MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – SEPTEMBER 6, 2017
LEGISLATIVE CHAMBER - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, August 28, 2017.

MEMBERS PRESENT: Arnold Nesbitt, Chairman
Greg Rosenbaum, Vice Chairman
Trenton Magid
David Rosacker
Kristine Karnes
Jeffrey Moore
Michael Pate

MEMBERS NOT PRESENT: None

STAFF PRESENT: Dave Fanslau, Planning Director
Cheri Rockwell, Acting Assistant Planning Director
Jennifer Taylor, Law Department
Eric Englund, Acting Current Planning Manager
Mike Carter, Planning Board Administrator
Rikki Flott, Recording Secretary

Arnold Nesbitt, Chairman, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

(HOLD OVER CASES)

Conditional Use Permits

| 3. | C7-08-166 (D) C7-97-225 Children's Hospital Foundation | REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Hospital services (general) in a GO District, with a waiver of Section 55-326 Height (176 feet) (property is also located within a ACI-2(65) Overlay District) (laid over from 8/2/17) |
|    |                                                      | LOCATION: Southeast of 84th Street and West Dodge Road |

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval of the Major Amendment to a Conditional Use Permit to allow Hospital services (general) in a GO district with a waiver of Section 55-326, Height (176 feet), subject to the following: 1) Compliance with the proposed site plan. 2) Compliance with the proposed elevation plans. 3) Compliance with the operating statement. 4) Approval of the necessary waivers from the Zoning Board of Appeals based on the revised project. 5) Compliance with the City’s guidelines and regulations for driveway location, design and construction, except as otherwise waived by the Administrative Board of Appeals. 6) Dedication of right-of-way for sidewalks, as determined by the Public Works and Planning
Departments. 7) Provide an acceptable development agreement with the City to cover the off-site public improvements. 8) No net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality. 9) Provide reasonably acceptable signage for direct building access to the existing Specialty Pediatric Center from the West Dodge Road BRT line. 10) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

(REGULAR AGENDA)

Subdivisions

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<tr>
<th>Case Number</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tr>
<td>6. C10-17-184 (D) C12-17-185 RL Development LLC</td>
<td>Preliminary Plat approval of PLAZA 133, a subdivision outside the city limits, with a waiver of Section 53-8(4)(d) Lot frontage, along with rezoning from GI, GC, MH and DR to GI and DR (portions of the property are located within a FW-Floodway Overlay District and FF-Flood Fringe Overlay District)</td>
<td>North of 101st Street and Blair High Road</td>
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<tr>
<td>8. C10-17-190 (D) C12-17-191 TACK Architects</td>
<td>Preliminary and Final Plat approval of COMPLETELY KIDS, a minor plat inside the city limits, with rezoning from DS to CBD (property is located within a ACI-1(PL) Overlay District)</td>
<td>2552 and 2566 St. Mary's Avenue</td>
</tr>
<tr>
<td>9. C10-17-192 (D) C12-17-124 GP Industries</td>
<td>Final Plat approval of ELKHORN RIVER PRESERVE, a subdivision inside the city limits, with rezoning from CC to CC and AG, along with approval of a MCC-Major Commercial Corridor Overlay District (property is located within a FF-Flood Fringe Overlay District and FW-Floodway Overlay District)</td>
<td>Southwest of 222nd Street and West Maple Road</td>
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At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda. Mr. Magid moved to layover the rezoning request to allow the applicant to add the IG-Industrial Gateway Overlay District to Lots 4-6, and to layover the Preliminary Plat, subject to: 1) Providing a wetland analysis. 2) Providing a tree canopy analysis for the site. 3) Encapsulate all designated floodway areas within an outlot. 4) Meet an acceptable overall maximum debt ratio of 4%. Mr. Rosacker seconded the motion which carried 7-0.

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda. Mr. Rosenbaum moved for approval of the rezoning from DS to CBD, approval of the Preliminary Plat, subject to the following conditions: 1) Compliance with all stormwater management ordinances and policies; including providing for a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality 2) Provide sidewalks in compliance with ACI requirements along St. Mary's Avenue and 25th Avenue, and for approval of the Final Plat, subject to the conditions of the Preliminary Plat approval and submittal of an acceptable, final subdivision agreement, if necessary, prior to forwarding the request to the City Council. Mr. Magid seconded the motion which carried 7-0.

