

MINUTES
 PUBLIC HEARING AND ADMINISTRATIVE MEETING
 OMAHA CITY PLANNING BOARD 1:30 P.M. – NOVEMBER 5, 2014
 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, October 27, 2014.

MEMBERS PRESENT: Anna Nubel, Chair
 Brinker Harding, Vice Chair
 Arnold Nesbitt
 Van C. Deeb
 Trenton Magid

MEMBERS NOT PRESENT: Greg Rosenbaum

STAFF PRESENT: James Thele, Planning Director
 Dave Fanslau, Acting Assistant Director, Current Planning
 Cheri Rockwell, Acting Manager, Current Planning
 Jennifer Taylor, Law Department
 Rikki Flott, Recording Secretary

Anna Nubel, 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.

(REGULAR AGENDA)

Subdivisions

8.	C8-14-184 (D) C12-14-153 Keith Edquist	REQUEST:	Preliminary Plat of NORTHERN HILLS ESTATES THREE, a subdivision outside the city limits, with a waiver of Section 53-9(9) for Sidewalks and Section 53-9(3) for Street Surfacing and Approval of a Special Use Permit to allow development in the North Hills Environmental Overlay District
		LOCATION:	East of 69th and Plum Streets

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval of the Special Use Permit to allow development in the North Hills Environmental Overlay District, approval of the waiver of Section 53-9(9) Sidewalks of the Municipal Code, and approval the Preliminary Plat, subject to the following being addressed prior to or with the submittal of a final plat: 1) Placing any drainageway within an outlot sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater), 2) Providing for the use, ownership, and maintenance of the outlots in the subdivision agreement, 3) Complying with all applicable stormwater management ordinances and policies including providing for a no net increase in stormwater runoff and treatment of the first ½ inch for water quality, 4) Submittal of a combined, revised, and acceptable tree canopy mitigation plan for Phase 2 and3, 5) Submittal of a letter of approval from the NDEQ, 6) Submitting a wetland analysis, and providing for mitigation, if needed, 7) Subject to compliance with Section 55-901 (North Hills) and including a note to

this effect on the plat, 8) Including a note on the final plat limiting all building heights to a maximum of 1472' above m.s.l, 9) Include a waiver of the right to protest a future sidewalk improvement district within the subdivision agreement, 10) Provide a buffer to protect the prairie from yard maintenance activities such as lawn fertilization, pesticide application and weed preventative that could damage the prairie, and 11) Provide an overall smoke easement to ensure that residential lot owners are aware that there will be prairie maintenance activities such as burning. Mr. Deeb seconded the motion, which carried 5-0.

9.	C12-14-199 (D) Security National Bank	REQUEST:	Preliminary and Final Plat of SECURITY PLACE, a minor plat inside the city limits
		LOCATION:	Northeast of 35th Avenue and Farnam Street

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval of the Preliminary Plat and approval of the Final Plat subject to submittal of an acceptable subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Deeb seconded the motion, which carried 5-0.

10.	C10-14-200 (D) C12-14-201 E & A Consulting Group	REQUEST:	Preliminary and Final Plat of WALTON ADDITION, a minor plat outside the city limits, with rezoning from AG to AG and DR (property is also located within flood fringe)
		LOCATION:	Southeast of 252nd and Blondo Streets

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval of the rezoning from AG-Agricultural District to AG-Agricultural District and DR-Development Reserve District (portions of the property lie within the flood fringe), approval of the preliminary plat subject to: 1) The applicant providing for provisions of installing sidewalks along all street frontages within a subdivision agreement or agreeing to waive the right to protest a future sidewalk improvement district within a subdivision agreement, and 2) Providing a dedication of right-of-way (ROW) to a line 50' from the centerline of both 252nd and Blondo Streets, and approval of the final plat subject to compliance with the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the request to the City Council. Mr. Deeb seconded the motion, which carried 5-0.

11.	C10-14-202 (D) C12-14-203 Thompson, Dreesen & Dorner	REQUEST:	Preliminary and Final Plat of DEER CREEK HIGHLANDS NORTHEAST REPLAT ONE, a minor plat outside the city limits, with rezoning from DR and R4 to DR and R4
		LOCATION:	Southwest of 114th and Potter Streets

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval of the zoning from DR and R4 to DR and R4, approval of the Preliminary Plat, subject to the following condition: 1) Submittal of a Minor Amendment to the existing Special Use Permit for Outdoor sports and recreation, and approval of the Final Plat, subject to the condition of Preliminary Plat approval, prior to forwarding the Final Plat to City Council. Mr. Deeb seconded the motion, which carried 5-0.

12.	C10-14-204 (D) C12-14-205 TRP Properties, LLC	REQUEST:	Preliminary Plat of OMAHA WORKS INDUSTRIAL PARK REPLAT 11, a subdivision inside the city limits, with a waiver of Section 53-8(4)(d) for Lot frontage, along with rezoning from GI to LI and GI
		LOCATION:	Northeast of 132nd and "I" Streets

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval of the rezoning from GI to LI and GI, approval of the waiver of Section 53-8(4)(d) for Lot frontage., and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Coordinate with the Public Works Department on the required right-of-way width for the section to be dedicated east of proposed lot 7, 2) Place a note on the final plat that states "There shall be no direct

access to 132nd or "I" Streets.", 3) Provide for all improvements identified in the final approved traffic study, 4) Verify that the existing street approaches at "I" Street and at 132nd Street were built to City standards; otherwise, re-construct, 5) Apply for an MCC Overlay District for the lots fronting 132nd Street, 6) Place an allowable building footprint on Lot 1, 7) Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies, and 8) Provide sidewalks as required by the Subdivision Ordinance. Mr. Deeb seconded the motion, which carried 4-0-1 with Mr. Magid recusing.

Rezoning

20.	C10-14-210 (D) Ivan Estrada-Barrera	REQUEST:	Rezoning from GI to R4
		LOCATION:	2505 Bancroft Street

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

21.	C10-14-211 (D) Carrell & Associates	REQUEST:	Rezoning from R4(35) and R5 to R4 and R5
		LOCATION:	5612 and 5616 Charles Street

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

22.	C10-14-212 (D) Reyna Tapia	REQUEST:	Rezoning from GI to R4
		LOCATION:	2519 South 26th Street

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

23.	C10-14-213 (D) NuStyle Development Corp	REQUEST:	Rezoning from HI to CBD (the property is also located within an ACI-1(PL) Overlay District)
		LOCATION:	1015 North 14th Street

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

24.	C10-14-214 (D) Olsson Associates	REQUEST:	Rezoning from GI and CC to CC and Approval of an MCC Overlay District
		LOCATION:	4950 South 108th Street

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

25.	C10-14-215 (D) Michael Lawrence Dunn	REQUEST:	Rezoning from GI to R7
		LOCATION:	402 and 402 1/2 William Street

At the Planning Board meeting held on November 5, 2014, Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

27.	C7-14-216 (D) C10-14-218 Dr. Maher K. Tadros	REQUEST:	Rezoning from R2 to LO and Approval of a Conditional Use Permit to allow <i>Multiple-family residential</i> in a LO District
		LOCATION:	Northeast of 88th Street and West Center Road

At the Planning Board Meeting held on November 5, 2014, Mr. Harding moved to layover the request. Mr. Nesbitt seconded the motion, which carried 5-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Overlay Districts

1.	C11-14-186 Eddy Santamaria	REQUEST:	Approval of a PUR-Planned Unit Redevelopment Overlay District (laid over from 10/01/14)
		LOCATION:	3115 Pacific Street

At the Planning Board meeting held on November 5, 2014, Eddy Santamaria, 1301 Nicholas St, appeared before the Board. Mr. Santamaria displayed a site plan of the project and explained that this type of innovative, single family living was a cluster subdivision with small living units. He further explained that because this type of housing was new, zoning code regulations did not exist. Mr. Santamaria stated that he was working with the Planning Department for approvals and was in the process of finding investors upon Department approvals.

Steve Held, Little Marcy Redevelopment, 3036 Marcy St., appeared before the Board in support of the request.

In response to questioning by the Board, Mr. Santamaria stated that the project was not in a historic overlay district and that surrounding architecture was analyzed to determine the focus of the architectural style for the project. He then explained that some of the main focuses were the surrounding architecture, the scale of the spaces, elevated porches, and the height in massing. He added that the massing was comparable to adjacent properties and that a variety of massing existed in the area. In response to further questioning by the Board, Mr. Santamaria explained that analysis was used to introduce the new style of housing and that architectural aspects were continually developing. He added that after discussions, the Ford Birthsite Neighborhood Association was supportive of the project and that meetings were planned with 2 more Neighborhood Associations this month. Mr. Santamaria then explained that easements were required for the proposed common area and that these areas would be maintained by an association created by the owner of the property. He stated that driveways would be accessible from Pacific Street and from the outlot. He further explained that an engineering analysis was completed to ensure accessibility for all neighbors and that discussions were held with Public Works regarding accessibility for emergency vehicles.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department worked with the applicant regarding the request and that the Department recommended approval, subject to meeting the conditions of the recommendation report prior to forwarding the request to the City Council.

