MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
CMAHA CITY PLANNING BOARD 1:30 P.M. – April 6, 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, March 28, 2011.

MEMBERS PRESENT: Anna Nubel, Chair
                  John Hoich, Vice Chair
                  R. J. Neary
                  Arnold Nesbitt
                  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
               Cheri Rockwell, Current Planning
               Bernard in den Bosch/RoseMarie Lee, 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

Subdivision Plats

10. 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 a rezoning from R4(35) to R7

LOCATION: Northeast of Fort Street and Fontenelle Boulevard

Ms. Nubel moved to APPROVE the rezoning from R4(35) to R7. Approval of the waiver of Section 53-8(4)(d) Lot frontage. Approval of the Preliminary Plat. Approval of the Final Plat subject to submittal of an acceptable subdivision agreement prior forwarding the request to the City Council. Mr. Kelley seconded the motion which carried 6-0.

11. C10-11-048a (D) C12-11-048
    PDM, Inc.

REQUEST: Preliminary and Final Plat approval of 72 BLONDO, a minor plat inside the city limits, with approval of an ACI-2(50)-Area of Civic Importance Overlay District

LOCATION: 1945 North 72nd Street
Ms. Nubel moved to APPROVE the ACI-2(50) District designation for the subject property. Approval of the Preliminary Plat subject to closing the right-in/right-out driveway on 72nd Street and providing a note on the Final Plat mylars that indicates access to 72nd Street will be limited to the existing full movement driveway. Approval of the Final Plat as amended by the condition of Preliminary Plat approval. Mr. Kelley seconded the motion which carried 5-0 with Mr. Neary abstaining.

12. C12-11-057 (D)  
   BMAKK Corporation  
   REQUEST: Preliminary and Final Plat approval of BMAKK INDUSTRIAL, a minor plat inside the city limits  
   LOCATION: Northeast of 16th and Ida Streets

Ms. Nubel moved to APPROVE the Preliminary and Final Plat. Mr. Kelley seconded the motion which carried 6-0.

14. C10-11-060 (D)  
    C12-11-061  
    Bank of the West  
    REQUEST: Preliminary and Final Plat approval of GLENN PARK FIRST ADDITION, a minor plat inside the city limits, with approval of an MCC Overlay District  
    LOCATION: Southeast of North 60th Street and Northwest Radial Highway

Ms. Nubel moved to APPROVE the MCC-Major Commercial Corridor Overlay District. Approval of the Preliminary Plat. Approval of the Final Plat, subject to submittal of an acceptable final subdivision agreement, if necessary. Mr. Kelley seconded the motion which carried 6-0.

Overlay Districts

15. 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

Ms. Nubel moved to APPROVE the Planned Unit Development Overlay District, subject to the following reports being submitted, if required, prior to forwarding the request to the City Council: 1) Traffic Impact Study; 2) Post-Construction Storm Water Management Plan; and 3) Drainage Computations. Mr. Kelley seconded the motion which carried 6-0.

Rezonings

17. C10-04-237 (D)  
    Olsson Associates  
    REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for Sorensen Park Plaza  
    LOCATION: Southwest of 72nd Street and Sorensen Parkway

Ms. Nubel moved to APPROVE the Major Amendment to the Sorensen Park Plaza Mixed Use Agreement with the following conditions being met prior to forwarding the request to City Council: 1) Submittal of an administrative subdivision; and 2) Submittal of an acceptable mixed use amendment that includes, in addition to what has already been submitted: a) A statement that includes the timing of the sidewalk construction on Outlot A; b) An updated Exhibit B and the lot description table; and c) Consistently apply the lot area per use to all lots with more than one use. Mr. Kelley seconded the motion which carried 5-0 with Mr. Neary abstaining.

19. C10-02-262 (D)  
    McWhinney  
    REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for West Dodge Station  
    LOCATION: Northwest of 180th and West Dodge Road
Ms. Nubel moved to APPROVE the Major Amendment to the West Dodge Station Mixed Use Agreement subject to the following conditions being met prior to forwarding to City Council: 1) Update Building Elevations to comply with Section 55-936; 2) Update the site plan to show the buildings at an acceptable setback and correct sidewalk and landscaping widths along the internal main street; 3) Change the on-street parking to angle parking rather than 90 degree; and 4) Submit West Dodge Station Replat 6 for approval that includes shared parking and access easements. Mr. Kelley seconded the motion which carried 6-0.

