



AGENDA

GARDEN PLAIN PLANNING COMMISSION/BOARD OF ZONING APPEALS

507 N Main, Garden Plain, KS 67050

April 9, 2026 at 6:00 pm

1. Call to order: Chairman Keith Hansen
2. Oaths of Office:
 - a. Zak Blakley
 - b. Braden Cox
 - c. Rick Heimerman
 - d. Brian Henry
 - e. Chris Wilson
3. Approval of the April 9, 2026 Regular Meeting Agenda
4. Approval of June 19, 2025 Regular Meeting Minutes
5. Consider, and conduct a Public Hearing on proposed amendments to the City of Garden Plain Comprehensive Plan Future Land Use Map, and Corresponding Urban Area of Influence (UAOI)
6. Consider the 2026 Planning Commission/Board of Zoning Appeals 2026 Meeting Schedule and Application Deadlines
7. Adjourn



Planning Commission/Board of Zoning Appeals

City Council Chambers - 507 N. Main St.

June 19, 2025- 6:00pm

- 1. Call to Order:** Planning Commission Chair Keith Hansen called the meeting to order at 6:01 PM. Commissioners present: Keith Hansen; Rick Heimerman; Gene Garcia; Zak Blakley. Also present, Kimberly McCormick – Clerk, Kelly McElroy – City Administrator, Morgan Koon – City Attorney and Logan Mills - CED.
- 2. Oaths of Office:** The Clerk administered the oath of office to Commissioners Keith Hansen and Gene Garcia.
- 3. Approval of the October 30, 2024 Regular Meeting Minutes:** Commissioner Gene Garcia moved, Commissioner Rick Heimerman seconded to approve the minutes. Motion passed 4-0.
- 4. Public Hearing – Variance Request-503 Sedgwick:** No public comments, Public Hearing was closed. Commissioner Zak Blakley moved, Commissioner Rick Heimerman seconded to approve the Variance. Motion passed 4-0.
- 5. Consider the Preliminary Plat for Renner Multi-Family Residential Development:** Discussion ensued for items 5, 6, and 7. The City Administrator stated that the plats had been sent to our engineers, Evergy, County Fire, County EMS etc for their review and comments. We received nothing back except Evergy requested a larger easement. Logan Mills with CED stated that the plans have been adjusted to provide this request. The City Administrator stated that the plats have met everything in our Code. There was a lot of discussion about the drainage of the area. Logan explained the drainage flow as they have it planned. Commissioner Gene Garcia moved, Commissioner Zak Blakley seconded to approve the Preliminary Plat. Motion passed 4-0.
- 6. Consider the Final Plat for the Renner Multi-Family Residential Development:** Commissioner Rick Heimerman moved, Commissioner Zak Blakley seconded to approve the Final Plat. Motion passed 4-0.
- 7. Consider the Drainage Plan for the Renner Multi-Family Residential Development:** Commissioner Rick Heimerman moved, Commissioner Gene Garcia seconded to approve the Drainage Plan. Motion passed 4-0.
- 8. Adjourn:** Commissioner Zak Blakley moved, Commissioner Rick Heimerman seconded to adjourn. Motion passed 4-0.

Re: Consider, and conduct a public hearing on, proposed amendments to the City of Garden Plain Comprehensive Plan Future Land Use Map, and corresponding Urban Area of Influence (UAOI)

Background:

At the March 4, 2026 Garden Plain City Council meeting, the Council made a formal request to the Garden Plain Planning Commission/Board of Zoning Appeals to review and provide a recommendation on a proposed expansion of the City’s Urban Area of Influence (UAOI). The council agenda report is included as Attachment B following this memo.

City of GP staff notified staff in Cheney and Goddard of the potential expansion request. After consultation, a small modification to the Council’s proposed expansion area is recommended – the western UAOI boundary be updated by pulling back to the east by a half mile from 343rd. This was formerly part of Cheney’s UAOI, and they would like it to remain so.

The current future land use map from the Garden Plain 2020-2040 Comprehensive Plan is included as Attachment A for reference.

The City’s Future Land Use Map and proposed Urban Area of Influence need to coincide in order to make a request for updates to the Metropolitan Area Planning Department (MAPD).

Recommended Action: The Planning Commission/Board of Zoning Appeals is asked to:

- A. Conduct the required public hearing.
- B. Make a recommendation to the City Council regarding potential amendments to the City’s Comprehensive Plan Future Land Use Map and Urban Area of Influence.

