MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – MAY 7, 2014
LEGALATIVE 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, April 28, 2014.

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

MEMBERS NOT PRESENT: Greg Rosenbaum

STAFF PRESENT: James Thele, Planning Director
Dave Fanslau, Acting Assistant Director, Current Planning
Cheri Rockwell, Acting Manager, Current Planning
Chad Weaver, Manager, Long Range Planning
Alan Thelen, Law Department
Rikki Flott, Recording Secretary

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

The requests listed below were voted on concurrently in accordance with the Planning Department’s recommendation report.

No one appeared in opposition.

(HOLD OVER CASES)

Subdivisions

<table>
<thead>
<tr>
<th>Case Numbers</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-11-006 (D) C12-11-016 Metropolitan Community College</td>
<td>Preliminary and Final Plat approval of MCC ELKHORN CAMPUS, a subdivision inside the city limits, with rezoning from AG to R6 (laid over from 01/08/14)</td>
<td>829 North 204th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover the rezoning, Preliminary and Final Plat at the request of the applicant. Mr. Hoich seconded the motion, which carried 6-0.
4. **C10-13-078 (D)**  
   **C12-13-079**  
   **Lanoha Development Company**  
   **REQUEST:** Revised Preliminary and Final Plat approval of THE PRAIRIES (Lots 136-269, Outlots F-G, I-M), a subdivision outside the city limits, with rezoning from AG to DR, R4 and R5 (laid over from 04/02/14)  
   **LOCATION:** Northeast of Skyline Drive and West Center Road

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of the rezoning from AG to DR, R4 and R5. Approval of the Revised Preliminary Plat subject to: 1) Separating the sanitary sewer from the stormwater basin in Outlot F, 2) Including provisions for use, ownership, and maintenance of the outlots in the final subdivision agreement; including provisions for Outlot L, 3) An acceptable debt ratio of 4% or less, and 4) Submittal of an acceptable final subdivision agreement. Approval of the Final Plat subject to compliance with the conditions of revised preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Deeb seconded the motion, which carried 6-0.

**Conditional Use Permits**

9. **C7-11-005 (D)**  
   **Metropolitan Community College**  
   **REQUEST:** Approval of a Conditional Use Permit to allow College and university facilities in a R6 District, with a waiver of Section 55-226 Height to 70’ (laid over from 01/08/14)  
   **LOCATION:** 829 North 204th Street

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover the request. Mr. Hoich seconded the motion, which carried 6-0.

**(REGULAR AGENDA)**

**Master Plan Referral**

12. **C3-14-079 (D)**  
   **192 Maple, LLC**  
   **REQUEST:** Approval of an Amendment to the Future Land Use Element of the City’s Master Plan to allow a Neighborhood (30-acre) Mixed Use Center  
   **LOCATION:** Intersection of 192nd Street and West Maple Road

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover the amendment to the Future Land Use Element of the Master Plan to place a 30-acre neighborhood sized mixed-use area at 192nd and West Maple to allow the applicant time to provide clearer evidence of the benefits of the change, identify the appropriate acreage and to coordinate with neighboring vacant property owners. Mr. Hoich seconded the motion, which carried 6-0.

**Subdivisions**

14. **C10-14-081 (D)**  
   **C12-14-082**  
   **192 Maple, LLC**  
   **REQUEST:** Preliminary Plat approval of ANTLER VIEW, a subdivision outside the city limits, with rezoning from AG and R4 to DR, R7 and MU  
   **LOCATION:** Southeast of 192nd Street and West Maple Road

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover the rezoning from AG and R4 to DR, R7 and MU and the Preliminary Plat to allow the applicant time to address the issues
discussed in the Amendment to the Future Land Use Element recommendation report (Case #C3-14-079), to provide the appropriate east-west ¼ mile, north-south and east-west ½ mile connections and provide a wetlands analysis. Mr. Hoich seconded the motion, which carried 6-0.

