Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, November 28, 2011.

MEMBERS PRESENT: John Hoich, Chair
Arnold Nesbitt, Vice Chair
Anna Nubel
R. J. Neary
Thomas O. Kelley
Van C. Deeb
Greg Rosenbaum

MEMBERS NOT PRESENT: None

STAFF PRESENT: Rick E. Cunningham, Planning Director
Chad Weaver, Assistant Planning Director
Dave Fanslau, Manager, Current Planning
Cheri Rockwell, Current Planning
Alan Thelen, Law Department
Debbie Hightower, Recording Secretary

Mr. Hoich, 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 listed below were voted on concurrently in accordance with the Planning Department’s recommendation report.

No one appeared in opposition.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(REGULAR AGENDA)

Subdivisions

13. C10-11-203 (D) C12-11-204
Celebrity Homes, Inc.

REQUEST: Preliminary Plat and Final Plat approval of HARRISON PARK REPLAT 5, a minor plat outside the city limits, with rezoning from DR and R5 to DR

LOCATION: Southwest of 190th and Adams Streets

Ms. Nubel moved to APPROVE. Approved the rezoning and the Preliminary Plat and Final Plat, subject to amending the original Harrison Park final subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 7-0.
14. C10-11-212 (D)  
   C12-11-213  
   Planning Department  
   On behalf of the City of Omaha  

   REQUEST: Preliminary and Final Plat approval of 84th & GROVER PLACE, a subdivision inside the city limits, with rezoning from CC to DR and CC (portions of which property lie within the flood fringe and floodway) and approval of an MCC Overlay District  

   LOCATION: 3434 South 84th Street  

Ms. Nubel moved to APPROVE. Approved the rezoning, MCC-Major Commercial Corridor Overlay District, and the Preliminary Plat and Final Plat, subject to submittal of an acceptable final subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 7-0.

16. C10-11-222 (D)  
   C12-11-223  
   Gerald L. Torczon  

   REQUEST: Preliminary and Final Plat approval of WHISPERING RIDGE WEST REPLAT THREE, a minor plat outside the city limits, with rezoning from DR to DR and R5  

   LOCATION: Southeast of 176th and Wirt Streets  

Ms. Nubel moved to APPROVE. Approved the rezoning and the Preliminary and Final Plat, subject to amending the original Whispering Ridge West final subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 7-0.

Rezonings

18. C10-11-205 (D)  
   Lund-Ross  

   REQUEST: Rezoning from CC to R7  

   LOCATION: 3454 Lake Street  

Ms. Nubel moved to APPROVE. Mr. Deeb seconded the motion which carried 7-0.

Special Use Permits

23. C8-07-194 (D)  
   Joe Kozol  

   REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Convenience storage in a CC District  

   LOCATION: Northeast of 60th Street and Hartman Avenue  

Ms. Nubel moved to APPROVE. Approved subject to: 1) Compliance with the site/landscape plan dated November 3, 2011; 2) Compliance with the proposed operating statement; 3) Compliance with the existing/proposed building elevations; 4) Obtaining any all necessary permits and Certificates of Occupancies; 5) Compliance with all applicable regulations and all original conditions of approval; and 6) The applicant either removing the barbed wire or obtain the Building Board of Review's approval of the barbed wire prior to forwarding this request to the City Council for final action. Mr. Deeb seconded the motion which carried 7-0.

24. C8-11-214 (D)  
   Anne Trouba  

   REQUEST: Approval of a Special Use Permit to allow Day care services (general) in a R3 District  

   LOCATION: 8214 Templeton Drive  

Ms. Nubel moved to APPROVE. Approved subject to the following conditions: 1) Submittal of a revised site plan that provides for an additional off-street parking stall prior to forwarding the request to the City Council; 2) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division
of the Planning Department; 3) Compliance with storm shelter regulations; 4) Compliance with the revised site plan; 5) Compliance with the proposed operating statement; and 6) Compliance with all applicable development regulations. Mr. Deeb seconded the motion which carried 7-0.

**Conditional Use Permits**

25. **C7-10-026 (D)**
   Jim Haver

   REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow *Automotive repair services* in a CC District

   LOCATION: 15949 West Center Road

Ms. Nubel moved to APPROVE. Approved subject to all of the original conditions of approval except for the 94 feet of the fencing along the south property line measured from the southeast corner of the site to the west. Mr. Deeb seconded the motion which carried 6-0 with Mr. Rosenbaum abstaining.

