Ms. Nubel, Vice Chair, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board's public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

The requests listed below were voted on concurrently in accordance with the Planning Department's recommendation report.

No one appeared in opposition.

(REGULAR AGENDA)

Conditional Use Permits

| 4. | C7-96-105 (D) Dial-Cambridge, L.P. | REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Multiple family residential in a LC District | LOCATION: East of 168th Street between Burke Street and West Dodge Road |

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval of the Major Amendment to the Conditional Use Permit to allow Multiple family residential in a LC District subject to the following conditions: 1) Submitting a revised site plan showing sidewalks along Davenport Plaza (which connects to Burke Street and 168th Circle) and the internal driveways within Phase 2; 2) Construction of the original sidewalk along Davenport Plaza prior to issuance of a Certificate of Occupancy for the new buildings; 3) Submitting a revised landscape plan in compliance with Article XIII Landscaping and Screening, OMC Section 55-717; 4) Submitting a revised site plan depicting handicapped accessible
parking stalls in compliance with OMC Section 55-740(d); 5) Compliance with the storm shelter protection standards set forth in OMC Section 55-787 at the time of building permit submittal; 6) Compliance with the approved building elevations; 7) Compliance with all applicable ordinances and regulations; 8) The applicant obtaining all necessary permits; and 9) Compliance with all other applicable original conditions. Mr. Hoich seconded the motion which carried 6-0.

**Subdivisions**

| 8. | C12-13-064 (D) The Planning Department on behalf of the City of Omaha | REQUEST: Preliminary and Final Plat approval of CITYVIEW, a minor plat inside the city limits | LOCATION: Southeast of 10th Street and Capitol Avenue |

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval of the Preliminary Plat, subject to: 1) Adding a note to the plat that indicates “There shall be no direct vehicular access from Lot 1 to Dodge Street.”; 2) Placement of the right-of-way that is being vacated in the northwest corner of the plat to be placed into an outlot (“Outlot A”); 3) Adding a note to the plat that states “Outlot A is reserved to protect existing City sewer and traffic signal facilities. In the future, Outlot A may be combined with Lot 1 via an administrative subdivision to form a single buildable lot, provided that the subdividing party provides for the public improvements to relocate the City’s existing facilities.”; 4) Change the legal description on the plat to include both Outlot A and Lot 1. Approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Hoich seconded the motion which carried 6-0.

**Rezonings**


At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval. Mr. Hoich seconded the motion which carried 6-0.

| 15. | C10-13-068 (D) Bentley L.S. Swan | REQUEST: Rezoning from DS to CBD | LOCATION: 2450, 2452 and 2454 Harney Street |

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval. Mr. Hoich seconded the motion which carried 6-0.

| 16. | C10-13-075 (D) Planning Department on behalf of the City of Omaha | REQUEST: Rezoning from R7 to R5 | LOCATION: 1617-1625 and 1802 Corby Street |

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval. Mr. Hoich seconded the motion which carried 6-0.

| 17. | C10-13-076 (D) Planning Department on behalf of the City of Omaha | REQUEST: Rezoning from R7 to R4 | LOCATION: 2515, 2516, 2521 and 2524 Patrick Avenue |

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval. Mr. Hoich seconded the motion which carried 6-0.
19. C10-13-077 (D)  
Planning Department on behalf of the City of Omaha  
REQUEST:  Rezoning from R7 to R5  
LOCATION:  1526-1538 North 18th Street

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval. Mr. Hoich seconded the motion which carried 6-0.

Conditional Use Permits

22. C7-13-069 (D)  
Todd Scholz  
REQUEST:  Approval of a Conditional Use Permit to allow Outdoor sports and recreation in a DS/ACI-1(PL) District  
LOCATION:  Northeast of 25th and St. Mary's Avenues

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval of the Conditional Use Permit subject to: 1) Submittal of a revised site plan that includes ornamental decorative fencing no higher than 6 feet in height enclosing the eastern, southern and western boundaries; 2) Submittal of a fence rendering that indicates details and materials to be used; 3) Compliance with the revised site plan; and 4) Compliance with the submitted operating statement. Mr. Hoich seconded the motion which carried 6-0.

Subdivisions

10. C10-13-072 (D)  
C12-13-073  
Clarendon Properties, Inc.  
REQUEST:  Preliminary Plat approval of WATERFORD VILLAGE, a subdivision outside the city limits with rezoning from AG to DR and MU  
LOCATION:  Northwest of 144th and Ida Streets

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved to layover the Preliminary Plat and rezoning in order to give the applicant sufficient time to work with the Planning Department regarding mixed use plaza/grouping of building requirements. Mr. Hoich seconded the motion which carried 6-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-13-003  
C12-13-004  
Celebrity Homes  
REQUEST:  Final Plat approval of CANTERBERRY SOUTH, a subdivision outside the city limits, with rezoning from AG to DR and R4  
LOCATION:  Northeast of 199th and "K" Streets

At the Planning Board meeting held on April 3, 2013, Chad Weaver, Assistant Planning Director, stated that the department recommended approval subject to the two conditions on the recommendation report.