15. C12-14-083 (D)
Frank Krejci

REQUEST: Preliminary and Final Plat approval of ST. PAT’S FIELD, a subdivision outside the city limits

LOCATION: Northeast of 230th and West Maple Road

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover the preliminary plat to allow the applicant to meet with the Planning Department and to address the following items: 1) Submitting an application to the Zoning Board of Appeals for the minimum lot size requirement, 2) Submitting a new application for a subdivision plat with an accompanying justification letter for the desired waivers of Section 53-9 OMC Subdivision Improvements, 3) Submitting of a revised preliminary plat depicting utility systems and appropriate sanitary sewer systems if no waivers are requested of these systems, 4) Submitting of a site grading plan. Layover of the final plat in order for the applicant to address the conditions of the preliminary plat approval. Mr. Hoich seconded the motion, which carried 6-0.

16. C12-14-085 (D)
Frank Krejci

REQUEST: Preliminary and Final Plat approval of RIVER’S EDGE PARK, a subdivision outside the city limits

LOCATION: Northwest of 230th and West Maple Road

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover the preliminary plat to allow the applicant to meet with the Planning Department and to address the following items: 1) Submitting a new application for a subdivision plat with an accompanying justification letter for the desired waivers of Section 53-9 OMC Subdivision Improvements and Section 53-8(4)(d) Lot Frontage, 2) To provide for sanitary sewer facilities in compliance with all applicable development regulations, 3) To provide for utility facilities in compliance with all applicable development regulations, 4) Submitting a site grading plan if necessary. Layover of the final plat in order for the applicant to address the conditions of the preliminary plat approval. Mr. Hoich seconded the motion, which carried 6-0.

17. C10-14-087 (D)
C12-14-088
Douglas Street Lodging, LLC

REQUEST: Preliminary Plat approval of SADDLE CREEK MIDTOWN, a subdivision inside the city limits, with rezoning from R8 and GI to CC (property is also located within an ACI-2(50/PL) and ACI-1(PL) Overlay District)

LOCATION: Southeast of Saddle Creek Road and Dodge Street

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of the rezoning from R8 and GI to CC (property is also located within an ACI-2(50) Overlay District). Approval of the Preliminary Plat, subject to the following being addressed with or prior to submission of a Final Plat: 1) Improve the new north/south alley to City standards via the Public Works Department public improvement process, 2) Submitting of an AutoTURN exhibit showing that a garbage truck can maneuver through the right angle turn that is created by the construction of the new alley and where it meets the existing one, 3) Coordinate with the Public Works and Planning Departments on determining the amount of land to be dedicated throughout the site, 4) Including provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies, 5) Provide sidewalks along all public streets as required by the Subdivision Ordinance and ACI-2(50) Overlay District regulations, and 6) Listing the full legal description on the Final Plat. Mr. Deeb seconded the motion, which carried 6-0.
Rezonings

18. C10-14-089 (D) Kevin Laughlin  
   REQUEST: Rezoning from R3 to R4  
   LOCATION: 2611 North 138th Street, 2548 and 2606 North 137th Street

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

   REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Whispering Hills  
   LOCATION: Northeast of 110th and Corby Streets

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover to allow the applicant to submit a Major Amendment to the Whispering Hills Mixed Use Development Agreement that removes Lot 1, Whispering Hills Replat from the agreement and is accompanied with a rezoning of the proposed apartment property to R7. The applicant must also work with Public Works regarding the access to the site. Mr. Hoich seconded the motion, which carried 6-0.

20. C10-14-090 (D)  
   C10-96-198 Showcase Homes, Inc.  
   REQUEST: Rezoning from MU to R5 and Approval of a Major Amendment to the Mixed Use District Development Agreement for Standing Bear Plaza  
   LOCATION: Northwest of 134th and Fort Streets

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of the Major Amendment to the Standing Bear Mixed Use District Development Agreement for Lots 19, 20, and 21, and Lot 1, Replat 15, Standing Bear, to allow for the removal of those lots from the mixed use development subject to the submittal of an acceptable mixed use development agreement prior to forwarding the request to the City Council for final action. Approval of the rezoning from MU to R5 subject to the Major Amendment conditions being met prior to forwarding to City Council for final action. Mr. Deeb seconded the motion, which carried 5-0, with Mr. Neary abstaining.

