PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – March 3, 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, February 22, 2010.

MEMBERS PRESENT: Anna Nubel, Chair
John Hoich, Vice Chair
R. J. Neary
Arnold Nesbitt
Van C. Deeb

MEMBERS NOT PRESENT: Thomas O. Kelley
Greg Rosenbaum

STAFF PRESENT: Rick E. Cunningham, Planning Director
Chad Weaver, Assistant Planning Director
Dave Fanslau, Manager, Current Planning
Cheri Rockwell, City Planner
Alan Thelen, 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 below were voted on concurrently in accordance with the Planning Department’s recommendation report.

Subdivision Plats

4. C12-10-021 D – Approval
REQUEST: Preliminary Plat and Final Plat approval of FORT OMAHA CAMPUS, a minor plat inside the city limits
LOCATION: Northeast of 32nd Street and Sorensen Parkway

Mr. Hoich moved to APPROVE the Preliminary Plat and Final Plat of FORT OMAHA CAMPUS, a minor plat inside the city limits. Mr. Neary seconded the motion which carried 5-0.

Special Use Permits

10. C8-10-024 D - Approval
REQUEST: Approval of a Special Use Permit to allow Scrap and salvage services in a HI District
LOCATION: 902 Grace Street

Mr. Hoich moved to APPROVE the Special Use Permit to allow Scrap and salvage services subject to the following conditions: 1.) the applicant installing an eight (8) foot opaque fence around the entire property prior to receiving a Certificate of Occupancy; 2.) provide the required number of parking stalls determined by Schedule A, Section 55-734; and 3.) compliance with Section 30-81 through 30-110 Salvage Dealers
section of the Municipal Code. Mr. Neary seconded the motion which carried 5-0.

Rezonings

8. C10-09-164 D - Layover
    Park Avenue Legacy, LLC
    REQUEST: Rezoning from R7 and GC to R7
    LOCATION: Northeast of Ed Creighton and Park Avenues

Mr. Hoich moved to LAY OVER the request to allow the applicant to consider all options involving the remainder of the commercially-zoned lots under their ownership. Mr. Neary seconded the motion which carried 5-0.

Conditional Use Permits

11. C7-10-026 D - Layover
    Joel Haver
    REQUEST: Approval of a Conditional Use Permit to allow Automotive repair services in a CC District
    LOCATION: 15949 West Center Road

Mr. Hoich moved to LAY OVER the request to allow the applicant additional time to submit a revised site plan to address the landscaping and parking issues. Mr. Neary seconded the motion which carried 5-0.

(REGULAR AGENDA)

1. C10-03-136 C12-03-137
    Manchester Ridge, LLC
    REQUEST: Final Plat approval of MANCHESTER RIDGE (Lot 102 through 135 inclusive, and Outlot “D” and “E”, a subdivision outside the city limits, with rezoning from AG to DR and R4
    LOCATION: Northwest of 174th Street and North H.W.S. Cleveland Boulevard

At the Planning Board meeting held on March 3, 2010, Chad Weaver, Assistant Planning Director, stated that the planning department recommends approval of the rezoning from AG to DR and R4 and the approval of the final plat subject to an acceptable subdivision agreement prior to forwarding to City Council.

Mr. Neary moved to APPROVE the rezoning from AG to DR and R4. Approval of the Final Plat of Manchester Ridge (Lot 102 through 135, inclusive, and Outlot “D” and “E”), subject to submittal of an acceptable subdivision agreement. Mr. Nesbitt seconded the motion which carried 5-0.

(REGULAR AGENDA)

Master Plan Referrals

2. C3-10-022
    Planning Department on behalf of the City of Omaha
    REQUEST: Approval of an amendment to Section 55-651 through 663 FF flood fringe district and FW floodway districts of the Omaha Municipal Code
    LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on March 3, 2010, Chad Weaver, Assistant Planning Director, stated that there are small text changes to the ordinance relating to the flood districts. The timing is relative to
new flood mapping for new areas including the west branch per FEMA's requirements. In addition to the 100-year flood fringe, there is a future flood fringe that includes the expansion of the flood area as upstream development and impervious surfaces are added. This will be adopted as a portion of the flood fringe zoning that will not require flood insurance but will be in the zoning jurisdiction and the same restrictions will apply.

