CERTIFICATION OF PUBLICATION:
Urban Design Review Board Administrator certifies publication in the Daily Record, the official newspaper of the City of Omaha, on Monday, November 7, 2011.

MEMBERS PRESENT: Michael McMeekin, Chair
Robert Peters
Gerald Torczon
Leanne Ziettlow, Alternate
April Rice, Alternate
Leanne Ziettlow

MEMBERS NOT PRESENT: Dave Ciaccio, Vice Chair
Timothy Holland
Rachel Jacobson
Jay Noodle
Larry Jobeun, Alternate
Anna Nubel, Non Voting Ex-Officio Member

STAFF PRESENT: Jed Moulton, Urban Design Manager
Trina Westman, UDRB Administrator
Andrea Wisniewski, Recording Secretary
John Cunningham, Recording Secretary

Mr. McMeekin, Chair, called the meeting at 3:02 p.m., introduced the Urban Design review Board members as well as the Planning Department staff, and explained the UDRB’s public hearing and administrative meeting procedures.

PUBLIC MEETING
Private Case for Discussion & Approval:

<table>
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<tr>
<th>UD-11-017</th>
<th>NAME:</th>
<th>Kum &amp; Go</th>
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<tr>
<td>Olsson Associates</td>
<td>LOCATION:</td>
<td>3303 N. 108th Street</td>
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<td>REQUEST:</td>
<td>Seeking support of waivers for Section 55-928 Green Parking Areas, subsections: (c) Pervious Landscaping Within Parking Lots, (e) Perimeter Landscaping, and (f) Landscaping Standards</td>
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Josh House of Kum & Go appeared before the Board and requested support of waivers regarding landscaping requirements. Mr. House explained that Kum & Go was unable to rebuild at an existing site located nearby (potential re-build location 108th & Emmet), due to topography issues. He explained Kum & Go’s desire to build a 5,000 square foot building with eight fuel dispensers at this location. He explained that due to the property size, they struggled to meet the landscaping requirements. Due to the location of the site and convenience for customers, Kum & Go wished to have three entrances (one off 108th, one off 107th, and one on Bedford Avenue) and explained the difficulty in meeting the 7% interior landscaping requirements.

Doug Halverson, Landscape Architect for Olsson Associates appeared before the Board. Mr. Halverson discussed the problems of redevelopment along 108th Street, specifically the setbacks, and noted the differences in setback requirements on each side of 108th Street. Mr. Halverson noted that the east side of 108th Street contains a consistent green space due to right-of-way, whereas on the west side, there is 3 feet and then paving. He explained, per Code, the chance for credit of landscaping in the right-of-way. However, the Public Works Department declined their request for the right-of-way to be moved back. He explained their hardship was the extra right-of-way green space. He discussed the importance of the front parking and canopy parking as it relates to their business. He explained the differences in parking stall requirements, comparing the Kum & Go with fast food restaurants.

Jed Moulton, Urban Design Manager, clarified setback requirements at this location, noting that the applicant’s current design does not meet requirements. Mr. Halverson advised the Board that the applicant was using a standard plan, and Mr. House could explain how the plans could be changed, specifically moving the dumpster. Mr. Halverson explained the building prototype was very successful for Kum & Go; the lot was tight; but the only other option was leave this section of the city and go west.

Mr. House stated since submitting the plans, Kum & Go has taken some other ideas into account. He asked the Board for suggestions on what Kum & Go could do to meet the City Code and still maintain a viable business. He stated Kum & Go would be willing to compromise and reduce the eight gas dispensers to six in order to extend some of the interior landscaping.

Mr. McMeekin asked Mr. House and Mr. Halverson if they were finished with their presentation and asked if there were any other proponents or opponents to this request.

Mr. Peters asked Mr. House for the age, size, footprint and number of pumps at their 108th & Emmet location. Mr. House stated the old site was just under 3,000 square feet with two parallel pumps. He stated the store was built in 1975 and was developed by another company. Kum & Go purchased a series of convenience stores in 2002 and converted them. Mr. House explained the functionality between the old stores and the new prototypes. If allowed to construct this new store, the age of all the Kum & Go stores in Omaha would be less than 6 years. He explained that Kum & Go was making a conscious effort within the Omaha market to get the new assets and compete with competitors.

