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, September 24, 2012.

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

MEMBERS NOT PRESENT: Arnold Nesbitt, Vice Chair
Anna Nubel

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

Mr. Kelley, 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.

(HOLD OVER CASES)

Special Use Permits

<table>
<thead>
<tr>
<th>NO.</th>
<th>REQUEST</th>
<th>LOCATION</th>
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</thead>
<tbody>
<tr>
<td>4.</td>
<td>Approval of a Special Use Permit to allow Small group living (nondisabled) (withdrawn by applicant) and a Conditional Use Permit to allow Religious assembly in a R5 District</td>
<td>2443 Evans Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval of the Conditional Use Permit to allow Religious assembly in a R5 District subject to: 1) The applicant submitting a revised and updated Operating Statement that describes the Religious assembly use of the site in detail. Information including the hours of operation, days of the week, number of employees and extracurricular activities or classes should be included; 2) The applicant obtaining a Zoning Board of Appeals waiver of required off-street parking; 3) The applicant obtaining the appropriate permits for any interior or exterior improvements to the structure or to the site; and 4) The applicant obtaining a Certificate of Occupancy.
from the Permits & Inspections Division of the Planning Department. Mr. Deeb seconded the motion which carried 5-0.

| 5. | C8-12-173 (D) Silvino Gomez | REQUEST: Approval of a Special Use Permit to allow Scrap and salvage services in a HI District | LOCATION: 1613 North 11th Street |

At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval of the Special Use Permit to allow Scrap and salvage services in a HI District subject to: 1) The applicant working with the Public Works Department in regards to whether the proposed off-street parking stalls off of Clark Street will be allowed. If the proposed configuration is unacceptable, the applicant will be required to provide the minimum amount of parking stalls elsewhere on-site; 2) Compliance with the revised site plan; 3) Compliance with the updated operating statement; 4) Compliance with all parking regulations of the Omaha Municipal Code; 5) Compliance with Sections 30-81 through 30-110 for junk dealers of the Omaha Municipal Code; 6) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division; and 7) Compliance with all other applicable regulations. Mr. Deeb seconded the motion which carried 5-0.

(REGULAR AGENDA)

Subdivisions

| 12. | C10-12-185 (D) C12-12-186 The Schemmer Associates | REQUEST: Preliminary and Final Plat approval of RIVERFRONT INDUSTRIAL PARK REPLAT 7, a minor plat inside the city limits, with rezoning from DR and GI to GI | LOCATION: Northwest of Lindbergh Drive and Fort Street |

At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval of the rezoning from DR and GI to GI; approval of the Preliminary Plat; and approval of the Final Plat. Mr. Deeb seconded the motion which carried 5-0.

| 15. | C10-12-196 (D) C12-12-197 Charles Vacanti | REQUEST: Preliminary and Final Plat approval of PAPILLON PARKWAY PLAZA REPLAT 1, a minor plat inside the city limits, with rezoning from CC to R6 and CC | LOCATION: 11010 North Mill Road |

At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval of the rezoning from CC to R6 and CC; approval of the Preliminary Plat; and approval of the Final Plat subject to submittal of an acceptable subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 5-0.

Rezonings

| 18. | C10-12-182 (D) Jennifer Beirola | REQUEST: Rezoning from GI to CC | LOCATION: 3021 Leavenworth Street |

At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval. Mr. Deeb seconded the motion which carried 5-0.
### Special Use Permits

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>Approval of a Special Use Permit to allow Large group living in a CC District</td>
<td>11111 “M” Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval of a Special Use Permit to allow *Large group living* in a CC District subject to: 1) Submittal of an updated operating statement that provides all of the information as required by Section 55-763(c)(3) prior to sending this request to City Council; 2) Submittal of a proposed floor plan/layout of the inpatient living area prior to sending this request to City Council; 3) Compliance with the proposed site plan; 4) Compliance with the updated operating statement; 5) Compliance with all applicable regulations; and 6) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department. Mr. Deeb seconded the motion which carried 5-0.

### Conditional Use Permits

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>LOCATION</th>
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</thead>
<tbody>
<tr>
<td>Approval of a Major Amendment to a Conditional Use Permit (pre-existing) to allow Secondary educational facilities in a R4 District</td>
<td>2235 South 46th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval of the Major Amendment to the Conditional Use Permit to allow Secondary educational facilities in a R4 District subject to: 1) Compliance with the proposed site plan; 2) Compliance with a landscape plan that provides for screening along the east property line adjacent to the stadium; and 3) Compliance with the proposed operating statement. Mr. Deeb seconded the motion which carried 5-0.