Mr. Weaver verified for Mr. Neary that there were previous public input meetings with property owners and the property owners were notified numerous times at this point. Property owners have to be notified pursuant to the change of the mapping. The future flood fringe district was elected to get as many people apprised of the potential early on before something happens. The property owners in this jurisdiction would not be eligible for flood insurance if the city does not stay compliant with FEMA's regulations. Ms. Nubel stated that the property owners would have the opportunity to seek flood insurance if needed. Mr. Weaver stated that property owners could obtain flood insurance at a lower rate before they are added to the floodway zone.

Mr. Neary moved to APPROVE the proposed amendment according to the planning departments recommendation. Mr. Nesbitt seconded the motion which carried 5-0.

### Subdivision Plats

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<th>No.</th>
<th>REQUEST</th>
<th>LOCATION</th>
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<td>3.</td>
<td>Preliminary Plat and Final Plat approval of WOODLAND RIDGE, a minor plat inside the city limits, with rezoning from R4(35) to R5</td>
<td>Northwest of 42nd and Lake Streets</td>
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At the Planning Board meeting held on March 3, 2010, Bob Peters, 3552 Farnam Street, presented this request on behalf of the project developer which is the City of Omaha. Woodland Ridge subdivision is the first phase of a multi phase implementation of infill housing opportunities in the Clifton Hills South neighborhood. The housing on Lake Street deteriorated over a number of years and buildings were demolished. Several years ago, the city implemented the Clifton Hills South redevelopment plan calling for the acquisition of vacant parcels and the development of single-family, owner-occupied opportunities. The first phase is five lots that will be replatted to seven lots allowing for three attached duplex-type home structures and one single-family free standing home on the north side of the site. The project hopes to be under construction in the summer of 2010 with a final plat by the end of 2010. The price range should be in the $150,000 range, three bedrooms, 2.5 baths with 1,300 and 1,400 square feet. The city is undertaking this project through the housing and community development program and began the site development packages and amenities in 2009. At the present time there is an east-west alley that has a grade of approximately 20% and is basically impassable. The plan is to lower the profile of the alley by creating a private drive at a lower elevation to 42nd Street allowing for more casual and accessible ingress and egress to the seven homes. The concept for the development of the site was based upon a project that was completed in the 1980's located near 61st & Lafayette called "Treehouse". There could be a provision in the subdivision agreement to allow access to the new drive and attachment to the private drive when the properties to the north are developed.

Mr. Peters responded to Mr. Neary’s questions about the alley and stated that the alley is unimproved at this time and is overgrown with scrub brush and trees. There is limited access of the homes on the north side of the alley and there are utility services that would make a reconfiguration impossible. The alley right-of-way has remained as part of the development of the project concept and Public Works has expressed to not vacate the alley.

Mike Paukert, Public Works, referred to Mr. Weaver regarding the language for the alley.

Chad Weaver, Assistant Planning Director, stated the planning department recommends approval subject to 1.) the applicant paving the adjacent alley to 42nd Street or alternate access agreement acceptable to Public Works; and 2.) rebuilding the sidewalks adjacent to the site and approval of the final plat as
amended by the preliminary plat conditions of approval.

Mr. Hoich moved to APPROVE in accordance with the planning departments recommendations subject to 1.) The applicant paying the adjacent alley to 42nd Street or providing an alternate access agreement acceptable to the Public Works department; and 2.) rebuilding the sidewalks adjacent to the site. Approval of the final plat as amended by the preliminary plat conditions of approval, subject to the submittal of an acceptable subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 5-0.

