

PLANNING COMMISSION MEETING

City of Gardner, Kansas
Tuesday, June 25, 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, June 25, 2019, by Commissioner Roberts.

PLEDGE OF ALLEGIANCE

Commissioner Roberts led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Commissioner Roberts
Commissioner Boden
Commissioner Gardenhire
Commissioner McNeer

Commissioners absent:

Chairman Austin
Commissioner Brady
Commissioner Simmons-Lee

Staff members present:

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

There were six members of the public in attendance.

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on May 28, 2019.

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

Motion passed 4-0.

REGULAR AGENDA

1. ACE HARDWARE

SP-19-01: Consider a site plan for a 3,575 sf expansion to Ace Hardware located at 240 N Moonlight Road.

Mr. Robert Case, Planner, presented the site plan for the expansion to the existing 16,000 sf retail building zoned C-3 and built in 1999. It is located within the New Century AirCenter and must be reviewed by the Johnson County Airport and County Commission. Commercial buildings surround the site on the north, south and east sides with a multi-family development to the west. The expansion, added to the west, rear portion of the building, will house goods currently being stored outside along the back and south sides of the existing building. The proposed expansion will be constructed to match the existing building. There are 52 parking spaces proposed with 35 of these on-site and 17 on the adjacent lot to the south. The addition will include an at grade loading dock accessible through a cross access easement. Landscape will be provided to current standards with added landscaping along the back to buffer the multi-family development. The existing land use is consistent with the Comprehensive Plan and the *Gardner Main Street Corridor Plan*. It is identified as Community Mixed-Use, which is intended to provide retail and professional services. Staff recommends approval of this site plan with conditions.

Mr. Larry Lisbona, Lisbona Architects in Shawnee, KS, stated he was representing the owner and needed to clarify the size of the addition at 3,625 sf. He said they concur with staff and will match the addition to the existing building.

Ms. Kelly Woodward, Chief Planner, discussed the square footage discrepancy on the plans with Mr. Lisbona.

Commission Discussion

No questions were asked.

Motion made after review of application SP-19-03, a site plan for 240 N Moonlight Rd, and site plan dated June 03, 2019, the Planning Commission approves the application provided the following conditions are met:

- 1. Review and approval at the Johnson County Airport Commission and Board of County Commission shall be completed prior to the issuance of a building permit.**
- 2. Recording a cross access and parking easement with the adjacent property owner to the south of this proposed site prior to the issuance of a building permit**

Motion made by Boden and seconded by McNeer.

Motion passed 4-0.

2. **WAVERLY PLAZA**

Located at the northeast corner of Waverly Road and W Santa Fe Street

- a. **FDP-19-02:** Consider a final development plan for Waverly Plaza Phase 1 residential and Phase 2 north commercial
- b. **FP-19-03:** Consider a final plat for Waverly Plaza, a 3 lot, 2 tract residential and commercial subdivision

Ms. Michelle Leininger, Principal Planner, presented both the final development plan and final plat starting with the location at the northeast corner of Waverly Road and W. Santa Fe Street. The final plat is in substantial compliance with the preliminary plat with one slight change. The City is moving forward with the reconstruction of Santa Fe and additional right-of-way at the corner of that intersection was deemed necessary. The plans have been tweaked to reflect this change, which affects the excise tax and some issues to be discussed in the final development plan. Staff has found the project is in conformance with the Comprehensive Plan and the public improvements for this project (including Washington and Laurel Streets) are anticipated to be worked on at the same time as the reconstruction of W Santa Fe St. Excise tax will be paid prior to release of the plat for recording. Staff does recommend approval with conditions.

Mr. Judd Claussen, Phelps Engineering, stated they agreed with the stipulations and the last minute change on the plans that Ms. Leininger presented.

Commission Discussion

No discussion.

After review of application FP-19-03, a final plat for Waverly Plaza, Tax Id's CF221423-2004, CF221423-2011, CF221423-2001 and final plat document dated June 14, 2019, and staff report dated June 25, 2019, the Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. Revise city signature blocks to be the current Planning Commission Chair and Mayor.**
- 2. Revise the note in the Dedication section regarding Tract A to include a reference that it is for the purpose of residence amenities, clubhouse and pool for the residences of Lot 3.**
- 3. Update the plat to reflect the most recent geometrics of the W Santa Fe Street reconstruction project.**
- 4. Move the north/south easement running along the east side of Lots 1 and 2 to the west side of Lot 3.**
- 5. Prior to the Mayor signing an approved recordable plat, the applicable excise tax shall be paid to the City.**
- 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.**

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

Motion made by Boden and seconded by Gardenhire.

