

MINUTES
 PUBLIC HEARING AND ADMINISTRATIVE MEETING
 OMAHA CITY PLANNING BOARD 1:30 P.M. – October 2, 2013
 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, September 23, 2013.

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

MEMBERS NOT PRESENT: Thomas O. Kelley
 Greg Rosenbaum

STAFF PRESENT: James Thele, Planning Director
 Dave Fanslau, Acting Assistant Director, Current Planning
 Cheri Rockwell, Acting Manager, Current Planning
 Chad Weaver, Manager, Long Range Planning
 Thomas Mumgaard, Law Department
 Rikki Flott, Recording Secretary

R. J. 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.

(HOLD OVER CASES)

Subdivisions

7.	C10-13-188 (D) C12-13-189 Bill and Jean Pullen	REQUEST:	Preliminary and Final Plat approval of PULLEN PLACE, a subdivision inside the city limits, with a waiver of Section 53-9(9) for sidewalks, with rezoning from R1 to R2 (laid over from 9/4/13)
		LOCATION:	2102 South 105 th Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved to layover the rezoning, Preliminary and Final Plat to allow the applicant additional time to meet with the adjacent homeowners. Mr. Hoich seconded the motion which carried 5-0.

Special Use Permits

9.	C8-13-165 (D) Tawanna Washington	REQUEST:	Approval of a Special Use Permit to allow <i>Automotive sales</i> in a GC/CC District
		LOCATION:	3117 and 3207 North 30 th Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved to layover the Special Use Permit to allow *Automotive sales* in a GC District to allow the applicant time to meet with City staff regarding the submittal. Mr. Hoich seconded the motion which carried 5-0.

(REGULAR AGENDA)

Subdivisions

12.	C10-13-194a (D) C12-13-194 Ready Mix Concrete Company, a Division of Lyman Richey Corporation	REQUEST:	Preliminary and Final Plat approval of READY MIXED RAILROAD ADDITION, a subdivision inside the city limits with rezoning from GI and HI to GI (portions of which property lie within the flood fringe)
		LOCATION:	4765 South 135 th Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved for approval of the rezoning from GI and HI to GI (portions of the property lie within the flood fringe), approval of the Preliminary Plat subject to: 1) The applicant receiving approval of a waiver of Section 55-506 for lot width from the Zoning Board of Appeals prior to forwarding the request to the City Council for final action, 2) Providing for a sidewalk along "L" Street for both lots, and 3) Compliance with all applicable stormwater management policies and ordinances and for approval of the Final Plat subject to compliance with the conditions of Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 5-0.

13.	C12-13-195 (D) John Perlebach	REQUEST:	Preliminary and Final Plat approval of BUCKY'S BENSON ADDITION, a minor plat inside the city limits
		LOCATION:	Northwest of 57th Street and Northwest Radial Highway

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved for approval of the Preliminary Plat subject to the language on the Final Plat stating "Any driveway access granted to Northwest Radial shall be limited to a single right-in/right-out only driveway." And approval of the Final Plat as amended by the condition of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 5-0.

14.	C10-13-197 (D) C12-13-198 Mark Mitchell	REQUEST:	Preliminary and Final Plat approval of INTRANSIT 2ND ADDITION, a minor plat inside the city limits with approval of an MCC-Major Commercial Corridor Overlay District
		LOCATION:	Northwest of 52 nd and "L" Streets

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved approval of the MCC Overlay District, approval of the Preliminary Plat subject to: 1) Providing sidewalks along all street frontages, 2)

adding a note to the final plat mylars that there shall be no direct vehicular access to "L" Street from Lot 4, and 3) Compliance with all applicable stormwater management policies and ordinances and for approval of the Final Plat, subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable subdivision agreement, if necessary, prior to forwarding the request to the City Council. Mr. Nesbitt seconded the motion which carried 5-0.

15.	C12-13-207 (D) Jerome Goeken	REQUEST:	Preliminary and Final Plat approval of GOEKEN ADDITION, a minor plat outside the city limits
		LOCATION:	14210 North 47 th Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved to layover the Preliminary and Final Plat to allow the applicant time address the following: 1) Modify the submittal in order to comply with all applicable regulations; or 1) Provide written approval from the NDEQ/Douglas County in regards to acceptable existing and future septic systems, 2) Provide documentation that addresses tree removal/mitigation and slope analysis with grading plans/restrictions to indicate whether a Special Use Permit is needed, 3) Provide an as-built exhibit, 4) Revise the plat to include the location of building envelopes and driveways, 5) Revise the plat to reflect all existing and proposed easements, and 6) Revise the application to include a waiver of sidewalks (if desired). Mr. Hoich seconded the motion which carried 5-0.

Rezoning

16.	C10-13-196 (D) Scott W. White	REQUEST:	Rezoning from GC to R4
		LOCATION:	1707 Monroe Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved for approval. Mr. Nesbitt seconded the motion which carried 5-0.

17.	C10-13-199 (D) Peter Parkert	REQUEST:	Rezoning from GI to NBD (property is also located within an ACI-1(50) Overlay District
		LOCATION:	1231 South 13 th Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved to for approval. Mr. Nesbitt seconded the motion which carried 5-0.

