Mr. Neary, 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.

**SUBDIVISIONS**

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary and Final Plat approval of CORBY STREET SIX, a minor plat inside the city limits, with rezoning from R7 to R5</td>
<td>Southeast of 18th and Corby Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval of the rezoning from R7 to R5; approval of the Preliminary Plat subject to the applicant: 1) Making any necessary sidewalk repairs surrounding the site; and 2) Complying with all applicable stormwater management ordinances and policies; and approval of the Final Plat, as amended by the conditions of Preliminary Plat approval, and subject to submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding to City Council. Mr. Deeb seconded the motion which carried 6-0.
At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval of the Preliminary Plat subject to the following being submitted with or prior to an application for Final Plat approval: 1) The applicant providing a contribution to the cost of the future bridge over the creek; 2) Paving all stub streets to the property line; 3) Providing temporary turnarounds at the terminus of all temporarily dead-ended streets; 4) Providing traffic calming on all streets longer than 1,000 feet; 5) Providing a minimum 8.5’ x 8.5’ for sidewalk chamfers at all street corners; 6) Outlot “D” being of sufficient width to provide the greater of a 3:1+ 20’ section or the 100-year storm flow; 7) Compliance with all applicable stormwater management policies and ordinances; 8) Including provisions for use, ownership and maintenance of the outlots in the final subdivision agreement and as a note on the Final Plat; 9) Submittal of a letter of approval of a Noxious Weed Plan from Douglas County; 10) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area; and 11) An acceptable debt ratio of 4% or less. Mr. Deeb seconded the motion which carried 6-0.

**Rezonings**

9. C10-13-006 (D)  
Lanning Lund, LLC  
REQUEST: Rezoning from DS to CBD  
LOCATION: 604 South 22nd Street

At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval. Mr. Deeb seconded the motion which carried 6-0.

10. C10-13-007 (D)  
Bruce Frasier  
REQUEST: Rezoning from GI to NBD  
LOCATION: 6124 Military Avenue

At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval. Mr. Deeb seconded the motion which carried 6-0.

11. C10-13-008 (D)  
Janelle Benz  
REQUEST: Rezoning from HI to CBD (portions of which property are also located within an ACI-1(PL) Overlay District)  
LOCATION: 822 Pacific Street

At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval. Mr. Deeb seconded the motion which carried 6-0.
Special Use Permits

13. | C8-11-180 (D) | Christ Community Church | REQUEST: | Approval of a Major Amendment to a Large Project Special Use Permit in a GO District |
|       |               | LOCATION: | 404 South 108" Court |

At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval of the Major Amendment to a Large Project Special Use Permit in the GO district, subject to: 1) Compliance with the site plan approved with the original Large Project Special Use Permit; 2) Compliance with all other applicable city ordinances and regulations; 3) Compliance with a revised sign plan including reducing the height of the monument sign along I-680 to 20' tall; 4) Approval of the necessary sign waivers from the Zoning Board of Appeals; and 5) Work with the Planning Department to ensure signs within the FW-Floodway are in compliance. Mr. Deeb seconded the motion which carried 6-0.

14. | C8-13-009 (D) | RST Golf, LLC | REQUEST: | Approval of a Special Use Permit to allow Indoor sports and recreation in a GI District |
|       |               | LOCATION: | 10035 Scott Circle |

At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval of the Special Use Permit to allow Indoor sports and recreation in a GI District subject to the following conditions: 1) The applicant obtaining a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department; 2) Compliance with the proposed operating statement; and 3) Compliance with all applicable development regulations. Mr. Deeb seconded the motion which carried 6-0.

Conditional Use Permits

16. | C7-13-011 (D) | Moore’s Play Parlor LLC | REQUEST: | Approval of a Conditional Use Permit to allow Indoor sports and recreation in a CC District |
|       |               | LOCATION: | 8412 Park Drive |

At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval of the proposed Conditional Use Permit to allow Indoor sports and recreation in a CC District subject to: 1) Compliance with the proposed site plan and operating statement; 2) Obtaining a Certificate of Occupancy from the Permits and Inspections Division; 3) Compliance with all Nebraska State laws regarding "skilled" games; and 4) Compliance with all other applicable site development regulations. Mr. Deeb seconded the motion which carried 6-0.

