the landscape plan, remove the note regarding trees in the sight triangle.
6. Revise the landscaping plan to show street trees out of the sight triangles, or if they are proposed within the sight triangle, they shall be located no closer than 30' to the intersecting right-of-way and that they do not have any foliage, limbs, or other obstructions between two and eight feet.
7. Revise the summary on the landscape plan to require to meet the Other Open Areas Generally standard of 1 tree per 10,000 sf of lot area.
8. Revise the summary on the landscape plan to require to meet the Other Open Areas Generally standard of 1 shrub per 5,000 sf of lot area.
9. Revise the summary on the landscape plan to require to meet the Neighborhood Yard frontage type requirement of 1 small tree for every 50' feet of frontage; OR one medium or large tree for every 100' of frontage (in addition to required street trees).
10. Add a note stating that each lot shall meet the applicable Code landscaping standards to be reviewed at the building permit stage.
11. Applications Z-20-01, PDP-20-02 and PP-20-01 shall be approved/published and all conditions met prior to the release of any building permits for this application.
12. Correct the alignment of Houston Street to the south as it shows offset across 178th Street.
13. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.
14. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.

RECOMMENDATION – FINAL PLAT

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

Recommended Motion:

After review of application FP-20-02, a final plat for Prairie Trace Meadows, a portion of tax ID CF231429-3002, and final plat dated April 17, 2020, landscape plan dated April 21, 2020 and staff report dated April 28, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Correct the spelling of Gardner in the Consent to Levy section on the plat document.
2. Remove the building setback lines from the plat document.
3. 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.
4. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.
5. Applications Z-20-01, PDP-20-02 and PP-20-01 shall be approved/published and all conditions met prior to the release of any building permits for this application.
6. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
7. Prior to the release of the final plat for recording, the applicant shall obtain approval of the final stormwater management plan from the Public Works Department.

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

SHADE TREES

AMM	14 EA.	Acer miyabei 'Morton'	State Street Miyabe Maple	2.5' Cal.	B&B
ASF	2 EA.	Acer saccharum 'Fall Fiesta'	Fall Fiesta Sugar Maple	2.5' Cal.	B&B
ATW	4 EA.	Acer truncatum 'Warrenrd'	Pacific Sunset Maple	2.5' Cal.	B&B
GBA	4 EA.	Ginkgo biloba 'Autumn Gold'	Autumn Gold Ginkgo	2.5' Cal.	B&B
QR	3 EA.	Quercus rubra	Red Oak	2.5' Cal.	B&B
QS	7 EA.	Quercus shumardii	Shumard Oak	2.5' Cal.	B&B
TAR	14 EA.	Tilia americana 'Redmond'	Redmond Linden	2.5' Cal.	B&B
TTS	12 EA.	Tilia tomentosa 'Sterling'	Sterling Silver Linden	2.5' Cal.	B&B
UXF	8 EA.	Ulmus x Frontier	Frontier Elm	2.5' Cal.	B&B
UMG	3 EA.	Ulmus 'Morton Glossy'	Triumph Elm	2.5' Cal.	B&B
TOTAL	71 (20% = 14 TREES MAX OF ONE SPECIES)				

ORNAMENTAL TREES (NOT CODE REQUIRED SO CODE REQUIREMENTS DO NOT APPLY)

MRR	2 EA.	Malus sp. 'Royal Raindrops'	Royal Raindrops Crabapple	2' Cal. & 8' ht.	B&B
-----	-------	-----------------------------	---------------------------	------------------	-----

EVERGREEN TREES (NOT CODE REQUIRED SO CODE REQUIREMENTS DO NOT APPLY)

JVC	10 EA.	Juniperus virginiana 'Canaerti'	Canaert Juniper	6' ht.	B&B
PPC	6 EA.	Picea pungens	Colorado Spruce	6' ht.	B&B

MEADOWS DETACHED SINGLE FAMILY LANDSCAPE DATA:

CHAPTER 17.04 SUBDIVISION STANDARDS
 17.04.010 Street Networks and Street Design
 1777H TERRACE, 176TH STREET, SHADY BEND ROAD AND HOUSTON STREET
 Type
 Planting Type Per Code
 Planting Type Proposed
 Tree Spacing Per Code
 Tree Spacing Proposed
 177H Terrace Tree Quantity Require Per Code(72/40=2 per side)
 177H Terrace Tree Quantity Provided
 178H Street Tree Quantity Require Per Code(240/40=6 per side)
 175H Street Tree Quantity Provided
 Shady Bend Road Tree Quantity Require Per Code(126/40=4 per side)
 Shady Bend Road Tree Quantity Provided
 Houston Street Tree Quantity Require Per Code(782/40=20 per side)
 Houston Street Tree Quantity Provided
 Street Tree Location Per Code
 Street Tree Location Proposed

1777H STREET(519.11 L.F. ONE SIDE, OTHER SIDE LANDSCAPED WITH FUTURE COMMERCIAL DEVELOPMENT)

Type
 Planting Type Per Code
 Planting Type Proposed
 Tree Spacing Per Code
 Tree Spacing Proposed
 Tree Quantity Require Per Code
 Tree Quantity Provided

NOTE: AS REQUIRED BY STAFF ARE BE PLACED BETWEEN THE SIDEWALK AND CURB , WHICH DOES PLACE TREES WITHIN THE SIGHT DISTANCE TRIANGLES AND POTENTIALLY OVER UTILITIES.

CHAPTER 17.07 BUILDING STANDARDS

17.07.030 Building Design Standards

Frontage Type Required by Code

Frontage Type Proposed

17.07.050 Frontage Design

Frontage Type Proposed

Depth Minimum Per Code

Depth Proposed

Trees Required

Trees Provided

Allocation of Landscape Space Required

CHAPTER 17.08 SITE AND LANDSCAPE STANDARDS

17.08.030 A Landscape Design Standards Table 8-1 Landscape Requirements

Frontage Landscape Required

Foundation Landscape Required

Buffer Landscape Required

Civic or Open Space Landscape Required

Other Open Areas Landscape Required (PER STAFF THIS IS REQUIRED ON EACH LOT)

Other Open Areas Landscape Provided

Tract A Landscape Required Per Code

Tract A Landscape Provided

17.08.030 C Tree Diversity

Species diversity required by code

Species diversity provided

LANDSCAPE DEVIATIONS REQUESTED:

CHAPTER 17.08 SITE AND LANDSCAPE STANDARDS

17.08.030 A Landscape Design Standards Table 8-1 Landscape Requirements

Other Open Areas Landscape Required

Other Open Areas Landscape Provided

CHAPTER 17.07 BUILDING STANDARDS

17.07.050 Frontage Design

Trees Required

Trees Provided

Local-Neighborhood (L-N)

Tree Lawn

25'-40' on center

1 per 40' along tracts to be installed by developer 1 per 40' on lots by home builder

2 Trees Per Side

2 Trees Per Side

6 Trees Per Side

6 Trees Per Side

4 Trees Per Side

4 Trees Per Side

20 Trees Per Side

20 Trees Per Side

Between the curb and sidewalk

Between the curb and sidewalk (this location required by City staff places trees in the sight distance triangle and over utilities)

Collector-Neighborhood (C-N)

Tree Lawn

25'-40' on center

1 per 40'

519.11/40=13 Trees

13 Trees

Neighborhood Yard/Terrace(limited)

Neighborhood Yard

Neighborhood Yard

25'

25'

1 small tree for every 50' feet of frontage;

OR 1 medium or large tree for every 100' of frontage (in addition to required street trees)

None (DEVIATION REQUESTED)

Allocation of space shall be: 30% – 75% turf, 10% – 50% landscape; and 5% – 20% hardscape

See below CHAPTER 17.07 SECTION 17.07.050

None

None per table 8-2 Buffer Planting Requirements

No Code Required Open Space In This Phase So Not Required

1 tree per 10,000 s.f. and 1 shrub per 5,000 s.f. and Lawn

Turf only no trees or shrubs (DEVIATION REQUESTED)

Per City Staff none required since not Code Required Open Space

Entry Landscape Per Owner Discretion

5-10 trees req. 2 genus min 50% max of 1 species, 11-20 trees req. 3 genus and 5 species 33%

max of 1 species, 21-50 trees req. 3 genus and 5 species 20% max of 1 species

At least 3 genus; AND At least 5 species. No more than 20% of any one species

1 tree per 10,000 s.f. and 1 shrub per 5,000 s.f. and Lawn

DEVIATION REQUESTED No additional trees or shrubs, only street trees

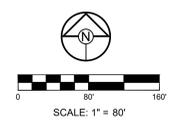
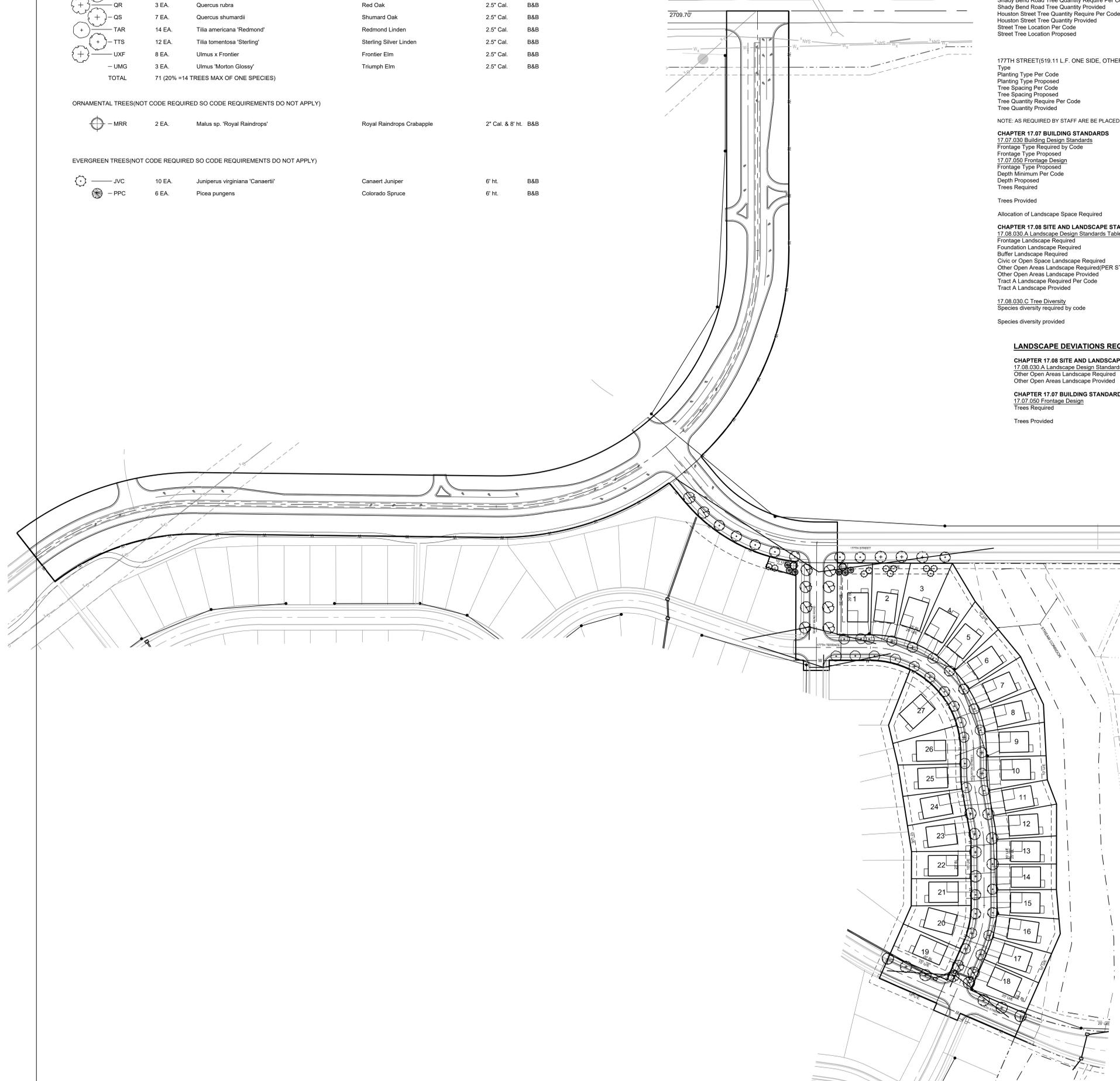
1 small tree for every 50' feet of frontage;

OR 1 medium or large tree for every 100' of frontage (in addition to required street trees)

DEVIATION REQUESTED No additional trees, only street trees

NOTES:

- UTILITY INFORMATION SHOWN IS DESIGNED LOCATION OR LOCATIONS BASED ON UTILITY LOCATES. AS BUILT LOCATIONS MAY VARY. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO COMMENCING LANDSCAPE INSTALLATION. NOTIFY THE LANDSCAPE ARCHITECT OF ANY CONFLICTS OR OBSTRUCTIONS.
- QUANTITIES INDICATED ON THE PLAN ARE FOR CONVENIENCE ONLY. CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES PRIOR TO PLANTING. NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. THE PLAN QUANTITIES AND NUMBER OF SYMBOLS SHALL SUPERSEDE QUANTITIES IN THE SCHEDULE.
- ALL PLANT MATERIAL SHALL COMPLY WITH THE CITY STANDARDS AND ANSI A001 THE AMERICAN STANDARD FOR NURSERY STOCK.
- ALL TREES SHALL MEET THE SIZE REQUIREMENTS OF THE CITY ORDINANCE. ALL TREES SHALL BE CALIPPERED AND UNDERSIDED TREES SHALL BE REJECTED.
- ALL TREES SHALL COMPLY WITH THE NURSERY TREE QUALITY RECOMMENDATIONS FOUND IN THE Guideline Specifications for Selecting, Planting, and Early Care of Young Trees and Guideline Specifications for Nursery Tree Quality published by THE URBAN TREE FOUNDATION AND THE URBAN FOREST ECOSYSTEMS INSTITUTE AT CAL POLY (http://ufes.calpoly.edu/tree_standards.html)
- ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM THE STREET.
- ALL SHRUBS TO BE UTILIZED FOR SCREENING SHALL BE 24" HEIGHT AT TIME OF PLANTING.
- ALL PLANTING BEDS CONTAINING SHRUBS, GROUND COVER, PERENNIALS, ANNUALS SHALL BE IN A PLANTING BED WITH 3" MIN. DEPTH OF MULCH AND A 1/2" CUT EDGE.
- ALL TREES SHALL HAVE A MIN. 3 FT. DIA. AREA THAT HAS 3" MIN. DEPTH OF WOOD MULCH.
- ALL TURF AREAS SHALL BE SOODED UNLESS INDICATED ON THE PLANS.
- ANY DEVIATION FROM THE APPROVED LANDSCAPE PLAN SHALL REQUIRE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT AND THE CITY, PRIOR TO INSTALLATION.
- THE LANDSCAPE ARCHITECT AND OWNER SHALL APPROVE GRADES AND CONDITION OF SITE PRIOR TO SOODING OPERATIONS.
- INSTALLATION AND MAINTENANCE OF LANDSCAPING SHALL COMPLY WITH THE CITY STANDARDS.
- ALL PLANT MATERIAL SHALL BE INSTALLED TO ALLOW A MINIMUM CLEARANCE BETWEEN PLANT AND ADJACENT PAVEMENT OF 1 FT. FOR PERENNIALS AND GROUND COVER AND 1.5 FT. FOR SHRUBS. A 2 FT. CLEARANCE FEET FROM BACK OF CURB TO THE CENTER OF SHRUB OR CAR OVERHANG IS REQUIRED AT ALL PARKING ISLANDS AND PERIMETERS.
- AFTER COMPLETE INSTALLATION OF ALL PLANT MATERIAL AND SOO THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT THAT THE WORK IS COMPLETE AND READY FOR REVIEW. THE LANDSCAPE ARCHITECT SHALL REVIEW THE LANDSCAPE INSTALLATION TO DETERMINE COMPLIANCE WITH THE APPROVED PLANS. WHEN THE LANDSCAPE INSTALLATION MEETS THE REQUIREMENTS OF THE APPROVED PLAN, THE LANDSCAPE ARCHITECT SHALL PROVIDE A SIGNED AND SEALED LETTER TO THE CITY STATING THAT ALL LANDSCAPE PLANTINGS HAVE BEEN INSTALLED PER THE APPROVED PLAN.
- ALL RESIDENTIAL LANDSCAPING REQUIRED SHALL MEET THE REQUIREMENTS APPROVED WITH THE FINAL PLAN AND WILL BE REVIEWED AT THE TIME OF THE BUILDING PERMIT.
- THE BUILDING FOOTPRINTS ILLUSTRATED ON THIS PLAN ARE VISUAL IN NATURE AND ALL STRUCTURES SHALL MEET THE STANDARDS OF THE APPROVED PRELIMINARY AND FINAL DEVELOPMENT PLANS.

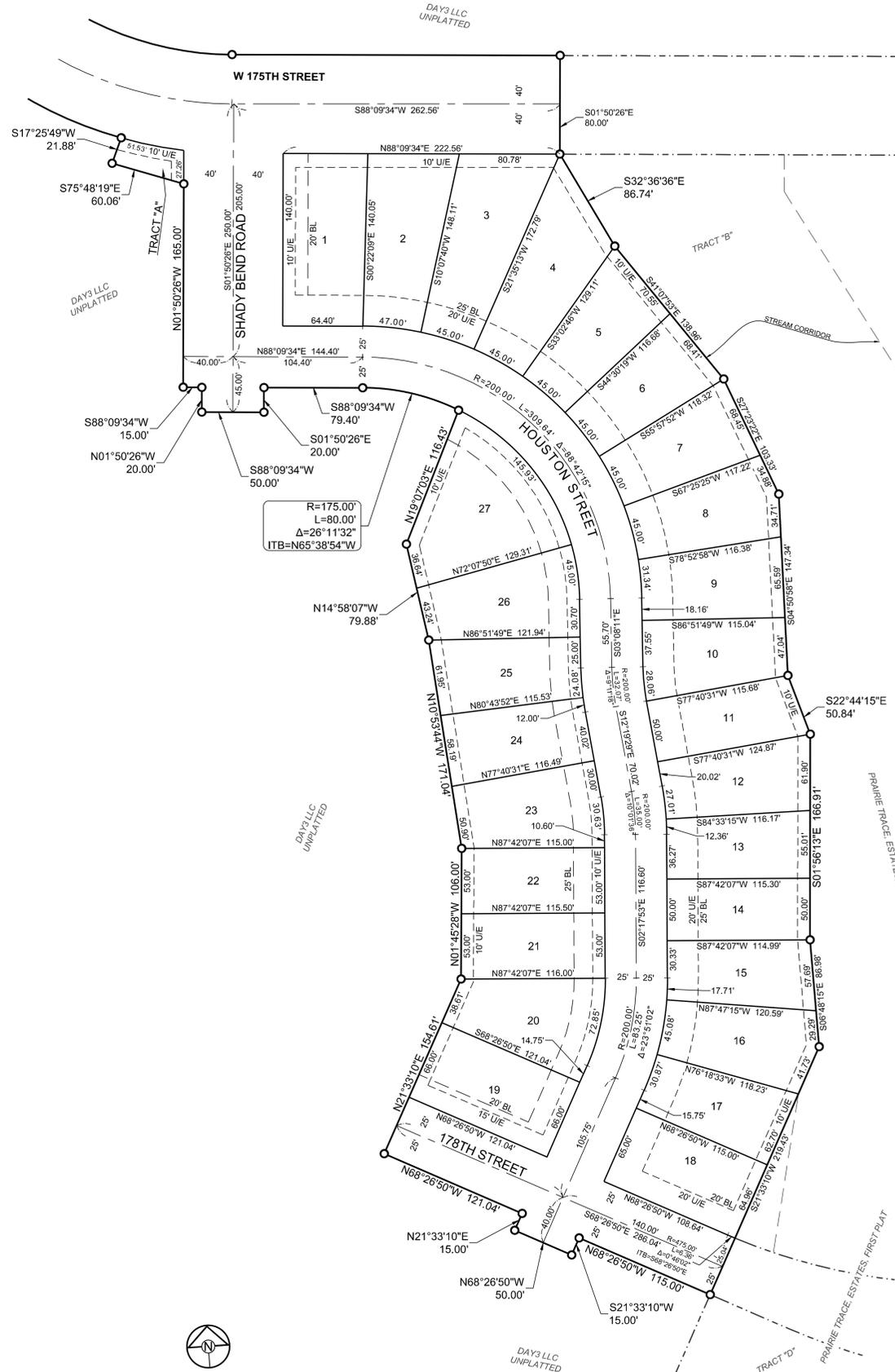


REVISION DATE	DESCRIPTION
4-29-2020	CITY COMMENTS
4-27-2020	OWNER CHANGES TO DEVIATION REQUEST

DRAWN BY:	###
CHECKED BY:	###
DATE PREPARED:	05/07/2020
PROJ. NUMBER:	20-018

FINAL PLAT OF PRAIRIE TRACE MEADOWS, FIRST PLAT

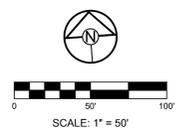
PART OF THE NORTHEAST 1/4 OF SEC. 29-14-23
IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS



LOT #	AREA (SF)
1	9,268.26
2	8,581.35
3	9,680.83
4	8,929.92
5	6,956.18
6	6,590.06
7	6,608.45
8	6,774.68
9	6,603.69
10	6,517.51
11	6,013.86
12	6,497.74
13	5,985.46
14	5,757.37
15	6,184.24

LOT #	AREA (SF)
16	7,021.45
17	6,319.00
18	7,474.91
19	7,988.49
20	7,515.62
21	6,134.72
22	6,108.24
23	7,120.05
24	6,382.86
25	6,545.22
26	7,509.46
27	11,003.52
R/W	379,719.06
TRACT "A"	1,309.92
TOTAL	575,102

Tract "A" shall be owned and maintained by the Homes Association or their authorized representatives thereof and used for landscaping purposes and open space.



