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.

(HOLD OVER CASES)

Rezonings

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Approval of a Major Amendment to a Mixed Use District Development Agreement for Grayhawk</td>
<td>Southwest of 144th Street and West Maple Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved to layover the Major Amendment to the Grayhawk Mixed Use District Development Agreement to allow the applicant time 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. Nesbitt seconded the motion which carried 6-0.

**Special Use Permits**

| 6. | C8-13-102 (D) | D.E. Bomberger, Jr. | REQUEST: | Approval of a Special Use Permit to allow Large group living in a R7 District |
|    |              |                     | LOCATION: | Southwest of 27\textsuperscript{th} and "Q" Streets |

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved for approval of the Special Use Permit to allow Large group living in a R7 District subject to the following conditions being met prior to issuance of any building permits: 1) The applicant obtaining any necessary Zoning Board of Appeals waivers, 2) Conformance with the site plan, 3) Conformance with an acceptable landscape plan, 4) Compliance with the concept building elevations, 5) Conformance with the operating statement, 6) All signage being in compliance with applicable sign ordinances and 7) Compliance with all other applicable rules and regulations. Mr. Nesbitt seconded the motion which carried 6-0.

**REVIEW AGENDA**

**Master Plan Referrals**

| 10. | C3-13-123 (D) | Planning Department on behalf of the City of Omaha | REQUEST: | Amendment to Chapter 55 regarding the AG District regulations |
|    |              |                     | LOCATION: | Omaha and 3-mile extraterritorial jurisdiction |

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved to layover the request. The Planning Department requested that this case be laid over until the July 10, 2013 regular meeting agenda. Mr. Nesbitt seconded the motion which carried 6-0.

**Rezonings**

|    |              |                     | LOCATION: | Southwest of 27\textsuperscript{th} and "Q" Streets |

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved for approval of the MCC Overlay District. Mr. Nesbitt seconded the motion which carried 6-0.

| 21. | C10-13-107 (D) | Ronald E. Hansen, Jr. | REQUEST: | Rezoning from HI to R7 (property also located within an NCE-C Overlay District) |
|    |              |                     | LOCATION: | 1115 South 7\textsuperscript{th} Street |

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved for approval of the rezoning from HI to R7 with an NCE-C overlay. Mr. Nesbitt seconded the motion which carried 6-0.

| 24. | C10-13-117 (D) | 1301 Holdings. LLC | REQUEST: | Rezoning from DS to CBD (property is also located within an ACI-1(PL) Overlay District) |
|    |              |                     | LOCATION: | 1315 Jones Street |

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved for approval of the rezoning from DS to CBD (subject property is located within an ACI-1(PL) Overlay District). Mr. Nesbitt seconded the motion which carried 6-0.
Conditional Use Permits

26. C7-98-228 (D) Pastor Bart Wilcox
   REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4 District
   LOCATION: 4801 North 144th Street

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved for approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in an R4-Single Family Residential (High Density) District subject to: 1) Coordinating with Public Works on the proposed Larimore Avenue improvements, 2) Providing a sidewalk connecting the proposed church building to the Larimore Avenue sidewalk network, 3) Coordinating with the Parks Department on providing the missing segment of the trail along 144th Street and providing a pedestrian connection from the building site. The width of the new trail segment shall match the existing trail, 4) Obtaining the necessary waivers from the Zoning Board of Appeals for the proposed signage area, sign height, impervious surface area and the height of the proposed tower, 5) Submitting revised site and landscape plans indicating the tower location, providing for the sidewalk connections and providing the total impervious surface percentage that includes the optional parking area, 6) Compliance with the revised building elevations, 7) Compliance with all stormwater management regulations and 8) Compliance with all other applicable regulations. Mr. Nesbitt seconded the motion which carried 6-0.

28. C7-13-113 (D) Farm Credit Services of America, FLCA
   REQUEST: Approval of a Conditional Use Permit to allow Surface parking in a CC District
   LOCATION: 5010 South 118th Street

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved for approval of the Conditional Use Permit to allow Surface parking in the CC District subject to the following conditions: 1) Compliance with the submitted site/landscaping plan and 2) Dedication of ROW 1’ past the back of sidewalk. Mr. Nesbitt seconded the motion which carried 6-0.

Vacations

29. C14-13-042 (D) Planning Board
   REQUEST: Vacation of the east/west alley between Dodge and Douglas Streets from 19th Street east to where it dead-ends (132+ feet)

At the Planning Board meeting held on June 5, 2013, Mr. Kelley moved for approval of the vacation subject to the retention of any necessary easements. Mr. Nesbitt seconded the motion which carried 6-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

   REQUEST: Final Plat approval of INDIAN POINTE, a subdivision outside the city limits, with rezoning from AG to DR and R4
   LOCATION: 18808 West Maple Road

At the Planning Board meeting held on June 5, 2013, Chad Weaver, Assistant Planning Director, stated that the Department recommended approval of the rezoning and of the Final Plat subject to the items on
the recommendation report prior to forwarding the request to City Council. Mr. Nesbitt moved for approval of the Final Plat subject to submittal of the following prior to forwarding the Final Plat to the City Council for final approval: 1) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area, 2) Submittal of a letter from the Omaha Postmaster regarding the provision of centralized delivery (cluster boxes) and 3) Submittal of a final acceptable subdivision agreement. Mr. Deeb seconded the motion which carried 6-0.

