Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, December 26, 2011.

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

MEMBERS NOT PRESENT: Anna Nubel  
Greg Rosenbaum

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. Kelley, 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

9. C12-12-020 (D)  
   Bonnie L. Meador  
   REQUEST: Preliminary and Final Plat approval of MEADOR MEADOWS, a minor plat outside the city limit  
   LOCATION: 7633 Dutch Hall Road

Mr. Hoich moved to APPROVE. Approved the Preliminary Plat subject to placement of a note on the Final Plat that Lot 2 and 3 shall share a driveway access to Dutch Hall Road and the Final Plat subject to compliance with the condition of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Nesbitt seconded the motion which carried 5-0.
REQUEST: Preliminary and Final Plat approval of HOMESTEAD ACRES REPLAT 2, a minor plat outside the city limits, with rezoning from DR to R4

LOCATION: Southeast of 50th and Washington Streets

Mr. Hoich moved to APPROVE. Approved the rezoning from DR to R4; the Preliminary Plat, subject to the installation of sidewalks as required by the Omaha Municipal Code; and the Final Plat subject to compliance with the condition of Preliminary Plat approval and submittal of an acceptable subdivision agreement, if necessary, prior to forwarding the Final Plat to City Council. Mr. Nesbitt seconded the motion which carried 5-0.

Rezonings

REQUEST: Rezoning from GI to CC and approval of a Conditional Use Permit to allow Multiple family residential in a CC District

LOCATION: 11025 "M" Street

Mr. Hoich moved to APPROVE. Approved the rezoning from GI to CC and the Conditional Use Permit to allow Multiple family residential in a CC District subject to: 1) The applicant obtaining any necessary Zoning Ordinance waivers prior to forwarding the rezoning to the City Council for final action; 2) Compliance with the approved site plan; 3) Compliance with the existing elevations; any elevation changes would require, at least, administrative approval in the future prior to issuance of any building permits; 4) Compliance with the Operation Statement; 5) The applicant obtaining new Certificates of Occupancy for Multiple family residential; and 6) Approval of the rezoning from GI to CC. Mr. Nesbitt seconded the motion which carried 5-0.

Special Use Permits

REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Automotive sales in a GC District

LOCATION: 4412 South 42nd Street

Mr. Hoich moved to APPROVE. Approved subject to: 1) Compliance with all original conditions of approval; 2) Maintaining a minimum 15 foot setback between the proposed addition and the western property line; 3) Providing a 6 foot tall landscape screen along the western property line in compliance with Section 55-717 of the Omaha Municipal Code prior to issuance of a building permit for the proposed detailing addition; and 4) Removal of the asphalt surfacing from that part of Lot 3, Block 2, Hascall’s Subdivision (4413 South 42nd Avenue) and proper re-seeding of the lot prior to approval of a building permit for the proposed detailing addition. Mr. Nesbitt seconded the motion which carried 5-0.

Vacations

REQUEST: Vacation of a 22.34’ by 3.76’ triangular piece of Cuming Street right-of-way east of 16th Street

Mr. Hoich moved to APPROVE. Mr. Nesbitt seconded the motion which carried 5-0.
Master Plan Referrals

1. C3-12-007 (D)
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of a Blighted and Substandard Designation
   LOCATION: Generally, Castelar Street on the north, I-80 on the south, Riverview Road on the east, and South 24th Street on the west

Mr. Hoich moved to LAYOVER. Laid over at the request of the applicant. Mr. Deeb seconded the motion which carried 5-0.

Rezonings

14. C10-12-002 (D)
    Mary Pat & Gabriel Florido
    REQUEST: Rezoning from HI to R4
    LOCATION: 2614 and 2624 “Y” Street

Mr. Hoich moved to LAYOVER. Laid over allow the applicant time to meet with City staff. Mr. Deeb seconded the motion which carried 5-0.

Conditional Use Permits

21. C7-12-005 (D)
    Platte County Ambulance d/b/a Midwest Medical Transport
    REQUEST: Approval of a Conditional Use Permit to allow Safety services in a CC District
    LOCATION: 3434 South 84th Street

Mr. Hoich moved to LAYOVER. Laid over at the request of the applicant. Mr. Deeb seconded the motion which carried 5-0.

