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, November 25, 2013.

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

MEMBERS NOT PRESENT: John Hoich

STAFF PRESENT: James Thele, Acting Planning Director  
Dave Fanslau, Acting Assistant Director, Current Planning  
Cheri Rockwell, Acting Manager, Current Planning  
Chad Weaver, Manager, Long Range Planning  
Alan Thelen, 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

<table>
<thead>
<tr>
<th>No.</th>
<th>Case Number</th>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>5.</td>
<td>C10-13-212 (D)</td>
<td>Preliminary and Final Plat of LATOUR, a minor plat inside the city limits, with rezoning from DS to CBD (property is also located within an ACI-1(PL) Overlay District) (laid over from 11/6/13)</td>
<td>1915 Jackson Street</td>
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<td>C12-13-213</td>
<td>Cinder Block Enterprises, Inc.</td>
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At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval of the rezoning from DS-ACI-1(PL) to CBD-ACI-1(PL), approval of a Preliminary Plat subject to the following conditions 1) Compliance with Public Works 19th Street access instructions, and 2) Compliance with all other applicable regulations, and approval of a Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the plat to the City Council. Mr. Deeb seconded the motion, which carried 6-0.
(REGULAR AGENDA)

Rezonings

10. C10-13-230 (D)  
   Renee Elias  
   REQUEST: Rezoning from GI to R5  
   LOCATION: 2016 Poppleton Avenue

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

11. C10-13-231 (D)  
   Benjamin Madrid-Carreno  
   REQUEST: Rezoning from GI to R4  
   LOCATION: 2342 Polk Street

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

12. C10-13-232 (D)  
   Dudley Hawkins  
   REQUEST: Rezoning from DR to LI (property is located within the flood fringe)  
   LOCATION: Southwest of 61st and Orchard Avenue

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

13. C10-13-233 (D)  
   Wiesman Development, LLC  
   REQUEST: Rezoning from CC to GO  
   LOCATION: 9102 Burt Street

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

15. C10-13-241 (D)  
   Alegent Health  
   REQUEST: Rezoning from GI to NBD  
   LOCATION: West of North 29th Street, north of Tucker Street and south of Clay Street

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

Special Use Permits

16. C8-13-236 (D)  
   Scrap Central, Inc.  
   REQUEST: Approval of a Special Use Permit to allow scrap and salvage services in a GI District  
   LOCATION: 2728 North 85th Street

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval of the Special Use Permit to allow Scrap and salvage in a GI District subject to 1) The applicant obtaining a waiver of Section 55-766(3) of the Municipal Code regarding 300 foot separation from a residential district, 2) The applicant working with the Public Works Department regarding compliance with the City’s driveway regulations and the extension of the Maple Street island nose to Keystone Drive, 3) Compliance with the GI District regulations, 4) Compliance with the proposed site plan as amended by the conditions of approval, 5) Compliance with an acceptable landscape plan, 6) Compliance with Section 55-766(b) supplemental regulations, 7) Compliance with Section 30-81 through 30-110 Salvage Dealers, 8) The screening being approved, permitted and installed prior to issuance of a Certificate of Occupancy for the proposed use, 9) The applicant obtaining a Certificate of Occupancy prior to opening the proposed use,
10) The applicant terminating the Scrap and salvage use at 8512 Blondo Street, compliance with Section 30-96 Cleanup of property on cessation of business and termination of the applicable Certificate of Occupancy, and 11) That storage of materials on site not exceed heights taller than the screening. Mr. Deeb seconded the motion, which carried 6-0.

| 17. | C8-13-029 (D) NFW, LLC | REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Large group living in a R7 District; with Reasonable Accommodation | LOCATION: Southeast of 49th Avenue and Sahler Street (formerly 4842 Sprague Street and 4829 Sahler Street) |