Vacations

19. | C14-13-014 (D) | Property Owner | REQUEST: | Vacation of the east/west alley between California Street and Mike Fahey Street from 16th to 17th Streets |

At the Planning Board meeting held on January 9, 2013, Mr. Hoich moved for approval of the proposed vacation, subject to all easements being retained in the vacating ordinance. Mr. Deeb seconded the motion which carried 6-0.
ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-11-187
   C12-11-188
   Keith B. Edquist

   REQUEST: Final Plat approval of NORTHERN HILLS
             ESTATES TWO, a subdivision outside the city limits, with rezoning from DR and AV to DR

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

At the Planning Board meeting held on January 9, 2013, Chad Weaver, Assistant Planning Director, stated that the department recommends approval of the acceptable final subdivision prior to forwarding the request to City Council.

Mr. Deeb moved for approval of the Final Plat subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Rosenbaum seconded the motion which carried 6-0.

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

   REQUEST: Final Plat approval of SORENSEN PLACE, a subdivision inside the city limits, and approval of an MCC-Major Commercial Corridor Overlay District

   LOCATION: Northeast of 60th Street and Sorensen Parkway

At the Planning Board meeting held on January 9, 2013, Chad Weaver, Assistant Planning Director, stated that the department recommends approval of the MCC Overlay for Lots 1-7 and approval of the Final Plat subject to submittal of an acceptable subdivision agreement prior to forwarding to the City Council.

Mr. Deeb moved for approval of the MCC Overlay District for Lots 1-7 and approval of the Final Plat subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Rosenbaum seconded the motion which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Master Plan Referrals

3. C3-12-219
   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 January 9, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the project was laid over from the November 2012 Planning Board meeting to allow for basic revisions reflecting comments from a public meeting. She stated that the comments are in regard to public improvements and connectivity issues with the railroad that basically divides two areas that are significant to the entire plan. She further explained that one of the areas is directly to the south and will include Oak Hills Apartments which is a TIF project and the second area is to the north which is the downtown Elkhorn business area. Ms. Hadley concluded that the final plan also includes an up-to-date zoning map and future land use map.

Mr. Neary questioned if there is a vision for the area and a plan to make the area pedestrian friendly. Ms. Hadley responded that the plan is a very general redevelopment plan with the exception of public improvements that are specifically addressed such as curbs, gutters and sidewalk repairs. She stated that other development that may occur has not been addressed but there were discussions at the public meeting to include a possible railroad crossing or something historic in nature that could be a tourist attraction. In response to Mr. Neary, Ms. Hadley further stated that the infrastructure could happen within the next two years.

Mr. Rosenbaum commented that there has been a group of business people and neighbors that have worked hard to revitalize the downtown business district.

Carl Anderson, 2619 Main Street, Elkhorn, Nebraska, appeared before the board. Mr. Anderson, President of the Merchants Association, stated that the group recently met with the railroad to address issues relative to enhancing pedestrian traffic in the area.

Mr. Rosenbaum moved for approval. Mr. Deeb seconded the motion which carried 6-0.

(REGULAR AGENDA)

The following three cases were heard concurrently but voted on separately.

Master Plan Referrals

| 4. | C3-13-001 Legacy Primary, LLC | REQUEST: Approval of a waiver of the Present Development Zone specification of the Urban Development Element of the City of Omaha Master Plan | LOCATION: Southeast of 168th and Ida Streets |

At the Planning Board meeting held on January 9, 2013, Jason Thiellen, E & A Consulting Group, 330 N. 117th Street, appeared before the board on behalf of the applicant. Mr. Thiellen stated that the project will be the site of Legacy Primary School, a registered school with the State of Nebraska, and will teach children K-5 with before and after school care. He stated that the goal of the school is to move the existing facility from 168th and Blondo to the proposed site. Mr. Thiellen explained that the site will also include a camp used in the summertime for kids to continue their experience with Legacy Primary. The special use permit is requested because the project will be built in several phases with the camp portion starting in the spring of 2013. The camp site is proposing to have a pool with a pool house and will serve up to 280 kids. The gym portion will be built initially to provide the shelter portion of the camp with the required bathroom facilities. Mr. Thiellen stated that he is in agreement with the recommendations of the planning department and offered to answer any questions.

