Planning Commission Agenda
Gardner City Hall - 120 E. Main Street
Council Chambers
September 28, 2026, at 7:00 p.m.

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 by one motion with no separate discussion. If separate discussion is desired, an item may be removed from the Consent Agenda and placed on the Regular Agenda at the request of the Planning Commission or the applicant.

1. **Standing approval of the minutes** as written for the meeting on August 24, 2026

Regular Agenda

1. **633 E Colleen Drive (Short Term Rental) (Public Hearing Required)** (26-305-04)
2. **Clare Crossing – Corrective action related to the RP-3 (Planned Garden Apartment), RP-5 (Planned Apartment) and CP-3 (Planned Heavy Commercial) (Public Hearing Required)** - zoning originally approved by Ordinance 2793 in February of 2024, to rectify an error with the legal description, for the property generally located at the southeast corner of 175th Street and Clare Road (26-304-08)

Adjournment

Watch the meeting live on the City's YouTube channel at: https://www.youtube.com/user/CityofGardnerKS

In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 856-0945 a minimum of 48 hours prior to the meeting.

Call to Order

The meeting of the Gardner Planning Commission was called to order at 7:00PM on Monday, August 24, 2026, by Chairperson Berg.

Commissioners present: Robin Berg, Austin Jueneman, Joe O'Lucci, Allen Vonderschmidt, Filip Landsberg and Cleverson Souza.

Staff present: Director Dave Knopick, Deputy Director Magi Brewster, Engineer Tim McEldowney, Principal Planner Bob Case, Principal Planner Jesse Hunter, Administrative Specialist Victoria Johnson, and City Attorney Kathryn Dumovich.

Pledge of Allegiance

Chairperson Berg 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, an item may be removed from the Consent Agenda and placed on the Regular Agenda at the request of the Planning Commission or the applicant.

1. **Standing approval of the minutes as written for the regular meeting on July 27, 2026.**
2. **Plaza South, Lot 5 - Sano Medical Office** (24-304-05) – Request for one-year extension of Final Development Plan

Motion was made to approve the consent agenda.

Motion: Commissioner Jueneman
Second: Commissioner Landsberg
Motion carried unanimously, 6-0.

Regular Agenda

1. **Flint Trails – Revised Final Development Plan** to allow rear patios and decks to encroach into the rear setback (26-314-08)

There was no applicant presentation.

Magi Brewster gave the staff presentation.

The Planning Commission did not have any questions regarding the application.

Motions:

Final Development Plan:

The Planning Commission approved the revised final development plan, with the rear setback deviations as outlined in the staff report.

Motion: Commissioner O'Lucci
Second: Commissioner Jueneman
Motion carried unanimously, 6-0.

2. **Prairiebrooke II – Rezoning of 2.01 acres from RP-2 (Planned Two-Family Residential) District to RP-3 (Planned Garden Apartment) District and associated Preliminary Development Plan** for a planned townhome development generally located near 174th and Kill Creek Road **(Public Hearing Required)** (26-314-05)

Doug Ubben with Phelps Engineering, gave the applicant's presentation. He explained the request to increase the number of homes from 10 to 20 units.

Bob Case gave the staff presentation.

Tim Gates spoke at the public hearing, speaking against the increased density of the proposed rezoning from RP-2 to RP-3. Emil Shutzul also spoke against increased density. The primary concerns raised were related to the potential number of vehicles on the street.

Motion was made to close the public hearing.

Motion: Commissioner O'Lucci
Second: Commissioner Jueneman
Motion carried unanimously, 6-0.

Commissioners asked whether a traffic study had been completed. Staff responded that a traffic memorandum had been submitted, but that a new, full traffic study was not required by staff .

Commissioners also asked about the number of bedrooms proposed per unit. The applicant confirmed that each unit would contain three bedrooms.

The applicant addressed the traffic memorandum, stating that the increase in vehicle trips would be negligible with the proposed increase in the number of units. Commissioners discussed on-street parking and the similarity of the proposed development to other developments in the surrounding area. In response to a question regarding driveways, Tim McEldowney explained that there would be limited space for on-street parking due to the number and placement of driveways

Motion:
The Planning Commission recommends approval of the rezoning and associated preliminary development plan to rezone 2.01 acres from RP-2 (Planned Two-Family Residential) District to RP-3 (Planned Mixed Density Residential) District.

Motion: Commissioner Jueneman
Second: Commissioner O'Lucci
Motion carried unanimously, 6-0.

3. **Velocity Arts Campus – Rezoning of 214.56 acres from County RUR (County Rural/Agriculture) and A (Agriculture) to ACP-3 (Activity Center Planned District) and associated Preliminary Development Plan** for a mixed-use development generally located south of 167th Street, west of Clare Road, north of 175th Street and southeast of Industrial Bypass and the I-35 and 175th Street bypass **(Public Hearing Required)** (26-304-04)

Josh Shibler from Velocity Arts gave the applicant's presentation.

Commissioner O'Lucci asked about the applicant's plans to coordinate with local schools. The applicant stated that they planned to work with the schools.

Commissioner Berg asked about public safety and traffic management. The applicant stated that on-duty and off-duty law enforcement, along with Velocity staff, would assist with security and traffic mitigation. The applicant also stated that a full-time security service would be employed.

Magi Brewster provided the staff presentation and discussed the unique characteristics of the Activity Center development type. She noted that the requested deviations would be more appropriately addressed with the Final Development Plan, when additional details are available.

Commissioner O'Lucci asked about roadway jurisdiction and improvements. She noted that the current study was preliminary and did not include all roadway details. Required roadway improvements must be completed before the development opens to the public, and the applicant is responsible for those improvements.

Commissioner Souza asked about utility service. Staff stated that Evergy could provide electric service if Gardner could not accommodate the required capacity, WaterOne could potentially provide water, and Johnson County Wastewater could potentially provide wastewater service. Based on the preliminary information provided, Gardner's utilities could not currently accommodate the full projected demand. Dave Knopick added that Gardner could coordinate with larger service providers if necessary.

The public hearing was opened.

Bill Andrews commented on Gardner's history of large development being rejected by City officials.