21. C7-14-091 (D)  
   C10-14-092 Cyndonna Tefft  
   REQUEST: Rezoning from GI to CC and Approval of a Conditional Use Permit to allow Single-family residential in a CC District  
   LOCATION: 7447 Farnam Street

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of the rezoning from GI to CC. Approval of the Conditional Use Permit to allow Single family residential in a CC District subject to: Paving the rear of the building to accommodate one (1) additional parking stall. Mr. Deeb seconded the motion, which carried 6-0.

Special Use Permits

22. C8-14-084 (D) Frank Krejci  
   REQUEST: Approval of a Special Use Permit to allow Outdoor sports and recreation in an AG District  
   LOCATION: Northeast of 230th and West Maple Road

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover the request for a Special Use Permit to allow Outdoor sports and recreation in an AG District to allow additional time for the applicant to meet with the Planning Department and to: 1) Address access, sidewalk, circulation issues, and the hard surfacing requirements, 2) Provide for sanitary sewer facilities in compliance with all applicable development regulations, 3) Provide for utility facilities in compliance with all applicable
development regulations, 4) Submit improvement plans (i.e. grading, street/sidewalk, utilities) where necessary, 5) Provide a more detailed Operating Statement, 6) Submit a Flood Plain Development Application, and 7) To provide detailed site/landscape plans for adequate review. Mr. Hoich seconded the motion, which carried 6-0.

| 23. | C8-14-098 (D) Metro Area Youth Services | REQUEST: Approval of a Special Use Permit to allow a Recreational club in a R3 District | LOCATION: 5112 Ames Avenue |

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of a Special Use Permit to allow a Recreational club in a R3 District subject to: 1) Submittal of an accurate to-scale site plan that complies with all regulations (Section 55-884(d)(6) prior to forwarding this request to the City Council for final action, 2) A limit of 15 occupants at any time for this operation (not including MAYS employees), 3) The applicant receiving a final Certificate of Occupancy for the facility, 4) Compliance with the submitted site plan, 5) Compliance with the submitted operating statement, 6) Compliance with all other applicable regulations. Mr. Hoich seconded the motion, which carried 6-0.

**Conditional Use Permits**

| 24. | C7-14-086 (D) Frank Krejci | REQUEST: Approval of a Conditional Use Permit to allow a Campground in an AG District | LOCATION: Northwest of 230th and West Maple Road |

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved to layover the request for Conditional Use Permit to allow a Campground in an AG District to allow additional time for the applicant to meet with the Planning Department and to: 1) To address access, sidewalk and circulation issues and improvements, 2) To provide for sanitary sewer facilities in compliance with all applicable development regulations, 3) To provide for utility facilities in compliance with all applicable development regulations, 4) Submit improvement plans (i.e. grading, street/sidewalk, utilities) where necessary, 5) To provide a more detailed Operational Plan and Flood Emergency Action Plan, 6) To provide detailed site/landscape plans for adequate review, and 7) Submit a Flood Plain Development Application. Mr. Deeb seconded the motion, which carried 6-0.

| 25. | C7-14-093 (D) Grant and Jennifer Hebel | REQUEST: Approval of a Conditional Use Permit to allow Veterinary services in a GI District | LOCATION: 3125 South 61st Avenue |

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of a Conditional Use Permit to allow Veterinary services in a GI District subject to: 1) Compliance with the proposed site plan, 2) Compliance with the operating statement, and 3) Compliance with all applicable regulations. Mr. Deeb seconded the motion, which carried 6-0.

| 26. | C7-14-094 (D) Spring Lake Cong. of Jehovahs | REQUEST: Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R4(35) District | LOCATION: 4928 South 39th Street |

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of the Major Amendment to a Conditional Use Permit (assumed) to allow Religious Assembly in a R4(35) district subject to: 1) Compliance with the submitted site plan, 2) Compliance with all stormwater management regulations, 3) Compliance with all applicable ordinances and regulations, and 4) The applicant obtaining all necessary permits. Mr. Deeb seconded the motion, which carried 6-0.
Vacations

27. C14-14-095 (D)
   Planning Board

REQUEST: Vacation of the north/south alley between 130th to 131st from "L" Street south to the previously vacated east/west alley.

