

PLANNING COMMISSION MEETING

City of Gardner, Kansas
Tuesday, April 23, 2019
7 p.m.
Gardner City Hall
120 E. Main Street

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order at 7:00 p.m. on Tuesday, April 23, 2019, by Chairman Austin.

PLEDGE OF ALLEGIANCE

Chairman Austin led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Chairman Austin
Commissioner Brady
Commissioner Boden
Commissioner Gardenhire
Commissioner McNeer
Commissioner Roberts

Commissioners absent:

Commissioner Simmons-Lee

Staff members present:

Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Kristie Hatley, Planning Technician
Kelli Broers, City Attorney

There were no members of the public in attendance.

CONSENT AGENDA

1. Approval of the minutes as written for the meeting on March 26, 2019.

Motion to approve the consent agenda made by McNeer and seconded by Boden.

Motion passed 6-0.

REGULAR AGENDA

1. TEXT AMENDMENT

TA-19-01: Hold a public hearing and consider a text amendment to Title 17 Land Development Code of the Gardner Municipal Code, Section 17.01.040 (D) Board of Zoning Appeals regarding membership and quorum.

Ms. Michelle Leininger, Principal Planner, said this amendment was discussed at an earlier meeting and staff now had the Governing Body's approval to move forward. This allows for the Planning Commission (PC) and Board of Zoning Appeals (BZA) to be made up of the same membership. It does not combine the boards; both would have separate meetings with a shared membership. The idea behind it is the BZA met once a year for the last couple years and has had one variance request in the last three years. Its membership is also down to 3 members from 5 with all 3 of the present members reaching the end of their terms this July. Open positions have been difficult to fill with interested and qualified individuals. The process has begun with the legal team with the intent for the BZA meetings to be held one hour prior to the regular PC meeting, as needed. The membership of the Planning Commission would become the membership of the BZA.

The first step in the process is textual changes in the Land Development Code (LDC). The LDC currently has the membership of the BZA as 5 members so that would be changed to 7 to be consistent with the PC membership. Other changes would be to strike "all of whom shall be taxpayers and residents of the City of Gardner, Kansas" for consistency, and the numbers required for a quorum would increase since the membership number increased. These would be the only changes needed in the LDC, and any other changes would be made by ordinance by the Governing Body. Once the amendments are all processed and published along with this textual change, open positions would need to be filled and a BZA meeting held to amend the bylaws. Staff recommends approval of the text amendments.

Public Hearing

No one came forward.

Motion to close the public hearing made by Boden and seconded by Gardenhire.

Motion passed 6-0.

Commission Discussion

Commissioner Gardenhire asked for clarification on the frequency of the BZA meetings at 6pm.

Ms. Leininger replied meetings would be when necessary and not necessarily each month. The BZA would meet only when there is an application for a variance or an appeal of an administrative decision. In the past the BZA met once per year for approving the calendar, minutes and some training.

Commissioner Brady asked if the membership requirement being struck (being a tax payer and resident of the City) was picked up somewhere else because he thought one would need

to be a resident to serve.

Ms. Woodward replied there was a provision that the Planning Commission should have at least one commissioner living outside of the City. This was because there could be cases that involve planning outside the city limits because the area is larger than just the city boundaries. Combining the PC and BZA would then need to have the same membership requirement.

Commissioner Brady wanted to know if that meant someone in Wisconsin could apply to be on the BZA.

Ms. Woodward said the state statute continues on to include one would need to live in a jurisdiction within the planning area. That was a requirement for the Planning Commission, and since the members of the PC would also serve as members of the BZA, the wording would need to be left out of the BZA requirements.

Chairman Austin inquired why the BZA requirements were much more detailed than that of the PC.

Ms. Leininger replied the Gardner Municipal Code includes rules of procedure for each body. Chapter 2 enables the Planning Commission (and details the requirements) and Chapter 17 enables the Board of Zoning Appeals and details the requirements.

Motion made after review of application TA-19-01, a text amendment to Title 17 of the Gardner Municipal Code, Land Development Code, Section 17.01.040 (D) Board of Zoning Appeals, and staff report dated April 23, 2019, the Planning Commission recommends the Governing Body approve the proposed text changes.

Motion made by Gardenhire and seconded by McNeer.

Motion passed 6-0.

Ms. Leininger followed up on Commissioner Brady's question regarding residency and serving on the PC and BZA. She said the members of the Planning Commission shall be qualified electors and residents of the City except for two who may reside outside the corporate limits but within three miles thereof.

Commissioner Brady asked if the elected officers would be the same for both groups.

Ms. Leininger answered they would not need to be the same.

DISCUSSION ITEMS

1. 2018 PLANNING COMMISSION APPLICATION ACTIVITY RECAP

Ms. Kelly Woodward, Chief Planner, presented a project map showing major activity of projects approved from 2017 through today, including 13 commercial office projects, a civic project, 6 single-family residential subdivisions, 4 multi-family or mixed density residential projects, 2 mixed-use residential/commercial projects and 4 additions or accessory uses/buildings. She then offered more detailed information on the 2018 Planning

Commission activity, including 38 applications/cases representing 18 projects; 14 potential text amendments to the LDC; and 3 amendments to the Comprehensive Plan. The Planning Commission also performed the annual Comprehensive Plan review, reviewed the Capital Improvements Plan, gave input on the parklet design, and reviewed a tax increment finance plan for Main Street Market Place. Projects included:

- Cottages at University Park (Mixed density residential subdivision)
- Gardenwalk (Multi-family residential)
- Gardner Justice Center (Civic facility)
- Gardner Dental (Commercial single-tenant)
- Enterprise Rental (Commercial tenant)
- Gardner Business Center Phases 1 & 2 (Commercial multi-tenant)
- Conestoga Sales Office and Recreational Amenities
- Belfonte Car Wash (Commercial single-tenant)
- Midwest Commerce Center (lighting stipulation change)

Highlights from each project were presented along with a progress report. Updates were also offered on the previous year's projects including the Hampton Inn, Santa Fe Self-Storage expansion, Dairy Queen, First Pointe Urgent Care/Enterprise Rental, Scooters, Bethel Estates No. 4, Midwest Commerce Center Phase II, Plum Creek Manor II, Tuscan Farms 1st plat, Copper Springs IV, and Quail Meadows II.

Commissioner Brady asked about the projected number of new single-family residential for the year.

Mr. Larry Powell, Director of Business & Economic Development, answered he expected between 130 to 150 new homes this year in Gardner. This did not count any new apartment units that may be built. He said there could be a jump in the second six months of the year in items brought before the PC for additional residential units. There have been several developers talking with the City about possible apartment locations.

ADJOURNMENT

Motion to adjourn made by McNeer and seconded by Gardenhire.

Motion passed 6-0.

Meeting adjourned at 7:37 p.m.