MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – December 1, 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, November 22, 2010.

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

MEMBERS NOT PRESENT: None

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

Ms. 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.

Public Hearing and Administrative Meeting

HOLD OVER CASES

Subdivision Plats

4. C8-10-110, C12-10-038 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

Mr. Hoich moved to APPROVE the Special Use Permit to allow development in the North Hills Environmental Resources Overlay District, subject to the applicant amending the lot layout and/or proposed septic field locations in order to address the grading and drain field issues. Approval of the preliminary plat subject to: 1) The applicant submitting a revised preliminary plat, with or prior to submittal of a final plat, that amends the lot layout and/or proposed septic field locations in order to address the grading and drain field issues; 2) Providing a copy of the NDEQ letter of approval of the plat; 3) Dedication of 5 foot by 5 foot right-of-way at the corners of all internal streets; 4) Providing for the paving...
of 72nd Street and Northern Hills Drive to 3-lanes adjacent to the subdivision or note in the subdivision agreement that future improvements will be assessed on a pro-rated basis when development occurs on opposite sides of these streets; 5) Placing a note on the plat that the Street A connection to 72nd Street and the driveway to the fire station from Northern Hills Drive will be right-in/right-out in the future; 6) Providing for reimbursement for half of Street B paving in the future in the subdivision agreement; 7) Providing for compliance with the requirements of the stormwater quality ordinance; and 8) Submittal of an acceptable tree canopy loss mitigation plan. Mr. Nesbitt seconded the motion which carried 7-0.

Master Plan Referrals

8. C3-06-067 Bluestone Development, LLC REQUEST: Approval of Second Amendment to Courtland Place No. 2, LLC TIF Redevelopment Plan LOCATION: 12th and Leavenworth Streets

Mr. Hoich moved to APPROVE the Second Amendment to Courtland Place No. 2, LLC, TIF Redevelopment Plan. Mr. Nesbitt seconded the motion which carried 7-0.

REGULAR AGENDA)

Subdivision Plats

10. C10-10-178a  C12-10-178 Orange Development REQUEST: Preliminary and Final Plat approval of CVS 3rd ADDITION, a minor plat inside the city limits, with approval of a MCC-Major Commercial Corridor Overlay District LOCATION: Northeast of 132nd Street and West Center Road

Mr. Hoich moved to APPROVE the MCC Overlay District; preliminary and final plat. Mr. Nesbitt seconded the motion which carried 7-0.

11. C12-10-184 Gateway Pointe, LLC REQUEST: Preliminary and Final Plat approval of I-80 BUSINESS PARK REPLAT NINE, a minor plat outside the city limits, with a waiver of Section 53-8(4)(d) of the Municipal Code regarding street frontage LOCATION: North of South 118th Circle and East of I-80

Mr. Hoich moved to APPROVE the waiver of Section 53-8(4)(d) Minimum street frontage of the Municipal Code; Preliminary Plat, subject to the applicant amending the existing Major Development agreement prior to forwarding the Final Plat to the City Council; and Final Plat as amended by the condition of Preliminary Plat approval. Mr. Nesbitt seconded the motion which carried 7-0.

Rezonings

12. C10-10-180 Holy Name Housing REQUEST: Rezoning from R5(35) to R4 LOCATION: 3413 - 3415 and 3414 - 3416 Parker Street

Mr. Hoich moved to APPROVE the rezoning from R5(35) to R4. Mr. Nesbitt seconded the motion which carried 7-0.

14. C10-10-182 Harman Appliance Sales, Inc. REQUEST: Rezoning from LO and CC to LC LOCATION: 308, 316, 320, 330 and 338 North 115th Street

Mr. Hoich moved to APPROVE the rezoning from LO and CC to LC. Mr. Nesbitt seconded the motion which carried 7-0.
REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for Aksarben Business and Education Campus

LOCATION: Southwest of 67th and Pine Streets

Mr. Hoich moved to APPROVE the Major Amendment to the Aksarben Village Business and Education Mixed Use Agreement to allow an addition of an accessory energy plant, subject to the submittal of an acceptable mixed use agreement. Mr. Nesbitt seconded the motion which carried 7-0.