2.  C10-13-057  
C12-13-058  
Austin Realty Co.  
REQUEST:  
Final Plat approval of THE VILLAS OF OMAHA AT BUTLER RIDGE (formerly known as THE VILLAGE AT BUTLER RIDGE REPLAT 1), a subdivision outside the city limits, with rezoning from DR and R6 to DR and R6 (see also #C11-13-059)  
LOCATION:  
Northwest of 156th Street and Butler Avenue

At the Planning Board meeting held on June 5, 2013, Chad Weaver, Assistant Planning Director, stated that Department recommended approval of the Final Plat subject to the four items on the recommendation report prior to forwarding the request to City Council. Mr. Kelley moved for approval of the Final Plat subject to submittal of the following prior to forwarding the request to the City Council: 1) An acceptable final subdivision agreement. 2) A letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area 3) A letter of approval from Douglas County Environmental Services for the Noxious Weed Plan and 4) A letter from the Omaha Post Office Customer Relations Coordinator that establishes delivery points for the development. Mr. Deeb seconded the motion which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

3.  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, 53-8(2)(g) for streets and Section 53-9(9) for sidewalks  
LOCATION:  
Northeast of 228th Street and Edgewater Road

At the Planning Board meeting held on June 5, 2013 Sid Dinsdale, 260 South 216th Street, appeared before the Board. Mr. Dinsdale stated that this would be a family development project in rural Douglas County with 4 building sites and that it would be located approximately 3 miles from the nearest subdivision.

Jerry Slusky, 8712 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Slusky stated that this request was previously submitted as a cluster subdivision but that the design didn't meet the interpretation of a cluster. He added that when the project was then submitted as a subdivision the ability to make adjustments to roads was no longer available and that their engineers were struggling to meet regulations because the atypical project would be only 4 lots on 130 acres. Mr. Slusky stated that because the subdivision would include only 4 homes there would be less traffic and that a wider road would not be necessary. He then discussed the possibility of a larger subdivision at this location in the future and responded that regulations would need to be met at that time.
In response to Mr. Nesbitt, Mr. Slusky stated again that with only 4 homes in the subdivision there is no need for wider streets and that meeting the regulations of a larger subdivision would be the responsibility of a future developer. Ms. Nubel questioned why the applicant should be excused from the regulation but not a future developer. Mr. Dindsale responded that the subdivision would be 4 homes on 130 acres of land surrounded by farmland and that 16’ allows enough room for 2 cars to pass. He added that the 2 closest roads were a highway that is 22’ wide and a street that is only 20’ wide and that both carry heavy traffic. In response to Mr. Nesbitt, Mr. Slusky stated that because only 4 homes would be developed in this project, creating an escrow account to assist in developing a wider street for a larger subdivision in the future would not be a feasible business expense.

Chad Weaver, Assistant Planning Director, stated that the Department recommended approval of the waivers for cul-de-sac length and sidewalk, approval of the Preliminary Plat, and denial of the waiver to reduce the street pavement width.

Ryan Haas, Public Works, appeared before the Board. Mr. Haas agreed that this would be a unique subdivision that exists within the Elkhorn exurban zone and that environmental sensitivity was explored concluding that because of the topography of this land a waiver for some designs would be reasonable. He added that public street engineering design standards are upheld at a State level and that private streets would not be subject to the same requirements until they are made public. He then stated that the subdivision code applies to public streets but that private streets are not exempt. In response to questions by the Board, Mr. Haas stated that emergency vehicle issues would be deferred to the Fire Department for review and that the 22’ width for the street would be recommended. In conclusion, Mr. Slusky responded to Mr. Kelley that if the property was sold the seller would require the buyer to comply with any subdivision regulations.

Mr. Kelley moved for approval of the waiver of Section 53-8(2)(b) Maximum cul-de-sac length and Section 53-9(9) Sidewalks of the Municipal Code, approval of a waiver of Section 53-8(2)(g) Street Design Standards for reducing street pavement width to 16 feet with no curb and gutter with a concrete depth of 7 inches and for approval of the Preliminary Plat subject to the following conditions being address prior to or with submittal of the Final Plat: 1) Providing a 50’ right-of-way dedication along 230th Street, 2) Correcting the acreage information for Outlot B on the Preliminary Plat 3) Compliance with all stormwater management policies, 4) Providing an access easement over Outlot A for Lots 1-4 and Outlots B & C, 5) Providing for use, ownership and maintenance of the outlots both as a note on the Final Plat and in the final subdivision agreement, 6) Provide a 40 foot trail easement along the east side of 230th Street for a future 10 foot trail, 7) Provide the cost estimate associated with the construction of the 10 foot trail in the final subdivision agreement, 8) The pavement surface for the private street shall be concrete and 7 inches in depth, 9) Placing the building envelopes and driveway areas on the Final Plat, 10) Submitting a letter of approval of a Noxious Weed Plan from Douglas County, 11) Submitting a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area.

Mr. Rosenbaum seconded the motion which carried 6-0.

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<tr>
<th>4.</th>
<th>C10-13-053 C12-13-054 Jasper Stone Development</th>
<th>REQUEST: Preliminary Plat approval of GATEWAY PARK, a subdivision inside and outside the city limits, with rezoning from AG to R6 and MU</th>
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</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>Southwest of 192nd Street and West Dodge Road</td>
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At the Planning Board meeting held on June 5, 2013 Jim Boozer, Pansing Hogan Law Firm, 10250 Regency Circle, appeared before the Board on behalf of the applicant. Mr. Boozer stated that this would be a new commercial subdivision mixed-use development project. He then stated that the applicant has met with neighbors numerous times, and had previously met with the Planning Department and City Council to work through a variety of issues regarding this project. Mr. Boozer then discussed that the applicant had an issue with the calculation used to meet the code for the Mixed-Use development regulation and that they are within the regulation. He explained that the Gateway Park project would be 32.41 acres of Mixed Use and the surrounding Mixed Use areas included 57.47 total acres for a total of
89.88 acres, not including the Rothermund property. He noted that this calculation of Mixed Use Commercial property exceeds the 80-acre maximum regulation. He then discussed that 26.26 acres of land included in the calculation was actually Civic Use for the hospital property and should not be included in calculations, so if this land was subtracted out of the calculation the total would be 63.62 acres of Mixed Use and in compliance with code. Mr. Boozer discussed that there is nothing in the Master Plan or codes supporting the recommendation for single family residential lots along both sides of proposed 197th Street, on the western portion of the Mixed Use area, and that similar Mixed Use projects in the area have not met this requirement. He then discussed that the issues with the proposed cul-de-sac on the west side of Farnam Street would be the recommended timing of the project and shared cost of improvements to 192nd Street as mentioned in the subdivision agreement. He explained that the cul-de-sac improvements could be put in at a later date when necessary and that the cost of the 192nd Street project be shared with the owner of the Rothermund property, who would also use the improvements to access their own property. In response to questions by the Board, Mr. Boozer stated that although the applicant has been in discussion with the owner of the Rothermund property regarding acquisition of the land by sale, if an agreement is not met they would be forced to use condemnation authority to obtain the Rothermund property in order to meet code to allow for the 192nd Street access road connection.

