Mr. Neary, Chair, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

(REGULAR AGENDA)

Subdivisions

| 7. | C10-13-092 (D) C12-13-093 Wheatley Properties, LLC | REQUEST: Preliminary and Final Plat approval of SKYLINE COUNTRY 3RD ADDITION REPLAT 2, a minor plat outside the city limits with rezoning from R4 and CC to R4 and CC (see also related Case #C7-13-094) |

LOCATION: 20516 Nicholas Circle

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved to layover the Preliminary Plat, Final Plat and rezoning request. Mr. Deeb seconded the motion which carried 6-0.

Rezonings
14. C10-13-089 (D) Al Povondra
REQUEST: Rezoning from R4(35) to R5
LOCATION: 4520 South 33rd Street

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved to layover the request to allow time for the applicant to meet with Planning Staff and address the design of the building as it relates to street frontage. Mr. Deeb seconded the motion which carried 6-0.

15. C10-00-040 (D) Bear Properties, Inc.
REQUEST: Approval of a Major Amendment to a Mixed Use District Development Agreement for Grayhawk
LOCATION: Southwest of 144th Street and West Maple Road

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved to layover the Major Amendment to the Grayhawk Mixed Use District Development Agreement to update the sign budget to allow the applicant to work with the Planning Department on the following issues: 1) Clarification in the agreement on how many additional signs and what type (Center ID or monument) of signage will be added and to what actual Mixed Use Agreement (Grayhawk, West Grayhawk, or Grayhawk Village), 2) An accurate site plan showing proposed/existing Center Identification signs and relocating the proposed Center Identification sign from the public Right of Way, and 3) Updated sign elevations that comply with the 75% base requirement and setbacks per OMC 55-933 (c) and 55-822. Mr. Deeb seconded the motion which carried 6-0.

Conditional Use Permits

19. C7-05-216 (D) Stone Bridge Christian Church
REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4 District
LOCATION: 15801 Butler Avenue

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved to layover the request to allow the applicant to resolve the 156th Street improvement issue with the city and to submit a revised, finalized signage plan to include all signage on the site. Mr. Deeb seconded the motion which carried 6-0.

21. C7-13-094 (D) Wheatley Properties, LLC
REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Agricultural sales and services in a CC District (see also related Case #C10-13-092, C12-13-093 SKYLINE COUNTRY 3rd ADDITION REPLAT 2)
LOCATION: 20516 Nicholas Circle

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved to layover the Major Amendment to a Conditional Use Permit to allow Agricultural sales and services in a CC District to allow the applicant to work with city staff and revise the submittal to address the following: 1) Provide a 30 foot landscaped bufferyard in all areas adjacent to AG and R4 zoning, 2) Update the plans to include the landscaping as indicated in the 2007 approved building permit, 3) Move the landscape material holding bins that are proposed along the western portion of the property to an area outside the required bufferyard, 4) Provide screening as required along the northern (rear) portion of the building, and 5) Remove the existing pole barn on the western portion of the site or receive the necessary permits to allow such structure to remain. Mr. Deeb seconded the motion which carried 6-0.
Subdivisions

9.  C12-13-099 (D) Crestline Project, LLC  REQUEST:  Preliminary Plat approval of CRESTLINE, a subdivision inside the city limits
LOCATION:  Southeast of 210th Street and Cumberland Drive

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved for approval of the Preliminary Plat subject to the following being submitted prior to or with an application for Final Plat approval: 1) Submittal of a traffic study showing the impact of the proposed development on the intersections of 204th Street, 204th Avenue and 205th Street with Cumberland Drive; and providing for any improvements identified, 2) Improving North 210th Street from Cumberland Drive south to the right-of-way of West Dodge Road, 3) Coordinating future access to 210th Street from Lot 4, 5 and 6 and to Cumberland Drive from Lot 1, 2, and 6 with the Public Works Department, 4) Providing a reciprocal access and circulation easement between Lots 2 through 6, 5) All required easements being included on the final plat; not as a note indicating that separate easement documents will be recorded, 6) Compliance with all applicable stormwater management ordinances and policies, 7) Including provisions for use, ownership and maintenance of the outlot the final subdivision agreement and as a note on the final plat mylars, 8) Submitting a letter of approval of a noxious weed plan from Douglas County, 9) Submitting a letter from Douglas County Emergency Management confirming that acceptable emergency warning has been provided for the area, and 10) All improvements being funded privately.  Mr. Deeb seconded the motion which carried 5-0, with Mr. Neary abstaining.