Special Use Permits

REQUEST: Approval of a Major Amendment to a Large Project Use Permit with a waiver of Section 55-326, Height to allow an overall height of 260 feet (230’ structure + 30’ antenna) in a GO District

LOCATION: Southwest of 108th Avenue and Old Mill Road

Mr. Hoich moved to APPROVE the Major Amendment to a Large Project Special Use Permit, with a waiver of Section 55-326 Height, to 260 (230’ tower + 30’ communications antenna) feet in a GO-General Office District subject to: 1) Compliance with the approved Traffic Study; 2) Providing sidewalks along South 108th Avenue adjacent to the site; 3) Coordinating with the Parks Department regarding existing and proposed sidewalk access to the trail; 4) Approval of an acceptable post construction stormwater management plan, including a maintenance agreement, prior to issuance of a building permit; 5) Compliance with the proposed site plan, in compliance with all applicable regulations; 6) Compliance with the proposed landscape plan, in compliance with all applicable regulations; 7) Compliance with the concept building elevations; 8) Compliance with the operating statement; 9) Any communications antenna(s) attached to the top of any structure being of the “stealth” variety; 10) Providing acceptable screening of rooftop equipment; 11) Approval of a Flood Fringe Development Permit; 12) FAA approval; 13) Approval of all required Building and Development Permits and Certificates of Occupancy; and 14) All other applicable regulations. Mr. Nesbitt seconded the motion which carried 7-0.

Conditional Use Permits

REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow a Medical office in a LO District

LOCATION: 10109 Maple Street

Mr. Hoich moved to APPROVE the Major Amendment to the Conditional Use Permit to allow a Medical office in a LO District, subject to: 1) The sign meeting setbacks of the LO district; 2) A maximum sign height of 12 feet; and 3) Advertising content being limited to community service information. Mr. Nesbitt seconded the motion which carried 7-0.

REQUEST: Approval of a Conditional Use Permit to allow a Secondary educational facility in a R3 District

LOCATION: 8050 North 129th Avenue

Mr. Hoich moved to APPROVE the Conditional Use Permit to allow a Secondary educational facility in a R3 District subject to: 1) Complying with the proposed site plan; 2) Compliance with the proposed landscape plan; 3) Compliance with the concept building elevations; 4) Compliance with the proposed operating statement; and 5) Compliance with all applicable development regulations. Mr. Nesbitt seconded the motion which carried 7-0.
Vacations

20. C14-10-176  
Property Owner  
REQUEST: Vacation of Capitol Avenue from 36th Street east 74.3 +/- feet

Mr. Hoich moved to APPROVE the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Nesbitt seconded the motion which carried 7-0.

Subdivision Plats

9. C12-10-179  
Paul Yates  
REQUEST: Preliminary and Final Plat approval of IRVINGTON PLACE REPLAT, a subdivision outside the city limits
LOCATION: 10042 King Plaza

Mr. Hoich moved to LAY OVER. Laid over to allow the applicant time to submit documentation of approval from the Douglas County Health Department and the NDEQ for septic locations. Lay over the final plat to allow the applicant time to address issues with the preliminary plat. Mr. Kelley seconded the motion which carried 7-0.

Administrative Meeting Only

Subdivision Plats

1. C10-10-146  
C12-10-147  
Blue Sage Development  
REQUEST: Final 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

No one appeared in opposition.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the final plat.

Mr. Nesbitt moved to APPROVE the final plat subject to: 1) The City Council approving the preliminary plat and conditions forwarded to them by the Planning Board prior to December 1, 2010; and, 2) Submittal of an acceptable final subdivision agreement prior to forwarding the final plat to the City Council. Mr. Kelley seconded the motion which carried 7-0.