### Overlay Districts

5. **C10-10-025**
   - **REQUEST:** Approval of an ACI-2(65) and an ACI-2(PL)-Area of Civic Importance Overlay District
   - **LOCATION:** Dodge Street from 69th to 90th Streets and 72nd Street from Cass to Pacific Streets

At the Planning Board meeting held on March 3, 2010, Jed Moulton, Urban Design Administrator, Planning Department, stated he would answer any questions with regard to the ongoing effort of implementing the Area of Civic Importance on overlay zoning.

Mr. Neary moved to APPROVE the proposed amendment. Mr. Hoich seconded the motion which carried 5-0.

### Rezonings

6. **C10-10-023**
   - **REQUEST:** Rezoning from DR to R5
   - **LOCATION:** 19136 Harrison Street

At the Planning Board meeting held on March 3, 2010, Mick McGuire, Straightline Design, 3925 South 147th Street, Suite 119, presented this request on behalf of the applicant. Mr. McGuire stated that the original request was for a rezoning of R5 but there has been an agreement for R3 zoning after discussion with the city.

Mr. McGuire inquired as to when the driveway would have to be removed. Chad Weaver answered that the driveway could remain as long as the property remains a single-family residence. If the property further subdivides or develops into anything else, the access will need to come from the public streets on the rear. Mr. Weaver stated that the planning department recommends denial of the original request from DR to R5 and approval of the rezoning from DR to R3.

Mr. Nesbitt moved to APPROVE the denial of the rezoning from DR to R5 and APPROVE the rezoning from DR to R3. Mr. Hoich seconded the motion which carried 5-0.

7. **C10-10-027**
   - **REQUEST:** Rezoning from R5(35) to R5 with a Repeal of a PK-Parking Overlay District
   - **LOCATION:** 140 North 41st Street

At the Planning Board meeting held on March 3, 2010, Gerald Reimer, 4880 South 131st Street, appeared before the board. Mr. Reimer stated that he would like to develop small townhomes on the subject property but there is currently a parking overlay. The parking lot has been abandoned for a number of years.

Megan Smith, 368 North 41st Avenue, President of the Joslyn Castle Neighborhood Association appeared
before the board. Ms. Smith stated the neighborhood association supports the request.

Deanne Janicek, 4103 Davenport Street, appeared before the board in opposition. Ms. Janicek stated her property is adjacent and located north of the parking lot. She stated the project is not appropriate with the land but she was more concerned about the garages, the alley and the location of six air conditioning units being squeezed onto the property. Ms. Janicek stated her garage will be located next to the proposed garages and there is concern about having enough room to back out of her garage. She questioned the price range of the units and whether they will be sold or rented and will the property be kept up. In response to Mr. Nesbitt, Ms. Janicek stated she would prefer nothing be built on the property. Ms. Nubel questioned if she was at any of the neighborhood meetings. Ms. Janicek stated she was unable to attend the meetings.

Mr. Reimer answered that the units will be rental units and the buildings will be brick to mimic a historic building in the neighborhood. The units are designed so that they can be sellable. The garage will be detached and the design of the garage will match the historic building. The set back of the townhomes will align with existing houses on the block. The garages will be placed in the rear of the yard therefore leaving enough room for a yard. He stated that the air conditioning units will most likely be located at the rear of the buildings. Mr. Reimer agreed to not install the air conditioning units where they are visible to Ms. Janicek.

In response to Chad Weaver’s question regarding improvements to the alley, Mr. Reimer answered that the alley is not in bad shape but he would add additional concrete, if needed.

Ms. Nubel asked Ms. Janicek if her concerns were answered. Ms. Janicek questioned what would happen between her property line and the side of the proposed building. Mr. Reimer answered that the side yard would include landscaping and that he would be willing to work with Ms. Janicek. Mr. Reimer assured Ms. Janicek that he would work around her walnut trees.

