MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – March 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, February 21, 2011.

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

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.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Special Use Permits

4. C8-11-017 (D)
Credit Auto Sales

REQUEST: Approval of a Special Use Permit to allow Automotive sales in a CC District

LOCATION: 3530 South 50th Street

Mr. Hoich moved to APPROVE the Special Use Permit to allow Automotive sales in a CC District subject to: 1) Submittal of an acceptable landscape plan prior to forwarding the request to the City Council; 2) Compliance with the proposed site and landscape plan; 3) Compliance with the operating statement; 4) Compliance with all other applicable regulations; 5) Installation of sidewalks along the closed access points prior to issuance of the Certificate of Occupancy; and 6) Obtaining a Certificate of Occupancy from the Planning Department Permit Division prior to operation of the facility. Mr. Nesbitt seconded the motion which carried 7-0.
(REGULAR AGENDA)

Master Plan Referrals

6. C3-11-031 (D)
   Planning Board on behalf of the City of Omaha
   REQUEST: Approval of the Surplus Declaration and Disposal of City Property
   LOCATION: Southeast of 13th and Nicholas Streets

Mr. Hoich moved to APPROVE the Surplus Declaration and Disposal of City Property. Mr. Nesbitt seconded the motion which carried 7-0.

Subdivision Plats

9. C10-05-291 (D)
    C12-05-292
    Jerry Palmer
    REQUEST: Revised Preliminary Plat approval of GINGER CREEK (Lots 1-3), a subdivision outside the city limits, with rezoning from DR to R6 and MU (portions of which property lie within the flood fringe and floodway)
    LOCATION: Southeast of 165th Street and West Maple Road

Mr. Hoich moved to APPROVE the rezoning plan from DR to R6 and MU subject to the submittal of an acceptable final mixed-use development agreement. Approve the preliminary plat subject to addressing the following with the final plat and subdivision agreement: 1) Provide for the installation of sidewalks along both sides of all streets; 2) Submit a flood fringe analysis to ensure that no more than 25% of the flood fringe is filled; 3) Note the minimum lowest floor elevation (based on the FEMA maps) for each lot on the plat; 4) Submit a letter from Douglas County Environmental Services that indicates a noxious weed plan has been approved; and 5) Submit the project with a debt ratio of 4% or less. Mr. Nesbitt seconded the motion which carried 7-0.

10. C10-06-258 (D)
     C12-06-259
     Jerry Palmer
     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. Hoich moved to APPROVE the rezoning from DR to DR, R4 and R6. Approval of the preliminary plat subject to: 1) The applicant making a contribution toward the future bridge that will be constructed to the west; 2) Connecting Street #3 to 163rd Street; 3) Installation and operation of sediment and erosion control measures prior to grading; 4) Providing a post-construction stormwater management plan and maintenance agreement; 5) Providing a 10 foot wide concrete trail within a 40 foot wide trail easement along the east side of the creek; 6) Approval of the park, trail and parkway improvements and expenses approved by the Park and Recreation Advisory Board; 7) Noting in the subdivision agreement that any outlots will be privately owned and maintained; 8) Providing a letter of approval of a Noxious Weed Plan from Douglas County at the time final plat application is submitted; and 9) An overall debt ratio under 4%. Mr. Nesbitt seconded the motion which carried 7-0.

Rezonings

14. C10-11-030 (D)
     E & A Consulting Group, Inc.
     REQUEST: Rezoning from R4 and CC to R4 and CC
     LOCATION: Southwest of North 207th Street and North Main Streets

Mr. Hoich moved to APPROVE the rezoning from R4 and CC to R4 and CC. Mr. Nesbitt seconded the motion which carried 7-0.
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Conditional Use Permits

19. C7-11-032 (D)
Peggy Huff
REQUEST: Approval of a Conditional Use Permit to allow Day care (general) in a GI District
LOCATION: 13748 "F" Street

Mr. Hoich moved to APPROVE the Conditional Use Permit to allow Day care services (general) in a GI District subject to: 1) Compliance with the proposed site plan; 2) Compliance with the proposed operating statement; 3) Compliance with all applicable development regulations; and 4) Obtaining a Certificate of Occupancy from the Planning Department Permit Division prior to operation of the facility. Mr. Nesbitt seconded the motion which carried 7-0.

