

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 June 24, 2024.

Regular Agenda

1. **Tuscan Farms 24-304-03 Rezoning, Preliminary Development Plan, Preliminary Plat** – The southwest corner at 196th St and Gardner Rd.
2. **University Park FDP-22-05 Extension Request** – Located northwest of the intersection of 167th St and White Drive
3. **Symphony Farms 24-302-07 Preliminary Plat and Final Plat** – Located on the east side of Kill Creek Rd, approximately 500 ft north of Mustang St.

Discussion Items

Adjournment



Call to Order

The meeting of the Gardner Planning Commission was called to order at 7:01 pm on Monday June 24, 2024, by Chair Jueneman. Commissioners present: Matt Combs, Cleveson Souza, Robin Berg, Stacy Cooper, and Allen Vonderschmidt. Staff present: Community Development Director Dave Knopick, Principal Planner Robert Case, Planner Jesse Hunter, Administrative Assistant Jenny Steele-Gray and City Attorney Spencer Low. Commissioner Adriana Meder was absent.

Pledge of Allegiance

Chair Jueneman led the Pledge of Allegiance.

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 May 28, 2024.

Motion made to approve the consent agenda. This has been added to the city's website.

Motion: Commissioner Souza

Second: Commissioner Combs

Motion carries unanimously 6-0

Regular Agenda

1. **31120 W. 170th Terr 24-306-02 Site Plan – Located 300' east of the intersection of Agnes St and 170th Terr.**

Staff Presentation

Jesse Hunter, Planner with the city of Gardner presented the presentation for the site plan. The applicant submitted a building permit for a covered patio but the house is located at the end of a cul-de-sac so it has a shallow yard. The patio roof is considered part of primary structure so has to meet the City setbacks. Staff can grant up to a 10% administrative adjustment but the applicant wanted something that made the setback 20ft, so the site plan asks for a 20% administrative adjustment of 20% to be able to make that happen.

Staff recommended the Planning Commission approve 24-36-02 a site plan at 31120 West 170th Street with approval of a 20% administrative adjustment for the rear yard setback.

Motion:

Motion was made to give the 20% reduction to rear setback.

Motion: Commissioner Combs
Second: Commissioner Vonderschmidt
Motion carries unanimously 6-0

2. **Flint Trails 24-304-02 Rezoning, Preliminary Development Plan, Preliminary Plat, Final Development Plan, Final Plat (Public Hearing) – The northeast corner of W 167th St and White Dr.**

Staff Presentation

Robert Case, Principle Planner with the city of Gardner presented two motions for this item. The 1st motion was for the rezoning preliminary development plan and associate primary plat. The 2nd is for the final development plan and plat. The application is for a revised zoning from the RP-4 (Planned Mixed Density Neighborhood) District to RP-4 (Planned Mixed Density Neighborhood). It is accompanied by a preliminary development plan and associated preliminary plat that is intended for the Row House building type, also for consideration was the final development plan and final plat. The Preliminary Development Plan proposed a 264 unit (58) four and six-plex development. This resulted in almost 9 units per acre. The development included several amenity areas and meets the City open space requirements. The site is also included extending the trail system along the north side of 167th Street. As a point of reference the originally approved plans were for a 212 unit (106 bldg.) development that had approximately 7 units per acre. The proposed multi-family buildings are comparable in size and scale to adjacent duplexes to the north, and are separated from existing single-family uses by a large natural buffer and 167th Street. The overall pattern is a lower density format than the proposed apartments to the west and the existing Tallgrass Apartments to the north.

Applicant Presentation

Thomas Louis, 1506 Whispering Ridge Pleasant Hill Missouri represented Sallee Development. They are a single family developer that has been around 40 years and do vertical and horizontal development. Core business plan is “build to rent.” Sallee has built 3500 units to date and still own a thousand of them. Thomas Louis introduced Thomas from Davidson Architecture and Engineering who submitted the original design for Flint Trails and Spencer from Sallee development. Thomas went over what Robert had presented.

Public Hearing

Chair Jueneman opened the public hearing. No one from the public spoke on the item.

Motion made to close the public hearing.

Motion: Commissioner Cooper
Second: Commissioner Combs
Motion carries unanimously 6-0

Commission Discussion

Commissioner Combs wanted to verify they were for rent only and Thomas answered yes. Commissioner Combs then asked out of the 3500 units they had built what the oldest age was. Thomas answered 3 years. Commissioner Souza wanted to understand why the project was originally approved in 2022 for 7.34 units per acre and now is 9.14 units per acre. Thomas from Davidson answered the original approval was under different developer and was not financially feasible and this developer took over. They project was the same project except for the increased density and it now actually had more

green space than with the lower density. The take away is it changed hands in order to get the numbers to work.

Director Knopick mentioned interest rates have gone up and that there was a lot of interest in this property the biggest factor was financial influence.

Commissioner Cooper wanted to know why there aren't any Ranch style housing as Gardner has an aging population and the presentation didn't seem to address that.

Spencer with Sallee Development answered that they have had luck with what they are doing so far and wanted to introduce to this area and Ranch takes up more space so therefore less buildings.

Commissioner Cooper asked if they considered single level units for the aging population

Spencer stated they do in other areas and look forward to doing that here someday just not with this project.

Chair Jueneman asked about utility division and transmission line.

Director Knopick stated that is part of the review and that the reviews done to this point is that they will not be interfering with any electrical or transmission along 167th.

Chair Jueneman stated he liked the trail but wanted to make sure there would be lamp posts for pedestrians.

Director Knopick said that it is in the plans and will be worked on.

Motions:

Rezoning and Associated Preliminary Development Plan and Plat

After review of Application 24-304-02, rezoning and associated preliminary development plan, and preliminary plat for Flint Trails Townhomes, the Planning Commission recommends the Governing Body approve the request to rezone 28.86 acres from RP-4 (Planned Mixed-Density Neighborhood) District to RP-4 (Planned Mixed-Density Neighborhood) District associated preliminary development plan, and preliminary plat subject to the following conditions:

1. Approval of requested deviations per staff comments/recommendation.

Motion: Commissioner Vonderschmidt

Second: Commissioner Souza

Motion carries 5-1 Commissioner Combs

Final Development Plan and Plat

After review of Application 24-304-02, final development plan and associated final plat for Flint Trails Townhomes, and staff report dated June 18, 2024, the Planning Commission approves the applications as proposed and recommends the Governing Body accept the dedication of right-of-way and easements, provided the following conditions are met:

1. Approval of the rezoning, preliminary development plan by the Governing Body;
2. Correct the names of the Chair of the Planning Commission and City Clerk on the final plat;
3. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording;
4. All taxes/fees shall be paid prior to the release of the plat for recording; and
5. 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 Souza

Second: Commissioner Berg

Motion carries 4-2 Commissioner Combs and Commissioner Cooper

3. Tuscan Farm 24-304-03 Rezoning, Preliminary Development Plan, Preliminary Plat (Public Hearing) – The southwest corner at 196th St and Gardner Rd.

Staff Presentation

Jesse Hunter, Planner with the city of Gardner presented Tuscan Farm 24-304-03 presentation. To the north is phase one of Tuscan farms and is currently under development. The Tuscan Farm development was rezoned in December of 2017, and the applicant is revising the remainder of the development. The building types proposed will be the Detached – Suburban House type, Garden Apartment building type, in the form of single-story, single-family home in an attached quad arrangement, and row house building type. There will be a reduction of 19 single family houses, a reduction of 16 garden apartment units, and 109 new row house units.