Overlay Districts

LOCATION:  3540 South 84th Street

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved for approval.  Mr. Deeb seconded the motion which carried 6-0.

LOCATION:  5212 South 28th Street

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved for approval of the PK Overlay District subject to:  1) Submittal of a site and landscape plan in compliance with all applicable regulations, or 2) Submittal of a site and landscape plan in compliance with all applicable regulations except those waived by the Zoning Board of Appeals (e.g. drive aisle width); and 3) Submittal of an administrative subdivision prior to forwarding the request to the City Council.  Mr. Deeb seconded the motion which carried 6-0.

Rezonings

16.  C10-13-088 (D) Mark Sanford  REQUEST:  Rezoning from GI to CC and approval of a MCC Overlay District
LOCATION:  530 North Saddle Creek Road

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved for approval.  Mr. Deeb seconded the motion which carried 6-0.
Vacations

22. C14-13-086 (D) Property Owner

REQUEST: Vacation of a segment of Spring Street on the north between 189th and 192nd Streets

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Deeb seconded the motion which carried 6-0.

23. C14-13-087 (D) Planning Board

REQUEST: Vacation of 85th Avenue from Cass Street north approximately 220 +/- feet.

At the Planning Board meeting held on May 1, 2013, Ms. Nubel moved for approval of the request to allow the applicant time to resolve the 156th Street improvement issue with the city and to submit a revised, finalized signage plan to include all signage on the site. Mr. Deeb seconded the motion which carried 6-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-13-033 C12-13-034 Mike Kahre/PAC 211, LLC

REQUEST: Final Plat approval of SOUTHPOINTE ESTATES, a subdivision outside the city limits, with rezoning from AG to DR and R4

LOCATION: Southeast of 211st and Pacific Streets

At the Planning Board Meeting held on May 1, 2013, Chad Weaver, Assistant Planning Director, stated that the Department recommends approval of the final plat subject to submittal of a final, acceptable subdivision agreement prior to forwarding the request to City Council for final action.

Mr. Rosenbaum moved for approval of the final plat subject to submittal of a final, acceptable subdivision agreement prior to forwarding the request to City Council for final action. Mr. Kelley seconded the motion which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

2. C10-13-055 C12-13-056 Edgewater Investments, LLC

REQUEST: Preliminary Plat approval of EDGEWATER, a subdivision outside the city limits, with a waiver of Section 53-8(2)(b) for cul-de-sac length and Section 53-9(9) for sidewalks

LOCATION: Northeast of 228th Street and Edgewater Road

At the Planning Board Meeting held on May 1, 2013, Jerry Slusky, 8712 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Slusky stated that the applicant accepted all conditions on the recommendation report but requested a layover to obtain proper approval from state agencies to reduce the width of the street.

Ryan Haas, Public Works Department, stated that the applicant would need to obtain waivers from the State.
Chad Weaver, Assistant Planning Director, stated that the Department approved the request for a layover.

Mr. Hoich moved to layover the request to allow the applicant more time to obtain necessary waivers. Mr. Deeb seconded the motion which carried 6-0.

**REGULAR AGENDA**

**Master Plan Referrals**

3. C3-13-084
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of an amendment to Chapter 53, Section 53-9(12) Time limitations.
   LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on May 1, 2013, Chad Weaver, Assistant Planning Director, stated that this change would bring consistency to 2 different sections of the subdivision ordinance by allowing for a 2 year time limit for public improvements upon approval of Final Plat.

Ms. Nubel moved for approval of the amendment to Chapter 53 Section 55-9(12) Time Limitations. Mr. Deeb seconded the motion which carried 6-0.

4. C3-13-090
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of the FAIRBANKS, LLC TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: 1213 Harney Street

At the Planning Board meeting held on May 1, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that this project would convert the existing building into a mixed-use development with a total of approximately 20,000 total square feet, including the basement area. She added that levels 2 through 4 would contain studio, one bedroom and two bedroom market rate apartments, while the ground floor and basement would be used for commercial space. In response to Mr. Kelley, she stated that there would be parking arrangements made with a nearby City parking structure. Ms. Hadley concluded that this property was recently added to the National Registry of Historic Places.

Matt Dougherty, 4910 Dodge Street, appeared before the Board to explain the history of the building. Mr. Dougherty stated that this building has a history of commercial uses such as a lumberyard, a carpet house, and a print press.

