MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – June 6, 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, May 28, 2012.

MEMBERS PRESENT: Thomas O. Kelley, Chair
Anna Nubel
Van C. Deeb
Greg Rosenbaum

MEMBERS NOT PRESENT: Arnold Nesbitt, Vice Chair
John Hoich
R. J. Neary

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. 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.

PUBLIC HEARING AND ADMINISTRATIVE MEETING
(HOLD OVER CASES)

Overlay Districts

2. C10-12-094 (D) C7-12-093
William J. Stott, AIA

REQUEST: Approval of an MCC Overlay District and a Conditional Use Permit to allow Automotive repair services in CC/MCC
LOCATION: 7802 Military Avenue

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the MCC Overlay and approval of the Conditional Use Permit to allow Automotive repair services in an MCC/CC District subject to the following conditions: 1) Compliance with all applicable development regulations; 2) Compliance with the approved site plan; and 3) Compliance with the approved operating statement. Mr. Rosenbaum seconded the motion which carried 4-0.
REQUEST: Approval of an MCC Overlay District and a Special Use Permit to allow Convenience storage in CC
LOCATION: Southwest of 90th Plaza and Sorensen Parkway

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the MCC-Major Commercial Corridor Overlay District; approval of the Special Use Permit to allow Convenience storage in a CC-Community Commercial District subject to: 1) Submittal of a revised site plan and related materials prior to forwarding this request to City Council that adequately addresses the following: a) Twenty-five feet of clearance for vehicular stacking between the gate entrance and the northern property line; b) Twenty feet of landscaping and placement of a sidewalk along the entire northern portion of the site; c) Providing one handicap stall that is sixteen feet in width; d) Providing acceptable height specifics and proposed building materials; and e) Providing specifics in regards to retaining wall; 2) Compliance with the revised site and landscape plans; 3) Compliance with the operating statement; 4) Compliance with signage regulations; and 5) Compliance with all other applicable regulations. Mr. Rosenbaum seconded the motion which carried 4-0.

Conditional Use Permits
5. C7-12-069 (D)
   Dr. Terry Bolamperti
REQUEST: Approval of a Conditional Use Permit to allow a Social club in an R6 District
LOCATION: Southwest of 132nd and Fort Streets

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the Conditional Use Permit to allow a Social club in an R6 District subject to the following conditions: 1) Compliance with all applicable development regulations; 2) Compliance with submitted site plan; 3) Compliance with submitted operating statement; and 4) Compliance with submitted building elevations. Mr. Rosenbaum seconded the motion which carried 4-0.

REGULAR AGENDA
Subdivisions
10. C12-12-110 (D)
    Matt Tarr
REQUEST: Preliminary Plat approval of PACIFIC POINTE ESTATES REPLAT THREE, a subdivision outside the city limits
LOCATION: North of 194th Avenue and Walnut Circle

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the Preliminary Plat subject to providing a note on the Final Plat stating that driveway access from Lot 1 shall be directly onto 194th Avenue and shall not connect to the hammerhead. Mr. Rosenbaum seconded the motion which carried 4-0.

11. C10-12-111 (D)
    Discount Tire Corporation
REQUEST: Preliminary and Final Plat approval of MIRACLE HILLS REPLAT 3, a minor plat inside the city limits, with approval of an ACI-4(PL) Overlay District
LOCATION: Northwest of 120th Street and West Dodge Road

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the ACI-4(PL) Overlay District; approval of the Preliminary Plat subject to the applicant placing a note on the Final Plat mylars that states that Lot 1 and 2 will not have direct access to West Dodge Frontage Road North; and
approval of the Final Plat as amended by the condition of Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement. Mr. Rosenbaum seconded the motion which carried 4-0.