Andrea Brammel spoke on the growth in Gardner's population and the need for commercial development specifically for the benefit of the residents.

Motion was made to close the public hearing.

Motion: Commissioner Jueneman
Second: Commissioner O'Lucci
Motion carried unanimously, 6-0.

Commissioner Jueneman asked how the airport proximity may impact this development. The applicant stated that there would be no negative impact and noted coordination with the Airport Commission has been initiated and no concerns have been expressed at this time. Magi Brewster clarified that, as a condition of approval, the applicant must complete the required approvals with the Airport Commission and Board of County Commissioners.

Motion:

The Planning Commission recommends approval of the rezoning and associated preliminary development plan to rezone 214.56 acres from County RUR (County Rural/Agriculture) and A (Agriculture) to ACP-3 (Activity Center Planned Heavy Commercial District) for a mixed-use development subject to the following conditions:

1. **The preliminary development plan being reviewed and approved by the Johnson County Airport Commission and Board of County Commissioners as required.**
2. **The deviation requests not being granted as part of the preliminary development plan approval but be considered as part of the final development plan submission(s) which may require the submission of a revised preliminary development plan depending on the extent and number of deviations being requested at that time.**
3. **The following information and/or details being provided with subsequent final development plan(s) or revised preliminary development plan submission(s) in addition to all other required application submission materials and studies:**
   a. **Will-serve letter(s) from utility service providers (e.g. Evergy, WaterOne, Johnson County Wastewater, etc.) for the proposed development.**
   b. **Detailed parking analysis to evaluate parking demand by use, account for shared parking opportunities, and staggered peak demand periods.**
   c. **Final traffic impact study outlining all necessary transportation related improvements for review by the City and KDOT. Additionally, any and all, final development plans shall comply with the city's Access Management Code and Technical Specifications, specifically as related but not limited to:**
      i. **Design of proposed roundabouts;**
      ii. **Truck turning movements on private streets and around individual buildings to ensure access by emergency services;**
      iii. **Access points to both public and private streets meeting spacing requirements; and**
      iv. **Limiting access from parking areas to the public collector street.**
   d. **Final stormwater report including proposed detained stormwater release rates. Approval is conditional upon the development satisfying the requirements of Gardner Municipal Code Title 14 – Floodplain and Stormwater Management, including, but not limited to, peak flow reduction and stormwater treatment facility provision and maintenance, where applicable. Any violation of these requirements will necessitate plan modification 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. It should be noted that the following stormwater related items will be required:**
      i. **A floodplain development permit is required for any grade modifications within regulated floodplains, which includes shaded Zone X (future base flood). The permit requires submission of an H&H model and summary report indicating no adverse impacts to existing base flood conditions.**
      ii. **A stream corridor maintenance agreement is required for the preserved stream corridor.**
      iii. **A stormwater treatment facility maintenance agreement is required to be finalized prior to permit issuance.**
   e. **An event management plan that includes all proposed event venues.**
   f. **Additionally, any and all, final development plans shall comply with the city's Land Development Code in regard to the intent and principals of planned zoning districts and more specifically the AC-P district as follows:**
      i. **Preservation of distinct natural features on the land and integration of them into amenities for the project.**

DRAFT

ii. **Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.**
iii. **Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.**
iv. **Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.**
v. **Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.**
vi. **Create broader community benefits through the better integration of regional- and community- serving uses along and near key commercial corridors.**
vii. **Ensure the provision of infrastructure to support multi-modal transportation services along and through key commercial corridors.**
viii. **Ensure improved public realm designs are implemented along key commercial corridors, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.**
ix. **Ensure compatibility between uses through building placement, building design, and landscape solutions and arranging uses to provide transitions from lower to higher intensity.**

4. **That a revised preliminary development plan or final development plan for any phase of the currently associated preliminary development plan be submitted to the City for review and approval by the Planning Commission and Governing Body through the prescribed process for such plans found in Chapter 17.03 of the Gardner Municipal Code within 12 months of approval of this rezoning action. If a revised preliminary development plan or final development plan application is not submitted within such time, then the zoning of these parcels will revert back to the prior respective RUR or A zoning districts as applicable to each parcel. The applicant / developer may request a one-time extension of the timeframe noted above within 2 months of the 12-month deadline, but the applicant / developer must provide justification for the requested extension and demonstrate the efforts made during the past 10 months in pursuit of submitting a revised preliminary development plan or final development plan for consideration by the Planning Commission and Gardner Governing Body.**

Motion: Commissioner O'Lucci
Second: Commissioner Souza
Motion carried unanimously, 6-0.

Adjournment

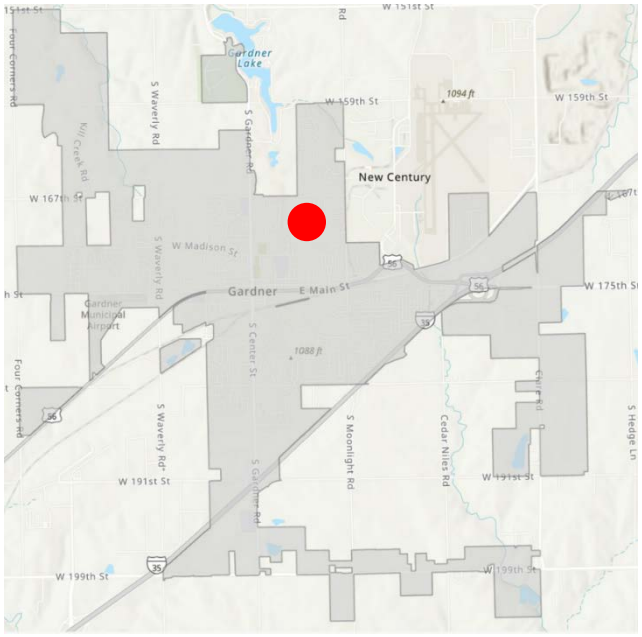
Motion made to adjourn at 7.55PM.