Applicant Presentation

Clint Burkdoll, 13962 W 147th Terr Olathe Kansas, is the developer and builder in Tuscan Farm. Clint wants single family homes, single story Villas or four-plex Villas in a pin wheel design called Luca Courtyard Villas along with row houses called Milan. Clint has unique builds in single houses that offer many things including not limited to four car garages, butlers pantries, lawn irrigation, high efficiency HVAC with no flutes out of roof, and oversized steel beams in garages with no posts. This will be applied to the Villas and Milan as applicable. The need for the project stems from the density standpoint as well as a need for alternate offerings. HOA fees are advertised as \$800 a year. Clint only wants to sell not rent.

Public Hearing

Chair Jueneman opened the public hearing asking that they come forward state name and address individuals are allotted 3 minutes or 7 minutes to a person representing a group.

Larry Parks address 29533 W. 196th St.

Paul and Karen Coffman address 19512 S. Amherst St.

Tom Schneider address 19511 S. Amherst St.

Breanna and Daniel Kostroske address 29549 S. Amherst St.

Bryan and Cynthia Tobiason address 19467 S. Amherst St.

Sherry Cale address 30158 W. 199th St.

Audrey Sparks address 30056 W. 199th St.

Josh Matteson address 19459 S. Amherst St.

All the individuals listed had the same concerns and or questions and are opposed to phase 2.

Traffic is bad due to large trucks, adding multi family homes adds to the traffic. They were told single family housing would be to the south and not four-plexes and row houses. Amenities were supposed to be for single family and is now for both the single and multi family and will not be big enough. There were un-resolved repair issues. 90% of traffic will come in through main entrance. Home owners do not want to look out windows to see row houses and villas. Children can't play safely due to traffic. They were told there would be walking trails and amenities and nothing has been added. There will be issues with parking in multifamily homes. There were concerns that the maintenance free areas would increase the HOA fees. The interior courtyards of the four-plexes would not have any breeze and would

be like an oven in the summer. There were concerns about it being rentals and not being maintained. W 196th St is a busy roads even with only 20 houses. There were questions on taxes: if more people would move in, would taxes go down. All who spoke was opposed to the project. They asked if there would be a landscape barrier/ privacy fence or would it all be backed up to the existing houses.

Motion made to close the public hearing.

Motion: Commissioner Cooper

Second: Commissioner Vonderschmidt

Motion carries unanimously 6-0

Commission Discussion

Chair Jueneman asked about the row houses having a higher density area than the pin wheel type and stated typically they would be closer to the road than deep in neighborhoods.

Mr. Burkdoll answered yes and that it would be the same due to how the traffic is routed. Clint also said that no main St. garages and single people are placed near the club house away from families.

Commissioner Combs asked about traffic study and privacy.

Mr. Burkdoll answered they did a traffic study said he understands it but did not answer on it. For privacy he said extensive tall trees and berms. One set of tress then walking trails with tress on other side. Lots of berms.

Jim with Schlagel stated that a deceleration lane would be added to the south entrance to encourage people to go down there instead of the first one. Jim said he does not know much more about the study.

Director Knopick said Public works is asking for more information and this is part of the recommended motion.

Commissioner Cooper asked about the numbers in single family and why the reduction and difference in population increase.

Mr. Hunter answered the numbers went from 137 to 118.

Mr. Burkdoll did not have a population answer except to say it went from 264 to 337 and that Hickory St. bisecting this project he wanted natural cut off not to extend across the street.

Chair Jueneman asked about the original plan and how the increase will affect the amenities.

Mr. Burkdoll answered the amenities are going to be bigger and expanded green space so the increase of numbers caused plan to expand.

Chair Jueneman asked if the build is for sell only or is there stipulations on rentals and if there is anything in the HOA.

Mr. Burkdoll said HOA governs Tuscan Farm phase 1 and is against air BNB and his business plan is not renting and will put in the plan that it is not to turn into rentals ever.

Director Knopick stated the city cannot stipulate that through any process approved or not only the property owners themselves can.

Chair Jueneman asked about making a dead end stub so traffic coming from north cannot turn south if they want to get to row houses.

Mr. Burkdoll said he wanted to tear it out and it could be a possibility but they get into cul-de-sac length and the engineers said they could figure it out it would be great.

Chair Jueneman stated he does not know if he could approve this due to density and location and encourages him to move. Chair Jueneman asked the reason on private drives vs public drives.

Mr. Burkdoll said a lot comes to cost and private drives have no need for storm sewer and turban gutter and pin wheel has main streets perpendicular. Street drainage is grate inlets.

Commissioner Combs thought Clint had illustrations and over looked them.

Mr. Burkdoll stated it was just a paragraph he skipped over.

Commissioner Combs asked the staff for suggestions.

Director Knopick stated the choices to recommend denial or approval move forward to city council, if the item was tabled, additional item could be requested and then assessed at a future Planning Commission Meeting. Director Knopick suggested focusing on completion of the traffic study, getting public works comments addressed, and making sure the traffic numbers refine what improvements along Gardner Rd may be recommended. He also said a visual transition from single family to the other density's and open space along with landscaping details from the back of the houses from both floors to show what they would see.

City attorney Low gave an example motion to table with the suggest items.

Commissioner Souza stated he was not satisfied that some items had not really been answered.

Director Knopick stated that with this meeting the public hearing had been opened and closed, and the legal requirement had been met. At the next meeting the item would not be a public hearing but commissioners could hear the public if they so wished.

Motion:

Motion to table 24-304-03 Tuscan Farms rezoning until the next meeting July 22 2024 for staff to look at suggested items.

Motion: Commissioner Combs

Second: Commissioner Souza

Motion carries unanimously 6-0

4. Sam's Car Lot 24-304-04 Rezoning, Preliminary Development Plan, Preliminary Plat, Final Development Plan, Final Plat (Public Hearing) – The south side of E. Santa Fe St approximately 750' west of Conestoga St

Staff Presentation

Jesse Hunter, Planner with the city of Gardner gave the presentation on Sam's Car Lot. It is 1.3 acres in size and the future land use map shows as a light industrial and office park surrounded by commercial zoning. It was rezoned in 2018 with a preliminary development plan but was never final platted. The revised development plan proposes a 3,825 ft. building and car lot to be used as a repair shop and office space. Since the proposed use is different enough from the Gardner Business Center, the revised preliminary plan was needed. There were two deviation requests, one was the foundation plantings and the second was for the rear setback to be 11 ft. instead of the required 25 ft.

Applicant Presentation

Gerald address 6811 N Michigan Gladstone Missouri is the project manager The proposed building would be 3,800 sq ft single-story and the rest as parking lot with 54 spots for display, 14 for customer and employee parking and one handicap spot. It would be for a used car dealership with in shop service to detail and get cars ready to be sold. They propose a draining system along the front edge of building to drain into ditch as was originally planned. It would be surrounded by decorative metal fence. 20 ft. right away. Two car charging stations. Moving a fire hydrant closer to be useful as it is too far out right now. Slight traffic increase 46-70 percent increase a day.

Public Hearing

Chair Jueneman opened the public hearing, no one approached the podium.

Motion made to close public hearing.

Motion: Commissioner Souza

Second: Commissioner Combs

Motion carries unanimously 6-0

Commission Discussion

Commissioner Combs asked about the repair shop wanting to make sure that it is for cars being sold only and not open to the public.

