The meeting was called to order at 11:00 a.m.

#1 - #3 Mr. Eric Englund, Manager of Current Planning, discussed the details and some of the conditions of approval. Mr. Englund advised that these three cases would be on the Administrative Only portion of the agenda. He stated that the department recommended approval of all three cases.

#4 Mr. Englund discussed the details of this case and conditions. Mr. Dave Fanslau advised that the analysis portion of the reports should identify lot 11 instead of lot 12. Mr. Englund stated that the case is on the Administrative Only portion of the agenda and that the department is recommending layover to allow time to work out some final details.

#5 Mr. Englund stated that this case had been laid over from the February 6, 2019 Planning Board meeting. He stated that in the interim, the applicant has addressed issues related to the location of a sewer line in relation to the proposed building & playground site. In addition, he stated that the applicant will also need to apply for waivers for parking and impervious coverage. This case is on the Consent Agenda for approval.

#6 Mr. Englund explained that the attorney for Conagra requested a layover to allow time for further discussion with the City.

#7 & #14 Mr. Englund stated that these two cases are related and both on the Consent Agenda for layover. He stated that if one is pulled off consent, they should come off together. He advised that there are still issues in the recommendation report which have not been addressed by the applicant.

#8 & #9 and #11 - #13 Mr. Englund went over some of the details of each of these cases and advised that the department recommends approval of all five of them.

#10 Mr. Englund advised that the applicant intends to convert the residence at this location to a drive-thru only restaurant. He advised that 73rd Street is an unimproved road which is in bad shape. He stated that the department recommends denial due to several issues listed in the recommendation report.

#15 - #18 Mr. Englund went over details of each case and advised that all of them are on the Consent Agenda for approval. Mr. Pate recused himself from discussion of case #17 and left the room while it was discussed.
The pre-meeting of the Planning Board adjourned at approximately 1:00 p.m.
Greg Rosembaum, Chairperson, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

The requests listed below were voted on concurrently in accordance with the Planning Department’s recommendation report.

No one appeared in opposition.

**Special Use Permits (Hold over cases)**

<table>
<thead>
<tr>
<th>5.</th>
<th>C7-19-031</th>
<th>D-APPROVAL</th>
<th>REQUEST: Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R2 District (laid over from 2/6/19)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>St. Robert Bellarmine</td>
<td></td>
<td>LOCATION: 11900 Pacific Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the Major Amendment to a Conditional Use Permit to allow Religious assembly in the R2 District, subject to the following conditions:

1. Approval of the necessary waivers from the Zoning Board of Appeals.
2. Submittal of and compliance with a revised site plan providing acceptable sidewalk connections.
3. Submittal of and compliance with an acceptable revised landscape plan and a grading plan providing for the necessary landscaping and screening.
4. Approval of an Encroachment Agreement to allow the playground equipment and retaining walls in the sewer easement.
5. If fill is proposed over the sewer line, coordinate with the Public Works Department regarding the permit process.
6. Compliance with the submitted operating statement.
7. Submittal of an application to add the MCC Overlay District to the site.
8. Compliance with storm shelter regulations in the city code.
9. Compliance with stormwater management regulations including no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality.

10. Compliance with all other applicable regulations.

Mr. Rosacker seconded the motion which carried 7-0.

Master Plan Referrals

<table>
<thead>
<tr>
<th>6.</th>
<th>C3-88-036</th>
<th>D-LAYOVER</th>
<th>REQUEST:</th>
<th>Approval of an Amendment to the RIVERFRONT REDEVELOPMENT PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Planning Department on behalf of the City of Omaha</td>
<td>LOCATION:</td>
<td>Area generally bound by I-480, 8th Street, Farnam Street, 10th Street, Leavenworth Street and the Missouri River</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved to layover the request. Mr. Rosacker seconded the motion which carried 7-0.

Subdivisions

<table>
<thead>
<tr>
<th>7.</th>
<th>C10-74-179</th>
<th>C10-19-037</th>
<th>C12-19-038</th>
<th>BHC Rhodes</th>
<th>D-LAYOVER</th>
<th>REQUEST:</th>
<th>Preliminary Plat approval of BRIGGS PLACE ADDITION REPLAT 1, a subdivision inside the city limits, with rezoning from R7, GC and GI to R8, along with expansion of the ACI-2 Overlay District and the repeal of the PK Parking Overlay District (portion of property is located in an ACI-2 Overlay District)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LOCATION:</td>
<td></td>
<td>Southwest of 46th and Dodge Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved to layover the request to allow the applicant time to address issues discussed in the report, including vacation of the alley. Mr. Rosacker seconded the motion which carried 7-0.