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda. Mr. Rosenbaum moved for approval of the rezoning from CC to CC and AG, along with approval of an MCC-Major Commercial Corridor Overlay District for Lot 1 (property is also located within the FW-Floodway and FF-Flood Fringe Overlay Districts), and for approval of the final plat, subject to the following conditions and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council.
for final action: 1) Revision of the note on the final plat to allow the existing drive access to remain, but prohibit future direct access to West Maple Road from Lot 1 or Outlot B. 2) Providing a copy of the required trail easement to the City. The required easement must be recorded as a part of the recording of the final plat. 3) Including provisions for the use, ownership and maintenance of the outlots in the subdivision agreement. 4) Compliance 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 of stormwater for water quality. 5) Coordinating with the Papio-Missouri River Natural Resource District (NRD) and Omaha Parks and Recreation on the construction of the trail. Mr. Magid seconded the motion which carried 7-0.

**Rezonings**

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<tr>
<td>10.</td>
<td>C10-17-194 (D)</td>
<td>REQUEST: Rezoning from GI to CC (property is also located within a FF-Flood Fringe Overlay District and a ACI-2(65) Overlay District)</td>
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<tr>
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<td>B Street Collision</td>
<td>LOCATION: 928 South 72nd Street</td>
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At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval. Mr. Magid seconded the motion which carried 7-0.

| 11. | C10-17-195 (D) | REQUEST: Rezoning from R4(35) to R4 |
|     | Gesu Housing, Inc. | LOCATION: 4114 Corby Street, 4304 Miami Street, 4306 Lake Street, 4219 Corby Street, 4013 Corby Street |

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval. Mr. Magid seconded the motion which carried 7-0.

| 12. | C10-17-196 (D) | REQUEST: Approval of a MCC-Major Commercial Corridor Overlay District |
|     | Millard Public Schools | LOCATION: 12801 L Street |

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval. Mr. Magid seconded the motion which carried 7-0.

| 13. | C10-17-197 (D) | REQUEST: Rezoning from GC to CC, along with approval of a MCC-Major Commercial Corridor Overlay District |
|     | Butler PPA1, LLC | LOCATION: 4803 Northwest Radial Highway |

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval. Mr. Magid seconded the motion which carried 7-0.

| 15. | C10-17-199 (D) | REQUEST: Approval of a Parking Adjustment for a Mixed Use Development (Section 55-736) |
|     | Lund Company | LOCATION: Northeast of 90th and Grant Streets |

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval. Mr. Magid seconded the motion which carried 6-0-1, with Mr. Pate abstaining.

| 16. | C10-17-200 (D) | REQUEST: Rezoning from HI to CC (property is also located within a ACI-4(PL) Overlay District) |
|     | Joshua Thornton | LOCATION: 2545 Abbott Plaza |

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval. Mr. Magid seconded the motion which carried 7-0.
## Special Use Permits

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<tr>
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<tr>
<td>18. C7-10-062 (D) C8-17-201 T-Mobile</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow a Secondary educational facility with a waiver of Section 55-146, Height (62 feet), along with approval of a Special Use Permit to allow a Broadcast Tower with a waiver of Section 55-146, Height (62 feet) in a R2 District (property is also located within a MCC Overlay District)</td>
<td>7400 Military Avenue</td>
</tr>
<tr>
<td>19. C8-05-175 (D) Rainwood Hill Properties, LLC</td>
<td>Approval of a Major Amendment to a Special Use Permit to allow a Nonputrescible landfill in an AG District</td>
<td>Southwest of 120th Street and Rainwood Road</td>
</tr>
<tr>
<td>20. C8-17-193 (D) Prodenco</td>
<td>Approval of a Special Use Permit to allow Custom Manufacturing in a CC District</td>
<td>1407 North 203rd Street</td>
</tr>
</tbody>
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At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval of the Special Use Permit to allow a Broadcast tower with a waiver of Section 55-146, Height (62 feet) in a R2-Single-Family Residential District (Low Density), subject to: 1) Compliance with the site and elevation plans. 2) Submittal of an annual report, each year in January, to the Planning Department that discloses each broadcast tower location and operating status within Omaha's zoning jurisdiction. 3) Providing a governmental access easement for a public safety and communications network. 4) Compliance with all other applicable rules and regulations. He also moved for approval of the Major Amendment to a Conditional Use Permit to allow a Secondary educational facility with a waiver of Section 55-146, Height (62 feet), in a R2-Single-Family Residential District (Low Density), subject to: 1) Compliance with the site and elevation plans. 2) Compliance with all conditions of approval for the previous major amendments. Mr. Magid seconded the motion which carried 7-0.

