PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – August 1, 2012
LEGISLATIVE CHAMBER - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

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

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

MEMBERS NOT PRESENT:
John Hoich
Greg Rosenbaum

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

6. C12-12-147 (D) Tinkham Land Surveying, Inc.
REQUEST: Preliminary and Final Plat approval of KNIGHT’S ACRES, a subdivision outside the city limits, with a waiver of Section 53-9(9) Sidewalks
LOCATION: 14601 and 14605 North 78th Street

At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval of the waiver of Section 53-9(9) Sidewalks of the Municipal Code and approval of the Preliminary Plat subject to: 1) Obtaining NDEQ approval of backup on-site wastewater treatment systems for the proposed lots. Location of such backup systems will need to be shown on the Final Plat; and 2) Placement of a note on the Final Plat indicating that any future activities on the site will comply with the North Hills Environmental Overlay District regulations of the Omaha Municipal Code. Approval of the Final Plat subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final
subdivision agreement prior to forwarding the plat to the City Council. Mr. Neary seconded the motion which carried 5-0.

7. C12-12-148 (D)  
   Steve Buchanan, on behalf of Buck's Inc.  
   REQUEST: Preliminary and Final Plat approval of BUCKY'S CROSSROADS PLAZA ADDITION, a minor plat inside the city limits  
   LOCATION: Northeast of 78th and Dodge Streets

At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval of the Preliminary Plat and approval of the Final Plat subject to submittal of an updated plat with a legend for all easements and other hatched areas and an ingress/egress access easement to the adjacent property on the east. The applicant will also need to provide an acceptable subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Neary seconded the motion which carried 5-0.

8. C10-12-149 (D)  
   C12-12-150  
   Steve Buchanan, on behalf of Buck's Inc.  
   REQUEST: Preliminary and Final Plat approval of BUCKY'S LANDMARK PLAZA ADDITION, a minor plat inside the city limits with approval of an MCC-Major Commercial Corridor Overlay District  
   LOCATION: Northeast of 138th and "Q" Streets

At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval of the MCC Overlay District, subject to an acceptable site plan approved by the Planning Department, before forwarding the Final Plat and rezoning request to City Council. Approval of the Preliminary Plat subject to: 1) Removal of the “Permitted Ingress/Egress Areas” depicted on the Final Plat and updating the Final Plat mylars; and 2) Vacating and/or relocating the 15 foot OPPD and 5 foot utility easements. Approval of the Final Plat as amended by the condition of Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement. Mr. Neary seconded the motion which carried 5-0.

9. C10-11-167 (D)  
   C12-11-168  
   Sean Negus  
   REQUEST: Revised Preliminary and Final 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 August 1, 2012, Ms. Nubel moved for approval of the rezoning from R3, R5 and GC to R3. Approval of the Revised Preliminary Plat subject to: 1) Providing sanitary sewer to all buildable lots within the proposed subdivision; 2) Providing for storm sewers/inlets along Girard Street; 3) Providing for sidewalks along Girard Street; 4) Providing for a no net increase in stormwater runoff and treating the first ½ inch of stormwater for water quality; and 5) Providing for the use, ownership and maintenance of the outlots in the final subdivision agreement and on the Final Plat. Approval of the Final Plat subject to compliance with all of the conditions of the Revised Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement prior to forwarding the Final Plat to the City Council. Mr. Neary seconded the motion which carried 5-0.

Rezonings

13. C10-02-262 (D)  
    McWhinney Real Estate Services  
    REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for West Dodge Station  
    LOCATION: Northwest of 180th and West Dodge Road
At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval of the Major Amendment to the West Dodge Station Mixed Use District Development Agreement to allow a height waiver for wall signs greater than 35’. Mr. Neary seconded the motion which carried 5-0.

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

**LOCATION:** 6228 North 72nd Street

At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval of the Major Amendment to the Sorensen Park Plaza Mixed Use District Development Agreement to allow a fast-food restaurant on a fourth lot subject to submittal of an acceptable mixed use district development agreement amendment that includes the following documents prior to forwarding the request to the City Council for final action: 1) A landscape plan addressing the 40’ on center tree planting, 8’ curbside landscaping per 55-924 and 35’ on center tree planting around the parking lot perimeter per 55-928(3)(f); 2) Per 55-928(c), the applicant will be required to include 7% interior parking lot landscaping; 3) Acceptable building and trash enclosure elevations per 55-935(1); and 4) Five acceptable, original, signed mixed use development agreements. Mr. Neary seconded the motion which carried 5-0.

