

Call to Order

The meeting of the Gardner Planning Commission was called to order at 7:00 pm on Tuesday, May 27, 2025, by Chairperson Jueneman. Commissioners present: Austin Jueneman, Cleveson Souza, Robin Berg, Adrianna Meder, Allen Vonderschmidt, Stacy Cooper, and Matt Combs. Staff present: Community Development Director Dave Knopick, Deputy Director Magi Brewster, City Engineer Tim McEldowney, Principal Planner Robert Case, Planner Jesse Hunter, Administrative Assistant Jenny Steele-Gray, and Attorney Kathryn Dumovich.

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 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 March 24, 2025.**
2. **Tallgrass - Final Development Plan and Final Plat-** 5 buildings containing a total of 80 multi-family units generally located north of the intersection of Gretna St. and Evergreen St. (25-312-06)

Motion:

Motion was made to approve the consent agenda.

Motion: Commissioner Combs

Second: Commissioner Vonderschmidt

Motion carries unanimously, 7-0.

Regular Agenda

1. **Horizon Point Subdivision - Rezoning from RUR (County Rural Residential) to RP-2 (Two-Family Planned Residential), Preliminary Development Plan, and Preliminary Plat (Public Hearing required)** –246 single-family lots, generally located on the southeast corner of W 175th Street and Four Corners Road (25-304-05)

Applicant Matt Mabe gave a presentation on behalf of Horizon Point.

The staff presentation was done by Jesse Hunter. He acknowledged the communication from Christopher and Carroll Hosch included in the packet and the communication provided on the dais this evening from Four Corners Neighbors

Chairperson Jueneman opened the public hearing.

The following people spoke during the public hearing: Terry Simpson, Reverend Dr. Brandon Van Anne, William Willis, Ryan Hoobler, and Chris Hosch.

The speakers expressed concern regarding the following items:

- lot width and minimal setback between homes, versus a desire for 5-acre lots that are less dense, produce less traffic and run-off
- capacity of the proposed lift station
- traffic impact, road improvements constructed with this development
- loss of rural character
- property values
- environmental contaminants from development impacting the streamway, stormwater, and drainage issues, including issues with silt fencing being maintained on the Lone Star development, siltation of adjacent pond, and long-term maintenance of proposed detention ponds
- allowing only single-family residences, including with future phases
- maintaining natural buffers and providing privacy buffers
- the need for increased emergency services

A motion was made to close the public hearing.

Motion: Commissioner Meder

Second: Commissioner Cooper

Motion carries unanimously 7-0.

The Planning Commission asked for more information related to stormwater and run-off concerns. Staff and the applicant's engineer responded. It was noted that all the proposed detention ponds will be installed with the first phase and will be dry ponds.

The applicant's engineer talked about the improvements recommended in the traffic study. Clarification was provided that right-of-way will be dedicated along Four Corners Road and 175th Street and shoulders will be added along those road frontages.

The applicant pointed out that the proposed lots are deeper than other 55-foot wide lots. There was also discussion regarding the range of lot sizes.

The Planning Commission asked about the oil wells located on the property. The applicant stated the oil operator is the same as was operating on the property to the east, he added that there are regulations at the local and state level that must be followed in order to cap the wells.

There was discussion regarding landscape buffers proposed along the Four Corners Road and 175th Street frontages, but not adjacent to the large lots along the west and south property lines. Ultimately, the Planning Commission decided to add a condition related to providing a buffer along the rear of Lots 78 – 97. (see condition #6 below)

Motion:

Recommend approval of the rezoning and associated preliminary development plan to rezone 78.15 acres from County RUR (County Rural Residential) District to RP-2 (Planned Two-Family Residential) District, and approval of the preliminary plat, subject to the following conditions:

- 1. Revise the Preliminary Development Plan to show a 5' wide sidewalk on both sides of all internal streets;**
- 2. Specific plans for the open space tracts shall be submitted with the final development plan and final plat in which they are shown. The plans shall include proposed amenities and landscaping;**
- 3. The area around the lift station shall be screened with landscaping and fencing;**
- 4. Alternative traffic calming may be required and shall be further reviewed with the final development plan;**

5. **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**
6. **With the final development plan application, an additional buffer area shall be provided along the rear of Lots 78 - 97.**

Motion: Commissioner Combs
Second: Commissioner Souza
Motion carries unanimously, 7-0.

The Planning Commission decided to take a five-minute break (8:41 pm - 8:46 pm).

2. **Wendy's Restaurant- Rezoning from C-3 (Heavy Commercial) to CP-3 (Planned Heavy Commercial), Preliminary Development Plan, Preliminary Plat, Final Development Plan, and Final Plat (Public Hearing required)** - Food and Beverage - General, generally located on the northwest corner of Gardner Road and 188th Street (25-304-05)

Principal Planner Robert Case gave the staff presentation.

Michael Osbourn gave the applicant presentation.

Chairperson Jueneman opened the public hearing.

Kenneth Yoder had questions about the traffic and talked about the painted median and semis backing up to 187th.

A motion was made to close the public hearing.

Motion: Commissioner Cooper
Second: Commissioner Berg
Motion carries unanimously 7-0.