Ms. Rice asked Mr. House what their recent or past research was regarding storm water management in terms of green roofs on top of the gas canopies. Mr. House stated he did not have that information. Ms. Rice asked about the storm water management issues, and Mr. House stated they would use an underground detention system.
Mr. McMeekin asked Mr. Moulton to present the staff recommendation. Mr. Moulton stated that the applicant is making a series of zoning and waiver requests. He added that the site is clearly too small for what is being proposed. The applicant has been looking for ways to design the project to fit the site better. Mr. Moulton asked Mr. House if they had a smaller prototype they could use. Mr. House stated this prototype has been in place for approximately one year. The idea of a smaller store was brought up to senior staff within the company, and due to the large investment, Kum & Go preferred to stay with this design and not return to the type of older prototype. Mr. Moulton stated that his department reviewed the variables and concluded the site is too small. The Planning Department does not support the applicant’s requests at this time.

Mr. McMeekin asked about the credit for landscaping in the right-of-way. Mr. Moulton stated there is a provision under the front yard landscaping requirements, which is a rather obscure provision and used to allow an exchange. This provision is normally applied to residential front yard landscaping not for commercial perimeter landscaping.

Mr. Peters asked Mr. House about the necessity of the additional egress onto 107th Street, explaining that it is a small site already, and it is now compromised with having three approaches. Mr. House stated the reasoning for the egress off of Bedford was that customers would not be able to make a left-hand turn. If a customer were heading south and missed the 108th Street entrance, drivers headed south would not be able to make a left-hand turn into the site. Customers would be able to turn on Emmet Street and then come around and be able to turn into the side from 108th Street. Mr. Peters noted that customers could continue down 107th Street to Bedford and turn right. Mr. Peters stated by doing so, they could provide parking north/south and reclaim impervious surface that could be landscaped as per requirements. Mr. House explained that the front stalls are designated for customers, and the employees park in the designated employee parking area. Mr. Peters noted that if the parking stalls were rotated, they could close the 107th Street egress and enhance the green space area.

Mr. McMeekin stated that the extent of the waiver requests concerned him. He stated that a similar use was being proposed on a neighboring property south of Bedford. He stated that he was concerned about supporting the requested waivers for Kum & Go when their competitor across the street is in compliance.

Ms. Ziettlow asked Mr. House and Mr. Halverson if there was a gas station and pumping arrangement within a one acre lot that Kum & Go could meet that would meet the majority of the requirements. Mr. Halverson stated that this would be possible if the property were one acre, standing alone, and not surrounded by public streets with huge setbacks. Ms. Ziettlow asked Mr. Halverson, based on his experience, if it were possible to construct a one acre development with three adjacent streets and meet a majority of the requirements. Mr. Halverson stated they could have if they had all the 25 foot setbacks that are required against public streets.

Ms. Ziettlow asked Mr. Halverson if Kum & Go had a smaller prototype. Mr. House stated they had a copy of a competitor’s site plan. He explained that Kum & Go requires standard spacing between the canopy, drive isles, between pumps, and center of pump to the front of the store. He stated they have minimum requirements that they use internally. Mr. House stated the spacing between the building and the canopy for their competitor is significantly cut, substantially less than what Kum & Go requires, substantially affecting the flow of traffic. He explained that customer impression is important, and if they feel the site is too tight, the customer will not return, especially if it is a busy site.

Mr. Moulton stated that the outcome could be different if Kum & Go could make concessions and not be rigid to a standard prototype. Mr. House stated that with this particular location, knowing the constraints involved, they would be willing to reduce the number of pumps and create more green space, block the access from 107th Street to increase the landscaping, and stated they could re-review these changes internally. Mr. Moulton stated that would address the perimeter landscaping and asked Mr. House what Kum & Go could do about interior landscaping, specifically around the area of either side of the main façade or the nodes at either side.

Mr. McMeekin stated the Board had heard some willingness to redesign. They could vote on the plan as
is or request a layover with no guarantee of waivers. Mr. Peters stated that if the applicant were willing to spend the additional time, specifically a month, to redesign and make a better attempt at meeting the thresholds, he would offer a motion to layover for one month.

Motion by Mr. Peters to hold this request over to the December meeting of the Board. Seconded by Ms. Ziettlow.

Motion carried 4-0.

Ms. Ziettlow asked the applicant to return to next month’s meeting with a plan that makes the best attempt at meeting all of the requirements. She stated the Board is trying to provide a reasonable solution. The Board wants Kum & Go to develop in the City, but they don’t want them to continuously ask for waivers.
ADMINISTRATIVE ITEM:

Motion by Mr. McMeekin Ms. Zietlow to approve minutes from the October 20, 2011 meeting as amended. Seconded by Mr. Peters.

Motion carried 5-0.

It was the consensus of the Board to adjourn the meeting at 4:09 pm.

Andrea Wisniewski, Planning Department
Recording Secretary

John Cunningham, Planning Department
Transcriber