

PLANNING COMMISSION MEETING

City of Gardner, Kansas
Tuesday, March 26, 2019
7 p.m.
Gardner City Hall
120 E. Main Street

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Tuesday, March 26, 2019, by Chairman Austin.

PLEDGE OF ALLEGIANCE

Chairman Austin led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Austin
Commissioner Boden
Commissioner Gardenhire
Commissioner McNeer
Commissioner Roberts
Commissioner Simmons-Lee

Commissioners absent:

Commissioner Brady

Staff members present:

Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Bob Case, Planner
Kristie Hatley, Planning Technician
Ryan Denk, City Attorney

There were 11 members of the public in attendance.

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on February 26, 2019.

Motion to approve the consent agenda made by McNeer and seconded by Boden.

Motion passed 6-0.

REGULAR AGENDA

1. PLAZA SOUTH

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

- a. **Z-19-02 (PDP-19-02):** Hold a public hearing and consider a Rezoning from C-2 (General Business) District to ACP-2 (Activity Center Planned General Business) District and associated preliminary development plan for Plaza South.
- b. **PP-19-03:** Consider a preliminary plat for an approximately 30 acre, 9-lot commercial subdivision.

Chairman Austin asked the Commissioners if they had outside communication with the public on this item. Only Commissioner Gardenhire stated that two members from his office representing the client were present but there was no further discussion with them other than what was being covered at this meeting. He added he had no financial conflicts.

Ms. Kelly Drake Woodward, Chief Planner, presented the rezoning request from C-2 General Business District to ACP-2 Activity Center Planned General Business District. This is the first application under the new planned district tailored for the gateway areas of Gardner. The standards are based on the current C-2 District with deviations and additional requirements applicable per the specific planned zoning district. The request includes two parcels totaling almost 28 acres that are currently agricultural uses and the proposed preliminary development plan accommodating retail/service, office, restaurant, assisted/independent living, lodging, and large assembly uses. The site is undeveloped and unplatted with an existing asphalt trail along S. Gardner Road, on the west side. Primary overhead power lines traverse a portion of the west and entire southern boundary and all utilities are available to the site. Along the entire northern property line is an approximately 270' deep tract used for stormwater detention basins for the Aspen Creek subdivision and overhead power lines. The interchange at I-35 and S. Gardner Road will be reconfigured and the W. 191st Street connection to S. Gardner Road will be eliminated, with the new connection moving north to the W. 188th Street intersection. This will be a key intersection after the improvements were made.

The property is at the confluence of several residential and commercial zoning districts with future multi-family development planned to the west along W. 188th Street. Single family exists to the north separated from the subject parcels by a 270' wide stormwater detention area. Commercial development is planned on all other sides of the parcel. The Regional Commercial Future Land Use area within the subarea plan includes these properties that is anticipated to provide goods and services to those traveling by auto from I-35 and other local connections, and bike/pedestrian circulation. It will also serve patrons visiting the future Olathe Medical Facility to the south. The subarea plan shows W. 188th Street east of S. Gardner Road as a proposed future collector roadway, which is consistent with the proposed infrastructure. This development is also consistent with the Commercial Areas Plan of the Comprehensive Plan by siting buildings to create internal "streets" that are attractive and comfortable for pedestrians and that integrate public trails.

The preliminary development plan shows nine lots totaling about 26.5 acres and includes right-of-way along both S. Gardner Road and W. 188th Street. The development has been planned with private drives functioning and designed as streets that are proposed to be designed to the Local Neighborhood Street design standards and maintained by a private entity. This is a requirement of the subdivision standards, and also supports pedestrian and bicycle mobility as consistent with the Comprehensive Plan. The one-to-four-story buildings total 316,942 sq.ft. of potential development with 723 vehicle and 72 bicycle parking spaces. Currently, the applicant has only two prospective tenants, therefore, a majority of the plans are speculative. However,

when final development plans are brought forward for each lot, this detailed plan must demonstrate that all applicable standards, requirements, and conditions of the preliminary development plan have been met. The final development plans must be in substantial compliance with the approved preliminary development plan, or the preliminary development plan must be revised through this same public process.

The development fronting S. Gardner Road (Lots 1-4) is based on the Arterial Parkway-Boulevard street type and Buffer Edge frontage type. The development fronting W. 188th Street (Lots 5, 6, and 9) are based on the Collector – Activity street type and Terrace frontage type. Lots 7 and 8 are based on the Local – Neighborhood street type and Terrace frontage type. Proposed building types include Small Commercial – Pad Site (Lots 1-6), Large Commercial (Lot 7), and Prominent Civic (Lots 8 and 9). The Open and Civic Space type is trail.