Motion: Commissioner O'lucci
Second: Commissioner Vonderschmidt
Motion carried unanimously, 6-0.

https://www.youtube.com/watch?v=O0hsozGhPqE

Planning Commission Report: SHORT TERM RENTAL 633 E COLLEEN DR

PROJECT NUMBER	26-30500004
REQUEST	SHORT TERM RENTAL CUP
APPLICANT	MAX ORIBHABOR, MAX PRO PROPERTIES, LLC
OWNER	LUIS ROMERO CALIX, JEANNINE FRANCO
ADDRESS	633 E COLLEEN DR
PARCEL ID	CP72500000 0031
PLANNER	JESSE HUNTER



Site Location Map



Aerial of Subject Site

Executive Summary

PRESENT ZONING:	R-1
PRESENT LAND USE:	SINGLE FAMILY RESIDENTIAL
PROPOSED LAND USE:	SHORT-TERM RENTAL (LESS THAN 30 DAYS)
TOTAL SITE AREA:	8,041 SQ FT
NEW STRUCTURE:	NO

Project Description

The applicant requests approval of a conditional use permit to allow a short-term rental at 633 E Colleen Drive.

Background/History

The subject property is lot 31 of the Parma subdivision. The house, along with the surrounding houses, was constructed in 1977. This subdivision does not have a homeowners association. The house is a Detached House - Suburban building type. The lot is 70 ft wide and 8,041 sq ft in size, which is similar to other lots in the neighborhood. The residence has three bedrooms, a two car garage, and the rear yard is fenced.

This property was brought to the attention of staff by a complaint related to contractor trucks and trailers being parked on the street and an inquiry regarding approval of a conditional use permit for a short-term rental. Staff contacted the property owner to ask if they were operating a short-term rental and notified them of the requirement to obtain a conditional use permit. The property manager subsequently submitted the conditional use permit application.

Surrounding Zoning and Land Use

Zoning	Use(s)
North of Subject Property	
R-1 (Single-Family Residential) District	Single family houses (Parma subdivision)
East of Subject Property	
R-1 (Single-Family Residential) District	Single family houses (Parma subdivision)
South of Subject Property	
R-1 (Single-Family Residential) District	Vacant
West of Subject Property	
R-1 (Single-Family Residential) District	Single family houses (Parma subdivision)

Utilities / Infrastructure

Electric, water and sewer utilities are provided by the City of Gardner. No new infrastructure is needed.

Staff Analysis

Section 17.05.030 (B.4.q.) of the Land Development Code (LDC) defines short-term rentals as:

> *Lodging – Short-Term Rental of Detached House*. "A lodging use in a residential building type where the dwelling is rented or sold for any term less than 30 consecutive days."

Such uses require a conditional use permit (CUP) in the R-1 (Single Family Residential) District subject to following standards found in Section 17.05.050 (R.) of the LDC.

1. Owner shall provide tenants with information on all applicable City ordinances pertaining to parking, noise, nuisances, and property maintenance.
2. Owner shall post the occupancy limit, and ensure they are not exceeded.
3. Owner shall provide their contact information, and contact information of the property manager, to tenants and the City, and shall keep it updated in case of change.
4. All property boundaries shall be clearly marked so that tenants do not trespass on adjacent properties.
5. Such homes shall not be rented for the sole purpose of hosting parties or special events. The structure and grounds shall be utilized as a dwelling unit, with typical recreational uses as consistent with the neighborhood so as not to create undue conflict with other residents.

The existing house will be used as-is and the existing utilities and infrastructure are adequate and will be unchanged. According to the 2024 International Property Maintenance Code, the maximum occupancy for the house is seven, which is calculated by the number of conforming bedrooms (3) and their sizes. The fence in the rear yard serves to delineate the property boundaries. The property is currently maintained and managed by the applicant as stated in the applicant's narrative.

The impact to the area related to traffic generation and noise should generally be similar to that of a single-family house, but this will be highly dependent on the individual tenants. There is potential for disruption to the surrounding area by the occupants changing more frequently than a single-family residence not used for short-term rental purposes. Guests may park in the driveway, garage, and on the street when necessary. If the operations plan in the applicant's narrative is followed, staff believes the use may be compatible with the area.

On-street parking shall comply with the regulations in the Standard Traffic Ordinance as adopted with ordinance No. 2866. Vehicles illegally parked may be issued a citation by the Police Department. Instances of illegal on-street parking and/or disturbing the peace are handled by the Police Department.

Similar to other recently considered conditional use permits for short-term rentals, staff is recommending an approval period of two years with an administrative review at the end of 2027 to ensure all the conditions are continuing to be met. Noncompliance with the standards in Section 17.05.050 (R.) of the LDC related to short term rentals may result in the permit being revoked. Revocation of a Conditional Use Permit follows the same process by which the permit was approved.

Staff Recommendation

Staff recommends approval of the conditional use permit for a short-term rental at 633 E Colleen Drive subject to the following conditions:

1. The Conditional Use Permit shall expire on October 19, 2028, and a formal administrative review shall be conducted between December 2027 and January 2028;
2. The following standards including Section 17.05.050 (R.) of the Land Development Code shall be met by the applicant for the duration of the Conditional Use Permit:
    a. Owner shall provide tenants with information on all applicable City ordinances pertaining to parking, noise, nuisances, and property maintenance.
    b. Owner shall post the occupancy limit, and ensure they are not exceeded.
    c. Owner shall provide their contact information, and contact information of the property manager, to tenants, emergency services, and the City, and shall keep it updated in case of change.
    d. All property boundaries shall be clearly marked so that tenants do not trespass on adjacent properties.
    e. Such homes shall not be rented for the sole purpose of hosting parties or special events. The structure and grounds shall be utilized as a dwelling unit, with typical recreational uses as consistent with the neighborhood so as not to create undue conflict with other residents.
3. If an advertising / booking platform is used that does not collect and remit the applicable taxes as part of the reservation process, the short-term rental operator shall be responsible for collecting and remitting all applicable taxes to the State of Kansas.

4. Any amendment to the Conditional Use Permit shall require the same process as the original approval.

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 when the review body is a recommending body):

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.

Attachments

1. Applicant's Narrative

Gardner, Kansas

Property Type: Short-Term Rental /
Property Size: Approximately 2,500 Square Feet
Bedrooms: 3
Bathrooms: 2
Beds: 5

Our Short Term Rental Operations

This description of operations is being submitted to the City of Gardner to describe the operation, management, safety standards, and neighborhood protections associated with our short-term rental property in Gardner, Kansas.

