Ms. Nubel, Vice Chair, 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 below were voted on concurrently in accordance with the Planning Department’s recommendation report or at the applicant’s request for the case to be laid over.

(REGULAR AGENDA)

Master Plan Referrals

6. C3-10-071 D
   Notre Dame Apartments, LLC
   REQUEST: Approval of the NOTRE DAME, LLC
   LOCATION: 3501 State Street

Mr. Hoich moved to LAY OVER. Mr. Neary seconded the motion which carried 6-0 with Mr. Kelley abstaining.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

Subdivision Plats

12. C10-10-077 D
    C12-10-078
    Curt Hofer Construction, Inc.
    REQUEST: Preliminary and Final Plat approval of MOORE’S HILLTOP, a minor plat outside the city limits, with rezoning from AG to R3
    LOCATION: 17324 “F” Street
Mr. Hoich moved to APPROVE the preliminary plat, subject to providing sidewalks along the “F” Street frontage. Approval of the final plat subject to compliance with the condition of preliminary plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Approval of the rezoning from AG to R3. Mr. Neary seconded the motion which carried 7-0.

13. C10-10-079 D 
C12-10-080  
CR Investments, Inc.  
REQUEST: Preliminary and Final Plat approval of WOOD VALLEY REPLAT 2, a minor plat outside the city limits, with rezoning from DR and R4 to DR and R4  
LOCATION: Northeast of 144th Street and Military Road  

Mr. Hoich moved to APPROVE the preliminary plat, subject to submittal of a final amended subdivision agreement and record Wood Valley and Wood Valley Replat One prior to forwarding this replat to the City Council. Approval of the rezoning from DR and R4 to DR and R4. Mr. Neary seconded the motion which carried 7-0.

Administrative Meeting Only

1. C12-09-160  
Incontro Enterprises, LLC  
REQUEST: Final Plat approval of INCONTRO VILLAGE, a subdivision inside the city limits  
LOCATION: Southeast of 60th and Spring Streets  

At the Planning Board meeting held on June 2, 2010, Mr. Chad Weaver, Assistant Planning Director, Planning Department stated that the city recommends that the case be laid over to allow additional time.  

Mr. Neary moved to LAY OVER for 30-60 days. Mr. Nesbitt seconded the motion which carried 7-0.

Public Hearing and Administrative Meeting

HOLD OVER CASES

Master Plan Referrals

2. C3-10-044  
Parks, Recreation & Public Property on behalf of the City of Omaha  
REQUEST: Approval of an updated Master Plan for the Omaha Suburban Park System  
LOCATION: Omaha and 3-mile extraterritorial jurisdiction  

At the Planning Board meeting held on June 2, 2010, Ms. Pat Slaven, Parks & Recreation Planner, City of Omaha, 1819 Farnam Street, presented this request. In February 2001 the City Council approved the original Master Park Plan that provided the long-term vision for the park development in the suburban areas. The plan consists of a narrative document and a map. The map identifies locations and sizes for four community parks that are large enough to contain community type activities (i.e ball fields, community centers). The neighborhood parks were identified and located so that there was one park within approximately one-half mile of all residences. The map also included trails and boulevards within easy access to residents in the area. The plan also established a means for financing of the project. The current update includes a number of items. The plan was revised to reflect changes in the city’s jurisdictional boundaries due to annexation. The parks sites and descriptions section was also updated to include programming for the additional parks and also identifies some reductions due to an effort to reduce the funding deficits of the plan. Lastly, the park boulevards design guidelines were expanded to provide more detailed guidelines and eliminate some of the generality of the original plan. The largest undertaking of the update began when it was apparent that the mechanism for financing was not sufficient, expenditures far exceeded revenues collected by the park fees. An economist was retained
from HDR to study the situation, provide an in-depth analysis, and address the inadequacies.

Mr. Jeremy Cook, HDR, 8404 Indian Hills Drive, appeared before the board. The last couple of years have been spent updating the financing strategies for the Suburban Parks Master Plan. There was a massive funding shortfall in terms of the three different park types of the neighborhood parks, community parks and trails and boulevards. The submitted package provides a solution that addresses the financing issues by working with MOBA. The neighborhood parks would be revised and the city will no longer be collecting the fees directly. The fees will be reimbursed to the developers directly. Trails and boulevards will rely on another system would be more equitable for homebuyers. Basically a fee will be collected at the time of the building permit and will be valuation based and more equitable for the lower income houses but will also create enough fees to pay for the entire system. Mr. Cook offered to answer any questions.