18.	C10-13-200 (D) James Richart	REQUEST:	Rezoning from HI to R5
		LOCATION:	2540 "Z" Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved for approval of the rezoning from HI to R5 subject to the applicant bringing the site into compliance with the site development regulations of the R5 District (e.g. use and impervious coverage) prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 5-0.

19.	C10-13-201 (D) Legend Development	REQUEST:	Rezoning from R3 to R4
		LOCATION:	13619 and 13625 Ohio Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved for approval. Mr. Nesbitt seconded the motion which carried 5-0.

Special Use Permits

22.	C8-13-202 (D) D.R. Anderson Constructors Company	REQUEST:	Approval of a Special Use Permit to allow <i>Indoor sports and recreation</i> in a GI District
		LOCATION:	7417 North 101 st Street

At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved approval of the Special Use Permit to allow *Indoor sports and recreation* in a GI District subject to the following conditions: 1) Compliance with the proposed site plan, 2) Compliance with the proposed operating statement, 3) The applicant obtaining a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department, 4) Ensure that the parking lot lighting is in compliance with Chapter 44 OMC, and 5) Compliance with all applicable development regulations. Mr. Nesbitt seconded the motion which carried 5-0.

Vacations

25.	C14-13-204 (D) Planning Board	REQUEST:	Vacation of the northwest corner of Regency Parkway at Pacific Street
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At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being retained in the vacating ordinance. Mr. Nesbitt seconded the motion which carried 5-0.

26.	C14-13-205 (D) Property Owner	REQUEST:	Vacation of 4th Street from Abbott Drive south to the south right-of-way line of Kansas Avenue
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At the Planning Board meeting held on October 2, 2013, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being retained in the vacating ordinance. Mr. Nesbitt seconded the motion which carried 5-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1.	C10-13-119 C12-13-120 Pacific Windgate, LLC	REQUEST:	Final Plat approval of WINDGATE RANCH II (formerly known as WINDGATE (Lot 97-363, O.L. E-O), a subdivision outside the city limits, with rezoning from AG to DR and R4 (laid over from 9/4/13)
		LOCATION:	West of 204 th Street, north and south of Blue Sage Parkway

At the Planning Board meeting held on October 2, 2013, Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended to layover the request to allow the applicant additional time to submit a wetland analysis if necessary.

Mr. Hoich moved to layover the Final Plat for 60 days (30 if they're ready) to allow the applicant additional time to submit a wetland analysis and mitigation plan if necessary. Mr. Nesbitt seconded the motion which carried 5-0.

2.	C10-05-144 C12-05-145 AVG-CFM 204Q, LLC	REQUEST:	Final Plat approval of COVENTRY RIDGE, a subdivision outside the city limits, with rezoning from AG, R6 and MU to DR and R4
		LOCATION:	Northwest of 204 th and Harrison Streets

At the Planning Board meeting held on October 2, 2013 Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the Final Plat subject to a subdivision agreement being forwarded to the City before final action by City Council.

Mr. Nesbitt moved for approval of the rezoning from AG, R6 and MU to DR and R4 and 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. Deeb seconded the motion which carried 5-0.

3.	C10-13-152 C12-13-153 Essex Communities	REQUEST:	Final Plat of COTTAGES OF OAKDALE, a cluster subdivision inside the city limits, with rezoning from R6 to R5 and repeal a PUD-Planned Unit Development Overlay District
		LOCATION:	9515 West Center Road

At the Planning Board meeting held on October 2, 2013 Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended approval of the Final Plat subject to an acceptable final Subdivision Agreement being submitted prior to final action by City Council.

Ryan Haas, Public Works Department, discussed the turnaround element of the proposed plan. Mr. Haas stated that the Public Works Department communicated to the applicant the turnaround requirements for the project and explained that an exhibit would need to provide for passenger vehicle and truck turnaround ability at the streets terminations. He also stated that subsequent to the City Council meeting last week the resubmitted exhibit forwarded to Public Works only provided for passenger vehicle turnaround ability and that nothing was submitted providing for the maneuverability of a truck at the street termination. He explained that his concern was that code required platted lots to be served by a public or private street with basic minimum standards met and displayed an exhibit of what was required on a public street, don't allow anything other than a termination with a 37 ½ foot radius, agreed based on characteristics of the proposed subdivision that's it's more appropriate to use a cluster subdivision regulations which allows for the narrowing of the street. Must provide some type of turnaround that would function without the use of private drives.

Jerry Slusky, 871 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Slusky Did communicate with the Planning Department and Public Works Departments through email. Issue was couldn't get a sizeable truck to turnaround because lacking land, extended all the concrete they could use. Meeting Monday to talk with the Department regarding the turnaround and the City Council removed the condition with understanding to continue to work on solution that works and the City Council won't see the plat until that's worked out.

Mr. Deeb moved to layover the request to allow the applicant time to revise the turnaround plans, but the motion was denied. Mr. Slusky went on the record and stated that the plan will not go to City Council for approval until worked a satisfactory plan has been worked out between the Department and the developer. Requested approval today with the condition that the request would move forward to City Council only with an acceptable solution in writing between the Department and the developer.