12. C10-12-114 (D) 
   C12-12-115 
   Discount Tire Corporation 
   REQUEST: Preliminary and Final Plat approval of GEORGETOWN REPLAT VI, a minor plat inside the city limits with approval of an MCC Overlay District 
   LOCATION: Southeast of 144th and Arbor Streets 

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the MCC Overlay District; approval of the Preliminary Plat subject to: 1) The applicant placing a note on the Final Plat mylars that states that Lot 1 will not have direct access to 144th Street; and 2) Adding an easement to the Final Plat mylars that provides for ingress/egress between Lot 1, Georgetown Replat VI and Lot 8 and 9, Fromkin’s Commercial Plaza. Approval of the Final Plat as amended by the condition of Preliminary Plat approval and submittal of an acceptable final subdivision agreement. Mr. Rosenbaum seconded the motion which carried 4-0.

**Overlay Districts**

13. C10-12-106 (D) 
   Slosburg Company 
   REQUEST: Approval of an MCC-Major Commercial Corridor Overlay District 
   LOCATION: 2501 South 90th Street 

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval. Mr. Rosenbaum seconded the motion which carried 4-0.

14. C10-12-108 (D) 
   Buck’s Inc. 
   REQUEST: Approval of an MCC-Major Commercial Corridor Overlay District 
   LOCATION: 3052 South 84th Street 

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval. Mr. Rosenbaum seconded the motion which carried 4-0.

15. C10-12-109 (D) 
   Frank Firoz 
   REQUEST: Approval of an MCC-Major Commercial Corridor Overlay District 
   LOCATION: 7501 Cass Street 

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval. Mr. Rosenbaum seconded the motion which carried 4-0.

16. C10-96-196 (D) 
   Cricket Communications 
   REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for Ridgeview 
   LOCATION: 18505 Wright Street 

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the Major Amendment subject to submittal of an acceptable final Mixed Use District Development Agreement amendment prior to forwarding the request to the City Council. Mr. Rosenbaum seconded the motion which carried 4-0.
Rezoning

17. C10-12-119 (D)  
   Richard Franek

REQUEST: Rezoning from DR to R4  
LOCATION: 5813 Holmes Street

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval. Mr. Rosenbaum seconded the motion which carried 4-0.

Conditional Use Permits

22. C7-12-113 (D)  
   C8-02-064  
   Discount Tire Corporation

REQUEST: Approval of a Conditional Use Permit to allow Automotive repair services in a CC-ACI-4 District and approval of a Major Amendment to a Large Project Special Use Permit  
LOCATION: Northwest of 120th Street and West Dodge Road

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the Conditional Use Permit to allow Automotive repair services in a CC-ACI-4(PL) District, subject to: 1) Compliance with a revised site plan in compliance with all applicable development regulations; 2) Compliance with a revised landscape plan in compliance with all applicable development regulations; 3) Compliance with revised building elevations in compliance with all applicable development regulations; 4) Compliance with all sign regulations; 5) Compliance with the proposed operating statement; and 6) The applicant obtaining all required permits and a Certificate of Occupancy and approval of the Major Amendment to the Large Project Special Use Permit subject to all original conditions of approval. Mr. Rosenbaum seconded the motion which carried 4-0.

23. C7-12-116 (D)  
   Discount Tire Corporation

REQUEST: Approval of a Conditional Use Permit to allow Automotive repair services in a CC-MCC District  
LOCATION: 14323 Arbor Street

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the Conditional Use Permit to allow Automotive repair services in a CC-MCC District, subject to: 1) Compliance with a revised site plan that provides a cross access driveway to the south and complies with all applicable development regulations; 2) Compliance with a revised landscape plan that provides a cross access driveway to the south and complies with all applicable development regulations; 3) Compliance with revised building elevations in compliance with all applicable development regulations; 4) Compliance with all sign regulations; 5) Compliance with the proposed operating statement; and 6) The applicant obtaining all required permits and a Certificate of Occupancy. Mr. Rosenbaum seconded the motion which carried 4-0.