Gerald answered yes because the cars that come in are not always in the best shape.

Chair Jueneman asked about landscaping and the fence.

Gerald stated it will be behind the fence as the fence encloses the property.

Chair Jueneman thinks the landscape would look better in front of the fence.

Gerald offered to move it back if necessary.

Commissioner Cooper asked about the iron fence and if it follows property line.

Gerald stated yes.

Motions:

Rezoning and Associated Preliminary Development Plan and Preliminary Plat

After review of application 24-304-04 a rezoning for 1.27 acres located on the south side of E Santa Fe St approximately 300' east of Moonlight Rd and associated Preliminary Development Plan and Preliminary Plat for Sam's Car Lot, and staff report dated June 18, 2024, the Planning Commission recommends the Governing Body approve the applications, subject to the following condition:

1. **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 Combs

Second: Commissioner Vonderschmidt

Motion carries unanimously 6-0

Final Development Plan and Final Plat

After review of application 24-304-04 Final Development Plan for Sam's Car Lot, and staff report dated June 18, 2024, the Planning Commission approves the applications as proposed and recommends the Governing Body accept the dedication of right-of-way and easements, subject to the following conditions:

1. **Governing Body approval of application 24-304-04 rezoning and associated Preliminary Development Plan and plat for Sam's Car Lot with the recommended conditions;**
2. **Approval of deviations as presented in the staff report.**
3. **All taxes/fees shall be paid prior to the release of the plat for recording; and**
4. **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 Vonderschmidt
Second: Commissioner Cooper
Motion carries unanimously 6-0

Discussion Items

Director Knopick stated staff will look at reducing the length of the motions while still following legal requirements.

Adjournment

Motion made to adjourn at 8:58 PM.

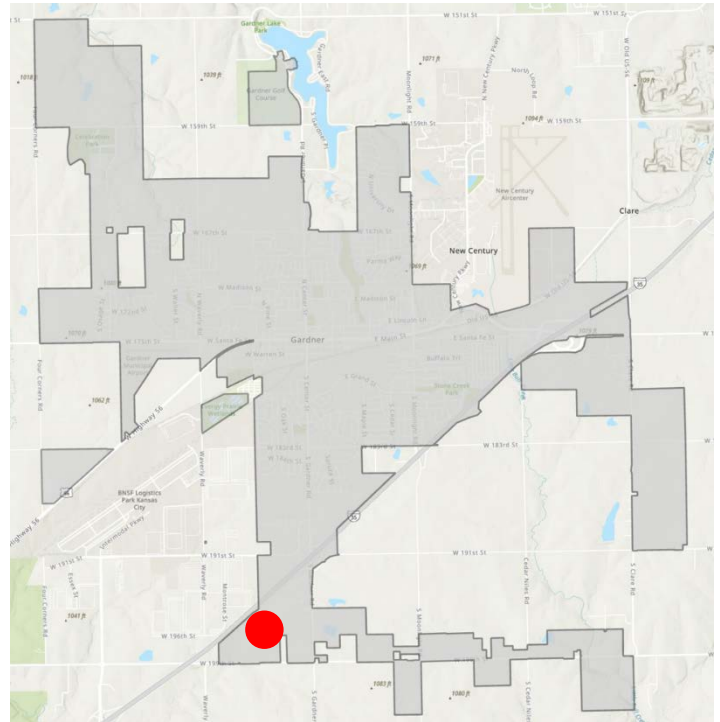
Motion: Commissioner Cooper
Second: Commissioner Souza
Motion carries unanimously 6-0

Recording of this meeting can be found here:
https://www.youtube.com/watch?v=Mzigh_hAVQ8

DRAFT

Project Name: Tuscan Farm

PROJECT NUMBER	24-30400003
REQUEST	REZONING, PRELIMINARY DEV PLAN, PRELIMINARY PLAT
APPLICANT	JIM LONG, PE
OWNER	TUSCAN FARM LLC
PARCEL ID	CP87700000 0T0C, CF221502-3011, CF221502-4009, CF221502-4007, CF221502-4001



Executive Summary

PRESENT ZONING:	R-1, R-3
PROPOSED ZONING:	R-1, RP-3
PRESENT LAND USE:	VACANT
PROPOSED LAND USE:	SINGLE AND MULTI- FAMILY RES
TOTAL SITE AREA:	59.1 ACRES
EXISTING LOT #:	5
PROPOSED LOT #:	148 LOTS, 3 TRACTS
PROP BUILDING TYPES:	SINGLE FAMILY DETACHED (118 UNITS), GARDEN APARTMENTS (40 UNITS), ROW HOUSES (109 UNITS)



Staff Recommendation

Staff recommends the Planning Commission table application 24-304-03, a Rezoning and associated Preliminary Development Plan and Preliminary Plat for Tuscan Farm to the August 26, 2024 Planning Commission meeting.

Context

Background/History

This item is a continuation from the June 24, 2024 Planning Commission meeting. Staff was directed to work with the applicant in regard to traffic, density, landscaping, and increasing privacy. Since the June meeting, the applicant has submitted a revised preliminary development plan, which replaces the townhomes with 50' wide single-family lots. The building type is Detached House - Neighborhood. Staff is working with the application on building elevations, possible deviation requests, and addressing the traffic, density, landscaping, and privacy concerns. The change in building type requires revising the zoning from RP-3 to either RP-2 or PR-4, and therefore requires republishing the public notice. There was not sufficient time to meet the state statute deadline of newspaper publication 20 days prior to the Planning Commission meeting on July 22, 2024, leading to the continuation request.

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

The Planning Commission tables application 24-304-03, a Rezoning and associated Preliminary Development Plan and Preliminary Plat for Tuscan Farm to the August 26, 2024 Planning Commission meeting.

PROJECT NUMBER / TITLE: University Park Final Development Plan (FDP-22-05) Extension Request

BACKGROUND / HISTORY

The applicant is requesting approval of an extension request for the final development plan for the University Park Apartment / Townhome project at 167th and White Drive. The plan includes 574 apartment units and 32 townhomes and on 35.5 acres.



Currently the property is zoned RP-5 Apartment District (approved by the Governing Body along with a Preliminary Plat). The Final Plat was approved by the Planning Commission with the Final Development Plan on August 22, 2022 with easements and rights-of-way being accepted by the Governing Body on September 6, 2022.

