MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – April 4, 2012
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, March 23, 2012.

MEMBERS PRESENT: Arnold Nesbitt, Vice Chair
John Hoich
Anna Nubel
R. J. Neary
Van C. Deeb

MEMBERS NOT PRESENT: Thomas O. Kelley, Chair
Greg Rosenbaum

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. Nesbitt, Vice Chair, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

The requests 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

(HOLD OVER CASES)

Conditional Use Permits

6. C7-12-049 (D) REQUEST: Approval of a Conditional Use Permit to allow Duplex residential in LC
Frank Firoz LOCATION: 7501 Cass Street

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to APPROVE the Conditional Use Permit to allow Duplex residential in LC subject to the following: 1) The applicant submitting an application for approval of an MCC Overlay District on the site; 2) Submittal of a revised site plan in compliance with Article XIV Off-street Park and Loading Regulations of the Omaha Municipal Code prior to issuance of a building permit; 3) Submittal of a landscape plan in compliance with Article XIII Landscaping and Screening of the Omaha Municipal Code with removal of the 6 foot screen fence along the north property line; 4) Submittal of building elevations and specifications in compliance with the MCC Overlay District regulations for those portions of the structure that will be altered; 5) Compliance with the
approved site/landscape plans and building elevations; 6) Compliance with all applicable ordinances and regulations; and 7) The applicant obtaining all necessary permits and certificates of occupancy. Mr. Neary seconded the motion which carried 5-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(REGULAR AGENDA)

Subdivisions

15. C10-12-009 (D)  C12-12-010  Elkhorn Public Schools

REQUEST: Revised Preliminary and Final Plat approval of SAGEWOOD WEST, a subdivision outside the city limits, with rezoning from AG to R4

LOCATION: Southeast of 180th and Fort Streets

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to APPROVE the rezoning from AG to R4; approval of the revised Preliminary Plat subject to: 1) Public Works Department approval of the traffic study; 2) Providing for all improvements identified in the approved traffic study; 3) Coordinating the improvement of 180th Street with Douglas County; 4) Providing for the proper alignment of the proposed driveways to the elementary school site, opposite 176th Street and Browne Circle and providing a driveway connection to Grand Avenue as was included on previous site plans; 5) Submitting 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 Street; 6) Compliance with all stormwater management ordinances and policies; 7) Submittal of cross section information, for review purposes, that shows the relationship of the proposed grading to the existing and future 180th Street improvements; 8) Coordinating with the Parks Department regarding the 10 foot wide pedestrian trail along 180th Street and approval of the plans by the Park Board prior to forwarding the Final Plat to the City Council; 9) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area prior to approval of the Final Plat; 10) Submittal of a letter of approval of a Noxious Weed Plan from Douglas County Environmental Services prior to approval of a Final Plat. Approval of the Final Plat, as amended by the conditions of preliminary approval, and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Neary seconded the motion which carried 5-0.

Overlay Districts

17. C11-97-045 (D)  Lexus of Omaha

REQUEST: Approval of a Major Amendment to a Planned Unit Development Overlay District

LOCATION: Southeast of 132nd Street and West Dodge Road

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to APPROVE the Major Amendment to the PUD subject to submittal of site/landscape plans and building elevations in compliance with all applicable CC/ACI-4 District regulations and providing for cross access to the bank site from the east and west prior to forwarding the request to the City Council for final action. Mr. Neary seconded the motion which carried 5-0.


REQUEST: Approval of an MCC Overlay District and Repeal of a PK Overlay District

LOCATION: North of Chicago Street, south of Cass Street and east of 84th Street
At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to APPROVE the MCC-Major Commercial Corridor Overlay District and Repeal of all PK-Parking Overlay Districts for this site. Mr. Neary seconded the motion which carried 5-0.

**Rezoning**

19. **C10-12-067 (D)**  
Hustad Real Estate Holdings LLC  
**REQUEST:** Rezoning from GI to R5(35)  
**LOCATION:** 4623 Douglas Street

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to APPROVE. Mr. Neary seconded the motion which carried 5-0.

**Special Use Permits**

24. **C8-12-021 (D)**  
(Combines Cases #C8-90-98, C8-94-210 and C8-99-55)  
Lexus of Omaha  
**REQUEST:** Approval of a Major Amendment to a Special Use Permit to allow Automotive sales in a CC District  
**LOCATION:** Southeast of 132nd Street and West Dodge Road

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to APPROVE the Major Amendment to the Large Project Special Use Permit subject to: 1) Compliance with the site/landscape plans in conformance with the CC/ACI-4 District regulations; 2) Providing for cross access to the bank site from the east and west; 3) Compliance with building elevations in compliance with the CC/ACI-4 District regulations; 4) Submittal of an acceptable updated operating statement; 5) Maintaining the existing landscaped bufferyard and screening along the southern property line; 6) Maintaining the existing tree plantings along the frontage road; 7) Complying with all signage regulations contained in the Zoning Ordinance; 8) Complying with all lighting standards in the Omaha Municipal Code; 9) No outdoor paging system; and 10) Compliance with all other applicable regulations. Mr. Neary seconded the motion which carried 5-0.

