

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 25, 2025.
2. **Lone Star Prairie, 2nd Plat – Final Plat** – generally located on the south side of W 175th Street and Spivey Street (25-312-10)

Regular Agenda

1. **Meadows of Aspen Creek – Rezoning from RP-4 (Planned Mixed-Density Neighborhood) to RP-4 (Planned Mixed-Density Neighborhood) Preliminary Development Plan, Preliminary Plat, Final Development Plan, and Final Plat (Public Hearing required)** – generally located at the eastern terminus of W 185th and 186th Streets (25-304-09)
Applicant has requested this item be continued to October 27, 2025.
2. **Remand of 199th Street Commerce Center – Rezoning from RUR (Rural Residential) to CP-3 (Planned Heavy Commercial) and Preliminary Development Plan** – generally located on the northeast corner of 199th Street and Waverly Road (25-304-06)
3. **Adopt a Resolution amending the Planning Commission Bylaws and adopting the Planning Commission Rules of Procedure**

Discussion Items

1. Update on final actions taken by the Governing Body related to items considered by the Planning Commission
2. Review of Planning Commission and Board of Zoning Appeals roles and responsibilities

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 7:00 pm on Monday, August 25, 2025, by Chairman Jueneman.

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

Commissioners absent: None

Staff present: Community Development Director Dave Knopick, Deputy Director Magi Brewster, Planner Jesse Hunter, and City 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, 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 28, 2025.

Motion was made to approve the consent agenda.

Motion: Commissioner Combs

Second: Commissioner Berg

Motion carried unanimously, 7-0.

Regular Agenda

1. Evergy – Preliminary Plat and Final Plat – 17955 Clare Road (25-312-08)

Chairman Jueneman recused himself from this item and Vice-Chairman Souza led the meeting.

Jessica Keck, with Evergy, was present to answer questions.

Planner Jesse Hunter gave the staff presentation.

In response to a question related to security, Jessica Keck stated there would be security fencing with barbed wire at the top of the fence.

Motion:

The Planning Commission approves the preliminary plat and final plat for Evergy Emerald Substation, subject to the following conditions:

- 1. 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

2. The plat shall be recorded prior to the release of any building permits.

Motion: Commissioner Combs
Second: Commissioner Berg
Motion carried unanimously, 7-0.

Chairman Jueneman returned to the meeting.

2. **Horizon Point, 1st plat – Final Development Plan and Final Plat** – generally located on the southeast corner of 175th Street and Four Corners Road (25-314-08)

Brian Hamm, with Arise Homes, gave the applicant's presentation.

Planner Jesse Hunter gave the staff presentation.

The Commission discussed the requirement for a mini roundabout. A question was asked regarding why a mini roundabout is being required at W 177th Street and Fleur Street and not at the intersection of W 175th Terrace and Essex Street. Director Knopick replied that the purpose of the mini roundabout is to slow traffic and at the intersection with Essex Street there is not as great of a need based on the proximity to W 175th Street not allowing drivers to pick up too much speed. He added that the Public Works Department prefers the mini roundabout over the speed table and at the request of a Commissioner described what the mini roundabout would look like in terms of being a smaller size with the opportunity for landscaping or hardscape.

A question was raised regarding semi-trucks driving over the mini roundabout. Director Knopick replied the lane width is that of a typical residential street and semi-trucks should be able to maneuver the roundabout, however there is no guarantee that a truck will never drive over the mini roundabout. Another question was asked about coordination with the Fire District related to the design of the mini roundabout.

A Commissioner asked if the proposed playground would be all-inclusive. Brian Hamm responded that the installation of the playground is approximately 2 years away, but they will take that into consideration.

There was general discussion regarding the various types of traffic calming that were considered.

Motions:

Final Development Plan

The Planning Commission approves the Final Development Plan for Horizon Point, Phase 1 as proposed, including the five deviations presented in the staff report, provided the following conditions are met:

1. The amenities proposed within Tract E shall be installed prior to a final plat for Phase 3 being filed/recorded at the County or no more than 75% of the building permits in Phase 2 may be issued, whichever comes first, and a letter of credit shall be provided for the cost of the proposed amenities prior to the release of any building permits;
2. A maintenance plan shall be provided prior to the issuance of a public improvement permit to ensure the gravel road will sustain the weight of a fire truck, that the gravel is maintained, and the road is plowed;
3. A revised landscape plan shall be provided prior to the issuance of a public improvement permit;
4. Prior to the issuance of a public improvement permit, the applicant shall submit proof that the oil wells have been removed in accordance with the Gardner Municipal Code and standards required by the Kansas Department of Health and Environment; and
5. A mini roundabout shall be installed at the intersection of Fleur and W 177th Street.

Motion: Commissioner Combs
Second: Commissioner Vonderschmidt
Motion carried unanimously, 7-0.

Final Plat

The Planning Commission approves the Final Plat for Horizon Point, Phase 1 as proposed, and recommends the Governing Body accept the dedication of right-of-way and easements as shown on the final plat, provided the following conditions are met:

1. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording;
2. All taxes/fees shall be paid prior to the release of the final plat for recording;
3. The final plat shall be recorded prior to the release of any building permits; and
4. Prior to the final plat being submitted for signatures, a tract shall be included for the mini roundabout island at the intersection of Fleur and W 177th Street, and a note added that maintenance of the tract shall be the responsibility of the Homeowners Association.

Motion: Commissioner Combs
Second: Commissioner Berg
Motion carried unanimously, 7-0.

3. Election of Officers

Deputy Director Magi Brewster opened the floor for nominations for the chairman position. Austin Jueneman was nominated to continue serving as chairman. There being no other nominations, Deputy Director Brewster closed the nominations. By a roll call vote, Austin Jueneman was elected to continue serving as chairman.

Deputy Director Magi Brewster opened the floor for nominations for the vice-chairman position. Matt Combs was nominated to serve as vice-chairman. There being no other nominations, Deputy Director Brewster closed the nominations. By a roll call vote, Matt Combs was elected to serve as vice-chairman.

Discussion Items

1. Amendments to the Planning Commission bylaws and creation of a rules of procedure document

Deputy Director Magi Brewster introduced this item and some of the changes that are proposed. She then asked the commission for their input and questions.

There was some discussion regarding the different roles of the Planning Commission and Board of Zoning Appeals. It was decided that staff would provide a short overview of the two boards at a future Planning Commission meeting. In response to a question regarding amendments to the Land Development Code (LDC), staff explained that amendments to the LDC require a recommendation from the Planning Commission with the Governing Body adopting any amendments by ordinance, whereas the Planning Commission may adopt the bylaws and rules of procedure by resolution.

2. Update on final actions taken by the Governing Body since the July 28, 2025, meeting

Deputy Director Magi Brewster provided an update on final actions taken by the Governing Body on the items from the Planning Commission's July agenda.

The next meeting is September 22nd.

Adjournment

Motion:

Motion made to adjourn at 8 pm.

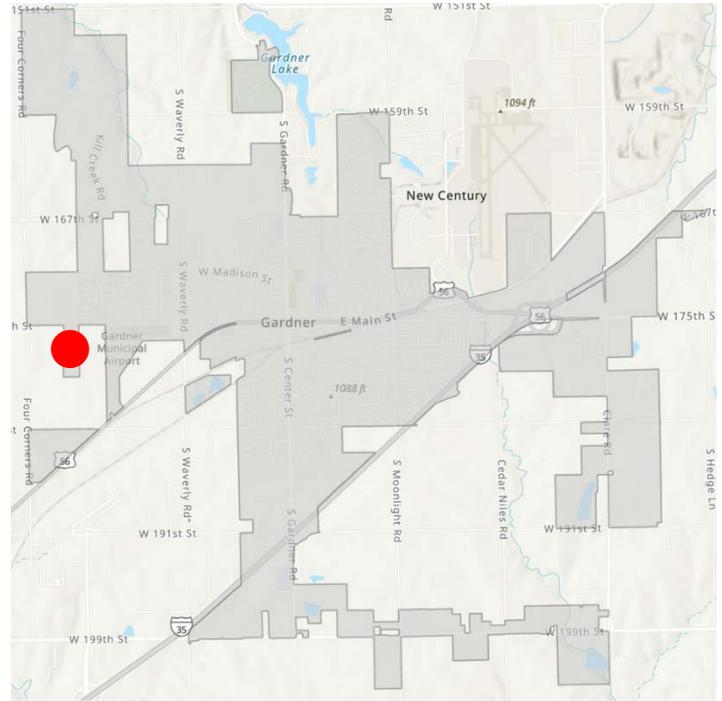
Motion: Commissioner Combs
Second: Commissioner Landsberg
Motion carried unanimously, 7-0.

https://www.youtube.com/live/pqOetUukSog?si=W4ippiSv6-S_87Wx

DRAFT

Project Name: LONE STAR PRAIRIE 2ND PLAT

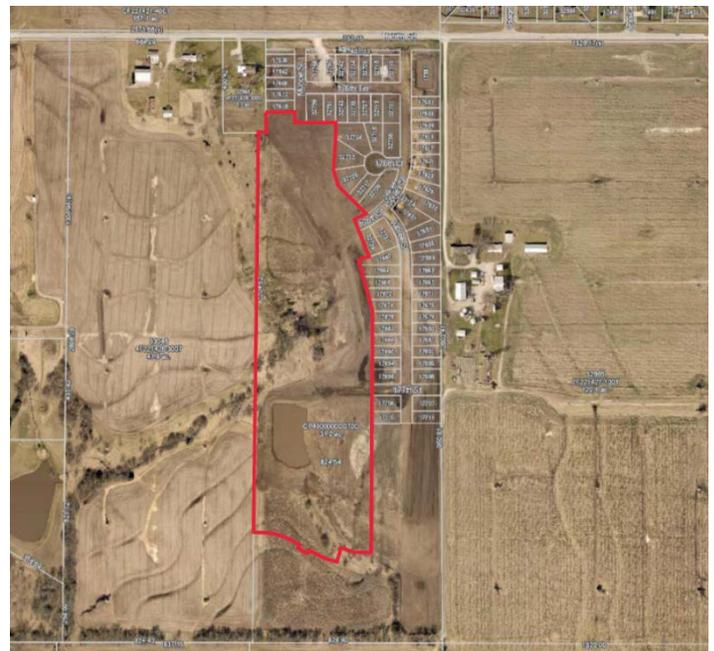
PROJECT NUMBER	FP-25-31200010
REQUEST	LONE STAR PRAIRIE 2ND PLAT: FP
APPLICANT	LARRY WILLIAMS, KIMLEY-HORN
OWNER	CIRCLE H HOLDINGS
ADDRESS	NA
PARCEL ID	CP49000000 0T0D



Site Location Map

Executive Summary

PRESENT ZONING:	RP-2
PRESENT LAND USE:	VACANT
TOTAL SITE AREA:	19.58 ACRES
EXISTING LOT #:	1
PROPOSED LOT #:	68 LOTS, 5 TRACTS
PROP BUILDING TYPES:	DETACHED HOUSE - NEIGHBORHOOD
PROP STREET TYPE:	LOCAL - STANDARD



Aerial of Subject Site

Project Description

The proposed Final Flat is for Lone Star Prairie 2nd Plat, which includes 68 single-family residential lots in an RP-2 zoning district on 19.58 acres with five tracts and one detention basin.

Background/History

The property was annexed in 2023 with Ordinance 2780. At the time the property was annexed into the City, it had a county zoning designation of RUR (Rural, Agricultural uses and Single-Family dwellings). On December 19, 2023, the Planning Commission recommended approval of the rezoning from RUR to RP-2 with the associated Preliminary Development Plan and Preliminary Plat. On September 23, 2024, the Planning Commission approved the Final Plat for Phase 1. The Final Development Plan was not considered at that time because the architectural elevations had not been finalized. The Lone Star Prairie 1st plat was recorded in March of 2025, and on June 23rd of 2025, the Final Development Plan for Phase 1 was approved. Currently, public improvements are being installed – including streets, electric lines, water lines, and sanitary sewer lines.

Surrounding Zoning and Land Use

Zoning	Use(s)
North of Subject Property	
RP-2 (Planned Two-family) District	Lone Star Prairie 1 st Plat
East of Subject Property	
RP-2 (Planned Two-family) District	Lone Star Prairie 1 st Plat
South of Subject Property	
RP-2 (Planned Two-family) District	Vacant
West of Subject Property	
RP-2 (Planned Two-family) District	Horizon Point Subdivision

Utilities / Infrastructure

Electric

Existing electric utilities are located either within or adjacent to the site.

Water

The property is in the Rural Water District 7 service area and will have water provided by them.

Sanitary Sewer

Sanitary sewer will be serviced by Gardner. Gravity lines will flow within the development to the western portion of the site, where a lift station on the Horizon Point development will be installed to transport the sanitary sewer through a force main north to 175th St, and then to the east. The lift station that was planned as part of Lone Star Prairie will no longer be built.

Storm Sewer

Storm sewer improvements are provided with the proposed stormwater detention and drainage areas. Tract B will be a detention pond for stormwater runoff.

Roadway Network & Vehicular Access

The development will be accessed through an internal street network with two access points from W 175th St. Most of the internal street network in the 2nd Plat is considered local-standard and has 50' wide right-of-way. The southernmost street will be a 60' wide standard collector street. Four ways stops are not qualified as traffic calming, so two mini roundabouts are proposed along Muncie Street, since it would otherwise be a long, relatively straight street. 5' wide sidewalks are to be built on both sides of all internal streets.

Staff Analysis

The Final Plat is in substantial compliance with the Preliminary Plat, there are a few minor corrections that need to be made to the final plat. Conditions 2 and 3 are in regard to this.

Tracts A and C are open space, what will be installed in them will be determined with the final development plan, which will need to be submitted and approved prior to the issuance of any building permits. Tract B will contain a detention pond for stormwater runoff. Tracts A-C will be owned and maintained by the Homeowners Association. Tracts D and E will each contain a mini roundabout. A mini roundabout, also referred to as a neighborhood traffic circle, fits within the typical intersection right-of-way and is intended to keep speeds to a minimum. The installation of shrubs or other decorative features within the middle of the mini roundabout helps to draw attention to the existence of the mini roundabout and serves to beautify the street. Specific details regarding the construction of the mini roundabout, including what will be within the center of the mini roundabout, will be determined later with the Final Development Plan or with the Public Improvement Permit. Tracts D and E will be located in the ROW. A note needs to be added to the plat stating that they will be owned by the city as part of the ROW, but maintenance of the island will be the responsibility of the HOA.

Staff Recommendation

Approve the Final Plat for Lone Star Prairie 2nd Plat, and recommend the Governing Body accept the dedication of right-of-way and easements as shown on the final plat provided the following conditions are met:

1. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the issuance of building permits;
2. Revise the final plat to remove the building lines, shade the U/E to be vacated, include a note on the plat for tracts D and E, stating that maintenance of the tracts shall be the responsibility of the Homeowners Association;
3. Rename Spivey Street to 176th Street, and label the southernmost street 178th Street;
4. 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
5. All taxes/fees shall be paid prior to the release of the final plat for recording.

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):

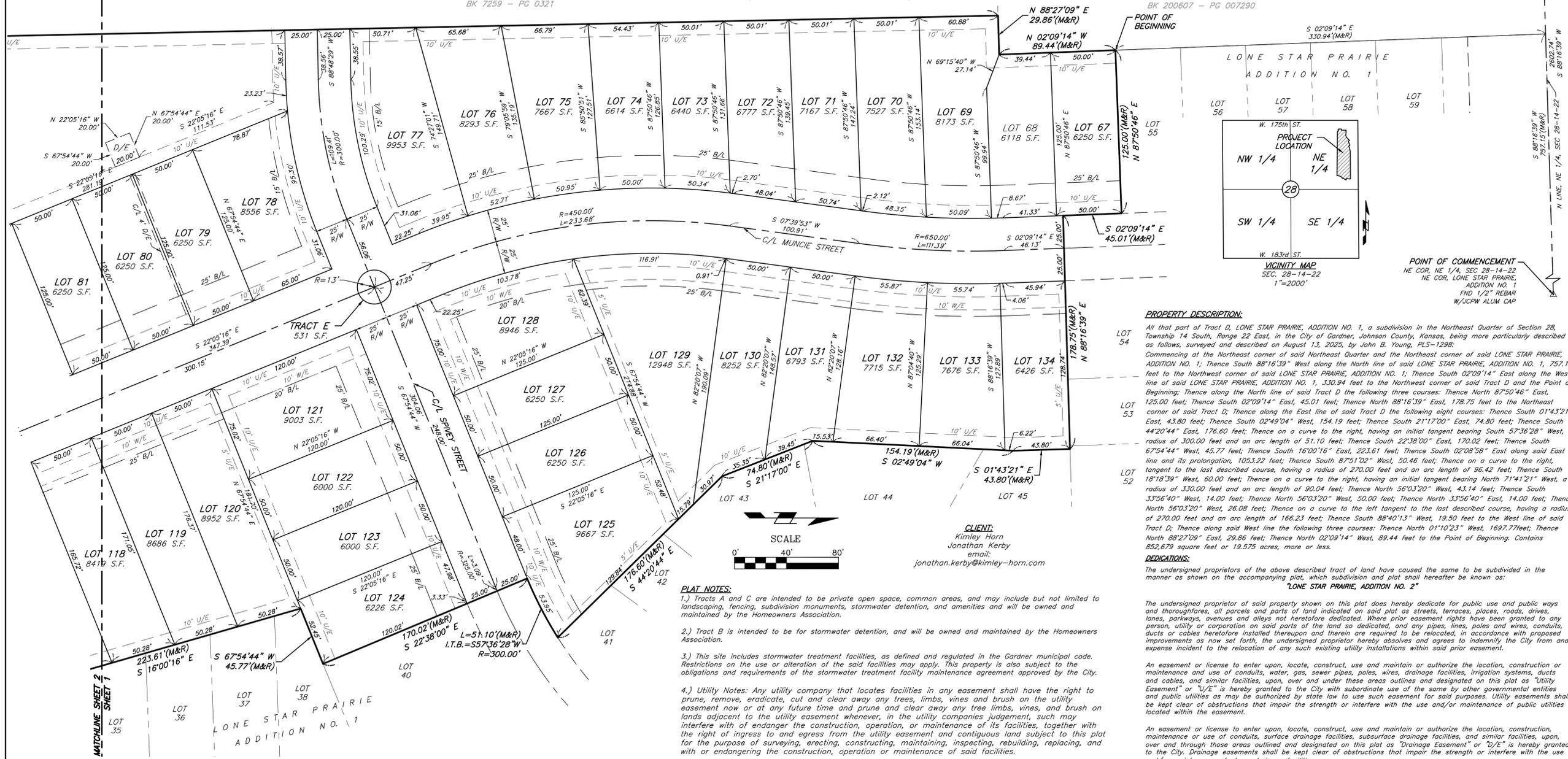
1. Approve the application.
2. Approve the application with conditions or modifications.
3. Deny the application.
4. Continue the application to allow further analysis.

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. Final Plat

FINAL PLAT
LONE STAR PRAIRIE, ADDITION NO. 2
 A REPLAT OF TRACT D, LONE STAR PRAIRIE, ADDITION NO. 1
 NE 1/4, SECTION 28, TOWNSHIP 14 SOUTH, RANGE 22 EAST
 CITY OF GARDNER, JOHNSON COUNTY, KANSAS



PROPERTY DESCRIPTION:

All that part of Tract D, LONE STAR PRAIRIE, ADDITION NO. 1, a subdivision in the Northeast Quarter of Section 28, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows, surveyed and described on August 13, 2025, by John B. Young, PLS-1298:

Commencing at the Northeast corner of said Northeast Quarter and the Northeast corner of said LONE STAR PRAIRIE, ADDITION NO. 1; Thence South 88°16'39" West along the North line of said LONE STAR PRAIRIE, ADDITION NO. 1, 757.15 feet to the Northwest corner of said LONE STAR PRAIRIE, ADDITION NO. 1; Thence South 02°09'14" East along the West line of said LONE STAR PRAIRIE, ADDITION NO. 1, 332.94 feet to the Northwest corner of said Tract D and the Point of Beginning; Thence along the North line of said Tract D the following three courses: Thence North 87°50'46" East, 125.00 feet; Thence South 02°09'14" East, 45.01 feet; Thence North 88°16'39" East, 178.75 feet to the Northeast corner of said Tract D; Thence along the East line of said Tract D the following eight courses: Thence South 01°43'21" East, 43.80 feet; Thence South 02°49'04" West, 154.19 feet; Thence South 21°17'00" East, 74.80 feet; Thence South 44°20'44" East, 176.60 feet; Thence on a curve to the right, having an initial tangent bearing South 57°36'28" West, a radius of 300.00 feet and an arc length of 51.10 feet; Thence South 22°38'00" East, 170.02 feet; Thence South 67°54'44" West, 45.77 feet; Thence South 16°00'16" East, 223.61 feet; Thence South 02°09'14" East along said East line and its prolongation, 1053.22 feet; Thence South 87°51'02" West, 50.46 feet; Thence on a curve to the right, tangent to the last described course, having a radius of 270.00 feet and an arc length of 96.42 feet; Thence South 18°18'39" West, 60.00 feet; Thence on a curve to the right, having an initial tangent bearing North 71°14'21" West, a radius of 330.00 feet and an arc length of 90.04 feet; Thence North 56°03'20" West, 43.14 feet; Thence South 33°56'40" West, 14.00 feet; Thence North 56°03'20" West, 50.00 feet; Thence North 33°56'40" East, 14.00 feet; Thence North 56°03'20" East, 26.08 feet; Thence on a curve to the left tangent to the last described course, having a radius of 270.00 feet and an arc length of 166.23 feet; Thence South 88°40'13" West, 19.50 feet to the West line of said Tract D; Thence along said West line the following three courses: Thence North 01°10'23" West, 169.77 feet; Thence North 88°27'09" East, 29.86 feet; Thence North 02°09'14" West, 89.44 feet to the Point of Beginning. Contains 852,679 square feet or 19.575 acres, more or less.

DEDICATIONS:

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as:

"LONE STAR PRAIRIE, ADDITION NO. 2"

The undersigned proprietor of said property shown on this plat does hereby dedicate to public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys, not heretofore dedicated, where prior easement rights have been granted to any person, utility or corporation on said parcels, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City from and expense incident to the relocation of any such existing utility installations within said prior easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlines and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and through these areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.

The undersigned proprietors of the above described land hereby consent and agree that the Board of City Commissioners of the City of Gardner, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of this land fronting and abutting on such dedicated public ways or thoroughfares.

IN TESTIMONY WHEREOF:
 Circle H Holdings, LLC, a Nevada limited liability company, has caused these presents to be executed this _____ day of _____, 2025.

Roman Haehn Managing Member
 STATE OF _____)
) ss
 COUNTY OF _____)

Be it remembered that on this _____ day of _____, 2025, before me, a Notary Public in and for said County and State, came Roman Haehn, to me personally known, who being by me duly sworn, did say that he is the Managing Member of Circle H Holdings, LLC, said instrument was signed in behalf of said Circle H Holdings, LLC, and that said Roman Haehn, acknowledged said instrument to be the free act and deed of said business.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my Notarial Seal in my office the day and year last above written.

Notary Public
 My Commission Expires : _____

PLAT NOTES:

- 1.) Tracts A and C are intended to be private open space, common areas, and may include but not limited to landscaping, fencing, subdivision monuments, stormwater detention, and amenities and will be owned and maintained by the Homeowners Association.
- 2.) Tract B is intended to be for stormwater detention, and will be owned and maintained by the Homeowners Association.
- 3.) This site includes stormwater treatment facilities, as defined and regulated in the Gardner municipal code. Restrictions on the use or alteration of the said facilities may apply. This property is also subject to the obligations and requirements of the stormwater treatment facility maintenance agreement approved by the City.
- 4.) Utility Notes: Any utility company that locates facilities in any easement shall have the right to prune, remove, eradicate, cut and clear away any trees, limbs, vines and brush on the utility easement now or at any future time and prune and clear away any tree limbs, vines, and brush on lands adjacent to the utility easement whenever, in the utility companies judgement, such may interfere with or endanger the construction, operation, or maintenance of its facilities, together with the right of ingress to and egress from the utility easement and contiguous land subject to this plat for the purpose of surveying, erecting, constructing, maintaining, inspecting, rebuilding, replacing, and with or endangering the construction, operation or maintenance of said facilities.
- 5.) Airport Proximity Note: It is understood by the owners' successors in interest that the above described real property lies in close proximity to an operating Airport and that the operation of the Airport and the landing and take-off of aircraft may generate high noise levels. Therefore, in consideration of issuance to construct a residential or other building uses on said real property in accordance with the Terms or Owners' Application, Owner(s) hereby covenant that they shall not initiate or support action in any court of before any Governmental Agency if the purpose of the action is to interfere with, restrict, or reduce the operation of the airport or the use of the airport by any aircraft. Owner(s) further covenant that they shall not protest or object to the operation of the landing or take-off of aircraft before any court or agency of government. The covenants contained herein shall run with the land and shall be binding upon the Owners and Successors and Assigns.