REGULAR AGENDA)

Public Hearing and Administrative Meeting

Special Use Permits

17. C8-10-183  
Calvary Chapel West Omaha  
REQUEST: Approval of a Special Use Permit to allow Religious assembly in an AG District
LOCATION: 4418 and 4428 South 180th Street

At the Planning Board meeting held on December 1, 2010, Todd Doxson, 20176 D Street, appeared before the board. Mr. Doxson stated he is a pastor of a non-denominational Christian Church and grew up in Omaha as a crazy rebellious teenager. The proposed acreage will be turned into a safe place for youth and young adults. He indicated that meetings were held with the neighbors who support the plan.
No one appeared in opposition.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to the five items on the recommendation report.

Mr. Kelley moved to APPROVE the Special Use Permit to allow Religious assembly in an AG District, subject to the following conditions: 1) The property shall be limited to no more than 100 people on the site at one time; 2) All hours of operation shall be limited to 10 pm; 3) Compliance with the submitted operating statement, as amended by the hours of operation in the previous condition; 4) Compliance with the submitted site plan; and 5) Compliance with all other applicable regulations. Mr. Rosenbaum seconded the motion which carried 6-0 with Mr. Hoich abstaining.

RECONSIDERATION

2. 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

At the Planning Board meeting held on December 1, 2010, Mr. Jerry Slusky, 8712 West Dodge Road, reappeared before the board on behalf of the applicant. Mr. Slusky requested that the case be laid over until the February 2011 meeting. He stated the applicant has decided to move forward with a comprehensive parking lot to take up the entire property. The purpose of the lay over is to allow time for a plan to assure consistencies with city codes and approval of all departments involved. After the building permit is issued, the conditional use permit will be withdrawn. A drawing was submitted for the record.

Mr. Bob Huck, attorney for the neighboring group, is in favor of a lay over and is in support of a parking lot plan.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the zoning is in place for a parking lot and the department recommends a lay over.

Mr. Nesbitt moved to LAY OVER. Laid over to allow the applicant time to move forward with a comprehensive parking lot plan. Mr. Deeb seconded the motion which carried 7-0.

HOLD OVER CASES

Master Plan Referrals

3. C3-10-099 Bella Terra, LLC
   REQUEST: Approval of an amendment to the Future Land Use Element of the City’s Master Plan from Open space to a Mixed-Use area for property located Southeast of 132nd and Pacific Streets
   LOCATION: Omaha and 3-mile extraterritorial zoning jurisdiction

Subdivision Plats

5. C10-10-100 Bella Terra, LLC
   REQUEST: Preliminary Plat approval of STERLING RIDGE, a subdivision inside the city limits, with rezoning from DR to DR, R4, R6 and MU (portions of which property lie within the flood fringe and floodway)
   LOCATION: Southeast of 132nd Street and Pacific Street
The above two cases were heard together.

At the Planning Board meeting held on December 1, 2010, Mr. Dennis Hogan, Regency Center, appeared before the board on behalf of the applicant. The developers and project consultants were also present. The original application submitted showed the Tri-Faith initiative on the southwest part of the property, the support mixed-use on the northwest part of the project, assisted living on the northeast, multi-family or apartments in the middle and single-family to the east. After meeting with the neighbors on numerous occasions, the plan changed and now consists of all single-family residential on the east side with the exception of the retirement facility, single-family on the south, and civic use or Tri-Faith initiative on the southwest. The Tri-Faith initiative is the specialty component for the mixed-use area and consists of the Bishop Clarkson Episcopal Foundation, the Congregation of Temple Israel and the American Institute of Islamic Studies.