**Conditional Use Permits**

27. **C7-12-071 (D)**  
Troy & Jennelea Montanez  
**REQUEST:** Approval of a Conditional Use Permit to allow Single family residential in a GC District  
**LOCATION:** 4014 South 13th Street

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to APPROVE the Conditional Use Permit to allow Single-family residential in a GC District subject to the following conditions: 1) Apply for a rezoning to CC- Community Commercial after approval of the Conditional Use Permit; 2) Removing the wood fence from the City’s right-of-way; 3) Removing the concrete surface area located on the north side of the property and landscaping to create more pervious surface area; 4) Compliance with the amended site plan; 5) Compliance with the building elevations; 6) Compliance with the operating statement; 7) Compliance with all other applicable regulations; and 8) Obtaining the appropriate permits. Mr. Neary seconded the motion which carried 5-0.

**Vacations**

28. **C14-12-066 (D)**  
Planning Board  
**REQUEST:** Vacation of Abbott Drive right-of-way located north of Dodge Street and east of 10th Street
At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to APPROVE the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Neary seconded the motion which carried 5-0.

(HOLD OVER CASES)

Subdivisions

2. C10-12-039a (D) C12-12-039 Royce Grayhawk
   REQUEST: Preliminary and Final Plat approval of WEST GRAYHAWK REPLAT THREE, with rezoning from R6 and MU to MU
   LOCATION: Southwest of 147th Street and West Maple Road

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to LAYOVER at the request of the applicant. Ms. Nubel seconded the motion which carried 5-0.

Rezonings

4. C10-00-040 (D) Royce Grayhawk
   REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for Grayhawk
   LOCATION: Southwest of 147th Street and West Maple Road

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to LAYOVER the Major Amendment to a Mixed Use District Development Agreement subject to allow the applicant additional time to resubmit the following: 1) Updated exhibits reflecting the extension of the plaza area southward that shows greater connectivity between the office/commercial lots and Lot 1; 2) The applicant meeting with the surrounding neighbors to discuss the project; 3) Updated exhibits reflecting the realignment of the southern access drive with 150th Street in addition to changing that access point from emergency to full access; 4) Updated landscape plan showing tree planting in the western buffer yard, 7% interior off street parking lot landscaping and appropriate parking lot screening of the southern and eastern off street parking of Lot 1; 5) Updated exhibits showing the completion of the sidewalk around the western portion of the convenience store and all access points entering the development along with detailed measurements of curbside landscape and sidewalk widths throughout the mixed use area based on 55-924; 6) Acceptable building elevations for the entire mixed use development; 7) Identify and screen all trash enclosures; 8) Remove the Papillion Easement language from the structure on Lot 2; and 9) Any setbacks, landscaping, etc. that differ from regulations must be addressed in the mixed use agreement as we will not rely on any inconsistencies within the site plan at the time of building permit. Ms. Nubel seconded the motion which carried 5-0.

REGULAR AGENDA)

Master Plan Referrals

9. C3-12-058 (D) Planning Department on behalf of the City of Omaha
   REQUEST: Approval of the MCDONALD’S USA, LLC TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 2410 Cuming Street

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to LAYOVER. Ms. Nubel seconded the motion which carried 5-0.
Rezoning

21. C7-12-069 (D)  
    C10-12-070  
    Dr. Terry Bolamperti  
    REQUEST: Rezoning from MU to R6 and approval of a Conditional Use Permit to allow a Social club in a R6 District  
    LOCATION: Southwest of 132nd and Fort Streets

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to LAYOVER to allow the applicant time to work with the City regarding traffic, site plan, easement, building elevation and landscaping issues. Ms. Nubel seconded the motion which carried 5-0.

23. C10-12-076 (D)  
    C11-12-077  
    C7-12-078  
    The Mainland Companies, LLC  
    REQUEST: Rezoning from R4 to R6 with approval of a Planned Unit Development Overlay District and approval of a Conditional Use Permit to allow Convalescent services in R6  
    LOCATION: Southeast of 178th and Pacific Streets

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to LAYOVER to allow the applicant additional time to submit a revised site plan that is in compliance with all applicable site development regulations and specifically addresses the location of the access drive and cross easements with the adjacent lot to the east, consider inclusion of the lot to the east, installation of sidewalk along Pacific Street, the required landscaped bufferyards, detailed specifics about the retaining wall and schematic architectural plans and elevations sufficient to indicate building height, bulk, materials and general architectural design. Ms. Nubel seconded the motion which carried 5-0.

Special Use Permits

25. C8-12-065 (D)  
    Sobir Samaritdinov  
    REQUEST: Approval of a Special Use Permit to allow Automotive sales in a GC District  
    LOCATION: 4902 Northwest Radial Highway

At the Planning Board meeting held on April 4, 2012, Mr. Hoich moved to LAYOVER to provide the applicant time to submit a revised site plan, make application for rezoning of the site to the CC-MCC District and for the property owner to address any possible code enforcement issues. Ms. Nubel seconded the motion which carried 5-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-11-140  
    C12-11-215  
    Lanoha Real Estate Co., Inc.  
    REQUEST: 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 an MCC Overlay District  
    LOCATION: Northeast of 85th Avenue and Cass Street

At the Planning Board meeting held on April 4, 2012, Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval.