24. C7-12-118 (D)  
   Northwest Respiratory Services

REQUEST: Approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC District  
LOCATION: 10935 Mockingbird Drive

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved for approval of the Conditional Use Permit to allow Warehousing and distribution (limited) in the CC District subject to: 1) Compliance with a revised site plan that includes compliance with perimeter parking lot landscaping regulations of 1 tree per 500 square feet per 55-718 and interior parking lot landscaping regulations of 5% per 55-740(f)(5); 2) Compliance with the submitted operating statement; and 3) Compliance with the submitted building elevations. Mr. Rosenbaum seconded the motion which carried 4-0.
Special Use Permits

18. C8-5-121(a) (D) C7-09-078 Boyd Dingman

REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Body and fender repair in a GC District and approval of a Major Amendment to a Conditional Use Permit of a “Takedown Plan” for off-premise advertising signs

LOCATION: 12020 Emmet Street

At the Planning Board meeting held on June 6, 2012, Ms. Nubel moved to layover the Major Amendment to a Special Use Permit to allow Body and fender repair services in a GC District and the Major Amendment to a Conditional Use Permit of a “Takedown Plan” for off-premise advertising signs to allow the applicant time to: 1) Revise the location on the subject site or modify the plans of the proposed billboard so that it complies with all applicable regulations of the Zoning Code; and 2) Work with City staff in regards to the 2009 Conditional Use Permit “Takedown Plan” for off-premise advertising signs and that all conditions have been adequately met. Mr. Rosenbaum seconded the motion which carried 4-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions


REQUEST: Final Plat approval of NORTHERN HILLS ESTATES TWO, a subdivision outside the city limits, with rezoning from DR and AV to DR, and a Special Use Permit to allow development in the North Hills Environmental Overlay District

LOCATION: Generally, Southwest of 72nd Street and Northern Hills Drive

At the Planning Board meeting held on June 6, 2012, David Fanslau, Current Planning Manager, Planning Department, stated that the department recommends a layover based on the three conditions in the recommendation report.

Mr. Rosenbaum moved to layover the Final Plat to allow the applicant additional time to submit the following: 1) A letter from the NDEQ approving the proposed on-site waste water treatment; 2) A letter from the Douglas County Emergency Management Agency confirming that acceptable emergency warning is being provided for the area; and 3) An acceptable draft final subdivision agreement that includes all of the required exhibits. Mr. Deeb seconded the motion which carried 4-0.

Special Use Permits

4. C8-12-065 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 June 6, 2012, Dan Owens, 2519 North 49th Street, appeared before the board in opposition to the request. Mr. Owens stated that he lives behind the property and expressed concern that the proposed business would devalue his property.

David Fanslau, Current Planning Manager, Planning Department, stated that the department has worked with the applicant for several months to make many improvements on the site with regard to an improved
landscaping plan. Mr. Fanslau stated that the department recommends approval subject to the six items on the recommendation report.

Sobir Samaridinov, 1825 Northwest Radial Highway, appeared before the board in favor of the request. Mr. Samaridinov stated that he plans on spending approximately $25,000 for trees and bushes.

In response to Ms. Nubel, Mr. Samaridinov answered that he has not met with the neighbors.

Ms. Nubel moved to layover for 60 days, or 30 days if ready, to allow the applicant time to meet with the neighbors. Mr. Rosenbaum seconded the motion which carried 4-0.

(REALGAR AGENDA)

Master Plan Referrals

6 C3-12-102
Planning Department on behalf of the City of Omaha
REQUEST: Approval of THE NORTH OMAHA SENIOR COTTAGES TIF REDEVELOPMENT PROJECT PLAN
LOCATION: 5435 St. Richards Plaza

At the Planning Board meeting held on June 6, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed project is located on the St. Richard’s campus which is 9.7 acres and will include 12 duplexes (24 units) with 2 bedrooms each. The project is a low income tax credit project for seniors and is part of a larger project to include an intergenerational campus in cooperation with Holy Name Housing and Heartland Family Services. There will be future phases that will involve more cottages and the reutilization of the former St. Richard’s School for a youth shelter and senior community center that will be open to the public. Also, the rectory on the campus will be reutilized for the Holy Name Housing Corporation headquarters as well as a future community health center. Ms. Hadley offered to answer any questions.