**Special Use Permits**

**REQUEST:** Approval of a Special Use Permit to allow **General office** in a GI District

**LOCATION:** 12500 "I" Street

At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval of the Special Use Permit to allow General office in a GI District subject to: 1) Submittal of an exhibit that designates the approximate locations of the building to be used for General office prior to sending this request to City Council; 2) Compliance with the proposed site plan; 3) Compliance with the proposed operating statement; 4) Compliance with all applicable regulations; and 5) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department. Mr. Neary seconded the motion which carried 4-0.

**REQUEST:** Approval of a Special Use Permit to allow **Meat packing and related industries** in a HI District

**LOCATION:** 5941 South 25th Street

At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval of the Special Use Permit to allow Meat packing and related industries in HI subject to the following conditions: 1) Compliance with the site plan; 2) Compliance with the operating statement; 3) Compliance with all other applicable regulations; and 4) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department. Mr. Neary seconded the motion which carried 5-0.

**Conditional Use Permits**

**REQUEST:** Approval of a Conditional Use Permit to allow **Warehousing and distribution (limited)** in a GC District

**LOCATION:** 4012 South 24th Street

At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval of the Conditional Use Permit to allow Warehousing and distribution (limited) in a GC District subject to: 1) Submittal of a revised site plan that adequately addresses all applicable parking regulations and the required 5 feet of...
perimeter landscaping along the south property line; 2) Installation of a new sidewalk (to the south of the existing structure) that is differentiated from the adjacent drive aisle; 3) The applicant applying for a right-of-way lease and re-stripe the existing 7 parking stalls off of 24th Street into a diagonal alignment; 4) Compliance with the revised site plan; 5) Compliance with the proposed operating statement; 6) Compliance with all applicable regulations; and 7) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department. Mr. Neary seconded the motion which carried 5-0.

Dedications

23. C16-12-146 (D)  
   Property Owner  
   REQUEST: Dedication of a 298 square foot piece of land located Southwest of 50th and "L" Streets

At the Planning Board meeting held on August 1, 2012, Ms. Nubel moved for approval. Mr. Neary seconded the motion which carried 5-0.

Conditional Use Permits

22. C7-12-145 (D)  
   Faith Westwood United Methodist Church  
   REQUEST: Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R4 District

   LOCATION: 4814 Oaks Lane

At the Planning Board meeting held on August 1, 2012, Mr. Neary moved to layover the Major Amendment to a Conditional Use Permit to allow Religious Assembly in R4 subject to: 1) Submittal of a revised site/landscape plan that: a) Removes the proposed parking lot southern access point closest to “N” Street and redesigns the parking area adjacent to Oaks Lane to comply with the requirements for compact parking stalls; and b) Adjusts the location or reduces the size of the future storage building within the parking area; 2) Submittal of an operating statement including use of the proposed storage building; and 3) Submittal of an elevation plan for the proposed storage building. Mr. Deeb seconded the motion which carried 5-0.

(HOLD OVER CASES)

Special Use Permits

1. C8-05-121(a)  
   C7-09-078  
   Boyd Dingman  
   REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Body and fender repair in a GC District and approval of a Major Amendment to a Conditional Use Permit of a “Takedown Plan” for off-premise advertising signs

   LOCATION: 12020 Emmet Street

At the Planning Board meeting held on August 1, 2012, Jerry Slusky, 8712 West Dodge Road, appeared before the board on behalf of the applicant. Mr. Slusky stated that information was provided to the board and Planning Department regarding the “take down” of the current billboard located at 67th and Mercy Road next to Aksarben Village and replacing it at Dingman’s Collision, 120th & Maple. He stated that Aksarben Future Trust and UNO would like to have the billboard removed so that the build out of Aksarben and the UNO campus can continue. Mr. Slusky explained that Waitt has searched the market and provided evidence and the principals have met with the department and are ahead of what is required to do from a “take down” standpoint. He stated that they have agreed to install a static billboard at this location and not to pursue an application for a digital billboard. Mr. Slusky indicated that the Waitt
Outdoor representative is also present to answer any questions.

