Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, January 23, 2012.

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

MEMBERS NOT PRESENT: None

STAFF PRESENT: Rick E. Cunningham, Planning Director
Chad Weaver, Assistant Planning Director
Dave Fanslau, Manager, Current Planning
Cheri Rockwell, Current Planning
Alan Thelen, Law Department
Debbie Hightower, Recording Secretary

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.

(HOLD OVER CASES)

Rezonings

6. C10-12-002 (D) REQUEST: Rezoning from HI to R4
   Mary Pat & Gabriel Florido LOCATION: 2614, 2620 and 2624 “Y” Street

Mr. Hoich moved to APPROVE. Mr. Deeb seconded the motion which carried 7-0.
Conditional Use Permits

8. 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 APPROVE subject to: 1) The southernmost driveway onto 84th Street being limited to right-out movements only and traffic exiting the site yielding to all other traffic; 2) Provide for all modifications to the southernmost driveway to facilitate the right-out only configuration; 3) Compliance with the approved site and landscape plans; 4) Compliance with the proposed Operating Statement; and 5) The applicant obtaining all necessary permits and a Certificate of Occupancy. Mr. Deeb seconded the motion which carried 7-0.

(REGULAR AGENDA)

Subdivisions

10. C12-12-029 (D) Fair Deal Development Company, LLC
    REQUEST: Preliminary and Final Plat approval of VILLAGE EAST, a minor plat inside the city limits
    LOCATION: Southeast of 25th Street and Patrick Avenue

Mr. Hoich moved to APPROVE the Preliminary Plat subject to: 1) Including language on the Final Plat with regard to the alley vacation prior to forwarding the request to the City Council; and 2) Retaining necessary utility easements over the vacated alley, or providing for the removal/relocation of all utilities. Approval of the Final Plat subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the request to the City Council. Mr. Deeb seconded the motion which carried 7-0.

12. C10-12-032 (D) Ivan Gilreath, Boys & Girls Clubs of the Midlands
    REQUEST: Preliminary and Final Plat approval of FIRST ADDITION TO SOUTH OMAHA REPLAT 1, a minor plat inside the city limits, with rezoning from R7 to DR and R7
    LOCATION: Southeast of 22nd and “O” Streets

Mr. Hoich moved to APPROVE the rezoning from R7 to DR and R7; approval of the Preliminary Plat; and approval of the Final Plat, subject to submittal of an acceptable subdivision agreement, if necessary. Mr. Deeb seconded the motion which carried 7-0.

Overlay Districts

15. C10-12-028 (D) Casey’s Retail Company
    REQUEST: Approval of a MCC Overlay District
    LOCATION: 9905 Q Street

Mr. Hoich moved to APPROVE. Mr. Deeb seconded the motion which carried 7-0.
Rezoning

16. C10-12-026 (D)
   Planning Department on behalf of
   the City of Omaha
   REQUEST: Rezoning from R7 to R5
   LOCATION: 1813 and 1815 Clark Street; 1533, 1537,
   1543, 1545, 1547, 1551, 1553, 1557, 1559
   and 1563 Florence Boulevard

   Mr. Hoich moved to APPROVE. Mr. Deeb seconded the motion which carried 7-0.

17. C10-12-035 (D)
   C8-12-035a
   Lenity Group
   REQUEST: Rezoning from DR to R5 and approval of a
   Special Use Permit to allow Assisted living in
   an R5 District
   LOCATION: 13208 Meredith Avenue

   Mr. Hoich moved to APPROVE the rezoning from DR to R5; approval of the Special Use Permit subject to:
   1) Compliance with the proposed site plan; 2) Compliance with an amended landscape plan that
   complies with Article XII Landscaping and screening and Article XIV Off-street parking and loading
   regulations; 3) Compliance with the proposed operating statement; 4) Compliance with all applicable
   regulations; 5) Obtaining all required permits; 6) Obtaining a Certificate of Occupancy; and 7) Add a 115'
   noise abatement easement from centerline of 132nd Street. Mr. Deeb seconded the motion which carried
   7-0.

