MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – February 2, 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, January 24, 2011.

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

MEMBERS NOT PRESENT:
Anna Nubel, Chair

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, 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 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

(HOLD OVER CASES)

Subdivisions

2. C12-10-179 (D) REQUEST: Preliminary and Final Plat approval of IRVINGTON PLACE REPLAT, a subdivision outside the city limits
Paul Yates
LOCATION: 10042 King Plaza

Mr. Nesbitt moved to APPROVE the preliminary plat subject to: 1) Submittal of documentation of approval from the NDEQ; 2) Show the septic locations on the final plat; and 3) Provide for sidewalks as required. Approval of the final plat subject to compliance with the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Kelley seconded the motion which carried 6-0.
Subdivision Plats

6. C10-11-014 (D)
   C12-11-015
   Dennis P. Hogan III, Attorney

   REQUEST: Preliminary and Final Plat approval of THE
   COLONIES REPLAT 13, a minor plat outside
   the city limits, with rezoning from R6 and CC
   to R6 and CC (portions of which property lie
   within the flood fringe)

   LOCATION: Southwest of 144th and "F" Streets

Mr. Nesbitt moved to APPROVE the rezoning from R6 and CC to R6 and CC. Approval of the preliminary plat subject to: 1) Providing a reciprocal access easement on the final plat; 2) Providing a note on the final plat that there will be no new access allowed to 144th Street; and 3) Obtaining a waiver of Section 55-740(f)(4) for the existing surface parking lot prior to forwarding a final plat to the City Council. Approval of the final plat as amended by the conditions of preliminary plat approval. Mr. Kelley seconded the motion which carried 6-0.

7. C10-10-134 (D)
   C12-10-148
   Parkway Properies, LLC

   REQUEST: Final Plat approval of Q STREET ACRES
   REPLAT 2, a subdivision inside the city
   limits, with a waiver of Section 53-9 (9)
   Sidewalks of the Municipal Code and with
   rezoning from DR to GI (portions of which
   property lie within the flood fringe)

   LOCATION: Southwest of 69th and "T" Streets

Mr. Nesbitt moved to APPROVE the denial of the waiver of Section 53-9(9). Sidewalks and approve the rezoning from DR to GI (portions of which property lie within the flood fringe). Approval of the final plat subject to: 1) Submittal of an acceptable, final subdivision agreement, including the language agreeing not to oppose a street improvement district, prior to forwarding the final plat to the City Council, and; 2) Recording the turnaround easement with the final plat. Mr. Kelley seconded the motion which carried 5-0 with Mr. Neary abstaining.

10. C12-11-016 (D)
    E & A Consulting Group, Inc.

    REQUEST: Preliminary and Final Plat approval of
    PFEIFER ADDITION, a minor plat outside
    the city limits in the North Hills Environmental
    Overlay District

    LOCATION: 13412 North 47th Street

Mr. Nesbitt moved to APPROVE the preliminary plat subject to: 1) Correcting the final plat to show 33 feet of existing right-of-way; 2) Providing 50 feet of right-of-way from the centerline of 48th Street; 3) Placing a note on the final plat that states that the property is located within the North Hills Environmental Overlay District and is subject to compliance with Article XXI of the Omaha Municipal Code as well as all other applicable regulations; and 4) Providing the footprints for the drive location, building and septic fields on the final plat. Approval of the final plat as amended by the preliminary plat conditions of approval. Mr. Kelley seconded the motion which carried 6-0.

11. C10-11-019 (D)
    C12-11-020
    Woodland Homes, Inc.

    REQUEST: Preliminary and Final Plat approval of
    WHISPERING RIDGE WEST REPLAT TWC,
    a minor plat outside the city limits, with
    rezoning from DR and R5 to R5

    LOCATION: Southwest of 175th and Emmet Streets

Mr. Nesbitt moved to APPROVE the rezoning from DR and R5 to R5. Approval of the preliminary plat. Approval of the final plat subject to submittal of an acceptable final subdivision agreement amendment for Whispering Ridge West, if necessary. Mr. Kelley seconded the motion which carried 6-0.
Rezonings

15. C10-11-012 (D)  
   Request: Rezoning from R8 and R2 to R8 and R2  
   Location: 2903 and 2909 North 76th Street  

Mr. Nesbitt moved to APPROVE the rezoning from R8 and R2 to R8 and R2, subject to submittal of an administrative subdivision prior to forwarding the request to the City Council. Mr. Kelley seconded the motion which carried 6-0.