**Master Plan Referrals**

5. **C3-11-217 (D)**
   Planning Department
   On behalf of the City of Omaha

   REQUEST: Approval of 3101 SOUTH 24TH STREET, LLC TIF REDEVELOPMENT PROJECT PLAN

   LOCATION: 3101 South 24th Street

Ms. Nubel moved to LAYOVER. Laid over at the request of the applicant. Mr. Nesbitt seconded the motion which carried 7-0.

11. **C3-11-199 (D)**
    Planning Department
    On behalf of the City of Omaha

    REQUEST: Approval of an amendment to Chapter 55 regarding *Assisted living*

Ms. Nubel moved to LAYOVER. Laid over at the request of the applicant. Mr. Nesbitt seconded the motion which carried 7-0.

**Special Use Permits**

22. **C8-11-207 (D)**
    James Bridgeman

    REQUEST: Approval of a Special Use Permit to allow *Day care services (general)* in a R4(35) District

    LOCATION: 2537 North 62nd Street

Ms. Nubel moved to LAYOVER. Laid over to allow for the applicant to provide an adequate site plan and updated operating statement addressing hours of operation. Mr. Nesbitt seconded the motion which carried 7-0.
PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

1. C10-11-197
   C12-11-198
   Greg Cutchall
   Cutchall Management
   REQUEST: Preliminary and Final Plat approval of
   LOWE’S OF OMAHA REPLAT 1, a subdivision inside the city limits, with
   rezoning from GI and GI/ACI-2(65) to
   CC/ACI-2(65) and GI
   LOCATION: Southeast of 76th and Dodge Streets

Brad Blakeman, Blakeman Engineering, 10423 Hansen Avenue; Greg Cutchall, Cutchall Management; and a representative from Lowe’s, appeared before the board in support of the request. Mr. Blakeman explained that the location would be a future Sonic restaurant. He offered to answer any questions.

Troy Meyer, Fraser Stryker Law, 409 South 17th Street, appeared before the board on behalf of the owner and the tenant of the building, the Midas store located to the east. He stated that Midas is in support of the rezoning and replatting subject to replacement parking and provided the agreements are reduced to definitive agreements before going to the City Council. Mr. Meyer offered to answer any questions.

There were no opponents present.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval subject to evidence that the existing site remains in compliance and submittal of a final subdivision agreement.

In response to Mr. Neary, the representative from Lowe’s (name unknown) answered that Lowe’s is in agreement to develop a cross parking easement with Midas.

Mr. Neary moved to APPROVE subject to the applicant either providing evidence that the existing Lowe’s site remains in compliance with the landscape plan approved in 2001 or submittal of an updated landscape plan and planting schedule that provides for renewed compliance prior to forwarding the final plat to the City Council for final action; and submittal of a final subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 7-0.

Rezonings

2. C10-94-158
   Kimley-Horn and Associates
   REQUEST: Approval of a Major Amendment to the Mixed
   Use District Development Agreement
   (Vintage Oaks)
   LOCATION: Northeast of 168th and Harrison Streets

Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Jobeun explained that the request is to convert the existing Mixed Use Development Agreement (FAR) to a Special Community Value Mixed Use Development Agreement. The project will be a 41,000 square foot Walmart Neighborhood Market with a pharmacy. The conversion will meet the required 10% office space, 10% open-air plaza space, grouping of buildings, and connectivity to the neighborhood. There is an existing wetland mitigation easement on the south and west side of the development and a storm water mitigation area on the north. Mr. Jobeun presented several photos and the proposed truck route.
He stated that a neighborhood meeting was held with the majority of the participants satisfied except for concerns with regard to traffic. Mr. Jobeun offered to answer any questions.

There were no opponents present.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval subject to the four conditions on the recommendation report.

Mr. Deeb moved to APPROVE. Approved provided the following conditions are addressed and an acceptable final Mixed Use Development Agreement is submitted prior to forwarding to City Council: 1) An updated site plan showing the 30-foot bufferyard and screening along 167th Street; 2) A detailed plan of the plaza area showing the amenities and connections to the lots directly south of the property; 3) Revised elevations showing transparency or other urban design features that connect the building with the plaza; and 4) Three (3) full size sets of plans with correctly labeled exhibits. Mr. Nesbitt seconded the motion which carried 7-0.
Case #3 was moved to the end of the Public Hearing to allow the applicant and the neighbors to work out an acceptable agreement.

**REGULAR AGENDA**

**Master Plan Referrals**

4. **REQUEST: Approval of GARAGE LOFTS, LLC TIF REDEVELOPMENT PROJECT PLAN**
   - C3-11-216
   - Planning Department
   - On behalf of the City of Omaha
   - LOCATION: 202 and 216 North 19th Street

   Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the proposed project involves an adaptive reuse of a historic garage that is one of the oldest and largest functioning garages in Omaha. The developer will rehab and construct 32 loft style units for low-income housing units. Ms. Hadley stated the developer was present to answer specific questions.

