Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, October 29, 2012.

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

MEMBERS NOT PRESENT: Greg Rosenbaum

STAFF PRESENT: Rick E. Cunningham, Planning Director
Chad Weaver, Assistant Director, Current Planning
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.

(REGULAR AGENDA)

Subdivisions

| 7. | C10-12-215 (D) C12-12-216 DB Properties | REQUEST: Preliminary Plat approval of KINGSWOOD HEIGHTS, a subdivision inside the city limits with rezoning from DR to R4 |
|    |                                          | LOCATION: 3330 South 132nd Street |

At the Planning Board meeting held on November 7, 2012, Ms. Nubel moved for approval of the rezoning from DR to R4 and approval of the Preliminary Plat subject to the following being provided prior to or with submittal of the Final Plat: 1) The Final Plat including a pedestrian connection to the south from Spring Street; 2) Submittal of an acceptable PCSMP; 3) Providing the appropriate 12 foot sidewalk chamfers on the corner lot; and 4) Submittal of an analysis that shows that the downstream storm sewers have the capacity to handle runoff from the new street extensions. Mr. Nesbitt seconded the motion which carried 6-0.
Overlay Districts

8. C11-11-082 (D) Olsson Associates

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

LOCATION: Southeast of Sterling Ridge Drive and Pacific Street

At the Planning Board meeting held on November 7, 2012, Ms. Nubel moved for approval of the proposed amendment subject to: 1) The applicant receiving a waiver of Section 55-717 for the required bufferyard along the north property line; 2) The applicant submitting a revised site plan that provides two additional handicapped accessible parking stalls and sidewalks along the driveway to Pierce Street; and 3) The applicant submitting an acceptable landscape plan prior to forwarding the amendment to the City Council. Mr. Nesbitt seconded the motion which carried 6-0.

Rezonings

10. C10-12-210 (D) Philip Kommer

REQUEST: Rezoning from R7 to R5

LOCATION: 1029 and 1031 South 30th Avenue

At the Planning Board meeting held on November 7, 2012, Ms. Nubel moved for approval of the rezoning from R7 to R5. Mr. Nesbitt seconded the motion which carried 6-0.

11. C10-12-211 (D) Tim Sheehy

REQUEST: Rezoning from GI to CC/ACI-1(PL)

LOCATION: 3023 and 3025 Leavenworth Street

At the Planning Board meeting held on November 7, 2012, Ms. Nubel moved for approval of the rezoning from GI to CC. Mr. Nesbitt seconded the motion which carried 6-0.

Special Use Permits

12. C8-12-163 (D) Mark Sanford

REQUEST: Approval of a Special Use Permit to allow Personal improvement services and Personal services in a GI District

LOCATION: 4383 Nicholas Street

At the Planning Board meeting held on November 7, 2012, Ms. Nubel moved for approval of the Special Use Permit for Personal improvement services and Personal services in a GI District subject to: 1) Removal of all barbed wire from existing fencing on the property; 2) Construction and striping of all parking areas as indicated on the site plan; 3) Working with city staff in regards to providing an acceptable amount of landscaping; 4) Compliance with all parking regulations of the Omaha Municipal Code, including providing a total of 5 handicapped-accessible stalls; 5) Compliance with the revised site plan; 6) Compliance with the updated operating statements; 7) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division for all separate use types in the building, including the existing General offices; and 8) Compliance with all other applicable regulations. Mr. Nesbitt seconded the motion which carried 6-0.
13. C8-12-209 (D)
H & B Enterprise

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

LOCATION: 3012 North 93rd Street

At the Planning Board meeting held on November 7, 2012, Ms. Nubel moved for approval of the Special Use Permit to allow Automotive sales in a CC District subject to: 1) No vehicles on display at any time; 2) Compliance with the proposed operating statement and plans; 3) Compliance with all applicable regulations; and 4) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department. Mr. Nesbitt seconded the motion which carried 6-0.

Vacations

16. C14-12-222 (D)
Planning Board

REQUEST: Vacation of the east/west alleys between Burt and Cuming Streets from 18th Street to Florence Boulevard and from Florence Boulevard to 20th Street

At the Planning Board meeting held on November 7, 2012, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Nesbitt seconded the motion which carried 6-0.