Rezonings

<table>
<thead>
<tr>
<th>9.</th>
<th>C10-19-041</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
<th>Rezoning from GI to CC (property is located within an ACI-2 Overlay District)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Redmond Company</td>
<td>LOCATION:</td>
<td>7529 Dodge Street</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from GI to CC. Mr. Rosacker seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>11.</th>
<th>C10-19-044</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
<th>Rezoning from DR to R4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Anchor Pointe Development, LLC</td>
<td>LOCATION:</td>
<td>North of HWS Cleveland Boulevard between 171st Street and Kilpatrick Parkway</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from DR to R4. Mr. Rosacker seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>12.</th>
<th>C10-19-043</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
<th>Approval of an ACI-3 - Area of Civic Importance Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Noddle Companies</td>
<td>LOCATION:</td>
<td>716 North 102nd Street</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of an ACI-3 Area of Civic Importance Overlay District. Mr. Rosacker seconded the motion which carried 7-0.
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-14-081</td>
<td>D-APPROVAL</td>
<td>Approval of a Major Amendment to the Mixed Use District Development Agreement for Antler View to allow Custom manufacturing</td>
<td>Southeast of 192nd Street and West Maple Road</td>
</tr>
<tr>
<td>192 Maple LLC</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the Major Amendment to the Antler View Development Agreement subject to the applicant addressing the following items:

1. Provide acceptable Exhibits B, B-1 & B-2 prior to forwarding to City Council.
2. Compliance with supplied operating statement. No outdoor storage of any kind, including but not limited to materials, vehicles or equipment.

Mr. Rosacker seconded the motion which carried 7-0.

**Overlay Districts**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C11-19-036</td>
<td>D-LAYOVER</td>
<td>Approval of a PUR-Planned Unit Redevelopment Overlay District</td>
<td>Southwest of 46th and Dodge Streets</td>
</tr>
<tr>
<td>BHC Rhodes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved to layover the case to allow the applicant time to meet with city staff regarding building design and site layout. Mr. Rosacker seconded the motion which carried 7-0.

**Special Use Permits**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C8-19-045</td>
<td>D-APPROVAL</td>
<td>Approval of a Special Use Permit to allow Auto sales in a GC District</td>
<td>3106 North 63rd Street</td>
</tr>
<tr>
<td>Josie Ortiz</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of a Special Use Permit to allow Automotive sales, subject to the following conditions:

1. Submit a revised site/landscape plan prior to forwarding to City Council to include the following:
   a. A minimum 9 foot wide bufferyard along the western property line, with a minimum 6 foot tall screening fence on the inside of the yard.
   b. Minimum 10 foot wide perimeter parking lot landscaping along the southern property line, with acceptable screening on the inside of the yard.
   c. Minimum 10 foot wide perimeter parking lot landscaping along the eastern property line.
2. Submit an application for adoption of the MCC-Major Commercial Corridor Overlay District for the site.
3. Provide landscaping in the right-of-way and re-establish the curb line for removed driveways.
4. Compliance with the revised site/landscape plan.
5. Compliance with the submitted operations plan.
6. Compliance with all other applicable regulations.

Mr. Rosacker seconded the motion which carried 7-0.

**Conditional Use Permits**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C7-19-046</td>
<td>D-APPROVAL</td>
<td>Approval of a Conditional Use Permit to allow Secondary educational facilities in a R4 District</td>
<td>Southwest of 180th and Ida Streets</td>
</tr>
<tr>
<td>Elkhorn Public Schools, Ryan Lindquist</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the Conditional Use Permit to allow a Secondary educational facility in the R4 District, subject to the following conditions:
1. Submit revised plans to show all landscaping in compliance with Omaha Municipal Code, and a 35-foot wide no-build easement along Purple Martin Parkway.
2. Compliance with the revised site/landscape plan.
3. Compliance with the submitted operations plan.
4. Compliance with all other applicable regulations.
Mr. Rosacker seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>17.</th>
<th>C7-17-067</th>
<th>D-APPROVAL</th>
<th>REQUEST: Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Secondary educational facilities in a R3 District, with a waiver of Section 55-166, Height to allow a 49 foot tall scoreboard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Millard Public Schools, John Brennan</td>
<td>LOCATION: 14905 Q Street</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the Major Amendment to a Conditional Use Permit (assumed) to allow Secondary educational facilities in a R3 District, with a waiver of Section 55-166, Height to allow a 49 foot tall scoreboard, subject to the following conditions:
1. Compliance with the submitted site plan.
2. Compliance with the submitted elevation plan.
3. Submittal and compliance with an acceptable landscape plan to screen the rear of the scoreboard from Q Street.
4. The scoreboard must be turned off no later than 30 minutes after the end of the event.
5. Compliance with all other applicable regulations.
6. Compliance with all other previously approved conditions.
Mr. Rosacker seconded the motion which carried 6-0 with Mr. Pate recused.