### Vacations

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>LOCATION</th>
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</thead>
<tbody>
<tr>
<td>Vacation of a segment of the north/south alley abutting Lot 4, Wilcox 2nd Addition Replat 2 which is west of 26th Street and north of Oak Street</td>
<td>11010 North Mill Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval of the Conditional Use Permit to allow *Convalescent services* in a R6 District subject to: 1) Compliance with the proposed site plan; 2) Compliance with the proposed operating statement; and 3) Compliance with all applicable site development regulations. Mr. Deeb seconded the motion which carried 5-0.
At the Planning Board meeting held on October 3, 2012, Mr. Hoich moved for approval of the proposed vacation subject to any necessary easements being included in the vacating ordinance. Mr. Deeb seconded the motion which carried 5-0.

(HOLD OVER CASES)

The following two cases were heard concurrently but voted on separately.

### Subdivisions

<table>
<thead>
<tr>
<th>Case Numbers</th>
<th>REQUEST: Preliminary Plat approval of SORENSEN PLACE, a subdivision inside the city limits, with rezoning from CC to R6 and CC (withdrawn by applicant) with approval of an MCC-Major Commercial Corridor Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-12-153</td>
<td>Sixty Sorensen, LLC</td>
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<tr>
<td>C12-12-154</td>
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<tr>
<td>C12-12-154</td>
<td></td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Northeast of 60th Street and Sorensen Parkway</td>
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</tbody>
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### Special Use Permits

<table>
<thead>
<tr>
<th>Case Numbers</th>
<th>REQUEST: Approval of a Special Use Permit to allow Convenience storage and approval of a Large Project Special Use Permit in a CC/MCC District</th>
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</thead>
<tbody>
<tr>
<td>C8-12-155</td>
<td>Sixty Sorensen, LLC</td>
</tr>
<tr>
<td>C8-12-156</td>
<td></td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Northeast of 60th Street and Sorensen Parkway</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on October 3, 2012, Neeraj Agarwal, 105 North 41st Avenue, appeared before the board on behalf of the applicant and as a proponent for the developer. Mr. Agarwal stated that the proposed development is a mixed use project consisting of multi-family housing, office and retail space, restaurants, convenient store and the state-of-the-art self-storage facility. He stated that prior to the purchase of the project site; it was listed for sale for over three years. The site, which covers approximately 15 acres of wooded area, was a former rubble landfill. The landfill portion covers approximately 30,000 cubic yards and includes rubble and concrete that goes as far as 18 feet below the surface. The trees on the project site also serve as a significant hurdle with respect to development. The developer has worked, and is continuing to work with the city regarding a tree mitigation plan that will replace the current low grade trees with quality trees and shrubs. The largest cause of concern has been the R6 multi-family housing. The developer aims to have up to 60 senior housing units with applicable amenities and has engaged a third party consulting group for an updated market study and feasibility analysis for senior housing in the area which was based upon direction and suggestion from discussions with Immanuel communities. Mr. Agarwal stated that it is too early in the development process to make a commitment to the senior living aspect which has been conveyed to the neighborhood. In response to concerns from the local community regarding the storage facility, there will be limited hours of operation and there will be a designated on-site manager. He further stated that throughout the process, representatives of the development team have been proactive and met with neighbors to explain the proposed mixed use development and answer questions. Since the meeting on August 16, 2012 the representatives of the development team have discussed the proposed project with numerous community members in person and on the phone. Also, follow-up letters were sent to neighbors detailing the commitment to senior apartments and the concessions made to date. One such concession is that the multi-family housing portion has been moved 20 additional feet further than the required setback in order to ease the connection to the neighborhood to the north which will allow for a larger buffer against noise and light. There is an ongoing dialogue with an immediate neighbor to realign the project to mitigate any concerns regarding field of vision directly into the apartment units. He noted that delays with the development will cost additional money that may negatively impact the quality of the development. Mr.
Agarwal pointed out that the company takes on challenging projects that come with obstacles that often deter other developers. The project site has obstacles and great potential.

Mary Simmons-Dingman, 5624 Mary Street, appeared before the board in opposition. Ms. Simmons-Dingman stated that the developer has not acted in good faith. She stated that she has never received any kind of correspondence even though she left her contact information at the initial Planning Board meeting on August 1, 2012. She requested that the R6 zoning not be approved.

Kyle Schrader, 9224 Raven Oaks Drive, appeared before the board in opposition. Mr. Schrader stated that he has lived in the area for approximately 10 years and enjoys the wildlife and trees in the area. He requested that all possibilities be exhausted before removing any trees.

Steve D. Walker, 7614 North 57th Street, appeared before the board in opposition. Mr. Walker stated that the trees on the site are habitat for the wildlife and not useless vegetation. He requested that the environmental impact and drainage in the area be considered.

Mr. Kelley asked Mr. Agarwal who intends to develop the multi-family component of the proposed development. Mr. Agarwal answered that the developer is White Lotus Group and would be the management company. In response to Mr. Kelley, Mr. Agarwal indicated that most of the developments completed by White Lotus Group have been commercial developments but their affiliates manage multiple properties. Mr. Agarwal indicated that there would need to be a discussion with the entire development team before committing to any specific action regarding certain aspects of the project.

