Call to Order

The meeting of the Gardner Planning Commission was called to order at 7:00PM on Monday, September 28, 2026, by Chairperson Berg.

Commissioners present: Robin Berg, Austin Jueneman, Joe O'Lucci, Filip Landsberg, Cleverson Souza, and Randy Gregorcyk.

Commissioners absent: Allen Vonderschmidt

Staff present: Deputy Director Magi Brewster, Principal Planner Jesse Hunter, Administrative Specialist Victoria Johnson, and City Attorney Kathryn Dumovich.

Pledge of Allegiance

Chairperson Berg 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 August 24, 2026.**

Motion was made to approve the consent agenda.

Motion: Commissioner O'Lucci
Second: Commissioner Jueneman
Motion carried unanimously, 6-0

Regular Agenda

1. **633 E Colleen Drive (Short Term Rental) (Public Hearing Required)** (26-305-04)

Max Oribhabor of MaxPro Properties gave the applicant presentation. He explained his business model, review process, and security procedures. Commissioner O'Lucci asked how neighbors can contact him in case of problems and if local law enforcement have the phone number. Max responded that the listing has their number and it is publicly available as well.

Principal Planner Jesse Hunter gave the staff presentation.

It was clarified that the short-term rental will pay the Transient Guest Tax.

Jackie Gonzalez complained about the lack of interaction with the property manager, the type of home loan for the property, and construction truck parking from the rental customers.

Former owner of the home, Kaylee McCaullough, spoke about the sale of the home.

Isaac White spoke for the purchaser and discussed their personal circumstances, coordination with their lender, and the relationship with the property manager.

Max Oribhabor apologized for any miscommunication with Jackie Gonzalez. Based on communication between the applicant and the public, Kathryn Dumovich clarified the public hearing is for one person to speak at a time.

A motion was made to close the public hearing.

Motion: Commissioner O'Lucci
Motion: Commissioner Jueneman
Motion carried unanimously, 6-0

Attorney Kathryn Dumovich reminded the Commission about the Conditional Use Permit review criteria outlined in the municipal code and that none of the criteria relate to financial or loan considerations,.

Commissioner O'Lucci restated the importance of communication between the neighbors and property manager.

Motion:
Conditional Use Permit:
The Planning Commission recommends approval of the conditional use permit for a short-term rental at 633 E Colleen Drive subject to the following conditions:

1. **The Conditional Use Permit shall expire on October 19, 2028, and a formal administrative review shall be conducted between December 2027 and January 2028;**
2. **The following standards including Section 17.05.050 (R.) of the Land Development Code shall be met by the applicant for the duration of the Conditional Use Permit:**
    a. **Owner shall provide tenants with information on all applicable City ordinances pertaining to parking, noise, nuisances, and property maintenance.**
    b. **Owner shall post the occupancy limit and ensure they are not exceeded.**
    c. **Owner shall provide their contact information, and contact information of the property manager, to tenants, emergency services, and the City, and shall keep it updated in case of change.**
    d. **All property boundaries shall be clearly marked so that tenants do not trespass on adjacent properties.**
    e. **Such homes shall not be rented for the sole purpose of hosting parties or special events. The structure and grounds shall be utilized as a dwelling unit, with typical recreational uses as consistent with the neighborhood so as not to create undue conflict with other residents.**
3. **If an advertising / booking platform is used that does not collect and remit the applicable taxes as part of the reservation process, the short-term rental operator shall be responsible for collecting and remitting all applicable taxes to the State of Kansas.**
4. **Any amendment to the Conditional Use Permit shall require the same process as the original approval.**

Motion: Commissioner O'Lucci
Second: Commissioner Souza
Motion carried unanimously, 6-0.

2. **Clare Crossing – Corrective action related to the RP-3 (Planned Garden Apartment), RP-5 (Planned Apartment) and CP-3 (Planned Heavy Commercial) (Public Hearing Required)** - zoning originally approved by Ordinance 2793 in February of 2024, to rectify an error with the legal description, for the property generally located at the southeast corner of 175th Street and Clare Road (26-304-08)

Deputy Director Magi Brewster gave the presentation. Magi Brewster stated that the City is serving as the applicant based on staff's error in not requesting three separate legal descriptions and has communicated the situation with the resident agent for the property.

In response to a question from the commission, Magi Brewster clarified that staff had met with a developer interested in purchasing the portion of the property approved for multi-family development. She went on to state that if significant changes are proposed from the previously approved preliminary development, the developer will have to submit a revised preliminary development.

Commissioner Gregorcyk asked questions about the type of development proposed within the area zoned RP-3. He went on to ask about the Connect 56 plan and traffic concerns related to the impact from recently approved development since Clare Crossing was originally approved. Magi responded that these items had been considered within the Connect 56 plan.

Motion was made to close the public hearing.

Motion: Commissioner O'Lucci
Second: Commissioner Jueneman
Motion carried unanimously, 6-0

Motion:
Rezoning:
The Planning Commission recommends re-approval of the rezoning as originally considered by the Planning Commission in January of 2024 and approved by the Governing Body in February 2024, along with re-approval of the associated preliminary development plan and conditions listed as follows:

1. **Internal street alignments / connections are subject to separation standards along arterial roads (175th Street and Clare Road) adopted by Public Works. Current locations are subject to further adjustment per Public Works staff in order to promote compliance with the adopted separation standards as part of the final development plan and final plat;**
2. **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**
3. **Future associated development plans and plat applications may be subject to review by the Johnson County Airport Commission and approval of the Johnson County Board of Commissioners as required.**

Motion: Commissioner O'Lucci
Second: Commissioner Jueneman
Motion carried unanimously, 6-0

Adjournment

Motion was made to adjourn at 7:51pm.

Motion: Commissioner Landsberg
Second: Commissioner Souza
Motion carried unanimously, 6-0.

https://www.youtube.com/watch?v=UNGTMDEH0Eg