MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – SEPTEMBER 7, 2016
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, August 29, 2016.

MEMBERS PRESENT: Brinker Harding, Chairman
Arnold Nesbitt, Vice Chairman
Greg Rosenbaum
Van C. Deeb
Trenton Magid
David Rosacker
Kristine Karnes

MEMBERS NOT PRESENT: None

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

Brinker Harding, Chairman, 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.

Subdivisions

<table>
<thead>
<tr>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. C12-16-254 (D) City of Omaha</td>
<td>Preliminary and Final Plat approval of RANCH VIEW ESTATES REPLAT 3, a minor plat outside the city limits</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval of the Preliminary Plat and approval of the Final Plat. Mr. Nesbitt seconded the motion which carried 7-0.

Rezonings

<table>
<thead>
<tr>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. C10-16-107 (D) Omaha School District #66</td>
<td>Approval of an MCC-Major Commercial Corridor Overlay District</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval. Mr. Nesbitt seconded the motion which carried 6-0-1, with Ms. Karnes abstaining.
<table>
<thead>
<tr>
<th>Request Number</th>
<th>Description</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.</td>
<td>C10-16-240 (D) Millard Public Schools</td>
<td>Approval of a MCC-Major Commercial Corridor Overlay District</td>
<td>1010 South 144th Street</td>
</tr>
<tr>
<td>11.</td>
<td>C10-16-242 (D) Charleston Homes LLC</td>
<td>Rezoning from DR and R4 to DR and R4</td>
<td>4626 North 208th Street and 4810 North 208th Avenue</td>
</tr>
<tr>
<td>12.</td>
<td>C10-16-243 (D) Robert Benzel</td>
<td>Rezoning from R3 to R5</td>
<td>3821 Chicago Street</td>
</tr>
<tr>
<td>13.</td>
<td>C10-16-244 (D) Humberto Zendejas</td>
<td>Rezoning from GI to R5</td>
<td>2018 Poppleton Avenue</td>
</tr>
<tr>
<td>14.</td>
<td>C10-16-245 (D) Corey Harpster</td>
<td>Rezoning from DR to R3</td>
<td>16317 &quot;C&quot; Street</td>
</tr>
<tr>
<td>16.</td>
<td>C10-98-069 (D) West Bay Inc.</td>
<td>Approval of a Major Amendment to the Mixed Use District Development Agreement for Walnut Grove Plaza</td>
<td>15370 Weir Street</td>
</tr>
<tr>
<td>17.</td>
<td>C10-02-203 (D) Altech Builders</td>
<td>Approval of a Major Amendment to the Mixed Use District Development Agreement for West Village Pointe</td>
<td>17838 Burke Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval. Mr. Nesbitt seconded the motion which carried 7-0.
### Habitat for Humanity

**REQUEST:** Rezoning from R4(35) to R4  
**LOCATION:** East of the 33rd and Emmet Street intersection

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval. Mr. Nesbitt seconded the motion which carried 7-0.

### Overlay Districts

21. **C10-71-225 (D) J. Keith Basham**  
**REQUEST:** Repeal of an existing PUD-Planned Unit Development Overlay District  
**LOCATION:** Southwest of 60th and State Streets

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval. Mr. Nesbitt seconded the motion which carried 7-0.

### Special Use Permits

22. **C8-16-248 (D) Leslie Salvage Inc.**  
**REQUEST:** Approval of a Special Use Permit to allow *Scrap and salvage services* in a GI District (property is also located within the flood fringe overlay district)  
**LOCATION:** 6202 Orchard Avenue

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval of a Special Use Permit to allow Scrap and salvage services in a GI District subject to:  
1. Addressing the following prior to forwarding the request to the City Council:  
   a. Provide a minimum 8 foot tall opaque screening/fencing around the perimeter of the property, which is acceptable to the Planning Department.  
   b. Revising the operating statement to include language prohibiting the stacking/storage of materials higher than the screening required.  
   c. Approval of a Flood Plain Development permit and building permit for the additional building and paving.  
   d. Receiving a waiver from the Zoning Board of Appeals for the separation requirements.  
2. Removal of the paved area along the east side of the building in the right-of-way (62nd Street).  
3. Compliance with all applicable sign regulations.  
4. Compliance with the revised site plan.  
5. Compliance with the revised operating statement.  
6. The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department.  
7. That storage of materials on site not exceed heights taller than the screening.  
8. Compliance with Sections 30-81 through 30-110 of the Omaha Municipal Code.  
9. Compliance with applicable stormwater management ordinances and policies.  
10. Compliance with all other applicable regulations.  
Mr. Nesbitt seconded the motion which carried 7-0.