**Vacations**

<table>
<thead>
<tr>
<th>18.</th>
<th>C14-19-047</th>
<th>D-APPROVAL</th>
<th>REQUEST: Vacation of the north/south alley located north of Shirley Street, east of 91st Avenue abutting Lots 8, 9 and 11, Block 4, West Pacific Hills and Lot 2, Sunset Meadows</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Board</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, this case was placed on the Consent Agenda. Ms. Karnes moved for approval. Mr. Rosacker seconded the motion which carried 7-0.

**ADMINISTRATIVE MEETING ONLY**

<table>
<thead>
<tr>
<th>1.</th>
<th>C10-18-242</th>
<th>C12-18-243</th>
<th>REQUEST: Final Plat approval of FALLING WATERS NORTH, a subdivision outside the city limits, with rezoning from AG to R4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gretna Public Schools, Dr. Kevin Riley, Superintendent</td>
<td>LOCATION: South of HWS Cleveland Boulevard and west of 198th Street</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, Mr. Eric Englund, Manager of Current Planning, explained that the preliminary plat for had been approved, with conditions, by the Planning Board on November 7, 2018. Subsequently, on January 18, 2019, the preliminary plat was approved, again with conditions, by the City Council. He stated that the applicant is proposing to build an elementary school on the 17.5 acre site, which is a permitted use in R4 zoning. Mr. Englund stated that the department recommends approval of the rezoning from AG to R4 and approval of the final plat subject to the submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council for final approval.

Mr. Morris moved for approval of the rezoning from AG to R4 and approval of the final plat subject to the submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council for final approval. Mr. Magid seconded the motion which carried 7-0.
2. C10-17-046
   C12-17-047
   180 Maple LLC

   **REQUEST:** Final Plat approval of ANTLER VIEW EAST
   (Lots 1-11 and Outlots A-E), a subdivision outside the city limits, with rezoning from AG 
   and R4 to DR, R4 and MU (laid over from 2/6/19)

   **LOCATION:** Southwest of 180th Street and West Maple Road

At the Planning Board meeting held March 6, 2019, Mr. Eric Englund, Manager of Current Planning, advised that the Planning Board had recommended approval of the revised preliminary plat at the February 6, 2019 meeting. At the same meeting, he advised, the Planning Board laid over the final plat of the first phase to address a few items. The first phase, final plat including 11 lots and 5 outlots is back today with the recommended changes from the layover last month. He stated that one of the issues was to adequately address all of the proposed wetland areas, either through incorporating them in an outlot or to properly mitigate them. Mr. Englund stated that one of the outlots on the west portion has been enlarged to encapsulate most of those wetlands. He stated that the second item dealt with the south side of lot 10 fronting on the parkway. Mr. Englund explained that in order to adequately buffer the proposed use, the plan now proposes an outlot with heavy landscaping and no access drives from the parkway to lot 10. There are a few issues to be addressed with the Parks department before going to City Council, and some minor mixed use items that will need to be updated before the Mixed Use Development Plan can be forwarded to the City Council for final approval. With these items in mind, however, the Planning Department is recommending approval.

Mr. Rosacker moved for approval of the rezoning from AG and R4 to DR, R4 and MU, subject to submittal of an acceptable final Mixed Use District Development Agreement. Approval of the final plat, subject to addressing the conditions of revised preliminary plat approval and submittal of a final acceptable subdivision agreement, prior to forwarding this request to the City Council. Mr. Moore seconded the motion which carried 7-0.