16. C10-11-013 (D)  
   Request: Rezoning from R8-NCE-C to NBD-NCE-C  
   Location: 4902, 4904 and 4906 Underwood Avenue  

Mr. Nesbitt moved to APPROVE the rezoning from R8-NCE-C to NBD-NCE-C. Mr. Kelley seconded the motion which carried 6-0.

17. C10-04-099 (D)  
   Request: Approval of a Major Amendment to a Mixed Use District Development Agreement for Maple Creek  
   Location: Southwest of 162nd Street and West Maple Road  

Mr. Nesbitt moved to APPROVE the Major Amendment to the Maple Creek Plaza Mixed Use Agreement to include and update sign regulations, subject to the submittal of an acceptable mixed use agreement. Mr. Kelley seconded the motion which carried 6-0.

Subdivision Plats

8. C10-11-006 (D)  
   Request: Preliminary and Final Plat approval of MCC ELKHORN CAMPUS, a subdivision inside the city limits, with rezoning from AG to R6  
   Location: 829 North 204th Street  

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

9. C10-08-258 (D)  
   Request: Preliminary Plat approval of GINGER CREEK (Lots 4 - 35 and Outlot "A") with rezoning from DR to DR, R4 and R6, portions of which property lie within the flood fringe and floodway  
   Location: Southwest of 163rd and Pinkney Streets  

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

Special Use Permits

18. C8-11-017 (D)  
   Request: Approval of a Special Use Permit to allow Automotive sales in a CC District  
   Location: 3530 South 50th Street  

Mr. Nesbitt moved to LAY OVER to provide the applicant additional time to meet with City staff and submit a revised site plan, drawn to scale addressing several issues, including, but not limited to parking lot design, landscaping and addressing the access points to and from the property. A revised operating statement should also be provided clearly indicating what days the operation would be open. Mr. Rosenbaum seconded the motion which carried 6-0.
Conditional Use Permits

19. C7-11-005 (D)
   Metropolitan Community College

REQUEST: 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: 829 North 204th Street

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

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-04-200
   C12-04-201
   Lanoha Development

REQUEST: Final Plat approval of WEST BAY WOODS 2 (Lot 92 through 180 and Outlot "A"), a subdivision outside the city limits, with rezoning from AG to DR and R4

LOCATION: Southwest of 185th Avenue and Vinton Street

At the Planning Board meeting held on February 2, 2011, Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval.

No one appeared before the board in opposition.

Mr. Neary moved to APPROVE the rezoning from AG to DR and R4 and approval of the final plat subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Nesbitt seconded the motion which carried 6-0.

(REGULAR AGENDA)

Master Plan Referrals

3. C3-11-011
   Planning Department on behalf of the City of Omaha

REQUEST: Approval of a Chapter 55 Amendment regarding the Flood Fringe District and the Floodway District

LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on February 2, 2011, Chad Weaver, Assistant Planning Director, Planning Department, stated the amendment includes changing the word “floor” to “flood” in Section 55-652(b), clarify that the amendment will allow any use that is permitted in the base zoning district will also be allowed in the FF district and add the campground use type to the permitted uses in the Floodway Overlay District.

No one appeared before the board in opposition.

Mr. Neary verified with Mr. Weaver that there could be campgrounds in a floodway.

Mr. Neary moved to APPROVE. Mr. Rosenbaum seconded the motion which carried 6-0.

4. C3-11-024
   Planning Department on behalf of the City of Omaha

REQUEST: Approval of a Chapter 55 Amendment regarding Day care (limited) and Day care (general)

LOCATION: Omaha and 3-mile extraterritorial jurisdiction
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At the Planning Board meeting held on February 2, 2011, Chad Weaver, Assistant Planning Director, Planning Department, stated the amendment is to coincide with state licensing guidelines by allowing up to 10 children in a residential district without the use permit for a day care general. The planning board is also working on the language to clarify that a day care in a residential structure must be occupied by either the owner/manager of the day care. Also, the hour restrictions will be eliminated.

No one appeared before the board in opposition.

Mr. Kelley verified with Mr. Weaver that the intent of the department is to reword the ordinance before going before the City Council.

Mr. Nesbitt moved to APPROVE. Mr. Rosenbaum seconded the motion which carried 6-0.