20. C7-11-034 (D)
C10-11-035
Edwin E. Anderson, Pastor
Good Shepherd Baptist Church
REQUEST: Rezoning from AG and R3 to R4 and approval of a Conditional Use Permit to allow Religious assembly in a R4 District
LOCATION: 16909 Pacific Street

Mr. Hoich moved to APPROVE the rezoning from AG and R3 to R4, subject to a Minor Plat being submitted prior to the rezoning going forward to City Council. Approval of the Conditional Use Permit to allow Religious assembly in an R4 District subject to: 1) Submittal of a site plan drawn to scale; 2) Submittal of an operating statement; 3) Submittal of an application for a Minor Plat, that includes a 60 foot dedication for Right of Way from the centerline of Pacific Street; 4) Installation of sidewalks, as required, along all street frontages; 5) Compliance with all Stormwater Management policies; 6) Compliance with the landscaping requirements and its compliance with all applicable development regulations; and 7) Compliance with applicable sign regulations. Mr. Nesbitt seconded the motion which carried 7-0.

Vacations

22. C14-11-029 (D)
Planning Board on behalf of the City of Omaha
REQUEST: Vacation of 39th Street from Mason to Pacific

Mr. Hoich moved to APPROVE the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Nesbitt seconded the motion which carried 6-0 with Mr. Neary abstaining.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

3. C10-11-006 (D)
C12-11-016
Metropolitan Community College
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. Hoich moved to LAY OVER. Mr. Nesbitt seconded the motion which carried 7-0.

Conditional Use Permits

5. C7-11-006 (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 feet
LOCATION: 829 North 204th Street

Mr. Hoich moved to LAY OVER. Mr. Nesbitt seconded the motion which carried 7-0.
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**Subdivision Plats**

11. C10-11-040 (D)  
C12-11-041  
Holy Name Housing Corporation  

REQUEST: Preliminary and Final Plat approval of St. Richard’s Campus, a subdivision inside the city limits, with a waiver of Section 53-8(4)(d) Lot frontage, and approval of rezoning from R4(35) to R7  

LOCATION: Northeast of Fort Street and Fontenelle Boulevard  

Mr. Hoich moved to LAY OVER. Mr. Nesbitt seconded the motion which carried 7-0.

**Overlay Districts**

12. C11-11-042 (D)  
Holy Name Housing Corporation  

REQUEST: Approval of a Planned Unit Development Overlay District  

LOCATION: Northeast of Fort Street and Fontenelle Boulevard  

Mr. Hoich moved to LAY OVER. Mr. Nesbitt seconded the motion which carried 7-0.

**Rezonings**

13. C10-04-237 (D)  
Olsson Associates  

REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for Sorenson Park Plaza  

LOCATION: Southwest of 72nd Street and Sorenson Parkway  

Mr. Hoich moved to LAY OVER. Mr. Nesbitt seconded the motion which carried 7-0.

**Special Use Permits**

17. C8-11-037 (D)  
Jim Carroll  
VSS Catholic Communications  

REQUEST: Approval of a Special Use Permit to allow a Broadcast tower in a GO District with a waiver of Section 55-326 Height to 60 feet  

LOCATION: 13326 “A” Street  

Mr. Hoich moved to LAY OVER. Mr. Nesbitt seconded the motion which carried 7-0.

18. C7-11-038 (D)  
C8-11-039  
CO2 Omaha, LLC  

REQUEST: Approval of a Large Project Conditional Use Permit in an NCE-C District and approval of a Special Use Permit to allow Office and commercial use types in a R7 District  

LOCATION: 1502 South 10th Street  

Mr. Hoich moved to LAY OVER. Mr. Nesbitt seconded the motion which carried 7-0.

**ADMINISTRATIVE MEETING ONLY**

**Subdivisions**

1. C12-10-038  
Irvington Volunteer Fire Department  

REQUEST: Final Plat approval of Smoky Ridge, a subdivision outside the city limits  

LOCATION: Northeast of 72nd Street and Northern Hills Drive  

Mr. Hoich moved to LAY OVER. Mr. Nesbitt seconded the motion which carried 7-0.
At the Planning Board meeting held on March 2, 2011, Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to submittal of an acceptable final subdivision agreement prior to forwarding to 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 approval. Mr. Deeb seconded the motion which carried 7-0.

2. C10-10-160  
   C12-10-161  
   Metropolitan Utilities District  
   REQUEST: Final Plat approval of MUD ACRES, a subdivision located outside the city limits, with rezoning from DR to DR and GI  
   LOCATION: Southeast of 120th Street and Military Road

At the Planning Board meeting held on March 2, 2011, Mr. Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to submittal of acceptable final plat mylars and an acceptable subdivision agreement that adequately addresses conditions of approval prior to forwarding to City Council.