18. C10-12-036 (D)
   Larry A. Jobeun, Trustee
   REQUEST: Rezoning from GC and GI to GO (portions of
   which property lie within the flood fringe)
   LOCATION: 808 South 74th Plaza and 727 South 75th Street

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

Special Use Permits

20. C8-12-034 (D)
   Scott Dye, Douglas County
   School District 001
   REQUEST: Approval of a Special Use Permit to allow
   Outdoor sports and recreation in a DR
   District
   LOCATION: Southeast of 22nd and “O” Streets

   Mr. Hoich moved to APPROVE subject to: 1) Compliance with the proposed site plan; 2) Compliance
   with the proposed operating statement; 3) Compliance with the existing sidewalk network
   to the south of the parcel. Mr. Deeb seconded the motion which carried 7-0.

Conditional Use Permits

21. C7-12-030 (D)
   Randy Bauer
   REQUEST: Approval of a Conditional Use Permit to allow
   Religious assembly in a R3 District
   LOCATION: 6221 Girard Street

   Mr. Hoich moved to APPROVE subject to: 1) Compliance with the existing site plan; 2) Compliance with
   the existing building elevations; and 3) Compliance with the existing operating statement. Mr. Deeb
   seconded the motion which carried 7-0.
**Subdivisions**

4. **REQUEST:** Preliminary Plat approval of NORTHERN HILLS ESTATES TWO (Lot 1 through 23, inclusive and Outlot “A” and “B”) a subdivision outside the city limits, with a waiver of Section 53-9(9) Sidewalks, with rezoning from DR and AV to DR and AV, and a Special Use Permit to allow development in the North Hills Environmental Overlay District

**LOCATION:** Generally, southwest of 72nd Street and Northern Hills Drive

Mr. Hoich moved to LAYOVER to allow the applicant additional time to: 1) Update and revise and resubmit, as needed, various exhibits; 2) Obtain certification from the Irvington Fire Department that adequate fire protection can be provided; 3) Relocate the southern street extension far enough from the prairie so that any grading does not extend into the prairie and provide a buffer zone between the street and the prairie; 4) Continue working with the Planning and Public Works Department staff to facilitate compliance with the City’s stormwater management policies and ordinances to ensure adequate protection of environmental features; 5) Provide grading information for potential driveways on the grading plan; 6) Obtain NDEQ approval of all on-site wastewater treatment systems, reserve areas, well locations and areas for structures including the dwelling or bedrooms available for dwellings, and maximum flows for establishments; 7) Provide a buffer to protect the prairie from yard maintenance activities such as lawn fertilization, pesticide application and weed preventative that could damage the prairie; and 8) Provide an overall smoke easement to ensure that residential lot owners are aware that there will be prairie maintenance activities such as burning. Mr. Deeb seconded the motion which carried 7-0.

14. **REQUEST:** Preliminary and Final Plat approval of WEST GRAYHAWK REPLAT THREE, a subdivision inside the city limits with rezoning from R6 and MU to MU

**LOCATION:** Southwest of 147th Street and West Maple Road

Mr. Hoich moved to LAYOVER as requested by the applicant. Mr. Deeb seconded the motion which carried 7-0.

**Rezoning**

19. **REQUEST:** Approval of a Major Amendment to a Mixed Use District Development Agreement for Grayhawk

**LOCATION:** Southwest of 147th Street and West Maple Road

Mr. Hoich moved to LAYOVER as requested by the applicant. Mr. Deeb seconded the motion which carried 7-0.
ADMINISTRATIVE MEETING ONLY

1. C12-11-195
   Kum & Go
   REQUEST: Final Plat approval of KUM & GO AT 144TH & Q, a subdivision inside the city limits with approval of an MCC-Major Commercial Corridor Overlay District
   LOCATION: Southeast of 144th and "Q" Streets

At the Planning Board meeting held on February 1, 2012, Chad Weaver, Assistant Planning Director, Planning Department, presented the request. Mr. Weaver stated that the department recommends approval subject to submittal of an acceptable final subdivision agreement, prior to forwarding to City Council.

