

Planning Commission Agenda

Call to Order

Pledge of Allegiance

Roll Call

Consent Agenda

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on December 19, 2023.

Regular Agenda

1. **Gardner Pet Lodge 23-303-01 Rezoning, Site Plan, & Conditional Use Permit (Continued from December 19, 2023)** Located approximately 1000' west of the intersection of 199th St. and Gardner Rd
2. **Clare Crossing 23-304-08 Rezoning, Preliminary Development Plan & Preliminary Plat (Public Hearing)** – Located at the southeast corner of the intersection of 175th St. and Clare Rd.

Discussion Items

Adjournment



Call to Order

The meeting of the Gardner Planning Commission was called to order at 7:00 pm on Tuesday, December 19, 2023, by Chair Ham. Commissioners present: Mia Ham, Matt Combs, Cleverson Souza, Adriana Meder, Stacy Cooper, and Austin Jueneman. Staff present: Community Development Director Dave Knopick, Principal Planner Robert Case, Planner Jesse Hunter, Administrative Assistant Melissa Krayca, and City Attorney Spencer Low.

Pledge of Allegiance

Chair Ham led the Pledge of Allegiance.

Consent Agenda

1. Standing approval of the minutes as written for the regular meeting on November 27, 2023.

Motion: Commissioner Jueneman

Second: Commissioner Meder

Motion carries unanimously 6-0

Regular Agenda

1. [Gardner Pet Lodge 23-303-01 Rezoning, Site Plan & Condition Use Permit \(Public Hearing\)](#)

Staff Presentation

Robert Case, Principal Planner presented the information in the staff report for Gardner Pet Lodge for the boarding of dogs located at 29852 W. 199th St. The property was annexed into the City back in 2020 and the property owner is now requesting a change from County RUR district to City of Gardner A Agriculture District. The pet boarding facility is only allowed with a conditional use permit in the Agriculture District. The proposed site plan includes a 3200 square foot building which is surrounded by existing trees, however, they will be required to provide additional screening along the east side of the building to ensure minimum disruptions to the neighbors. The staff finds the proposed use complies with The Gardner Land Development Code as well as the Comprehensive Plan and the Voluntary Consent Annexation Agreement. The Conditional Use Permit criteria have been addressed by the applicant and the staff recommends approval.

Applicant Presentation

Jason Carman, 29852 W 199th St, stated the Gardner Pet Lodge would not be a traditional boarding location but an interactive facility with indoor and outdoor play areas ensuring appropriate attention and playtime for pet residents. This is an expectation for many pet owners that is currently not served within the city and requires residents to travel to Olathe and Spring Hill. Gardner has professional veterinary services available but very limited lodging options and Mr. Carman expects there to be opportunities between these service providers to leverage each other to enhance overall business while creating closer-to-home solutions for Gardner residents. The facility would be a 40'x80' modern steel-sided building on 10 acres within surrounding tree lines to minimize visibility. The building is to be built with high-density acoustical soundproofing insulation throughout to maximize acoustic dampening to the exterior. He presented a detailed chart of sound level estimates at the residences near their property as sound is very important to his family as well as the neighboring properties.

Angela Carman introduced herself and explained they had met with all of their neighbors and were willing to address any concerns they had. She works from home so the limitation of any sound is important to their family as well as the people who live nearby. She stated the traffic sounds from 199th Street far outweigh any sound that would come from the well-tree-lined kennel on the back of their property. They encourage anyone who may be opposed to the kennel to reach out to the neighboring properties of Mystic Acres in Spring Hill as you will be encouraged by their feedback. Mr. & Mrs. Carman are eager and committed to providing a much-needed service to the Gardner residents without negatively impacting the neighbors

Public Hearing

Mary Freund, 19880 Gardner Rd said that the Friends & Neighbors subdivision has always been a private single-family neighborhood. They also own the property right next to the proposed rezoning. Her family is not in favor of the rezoning or conditional use permit as it will create more traffic, noise, and excessive light from the incoming cars. She said it is very common to see 10-12 deer on the property and there is no way to stop dogs from barking. It would be an invasion of their single-family neighborhood values and privacy.

Rod Freund, 29750 W 199th St. stated he has property value and privacy concerns. He does not want dog barking or headlights shining into his home. He is opposed to the rezoning and believes the zoning is in place to protect us from this type of thing.

Matt Hamilton, 19785 S Gardner Rd, said he felt it was important to state that there are not a lot of pet boarding services in town. He has animals and has gone to the Carman's in the past for help with boarding. They do take good care of animals and have proper boarding techniques.

Ron Freund, 19880 S Gardner Rd, has been a resident for 83 years and stated he platted the subdivision years ago and has a problem with the boarding facility coming into a single-family subdivision. He understands that there may be a need for the facility but it does not belong in the middle of a subdivision.

Jason Carman, 29852 W. 199th, responded that those who oppose would have heard their proposal for the first time tonight and hopefully after hearing his presentation realized they have addressed the concerns stated.

Motion made to close the public hearing

Motion: Commissioner Cooper

Second: Commissioner Meder

Motion carries unanimously 6-0

Commission Discussion

Mr. Knopick stated staff had received letters from citizens that have been provided to the Planning Commission and will be made part of the public record and included with tonight's minutes. There are 3 letters in support and 1 opposed.

Commissioner Combs asked what the maximum number of dogs for the facility is.

Mr. Carman stated the expected maximum would be 40 dogs with the expected average of 15-20 a day.

Commissioner Souza asked who prepared the noise study he presented.

Mr. Carman said he did it utilizing the inverse-square law which is very common for acoustics to figure out what sound propagation is going to be. There are several online studies he cross-checked. It is something he does at work as well.

Commissioner Meder said she is struggling to understand the proposed zoning when a kennel is meant for a C-3 district.

Mr. Knopick explained the current County zoning and annexation history. He said there are several types of kennels in the code and this type of kennel can also exist in the Agriculture District under the Conditional Use Permit but not by right.

Commissioner Meder said her understanding of the Agriculture District is to promote green space and this plan does not support that. She asked how many people the facility would employ.

Mr. Carman said it is a family business including himself, his wife, and children only.

Commissioner Meder inquired about the driveway material and construction details for an area that is to address the treatment waste.

Mr. Knopick said the commissioner could certainly request that information concerning construction details and that the staff has recommended the driveway be paved with hard surfaces to be approved.

Commissioner Meder agrees that there is a need for this type of facility but is struggling with putting it in a residential area.

Commissioner Jueneman inquired about the 5-year time limit of the permit.

Mr. Knopick said staff recommendation is for the permit to be for a 5-year term but any revisions would or complaints may require the applicant to come back before the Planning Commission for the potential revocation consideration.

Commissioner Cooper asked who decided on the 5 years and why the requirement of hard paved areas versus gravel.

Mr. Knopick explained the history of similar conditional-use permits and how the staff determined the term limit. It is well within the authority of the Commissioners to revise the time limits. He then explained the city requirements for paved drives and parking areas.

Commissioner Cooper stated that the paved driveway seemed to elevate it more like a commercial use.

Chair Ham asked what would the operating hours be.

Mr. Carman said it would be normal business operating hours with scheduled pick up and drop off times scheduled by himself.

Commissioner Jueneman asked if there was a proposal for screening along the driveway to avoid any light pollution on the neighbor's property.

Mr. Knopick said the staff recommendation is primarily screening of the actual building but the Commission could include that in the conditions of approval.

Mr. Knopick stated the Planning Commission is making a recommendation of approval and thereafter the Governing Body will make final decisions. It will be going before the City Council as well.

Commissioner Ham likes the idea of the driveway screening and also shortening the period of the Conditional Use Permit.

Mr. Low reminded the commissioners that the Conditional Use Permit is included in the code for a reason so if the City's never going to allow then it shouldn't be in the code. It is worth thinking about when making the determination. For example, a bed and breakfast for daycare facilities is allowed in residential.

Chair Ham asked if the Commission would like to table the item until January to think about it more or make a motion tonight.

Commissioner Combs said it would be fair to table the item and consider additional conditions to address the concerns of the neighbors.

Commissioner Meder said she is struggling to allow in residential but would be open to tabling the item and would like to see more details concerning waste management. She is in favor of the hard surface for the drive and reduction of the 5-year permit.

Regular agenda item #1 for Gardner Pet Lodge 23-303-01, Rezoning, Site Plan, and Conditional Use Permit after discussion at the December 19, 2023 Planning Commission Meeting, the recommendation is for a table of these 3 items until the January 22, 2023 Planning Commission meeting.

Motion: Commissioner Meder

Second: Commissioner Souza

Motion carries unanimously 6-0

2. HTeaO 23-304-10 Rezoning, Preliminary Development Plan & Final Development Plan (Public Hearing)

Staff Presentation

Jesse Hunter, Planner, presented the information in the staff report for HTeaO located on the north side of Main St., just west of the intersection of Main St & Moonlight Rd. The applicant is requesting rezoning from C-2 (General Business) to CP-2 (Planned General Business) District with an associated Preliminary Development Plan and Final Development Plan. A 2100 sf building is being proposed with a drive-thru on the south-facing facade. The site does not interfere with utility operations and is capable of accommodating the building, use, and other site design elements. The landscaping provides adequate screening to permit a street-facing drive-thru. The applicant is requesting 5 deviations and if granted, the plan is in substantial compliance with the code.

Applicant Presentation

Judd Nelson, Phelps Engineering, introduced himself and the franchise owner, Mark Martinez. HTeaO has a large presence in Texas and Oklahoma but this will be the 1st in the KC area. The site is very tight so the deviations are necessary to make the project work. They have added more than minimum landscaping along the perimeter of the site to offset not as many plantings next to the building. Mr. Nelson stated he and Mr. Martinez were available for any questions.

Public Hearing

Zachary Hills, 713 E. Dogwood St, voiced his excitement for HTeaO coming to Gardner. It is a unique business and has fantastic tea. He believes the owner will keep the business in the greatest condition and is a trustworthy manager.

Motion made to close the public hearing.

Motion: Commissioner Jueneman

Second: Commissioner Cooper

Motion carries unanimously 6-0

Commission Discussion

Commissioner Cooper asked for clarification concerning the monument sign.

Mr. Hunter explained the setback requirements of the sign code as it pertains to the proposed monument sign.

Commissioner Cooper asked how it compared to the signs near Main St.

Mr. Knopick discussed the condition and setbacks of the neighboring business signs.

Commissioner Souza stated his excitement for the new business.

Commissioner Combs admitted he initially was not in favor of the deviations but the staff report explained well the need for them.

Motion made after review of applications 23-304-10 Rezoning and associated Preliminary Development Plan for HTeaO, and staff report dated December 13, 2023, the Planning Commission recommends the Governing Body approve the applications as proposed, provided the following conditions are met:

1. **Approval of deviations 1-4 as presented in the staff report and a deviation from the sign area allowance only per deviation request #5;**
2. **The proposed monument sign shall be setback a minimum distance of 15 from the property lines which allows the desired sign height without the need for a height deviation; and**
3. **The applications shall be reviewed and approved by the Johnson County Airport Commission and Board of County Commissioners before the release of the plat for recording.**

Motion: Commissioner Meder

Second: Commissioner Jueneman

Motion carries unanimously 6-0

Motion made after review of application 23-304-10 Final Development Plan for HTeaO, and staff report dated December 13, 2023, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. **Governing Body approval of application 23-304-10 rezoning and associated Preliminary Development Plan for HTeaO with the recommended conditions;**
2. **The construction plans for any utilities, infrastructure, stormwater, or other public facilities shall meet all technical specifications, and public improvement plans shall be submitted and approved prior to the issuance of a building permit; and**
3. **The applications shall be reviewed and approved by the Johnson County Airport Commission and Board of County Commissioners prior to the release of the plat for recording.**

Motion: Commissioner Cooper

Second: Commissioner Souza

Motion carries unanimously 6-0

3. Lone Star Prairie 23-303-02 Rezoning, Preliminary Development Plan & Preliminary Plat (Public Hearing)

Staff Presentation

Jesse Hunter, presented the staff report for Lone Star Prairie, a request for rezoning from County RUR (Rural, Agriculture) District to RP-2 (Planned Two-Family Residential) District with an associated Preliminary Development Plan and Preliminary Plat. The property was annexed this year and is largely undeveloped, however, it does have approximately 10 oil wells on it. Before each phase can be developed, they must be removed according to regulations set by the Kansas Department of Health and

Environment. The applicant is proposing 191 single-family lots. Due to the lots being 50' wide, they would be considered detached houses – neighborhood and the R-2 zoning district is necessary. The zoning and lot size are similar to the Meadows portion of Prairie Trace and the Cypress Creek development. The development proposal is to have three phases, beginning in the northeast. Public Works has concerns with the eastern roadway that runs north/south. They have requested that the applicant add a cul-de-sac to prevent future traffic from utilizing it as a collector street. The idea is to prevent a similar situation that we have heard about in the Fairfield development. There are 5 deviation requests although the staff is in agreement with only 4 of them. Staff finds the plan is in general compliance with the Land Development Code provides access points for adjacent properties and does not deter any existing or future development on adjacent lots. It achieves the code intent to minimize the number of lots accessing collector streets and the applicant must provide a solution to deter future traffic along the eastern street.

Applicant Presentation

Ben Gasper, SMH Consultants, introduced himself and stated he would be available to answer any technical questions. He stated the intent is to bring single-family, entry-level homes to the City.

Roman Haehn, Circle H Land Development, said he was born and raised in Kansas, and although he currently lives in Texas he intends to move back as he continues to develop the land here. He wanted to find an underserved area and provide an alternative to the standard 70 ft. lots that cost 600-700k.

Public Hearing

Terry Simpson, 17540 Four Corners Rd stated his 3 concerns. He believes the City recently purchased the land has recently bought purchased the property on the north/south runway and he is at a loss as to why they are considering building houses on the east/west runway. His second concern is how the sewer will be handled. The final concern of the amount of water 175th St currently collects during rainstorms. He would like to know where all the water where go when 191 homes are built because that is a lot of pavement.

Krista Wilson, 16240 Edgerton Rd, speaking on behalf of the property owner of 32665 W 175th St, Gordon Land LLC. Since 1942 the Gordon family has watched the City of Gardner continue to expand towards the farm and knew the day was coming when housing developments would become a reality. The LLC members are aware of progress and development and know this kind of expansion is inevitable and are also supportive of property rights to develop their property as they see fit. This is not the type of development they would like to see in this area as farming is the livelihood of several members of the family currently. When you live in the country there are certain aspects of the quality of life you expect and enjoy including a sense of privacy. The LLC members have concerns as the property is a fully functional farm with potential for livestock and has no intent of changing its usage at any time. There are sights, sounds, and smells that urban residents are unlikely to appreciate as they have already received complaints from other developments. The LLC hopes the development prepares for this with future residents and has a plan in place to address this without causing issues for the farm.

Greg Lefmann, 32965 W 175th, currently operates the family farm east of the proposed development. He is deeply saddened by the proposition of the new housing development and the threat to the heritage of the farm. He hopes that an attitude of respect will be fostered within construction crews and future residents. The farm will do its best to be respectful, understanding, and neighborly and hopes to be treated the same. He asks that the property lines be respected during construction and he will be communicated with as needed. The quality of the soil is a farmer's greatest asset and the more it is compacted and driven on the harder it is to produce a viable crop. He emphasized what it is like to live next to a farm including large machinery early in the mornings and late into the night. There will be products applied to the crops that can be odorous as well as the dust crops can produce. His main objective and desire is that there be mutual consideration between the farm and the residents of the development.

Gloria Lefmann, 32965 W 175th St, lives at the corner east of the proposed development. She said she has been approached many times by people who would like to purchase the property from her but doesn't think that will be the case any longer. According to the plans, 6 homes will be backing up to her property so she will be investing in blackout curtains for her bedroom.

William Willis, 17795 Four Corners Rd, lives on 10 acres with a large pond that is fed from a 175th St. ravine and low spots on the property being discussed. He noticed a couple of proposed detention ponds that are to be built but doesn't know where the water will go when we have heavy rain as it is full already and believes there's one on the east side that could hinder the farm property and crops there. He said the building of the homes will cause contaminants and possibly cause damage to the pond where his kids and grandkids fish. When the oil wells are removed it could also cause contamination and wonders if this can be addressed or has already been addressed. He referenced LCS Section 17.30.3 paragraph D and stated he has not seen any surveys or studies concerning stormwater runoff. He mimicked Mr. Simpson's concerns about the proximity of the airport runways and suggested it be redesigned with fewer homes and more green space.

Motion made to close the public hearing.

Motion: Commissioner Meder

Second: Commissioner Jueneman

Motion carries unanimously 6 -0

Commission Discussion

Commissioner Combs expressed his concerns with the removal of the oil wells.

Mr. Gasper stated the contract requires the current property owners to close them according to KDHE and EPA standards and go through certain testing to make sure there are no leaks.

Commissioner Meder stated she is not comfortable with approving the block length deviation request as she believes similar streets in town have become raceways. She inquired about condition #2 concerning stormwater management and the potential changes after approval. She also said she had mixed feelings about the density of the development as the lots are very small.

Mr. Knopick stated the planning commission will likely see this type of condition on all planned developments as Public Works wants to send a clear message that stormwater has to be dealt with the right way.

Mr. Gasper said they are still talking with Public Works Engineering to mitigate any concerns with street traffic and are open to looking at other options to rearrange the streets to make sure it's not a raceway.

Commissioner Meder asked what the findings were concerning the proximity of the airport to the development.

Mr. Knopick stated that because Public Works manages the airport and there are requirements

Meet FAA requirements as well as provide additional documentation as part of the final development plan. If FAA provides clearance then Public Works does not see a problem with it as the airport master plan shows the potential of that runway shifting to the south at some point if reconstructed.

Mr. Gasper stated the proposed duplexes have been removed from the plan and are now fully single-family homes.

Commissioner Meder asked if there was any screening between the development and farmland would that be discussed at the final development.

Mr. Case stated the Land Development Code does not require screening between Agriculture and Residential zoning.

Mr. Knopick stated a condition could be added as a preliminary or final development to address screening concerns.

Commissioner Jueneman said he also had concerns with the extended block length and would like to see more traffic calming measures. He asked the engineer to clarify if the detention basins would be wet or dry detention.

Mr. Gasper stated they are proposing dry detention basins which essentially hold the water a bit longer to make sure all the sediment clears out before it is released. Because the site is mostly clay soil they are waiting on a Geotech report to confirm if an infiltration basin is possible on the northeast side as they would prefer to have the water filtrate back down into the ground rather than dumping it into the neighboring properties.

Mr. Knopick said the airport would have concerns with wet detention in proximity to the air operations as it would attract waterfowl.

Commissioner Jueneman said he is in favor of a screening barrier next to existing homes. He asked if the lot sizes are comparable to the lots in the new Cypress Creek development.

Mr. Knopick confirmed Cypress Creek and Prairie Trace lots were similar in size.

Commissioner Cooper asked what the community amenity maybe that is listed on the plans.

Mr. Gasper said the developer had not determined exactly what the amenity would be but, a park, a dog park, and a possible trail have been discussed as options.

Chair Ham said she was in agreement with the commissioner's comments and concerns and thanked the developer for answering all questions.

Mr. Gasper said they are committed to working with City staff to do whatever is necessary to mitigate the concerns voiced tonight.

Mr. Knopick addressed a few concerns during the public hearing concerning sewer and water.

The development would be serviced by connecting to a trunk line that is along one of the tributaries of Kill Creek so they will have to run a sewer line from the development back to the north and probably put in a lift station. The water would be provided by Rural Water 7 as it is in their service area.

Mr. Gasper addressed the stormwater concern and stated this development has dedicated an additional chunk of the right of way along 175th so that in the future if there were to be an upgrade to the street the right of way is already dedicated.

Commissioner Combs asked if there is a general project timeline and what are the steps to co-exist with the private property owners.

Mr. Haehn stated once they can break ground they hope to complete it in a 18 month timeframe. He said he grew up on a farm in Western Kansas and values that lifestyle. He wants to make sure they have direct access to him and will address any concerns they may have.

Motion made after review of application 23-303-02 Rezoning and associated Preliminary Development Plan, and Preliminary Plat for Lone Star Prairie, and staff report dated December 13, 2023, the Planning Commission recommends the Governing Body approve the applications as proposed, provided the following conditions are met:

- 1. Approval of deviations 2,3 & 4 as presented in the staff report;**

2. **Development must meet the requirements of Gardner Municipal Code Title 14 Floodplain and Stormwater Management, including, but not limited to, stream corridor preservation and maintenance, peak flow reduction, and stormwater treatment facility provision and maintenance, where applicable. Any violation of these requirements will necessitate plan modifications as needed to conform to stormwater code criteria unless the violation has been approved as a deviation. All stormwater requirements shall be met prior to issuance of any related permits; and**
3. **Revise the eastern street to deter through traffic from the south as determined by Public Works.**

Motion: Commissioner Meder

Second: Commissioner Jueneman

Motion carries unanimously 6-0.

4. Clare Crossing 23-304-08 Rezoning, Preliminary Development Plan & Preliminary Plat (Public Hearing)

Mr. Knopick stated the applicant has asked to table the item until January to address some significant changes that need to be made concerning utilities and right of way. He suggested the public hearing be offered if anyone may be in attendance tonight.

Public Hearing

No one approached the podium.

Motion made to table the public hearing until the January 22nd Planning Commission meeting.

Motion: Commissioner Cooper

Second: Commissioner Combs

Motion carries unanimously 6-0

Commission Discussion

Motion made to table Clare Crossing 23-304-08 Rezoning, Preliminary Development Plan & Preliminary Plat (Public Hearing) until the January 22, 2024 meeting.

Motion: Commissioner Meder

Second: Commissioner Souza

Motion carries unanimously 6 -0

5. Gardner Public Utilities 23-306-01 Site Plan

Staff Presentation

Jesse Hunter, presented the information in the staff report for a Gardner Public Utilities Site Plan located at the northwest corner of Energy Center Dr. and E. Santa Fe St. The property is 7.5 acres and is currently used by the Gardner Utilities and includes their current building. The proposed building is 13,400 sf but could be expanded in the future by an additional 11,150 sf if needed. It is designed to allow the city trucks to enter from the north and drive straight through to exit at drive along E. Santa Fe St. That access is within the standard separation distance of the nearest drive and Public Works will approve it if the southern drive is narrowed to a single lane and is exit only. One code standard has been found to not be met. The depth of the foundation plantings is being reduced to 6.5' in depth. Due to the increased total planting area, the staff is supportive of the administrative adjustment. Staff finds the site is capable of

accommodating the building, use, and other site design elements. The architecture and building design uses quality materials and the style is appropriate for the context. An administrative plat must be recorded before a building permit is issued.