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

Mr. Kelley moved for approval of the Fairbanks, LLC TIF Redevelopment Project Plan. Mr. Deeb seconded the motion which carried 6-0.

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

5. C3-13-103
   University of Nebraska at Omaha
   REQUEST: Approval of an Amendment to the Future Land Use Element of the City's Master Plan
   LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on May 1, 2013, Bruce Carpenter, HDR, 8404 Indian Hills Drive, appeared before the board on behalf of the University of Nebraska-Omaha. Mr. Carpenter stated that the image and information that has been provided explains the project in general which includes the area south of Center and 67th Street south across the Papio Creek to Spring Street. The site is 67 acres and is owned by the University of Nebraska-Omaha with the primary use to be a 7,500 seat arena for ice hockey for the UNO Athletics program. He explained that a traffic study was prepared and submitted to Public
Works. There have been several meetings with City Planning, Public Works and Aksarben Future Trust for coordination elements on parking and traffic. Mr. Carpenter stated that they are in agreement with all 28 recommendation items with the exception of one item regarding the request for a dedication of a right-of-way for MUD parking. Mr. Carpenter explained that there is an agreement with MUD for use of their employee parking lot during off hours to accommodate for the total required 1,875 parking stalls. He stated that UNO does not own the property therefore the dedication would be outside the realm of responsibility. Mr. Carpenter offered to answer any questions.

Mr. Kelley questioned the results of a meeting with the Aksarben Future Trust. Mr. Carpenter stated that the Aksarben Future Trust representatives met with their group of merchants to keep them apprised of the project. He further stated that in July 2012 the parking analysis was completed. He stated that they continue to work with Aksarben Future Trust to provide parking south of Center for the new arena. The traffic study followed the parking analysis and was based on future build out. He stated that the movement during rush hour has been taken into account with regard to properties on Aksarben Village and evening events. In response to Mr. Kelley, Mr. Carpenter stated that the code requires one space per four seats for a total of 1,875 parking stalls which appears to be adequate. The same numbers were used for TD Ameritrade but if you have amenities such as hotels, student housing and transit stops, a 1 to 4 ratio is adequate. Mr. Carpenter provided an aerial view and diagram showing that the majority of all 1,875 parking stalls will be within a five to six minute walk radius located south of Center. The parking stalls that are available north of Center are not included as needing to meet the demand. He confirmed that the parking situation is a sensitive issue for the tenants in Aksarben Village.

In response to Mr. Rosenbaum, Mr. Carpenter answered that the arena will also be used for basketball and volleyball but the maximum attendance would be much less. He further stated that the maximum seating capacity for basketball could be slightly larger with seating on the floor and would be within the 7,500 seat range.

In response to Ms. Nubel, Mr. Carpenter answered that there was a meeting held with the Aksarben Future Trust but there are no plans for a public forum with the neighborhood. Ms. Nubel stated that she would like to see a meeting with the neighborhood as the project moves forward. She also indicated she has concerns about the two parking lots that face Center Street. Mr. Carpenter answered that there are two lots that are platted separately; one on the east side of 67th Street and another on the west side and will be maintained as green space and separately platted for potential development. He stated that there is a request and they will continue to work with the Planning Department to extend the parking lot to the east and a separate parking lot on the west.

Mr. Kelley asked about the terms regarding street improvements and the extension of 67th Street. Mr. Carpenter stated that there is a memorandum of understanding with the City to contribute to the cost of the public improvements not to exceed $6.3 million for a dedication of right-of-way and extension of the street system.

Mr. Neary asked Mr. Carpenter to walk through the design with regard to limitations to streets and funding and the whole process with regard to options and hardships. Mr. Carpenter stated that the arena is fully in line with the Master Plan of the University of Nebraska-Omaha to extend their athletics and to have their athletes on their campus. He stated that initially they were asked to look at a 7,500 seat arena with the least amount of limitations and all construction factors on either side of the creek. The 15 acres on the east side worked well with regard to proximity to campus housing and other amenities. He further mentioned that there is a large construction project in the area and will be primarily underground so there can be underground parking added in the future when the project is completed in approximately 2018 which would add an additional 260 parking spaces. Mr. Carpenter stated that there is also a community aspect to the project to include a second sheet of ice for community use and practice ice. There will be large presence with the community ice with great visibility and an amenity for the citizens of Omaha. He further stated that they will continue to work closely with Aksarben Future Trust and the Planning Department in regards to parking issues. There are future plans for baseball and softball fields on the west side so parking could be shared which is ideal in a mixed-use development with regard to parking.
which will serve different uses at different times. Mr. Carpenter pointed out that Stinson Park could also benefit by parking at the proposed site.

