MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – January 6, 2010
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, December 28, 2009.

MEMBERS PRESENT: R. J. Neary, Chairman
John Hoich
Arnold Nesbitt
Thomas O. Kelley
Van C. Deeb

MEMBERS NOT PRESENT: Anna Nubel, Vice Chair
Bob Mancuso

STAFF PRESENT: Rick E. Cunningham, Planning Director
Chad Weaver, Assistant Planning Director
Dave Fanslau, Manager, Current Planning
Cheri Rockwell, City Planner
Bernard in den Bosch, Law Department
Debbie Hightower, Recording Secretary

Mr. Neary, 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.

Mayor Jim Suttle honored Bob Mancuso for over 20 years of service on the Planning Board.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

Special Use Permits

1. C8-09-208 (D) C8-09-209
   Silo Extreme Outdoor Adv., LLC
   LOCATION: 3417 Vinton Street
   REQUEST: Approval of a Special Use Permit to allow Indoor sports and recreation and Outdoor sports and recreation in a GI District

   Mr. Hoich moved to APPROVE the Special Use Permit to allow Indoor sports and recreation and Outdoor sports and recreation in a GI District subject to: 1) Approval of a Zoning Board of Appeals waiver of the required bufferyard from 50 to 30 feet prior to forwarding the request to the City Council; 2) Compliance with a revised site plan, to be provided prior to forwarding the request to the City Council, that: a) Shows all of the property owned by the applicant as one parcel; b) Limits outdoor climbing to those silos 5 pairs back from I-80 and 2 pairs back from Vinton Street; c) Removes the signage references; d) Shows the dedication of the north 31.58 feet of the west 105.28 feet the site adjacent to Vinton Street; and e) Shows the location of some additional off-street parking should the proposed use prompt the need for more than 24 stalls; 3) Compliance with a revised operating statement that: a) Refers to the use and operation of the proposed facility only (i.e. removes bufferyard references); b) Revises Exhibit “F” to include the existing parcel of land and compliance, generally, with the CC District sign regulations and approval by the Planning Department prior to forwarding the request to the City Council; and c) Revises Exhibit “G” 1 and 2 for general compliance with the CC District sign regulations and approval by the Planning
Department prior to forwarding to the City Council; 4) That any covering, murals or other artwork placed on the silos be subject to approval by the Planning Department; 5) Providing the Plat and Dedication of north 31.58 feet of the west 105.28 feet of the site adjacent to Vinton Street to be forwarded to the City Council with the Special Use Permit; and 6) Compliance with all other applicable rules and regulations. Mr. Nesbitt seconded the motion which carried 5-0.

2. C8-09-210 (D)  AT&T

REQUEST: Approval of a Special Use Permit to allow a Broadcast tower in a R4 District, with a waiver of Section 55-186 Height to allow a 135 foot tall tower

LOCATION: 15801 Butler Avenue

Mr. Hoich moved to APPROVE the Special Use Permit to allow a Broadcast tower in an R4 District with a waiver of Section 55-186 Height to allow a 90 foot tall tower at 15801 Butler Avenue subject to: 1) Submittal of revised site and landscape plans that relocate the tower to within 50 feet of the existing church building in between the north and east facades prior to forwarding the request to the City Council and comply with all applicable zoning district regulations and performance standards; 2) Submittal of revised elevations that provide for a camouflage or monopole structure limited in overall height (including lightning rod) to 90 feet as deemed acceptable by the Planning Department prior to forwarding the request to the City Council; 3) The lease area being large enough and tower be of sufficient structure integrity to allow for co-location of at least one (1) additional provider; 4) Compliance with the revised site, landscaping and elevations; 5) Compliance with the proposed operating statement; 6) Providing a governmental access statement; and 7) Submittal of an annual report that describes the location and operating characteristics of all broadcast towers within the City and its extraterritorial jurisdiction. Mr. Nesbitt seconded the motion which carried 5-0.

Conditional Use Permits

3. C7-09-174 (D)  Michael Donovan

REQUEST: Approval of a Conditional Use Permit to allow a Wind energy conservation system (WECS) in a GI District

LOCATION: 13747 and 13835 Industrial Road

Mr. Hoich moved to APPROVE the Conditional Use Permit to allow a Wind energy conservation system (WECS) in a GI District subject to: 1) Submittal of and compliance with a revised site plan that includes both 13747 and 13835 Industrial Road (submitted 1/5/10); 2) Compliance with the proposed operating statement; 3) Certification of approval of the method of interconnection and operation by the Omaha Public Power District prior to issuance of a building permit; and 4) Compliance with all other applicable rules and regulations prior to issuance of a building permit (including FAA approval if required). Nesbitt seconded the motion which carried 5-0.

