MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – July 6, 2011
LEGISLATIVE CHAMBER - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

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, June 27, 2011.

MEMBERS PRESENT: John Hoich, Chair
Thomas O. Kelley
Van C. Deeb
Greg Rosenbaum

MEMBERS NOT PRESENT: Arnold Nesbitt, Vice Chair
Anna Nubel
R. J. Neary

STAFF PRESENT: Rick E. Cunningham, Planning Director
Chad Weaver, Assistant Planning Director
Dave Fanslau, Manager, Current Planning
Eric Englund, Current Planning
Bernard in den Bosch, 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.

Bernard in den Bosch, City Attorney, verified that it is permissible for a board member to vote on a layover if there is a conflict of interest.

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.

(REGULAR AGENDA)

Rezonings

9. C10-11-115 (D)
   REQUEST: Rezoning from GO to CC
   LOCATION: 10371 Ellison Circle
   Mr. Rosenbaum moved to APPROVE. Mr. Deeb seconded the motion which carried 4-0.

Dedications

13. C16-11-117 (D)
    REQUEST: Plat and Dedication of a 6,117 square foot piece of land for the extension of 59th Street
    LOCATION: 59th Street north of Hascall Street
    Mr. Rosenbaum moved to APPROVE. Mr. Deeb seconded the motion which carried 4-0.
(HOLD OVER CASES)

Subdivisions

1. C10-11-022 (D) C12-11-023
   Garden Ridge, L.P. a Texas Limited Partnership
   (Laid Over from 4/6/11, 5/4/11 and 6/1/11)

   REQUEST: Preliminary and Final Plat approval of GARDEN RIDGE ADDITION, a subdivision inside the city limits, with approval of an MCC-Major Commercial Corridor Overlay District
   LOCATION: Northwest of 129th Avenue and West Center Road

Mr. Rosenbaum moved to LAY OVER. Mr. Deeb seconded the motion which carried 4-0.

(REGULAR AGENDA)

Overlay Districts

7. C10-98-193 (D)
   AT&T Mobility

   REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Legacy to allow a 95 foot tall Broadcast tower (cell tower)
   LOCATION: 2710 Oak Drive

Mr. Rosenbaum moved to LAY OVER. Laid over for 30 days to allow the applicant time to submit the following information: 1) A map delineating the area of inadequate service due to a lack of coverage or capacity; 2) Information showing that the proposed tower would provide needed coverage or capacity; 3) A map showing all sites, with zoning classification, including alternate sites, from which the needed coverage could also be provided; 4) An explanation of why an alternate site that would not require a use permit has not been proposed; 5) Demonstrate that existing towers, buildings or other structures cannot accommodate the proposed tower within the service area, and why existing public, community or institutional facility cannot accommodate the proposed tower within the service area; 6) Demonstrate that collocation is not possible within the service area; 7) Demonstrate why the tower is to be located at the proposed site in order to satisfy the needs of the applicant's wireless service grid system; 8) Demonstrate how the site will be designed to accommodate future multiple users; and 9) Show that the development of the proposed tower will preserve the preexisting character of the surrounding buildings and land use as much as possible. In addition, show that existing on-site vegetation will be preserved or improved, and the disturbance of the existing topography will be minimized, unless such disturbance would result in less visual impact of the tower on the surrounding area. Mr. Deeb seconded the motion which carried 4-0.

Special Use Permits

10. C8-11-114 (D)
    Bear Properties

    REQUEST: Approval of a Special Use Permit to allow Restaurant (drive-in or fast food) in a CBD/ACI-1(PL) District
    LOCATION: 1203 Mike Fahey Street

Mr. Rosenbaum moved to LAY OVER. Laid over to allow the applicant additional time to meet with the Planning Department to discuss the following issues: 1) Submit an updated site plan that addresses the following: a) Perimeter parking lot landscaping along the southwest property line, 5 feet in width; b) Provide 1 handicap accessible parking stall; c) Perimeter landscaping along 12th Street at the southeast corner of the site, or provide a screen wall 3’ in height; d) Redesign the drive thru lane to be a minimum of 12 feet in width; e) Redesign the thru lane for traffic adjacent to the drive thru to be 12 feet in width; f) Relocate the dumpster to a location that is accessible to garbage trucks; g) Show location and dimensions of outdoor patio along 12th Street on the site plan; 2) Provide building elevations that properly identify the location of all building materials; 3) Building materials must comply with the approved building materials list in the Urban Design Article and be used in the appropriate amounts and locations; and 4)
Consider constructing the building as originally proposed with multiple stories with a roof top “pub”. Mr. Deeb seconded the motion which carried 4-0.