Mr. Deeb moved for approval of the PUR, subject to submittal of a final site plan, final landscape plan, final building elevations, and subdivision plat prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion, which carried 5-0.

Rezoning

2.	C10-14-140 Rod Laible	REQUEST:	Rezoning from GC to GI (laid over from 08/06/14)
		LOCATION:	North of 101st Street and Blair High Road

At the Planning Board meeting held on November 5, 2014, Katie Underwood, Olsson Associates, 2111 S. 67th St., appeared before the Board on behalf of the applicant. Ms. Underwood stated that the applicant used due diligence and Master Planning for the area and displayed a map of the site. She added that rezoning was crucial for potential industrial developers. She noted that site included wetlands and steep grade changes and that a perceived barrier in attracting industrial developers was zoning of the land. Ms. Underwood stated that rezoning the property removed barriers for prospective future industrial developers.

Ms. Nubel mentioned that the Department offered to provide a letter to the applicant to notate potential zoning changes if developed. Ms. Underwood responded that the current request for rezoning provided intent for prospective buyers and that a letter from the Department would also be accepted. In response to the Board, she also mentioned that the rezoning was in conformance with the Master Plan and that if the request was laid over, the time frame would not be affected. She reiterated that the request was for the perception of the intent of the land use for future development.

Dave Fanslau, Acting Assistant Planning Director, stated that upon request, the Department would provide a letter to the applicant regarding future rezoning of the property and that rezoning without a proper subdivision of the property was not a standard Planning Department procedure. He stated that the Department recommended to layover the rezoning.

Mr. Nesbitt moved for denial and subsequently withdrew his motion.

Mr. Magid moved to layover the request. Mr. Deeb seconded the motion, which carried 5-0.

Special Use Permits

3.	C8-14-173 SBA Communications/Verizon Wireless	REQUEST:	Approval of a Special Use Permit to allow a <i>Broadcast tower</i> in a GC District, with a waiver of Section 55-406 Height to 110 feet (property is also located within an ACI-2(50) Overlay District) (laid over from 09/03/14)
		LOCATION:	7076 Maple Street

At the Planning Board meeting held on November 5, 2014, Laura Gattling, Blackened Beach, 304 Ingreess Way South, Englewood, Colorado, appeared before the Board on behalf of the applicant. Ms. Gattling stated that SBA Communications was the tower company designated to construct a cellular tower for Verizon Wireless. She mentioned that she recently obtained the case and requested that the case be laid over to allow time for updated plans to include setback changes, increased bufferyard, landscaping and reduced tower height. She added that the applicant was willing to extend the shot-clock.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended denial. He explained that the site was nonconforming with the existing use, was in close proximity to residential and that proper documentation of updated coverage maps was not received from the applicant.

Mr. Magid moved to layover the request. Mr. Nesbitt seconded the motion, which failed 3-2. Mr. Brinker moved for denial, which died due to lack of a second.

Mr. Nesbitt moved to layover at the request of the applicant to allow time to revise the site plan in compliance with the zoning ordinance and explore alternative tower designs and to submit the following: 1) Provide city-wide coverage maps that include the proposed location with and without the proposed coverage, 2) Provide coverage maps of the specific site and its relationship to other tower sites showing the variation in coverage provided in 10-20 foot increments between the allowed and proposed height, 3) Provide to-scale site and landscape plans that include solid wood fencing, appropriate landscape screening and providing hard surface access to the lease area, and 4) Reducing the area of the support facilities to a maximum of 350 square feet. Mr. Deeb seconded the motion, which carried 4-1.

(REGULAR AGENDA)

Master Plan Referral

5.	C3-14-196 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the SECURITY NATIONAL BANK TIF REDEVELOPMENT PROJECT PLAN
		LOCATION:	Northeast of 35th Avenue and Farnam Street

At the Planning Board meeting held on November 5, 2014, Bridget Hadley, City Planning, presented the request. Ms. Hadley stated that the request was within the boundaries of the destination Midtown redevelopment area. She displayed a map of the area and explained that the existing bank building would be demolished and the existing parking structure retained. She added that a 1-story building would be constructed to facilitate banking, data and IT operations, a community room, 30 full time employees retained, and opportunity for future expansion. She also explained that dedication of right-of-way was required for the addition of 21 diagonal parking stalls accessible to the public. Ms. Hadley concluded that the total TIF funds were \$500,000 and that the total project cost was approximately \$6 million dollars.

Jim Landon, Chairman/CEO of Security National Bank, 1120 S. 101st St, appeared before the Board. Mr. Landon stated that the business began 50 years ago and that this location existed for 48 years. He added that the request was an investment for their company and the area. In response to Ms. Nubel, Mr. Landon stated that this location employed 30 people today and potentially 42 employed upon reopening. He added that this location would employ operations and technology groups, retail banking staff, and support staff to manage the conference center (community room), which would be available for use by certain outside entities.

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

Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

6.	C3-14-197 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the Surplus Declaration and Disposal of City Property
		LOCATION:	22121 Riverside Drive

At the Planning Board meeting held on November 5, 2014, Dave Fanslau, Acting Assistant Planning Director, stated that the City obtained ownership of the property upon approval of the 2014 Annexation Package and that multiple City Departments were in favor of disposal of the property.

Mr. Magid moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

7.	C3-14-198 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of an Amendment to Chapter 55 Zoning, regarding maximum height of wall signs in various office, commercial and industrial districts
		LOCATION:	Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on November 5, 2014, Dave Fanslau, Acting Assistant Planning Director, stated that the request amended the zoning code within the 5 zoning districts to allow the maximum height of a sign to be at the same height of the building.

Mr. Deeb moved for approval. Mr. Magid seconded the motion, which carried 5-0.

Cases 13, 16 and 17 were heard concurrently, but voted on separately:

Subdivisions

13.	C10-14-206 C12-14-207 Music School Development Corp, LLC	REQUEST:	Preliminary and Final Plat of CASS PLACE, a minor plat inside the city limits, with rezoning from R2 to R8 and CC
		LOCATION:	7023 Cass Street

At the Planning Board meeting held on November 5, 2014, Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Jobeun displayed a variety of exhibits of the project site and noted areas that were within a one mile radius of the site, noted the surrounding streets in the immediate area, discussed the many different zoned areas adjacent to the site, noted that the site was within a mixed-use area of the Future Land Use map, and that the site was also included in the Crossroads Redevelopment Plan. He then explained that the existing building was located on Lot 1 and contained approximately 5 acres, and that the new apartment building was proposed on Lot 2, which contained approximately 2.5 acres. He then displayed a site plan of the proposed project and noted the location of the new building, the amenities for the apartment building, landscaping, shared parking areas and access points from the apartment building onto Cass Street. Mr. Jobeun then discussed the plans for the proposed music conservatory and renovation of the existing structure to create an education wing, an administrative wing and a performing arts center/auditorium. He explained that Omaha Conservatory of Music (OCM) was a non-profit organization instructing ages kindergarten through college on various instruments, music composition and music theory. He added that the operating hours would be 3:00pm to 7:00pm, Monday through Thursday, with 1 instructor per student and approximately 30 instructors total. He then explained that parking regulations were sufficient for the 525 seat auditorium and that the existing structure would undergo slight changes through repairs and renovations. Mr. Jobeun discussed that the changes in the apartment complex plan included a reduced number of units, one building instead of two, increased distance from the building location to the Fair Acres neighborhood, a reduced amount of linear feet of building structure along Cass Street, and increased front yard setback. He added that the apartment units were studio, one bedroom and two bedroom units with average rents of \$1031 per month, average size of 729 square feet per unit, and parking below the structure. Mr. Jobeun stated that the applicant was working with the adjacent property owner on a temporary street connection, forming a "goat path" from the site parking lot to the adjacent parking lot. He added that current access points at Cass Street were sufficient street connections and that additional street connections were not required until an agreement with the adjacent parcel owner was final, or the property to the south was developed. He also noted that grade change was a factor in street connection to the south. Mr. Jobeun explained that the developer agreed to meet construction regulations for public traffic use of the private drive on the site and that the building facade and elevation plans changed. He further explained that because of grade change from the proposed apartment building to the existing building, elevations were compatible elevation and displayed various renderings of the proposed and existing structures from different angles. He also discussed various building materials to be used for the new building and that all plans were within zoning regulations. Mr. Jobeun discussed that parking regulations were met and that a completed traffic study warranted no off-site public improvements were required. He stated that recent meetings were held with neighbors to discuss the project and that most concerns were related to traffic. He submitted letters of support for the project and added that construction would begin approximately Spring of 2015.

