PLANNING BOARD AGENDA
Public Hearing and Administrative Meeting
Wednesday, October 6, 2010, 1:30 P.M.
Omaha/Douglas Civic Center
1819 Farnam Street
Legislative Chamber

DISPOSITION AGENDA
This document states the disposition of cases before the Planning Board at their Public Hearing and Administrative meeting held on October 6, 2010.

MEMBERS PRESENT: Anna Nubel, Chair
John Hoich, Vice Chair
R. J. Neary
Arnold Nesbitt
Thomas O. Kelley
Van C. Deeb
Greg Rosenbaum

MEMBERS NOT PRESENT: None

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, September 27, 2010.

Public Hearing and Administrative Meeting

HOLD OVER CASES

Master Plan Referrals

1. C3-10-092
   Planning Department on behalf of the City of Omaha

REQUEST: Approval of an amendment to a Blighted and Substandard Designation
LOCATION: 33rd Street on the east, Charles Street on the north - to include a three-block area between Charles and Seward Street and between North Saddlecreek Road and 50th Street, 52nd Street on the west between Charles and Leavenworth Streets, then extending to 60th Street on the west between Leavenworth and Pacific Streets

DISPOSITION: APPROVED 7-0.
Subdivision Plats

2. C8-10-110 D - Layover
   C8-10-038
   Irvington Volunteer Fire
   Department

   REQUEST: Preliminary Plat approval of SMOKY RIDGE, a subdivision outside the city limits and approval of a Special Use Permit to allow development in the North Hills Environmental Resources Overlay District

   LOCATION: Northeast of 72nd Street and Northern Hills Drive

   DISPOSITION: LAYOVER 7-0.

Special Use Permits

3. C8-10-117
   Violet Iluebbey

   REQUEST: Approval of a Special Use Permit to allow Day care (general) in an R5 District

   LOCATION: 2440 Spaulding Street

   DISPOSITION: APPROVED 5-2. Approval of the Special Use Permit to allow Day care (general) in an R5 District subject to: 1.) Compliance with the proposed site plan; 2.) No more than twelve (12) children at a time; 3.) The hours of operation being limited from 6 a.m. to 12 p.m.; 4.) Compliance with all applicable development regulations; and 5.) Obtaining a Certificate of Occupancy from the Planning Department Permit Division prior to operation of the facility.

Conditional Use Permits

4. C7-10-037 D - Layover
   Irvington Volunteer Fire
   Department

   REQUEST: Approval of a Conditional Use Permit to allow Safety services in a DR-ED District

   LOCATION: Northeast of 72nd Street and Northern Hills Drive

   DISPOSITION: LAYOVER 7-0.

5. C7-10-118
   NewStreet, LLC

   REQUEST: Approval of a Conditional Use Permit to allow Outdoor entertainment in a CBD District (pending)