Mr. Deeb moved to APPROVE the Final Plat subject to submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the request to the City Council. Ms. Nubel seconded the motion which carried 6-0 with Mr. Neary abstaining.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Master Plan Referrals

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

At the Planning Board meeting held on February 1, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the area is a community redevelopment area designation inclusive of Census Tract 24 and Census Tract 20 Block 3. She explained that the purpose of the designation is to promote economic development and revitalize the Vinton Business District, which is adjacent to the potential TIF project. Additionally, the South Omaha Development project has various areas to focus on in terms of helping to revitalize different areas and to provide opportunities for redevelopment. Ms. Hadley offered to answer any questions.

Karen Mavropoulos, Community Development Manager, Omaha Chamber of Commerce, 1301 Harney Street, appeared before the board in favor of the request. Ms. Mavropoulos explained that one of the focus areas of the Chamber of Commerce for community redevelopment is the Vinton Street District in South Omaha. She stated that the requested designation would provide incentives to increase investment and new projects such as the redevelopment of buildings in the area.

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

Mr. Neary asked Ms. Hadley if there was a reason why the district did not go as far as I-480 to the west and include some of the older industrial areas. Ms. Hadley explained that the analysis included the business district areas that had the most potential for economic development and did not include the unnecessary residential areas. The Vinton Business District was the next opportunity by simply using only Census Tract 24 and Census Tract 20 Block 3. In response to Mr. Neary, Ms. Hadley stated that the percentage of blighted areas is presently under 18% but with other potential designations, the percentage will be pushing 20%.
Mr. Neary moved to APPROVE. Mr. Hoich seconded the motion which carried 7-0.

**Subdivisions**

3. C10-11-167  
C12-11-168  
Sean Negus

**REQUEST:** Preliminary Plat approval of COUNTRY CLUB HILLS, a subdivision inside the city limits, with rezoning from R3, R5 and GC to R3

**LOCATION:** Southwest of 63rd and Girard Streets

At the Planning Board meeting held on February 1, 2012, Douglas Dreessen, Thompson Dreessen & Dorner, 10836 Old Mill Road, appeared before the board on behalf of the applicant. Mr. Dreessen stated that the proposed project is an infill project on an abandoned railroad right-of-way. He explained that the site would include 15 single-family homes on lots that are approximately 75 feet in width and a church that will be built on the eastern lot. Mr. Dreessen pointed out that the lots are smaller than the lots to the north but larger than the lots to the south. Mr. Dreessen offered to answer any questions.

Mary Thiellen, 6620 Girard Street, appeared before the board in opposition. Ms. Thiellen stated that she attended the initial Planning Board meeting on October 5, 2011 to acquire information on the proposal. She stated that following the public hearing, Mr. Negus was instructed by the board members to meet with the neighbors. Ms. Thiellen stated that a neighborhood meeting was held on November 20, 2011 to relay information to the neighbors but that Mr. Negus has not yet meet with the neighbors. She expressed a major concern that there is a lack of communication. In response to Mr. Nesbitt, she stated that she is opposed to the 15 proposed lots and how they sit within the neighborhood. Ms. Thiellen pointed out that the homes on Read Street are in a self-contained neighborhood that faces south and away from Girard Street. There are no thru streets that come from the Read Street neighborhood to Girard Street.

In response to Mr. Neary, Mr. Weaver indicated that there is a high probability that the request would be held over and there would be another opportunity to testify.

Jill Brown, 6322 Girard Street, appeared before the board in opposition. Ms. Brown presented a video of both sides of Girard Street including the existing homes on the north side that will be located directly across the street from the proposed lots. She indicated that a big issue would be safety because people walk in the street and there is no parking on the street.

In response to Mr. Neary, Mr. Weaver indicated that sidewalks would be required for the new development.

Sam Troia, 6311 Country Club Road, appeared before the board in opposition. Mr. Troia stated that he knew Sean Negus and had a conversation with him to inform him that the neighbors would be having a meeting. He stated that he gave Mr. Negus several phone numbers of the neighbors who were heading the committee but to date Mr. Negus has not yet contacted any of the neighbors.