Applicant Presentation

Kimball Hales, Finkle Williams Architecture, expressed his appreciation for the input they've received from staff so far and read a letter written by Jeff Lemire of Gardner Utilities stating:

The goal of this project is to create a site that will allow the entire Utilities department to be housed in one single location as they are in three now. The equipment is currently stored outside at multiple locations which increases response time during emergencies for both electric and line maintenance. The proposed facility is designed with safety in mind with the pull-in and out setup that is similar to Public Works, Utilities, Fire Department, and Military facilities across the nation.

Mr. Hales discussed the proposed driveway width and willingness to narrow it if needed but wanted to keep in mind the larger-than-average vehicles exiting to Santa Fe.

Michael Makris, BHC Civil Engineers, explained in depth the condition to revise the west access point on Santa Fe St to be a single-lane exit only. There is concern that it may reduce to a width that may create a functional hardship on how it operates within the site so they would like to progress the application forward with the hope that the single lane and width could be handled as a directive to work with staff on how to best manage as an exit only driveway.

Commission Discussion

Commissioner Jueneman asked if there were any security features around the site since infrastructure materials will be stored on site.

Mr. Hales said the equipment will be gated and fenced while other equipment will be stored inside.

Mr. Knopick clarified that City projects are run through the same review process as other projects and staff feels comfortable with the condition that this item is going to get worked out.

Motion made after review of application 23-306-01 Site Plan for Gardner Public Utilities, and staff report dated December 13, 2023, the Planning Commission approves the application as proposed, provided the following conditions are met:

- 1. Approval of the administrative adjustment for foundation plantings;**
- 2. The administrative plat of Gardner Business Park First Plat is approved;**
- 3. Revise the west access point on E Santa Fe Street to be single lane exit only; and**
- 4. The applications shall be reviewed and approved by the Johnson County Airport Commission and Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.**

Motion: Commissioner Jueneman

Second: Commissioner Meder

Motion carries unanimously 6-0

6. Planning Commission Interim Vice Chair Election

Commissioner Cooper nominated Commissioner Jueneman.

Motion made to elect Commissioner Jueneman to Vice Chair.

Motion: Commissioner Cooper

Second: Commissioner Souza

Motion carries unanimously 6-0

Adjournment

Motion made to adjourn at 9:48 p.m.

Motion: Commissioner Cooper

Second: Commissioner Souza

Motion carries unanimously 6-0

Recording of the meeting can be found at:

<https://www.youtube.com/watch?v=0MWhBDgwe403>

DRAFT

Robert Case

From: Matt Hamilton [REDACTED] >
Sent: Monday, December 18, 2023 2:29 PM
To: Robert Case
Subject: In support of Gardner Pet Lodge

Robert,

I am writing to express my support for the proposed establishment of Gardner Pet Lodge, a pet boarding company within our local community. As a concerned resident and pet owner, I believe that such an initiative would bring numerous benefits to our area.

First and foremost, the introduction of a local pet boarding facility would be a welcomed addition to our community. It would provide pet owners like myself with a convenient and nearby option for ensuring the care and well-being of our beloved animals when we need to be away from home. This would reduce the need for long-distance travel to access such services, making it more accessible for residents.

Affordability is a crucial factor for many families, and having a local pet boarding company could potentially offer more cost-effective options compared to larger facilities in neighboring cities. It would ensure that pet care remains affordable for a wider range of residents, making it easier for families to provide the necessary care for their pets without breaking the bank.

Furthermore, one of the key concerns when it comes to pet boarding facilities is noise pollution. In conversation with the owner of the Pet Lodge, they treat this as a top priority and are taking steps to ensure noise is actively managed. The location is surrounded by a wooded area, yet there are plans to bring in additional trees to further mitigate any concerns.

Lastly, increasing the availability of pet boarding options within our community would contribute to a healthier and more vibrant local economy. It would create job opportunities for our residents and stimulate economic growth, thereby benefiting our community as a whole.

In conclusion, I believe that the creation of the Gardner Pet Lodge aligns with our community's values and needs. It would enhance the quality of life for pet owners, offer affordable services, address noise concerns responsibly, and contribute to our local economy. I kindly request that you consider and support this initiative, as it has the potential to make a positive impact on our community.

Thank you for your attention to this matter. I look forward to hearing about the progress of this proposal and am available to provide any further information or assistance that may be needed.

Matt Hamilton [REDACTED]

Robert Case

From: [REDACTED]
Sent: Monday, December 18, 2023 1:04 PM
To: Robert Case
Subject: Jason and Angela lodging

To whom it may concern,

This is in reference to the proposed dog boarding facility proposed by Jason and Angela Carmen on 199th Street in Gardner Ks.

I have seen the plans for the building site, they are very detailed.

I feel like they have done their research so that this business will not interrupt with our life in the country.

I wish them the very best and pray their business is successful.

Sherri Cale

Robert Case

From: Audrey Sparks [REDACTED]
Sent: Monday, December 18, 2023 11:48 AM
To: Robert Case
Subject: Carmen Proposal

To whom it may concern,

We currently live at [REDACTED] Gardner, Ks. We are supporting Jason and Angelia Carmen with their proposal.

Randy and Audrey Sparks

Robert Case

From: Clint Burkdoll [REDACTED]
Sent: Thursday, December 14, 2023 9:19 AM
To: Robert Case
Subject: Public hearing for dog kennel

Hi.

I received the notification for the kennel on 199th Street south of Tuscan farm and also was contacted by Ron Freund, our neighbor to the South. I agree with Ron that this kennel is not something I want to be next to the future single family homes that will be along the south line of Tuscan Farm.

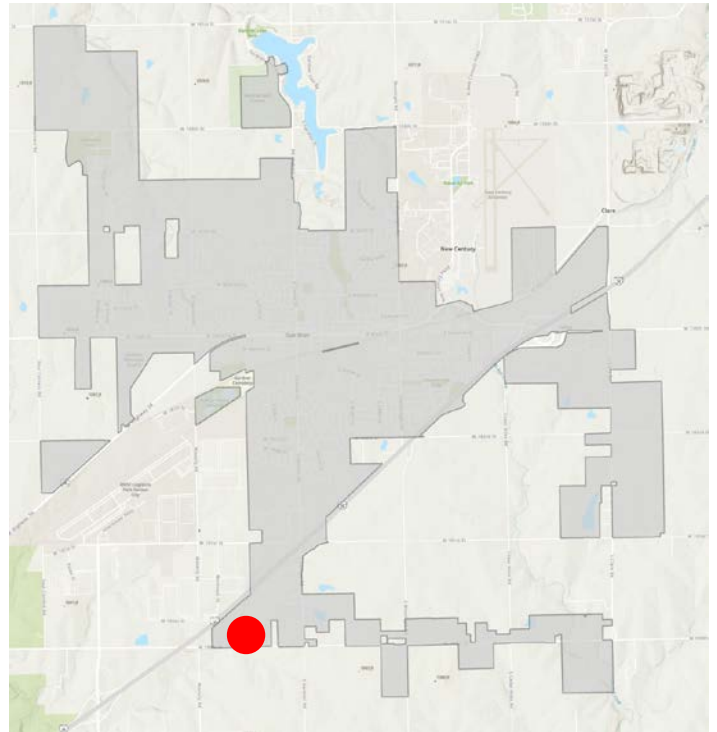
I can't make it to the November 19th public hearing but would like to join Ron Freund in opposing. Is there a process where I can submit a signed and notarized letter either to you or to Ron that could be read and submitted at the public hearing in lieu of my absence?

I'm not crazy about antagonizing any of my neighbors, especially since I have upcoming internal zoning work to do within Tuscan Farm, however I agree with Ron about the kennel and feel I must oppose it as a dog kennel could and probably would be heard by potentially up to 10 to 30 future Tuscan Farm homes and many more than that if it carries into the multi-family area.

Thanks

Project Name: Gardner Pet Lodge

PROJECT NUMBER	23-303-01
REQUEST	REZONING, CONDITIONAL USE PERMIT, SITE PLAN
APPLICANT	ALLENBRAND DREWS
OWNER	JASON & ANGELA CARMAN
ADDRESS	29852 W 199TH ST
PARCEL ID	CP19000000 0004



Executive Summary

PRESENT ZONING:	RUR
PROPOSED ZONING:	A
PRESENT LAND USE:	SINGLE FAMILY RESIDENTIAL
PROPOSED LAND USE:	PET LODGING
TOTAL SITE AREA:	10 ACRES
PROP BUILDING TYPES:	80' X 40' BUILDING



Staff Recommendation

Staff recommends approval of application 23-303-01, a Rezoning, Site Plan, and Conditional Use Permit for Gardner Pet Lodge with the condition(s) in the recommended motion.

Context:

Background/History

The property was platted in the County on March, 1996 and subsequently annexed into the City on December 18, 2020 (Ord. 2690). It is currently being used for a single family residence.

Surrounding Zoning and Land Use

Zoning	Use(s)
North of Subject Property	
R-1 (Single Family Residential) and R-3 (Garden Apartment) Districts	Tuscan Farms
East of Subject Property	
R-1 (Single Family Residential) District	Single family residences
South of Subject Property	
RUR (Rural) District	Vacant
West of Subject Property	
RUR (Rural) District	Single family residence

Utilities / Infrastructure

Electric

Electric service is provided by Evergy.

Water

Water Service is provided by Johnson County Rural Water District 7.

Sanitary Sewer

Private sanitary sewer service is located on-site.

Storm Sewer

Additional storm water management will be required for the animal boarding facility as outlined in the conditions of approval.

Roadway Network & Vehicular Access

Access will be off of 199th Street. Additionally the drive access to the kennel will need to meet Fire District #1 requirement of being able to withstand 75,000 lbs. load for emergency vehicles.

Review Criteria and Findings

Zoning Map Amendment (LDC Section 17.03.030 B.)

- 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; the requested change from County RUR (Rural) district to the City of Gardner A (Agricultural) district is the most compatible transition from County to City zoning districts.**
- The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts; the proposed zoning district and associated potential uses is compatible with the existing uses and zoning located around this site.**

3. **The suitability of the subject property for the uses to which it has been restricted;** *the subject property is suitable as restricted for current uses.*
4. **The extent to which removal of the restrictions will detrimentally affect nearby property;** *the current uses allowed are identical to the proposed zoning district uses.*
5. **The length of time the subject property has remained vacant as zoned;** *the property has an existing single family residence.*
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;** *the current property is zoned to a County district and the petition to rezone to a City of Gardner agriculture district will allow the City to restrict uses that may be incompatible with our current Land Development Code.*
7. **The recommendations of professional staff;** *see Staff recommendation below.*
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;** *the application is consistent with many goals and objectives of the Comprehensive Plan.*
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;** *the existing use does not adversely affect the capacity or safety of any utilities, infrastructure or public services.*
10. **Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City;** *the rezoning application to "A" is necessary to grant the proposed Conditional Use permit that the applicant is requesting.*

Conditional Use Permit (LDC Section 17.03.050 B.)

1. **The application furthers the intent of the proposed zoning district and does not conflict with the intent of any abutting districts.** *Animal care is allowed as a conditional use in the A (Agriculture) district.*
2. **Compliance of any proposed development with the requirements of this Code.** *Since Animal Care is only permitted as a conditional use in the A zoning district, any particular request for a Conditional Use permit is subject to the restrictions and limitations that may include limiting the number of animals, size of the structure or type of use. In this case, the petitioner is requesting the facility be only used for temporary boarding of animals. Any changes to the specific use being requested will revoke the permit.*
3. **Whether any additional site-specific conditions are necessary to meet the purposes and intent of this Code and the intent or design objectives of any applicable subsections of this Code.** *Please see the Conditions of Approval.*
4. **The impact on the public realm, including the design and functions of streetscapes and relationships of building and site elements to the streetscape.** *Additional screening is being required along the east side of the proposed boarding facility. There is ample existing trees along the north and west sides that provide screening of the boarding facility.*
5. **The adequacy of drainage, utilities and other public facilities.** *Additional stormwater management and waste treatment improvements will be required to meet the City's standards. The petitioner will be required to construct and maintain these site improvements per the Public Works Department as part of an approved Conditional Use permit.*
6. **Compatibility with the character of the area in terms of building scale, building form, landscape and site design.** *The surrounding area is characterized by rural low density housing and agricultural uses. The overall design, layout and taking into consideration the onsite location the proposed use is compatible to the context of the surrounding properties.*
7. **Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use as proposed or foreseeable, and other potential impacts on adjacent property.** *The proposed use is compatible with the rural context in regards to providing a service that is not readily available in this part of the community.*

Certain noise mitigation measures applied toward the dog boarding facility are also required within the conditions of approval.

8. **The application will not prevent development and use of the neighboring property in accordance with the applicable development regulations.** *Staff does not believe this development will hinder the future growth and development of neighboring properties.*
9. **The long range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.** *If the development of this facility follows all conditions it should not have a negative impact on existing and future uses within the area.*
10. **The recommendations of professional staff.** *Staff recommends approval of the Conditional Use permit with conditions as outlined in the recommended motion.*

Site Plan and Design Review (LDC Section 17.03.060 B.)

1. **In general, any site plan in compliance with all requirements of this Code shall be approved.**
2. **In making a determination of compliance, or for site 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.** *The applicant is required to construct several improvements to the site in order mitigate any noise concerns and provide adequate access for customers and emergency vehicles to the dog boarding facility. The petitioner has also said that all animals will be boarded within the building overnight to help with any noise concerns.*
 - b. **The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.** *The overall site is approximately 9.5 acres which provides for enough open space, screening and separation of perceived noise nuisances and planned storm management for this use.*
 - 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.** *The proposed boarding building is around the size of a small accessory building within the context of this rural area.*
3. **The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.** *As mentioned above, most of the existing neighboring properties accessory buildings are similar in size and building materials. The Staff feels that the proposed building is compatible with other properties within close proximity to this site.*
4. **Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.** *Additional requirements are detailed within the suggested motion and conditions of approval.*
5. **The application meets the criteria for all other reviews needed to build the project as proposed.** *Staff feels that this application meets all criteria needed to build the project.*
6. **The recommendations of professional staff.** *Staff feel that the associated site plan meets the intent of the Land Development Code and recommends approval of the plan as outlined in the recommended motion.*

Staff Findings

Rezoning

The requested rezoning is in compliance with the Comprehensive Plan and the “Voluntary Consent Annexation Agreement” entered by the current property owners and the City.

Conditional Use Permit and Site Plan and Design Review

Long range plans are not negatively impacted by the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.

Potential 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.
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.

Timeframe

Staff recommends a 5 year time limit, which is the typical timeframe for conditional use permits. The applicant may apply to renew the permit at the end of the 5 years. If the applicant decides to expand / change operations prior to expiration of the permit, a new conditional use permit application would be required in order to allow the Planning Commission to evaluate whether such expansion / change would be appropriate for the site.

Recommended Motions

Rezoning

After review of Application 23-303-01, a rezoning for 9.59 acres located on the north side of 199th Street approximately 1300' west of Gardner Road (Tax ID CP19000000 0004) from RUR (County-Rural) District to A (Agriculture) District, and staff report dated January 18, 2024, the Planning Commission recommends the Governing Body approve the rezoning application.

Conditional Use Permit and Site Plan and Design Review

After review of Application 23-303-01, a conditional use permit and the associated Site Plan for 9.59 acres located on the north side of 199th Street approximately 1300' west of Gardner Road (Tax ID CP19000000 0004) from RUR (County-Rural) District to A (Agriculture) District, and staff report dated January 18, 2024, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

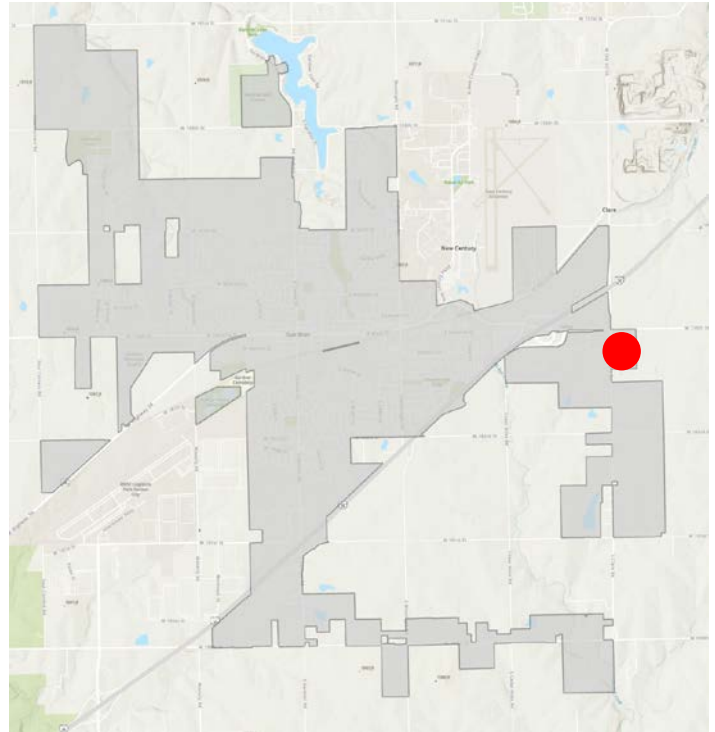
1. All drive, access and parking area to and for the dog boarding facility from 199th Street shall be paved with a hard surface constructed to meet adopted City technical specifications and construction standards and withstand use by emergency services vehicles;
2. On the site plan, provide construction details for an area that addresses the treatment of high bacteria loads and specifications on how waste is being treated;
3. The construction plans for any utilities, infrastructure, stormwater or other public facilities shall meet all technical specifications and land disturbance and public improvement plans shall be submitted and approved prior to the issuance of a building permit;
4. Provide visual screening from adjacent properties along the east side of the proposed facility;
5. Provide noise dampening measures within the wall construction of the boarding facility; and
6. This Conditional Use permit is for a 5 year period, starting on the date of approval by the Governing Body. After the 5 year period, if the applicant is abiding by all conditions they can apply for an extended Conditional Use permit through the Planning Commission and the Governing Body.

Attachments

1. Site Plan

Project Name: Clare Crossing

PROJECT NUMBER	PDP-23-304-08
REQUEST	REZONING, PRELIMINARY DEV PLAN, PRELIMINARY PLAT
APPLICANT	CLARE CROSSING LLC, D. DODGE
OWNER	CLARE CROSSING, LLC
PARCEL IDs	9F231428-1001, 9F231428-1008, 9F231428-1009, 9F231428-1010, 9F231428-1004



Executive Summary

PRESENT ZONING:	RUR
PROPOSED ZONING:	CP-3, RP-3 & RP-5
PRESENT LAND USE:	AGRICULTURAL
PROPOSED LAND USE:	COMMERICAL & MULTI FAMILY
TOTAL SITE AREA:	58.21 ACRES
EXISTING LOT #:	5
STREET TYPE:	LOCAL - STANDARD COLLECTOR - STANDARD



Staff Recommendation

Staff recommends the Planning Commission recommend approval of 23-304-08 with conditions in the recommended motion.

Context:

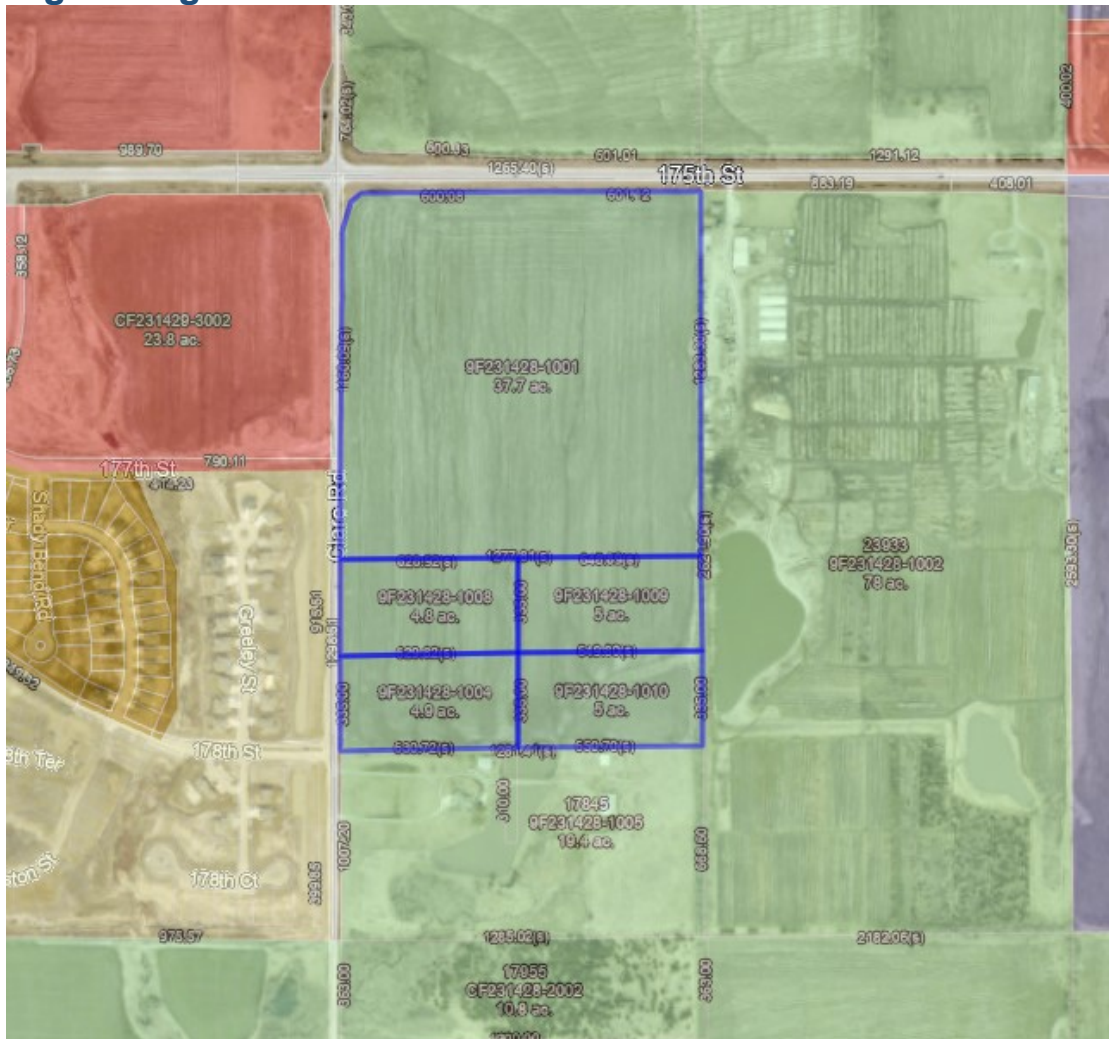
Background/History

The properties are currently zoned RUR (Rural) which is a County zoning district and the parcels that make up these applications are currently undeveloped. The properties were annexed in the Fall of this year (Ord No: 2783). The properties are bound by 175th Street to the north and Clare Crossing to the East.