Ms. Nubel moved to APPROVE the Final Plat subject to submittal of an acceptable final subdivision agreement. Mr. Neary seconded the motion which carried 5-0.
PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

3. C10-11-167  C12-11-168  Sean Negus
REQUEST: Preliminary Plat approval of COUNTRY CLUB HILLS, a subdivision inside the city limits, with rezoning from R3, R5 and GC to R3
LOCATION: Southwest of 63rd and Girard Streets

At the Planning Board meeting held on April 4, 2012, Douglas Dreessen, Thompson Dreessen & Dorner, 10836 Old Mill Road, appeared on behalf of the applicant. Mr. Dreessen presented a revised Preliminary Plat with 15 single-family lots that are approximately 70-75 feet in width and the 16th lot to the east will include a church. Mr. Dreessen indicated that ten single-family lots located east of the basin have been reduced to nine lots with an increase in the width of the lots to 82 feet. The basin, five western lots and the church lot will remain as originally proposed. He stated that curb and gutter would be installed on the south side of Girard as well as a sidewalk that meets City standards. He stated that a covenant has been drafted with regard to lot width, construction guidelines, basements, driveways, curb and gutter, no on-street parking, preservation of trees, proof of developer/builder/owner financing, enforcement of covenants and the detention basin all of which are generally acceptable to the applicant. Mr. Dreessen offered to answer any questions.

Jerry Slusky, 8712 West Dodge Road, attorney, appeared before the board on behalf of the two neighborhoods located south and north of the proposed subdivision. Mr. Slusky stated that the applicant has worked with the neighbors and the neighbors have agreed upon a set of covenants that were submitted. He stated that the neighbors struggled with the applicant to get more lot width so the homes would be more compatible but a balance has been struck between the applicant and the homeowners in the Read Street neighborhood and the Country Club neighborhood.

Chad Weaver, Assistant Planning Director, Planning Department, indicated that the submitted covenants would be forwarded to the City Council. Mr. Weaver stated that the department recommends approval subject to the five items on the recommendation report.

Mr. Neary moved to APPROVE the rezoning from R3, R5 and GC to R3 and approval of the Preliminary Plat subject to: 1) Providing sanitary sewer to all buildable lots within the proposed subdivision; 2) Providing for storm sewers/inlets along Girard Street; 3) Providing for sidewalks along Girard Street; 4) Providing for a no net increase in stormwater runoff and treating the first ½ inch of stormwater for water quality; and 5) Providing for the use, ownership and maintenance of the outlot in the final subdivision agreement. Mr. Deeb seconded the motion which carried 5-0.

Rezonings

5. C10-12-055  C11-12-056  Apollo Building Corporation
REQUEST: Rezoning from DR and R5 to R6 and approval of a Planned Unit Development Overlay District
LOCATION: Generally, 133rd Street south of Larimore Avenue and north of Meredith Avenue

At the Planning Board meeting held on April 4, 2012, Terry Ficenec, appeared before the board. Mr. Ficenec stated that he is the Managing Member of the Carter LLC, which is the owner of Lot 97, Hillsborough Estates and is requesting the rezoning from R5 to R6 in a PUD. He stated that he has two requests that would be outside the R5 zoning regulations. The first request is to allow for construction of a six- and eight-plex in two story style buildings to allow for more green space and durability. Mr. Ficenec
also requested that the project be able to stack units rather than having the units vertically attached. He stated that the maximum number of units in an R5 zoning district is 117 but the proposed project would have 86 units. He indicated that the project would comply with the height and the setback regulations of a R5 zoning district. On March 27, 2012 a homeowners meeting was held with approximately 150 homeowners in attendance. Several issues were addressed and at the end of the meeting, the neighbors seemed to be satisfied. Mr. Ficenec offered to answer any questions and respond to any opponents.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the rezoning from DR and R5 to R6; approval of the PUD Overlay District and plans, subject to the applicant working with the Urban Design Division of the Planning Department on acceptable final building elevations prior to forwarding the request to the City Council for approval.

Mr. Deeb moved to APPROVE the rezoning from DR and R5 to R6; approval of the PUD Overlay District and plans, subject to the applicant working with the Urban Design Division of the Planning Department on acceptable final building elevations prior to forwarding the request to the City Council for approval. Ms. Nubel seconded the motion which carried 5-0.

(REGULAR AGENDA)

Master Plan Referrals

7. C3-11-217
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

At the Planning Board meeting held on April 4, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the request is for a Tax Increment Financing (TIF) redevelopment project plan in the former Aksarben Beef building. She stated that the plan represents an adaptive reuse and historic rehabilitation by converting the building into 20 low-income housing units. The developer is in the process of acquiring a Special Use Permit and the project will receive NIFA funding. Ms. Hadley stated that a representative of the developer was present to answer any specific questions.

In response to Mr. Neary, Darrin Smith, Arch Icon Development, Woodbine, Iowa, answered that the initial TIF application included 15 two and 5 three bedroom units but an adjustment to the floor plan will include 3 two bedroom, 14 three bedroom and 3 four bedroom apartments which will bring the cost per unit down and make it more attractive for the NIFA application. He pointed out that NIFA is attempting to promote more family size units. Mr. Smith stated that the building is on the National Register and was initially the H. Theisen Pickle Company, which was started in 1930, but Aksarben Beef took possession of the building in the 1960’s.

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

Mr. Deeb moved to APPROVE. Mr. Neary seconded the motion which carried 5-0.