At the Planning Board meeting held on April 3, 2013, Mr. Kelley moved for approval of the Final Plat subject to: 1) Placing the 25 foot front yard setback along the entire frontage of Lot 16 and 20 on the Final Plat mylars; and 2) Submittal of an acceptable final subdivision agreement being submitted prior to forwarding the request to the City Council for final action. Mr. Rosenbaum seconded the motion which carried 6-0.
2. C10-12-213  
   C12-12-214  
   The Omaha Home for Boys  
   REQUEST: Final Plat approval of OMAHA HOME FOR BOYS REPLAT 1, a subdivision inside the city limits, with rezoning from R4(35) and R7 to R7  
   LOCATION: Southeast of 52nd Street and Ames Avenue  

At the Planning Board meeting held on April 3, 2013, Chad Weaver, Assistant Planning Director, stated that the department recommended approval of the Final Plat subject to submittal of an acceptable final subdivision agreement and addressing the revised items on the recommendation report prior to forwarding the request to City Council.

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

(HOLD OVER CASES)

Rezonings

3. C10-13-025  
   Ames Plaza, LLC  
   REQUEST: Rezoning from R3 to R5  
   LOCATION: 5800 Fowler Avenue  

At the Planning Board meeting held on April 3, 2013, Neraj Argwal 105 N. 31st Avenue, Suite 200, appeared before the Board on behalf of the applicant. Mr. Argwal stated that constructing townhouses at this location is consistent with the Master Plan and will add variety to the neighborhood.

Chad Weaver, Assistant Planning Director, stated that the department recommended approval of the rezoning.

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

(REGULAR AGENDA)

Master Plan Referrals

5. C3-13-081  
   Planning Department on behalf of the City of Omaha  
   REQUEST: Approval of the TRAVERS ROW TIF REDEVELOPMENT PROJECT PLAN  
   LOCATION: Southwest of 26th and St. Mary’s Avenue  

At the Planning Board meeting held on April 3, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the project is currently 10 townhomes that will be redeveloped into a total of 24 units and will include a parking lot to the east of the project. She added that this project will include a mixed-use building with a commercial space on the corner and residential above. Ms. Hadley mentioned that the building has been vacant for approximately 6 years. She added that significant public infrastructure will be done; this will include new water and sewer line hook-ups on at least half of the units and a waiver for the sidewalk from approximately 7 feet to approximately 5 feet.

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

Mr. Rosenbaum moved for approval. Mr. Nesbitt seconded the motion which carried 6-0.
At the Planning Board meeting held on April 3, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the project will include 3 single-story buildings and 1 two-story building with a commercial bay on the ground level and 7 market-rate one bedroom and studio units above. She added that the current tenant will relocate across the street. Ms. Hadley then discussed that further pending development in the area includes a new BID (Business Improvement District) called the Blackstone Business Improvement District, which will use part of the TIF funds to further develop Farnam Street from 36th to 42nd Street as a 2-way street.

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

In response to Ms. Nubel, Ms. Hadley stated that there will be adequate parking with 70 shared retail and tenant parking spaces available behind the building along 40th Street.

Mr. Hoich moved for approval. Mr. Nesbitt seconded the motion which carried 5-0 with Mr. Kelley absent.

At the Planning Board meeting held on April 3, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the project will be construction of a building with 117,000 square feet of useable space. She added that 70,500 square feet will be used for Gordman's business headquarters and 36,000 square feet will be used as rentable commercial and retail space. Ms. Hadley mentioned that 284 full-time equivalent jobs will be brought to area, of which 54 are new jobs.

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

Mr. Rosenbaum moved for approval. Mr. Nesbitt seconded the motion which carried 5-0 with Mr. Kelley absent.

### Subdivisions

At the Planning Board meeting held on April 3, 2013, Jim Lang, 11718 Nicholas Street, appeared before the Board on behalf of the applicant. Mr. Lang mentioned that the development will be single-family residential and that the land use plan is consistent with the future land use element of the Master Plan. He also added that many of the recommendations from the Planning Department are already incorporated into the Preliminary Plat and are be acceptable to the developer.

Don Heine, United Engineering, 20507 Nicholas Circle, appeared before the Board in opposition. Mr. Heine stated that he represents Gotsch Enterprises, owner and developer of the property west of the proposed subdivision. He then stated because there is a single connection to the Indian Creek subdivision to the west on Sahler Street, they are concerned with increased traffic in front of the existing homes along Sahler Street. Mr. Heine added that requiring 192nd Street, currently a dead-end street, to continue and connect to the existing 192nd Street to the north within Indian Creek will eliminate traffic issues.
In response to Mr. Kelley, Mr. Lang stated that with proper approval, they agree to provide a connection to 192nd Street to the west. He added that the extension of 192nd Street is part of the second phase of the development and that they would contribute to the cost of extending the street through an inter-local agreement at that time.

Chad Weaver, Assistant Planning Director, explained two concerns; the access to the parcel to the west that is presently undeveloped and the path that 192nd Street will follow which has been prescribed and agreed upon and would be incumbent on the two adjacent subdivisions to address. Mr. Weaver stated that the department recommended approval of the rezoning from AG to DR and R4 and approval of the Preliminary Plat subject to the 22 items on the recommendation report being addressed before the submittal of a Final Plat.