GENERAL SURVEY NOTES:

- 1.) The plat of LONE STAR PRAIRIE, ADDITION NO. 1, is recorded in Book 202503 at Page 001567 in the Register of Deeds Office in Johnson County, Kansas.
- 2.) Title Report # NCS-1215357-KCTY, dated April 14, 2024 at 8:00 AM provided by First American Title Insurance Company National Commercial Services, was provided by client.
- 3.) Bearings used on this survey are established by LONE STAR PRAIRIE, ADDITION NO. 1.
- 4.) The subject property is located in Zone X, areas determined to be outside the 0.2% annual chance floodplain, as shown on Flood Insurance Rate Map (FIRM) 20091C01196, effective August 3, 2009.
- 5.) Property corners will be set post construction of street and public improvements.

CLOSURE CALCULATIONS:
 Precision, 1 part in: 517,318.4783
 Error distance: 0.0092'
 Error direction: N 58°27'55" W
 Perimeter: 4759.33'

LEGEND

- △ - SECTION CORNER AS NOTED
- - MONUMENT FOUND AS NOTED
- - SET MONUMENT AS NOTED
- - FOUND 1/2" IRON BAR AT CORNER UNLESS OTHERWISE NOTED
- - SET 1/2" IRON BAR AT CORNER W/ J & J CAP
- (M) - MEASURED DISTANCE
- (R) - RECORD DISTANCE
- B/L - BUILDING SETBACK LINE
- C/L - CENTER LINE
- D/E - DETENTION EASEMENT
- R/W - RIGHT OF WAY
- U/E - UTILITY EASEMENT
- W/E - WATER EASEMENT

CERTIFICATE OF THE GOVERNING BODY
 APPROVED BY, the Governing Body of the City of Gardner, Johnson County, Kansas, this _____ day of _____, 2025.

ATTEST
 Todd Winters, Mayor
 Renee Rich, City Clerk

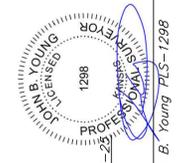
CERTIFICATE OF THE PLANNING COMMISSION
 APPROVED BY, the Planning Commission of the City of Gardner, Johnson County, Kansas, this _____ day of _____, 2025.

Austin Jueneman, Chair
JOHNSON COUNTY SURVEYOR
 Reviewed in accordance with KSA 58-2005 on this _____ day of _____, 2025.

Approved _____
 License Number: _____ Date: _____

CERTIFICATION:

I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 13th day of August, 2025 and that said survey meets or exceeds the current Kansas Minimum Standards for Boundary Surveys, as established by the Kansas State Board for Technical Professions.



John B. Young PLS-1298
 Date: 9-11-25

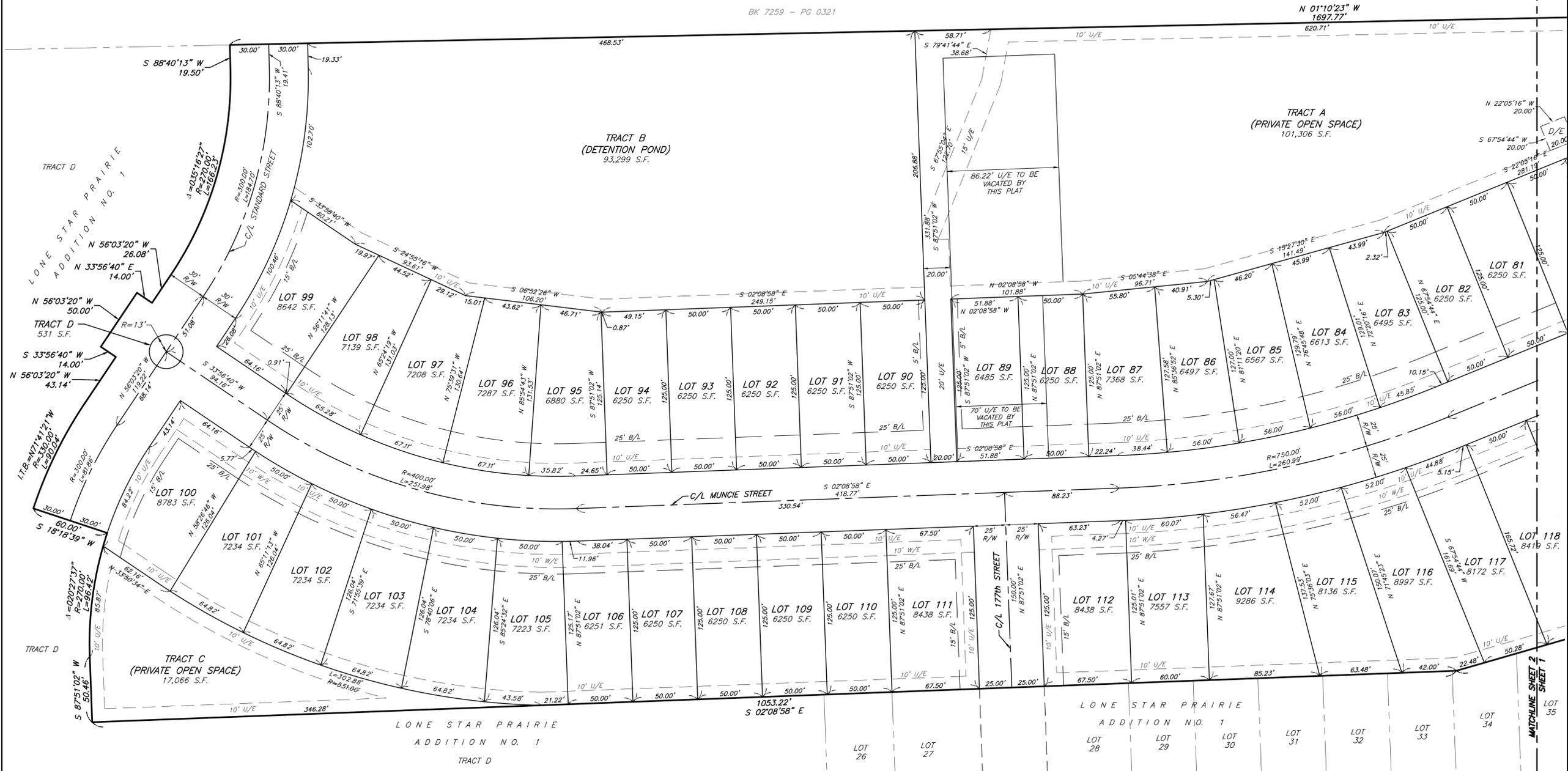
Location: S:\25-322 - Lone Star Prairie\DRAWINGS\2025-09-11 - FPLAT\25-322 FPLAT.dwg-Sept 11, 2025-3:27pm

J & J SURVEY LLC
 8680A N. GREEN HILLS ROAD • KANSAS CITY, MO 64154
 PHONE (816) 941-1017 • FAX (816) 941-1018

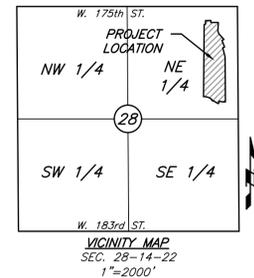
INITIAL SUBMITTAL	REVISION PER CLIENT COMMENTS
1	
2	

FINAL PLAT
LONE STAR PRAIRIE, ADDITION NO. 2
 A REPLAT OF TRACT D, LONE STAR PRAIRIE, ADDITION NO. 1
 NE 1/4, SECTION 28, TOWNSHIP 14 SOUTH, RANGE 22 EAST
 CITY OF GARDNER, JOHNSON COUNTY, KANSAS

BK 7259 - PG 0321



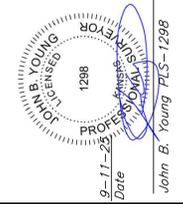
Lot	Area (SF)	Lot	Area (SF)	Lot	Area (SF)	Tract	Area (SF)
67	6250	90	6250	112	8438	A	101,306
68	6118	91	6250	113	7557	B	93,299
69	8173	92	6250	114	9286	C	17,066
70	7527	93	6250	115	8136	D	531
71	7167	94	6250	116	8997	E	531
72	6777	95	6880	117	8172		
73	6440	96	7287	118	8419		
74	6546	97	7208	119	8686		
75	7234	98	7139	120	8952		
76	8293	99	8642	121	9023		
77	9253	100	8783	122	6000		
78	8556	100	7234	123	6000		
79	6250	101	7234	124	6226		
80	6250	102	7234	125	9667		
81	6250	103	7234	126	6250		
82	6250	104	7234	127	6250		
83	6495	105	7223	128	8946		
84	6613	106	6251	129	12948		
85	6567	107	6250	130	8232		
86	6407	108	6250	131	6793		
87	7368	109	6250	132	7715		
88	6250	110	6250	133	7676		
89	6485	111	8438	134	6426		



- LEGEND**
- △ - SECTION CORNER AS NOTED
 - - MONUMENT FOUND AS NOTED
 - - SET MONUMENT AS NOTED
 - - FOUND 1/2" IRON BAR AT CORNER UNLESS OTHERWISE NOTED
 - - SET 1/2" IRON BAR AT CORNER W/ J & J CAP
 - (M) - MEASURED DISTANCE
 - (R) - RECORD DISTANCE
 - B/L - BUILDING SETBACK LINE
 - C/L - CENTER LINE
 - D/E - DETENTION EASEMENT
 - R/W - RIGHT OF WAY
 - U/E - UTILITY EASEMENT
 - W/E - WATER EASEMENT

CERTIFICATION:

I hereby certify that this drawing is based on an actual field survey made by me or under my direct supervision on the 13th day of August, 2025 and that said survey meets or exceeds the current Kansas Minimum Standards for Boundary Surveys, as established by the Kansas State Board for Technical Professions.



9-11-25 Date
 John B. Young PLS-1288

J & J SURVEY LLC

8680A N. GREEN HILLS ROAD • KANSAS CITY, MO 64154
 PHONE (816)741-1017 • FAX (816)741-1018

Location: S:\25-322 - Lone Star Prairie Drawings\2025.09.11 - FPLAT\25-322 FPLAT.dwg-Sep 11, 2025-3:27pm

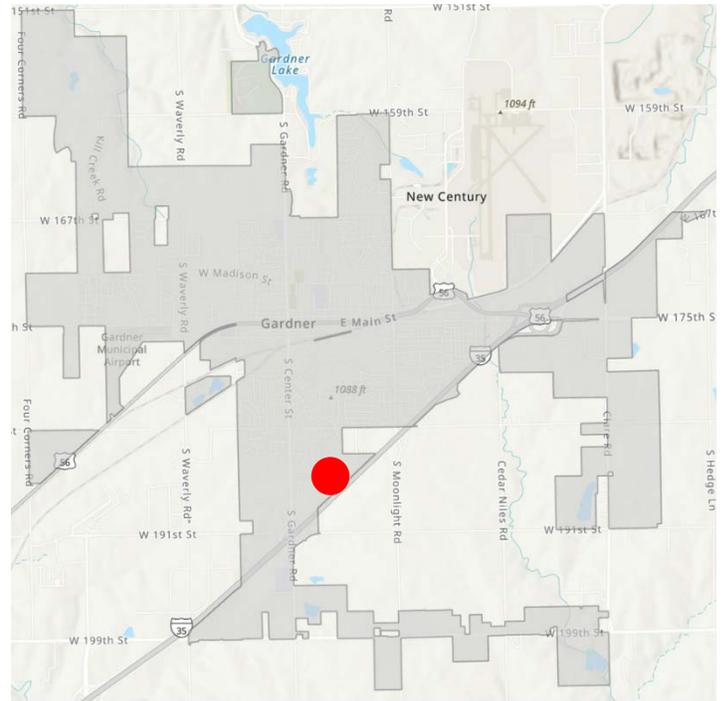
NO.	DATE	REVISIONS
1	09-02-25	INITIAL SUBMITTAL
2	09-11-25	REVISED PER CLIENT COMMENTS

Project Name: Meadows of Aspen Creek

PROJECT NUMBER	25-30400009
REQUEST	Z, PDP, FDP, PP, FP
OWNER	ASPEN CREEK, LLC
APPLICANT	PHELPS ENGINEERING
PARCEL IDs	CF221436-1005

Executive Summary

PRESENT ZONING:	RP-4
PRESENT LAND USE:	AGRICULTURE
PROPOSED LAND USE	RESIDENTIAL
TOTAL SITE AREA:	17.6 ACRES
PROP BUILDING TYPES:	DUPLEX-COMPACT
PROP STREET TYPE:	LOCAL - STANDARD



Site Location Map



Aerial of Subject Site

The applicant has requested this item be tabled to the October Planning Commission meeting to allow them time to address stormwater issues. The notice had already been published for the public hearing for the rezoning and preliminary development plan for the September 22, 2025, Planning Commission meeting when the request was received, therefore, the item must appear on the September agenda and the request to table the item must be voted on by the Planning Commission.

Staff Recommendation

Staff recommends tabling this item until the October 27, 2025 Planning Commission meeting. in order to allow the applicant's engineer time to address stormwater issues.

Case 25-304-06 199th St Commerce Center – generally located on the northeast corner of 199th Street and Waverly Road Rezoning from RUR (Rural Residential) to CP-3 (Planned Heavy Commercial) and associated Preliminary Development Plan (REMANDED)

Background

On June 23, 2025 The Planning Commission conducted a public hearing and considered the following items:
199th St Commerce Center – generally located on the northeast corner of 199th Street and Waverly Road (25-304-06)

- Rezoning from RUR (Rural Residential) to CP-3 (Planned Heavy Commercial) and associated Preliminary Development Plan,
- Preliminary Plat, and
- Conditional Use Permit

As a result of that consideration the Planning Commission forwarded to the Governing Body a recommendation of denial for the rezoning / associated preliminary development plan and the conditional use permit. Additionally, as the authorized decision-making body for platting items the Planning Commission denied the preliminary plat. The public hearing and consideration by the Planning Commission regarding these items is available via the following link:

June 23, 2025, Planning Commission Meeting Video related to this item (starting at 55:10 and ending at 2:28:56)

[City of Gardner Planning Commission Meeting 6/23/2025](#)

The rezoning / associated preliminary development plan and conditional use permit items with the Planning Commission recommendations were scheduled and placed on the agenda for the July 21, 2025, Governing Body meeting following the procedural process outlined by the Gardner Municipal Code and recognizing the required protest filing period. The Community Development Director was informed prior to July 21, 2025, that the item had been pulled from the agenda at the request of the Mayor. Staff did not receive written or verbal communication from the applicant or applicant's representatives.

Based upon responses to inquiries by the Community Development Director it appears that the applicant along with the applicant's representative met with the Mayor and one City Council member between June 23, 2025 and July 21, 2025 to discuss the item and reached a determination that it was best to pull the item from the agenda without staff advisement / guidance in the matter. Staff has no additional information regarding this ex parte communication / meeting..

The Community Development Director and the applicant's representative had one phone conversation after the meeting outlined above. Per the applicant's representative, the parties involved in the meeting felt that pulling the item would provide the applicant an opportunity to meet with staff to see if there was a way to address the concerns of the Planning Commission via a modified land use list or other considerations that would make the proposed development more palatable for potential approval. As part of the conversation, it was explained to the applicant's representative that the primary item that needed to be addressed had to do with an existing ordinance related to the restriction of commercial traffic on 199th Street in the vicinity of this proposed development. Furthermore, it was indicated that it would take City Council action to determine if there was a desire to change the existing ordinance, which is outside of the purview of the Planning Commission's responsibilities and authority.

The Community Development Director explained that he did not have any way of putting the rezoning / associated preliminary development plan and conditional use permit items back on the Governing Body agenda since they were removed by an action outside of the prescribed planning process outlined in the

Gardner Municipal Code. The Community Development Director informed the applicant's representative that he should go back to the parties involved with pulling the item off the July 21, 2025, agenda and ask them to put it back on a future Governing Body agenda so that any concerns / issues could be addressed through the legally prescribed planning process.

In mid/late August 2025 the Community Development Director was informed that the rezoning / associated preliminary development plan and conditional use items were going to be placed on the upcoming Governing Body agenda for September 2, 2025, which the Community Development Director was unable to attend. On September 2, 2025, the Governing Body heard a presentation by the Deputy Community Development Director, allowed the applicant and the public to comment on this item and had considerable discussion about the item. The proceedings for this meeting can be found using this link:

September 2, 2025, Governing Body Meeting Video related to this item (starting at 42:13 and ending at 2:55:18)

[City of Gardner Council Meeting 9/2/2025](#)

Please note, these proceedings occurred approximately 6 weeks after the originally scheduled date that the Governing Body was to have heard the items as part of the legally prescribed planning process

The resulting direction of the Governing Body on September 2, 2025, is that the rezoning / associated preliminary development plan application be remanded back to the Planning Commission with instructions to look at the difference between the C-O and CP-3 zoning districts for the uses of Retail – General (6K – 20K), Outdoor Sales – General, and Manufacturing – Light, and find a way to reduce the number of trucks that could potentially come from those deviations, while allowing the billboards. Additionally, there was no action taken by the Governing Body on the conditional use permit application or discussion regarding the desire of the Council to change the ordinance restricting commercial traffic along 199th Street in the vicinity of the proposed development.

On September 10, 2025, the Community Development Director and Deputy Community Development Director met with the applicant's team and was provided with a verbal synopsis of the actions that they were taking or proposed to take to reduce truck traffic and address the Governing Body's concerns. The applicant's team was asked to provide a written statement regarding those items for staff consideration as part of the development of the staff report.

Procedural Guidance

Section 17.03.030 (D) (3) of the Gardner Municipal Code outlines the action taken by the Governing Body and the responsibility of the Planning Commission at this time:

Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

As noted above, the public hearing for the rezoning / associated preliminary development plan application was held at the June 23, 2025, Planning Commission meeting; therefore, the legal obligations for public hearing / public comment including the applicant have been met / exceeded through the previous Planning Commission and Governing Body meetings. It should also be noted that only the rezoning / associated preliminary

development plan application has been remanded, not the conditional use permit or the preliminary plat applications.

When an item is remanded back to the Planning Commission, typically the focus of reconsideration is upon the specific basis provided by the Governing Body. In this case, the Planning Commission is to focus on reviewing the difference between uses in the C-O and C-3 zoning districts to determine what uses may be part of a land use list specific to the proposed planned district without excluding Retail – General (6K – 20K), Outdoor Sales – General, Manufacturing – Light, and Principal Use Signs (aka billboards) while finding a way to reduce the number of trucks that could potentially come from those uses.

Potential Planning Commission Actions

Per Section 17.03.030 (D) (3) of the Gardner Land Development Code, if the Governing Body returns the Planning Commission's recommendation, the Planning Commission may:

1. Resubmit its original recommendation giving the reasons thereof;
2. Submit a new and amended recommendation; or
3. Take no action, which is considered as a resubmission of the original recommendation.

Project Summary Description

The proposed development includes the construction of 3 buildings ranging in size from 52,500 – 96,250 square feet, 3 outdoor retail sales/storage lots, and 4 principal use sign structures (aka billboards). Approximately 57 acres are proposed to be rezoned from RUR (county Rural Residential) to CP-3 (Planned Community Commercial), while approximately 34 acres, the remaining property, is proposed to remain RUR. The 3 buildings are proposed for general commercial uses; the traffic memo included with the application assumes approximately 25% of the building square footage will be office space and the remaining 75% will be storage/warehouse space. The 4 billboard structures are proposed to include a total of 16 sign faces. A Conditional Use Permit is requested to allow the structures to exceed 30 feet in height and include 2 vertically stacked signs on each side.

This basic project description above summarizes the project as originally proposed to the City and considered by the Planning Commission and Governing Body to date. Attached to this report is the documentation provided through the agenda packets for the June 23, 2025, Planning Commission and September 2, 2025, Governing Body meetings.

On September 12, 2025, the applicant provided a written memo stating the efforts the applicant is proposing to address the concerns related to the Governing Body direction as part of the remand process. The written memo is attached and indicates the following proposed actions by the applicant:

1. Limit the CP-3 area to only uses allowed in the C-O or CO-A district with the following C-3 uses –
 - a. Retail – General (6K – 20K)
 - b. Outdoor Sales – General
 - c. Manufacturing – Light
 - d. Principal Use Signs (aka billboards)
2. Limit the retail use to 20k or less in size.
3. Only allow uses up to the Manufacturing – Light intensity.
4. Limit the hours of truck delivery and shipping to 6am through 10pm.
5. Provide directional signage at the primary access point stating “Trucks No Left Turn” so that trucks will go west when exiting the development

Resource Information

Gardner Municipal Code Section 17.05.010 (A) provides the following intent statements for the CO, CO-A and C-3 zoning districts:

9. *Office – “C-O.” The Office District provides service and employment uses in a low- or moderate-intensity format that can be compatible with any adjoining residential districts or low-intensity uses.*
10. *Neighborhood Business – “CO-A.” The Neighborhood Business District provides small-scale retail, service and employment uses in a compact and walkable format that are well-integrated with residential neighborhoods or other supporting uses.*
13. *Heavy Commercial – “C-3.” The Heavy Commercial District provides retail, service and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, and typically are not compatible with or easily integrated with other land uses or development patterns.*

Gardner Municipal Code Section 17.05.030 (A) Table 5-2 provides a listing of the land uses permitted by zoning district - [Chapter 17.05 Zoning Districts And Use Standards](#)

Gardner Municipal Code Section 17.05.030 (B) provides the following descriptions for land use categories and the C-3 uses proposed by the applicant:

3. Retail. The Retail category is the use of land and buildings for the sale, lease or rental of products to the general public with frequent interaction of patrons or consumers on premises. The types of uses in this category are dependent on the size of gross leasable area per tenancy, where the smaller formats (Micro, Neighborhood and Small) are typically dependent on a target market of consumers within the neighborhood or one mile area, and where the larger formats (General, Large and Warehouse) are typically dependent on a target market beyond the one-mile area.

d. Retail – General (6K – 20K). A retail use at least 6,000 but less than 20,000 square feet.

k. Outdoor Sales – General. A retail use where the primary business is associated with merchandise that can only be displayed permanently and year-round out of doors, or where the primary business maintains a permanent outdoor display area for rotations of seasonal merchandise to be displayed outdoors. Examples include a small-scale nursery, a lumber yard, farm store, or small machine or equipment sales or rental.

5. Industrial. The Industrial category is the use of land and buildings engaged in the production, processing, storage or distribution of goods with potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations, and which in typical formats and operations may not be compatible with other business uses. It includes the following types:

b. Manufacturing – Light. An industrial use where little or no byproducts such as smoke, odor, dust or noise are discernable from outside of the building, and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include research labs or facilities, small equipment or commodity assembly, warehousing or wholesaling of consumer products, commercial bakery, nonretail laundry services, or similar businesses that provide products for support of other businesses.

7. Communications and Utilities. The Communications and Utilities category is for buildings, structures, or other physical improvements that provide essential public services or support the communication/distribution of information.

i. Signs, Principal Use. Signs that are not associated with another principal or accessory use located on the same property. (Ord. 2757 § 1; Ord. 2722 § 2; Ord. 2695 § 11; Ord. 2650 § 1; Ord. 2584 § 1; Ord. 2550 § 1; Ord. 2546 § 1; Ord. 2518 § 2 (LDC § 5.03))

Staff Analysis

The original staff and Planning Commission recommendations of denial related to the rezoning / associated preliminary development plan application were based on the following statement from the staff report dated June 23, 2025, and Council Action Form dated September 2, 2025:

... the requested rezoning and proposed preliminary development plan would create a commercial vehicle traffic origin and destination point within an area designated no commercial vehicles and would 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 C-O and CO-A zoning districts per the LDC) future land use. ...

The intent of this statement was to point out that there is a basic, yet foundational problem associated with the originally proposed development in that the City of Gardner has a law which restricts all commercial traffic, not just trucks, along 199th Street in the area of the proposed development. Whether the uses are associated with the C-O, CO-A or C-3 zoning districts or any other zoning district if the use generates commercial traffic the proposed use requires an evaluation of the existing law to determine if the law should be changed in some manner to accommodate the proposed use or if the proposed use should be denied.