23. **C8-16-249 (D) Woodhouse Auto Family**  
**REQUEST:** Approval of a Special Use Permit to allow *Automotive sales* in a CC District (portion of property is also located within the flood fringe overlay district)  
**LOCATION:** 5312 South 136th Street

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval of the Special Use Permit to allow Automotive sales in a CC District, subject to:  
1. The use permit is for this applicant only and for a period of 36 months.  
2. Compliance with the proposed operating statement and plans.  
3. Compliance with all applicable regulations.  
4. The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department.  
Mr. Nesbitt seconded the motion which carried 7-0.
Conditional Use Permits

24. C7-16-250 (D)
Farm Credit Services of America
REQUEST: Approval of a Conditional Use Permit to allow Surface parking in a CC District
LOCATION: 4888 South 118th Street

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval of a Conditional Use Permit to allow Surface parking in a CC District, subject to the following conditions: 1) Compliance with the site plan. 2) Compliance with the proposed operating statement. 3) Compliance with all other applicable regulations. Mr. Nesbitt seconded the motion which carried 7-0.

25. C7-16-253 (D)
Steve LaHood
REQUEST: Approval of a Conditional Use Permit to allow Single-family residential in a GC District (property is also located within an ACI-1(PL) Overlay District)
LOCATION: 137 South 38th Street

At the Planning Board meeting held on September 7, 2016, Mr. Rosacker moved for approval of a Conditional Use Permit to allow Single-family residential (detached) in a GC-ACI-1(PL) District, subject to the following conditions: 1) Receive a waiver from the Zoning Board of Appeals for the number of off-street parking stalls on-site prior to occupation of the building. 2) Compliance with the site plan. 3) Compliance with the proposed operating statement. 4) Compliance with all other applicable regulations. Mr. Nesbitt seconded the motion which carried 7-0.

ADMINISTRATIVE MEETING ONLY

1. C10-16-079
C12-16-080
J. Keith Basham
REQUEST: Final Plat approval of COUNTRY CLUB OAKS REPLAT 5, a subdivision inside the city limits, with rezoning from R6 to R3
LOCATION: Southwest of 60th and State Streets

At the Planning Board meeting held on September 7, 2016, Dave Fanslau, Assistant Planning Director, presented the request. Mr. Fanslau stated that the Department recommended approval subject to submittal of an acceptable final subdivision agreement prior to forwarding to City Council.

Mr Magid moved for approval, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Rosacker seconded the motion which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

2. C12-16-168
Paul and Keely Yates
REQUEST: Preliminary Plat approval of BULL CANYON ACRES, a subdivision outside the city limits (laid over from 07/06/16)
LOCATION: 10409 North 72nd Street

At the Planning Board meeting held on September 7, 2016, Paul Yates, 10409 N. 72nd St., appeared before the Board. Mr. Yates stated that property was too much for him to take care of so he wanted to split off 10 acres that could be used to build 1 residential home. He explained that there was an issue with his driveway. It had been suggested by the City that he discontinue using it and use an easement road. He indicated that he had an easement with the owner of the property that would allow access to the buyers of the 10 acres, since there was no other way to access it. He mentioned that he had an easement agreement with his adjacent neighbors (10313 N. 72nd Street) and that copies of that easement had been submitted to the
He indicated that a lawsuit was filed against him because his neighbors felt that there would be too much traffic on that easement road.

Charlotte Rasmussen, 10313 N. 72nd St., appeared before the Board in support of the request. Ms. Rasmussen mentioned that she was building a new home at 10325 N. 72nd Street. She was concerned that there would not be a backup exit route if the applicant's driveway was closed. She explained that if there was something happening on the road for Outlot A, she and the other 4 properties that use that road would be landlocked. She requested that the applicant’s driveway which has access to 72nd Street remain open.