8. C3-12-048
Planning Department on behalf of the City of Omaha
REQUEST: Approval of the Public Facilities Element of the City of Omaha Master Plan
LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on April 4, 2012, Nick Kollios, DSA Planning, presented the plan for the Public Facilities Element for the City’s Master Plan, which was developed over the course of the past year. Mr. Kollios stated that there is a substantial cost with implementing the plan but there is also a substantial cost to the City if the plan is not implemented. The existing public facilities were evaluated;
how business is done, how the facilities are used, how the resources are deployed within the city, the
growth and existing resources and what facilities are applicable versus not applicable and conducive to
fulfilling the City’s mission over the long term. The current and long-term needs were taken into account
to develop a very specific plan. There are 92 existing facilities with the average age of 34 years, some
are well located and some are not, some have enough space and some do not, some function well and
some do not. Basically, the plan recommends that the City dispose of 38 buildings because they are not
cost effective to retain now or in the future. The buildings would essentially need to be fully reconstructed
if retained but the money could be spent to redevelop the buildings at a cost of over $84 million over the
long term but the facilities may or may not have the capacity or be well located to serve the public in the
future. The population of the City will grow by approximately 12% and the geographical area will grow by
approximately 30% over the next 20 years.

There are a substantial number of fire stations that need to be replaced due to the existing conditions. A
plan has been developed that consolidates the fire stations while maintaining and improving the response
times. A total reduction of three fire stations would occur with the plan despite City growth.

A number of police facilities are very deficient including the southwest precinct. The police department is
currently configured into four precincts but as the City grows, the precincts will need to change over time.
The plan recommends five precincts that will accommodate growth and at a reduction of two sites overall
over the long term.

The plan would retain nine existing community centers and replace three of the centers and locate them
to where they could be reasonably accessed and on a consistent basis among the public. There were
five-minute time drive zones established east of 72nd Street and seven-minute time drive zones west of
72nd Street. There will be a total of 13 community centers, which represents a reduction of two
community centers, but the facilities will be the right size and have the ample capacity to provide the
programs that are needed within the community centers in an efficient way.

The plan recommends that there are a number of existing libraries that should be eliminated due to the
physical conditions. The library department does want to replace the existing downtown library but a
further study is recommended. The library plan and the amount of libraries that would be replaced and
developed, is designed on drive times. Over the long term, there is a net increase of three libraries that
include accommodating City growth and express libraries. Three of the libraries would be express or
experimental libraries that can be located in strip malls to test the demand. The City could then make a
decision if there is a need to move forward to establish a more permanent library facility in growth areas.

Mr. Kollios pointed out that there are considerable opportunities to consolidate the facilities within the
parks areas. The plan recommended that over the long term, park facility locations would be
consolidated and reduced by two.

The sewer facilities are generally in good shape but there is a need for an additional facility to the west. A
new sewer facility would collocate with a new Public Works/Street facility. Public Works/Street could
vacate out of the Elkhorn site and a new joint use site would be consolidated for Public Works that would
serve the western region. He stated that Public Works would also vacate the 26th and Lake Street site
entirely and the location of a new fleet maintenance facility would be established based on the projected
plan.

Overall, the plan would dispose of 38 facilities and replace them with 38 facilities by locating them
properly, sizing them properly and by providing them with the correct functional areas and capacity to
serve the levels that are required by City growth. Despite consolidating facilities, there is a need for more
space to right size facilities. Over a 25 to 30 year time frame, by adding another 290,000 square feet to
the existing facilities inventory, the cost will be $281 million over the long term to develop these facilities.
The plan is a statement of need and is not geared toward developing a financial plan or a method of
financing the facilities. Mr. Kollios pointed out that just to do business as usual would cost the City $82
million. The City has not allocated, in the past and currently, enough funds to maintain and sustain the facilities that operate on a 24-hour basis and that are used very heavily by the public. Mr. Kollios suggested that the City take a more proactive approach in the deferred maintenance cost. Again, by eliminating existing facilities, there is a savings of $34 million over the long term, which can be invested toward new facilities. The scope of the plan did not look at the existing real estate assets or provide any kind of determination in term of reuse or the value of a sale. There could be a potential source of funding to begin the process by eliminating the deficient facilities.

Mr. Neary questioned if the study prioritized any of the facilities based on usage or demand. Mr. Kollios stated that there are demand figures for the library master plan but, as in the report, there is a schedule of events in 5 to 10 year planning increments, which dictate a chain of events in terms of when the facilities should be replaced. The sequencing of the facilities is based more on the lifespan versus the demand usage.

Mr. Kollios added that the costs are not inflated but are project costs that do not include the cost of land. In conclusion, the City is faced with facilities that are old and not maintained and there are total of 13 facilities that should be removed. There are many intangibles, not included in the plan, when facilities are consolidated to simplify the operations of the City.

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

Mr. Neary moved to APPROVE the Public Facilities Element of the Master Plan. Ms. Nubel seconded the motion which carried 5-0.