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

   Mr. Nesbitt moved to APPROVE. Mr. Kelley seconded the motion which carried 6-0 with Mr. Neary abstaining.

6. **REQUEST: Approval of GEORGETOWN AKSARBEN, LLC TIF REDEVELOPMENT PROJECT PLAN**
   - C3-11-218
   - Planning Department
   - On behalf of the City of Omaha
   - LOCATION: 6349 Cedar Plaza

   Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the proposed project is an amendment to a redevelopment project that began approximately four years ago. The original plan proposed to build 114 market rate apartment units, office space and 20 townhomes. The 114 apartment units and office space is completed but the townhomes were never built due to the economic conditions and downturn in the market. The developer has regrouped and will create 63 market rate apartment units in place of the townhomes therefore there will not be a need for new TIF dollars. Ms. Hadley stated the developer was present to answer specific questions.

   Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval.
Mr. Rosenbaum moved to APPROVE. Mr. Kelley seconded the motion which carried 7-0.

7. C3-11-219
   Planning Department
   On behalf of the City of Omaha
   REQUEST: Approval of 8TH STREET TOWNS, LLC TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: Southwest of 8th and Pacific Streets

Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the proposed project is a new construction project of 47 market rate apartment units (41 studio units and 6-two bedroom units) in the Little Italy neighborhood where there is a demand. Ms. Hadley offered to answer any questions.

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

Mr. Kelley moved to APPROVE. Ms. Nubel seconded the motion which carried 7-0.

8. C3-11-220
   Planning Department
   On behalf of the City of Omaha
   REQUEST: Approval of 2223 DODGE STREET LLC, TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 2223 Dodge Street

Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the proposed project is a conversion of the former Northern Natural Gas building. The developer proposes to convert the former office building into 194 market rate apartment units. She stated that the project is part of the Joslyn Heights District from the Downtown Master Plan. This project begins the revitalization of the western downtown area into the vision of the Downtown Master Plan. The city is working with the developer to revitalize more of the vacant properties in the area that are in need of redevelopment to revitalize the area. Ms. Hadley stated the developer was present to answer specific questions.

Todd Heistand, NuStyle Development, explained that he is in the process of completing a grant-funded market study for the neighborhood. He indicated that he is excited to get the market results and add other people to the area.

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

Mr. Rosenbaum moved to APPROVE. Mr. Neary seconded the motion which carried 7-0.

9. C3-11-221
   Planning Department
   On behalf of the City of Omaha
   REQUEST: Approval of THE BARKER BUILDING LLC, TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 306 South 15th Street

Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the proposed project is a historic building that has been boarded up and is in need of rehabilitation. The developer has proposed to convert the building into 48 market rate apartment units with commercial office/retail space on the ground floor. Ms. Hadley stated the developer was present to answer specific questions.

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

Mr. Nesbitt moved to APPROVE. Mr. Deeb seconded the motion which carried 7-0.
REQUEST: Approval of UNITED STATES COLD STORAGE, INC. TIF REDEVELOPMENT PROJECT PLAN

LOCATION: 4302 South 30th Street

Ken Johnson, Planning Department, presented the request. Mr. Johnson stated the proposed project is for the redevelopment of the U.S. Cold Storage facility and entails the rehabilitation of the entire site to replace the outdated existing facility. The current refrigerated warehouse facility must remain operational until the new 124,000 square foot facility is built. Mr. Johnson stated a representative of U. S. Cold Storage is present and will respond to any questions.

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

Mr. Neary moved to APPROVE. Mr. Deeb seconded the motion which carried 7-0.

Case #'s 12, 15 and 26 were heard together.

REQUEST: Approval of an amendment to the Future Land Use Element of the City’s Master Plan from low density residential to office/commercial

LOCATION: Northeast of 85th Avenue and Cass Street

Larry Jobeun, 11440 West Center Road; Jeff Lake, Olsson Associates, 2111 South 67th Street; and Jason Lanoha, 19111 West Center Road, appeared before the board in favor of the request. Mr. Jobeun explained that the amendment to the Master Plan and rezoning and replatting for the proposed infill project would improve the overall aesthetics of the area, increase the tax base, provide job creation, increase density, improve the streetscape along the major commercial corridor and the most important supporting factor is that Children’s and Methodist Hospital expansions have created a demand for office space. He indicated that many commercial corridors cannot be developed without encroaching into established neighborhoods. The project will comply with the Urban Design Code and will provide for an 18,000 square foot building, sufficient parking and a 20’ buffer to the east. A cul-de-sac will be installed at the west end of California Street for further separation. A neighborhood meeting was held and one person who showed up was in support of the project. Mr. Jobeun offered to answer any questions.