Master Plan Referrals

2. C3-12-006
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of the AKSARBEN APARTMENTS II TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 2121 South 64th Plaza

Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated the proposed project represents an amendment to the Broadmoor Development Company TIF Redevelopment Project that originally proposed to construct 258 market rate apartment units, 4 rental townhome units as well as 69 three-story townhome units. There has been a change in scope as a direct result of economic conditions and uncertainty in the housing market. The 258 apartment units have been completed as the initial phase. This particular amendment will predate a new TIF project called the AKSARBEN APARTMENTS II and will consist of 148 apartment units in two separate structures. Ms. Hadley offered to answer any questions.

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

Mr. Nesbitt asked if the proposed amendment would raise or lower the TIF financing from the original project. Ms. Hadley answered that the original TIF proposal was $5,000,000 but due to an increase for the total project there is an increase of $1,000,000 for a total TIF of $6,000,000 for the entire project. The TIF amount for the proposed project will be $2,500,000, which includes $20,000 used for public improvements for the Greater AKSARBEN Village area.

Mr. Nesbitt moved to APPROVE. Mr. Neary seconded the motion which carried 5-0.
3. C3-12-004
   Planning Department on behalf of
   the City of Omaha

   REQUEST: Approval of the AMBASSADOR
   APARTMENTS, LLC TIF
   REDEVELOPMENT PROJECT PLAN

   LOCATION: 109 and 111 South 49th Avenue

Ken Johnson, Planning Department, presented the request on behalf of the investor. Mr. Johnson stated that the proposed project is a historical preservation project that was previously a condominium regime that did not materialize. The existing building is vacant and will be renovated into market rate apartments. The proposed TIF amount will be $415,000 of which $15,000 will be used for off-site public improvements. The total project cost will be approximately $4,000,000. Mr. Johnson offered to answer any questions.

Mr. Kelley asked Mr. Johnson if there is a concern for over saturating the market with many of the recent apartment projects. Mr. Johnson indicated that many of the recent apartment projects have been in the downtown area but this particular project is located west of the downtown market. Many of the apartments in the downtown market were converted from apartments to condos, which left a gap in the market for apartment units. There is a high demand for apartments, not only in the downtown area, but also the eastern part of the city.

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

Mr. Nesbitt moved to APPROVE. Mr. Neary seconded the motion which carried 5-0.

Case #’s 4, 8, 11, and 18 were heard together and voted on concurrently.

**Master Plan Referrals**

4. C3-12-011
   Lexus of Omaha

   REQUEST: Approval of an Amendment to the Future
   Land Use Element of the Master Plan from
   residential to office/commercial

   LOCATION: Southeast of 132nd Street and West Dodge
   Road

**Subdivisions**

8. C10-12-013
   C12-12-014
   Lexus of Omaha

   REQUEST: Preliminary and Final Plat approval of
   ANDERSON ACRES REPLAT FOUR, a
   minor plat inside the city limits, with rezoning
   from LO and CC to CC, and approval of an
   ACI-4 Overlay District

   LOCATION: Southeast of 132nd Street and West Dodge
   Road

**Overlay Districts**

11. C11-97-045
    Lexus of Omaha

   REQUEST: Approval of a Major Amendment to a
   Planned Unit Development Overlay District

   LOCATION: Southeast of 132nd Street and West Dodge
   Road
**Special Use Permits**

18. C8-12-021
(Combines Cases #C8-90-98, C8-94-210 and C8-99-55)
Lexus of Omaha

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

**LOCATION:** Southeast of 132nd Street and West Dodge Road

Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Also present was Mickey Anderson, President, Lexus of Omaha; Jeff Elliott, E & A Consulting Group; and Mike Lacey, Carlson West Povondra Architects. He stated that the project is a redevelopment of the Lexus dealership on a site that is approximately 7.2 acres. Mr. Jobeun presented the existing conditions and the proposed redevelopment plan. The existing main facility is approximately 50,000 square feet but the new sales facility will be reduced to 25,000 square feet. A new car wash/detail facility and service area with parking will be built into the grade to the south to minimize the noise. He pointed out that the existing site has five access points but the proposed plan will reduce the access points to two off the frontage road. The concept is emphasized by improving the overall design and aesthetics and making the complete site more functional while mitigating any negative effects such as noise. The lighting will be reduced with downcast lighting. The existing 60’ to 70’ buffer yard will be maintained adjacent to the residential neighborhood to the south. There will be a significant amount of infill landscaping and the 6’ wooden fence will be maintained that runs along the boundary line of the adjacent residential neighborhood. Mr. Jobeun discussed the significant grade change and presented the proposed grade elevations. The surface parking and service area will replace the former gas station to the west. He explained that a 5’ to 6’ screen wall will be installed on the top of the surface parking and will shield against the residential neighborhood. The building will be LEED certifiable. The delivery trucks will be directed off of 132nd Street onto the frontage road, enter on the western access point and exit at the eastern access point and then out to the frontage road before 132nd Street. He added that a neighborhood meeting was held with approximately 35 neighbors in attendance and the overall the project was well received. Mr. Jobeun offered to answer any questions.