Dan Dolezal, Ehrhart Griffin Associates, 3552 Farnam Street, appeared before the board. Mr. Dolezal addressed the drainage issue on the undeveloped site. He stated that there are specific calculations and that by code and ordinance the water cannot leave the site. Mr. Dolezal confirmed that the drainage plan, pond and retention basin is sufficient based on preliminary calculations and the final design was approved by the city.

In response to Mr. Neary, Mr. Dolezal described the development and pointed out the different aspects of the site including driveways, curb cuts and sidewalks. Mr. Dolezal discussed one option for removal of the rubble and pointed out traffic options.

Mr. Kelley asked Mr. Agarwal to discuss the management practices of White Lotus Group. Mr. Agarwal stated that the company has a veteran property manager that manages the residential properties but he was not aware of security details.

Mr. Neary questioned Mr. Agarwal why the neighbors that showed concern and were on a list from the previous board meeting were not notified. Mr. Agarwal stated that neighbors within 300’ were notified if they were on a list provided by the City.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to the items listed on the recommendation report.

Mr. Kelley stated that he appreciates the steps taken by the developer in respect to the storage facility. He stated he is in favor of allowing some sort of development on the site but the R6 zoning is premature and there needs to be more specific information from the developer.

Mr. Neary questioned Mr. Dolezal regarding a tree mitigation plan. Mr. Dolezal explained that the majority of the trees are mature but are not street trees and would not be allowed to be planted anywhere else. The goal is to work with the existing grade as much as possible to create sites that are useable and buildable. Mr. Weaver suggested that the tree mitigation be incorporated into the phasing plan and to not clear cut the sites that are not ready for building until there is a plan or a building permit as opposed to going through and clearing the entire site.
Subdivisions

| 1. | C10-12-153       | REQUEST: Preliminary Plat approval of SORENSEN PLACE, a subdivision inside the city limits, with rezoning from CC to R6 and CC (withdrawn by applicant) with approval of an MCC-Major Commercial Corridor Overlay District |
|    | C12-12-154       |                                              |
|    | Sixty Sorensen, LLC | LOCATION: Northeast of 60th Street and Sorensen Parkway |

Mr. Rosenbaum moved to withdraw the R6 zoning request; approve the MCC Overlay District for Lots 1, 2, 4, 5, 6 and 7; and approve the Preliminary Plat subject to the following being addressed with the Final Plat and/or final subdivision agreement: 1) Construct deceleration lanes at the entrances on westbound Sorensen Parkway and on northbound 60th Street; 2) Provide a noise attenuation easement of 115 feet from the centerline of 60th Street on the final plat for the proposed residually-zoned Lot 3; 3) Provide for an acceptable tree mitigation plan; 4) Include provisions for use, ownership and maintenance of the outlots in the subdivision agreement and on the final plat; 5) Provide for all improvements identified in the final approved traffic study; 6) Provide sidewalks as required by the Subdivision Ordinance; 7) Provide 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; 8) Include provisions in the subdivision agreement for Watershed Management Fees, in addition to all other applicable fees; 9) Submitting a letter from Douglas County Emergency Management confirming that acceptable emergency warning has been provided for the area; and 10) Providing a letter of approval from Douglas County Environmental Services for the Noxious Weed Plan.

Mr. Dolezal stated that it is the desire of the developer to move forward even without the R6 zoning designation. As the attorney for the applicant, Mr. Agarwal agreed to the removal of the R6 zoning designation.

At the request of Mr. Rosenbaum, Rick Cunningham, Planning Director, Planning Department, explained that the connectivity of the proposed project is within the goals and objectives of the Master Plan with regard to a sustainable city and quality of life. Mr. Cunningham stated that many of the environmental element and new transportation master plan’s goals and objectives are all about the way that the city is developed in the future. He indicated that a more balanced development pattern is realized by encouraging the redevelopment of the eastern portion of the city within the I-680 loop. Mr. Cunningham went on to explain that there are more than 15,000 vacant lots inside the I-680 loop. He stated that it has been recommended by a consultant that the city needs to attract 3,000 additional rooftops within the I-680 loop particularly in northeast Omaha within the next 20-25 years. Mr. Cunningham concluded that this project is: 1) inside the I-680 loop; 2) located within the northeast quadrant of the city; and 3) is a mixed-use project that includes commercial and some denser residential properties.

Mr. Deeb seconded the motion which carried 5-0.

