

PLANNING COMMISSION MEETING

City of Gardner, Kansas

Tuesday, May 28, 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, May 28, 2019, by Chairman Austin.

PLEDGE OF ALLEGIANCE

Chairman Austin led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Austin
Commissioner Brady
Commissioner Boden
Commissioner Gardenhire
Commissioner McNeer
Commissioner Roberts

Commissioners absent:

Commissioner Simmons-Lee

Staff members present:

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

There were no members of the public in attendance.

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on April 23, 2019.

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

Motion passed 6-0.

REGULAR AGENDA

1. WARREN PLACE EVENT CENTER

Located at 122, 130 and 136 E. Warren Street

- a. **PP-19-04:** Consider a preliminary plat for a 1.65 acre, single lot commercial subdivision.
- b. **FP-19-02:** Consider a final plat for a 1.65 acre, single lot commercial subdivision.
- c. **FDP-19-01:** Consider a final development plan for event space consisting of three buildings.

Ms. Michelle Leininger, Principal Planner, presented the preliminary and final plats together. She described the location of the project as bordering on S Center Street on the west, E Warren Street on the south, S Elm Street on the east and an alley on the north. Existing buildings include an historic chapel, guest house and event hall. The preliminary plat combines 10 lots into one commercial lot, is consistent with the *Main Street Corridor Plan* and meets the requirements of the Land Development Code. All technical reports have been submitted and accepted and no utility extensions are proposed.

The final plat has been found to be consistent with the preliminary plat and no excise tax is levied on it. Public improvement plans will be submitted and approved prior to the release of the final plat for recording with the County. These plans include the removal of parking on the west side and replacement with grass, the removal of the guesthouse driveway entrance off of E Warren Street and replacement of the driveway entrance off of E Warren Street for the event hall parking lot. In addition, both ends of the alley will be replaced to commercial standard paving. Staff recommended approval of the preliminary plat and final plat with conditions.

Commission Discussion

Commissioner Brady asked if future sales of this property would be sold as one lot or ten lots.

Ms. Leininger replied it would be sold as one platted lot. The development includes all existing buildings and is planned to include the entire half block.

Commissioner Brady asked about the use of the grassy lot on the east end of the property.

Ms. Leininger said that would be discussed during the final development plan presentation.

Motion made after review of Application PP-19-04, a preliminary plat for parcel ID's CP90000000 0046, CP90000000 0056, CP90000000 0052, CP90000000 0040, and preliminary plat dated May 20, 2019, and staff report dated May 28, 2019, the Planning Commission approves the application as proposed after finding all applicable requirements have been met.

Motion made by Boden and seconded by McNeer.

Motion passed 6-0.

Motion made after review of Application FP-19-02, a final plat parcel ID's CP90000000 0046, CP90000000 0056, CP90000000 0052, CP90000000 0040 and final plat dated May 20, 2019, and staff report dated May 28, 2019, the Planning approves the application as proposed, provided the following conditions are met:

- 1. Preliminary plat PP-19-04 shall be approved prior to the release of the final plat FP-19-02 for recording.**
- 2. 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.**

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

Motion made by Gardenhire and seconded by McNeer.

Motion passed 6-0.

Ms. Leininger continued her presentation with **FDP-19-01**, the final development plan. Staff found the site has been functioning adequately for years with the assembly and lodging uses and has been deemed appropriate for the site. The structures are an existing part of the neighborhood making the project compatible with the context, while the project is consistent with good planning principles by reutilizing existing buildings and adding extensive landscape to enhance the property. Proposed changes to the site include an addition to the event hall along with additions to a patio, a covered patio and outdoor gathering space with gardens.

The three deviations requested by the applicant were:

1. Buffer planting requirements on the west lot line have all been met except for the requirement of 4 evergreens, of which zero have been proposed. The standard for buffer planting is required in all situations where a less intense district abuts a more intense district, and the burden is applied on the more intense district. There is no exception for locations where districts are separated by right-of-way or streets. The requirement is also cumulative with other landscaping required as part of frontage landscape requirements, street trees, parking perimeter landscaping, and foundation landscaping. Staff has found that this requirement results in a potential excess of landscaping that may inhibit the ability of the plants to thrive or even survive. Additionally, this landscaping could entirely block a business from being seen from the street. The applicant has provided all other required landscaping and has included additional grasses and perennials to this west end of the site. The historic chapel fronts S Center Street in this location and the visibility of this iconic structure is important to the community and development. Staff recommends approval of this deviation.
2. Buffer planting requirements on the south lot line have all been met except for the requirement of 16 evergreens or a 6' solid fence with plant materials to the outside. The applicant has proposed zero evergreens. The applicant has provided an extensive amount of front landscaping in addition to the street trees. The addition of the evergreens would crowd the proposed landscaping and be excessive. It is important to provide the landscaping, but it is also important for the landscaping to thrive as companions to the existing large deciduous trees. Staff recommends approval of this deviation.