Why is such a determination by the Governing Body important prior to approving or allowing the use?

1. Because once the use is established and increased commercial traffic occurs there is significant potential that commercial vehicles originating from or going to the use will be stopped via enforcement measures related to the existing law. Such enforcement efforts will likely result in complaints from the commercial vehicle operators and/or the commercial uses (owner / tenant) located in the development.
2. The City Council sets policies and laws in place based on careful consideration of the issues before them and the stated desires of the citizens and those that have interest in the betterment of the City of Gardner. It becomes the responsibility of the City staff and the boards and commissions that serve the City to enact those policies and laws on a daily basis through their assigned activities and responsibilities. Staff and the Planning Commission should not be supportive of actions or proposals that run counter to those existing policies and laws set by the City Council.

In this case there is an established law more recently passed than the policies established by the Comprehensive Plan. So while less intensive uses in the C-O and CO-A zoning districts may align with the comprehensive plan (Community Commercial designation) even those uses generate a condition (establishing increased commercial traffic not just truck traffic) that degrades the integrity of the current law passed to address citizen concerns in the area, which, in pertinent part, prohibits commercial traffic, including trucks, along this segment of 199th Street. Not recognizing 199th Street as a designated truck route serves as an existing deterrent to truck traffic.

Due to this potential conflict, the current law regarding commercial traffic in the area should be evaluated and considered for revision, prior to the establishment of a commercial traffic generating use in the area. As this law does not fall within the Planning Commission's purview, such evaluation and consideration would need to be undertaken by the Governing Body.

In regard to looking at a modified use list staff suggested a modified land use list on April 18, 2025, during the review process prior to the Planning Commission's consideration of this item on June 23, 2025 (in an attempt to

bringing the potential uses more in line with the comprehensive plan). Additionally, at that time the staff asked the applicant to provide information on how truck traffic coming from and heading to the Gardner Rd / I-35 interchange would be minimized and directed toward the west as it was anticipated that truck traffic would be a focus during the Planning Commission and Governing Body meetings as part of the prescribed planning process.

As staff explored further the potential for modifying land uses and reducing truck traffic it was discovered that Section 10.15 (per Ordinance 2555) of the Gardner Municipal Code does not just apply to trucks but to all non-passenger vehicles. While modifications including the allowed land uses, size of the uses, potential building types and sizes, the imposition of shipping / receiving hours, and the erection of directional signage may reduce the amount of truck traffic / commercial traffic the conflict with the City's extant laws detailed above remains in that the current traffic regulation restricts all commercial traffic including trucks along 199th Street in this area and the proposed uses would generate commercial traffic in the area. Again, the applicable traffic regulation is outside the Land Development Code and thus the purview of the Planning Commission. The appropriate corrective action to eliminate this issue is for the City Council to follow the legally prescribed process for amending these sections of the Gardner Municipal Code prior to establishing a commercial traffic generator if that is the desire of the Council.

Staff Recommendation

In regard to the five items proposed by the applicant in an attempt to reduce truck traffic resulting from the proposed development, staff has the following comments:

1. *Limit the CP-3 area to only uses allowed in the CO or CO-A district with the following C-3 uses –*
 - a. *Retail – General (6K – 20K)*
 - b. *Outdoor Sales – General*
 - c. *Manufacturing – Light*
 - d. *Principal Use Signs (aka billboards)*

Consider if certain allowed (permitted and conditional uses) in the C-O or CO-A should be excluded from a modified use list and if the uses requested from the C-3 zoning district are compatible in such modified use list for the proposed CP-3 area. Furthermore, consider if the amount of area dedicated to certain uses should be limited (whether as a principal use or a secondary / accessory use).

2. Limit the retail use to 20k or less in size.
Consider if /how allowed uses may be allotted in square foot increments.
3. Only allow uses up to the Manufacturing – Light intensity.
Consider if the Manufacturing – Light and other C-3 zoning district uses should be viewed as conditional uses (or in some other manner be limited is size / scale) instead of permitted uses as part of the modified use list.
4. Limit the hours of truck delivery and shipping to 6am through 10pm.
Consider if delivery / shipping / receiving activity should be limited further than proposed.
5. Provide directional signage at the primary access point stating “Trucks No Left Turn” so that trucks will go west when exiting the development
Consider whether this action is an effective proposal in regard to reducing truck traffic in the area and if there are physical improvements that can be implemented to deter such traffic coming from or going to the east of the primary access point.

In addition to the five items above, several other items may assist with limiting truck traffic resulting from the proposed development:

1. Limiting the number of dock doors / commercial garage doors per building or square foot increment.

2. Limiting the interior clear story height (height measurement from floor to any obstruction) and / or overall height of buildings.
3. Limiting the Building Types to those more in line with those allowed in the C-O and CO-A zoning districts yet able to accommodate the uses in the modified use list.
4. Reducing the concrete paved area behind the proposed buildings and/or other proposed outdoor use areas.

After considering the items above, staff recommends that the Planning Commission resubmit the original recommendation of denial to the Governing Body with the following comments:

1. It is not appropriate for the Commission to change its recommendation in a manner that could lead to a conflict with the intent of a currently existing ordinance that is not part of the Land Development Code (Title 17 of the Gardner Municipal Code). Furthermore, the Planning Commission suggests to the Governing Body that at a minimum the City Council achieve consensus regarding potential changes to the pertinent regulations prior to making a decision that would approve of the creation of any commercial traffic origination / destination point at this location and pass such changes by ordinance as an amendment to the Gardner Municipal Code if the Governing Body desires a commercial traffic destination / origination point at this location.
2. If the City Council acts on Item 1 to allow for commercial traffic along this segment of 199th Street the current preliminary development plan will likely require changes to better reflect what is desired and what the Governing Body is seeking in the way of reducing truck traffic and other elements of the proposed development. Such changes / revisions should include at a minimum:
 - a. Allowance of the following uses:
 - i. C-O and CO-A zoning district uses except for the following:
 1. Assembly – Large
 2. Cultural and Public Service
 3. School – Neighborhood and Community
 4. Residential Care - Limited, General and Institutional
 5. Convenience Store/Fuel Station – Limited (1-4 pumps)
 6. Convenience Store/Fuel Station – General (5-12 pumps)
 7. Day Care Center
 8. Food and Beverage – Accessory Drive-Through
 9. Food and Beverage – Heavy
 10. Pawn Shops / Short-Term Loan and Check Cashing
 - ii. Only the following C-3 uses:
 1. Retail – General (6K – 20K)
 2. Outdoor Sales – General (Conditional Use)
 3. Manufacturing – Light (Conditional Use)
 4. Principal Use Signs (aka billboards)
 - b. Any warehousing or distribution uses be conducted as a secondary / accessory use only and be limited to an area of no more than 25% of the building area to be occupied by the tenant / business seeking such use.
 - c. Any Outdoor Sales – General Use be conducted as a secondary / accessory use to another allowed principal use on the same or adjacent lot and be no greater than 100% of the interior space occupied by that tenant / business.
 - d. No one tenant / business shall be allowed to operate more than two 20k square foot interior spaces (a maximum of 40k square feet total in area).
 - e. No one tenant / business can have more than two 20k square foot exterior spaces (a maximum of 40k square feet total in area) for Outdoor Sales – General use.
 - f. No delivery / shipping / receiving activity occurring on Saturdays, Sundays, and City recognized holidays, nor between the hours of 6pm and 7am on any day.

- g. Dock doors / commercial garage doors are limited to one per 20k square feet of building area for any given building with no individual tenant / business having more than 2 such doors.
- h. Interior clear story height (height measurement from floor to any obstruction) limited to 20 feet and overall height of any building to 35 feet or less (two stories maximum).
- i. Building Types are limited to the following: Small Commercial / Pad Site; General Commercial; Small Industrial / Workshop; General Industrial.
- j. Concrete paved area behind the proposed buildings be no more than 70 feet from back of building to back of curb incorporating a 24-foot two-way drive aisle and perpendicular marked parking stalls 18 feet in depth along the edge of the paved area.

Furthermore, the Governing Body should note that to address these items adequately a revised preliminary development plan should be submitted for review through the planning process prior to any potential approval. The nature of such changes could be substantial (e.g. adjustments to lot and tract configuration; reconfiguration of building footprints and outdoor use areas; notes related to land uses and building types; changes to phasing; etc.) and the process by which such changes are considered may require a new public hearing.

Attachments

1. June 23, 2025, Planning Commission meeting agenda packet information for this case
2. Excerpt from the minutes of the June 23, 2025, Planning Commission meeting
3. September 2, 2025, City Council Action Form
4. Excerpt from the minutes of the September 2, 2025, City Council meeting
5. September 12, 2025, Memo from the applicant

Project Name: 199TH ST COMMERCE CENTER

PROJECT NUMBER	PDP-25-30400006
REQUEST	199TH ST COMMERCE CENTER: Z, PDP, PP, CUP
APPLICANT	JUDD CLAUSSEN
OWNER	L & J DEVELOPMENT, ADVANTAGE DEVELOPMENT LLC, AND F & M PROPERTIES LLC
LOCATION	NORTH SIDE OF 199 TH STREET, WEST OF WAVERLY ROAD
PARCEL ID	CF221502-2005, CF221502-2006, AND CF221502-2004



Site Location Map

Executive Summary

PRESENT ZONING:	RUR (County)
PROPOSED ZONING:	CP-3
PRESENT LAND USE:	AGRICULTURAL
PROPOSED LAND USE:	COMMERCIAL
TOTAL SITE AREA:	57.02
EXISTING LOT #:	3
PROPOSED LOT #:	6
PROP BUILDING TYPES:	LARGE COMMERCIAL
PROPOSED OPEN SPACE:	NATURAL AREA
PROP STREET TYPE:	STANDARD ARTERIAL



Aerial of Subject Site

Project Description

The proposed development includes the construction of 3 buildings ranging in size from 52,500 – 96,250 square feet, 3 outdoor retail sales/storage lots, and 4 principal use sign structures (aka billboards). Approximately 57 acres are proposed to be rezoned from RUR (county Rural Residential) to CP-3 (Planned Community Commercial), while approximately 34 acres, the remaining property, is proposed to remain RUR. The 3 buildings are proposed for general commercial uses; the traffic memo included with the application assumes approximately 25% of the building square footage will be office space and the remaining 75% will be storage/warehouse space. The 4 billboard structures are proposed to include a total of 16 sign faces. A Conditional Use Permit is requested to allow the structures to exceed 30 feet in height and include 2 vertical stacked signs on each side.

Background/History

The subject properties were annexed into the city in October of 2019 under Ordinance 2623 and in 2024 under Ordinance 2794 and 2795. Many of the parcels located along 199th Street east of the subject property were annexed into the City of Gardner between October of 2019 and December of 2024.

As the result of growing citizen concerns related to increased truck traffic in the area, “No Trucks” signs were installed along 199th Street eastbound near Waverly Road and westbound at the intersection with Gardner Road in January of 2023. The adopted ordinance limits commercial vehicle traffic on roadways that are not designated truck routes unless there is an origin or destination in the designated area.

Between January and April of 2024, the Planning Commission and Governing Body considered rezoning and conditional use permit applications for an Animal Care – Large use (Gardner Pet Lodge) on approximately 10 acres on the north side of 199th Street between I-35 and Gardner Road. The applications were ultimately denied by the Governing Body based on concerns expressed by adjacent property owners related to lack of screening, noise from barking dogs, size of the proposed structure, and general concern regarding the introduction of a commercial use and increased traffic in a predominately rural residential area.

This information is included to provide context to the area and recent actions by the Governing Body related to land use and traffic in this part of the city.

Surrounding Zoning and Land Use

Zoning	Use(s)
North of Subject Property	
LP (Edgerton Logistics Park) District	Warehousing
East of Subject Property	
R-1 (Single-Family Residential) and RUR (County Rural Residential) Districts	Single-Family Residences, both small and large lots
South of Subject Property	
RUR (County Rural Residential) District	Large Lot Residential and Vacant Land
West of Subject Property	
RUR (County Rural Residential) District	Farming (across the interstate)

Utilities / Infrastructure

Electric

Energy serves the subject property and overhead utility lines are adjacent to the site.

Water

Johnson County Rural District #7 serves the subject property, and a waterline is located along 199th Street.

Sanitary Sewer

The City of Gardner serves the subject property. The developer will be responsible for bringing sewer service to the property.

Roadway Network & Vehicular Access

The I-35 and Gardner Road Interchange Subarea Plan, adopted in June of 2016, designates 199th Street as a Minor Arterial. The Standard Arterial street type requires 120 feet of right-of-way for a 4-lane roadway with sidewalks. In accordance with [Section 17.04.040 \(H\)](#) of the Land Development Code (LDC), the developer will be responsible for dedicating the right-of-way and paying for one-half of the improvements along their frontage of 199th Street.

A single point of access is proposed for the entire development, with a secondary gated emergency access point proposed on the western edge of the property.

The proposed development's public street frontage is along 199th Street, with access to each of the buildings and outdoor storage areas being provided via a private drive along the I-35 frontage of the property.

Staff Analysis

Rezoning

Prior to considering any development proposal on property retaining the county's zoning designation, it is necessary to rezone the property in accordance with the City of Gardner's zoning classifications.

The [Future Land Use Map](#) within the [City of Gardner Comprehensive Plan](#), adopted in 2014 originally identified the subject properties for Agricultural/Rural Residential uses.

The [I-35 and Gardner Road Interchange Subarea Plan](#), approved in June of 2016 amending the comprehensive plan and future land use map, designates the subject properties for Community Commercial, Parks-Recreation-Open Space, and Low-Density Residential uses. The intent of the Community Commercial land use is for smaller commercial nodes that are intended to meet the needs of residents. Community Commercial uses typically include office, retail, and service uses that may be located within or adjacent to neighborhoods. According to the LDC the zoning districts corresponding to the Community Commercial land use category are C-O (Office Building) and CO-A (Neighborhood Business) Districts. The Low-Density Residential future land use designation is associated with portions of the property east of the stream that traverses the property from the northeast to the southwest. The applicant is proposing to rezone only the portion of the property west of and encompassing the stream corridor. With this request, the property on the east side of the stream corridor is proposed to retain the RUR zoning designation.

[Section 17.05.010 \(A\) \(13\)](#) of the LDC describes C-3 Heavy Commercial zoning, which the applicant is proposing, as providing retail, service, and employment uses at a scale and intensity or format that requires a high level of vehicle accessibility and visibility and typically are not compatible with or easily integrated with other land uses or development patterns. The character of the surrounding area is primarily agricultural and large-lot residential zoned either Agricultural or Rural Residential. The

development of large commercial buildings is not consistent with the I-35 and Gardner Road Interchange Subarea Plan amendment of the Comprehensive Plan Future Land Use Map.

The proposed zoning of the property is associated with uses that will increase commercial traffic on 199th Street and allow the establishment of building types and uses that will create a commercial vehicle origination and destination point in an area that is currently designated as a no commercial vehicles area. 199th Street is in the no commercial vehicles area, and the proposed zoning, if approved, would allow commercial vehicle traffic serving the site to operate within the posted area. The applicant is proposing to install signage at the exit of the development to direct truck traffic westerly on 199th Street. Even with the proposed signage, the introduction of uses that specifically include the origination and destination of commercial vehicle traffic will limit the ability to enforce the no commercial vehicles regulatory limitation without specifically checking the origination/destination address of each observed commercial vehicle operating within the posted area along 199th Street. This would require significant law enforcement effort, without which the no commercial vehicles designation is effectively negated.

During the review process the staff concern relate to the range of uses allowed within the C-3 Heavy Commercial zoning district was considered and conveyed to the applicant. Staff suggested to the applicant that some of the uses be prohibited within the proposed planned development. Based on the applicant's desired permissible uses, the proposed creation of a origin / destination point for commercial vehicle traffic, as well as overall potential commercial traffic volume and the proposed zoning allowing for greater land use intensity than indicated in the Comprehensive Plan (as updated by the I-35 and Gardner Road Interchange Subarea Plan), staff does not support the proposed rezoning to C-3 Heavy Commercial.

Preliminary Development Plan and Plat

Based on the size of the proposed buildings and the amount of proposed paved parking / storage area behind each building, the amount of vehicular parking provided, and 3 outdoor retail sales/storage lots, the proposed preliminary development plan lends itself to the following uses that are permitted in the Heavy Commercial zoning district:

- Outdoor Sales - General
- Outdoor Sales - Heavy
- Personal Storage - Indoor
- Personal Storage – Outdoor
- Vehicle/Equipment Service and Repair – General
- Manufacturing-Light
- Commercial Storage - Indoor
- Commercial Storage - Outdoor Minor

Other uses, such as Retail - Large and Retail - Warehouse are also permitted in the C-3 Heavy Commercial zoning district, however the number of proposed parking spaces would not be sufficient for such uses.

A total of 201,250 square feet of building area is proposed. Approximately the same square footage is provided in 3 separate outdoor retail sales / storage areas, not including the paved area that could be used to park tractor trailers or for additional outdoor storage behind each of the buildings. While staff acknowledges that the Large Commercial building type may require an outdoor sales/storage area, having outdoor sales/storage areas, either associated with a building or standalone, equal to the

proposed building area is not typical of a majority of the uses permitted in the C-3 Heavy Commercial zoning district.

Preliminary building elevations were not provided, however the applicant referenced the College Crossing Business Park located at the northeast corner of I-35 and College Boulevard in Lenexa as representing the building style of the proposed development. The Large Commercial building type referenced in [Section 17.07.040](#) of the LDC requires a minimum of 30% transparency on street-facing facades and a minimum of 1 primary entrance feature on each street frontage. In this case, the internal private drive paralleling I-35 acts as the “street” for purposes of the city’s building design standards. Compliance with the design standards will be evaluated when final development plans are submitted and consideration of any requested architectural-related deviations will be considered at that time. Based on the size of the proposed buildings, the applicant should specifically refer to the design standards related to massing, primary public entrances, transparency, and articulation found in [Section 17.07.030](#) of the LDC.

Three outdoor retail sales / storage lots are proposed and must comply with the standards outlined in [Section 17.05.050 \(AA\)](#) and [Section 17.05.050 \(H\)](#) of the LDC. As each outdoor lot is being installed, careful consideration will have to be given to ensure the paved areas do not infringe on any utility easements or floodplain. The outdoor areas are shown to be asphalt. Six-foot tall vinyl fencing is proposed around each outdoor storage / sales area to provide screening. Materials stored outdoors shall be stacked no higher than the screening. Information regarding proposed outdoor lighting shall be provided with final development plans to ensure all lighting is shielded and full cutoff design fixtures are used to illuminate only the outdoor display area. In addition, all lighting of outdoor display areas shall be dimmed to the minimum needed for security purposes during non-business hours.

Signs are a principal use of property when the sign is not considered to be ancillary to another principal use on the same property. Principal Use Signs are commonly referred to as billboards. Billboards are only allowed on parcels abutting the I-35 right-of-way. The applicant is proposing 4 non-digital billboard structures with 2 sign panels stacked vertically facing each direction (16 sign panels total). The 199th Street bridge just to the southwest of the subject property is the initial “entrance” into Gardner for people traveling northbound on I-35. Conditional use permits are required for all of the proposed billboards based on the proposed height and the applicant’s proposal to stack sign panels, a total of 4 sign faces per billboard structure. In addition to the conditional use permit, a deviation is needed based on the total area of the sign panels facing the same direction. While the proposed billboards comply with the minimum 600-foot separation distance staff is concerned with having 4 billboards at the “front door” of the community; especially billboards that are taller and larger than what would be allowed by-right. Refer to the Deviations and Conditional Use Permit sections of this report for further evaluation of this request.

The development includes the following phasing plan:

- Phase 1 – 4 billboards
- Phase 2 – Building A with associated parking and extended paved area, outdoor retail sales / storage area, and stormwater detention
- Phase 3 – Building B with associated parking and extended paved area
- Phase 4 – Building C with associated parking and extended paved area, and outdoor retail sales / storage area
- Phase 5 – Outdoor retail sales/storage area and stormwater detention

For the construction of any billboard, the developer is required to provide vehicular access to the billboard locations with a dust-free surface to a standard that accommodates emergency vehicles. Phase 1 of the plan provides a paved drive that would access two of the proposed billboards. Access to the two northernmost billboards is proposed via a gravel drive extension from the end of the paved drive. Staff does not support the use of gravel for any portion of the drive accessing billboard given the nature of the overall proposed development

All 4 of the billboards are proposed in the first phase, with the proposed buildings coming in future phases. Since the development plan approach considers execution of the entire project via phasing staff has concerns that the proposed phasing plan would result in a site with 4 double stacked billboard structures with an access road only.

Deviation Requests

1. [Section 17.08.040](#) Screens and Fencing

Standard: Permanent outdoor storage areas, trash enclosures, delivery and vehicle service bays (except that bays do not need to be screened from adjacent property with the same or more intense zoning), and non-residential parking lots within 30 feet of residential lots shall be screened from streets or adjacent property with dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or architectural features of the building, or a combination of these.

Proposed: Screening the proposed outdoor storage areas with a combination of landscaping and/or a 6-foot tall vinyl fence.

Applicant Response: The proposed fencing provides a sufficient solution to adequately screen the outdoor storage areas; the proposed fencing is consistent with screening techniques in industrial zoned developments throughout the surrounding areas and does not result in a negative impact on the public.

Staff Comment: Vinyl fencing is not a typical screening material in non-residential settings. Referencing screening techniques in industrial zoned developments is not appropriate, as the proposed zoning is C-3 Heavy Commercial, not industrial. Vinyl fencing does not complement the materials of the proposed buildings, which the applicant represents as being similar to the multi-shade concrete with a form liner used at the College Crossing Business Park. However if a neutral vinyl fence color is selected, as opposed to stark white and with the proposed landscaping consisting of evergreen and large shade trees specifically along the 199th Street frontage, this deviation request may be acceptable with those conditions being met.

2. [Section 17.05.050 \(AA\)](#) Specific Use Standards - Commercial Storage-Outdoor Minor

Standard: The outdoor storage area shall be paved per the requirements for parking lots. Per Sections [17.09.040 \(A\) \(4 & 6\)](#) of the LDC, all parking and access areas shall include curb, gutters, and inlets to adequately address drainage and runoff. In addition, all parking areas and driveways shall be surfaced with permanent bituminous or Portland cement concrete, except the City Engineer may approve alternate surfaces that demonstrate superior stormwater management performance and sufficient durability and long-term maintenance.

Proposed: Asphalt millings be used for the outdoor storage areas in lieu of full depth asphalt or concrete.

Applicant Response: The asphalt millings provide a dustless, structurally sufficient surface for the proposed outdoor storage areas. This results in no negative impact to the public.

Staff Comment: The latest revised plan submittal and applicant review comment responses show the outdoor storage areas will be asphalt pavement and include curb and gutter. Therefore, this deviation request is not necessary. Detailed design and construction plans for the outdoor storage areas as well as parking and drive areas are subject to review and approval by the City Engineer.

3. [Section 17.05.050 \(AA\)](#) Specific Use Standards – Commercial Storage-Outdoor Minor

Standard: If there is no principal building, the outdoor storage area shall meet the required minimum front setback for 1 of the permitted building types in that zoning district.

Proposed: In some areas, the pavement edge of the proposed outdoor storage lots are approximately 10 feet from the lot line.

Applicant Response: The outdoor storage on the southern and northern sides of the site is not located behind the front line of the principal building. Due to the shape of the property, as well as the floodplain, the southern and northern portions of the site are extremely limited for building development, therefore the applicant is proposing to utilize these areas as outdoor storage yards to support the tenants. The outdoor storage yards are screened via a combination of landscaping and fencing. The proposal results in no negative impact to the public.

Staff Comment: The LDC allows outdoor storage areas on lots that do not have a principal building; however the outdoor storage area must comply with the minimum building setbacks of one of the building types permitted in that zoning district. The Large Commercial building type requires a 25-foot setback from all property lines and was selected based on that being the building type for the 3 proposed buildings. The size and layout of the outdoor storage areas should be modified to provide a 25-foot setback from all proposed lot lines. Staff does not support this deviation request.

4. [Section 17.10.040 \(B\)](#) Table 10-3 Principal Use Sign Allowances

[Section 17.10.070](#) of the LDC allows the city to approve deviations to the sign standards through the planned development process.

Standard: The total square feet of sign display area facing the same direction is limited to 750 square feet.

Proposed: Each sign face is proposed to be 10'-6" x 36' (378 square feet per face, 756 square feet per side).