The final development plan for University Park Apartments / Townhomes was approved by the Planning Commission on August 22, 2022 with the following conditions:

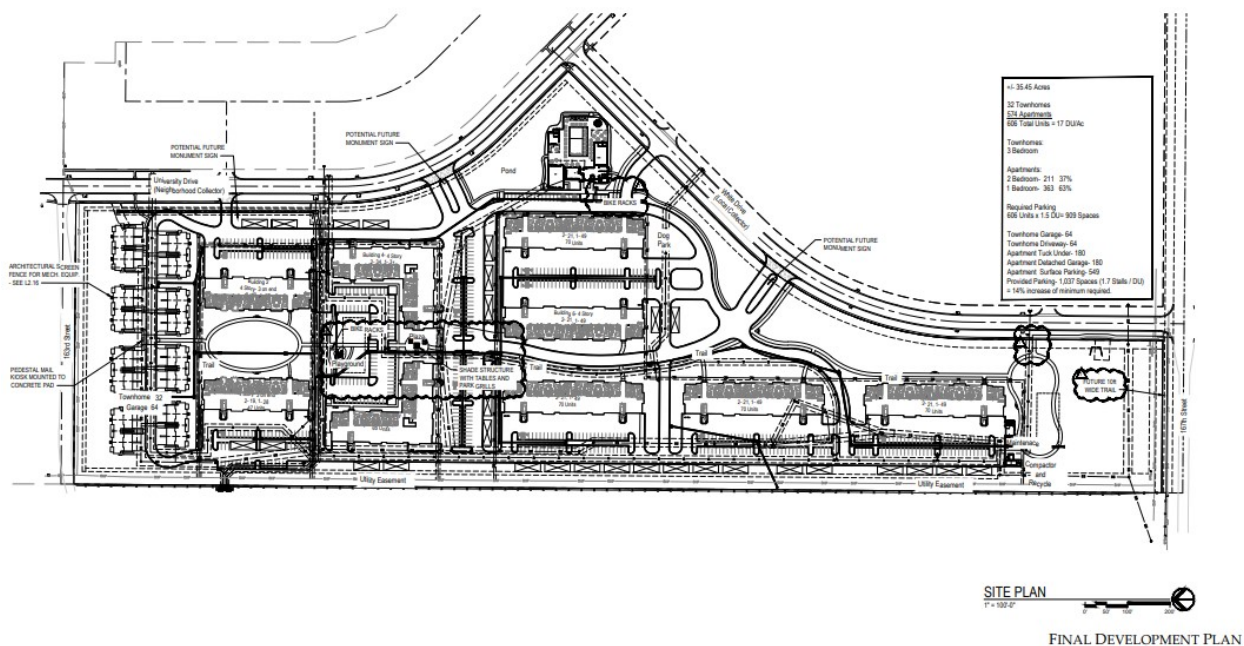
1. Approval of all deviations as presented in staff report.
2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
3. The applications shall be reviewed and approved by the Johnson County Board of County Commissioners prior to the release of the plat for recording.
4. Applicant must coordinate their stormwater and public improvements with Public Works in regards to the City's planned 167th Street improvement project.

5. Provide a stormwater management note on the plat that reads, “All lots shall provide on-site stormwater management facilities in accordance with Title 14 of the City of Gardner Municipal Code, the Gardner Technical Specifications for Public Improvements Projects and Design Criteria for Public Improvement Projects, and the APWA Manual of Best Management Practices For Stormwater Quality.”

Per Section 17.03.060 Site Plan and Design Review of the Gardner Land Development Code the Final Development Plan will expire on August 22, 2024 because no building permits have been issued to date. Additionally, the applicant may request and the Planning Commission may grant an extension of the plan approval for up to one additional year per the following:

Lapse of Approval. *An approved site plan and design review shall expire and be of no further effect if an application for a building permit for one or more buildings shown on the site plan is not filed within two years of the approval. The Planning Commission may grant an extension for up to one additional year. Any other element of the plan not submitted for permits within two years shall expire, unless the application proposes a different schedule that is approved. (Ord. 2546 § 1; Ord. 2518 § 2 (LDC § 3.06))*

The overall Final Development Site Plan is provided below for reference.



RECOMMENDATION

Staff recommends the Planning Commission consider the request and extend the Final Development Plan (FDP-22-05) approval for a period of one year until August 22, 2025.



PLANNING
ENGINEERING
IMPLEMENTATION

July 12, 2024

Mr. David Knopick
Community Development Director
City of Gardner
120 E. Main Street
Gardner, KS 66030

Sent via email: dknopick@gardnerkansas.gov

RE: University Park
Final Plan Extension Request
PEI # 210779

Mr. Knopick,

Reference is made to the Final Development Plan for University Park (FDP-22-05). This final development plan was approved by the City Planning Commission on August 22, 2022. No building permits for this project have been submitted to the city as of this date due to increases in construction costs (due largely to inflation) and rising interest rates. By City ordinance, this final development plan will expire after two years from the approval date, or August 22, 2024.

The city ordinances state that the Planning Commission may grant an extension for up to one additional year. On behalf of my client and the landowner, Austin Park, LLC, we hereby request that the Planning Commission grant a one-year extension on the final development plan for the above stated reasons, and hope that during this time our client will be able to proceed with the project. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Judd D. Claussen'. The signature is fluid and cursive, with the first name 'Judd' being particularly prominent.

Judd D. Claussen, P.E.
Phelps Engineering, Inc.

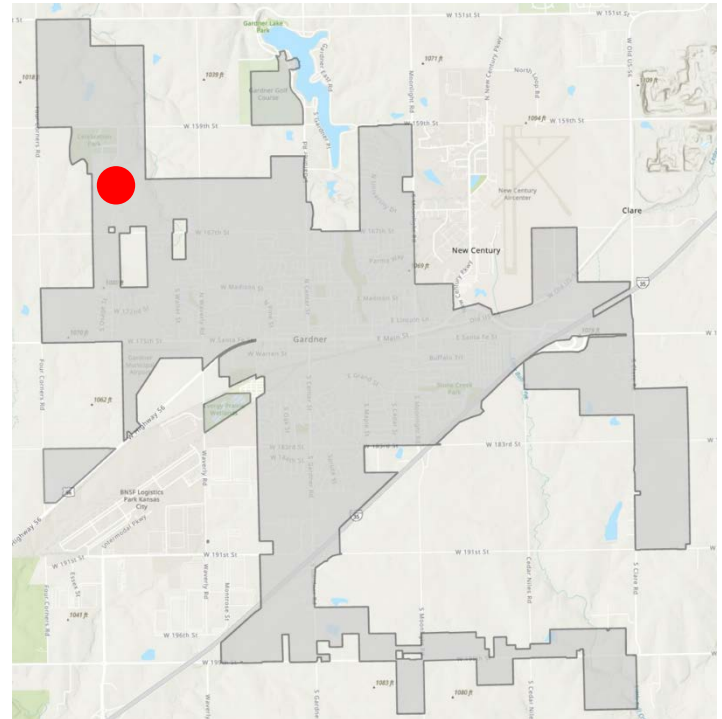
Cc: Greg Prieb II, Austin Park, LLC.

PHELPS ENGINEERING, INC.

1270 N. Winchester - Olathe, Kansas 66061 - (913) 393-1155 - Fax (913) 393-1166 - www.phelpsengineering.com

Project Name: Symphony Farms

PROJECT NUMBER	24-302-07
REQUEST	SYMPHONY FARMS PRELIMINARY PLAT 7 & 8, FINAL PLAT 7
APPLICANT	JIM LONG
OWNER	TIMBERS, LLC
ADDRESS	NA
PARCEL ID	CF221415-1003, CF221415-2013



Executive Summary

PRESENT ZONING:	R-1
PRESENT LAND USE:	VACANT
SITE AREA PRELIM PLAT:	56.07 ACRES
SITE AREA FINAL PLAT 7:	30.69 ACRES
EXISTING LOT #:	2
PROPOSED LOT #:	83 LOTS, 8 TRACTS
PROP BUILDING TYPE:	DETACHED HOUSE-SUBURBAN
PROP FRONTAGE TYPE:	SUBURBAN YARD



Staff Recommendation

Staff recommends approval of the final plat for Symphony Farms Preliminary Plat 7 & 8, Final Plat for phase 7 with the conditions in the Recommended Motion below.