Jerry Reimer, 4880 S. 131st St, appeared before the Board. Mr. Reimer stated that he had favorable experiences working with the developer and that he was in favor of the development.

Geoff DeOld, 1717 ½ Vinton St, appeared before the Board. Mr. Guild stated that he represented Mode Shift Omaha, which supported transportation options, and was in support of the project. He then stated that the project added density to support future transit plans for the Dodge Street corridor and that the proposed future east to west street connection would alleviate traffic congestion in the area.

Rick Anderson, Croker Huck Law Firm, 2120 S 72nd St., appeared before the Board in opposition. Mr. Anderson stated that he represented the Fair Acres Neighborhood Association and that his client was in favor of repurposing the existing structure for OCM, but still had concerns with the zoning and increased traffic of the proposed new development. He added that the reduction in number of residential apartment

units and reduced scale of the buildings was positive, but that concern remained for the traffic impact issue. He stated that only two access points to the north, along Cass Street, were proposed for the residential development and that a secondary access to the east south or west was necessary. He then displayed multiple maps of the Master Plan and Future Land Use Plan for the 72nd and Dodge Streets area and noted that the area was continually shown as civic use, not as high density residential use. He also displayed maps of the 2013 Crossroads Redevelopment Plan area and also noted that the site was designated as a civic or public use, not as mixed-use. He also noted on a displayed map the site was omitted from the Crossroads District Master Plan because of connectivity issues. Mr. Anderson stated that the scale of the proposed development was not in scale with surrounding areas as suggested by the Master Plan and then displayed photos of the site taken from different angles of view from the west and east along Cass Street. Mr. Anderson then discussed that their traffic engineer reviewed the traffic study submitted by the applicant and concluded that the study followed protocol but results were averages and not particular to one parcel. He explained that their personal traffic count was higher than the results of the completed study and that the study included a reduction in counts for alternative forms of transportation, but was not justified in the study. He also noted that future redevelopment of the Crossroads at 72nd and Dodge Streets could have a major impact on traffic and should be considered in the traffic study. Mr. Anderson further discussed the access points along Cass Street and that the eastern entrance had a right-in/right-out access but also had a left in/left out access across 2 lanes of traffic. He added that the left turn into the development, from traffic heading west on Cass Street was a cause for safety concern with increased traffic queues and site distance issues at the crest of the hill. He expressed concern that alternate street connections should be required for the development. Mr. Anderson discussed that the high traffic area between Fairacres Road and Cass Street was a safety issue and impacted the Fairacres residential neighborhood. He explained that the 2010 Master Plan rated the intersection at 72nd and Cass Streets at a low level of service and that the 2035 predictions expanded into the Fairacres Road area. He concluded that his client was opposed to the rezoning and that the requested zoning change was out of scale with the surrounding neighborhood. He added that if the rezoning was approved, a Planned Unit Development zoning was necessary to limit size and scale of the new development and that access and traffic safety should be required as a condition to the approval.

Barbara McCusker, 616 Fairacres Road, appeared before the Board in opposition. Ms. McCusker stated that she was President of the Fairacres Homeowner's Association and that she resided in the Fairacres neighborhood. She then stated that she was in favor of the repurposing of the former temple site but had concerns with the proposed residential development. She discussed that national traffic study standards were difficult to apply to the unique stretch of road between Cass Street and Fairacres Road and that the intersection of Fairacres Road and Underwood Avenue had substantially higher daily traffic counts at capacity than national averages for a two-lane street. She mentioned that in March 2014, a petition with approximately 1500 signatures was submitted to the Board opposing the previous request for R8 high density zoning at this location and that the opposing petition was still valid for the request today. Ms. McCusker stated that discussions were held with the neighborhood to educate them on the terms of the requests and the proposed changes for the area. She added that the responses were opposition to the zoning change and concern for increased traffic in the neighborhood.

Elena Kerwin, 330 N. 68th St., appeared before the Board in opposition. Ms. Kerwin noted on the area map that her driveway access was onto North 69th Street and was in close proximity to the proposed development. She stated that she was not opposed to the use for the existing structure, but was opposed to the R8 zoning and had concerns with increased traffic in the neighborhood from the proposed residential development. She displayed a recent photo of a vehicle that damaged her fence and stated that she was concerned traffic would increase after completion of the development and increase traffic routing through the neighborhood.

John Kerwin, 330 N. 68th St., appeared before the Board in opposition. Mr. Kerwin voiced the same concerns as Ms. Kerwin regarding their residential driveway. He then stated that he wanted confirmation of which trees would be removed and final elevation plans for the proposed buildings.

Murray Casey, 524 N. Elmwood, appeared before the Board in opposition. Mr. Casey stated that his concern was safety for children in the neighborhood and that increased traffic calming measures should be considered for the neighborhood.

Mr. Jobeun stated that additional access to the development was not required and that the applicant was working with the adjacent property owner to the east, Omaha Community Playhouse, regarding connectivity. He added that a permanent east/west connection was to the south of the site and would be required with future development. Mr. Jobeun explained that the mixed-use zoning of the Future Land Use Map in the Master Plan called for wide variety of uses and that existing parcels surrounding the site were a variety of uses consistent with the mixed-use zoning. He mentioned that the OCM wanted to subdivide the site and was not interested in maintaining the entire site. He discussed the differences in various levels of zoning and respective regulations, and that the requested zoning for the OCM was based on the lowest zoning for personal improvement services. Mr. Jobeun then discussed that traffic studies relied on scientific and mathematical calculations and that these methods were used nationally. He mentioned that the elevation change for the new development was lower than the previous request, but still 3 feet higher in elevation than the OCM building and that the applicant did not plan to remove mature trees. In response to Mr. Nesbitt, Mr. Jobeun explained that the traffic study showed the majority of traffic moving west on Cass from the site.

Matt Cruz, Lamp Rynearson Associates, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Cruz stated that the traffic study was completed in January 2014 and was reviewed by HDR Inc. and Felsburg Holt & Ullevig (FHU). He explained that the traffic study was updated with changes to the development plan and was now being reviewed by the City Departments. He noted that with the updated study, no improvements were recommended for the 4 subject intersections. He added that traffic patterns studied by Lamp Rynearson and FHU within the last year only showed an increase of approximately 10 feet in traffic queues during peak hours of the day and that there were no significant increases for the Fairacres neighborhood. In response to Ms. Nubel, Mr. Cruz stated that a significant increase in traffic was a queue lengthened by approximately 50 additional feet and blocking an intersection. He added that a traffic study revealed Underwood Avenue was currently over capacity, but that upon full development of the site, an estimated 6% to 8% of traffic was projected to travel east on Underwood Avenue during peak hours. He then discussed that site distance was a concern, so his team completed a survey with the existing elevations for the site and created a figure based on the profile of the roadway, which showed adequate site distance at both proposed access points on Cass Street. He added that these reports were submitted to the Public Works Department for review. In response to Ms. Nubel, Mr. Cruz briefly discussed calculations used to find vehicle accident statistics at traffic intersections and that the 72nd and Cass Streets intersection was not ranked in the top 100 for the accidents within Omaha. In response to Mr. Nesbitt, Mr. Cruz explained that speed of vehicles was not taken into consideration for completion of the study, then further explained that speeds were maintained along Underwood Avenue with existing traffic lights and stop signs. In response to Mr. Harding, Mr. Cruz explained that a zoning to R7 would not impact the current traffic study counts.

In response to Ms. Nubel, Mr. Anderson stated that an acceptable development was civic use, which was in conformance with the Master Plan. He added that the acceptable zoning limit was R7 and that the main concern was the density and scale of the site, but that traffic safety was also a concern. He stated that the traffic safety concerns were traffic crossing two lanes of traffic along Cass Street and increased traffic queues along Cass Street. Mr. Anderson submitted petitions and exhibits to the Board.

In response to Mr. Magid, Mr. Jobeun stated that 109 units were proposed for studio apartments. Mr. Magid commented that not all residents would leave or return during peak hours of the day. Mr. Jobeun then mentioned that the developer studied their tenants and that only 17% of their tenants were students. He added that the proposed rents did not target college students. Mr. Jobeun then explained that the Planned Unit Development (PUD) Overlay District restricted the R8 zoning and that the requested zoning was necessary to keep the existing structure.