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval of a Major Amendment to a Special Use Permit to allow Large group living in an R7-Medium-Density Multiple-Family Residential District, with Reasonable Accommodation subject to 1) The applicant receiving waivers from the Zoning Board of Appeals prior to the issuance of any building permits for the following (a) Parking in the front yard setback, (b) Drive aisle width, (c) Floor area ratio, (d) Number of residents allowed in a Large group living facility, (e) Street yard landscaping, and (f) Height of fencing in the front yard setback, 2) Revise the site plan so that the proposed trash dumpster and enclosure comply with the side yard setback, 3) The applicant working with city staff to ensure that the proposed landscape plan is sufficient and complies with all applicable regulations, 4) Provide a minimum distance of 25 feet between the curb line of Sahler Street and the entrance gate to the facility (if one will be installed), 5) Compliance with the revised site plan, 6) Compliance with the original operating statement, and 7) Compliance with the original Reasonable Accommodation application, and 8) Compliance with all other applicable regulations. Mr. Deeb seconded the motion, which carried 6-0.

| 18. | C8-13-237 (D) Mark Oedekoven | REQUEST: Approval of a Special Use Permit to allow Indoor sports and recreation in a GI District | LOCATION: 14242 “C” Circle |

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval of the Special Use Permit to allow Indoor sports and recreation in a GI District subject to the following conditions 1) Ensure that the parking lot lighting is in compliance with Chapter 44 OMC, 2) Providing additional parking areas to meet the required 123 stalls, 3) The Special Use Permit is for this User Only, 4) The applicant obtaining a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department, 5) Compliance with the proposed operating statement, and 6) Compliance with all applicable development regulations. Mr. Deeb seconded the motion, which carried 6-0.

| 19. | C8-13-238 (D) C7-13-239 MCS Enterprises, LLC | REQUEST: Approval of a Special Use Permit to allow Automotive sales in a CC District and approval of a Conditional Use Permit to allow Automotive repair services in a CC District | LOCATION: 20210 Gate Dancer Street |

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval of the Special Use Permit to allow Automotive sales, subject to the following conditions and approval of the Conditional Use Permit to allow Automotive repair services, subject to the following conditions 1) Striping of parking stalls in the existing parking lot, 2) Compliance with all applicable regulations, and 3) Compliance with the operating statement. Mr. Deeb seconded the motion, which carried 6-0.
Conditional Use Permits

20. C7-13-191 (D)
    Craig Fischer

REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4 District (property is located within an MCC Overlay District)

LOCATION: 1101 South 178th Street

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in an R4-MCC District, subject to the following conditions 1) Revise the landscape plan to provide a minimum 4 foot high landscape screen for the length of the common boundary along the southern and eastern edge of the parking areas prior to the issuance of any building permits, 2) Compliance with the revised site and landscape plan, 3) Compliance with the operating statement, and 4) Compliance with all applicable regulations. Mr. Deeb seconded the motion, which carried 6-0.

21. C7-13-240 (D)
    Laura Wilwerding, LLC

REQUEST: Approval of a Conditional Use Permit to allow Medical offices in an LO District (property is located within the flood fringe)

LOCATION: 8723 Oak Street

At the Planning Board meeting held on December 4, 2013, Mr. Kelley moved for approval of a Conditional Use Permit to allow Medical offices in a LO District subject to 1) Compliance with the proposed site plan, and 2) Compliance with the operating statement. Mr. Deeb seconded the motion, which carried 6-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-04-060
    C12-04-061
    BSR-FW, LLC

REQUEST: Final Plat approval of FALLING WATERS (Lot 173-258, O.L. F-G), a subdivision outside the city limits, with rezoning from AG to DR and R4

LOCATION: Northwest of 192nd and Harrison Streets

At the Planning Board meeting held on December 4, 2013, Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended approval of the requests subject to the conditions stated on the recommendation report.

Mr. Kelley moved for approval of the rezoning from AG to DR and R4 and approval of the Final Plat subject to the following being addressed prior to forwarding the Final Plat to the City Council for final action 1) Providing the full right-of-way width for 201st Street at the Harrison Street intersection, and 2) Submittal of an acceptable final subdivision agreement. Mr. Nesbitt seconded the motion, which carried 6-0.
2. 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 10/2/13 and 9/4/13)

LOCATION: West of 204th Street, north and south of Blue Sage Parkway

At the Planning Board meeting held on December 4, 2013, Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended approval of the requests subject to the conditions stated on the recommendation report.

Mr. Rosenbaum moved for approval of the rezoning from AG to DR and R4 and approval of the Final Plat subject to submittal of an acceptable final subdivision agreement prior to forwarding the Final Plat to the City Council for final action. Mr. Deeb seconded the motion, which carried 6-0.