Master Plan Referrals

3. C3-12-219 (D)
Planning Department on behalf of the City of Omaha

REQUEST: Approval of the ELKHORN AREA REDEVELOPMENT PLAN

LOCATION: Generally, Glenn to Blondo Streets, 204th to 207th Streets

At the Planning Board meeting held on November 7, 2012, Mr. Hoich moved to layover. Ms. Nubel seconded the motion which carried 6-0.

Subdivisions

6. C10-12-213 (D)
C12-12-214
The Omaha Home for Boys

REQUEST: Preliminary Plat and Final Plat approval of OMAHA HOME FOR BOYS REPLAT 1, a subdivision inside the city limits, with a waiver of Section 53-9(9) Sidewalks of the Municipal Code, and rezoning from R3, R4(35) and R7 to R4

LOCATION: Southeast of 52nd Street and Ames Avenue

At the Planning Board meeting held on November 7, 2012, Mr. Hoich moved to layover the request for rezoning from R3, R4(35) and R7 to R4; denial of the waiver of Section 53-9(9) Sidewalks of the Municipal Code; laid over the Preliminary Plat to allow the applicant time to revise and resubmit the plat with the required easements and right-of-way dedications; and laid over the Final Plat until such time as the City Council has approved a Preliminary Plat. Ms. Nubel seconded the motion which carried 6-0.
ADMINISTRATIVE MEETING

1. C10-12-151  
C12-12-152  
Fort 165 LLC  
REQUEST: Final Plat approval of COPPER VALLEY, a subdivision outside the city limits, with rezoning from AG to DR and R6  
LOCATION: Southeast of 168th and Fort Streets

At the Planning Board meeting held on November 7, 2012, Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the rezoning and Final Plat approval subject to the three items listed on the recommendation report being submitted prior to forwarding to City Council.

Mr. Hoich moved for approval of the rezoning from AG to DR and R6 and approval of the Final Plat subject to the following being submitted prior to forwarding the request to the City Council: 1) An original signed Dedication document for the necessary right-of-way for the south 167th Street connection; 2) A copy of the approved agreement with Douglas County for maintenance of 167th Street; and 3) An acceptable final subdivision agreement. Mr. Deeb seconded the motion which carried 6-0.

HOLD OVER CASES

Master Plan Referrals

2. C3-12-204  
Planning Department on behalf of the City of Omaha  
REQUEST: Approval of the AMES-LOCUST INDUSTRIAL PARK AREA REDEVELOPMENT PLAN and the AMES-LOCUST INDUSTRIAL PARK REDEVELOPMENT PROJECT PLAN  
LOCATION: Generally, Ames Avenue on the north, Locust Street on the south, North 13th Street on the east and North 24th Street on the west

At the Planning Board meeting held on November 7, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the 71 acre project site is located in a redevelopment area in Census Tract 08 which contains unemployment rates of approximately 31% as reported in 2010. She stated that the Mayor has an agenda to create more jobs near highly populated areas therefore the Ames-Locust Industrial Park is an area that can be developed into five developable lots to entice and encourage business investment and bring industrial jobs to the area. The site is rail served and is zoned primarily light industrial therefore warehousing and distribution businesses will be targeted for the area. Ms. Hadley pointed out that the poverty rate is well over 40% within the same census tract as of 2010. It is anticipated that the location of the site can be developed and will potentially provide as many as 500-700 new jobs. She stated that the City is working with the Greater Omaha Chamber to come up with the funding to develop the site and as of now there is a little under $1,700,000.00 in 2013 CIP funds and $450,000.00 advanced acquisition funds that are committed and the city has received conditional approval from the Nebraska Department of Economic Development for the Nebraska Site and Building Development Fund for $450,000.00. Ms. Hadley stated that the conditional approval is based on control of the site. She stated that the owner had previously approached the city to sell the site. Ms. Hadley stated that the city is moving forward to negotiate with the owner to acquire the site.

Ben Gray, 5425 Fort Street, member of the City Council District #2, shared that the poverty and unemployment in the area ranks 5th to 8th based on the top 100 cities. Mr. Gray stated that there are significant issues of poverty and unemployment within the community that needs to be addressed. He stated that the importance of the project cannot be understated and people need to be put back to work by collaborating with Metropolitan Community College, Heartland Workforce Solutions, Mayor’s Office and the City Council.
Mark Norman, 1301 Harney Street, Greater Omaha Chamber, appeared before the board in support of the request. Mr. Norman stated that the Chamber has worked with the City to identify potential industrial sites that are available east of 72nd Street and greater than 10 acres. He indicated that the 70+ acre proposed site will provide an opportunity for employment and high wages. Mr. Norman pointed out that the land use is compatible for the area but there is a lot of work to be done on the site including the clean-up of rubble and infrastructure. He also indicated that the Chamber is working with other agencies to ensure that people in the area will have the necessary work skills.