DEDICATIONS:

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

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

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

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

CONSENT TO LEVY:

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

EXECUTION:

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

DAY3 DEVELOPMENT, LLC.

By: TRAVIS SCHRAM, Manager

ACKNOWLEDGMENT:

STATE OF _____)
COUNTY OF _____) ss.

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

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

Notary Public _____ My Commission Expires: _____

Print Name _____

APPROVALS:

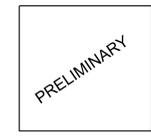
PLANNING COMMISSION:
APPROVED BY, the Planning Commission of the City of Gardner, Johnson County, Kansas this ____ day of _____, 2020.

Scott Boden, Chair

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

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

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



Aaron T. Reuter - Land Surveyor
KS# LS-1429

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS

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

DATE 02-07-2020	FINAL PLAT OF PRAIRIE TRACE MEADOWS FIRST PLAT
DRAWN BY JWT	SHEET NO. 2 OF 2
CHECKED BY AR	
PROJ. NO. 20-016	



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

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

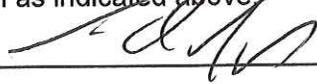
Name(s) SCHLAGEL & ASSOCIATES, P.A.A
Contact MARK BREUER, PE
Address 14920 W. 107TH STREET
City LENEXA State KANSAS Zip 66215
Phone 913-492-5158 Email MAB@SCHLAGELASSOCIATES.COM

SITE INFORMATION

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

SIGNATURE

I/We, the undersigned am/are the (owner(s)), (duly authorized agent), (Circle One) of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for a site plan and design review or final development plan as indicated above

Signature(s):  Date 2/7/20

Date _____

SITE PLAN AND DESIGN REVIEW, AND FINAL DEVELOPMENT PLAN APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 complete sets of full sized plans printed including color elevations, folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Copy of all covenants and restrictions applicable to the development, if applicable. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Sign posting affidavit. |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency or document dedicating the facilities to the city. |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval if conveyance thereof is not to be made by plat or by the filing of the final development plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Evidence of satisfaction of any conditions of the preliminary development plan approval which were conditions precedent to consideration of the final development plan. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Final Stormwater Management Plan (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy) |

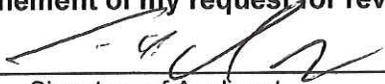
PLAN REQUIREMENTS

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

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Setback lines: building and parking with dimensions in feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. 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 and acres. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Note on the plan indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Setback lines: building and parking with dimensions in feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Location of existing open space, alleys, parks, streams, ponds, vegetation or other similar features within plan area, and whether they are to be retained or removed. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Proposed street network, including right-of-way, bearings, tangents, dimensions, and horizontal and vertical curvature data along the centerline of each street. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. All public streets within the plan conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. Design of crosswalks, on street parking, shoulder, pavement and lane dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. Intersection site distance analysis. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Driveways, parking lots and stalls, aisles, and loading and service areas and docks and dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Median breaks and turning lanes, including sizes and radii; both existing and proposed. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. Existing and proposed sidewalks and/or trail locations including proposed widths. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. Proposed utilities, including approximate location of sanitary sewer, water main, and street lights. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 22. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 23. Any area within a federally designated floodplain. Location, stations, and elevations of the 100-year floodplain within the plan area and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 24. Stream corridor boundary and dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 25. Phasing Plan, if applicable. |

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

I hereby submit all information required for a site plan and design review, or final development plan application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.



 Signature of Applicant

2/7/20

 Date

OWNER AFFIDAVIT

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

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

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

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding PRAIRIE TRACE MEADOWS (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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



Owner

Owner

STATE OF Kansas
COUNTY OF Johnson

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

My Commission Expires:



Notary Public





FINAL PLAT APPLICATION

Pre-App Date	_____
Fee	_____
File No.	_____

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

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

SITE INFORMATION

Property Address/Location S. CLARE ROAD AND 175TH STREET
 Legal Description (Attach If Necessary) SEE THE ATTACHED LEGAL DESCRIPTION
 Number of Existing Lots N/A Number of Proposed Lots 27
 Total Site Area 12.7633 Present Zoning A-C-2, M-1
 Number of Existing Structures N/A Present Land Use VACANT/AGRICULTURE
 Proposed Street Design Type(s) & Class SUBURBAN
 Proposed Type(s) Open & Civic Space NATURAL AREA, TRAIL GREENWAY, PARK (POOL)
 Proposed Frontage Type(s) SUBURBAN NEIGHBORHOOD
 Proposed Building Types(s) DETACHED HOMES - SUBURBAN NEIGHBORHOOD

SIGNATURE

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

Signature(s):  Date 2/9/20
 _____ Date _____

FINAL PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. 1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Letter of intent as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider, if not submitted with the Preliminary Plat. Covenants and restrictions, as well as evidence of the establishment of the agency for the ownership and maintenance of any common space, shall be submitted to the City for review and approval prior to recording of the plat. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Final 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). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Final Stormwater Management Plan (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Development Agreement , if required |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Street tree plan |

FINAL PLAT DOCUMENT REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Name of subdivision (unique and numerically consistent and the words "FINAL PLAT," prominently displayed as the title.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Date of preparation and/or revisions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |

Yes No

6. **Provide the following sentence after the Legal Description** "The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the accompanying plat, which subdivision and plat shall hereafter be known as "Plat Name".
7. **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.
8. **Boundary lines** of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).
9. **Accurate dimensions for all lines, angles, and curves**, used to describe boundaries, streets, easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle.
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. **Blocks, 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 and proposed easements** with dimensions. Existing easements shall be labeled with book and page number.
14. **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).
15. **Stream corridor boundary** and dimensions.
16. **Proposed street right-of-way with dimensions** which conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.
17. **Endorsement of the Planning Commission** as evidenced by the signature of its Chairperson. Endorsement line shall contain the printed name of the Chairperson and their title.
18. **Acceptance of Dedication by the Governing Body**, as indicated by the signature of the Mayor and attested by the City Clerk. The Endorsement Line shall contain the printed name and title of the person signing.
19. **Signature of Owner**, properly attested.

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

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

Application Submittal Requirements No. 5 - Developer is currently
drafting the Covenants + Restrictions.

No. 7 - No Floodplain

Final Plat Document Requirements No. 15 - No Stream Corridor

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



Signature of Applicant

2/7/20

Date

OWNER AFFIDAVIT

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

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

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

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding PRAIRIE TRACE MEADOWS (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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



Owner

Owner

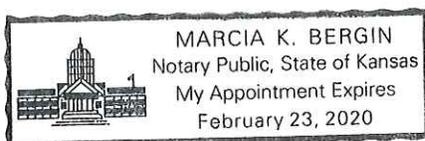
STATE OF Kansas
COUNTY OF Johnson

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

My Commission Expires:



Notary Public



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

PROCESS INFORMATION

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

APPLICATION INFORMATION

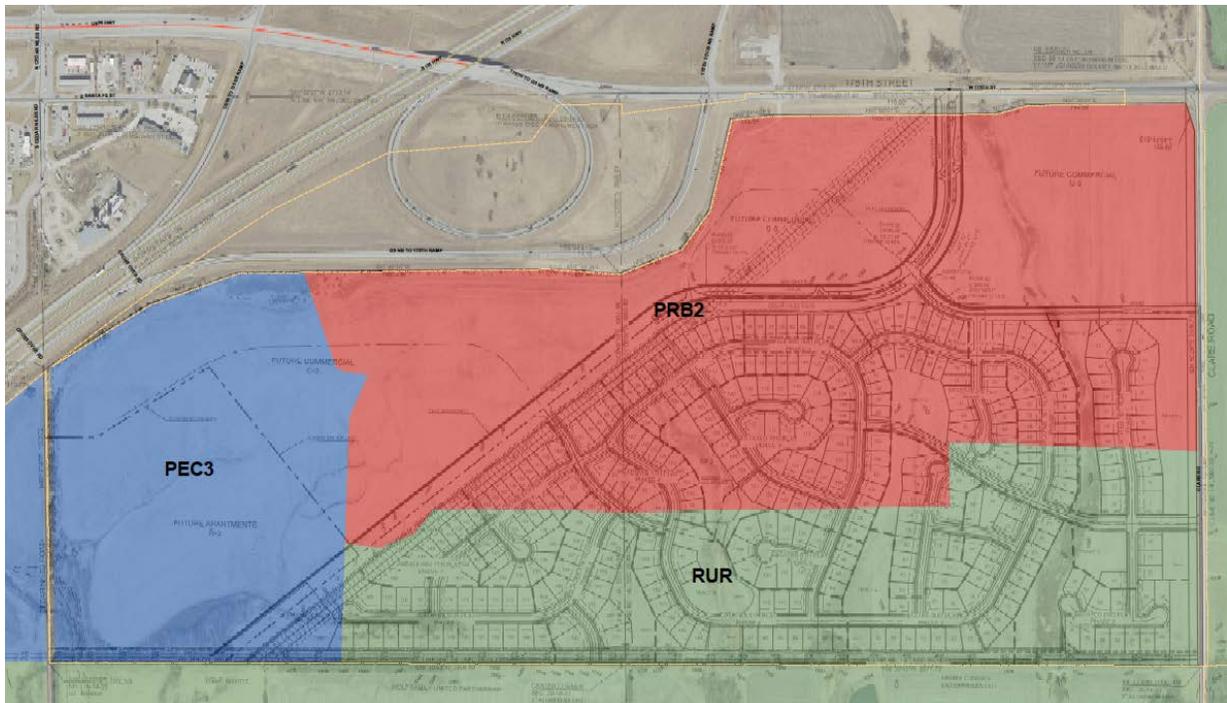
Applicant: Schlagel & Associates, P.A., Mark Breuer, PE
Owner: Day3, LLC (Grata Development)
Parcel ID: CF231429-3002 & CF231429-1001
Location: Southeast corner of the intersection of Interstate 35 and 175th Street

REQUESTED ACTION

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

EXISTING ZONING AND LAND USE

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



SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
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.

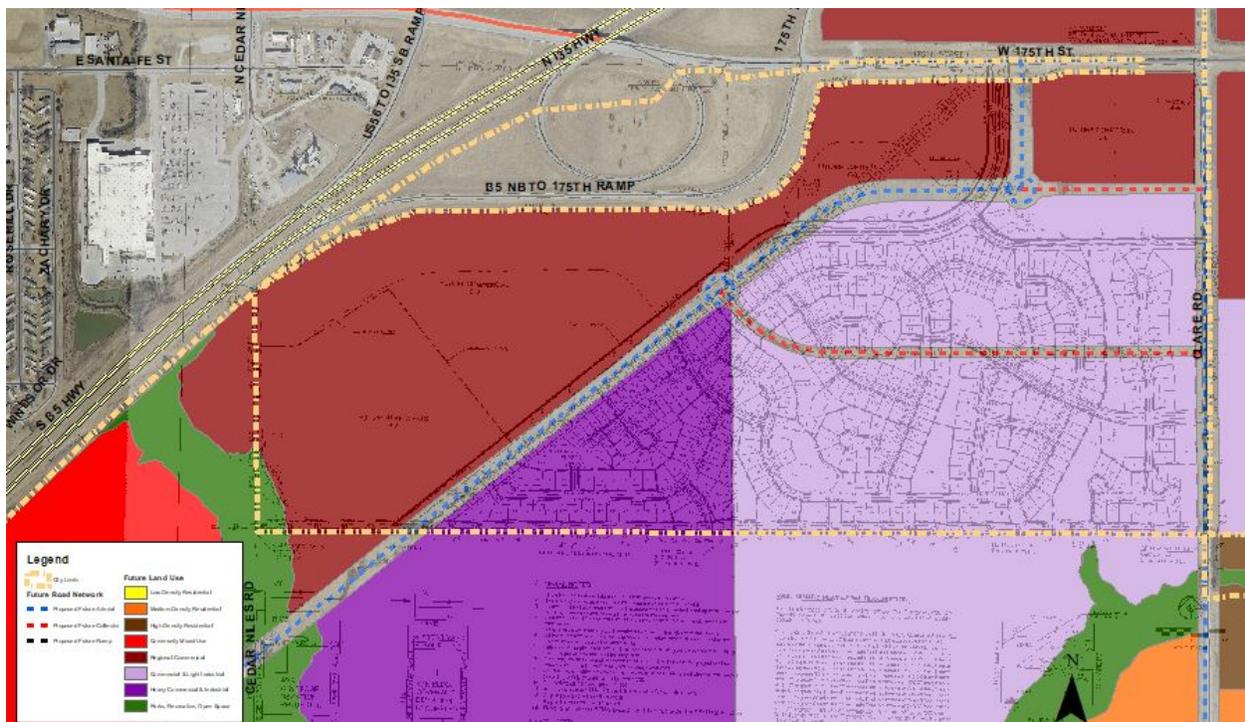


BACKGROUND / HISTORY

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 which is currently in the process for a rezoning (Z-20-01) and preliminary development plan (PDP-20-01) and preliminary plat (PP-20-01) for Prairie Trace. The Planning Commission recommended approval of the rezoning and PDP at their March 24, 2020 meeting and the Governing Body at their April 20, 2020 meeting approved the rezoning and associated preliminary development. These application require review and approval by the Johnson County Airport Commission and Johnson County Board of County Commissioners before complete.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as “Southeast Quadrant Market Determined Growth Area” with Regional Commercial identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two area plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 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 Interchange Subarea Plan*, the following Goals support the proposed project:

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

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

Additionally the following Policies support the proposed project:

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

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

- *Residential Land Uses*

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

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

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

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

The proposal provides for future street connections to the south.

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

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

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

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

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

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

STAFF ANALYSIS - FINAL DEVELOPMENT PLAN

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

17.03.040 (F) Review Criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The recommendations of professional staff.

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

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

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

DEVIATIONS

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

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

Standard: 1 tree per 10,000 sf

Proposed: None

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

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

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

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

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

Standard: 1 shrub per 5,000 sf

Proposed: None

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

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

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

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

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

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

Proposed: None

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

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

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

STAFF ANALYSIS - FINAL PLAT

17.03.020 (E1) Review Criteria:

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

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

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

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

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

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

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

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

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

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

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

ELECTRIC –

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

WATER –

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

SANITARY SEWER –

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

STORM SEWER –

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

ROADWAY NETWORK & VEHICULAR ACCESS –

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

SIDEWALKS –

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

NEW CENTURY AIRCENTER –

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

EXCISE TAX

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

ATTACHMENTS

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

ACTIONS

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

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

EFFECT OF DECISION

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

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

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

RECOMMENDATION – FINAL DEVELOPMENT PLAN

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

Recommended Motion:

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

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

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

RECOMMENDATION – FINAL PLAT

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

Recommended Motion:

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

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

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



THE AZALEA
BY ROESER HOMES



THE EMERY
BY JAMES ENGLE CUSTOM HOMES



THE LANDON REVISED
BY NEW MARK HOMES

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

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

REVISION DATE	DESCRIPTION
DATE	DESCRIPTION 1
1	
2	
3	
4	
5	
6	
7	
8	

TYPICAL HOUSE ELEVATIONS

SHEET
A1.0



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

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

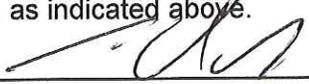
Name(s) SCHLAGEL & ASSOCIATES, P.A.A
Contact MARK BREUER, PE
Address 14920 W. 107TH STREET
City LENEXA State KANSAS Zip 66215
Phone 913-492-5158 Email MAB@SCHLAGELASSOCIATES.COM

SITE INFORMATION

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

SIGNATURE

I/We, the undersigned am/are the (owner(s)), (duly authorized agent), (Circle One) of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for a site plan and design review or final development plan as indicated above.

Signature(s):  Date 2/7/20
Date _____

SITE PLAN AND DESIGN REVIEW, AND FINAL DEVELOPMENT PLAN APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 complete sets of full sized plans printed including color elevations, folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Copy of all covenants and restrictions applicable to the development, if applicable. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Sign posting affidavit. |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency or document dedicating the facilities to the city. |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval if conveyance thereof is not to be made by plat or by the filing of the final development plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Evidence of satisfaction of any conditions of the preliminary development plan approval which were conditions precedent to consideration of the final development plan. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Final Stormwater Management Plan (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy) |

PLAN REQUIREMENTS

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

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Setback lines: building and parking with dimensions in feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. 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 and acres. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Note on the plan indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Setback lines: building and parking with dimensions in feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Location of existing open space, alleys, parks, streams, ponds, vegetation or other similar features within plan area, and whether they are to be retained or removed. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Proposed street network, including right-of-way, bearings, tangents, dimensions, and horizontal and vertical curvature data along the centerline of each street. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. All public streets within the plan conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. Design of crosswalks, on street parking, shoulder, pavement and lane dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. Intersection site distance analysis. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Driveways, parking lots and stalls, aisles, and loading and service areas and docks and dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Median breaks and turning lanes, including sizes and radii; both existing and proposed. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. Existing and proposed sidewalks and/or trail locations including proposed widths. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. Proposed utilities, including approximate location of sanitary sewer, water main, and street lights. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 22. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 23. Any area within a federally designated floodplain. Location, stations, and elevations of the 100-year floodplain within the plan area and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 24. Stream corridor boundary and dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 25. Phasing Plan, if applicable. |

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

I hereby submit all information required for a site plan and design review, or final development plan application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.