Curt Hoeffer, 2637 South 158th Plaza, Jasper Stone Development, appeared before the Board. Mr. Hoeffer stated that a buffering from residential to commercial use has been provided for this project and that the applicant is in compliance with the Master Plan and all code regulations for use. He added that surrounding homeowners had no objection to additional office-use in this location. He concluded that they currently have a substantial investment of land in this corridor and are in the process of purchasing 127 acres to the east of this location.

Jeff Lake, 2111 South 67th Street, Olsson Associates, appeared before the Board. Mr. Lake clarified the methodology used to obtain the total acreage of Non-Civic use within the hospital property. He explained that the Assessor’s website was used to find the land’s total taxable valuation of $957,000, assumed to be the Non-Civic usage, divided by an approximation of $150 per square foot value which equaled 6,382 assumed square footage of non-civic usage. He further explained that office type usage of about 10,000 square feet per acre was for a typical commercial property with office use which equated to 0.64 acres of allocated Non-Civic usage within the hospital. He added that all open space not paved or developed on the site were included as areas used in the calculation. Mr. Lake explained that the existing residential homes to the west of the development would be at a higher elevation than the proposed single-story office in the west and northwest, and that the Fire Ridge Elementary School to the southwest of the development is at a significantly lower elevation than the proposed larger office buildings along the northeast. He added that after a meeting with the Superintendent of Schools and school representatives, all were in agreement to work together to make the street-network a safe environment.

In response to Mr. Deeb, Mr. Lake stated that connections to HWS Cleveland Boulevard and South 197th Street to Chicago Street are consistent with the Master Plan but would require traffic calming devices to discourage increased traffic to the residential areas. He added that the proposed office use along the west side of the development is consistent with the Master Plan and there is no intent for residential. In response to Mr. Rosenbaum, Mr. Lake stated that the applicant has no intent to connect the existing Farnman Street east to South 192nd Street and added that structures are not buildable in this location because of existing power lines.

Mr. Hoeffer reiterated that the proposed development plan is consistent with the Master Plan and zoning regulations and questioned which regulations are not being met.

John Odell, 9990 North 225th Street, Elkhorn, appeared before the Board on behalf of the Rothermund Property owner. Mr. Odell noted that the Rothermund’s have owned the property for 40 years. He added that they are not opposed to the development and would comply with obtaining proper zoning to assist with approval of the development. In response to Mr. Kelley, Mr. Odell stated that negotiations of a sale of the property are still in process and that they are not in favor of condemnation.
Marcia Odell, 9990 North 225th Street, appeared before the Board on behalf of the Rothermund Property owner. Ms. Odell stated that she is the daughter of the owner of the property, Joan Rothermund who is 88 years old. She then stated that they are opposed to condemnation of the property and that they are negotiating with the applicant for the sale of the land. Mr. Kelley stated that if an agreement for the sale of the property is not finalized with the applicant that it could be acquired through legal condemnation for the installation of the proposed road. Ms. Odell responded that they are not opposed to the mixed use they just want a compromise on the sale price. Ms. Odell concluded that there is a cell tower on the property.

In response to Mr. Odell’s question regarding zoning, Chad Weaver, Assistant Planning Director stated that the Department is unable to determine today if the Rothermund property would be zoned as mixed use if the proposed road is installed at a future date. In regards to the proposed road, Mr. Lake stated that because the Department of Roads had purchased access rights nearby, the applicant’s proposed access point is not consistent with the typical quarter-mile spacing that is suggested in the Master Plan.

David Uttelson, 19520 Leavenworth Street, appeared in opposition to the request. Mr. Uttelson stated that he is a resident of Fire Ridge and that there were previous discussions between the neighbors and the applicant but that no compromises were displayed on the plans submitted as of today. He then stated one of the concerns was the increased traffic and the safety of the children of the nearby elementary school. In questioning the direction of the proposed development, Mr. Uttelson recited portions of the Master Plan recognizing special environmental issues and mixed-use regulations suggested for developments in this particular area. He then stated that the City is requesting residential for the west portion of the proposed development and that the Developer is requesting commercial, but that the future use of the Rothermund property has an impact on the consistency with the Master Plan. Mr Uttelson then discussed the traffic study the applicant previously submitted to the City and that it was not consistent with the plans submitted for the proposed development today. He added that a less dense zoning could eliminate traffic flow concerns or and that a layover would allow more time for further discussions and compromises between the applicant and neighbors.

Mark Ringsdorf, 19621 Leavenworth Street, appeared before the Board in opposition. In response to Mr. Ringsdorf’s question, Mr. Weaver affirmed that the Lifegate Church property to the east of the development was included in the 80-acre Mixed-Use calculation. Mr. Ringsdorf then expressed his approval of the commercial development but had concerns with the ingress/egress traffic flow if residential or commercial would be developed.

Lee Sittenauer, 111 South 197th Street, appeared before the Board in opposition. Ms. Sittenauer stated that her concerns were the safety issues for the school children with the connection between 197th Street to Chicago Street. She added that this street connection would also change the topography of land by lowering the hill causing less buffering from the existing residential to the commercial area to the north. She replied to Ms. Nubel that residential or commercial development would increase the traffic issues along 197th Street and the problem with school traffic double parking.

Angie Nixon, 104 South 197th Street, appeared before the board in opposition. Ms. Nixon states that her home abuts the proposed commercial development and that she is not opposed to office use but the grading is unacceptable. She explained that a retaining wall would be necessary to keep the commercial area from draining directly to her property. She noted that her concern was also traffic and safety issues near the elementary school and that police traffic control has been unsuccessful in the past. Another neighbor, Amy Canine of 19505 Farnam Street, also had the same concerns regarding ingress/egress.