In response to Mr. Kelley, Ms. Hadley stated that the project cost is $4,776,799.00 and the amount of TIF requested is $276,256.00.

In response to Ms. Nubel, Ms. Hadley stated that the project helps fulfill the Master Plan by providing in-fill housing within the neighborhood where there is a tremendous need for senior housing. She stated that Phase I will be completed by the spring of 2013 but the schedule for Phase II is presently undetermined.

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

7 C3-12-103
Planning Department on behalf of the City of Omaha
REQUEST: Approval of MENARD’S PLAZA TIF REDEVELOPMENT PROJECT PLAN
LOCATION: 4726 South 72nd Street and 7337 “L” Street

At the Planning Board meeting held on June 6, 2012, Ken Johnson, Planning Department, presented the request. Mr. Johnson stated that the project plan will incorporate the use of Tax Increment Financing (TIF) to help cover the cost of extensive site preparation and other TIF eligible expenses. TIF is requested for the redevelopment of the site which is currently in a floodway/floodplain area and will require extensive remediation to raise the elevation of the site. In 2007, there was a subdivision agreement approved wherein Menards agreed to do street improvements as well as signalization at 72nd and “L” Street. The total project cost is estimated at $19,000,000 and the amount of TIF requested would be $2,000,000 for site enhancement costs even though there is $9,000,000 in TIF eligible expenses. Mr. Johnson offered to answer any questions.

Jerry Slusky, 8712 West Dodge Street, appeared before the board on behalf of the applicant. Mr. Slusky
shared that Menards is serious about the site and has applied for a building permit. He offered to answer any questions.

Mike Ryan, 11130 Jackson Street, appeared before the board in opposition. Mr. Ryan submitted a research paper on TIF that was done by an institute for the public interest in Iowa. He stated that his objection to the proposed project would apply to most TIF in the future and those that have been approved in the past insofar that the TIF process takes away from taxes that are being received from other governing bodies that collect taxes. He called it another example of “corporate welfare” – taking from the taxpayer and giving it to someone who is wealthy.

Linda Ryan, 11130 Jackson Street, appeared before the board in opposition. Ms. Ryan stated that she does not believe the project satisfies the “But For” clause and that Menards does not need an incentive to build.

In response to Mr. Kelley, Mr. Johnson explained that he is not familiar with the article submitted by Mr. Ryan but the basic difference between the TIF programs in Iowa and Nebraska is that Nebraska uses a very conservative approach unlike Iowa’s very liberal approach which puts their tax base at risk. Mr. Johnson stated that this is not a corporate/John Menard’s decision but a site specific location that Menard’s has decided to develop. Corporately, Menard’s may be very well off but a TIF project is based on a project-specific investment decision. Mr. Johnson pointed out that, by state law, the first right of offset is public improvements and Menards has complied with the request of the department in terms of receiving TIF.

In response to Ms. Nubel, Mr. Johnson explained that TIF is the increase in ad valorem taxes which result through a project being completed and generating an increase in taxes. If a project is not completed and there is no improvement in the amount of evaluation and resulting taxes, there is no stream. TIF is strictly the increase in value in taxes related to the project but if the project is not done it does not give additional dollars for any specific needs, in other words, you cannot buy police cars if you do not use TIF.

In response to Mr. Kelley regarding support of TIF from the school districts, Mr. Johnson stated that a letter of support for the project was received from the Ralston School District. If the TIF project is not completed there will be no increase in value so there will be no dollars that can be redirected anywhere. He stated that Menard’s will borrow the money on their own full faith and credit and by providing TIF the increase in taxes will be captured over a period of time sufficient to retire the $2,000,000 debt and then TIF goes away. The average time that TIF is paid off within the city is less than twelve years. After TIF is paid off, all of the increase, as well as the base will go to the taxing jurisdictions and there is no increase in taxes.