Ms. Nubel asked how would the plan change for the turnaround to work. Contacted Public Works set a meeting to discuss. If could take back the land dedicated to the City would be enough for a truck turnaround. Mr. Haas stated that the Public Works Department was comfortable with Mr. Slusky's suggestion. Mr. Fanslau stated that the Department doesn't know what the final plan was so unsure of an approval today, depends on the solution agreed upon, if lots change or not. Mr. Slusky stated that the

applicant would agree to come back if the Plat changes. Mr. Slusky responded to Mr. Deeb that the developer would have a solution worked out with the Department before submittal for City Council approval and that they want to move the project forward. Mr. Neary commented that the streets need to work for the project to be successful, and that the Board has negotiated to help make the plan work,

Mr. Hoich moved for approval of the Final Plat subject to 1) Working with the Public Works Department regarding the turnarounds at the end of the private driveways, 2) Resubmittal of the Final Plat if lots are reconfigured, and 3) Submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 5-0.

4.	C10-13-155 C12-13-156 Charleston Homes, LLC	REQUEST:	Final Plat approval of ARBOR VIEW (Lot 1-127, O.L. A-D), a subdivision outside the city limits, with rezoning from AG to DR and R4
		LOCATION:	Northwest of 204 th Street and Ames Avenue

At the Planning Board meeting held on October 2, 2013, Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the Final Plat subject to the conditions of the recommendation report.

Mr. Nesbitt moved for approval of the Final Plat subject to the following being addressed prior to forwarding the request to the City Council for final action: 1) Submittal of a letter from the Omaha Post Office Customer Relations Coordinator that establishes delivery points for the development; 2) Update the mylars to label the untitled street east of 205th Street as "204th Avenue" and the untitled street west of 208th Street as "208th Avenue; 3) Submittal of a tree canopy analysis and mitigation plan, if necessary; and 4) Submittal of an acceptable final subdivision agreement. Mr. Hoich seconded the motions which carried 5-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

5.	C10-13-150 C12-13-151 American National Bank	REQUEST:	Preliminary Plat of AMERICAN NATIONAL BANK SADDLE CREEK, a subdivision inside the city limits, with rezoning from GI to GO (property is also located within an ACI-2-(PL) Overlay District) (laid over from 8/7/13)
		LOCATION:	520 and 600 South Saddle Creek Road

At the Planning Board meeting held on October 2, 2013, John Sova, RDG Planning, 900 Farnam Street, appeared before the Board on behalf of the applicant. Mr. Sova stated that the proposed project was to construct a new drive thru facility for American National Bank. He stated that the property owned by American National Bank was along Emile Street and Saddle Creek Roads and that the project began in 2007 but was put on hold because of a sewer separation project and potential relocation of Saddle Creek. Mr. Sova then explained that this location was originally constructed as a temporary site for American National Bank and that the request was to develop a permanent structure. He discussed the City's potential future development of Emile Street and relocation of Saddle Creek Road, the proposed modification and alignment of the 3 existing egress drives along Saddle Creek and noted that the proposed changes also impacted the adjacent property owner, Metro Health Credit Union. He further discussed that one option for egress from the two properties was a 4-way intersection with a stop-light at

Emile Street for controlled egress onto Saddle Creek and that this option would benefit both the applicant and Metro Health Credit Union. He added that 1,700 square feet of adjacent property dedication from the Metro Credit Union was necessary to complete the proposed plans.

Larry Jobeun, 11440 West Center Road, appeared before the Board in opposition on behalf of Metro Health Credit Union. Mr. Jobeun stated that there was concern with the UNMC proposed master plan which could include eminent domain for the western side of Saddle Creek Road. He added that another concern was that egress onto Emile Street would negatively impact the Credit Union business.

Mr. Sova commented that the applicant had been in contact with UNMC and that the UNMC master plan had not been discussed or submitted to the City. He added that the extension of Emile Street would allow for better control of egress traffic per the City's request. He also stated that their development site was located south of the area UNMC would possibly develop.

Dave Fanslau, Acting Assistant Director, stated that a main concern for the City was the alignment of Emile Street to the west of Saddle Creek Road and that further discussion with the City and adjacent property owner was necessary. He added that the Department recommended to layover the request. Mr. Nesbitt stated that his concern was that the request of the applicant was being affected by the uncertain master plan of UNMC. Mr. Sova stated that the applicant was in agreement to layover and requested that the City meet with the adjacent Metro Health Credit Union to further discuss the land dedication, which Metro Health Credit Union was opposed to granting this dedication. He added that the applicant had meetings with UNMC on 3 occasions, Metro Health Credit Union over the past 3 months, but had not met with other neighbors. In response to Ms. Nubel, Mr. Jobeun stated that his client would be willing to further discuss the applicant's request. Mr. Nesbitt suggested that there be further discussion regarding how the UNMC master plan would affect the applicant and adjacent property owner.

Mr. Nesbitt moved to layover the Preliminary Plat and rezoning 60 days (30 if they're ready) to allow the applicant time to continue working with the adjacent property owner and city staff regarding access off of Saddle Creek Road and the Emile Street right-of-way dedication. Ms. Nubel seconded the motion which carried 5-0.