In response to Mr. Kelley, Mr. Jobeun answered that presently there are no tenants but there has been a lot of interest and the building could be a single tenant building.

Ann Kulik, 8550 Underwood Avenue, appeared before the board in opposition. Ms. Kulik stated that she has lived in the area for 30 years and also owns a vacant lot at 8549 Underwood Avenue. She expressed concern with regard to traffic hazards and congestion on Cass Street. Ms. Kulik admitted that the closing
of 85th Avenue would preserve the character of the neighborhood but the traffic flow will be concentrated on Cass Street. The domino effect and the questionable urgent need for the proposed project will start the commercialization and sets precedence for future projects in a stable neighborhood. She requested that the city respect and encourage stable neighborhoods and adhere to a long-range approach. Ms. Kulik stated that experience shows that landscaping plans look much better than the actual results. After a few years of neglect, the plantings die off and are never replaced. Examples of failed landscaping are the Omaha Heart facility and the Peony Park development. There are landmark quality trees worth preserving on the proposed property therefore the landscape plan for this project should be modified to preserve and incorporate some of the trees that are standing on the lots.

Shirley Raleigh, 657 North 86th Street, appeared before the board in opposition on behalf of the West Dodge Addition Association and the Peony Park Citizens Patrol. Ms. Raleigh agreed that she is also concerned about the traffic and the landscaping. She stated that several years ago the property located at 85th Avenue and Chicago was before the Planning Board for rezoning but the Planning Board recognized that the domino effect could take place and did not approve the rezoning. Ms. Raleigh requested that the rezoning not be approved for the empty lot and that there be covenants for the height of the building.

Ed Reitan, 530 North 86th Street, appeared before the board in opposition. Mr. Reitan indicated that the traffic and speeds in the area have become intolerable. He also stated that the keeping of the neighborhood should limit the square footage and height of the building and the project should not take over the large expanse needed for parking.

Mr. Jobeun pointed out that there is general and limited office zoning that goes further to the north than the proposed project. There will be a private driveway with a connection from vacating 85th Street and the creation of a cul-de-sac on California Street. The only encroachment into the neighborhood would be on a portion of the R2 zoned lots that will be for the buffer, surface parking and landscaping which is the least intensive use.

In response to Mr. Kelley, Mr. Jobeun stated that the intent is to hold the property and maintain the landscaping. Mr. Neary questioned the height of the building in relation to the home located behind the building. Mr. Lanoha answered that the building is three stories on the east end but will appear to be two stories on the west side due to the elevation. Mr. Jobeun added that the grade falls approximately 30 feet from the northwest corner to the southeast corner with a two-foot difference in building height with regard to the adjacent residence. Mr. Lanoha confirmed that the buffer would be maintained on a long-term basis with initial mature plantings of 20’ trees.

12. C3-11-138
Lanoha Real Estate Company, Inc.

REQUEST: Approval of an amendment to the Future Land Use Element of the City’s Master Plan from low density residential to office/commercial

LOCATION: Northeast of 85th Avenue and Cass Street

Chad Weaver, Assistant Planning Director, Planning Department, pointed out that Public Works could not identify any issues regarding the traffic. The full buffers that would be required are provided. With regard to the older case that was mentioned, the encroachment was contemplated but the previous case required numerous waivers. Mr. Weaver stated that the department recommends approval.

Mr. Nesbitt moved to APPROVE. Mr. Rosenbaum seconded the motion which carried 7-0.

Mr. Deeb left approximately 3:10.
Subdivisions

15. C10-11-140  
    C12-11-215  
    Lanoha Real Estate Company, Inc.  
    REQUEST: Preliminary and Final Plat approval of WEST DODGE FIRST ADDITION, a subdivision inside the city limits, with rezoning from R2 and LO to LO, and approval of a MCC Overlay District  
    LOCATION: Northeast of 85th Avenue and Cass Street  

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

Ryan Haas, Public Works, indicated that the traffic would not be an issue but during peak periods, the back up of traffic would be on the proposed site. In response to Mr. Kelley, Mr. Haas stated that a request to address traffic flow would be considered on a case-by-case basis.

Mr. Neary commended the applicant and the Planning Department for working together to come up with the best solution regarding the encroachment into the neighborhood.