Mike Shramek, Fantasy’s Inc., 3402 North 120th Street, appeared before the board in opposition. Mr. Shramek stated that he has several concerns which include: 1) close proximity to Tranquility Park; 2) safety concerns; and 3) neighborhood aesthetics.

Dan Mulhall, 12224 Rosehill Lane and property owner of Mulhall’s Nursery located at 120th & Maple, appeared before the board in opposition.

Mr. Slusky stated that code does not require 400’ for a static board. The static board will be 40’ high and should not distract drivers. He stated that the community would win and the UNO and Aksarben expansion would be helped with the billboard switch and the site at 120th & Maple is truly the only remaining site available after examining the entire market.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department is in favor of the exclusion of a digital billboard. Mr. Weaver stated that the department recommends approval of the static billboard subject to the four conditions including no possibility of a digital billboard.

In response to Mr. Neary and Ms. Nubel, Mr. Weaver verified that a digital billboard is required to be 400’ from a park but there is no requirement for a static billboard.

Mr. Slusky was unable to provide an elevation that shows the proposed billboard as requested by Mr. Neary.

In response to Mr. Deeb, Mr. Slusky answered that he reached out to a number of people and there was no opposition with the exception of Fantasy’s and Mulhall’s. He stated there are billboards at 108th and Maple and 132nd and Maple which are also high traffic intersections.

In response to Ms. Nubel, Darrin Plautz, 9825 Grover Street, representative for Waitt Outdoor, stated that there are only a few areas of the city that are zoned for billboards and the few sites that remain are not comparable for a billboard.

Mr. Neary moved for approval of a Major Amendment to a Special Use Permit to allow Body and fender repair services in a GC-General Commercial District subject to: 1) Signage will only be allowed as indicated on the site and building elevation plans and must comply with the signage standards for the GC district. No flags or banner signs will be permitted; 2) The applicant not pursuing this location for an electronic off-premise advertising sign; 3) Limiting all repair activities to completely enclosed buildings; 4) The paint booth must be designed for painting and meet all applicable codes; 5) Outdoor storage for a maximum of 3 vehicles in a fully fenced and screened area; 6) Compliance with site, building elevation and operating plans; and 7) Compliance with all other applicable code regulations. Ms. Nubel seconded the motion which carried 5-0.

(REgular aGenda)

Master Plan Referrals

2. C3-12-137 REQUEST: Approval of the 2013-2018 Capital Planning Department on behalf of Improvement Program the City of Omaha LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on August 1, 2012, Chad Weaver, Assistant Planning Director, Planning Department, presented the request which represents the yearly effort to identify all capital projects throughout the various bonds that the City will seek to obtain within the next six years. He stated
that there are several new projects but the plan is constrained to available funding through the issuance of the bonds. Mr. Weaver offered to answer any questions.

In response to Mr. Kelley, Mr. Weaver confirmed that the CIP conforms to the Master Plan.

Mr. Neary moved for approval. Mr. Nesbitt seconded the motion which carried 5-0.

3. **C19-12-138**  
   Planning Department on behalf of the City of Omaha  
   **REQUEST:** Approval of the Annexation of Elk Hills Subdivision (SID 553) adjacent to Blondo Street and 2240 North Main Street  
   **LOCATION:** Omaha and 3 mile extraterritorial jurisdiction

At the Planning Board meeting held on August 1, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed project is an annexation related to a Community Area Redevelopment Designation that was approved by the Planning Board in April 2012 and subsequently approved by City Council in May 2012. She stated that a portion of the area to be annexed was not part of the designation but must be annexed for the Tax Increment Financing (TIF) application to be accepted and approved. Ms. Hadley offered to answer any questions.

Ms. Nubel moved for approval subject to the property owner of the area comprising SID 553 accomplishing the following prior to forwarding this request to the City Council: 1) Recording the replat of Elk Hills as approved by the City; and 2) Making the SID debt free. Mr. Deeb seconded the motion which carried 5-0.