3. C10-12-157  
   C12-12-158  
   White Lotus Development

REQUEST: Final Plat approval of WEST DODGE POINTE (formerly known as TRIBEDO (Lot 8, O.L. B), a subdivision outside the city limits, with rezoning from MH-ACI-4(PL) to DR and MU-ACI-4(PL) (portions of which property lie within the flood fringe)

LOCATION: Northwest of 168th Street and West Dodge Road

At the Planning Board meeting held on December 4, 2013, Dave Fanslau, Acting Assistant Planning Director stated that the Department recommended approval of the requests subject to the conditions stated on the recommendation report.

Mr. Kelley moved for approval of the Final Plat of West Dodge Pointe (Lot 8, Outlot “B”) subject to the following being addressed prior to forwarding the request to the City Council for final action 1) Submittal of an acceptable final subdivision agreement prior to forwarding the Final Plat to the City Council for final action, and 2) Revise the Phasing Plan so that lot numbers and outlot labels are consistent with all Final Plats and includes the previously approved Outlot “A” on the eastern edge of the development, along with adding the northern outlot (original Outlot “B”) into Phase IV. Mr. Deeb seconded the motion, which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

4. 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 10/2/13 and 8/7/13)

LOCATION: 520 and 600 South Saddle Creek Road

At the Planning Board meeting held on December 4, 2013, John Sova, RDG, 900 Farnam St, appeared before the Board on behalf of the applicant. Mr. Sova displayed a drawing of the site and explained that there were 3 existing access points along Saddle Creek Road; 2 on the applicant’s property and one on
the adjacent owner’s property. He then stated that since the last meeting the reconfiguration of the plans would combine 2 access points on the applicant’s property along Saddle Creek Road into 1 access point and that this one access point would accommodate their facilities needs and also potential development along Emile Street. He added that the applicant was not requesting eminent domain from the adjacent property.

Jude Beller, 1422 Miracle Hills Drive, appeared before the Board. Mr. Beller stated that he was an attorney representing Tetrad Property Group, a real estate consultant group for UNMC, and that he was also part of a consulting team helping to develop a master plan study for UNMC and the surrounding community. He explained that he does not oppose the request but was concerned that the street alignments were contemplated. He added that the development of Saddle Creek Road and Emile Street also affected their future plans. Mr. Beller mentioned that studies were ongoing and that a final plan would not be available until reviews were made by multiple UNMC personnel; possibly by late February or early March 2014.

Matt Tondl, HDR, 8404 Indian Hills Drive, stated that he was part of a consulting team for UNMC that was studying potential traffic and street layouts for a potential UNMC plan. Mr. Tondl displayed a map and discussed that a Saddle Creek Road study was completed in 2008 proposing a widening and realignment of Saddle Creek Road, a realignment of Emile Street and a swale to absorb flooding in the area. He then stated that there has been no redevelopment since that study was completed and that a new study was recently initiated. Mr. Tondl explained that the new study contrasted existing roadways with anticipated roadways and was being evaluated in relation to future redevelopment in the area. He added that the study would be completed approximately February 2014.

Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of Metro Health Credit Union. Mr. Jobeun stated that his client was in agreement with the changes to the entrance relocation further south along Emile Street but was opposed to any future condemnation if Emile Street was relocated within Outlot B. Mr. Jobeun also questioned the location and width of the proposed streets and right-of-ways if UNMC were to redevelop the area.

Ken Hansen, Assistance Vice Chancellor of Facilities, UNMC, appeared before the Board. Mr. Hansen stated that he supports the redevelopment in the area but that his concern was the plans for the west side of Saddle Creek Road and how this would affect their $323 million dollar cancer center scheduled to open late in 2016. He stated that part of the concern was the substation along Saddle Creek by Emile Street and that according to a 10 year flood study completed in 2007 the OPPD utility circuits going through that substation to UNMC could possibly be underwater affecting the safety of their patients. He stated that another concern was traffic flow at Emile Street and other major surrounding roadways. Mr. Hansen explained that rebuilding Saddle Creek was critical for redevelopment in the area and that the applicant’s current plans for Saddle Creek could hinder their future plans. In response to Mr. Neary, Mr. Hansen stated that final decisions regarding the UNMC development would be made by the end of February.