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval of the Major Amendment to a Special Use Permit to allow a Nonputrescible landfill in an AG-Agricultural District, subject to: 1) To the extent it is determined by the applicant to be commercially reasonable, excavate, recycle and properly dispose of prior buried materials. 2) Continue to farm the area currently under cultivation (the green area on the colored plans). 3) Comply with the site and operating plans. 4) Comply with Chapter 33 of the Municipal Code and all state and county requirements. 5) Re-evaluation and renewal of the Special Use Permit prior to September, 2022, and thereafter, every five (5) years by the Planning Department, Planning Board and City Council. 6) Compliance with the Agreement between Rainwood Hill Properties, LLC and York Rite Masonic Temple dated December 15, 2005, and as amended by the August 31, 2010, Husch Blackwell correspondence agreeing to removal of the five (5) year term which is attached to and incorporated into this Exhibit “B”. 7) All other original conditions of approval as applicable. Mr. Magid seconded the motion which carried 7-0.

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval of the Special Use Permit to allow Custom manufacturing in a CC-Community Commercial District subject to: 1) Compliance with the submitted site and floor plan. 2) Compliance with the submitted operating statement. 3) No outdoor storage of materials. 4) The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department. 5) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.
Conditional Use Permits

22. C7-17-202 (D)  
TACK Architects  
REQUEST: Approval of a Conditional Use Permit to allow Surface Parking in a GC District (property is also located within an ACI-1 (PL) Overlay District)  
LOCATION: 2620 St. Mary’s Avenue

At the Planning Board meeting held on September 6, 2017, this case was placed on the Consent Agenda and Mr. Rosenbaum moved for approval of the Conditional Use Permit to allow Surface Parking in a GC-General Commercial District (property is also located within an ACI-1(PL) Overlay District) subject to: 1) Compliance with the proposed site and landscaping plans. 2) Approval of the necessary waivers from the Zoning Board of Appeals. 3) Continuing to work with the Planning Department on an acceptable screen wall design. 4) Submitting a rezoning application from GC to CBD. 5) Compliance with all other applicable regulations. 6) Compliance with all applicable stormwater management regulations. Mr. Magid seconded the motion which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

ADMINISTRATIVE MEETING ONLY

1. C10-17-048  
C12-17-049  
Celebrity Homes Omaha  
REQUEST: Final Plat approval of SAGEWOOD VALLEY (formerly Sagewood Village), a subdivision outside the city limits, with rezoning from AG to R4  
LOCATION: Southwest of 180th and Fort Streets

At the Planning Board meeting held on September 6, 2017, Cheri Rockwell, Planning Department, presented the request. Ms. Rockwell stated that the Department recommended approval of the rezoning and approval of the final plat subject to addressing the two items on the Department recommendation prior to forwarding the request to City Council.

Mr. Magid moved for approval of the rezoning from AG to R4 and approval of the Final Plat, subject to addressing the following items prior to forwarding the request to City Council: 1) Submittal of an acceptable final subdivision agreement. 2) Coordinate with the Papio-Missouri River Natural Resources District on finalized grading information and flood storage calculations for the areas within the flood pool (top of dam elevation). Mr. Rosacker seconded the motion which carried 7-0.

PUBLIC HEARING

(HOLD OVER CASES)

Special Use Permits

2. C8-11-081  
Lakeside AutoRecyclers, Inc.  
REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Scrap and salvage services in a HI District (laid over from 7/5/17)  
LOCATION: 1404 Grace Street

At the Planning Board meeting held on September 6, 2017, Brent Beller, Fullenkamp Jobeun, 11440 West Center Rd, appeared before the Board on behalf of the applicant. Mr. Beller stated that the Amendment to the Special Use Permit allowed installation of a transfer station for increased intake and processing of construction and demolition materials, as well as redesign of the site. He then stated that adjacent properties to the north, south and east were industrial and that properties to the west of the site were residential. He explained that the view of the site from the residential area was buffered by an increased grade change, railroad tracks, trees and vegetation. He added that many of the residential parcels were currently vacant lots. Mr. Beller stated that the existing building would be demolished and that the applicant was in the process of obtaining ZBA waiver approvals to extend operations from Grant
Street to Sherwood Avenue to the north. He explained that a new transfer station would be constructed just north of Grace Street, along with new concrete pads for sorted materials along the eastern portion of the site and that piles of material would not exceed 30 feet in height. He added that landscaping would be improved and that the applicant was not opposed to Department recommendations.