Karen Mavropoulos, 1301 Harney Street, Greater Omaha Chamber, appeared before the board in support of the request based on the economic impact that the project would have for the area.

James Ducey, 910 North 49th Street, appeared before the board in opposition to the request. Mr. Ducey stated that there are many obvious points contrary to the industrial park proposal. He stated that the proposal does not mention Levi Carter Park located east of the development site. Mr. Ducey stated that an industrial park is not a suitable land use when located next to a park. He stated that there is no indication of a space on the site where water run-off would be dealt with to avoid any flow into Carter Lake. Mr. Ducey stated that he does not understand how the City of Omaha can take private property via eminent domain to promote so-called economic development with the intent to sell property to a private entity. Mr. Ducey also expressed concern that there is a potential loss of woodlands along the west bluffs and the greatest extent possible of usable acres for development which would require the extensive use along the bluffs. The bluffs, which would be massacred, are very important for providing a buffer to the adjacent neighborhood and the lowland. Mr. Ducey stated that it is not very wise to spend millions of dollars to place industry on a flood plain of the river. He showed a plan of the North Omaha Redevelopment Plan that was previously approved by City Council that shows the area to be designated as a green space. Mr. Ducey stated that he believes the best use of the property would be as a green space and suggested that the public have a chance to view a detailed plan showing specific goals as to how the site is to be used.

Ms. Hadley stated that the site plan is conceptual and details will be formalized after the site is acquired and an engineer is used to develop the site. She stated that the goal is to get the site shovel-ready for future development. Ms. Hadley indicated that there will be a public access road that would be added to connect to Commercial Avenue and then Ames Avenue to take traffic to Highway 75 or north/south connections and Locust Street to go east or Abbott Drive eastward. She stated that 16th Street would be kept in more of a residential character. She stated that there would need to be some type of retaining wall added to the bluffs but there have been no specific details. Ms. Hadley stated that there have been conversations with the parks department but there is no mention of Levi Carter Park because the focus is only on the area in the redevelopment plan and the single owner site.

Rick Cunningham, Planning Director, City of Omaha, appeared before the board. Mr. Cunningham responded that any site development would be designed to meet the standards of rain water retention for the first ½ inch and any post construction storm water management will be adhered to as is custom with the Public Works department. He stated that the railroad track located between the project and the park is an active track and serves the North Omaha power plant and will not go away. He further stated that the eastern boundary for the North Omaha Redevelopment Plan was 16th Street.

In response to Ms. Nubel, Ms. Hadley responded that the future land use map has the site zoned as heavy industrial so there will be an opportunity for heavy industrial zoning but the Chamber anticipates that most of the types of businesses to locate in the area would be light industrial.

Ms. Nubel moved for approval. Mr. Deeb seconded the motion which carried 4-1 with Mr. Kelley dissenting and Mr. Neary abstaining.
(REGULAR AGENDA)

Master Plan Referrals

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<th>REQUEST:</th>
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<tr>
<td>4.</td>
<td>Approval of ELK HILL PROPERTIES, LLC TIF REDEVELOPMENT PROJECT PLAN</td>
<td>223 North Main Street</td>
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At the Planning Board meeting held on November 7, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed project is a result of the developer and members of the Elkhorn downtown community to revitalize and improve the downtown Elkhorn area particularly the public infrastructure. She stated that it was determined that some of the funding/revenues from the developer’s TIF project could be used because the project is located within less than one mile of the Elkhorn downtown area. The area that is a part of the TIF application needed to be annexed into the city and was approved by the City Council. The TIF project involves the new construction of seven apartment buildings with 216 market rate units that will bring more infill and revitalize and benefit the Elkhorn downtown area. The property is properly zoned and a portion of the main street was put in place by the former SID. The TIF funds will help the developer to move forward to build the units and the TIF revenues will help the developer’s eligible costs and the infrastructure of the Elkhorn downtown area. The city has reviewed and revised an area redevelopment plan that was prepared by a third party consultant including many public improvements such as sidewalk repair, curbs and gutters and public street repair. Ms. Hadley offered to answer any questions.