Attachments:












- A. 2020-2040 City of Garden Plain Comprehensive Plan Future Land Use Map
- B. 03.04.26 Garden Plain City Council agenda report regarding potential expansion of the UAOI
- C. Notice of Public Hearing

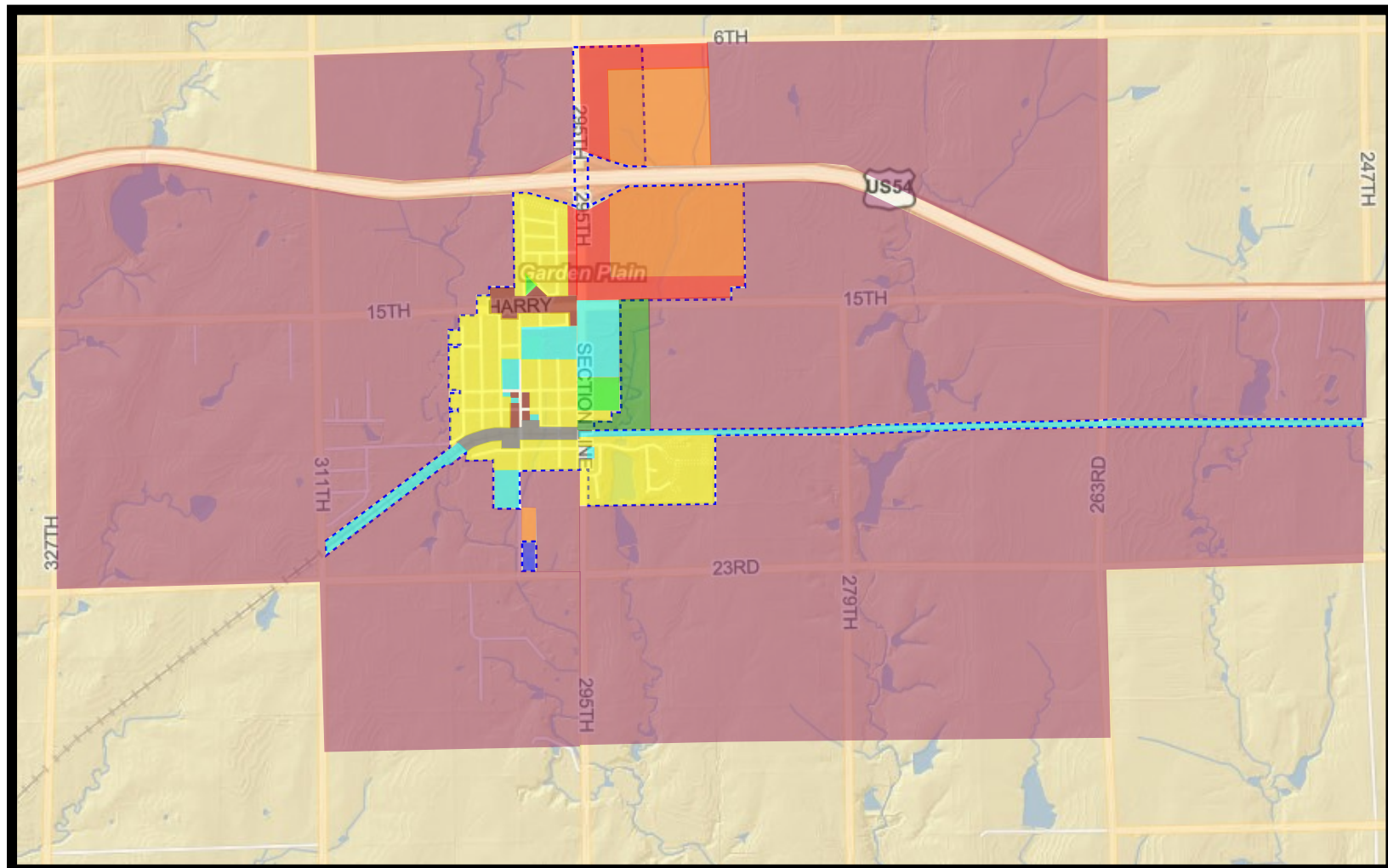
FUTURE LAND USE

City of Garden Plain Sedgwick County, KS



Land Use Legend

 Residential	 Parks	 Commercial
 Future Residential	 Future Park	 Future Commercial
 Institutional	 Utilities	 Industrial
 Current City Limits		 Future Industrial



TO: Garden Plain City Council
FR: Morgan Koon, City Attorney
RE: Discussion and Consideration of a Request to Sedgwick County to Expand the City's Urban Area of Influence (UAI)

Background:

Analysis of the Extraterritorial Jurisdictional Authority and Area of Influence for Cities of the Third Class in the State of Kansas

The spatial governance and regulatory reach of municipal corporations in the State of Kansas are defined by a complex interplay of constitutional home rule and statutory enabling legislation. For a city of the third class (Garden Plain), the "Area of Influence" (AOI) —formally conceptualized in the Kansas Statutes Annotated (K.S.A.) as extraterritorial jurisdiction—serves as a critical mechanism for managing the transition between urban and rural land uses. The AOI generally extends three miles beyond the corporate city limits, and provides for a platform for cities to implement zoning and subdivision regulations that align with long-term comprehensive plans.