Dave Fanslau, Acting Assistant Planning Director, stated that the project was in conformance with Chapter 53-Subdivision, Chapter 55-Zoning and the Master Plan. He added that the boundary of the Mixed Use Plan allowed for a variety of uses with high density and that the Future Land Use map displayed existing and future land uses. He stated that the Department recommended approval of the Preliminary and Final Plat with rezoning, subject to approval of the PUD overlay districts, and approval of both Planned Unit Development Overlay Districts for the proposed development and the OCM.

Mr. Deeb moved for approval of the rezoning from R2 to R8 and CC, subject to approval of the proposed PUD-Planned Unit Development Overlay Districts and approval of the preliminary plat subject to: 1) The applicant providing for all improvements identified in the final approved traffic study, 2) The applicant coordinating with the Public Works Department regarding necessary arrangements to facilitate the future internal access connections to adjacent sites (easements, etc.), 3) Coordinating with METRO regarding potential transit improvements, 4) Providing a cross access, circulation and parking easement on the final plat, 5) Providing internal and external bicycle parking, and 6) Compliance with all applicable stormwater management ordinances and policies. He also moved for approval of the final plat subject to the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement. Mr. Magid seconded the motion, which carried 5-0.

Overlay Districts

16.	C11-14-208 Omaha Conservatory of Music	REQUEST:	Approval of a PUD-Planned Unit Development Overlay District
		LOCATION:	7023 Cass Street

At the Planning Board meeting held on November 5, 2014, Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Jobeun displayed a variety of exhibits of the project site and noted areas that were within a one mile radius of the site, noted the surrounding streets in the immediate area, discussed the many different zoned areas adjacent to the site, noted that the site was within a mixed-use area of the Future Land Use map, and that the site was also included in the Crossroads Redevelopment Plan. He then explained that the existing building was located on Lot 1 and contained approximately 5 acres, and that the new apartment building was proposed on Lot 2, which contained approximately 2.5 acres. He then displayed a site plan of the proposed project and noted the location of the new building, the amenities for the apartment building, landscaping, shared parking areas and access points from the apartment building onto Cass Street. Mr. Jobeun then discussed the plans for the proposed music conservatory and renovation of the existing structure to create an education wing, an administrative wing and a performing arts center/auditorium. He explained that Omaha Conservatory of Music (OCM) was a non-profit organization instructing ages kindergarten through college on various instruments, music composition and music theory. He added that the operating hours would be 3:00pm to 7:00pm, Monday through Thursday, with 1 instructor per student and approximately 30 instructors total. He then explained that parking regulations were sufficient for the 525 seat auditorium and that the existing structure would undergo slight changes through repairs and renovations. Mr. Jobeun discussed that the changes in the apartment complex plan included a reduced number of units, one building instead of two, increased distance from the building location to the Fair Acres neighborhood, a reduced amount of linear feet of building structure along Cass Street, and increased front yard setback. He added that the apartment units were studio, one bedroom and two bedroom units with average rents of \$1031 per month, average size of 729 square feet per unit, and parking below the structure. Mr. Jobeun stated that the applicant was working with the adjacent property owner on a temporary street connection, forming a "goat path" from the site parking lot to the adjacent parking lot. He added that current access points at Cass Street were sufficient street connections and that additional street connections were not required until an agreement with the adjacent parcel owner was final, or the property to the south was developed. He also noted that grade change was a factor in street connection to the south. Mr. Jobeun explained that the developer agreed to meet construction regulations for public traffic use of the private drive on the site and that the building facade and elevation plans changed. He further explained that because of grade change from the proposed apartment building to the existing building, elevations were compatible elevation and displayed various renderings of the proposed and existing structures from different angles. He also discussed various building materials to be used for the new building and that all plans were within zoning regulations. Mr. Jobeun discussed that parking regulations were met and that a completed traffic study warranted no off-site public improvements were required. He stated that recent meetings were held with neighbors to discuss the project and that most concerns were related to traffic. He submitted letters of support for the project and added that construction would begin approximately Spring of 2015.

Jerry Reimer, 4880 S. 131st St, appeared before the Board. Mr. Reimer stated that he had favorable experiences working with the developer and that he was in favor of the development.

Geoff DeOld, 1717 ½ Vinton St, appeared before the Board. Mr. Guild stated that he represented Mode Shift Omaha, which supported transportation options, and was in support of the project. He then stated that the project added density to support future transit plans for the Dodge Street corridor and that the proposed future east to west street connection would alleviate traffic congestion in the area.

Rick Anderson, Croker Huck Law Firm, 2120 S 72nd St., appeared before the Board in opposition. Mr. Anderson stated that he represented the Fair Acres Neighborhood Association and that his client was in favor of repurposing the existing structure for OCM, but still had concerns with the zoning and increased traffic of the proposed new development. He added that the reduction in number of residential apartment units and reduced scale of the buildings was positive, but that concern remained for the traffic impact issue. He stated that only two access points to the north, along Cass Street, were proposed for the residential development and that a secondary access to the east south or west was necessary. He then displayed multiple maps of the Master Plan and Future Land Use Plan for the 72nd and Dodge Streets area and noted that the area was continually shown as civic use, not as high density residential use. He also displayed maps of the 2013 Crossroads Redevelopment Plan area and also noted that the site was designated as a civic or public use, not as mixed-use. He also noted on a displayed map the site was omitted from the Crossroads District Master Plan because of connectivity issues. Mr. Anderson stated that the scale of the proposed development was not in scale with surrounding areas as suggested by the Master Plan and then displayed photos of the site taken from different angles of view from the west and east along Cass Street. Mr. Anderson then discussed that their traffic engineer reviewed the traffic study submitted by the applicant and concluded that the study followed protocol but results were averages and not particular to one parcel. He explained that their personal traffic count was higher than the results of the completed study and that the study included a reduction in counts for alternative forms of transportation, but was not justified in the study. He also noted that future redevelopment of the Crossroads at 72nd and Dodge Streets could have a major impact on traffic and should be considered in the traffic study. Mr. Anderson further discussed the access points along Cass Street and that the eastern entrance had a right-in/right-out access but also had a left in/left out access across 2 lanes of traffic. He added that the left turn into the development, from traffic heading west on Cass Street was a cause for safety concern with increased traffic queues and site distance issues at the crest of the hill. He expressed concern that alternate street connections should be required for the development. Mr. Anderson discussed that the high traffic area between Fairacres Road and Cass Street was a safety issue and impacted the Fairacres residential neighborhood. He explained that the 2010 Master Plan rated the intersection at 72nd and Cass Streets at a low level of service and that the 2035 predictions expanded into the Fairacres Road area. He concluded that his client was opposed to the rezoning and that the requested zoning change was out of scale with the surrounding neighborhood. He added that if the rezoning was approved, a Planned Unit Development zoning was necessary to limit size and scale of the new development and that access and traffic safety should be required as a condition to the approval.

Barbara McCusker, 616 Fairacres Road, appeared before the Board in opposition. Ms. McCusker stated that she was President of the Fairacres Homeowner's Association and that she resided in the Fairacres neighborhood. She then stated that she was in favor of the repurposing of the former temple site but had concerns with the proposed residential development. She discussed that national traffic study standards were difficult to apply to the unique stretch of road between Cass Street and Fairacres Road and that the intersection of Fairacres Road and Underwood Avenue had substantially higher daily traffic counts at capacity than national averages for a two-lane street. She mentioned that in March 2014, a petition with approximately 1500 signatures was submitted to the Board opposing the previous request for R8 high density zoning at this location and that the opposing petition was still valid for the request today. Ms. McCusker stated that discussions were held with the neighborhood to educate them on the terms of the requests and the proposed changes for the area. She added that the responses were opposition to the zoning change and concern for increased traffic in the neighborhood.

Elena Kerwin, 330 N. 68th St., appeared before the Board in opposition. Ms. Kerwin noted on the area map that her driveway access was onto North 69th Street and was in close proximity to the proposed development. She stated that she was not opposed to the use for the existing structure, but was opposed to the R8 zoning and had concerns with increased traffic in the neighborhood from the proposed residential development. She displayed a recent photo of a vehicle that damaged her fence and stated that she was concerned traffic would increase after completion of the development and increase traffic routing through the neighborhood.

John Kerwin, 330 N. 68th St., appeared before the Board in opposition. Mr. Kerwin voiced the same concerns as Ms. Kerwin regarding their residential driveway. He then stated that he wanted confirmation of which trees would be removed and final elevation plans for the proposed buildings.