Jerry Slusky, 8712 W. Dodge Rd., appeared before the board on behalf of his clients Mr. Mangiameli and Mr. Barcel. Mr. Slusky stated that the case was in litigation and still pending. He explained that Ms. Rasmussen, Mr. Mangiameli and Mr. Barcel had been sharing an easement for over 30 years with no issues. He further explained that the issue was whether the 2 lots owned by Mr. Yates could also use the easement road to access 72nd Street. His clients believed that all parties should agree that the road could be used by all parties involved. He stated that his clients had agreed to share access to 72nd Street and agreed with the Planning Department’s recommendation to close off the applicant’s driveway access to 72nd Street for safety reasons. He further stated that the easement between the Yates’ and the Rasmussen’s was conditional upon both parties providing half of the money to repave and widen the road to 22‘ in accordance with Planning and Public Works Departments requirements. He also suggested that one of the conditions of approval be that that there be only one home on Lots 1 and 2.

In response to Mr. Magid, the applicant stated that he was not in support of closing his driveway because it would result in him having to drive approximately ¼ mile to access the easement road and reach his back property. He also felt that closing his driveway would reduce the value of his home.

Ryan Haas, Public Works Department, explained that if there were no new proposal for the applicant’s property, the driveway would have been allowed to remain. However, since there were proposed changes to the property, the City would use the opportunity to bring the project into compliance with its Arterial Access Policy. In response to the board, Mr. Haas stated that, as an option, the applicant could access that easement at any point from the cul-de-sac to 72nd Street. In response to Mr. Rosenbaum, Mr. Fanslau stated that Mr. Slusky’s request that Lots 1 and 2 have only one home on them was addressed in condition 7 of the City’s recommendation.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the preliminary plat subject to the 11 conditions of the recommendation report.

Mr. Rosenbaum moved for approval of the preliminary plat subject to the following conditions: 1) Secure final and complete resolution between all relevant parties of the access over Outlot A, Eriksen Acres prior to submittal of the Final Plat. 2) Pave the cul-de-sac within Outlot A to City standards. 3) Secure a reciprocal access easement between proposed Lots 1 and 2, Bull Canyon Acres with the owner of Outlot A, Eriksen Acres. 4) Remove the existing 72nd Street access driveway from Lot 1 and relocate to access from Outlot A, Eriksen Acres. 5) Place a note on the Final Plat that states “there shall be no direct access onto 72nd Street from Lot 1.” 6) Provide an exhibit for the tree removal plan and grading plan for both lots. 7) Show building/improvement footprints (including driveways) on the Final Plat for both lots. 8) Include a note on the Final Plat indicating compliance with Section 55-901 of the Zoning Ordinance for the North Hills Environmental Resources Overlay District. 9) Waive the right to protest the creation of a future sidewalk improvement district in the final subdivision agreement. 10) Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies. 11) Include provisions for use, ownership and maintenance of the outlot in the final subdivision agreement. Mr. Deeb seconded the motion which carried 7-0.
(REGULAR AGENDA)

Master Plan Referrals

Cases 3 and 18 were heard concurrently, but voted on separately:

<table>
<thead>
<tr>
<th>Case</th>
<th>Description</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>C3-16-233</td>
<td>Approval of the HDR - AKSARBEN VILLAGE ZONE 6 TIF REDEVELOPMENT PROJECT PLAN</td>
<td>Northeast of 67th and Frances Streets</td>
</tr>
<tr>
<td></td>
<td>Planning Department on behalf of the City of Omaha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>C10-97-029</td>
<td>Approval of a Major Amendment to a Mixed Use District Development Agreement for Aksarben Village</td>
<td>Northeast of 67th and Frances Streets</td>
</tr>
<tr>
<td></td>
<td>Noddle Companies</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 7, 2016, Bridget Hadley appeared before the Board. She explained that in 2006 there was an amendment to the Aksarben Business and Education Redevelopment Plan, which led to the Aksarben Village Redevelopment Plan area that included about 9 zones for redevelopment. She then stated that the entire site was formerly the Aksarben racetrack and was now known as Aksarben Village. Ms. Hadley stated that Zone 6 was the last of the 9 zones to be developed. Ms. Hadley stated that the proposed project included a 10-story office tower with ground floor retail, a parking garage, common areas and alleyways, with an elevated walkway connecting the office tower to the parking garage. She then stated that the proposed tenant was HDR and that the TIF Committee determined that Zone 6 was part of the original Aksarben Redevelopment plan and was eligible for TIF funding. She added that the site was located within a flood plain and contained soil issues. Ms. Hadley then stated that total TIF funds were $15,001,269 which was approximately 13.2% of the total project cost. She explained that infrastructure was created and funded prior to the Zone development and that the Zones were then required to reimburse a portion of that cost.