22. C10-11-046 (D)  
Planning Department on behalf of the City of Omaha  
REQUEST: Rezoning from R7 and GI to R5  
LOCATION: 1502, 1510, 1516 and 1522 North 16th Street; 1505, 1517, 1519 and 1527 Florence Boulevard and 1818 Charles Street

Ms. Nubel moved to APPROVE the rezoning from R7 and GI to R5. Mr. Kelley seconded the motion which carried 6-0.

23. C10-11-047 (D)  
Mary Lawry  
REQUEST: Rezoning from HI to R4  
LOCATION: 4951, 4953 and 4957 South 36th Avenue

Ms. Nubel moved to APPROVE the rezoning from HI to R4. Mr. Kelley seconded the motion which carried 6-0.

**Special Use Permits**

29. C8-11-064 (D)  
Holy Name Housing Corporation  
REQUEST: Approval of a Special Use Permit to allow Large group living in a R7 District  
LOCATION: Northeast of Fort Street and Fontenelle Boulevard

Ms. Nubel moved to APPROVE the Special Use Permit to allow Large group living subject to the following prior to forwarding request to City Council: 1) Submittal of an application for reasonable accommodation that the number of residents permitted in a non-owner-occupied dwelling unit(s) for Large Group Living and off-street parking if less than the required amount; 2) Submittal of a site plan and elevations; and 3) Submittal of a parking study that shows required and provided off-street parking for all proposed uses on the St. Richard’s Campus. Mr. Kelley seconded the motion which carried 6-0.

**Conditional Use Permits**

31. C7-11-056 (D)  
Nonin Chowaney  
REQUEST: Approval of a Conditional Use Permit to allow Religious assembly in a R4(35) District  
LOCATION: 3625 Lafayette Avenue

Ms. Nubel moved to APPROVE the Conditional Use Permit to allow Religious assembly in a R4(35) District, subject to the following conditions: 1) The property shall be limited to no more than 36 people on the site at one time; 2) Compliance with the submitted operating statement; 3) Compliance with the proposed site plan; 4) Compliance with all other applicable regulations; and 5) That the applicant obtain the appropriate Certificate of Occupancy. Mr. Kelley seconded the motion which carried 6-0.

**Master Plan Referrals**

4. C3-11-051 (D)  
Planning Board on behalf of the City of Omaha  
REQUEST: Approval of the BMAKK CORPORATION REDEVELOPMENT PROJECT PLAN  
LOCATION: 1440 Read Street and 6924 North 14th Avenue

Ms. Nubel moved to LAY OVER. Mr. Neary seconded the motion which carried 6-0.
Rezonings

18. C10-98-193 (D)
    Continental 159 Fund, LLC

    REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for Legacy
    LOCATION: Southwest of 168th Street and West Center Road

Ms. Nubel moved to LAY OVER. Mr. Neary seconded the motion which carried 8-0.

20. C10-11-063 (D)
    C8-11-062
    Meriwether, Inc.

    REQUEST: Rezoning from HI to DR and approval of a Special Use Permit to allow Campground in a DR District
    LOCATION: 2499 Freedom Park Road

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

1. 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 April 6, 2011, Robert Mooney, Gross & Welch, 2120 South 72nd Street, appeared before the board to represent the applicant. Mr. Mooney indicated he was retained after the Planning Board meeting on February 2, 2011. He stated the matter before the board is approval of the replat and does not affect the covenant that the Slosburg’s are claiming which prevents the development of the parking lot. The covenant can be assessed in a court of law. The opposition is a concern because there is no right that is infringed by approval of the plat. Mr. Mooney stated that however, consistent with the board’s desire, he contacted Mr. Jobeun, counsel for the opponent, to address the objection and raised possible solutions. The effort has been made on behalf of the applicant and it appears that more time will not lead to a business solution. The application, as made, was recommended for approval by the planning department. The planning department indicated that the request meets with the Master Plan and does not violate city ordinances. He stated he fears that the opposition is being used to hold Garden Ridge hostage from moving forward with their plan.