Brian Doyle, 11404 West Center Road, appeared before the board to represent MOBA. He stated that MOBA strongly supports the update to the Master Plan.

No one appeared in opposition.

Mr. Neary moved to APPROVE the updated Master Plan for the Omaha Suburban Park System. Mr. Deeb seconded the motion which carried 7-0.

3. C3-10-069 Planning Department on behalf of the City of Omaha

REQUEST: Approval of an amendment to Chapter 55 Zoning of the Municipal Code regarding nonconforming uses

LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on June 2, 2010, Mr. Chad Weaver, Assistant Planning Director, Planning Department, presented this request.

Mr. Weaver stated that this request is to clarify the language in the code regarding use permits.

No one appeared in opposition.

Mr. Neary moved to APPROVE the Chapter 55 Zoning of the Municipal Code regarding nonconforming uses. Mr. Deeb seconded the motion which carried 7-0.

Subdivision Plats

4. C12-09-204 Curt Hofer Construction, Inc.

REQUEST: Preliminary and Final Plat approval of LINDEN ESTATES REPLAT 8, a minor plat inside the city limits

LOCATION: North 142nd Circle, north of Hamilton Street

At the Planning Board meeting held on June 2, 2010, Doug Kellner, Thomas Dreessen & Dorner, 10836 Old Mill Road, presented this request on behalf of the owner. Mr. Kellner submitted a photo indicating an existing cul-de-sac with a large island where the landscaping in the center of the island is not maintained to the owner’s standards. The owner is willing to remove the island and landscape at his own expense and also replat the cul-de-sac. The adjacent homeowners, the homeowner association and the developer of the subdivision are in favor of the request.

No one appeared in opposition.

In response to Mr. Hoich, Mr. Kellner answered that other islands in the subdivision are different but some are similar. The cul-de-sac will be designed to meet the City of Omaha design standards.
In response to Mr. Rosenbaum, Mr. Kellner stated the owner would accept the cost of the relocation of the light pole and fire hydrant. The city would still have an easement for all utilities.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated there are a number of other landscaped islands in the subdivision. The city does not feel the removal of the island is appropriate therefore the city recommends denial.

Mr. Deeb asked if there would be any cost to the city. Mr. Weaver verified that the city would not incur any cost.

Mr. Hoich stated he does not believe this is a hardship to the city and there seems to be an inconsistency with all the existing islands in the area.

Mr. Nesbitt moved to APPROVE the Preliminary and Final Plat approval of LINDEN ESTATES REPLAT 8. Mr. Hoich seconded the motion which carried 7-0.

**Conditional Use Permits**

5. C7-10-063 City of Omaha

REQUEST: Approval of a Conditional Use Permit to allow Safety services in a R4 District

LOCATION: Northwest of Atlas and “D” Streets

At the Planning Board meeting held on June 2, 2010, Mr. Chad Weaver, Assistant Planning Director, Planning Department, presented this request.

Mr. Weaver stated the Urban Design Review Board has reviewed the building. The city recommends approval subject to the six items listed on the recommendation report.

No one appeared in opposition.

Mr. Nesbitt moved to APPROVE subject to 1.) Providing screening on the west and northwest sides of the proposed parking lot and along the east side of the access driveway; said screening to be tall enough to block the headlights of the safety vehicles and employee/visitor vehicles on the site, but not create hazardous visibility; 2.) Providing screening on the north/northeast side of the back-up generator; 3.) Submittal of an acceptable landscape plan that provides for the number, size and species of plants and trees; 4.) Compliance with the amended site/landscape plan that provides items #1, 2 and 3 above; 5.) Compliance with the proposed building elevations; and 6.) Compliance with the proposed operating statement. Mr. Neary seconded the motion which carried 7-0.

**(REGULAR AGENDA)**

**Master Plan Referrals**

7. C3-10-072 Capitol Rows LLC

REQUEST: Approval of the CAPITOL ROWS, LLC TIF REDEVELOPMENT PROJECT PLAN

LOCATION: Between 22nd and 24th Streets, Chicago and Davenport Streets

At the Planning Board meeting held on June 2, 2010, Ms. Bridget Hadley, City Planner, Planning Department, presented this request.