 Signature of Applicant

2/07/20
 Date

OWNER AFFIDAVIT

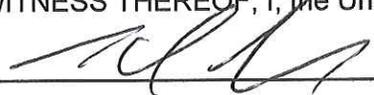
I/WE GRATA DEVELOPMENT, LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7th day of February, 2020, make the following statements to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding PRAIRIE TRACE ESTATES (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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



Owner

Owner

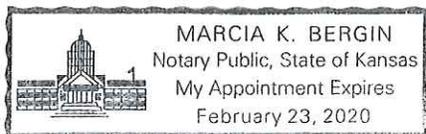
STATE OF Kansas
COUNTY OF Johnson

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

My Commission Expires:



Notary Public





FINAL PLAT APPLICATION

Pre-App Date	_____
Fee	_____
File No.	_____

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

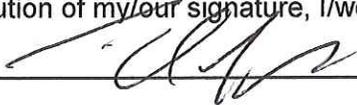
Name(s) SCHLAGEL & ASSOCIATES, P.A.
 Contact MARK BREUER, PE
 Address 14920 W. 107TH STREET
 City LENEXA State KANSAS Zip 66215
 Phone 913-492-5158 Email MAB@SCHLAGELASSOCIATES.COM

SITE INFORMATION

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

SIGNATURE

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

Signature(s):  Date 2/7/20
 _____ Date _____

FINAL PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. 1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Letter of intent as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider, if not submitted with the Preliminary Plat. Covenants and restrictions, as well as evidence of the establishment of the agency for the ownership and maintenance of any common space, shall be submitted to the City for review and approval prior to recording of the plat. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Final 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). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Final Stormwater Management Plan (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Development Agreement , if required |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Street tree plan |

FINAL PLAT DOCUMENT REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Name of subdivision (unique and numerically consistent and the words "FINAL PLAT," prominently displayed as the title.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Date of preparation and/or revisions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Provide the following sentence after the Legal Description "The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the accompanying plat, which subdivision and plat shall hereafter be known as "Plat Name". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Boundary lines of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances). |
| | | 9. Accurate dimensions for all lines, angles, and curves , used to describe boundaries, streets, easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Blocks, 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Note on plat indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. 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). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15. Stream corridor boundary and dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. Proposed street right-of-way with dimensions which conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Endorsement of the Planning Commission as evidenced by the signature of its Chairperson. Endorsement line shall contain the printed name of the Chairperson and their title. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Acceptance of Dedication by the Governing Body , as indicated by the signature of the Mayor and attested by the City Clerk. The Endorsement Line shall contain the printed name and title of the person signing. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Signature of Owner , properly attested. |

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

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

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

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



Signature of Applicant

2/7/20

Date

OWNER AFFIDAVIT

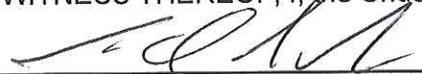
I/WE GRATA DEVELOPMENT, LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7th day of February, 2020, make the following statements to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize SCHLAGEL & ASSOCIATES, P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding PRAIRIE TRACE ESTATES (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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



Owner

Owner

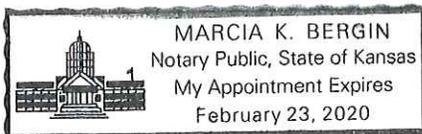
STATE OF Kansas
COUNTY OF Johnson

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

My Commission Expires:



Notary Public



PROJECT NUMBER / TITLE: PP-20-04: Preliminary plat for QuikTrip Store No. 0294

PROCESS INFORMATION

Type of Request: Preliminary Plat
Date Received: March 5, 2020

APPLICATION INFORMATION

Applicant: QuikTrip Corporation, Erik Eckhart, Real Estate Project Manager
Owner: Gardner 188 LLC, John D Peterson
Parcel ID: CP78470000 0005, CP78470000 0006, CP78470000 0007 and CP78470000 0008
Location: Southwest corner of 188th Street and Gardner Road

REQUESTED ACTION

The applicant requests approval of a preliminary plat for a 2 lot commercial project containing 8.99 acres.

EXISTING ZONING AND LAND USE

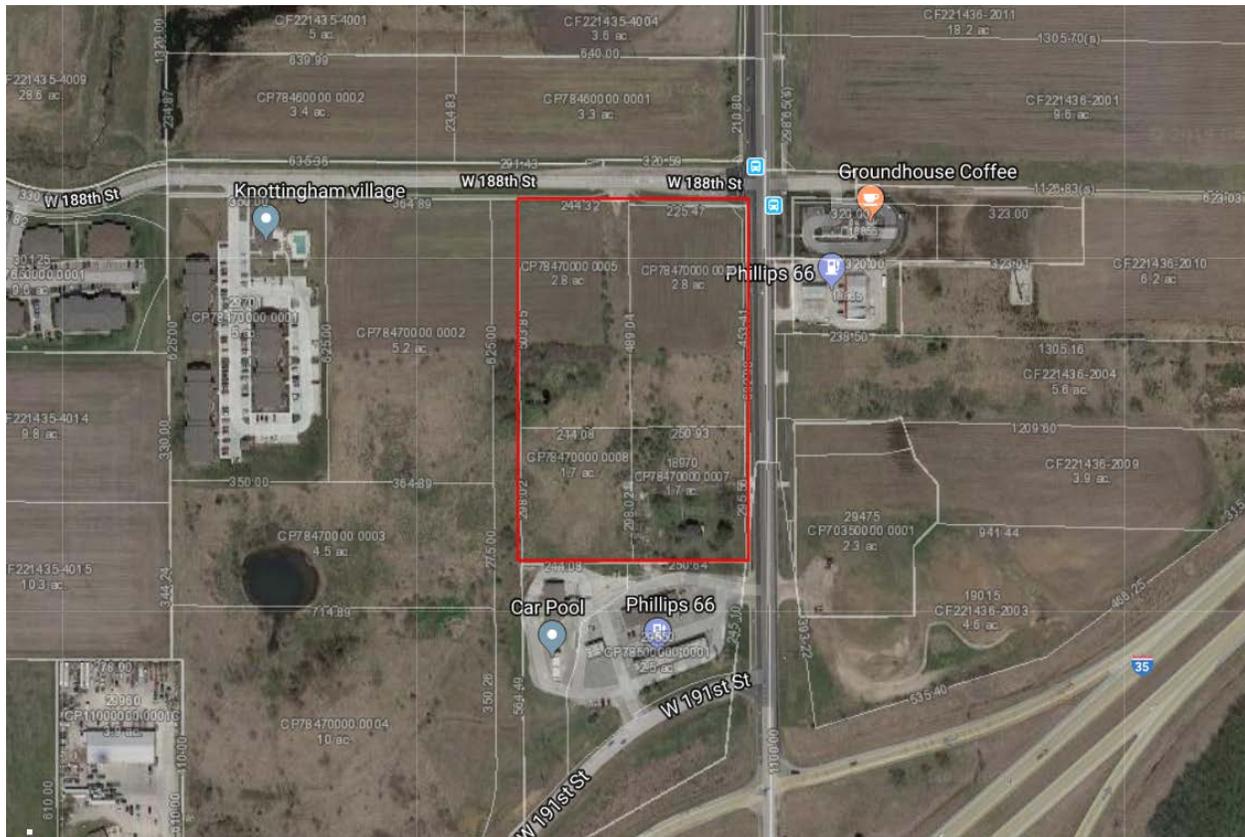
Currently, the subject property is zoned C-3 (Heavy Commercial) District and current land use is a vacant parcel.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
C-3 (Heavy Commercial) District	Vacant
East of subject property	
C-2 (General Business) District	Groundhouse Coffee, Olathe Medical Center (under construction), gas station/convenience store, vacant parcel
South of subject property	
C-3 (Heavy Commercial) District	Phillips 66 Travel Plaza and carwash
West of subject property	
C-3 (Heavy Commercial) District	Vacant
RP-3 (Planned Garden Apartment) District	Nottingham Village Apartments (located approximately 425 ft. to the west)

EXISTING CONDITIONS

This property is located at the southwest corner of Gardner Road and W. 188th Street and contains approximately 8.99 acres as depicted in the aerial below. All utilities are located on the north, east and south sides of the property, along with an 18" water main located through the middle of lots 5 and 6 and along the east side of Lot 6. The water main is located within a utility easement and recorded at the Johnson County Register of Deeds Office in book 5436 at page 390.



BACKGROUND / HISTORY

The property was annexed into the City of Gardner on April 4th of 2001 as a part of the South Center Street Annexation and then subsequently rezoned from A (Agricultural District) to C-3 (Commercial District) on April 30th of 2001. There were no specific uses being proposed for the property at the time of the annexation and rezoning. In March, 2003, this property was platted as part of the Shean's Crossing subdivision and then in 2014 the property was platted as Lots 5, 6, 7 & 8 of Shean's Crossing 2nd Plat subdivision. There are no improvements located on these lots.

CONSISTENCY WITH COMPREHENSIVE PLAN

The City of Gardner Comprehensive Plan and the *I-35 & Gardner Road Interchange Subarea Plan* identifies the properties for Regional Commercial future land uses. This use group provides for goods and services that may attract users from the greater metropolitan area. These uses are generally on larger parcels and are best located near interstates and major arterial roads. This site is within a half mile of the I-35 and Gardner Road interchange and along S. Gardner Road

which is an arterial street. The proposed uses, lot layout for this site are consistent with the Comprehensive Plan.

STAFF ANALYSIS

PRELIMINARY PLAT

17.03.020 (D1) Review Criteria:

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

Staff Comment: *The project is for the platting of four parcels to create 2 buildable lots. The newly created lots will gain access onto both Gardner Road and 188th Street. Staff is requiring a cross-access easement from lot 1 to lot 2 to further limit access onto Gardner Road while providing an efficient circulation system throughout the west side of Gardner Road for these commercialized areas. This will help to provide connectivity through the development while limiting the curb cuts along Gardner Road and provide a safe access for both lots. This requirement is consistent with the Community Commercial land use areas which states that commercial should be well-connected to the surrounding community to encourage cross access between adjacent commercial uses to reduce traffic on City roads.*

- 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: *This development is in compliance with the Land Development Code based on the Administrative Adjustments approved as part of the Site Plan Review process, and is capable of meeting all the development and sight design standards under the existing zoning.*

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

Staff Comment: *There is no phasing proposed for the plat.*

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

Staff Comment: *The Stormwater Management Plan and Traffic Impact Study have been approved by Public Works Department.*

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

Staff Comment: *This development will not deter any existing or future development on adjacent property.*

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

Staff Comment: *The design does not impede construction of future public infrastructure as none are anticipated in this area in the near future.*

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

Staff Comment: *The preliminary plat meets all the applicable standards of the Land Development Code. Staff recommends approval of the preliminary plat for QuikTrip No. 0294.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

WATER, SANITARY SEWER, STORMWATER, ELECTRIC, GAS –

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

ROADWAY NETWORK, VEHICULAR ACCESS –

There are a total of 4 new points of access being proposed for this site. One access off of Gardner Road and three access points will be provided off of 188th/Locust Road. Again, a cross access easement is being created between lots 1 and 2 in order to limit access onto Gardner Road.

SIDEWALKS –

An existing 10' trail is located along the east side of Gardner Road along with a 5' sidewalk extending from the intersection of 188th Street and Gardner Road to the east and continuing along the south side of 188th/Locust Streets.

ATTACHMENTS

- I. Plat document
- II. Application

ACTIONS

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

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

EFFECT OF DECISION

Preliminary Plat – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted

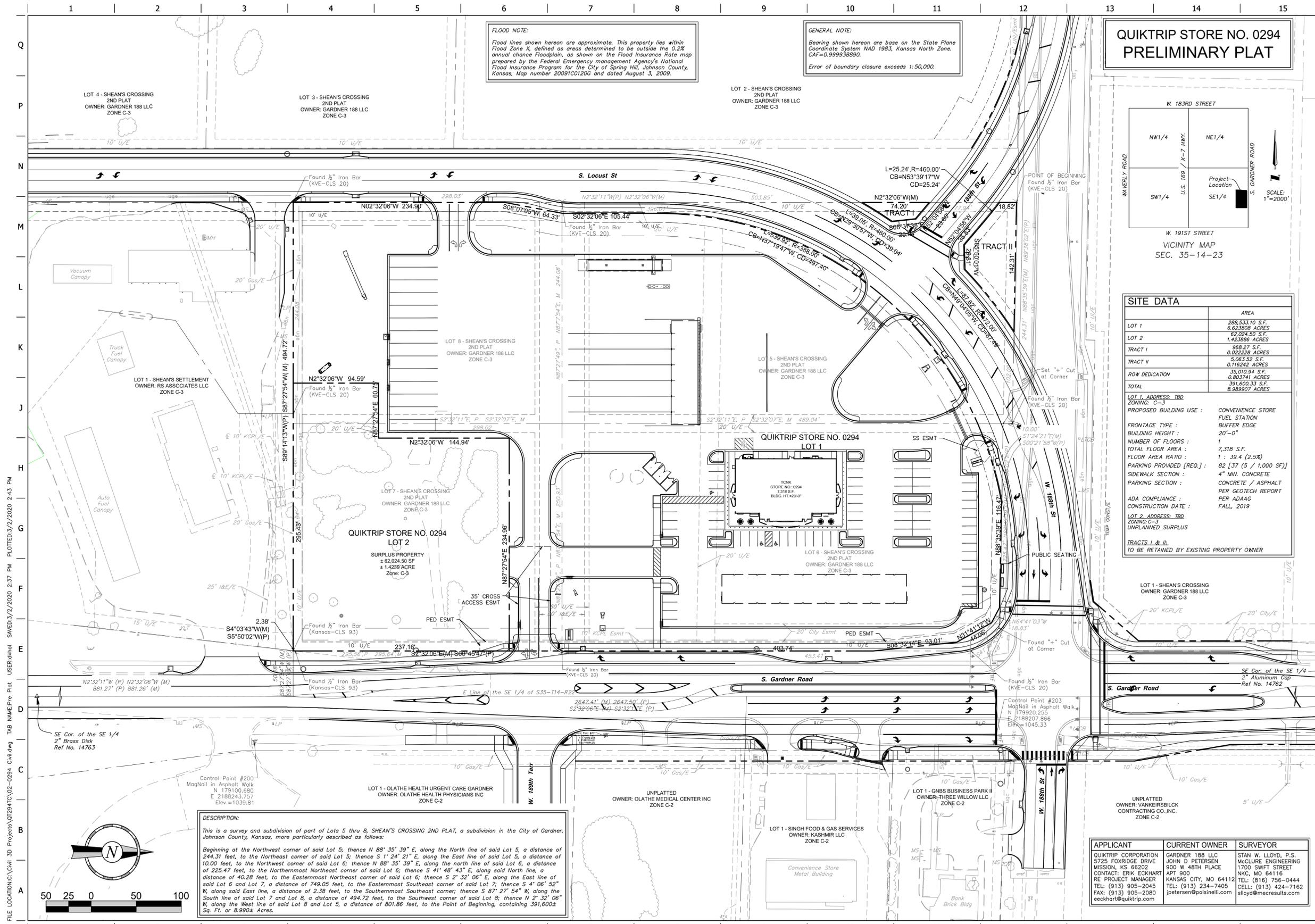
to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

RECOMMENDATION

Staff recommends approval of the Preliminary Plat.

Recommended Motion:

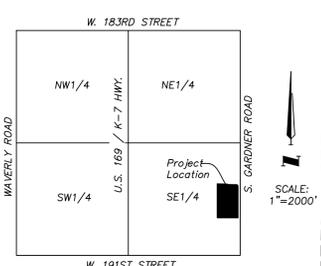
After review of Application PP-20-04, a preliminary plat for QuikTrip Store No. 0294 Plat, located at the southwest intersection of Gardner Road and 188th Street, (Tax Ids CP78470000 0005, CP78470000 0006, CP78470000 0007 and CP78470000 0008) and preliminary plat dated March 5, 2020, and staff report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



FLOOD NOTE:
 Flood lines shown hereon are approximate. This property lies within Flood Zone X, defined as areas determined to be outside the 0.2% annual chance Floodplain, as shown on the Flood Insurance Rate map prepared by the Federal Emergency Management Agency's National Flood Insurance Program for the City of Spring Hill, Johnson County, Kansas, Map number 20091C0120G and dated August 3, 2009.

GENERAL NOTE:
 Bearing shown hereon are base on the State Plane Coordinate System NAD 1983, Kansas North Zone. CAF=0.999938890.
 Error of boundary closure exceeds 1:50,000.

**QUIKTRIP STORE NO. 0294
 PRELIMINARY PLAT**



W 183RD STREET
 VICINITY MAP
 SEC. 35-14-23

SITE DATA

LOT	AREA
LOT 1	288,533.10 S.F. 6.623809 ACRES
LOT 2	62,024.50 S.F. 1.423886 ACRES
TRACT I	968.27 S.F. 0.022228 ACRES
TRACT II	5,063.52 S.F. 0.116242 ACRES
ROW DEDICATION	35,010.94 S.F. 0.803741 ACRES
TOTAL	391,600.33 S.F. 8.989072 ACRES

LOT 1 ADDRESS TBD
 ZONING: C-3
 PROPOSED BUILDING USE: CONVENIENCE STORE
 FRONTAGE TYPE: FUEL STATION
 BUILDING HEIGHT: BUFFER EDGE
 NUMBER OF FLOORS: 1
 TOTAL FLOOR AREA: 7,318 S.F.
 FLOOR AREA RATIO: 1: 39.4 (2.5%)
 PARKING PROVIDED [REQ.]: 82 [3 (5 / 1,000 SF)]
 SIDEWALK SECTION: 4" MIN. CONCRETE
 PARKING SECTION: CONCRETE / ASPHALT
 ADA COMPLIANCE: PER GEOTECH REPORT
 CONSTRUCTION DATE: PER ADAAG
 FALL, 2019

LOT 2 ADDRESS TBD
 ZONING: C-3
 UNPLANNED SURPLUS

TRACTS I & II:
 TO BE RETAINED BY EXISTING PROPERTY OWNER



MG
 Midwest Design Group
 DARIA K. HOLMAN, PE
 Principal
 P.O. Box 86009
 Shawnee, KS 66286-0015
 P 913-248-9385
 C 913-339-4706
 daria@mdg-ks.com

QuikTrip No. 0294
 W. 188TH STREET & S. GARDNER ROAD
 GARDNER, KANSAS 66030



PROTOTYPE: P-100 (11/01/19)
 DIVISION:
 VERSION: 001
 DESIGNED BY: DKH
 DRAWN BY: DKH
 REVIEWED BY: AMG

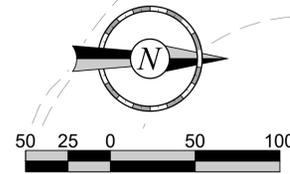
REV	DATE	DESCRIPTION

SHEET TITLE:
 PRELIMINARY PLAT

SHEET NUMBER:
 1 OF 1

ORIGINAL ISSUE DATE: 03/02/2020

DESCRIPTION:
 This is a survey and subdivision of part of Lots 5 thru 8, SHEAN'S CROSSING 2ND PLAT, a subdivision in the City of Gardner, Johnson County, Kansas, more particularly described as follows:
 Beginning at the Northwest corner of said Lot 5; thence N 88° 35' 39" E, along the North line of said Lot 5, a distance of 244.31 feet, to the Northeast corner of said Lot 5; thence S 1° 24' 21" E, along the East line of said Lot 5, a distance of 10.00 feet, to the Northwest corner of said Lot 6; thence N 88° 35' 39" E, along the north line of said Lot 6, a distance of 225.47 feet, to the Northernmost Northeast corner of said Lot 6; thence S 41° 48' 43" E, along said North line, a distance of 40.28 feet, to the Easternmost Northeast corner of said Lot 6; thence S 2° 32' 06" E, along the East line of said Lot 6 and Lot 7, a distance of 749.05 feet, to the Easternmost Southeast corner of said Lot 7; thence S 4° 06' 52" W, along said East line, a distance of 2.39 feet, to the Southernmost Southeast corner; thence S 87° 27' 54" W, along the South line of said Lot 7 and Lot 8, a distance of 494.72 feet, to the Southwest corner of said Lot 8; thence N 2° 32' 06" W, along the West line of said Lot 8 and Lot 5, a distance of 801.86 feet, to the Point of Beginning, containing 391,600± Sq. Ft. or 8.990± Acres.