Garden Plain is defined as a "City of the Third Class" by Kansas statute. A city of the third class is a community with less than 2,000 citizens. The designation comes with specific authority for what cities can and cannot control, including growth, expansion, and regulations such as City and Zoning Codes.

Is the UAI different from an Extraterritorial Jurisdiction (ETJ)? No, the UAI and the ETJ are essentially the same thing, differing terminology/wording. The same three miles from the current city limit apply. These zoning rules and regs were established at a state level in the 1960's.

The conditions for exercising this authority include:

1. **Establishment of a Planning Commission:** The city must have a planning commission that includes representation from the extraterritorial area. Specifically, at least two members of the commission must reside within the three-mile radius but outside the city limits (*check – the City of GP has several Planning Commission Members in the UAI Area*).
2. **Comprehensive Plan Integration:** The land must be included in a comprehensive plan that has been recommended by the City's Planning Commission and approved by the city governing body (*check – the City PC reviews the City's Comprehensive Plan on a regular basis and takes into account current and anticipated growth in the western side of Sedgwick County*).
3. **County Jurisdictional Status:** The City may only zone in the ETJ if the County does not currently have zoning regulations in effect for that specific area or has explicitly excluded the land from county-level zoning (*check – the City of GP doesn't have any zoning regulations for specific development project proposals in the City's current and proposed expanded AOI. Current zoning regulations only apply inside of the City's corporate boundaries*).
4. **Procedural Notice:** The city is required to provide written notice to the Board of County Commissioners (BOCC) at least 60 days before initiating the zoning ordinance for the extraterritorial area (*check – the City of GP Planning Commission is prepared to issue such a notice, should the need arise.*)

Restrictions and Protections within the Area of Influence

The AOI is not a zone of unrestricted municipal power. The Kansas Legislature has established "safe harbor" provisions to protect agricultural interests and ensure that extraterritorial power is not used as a tool for predatory annexation or purely fiscal gain at the expense of rural residents.

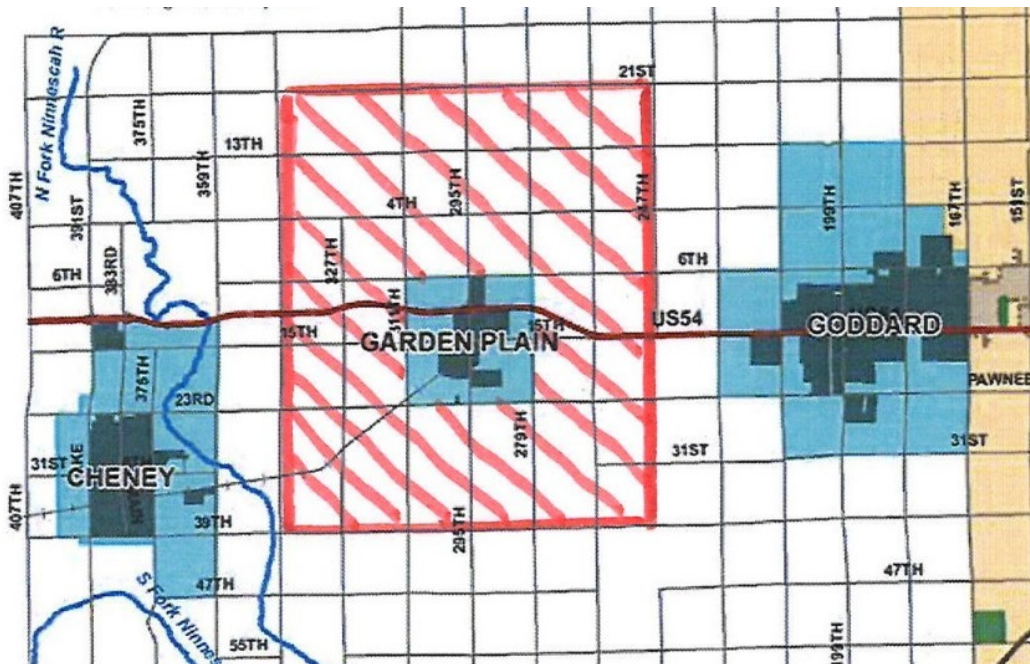
If a property is located within a City's, does that mean it is annexed into the City Limit? No, property that is located in the AOI is not annexed into the City's corporate boundaries (City limit). It does not affect property taxes. If a property is outside of the City Limit, the City has no power over your property taxes. They continue to be determined by the County.