Renalda Butts, 6426 Girard Street, appeared before the board in opposition. Ms. Butts indicated that she built her home approximately 26 years ago. She stated she is concerned that the proposed homes would not fit within the neighborhood and suggested that more comparable homes be built.

Michael Andrews, 6406 Girard Street, appeared before the board in opposition. Mr. Andrews stated that he has lived in his home for 21 years. He stated that in late August of 2011 he had a face-to-face conversation with Mr. Negus and questioned his intentions for the development. He stated that Mr. Negus said that he would build no more than six homes that are comparable with the homes on the north side of Girard Street. Mr. Andrews stated that he is retired from the Fire Department and is concerned
about the increase in traffic if 15 more homes are added to the neighborhood. He requested that if there is a new development, that the new homes be comparable to the homes on Girard Street.

John Dwyer, 6424 Read Street, appeared before the board in opposition. Mr. Dwyer stated that he has lived on Read Street since 1953 and presented photos showing his backyard after the Negus Dirt Moving Company removed the trees and the railroad right-of-way.

Jason Thiellen, 330 North 117th Street, appeared before the board. Mr. Thiellen pointed out to the neighbors that the front yard setback in R3 zoning is 35’ and the rear yard setback is 25’. He stated that Lots 6-12 are 100’ deep therefore it would be a challenge to build a home in a 40’ building envelope that includes the new 5’ sidewalk standards and a 6.5’ parkway. In response to Mr. Neary, Mr. Thiellen explained that there should be at least 22’ between the sidewalk and the front of the garage so that a car can park in front of the garage and not encroach onto the sidewalk.

Jerry Slusky, 8712 West Dodge Road, attorney, appeared before the board on behalf of the neighborhood. Mr. Slusky stated that he read the recommendation report that states the proposed rezoning is consistent with the future land use element of the City’s Master Plan and the proposed subdivision generally complies with the City’s subdivision regulations. He stated that he recently re-read the City’s Master Plan and concluded that this project does not meet the requirements of the Master Plan. The Master Plan is the basis for land use and community vision and the decisions should not be made arbitrarily. He stated that the neighbors are put in a position to be on the defense after living in the neighborhood for 20-50 years. Mr. Slusky quoted from the Master Plan that says, “We have to maintain a high quality of life for all of its people.” Mr. Slusky stated that this project could impact the lives of the neighbors and that the Planning Department has a duty, per the Master Plan, to control what is built on the property. Mr. Slusky read from the Master Plan, “All efforts should be made to preserve existing site features.” He stated that there was no indication of tree mitigation but yet the Master Plan requires the preservation of natural elements. Mr. Slusky pointed out that there is no mention in the recommendation report to mitigate the effects or the removal of natural features. Mr. Slusky suggested that the street be improved/widened and state-of-the art sidewalks be installed on both sides. There has to be consideration for pedestrians because the children in the area already walk along the sidewalk to the north next to the older street. The Master Plan also indicated that, “The new development of housing should be consistent with the character of older neighborhoods.” In conclusion, Mr. Slusky stated that there is always a balance and it will require time to preserve the neighborhood and bring something in that will satisfy Omaha’s need for infill development but at the same time take into account the interests of all parties.

Mr. Dreessen explained that Mr. Negus had met with representatives of the association and received a conflicting response. He stated that Mr. Negus is willing to meet with the neighbors but the project is an old railroad right-of-way and the lots cannot be made any larger. He suggested meeting with the neighbors and getting some honest feedback and come up with a mutually agreeable solution.

Mr. Nesbitt stated that in October 2011 the board suggested that there be a discussion with the neighbors. Mr. Dreessen explained that he has not been involved and deferred to Mr. Negus.

Sean Negus, 11828 North 34th Avenue, appeared before the board in favor of the request. Mr. Negus stated that he had a meeting with Janet Redick, President of Country Club Hills Association and asked her to email him regarding the issues with the neighbors. He stated that he was unaware that there was someone else in control of a meeting but that Ms. Redick indicated to him that the neighbors on the north side of Girard were opposed to any change.

Mr. Neary suggested that there be a layover and that there be a complete site plan with a better explanation of the homes that are going to be built.