Special Use Permits

| 3. | C8-12-155       | REQUEST: Approval of a Special Use Permit to allow Convenience storage and approval of a Large Project Special Use Permit in a CC/MCC District |
|    | C8-12-156       |                                              |
|    | Sixty Sorensen, LLC | LOCATION: Northeast of 60th Street and Sorensen Parkway |

Mr. Hoich moved for approval of a Large Project Special Use Permit in a CC/MCC District subject to: 1) Compliance with the site and landscape plans; and 2) Compliance with all applicable regulations.
Approval of the Special Use Permit to allow Convenience storage in a CC/MCC District subject to: 1) Submittal of a revised site plan and operating statement prior to forwarding this request to City Council that adequately addresses the following: a) Removal of any mention of outside storage from the operating statement; b) Relocate the perimeter security fencing to the interior of all landscaped buffyards; c) Provide a sufficient amount of off-street parking stalls; 2) Compliance with the revised site and landscape plans; 3) Compliance with the updated operating statement; and 4) Compliance with all other applicable regulations. Mr. Deeb seconded the motion which carried 5-0.

**Subdivisions**

<table>
<thead>
<tr>
<th></th>
<th>REQUEST: Preliminary and Final Plat approval of SALT CREEK CROSSING, a minor plat inside the city limits</th>
<th>2. C12-166 Gene Francis</th>
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<tbody>
<tr>
<td></td>
<td>LOCATION: 600 South 72nd Street</td>
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At the Planning Board meeting held on October 3, 2012, Gene Francis, 604 East 35th Street, Sioux Falls, South Dakota, appeared before the board. Mr. Francis stated that he has owns the property which was the former Fox Plaza. He indicated that he is attempting to develop one of the lots to be sold to a fast food restaurant.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to a dedicated right-of-way or public access easement.

Mr. Rosenbaum moved for approval of the Preliminary Plat subject to: 1) Providing a reciprocal access easement on the Final Plat between Lot 1 and 2; and 2) Acceptable sidewalk configuration based upon approval from the Urban Design Review Board with a dedicated right-of-way or public access easement. Approval of the Final Plat as amended by the condition of Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 5-0.

**Conditional Use Permits**

<table>
<thead>
<tr>
<th></th>
<th>REQUEST: Approval of a Conditional Use Permit to allow Single family attached in an R4(35) District</th>
<th>6. C7-174 Paul Vonderfecht</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>LOCATION: 6010 Charles Street</td>
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</table>

At the Planning Board meeting held on October 3, 2012, Paul Vonderfecht, appeared before the board and stated that he owns Well Design Build which builds modern energy efficient homes and will focus on redeveloping areas within the inner city. Mr. Vonderfecht explained that the current property consists of two lots with an existing 800 square foot shack that was built in 1936 and has been abandoned for several years. He stated that the proposed project will be a duplex with high quality energy efficient construction including structurally insulated panels and fiberglass windows.

Debra Smith, 6007 Seward Street, appeared before the board in opposition. Ms. Smith stated that she had a brief conversation with the developer but she continues to be concerned about the height of the building and possible vacancies.

In response to Mr. Kelley, Mr. Vonderfecht showed a site plan and renderings of the building without elevations.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to the four items listed on the recommendation report.
Mr. Neary moved for approval of the Conditional Use Permit to allow Single family residential (attached) in the R4 (35) District subject to: 1) Compliance with the existing site plan; 2) Compliance with the existing building elevations and R4 (35) site and building regulations; 3) Compliance with the existing operating statement; and 4) Sidewalks will need to be provided as required. Mr. Deeb seconded the motion which carried 5-0.

(REGULAR AGENDA)

Master Plan Referrals

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>Approval of the AMES-LOCUST INDUSTRIAL PARK AREA REDEVELOPMENT PLAN and the AMES-LOCUST INDUSTRIAL PARK REDEVELOPMENT PROJECT PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION</td>
<td>Generally, Ames Avenue on the north, Locust Street on the south, North 13th Street on the east and North 24th Street on the west</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on October 3, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed project is the result of at least a three year effort to locate industrial sites within the city of Omaha to encourage industrial development with an end result to create jobs for the highly unemployed within northeast Omaha. She stated that the proposed industrial park can potentially be subdivided into five different sites with approximately ten acres each. Ms. Hadley showed a possible site plan and an aerial view of the site and explained that the site is advantageous because it is owned by a single owner, Virgil Anderson. Ms. Hadley stated that the city has been working with the Chamber of Commerce and Mr. Anderson to purchase the site but the negotiations are still on-going. She explained that a final application has been received to apply for the building site and development fund from the State Department of Economic Development that will allow the city to receive $450,000.00 for the acquisition of the site. The city has set aside $1.7 million in the 2013 CIP which are street bonds and sewer revenues. She stated that there is also approximately $500,000.00 set aside in the advanced acquisition fund to go toward the purchase and development of the site. Ms. Hadley explained that the city is also working with the Chamber of Commerce to obtain the additional private funds needed to develop the site to be shovel-ready. The area will be recertified as being in a community redevelopment area and the site meets the qualifications for substandard and blight. Ms. Hadley mentioned the possibility of eminent domain in the plan but the goal and hope is to continue to negotiate with the owner for the purchase of the site. Ms. Hadley offered to answer any questions.