4. **C3-12-139**  
   Planning Department on behalf of the City of Omaha  
   **REQUEST:** Approval of THE LERNER BUILDING TIF REDEVELOPMENT PROJECT PLAN  
   **LOCATION:** 325 South 16th Street

At the Planning Board meeting held on August 1, 2012, Bridget Hadley, Planning Department, presented the request. Ms. Hadley stated that the proposed project is a TIF Redevelopment Project Plan to completely rehabilitate and convert the commercial building into a mixed-use project to include 36-38 apartment units and the ground floor will have 4,000 square feet of commercial space. Ms. Hadley explained that the parking will be made available in the basement with additional parking to the east of the building. She explained that the building is a historic landmark and has been unproductive and vacant for several years. This project is an opportunity to revitalize the area and bring in density and activity. Ms. Hadley offered to answer any questions.

In response to Mr. Kelley, Ms. Hadley stated that the TIF committee voted unanimously for the proposed project.

Mr. Neary moved for approval. Ms. Nubel seconded the motion which carried 5-0.

5. **C3-12-140**  
   Planning Department on behalf of the City of Omaha  
   **REQUEST:** Approval of the 2012 Integrated Solid Waste Management Plan update  
   **LOCATION:** Omaha and 3 mile extraterritorial jurisdiction

At the Planning Board meeting held on August 1, 2012, Marty Grate, Public Works Department, presented the request. Mr. Grate stated that in the early 1990's the Nebraska Legislature passed the Integrated Solid Waste Management Act and one requirement was that regions of the state had to develop integrated solid waste plans. He explained that the previous plan was a 20 year plan but there are solid waste challenges and the proposed request is an effort to update the plan.

In response to Mr. Neary, Mr. Grate explained that in the early 1990's the way to manage solid waste, within in the state, was to consolidate the 300-400 existing dumping sites into 22 regional disposal facilities to manage in a more modern and responsible way. He stated that the initiative was to look at solid waste management in a sustainability fashion that was more environmentally friendly and also to
establish goals to divert things from the landfills that can be either reused or recycled. He pointed out that there were a number of different findings in the report but the goals were met from the previous 20 year plan such as reusing and recycling old concrete and asphalt. Mr. Grate stated that one of the findings in the report is that there is a lot of waste generated in Douglas and Sarpy Counties that is leaving the area. He further stated that there is some resource value and liability concerns by not controlling the waste that is leaving and assuring that it is being handled properly. In conclusion, there is a lack of solid data but one recommendation of the update is to take greater efforts to track where the waste is going.

Ms. Nubel moved for approval. Mr. Deeb seconded the motion which carried 5-0.

**Subdivisions**

10. C10-12-151  
C12-12-152  
Fort 165 LLC  

REQUEST: Preliminary 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 August 1, 2012, Mark Westergard, E & A Consulting Group, 330 North 117th Street, appeared before the board on behalf of the land purchaser and the developer. Mr. Westergard stated that the project will consist of approximately 168 residential rental units on a 12.3 acre site. He indicated that there will be a public street that bi-sects the site along the western boundary to the south and connects to Fort Street on the north. Mr. Westergard addressed two of the recommendations with regard to streets and will work with Public Works to resolve the issues.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the rezoning from AG to DR and R6 and approval of the Preliminary Plat subject to the 17 conditions listed on the recommendation report.