Chad Weaver, Assistant Planning Director, stated that the department recommends approval of the request to amend the waiver of the Present Development Zone specification of the Urban Development Element.
Ms. Nubel moved for approval. Mr. Deeb seconded the motion which carried 6-0.

**Subdivisions**

<table>
<thead>
<tr>
<th>Request</th>
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<tbody>
<tr>
<td>C10-12-237 C12-12-238 Legacy Primary, LLC</td>
<td>Preliminary Plat approval of CAMP LEGACY PLACE, a subdivision outside the city limits, with rezoning from AG to DR</td>
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<tr>
<td></td>
<td>Southeast of 168th and Ida Streets</td>
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Chad Weaver, Assistant Planning Director, stated that the department recommends approval of the rezoning from AG to DR and approval of the preliminary plat subject to the six items on the recommendation report prior to the final plat.

Mr. Deeb moved for approval of the rezoning from AG to DR; approval of the Preliminary Plat subject to the following being provided with or prior to an application for Final Plat: 1) Entering into an interlocal agreement with Douglas County to provide for a pro-rata financial contribution to the widening of Ida Street to a three-lane section along the lot frontage; 2) Including a stipulation within the final subdivision agreement regarding the interlocal agreement with Douglas County; 3) Shifting the 25 foot wide north/south access easement to the east boundary of Lot 2 (to be known as Outlot "A"); 4) Changing Lot 2 to Outlot "A"; 5) Including a note on the plat stating that there shall be no vehicular access to 168th Street or to Ida Street. Including provisions in the final subdivision agreement stating that the driveway to Ida Street will be removed once access to 166th Avenue is provided; and 6) Compliance with all applicable stormwater management policies and ordinances. Mr. Hoich seconded the motion which carried 6-0.

**Special Use Permits**

<table>
<thead>
<tr>
<th>Request</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>C8-12-237a Legacy Primary, LLC</td>
<td>Approval of a Special Use Permit to allow Outdoor sports and recreation in a DR District</td>
</tr>
<tr>
<td></td>
<td>Southeast of 168th and Ida Streets</td>
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</tbody>
</table>

Chad Weaver, Assistant Planning Director, stated that the department recommends approval of the Special Use Permit for outdoor sports and recreation in DR subject to the ten items listed on the recommendation report.

Mr. Deeb moved for approval of the Special Use Permit to allow Outdoor sports and recreation in a DR District subject to: 1) Submittal of a site plan and landscape plan in compliance with all applicable regulations prior to issuance of any building permits; 2) Providing an eastbound deceleration lane prior to issuance of any building permits; 3) Providing sidewalks adjacent to the site prior to or with any building permits; 4) Removal of the driveway onto Ida Street as soon as access to 166th Avenue has been constructed; 5) Working with the Public Works Department regarding the location of acceptable driveway connections to 166th Avenue; 6) Compliance with all applicable stormwater management policies and ordinances; 7) Submittal of final building elevations, acceptable to the Planning Department, prior to issuance of any building permits; 8) Compliance with the proposed phasing plan; as amended by condition #4 above; 9) Compliance with the proposed operating statement; and 10) General compliance with all applicable regulations. Mr. Rosenbaum seconded the motion which carried 6-0.
At the Planning Board Meeting held on January 9, 2013, Doug Latch, 2027 Dodge Street, appeared before the board representing the seller, L & R Holdings, who is working with Mr. Grinnell with regard to the minor plat which will be used to provide additional parking. Mr. Latch stated that early in the process it was discovered that the land had never been platted therefore a minor plat was needed. He stated that his client is in favor of the request and agrees with all conditions with the exception of the 25 x 490 foot adjacent piece of land. Mr. Latch stated that the land is not owned by his client and cannot be replatted without title. He further stated that the piece of land is landlocked and has been since Lund Ross bought the property in approximately 1997 when Lund Ross built their headquarters.