Mr. Kelley questioned if there will be a public use planned for the site or is it the city’s attempt to acquire the site and sell it off to other private participants. Ms. Hadley answered that the goal is to work with the Chamber to purchase the site and then it would be sold off to individual private development but the public piece of the development is to add the road and make the site shovel-ready.

Mark Norman, Greater Omaha Chamber of Commerce, 1301 Harney Street, appeared before the board in support of the request. Mr. Norman stated that the Chamber has been working with the planning department to find a suitable industrial manufacturing site to develop into a shovel-ready site. He stated that the proposed 70 acre site has surrounding land uses that are compatible, the current zoning is heavy industrial and another advantage is that there is rail located on the eastern side of the property. Mr. Norman concluded that the proposed project is a great opportunity to create a first class industrial park in northeast Omaha that will provide employment opportunities.

In response to Mr. Hoich, Mr. Norman stated that the site is presently a rubble dump and is used for storage. Mr. Hoich questioned the use of TIF funds. Mr. Norman answered that the TIF funds would be used for the cost of the infrastructure and development of the site including grading, water, power and
natural gas. Ms. Hadley confirmed that any development would contribute a portion of the TIF toward the infrastructure costs.

Karen Mavropoulos, Greater Omaha Chamber of Commerce, Community Development, 1301 Harney Street, appeared before the board in support of the request. Ms. Mavropoulos pointed out that the proposed project would satisfy the need for a site for industrial purposes in an area that has over 25% unemployment and over 50% of the households live with incomes that are below the median income. She concluded that the addition of five potential industrial sites would have a great economic impact on the area.

Mr. Kelley stated that he does not believe that a public body should use the power of eminent domain and then provide the same land acquired to other private parties. He stated that he would support a layover.

Mr. Hoich moved to layover for 30 days. Mr. Deeb seconded the motion which carried 4-0 with Mr. Neary abstaining.

At the Planning Board meeting held on October 3, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed project is the relocation of Gavilon to the former Omaha World-Herald site. She stated that Gavilon has a long history in Omaha dating back to the late 1800's from Peavey Company to ConAgra. Gavilon was recently purchased by a Japanese company, Marubeni Corporation. Ms. Hadley stated that Gavilon will continue to operate their headquarters in Omaha with an international presence. The proposed office building will be over 131,000 gross square feet and will add 75 new jobs but the design of the building will accommodate at least 560 employees of which 340 employees will be retained and 145 will be relocated from other locations. The property is zoned CBD and there will be landscaping-type public improvements made to the site. Ms. Hadley requested approval from the board.

Lee Hamann, McGrath, North Law Firm, 1601 Dodge Street, appeared before the board on behalf of Gavilon, LLC. Mr. Hamann explained that Gavilon will be the sole tenant of the property and Opus Development Corporation will be the developer of the site. He further explained that the address is misleading but the entrance will actually be on Capitol Avenue. There will be on-site parking for 205 vehicles and also up to 295 parking stalls off-site through a long term lease agreement. Mr. Hamann stated that the building is a special purpose building that requires a trade floor with a clear span. The proposed site is very challenging therefore TIF in the amount of $3,942,000.00 is requested with over $5,500,000.00 TIF eligible expenses associated with the site.

Robert Jones, Chief Administrative Officer of Gavilon, 11 ConAgra Drive, appeared before the board in favor of the request. Mr. Jones stated that Gavilon is a leading commodity management firm connecting producers and consumers to feed, food and fuel with the main line of business being agricultural products including fertilizer and energy products. He further stated that Gavilon specializes in origination storage, handling distribution, logistics, marketing, trading, and risk management globally. Mr. Jones explained that other locations were explored for a new world headquarters but the decision was made to keep the headquarters in Omaha. He stated that Gavilon has approximately 2,000 employees in over 300 locations on six continents and twelve countries around the world. Mr. Jones showed a rendering of the state-of-the-art facility which includes a 50,000 square foot trading floor of which 30,000 square feet will be built column free.

Mr. Neary commended Gavilon for committing to downtown Omaha but asked if there was ever a consideration to build additional space for other tenants. Mr. Jones answered that multi-floor capacity was considered but there was not enough time to fully explore other alternatives. He pointed out that Gavilon has a 20-year lease commitment but having the additional capability to grow and expand on site was a strong desire. Mr. Jones explained that the facility will initially include a servery and a fitness
center for the employees on the first floor and there have been discussions to open the facilities to a broader group.

Mr. Rosenbaum asked if the transferred employees would be transferred from out of state. Mr. Jones answered that it will include some consolidation and expansion of the current staff along with transfers that will include employees from Tokyo.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the city has worked with the design team to address several issues but the new Urban Design goals are hard to meet in the downtown area. Mr. Weaver pointed out that the café should provide some activity and transparency that lends itself to a public atmosphere. He further stated that the building will be a good dense downtown office development. Mr. Weaver stated that the department recommends approval subject to providing for all improvements identified in the approved traffic study.