Case numbers 6 and 8 were heard concurrently but voted on separately:

6.	C10-13-178 C12-13-179 DP Metro Capital	REQUEST:	Preliminary Plat approval of GROVE RIDGE (formerly 192ND AND LEAVENWORTH), a subdivision outside the city limits, with rezoning from AG to DR and R6 (laid over from 9/4/13)
		LOCATION:	Northeast of 192 nd and Leavenworth Streets

At the Planning Board meeting held on October 2, 2013 Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun stated that the property is 38.62 total acres located at the northeast corner of 192nd Street and Leavenworth and will be done in two phases. Phase I will have a buildable area of 20.295 acres to include 272 market rate apartments with a density of 10.94 units per acre. Phase II is about 11.088 acres and will consist of 250 market rate units with a density of 15.66 units per acres. Collectively, the density of both phases would be 13.51 units per acre. Phase I will be 34 8-plexes, one and two bedroom units, clubhouse, swimming pool, exercise facility, gathering space and a trail that is adjacent to the pond. The plan shows a tremendous amount of green space (Lot 1-54%; Lot 2-72%; Lot 3-60%; Lot 4-58%) which is why the development is considered low-density with the R6 PUD zoning. After concerns from neighbors, the setback requirements along the eastern boundary line will be a 55 foot setback and the setback on the south side near Leavenworth Street and the berm exceeds the bufferyard requirements. Phase I will have 14 garage buildings with a total 112 parking spaces under cover and a total of 417 surface parking for a total of 529 parking spaces. The parking space requirement is 408 therefore there will be an excess of 121 parking spaces. Mr.

Jobeun stated that the developer has been working with the Planning Department regarding building materials, pitched roofs and the elements that will look single-family residential in character. He noted that the proposed building height of 29 feet is only 3 feet higher than a two-story single-family residential home in the adjacent neighborhood. Mr. Jobeun stated that he met with 80-90 neighbors to address their concerns. He further stated that he also met with the attorney of the homeowners association and the attorney of the SID to show the concessions were met; shift the buildings to a 55 foot setback from the property line on the east side, retain the 6' berm and landscape on top of the berm to further buffer the project from the adjacent neighborhood; the clubhouse shifted to the west side of the lot and added a dog park as an amenity; and another access point was added at 191st Avenue. Mr. Jobeun further stated that he explained to the neighbors that Public Works requested a traffic impact study at 192nd and Leavenworth and determined that a traffic signal is not warranted. He further stated that Public Works would not support direct access from the site to 192nd Street but future dedication of right-of-way will occur with Phase II, as shown. Mr. Jobeun stated that he has reviewed and find the Planning Department's recommendations acceptable. He offered to answer any questions.

John Prosocki, 2120 South 72 Street, appeared before the Board in opposition on behalf of The Grove Homeowners Association. Mr. Prosocki stated that the HOA and residents are concerned with the proposed apartment development including the design and configuration of the project, access and traffic flow and whether it is an appropriate use of the site as a multi-family development. He stated that the Master Plan does not permit the site to be used as multi-family with more than 100 units. Based upon discussions with the Planning Department, the project does not constitute a multi-family project but it is low density residential units and as long as a density of an R5 district is not exceeded, there is no need to comply with the Master Plan as it relates to location of multi-family housing. He stated that there is no basis in the Master Plan for that conclusion, there is provisions with respect to density and the use type of multi-family housing. No matter what definition of multi-family housing is used, the project does constitute multi-family housing or market rate apartments. Based upon the Master Plan, perhaps up to 100 units are allowed but not 372 units. He stated that the original recommendation of the department required, as a condition to approval of the project, a new connection to 192nd Street to provide better access to the major thoroughfare but it is understood that the developer is not willing to provide that access until a possible second phase and the department is willing to recommend delay of that connection on the north end of the development until a future potential phase. He stated that there should be no reason to delay the access which would improve the situation with better access to 192nd Street. He also stated that an additional access at 191st Avenue is a limited comfort to the neighbors and adding one more does not improve the situation, particularly the Jones Street access. Mr. Prosocki further stated that there are additional concerns regarding safety, particularly on Jones Street. He concluded that the significant concerns are the access to 192nd Street, the flow of traffic through the neighborhood, the proximity of the development to the single-family homes, the possible noise and commotion from the clubhouse and pool, the addition of a dog park takes away from any improvements and the on-street parking throughout the development is too close to residents. He stated that on behalf of the HOA and residents, this is not an appropriate use of the land and request the Board to deny the application or layover for further discussion with the developer.

Heather Voegele-Andersen, Koley Jessen, 1125 South 103 Street Suite 800, appeared before the Board to represent SID #438 in The Grove neighborhood. Ms. Voegele-Andersen stated that the SID is concerned with the access points that were discussed and the added traffic with approximately 1,500 trips per day that will flow directly through The Grove causing wear on the roads. The SID understands that these are public streets but the contemplation of an extra 1,500 daily trips, the residents of The Grove will be responsible for the cost of maintaining the roads unless annexed by the City. In addition, there are significant safety concerns with the added traffic, i.e. Jones Street is known to have difficulties in the winter with regard in terms of pass ability and plowing. In light of the traffic concerns and the conditions of Jones Street, the safety of children is a significant concern for the residents which may lead to an analysis by the SID that traffic calming devices or other safety features may need to be added at the expense of The Grove who is not creating the extra traffic flow. As a result, the SID is extremely opposed to the development because, as the HOA feels, it is a violation of the Master Plan. The Master Plan defines exactly where multi-family housing can go and in regard to the 100 multi-family limitation, the

approval of the Fire Ridge project within the same area, the 100 multi-family requirement has already been met in the area and so for that reason, this development is not appropriate at all. She stated that the project is being considered low density housing but again, it is a separate requirement and is resonated by Mr. Jobeun's comments when he referred to the project as apartments in his presentation. Ms. Voegele-Andersen asked that the Board to deny or layover to address the concerns.