In response to Mr. Kelley, Mr. Carpenter answered there would be a minimum of three directions out of the area.

In response to Mr. Neary, Mr. Carpenter answered that the benefits of the proposed location is that it is closer to the majority of student housing and hotels, has a nice visibility for the community ice and has service access on the east side of the building in an industrial zone. Mr. Neary asked how many nights the arena would be used. Mr. Carpenter answered that there are 21 home games for UNO hockey with a similar amount of basketball and volleyball combined. There is also an anticipation of four other events and could also be used for high school graduations and those types of uses. He stated that the community ice should be used constantly.

Mr. Deeb asked if the arena would meet the regulations for a future NCAA hockey event. Mr. Carpenter answered that the ice would be regulation size and the second sheet of ice could be used but it is not an event that was anticipated in the discussions.

Mr. Neary asked Mr. Carpenter if he has any idea how much open space will be left in Aksarben. Mr. Carpenter answered that it is a dilemma but he does not know the percentage of open space but that there are ongoing discussions with Elm Park and the continuity is a tremendous asset for the college and the village. He stated that the development has been very successful and will continue to develop. Mr. Carpenter pointed out that the trail system will always remain a green space and is a nice amenity.

Chancellor John Christensen, University of Nebraska-Omaha, 60th & Dodge Street, appeared before the board in favor of the request. Mr. Christensen stated that the proposed arena is an incredible moment in UNO’s history. He stated that the project will anchor the south end of the campus and is consistent with the growth on the Dodge and Pacific Street campuses and is consistent with the move of athletics to Division 1 and will provide a home for athletics on campus and allow students to participate without having to drive to other locations. Mr. Christensen stated that the arena will offer a variety of opportunities and will be a point of interest as the Civic Auditorium goes off line. The student government has contemplated using the space for lectures and events that will ultimately add value to the campus, the community and especially Aksarben Village.

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

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

**Subdivisions**

| 10. | C10-13-100  
C12-13-101  
Bruce Carpenter | REQUEST: Preliminary Plat approval of UNO NEBRASKA VILLAGE, a subdivision inside the city limits, with a request for a waiver of Section 53-7(8) Final plat, with rezoning from DR, R3, MH, CC and GI to MU (portions of which property lie within the flood fringe and floodway) | LOCATION: Southwest of 64th Avenue and West Center Road |

Chad Weaver, Assistant Planning Director, stated that the department recognized that MUD cannot directly offer the ground but can negotiate to use the ground and associated improvements would need to come with the ground. Mr. Weaver stated that the department recommended approval of the proposed rezoning from DR, R3, MH, CC, GI to Mixed Use District subject to submittal of an acceptable Mixed Use Agreement being submitted with the Final Plat, denial of the request for a waiver of Section 53-7(8) Final
Plat, and approval of the Preliminary Plat subject to the 28 items on the recommendation report prior to application for Final Plat approval.

Mr. Kelley asked Mr. Weaver if he has seen the parking analysis. Mr. Weaver stated that the department is acceptable of the parking and is mindful of a possible 260 future parking spaces. Mr. Weaver stated that Public Works is presently reviewing the traffic study and has not yet signed off.

Rick Cunningham, Planning Director, stated that the proposed project would have the opportunity to mirror development on the south side of Center that occurred on the north side of Center with regard to parking and other development in the area. Mr. Cunningham stated that the extension of Arbor Street to 60th Street west will coincide with the public infrastructure of the proposed project. The project to the west will provide not only access to the area south of Center, but another access to the arena. He concluded that the redevelopment is part of the Master Plan that goes beyond the boundaries of not only this project, but has opportunities to force multiple with potential development to the east.