Murray Casey, 524 N. Elmwood, appeared before the Board in opposition. Mr. Casey stated that his concern was safety for children in the neighborhood and that increased traffic calming measures should be considered for the neighborhood.

Mr. Jobeun stated that additional access to the development was not required and that the applicant was working with the adjacent property owner to the east, Omaha Community Playhouse, regarding connectivity. He added that a permanent east/west connection was to the south of the site and would be required with future development. Mr. Jobeun explained that the mixed-use zoning of the Future Land Use Map in the Master Plan called for wide variety of uses and that existing parcels surrounding the site were a variety of uses consistent with the mixed-use zoning. He mentioned that the OCM wanted to subdivide the site and was not interested in maintaining the entire site. He discussed the differences in various levels of zoning and respective regulations, and that the requested zoning for the OCM was based on the lowest zoning for personal improvement services. Mr. Jobeun then discussed that traffic studies relied on scientific and mathematical calculations and that these methods were used nationally. He mentioned that the elevation change for the new development was lower than the previous request, but still 3 feet higher in elevation than the OCM building and that the applicant did not plan to remove mature trees. In response to Mr. Nesbitt, Mr. Jobeun explained that the traffic study showed the majority of traffic moving west on Cass from the site.

Matt Cruz, Lamp Rynearson Associates, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Cruz stated that the traffic study was completed in January 2014 and was reviewed by HDR Inc. and Felsburg Holt & Ullevig (FHU). He explained that the traffic study was updated with changes to the development plan and was now being reviewed by the City Departments. He noted that with the updated study, no improvements were recommended for the 4 subject intersections. He added that traffic patterns studied by Lamp Rynearson and FHU within the last year only showed an increase of approximately 10 feet in traffic queues during peak hours of the day and that there were no significant increases for the Fairacres neighborhood. In response to Ms. Nubel, Mr. Cruz stated that a significant increase in traffic was a queue lengthened by approximately 50 additional feet and blocking an intersection. He added that a traffic study revealed Underwood Avenue was currently over capacity, but that upon full development of the site, an estimated 6% to 8% of traffic was projected to travel east on Underwood Avenue during peak hours. He then discussed that site distance was a concern, so his team completed a survey with the existing elevations for the site and created a figure based on the profile of the roadway, which showed adequate site distance at both proposed access points on Cass Street. He added that these reports were submitted to the Public Works Department for review. In response to Ms. Nubel, Mr. Cruz briefly discussed calculations used to find vehicle accident statistics at traffic intersections and that the 72nd and Cass Streets intersection was not ranked in the top 100 for the accidents within Omaha. In response to Mr. Nesbitt, Mr. Cruz explained that speed of vehicles was not taken into consideration for completion of the study, then further explained that speeds were maintained along Underwood Avenue with existing traffic lights and stop signs. In response to Mr. Harding, Mr. Cruz explained that a zoning to R7 would not impact the current traffic study counts.

In response to Ms. Nubel, Mr. Anderson stated that an acceptable development was civic use, which was in conformance with the Master Plan. He added that the acceptable zoning limit was R7 and that the main concern was the density and scale of the site, but that traffic safety was also a concern. He stated that the traffic safety concerns were traffic crossing two lanes of traffic along Cass Street and increased traffic queues along Cass Street. Mr. Anderson submitted petitions and exhibits to the Board.

In response to Mr. Magid, Mr. Jobeun stated that 109 units were proposed for studio apartments. Mr. Magid commented that not all residents would leave or return during peak hours of the day. Mr. Jobeun then mentioned that the developer studied their tenants and that only 17% of their tenants were students. He added that the proposed rents did not target college students. Mr. Jobeun then explained that the Planned Unit Development (PUD) Overlay District restricted the R8 zoning and that the requested zoning was necessary to keep the existing structure.

Dave Fanslau, Acting Assistant Planning Director, stated that the project was in conformance with Chapter 53-Subdivision, Chapter 55-Zoning and the Master Plan. He added that the boundary of the Mixed Use Plan allowed for a variety of uses with high density and that the Future Land Use map displayed existing and future land uses. He stated that the Department recommended approval of the Preliminary and Final Plat with rezoning, subject to approval of the PUD overlay districts, and approval of both Planned Unit Development Overlay Districts for the proposed development and the OCM.

Mr. Magid moved for approval. Mr. Deeb seconded the motion, which carried 5-0.

17.	C11-14-209 Cass St. Apartments, LLC	REQUEST:	Approval of a PUD-Planned Unit Development Overlay District
		LOCATION:	7023 Cass Street

At the Planning Board meeting held on November 5, 2014, Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Jobeun displayed a variety of exhibits of the project site and noted areas that were within a one mile radius of the site, noted the surrounding streets in the immediate area, discussed the many different zoned areas adjacent to the site, noted that the site was within a mixed-use area of the Future Land Use map, and that the site was also included in the Crossroads Redevelopment Plan. He then explained that the existing building was located on Lot 1 and contained approximately 5 acres, and that the new apartment building was proposed on Lot 2, which contained approximately 2.5 acres. He then displayed a site plan of the proposed project and noted the location of the new building, the amenities for the apartment building, landscaping, shared parking areas and access points from the apartment building onto Cass Street. Mr. Jobeun then discussed the plans for the proposed music conservatory and renovation of the existing structure to create an education wing, an administrative wing and a performing arts center/auditorium. He explained that Omaha Conservatory of Music (OCM) was a non-profit organization instructing ages kindergarten through college on various instruments, music composition and music theory. He added that the operating hours would be 3:00pm to 7:00pm, Monday through Thursday, with 1 instructor per student and approximately 30 instructors total. He then explained that parking regulations were sufficient for the 525 seat auditorium and that the existing structure would undergo slight changes through repairs and renovations. Mr. Jobeun discussed that the changes in the apartment complex plan included a reduced number of units, one building instead of two, increased distance from the building location to the Fair Acres neighborhood, a reduced amount of linear feet of building structure along Cass Street, and increased front yard setback. He added that the apartment units were studio, one bedroom and two bedroom units with average rents of \$1031 per month, average size of 729 square feet per unit, and parking below the structure. Mr. Jobeun stated that the applicant was working with the adjacent property owner on a temporary street connection, forming a "goat path" from the site parking lot to the adjacent parking lot. He added that current access points at Cass Street were sufficient street connections and that additional street connections were not required until an agreement with the adjacent parcel owner was final, or the property to the south was developed. He also noted that grade change was a factor in street connection to the south. Mr. Jobeun explained that the developer agreed to meet construction regulations for public traffic use of the private drive on the site and that the building facade and elevation plans changed. He further explained that because of grade change from the proposed apartment building to the existing building, elevations were compatible elevation and displayed various renderings of the proposed and existing structures from different angles. He also discussed various building materials to be used for the new building and that all plans were within zoning regulations. Mr. Jobeun discussed that parking regulations were met and that a completed traffic study warranted no off-site public improvements were required. He stated that recent meetings were held with neighbors to discuss the project and that most concerns were related to traffic. He submitted letters of support for the project and added that construction would begin approximately Spring of 2015.

Jerry Reimer, 4880 S. 131st St, appeared before the Board. Mr. Reimer stated that he had favorable experiences working with the developer and that he was in favor of the development.

Geoff DeOld, 1717 ½ Vinton St, appeared before the Board. Mr. Guild stated that he represented Mode Shift Omaha, which supported transportation options, and was in support of the project. He then stated that the project added density to support future transit plans for the Dodge Street corridor and that the proposed future east to west street connection would alleviate traffic congestion in the area.

