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, October 24, 2011.

MEMBERS PRESENT: John Hoich, Chair
Arnold Nesbitt, Vice Chair
Anna Nubel
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
Alan Thelen, Law Department
Debbie Hightower, Recording Secretary

Mr. Hoich, 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

(REGULAR AGENDA)

Subdivisions

5. C8-11-189 (D) C10-11-187 C12-11-188

REQUEST: Preliminary Plat approval of NORTHERN HILLS ESTATES (Lot 26 through 72, inclusive) a subdivision outside the city limits, with a waiver of Section 53-8(2)(g) for pavement width and Section 53-9(9) Sidewalks, with rezoning from DR and AV to DR, and a Special Use Permit to allow development in the North Hills Environmental Overlay District

LOCATION: Generally, southwest of 72nd Street and Northern Hills Drive
Mr. Kelley moved to LAYOVER. Laid over at the request of the applicant. Ms. Nubel seconded the motion which carried 7-0.

6. C10-11-190 (D)  
   C12-11-191  
   Richard Berkshire  
   REQUEST: Preliminary Plat approval of WEST PACIFIC TERRACE, REPLAT 1, a subdivision inside the city limits with rezoning from R1 to R2  
   LOCATION: West of 76th and Howard Streets

Mr. Kelley moved to LAYOVER. Laid over to allow the applicant time to reconsider the number of lots, the lot layout, obtain needed ZBA waivers, and make all needed revisions for a resubmittal. Ms. Nubel seconded the motion which carried 7-0.

8. C10-11-197(D)  
   C12-11-198  
   Greg Cutchall  
   Cutchall Management  
   REQUEST: Preliminary and Final Plat approval of LOWE’S OF OMAHA REPLAT 1, a subdivision inside the city limits, with rezoning from GI and GI/ACI-2(65) to CC/ACI-2(65) and GI  
   LOCATION: Southeast of 76th and Dodge Streets

Mr. Kelley moved to LAYOVER. Laid over to allow the applicant time to address site compliance issues and amend the Preliminary Plat exhibit. Ms. Nubel seconded the motion which carried 7-0.

Rezonings

9. C10-11-192 (D)  
   Planning Department on behalf of the City of Omaha  
   REQUEST: Rezoning from R7 to R4  

Mr. Kelley moved to APPROVE. Mr. Neary seconded the motion which carried 7-0.

10. C10-00-315 (D)  
    Brakes Plus  
    REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for Elk Creek Pines to allow Automotive repair services  
    LOCATION: 3837 North 168th Street

Mr. Kelley moved to APPROVE. Approved subject to submittal of an acceptable Mixed Use District Development Agreement amendment that includes the following documents prior to forwarding the request to the City Council for final action: 1) An updated Exhibit “B” showing the proposed landscape plan; 2) Updated exhibits showing a 5 foot wide sidewalk along Spaulding Street and the addition of one Autumn Blaze Maple at the southern entrance of the parking lot; 3) Corrected and signed originals of the amendment documents; and 4) The appropriate number of copies for each of the exhibits. Mr. Neary seconded the motion which carried 7-0.
Special Use Permits

12. C11-87-182 (D) Northwoods Coffee Company d/b/a Fox Hollow Coffee
   REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Restaurant (limited and drive-thru) in R7/PUD
   LOCATION: 1919 Papillion Parkway

Mr. Kelley moved to APPROVE. Approved subject to compliance with: 1) The amended operating statement; 2) All other original conditions of approval; and 3) Compliance with all other applicable regulations. Mr. Neary seconded the motion which carried 7-0.

Plat and Dedication

15. C16-11-195 (D) Property Owner
   REQUEST: Plat and Dedication of a strip of land adjacent to Lot 1, Eagle Run Commercial Subdivision Replat 1
   LOCATION: Southeast of Birch Drive and West Maple Road

Mr. Kelley moved to APPROVE. Mr. Neary seconded the motion which carried 7-0.

Rezonings

    REQUEST: Approval of an MCC-Major Commercial Corridor Overlay District
    LOCATION: 13105 Birch Drive

Withdrawn at the request of the applicant.

Master Plan Referrals

1. C3-11-183 Planning Department on behalf of the City of Omaha
   REQUEST: Approval of the PARK SCHOOL APARTMENTS TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 1320 South 29th Street

Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the project has fallen into disrepair and previously received funding in the form of TIF. The project will be purchased by a new owner and under complete new management. The City, along with other organizations, is investing millions of dollars to revitalize the Park Avenue area. The project is worthy of saving and the building is designated on the National Register of Historic Places. Originally, the City was against the project but due to the extenuating circumstances, the City wants to keep the property value up and remain a productive asset on the tax roles. The proposed plan would revitalize the building that includes 24-2 bedroom units with two surface parking lots. Ms. Hadley offered to answer any questions.

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

John Foley, Central States Development, 740 South 75th Street, stated he is the managing member of the LLC and offered to answer any questions.

Mr. Neary asked Mr. Foley to give a description of the complete renovation. Mr. Foley explained that there will be new HVAC, new windows, new kitchens and baths, complete new roofs and the parking lots
will be addressed. But most importantly, security will be added with extensive surveillance cameras to deter and resolve crime. There will be limited access to the building and control of the parking lot. Mr. Foley offered to provide the City with the inspection reports that were completed by the Nebraska Investment Finance Authority.