Jay Noddle, Noddle Companies, 2285 S 67th St, appeared before the Board. Mr. Noddle stated that the process was complicated and required assistance from multiple City Departments. He then stated that last big project of Village Point Prosper and that he was available to answer questions regarding the project.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the HDR – Aksarben Village Zone 6 TIF Redevelopment Project Plan and approval of the Major Amendment to the Mixed Use District Development Agreement for Aksarben Village to allow access off of 67th Street and a 160 foot height limit for Lot 3, Aksarben Village Replat 16, subject to submittal of 5 originally signed Mixed Use Development Agreements prior to forwarding to City Council.

Mr. Deeb moved for approval. Mr. Magid seconded the motion which carried 7-0.
Jay Noddle, Noddle Companies, 2285 S 67th St, appeared before the Board. Mr. Noddle stated that the process was complicated and required assistance from multiple City Departments. He then stated that last big project of Village Point Prosper and that he was available to answer questions regarding the project.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the HDR – Aksarben Village Zone 6 TIF Redevelopment Project Plan and approval of the Major Amendment to the Mixed Use District Development Agreement for Aksarben Village to allow access off of 67th Street and a 160 foot height limit for Lot 3, Aksarben Village Replat 16, subject to submittal of 5 originally signed Mixed Use Development Agreements prior to forwarding to City Council.

Mr. Magid moved for approval of the Major Amendment to the Aksarben Village Mixed Use Development Agreement to allow for access off of 67th Street and a 160 foot height limit for Lot 3, Aksarben Village Replat 16 subject to submittal of 5 originally signed Mixed Use Development Agreements prior to forwarding to City Council. Mr. Rosacker seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>4.</th>
<th>C3-16-235 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST:</th>
<th>Approval of the ADAMS PARK HABITAT TIF REDEVELOPMENT PROJECT PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION:</td>
<td>West of the Emmet Street and John A Creighton Boulevard intersection</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 7, 2016, Don Seten presented the request. Mr. Seten stated that the proposed project was the construction of 18 single-family homes for ownership. He explained that most of the properties were vacant and planned for demolition and that site prep work was necessary. He then stated that the total project cost was $3,292,000 and that the TIF request was $345,000. He added that public improvements included curbs, gutters, and sidewalks and that the completed valuation of the 18 homes was approximately $1.7 million dollars.

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

Mr. Deeb moved for approval. Mr. Magid seconded the motion which carried 7-0.

Subdivisions

<table>
<thead>
<tr>
<th>5.</th>
<th>C10-16-236 C12-16-237 City of Omaha</th>
<th>REQUEST:</th>
<th>Preliminary and Final Plat approval of LOCUST GLEN SECOND ADDITION, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) for Lot depth, with rezoning from R5 and GC to R5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION:</td>
<td>Northwest of 19th and Corby Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 7, 2016, the applicant was not present.

Dave Fanslau, Assistant Planning Director, stated that the project was a 7 lot subdivision, with 6 lots east of a completed 19th Avenue and 1 lot west of 19th Avenue. He then stated that the Department recommended approval of the rezoning, approval of the waiver for lot depth, and approval of the preliminary plat subject to the 4 conditions on the recommendation report. He also stated that the Department recommended layover of the final plat until the preliminary plat was approved by City Council.

Mr. Rosenbaum moved for approval of the rezoning from R5 and GC to R5, approval of the waiver of Section 53-8(4)(a) for Lot depth, and approval of the Preliminary Plat, subject to the following conditions: 1) Receiving approval of a waiver of lot size from the Zoning Board of Appeals for proposed Lots 1-6. 2) Coordinate with the Public Works Department on the necessary arrangements to cover the required public improvements. 3) Provide sidewalks as required by the Subdivision Ordinance. 4) Compliance with all applicable stormwater management ordinances and policies. He also moved to layover of the Final Plat until the Preliminary Plat has been approved at City Council. Ms. Karnes seconded the motions which carried 7-0.
At the Planning Board meeting held on September 7, 2016, Brian Scheele, Olsson Associated, 2111 S. 67th St., Suite 200, appeared before the Board on behalf of the applicant. Mr. Scheele stated that Olsson Associates prepared the plat and that he was available to answer questions.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the MCC Overlay District, approval of the preliminary plat subject to compliance with applicable stormwater management ordinances and policies, and to layover the final plat until the preliminary plat was approved at City Council.

