MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – January 5, 2011
LEGISLATIVE CHAMBER - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, December 27, 2010.

MEMBERS PRESENT: Anna Nubel, Chair
John Hoich, Vice Chair
Arnold Nesbitt
R. J. Neary
Greg Rosenbaum

MEMBERS NOT PRESENT: Thomas O. Kelley
Van C. Deeb

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

No one appeared in opposition.

(REGULAR AGENDA)

Subdivision Plats

4. C12-11-003 (D) Kesa Kenny
REQUEST: Preliminary and Final Plat approval of KENNY ORTMAN ADDITION, a minor plat outside the city limits
LOCATION: 13635 Shongaska Road

Mr. Hoich moved to APPROVE the preliminary plat subject to a note being placed on the final plat that Lot 1 and 2 will be required to comply with all provisions of the ED-North Hills Environmental Resources Overlay District. Approval of the final plat as amended by the condition of preliminary plat approval. Mr. Nesbitt seconded the motion which carried 5-0.

Special Use Permits

7. C8-99-198 (D) AT&T Mobility
REQUEST: Approval of a Major Amendment to a Special Use Permit to allow a Broadcast tower with a waiver of Section 55-246 Height, to allow a 112’ tall tower in a R7 District
LOCATION: 2606 Hamilton Street
Mr. Hoich moved to APPROVE the proposed amendment subject to: 1) Compliance with the proposed site plan; 2) Compliance with the proposed elevation(s); 3) Compliance with all applicable regulations; and 4) Issuance of the appropriate building permit(s). Mr. Nesbitt seconded the motion which carried 5-0.

8. C8-11-002 (D)
   Veronica Jones-Long
   REQUEST: Approval of a Special Use Permit to allow Day care (general) in a R4(35) District
   LOCATION: 4478 Ellison Avenue

Mr. Hoich moved to APPROVE the Special Use Permit to allow Day care (general) in a R4(35) District subject to: 1) Compliance with the proposed site plan; 2) Compliance with the proposed operating statement; and 3) Compliance with all applicable regulations. Mr. Nesbitt seconded the motion which carried 5-0.

**Conditional Use Permits**

9. C7-08-073 (D)
   Metropolitan Community College
   REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow College and university facilities in a R4 District, with a waiver of Section 55-186 Height to 70'
   LOCATION: 5300 North 30th Street

Mr. Hoich moved to APPROVE the Major Amendment to the Conditional Use Permit and approval of the waiver of Section 55-186 Height to 70 feet, subject to administrative review and approval of the building elevations of any structure exceeding 35 feet. Mr. Nesbitt seconded the motion which carried 5-0.

**Vacations**

11. C14-11-010 (D)
    Property Owner
    REQUEST: Vacation of a triangular portion of Chicago Street located between 11th and 12th Streets

Mr. Hoich moved to APPROVE the vacation of a triangular portion of Chicago Street located between 11th and 12th Streets, subject to any necessary easements being retained in the vacating ordinance. Mr. Nesbitt seconded the motion which carried 5-0.

**Master Plan Referrals**

1. C3-11-007
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of the FARM CREDIT BUILDING, LLC TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 206 South 19th Street and 2021 Douglas Street

At the Planning Board meeting held on January 5, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the project plan for the Farm Credit Building LLC is to facilitate the use of TIF (Tax Increment Financing) in the amount of $1,765,000 used to offset the rehabilitation and conversion as well as acquisition/ demolition costs and public improvements. The building was formerly an office building and has been designated as a historic building, will be a retrofit conversion with floors 2-10 converted into apartments and the ground floor will be commercial with space for retail and office. The plan will bring much needed revitalization to the section of the downtown core with vacant properties and increases the density of the downtown core by increasing traffic as well as to support the entertainment environment that is being created in the downtown area. It also increases the amount of rooftops as required in the Master Plan.