Mr. Nesbitt questioned if taxes are being paid on the property. Mr. Latch answered that his client has been paying the taxes but that does not justify title.

Bob Grinnell, 1218 Nicholas Street, appeared before the board. Mr. Grinnell stated that he would consider acquiring the additional 25 foot that adjoins his property if this request is approved and the property is reasonably priced.

Chad Weaver, Assistant Planning Director, stated that the property in question would need to be cleared up to the County’s satisfaction therefore the department recommends approval of the rezoning from CBD and HI to CBD; approval of the preliminary plat, subject to: 1) Including the 25 x 490 foot adjacent piece of land on the west under same ownership in the subdivision; and 2) Providing the standard dedication language on the final plat; and approval of the final plat, subject to the conditions of preliminary plat approval and submittal of an acceptable subdivision, if necessary, prior to forwarding to City Council.

Mr. Neary suggested that the 25 x 490 foot adjacent piece of land be included if the west piece of land is under the same ownership.

Ms. Nubel moved for approval of the rezoning from CBD and HI to CBD (portions of which property are located within an ACI-1(PL)-Areas of Civic Importance Overlay District); approval of the Preliminary Plat, subject to: 1) Including the 25 x 490 foot adjacent piece of land if the west piece of land is under the same ownership in the subdivision; and 2) Providing the standard dedication language on the Final Plat; and approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable subdivision, if necessary, prior to forwarding to City Council. Mr. Deeb seconded the motion which carried 6-0.

**Special Use Permits**

| REQUEST: Approval of a Special Use Permit to allow a Broadcast tower in an AG District, with a waiver of Section 55-87 Height to 150 feet |
|---|---|
| LOCATION: 7002 North 156th Street |

At the Planning Board meeting held on January 9, 2013, Sam Mandolfo, 2611 South 117 Street, appeared before the board to present the request on behalf of Fidelity Towers. Mr. Mandolfo stated that Fidelity Towers has a contract with Sprint to provide a tower at the requested location which is located between two existing Sprint towers at 156th and Maple and 156th and Hwy 36. He stated that Sprint is anticipating western growth and with the property zoned AG there are very few adjacent property owners and with the increase in network needs, the proposed tower would provide coverage for the area. He pointed out that approximately 35% of homes no longer have phones therefore access to cell phone coverage is becoming more critical with regard to emergency service. Mr. Mandolfo requested that the height be extended to 124’ to allow for the 4’ lighting rod at the top of the tower.

Tamara Walz-Madsen, attorney-at-law, 14741 Black Street appeared before the board as a concerned resident of the Waterford subdivision. Ms. Walz-Madsen stated that she does not have enough information to make an informed decision as a homeowner regarding the cell tower and the impact on her neighborhood. She stated that she eventually received more information and maps of the current cell
phone coverage in the area. Ms. Walz-Madsen further stated that she is concerned with the possibility of falling cell towers, buffering and camouflaging. She suggested a layover for one month to allow time to meet with Mr. Mandolfo to sort out any issues.

Troy Meyerson, attorney, 409 S. 17th Street, Fraser Stryker, appeared before the board to represent several adjacent landowners in opposition to the request. Mr. Meyerson presented a map of the subject property and pointed out that the topography is very high for the surrounding areas therefore the issue is not only the height of the cell tower but that the tower would be placed at a peak and would be seen for miles on all sides. He pointed out that the purpose of the Telecommunication Performance Standards, passed by the City of Omaha, was to protect and promote public health and safety, to minimize the number of wireless service facilities and incompatibility of land uses to promote the efficient use of land and to preserve the aesthetic quality of Omaha. He stated that the guidelines will be accomplished by protecting residential areas by minimizing adverse impact of towers, encouraging the location of telecommunication facilities in non-residential areas and to minimize the visibility of such equipment from adjacent streets and neighborhoods, ensuring that telecommunications facilities, towers and antennas are compatible with surrounding land uses, avoiding potential damage to adjacent properties from tower failure and ensuring against the creation of visual blight within or along city's scenic corridors. Mr. Meyerson stated that the proposed tower would be located at the corner of 156th and Ida which is the highest point in 360 degrees surrounding that intersection which would not ensure against the minimal impact of a tower. He also stated the request is three to four times over the guidelines which restrict towers to 35' plus 25% which would be 47.25'. He pointed out that there is a minimal difference in coverage between the 60' coverage map and the 140' coverage map therefore the height could be reduced thus minimizing the impact. He concluded that there are clearly better locations in the area but recognizes there is a need for the towers but stated that the proposed location is not the best location for a tower to cover the area.