Ms. Hadley stated that this project is located in a blighted area and is a follow up that incorporates the planning board approval and conditions on May 5, 2010 for the final replat and rezoning. It does involve
changes to the land use, formerly a surface parking lot and vacant land to residential and commercial usage. This is a prerequisite to the redevelopment plan that will allow for the use of TIF in the amount of $765,000 to offset the cost of the site preparation, site development and related public improvement costs. The plan does contemplate a total of 82 market rate apartments and commercial space as well as parking. The plan does remove some blight from the area due to underutilized land and facilitates revitalization of a new market rate residential development with a small commercial bay within the Capital Heights area of the Downtown Master Plan.

No one appeared in opposition.

Mr. Nesbitt stated he was concerned that there are too many apartments in the area. Ms. Hadley stated the area should be able to sustain the additional apartments. The project is worthy and meets the goals of economic development, which is a project that is encouraged with TIF dollars. The developer may not make the economic decision if the TIF dollars were not available. The TIF dollars are identified and are used for public infrastructure improvements, site preparation including grading and architectural engineering fees and can be used toward the offset of the acquisition of the land.

Mr. Neary confirmed that $350,000 of the $765,000 would go toward public improvements.

Mr. Don Mohlman, President, Tetrad Development Corporation, developer who represents Capitol Rows LLC, stated that the primary purpose of the project is to provide market rate rents for the area. A significant amount of the TIF will provide improvements to 24th Street providing parallel parking adjacent to the site. This project will enhance 24th Street, which is the main artery to the Creighton campus and north Omaha. There have been meetings with Creighton University and they are excited about meeting the housing needs. This project is not campus funded but the intent of the project is to provide affordable housing for upper classmen, graduate students and students with families. There will be 61 one-bedroom units and 22 two-bedroom units. In relation to the TIF dollars, the project would not be feasible from a private developer perspective without TIF.

Mr. Rosenbaum asked if Central High used this area for parking. Mr. Mohlman stated that parking stalls are presently leased to Central High students but there will be additional off-street parking created with the TIF dollars.

Mr. Kelley moved to APPROVE the TIF Redevelopment Project Plan. Mr. Deeb seconded the motion which carried 6-0 with Mr. Nesbitt abstaining.

8. C3-10-073  
828 South 17th Street, LLC  
REQUEST: Approval of the 828 SOUTH 17th STREET, LLC TIF REDEVELOPMENT PROJECT PLAN  
LOCATION: 828 South 17th Street

At the Planning Board meeting held on June 2, 2010, Ms. Bridget Hadley, City Planner, Planning Department, presented this request.

Ms. Hadley stated that this is a prerequisite to a redevelopment plan that will use TIF dollars in the amount of $440,000 to offset the cost of site development and related public improvements. This particular project does not involve any zoning changes or land use changes but involves a plant expansion and remodel to an existing building that will expand the current tenant capacity for manufacturing. Most of the construction will take place on the southern side of the building. The project is very worthy because it allows for business expansion, increased investment within the city, employment opportunities with various lines added to the building and increased real estate property taxes.

No one appeared in opposition.

Mr. Nesbitt stated this project is the type of project that should utilize the TIF dollars.
Mr. Chad Weaver, Assistant Planning Director, Planning Department, recommended that there be funding through the TIF for non-conforming aspects of the site. Ms. Hadley answered stated that the project would be required to meet all the design guidelines which will include landscaping. The cost will increase because of a need for electricity and water service at this site.

Ms. Nubel questioned the amount of jobs that this project would bring to the area. Ms. Hadley stated that initially there will be 10-15 additional employees but within the next 2-3 years there will be an additional 50-70 new employees.

Mr. Nesbitt moved to APPROVE the TIF Redevelopment Project Plan. Mr. Neary seconded the motion which carried 7-0.

The board agreed to hear the following two cases at the same time.

9. C3-10-074  
JSE Land Corporation  
REQUEST: Approval of an amendment to the Future Land Use Element of the City’s Master Plan from Office/Commercial to Low density residential for property located at 4916 “J” Street  
LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on June 2, 2010, Joe Kosiski, JSE Land Corporation, 5040 “I” Street presented this request. He stated that the property was purchased in 1994 as a duplex and he would like to continue renting the property.

No one appeared in opposition.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the planning department recommends approval.