Ms. Karnes moved for approval of the MCC Overlay District, approval of the preliminary plat subject to compliance with all applicable stormwater management ordinances and policies and to layover of the Final Plat until the Preliminary Plat has been approved at City Council. Mr. Magid seconded the motions which carried 7-0.

**Rezonings**

10. C10-16-241
Intransit, LLC

REQUEST: Rezoning from RR to HI

LOCATION: 3827 South 42nd Street

At the Planning Board meeting held on September 7, 2016, Pat Sullivan, Attorney, 1246 Golden Gate Dr., appeared before the Board on behalf of the applicant. Mr. Sullivan stated that the applicant was currently under a purchase agreement for the property and that the site required rezoning to allow a taxi cab business. He explained that Omaha Public Schools (OPS) was purchasing a portion of the existing taxi cab business property near 60th and L Streets and the applicant’s business was relocating to 42nd Street. He explained that a railroad system was adjacent to the north and south of the site, 42nd Street was adjacent to the west and an excavation company bordered the east property line.

S. Scott Moore, 780 N. 114th St., appeared before the Board. Mr. Moore stated that the requested zoning was complimentary to the surrounding industrial area and that he supported the request.

Dave Fanslau, Assistant Planning Director, stated that when railroad property was abandoned, the parcel defaulted to the adjacent RR zoning district and that the site was zoned industrial on the Future Land Use Map of the City’s Master Plan. He then stated that the Department recommended approval.

Mr. Magid moved for approval. Mr. Rosacker seconded the motion which carried 7-0.

15. C10-16-246
Nicholas Irwin

REQUEST: Rezoning from R2 to CC

LOCATION: 8014 and 8020 Maple Street

At the Planning Board meeting held on September 7, 2016, Julie Plucker, 7134 Pacific St., appeared before the Board on behalf of the applicant. Ms. Plucker stated that the applicant and a partner started a landscape design company, Canopy Gardens, a few years prior and planned to have their business at the site, which required rezoning for compliance. She then stated that the proposed use was a less intense use than current commercial business at the site. She explained that the site would be used as a design showhouse for their work, with a landscaped backyard, no outside storage, and enclosed mulch bags. She added that materials for jobs were delivered directly to job sites and noted that the area has morphed into commercial uses within the residential zoning. Ms. Plucker stated that the applicant talked with neighbors regarding the proposed use with no objections and that a petition was signed in favor of the request.

Nicholas Irwin, 9973 J St., appeared before the Board. Mr. Irwin stated that this type of unique landscape business required little space to operate effectively and that he and his business partner capable of
successful operation of the business. In response to the Board, he stated that he was in the process of a purchase agreement for the property, dependent upon approval of the request. He added that he was currently operating in a commercial area under a lease agreement and that he had no plans to change the infrastructure of the proposed site. He also stated that he employed approximately 12 people, employees meet at the business at the beginning of the day, then leave for job sites, with no weekend hours.

In response to the Board, Dave Fanslau, Assistant Planning Director, stated that a Development Agreement must be in conformance with the Master Plan. Board members briefly discussed the importance of the City and residents maintaining conformity with the Master Plan throughout the City. Ms. Plucker responded that the property currently operated as a commercial use with adjacent and surrounding commercial uses and that the business was an improvement to the area.

Matthew Rasmussen, 601 N. 108th Cir., appeared before the Board and stated that he owned the property. Mr. Rasmussen then stated that the site was a commercial property for approximately 40 years and was dilapidated when he purchased the land approximately 10 years prior. He was concerned that the 4-lane Maple Street, which fronted the property, was a safety issue for a residential use and that because of the high value and uniqueness of the property, the home was not marketable for residential use. He briefly discussed market changes over time.

Ms. Plucker stated the applicant was paying a commercial cost for the residential site and again discussed the commercial nature of the area.