Tate Fitzgerald, American National Bank, 8990 West Dodge Road, appeared before the Board. Mr. Fitzgerald stated that over the past years there had been multiple meetings with Mr. Hansen at UNMC regarding the redevelopment of American National Bank and UNMC and that UNMC had not met their stated deadlines. He added that the adjacent property owner’s request had been accommodated, regulations had been met and that the applicant wanted to finally move forward with the request.

Dave Fanslau, Acting Assistant Planning Director stated that original request was in 2007 and that the City departments involved have worked to accommodate the neighborhood and all owner requests regarding the redevelopment of this area. He stated that the Department recommended approval of the rezoning and approval of the Preliminary Plat subject to the 4 conditions on the recommendation report. Mr. Neary commented that the duty of the Board was to uphold the City Master Plan.

Mr. Nesbitt moved for approval of the rezoning from GI to GO (property is also located within an ACI-2(PL) Overlay District) and approval of the Preliminary Plat, subject to the following conditions 1) Provide
for the future conveyance of Outlots “A” and “C” to the City of Omaha, 2) Include provisions for use, ownership and maintenance of the outlots in the subdivision agreement, 3) Provide sidewalks along all public streets, and 4) Include provisions within the subdivision agreement for compliance with all applicable stormwater management ordinances and policies. Ms. Nubel seconded the motion which carried 5-1, with Mr. Neary dissenting.

(REGULAR AGENDA)

Master Plan Referral

| 6.  | C3-13-218 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the NICHOL FLATS TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 1015 North 16th Street |

At the Planning Board meeting held on December 4, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the project was part of the North Downtown district and the Arts and Trades district of the Downtown Master Plan. She explained that the existing building would be demolished and that the new 5-story building would include mixed uses. She then stated that the residential portion would include 67 one and two bedroom market-rate apartments and approximately 50 total underground and surface parking stalls.

Mr. Kelley questioned if the parking ratio was sufficient for the number of residential units. Ms. Hadley explained that the parking ratio was in compliance with Central Business District regulations.

Mr. Rosenbaum moved for approval. Mr. Deeb seconded the motion which carried 5-0, with Mr. Neary absent.

| 7.  | C3-06-122 Planning Department on behalf of the City of Omaha | REQUEST: Approval of an Amendment to the TOWNSEND INVESTMENTS LLC, WALLSTREET TOWER OMAHA TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 1416 Dodge Street |

At the Planning Board meeting held on December 4, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the project was at the location of the former Union Pacific headquarters, which had been vacant approximately 6 years. She added that approximately 7 years ago the Wall Street Tower redevelopment project had been initiated at this location but did not move forward because of finances. She explained that the local developer, Lanoha Development, had not revealed their business prospects for this location and that project details would be revealed with a redevelopment agreement. Ms. Hadley stated that the project would be include mixed-use in a 20-25 story building with approximately 200,000-300,000 square feet of office space, 10,000-15,000 square feet of retail space and 20-30 residential units. She added that the project would be a 50-100 million investment and that the TIF amount would vary using an estimate of what was proposed for the former project. She then displayed a rendering of the proposed site and explained that $320,000 of Downtown Improvement funds were used for improvements to Capitol Avenue and that after the developer closes on the site those funds would be reimbursed.

In response to Mr. Nesbitt, Ms. Hadley stated that this project would not move forward without TIF funding and that this location was eligible for TIF funding.

Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the developer. Mr. Jobeun stated that the previous out-of-state developer currently had an outstanding redevelopment note in the amount of $15 million for this location. He explained that the amendment to the redevelopment plan would allow for future redevelopment of this site and that approval of the amendment to the
redevelopment plan would terminate the existing redevelopment agreement and would surrender the existing promissory note. He also mentioned that the Downtown Improvement Fund would be reimbursed after the developer received approval of the request and closed on the project.

Mr. Neary questioned the process of reimbursement to the Downtown Improvement Fund and Mr. Jobeun explained that partial reimbursement would occur at closing and that the remainder would be completed through the redevelopment agreement. He reiterated that approval of the request eliminates existing financial issues associated with this location and that any changes to the project not within the redevelopment agreement would need approval by the Board.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval.