David Mayer, 18520 Jackson Circle, appeared before the Board in opposition. Mr. Mayer stated that he is the HOA President and serves on SID board. He stated that a meeting was recently held and was well attended with a unanimous opposition to the apartment complex. Mr. Mayer stated that the technical argument associated with the Master Plan is sound and compelling but beyond that, there are practical concerns which will be expressed by other residents. He added that the practical concerns are obviously the traffic with the additional cars, trash trucks, construction vehicles in addition to the wear and tear and the access. There are significant concerns that have not been adequately addressed regarding to the run off and multiple issues with erosion of the creek near the adjoining park. Mr. Mayer asked that the Board deny the project.

Joanna Webster, 18804 Jones Street, appeared before the Board in opposition. Ms. Webster stated that there are approximately 20 children who live on Jones Street. She stated that Jones Street is very steep and there is concern that additional traffic will cause accidents. Ms. Webster stated that there are also issues when it snows and it will be difficult for traffic to get out of the neighborhood. She stated that Jones Street was not built as a thoroughfare and is only 23 feet; there is no place for the snow and vehicles in the winter. Ms. Webster further added that she has concerns with getting out of her driveway because of the increased traffic.

Joe Hearn, 18703 Jones Street, appeared before the Board in opposition. Mr. Hearn stated that he is not against development or apartments but he is against the number of apartment units in the area. He stated that he is concerned that the access points do not make sense and will force too much traffic into the surrounding neighborhoods especially when there are no stop lights, turning lanes or no direct access to 192nd Street. Mr. Hearn asked the Board to deny.

Steve Sergeant, 815 South 191 Avenue, appeared before the board. Mr. Sergeant stated that 192nd and Leavenworth is extremely busy and he is concerned for the safety of the people and especially the children in the neighborhood. He further stated that he is concerned that the value of his home will decrease.

Margaret Jodry-Shafran, 555 South 188 Avenue Circle, appeared before the Board in opposition. Ms. Jodry-Shafran expressed her concerns with the traffic access and the safety of children.

Charles Didonato, 18821 Jones Street, appeared before the Board in opposition. Mr. Didonato stated that he is a Lieutenant with the Omaha Police Department and is concerned with increased crime in the area.

James Sackett, 18412 Emile Circle, appeared before the Board in opposition. Mr. Sackett stated that it does not make sense why 192nd Street would not be a thoroughfare to accommodate the increase in traffic congestion.

Kent Loeffler, 18857 Jones Street, appeared before the Board in opposition. Mr. Loeffler pointed out that the existing residents have made major investments in the area and the development is inappropriate for a residential neighborhood.

Patty North, 18916 Leavenworth Street, appeared before the Board in opposition. Ms. North stated that she is concerned that the width of Leavenworth Street at 24 feet wide compared to Marcy Street at 36.5 feet wide, does not accommodate traffic. She expressed concerns that there will be issues where there is a sharp corner at 191st Avenue.

Mr. Jobeun pointed out that the project is consistent with the Master Plan and is consistent with the future land use as evidenced by the department's recommendation. The concept elements of the development are also met by the Master Plan. He further stated that the development is low density with 13.5 units per acre and the additional green space. Mr. Jobeun stated that there is misinformation regarding traffic, the residents of the housing units will not use Jones Street to get out on the main thoroughfares. Regarding average daily trips, it is important to note that the am peaks for the project are 125 trips with Phase I and a total of 213 for both phases; the total average pm trips for Phase I will be 163 and a total of 289 for both phases. The concept has been used throughout Omaha with a heavier zoning classification with the PUD that are worthy of development and are good, well planned projects and are compatible with adjacent neighborhoods. This type of housing is a good transitional use between single-family residential housing and a major thoroughfare as a matter of zoning principles. Mr. Jobeun reiterated that, according to Public Works, there is minimal delay at 192nd Street and Leavenworth therefore a traffic signal is not warranted. Mr. Jobeun pointed out that some of the on-street parking was reduced based upon the Planning Department's recommendation.

In response to Mr. Nesbitt, Mr. Jobeun stated that the average monthly rent for a one bedroom is expected to be \$750-800.00 per month and a two bedroom will be \$1,000-1,100.00 per month. Mr. Jobeun responded to Mr. Hoich, the overall density is lower than a single-family or duplex zoning in R5. The total of Phase I and Phase II will be 13.5 units per acre which is actually two units less per acre in comparison to single-family zoning. Mr. Jobeun confirmed that there will be a different SID and pointed out that the streets are public and will be open to everyone as well. In response to Mr. Neary, Mr. Jobeun answered that the street connector will not be constructed until Phase II and there would need to be sufficient evaluation to support the infrastructure costs. In response to Ms. Nubel, Mr. Jobeun stated that the 121 additional parking spaces were added because there was room and for guests. In addition, the traffic study regarding the peak hours was done as part of this project by Public Works.