Tim Starkevicius, owner of the property, 20405 Farris Road, appeared before the Board. In response to the Board, Mr. Starkevicius stated that noise from the train was greater than noise from business operations.

In response to the Board, Mr. Beller stated that scrap and salvage business operations occurred south of Grant Street and that miscellaneous materials stored north of Grant Street would be moved.

Anton Rocz, 1512 Burdette Street, appeared before the Board. Mr. Rocz stated that he was not opposed to the request, but wanted clarification of debris materials. Mr. Beller explained that construction materials included scrap, metal and some bricks and mortar. He then explained that the site was a temporary holding facility for materials to be processed and transferred to other facilities within three to four weeks. He stated that hours of operation were 7:00 a.m. to 7:00 p.m. Monday through Saturday, dust would be mitigated with new pavement, and that the new enclosed transfer station allowed a majority of processing indoors.

Cheri Rockwell, Assistant Planning Director, stated that the Department recommended approval of the Major Amendment to the Special Use Permit, subject to the 9 conditions on the Department recommendation. She added that performance standards for noise, dust and odor were part of the Department recommendations.

Mr. Rosacker moved for approval of the Major Amendment to a Special Use Permit to allow Scrap and Salvage Services in a HI-Heavy Industrial District, subject to: 1) Submittal of, and compliance with, a revised site plan including any additional areas that must be hard-surfaced for truck traffic and providing screening in compliance with 55-766(b), prior to forwarding this request to the City Council. 2) Submittal of, and compliance with, a revised elevation plan, including painting the containers an acceptable, uniform color, prior to forwarding this request to the City Council. 3) Approval of a modification to ZBA #01-228 to the required separation to allow storage of materials as far north as Sherwood Avenue, prior to forwarded this request to the City Council. 4) Compliance with the revised operating statement. 5) Compliance with Sections 30-81 through 30-110 of the Omaha Municipal Code. 6) Comply with stormwater management regulations including no net increase in stormwater runoff and must treat the first ½“ of stormwater for water quality. 7) Compliance with the junk dealer regulations as described in 55-766(b). 8) No outdoor storage of materials north of Sherwood Avenue extended. 9) Compliance with all other applicable regulations. Mr. Moore seconded the motion which carried 7-0.

(REGULAR AGENDA)

Master Plan Referrals

| 4. | C3-17-182 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the BIJOUX RESIDENCES TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 563 South 18th Street |

At the Planning Board meeting held on September 6, 2017, Bridget Hadley, City Planning, presented the request. Mr. Pate recused himself from the case due to financial interest his bank held in the project. Ms. Hadley stated that the applicant proposed rehabilitation of the existing 3-story building for commercial, retail and residential use. She explained that the two stories of residential were mainly studio units and that this project was part of a proposed larger redevelopment project called the Flat Iron District. She further explained the boundaries of the Flat Iron District were undefined, but proposed approximately $113 million in redevelopment investments within the district, including public improvements.

Dan Witt, Standard Development, appeared before the Board. In response to the Board, Mr. Witt explained that a garden level apartment was just above the basement, and another unit was ground level with daylight windows.
Cheri Rockwell, Assistant Planning Director, stated that the Department recommended approval.