In response to Mr. Hoich, Mr. Anderson stated that customers would drop their vehicles off at the main facility before the vehicle is shuttled over to the service area.

Barbara Ihle, 343 North 130th Street, appeared before the board in favor of the redevelopment plan. Ms. Ihle asked for verification that a fence not be installed along 130th Street as requested at the neighborhood meeting.

**Master Plan Referrals**

4. C3-12-011
Lexus of Omaha

**REQUEST:** Approval of an Amendment to the Future Land Use Element of the Master Plan from residential to office/commercial

**LOCATION:** Southeast of 132nd Street and West Dodge Road

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

Mr. Hoich moved to APPROVE. Mr. Nesbitt seconded the motion which carried 5-0.
Subdivisions

8. C10-12-013
   C12-12-014
   Lexus of Omaha

REQUEST: Preliminary and Final Plat approval of ANDERSON ACRES REPLAT FOUR, a minor plat inside the city limits, with rezoning from LO and CC to CC, and approval of an ACI-4 Overlay District

LOCATION: Southeast of 132nd Street and West Dodge Road

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

Mr. Nesbitt moved to APPROVE. Approved the rezoning from LO and CC to CC; approval of the ACI-4 Overlay District; approval of the Preliminary Plat subject to the applicant providing a dedication of 12.5 feet of right-of-way back of curb along all street frontage; and approval of the Final Plat as amended by the condition of Preliminary Plat approval. Mr. Deeb seconded the motion which carried 5-0.

Overlay Districts

11. C11-97-045
    Lexus of Omaha

REQUEST: Approval of a Major Amendment to a Planned Unit Development Overlay District

LOCATION: Southeast of 132nd Street and West Dodge Road

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

Mr. Nesbitt moved to APPROVE. Approved subject to submittal of site/landscape plans and building elevations in compliance with all applicable CC/ACI-4 District regulations prior to forwarding the request to the City Council for final action. Mr. Neary seconded the motion which carried 5-0.

Special Use Permits

18. C8-12-021
    (Combines Cases #C8-90-98, C8-94-210 and C8-99-55)
    Lexus of Omaha

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

LOCATION: Southeast of 132nd Street and West Dodge Road

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval subject to the nine items listed on the recommendation report.

Mr. Nesbitt moved to APPROVE. Approved subject to: 1) Compliance with the site/landscape plans in conformance with the CC/ACI-4 District regulations; 2) Compliance with building elevations in compliance with the CC/ACI-4 District regulations; 3) Submittal of an acceptable updated operating statement; 4) Maintaining the existing landscaped bufferyard and screening along the southern property line; 5) Maintaining the existing tree plantings along the frontage road; 6) Complying with all signage regulations contained in the Zoning Ordinance; 7) Complying with all lighting standards in the Omaha Municipal Code; 8) No outdoor paging system; and 9) Compliance with all other applicable regulations. Mr. Deeb seconded the motion which carried 5-0.
5. C3-11-199  
Planning Department  
On behalf of the City of Omaha  
REQUEST: Approval of an amendment to Chapter 55 regarding Assisted living and Convalescent services  
LOCATION: Omaha and 3-mile extraterritorial jurisdiction

Chad Weaver, Assistant Planning Director, Planning Department, stated the request is to clarify the assisted living use, establish assisted living as a permitted use in the MU zoning district, require a special use permit when the use is located in the R5 zoning district and will clarify the parking requirements for the use.

Mr. Neary moved to APPROVE. Mr. Nesbitt seconded the motion which carried 5-0.