Mr. Nesbitt questioned the need for more apartments in the downtown area and whether a saturation point has been met. Ms. Hadley stated that the condo market has changed and there is a need for rental units. There is a need for market rate rentals based on the need of corporate developers in the area.
Todd Heistand, developer, Woodbine, Iowa, stated there is a demand for affordable market rate apartments in the $850-1,000.00 per month for one and two bedroom units. Mr. Neary confirmed that apartments in the downtown area are being rented as fast as they can be finished.

No one appeared before the board in opposition.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval. Mr. Weaver indicated that the Downtown Master Plan identifies the need for short-term apartment rental housing.

Mr. Nesbitt moved to APPROVE the FARM CREDIT BUILDING, LLC TIF REDEVELOPMENT PROJECT PLAN. Mr. Rosenbaum seconded the motion which carried 5-0.

2. C3-11-008  
REQUEST: Approval of the MIDTOWN PROPERTIES, LLC TIF REDEVELOPMENT PROJECT PLAN  
Location: 140 North 41st Street

At the Planning Board meeting held on January 5, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the project plan is to facilitate or to allow for the use of up to $98,211 in TIF (Tax Increment Financing) used to offset the cost of demolition and site development as well as public improvements. This project will involve a new developer to the TIF community. The members of the LLC are actually members of Urban Village Development whom have developed and revitalized approximately 200 units in the midtown area. This project is located within the Joslyn Castle neighborhood and the neighborhood is in support. The design of the building, which will enhance the character and demographics of the community and neighborhood, includes two new buildings with three townhome units per building. Initially, the units will be rental market rate with an option in the future to sell as townhomes.

No one appeared before the board in opposition.

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

Mr. Neary moved to APPROVE the MIDTOWN PROPERTIES, LLC TIF REDEVELOPMENT PROJECT PLAN. Mr. Nesbitt seconded the motion which carried 5-0.

3. C3-10-128  
REQUEST: Approval of the Surplus Declaration and Disposal of City Property  
Location: Northeast of 13th Street and Bert Murphy Drive

At the Planning Board meeting held on January 5, 2011, Chad Weaver, Assistant Planning Director, Planning Department, stated the request is a transfer of property to the zoo for various zoo expansions. The department recommends approval.

No one appeared before the board in opposition.

Mr. Rosenbaum moved to APPROVE the Surplus Declaration and Disposal of City Property. Mr. Hoich seconded the motion which carried 5-0.

**Rezonings**

5. C10-11-004  
REQUEST: Rezoning from R4(35) and R8 to R8 and CC  
Location: 5821 and 5825 North 30th Street and 2907 Laurel Avenue
At the Planning Board meeting held on January 5, 2011, Ruth Dailey, appeared before the board. Ms. Dailey stated she would like to rezone the existing south parking lot which is available for purchase.

No one appeared before the board in opposition.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends a layover to consider an alternate rezoning plan.

Mr. Neary moved to LAY OVER to allow applicant time to meet with Planning Department representatives and to consider an alternate rezoning plan. Mr. Nesbitt seconded the motion which carried 5-0.

6. C10-11-006 C7-11-005 Metropolitan Community College
   REQUEST: Rezoning from AG to R6 and approval of a Conditional Use Permit to allow College and university facilities in a R6 District, with a waiver of Section 55-226 Height to 70'
   LOCATION: Northeast of 204th Street and West Dodge Road