Mr. Rosenbaum moved for approval. Mr. Moore seconded the motion which carried 6-0-1, with Mr. Pate recusing.

|   | C3-17-183 Planning Department on behalf of the City of Omaha | REQUEST: Approval of THE CENTER ALOFT AND BAXTER ARENA REDEVELOPMENT PROJECT PLAN | LOCATION: 2425 South 67th Street, 6201 and 6221 Center Street |

At the Planning Board meeting held on September 6, 2017, Bridget Hadley, City Planning, presented the request. Ms. Hadley stated that the project involved two separate redevelopment projects. She explained that one project was the completed Baxter Arena and associated parking, with public improvements to the 67th Street bridge, intersection of 67th and Center Streets, intersection of 64th Avenue and Center and extension of Arbor Street. She further explained the City was obligated to fund a portion of that project through bonds, which was included in the recent CIP approval. She added that the request allowed the City to issue new redevelopments bonds to fund those obligations. Ms. Hadley stated that the second project was the Center Aloft hotel, a Marriott concept. She explained that the project was construction of a 5-story boutique-type hotel with 110 rooms, 120 parking stalls, and connectivity to a future apartment complex and arena. She added that joint ownership included Magnum Development, CFM Realty and Lincoln Hotel Group. She then stated that rezoning and replatting approvals would be needed.

Cheri Rockwell, Assistant Planning Director, stated that the Department recommended approval.

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

**Subdivisions**

|   | C10-17-188 C12-17-189 228 Skyline LLC | REQUEST: Preliminary Plat approval of HIGHLANDS RANCH, a subdivision outside the city limits, with waivers to Section 53-8(2)(b) Cul-de-sacs and cul-de-sac length, Section 53-8(2)(g) Street width, Section 53-8(3) Block length, Section 53-9(3) Curb and gutter, Section 53-9(9) Sidewalks, and Section 53-9(10) Street lights, along with rezoning from AG to DR (portions of the property are located in the FW-Floodway Overlay District) | LOCATION: Southwest of 222nd and F Streets |

At the Planning Board meeting held on September 6, 2017, Jim Boozer, 10250 Regency Cir., appeared before the Board on behalf of the applicant. Mr. Boozer stated that the proposed 270-acre development was bordered by the Elkhorn River to the west, The Farm subdivision to the north, The Hamptons subdivision to the south and that a new development to the east, Westbury Farm/Westbury Creek, was just beginning construction. He explained that currently all proposed lots were in excess of 3 acres, streets infrastructure would be installed privately and that a Home Owner’s Association was proposed to maintain the development. He then stated that the applicant intended to remove a maximum of approximately 10 percent of the existing trees within the development. Mr. Boozer stated that a neighborhood meeting was recently held with residents from The Farm and the Hamptons in attendance and that concern was expressed regarding connectivity at 222nd Street and F Street, the main entrance to The Farm, and at Homestead Road. He noted that street connectivity was required by the City.

Mr. Nesbitt expressed concern for waivers of street width, sidewalks and lighting. Mr. Boozer explained that the requested waivers preserved the natural beauty of the area and understood the Department recommendation, but requested minimized unnatural lighting within the development.
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Brad Spear, 22705 Rifle Ridge Ter., appeared before the Board in opposition. Mr. Spear stated that he was Chairman of the SID and Home Owner’s Association for The Farm subdivision and that his concern was lack of an SID for the subdivision, increased vehicle traffic with connectivity at Homestead Road and pedestrian safety with connection at Homestead Road. Mr. Rosenbaum noted that connectivity eased traffic issues and benefitted all surrounding subdivisions. Mr. Spear discussed concern for the proposed development traffic being channeled through The Farm subdivision at Homestead Road.

Ron Quinley, 5003 S. 238th Cir., Home Owner’s Association member for The Hamptons, appeared before the Board in opposition. Mr. Quinley stated that he was not an opponent, but had concerns with the requirement for lighting. He explained that The Hamptons lacked street lights and that he and other residents preferred the ambiance. He then stated that he was also concerned with lack of privacy with vehicle headlights along G Street and F Street shining into residences at The Hamptons and the environmental impact of the septic system lots north of Hamptons.

Jeff Lake, Summit Development Company, 21008 Cumberland Dr., appeared before the Board on behalf of the applicant. In response to the Board, Mr. Lake explained that the benefit of an SID was lost with this type of natural development containing less infrastructure costs. He noted the high upfront cost of using the Home Owner’s Association to fund infrastructure privately, but that cost was absorbed in the price of lots. He added that covenants were a requirement of the Department and that cost sharing would be discussed with The Farm developer for the shared entrance at F Street. He then stated that market, location of the lot and style determined price and that a marketing plan was proposed to start in a few days, with absorption within approximately five years. He also responded that home style was controlled with covenants and that home values could reach approximately $1 million dollars. Mr. Lake discussed that the majority of tree removal was with street crossings and that tree removal by home owners would be addressed within the covenants. He explained that because of terrain change, the developer planned to construct roads at a lower grade than abutting neighborhoods. He discussed the septic approval process and that septic systems were subject to NEDQ requirements. He added that the Department also notified city emergency services of all development plans and that the developer had not received comments from these departments regarding lighting. He then stated that neighbors valued limited light pollution and that the developer was not opposed to alternative lighting.