Applicant Response: The applicant did not specifically request this deviation, therefore they provided no justification as to why it should be approved.

Staff Comment: 10'-6" x 36' is a standard billboard size, however there are smaller standard billboard poster sizes, such as 12'-3" x 24'-6" (300.125 square feet) that could be double stacked and comply with the maximum 750 total square feet of sign display area facing the same direction as outlined in the LDC. While the proposed total sign area facing the same direction is only 6 square feet greater than what the

LDC allows, staff is concerned with the visual clutter this may create at this entry point to the City of Gardner.

Staff reviewed the billboard regulations for Johnson County and the State of Kansas to see how the City regulations compare. Our maximum sign display area facing the same direction is less than the State of Kansas which allows up to 900 square feet, but greater than Johnson County which limits the sign area to 650 square feet.

Overall, the applicant proposes 756 square feet of total sign face area per billboard structure facing the same direction with a total of 4 billboards (3,024 square feet of total sign area) within less than 2,000 feet. Based on there being a smaller standard size billboard poster size that would comply with the LDC and the multiple billboard signs that are proposed to exceed this maximum, staff does not support this deviation.

Conditional use permits are required for all 4 proposed billboard structures based on the proposed height and vertical stacking of sign faces.

Conditional Use Permit

[Section 17.10.040 \(B\) \(4\)](#) of the LDC requires a conditional use permit for billboards greater than 30 feet in height (up to a maximum of 50 feet) and for vertically stacked signs. The applicant has requested a conditional use permit for all 4 proposed billboards to be 45 feet tall with 2 vertically stacked sign faces per side. Without a conditional use permit, the applicant is limited to 4 billboards, a maximum of 30 feet in height, with a single sign face in each direction.

The applicant provided no reasoning, related to existing or future physical conditions, as to why a greater height or vertical stacking of the sign faces is needed. Nor did the applicant provide information related to the Conditional use permit review criteria in support of this conditional use permit request ([Section 17.03.050 \(B\)](#) of the LDC). In comparing the maximum height allowed in Johnson County and the State of Kansas, staff found a maximum height allowance of 30 feet and 50 feet respectively. Allowing 4 billboards to be taller and vertically stacked would have a negative impact on the public realm and character of the area in terms of the scale and intensity proposed.

Staff Recommendations

Rezoning and Preliminary Development Plan

Staff recommends denial of the rezoning from RUR (county Rural Residential) to CP-3 (Planned Community Commercial), as well as the associated preliminary development plan, based on the following: the requested rezoning and proposed preliminary development plan would create a commercial vehicle traffic origin and destination point within an area designated no commercial vehicles and would 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 C-O and CO-A zoning districts per the LDC) future land use.

The intent statement for the C-O and C-OA districts are identified in the LDC as follows:

Office – “C-O.” The Office District provides service and employment uses in a low- or moderate-intensity format that can be compatible with any adjoining residential districts or low-intensity uses.

Neighborhood Business – “CO-A.” The Neighborhood Business District provides small-scale retail, service and employment uses in a compact and walkable format that are well-integrated with residential neighborhoods or other supporting uses.

Preliminary Plat

Staff recommends denial of the preliminary plat as it is based upon a rezoning and preliminary development plan submittal that is not in accordance with the Comprehensive Plan (as amended by the I-35 and Gardner Road Subarea Plan) Community Commercial future land use category defined as follows:

Community Commercial The intent of the community commercial use is for smaller commercial nodes that are intended to meet the needs of residents. Community commercial areas are located with or adjacent to neighborhoods and may consist of standalone structures or small shopping centers with multiple commercial uses.

Intensity: Low-Medium Zoning Districts: C-O - Office Building District, CP-O - Planned Office Building District, CO-A – Neighborhood Business District, COP-A – Planned Neighborhood Business District Primary Uses: Office, retail, service

Conditional Use Permit

Staff recommends denial of the conditional use permit to allow 4 billboards with double-stacked sign faces a maximum of 45 feet in height as this request is reliant upon the property being zoned C-3 Heavy Commercial, M-1 Restricted Industrial or M-2 General Industrial. None of these three zoning districts are in conformance with the future land use map, Community Commercial category designated for the property, in the Gardner Comprehensive Plan as amended by the I-35 and Gardner Road Subarea Plan, or the identified associated zoning districts in the LDC (C-O and CO-A).

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):

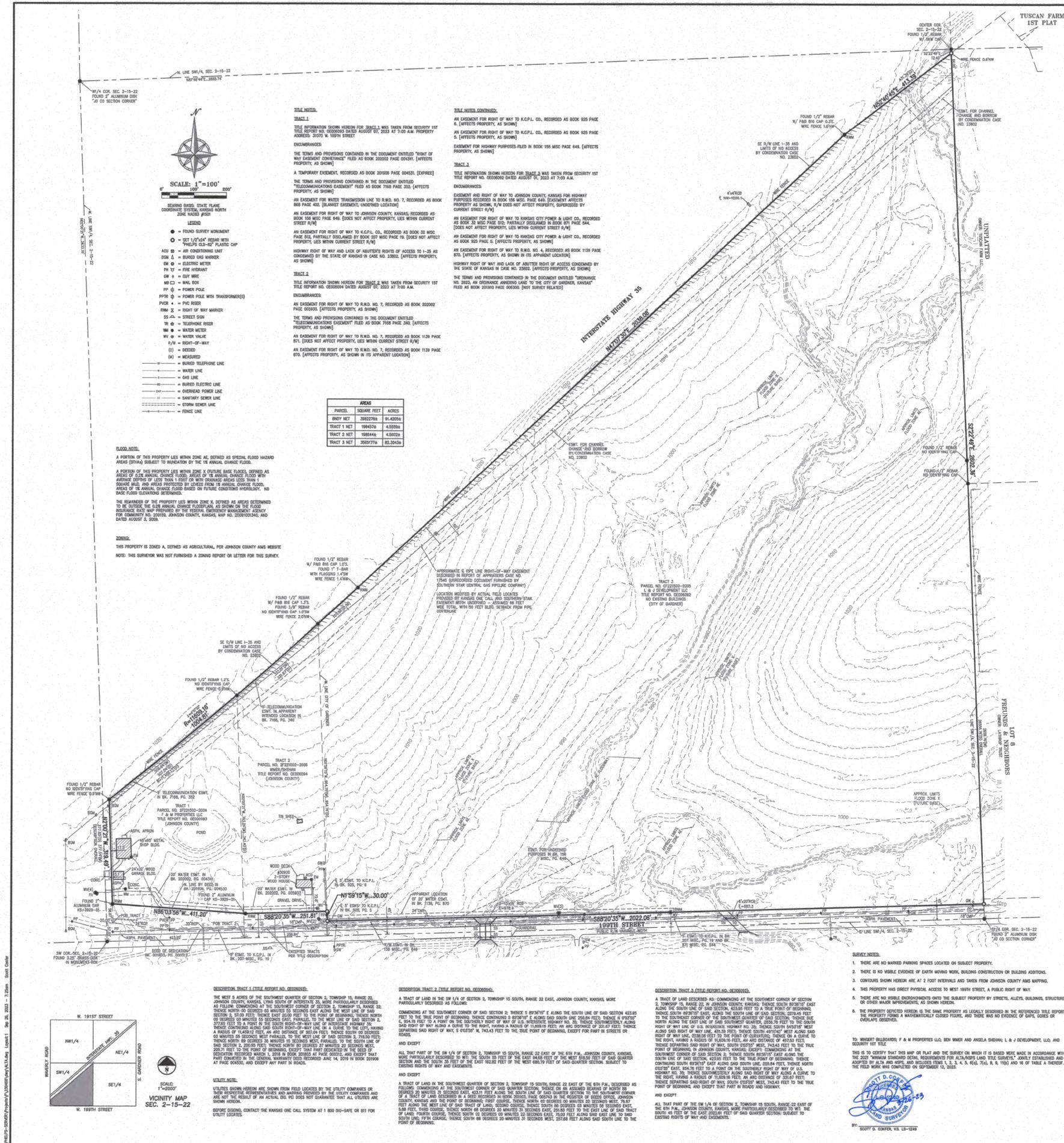
1. Approve the application.
2. Approve the application with conditions or modifications.
3. Deny the application.
4. Continue the application to allow further analysis.

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. Preliminary Development Plan and Plat

\\PHILIPS-SERVER\Projects\1\230468\Drawings\Title\Title.dwg Layout:1 Jun 12, 2025 7:19pm Donal Finn



ALTA/NPS LAND TITLE SURVEY
 SW 1/4, SEC. 2, TWP. 15, RANG. 22
 CITY OF GARDNER, JOHNSON COUNTY, KANSAS

PHILIPS ENGINEERING, INC.
 1970 N. Winchester
 Olathe, Kansas 66466
 (913) 993-1155
 Fax: (913) 993-1165
 www.philipsengineering.com

PLANNING ENGINEERING IMPLEMENTATION

PE

PROJECT NO. 230468
 DATE: 04-01-2025 (DRAWN: DDB)
 CHECKER: DAF (APPROVED: JJC 2. 06/12/2025)
 DATE OF AUTHORIZATION: 06/12/2025
 SURVEYOR: JJC
 LICENSE NO.: 15-82
 ENGINEERING: E-38
 DATE OF AUTHORIZATION: 06/12/2025
 LICENSE NO.: 200700128
 LICENSE TYPE: LAND SURVEYING

REVISIONS:

No.	Date	By	App.	Comments
1.	05/09/2025	AEB	DAF	CITY COMMENTS
2.	06/12/2025	AEB	DAF	CITY COMMENTS

DATE: 06/12/2025
BY: JJC
APP: DAF

SHEET 1 OF 1

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PLANNING ENGINEERING IMPLEMENTATION

PE

ALTA SURVEY PLAN
 199TH COMMERCE CENTER
 W. 199TH STREET & WAVERLY ROAD
 GARDNER, JOHNSON COUNTY, KANSAS

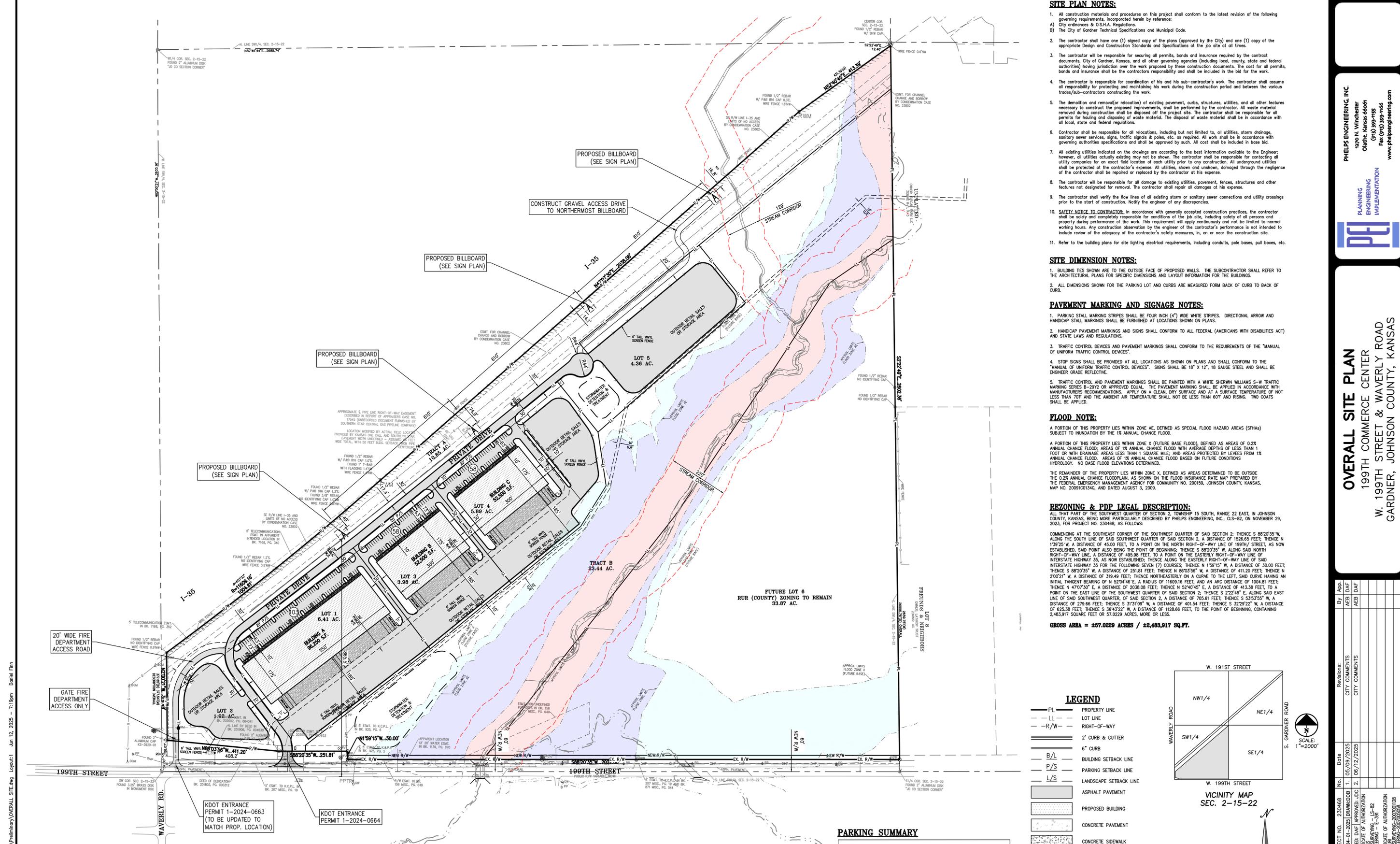
PROJECT NO. 230468

No.	Date	By	App.	Comments
1.	05/09/2025	AEB	DAF	CITY COMMENTS
2.	06/12/2025	AEB	DAF	CITY COMMENTS

DATE: 06/12/2025
BY: JJC
APP: DAF

SHEET 1 OF 1

C1



- ### SITE PLAN NOTES:
- All construction materials and procedures on this project shall conform to the latest revision of the following governing requirements, incorporated herein by reference:
 - City ordinances & O.S.H.A. Regulations.
 - The City of Gardner Technical Specifications and Municipal Code.
 - The contractor shall have one (1) signed copy of the plans (approved by the City) and one (1) copy of the appropriate Design and Construction Standards and Specifications at the job site at all times.
 - The contractor will be responsible for securing all permits, bonds and insurance required by the contract documents, City of Gardner, Kansas, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits, bonds and insurance shall be the contractor's responsibility and shall be included in the bid for the work.
 - The contractor is responsible for coordination of his and his sub-contractor's work. The contractor shall assume all responsibility for protecting and maintaining his work during the construction period and between the various trades/sub-contractors constructing the work.
 - The demolition and removal (or relocation) of existing pavement, curbs, structures, utilities, and all other features necessary to construct the proposed improvements, shall be performed by the contractor. All waste material removed during construction shall be disposed off the project site. The contractor shall be responsible for all permits for hauling and disposing of waste material. The disposal of waste material shall be in accordance with all local, state and federal regulations.
 - Contractor shall be responsible for all relocations, including but not limited to, all utilities, storm drainage, sanitary sewer services, signs, traffic signals & poles, etc. as required. All work shall be in accordance with governing authorities specifications and shall be approved by such. All cost shall be included in base bid.
 - All existing utilities indicated on the drawings are according to the best information available to the Engineer; however, all utilities actually existing may not be shown. The contractor shall be responsible for contacting all utility companies for an exact field location of each utility prior to any construction. All underground utilities shall be protected at the contractor's expense. All utilities shown and unshown, damaged through the negligence of the contractor shall be repaired or replaced by the contractor at his expense.
 - The contractor will be responsible for all damage to existing utilities, pavement, fences, structures and other features not designated for removal. The contractor shall repair all damages at his expense.
 - The contractor shall verify the flow lines of all existing storm or sanitary sewer connections and utility crossings prior to the start of construction. Notify the engineer of any discrepancies.
 - SAFETY NOTICE TO CONTRACTOR:** In accordance with generally accepted construction practices, the contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal working hours. Any construction observation by the engineer of the contractor's performance is not intended to include review of the adequacy of the contractor's safety measures, in, on or near the construction site.
 - Refer to the building plans for site lighting electrical requirements, including conduits, pole boxes, pull boxes, etc.

- ### SITE DIMENSION NOTES:
- BUILDING TIES SHOWN ARE TO THE OUTSIDE FACE OF PROPOSED WALLS. THE SUBCONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR SPECIFIC DIMENSIONS AND LAYOUT INFORMATION FOR THE BUILDINGS.
 - ALL DIMENSIONS SHOWN FOR THE PARKING LOT AND CURBS ARE MEASURED FORM BACK OF CURB TO BACK OF CURB.

- ### PAVEMENT MARKING AND SIGNAGE NOTES:
- PARKING STALL MARKING STRIPES SHALL BE FOUR INCH (4") WIDE WHITE STRIPES. DIRECTIONAL ARROW AND HANDICAP STALL MARKINGS SHALL BE FURNISHED AT LOCATIONS SHOWN ON PLANS.
 - HANDICAP PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO ALL FEDERAL (AMERICANS WITH DISABILITIES ACT) AND STATE LAWS AND REGULATIONS.
 - TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".
 - STOP SIGNS SHALL BE PROVIDED AT ALL LOCATIONS AS SHOWN ON PLANS AND SHALL CONFORM TO THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.
 - TRAFFIC CONTROL AND PAVEMENT MARKINGS SHALL BE PAINTED WITH A WHITE SHERWIN WILLIAMS S-W TRAFFIC MARKING SERIES B-2972 OR APPROVED EQUAL. THE PAVEMENT MARKING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. APPLY ON A CLEAN, DRY SURFACE AND AT A SURFACE TEMPERATURE OF NOT LESS THAN 70°F AND THE AMBIENT AIR TEMPERATURE SHALL NOT BE LESS THAN 60°F AND RISING. TWO COATS SHALL BE APPLIED.

FLOOD NOTE:

A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE, DEFINED AS SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.

A PORTION OF THIS PROPERTY LIES WITHIN ZONE X (FUTURE BASE FLOOD), DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. AREAS OF 1% ANNUAL CHANCE FLOOD BASED ON FUTURE CONDITIONS HYDROLOGY. NO BASE FLOOD ELEVATIONS DETERMINED.

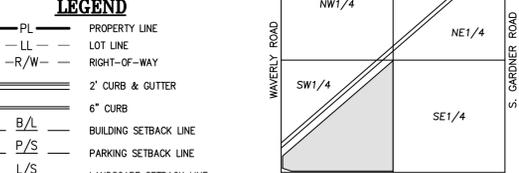
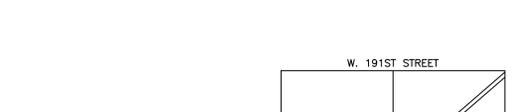
THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR COMMUNITY NO. 200155, JOHNSON COUNTY, KANSAS, MAP NO. 2001001346, AND DATED AUGUST 3, 2009.

REZONING & PDP LEGAL DESCRIPTION:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 15 SOUTH, RANGE 22 EAST, IN JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED BY PHELPS ENGINEERING, INC., CLS-82, ON NOVEMBER 29, 2023, FOR PROJECT NO. 230468, AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE S 88°20'35" W, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 1508.65 FEET; THENCE N 1°59'25" W, A DISTANCE OF 45.00 FEET; TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 199TH STREET, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S 88°20'35" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 485.98 FEET; TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35, AS NOW ESTABLISHED; THENCE ALONG THE EASTERN RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35 FOR THE FOLLOWING SEVEN (7) COURSES; THENCE N 1°59'15" W, A DISTANCE OF 30.00 FEET; THENCE S 88°20'35" W, A DISTANCE OF 251.81 FEET; THENCE N 86°03'56" W, A DISTANCE OF 411.20 FEET; THENCE N 2°02'21" W, A DISTANCE OF 319.49 FEET; THENCE NORTHEASTLY ON A CURVE TO THE LEFT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF N 52°04'46" E, A RADIUS OF 11609.16 FEET, AND AN ARC DISTANCE OF 1004.81 FEET; THENCE N 47°07'30" E, A DISTANCE OF 2038.08 FEET; THENCE N 52°40'45" E, A DISTANCE OF 413.38 FEET; TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE S 22°24'00" E, ALONG SAID EAST LINE OF SAID SOUTHWEST QUARTER, OF SAID SECTION 2, A DISTANCE OF 705.61 FEET; THENCE S 53°33'55" W, A DISTANCE OF 279.66 FEET; THENCE S 31°31'09" W, A DISTANCE OF 401.54 FEET; THENCE S 32°29'22" W, A DISTANCE OF 625.38 FEET; THENCE S 36°43'22" W, A DISTANCE OF 1128.66 FEET, TO THE POINT OF BEGINNING, CONTAINING 2,483.97 SQUARE FEET OR 57,022.92 ACRES, MORE OR LESS.

GROSS AREA = ±57.0229 ACRES / ±2,483,917 SQ.FT.



PARKING SUMMARY

LOT	REQUIRED PARKING*	PROPOSED PARKING	DOCKS
LOT 1	97 CARS	103 CARS	6 DOCKS
LOT 3	53 CARS	58 CARS	4 DOCKS
LOT 4	53 CARS	58 CARS	4 DOCKS

*REQUIRED PARKING CP-3: ONE SPACE PER 250 SQUARE FEET OF SERVICE FLOOR AREA. IT HAS BEEN ASSUMED THAT THE SERVICE FLOOR AREA IS 25% OF THE TOTAL BUILDING SQUARE FOOTAGE

SITE DATA

ZONING	EXISTING	PROPOSED	FUTURE LAND USE DESIGNATION
RUR (COUNTY)			
CP-3 & RUR (COUNTY)			
COMMUNITY COMMERCIAL			

PROPOSED BUILDING A (1-STORY) - GENERAL INDUSTRIAL	96,250 S.F.
PROPOSED BUILDING B (1-STORY) - GENERAL INDUSTRIAL	52,500 S.F.
PROPOSED BUILDING C (1-STORY) - GENERAL INDUSTRIAL	52,500 S.F.
TOTAL	201,250 S.F.

LOT DATA	ACRES
LOT 1	6.41 AC.
LOT 2	1.92 AC.
LOT 3	3.98 AC.
LOT 4	5.89 AC.
LOT 5	4.36 AC.
TRACT A	10.85 AC.
TRACT B	23.44 AC.
NEW R/W	0.17 AC.
TOTAL	57.02 AC.

OPEN SPACE

PERVIOUS AREA	37.31 AC. (65%)
IMPERVIOUS AREA	19.71 AC. (35%)
TOTAL AREA	57.02 AC.

OPEN SPACE EXCLUDES FUTURE LOT 6

UTILITY NOTES:

VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.



