

## Call to Order

The meeting of the Gardner Planning Commission was called to order at 7:00 pm on Monday, June 23, 2025, by Chairperson Jueneman. Commissioners present: Austin Jueneman, Cleverson Souza, Robin Berg, Adrianna Meder, Stacy Cooper, and Matt Combs. Staff present: Community Development Director Dave Knopick, Deputy Director Magi Brewster, Public Works Director Kellen Headlee, Principal Planner Robert Case, Planner Jesse Hunter, Administrative Assistant Jenny Steele-Gray, and Attorney Kathryn Dumovich. Commissioner Allen Vonderschmidt was absent.

## Pledge of Allegiance

Chairperson 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 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 27, 2025.**

### Motion:

**Motion was made to approve the consent agenda.**

Motion: Commissioner Combs

Second: Commissioner Cooper

Motion carries unanimously, 6-0.

## Regular Agenda

1. **Wendy's Restaurant – Final Development Plan – Food and Beverage – General, generally located on the northwest corner of Gardner Road and 188<sup>th</sup> Street (25-304-05)**

The applicant did not give a presentation.

Principal Planner Robert Case gave the staff presentation.

The Planning Commission asked a question and staff clarified that the right-in access from Gardner Road was removed, and a raised median is proposed to be installed on 188<sup>th</sup> Street. The Governing Body did allow the right-out on 188<sup>th</sup> Street across from Quik Trip. Staff also clarified that the westernmost full access point will be constructed as part of this development.

### Motion:

**Recommend approval of the final development plan, provided the following conditions are met:**

1. The final development plan shall reflect the rezoning and associated preliminary development plan as approved with conditions by the Governing Body;
2. The proposed exterior light fixtures shall comply with Section 17.08.050 of the Land Development Code relative to the mounting height and required shielding;
3. The proposed monument sign shall be available for use by the entire development. A separate permit is required for the proposed monument sign and the sign shall comply with Chapter 17.10 of the Land Development Code, including being located within a landscaped area;

4. The final plat shall be recorded prior to any building permits being issued; and
5. Approval is conditional upon the development satisfying 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.

Motion: Commissioner Combs  
Second: Commissioner Meder  
Motion carries unanimously, 6-0

2. **Lone Star Prairie – Final Development Plan** – A 66-lot single family residential development, generally located on the south side of 175<sup>th</sup> Street, one-quarter mile west of the Gardner Municipal Airport (25-314-06)

The applicant did not give a presentation.

Planner Jesse Hunter gave the staff presentation.

The Planning Commission asked for clarification on the 8' x 8' stoop requirement and if other developments had the same requirements.

Staff explained that the smaller lot widths have additional design requirements and there are multiple ways the development could comply with the requirements. Staff confirmed there are a number of developments with the narrower lot width that have requested deviations to the front porch requirement.

**Motion:**

**Recommend approval of application 25-314-06 Final Development Plan for Lone Star Prairie 1st Plat and the five deviations as listed in the staff report, provided the following condition is met:**

1. If the lift station is constructed on Tract D of Lone Star Prairie, a separate tract will need to be created for the lift station when the 2nd phase of development occurs. If it takes longer than 2 years for the 2nd phase plat approval, then the developer will be required to deed land to the City for the area surrounding said lift station.

Motion: Commissioner Combs  
Second: Commissioner Meder  
Motion carries unanimously, 6-0

3. **Tokyo Hibachi- Conditional Use Permit to allow Food & Beverage- Mobile (Public Hearing required)**

The applicant did not give a presentation.

Principle Planner Robert Case gave the staff presentation.

Chairperson Jueneman opened the public hearing.

No one spoke at the public hearing.

**A motion was made to close the public hearing.**

Motion: Commissioner Cooper

Second: Commissioner Meder

Motion carries unanimously 6-0.

The Planning Commission had questions related to the wastewater disposal. Staff responded that the food truck operator is required to have a contract with a licensed contractor for the disposal of their fats, oil, and grease.

Several commissioners expressed concern for the lack of information provided on the site plan. Staff responded that food truck operations are fluid. For example, they may decide to provide seating and the next day they purchase picnic tables to provide seating. Staff responded that many of the proposed conditions are precautionary to inform the food truck operator of the requirements as their business may evolve.