Mr. Weaver discussed that the code regulations and Master Plan could have different interpretations and that the Planning Department and the Applicant had subsequent meetings to discuss issues regarding the requirements, but the applicant has not made requested accommodations. He then stated that the acreage calculation needs to be clarified to determine an acceptable amount of Mixed-Use available, which is also dependent upon the use of the southeast corner of the development. He added that today’s meeting was a great opportunity for discussion amongst all parties involved. He concluded that the street connections would be critical to improve traffic patterns, especially upon completion of the surrounding
developments. Mr. Weaver stated that the Department recommended a layover of the rezoning, Mixed Use District Development Agreement and the Preliminary Plat.

Mr. Boozer stated that the connection point on 197th Street would not be necessary for the development and could be redesigned to accommodate the requests of the Department or the neighbors, but agreed with Ms. Nubel that the connection is consistent with the Master Plan. He stated that calculations for the total Mixed-Use acreage were made using the available variables and that the result was within regulation. He added that the Rothermund property owner would be informed of any changes and that negotiations were still in process for the sale of the land, but if an agreement is not met the sale would be completed through condemnation at market-value prices. In response to Mr. Hoich, Mr. Boozer stated that the west side of the proposed connection to 197th Street would not be suitable for residential because of the steep slope of the land. In response to Mr. Kelley, he stated that there are no signed contracts for the proposed commercial use along the west side of the development.

Steve Jensen, 1516 Cuming Street, appeared before the Board to discuss neighbors’ concerns. Mr. Jensen explained that the Elkhorn Special Development Zone of the Master Plan was related to extreme topography and tree coverage that is more difficult to develop, which doesn’t apply to this project and that an exceptionally designed development would also have to follow ACI design guidelines. He then explained that the Mixed-Use acreage was calculated with the guidance of the Master Plan and that future Mixed-Use development is available. He agreed that requirements within the code are designed for guidance with compatibility issues and that the developer needs to follow the requirements when inconsistency arises. In response to Mr. Kelley, Mr. Jensen stated that code is not specific to types of land use buffering and allows for a variety of combinations of land use and added that the code is more specific to guidelines used for buffering, so it becomes difficult to decide compatibility. Mr. Jensen then stated that the Mixed-Use code allows for flexibility and that with Civic zoning there is no acreage requirement which would exclude the hospital area.

In response to Ms. Nubel, Mr. Hoeffer stated that the property in the southeast corner is not currently owned by Jasper Stone Development but is under contract and that there are no specific development plans. He added that the Class A or B office space market is favorable along West Dodge Road corridor with vacancy rates currently at 4.5% to 5%, but without approval of office use for the development they are unable to contract with interested office users.

Mr. Weaver agreed that the Master Plan is not specific and that the Department is agreeable with many aspects of the request but that a layover is necessary for further discussion of unapproved items. Ms. Nubel questioned how a layover would affect the project. Mr. Boozer responded that all recommendations from the Department were discussed today and that with that a decision could be made. Mr. Kelley mentioned that he is not in support of the condemnation of the Rothermund property with the knowledge that the property owner is opposed to the condemnation.

In response to Mr. Rosenbaum, Mr. Weaver stated that if the applicant was denied today a new application would need to be submitted with substantial differences or the project would move forward for City Council approval subject to the recommendations and that a layover would allow further discussions with the Board. Mr. Nesbitt agreed that a layover is necessary for further discussions and that he is also not in favor of condemnation of private land for private use.

Mr. Boozer questioned what the Board’s expectations were to eventually receive an approval of the project if they agreed to a layover today. Mr Deeb responded that the Rothermund property owner needed a clearer definition of condemnation to compare to selling the property on the market. Mr. Nesbitt responded that without the sale of the Rothermund property there are too many unknowns. Mr. Boozer rebutted that the Rothermund property was taken into consideration when plans were devised and that they are keeping the property owner informed throughout the process. Ms. Nubel agreed that the Rothermund property issue needed resolved and noted that although there had been discussions between the applicant, the neighbors and the Department that there has been no compromising efforts made by the developer.
Mr. Rosenbaum moved to layover the request for rezoning from AG to R6 and MU and to layover the Mixed Use District Development Agreement and Preliminary Plat to allow the applicant time to: 1) Revise the plan by accounting for the additional adjacent 18 acres proposed for future office/commercial development that is not under same ownership (Rothermund property), 2) Request a variance not to exceed 20% of the permitted 80 acres of office/commercial at this intersection or request an analysis to be performed to determine if there are any existing acres that should not be counted towards the allotted mixed-use totals, 3) Excluding the area west of the creek in the MU zoning and provide for single-family residential lots along both sides of proposed Street 5 (197th Street), 4) Provide for all improvements identified in the final approved traffic study and 5) Address all access and right-of-way provisions discussed in this report. Mr. Nesbitt seconded the motion which carried 6-0.

(REGRESS AGENDA)

Master Plan Referrals

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<th>7.</th>
<th>C3-13-124 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the MIDTOWN URBAN LIVING TIF REDEVELOPMENT PROJECT PLAN</th>
<th>LOCATION: 3105 Dewey Avenue and 506 South 31st Street</th>
</tr>
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</table>

At the Planning Board meeting held on June 5, 2013 Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that this project would be in the midtown area and supported efforts to redevelop areas within the city. She added that this project was within a community redevelopment area which is a designated area within the city where TIF is allowed if guidelines are met. Ms. Hadley stated that this project included 2 apartment buildings currently on the City’s condemnation list. She added that the building has historic significance and that the new owner would rehabilitate the buildings to code with 19 apartment units and at least 1 commercial office bay, keeping the current tenants while rehabilitating. In response to Mr. Kelley, Ms. Hadley stated that there was discussion of a project to add 19 parking garages, separate from the building structures, along the back alley but that this would be done within the next 3 to 5 years.

Mr. Nesbitt moved for approval of the project. Mr. Hoich seconded the motion which carried 6-0.