Mr. Hogan stated there were three key issues with the neighborhood: 1) adjacent uses; 2) setbacks that exist between property uses; and 3) street connections to the east and south. The east connection is not shown on the preliminary plat because the road should not be built. The road to the south was not shown because it is very sensitive to the neighborhood. During the course of the approval process, there will be a need for approval from the Corp of Engineers to install the connection to the south. Also, there is a great deal of concern with the water that flows through the Hell Creek area and to the golf course in the past. With regard to setbacks, there is a 50’ natural gas pipeline easement on the east property line therefore there will be no above ground improvements. There will be a 60’ easement adjacent to the retirement facility and the civic use area with the same type of conditions. The application does not show any apartments. Information will be provided with regard to the development of covenants, tree mitigation and landscape issues as the process continues. The chain link fence will remain but the barbed wire will be removed. This unique facility will attract worldwide attention. The property is currently under contract to the respective entities mentioned before and there is a likelihood that a Greek Orthodox Church will also be built on the site.

Ms. Pat Slaven, City Parks and Recreation, stated the Parks Department is in favor of the project and supportive of the Planning Department’s recommendation to develop a small neighborhood park within the area.

Ms. Jennifer Taylor, 8712 West Dodge Road, appeared before the board on behalf of the surrounding neighbors. Ms. Taylor asked for a show of hands of the neighbors that were present. Ms. Taylor submitted a brief list illustrating several issues. She stated the neighbors would like the 50’ easement on the eastern boundary of the property to be a no build easement and only used as a green space. Additionally, a 60’ no build green space easement is requested on the southern boundary. The neighbors would like to be assured that no apartments would ever be built on the site. There is concern regarding access to Crawford Road and 132nd Street to the south but the neighbors are willing to discuss a pedestrian access. There is a request to include the covenants in the documents so that the neighbors have the ability to enforce the covenants.

Mr. Kelley questioned the disagreement in the easement area. Ms. Taylor answered that the neighbors are asking for a green space area with no concrete. This would include the additional lots (#52-57) on the south.

Mr. Neary questioned the opposition to the access at Crawford Road. Ms. Taylor stated the opposition to the connections is due to traffic concerns especially near the elementary school which is a large hub for soccer, baseball, softball, etc. There is only parking allowed on one side of the street in the neighborhoods and there are no sidewalks. The neighbors would be open to entertaining a pedestrian access to allow walking traffic between the neighborhood and the new development.

Mr. Richard Juro, 2606 South 130th Street, appeared before the board in opposition. Mr. Juro stated he resides directly one block south of the proposed project. He stated he is concerned about the vehicular access from Crawford and/or 130th Street with regard to safety.
Ms. Elaine Martin, 12726 Shirley Street, appeared before the board in opposition. Ms. Martin stated her home backs up to the former golf course which has existed since 1924. She stated the neighbors want a little respect along with a 50’ setback on the east portion of the property and a 60’ setback on the south side near the civic use.

Mr. Rich Henningsen, 13036 Shirley Street, appeared before the board in opposition. Mr. Henningsen stated he has met with the Tri-Faith individuals and initially requested a 100’ buffer. He stated he is concerned about a parking lot encroaching near the rear of his property and a street that may run parallel to the street in his front yard.

Mr. Ward Diering (exact spelling unknown), 1628 South 138th Street, appeared before the board in opposition. Mr. Diering stated he lives in the Trendwood neighborhood to the west and there is concern about additional traffic and traffic that cuts through the neighborhood. He stated another concern is regarding the mosque because he believes other mosques have been used for training and recruiting terrorists.

Ms. Roberta Holden, 12605 Pacific Street, appeared before the board in opposition. Ms. Holden requested that the adjacent property (Lot 19) not be zoned as R6-multi-family. There is concern that apartments could be built if the office phases do not develop as planned.

Ms. Sue Osterholm, 1608 South 126th Street, appeared before the board in opposition. Ms. Osterholm addressed the spur at 126th and Crawford Road, which would be located between two homes that are close in proximity. She stated she was concerned about the additional traffic and the safety of the older residents and children because there are no sidewalks. She stated she would like to see the property planned and developed with consideration to the property values of the existing residents.

Mr. Bob Johnson, 13106 Shirley Street, appeared before the board in opposition. Mr. Johnson stated he has serious concerns about the easement and the slope of the existing property. He stated that if a parking lot were built, the headlights would shine into his back yard.