Mr. Hoich moved for approval of the rezoning from AG to DR and R4. Approval of the Preliminary Plat subject to the following being addressed prior to or with submittal of a Final Plat: 1) The applicant entering into an interlocal agreement with Douglas County to provide for a contribution to the County for the 180th Street bridge; and to commit to future financial contribution to cover the cost of paving 192nd Street to a three-lane section north of Sahler Street within the subdivision boundaries. This interlocal agreement must be a stipulation of the subdivision agreement and must be executed prior to approval of a Final Plat; 2) Coordinating with the Nebraska Department of Roads regarding all proposed modifications to West Maple Road; 3) Provide for a three-lane section on the east leg of 192nd and Sahler Streets; 4) Providing for traffic signal modifications at 192nd and West Maple Road; 5) Dedication of an additional 10’ of right-of-way along each side of 192nd Street for the first 300’ north of West Maple Road; 6) Placing a note on the plat stating that there shall be no direct vehicular access from Lots 24 or 25 onto Sahler Street; 7) Coordinating with the Public Works Department regarding the provision of temporary turnarounds at the end of all temporarily dead ended streets. These turnarounds need to be included within the right-of-way and within the subdivision boundary; 8) Providing traffic calming on any street in excess of 1,000 feet; 9) Providing a minimum right-of-way dedication of 8.5’x8.5’ is needed for sidewalk chamfers at all street corners; 10) The note regarding the noise attenuation easement referencing 192nd Street; 11) That all lots within the subdivision are served by sanitary sewer functioning by gravity; 12) Including provisions in the subdivision agreement for the maintenance of the sidewalks adjacent to Lot 79; 13) Coordinating the initial site grades adjacent to 192nd Street with the initial construction and future improvement of the roadway; 14) Including any drainageway in an outlot and sized to accommodate either the 3:1+20’ section or the 100-year storm flow, whichever is greater; 15) Compliance with all applicable stormwater management ordinances and policies; including providing a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality; 16) Providing for the use, ownership and maintenance of the outlots in the final subdivision agreement and as a note on the Final Plat; 17) Submitting of a tree canopy analysis, and if necessary, a mitigation plan; 18) Submitting of a wetland analysis, and if necessary, a mitigation plan; 19) Submitting of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area; 20) Submitting of a letter from the Omaha Postmaster regarding the provision of centralized delivery (cluster boxes); 21) An acceptable debt ratio of 4% or less; and 22) Including the building envelopes on the Final Plat for Lot 47, 79 and 146. Mr. Nesbitt seconded the motion which carried 6-0.

| 11. | C10-05-291  
C12-05-292  
Jerry Palmer | REQUEST: Revised Preliminary Plat of GINGER CREEK (Lots 1-3) a subdivision outside the city limits, with rezoning from DR to R6 and MU (portions of which property lie within the flood fringe and floodway) | LOCATION: Southeast of 165th Street and West Maple Road |

At the Planning Board meeting held on April 3, 2013, Doug Kellner, Thompson Dreessen Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant.

Chad Weaver, Assistant Planning Director, stated that the department recommended approval of the
rezoning from DR to R6 and MU subject to the submittal of an acceptable final mixed-use development agreement and approval of the Preliminary Plat subject to addressing the 6 items on the recommendation report with the Final Plat and subdivision agreement.

Mr. Deeb moved for approval of the rezoning plan from DR to R6 and MU subject to the submittal of an acceptable final mixed-use development agreement. Approval of the Preliminary Plat subject to addressing the following with the Final Plat and subdivision agreement: 1) Provide for the installation of sidewalks along both sides of all streets; 2) Compliance with all applicable stormwater management ordinances and policies; 3) Submittal of a flood fringe analysis to ensure that no more than 25% of the flood fringe is filled; 4) Note the minimum lowest floor elevation (based on the FEMA maps) for each lot on the plat; and 5) Submittal of a letter from Douglas County Environmental Services that indicates a noxious weed plan has been approved; and 6) Submit the project with an acceptable overall debt ratio of 4% or less. Mr. Rosenbaum seconded the motion which carried 6-0.

| 12. | C10-13-078 C12-13-079 Lanoha Development Company | REQUEST: Preliminary Plat approval of THE PRAIRIES, a subdivision outside the city limits, with rezoning from AG to DR, R4 and R5 |
|-------------------------------|---------------------------------------------------------------------------------|
| LOCATION: | Northeast of Skyline Drive and West Center Road |

At the Planning Board meeting held on April 3, 2013, Dennis Hogan, Regency Center, appeared before the Board on behalf of the applicant. Mr. Hogan stated that this project would be developed in 2 phases that would consist of 239 single-family homes, 12 town-home lots and 1 community center. He added that Phase 1 would consist of 133 homes, a clubhouse and an undisclosed number of outlots and that Phase 2 would consist of 106 homes and the remainder of the outlots with price points at three levels: $450,000-$600,000, $600,000-$800,000, and $800,000 and higher. Mr. Hogan stated that at a recent meeting with the homeowners in the neighborhood, speed and volume of traffic on the proposed Maple Street were one concern. He added that another homeowner concern is density, but with 1.5 lots per acre this development would be less dense than the average for Omaha market. He then explained the applicant is evaluating solutions to slow and reduce volume along that street, possibly installing a traffic signal at Center and Skyline and possibly widening Skyline to 3 lanes before a final plat is submitted. Mr. Hogan added that after a traffic study is complete, they would share the information with neighbors before submitting a final plat for approval by City Council.