FILE LOCATION: C:\Civil 3D Projects\0294\02-0294-Civil.dwg
 USER: rdnho
 TAB NAME: Pre Plat
 PLOTTED: 3/2/2020 2:43 PM
 SAVED: 3/2/2020 2:37 PM



PRELIMINARY PLAT APPLICATION

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Gardner 188 LLC
 Contact John D Petersen
 Address 900 W 48TH Place, Apt 900
 City Kansas City State MO Zip 64112
 Phone (913) 234-7405 Email jpetersen@polsinelli.com

APPLICANT/AGENT INFORMATION

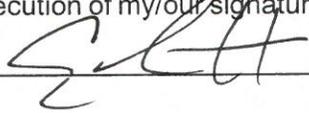
Name(s) QuikTrip Corporation
 Contact Erik Eckhart
 Address 5725 Foxridge Drive
 City Mission State Kansas Zip 66202
 Phone 913-905-2045 Email eckhart@quiktrip.com

SITE INFORMATION

Property Address/Location SW corner of S Gardner Rd & W 188th Street
 Legal Description (Attach If Necessary) See Attached
 Number of Existing Lots 4 Number of Proposed Lots 2 lots, 2 tracts
 Total Site Area 391,600.33 S.F. Present Zoning C-3
 Number of Existing Structures 0 Present Land Use Vacant Ground
 Proposed Street Design Type(s) & Class N/A
 Proposed Type(s) Open & Civic Space Public Street Seating, Lawn Area
 Proposed Frontage Type(s) Buffer Edge
 Proposed Building Types(s) V - B

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 3/3/2020
 _____ Date _____

PRELIMINARY PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 complete sets of full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. 1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Letter of intent as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> NA | 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). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Preliminary Stormwater Management Plan (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Preliminary Traffic Assessment See Access Management Code. (2 printed and 1 digital copy) |

PRELIMINARY PLAT REQUIREMENTS

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

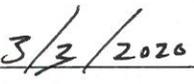
- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Platted and unplatted land adjacent to the plat boundary. Include identification of adjacent platted subdivisions and unplatted tracts 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Note on plat indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. Location of existing buildings and structures within 200 feet of the plat. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Proposed sidewalks and/or trail locations including proposed widths. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. Proposed utilities , including approximate location of sanitary sewer, water main, street lights, storm sewer, detention and treatment facilities. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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). <i>Flood note on plat</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Stream corridor boundary and dimensions. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Intersection site distance analysis . |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 25. Copies of all pertinent exception documents , or a copy of a current American Land Title Association (ALTA) survey, or both. |

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

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



Signature of Applicant



Date

OWNER AFFIDAVIT

I/WE Gardner 188, LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 21 day of April, 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 QuikTrip Corporation (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Southwest corner of 188th and Gardner 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 or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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

[Signature]
Owner

Owner

STATE OF Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 21 day of April, 2020, by Brittany Rodriguez.

My Commission Expires:

[Signature]
Notary Public



PROJECT NUMBER / TITLE: FP-20-05: Final Plat for QuikTrip Store No. 0294

PROCESS INFORMATION

Type of Request: Final Plat
Date Received: March 5, 2020

APPLICATION INFORMATION

Applicant: QuikTrip Corporation, Erik Eckhart, Real Estate Project Manager
Owner: Gardner 188 LLC, John Peterson
Parcel ID: CP78470000 0005, CP78470000 0006, CP78470000 0007 and CP78470000 0008
Location: Southwest corner of 188th Street and Gardner Road

REQUESTED ACTION

The applicant requests approval of a preliminary plat for a 2 lot commercial project containing 8.99 acres.

EXISTING ZONING AND LAND USE

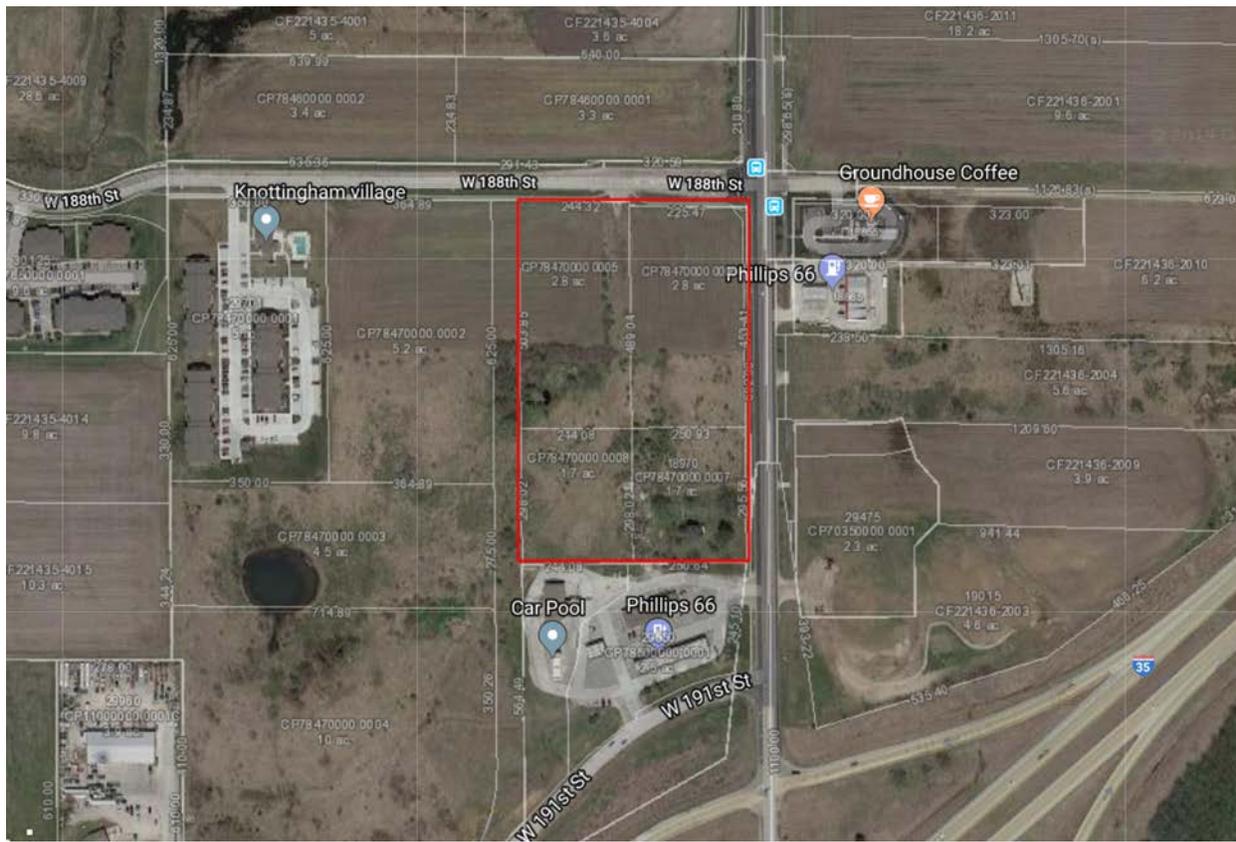
Currently, the subject property is zoned C-3 (Heavy Commercial) District and current land use is a vacant parcel.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
C-3 (Heavy Commercial) District	Vacant
East of subject property	
C-2 (General Business) District	Groundhouse Coffee, Olathe Medical Center (under construction), gas station/convenience store, vacant parcel
South of subject property	
C-3 (Heavy Commercial) District	Phillips 66 Travel Plaza and carwash
West of subject property	
C-3 (Heavy Commercial) District	Vacant
RP-3 (Planned Garden Apartment) District	Nottingham Village Apartments (located approximately 425 ft. to the west)

EXISTING CONDITIONS

This property is located at the southwest corner of Gardner Road and W 188th Street and contains approximately 8.99 acres as depicted in the aerial below. All utilities are located on the north, east and south sides of the property, along with an 18" water main located through the middle of lots 5 and 6 and along the east side of Lot 6. The water main is located within a utility easement and recorded at the Johnson County Register of Deeds Office in book 5436 at page 390.



BACKGROUND / HISTORY

The property was annexed into the City of Gardner on April 4th of 2001 as a part of the South Center Street Annexation and then subsequently rezoned from A (Agricultural District) to C-3 (Commercial District) on April 30th of 2001. There were no specific uses being proposed for the property at the time of the annexation and rezoning. In March 2003, this property was platted as part of the Shean's Crossing subdivision and then in 2014 the property was platted as Lots 5, 6, 7 & 8 of Shean's Crossing 2nd Plat subdivision. There are no improvements located on these lots.

CONSISTENCY WITH COMPREHENSIVE PLAN

The City of Gardner Comprehensive Plan and the *I-35 & Gardner Road Interchange Subarea Plan* identifies the properties for Regional Commercial future land uses. This use group provides for goods and services that may attract users from the greater metropolitan area. These uses are generally on larger parcels and are best located near interstates and major arterial roads. This site is within a half mile of the I-35 and Gardner Road interchange and along S. Gardner Road which is an arterial street. The proposed uses, lot layout for this site are consistent with the Comprehensive Plan.

STAFF ANALYSIS – FINAL PLAT

17.03.020 (E1) Review Criteria:

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

Staff Comment: *The layout and design of the final plat is in substantial compliance with the approved preliminary plat, considering the number of lots and parcels, block layout, street design and access, open space systems and civic design elements, the infrastructure systems, and other elements of the coordinated development.*

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

Staff Comment: *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County (this is a recommended condition of approval). The City is the provider for sanitary sewer, water, and electric facilities in this area.*

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

Staff Comment: *The Traffic Impact Study and Stormwater Management Plan have been approved. Public Improvement Plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place.*

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

Staff Comment: *There are no deviations being requested on the final plat. As part of the Planning Commission's site plan approval on August 27th, 2019 the Commission approved the following Administrative Adjustments: 23% on the east elevation and 6% on the north elevation for transparency requirement of 30% for the large commercial building type, 38' driveway access width of the required 36' maximum width for any single access point, and placement of foundation plantings away from the building of the required foundation planting areas shall exist along at least 25% of the street facing facades and be at least 8' deep.*

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

Staff Comment: *Staff recommends the Planning Commission approve the final plat with the conditions outlined below, and forward a recommendation to the Governing Body to accept the dedication of any rights-of-way and easements.*

EXCISE TAX

This property is currently platted and excise tax was previously paid. No excise tax is to be assessed as part of this replat.

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

WATER, SANITARY SEWER, STORMWATER, ELECTRIC, GAS –

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

ROADWAY NETWORK, VEHICULAR ACCESS –

There are a total of 4 new points of access being proposed for this site. One access off of Gardner Road and three access points off of 188th Street/Locust Road. Again, a cross access easement is being created between Lots 1 and 2 in order to limit access onto Gardner Road.

SIDEWALKS –

A 10' trail is located along the east side of Gardner Road along with a 5' sidewalk extending from the intersection of 188th Street and Gardner Road to the east and continuing along the south side of 188th/Locust Streets.

ATTACHMENTS

- I. Final plat document
- II. Street Tree Plan
- 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

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

and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

RECOMMENDATION

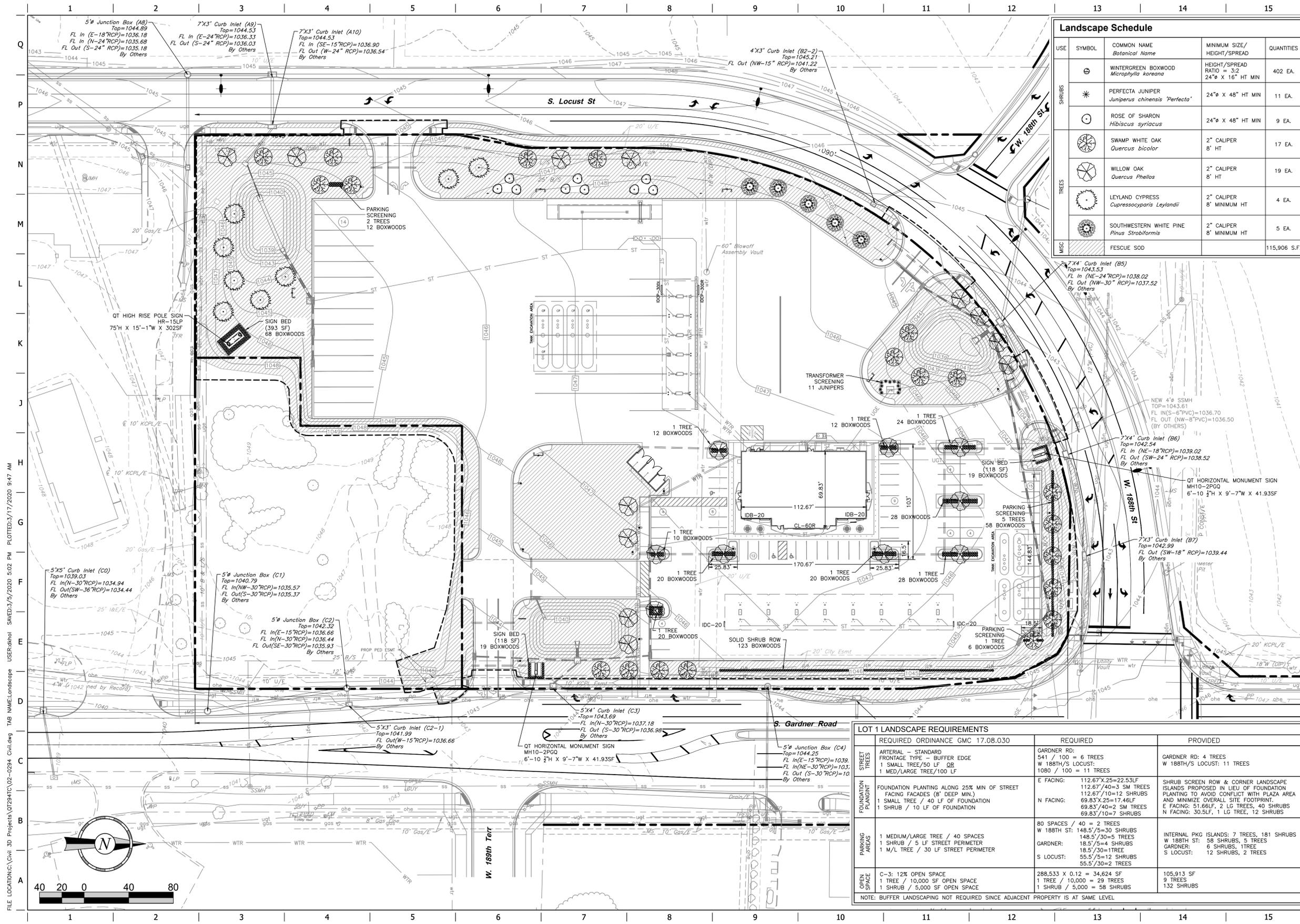
Staff recommends approval of the final plat FP-19-03 for Quick Trip No. 0294 with the conditions outlined in the Recommended Motion section and recommends forwarding the plat to the Governing Body to accept the dedication of right-of-way and easements.

Recommended Motion:

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

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

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



Landscape Schedule				
USE	SYMBOL	COMMON NAME	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES
SHRUBS	☉	WINTERGREEN BOXWOOD <i>Microphylla koreana</i>	HEIGHT/SPREAD RATIO = 3:2 24" X 16" HT MIN	402 EA.
	✱	PERFECTA JUNIPER <i>Juniperus chinensis 'Perfecta'</i>	24" X 48" HT MIN	11 EA.
	⊙	ROSE OF SHARON <i>Hibiscus syriacus</i>	24" X 48" HT MIN	9 EA.
TREES	⊗	SWAMP WHITE OAK <i>Quercus bicolor</i>	2" CALIPER 8' HT	17 EA.
	⊗	WILLOW OAK <i>Quercus phellos</i>	2" CALIPER 8' HT	19 EA.
	⊗	LEYLAND CYPRESS <i>Cupressocyparis leylandii</i>	2" CALIPER 8' MINIMUM HT	4 EA.
	⊗	SOUTHWESTERN WHITE PINE <i>Pinus strobiformis</i>	2" CALIPER 8' MINIMUM HT	5 EA.
MISC		FESCUE SOD		115,906 S.F.



PROJECT NO.: 02-0294

MDG
Midwest Design Group
DARIA K. HOLMAN, PE
Principal
P.O. Box 860093
Shawnee, KS 66286-0093
P 913.248.9385
C 913.339.4766
daria@mdg-ks.com

QuikTrip No. 0294
W. 188TH STREET & S. GARDNER ROAD
GARDNER, KANSAS 66030



© COPYRIGHT QUIKTRIP CORPORATION 2011
ANY UNAUTHORIZED USE, REPRODUCTION,
PUBLICATION, DISTRIBUTION, OR SALE IN
WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-100 (11/01/19)
DIVISION:
VERSION: 001
DESIGNED BY: DKH
DRAWN BY: DKH
REVIEWED BY: AMG

REV	DATE	DESCRIPTION

SHEET TITLE:
LANDSCAPE PLAN

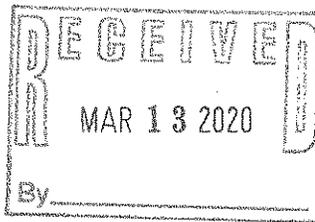
SHEET NUMBER:
L100

ORIGINAL ISSUE DATE: 03/02/2020

STREET / TREES	REQUIRED ORDINANCE GMC 17.08.030		REQUIRED	PROVIDED
	ARTERIAL - STANDARD FRONTAGE TYPE - BUFFER EDGE 1 SMALL TREE/50 LF OR 1 MED/LARGE TREE/100 LF	541 / 100 = 6 TREES W 188TH/S LOCUST: 1080 / 100 = 11 TREES	GARDNER RD: 4 TREES W 188TH/S LOCUST: 11 TREES	
FOUNDATION PLANTING	FACING FACADES (8' DEEP MIN.) 1 SMALL TREE / 40 LF OF FOUNDATION 1 SHRUB / 10 LF OF FOUNDATION	E FACING: 112.67' X 25' = 22,531 LF 112.67' / 10' = 12 SHRUBS N FACING: 69.83' X 25' = 17,461 LF 69.83' / 10' = 7 SHRUBS 69.83' / 10' = 7 SHRUBS	SHRUB SCREEN ROW & CORNER LANDSCAPE ISLANDS PROPOSED IN LIEU OF FOUNDATION PLANTING TO AVOID CONFLICT WITH PLAZA AREA AND MINIMIZE OVERALL SITE FOOTPRINT. E FACING: 51,661 LF, 2 LG TREES, 40 SHRUBS N FACING: 30,511 LF, 1 LG TREE, 12 SHRUBS	
PARKING AREAS	1 MEDIUM/LARGE TREE / 40 SPACES 1 SHRUB / 5 LF STREET PERIMETER 1 M/L TREE / 30 LF STREET PERIMETER	80 SPACES / 40 = 2 TREES W 188TH ST: 148.5' / 5' = 30 SHRUBS 148.5' / 30' = 5 TREES GARDNER: 18.5' / 5' = 4 SHRUBS S LOCUST: 18.5' / 30' = 1 TREE 55.5' / 5' = 12 SHRUBS 55.5' / 30' = 2 TREES	INTERNAL PKG ISLANDS: 7 TREES, 181 SHRUBS W 188TH ST: 58 SHRUBS, 5 TREES GARDNER: 8 SHRUBS, 1 TREE S LOCUST: 12 SHRUBS, 2 TREES	
OPEN SPACE	C-3: 12% OPEN SPACE 1 TREE / 10,000 SF OPEN SPACE 1 SHRUB / 5,000 SF OPEN SPACE	288,533 X 0.12 = 34,624 SF 1 TREE / 10,000 = 29 TREES 1 SHRUB / 5,000 = 58 SHRUBS	105,913 SF 9 TREES 132 SHRUBS	

NOTE: BUFFER LANDSCAPING NOT REQUIRED SINCE ADJACENT PROPERTY IS AT SAME LEVEL

FILE LOCATION: C:\Civil 3D Projects\0294\02-0294_Civil.dwg TAB NAME: Landscape USER: dkh DATE: 3/5/2020 5:02 PM PLOTTED: 3/17/2020 9:47 AM



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

FINAL PLAT APPLICATION

Pre-App Date	
Fee	\$264 Pd.
File No.	FP-20-05

OWNER INFORMATION

Name(s) Gardner 188 LLC
 Contact John D. Petersen
 Address 900 W 48th Place, Apt 900
 City Kansas City State MO Zip 64112
 Phone 913-234-7405 Email jpetersen@polsinelli.com

APPLICANT/AGENT INFORMATION

Name(s) QuikTrip Corporation
 Contact Erik Eckhart
 Address 5725 Foxridge Drive
 City Mission State KS Zip 66202
 Phone 913-905-2045 Email eekhart@quiktrip.com

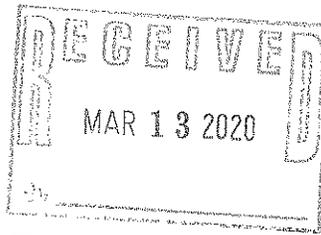
SITE INFORMATION

Property Address/Location SW corner of S Gardner Rd & W 188th Street
 Legal Description (Attach if Necessary) See Attached
 Number of Existing Lots 4 Number of Proposed Lots 2 lots, 2 tracts
 Total Site Area 391,600.33 S.F. Present Zoning C-3
 Number of Existing Structures 0 Present Land Use Vacant Land
 Proposed Street Design Type(s) & Class N/A
 Proposed Type(s) Open & Civic Space Public Street Seating, Lawn Area
 Proposed Frontage Type(s) Buffer Edge
 Proposed Building Types(s) V - B

SIGNATURE

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

Signature(s): [Signature] Date 3/12/2020
 _____ Date _____



FINAL PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|--------------------------|---|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. 10 full sized plans printed and folded |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. 1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page). |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Letter of intent as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider, if not submitted with the Preliminary Plat. Covenants and restrictions, as well as evidence of the establishment of the agency for the ownership and maintenance of any common space, shall be submitted to the City for review and approval prior to recording of the plat. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> N/A | 7. Final 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). |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Final Stormwater Management Plan (2 printed and 1 digital copy) |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> N/A | 10. Development Agreement, if required |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Street tree plan |

FINAL PLAT DOCUMENT REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Name of subdivision (unique and numerically consistent and the words "FINAL PLAT," prominently displayed as the title.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Date of preparation and/or revisions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |

- | Yes | No | |
|-------------------------------------|------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Provide the following sentence after the Legal Description "The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the accompanying plat, which subdivision and plat shall hereafter be known as "Plat Name". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Boundary lines of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances). |
| | | 9. Accurate dimensions for all lines, angles, and curves , used to describe boundaries, streets, easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Blocks, 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Note on plat indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. 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). |
| <input type="checkbox"/> | <input type="checkbox"/> N/A | 15. Stream corridor boundary and dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. Proposed street right-of-way with dimensions which conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Endorsement of the Planning Commission as evidenced by the signature of its Chairperson. Endorsement line shall contain the printed name of the Chairperson and their title. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Acceptance of Dedication by the Governing Body , as indicated by the signature of the Mayor and attested by the City Clerk. The Endorsement Line shall contain the printed name and title of the person signing. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Signature of Owner , properly attested. |

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

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

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



Signature of Applicant

3/12/2020

Date

PLANNING COMMISSION STAFF REPORT

REGULAR AGENDA ITEM No. 5A

MEETING DATE: APRIL 28, 2020

PREPARED BY: KELLY DRAKE WOODWARD, AICP, CHIEF PLANNER

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

PROCESS INFORMATION

Type of Request: Zoning Map Amendment and Preliminary Development Plan

Date Received: March 13, 2020

APPLICATION INFORMATION

Applicant: OIKOS Development Corporation (Michael Snodgrass)

Owner: Owner Finance LLC (Tim Gates)

Parcel ID: CF221422-4007

Location: North of W 174th Street along the east side of Kill Creek Rd.