10. C3-12-063 Planning Department on behalf of the City of Omaha
    REQUEST: Approval of a Blighted and Substandard Designation
    LOCATION: Generally bound by 204th Street on the east, 207th Street on the west, Glenn Street on the north and Blondo Street on the south

At the Planning Board meeting held on April 4, 2012, Bridget Hadley, Planning Department, presented the request which is for approval of a community redevelopment area designation based on a study area meeting the conditions of blight and substandard per the Nebraska Community Development Law. Ms. Hadley stated that, although Tax Increment Financing (TIF) may be referenced, the request is for the approval of the community redevelopment area designation. The particular area is for the old Elkhorn area, which is in need of some revitalization/redevelopment and there are some public infrastructure issues. She explained that a community-planning firm from Lincoln was commissioned to prepare a study of the area and to come up with an area that is large enough and will eventually generate enough revenue that can be used in the old Elkhorn area. Ms. Hadley indicated that a developer owns a portion of the area that is located outside of the City but once the area is annexed into the City then the designation will apply. Ms. Hadley offered to answer any questions.

In response to Mr. Hoich, Ms. Hadley stated that TIF could not be applied for until an area is annexed into the City of Omaha and must be in a community redevelopment area. She indicated that this could be a catalyst to generate the tax revenues to help Elkhorn provide the needed infrastructure.

In response to Mr. Neary, Ms. Hadley verified that the TIF funds would be used for the infrastructure and would not be a windfall to the developer. She explained that the members of the Elkhorn community have been encouraged to come up with a community area plan and a vision of the old Elkhorn area with regard to streetscaping, curb repairs and there are sewer issues that could be considered for TIF funding.

Jean Stothert, 1819 Farnam Street, Member of Omaha City Council District #5, appeared before the board in favor of the request. Ms. Stothert stated that the merchants on Old Main Street in Elkhorn are in
Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval.

Mr. Deeb moved to APPROVE. Mr. Hoich seconded the motion which carried 5-0.

11. C3-12-064
   Planning Department on behalf of the City of Omaha

   REQUEST: Approval of a Blighted and Substandard Designation
   LOCATION: Generally bound by 42nd Street on the east, 49th Street on the west, Nebraska Avenue on the north and Fort Street on the south

At the Planning Board meeting held on April 4, 2012, Bridget Hadley, Planning Department, presented the request for a community redevelopment area designation, which will include the St. Richard’s School project at 45th and Fort Street. The property is undergoing a complete conversion and revitalization and will provide senior villas and the school will be completely rehabilitated and converted into a community area. She stated that Holy Name Housing is planning to relocate their offices to the area and there is a possibility of a health center. Ms. Hadley pointed out that a designation is needed in order for Tax Increment Funding (TIF) and there is also a small retail center at 42nd and Sorensen Parkway in a small community area that could also use help for revitalization. There is also potential for the redevelopment of some vacant land to the west. Ms. Hadley offered to answer any questions.

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

Mr. Deeb moved to APPROVE. Ms. Nubel seconded the motion which carried 5-0.

12. C3-12-080
   Planning Department on behalf of the City of Omaha

   REQUEST: Approval of a Blighted and Substandard Designation
   LOCATION: Generally, Dodge Street on the north, 114th Street on the west and I-680 corridor on the east and west from Dodge to Pacific Streets

At the Planning Board meeting held on April 4, 2012, Bridget Hadley, Planning Department, presented the request for a community redevelopment area designation based on a study area that met the conditions of blight and substandard as per the Nebraska Community Development Law. This particular project involves the City and TD Ameritrade and the need for public infrastructure improvements that include street improvements along 108th Avenue in the Old Mill area. In the future, when TD Ameritrade applies for TIF financing, the potential increment revenues will be used only for the public infrastructure and street improvements that are identified. The TIF funding could also be used for a public bike center on the trail on the east side of the creek as well as a pedestrian bridge that would cross over and connect to Lamp Park to create connectiveness to the communities and neighborhood areas. Ms. Hadley confirmed that TD Ameritrade would not receive any of the TIF funding. Ms. Hadley offered to answer any questions.

In response to Mr. Nesbitt, Ms. Hadley stated that TD Ameritrade initially approached the City with regard to street improvements in the Old Mill area and the City agreed that TIF financing could be used as a tool for infrastructure improvements in the area.

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

Mr. Deeb moved to APPROVE. Ms. Nubel seconded the motion.
In response to Mr. Neary, Ms. Hadley answered that the TIF funding would only be used for the public infrastructure improvements because there are not enough revenues from street and sewer bonds and the CIP to improve the streets in the Old Mill area. Mr. Neary pointed out that the streets are important and they are in bad shape but there could be a problem by setting a precedent. Ms. Hadley stated that the TIF increment would be short term (up to five years) and the total cost of what may need to be done would be very minimal in relation to what the increment may generate. She confirmed that this request is only for the blight and substandard designation.

In response to Ms. Nubel, Ms. Hadley stated that she was in contact with a representative from OPS and he stated that OPS always support economic and community development but there could be a potential impact on the residents of OPS but they have enjoyed the benefits that has been brought to the school district in the long term.

Mr. Nesbitt echoed the concerns of Mr. Neary and stated that it seems that there could be a precedent set with the City and TD Ameritrade. Mr. Nesbitt pointed out that there were some initiatives on the City’s part and he expressed concern that someone else would see this as a way to get things done.

Mr. Neary stated that he wants to go on record that he has a small ownership in a building within the area but does not have a conflict according to the code.