Mr. Boozer stated that he was experienced with drafting covenants and planned to draft the Home Owner’s Association covenants for the development over the next three months.

Cheri Rockwell, Acting Assistant Planning Director, stated that the proposed subdivision was located within the Elkhorn Special Development Zone and environment characteristics were considered. She explained that low density, rural residential was promoted for the area and that the Department also promoted neighborhood connectivity as laid out in the Transportation Element of the Master Plan. She then stated that because of the environmental characteristic of the area, the Department supported waivers for sidewalks, curbs and gutters, and narrow streets. She added that a waiver of street lights was not supported. In response to the Board, Ms. Rockwell stated that the developer was required to work with OPPD on lighting installation and that style could also be discussed.

Murthy Koti, Public Works Department, stated that his Department worked with OPPD on design and street light contracts. He then stated that he was receptive to working with the subdivision development team regarding a safe, functional design for the subdivision. He added that because of the requested waivers for sidewalks, curbs and narrow streets, the Public Works Department required lighting, and that design was negotiable for this unique development.

Ms. Rockwell stated that the Department recommended approval of rezoning, and approval of the waivers for cul-de-sac length, street width, maximum block length, installation of curb and gutter, and sidewalks (with the exception of required sidewalks along 222nd Street frontage) and denial of the waiver for street lights. She added that the Department recommended approval of the preliminary plat, subject to the 20 conditions on the Department recommendation report.

Ms. Karnes moved for approval of the rezoning from AG to DR, approval of the waiver of Section 53-8(2)(b) for cul-de-sac length to exceed 600 feet, approval of the waiver of Section 53-8(2)(g) for street width to 22 feet, approval of the waiver of Section 53-8(3) to exceed the maximum block length of 1,320 feet, approval
of the waiver of Section 53-9(3) to not install curb and gutter, approval of the waiver of Section 53-9(9) for sidewalks (with the exception that sidewalks will be required along the 222nd Street frontage), and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat for each respective phase: 1) As a result of the proposed street waivers, the streets will be required to be: (a) Placed in an outlot or outlots covered by public access easements; (b) Owned and maintained privately; and (c) Constructed to all remaining street standards. 2) Coordinate with Public Works on an acceptable location and design for the intersection of 222nd Street and the street to serve Lots 1 and 2. 3) Coordinate with SID 277 and pave the street connection between the existing stub of Homestead Road (adjacent to Lots 26-27) and “B Street.” 4) Coordinate with Public Works on acceptable street cross sections and drainage plans. 5) Coordinate with Public Works on revising the Post Construction Stormwater Management Plan. 6) Pave “G Street” to the boundary of the subdivision and construct a temporary turnaround (as well as any other street that creates a stub due to different development phases). 7) Provide traffic calming on all streets in excess of 1,000 feet. 8) Provide the following notes on the final plat: (a) “No lot or outlot shall have direct access to 222nd Street.” (b) “Minimal grading will be allowed for residential driveways.” 9) Enter into a maintenance agreement with Douglas County to provide routine maintenance of public streets if the development will not be located within a Sanitary Improvement District. 10) If the development is not located in a Sanitary Improvement District, major maintenance activities are the responsibility of the adjacent property owner(s). 11) Coordinate with the Nebraska Department of Environmental Quality regarding approval of the on-site wastewater treatment systems for each lot (any lot less than three acres in size requires NDEQ pre-approval prior to approval of a final plat for that respective phase). 12) Provide sidewalks along the 222nd Street frontage. 13) Submit a finalized wetland analysis (and mitigation plan if required). 14) Place proposed building footprints on the final plat and slope analysis exhibit. 15) Provide the slope analysis exhibit in color. 16) Place the areas of land within the FW-Floodway Overlay District into an outlot or outlots. 17) Encapsulate any drainageway within an outlot that is sized to include the 3:1 +20’ section or the 100-year storm; whichever is greater. 18) Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement. 19) Compliance with all applicable stormwater management ordinances and policies. 20) Submit a letter confirming that acceptable emergency warning is being provided for the area. Mr. Magid seconded the motion which carried 7-0.