Existing Conditions

The area within the boundary of the rezoning request incorporates four parcels. The area is relatively flat with a small drainage ditch running through the far southeast corner of the site. Additionally, no flood zone has been identified within the site.

Surrounding Zoning and Land Use



Zoning	Use(s)
North of Subject Property	
RUR (Rural) District – City of Olathe	Undeveloped
East of Subject Property	
RUR (Rural) District - County	Epic Nursery
South of Subject Property	
RUR (Rural)	Single-family residence
West of Subject Property	
RP-1 (Planned Single family) District	Prairie Trace Estates Subdivision
C-3 (Commercial) District	New Trails North

Consistency with Comprehensive Plan

The *City of Gardner 2014 Comprehensive Plan* future land use map identifies these parcels as Regional Commercial use. There is commercial development occurring to the west and industrial development within Olathe occurring directly north of this site and it is in close proximity to Interstate I-35, it is an appropriate site to continue the progression of commercial development along 175th Street. The commercial development as depicted on this site plan provides for a transition to the residential development on the south side of this proposed development. Staff feels that this is a suitable site for commercial on the north along 175th Street with the less intensive use of housing on the southern portion of the site.

Additionally, the *I-35 & 175th Street Interchange Subarea Plan* adopted by the City of Gardner in 2018 identifies the majority of this area as regional commercial use in the future. The description of regional commercial within the sub area plan is as follows:

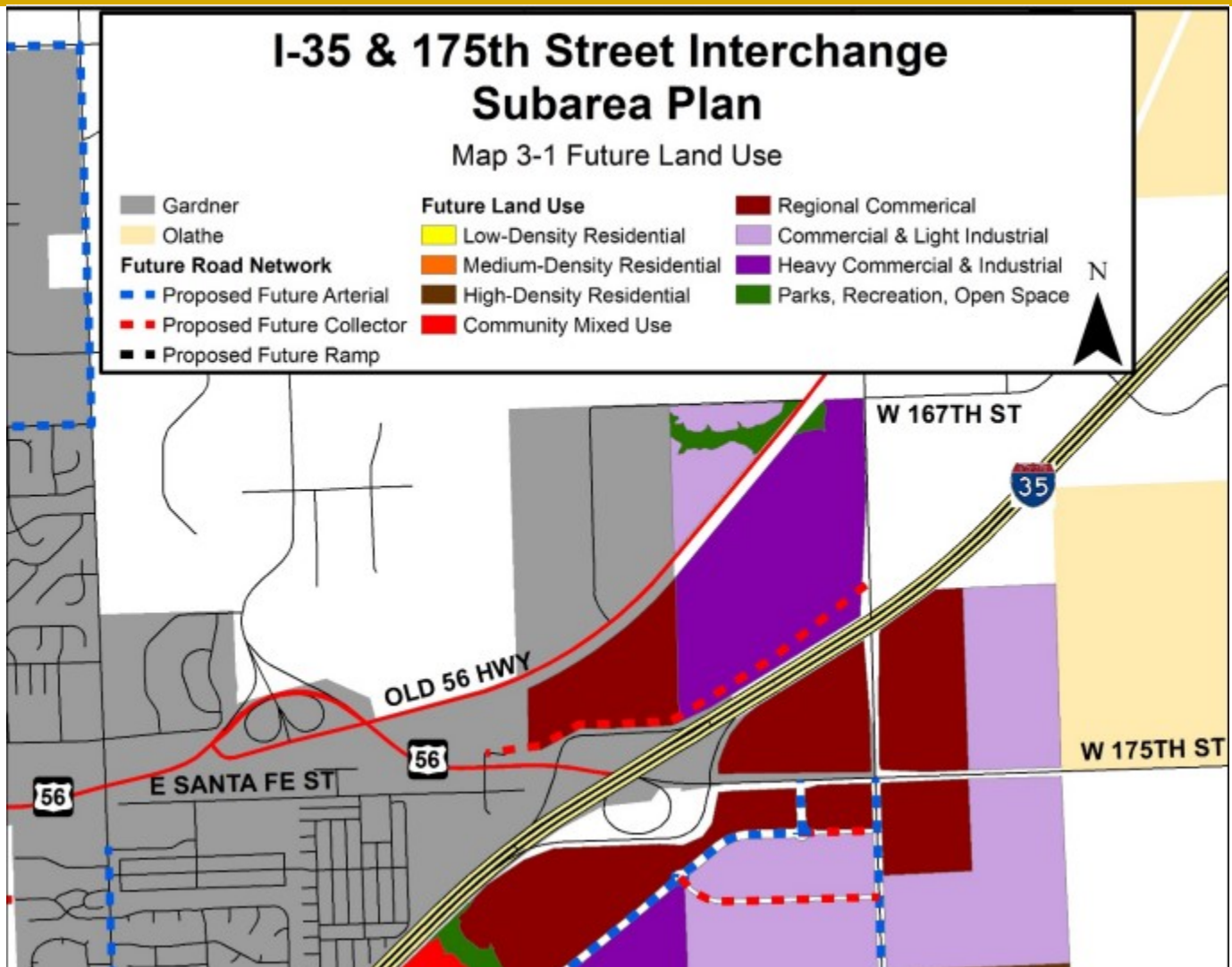
Regional Commercial: The intent of the Regional Commercial land use designation is to allow for retail and service uses located near I-35 interchanges. A regional commercial area provides goods and services aimed toward those traveling by an auto and capitalizes on accessibility from areas beyond Gardner. This designation may also include light industrial and utility uses.

Intensity: Medium-High

Zoning Districts: C-2 General Business District, CP-2 – Planned General Business District, C-3 Heavy Commercial District, CP-3 Planned Heavy Commercial District; M-1 Restricted Industrial District, MP-1 Planned Restricted Industrial District

Building Types: Small Commercial – Storefront, Small Commercial/Pad Site, Mixed-Use, General Commercial, Large Commercial, Prominent Civic, Small Civic, Small Industrial/Workshop, General Industrial

Primary Uses: Assembly, cultural and public service, school, open/civic space, residential care, retail, grocery, outdoor sales, convenience store/fuel station, animal care, food and beverage, health care, lodging, office, personal services, recreation/entertainment, vehicle/equipment service and repair, manufacturing – limited/artisan, light, and general, commercial storage, animal care, freight and distribution – light, vehicle equipment service repair – limited, general, and heavy, public utility facility – minor



Review Criteria

Staff Analysis – Zoning Map Amendment

This section of the staff report provides the Planning Commission with the criteria utilized when considering zoning map amendments per the Gardner Land Development Code (Section 17.03.030 (B) Review Criteria) along with staff comments.

- 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;** *The character of the developed area near this location is primarily influenced by transportation and commerce related uses, facilities and structures including restaurants, highway convenience, lodging to the west and industrial/warehouse/distribution to the north and commercial nursery to the east.*
- The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;** *See the surrounding Zoning and I-35 & 175th Street Interchange maps above. The proposed zoning district and associated potential uses are compatible with the existing uses and zoning located around this site. Because the very northwest corner of this development is within 1 mile of the New Century Airport, it is possible that some uses in the CP-3 district may need to be limited and associated development qualities mitigated in some manner. These will typically be addressed through the development plan review process.*
- The suitability of the subject property for the uses to which it has been restricted;** *The uses associated with the A (Agriculture) district zoning do not appear to be the highest and best use of the*

land considering the nearby commercial development and close proximity and access to I-35 interchange. The parcel is currently zoned RUR Rural District which would appear to be more suitable as the proposed CP-3 zoning with the proposed multi-family residential RP-3 and RP-5 zoning on the south side as the development transitions to a less intensive residential uses to the south.

4. **The extent to which removal of the restrictions will detrimentally affect nearby property;** *The commercial uses are considered to be more intense uses that are typically more impactful to nearby residential properties in terms of traffic, lighting and noise than multi-family uses. The multi-family zoning would provide a transition in manufacturing being developed to the north and from the existing single family to the east and planned single family to the south.*
5. **The length of time the subject property has remained vacant as zoned;** *The subject property has never been developed and is used for agricultural purposes or vacant. The length of time that the property has remained vacant or in agricultural use is reflective of market/development trends and access to infrastructure such as water and sanitary sewer. The extension of such infrastructure and market trends are driving development within this area.*
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;** *It is recognized that this property has value in the marketplace and is likely to develop based on market trends in the area and its proximity to the I-35 Interchange. The relative gain to economic development, public health, safety and welfare by current restrictions on the property if restriction were to remain are based on the assumption that the property would remain undeveloped which would result in a minimal gain from both property and sales tax.*
7. **The recommendations of professional staff;** *See the staff recommendation below.*
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;** *The proposed rezoning appears to be consistent with the I-35 & 175th Street Interchange Subarea Plan, and would bring the property closer to the intent for regional commercial land use in the area. The use of the development plan process would be necessary to address the quality of commercial development within the area.*
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;** *The proposed uses would not adversely affect the capacity or safety of any utilities, infrastructure or public improvement serving the vicinity. As part of this development, additional road improvements are planned along 175th Street to provide lane management along this right-of-way which will help with the increase in traffic to the area.*
10. **Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.** *No other relevant factors or policies are pertinent to this amendment request.*

Preliminary Development Plan (LDC Section 17.03.040 C.)

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.** *This plan could not have been accomplished through the strict application of the base zoning district. As such this is a preliminary plan and there are expected to be internal adjustments to both road and buildings within the development. The strict standards that are applicable to our land development code do not allow the ability to make minor adjustment to the proposed plan.*
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.** *The planned improvement to this development will provide additional public health, safety and welfare to the community in particular to the right-of-way of 175th Street. The development plan also provide amenities through the construction of sidewalk that should encourage walkability and public health to the I-35 & 175th Street Subarea.*

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.** *The base C-3 Commercial district intent is to provide retail, service and employment uses that provide an economic benefit to the region. The development proposes a beneficial mix of regional service uses that will also provide for residential living within walking distance of essential goods along a designated transit route and near a major highway system. The final development plan will be reviewed per all standards applicable to and associated with the base C-3 zoning designation including building type; frontage type; site development; landscape and amenities.*
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.** *The plan meets most development regulations that are based on sound planning and urban design principles. The plan also provides for an appropriate transition between use intensity, from the less intense residential along the south parcel line to the more intense commercial along 175th Street.*
5. **The plan meets all of the review criteria for a zoning map amendment.** *Per the previous section, staff finds this criteria is met.*

Preliminary Plat (LDC Section 17.03.030 D.)

- 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.** *The application is generally consistent with the Comprehensive Plan as outlined in the section above. This plan proposes the dedication of additional right-of-way along 175th Street and Clare Road to allow for the reconstruction of turn and deceleration lanes along 175th. The Comprehensive Plan identifies the area as “Regional Commercial” land use which includes uses that draw customers from a wider service area. Additionally the construction of improvements allow for future growth and development along the 175th Corridor. These are consistent with principles and concepts of the Comprehensive plan.*
- 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.** *The proposed plat meets the block and lot dimensional standards in the Land Development Code. The street type standards are met. Some additional modifications will need to be accomplished with some entrance roads to this development. This will be a condition of approval in the recommended motion.*
- 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.** *The developer is proposing 3 phases which will start with the north commercial lots along 175th Street then progress to the residential lots for phases 2 and 3 to the south. This allows for all of the 175th Street improvements to be done at the beginning of the project.*
- d. **Any impacts identified by specific studies or technical reports, including a preliminary review of stormwater, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.** *The Traffic Impact Study (TIS) and Preliminary Stormwater Management Plan were submitted and approved. Stormwater will be controlled through the development of a regional detention basin. The final Stormwater Management Plan will need to be approved by the City Engineer prior to final plat 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.** *The application does not deter any future or existing development on adjacent properties. The developer is working with the City on the improvements to 175th Street and Clare Road.*
- f. **The design does not impede the construction of anticipated or planned future public infrastructure within the area.** *This design does not impede the construction of anticipated or planned future public infrastructure within the area.*

- g. **The recommendations of professional staff, or any other public entity asked to officially review the plat.** *Staff recommends approval of the preliminary plat for Clare Crossing with conditions outlined in the recommended motion.*

Staff Analysis – Infrastructure/Other

Electric

Existing electric utilities are located either within or adjacent to the site and will be provided by the City of Gardner. There are two Evergy easements along the eastern side of the site, one is 70' wide, and the other is 40' wide.

Water

The property is in the Water District 1 service area.

Sanitary Sewer

Sanitary sewer will be serviced by Gardner.

Storm Sewer

Detention areas are located in the northern and on the southeast portions of the site.

Roadway Network & Vehicular Access

Access will be provided through 2 entrances off of 175th Street and 2 off of Clare Road.

Sidewalks

The development will include 5' wide sidewalks along both sides of all internal street.

New Century Air Center

A portion of the very northwest side of the development is within 1 mile of the New Century Airport and will need to be reviewed and approved by the Johnson County Airport Commission and the Board of County Commissioners.

Deviations

No deviations are being requested at this time. As the commercial lots are submitted for final development approval, there are anticipated deviations that will need to be addressed at that time.

Potential 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.
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.

Recommended Motion

After review of application 23-304-08, rezoning and associated preliminary development plan and preliminary plat for Clare Crossing (parcel IDs: 9F231428-1001, 9F231428-1008, 9F231428-1009, 9F231428-1004 and 9F231428-1010), and staff report dated January 18, 2024, the Planning Commission recommends the Governing Body approve the applications as proposed, provided the following conditions are met:

1. Internal street alignments / connections are subject to separation standards along arterial roads (175th Street and Clare Road) adopted by Public Works. Current locations are subject to further adjustment per Public Works staff in order to promote compliance with the adopted separation standards as part of the final development plan and final plat;
2. Revise the 80' wide future Right-of-Way to align with W 178th St;
3. Development must meet the requirements of Gardner Municipal Code Title 14 Floodplain and Stormwater Management, including, but not limited to, stream corridor preservation and maintenance, peak flow reduction, and stormwater treatment facility provision and maintenance, where applicable. Any violation of these requirements will necessitate plan modifications as needed to conform to stormwater code criteria unless the violation has been approved as a deviation. All stormwater requirements shall be met prior to issuance of any related permits; and
4. This rezoning request and associated development plan and plat applications shall be subject to review by the Johnson County Airport Commission and approval of the Johnson County Board of Commissioners.

Attachments

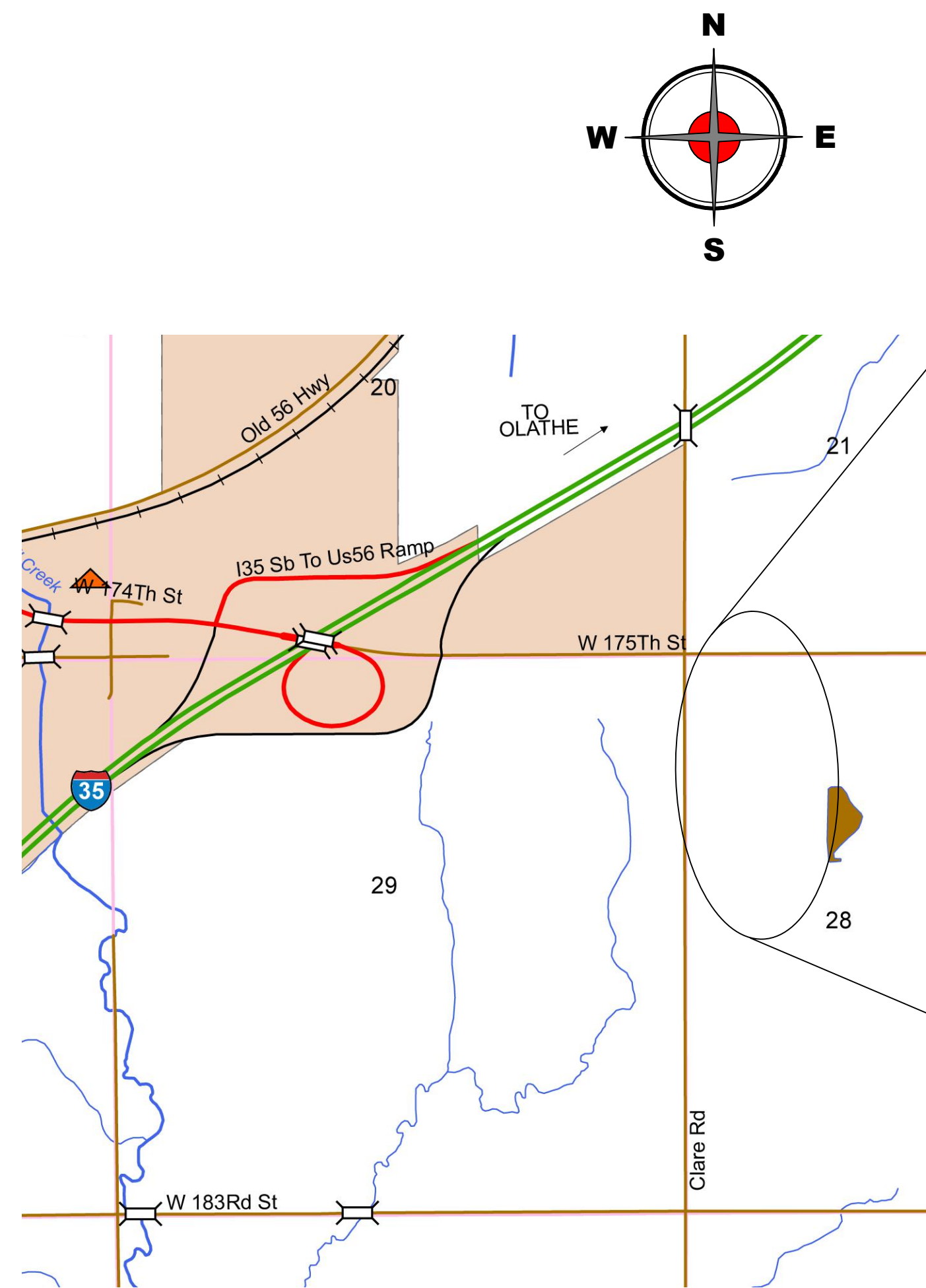
1. Preliminary Development Plan
2. Preliminary Plat

CLARE CROSSING DEVELOPMENT

CITY OF GARDNER, KANSAS

JOHNSON COUNTY, KS

CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
TITLE SHEET



SHEET INDEX

A1	Title Sheet
A2	Existing Survey
A3	Site Overview
A4	Commercial Zoning Details
A5	Residential Zoning Details
A6	Clare Crossing First Plat (Commercial Zoning)
A7	Clare Crossing First Plat (Residential Zoning)
A8	Preliminary Grading Plan
A9	Waterline Concept Layout
A10	Sanitary Sewer Concept Layout
A11	Project Construction Phasing
A12	Street Typical Sections
A13	Gardner Standard Details

DESIGN CONTACTS

OWNER:
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PROFESSIONAL SURVEYOR:
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Ph: (785) 650-9864
Email: jmeis@driggsdesign.com

CONVENTIONAL SIGNS

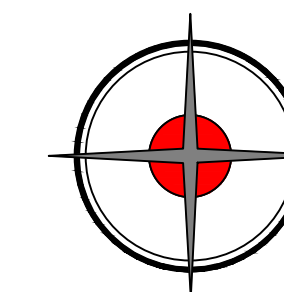
COUNTY LINE	---	CENTER LINE OF PROJECT	4+000 +100
CITY LIMITS	----	TERRACE	-----
STATE OR NATIONAL LINE	-----	CULVERTS	-----
TOWNSHIP, SECTION or GRANT LINE	-----	DROP INLET & STORM SEWER	-----
PROPERTY LINE	-----	ACCESS CONTROL	-----
HIGHWAY FENCE	-----	MARSH	-----
EXISTING FENCE	-----	HEDGE	-----
GUARD FENCE	-----	TREES	-----
CONSTRUCTION LIMITS	-----	PROFILE ELEVATION	-----
RIGHT OF WAY LINE	-----	STREAM OR CREEK	-----
TRAVELED WAY	-----	WATER (UNDERGROUND)	-----
RAILROADS	-----	GAS (UNDERGROUND)	-----
TELEVISION (UNDERGROUND)	-----	HIGH PRESSURE GAS (UNDERGROUND)	-----
POWER (UNDERGROUND)	-----	SAN. SEW. MAIN (UNDERGROUND)	-----
POWER (OVERHEAD)	-----	CHAIN LINK FENCE	-----
TELEPHONE (UNDERGROUND)	-----	ELECTRIC (UNDERGROUND)	-----
TELEPHONE (FIBER OPTIC)	-----		
TRAFFIC SIGNAL (UNDERGROUND)	-----		

CONVENTIONAL SYMBOLS

BM BENCH MARK	SM TREE W/ CIRCUMFERENCE
SEC SECTION CORNER	STUMP W/ CIRCUMFERENCE
PIN PROPERTY PIN	SIGN & POST
GUY WIRE	MAN HOLE
PP POWER POLE	MAN HOLE (SAN SEW)
FP FLAG POLE	MAN HOLE (STM SEW)
LP LIGHT POLE	GAS VALVE
TP TELEPHONE POLE	GAS METER
TPED TELEPHONE PEDESTAL	WATER VALVE
CTV CABLE TV POLE	WATER METER
BORE BORE LOCATION	FIRE HYDRANT
W WITH DEPTH OF HOLE	SPRINKLER HEAD
	MAIL BOX