11. C8-11-062 (D) Meriwether, Inc.  REQUEST: Approval of a Special Use Permit to allow Campground in a DR District (portions of which property lie within the floodway) LOCATION: 2499 Freedom Park Road

Mr. Rosenbaum moved to LAY OVER. Mr. Deeb seconded the motion which carried 4-0.

Master Plan Referrals

2. C3-11-109 Planning Department on behalf of the City of Omaha  REQUEST: Approval of the 5203 LEAVENWORTH, LLC TIF PROJECT REDEVELOPMENT PLAN LOCATION: 5203 Leavenworth Street

At the Planning Board meeting held on July 6, 2011, Ken Johnson, Economic Development Manager, City of Omaha, presented the request. Mr. Johnson stated the project is for the rehab of the former Wohlners Grocery Store located at 52nd and Leavenworth. TIF will be used to offset the cost of the renovation and improvements of the facility which will be designed for a restaurant and a bookstore. Mr. Johnson stated the project meets all guidelines based on Nebraska Community Development Law.

No opponents appeared before the board.

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

Mr. Kelley asked Mr. Johnson to discuss the process that an applicant has to go through before receiving Tax Increment Financing (TIF).

Mr. Johnson stated that initially the application request is received from the developer. Through a process of interviewing and working with the developer, a redevelopment application and TIF application are prepared. There is a TIF committee comprised of planning director, public works director, finance director, city controller, city attorney, city engineer and two representatives from the mayor’s office. The committee acts as a convening authority to review the request. Once the committee approves the request, a redevelopment plan is brought to the Planning Board for approval. Once approved, a document is prepared for City Council for their approval. Finally, a redevelopment agreement is prepared and approved by the City Council.

Mr. Kelly asked Mr. Johnson to describe additional improvements for money that is set aside for the Leavenworth corridor.

Mr. Johnson stated the landscaping plan is being developed for the Leavenworth corridors from 52nd to the east. As projects are done, a portion of the TIF is used to help fund the costs. All improvements are not funded by projects but a portion of the project funds are directed to the public infrastructure’s needs that are available in the area.

Mr. Kelley moved to APPROVE. Approved up to $209,231.00 in TIF funds, which represent the financing that the increase in taxes will cover, based on the projected valuation of the completed project and the tax stream generated. This project provides for the complete renovation of an existing Historical property located in an area of the City targeted for development. This project enhances the opportunity for the continued redevelopment of the Leavenworth corridor between 52nd and 60th Streets. This project enhances the opportunity for expanded interest in a transitional area of Omaha through the renovation of a privately owned, closed facility that has been declining in value and is a negative asset to the City. Mr. Rosenbaum seconded the motion which carried 4-0.
3. C3-11-110
Planning Department on behalf of the City of Omaha
REQUEST: Approval of the DUNDEE RIDGE MEDICAL TIF PROJECT REDEVELOPMENT PLAN
LOCATION: 4825 Dodge Street

At the Planning Board meeting held on July 6, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the project is a conversion of a former underutilized lot and is also a part of a mixed-use development. The project development will be a medical office. Ms. Hadley offered to answer any questions.

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

Mr. Kelley asked Ms. Hadley to describe the previous history of the site and extent of the traffic. Ms. Hadley answered that the original site was comprised of houses before being demolished. The lot has been vacant for a period of time. The original plan was to build condos before the decline of the housing market. The developer decided to work an agreement with a tenant to occupy the one story office space.

Robert Peters, 3552 Farnam Street, stated there would be a pool of 20 doctors establishing the children's health clinic and the number of patients will exceed several thousands.

Mr. Rosenbaum moved to APPROVE. Mr. Deeb seconded the motion which carried 4-0.

4. C3-11-066
Planning Board on behalf of the City of Omaha
REQUEST: Approval of a Blighted and Substandard Designation
LOCATION: North of Pacific Street, south of Western Avenue, east of 90th Street and west of 52nd Street

At the Planning Board meeting held on July 6, 2011, Chad Weaver, Assistant Planning Director, Planning Department, stated the department is in favor and recommends approval of three of the seven block groups as indicated on a map. The three areas that will remain are generally the larger block group that includes the Crossroads and a smaller block groups that contains the northeast corner of 72nd and Dodge and generally east of 72nd Street and north of Pacific Street.