Mr. Hogan further discussed that requests of developing a second access point on Skyline would not be possible, but that a solution would be the use of an existing platted and paved right-of-way street to the east. He then added that during Phase 2 a second street further to south would be built that would lead to an undeveloped area and a future connecting street when developed in the future.

In response to Mr. Kelley, Mr. Hogan stated that Phase 1 of the project would begin upon approval.

Laurie Pete, 21401 Pine Circle, appeared before the Board in opposition. Ms. Pete stated she is the President of their Property Owner’s Association and is representing those members. Ms. Pete stated that they are requesting a layover to meet and discuss issues and concerns with the developer. In response to Ms. Nubel, Ms. Pete stated a main concern is that the surrounding developments use 1 shared entrance to the neighborhood, which increases traffic. She stated another concern is that the proposed development would create 1 thoroughfare connecting to their neighborhood at Walnut Street, increasing the traffic problems. Ms. Pete concluded that they are not opposed to the development, but that Walnut Street would now become a main thoroughfare for the surrounding developments.

Heather David, a Rogers Ridge resident, appeared before the Board in opposition. Ms. David stated that her home is just to the north near the edge of the proposed development. Her concerns were that her home would be the only lot adjacent to the new development that would not have a green space buffer and that there had been no discussion of fencing for the proposed development.
Mike Jensen, 1313 Ranchview Lane, Vice President of Ranchview Estates Home Owners Association, appeared before the Board in opposition. Mr. Jensen stated that their neighborhood was designed with straight line streets as opposed to curved streets which slow traffic. He then stated that a traffic study done in 2010 found that 85% of drivers speed on their neighborhood street. He added that to slow the neighborhood traffic flow they were allowed to install a speed bump but were unsuccessful at reducing or slowing traffic. Mr. Jensen then mentioned his concern is that the proposed connecting street as a straight line with no curves would only increase their traffic problem and suggested that installing a round-a-bout on the proposed street or designing a curved street would help slow future traffic. He also suggested allowing for an egress to Skyline Drive and the golf course rather than connecting the streets would also help ease traffic through their neighborhood.

Karen Authier, 1808 Skyline Drive, appeared before the Board in opposition. Ms. Authier agreed with other homeowners that two problems would be density and egress.

Quinn Jones, 1606 214th Circle, appeared before the Board in opposition. Mr. Jones stated that there is a Master Plan issue because Pacific Street and Skyline Drive were not designed to accommodate the increased traffic flow. He also agreed with other homeowner that 1 egress is a problem for the neighborhood.

Ronald Wasick, 1500 Skyline Drive, appeared before the Board in opposition. Mr. Wasick stated he has lived on skyline Drive for 16 years and has seen the increased traffic problems due to increased density.

Brian Beach, 21505 Walnut Street, appeared before the Board in opposition. Mr. Beach stated that his home is located on the corner of the dead end street where the proposed street would be developed and also has concerns with increased traffic. He concluded that he is in favor of the proposed development but suggested a different design for the proposed continuation of Walnut Street.

Mr. Hogan responded that the applicant has committed to work with the Public Works Department to resolve any issues along Skyline and Center Street. He added that the proposed Walnut Street would not continue through the development in a straight line and that medians and other traffic slowing devices would be designed. He then stated that as mentioned in their prior meeting with the homeowners, any new information that arises during the design process would be shared with the homeowners. Mr. Hogan stated that the current design is consistent with the Master Plan and the issue of installing the street is ultimately mandated by the City. He added that when the 2nd phase is completed there would be an additional connecting street to further alleviate traffic issues. He concluded that the applicant would be willing to work with an SID engineer on any issues that arise.

In response to Mr. Kelley, Mr. Hogan stated that the old Skyline Golf Course area would need to be developed in order for the future connection to exist.

Chad Weaver, Assistant Planning Director, stated that the proposed connection to Walnut Street would be a through-route but would not be a straight line. He added that there would be further designs of the proposed street that would help control traffic but that a public street is designed for public use. He then mentioned that there are options for other future connecting streets and that Skyline Drive would most likely have future improvements that would also alleviate traffic issues. Mr. Weaver stated that the department recommended approval.

In response to Ms. Nubel, Mr. Hogan addressed the issue of the green-space that Ms. David requested. He stated that the applicant would like to have all of the outlots connected but has not had the opportunity to address Ms. David’s request. In response to Mr. Nesbitt, Mr. Hogan stated that Ms. Pete had a conflict and could not attend the meeting with the homeowners and the applicant but that she and other residents would be kept up to date in the design process.

In response to Ms. Nubel, Ryan Haas, Public Works Department, addressed concerns regarding increased traffic on existing streets surrounding the expanding developments. Mr. Haas stated that as a condition of approval the applicant would need to complete a traffic study if necessary to evaluate the
issues of the increased traffic in this area. He added that Public Works would meet with Douglas County to evaluate the traffic study once it is complete. In response to Mr. Kelley, Mr. Haas noted that traffic calming needs to be provided on all streets in excess of 1,000 feet.