REQUESTED ACTION

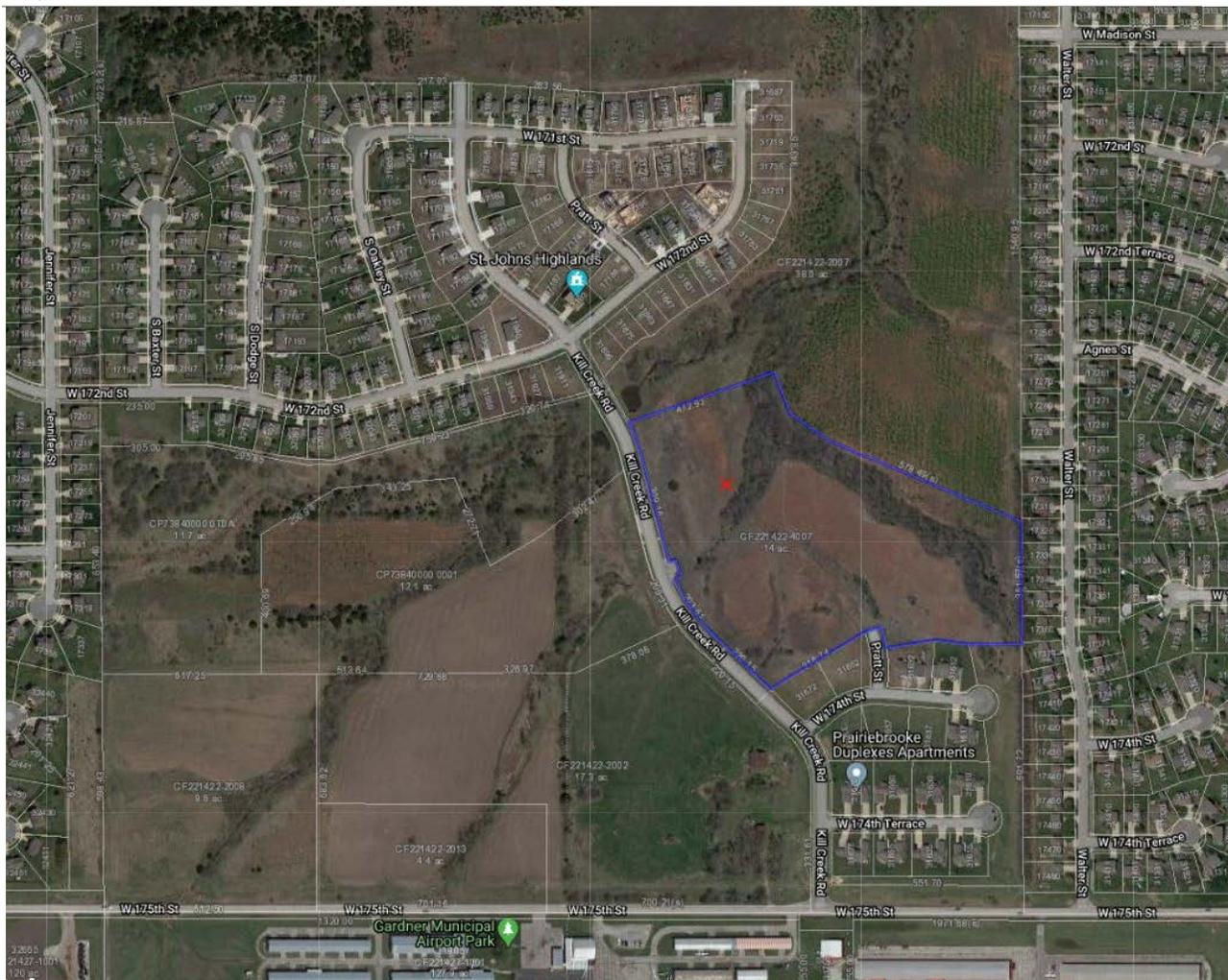
Hold a public hearing on and consider a request to rezone 14 acres from RP-2 (Planning Two-Family Residential) to RP-3 (Planned Garden Apartment) District; and consider approval of the associated Preliminary Development Plan containing 76 dwelling units including eighteen 4-unit Row Houses and two Duplexes.

EXISTING ZONING AND LAND USE

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

SURROUNDING ZONING AND LAND USE

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



EXISTING CONDITIONS

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

BACKGROUND / HISTORY

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

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



DEVELOPMENT PLAN HIGHLIGHTS

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

CONSISTENCY WITH COMPREHENSIVE PLAN

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

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

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

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

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

1. One of the core themes of the Comprehensive Plan is Housing Variety to support on-going investment in housing and attract new residents. The Housing Variety goal is intended to ensure that the housing stock responds to a variety of users, including young professionals, new families, empty-nesters and seniors in need of assistance. Providing a range of options allows support for all income levels to move toward home ownership. Specifically the housing objectives that are addressed by this development include:
 - encourage the development of housing and support services to allow seniors to age in place;
 - promote infill residential development within incomplete subdivisions;
 - ensure new residential developments are sited within close proximity and access to schools and parks.
2. This parcel is located in the New Growth Area of the Residential Areas Plan of the Comprehensive Plan, which is intended to provide the opportunity to:
 - ensure new development meets the requirements in the *Gardner Land Development Code*, providing flexibility where necessary to accommodate a variety of housing types and intensities;
 - work closely with residential developers to encourage local development patterns that provide a variety of housing types and allow aging residents to “downsize” and stay in the neighborhood or subdivision.
3. The *Gardner Main Street Corridor Plan Market Analysis* includes the following information that shows how the proposed development can meet identified needs:
 - Much of Gardner’s growth since 2000 has been driven by young families looking for more affordable housing options.
 - Since the Great Recession of 2008, a higher percentage of households and families are renting rather than purchasing their homes. From 2010 to 2015, the number of owner-occupied housing units dropped from a high of 72 percent to 64 percent and,

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

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

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

STAFF ANALYSIS – ZONING MAP AMENDMENT

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request.

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

17.03.030 (B) Review Criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

7. The recommendations of professional staff;

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

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

Staff Comment: *The proposed change is not consistent with the future land use map designation, however the proposal supports various housing goals and policies of the Comprehensive Plan, and addresses conditions as presented in the Market Analysis, as stated previously. The intent statement of the R-3 Garden Apartment District is to provide residential living in a high-density pattern as a transition between neighborhoods and more intense uses, where a high level of accessibility, public amenity, and support services are immediately available. This infill residential development near the High School, with available public utilities, supports the intent of this district and the Comprehensive Plan housing goals. The plans for this area have long included a mix of housing types and densities.*

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

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

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

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

STAFF ANALYSIS – PRELIMINARY DEVELOPMENT PLAN

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

17.03.040 (C) Review Criteria:

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

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

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

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

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

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

Staff Comment: *The intent statement of the R-3 Garden Apartment District is to provide residential living in a high-density pattern as a transition between neighborhoods and more intense uses, where a high level of accessibility, public amenity, and support services are immediately available. This location offers a high level of accessibility by being adjacent to a collector roadway in close proximity to the high school and other activity centers in west Gardner, and having utilities immediately available. By utilizing an attached single-family housing type of modest size, the applicant has achieved greater density while maintaining customary open space amenities and preserving affordability for tenants.*

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

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

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

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

DEVIATION REQUESTS

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

General Deviation Requests

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

Standard: Block length – 500' minimum.

Proposed: All blocks less than 500' in length.

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

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

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

Standard: Block area – 5 acre minimum.

Proposed: All blocks less than 5 acres.

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

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

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

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

Proposed: No bicycle parking.

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

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

Deviation Requests – Duplex building type

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed: Buffer Edge frontage type.

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

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

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

Standard:

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

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

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

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

Deviation Requests – Row House building type

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

VEHICULAR AND PEDESTRIAN ACCESS

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

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

UTILITIES

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

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

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

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

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

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

ATTACHMENTS

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

ACTIONS

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

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

EFFECT OF DECISION

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

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

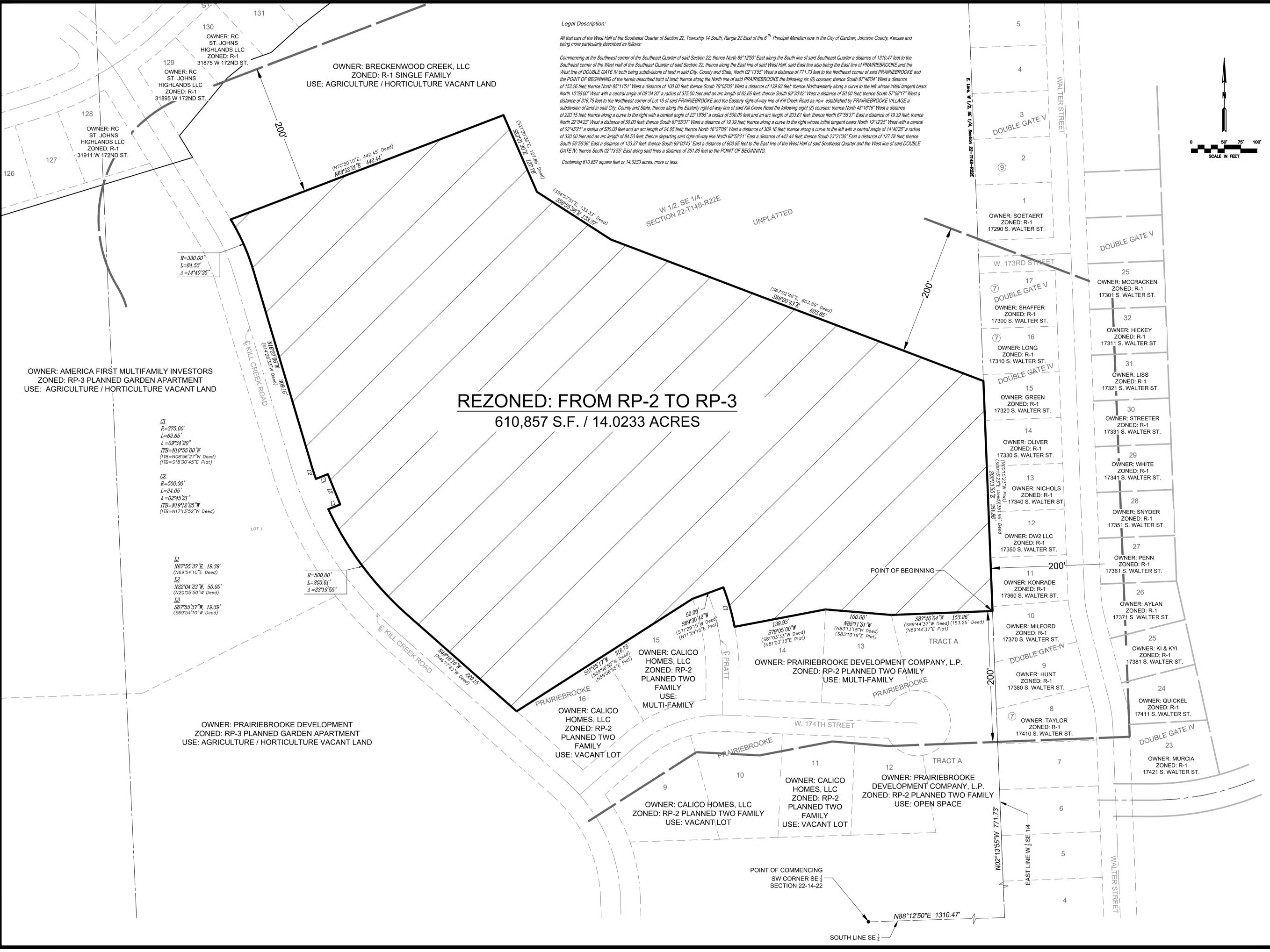
RECOMMENDATION

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

Recommended Motion:

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

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

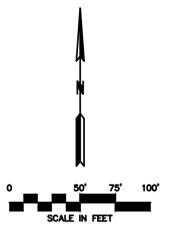


Legal Description:

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

Commencing at the Southwest corner of the Southeast Quarter of said Section 22; thence North 88°12'50" East along the South line of said Southeast Quarter a distance of 1310.47 feet to the Southeast corner of the West Half of the Southeast Quarter of said Section 22; thence along the East line of said West Half, said East line also being the East line of PRAIRIEBROOKE and the West line of DOUBLE GATE IV both being subdivisions of land in said City, County and State, North 02°13'55" West a distance of 771.73 feet to the Northeast corner of said PRAIRIEBROOKE and the POINT OF BEGINNING of the herein described tract of land; thence along the North line of said PRAIRIEBROOKE the following six (6) courses; thence South 87°46'04" West a distance of 153.26 feet; thence North 85°11'51" West a distance of 100.00 feet; thence South 79°05'00" West a distance of 139.93 feet; thence Northwesterly along a curve to the left whose initial tangent bears North 10°55'00" West with a central angle of 09°34'20" a radius of 375.00 feet and an arc length of 62.65 feet; thence South 69°30'42" West a distance of 50.00 feet; thence South 57°08'17" West a distance of 316.75 feet to the Northwest corner of Lot 16 of said PRAIRIEBROOKE and the Easterly right-of-way line of Kill Creek Road as now established by PRAIRIEBROOKE VILLAGE a subdivision of land in said City, County and State; thence along the Easterly right-of-way line of said Kill Creek Road the following eight (8) courses; thence North 48°16'16" West a distance of 220.15 feet; thence along a curve to the right with a central angle of 23°19'55" a radius of 500.00 feet and an arc length of 203.61 feet; thence North 67°55'37" East a distance of 19.39 feet; thence North 22°04'23" West a distance of 50.00 feet; thence South 67°55'37" West a distance of 19.39 feet; thence along a curve to the right whose initial tangent bears North 19°12'25" West with a central angle of 02°45'21" a radius of 500.00 feet and an arc length of 24.05 feet; thence North 16°27'06" West a distance of 309.16 feet; thence along a curve to the left with a central angle of 14°40'35" a radius of 330.00 feet and an arc length of 84.53 feet; thence departing said right-of-way line North 68°52'21" East a distance of 442.44 feet; thence South 23°21'30" East a distance of 127.76 feet; thence South 56°55'36" East a distance of 133.37 feet; thence South 69°00'43" East a distance of 803.85 feet to the East line of the West Half of said Southeast Quarter and the West line of said DOUBLE GATE IV; thence South 02°13'55" East along said line a distance of 351.86 feet to the POINT OF BEGINNING.

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



REZONED: FROM RP-2 TO RP-3
610,857 S.F. / 14.0233 ACRES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NO.	REVISION	DATE	BY	CHK/APP



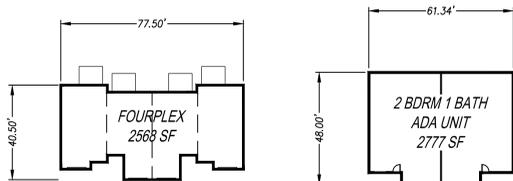
consult inc
 engineers planners
 11010 Haskell Street, Suite 210, Kansas City, Kansas 66109
 CORPORATE LICENSE NO. E20106973 (IND.) / E.P.136 (KS)

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

"PRAIRIEBROOKE VILLAS"

LOTS 1 THRU 20, TRACTS A & B

PART OF THE W 1/2, SE 1/4, SECTION 22-T14S-R22E,
IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS



PROPOSED BUILDING FLOOR PLAN

Scale: 1" = 30'

Trail connection to proposed development to the north will be accommodated and appropriate easements will be provided on the final plat.