Mr. Hoich moved to approve. Mr. Deeb seconded the motion which carried 6-0.

Subdivisions

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<td>5.</td>
<td>Preliminary Plat and Final Plat approval of SERENITY, a minor plat inside the city limits, with a waiver of Section 53-9(9) Sidewalks of the Municipal Code and with rezoning from R1 to R4</td>
<td>11206 Bel Air Drive</td>
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At the Planning Board meeting held on November 7, 2012, John Fullenkamp, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Fullenkamp stated that his client, Lyn White, owns a 2.4 acre tract of land along Bel Air Drive where there are actually two lots and the request is to subdivide and make the two lots into four lots. He pointed out that the lots sizes in the proposed area are 19,000 to 33,500 square feet and the reason for the R4 request is for the lot widths. Mr. Fullenkamp showed photos of the property which indicated that the property is exquisite and well cared for and Ms. White will give great care to the views, the use of the property and the potential disturbance of the property during construction. He stated that the Master Plan promotes infill and housing in established areas and there is need in the proposed area for this type of housing. Mr. Fullenkamp stated that the property is beautiful and the four lots will be subdivide to where the houses will maintain the view corridors and will be set in a position so that everyone can enjoy the amenities around them. He further stated that there will not be a mass grading on the property. Mr. Fullenkamp stated that a meeting was held on October 23, 2012 and approximately 20 neighbors were present. He further stated that another meeting was recently held with a small group to discuss several issues. Mr. Fullenkamp asked that the sidewalks be waived until other sidewalks are added to the neighborhood.

Jerry Cavan, 10040 Regency Circle, appeared before the board on behalf of the Slosburg Company which owns property south and east of the proposed project. Mr. Cavan stated that the plans have been studied and in his opinion, the plan is an excellent example of infill development.

Paul Gardner, 11112 Pine Plaza, appeared before the board in opposition. Mr. Gardner stated that he is a resident of the Brook Hollow development and presented the board with a written response. He stated
that the main reason he opposes the replatting is because there is no compelling reason and does not comply with the overall plan. Mr. Gardner asked what the compelling need is and what is compelling enough to change the character of the neighborhood by going from two to four lots.

Joe McMenamin, 11117 Pine Plaza, appeared before the board in opposition. Mr. McMenamin stated that he has lived in Brook Hollow for 25 years and his home is located directly east of the proposed project. He stated that he is opposed because the view of the ponds will be blocked and added traffic will create more density and traffic safety. Mr. McMenamin also expressed that he is concerned that this may set a precedent for other property owners who want to build a home in their back yard.

Judy Keyser, 11121 Pine Plaza, appeared before the board in opposition. Ms. Keyser stated that she lives in the Brook Hollow development and her home is located directly to the east of the proposed project. She stated that she is concerned that her view corridor will include traffic and the back of a house with a driveway that will block her view of the ponds.

Michael Matukewicz, 11516 Nicholas Street, appeared before the board on behalf of the Brook Hollow Homeowners Association. Mr. Matukewicz submitted signatures from 30 homeowners who represent all the residents in Brook Hollow and who oppose the proposed subdivision. He confirmed that the property is very beautiful but the Brook Hollow residents oppose the plan and ask that there be certain restrictions as outlined in a letter that was submitted. Mr. Matukewicz stated that Brook Hollow Homeowners Association has retained the services of Pam Dingman who is a lot developer with EDC (Engineering Design Consultants). He stated that Ms. Dingman has prepared numerous conditions in a letter that she believes would protect, from an engineering standpoint, Brook Hollow, the residents and the ponds. The letter listed the specific restrictions to be placed on the development so that Brook Hollow, the residents and the ponds would not be damaged. The recommendations include prohibition against changing the edge of the water surfaces of the ponds, erosion control measures (silt fencing, mulch rolls, mulch logs, etc.) and preventions to prevent the soil from going into the stream, dirt to be covered on all building sites and that an escrow reserve of $5,000.00 per lot be put in place in the event that there is damage to the ponds and/or the property and lastly, all building be done in compliance with all federal, state and local water quality and erosion control measures. He concluded that the Brook Hollow residents generally oppose the plan, however if the board moves the plan forward, the residents ask that there be restrictions placed, not only in a subdivision agreement, which would require that the engineering methods be taken and likewise that there be notes in the plat which would require that if there were a development that it would be done so in compliance with the engineering concerns as they relate to this property.