Larry Jobeun, 11140 West Center Road, appeared before the board on behalf of his client, adjacent property owner, Joe Vacanti, in opposition of the request. Mr. Jobeun showed an aerial photo indicating the location of the cell tower in relation to Mr. Vacanti's property. He stated that the future development of the property is Master Planned as low density residential and the request is not the best use for the property. Mr. Jobeun requested that the board recommend a denial or if the case is laid over he requested an opportunity to review the proposal and hire an expert to ensure that this is an appropriate location for the tower. Mr. Jobeun offered to answer any questions.

Bill Birge, 15850 Ida Street, appeared before the board in opposition. Mr. Birge stated that his residence is located west of the proposed tower. He questioned if there could be a quarter mile access if the tower was allowed. Mr. Birge also commented that a tower would be a detriment to the property making it difficult to sell in the future.

Melissa Crawford, 7610 N. 156th Circle, appeared before the board in opposition. Ms. Crawford stated that she is a homeowner in the area and expressed concern with regard to the impact of cell phone towers on families.

Mr. Deeb asked Mr. Mandolfo if all other site areas have been exhausted. Mr. Mandolfo stated that the proposed site was considered several years previously but the property is a five acre parcel and the tower would be located to the back of the property. Mr. Mandolfo stated that the height of the cell tower is needed to provide the best coverage.

In response to Mr. Rosenbaum, Mr. Mandolfo stated that 120' is the minimum height needed for a tower to maximize the investment and to be able to provide additional coverage for other carriers. Mr. Mandolfo pointed out that there are increased demands for ancillary uses through the cell phone such as data services and e-mails.

In response to Ms. Nubel, Mr. Mandolfo stated that cell towers are designed to withstand 120 to 130 MPH winds but would be impacted by a tornado. He stated that there is an existing drive onto the property, the tower would be located on a five acre parcel, would take up 2,500 square feet and comply with the
Mr. Rosenbaum asked Mr. Mandolfo to confirm that he had exhausted all other sites. Mr. Mandolfo stated that other sites looked at included the golf course to the south which is not an option and the property to the east, which is zoned commercial, is not interested in giving up any space. In response to Mr. Deeb, Mr. Mandolfo verified that his client, Fidelity Towers, rents tower space to cell phone carriers.

In response to Mr. Rosenbaum, Mr. Jobeun stated that his client, Mr. Vacanti, would only be in favor of a 43’ cell tower because visibility would not be as extensive. He requested that the adjacent property owner should have every opportunity to determine if the proposed site is appropriate as opposed to the cheapest place at the top of a hill on property that could be developed in the future.

Chad Weaver, Assistant Planning Director, stated that the “shot clock” is not an option therefore the board should approve or deny the request. Mr. Weaver confirmed that federal legislation does not allow health impacts to be considered. He stated that a cell tower located on the top of a hill makes it more visible but minimizes the number of cell towers to allow for co-location. Mr. Weaver concluded that he is not sure that there are better locations but large commercial sites seem to be better locations for towers. Mr. Weaver stated that the department recommends approval of the Special Use Permit subject to: 1) Compliance with a revised site plan that provides a landscape screen that consists of evergreen trees that at maturity have a minimum width of 6 feet and a minimum height of 15 feet and a hard surfaced access driveway; 2) Compliance with a revised elevation that provides a total height of 120 feet and the capability of co-location for at least 2 providers; 3) Compliance with the proposed operating statement; 4) Submittal of an annual report, each year in January, to the Planning Department that discloses each broadcast tower location and operating status within Omaha’s zoning jurisdiction; and 5) A governmental access easement for a public safety and communications network.