Ms. Nubel moved for approval of the rezoning from AG to DR and R6 and approval of the Preliminary Plat subject to the following being addressed with the Final Plat and/or final subdivision agreement: 1) Coordinate with the Public Works Department on the location and alignment of 167th Street right-of-way to provide for an acceptable connection to the existing 167th Street stub; 2) The applicant should coordinate with Public Works on the location of the street and right-of-way stub(s) from 167th Street to the properties to the west; 3) The northern connection of 167th Street to Fort Street should be located further to the east; 4) Provide for a deceleration lane for the eastbound right turn movement on Fort Street at 167th Street; 5) Dedicate an additional 10 feet of right-of-way along Fort Street where the deceleration lane fronts the subdivision; 6) Coordinate with Douglas County in establishing a maintenance agreement to allow for routine maintenance of 167th Street; 7) The applicant will be required to provide for all improvements identified in the final approved traffic study; 8) Submittal of storm sewer design computations and final plans to Douglas County for review that relate to the handling of roadway and site drainage along the development boundary adjacent to Fort Street; 9) Sidewalks need to be provided along all public streets; 10) Coordinating the proposed grades along the northern boundary of the plat with the future improvement of Fort Street; 11) Submitting submit cross section information for review that shows the relationship of the proposed site grading to the existing and future Fort Street improvements; 12) Placement of the eastern drainageway in an outlot that is equal to a 3:1 slope from the NRD designated water level plus 20 feet, or large enough to contain the path of a 100-year storm (whichever is greater); 13) Providing a Post Construction Stormwater Management Plan that includes treatment for the first ½ inch of stormwater for water quality and providing for a no-net increase in stormwater runoff must be completed for the proposed project; 14) Including provisions in the subdivision agreement for Watershed Management Fees, in addition to all other applicable fees; 15) Including provisions for use, ownership and maintenance of the outlots in the subdivision agreement and on the Final Plat; 16) Submitting a letter from Douglas County Emergency Management confirming that acceptable emergency warning has been provided for the area; and 17) Providing a letter of approval from Douglas County Environmental Services for the Noxious Weed Plan. Mr. Deeb seconded the motion which carried 5-0.
At the Planning Board meeting held on August 1, 2012, Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Jobeun stated that the applicant and the end user are anxious to move the process along. He offered to answer any questions.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department originally recommended a layover but has revised the recommendation report for approval of the rezoning from AG and MH/ACI-4(PL) to DR and MU/ACI-4(PL) (portions of which property lie within the flood fringe) subject to submittal of an acceptable, Mixed Use District Development Agreement and acceptable site plan in compliance with all applicable regulations including ¼ mile gap provisions; approval of the Preliminary Plat subject to the applicant addressing all of the following conditions prior to submittal of the Final Plat: 1) Submittal of a Revised Preliminary Plat; 2) Written approval from NDOR that the right-of-way acquisition is possible; 3) Providing an updated existing traffic impact study and providing for all improvements identified in the final approved traffic study; 4) Submitting storm sewer design computations and final plans that relate to the handling of roadway and site drainage along the development boundary adjacent to 174th Street (Old Lincoln Highway) to the Douglas County Engineer’s office for review; 5) Vacating the existing Burt Street right-of-way and showing it on the plat; 6) Providing a vehicular access easement from Burt Street to Lots 7 and 10; 7) Modify the plat so that the street currently shown as “Tribedo Drive” follows the street naming conventions per the Omaha Municipal Code; 8) Provisions for use, ownership and maintenance of the outlots needs to be included in the subdivision agreement and on the Final Plat including a letter from the Parks Department indicating whether any portion of the proposed 50 foot wide trail easement needs to be constructed into a trail at this time; 9) An approval letter from the Douglas County Emergency Management Department confirming that acceptable emergency warning has been provided for the area; and 10) A letter of approval of a Noxious Weed Plan from Douglas County.

Mr. Deeb moved for approval of the rezoning from AG and MH/ACI-4(PL) to DR and MU/ACI-4(PL) (portions of which property lie within the flood fringe) subject to submittal of an acceptable, Mixed Use District Development Agreement and acceptable site plan in compliance with all applicable regulations including ¼ mile gap provisions; approval of the Preliminary Plat subject to the applicant addressing all of the following conditions prior to submittal of the Final Plat: 1) Submittal of a Revised Preliminary Plat; 2) Written approval from NDOR that the right-of-way acquisition is possible; 3) Providing an updated existing traffic impact study and providing for all improvements identified in the final approved traffic study; 4) Submitting storm sewer design computations and final plans that relate to the handling of roadway and site drainage along the development boundary adjacent to 174th Street (Old Lincoln Highway) to the Douglas County Engineer’s office for review; 5) Vacating the existing Burt Street right-of-way and showing it on the plat; 6) Providing a vehicular access easement from Burt Street to Lots 7 and 10; 7) Modify the plat so that the street currently shown as “Tribedo Drive” follows the street naming conventions per the Omaha Municipal Code; 8) Provisions for use, ownership and maintenance of the outlots needs to be included in the subdivision agreement and on the Final Plat including a letter from the Parks Department indicating whether any portion of the proposed 50 foot wide trail easement needs to be constructed into a trail at this time; 9) An approval letter from the Douglas County Emergency Management Department confirming that acceptable emergency warning has been provided for the area; and 10) A letter of approval of a Noxious Weed Plan from Douglas County. Mr. Nesbitt seconded the motion which carried 5-0.
The following two cases were heard together:

12.  
   C10-12-153  
   C12-12-154  
   Sixty Sorensen, LLC  
   **REQUEST:** Preliminary Plat approval of SORENSEN PLACE, a subdivision inside the city limits, with rezoning from CC to R6 and CC with approval of an MCC-Major Commercial Corridor Overlay District  
   **LOCATION:** Northeast of 60th Street and Sorensen Parkway

**Special Use Permits**

19.  
   C8-12-155  
   C8-12-156  
   Sixty Sorensen, LLC  
   **REQUEST:** Approval of a Special Use Permit to allow Convenience storage and approval of a Large Project Special Use Permit in a CC/MCC District  
   **LOCATION:** Northeast of 60th Street and Sorensen Parkway

At the Planning Board meeting held on August 1, 2012, Dan Dolezal, Ehrhart Griffin Associates, 3552 Farnam Street, appeared before the board on behalf of the applicant. Mr. Dolezal stated that the site is undeveloped and challenging and a portion of the site was a dump site for concrete products. He stated that the applicant/client understands the challenges and is prepared to resolve the issues. He indicated on a plat where commercial, storage and multi-family residential would be located on the site. Mr. Dolezal pointed out that the abandoned railroad property, bought by others, sits 30-40' higher than the property and will allow for buffering. He stated that the applicant is in agreement to the layover request.

In response to Mr. Kelley, Mr. Dolezal answered that the applicant has not met with the neighbors but offered to have the neighbors sign a sheet so that they can be notified.

Mary Simmons-Dingman, 5624 Mary Street, appeared before the board in opposition. Ms. Simmons-Dingman stated that the neighborhood has no sidewalks and is comprised of multiple generations that are proud of their property. She stated that the two major concerns would be the 24 hour access to the storage units and the proposed apartment housing area. Ms. Simmons-Dingman stated that there are present problems with traffic and an increase in traffic will bring increased crime, increased noise and increased property taxes.

Jeff Hiykel, 7125 North 58 Street, appeared before the board in opposition.

Mike Helmberger, 6803 North 60th Street, appeared before the board in opposition. Mr. Helmberger stated that he has lived in the area for 10 years and also owns the abandoned railroad property and his major concern is a lower valuation of his property. He pointed out that most of the commercial businesses have not survived in the area. Mr. Helmberger questioned the plan for a 30’ wide barrier and asked that the light and noise concerns be addressed.

Cass Sutherland, 5920 Sorensen Parkway, appeared before the board in opposition. He stated that he owns the gas station on the corner of 60th and Sorensen Parkway and was concerned with the proposed access and the proposed traffic signals off of Sorensen Parkway.

Michael Harrington appeared before the board in opposition on behalf of his mother who owns property at 5901 and 5931 Whitmore Street and the railroad easement from 60th Street to a line east of the 5901 property. Mr. Harrington stated that his main concern would be the multi-use apartment building with regard to increased traffic, noise and lights.
Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends a layover to redesign the submittal so that the access issues can be adequately addressed.

In response to Mr. Kelley, Mr. Weaver explained that the existing zoning is commercial and the site was expected to be commercial for a number of years. He stated that the density for storage will need to be addressed and there are design issues with regard to the apartments.

Mr. Kelley commented that it is extremely frustrating when an application is received on a significant development and the neighbors are not met with in advance. Mr. Dolezal responded that the plan is a concept and the developer is not trying to hide anything and is willing to meet with the neighbors.

In response to Mr. Neary, Mr. Dolezal stated that the concrete will be used for fill and a portion of the convenience storage are light buildings and will be located over the concrete fill. There is a drainage pipe going through the property and there will be a geo-technical study. He stated that he is in negotiations with the department regarding the tree mitigation and they are working with a landscape architect and Gary Hall from the Planning Department.

Mr. Nesbitt requested that the board review the tree mitigation plan. Mr. Weaver answered that the tree mitigation plan will be submitted with the plat approval.

12. C10-12-153
   C12-12-154
   Sixty Sorensen, LLC

REQUEST: Preliminary Plat approval of SORENSEN PLACE, a subdivision inside the city limits, with rezoning from CC to R6 and CC with approval of an MCC-Major Commercial Corridor Overlay District

LOCATION: Northeast of 60th Street and Sorensen Parkway

Mr. Neary moved for a layover of the Preliminary Plat to allow the applicant time to redesign the submittal so that the access issues can be adequately addressed within 90 days or 60 days, if ready, and the developer to meet with the neighbors prior to the next hearing. Ms. Nubel seconded the motion which carried 5-0.