Mr. Fullenkamp responded to the traffic issue and pointed out that seven homes on a dead end street would probably not constitute a traffic problem. He further stated that some of the ponds are located on the applicant’s property therefore the applicant is willing and has pledged to come to an accord with regard to the specifics as to how the homes would be built on the site. Mr. Fullenkamp pointed out that the applicants are willing to comply with most of the suggestions and recommendations from the neighbors and the planning department but they are not willing to remove trees in order to put in a sidewalk.

Ms. Nubel stated that she feels it is important to have sidewalks and asked if there would also be no trees removed for the homes. Mr. Fullenkamp answered that there will be very few trees removed. He further confirmed that sidewalks would be installed when everyone else in the area is required to add sidewalks. Mr. Nesbitt stated that he feels a sidewalk would be a “sidewalk to nowhere”. Ms. Nubel pointed out that sidewalks are part of the Master Plan which is a long term plan. Mr. Deeb agreed that sidewalks would look odd in an area where there are no sidewalks.

In response to Mr. Neary, Mr. Fullenkamp answered that the houses would be several hundred thousand dollars. Mr. Hoich thought the value the new homes would be approximately $400-500,000.00. Mr. Neary pointed out that the development could add as much as $1-2,000,000.00 to the neighborhood which provides the public schools with $25-30,000.00 in annual income.
Chad Weaver, Assistant Planning Director, Planning Department, stated that the Master Plan supports the development because of an infill project and better utilization of the ground. Mr. Weaver stated that the streets in the neighborhood are somewhat curved, the development behind it is not single-family, the property is different than a typical subdivision layout and the houses can be built differently. The department supports all elements of the Master Plan including the sidewalk issue. Mr. Weaver stated that the change in zoning is appropriate and the department recommends approval of the rezoning from R1 to R4, denial of the waiver of sidewalks, approval of the Preliminary Plat subject to the items on the recommendation and approval of the Final Plat as amended by the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement.

In response to Mr. Deeb, Mr. Weaver stated that a denial of the waiver would mean that sidewalks would need to be installed.

In response to Mr. Kelley, Mr. Fullenkamp stated that they are working toward a set of standards that will be higher than the usual standards and will be negotiated and worked out with Public Works through a subdivision agreement.

Mr. Nesbitt moved for approval of the rezoning from R1 to R4; approval of the waiver of Section 53-9(9) Sidewalks of the Municipal Code; approval of the Preliminary Plat subject to: 1) The applicant confirming that the existing development on proposed Lot 2 complies with all R4 District site development regulations prior to forwarding the Preliminary Plat to the City Council for final action; and 2) Waiving the right to protest any future sidewalk improvement district; and approval of the Final Plat as amended by the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement. Mr. Hoich seconded the motion which carried 5-1 with Ms. Nubel dissenting.

**Overlay Districts**

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<th>C10-12-218</th>
<th>REQUEST: Approval of an ACI-1(50)-Area of Civic Importance Overlay District</th>
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<td></td>
<td>Oscar Duran</td>
<td>LOCATION: 2402 South 13th Street</td>
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At the Planning Board meeting held on November 7, 2012, Oscar Duran, 2402 South 13th Street, appeared before the board. Mr. Duran stated that he is the President of the Deer Park Neighborhood Association, Vice President of South Omaha Neighborhood Alliance and also the President of South Omaha Violence Intervention Prevention Group and has been working with others in the neighborhood on this project for over two years. He stated that the planning department has stated that the proposed administrative subdivision between 2402 South 13th Street and 2407 South 14th Street is only achievable by two scenarios. He stated that the planning department recommends Option Two because it better serves the future land use plan of the city’s master plan. Mr. Duran stated that the residents and other community members of Deer Park, where the railroad properties reside, are confident that Option Two requires too much extreme loss to both concerned parties in the subdivision and further feels that Option One is the best option because it would be a continuation of progress and improvement within the area. He submitted rebuttals and supports for each option and showed a series of photos showing the elevations of both lots. Mr. Duran further stated that he does not feel that the extreme elevation differences between the two lots have been taken into consideration. He pointed out that Option Two is not achievable without some losses incurred by both property owners. Mr. Duran stated that allowing the rezoning of the area to match the future land use plan of 2042 would allow the completion of the subdivision in a timely manner.