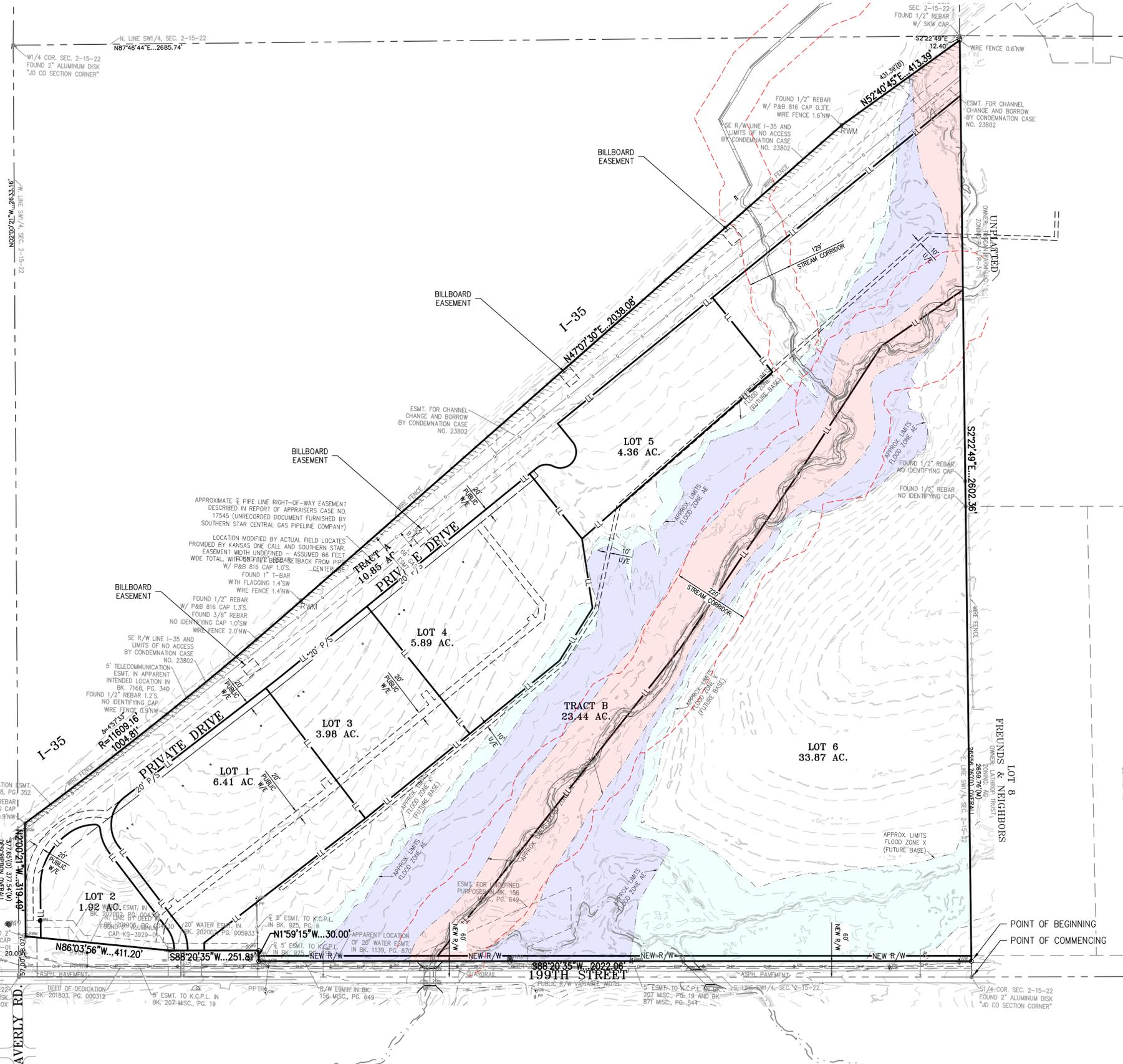
PHELPS ENGINEERING, INC.
 1370 N. Winchester
 Olathe, Kansas 66066
 (913) 993-1155
 Fax: (913) 993-1165
 www.pelphsengineering.com

PLANNING
ENGINEERING
IMPLEMENTATION

OVERALL SITE PLAN

199TH COMMERCE CENTER
 W. 199TH STREET & WAVERLY ROAD
 GARDNER, JOHNSON COUNTY, KANSAS

PROJECT NO.	230468	Date	05/09/2025	By	App.
DATE CH-01-2025 DRAWING <td>DRW:DD8</td> <td>1.</td> <td>05/09/2025</td> <td>CITY COMMENTS</td> <td>AEB DAF</td>	DRW:DD8	1.	05/09/2025	CITY COMMENTS	AEB DAF
CHECKER, DAF APPROVED, JDC	2.	06/12/2025	CITY COMMENTS	AEB DAF	
CERTIFICATE OF AUTHORIZATION					
LAND SURVEYING - LS-82					
ENGINEERING - E-301					
CERTIFICATE OF AUTHORIZATION					
LAND SURVEYING - LS-82					
ENGINEERING - E-301					



PRELIMINARY PLAT LEGAL DESCRIPTION:

All that part of the Southwest Quarter of Section 2, Township 15 South, Range 22 East, in Johnson County, Kansas, being more particularly described by Phelps Engineering, Inc., CLS-82, on November 29, 2023, for project No. 230468, as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 2; thence N 2'22'49" W, along the East line of the Southwest Quarter of said Section 2, a distance of 45.00 feet, to a point on the North right-of-way line of 199th Street, as now established; said point also being the Point of Beginning; thence S 88°20'35" W, along said North Right-of-Way line, a distance of 2022.06 feet, to a point on the Easterly right-of-way line of Interstate Highway 35, as now established; thence along the Easterly right-of-way line of said Interstate Highway 35 for the following seven (7) courses; thence N 1°59'15" W, a distance of 30.00 feet; thence S 88°20'35" W, a distance of 251.81 feet; thence N 86°03'56" W, a distance of 411.20 feet; thence N 2°00'21" W, a distance of 319.49 feet; thence Northeasterly on a curve to the left, said curve having an initial tangent bearing of N 52°04'46" E, a radius of 11609.16 feet, and an arc distance of 1004.81 feet; thence N 47°07'30" E, a distance of 2038.08 feet; thence N 52°40'45" E, a distance of 413.38 feet, to a point on the East line of the Southwest Quarter of said Section 2; thence S 2'22'49" E, along said East line of said Southwest Quarter of said Section 2, a distance of 2802.36 feet, to the Point of Beginning, containing 3,982,278 square feet or 91.4205 acres, more or less.

GROSS AREA = ±91.4205 ACRES / ±3,982,278 SQ.FT.

FLOOD NOTE:

A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE, DEFINED AS SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.

A PORTION OF THIS PROPERTY LIES WITHIN ZONE X (FUTURE BASE FLOOD), DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. AREAS OF 1% ANNUAL CHANCE FLOOD BASED ON FUTURE CONDITIONS HYDROLOGY. NO BASE FLOOD ELEVATIONS DETERMINED.

THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR COMMUNITY NO. 200159, JOHNSON COUNTY, KANSAS, MAP NO. 20091C0134G, AND DATED AUGUST 3, 2009.

GENERAL NOTES:

NATURAL STREAM PRESERVATION CORRIDOR AREAS ARE SUBJECT TO THE RESTRICTIONS AND PROTECTIONS PROVIDED FOR IN THE CITY OF GARDNER MUNICIPAL CODE. RESTRICTIONS AND PROTECTIONS ARE SUBJECT TO CHANGE BY ACTION OF THE GOVERNING BODY IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF GARDNER MUNICIPAL CODE.

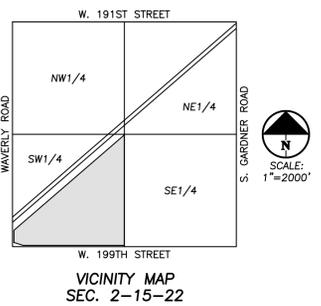
NOTICE: THIS SITE INCLUDES STORMWATER TREATMENT FACILITIES, AS DEFINED AND REGULATED IN THE GARDNER MUNICIPAL CODE. RESTRICTIONS ON THE USE OR ALTERATIONS OF THE SAID FACILITIES MAY APPLY. THIS PROPERTY IS ALSO SUBJECT TO THE OBLIGATIONS AND REQUIREMENTS OF THE STORMWATER TREATMENT FACILITY MAINTENANCE AGREEMENT APPROVED BY THE CITY.

SITE DATA

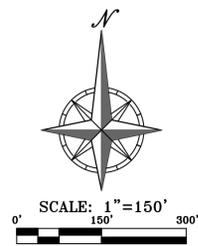
LOT 1	6.41 AC.
LOT 2	1.92 AC.
LOT 3	3.98 AC.
LOT 4	5.89 AC.
LOT 5	4.36 AC.
LOT 6	33.87 AC.
TRACT A	10.85 AC.
TRACT B	23.44 AC.
NEW R/W	0.70 AC.
TOTAL	91.42 AC.

PREPARED & SUBMITTED BY: PHELPS ENGINEERING, INC.
1270 N. WINCHESTER
OLATHE, KS 66061
913-393-1155 OFFICE
913-393-1166 FAX
CONTACT: JUDD CLAUSSEN, P.E.

OWNER/DEVELOPER: L & J DEVELOPMENT, LLC
23173 OLD KANSAS CITY ROAD
SPRING HILL, KS 66083
913-486-2555
CONTACT: LYNN BAKER



- LEGEND**
- PL — PROPERTY LINE
 - LL — LOT LINE
 - R/W — RIGHT-OF-WAY
 - B/L — BUILDING SETBACK LINE
 - P/S — PARKING SETBACK LINE
 - L/S — LANDSCAPE SETBACK LINE
 - PUB W/E — PUBLIC WATER LINE EASEMENT
 - FEMA ZONE AE — FLOODWAY
 - FEMA ZONE AE (100-YEAR FLOODPLAIN)
 - FEMA ZONE X (FUTURE 100-YEAR FLOODPLAIN)
 - — — — — STREAM CORRIDOR



811
Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

NOTES:

TRACT A TO BE OWNED AND MAINTAINED BY THE 199TH COMMERCE CENTER ASSOCIATION. SAID TRACT IS TO BE USED FOR ACCESS, UTILITIES, LANDSCAPING, SIGNAGE, AND PRIVATE OPEN SPACE.

TRACT B TO BE OWNED AND MAINTAINED BY THE 199TH COMMERCE CENTER ASSOCIATION. SAID TRACT IS TO BE USED FOR STORMWATER DETENTION, STORMWATER TREATMENT, AND PRIVATE OPEN SPACE.

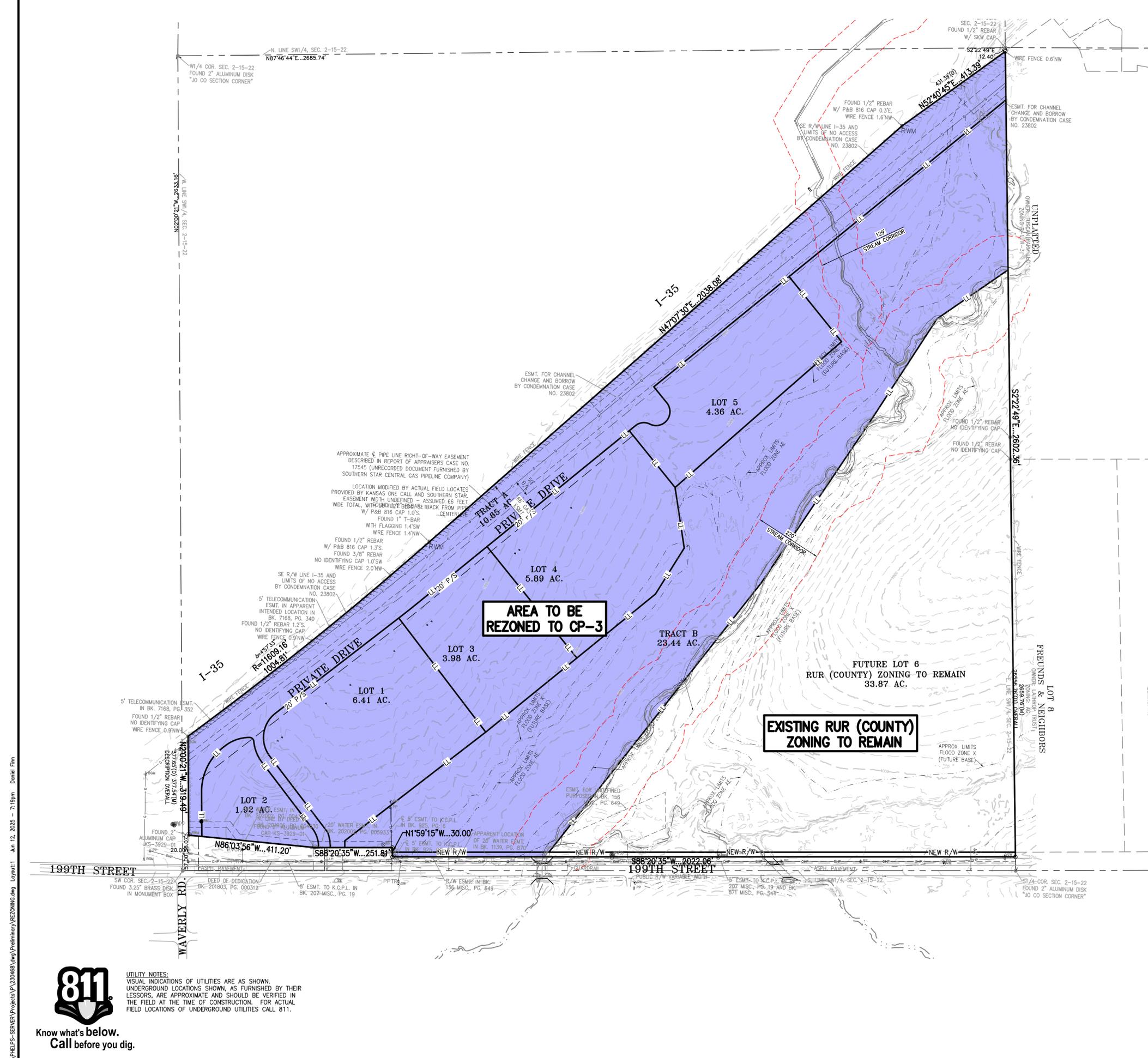
PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166
www.phelpsengineering.com

PLANNING
ENGINEERING
IMPLEMENTATION

PRELIMINARY PLAT
199TH COMMERCE CENTER
W. 199TH STREET & WAVERLY ROAD
GARDNER, JOHNSON COUNTY, KANSAS

Project No.	By	App.	Date	Revisions
230468	Judd Clausen	AEB	05/09/2025	CITY COMMENTS
		DAF	06/12/2025	CITY COMMENTS

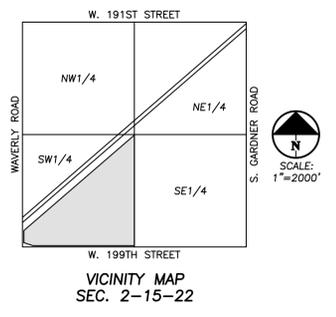
SHEET
C1.2



REZONING AND PDP LEGAL DESCRIPTION:
 ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 15 SOUTH, RANGE 22 EAST, IN JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED BY PHELPS ENGINEERING, INC., CLS-82, ON NOVEMBER 29, 2023, FOR PROJECT NO. 230468, AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE S 88°20'35" W, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 1526.65 FEET; THENCE N 1°32'25" W, A DISTANCE OF 45.00 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 199TH STREET, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S 88°20'35" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 495.98 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 35, AS NOW ESTABLISHED; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 35 FOR THE FOLLOWING SEVEN (7) COURSES; THENCE N 1°59'15" W, A DISTANCE OF 30.00 FEET; THENCE S 88°20'35" W, A DISTANCE OF 251.81 FEET; THENCE N 86°03'56" W, A DISTANCE OF 413.38 FEET; THENCE N 2°00'21" W, A DISTANCE OF 318.49 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF N 52°04'48" E, A RADIUS OF 11608.16 FEET, AND AN ARC DISTANCE OF 1004.81 FEET; THENCE N 47°07'30" E, A DISTANCE OF 2038.08 FEET; THENCE N 52°40'45" E, A DISTANCE OF 413.38 FEET, TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE S 2°22'49" E, ALONG SAID EAST LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 705.61 FEET; THENCE S 53°53'55" W, A DISTANCE OF 279.66 FEET; THENCE S 31°31'09" W, A DISTANCE OF 401.54 FEET; THENCE S 32°29'22" W, A DISTANCE OF 625.38 FEET; THENCE S 36°43'22" W, A DISTANCE OF 1128.66 FEET, TO THE POINT OF BEGINNING, CONTAINING 2,483,917 SQUARE FEET OR 57.0229 ACRES, MORE OR LESS.

GROSS AREA = ±57.0229 ACRES / ±2,483,917 SQ.FT.

- LEGEND**
- PL — PROPERTY LINE
 - LL — LOT LINE
 - - - R/W — RIGHT-OF-WAY
 - B/L — BUILDING SETBACK LINE
 - P/S — PARKING SETBACK LINE
 - L/S — LANDSCAPE SETBACK LINE
 - AREA TO BE REZONED TO CP-3
 - - - - - STREAM CORRIDOR



811
 Know what's below.
 Call before you dig.

UTILITY NOTES:
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PHELPS ENGINEERING, INC.
 1370 N. Winchester
 Olathe, Kansas 66066
 (913) 393-1155
 Fax: (913) 393-1165
 www.phelpsengineering.com

PLANNING
 ENGINEERING
 IMPLEMENTATION

REZONING PLAN
 199TH COMMERCE CENTER
 W. 199TH STREET & WAVERLY ROAD
 GARDNER, JOHNSON COUNTY, KANSAS

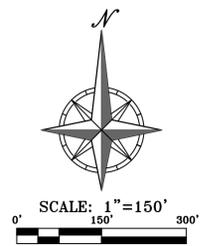
Project No.	Date	By	App.
230468	05/09/2025	DAF	AEB
1. 05/09/2025	06/12/2025	DAF	AEB
2. 06/12/2025		DAF	AEB

Revisions:

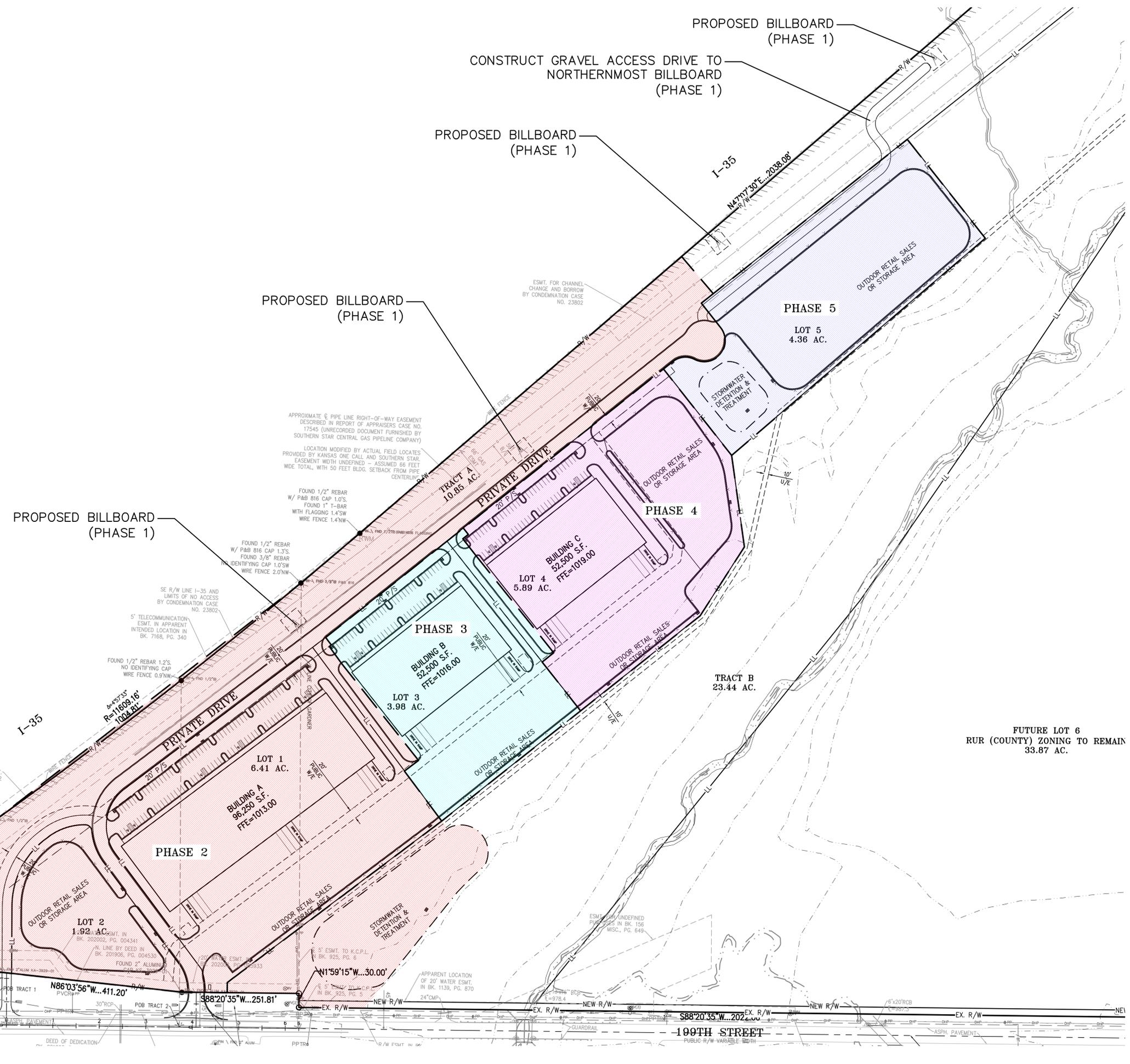
No.	Date	By	App.
1.	05/09/2025	DAF	AEB
2.	06/12/2025	DAF	AEB

DATE: 04-01-2025
 CHECKED: DAF
 APPROVED: JDC
 CARRYOVER OF AUTHORIZATION
 LAND SURVEYING - LS-82
 ENGINEERING - E-361
 CERTIFICATE OF AUTHORIZATION
 LAND SURVEYING-2007001028
 ENGINEERING-2007003028

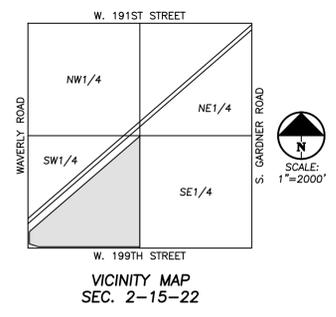
SHEET
C1.3



1/4 SEC. 2-15-22
 7" W. 190TH ST
 PROJECT NO. 230468
 DATE: 04-01-2025
 DRAWN: JDC
 CHECKED: JDC
 APPROVED: JDC
 CITY COMMENTS: []
 DATE: 05/09/2025
 CITY COMMENTS: []
 DATE: 06/12/2025
 CITY COMMENTS: []
 PROJECT NO. 230468
 DATE: 04-01-2025
 DRAWN: JDC
 CHECKED: JDC
 APPROVED: JDC
 CITY COMMENTS: []
 DATE: 05/09/2025
 CITY COMMENTS: []
 DATE: 06/12/2025
 CITY COMMENTS: []
 PROJECT NO. 230468
 DATE: 04-01-2025
 DRAWN: JDC
 CHECKED: JDC
 APPROVED: JDC
 CITY COMMENTS: []
 DATE: 05/09/2025
 CITY COMMENTS: []
 DATE: 06/12/2025
 CITY COMMENTS: []



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 LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
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- LEGEND**
- PHASE 2
 - PHASE 3
 - PHASE 4
 - PHASE 5



PHILIPS ENGINEERING, INC.
 1270 N. Winchester
 Olathe, Kansas 66066
 (913) 393-1155
 Fax (913) 393-1166
 www.philipsengineering.com

PHASING PLAN
 199TH COMMERCE CENTER
 W. 199TH STREET & WAVERLY ROAD
 GARDNER, JOHNSON COUNTY, KANSAS

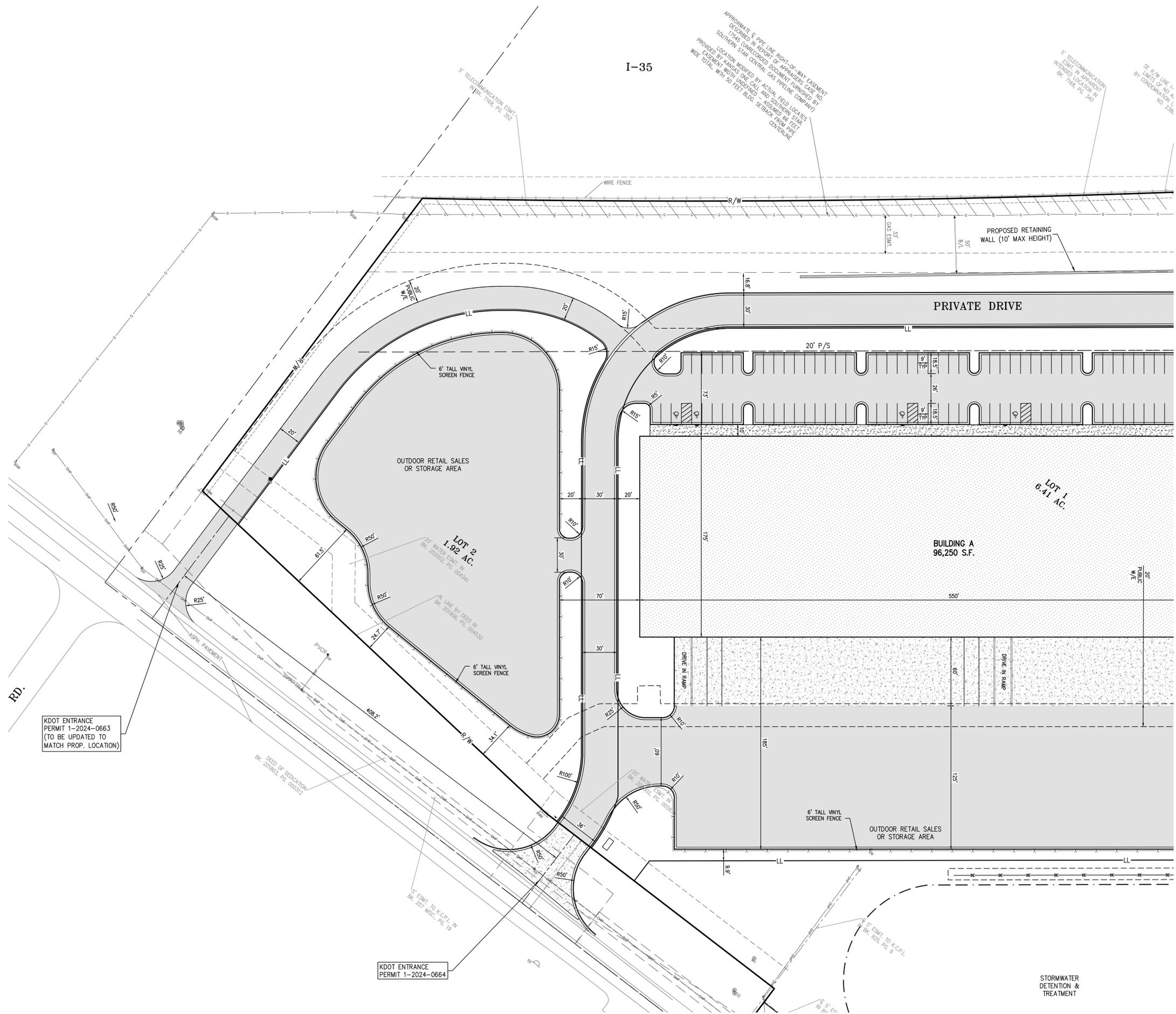
Project No.	No.	Date	By	App.	Revisions:
230468	1	05/09/2025	JDC	AEB	CITY COMMENTS
	2	06/12/2025	JDC	AEB	CITY COMMENTS

SHEET
C1.4



Know what's below.
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LEGEND

- PL PROPERTY LINE
- LL LOT LINE
- R/W RIGHT-OF-WAY
- 2" CURB & GUTTER
- 6" CURB
- B/L BUILDING SETBACK LINE
- P/S PARKING SETBACK LINE
- L/S LANDSCAPE SETBACK LINE
- ASPHALT PAVEMENT
- PROPOSED BUILDING
- CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- FEMA ZONE AE - FLOODWAY
- FEMA ZONE AE (100-YEAR FLOODPLAIN)
- FEMA ZONE X (FUTURE 100-YEAR FLOODPLAIN)
- STREAM CORRIDOR



SCALE: 1"=40'
0' 40' 80'

STORMWATER
DETENTION &
TREATMENT

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66066
(913) 393-1155
Fax (913) 393-1166
www.phelpsengineering.com

ENLARGED SITE PLAN
199TH COMMERCE CENTER
W. 199TH STREET & WAVERLY ROAD
GARDNER, JOHNSON COUNTY, KANSAS

PROJECT NO.	DATE	BY	APP.	REVISIONS
230468	05/09/2025	DAF	AEB	
1. 05/09/2025	DAF	AEB	DAF	CITY COMMENTS
2. 06/12/2025	DAF	AEB	DAF	CITY COMMENTS

SHEET
C1.6

\\PHELPS-SERVER\Projects\230468\230468.dwg (preliminary) SITE.dwg Layout:1 Jun 12, 2025 - 7:20pm Daniel Finn

KDOT ENTRANCE
PERMIT 1-2024-0663
(TO BE UPDATED TO
MATCH PROP. LOCATION)

KDOT ENTRANCE
PERMIT 1-2024-0664

I-35

PRIVATE DRIVE

LOT 1
6.41 AC.