In response to Mr. Rosenbaum regarding the “But For” clause, Mr. Johnson pointed out that the property was purchased in 2007 and is not yet developed because of the increase in cost to develop the site.

Mr. Slusky explained that when Menard's purchased the property, an unknown $1-1,500,000 of site work was needed to raise the site out of the floodplain. At that time Menard’s made an economic determination that was very site specific and decided that the return on investment would not be adequate enough to proceed with the development unless there was a buy down of taxes through the TIF process. He pointed out that Menard’s could have qualified for more TIF but Menard’s requested only the amount needed which is $2,000,000. From a “But For” standpoint, this sight would not have a Menard’s on the site, “But For” the TIF. Mr. Slusky pointed out that the site is a great location and the store will generate approximately $30-35,000,000 in retail sales with 1.5% for the City of Omaha which amounts to $450-500,000 annually for the next 20-30 years resulting in real money that can be used to purchase police cars.

Mr. Ryan stated that there will be less money for Douglas County if a TIF project is approved. He stated that he believes the Menard’s project will be completed without TIF. Mr. Ryan stated that he has been on the Douglas/Washington County Stormwater Policy Committee for over four years and expressed that it is not good floodplain policy to raise a structure above a floodplain by filling in.
David Fanslau, Current Planning Manager, Planning Department, stated that the department recommends approval.

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

8. C3-12-104
   Planning Department on behalf of the City of Omaha
   LOCATION: 200 South 108th Avenue

At the Planning Board meeting held on June 6, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley explained that several years ago there were discussions between the City and TD Ameritrade relating to the conditions of the streets and the inclusion of a pedestrian bridge to provide better access and connectivity to Lamp Park and the east side of the creek to connect to the trail system. She stated that the proposed project is a realization of the recommendations from those previous discussions of the public infrastructure improvements including the street system improvements, pedestrian bridge and/or a bicycle station/repair station. The location of the pedestrian bridge and the bicycle repair center or fix-it station has yet to be determined. The improvements will encourage reinvestment in the Old Mill Business District which is the City’s only metro mixed use area. The Master Plan requires that the mixed use area be a higher density of major employers which is similar to the downtown area. The project is for the use of Tax Increment Financing (TIF) to cover the cost of public infrastructure improvements including the pedestrian bridge and some type of bike repair station. She stated that 100% of the TIF dollars will be used for the infrastructure improvements and none of the TIF dollars will go to TD Ameritrade. Ms. Hadley stated that Public Works, as well as Thompson, Dreessen & Dorner, a local engineering firm, agree that the condition of the streets need to be repaved and resurfaced. Ms. Hadley concluded, that without the use of TIF, the public infrastructure improvements will not be done. Ms. Hadley offered to answer any questions.

In response to Mr. Kelley, Ms. Hadley stated that the pedestrian bridge will be part of the infrastructure improvement which will enhance the value of the area as more employees use the area and bridge which will adjoin Lamp Park. Ms. Hadley pointed out that as the area grows there may be employees that may want to use the bridge for more connectivity and to walk to work.

Richard Anderson, 2120 South 72nd Street, appeared before the board on behalf of the applicant with several other individuals involved in the project. Mr. Anderson reiterated that, before the project was started, there were conversations with the City of Omaha with regard to the deterioration of the infrastructure which was a significant concern to the City. He explained that without the TIF dollars there are no funds available for the street and streetscape improvements which are objectives of the Master Plan. He stated that the Public Works director said that the improvements will be more expensive if the improvements are not taken care of soon. The metro mixed use area is to attract and encourage large scale employers with high density development into the area which was developed many years ago in a different capacity but has changed with the Master Plan designation. Mr. Anderson verified that 100% of the TIF will be used for public infrastructure improvements. The TIF dollars for street improvements will be approximately $1,600,000.00 and the contingency for bridge improvements will be approximately $2,400,000.00. Mr. Anderson pointed out that the tax increments will be taken care of within two to four years as opposed to the 12 year average. He stated that there has been no opposition from the school district and other entities that have been notified. The tax increment that will occur, as a result of the proposed project, is much larger than the proposed improvements and is in substantial conformity and encouragement with the Master Plan for the City of Omaha. The street improvements will take 12-18 months and the bridge will require a study where there will be an opportunity for the community to have an impact. Mr. Anderson offered to answer any questions.