Ann Boyle, 420 South 11th Street, appeared before the board. Ms. Boyle stated she previously lived in the area and expressed concern that the word “blighted” is insulting. She stated the end result of this request will be great for the City of Omaha but the area will continue to deteriorate if the designation is not approved.

Dave Ciaccio, 6405 Capitol Plaza, board member of Omaha by Design, appeared before the board. Mr. Ciaccio stated he lives in the area and expressed his support for the project that will be an economic catalyst for midtown Omaha.

Michael Coyle, legal counsel for Westside Community Schools, appeared before the board. Mr. Coyle introduced other members in leadership positions with Westside Community Schools. TIF financing has a major impact on taxing political subdivisions such as the Westside Community Schools. The original proposed area for the blighted and substandard designation would have affected approximately 80% of the property in the Westside Community Schools which is landlocked, is not growing, and has no ability to raise additional revenues. TIF takes property off the tax roles but he stated he is in agreement that the Crossroads project is a great project but the obligation of the school district is to educate the students. Westside objected to the original footprint as putting an undue burden on their boundaries and not in compliance with the strict requirements of the Nebraska Community Redevelopment Act. Through discussions with several City of Omaha authorities, an accord has been reached as follows: the City of Omaha has removed the blighted designation from the census tracts 4700_2, 6602_3, 6602_4 and 6701_2. The Westside School District does not want to object to any TIF projects west of the Papio Creek in the 6701_1 area.
Andy Rickli, 670 South 196th Avenue, appeared before the board on behalf of the Superintendent’s office of Westside Community Schools. Mr. Rickli stated that the Westside Community Schools are not in opposition to the redevelopment at Crossroads but the financial magnitude of one property can have an impact on the tax base.

Jacquie Estee, Superintendent of Westside Community Schools, appeared before the board. Ms. Estee indicated that the Westside Community School District supports the redevelopment of the Crossroads Mall and the surrounding area. The Westside Community School District, as well as other school districts, is facing significant financial difficulties. In addition, the district is landlocked with no room for additional growth therefore maximizing the tax base is essential. Federal funds have been cut which are 5% of the budget; state aide has been reduced to approximately $900,000 as well as other increased costs. In spite of these significant challenges, Westside has strived to be an innovative district to meet the unique needs of all learners. By reducing the footprint of the proposed area, there will be a minimal potential impact on the district and residential taxpayers, which will insure a strong and healthy school district now and in the future.

Jim Sherrets, Sherrets Bruno & Vogt, appeared before the board on behalf of the homeowners in the Fairacres area. Mr. Sherrets asked that the city consider notifying homeowners of a blighted designation, which could have a considerable negative impact to an area. The designation of “blighted” is very sensitive and the individual homeowners do not believe that the area is “blighted” by the statutory definition. The “blighted” connotation would be negative to potential buyers and a detriment to the rights of the property owners. He questioned if the Fairacres area is included in the revised boundaries. Mr. Weaver indicated that 69th Street would be the eastern boundary.

Gil Kettelhut, Chief Administrator of Educational Service Unit #3, appeared before the board to represent the Westside School Districts. He stated that the eight member public board supports the Westside School District’s situation.

Betty Quinn, 6300 Dodge commented that the census in her area was above the census criteria therefore the only area that is truly blighted is the Crossroads.

Betsy Conway, 508 North 72nd Avenue, lives in the Underwood Hills Subdivision, appeared before the board. Ms. Conway questioned if her property is in the “blighted” area. Mr. Hoich verified that Ms. Conway’s property is not located within the “blighted” area.

Michael Kozlik, 727 North 57th Street, appeared before the board. Mr. Kozlik asked that the official boundaries of the new blighted area be read into the record. He indicated there is a concern regarding the agreement with the Westside District and the right of a future developer to apply for TIF money west of the Papio. Mr. Kozlik stated he believes that anyone west of the Papio should have the same right to apply for TIF.

Joe Casey, 524 North Elmwood, appeared before the board to represent honesty and truth.