Due Process and Public Notice Requirements

The exercise of power by a City in the AOI is subject to strict procedural oversight. K.S.A. 12-747 and 12-749 require that any action to adopt or amend zoning regulations affecting the AOI must be preceded by a public hearing. Notice of this hearing must be published in the official city newspaper at least 20 days prior to the public hearing. In GP's case, the official city newspaper is the City's website: www.gardenplain.com.

The Sedgwick County "Urban Area of Influence" Model

While the three-mile radius is the statutory default, specific counties have developed more sophisticated "Urban Area of Influence" (UAI) frameworks through interlocal agreements. The Wichita-Sedgwick County Metropolitan Area Planning Department (MAPD) has a very detailed processes and specifications for UAIs; establishment, expansions, development of properties in the UAI areas via their [2015-2035 Community Investments Plan \(Comprehensive Plan\)](#). The UAI can be enlarged upon the city's request and the Board of County Commissioners' approval. The map below shows the City of Garden Plain's current AOI in blue. The City Council will be considering a proposed expansion to expand the AOI to the area shown in red.



The City Council's request for consideration for expansion of the current GP UAI will be sent to the City of Garden Plain Planning Commission. Following their review, the request will be forwarded to the County Planning Commission. From the County Planning Commission, a recommendation to approve the request as

presented, a modified amendment, or denial of the request is forwarded to the Board of County Commissioners (BOCC) for final action.

What is the process for an application for development within a City's UAI? When the county receives a zoning or conditional use permit (CUP) application within a City's UAI, the county planning director must notify the city's planning commission. If the city's planning commission recommends against the proposal within 30 days, the county's governing body (Board of County Commissioners) can only approve the application by a super-majority vote. This provides small communities like GP with a powerful "say" in developments that occur just outside their borders.

Strategic Growth and Infrastructure Readiness

By having a say on proposed developments located within the city's AOI, it helps the City with logical planning and zoning, as well with potential requests to expand city owned infrastructure. The city recognizes that uncontrolled, substandard development in the fringe area of our community can hinder, delay, or impede future growth.

Political and Legislative Contention: The Future of UAIs

The three-mile Area of Influence is currently one of the most volatile topics in Kansas municipal politics. Senate Bill 37 (SB 37), introduced in the 2025 legislative session, aims to repeal the three-mile extraterritorial planning and zoning authority for cities entirely. This means that the City has no say in any residential, commercial, or industrial developments that may affect the City and requested public services and utilities.

Recommended Action: The City Council is asked to:

1. Review the proposed expansion of the City of Garden Plain's AOI and recommend the same to the City of Garden Plain Planning Commission/Board of Zoning Appeals.

Attachments:

None



PUBLIC NOTICE
NOTICE OF HEARING

Notice is hereby given that a public hearing will be held by the Garden Plain Planning Commission/Board of Zoning Appeals, in the City Council Chambers, 507 N. Main, Garden Plain Kansas 67050, on Thursday, April 9, 2026 at 6:00 PM or as soon thereafter as the matter may be heard, for the purpose of considering the following:

Proposed amendments to the City of Garden Plain Comprehensive Plan Future Land Use map, and corresponding Urban Area of Influence (UAOI).



Garden Plain Planning Commission/Board of Zoning Appeals 2026 Meeting Schedule & Application Deadlines

The Garden Plain Planning Commission/Board of Zoning Appeals meets at 6:00 p.m. on the second or third Thursday of each month in the Council Chambers, 507 N. Main Street. Doors open at 5:45 p.m. for seating.

Meeting Dates and Application Deadlines

Plat(s), Zoning Amendment (rezoning), Planned Unit Development (PUD), Special Use Permits (SUP); Conditional Use Permits (CUP) & Variance(s)

Application Submission Deadline*	Meeting/Public Hearing Date*
December 18, 2025	January 15, 2026
January 22, 2026	February 19, 2026
February 19, 2026	March 19, 2026
March 19, 2026	April 16, 2026*
April 23, 2026	May 21, 2026
May 21, 2026	June 18, 2026
June 18, 2026	July 16, 2026
July 23, 2026	August 20, 2026
August 20, 2026	September 17, 2026
September 17, 2026	October 15, 2026
October 22, 2026	November 19, 2026
November 19, 2026	December 17, 2026

**April 16, 2026 meeting rescheduled to April 9, 2026 to accommodate a public hearing.*

Application Deadlines: All applications and required materials, including certified property ownership lists and preliminary plats, must be received by City staff **no later than 12 p.m. CST** on the application deadline date. Applications and supporting required documentation can be presented as a hard copy, in person, at Garden Plain City Hall, or emailed to cityclerk@gardenplain.com.

Public Hearings: All applications will be considered by the Garden Plain Planning Commission during a regular meeting. For those applications that require a public hearing, the public hearing will be conducted during the regular meeting.