Mr. Rosenbaum moved to APPROVE the final plat subject to submittal of acceptable final plat mylars and an acceptable final subdivision agreement that adequately addresses conditions of approval #1, 3 and 5 prior to forwarding the final plat to the City Council. Mr. Deeb seconded the motion which carried 7-0.

(REGULAR AGENDA)

Master Plan Referrals

7. C3-11-043  
   Planning Board on behalf of the City of Omaha  
   REQUEST: Approval of the CHRISTIAN WORSHIP CENTER NEW VISIONS OMAHA (VA) REDEVELOPMENT PLAN  
   LOCATION: 1417 North 18th Street

At the Planning Board meeting held on March 2, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the redevelopment plan consists of two plans on land that was deeded over to Christian Worship Center. The plan is to build a 26 unit building to house the homeless veteran population.

No one appeared before the board in opposition.

Mr. Neary questioned whether the apartments will be rentals or transitional housing. Ms. Hadley answered that they are definitely rentals and transitional with funding provided for the homeless veterans.

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

Mr. Nesbitt moved to APPROVE, as project is in compliance with Nebraska Community Development Law, City of Omaha Ordinances and TIF Guidelines. Mr. Deeb seconded the motion which carried 6-0 with Mr. Kelley abstaining.

8. C3-11-044  
   Planning Board on behalf of the City of Omaha  
   REQUEST: Approval of the OMAHA HOUSING FOR THE HOMELESS, LLC NEW VISIONS OMAHA REDEVELOPMENT PLAN  
   LOCATION: 1425 North 18th Street

At the Planning Board meeting held on March 2, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated this is the Christian Worship Center, part of the New Visions Omaha project and is a sister project with 14 units that will house the homeless population and serves the Metro Area Continuum Care for the Homeless ("MACCH"). This project will include provision for supportive
services on site along with housing for the homeless population

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, as project is in compliance with Nebraska Community Development Law, City of Omaha Ordinances and TIF Guidelines. Mr. Nesbitt seconded the motion which carried 6-0 with Mr. Kelley abstaining.

**Rezonings**

15. C10-11-033  
   Greek Orthodox Church  
   **REQUEST:** Rezoning from R6 to LO  
   **LOCATION:** 215 South 181st Street

At the Planning Board meeting held on March 2, 2011, Walt Peffer, P. J. Morgan Real Estate, 7801 Wakeley Street, along with Kris J. Pierce, appeared before the board to represent the Greek Orthodox Church. Mr. Peffer stated the request is to rezone the property to LO (limited office) because the church no longer wants to build on the property. The property to the north, adjoining and contiguous to the piece that the church owns, is zoned MU and is a bank. The property to the east is MU. The piece of the property to the west, zoned R4, is owned by the church and is not developable due to a gully and a drainage way and will remain green space. There will be no additional ingress or egress requested off of 180th, Harney or Burke Street. The difference between the R6 and LO is minimal as described in the zoning ordinance - “LO-Limited Office district is intended to provide office locations generally serving neighborhood and community needs. The LO district may be located adjacent to or within residential areas and is designed to be compatible in scale and land use intensity with residential settings.” The proposed conceptual concept is only a conceptual concept. The planning department’s denial was based primarily on percentages of R6, MU and DR acres.

No one appeared before the board in opposition.

Mr. Hoich questioned if there is a possibility to trade the ground for zoning purposes. Mr. Peffer stated there were inquiries made but there does not seem to be any interest in a swap.

Ms. Nubel questioned if there is a specific project or would it be easier to sell the land. Mr. Peffer answered there is no specific project but changing the zoning to LO would make it more attractive for resale.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department’s recommendation for denial is not based on compatibility but is based on the broader zoning scheme that is set forth in the Master Plan. The intersection of 180th and Dodge is a 165 acre Mixed Use intersection. The Master Plan calls for the possibility of a 20% variance which has been received and granted. There is no question, it would be a benefit for the owner to sell the property if it is zoned LO but an office building would need to be built elsewhere.

Mr. Neary moved to DENY the proposed rezoning. Mr. Rosenbaum seconded the motion which carried 6-1 with Mr. Hoich dissenting.