In response to Ms. Nubel, Mr. Mandolfo confirmed that he denied the “shot clock” extension. Mr. Weaver confirmed that if the request is denied then the applicant would have to start all over with a reapplication. He also pointed out that if this same request is denied by the City Council then the same site request could not come back before the board for one year.

Ms. Nubel stated that the neighbors should be allowed to have more information.

Mr. Nesbitt asked Mr. Mandolfo if there is absolutely no other location for the tower. Mr. Mandolfo answered that other locations have been looked at in the area but the proposed site is ideal.

Mr. Weaver suggested that the board direct Mr. Mandolfo to meet with the neighbors before the case is scheduled to go before the City Council.

Mr. Nesbitt moved for denial. Mr. Hoich seconded the motion which carried 5-1 with Mr. Deeb dissenting.

**Conditional Use Permits**

<table>
<thead>
<tr>
<th>17.</th>
<th>C7-13-012</th>
<th>REQUEST: Approval of a Conditional Use Permit to allow Multiple family residential in a CC District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sixty Sorensen, LLC</td>
<td>LOCATION: Northeast of 60th Street and Newport Plaza</td>
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</tbody>
</table>
At the Planning Board Meeting held on January 9, 2013, Dan Dolezal, Ehrhart Griffin & Associates, 3552 Farnam Street, appeared before the board on behalf of the applicant and agreed to lay the request over for one month. Mr. Dolezal stated that the project will be 60 units of senior living and the owner is working with the Immanuel systems.

Chad Weaver, Assistant Planning Director, stated that the department recommends a layover of the Conditional Use Permit for multiple family in a CC District to allow the applicant time to re-submit a site plan and address the code issues.

Ms. Nubel moved to layover the Conditional Use Permit to allow Multiple family residential in a CC/MCC District to allow the applicant time to re-submit a site plan that provides the adequate number of off-street parking stalls and is located outside of the front/ street side yards, shows proposed landscaping/screening and provide any additional information as required by the Urban Design regulations. Mr. Rosenbaum seconded the motion which carried 6-0.

### Vacations

| 18. | C14-13-013 Property Owner | REQUEST: Vacation of the alley between North Main Street and 206th Street from Elkhorn Drive to the UPRR property |

At the Planning Board Meeting held on January 9, 2013, Tom Dvorak, Carefree, Arizona, appeared before the board. Mr. Dvorak presented a drawing of the portion of the alley that he is attempting to vacate.

In response to Mr. Neary, Mr. Dvorak stated that the building he owns is presently unoccupied.

Don Ohnstad, 13707 N. 240th Street, Valley, Nebraska, appeared before the board in opposition. Mr. Ohnstad stated that he owns the property at 2614 N. Main Street in old town Elkhorn. He stated that the alley provides access for garbage trucks and other service vehicles for the businesses along the alley. Mr. Ohnstad expressed concern that closing the alley would impact future construction on the property because of the access. He further stated that parking is limited and the alley provides off-street parking for the nearby businesses.

Carl Anderson, 2619 N. Main Street, appeared before the board in opposition. Mr. Anderson stated that Elkhorn is in the process of developing the area and the alley should be available for future use.

Terry Bull, 2775 County Road 15, Arlington, Nebraska, appeared before the board in opposition. Mr. Bull stated that he owns the property at 2618 N. Main Street which is a photo studio that uses the alley for shipping and deliveries. He stated that there is an issue with trash in the alley which is also used for employee parking. Mr. Bull further stated that there is concern with regard to the sanitary sewer and a major gas main that are buried in the alley.

Kevin Stork, 2620 N. Main Street, appeared before the board in opposition. Mr. Stork stated that he was concerned that several parking spaces would be eliminated if the alley were to be vacated.

Larry Smith, 3626 N. 204th Street, appeared before the board in opposition. Mr. Smith stated that he owns the property located east of 2614 N. Main Street. He stated that he intends on disposing his property in the near future but he is concerned that his building would have no access if the alley is vacated.

Chad Weaver, Assistant Planning Director, stated that the alley provides much needed access and the city is not in favor of partially vacating an alley therefore the department recommends a layover.