The Board discussed that the request was an opportunity to improve the site, but allowing non-conforming uses within existing zoning districts should not be rewarded with a zoning change. Mr. Fanslau stated that the Department would be more supportive of a residential to residential zoning change at the site, which was displayed as low-density residential on the Future Land Use Map of the Master Plan. Discussion continued between the applicant and Board members regarding surrounding commercial uses and the reputable proposed business, but that the Master Plan and ordinances of the City were in place.

Dave Fanslau, Assistant Planning Director, commented that the zoning request was discussed with the applicant at the pre-application meeting prior to today's meeting and that because the request was not in conformance with the Master Plan, the Department was not supportive. He then briefly discussed the City Master Plan, how the Master Plan was compiled with input from the development community along with multiple City departments, and stated that the Department recommended denial.

Mr. Rosacker moved for denial of the rezoning. Ms. Karnes seconded the motion which carried 5-2, with Mr. Deeb and Mr. Magid dissenting.

| 19. | C10-16-251 C11-16-247 Jon Crowe | REQUEST: Rezoning from GC to NBD, with approval of a PUR-Planned Unit Redevelopment Overlay District (property is also located within an ACI-1(PL) Overlay District) | LOCATION: Northwest of 38th and Leavenworth Streets |

At the Planning Board meeting held on September 7, 2016, Joe Flaxbeard, Lamp Rynearson & Associates, 14710 West Dodge Rd., appeared before the Board on behalf of the applicant. Mr. Flaxbeard stated that materials were submitted and that he was available to answer questions.

Lynn Hinderacker, 719 S. 38th St., appeared before the board in opposition. Mr. Hinderacker stated that his home and office were across the street from the garage and retail development and that he was not opposed to density, but was concerned with lack of parking in the area and pedestrian safety. He explained that 38th Street was a heavily traveled through Street with limited parking on the west side of the street, no parking on the east side, and that some homes along the east side of 38th Street had no garages or driveways. He then stated that an additional 150 to 200 vehicles and people in the area created additional traffic and parking issues.
Lauren Rhodes, 721 S. 38th St., appeared before the Board in opposition. Ms. Rhodes stated that her boyfriend owned the home directly across from the site and was excited to see development at the dilapidated site, but was also concerned with traffic and parking issues. She explained that she was concerned with the additional traffic created from the retail shops and that she wanted more information regarding the parking and garage.

Tom Zuk, Holland Basham Architects, 119 S. 49th Ave., appeared before the Board on behalf of the applicant. Mr. Zuk stated that a traffic study was not warranted and that the proposed building was high-end residential. He then stated that retailers were a Starbucks, pizza business and potential dry cleaner use. He explained that the development included on-site parking and off-street parking.

Brian Akert, Holland Basham Architects, 119 S. 49th Ave., appeared before the Board on behalf of the applicant. Mr. Akert stated that the parking garage was located to the north of the property into the hillside with a one-way entrance and one-way exit under the residential portion of the development. He added that residential parking was within the parking garage and that 32 parking stalls were added around the perimeter of the block. He further explained that Leavenworth Street would be widened 3.5 feet to meet ACI zoning requirements. He then stated that parking was also available behind the retail bays. Mr. Zuk added that the parking garage was enclosed and gated. In response to the Board, he stated that the project was 82 units and 110 parking stalls in the garage. Mr. Flaxbeard added that there were also 9 on-street stalls and 12 surface stalls within the site.

Dave Fanslau, Assistant Planning Director, stated that Leavenworth was a major transportation corridor and expected future plans for alternate modes of transportation. He added that the Department was acceptable to the parking ratio and the Department recommended approval of the rezoning and approval of the PUR subject to the 3 conditions on the recommendation report.

Mr. Rosenbaum moved for approval of the rezoning to NBD and approval of the PUR subject to the following conditions prior to forwarding to City Council: 1) Remove unnecessary waivers from PUR waiver sheet. 2) Providing an updated site/landscape plan with new ROW dedication and dimensioned setbacks. 3) Continue working with Urban Design regarding the curbside landscaping conditions. Mr. Magid seconded the motion which carried 7-0.

APPROVAL OF MINUTES

Mr. Rosenbaum moved to APPROVE the meeting minutes of July 6, 2016 as written. Mr. Deeb seconded the motion which carried 7-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 3:43 pm.

Date Approved

_________________________________________
Brinker Harding, Chairman

Rikki Flott, Planning Board
Recording Secretary