The Planning Commissioners asked about eliminating the right-in from Gardner Road. Tim McEldowney responded that the access point is too close to the intersection of Gardner Road and 188th Street, causing a safety and congestion problem. He elaborated that allowing two right turns so close together with a single right turn lane may cause problems. When a driver turning right on 188th Street does not realize people are turning right into Wendy's, the driver planning to turn onto 188th Street may cause a rear-end collision.

The commissioners also asked about the staff recommendation to not allow a right-out on 188th Street. City Engineer Tim McEldowney explained staff's concerns regarding vehicles making a U-turn to get back to Gardner Road, and the access point not complying with the City Access Management Standards. It was confirmed that the right-in on 188th Street would only be allowed with a raised median being constructed.

Clarification was provided regarding the north-south access road that would be provided from the property to the west of Wendy's, connecting to the property to the north. This cross-access would be driven by development of the parcel west of Wendy's and the property to the north.

There was discussion regarding the designation of parking spaces for pick-up and delivery only. The representative for Wendy's clarified that three, not six, of the parking spaces are proposed to be for pick-up and delivery only; this is something the corporate office is requiring. Staff stated the parking requirement for fast-food restaurants is based on the number of seats provided and the Land Development Code (LDC) does not address spaces that are solely to be used for pick-up and delivery. Staff added that the inclusion of the pick-up and delivery spaces causes the application to exceed the maximum number of parking spaces per the LDC.

Due to it being almost 10 pm and the Planning Commission bylaws stating meetings shall adjourn by 10 pm unless extended by a motion of the majority of the Planning Commissioners present, a motion was made to extend the meeting to 10:30 pm.

Motion: Commissioner Vonderschmidt

Second: Commissioner Souza

Motion carries unanimously 7-0

Discussion continued regarding the right-in on Gardner Road and the right-in/right-out on 188th Street. The applicant asked why the QuikTrip across the street was allowed to have a right-in/right-out access point on the south side of 188th Street. A majority of the staff present was not employed by the City of Gardner when the QuikTrip was approved, therefore an immediate answer was not known. City Attorney Kathryn Dumovich stated any recommendation or decision made for one application does not set a precedent for other applications because each application is factually different.

A commissioner asked procedural questions related to making a recommendation on the preliminary development plan and the final development plan not being in compliance with that approval, as well as if the Commission would see the final development plan again depending on the Governing Body's decision regarding the preliminary development plan.

As part of the motion, the Planning Commission amended condition #3 to reference three, not six, parking stalls.

Motion:

Recommend approval of the request to rezone 7.58 acres from C-3 (Heavy Commercial) District to CP-3 (Planned Heavy Commercial) District with the associated preliminary development plan and preliminary plat, and deviation related to foundation plantings subject to the following conditions:

- 1. The proposed right-in access from Gardner Road shall be removed;**
- 2. The proposed right-out onto 188th Street shall be removed, a median shall be installed to restrict other turning movements, and a turn lane shall be installed for a right-in only off 188th Street;**
- 3. Signage and pavement markings shall be installed at three of the proposed parking stalls designating the stalls for pick-up and delivery only;**
- 4. 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; and**
- 5. A cross-access easement shall be provided in the general location shown on the preliminary development plan for a private drive to stub to the property to the north. The cross-access easement shall be shown on the final plat when Tract B or D is replatted, whichever comes first.**

Motion: Commissioner Combs
Second: Commissioner Meder
Motion carries unanimously, 7-0

Because the recommendation is to not approve some access points and not knowing what the City Council would decide, the Planning Commission discussed tabling the final development plan and final plat. Ultimately the commission decided to break the final development plan and final plat motion into two separate motions. The conditions related to the final development plan and final plat were separated based on which application they apply to.

Motion:

Recommend the final development plan be continued to the June 23, 2025, Planning Commission meeting.

Motion: Commissioner Vonderschmidt
Second: Commissioner Souza
Motion carries unanimously, 7-0

As part of the motion, the Planning Commission included conditions 1, 4, and 5 from the staff report (renumbered below).

Motion:

Approve the final plat, provided the following conditions are met:

- 1. Governing Body approval of the rezoning and associated preliminary development plan with the recommended conditions;**
- 2. The final plat shall be recorded prior to any building permits being issued; and**
- 3. 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 Cooper
Motion carries unanimously, 7-0

3. CIP Conformance Review

Director Dave Knopick gave the staff presentation for the CIP review.

Due to it being almost 10:30 pm, a motion was made to extend the meeting to 10:35 pm.

Motion: Commissioner Combs
Second: Commissioner Souza
Motion carries unanimously 7-0

Based on a question from the commission, staff clarified the proposed airport projects would apply to the Gardner Municipal Airport, not New Century Airport.

Motion:

After review of the proposed 2026–2030 Capital Improvement Program the Planning Commission finds the proposed program to be in conformance with the adopted Gardner Comprehensive Plan.

Motion: Commissioner Souza
Second: Commissioner Cooper
Motion carries unanimously, 7-0.

Discussion Items

Director Dave Knopick mentioned the Planning Commission typically holds officer elections in May, however, due to three members' terms expiring in June and the potential for as many as three new commissioners, staff recommends the elections be postponed until at least the July meeting.

Adjournment

Motion:

Motion made to adjourn at 10:34 PM.

Motion: Commissioner Cooper
Second: Commissioner Meder
Motion carries unanimously, 7-0.

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