Special Use Permits

19. C8-12-155
   C8-12-156
   Sixty Sorensen, LLC

REQUEST: Approval of a Special Use Permit to allow Convenience storage and approval of a Large Project Special Use Permit in a CC/MCC District

LOCATION: Northeast of 60th Street and Sorensen Parkway

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends a layover to allow the applicant time to revise the submittal to comply with all applicable regulations.

Mr. Neary moved for a layover of the Large Project Special Use Permit and Special Use Permit to allow Convenience storage in a CC/MCC District to give the applicant time to revise the submittal to comply with all applicable regulations within 90 days or 60 days if ready and the developer to meet with the neighbors prior to the next hearing. Ms. Nubel seconded the motion which carried 5-0.
Rezonings

REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Walnut Grove Plaza
LOCATION: 4966 and 5030 South 155th Street

At the Planning Board meeting held on August 1, 2012, Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Jobeun stated that the recommendation has been reviewed. He explained that the project is an assisted living facility in an existing mixed-use area. Mr. Jobeun offered to answer any questions.

Tom Olig, 4979 South 156th Avenue Circle, appeared before the board. Mr. Olig requested a preliminary drawing of the project with regard to the height and the amount of land involved. Mr. Jobeun agreed to share the elevations but explained that the project will comply with the Urban Design guidelines.

Sally Olig, 4979 South 156th Avenue Circle, appeared before the board. Ms. Olig was concerned that there may be an echo and requested a barrier. Mr. Jobeun responded that a 115’ sound barrier is required.

In response to Mr. Kelley, Mr. Jobeun answered that the construction should begin in the fall.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the department recommends approval of the Major Amendment to the Walnut Plaza Mixed Use District Development Agreement to allow assisted living subject to submittal of an administrative subdivision and an acceptable mixed use district development agreement that includes the four items listed on the recommendation report prior to forwarding to City Council.

Mr. Kelley explained to the Olig’s that there will be another opportunity to be heard when the case goes before the City Council.

Ms. Nubel moved for approval of the Major Amendment to the Walnut Plaza Mixed Use District Development Agreement to allow Assisted living subject to submittal of an administrative subdivision and an acceptable mixed use district development agreement amendment that includes the following documents prior to forwarding the request to the City Council for final action: 1) An updated landscape plan addressing the 40’ on center tree planting, 8’ curbside landscaping per 55-924 and 35’ on center tree planting around the parking lot perimeter per 55-928(3)(f); 2) An updated site plan showing a minimum of 5’ sidewalks along Orchard Avenue and Ohern Street per 55-924; 3) Acceptable building and trash enclosure elevations per 55-926 and 55-935(1) along with fence elevations and at least one entrance along the sidewalk adjacent facade of 155th Street; and 4) The submittal of an administrative subdivision, with a 115’ noise attenuation easement, to create one lot. Mr. Neary seconded the motion which carried 5-0.

Special Use Permits

18. C8-12-143 Russ Larson
REQUEST: Approval of a Special Use Permit to allow Automotive sales in a CC District
LOCATION: 5500 “L” Street

At the Planning Board meeting held on August 1, 2012, Jim Lang, 11718 Nicholas Street, appeared before the board on behalf of the applicant. Mr. Lang indicated that the architect, Paul Kelley, is also present to answer any questions. Mr. Lang stated that the existing site was developed as an auto dealership in 1971 and has been vacant for the past several years. Mr. Lang stated that his client plans on using the site for automotive sales and service. Mr. Lang addressed item number 2 and item number 3 on the recommendation report. He stated that there is concern that the site would be in non-
compliance with the MCC requirements. The site complies with the site plan on the south side with MCC but the remainder of the site to the west, which includes a large retaining wall, does not comply with the buffer requirement at this time but the retaining wall is not being modified therefore it would not be required to comply with the MCC requirements. In addition, the area to the north of the two buildings is zoned GI and will be used as a turnaround area, storage area and parking area for the employees. Mr. Lang clarified that the site will comply with the MCC Overlay District when a change is made to the area.