Subdivision Plats

5. C12-10-002 (D)  Brent Shirk

REQUEST: Preliminary and Final Plat approval of BROOKLINE ADDITION REPLAT TWO, a minor plat inside the city limits

LOCATION: 1520 South 55th Street

Mr. Hoich moved to APPROVE the Preliminary and Final Plat approval of BROOKLINE ADDITION REPLAT TWO, a minor plat inside the city limits. Nesbitt seconded the motion which carried 5-0.
Special Use Permits

8. C8-10-005 (D) South 72nd Street Associates, LLC

REQUEST: Approval of a Special Use Permit to allow General office and General retail sales in a GI District

LOCATION: 4115 South 72nd Street

Mr. Hoich moved to APPROVE the Special Use Permit to allow General office and General retail sales in a GI District subject to: 1) Compliance with the proposed site plan; 2) Compliance with the proposed operating statement; and 3) Compliance with all applicable regulations. Nesbitt seconded the motion which carried 4-0. Mr. Neary abstained.

Conditional Use Permits

10. C7-10-003 (D) The Schemmer Associates

REQUEST: Approval of a Conditional Use Permit to allow a Wind energy conservation system (WECS) in a GI District

LOCATION: Northwest of East Fort Street and Lindbergh Drive

Mr. Hoich moved to APPROVE the Conditional Use Permit to allow a Wind energy conservation system (WECS) in a GI District subject to: 1) Submittal and compliance of a revised site plan indicating the WECS location of 33 feet from all property lines prior to issuance of the Conditional Use Permit; 2) Compliance with the proposed operating statement; 3) Compliance with all permit requirements; 4) Providing certification of approval of the method of interconnection and operation by the Omaha Public Power District prior to issuance of a permit through the Permits & Inspections Division of the Planning Department; and 5) Compliance with all other applicable regulations. Mr. Nesbitt seconded the motion which carried 5-0.

7. C10-10-004 (D) James R. Overton, III

REQUEST: Rezoning from GC to NBD

LOCATION: 3701 North 30th Street

Mr. Hoich moved to LAY OVER the request to allow the applicant time to consider alternate development plans and a PUD application. Mr. Kelley seconded the motion which carried 5-0.

(REGULAR AGENDA)

Master Plan Referrals

4. C3-10-007 Planning Department on behalf of the City of Omaha

REQUEST: Approval of a Blighted and Substandard Designation

LOCATION: Property generally bound by 17th and 18th Streets, “Q” to “S” Streets

At the Planning Board meeting held on January 6, 2010, Ms. Bridget Hadley, City Planner, Planning Department, 1819 Farnam Street, presented this request.

Ms. Hadley stated that the project is the Southern Valley Townhomes and is a prerequisite for the redevelopment plan that allows for the use of TIF funds to offset the development and infrastructure costs to the developer, TBF Co., LLC for low-income housing tax credit. The location is 18th and “Q” Street and
will consist of 48 new townhomes with a separate community building. The study area complies with the Nebraska Community Development Law for Blight and Substandard based on the following: 1) using the most recent census, the unemployment rate is greater than 120% of the state average, 2) the per capita income is lower than the per capita income of the city, 3) the average age of the structures in the study area are greater than 40 years, and 4) the topography and the existing infrastructure substantially impairs the growth of the community. There are significant changes in the grade that render the sight unbuildable in the current condition. A visual inspection of the area reveals an abundance of underutilized land in the middle of a residential neighborhood. The site lacks adequate street lay out and accessibility with an illegal dumping site posing a public safety and health concern. The approval of the blight and substandard designation is recommended. The developer, legal representative, Charlie Peters and Charlie Peters, Jr. were present to answer any questions.

Mr. Chad Weaver, Assistant Planning Director, stated that the department recommends approval of the Blighted and Substandard Designation for this area.

No one appeared in opposition.

Mr. Nesbitt moved to APPROVE the Blighted and Substandard designation. Mr. Kelley seconded the motion which carried 5-0.