Mr. Jim Hopkins, 12646 Shirley Street, appeared before the board in opposition. Mr. Hopkins stated he is concerned about the loss of the green space and would like to see a better plan for the future.

Ms. Stephanie McFadden, 1016 South 131st Street, appeared before the board in opposition. Ms. McFadden stated she is the head of the Leawood West Homeowners Association. She stated there are very few sidewalks in the area and there are already traffic problems. Ms. McFadden stated there are many young families in the area with small children therefore there are concerns about the additional traffic in the neighborhood especially on Morrison Drive.

Mr. Hogan indicated that the easement is not an easement but a setback with regard to the three key items mentioned above. He stated that the setback is double what the code requires and he would like to reserve the right for homeowners to have the ability to add a pool, pond, sidewalk, etc. He stated he appreciates the neighbors concerns and would work with the neighbors to the best of their effort. A road to the east at Crawford Road would be difficult to install due to the slope and grade. A road may have to be added to the south with approval of the Corps of Engineers. The retirement facility is in the first phase and will be one of the first buildings built but a PUD will be a possibility. Mr. Hogan offered to answer any questions.

Mr. Neary commended the neighbors and developers for getting together and agreeing to most of the issues but he agreed that it makes sense to connect the neighborhoods.

Mr. Jeff Lake, Olsson Associates, 2117 South 67th Street, discussed engineering issues and design guidelines with regard to the possible street connections. He stated that in the neighborhood there is a right-of-way stubbed out for a future street connection which is approximately 350’ from the existing 126th Street. There are a few criteria required by Public Works with a 5% maximum slope within 25’ of the intersection. Another option was considered to hit the required maximum slope of 10% and lower the street which would be quite a bit below the existing grades. Both options would require cutting into the gas main which also requires working with a third party. If the site were lowered 10-15’ it would create a
low point with no drainage structure in place to support the drainage thus water would be diverted to the neighborhood.

Mr. Deeb questioned the planning department’s position with regard to the access. Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that there is a strong recommendation that these connections be shown at this point. There are challenges with regard to the gas line and grading to the south. Mr. Hogan responded that he has reviewed the recommendation of the staff and are in concurrence with the recommendation and the comments and will work with the city to accomplish what needs to be accomplished.

Mr. Weaver stated that according to the city code, easements or buffers are not required along the eastern and southern boundaries. The building setbacks would prevent a house or shed but a fence would be permitted on the property line. Mr. Weaver suggested that this be included in the covenants, which can be worked out between the developer and the neighbors. In terms of the list provided by the neighbors, in reference to apartments, the lot on the northeast corner will have zoning that will allow for apartments but a PUD would clarify the use of the ground for assisted living. However, there is a lot in the middle of the subdivision that is proposed for condos which is recognized by the city as multi-family.

**Master Plan Referrals**

3. C3-10-099 Bella Terra, LLC

**REQUEST:** Approval of an amendment to the Future Land Use Element of the City's Master Plan from Open space to a Mixed-Use area for property located Southeast of 132nd and Pacific Streets

**LOCATION:** Omaha and 3-mile extraterritorial zoning jurisdiction

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to the items listed on the recommendation report.

Ms. Taylor indicated that a large portion of existing residential lots were not included in the neighbor’s notice and questioned if it would be a technical notice issue. Mr. Weaver answered that the official public notice was correct but a portion of the lots were erroneously omitted in the letter to the neighbors. Bernard in Den Bosch, attorney for City of Omaha, answered that it appears that no one was omitted from the mailing of the notice.

Mr. Kelley moved to APPROVE the amendment to the Master Plan to allow a 30-acre Neighborhood mixed-use area at the intersection of 132nd and Pacific Streets; approval of a 20% variance to allow up to 36-acres of mixed-use development; and approval of an additional 8-acres of mixed-use development only if incidental to the Tri-Faith Campus subject to modifying the development agreement to provide for a non-mixed use alternative. Mr. Nesbitt seconded the motion which carried 6-0 with Ms. Nubel absent.