KANSAS ONE-CALL
1-800-DIG-SAFE (344-7233)
ALLOW 2-10 WORKING DAYS



DRIGGS DESIGN GROUP, PA

Surveying Engineering Planning

MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

PRELIMINARY DEVELOPMENT PLAN

No.	Revision	Date

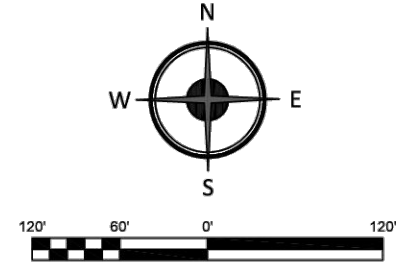
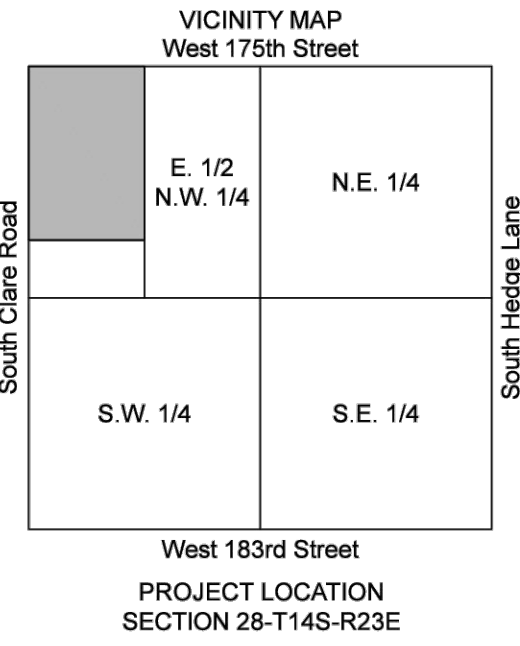
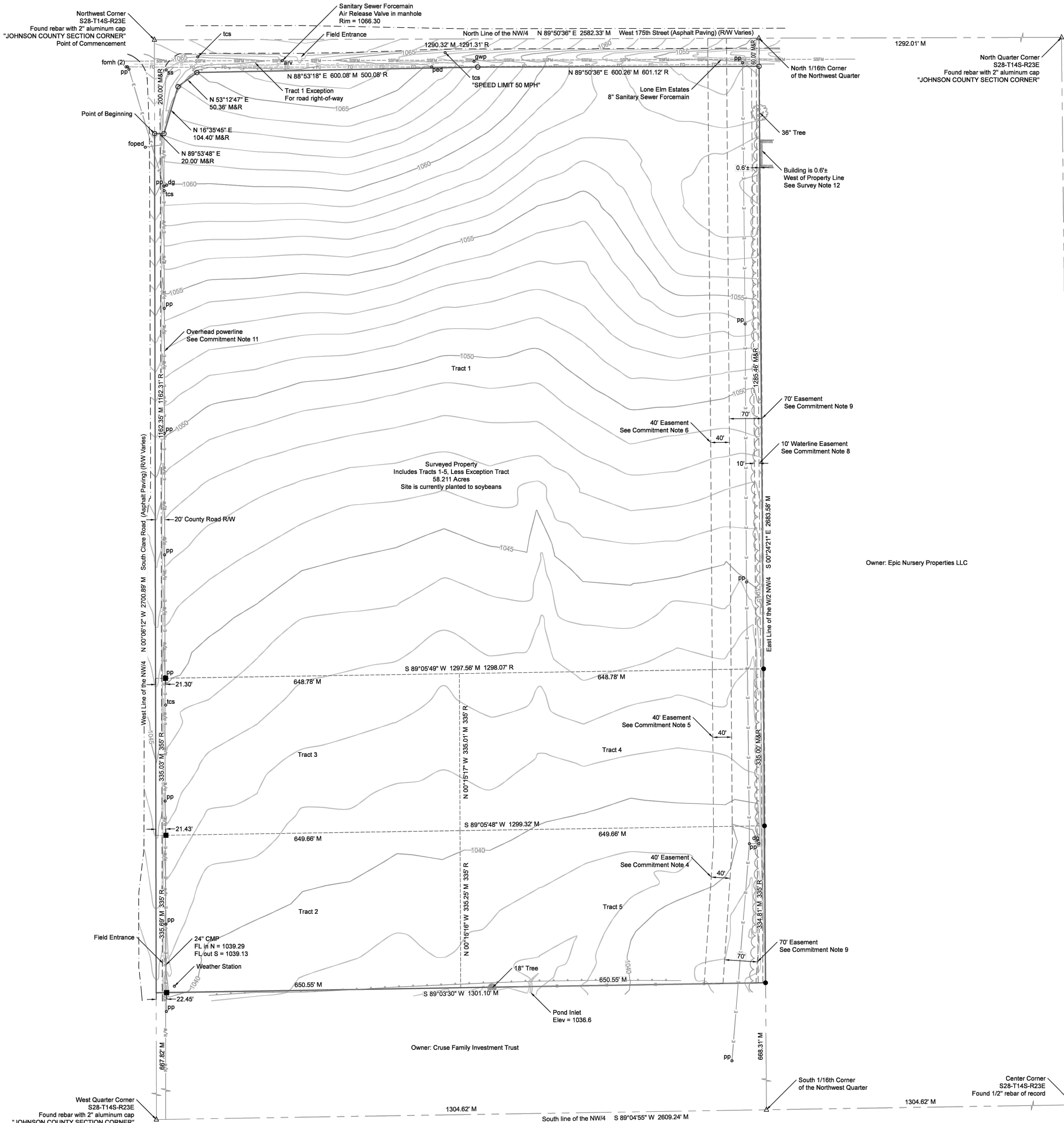
DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

Project No.:	EC2023-20A
Date:	1/11/2024
Sheet No.:	A1 OF A13

ALTA/NSPS LAND TITLE SURVEY

in the West Half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East, Johnson County, Kansas

No.	Revision	Date



- LEGEND:**
- △ Section Corner
 - Found 1/2" rebar - origin unknown
 - Found 3/4" rebar - origin unknown
 - Set 1/2"x24" rebar with plastic cap "MEIS PS 1533"
 - M Measured
 - R Record
 - PP Power pole
 - PP_o Down guy
 - foped_o Fiber optic pedestal
 - fomh_o Fiber optic manhole
 - gwp_o Gas line witness post
 - arv_o Sanitary sewer force main air release valve
 - tc_o Traffic control sign
 - ss_o Stop sign
 - Edge of asphalt
 - Electric (Overhead)
 - Fiber optic
 - Sanitary sewer force main
 - Gas (Buried)
 - Fence
 - Right-of-Way
 - Crop line
 - Building face
 - Edge of timber
 - Deciduous tree
 - Coniferous tree

LEGAL DESCRIPTION: From Title Commitment No. KC-C3028089-3

Tract 1
Part of the Northwest Quarter of the Northwest Quarter of Section 28, Township 14, Range 23, described as follows: Commencing at the Northwest corner of said Section 28 for a point of beginning, thence Easterly 1,291.31 feet to a point on the North line of said Section 28, thence South 1,344.97 feet to a point which is 1,298.07 feet East of the West line of said Section 28; thence West to a point on the West line of Section 28 which is 1,362.31 feet South of the point of beginning; thence North 1,362.31 feet to the point of beginning, EXCEPT part in roads, if any, in Johnson County, Kansas.

LESS AND EXCEPT:
A tract of land in the West half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East of the 6th PM, described as follows: Beginning at the Northwest corner of the West half of said Quarter Section; thence on an assumed bearing of North 89°31'53" East, 1291.20 feet along the North line to the Northeast corner of the West half of said Quarter Section; thence South 07°42'09" East, 60.00 feet along the East line of the West half of said Quarter Section; thence South 89°31'53" West, 601.12 feet; thence South 88°34'33" West, 500.08 feet; thence South 52°54'04" West, 60.38 feet; thence South 81°17'03" West, 104.40 feet to a point on the East Right of Way line of public road; thence South 89°33'06" West, 20.00 feet to a point of the West line, 200 feet South of the Northwest corner of the West half of said Quarter Section; thence North 07°24'55" West along said West line to the point of beginning, exclusive of existing public road right of way.

Tract 2
The West half of the North 335 feet of the South 1003.60 feet of the West half of the Northwest Quarter of Section 28, Township 14, Range 23, Johnson County, Kansas, except the South 20 feet and except that part in road.

Tract 3
The West half of the North 335 feet of the South 1338.60 feet of the West half of the Northwest Quarter of Section 28, Township 14, Range 23, Johnson County, Kansas, except that part in roads.

Tract 4
The East half of the North 335 feet of the South 1338.60 feet of the West half of the Northwest Quarter of Section 28, Township 14, Range 23, Johnson County, Kansas.

Tract 5
The East half of the North 335 feet of the South 1003.60 feet of the West half of the Northwest Quarter of Section 28, Township 14, Range 23, Johnson County, Kansas.

- SURVEY NOTES:**
- This survey meets the Relative Positional Precision for an ALTA/NSPS Land Title Survey.
 - No address was provided in the title commitment letter. No address is described by the City of Gardner or Johnson County.
 - The surveyed property does not fall within a special flood hazard area as mapped by FEMA based upon FIRM Panel 200910C0122G, effective date August 3, 2009.
 - Gross land area of surveyed property is 58.211 acres.
 - Surveyed property is zoned RUR (from Johnson County Zoning Code Lookup). There was no zoning report or letter provided.
 - All bearings, distances and coordinates shown are grid, Kansas Regional Coordinate System: Zone 11 - Kansas City.
 - Contours at 1' intervals were determined by a ground survey of the subject property. Elevations based on Johnson County benchmark 681, elevation = 1042.08 NAVD88. All elevations shown are NAVD88.
 - Kansas One Call Ticket No. 23338051 and 23338056, dated July 7, 2023.
 - Surveyed property abuts and has physical access via a field entrance to South Clare Road. Surveyed property abuts and has physical access to West 175th Street via a field entrance.
 - There was no evidence of recent earth moving work, building construction, or building additions during field work, which was completed August 10, 2023.
 - No buildings observed on the surveyed property.
 - A portion of the building located on adjoining property is located on the surveyed property and may be an encroachment.
 - Proposed development will most likely require additional right of way to be dedicated along South Clare Road.
 - There were no wetland delineation markers on the surveyed property.

- COMMITMENT NOTES:**
- Title Commitment No. KC-C3028089-3, effective date May 7, 2023 at 7:00 am
 - Schedule B, Part II, Item 10. The terms and provisions contained in the document entitled "Water Main Extension Agreement Creating a Benefit Area MX-21015BA" filed as Book 202204 at Page 004644. Does affect the surveyed property, does not create an easement and cannot be shown on the survey.
 - Schedule B, Part II, Item 11. The terms and provisions contained in the document entitled "Water Main Extension Agreement Creating a Benefit Area MX-16022BA" filed as Book 202204 at Page 004630. Does affect the surveyed property, does not create an easement and cannot be shown on the survey.
 - Schedule B, Part II, Item 12. An easement for Right-of-Way, recorded as Book 201105 at Page 000669. Does affect the surveyed property and is shown on this survey.
 - Schedule B, Part II, Item 13. An easement for Right-of-Way, recorded as Book 201012 at Page 000960. Does affect the surveyed property and is shown on this survey.
 - Schedule B, Part II, Item 14. An easement for Right-of-Way, recorded as Book 201012 at Page 005534. Does affect the surveyed property and is shown on this survey.
 - Schedule B, Part II, Item 15. Subject property may become subject to special assessments for various capital improvements as evidenced by numerous governmental filings of notice in the form of Resolution No. 10-1018 filed in Book 201003 at Page 007066. Does affect the surveyed property, does not create an easement and cannot be shown on the survey.
 - Schedule B, Part II, Item 16. An easement for Water Line, recorded as Book 3311 at Page 885. Does affect the surveyed property and is shown on this survey.
 - Schedule B, Part II, Item 17. An easement for Right-of-Way, recorded as Book 1796 at Page 307. Does affect the surveyed property and is shown on this survey.
 - Schedule B, Part II, Item 18. An easement for Right-of-Way, recorded as Book 91 at Page 186. Does affect the surveyed property but cannot be shown because the location of the line cannot be determined.
 - Schedule B, Part II, Item 19. An easement for Right-of-Way, recorded as Book 18 Misc. at Page 554. Does affect the surveyed property but cannot be shown because no width is stated in the record document.
 - Schedule B, Part II, Item 20. An easement for Pipeline, recorded as Book 12 Misc. at Page 495. Does affect the surveyed property but cannot be shown because the location of the line cannot be determined and it is blanket in nature.
 - Schedule B, Part II, Item 21. An easement for Pipeline, recorded as Book 3 Misc. at Page 437. Does affect the surveyed property but cannot be shown because the location of the line cannot be determined and it is blanket in nature.

SURVEYOR'S CERTIFICATE:
To Activity Control, a Delaware limited liability company and Fidelity National Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 6a, 6b, 7a, 7b, 7c, 8, 9, 10, 11a, 11b, 12, 13, 14, 15, 16, 17, 18 and 19 of Table A thereof. The field work was completed on August 10, 2023.

Date of Plat or Map: 09-12-2023

James Meis
Kansas PS 1533

UTILITIES:
All underground utilities may not be shown. Above ground utilities are located and shown. Underground utilities which have been flagged by their respective owners are shown.

KANSAS ONE CALL: 1-800-344-7233 (DIG-SAFE)

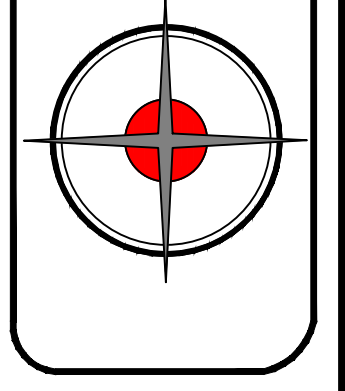
With regard to Table A, Item 11, source information from plans and markings will be combined with observed evidence of utilities pursuant to Section 6.5.E. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground utilities cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response. In such cases the surveyor shall note the surveyor's plan or map how this affected the surveyor's assessment of the location of the utilities. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary.

Atmos Energy	(866) 322-8667
BrightSpeed	(800) 778-9140
Cardinal Glass	(313) 922-6121
Cleanwave Fiber Networks	(800) 778-9140
Energy	(785) 249-1948
City of Gardner Electric, Storm, Sewer, Water	(800) 778-9140
Johnson County Waste Water	(800) 778-9140
Kansas Fiber Network (KFN)	(800) 778-9140
Charter Comm DSA Spectrum	(800) 778-9140
City of Olathe	(313) 971-9311
Waterone	(313) 895-1806

JJ Investments John Brown 2955 SW Wanamaker Drive Topeka, KS 66614	DRIGGS DESIGN GROUP, PA Surveying Engineering Planning 1017 Downing Avenue, Hays, Kansas 67601 www.driggsdesign.com (785) 621-4280	Project No.: 2023-125 Date: 09-12-2023 Scale: 1" = 120' Sheet No.: 1 of 1 Drawn By: DV
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CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
EXISTING SURVEY

DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND



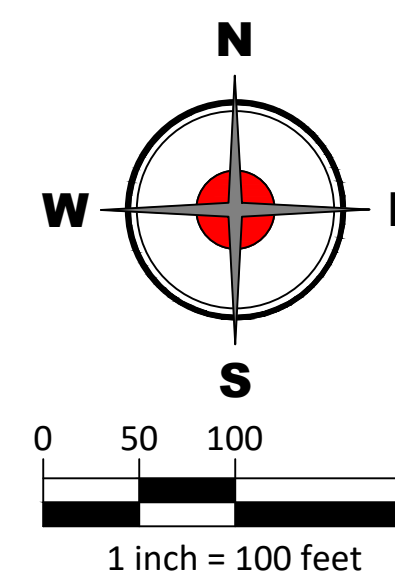
Project No.:
EC2023-20A
Date:
1/11/2024
Sheet No.:
A2 OF A13

FOR INFORMATION ONLY



SITE INFORMATION

- Existing Use - Agricultural
- Future Land Use - Commercial and multi-family residential
- Existing Zoning - Rural
- Proposed Zoning - See Sheets A4 and A5 for zoning information
 - CP-3: Commercial District - 21.97 acres
 - RP-3: Garden Apartment District - 6.86 acres
 - RP-5: Apartment House District - 17.51 acres
- Gross Land Area - 58.21 acres
- See Sheet A4 for Proposed Commercial Uses, See sheet A5 for Proposed Residential Uses



No.	Revision	Date

OPEN SPACE INFORMATION

Land Use	Development Area(Ac.)	City Requirement (%)	Minimum Green Space Required (Ac.)	Current Site Plan (Ac.)
Commercial (CP-2)	21.97	12.00	2.64	4.80
Residential (RP-3)	6.86	15.00	1.03	1.03
Residential (RP-5)	17.51	15.00	2.63	8.73
Total	46.34		3.67	14.56

NOTES:

- Area calculated above for the Residential (RP-3) is based off the minimum requirements for the City of Gardner.
- The calculation for the current green space within the development includes the area of the proposed storm water detention area.
- No green space from within the proposed right of way was included in the above information.

PROPOSED STREET CLASSIFICATIONS

- Clare Crossing Drive - Local street
- West 177th Street - Collector Street
- Claremont Court - Local Street
- Harmony Road - Local Street
- Pioneer Court - Local Street
- Harvest Lane - Local Street
- Proposed Typical Section for each street can be found on sheet A12

SITE LEGEND

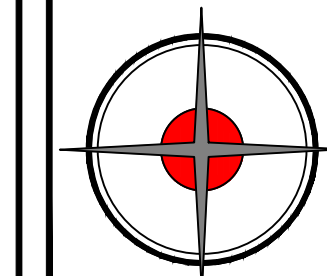
- Right of Way
- Property Line
- Building Setback
- Johnson County Airport 1-mile Radius
- Project Limits

NOTES

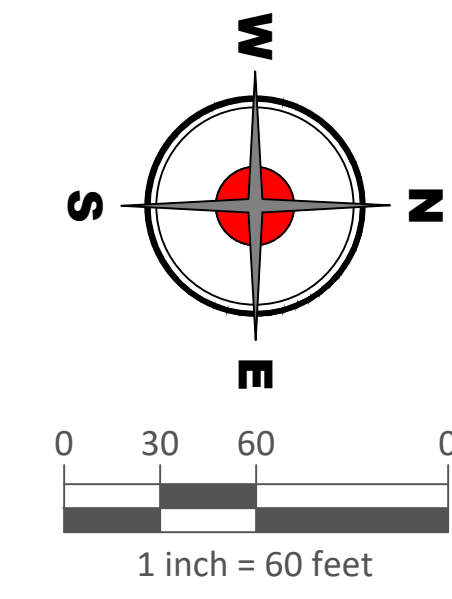
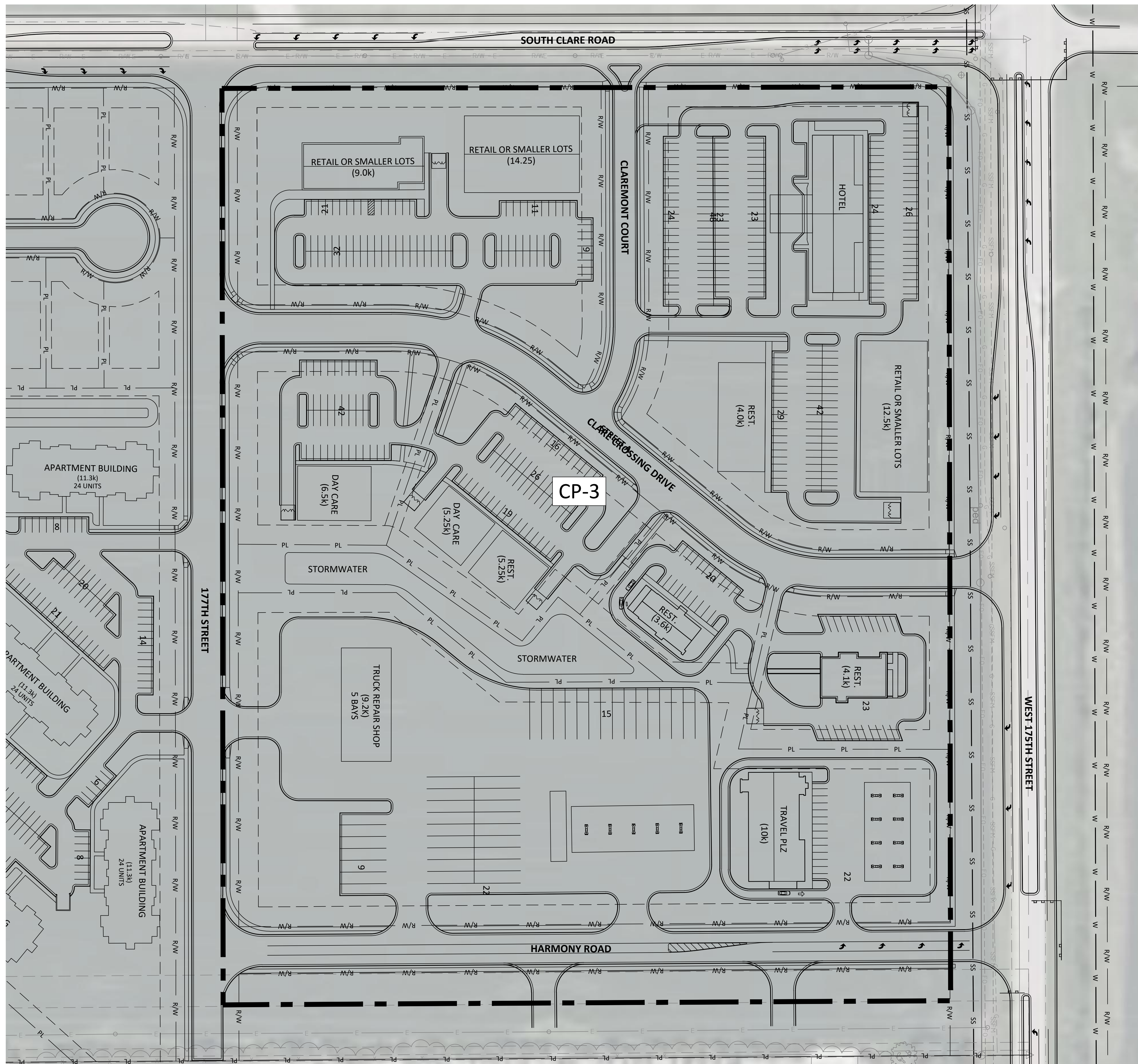
- All Streets shall be paved per city of Gardner Technical Specifications Section 1400.
- All sidewalks shall be portland cement concrete according to section 2000 of Gardner Technical Specifications.
- Access points for Epic Landscape will be evaluated with land owner as part of initial project discovery.
- Access modification off of 175th Street will be discussed with Epic Landscape property owner.

**CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
SITE OVERVIEW**

DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND



Project No.: EC2023-20A
Date: 1/11/2024
Sheet No.: A3 OF A13



PROPOSED ZONING LEGEND
 CP-3

SITE INFORMATION

CP-3 - 9 lots

- Lot Area - 21.97 acres
- Proposed Usage
 - Large Retail
 - Retail Warehouse
 - Heavy Convenient Store/Fuel Station
 - General Food Beverage
 - Supermarket Grocery
 - General Animal Care
 - Large Lodging
 - General Office
 - General Personal Service
 - Indoor Commercial Storage
 - Day Care Center
 - Limited and General Personal Services

CP-3 SITE DATA

SETBACK TYPE	CODE	PROPOSED
Front	25'-0"	25'-0"
Interior Side	0'-0"	10'-0"
Street Side	0'-0"	25'-0"
Rear	25'-0"	25'-0"
Height	45'-0"	45'-0"

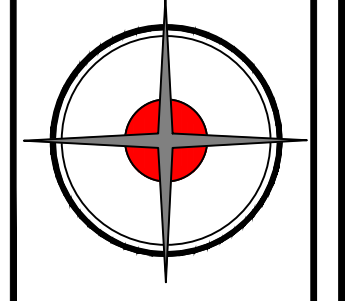
NOTES

1. See sheet A3 for Detailed Site Information
2. See Sheet A5 for Residential Zoning Information

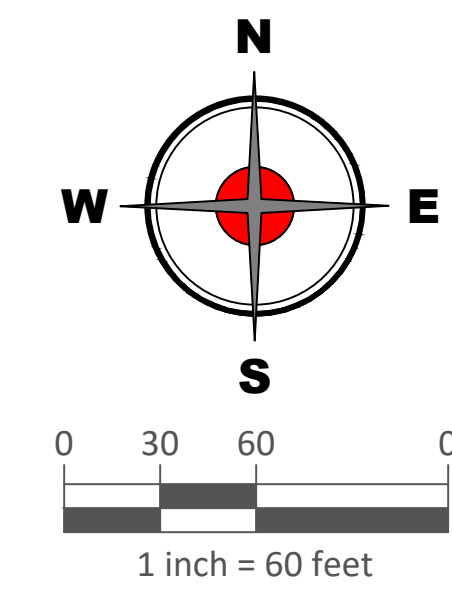
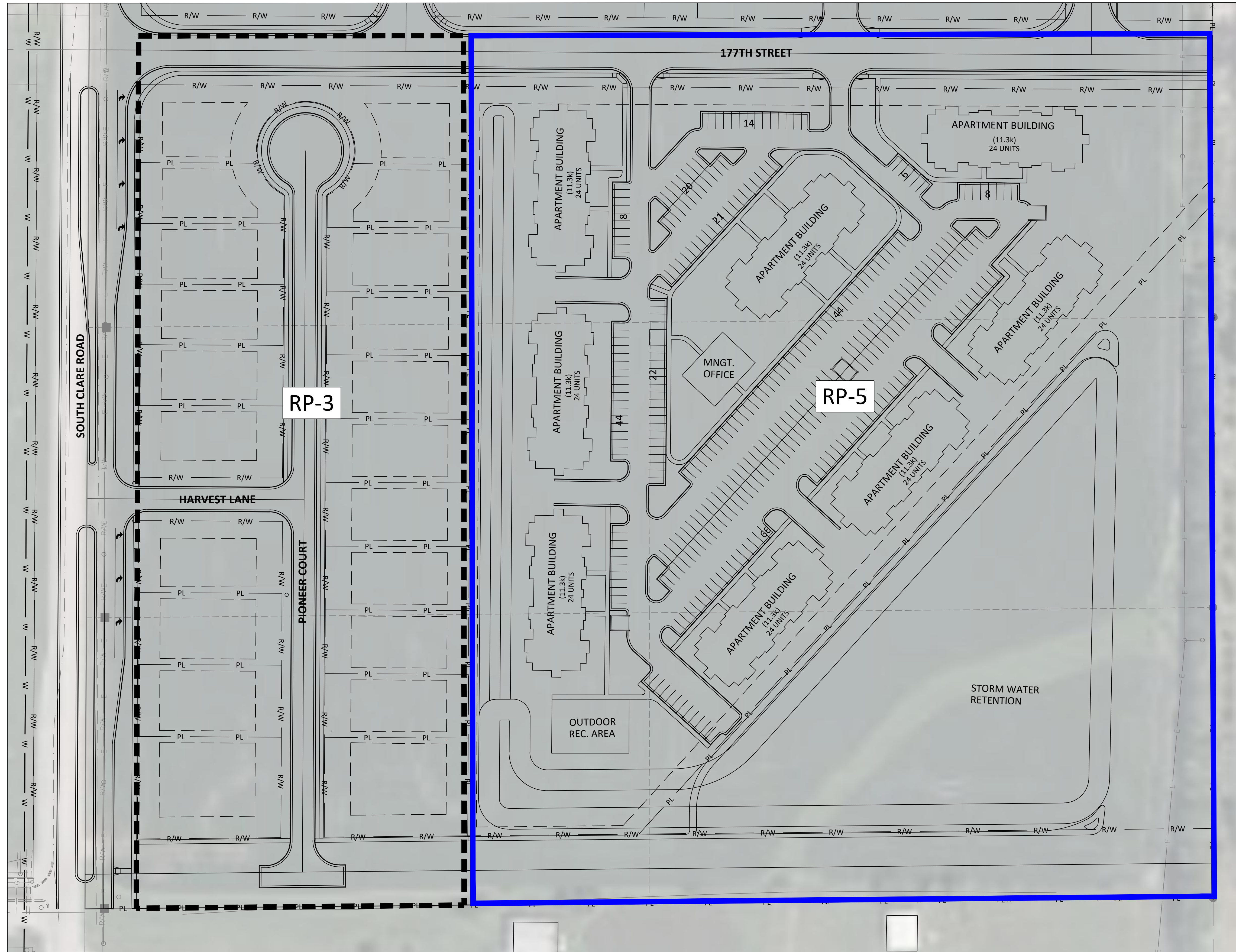
No.	Revision	Date

**CITY OF GARDNER, KANSAS
 CLARE CROSSING DEVELOPMENT
 COMMERCIAL ZONING DETAILS**

DRIGGS DESIGN GROUP, PA
 Surveying Engineering Planning
 MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND



Project No.:
EC2023-20A
 Date:
1/11/2024
 Sheet No.:
A4 OF A13



PROPOSED ZONING LEGEND

- RP-3
- RP-5

SITE INFORMATION

- RP-3 - 21 lots
- Lot Area - 6.86 acres
 - Building Type - Duplex

RP-3 SITE DATA		
SETBACK TYPE	CODE	PROPOSED
Front	30'-0"	30'-0"
Interior Side	7'-0"	7'-0"
Street Side	20'-0"	20'-0"
Rear	25'-0"	25'-0"
Height	35'-0"	35'-0"
Lot Width	70'-0"	70'-0"

SITE INFORMATION

- RP-5 - 1 lot
- Lot Area - 17.51 acres
 - Building Type - Multi-Unit Household Living

RP-5 SITE DATA		
SETBACK TYPE	CODE	PROPOSED
Front	25'-0"	25'-0"
Interior Side	7'-0"	7'-0"
Street Side	20'-0"	20'-0"
Rear	25'-0"	25'-0"
Height	*45'-0"	45'-0"
Lot Width	80'-0"	855'-0"

* Height Requirement is 45' or 4 stories whichever is greater

NOTES

1. See sheet A3 for Detailed Site Information
2. See Sheet A4 for Commercial Zoning Information

No.	Revision	Date

**CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
RESIDENTIAL ZONING DETAILS**

DRIGGS DESIGN GROUP, PA
 Surveying Engineering Planning
 MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

Project No.:	EC2023-20A
Date:	1/11/2024
Sheet No.:	A5 OF A13

Preliminary Plat of CLARE CROSSING DEVELOPMENT FIRST PLAT

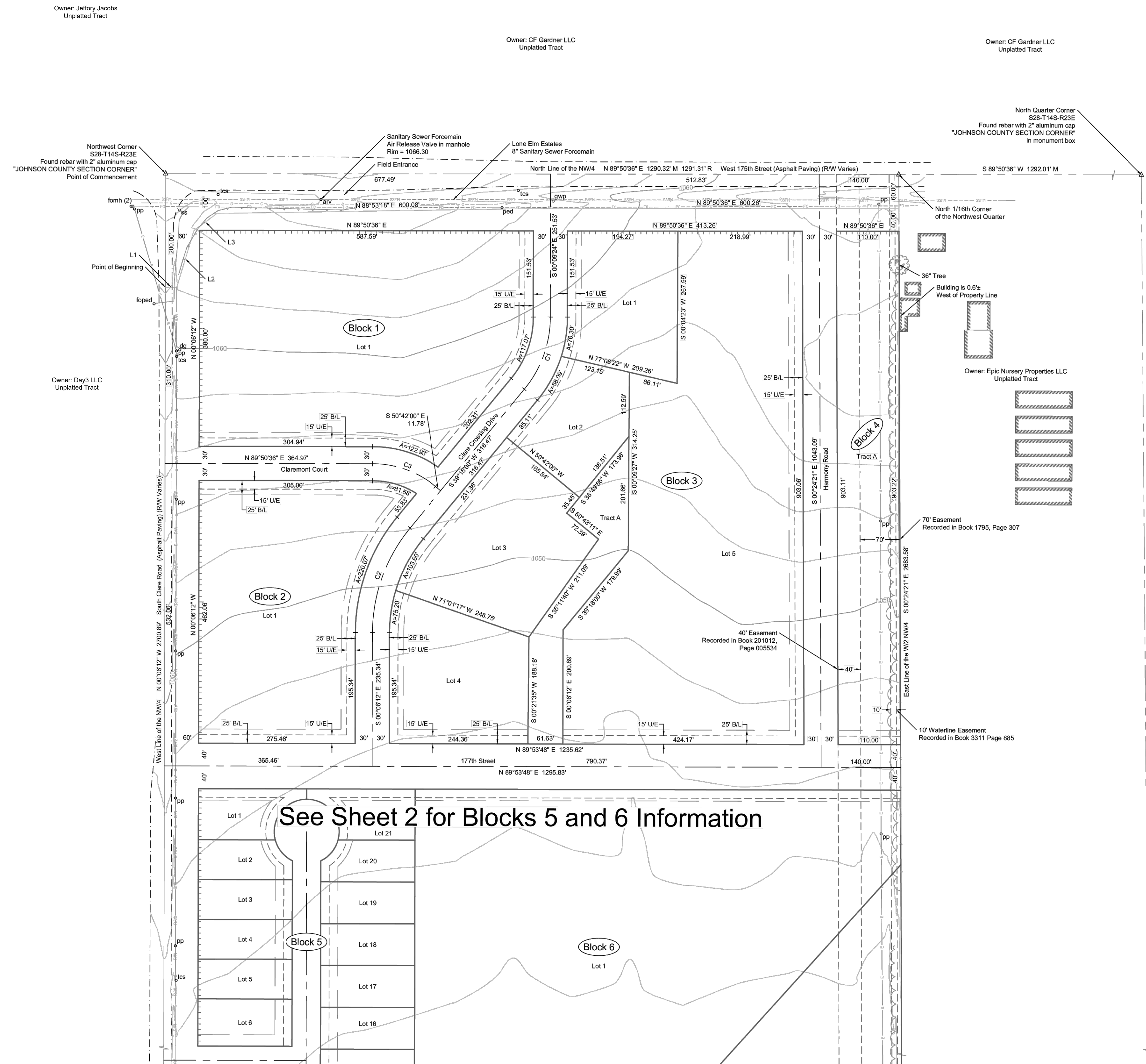
in the West Half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East, Johnson County, Kansas

No.	Revision	Date

Parcel Table				
Block	Lot	Square Feet	Acres	Notes
1	1	213,243	4.895	
2	1	137,551	3.158	
3	1	47,850	1.098	
3	2	32,534	0.747	
3	3	68,830	1.580	
3	4	56,298	1.292	
3	5	286,211	6.571	
3	Tract A	32,639	0.749	Non-Buildable Parcel
4	Tract A	99,348	2.281	Non-Buildable Parcel

Line Table		
Line Number	Bearing	Length
L1	N 89°53'48" E	20.00'
L2	N 18°35'45" E	104.40'
L3	N 53°12'47" E	50.36'

Curve Data Table					
Curve Number	Delta	Radius	Arc Length	Chord Bearing	Chord Length
C1	39°27'24"	200.00'	137.73'	S 19°34'18" W	135.02'
C2	39°24'12"	290.00'	199.44'	S 19°35'54" W	195.53'
C3	39°27'24"	175.00'	120.51'	S 70°25'42" E	118.15'



Proposed Zoning:	
CP-3	Building Setbacks (B/L): Front = 25', Interior Side = 10', Corner Side = 25', Rear = 25'
RP-3	Building Setbacks (B/L): Front = 30', Interior Side = 7', Corner Side = 20', Rear = 25'
RP-5	Building Setbacks (B/L): Front = 20', Interior Side = 10', Corner Side = 10', Rear = 20'

CIVIL ENGINEER:
Driggs Design Group, PA
1115 Westport Drive, Suite F
Manhattan, KS 66502
(785) 320-6639
Buck Driggs, PE
bdriggs@driggsdesign.com

SURVEYOR:
Driggs Design Group, PA
1017 Downing Avenue
Hays, KS 67601
(785) 621-4280
James Meis, PS
jmeis@driggsdesign.com

ARCHITECT:
Unknown

DEVELOPER:
J2J Investments
2855 SW Wanamaker Drive
Topeka, KS 66614

LEGAL DESCRIPTION: Surveyed Property
A tract of land in the West Half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East of the 6th Principal Meridian, Johnson County, Kansas, described as follows by James Meis, PS 1533 on November 7, 2023:

Commencing at the Northwest corner of the Northwest Quarter of Section 28, Township 14 South, Range 23 East; Thence South 00 degrees 06 minutes 12 seconds East, along the West line of the Northwest Quarter, a distance of 200.00 feet to the Point of Beginning; Thence North 89 degrees 53 minutes 48 seconds East, a distance of 20.00 feet; Thence North 18 degrees 35 minutes 45 seconds East, a distance of 104.40 feet; Thence North 53 degrees 12 minutes 47 seconds East, a distance of 50.36 feet; Thence North 89 degrees 53 minutes 18 seconds East, a distance of 800.08 feet; Thence North 89 degrees 50 minutes 36 seconds East, parallel with the North line of the Northwest Quarter, a distance of 800.28 feet to the East line of the West Half of the Northwest Quarter; Thence South 00 degrees 24 minutes 21 seconds East, along the East line of the West Half of the Northwest Quarter, a distance of 195.27 feet; Thence South 89 degrees 03 minutes 30 seconds West, a distance of 1301.10 feet to the West line of the Northwest Quarter; Thence North 00 degrees 06 minutes 12 seconds West, along the West line of the Northwest Quarter, a distance of 1633.07 feet to the Point of Beginning. Said tract contains 58.211 acres, more or less.

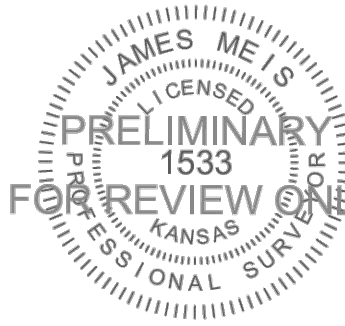
SURVEY NOTES:
1. All bearings, distances and coordinates shown are grid, Kansas Regional Coordinate System: Zone 11 - Kansas City.
2. Contours at 1' intervals were determined by a ground survey of the subject property. Elevations based on Johnson County benchmark 661, elevation = 1042.06 NAVD88. All elevations shown are NAVD88.

UTILITIES:
All underground utilities may not be shown. Above ground utilities are located and shown. Underground utilities which have been flagged by their respective owners are shown.

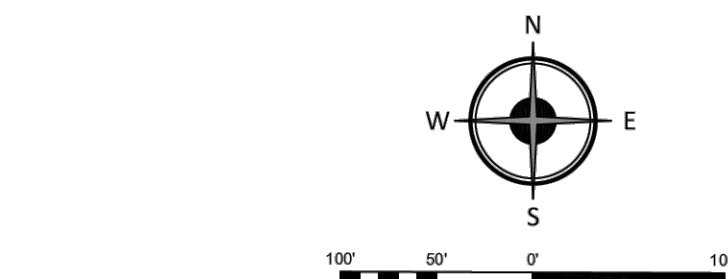
KANSAS ONE CALL: 1-800-344-7233 (DIG-SAFE)

Almos Energy	(856) 322-8667
BrightSpeed	(800) 778-9140
Cardinal Glass	(913) 592-6121
Clearwave Fiber Networks	(800) 778-9140
Energy	(785) 249-1949
City of Gardner Electric, Storm, Sewer, Water	(800) 778-9140
Johnson County Waste Water	(800) 778-9140
Kansas Fiber Network (KFN)	(800) 778-9140
Charter Comm DBA Spectrum	(800) 778-9140
City of Olathe	(913) 971-9311
Waterone	(913) 896-1806

SURVEYOR'S CERTIFICATE:
I, James Meis, Professional Surveyor #1533 in the State of Kansas, certify that the survey shown on this plat was made by me or under my direct supervision on November 8th, 2023. This plat is true and correct to the best of my knowledge and belief.

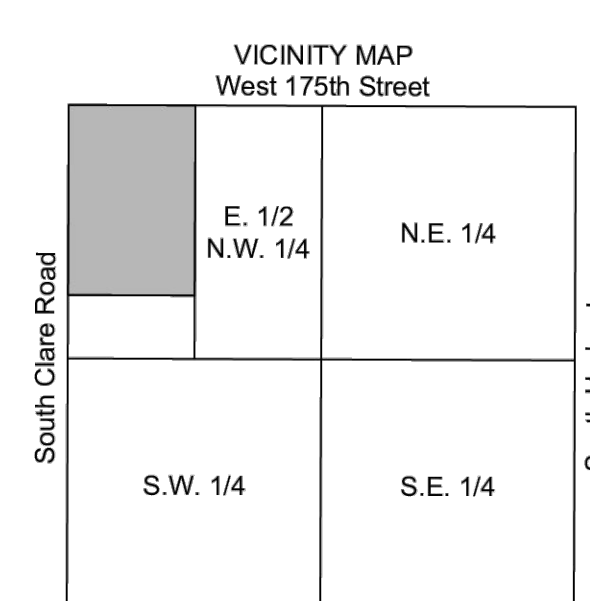


James Meis, PS 1533



LEGEND:

- Section Corner
- ▲ Found 1/2" rebar - origin unknown
- Found 3/4" rebar - origin unknown
- M Measured
- R Record
- A Arc length
- UE Utility easement
- B/L Building setback
- PP Power pole
- g_g Down guy
- foped_o Fiber optic pedestal
- fomh_o Fiber optic manhole
- gwp_o Gas line witness post
- sw_o Sanitary sewer forcemain air release valve
- tr_o Traffic control sign
- ss_o Stop sign
- Edge of asphalt
- Electric (Overhead)
- Fiber optic
- Sanitary sewer forcemain
- Gas
- Fence
- Right-of-Way
- Crop line
- Building face
- Edge of lumber
- Access Control
- Deciduous tree
- Coniferous tree



See Sheet 2 for Blocks 5 and 6 Information

Cesar Zarate 1/11/2024 #DDG Commercial Projects \EC2023-XX Gardner_175th Development\Engineering Design_2-Site Development Plan Sheets

CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
CLARE CROSSING FIRST PLAT (COMMERCIAL ZONING)

DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

Project No.:
EC2023-20A
Date:
1/11/2024
Sheet No.:
A6 OF A13

J2J Investments 2855 SW Wanamaker Drive Topeka, KS 66614	DRIGGS DESIGN GROUP, PA Surveying Engineering Planning 1017 Downing Avenue, Hays, Kansas 67601 www.driggsdesign.com (785) 621-4280	Project No: 2023-190 Date: 01-05-2024 Scale: 1" = 100' Sheet No: 1 of 2 Drawn By: DV
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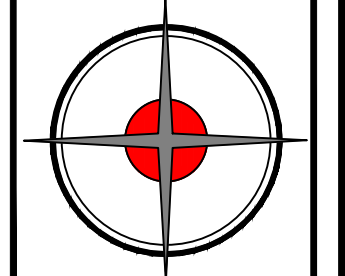
Preliminary Plat of CLARE CROSSING DEVELOPMENT FIRST PLAT

in the West Half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East, Johnson County, Kansas

No.	Revision	Date

CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
CLARE CROSSING FIRST PLAT (RESIDENTIAL ZONING)

DRIGGS DESIGN GROUP, PA
 Surveying Engineering Planning
 MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

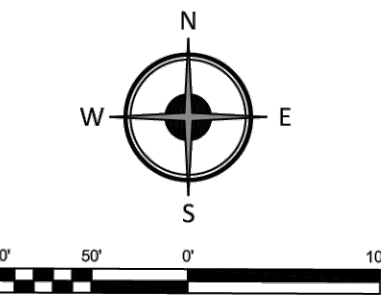
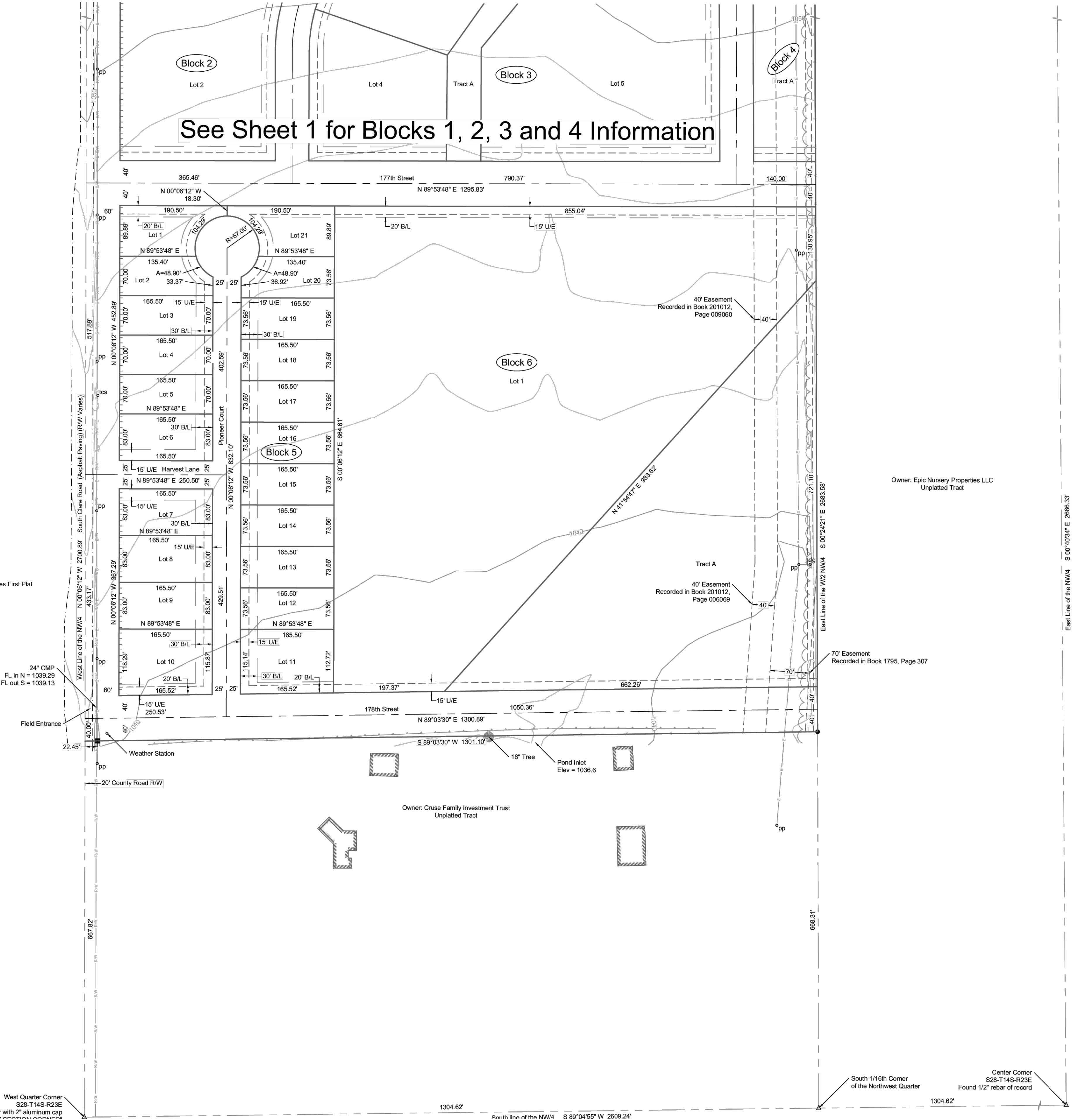