Mr. Nesbitt pointed out that he philosophically has a problem with reissuing TIF funding for the property. He indicated he is aware of the historic value of the property and the need for the redevelopment but there is a concern with setting a precedent and sending a wrong message. Mr. Foley stated the project is a unique situation and without TIF, the project would not move forward.

Ms. Nubel questioned Mr. Foley regarding the security issue with other properties that he owns or manages. Mr. Foley indicated that he manages several properties that have been turned around regarding crime, for example, 41st and “D” and 27th and Harrison. He stated that another way to deter crime and other problems is by issuing parking permits to tenants and towing cars without a parking permit.

Mr. Neary moved to APPROVE. Ms. Nubel seconded the motion which carried 5-1 with Mr. Nesbitt dissenting. Mr. Kelley was absent.

2. C3-11-184
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of the ROSELAND THEATRE APARTMENTS TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 4932 South 24th Street

Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that this project previously received funding in the form of TIF but will now be under new management, Central States Development. The building has structural damage and is located in an area where the city has invested millions of dollars. It is important to preserve historical buildings in an area that is being revitalized. Ms. Hadley explained that as a result of this project and the previous project, an internal policy has been adopted to not re-TIF a project. She stated that once a project has received TIF funds then no further funds could be received for 30 years. Properties should be well maintained during the TIF period and beyond. There can be extenuating circumstances and a property could be in an area that is being revitalized. The project has 17 apartment units with 2 commercial bays. The apartments and the lower level garage, which has structural issues, will receive the attention of TIF funding. Ms. Hadley offered to answer any questions.

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

Mr. Rosenbaum moved to APPROVE. Mr. Deeb seconded the motion which carried 5-1 with Mr. Nesbitt dissenting. Mr. Kelley was absent.

3. C3-11-185
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of the 1501 JACKSON LLC TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 1501 Jackson Street

Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the project would be 79 market rate apartment units to help fulfill the demand for housing in the downtown area. There will be 102 parking spaces on the ground floor for residential and public rental. There will also be a retail office space available at the corner of 15th and Jackson Street. Ms. Hadley offered to answer any questions.

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

Mr. Neary moved to APPROVE. Mr. Kelley seconded the motion which carried 7-0.
4. C3-11-193
   REQUEST: Approval of a Surplus Declaration and Disposal of city-owned property
   LOCATION: 20706 Flavin Street

Chad Weaver, Assistant Planning Director, Planning Department, stated the parcel of ground was utilized by MUD for many years and is no longer needed. The approval of the request is necessary to make it available for sale, if not needed by the City. The department recommends approval.

Mr. Neary moved to APPROVE. Approved subject to retention of any necessary easements. Mr. Kelley seconded the motion which carried 7-0.

Subdivisions

7. C10-11-194
   C12-11-195
   Kum & Go
   REQUEST: Preliminary Plat approval of KUM & GO AT 144th & Q, a subdivision inside the city limits with approval of an MCC-Major Commercial Corridor Overlay District
   LOCATION: Southeast of 144th and “Q” Streets

Katie Underwood, Olsson Associates, 2111 South 67th Street, appeared before the board to represent the applicant. Ms. Underwood stated the request is for approval of an MCC Overlay and the combination of two lots at the southeast corner of 144th and “Q” Streets in order to build a Kum & Go.

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

Mr. Kelley moved to APPROVE. Ms. Nubel seconded the motion which carried 6-0. Mr. Neary was absent.

Conditional Use Permits

13. C7-11-186
    Dwayne Brown
    REQUEST: Approval of a Conditional Use Permit to allow Medical office in a LO District
    LOCATION: 10707 Pacific Street

Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Jobeun offered to answer any questions.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval subject to the four conditions on the recommendation report.

Mr. Rosenbaum moved to APPROVE. Approved subject to the following conditions: 1) Submittal of a revised operating statement and/or revised site plan that addresses the parking deficiency and is acceptable to Planning Department prior to the issuance of a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department; 2) Compliance with the parking regulations of the Municipal Code (including number of provided handicapped stalls); 3) Compliance with the site plan and revised operating statement; and 4) Compliance with all other applicable development regulations. Mr. Deeb seconded the motion which carried 7-0.
Vacations

14. C14-11-200
   Property Owner

REQUEST: Vacation of Madison Street from 25th Street to a point approximately 380 feet east of the east right-of-way line of 25th Street

Mike Matejka, 10250 Regency Circle Suite 525, appeared before the board on behalf of the property owner. Mr. Matejka offered to answer any questions.

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

Ms. Nubel moved to APPROVE. Approved subject to retention of all necessary easements. Mr. Neary seconded the motion which carried 7-0.

APPROVAL OF MINUTES

Ms. Nubel moved to APPROVE the meeting minutes of October 5, 2011 as written. Mr. Neary seconded the motion which carried 7-0.

ADJOURNMENT

Mr. Neary moved to ADJOURN the meeting at 2:05 pm. Mr. Kelley seconded the motion which carried 7-0.

Date Approved

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John Hoich, Chair

Debbie Hightower, Planning Board
Recording Secretary