NOTES:

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

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

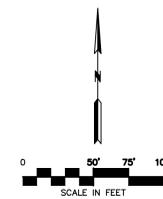
LEGEND

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

PROJECT SUMMARY:

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

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



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

ENGINEER
 Hg CONSULT, INC.
 CONTACT - KEVIN STERRETT
 (816) 703-7098
 Prepared: March 13, 2020

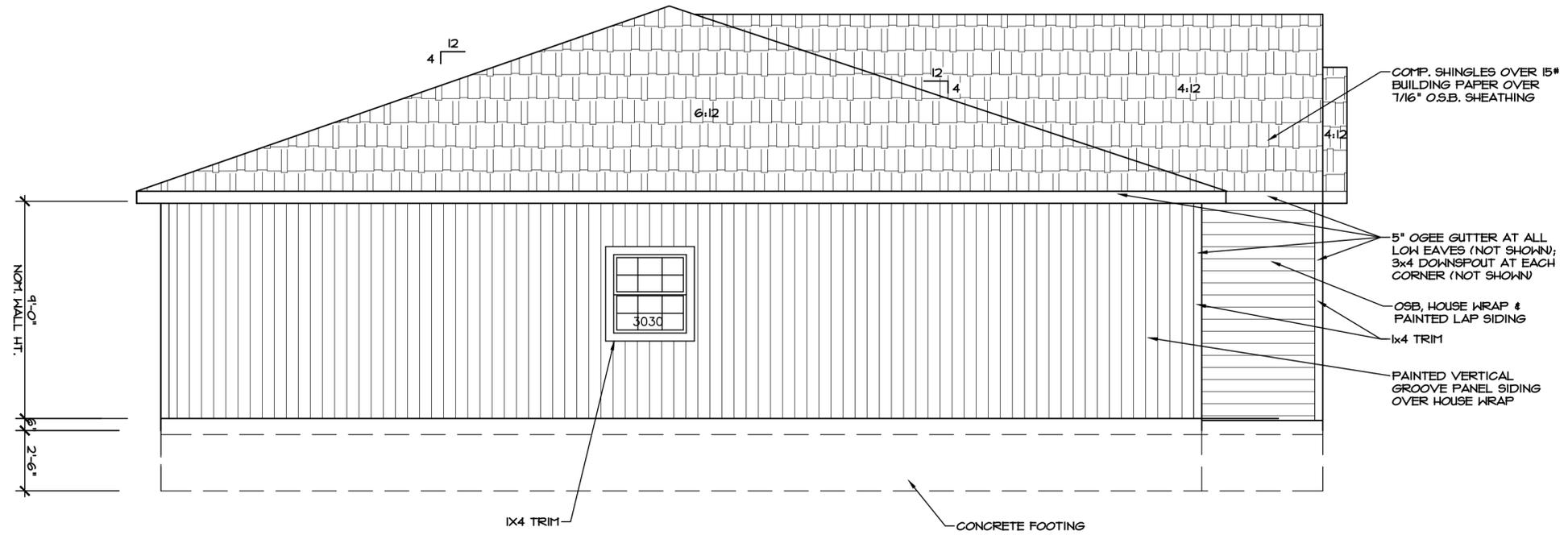
NO.	BY	DATE	REVISION
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			

gconsult inc
 engineers
 planners
 R. Kevin Sterrett, KS E-21889
 11010 Haskell Street, Suite 210, Kansas City, Kansas 66109
 CORPORATE LICENSE NO. 2201000973 (MO.) / E-1736 (KS.)
 March 13, 2020

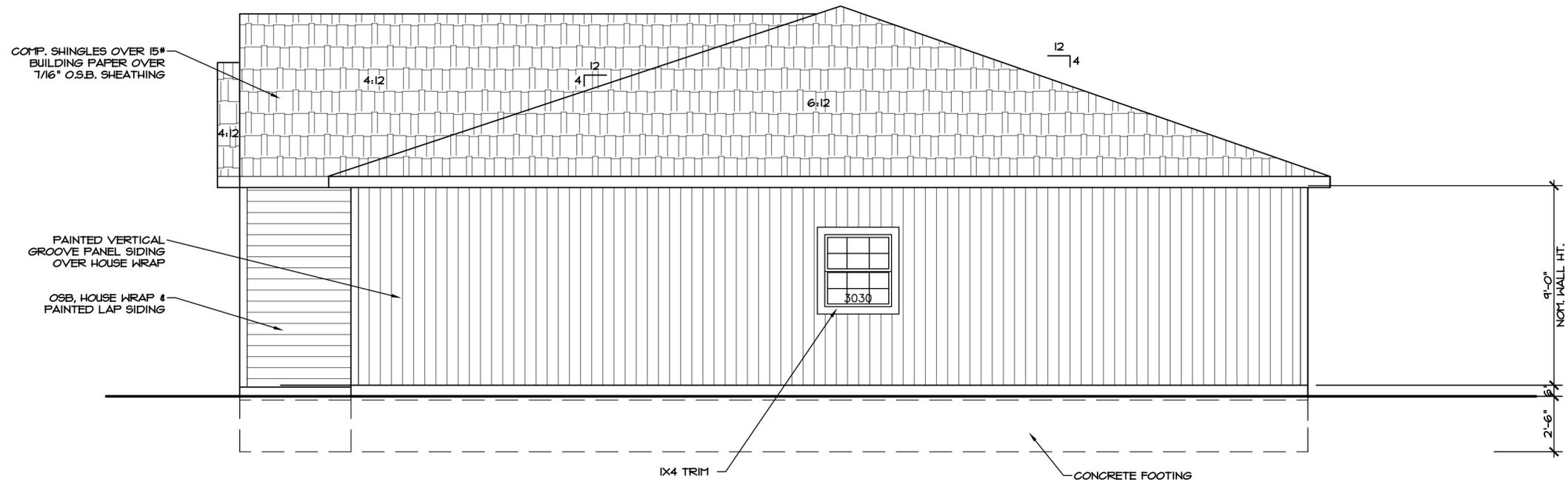
PRELIMINARY PLAT Z-20-05 / PRELIMINARY DEVELOPMENT PLAN PDP-20-02
 BUILDING FLOORPLANS & UTILITIES
 PRAIRIEBROOKE VILLAS
 CITY OF GARDNER - JOHNSON COUNTY - KANSAS

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

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



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



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

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

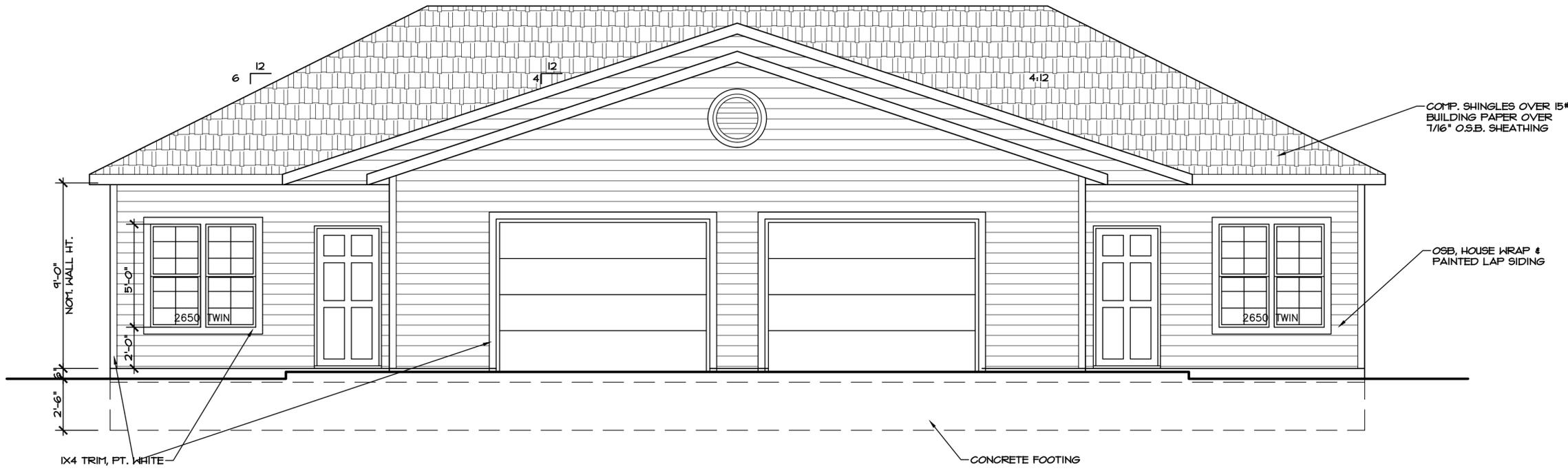
Hernly
 ARCHITECTS

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

REAR ELEVATION
 FRONT ELEVATION

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

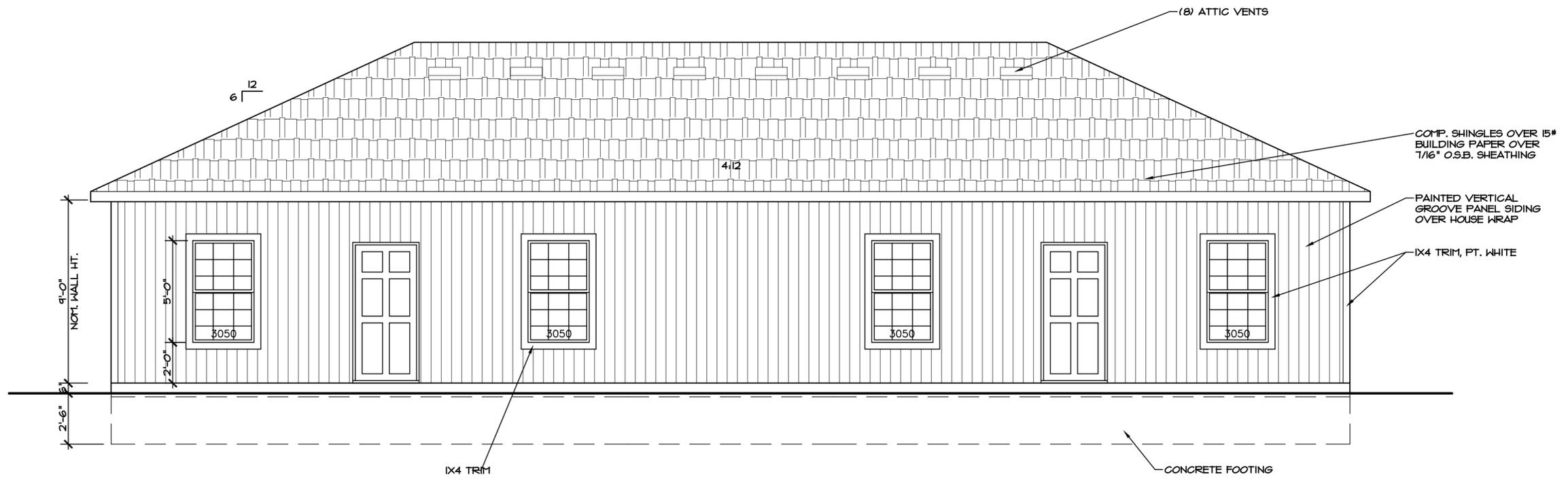
A2.0



1 FRONT ELEVATION

1/4" = 1'-0"

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



2 REAR ELEVATION

1/4" = 1'-0"

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

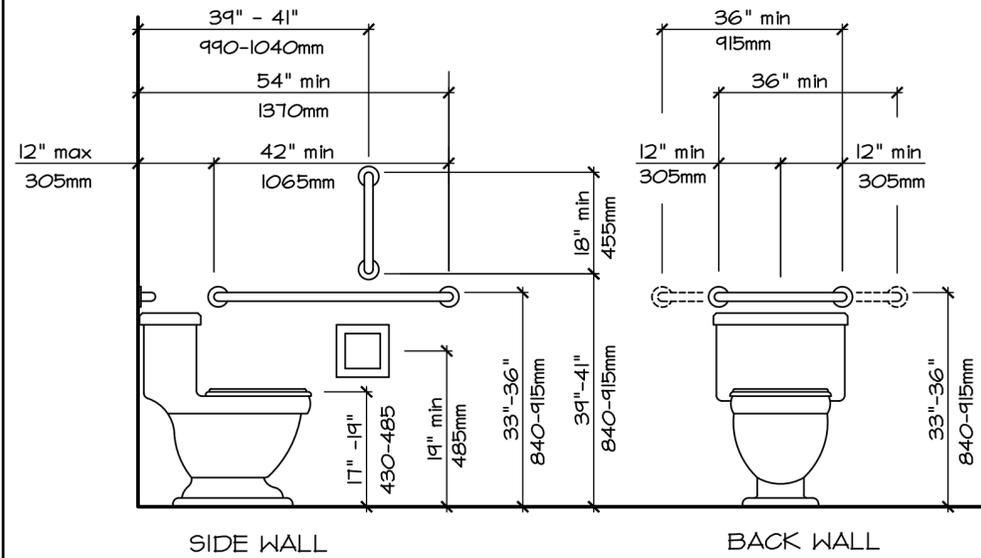
Hernly ARCHITECTS

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

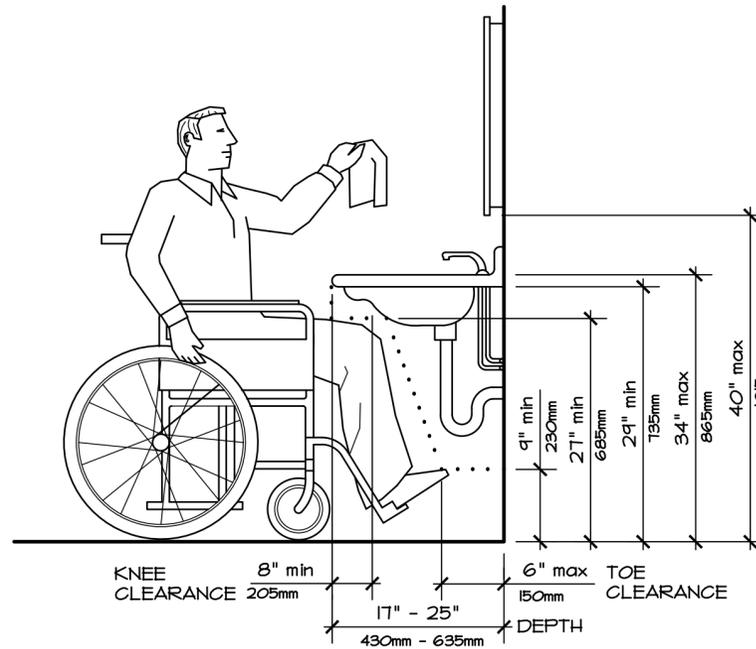
RIGHT ELEVATION
 LEFT ELEVATION

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

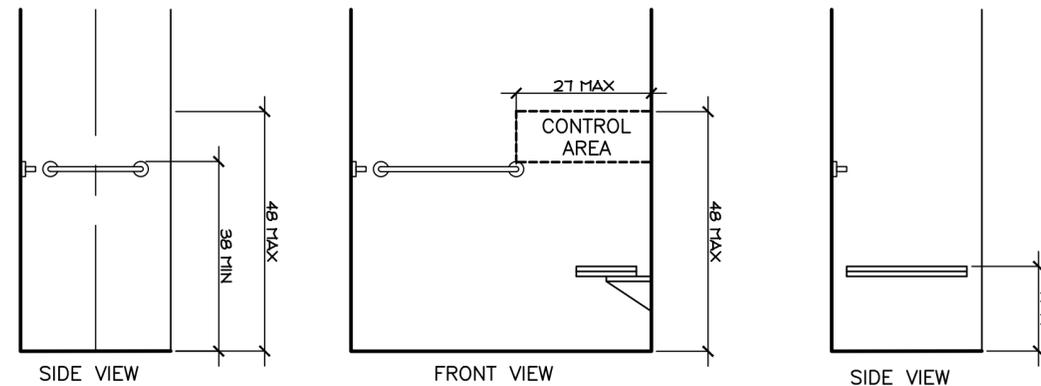
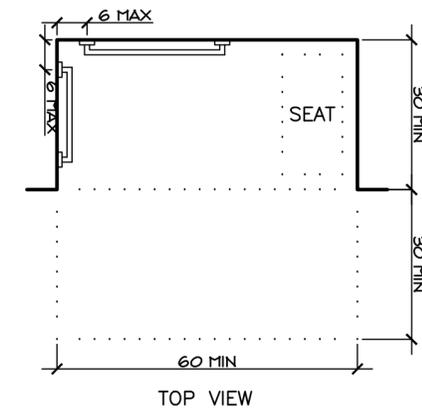
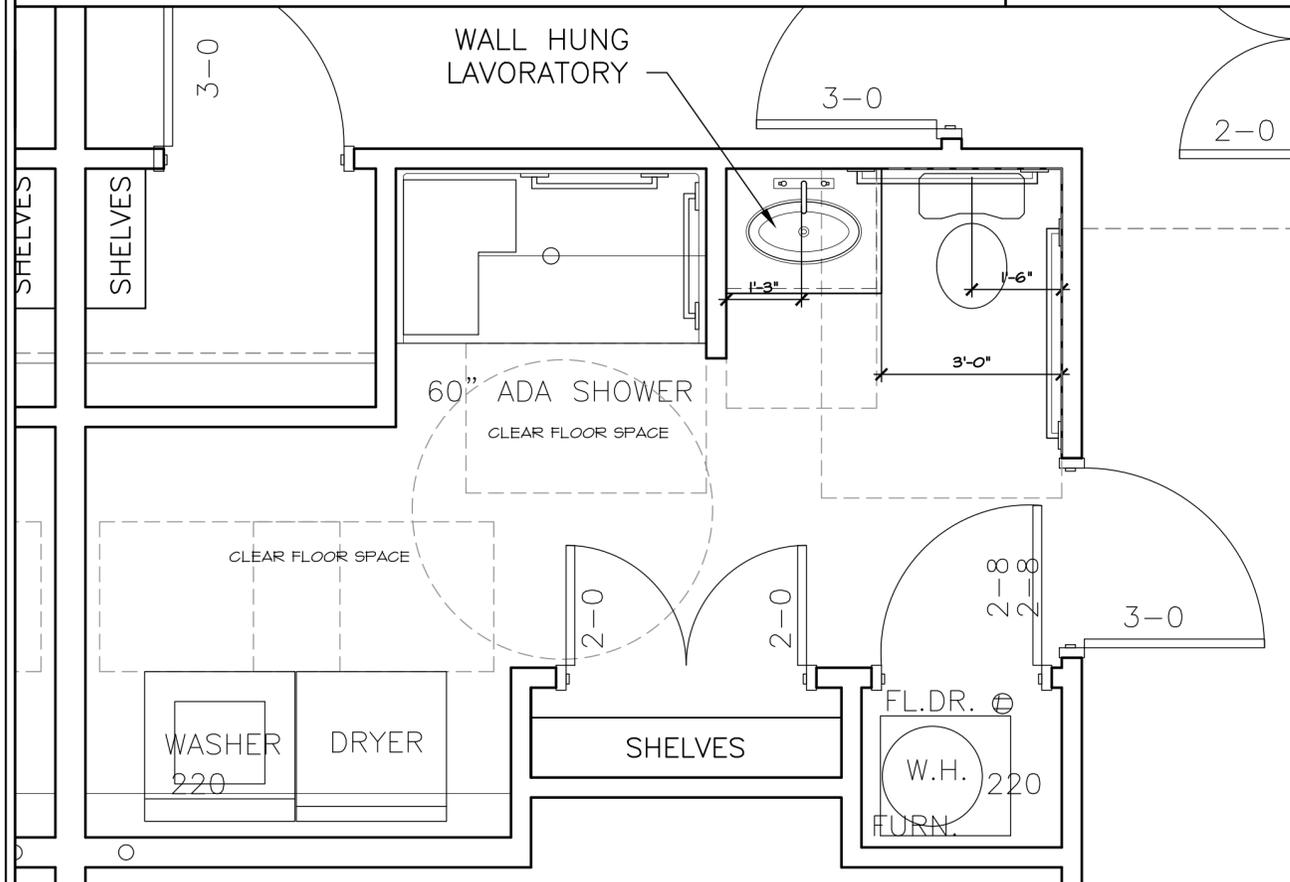
A2.1



TYP. GRAB BARS



TYP. LAV. CLEARANCE



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

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

Hernly ARCHITECTS

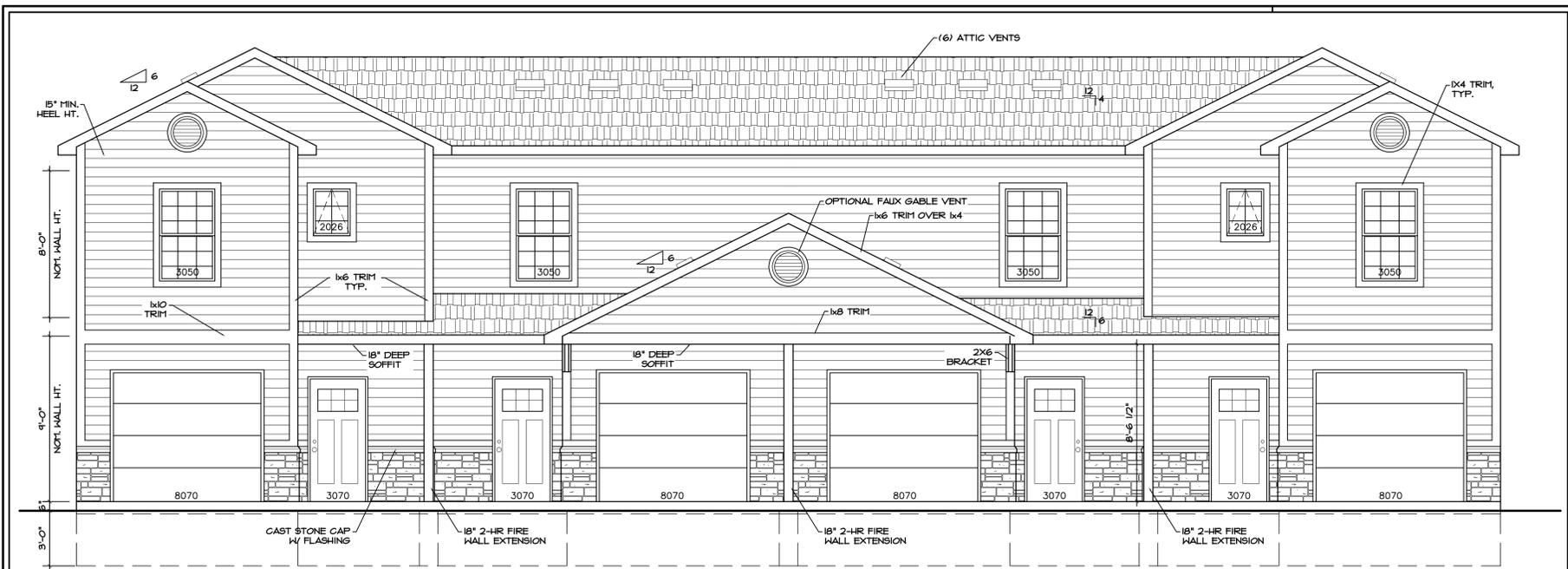
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