BUILDING A
96,250 S.F.

LOT 2
1.92 AC.

6' TALL VINYL
SCREEN FENCE

6' TALL VINYL
SCREEN FENCE

PROPOSED RETAINING
WALL (10' MAX HEIGHT)

APPROXIMATE PIPELINE RIGHT-OF-WAY EASEMENT
DESCRIBED IN REPORT OF APPROPRIATE CASE NO.
17943 (UNRECORDED DOCUMENT FURNISHED BY
SOUTHERN STAR CENTRAL GAS PIPELINE COMPANY)
LOCATION MODIFIED BY ACTUAL FIELD LOCATIONS
PROVIDED BY KANSAS ONE CALL AND SOUTHERN STAR
EASEMENT WIDTH, UNDERNEATH - ASSURED FROM THE
WIDTH TOTAL WITH 50' TREE BLDG. SETBACK CENTERLINE

5" TELECOMMUNICATION CSM
EMT IN PARALLEL
UNDERSIDE LOCATION IS
BY CODEMANNOVATION NO. 2384

5" TELECOMMUNICATION CSM
EMT IN PARALLEL
UNDERSIDE LOCATION IS
BY CODEMANNOVATION NO. 2384

DEED OF DEDICATION
BK. 201824, PG. 000312

5' EMT TO K.C.P.L. IN
BK. 207453C, PG. 19

5' EMT TO K.C.P.L.
BK. 925, PG. 6

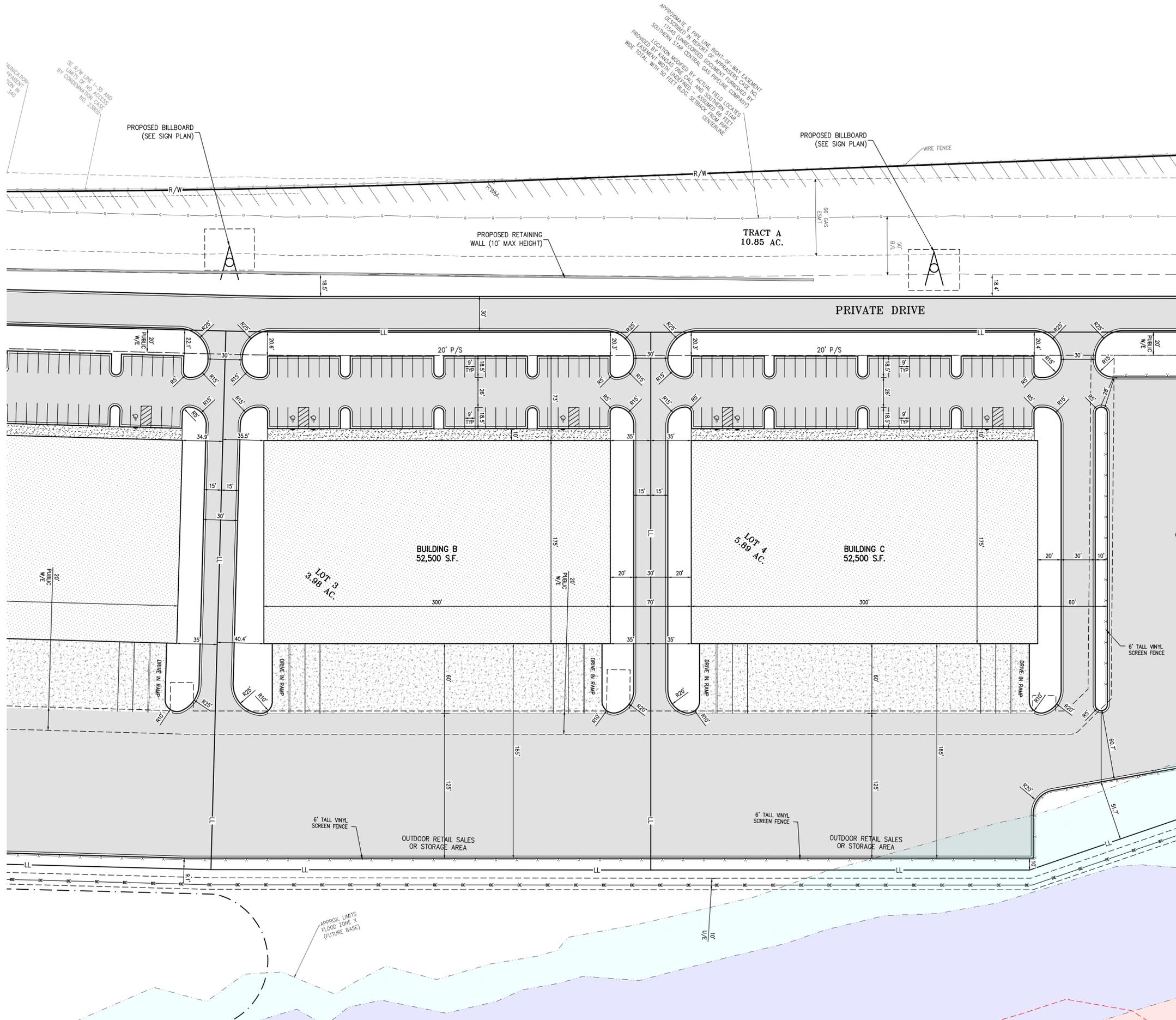
RD.



Know what's below.
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FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

APPROXIMATE PIPE LINE RIGHT-OF-WAY EASEMENT
DESCRIBED IN RECORD OF APPROPRIATORS CASE NO.
17463 (UNRECORDED DOCUMENT FURNISHED BY
SOUTHERN STAR CENTRAL GAS PIPELINE COMPANY)
LOCATION MODIFIED BY ACTUAL FIELD LOCATES
PROVIDED BY KANSAS ONE CALL AND SOUTHERN STAR
EASEMENT WAS INTERFERED AND ASSUMED FROM FIELD
WIDE TOTAL WITH 50 FEET BULGE SETBACK FROM FIELD
CENTRUM



- LEGEND**
- PL — PROPERTY LINE
 - LL — LOT LINE
 - - R/W - - RIGHT-OF-WAY
 - 2' CURB & GUTTER
 - 6" CURB
 - B/L — BUILDING SETBACK LINE
 - P/S — PARKING SETBACK LINE
 - L/S — LANDSCAPE SETBACK LINE
 - ASPHALT PAVEMENT
 - PROPOSED BUILDING
 - CONCRETE PAVEMENT
 - CONCRETE SIDEWALK
 - FEMA ZONE AE - FLOODWAY
 - FEMA ZONE AE (100-YEAR FLOODPLAIN)
 - FEMA ZONE X (FUTURE 100-YEAR FLOODPLAIN)
 - - - - - STREAM CORRIDOR



SCALE: 1" = 40'

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ENLARGED SITE PLAN
199TH COMMERCE CENTER
W. 199TH STREET & WAVERLY ROAD
GARDNER, JOHNSON COUNTY, KANSAS

PROJECT NO.	DATE	BY	APP.	REVISIONS:
230468	05/09/2025	JJC	DAF	1. DRAWING
	06/12/2025	JJC	DAF	2. CITY COMMENTS

SHEET
C1.7

\\PHELPS-SERVER\Projects\230468\230468.dwg (preliminary) SITE.dwg Layout2 Jun 12, 2025 - 7:20pm Daniel Finn



Know what's below.
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FLOOD NOTE:

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A PORTION OF THIS PROPERTY LIES WITHIN ZONE X (FUTURE BASE FLOOD), DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES WITH 1% ANNUAL CHANCE FLOOD. AREAS OF 1% ANNUAL CHANCE FLOOD BASED ON FUTURE CONDITIONS HYDROLOGY. NO BASE FLOOD ELEVATIONS DETERMINED.

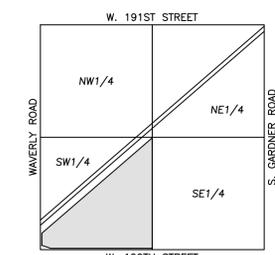
THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR COMMUNITY NO. 200159, JOHNSON COUNTY, KANSAS, MAP NO. 20091C01346, AND DATED AUGUST 3, 2009.

**Earthwork Summary
199th & WAVERLY
8/29/2024**

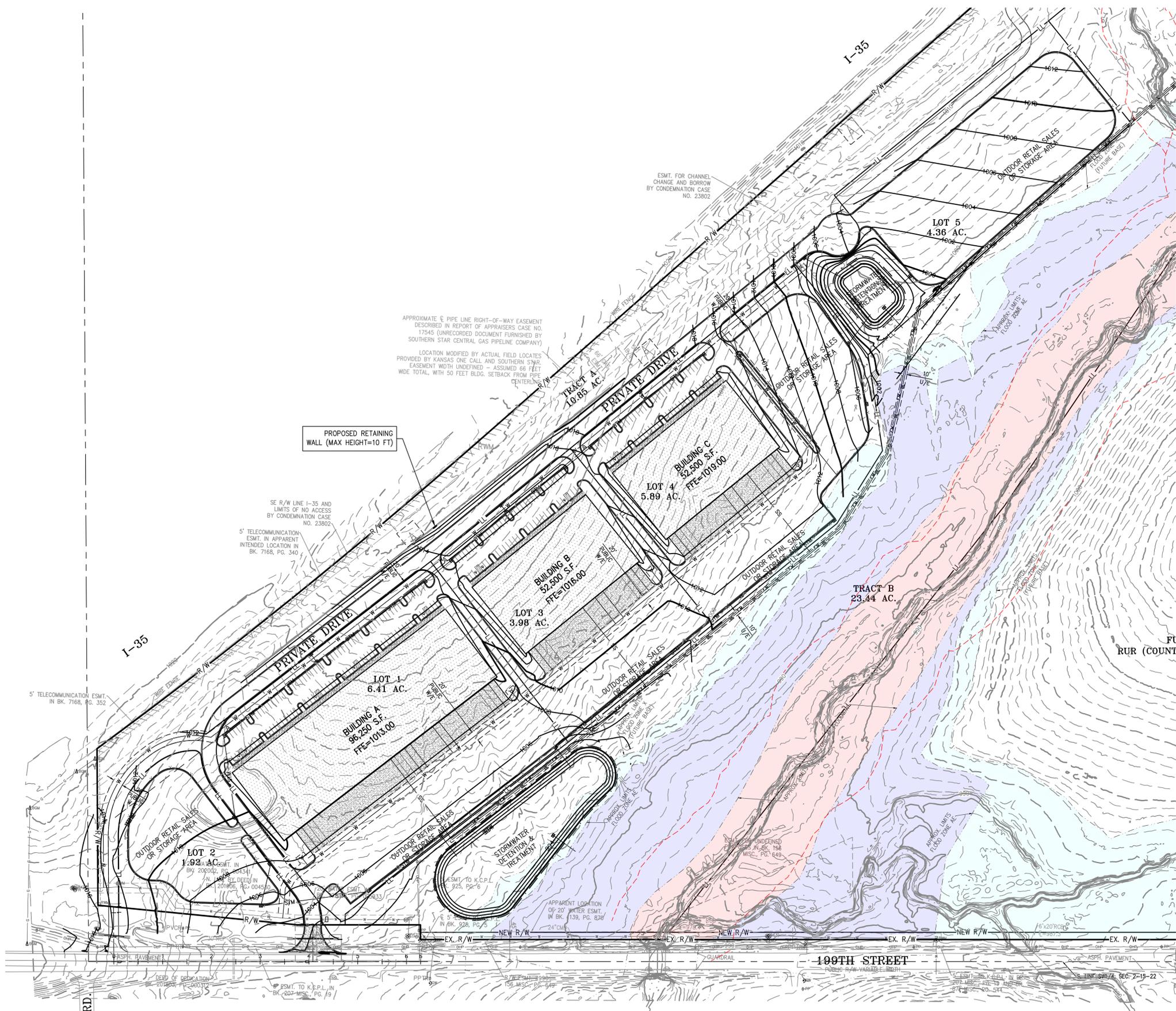
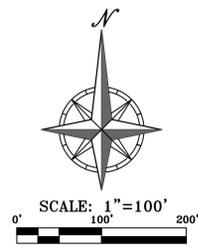
Raw Excavation	96,493 Cu. Yds.
In Place Compaction (+15%)	-139,412 Cu. Yds.
Pavement Adjustment	46,952 Cu. Yds. (assume 24" of additional excavation)
Building Adjustment	7,454 Cu. Yds. (assume 12" of additional excavation)
On Site Net	11,486 Cu. Yds.

LEGEND

- PL — PROPERTY LINE
- LL — LOT LINE
- R/W — RIGHT-OF-WAY
- 2' CURB & GUTTER
- 920 — EXISTING CONTOURS
- 916 — PROPOSED CONTOURS
- 918 — PROPOSED CONTOURS
- 918 — PROPOSED CONTOURS
- 1088.00 — PROPOSED SPOT ELEVATION
- LG — LIP OF GUTTER
- TC — TOP OF CURB
- SW — SIDEWALK
- ME — MATCH EXISTING
- HP — HIGH POINT
- LP — LOW POINT
- P — TOP OF PAVEMENT
- TE — TOP OF STRUCTURE
- GR — GROUND ELEVATION
- BS — BOTTOM OF STEPS
- TS — TOP OF STEPS
- BW — BOTTOM OF WALL
- TW — TOP OF WALL
- — EXISTING STORM SEWER
- — PROPOSED STORM PIPE
- — PROPOSED WET CURB & GUTTER
- — PROPOSED DRY CURB & GUTTER
- — PROPOSED RETAINING WALL
- — FEMA ZONE AE - FLOODWAY
- — FEMA ZONE AE (100-YEAR FLOODPLAIN)
- — FEMA ZONE X (FUTURE 100-YEAR FLOODPLAIN)
- - - - - STREAM CORRIDOR



VICINITY MAP
SEC. 2-15-22



PHILIPS ENGINEERING, INC.
1370 N. Winchester
Olathe, Kansas 66066
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Fax (913) 993-1166
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GRADING PLAN
199TH COMMERCE CENTER
W. 199TH STREET & WAVERLY ROAD
GARDNER, JOHNSON COUNTY, KANSAS

Project No.	Date	By	App.
230468	05/09/2025	AEB	DAF
1. 05/09/2025			
2. 06/12/2025			

SHEET
C2

\\PHILIPS-SERVER\Projects\230468\Drawings\Grading\Grading.dwg Layout:1 Jun 12, 2025 7:22pm Daniel F. Kim



Know what's below.
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THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

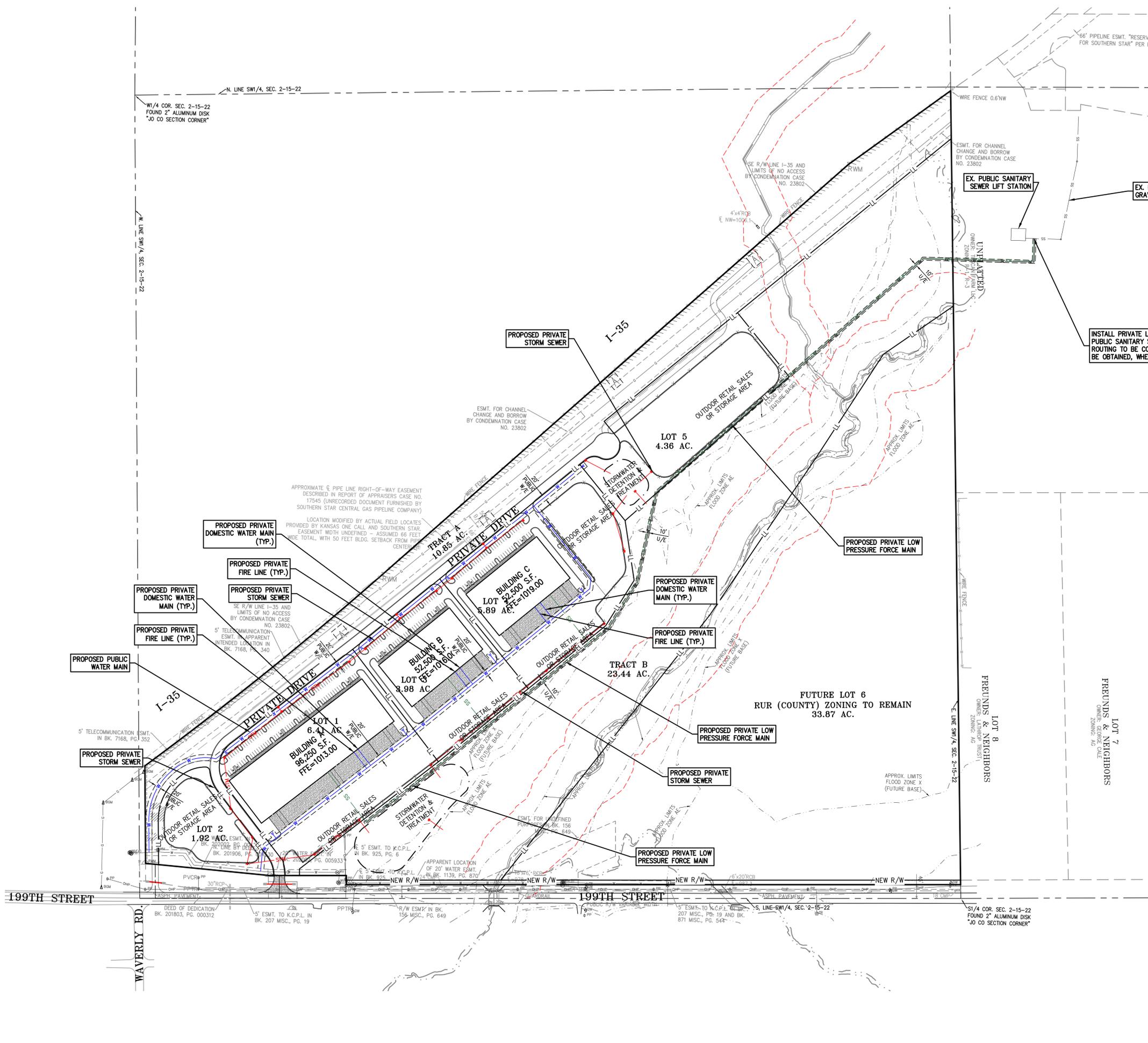
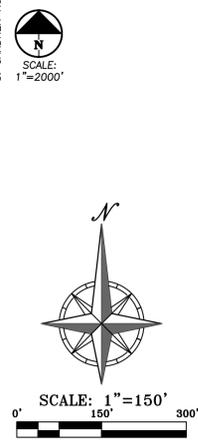
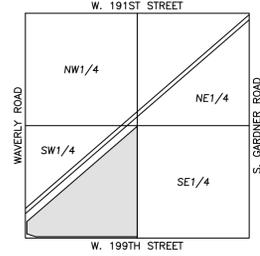
PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66066
(913) 993-1155
Fax: (913) 993-1166
www.phelpsengineering.com



UTILITY PLAN
199TH COMMERCE CENTER
W. 199TH STREET & WAVERLY ROAD
GARDNER, JOHNSON COUNTY, KANSAS

LEGEND

- PL PROPERTY LINE
- LL LOT LINE
- R/W RIGHT-OF-WAY
- CATV EXISTING CABLE TELEVISION LINE
- FO EXISTING FIBER OPTIC LINE
- G EXISTING GAS LINE
- BE EXISTING BURIED ELECTRIC LINE
- OHP EXISTING OVERHEAD POWER LINE
- OHT EXISTING OVERHEAD TELEPHONE LINE
- SS EXISTING SANITARY SEWER LINE
- SS EXISTING STORM SEWER LINE (& SIZE)
- BT EXISTING BURIED TELEPHONE LINE
- W-6" EXISTING WATER LINE (& SIZE)
- F-6" EXISTING FIRE LINE (& SIZE)
- ST-6" EXISTING ROOF DRAIN (& SIZE)
- CATV PROPOSED CABLE TELEVISION LINE
- FO PROPOSED FIBER OPTIC LINE
- G PROPOSED GAS LINE
- BE PROPOSED BURIED ELECTRIC LINE
- SS PROPOSED SANITARY SEWER LINE
- OHP PROPOSED OVERHEAD POWER LINE
- STM PROPOSED STORM SEWER LINE (& SIZE)
- BT PROPOSED BURIED TELEPHONE LINE
- W-6" PROPOSED WATER LINE (& SIZE)
- F-6" PROPOSED FIRE LINE (& SIZE)
- ST-6" PROPOSED ROOF DRAIN (& SIZE)
- STREAM CORRIDOR

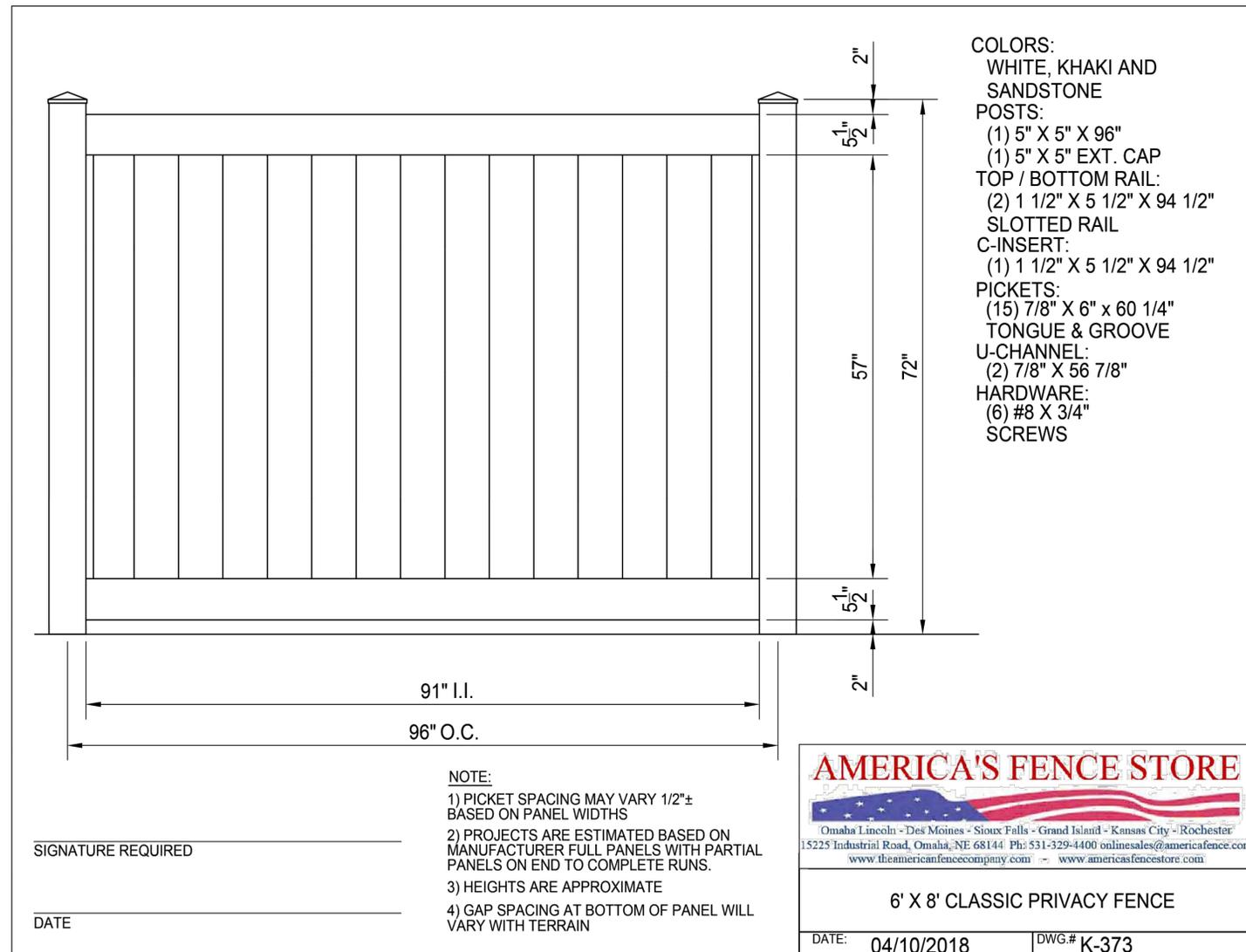


INSTALL PRIVATE LOW PRESSURE FORCE MAIN TO CONNECT TO EXISTING PUBLIC SANITARY SEWER SYSTEM LOCATED NORTHEAST OF PROPERTY. ROUTING TO BE COORDINATED WITH CITY PUBLIC WORKS. EASEMENTS TO BE OBTAINED, WHERE NECESSARY.