Mr. Deeb moved to APPROVE the request to amend the Land Use Element of the Master Plan to change the future land designation from office and commercial to low density residential for both 4912 and 4916 “J” Street. Mr. Neary seconded the motion which carried 7-0.

10. C3-10-084  
Planning Department on behalf of the City of Omaha  
REQUEST: Approval of an amendment to Chapter 55 Zoning of the Municipal Code regarding off-street parking design standards

15. C10-10-075  
Joe Kosiski  
REQUEST: Rezoning from R3 to R5  
LOCATION: 4916 “J” Street

At the Planning Board meeting held on June 2, 2010, Joe Kosiski, JSE Land Corporation, 5040 “I” Street presented this request. He stated that the property was purchased in 1994 as a duplex and he would like to continue renting the property.

No one appeared in opposition.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the planning department recommends approval.

Mr. Neary moved to APPROVE the rezoning from R3 to R5. Mr. Deeb seconded the motion which carried 7-0.
LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on June 2, 2010, Mr. Chad Weaver, Assistant Planning Director, Planning Department, presented this request. Mr. Weaver stated that this request is to clarify the interpretation of the code therefore the city recommends approval.

No one appeared in opposition.

Mr. Neary moved to APPROVE an amendment to Chapter 55 Zoning of the Municipal Code regarding off-street parking design standards. Mr. Deeb seconded the motion which carried 7-0.

11. C3-10-085
Planning Department on behalf of the City of Omaha
REQUEST: Approval of an amendment to Chapter 55 Zoning of the Municipal Code regarding setback adjustments
LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on June 2, 2010, Mr. Chad Weaver, Assistant Planning Director, Planning Department, presented this request. Mr. Weaver stated that this request is to clarify that there are exceptions for private and community garages but not accessory buildings.

No one appeared in opposition.

Mr. Neary moved to APPROVE an amendment to Chapter 55 Zoning of the Municipal Code regarding off-street parking design standards. Mr. Deeb seconded the motion which carried 7-0.

Subdivision Plats

14. C10-10-081
C12-10-082
Orange Development
REQUEST: Preliminary and Final Plat approval of DUNDEE PLACE REPLAT NO. 19, a minor plat inside the city limits, with rezoning from R7, LO and GC to CC (subject property is also located within an ACI-2 Overlay District), and Repeal of a PK-Parking Overlay District
LOCATION: Northeast of 49th and Dodge Streets

At the Planning Board meeting held on June 2, 2010, Mr. Larry Jobeun, Fullenkamp Doyle & Jobeun, 11440 West Center Road, presented these requests on behalf of the applicant.

Mr. Jobeun introduced Mr. David Barnett, Carlson Consulting Engineers, Inc, whom is working on this project as well. Jobeun stated the proposed site is approximately 1.82 acres and is located between Dodge and Capitol, 49th Street and mid block. The building will be 13,225 square feet and is well designed to be compatible with the adjacent uses. He explained that there are currently five commercial buildings and three residential houses that exist on the site that will be removed and demolished. Jobeun used aerials and slides to show the existing conditions, site limitations and the proposed site plan. He described each side of the proposed site plan with respect to the various components of the site plan. There will be a 20’ buffer and a 10’ sidewalk along the boundary line down to 14’ adjacent to the building on 49th Street. There will be street trees with six diagonal spaces off of 49th Street. Along the Capitol Avenue side there will be a 20’ buffer from the parking area to the sidewalk or the property line. On the side west of the entrance off of Capitol Avenue, there is an additional 6’ of green space for a total of a 36’ buffer. East of the Capitol Avenue entrance is a 20’ buffer and an additional 13’ between the sidewalk and the back curb of Capitol Avenue. On the mid block there will be a 35’ buffer between the adjacent residential use and the parking area. There is an existing fence that will remain with plenty of landscaping. The east side will have a commercial 5’ buffer. The Dodge Street side will include a 15’ sidewalk on the southwest corner of the building with 10’ of the sidewalk decreasing in elevation. An
additional 5' of sidewalk will run along the building supported by a retaining wall which varies in height but does meet all the Urban Design guidelines. The main entrance to the store will be located on the southeast corner but the northwest corner will facilitate the drive-thru canopy. Additional landscaping will be located between the sidewalk and the parking area with street trees as required by the code. There is adequate landscaping throughout the site and meets or exceeds the requirements as required by code. The access from Capitol Avenue is very important with regard to better access to the neighborhood and to the drive-thru.