Project No.:
EC2023-20A
 Date:
1/11/2024
 Sheet No.:
A7 OF A13

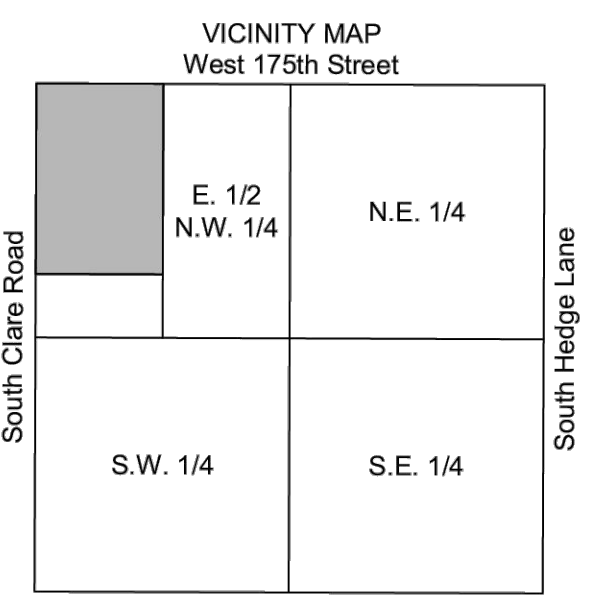
Block	Lot	Square Feet	Acres	Notes	Block	Lot	Square Feet	Acres	Notes
5	1	13,750	0.316		5	13	12,173	0.279	
5	2	11,423	0.262		5	14	12,173	0.279	
5	3	11,585	0.266		5	15	12,173	0.279	
5	4	11,585	0.266		5	16	12,173	0.279	
5	5	11,585	0.266		5	17	12,173	0.279	
5	6	13,736	0.315		5	18	12,173	0.279	
5	7	13,736	0.315		5	19	12,173	0.279	
5	8	13,737	0.315		5	20	12,012	0.276	
5	9	13,564	0.311		5	21	13,750	0.316	
5	10	19,377	0.445		6	1	497,079	11.411	
5	11	18,855	0.433		6	Tract A	238,766	5.481	Non-Buildable Parcel
5	12	12,001	0.276						

Line Number	Bearing	Length
L1	N 89°53'48" E	20.00'
L2	N 16°38'45" E	104.40'
L3	N 53°12'47" E	50.36'

Curve Number	Delta	Radius	Arc Length	Chord Bearing	Chord Length
C1	39°27'24"	200.00'	137.73'	S 19°34'18" W	135.02'
C2	39°24'12"	290.00'	199.44'	S 19°35'54" W	195.53'
C3	39°27'24"	175.00'	120.51'	S 10°25'42" E	118.19'



- LEGEND:**
- △ Section Corner
 - Found 1/2" rebar - origin unknown
 - Found 3/4" rebar - origin unknown
 - M Measured
 - R Record
 - A Arc length
 - U/E Utility easement
 - BL Building setback
 - PP Power pole
 - Down guy
 - Fiber optic pedestal
 - Fiber optic manhole
 - Gas line witness post
 - Sanitary sewer forcemain air release valve
 - Traffic control sign
 - Stop sign
 - Edge of asphalt
 - J2 Investments
 - Fiber optic
 - Sanitary sewer forcemain
 - Gas
 - Fence
 - Right-of-Way
 - Crop line
 - Building face
 - Edge of timber
 - Access Control
 - Deciduous tree
 - Coniferous tree



CP-3	RP-3	RP-5
------	------	------

Front	= 25'
Interior Side	= 10'
Corner Side	= 25'
Rear	= 25'

Front	= 30'
Interior Side	= 7'
Corner Side	= 20'
Rear	= 25'

Front	= 20'
Interior Side	= 10'
Corner Side	= 10'
Rear	= 20'

CIVIL ENGINEER:
 Driggs Design Group, PA
 1115 Westport Drive, Suite F
 Manhattan, KS 66502
 (785) 320-6839
 Buck Driggs, PE
 bdriggs@driggsdesign.com

SURVEYOR:
 Driggs Design Group, PA
 1017 Downing Avenue
 Hays, KS 67701
 (785) 621-4280
 James Meis, PS
 jmeis@driggsdesign.com

ARCHITECT:
 Unknown

DEVELOPER:
 J2 Investments
 2955 SW Wainmaker Drive
 Topeka, KS 66614

LEGAL DESCRIPTION: Surveyed Property
 A tract of land in the West Half of the Northwest Quarter of Section 28, Township 14 South, Range 23 East of the 6th Principal Meridian, Johnson County, Kansas, described as follows by James Meis, PS 1533 on November 7, 2023:

Commencing at the Northwest corner of the Northwest Quarter of Section 28, Township 14 South, Range 23 East; Thence South 00 degrees 06 minutes 12 seconds East, along the West line of the Northwest Quarter, a distance of 200.00 feet to the Point of Beginning; Thence North 89 degrees 53 minutes 48 seconds East, a distance of 20.00 feet; Thence North 16 degrees 35 minutes 45 seconds East, a distance of 104.40 feet; Thence North 53 degrees 12 minutes 47 seconds East, a distance of 50.36 feet; Thence North 89 degrees 53 minutes 18 seconds East, a distance of 600.08 feet; Thence North 89 degrees 50 minutes 36 seconds East, parallel with the North line of the Northwest Quarter, a distance of 600.26 feet to the East line of the West Half of the Northwest Quarter; Thence South 00 degrees 24 minutes 21 seconds East, along the East line of the West Half of the Northwest Quarter, a distance of 1955.27 feet; Thence South 89 degrees 03 minutes 30 seconds West, a distance of 1301.10 feet to the West line of the Northwest Quarter; Thence North 00 degrees 06 minutes 12 seconds West, along the West line of the Northwest Quarter, a distance of 1833.07 feet to the Point of Beginning. Said tract contains 58.211 acres, more or less.

SURVEY NOTES:
 1. All bearings, distances and coordinates shown are grid, Kansas Regional Coordinate System: Zone 11 - Kansas City.
 2. Contours at 1' intervals were determined by a ground survey of the subject property. Elevations based on Johnson County benchmark 661, elevation = 1042.06 NAVD83. All elevations shown are NAVD83.

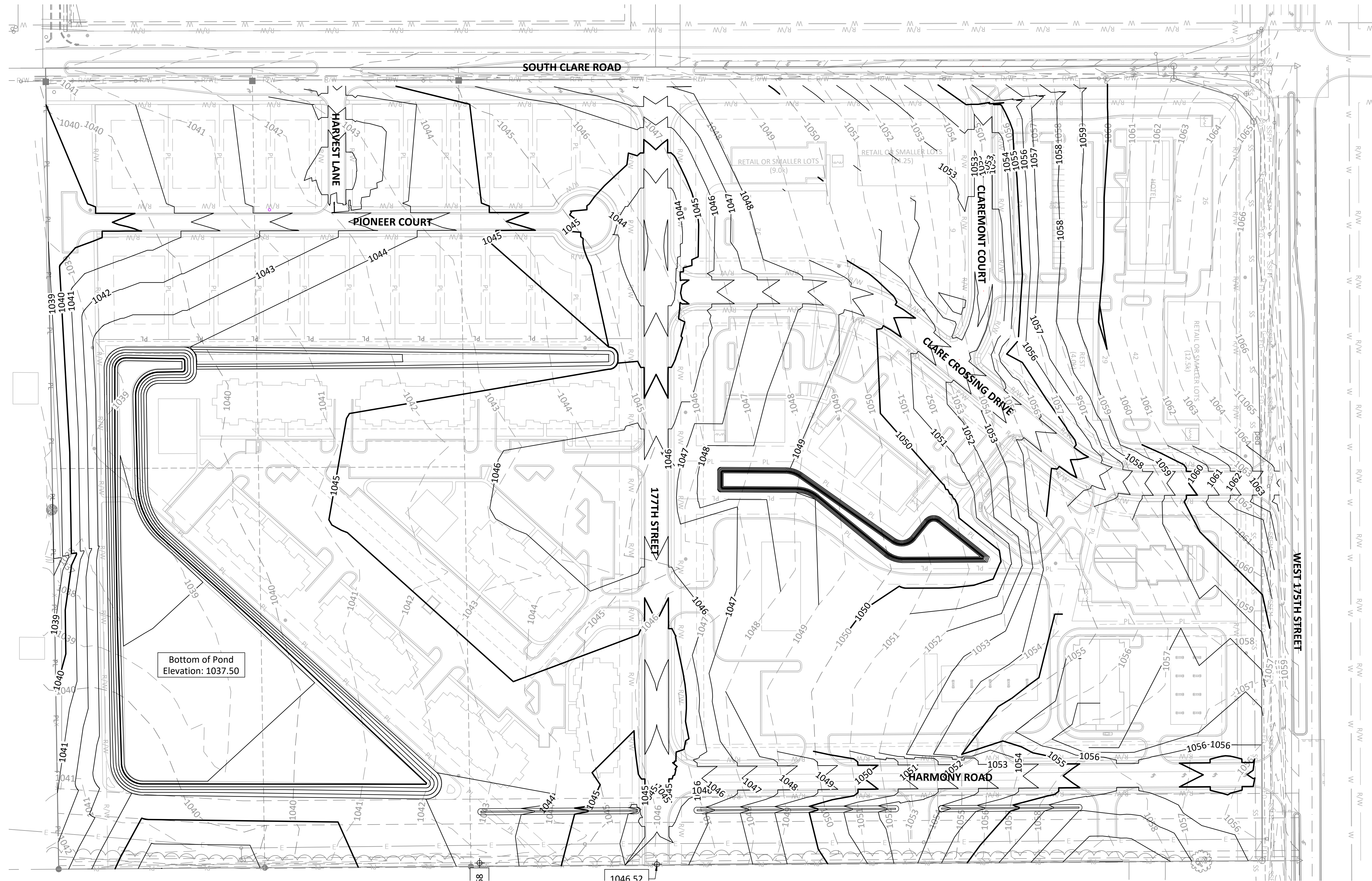
UTILITIES:
 All underground utilities may not be shown. Above ground utilities are located and shown. Underground utilities which have been flagged by their respective owners are shown.

KANSAS ONE CALL: 1-800-344-7233 (DIG-SAFE)

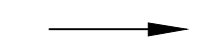
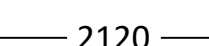

Almos Energy	(866) 322-8667
BrightSpeed	(800) 778-9140
Cardinal Glass	(913) 592-8121
Cleanwave Fiber Networks	(800) 778-9140
Energy	(785) 249-1948
City of Gardner Electric, Storm, Sewer, Water	(800) 778-9140
Johnson County Waste Water	(800) 778-9140
Kansas Fiber Network (KFN)	(800) 778-9140
Charter Comm DBA Spectrum	(800) 778-9140
City of Olathe	(913) 971-8311
Waterone	(913) 895-1806

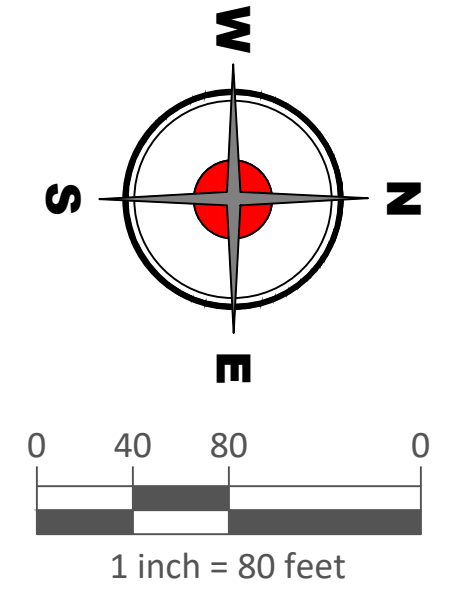
DRIGGS DESIGN GROUP, PA
 Surveying Engineering Planning
 1017 Downing Avenue, Hays, Kansas 67701
 www.driggsdesign.com (785) 621-4280

Project No: 2023-190
 Date: 01-05-2024
 Scale: 1" = 100'
 Sheet No: 2 of 2
 Drawn By: DV



GRADING LEGEND

-  Flow direction
-  2120 Proposed contour
-  -2120- Existing contour

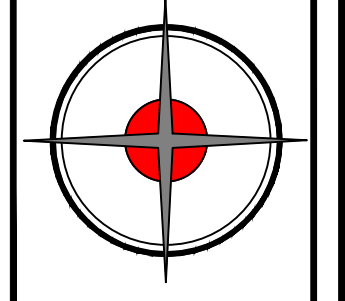


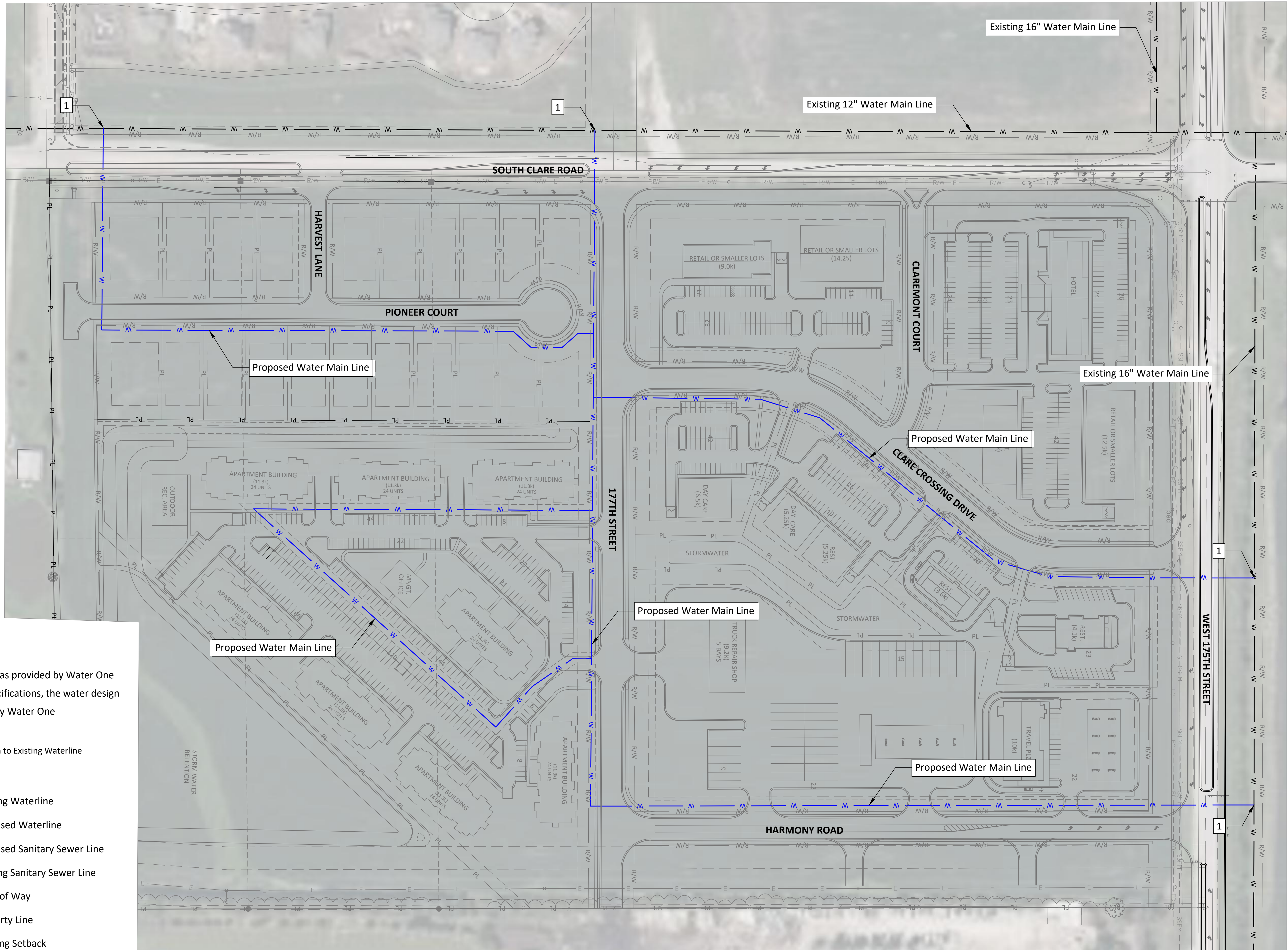
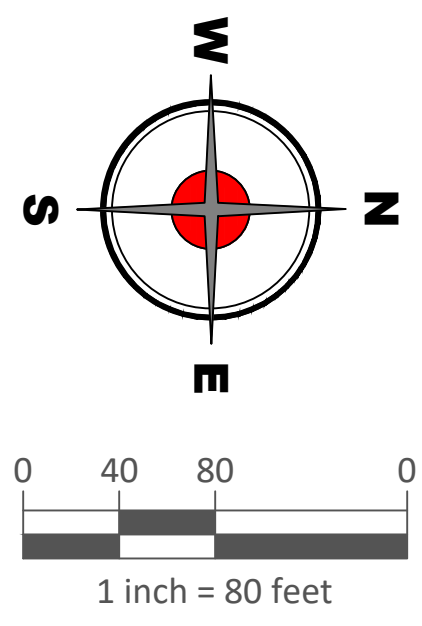
**CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
PRELIMINARY GRADING PLAN**

DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

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EC2023-20A
Date:
1/11/2024
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No.	Revision	Date





Note:

1. Water line layout was provided by Water One
2. Per Water One Specifications, the water design will be completed by Water One

SITE IMPROVEMENTS

- 1 Proposed Connection to Existing Waterline

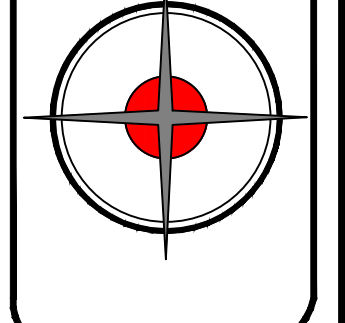
LEGEND

- Existing Waterline
- Proposed Waterline
- Proposed Sanitary Sewer Line
- Existing Sanitary Sewer Line
- Right of Way
- Property Line
- Building Setback
- Utility Easement Boundary
- Existing Utility Easement

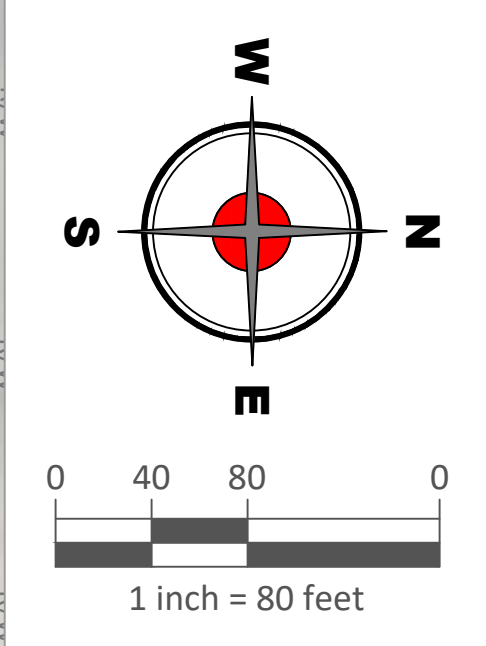
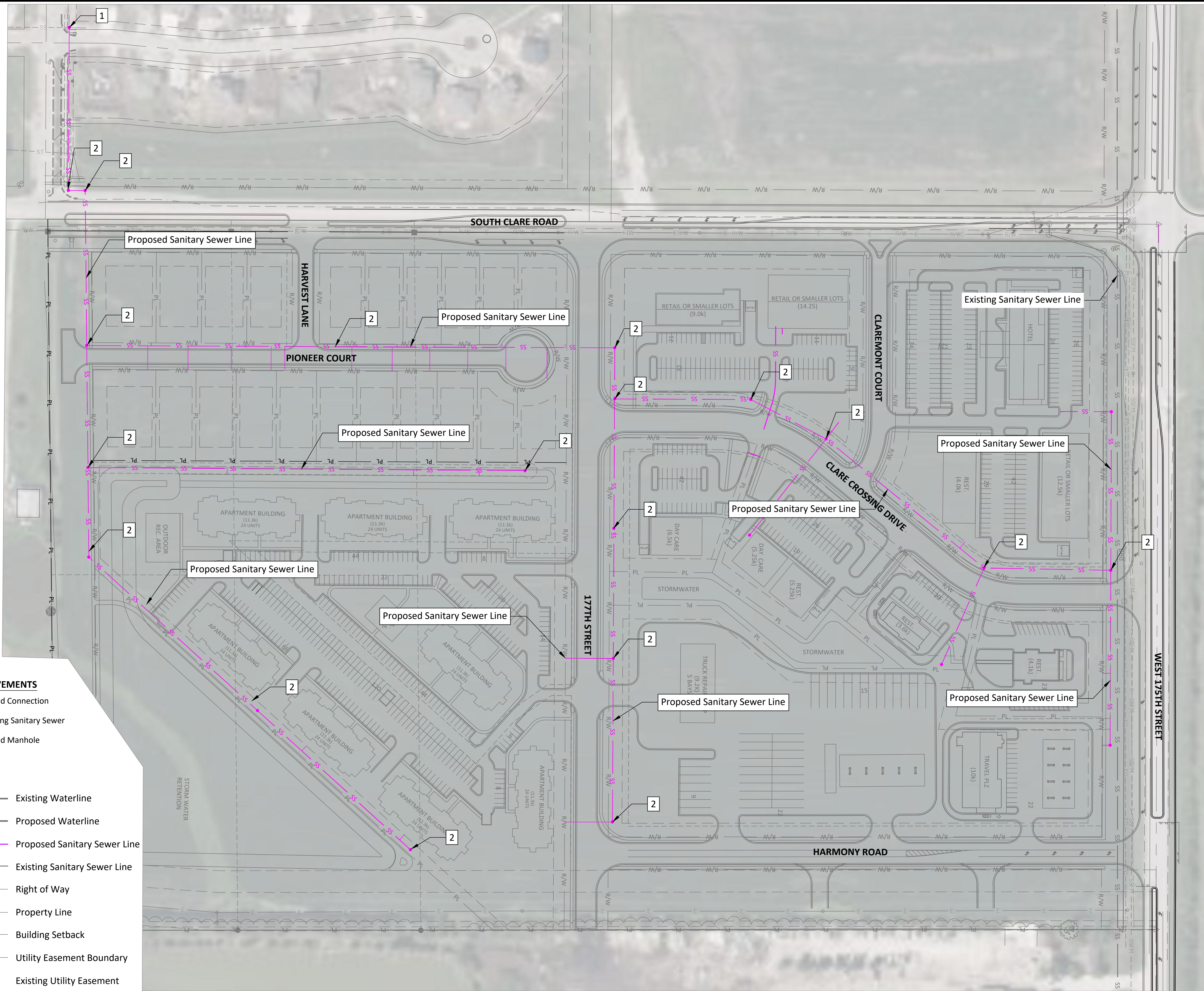
No.	Revision	Date

**CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
WATERLINE CONCEPT LAYOUT**

DRIGGS DESIGN GROUP, PA
 Surveying Engineering Planning
 MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND



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SITE IMPROVEMENTS

- 1 Proposed Connection to Existing Sanitary Sewer
- 2 Proposed Manhole

LEGEND

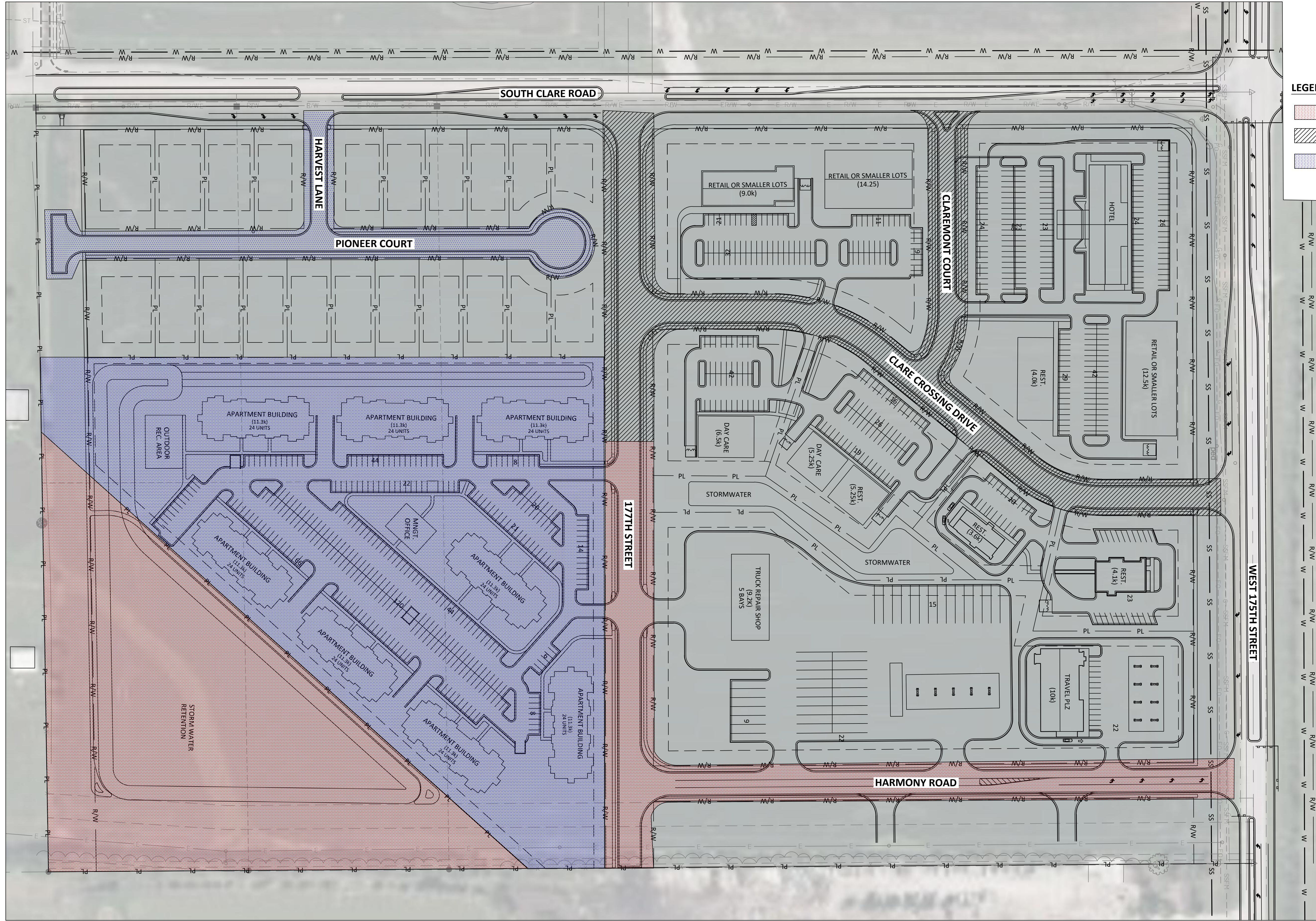
- w Existing Waterline
- w Proposed Waterline
- ss Proposed Sanitary Sewer Line
- ss Existing Sanitary Sewer Line
- Right of Way
- Property Line
- Building Setback
- Utility Easement Boundary
- Existing Utility Easement

No.	Revision	Date

**CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
SANITARY SEWER CONCEPT LAYOUT**

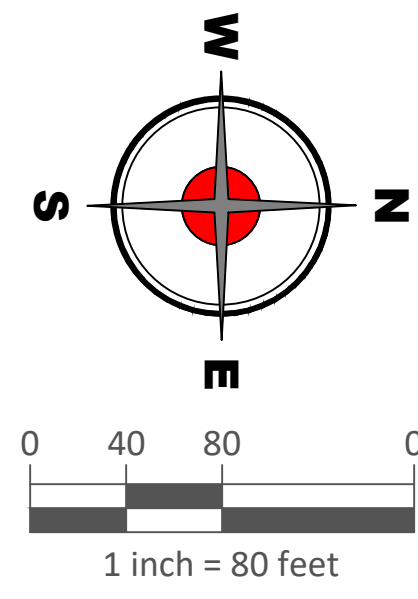
DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

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LEGEND

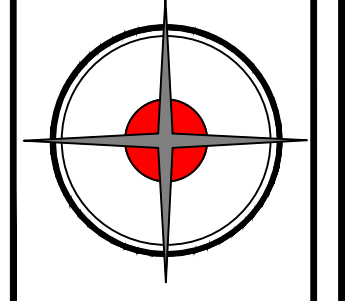
- Construction Phase 1
- Construction Phase 2
- Construction Phase 3



No.	Revision	Date

**CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
PROJECT CONSTRUCTION PHASING**

DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

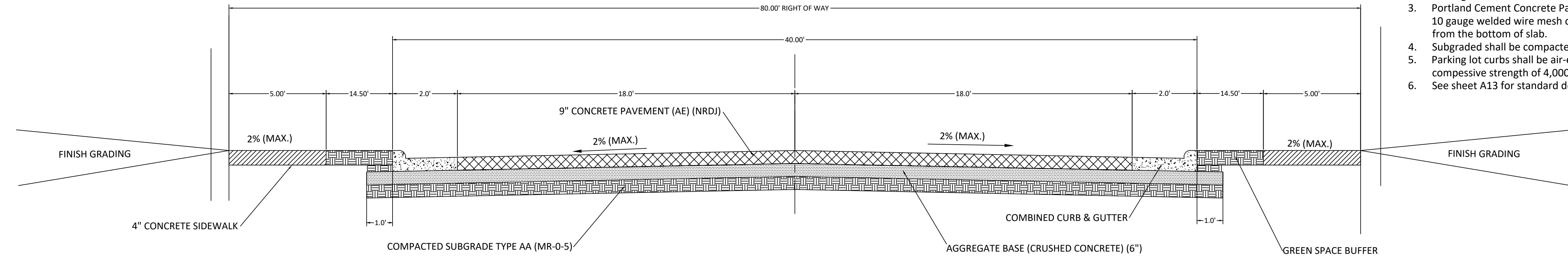


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A11 OF A13

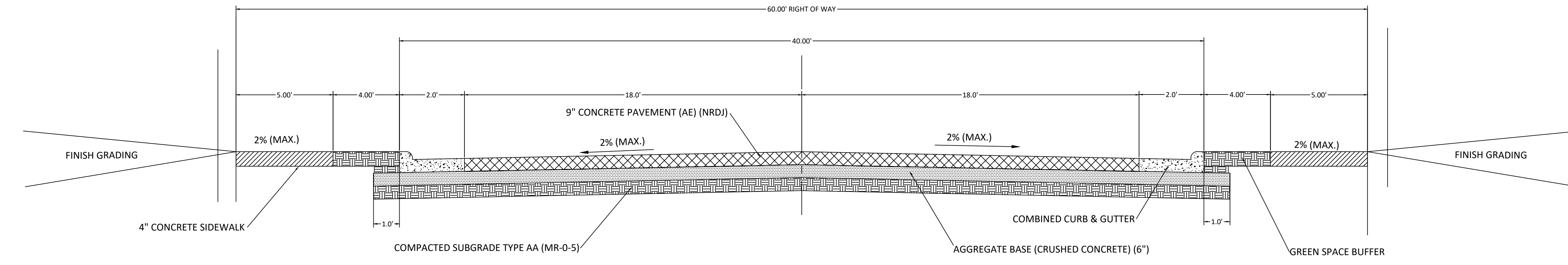
Cesar Zarate 1/11/2024 #DDG Commercial Projects (EC2023-XX) Gardner_175th_Development\Engineering_Design_2-Site_Development_Plan_Sheets

- Notes:
1. All roads will be public
 2. Parking lot will be 5" Portland Cement Concrete Pavement.
 3. Portland Cement Concrete Pavement shall be air-entrained KCMMB with 10 gauge welded wire mesh on 6" centers each way and embedded 2" from the bottom of slab.
 4. Subgraded shall be compacted to 95% of the maximum density.
 5. Parking lot curbs shall be air-entrained with a minimum 28-day compressive strength of 4,000 psi.
 6. See sheet A13 for standard details

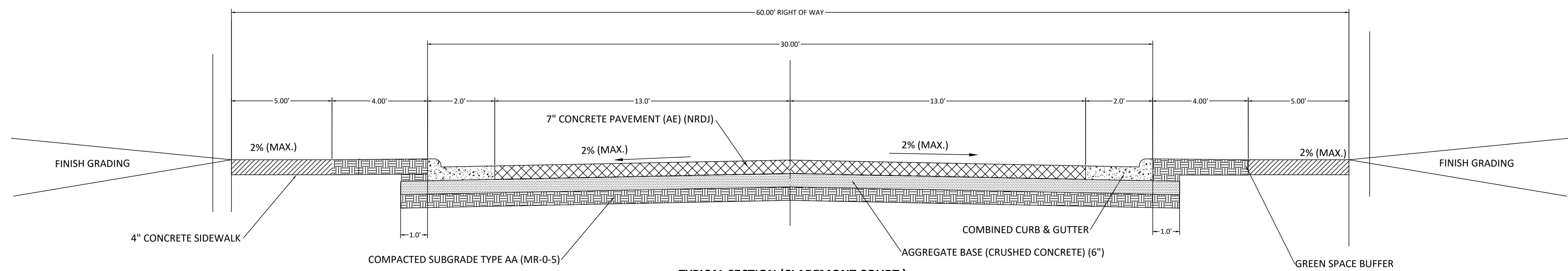
No.	Revision	Date



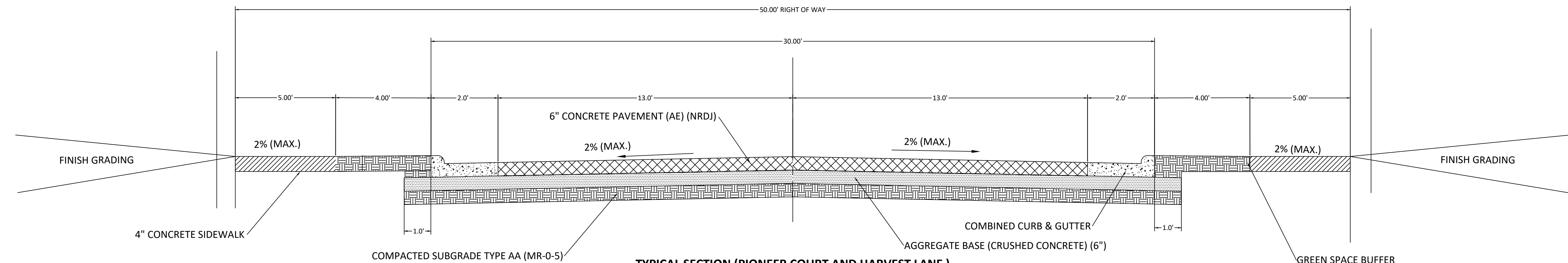
TYPICAL SECTION (177TH STREET)
NOT TO SCALE



TYPICAL SECTION (CLARE CROSSING DRIVE AND HARMONY DRIVE)
NOT TO SCALE



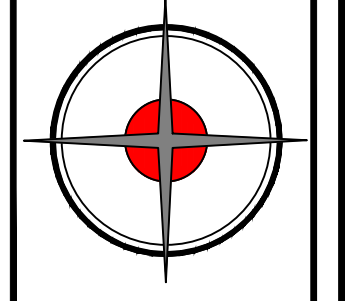
TYPICAL SECTION (CLAREMONT COURT)
NOT TO SCALE



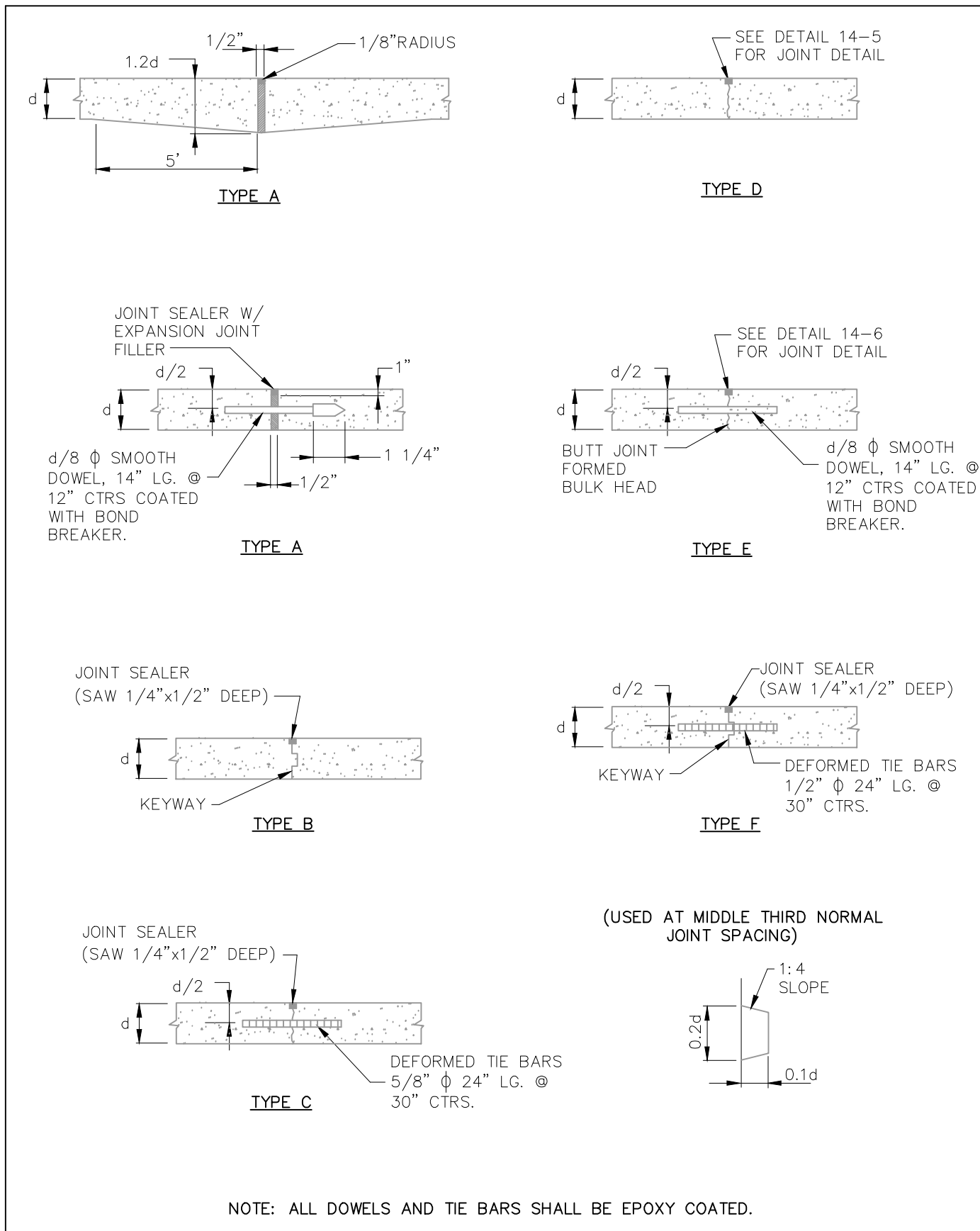
TYPICAL SECTION (PIONEER COURT AND HARVEST LANE)
NOT TO SCALE

CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
STREET TYPICAL SECTIONS

DRIGGS DESIGN GROUP, PA
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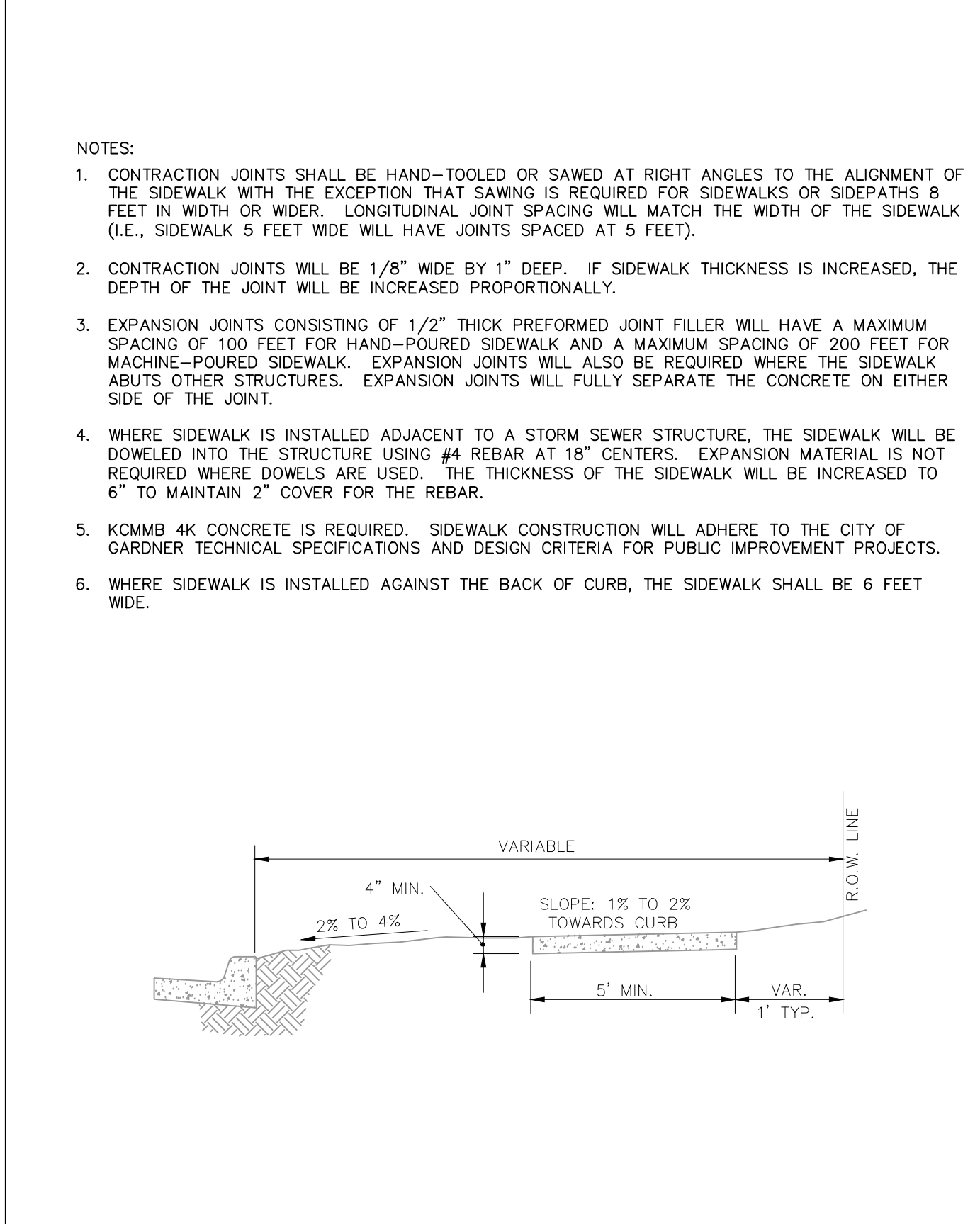


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1/11/2024
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NOTE: ALL DOWELS AND TIE BARS SHALL BE EPOXY COATED.