**Special Use Permits**

16. C8-87-209  
    Jerry G. Banks  
    **REQUEST:** Approval of a Major Amendment to a Large Project Special Use Permit to allow detached storage buildings  
    **LOCATION:** Northeast of 132nd Street and West Dodge Road
At the Planning Board meeting held on March 2, 2011, Dean Jaeger, Thompson, Dreessen & Dorner, 10836 Old Mill Road, appeared before the board to represent the property owners. Mr. Jaeger stated the proposed storage building is located to the east and in the far northeast corner of the tract located east of the HyVee building. The 50' x 100' storage building will be used for storage by tenants of the center. The building is concrete masonry construction with a metal roof. The existing landscape and buffer yard does not encroach the building. Mr. Jaeger offered to answer any questions and showed a picture of the proposed storage building.

Joyce Bunger, 809 North 131st Plaza, appeared before the board. Ms. Bunger stated she is a member of the Abbey Homeowners Association and has lived in her home since 2006 which is directly behind the HyVee store. She stated she is opposed to new construction within Linden Market until the Linden Market management takes the necessary steps to provide a sufficient buffer from the noise, lights and garbage. She requested that the Planning Board deny future construction until Linden Market extends the border to protect the residents that live in The Abbey, Bayberry and Shadow Run and that HyVee be cognizant of the residents located behind the building.

Dan Zadalis, 12912 Webster Plaza, appeared before the board. Mr. Zadalis stated he lives in the Shadow Run Condominiums. He read a letter from a neighbor, Susan Carson, 703 North 129th Plaza who is concerned about property value and the level of enjoyment in her home due to increased traffic and noise. Mr. Zadalis indicated that there are only three trees on the proposed property. Also, the truck noise and exhaust fumes are an issue along with the litter in the area and the parking area has a tendency to become a "lovers lane" or "party central". Linden Market needs to maintain the quality of the area.

John Fruhwirth, 821 North 131st Plaza, appeared before the board. Mr. Fruhwirth stated he is a resident and Treasurer of the Board of Directors for The Abbey Homeowners Association. He stated there seems to be inadequate buffering between the residential and commercial property. He requested that there be more communication between the residents and the developer to resolve several issues and concerns.

Marvin Andersen, 812 North 131st Court, appeared before the board. Mr. Andersen stated the developer promised a buffer zone in 2004. The trees that were planted were not watered and as a result, the trees died. Linden Market is not maintaining the buffer zone.

John (unknown) stated he lives across from HyVee. He requested the installation of speed bumps because the trucks have not slowed down and it appears to be a race track for kids.

Bruce Blanchard, 808 North 131st Court, appeared before the board. Mr. Blanchard stated the road to the proposed construction is noisy with the truck traffic. He stated he is concerned about additional traffic and noise.

Jerry Banks, Newstreet Properties, 6336 Pershing Drive, appeared before the board. Mr. Banks stated the Linden Market property is managed by The Lerner Company but HyVee is responsible for the alley behind the building. He stated some of the issues have to deal with the construction and the proposed property has been used as a construction staging area. The damage to the road will be repaired. The purpose of the storage facility is a result for a demand by tenants in the shopping area that need additional storage space. The storage facility will include 1,000 square foot bays and there will be no signs that advertise mini-storage.

Mr. Nesbitt questioned Mr. Banks if the tenants of the storage units would only be the tenants of the shopping center. Mr. Banks stated that the storage will predominately be used by the existing tenants. Mr. Nesbitt suggested that the storage units be limited only to the existing tenants.

Mr. Deeb indicated that the 5,000 square foot building will buffer the noise from the dumpsters. He questioned if there is another way to direct traffic with the new facility with regard to the service road. Mr. Banks answered that smaller trucks could exit another direction but then the road would need to be maintained as a two-way. Mr. Banks was willing to address any issues and was open to any other suggestions to reduce traffic and noise.
Mr. Rosenbaum questioned how a suitable acceptable landscape plan would be enforced. Mr. Weaver stated someone could be sent out but site plans would need to be approved. Mr. Banks confirmed that the landscaping would be addressed regardless if this request is approved.

Mr. Neary stated he believes the amount of additional traffic would be minimal. The real issue seems to be better communications between the neighbors and better maintenance of the area.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the Major Amendment subject to compliance with the site, building elevation and operating plan and complying with all previous conditions of approval. The operating statement states that the storage to be for tenants only. He stated he would suggest adding the landscape issue and address the lighting.

Mr. Nesbitt asked Mr. Banks if he would be willing to have his management team meet with the neighbor representatives. Mr. Banks agreed.