Mr. Neary questioned the parallel parking on Dodge Street. Mr. Jobeun answered that it was agreed that 46.5’ is enough right-of-way requirement dedicated for future parallel parking.

Mr. Jobeun stated there are two 48” underground tanks that will serve as detention and will eventually spill into the Dodge Street right-of-way. The building materials include brick, EFIS and glass on all four sides. The EFIS will only appear around the sign areas or the sign bands. After a neighborhood meeting on May 10th, the decorative brick on the north elevation was changed to match the other elevations of the store. Secondary signage will be reviewed and adjusted on the east elevation. The redevelopment plan will be submitted as a TIF project request in the near future because of the cost involved in the land assemblage based on the grade change.

Mr. Jobeun stated the original location choice was at 50th and Dodge but after working with various departments and numerous meetings, it was determined that 49th and Dodge would be a better location. CVS wants to be a good neighbor as evidenced by the material choices and willingness to work with various departments. He stated that CVS agrees with everything on the recommendation report with the exception of two items. First, it is very important to CVS that the Capitol Avenue access is maintained. Second, the final plat and administrative plat need to be recorded simultaneously because a landowner is unwilling to subdivide his property without assurance that CVS will close.

Ms. Molly Romero, 5101 Nicholas Street, appeared in opposition to the request. Ms. Romero stated that there is concern that the main entrance on the southeast corner is not pedestrian friendly. She suggested that pedestrians also access the building at the corner of 49th and Dodge. Another aspect to consider would be to alter the roofline to be more “Dundee-like” and not so “box-like”. Another suggestion would be a rain garden.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, reiterated that the purpose of the request is for platting and zoning of the subject property.

Nils Anders Erickson, 4817 Davenport Street, appeared in opposition to the request. Mr. Erickson stated he has been a resident in the area for 50 years and represents the Lincoln Highway and Lincoln Highway Nebraska.org. He explained that the Lincoln Highway was the first coast-to-coast highway and Omaha was the epicenter. The intersection of 49th and Dodge Street represents every structure intact from the 1920’s. The Lincoln Highway is a National Historic Landmark and the National Parks Service has said that any structure or building on the Lincoln Highway should be considered historic until proven otherwise. The Lincoln Highway in Nebraska only had 18 miles of brick road which ran from the Missouri River to Elkhorn. He is concerned about the access from Dodge Street with regard to the traffic volume, safety and the destruction of several historic buildings. Erickson requested a plaque for the City of Omaha regarding the Lincoln Highway.

Mr. Deeb suggested adding a “Lincoln Highway” brass marker or plaque to the CVS building.

Jenny Allgood, 4815 Davenport Street, appeared in opposition to the request. Ms. Allgood agreed that there needs to be a facelift of the commercial property at 49th and Dodge Streets but she suggested that small business and variety stay in the neighborhood. She stated she is strongly opposed to changing a residential street to a commercial facility especially when there are other available locations, i.e. former Target store on Saddlecreek. She submitted photos of five homes that are slated to be removed and demolished. The communication and inadequacy to convey the magnitude of the project has been frustrating. There are many rental unit properties located on Capitol Avenue that are owned by persons
or various companies that are not centered in Omaha. There is an importance in maintaining the neighborhood and preserving the things that make Dundee unique. She stated that the style and material of the building is very important but she objects to the oversized parking lot and the reasons for opposition are: 1.) loss of neighborhood, 2.) setting a dangerous precedent, 3.) increased traffic and the dangerous traffic situation, 4.) increased noise and light, 5.) decrease in property value and 6.) crime and trash in the area.

Kelly Coffey, 4819 Douglas Street, appeared in opposition to the request. Ms. Coffey stated that the proposed area is registered on the National Register of Historic Districts. She stated she was concerned that Capitol Avenue will become another commercial street.

Damon Jenowe, 4807 Davenport Street, appeared in opposition to the request. Mr. Jenowe stated he has lived in the area for five years and is concerned about protecting and preserving the quality and character of the Dundee area.