Rick Anderson, Croker Huck Law Firm, 2120 S 72nd St., appeared before the Board in opposition. Mr. Anderson stated that he represented the Fair Acres Neighborhood Association and that his client was in favor of repurposing the existing structure for OCM, but still had concerns with the zoning and increased traffic of the proposed new development. He added that the reduction in number of residential apartment units and reduced scale of the buildings was positive, but that concern remained for the traffic impact issue. He stated that only two access points to the north, along Cass Street, were proposed for the residential development and that a secondary access to the east south or west was necessary. He then displayed multiple maps of the Master Plan and Future Land Use Plan for the 72nd and Dodge Streets area and noted that the area was continually shown as civic use, not as high density residential use. He also displayed maps of the 2013 Crossroads Redevelopment Plan area and also noted that the site was designated as a civic or public use, not as mixed-use. He also noted on a displayed map the site was omitted from the Crossroads District Master Plan because of connectivity issues. Mr. Anderson stated that the scale of the proposed development was not in scale with surrounding areas as suggested by the Master Plan and then displayed photos of the site taken from different angles of view from the west and east along Cass Street. Mr. Anderson then discussed that their traffic engineer reviewed the traffic study submitted by the applicant and concluded that the study followed protocol but results were averages and not particular to one parcel. He explained that their personal traffic count was higher than the results of the completed study and that the study included a reduction in counts for alternative forms of transportation, but was not justified in the study. He also noted that future redevelopment of the Crossroads at 72nd and Dodge Streets could have a major impact on traffic and should be considered in the traffic study. Mr. Anderson further discussed the access points along Cass Street and that the eastern entrance had a right-in/right-out access but also had a left in/left out access across 2 lanes of traffic. He added that the left turn into the development, from traffic heading west on Cass Street was a cause for safety concern with increased traffic queues and site distance issues at the crest of the hill. He expressed concern that alternate street connections should be required for the development. Mr. Anderson discussed that the high traffic area between Fairacres Road and Cass Street was a safety issue and impacted the Fairacres residential neighborhood. He explained that the 2010 Master Plan rated the intersection at 72nd and Cass Streets at a low level of service and that the 2035 predictions expanded into the Fairacres Road area. He concluded that his client was opposed to the rezoning and that the requested zoning change was out of scale with the surrounding neighborhood. He added that if the rezoning was approved, a Planned Unit Development zoning was necessary to limit size and scale of the new development and that access and traffic safety should be required as a condition to the approval.

Barbara McCusker, 616 Fairacres Road, appeared before the Board in opposition. Ms. McCusker stated that she was President of the Fairacres Homeowner's Association and that she resided in the Fairacres neighborhood. She then stated that she was in favor of the repurposing of the former temple site but had concerns with the proposed residential development. She discussed that national traffic study standards were difficult to apply to the unique stretch of road between Cass Street and Fairacres Road and that the intersection of Fairacres Road and Underwood Avenue had substantially higher daily traffic counts at capacity than national averages for a two-lane street. She mentioned that in March 2014, a petition with approximately 1500 signatures was submitted to the Board opposing the previous request for R8 high density zoning at this location and that the opposing petition was still valid for the request today. Ms. McCusker stated that discussions were held with the neighborhood to educate them on the terms of the requests and the proposed changes for the area. She added that the responses were opposition to the zoning change and concern for increased traffic in the neighborhood.

Elena Kerwin, 330 N. 68th St., appeared before the Board in opposition. Ms. Kerwin noted on the area map that her driveway access was onto North 69th Street and was in close proximity to the proposed development. She stated that she was not opposed to the use for the existing structure, but was opposed to the R8 zoning and had concerns with increased traffic in the neighborhood from the proposed residential development. She displayed a recent photo of a vehicle that damaged her fence and stated that she was concerned traffic would increase after completion of the development and increase traffic routing through the neighborhood.

John Kerwin, 330 N. 68th St., appeared before the Board in opposition. Mr. Kerwin voiced the same concerns as Ms. Kerwin regarding their residential driveway. He then stated that he wanted confirmation of which trees would be removed and final elevation plans for the proposed buildings.

Murray Casey, 524 N. Elmwood, appeared before the Board in opposition. Mr. Casey stated that his concern was safety for children in the neighborhood and that increased traffic calming measures should be considered for the neighborhood.

Mr. Jobeun stated that additional access to the development was not required and that the applicant was working with the adjacent property owner to the east, Omaha Community Playhouse, regarding connectivity. He added that a permanent east/west connection was to the south of the site and would be required with future development. Mr. Jobeun explained that the mixed-use zoning of the Future Land Use Map in the Master Plan called for wide variety of uses and that existing parcels surrounding the site were a variety of uses consistent with the mixed-use zoning. He mentioned that the OCM wanted to subdivide the site and was not interested in maintaining the entire site. He discussed the differences in various levels of zoning and respective regulations, and that the requested zoning for the OCM was based on the lowest zoning for personal improvement services. Mr. Jobeun then discussed that traffic studies relied on scientific and mathematical calculations and that these methods were used nationally. He mentioned that the elevation change for the new development was lower than the previous request, but still 3 feet higher in elevation than the OCM building and that the applicant did not plan to remove mature trees. In response to Mr. Nesbitt, Mr. Jobeun explained that the traffic study showed the majority of traffic moving west on Cass from the site.

Matt Cruz, Lamp Rynearson Associates, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Cruz stated that the traffic study was completed in January 2014 and was reviewed by HDR Inc. and Felsburg Holt & Ullevig (FHU). He explained that the traffic study was updated with changes to the development plan and was now being reviewed by the City Departments. He noted that with the updated study, no improvements were recommended for the 4 subject intersections. He added that traffic patterns studied by Lamp Rynearson and FHU within the last year only showed an increase of approximately 10 feet in traffic queues during peak hours of the day and that there were no significant increases for the Fairacres neighborhood. In response to Ms. Nubel, Mr. Cruz stated that a significant increase in traffic was a queue lengthened by approximately 50 additional feet and blocking an intersection. He added that a traffic study revealed Underwood Avenue was currently over capacity, but that upon full development of the site, an estimated 6% to 8% of traffic was projected to travel east on Underwood Avenue during peak hours. He then discussed that site distance was a concern, so his team completed a survey with the existing elevations for the site and created a figure based on the profile of the roadway, which showed adequate site distance at both proposed access points on Cass Street. He added that these reports were submitted to the Public Works Department for review. In response to Ms. Nubel, Mr. Cruz briefly discussed calculations used to find vehicle accident statistics at traffic intersections and that the 72nd and Cass Streets intersection was not ranked in the top 100 for the accidents within Omaha. In response to Mr. Nesbitt, Mr. Cruz explained that speed of vehicles was not taken into consideration for completion of the study, then further explained that speeds were maintained along Underwood Avenue with existing traffic lights and stop signs. In response to Mr. Harding, Mr. Cruz explained that a zoning to R7 would not impact the current traffic study counts.

In response to Ms. Nubel, Mr. Anderson stated that an acceptable development was civic use, which was in conformance with the Master Plan. He added that the acceptable zoning limit was R7 and that the main concern was the density and scale of the site, but that traffic safety was also a concern. He stated that the traffic safety concerns were traffic crossing two lanes of traffic along Cass Street and increased traffic queues along Cass Street. Mr. Anderson submitted petitions and exhibits to the Board.

In response to Mr. Magid, Mr. Jobeun stated that 109 units were proposed for studio apartments. Mr. Magid commented that not all residents would leave or return during peak hours of the day. Mr. Jobeun then mentioned that the developer studied their tenants and that only 17% of their tenants were students. He added that the proposed rents did not target college students. Mr. Jobeun then explained that the Planned Unit Development (PUD) Overlay District restricted the R8 zoning and that the requested zoning was necessary to keep the existing structure.

Dave Fanslau, Acting Assistant Planning Director, stated that the project was in conformance with Chapter 53-Subdivision, Chapter 55-Zoning and the Master Plan. He added that the boundary of the Mixed Use Plan allowed for a variety of uses with high density and that the Future Land Use map

displayed existing and future land uses. He stated that the Department recommended approval of the Preliminary and Final Plat with rezoning, subject to approval of the PUD overlay districts, and approval of both Planned Unit Development Overlay Districts for the proposed development and the OCM.

Mr. Nesbitt moved for approval. Mr. Magid seconded the motion, which carried 5-0.

Master Plan Referral

4.	C3-14-195 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the CASS ST APTS. TIF REDEVELOPMENT PROJECT PLAN
		LOCATION:	7023 Cass Street

At the Planning Board meeting held on November 5, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the site was a 61% reduction in the original project scope and was within the Crossroads Area Redevelopment Plan approved in 2013. She added that this Plan called for mixed use, high density, and was consistent with the Master Plan. She explained that TIF guidelines were met and that 2.5 acres currently tax exempt would become taxable property upon approval. Ms. Hadley stated that the total TIF funds were \$2.3 million and that the total project cost was approximately \$21 million. Mr. Harding briefly discussed the immediate tax-based revenue obtained from the property with a change of ownership.

Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the developer. Mr. Jobeun briefly discussed the calculations of the tax-based revenues generated from the proposed property use and mentioned that the area was previously designated blighted and substandard, was within the Crossroads Redevelopment Plan and met the City's Comprehensive Redevelopment Plan.

Rick Anderson, Croker Huck Law Firm, 2120 S 72nd St., appeared before the Board in opposition. Mr. Anderson stated that he represented the Fairacres Homeowners Association and that his client was in opposition to the TIF Redevelopment Project Plan. He explained that the request was not in conformance with the Master Plan, public improvements were minimal, other parties had shown interest in the property and the majority of the site was being developed without TIF funds.