Jack Dunn, 1214 North 34th Street, Executive Director of the Progressive Research Institute of Nebraska, appeared before the board. Mr. Dunn stated that the only census tract block that fits the definition of “blighted” is 6701_1. The definition of “blight” can be found in the Nebraska Revised Statutes 58-209.0 and the clear reading of the law needs to be followed. The development of TIF proposals require a “But for” statement and each TIF proposal should state the reason why the proposal should be granted, why authorization should be given, and why the private developer would not do the project on their own. He indicated that during 2008-2009 there were 30 out of 37 TIF proposals that did not have a “But for” statement therefore contravening the clear reading of the law. Subsidizing projects that would have gone on anyhow is a serious problem.

Chad Weaver, Assistant Planning Director, Planning Department, referred to Bridget Hadley to provide the street boundaries for the revised proposed districts.

Bridget Hadley, Planning Department, clarified the boundaries by indicating the areas on a map.
Rick Cunningham, Planning Director, stated that the community redevelopment zone area, as defined in Community Development Law, does not freeze all tax valuations in the area. This occurs on a TIF project by TIF project basis only so that when a TIF project is completed, the value is frozen at the valuation at that time. There are three block groups that are proposed to be included in the community development area.

Mr. Weaver stated the department recommends approval of the following Census Tract Block Groups: 4600_3, 6400_4, and 6701_1.

Mr. Kelley asked Ms. Hadley to discuss the analysis and objective criteria that the City goes through to determine whether or not an application is pushed forward to designate an area to be blighted and substandard. Ms. Hadley answered that a developer may want to do a project in an area that has not been designated. A proactive approach was taken to determine the areas that have a great need for redevelopment. The Crossroads area was on the radar screen for an opportunity for redevelopment for some time. The City’s goals are economic development, job creation, business investment, enhancing the tax base, redevelopment, and infill and where the opportunities are to create economic potential. The City has been approached by several small business owners within the intersection of 72nd and Dodge with regard to visibility and accessibility issues and for the use of TIF as a solution. The ACI (Areas of Civic Importance) Overlay District is primarily in the public right-of-way and requires a higher level of design as the improvement occurs. Typically, public improvements are funded with projects through TIF. The process includes determining the opportunities for redevelopment of major commercial corridors such as 72nd and Dodge Street. Community Development Law defines “blight and substandard”. The definition of a community development area is that it is an area that is already blight and substandard. The definition for blight is: Clause A) “Any area by reason of the presence of substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layouts, faulty lot layouts in relation to size….; and Clause B) In an area in which there are one of the following conditions: 1) Unemployment in the designated area is at least 120% of the state or national average; 2) the average age of a residential or commercial units in the area is at least 40 years; 3) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for 40 years and has remained unimproved during that time; 4) the per capita income of the area is lower than the average per capita income in the city or village in which the area is designated; and 5) the area has had either stable, poor or a decreasing population base in the last two censuses.” The census data is used to gather the required information. The City is also required, by the Nebraska Community Development Law, to maintain a cap of no more than 35% of the total acres of the city for blighted area. Another requirement is to not allow more than 20% of the city’s total valuation to be in a blighted area. The goal is to achieve a bigger picture of redevelopment of a larger area and not just one project. The census data information is used and available for analysis to define the boundaries.

Mr. Kelley questioned if an analysis is part of the application process. Ms. Hadley answered that a “But for” may also be referred to as a “Statement of Needs” which is required as part of the application process and to confirm that a certain project would not move forward if TIF funding is not secured.

Mr. Kelley stated that in order for the City to move forward on economic development, it is imperative that the City has the tools such as TIF financing. He stated that he believes that the TIF committee provides a very detailed process.

John Nelson, 6269 North Glenwood Avenue, member of the State Legislature, appeared before the board. Mr. Nelson commended the Westside School District and is in favor of the Crossroads project.

Ms. Hadley indicated that the City of Omaha is in the process of meeting with the City of Lincoln to eliminate the term “blight and substandard”.