\\PHELPS-SERVER\Projects\199th\199th\Utility.dwg Layout3 Jun 12, 2025 7:22pm Daniel Finn

PROJECT NO.	DATE	BY	APP.	REVISIONS
230468	05/09/2025	DAF	DAF	1. CITY COMMENTS
230468	06/12/2025	DAF	DAF	2. CITY COMMENTS

SHEET
C3



SIGNATURE REQUIRED _____

DATE _____



PHELPS ENGINEERING, INC.
 1270 N. Winchester
 Olathe, Kansas 66066
 (913) 393-1155
 Fax (913) 393-1166
 www.phepsengineering.com

PLANNING
 ENGINEERING
 IMPLEMENTATION

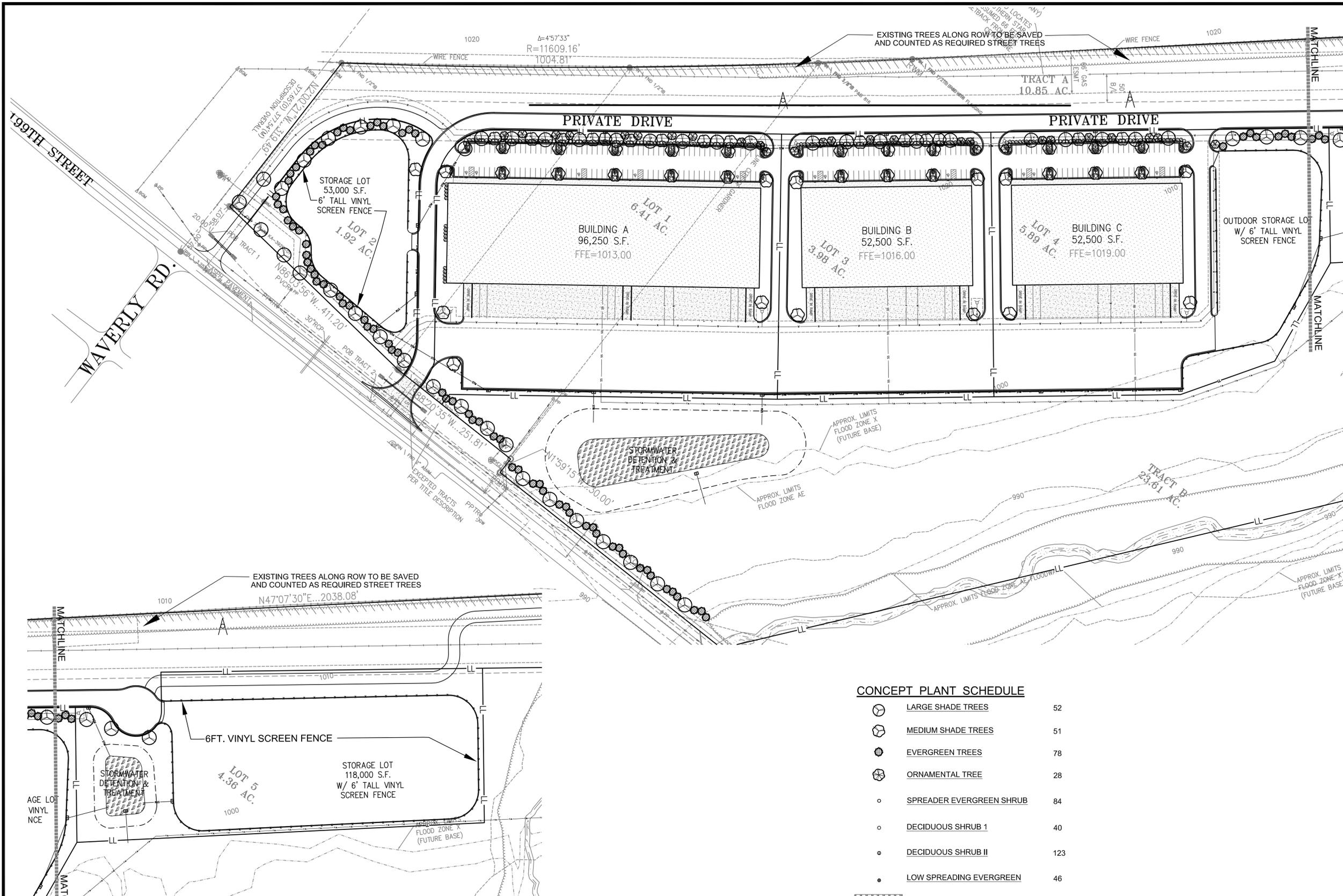
FENCE DETAILS
 199TH COMMERCE CENTER
 W. 199TH STREET & WAVERLY ROAD
 GARDNER, JOHNSON COUNTY, KANSAS

PROJECT NO.	No.	Date	By	App.
230468	1.	05/09/2025	AEB	DAF
230468	2.	06/12/2025	AEB	DAF

Revisions:
 CITY COMMENTS
 CITY COMMENTS

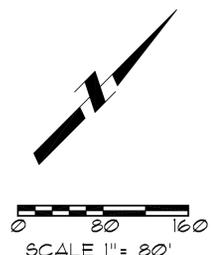
CHECKED, DAF APPROVED, JDC
 CERTIFICATE OF AUTHORIZATION
 LAND SURVEYING - LS-82
 ENGINEERING - E-361
 CERTIFICATE OF AUTHORIZATION
 LAND SURVEYING-200701028
 ENGINEERING-200803036

SHEET
C4



CONCEPT PLANT SCHEDULE

	LARGE SHADE TREES	52
	MEDIUM SHADE TREES	51
	EVERGREEN TREES	78
	ORNAMENTAL TREE	28
	SPREADER EVERGREEN SHRUB	84
	DECIDUOUS SHRUB I	40
	DECIDUOUS SHRUB II	123
	LOW SPREADING EVERGREEN	46
	NATIVE PLANTINGS	27,274 SF



Preliminary Landscape Plan
199th and Waverly Industrial

199th and Waverly Road
 Gardner, Kansas LS-1



Oppermann LandDesign, LLC
 Land Planning Landscape Architecture
 92 Debra Lane pteopperrmann56@gmail.com
 New Windsor, New York 12553 913.522.5598

Utility Note:
 Utilities shown on plan are diagrammatic and some may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-DIG-SAFE (344-7233) to have utilities located.

05/14/2025

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.

Regular Agenda

- 5. 199th 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 199th 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 199th 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)

COUNCIL ACTION FORM

COMMITTEE RECOMMENDATION No. 1

MEETING DATE: SEPTEMBER 2, 2025

STAFF CONTACT: MAGI BREWSTER, DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

Agenda Item: Consider two ordinances approving a rezoning from RUR (county Rural Residential) to CP-3 (Planned Heavy Commercial) with the associated Preliminary Development Plan, and approving a Conditional Use Permit for 4 principal use signs for 199th Street Commerce Center, located on the north side of 199th Street, east of Waverly Road.

Strategic Priority: Economic Development; Asset and Infrastructure Management

Department: Community Development

Project Background:

The subject properties were annexed into the city in 2019 and 2024. Many of the parcels located along 199th Street east of the subject property were annexed into the City of Gardner during this same timeframe.

As the result of growing citizen concerns related to increased truck traffic in the area, “No Trucks” signs were installed along 199th Street eastbound near Waverly Road and westbound at the intersection with Gardner Road in January of 2023. The adopted ordinance supporting the “No Trucks” posting prohibits commercial vehicle traffic on roadways that are not designated truck routes unless there is an origin or destination in the designated area.

In April of 2024, the Governing Body denied rezoning and conditional use permit applications for an Animal Care – Large use (Gardner Pet Lodge) on approximately 10 acres on the north side of 199th Street between I-35 and Gardner Road. The denials were based on concerns expressed by adjacent property owners related to lack of screening, noise from barking dogs, size of the proposed structure, and general concern regarding the introduction of a commercial use and increased traffic in a predominately rural residential area.

This information is included to provide context regarding the area and recent actions by the Governing Body related to land use and traffic in this part of the city.

Project Description:

The proposed development includes the construction of 3 buildings ranging in size from 52,500 – 96,250 square feet, 3 outdoor retail sales/storage lots, and 4 principal use sign structures (aka billboards). Approximately 57 acres are proposed to be rezoned from RUR (county Rural Residential) to CP-3 (Planned Heavy Commercial). The remaining 34 acres is proposed to remain zoned RUR. The 3 buildings are proposed for general commercial uses; the traffic memo included with the application assumes approximately 25% of the building square footage will be office space and the remaining 75% will be storage/warehouse space. The 4 billboard structures are proposed to include a total of 16 sign faces. A Conditional Use Permit is required because the

billboard structures are proposed to exceed 30 feet in height and to have vertically stacked sign faces.

Planning Commission Action/Recommendation:

At the public hearing held at June 23, 2025, as part of the Planning Commission meeting, seven neighboring property owners spoke in opposition to this development application. They stated that the surrounding area consists of large lots in a rural setting and the proposed uses will not be a good fit for this area. Concerns expressed included:

- Noise pollution
- Light pollution
- Safety related to increased truck traffic and the difficulty in enforcing the “No Truck” signs
- Additional run-off from the proposed development

One speaker acknowledged that the planned development may be good for the City of Gardner but is proposed in the wrong place.

The Planning Commission discussed how uses are regulated within a planned development. Several commissioners commented as to the likelihood of commercial development in this area in the future, however others stated that what is proposed does not seem to fit with the neighborhood. There was general acknowledgement that any development in the area will increase traffic.

Staff informed the commission that the information the applicant presented at the meeting, specifically related to allowing only 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. Staff acknowledged that there was some communication with the applicant regarding uses otherwise allowed in the CP-3 zoning district that staff was recommending be prohibited, but no agreement was reached between the applicant and staff.

Because staff does not often recommend denial, there was some discussion by the commission related to how staff came to this conclusion. Throughout the review process, the applicant and staff had several discussions 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 comprehensive plan future land use designation for the property and recent policy decisions related to commercial use and traffic along 199th Street in this area.

Rezoning and Preliminary Development Plan

The Planning Commission recommended denial of the rezoning from RUR (county Rural Residential) to CP-3 (Planned Community Commercial), as well as the associated preliminary development plan, based on the following: the requested rezoning and proposed preliminary development plan would create a commercial vehicle traffic origin and destination point within an area designated no commercial vehicles and would 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.

Preliminary Plat

The Planning Commission denied the preliminary plat because it is based upon a rezoning and preliminary development plan submittal that is not in accordance with the I-35 and Gardner Road Subarea Plan, Community Commercial future land use category.

Conditional Use Permit

The Planning Commission recommended denial of the conditional use permit to allow 4 billboards with double-stacked sign faces, a maximum of 45 feet in height as this request is reliant upon the property being zoned C-3 Heavy Commercial, M-1 Restricted Industrial or M-2 General Industrial.

Staff Recommendation:

Rezoning and Preliminary Development Plan

Staff recommends denial of the rezoning from RUR (county Rural Residential) to CP-3 (Planned Community Commercial), as well as the associated preliminary development plan, based on the following: the requested rezoning and proposed preliminary development plan would create a commercial vehicle traffic origin and destination point within an area designated no commercial vehicles and would 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 C-O and CO-A zoning districts per the LDC) future land use.

Preliminary Plat

Staff recommends denial of the preliminary plat as it is based upon a rezoning and preliminary development plan submittal that is not in accordance with the Comprehensive Plan (as amended by the I-35 and Gardner Road Subarea Plan) Community Commercial future land use category.

Conditional Use Permit

Staff recommends denial of the conditional use permit to allow 4 billboards with double-stacked sign faces a maximum of 45 feet in height as this request is reliant upon the property being zoned C-3 Heavy Commercial, M-1 Restricted Industrial or M-2 General Industrial. None of these three zoning districts are in conformance with the future land use map, Community Commercial category designated for the property, in the Gardner Comprehensive Plan as amended by the I-35 and Gardner Road Subarea Plan, or the identified associated zoning districts in the LDC (C-O and CO-A).

Actions:

Per Section 17.03.030 (D) of the Gardner Land Development Code, the Governing Body may:

1. Adopt the Planning Commission recommendation (simple majority vote),
2. Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body (approving the ordinance); or
3. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon receipt of such recommendation, the Governing Body by a simple majority may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly

In this case, 4 of 6 members of the Governing Body must vote to adopt the Planning Commission's recommendation; to override the Planning Commission's recommendation; to send the item back to the Planning Commission; or, to table the item.

Financial Impact:

None

Other Impacts:

None

Attachments included:

- Excerpt from Planning Commission packet
- Excerpt from Planning Commission meeting draft minutes
- Ordinance 2847 rezoning the property and adopting the associated preliminary development plan
- Ordinance 2848 approving a conditional use permit

Suggested Motion:

Move to adopt the denial recommendations of the Planning Commission denying Ordinance No. 2847 an ordinance changing the zoning classification of certain land located in the City of Gardner, Kansas and denying Ordinance No. 2848 an ordinance for a conditional use permit for principle use sign structures with vertical stacked sign faces and a maximum overall height of 45 feet on certain land located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.

COMMITTEE RECOMMENDATIONS

- 1. Consider two ordinances approving a rezoning from RUR (county Rural Residential) to CP-3 (Planned Heavy Commercial) with the associated Preliminary Development Plan, and approving a Conditional Use Permit for 4 principal use signs for 199th Street Commerce Center, located on the north side of 199th Street, east of Waverly Road.**

This is a multi-part application for the development of three buildings, three outdoor retail or storage lots and four principal sign structures (billboards). The property would need to be rezoned with consideration for a preliminary development plan, preliminary plat and a conditional use permitted specifically related to the billboards. The property contains approximately 91 acres which retained the county's rural residential zoning when annexed. Approximately 57 acres are proposed to be rezoned to planned heavy commercial. The remaining part will retain the RUR zoning. Staff and Planning Commission recommend denial of the rezoning and conditional use permit.

The applicant discussed their plan for the property including different types of businesses that could be interested in this type of development. The plan would maintain the trees that are already on the site and add additional landscaping. There are 34 acres east of the creek that is planned for future single-family residential use. The request is for a 20-year conditional use permit for the billboards. The request is to have a grass path be adequate to access the billboards. The idea of this project is destination business and not warehouses for distribution.

Mary Freund, 19880 S Gardner Rd. The subdivision was previously in the county and has now been annexed. Gardner has posted no trucks sign on Gardner Rd and Johnson County has started putting up no trucks signs. We were promised to be protected from trucks and warehouses invading our privacy and we ask that you protect the citizens.

Todd and Melissa Lathrop 30260 W 199th St. We are the property right next to the 90-acre triangle they are talking about. We were one of the last houses to annex into the city. The idea of no trucks or warehouses meant a lot to us. Moved to the country not to see warehouses and not have truck traffic. This project will change that. This project will create trucks in our neighborhood because businesses will require trucks to deliver goods. We are concerned about additional concrete pushing more water back towards our property during heavy rain.

Justin Merriman 19504 S Amherst. UPS truck driver and would be in that commerce center multiple times per day for these types of businesses. Putting up no truck signs do not help. We worry about the flooding and noise.

Gary and Lisa Lee 30875 W 199th St. We are directly across from the proposed site. Our house would look directly at the center and our driveways will align. There is a floodplain in this area that could be affected by this development. There was a house on the property that was a rental. Then the house sat vacant for two years and the owner was doing nothing to the property and only mowing about twice a year. We did not move to the country to look at the city. They have not been good neighbors and caretakers of the property so far.

Ron Freund 19880 S. Gardner Rd. served on the Planning Commission in the past and appreciates the Planning Commission decisions.

Sherri Cale 30158 W. 199th St has never met anyone that lives in the country that doesn't love the dark and looks forward to the light from a billboard.

Frank Bannister, 19815 S. Gardner Rd. which is about ½ mile east of the subject location. The truck traffic is heavy already and I call often to the county and police department about the trucks. This is a good idea, but in the wrong place. Asks all council to be ethical in their votes based on previous campaign donations.

Audrey Sparks, 30056 W. 199th St. Ask that you consider a no vote.

City Attorney Denk said it's appropriate under Kansas laws since this involves both the CUP as well as zoning and these are quasi-judicial determinations to poll the governing body for any ex-parte contact. You need to disclose whether you've had contacts outside of the context of this hearing with either proponents or opponents of these applications.

Councilmember Shute had ex-parte communications with both opponents and proponents.

Councilmember Deaton has had no communications.

RECORD OF PROCEEDINGS OF THE GOVERNING BODY

CITY OF GARDNER, KANSAS

Page No. 2025 - 63

Councilmembers Baldwin, Wiehn and McNeer and Mayor Winters have had ex-parte communications with proponents.

Mayor Winters asks for guidance on campaign donations. Attorney Denk confirmed campaign donations in and of themselves wouldn't disqualify the governing body members from voting. That is something that happens, but if you feel receipt of those payments compromises your judgment on this application, you should probably recuse yourself. Mayor Winters confirms he did receive campaign donations from the proponent as well as the opponents.

Councilmember McNeer has served on Planning Commission and sees issue with billboards in general and particularly LED billboards. He believes this project complies with the highest and best use of the land. This also would help with tax revenue. This project leaves the stream alone and allows for some residential development. Councilmember Shute asks if the only reason for CP-3 is for the billboards because it can't be under any other commercial use? The applicant confirms this. Residents want no commercial around them, but there is commercial in the area plan. The original traffic study showing 25% office and 75% warehouses which would create truck traffic. Tonight's presentation does not show warehouses. The preliminary plan submitted shows approximately 200,000 square feet in building space and another 200,000 square feet in outdoor storage and parking. The original plan is designed to accommodate commercial truck traffic.

Discussion about the options of different zoning designations based upon uses. The Community Commercial designation does not allow the building sizes this application contains.

Discussion about changing the rezoning and adding a few deviations one way or the other. May need to go back to Planning Commission and staff for review as to the best process to help limit the trucks like the neighbors want but help with the development. The current plan does not show small buildings. The review needs to be exactly what is being presented tonight. 199th Street does not have enough shoulder to safely pull over the trucks that are going through and trucks that are legitimately going to a business are exempted from the no truck ordinance.

Councilmember Baldwin made a motion to remand to Planning Commission with instructions to look at the difference between CO and CP-3 for the uses of Retail - General (6K-20K); Outdoor Sales – General; and, Manufacturing – Light and find a way to reduce the number of trucks that could potentially come from those deviations while allowing the signs.

Councilmember Shute Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried. (4-1-0)

OLD BUSINESS

NEW BUSINESS

COUNCIL UPDATES

Deputy Chief Herron appreciates the attention to the food list. Several letters were sent out to pond owners that need follow up and the next step would be a citation under the stagnant water ordinance.

Councilmember Mcneer thanks the PD and Chief for data on compliance and complaints on solicitation.

Councilmember Baldwin said the debate is good and everyone is trying to the best thing for the city.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember McNeer and seconded by Councilmember Deaton the meeting adjourned at 9:54 pm.

City Clerk

Date: September 12, 2025

To: David Knopick, Magi Brewster
City of Gardner

From: L & J Development, Fred Wingert, Lynn Baker

RE: 199th Commerce Center

At the September 2, 2025 City Council meeting, the Council remanded our case back to Planning Commission with instructions to look at the difference between CO and CP-3 for uses of Retail (6K-20K); Outdoor Sales – General and Manufacturing -Light and find a way to reduce the number of trucks that could potentially come from those deviations (uses).

We appreciate meeting with you on September 10th to discuss this topic and specifically address ideas for this direction. This memo is intended to document our thoughts on how we have and can have a development that will reduce the amount of trucks.

1. Limiting the CP-3 to only uses allowed in CO or CO-A, with only 4 exceptions. This is a significant factor in reducing trucks on 199th.
2. Limiting the retail use to 20k and under in size. This is part of our initial proposal to planning commission and council, and we feel it is important to re-iterate as this limits the amount of trucks to something that a smaller retailer would only need (as opposed to a medium or large retailer). The thought is that we could attract such businesses as a lawn/garden supply store, a lawn equipment type store, plumbing retailer/wholesaler, pool supply company, or other smaller retailers that don't have multiple trucks per day every day as such medium to large retailers would expect to have.
3. Only allowing uses up to "Manufacturing – Light": We chose this category for manufacturing and requested approval of it because it would allow for smaller type manufacturing businesses to have an opportunity to be in Gardner yet have minimal trucks in the area. The Gardner code defines this category as follows:
Manufacturing – Light.** An industrial use where little or no byproducts such as smoke, odor, dust or noise are discernable from outside of the building, and where distribution and delivery needs occur through **light to moderate commercial truck access.

