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, June 28, 2010.

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

MEMBERS NOT PRESENT: Greg Rosenbaum

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

Ms. Nubel, 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.

Subdivision Plats

7. C12-10-091 (D) Liberty Bank, FSB
REQUEST: Preliminary and Final Plat approval of MAPLE CREEK REPLAT 2, a subdivision outside the city limits
LOCATION: Southwest of 162nd Street and West Maple Road

Mr. Hoich moved to APPROVE the preliminary plat subject to: 1.) A shared access easement included on the plat; and 2.) A minor amendment to the Maple Creek Mixed use District Development Agreement. Approval of the Final Plat as amended by the conditions of preliminary plat approval. Mr. Neary seconded the motion which carried 6-0.

Rezonings

9. C10-10-088 (D) Ivy Dow
REQUEST: Rezoning from GI-ACI-1(50) to NBD-ACI-1(50)
LOCATION: 1908 South 13th Street

Mr. Hoich moved to APPROVE the rezoning from GI-ACI-1(50) to NBD-ACI-1(50). Mr. Neary seconded the motion which carried 6-0.
10. C10-10-090 (D)  
Michael Helmers & Petra Rangel  
REQUEST: Rezoning from HI to R4  
LOCATION: 4970 South 36th Avenue  

Mr. Hoich moved to APPROVE the rezoning from HI to R4. Mr. Neary seconded the motion which carried 6-0.

**Special Use Permits**

12. C8-10-089 (D)  
Parks and Recreation Department on behalf of the City of Omaha  
REQUEST: Approval of a Special Use Permit to allow development in the North Hills Environmental Resources Overlay District  
LOCATION: 11808 John J. Pershing Drive  

Mr. Hoich moved to APPROVE the Special Use Permit to allow development in the North Hills Environmental Overlay District, subject to: 1.) Approval of the project design by the Urban Design Review Board; and 2.) Planning Department approval of the location of the septic system. Mr. Neary seconded the motion which carried 6-0.

**Conditional Use Permits**

13. C7-97-082 (D)  
Andrew Groothuis  
REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in an R2 District  
LOCATION: 1821 North 90th Street  

Mr. Hoich moved to APPROVE a Major Amendment to a Conditional Use Permit to allow Religious assembly in an R2 District subject to: 1.) Receiving a waiver from the Zoning Board of Appeals for an increase in impervious coverage prior to applying for building permits for phase 2 (expansion of the parking lot); 2.) Providing an amended site and landscape plan indicating the appropriate vegetative screening for the south side of the expanded parking lot and extending the sidewalk along the Decatur Street frontage prior to applying for building permits for this future phase; 3.) Compliance with the proposed site and landscape plan; 4.) Compliance with the proposed building elevations; 5.) Compliance with the proposed operating statement; and 6.) Compliance with all other applicable regulations. Mr. Neary seconded the motion which carried 6-0.

**Vacations**

14. C14-10-028 (D)  
Property Owner  
REQUEST: Vacation of 40th Street from Dewey Avenue to Emile Street  

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

**Administrative Meeting Only**

1. C12-09-160  
Incontro Enterprises, LLC  
REQUEST: Final Plat approval of INCONTRO VILLAGE, a subdivision inside the city limits  
LOCATION: Southeast of 60th and Spring Streets  

At the Planning Board meeting held on July 7, 2010, Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the City recommends approval subject to approval of the final plat, subject to submittal of an acceptable final subdivision agreement prior to forwarding to the City Council.
Mr. Neary moved to APPROVE the final plat, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 6-0.

Public Hearing and Administrative Meeting

HOLD OVER CASES

Master Plan Referrals

2. C3-10-071
   Notre Dame Apartments, LLC
   REQUEST: Approval of the NOTRE DAME, LLC TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 3501 State Street

At the Planning Board meeting held on July 7, 2010, Ms. Bridget Hadley, City Planner, Planning Department, presented this request.

Ms. Hadley stated that this project is located at the site of the Notre Dame Academy and Convent. The project will be a renovation and conversion of 32 units that will be renovated into energy efficient senior housing with 32 additional units converted in the central and west wing of the building. The building is listed on the National Historic Preservation and local Landmarks list. The oldest portion of the building is 85 years old and the two wings are approximately 45 years old. This request is an attempt to revive the building and achieve a greater use thus creating new housing for seniors making it more suitable for apartment living.