6. C3-12-024  
Planning Department on behalf of the City of Omaha  
REQUEST: Approval of the Dundee Business Improvement District  
LOCATION: Generally, Webster Street on the north, the alley between Underwood Avenue and California Street on the south, 49th Street on the east and 51st Street on the west

Ken Johnson, Planning Department, presented the request. Mr. Johnson stated the project is the introduction of the Dundee Business Improvement District expansion of the former BID area with a specific scope of work and a budget of $29,000. He stated that this is one step in a process that must go forward before going to City Council. Mr. Johnson presented an illustration of the former and proposed boundaries of the district. Mr. Johnson offered to answer any questions.

Pete Festerson, Omaha City Council District #1, appeared before the board in support of the request. Mr. Festerson stated that Dundee has been working on a $2,500,000 renovation of the business district to generate further employment and economic development, improve public spaces, landscaping and increase public parking by 20%. There has been $2,000,000 raised toward the $2,500,000 goal to be constructed in 2013. This request is an important step toward the goal and represents the business and property owners stepping forward to contribute $29,000 which is an actual requirement based on a $500,000 grant received from the Peter Kiewit Foundation. In addition to the one time assessment, the Dundee merchants already contribute to enhanced snowplowing, flower baskets and holiday lighting. The boundaries will be expanded to form a new BID. Property owners will be accessed based on the lineal front footage but larger property owners will be accessed based on only one side of a corner lot. Multi-family properties will be accessed at 50% and residential properties and non-profit properties will not accessed. There have been a number of public meetings held by the current BID and merchants. The BID voted unanimously in favor of the proposition. Mr. Festerson offered to answer any questions.

Jeff Royal, 731 North 57th Avenue, President of Dundee Business Improvement District, appeared before the board in support of the request. Mr. Royal indicated that the proposed improvement district has been the culmination of a lot of hard work. He stated that approximately three years ago, the district was the recipient of a feasibility grant from the Mayor’s office and others for a total of $25,000 and was used to engage a local architectural and engineering firm to determine what the neighborhood could look like. There has been great progress and consensus with extending the district to include additional property owners to the west and a natural expansion to 49th Street on the east. Mr. Royal pointed out that the property owners within the district show good faith by being assessed the $29,000. He offered to answer any questions.

Mr. Kelley questioned why the business district feels that the natural expansion would extend to 49th Street and does the business district envision more commercialization for the residences. Mr. Royal answered that one benefit to expanding the district would be to provide additional diagonal parking by widening 49th Street to the east.
Molly Romero, 5101 Nicholas Street, appeared before the board in support of the request. Ms. Romero pointed out that Dundee was named one of the “10 Best Communities” in the country for 2011. She added that Dundee was recognized because of the willingness of people to support projects such as the Streetscapes project.

Steve Elken, 1873 South Bellaire Street, Suite 1105, Denver, Colorado, appeared before the board in support of the request. Mr. Elken stated that he owns several commercial properties in Dundee, is in support of the plan and agrees to the initial $29,000 allocation but would not agree to the use of funds for any future assessments.

No one appeared in opposition.

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

Mr. Neary questioned if the $29,000 is a set budget for the next few years for the allocation. Mr. Festerson answered that the $29,000 is a one-time assessment in 2013 and will not happen again. He explained that there is also an ongoing annual assessment in the range of $15,000 for holiday lights, snowplowing and flower baskets starting in 2012 and cannot increase more than 5% per year. There are several challenge grants that are substantial and will be given to the project once the total $2,500,000 is raised.

Mr. Deeb moved to APPROVE. Mr. Neary seconded the motion which carried 5-0.

Case #’s 7 and 22 were heard together and voted on concurrently.

Subdivisions

7. C10-12-009  C12-12-010  Elkhorn Public Schools  
REQUEST: Preliminary Plat approval of SAGEWOOD WEST, a subdivision outside the city limits, with rezoning from AG to R4  
LOCATION: Southeast of 180th and Fort Streets

Conditional Use Permits

22. C7-12-008  Elkhorn Public Schools  
REQUEST: Approval of a Conditional Use Permit to allow Secondary educational facilities in a R4 District  
LOCATION: Southeast of 180th Street and Grand Avenue

Case #7 was recommended for a layover on the Consent Agenda. Jeff Lake requested that the case be removed from the Consent Agenda.

Jeff Lake, 2111 South 67th Street, appeared before the board on behalf of the applicant. Also present was Steve Baker, Superintendent of Schools, Elkhorn Public School District and Jeff Miller, Attorney. Mr. Lake stated that he understands that the predominant reasons for the recommended layover was due to the submittal of a traffic study, which has recently been submitted, and the post construction storm water management plan, which has been addressed in the Preliminary Plat but has not been finalized. Mr. Lake indicated that they are willing to work with the staff through the Preliminary and Final Plat process.