3. Sign allowance standards are one sign per lot with a 10' minimum setback from all right-of-way and lot lines. The applicant has proposed four signs. To achieve a cohesive development, the applicant is combining the five existing parcels into one, however this does reduce the opportunity for signs. This is a unique site in that it is an entire half block abutting three different streets. The first two signs are proposed to be located at the southwest corner of the lot at the intersection of S Center Street and E Warren Street with one sign facing each street. The sign facing S Center Street is proposed over the property line along S Center Street and 5' setback from E Warren Street. A deviation cannot be granted to allow a sign in the right-of-way so at a minimum, the sign would have to be placed on the private property. The right-of-way along S Center and E Warren Streets are generous with the sidewalks being setback anywhere from 15' to 17'. With these reasons, staff supports the deviations to allow the sign facing S Center Street to be 0' setback from the S Center Street property line and 5' from the E Warren Street property line. The second two signs are proposed similarly at the corner of S Elm and E Warren Streets. These signs would be setback 0' from the S Elm Street property line and 0' setback from the E Warren Street property line. Because of the reasons previously stated, staff supports each sign deviation.

Commission Discussion

Several commissioners expressed their appreciation and excitement for this project and the reuse of a historical building.

Commissioner McNeer asked if there would be visibility issues with the signs at the corners of the intersections.

Ms. Leininger replied the signs did not impede into either of the sight triangles.

Chairman Austin asked about the safety if the roads were expanded and the signs were not set back off of the property lines.

Ms. Leininger said it would be unlikely if E Warren Street were widened and if anything, a center turn lane would be added. She felt it would still not impede the sight triangle. The bridge over the railroad tracks on S Center Street would inhibit its expansion. There were no current plans to expand either street.

Commissioner Gardenhire asked if there was such thing as too much landscaping. The plans shown had an abundance of plants.

Ms. Leininger answered there definitely was such a thing as too much landscaping. Having too much landscape can cause failure to thrive and crowd plants out. The plans included many perennials and grasses that create a visual line and fluctuate throughout the year.

Chairman Austin inquired if there had been any discussion about locating the signs where they are supposed to be in relationship to the property line. He did not see why they could not comply.

Ms. Leininger said she did ask the applicant and the explanation could be found in the deviation request. The owner felt the signs would be too far back at that point because of the large right-of-way. Their reason was due to visibility concerns and existing condition limitations with all of the proposed landscaping.

Chairman Austin stated his concern was that setbacks were in place for a reason and there were places in town where the sight triangle gets impeded upon by construction and widening of the road. He did not understand why the applicant could not comply with the requirements.

Ms. Leininger replied that S Elm Street has angled parking so setting the sign back puts it further behind the cars parked there.

Mr. Denk added that the Commission could add a stipulation that if additional future right-of-way is acquired, the owner would agree to relocate the signs back to the setback in the code. He said he thought the concern was if the owner got the sign deviation and the City acquired additional right-of-way through eminent domain proceeding or prospective eminent domain then the City would need to compensate the owner for sign relocation. But, if the City recognized in this proceeding that they were given a deviation from a setback, that would protect the City from that situation.

Commissioner Austin asked if additional right-of-way would be needed if the road were to be widened.

Ms. Leininger said they would probably not need to acquire additional right-of-way, as the existing one is wide enough. The reduction would be in the green space between the street and the sidewalk. She anticipated if any, widening would be to 3 lanes on E Warren Street, no widening of S Elm Street and potentially a turn or third lane widening of S Center Street.

Motion made after review of Application FDP-19-01 a final development plan for Warren Place, Parcel ID's CP90000000 0046, CP90000000 0056, CP90000000 0052, CP90000000 0040, and final development plan dated May 21, 2019, and staff report dated May 28, 2019, the Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. Add a note to the plans regarding the placement of one way signs in the alley.**
- 2. If the road is expanded and the sight triangle is impeded upon by the sign then the owner will move the sign at their own cost.**

Motion made by Gardenhire and by Commissioner Boden.

Motion passed 6-0.

DISCUSSION ITEMS

No discussion items on the agenda.

ADJOURNMENT

Motion to adjourn made by McNeer and seconded by Boden.

Motion passed 6-0.

Meeting adjourned at 7:40 p.m.