Mr. Deeb moved for approval. Ms. Nubel seconded the motion, which carried 6-0.

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<tr>
<th>8.</th>
<th>C3-06-199 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST:</th>
<th>Approval of an Amendment to the North Central Omaha Community Redevelopment Area Designation</th>
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<td></td>
<td>LOCATIONS: Area generally bounded by 48th Street on the east, Spaulding Street on the south, 60th Avenue on the west and Whitmore Street on the north</td>
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At the Planning Board meeting held on December 4, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the request was to amend the North Central Omaha Community Redevelopment Area Designation to extend the boundaries. She then displayed a map showing the current boundaries and the area that would be added. She explained that in 2006 this blighted and substandard area met guidelines to become a Community Redevelopment Area and continues to meet those criteria and that the area included in the extended boundary also meets the criteria. Ms. Hadley further explained that a proposed TIF project for senior housing storage and commercial space was requested in the extended area and that guidelines required TIF projects be located within a Community Redevelopment Area.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval.

Mr. Nesbitt moved for approval of the request for the designation of the proposed study area as a Community Redevelopment Area and the re-certification of the North Central Omaha CRA meeting the substandard and blighted conditions as per the Community Development Law. The approval of the designation that the study area meets the conditions of a Community Redevelopment Area, f/k/a Substandard and Blighted, in accordance with Nebraska Community Development Law will allow an application for the use of tax increment financing (TIF). Mr. Deeb seconded the motion, which carried 6-0.

**Subdivisions**

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<tr>
<th>9.</th>
<th>C12-13-229 Boyer Young Development Co.</th>
<th>REQUEST:</th>
<th>Preliminary and Final Plat approval of ELK RIDGE REPLAT 7, a minor plat outside the city limits</th>
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<td>LOCATIONS: East of Elk Ridge Drive and Seward Street</td>
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At the Planning Board meeting held on December 4, 2013, Jason Thiellen, E&A Consulting, 330 N 117th Street, appeared before the Board on behalf of the applicant. Mr. Thiellen stated that this request was to subdivide the land into single family lots and that the developer would keep the existing covenants. He explained that the lots would be split and replatted to create single-family detached villas for age 55 and over residents and that the price point for these villas would be approximately $350,000. He added that the existing single-family attached duplexes would remain and that the price point for the duplexes was approximately $250,000.
Patricia Davis, 1510 North 194th Circle, appeared in opposition. Ms. Davis stated that she was an owner of a villa in the Elk Ridge development and that her concern was that the covenant restricting the age of residents to 55 and older remains in place. She explained that she was in support of the request but that the residents of Elk Ridge had only verbal assurance that the existing covenants would remain.

Mr. Jobeun, 11440 West Center Road, appeared on behalf of the applicant. Mr. Jobeun stated that there would be written documentation by the end of the day and that the existing covenants would remain intact. He explained that a reaffirmation and reinstatement of the declaration of covenants, conditions and restrictions would be recorded with the Douglas County Register of Deeds today.

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

Mr. Kelley moved for approval of the Preliminary Plat and approval of the Final Plat, subject to submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Rosenbaum seconded the motions which carried 6-0.

Rezonings

<table>
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<tr>
<th>REQUEST:</th>
<th>Rezoning from DR to R3 and approval of a Conditional Use Permit to allow Religious assembly in a R3 District</th>
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<tr>
<td>LOCATION:</td>
<td>6010 North 49th Street</td>
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At the Planning Board meeting held on December 4, 2013, Brad Blakeman, Blakeman Engineering, 10423 Hansen Avenue, appeared before the Board on behalf of the applicant. Mr. Blakeman stated that this property had already been replatted from 8 lots to 1 lot and that the land was vacant because of the numerous encumbrances on the property. He explained that the land had a steep grade, an unimproved access road on 49th Street, no existing MUD utility service, and that the cost of improvements in addition to the cost of the new building would be approximately $640,000. He added that the development would be a church, soccer fields and a lower level and upper level parking lot. He noted that the Omaha Public school buses also traveled along the unimproved 49th Street.