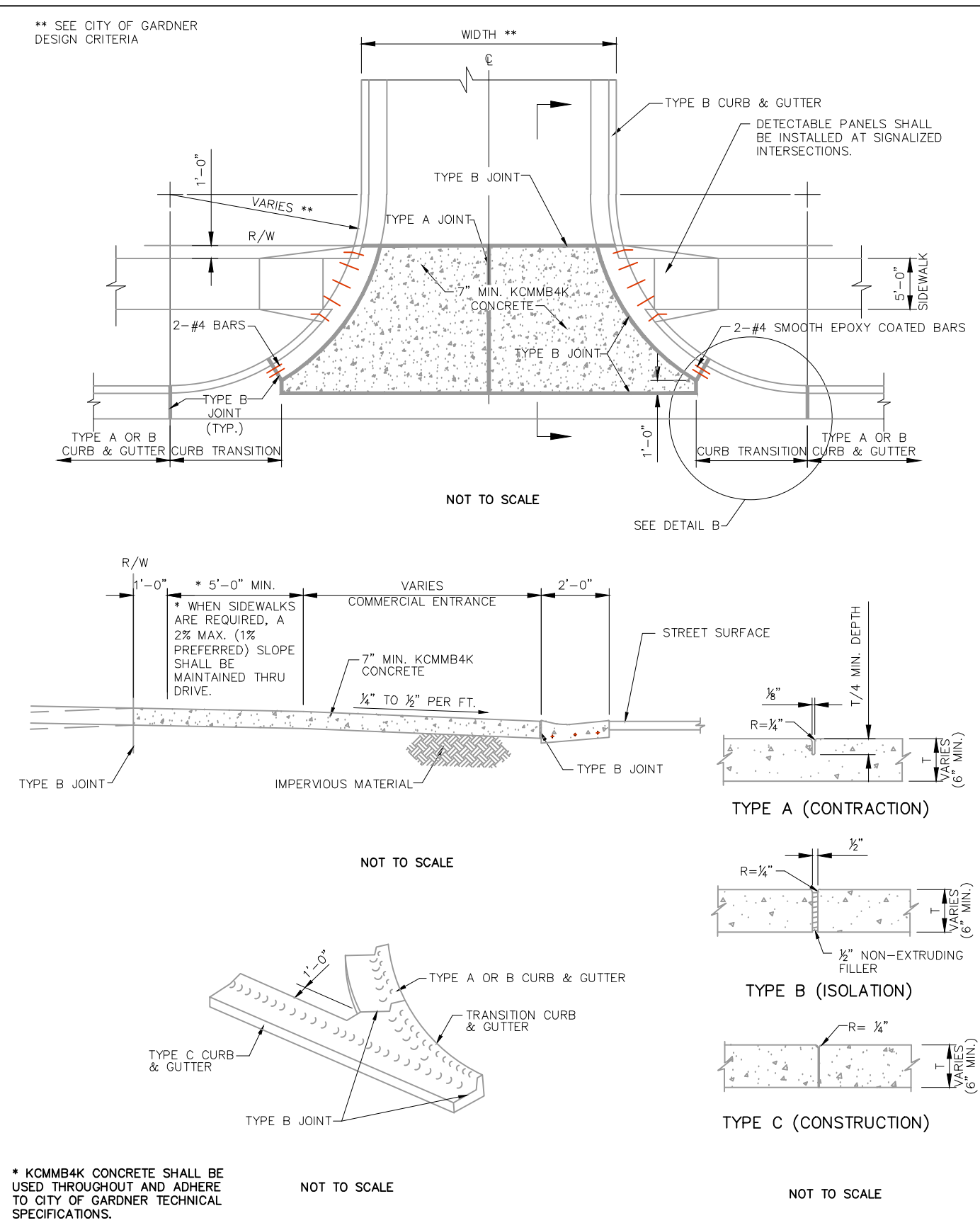
	APPROVED	REVISED	CONCRETE PAVING JOINT DETAILS	STANDARD DETAIL 14-4
	TRM CITY ENGINEER	5-25-22		
	2-1-07			
	DATE			



NOTES:

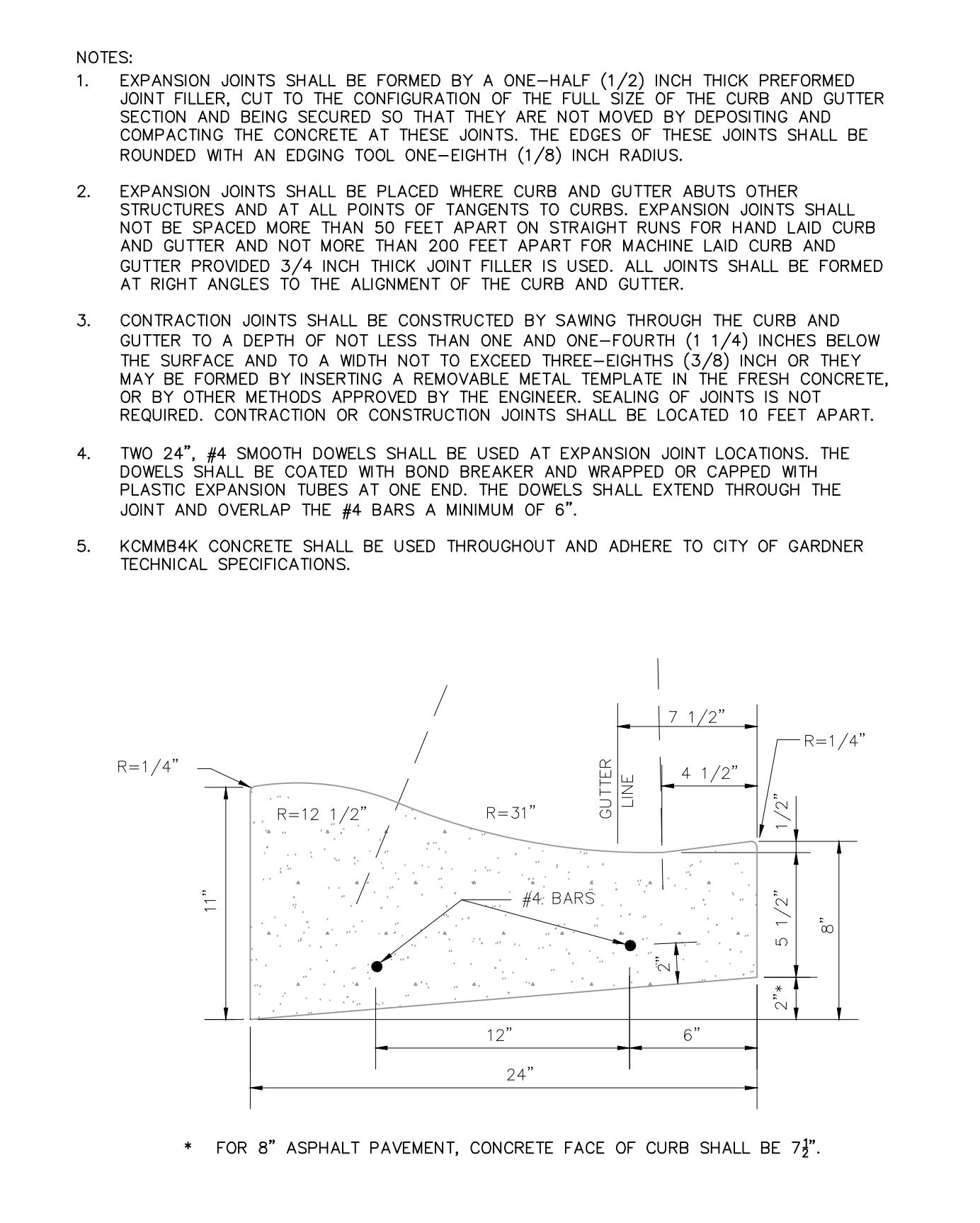
- CONTRACTION JOINTS SHALL BE HAND-TOOLED OR SAWED AT RIGHT ANGLES TO THE ALIGNMENT OF THE SIDEWALK WITH THE EXCEPTION THAT SAWING IS REQUIRED FOR SIDEWALKS OR SIDEPATHS 8 FEET IN WIDTH OR WIDER. LONGITUDINAL JOINT SPACING WILL MATCH THE WIDTH OF THE SIDEWALK (I.E., SIDEWALK 5 FEET WIDE WILL HAVE JOINTS SPACED AT 5 FEET).
- CONTRACTION JOINTS WILL BE 1/8" WIDE BY 1" DEEP. IF SIDEWALK THICKNESS IS INCREASED, THE DEPTH OF THE JOINT WILL BE INCREASED PROPORTIONALLY.
- EXPANSION JOINTS CONSISTING OF 1/2" THICK PREFORMED JOINT FILLER WILL HAVE A MAXIMUM SPACING OF 100 FEET FOR HAND-POURED SIDEWALK AND A MAXIMUM SPACING OF 200 FEET FOR MACHINE-POURED SIDEWALK. EXPANSION JOINTS WILL ALSO BE REQUIRED WHERE THE SIDEWALK ABUTS OTHER STRUCTURES. EXPANSION JOINTS WILL FULLY SEPARATE THE CONCRETE ON EITHER SIDE OF THE JOINT.
- WHERE SIDEWALK IS INSTALLED ADJACENT TO A STORM SEWER STRUCTURE, THE SIDEWALK WILL BE DOWELED INTO THE STRUCTURE USING #4 REBAR AT 18" CENTERS. EXPANSION MATERIAL IS NOT REQUIRED WHERE DOWELS ARE USED. THE THICKNESS OF THE SIDEWALK WILL BE INCREASED TO 6" TO MAINTAIN 2" COVER FOR THE REBAR.
- KCMB4K CONCRETE IS REQUIRED. SIDEWALK CONSTRUCTION WILL ADHERE TO THE CITY OF GARDNER TECHNICAL SPECIFICATIONS AND DESIGN CRITERIA FOR PUBLIC IMPROVEMENT PROJECTS.
- WHERE SIDEWALK IS INSTALLED AGAINST THE BACK OF CURB, THE SIDEWALK SHALL BE 6 FEET WIDE.

	APPROVED	REVISED	SIDEWALK DETAIL	STANDARD DETAIL 21-6
	TRM CITY ENGINEER	5-25-22		
	2-1-07			
	DATE			



* KCMB4K CONCRETE SHALL BE USED THROUGHOUT AND ADHERE TO CITY OF GARDNER TECHNICAL SPECIFICATIONS.

	APPROVED	REVISED	COMMERCIAL & INDUSTRIAL ENTRANCE DRIVE DETAIL	STANDARD DETAIL 21-11
	TRM CITY ENGINEER	5-25-22		
	2-1-07			
	DATE			

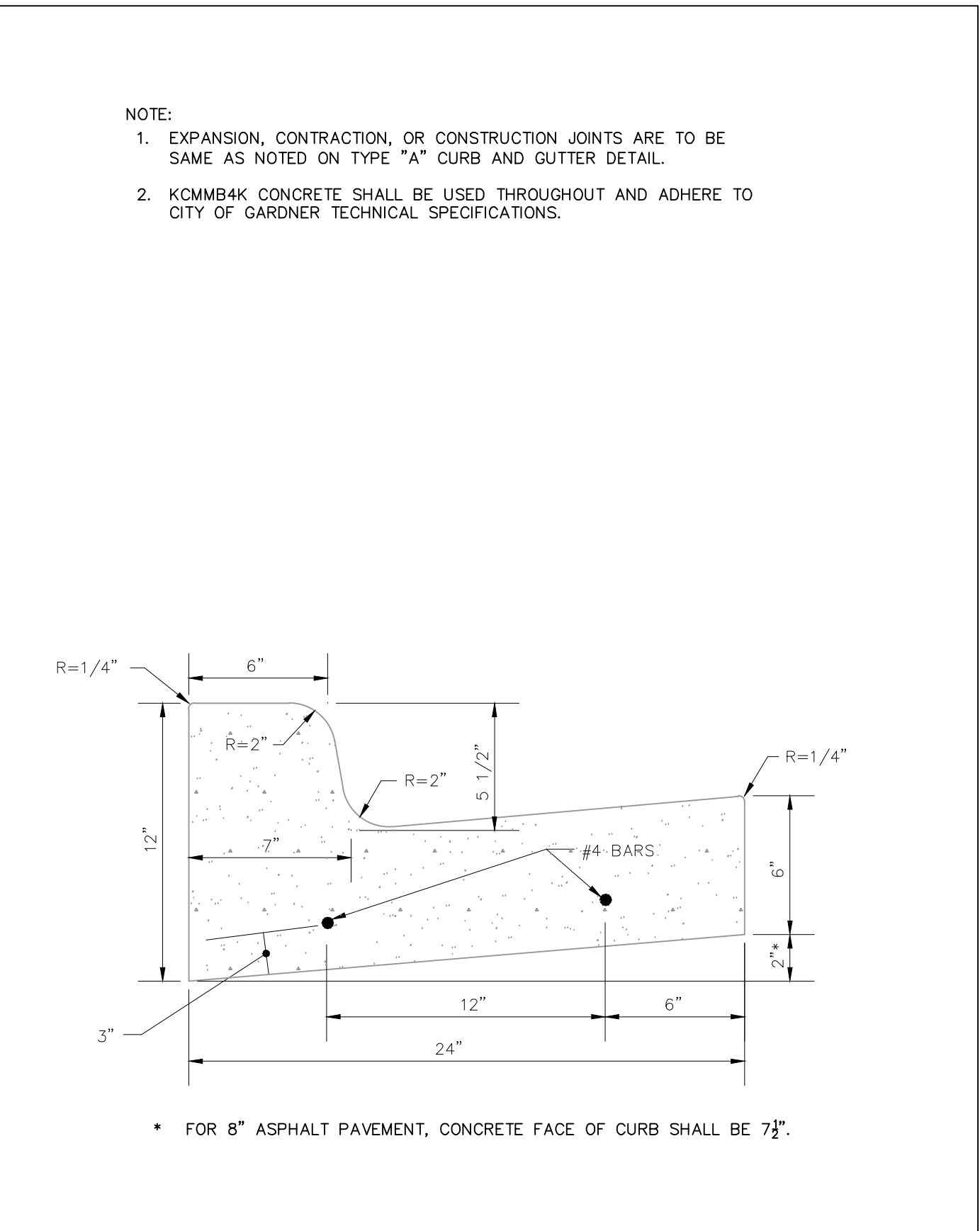


NOTES:

- EXPANSION JOINTS SHALL BE FORMED BY A ONE-HALF (1/2) INCH THICK PREFORMED JOINT FILLER CUT TO THE CONFIGURATION OF THE FULL SIZE OF THE CURB AND GUTTER SECTION AND BEING SECURED SO THAT THEY ARE NOT MOVED BY DEPOSITING AND COMPACTING THE CONCRETE AT THESE JOINTS. THE EDGES OF THESE JOINTS SHALL BE ROUNDED WITH AN EDGING TOOL ONE-EIGHTH (1/8) INCH RADIUS.
- EXPANSION JOINTS SHALL BE PLACED WHERE CURB AND GUTTER ABUTS OTHER STRUCTURES AND AT ALL POINTS OF TANGENTS TO CURBS. EXPANSION JOINTS SHALL NOT BE SPACED MORE THAN 50 FEET APART ON STRAIGHT RUNS FOR HAND LAID CURB AND GUTTER AND NOT MORE THAN 200 FEET APART FOR MACHINE LAID CURB AND GUTTER PROVIDED 3/4 INCH THICK JOINT FILLER IS USED. ALL JOINTS SHALL BE FORMED AT RIGHT ANGLES TO THE ALIGNMENT OF THE CURB AND GUTTER.
- CONTRACTION JOINTS SHALL BE CONSTRUCTED BY SAWING THROUGH THE CURB AND GUTTER TO A DEPTH OF NOT LESS THAN ONE AND ONE-FOURTH (1 1/4) INCHES BELOW THE SURFACE AND TO A WIDTH NOT TO EXCEED THREE-EIGHTHS (3/8) INCH OR THEY MAY BE FORMED BY INSERTING A REMOVABLE METAL TEMPLATE IN THE FRESH CONCRETE, OR BY OTHER METHODS APPROVED BY THE ENGINEER. SEALING OF JOINTS IS NOT REQUIRED. CONTRACTION OR CONSTRUCTION JOINTS SHALL BE LOCATED 10 FEET APART.
- TWO 24" #4 SMOOTH DOWELS SHALL BE USED AT EXPANSION JOINT LOCATIONS. THE DOWELS SHALL BE COATED WITH BOND BREAKER AND WRAPPED OR CAPPED WITH PLASTIC EXPANSION TUBES AT ONE END. THE DOWELS SHALL EXTEND THROUGH THE JOINT AND OVERLAP THE #4 BARS A MINIMUM OF 6".
- KCMB4K CONCRETE SHALL BE USED THROUGHOUT AND ADHERE TO CITY OF GARDNER TECHNICAL SPECIFICATIONS.

* FOR 8" ASPHALT PAVEMENT, CONCRETE FACE OF CURB SHALL BE 7 1/2".

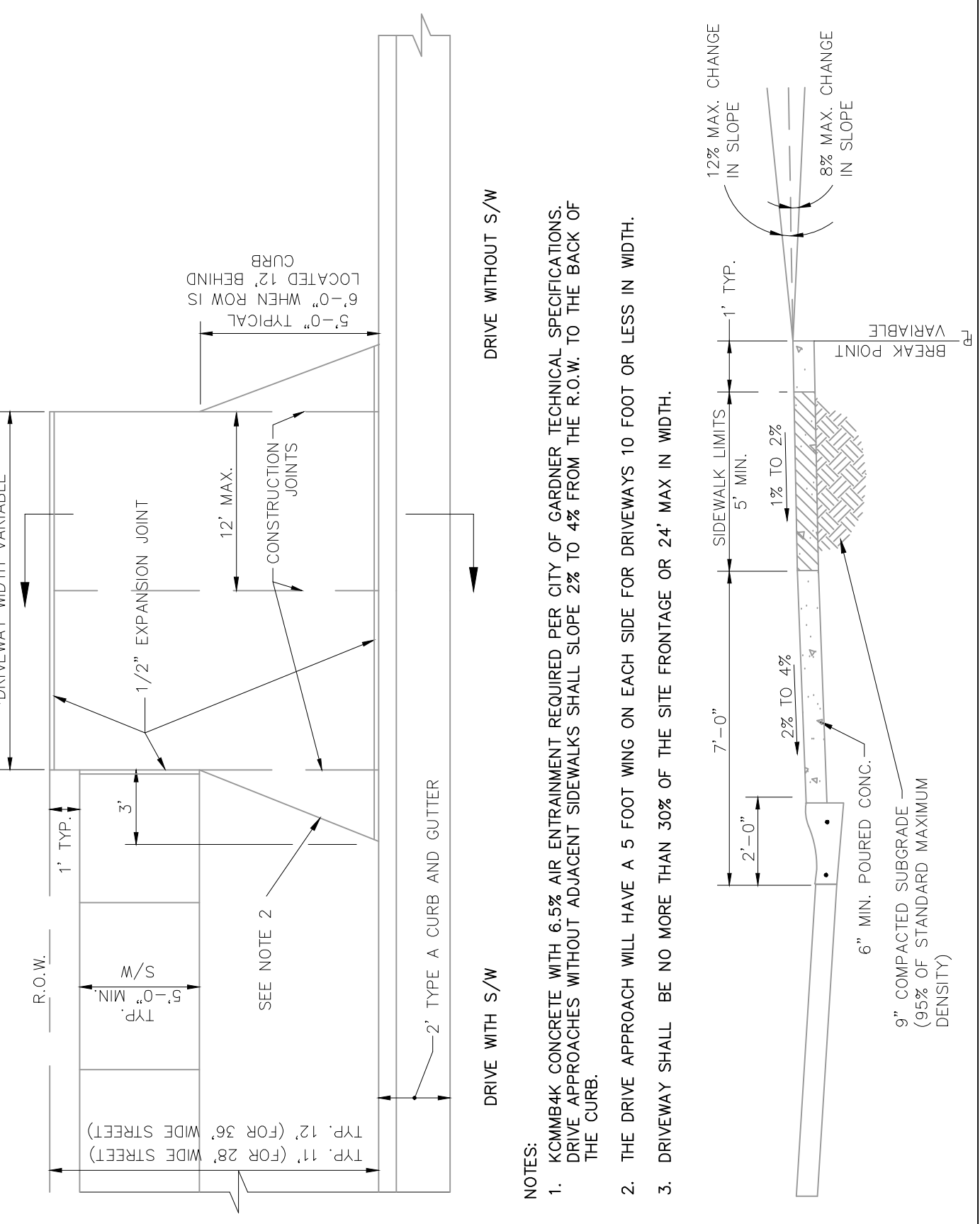
	APPROVED	REVISED	TYPE "A" CURB AND GUTTER DETAIL	STANDARD DETAIL 21-1
	TRM CITY ENGINEER	5-25-22		
	2-1-07			
	DATE			



NOTE:

- EXPANSION, CONTRACTION, OR CONSTRUCTION JOINTS ARE TO BE SAME AS NOTED ON TYPE "A" CURB AND GUTTER DETAIL.
- KCMB4K CONCRETE SHALL BE USED THROUGHOUT AND ADHERE TO CITY OF GARDNER TECHNICAL SPECIFICATIONS.

	APPROVED	REVISED	TYPE "B" CURB AND GUTTER DETAIL	STANDARD DETAIL 21-2
	TRM CITY ENGINEER	5-25-22		
	2-1-07			
	DATE			



NOTES:

- KCMB4K CONCRETE WITH 6.5% AIR ENTRAINMENT REQUIRED PER CITY OF GARDNER TECHNICAL SPECIFICATIONS.
- DRIVE APPROACHES WITHOUT ADJACENT SIDEWALKS SHALL SLOPE 2% TO 4% FROM THE R.O.W. TO THE BACK OF THE CURB.
- THE DRIVE APPROACH WILL HAVE A 5 FOOT WING ON EACH SIDE FOR DRIVEWAYS 10 FEET OR LESS IN WIDTH. DRIVEWAY SHALL BE NO MORE THAN 30% OF THE SITE FRONTAGE OR 24' MAX IN WIDTH.

	APPROVED	REVISED	RESIDENTIAL DRIVE DETAIL TYPE A CURB	STANDARD DETAIL 21-12
	TRM CITY ENGINEER	5-25-22		
	2-1-07			
	DATE			

No.	Revision	Date

CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
STANDARD DETAILS

DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

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