Mr. Rosenbaum moved to APPROVE. Approval of a Blighted and Substandard Designation for the Crossroads District to include the following Census Tract Block Groups: 4600_3, 6400_4, and 6701_1. Mr. Kelley seconded the motion which carried 4-0.
### Subdivisions

5. **C10-11-111**  
   **C12-11-112**  
   Blondo Street Development, LLC

**REQUEST:** Preliminary Plat approval of ANDRESEN MEADOWS, a subdivision outside the city limits, with rezoning from AG to DR and R4 (portions of which property lie within the flood fringe)

**LOCATION:** Northeast of 180th and Blondo Streets

At the Planning Board meeting held on July 6, 2011, Brian Doyle, Fullenkamp, Doyle & Jobeun, 11440 West Center Road, on behalf of the applicant, presented the request. He indicated that Jeff Elliott, E & A Consulting Group and Tom Falcone, Developer are also present. He stated that the project is a new custom home subdivision with 170 lots on a 90-acre parcel. There will be a large amount of open space and a treed area with a creek. The terms and conditions of the planning department's recommendation report will be met. He stated the development is in the process of forming a SID.

Rich Kotan, 2522 North 176th Street, appeared before the board. Mr. Kotan stated he is part of the Manchester Ridge Homeowners Association and questioned the value of the homes to be built and was concerned about the devaluation of his property.

Mr. Doyle answered that the home values will be targeted between $350-400,000 with a lot size of 75 x 130 feet. The development will be complimentary to the homes in Manchester Ridge with certain design requirements. He stated that Mr. Falcone, the developer, has a track record of building high value homes.

Karen Miller, 2221 North 176th Avenue, appeared before the board. Ms. Miller was concerned that the Manchester Ridge subdivision will serve as a main access road for an additional 200 homes with direct access to 176th Avenue. She questioned if there are other options that could be created for a safer option. Mr. Elliott, E & A Consulting Group, answered that the residents of Andresen Meadows will use 176th Avenue but will turn to the west to access the new subdivision. The reason for 176th Avenue is to align with an existing access point that currently exists on Blondo Street, which was planned for when Manchester Ridge was built.

Nick Hatz, 2320 North 176th Avenue, appeared before the board. Mr. Hatz stated he is also a resident of Manchester Ridge and is concerned about additional traffic and requested a traffic study. He also requested that more green space and parks be considered between the subdivisions.

Mr. Elliott indicated that the proposed Andresen Meadows subdivision is 90 acres with a density of 170 lots and figures out to be less than 2 lots per acre. The existing green space will be utilized on the north and west side of the subdivision. There is continuation of the HWS Cleveland Boulevard that has a 100-foot right-of-way with landscaping, street trees and decorative lighting. The direction of the Parks Departments is that there should be a neighborhood park for each section of land. The Andresen Meadows subdivision will contribute back by reimbursing the city for the construction of a park on city owned property.

Ms. Miller continued to question why 176th Avenue in Manchester Ridge has to be the access route. She asked if there is another access and another way to encourage the residents of Andresen Meadows to access the subdivision.

Thomas Mulligan, 12311 Charles Street, City Council member, appeared before the board. Mr. Mulligan was concerned that there has not been sufficient discussion between the adjoining property owners and the developer.

Mr. Elliott answered that the road was originally planned when Manchester Ridge was developed and it is typical when a subdivision is developed.

In response to Mr. Kelley, Mr. Elliott answered that there have been no meetings or discussions with neighbors.
Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval of the rezoning and the preliminary plat subject to 23 items.

Mr. Kelley questioned if the neighbors could meet with the developer. Mr. Elliott stated he is willing to meet with the neighbors before going before the City Council. There are a limited number of options but there is still an opportunity to make changes without delaying the project.

Ms. Miller questioned the final process and whether changes can still be made after meeting with the neighbors. Mr. Weaver answered that the City Council would have the opportunity to vote up or down for any future proposal.

Mr. Falcone, 18175 Mayberry Street, appeared before the board. He stated he is willing to meet with the neighbors, as long as it goes along with what the city wants, but he is concerned about a delay.