Our goal is to operate the property as a professionally managed, safe, quiet, and well-maintained short-term rental that provides quality accommodations for visitors while remaining respectful of the surrounding residential neighborhood.

We understand that operating a short-term rental within a residential community comes with a responsibility not only to our guests, but also to neighboring property owners and the City of Gardner. Our operating policies have been established with those responsibilities in mind.

Property Description

The property is an approximately **2,500-square-foot residence consisting of three bedrooms, two bathrooms, and five beds**.

The home is intended to accommodate families, working professionals, individuals visiting the Gardner area, and other responsible guests seeking temporary accommodations.

The property is operated as a lodging accommodation and is not intended to function as an event venue, party house, nightclub, or gathering facility.

Professional Management and Oversight

The property is actively managed and monitored. We take responsibility for ensuring that guests follow our property rules as well as applicable City of Gardner requirements.

We maintain communication with guests throughout their stay and make expectations regarding conduct clear before and during occupancy.

Should an issue occur involving a guest, noise, unauthorized activity, or another disturbance, our policy is to address the situation promptly rather than allowing the activity to continue and negatively affect neighboring residents.

Zero-Tolerance Party and Disturbance Policy

We maintain a strict **no-party and no-disruptive-gathering policy**.

Guests are not permitted to use the property for:

- Parties or large unauthorized gatherings
- Events
- Excessive noise
- Disorderly conduct
- Illegal or illicit activities
- Activities that interfere with the peaceful enjoyment of neighboring properties

Guests are expected to behave in the same respectful manner that would reasonably be expected of any resident living within the neighborhood.

Any serious violation of these policies may result in the guest being required to leave the property.

Quiet Hours and Neighborhood Consideration

Protecting the quality of life of neighboring residents is one of our primary operating priorities.

Guests are informed that the property is located within a residential community and that neighboring homes must be treated with consideration.

We enforce quiet hours and expect guests to keep exterior conversations, music, vehicles, and other activity at reasonable levels, particularly during evening and overnight hours.

Our objective is for the short-term rental to coexist with the surrounding neighborhood without creating excessive noise, traffic, disturbances, or other negative impacts.

We recognize that the neighboring residents live in the community full-time, and their ability to peacefully enjoy their homes is taken seriously when establishing and enforcing our rental policies.

Property Maintenance and Appearance

The property is maintained on a regular basis to ensure that it remains an attractive and positive part of the surrounding neighborhood.

The lawn is mowed every week during the appropriate mowing season.

Landscaping and exterior areas are routinely monitored so that the property does not become overgrown, neglected, or visually disruptive to neighboring properties.

The interior and exterior of the residence are also maintained between guest stays to provide a clean, safe, and professionally operated property.

Trash and other exterior conditions are monitored so that short-term rental activity does not negatively affect the appearance of the property or the surrounding area.

Security and Safety Monitoring

Safety is an important part of our short-term rental operation.

The property is equipped with **exterior security cameras positioned on both sides of the home**.

These cameras are used to help:

- Protect guests and the property
- Monitor exterior activity
- Identify unauthorized gatherings
- Discourage theft, vandalism, or illicit activity
- Assist in enforcing occupancy and property rules
- Provide additional security for both guests and the surrounding community

The cameras are used for exterior security purposes and are intended to help us identify and respond to inappropriate or unauthorized activity at the property.

Guest privacy is also respected. Security monitoring is focused on exterior areas rather than private interior living spaces.

Guest Conduct

Guests are expected to comply with all property rules and applicable laws while staying at the residence.

Guests are specifically instructed to respect:

- Neighboring homes and residents
- Noise restrictions and quiet hours
- Property occupancy limitations
- Parking requirements
- Public safety requirements

City ordinances
Applicable state and local laws

Illegal or illicit activities are prohibited on the property.

Our intent is to attract responsible guests who are visiting Gardner for legitimate lodging purposes rather than individuals seeking a location for disruptive gatherings or activities.

Compliance With City Requirements

We are committed to operating the property in accordance with the rules, ordinances, regulations, and applicable requirements established by the **City of Gardner and other governing authorities**.

If the City establishes reasonable requirements applicable to the operation of the short-term rental, we intend to cooperate with those requirements and maintain the property accordingly.

We also understand that approval to operate a short-term rental carries an ongoing responsibility to ensure the property does not become a nuisance or negatively affect the surrounding community.

Community Responsibility

We believe short-term rentals can operate successfully within residential communities when they are properly managed.

Our approach is centered on four principles:

Safety: Maintaining security measures and actively monitoring the property.

Accountability: Taking responsibility for the actions of guests staying at the residence.

Property Maintenance: Keeping the home, lawn, landscaping, and exterior appearance properly maintained.

Neighborhood Respect: Preventing parties, excessive noise, illegal activity, and other disturbances that could negatively affect neighboring residents.

We do not view the property simply as a rental business. We recognize that it is located within a community where families and residents live every day.

For that reason, the concerns and quality of life of surrounding neighbors are considered as part of our everyday operating practices.

Conclusion

We respectfully request that the City of Gardner approve the operation of this property as a short-term rental.

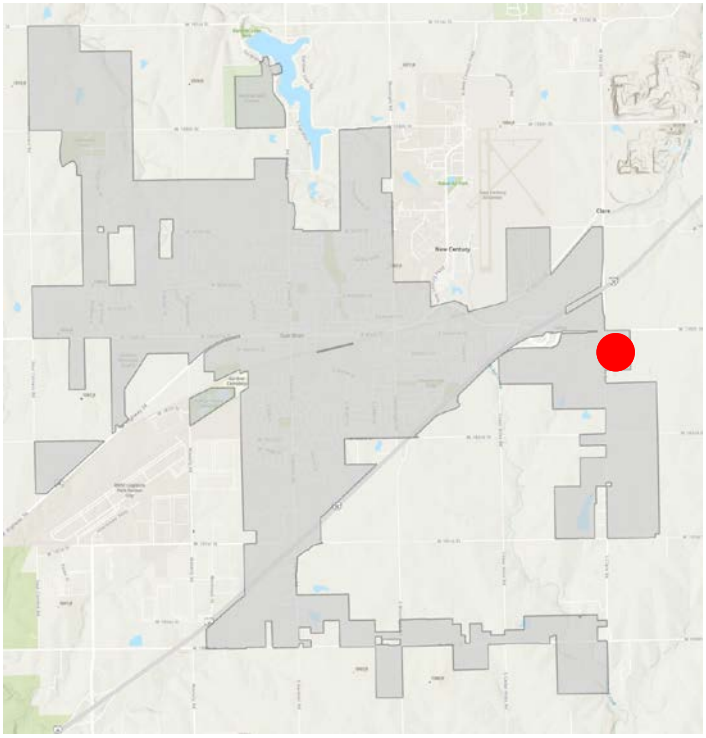
We believe the propertyis well suited for responsible short-term lodging and can operate without negatively affecting the character of the surrounding neighborhood.