No one appeared in opposition.

Mr. Neary moved to APPROVE the TIF Redevelopment Project Plan. The project site and area must meet the requirements of Nebraska Community Development Law and qualify for the submission of an application for the utilization of Tax Increment Financing (TIF) to cover cost associated with project development as submitted for approval through the Tax Increment Financing process. Mr. Nesbitt seconded the motion which carried 5-0 with Mr. Kelley abstaining.

Special Use Permits

3. C8-91-008
   Hawkins Construction Company
   REQUEST: Approval of a Major Amendment to a Special Use Permit to allow a Landfill (nonputrescible solid waste disposal) in a GI District
   LOCATION: Southeast of 62nd and “Q” Streets

At the Planning Board meeting held on July 7, 2010, Mr. Larry Jobeun, Fullenkamp Doyle & Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Jobeun stated the recommendation was reviewed and was acceptable. A landscape and buffering plan has been redesigned for the west side of the project site.

Sean Kelley, 7134 Pacific Street, appeared before the board to represent Horsemen’s Park, the adjacent landowner. There are no objections to the request if the landscape plan is carried out as agreed to in principal.

Dan Hazuka, 6011 Holmes Street, appeared before the board in opposition. Mr. Hazuka, who represents the Weircrest Neighborhood Association, stated he is concerned about a landfill, what will actually be in the landfill and how it will be regulated. There are additional concerns relating to the height of the landfill, time limits and how soon the perimeter will be covered and dust and noise from more trucks in the neighborhood.
Mr. Jobeun stated many of the neighborhood concerns were addressed in the submittal package. The existing site is 16.9 acres and serves as Hawkins construction yard. A construction demolition landfill is currently permitted on the south site which is actually 30’ in elevation. The proposed increase in elevation for the sculptured landfill will be 50’ in some places with two peaks and a 3 to 1 slope down to the berms. There will be berming and landscaping on all sides including 60th Street, Q Street and the Horsemen’s Park side. There will be an additional dedication right-of-way, existing low flow channel that will be relocated, sidewalks and the initial Phase I berm will be located on all sides to minimize the impact to adjacent properties. A Phase II berm and landscaping will be constructed as the project moves ahead therefore the impact will be minimal or non-existent to the adjacent properties. There are stringent guidelines and regulations by the Nebraska Department of Environmental Quality and a number of state laws and regulations that govern the use and operation of a construction demolition landfill. Only nonputrescible materials (rock, concrete, soils, piping, drywall) will be allowed in the landfill. The landfill will not allow asbestos, tires, fuel, etc. There will be an employee on site at all times who is trained to recognize acceptable materials. There will be approximately 18 truckloads per day, which represents less than 1% of the traffic on 60th Street south of Q Street.

In response to Ms. Nubel, Mr. Jobeun stated the hours of operation would be sun up to sun down. The noise ordinance prohibits working prior to 7 a.m. or after 10 p.m.

Mr. Neary questioned the estimated time for the Phase I berm. Mr. Jobeun stated the Phase I berm will be constructed prior to any import of landfill material. The construction of the Phase II berm will depend on the amount of material that is brought in.

Ms. Nubel questioned the height of the final Phase III berm. Mr. Jobeun stated there would be two 50’ points with regard to the berms. Mr. Jobeun submitted photos illustrating two different proposed streetscapes with regard to the 50’ berms upon completion of the Phase III berm. He stated that the intended use for the landfill in the future is to turn it into a green space. Mr. Jobeun confirmed that this application does not include a rock pressure for recycling asphalt or concrete.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the city recommends approval of the major Amendment to a Special Use Permit subject to the five items listed on the report with a condition that a public sidewalk to be constructed along both 60th and Q Streets adjacent to the site.