**Subdivision Plats**

5. C10-10-100 C12-10-101 Bella Terra, LLC

**REQUEST:** Preliminary Plat approval of STERLING RIDGE, a subdivision inside the city limits, with rezoning from DR to DR, R4, R6 and MU (portions of which property lie within the flood fringe and floodway)

**LOCATION:** Southeast of 132nd Street and Pacific Street

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the rezoning from DR to DR, R4, R6 and MU, subject to the applicant submitting, a PUD application for approval for Lot 19; and the applicant submitting an acceptable, final, Mixed Use District Development Agreement in compliance with all applicable regulations, prior to forwarding the rezoning to the City Council. The department also recommends approval of the
preliminary plat, subject to submittal of a revised preliminary plat and final plat that addresses and/or includes the 16 items on the recommendation report.

Mr. Deeb moved to APPROVE the rezoning from DR to DR, R4, R6 and MU, subject to: 1) The applicant submitting, for approval, a PUD application for Lot 19; and, 2) The applicant submitting an acceptable, final, Mixed Use District Development Agreement in compliance with all applicable regulations, prior to forwarding the rezoning to the City Council. Approval of the preliminary plat, subject to submittal of a revised preliminary plat and final plat that addresses and/or includes the following: 1) Providing a street connection to the south at 130th Street; 2) Providing a street connection to the east at Crawford Road; 3) Providing a secondary connection to Street E; 4) Including a note on the plat that states that there shall be no access to Street B from Lot 2 or 3, to Street A from Lot 14, except opposite Street C, and to Street A from Lots 1 or 19 for the first 200 feet from Pacific Street; 5) Providing noise attenuation easements (115’ from the centerline on 132nd and Pacific Streets) for the residentially zoned lots adjacent to those streets; 6) Providing that all streets in the residential area have a minimum horizontal radius of 100 feet and that all streets in the commercial areas have a minimum horizontal radius of 200 feet; 7) Submittal of a bike parking plan; 8) Providing a letter from METRO (formerly MAT) indicating that the applicant has worked with METRO to accommodate transit service now or in the future; 9) Providing for all improvements identified in the final, approved, traffic study; 10) The applicant continuing to coordinate with the City regarding detention basins that will allow restoration of Hell Creek downstream; 11) Submittal of a Post Construction Storm Water Management Plan (PCSMP), as provided in Section 32-122, with a proposed implementation schedule or sequence of phase construction (Section 53-6(c)); 12) Coordinating with the Parks Department regarding a “neighborhood park” with connections to the neighborhoods to the south and east; 13) Including provisions for the use, ownership and maintenance of the outlots in the subdivision agreement; 14) Submittal of a tree canopy loss analysis and mitigation plan; and 15) Providing for the private funding of all improvements. Mr. Neary seconded the motion which carried 6-0 with Ms. Nubel absent.

**Special Use Permits**

6. C8-10-149
   
   Khalil Eljamal
   
   REQUEST: Approval of a Special Use Permit to allow Automotive sales in a CC District

   LOCATION: 12901 “Q” Street

Khalil Eljamal was not present.

No one appeared in opposition.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the Special Use Permit subject to the six items listed on the recommendation report.