Sarah Penn, Omaha, appeared before the Board in opposition. Ms. Penn stated that she resided in the neighborhood and that she was concerned about the TIF plan. She discussed recent state legislative hearings regarding abuses of TIF plans and the effects of TIF plans on schools, taxable property, and property tax revenues. She stated she was opposed to the blighted or substandard designation and briefly discussed Community Development Law. She added that the submitted TIF documents did not show a City analysis or evidence of TIF eligibility for the property. She then discussed the Master Plan and agreed with the concept of infill development, but noted the importance of urban planning standards. She also mentioned that the proposed infill was not in scale with the surrounding neighborhood. Ms. Penn stated that a variety of apartment complexes existed within a half mile area and that the cost and benefits of the redevelopment project need to be analyzed.

Mary Jo Weiss, 60th and Western Ave, appeared before the Board in opposition. Ms. Weiss questioned the area of the TIF eligibility and how property taxes were affected. Ms. Hadley displayed a map of the area and explained how TIF affected the tax base on that property. She further explained that surrounding neighborhood property taxes were not automatically increased but that property taxes had potential to increase with development. With additional questioning by Ms. Weiss, Ms. Hadley responded that public improvements were not required for this redevelopment plan.

Mr. Jobeun stated that the project was consistent with the Master Plan and that the access road from Cass Street to the south side of the property was built to public standards, but was not publicly dedicated. He added that all requirements of the Community Development Law were met and that the TIF approval was not part of the Fairacres neighborhood. He mentioned that the existing building was currently vacant.

Ms. Hadley discussed that the Cost Benefit Analysis was a method used to determine TIF eligibility and that each jurisdiction within the state evaluated applications based on the Community Redevelopment

Law. She added that cost and benefit issues for the applicant were analyzed and addressed by the Planning Department and that the Department determined all requirements for TIF eligibility were met. She briefly discussed the 4 criteria that must be met for TIF eligibility.

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

Mr. Harding moved for approval. Mr. Nesbitt seconded the motion, which carried 5-0.

Subdivisions

14.	C12-14-221 Little Marcy Redevelopment, LLC	REQUEST:	Preliminary and Final Plat of CLIFTON PLACE REPLAT 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) for Lot depth, Section 53-8(4)(d) for Lot frontage and Section 53-9(9) for Sidewalks
		LOCATION:	918 South 31st Street

At the Planning Board meeting held on November 5, 2014, Steven Held, 11506 Nicholas St, appeared before the Board. Mr. Held stated that he worked with the Planning Department in development of this type of housing for approximately two years and that the proposed project was four residential units; 3 units fronted the alley way and 1 unit fronted South 31st Street. He then discussed the Census Tract for this area revealed homeownership was at 13% and that an increased homeownership required an increased number of units of this type. Mr. Held displayed photos of similar housing completed in other cities. In response to Ms. Nubel, Mr. Held stated that he was opposed to a layover of the request and wanted to move the project forward.

Spencer Lombardo, 11506 Nicholas St, appeared before the Board. Mr. Lombardo stated that he was a partner in the project and that he was available to answer any questions.

Paula Clowers, 922 S. 31st Street, appeared before the Board in opposition. Ms. Clowers stated that she lived adjacent to the site and that she was concerned with the construction of four units in place of the single family home.

Mr. Held briefly discussed the purpose for replatting the lots was the ease of obtaining financing. In response to Ms. Nubel, he stated that he made unsuccessful attempts to contact Ms. Clowers. In response to Mr. Magid, he explained that garage parking was proposed underneath each unit, units were approximately 1200 square feet, and average sale prices would be approximately \$250,000.

Mr. Lombardo briefly discussed his opposition to lay over the request. He explained that the was aware the City wanted to conduct a study of the neighborhood to establish guidelines for units not fronting a public street, but that he wanted to work with the City to establish these guidelines in the process of developing the site. He was concerned with the time frame of establishing the City guidelines and the costs incurred with extending the project timeframe.

In response to the Board, Mr. Held stated that meetings with the City began in February of 2013 to discuss development in this area and that he wanted to move forward with the proposed project.

Dave Fanslau, Acting Assistant Planning, stated that the Department supported infill development and discussed the responsibility of the City to develop guidelines acceptable to residents of the City. He mentioned that the intent of the Planned Unit Redevelopment Overlay District (PUR) was to move infill projects forward without the need for obtaining waivers, but that the projects must follow Urban Design standards. He then stated that the Department recommended to layover the request to allow the Department to conduct a larger neighborhood study.

Mr. Held questioned a deadline for completion of the study. Mr. Fanslau stated that the Department did not have resources available for completion of the study within 60 days, but hoped to have the study completed by Spring of 2015.

Mr. Nesbitt moved to layover the Preliminary and Final Plat to allow the Planning Department to conduct a larger neighborhood study. Mr. Harding seconded the motion, which carried 5-0.

15.	C10-14-223 C12-14-224 Little Marcy Redevelopment, LLC	REQUEST:	Preliminary and Final Plat of BARTLETTS ADDITION TO OMAHA REPLAT 5, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) for Lot depth, Section 53-8(4)(d) for Lot frontage and Section 53-9(9) for Sidewalks, along with rezoning from R6 and GI to R6 and GI (a portion of the property is also located within an ACI-1(PL) Overlay District)
		LOCATION:	Southeast of 31st and Leavenworth Streets

At the Planning Board meeting held on November 5, 2014, Spencer Lombardo, 11506 Nicholas St, appeared before the Board. Mr. Lombardo stated that if the City did not have resources to conduct a neighborhood study, he proposed the City modeled guidelines used in other cities with similar projects in order to move their project forward.

Dave Fanslau, Acting Assistant Planning, stated that application for the PUR Overlay District was optional and that waivers could be obtained through application to the Zoning Board of Appeals.

Jerry Reimer, 4880 S. 131st St, appeared before the Board in support of the project. Mr. Reimer stated that prior City staff projected to him an interest in increased single-family housing in this particular area and he briefly discussed the redevelopment of residential neighborhoods over a period of years. He added that he invested in redevelop of the area and expressed that a mechanism for urban core redevelopment did not exist. Mr. Nesbitt agreed that his type of process was lacking, but agreed that time was necessary to develop a process.

Dave Fanslau, Acting Assistant Planning, stated that the Department supported infill development and that the concern with increased density was location. He added that the Department did not support the waivers requested for this project and that the Department was not awarded the opportunity to issue a pre-application letter to the applicant for either of the requests. He then stated that the Department recommended denial of requests for waivers, rezoning and preliminary and final plat approval.

Mr. Nesbitt moved to layover the Preliminary and Final Plat to allow the Planning Department to conduct a larger neighborhood study. Mr. Harding seconded the motion, which carried 5-0.

Overlay Districts

18.	C11-14-222 Little Marcy Redevelopment, LLC	REQUEST:	Approval of a PUR-Planned Unit Redevelopment Overlay District
		LOCATION:	918 South 31st Street

At the Planning Board meeting held on November 5, 2014, Steven Held, 11506 Nicholas St, appeared before the Board. Mr. Held stated that this request was heard with case C12-14-221 and reminded the Board that discussions with the Planning Department began approximately 2 years prior. He stated that he met with the Planning Department regarding his requests and did not receive a pre-application letter. He added that the plan was redesigned to meet Urban Design standards.

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

Mr. Nesbitt moved to layover the PUR to allow the Planning Department to conduct a larger neighborhood study. Mr. Harding seconded the motion, which carried 5-0.

19.	C11-14-225 Little Marcy Redevelopment, LLC	REQUEST:	Approval of a PUR-Planned Unit Redevelopment Overlay District
		LOCATION:	Southeast of 31st and Leavenworth Streets

At the Planning Board meeting held on November 5, 2014, Steven Held, 11506 Nicholas St, appeared before the Board. Mr. Held stated that the request was heard with case C10-14-223 and C12-14-224.

Dave Fanslau, Acting Assistant Planning, stated that the Department recommended denial of the request.

Mr. Harding moved to layover the PUR to allow the Planning Department to conduct a larger neighborhood study. Mr. Nesbitt seconded the request, which carried 5-0.

Rezoning

26.	C10-02-262 Atchley Investments, LLC	REQUEST:	Approval of a Major Amendment to the Mixed Use District Development Agreement for West Dodge Station
		LOCATION:	18451 California Street

Patrick Betterman, 3628 N. 163rd Plaza, appeared before the Board on behalf of the applicant. Mr. Betterman stated that the applicant entered into a purchase agreement with the current owner of the property. He explained that numerous auto dealerships surrounded the site and that the Development Agreement stated the property was entitled to be developed as automobile and equipment services. He added that the problem was interpreting language of the use regulations referenced in the development agreement. He then displayed a plan of the site and stated that the proposed building was 8500 square feet, included 130 parking stalls with an additional 27 on the east side of the property and that all design standards and regulations were met. Mr. Betterman also displayed a rendering of the proposed building.