Mr. Jobeun responded that the site has been designed to be pedestrian friendly with regard to setbacks and the position of the building. He stated that two entrances do not work with respect for the operation of a CVS store. The entry is located on the southeast corner of the building for easy access in relation to the parking lot for the elderly and handicapped clientele. The 48” storm water pipes are detention pipes that will go into an inlet and they are designed to accommodate the 2, 10, and 100-year storm event before the water actually runs into the Dodge Street corridor. He stated that the proposed rooflines are about all that can be done. All equipment will be screened as required by Urban Design. He stated he would talk with CVS about the historical plaque. As indicated in an aerial photo, there will be a number of driveways eliminated along Capitol Avenue. The entrance into the parking lot from Capitol Avenue will provide better circulation of the site and better operation of the pharmacy. The view of the parking lot by the adjacent homes will be minimized with the additional green space and buffer areas and the parking lot will be at a lower grade. The hours of operation will be Monday through Sunday, 8 a.m. to 11 p.m. Noise and lighting issues will be complied with based on the noise and lighting ordinance. The delivery trucks will be directed to enter off Dodge Street and will be required to exit off 49th Street. There will be no delivery trucks allowed to enter from Capitol Avenue. In response to the size of the delivery trucks, Mr. Jobeun stated that he is not sure of the size of the delivery trucks.

Mr. Deeb questioned whether it was possible to redesign the building to allow the existing homes to remain on Capitol Avenue therefore utilizing the Dodge Street frontage. Mr. Jobeun answered that there is no way to make it work based on the size of the facility, setbacks, buffering and parking requirements. He stated that the new standards and guidelines allow for more buffering. Mr. Deeb asked if there was another design that CVS could use. Mr. Jobeun stated that the overall goal with the ACI-1 and ACI-2 is to improve and redevelop the Dodge Street corridor using the Master Plan amendments, Omaha by Design issues and the Urban Design ordinances.

Mr. Nesbitt asked whether the parking lot could be smaller. Mr. Jobeun stated that there are approximately 20 excess parking stalls as required by code but CVS based the number of parking stalls on an average peak volume. Mr. Nesbitt questioned the difference between “need” and “want”.

Mr. Neary questioned how to get to the front entrance from the different directions on the site including Capitol Avenue and the glass façade or transparency on the building. Mr. Jobeun indicated the locations of the sidewalks including the 5’ sidewalk along Capitol Avenue and the sidewalks on Dodge Street. The transparency will have to meet the requirements of the code but the Dodge Street elevation will include clear glass. Mr. Jobeun assured Mr. Neary that there would be no beer sold through the drive-thru pharmacy.

In response to Mr. Kelley, Mr. Jobeun verified that a portion of Lot 19 would be subdivided with an administrative subdivision into Lot 20 and the remaining portion of Lot 19 would be part of the CVS site. The final plat and administrative subdivision will need to be completed simultaneously.

Mr. Rosenbaum questioned whether CVS could design a building with less than 13,000 square feet. Mr.
Jobeun indicated that CVS has gone a long way from the prototype store to make this work and CVS does not have an Urban Design type store. The site is difficult but when CVS does a site selection, they are competing with every other city and every other corner in the United States. Mr. Rosenbaum stated that the store is a custom fit, then the roofline and size could be changed. Mr. Jobeun stated there are always budgetary constraints and CVS has gone a long way with just the acquisition and demolition and site work. Mr. Rosenbaum stated he is trying to be a proponent but questioned Mr. Jobeun as to what CVS “wants” as opposed to what they “need.” Mr. Jobeun stated that this is all that CVS has to give and he does not know what else CVS can do because the requirements have been met for the development of the Dodge Street corridor. Mr. Jobeun stated that he has worked closely with the Dundee-Memorial Park Association/Homeowners Association and Bob Welk including a neighborhood meeting that revealed what CVS was trying to accomplish.

Ms. Allgood added that the proposed building is a “box” and looks like other CVS buildings in town. She stated that she is an engineer and has worked with site plans and there are always exceptions for setbacks in existing neighborhoods. The proposed berms and trees will not make a difference for Davenport Street because the elevation for Davenport Street is at least 5’ higher than Capitol Avenue. The delivery trucks are large and there is no guarantee that there will not be larger trucks. There are ways to improve the Dodge Street corridor without destroying neighborhoods. She showed a photo of the Walgreens store located in the same area on Saddlecreek that shows they are able to achieve a similar facility in a more compact site. The Dodge Street noise and lights will further be brought into the neighborhood because of the CVS building site and the elimination of the existing buildings.