Through active management, exterior security monitoring, weekly lawn maintenance, strict prohibition of parties and disruptive activities, enforcement of quiet hours, and compliance with applicable City rules and laws, we intend to maintain a safe, professional, and neighborhood-conscious short-term rental.

Max Pro Properties LLC

Project Name: Clare Crossing – Legal Description Clean-up

PROJECT NUMBER	26-303-01
REQUEST	REZONING
APPLICANT	CITY OF GARDNER
OWNER	CLARE CROSSING, LLC
PARCEL IDs	CP27500000-0T01, CP27500000-0T02, CP27500000-0T03, CP27500000-0T04, CP27500000-0T05, CP27500000-0T0A, & CP27500000-0T0B
PLANNER	MAGI BREWSTER



Site Location Map

Executive Summary

PRESENT ZONING:	CP-3, RP-3 & RP-5
PROPOSED ZONING:	CP-3, RP-3 & RP-5
PRESENT LAND USE:	VACANT
PROPOSED LAND USE:	COMMERCIAL & MULTI FAMILY
TOTAL SITE AREA:	58 ACRES
EXISTING LOT #:	5 LOTS & 2 TRACTS



Aerial of Subject Location

Project Description

The Clare Crossing development consists of approximately 58 acres. The northern half of the property has been approved for commercial development, while the southern half of the property has been approved to be developed residentially with a mix of duplex and multi-family units.

Background/History

The rezoning, preliminary development plan, and preliminary plat were recommended for approval by the Planning Commission at their January 2024 meeting. In February of 2024, the City Council approved an ordinance rezoning the subject property and approving the associated preliminary development plan. In August and September of 2024 respectively, the Planning Commission approved the final plat for Clare Crossing First Plat and City Council accepted the dedication of right-of-way and easements as shown on the final plat. The first plat is recorded and the developer has installed some of the infrastructure to support future development.

During a conversation between city staff and a potential developer of the multi-family portion of the project, it came to the city's attention that the adopted ordinance (Ord. 2793) rezoning the property to RP-3, RP-5 and CP-3 included a legal description for the entire property. Based on three different zoning categories being proposed, the ordinance should have included three legal descriptions, one for each zoning district.

While staff considers this application a "clean-up" of the adopted rezoning ordinance, because the ordinance did not contain a clerical or other minor error, the corrective action to establish the boundaries of each district must follow the rezoning procedure as outlined in Section 17.03 of the Land Development Code (LDC). Thus the the Planning Commission must conduct a public hearing on this item. Based on staff not catching this error at the time the ordinance was considered, staff is serving as the applicant for this application.

Surrounding Zoning and Land Use

Zoning	Use(s)
North of Subject Property	
MP-2 (Planned General Industrial) District	Warehouse / Distribution
East of Subject Property	
RUR (County Rural / Agricultural) District	Commercial (Epic Nursery)
South of Subject Property	
RUR (Agricultural) District	Single-family residence
West of Subject Property	
RP-1 (Planned Single-family Residential) and C-3 (Heavy Commercial) Districts	Single-Family Residences (Prairie Trace Estates Subdivision) and Vacant

Utilities / Infrastructure

No changes are proposed to the provision of utilities or infrastructure.

New Century Air Center

A portion of the very northwest side of the property is located within 1 mile of the New Century Air Center. Therefore, final development plans for that area of the project will require review and approval by County staff or the Johnson County Airport Commission and the Board of County Commissioners.

Staff Analysis

With the adoption of Ordinance 2793, the subject property has been considered rezoned to RP-3, RP-5, and CP-3 since 2024. The three zoning classifications continue to be considered appropriate based on how surrounding property has been developing.

Recognizing that infrastructure has been installed in accordance with the originally approved preliminary development plan and a final plat consistent with the preliminary development plan has been recorded, staff recommends the Planning Commission approve this corrective action and re-approve the preliminary development plan, allowing the developer to continue to move forward with the project. Per Section 17.03.040 E. as amended in February of 2026, the preliminary plan shall lapse and be of no further force and effect if a final development plan has not been approved within one year of the date of re-approval of the preliminary development plan.

Staff Recommendation

Staff recommends re-approval of the rezoning as originally considered by the Planning Commission in January of 2024 and approved by the Governing Body in February 2024, along with re-approval of the associated preliminary development plan and conditions listed as follows:

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. 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. Future associated development plans and plat applications may be subject to review by the Johnson County Airport Commission and approval of the Johnson County Board of Commissioners as required.

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 when the review body is a recommending body):

1. Approve the application.
2. Approve the application with conditions or modifications.
3. Deny the application.
4. Continue the application to allow further analysis.