Bob Haller, 916 South 110th Plaza, appeared before the board. Mr. Haller stated that he lives in the area and represents three homeowner associations. He asked why the entire area east of 114th Street is included in the blighted and substandard area. Rick Cunningham, Planning Director, answered that the neighborhood was included in the Block Group, which is based on Census Tract information. Mr. Cunningham stated that the Block Group needed more categories in order to designate the area as a community redevelopment area. The terms blighted and substandard is an overall area designation because of conditions such as decrease in population, age of structures, etc. meet the definition, as established by Community Development Law but has no impact on the value of property. In fact, the reinvestment and investment of TIF tends to raise the property values in the area. The City is not creating the blight and substandard but is recognizing, by definition, that the area qualifies to be designated so a redevelopment area can be created. He stated that the City is very conservative in the way that TIF is applied. Mr. Cunningham pointed out that the amount of value that is being created at the TD Amerittrade headquarters is so great therefore TIF should be paid off within 2-5 years.

The motion carried 5-0.

13. C3-12-081 Planning Department on behalf of the City of Omaha REQUEST: Approval of a Blighted and Substandard Designation LOCATION: Southwest quadrant of the intersection of 72nd and "L" Streets, "L" Street on the north and 72nd Street on the east

At the Planning Board meeting held on April 4, 2012, Ken Johnson, Planning Department, presented the request. Mr. Johnson stated that the request is to designate the 72nd and "L" Street area as a community redevelopment area, which qualify under the Nebraska Community Development Law. The area is being created as a community redevelopment area because it meets the criteria and conditions to be blight and substandard because of loss of population, lower per capita income and age of housing. The site is in a flood plain and needs to increase the elevation in order to build and develop the site. Mr. Johnson pointed out that after approval of this designation, the applicant can apply for Tax Increment Financing (TIF) to cover site improvement costs associated with project development. Mr. Johnson offered to answer any questions.

Jerry Slusky, 8712 West Dodge Road, appeared before the board on behalf of Menards Inc. Mr. Slusky confirmed that the area meets the definition of blight and substandard per the State statute. He stated that Menards acquired the property in 2008 which was just before the economic downturn and are now
facing increased costs for additional fill and site work. Mr. Slusky explained that this designation would improve the entire area and would be an immediate benefit to the City of Omaha because Menards will generate $30-35 million in sales, will spawn additional retail/office buildings and generate more activity in the area of 72nd and “L” Streets. Mr. Slusky stated that Menards would not make enough of a return on their investment without the TIF funding. Mr. Slusky offered to answer any questions.

Mr. Nesbitt questioned Mr. Slusky as to why the City should take on the burden of making the numbers work for Menards. Mr. Slusky stated that the City has a chance to increase the sales tax by $500 million and redevelop an entire area. Mr. Nesbitt further questioned why Menards would continue on with the purchase of the property if they knew that it was located in a flood plain. Mr. Slusky answered that Menards underestimated the extent of site work needed. He admitted that there is a tremendous interest for Menards but the City of Omaha will generate more sales and property tax with an opportunity to inject more enthusiasm for development in the area.

In response to Mr. Neary, Mr. Slusky stated that Omaha will receive 1.5% of the City's share of the sales tax and the nearby arena will receive a portion of the State’s share of the sales tax from Menards.

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

Mr. Neary further questioned why they City would subsidize the TIF funding and why Menards would be given an advantage over a competitor that has been established in the area for over 50 years. Mr. Slusky stated that the earthwork was underestimated and there is no question that the project will create more competition, but the project fits the Community Redevelopment Act and the City has a chance to rejuvenate an area that is in a state of decline. Mr. Neary pointed out that the goals for TIF and the City of Omaha seem to conflict because one goal for TIF is through new business investment and another goal is through business retention and expansion of existing businesses.

Mr. Deeb moved to APPROVE. Mr. Hoich seconded the motion which carried 4-1 with Mr. Neary dissenting.

It was the consensus of the Board to hear the following two cases together.

14. C3-12-072
    E & G Investments, LLC

REQUEST: Approval of an amendment to the Future Land Use Element of the Master Plan to de-designate West Dodge Place (52.15 acres) as Mixed Use to allow an additional 10.8 acres of Mixed Use development

LOCATION: Northwest of 180th Street and West Dodge Road

Rezoning

22. C10-12-073
    C10-02-262
    E & G Investments, LLC

REQUEST: Rezoning from R6 to MU and approval of a Major Amendment to a Mixed Use District Development Agreement for West Dodge Station