5.  C3-11-025  
Planning Department on behalf of the City of Omaha  
REQUEST: Approval of a Chapter 55 Amendment regarding bulletin boards  
LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on February 2, 2011, Chad Weaver, Assistant Planning Director, Planning Department, stated the amendment is to clarify an interpretation that a bulletin board is not meant to include digital, LED, or other electronic means.

No one appeared before the board in opposition.

Mr. Rosenbaum moved to APPROVE amendment to Section 55-882(j). Mr. Deeb seconded the motion which carried 6-0.

Subdivision Plats

12.  C12-11-021  
Good Shepherd Lutheran Church  
REQUEST: Preliminary and Final Plat approval of GOOD SHEPHERD EVANGELICAL LUTHERAN CHURCH OF OMAHA WELS, a minor plat inside the city limits  
LOCATION: 5071 Center Street

At the Planning Board meeting held on February 2, 2011, Dean Jaeger, Thompson, Dreessen & Dorner, 10836 Old Mill Road, appeared before the board to represent the property owners. Mr. Jaeger stated the plat is a combination of several existing lots that are owned by the church and also the vacation of an alley with provisions provided for access to the open alley through an easement across the parking lot. As the church expands, the provisions for storm water drainage will be handled to meet the current requirements for zero increase in flow for treatment for the first half-inch of runoff. There are no additional public utilities that are anticipated to be needed for the project. Mr. Jaeger offered to answer any questions.

Todd Schmidt, 1937 South 50th Avenue, appeared before the board to represent the neighbors. Mr. Schmidt stated the neighborhood is quiet and secluded. There is concern about the impact of a parking lot regarding noise pollution and light pollution and the planting of mature trees in the buffer zone.

Jenna Buckley, 1941 South 50th Avenue, appeared before the board. Ms. Buckley stated she would rather have the church parishioners park in front of her house versus a permanent parking lot.

Mike Molacek, 5070 Frances Street, appeared before the board. Mr. Molacek was concerned with the number of churches in the neighborhood and the need for additional parking lots.

Robert Powers, 1919 South 50th Avenue, appeared before the board. Mr. Powers stated he resides directly across the street from the proposed parking lot. He stated he was concerned that if the church were to leave then the parking lot would be permanent as opposed to the single-family homes that are being removed.
Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the church has expanded in a manner that is reasonable and provides a very normal boundary with regard to church versus neighborhood. Mr. Weaver stated that the department recommends approval of the preliminary plat and the final plat, subject to the submittal of an acceptable final subdivision agreement.

Mr. Rosenbaum questioned the size of the trees in the landscape buffer and the light pollution. Mr. Weaver answered that there are lighting standards and a certain size or caliper of trees could be required.

Jeff Loberger, 5071 Frances Street, principal of the school, appeared before the board. Mr. Loberger stated he initially talked with the neighbors. The primary purpose of the request is to add two classrooms because the school is growing and the sanctuary is currently being used as a classroom. A demographic study was done and many of the community families wanted an opportunity for private schooling therefore tuitions and fees were adjusted to open the school up to the community. The school presently has 101 students. Mr. Nesbitt questioned Mr. Loberger if he considers the school to be a community school. Mr. Loberger stated the school is still a private religious school with 40% of the students being non-members of the church.

Mr. Neary questioned Mr. Loberger as to the need for a larger parking lot. Mr. Loberger stated the larger parking lot also be used for certain events that occur several times during the year and also will be used as a playground for the school.

Mr. Kelley questioned Mr. Loberger if there is a willingness to work with the department for a mitigation plan for the exterior lighting. Mr. Loberger stated he understands and would be more than willing to do whatever it takes for the lighting and trees.

Dan Kerns, Architect for Meyer & Associates, 1065 North 115th Street, appeared before the board. Mr. Neary questioned if there was an attempt to save the houses, make smaller back yards and use that for parking or some combination with the existing facilities. Mr. Kerns stated that starting in 2002 the church identified the growth and the increase in the size of the sanctuary which is driving the parking stall requirement. The ordinance requires one parking stall per four person capacity in the sanctuary which holds 332 members at the current design. The site plan shows 58 stalls onsite and 12 offsite leased stalls from the city but the ordinance also allows 15 bike racks. The Zoning Board of Appeals took everything into account when the waivers were granted for parking, setbacks and impervious coverage.