Mr. Baker explained that the Elkhorn School District has opened several new schools since 2000. He pointed out that in the past ten years, the student enrollment has more than doubled and an average of more than 1,000 new students have been added every three school years. Mr. Baker stated that school officials have worked with city officials in the past to comply with all building and zoning codes. A bond
issue, approved on November 15, 2011, included two elementary schools that need to be completed by mid July 2013 and one middle school that is scheduled to open in 2014. A 30-day layover would be a major problem. If the targeted dates are not met, it will be very disruptive to the education of the students and would be a waste of taxpayer money to bring in temporary classrooms. Mr. Baker stated that the Elkhorn Public Schools has a proven track record working with the city on other projects therefore he requested that the process move forward without any further time delays.

Mr. Lake presented a plan showing the proposed campus on a 45-acre site. He stated the applicant is willing to work through the process with the planning department regarding the conditions on the recommendation report.

In response to Mr. Kelley, Mr. Lake confirmed that the six conditions listed on the recommendation report are acceptable.

No one appeared in opposition.

Chad Weaver, Assistant Planning Director, Planning Department, stated that with regard to the Preliminary Plat, he would disagree that delaying the process would make a difference if the timeline were not met. The traffic study and the storm water information should be submitted in a timely manner. Mr. Weaver recommended that all the conditions be met before the board moves forward.

Mr. Lake stated that he is hopeful to get to the stage of providing a pedestrian connection as well as the circulation of Tibbles Street. He stated that there is an alternative plan to obtain and purchase a row of lots through Sagewood for better circulation of traffic through the residential neighborhood and to allow for a pedestrian connection. Mr. Lake pointed out that the grading would need to start in the spring for construction to begin in early summer. The construction of the project cannot start until the Final Plat has been recorded therefore the Final Plat would need to be approved by City Council by July or August of 2012. Mr. Lake stated that a 30-day layover does make a difference when the total project schedule is identified.

In response to Mr. Kelley, Mr. Lake stated that the acquisition of the required property will take place within the next 30-60 days but the project needs to move toward the Final Plat approval.

Mr. Baker added that the Elkhorn Public School Board will move forward on January 9, 2012 with the purchase of the large acreage where the schools will be located and 18 lots from Celebrity Homes in Sagewood. The total development will be a campus that ties into the Sagewood subdivision.

REQUEST: Approval of a Conditional Use Permit to allow Secondary educational facilities in a R4 District

LOCATION: Southeast of 180th Street and Grand Avenue

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

Mr. Neary moved to APPROVE. Approved subject to: 1) Submittal of a revised site plan in compliance with all applicable regulations prior to issuance of a building permit; 2) Submittal of a landscape plan in compliance with all applicable regulations prior to issuance of a building permit; 3) Compliance with the concept elevations; 4) Compliance with the Operating Statement; 5) The Final Plat of Sagewood West being recorded; and 6) Obtaining all necessary permits and Certificates of Occupancy. Mr. Nesbitt seconded the motion which carried 5-0.
Subdivisions

7. C10-12-009 C12-12-010
   Elkhorn Public Schools

REQUEST: Preliminary Plat approval of SAGEWOOD WEST, a subdivision outside the city limits, with rezoning from AG to R4

LOCATION: Southeast of 180th and Fort Streets

Mr. Neary asked Mr. Weaver if the department could work with the engineer to create a plan and plat that is acceptable. Mr. Weaver stated that the department recommends the layover of the plat with the five recommendations but if the board would want to move forward without a layover, the department would recommend that a revised Preliminary Plat be submitted.

Mr. Kelley questioned if there would need to be a revised traffic study based on the acquisition of additional lots and how the additional lots would change the site plan. Mr. Weaver indicated that a revised traffic study would depend on the changes. Mr. Lake stated that he continues to work with Public Works and Douglas County.

Rick Cunningham, Planning Director, reemphasized that Tibbles Street is also an access to future development. Mr. Cunningham added that the department wants resolution to how future connection to the remainder of the property is handled and the applicant needs to understand the importance of access to the property that would remain undeveloped from the existing roadway network to the east.

