

Call to Order

The meeting of the Gardner Planning Commission was called to order at 7:00 pm on Tuesday May 28, 2024, by Chair Ham. Commissioners present: Mia Ham, Matt Combs, Cleveson Souza, Austin Jueneman, and Allen Vonderschmidt. Staff present: Community Development Director Dave Knopick, Principal Planner Robert Case, Planner Jesse Hunter, City Clerk Renee Rich and City Attorney Spencer Low. Adriana Meder and Stacy Cooper were absent.

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 March 25, 2024.
2. Cypress Creek 3rd Plat 24-302-01 Final Plat - Located approximately 1000' west of the intersection of W 167th St and N Poplar Rd.
3. Cypress Creek 4th Plat 24-302-02 Final Plat - Located approximately 250' west of the intersection of W 167th and N Poplar Rd.

Motion made to approve the consent agenda.

Motion: Commissioner Jueneman

Second: Commissioner Souza

Motion carries unanimously 5-0

Regular Agenda

1. Villas on Grand 23-302-05 Final Development Plan & Final Plat – Located north of the intersection of E Grand St. and White Dr.

Staff Presentation

Robert Case, Principal Planner presented information regarding the Villas on Grand. The site is approximately 33 acres and this is the first phase of a senior living community and being developed into 36 lots. This will include twenty-five single family villa homes, one duplex unit and 36 fourplex units. There is approximately 14.75 acres of open space to include a clubhouse, pickle ball court, and walking trails. The fourplex units will be developed into a condo-type development and the single-family villas will be on the west side of the development. Elevations are not typically requested for single family homes as it allows for more diversification in the single-family units, but we do for those that have more units within it. Plot plans will come in before building permits and will be checked for compliance to the code. Since this is a diverse multi-unit development, there are a lot of deviations. Staff recommends approval of all deviations.

Staff findings include: the site is capable of accommodating the building, use and other site design elements; the design and arrangement of the building is consistent with good planning and landscaping design; the architecture and building design uses quality materials and the style is appropriate for the context; and the plan is in substantial compliance with code. Staff recommends approval of application 23-302-05 and recommended changing the last recommendation to “may be reviewed” rather than “shall be reviewed.” There are conflicting maps for the one-mile radius around the New Century Airport so this may not need to go before the Airport Board and Board of County Commissioners.

Applicant Presentation

Todd Allenbrand, Payne & Brockway, 426 S. Kansas Ave. said the patience staff has shown and the help given to this point has been appreciated, and they are comfortable with and agree with the staff report.

Commissioner Jueneman said he likes that the development is walkable. It is similar to developments in a few other cities.

Chair Ham asked if there are going to be any code revisions for the smaller lots to not have to include so many deviations in the future. Knopick replies that these deviations are decided upon based on code, and that over the next year, staff may review the code sections that cause the most deviation requests. Developers have had issues meeting the code requirements for the smaller lots without deviations being granted.

Commission Discussion

Commissioner Souza commented that a lot of deviations can be worrisome. He asked about the rear setback request from 25 to 15 feet.

Todd Allenbrand responded that the lots are generally 55-feet wide, so they can accommodate a 45-foot-wide house. To get the square footage that they want on the market, the house tends to be a little deeper. A popular addition is a lanai which becomes an enclosed portion of the house and extends farther back. It can cause it to be over the 25-foot building line. The deviation will provide 10 foot of flexibility if needed.

Commissioner Souza asked about the hardscapes being increased to 48%.

Todd Allenbrand said it is meant to cover the cul-de-sac lots, but it technically covers all of the lots since they didn't request deviations specifically for cul-de-sac lots. They cannot meet the hardscape frontage because of the shape of the lot.

Commissioner Souza asked about the sidewalks being changed from 8 feet to 6 feet.

Todd said it is for head-in parking in the clubhouse area or in the future for the senior living area. Similar requests have been granted in other parts of the city. As long as the vehicles parking meet the minimum requirement for ADA, which is 3-feet it would be ok, unless someone backs in a truck, then it may not meet the requirement.

Commissioner Jueneman commented that he liked that this is walkable and closer together and something varied for the city rather than just grass that you don't want to take care of.

Todd said it is to make it feel more open. There are several places in other cities that are very similar to this plan.

Chair Ham asked if there are going to be any code revisions for the smaller lots to not have to include so many deviations in the future.

Director Knopick replied that the deviations are decided upon based on code, and that over the next year, staff may review the code sections that cause the most deviation requests. Developers have had issues meeting the code requirements for the smaller lots without deviations being granted. When working through a planned development scenario, the code provides the ability to make deviations and there may be tradeoffs made to help create a better development for the city.