Mr. Neary moved to APPROVE the rezoning, the MCC Overlay District, and the Preliminary Plat subject to submittal of an acceptable final subdivision agreement. Layover of the Final Plat until the City Council has the opportunity to approve the Preliminary Plat. Mr. Nesbitt seconded the motion which carried 6-0 with Mr. Deeb absent.

Conditional Use Permits

26. C7-11-139  
    Lanoha Real Estate Company, Inc.  
    REQUEST: Approval of a Conditional Use Permit to allow Medical office in a LO/MCC District  
    LOCATION: Northeast of 85th Avenue and Cass Street  

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to the four recommendations.

Mr. Kelley moved to APPROVE subject to: 1) Compliance with a revised site plan in compliance with all applicable regulations; 2) Compliance with a revised landscape plan in compliance with all applicable regulations; 3) Compliance with building elevations in compliance with all applicable regulations; and 4) Compliance with the proposed Operating Statement. Mr. Nesbitt seconded the motion which carried 6-0 with Mr. Deeb absent.

17. C10-11-224a  
    C12-11-224  
    Kimley-Horn and Associates  
    REQUEST: Preliminary and Final Plat approval of AVALON REPLAT ONE, a minor plat inside the city limits with approval of a MCC Overlay District  
    LOCATION: Southwest of 49th and “L” Streets  

Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Jobeun showed several photos of the existing site, which is in disrepair and in need of redevelopment. He stated that the site plan is a replat of four lots and one outlot. He stated that Lot 1 is approximately six acres and will be a future Walmart Market, the other lots can be redeveloped commercially in the future, and the outlot will be used for open space and water retention. Mr. Jobeun indicated that the Walmart Market building, with a pharmacy, would be 41,170 square feet. The project meets the Urban Design Code with respect to future development, the required buffer, retaining wall and interior landscaping. The
project is a substantial improvement to the neighborhood and will include pedestrian access or connectivity. Mr. Jobeun offered to answer any questions.

Chad Weaver, Assistant Planning Director, Planning Department, pointed out that Public Works could not identify any issues regarding the traffic, the full buffers that would be required are provided and with regard to the older case that was mentioned, the encroachment was contemplated but the previous case required numerous waivers. Mr. Weaver stated that the department recommends approval.

Mr. Kelley moved to APPROVE the MCC Overlay District for Lot 1, 2 and 4, Avalon Replat One. Approval of the Preliminary Plat, subject to: 1) Providing for all required off-site improvements identified in the approved traffic study; 2) Including a reciprocal access and parking easement note on the Final Plat for all of the lots; 3) Including notes on the Final Plat that state: a) that no access to “M” Street will be allowed from Lot 1 or Lot 4, b) that no access will be allowed from Lot 2 to “L” Street, and c) that no access to “L” street will be allowed from Lot 3; except for the existing ingress/egress easement; 4) Providing for sidewalks along all street frontages; and submittal of an acceptable peripheral and internal pedestrian circulation plan prior to forwarding the request to the City Council for final action; and 5) Providing for use, ownership and maintenance of the outlot in the subdivision agreement. Approval of the Final Plat as amended by the conditions of Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement. Ms. Nubel seconded the motion which carried 5-0 with Mr. Neary abstaining and Mr. Deeb absent.

Rezonings

19. C11-11-209
   C10-11-210
   Christian Christensen
   REQUEST: Rezoning from HI/ACI-1(PL) to R8/ACI-1(PL) and approval of a Planned Unit Development Overlay District
   LOCATION: Southwest of 8th and Pacific Streets

Brian Lodes, Thompson, Dreessen & Dorner, 10836 Old Mill Road, appeared before the board on behalf of the applicant. Mr. Lodes explained that the project would be a three-story 47-unit apartment building with off-street surface parking. The buildings will be similar to the townhomes located across the street but with a more modern twist. Mr. Lodes offered to answer any questions.

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

Mr. Nesbitt moved to APPROVE the rezoning and the PUD, subject to submittal of the following prior to forwarding the request to the City Council for final action: 1) The applicant obtaining any necessary zoning ordinance waivers; 2) Submittal of acceptable final site and landscape plans; and 3) Submittal of acceptable final building elevations. Mr. Rosenbaum seconded the motion which carried 6-0 with Mr. Deeb absent.

20. C10-11-211
    James Holt
    REQUEST: Rezoning from HI/ACI-1(PL) to CBD/ACI-1(PL)
    LOCATION: 819 South 7th Street

James Holt, JDH Properties LLC, 563 South 175th Circle, appeared before the board. Mr. Holt offered to answer any questions.

In response to Mr. Neary, Mr. Holt answered that the purpose of the rezoning is to refurbish the building and add storefronts to fit in with the Old Market.
Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval.