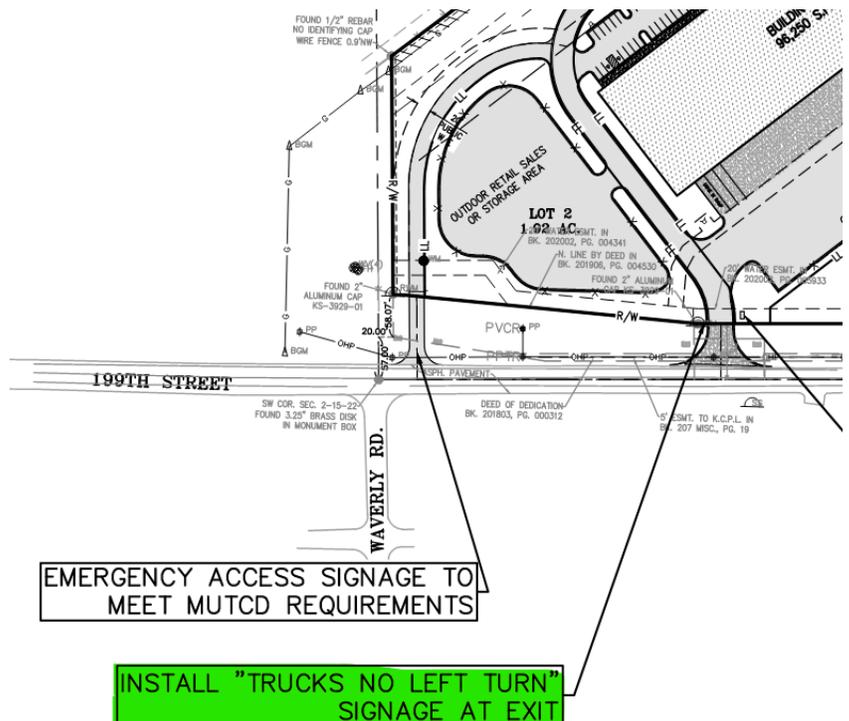
As a comparison, the next step up in intensity in the Gardner Code is for “Manufacturing – General.” In the description for this code is as follows:

Manufacturing – General. *An industrial use where byproducts such as noise, dust, smoke or odor are produced but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access.*

In our proposal to the Planning Commission and the City Council, we specifically did not pursue this category, as it would have been inappropriate for the goals of limiting truck traffic in the area.

4. Limiting the hours of Truck Deliveries or Shipping. We offer that the development would limit the hours of trucks being able to deliver, receive, or leave the development to 6 AM to 10 PM. Therefore, during the hours between 10 PM and 6 AM (overnight) these truck operations would not be allowed. This would be written into the development covenants and restrictions, and each tenant or business would have to agree to abide by such.

5. Signage has been provided to direct all commercial trucks to the west to Homestead that exit the development.



Discussion of amendment to the Planning Commission/Board of Zoning Appeals bylaws and creation of rules of procedure

Background

At the August 25, 2025, Planning Commission meeting, staff presented the updated bylaws and new rules of procedure for the Planning Commission/Board of Zoning Appeals.

Since that meeting, staff has modified Article Five of the bylaws to separate the tabling of an item from the continuation of a public hearing based on distinctions between timeframes for tabling versus continuing and public notice requirements for public hearing. Public hearings require a public notice, therefore they must be continued to a date certain. Items not requiring a public hearing, or for which the public hearing has been closed, may be tabled and recalled at any time.

Staff Analysis

As previously presented, the following is a brief outline of the material changes, as opposed to general clean-up, to the bylaws:

- Timing of the election of officers was modified from May to the first meeting of the calendar year to be consistent with the municipal code
- Added term limits to the officers to comply with [Section 2.30.010 \(J\)](#) of the GMC
- Added the opportunity to create ad hoc committees to assist with special planning studies or projects
- Deleted references considering items not on the agenda and revoting on an item previously considered during the current meeting, as these caused concerns related to transparency
- Moved the section related to the order of business previously in Article 5 – Conduct of Meetings to the Rules of Procedure since the information was more procedural in nature
- Referenced virtual attendance as being an option in unusual circumstances, but in person attendance is the preference for both the commission and applicants
- Included a section specifically on ex parte discussion
- To address advancements in technology, a section was specifically added related to electronic communication during meetings
- Because the Planning Commission serves as the Board of Zoning Appeals, reference to the Board of Zoning Appeals was included in both documents

The rules of procedure incorporate information that was previously found in the Addendum to the bylaws.

Staff Recommendation

Adopt Resolution 25-01 amending the Planning Commission/Board of Zoning Appeals bylaws and rules of procedure.

RESOLUTION NO. PC-25-01

A RESOLUTION AMENDING THE BY-LAWS OF THE GARDNER PLANNING COMMISSION/BOARD OF ZONING APPEALS AND ADOPTING RULES OF PROCEDURE FOR THE PLANNING COMMISSION/BOARD OF ZONING APPEALS

WHEREAS, from time to time it is necessary to amend the City of Gardner Planning Commission by-laws; and

WHEREAS, as stated in Section 17.01.040 (D) of the Gardner Municipal Code, the City of Gardner Board of Zoning Appeals shall be composed of the members of the City of Gardner Planning Commission; and

WHEREAS, in compliance with K.S.A. 12-745 et seq. and K.S.A. 12-759 et seq., such by-laws establish rules for the organization of the Planning Commission/Board of Zoning Appeals; and

WHEREAS, the Planning Commission/Board of Zoning Appeals has determined that adopting separate rules of procedure would be beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF GARDNER PLANNING COMMISSION, that the by-laws shall be amended and rules of procedure shall be adopted.

SECTION ONE: The Planning Commission/Board of Zoning Appeals by-laws shall be amended as provided in Exhibit A.

SECTION TWO: The Planning Commission/Board of Zoning Appeals rules of procedure shall be adopted as provided in Exhibit B.

SECTION THREE: Because the by-laws and/or rules of procedure address both the Planning Commission and Board of Zoning Appeals, future amendments to either of these documents may be adopted by resolution by the Planning Commission on behalf of the Planning Commission and Board of Zoning Appeals.

SECTION FOUR: This Resolution shall take effect and be in force from and after its passage and approval as provided by law.

ADOPTED by the Planning Commission of the City of Gardner, Kansas, this 22nd day of September 2025.

Attest:

Austin Jueneman, Planning Commission Chairman

Secretary

Exhibit A

BY-LAWS OF THE GARDNER PLANNING COMMISSION AND BOARD OF ZONING APPEALS

ARTICLE ONE

Creation

SECTION ONE: Name. There is hereby established by the Gardner Municipal Code, Title 2, Chapter 2.30, a City Planning Commission to be named THE GARDNER PLANNING COMMISSION. (Hereinafter referred to as "Planning Commission".) Pursuant to Section 2.30.070 of the Gardner Municipal Code, the Board of Zoning Appeals shall be composed of the members of the Planning Commission.

SECTION TWO: Membership. The Planning Commission/Board of Zoning Appeals membership shall comply with the Gardner Municipal Code which specifies the number, method of appointment, and term of office.

ARTICLE TWO

Purpose

SECTION ONE: By-Laws. The purpose of these By-Laws is to establish rules for the internal organization and procedures of operation of the Planning Commission/Board of Zoning Appeals and for compliance with K.S.A. 12-701 et seq.

SECTION TWO: Commission/Board. The function, powers, and duties of the Planning Commission/Board of Zoning Appeals are as authorized by State Law, K.S.A. 12-701 et seq., and by the existing joint Ordinances/Resolutions establishing the Planning Commission/Board of Zoning Appeals. The Planning Commission/Board of Zoning Appeals adopts its own rules and policies for procedure, consistent with its powers.

SECTION THREE: Duties. The Planning Commission/Board of Zoning Appeals has such powers and duties as assigned by the Kansas Statutes Annotated, the Gardner Municipal Code, the Land Development Code, and the Governing Body.

ARTICLE THREE

Organization

SECTION ONE: Officers. The officers of the Commission/Board shall be Chairperson, Vice Chairperson, and Secretary. The Chairperson and Vice-Chairperson shall be elected annually by the Planning Commission/Board of Zoning Appeals at its first regular meeting of the calendar year, or as soon as practicable thereafter. The term of office shall be one year. With the exception of the Secretary, no member shall serve more than two consecutive terms as an officer.

SECTION TWO: Chairperson. The Chairperson shall preside at all meetings of the Planning Commission/Board of Zoning Appeals. At his/her discretion, the Chairperson may call special meetings and he/she may also relinquish the chair to the Vice Chairperson or other specific member. The Chairperson shall perform all the duties assigned to his/her office by law and by the Governing Body and shall have such usual powers of supervision and management as pertain to the office of Chairperson. If the Chairperson position becomes vacant for any reason, the Vice-Chairperson shall succeed to the Chairperson position for the remainder of the term.

SECTION THREE: Vice-Chairperson. The Vice-Chairperson shall act as Chairperson in the absence or disability of the Chairperson. In the event the office of Vice-Chairperson becomes vacant due to succession to the Chairperson role as outlined above or for any other reason, the Planning Commission/Board of Zoning Appeals shall select a new Vice-Chairperson for the unexpired term.

SECTION FOUR: Secretary. The Director of the Community Development Department or his/her designee serves as the Secretary of the Planning Commission/Board of Zoning Appeals. This office is not a member of the Planning Commission/Board of Zoning Appeals. If both the Chairperson and Vice-Chairperson are absent from a meeting, the Secretary may convene the meeting, and the first action of the Planning Commission/Board of Zoning Appeals must be to elect a Planning Commissioner/member of the Board of Zoning Appeals as temporary Chairperson for the meeting.

The Secretary sets the meeting agenda and shall send notices of all regular and special meetings to all members of the Commission/Board. In addition, the Secretary shall have charge of the office of the Planning Commission/Board of Zoning Appeals and all books, papers, and records thereof, and attend to all correspondence of the Planning Commission/Board of Zoning Appeals.

SECTION FIVE: Ad Hoc Committees. From time to time the Planning Commission/Board of Zoning Appeals may establish ad hoc committees for long-range, current, or special planning studies or projects. An ad hoc committee shall include no more than three members, may not take binding action, and serves only as long as needed to fulfill their purpose. The Chairman shall appoint all committees.

SECTION SIX: Attendance. Attendance shall be as prescribed in the Gardner Municipal Code. While in person attendance is preferred, Commission/Board members needing to attend the meeting virtually shall contact the Secretary in advance of the meeting to make arrangements to do so.

ARTICLE FOUR

Meetings

SECTION ONE: Regular Meetings. Regular meetings of the Planning Commission shall be set annually and adopted by Resolution and a current schedule available from the Secretary of the Planning Commission. Unless otherwise provided, the regular meetings shall be on the fourth Monday of each month at 7:00 p.m. at Gardner City Hall. In the event the fourth Monday is a legal holiday, the regular meeting shall be held on the next day thereafter that is not a legal holiday. Meetings shall adjourn by 10:00 p.m., unless extended by a motion of a majority of the members present. Meetings of the Board of Zoning Appeals, if scheduled, shall take place on evenings of regularly scheduled Planning Commission meetings and shall be convened prior to the Planning Commission meeting. Items remaining on the agenda at the end of a meeting may be continued by the Planning Commission/Board of Zoning Appeals until the next regular meeting.

SECTION TWO: Special Meetings. Special meetings of the Planning Commission/Board of Zoning Appeals shall be called by the Chairperson, or in his/her absence, by the Vice Chairperson, and held at any time or place fixed in the notice. Only items specified in the notice may be acted upon at the Special meeting. Notice may be made by telephone, email, or mail. The Chairperson or, in his/her absence, the Vice-Chairperson shall call a special meeting of the Commission/Board at the request of a majority of the appointed members of the Commission/Board; and if the Chairperson or, in his/her absence, the Vice-Chairperson shall fail to comply with such a request, said member so requesting, may call such meeting provided they all sign the notice. The Planning Commission/Board of Zoning Appeals shall provide at least seven calendar days notice to each member prior to any special meeting unless the notice requirement is waived by all members.

SECTION THREE: Quorum. A majority of the membership of the Planning Commission/Board of Zoning Appeals shall be necessary to constitute a quorum for the transaction of business and the taking of official action.

- A. A favorable vote of four members of the Planning Commission shall be necessary for the adoption of:
 - The Comprehensive Plan, Capital Improvement Plan, or addition of any part thereof;
 - Zoning text amendments; and
 - Subdivision regulations, or addition of any part thereof.
- B. A favorable vote of a majority of Planning Commissioners present and voting shall be necessary for the adoption of:
 - Zoning map amendment;
 - Conditional use permits; and
 - All other actions.
- C. A favorable vote of four members of the Board of Zoning Appeals shall be necessary for the adoption of:
 - Appeals of administrative decisions;
 - Variances; and
 - Any other exceptions or relief specifically referred to under the procedures and standards of the Gardner Municipal Code.

D.A favorable vote of four members shall be necessary to take the following actions:

- Any amendments or changes in the By-Laws of the Commission/Board;
- The election of officers of the Commission/Board; and
- To set time and place of regular meetings.

SECTION FOUR: Agenda. Agendas for all regular meetings shall be available in the office of the Community Development Department at least three business days prior to the meeting. Deadlines for filing for placement on the Planning Commission's/Board of Zoning Appeals agenda shall be in accordance with deadlines established by the Secretary.

ARTICLE FIVE

Conduct of Meetings

SECTION ONE: Parliamentary Procedure. The Roberts' Rules of Order (Latest Edition) shall be followed at all meetings of the Planning Commission/Board of Zoning Appeals so long as they are not inconsistent with the Laws of the State of Kansas, the Ordinances of the City of Gardner, or the provisions of these By-Laws.

SECTION TWO: Meeting procedure shall be governed by the Planning Commission/Board of Zoning Appeals Rules of Procedure, as amended from time to time, a copy of which shall be attached to these bylaws and incorporated by reference.

SECTION THREE: Staff Reports. Staff reports on all agenda items shall be prepared and provided to the Commission/Board members at least three calendar days prior to the scheduled meeting.

SECTION FOUR: Tabling an Item. Any item may be tabled upon request of the applicant, recommendation by staff, or by the Commission/Board. Items that are tabled may be recalled at the request of the respective party that made the request to table the item. A tabled item which fails to be recalled after six months shall be considered withdrawn.

SECTION FIVE: Continuation of a Public Hearing. A public hearing may be continued upon request of the applicant, recommendation by staff, or by the Commission/Board. A public hearing for which proper notice was given, or an item for which the public hearing was not closed, shall be continued to a date certain.

The applicant is entitled to one continuance as a matter of right. Subsequent continuances may only be granted upon approval of a majority of the Planning Commission/Board of Zoning Appeals. If a public hearing is continued a second time, compliance with the notice requirements per Section 17.03.010 (E) of the Gardner Municipal Code shall be met. If a request for a continuation is denied and the applicant is not ready to proceed, the item will be deemed withdrawn.

SECTION SIX: Appearance Before the Commission/Board. Applicants or their representatives may appear before the Commission/Board to present their views on an agenda item. If required by law, the Commission/Board will hold a public hearing. If a public hearing is not required the Commission/Board may, at its discretion, entertain public comment. Whenever a person or entity appears before the Planning Commission/Board of Zoning Appeals, the Chairperson will follow procedures for the registration and the conduct of speakers.

In-person attendance by applicants is required, only in unusual circumstances may an applicant attend virtually. If an applicant has an unusual circumstance, they shall immediately contact the Secretary to request arrangements be made to attend virtually.

The Chairperson may also reasonably allow the length of all persons' presentation or discussion to deviate from established time limits to ensure the orderly conduct of Commission/Board business; however, the decision of the Chairperson may be overridden by a majority of the Commission/Board present.

SECTION SEVEN: Incomplete Submittals. The Commission/Board will not hear items that fail to meet submission requirements.

SECTION EIGHT: Commission/Board Action. The Commission/Board shall take action on each item presented at the conclusion of discussion on the item. Voting shall be by voice ballot on each item. If there is a dissenting vote, the Chairperson may call for a roll call vote. Voting shall be tallied by the Secretary. All members, including the Chairperson, shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which he may have a conflict of interest as discussed in Article Six, Section One.

If the item upon which the Planning Commission action is taken is remanded to the Commission by the Governing Body for reconsideration, it shall be considered at the next regular meeting of the Planning Commission after notice of the remand is received. If no action is taken on the remanded item at this meeting, the same recommendation will be deemed made and will be sent back to the Governing Body.

SECTION NINE: Record of Proceedings. The Secretary shall record the minutes of each meeting as a matter of public record, cause minutes of the meeting to be prepared, and shall present such minutes to the Planning Commission/Board of Zoning Appeals for approval at the next regularly scheduled meeting, or as soon as practical.

SECTION TEN: Motions. Following the closing of testimony, a motion may be made to recommend approval or denial of the proposition, to continue the proposition to a later date if a public hearing has occurred, or to table the item. Any stipulations relative to plans, development procedures, etc., shall be listed following the motion to approve. Upon receiving a second, the motion may be discussed and, upon the call for question or at the discretion of the Chairperson, brought to a vote. A motion to amend, if necessary, must be voted on first. Then the main motion would be voted on in its amended state.

Motions shall require an affirmative vote of the majority of the necessary quorum for passage as outlined in Article Four, Section Three. The Chairperson may not make or second motions, but he/she may vote on any and all motions to come before the Commission/Board.

SECTION ELEVEN: Abstentions. As discussed in Article Six, Section One, if a Commissioner/Board member has a conflict of interest he/she must vacate their chair and disqualify themselves from voting on the item. If after considering an item a Commissioner/Board Member merely wishes to abstain from voting, his/her abstention shall be treated as a vote with the majority. If there is a tie vote, an abstention shall be considered a denial.

SECTION TWELVE: Failure to Recommend. If there is a tie vote of the Planning Commission on any item on which the Commission sits as a recommending body, such as a rezoning or text amendment, such tie vote is considered a failure to recommend and goes to the Governing Body with no recommendation.

If a tie vote occurs on action of the Board of Zoning Appeals or which the Planning Commission sits as a final decision maker, a tie vote defeats the motion. If no subsequent motion is made and approved after the tie vote, the request is deemed denied.

SECTION THIRTEEN: Cross Communication. Cross communication between those members in attendance of Commission/Board meetings is prohibited. Questions between opposing parties must be directed to the Chairperson. Similarly, cross conversation among members should also be directed to the Chairperson.

SECTION FOURTEEN: Applicant Not in Attendance. In case an applicant or agent is not in attendance when their item is called, the item may be set over to the end of the agenda. If at the time the item is called again the applicant is still not present, the Commission/Board may continue the case, or may approve or deny the proposition as it sees fit.

ARTICLE SIX

Miscellaneous

SECTION ONE: Conflict of Interest When a member of the Commission/Board feels he/she may have a conflict of interest on a particular case before the Commission/Board, he/she may so state for the record and vacate his/her chair. A member so vacating their chair should not participate in the hearing or discussion, except at the invitation of the Commission/Board, and shall not vote on the issue. If the vacation of a member due to conflict of interest will eliminate a quorum, then the Planning Commission/Board of Zoning Appeals shall continue the item to the next regular meeting.

Conflict of interest shall be defined as having substantial interest in a topic being considered by the Planning Commission. Substantial interest shall include the following:

- A Commissioner/Board member and/or his/her spouse (individually or collectively) owns a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less
- A Commissioner/Board member and/or his/her spouse (individually or collectively) has received taxable compensation of \$2,000 or more from a business
- A Commissioner/Board member and/or his/her spouse, holds a position of officer, director, associate, partner, or proprietor of any business, other than organizations exempt from federal taxation of corporations under section 501 (c)(3), Chapter 26, of the United States Code, regardless of the amount of compensation received from such a position

SECTION TWO: Ex Parte Discussion. Prior to any motion on an application, members of the Commission/Board shall disclose the nature of any ex parte contact and any information obtained through those contacts that may have a bearing on their decisions. Ex parte discussion refers to communication between one party and a decision maker without the knowledge or presence of the other party.

SECTION THREE: Electronic Communication during Meetings. Computers or other electronic devices may only be used during meetings to access information pertinent to the current meeting. Members of the Commission/Board shall not communicate with other members of the Commission/Board, staff, or third parties via electronic communication during meetings pertaining to business on the current agenda.

SECTION FOUR: Suspension of Rules. Any of these By-Laws, not otherwise required by law, may be suspended for stated reasons by affirmative vote of a majority of those members present at a special or regular meeting with a quorum present. No suspension of By-Laws shall be considered permanent.

SECTION FIVE: Amendment of Rules. These By-Laws, not otherwise required by law, may be amended or repealed by affirmative vote of a majority of the membership. All changes are subject to review by the City Attorney.

ADOPTED AT THE PLANNING COMMISSION MEETING ON SEPTEMBER 22, 2025.

Austin Jueneman, Chairperson

APPROVED AS TO FORM:

Kathryn Dumovich, Assistant City Attorney

Exhibit B

PLANNING COMMISSION/BOARD OF ZONING APPEALS RULES OF PROCEDURE

In order to facilitate the successful and orderly management of its meetings, and pursuant to Article 5, Section 2 of the Planning Commission/Board of Zoning Appeals Bylaws, the following rules of procedure shall govern the Planning Commission/Board of Zoning Appeals meetings and actions of its members.

1. The chairperson shall preserve order and decorum at all meetings.
2. Order of Business
 - a. The order of business shall be as follows: Call to Order, Roll Call, Approval of Minutes, Amendments to the Agenda, Consent Agenda, Regular Agenda, Discussion Items, and Adjournment
 - b. Items that do not require a public hearing or a roll call vote may be placed on the Consent Agenda
 - c. The Commission/Board may amend the order of the agenda by a majority vote of the members present and voting. This exception is particularly used when a large crowd is in attendance for a particular item.
 - d. Once the agenda has been provided to the Commission/Board, any amendments to the agenda shall be made at the meeting
3. Procedures for presenting an agenda item
 - a. Chairperson reads the item as listed on the agenda
 - b. Applicant makes a presentation
 - c. Staff presents their report
 - d. Public hearing is held, as applicable
 - e. Commission/Board discusses the item and asks questions, as applicable
 - f. A vote is taken after a motion is made and seconded
4. Public Hearing Procedures
 - a. Chairperson opens the public hearing
 - b. Public comments are received
 - c. Chairperson itemizes questions that were asked and asks for further questions
 - d. Chairperson entertains a motion to close the public hearing
 - e. Rebuttal by the applicant after the public hearing shall be at the discretion of the chairperson
 - f. Once a public hearing, including rebuttal by the applicant, if any, has been completed, all persons in attendance may address the Commission/Board only to respond to a question from the Commission/Board
5. Public Comments
 - a. For items that do not require a public hearing, any individual desiring to comment on an item shall notify staff, the chairperson, or a member of the Planning Commission/Board of Zoning Appeals prior to the start of the meeting.
 - b. Comments and questions are to be directed to the chairperson. Questions will be answered at the conclusion of the public hearing or comment period.

- c. Everyone speaking at the public hearing or otherwise providing public comment shall identify themselves by providing their first and last name, affiliation (if applicable), and mailing address.
 - d. Everyone speaking at the public hearing or otherwise providing public comment shall sign-in using the sign-in sheet at the meeting.
 - e. The chairperson may request that one spokesperson be chosen to represent groups who wish to speak to the Planning Commission/Board of Zoning Appeals on a common issue.
 - f. Speakers will be courteous in their language and presentation. Persons who engage in disruptive behavior at Planning Commission/Board of Zoning Appeals meetings which includes use of slurs, derogatory comments, or any other conduct, whether physical, verbal or written directed at another person or based upon another person's race, color, origin, sex, religion, sexual orientation, disability or age will be asked to leave the meeting.
 - g. Written comments received by the Community Development Department no later than the Tuesday prior to the Planning Commission/Board of Zoning Appeals meeting will be included in the packet that is distributed to the Planning Commission/Board of Zoning Appeals. Written comments received after that will be printed and provided to the commissioners/members of the board at the meeting.
6. Time Limits
- a. The time allotted for the applicant or their representatives generally shall be limited to no more than 10 minutes.
 - b. The time allotted for the staff presentation generally shall be limited to no more than 10 minutes.
 - c. The time allotted for the public comment period generally shall be limited to no more than 3 minutes per individual, or 7 minutes for an individual representing a group (ex. a neighborhood association).
 - d. Rebuttal time for the applicant or their representatives generally shall be limited to no more than 5 minutes.
 - e. The chairperson, at their discretion, may extend or may reduce the time limit of public comments and presentations based on the number of persons who are present at a meeting.
 - f. Community Development staff is responsible for ensuring that the time limit for each speaker is not exceeded.

These rules of procedure may be suspended or amended as set forth in Article Six, Section 5 of the bylaws.

ADOPTED AT THE PLANNING COMMISSION MEETING ON SEPTEMBER 22, 2025.

Austin Jueneman, Chairperson

APPROVED AS TO FORM:

Kathryn Dumovich, Assistant City Attorney