Context:

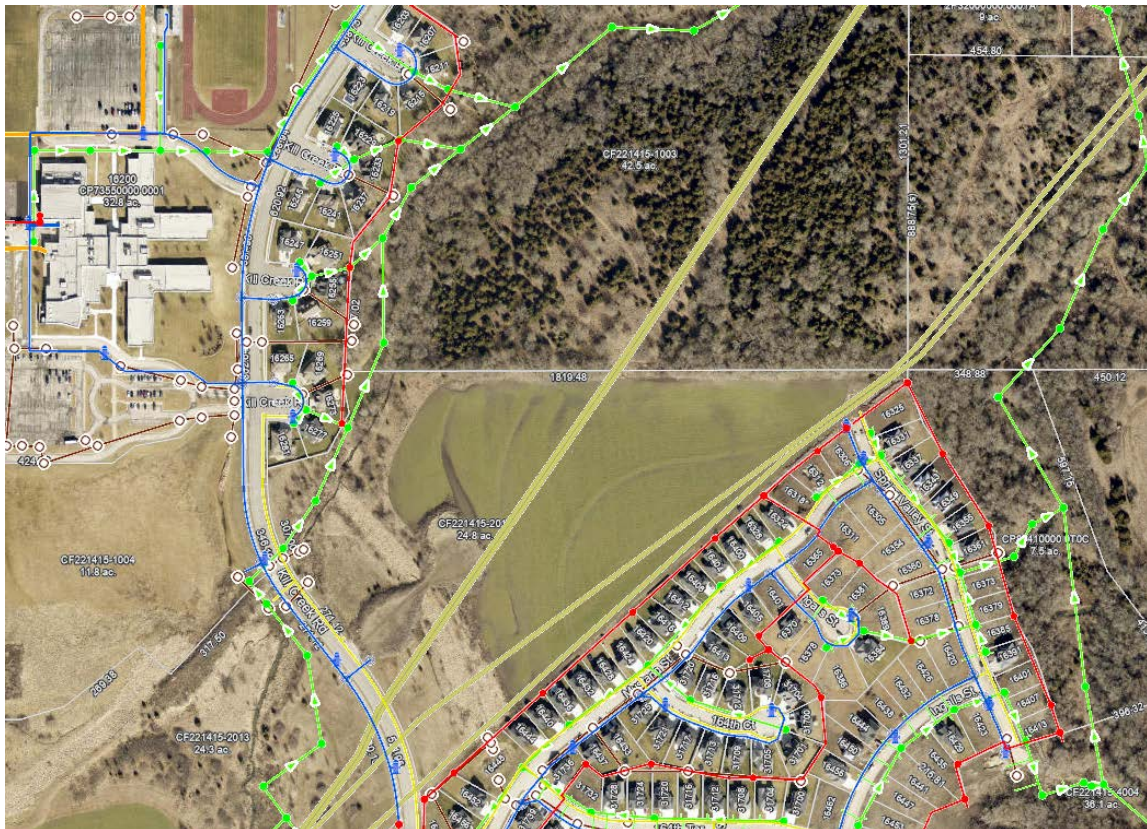
Background/History

This parcel was annexed into the City in 2003 (Ordinance No. 2064). Also in 2003, an application to rezone the parcel from A (Agriculture) District to R-1 (Single-Family Residential) District was approved (Ordinance No. 2082). In 2005, a preliminary plat (known at the time as Reserve at Kill Creek) was approved for a large single-family residential subdivision. No final plat was approved in the subject location, and the site remained undeveloped until the property was purchased and the Symphony Farms subdivision began to be built. Phase 6 was approved by the Planning Commission on January 24, 2022.

Surrounding Zoning and Land Use

Zoning	Use(s)
North of Subject Property	
RP-3 (Garden Apartment) district	Undeveloped
East of Subject Property	
County RUR (Rural) District	Undeveloped
South of Subject Property	
R-1 (Single-Family Residential) District	Symphony Farms Sections IV & VI
West of Subject Property	
R-1 (Single-Family Residential) District	Symphony Farms Section I
	Undeveloped

Utilities / Infrastructure



Electric

Existing electric utilities are located either within or adjacent to the site and will be extended into the development.

Water

Existing water utilities are located either within or adjacent to the site and will be extended into the development.

Sanitary Sewer

Existing sanitary sewer utilities are located either within or adjacent to the site. Sanitary sewer service will be extended throughout the subdivision by a gravity system.

Storm Sewer

The development proposes three detention basins, all within phase 7. There are four outstanding items that need to be addressed: the floodplain development permit, stream corridor maintenance agreement, water quality mitigation package, and stormwater detention design.

Roadway Network & Vehicular Access

Internal road networks within the subject property will connect to Kill Creek to the west. There will be two stub streets to the east as part of phase 8.

Natural Gas

There are four natural gas pipelines that run through the property. The proposed development does not encroach into any of the easements.

Review Criteria

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.
- 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.
- 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.
- 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.
- e. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.
- f. The 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.

Final Plat (LDC Section 17.03.030 E.)

- a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

- b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.
- c. The phasing and timing of public improvements ensures construction and performance guarantees.
- d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.
- e. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Findings

The layout and design of the final plat is in substantial compliance with the approved preliminary plat regarding lot and street layout. Staff finds this application to be consistent with many goals and objectives of the Comprehensive Plan. It meets the intent for street networks to provide for efficient and safe movement of all potential users of the streets within the development. All Public Improvement Plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place. There are a few minor corrections that need to be made to the plats for the lot numbering.

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.