Mr. Neary moved to APPROVE. Ms. Nubel seconded the motion which carried 6-0 with Mr. Deeb absent.

21. C10-97-066
Lanoha Real Estate Company, Inc.

REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement (Mission Pines Plaza)

LOCATION: Northwest of 168th and Harrison Streets

Larry Jobeun, 11440 West Center Road; Jeff Lake, Olsson Associates, 2111 South 67th Street; and Jason Lanoha, 19111 West Center Road, appeared before the board in favor of the request. Mr. Jobeun presented an aerial photograph of the existing conditions for both sides of 168th Street presently zoned as a 30-acre mixed-use development. The proposed project will include two 3-story apartment buildings, 25 units each with a mix of bedrooms, garages located in the building and 97 detached parking spaces. There will be a 30’ buffer that will be heavily landscaped along Monroe Street and 169th Avenue. The mixed used centers connect well with residential; the residents can walk through and enjoy the existing commercial uses. Mr. Jobeun showed the proposed elevations of the building and indicated that the project is similar to another project completed by Lanoha Real Estate at 186th and West Center Road. During a neighborhood meeting, one of the major concerns expressed was the traffic on Monroe Street and 169th Avenue. A traffic study was completed and the result was that the intensity rating of a multi-family project is less intense than for the existing office plan. There is a trip reduction of 158 cars or a 43% change on the average daily trips for the proposed plan as opposed to the existing plan. Mr. Jobeun offered to answer any questions and respond to any opposition.

Julie Fredrickson, Real Estate Broker, 17031 Polk Street, appeared before the board in opposition. Ms. Fredrickson stated that homeowners/taxpayers were told that the area would be mixed-use commercial when their homes were purchased. She requested a layover to allow Lanoha time to reconsider. Ms. Fredrickson stated that the homeowners are in the process of getting together a petition, retain an attorney and is willing to go to the media to get negative publicity out about Lanoha and how the homeowners were misled. The apartment complex will affect the value of the homes in the subdivision, the view and the traffic. She questioned how the apartments would be a benefit to the homeowners. She indicated that there are homes directly across the street that will face the apartment complex. The Lanoha apartment project located at 186th and West Center Road is very nice but there are no homeowners directly across the street. There will be more people living in the apartment complex than the entire neighborhood. She concluded that the neighbors did not anticipate a three-story “eyesore” in the subdivision.

Rev. Jonathan Sloan, 17051 Drexel Street, appeared before the board in opposition. Rev. Sloan asked the neighbors to stand that were in opposition. He stated that he is concerned about the density of apartments in the area, traffic, safety, privacy and adherence to the Master Plan. He indicated that within a two-mile radius there are nine apartment complexes with 1,731 units and many have available units. Rev. Sloan stated that the streets in the area are already overburdened with two primary entrance/exports; the addition of more traffic will increase safety and traffic concerns. He explained that privacy will be compromised and there is no fence that is high enough for privacy from a three-story apartment building. He indicated that he relied on a mixed-use plan when he purchased his property. Rev. Sloan pointed out that apartments are 24 hours a day, 7 days a week as opposed to commercial. He indicated that 69% of the Mission Pines residents, including all three residential SID members, have signed a signature sheet in opposition to the project.

Sean Rhodes, 6545 South 170th Avenue, appeared before the board in opposition. Mr. Rhodes stated that he has worked for Homeland Security for 30 years and lives directly across the street from the
project. He pointed out that a higher ratio of crimes (burglary, auto theft, vandalism, car break-ins, personal assault, robbery) occur in apartments than residential neighborhoods due to many factors including population density, high concentration of vehicles parked together, unfamiliarity, anonymity of residents, transient nature of complex populations, and numerous dark corners on the property. Mr. Rhodes stated that he knows the apartments will bring more crime and violence into the neighborhood. Mr. Rhodes added that the apartments would look directly into his backyard, patio and front yard.

Mary Persinger, 5726 South 169th Avenue, appeared before the board in opposition. Ms. Persinger pointed out that there is a neighborhood bar that will be close to the apartment complex. She gave several examples of traffic issues in the area and presented photos regarding the disrepair and condition of the streets in the subdivision. Ms. Persinger showed examples of trash in the area and expressed concern that there will be more trash in the area with the apartment complex.

Charles French, 17067 Drexel Street, appeared before the board in opposition. Mr. French expressed concern that the elevation of the apartment is higher than the surrounding area. He was also concerned that the proposed apartments do not have any onsite amenities offered therefore the average rent will be too low for the neighborhood.