Mr. Rosenbaum moved to layover for 60 days, 30 days if ready, to allow the applicant additional time to determine other options. Mr. Deeb seconded the motion which carried 6-0.
At the Planning Board Meeting held on January 9, 2013, Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Jobeun stated that First National Bank of Omaha (FNB) is seeking the vacation to make way for a surface parking area with an additional 281 parking stalls. Mr. Jobeun pointed out that California Street is not a major corridor or arterial street because it only exists between 14th and 17th Street and terminates at the Creighton University soccer field. He presented a plan showing the proposed vacated right-of-way with pedestrian connectivity from 16th to 17th Street with a meandering trail system, quality landscaping, lampposts to match the Creighton Campus, decorative columns/pillars, new sidewalks and fencing at the entrance of both ends. Mr. Jobeun explained that the existing sidewalks would be replaced with ADA compliant corners and FNB will provide 24-hour/7 day a week monitored security cameras plus patrols on bikes and segways. Mr. Jobeun stated that all parties have agreed that conceptually it is a good plan but there is an issue with the structure of the ownership. He stated that FNB wants to vacate the right-of-way based on their future employment plans, but regardless of the form, a street vacation is needed to satisfy their needs from a business perspective in respect to hiring and retaining employees in downtown Omaha. Mr. Jobeun stated that FNB has a long-standing commitment to the revitalization of downtown Omaha and desires to continue that commitment by attracting employees to downtown Omaha. He further stated that FNB made a $300 million dollar commitment to redevelop the downtown area with respect to the tower, technology center, child development center and parks, and to continue that commitment by providing the additional parking in downtown Omaha. FNB employs 2,200 people downtown and provides parking for employees and surrounding tenants. Mr. Jobeun added that in 2012, FNB added 300 new jobs to downtown Omaha with 85% of the employees at entry level positions. FNB wants to offer safe and affordable parking to entry level employees that are unable to afford the daily cost of structured parking. Mr. Jobeun noted that FNB expanded their call center operations in downtown Omaha but also has call centers in other cities that could be more cost effective. The number one issue in attracting and retaining employees for FNB in downtown Omaha is parking. In addition to the 300 new jobs in 2012, FNB also moved approximately 50 employees from its business park location at 144th and West Dodge to its downtown campus and anticipates moving an additional 70 employees to downtown Omaha in early 2013 for a total of approximately 420 new jobs. Mr. Jobeun presented the surface parking plan showing the existing facility at 15th and Cass Street, the area between 15th and 16th Street off Mike Fahey Street and the additional parking that is being proposed. He stated that the proposed vacation will add 40 additional stalls but only 17% of FNB’s downtown parking is surface parking. FNB currently has 358 stalls but 129 surface parking stalls, located under the I-80 bridge, will be displaced when the Metro Area Transit bus station project occurs. Mr. Jobeun indicated that the vacation would not negatively impact the area but would get rid of a dilapidated part of Omaha, replace it with green landscaping and parking buffers while serving an important need for FNB. Mr. Jobeun presented a letter from Creighton University indicating support of the street vacation. He stated that if there is no restoration requirement in an ordinance to vacate a right-of-way, this becomes an issue of value as to what should be paid for as far as determining the valuation of the right-of-way and does not impact FNB’s decision to vacate; it would only impact what FNB would pay for the street. Mr. Jobeun offered to answer any questions.

Jenny Zimmer, 1103 South 8th Street, appeared before the board in opposition. Ms. Zimmer stated that she represents the North Downtown Alliance which was formed approximately three years ago to advocate for positive growth and development in the area. She stated that two years ago her group opposed “The Yard” which ultimately became two square blocks of parking. Ms. Zimmer stated that the proposed vacation issue is a very permanent development that cuts through a street that will impact circulation for future development in a negative way.

Chad Weaver, Assistant Planning Director, stated that there were many discussions regarding the vacation request. Mr. Weaver indicated that the number of parking stalls would not change whether they are public or private. He confirmed that the downtown area has many affordable and safe parking stalls but the requested vacation would negatively impact the characteristics of the area because the street would be gone. Mr. Weaver stated that given the history of downtown, there is a high threshold that has
to be met in order to close a street in the downtown area because it could cause problems with regard to access. Mr. Weaver suggested that there is some value to a pedestrian crossing/pedestrian pathway but the department recommends denial.