Mr. Rosenbaum moved for approval of the rezoning from AG to DR, R4 and R5. Approval of the Preliminary Plat subject to the following being addressed prior to or with submittal of a revised preliminary and Final Plat: 1) An acceptable final traffic signal warrant analysis for the intersection of Skyline Drive and West Center Road. The applicant must provide for any and all improvements identified in the final acceptable analysis; 2) Improve Skyline Drive to a three-lane section from the northern boundary of the plat to West Center Road. The applicant will be required to enter into an interlocal agreement with Douglas County for the improvement of Skyline Drive; 3) Grade and improve Street “A” right-of-way to connect to the Walnut Street right-of-way improvements to the east; 4) Eliminate Street “A” as a general obligation expense; 5) Provide right-of-way, public street connections and improvements between the Street “B” and Street “F” groupings and between the Street “F” and Street “I”; 6) Provide a 115’ noise attenuation easement, from the centerline of Skyline Drive on the Final Plat; 7) Provide a note on the Final Plat stating that there shall be no direct access to Skyline Drive from Outlot “A”, “F” and “J”; 8) Provide access to Outlot “L”; 9) Coordinate with the Public Works Department to determine if sidewalk chamfers will be necessary at the street corners, and if so, provide the appropriate right-of-way dedications. The sidewalks will not be allowed as a general obligation expense; 10) Coordinate with the Public Works Department regarding any improvements to medians within street right-of-way; 11) Constructing the cul-de-sacs to City standards and eliminating the center islands; 12) Redesigning the on-street parking; 13) Provide for traffic calming on all streets in excess of 1,000 feet; 14) Placing the drainageway in an outlot sized to accommodate either the 3:1+20’ section or the 100-year storm flow (whichever is greater); 15) Compliance with all applicable stormwater management ordinances and policies; including providing for a no net increase in stormwater runoff and treatment for the first ½ inch of stormwater for water quality; 16) Providing a 10’ wide concrete trail within a 40’ easement; 17) Including provisions for use, ownership and maintenance of the outlots in the final subdivision agreement and a note on the Final Plat; 18) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area; 19) Submittal of a letter of approval of a Noxious Weed Plan from Douglas County will be required at the time a Final Plat application is submitted; 20) Submittal of a letter of approval from the Postmaster regarding centralized mail delivery will be required at the time a Final Plat application is submitted; and 21) An acceptable debt ratio of 4% or less. Mr. Nesbitt seconded the motion which carried 6-0.

Case numbers 13 and 20 were heard concurrently but voted on separately:

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<th>Case Number</th>
<th>Description</th>
<th>Request</th>
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<tr>
<td>13. C12-13-080 Lockwood Development</td>
<td>Preliminary and Final Plat approval of AMERICAN INTERSTATE PLAZA REPLAT 1, a minor plat outside the city limits</td>
<td>Southwest of 160th Street and West Maple Road</td>
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use development agreement was completed in 2002 and noted that requirements have changed since that time. He then described the extreme sloping near the existing street and that constructing the building within these steep grades as suggested by the Department would increase the grade of the parking lots and require the installation of undesirable stairs and ramps to access building entrances. He added that placing the building closer to the middle of site, approximately 120 feet to 140 feet away from the street, would still allow for good visibility of the building but avoid the steep grading of the land and allow for better pedestrian access into the building.

In response to Ms. Nubel, Mr. Halverson stated that the applicant was aware of the City’s recommendation on location of the proposed site and had previously submitted a grading plan to the Department, but would be open to further discussion of a revised plan.

Mr. Hogan stated that at a recent meeting members of the Huntington Park HOA expressed a preference for the building location further from the street. In response to Mr. Kelley, Mr. Hogan then mentioned that placing the building further from Evans Street would maintain City ordinance stressing public areas and plaza areas that fosters pedestrian space. In response to Mr. Nesbitt, Mr. Hogan stated that this particular site has been vacant for 12 years and that established development plans from 12-15 years ago could not predict this particular user or design. Mr. Nesbitt responded that the Board is stressing consistency with regulations rather than flexibility for the user.

Gordon Malm, Director of Facility Planning at Alegent, addressed the complexity of constructing their clinical facilities. He stated that one main entrance is imperative for ease of registration and security of the patients. He added that moving the building closer to Evans Street would displace much of the front-door parking to the back of the lot, would require moving the entrance from Evans Street to the south or the west and would not allow for a pedestrian friendly environment. Mr. Malm stated that they have considered other orientations on the site, but the grade of the walk from the parking lot to the entrance is a critical factor.

In response to Ms. Nubel, Mr. Malm agreed to discuss other locations with the Department in order to make the site work.

Chad Weaver, Planning Department, stated that changes are expected in the planning process to accommodate for different sites and tenants and that not every building is appropriate for every site. His concern is that the applicant chose a site that requires significant change to an adopted plan and that does not adhere to the original plan or code. He concluded that the Department wants to respect the needs of the applicant while adhering to the codes of the City. Mr. Weaver stated that in regards to Agenda item 13 the Department recommends approval subject to all conditions on the recommendation report.