Motion:

After review of application 23-302-05 a Final Development Plan and associated Final Plat for Villas on Grand, and staff report dated May 22, 2024, the Planning Commission approves the Final Development Plan application 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 all deviations as proposed by staff in staff report;
2. Provide elevations of the amenity building, subject to staff review and approval;
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. Prior to recording the final plat, excise tax shall be paid to the City; and,
5. The applications may shall be reviewed and approved by the Johnson County Airport Commission and the Board of County Commissioners prior to the release of the plat for recording.

Motion was made to approve including the change in language on condition 5.

Motion: Commissioner Combs

Second: Commissioner Souza

Motion carries unanimously 5-0

2. Grand Mission Estates 23-302-06 Final Development Plan & Final Plat – Located north of E Grand St. and Grand Star Elementary

Staff Presentation

Robert Case, Principal Planner said it is part of the Grand Street Development and is a larger lot development. It consists of 15.6 acres of single family housing. 29 lots and 3 tracts. It is generally in compliance with the preliminary development plan. The final plat is in substantial compliance with the preliminary plat. Due to being within one mile of the airport.

Applicant Presentation

Todd Allenbrand is present.

Combs asks to view aerial of plat. The parcel identified also has another parcel marked on the map. Staff confirmed both parcels are under the same ownership.

Commission Discussion

Chair Ham opened it up for discussion. There were no questions or discussion.

Motion:

After review of application 23-302-06 a Final Development Plan and associated Final Plat for Grand Mission Estates, and staff report dated May 22, 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. 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;
2. Prior to recording the final plat, excise tax shall be paid to the City; and
3. The applications may shall be reviewed and approved by the Johnson County Airport Commission and the Board of County Commissioners prior to the release of the plat for recording.

Motion was made to include changing the wording in condition 3.

Motion: Commissioner Jueneman
Second: Commissioner Vonderschmidt
Motion carries unanimously 5-0 motion

3. **Nice Ice Baby 24-305-01 Conditional Use Permit (Public Hearing)** – Located at 312 W. Main St.

Staff Presentation

Jesse Hunter, Planner said this is 250 feet from Pine Street and is zoned C-1, but is surrounded by residential. There is one house located next to this property, but it is not occupied. Future planning has this being zoned mixed-use. This is for a CUP and the trailer will stay on the property when not used. The use is seasonal. There are 13 conditions.

Applicant Presentation

Justin Smith, 18525 Juniper Street, said Nice Ice Baby has been in Gardner before. It was across the street which is now owned by Transport Brewery. The previous owner shuttered the business while looking for a new location and then sold it. We have found this location to fit our needs.

Public Hearing

Steve Warren 322 W. Main adjacent to where the business will be located. As a neighbor in a residential area, this owner came to all of the neighbors prior to asking for this location. They have made us aware of everything that is going on. Of any business that could be included in this neighborhood, this one is ok.

Motion made to close the public hearing.

Motion: Commissioner Jueneman
Second: Commissioner Souza
Motion carries unanimously 5-0

Commission Discussion

Commissioner Souza welcomes Nice Ice Baby back to Gardner. Jueneman asked if there are any plans to have lighting on the property. Applicant says there is some lighting on the building. No overhead lights planned due to the hours not being necessary for lighting. Knopick confirms the applicant would have to come back if there are any changes made to the original plan. Jueneman is glad to hear the applicant has worked with the neighbors to put this plan in place. Ham appreciates the applicant working with the neighbors to get their input.

Motion:

After review of application 24-305-01, a Conditional Use Permit for Nice Ice Baby at 312 W Main St, and staff report dated May 22, 2024, the Planning Commission recommends approval of the application as proposed, with the following conditions:

- 1. The Conditional Use permit shall expire on December 31, 2029;**
- 2. The applicant shall be required to submit a Temporary Use Permit application to be reviewed and approved January 1st of each calendar year. Failure to meet all applicable regulations, obtain required licenses / permits etc. or receipt of complaints regarding this use of property could be**

reason for reconsideration and potential revocation of this Conditional Use Permit and subsequent Temporary Use Permit(s);

3. All utility connections must meet the standards and specifications of the Utilities Department and all applicable Building Codes; 3 Gardner Planning Commission Regular Agenda Item No. 3 Meeting Date: May 28, 2024

4. Hours of operation shall occur between 1 p.m. and 8 p.m. daily between the months of May and August;

5. Traffic shall not interfere with the normal operation of adjacent roadways or pedestrian activity in the public rights-of-way;

6. Trash dumpsters, equipment storage, and mechanical areas must be appropriately enclosed / screened / secured per city regulations;

7. A physical barrier shall be provided that separates the picnic table / seating area from vehicle circulation lanes and parking spots;