The purpose of the Activity Center Planned District is to encourage a balanced mix of regional- and community-serving uses and amenities near major highway interchanges and along connecting arterial and collector streets; and provide incentives for developments that meet the intent of this district. Specifically, development plans in this planned district should accomplish one or more of the following along and near key commercial corridors:

- Support for multi-modal transportation services
- Improved public realm designs
- Development patterns that provides for compatibility between uses

As for regular planned districts, the Activity Center Planned District allows the Planning Commission to approve departures from standards for blocks, lots, open and civic space types, building type and development standards, frontage type standards, site design, and landscape standards. However, there are some exceptions to allowed deviations that have to do with ensuring standards are met for internal, well-connected circulation patterns and enhanced civic spaces along arterial and collector roadways.

The applicant has provided for well-connected access drives functioning as streets and a new trail with structural amenities along W. 188th Street. There is an existing trail on S. Gardner Road. Particular amenities are intended to be implemented in the Activity Center Planned District, and have been proposed, such as pedestrian and non-motorized connections to existing trails. Other required amenities will be enforced at the final development plan process, including infrastructure to encourage and support public transit and public art, wayfinding signs, historic interpretive signs, or creative landscape amenities in prominent locations.

There were eight deviations requested and staff has recommended four be approved and four be conditions of approval (numbers below correspond with numbering in the staff report). The deviations recommended by staff were:

- Deviation 1. Deviation from the subdivision standards pertaining to block length and area for Lots 1-8, calling for smaller blocks. Staff supports this because the smaller blocks enhance walkability and better achieves the intent of the AC-P district within this future activity node.
- Deviation 5. Lot 9 is designed for the Prominent Civic building type, but does not fall within the lot size range (is larger). The Code allows larger lot sizes as part of a campus plan through the planned development process that considers internal access and circulation with surrounding areas. The applicant has provided for beneficial internal access and circulation that is in alignment with adjacent access points.
- Deviation 6. The Prominent Civic building type standards require a front setback of 20' -50'. Lot 9 is proposed at a 287' setback. The applicant has proposed a community

amenity area on the south side of the property along the W. 188th Street right-of-way as an alternative way to establish a close relationship with the public realm. This area will have park benches, picnic tables with shade structures, butterfly bushes, and limestone fence posts along the walking trail. Staff finds that the proposed amenities establish an acceptable alternative built relationship with the public realm. If approved, the final details will be worked out on the final development plan.

- Deviation 8. Lots 5-9 utilize the Terrace frontage type that requires direct sidewalk connections to the public sidewalk at least every 50'. The applicant has provided 2-3 pedestrian connections per lot. To place these connections every 50' within this context would be unnecessary and potentially unsafe.

Deviations recommended as conditions of approval by staff:

- Deviation 2. A reduction to the open space requirement is requested. The Code provides that the required open space of 12% may be reduced based on a plan through the planned development process that meets or exceeds the intent of the civic open space standards. The existing trail along S. Gardner Road counts toward the open space and an additional trail is proposed to help meet the requirement. This will provide recreation for all ages and connect the commercial uses with existing and planned residential uses nearby. Both Parks and Recreation and Public Works Departments have requested that the trail be constructed of concrete for durability. Trails along the greenway are asphalt, but the City is replacing asphalt trails along the road network with concrete when the opportunity arises.
- Deviation 3. The ownership and management of amenities in sidewalk and access easements needs specification and the applicant has not addressed ownership and management. It is a recommended condition of approval that the applicant must provide for a common area maintenance agreement or property maintenance agreement for all common amenities at time of the first final development plan/final plat applications, including the infrastructure within all access and sidewalk easements.
- Deviation 4. The dedication of the right-of-way (ROW) and public improvements needs approval. The City recently received the traffic study and has not yet reviewed it for approval. Staff recommends it be approved prior to approval of any final development plans.
- Deviation 7. Lots 5-9 are the Terrace frontage type with a standard of 70% required building frontage (70% of lot frontage shall be occupied by a building within 10' – 25' setback range). The Code provides an exception for up to 50% of this requirement through an administrative adjustment provided that active open space and a vertical element is provided. Additionally, there are some utility infrastructure concerns that prevent close building placement along W. 188th Street. However, it is still important to create a comfortable sense of enclosure and interest for pedestrians using the trail system or sidewalk network. Staff recommends that the applicant implement an acceptable vertical element along at least 35% of the front building line, either via a building or other elements such as plantings, or an ornamental wall or fence complimenting the design of the buildings. These amenities will be addressed on the final development plan phase.

Ms. Woodward continued with staff findings using the review criteria for the rezoning.

1. Character of the neighborhood – generally undeveloped, and the proposed plan creates improved road and trail connections that integrate well with existing development.