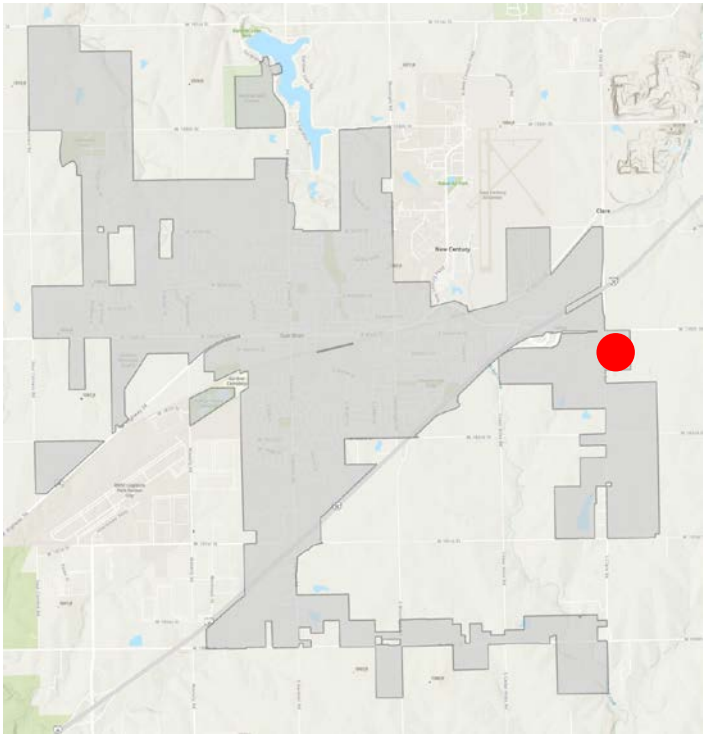
The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

Attachments

1. Planning Commission staff report from January 18, 2024
2. Preliminary Development 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:	COMMERICIAL & 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:

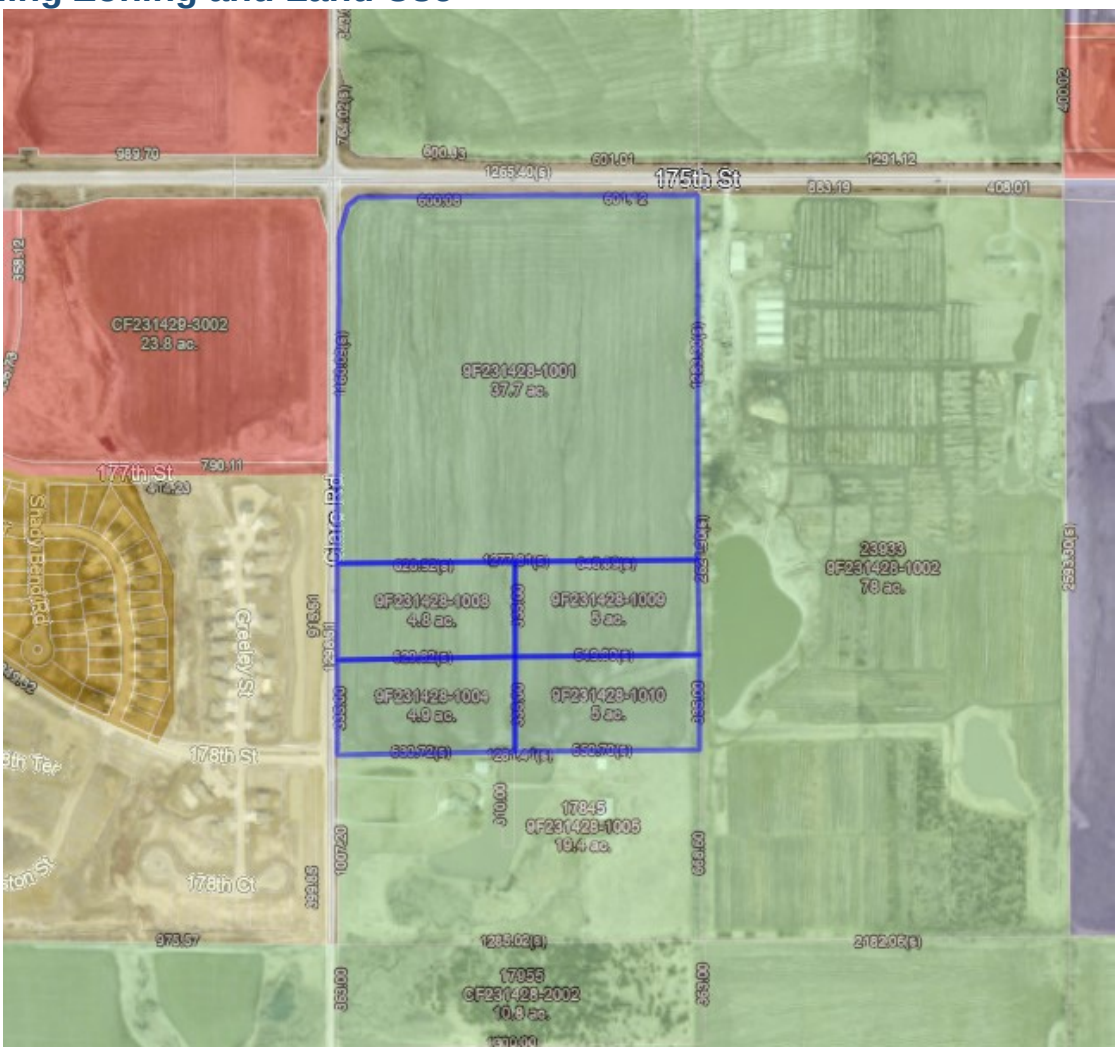
Background/History

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



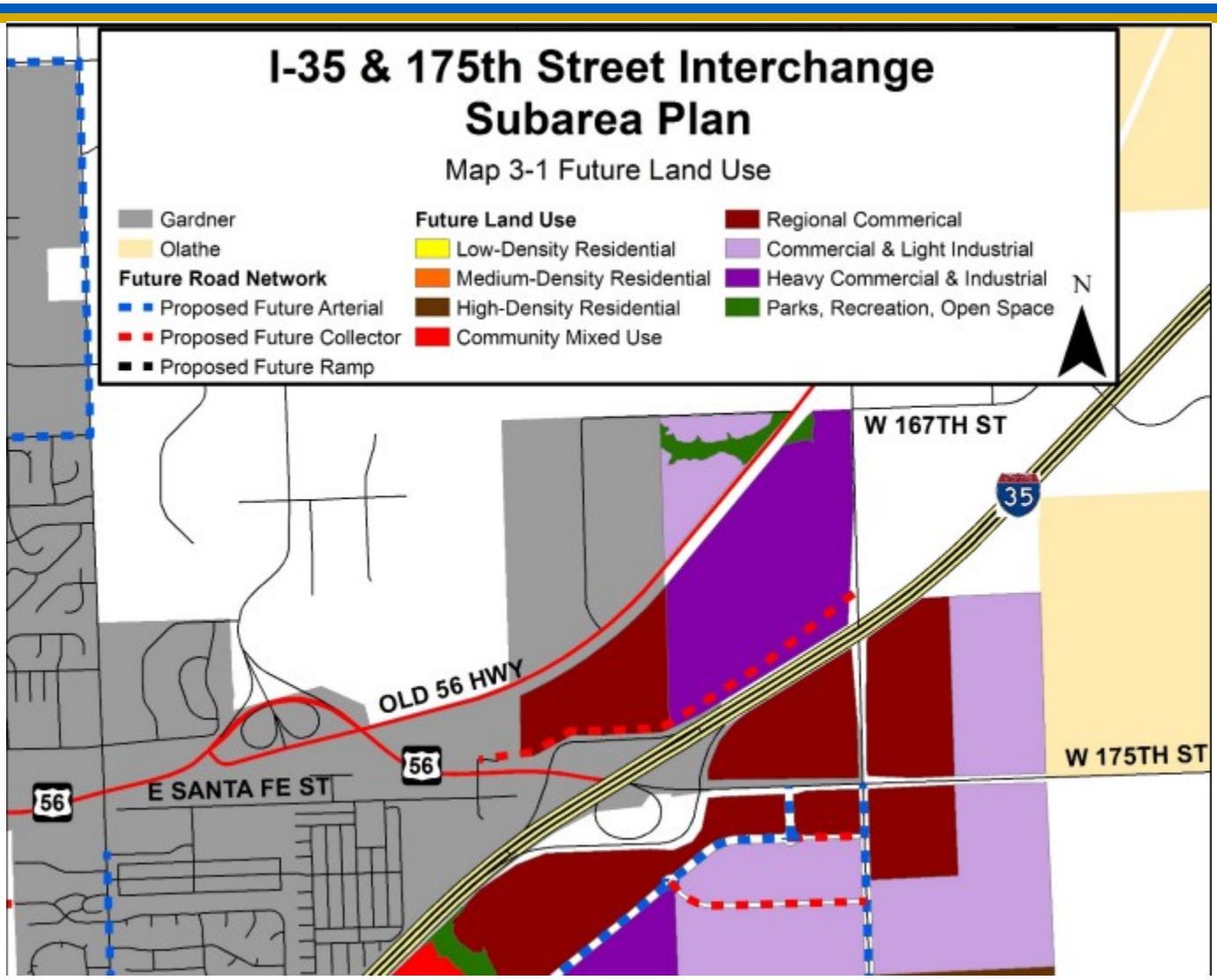
Zoning	Use(s)
North of Subject Property	
RUR (Rural) District – City of Olathe	Undeveloped
East of Subject Property	
RUR (Rural) District - County	Epic Nursery
South of Subject Property	
RUR (Rural)	Single-family residence
West of Subject Property	
RP-1 (Planned Single family) District	Prairie Trace 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, heath 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.

1. **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.*
2. **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.*
3. **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 stands 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



SITE INFORMATION

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

N W E S

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1 inch = 100 feet

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:

1. Area calculated above for the Residential (RP-3) is based off the minimum requirements for the City of Gardner.
2. The calculation for the current green space within the development includes the area of the proposed storm water detention area.
3. 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
- R/W — Property Line
- PL — Building Setback
- Johnson County Airport 1-mile Radius
- Project Limits

NOTES

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

No.	Revision	Date

CITY OF GARDNER, KANSAS
CLARE CROSSING DEVELOPMENT
SITE OVERVIEW

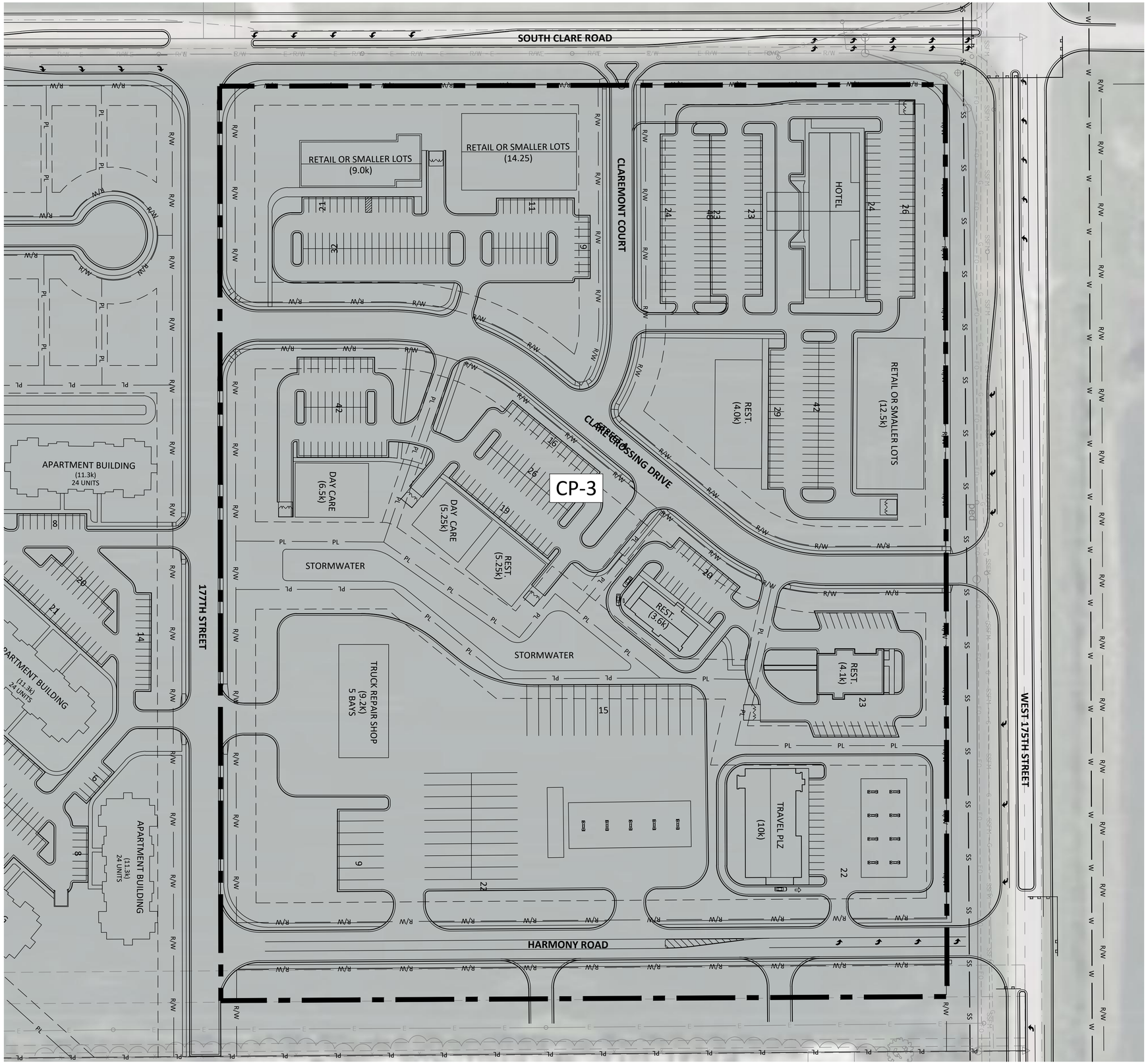
DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning
MANHATTAN - HAYS - EMPORIA - TOPEKA - GOODLAND