Mr. Kelley asked Mr. Mooney if his client would be opposed and completely unwilling to engage in principle-to-principle negotiations. Mr. Mooney stated his client is hesitant based on the principle-to-principle discussions that they have already had and secondarily, based on the conduct of the parties he would not advise his client to participate in principle-to-principle discussions. He stated that his client is not opposed but is not sure that delaying the matter to engage in principle-to-principle discussions serves any purpose.

Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the Slosburg’s and the Slosburg interest with respect to the subject property. There is a need to understand what the agreements provide that is recorded against both properties, Garden Ridge and Slosburg properties. There are reciprocal permanent easements for vehicular and pedestrian access for parking over the common areas. The common areas are clearly defined as all areas including the building envelopes. The entire area is subject to an easement for parking for vehicular and pedestrian access. These
easements are substantial and beneficial rights that the Slosburg’s possess. The applicant has put the
city and the board in an awkward position by not disclosing the facts as part of the application. The
subdivision regulations, under the Omaha Municipal Code, requires that certain existing conditions, such as
easements, must be disclosed, with respect to property, as part of the application. The subdivision
requirements require that the easements and restrictions must be added to the plat. The planning
department’s recommendation would have been very different if there was knowledge of the important
beneficial rights and access easements on the property. Mr. Jobeun stated the application is defective
and the plat is defective. The easements, especially the parking, based on floor area designations,
should have been noted on the plat. Mr. Jobeun requested a denial as opposed to an approval.

Mr. Kelley asked Mr. Jobeun if his client would be willing to engage in principle-to-principle discussions in
an attempt to resolve. Mr. Jobeun stated his client would agree to principle-to-principle discussions. Mr.
Jobeun agreed that any principle-to-principle discussions would not be admissible in court.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends a
layover to give the parties additional time.

Mr. Kelley moved to lay over for 30 days to allow parties additional time to engage in discussions. Mr.
Deeb seconded the motion which carried 6-0.

2. C10-11-006  
 C12-11-018  
 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

At the Planning Board meeting held on April 6, 2011, Bob Huck, 1200 Omaha Tower, appeared before
the board to represent the applicant. Mr. Huck requested additional time for continued discussions with
the city.

No one appeared before the board in opposition.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department would agree with
another layover.

Mr. Nesbitt moved to layover for 60 days (30 days if ready). Ms. Nubel seconded the motion which
carried 5-0 with Mr. Neary abstaining.

Conditional Use Permits

3. C7-11-005
 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

At the Planning Board meeting held on April 6, 2011, Bob Huck, 1200 Omaha Tower, appeared before
the board to represent the applicant. Mr. Huck requested additional time for continued discussions with
the city.

No one appeared before the board in opposition.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department would agree with
another layover.

Mr. Nesbitt moved to layover for 60 days (30 days if ready). Ms. Nubel seconded the motion which
carried 5-0 with Mr. Neary abstaining.
(REGULAR AGENDA)

Master Plan Referrals

5. C3-11-052
Planning Board on behalf of the City of Omaha
REQUEST: Approval of the LIVESTOCK COMMONS, LLC REDEVELOPMENT PROJECT PLAN
LOCATION: 4910 South 30th Street

At the Planning Board meeting held on April 6, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the project is a TIF redevelopment plan for the Livestock Commons Exchange that would provide additional medical and health clinic services as well as providing affordable senior housing. The project is located at the Livestock Exchange complex and will consist of two new mixed-use buildings with four stories each. The top two floors will provide residential or senior housing and the bottom two floors will be conducted by OneWorld Health Center. The buildings will allow for additional expansion. She indicated there have been concerns in the community with regard to the design and placement of the buildings. After various meetings with the developer, current planning department and State Historic Preservation Office there were a few minor design changes made by the developer to fit with the Livestock Exchange Building. The site placement of the building has been resolved and will be placed more square to the street as recommended by the planning department. The two buildings will be on a site that has a historic presence and the placement and design will not impede the view or take away from the existing property of the Livestock Exchange Building. Recent environmental concerns relate to separate funding and do not impact the TIF funding. Health Resource Services Administration (HRSA) is funding the two lower floors for OneWorld Health Center. The TIF funding will fund the building structure and the completion of the top two floors (the residential piece) and the underground garage parking. The proposed TIF redevelopment plan should not be prohibited or delayed because the environmental issues can be mitigated. The redevelopment plan could be subject to the release of funds from the funding source but without the funding source, the project will not take place.