2. Compatibility of the proposed uses – the development will be well-buffered from the adjacent residential uses and will provide beneficial goods and services for the neighborhood.
3. Suitability for development under current restrictions – the property is currently zoned C-2 (General Business) District, and the rezoning request is to a planned district based on this C-2 District. The prescribed Regional Commercial future land use designation provides that the properties could be zoned for even more intense commercial uses. The request is to rezone to the Activity Center Planned District which is designated for areas near the I-35 interchanges. The proposed uses are compatible with the intent of the ACP-2 district and this request brings the property more in alignment with the Comprehensive Plan (and associated subarea plan) than the current restrictions.
4. Impact of the removal of the restrictions on the area – this rezoning to the ACP-2 District further limits deviations that can be requested. Removal of the restrictions will not detrimentally affect nearby property, and should enhance it.
5. Length of time vacant as zoned – the property remains vacant under the current zoning. This request is intended to provide some assurances to prospective buyers of what they can build.
6. Relative gain under current restrictions – The applicable development standards remain the same under current and proposed zoning, but the proposed zoning provides for enhanced amenities more supportive of the gateway context. The net impact is perceived by staff to be positive as related to economic development and public welfare.
7. Staff recommendation – Staff recommends approval with conditions.
8. Consistency with the Comprehensive Plan – Staff has found the request to be consistent with the Comprehensive Plan and the *I-35 and Gardner Road Interchange Subarea Plan*.
9. Impact on the capacity/safety of the public realm – The proposed development provides for greater connections of the public utility and street infrastructure. Stormwater and traffic impacts are still being evaluated, therefore conditions of approval regarding these improvements are recommended. The public improvement plans are required to be approved before the final plat is released for recording.

The staff findings using the review criteria for the preliminary development plan were then presented.

1. The plan improves on base standards –It provides for some additional public space amenities at the streetscape to mitigate greater building setbacks. This would not have been accomplished through the strict application of the base zoning district. The proposed development plan improves multi-modal connections and walkability with smaller blocks.
2. Impact of flexibility on the community versus the applicant – The improved streetscape amenities will further encourage walkability and promote public health, safety, and welfare in this southern gateway as the area continues to grow.
3. Impact of flexibility on meeting the intent of the standards – The base C-2 zoning district intent is to provide retail, service and employment uses that contribute to the overall vitality and mix of uses of these areas at strategic locations. The development proposes a beneficial mix of regional- and neighborhood-serving uses that may provide for residential living within walking distance of essential goods and medical services along a designated transit route and near major highway systems.
4. Sound planning and design principles – The plan meets most development regulations that are based on sound planning and urban design principles, and where deviations are requested, mitigating solutions have been proposed or recommended.

The development is consistent with adopted community plans. Staff recommends approval of both the rezoning and preliminary development plan.

Public Hearing

Mr. Judd Clausen, Phelps Engineering, civil engineers and surveyors for the project, thanked Ms. Woodward for the in-depth staff report. He said there was much creativity involved in the design of the project with thought put into the road and sidewalk locations and the uses of the entire site. He felt the activity center could be called a “flexible and opportunity center” and the overall design was a great compromise for all involved. The City got much of the items they were looking for in their UDO requirements and design characteristics required in this proposed zoning district. The opportunity for a new church for the community and promising retail tenants would bring new development to the area. It would also benefit by completing W. 188th Street.

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

Motion passed 6-0.

Commission Discussion

Commissioners Boden, Gardenhire and Roberts praised the development and growth and support the deviations and recommendations.

Commissioner Simmons-Lee asked about the main access to the site.

Mr. Larry Powell, Director of Business & Economic Development, replied the City was in the process of improving the intersection of W. 188th Street and S. Gardner Road and would have a signal installed. The main road through the site from the church to the south end would be a private road without signals.

Commissioner McNeer thanked Ms. Woodward for her work on the presentation and agreed this project would make a great front door to Gardner.

Motion made after review of applications Z-19-02 and PDP-19-02 for Plaza South (property located at the northeast corner of S. Gardner Road and W. 188th Street, (Tax IDs CF221436-2001 and CF221436-2011), a rezoning from C-2 (General Business) District to ACP-2 (Activity Center Planned General Business) District according to the associated preliminary development plan dated 3/15/19, received 3/21/19, and staff report dated March 26, 2019, the Planning Commission recommends the Governing Body approve the applications as proposed, provided the following conditions are met:

- 1. The trail along W. 188th Street shall be constructed of concrete.**
- 2. The applicant shall provide for a common area maintenance agreement or property maintenance agreement for all common areas at time of the first final development plan/final plat applications, including the infrastructure within all access and sidewalk easements.**
- 3. All easements shall be approved prior to approval of any final development plan/final plat.**

4. **The stormwater plan and traffic study shall be approved prior to approval of any final development plan.**
5. **Lots 5, 6, 7, 8 and 9 – To better meet the intent of the required building frontage within this development context, shall include an acceptable vertical element along at least 35% of the front building line, either via a building, plantings, or an ornamental wall or fence complimenting the design of the buildings.**

Motion made by Gardenhire and seconded by Boden.