8. Trash receptacles shall be provided near the food truck and the picnic table / seating area;

9. Any signage and lighting is subject to further review and approval by the City prior to installation. The site plan for this Conditional Use Permit does not indicate any signage or lighting;

10. Any on-site changes from that differ from the layout depicted in the site plan provided as part of this Conditional Use Permit are subject to the review and approval of the City staff and/or the Planning Commission. Failure to submit a site plan and support materials for such changes may be cause for reconsideration and revocation of this Conditional Use Permit and subsequent Temporary Use Permit(s);

11. This Conditional Use Permit is issued to the property owner and mobile food / beverage vendor at this location only as identified through the application and review process. Any change in property ownership and/or mobile food and beverage vendor will require a resubmittal of updated information to the Community Development Department at the City of Gardner and may require an application for and consideration of a replacement Conditional Use Permit and subsequent Temporary Use Permit(s);

12. The property cannot be used for the storage or parking of any equipment, vehicles, trailers, etc. that are not directly associated with or accessory to the daily business operations / functions of the mobile food and beverage use identified with this Conditional Use Permit; and

13. Any further development of the property is limited to the parameters of this Conditional Use Permit and subject all applicable regulations and policies of the City of Gardner.

Motion: Commissioner Combs

Second: Commissioner Jueneman

Motion carries unanimously 5-0

4. CIP Conformance Review

Staff Presentation

Dave Knopick, Community Development Director, this is a once a year report of the CIP to assure this is in conformance. This follows state statute 12-748. This is not a financial review, this is to assess what has been proposed and how this will tie to budget tools and public investments to long range goals.

CIP is narrow around a 5 year window. The CIE looks ahead around 20 years to help put projects out for funding. The comprehensive goals were reviewed and a brief review of the high quality/dependable public services set out for the next five years. Transportation network goals and goals to support growth. A lot of these projects are in conjunction with state and federal agencies that we will have some cost share with.

Commission Discussion

Commissioner Combs asked if the City had already secured the funds for some of the projects where other agencies are involved.

Director Knopick confirmed the City is in line for those funds, but they have not been guaranteed yet. Sometimes those agencies will allow the funds to be aggregated to another year if the project is not complete. On the CIP, those are the years that are planned to have the funds spent to eventually complete the project. Each funding agency could have delays which could cause the project to shift to another year.

Commissioner Combs asked about the bathroom rehab at Veterans' Park and whether it is being made bigger or having an addition to it. Knopick said it needs to be brought into compliance with ADA.

Commissioner Souza asked about it being a yearly review.

Director Knopick replied it is an on-going process year-by-year because sometimes things will move from one year to the next.

Chair Ham said thank you and appreciated the presentation.

Motion:

After review of the proposed 2025-2029 Capital Improvement Program the Planning Commission finds the proposed program to be in conformance with the adopted Gardner Comprehensive Plan.

Motion: Commissioner Combs
Second: Commissioner Souza
Motion carries unanimously 5-0

This set of minutes will go to city council along with the discussion.

5. 2024 Election of Officers

Chair Ham announced she has resigned her position. She has been elected to the KCK NEA board.

Director Knopick said the by-laws are included in the packet which notes the need to nominate and elect a chair and vice chair for one year. Since two commissioners were absent, he mentioned the option to put the vote off until the next meeting, in which Jueneman would step into the chair role for the vote.

Commissioner Jueneman asked if the missing commissioners had indicated whether or not they were interested in either of the roles.

Director Knopick stated that Commissioner Cooper has not mentioned anything in the communication, it was more she would be late to the meeting and then later emailed saying she would not make it at all due to personal reasons. Commissioner Meder said she would entertain that it was fine on either position if nominated and if she did not get them she was ok with that to.

Commission Discussion

There was no discussion.

Motion: Chair

Commissioner Ham made a motion to nominate Jueneman as Chairman.
Motion: Chair Ham
Second: Commissioner Souza

Motion carries unanimously 5-0

Motion: Vice Chair

Commissioner Vonderschmidt made a motion to nominate commissioner Souza as Vice Chairman.

Motion: Commissioner Vonderschmidt

Second: Commissioner Jueneman

Discussion Items

Ham thanked staff and the commissioners for her time working with everyone.

June PC meeting with a few items. If a commissioner has scheduling conflicts due to the summer, staff should be made aware to ensure there will be a quorum.

The Next meeting June 24.

There were no discussion items.

Adjournment

Motion made to adjourn at 8:09 PM

Motion: Commissioner Jueneman

Second: Commissioner Vonderschmidt

Motion carries unanimously 5-0

Recording of this meeting can be found here:

https://www.youtube.com/live/pmaIS3swllg?si=ycoq_h-hINxCJHKJ