Rezonings

6. C10-10-001
   REQUEST: Rezoning from R7 to CC
   LOCATION: 3302 North 16th Street

At the Planning Board meeting held on January 6, 2010, Mr. Larry Russell, 5009 North 50th Street, presented this request.

Mr. Russell stated that the property is a commercial building and was previously a drug store. He stated the property has been vacant for approximately 20 years.

Ms. Dorothy Fant, 3207 North 16th Street, appeared in opposition to the request. She stated she has lived on 16th Street since 1962 and owns other property in the area. She explained that she was opposed to the rezoning to allow a liquor store. The building is located in the middle of a neighborhood and there is concern for the safety of children in the area. The sale of liquor would attract beggers and panhandlers. She stated other neighbors, who could not attend because of the weather, are also opposed to the request and have submitted letters. She stated she would be in favor of another use for the building such as a daycare or an education center.

Mr. Neary stated there were a number of letters received from neighbors who are in opposition to the request.

Mr. Chad Weaver, Assistant Planning Director, stated that the department recommends denial of the rezoning. The City does not agree that the request is in accordance with the Master Plan and there is no need for any type of commercial use in this location. The property would not be sustainable for any type of commercial use as indicated by the fact that it has been vacant for over 30 years.

Mr. Nesbitt moved to DENY the proposed rezoning. Mr. Kelley seconded the motion which carried 4-1; Mr. Neary dissenting.

9. C8-10-006
   REQUEST: Approval of a Special Use Permit to allow Scrap and salvage services in a GI District
   LOCATION: 4420 South 67th Street

REQUEST: Approval of a Special Use Permit to allow Scrap and salvage services in a GI District

LOCATION: 4420 South 67th Street
At the Planning Board meeting held on January 6, 2010, Mr. Mark Adams, Region Engineering Manager for Waste Connections, Centennial, Colorado, presented this request. Mr. Matt Sutton, Schemmer Associates, assisted with the application and presented a diagram showing the location of the building. Mr. John Bierd and Kelly Danielson, who are with Waste Connections, are responsible for the operations in Omaha and eastern Nebraska market areas. Two representatives from Kutak were also present.

Mr. Adams stated the property is a solid waste and transfer processing facility at 67th Street and “F” Street. He explained that the project will be an infrastructure for the handling and processing of recycling materials and non-hazardous waste within an enclosed building. The property is approximately eight acres, undeveloped and surrounded by industrial, manufacturing and warehousing uses. The project site will accept materials from commercial operators that collect residential and commercial waste and recycling materials. The general public will also have access to the facility. He stated that Papillion Sanitation, which is owned by the same company, would use the facility. The customer vehicles would enter from 67th Street, cross a scale with a transaction at the scale house and the materials would be unloaded within the enclosed building and then exit through the same location. The residue material will be placed into transfer trailers and transported to a regional landfill. The facility is designed for approximately 2,000 tons of material per day but the initial anticipation would be approximately 600–800 tons of material, which would be approximately 140 truckloads per day. The truck traffic would be distributed throughout the entire day during a 10-12 hour period, Monday through Friday with a reduced hourly schedule on Saturday. The submitted operational plan has addresses potential nuisance issues that result from handling recycling and other non-hazardous solid waste materials. This project serves the long-term for local operations and provides the infrastructure necessary to embark on more comprehensive recycling programs, not only at the residential level but also the commercial level in and around the city.

Mr. Adams offered to answer any questions.

Mr. Adams responded to some of the issues. He stated that the material that is collected at the transfer station would be hauled to the David City landfill. Waste Connections also owns and operate a facility west of Lincoln but the David City location would be the principal landfill. The waste is collected within the city of Omaha as well as the surrounding area. There are certain waste directed to Douglas County but most of the materials are directed to the facility in Butler County. Another significant component to the project is that it is the means to handle managed processed recycle materials and the Douglas County landfill is purely a disposal site.

Mr. Adams stated he met with the Operations Manager, William Harvey Company who may have additional questions but there have been no opposition to the project.

Mr. Adams further explained that the site in David City is owned by Waste Connections. It becomes an efficient means to haul a longer distance when materials are reloaded into a larger vehicle. From a business perspective, it makes sense to haul to an owned facility versus Douglas County. There is no further recycling done at David City.

The facility was designed for 2,000 tons per day but expectations are less. Initially, a 15% conversion rate is anticipated but the level of recycling should increase over time with a reasonable goal of 25-30%. The material that is currently being collected is already going to David City and would be routed through the recycling center. Any Douglas County volume would be anything over and above what is contemplated. The City of Omaha residential volumes are directed to Douglas County.