Mr. Weaver stated that in regards to Agenda item 20 the Department recommends a layover of the Major Amendment to a Mixed Use District Development Agreement to allow the applicant time to address some of the outstanding mixed-use issues.

In response to Mr. Kelley, Mr. Weaver explained that the provisions for ordinances pertaining to the grouping of buildings can be found within the Master Plan and Mixed Use Agreement, and are usually relative to cross-street or plaza areas. He noted that the grouping code is not in compliance when there is another access point such as a driveway or parking lot creating too much distance in between the grouped buildings. He added that pedestrian access is a key component to this grouping provision.

Mr. Halverson responded that their plan does comply with grouping codes. In response to Mr. Nesbitt, he then stated that although there is a steep grade, it would be possible to have a building constructed near Evans Street as in the original plan but it would depend on the footprint designs and entrances would need to be to the side of the building. He also added that because of the grading issue the building footprint would need to be smaller and would not work for their use. Mr. Halverson agreed with Mr. Nesbitt that the building use is dictating the location of the building on this site.
In conclusion, Mr. Weaver presented a plan devised by the City displaying options with a more desirable pedestrian connection.

When questioned by Mr. Kelley if the applicant would be willing to work with the City to revise plans to alleviate concerns with violation of building groupings within this project, Mr. Halverson agreed to further discussion. Mr. Rosenbaum suggested a layover of the request to address concerns, but Mr. Malm expressed that because of timing, a layover could affect the process of developing the site. He added that their primary goal is patient access to the building and bringing the building closer to Evans would hinder that because of the physical characteristics of the land. Mr. Hogan added that because of the applicant’s time restraints, approval of the request with additional requirements to the recommendation report to help meet codes would move the project forward to City Council for a final decision. Rick Cunningham, Planning Director, suggested an administrative approval prior to forwarding to City Council. Mr. Kelley then suggested submitting plans to the Urban Design Review Board for review to move the process forward. Mr. Hogan agreed.

Mr. Nesbitt suggested that both parties need to show flexibility to reach a compromise to move the project forward.

Mr. Deeb motioned for approval of the Preliminary Plat subject to: 1) A notation on the plat and in the subdivision agreement providing for the use, ownership, and maintenance of the proposed outlot; 2) Providing an ingress/egress easement between Lots 1 and 2; and 3) Compliance with all applicable stormwater management policies and ordinances, including coordination with the NRD. Approval of the Final Plat, subject to compliance with all conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Hoich seconded the motion which carried 6-0.

### REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for American Interstate Plaza

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<th>REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for American Interstate Plaza</th>
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<td>LOCATION: Southwest of 160th Street and West Maple Road</td>
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At the Planning Board meeting held on April 3, 2013, Dennis Hogan, Regency Center, appeared before the Board on behalf of the applicant. Mr. Hogan stated that the proposed project would be an Alegent Clinic. He then stated that the applicant’s only issue on the recommendation report is with the mixed-use development amendment and location of the proposed building.

Don Mandel, Alegent Creighton, 12809 West Dodge Road, appeared before the Board to explain why the proposed site and location would work best for their customers. Mr. Mandel stated that a level access and parking in close proximity to the main entrance of the building is a priority for their patients with mobility issues. In response to Mr. Nesbitt, he then stated that because of an excessive grade-drop and natural sloping of the land, moving the building closer to Evans Street would not provide this level topography they need.

Doug Halverson, Olsson Associates, 2111 S 67th Street, appeared before the Board to explain the benefit of having the proposed building further from Evans Street. Mr. Halverson stated that the original mixed-use development agreement was completed in 2002 and noted that requirements have changed since that time. He then described the extreme sloping near the existing street and that constructing the building within these steep grades as suggested by the Department would increase the grade of the parking lots and require the installation of undesirable stairs and ramps to access building entrances. He added that placing the building closer to the middle of site, approximately 120 feet to 140 feet away from the street, would still allow for good visibility of the building but avoid the steep grading of the land and allow for better pedestrian access into the building.

In response to Ms. Nubel, Mr. Halverson stated that the applicant was aware of the City’s recommendation on location of the proposed site and had previously submitted a grading plan to the
Department, but would be open to further discussion of a revised plan.

Mr. Hogan stated that at a recent meeting members of the Huntington Park HOA expressed a preference for the building location further from the street. In response to Mr. Kelley, Mr. Hogan then mentioned that placing the building further from Evans Street would maintain City ordinance stressing public areas and plaza areas that fosters pedestrian space. In response to Mr. Nesbitt, Mr. Hogan stated that this particular site has been vacant for 12 years and that established development plans from 12-15 years ago could not predict this particular user or design. Mr. Nesbitt responded that the Board is stressing consistency with regulations rather than flexibility for the user.

Gordon Malm, Director of Facility Planning at Alegent, addressed the complexity of constructing their clinical facilities. He stated that one main entrance is imperative for ease of registration and security of the patients. He added that moving the building closer to Evans Street would displace much of the front-door parking to the back of the lot, would require moving the entrance from Evans Street to the south or the west and would not allow for a pedestrian friendly environment. Mr. Malm stated that they have considered other orientations on the site, but the grade of the walk from the parking lot to the entrance is a critical factor.