Julie Stavneak, 5205 California Street, J Development Company, appeared before the board. Ms. Stavneak offered to answer any questions.

Joel Dougherty, 4920 South 30th Street, Chief Operating Officer, OneWorld Community Health Centers, appeared before the board. Mr. Dougherty stated OneWorld has been in business for 40 years in South Omaha. The Livestock Exchange Building is the headquarters to four other local health care locations. There is a need for more space, the present facility is full and patients are turned away each month. The approval of the project will allow expansion of the campus and the ability to see more patients each year. He offered to answer any questions.

Mary Ann Krzemien, 1902 “O” Street, appeared before the board. Ms. Krzemien stated she represents a group of 70 citizens that do oppose the project but oppose the placement of the buildings. She indicated the main reason is the blocking of the historic Livestock Exchange Building. Additionally, the site is a Super Fund site and there are major environmental concerns such as lead and possibly other chemicals. The proposed play space for children will be located near a fire escape on one side, a street on the east, south and west side with a small space that is not adequate for small children. The concerns have been taken to the EPA, HRSA and other agencies. Ms. Krzemien read a letter from an environmental officer of Health Resources and Services Administration addressed to Tanya Ward, “At this point, HRSA is undertaking an environmental assessment and has not determined if the issues of concern can adequately be mitigated. Based on our review of this situation, because additional information that has come to our attention, we have retracted the EA and retracted the FONZI and we have notified OneWorld on March 31st of this year. OneWorld is in the process of revising the environmental assessment, which will then be put out for new public comment period after 30 days. We will provide a copy of the draft document once it is available and EPA will assist with the public outreach efforts.” She stated she and others are looking for other possible sites for OneWorld and would assist with the soliciting of funding. The two buildings on the site would be congested and would be problematic. She stated she would request a delay or a layover.

Mr. Deeb questioned the adequate space with regard to the playground. Ms. Stavneak stated the
children would no longer have to cross the parking lot to the proposed playground. There will be an additional playground in the south building on the pad site near the proposed childcare clinic.

Chad Weaver, Assistant Planning Director, Planning Department, stated there are concerns with regard to the site layout, building placement and some of the architecture. The department does not recommend a delay but recommends approval contingent upon off site layout and architectural design issues being satisfactory to the Planning Department before forwarding to City Council.

Mr. Neary asked Ms. Kizemien to explain how the proposed buildings would block the view. She stated that in 1999 the Livestock Exchange Building was given the National Historic designation. There are daily tours that take visitors to the OneWorld Health site. Presently, there is nothing in the way of the building, which is gorgeous and beautiful and gives South Omaha pride to have such a beautiful building that will only grow in importance and significance. OneWorld is a fine and wonderful organization but the focus should be on the historical building.

In response to Mr. Kelley, Mr. Weaver confirmed that the environmental issues with the site would be taken care of through independent processes.

Mr. Nesbitt moved to APPROVE contingent upon off site layout and architectural design issues being satisfactory to the Planning Department before forwarding to City Council. Mr. Neary seconded the motion which carried 6-0.

6. C3-11-053
Planning Board on behalf of the City of Omaha

REQUEST: Approval of the RORICK APARTMENTS TIF REDEVELOPMENT PROJECT PLAN
LOCATION: 604 South 22nd Street

At the Planning Board meeting held on April 6, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the project is to rehabilitate the Rorick Apartments located on 22nd and S. Mary’s Avenue. The property is a historic property in terms of age and architecture. The redevelopment plan is to allow the Tax Increment Financing (TIF) to be used for the garage structure and to improve the elevator system. The developers, Lanning and Lund, LLC, purchased the property to convert the condo units back into market rate apartments. The apartments will address the need for market rate units in the downtown area.

John Lund, 120 Regency Parkway, and Larry Lanning, 43191 Moore Circle, Bermuda Dunes, California, offered to answer any questions.

No one appeared before the board in opposition.

Mr. Neary asked if the project is 100% owned. Mr. Lund answered that the units are presently condos and all but 17 units are presently owned. In response to Mr. Neary, Mr. Lund stated that a general contractor, Mr. Rorick, built the building in 1952.

