

## **PLANNING COMMISSION MEETING**

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

### **CALL TO ORDER**

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

### **PLEDGE OF ALLEGIANCE**

Chairman Boden led the Pledge of Allegiance.

### **ROLL CALL**

Commissioners present:

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

Staff members present:

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

There were twelve members of the public in attendance.

### **CONSENT AGENDA**

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

**Motion passed 7-0.**

### **REGULAR AGENDA**

- 1. NEW LIFE COMMUNITY CHURCH**

**FDP-20-01:** Consider a final development plan for New Life Community Church located east of the intersection of S Gardner Road and E 188<sup>th</sup> Street.

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

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

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

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

### **COMMISSION DISCUSSION**

No discussed ensued.

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

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

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

**Motion made by Ford and seconded by Meder.**

**Motion passed 7-0.**

2. **PRAIRIE TRACE \*\*DEFERRED TO MARCH 24, 2020\*\***

Located southeast corner of W 175<sup>th</sup> Street and Interstate 35

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

3. **FRONTIER COMMUNITY CREDIT UNION**

Located southwest of the intersection of Madison Street and Moonlight Road

- a. **PP-20-02:** Consider a preliminary plat for a 2 lot, 3.23 acre commercial subdivision.
- b. **FP-20-01:** Consider a final plat for a 2 lot, 3.23 acres commercial subdivision.
- c. **SP-20-01:** Consider a site plan for the Frontier Community Credit Union.

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

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

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

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

### **COMMISSION DISCUSSION – PRELIMINARY PLAT**

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

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

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

**Motion made by Simmons-Lee and seconded by Ford.**

**Motion passed 7-0.**

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

### **COMMISSION DISCUSSION – FINAL PLAT**

No discussed ensued.

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

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

**to the release of the plat for recording.**

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

**Motion made by McNeer and seconded by Ford.**

**Motion passed 7-0.**

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

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

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

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

## **COMMISSION DISCUSSION**

No discussed ensued.

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

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

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

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

**Motion made by Hansen and seconded by Simmons-Lee.**

**Motion passed 7-0.**

#### **4. COMPREHENSIVE PLAN AMENDMENT**

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

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

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

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

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

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

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

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

## **PUBLIC HEARING**

No one from the public chose to speak.

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

**Motion passed 7-0.**

## **COMMISSION DISCUSSION**

No discussed ensued.

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

**Motion made by Meder and seconded by Ford.**

**Motion passed 7-0.**

## 5. ELECTION OF A VICE-CHAIR

Nominate and elect a Vice-Chair of the Planning Commission for a term to expire July 2020.

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

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

## DISCUSSION ITEMS

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

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

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

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

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

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

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

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

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

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

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

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

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

## **COMMISSION DISCUSSION**

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

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

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

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

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

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

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

## **ADJOURNMENT**

**Motion to adjourn made by McNeer and seconded by Ford.**

**Motion passed 7-0.**

Meeting adjourned at 8:35 pm