Mr. Hoich was concerned that 500 tons of garbage was not going to Douglas County as opposed to David City and that the $5.00 per ton of waste was not being realized by the Douglas County landfill.

Mr. Bierd, 10810 South 144th Street, Operations Manager, stated the waste in question is currently going to the Butler County Landfill in David City. The waste does not go to Douglas County because there is an existing agreement with a transfer station on 60th and Harrison, Riverside Recycling. The material that is
presently going to Riverside Recycling will be the material that will be going to the proposed transfer station.

Mr. Adams clarified that the waste volume currently going to David City is principally commercial which is an open market in the City of Omaha. A significant amount of volume is from Sarpy County.

Mr. Hoich voiced that the 140 trucks per day would be driving through Douglas County to get to David City.

Mr. Neary inquired as to how the site would be kept clean. Mr. Bierd stated the trucks are unloaded inside the building which will limit the blowing of trash. There is staff that cleans up any debris that has blown out of the building. There will also be fencing around the facility.

Mr. Nesbitt inquired as to the end product. Mr. Bierd explained that Waste Connections operates other existing transfer stations including Nebraska City, Wahoo, and Fremont. Specific materials are sold to brokers/recyclers throughout the Midwest. Certain materials such as cardboard or plastic are baled and warehoused until an adequate amount is obtained for shipment. Glass recycling, which is not offered in Omaha, will be processed at the proposed site. A load is dropped from a collection vehicle onto the floor of the building and then separated and baled. An automatic baler condenses the recyclables before shipment.

Mr. Adams stated that 40% of the floor space is dedicated to the recycling activity that is shown on the presented material. A considerable portion of the footprint is dedicated for the handling, processing and storage of the materials. The facility is designed for additional recycling activity, storage of materials and additional processing equipment.

Armando Cesare, Operations Manager for William Harvey Company, 4334 South 67th Street, stated he was neither a proponent nor an opponent but he had several questions and would like to learn more about the request. He stated that William Harvey is a manufacturer of plumbing components such as wax rings and cements. One area of concern would be the traffic due to the width and shape of 67th Street to accommodate 12-14 trucks per hour. Another concern would be the odor of the trash from the facility especially during the summer months when the south wind would blow into the facility where there is no air conditioning. There are questions concerning the planting of a line of trees within the fence line on the north side of the property.

Kent Holm, Director of Environment Services for Douglas County, appeared in opposition of this request. He questioned whether Omaha would get revenue from the facility and secondly, would there be another use type for this property.

Mr. Neary confirmed that the city would not get additional revenue but there would be an increase in taxes. The issue before the board is land use and not revenue.

Mr. Holm stated that the household/hazardous waste facility at 120th and I Street has a ten-cent per ton fee to the City of Omaha. Environment Services for Douglas County depends on that facility to be open and continue to operate. Mr. Holm agreed that increased recycling becomes more sustainable but the case at hand appears to be more of a transfer station as opposed to recycling.

Chad Weaver, Assistant Planning Director, stated that zoning is not a tool to be used to force people to any certain landfill as to whether or not it is funding useful services or not. Presently, there is nothing being diverted from Douglas County.

Bob Huck, attorney, 1200 Omaha Tower, 2120 South 72nd Street, representing M & G Properties, owner of the property located immediately south of the proposed property, appeared in opposition. He stated his client and others in the industrial area agree that the City’s recommendation report and the criteria for the Special Use analysis have been done based on a recycling center. Based on the testimony of the
applicant and others, it is not primarily a recycling center but a transfer station for garbage. Traffic would be significant but the criteria mention no detrimental effect to the neighborhood and no detrimental effect on traffic. A transfer station for solid waste does not fit under the definition for the Special Use for scrap and salvage purposes. The operational plan submitted by the applicant states that, “This facility is primarily a solid waste that is garbage transfer station.” It states that this is a refuse transfer operation, that it is the intent of the operator to transfer all incoming waste to a permitted solid waste disposal facility. It does not mention recycling. The company will accept MSW (municipal solid waste) from residential, commercial and industrial customers and deliver to a landfill with the initial volume of waste at 600-800 tons and designed for 2,000 tons per day. In the event that there is a breakdown of the facility, all trucks would be diverted to a landfill. In conclusion, it does not fit under a scrap and salvage operation and is not a recycling center.