Mr. Neary moved to APPROVE the Major Amendment to the Large Project Special Use Permit in the CC-Community Commercial District subject to: 1) Complying with the site, building elevation and operating plans; 2) Complying with all previous conditions of approval; 3) Owner to meet with the neighbor representatives prior to going to City Council; and 4) The use is predominately for shopping center tenants.

Mr. Weaver stated the motion should be strictly for shopping center tenants. It is too hard to enforce predominately.

Mr. Neary amended the motion to APPROVE the Major Amendment to the Large Project Special Use Permit in the CC-Community Commercial District subject to: 1) Complying with the site, building elevation and operating plans; 2) Complying with all previous conditions of approval; and 3) Owner to meet with the neighbor representatives prior to going to City Council. Mr. Deeb seconded the motion which carried 7-0.

**Conditional Use Permits**

21. C7-11-036
William W. Marshall
Five Points Bank

REQUEST: Approval of a Conditional Use Permit to allow Financial services in a LO District

LOCATION: 8820 Arbor Street

At the Planning Board meeting held on March 2, 2011, Larry Jobeun, 11440 West Center Road, and Kevin Strehele, BCDM Architects, appeared before the board to represent the applicant. Mr. Jobeun stated Five Points Bank would like to operate a bank in the former TierOne Bank location. Mr. Jobeun stated the six recommendations are acceptable. He offered to answer any questions and respond to any comments.

Alice Hall, 2315 South 88th Street, appeared before the board. Ms. Hall stated she is a member of the Westside Neighborhood Association. She stated she would like to have the following concerns on record: 1) location and noise of dumpster, 2) maintained tree and buffer area with density for privacy to the east, west and north, 4) headlights from the ATM which should be resolved when the traffic flows from the east to the west, 5) lighting; and 6) signage. The biggest concern is the size, height and location of the sign. She stated the neighbors will work together with the developers.

Ann Massara, 2229 South 88th Street, appeared before the board. Ms. Massara stated she was concerned that the zoning for the subject property remain LO in the future.

Chad Weaver, Assistant Planning Director, Planning Department, stated the overlay is a MCC-Major Commercial Corridor Overlay which does not change the zoning but overlays the LO zoning and provides additional restrictions such as landscaping, signage, and building elevations. There is no guarantee that the LO zoning will remain indefinitely.
Ms. Nubel asked Mr. Jobeun or Mr. Strehle to address the concerns of the neighbors. Mr. Jobeun stated the MCC Overlay and Urban Design require that the dumpsters be screened with materials that are similar to the building. The actual location of the dumpster has not been decided. The site is heavily landscaped and the applicant has agreed to plant a few additional trees. The MCC Overlay District is more restrictive and states the maximum sign height allowed is 12 feet. The location and signage package has not been developed. Also, the lighting will be in compliance with the ordinance requirements. Mr. Jobeun stated the applicant and the trash company can certainly work on a suitable garbage collection time.

Mr. Weaver stated the department recommends approval of the Conditional Use Permit subject to the six recommendations.

Mr. Neary moved to APPROVE the request for a Conditional Use Permit to allow Financial services in LO, subject to: 1) Compliance with a revised site plan, with the addition of two over story type street trees along south property line and two along west property line; and a 4' screen along the east side of the parking lot; 2) Compliance with the proposed operating statement; 3) Compliance with all other applicable regulations; 4) Submittal of a rezoning application for the MCC-Major Commercial Overlay District; 5) Submittal and compliance with acceptable, labeled elevation plan that meets the MCC regulations; and 6) All signage must comply with the MCC regulations. Mr. Nesbitt seconded the motion which carried 6-0 with Mr. Kelley abstaining.

APPROVAL OF MINUTES

Mr. Neary moved to APPROVE the meeting minutes of February 2, 2011 as written. Mr. Kelley seconded the motion which carried 6-0 with Ms. Nubel abstaining.

ELECTION OF OFFICERS

Mr. Neary moved to nominate John Hoich as Chairman of the Planning Board. Mr. Rosenbaum seconded the motion which carried 6-0 with Mr. Hoich abstaining.

Mr. Rosenbaum moved to nominate Arnold Nesbitt as Vice Chairman of the Planning Board. Mr. Neary seconded the motion which carried 6-0 with Mr. Nesbitt abstaining.

ADJOURNMENT

Mr. Nesbitt moved to ADJOURN the meeting at 3:06 pm. Mr. Rosenbaum seconded the motion which carried 7-0.

Date Approved

Anna Nubel, Chair

Debbie Hightower, Planning Board
Recording Secretary