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being retained in the vacating ordinance. Mr. Deeb seconded the motion, which carried 6-0.

28. C14-14-096 (D)
   Planning Board

REQUEST: Vacation of six (6) inches of the east/west alley on the south, north of Farnam Street, between 40th and 41st Streets, adjacent to Lots 13 and 14, Block 6, Jerome Park (4016 Farnam Street).

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being retained in the vacating ordinance. Mr. Deeb seconded the motion, which carried 5-0, with Mr. Neary abstaining.

29. C14-14-097 (D)
   Planning Board

REQUEST: Vacation of 40th Street from Jones Street north to previously vacated 40th Street, Emile Street from 40th Street to 41st Street, and the north/south alleys not previously vacated in Block 1, Potters Addition and Block 1, Vandercook Terrace.

At the Planning Board meeting held on May 7, 2014, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being retained in the vacating ordinance. Mr. Deeb seconded the motion, which carried 6-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-06-166
   C12-06-167
   Blumkin Family Limited Partnership

REQUEST: Final Plat approval of CANDLEWOOD HILLS (Lots 3-7, Outlot "A"), a subdivision inside the city limits, with rezoning from R6 to DR, R7 and MU (portions of which property is also located within an ACI-4(PL) Overlay District), and Approval of a Major Amendment to the Mixed Use District Development Agreement for Candlewood Hills.

LOCATION: Northwest of 124th Plaza and West Dodge Road.

At the Planning Board meeting held on May 7, 2014, Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval subject to the four conditions on the recommendation report.

Mr. Deeb moved for approval of the rezoning from R6 to DR, R7 and MU (portions of which property is also located within an ACI-4(PL) Overlay District). Approval of the Major Amendment to the Mixed Use District Development Agreement, subject to submittal of an acceptable final Mixed Use District Development Agreement Amendment prior to forwarding the request to City Council. Approval of the Final Plat of CANDLEWOOD HILLS (Lots 3-7, Outlot "A"), a subdivision inside the city limits, subject to
addressing the following conditions prior to forwarding the request to City Council for final action: 1) Submittal of the final wetlands analysis, 2) Provide for the 30 foot wide easement for the trail corridor along the northern boundary of the Final Plat, 3) Provide for the “public” access easement on the Final Plat, and 4) Including a note on the Final Plat that states, “Access to Lot 7 may be converted to right-in/right-out only in the future to address safety or operational issues.” Mr. Hoich seconded the motion, which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-14-035</td>
<td>Preliminary and Final Plat approval of MICK’S HILLTOP, a minor plat inside the city limits, with rezoning from R7 to CC (laid over from 03/05/14)</td>
</tr>
<tr>
<td>C12-14-036</td>
<td></td>
</tr>
<tr>
<td>Mick Pick LLC</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on May 7, 2014 the case was withdrawn.

Rezonings

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. C10-14-071</td>
<td>Rezoning from R7 to R8 and Approval of a PUD-Planned Unit Development Overlay District (property is also located within an ACI-1(PL) Overlay District) (laid over from 04/02/14)</td>
</tr>
<tr>
<td>C11-14-072</td>
<td></td>
</tr>
<tr>
<td>34 Harney, LLC</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on May 7, 2014, Larry Jobeun, 11440 W. Center Rd, appeared before the Board. Mr. Jobeun stated that a meeting was held with neighbors related to damage allegedly caused from demolition of the existing structures and that the involved parties were working to resolve the issue. He mentioned that approvals for the redevelopment plan and zoning waivers for this location were currently in progress.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the PUD subject to the five conditions on the recommendation report.

Mr. Harding moved for approval of the rezoning from R7 to R8 (property is also located within an ACI-1(PL) Overlay District) and approval of the PUD, subject to the following conditions being met prior to forwarding the request to the City Council for final action: 1) Receive a waiver from the Zoning Board of Appeals for the number of off-street parking stalls, 2) Compliance with the revised site and landscape plans, 3) Compliance with the proposed building elevations, 4) Compliance with all applicable provisions of Article XXII – Urban Design, and 5) Compliance with all other applicable regulations. Mr. Deeb seconded the motion, which carried 6-0.

