MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – May 5, 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, April 26, 2010.

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

MEMBERS NOT PRESENT: Anna Nubel, Chair

STAFF PRESENT: Chad Weaver, Assistant Planning Director
Dave Fanslau, Manager, Current Planning
Cheri Rockwell, City Planner
Alan Thelen, Law Department
Debbie Hightower, Recording Secretary

Mr. Hoich, Vice 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 or at the applicant’s request for the case to be laid over.

Special Use Permits

3. C8-10-035 D - Approval
   Reliant Auto Sales, LLC
REQUEST: Approval of a Special Use Permit to allow Automotive sales in a CC District
LOCATION: 20507 Nicholas Circle, Suite 100

Mr. Kelley moved to APPROVE a Special Use Permit to allow Automotive sales in a CC District, subject to: 1.) compliance with revised site plan and operating statement; 2.) a maximum of 10 display cars on the site, within the designated display area; and 3.) compliance with all applicable codes and regulations. Mr. Deeb seconded the motion which carried 6-0.

Subdivision Plats

8. C10-10-054 D - Approval
   Capitol Rows, LLC
   c/o Mrs. Gail Hawkins
REQUEST: Preliminary and Final Plat approval of REEDS CAPITOL, a minor plat inside the city limits, with rezoning from R8 to CBD/ACI-1 (PL)
LOCATION: Southwest of 22nd and Chicago Streets

Mr. Kelley moved to APPROVE the preliminary plat, subject to retention of necessary utility easements. Approval of the final plat subject to the condition of preliminary plat approval and submittal of an
acceptable final subdivision agreement prior to forwarding the request to the City Council. Approval of the rezoning from R8 to CBD/ACI-1(PL). Mr. Deeb seconded the motion which carried 6-0.

9. C12-10-056 D - Approval  
APEX Acquisitions, Inc.  
c/o Investors Realty  
REQUEST: Preliminary and Final Plat approval of  
PIONEER SQUARE, a minor plat inside the city limits  
LOCATION: 5408 North 99th Street

Mr. Kelley moved to APPROVE the preliminary plat, subject to: 1.) amending the ingress/egress easement to be an ingress/egress and reciprocal parking easement between Lot 1 and Lot 2, Pioneer Square; and 2.) providing sidewalk along Ogden Plaza adjacent to Lot 2. Approval of the final plat as amended by the preliminary plat conditions of approval and submital of a final subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 5-0 with Mr. Neary abstaining.

**Special Use Permits**

11. C8-10-060 D - Approval  
Dart Investments, LLC  
REQUEST: Approval of a Special Use Permit to allow  
Scrap and salvage services in a GI District  
LOCATION: 4918 “F” Street

Mr. Kelley moved to APPROVE the Special Use Permit to allow Scrap and salvage services subject to the applicant submitting the following prior to being forwarded to City Council: 1.) submitting an updated site plan that includes the following: a.) the required number of parking stalls according to Section 55-734; b.) the paved drive aisles for the rentable vehicle storage area; and c.) the location where shipping containers may be stored; 2.) compliance with Section 30-81 through 30-110 Salvage Dealers section of the Municipal Code; and 3.) update the operating statement to include information about the amount of recycling the site can currently maintain and what future projections may be. Mr. Deeb seconded the motion which carried 6-0.

12. C8-10-061 D - Approval  
Nakia Vasser-Brye  
REQUEST: Approval of a Special Use Permit to allow  
Day care (general) in a R4(35) District  
LOCATION: 3368 Grand Avenue

Mr. Kelley moved to APPROVE the Special Use Permit to allow Day care (general) in a R4(35) District subject to the following being addressed prior to the request being sent to City Council: 1.) submittal of an updated site plan that shows 4 parking stalls can fit on site; 2.) submittal of a revised operating statement that limits the hours of operation from 6 a.m. to 6 p.m. and includes the number of employees; 3.) compliance with this revised operating statement; 4.) compliance with all applicable development regulations; and 5.) provide information as to whether or not a storm shelter in compliance with Section 55-787 can be provided on site. Mr. Deeb seconded the motion which carried 6-0.