ADA DETAILS

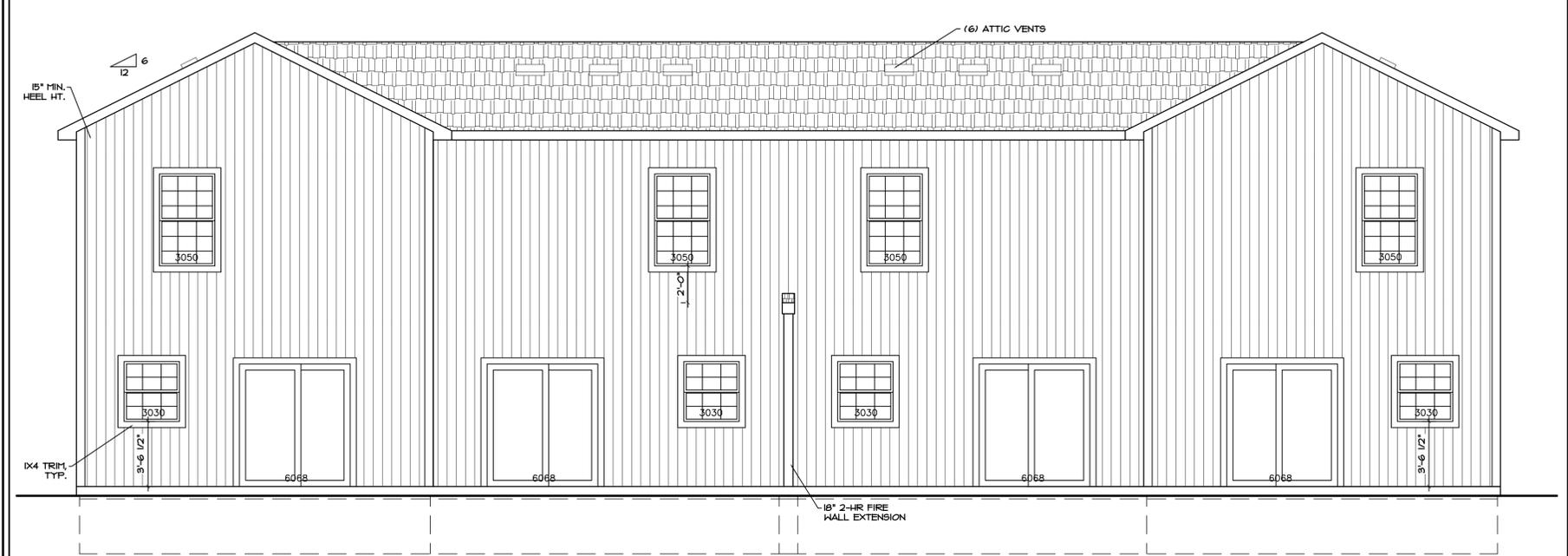
Date: 2014/06/07
Drawn by: LCF
Checked by: SCH
Revisions:

A3.0





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



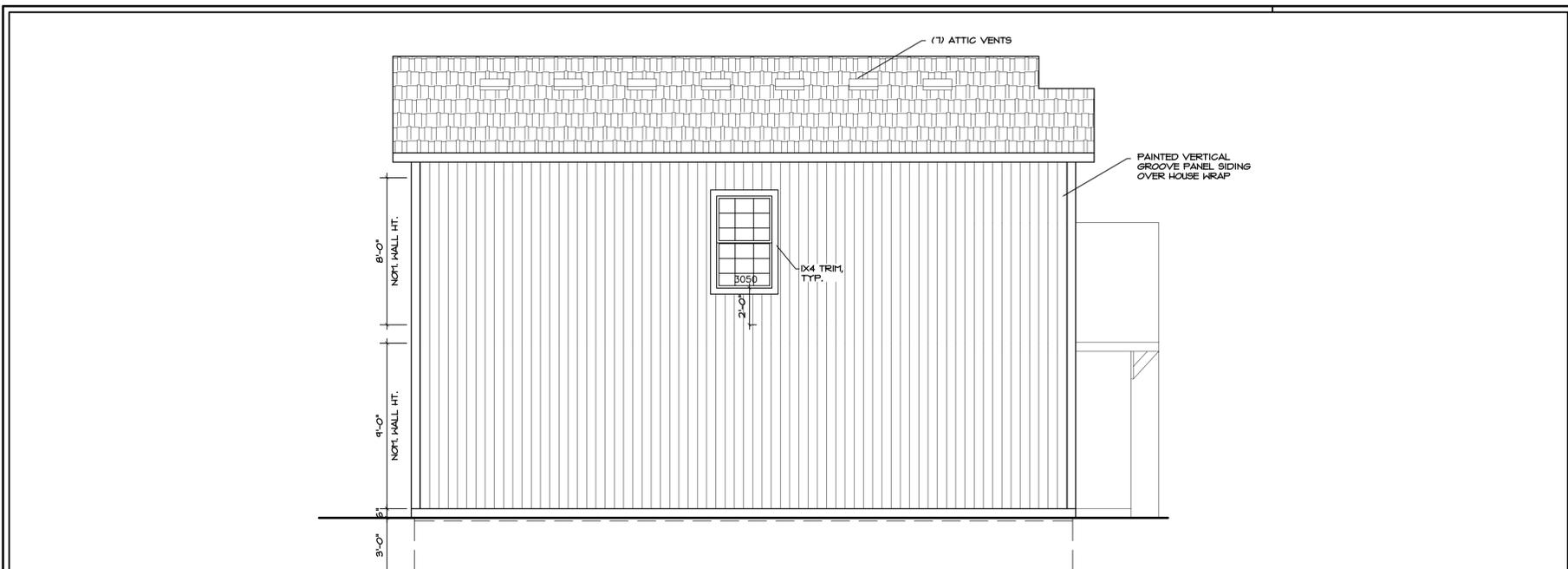
2 REAR ELEVATION - GABLE
1/4" = 1'-0"

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

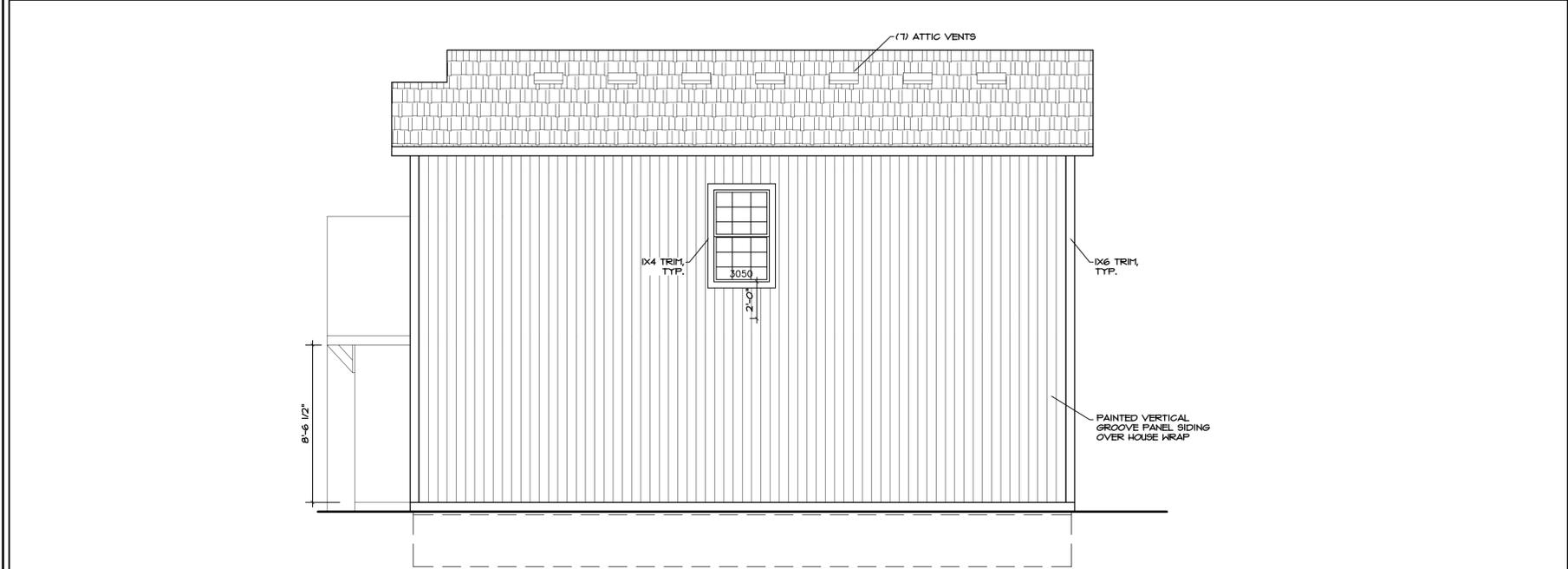
Hernly ARCHITECTS
 1100 Rhode Island St.
 Lawrence, Kansas 66044
 785-749-3806
 FAX 785-749-1515

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

A2.0



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



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

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

Hernly ARCHITECTS
 1100 Rhode Island St.
 Lawrence, Kansas 66044
 785-749-3806
 FAX 785-749-1515

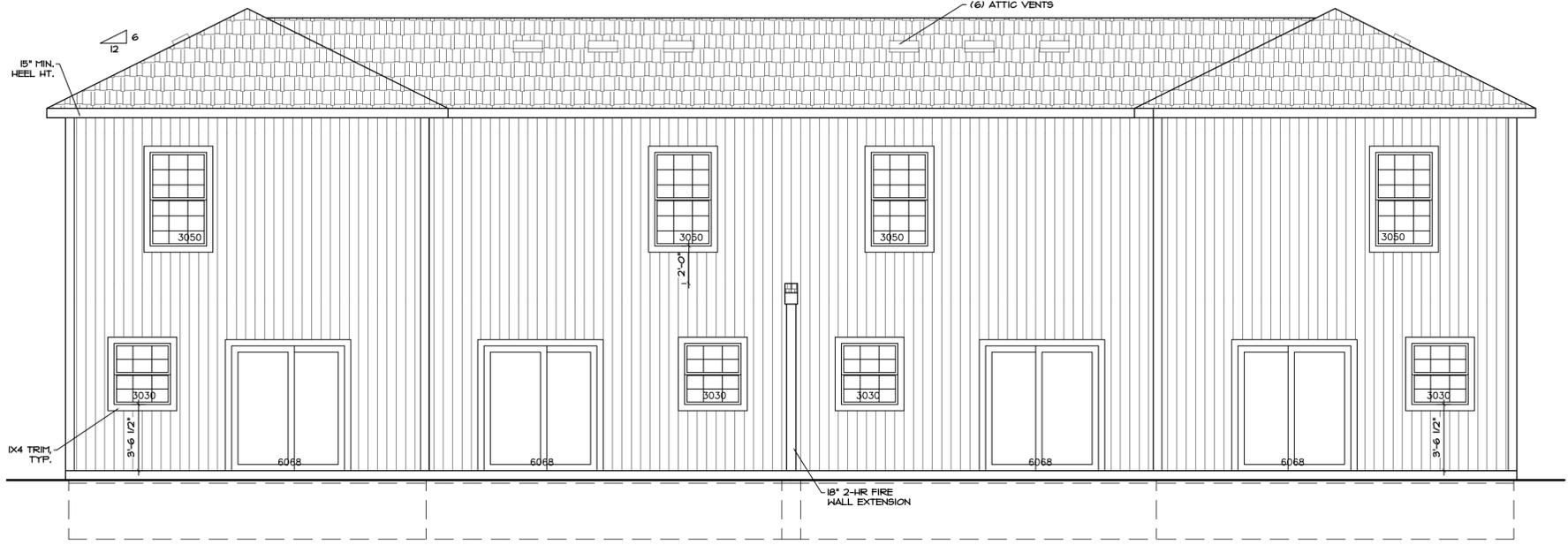
ELEVATIONS
 Date: 2020/04/22
 Drawn by: SCH SJB
 Checked by:
 Revisions:

A2.1



1 FRONT ELEVATION - HIP

1/4" = 1'-0"



2 REAR ELEVATION - HIP

1/4" = 1'-0"

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

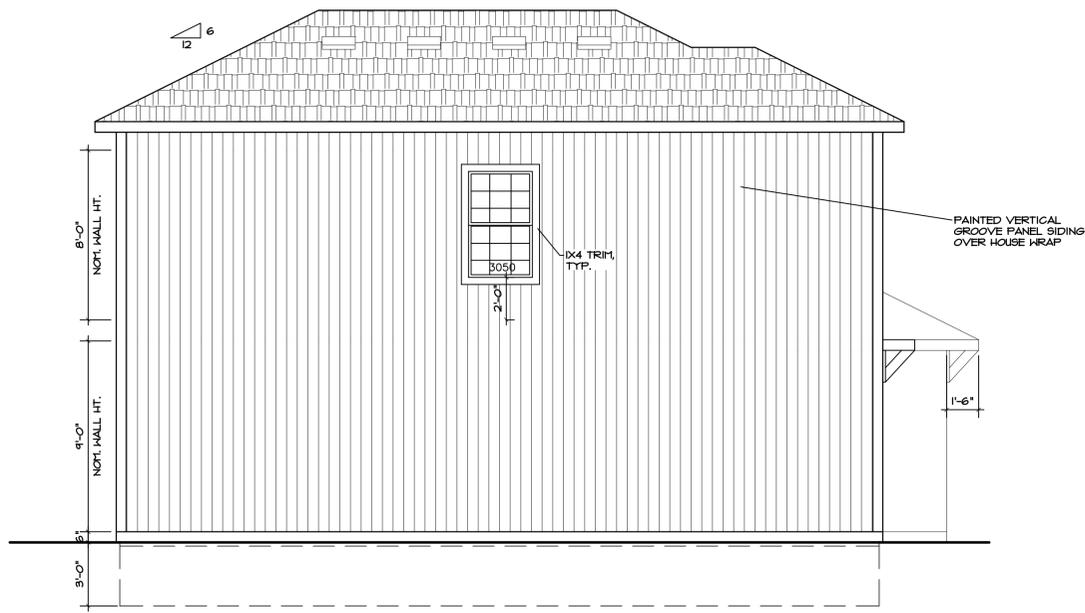
Hernly ARCHITECTS

1100 Rhode Island St.
Lawrence, Kansas 66044
785-749-3805
FAX 785-749-1515

ELEVATIONS

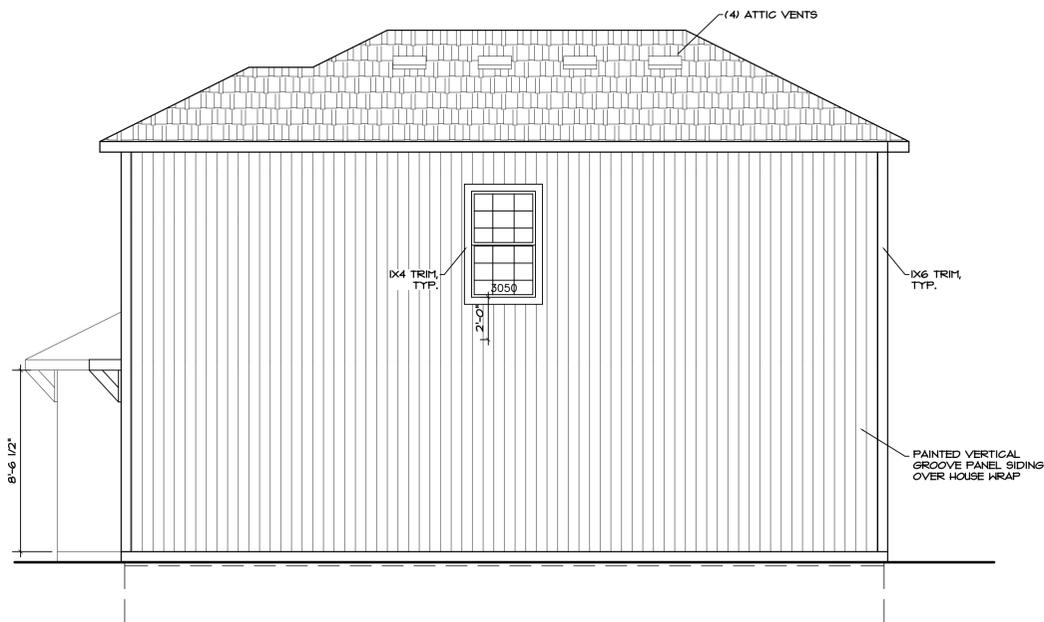
Date: 2020/04/22
Drawn by: SCH S.B.
Checked by:
Revisions:

A2.2



1 LEFT ELEVATION - HIP

1/4" = 1'-0"



2 RIGHT ELEVATION - HIP

1/4" = 1'-0"