Mr. Kelley suggested to Mr. Negus that he communicate with Mr. Slusky to set up a meeting and invite Mr. Weaver and other City staff members.
Chad Weaver, Assistant Planning Director, Planning Department, indicated that the department would support a motion for a layover.

Mr. Neary moved to LAYOVER for 60 days. Mr. Nesbitt seconded the motion which carried 7-0.

**Overlay Districts**

5. C9-10-036a  
   C10-10-036b  
   Scott Kaminski  
   LOCATION: 4804 Douglas Street

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

At the Planning Board meeting held on February 1, 2012, 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. Mr. Brasee offered to answer any questions.

Chad Weaver, Assistant Planning Director, Planning Department, indicated that the department has drafted a revised proposal that would change the width of the landscape depth along Douglas Street and the parking along the existing drive aisle that would then provide a generous buffer along the east side. The house at 4804 Douglas Street could be retained but there may be some Zoning Board of Appeals action necessary if the home site is not part of the PK overlay. If the house is removed, the vacant site will be landscaped and buffered adjacent to the homes to the east. The department recommends denial of the submitted application and approval of the revised drawing excluding the house.

Mr. Brasee stated that he would propose an amendment to the application that removes 4804 Douglas Street with an amendment to the existing site plan. Mr. Weaver stated the board could move forward with the PK overlay but there will be waivers needed for the buffer requirement. Mr. Brasee stated that he would accept the proposal but would like the 8 compact stalls to be 8 full stalls with a 15' buffer. Mr. Weaver indicated that a 15' buffer meets the technical requirement for a PK overlay for the residents to the south. Mr. Brasee submitted a proposed site plan (Exhibit A) with 8 full stalls replacing the 8 compact stalls, the buffer to be 15', the house to be excluded from the plan and the waiver requests from the Zoning Board of Appeals be consistent with the presented site plan.

Gene Gard, 4812 Farnam Street, appeared before the board in opposition. Mr. Gard stated that he and other property owners are concerned about the new proposal because they have not seen the revised site plan or had any contact with the proponents.

Mr. Kelley pointed out that any opposition would have ample opportunity to express their concerns before the City Council and possibly the Zoning Board of Appeals.

Kevin Penrod, 4816 Douglas Street, appeared before the board in opposition. Mr. Penrod stated that he has lived in the neighborhood for five years and since then there have been many changes in the area. He indicated that he is concerned that more parking lots will bring increased traffic and commercial development.

Kelly Coffey, 4819 Douglas Street, appeared before the board in opposition. Ms. Coffey stated that she does not have a problem with the existing parking but there is concern that more homes will be torn down to add more parking.

Ms. Nubel asked Mr. Brasee to explain the need for extra parking. Mr. Brasee stated that the pediatric clinic moved from 51st and Capitol because of parking issues. He pointed out that pediatric clinics have a higher parking use because of a higher staff ratio. Mr. Brasee also indicated that after operating at the present location, the six parking stalls on Dodge Street are underutilized.
Mr. Kaminski stated that the clinic would be expanding to six additional physicians and the required nurses therefore the additional parking is needed. In response to Ms. Nubel, Mr. Kaminski answered that the six parking stalls along Dodge Street are provided for public parking and/or staff but that other parking is provided for the staff.

Mr. Weaver stated the department recommends denial of the application as proposed and approval of either alternative and/or action by the Zoning Board of Appeals, if necessary.

Mr. Kelley asked Mr. Thelen, City Law Department, if the verbal amendment to the application would be admissible. Mr. Thelen answered that 4804 Douglas Street was advertised and is all part of one contiguous site therefore there is no problem with the advertising.

Mr. Rosenbaum stated that he was concerned that the neighbors did not have proper time to review the proposal(s).

Mr. Weaver confirmed that there would be another hearing before the City Council and possibly the Zoning Board of Appeals therefore the neighbors would have time to review the site plan.

In response to Mr. Neary, Mr. Brasee confirmed that he would be willing to work with the neighbors and discuss the new plan.