Ron Hackett, RGH Design, 3515 Oakridge Rd., appeared before the Board on behalf of the applicant. Mr. Hackett stated that the design intent was for an upscale used car facility and was in conformance with the surrounding area.

Jeff Lake, Olsson Associates, 2111 S. 67th St., appeared before the Board. Mr. Lake stated that he represented West Dodge Station and nearby property owners questioning the request. He stated that he wanted more information regarding the project and requested the case be laidover to allow time for discussions with the applicant. He added that restricted covenants also needed to be agreed upon. In response to Ms. Nubel, Mr. Lake informed the Board the applicant did not meet with neighbors.

Mr. Betterman informed the Board the applicant did not meet with neighbors and the applicant wanted to obtain approvals before purchasing the property. He then stated that concern was a layover would hinder the purchase process. He added that he did not review the restricted covenants and that he would use best efforts to meet with neighbors.

In response to Ms. Nubel, Mr. Lake stated that his client preferred a layover for further discussions.

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

Mr. Magid moved for approval of the request and Mr. Deeb seconded the motion. After discussion with the Board, Mr. Magid withdrew his motion.

Mr. Deeb moved for approval of the Major Amendment to the West Dodge Station Mixed Use Development Agreement to allow Automotive sales on Lot 1, Replat 1, West Dodge Station, subject to the applicant meeting with surrounding property owners prior to forwarding the request to City Council. Mr. Magid seconded the motion, which carried 4-1.

Special Use Permits

28.	C8-14-219 Douglas County Environmental Services	REQUEST:	Approval of a Special Use Permit to allow a <i>Putrescible and nonputrescible</i> landfill in an AG District
		LOCATION:	12600 State Street

Kent Holm, Douglas County Environmental Services, 3015 Menke Cir., appeared before the Board. Mr. Holm stated that the request was for a food waste composting pilot project that provided companies an alternative to landfilling organic waste. He displayed photos of the site from different directional views and stated that the site included a 220 x 140 feet area, with a large berm along the north side of State Street and trees to minimize visual impact. He explained that trucks picked up food waste from clients and unloaded at the site, the process used to minimize odors, and that the finished compost products have been used by organic farmers. He added that there were educational outreach opportunities for local schools and noted that the project, scheduled for approximately May 2015 to July 2016, would develop strategies for future projects. Mr. Holm stated that he discussed the project with the President of one Neighborhood Association in the vicinity and briefly met with homeowners prior to the start of the meeting.

Adam Sagert, WeCompost, 411 N. 47th Street., appeared before the Board. Mr. Sagert stated that his company was the first composting business of this type in the area and that he conducted the composting at a family farm residence. He noted there was a demand from local businesses and that composting was important for the environment. In response to the Board, he explained that a properly managed site limited odor and that the waste degraded. He added that the majority of waste he received was paper towels and vegetable trimmings.

Kay Stevens, No More Empty Pots, 3353 Forrest Lawn Ave., appeared before the Board. Ms. Stevens stated that her organization partnered with the applicant for the proposed project and that she has been involved with composting for approximately 30 years. She discussed that many local businesses generated food waste and explained that composting rebuilt soil, created jobs, existed in other cities and odors were manageable.

Joe Whelan, 8712 W. Dodge Rd., appeared before the Board in opposition. Mr. Whelan stated that he was the representative for Deer Creek Home Owners Association and that he wanted more information regarding the project. He mentioned that the neighborhood was growing with residences and neighbors were concerned with odors and rodents.

Bob Ostranek, 7512 N. 116th St., appeared before the Board in opposition. Mr. Ostranek stated that he was President of the Deer Creek Home Owners Association and was concerned the project would decrease property values and growth of the neighborhood. He mentioned that the permanently closed landfill was an agreed condition of the development and noted the location of the golf facility directly south of the proposed site. Mr. Ostranek stated that he was also concerned with odors and increased rodents in the area.

Chuck Radke, 12420 Mormon St., appeared before the Board in opposition. Mr. Radke stated that the site was visible was the backyard of his residence and that he was in favor of composting, but opposed to the proposed location.

Steve Parliament, 7813 N. 124th St., appeared before the Board in opposition. Mr. Parliament stated that he resided in the area and was also in favor of composting, but opposed to the location. He also mentioned a sign at the former landfill site that indicated the landfill was permanently closed.

Nyle Johnson, Chairman of SID 499, appeared before the Board in opposition. Mr. Johnson stated that he was also President of Deer Creek Highlands Home Owners Association and that he was concerned with decreased property values. He also stated that he was opposed to the location of the proposed project.

Mr. Holm explained that the location was selected because of the existing fencing and a relatively secluded view. He noted the site would be monitored daily and agreed to meet with concerned neighbors. In response to Mr. Deeb, he stated that other locations would be considered.

Dave Fanslau, Acting Assistant Planning, stated that the Department supported composting and the environmental benefits as mentioned in the Master Plan, but was also concerned with neighborhood acceptance. He stated that the Department recommended approval, subject to the 4 conditions of the recommendation report.

Mr. Harding moved to layover the request and Mr. Magid seconded the motion, which failed. Mr. Nesbitt moved to deny the request and Mr. Deeb seconded the motion, which failed.

Mr. Nesbitt moved to layover the request. Mr. Harding seconded the motion, which carried 5-0.

29.	C8-14-220 SBA Communications/Verizon Wireless	REQUEST:	Approval of a Special Use Permit to allow a <i>Broadcast tower</i> in a DR District, with a waiver of Section 55-108 Height to 110 feet tall tower
		LOCATION:	16140 Fort Street

At the Planning Board meeting held on November 5, 2014, Laura Gattling, Blackened Beach, 304 Ingreess Way South, Englewood, Colorado, appeared before the Board on behalf of the applicant. Ms. Gattling stated that she represented SBA Communications, the tower company selected by Verizon Wireless. She explained that the request was for a multi-user monopole tower communication facility 110 feet in height and placed within a 50 foot x 50 foot leased area of the property maintenance facility. She added that the leased area would be enclosed by a wood fence and landscaped on north, south and east sides. Ms. Gattling then discussed that she was in the process of making required changes, which included a paved access from Fort Street to the south side, increased landscaping and elevations. She discussed the process of telecommunications and stated that the proposed tower accommodated 3 users. She requested to layover the request to submit updated information and meet with concerned neighbors.

Jeff Cremers, 6531 N. 160th Ave., appeared before the Board in opposition. Mr. Cremers stated that he represented the Stone Creek Homeowners Association and objected to the size and location of the proposed tower.

Mary Ann Rundall, 16219 Jaynes St., appeared before the Board in opposition. Ms. Randall stated that the proposed site was visible from her residential backyard and wanted more information regarding the benefits of the tower. She added that she was aware of the need and benefits of growth but was concerned with esthetics, decreased property valued, and location. She stated that she was opposed to the request and other locations needed to be considered.

Billy Leonard, 5406 N. 163rd St., appeared before the Board in opposition. Mr. Leonard stated that the site was also in direct view from his residence. He displayed photos of cellular sites in the area and expressed the need for the esthetics of the tower to blend in with the neighborhood. He was also concerned with decreased property values.

Dave Richardson, 6607 N 159th St., appeared before the Board in opposition. Mr. Richardson stated that his main concern was the location of the tower in a residential neighborhood. He stated that he was also concerned with decreased property values and the lack of screening.

Ms. Gattling stated that the color of the tower was option and that location was based on users and demand. She added that necessary technology was specific to the design of tower and agreed to have an expert available to speak at the next meeting and explain why location was important.

Dave Fanslau, Acting Assistant Planning, stated that the Department recommended to layover the request to allow the applicant time to submit further information.

Mr. Nesbitt moved to layover the request to allow the applicant additional time to: 1) Provide city-wide coverage maps that include the proposed location with and without the proposed coverage, 2) Provide coverage maps of the specific site and its relationship to other tower sites showing the variation in coverage provided in 10-20 foot increments between the allowed and proposed height, and 3) Providing an updated site plan and elevations that include screening along, at least, the entire north & south sides of the fenced area and a paved hard surface access to the lease area. Mr. Deeb seconded the motion, which carried 5-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 7:05 pm.

Date Approved

Anna Nubel, Chair

Rikki Flott, Planning Board
Recording Secretary