<table>
<thead>
<tr>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rezoning from R6 to MU (laid over from 04/02/14)</td>
</tr>
<tr>
<td>C10-13-128 Greek Orthodox Church of Greater Omaha</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on May 7, 2014, Ken Bunger, 18313 Dewey Ave., appeared before the Board on behalf of the applicant. Mr. Bunger stated that the applicant was informed a Major Amendment to the Mixed-Use Agreement was not needed. He added that a new site plan was submitted and that the agreement reflected the Mixed Use regulators.
Dave Fanslau, Acting Assistant Planning Director, stated that because a review of the Mixed Use Development Agreement, or rezoning to Mixed Use, was needed, the Department recommended to layover the request.

Mr. Nesbitt moved to layover the request to allow the applicant additional time to submit a mixed use district development agreement for review. Ms. Nubel seconded the motion which carried 5-1, with Mr. Hoich dissenting.

**Special Use Permits**

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Requestor</th>
<th>Request:</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>C8-14-057</td>
<td>Mick Pick LLC</td>
<td>Approval of a Special Use Permit to allow Convenience storage and Automotive rentals in a CC District (laid over from 03/05/14)</td>
<td>7575 Crown Point Avenue</td>
</tr>
<tr>
<td>8</td>
<td>C8-14-060</td>
<td>McNeil Company Builders</td>
<td>Approval of a Large Project Special Use Permit to allow Multiple-family residential in a CC District (laid over from 04/02/14)</td>
<td>5505 South 120th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on May 7, 2014, the case was withdrawn.

At the Planning Board meeting held on May 7, 2014, Jim Boozer, 10250 Regency Cir., appeared before the Board on behalf of the applicant. Mr. Boozer stated that a meeting was held with interested parties regarding revisions to the project and that the applicant agreed to a layover.

John Fullenkamp, 11440 W. Center Rd, appeared before the Board in opposition. Mr. Fullenkamp stated that he represented Project Harmony and Oak Hills Country Club and that acceptable revisions were discussed at a meeting today with the applicant. He also was agreeable to a layover.

Vic Stanish, 11815 Oakair Plz., appeared before the Board in opposition. Mr. Stanish stated that he was a resident in the Saint Andrews Point neighborhood just south of the site and was concerned with the high density of the project. He also was agreeable to a layover.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended to layover the request to discuss concerns.

Mr. Hoich moved to layover the request for 60 days, 30 days if ready, to allow the applicant additional time to either provide a site/landscape plan that complies with all applicable regulations and honors the easements of record; or the easements of record issue being resolved prior to the proposed plans being placed back on the Planning Board agenda for further action. Ms. Nubel seconded the motion, which carried 5-0, with Mr. Nesbitt recusing.

**Regular Agenda**

**Master Plan Referral**

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>REQUEST:</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>C3-14-077</td>
<td>Approval of the EKARD COURT TIF REDEVELOPMENT PROJECT PLAN</td>
<td>617 South 31st Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on May 7, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the buildings on the site were built in 1910 and that the developer concluded rehabilitation of the properties was not cost-effective. She explained that both structures would be demolished and a new building constructed. She further explained that the project included 36 one and
two bedroom, market-rate apartments and that a parking waiver was needed to meet parking regulations.

Dan Walsh appeared before the Board on behalf of the developer and requested approval of the project.

David Kain, 5110 Chicago St, appeared before the Board. In response to Mr. Neary, Mr. Kain explained that the owned the property and concluded that rehabilitation of the buildings was not cost-effective. He added that with this project, he planned to conform to surrounding neighborhood development.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval.

Mr. Nesbitt moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

At the Planning Board meeting held on May 7, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the proposed project was a complete demolition of the existing structures and that a new residential and commercial development would be constructed. She explained that the residential parcel at 3036 Marcy Street was deemed unfit and unsafe by code regulations and would be demolished to construct three row-homes. She further explained that multiple parcels were proposed for 177 market rate apartments, with one affordable unit, approximately 171 parking stalls below the building structure and approximately 6,000 square feet of commercial space. She then displayed an elevation and site plan rendering of the row-homes. In response to Ms. Nubel, Ms. Hadley stated that the one affordable apartment unit was funded with Home Funds through the Housing and Community Development Division of the Department.

