

## 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. 170<sup>th</sup> Terr 24-306-02 Site Plan – Located 300' east of the intersection of Agnes St and 170<sup>th</sup> 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 167<sup>th</sup> St and White Dr.**

### **Staff Presentation**

Robert Case, Principle Planner with the city of Gardner presented two motions for this item. The 1<sup>st</sup> motion was for the rezoning preliminary development plan and associate primary plat. The 2<sup>nd</sup> 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 167<sup>th</sup> 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 167<sup>th</sup> 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 167<sup>th</sup>.

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 196<sup>th</sup> 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 147<sup>th</sup> 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. 196<sup>th</sup> 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. 199<sup>th</sup> St.

Audrey Sparks address 30056 W. 199<sup>th</sup> 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 196<sup>th</sup> 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.**

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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](https://www.youtube.com/watch?v=Mzigh_hAVQ8)