Chad Weaver, Assistant Planning Director, stated the project is acceptable for the area and is not single-family but the density matches up with the Master Plan. The planning department recommends approval from R5(35) to R5 and Repeal of the PK-Parking Overlay District.

Mr. Neary moved to APPROVE the rezoning from R5(35) to R5 and Repeal of the PK-Parking Overlay District. Mr. Nesbitt seconded the motion which carried 5-0.

**Special Use Permits**

9. C8-08-208
   Willie B. Johnson
   REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Day care (general) in a R4(35) District
   LOCATION: 3036 Curtis Avenue

At the Planning Board meeting held on March 3, 2010, Willie Bob Johnson, 3036 Curtis Avenue, representing KBL Childcare Center, appeared before the board. Mr. Johnson submitted a diagram of the location of the day care at 3036 Curtis Avenue and requests that the childcare applicants be raised from 30 to 50. The property was purchased the beginning of 2008 and was renovated through June 2009. Mr. Johnson stated he has been involved in child care in excess of 40 years to include director of Boy’s and Girl’s Clubs in Omaha and Tennessee for over 35 years, the Omaha Home for Boys for 9 years and the youth program for Whitman of the World. The parking stalls have been increased to 8 to satisfy the zoning requirements which is ample parking for the staff and two day care vans. There is no off-street parking but the drive is a circle drive to accommodate drop offs. There are only four parents that drop off and pick up their children at the day care center. During the year of preparation, the facility was in the process of completing all city codes and FEMA storm shelter requirements. In addition, a sprinkler system was installed along with ADA lighting throughout the facility to complete the Certificate of Occupancy. Mr. Johnson stated that all safety and environment requirements have been met and he
feels that he should be able to bring his facility to a capacity of 50 to meet financial obligations as a
business owner. Assistance is received from the state through Title 20 clients at a pay rate of $5.00 per
hour for infants and $4.00 per hour for toddlers. The staff is paid approximately $8.00 per hour to
maintain a decent staff. The area was chosen to meet the needs of low-income areas. The hardship
would be the ability to utilize the facility to 90% of the capacity. The facility is 2,800 square feet and three
classrooms are vacant and the basement is not being utilized.

Mr. Nesbitt asked Mr. Johnson for the address of a previous ran day care facility that was 1,900 square.
Mr. Johnson stated that the previous facility was located in a business building at 3536 Jaynes Street.
Mr. Nesbitt asked if there is a community need for the additional 20 or is the additional 20 a need to meet
financial obligations. Mr. Johnson stated the need is both but to run a day care there is a need to have
approximately 50 children because the state does not pay for children who do not attend the day care
center. There is a need to have additional children due to the fact that children are always out for one
reason or another.

Chad Weaver, Assistant Planning Director, stated that just because the day care center is limited to 30
children, there could be more than 30 on the roster as long as there are no more than 30 children at the
center at one time. Mr. Weaver stated that along with the previous recommendation, 30 children are
possibly excessive and 50 children are definitely excessive. The planning department recommends
denial from 30 to 50 children because it would not be appropriate along with the traffic and parking issues
among single-family homes. Mr. Weaver stated these are not new rules but basically eight children by
right is allowed in a residential district and the planning department will often go up to 12 and possibly 20
if the facility is located on a corner or near a collector street. This facility is in that range, near the church
and near 30th Street but there are still single-family homes, therefore 24 is the highest the planning
department would consider in a similar situation. The planning board and city council previously
approved this facility for 30 but 50 would be excessive.

Mr. Nesbitt moved to DENY the proposed major amendment to increase the capacity of the facility from
30 to 50. Mr. Neary seconded the motion which carried 5-0.

APPROVAL OF MINUTES

Mr. Nesbitt moved to APPROVE the meeting minutes of February 3, 2010 as written. Mr. Neary
seconded the motion which carried 5-0.

ADJOURNMENT

Mr. Nesbitt moved to ADJOURN the meeting at 2:25 pm. Mr. Neary seconded the motion which carried
5-0.