Mr. Kelley moved for approval of the proposed rezoning from DR, R3, MH, CC, GI to Mixed Use District (portions of which property lie within the flood fringe and floodway), subject to submittal of an acceptable final Mixed Use District Development Agreement being submitted with the application for Final Plat approval; denial of the request for a waiver of Section 53-7(8) Final Plat; and approval of the Preliminary Plat subject to the following being submitted with or prior to application for Final Plat approval: 1) Submittal of an acceptable final traffic study, 2) Providing for all improvements identified in the final approved traffic study, 3) Including a note on the final plat that states that no access to West Center Road from Lots 1, 4, 6, 7 and 8 will be allowed, 4) Coordinating with the Metropolitan Utilities District for provision of a 30’ wide right-of-way dedicated along the north end of the proposed joint-use parking lot and its improvement to city standards from 64th Avenue to its eastern extent including a temporary turnaround at the terminus, 5) Reconfiguration of the intersection of 68th Street and Mercy Road so that 68th Street intersects at a 90 degree angle to Mercy Road, 6) Dedication of right-of-way for 68th Street for its entire length between Mercy Road and 67th Street; if it is to be a public street, 7) Verification from the NRD as to the acceptable alignment of 68th Street in relationship to the 3:1 + 50’ section, 8) Including extra space currently shown as right-of-way between 68th Street and the creek south of West Center Road in an outlot, 9) Providing acceptable traffic calming measures, 10) Coordinating with the Public Works Department regarding acceptable parking lot driveway locations, 11) Providing an access easement for Lot 7 across Lot 6 back to the driveway onto 67th Street, 12) Removing the crosswalk on the southwest leg of 67th and Castelar Streets, 13) Providing for sidewalks along both sides of all new public streets within the right-of-way in compliance with Section 53-9(9) of the Omaha Municipal Code, 14) Providing public sidewalk connections from the public street sidewalks to the Keystone Trail, 15) The sidewalk on the north side of the bridge is to being 10’, 16) Compliance with all applicable stormwater management ordinances and policies; including providing for a net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality, 17) Approval of the Post Construction Stormwater Management Plan by the Public Works Department prior to approval of a final plat, 18) Placement of the 3:1 + 50’ section or 100-year storm event which is required by the NRD in an outlot, not in an easement, 19) Providing for the payment of Watershed Management fees in the subdivision agreement, 20) NRD review and approval of the bridge plans, 21) Verification of a “no rise” condition resulting from the bridge, 22) Corps of Engineers review and approval of the plans, 23) Providing plans and specifications for review and approval on any aspects of the development affecting the flood control project including all grading work (fill and excavation), design of the proposed bridge, and any proposed modifications to the channel as a result of the proposed bridge, 24) City and NRD approval of the trail modifications, 25) Including provisions for use, ownership and maintenance of any outlots in the final acceptable subdivision agreement and included as a note on the final plat, 26) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being or has been provided for the area, 27) Submittal of an acceptable subdivision agreement, and 28) Placing minimum building elevations on all lots located within the flood fringe. Mr. Rosenbaum seconded the motion which carried 6-0.
The following two cases were heard concurrently but voted on separately.

<table>
<thead>
<tr>
<th>Case</th>
<th>REQUEST</th>
<th>LOCATION</th>
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</thead>
<tbody>
<tr>
<td>C10-13-062 C12-13-063 Foundations Development, LLC</td>
<td>Preliminary and Final Plat approval of KIDDER HEIGHTS, a minor plat inside the city limits, with rezoning from DR to R6 (see also associated Case #C11-13-095)</td>
<td>4502 South 60th Street</td>
</tr>
</tbody>
</table>

At the Planning Board Meeting held on May 1, 2013, Rod Woodling, 1886 South 126th Street, appeared before the Board on behalf of the applicant. Mr. Woodling stated that this project would be a 75-unit senior apartment building with market-rate units, affordable units and low-income units. He added that because of the sloped grade of the land there would be some leveling and retaining walls needed. Mr. Woodling stated that no market study had been completed but there is a waiting list that would fill most of the available units. He concluded that although neighbors, the Neighborhood Association and the District City Council Representative were sent notification to discuss the project at a meeting held on April 17th only 1 neighbor was in attendance.

Chad Weaver, Assistant Planning Director, recommended approval.

Mr. Kelley moved for approval of the rezoning from DR to R6 and approval of the preliminary plat subject to: 1) Compliance with all applicable stormwater management regulations; 2) Providing for a connection to public sanitary sewer functioning by gravity, 3) Providing a sidewalk along South 60th Street and 4) Submittal of an acceptable tree canopy loss analysis. He also moved to Layover of the final plat in order for the applicant to address the conditions of the preliminary plat approval. Ms. Nubel seconded the motion which carried 6-0.