Mr. Kelley commended the planning department for securing a long term commitment with Gavilon. He further stated that the project is a positive for having TIF tools at our disposal.

Mr. Neary moved for approval subject to providing for all improvements identified in the approved traffic study. Mr. Deeb seconded the motion which carried 5-0.

### REQUEST: Approval of THE SLATE TIF REDEVELOPMENT PROJECT PLAN

| 9. | C3-12-206 Planning Department on behalf of the City of Omaha | REQUEST: Approval of THE SLATE TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 1815 Capitol Avenue and 1818 Dodge Street |

At the Planning Board meeting held on October 3, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed project is to adaptively reuse and retrofit the seven-story Capitol Plaza building, as well as the structure to the south known as the circular building, into 116 affordable market rate apartments with 80-90 parking stalls. She explained that there will be additional commercial space in the south building with the hope of a restaurant/café type business with an additional 10 parking stalls to the east. The project is properly zoned CBD and will include basic landscaping public improvements. Ms. Hadley stated that the proposed project will help to fulfill the downtown master plan goal to have at least 5,000 residential units by the year 2030. Ms. Hadley reported that since 2009, there have been approximately 900-1,000 residential units added to the downtown area.

Todd Heistand, NuStyle Development, 1524 Cuming Street, appeared before the board in support of the project. Mr. Heistand stated that TIF is critical to the proposed project which does not have any historical tax credits. He indicated that there is still a need for residential units in the downtown area as evidenced by a waiting list at the nearby Farm Credit building. Mr. Heistand offered to answer any questions.

Mr. Neary moved for approval. Mr. Rosenbaum seconded the motion which carried 5-0.

### REQUEST: Approval of the MARRIOTT RESIDENCE INN AT AKSARBEN VILLAGE TIF REDEVELOPMENT PROJECT PLAN

| 10. | C3-12-207 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the MARRIOTT RESIDENCE INN AT AKSARBEN VILLAGE TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 67th and Shirley Street |

At the Planning Board meeting held on October 3, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed project is a continuation of the infill in the Aksarben Village Redevelopment area for a 120+ room Marriott Residence Inn that will occupy two acres. She stated that the amount of TIF for the project is $690,000.00 and a significant portion will be used for public improvements.

Mike Wiese, Colliers International, 6464 Center Street, appeared before the board to represent RH Management Inc., the developer of the project. Mr. Wiese offered to answer any questions.
Mr. Rosenbaum moved for approval. Mr. Deeb seconded the motion which carried 5-0.

### C3-12-208

**REQUEST:** Approval of the 2401 FARNAM TIF REDEVELOPMENT PROJECT PLAN  
**LOCATION:** 2401 and 2405 Farnam Street

At the Planning Board meeting held on October 3, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed mixed-use project consists of the renovation of 2401 Farnam Street into 12-one and two bedroom market rate apartment units and the Downtown Boxing Club. She explained that a commercial space will be created on the main floor for a future tenant and should complement the area. Ms. Hadley stated that the owner/developer recently received approval for a waiver for landscaping to allow for 12 parking stalls to the west. She further stated that the developer has been working with existing owners in the area to revitalize the entire area.

Darin Smith, Arch Icon Development, Woodbine, Iowa, appeared before the board in support of the request. Mr. Smith explained that the building is extremely unique and indicated that the requested TIF is needed to make the project work. Mr. Smith offered to answer any questions.

Mr. Kelley questioned the demand for more apartment units. Mr. Smith stated that there is a great demand for small one bedroom units in the downtown area. The proposed units will be $720.00 to $965.00 per month and will be managed by Seldin.

Mr. Rosenbaum moved for approval. Mr. Hoich seconded the motion which carried 5-0.

### Subdivisions

**13. C10-97-029**  
C12-12-187  
LFS/AK, LLC  
**REQUEST:** Preliminary and Final Plat approval of AKSARBEN CENTER, a minor plat inside the city limits, with a Major Amendment to the Development Agreement for Aksarben Business and Education Campus  
**LOCATION:** Northeast of 72nd and Pine Streets

At the Planning Board meeting held on October 3, 2012, Jason Thiellen, E & A Consulting, 330 North 117th Street, appeared before the board on behalf of the applicant. Mr. Thiellen explained that the proposed project will be assisted living and independent living units as well as a restaurant and hotel. Mr. Thiellen offered to answer any questions.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the preliminary and final plat and major amendment subject to the four items listed on the recommendation report.