Judy Bodewitz, 18726 Leavenworth Street, appeared before the Board in opposition. Ms. Bodewitz stated that there is a 17 acre development located on Pacific with 48 single-family homes. The proposed development is 23 acres which would be 3-4 homes per acres for an approximate total of 130 homes which is half of the proposed housing units.

Ryan Haas, Public Works, appeared before the Board. Mr. Haas stated that he has reviewed the traffic study which was a requirement of the applicant. The results of the study determined that there is no signal warranted at 192nd and Leavenworth Streets. In response to Ms. Nubel, Mr. Haas answered that Public Works uses the ITE Trip Generation Manual which is a culmination of years of traffic studies and are categorized by use; trips over the course of the day, am and pm trips, entering and exiting. He stated that Federal standards are used based on volumes and other factors to evaluate whether a traffic signal is required. In addition, right turns are discounted from those volumes because a stop sign is equivalent to a red light. He pointed out that there are several ways out of the neighborhood; the traffic patterns indicate that approximately fifty percent would exit to Dodge Street, some would use 190th Street to get to Pacific and when you start to distribute it on a network, it will minimize in all directions. Mr. Haas pointed out that the streets are public and the traffic study does not take snow into account. Mr. Haas confirmed that a traffic study could be done in the future, if there is a need.

In response to Mr. Deeb, Mr. Haas stated that Public Works encourages the connectivity for shorter routes; it works both ways as long as the connections are provided. Mr. Neary questioned why there are problems with snow. Mr. Haas answered that it would be a grade issue. In response to Mr. Deeb, Mr. Haas answered that there is no consideration to widen Leavenworth Street, the left turn volumes are so low therefore it would not make sense.

Dave Fanslau, Acting Assistant Director, stated that the Master Plan requires multi-family to be located in certain areas, the R6 zoning allows for the building type and for units to be stacked on top of each other, the Planned Unit Development (PUD) allows the site to be controlled by design, height, setbacks, the way the buildings look, and impervious coverage. Mr. Fanslau stated that basically, the R6 PUD allows the building type at two stories which is typical and also allows the department to take the most restrictive site

development regular from the R5 and R6 zoning; larger setbacks, more green space, shorter buildings. Mr. Fanslau stated that the policy changed approximately 2004 or 2005 and the department made a decision that the building type should not matter if the density is held with the PUD at 14.5 units per acre. He pointed out that the residential streets are built to standard and were designed for low density; Marcy Street is wider because it is zoned Mixed Use and allows office and commercial. The traffic is no different based on the density than what single-family or duplexes would provide. He stated that street connections are always encouraged and the proposed development can use the existing streets and the current residents can use the streets of the proposed development. Mr. Fanslau stated that the structure is allowed to be built at low density and the department recommends approval of the rezoning from AG to DR and R6, subject to a PUD being approved concurrently, and approval of the Preliminary Plat subject to the 11 conditions of the recommendation report.

Mr. Hoich moved for approval of the rezoning from AG to DR and R6, subject to a PUD being approved concurrently; approval of the Preliminary Plat subject to the following conditions: 1) Submittal of a revised Preliminary Plat application with the first phase Final Plat application, if necessary, 2) Dedication and improvement of a 50 foot right-of-way section to connect from the ½ mile point of 192nd Street to 190th Street with Phase II, 3) Coordinating with the Planning Department and Public Works Department regarding the final location of the on-street parking, design of the on-street parking areas and providing for private maintenance of the parking areas in the subdivision agreement, 4) Providing for traffic calming on all streets in excess of 1,000 feet, 5) Including the permanent easement along 192nd Street at the outlet of a culvert on the Final Plat, 6) Compliance with all applicable stormwater management ordinances and policies is required; including providing for a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality, 7) Submittal of a wetland analysis prior to submittal of an application for revised preliminary and/or final plat and submittal of a wetland mitigation plan, if required, with an application for revised Preliminary and/or Final Plat, 8) Including provisions for use, ownership and maintenance of the outlot in the subdivision agreement, 9) Submitting a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area, 10) Submitting a letter of approval of a Noxious Weed Plan from Douglas County, and 11) An acceptable debt ratio of 4% or less. Mr. Nesbitt seconded the motion which carried 4-1 with Mr. Deeb dissenting.

Overlay Districts

8.	C11-13-177 DP Metro Capital	REQUEST:	Approval of a Planned Unit Development Overlay District (laid over from 9/4/13)
		LOCATION:	Northeast of 192 nd and Leavenworth Streets

At the Planning Board meeting held on October 2, 2013, Dave Fanslau, Acting Assistant Director, stated that the department recommends approval of the PUD subject to submittal of final site and landscaping plans that accurately show all of the sidewalks rather than sidewalk “line work”.

Mr. Nesbitt moved for approval of the PUD subject to submittal of final site and landscaping plans that accurately show all of the sidewalks rather than sidewalk “line work”. Ms. Nubel seconded the motion which carried 5-0.