LOCATION: 885 North HWS Cleveland Boulevard

At the Planning Board meeting held on April 4, 2012, Dennis Hogan, Regency Center, appeared before the Board with Jim Buser on behalf of the applicant. Mr. Hogan presented the progress and talked about the changes for the past ten years that have taken place at the West Dodge site located at 180th and West Dodge Road. The area was originally to be a typical mixed-use project with pedestrian bridges, footpaths, connectivity, walkways and water features. The first part of the change was that the Church of the Master Lutheran Church was developed on the north corner of the project, which took away the office
buildings as originally shown. Mr. Hogan indicated that the property purchased by his client, E & G Investments, was to be used for apartments in the upper end mixed-use area. The 180th and West Dodge intersection was shown to be six lanes from county line to county line and was to be a centerpiece of how the Master Plan would work encouraging mixed-use areas. Village Pointe is located to the southeast and one corner at the intersection is the Infinity car dealership, which took away the office features and some of the connectivity and focal point. The next change was on the west end of the project, which was originally the Reagan Buick store but is presently Performance Ford. The next change occurred when the Elkhorn School District decided to build a Junior High School in the area and land was acquired from his client under threat of condemnation. He stated that his client originally had 20 acres of property but presently have 10 acres that are zoned R6. Recently, the CSG headquarters located on 180th Street was originally contemplated for the site but the most recent change to the plan is the approval of a new Toyota dealership located adjacent to the proposed apartment project. The original Master Plan had all of the ingredients and elements that were developed for a mixed-use area but presently there is now an auto row to the east and a mini auto row to the west so obviously the neighborhood has changed dramatically. Mr. Hogan stated that his client would like the opportunity to change with the neighborhood and have the same flexibility as offered by the Master Plan. And in support of the request for a change in the Master Plan, there is a question as to how many acres are located on the corner, but with all of the car dealerships that are not typical mixed use components and do not meet the same regulators as a practical matter, those acres should not be counted against the acres on the intersection and that likewise his client’s 10 acres should be allowed to be an office product which is more compatible with the neighborhood. The submitted project will be an office configuration for the site with the hope that some of the users in the area would see this site as a likely candidate for their place of business. Mr. Hogan offered to answer any questions.

Joanne Sharples, owner of Quality Construction, appeared before the board in opposition. Ms. Sharples stated that she is a homebuilder and owns five lots located directly across from the proposed project. She stated that she is concerned about protecting her investment and questioned why not a light office use instead of mixed use. Mr. Hogan responded that a light office use is not an option. Ms. Sharples responded that if the use is limited to general office she would generally not be opposed but she would be opposed if the property is not used for general office.

Chad Weaver, Assistant Planning Director, Planning Department, explained that changes to the Master Plan are taken seriously and changes are warranted and can be repeated within the entire City. Mr. Weaver suggested that it is not necessarily a reason to change the Master Plan because the scheme has changed from the original Master Plan. The fact that the existing mixed-use plan is described as less attractive or lesser quality does not lead to the conclusion that there is a need to create more office ground. Mr. Weaver stated that non-residential uses are as compatible to commercial uses especially with buffers in place as evidenced by the civic uses of the nearby school and churches. Lastly, the scheme in the Master Plan, to limit the acreage at intersections, is a broad scheme and goes beyond the use by allowing transportation to follow. Mr. Weaver stated that the property located to the south has dealt with and has been recommended against. Mr. Weaver stated that the department recommends denial of the request to amend the Master Plan.

In response to Mr. Neary, Mr. Weaver stated that the number of acres is based on quarterly general averages and the grand scheme of the Master Plan ended up allowing a great deal more to allow for flexibility. Mr. Weaver stated that the commercial use is far in excess of office. He pointed out that there is a lot of vacant mixed-use areas and to allow more use would do a disservice to the individuals that originally bought into the grounds of the Master Plan.

In response to Mr. Hoich, Mr. Hogan stated that the desirability of the ground has changed dramatically by the change and the character in the neighborhood. He stated that when the property was bought originally it was to closely resemble the original Master Plan. The plan has changed from apartments to office and the area is now more compatible with office use than apartment users.

Ms. Nubel moved to DENY. Mr. Neary seconded the motion which carried 4-1 with Mr. Hoich dissenting.
Rezoning

22. C10-12-073  
   C10-02-262  
   E & G Investments, LLC  

REQUEST: Rezoning from R6 to MU and approval of a Major Amendment to a Mixed Use District Development Agreement for West Dodge Station  

LOCATION: 885 North HWS Cleveland Boulevard  

Ms. Nubel moved to DENY. Mr. Neary seconded the motion which carried 5-0.

Subdivisions

16. C10-12-074  
   C12-12-075  
   Elkhorn Public Schools  

REQUEST: Preliminary and Final Plat approval of WEST BAY WEST, a subdivision outside the city limits, with rezoning from AG and R4 to R4  

LOCATION: Southeast of 192nd and Spring Streets  

At the Planning Board meeting held on April 4, 2012, Jeff Lake, Olsson Associates, appeared before the board on behalf of the applicant. Mr. Lake stated that the project is a major component of the Elkhorn School District's bond issue and will house an elementary school. He stated that the acquisition of several non-conforming lots along 192nd Street has progressed through a condemnation process and the school district has come to terms with the landowners. After the board meeting on April 10, 2012, the school district will take possession of the back half of the lots and will also acquire six residential family lots from the West Bay II development. Mr. Lake stated that the deeds would be turned over to the Planning Department after the land sale. He stated that Steve Baker, Superintendent of Elkhorn Public Schools and Jeff Miller, attorney representing the school district was also present. Mr. Lake offered to answer any questions.

Jean Stothert, 1819 Farnam Street, Member of Omaha City Council District #5, appeared before the board in favor of the request. Ms. Stothert stated that she represents the Elkhorn area and supports and recommends approval of the request. She pointed out that the school district is rapidly growing and is under a very aggressive time frame to build the school. Ms. Stothert stated that the project would be put out to bid within a couple of weeks and then back to the Elkhorn School Board for approval in May. She expressed that any delay would be a severe consequence to the school district.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the rezoning from AG and R4 to R4 and approval of the Preliminary Plat subject to the seven conditions on the recommendation report and approval of the Final Plat as amended by the Preliminary Plat conditions of approval.