Mr. Rosenbaum moved to APPROVE the Special Use Permit to allow Automotive sales in a CC District, subject to: 1) Submittal of an acceptable revised site plan showing the following prior to forwarding this request to the City Council: a) A 15’ landscaped bufferyard along “Q” Street, except under the existing canopy, with a 4’ tall landscape screen; b) Parking lot design showing the required minimum number of stalls, one of which must be handicapped accessible; c) A sidewalk from “Q” Street to the south property line, along Deauville Drive; and d) A total of 16 trees, 4 along each property line; 2) Compliance with the revised site plan; 3) Compliance with the proposed operating statement; 4) Display of vehicles for sale limited to the area under canopy only; 5) All signage in compliance with the MCC regulations, including removal of the existing pole sign; and 6) Compliance with all applicable regulations, including exterior lighting. Mr. Deeb seconded the motion which carried 5-1 with Ms. Nubel absent and Mr. Nesbitt dissenting.
At the Planning Board meeting held on December 1, 2010, Mr. Mark Westergard, E & A Consulting Group, 330 North 117th Street, appeared before the board on behalf of the applicant. Mr. Westergard stated the development would have 13 acreage lots with a fire station. Preference of the lots will be given to members of the Irvington Volunteer Fire Department for purchase of those lots to reduce response time for EMT and fire service in the area. As indicated, the primary access for the fire station will be to the north going out onto 72nd Street with a secondary private access to Northern Hills Drive. The fire station building will be orientated so that it does not face 72nd Street with a parking area to the east and more parking to the south. There is no building allowed or activities allowed that constitute public assembly within the runway protection zone (RPZ) area as indicated by the heavy red line as shown. There are no conditions except compliance with provisions for the Conditional Use Permit. Mr. Westergard stated the staff has recommended approval and he offered to answer any questions.

Mr. Jess Brown, Chair of the District Fire Protection Board, 6703 North 92nd Street, appeared before the board. Mr. Brown indicated that he is in favor of the request because of the lower response time due to the firemen living close enough to the station.

Mr. Keith Edquist, owner/operator of the North Omaha Airport, 12005 North 72nd Street, appeared before the board. Mr. Edquist stated he is not opposed to the new proposed fire station but is concerned about the safety issues that are created by building the fire station near the end of the North Omaha Airport’s runway. According to the FAA, the function of the RPZ is to enhance and protect the people on the ground. The land uses prohibited from the RPZ are residences and places of public assembly (churches, schools, hospitals, office buildings, shopping centers, etc.) and other similar uses with concentration of people. Fuel storage facilities may not be located in the RPZ. He stated he is concerned for safety, not only for the pilots that fly in and out of the North Omaha Airport, but the safety of the people on the ground. The Irvington Fire Department wants to construct a fire station on this 20-acre site in the most unsafe area that could possibly be built which is 900 feet from the end of an active runway. Mr. Edquist quoted from comments by the fire department: 1) “There will be training that happens in and around the station, generally speaking this training happens on Thursday evenings and on Saturdays.” Mr. Edquist stated that the busiest time for the airport is evenings and Saturdays. 2) “We are planning to have outside training areas on the 3 ½ acre site area designed for the fire station. This would include vehicle extraction, vehicle fire practice, ventilation, driving training, pumper practice, aerial practice and the possibility of a live fire simulator.” Mr. Edquist stated that these all means smoke which is not very good for pilots coming in and going out of the North Omaha Airport. 3) “There will be one lot dedicated to a community area (picnics and playgrounds, etc.).” Mr. Edquist questioned the location of the lot in the subdivision and whether public events like barbeque feeds, pancake breakfasts, open houses, street dances or other fundraising events will be held typically done by a volunteer fire department. Routinely, a development of this nature would normally go through the planning process and would include comments from the FAA and the Department of Aeronautics from the State of Nebraska because of the proximity to the airport. The planning process should include the filing of a Form 7460 that should describe and show in detail the height of the building, the height of the siren, the height of the host tower, location of the fuel storage facility and the type of training and public events held on the site. Lastly and more importantly, the fire department needs to show that they can obtain insurance for public events held in the area. Mr. Edquist suggested building the fire station in the easterly part of the 26 acres where it would be the safest possible place. Normally, fire stations that are located around airports are off to the side and not at the end of a runway.

Mr. Jay Ross, 6101 Northern Hills Drive, appeared before the board in opposition. He stated that approximately five or six years ago there was an actual plane crash with a fatality on the proposed site. Mr. Ross questioned the need for another fire station. The location of the proposed fire station will be ¾ mile from the most eastern boundary of the Irvington Volunteer Fire Department area. The Ponca Hills Volunteer Fire Department, located approximately two miles away, covers the area actively.
In response to Mr. Deeb concerning the FAA approval, Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the FAA approval would be issued with the building permit.