Steven Held and Spencer Lombardo, 11506 Nicholas St., developers of the project, appeared before the Board to answer questions. In response to Mr. Neary, Mr. Held stated that he chose this site because the Leavenworth area had potential to become a pedestrian friendly business corridor.

Jim Thompson, 1001 S 35th Ave, appeared before the Board. Mr. Thompson described the aging, deteriorating buildings at these sites and stated that he was in favor of the demolition of these buildings and construction of the new development.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval.

Mr. Hoich moved for approval. Mr. Deeb seconded the request, which carried 6-0.

At the Planning Board meeting held on May 7, 2014, Marty Grate, Public Works Department, presented the request. Mr. Grate stated that the presented plan was a partnership agreement between different communities that are part of the Papillion Creek Watershed Parsnership. He added that the agreement will lapse in July if not renewed and also that available funds for additional projects and inflationary fees were evaluated extending over the next four years. In response to questions regarding fees, Mr. Grate explained that originally two-thirds of the funding for the development of a system of flood control and water quality reservoirs and basins in the Papillion Creek drainage area was to be derived from Natural Resource District (NRD) funds and one-third derived from private development. He further explained that with the decrease in economic development in 2008 to 2009, funding goals were not met. Mr. Grate
stated that the Amendment would include an escalation of fees in 2014 through the 2018 window and that
the increase was discussed with builders and developers in the City, which resulted in no opposition. In
response to further questioning by Mr. Neary, Mr. Grate explained that the plan was for storm water and
flood control development and not sanitary sewer waste water development.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval.

Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

**Historic Preservation**

<table>
<thead>
<tr>
<th>30.</th>
<th>C3-14-067</th>
<th>REQUEST: Approval of the Rescission of the Local Landmark Status for the Clarinda-Page Apartment Building (#H6-14-2) (laid over from 04/02/14)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Turner Park North, LLC</td>
<td>LOCATION: Southeast of Turner Boulevard and Farnam Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on May 7, 2014, Larry Jobeun, 11440 W. Center Road, appeared
before the Board on behalf of the applicant. Mr. Jobeun briefly discussed the standards applied to
landmark designation and that these standards were set by City code. He mentioned that the main
reasons for rescission of the landmark status were that the Clarinda-Page buildings were not
architecturally significant, the current landmark designation caused an economic hardship for invested
condominium owners, and rehabilitation of the buildings was not economically feasible. Mr. Jobeun then
discussed that the building was not an accurate representation of the Georgian Revival architectural style,
the assessed values of the condominiums had decreased significantly since 2007, and a previous
redevelopment project had failed and Tax Increment Financing (TIF) could not be used again. He further
discussed that the Page building was vacant with numerous code violations and deemed unfit for human
habitation. He added that the Clarinda building was partially occupied by condominium owners with lack
of condominium association funding to maintain the building. Mr. Jobeun mentioned that the buildings
were not located within a local landmark district or a federal register historic district and that there was no
indication that a reputable architect was responsible for the design. He added that the future
redevelopment of this site relieved the current owners of their assessed property value loss and noted
that Mutual of Omaha had already invested a large amount in development of the surrounding area.

Tim Holland, Holland Basham Architects, 119 S. 49th Ave, appeared before the Board. Mr. Holland
presented a recently published architecture book by an Omaha author depicting neo-classical designed
buildings, along with recent photos of the adjacent property, First Unitarian Church, and explained the
architectural details that qualified this building as a traditional neo-classical designed building. He also
mentioned that the First Unitarian Church was on the Landmark Register and the National Historic
Register. He then discussed how the Clarinda building did not meet the same level of architectural
standards to qualify as a historic landmark. Mr. Holland then displayed photos of the interior of the
Clarinda-Page property and mentioned that the building currently had 35 code violations deeming it
unsafe and unfit for human habitation.