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<th>8.</th>
<th>C3-13-111 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the 1301 JONES TIF REDEVELOPMENT PROJECT PLAN</th>
<th>LOCATION: 1301 and 1315 Jones Street</th>
</tr>
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</table>

At the Planning Board meeting held on June 5, 2013 Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that this project was in the downtown area and had previously been submitted for approval 2 years ago but was put on hold by the developer. She then mentioned that the project has expanded to include the storage facility at 1315 Jones Street and the former car wash site at 1301 Jones Street. She added that both sites would be demolished and that a new 5-story multi-family housing unit would be constructed to include 100 apartment units and 57 enclosed parking stalls. Ms. Hadley stated that the public improvements would include restriping, repaving and some street-scaping. In response to Ms. Nubel, Ms. Hadley added that the project would be constructed to the street to meet new ACI District design codes.

Mr. Hoich moved for approval. Mr. Nesbitt seconded the motion which carried 5-0, with Mr. Kelley abstaining.
9. C3-13-122 Planning Department on behalf of the City of Omaha

REQUEST: Amendment to Chapter 53 regarding street surfacing

LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on June 5, 2013, Chad Weaver, Assistant Planning Director, stated that this code had not been requested or utilized for many years and had become irrelevant over time. He stated that the Department recommended approval. Mr. Rosenbaum moved for approval of the request. Mr. Nesbitt seconded the motion which carried 6-0.

Subdivisions


REQUEST: Preliminary Plat approval of NORTH RIDGE, a subdivision outside the city limits, with rezoning from AG to DR and R4

LOCATION: Northeast of 186th and Pacific Streets

At the Planning Board meeting held on June 5, 2013, Jeff Lake, 2111 South 67th Street, Olsson Associates, appeared before the Board on behalf of the applicant. Mr. Lake stated that this project would be a single family residential development with approximately 48 single family homes and prices would range from $300,000 and up. He added that the neighboring Home Owners Associations were in support of this project.

Bob Dewhurst, 967 South 186th Street, appeared before the Board with questions. Mr. Dewhurst stated that his property is directly behind the proposed development on Mason Street and that he was concerned with the markings placed on his property which run through his grass and sprinkler system.

Mr. Lake responded that no formal survey work has been done by the developer and that the developer would extend on the current alignment within the right of way of the street. Ms. Nubel asked if the street extension would go through Mr. Dewhurst's property and Mr. Lake responded that there is no formal survey work, only a preliminary plat, but they did not expect that to have an impact. Mr. Dewhurst mentioned that there was a tree line behind the lots and that if the street were to continue through to 183rd Street that it would be necessary to go through his property to make the alignment. Ms. Nubel suggested that Mr. Dewhurst exchange contact information with Mr. Lake for further discussion when the survey is completed. In response to Mr. Dewhurst, Mr. Fanslau, Planning Department, stated that he would find the code for construction hours and contact Mr. Dewhurst.

Chris Graham, 915 South 186th Street, appeared before the Board with questions. Mr. Graham stated that his property abuts the proposed west boundary line and asked what the plans were for the natural tree line Mr. Dewhurst mentioned. Mr. Lake responded that if the trees are impacted there would be a tree mitigation process but that a survey needed to be completed first. He also mentioned that the majority of the trees were along the edge of the development so tree mitigation may not be necessary.

Chad Weaver, Assistant Planning Director stated that the Department recommended approval subject to the items on the recommendation report.

Mr. Kelley moved for approval of the rezoning from AG to DR and R4 and approval of the Preliminary Plat subject to the applicant addressing the following prior to or with the application for Final Plat approval: 1) Submittal of a revised Preliminary Plat, 2) Submittal of a wetlands mitigation plan, if necessary, 3) Provide a note on the plat that direct vehicular access will not be allowed to Pacific Street from Lots 11-19, 4) Provide a 115 foot noise attenuation easement from the centerline of Pacific Street, 5) Compliance with all applicable stormwater management ordinances and policies, 6) Include provisions for use, ownership and maintenance of the outlots in the final subdivision agreement and as a note on the plat, 7) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area, 8) 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 and 9) An acceptable debt ratio of 4% or less. Mr. Rosenbaum seconded the motion which carried 6-0.
12. C10-01-111
   C12-01-111a
   Warehouse 51, LLC

REQUEST: Revised Preliminary Plat of SEATON INDUSTRIAL PARK and Final Plat approval of SEATON INDUSTRIAL PARK (Lot 2), a subdivision outside the city limits, with rezoning from DR to GI

LOCATION: Southeast of I-680 and Irvington Road

At the Planning Board meeting held on June 5, 2013 the applicant was not present. Chad Weaver, Assistant Planning Director stated that the Department recommended to layover the revised preliminary plat, final plat and rezoning.

Mr. Nesbitt moved to layover the rezoning from DR to GI, to layover the revised Preliminary Plat to allow the applicant additional time to: 1) Submit an amended revised Preliminary Plat showing the required lot width and a 60 foot wide landscape easement; unless waived by the Zoning Board of Appeals and 2) Submit either an updated tree canopy loss analysis and mitigation plan for Lot 2 or just a mitigation plan for Lot 2 and to layover the Final Plat. Mr. Hoich seconded the motion which carried 6-0.

Case numbers 13 and 27 were heard concurrently but voted on separately:

13. C10-13-109
    C12-13-110
    MRINCN03, LLC

REQUEST: Preliminary and Final Plat approval of MID-AMERICA PLAZA REPLAT 1, a minor plat inside the city limits, and approval of an MCC-Major Commercial Corridor Overlay District (see also #C7-13-108)

LOCATION: 7100 West Center Road

At the Planning Board meeting held on June 5, 2013, John Coolidge, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Coolidge stated that the existing lot is a large 8-acre parcel with 2 existing buildings and that the parcel on the north has an existing use. He then discussed that the land would be split into 2 lots and that the existing building on the south would be demolished and replaced with a new 6-story medical use office building with correlated retail use on the bottom.

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

Mary McCulley, 8404 Indian Hills Drive, HDR, appeared before the Board. Ms. McCulley stated that the new building would be unique as a medical office use with retail and a drive-through pharmacy on the lower level. She stated that the owner is from Ireland and has been successful in his home country with similar projects. In response to Mr. Kelley, Ms. McCulley stated that there would be a variety of medical office type uses, a fitness center on the second level, an atrium, retail coffee, retail pharmacy and emergency care also.