Overlay Districts

<table>
<thead>
<tr>
<th>Case</th>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>C11-13-095 Foundations Development, LLC</td>
<td>Approval of a Planned Unit Development Overlay District (see also related Case #C10-13-062, C12-13-063 KIDDER HEIGHTS)</td>
<td>4502 South 60th Street</td>
</tr>
</tbody>
</table>

At the Planning Board Meeting held on May 1, 2013, Rod Woodling, 1886 South 126th Street, appeared before the Board on behalf of the applicant. Mr. Woodling stated that this project would be a 75-unit senior apartment building with market-rate units, affordable units and low-income units. He added that because of the sloped grade of the land there would be some leveling and retaining walls needed. Mr. Woodling stated that no market study had been completed but there is a waiting list that would fill most of the available units. He concluded that although neighbors, the Neighborhood Association and the District City Council Representative were sent notification to discuss the project at a meeting held on April 17th only 1 neighbor was in attendance.

Chad Weaver, Assistant Planning Director, recommended approval.

Mr. Kelley moved for approval of the PUD-Planned Unit Development Overlay District, subject to the following: 1) Obtaining the necessary waiver from the Zoning Board of Appeals for parking in the front yard setback for multi-family uses in a residential district prior to forwarding the request to the City Council, 2) Submitting elevations for the garage buildings prior to forwarding the request to the City Council, 3) Submitting elevations for the retaining walls prior to forwarding the request to the City Council, 4) Providing a revised site plan depicting the trash enclosure locations, an internal sidewalk connecting to the proposed South 60th Street sidewalk and indicating building materials prior to forwarding the request to the City Council, 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, and 8) The applicant obtaining all necessary permits. Mr. Rosenbaum seconded the motion which carried 6-0.
Subdivisions

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

<table>
<thead>
<tr>
<th></th>
<th>REQUEST: Preliminary and Final Plat approval of STEPHEN CENTER, a minor plat inside the city limits, with rezoning from CC and HI to R7 (see also related Case #C9-13-096)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-13-097</td>
<td>D.E. Bomberger, Jr.</td>
</tr>
<tr>
<td>C12-13-098</td>
<td></td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Southwest of 27th and “Q” Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on May 1, 2013, Doug Kellner, Thompson Dreessen & Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Kellner stated that in order to move the project forward the applicant would address any questions regarding the plat, zoning and right-of-ways for the proposed 27th Street changes. He added that Public Works has a future project at that area and the applicant would work with Public Works in regards to right-of-ways if adjustments would be necessary. He then stated that in order to satisfy finance requirements, the approval process for this project would need to move forward and that a layover would hinder this approval process. Mr. Kellner explained that the application for approval of an MCC Overlay District was not previously submitted because it was assumed that the Overlay District already existed, but that this would be completed along with the zoning approval.

Ryan Haas, Public Works, stated that because of a Public Improvement Project planned for this area there is a concern with the proposed right-of-way vacation, but that this could be resolved in the Subdivision Agreement.

Chad Weaver, Assistant Planning Director, stated that additional recommendations would move the Preliminary Plat forward, but that a layover is recommended for the Final Plat and Special Use Permit to allow the applicant time to submit all the required information. Mr. Kellner stressed his concern that all approvals, except the Final Plat, move forward so the applicant would meet financing requirements.

Del Bomberger, Stephen Center, 2715 “Q” Street, explained the importance of moving the project forward. He stated that investors would not sign the required tax credit agreements for the necessary financing until progress is shown and that receiving the requested approvals within the next week would keep the applicant on their construction schedule.

Jim Royer, 142 West Broadway Suite 140 in Council Bluffs, appeared before the Board on behalf of the applicant. In response to Mr. Weaver, Mr. Royer stated that approval of the low-income housing tax credits, which fund a large portion of the project, were conditional upon receiving approval of rezoning and replatting ideally by May 23rd of this month. He added that an extension would be granted with visible progression of the approval process but credits could be at risk. In response to Mr. Rosenbaum, Mr. Royer stated that although final approval would not be complete, receiving approval of the Preliminary Plat would be acceptable progression. Mr. Kelley noted that although the application for Special Use Permit was initially submitted approximately 2 years ago, the required recommendations have not been met. Mr. Royer responded that the Planning Department was aware that the permit process would be delayed until the applicant received approval for tax credits that would fund the project. Mr. Weaver reiterated that the Special Use Permit submittal has not been completed and recommended a layover. He added that the Zoning and Preliminary Plat approval, along with submittal of all information for the Special Use Permit by next month, would move the project forward. Mr. Hoich was in agreement that this would show progress for the tax credits.