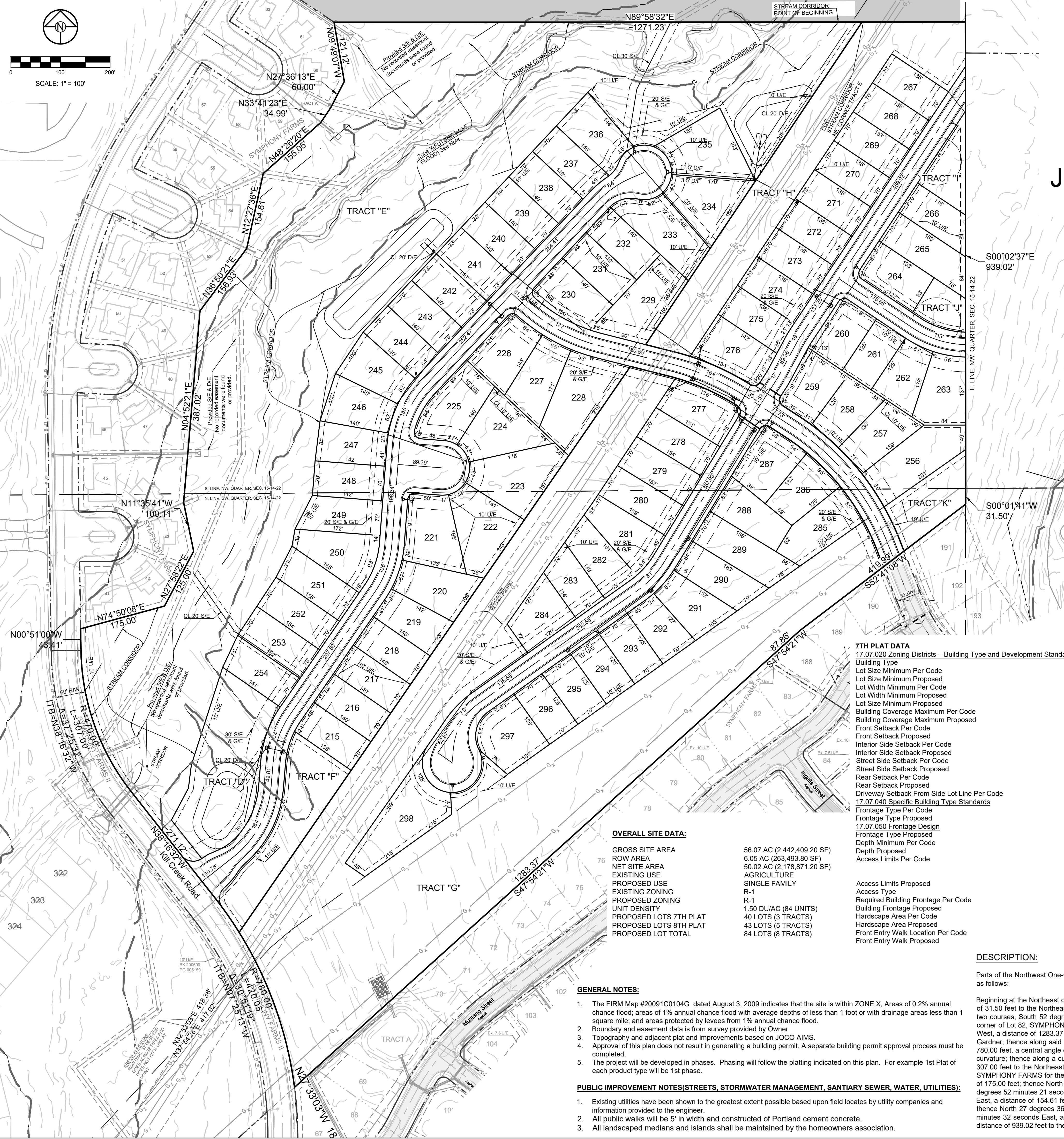
Recommended Motion

After review of application 24-302-07 phases 7 & 8 Preliminary Plat and phase 7 Final Plat for Symphony Farms, and staff report dated July 17, 2024, the Planning Commission approves the applications as proposed and recommends the Governing Body accept the dedication of right-of-way and easements, provided the following conditions are met:

1. Correct lot numbering on the plats; and
2. The final plat will not go to the Governing Body for acceptance and dedication of easements and rights-of-way or be signed / filed / recorded and no public improvement or building permits will be issued until the following items are completed:
 - a. Resolution of the need for and possible issuance of a floodplain development permit.
 - b. Review, approval, and execution of stream corridor maintenance agreement.
 - c. Review and approval of water quality mitigation package.
 - d. Review and approval of stormwater detention design.

Attachments

1. Preliminary Plat
2. Final Plat

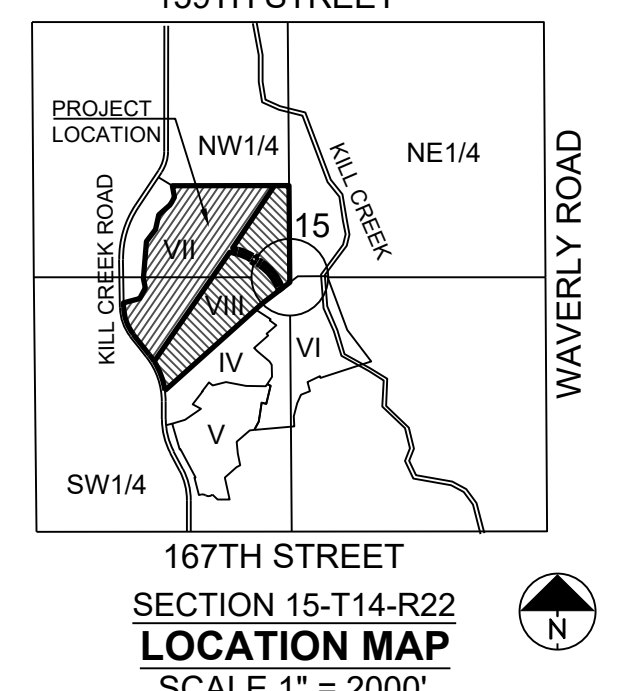


PRELIMINARY PLAT FOR SYMPHONY FARMS VII & VIII IN THE CITY OF GARDNER JOHNSON COUNTY, KANSAS

OWNER/DEVELOPER:
LIFESTYLES BUILDING AND DESIGN, LLC
JIM HUMBERT
34590 W. 167TH STREET
GARDNER, KANSAS
p 913-238-6107
JIM@LIFESTYLESBLDNGKC.COM

ENGINEER:
JIM LONG, P.E.
SCHLAGEL & ASSOCIATES, P.A.
(913) 492-5158
COMMENTS@SCHLAGELASSOCIATES.COM

SURVEYOR:
AARON REUTER, P.S.
SCHLAGEL & ASSOCIATES, P.A.
(913) 492-5158
AR@SCHLAGELASSOCIATES.COM



- LEGEND:**
- FOUND MONUMENT AS NOTED
 - FOUND 1/2" REBAR WITH KSL S 54 CAP UNLESS OTHERWISE NOTED
 - SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
 - EXISTING PLAT AND R/W LINES
 - - - EXISTING LOT AND PROPERTY LINES
 - E/E ELECTRICAL EASEMENT
 - R/W RIGHT-OF-WAY
 - S/E SANITARY EASEMENT
 - W/E WATERLINE EASEMENT
 - D/E DRAINAGE EASEMENT
 - U/E UTILITY EASEMENT
 - S/W SIDEWALK
 - BL BUILD LINE SETBACK

7TH PLAT		8TH PLAT	
LOT #	AREA (SF)	LOT #	AREA (SF)
215	8,797.80	224	14,882.43
216	9,900.00	225	11,906.97
217	9,900.00	226	9,900.00
218	9,900.00	227	9,900.00
219	10,467.37	228	9,900.00
220	12,116.75	229	10,220.00
221	15,141.95	230	9,900.00
222	16,303.98	231	10,220.00
223	17,719.94	232	10,220.00
224	14,882.43	233	9,900.00
225	14,882.43	234	9,900.00
226	14,882.43	235	11,147.88
227	12,598.81	236	11,147.88
228	19,196.28	237	10,369.97
229	16,303.98	238	9,907.50
230	12,598.81	239	10,299.37
231	9,900.00	240	13,086.43
232	9,903.78	241	11,268.93
233	15,811.98	242	10,830.23
		243	10,733.90

7TH PLAT DATA
17.07.020 Zoning Districts – Building Type and Development Standards

Building Type
Detached House-Suburban
8,000 s.f.
8,750 s.f.

Lot Size Minimum Proposed
70'
70'
70' x 125'
30%
30%
25'-50'
25'
7'
7'
20'
20'
25'
25'
3'

Frontage Type Proposed
Suburban Yard
Suburban Yard

Depth Minimum Proposed
25'-50'
25'
30% (70x.30=21')
24' max. per access point, applicable to the area within the right-of-way
30% (21' max)
Double Driveway
N/A
N/A
0%-40%
40%
Direct connect to driveway
Direct connect to driveway

8TH PLAT DATA
17.07.020 Zoning Districts – Building Type and Development Standards

Building Type
Detached House-Suburban
8,000 s.f.
8,750 s.f.