Mr. Nesbitt moved for approval of the MCC Overlay District and approval of the Preliminary Plat subject to the following: 1) Providing for all improvements identified in the final approved traffic study, 2) Providing a note on the plat stating that the signalized intersection shall be the only direct vehicular access to West Center Road from Lot 1; or, a note on the plat stating that the existing right-in/right-out access shall be the only direct vehicular access from Lot 1 to West Center Road whichever is applicable, 3) Providing an access easement across the Arbor Street right-of-way to be vacated and extending to the east and north to connect to the lot east of Lot 2, 4) Providing the standard vacation language on the Final Plat, 5) Compliance with all applicable stormwater management ordinances and policies; including providing for a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality, 6) Paying for all will be paid for privately and 7) Providing sidewalk system throughout the entire site, including the ability for pedestrians to gain access to both 72nd Street and Mercy Road. Mr. Nesbitt also moved for approval of the Final Plat as amended by the conditions of Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement being submitted prior to forwarding the request to the City Council for final action and approval of the Conditional Use Permit to allow General
retail sales in a GO District subject to: 1) Compliance with the site plan, 2) Compliance with the landscape plan and 3) Compliance with the operating statement. Mr. Rosenbaum seconded the motion which carried 6-0.

Case numbers 13 and 27 were heard concurrently but voted on separately:

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<tr>
<th>Case Number</th>
<th>Request Information</th>
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<tr>
<td>27. C7-13-108 MRINCGNO3, LLC</td>
<td>Approval of a Conditional Use Permit to allow General retail sales in a GO District (property is also to be located within a proposed MCC-Major Commercial Corridor Overlay District (see also C10-13-109, C12-13-110)</td>
</tr>
<tr>
<td>LOCATION: 7100 West Center Road</td>
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</table>

At the Planning Board meeting held on June 5, 2013, John Coolidge, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Coolidge stated that the existing lot is a large 8-acre parcel with 2 existing buildings and that the parcel on the north has an existing use. He then discussed that the land would be split into 2 lots and that the existing building on the south would be demolished and replaced with a new 6-story medical use office building with correlated retail use on the bottom.

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

Mary McCulley, 8404 Indian Hills Drive, HDR, appeared before the Board. Ms. McCulley stated that the new building would be unique as a medical office use with retail and a drive-through pharmacy on the lower level. She stated that the owner is from Ireland and has been successful in his home country with similar projects. In response to Mr. Kelley, Ms. McCulley stated that there would be a variety of medical office type uses, a fitness center on the second level, an atrium, retail coffee, retail pharmacy and emergency care also.

Mr. Nesbitt moved for approval of the MCC Overlay District and approval of the Preliminary Plat subject to the following: 1) Providing for all improvements identified in the final approved traffic study, 2) Providing a note on the plat stating that the signalized intersection shall be the only direct vehicular access to West Center Road from Lot 1; or, a note on the plat stating that the existing right-in/right-out access shall be the only direct vehicular access from Lot 1 to West Center Road whichever is applicable, 3) Providing an access easement across the Arbor Street right-of-way to be vacated and extending to the east and north to connect to the lot east of Lot 2, 4) Providing the standard vacation language on the Final Plat, 5) Compliance with all applicable stormwater management ordinances and policies; including providing for a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality, 6) Paying for all will be paid for privately and 7) Providing sidewalk system throughout the entire site, including the ability for pedestrians to gain access to both 72nd Street and Mercy Road. Mr. Nesbitt also moved for approval of the Final Plat as amended by the conditions of Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement being submitted prior to forwarding the request to the City Council for final action and approval of the Conditional Use Permit to allow General retail sales in a GO District subject to: 1) Compliance with the site plan, 2) Compliance with the landscape plan and 3) Compliance with the operating statement. Mr. Deeb seconded the motion which carried 6-0.

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<th>Case Number</th>
<th>Request Information</th>
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<tr>
<td>14. C10-04-060 C12-04-061 BSR-FW, LLC</td>
<td>Revised Preliminary Plat approval of FALLING WATERS, a subdivision outside the city limits, with rezoning from AG to DR, R4 and MU</td>
</tr>
<tr>
<td>LOCATION: Northwest of 192nd and Harrison Streets</td>
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At the Planning Board meeting held on June 5, 2013 John Bachman, 10250 Regency Circle, appeared before the Board on behalf of the applicant. Mr. Bachman stated that this project would be additional phases of the Falling Waters subdivision to include 267 single family lots and 1 church lot.
Chad Weaver, Assistant Planning Director, stated that the Department recommended approval.

Mr. Rosenbaum moved for approval of the rezoning from AG to DR, R4 and MU, subject to submittal of an acceptable mixed use district development agreement being submitted with the Final Plat of Phase 3 and approval of the revised Preliminary Plat subject to the following being submitted prior to forwarding the revised Preliminary Plat to the City Council for final action: 1) Providing an accurate Source and Use of Funds for each of the three phases and the sum total for the overall development, and subject to the following items being addressed prior to or with application for Final Plat approval of each applicable phase of development: 1) Any improvements identified in an approved traffic study being installed by the developer, 2) Coordinating with the property owner to the west of the subdivision to provide for the dedication of the full right-of-way width for 201st Street at the Harrison Street intersection, 3) Providing traffic calming on all streets over 1,000’ in length, 4) Providing for the construction of temporary turnarounds at the end of all interim dead-ended streets, 5) Providing note on the plat that direct access to 192nd or Harrison Street will not be allowed, 6) Providing a note on the plat that direct access to 198th Street from Outlot “G” will not be allowed, 7) Providing a note on the plat that direct access to 201st Street from lot 439 will not be allowed, 8) Constructing sidewalks along both 192nd and Harrison Streets and both sides of all interior streets, 9) Submittal of a sediment and erosion control plan that meets the Zorinsky Lake Watershed water quality requirements, 10) Compliance with all applicable stormwater management ordinances, 11) Including provisions for use, ownership and maintenance of outlots in the subdivision agreement and as a note on the Final Plat, 12) Submittal of an acceptable tree canopy loss mitigation plan, 13) Submitting a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area and 14) An acceptable overall debt ratio of 4% or less. Mr. Deeb seconded the motion which carried 6-0.