3. C10-16-289
   C12-16-290
   Fountain West Office Park, LLC

   **REQUEST:** Final Plat approval of FOUNTAIN RIDGE EAST
   (Lot 1 and Outlots A-B) (formerly Fountain West Office Park), a subdivision outside the city limits, with rezoning from AG 
   to DR and MU

   **LOCATION:** Southeast of 192nd Street and West Dodge Road

**Ms. Karnes recused herself from discussion of this case and left the chambers**

At the Planning Board meeting held March 6, 2019, Mr. Eric Englund, Manager of Current Planning, stated that this is the final plat of the first phase of Fountain Ridge East, which was formerly known as Fountain West Office Park. The preliminary plat was approved by the City Council in April of 2017. Mr. Englund stated that this phase includes one lot and two outlots. He explained that the overall development plan is proposed for over 600,000 square feet of office space in ten buildings, this first phase includes 183,000 square feet of office space in three buildings.

Mr. Englund advised that there are a few items in the Mixed Use Development Plan which need to be updated to address the ongoing coordination with the adjacent development and the City of Omaha. Those items will need to be updated prior to forwarding this to the City Council for final approval. He also stated that the proposed phasing plan does not allow frontage on Burke Street, so a small portion of lot one will need to be extended to Burke Street to allow access and the north/south access drive will be include in the platted, buildable lot.

Mr. Englund stated that conditionally the proposed final plat is consistent with the approved preliminary plat and ordinances of Chapter 53 subdivision of the City code. The department recommends approval with conditions listed within the recommendation report.

Mr. Moore moved for approval of the rezoning from AG to DR and MU, subject to submittal of an acceptable Mixed Use Development Agreement prior to forwarding the request to City Council. Approval of the Final
Plat, subject to the following conditions prior to forwarding the request to the City Council for final action:

1. Revise the final plat to extend Lot 1 to Burke Street to include the full north/south access drive within the platted lot.
2. Submittal of an acceptable final subdivision agreement.

Mr. Morris seconded the motion which carried 6-0 with Ms. Karnes recused.

Following the vote, Ms. Karnes returned to the chambers for discussion of the next case.

4. C10-18-017
   C12-18-018
   AVG-CFM 204Q, LLC c/o J.F. Carter
   REQUEST: Final Plat approval of COVENTRY NORTH (Lots 2-11 and Outlots A-B), a subdivision outside the city limits, with rezoning from AG and MU to DR and MU
   LOCATION: Southwest of 204th and Q Streets

At the Planning Board meeting held March 6, 2019, Mr. Eric Englund, Manager of Current Planning, described this request as the second phase of Coventry North. The final plat will include ten mixed use lots and two outlots within 14 acres. He stated that there are a couple of items that the City would like to sit down and go over with the applicant, so the department is recommending a layover. Mr. Englund explained that the first matter pertains to a portion of the main street which goes through the development and includes parking on both sides of the right of way. The right of way width needs to be a minimum of 100’ across in that location and currently it is shown in the proposal as being approximately 79’ across. In addition, Mr. Englund stated that there was a typo on the report; the lot mentioned as being lot 12 should actually be lot 11. Lot 11 has street frontage on all four sides and there is quite a bit going on with the layout and with the mixed use requirements, the building has to have acceptable frontages and facades facing the public right of way so the department needs more information about how the building would operate, including building operations to make certain they would be acceptable. Mr. Englund reiterated that the department recommends a layover to allow the applicant time to meet with the department to work through these issues.

Mr. Pate moved for layover to allow the applicant time to coordinate with city staff regarding the requirement for increased right-of-way widths to accommodate mixed use code requirements, as well as the orientation and layout of the commercial building on Lot 11. Mr. Moore seconded the motion which carried 7-0.

(REGULAR AGENDA)
Subdivisions

8. C10-19-039
   C12-19-040
   Aldrich Holdings, LLC
   REQUEST: Preliminary Plat approval of OLDE TOWNE COMMONS, a subdivision outside the city limits, with rezoning from DR and R4 to MU
   LOCATION: Southwest of 204th Street and Honeysuckle Drive

At the Planning Board meeting held March 6, 2019, Mr. Neeraj Agrawal, 3814 Farnam Street, appeared before the Board on behalf of Aldrich Holdings, LLC. Mr. Agrawal explained that the applicant is proposing 17 acre, mixed use development. 126 multi-family rowhouses would be on 6 acres, these homes would be made up of two and three bedroom homes, both with 2½ bathrooms and back loading garages. The intention is to provide a novel rental option in west Omaha where the multi-family homes are predominately apartment complexes. The office/commercial aspect of the development will consist of three buildings on approximately 3.75 acres, 1.8 and 1.1 acres. The goal is to provide primarily office space on all three lots, Mr. Agrawal stated that one large user has expressed interest in the building on the 3.75 acre lot.