Mr. Neary indicated that the proposed infill development is difficult but the board is committed to not making a “sea of parking” on Douglas Street.

Mr. Nesbitt moved to DENY the applicant’s original request. Ms. Nubel seconded the motion which carried 7-0.

Mr. Nesbitt moved to APPROVE the ACI-2(50) Overlay District and the applicants amended plan (Exhibit A) subject to: 1) Exclusion of the house at 4804 Douglas Street; and 2) Applicant to meet with the neighbors to identify and discuss an acceptable plan. Mr. Hoich seconded the motion which carried 7-0.

**Special Use Permits**

7. C8-11-129 Lehn Land, LLC REQUEST: Approval of a Special Use Permit to allow Convenience storage in a CC District LOCATION: 20120 Veterans Drive

At the Planning Board meeting held on February 1, 2012, Steve Perry, Olmsted & Perry Consulting Engineers, 10730 Pacific Street, appeared before the board on behalf of the applicant. Mr. Perry offered to answer any questions.

No opponents appeared before the board.

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

Mr. Deeb moved to APPROVE subject to: 1) Compliance with the 1/9/12 site/landscape plan; 2) Compliance with the proposed building elevations; 3) Compliance with the proposed operating statement; 4) Compliance with all applicable regulations; 5) The applicant obtaining all necessary permits prior to construction; and 6) The applicant obtaining a Certificate of Occupancy for the proposed expansion. Mr. Rosenbaum seconded the motion which carried 6-0 with Mr. Hoich abstaining.
**Master Plan Referrals**

**REQUEST:** Surplus Declaration and Disposal of City-owned property

9. **C3-12-027**
   Planning Department on behalf of the City of Omaha
   
   **LOCATION:** 325 South 16th Street

At the Planning Board meeting held on February 1, 2012, Chad Weaver, Assistant Planning Director, Planning Department, presented the request. Mr. Weaver stated that the property has been owned by the City for several years and will now be sold privately. Mr. Weaver stated that the department recommends approval.

No opponents appeared before the board.

Mr. Rosenbaum moved to APPROVE. Mr. Deeb seconded the motion which carried 7-0.

**Subdivisions**

11. **C12-12-031**
    Keith B. Edquist
    
    **REQUEST:** Preliminary and Final Plat approval of NORTH OMAHA AIRPORT ACRES REPLAT TWO, a minor plat inside the city limits
    
    **LOCATION:** 7155 Bennington Road

At the Planning Board meeting held on February 1, 2012, Mark Westergard, E & A Consulting Group, 330 North 117th Street, appeared before the board on behalf of the applicant. Mr. Westergard stated that the existing property is a two-lot subdivision and the owner would like to split the house off into a one-acre lot. He stated that Lot 2 is acknowledged to be in the flight zone and therefore it is not buildable but could become an outlot. Mr. Westergard stated the owner would like to pursue the location of the drive and not be precluded from access off Bennington Road. He indicated that the owner has heavy equipment and would like direct access from Bennington Road so he does not have to drive his heavy equipment across the residential driveway. He pointed out that the driveway meets the driveway requirements of the City and that Bennington Road is a dead-end street.

No opponents appeared before the board.

Ryan Haas, Public Works Department, stated that after conferring with Douglas County, a driveway could be allowed off of Bennington Road subject to no additional access; must be 300’ from 72nd Street and the driveway must line up with the existing driveway across the street.

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

Mr. Nesbitt moved to APPROVE the Preliminary Plat subject to: 1) Provide a letter of approval from the NDEQ with regard to on-site wastewater treatment system for Lot 1 prior to sending the request to the City Council; 2) Change Lot 2 to Outlot “A”; 3) Place a note on the Final Plat that the use, ownership and maintenance of Outlot “A” (proposed Lot 2) will be the responsibility of the property owner; and 4) Place a note on the Final Plat that no direct access will be allowed from Outlot “A” (proposed Lot 2) to 72nd Street. Approval of the Final Plat subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the request to the City Council. Mr. Neary seconded the motion which carried 7-0.
REQUEST: Preliminary Plat approval of RANCH VIEW
ESTATES 3, a subdivision outside the city
limits, with rezoning from AG to DR and R4