Ms. Fredrickson pointed out that most homeowners in the area have a 30-year mortgage and will feel the possibility of devaluation over the years. She suggested that each homeowner in the subdivision be compensated $20,000 before approving the request.

Mr. Jobeun explained that the traffic on both sides of 168th Street is at the 1/8 mile and will be restricted to right-in, right-out only as required by the Master Plan. The traffic will shift with the development of the Walmart and it is hopeful that the traffic will warrant traffic signals in the future to alleviate traffic problems. With respect to Monroe Street and 169th Avenue, the SID has no power or authority to install traffic control devices but the SID could evaluate the need for speed bumps. He stated that Public Works could also restrict off-street parking in the area. Mr. Jobeun pointed out that the SID will be in a better financial position with the increased valuation. There are more homes in the surrounding area than the 29 Mission Pines homes and was zoned mixed use for a reason. The apartments will be Class A apartments with 33% brick and vinyl siding. The elevation of the ground will actually sit below the street level but again landscaping and a berm with a 30’ buffer will be included. He stated that Mr. Lanoha confirmed that criminal background checks and job verifications would be done before leasing to quality tenants.

Mr. Neary questioned the distance between the home across the street and the proposed property. Mr. Jobeun answered that the street is a 50 foot collector street therefore it would total 80 feet with the 30 foot buffer and 50 feet of right-of-way.

Mr. Rosenbaum questioned what the maximum height of a commercial building could be for the existing mixed-use agreement. Mr. Weaver answered that a commercial building within 100 feet of a residential area could be between 45 and 70 feet. Mr. Jobeun confirmed that the height elevation of the apartment would be approximately 35 feet.

Mr. Jobeun added that all mixed-use developments start out with a conceptual plan and are never developed as the original mixed-use agreement. In response to Mr. Kelley, Mr. Jobeun answered that the Urban Guidelines have been met and exceeded. In response to Mr. Neary, Mr. Lanoha answered that the market rent for a one-bedroom would be $1.03-$1.04 per square foot and $.90 per square foot for a two bedroom. The apartments will be approximately 660 to 1,100 square feet and each unit will include a washer and dryer, fireplace, and granite. The total investment will be about $92,000 per unit for a total investment of approximately $3,000,000.
Ms. Persinger pointed out that it could be five years before there is any traffic relief. She also expressed concern that it would be detrimental to the homeowners to request no off-street parking. Ms. Persinger added that several trees that have been removed have not been replaced.

Chad Weaver, Assistant Planning Director, Planning Department, addressed several neighborhood issues. He stated that it is clear and evident that the residential district will not change and the residential homes will appraise based on the homeowners district. The requested zoning change is considered a down zoning with a lesser intense use. The tax base for the apartments will certainly be larger than single-family homes based on a density basis. The commercial areas and retail development is convenience on a smaller scale and used by more local residents. The Master Plan dictates a limit to the number of apartment units adjacent to and within proximity to residential sites. The usage of apartment units is promoted and provides more customers to the retail business. Generally, the concept of single-family/multi-family can be compatible with a 30-foot buffer. Mr. Weaver stated that the department recommends approval subject to the conditions on the recommendation report.

Mr. Kelley questioned the departments experience for apartment demand. Mr. Weaver answered that it is not up to the department to measure the market demand or the finish of a building but to look at the details of the zoning proposal. In terms of the Master Plan, the department contemplates multi-family units. The numbers of units is limited and the market has been underserved in areas therefore the department ties the number of units to the acreage of the commercial centers.

Mr. Nesbitt indicated that he does not approve of an opponent threatening to go to the media. He stated that the board is swayed by the facts presented and through discussion. Mr. Nesbitt stated that he does not see a need for a layover to allow the developer to attempt a compromise with the homeowners.

Mr. Nesbitt moved to APPROVE provided the following conditions are addressed and an acceptable final Mixed Use Development agreement is submitted prior to forwarding to City Council: 1) An updated site plan that addresses the integrated plaza, correct sidewalk widths, parking lot screening, building elevations and curb setbacks for the garage; and 2) Three (3) full size sets of plans with correctly labeled exhibits. Ms. Nubel seconded the motion which carried 6-0 with Mr. Deeb absent.

Vacations

27.  C14-11-208  
     REQUEST:  Vacation of 14th Street from Nicholas Street north between 1101 North 14th Street and 1112 North 14th Street

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends denial due to sewer and access issues.

Mr. Nesbitt moved to DENY. Ms. Nubel seconded the motion which carried 6-0 with Mr. Deeb absent.

