

## Call to Order

The meeting of the Gardner Planning Commission was called to order at 7:00 pm on Monday March 25, 2024, by Chair Ham. Commissioners present: Mia Ham, Matt Combs, Cleveson Souza, Adriana Meder, Stacy Cooper, Austin Jueneman, and Alan Vonderschmidt. Staff present: Community Development Director Dave Knopick, Principal Planner Robert Case, Planner Jesse Hunter, Administrative Assistant Jenny Gray and City Attorney Spencer Low.

## Pledge of Allegiance

Chair Ham led the Pledge of Allegiance.

## Consent Agenda

1. Standing approval of the minutes as written for the regular meeting on January 22, 2024.
2. Cypress Creek 3rd Plat 24-302-01 Final Plat - Located approximately 1000' west of the intersection of W 167th St and N Poplar Rd.
3. Cypress Creek 4th Plat 24-302-02 Final Plat - Located approximately 250' west of the intersection of W 167th and N Poplar Rd.

Motion made to table consent agenda items 2 & 3 until the next Planning Commission meeting.

Motion: Commissioner Meder

Second: Commissioner Jueneman

**Motion carries unanimously 7-0**

Motion made to approve item 1 of the consent agenda.

Motion: Commissioner Jueneman

Second: Commissioner Meder

**Motion carries unanimously 7-0**

## Regular Agenda

1. [Plaza South Lot 3 Taco Bell 24-304-01 Rezoning, Preliminary Development Plan & Final development Plan \(Public Hearing\)](#) – Located at the northeast corner of W 187<sup>th</sup> Terrace and S Gardner Rd.

### Staff Presentation

Robert Case, Principle Planner presented the information in the staff report for the Plaza South Lot 3 Taco Bell requesting to develop a 2,200 square foot site with 2 access drives. In 2019, the property was rezoned with an associated development plan and platted as part of the original Plaza South development. The 2019 PDP proposed a fast food restaurant for this site with two access drives onto Vivian Street. This lot is currently zoned ACP-2 and is surrounded by ACP-2 zoning to the north, east, and south and CP-2 to the West. . The revised preliminary development plan proposal is for a 2,200 square foot and a 1,047 square foot fast food restaurants. Access to the site are from two private drives; 187th Terrace and Vivian Street off of Gardner Road. The final development plan is only for the 2,200 square foot taco bell site but will include the construction of both 187th Terrace and Vivian Street access drives.

The preliminary and final development plans meet all of the code standards, with the exception of the requested deviation. 3 deviations requested  
Deviation #1 is a request to reduce the width of the foundation planting from 8' to 4'; they have provided additional landscape around the west and south sides of the building to help shield traffic.  
Deviation request #2 is to allow a drive-thru facing Gardner Road. Again, they have provided additional landscape along the frontage to protect lights from vehicles within the drive-thru lane.  
Deviation #3 is reduce the required transparency along street facing facades (east and south facades, they actually meet the standards along the west side).  
Because of the building facing 3 street the staff understands the difficulty of meeting the LDC transparency standards. The developer has added additional landscape and architectural features to help establish a relationship of the building to the public realm along the east and south sides of the building.  
The staff recommends approval of all the deviation requests.

### **Applicant Presentation**

Melissa Vancrum 5250 W. 116th place along with Andy Seemiller 4700 Belleview Ave from First Street Development were available to answer questions. Melissa thanked the staff for guidance and assistance in finalizing the applications. They are seeking approval of a Preliminary and a Final Development Plan. Melissa went over the deviations of windows and landscape.

### **Public Hearing**

Chair Ham opened the public hearing and asked if anyone wished to speak on the matter. No one from the audience approached the podium.

### **Motion made to close the public hearing.**

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

### **Commission Discussion**

Commissioner Cooper asked about the two private entrances 187th Terr. and Vivian.  
Director Knopick answered with it is just an internal drive into the development itself and the drive-thru is along 187th Terr.  
Commissioner Cooper then asked about bushes and headlight height.  
Patrick Reuter with Clover Architects answered they are 3 feet in height, which is standard in blocking headlights. The landscape are Junipers which stay green all year round.  
Commissioner Jueneman asked staff if they had issues splitting the lot into 3A and 3B  
Mr. Knopick answered that staff had significant discussing with applicant and have gone through several site concepts before they we comfortable.  
Commissioner Meder asked staff if the re-zoning is due to the lot split.  
Mr. Knopick answered the lot split is considered to be a significant change from the previous approved preliminary plan and revising it includes the rezoning.  
Commissioner Meder had concerns about the parking requirements being met.

Mellissa answered that there are 34 interior seats and 12 outdoor seats and they do not expect to be at full capacity at any given time.

Commissioner Meder asked if a semi was used for the truck turning templet.

Patrick Reuter answered that a 20 foot truck was used and would make deliveries and that the site was not designed for a semi.

Commissioner Combs had a question for staff about openness to deviation for someone trying to fit into lot 3B.

Mr. Knopick answered that the use would have to be similar to what is shown on the lot 3B development plan but that any future development on lot 3B is entitled to the review process.

Commissioner Jueneman asked to confirm that the Taco Bell franchise has corporate approval for this site.

Andy confirmed that they have permission from corporate to build.

### **Motion: Rezoning and Associated Preliminary Development Plan**

**After review of application 24-304-01 a rezoning for 1.44 acres located at the northeast corner of S Gardner Rd and W 187<sup>th</sup> Terr, from ACP-2 to ACP-2 and associated revised Preliminary Development Plan for Plaza South Lot 3, and staff report dated March 20, 2024, the Planning Commission recommends the Governing Body approve the applications as proposed.**

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

### **Motion: Final Development Plan**

**After review of application 24-304-01 Final Development Plan for Taco Bell, and staff report dated March 20, 2024, the Planning Commission approves the application as proposed, provided the following conditions are met:**

- 1. Governing Body approval of application 24-304-01 rezoning and associated Preliminary Development Plan for Plaza South Lot 3;**
- 2. The construction plans for any utilities, infrastructure, storm water or other public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the issuance of a building permit;**
- 3. Approval of the deviations as presented in the staff report; and**
- 4. Submission and approval of an administrative plat.**

Motion: Commissioner Jueneman  
Second: Commissioner Cooper  
Motion carries unanimously 7-0

## **Discussion Items**

There were no discussion items.

## Adjournment

Motion made to adjourn at 7:46 PM

Motion: Commissioner Jueneman

Second: Commissioner Meder

Motion carries unanimously 7-0

Recording of this meeting can be found here:

<https://www.youtube.com/watch?v=85Jv7BgsFU8>