Project No.: EC2023-20A

Date: 1/11/2024

Sheet No.: A3 OF A13

Cesar Zarate 1/11/2024 J:\DDG Commercial Projects\(EC2023-XX) Gardner_175th Development\Engineering Design\2-Site Development Plan Sheets



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1 inch = 60 feet

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

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Surveying Engineering Planning

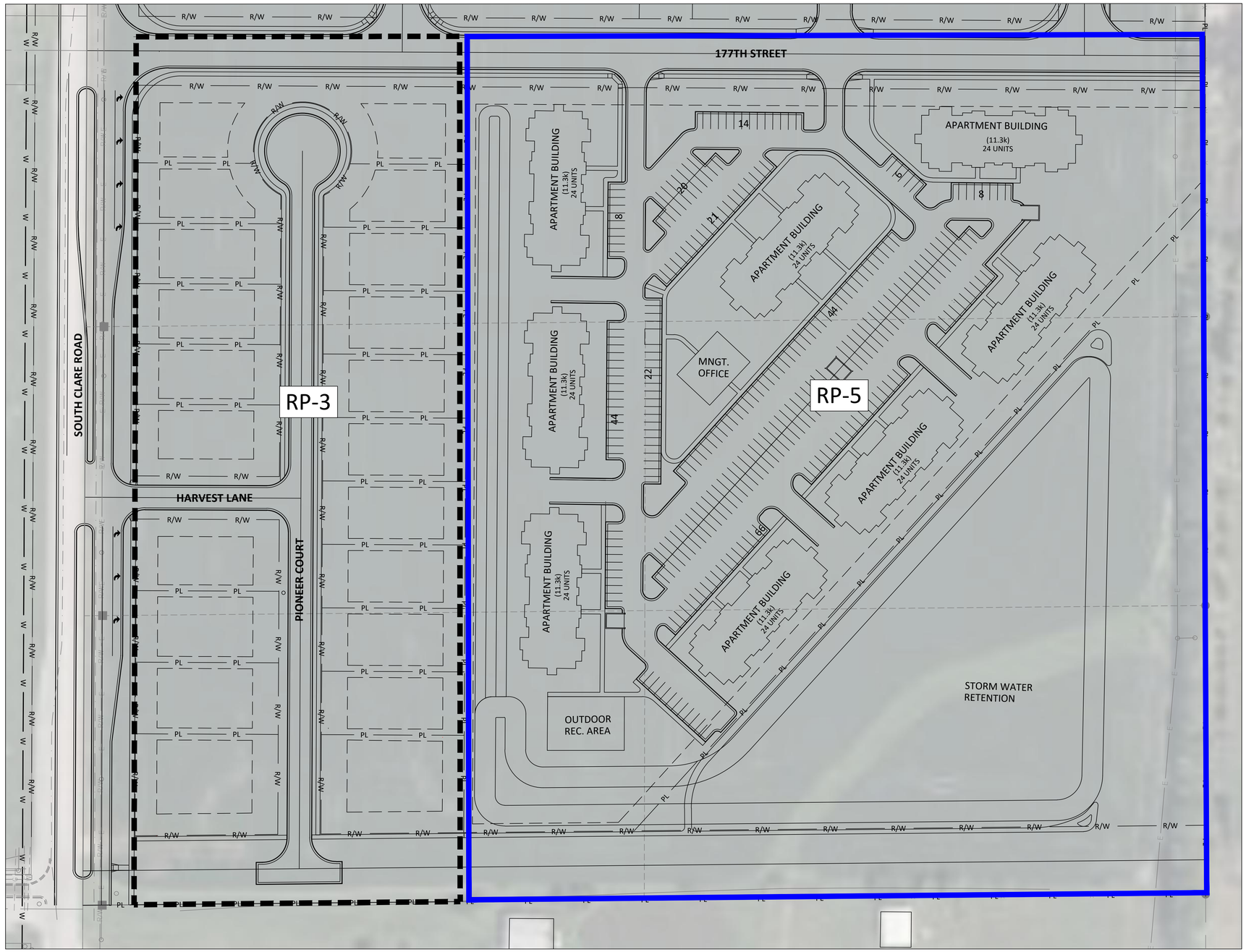
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Project No.: EC2023-20A

Date: 1/11/2024

Sheet No.: A4 OF A13

Cesar Zarate 1/11/2024 #DDG Commercial Projects\(EC2023-XX) Gardner_175th Development\Engineering Design\2-Site Development Plan Sheets



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1 inch = 60 feet

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

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Project No.: EC2023-20A

Date: 1/11/2024

Sheet No.: A5 OF A13

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