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

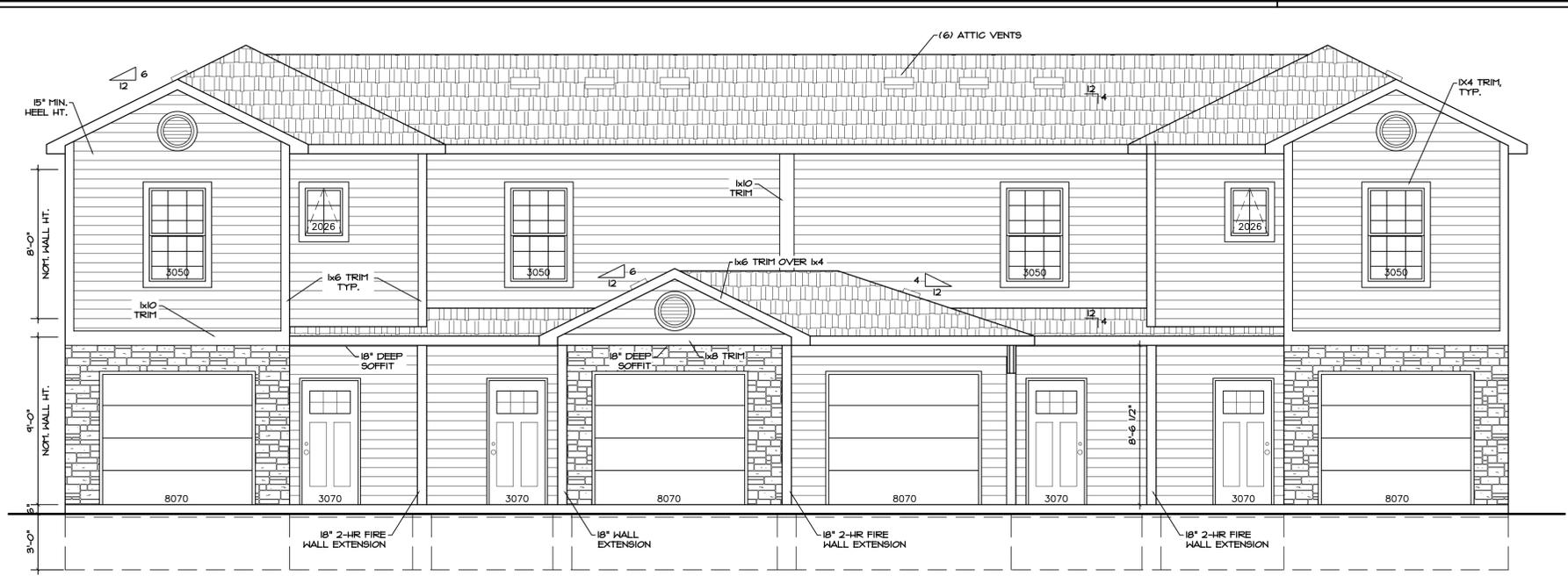
Hernly ARCHITECTS

1100 Rhode Island St.
Lawrence, Kansas 66044
785-749-3805
FAX 785-749-1515

ELEVATIONS

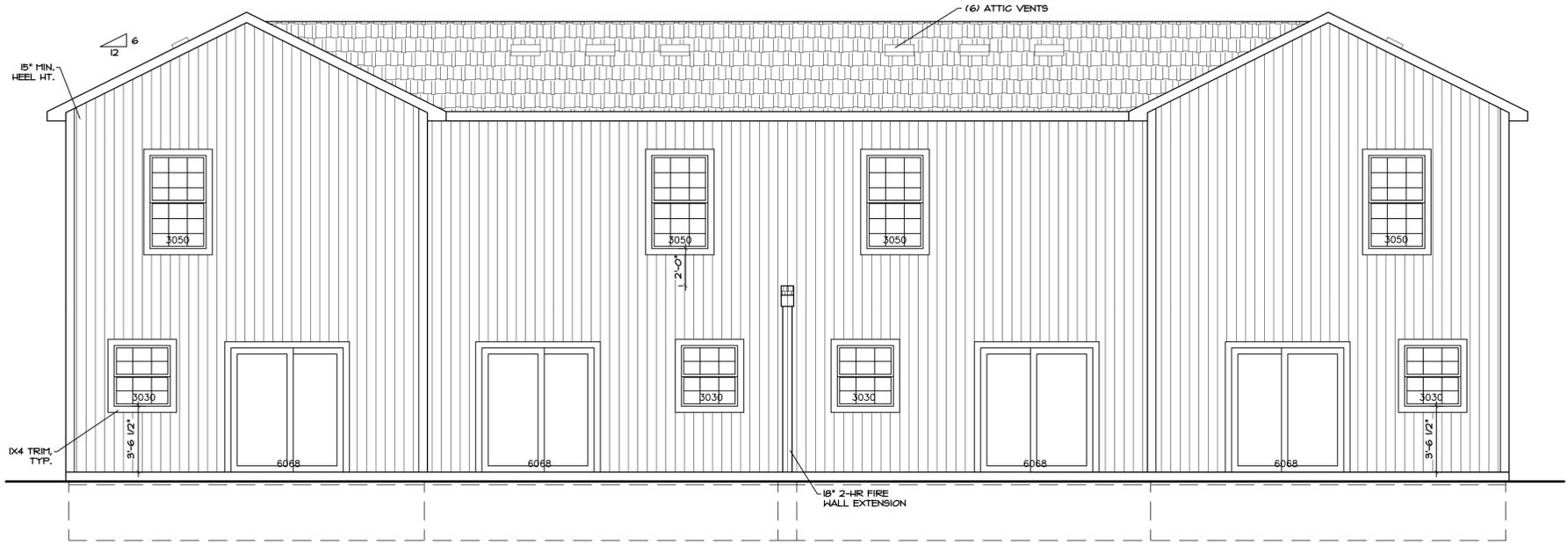
Date: 2020/04/22
Drawn by: SCH S.B.
Checked by:
Revisions:

A2.3



1 FRONT ELEVATION - GABLE ON HIP

1/4" = 1'-0"



2 REAR ELEVATION - GABLE ON HIP

1/4" = 1'-0"

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

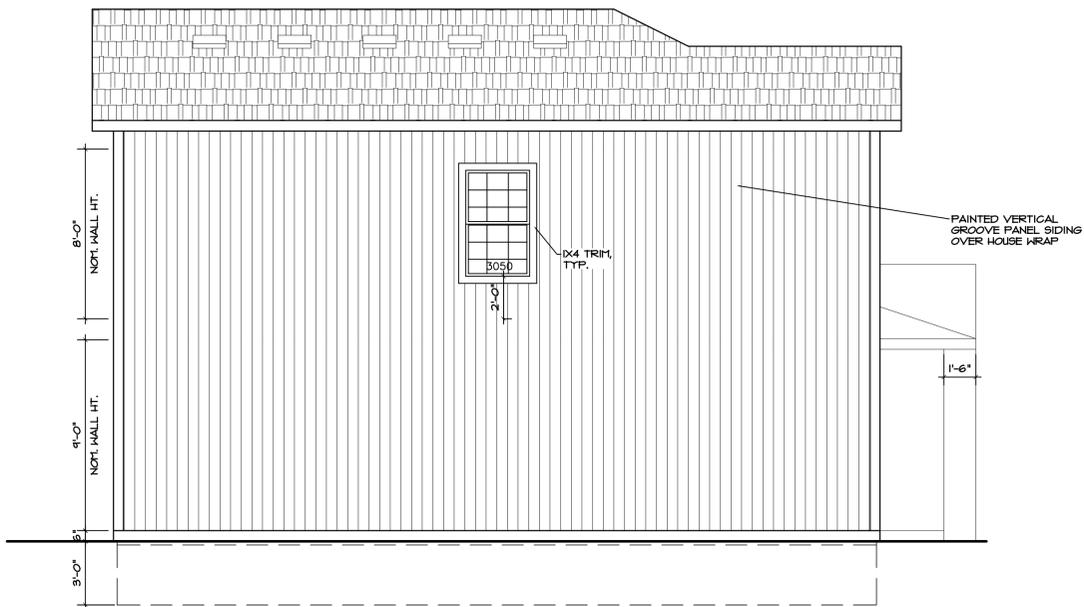
Hernly ARCHITECTS

1100 Rhode Island St.
 Lawrence, Kansas 66044
 785-749-3806
 FAX 785-749-1515

ELEVATIONS

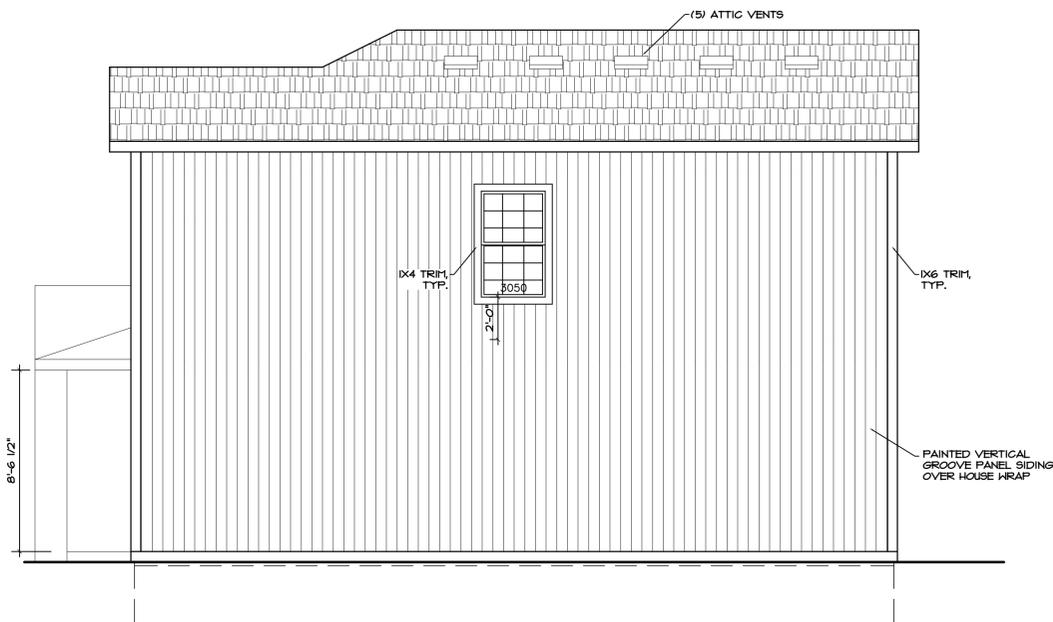
Date: 2020/04/22
 Drawn by: SCH S.B.
 Checked by:
 Revisions:

A2.4



1 LEFT ELEVATION - GABLE ON HIP

1/4" = 1'-0"



2 RIGHT ELEVATION - GABLE ON HIP

1/4" = 1'-0"

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

Hernly ARCHITECTS

1100 Rhode Island St.
 Lawrence, Kansas 66044
 785-749-3806
 FAX 785-749-1515

ELEVATIONS

Date: 2020/04/22
 Drawn by: SCH S.B.
 Checked by:
 Revisions:

A2.5



TO: Gardner Planning Commission

FROM: Kelly Drake Woodward, AICP, Chief Planner

DATE: April 28, 2020

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

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

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

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

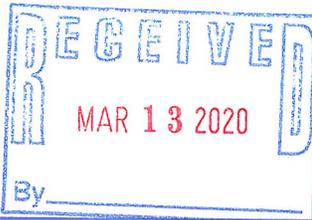
The "cap" on rents is why any increase in costs has to be met with a corresponding decrease somewhere else... I've stated this before, but in the private market you just increase rents and your permanent loan, but with the tax credits and the HOME programs you can't do that.

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

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

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

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



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	<u>2/17/2020</u>
Fee	<u>\$1625 pd</u>
File No.	<u>Z-20-06</u>

OWNER INFORMATION

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

APPLICANT/AGENT INFORMATION

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

SITE INFORMATION

Property Address/Location: North of W. 147th Street and East of Kill Creek Road
 Legal Description (Attach If Necessary) Attached "Exhibit A"
 Total Site Area 14.023 Acres
 Present Zoning RP-2 Proposed Zoning RP-3
 Present Land Use Agricultural/Vacant Lot Proposed Land Use Multi-Family Housing
 Proposed Building Type(s) Duplex and Fourplex

Please indicate a reason for the request:

To allow for fourplexes

SIGNATURE

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

Signature(s):  Date 2/13/20
 _____ Date _____



ZONING MAP AMENDMENT (REZONING) APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Digital copies (PDF) of the completed application and legal description (Word) |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Sign posting affidavit |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Preliminary Development Plan application and plans (if rezoning to a planned development) |

Please respond to the following statements:

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

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

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

The existing public infrastructure has capacity for this project

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

Signature of Applicant

Date



PRELIMINARY DEVELOPMENT PLAN APPLICATION

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Owner Finance LLC

Contact Tim Gates

Address P.O. Box 4057

City Overland Park State Kansas Zip 66204

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

APPLICANT/AGENT INFORMATION

Name(s) OIKOS Development Corporation

Contact Michael Snodgrass

Address 1712 Main Street, Suite 206

City Kansas City State Missouri Zip 64108

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

SITE INFORMATION

Property Address/Location North of W. 174th Street and East of Kill Creek Road

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

Number of Existing Lots 1 Number of Proposed Lots 6 Lots and 2 Tracts

Total Site Area 14.023 acres Present Zoning RP-2

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

Proposed Street Design Type(s) & Class Residential local street (28' back to back)

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

Proposed Frontage Type(s) Buffer Edge

Proposed Building Types(s) Duplexes and Fourplexes

SIGNATURE

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

Signature(s): _____ Date _____

_____ Date _____

PRELIMINARY DEVELOPMENT PLAN APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 complete sets of full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Sign posting affidavit |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Preliminary Stormwater Management Plan (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Preliminary Traffic Assessment See Access Management Code. (2 printed and 1 digital copy) |

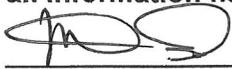
PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>1. Public Realm Plan
 A plan outlining the general location, design characteristics, and functions of all proposed streets, storm water management, open spaces, civic spaces, and circulation networks – whether public, common or private – that will create the public realm for the plan.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>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.).</p> |

- | Yes | No | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Date of preparation and/or revisions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Boundary lines of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Building setback lines along public and private streets with dimensions in feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. Location of existing buildings and structures within 200 feet of the plat. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Proposed sidewalks and/or trail locations including proposed widths. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. Proposed utilities , including approximate location of sanitary sewer, water main, street lights, and storm sewer. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 23. Stream corridor boundary and dimensions. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Intersection site distance analysis. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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

8/13/22

Date

OWNER AFFIDAVIT

I/WE Owner Finance LLC, Timothy S. Gates hereby referred to as the "Undersigned", being of lawful age, do hereby on this 13 day of March, 2020, make the following statements to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize Ottos Development Company (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Rezoning Application (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

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

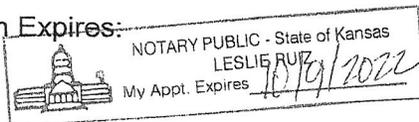
IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Timothy S. Gates _____
Owner Owner

STATE OF Kansas
COUNTY OF Johnson

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

My Commission Expires:



Leslie Ruff
Notary Public

EXHIBIT "A"

PROPERTY DESCRIPTION: PRAIRIEBROOKE VILLAS – OVERALL PROPERTY DEVELOPMENT

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

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

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



BUSINESS & ECONOMIC DEVELOPMENT

April 6, 2020

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, April 28, 2020, beginning at 7:00 p.m.**, in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

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

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Please check the City's website at www.gardnerkansas.gov for updated information regarding the meeting prior to attending. Written comments are welcome and encouraged and may be mailed or emailed to me at kwoodward@gardnerkansas.gov.

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

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

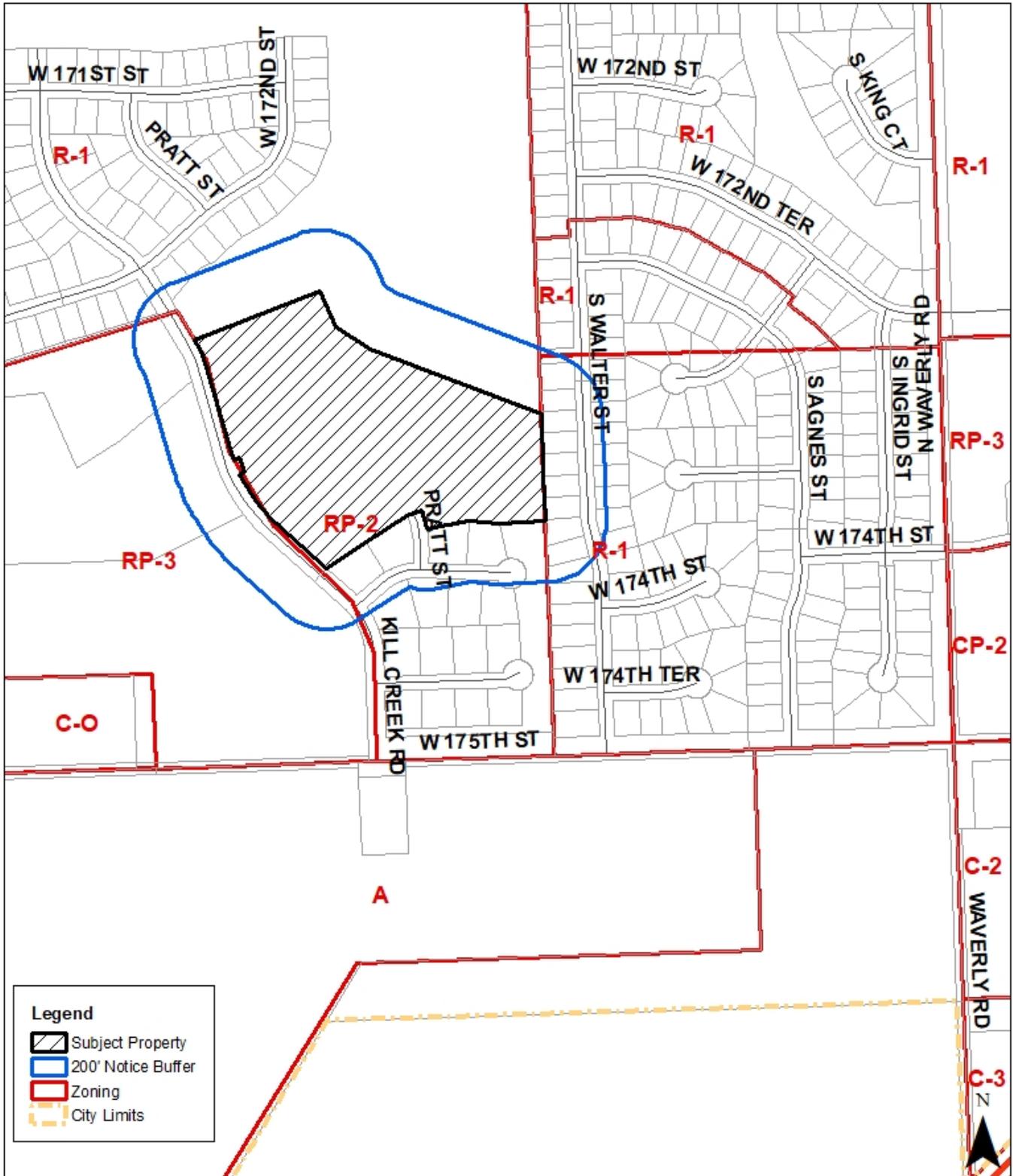
PLEASE NOTE: If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kelly Drake-Woodward'.

Kelly Drake-Woodward, AICP
Chief Planner

Enclosure



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

Map Date: 3/31/20

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

PROCESS INFORMATION

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

APPLICATION INFORMATION

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

REQUESTED ACTION

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

EXISTING ZONING AND LAND USE

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

SURROUNDING ZONING AND LAND USE

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

EXISTING CONDITIONS

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



BACKGROUND / HISTORY

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

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

CONSISTENCY WITH COMPREHENSIVE PLAN

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

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

STAFF ANALYSIS

PRELIMINARY PLAT

17.03.020 (D1) Review Criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

WATER, SANITARY SEWER, STORMWATER, ELECTRIC, GAS –

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

ROADWAY NETWORK, VEHICULAR ACCESS –

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

SIDEWALKS –

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

ATTACHMENTS

- I. Plat document

II. Application

ACTIONS

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

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

EFFECT OF DECISION

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

RECOMMENDATION

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

Recommended Motion:

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

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

PRELIMINARY PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 complete sets of full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. 1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page). |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Letter of intent as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider. |
| <input type="checkbox"/> | <input type="checkbox"/> | 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). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Preliminary Stormwater Management Plan (2 printed and 1 digital copy) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Preliminary Traffic Assessment See Access Management Code. (2 printed and 1 digital copy) |

PRELIMINARY PLAT REQUIREMENTS

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

- | Yes | No | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Note on plat indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. Location of existing buildings and structures within 200 feet of the plat. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Proposed sidewalks and/or trail locations including proposed widths. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. Proposed utilities, including approximate location of sanitary sewer, water main, street lights, storm sewer, detention and treatment facilities. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 23. Stream corridor boundary and dimensions. |
| <input type="checkbox"/> | <input type="checkbox"/> | 24. Intersection site distance analysis. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 25. Copies of all pertinent exception documents, or a copy of a current American Land Title Association (ALTA) survey, or both. |



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

- 6. No HOA will be created, Owner to maintain ownership of units and lots
- 7. At time of plan preparation, Hec- Ras model not provided due to staff changes.
- 24. No intersection obstructions are shown to warrent analysis

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

3/13/20

Signature of Applicant

Date

OWNER AFFIDAVIT

I/WE Owner Finance LLC, Timothy S. Gates hereby referred to as the "Undersigned", being of lawful age, do hereby on this 13 day of March, 2020, make the following statements to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize 6. Kos Development Corp (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Preliminary Plat Application (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

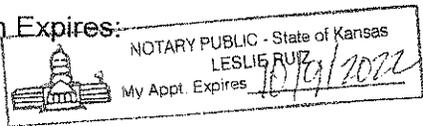
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within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

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

Timothy S. Gates _____
 Owner Owner

STATE OF Kansas
 COUNTY OF Johnson

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

My Commission Expires: _____
 _____
 Notary Public