Mr. Deeb questioned if the fire department would consider locating the fire station on another part of the property that is not located at the end of the runway. Nolan Paulson, Fire Chief, Irvington Fire Department, answered that the fire station is more desirable closer to 72nd Street with regard to access and consideration was taken to be further away from the existing residents to the north. The fire station was developed and designed to be a satellite station and secondary to the primary station where 80% of the members reside near. The scope has been changed and will not be developed to need large amounts of space. It will be developed to have apparatus based staging, offices and a conference room for inter-departmental meetings. There will be no room for large scale training exercises therefore the smoke is a mute point. The open houses will more than likely remain at the primary facility. This facility will provide equipment and will get to the northern most area of the district.

Mr. Rosenbaum questioned Mr. Edquist as to why the fire station should be in the northeast portion of the development as opposed to the residential portion of the property. Mr. Edquist stated he stills questions if there will be any public events held at the fire station. He reiterated that the fire station should not be built at the end of the runway.

Mr. Westergard stated the access to 72nd Street is important and the predominance of the activities at the fire station will all occur on the east side of the RPZ on the 72nd Street side. The Outlot A on the north corner is a lot that is set aside partially for the storm water two-year plan with additional space for green space and is the lot discussed for park space. The area south of the fire station will be green space and will stay green space. He also stated that there would be no onsite fuel storage.

Mr. Weaver stated that the department recommends approval of the Conditional Use Permit subject to the six items listed on the recommendation report.

Mr. Deeb moved to APPROVE the Conditional Use Permit to allow Safety services in a DR-ED District, subject to: 1) Recording the Final Plat of Smoky Ridge; 2) Compliance with the proposed site plan; 3) Compliance with the proposed landscape plan; 4) Compliance with the proposed concept building elevations; 5) Compliance with an updated operating statement; and 6) Compliance with all other applicable development regulations. Mr. Deeb seconded the motion which failed 3-3 with Mr. Rosenbaum, Mr. Kelley and Mr. Nesbitt dissenting.

Mr. Nesbitt suggested laying the case over. He stated he would feel more comfortable hearing back from the FAA. Mr. Weaver reiterated that before the building permit can be issued, there would have to be approval from the FAA.

Mr. Nesbitt moved to APPROVE the Conditional Use Permit to allow Safety services in a DR-ED District, subject to: 1) Recording the Final Plat of Smoky Ridge; 2) Compliance with the proposed site plan; 3) Compliance with the proposed landscape plan; 4) Compliance with the proposed concept building elevations; 5) Compliance with an updated operating statement; 6) Compliance with all other applicable development regulations; and 7) FAA approval to be submitted to the City. Mr. Deeb seconded the motion which carried 5-1 with Ms. Nubel absent and Mr. Kelley dissenting.

(REGULAR AGENDA)

Rezonings

13. C10-10-181 REQUEST: Rezoning from GI to R7
    ALIFF Hospitality LOCATION: 1037 South 24th Street

No one appeared before the board in favor of the request.

No one appeared in opposition.
Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval.

Mr. Nesbitt moved to APPROVE the rezoning from GI to R7. Mr. Deeb seconded the motion which carried 5-0 with Ms. Nubel and Mr. Neary absent.

APPROVAL OF MINUTES

Mr. Nesbitt moved to APPROVE the meeting minutes of November 3, 2010 as written. Mr. Kelley seconded the motion which carried 5-0 with Ms. Nubel and Mr. Neary absent.

ADJOURNMENT

Mr. Nesbitt moved to ADJOURN the meeting at 3:35 pm. Mr. Kelley seconded the motion which carried 5-0.

_________________________________________
Date Approved

_________________________________________
Anna Nubel, Chair

_________________________________________
Debbie Hightower, Planning Board
Recording Secretary