Mr. Neary moved for approval of the Preliminary Plat subject to providing the required right-of-way dedications along Poppleton and 70th Streets. Approval of the Final Plat as amended by the condition of Preliminary plat approval and subject to submittal of a final acceptable subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Approval of the Major Amendment to the Aksarben Business and Education Campus Mixed Use District Development Agreement subject to submittal of an acceptable mixed use district development agreement amendment that includes the following documents prior to forwarding the request to the City Council for final action: 1) Updated and signed Major Amendment agreements; 2) Submittal of a detailed plaza plan on Lot 1; 3) The submittal of an updated exhibit B site plan reflecting the closure of the 70th Street driveway on the northeast corner of Lot 3, the removal of the parking on the northern side of Lots 1 and 3, and the relocation of the on-street parking farther to the south along 70th Street and the removal of the mid-block crosswalk on 70th Street moving it farther south. In addition, the updated exhibit B must show 8’ of curbside landscaping and 7’ sidewalks on 72nd Street north of the power station and Poppleton Avenue to 71st Street. On-street...
Parking should have a 2’ buffer, then 8’ for landscaping planters and 7’ sidewalks. Parking lot screening will be required along the western side of the memory care facility on Lot 3 and 15’ of perimeter parking lot landscaping along 72nd Street; and 4) An updated exhibit B_L landscape plan addressing the 40’ on center tree planting along 72nd Street, Poppleton Avenue and 70th Street. Mr. Deeb seconded the motion which carried 5-0.

**REQUEST:** Preliminary and Final Plat approval of 96TH & "J" PLAZA, a minor plat inside the city limits

**LOCATION:** 4501 and 4611 South 96th Street

At the Planning Board meeting held on October 3, 2012, Douglas Dreessen, Thompson Dressen & Dorner, 10836 Old Mill Road, appeared before the board on behalf of the applicant. Mr. Dreessen stated that his client objects to the removal of the southern driveway and would like to request a layover to explore other options. Mr. Dreessen offered to answer any questions.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the driveway does not conform to the current standard with the separation of the state highway and the city intersection on “L” Street. Mr. Weaver stated that the department recommends approval of the preliminary and final plat subject to the closing of the southern driveway from Lot 2 onto 96th Street and providing sidewalks along all public streets.

Mr. Kelley asked for the position of Public Works with respect to the closing of the southern driveway on Lot 2 and what impact the truck traffic would have, if any. Ryan Haas, Public Works, explained that the proposed driveway is not in compliance with the driveway guidelines with regard to clearance between the signalized intersection on 96th and “L” Street and the driveway. He further explained that the intersection is a fairly busy intersection and based on functional classification, 96th Street has no arterial guidelines which require a 230’ clearance distance between “L” Street and a driveway. Mr. Haas pointed out that the driveway is problematic enough at the current location without adding additional truck traffic.

In response to Mr. Kelley, Mr. Dreessen verified that his client would like the case to be laid over.

Mr. Neary moved for a layover for 30 or 60 days to explore other driveway options. Mr. Rosenbaum seconded the motion which carried 5-0.

**REQUEST:** Preliminary Plat approval of WINDGATE RANCH, a subdivision outside the city limits, with rezoning from AG to DR, R3 and R4

**LOCATION:** South of Pacific Street at 208th Street

At the Planning Board meeting held on October 3, 2012, Brian Doyle, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Doyle stated that his client agrees to all conditions and offered to answer any questions.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the rezoning and preliminary plat subject to the items listed on the recommendation report.

Mr. Deeb moved for approval of the proposed rezoning from AG to DR, R3 and R4 and approval of the Preliminary Plat subject to: 1) Providing for the widening of Pacific Street to three-lanes adjacent to the proposed subdivision; 2) Submittal of a traffic signal warrant analysis for 208th and Pacific Streets to the Public Works Department Streets for the fully built out Phase 1 and anticipated Phase 2 condition; 3) Coordinating with the PMRNRD regarding the proposed north/south street connection that is proposed to cross over a flowage easement; 4) Including 208th Street from the plat to Pacific Street in the SID boundary; 5) Paving all street stubs to the property line and providing temporary turnarounds at the terminus of all dead end streets; 6) Providing traffic calming on 211th Street; 7) Providing sidewalks as
required; 8) Including provisions in the subdivision agreement regarding the maintenance of the sidewalks on both sides of the double fronted lots; 9) Providing a pedestrian connection to Pacific Street from Poppleton Circle; 10) Compliance with all applicable stormwater management ordinances and policies; 11) A permit from the Corps of Engineers will be required prior to grading, if necessary; 12) Coordination with the Parks Department regarding the park fees and future park development; 13) Including provisions in the subdivision agreement and on the Final Plat regarding the use, ownership and maintenance of the outlots; 14) Submittal of a letter of approval of a Noxious Weed Plan from Douglas County prior to or with the application for a Final Plat; 15) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area; and 16) A debt ratio of 4% or less. Mr. Rosenbaum seconded the motion which carried 5-0.