Mr. Nesbitt moved to APROVE the Preliminary Plat and approval of the Final Plat, subject to submittal of an acceptable final subdivision agreement, if necessary. Mr. Rosenbaum seconded the motion which carried 4-2 with Mr. Hoich and Mr. Deeb dissenting.

**Conditional Use Permits**

20. C7-11-026
Good Shepherd Lutheran Church

REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4(35) District

LOCATION: 5071 Center Street

At the Planning Board meeting held on February 2, 2011, Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval subject to the four items on the recommendation report.

Mr. Kelley moved to APROVE a Major Amendment to a Conditional Use Permit to allow Religious assembly in an R4(35)-Single Family Residential (High Density) District, subject to: 1) Good Shepherd Evangelical Lutheran Church of Omaha WELS Final Plat being recorded prior to issuance of a permit for the parking lot expansion along 50th Avenue; 2) Compliance with the proposed site and landscape plan; 3) Compliance with the waivers granted from the Zoning Board of Appeals on October 21, 2010; 4) Compliance with all other applicable regulations; 5) a lighting mitigation plan that is acceptable to the department in collaboration with the neighbors; and 6) a landscaping plan that would include planting of
mature trees in collaboration with the neighbors that is acceptable to the department. Mr. Rosenbaum seconded the motion which carried 5-1 with Mr. Hoich dissenting.

13. C10-11-022  
C12-11-023  
Garden Ridge, L.P. a Texas Limited Partnership  
REQUEST: Preliminary and Final Plat approval of GARDEN RIDGE ADDITION, a subdivision inside the city limits, with approval of an MCC Overlay District  
LOCATION: Northwest of 129th Avenue and West Center Road

At the Planning Board meeting held on February 2, 2011, Chris Willet, Engineer for Olsson Associates, 2111 South 67th Street, appeared before the board on behalf of the applicant. Mr. Willet offered to answer any questions.

John Fullenkamp, 11440 West Center Road, appeared before the board on behalf of Norman Rips, Trustee and the successor, Orchard West Center, LLC. The Orchard West Center Shopping Center and the former Target were built together in 1976. At that time there was an agreement made by his client to sell only a portion of the property rights on the property. The applicant should have all the rights to the property before a replat is done. There has been no contact between the applicants and the co-property owners. He suggested a layover so that all parties involved can get together and possibly come to an agreement.

In response to Mr. Nesbitt, Mr. Fullenkamp stated it is clear that his client owns the rights to the property and there are deed reservations that run with the land.

Mr. Willet stated the recommendation report indicates the request meets the requirements of the city code and is in compliance with the master plan.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department has recommended approval based on code issues. Mr. Weaver requested that the proponent provide documentation to be reviewed by the law department before moving forward.

Mr. Kelley moved to LAYOVER for 60 days. Mr. Neary seconded the motion which carried 6-0.

14. C10-11-027  
C12-11-028  
Southern Valley Limited Partnership  
REQUEST: Preliminary Plat approval of SOUTHERN VALLEY REPLAT ONE, a cluster subdivision inside the city limits, with rezoning from R4(35) to R5  
LOCATION: Southwest of 17th and "Q" Streets

At the Planning Board meeting held on February 2, 2011, Dean Jaeger, Thompson, Dreessen & Dorner, 10836 Old Mill Road, appeared before the board to represent the property owners. Mr. Jaeger stated he would be available to answer any questions.

Maurice (unknown), Breda, Iowa, appeared before the board. He stated that he owns 19 lots in and around the area. He stated he would like to request a reconsideration of the street or access to the cul-de-sac off of "S" Street or the current alleyway due to the steepness of the hill and increased traffic.

Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that according to the engineers, the access will work. The amount of traffic in the area is low but there are many steep grades in the neighborhood and access needs to be provided. The department finds the proposal agreeable and recommends approval.

Mr. Neary moved to APPROVE the preliminary plat subject to the applicant submitting an acceptable final amended subdivision agreement with the final plat. Mr. Nesbitt seconded the motion which carried 6-0.
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APPROVAL OF MINUTES

Mr. Neary moved to APPROVE the meeting minutes of January 5, 2011 as written. Mr. Nesbitt seconded the motion which carried 6-0.

ADJOURNMENT

Mr. Deeb moved to ADJOURN the meeting at 2:35 p.m. Mr. Neary 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