In response to Ms. Nubel, Mr. Malm agreed to discuss other locations with the Department in order to make the site work.

Chad Weaver, Planning Department, stated that changes are expected in the planning process to accommodate for different sites and tenants and that not every building is appropriate for every site. His concern is that the applicant chose a site that requires significant change to an adopted plan and that does not adhere to the original plan or code. He concluded that the Department wants to respect the needs of the applicant while adhering to the codes of the City. Mr. Weaver stated that in regards to Agenda item 13 the Department recommends approval subject to all conditions on the recommendation report.

Mr. Weaver stated that in regards to Agenda item 20 the Department recommends a layover of the Major Amendment to a Mixed Use District Development Agreement to allow the applicant time to address some of the outstanding mixed-use issues.

In response to Mr. Kelley, Mr. Weaver explained that the provisions for ordinances pertaining to the grouping of buildings can be found within the Master Plan and Mixed Use Agreement, and are usually relative to cross-street or plaza areas. He noted that the grouping code is not in compliance when there is another access point such as a driveway or parking lot creating too much distance in between the grouped buildings. He added that pedestrian access is a key component to this grouping provision.

Mr. Halverson responded that their plan does comply with grouping codes. In response to Mr. Nesbitt, he then stated that although there is a steep grade, it would be possible to have a building constructed near Evans Street as in the original plan but it would depend on the footprint designs and entrances would need to be to the side of the building. He also added that because of the grading issue the building footprint would need to be smaller and would not work for their use. Mr. Halverson agreed with Mr. Nesbitt that the building use is dictating the location of the building on this site.

In conclusion, Mr. Weaver presented a plan devised by the City displaying options with a more desirable pedestrian connection.

When questioned by Mr. Kelley if the applicant would be willing to work with the City to revise plans to alleviate concerns with violation of building groupings within this project, Mr. Halverson agreed to further discussion. Mr. Rosenbaum suggested a layover of the request to address concerns, but Mr. Malm expressed that because of timing, a layover could affect the process of developing the site. He added that their primary goal is patient access to the building and bringing the building closer to Evans would hinder that because of the physical characteristics of the land. Mr. Hogan added that because of the applicant’s time restraints, approval of the request with additional requirements to the recommendation report to help
meet codes would move the project forward to City Council for a final decision. Rick Cunningham, Planning Director, suggested an administrative approval prior to forwarding to City Council. Mr. Kelley then suggested submitting plans to the Urban Design Review Board for review to move the process forward. Mr. Hogan agreed.

Mr. Nesbitt suggested that both parties need to show flexibility to reach a compromise to move the project forward.

Mr. Kelley moved for approval of a Major Amendment to a Mixed Use District Development Agreement subject to the following conditions: 1) The site plan that is submitted be compliant with Section 55-564; and 2) Submittal of plans to the Urban Design Review Board for an advisory opinion prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 6-0.

**Rezonings**

**16.**

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<tr>
<th>Request ID</th>
<th>Request:</th>
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<tbody>
<tr>
<td>C10-13-070</td>
<td>Rezoning from R3 to R7 and approval of a Planned Unit Development Overlay District</td>
<td>3304 Burt Street</td>
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At the Planning Board meeting held on April 3, 2013, Jason Thiellen, E & A Consulting, 330 N 117th Street, appeared before the Board on behalf of the applicant. Mr. Thiellen stated that this project is a redevelopment of the former Nottingham building that is currently abandoned. He added that the owners would be redeveloping the building into market-rate apartments and that they are in the process of purchasing 3 adjacent lots to further improve upon the proposed project. Mr. Thiellen mentioned that most of the items on the recommendation report had already been addressed, but that they had a concern with item number 6. He also mentioned that a building permit has already been approved and suggested that because the Nottingham is an existing building and they are not changing the facility they would use pictures to match the existing features rather than provide specs for architectural plans and elevations.

Chad Weaver, Assistant Planning Director, stated that the department is in approval of what has previously been submitted for this project and recommended approval.

Mr. Kelley moved for approval subject to: 1) Modify the submittal to comply with or receive waivers from the Zoning Board of Appeals for (a) The landscaped bufferyard on the west side of the site, (b) The number of off-street parking stalls, (c) Parking lot perimeter landscaping, and (d) Off-street parking in the front yard setback; 2) Provide two handicapped-accessible parking stalls on site; 3) Modify the proposed fencing so that no portion exceeds 6 feet in height; 4) Clarify whether the southwestern portion of the site will utilize different fencing from the rest of the site; 5) Indicate whether an entrance gate will be used and if so, provide a minimum distance of 25 feet between the curb line of Burt Street and such entrance gate to the facility; 6) Provide detailed specifics about schematic architectural plans and elevations sufficient to indicate building height, bulk, materials and general architectural design of the apartment building; and 7) Submittal of an administrative subdivision that combines the property into 1 legal lot of record prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 6-0.