Lot Size Minimum Proposed
70'
70'
70' x 125'
30%
30%
25'-50'
25'
7'
7'
20'
20'
25'
25'
3'

Frontage Type Proposed
Suburban Yard
Suburban Yard

Depth Minimum Proposed
25'-50'
25'
30% (70x.30=21')
24' max. per access point, applicable to the area within the right-of-way
30% (21' max)
Double Driveway
N/A
N/A
0%-40%
40%
Direct connect to driveway
Direct connect to driveway

OVERALL SITE DATA:

GROSS SITE AREA: 56.07 AC (2,442,409.20 SF)
ROW AREA: 6.05 AC (263,493.80 SF)
NET SITE AREA: 50.02 AC (2,178,915.40 SF)
PROPOSED USE: AGRICULTURE
EXISTING ZONING: SINGLE FAMILY
PROPOSED ZONING: R-1
UNIT DENSITY: 1.50 DU/AC (84 UNITS)
PROPOSED LOTS 7TH PLAT: 40 LOTS (3 TRACTS)
PROPOSED LOTS 8TH PLAT: 43 LOTS (5 TRACTS)
PROPOSED LOT TOTAL: 84 LOTS (8 TRACTS)

GENERAL NOTES:

- The FIRM Map #20091C0104G dated August 3, 2009 indicates that the site is within ZONE X. Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- Boundary and easement data is from survey provided by Owner
- Topography and adjacent plat and improvements based on JOCO AIMS.
- Approval of this plan does not result in generating a building permit. A separate building permit approval process must be completed.
- The project will be developed in phases. Phasing will follow the platting indicated on this plan. For example 1st Plat of each product type will be 1st phase.

DESCRIPTION:

Parts of the Northwest One-Quarter and Southwest One-Quarter of Section 15, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of the said Southwest One-Quarter; thence along the East line of the said Southwest One-Quarter, South 00 degrees 01 minutes 41 seconds West, a distance of 31.50 feet to the Northeast corner of Lot 191, SYMPHONY FARMS VI, a subdivision in the said City of Gardner; thence along the North line of said SYMPHONY FARMS VI for the following two courses, South 52 degrees 41 minutes 08 seconds West, a distance of 419.99 feet; thence South 47 degrees 54 minutes 21 seconds West, a distance of 87.86 feet to the Northeast corner of Lot 82, SYMPHONY FARMS IV, a subdivision in the said City of Gardner; thence along the Northwest line of said SYMPHONY FARMS IV, South 47 degrees 54 minutes 21 seconds West, a distance of 1283.37 feet to the Northwest corner thereof, said point being on the East right-of-line of Kill Creek Road as platted in SYMPHONY FARMS II, a subdivision in the said City of Gardner; thence along said right-of-way for the following three courses, along a curve to the left, having an initial tangent bearing of North 07 degrees 25 minutes 13 seconds West, a radius of 780.00 feet, a central angle of 30 degrees 51 minutes 19 seconds and an arc length of 420.05 feet; thence North 38 degrees 16 minutes 32 seconds West, a distance of 271.12 feet to a point of curvature; thence along a curve to the right, being tangent to the previous course and having a radius of 470.00 feet, a central angle of 37 degrees 25 minutes 32 seconds and an arc length of 307.00 feet to the Northeast corner thereof, said point also being the Southeast corner of SYMPHONY FARMS, a subdivision in the said City of Gardner; thence along the Easterly line of said SYMPHONY FARMS for the following eleven courses, North 00 degrees 51 minutes 00 seconds West, a distance of 43.41 feet; thence North 74 degrees 50 minutes 08 seconds East, a distance of 175.00 feet; thence North 27 degrees 58 minutes 22 seconds East, a distance of 125.00 feet; thence North 11 degrees 35 minutes 41 seconds West, a distance of 100.11 feet; thence North 04 degrees 52 minutes 21 seconds East, a distance of 387.02 feet; thence North 36 degrees 50 minutes 21 seconds East, a distance of 156.93 feet; thence North 12 degrees 27 minutes 36 seconds East, a distance of 154.61 feet; thence North 48 degrees 26 minutes 20 seconds East, a distance of 155.05 feet; thence North 33 degrees 41 minutes 23 seconds East, a distance of 34.99 feet; thence North 27 degrees 36 minutes 13 seconds East, a distance of 60.00 feet; thence North 09 degrees 49 minutes 07 seconds West, a distance of 121.12 feet; thence North 89 degrees 58 minutes 32 seconds East, a distance of 1271.23 feet to a point on the East line of said Northwest One-Quarter; thence along said East line South 00 degrees 01 minutes 37 seconds East, a distance of 939.02 feet to the Point of Beginning, and containing 56.0724 acres, more or less.

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14920 West 107th Street • Lenexa, Kansas 66215
(913) 492-5158 • Fax: (913) 492-8400
WWW.SCHLAGELASSOCIATES.COM

PREPARED BY: _____

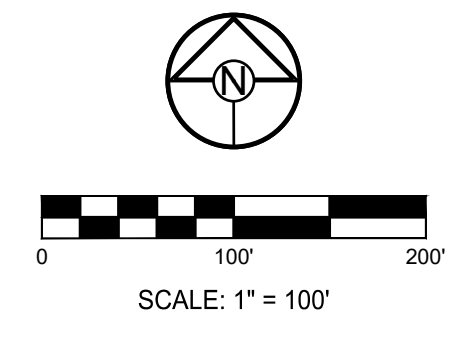
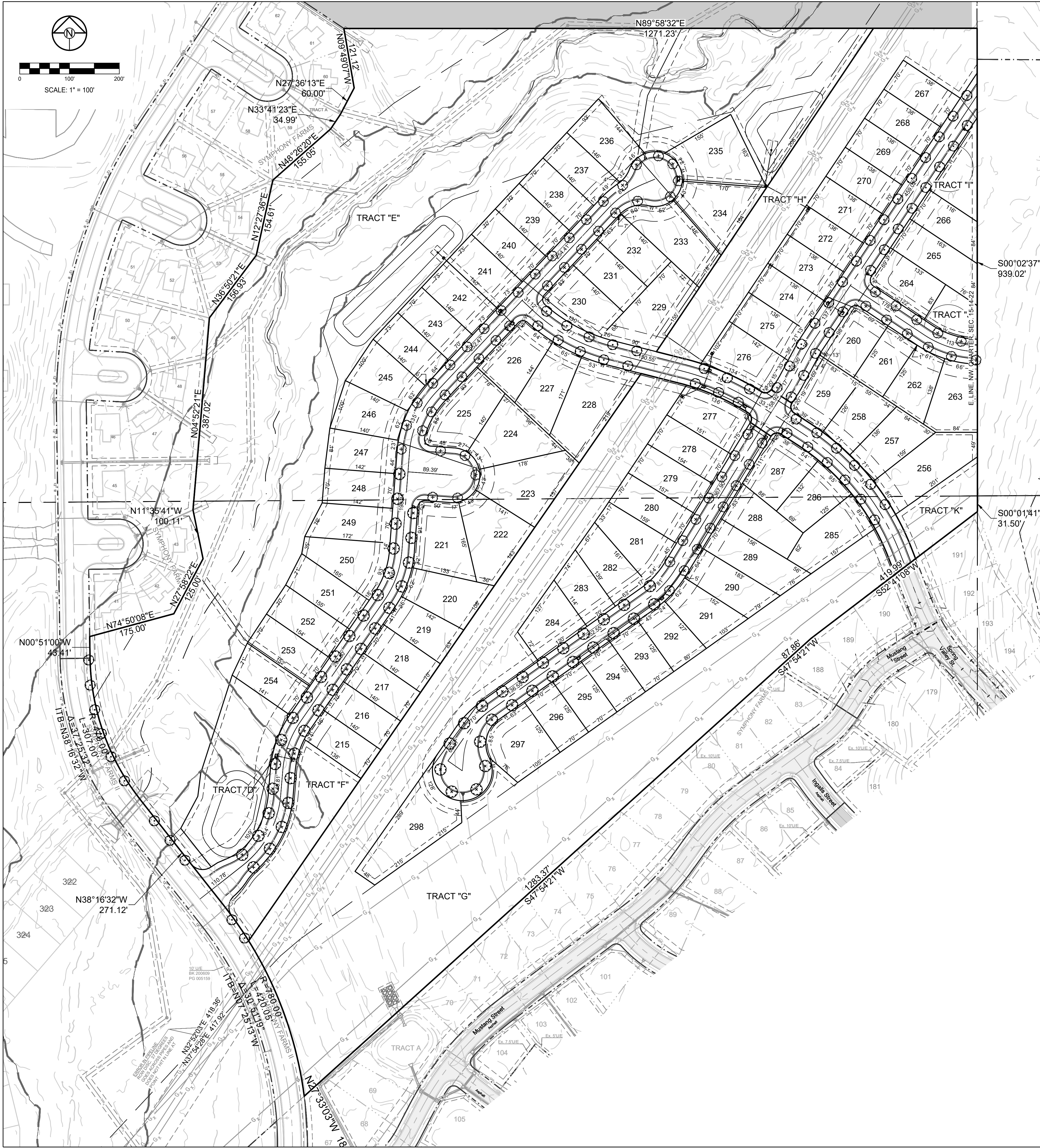
SYMPHONY FARMS VII & VIII
PRELIMINARY PLAT
KILL CREEK ROAD AND 167TH STREET
GARDNER, KANSAS