Motion passed 4-0.

Ms. Leininger continued her presentation with the final development plan that covers Tract A, the clubhouse area, Lot 3, the apartment complexes and Lot 1, three commercial buildings. Lot 2 is not included within this final development plan. She explained the layout, elevations and materials proposed. Tract A drawings showed the clubhouse and surrounding landscape. Since this area drew many comments during the preliminary development plan and rezoning from the surrounding homeowners, these drawings were sent to the HOA for the adjacent townhomes. No responses was received. The extensive landscape proposed around the pool was well beyond that required by Code. Proposed elevations of the 3-story apartment buildings and commercial buildings were also shown.

Staff finds the site capable of accommodating the buildings, uses, and other site design elements. The design and arrangement of buildings and open space is consistent with good planning and landscaping design. The architecture and building design, featuring a residential feel, uses quality materials and the style is appropriate for the context. Lastly the plan is in substantial compliance with the approved preliminary development plan.

Proposed deviations are:

1. Sign Allowances Standard Setback: 10' minimum setback from all right-of-way and lot lines.
Proposed: 0.5' from the east property line proposed at the entrance off W. Santa Fe Street.
The sign standard permits a sign to be setback at a minimum of 10' from all property lines. A 20' easement exists along the southern property line and an easement is proposed along the west side of the shared property line. Additionally, the future building is very close to the building setback line so to be able to move the sign back to meet the setback, would require a site redesign. This is the main entrance off W Santa Fe St. for both the commercial and residential uses. The applicant has agreed to move the utility easement to the other side of the shared property line to allow for the sign to be located along the driveway. Additionally, the sign is for the retail portion of the development so moving the sign to the other side of the property line is not an option as the Code states that "Any sign with a business message shall be located on the site of the business activity." A condition has already been added to move the signs out of any utility easements. However with the minimal space between the future building and the property line, a deviation is being requested for the setback from the east property line for 0.5'. With all of the reasons stated above, staff supports the deviation.
2. Sign Allowances Standard Setback: Size 25 sf per sign maximum at the minimum of 10' from property line; additional 10 sf per each additional 5' setback, to maximum of 65 sf per sign.
Proposed: 70 sf for the sign proposed at the corner of Waverly Road and S. Santa Fe Street.
This sign will be for the development as a whole with a proposed electronic message sign that all of the tenants could utilize. This will then create an additional setback issue with the new property line of which the proposed sign would be 10' from the property line. This sign is for the entire 7 acre commercial development and being at the corner of two arterial streets, staff feels that an additional 45 sf of signage, setback 10' from the property line, will not impact the surrounding property or intersection.

The proposed sign is not a “heavy” sign meaning while the base is solid, the sign itself has a frame with a mesh panel that the letters and digital sign are proposed to be mounted on. This has less of an impact visually to the area. Each business will be permitted to have wall signage for their business. Staff supports this deviation.

3. Electronic Message Signs Standard: Visible sign face shall be set back at least 250' from any adjacent residentially zoned property.

Proposed: Approximately 125' from an R-1 zoned property.

The standard requires the sign face of the electronic message sign to be at least 250' setback from any adjacent residentially zoned property. This sign face will be towards the intersection and not directly towards the residentially zoned property. The sign face would be at a minimum of 125' from the property line of the residential zoning property. This is the rear corner of the residentially zoned property making the actual residences an additional 25' away from the sign face. Additionally electronic message signs are required to have automatic dimming controls and 10 seconds between changes with no scrolling, flashing or animated transitions. Staff supports this deviation. There is a gas utility substation directly across from the sign to the west, which has a vegetated buffer from the residence to the north. The residence directly west has a privacy fence in the back yard.

4. Buffer Planting Standard: CP-2 to RP-3: Level 3 (north property line of commercial) 1 tree (large, medium or small) per 40 linear feet = 13 trees

Proposed: 5 trees.

The buffer standard is based on the zoning of the subject property and adjacent property. This subject property has the duty to provide for the buffer to the lesser intensive district. The property to the north of the site, across Washington St, is owned by the school district and includes a stormwater retention pond and vacant property. The applicant has met the other requirements of the standard including 18 evergreens (one over the required) and 21 shrubs in addition to street trees, parking lot screening and foundation plantings. With all of this landscaping included, and considering the adjacent use, staff supports this deviation.