In response to Mr. Deeb, Mr. Weaver answered that the existing parking stalls are parallel parking stalls and are not metered.

Mr. Neary questioned the cost of providing surface parking versus garage parking. Mr. Jobeun answered that the cost of surface parking is absolutely cheaper. The employees will have a pass to ride the city bus for free and employees who work late can call security and be escorted to the parking areas. Mr. Neary questioned if there was any consideration given to leasing parking from others. Mr. Jobeun answered FNB is looking at the long term benefits and the ability to control and maintain the parking therefore the downtown parking is not suitable parking. FNB is striving to control their own parking and provide safe, affordable parking for their entry level employees.

Todd Pfitzer, City Engineer, Public Works, appeared before the board. Mr. Pfitzer stated that there has not been a recent traffic count regarding the movement on the three blocks of California. He stated that approval of the vacation could have a major impact on traffic flow in the area but the vacation would also impact future redevelopment. Mr. Pfitzer stated that Public Works is in agreement with the Planning Department’s recommendation of denial.

Mr. Weaver added that the job impact of FNB in the downtown area is tremendous and the Master Plan is in support of that but employee parking is not a direct correlation. He noted that the parking study information indicates that the downtown parking situation presently does not function efficiently.

Mr. Nesbitt questioned Mr. Jobeun regarding the need for “control”. Mr. Jobeun stated that control is important to be able to maintain the green space, the ability to provide surveillance equipment, control of the maintenance and to maintain the area. He further pointed out that FNB’s hiring decisions and retainage of employees are based on controlled parking in the downtown area. In response to Mr. Nesbitt, Mr. Jobeun answered that the cost of parking for entry level employees will be “low cost” or “no cost” but has not been determined.

Brenda Dooley, 1520 Dodge Street, First National Bank, appeared before the board. Ms. Dooley stated that part of the existing surface parking to the north is shared and leased to Creighton University and will continue for the next five years. The garage parking is available to other tenants in the downtown area. She further stated that the surface parking is also available for event parking in the evenings and weekends for Creighton.

Ms. Nubel asked if FNB would consider utilizing the present parking stalls on the street. Mr. Jobeun stated that presently the street is not well maintained and there are no parking meters and there would be no amenities with regard to pedestrian connectivity if not vacated.

Ms. Nubel moved to deny.

Rick Cunningham, Planning Director, appeared before the board. Mr. Cunningham pointed out that there are other options such as the City leasing the right-of-way to FNB for control and use for any period of time but the City would maintain the ownership of the property. He stated that the other option would be to vacate the street with a pedestrian cross access easement that would be maintained for the public’s access across the property. In response to Mr. Hoich, Mr. Cunningham answered that if the property is vacated, the value of the property would be determined and FNB would have to accept that valuation and pay the City.

In response to Mr. Rosenbaum, Mr. Cunningham answered that the easement for the utilities could be part of the negotiation of a long-term lease agreement.
Mr. Jobeun concluded that FNB owns 100% of the right-of-way on a street that goes nowhere therefore it would be in the best interest to vacate the street. He further stated that access issues could be dealt with if there is significant redevelopment in the area. Mr. Jobeun further stated that a vacation is the best alternative for FNB and the timing is critical with regard to increased employment.

Ms. Nubel stated that she is concerned with the future development of Omaha and the abundant amount of existing parking in the downtown area.

Mr. Nesbitt seconded the motion which carried 4-2 with Mr. Deeb and Mr. Hoich dissenting.

Mr. Neary added that FNB is a major employer that is dedicated to downtown Omaha but he believes vacations have damaged the city and privatizes parking that could be used by others. He further stated that there is a lot of development in the area that should continue to be done right.

**APPROVAL OF MINUTES**

Mr. Deeb moved to APPROVE the meeting minutes of November 7, 2012 as written. Mr. Rosenbaum seconded the motion which carried 6-0.

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 4:10 pm.

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Date Approved

________________________________________
Raymond J. Neary, Chair

________________________________________
Debbie Hightower, Planning Board
Recording Secretary