Mr. Agrawal stated that the intention is to go through entitlements this year, begin construction on the row houses in Spring of 2020 and to be finished with the project in 18 to 24 months.

There were no opponents.

Mr. Eric Englund, Manager of Current Planning, stated that the department is pleased with the proposed layout which will provide a main street which will connect the residential and office/commercial portions of the development, with parking on both sides. Mr. Englund stated that there are still a few items to work out
on the preliminary plat but that, conditionally, the proposed preliminary plat is consistent with the goals and objectives of the City’s Master Plan and the requirements of Chapter 53 of the Omaha Municipal Code. He stated that the department recommends approval subject to conditions listed in the recommendation report.

Mr. Morris moved to approve the rezoning from R4 and DR to MU, subject to submittal of an acceptable Mixed Use Development Plan prior to forwarding the request to City Council. Approval of the Preliminary Plat, subject to the following conditions:
1. Provide for all improvements identified in the final traffic impact study.
2. Provide the following notes on the plats:
   a. There shall be no access to 204th Street from any lots.
   b. There shall be no access to North Main Street from Lot 3.
3. If a retaining wall is necessary between the stormwater facility and the Blondo Street right-of-way, create a new privately-owned outlot to include the wall and slope, leaving only the stormwater retention facility within an SID-owned outlot.
4. Grade the subdivision to match the ultimate profile of Blondo Street.
5. Provide language in the final subdivision agreement providing a future contribution to the Blondo Street paving improvements.
6. Provide sidewalks as required pursuant to Chapter 53 Subdivisions of the Omaha Municipal Code and/or Section 55-924 of the zoning ordinance (including along 204th Street).
7. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
8. Compliance with all applicable stormwater management ordinances and policies.
9. An acceptable debt ratio of 4.0 percent or less.
Mr. Rosacker seconded the motion which carried 7-0.

Rezonings

<table>
<thead>
<tr>
<th></th>
<th>C10-19-042</th>
<th>REQUEST:</th>
<th>Rezoning from R2 to CC</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Christopher Hamenoo-Kpeda</td>
<td>LOCATION:</td>
<td>2321 North 73rd Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held March 6, 2019, Mr. Mark Sanford, 1306 N 162nd Street, appeared before the Board on behalf of the applicants. Mr. Sanford stated that the applicant's property is the only one left on the block that is not zoned for commercial use. He stated that the applicant is currently living in the house at this location and they would like to convert into a drive-thru only restaurant which would be a second location for the restaurant the applicant owns and operates in Ralston. Mr. Sanford explained that the proposal is to utilize the driveway currently in use at the center of the lot which leads to a garage which would be closed up. The drive would extend from the south side of the property around to the east side of the property and ending at the north side of the house where there is a kitchen. Mr. Sanford explained that there will be no sit down business at the location, no customers will be entering the building and the only employees will be the applicants, which is why the plans only show six parking stalls. He stated that 73rd Street is an undeveloped, dirt street which does see some traffic due to it providing access to commercial properties south of this location as well as currently providing on-street parking for those businesses. The applicants would like to take advantage of the traffic currently using this street to build their business.

There were no opponents.

In response to questions from Mr. Magid, Mr. Sanford stated that currently the applicants are the only two people occupying the house and the north side of the house, including the kitchen area, will be remodeled to allow for the commercial use. He also advised that the planning for the interior has not been completed at this time, including the separation of the commercial use and the residential use in the building. Mr. Sanford stated that there are no houses across from this location, instead there is a tennis court which is likely to be there for quite a while. Mr. Magid noted that there appears to be adequate lighting and stacking for this intended use. Mr. Sanford advised that the building is up on a hill and that with the buffering and landscaping currently present, there will be no lights shining into other buildings or residential homes. Mr. Sanford stated that the only neighbor who inquired about the plans was not opposed after having the project plan explained to him.

In response to questions from Mr. Pate and Mr. Morris, Mr. Sanford stated that the signage will likely consist of a monument sign to direct people from 72nd Street to the frontage of the building on 73rd Street, as well
as entrance and exit signs at the drive. He stated that there would be no pole sign like a McDonalds restaurant. He stated that the applicants had inquired about purchasing the vacant McDonald’s building, but the seller stipulated that the building could not be used as a restaurant. He stated that the building is visible from 72nd Street and they may consider putting some signage on the back of the building.