In response to Mr. Kelley, Mr. Duran stated that his intent is to acquire the property for green space and more parking. The property is located near Sokol Hall where there have been several other issues including underage drinking and littering. Mr. Kelley also asked if he had entertained the idea of an exclusive easement or a long term lease. Mr. Duran answered that he has already invested time and money into the property and would rather see the property adjoined to his property to increase his property value.
Mr. Duran continued by showing additional photos of the debris on the lot as it was previously. He further explained that items such as beer bottles, drug needles, and cell phones and stolen purses have been found on the property. Mr. Duran stated that he believes his job is to make people, who currently live in the neighborhoods, to have pride for their neighborhood and believe that effective change is occurring. Mr. Duran showed photos of the lot as it is now and added that there is a vision to add flowers and make the area more walkable and friendly. He concluded that a denial would make the continued progress obsolete and would further return the many illegal activities that have occurred on the property over the past four years prior to the repairs of the lot.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the planning department is aware of Mr. Duran’s efforts but the situation is unfortunate. Mr. Weaver stated that the department’s effort is to create what is a buildable lot.

In response to Mr. Nesbitt regarding an easement or private contract with the city, Mr. Weaver answered that an easement would give some rights to the ground and would be a better option than expanding the district.

Mr. Deeb commended Mr. Duran for his passion to make the city better and asked the city to find a way to help Mr. Duran.

Mr. Weaver suggested a layover and a waiver of the zoning requirement.

Mr. Duran commented that the process was started at the end of 2011 and if the process goes beyond 2012, the mortgage company will require a new proposal and a new survey. Mr. Weaver answered that the Zoning Board of Appeals meeting would be in December.

Rick Cunningham, Planning Director, City of Omaha, appeared before the board and verified to Mr. Duran that the process could be completed in December with a waiver from the Zoning Board of Appeals without any fees.

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

Alan Thelen, City Attorney, City of Omaha, suggested that the motion include a referral to the Zoning Board without a fee.

Mr. Neary amended his motion to layover to allow time to obtain a waiver from the Zoning Board of Appeals and approval of the Zoning Board of Appeals fee to be waived. Ms. Nubel seconded the motion which carried 6-0.

**Special Use Permits**

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<tr>
<th>14.</th>
<th>C8-12-217 Brian Johnson</th>
<th>REQUEST: Approval of a Special Use Permit to allow Automotive sales in a CC District</th>
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<tr>
<td>LOCATION:</td>
<td>9025 Maplewood Boulevard</td>
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At the Planning Board meeting held on November 7, 2012, John Waterman, 5843 William, appeared before the board on behalf of the applicant. Mr. Waterman addressed the sidewalk issue with regard to a retaining wall and the elevation of the adjacent apartment complex to the west and to the east of the property is a church where everything is already paved. He stated that the property is being leased from Gary Black who recently rezoned the property for automotive detailing and recently planted several trees and shrubbery on the west side above the retaining wall. Mr. Waterman asked for input and offered to do anything else to meet the requirements and comply with the code.

Brian Johnson, 5419 South 32nd Street, appeared before the board. Mr. Johnson stated that he is a partner with John Waterman who has been in business for more than 55 years as a respected used car dealer in South Omaha.
Mary Graff, 2101 South 40th Street, appeared before the board. Ms. Graff stated that she is a friend to Mr. Waterman and has agreed to assist with landscaping issues and would be open to suggestions.

Chad Weaver, Assistant Planning Director, Planning Department, indicated that the site has many problems and the use is not appropriate for the location with regard to display, parking and access therefore the department recommends denial.

Mr. Neary moved to deny. Ms. Nubel seconded the motion which carried 5-1 with Mr. Hoich dissenting.

Vacations

| 15. | C14-12-212 Property Owner | REQUEST: Vacation of Poplar Street from 205th Street to North Main Street |

At the Planning Board meeting held on November 7, 2012, Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends denial.

Ms. Nubel moved to deny. Mr. Hoich seconded the motion which carried 6-0.

APPROVAL OF MINUTES

Mr. Deeb moved to APPROVE the meeting minutes of October 3, 2012 as written. Mr. Neary seconded the motion which carried 4-0 with Mr. Nesbitt and Ms. Nubel abstaining.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 3:45 pm.

Date Approved

_________________________________________
Thomas O. Kelley, Chair

Debbie Hightower, Planning Board
Recording Secretary