In response to Mr. Kelley, Mr. Anderson answered that TD Ameritrade did not include the pedestrian bridge in the original request but after discussions with the City, TD Ameritrade and the City has worked together with regard to what is necessary for the metro mixed use area to be in compliance with the
Master Plan.

Claude Couvillion, 815 South 113th Street, appeared before the board. Mr. Couvillion stated he is a proponent for TD Ameritrade but is opposed to TIF because the area does not meet the blight and substandard designation therefore the project is not eligible for TIF. He stated that he believes there is no legal basis for TIF which should have been requested before TD Ameritrade developed the building.

Several opponents appeared before the board (Robert Haller, 916 South 110th Street; Vern Ohlinger, 111 South 111th Street; Robert Delay, 1032 South 112th Plaza; Mike and Linda Ryan, 11130 Jackson Street; Linda Bone, 117 South 110th Street; Mark Gorcos, 11357 Jones; Franklin Hauck, Sr., and 10917 Westover Road). The opponents addressed concerns regarding the misuse of TIF funds, cost and location of a pedestrian bridge, acquisition of property for the bike trail, and adequate emergency access. Mr. Ryan submitted a copy of a letter to the City Council from Mike Boyle, Douglas County Board outlining the board’s position against the proposed TIF project but suggested the use of BID (Business Improvement District).

Jack Dunn, 1214 North 34th Street, Progressive Research Institute, appeared before the board. Mr. Dunn stated that the TIF proposal violates the “But For” clause and amounts to the giveaway of tax payers’ money to private interests which violates state law. He stated that the proposed project dips into city, county, school and other public funds unlike any previous TIF project. Mr. Dunn stated this project will be an excellent example of why changes will be proposed in the upcoming state legislature.

Robert Stubbe, Director of Public Works, appeared before the board. Mr. Stubbe stated that the public street improvements that have been identified will cost $1.6 million. He explained that this project will be an opportunity to do improvements in the area and provide an increased level of condition to the streets. Mr. Stubbe stated that the location and design of the pedestrian bridge has yet to be determined.

In response to Mr. Kelley, Alan Thelen, City Attorney, stated that the law department has not looked at any specific legal issues.

In response to Mr. Kelley, Ms. Hadley confirmed that the total amount of TIF is anticipated to not exceed $5,048,875.00 for the street system, pedestrian bridge and bicycle station/bicycle fix-it station. Ms. Hadley explained that there are no plans for the improvement or alterations to Lamp Park. She explained that TD Ameritrade will pay up front for the street systems to be improved, within the next 12-18 months, once TIF is approved. Ms. Hadley explained that the use of TIF dollars has been identified and the law which governs TIF (Community Redevelopment Law) outlines the TIF eligible uses. When the law was originally written, the first use for TIF was public infrastructure but was later modified and amended to allow for TIF to be used for rehabilitation of older structures and other costs. Ms. Hadley stated that in terms of the “But For” clause, the public infrastructure improvements would not move forward if not for TIF.

In response to Mr. Kelley, Ken Johnson, Planning Department, explained that a complete feasibility study will be commissioned to determine the location, design, size, cost and whether a pedestrian bridge is practical.

Mr. Kelley commended TD Ameritrade for making a tremendous investment in the community by building a $300 million dollar building and pointed out that TD Ameritrade is not requesting TIF to build the building but to make public improvements.