Mr. Nesbitt moved to APPROVE a Major Amendment to a Special Use Permit to allow a Landfill (nonputrescible solid waste disposal) in a GI District (portions of which property lie within the Flood Fringe) subject to: 1.) Submit landscaping plans that includes details for the bufferyard along 60th Street; 2.) Dedicate the required right-of-way width along “Q” Street; as determined by the Public Works Department; 3.) Finish all channel work, landscaping and berming along Q Street before fill can begin to be deposited in this area of the site; 4.) Comply with the site and operating plans; 5.) Comply with Chapter 33 of the Municipal Code and all State and County requirements; and 6.) Public sidewalk to be constructed along both 60th and Q Streets adjacent to the site. Mr. Hoich seconded the motion which carried 5-0 with Mr. Kelley abstaining.

(REGULAR AGENDA)

Master Plan Referrals

4. C3-10-086 Planning Department on behalf of the City of Omaha

   REQUEST: Approval of an amendment to Chapter 55 Zoning of the Municipal Code regarding off-street parking regulations

   LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on July 7, 2010, Mr. Chad Weaver, Assistant Planning Director,
Planning Board Meeting
July 7, 2010
Page 5

Planning Department, presented this request.

Mr. Weaver stated that this request is to correct a misspelling in the original code.

No one appeared in opposition.

Mr. Nesbitt moved to APPROVE the Chapter 55 Zoning of the Municipal Code regarding off-street parking regulations. Mr. Deeb seconded the motion which carried 6-0.

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

REQUEST: Approval of a Blighted and Substandard Designation

LOCATION: Pacific to Charles Street, 33rd to 52nd Street, Leavenworth to Pacific Street and 52nd to 60th Street

At the Planning Board meeting held on July 7, 2010, Ms. Bridget Hadley, City Planner, Planning Department, presented this request.

Ms. Hadley stated that this blight and substandard designation would be called “Destination Midtown West” bounded by 52nd Street to the west, 33rd Street to the east, Charles Street to the north and Pacific Street to the south. She stated that a public meeting was recently held to inform the immediate neighborhood about the blight and substandard study. The indicated area was chosen to identify the area that encompasses the greatest potential for development, redevelopment, investment and reinvestment in the study area. Census tract boundaries were used to define boundaries and analyze the data for blight and substandard characteristics. There are eight census tracts within the boundaries that represent the study area.

Ms. Hadley indicated several corridors with the greatest potential for future commercial development; Northwest Radial Highway that turns into Saddlecreek, Cuming Street, Dodge Street, Farnam Street, Harney Street and Leavenworth. The proposed area includes several ACI districts, proposed ACI districts and several sporadically completed TIF projects. Blighting a larger area will allow the city to approve more TIF projects and improve the public infrastructure within the eastern core of the city. The designation would be used as a prerequisite or a tool for TIF projects to revitalize the area. TIF eligible costs associated with these different projects will be acquisition, demolition, site preparation, environmental and remediation, grading and public improvements. TIF is the primary tool to incentivize development, redevelopment, investment and reinvestment back into the core area and gives the city leverage to encourage the kinds of development and the physical kind of development as envisioned by the Master Plan. Other than regulatory requirements, this will allow the planning department to help enforce the implementation of the Master Plan elements. The blight and substandard designation does represent a proactive approach and a shift in policy to help incentivize the type of investment desired. Recent adoptions to the Master Plan demonstrate movement to a more traditional pedestrian-oriented form of development. Special urban design districts promote development of walkable mixed-use districts that have been identified in the urban design element. Most recently, the proposed environmental element includes a number of policy changes that reflect the quality and character of public infrastructure in the terms of urban form, transportation and community health. These represent a significant shift in policy regarding the quality and character of public infrastructure in the eastern parts of the city. These policy changes serve to mitigate the development trend and associated infrastructure concerns. Many commercial arterial areas will require significant rehabilitation to public infrastructure such as adding sidewalks, lighting and on street parking which has been a burden on the developer and acts as a disincentive. Regarding the census tracts, characteristics within the study area have a minimum of two blighted characteristics: higher unemployment, greater than 120% of the state average below per capita income than the average of the City of Omaha, average age of the structures greater than 40 years old and population loss. Additionally, the areas within census tracts display the following characteristics that happen to limit investment in development areas that are identified; storm water distribution and control problems within the area. There are conditions within the area that substantially impair and limit sound
growth and constitute an economic liability; land use difficulties that relate from transitioning from heavy industrial to down zoning to mixed-use classifications, underutilization of vacant properties in former industrial areas, and public infrastructure throughout the eastern parts of the city that are in a serious state of disrepair and commercial arteriors in the eastern part of Omaha that will require significant rehabilitation.