Mr. Deeb moved to APPROVE. Approval of the rezoning from AG to DR and R4. Approval of the preliminary plat subject to the following being addressed with the final plat and/or final subdivision agreement: 1) Indicating the correct right-of-way width along Blondo Street, east of 180th Street, adjacent to the bridge; 2) Providing a contribution to the future improvement of 180th and Blondo Streets; 3) Entering into an interlocal agreement with Douglas County and including provisions in the final subdivision agreement to provide for payment to the County in lieu of widening Blondo Street and 180th Street to a 3-lane section; 4) Include a note on the final plat that no direct vehicular access will be allowed to 180th or Blondo Streets from Lot 1 and 2 and Outlots B, D and E; 5) Providing a 35 foot “no build” easement along HWS Cleveland Boulevard; 6) Providing for decorative lighting per the 2010 Master Plan for Suburban Parks update along HWS Cleveland Boulevard; 7) Including language in the subdivision agreement regarding the HWS Cleveland bridge stating that the structure shall continue to be maintained by the applicant or SID, should the area west of the structure be acquired for the 180th and Blondo Street Improvement Project; 8) Extending Street C right-of-way extended north to the edge of the property line and providing traffic calming north of the boulevard; 9) Including a noise attenuation easement along Blondo Street for Lot 1 and 2, a minimum of 115 feet from centerline; 10) Submittal of storm sewer design computations and final plans to Douglas County for review that relate to the handling of roadway and site drainage along the development boundaries adjacent to 180th and Blondo Streets; 11) Entering into an interlocal agreement with Douglas County and providing an additional contribution to the 180th and Blondo Street Improvement Project covering the construction of sidewalks along 108th and Blondo Streets; 12) Coordinating the proposed grades along the southern boundary of the plat with the future improvement of Blondo Street; 13) Submitting submit cross section information for review that shows the relationship of the proposed site grading to the existing and future 180th Street and Blondo Street improvements; 14) Providing a Post Construction Stormwater Management Plan that includes treatment for the first ½ inch of stormwater for water quality and providing for a no-net increase in stormwater runoff from a 2-year storm event must be completed for the proposed project; 15) Including provisions in the subdivision agreement, as needed, for Watershed Management Fees; 16) Providing cross sections of the waterway to verify that this setback is wholly within the outlot boundaries; 17) Providing a 10 foot wide concrete trail along the east side of 180th Street; 18) Including provisions for use, ownership and maintenance of the outlots in the subdivision agreement; 19) Providing needed pedestrian/bicycle connections; 20) Submitting a letter from Douglas County Emergency Management confirming that acceptable emergency warning has been provided for the area; 21) Providing a letter of approval from Douglas County Environmental Services for the Noxious Weed Plan; 22) Providing a letter of approval from the U.S. Postal Service regarding centralized mailbox units; 23) The total debt ratio being 4% or less. Mr. Rosenbaum seconded the motion which carried 4-0.
6. **C10-11-063**
   **C12-11-113**
   Meriwether, Inc.

   **REQUEST:** Preliminary and Final Plat approval of MERIWETHER PLACE, a subdivision inside the city limits, with a waiver of Section 53-8(4)(d) regarding lot frontage, and with rezoning from HI to DR (portions of which property lie within the flood fringe and floodway)

   **LOCATION:** 2499 Freedom Park Road

At the Planning Board meeting held on July 6, 2011, Jay Rybin, 1822 Vinton Street, appeared before the board. He stated the present flood reinforces that a campground is a good use of the property but there is ample time for any type of flood evacuation. There is a need to accommodate the R.V. traveler especially with more events in the downtown area. The designed 105 proposed spots would bring approximately 400 more visitors to the NODO area.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends a layover to allow expansion of the land area included in the proposed subdivision and more time for discussion of items in the recommendation report.

Mr. Rosenbaum moved to LAY OVER. Laid over to allow expansion of the land area included in the proposed subdivision and until the accompanying Special Use Permit (Case #C8-11-062) to allow a Campground in a DR District can be recommended for approval. Mr. Deeb seconded the motion which carried 4-0.

### Rezonings

8. **C10-11-107**
   Planning Department on behalf of the City of Omaha

   **REQUEST:** Douglas County AG to City of Omaha AG and R6 Zoning Conversion for expanded 3-mile limit

   **LOCATION:** Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on July 6, 2011, Chad Weaver, Assistant Planning Director, Planning Department, stated that the request is a routine extension of the jurisdiction along with the 2011 Annexation. The department recommends approval.

No opponents appeared before the board.

Mr. Kelley moved to APPROVE. Approval of the amendment to the City of Omaha’s official zoning map to reflect the conversions from Douglas County zoning to Omaha’s zoning due to the 2011 Annexation Package which resulted in expansion of the three-mile extraterritorial jurisdiction. Mr. Deeb seconded the motion which carried 4-0.

### Conditional Use Permits

12. **C7-11-116**
    John Nepper, Jr.