Overlay Districts

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<tr>
<td>17.</td>
<td>C10-12-184</td>
<td>Prime Real Estate, LLC</td>
<td>REQUEST:</td>
<td>Approval of an MCC-Major Commercial Corridor Overlay District</td>
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<td>LOCATION:</td>
<td>22145 West Maple Road</td>
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At the Planning Board meeting held on October 3, 2012, Jim Urban, 22105 Quail Circle, appeared before the board. Mr. Urban stated that he has lived in the area over 25 years and owns a 220 acre farm with a horse breeding and equestrian operation. He explained that one of the horse pastures is adjacent to the development therefore he is concerned what the activities will be at the proposed site. Mr. Urban stated that he is uninformed and questioned how the proposal would affect property taxes and what the plan would be for water and drainage.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the commercial zoning has been in place for some time and was granted by the City of Elkhorn. Mr. Weaver stated that the ground was recently platted and split into two lots. He explained that the overlay zoning tool replaces the existing zoning and any future development would need to comply with landscaping, signage and building requirements. Mr. Weaver suggested to Mr. Urban that he contact the owner to discuss any future plan. Mr. Weaver stated that the department recommends approval.

Mr. Neary suggested that Prime Real Estate meet with the neighbors in the future before coming in for a zoning request.

Mr. Neary moved for approval. Mr. Rosenbaum seconded the motion which carried 5-0.

Special Use Permits

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<td>19.</td>
<td>C10-12-188</td>
<td>Tony and Jodee Barnes</td>
<td>REQUEST:</td>
<td>Rezoning from R3 to DR and approval of a Special Use Permit to allow Outdoor sports and recreation in a DR District</td>
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<td>C8-12-189</td>
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<td>LOCATION:</td>
<td>4534 Madison Street</td>
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Dan Dolezal, Ehrhart Griffin Associates, 3552 Farnam Street, appeared before the board with the applicants, Tony and Jodee Barnes. Mr. Dolezal stated that the property was recently platted and the proposed project will be a stable for horse riding. He offered to answer any questions.

Tony Barnes, 4534 Madison Street, offered to answer any questions.

Mr. Neary asked the Barnes’ to tell their story. Jodee Barnes, 4534 Madison Street, stated that she and her husband have been working for over five years to find a specific location to serve special needs and veteran clients for therapeutic activity. She indicated that the property is centrally located, close to the VA Hospital and other facilities related to occupational and physical therapy. The property consists of four acres, is large enough for a good sized arena and nestled into a horse community that was already
present. Ms. Barnes stated that the neighborhood response was very supportive and enthusiastic to have horses on the property again.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to the eight items listed on the recommendation report.

Mr. Rosenbaum moved for approval of the rezoning from R3 to DR and approval of the Special Use Permit to allow Outdoor sports and recreation in a DR District subject to the applicant submitting the following before forwarding the request to City Council for consideration: 1) A revised site plan/landscaping plan which identifies future parking areas; 2) Noting that the proposed service drive will be constructed with asphalt or concrete; 3) A more detailed Operating Statement indicating future uses, and the number of employees/volunteers; 4) Demolishing the existing accessory structures before a Certificate of Occupancy and Use Permit can be issued; 5) Providing a post construction stormwater management plan demonstrating on site control of the first ½ inch of stormwater runoff as well as a no-net increase in peak flow from a two-year storm is required for this project; 6) Compliance with the existing elevations; 7) Compliance with the revised Operating Statement; and 8) Compliance with all other applicable regulations. Mr. Deeb seconded the motion which carried 5-0.

In response to Mr. Neary, Ms. Barnes answered that the operation is a non-profit organization.

### Conditional Use Permits

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<th>Request Number</th>
<th>Request Details</th>
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<tr>
<td>C10-12-191</td>
<td>Approval of an MCC-Major Commercial Corridor Overlay District and a Major Amendment to a Conditional Use Permit (pre-existing) to allow Religious assembly in an R3 District</td>
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<tr>
<td>C7-12-192</td>
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<td>Lutheran Church of the Master</td>
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Kevin Strehle, BCM, 1015 North 98th Street, appeared before the board to represent the applicant. Mr. Strehle stated that he was in agreement to the layover of the Conditional Use Permit which will also allow additional time to address other concerns.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the MCC Overlay and layover of the Major Amendment.

Mr. Neary moved for approval of the MCC-Major Commercial Corridor Overlay District and layover of the Major Amendment to a Conditional Use Permit to allow the applicant time to address concerns and to obtain the recommended waivers from the Zoning Board of Appeals. Mr. Rosenbaum seconded the motion which carried 5-0.
APPROVAL OF MINUTES

Mr. Hoich moved to APPROVE the meeting minutes of September 5, 2012 as written. Mr. Rosenbaum seconded the motion which carried 5-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 4:00 pm.

_________________________________________
Date Approved

_________________________________________
Thomas O. Kelley, Chair

_________________________________________
Debbie Hightower, Planning Board
Recording Secretary