Scott Semrad, Urban Village Development, 1750 S. 85th Ave., appeared before the Board. Mr. Semrad
stated that Urban Village was initiated approximately seven years ago to redevelop aging buildings in the
area and mentioned that currently 20 apartment buildings had been redeveloped. He then discussed that
in March of 2012, he was approached by the developer of the Clarinda-Page project and the Clarinda
condominium owners in regards to purchasing the Clarinda-Page buildings, but determined that acquiring
the project was not economically feasible because of the high cost of the existing maintenance issues.

John Waldbaum, Colliers International, 6464 Center St., appeared before the Board. Mr. Waldbaum
displayed and discussed a rendering created by Leo A. Daly Company depicting a possible development
for the site. He then discussed that the cost of the proposed development would have significant
expenditures and would include purchasing the structure and the adjacent land, constructing parking stalls, repairing the existing Clarinda Building and rebuilding the Page building. He added that the cost of constructing a new building would be less than the cost of repairs to make the building code compliant and that the value of the project designed by Leo A. Daly Company compared to the investment into the project was not viable.

Jack Henry, 3027 Farnam St, #201, Clarinda Building, appeared before the Board. Mr. Henry stated that he represented four owners of the Clarinda condominiums and that 8 of the 21 units in the building were occupied. He then explained that he purchased his unit for $97,500 but that the unit was now worth $47,000. Mr. Henry discussed the need for repairs to the building but that no budget existed for this cost. He also stated that he was in favor of the rescission and was willing to sell his ownership of the unit to the proposed purchaser, Mutual of Omaha.

Jim Thompson, 1001 S. 35th Ave, appeared before the Board. Mr. Thompson stated that he was a member of the Leavenworth Neighborhood Association and was in support of the rescission. He added that he would like to see the neighborhood improved and explained that the Page building has been vacant and deemed uninhabitable for over twelve years. He mentioned that many properties in the area had been successfully redeveloped by Mutual of Omaha and other developers.

In response to Mr. Deeb, Mr. Holland stated that the in 1981, the designation of the Clarinda building as a historic landmark was a mistake. Mr. Nesbitt questioned the restrictions of the landmark designation, Mr. Jobeun responded that the designation as a historic landmark prohibits demolition. He also explained that building was continuously deteriorating with no investments to repair the property.

Christine Gerber, 9312 Leavenworth St., appeared before the Board in opposition. Ms. Gerber stated that she represented Restoration Exchange Omaha, a preservation group formed to educate and motivate people to restore and preserve older homes, businesses and districts. She briefly discussed the four requirements of a local landmark status and mentioned that in 1981, the Clarinda-Page buildings met 3 of the 4 requirements. She explained that the architect for the Clarinda, William Wesley Welch, was a master designer from Clarinda, Iowa and that the Clarinda-Page was built along a historic park and boulevard system. Ms. Gerber mentioned that discussion at a recent Landmarks Heritage Preservation Commission meeting supported the historical significance of the buildings.

Joe Saniuk, 4610 Dodge St, appeared before the Board in opposition. Mr. Saniuk stated that he was a local architect and a member of the Restoration Exchange Omaha group. He displayed photos of the Turner Park Boulevard area and the interior of the Clarinda units. He also displayed photos and discussed successful renovations of similar buildings with code violations. He then mentioned that the Landmarks Heritage Preservation Commission and the Mead and Hunt survey completed for the City, favored the historic landmark designation of the Clarinda-Page buildings. Mr. Saniuk mentioned that incentives aside from Tax Increment Financing (TIF) were available to assist with renovation of the buildings through a state and federal tax credit plans.

Brian Hansen, 924 S. 36th St., appeared before the Board in opposition. Mr. Hansen stated that he was a local attorney, a volunteer for the Restoration Exchange Omaha group, and President of the Pacific-Leavenworth Neighborhood Association. He mentioned that the historic landmark designation did not prohibit the sale of property and that the designation was meant to protect historic buildings. He wanted the Board to consider that the rescission would allow the purchaser to demolish the buildings and create a vacant lot with no current plans for development.

Craig Riser, 311 S 52nd St., appeared before the Board in opposition. Mr. Riser stated that locally and internationally, historical structures gave meaning to the City or region they are located. He then mentioned that the Clarinda-Page building was located on a prominent historic boulevard system and also discussed the importance and integrity of historic buildings in the city.