**Conditional Use Permits**

13. C7-10-062 D - Approval  
Susan Toohey  
Marian High School  
REQUEST: Approval of a Major Amendment to a  
Conditional Use Permit to allow Secondary  
educational facilities, with a waiver of Sec.  
55-146 Height from 35’ to 52’ in a R2 District  
LOCATION: 7400 Military Avenue

Mr. Kelley moved to APPROVE the Major Amendment subject to: 1.) compliance with the proposed site plan; 2.) compliance with the proposed concept landscape plan (tree species, sizes and spacing shall be consistent with the City of Omaha’s Standards for Urban Landscaping Sec. 55-718(c)(3); 3.) compliance with the proposed building elevations; 4.) compliance with the proposed operating statement; and 5.) compliance with all applicable regulations. Mr. Deeb seconded the motion which carried 6-0.
16. C7-10-065 D - Approval
Phillip Webb
Redstone Properties LLC
REQUEST: Approval of a Conditional Use Permit to allow
Medical office in a LO District
LOCATION: 10051 Maple Street

Mr. Kelley moved to APPROVE the Conditional Use Permit to allow Medical office in the LO District
subject to: 1.) compliance with the existing improvements; and 2.) providing 4 additional off-street parking
stalls in the future, if necessary. Mr. Deeb seconded the motion which carried 6-0.

Vacations

17. C14-10-066 D - Approval
Property Owner
REQUEST: Vacation of the north / south alley between
Yates and Burdette Streets from 15th to 16th
Streets

Mr. Kelley moved to APPROVE the proposed alley vacation. Mr. Deeb seconded the motion which
 carried 6-0.

Master Plan Referrals

7. C3-10-069 D - Layover
Planning Department on behalf of
the City of Omaha
REQUEST: Approval of an amendment to Chapter 55
Zoning of the Municipal Code regarding
nonconforming uses
LOCATION: Omaha and 3-mile extraterritorial jurisdiction

Mr. Neary moved to LAY OVER. Mr. Kelley seconded the motion which carried 6-0.

Conditional Use Permits

14. C7-10-063 D - Layover
City of Omaha
REQUEST: Approval of a Conditional Use Permit to allow
Safety services in a R4 District
LOCATION: Northwest of Atlas and "D" Streets

Mr. Neary moved to LAY OVER. Mr. Kelley seconded the motion which carried 6-0.

ADMINISTRATIVE MEETING

1. C10-10-011
C12-10-012
P. Scott Dye, Attorney on behalf
of Douglas County School District
REQUEST: Final Plat approval of CORRIGAN OPS
ADDITION, a subdivision inside the city
limits, with rezoning from HI to R4
LOCATION: Southwest of 42nd and “T” Streets

At the Planning Board meeting held on May 5, 2010, Mr. Chad Weaver, Assistant Planning Director,
Planning Department, presented this request. Mr. Weaver stated that the city recommends approval of
the final plat subject to submittal of an acceptable, final, interlocal agreement and/or subdivision
agreement prior to forwarding to city council.

Mr. Neary moved to APPROVE the final plat subject to submittal of an acceptable, final, interlocal
cooperation agreement and/or subdivision agreement prior to forwarding the final plat to the City Council.
Mr. Kelley seconded the motion which carried 6-0.
HOLD OVER CASES

Rezonings

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

Withdrawn at the request of the applicant.

(REGULAR AGENDA)

Public Hearing and Administrative Meeting

Master Plan Referrals

4. C3-10-057  REQUEST: Approval of an amendment to Chapter 53
       Planning Department on behalf of  Subdivision of the Municipal Code regarding
       the City of Omaha  timing of improvements
       LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on May 5, 2010, Mr. Chad Weaver, Assistant Planning Director,
Planning Department, presented this request.

Mr. Weaver stated that this request is to clarify the language in the code regarding the timeframe for
improvements.

No one appeared in opposition.

Mr. Neary moved to APPROVE the Chapter 53 Amendment regarding timing of improvements. Mr.
Nesbitt seconded the motion which carried 6-0.