Ms. Nubel asked Ms. Allgood if she believes that the way the commercial property today is user friendly or functional in the neighborhood. Ms. Allgood stated that she has been able to walk to a former coffee shop and frequents the 49’R Bar on the corner of 49th and Dodge.

Mr. Neary stated that the board attempts to balance services and owners rights. He cited that the nearby Goldberg’s as an example of conversion and adding commercial development into a neighborhood. Ms. Allgood answered that she believes that there are other options to develop the property along Dodge Street and still preserve the neighborhood.

Mr. Weaver stated that the future on street parking on Dodge Street, which is part of the ACI, would require approval based on city standards. He stated that the city recommends approval subject to: 1.) Providing a dedication of 46.5’ from the centerline of Dodge Street; 2.) Removing the driveway on Capitol Avenue; 3.) Providing an access easement to the property to the east; and 4.) Applicant coordinating with the Public Works and Planning Departments regarding all driveways on 49th and Dodge Streets and approval of the final plat as amended by the conditions of preliminary plat approval and subject to: 1.) Recording Dundee Place Replat No. 18 prior to recording of the final plat; and 2.) Subject to submittal of an acceptable final subdivision agreement prior to forwarding the final plat to the City Council.

In response to Ms. Nubel, Mr. Weaver confirmed that the city’s recommendation would remain regarding the removal of the driveway on Capitol Avenue.

Mr. Weaver suggested to the board members that the vote before them would be for the rezoning, repeal of PK-Parking Overlay and preliminary and final plat approval but if there are concerns about the site and there is something inappropriate then there should be a negative vote.

Mr. Neary moved to APPROVE the preliminary plat subject to: 1.) Providing a dedication of 46.5’ from the centerline of Dodge Street; 2.) Removing the driveway on Capitol Avenue; 3.) Providing an access easement to the property to the east; and 4.) The applicant coordinating with the Public Works and Planning Departments regarding all driveways on 49th and Dodge Streets. Approval of the final plat as amended by the conditions of preliminary plat approval and subject to: 1.) Recording Dundee Place Replat No. 18 prior to recording of the final plat; and 2.) Subject to submittal of an acceptable final subdivision agreement prior to forwarding the final plat to the City Council. Approval of the rezoning from R7, LO and GC to CC. Approval of the repeal of the PK-Parking Overlay District. Mr. Kelley seconded the motion.
Mr. Jobeun asked that the board to reconsider the elimination of the Capitol Avenue access point. Mr. Kelley amended his second and stated that the preliminary and final plat is overreaching the requirement of the elimination of the driveway and suggested that Public Works determine whether or not to allow the driveway. Mr. Neary agreed to amend his motion.

Mr. Neary moved to APPROVE the preliminary plat subject to: 1.) Providing a dedication of 46.5’ from the centerline of Dodge Street; 2.) Providing an access easement to the property to the east; and 3.) The applicant coordinating with the Public Works and Planning Departments regarding all driveways on 49th and Dodge Streets. Approval of the final plat as amended by the conditions of preliminary plat approval and subject to: 1.) Recording Dundee Place Replat No. 18 prior to recording of the final plat; and 2.) Subject to submittal of an acceptable final subdivision agreement prior to forwarding the final plat to the City Council. Approval of the rezoning from R7, LO and GC to CC. Approval of the repeal of the PK-Parking Overlay District. Mr. Kelley seconded the motion which carried 5-2; Mr. Deeb and Mr. Rosenbaum dissenting.

Rezonings

16. C10-10-076  LOCATION: 2338 Polk Street
Sebastian Anzaldo  REQUEST: Rezoning from GI to R4

At the Planning Board meeting held on June 2, 2010, Mr. Sebastian Anzaldo presented this request. He stated that the lot is 50’ wide and is in an area where there are other lots available. He stated he has built other homes on similar lots in the southeast area.

No one appeared in opposition.

Mr. Neary moved to APPROVE the rezoning from GI to R4. Mr. Deeb seconded the motion which carried 7-0.

Special Use Permits

17. C8-09-208  LOCATION: 3417 Vinton Street
Silo Extreme Outdoor Adv., LLC  REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Indoor sports and recreation and Outdoor sports and recreation in a GI District

At the Planning Board meeting held on June 2, 2010, Mr. Richard Brock, 308 S 51 Street, and Chris Willet, Olsson Associates, 2111 South 67 Street, appeared before the board. Mr. Willet stated the original special use permit was approved on March 23, 2010 before the City Council but this request is for a major amendment to the special use permit to allow use of the existing parking lot to create 36 parking stalls and to renovate 12 existing silos to create indoor climbing, office and locker rooms. The purpose of the decks is to provide access to the climbers on the outside and to provide viewing areas for spectators.