Cara Feinhold, 5901 N. 49th Street, appeared in opposition of the request. Ms. Feinhold stated that her mother, Carrie Hammers, owns the home and adjacent property at 4816 Laurel Avenue. She then stated that one of her concerns was the unimproved 49th Street. She explained that the school bus traffic created large potholes on this road and also that the water run-off trails from this road into the culvert and under her driveway. She added that she was also concerned with the proposed south entrance into the church that traffic would be directly in front of her home with vehicle headlights pointing directly into her home. She was also concerned that the rezoning would affect her rights to have horses on property. Mr. Neary responded that the rezoning would not affect her ability to maintain horses on her property.

Dave Fanslau, Acting Assistant Planning Director, stated that 49th Street would be improved and that the applicant would work the Public Works Department on the design and construction. He explained that the rezoning would not affect regulations for boarding horses and that the south entrance was placed to accommodate the grade of the land and the parking lot would be required to have a 4 foot screening to minimize effects of headlights from vehicles.

Ms. Feinhold questioned if other entrances were considered and Mr. Blakeman responded that the controlling factor for the placement of the church building and parking lot was the steep grade of the land and the tree mitigation plan. He then assured the Board and adjacent property owner that screening would be placed around the parking lot. He explained that the applicant pursued an option to work with the church owner to the north of the property to create a common entrance for both churches but that a
lack of funding was an issue for that church. In response to Mr. Neary, Mr. Blakeman stated that construction would begin in Spring of 2014.

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

Ms. Feindhold questioned when the road construction would be completed. Mr. Blakeman stated that approximately 1 year after the start of construction on the church building that construction of the road would be completed. He added that the process of approval for construction of the road would take approximately 6 months and mentioned that there were previous discussions to have the Public Works Department build the road and share the cost but that the Public Works Department declined the notion.

Ryan Haas, Public Works Department, stated that there had been discussion with the applicant regarding the process of constructing 49th Street but that potential solutions were not feasible. He added that they would further discuss the process of funding and construction of the road and that once construction began the project would be completed within approximately 4 months. Mr. Blakeman stated that development of plans would be completed by Spring of 2014 and that the design and approval process should be completed by Spring of 2015. He added that there were many ideas discussed to fund the improvement of 49th Street. In response to Mr. Neary, Mr. Blakeman explained that the cost of constructing the road would be approximately $470,000 and that OPS would pay approximately $40,000 and the Public Works Department approximately $15,000. He added that this did not include the cost of design or testing and that the cost of installing MUD water lines would be approximately $170,000. He explained that the issue was the paperwork approval process. Mr. Nesbitt then suggested that the applicant work with the Public Works Department on the construction of the road concurrently with the building of the church to move the development process forward quickly. Mr. Haas stated that the code contemplates specific timelines and that preference was to have the street open concurrently or prior to the opening of the church building, but that it ultimately depended on the approval process.

In response to Mr. Nesbitt, Ms. Feinhold stated that the water run-off comes down 49th Street and onto her driveway on Laurel Avenue and that if a sewer system was installed this would alleviate the problem. Mr. Blakeman explained that a storm sewer system would be installed during the development process, including water shed management and detention at the southeast corner of the applicant’s property. He further explained that there would be a connection to the existing storm sewer system at 49th Street & Sorensen Parkway. He also mentioned that Ms. Feinhold would have a new driveway with a storm sewer along the back of the curb.

Mr. Kelley moved for approval of the rezoning from DR to R3 and approval of a Conditional Use Permit to allow Religious assembly in a R3 (pending) subject to the following conditions: 1) Coordinate with the Public Works Department for review of plans and for the funding, bidding and cost sharing arrangements required for the improvement of 49th Street, 2) Revise the landscape plan to provide a minimum 4 foot high landscape screen adjacent to the six easternmost parking stalls in the northern parking lot, 3) Receive a waiver from the Zoning Board of Appeals for maximum area and height of a monument sign, 4) Provide additional information in regards to the size of the largest place of public assembly to ensure compliance with the required amount of off-street parking, 5) Compliance with the proposed landscape and grading plan, 6) Compliance with the proposed operating statement, 7) Compliance with all applicable stormwater management ordinances and policies, and 8) Compliance with all applicable regulations. Mr. Deeb seconded the motion which carried 6-0.
ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 2:57 pm.

_________________________________________
Date Approved

_________________________________________
Raymond J. Neary, Chair

_________________________________________
Rikki Flott, Planning Board
Recording Secretary