REVISION DATE	DESCRIPTION

DRAWN BY: JLL
CHECKED BY: JLL
DATE PREPARED: 2024.06.03
PROJ. NUMBER: 24-482

PRELIMINARY PLAT

SHEET **C1.0**



LANDSCAPE DATA:

CHAPTER 17.04 SUBDIVISION STANDARDS
 17.04.010 STREET NETWORKS AND STREET DESIGN
 S. KILL CREEK ROAD
 TYPE
 CLASSIFICATION
 PLANTING TYPE PER CODE
 PLANTING TYPE PROPOSED
 TREE SPACING PER CODE
 TREE SPACING PROPOSED
 TREE QUANTITY REQUIRED PER CODE (537.87/50=11 PER SIDE)
 TREE QUANTITY PROVIDED
 STREET TREE LOCATION PER CODE
 STREET TREE LOCATION PROPOSED

ARTERIAL
 STANDARD
 TREE LAWN
 TREE LAWN
 40'-60' ON CENTER
 1 PER 50'
 11 TREES
 11 TREES
 BETWEEN THE CURB AND SIDEWALK
 BETWEEN THE CURB AND SIDEWALK AS REQUIRED BY CITY STAFF

17.08.030.C TREE DIVERSITY
 SPECIES DIVERSITY REQUIRED BY CODE

5-10 TREES REQ. 2 GENUS MIN 50% MAX OF 1 SPECIES.
 11-20 TREES REQ. 3 GENUS AND 5 SPECIES 33% MAX OF 1 SPECIES.
 21-50 TREES REQ 3 GENUS AND 5 SPECIES 20% MAX OF 1 SPECIES AT LEAST 3 GENUS; AND AT LEAST 5 SPECIES.
 NO MORE THAN 20% OF ANY ONE SPECIES

SINGLE FAMILY LANDSCAPE DATA:

GENERAL DATA
 SUBURBAN DETACHED SINGLE FAMILY NUMBER OF LOTS
 17.08.030 LA DESIGN STANDARDS TABLE 8-1 LANDSCAPE REQ.
 FRONTAGE LANDSCAPE REQUIRED
 FOUNDATION LANDSCAPE REQUIRED
 BUFFER LANDSCAPE REQUIRED
 CIVIC OR OPEN SPACE LANDSCAPE REQUIRED
 OTHER OPEN AREAS LANDSCAPE REQUIRED
 OTHER OPEN AREAS LANDSCAPE PROVIDED

83 LOTS
 SEE BELOW
 NONE
 NONE PER TABLE 8-2 BUFFER PLANTING REQUIREMENTS
 SEE BELOW
 1 TREE PER 10,000 S.F. AND 1 SHRUB PER 5,000 S.F. AND LAWN
 1 TREE PER 10,000 S.F. AND NATIVE VEGETATION
 (DEVIATION REQUESTED FOR NOT INSTALLING SHRUBS)

17.07.030 BUILDING DESIGN STANDARDS
 FRONTAGE TYPE REQUIRED BY CODE
 FRONTAGE TYPE PROPOSED

SUBURBAN YARD-NEIGHBORHOOD YARD
 SUBURBAN YARD

17.07.050 FRONTAGE DESIGN
 FRONTAGE TYPE PROPOSED
 DEPTH MINIMUM PER CODE
 DEPTH PROPOSED
 TREES REQUIRED

SUBURBAN
 25'
 25'
 1 SMALL TREE FOR EVERY 50' FEET OF FRONTAGE;
 OR 1 MEDIUM OR LARGE TREE FOR EVERY 100' OF FRONTAGE
 (IN ADDITION TO REQUIRED STREET TREES)
 1 TREE PER LOT
 0% - 40% HARDSCAPE, WITH THE REMAINDER EITHER LANDSCAPE OR TURF

TREES PROVIDED
 ALLOCATION OF LANDSCAPE SPACE REQUIRED

STREET DESIGN DATA FOR SUBURBAN SINGLE FAMILY
 17.04.010 STREET NETWORKS AND STREET DESIGN
 TYPE
 PLANTING TYPE PER CODE
 PLANTING TYPE PROPOSED
 TREE SPACING PER CODE
 TREE SPACING PROPOSED

SUBURBAN STANDARD
 TREE LAWN
 TREE LAWN
 40' - 60' ON CENTER
 40' - 60' ON CENTER

OPEN SPACE DATA
 17.04.020 OPEN AND CIVIC SPACE SYSTEMS
 PREFERRED TYPES PER CODE
 TYPE PROPOSED
 OPEN SPACE MINIMUM REQUIRED BY SECTION D OF CODE
 OPEN SPACE PROPOSED

PARK, NATURAL AREA
 NATURAL AREA
 10%
 10%
 PRESERVATION OR ENHANCEMENT OF NATURAL LANDSCAPE

NATURAL AREA/DETENTION TRACTS D,E,F LANDSCAPE PROVIDED

SHADE TREES

	GTS	60 EA.	Gleditsia tricanthos v. inermis 'Shademaster'	Shademaster Honeylocust	2.5" Cal.	B&B
	TTS	67 EA.	Tilia tomentosa 'Sterling'	Sterling Silver Linden	2.5" Cal.	B&B
	UXF	64 EA.	Ulmus x Frontier	Frontier Elm	2.5" Cal.	B&B

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PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

**SYMPHONY FARMS VII & VIII
 PRELIMINARY PLAT
 KILL CREEK ROAD AND 167TH STREET
 GARDNER, KANSAS**

REVISION DATE	DESCRIPTION

PRELIMINARY LANDSCAPE PLAN

SHEET
L1.0