Mr. Anderson commented that the bridge concept does not affect the LEED designation for the TD Ameritrade building. Also, he stated that there is plenty of parking on the campus and arranged other parking nearby therefore the bridge concept is not part of the TD Ameritrade parking plan. Mr. Anderson indicated that it may take five years to return the TIF amount for the public infrastructure projects, but once TIF is paid back, it will always be tax dollars. He pointed out that there is no change in use but a continuation of the use. A traffic study that was completed did not require extensive street improvements but improvements related to the deterioration of the public infrastructure.
In response to Mr. Kelley, Mr. Anderson stated that the street improvements are time sensitive and are expected to be completed by 2013.

Mr. Johnson explained that TIF is strictly the capture of increase ad valorem tax revenues that result after a project is completed. Those revenues are captured for a period of time to service the debt that has incurred. In this case, there is approximately $5,000,000.00 worth of total debt which includes $1.6 million for street improvements and $2.3-2.4 million for the pedestrian bridge. When the increment comes in and the debt is retired, the increased revenues will go to all tax jurisdictions - there is no “secret pot of funds”. The project may be assessed at $80-90,000,000.00 and based on that, there is approximately $1.5 million dollar annual increment increase. In conclusion, there is no windfall for TD Ameritrade; the City is covering a legitimate expense and public improvements with TIF dollars.

Mr. Couvillion agreed that street improvements do qualify as a project but pointed out that if the TD Ameritrade building is not included in the project then the revenue cannot be captured - the improved streets will not increase the value of the property. Mr. Couvillion requested that the legal department review the process and give an opinion.

In response to Mr. Kelley, Mr. Johnson answered that there are nine members of the TIF Committee and the vote was 6-2. The two members that voted against the TIF were Pam Spaccarotella, Finance Director and Paul Kratz, City Attorney. Mr. Johnson explained that the TIF project area is the 108th Old Mill Business Park area and excludes the residential character of the neighborhood. The TIF Redevelopment Project area incorporates TD Ameritrade’s building as well as the public streets. The increment is captured from the building that is within the boundary by using the increment from the building to do the public streets that are within the boundary.

In response to Mr. Kelley, Mr. Johnson stated that there is rarely a unanimous vote of the TIF Committee.

Mr. Kelley stated that he has serious reservations concerning the advisability of the pedestrian bridge but a vote in favor of the redevelopment plan is not an endorsement for the bridge.

David Fanslau, Current Planning Manager, Planning Department, stated that the department recommends approval of the project.

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

9. C19-12-107
Planning Department on behalf of the City of Omaha

REQUEST: Approval of the 2012 Annexation Package; Standing Bear SID 416, Pegasus SID 447, Hillsborough Plaza SID 440, Seven Pines, Highland Park and adjacent areas SID 370, Pepperwood SID 300, The Colonies and adjacent areas SID 330, Walnut Lake SID 414, Lakeview Heights and Chimney Ridge SID 244

LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on June 6, 2012, Gary Hall, Planning Department, presented the request. Mr. Hall stated that the annexation package consists of 8 SID’s that contain 6,353 residents, 742 acres of land and 405 million dollars in real estate property value. In terms of land use, three of the SID’s have a total 37.2 acres of commercial development. Several of the areas also have a balance of low and high density residential and civic uses. The annexation passed the test of being fiscally positive over the next ten years and is consistent with city annexation policies, the City’s Master Plan and state annexation laws. The annexation request will be heard by the City Council on July 3, 2012 with a planned effective date of August 27, 2012. There will be an informational open house, for those who are being annexed, at
Burke High School on Wednesday, June 13, 2012 between 6:00 and 7:30. Mr. Hall offered to answer any questions.

In response to Ms. Nubel, Mr. Hall stated that there has not been any negative reaction from the residents of the proposed annexed areas.

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

**Special Use Permits**

19. C8-12-117
    Jeffrey Hannon
    
    REQUEST: Approval of a Special Use Permit to allow
    Automotive sales in a GC District
    
    LOCATION: 6901 Maple Street

At the Planning Board meeting held on June 6, 2012, Jeffrey Hannon, 6901 Maple Street, appeared before the board and requested that the case be laid over.