Chad Weaver, Assistant Planning Director, Planning Department, stated that the south portion is headed in the direction of compliance, the north side would not be subject to any MCC requirements because there will be no changes. Mr. Weaver stated that the department recommends approval of the Special Use Permit to allow automotive sales in a CC District, subject to the seven items listed on the recommendation report.

Mr. Cunningham reminded Mr. Lang to have his client obtain a Certificate of Occupancy.

Mr. Neary moved for approval of the Special Use Permit to allow Automotive sales in a CC District, subject to: 1) Submittal of an acceptable revised site plan showing the following prior to forwarding this request to the City Council: a) Providing a minimum ten (10) foot street yard landscape buffer with 3 trees along that portion of “L” Street Frontage Road which is located in front of the existing west building; b) Removing the existing pole sign reference; 2) Applying for a MCC - Major Commercial Overlay District before forwarding the request to City Council; 3) Interior parking lot landscaping and building façade improvements that comply with the MCC regulations; 4) All signage in compliance with the MCC regulations, including removal of the existing pole sign; 5) Compliance with the revised site plan; 6) Compliance with the proposed operating statement; and 7) Compliance with all applicable regulations, including exterior lighting. Mr. Deeb seconded the motion which carried 5-0.

Conditional Use Permits

20. C7-12-159 Pacific West Properties, L.P. REQUEST: Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Multiple-family residential in a CC District LOCATION: 14121 Pierce Plaza

At the Planning Board meeting held on August 1, 2012, Chad Weaver, Assistant Planning Director, Planning Department, stated that Jerry Slusky, attorney, was present earlier but had to leave for another appointment. Mr. Weaver stated that the department recommends that the request be laid over for further discussion.

Mike Samson, 14011 Poppleton Circle, appeared before the board in opposition. Mr. Samson stated that he has lived in the area for 35 years and is concerned about noise and lighting from the proposed building, additional garages and parking. Mr. Samson stated that he is not in favor of adding more trees because the property owners are not taking care of the trees that are presently on the property. He confirmed that a meeting was held but only three residents were present at the time it was scheduled.

Joel Hennings, 14220 Poppleton Circle, appeared before the board in opposition. Mr. Hennings expressed concern that the three story building would be within 50’ of his property line. He stated that he was also concerned that the required size of the proposed trees would not be enough of a buffer. Mr. Hennings stated that other neighbors are questioning the location of the dumpster, lighting and other issues. He extended an offer to the board to come to his residence to see what the proposed building would actually look like from his perspective.

Kevin Wheelock, 14232 Poppleton Circle, appeared before the board in opposition. Mr. Wheelock stated that his residence is located behind the existing garages and that the property owners do not take care of the property, the lights shine into his bedroom and he is concerned that his property value will decrease.
In response to Mr. Deeb, Mr. Wheelock stated that he usually tells the maintenance people about the trash but most of them do not speak English. Mr. Deeb suggested reaching out to the owners and document complaints and responses, regardless of what happens with the proposed request.

Mr. Weaver stated that the department needs clarification of several issues and therefore recommends a layover for 30 days to allow the applicant time to meet with the neighbors prior to the next meeting. He stated that the zoning and the Master Plan designation on the intersection allows the number of multi-family units and the presented plan complies with all the regulators.

Mr. Neary stated that, based on the video and a site visit, he agrees with the neighbors that the lighting needs to be changed.

Mr. Neary moved to layover the Major Amendment to the Conditional Use Permit to allow additional time for the applicant to: 1) Submit a corrected application indicating the correct number of units proposed; 2) Submit parking calculations for the entire apartment complex; 3) Submit color building elevations and identify the type of materials; 4) Submit a floor plan that indicates the number of efficiency, 1 bedroom, and 2 bedroom units; 5) Submit an updated site plan to provide sidewalks along South 143rd Street and Mayfair Drive; and 6) Meeting with the affected neighbors to the south before resubmittal. Ms. Nubel seconded the motion which carried 5-0.

APPROVAL OF MINUTES

Ms. Nubel moved to APPROVE the meeting minutes of July 11, 2012 as written. Mr. Deeb seconded the motion which carried 4-0 with Mr. Nesbitt abstaining.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 3:40 pm.

_________________________________________
Date Approved

_________________________________________
Thomas O. Kelley, Chair

_________________________________________
Debbie Hightower, Planning Board
Recording Secretary