In response to Mr. Neary, Mr. Royer stated that without approval of the Special Use Permit today that the NIFA tax credits could be at risk. Rick Cunningham, Planning Director, suggested that the Planning Department could submit a letter to NIFA in support of the project if all information for the Special Use Permit is properly submitted within a week. Mr. Royer was in agreement.
Mr. Kelley moved for approval of the rezoning from CC and HI to R7. Approval of the preliminary plat subject to the following conditions: 1) Apply for approval of an MCC Overlay District, and 2) Coordinate with the Public Works Department regarding right-of-way vacation, right-of-way dedication, proposed off-street parking and sidewalk improvements. Lay over the final plat to allow the applicant time to address the conditions of preliminary plat approval. Mr. Hoich seconded the motion which carried 6-0.

Special Use Permits

<table>
<thead>
<tr>
<th>C8-13-102</th>
<th>D.E. Bomberger, Jr.</th>
<th>REQUEST: Approval of a Special Use Permit to allow Large group living in a R7 District</th>
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</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>Southwest of 27th and “Q” Streets</td>
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At the Planning Board meeting held on May 1, 2013, Doug Kellner, Thompson Dreessen & Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Kellner stated that in order to move the project forward the applicant would address any questions regarding the plat, zoning and right-of-ways for the proposed 27th Street changes. He added that Public Works has a future project at that area and the applicant would work with Public Works in regards to right-of-ways if adjustments would be necessary. He then stated that in order to satisfy finance requirements, the approval process for this project would need to move forward and that a layover would hinder this approval process. Mr. Kellner explained that the application for approval of an MCC Overlay District was not previously submitted because it was assumed that the Overlay District already existed, but that this would be completed along with the zoning approval.

Ryan Haas, Public Works, stated that because of a Public Improvement Project planned for this area there is a concern with the proposed right-of-way vacation, but that this could be resolved in the Subdivision Agreement.

Chad Weaver, Assistant Planning Director, stated that additional recommendations would move the Preliminary Plat forward, but that a layover is recommended for the Final Plat and Special Use Permit to allow the applicant time to submit all the required information. Mr. Kellner stressed his concern that all approvals, except the Final Plat, move forward so the applicant would meet financing requirements.

Del Bomberger, Stephen Center, 2715 “Q” Street, explained the importance of moving the project forward. He stated that investors would not sign the required tax credit agreements for the necessary financing until progress is shown and that receiving the requested approvals within the next week would keep the applicant on their construction schedule.

Jim Royer, 142 West Broadway Suite 140 in Council Bluffs, appeared before the Board on behalf of the applicant. In response to Mr. Weaver, Mr. Royer stated that approval of the low-income housing tax credits, which fund a large portion of the project, were conditional upon receiving approval of rezoning and replatting ideally by May 23rd of this month. He added that an extension would be granted with visible progression of the approval process but credits could be at risk. In response to Mr. Rosenbaum, Mr. Royer stated that although final approval would not be complete, receiving approval of the Preliminary Plat would be acceptable progression. Mr. Kelley noted that although the application for Special Use Permit was initially submitted approximately 2 years ago, the required recommendations have not been met. Mr. Royer responded that the Planning Department was aware that the permit process would be delayed until the applicant received approval for tax credits that would fund the project. Mr. Weaver reiterated that the Special Use Permit submittal has not been completed and recommended a layover. He added that the Zoning and Preliminary Plat approval, along with submittal of all information for the Special Use Permit by next month, would move the project forward. Mr. Hoich was in agreement that this would show progress for the tax credits.

In response to Mr. Neary, Mr. Royer stated that without approval of the Special Use Permit today that the NIFA tax credits could be at risk. Rick Cunningham, Planning Director, suggested that the Planning Department could submit a letter to NIFA in support of the project if all information for the Special Use Permit is properly submitted within a week. Mr. Royer was in agreement.
Mr. Kelley moved for approval of the rezoning from CC and HI to R7. Approval of the preliminary plat subject to the following conditions: 1) Apply for approval of an MCC Overlay District, and 2) Coordinate with the Public Works Department regarding right-of-way vacation, right-of-way dedication, proposed off-street parking and sidewalk improvements. Lay over the final plat to allow the applicant time to address the conditions of preliminary plat approval. Mr. Hoich seconded the motion which carried 6-0.