She then moved for denial of the waiver of Section 53-9(10) to not install street lights. Mr. Pate seconded the motion which carried 7-0.

**Rezonings**

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<tr>
<td>C10-17-198 Lanny Israel</td>
<td>4014 and 4016 South 13th Street</td>
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At the Planning Board meeting held on September 6, 2017, Lanny Israel, 4014 S. 13th St., appeared before the Board. Mr. Israel stated that he purchased the properties in July of 2016 and worked extensively with the Department regarding landscaping. He explained that the property, formerly a commercial property, was his residence and that he purchased the adjacent, empty lot to the south of his residence to construct a garage. He then explained that the empty lot was purchased with a clear title.

Jim Sokelman, appeared before the Board in opposition. Mr. Sokelman stated that he represented the owners of the lot south of Mr. Israel's empty lot, Jesus and Irma Villezcas. He then stated the owner's planned to rehabilitate the existing building for use as a restaurant and were opposed to the rezoning. He was concerned that his client's building was only 5 to 10 feet away from the property line of the lot owned by applicant. He noted that his client's and the applicant's properties were purchased as commercial properties and that his client's building lacked an entrance along Garfield Street.

Mr. Israel stated that the proposed detached garage would have an entrance along Garfield Street.

In response to the Board, Mr. Sokelman stated that the garage was not the issue, but that the zoning change was non-compatible with their proposed restaurant use and closeness of the properties. He explained the property was purchased with compatible zoning and was concerned with non-compatibility with an approved zoning change.
In response to the Board, Mr. Israel explained that lack of parking and a driveway for the restaurant business was a concern and noted the close proximity of the residential home to the south of the proposed restaurant use. He also noted that the surrounding residential and commercial properties were zoned General Commercial. Mr. Sokelman responded to the Board that his concern was the rezoning would impact the use as a restaurant.

Cheri Rockwell, Acting Assistant Planning Director, stated that zoning ordinance required a site on 2 lots be within one zoning classification. She explained that R7 zoning allowed single-family residential and that the former Starsky’s bar zoning would remain. She added that with continued vacancy of more than 6 months and new use of the site, the property was required to be compliant with zoning regulations to obtain a certificate of occupancy. She also explained that a permit was required to construct a driveway and parking along Garfield Street. Ms. Rockwell stated that the Department recommended approval of the request.

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

| 17. | C10-17-204  
C8-95-039  
Greater Omaha Packing Company | REQUEST:  
Rezoning from HI and CC to HI, along with approval of a Major Amendment to a Special Use Permit to allow Meat Packing and related industries in a HI District | LOCATION:  
Southwest of 30th and L Streets |

At the Planning Board meeting held on Kyle Haaze, E&A Consulting Group, 10909 Mill Valley Rd., appeared before the Board on behalf of the applicant. Mr. Haaze stated that the site was 21.5 acres with split zoning and existing Special Use Permit for meat packing. He explained the applicant wanted to expand with construction of a 51,000 square foot building on the southeast portion of the property. He then explained the expanded area would be used for storage of boxed product ready for shipment, allowed on site storage and reduced truck traffic to and from the site. He then stated that the expansion decreased existing parking on the site and that the existing theater building purchased by the applicant would be demolished to accommodate parking demands. Mr. Haaze noted that Metro Community College to the south of the site was informed of the expansion and use of their parking lot was arranged until construction at the Greater Omaha Packing Company was completed.

Cheri Rockwell, Acting Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the major amendment to the Special Use Permit, subject the 5 conditions on the Department recommendation report.