LOCATION: Southwest of 213th and Walnut Streets

At the Planning Board meeting held on February 1, 2012, Jeff Elliott, E & A Consulting Group, 330 North
117th Street, appeared before the board on behalf of the applicant. Mr. Elliott stated that the proposed
development is at the southerly end of the Ranchview Estates subdivision. He stated that the Ranchview
Estates was a Master Plan community and the original use for this area was for a higher-density product.
The parcel that is being developed is just over 21 acres and the requested zoning is DR and R4 with the
DR zoning at the southerly end of the property to be used as a storm water detention facility. There will
be 44 single-family lots that will be 90-100’ wide and 150’ deep. He stated that the developer is
proposing to build homes between $500,000-650,000. Mr. Elliott stated that a neighborhood meeting was
held on January 4, 2012 and there was concern with the access along 214th Street. He indicated that
there are two points of access, 214th Street and 214th Avenue, and there will be access to the east and
west provided for in the future. Mr. Elliott offered to answer any questions.

Bryan Mick, Mick & Associates, P.C., 11420 Miracle Hills Drive, appeared before the board on behalf of
several homeowners. Mr. Mick explained that Dave Broekemeier previously owned the subject property
and he attempted to approve condos and town homes through Douglas County but was denied. He
stated that Mr. Broekemeier was also denied by Elkhorn because of the requirement for additional ingress
and egress. Mr. Mick stated that the applicant bought the property from Mid City Bank in a foreclosure
sale for $377,000, which is a low basis for the property. When the City of Omaha annexed portions of
Elkhorn and exercised the three-mile extra territorial jurisdiction, the R2 and R3 designations were
misapplied. He pointed out that in Ranchview Estates, the smallest lot size is .57 acres (25,000 square
feet) and the largest lot is 1.37 acres (60,000 square feet) and in Ranchview II, which is zoned R2 and
R3, the lot sizes are .47 acres to 1.06 acres therefore the lots sizes are substantially greater than R2, R3
and R4 zoning. All lots in Ranchview Estates I and II comply with R1 zoning with a minimum 20,000
square foot lot size and are $500,000-800,000 homes which are consistent with Skyline Ranches and the
large lots at the Skyline golf course. He stated that there are 104 total lots in the Ranchview subdivision
with 19 vacant lots. The vacant lots in Ranchview Estates are four times the size and are trading at $62-
65,000. Mr. Mick questioned how the proposed 5,000 square foot lots could be marketed for $600,000.
He explained that the existing neighbors are not opposed to a development but want homes that are
consistent with their investment and the size of their home. He also indicated that there is already a
traffic and safety problem with only one access point being off of Pacific Street. A recent study was done
by Douglas County and it was determined that there should be traffic-calming devices. Mr. Mick pointed
out that there is no other R4 zoning in the area with the exception of right along Center Street. He stated
that the original development was developed backwards with regard to zoning and is opposite to the
zoning code and the Master Plan. Mr. Mick submitted written documents from 78 neighbors that are in
opposition to the preliminary plat. He requested that all proposed lots be zoned R1 which would be
consistent with the Master Plan and compatible with the neighborhood. The future egress and ingress
access will be several years down the road because of the existing farmland. He stated that the
valuations of the homes in the neighborhood are assessed between $400,000-600,000 and there is no way
that a 13,000 square foot lot will support a $400,000-600,000 home. Mr. Mick pointed out that the city should
encourage neighborhood downzonings and concluded that to push the envelope would be R2 zoning
which would be lots that are less than half the size of the smallest lot in the existing neighborhood.

Gary Johnson, 21402 Walnut Street, appeared before the board in opposition to the request. Mr.
Johnson stated that he recently moved into the area after purchasing lots from Mr. Broekemeier and
building his home. He stated that he is concerned with the density of the area and the lack of egress
issue with the proposed development.