Mr. Neary moved to APPROVE. Approved subject to: 1) Submit a revised Preliminary Plat; 2) Submit a traffic study for review and approval by the Public Works Department; 3) Provide for all improvements identified in the approved traffic study; 4) Revise the Preliminary Plat to extend Tibbles Street west through Lot 1; 5) Revise the Preliminary Plat to provide a pedestrian connection to 176th Street through Lot 300 and/or 301, Sagewood to Lot 1, Sagewood West; 6) Submit a Post-Construction Stormwater Management Plan that is acceptable to the Public Works Department and the Papio-Missouri River NRD demonstrating on-site control of the first 1/2” of stormwater runoff as well as provide for a no-net increase in peak runoff from a 2-year storm event; and 7) The department approves changes to the Preliminary Plat, traffic study and storm water runoff that have been submitted. Mr. Deeb seconded the motion which carried 5-0.

Overlay Districts

12. C9-10-036a C10-10-036b
    Scott Kaminski

REQUEST: Approval of a Major Amendment to a PK-Parking Overlay District and approval of an ACI-2(50) Overlay District

LOCATION: 4804 Douglas Street

Mark Brasee, Fraser Stryker PC, 409 South 17th Street, appeared before the board on behalf of Children's Hospital & Medical Center. Also present were Scott Kaminski, Children's Hospital, 8200 Dodge Street and Douglas Dreessen, Thompson Dreessen & Dorner. Mr. Brasee stated that the property would be part of the new Children's Medical Clinic with 6,000 square feet. He stated that approximately five years ago the zoning was changed from a residential to commercial. Mr. Brasee indicated that the applicant is seeking to add 18 parking stalls on the lot that is suitable for the site and enhances a critical parking shortage for the medical use. The code requirement for interior landscaping is 5% but 7% will be provided; the screening on the east boundary is met at 10'; and a 15’ setback requirement on Douglas Street to the south has been increased to almost 30’ as well as matching the residential condo unit to the west. On December 14, 2011 an open house and neighborhood meeting was held for nearby landowners, renters and the owner of the two adjacent properties to the east. The response was very positive and concerns were addressed with regard to lighting and additional screening. In summary, Children's Hospital has invested a considerable amount of money and the medical use has a high use for additional parking. In conclusion, the 18 stalls are segregated from the driveway and are designed with respect to a critical safety issue.
Mr. Kelley questioned where the pedestrian access would be located. Mr. Dreessen indicated where a sidewalk could be located.

Kelly Coffey, 4819 Douglas Street, appeared before the board in opposition. Ms. Coffey stated she has lived in the neighborhood for 23 years and expressed her concern that commercial businesses are encroaching into the residential neighborhood.

Gene Gard, 4812 Farnam Street, appeared before the board in opposition. Mr. Gard stated that he and other property owners that he represents are opposed to any parking lot and the additional traffic.

Mr. Kaminski stated that he respects the concerns of the neighbors but the project would be an improvement given the fact that the existing home on the corner is in disrepair.

In response to questions asked by Mr. Kelley and Mr. Neary, Mr. Kaminski stated that the plan was recently modified pursuant to several concerns from the City. He confirmed that the 18 parking stalls are critical and anything less would create a significant safety issue.

Chad Weaver, Assistant Planning Director, Planning Department, indicated that the department has been opposed to the development being done in a piece meal manner. Mr. Weaver stated that the existing home should remain until the two other homes on the corner are redeveloped. He added that the department would be in support of adding a sidewalk on the site. He stated that the department recommends a layover to redesign the proposed parking lot expansion but if there is a time line issue then the department could approve the plan and move forward with a revised parking lot design.

Mr. Nesbitt asked the applicant if there is a time line issue. Mr. Brasee responded to Mr. Weaver’s comments and indicated that he has had conversations with the adjoining property owner to the east but the property owner is passionate about historical matters in central Omaha. He stated the expansion is needed for additional doctors and to address the safety issue. Mr. Brasee stated that the applicant is prepared to move forward and willing to talk to any neighbors. He added that the concern is a neighborhood concern and not a design concern.

Mr. Neary asked Mr. Brasee to explain the safety issue. Mr. Brasee pointed out that the existing parking is one row of cars through a driveway and with a double row of cars in the driveway it would be difficult to design a pedestrian access. He concluded that the safety issue is a legitimate concern that was raised by Children’s Hospital.

Mr. Kelley stated that the board tries to avoid tearing down homes to build a parking lot but the landscaping and buffer yard seem to be a reasonable solution for a needed clinic.