Special Use Permits

10.	C8-13-146 Maria Torres	REQUEST:	Approval of a Major Amendment to a Special Use Permit to allow <i>Body and fender repair</i> in a GC District (the site is also located within an NCE-C-Neighborhood Conservation/Enhancement District)
		LOCATION:	2540 South 10th Street

At the Planning Board meeting held on October 2, 2013, Joseph Sans, 2540 South 10th Street, appeared before the Board on behalf of the applicant. Mr. Sans stated that the request was for the addition of a spray paint booth inside the existing building and that the plan had been revised. He added that the applicant was in agreement with all items of the recommendation report.

Dave Fanslau, Acting Assistant Planning Director, stated that new requests submitted for existing sites and uses needed to be in compliance with the zoning code. He added that the Department recommended approval of the Special Use permit subject to the 11 conditions of the recommendation report.

Mr. Nesbitt moved for approval of the Major Amendment to the Special Use Permit to allow *Body and fender repair* subject to the following conditions being met prior to forwarding the request to the City Council: 1) Submittal of a site and/or landscape plan that provides 5 foot perimeter landscaping along South 10th Street and Bancroft Avenue, 2) Providing for 1 tree every 50 feet within the landscaping strip, 3) Closing the northern most driveway access, 4) Restriping the parking lot to provide customer parking and providing 2 handicapped accessible parking spaces in compliance with Section 55-740 OMC, 5) Removing the northern most pole sign along South 10th Street, 6) Painting the garage doors, 7) Removing the 3 parking stalls located south of the building that back onto Bancroft Avenue, 8) The body and fender repair use is limited to this user only, 9) The applicant obtaining a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department for the body and fender repair business, 10) Compliance with the proposed operating statement, and 11) Compliance with all applicable development regulations. Mr. Hoich seconded the motion which carried 4-0, with Mr. Neary absent.

(REGULAR AGENDA)

Master Plan Referrals

11.	C3-13-206 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the 2014 Action Plan
		LOCATION:	Omaha and 3-mile extraterritorial zoning jurisdiction

At the Planning Board meeting held on October 2, 2013, Jim Anderson, Planning Department, presented the request. Mr. Anderson stated that the request was for the annual plan for Housing and Community Development and that this was the second year of the five year consolidated plan. He added that the plan consists of elements for housing rehabilitation and construction of new infill housing, economic development, and homeless assistance. He explained that the total entitlement was approximately \$7 million, an additional \$13 million in private funds and \$2 million in other public funds for a total of \$23 million dollars.

In response to Ms. Nubel, Mr. Anderson stated that the biggest challenge was getting affected areas to be economically viable by increasing the amount of economic dollars that stay within the community. He added that the condition of the housing was distressed and that the goal was to eliminate the deteriorating housing with removal or replacement.

Mr. Nesbitt moved for approval. Mr. Deeb seconded the motion which carried 4-0, with Mr. Neary absent.

Rezonings

20.	C10-02-203 Madonna Rehabilitation Hospital	REQUEST:	Approval of a Major Amendment to a Mixed Use District Development Agreement for West Village Pointe
		LOCATION:	Northwest of 175th Plaza and Burke Street

At the Planning Board meeting held on October 2, 2013, Lana Bayliss, DLR Group, 6457 Frances Street, appeared before the Board on behalf of the applicant. Ms. Bayliss stated that she was present to answer questions regarding the project. She explained that there was an easement issue along 175th Plaza and Chicago Street but that the applicant was working with the Corp of Engineers to obtain a permit to resolve the issue. She added that environmental engineers would be consulted to determine alternatives plans to submit to the Corps and that a traffic study was in progress.

Dave Fanslau, Acting Assistant Planning Director, stated that there was discussion with the Corps of Engineers and the applicant to discuss the mitigation easement issue and that the Department recommended approval subject to the items on the recommendation report.

Mr. Hoich moved for approval of the Major Amendment to the West Village Pointe Mixed Use District Development Agreement to allow *Hospital (general)* subject to submittal of an acceptable final Mixed Use District Development Agreement prior to forwarding the request to the City Council for final action and: 1) Address the Army Corp. of Engineer's easement that blocks access onto Chicago Street and 175th Plaza, 2) Submittal to Public Works of an updated traffic study, 3) An updated mixed use development agreement with the correct signature page and updated language clarify what pedestrian connections are to be eliminated through Outlot C, 4) An updated Exhibit B indicating the correct plaza calculations, sidewalk widths (5') and bermed/landscaped areas in the legend, and 5) An updated Exhibit B addressing the 10' paved trail along 180th Street. Mr. Deeb seconded the motion which carried 5-0.

21.	C10-02-260 Bert Hancock	REQUEST:	Approval of a Major Amendment to a Mixed Use District Development Agreement for Tivoli
		LOCATION:	Northwest of 175th Street and West Center Road

At the Planning Board meeting held on October 2, 2013, Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun displayed elevations and site plans for the project and stated that after the applicant met with Public Works and Planning the entrance points were redesigned to align with the existing access points. He added that the project would be an 81 unit apartment complex with 1 office space to be used as a leasing office. Mr. Jobeun discussed the 10% office requirement for Mixed Used zoning and explained that this requirement was already met within the development. He added that all aspects of a planned community were also addressed within this development; therefore no office use requirement was needed.

Bert Hancock, 1925 South 64th Avenue, appeared before the Board to answer questions regarding the project. Mr. Hancock explained that the project would create an environment allowing residents to walk to nearby businesses. In response to Mr. Neary, he added that there would be 32 garages, 18 parking stalls on site and approximately 86 parking stalls along the perimeter of the building.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval subject to the items on the recommendation report.