At the Planning Board meeting held on January 5, 2011, Jim Grotrian, Executive Vice President, Metropolitan Community College, appeared before the board. Mr. Grotrian stated the subject property has been in continuous use as an upper valley campus for over 30 years. On July 15, 2010, the Zoning Board of Appeals recommended that the subject property should be rezoned from the current AG status to a class that more conforms to the current use. Expedient rezoning of the property will accommodate recent rapid growth and future growth to meet the needs of the rapidly expanding west Omaha and western Douglas County. Expedient completion of the build out, as recommended in the campus Master Plan update, will alleviate the overcrowding and provide for the vastly growing learning environment for taxpayers and constituents. The subject property was originally zoned S1/Suburban Reserve under the Elkhorn jurisdiction which allowed for college and university facilities but when annexed by the City of Omaha, the S1 zoning was converted to AG with no allowance for college and universities. A lay over of the application for rezoning would unnecessarily delay the college from constructing and building out to serve the rapidly growing enrollment. The potential future roadway connection was described which goes through the campus connecting at 192nd Street to 204th Street, which was a long-term vision. It has been determined that the existing campus entrance, located at 204th Street, will perform at an acceptable level of service under the college’s proposed build out condition with minor modifications. The potential roadway is not essential for the success of the proposed campus build out but will mutually benefit MCC, the city and other possible developments in the area. There is no opposition but to delay the zoning application would unnecessarily limit the colleges’ ability to meet the needs of the students and constituents. He stated a roadway might not be feasible because of the physical constraints and based on the current traffic studies, the roadway might not be necessary after the college build out.

Jim Lang, 11718 Nicholas Street, attorney representing Gottsch Land Company that owns the adjoining property located immediately to the north at 204th Street. Mr. Lang stated Gottsch Land Company is not opposed to the expansion of MCC but an expansion must be completed in the right fashion and with the consideration of adjoining property owners and with the proper land use strategies. He stated the project could be developed with the assistance and in cooperation with the adjoining developments to produce and enhance their own development. Properties need to function together to include traffic circulation. According to the recommendation report, there is a need to have a connection at 203rd Street. In accordance with the Arterial Access Policy, each mile section should have three routes in the north/south section. He stated his client agrees that there needs to be a connection at 203rd Street to provide proper traffic circulation.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends a layover to address traffic issues and the need for a subdivision application.

Mr. Grotrian made the board aware that in 1981 there was an agreement with the developer to the north of the drive and entrance that no commercial zoning would occur on the north side of the campus within 300’ of the college campus which is why the college has resisted a 203rd Street connection in the past. The Nebraska Supreme Court upheld the resistance.
Mr. Weaver stated that the Supreme Court case confirmed that Omaha could not condemn the property to make the roadway connection. The city will work with the campus to obtain permits and continue to move forward.

R. J. Neary requested to abstain from the subject case.

Mr. Rosenbaum moved to LAY OVER to allow the applicant time to work with the City regarding traffic issues, submit a subdivision application, submit an amended future site concept site plan and concept building elevations for any structures proposed to be over 45 feet. Mr. Nesbitt seconded the motion which carried 4-0 with Mr. Neary abstaining.

Vacations

10. C14-11-001 REQUEST: Vacation of the north/south alley between 20th and 21st Streets from Leavenworth Street, south 161 feet adjacent to Lot 1, 2, 3, 4, 21, 22, 23 and 24, Block 1, Millard Place

At the Planning Board meeting held on January 5, 2011, Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the property owners. Mr. Jobeun offered to answer any questions.

No one appeared before the board in opposition.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval but asked Mr. Jobeun if the property owners would police the alley better. Mr. Jobeun stated the alley is presently open with the only access point off Leavenworth Street. The entire rest of the alley is completely fenced off or adjacent to the buildings. The property owner owns two parcels or 84% of the footage. Fencing off the alley would serve to decrease crime and vagrancy and will eventually allow the property owners to adjoin the two buildings for storage of artwork.

Mr. Neary moved to APPROVE the vacation of the north/south alley between 20th and 21st Street from Leavenworth Street, south 161 feet; adjacent to Lots 1, 2, 3, 4, 21, 22, 23 and 24, Block 1, Millard Place, subject to retention of any necessary easements in the vacating ordinance. Mr. Hoich seconded the motion which carried 5-0.

APPROVAL OF MINUTES

Mr. Rosenbaum moved to APPROVE the meeting minutes of December 1, 2010 as written. Mr. Neary seconded the motion which carried 5-0.

ADJOURNMENT

Mr. Neary moved to ADJOURN the meeting at 2:30 pm. Mr. Hoich seconded the motion which carried 5-0.

Date Approved

Anna Nubel, Chair

Debbie Hightower, Planning Board
Recording Secretary