There was some discussion regarding the conditional use permit being a newer requirement for permanent and semi-permanent food trucks. Staff clarified that the conditional use permit runs with the property but also is tied to the food truck operator, therefore if the food truck relocates, they will need to obtain a new permit. Lastly, staff stated the conditional use permit would be valid for 5 years, however the food truck operator would be required to get a temporary use permit annually.

**Motion:**

**Recommended approval of application 25-305-02 a conditional use permit for Tokyo Hibachi at 435 E Main Street, subject to the following conditions:**

1. The Conditional Use Permit shall expire on December 31, 2030;
2. The applicant shall be required to submit a Temporary Use Permit application to be reviewed and approved by January 1<sup>st</sup> 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;
4. Hours of operation shall occur between 11:00 a.m. and 8:30 p.m. Tuesday thru Sunday;
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 any picnic table/seating area from vehicle circulation lanes and parking spots;
8. Trash receptacles shall be provided near the food truck and any 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 the submitted 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 or the existing commercial business as identified in this staff report; and
13. Any further development of the property is limited to the parameters of this Conditional Use Permit and subject to all applicable regulations and policies of the City of Gardner.
14. All wastewater shall be disposed of at an approved wastewater disposal facility. The applicant shall be required to provide proof of their disposal contract/service provider.

Motion: Commissioner Souza

Second: Commissioner Berg

Motion carries 5-1 (with Cooper opposing)

**4. Tad's Shaved Ice – Conditional Use Permit to allow Food & Beverage – Mobile (Public Hearing required) – located at 314 E Main Street (25-305-04)**

Tad with Tad's Shaved Ice, was available to answer questions.

Principal Planner Robert Case gave the staff presentation.

Chairperson Jueneman opened the public hearing.

No one spoke at the public hearing.

**A motion was made to close the public hearing.**

Motion: Commissioner Combs

Second: Commissioner Cooper

Motion carries unanimously 6-0The Planning Commission asked why this conditional use permit has only 13 conditions and the other conditional use permit had 14 conditions. Staff explained not all conditions fit every conditional use as this one has no grease, therefore wastewater disposal does not apply.

**Motion:**

**Recommend approval of application 25-305-04 a conditional use permit for Tad's Shaved Ice at 314 E Main Street, subject to the following conditions:**

1. The Conditional Use Permit shall expire on December 31, 2030;
2. The applicant shall be required to submit a Temporary Use Permit application to be reviewed and approved 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;
  4. Hours of operation shall occur between 3:30 p.m. and 9:00 p.m. daily between the months of April 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 any picnic table/seating area from vehicle circulation lanes and parking spots;
  8. Trash receptacles shall be provided near the food truck and any 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 the submitted 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 or the existing commercial business as identified in this staff report; and
  13. Any further development of the property is limited to the parameters of this Conditional Use Permit and subject to all applicable regulations and policies of the City of Gardner.

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

5. **199<sup>th</sup> St Commerce Center – Rezoning from RUR (Rural Residential) to CP-3 (Planned Heavy Commercial), Preliminary Development Plan, Preliminary Plat, and Conditional Use Permit (Public Hearing required)** – generally located on the northeast corner of 199<sup>th</sup> Street and Waverly Road (25-304-06)

Judd Claussen, Phelps Engineering gave the applicant's presentation.

Magi Brewster gave the staff presentation.

Chairperson Jueneman opened the public hearing.

The following people spoke during the public hearing: Randy Sparks, Gary and Lisa Lee, Todd and Melissa Lathrop, Sheryl and Mike Cale, Frank Bannister, Mary Freund, and Holly Purvis. Many of them stated they moved to this area to have acreage and be in a more rural setting. At least one speaker stated the rezoning does not fit with the Golden Criteria.

The speakers expressed concern regarding the following items:

- Noise and light pollution
- Commercial development, specifically the Heavy Commercial zoning district, not being a good fit for the existing residential property
- Floodplain and potential water run off
- Truck traffic and inability to enforce the “No Truck” traffic signs
- Proximity to Nike elementary school
- Safety for the neighborhood

Lyn Baker, one of the partners in the proposed development, stated the property is not good for farming and housing is not appropriate adjacent to I-35. He stated the proposed development would not create a lot of truck traffic and that most of the truck traffic would be box trucks, not semi-trucks.