Ms. Nubel questioned the market rate for the apartments. Mr. Lund stated the studios are $450.00 and one bedrooms are $500-550.00. He indicated there is a tremendous market for apartments in downtown Omaha. He stated the units are rented as soon as they are renovated and are leased to numerous UNMC and Creighton students.

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

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

7. C3-11-054
Planning Board on behalf of the City of Omaha

REQUEST: Approval of the SALEM VILLAGE II LIMITED PARTNERSHIP REDEVELOPMENT PROJECT PLAN
LOCATION: 3520 Lake Street
At the Planning Board meeting held on April 6, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the project is a Tax Increment Financing (TIF) redevelopment plan for Salem Village II. This is a continuation for senior housing at 35th and Lake Street, part of the original Miami Heights redevelopment. The project will provide affordable senior housing, infill housing within the neighborhood and remove blight. The developer and architect are also present for any questions.

Rob Woodling, Foundaions Development, LLC, 1886 South 126th Street and Curt Witzenburg, Holland Basham Architects, 119 South 49th Avenue, appeared before the board to answer any questions.

No one appeared before the board in opposition.

Mr. Neary questioned the relation of the project to Creighton Boulevard in relation to the landscaping. Mr. Witzenburg stated the project is bound north on Ohio, south on lake and west along 36th Street. There will be extensive landscaping around the perimeter with the parking lot moved toward the interior of the development.

In response to Ms. Nubel, Mr. Woodling answered that there will be 27 units within the project.

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

Mr. Kelley moved to APPROVE. Mr. Deeb seconded the motion which carried 6-0.

At the Planning Board meeting held on April 6, 2011, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the request is for the designation of a blighted area consisting of 1,900 acres. A public meeting was held previously and the attendees were supportive of the project. The Crossroads Mall opened in 1980 with a unique design that included two anchors (Brandeis and Sears) and a very linear indoor space located at one of the main intersections of Omaha. The intersection of 72nd and Dodge is now the fourth highest traffic count area. This particular area, centering on 72nd and Dodge Street, has come to be known as "Crossroads" which represents a public image for the city and is considered a landmark. The city has been taking a proactive approach toward development and redevelopment to encourage reinvestment and development within the city. The area has experienced deterioration in structures, some site layouts and traffic flow. The city wants to assist and promote redevelopment at the Crossroads Mall and south of the mall. Tax Increment Financing (TIF) is the tool made available after an area has been declared blighted and substandard. Blight and substandard is strictly a statutory term but does not mean a particular property is blighted but the entire study area exhibits conditions for a blight and substandard area. Census data is used to assess if an area is eligible to be blighted. The 2000 census data was used to perform this analysis.

No one appeared before the board in opposition.

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

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

At the Planning Board meeting held on April 6, 2011, Gary Hall, Planning Department, presented the
request. Mr. Hall stated this request would amend the Future Land Use Element by updating the Future Land Use Map and Mixed-Use Triangle Map. The updates are necessary due to extraterritorial growth and a major change in software. The existing future land use map excludes the existing Elkhorn area. The proposed future land use map will completely surround the Waterloo area. Mr. Hall offered to answer any questions.

Mr. Kelley asked if the change in the map would affect any projects that are currently in the pipeline. Mr. Hall answered that there will be no existing projects affected by the change.

No one appeared before the board in opposition.

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

Mr. Kelley moved to APPROVE. Mr. Deeb seconded the motion which carried 6-0.

**Subdivision Plats**

13. C10-11-058
    C12-11-059
    Peoples National Bank

  REQUEST: Preliminary and Final Plat approval of ELK RIDGE REPLAT SIX, a minor plat inside the city limits, with rezoning from R5 to R4
  LOCATION: North and South of Seward Street and East of Elk Ridge Drive

**DISPOSITION: LAYOVER 6-0. Laid over for 60 days (30 days if ready).**

**Overlay Districts**

16. C10-69-092
    TMB Properties, LLC

  REQUEST: Approval of a Major Amendment to a Planned Unit Development Overlay District
  LOCATION: 5615 Northampton Boulevard

**DISPOSITION: APPROVED 6-0. Approval of the proposed amendment subject to submittal of a revised site plan, a landscaping plan and building elevations in compliance with the following prior to forwarding the request to the City Council: 1) Compliance with Article XIV Off-street Parking and Loading Regulations of the Municipal Code; 2) Providing seven (7) evergreen trees every 20 feet on center, no more than 20 feet inside the southwest property line; and 3) The owner and Planning Department agreeing to the color and the materials used for the maintenance building before forwarding to the City Council.**

**Rezoning**

21. C10-11-045
    Planning Department on behalf of the City of Omaha

  REQUEST: Rezoning from GC to R5
  LOCATION: 2003 Maple Street

At the Planning Board meeting held on April 6, 2011, Chris Wayne, Planning Department, presented the request. Mr. Wayne stated the rezoning of the single lot residential is consistent with the OIC Neighborhood Redevelopment Plan and the Master Plan. Mr. Wayne offered to answer any questions.