Brian Allen, 4909 Davenport, a climber of the silos, was concerned about health aspects regarding fermenting of grains on the inside of the silos. Mr. Nesbitt stated that would need to be addressed with the health department.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the planning department recommends approval of the major amendment subject to the 10 items listed on the recommendation report.

Ms. Nubel questioned whether the neighbors are aware of the new plan. Mr. Brock stated he has been in
contact with the adjacent neighbors and the neighborhood association is aware of the changes.

In response to Mr. Neary regarding signage, Mr. Weaver stated that signage was approved in the original special use permit.

Mr. Deeb moved to APPROVE the major amendment subject to: 1.) Submittal of a revised site/landscape plan that: a.) Removes the bufferyard waiver references; b.) Provides 10’ of parking lot perimeter landscaping with screening along Vinton Street; c.) Provides the required plant species, size and count information; and d.) Moves the ropes course out of the 30’ bufferyard area along Vinton Street; 2.) All original conditions of approval (Resolution #274 3/23/10), as applicable; 3.) The amended operating statement; 4.) Approval of a Zoning Board of Appeals waiver of the required bufferyard from 50’ to 30’ on the east adjacent to 34th Street and from 50’ to 10’ on the north along the existing concrete pavement only prior to forwarding the request to the City Council; 5.) Providing additional off-street parking, if the proposed 36 stalls does not meet the actual needs of the proposed use, within a reasonable period of time; 6.) That the hours of operation be limited to:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Weekdays</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climbing</td>
<td>10 a.m. – 9 p.m.</td>
<td>10 a.m. – 11 p.m.</td>
<td>Noon – 9 p.m.</td>
</tr>
<tr>
<td>Ropes Course</td>
<td>10 a.m. – 6 p.m.</td>
<td>10 a.m. – 6 p.m.</td>
<td>Noon – 6 p.m.</td>
</tr>
</tbody>
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7.) The outside deck on the east and west sides of the silos being used only to provide access to indoor activities, outdoor climbing and viewing of the outdoor climbing activities; 8.) Snack bar sales being limited to snacks and beverages that can be served to all ages; 9.) No outdoor storage; and 10.) Compliance with all other applicable rules and regulations. Mr. Kelley seconded the motion which carried 7-0.

**REQUEST:** Approval of a Major Amendment to a Special Use Permit to allow a Landfill (nonputrescible solid waste disposal) in a GI District  
**LOCATION:** Southeast of 62nd and “Q” Streets

At the Planning Board meeting held on June 2, 2010, Mr. Larry Jobeun, Fullenkamp Doyle & Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant and requested that the case be laid over.

Daniel Kurmel, 8102 South 49th Avenue, appeared before the board on behalf of his father who lives at 5211 South 60th Street. He stated he was concerned that the landfill would be open for 20 years and was unclear as to how the site would be maintained and developed. He stated he is in opposition to the overall height and the dirt and would like to see the final cap height to less than 40’.

Sean Kelley, 7134 Pacific Street, represents Horseman’s Park, which is the adjacent landowner to the west. He stated that they are willing to work with Hawkins Construction and would like to have as little impact as possible but were in favor of a lay over.

Mr. Jobeun stated that this existing site has been used as a construction demolition landfill since 1973. He stated he would be willing to answer any questions at the next hearing.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, asked Mr. Jobeun to work with his group to alter or amend new viewpoints with the adjacent houses.

Mr. Nesbitt moved to LAY OVER. Mr. Neary seconded the motion which carried 6-0. Mr. Kelley was absent.
APPROVAL OF MINUTES

Mr. Neary moved to APPROVE the meeting minutes of May 5, 2010 as written. Mr. Nesbitt seconded the motion which carried 7-0.

ADJOURNMENT

Mr. Nesbitt moved to ADJOURN the meeting at 4:05 pm. Mr. Neary seconded the motion which carried 6-0.

_________________________________________
Date Approved

_________________________________________
Anna Nubel, Chair

Debbie Hightower, Planning Board
Recording Secretary