Lee Hamann, 1601 Dodge Street, appeared before the board on behalf of Circo Strategic Investments
LLC, who owns property located on the southwest side of the proposed development. Mr. Hamann
stated that his client is not opposed to development in the area but the proposed lots should not be
smaller than the adjoining lots. He also expressed concern with regard to the drainage issue and flooding problems with the nearby creek.

Mike Jensen, 1313 Ranchview Lane, President of the Homeowners Association, appeared before the board in opposition. Mr. Jensen addressed the traffic concerns and pointed out that the County did a traffic study of 214th Street but there will be additional traffic and safety concerns if 44 new homes are added to the area. He pointed out that the neighborhood is called “Ranchview Estates” and was built so that the neighbors would have lots of space with an “open feeling”.

George Skidmore, 1202 Ranchview Lane, appeared before the board in opposition. Mr. Skidmore pointed out that the traffic on 214th Street is stressed and the traffic is congested with no turn lanes on Pacific Street.

Mr. Elliott pointed out that the plat document submitted to the City indicates that the proposed lot sizes in R4 zoning would be 90’-100’ wide and 100’ deep which will maximize the amount of home that a potential buyer can build on a lot. He stated that there would be a permanent detention basin installed to collect the storm water and to throttle the storm flow therefore not affecting the adjacent properties. With regard to traffic, there is a roundabout on 214th Street but there will be traffic calming within the proposed subdivision but traffic calming is more of an enforcement issue.

Tom Falcone, 18175 Mayberry Street, appeared before the board in favor of the request. Mr. Falcone stated that the lots would be priced between $65-85,000 and 36 lots have been sold and under contract. He stated that the market is very strong and especially along Pacific Street. He stated that the proposed lots are more desirable than the 19 vacant lots and the price range of the homes will be between $500-550,000.

In response to Mr. Deeb, Mr. Falcone confirmed that the lots are comparable in size to the Silverleaf Estates subdivision located at 192rd and Honeysuckle. Mr. Falcone stated that the average lot size would be 17,000 square feet, which is equal to approximately .34 to .4 of an acre.

Mr. Elliott presented that the existing lots adjacent to the proposed development are approximately 40 lots on 28 acres and 41 lots on 21 acres. He pointed out that the proposed development is very comparable at approximately 44 lots on 22 acres.

Mr. Mick questioned why the zoning would be R4 if the lot sizes were a minimum of 13,000 square feet. He pointed out that the issue is not the size of the house but the compatibility to the neighborhood. Mr. Mick expressed that the neighbors are vehemently opposed to the development.

Chad Weaver, Assistant Planning Director, Planning Department, stated the zoning to R4 allows a greater building envelope but there could be notes on the plat to not include any future administrative replats. He stated that the Master Plan does not say that every development will be the same as the adjacent development. Mr. Weaver stated that the intent of the proposal is to build larger houses with bigger envelopes. With regard to traffic, the street will handle the number of trips that the proposed subdivision will add. He also added that there is no exact number of homes that can be built in a specific area. Mr. Weaver stated that the department recommends approval subject to the seven items listed on the recommendation report.

Mr. Rosenbaum asked if there is a public safety concern with regard to emergency response time. Mr. Weaver stated that the trip from Pacific Street is the most important and there are other routes within the neighborhood. He stated that there would be additional street stubs that will function in the future.

Mr. Kelley questioned if there has been any analysis with respect to the storm sewer discharge. Mr. Weaver explained that a DR lot would be used for the purpose of storm water retention. Mr. Elliott confirmed that the outlot will be part of the storm water management plan and the drainage will be directed to a permanent detention basin. He further explained that only the amount of storm water would be released that is currently being released today.
Mr. Neary moved to LAYOVER for 30 days to allow applicant time to meet with the neighbors. Mr. Rosenbaum seconded the motion which carried 5-2 with Mr. Nesbitt and Ms. Nubel dissenting.

**APPROVAL OF MINUTES**

Mr. Nesbitt moved to APPROVE the meeting minutes of January 4, 2012 as written. Mr. Neary seconded the motion which carried 7-0.

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 3:55 pm.

_________________________________________
Date Approved

_________________________________________
Thomas O. Kelley, Chair

Debbie Hightower, Planning Board
Recording Secretary