No one appeared before the board in opposition.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends approval of the rezoning from GC to R5.
Mr. Kelley moved to APPROVE the rezoning from GC to R5. Mr. Deeb seconded the motion which carried 8-0.

24. C10-11-050
Don Gardiner

REQUEST: Rezoning from MU to R6
LOCATION: East and West of North Main Street North of Blondo Street

Mr. Jim Lang, 11718 Nicholas Street, appeared before the board to represent Don Gardiner. Mr. Lang stated the rezoning would permit a development consisting of 216 units, a clubhouse and garages. The original concept of the development was for light industrial and has since changed to a less restrictive use and is compatible with the zoning in the area. All requirements in the recommendation report are acceptable by Mr. Gardiner. Mr. Gardiner recently met with individuals from the neighborhood. Mr. Lang offered to answer any questions.

William Wassem, 2226 North 204 Terrace, appeared before the board in opposition. Mr. Wassem indicated that the back yard of his property backs up to the proposed project, which will have a major impact on the residents in his neighborhood. He stated he would like to request more time to consult with the neighbors and possibly seek legal counsel. Mr. Wassem is concerned about protecting his living environment and property values.

Rex Moats, Moats Law, 131 South 202nd Street, appeared before the board on behalf of three property owners affected by the request. Mr. Moats stated his clients are not in favor of a large complex in their back yard. The area has been a residential neighborhood for over 40 years. One concern would be the amount of water and runoff because of the steep incline and amount of concrete. He requested a lay over to allow for additional time to explore some of the issues with the current plan.

Mr. Lang stated the runoff was addressed as part of the planning and development process and will be taken care of with the proper detention facilities. The requested zoning will be the same zoning that the opponent's are opposing.

Mr. Kelley questioned the price point for the project. Don Gardiner, 3801 South 181st Street, developer, stated the projected market rate monthly rent will be approximately $635.00 for an efficiency apartment, $845-$850.00 for two bedrooms and six units will have three bedrooms at $975.00. He confirmed that there would be no units that are HUD subsidized.

In response to Mr. Neary, Mr. Gardiner indicated the only access would be a new street called North Main Street with 50 feet of dedicated right-of-way on the south end of the property for a connection to Blondo Street in the future.

Chad Weaver, Assistant Planning Director, Planning Department, stated the existing mixed-use zoning was previously zoned to facilitate a light industrial space subdivision which did not move forward. The City of Omaha was based upon the Elkhorn Master Plan. The basis for moving toward apartments is the mixed-use intersection of 204th and Blondo that allows for apartments to that close of proximity. The city understood that the developer had reached the neighbors but it does not sound like that was to the satisfaction of the neighbors. The department does not perceive any traffic issues due to the curvature of the road and certainly there should not be traffic into the neighborhood. With respect to downtown Elkhorn, the restaurant owners would most likely embrace the new traffic. The department would suggest a layover for 60 days or 30 if ready and propose the submittal of a PUD for the project to give the neighbors comfort to know what will happen now and in the future. In review, the buffer yard along the east side of the neighbors may not be compatible with R6 but will be required in the process. The R6 zoning is a holdover from Elkhorn but not appropriate or necessary. Nonetheless, the department recommends a 30-60 day layover and submittal of a PUD.

Mr. Neary asked Mr. Weaver if Blondo Street would ever go through the area with the elevation issues from 204th Street. Mr. Weaver stated there are issues and grading challenges on Blondo Street but it is possible. Mr. Neary questioned if apartments would transition into the commercial downtown from 204th Street. Mr. Weaver stated that the proximity to Blondo and 204th make this transition acceptable.
Mr. Neary asked Mr. Lang if a lay over and a PUD would cause a hardship to his client. Mr. Lang stated Mr. Gardiner would prefer to move forward but could live with a 30-day extension to accommodate the planning commission and neighbors. The same thing could be accomplished by working with the planning department instead of working with a PUD with conditions in the recommendation such as buffering.