Mr. Eric Englund, Manager of Current Planning, stated that the Master Plan does call for office/commercial for this area and this property is the only portion of the block which is not zoned commercially. However, due to the frontage being on 73rd Street which is seriously deteriorated and lacks standard improvements which are generally required for a commercial operation, the department is recommending denial of the request for rezoning. In addition, Mr. Englund stated that due to the grade of the property it would not be feasible to access the location from either Lake Street or 72nd Street. With the zoning as it exists, it is not possible to lock down the proposed site plan, and it is likely that a waiver for the stacking requirements would likely be needed from the Administrative Board of Appeals. Due to the drive-thru being located near residential properties there would also be requirements for additional screening and other items. If the home was to be converted to a commercial building, there would be a several types of building code requirements which would be put in place which would likely be difficult to accomplish from a single family residential home. If the use were to be a less traffic intensive office type use, which could be accomplished with a use permit, there would be standards put in place with regards to street improvements and other requirements to make this a permitted use. However, Mr. Englund stated that the proposed rezoning, without the condition of improving the street and locking down standard requirements, the department does not believe it would be consistent with elements of the Master Plan.

In response to a question from Mr. Pate, Mr. Englund stated that if the applicant did wish to make improvements to the street, at their expense, there was a mechanism in place through Public Works to make that possible. Mr. Ryan Haas, Public Works department, stated that there are a large number of unimproved streets in the City and there is not the funding to improve all of those streets. He stated that since the request is for rezoning rather than a Use permit, they are not able to require the improvement of that street as a condition of approval.

Mr. Rosenbaum stated that, although he does not know what the decision of the Board will be on the request, he is not sure that granting the request would be in the best interest of the applicant due to the costs involved in making the property comply with the applicable City codes. He stated that he does not like to turn down young entrepreneurs who are trying to better the community, but he is concerned that approving this request would lead to a lot of additional costs to the applicant. Mr. Rosacker concurred with the position of Mr. Rosenbaum that the additional expenses with converting the building and the lot, and improving 73rd Street would create a significant burden for the applicant.

Erica (no last name), 2321 North 73rd Street, inquired as to why the other businesses on the street have been able to use the street for access to their locations without the requirement for improving the street, but their business cannot do the same. Mr. Eric Englund, Manager of Current Planning, stated that the reason is because businesses of a different nature have different traffic coming to and from the business. He explained that a drive-thru restaurant use is looked at the same in the city code whether it is a type which has 100 cars per day, or a smaller restaurant which has much less traffic. Mr. Englund stated that a different zoning district which would require a use permit, would include the requirement of improving the street at a significant expense to the business. He stated that the other businesses on the street do not have access mid-block on 73rd Street, they have access off of Lake Street or 72nd Street, and the business to the south of the applicant also has access off the street on its other side.

In response to questions from the Board, Mr. Christopher Hamenoo-Kpada, 2321 North 73rd Street, advised that the restaurant will provide food delivery service as well as the drive-thru service. He stated that he anticipates approximately 50 to 75 orders per day and that most of them would be delivery orders, based on their experience. He stated that he anticipates approximately 20 cars would visit the location per day and that he believes the property is large enough to handle any overflow stacking as well.

In response to a question from Mr. Rosenbaum, Mr. Englund stated that the Board would not be doing any damage by approving the request. He stated that the department recommends denial because the use is not appropriate given the condition of the street. Mr. Magid reminded the applicant that regardless of the decision of the Planning Board, the request also has to be approved by the City Council. Mr. Englund stated
that if the Board approves the request, the Council would need a simple majority to approve the request, 4-3. If the Board denies the request, the Council would need a super-majority, 5-2 or better.

Mr. Morris moved to approve the rezoning from R2 to CC. Mr. Magid seconded the motion which carried 5-2 with Mr. Pate and Mr. Rosenbaum dissenting.

APPROVAL OF MINUTES

Mr. Pate moved for approval of the minutes of the February 6, 2019 Planning Board pre-meeting as written. Mr. Rosacker seconded the motion, which carried 6-0 with Mr. Pate abstaining.

Mr. Rosacker moved for approval of the minutes of the February 6, 2019 Planning Board meeting as written. Ms. Karnes seconded the motion, which carried 6-0 with Mr. Pate abstaining.

ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 2:19 p.m.

Date Approved

Greg Rosenbaum, Chairman

Lisa Agans, Planning Board
Recording Secretary