No one appeared in opposition.

Ms. Nubel questioned if any of the large places within the area, such as the former Target building on Saddlecreek, UNMC, VA Hospital, were contacted. Ms. Hadley stated there have been discussions with a variety of those entities that are interested in expanding projects as well as future expansion plans and other types of development. TIF will be a huge tool to move these projects forward.

Mr. Neary moved to APPROVE the Blighted and Substandard Designation. The approval is required to authorize the preparation of redevelopment plans which contemplate the utilization of TIF as a financing element in the redevelopment of the area. The area meets the standards established by Nebraska Community Development Law and City Ordinances to be designated as Substandard and Blighted. Mr. Nesbitt seconded the motion which carried 6-0.

6. C3-10-096
Planning Department on behalf of the City of Omaha
REQUEST: Approval of The South Omaha Development Project
LOCATION: Generally bound by Center Street on the north, Harrison Street on the south, the Missouri River on the east and 42nd Street on the west

At the Planning Board meeting held on July 7, 2010, Ms. Ellen Fitzsimons, HDR, 8404 Indian Hills Drive, presented this request.

Ms. Fitzsimons introduced the project and stated the boundaries of the project are roughly Center Street to the county line which is Harrison Street and the river to 42nd Street. The project area covers nine square miles with approximately 40,000 residents. The plans developed were based on public input with approximately 2,000 individuals that contributed input with many outreach projects. Many recommendations were based on the development opportunity assessment which is a market assessment based on strengths and weaknesses of the residential, commercial and industrial market. There is a need to increase housing development and maintenance in the area along with strengthening existing commercial corridors to promote the area and identification of infill investment opportunities. Industry and employment include reviewing ways to assemble land or prepare land, job training and business development strategies. Mobility and parking in the area includes pedestrian safety and general traffic throughout the entire area. There are parking challenges throughout the entire district with an interest on South 24th Street. The parks in the area are heavily used thus creating increased maintenance issues. There is a need for partnerships within neighborhoods to improve maintenance with awareness on the way parks should be used. Marketing and tourism will be promoted throughout the neighborhood both internally and externally by looking for other opportunities for additional attractions. Finally, priorities were outlined and potential partnerships need to be identified.

Karen Mavropoulos, Greater Omaha Chamber of Commerce, 1301 Harney Street, stated steps have been taken by creating a board with a variety of individuals with different levels of expertise. The three main goals are commercial centers and corridors, neighborhoods, and industry and employment. The committees will be involved by communicating with South Neighborhood Alliance, South Omaha Community Development, etc. There will be three committees to meet the three main goals and currently working toward filling the committee positions.

No one appeared in opposition.
Mr. Neary questioned the results of the surveys. Ms. Fitzsimons stated there is a need for additional parking, building maintenance and a need for less congestion. As the planning process was being completed, parking meters were suggested. Issues will be prioritized in regard to housing and economic development job creation.

Ms. Nubel questioned how the involvement of the community would continue. Ms. Mavropoulos stated that it is very important to keep the community involved and aware of the projects through on-going communication.

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

Mr. Kelley moved to APPROVE the South Omaha Development project. Mr. Deeb seconded the motion which carried 6-0.

Overlay Districts

8. C10-10-094 Planning Department on behalf of the City of Omaha REQUEST: Approval of an ACI-1(PL)-Area of Civic Importance Overlay District

LOCATION: 16th to 30th Streets from Harney to Dodge Streets and from 16th to 28th Street from Leavenworth to Harney Streets

At the Planning Board meeting held on July 7, 2010, Mr. Chad Weaver, Assistant Planning Director, Planning Department, presented this request.

Mr. Weaver stated that this request is the first of several segments regarding the ACI Overlay District in the west downtown area.

Peter Curtis, 1508 Winona Lane, appeared before the board in support of the request. Mr. Curtis stated he represents Abundant Mercy Pentecostal located at 420 S 24th Street.