Chad Weaver stated the only challenge would be a deadline of Monday, April 11th for a submittal of a PUD.

Mr. Lang stated Mr. Gardiner is on a time line with the lender but could wait for 30 days to meet with the neighbors before moving forward. The concern with the PUD would be the deadline and the review process. He stated he is not sure it will accomplish much more than the present plan but some of the items could be incorporated or conditioned in as part of the application.

Mr. Nesbitt moved to lay over for 30 days. Ms. Nubel seconded the motion.

Chad Weaver stated he is concerned that if there were no PUD, the project would only have to meet code when the building permits are issued.

Mr. Nesbitt stated he would like to lay it over for 30 days and the applicant can consider the PUD after 30 days. Mr. Deeb stated he was concerned that the applicant would have to return after another 30 days.

Mr. Nesbitt stated he would stick with his original motion of a lay over for 30 days. Ms. Nubel seconded the motion which carried 5-1 with Mr. Hoich dissenting.

**Special Use Permits**

25. C8-11-037  
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 80 feet  
LOCATION: 13326 "A" Street

Withdrawn at the request of the applicant.

26. C7-11-038  
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

**DISPOSITION:** APPROVED 6-0. Denial of the Special Use Permit to allow Office and commercial use types in an R7-Medium-Density Multiple-Family Residential District. Approval of a Large Project Conditional Use Permit in an NCE-C District subject to: 1) The planting of two (2) regular over story trees along the western portion and four (4) over story trees along the eastern portion of the subject site; 2) Continue to work with Planning and Public Works Department staff on specifications for the required improvements of the alley along the west side of the property and the appropriate on-street parking along 10th Street; 3) Work with Planning Department staff on any unanswered issues with the urban design site plan review; 4) Submittal of a revised site plan addressing the building setback issues for the proposed structure or receive a variance from the Zoning Board of Appeals; and 5) Compliance with all other applicable regulations.

27. C8-08-014  
Ashley Freeman  
REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Convenience storage in a GC District  
LOCATION: 5800 Ames Avenue
DISPOSITION: APPROVED 5-0. Approval of a Major Amendment to the Special Use Permit to allow Convenience storage in a GC District by removing Condition #1 as originally approved.

28. C8-11-049 AT&T
REQUEST: Approval of a Special Use Permit to allow a Broadcast tower in an R2 District with a waiver of Section 53-146 Height to 140 feet
LOCATION: 5308 Hartman Avenue

DISPOSITION: APPROVED 5-1. Denial of the Special Use Permit as requested. Approval of a Special Use Permit to allow a Broadcast tower in an R2 District with a waiver of Section 53-146 Height to 125 feet subject to: 1) Compliance with the site plan; 2) Compliance with an amended landscape plan that provides for 6 foot tall screening; 3) Compliance with the elevations; 4) Compliance with the operating statement; 5) That the tower be sufficient enough to co-locate at least two (2) additional providers; 6) Submittal of an annual report due January of each year disclosing the location of each tower site within the City of Omaha and its three-mile extraterritorial jurisdiction; and 7) FAA approval, if necessary.

30. C8-11-065 Open Door Mission
REQUEST: Approval of a Special Use Permit to allow Large group living in a GI District
LOCATION: 2705 North 20th Street East

DISPOSITION: APPROVED 6-0. Approval of the Special Use Permit to allow Large group living in a GI District subject to: 1) Compliance with the site plan; 2) Compliance with the operating statement; 3) Compliance with the building elevations; and 4) Submission of all required supplemental information to the satisfaction of the Planning Department prior to submittal to the City Council.

APPROVAL OF MINUTES

Mr. Nesbitt moved to APPROVE the meeting minutes of March 2, 2011 as written. Mr. Neary seconded the motion which carried 6-0.

ADJOURNMENT

Mr. Neary moved to ADJOURN the meeting at 4:35 pm. Ms. Nubel seconded the motion which carried 6-0.

Date Approved

John Hoich, Chair

Debbie Hightower, Planning Board Recording Secretary