   LOCATION: Northeast of North 15th Street and Mike Fahey Street

   DISPOSITION: APPROVED 4-3. Approval of the Conditional Use Permit to allow Outdoor entertainment, subject to: 1.) Submitting a revised site plan in compliance with all applicable regulations (Article XIV. Off-street Parking and Loading Regulations, Article XXII Urban Design, etc.); 2.) Submitting a landscape plan in compliance with all applicable regulations (Article XII Landscaping and Screening, Article XXII Urban Design, etc.); 3.) Compliance with Entry Features Concept Elevations (as also approved by the Public Works Department for any features located within the City right-of-way) and subject to a Maintenance Agreement approved by both parties; 4.) Compliance with the concept fencing elevations submitted; 5.) That any proposed lighting be in compliance with all applicable regulations and The Downtown Master Plan; 6.) That on-street parking, sidewalk and landscaping improvements be provided along 15th Street in conformance with Article XXII Urban Design of the Municipal Code and all other applicable regulations within thirty-six (36) months of the date of the issuance of the Conditional Use Permit, so long as NewStreet, LLC, or its affiliates, continue to own the property and operate it as an Outdoor Entertainment Facility; 7.) Providing permanent restroom facilities that include: 4 male water closets/urinals, 2 male lavatories, 5 female water closets, 3 female lavatories, 2 drinking fountains and 1 family restroom facility; 8.) Any temporary restroom facilities installed for an event be delivered no more than 1 day prior to said event and be removed from the site within 2 days.
following said event; 9.) Compliance with the Permanent Restroom Facilities Concept Elevations; 10.) Outdoor entertainment being limited to: sponsored community events, outdoor exhibits, outdoor concerts and/or festivals, company picnics, fundraisers, graduation and wedding ceremonies and/or private parties, convention and trade shows. Other similar events may also be approved, provided they meet the terms of the Conditional Use Permit. Approval of a Temporary Use Permit by the City will be required prior to each one of the stated Outdoor entertainment events allowing time for a complete application submittal, adequate review and subsequent inspection by the appropriate City authorities (i.e. Permits & Inspections, Fire, Planning, etc.) for compliance with all applicable regulations; 11.) Events being limited to no more than eight (8) consecutive days duration; however NewStreet, LLC, or its affiliates, shall have the right to request approval for occasional, specific events that may last longer than eight (8) consecutive days, which request shall not be unreasonably withheld by City authorities, as long as the request is in compliance with the conditions of the Conditional Use Permit. Temporary events during College World Series may continue for a period not to exceed fifteen (15) days; 12.) The sales of alcohol will be required to be tied to specific temporary events held on site and available to invitees or attendees of the event, not the general public. During the College World Series in particular, the applicant will be allowed to sell beer to the general public from a tent not to exceed 2,000 square feet in size. Hospitality tents would be allowed, but must be strictly limited to invitees, with invitations not being available for purchase by the general public from the Hospitality tent operator. This however, does not limit the Hospitality Operator from selling or obtaining sponsorships from businesses or corporations that includes invitations for the sponsoring business or corporation use; 13.) The sale of alcohol only being allowed with the appropriate city approvals acquired by the applicant; 14.) All signage in compliance with all applicable regulations and policies and approved by appropriate permits; 15.) The hours of operation being compatible with other permanent business enterprises in the neighborhood, generally from 10 a.m. to midnight, including installation and/or dismantling of an event structures and accessory equipment; 16.) The operation shall conform to any special event rules or guidelines (such as during the College World Series) as they may be put in place by the City unless otherwise addressed in the approval of this Conditional Use Permit; 17.) Security personnel being on-site during any and all events; including set-up and break-down time periods; 18.) The applicant contracting with a professional maintenance team and have a permanent year-round maintenance schedule; 19.) City Council approval of N.D. Park and rezoning to CBD and recording of the plat with the Douglas County Register of Deeds; 20.) The Conditional Use Permit is for a term of 10 (ten) years, but subject to evaluation of the use after five (5) years. After 5 years, the permit may be terminated should the Planning Board, after a public hearing, determine that a) NewStreet, LLC or its affiliates are in material breach of the terms of Conditional Use Permit, or b) if NewStreet, LLC fails to provide sufficient documentation establishing that a permanent mixed use development is not yet economically feasible. The operation of the site (not the use) may be evaluated periodically within these timeframes; and 21.) The Conditional Use Permit being limited to this applicant only (not transferable to any other person or entity).

(REGULAR AGENDA)

Master Plan Referrals

6. C3-10-140
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of amendments to Chapter 55 Zoning regarding urban design
   LOCATION: Omaha and 3-mile extraterritorial jurisdiction

   DISPOSITION: APPROVED 7-0.

7. C3-10-143
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of the Environment Element of the City of Omaha Master Plan
   LOCATION: Omaha and 3-mile extraterritorial jurisdiction

   DISPOSITION: APPROVED 7-0.
Subdivision Plats

8. C10-10-138 D - Approval  
   C12-10-139  
   James Buser, Attorney  
   REQUEST: Preliminary and Final Plat approval of PEARSON’S FIRST ADDITION, a minor plat outside the city limits, with rezoning from AG to DR  
   LOCATION: Southeast of 192nd and “F” Streets  
   DISPOSITION: APPROVED 7-0. Approval of the rezoning from AG to DR. Approval of the preliminary plat, subject to: 1.) A note on the final plat to the effect that there will be no further requests by the property owner to subdivide Lot 1, Pearson’s First Addition administratively; and 2.) A note on the final plat stating that there will be no access allowed to 192nd Street and only one (1) access allowed to “F” Street for use by one (1) single family residential dwelling. Approval of the final plat as amended by the conditions of preliminary plat approval and, subject to submittal of an acceptable final subdivision agreement prior to forwarding the subdivision request to the City Council.