Martin Janousek, 4602 Center St., appeared before the Board in opposition. Mr. Janousek stated that he and his colleagues created the proposed rendering previously presented in the meeting and discussed
the possibility that the Clarinda-Page could be developed as commercial property with a link to parking, retail space and an new office tower to the east. He also discussed available tax credits for the property if it remained a landmark.

George Richardson, 118 S. 51st Ave., appeared before the Board in opposition. Mr. Richardson stated that he was the archivist at the First Unitarian Church of Omaha and that a petition signed by members of the church opposing the rescission was previously submitted to the Board. He agreed the Clarinda-Page was not an exact Georgian Revival style of architecture due to stylistic changes but that Mutual of Omaha could accomplish developmental goals while preserving the Clarinda-Page buildings. He also mentioned other letters opposing the rescission were submitted to the Board.

Arnold Breslow, 1240 S. 10th St., appeared before the Board in opposition. Mr. Breslow stated that he was President of the Old Market South Neighborhood Association and also discussed successful restorations that helped reestablish the neighborhood along 10th Street. He also agreed the Clarinda-Page buildings could be saved and mentioned that many historic buildings in the downtown area had been destroyed over time, depleting the historic significance of the area.

Brooke M., 3812 Dewey Ave., appeared before the Board in opposition. She stated that she worked at Joslyn Art Museum and mentioned that a bad investment in a property should not ruin the history of the city.

Chris Foster, 3413 California St., appeared before the Board in opposition. Mr. Foster stated that he resided in the Gifford Park neighborhood and that he previously served on the Destination Midtown Steering Committee. He noted that an important asset of their Master Plan was historic architecture.

Tom Jizba, Atlas Engineering, 14445 N. 192nd St, appeared before the Board in opposition. Mr. Jizba stated that he was a licensed engineer specialized in structural engineering and he also mentioned tax incentives for restoration. He visited the site, exploring the exterior of the buildings, and concluded the building was structurally sound and should be saved.

Clarinda Karpov, 3030 Cass St., appeared before the Board in opposition. She also discussed the Mead and Hunt report and the significance historic buildings have for a community. She mentioned that prior to landmarking, many historic buildings were lost and also agreed the Clarinda-Page had historic significance and value to the community. She also discussed the many letters and petitions opposing the rescission. She agreed preservation was development.

Mr. Jobeun reiterated and again discussed that the Clarinada-Page was an older, eclectic building but not a historic landmark and that the restoration of the buildings was not feasible because extensive repairs were needed. He added that Mutual of Omaha was not willing to acquire property with the landmark designation and were not against preservation, but realized the sub-standard condition of the property. Mr. Jobeun discussed that although tax credits were available, funds were limited and based on quality and projected success of the project, then noted again that previous projects failed at this location in 1981 and 2007.

Mr. Deeb stated that he previously discussed the request with proponents and opponents and commented that older buildings were not necessarily historical buildings. He added that his concern was lack of restoration over the years. Mr. Hoich and Mr. Nesbitt agreed with Mr. Deeb, and noted that no investors were interested in restoring the property.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department evaluated and researched the site and also the process of landmark status and rescission. He added that the evaluation revealed a project was not economically feasible and also noted the failed projects at this site in 1981 and 2007. He then mentioned the Department recognized the success of the Midtown Crossing development in the area, but also considered the rights of the property owners. Mr. Fanslau stated that the Department recommended approval of the rescission.
Mr. Harding stated that based on testimony from all parties and the criteria used today for historical designation, the Clarinda-Page buildings did not meet these criteria and also caused financial difficulty for owners. He also commented that of the 105 requests for local historical designations, there were 5 requests for rescission and that this decision would not set a precedence.

Ms. Nubel commented that her family purchased a home built in 1886, restored this residence for a span of 40 years, and understood the financial investment for restoration, but also realized the value the home brought to the community.

Mr. Harding moved for approval. Mr. Nesbitt seconded the motion which carried 4-1, with Ms. Nubel dissenting and Mr. Neary recusing.

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 4:25 pm.

Date Approved

______________________________
Raymond J. Neary, Chair

______________________________
Rikki Flott, Planning Board
Recording Secretary