Mr. Kaminski reiterated that the biggest concern is the safety issue with regard to children moving from the car to inside the building.

Rick Cunningham, Planning Director, stated that he appreciates the safety concerns but there are many other uses where children are involved and parents have no problem navigating in those parking lots. Mr. Cunningham pointed out that when the original PK overlay was added to the existing lot there were concerns by the neighborhood that this would start a domino effect. He questioned where the line could be drawn when commercial encroaches into neighborhoods.

Mr. Neary asked how many parking stalls are associated with the existing building. Mr. Kaminski stated the building is 6,207 square feet with 47 parking spaces including handicapped and three parking stalls along Dodge Street.

Mr. Weaver reiterated that the department is aware of pedestrian issues and there are several different options that would add safety features to a parking lot.
Mr. Nesbitt moved to LAYOVER. Laid over to allow time for the applicant to redesign the proposed parking lot expansion. Mr. Neary seconded the motion which carried 5-0.

13. C10-12-001
Planning Department on behalf of the City of Omaha
REQUEST: Approval of an ACI-1(50)-Area of Civic Importance Overlay District
LOCATION: Generally, South 24th Street from Leavenworth Street to “S” Street

Chad Weaver, Assistant Planning Director, Planning Department, stated the request is to implement the urban design element of the Master Plan into a well-traveled corridor. Mr. Weaver stated that the department recommends approval.

Mr. Hoich moved to APPROVE. Mr. Deeb seconded the motion which carried 5-0.

Rezonings

15. C10-98-193
Heritage Management Services
REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Legacy
LOCATION: Northwest of 168th Street and Oak Drive

Larry Jobeun, 11440 West Center Road and Jeff Lake, E & A Consulting Group, appeared before the board on behalf of the applicant. Mr. Jobeun presented the proposed two-story assisted and independent living development project located in the Legacy area. He stated that the site is approximately 4.75 acres and the building will include 160 assisted living units with a total square footage of 111,535.

No one appeared in opposition to the request.

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

Mr. Deeb moved to APPROVE. Approved provided the following conditions are addressed and an acceptable final Mixed Use Development agreement is submitted prior to forwarding to City Council: 1) Submittal of an updated site plan that addresses sidewalk widths, bufferyards and landscaping; 2) Submittal of architectural building elevations; 3) Preparation of a noise study to show facility is in compliance with the NDEQ; 4) Provide for adequate sight distance around any signs at intersection corners; and 5) Submittal of three full size sets of plans. Mr. Nesbitt seconded the motion which carried 5-0.

16. C10-12-025
Jeremy Carrell
REQUEST: Rezoning from R4 and R5 to R4 and R5
LOCATION: 6616 South 171st Circle and 6627 South 172nd Avenue

Jeremy Carrell, 5020 South 110th Street, appeared before the board on behalf of the current landowners. Mr. Carrell stated that the property owner at 6616 South 171st Circle has constructed a home and installed a fence along the line where the proposed lots would be split. The home at 6627 South 172nd Avenue is being constructed on Lot 1 by Birchwood Homes. The current buyer of the constructed home would like to purchase the land in the back that is attached to his lot and is willing to maintain and fence in the remainder. The current owner no longer wants to maintain the vacant lot. He stated that he is aware that the planning department has issues with the odd-shaped lot.

Chad Weaver, Assistant Planning Director, Planning Department, stated the department recommends
denial because of the irregularity of the lot.

Mr. Kelley pointed out that even though the board may deny the request, the two parties could enter into some form of legal lease agreement.

Alan Thelen, Law Department, indicated that if the board votes for denial, the case could move on to City Council but the City Council would need four instead of five votes to pass the rezoning.

Mr. Neary moved to DENY. Mr. Nesbitt seconded the motion which carried 5-0.

**Special Use Permits**

<table>
<thead>
<tr>
<th>20.</th>
<th>C8-12-017</th>
<th>REQUEST: Approval of a Special Use Permit to allow Automotive sales in a GC District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Keith McNeese</td>
<td>LOCATION: 3824 North 30th Street</td>
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</tbody>
</table>

No one appeared before the board.

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

Mr. Neary moved to DENY. Mr. Deeb seconded the motion which carried 5-0.

**APPROVAL OF MINUTES**

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

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 3:35 pm.

_________________________________________
Date Approved

_________________________________________
Thomas O. Kelley, Chair

_________________________________________
Debbie Hightower, Planning Board Recording Secretary