Mr. Deeb moved to APPROVE the rezoning from AG and R4 to R4 and approval of the Preliminary Plat subject to: 1) Providing deeds for all included parcels prior to forwarding this request to City Council; 2) The applicant providing for all improvements identified in the final approved traffic study; 3) Providing for sidewalk along the north side of Lot 1 extending to 192nd Street and along 188th Avenue adjacent to Lot 1 and 2 and extend to Lamont Street and then west to connect to the existing sidewalk; 4) Compliance with all current stormwater management ordinances and policies; including providing for a no net increase in stormwater runoff and treating the first ½ inch of stormwater for water quality; 5) Submitting a tree canopy analysis; 6) Submitting a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area; and 7) Resubmitting final plat mylars in compliance with Section53-7(4) of the Subdivision Ordinance. Approval of the Final Plat as amended by the Preliminary Plat conditions of approval. Ms. Nubel seconded the motion which carried 5-0.
Rezoning

20. C10-12-068
   Kelli Renner

REQUEST: Rezoning from R4(35) to R5
LOCATION: 3873 Gold Street

At the Planning Board meeting held on April 4, 2012, Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends denial of the rezoning.

No one appeared before the board.

Mr. Neary moved to DENY. Ms. Nubel seconded the motion which carried 5-0.

Special Use Permits

26. C8-10-042
   TD Ameritrade

REQUEST: Approval of a Major Amendment to a Large Project Special Use Permit to allow signage not in compliance with Chapter 55 Zoning of the Omaha Municipal Code
LOCATION: Southwest of 108th Avenue and Old Mill Road

At the Planning Board meeting held on April 4, 2012, Richard Anderson, 2120 South 72nd Street, attorney for the applicant, appeared before the board with Greg Quick, Director of Corporate Facilities and Real Estate, TD Ameritrade, 10825 Farnam Street. Mr. Anderson indicated that the signage request is for the TD Ameritrade building located in the southwest quadrant of the I-680 and Dodge Street corridor. He explained that the signage was not completed at the time of the original application. The two proposed wall signs would be 672 square feet each and will be located on the top end of the north and south side of the building and the two monument signs would be 27 square feet each. He stated that the signs comply with the sign ordinance with the exception of the sign budget. The two proposed wall signs will be 1% of the surface area of the two walls of the building. Mr. Anderson stated that the 20-acre site is unusual because it is located within the only metro mixed-use area in the City and is in an area that is bounded on the west by the West Papio Creek, which creates a limitation to the sign budget. The sign budget is calculated by the street frontage feet along the roadway to the area. He pointed out that surface parking would extend the street frontage and the sign budget could have been obtained if the underground parking garage was eliminated. TD Ameritrade not only has the operations and technology headquarters at 10825 Farnam Street but also has other buildings located on the campus at 10846 Farnam Street and 10826 Farnam Street. For the record, the signage at 10826 Farnam Street has used only 44 square feet of a budget of 440 and at 10846 Farnam Street has used only 140 square feet of a budget of 256 square feet. He suggested that a Special Use Permit in a metro mixed-use area allow for some exceptions especially when a building is twice the height in a general office area. The sign budget is only about 1,000 square feet and the proposed signage would be approximately 1,400 square feet. He stated that initially incorrect information was received as to the sign budget but the wall signs were ultimately designed to an appropriate size for the size of the building. The proposed signs are not too large or unusual for the size of the building. The signs will be back illuminated as will the entire building. He indicated that there is no opposition from the public. Mr. Anderson stated that his client is willing to withdraw the 300’ square foot sign contingency and offered to answer any questions.

In response to Mr. Nesbitt, Mr. Quick answered that, despite the misinformation that was received with respect to the sign budget, a request would have been made to increase the sign budget to allow for the appropriate size and design concept for the building.

Mr. Nesbitt questioned why the sign would need to be 1,400 square feet versus 1,000 square feet and visible from Dodge Street and about three miles away on the interstate as the TD Ameritrade building. Mr. Quick responded that the building lends the visibility as a major employer and contributor to the
Mr. Deeb commented that the sign looks great, fits perfectly and would only cover 1% of the overall building.

Chad Weaver, Assistant Planning Director, Planning Department, asked the applicant to provide any additional materials to be submitted to City Council. Mr. Weaver stated that the department recommends denial.

Ms. Nubel moved to APPROVE a Major Amendment to a Large Project Special Use Permit to allow 1,400 sq. ft. of signage not in compliance with Chapter 55 Zoning of the Omaha Municipal Code subject to all other conditions approved as part of the original Special Use Permit. The applicant withdrew the requested 300 sq. ft. sign contingency. Mr. Deeb seconded the motion which carried 5-0.

APPROVAL OF MINUTES

Mr. Neary moved to APPROVE the meeting minutes of March 7, 2012 as written. Ms. Nubel seconded the motion which carried 5-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 3:50 pm.

_________________________________________
Date Approved

_________________________________________
Thomas O. Kelley, Chair

_________________________________________
Debbie Hightower, Planning Board
Recording Secretary