Mr. Moore moved for approval of the rezoning from HI and CC to HI, and approval of the Major Amendment to the Special Use Permit to allow Meat Packing and related industries in the HI district, subject to: 1) Complying with the submitted site and landscaping plans. 2) Complying with the submitted elevation plans. 3) No net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality. 4) Compliance with all previous conditions of approval. 5) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

**Conditional Use Permits**

| 21. | C7-10-037  
Irvington Volunteer Fire Department | REQUEST:  
Approval of a Conditional Use Permit to allow a Safety services facility in a DR-ED District | LOCATION:  
Northeast of 72nd Street and Northern Hills Drive |

At the Planning Board meeting held on September 6, 2017, Mark Westergard, E&A Consulting Group, 10909 Mill Valley Rd., appeared before the Board on behalf of the applicant. Mr. Westergard stated that the Fire Department previously received use permits for a residential home and fire station on the site. He explained that the fire station was never built and the use permit was expired. He further explained that plans for the fire station were identical to previously approved plans, except for the additional of an open air pavilion located south of the site for fire department activities.
Keith Edquist, 9747 Nottingham Drive, appeared before the Board. Mr. Edquist stated that he owned the North Omaha Airport to the south of the site and was not opposed to the fire station, but was concerned with safety and that the location was within an airport zoning. He explained that at the end of each side of the North Omaha airport runway was a 1000 feet Runway Protection Zone (RPZ), as noted in the Omaha zoning code, and that the proposed fire station pavilion was within this zone. He added that a FAA form for building within this zone was required, but that the FAA made recommendations, not approvals. Mr. Edquist was extremely concerned with safety of public gatherings at the pavilion, which was within 800 feet of the end of the airport runway. He stated that he owned the airport for 25 years and noted there were approximately 10 off-airport mishaps, with one fatality. He briefly discussed aircraft activity at the airport and explained that smoke from the training facility, or distraction from facility could also affect pilot safety. He then stated that he was in favor of the fire station, but opposed to activity within the RPZ.

Mr. Westergard stated that the Department required submittal of an updated approval letter from the FAA and noted that the FAA approved the project in 2012 and 2011. Ms. Rockwell stated that a March 21, 2011 letter was received from the FAA for the previous fire station plan and that the new fire station plan required new FAA approval. Ms. Rockwell explained that FAA form 7460 was required when construction was proposed within an air space and that the FAA made advisory recommendations for safety.

Jason Laferriere, 7110 Stargrass Rd., appeared before the Board. Mr. Laferriere stated that he was a member of Irvington Fire department for 15 years and resided next to the site. He explained that the fire station was centrally located in the Irvington area for quick response time and that the primary purpose of pavilion was to host an annual fire department picnic for families. He noted that the pavilion was not for public access. In response to the Board, he then explained that the site would possibly host training activities, but was not a training facility. Mr Laferriere stated that his lot was partially within the RPZ zone and that his residential lot was recorded with the FAA. He explained that that the fire station facility was outside the RPZ, where fire training activities were held, and was aware of the risk involved within the RPZ. He then stated he was cognizant of when fire station activities were held and the pilot safety during flight activity times.

Mr. Edquist stated that airport activity occurred during all hours and again stated that smoke and light from the training facility could inhibit views and safety of pilots. The Board briefly discussed the FAA approval process, timeline for the fire station and pavilion and the need for more information from the FAA. Mr. Laferriere stated that the FAA form was not submitted for the new plan. Mr. Edquist reiterated the importance of considering the safety issues.

Cheri Rockwell, Acting Assistant Planning Director, stated that the Department recommended approval of the Conditional Use Permit subject to the 8 conditions on the Department recommendation report.

Mr. Rosacker moved to layover the request. Mr. Magid seconded the motion which carried 7-0.

**Vacations**

| 23. | C14-17-203 City of Omaha | REQUEST: Vacation of the north/south alley between 40th and 41st Street, beginning at the south right-of-way line of Cass Street extending south approximately 224 feet to a previously vacated section of alley |

At the Planning Board meeting held on September 6, 2017, Cheri Rockwell, Assistant Planning Director, presented the request. Ms. Rockwell stated that the Department was informed a remnant portion of an unimproved dead-end alley was incorporated into private ownership. She explained that remnant portion of alley, which was currently used as a part of adjacent residential backyards, would be divided amongst adjacent owners. She then stated that the Department recommended approval.

Mr. Pate moved for approval. Ms. Karnes seconded the motion which carried 7-0.
APPROVAL OF MINUTES

Mr. Rosacker moved for approval of the meeting minutes of August 2, 2017 as written. Mr. Magid seconded the motion which carried 7-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 4:07 pm.

_________________________________________
Date Approved

_________________________________________
Arnold Nesbitt, Chairman

_________________________________________
Rikki Flott, Planning Board
Recording Secretary