Conditional Use Permits

3.  C7-96-292  
     Dr. Kelly R. Conway, D.D.S., M.S.  
     REQUEST:  Approval of a Major Amendment to a Conditional Use Permit to allow Medical office in an LO District  
     LOCATION:  535 North 87th Street

Dr. Kelly R. Conway, 535 North 87th Street, appeared before the board in support of the request. Dr. Conway explained that he would like to add to the building on the south and 10’ on the garage side. He
stated that he met with Addie Kinghorn, horticulturist from Metropolitan Technical College to address the aesthetic value of the building. The horticulturist designed a plan to include five evergreen trees to block the rear of the building. Dr. Conway offered to answer any questions.

In response to Mr. Kelley, Dr. Conway answered that he met with several neighbors but the neighbors to the rear are not satisfied with the proposed solution. The intent is to improve the property.

Ed Reitan, 530 North 86th Street, appeared before the board in opposition. Mr. Reitan summarized that he has no objections to the proposed building as planned however the modification of the garage would provide an opportunity to architecturally improve the east side and north/south areas. He stated that his property faces the east blank wall of the garage. The stark and plain appearance of the windowless sides on the garage is not compatible with the neighborhood. Mr. Reitan suggested that a better long-term architectural solution would be to add several fake and/or real windows to the sides of the garage. A number of alternatives were discussed with Dr. Conway's architect. He stated that a large neighborhood meeting was requested of Dr. Conway but he was unable to schedule and did not reply with any acceptable dates.

Mr. Hoich asked if the large evergreen trees that are proposed by Dr. Conway would be enough. Mr. Reitan responded that many vegetative solutions are not long term, unpredictable and would take years to grow to the height of the garage wall.

Shirley Raleigh, 657 North 86th Street, appeared before the board in opposition on behalf of the West Dodge Addition Association and the Peony Park Citizens Patrol. Ms. Raleigh stated that she has lived in the neighborhood for over 40 years. She stated that she would be concerned that the proposed landscaping would not be replaced if it did not survive. She suggested scaling down the landscaping and spending a portion on the cosmetics for the building.

Mr. Hoich questioned Dr. Conway if he could install a few windows on the garage and spend less on trees, if acceptable to the neighbors. Mr. Nesbitt suggested postponing the vote to allow Dr. Conway and the neighbors to meet in the hallway and return at the end of the meeting with a solution. Mr. Hoich agreed to the suggestion to postpone the vote until the end of the meeting.

After returning from meeting with the neighbors, Dr. Conway stated that an agreement or compromise was made that four 2’ x 3’ windows will be placed on the east side of the building on the second floor and proportionally placed based on mechanical requirements of the existing building. The windows can be façade and non-functional with no shutters required and will be completed when the garage addition is in place.

Mr. Reitan stated that he was concerned that the modification to the garage might not be done and the windows would never be added. He requested that the windows on the garage be installed when Dr. Conway completes the major construction to expand the main building.

Dr. Conway indicated that the construction will be done in two phases therefore there will be a time lapse between the office building and the completion of the garage. He assured the neighbors that the garage will be done.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval based on four conditions with the exception that the second condition be substituted with the installation of four 2’ x 3’ windows on the second floor of the east side of the existing garage at the time of construction.

Mr. Nesbitt moved to APPROVE subject to: 1) Compliance with the proposed site plan; 2) Installation of four 2’ x 3’ windows on the second floor of the east side of the existing garage at the time of its expansion; 3) Compliance with the amended operating statement; and 4) Compliance with all other original conditions of approval. Mr. Neary seconded the motion which carried 6-0 with Mr. Deeb absent.
ELECTION OF OFFICERS

Ms. Nubel moved to nominate Thomas O. Kelley as Chairman of the Planning Board. Mr. Rosenbaum seconded the motion which carried 6-0 with Mr. Deeb absent.

Ms. Nubel moved to nominate Arnold C. Nesbitt as Vice Chairman of the Planning Board. Mr. Kelley seconded the motion which carried 6-0 with Mr. Deeb absent.

APPROVAL OF MINUTES

Mr. Nesbitt moved to APPROVE the meeting minutes of November 2, 2011 as written. Mr. Kelley seconded the motion which carried 6-0 with Mr. Deeb absent.

ADJOURNMENT

Mr. Neary commended Mr. Hoich for doing a good job as Chairman of the Planning Board.

Mr. Nesbitt moved to ADJOURN the meeting at 4:35 pm. Mr. Rosenbaum seconded the motion which carried 6-0 with Mr. Deeb absent.

_________________________________________
Date Approved

_________________________________________
John Hoich, Chair

_________________________________________
Debbie Hightower, Planning Board
Recording Secretary