5. Buffer Planting Standard: CP-2 to R-1: Level 3 (west property line of commercial: 407.79 LF) 1 tree (large, medium or small) per 40 linear feet = 11 trees

Standard: 1 evergreen per 30 linear feet OR a 6' solid fence with plant materials to the outside = 14 trees

Proposed: 8 trees and 12 evergreens

This buffer is required to screen the residential zoning across Waverly Rd. The building is proposed to be located at the 25' building setback line. While meeting the standards for the street trees, foundation plantings and the remaining portion of the standard which requires 41 shrubs (42 provided) and a small amount of parking screening, staff feels that the intent is met. Additionally there is an overhead power line running roughly on the property line that requires a 30' clearance from each side which doesn't allow for large or medium trees. To add additional trees and evergreens to this area would crowd the plants. Staff supports this deviation.

6. Buffer Planting Standard: CP-2 to RP-3: Level 3 (shared property line: 621.37 LF) 1 evergreen per 30 linear feet OR a 6' solid fence with plant materials to the outside = 21 trees

Proposed: 19 evergreens.

The commercial parking is setback 17' from the shared property line, and on the residential side, garages are setback 15' from the shared property line. Garages

cover the majority of the shared property line on the residential side. The applicant has provided the 16 required trees and 63 shrubs. With the provided landscaping and the garages, a sufficient buffer has been provided. Staff supports this deviation.

Ms. Leininger concluded her presentation explaining that this project has had one review time fewer than is typical. Consequently, the number of conditions with the recommendation is higher but most are minor details easily fixed by the applicant. Staff does recommend approval of this final development plan for Waverly Plaza, phases 1 and 2, with the 17 conditions.

Mr. Phillip DiVilbiss, applicant, gave some history of Moonlight Plaza, one of his earlier projects. Street trees and landscape was planted prior to the City installing overhead power lines resulting in the removal of much of the vegetation. He stated that it is in the way the property is taken care of that is important and not the number of trees planted. He told the Commission that if they go see what his team has done and not just listen to what he says they will do, the City will be proud of the projects. He publicly thanked the staff for working with him as this is a major project for his family and for the City.

Commission Discussion

No discussion.

Motion made after review of application FDP-19-02, a final development plan for Waverly Plaza, Tax Id's CF221423-2004, CF221423-2011, CF221423-2001, and final development plan dated June 14, 2019, and staff report dated June 25, 2019, the Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. The final plat for Waverly Plaza is recorded with the Records and Tax Administration (RTA) prior to the release of a building permit.**
- 2. Revise civil plan sheets to show Tract A1 and Tract A2 as Tract A.**
- 3. Provide the material type for the doors on the trash enclosures elevation sheet D2.34, note 16 in the key is blank.**
- 4. Provide materials and heights of the fence around the dog park and pool areas.**
- 5. Provide the awning materials on the commercial building elevation sheets.**
- 6. Provide information for any lighting on the clubhouse.**
- 7. Move the proposed signage out of any utility easements.**
- 8. Revise the lighting plan to show pole lights in driveways and parking areas in the residentially zoned area to be no taller than 25'.**
- 9. Revise the identified sidewalks that are primary routes between the street or parking area and the building entrance to be 8' wide.**
- 10. Revise the landscaping plan, on the commercial site, to provide for 31 more shrubs in the parking areas that front streets.**
- 11. Revise the landscaping plan, on the residential site, to provide for 9 more shrubs in the parking areas that front streets.**
- 12. Revise the landscaping plan to show small trees instead of medium and large trees in the area of the commercial site between Waverly Rd. and the western most buildings.**

13. **Revise the plans to remove the northern two parking stalls on the south bound side of Laurel St., just south of the intersection of Washington and Laurel Streets.**
14. **Revise the plans to show 33' of pavement (37' back of curb to back of curb) on Washington St at the intersection of Waverly Rd and Washington St., to provide for 3-11' wide lanes.**
15. **Revise any 6' sidewalks along Washington St. to be 5' wide.**
16. **Update the plans to reflect the most recent geometrics of the W Santa Fe Street reconstruction project.**
17. **Update the plans to reflect the north/south easement running along the east side of Lots 1 and 2 to the west side of Lot 3 and update proposed electric line within that easement to show that change.**

Motion made by Gardenhire and seconded by McNeer.

Motion passed 4-0.

DISCUSSION ITEMS

No discussion items on the agenda.

Ms. Kelly Drake Woodward, Chief Planner, reported over 500 survey responses had been obtained regarding the civic spaces for the Gardner Destination Downtown Plan to date. Updates would be presented in the near future.

ADJOURNMENT

Motion to adjourn made by Gardenhire and seconded by Boden.

Motion passed 4-0.

Meeting adjourned at 7:53 p.m.