**Conditional Use Permits**

**21.**

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<tr>
<td>C7-98-216</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow Secondary educational facilities in a R2 District</td>
<td>8701 Pacific Street</td>
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At the Planning Board meeting held on April 3, 2013, Andy Rickley, Assistant Superintendent, Westside Community Schools, appeared before the Board. Mr. Rickley stated that Westside Community Schools completed an athletic facility renovation in 2007, which included the boy’s baseball field and six adjacent
tennis courts. He explained that the applicant did not anticipate the number of foul balls that would land in the tennis complex from the baseball field. He noted that these facilities are also used by members of the community and other baseball teams, including those playing in the College World Series. The applicant proposed adding safety netting as a remedy to the situation. Mr. Rickley stated that a nearby neighbor expressed concern with the netting obstructing the view of the football field. He explained that the material would be an 80’ tall, black, wide-gauge net that in his opinion was a better alternative to a dome or overhead nets that would be taller than 80’.

Cynthia Watts, 1329 South 90th Street, appeared before the Board in opposition. She stated that the only notification the neighbors were given was from the City just one week before the Planning Board meeting. She was concerned that the height of the netting being proposed would obstruct the view of some of the homes in the neighborhood. She suggested that the netting be no taller than the light poles, which she stated were about 50’ tall.

Alan Watts, 1329 South 90th Street, appeared before the Board in opposition. He agreed with the statements made by Ms. Watts. He suggested that the proposed fence be located between the bleachers and the field, protecting individuals from foul balls.

In response to Ms. Nubel, Mr. Rickley stated that the existing light poles are approximately 50’ tall. He again noted that the netting is not opaque and is similar to the netting used on driving ranges. He explained that structural engineers suggested that the netting be 100’, however, 80’ was chosen as a compromise for the safety of persons using the facilities and a height that would not be an eyesore for the community. He also stated that there was another neighbor who submitted a letter in support of the school’s plan, stating that the safety of the players was more important than obstructing the view of the neighbors.

Paul Beller, MCL Construction, 14124 Industrial Road, explained the reasons behind the location of the netting. He stated that it could not be placed inside of the stadium due to the location of the site utilities; there would be no place for the footings for the poles. In addition, if the net was placed close to the facility, it would have to be higher than 80’. He further explained that the only thing that would block the view of onlookers would be the poles themselves which are 16” and 24” in diameter. In response to Mr. Neery, Mr. Beller stated that the installation of the poles and netting would take approximately 3 weeks.

In response to Ms. Nubel, Mr. Beller stated that he did not feel that a layover would accomplish much since the school owns two of the seven properties adjacent to the school. He also mentioned that the property owner who contacted him and expressed his and other parents’ support for the plan. He added that he would like the work on the project to begin as soon as possible.

Chad Weaver, Assistant Planning Director, questioned the height of the light poles, which were approved at 80’. In response, Ms. Watts stated that when she contacted the school she was informed that the light poles are 50’ tall. Mr. Weaver stated that the Planning Department recommended approval since there is a safety concern and the request seems reasonable. He added that in the past the Department’s position has been that no one has the right to expect a certain view of another site. He added that the Board could decide

In response to Mr. Kelley, Mr. Rickley stated that they have tried staggering the various after-school spring sport practices to protect tennis players from flying baseballs, but that it’s a community resource so they can not restrict open tennis courts during baseball practice. He then verified that the existing light poles are 50’.

Mr. Hoich motioned for approval of the Major Amendment to the Conditional Use Permit subject to: 1) Compliance with all other previously approved use permits, major and minor amendments and variances for the campus; and 2) Compliance with the proposed site plan and operating statement. Mr. Deeb seconded the motion which carried 6-0.
At the Planning Board meeting held on April 3, 2013, no one appeared in support of the request.

Vera L. Starr, 2219 Pratt Street, appeared in opposition to the request.

Shirley McPhaull, 2205 Pratt Street, appeared before the Board in opposition. She explained that there are three existing social clubs in close proximity to the location being proposed. She added that the neighbors currently deal with several negative social issues in the area, and expressed concern that the proposed club would cause further problems with illegal parking and increased traffic from late night until early morning. In conclusion, she stated that she is strongly against another social club in her neighborhood.

Jeff Washington, 3718 North 23rd Street, appeared before the Board in opposition. He stated that his family lives near the location for the proposed club. In addition to the existing social clubs, he noted that there is also a motorcycle club, a bar and a liquor store. He felt that the area did not need another social club.

There was a citizen who appeared in opposition who stated that she owns two properties in the area. She felt that the social club would not fit the neighborhood and expressed concern about a lack of parking in the area.

Chad Weaver, Assistant Planning Director, stated the proposal is to use the existing building, which would include some interior repairs to bring the property to code. In addition the rear of the building would be improved so that access and parking could be provided off of the alley. Mr. Weaver explained that cases of this nature are more about the applicant following the rules. He suggested that the Board lay the case over to give the applicant the opportunity to speak with the neighbors and to appear before the Board to answer questions regarding their request.

Mr. Nesbitt moved to deny the request. Mr. Deeb seconded the motion which carried 6-0.

**APPROVAL OF MINUTES**

Mr. Nesbitt moved to APPROVE the meeting minutes of February 6, 2013 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.