John Hauschild, 4 West Lake Village, Council Bluffs, Iowa appeared before the board. Mr. Hauschild stated he owns a building at 1902 Leavenworth Street and questioned the overlay process.

Mr. Weaver stated the zoning overlay does not change the base zoning but will impact properties that redevelop in the future.

Mr. Neary moved to APPROVE the ACI-1 Overlay District. Mr. Nesbitt seconded the motion which carried 6-0.

Rezonings

11. C10-10-093 Jerard Pearson, Dave Morton, Maria Cutshall, Michael Besch, Scott Tanner

REQUEST: Rezoning from GI to R4

LOCATION: 4901/4903 and 4909 Mayberry; 846, 963 and 969 South 49th Street

At the Planning Board meeting held on July 7, 2010, Mr. Jerard Pearson, 4901/4903 Mayberry, appeared before the board with several other neighbors and presented this request. Mr. Pearson stated he has lived in the neighborhood since 1975 and would like to change the zoning in order to apply for a permit to renovate his property.

Robert Pelshaw, appeared before the board to represent Chris Kozol of Zecka Investments LLC, an adjacent property owner located at 1000 South Saddlecreek Road. He stated Mr. Kozol is in support of
the zoning change but there are concerns that the zoning change will put an undue hardship on the future use of Mr. Kozol’s property to fully utilize the property. Mr. Pelshaw presented several views of the Kozol property and indicated that the property is approximately 18 feet below the adjoining properties with many trees and natural barriers. He stated he would like to request a stipulation that future buffer requirements would be waived for Mr. Kozol’s property.

No one appeared in opposition.

Mr. Pearson stated that he and his neighbors are willing to allow Mr. Kozol do what he wants with his property as long as it is permitted by the city.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated he understands the concern of the neighbors but there is no mechanism to approve any suggested stipulations. Mr. Weaver stated that the staff recommends approval.

Mr. Nesbitt moved to APPROVE the rezoning from GI to R4. Mr. Neary seconded the motion which carried 6-0.

Annexation

11. C10-10-093 REQUEST: Rezoning from GI to R4
    Jerard Pearson, Dave Morton, LOCATION: 4901/4903 and 4909 Mayberry;
    Maria Cutshall, Michael Besch, 846, 963 and 969 South 49th Street
    Scott Tanner

At the Planning Board meeting held on July 7, 2010, Mr. Jerard Pearson, 4901/4903 Mayberry, appeared before the board with several other neighbors and presented this request. Mr. Pearson stated he has lived in the neighborhood since 1975 and would like to change the zoning in order to apply for a permit to renovate his property.

Robert Pelshaw, appeared before the board to represent Chris Kozol of Zecka Investments LLC, an adjacent property owner located at 1000 South Saddlecreek Road. He stated Mr. Kozol is in support of the zoning change but there are concerns that the zoning change will put an undue hardship on the future use of Mr. Kozol’s property to fully utilize the property. Mr. Pelshaw presented several views of the Kozol property and indicated that the property is approximately 18 feet below the adjoining properties with many trees and natural barriers. He stated he would like to request a stipulation that future buffer requirements would be waived for Mr. Kozol’s property.

No one appeared in opposition.

Mr. Pearson stated that he and his neighbors are willing to allow Mr. Kozol do what he wants with his property as long as it is permitted by the city.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated he understands the concern of the neighbors but there is no mechanism to approve any suggested stipulations. Mr. Weaver stated that the staff recommends approval.

Mr. Nesbitt moved to APPROVE the rezoning from GI to R4. Mr. Neary seconded the motion which carried 6-0.
APPROVAL OF MINUTES

Mr. Nesbitt moved to APPROVE the meeting minutes of June 2, 2010 as written. Mr. Kelley seconded the motion which carried 6-0.

ADJOURNMENT

Mr. Neary moved to ADJOURN the meeting at 2:40 pm. Mr. Kelley seconded the motion which carried 6-0.

_________________________________________
Date Approved

_________________________________________
Anna Nubel, Chair

_________________________________________
Debbie Hightower, Planning Board
Recording Secretary