Motion passed 6-0.

Mr. Robert Case, Planner, presented **PP-19-03**, a request for approval of a Preliminary Plat consisting of 28.58 acres of vacant property located at the northeast corner of S. Gardner Road and W. 188th Street. The applicant is proposing to subdivide the property into nine lots. The lots are undeveloped and unplatted property with primary overhead power lines located on the south, west, and north sides. Existing utilities include an 18" water main located along the west right-of-way of S. Gardner Road, gravity and force main sewers along the east and south side of the proposed subdivision and an 8" natural gas line along the east property line of the proposed subdivision. S. Gardner Road and W. 188th Street right-of-way will be dedicated at the final platting stage and easements will allow for vehicle and pedestrian movement throughout the development. Staff had found the application generally consistent with the Comprehensive Plan and the plat in compliance with the Land Development Code. A preliminary stormwater management plan was submitted but not yet approved. The City is waiting for a traffic impact study to be submitted for approval.

Commission Discussion

Chairman Austin requested clarification on the preliminary plat document with the zoning designation of AC-P and asked if they should be designated ACP-2 instead.

Ms. Woodward replied the ACP-2 was the more proper designation for this rezoning. The LDC uses the AC-P and the number 2 was added so that it was clear the zoning was based on the C-2 District. The AC-P was not incorrect.

Motion made after review of application PP-19-03, a preliminary plat for 28.58 acres located at the northeast corner of Gardner Road and 188th Street, a preliminary plat dated March 21, 2019, and staff report dated March 26, 2019, the Planning Commission approves the preliminary plat with the following conditions:

1. **Approval of the Traffic Impact Study and Stormwater Management Plan by the City of Gardner Public Works Department.**

Motion made by McNeer and seconded by Boden.

Motion passed 6-0.

DISCUSSION ITEMS

1. ACTION SUMMARY

Summary of action by the Governing Body on the February 26, 2019 Planning Commission recommendations.

Mr. Powell thanked the PC for their volunteerism and said several of them expressed a desire to discuss the City Council's comments concerning the February 26th Planning Commission meeting. He stated he was presenting a summary of items staff had discussed internally after reviewing the comments and recording of the meeting. In regards to comments made by the City Council during public meetings, he has asked that in general, concerns the Council members have with any committee, commission, or board be addressed to the City Administrator and then brought to the attention of the appropriate staff or board. He was not asking for their silence on items brought to them by the public or observed in person or while viewing a live stream cast. This was regarding concerns expressed over their perceived idea of the actions of the Planning Commission at the referenced meeting. Meetings of the Governing Body and Commissions are open to the public and not generally the best forums to examine issues or differences of opinion regarding one another. Statements made in the paper that were not accurate will be handled by the Public Information Office of the City. When the Planning Commission reviews an application and questions staff or the applicant in a public meeting, all questions should be for clarification or for additional information. Once an answer was received, it was to be accepted without personal editorializing.

The job of the PC is to review the staff report and the recommendations contained, and balance that information against the request of the applicant. If there are deviations or adjustments, these are either recommended or set out by the applicant or staff. A decision is made based on the facts presented. The impact of projects on neighborhoods is perceived differently by the people living there than by the developers. Emotions will be high in these meetings. The PC's decisions are based upon the applicant's ability to meet the given standards. The Planning Commission is not in the business of designing or modifying the applicant's plan or body of work. When staff requests plan revisions during the review process, these requests are based on Code requirements. Once a plan is presented to the PC, all are assured that the plan either meets Code requirements or is approvable with allowable deviations or conditions of approval. Otherwise staff will recommend denial. All applications are evaluated according to review criteria contained in the Land Development Code. The discretionary review of the PC must be grounded in findings of fact, not speculation. Any request made of the applicant or condition of approval must be grounded within the intent of the adopted standards. The PC has some discretion over Code deviations and less over Code requirements. Situations that meet Code requirements are not always popular with all parties, but the overall community benefits must be of primary concern in a decision to approve or deny.

He asked for questions from the Planning Commission of which there were none.

Mr. Powell stated the process of combining the Planning Commission and the BZA is being reviewed. This would help to streamline meeting times and to aid in keeping positions filled within both boards.

ADJOURNMENT

Motion to adjourn made by Boden and seconded by McNeer.

Motion passed 6-0.

Meeting adjourned at 7:57 p.m.



Planning Commission

MARCH 26, 2019

<u>Name</u>	<u>Address</u>
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