9. C10-10-146 D - Approval  
   C12-10-147  
   Blue Sage Development  
   REQUEST: Preliminary Plat approval of PACIFIC STREET WEST REPLAT SEVEN, a subdivision outside the city limits, with rezoning from R6 to DR, R4 and R6  
   LOCATION: Southwest of South H.W.S. Cleveland Boulevard and Blue Sage Parkway  
   DISPOSITION: APPROVED 7-0. Approval of the rezoning from R6 to DR, R4 and R6. Approval of the preliminary plat subject to: 1.) Extending the proposed storm sewer located between Lot 14 and 15 to the drainageway shown on the plat; 2.) Including the area behind Lots 15-23 in an outlot; 3.) Compliance with the City’s storm water quality ordinance; 4.) Including provisions for the use, ownership and maintenance of the additional outlot(s) in the amended subdivision agreement for Pacific Street West; 5.) Coordinating with and approval of the boulevard improvements with the Parks Department; 6.) Maintaining an acceptable debt ratio of 4% or less for the SID; and 7.) Submittal of an acceptable final subdivision agreement amendment for Pacific Street West.

10. C10-10-134  
   C12-10-148  
   Parkway Properties, LLC  
   REQUEST: Preliminary Plat approval of Q STREET ACRES REPLAT 2, a subdivision inside the city limits, with rezoning from DR to GI (portions of which property lie within the flood fringe)  
   LOCATION: Southwest of 69th and “T” Streets  
   DISPOSITION: APPROVED 6-0. Approval of the rezoning from DR to GI (portions of which property lie within the flood fringe). Approval of the Preliminary Plat, subject to: 1.) Including the proper petition language to vacate the street right-of-way; 2.) Dedicate a turnaround easement at the terminus of 69th Street; 3.) Submittal of an acceptable drainage study; and 4.) Submittal of an acceptable subdivision agreement with the final plat.

Overlay Districts

11. C10-10-151 D - Approval  
   Don Eckles  
   Boundless Enterprises  
   REQUEST: Approval of an MCC-Major Commercial Corridor Overlay District  
   LOCATION: Southwest of 84th and “F” Streets  
   DISPOSITION: APPROVED 7-0.
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Rezonings

12. C10-10-141 D - Layover
   Piano Building, LLC
   REQUEST: Rezoning from GC/ACI-2 to CC/ACI-2
   LOCATION: 4900 Dodge Street

DISPOSITION: LAYOVER 7-0.

13. C10-10-142 D - Approval
    Tony Battiato
    REQUEST: Rezoning from GO and LI to LI
    LOCATION: 10755 Burt Street

DISPOSITION: APPROVED 6-0.

14. C10-10-152
    Ronnald Leimbach
    REQUEST: Rezoning from R4(35) to LC
    LOCATION: 3803 & 3804 South 34th Street

DISPOSITION: DENIED 6-0.

Special Use Permits

15. C8-10-144
    AT&T Mobility
    REQUEST: Approval of a Special Use Permit to allow a Broadcast tower in a R2 District with a waiver of Section 55-146 Height to allow a 116 foot tall monopole
    LOCATION: 5118 Hartman Avenue

DISPOSITION: DENIED 6-1.

16. C8-10-145
    Xiomara Cruz
    REQUEST: Approval of a Special Use Permit to allow Day care (general) in a R4(35) District
    LOCATION: 3020 South 44th Street

DISPOSITION: APPROVED 7-0. Approval of the Special Use Permit to allow Day care services (general) in an R4(35) District subject to: 1.) Compliance with the proposed site plan; 2.) The hours of operation being limited from 6 a.m. to 6 p.m.; 3.) Compliance with all applicable development regulations; and 4.) Obtaining a Certificate of Occupancy from the Planning Department Permit Division prior to operation of the facility.

17. C8-10-149
    Khalil Eljamal
    REQUEST: Approval of a Special Use Permit to allow Automotive sales in a CC District
    LOCATION: 12901 “Q” Street

DISPOSITION: LAYOVER 7-0. Laid over to allow applicant time to provide additional information.

18. C8-10-150 D - Layover
    Jeremy Bryant
    REQUEST: Approval of a Special Use Permit to allow Personal services in a GI District
    LOCATION: 2922 North 61st Street

DISPOSITION: LAYOVER 7-0.

19. C8-05-175
    Rainwood Hill Properties, LLC
    REQUEST: Approval of a Major Amendment to a Special Use Permit to allow a Nonputrescible landfill in AG
    LOCATION: Southwest of 120th Street and Rainwood Road

DISPOSITION: APPROVED 6-1. Approval of the requested Major Amendment to the Special Use Permit to allow a Nonputrescible landfill in AG, 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.) Reevaluation and renewal of the Special Use Permit September, 2012, 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, 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”; and 7.) All other original conditions of approval as applicable.