Mr. Kelley moved to layover the request to allow the applicant time to meet with Planning Department staff, submit additional required information and begin the process of requesting Zoning Board of Appeals waivers that will be necessary for the proposed use and site plan. Ms. Nubel seconded the motion which carried 6-0.

### 17. BMAKK Corporation

**REQUEST:** Approval of a Special Use Permit to allow Scrap and salvage services in a GI District

**LOCATION:** 1440 Read Street

At the Planning Board meeting held on May 1, 2013, Jason Thiellen, E & A Consulting, 330 North 117th Street, appeared before the Board on behalf of the applicant. Mr. Thiellen stated that in 2012 a portion of the project was approved for a 6-month variation to operate glass recycling with the intent that within that time frame the applicant would then apply for approval of a special use permit. He added that the only available zoning code is for scrap and salvage services but that this location would serve as a recycling center for construction materials and glass. Mr. Thiellen noted that the applicant had met with concerned owners adjacent to this property and they are in support of the use.

Mr. Neary explained that neighbors had submitted a letter to the Planning Department regarding concerns of fencing around the site to prevent debris from scattering throughout the area. Mr. Thiellen responded that there is an existing 8 foot wood fence around the property and that the perimeter of the property is maintained daily by crew members.

Chad Weaver, Assistant Planning Director, stated that the Department recommended approval of the request.

Ms. Nubel moved for approval of the Special Use Permit to allow Scrap and salvage services in a GI District subject to: 1) Compliance with the proposed site plan, 2) Compliance with the proposed operating statement, 3) Compliance with all site development as well as all other applicable regulations, and 4) Compliance with Article III. Salvage Dealers OMC. Mr. Hoich seconded the motion which carried 6-0.

### Conditional Use Permits

#### 20. Randy Prince

**REQUEST:** Approval of a Conditional Use Permit to allow Automotive sales in a NBD District (portions of which property lie within the flood fringe)

**LOCATION:** 20601 Elkhorn Drive #120

At the Planning Board meeting held on May 1, 2013, Randy Prince, Miller & sons Golf Carts, 1611 North 214th Street, appeared before the Board. Mr. Prince stated that this use permit would be for retail sales of golf carts and golf cart accessories with light assembly of the golf carts. He then stated that he accepts all conditions of the recommendation report except for paving an additional 24’ drive aisle on the existing parking lot because this is not within his budget. He added that he is willing to paint parking stripes and signify handicap parking stalls in the lot and mentioned that the Landlord had previously installed an asphalt parking lot extension that sustained water damage and diminished. He noted that the lot lies in a low area creek basin and the extension of the parking lot approaches the creek basin. Mr. Prince stated that the 2 right-of-ways leading to the property are unpaved gravel roads and that the existing businesses and customers, including himself, currently use the lot with no problems.
Mr. Prince stated that the recommended codes are based on automotive sales but that his business is for golf cart sales. He also stated that golf carts would not be stored in the parking lot of this location and that they are currently stored in an off-site facility.

Chad Weaver, Assistant Planning Director, stated that existing lots are not required to comply with codes but additional development requesting use permits would be required to meet codes. He explained that the unpaved right-of-ways discussed by Mr. Prince could be paved if the adjacent property owners took proper measures to request this through the Public Works Department. Mr. Weaver stated that the Department recommended approval subject to the 4 items on the recommendation report.

Mr. Prince stated that he has considered other locations but that this location works best for his needs. In response to Mr. Neary, Mr. Weaver stated that this permit would only allow for this specific use of golf cart sales.

Mr. Kelley moved for approval of the Conditional Use Permit to allow Auto sales in the NBD District subject to the following conditions prior to issuance of the Conditional Use Permit and a Certificate of Occupancy: 1) Compliance with parking stall striping and handicapped design regulations per OMC 55-740, 2) Compliance with the existing operating statement, and 3) Understanding that the Conditional Use Permit is for this use/business only and will not apply to any future uses including automobile Auto sales. In addition, this use will be conducted within the confines of the building with no visible parts or golf carts outside of the building. Mr. Rosenbaum seconded the motion which carried 4-2, with Ms. Nubel and Mr. Neary dissenting.

APPROVAL OF MINUTES

Mr. Kelley moved to APPROVE the meeting minutes of March 6, 2013 as written. Ms. Nubel seconded the motion which carried 6-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 3:06 pm.

Date Approved

_________________________________________
Raymond J. Neary, Chair

Rikki Flott, Planning Board
Recording Secretary