**A motion was made to close the public hearing.**

Motion: Commissioner Cooper

Second: Commissioner Meder

Motion carries unanimously 6-0

After a question regarding the difference between the CP-3 (Planned Heavy Commercial) zoning district and Community Commercial land use designation, staff clarified zoning and land use are different and there was a typographical error in the staff report where CP-3 incorrectly referenced Planned Community Commercial.

Several commissioners commented it is likely there may be commercial development in this area in the future, however what is proposed does not fit with the neighborhood. There was general acknowledgement that any development will increase traffic, but the type of development that would be appropriate is dependent on the market.

The Planning Commission asked a procedural question related to the staff’s recommendation for denial. Staff responded, the applicant and staff had several discussions throughout the review process related to trying to be in keeping with the comprehensive plan and zoning regulations. Ultimately staff recommended denial of all three applications based on the future land use designation and recent policy decisions related to no commercial traffic along 199<sup>th</sup> Street.

A commissioner asked how uses are managed within a planned development. Staff responded the preliminary development plan may limit the uses allowed within a particular planned development. She added what the applicant presented this evening related to allowing uses in the C-O and CO-A districts with a few uses as allowed within the CP-3 district was not previously discussed with staff.

Lastly, a commissioner asked if having additional time to analyze the changes presented by the applicant during the meeting would be helpful. Staff responded that a delay would probably not be helpful because staff’s reasoning for the denial is based on policy decisions related to any commercial traffic in this area.

## **Motions:**

### **Rezoning and Preliminary Development Plan**

Recommend denial of the rezoning from RUR to CP-3 and associated preliminary development plan based on the following: the requested rezoning and preliminary development plan would create a commercial vehicle traffic origin and destination point within an area designated no commercial vehicles and allow land uses, associated with such commercial vehicle traffic, at an intensity that is not in conformance with the Gardner Comprehensive Plan as amended by the I-35 and Gardner Road subarea plan which calls for Community Commercial associated with the C-O and CO-A zoning districts per the LDC.

Motion: Commissioner Combs

Second: Commissioner Meder

Motion for denial carries 5 -1 (with Berg opposing)

### **Preliminary Plat**

Deny the preliminary plat based on rezoning and preliminary development plan submittal not being in accordance with the Community Commercial future land use designation.

Motion: Commissioner Combs

Second: Commissioner Meder

Motion for denial carries 5-1 (with Berg opposing)

### **Conditional Use Permit**

Recommend denial of the request to allow 4 billboards with double-stacked faces a maximum of 45 feet in height based on the 4 bullet points outlined in the staff report.

Motion: Commissioner Combs

Second: Commissioner Meder

Motion for denial carries 5-1 (with Berg opposing)

## **Discussion Items**

### **1. RHID Public Hearing Notification**

Director David Knopick explained the Grand Street development is proposing to modify their development proposal and as part of that a public hearing must be held related to the Reinvestment Housing Incentive District (RHID). The Governing Body has scheduled a public hearing for July 21, 2025, at 7:00 pm. He concluded by stating there is no action necessary by the commission at this time.

Director David Knopick stated Commissioner Jueneman has been reappointed to a second term. Commissioner Meder has fulfilled her second term and is not eligible to be reappointed and Commissioner Cooper has decided not to apply for reappointment due to personal reasons. The Governing Body is working on finding replacements for Commissioners Meder and Cooper, however they may continue to serve until those appointments are made. He thanked Commissioners Meder and Cooper for their service.

In response to a question posed by Commissioner Berg, David Knopick stated the Grand Street developer is proposing to modify the type of residential units and number of units. The public hearing relates only to the financial aspects of the plan. The applicant will need to submit their proposed changes to the Planning Commission for consideration.

---

## Adjournment

**Motion:**

**Motion made to adjourn at 09:27 PM.**

Motion: Commissioner Meder

Second: Commissioner Cooper

Motion carries unanimously, 6-0.

Recording of this meeting can be found here:  
<https://www.youtube.com/watch?v=MV0iX9yVZxQ>