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| 15. | C10-07-127  
  C12-07-128  
  Full Circle Ventures, Inc. | REQUEST: Revised Preliminary Plat approval of LEYTHAM with rezoning from AG to DR, R4, and MU and approval of a NC (Neighborhood Conservation) Overlay District |
|   | LOCATION: Northeast of 168th and State Streets |

At the Planning Board meeting held on June 5, 2013, Terry Atkins, Lamp Rynearson & Associates, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Atkins stated that the applicant requested a layover for further discussions with the Planning Department and Public Works Department.

Winston Anderson, 8665 North 162nd Plaza, appeared before the Board in opposition. Mr. Anderson stated that his concern was density and retaining the existing green space on some of the proposed lots. He also questioned what percentage of homes would be sold before moving on to the next phase of the project.

Joe Frederick, 16161 Tucker Plaza, appeared before the Board in opposition. Mr. Frederick stated that he was not opposed to the project but inquired if the lots near the watershed area were proposed for green space or homes and that he would like a point of contact for information regarding the project.

Mr. Atkins commented that this would be a new urbanist project with multiple types of residential components and commercial components. He added that the outlots in question would remain greenspace and that scheduled phases would depend on sales and financing. In response to Ms. Nubel, Mr. Atkins stated that once financing is secured he would meet with concerned neighbors regarding phases of the proposed project.

Chad Weaver, Assistant Planning Director stated that since the project was started regulations have changed and these items would be discussed with the applicant. He stated that the Department recommended a layover.
Mr. Deeb motioned to layover the request to allow the applicant time to meet with the Planning Department and Public Works Department in order to address the conditions of the Preliminary Plat approval and to submit a revised Preliminary Plat within 60 days, or 30 if ready. Mr. Nesbitt seconded the motion which carried 6-0.

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<td>LOCATION: Southeast of 194th Circle and Seward Street</td>
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At the Planning Board meeting held on June 5, 2013, John Coolidge, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Coolidge stated that this was an existing independent living facility with 2 apartment style units and clubhouse that would be subdivided into 5 parcels to accommodate financing for the owner. In response to Mr. Rosenbaum, Mr. Coolidge verified that there would be only 4 lots.

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

Mr. Kelley moved for approval of the Preliminary Plat subject to: 1) The correct street names being included on the Final Plat, 2) Providing a reciprocal access, circulation and shared parking easement on the Final Plat and 3) Including a 115’ foot noise attenuation easement along the centerline of Honeysuckle Drive and applicable reference language on the Final Plat and for approval of the Final Plat, as amended by the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the Final Plat to the City Council. Mr. Deeb seconded the motion which carried 6-0.

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<tr>
<th>17.</th>
<th>C10-13-119 C12-13-120 Pacific Windgate, LLC</th>
<th>REQUEST: Preliminary Plat approval of WINDGATE RANCH (Lot 97-363, O.L. E-O), a subdivision outside the city limits, with rezoning from AG to DR and R4</th>
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<td>LOCATION: West of 204th Street, north and south of Blue Sage Parkway</td>
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At the Planning Board meeting held on June 5, 2013 Brian Doyle, Fullenkamp Doyle & Jobeu, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Doyle stated that this would be an extension of an existing subdivision with an additional 264 single family residential lots.

Mr. Kelley questioned the development plan for the parcel along 204th Street. Mr. Doyle responded that a plan was not decided because the property owner was retaining the parcel.

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

Mr. Rosenbaum moved for approval of the rezoning from AG to DR and R4 and approval of the Preliminary Plat subject to addressing the following items prior to or with submittal of an application for Final Plat: 1) Changing the name of the subdivision, 2) All lots and outlots abutting a public right-of-way, 3) Building envelopes being included on the Final Plat mylars for Lot 97, 157, 203, 260 and 273, 4) Submitting covenants, if proposed, 5) The paving of Blue Sage Parkway to 204th Street, 6) Continuing the Shirley Street right-of-way to Lot 362 and including a temporary turnaround, 7) Providing a noise attenuation easement and note on the Final Plat, 8) Providing traffic calming on any street longer than 1,000 feet, 9) Paving a street stub on the south leg of the intersection of 208th and Marinada Streets to facilitate a future street connection to the south, 10) Coordinating with Douglas County and the Department of Roads regarding the future grading profiles of 204th Street; and any proposed access, 11) Including any drainageway within an outlot, sized to accommodate either the 3:1+20’ section or the 100-year storm flow; whichever is greater, 12) Compliance with all applicable stormwater management ordinances and policies will be required; including providing for a no net increase in stormwater runoff and
treatment of the first ½ inch of stormwater for water quality, 13) All park and boulevard plans and
improvements being approved by the Park Board, 14) Providing for fencing, as approved by the Parks
Department, to be installed along the rear yards of all lots that abut the NRD easement areas, 15)
Including provisions for use, ownership and maintenance of the outlots within the final subdivision
agreement and as a note on the Final Plat, 16) Submittal of a wetlands analysis; and mitigation plan, if
necessary, 17) Submittal of a letter from Douglas County Emergency Management confirming that
acceptable emergency warning is being provided for the area and 18) An acceptable debt ratio of 4% or
less. Mr. Nesbitt seconded the motion which carried 6-0.

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<tr>
<th>18.</th>
<th>C12-13-121 Lamp, Rynearson &amp; Associates</th>
<th>REQUEST: Preliminary and Final Plat approval of BAKER PLACE, a minor plat inside the city limits</th>
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<td>LOCATION: 4910 Young Street</td>
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At the Planning Board meeting held on June 5, 2013, John Coolidge, Lamp Rynearson & Associates,
14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Coolidge stated that
the request would be to create 2 separate lots with independent ownership. He added that there was an
issue with septic system that requires further coordination with the Nebraska Department of
Environmental Quality before Final Plat approval.

Chad Weaver, Assistant Planning Director stated that the Department recommended approval of the
Preliminary Plat subject to the items on the recommendation report and to layover the Final Plat.