David Fanslau, Current Planning Manager, Planning Department, stated that the proposed site is not large enough for an auto sales use, there is a public works issue regarding the proposed curb cut and the existing curb cut does meet today's standards. There is additional customer parking in the right-of-way that has been identified as dangerous and the parking on the east side of the site does not meet the parking standards of the zoning code. There are buffer yard zoning requirements that cannot be met in relation to adjacent properties. Mr. Fanslau stated that the site is not adaptable for an auto sales use therefore the department recommends denial.

Mr. Deeb moved to deny. Ms. Nubel seconded the motion which carried 4-0.

20. C8-12-120
    Associated Property, LLC
    
    REQUEST: Approval of a Special Use Permit to allow
    Custom manufacturing in a CC District
    
    LOCATION: 4905 South 97th Street

At the Planning Board meeting held on June 6, 2012, Patrick Sullivan, 1246 Golden Gate Drive, Papillion, Nebraska, appeared before the board on behalf of the applicant. Mr. Sullivan stated that the existing building was originally constructed by Northwestern Bell and was used to repair telephones and telephone booths. He stated that the proposed business will be operated by Associated Fire, a fire equipment company. Most of the projects will be install projects and the shipping will be done on site. There will be some trucks and some inventory that will be brought in. Additionally, the area includes many types of businesses but the proposed use will be a less intense use than previous. Mr. Sullivan offered to answer any questions.

David Fanslau, Current Planning Manager, Planning Department, explained that the case was pulled off the disposition agenda because a letter was received in opposition. Mr. Fanslau stated that the department recommends approval subject to the four items listed on the recommendation report.

In response to Mr. Kelley's concern regarding odor and noise, Mr. Sullivan stated that everything will be contained inside the building therefore noise will not be an issue and there will be no odor. In response to Ms. Nubel, Mr. Sullivan confirmed that the hours of operation will be 8:00 to 4:30 Monday thru Friday.

Ms. Nubel moved for approval of the Special Use Permit to allow Custom Manufacturing in a CC district subject to the following: 1) Conformance with the operating statement and site plan as submitted; 2) No outdoor storage of materials; 3) Compliance with all other applicable regulations; and 4) Obtaining all necessary permits. Mr. Deeb seconded the motion which carried 4-0.
Conditional Use Permits

21. C7-12-105
   Alejandro Torres
   LOCATION: 4655 South 60th Avenue
   REQUEST: Approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC District

At the Planning Board meeting held on June 6, 2012, Randall Nemitz, 4539 South 60th Avenue, appeared before the board in opposition. Mr. Nemitz expressed concern regarding the noise and the exhaust fumes from the trailers that are used as refrigeration units at the site. He also stated that he is frustrated because he is unable to communicate with the business owners who operate behind a locked gate.

In response to Mr. Rosenbaum, Mr. Nemitz stated that he has attempted to have a conversation with the applicant on two separate occasions.

Tony Calabro, 4533 South 60th Avenue, appeared before the board in opposition. Mr. Calabro stated that he has issues regarding the noise from the semi trucks that are running at night on the property.

No one appeared before the board in favor of the request.

David Fanslau, Current Planning Manager, Planning Department, stated that complaints were received from the site and city inspectors were sent out. Mr. Fanslau stated that based on the plan and operating statement, provided by the business owner, the department recommends approval subject to the four items listed on the recommendation report.

In response to Mr. Rosenbaum, Mr. Fanslau stated that the refrigeration operation of the business would need to be inside the building and the site would need to be maintained. Also, the refrigerated trucks are not allowed to run outside of the building. In response to the opponents, Mr. Fanslau confirmed that city inspectors would be sent out when needed.

Ms. Nubel moved to layover to allow the applicant time to meet with the neighbors. Mr. Deeb seconded the motion which carried 4-0.

APPROVAL OF MINUTES

Mr. Rosenbaum moved to APPROVE the meeting minutes of May 2, 2012 as written. Ms. Nubel seconded the motion which carried 4-0.

ADJOURNMENT

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