In response to Mr. Kelley, Mr. Huck stated he has not had any communication with the applicant but his client received a phone call that was very vague.

Mary Ann Borgeson, Douglas County Commissioner, appeared in opposition of this request. She stated she would like more time to determine if the facility is a recycling center or a transfer station and how it would affect Douglas County.

Mr. Adams stated there is no misunderstanding for the use of the facility that is a combination of a recycling center and solid waste transfer station. The content of the application is clear and plans that were submitted show that a good portion of the floor space is dedicated to the recycling operation. The location is a convenient access and centralized location for the waste that is being generated from neighborhoods and businesses in Omaha and surrounding areas and will minimize or significantly reduce overall traffic levels on a broader scale. There are a number of operating procedures with regard to the odor issue. Materials that are potentially odorous are cleared from the floor on a daily basis therefore there is no opportunity for the waste to decompose. The building is enclosed and part of the plan will include a sprinkler system that will address dust in the air with the option to add an odor suppressant to prevent significant odor issues. The doors can be managed with door openings to prevent any significant flow through of air through the building. There are a combination of practices and design features within the plan to prevent odor from being an issue. There is a desire to work with neighbors on issues when they arise.

Mr. Adams stated that a fundamental step is to have the infrastructure in place to increase levels of recycling. The reality is that roughly overall 10-15% of materials are sort separated or handled by businesses that can be readily recycled. As experienced in the Wichita and Sioux Falls markets, there is an increase in recycling levels if the infrastructure and the means are provided so haulers can develop comprehensive plans to recycle.

Mr. Adams suggested that he meet with Mr. Holm because there is an opportunity to provide for funds for the programs he is representing.

In response to Mr. Deeb, Mr. Adams stated that the majority of the 40 other transfer stations are located within or adjacent to urban areas. It is a fundamental function of the business where regional landfills are located in outlying areas and for convenience, the recycling centers and transfer stations are located within urban centers or industrial areas. The odor issue can be readily mitigated but typically, the more odorous waste would come from the residential trucks. Mr. Bierd stated the collection vehicles would not be housed at this facility. The number of vehicle trips to the landfill would be fewer than the amount of trucks that unload waste due to the size of the vehicle.

Mr. Weaver stated that with regard to traffic, Public Works suggested that a right turn lane be added, southbound from 67th Street to mitigate the impact from the number of trucks. The infrastructure needs to be repaired regardless of this facility. A transfer station for garbage fits into the scrap and salvage use when there is no outside storage issues or odor issues. The River City facility, as mentioned, is in the GI district as well. The city believes the facility will fit into the GI area due to the fact that it is housed inside
the building and there are a wide variety of other uses in the area. The planning department requests that there be landscaping on the east side or the public street side and the outside of the fenced area. The fence could be moved back on the north and south to allow for landscaping. The site plan has some flexibility. In the future there will be a push in the Master Plan for more recycling of residential, commercial and building materials. These types of facilities are necessary. The planning board cannot be concerned with the landfill that the waste is being transferred. The Planning Department recommends approval subject to the items on the recommendation report.

In response to a board member, Mike Paukert, Public Works, City of Omaha, stated that even at full capacity by doubling or tripling the number of trucks, it would not be a problem. The street network in the industrial area was developed to handle truck traffic. The lot is zoned and platted and if there was a different use, they would not need the approval of the board. The impact will be minimal to the overall street network because the trash collection and vehicle trips are already happening. The volume on the street is low, there should be no problem with trucks entering and exiting the area. The streets in the area are designed for industrial use but will deteriorate over time. A traffic study would be required if there are more than 100 vehicle trips per hour.

Mr. Hoich moved to LAYOVER to allow the applicant time to revise the operating statement and to meet with the adjacent property owners. Mr. Nesbitt seconded the motion which carried 5-0.

APPROVAL OF MINUTES

Mr. Kelley moved to APPROVE the meeting minutes of December 2, 2009 as written. Mr. Hoich seconded the motion which carried 4-0. Mr. Nesbitt abstained.

Mr. Kelley moved to APPROVE the meeting minutes of November 4, 2009 as written. Mr. Deeb seconded the motion which carried 5-0.

ADJOURNMENT

Mr. Kelley moved to ADJOURN the meeting at 2:47 pm. Mr. Nesbitt seconded the motion which carried 5-0.