5. C3-10-058  REQUEST: Approval of an amendment to Chapter 55
       Planning Department on behalf of  Zoning of the Municipal Code regarding off-
       the City of Omaha  street parking for General retail sales
       LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on May 5, 2010, Mr. Chad Weaver, Assistant Planning Director,
Planning Department, presented this request.

Mr. Weaver stated that this request is to correct a formatting error that occurred when the code was
printed with no text or content changes. Mr. Weaver stated that the Planning Department is
recommending approval of the amendment.

No one appeared in opposition.

Mr. Kelley moved to APPROVE the Chapter 55 Amendment regarding off-street parking. Mr. Deeb
seconded the motion which carried 6-0.

6. C3-10-067  REQUEST: Approval of an amendment to Chapter 55
       Planning Department on behalf of  Zoning of the Municipal Code regarding Off-
       the City of Omaha  street parking permits
       LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on May 5, 2010, Mr. Chad Weaver, Assistant Planning Director,
Planning Department, presented this request.

Mr. Weaver stated that this request is to correct a heading that was omitted from a fee schedule. Mr. Weaver stated that the Planning Department is recommending approval of the amendment.

No one appeared in opposition.

Mr. Neary moved to APPROVE the Chapter 55 Amendment regarding off-street parking permits. Mr. Kelley seconded the motion which carried 6-0.

Rezonings

10. C10-10-059  
Robert Remack  
REQUEST: Rezoning from GI to R5  
LOCATION: 1511 and 1515 William Street and 1401 South 16th Street  

At the Planning Board meeting held on May 5, 2010, Mr. Robert Remack, 12925 West Dodge Road, attorney, appeared before the board on behalf of the owner and agreed to answer any questions.

Anna Manuell stated she resides at 1231 South 15 Street and owns property at 1401 South 16 Street. She questioned whether the property would be sold or rented and there was concern that the property would not be maintained.

Mr. Remack assured Ms. Manuell that the intended use for the property is residential. The homes are presently being leased under a land contract. The individuals living in the property plan to purchase the property but the lender will not complete the purchase with the present zoning.

Mr. Tony Plaza, 10545 Adams Street, owner, stated the property on William Street will be improved and all code violations will be remedied.

Mr. Nesbitt moved to APPROVE the rezoning from GI to R5. Mr. Deeb seconded the motion which carried 6-0.

Conditional Use Permits

15. C7-10-064  
L & M Enterprises  
REQUEST: Approval of a Conditional Use Permit to allow Single-family (attached) in a R4(35) District  
LOCATION: 5445 South 51st Street  

At the Planning Board meeting held on May 5, 2010, no one appeared before the Board to present this request.

No one appeared in opposition.

Mr. Chad Weaver, Assistant Planning Director, stated that the department recommends approval for a single-family attached home subject to the items listed on the recommendation report.

Mr. Kelley moved to APPROVE the Conditional Use Permit to allow Single family residential (attached) in the R4(35) district subject to: 1.) compliance with the site plan and elevation that show the attached structures with an offset of at least 10% of the common wall length, including the staggered roofline; 2.) approval of a subdivision plat to combine the 5 lots into 4 lots including a note on the plat that states that the current and future property owner(s) waive right to oppose the creation of a future street improvement district; 3.) coordinate with the Public Works Department regarding grading the drainage ditch to facilitate proper drainage by utilizing the drainage inlets, including the reopening of the 51st Street inlet; and 4.) compliance with all applicable code regulations. Mr. Nesbitt seconded the motion which carried 6-0.
APPROVAL OF MINUTES

Mr. Kelley moved to APPROVE the meeting minutes of April 7, 2010 as written. Mr. Deeb seconded the motion which carried 5-0 with Mr. Nesbitt abstaining.

ADJOURNMENT

Mr. Neary moved to ADJOURN the meeting at 1:55 pm. Mr. Kelley seconded the motion which carried 6-0.

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Date Approved

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Anna Nubel, Chair

Debbie Hightower, Planning Board
Recording Secretary