   **REQUEST:** Approval of a Conditional Use Permit to allow a Wind Energy Conservation System (WECS) in a GI District (portions of which property lie within the flood fringe)

   **LOCATION:** 3550 Keystone Drive

At the Planning Board meeting held on July 6, 2011, Mr. John Nepper, Jr., 3550 Keystone Drive appeared before the board. Mr. Nepper stated he has received a grant from the State of Nebraska to erect two wind turbines. He stated he met with several neighbors and the major concern is about sound decibels. The decibel level, while standing underneath the tower, is at or below 35 decibels. The decibel level decreases dramatically when moving away from the tower. The towers cannot be located to the rear of the building because the OPPD lines are in the way. Mr. Nepper indicated that there is somewhat
of a time constraint because the condition of the grant requires that the wind towers be installed by the end of the year.

Mr. Rosenbaum asked Mr. Nepper if the sound decibels have been tested. Mr. Nepper responded that he has not tested the decibels but the manufacturer rates the windmills at 65 decibels or less. He stated that the wind makes more noise than the wind turbines.

Mr. Kelley questioned Mr. Nepper if he was aware that the city considers it a violation to be above 60 decibels in his area. Mr. Nepper responded that he was aware of the required decibels. Mr. Nepper stated the wind turbines are self-regulating with a counterbalance on each rotor that can be adjusted and controlled if the decibel is too high.

No opponents appeared before the board.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval subject to meeting sound limitations and the five items on the recommendation report.

Mr. Deeb moved to APPROVE. Approval of the Conditional Use Permit to allow a Wind energy conservation system (WECS) in a GI District (portions of which property lie within the flood fringe) subject to: 1) Compliance with the proposed site plans; 2) Compliance with the proposed operating statement; 3) Compliance with Section 55-804(a-c) of the Zoning Code which requires that the maximum permitted sound levels of the system (taken at the front property line of the use) must not exceed 60 db(A) between the hours of 7 a.m. and 9 p.m. and 55 db(A) between 9 p.m. and 7 a.m.; 4) Providing certification of approval of the method of interconnection and operation by the Omaha Public Power District prior to issuance of a permit through the Permits & Inspections Division of the Planning Department; and 5) Compliance with all other applicable rules and regulations. Mr. Kelley seconded the motion which carried 4-0.

Addendum

Master Plan Referral

14. C3-11-108  REQUEST: Approval of the CO2 OMAHA, LLC TIF PROJECT REDEVELOPMENT PLAN
Planning Department on behalf of the City of Omaha  LOCATION: 1502 South 10th Street

At the Planning Board meeting held on July 6, 2011, Ken Johnson, Economic Development Manager, City of Omaha, presented the request. Mr. Johnson stated the project is for a nine-unit housing development in southeast Omaha. The site was formerly a vacant site occupied by empty lots and an older house that has been removed. The project complies with the NCE overlay, is a TIF project raising Tax Increment Financing to offset the cost of site development, infrastructure, demolition costs and any other improvements that are required. Mr. Johnson stated the project meets the guidelines of the TIF program. Mr. Johnson offered to answer any questions.

Kylan Block, RDG Planning and Design, architect, stated the project will be cost approximately $7,000,000 for the total development including site demolition and new construction. It will include 9 apartment units with 16 underground parking stalls that will be accessible off the alley. The scope of the project includes removal of two houses on the property and the empty lot and construction of the facility. As part of the TIF financing request, the alley and the area along 10th Street will be redeveloped and will include sidewalks and the appropriate landscaping.

Mr. Johnson stated the market rate rents would be at the upper end of the market place.

Ann Boyle, 420 South 11th Street, appeared before the board in support of the project. Ms. Boyle stated the project would be a unique project, a multi-unit apartment building that will be completely green.
John Bluvas, 824 Worthington, President of the Dahlman Neighborhood Association, appeared before the board in support of the request. Mr. Bluvas stated the project would be a catalyst for South 10th Street's revitalization residential as opposed to commercial.

No opponents appeared before the board.

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

Mr. Kelley moved to APPROVE. Mr. Rosenbaum seconded the motion which carried 4-0.

**APPROVAL OF MINUTES**

Mr. Kelley moved to APPROVE the meeting minutes of June 1, 2011 as written. Mr. Rosenbaum seconded the motion which carried 4-0.

**ADJOURNMENT**

Mr. Rosenbaum moved to ADJOURN the meeting at 3:35 pm. Mr. Kelley seconded the motion which carried 4-0.

________________________________________
Date Approved

________________________________________
John Hoich, Chair

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Debbie Hightower, Planning Board
Recording Secretary