Mr. Nesbitt moved for approval of the Major Amendment to the Tivoli Mixed Use District Development Agreement to allow *Multiple family residential* subject to: 1) Addressing Public Works comments that the proposed driveways must include a median and lane widths to match the existing street section across Gold/Arbor Plaza and that each of the driveways must intersect the street at a 90 degree angle, and 2) Submittal of an acceptable final mixed use development agreement. Mr. Deeb seconded the motion which carried 4-0, with Mr. Hoich recusing.

Conditional Use Permits

23.	C7-13-203 C10-98-129 SBA Communications Corporation	REQUEST:	Approval of a Conditional Use Permit to allow a <i>Broadcast tower</i> in a GI District with a waiver of Section 55-506 Height to 124 feet and approval of a Major Amendment to a MD Overlay District Development Agreement (property is also located within an MD Overlay District)
		LOCATION:	5933 South 118 th Circle

At the Planning Board meeting held on October 2, 2013 Sherri Edwards, SBA Network Services, representing AT&T, appeared before the Board. Ms. Edwards stated that the applicant was requesting 120 feet for their communication tower and displayed a map showing the tower location on the southwest corner of the search ring which would cover that residential area. She explained that other sites were explored but that these locations were not sufficient in height or the setbacks were not in regulation. She then displayed recently submitted maps and explained how the maps detailed the difference in coverage from 80 feet to 120 feet and that residential service would not be attained with a tower at 80 feet in height. She also displayed a map with other tower locations in the area, which were approximately 115 feet in height, and explained that their site was in the center of the other sites. Ms. Edwards added that the FAA approval had been submitted but was still pending.

Ahmad Assad, Telecommunication Engineer with AT&T, 4427 86th Street, Urbandale, California, appeared before the Board on behalf of the applicant. Mr. Assad used the communication coverage maps to explain the details of the maps and the difference in residential service from a tower at 80 feet in height to a tower at 120 feet in height. He also explained how available signals to the customer would be lost with a tower only 80 feet in height with no indoor coverage and little outdoor coverage and that new towers would be necessary to service those missed residential areas. He suggested building 1 adequate tower to service the entire area instead of numerous smaller towers. In response to Mr. Neary, Mr. Assad stated that ATT&T had a 3 year plan for this area and that if a tower was built at this location at 120 feet in height no other towers would be necessary to service the residential area and that a taller tower would also assist with lost cellular calls. He displayed a map showing the existing coverage and the proposed coverage and explained the areas of lost coverage without the 120 foot tower.

Dave Fanslau, Acting Assistant Planning Director, stated that the information was analyzed and that the Department recommended approval at a maximum height of 84 feet and subject to the conditions stated on the recommendation report. Mr. Hoich stated that he was not opposed to tower at 120 feet but suggested a layover would allow for further review of the new coverage maps. Ms. Edwards stated that she would be in favor of a layover with "shot clock" regulations to allow the Department further review of the new coverage maps.

Mr. Hoich moved to layover the Conditional Use Permit and Major Amendment to a Major Development Overlay District Development Agreement for 30 days to allow the applicant time to submit additional information to the Planning Department. Mr. Deeb seconded the motion which carried 5-0.

24.	C7-12-159 Pacific West Properties, L.P.	REQUEST:	Approval of a Major Amendment to a Conditional Use Permit to allow <i>Multiple-family residential</i> in a CC District
		LOCATION:	14121 Pierce Plaza

At the Planning Board meeting held on October 2, 2013, Jason Thiellen, E&A Consulting Group, 330 North 117th Street, appeared before the Board on behalf of the applicant. Mr. Thiellen stated that this request was submitted approximately one year ago but that the plans had been revised to increase the number of additional dwelling units for the apartment complex. He added that the original request was for 36 dwelling units and that the request for today would be 43 dwelling units. Mr. Thiellen explained that in

the revised plan the buildings and parking lot were now further away from the neighborhood and that the number of garages was reduced. He then mentioned that the applicant received one phone call from a concerned neighbor but that after reviewing the plans the neighbor was in consent with the request.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval subject to the conditions on the recommendation report.

Mr. Nesbitt moved for approval of the Major Amendment to the Conditional Use Permit to allow Multiple family residential in a CC District subject to: 1) The trash enclosures being constructed out of masonry materials, 2) Submittal of a landscape plan in compliance with Article XIII Landscaping and Screening, Section 55-717 of the Omaha Municipal Code that provides for continuous screening along the south property line, 3) Submittal of revised building elevations depicting the brick veneer siding extended to cover the entire first floor, 4) Compliance with the storm shelter protection standards set forth in Section 55-787, 5) Compliance with the site plan, revised landscape plan and revised building elevations, 6) Compliance with all applicable ordinances and regulations, and 7) The applicant obtaining all necessary permits. Ms. Nubel seconded the motion which carried 5-0.

APPROVAL OF MINUTES

Mr. Hoich moved to APPROVE the meeting minutes of August 7, 2013 as written. Ms. Nubel seconded the motion which carried 5-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 4:44 pm.

Date Approved

Raymond J. Neary, Chair

Rikki Flott, Planning Board
Recording Secretary