Mr. Kelley moved for approval of the Preliminary Plat subject to: 1) Providing the standard vacation
language on the Final Plat, 2) Providing compensation for the vacated 49th Street right-of-way (less the
area to be dedicated as new right-of-way along Young Street), 3) The applicant will be required to either
install a sidewalk along Young Street or waive the right to protest a future sidewalk improvement district
within the subdivision agreement and 4) Providing a letter of approval from the Douglas County Health
Department and the Nebraska Department of Environmental Quality (NDEQ) for the existing and/or future
septic systems and to layover of the Final Plat in order to address the conditions of the Preliminary Plat
approval. Mr. Nesbitt seconded the motion which carried 6-0.

**Planned Unit Development Overlay Districts**

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<tr>
<th>19.</th>
<th>C11-13-059 Austin Realty, Co.</th>
<th>REQUEST: Approval of a Planned Unit Development Overlay District (see also #C10-13-057, C12-13-058)</th>
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<td>LOCATION: Northwest of 156th Street and Butler Avenue</td>
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At the Planning Board meeting held on June 5, 2013, Larry Jobeun, 11440 West Center Road, appeared
before the Board on behalf of the applicant. Mr. Jobeun stated that the Final Plat for this project was
approved by the Board today and that he would answer any questions in opposition to the request.

Arlene Delrose, 16009 Butler Avenue, appeared in opposition. Ms. Delrose stated that she had concerns
that a 256-unit development would increase traffic to the Stone Bridge subdivision in which she resides
and that traffic safety near the school located at the intersection of Taylor and Butler was a concern.

Mr. Jobeun stated that the density was consistent with the previously approved plan and that this request
was a revision of the PUD plan to allow for the development. He added that concerns regarding required
improvements along 156th Street had been taken into consideration and that they are working with Public
Works and the Planning Department to resolve those issues.

Ryan Haas, Public Works Department, stated that with limited ingress and egress options for the
proposed complex, most traffic would possibly travel through 156th Street to Butler Avenue. He added
that there would be a possibility of increased traffic but the street connections were a requirement.
Ms. Delrose repeated that she has traffic safety concerns with a large multi-family complex close to a single-family residential subdivision and that there was another large multi-family complex less than 2 miles away at 147th & West Center Road.

Chad Weaver, Assistant Planning Director, stated that the density of the project is not unusual and that they do not foresee an issue with traffic safety. He stated that the Department recommended approval. In response to Mr. Deeb, Mr. Weaver stated that with proper approval signs could be installed limiting traffic near the school as one-way during displayed hours. Ms. Delrose mentioned that signs were currently displayed and that the steep grade of the road caused visibility issues as the road changes to one-way.

Mr. Kelley moved for approval of the PUD-Planned Unit Development Overlay District subject to: 1) Compliance with the revised site and landscape plans, 2) Compliance with the operating statement and 3) Compliance with all other applicable regulations. Mr. Nesbitt seconded the motion which carried 6-0.

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**Rezonings**

| 22. | C10-13-114  
C11-13-115  
Jerry Reimer | REQUEST: | Rezoning from GO to R7 and approval of a Planned Unit Development Overlay District |
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<tr>
<td>LOCATION:</td>
<td>Southwest of 192nd Street and Western Avenue</td>
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At the Planning Board meeting held on June 5, 2013, Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun stated that this would be a 193 unit multi-family apartment complex and that the property immediately to south is industrial with a significant grade change between the two properties. He added that a meeting was held regarding the project and the 2 neighbors that attended were in support.

John Wanninger, 907 North 190th, appeared before the Board in favor of the project. Mr. Wanninger stated that his residential property looks towards the proposed site and that after attending a meeting with the Developer he was in support of the project.

Carol White, 4315 Cuming Street, appeared before the Board in opposition. Ms. White stated that she is the Real Estate Manager of Lyman Richey Corporation, a high-production industrial site located near the proposed project and that she is not opposed to the project but has concerns. She then stated that their business adheres to regulations of city noise ordinances and that her concern was residences moving within close proximity of the industrial site and requesting a change in their operating hours.

Jeff Ford, 4315 Cuming Street, appeared before the Board in opposition. Mr. Ford stated that he is the Operations Manager for the nearby Lyman Richey industrial site. He mentioned that the site was built with a natural hill on the east property line, a berm with trees was built on the north and south and that their industrial site was built at a lower grade to project noise up. He added that a barrier wall was built to screen noises from the nearby park and the neighbors across the lake. Mr. Ford noted that this plant has approximately 70 trucks bringing material to the plant every day and approximately 35 mixer trucks entering and exiting the plant daily with noise from truck back up alarms and motors sometimes 24 hours per day. He concluded that he is concerned how new residents would react to the noise from the daily operations of their industrial plant.

In response to Ms. Nubel, Mr. Wanninger responded that in relation the proposed project his residence is slightly further away from the industrial site but that he was not aware of operational noise from the plant.

Mr. Jobeun pointed out that the developer was aware of the industrial use to the south and that the project would be designed to use the garage parking and elevation changes as sound barriers and that the apartment units would be designed to shift towards the lake instead of the industrial site. Mr. Kelley suggested a waiver for noise issues be placed within the apartment lease agreements to protect the
operational hours of the industrial site. Mr. Jobeun stated that he would discuss this consideration with the owner of the property. He also discussed with Mr. Kelley the different noise ordinances within the different zoning classifications, residential or office, and how this would affect the industrial site.

Mr. Ford again stated that they were not against the proposed project but were concerned with noise complaints affecting their business. Ms. White added that they were willing to work with the developer in regards to a noise waiver within the lease agreements.

Chad Weaver, Assistant Planning Director, stated that because there is currently not a neighbor in close proximity of the industrial site that he would encourage further discussion between the developer and industrial site regarding the noise ordinance. He stated that the Department recommended approval of the rezoning and the PUD subject to the recommendation report.

Mr. Kelly moved for approval of the rezoning from GO to R7 and approval of the PUD subject to the applicant obtaining the necessary zoning ordinance waivers prior to forwarding the request to the City Council for final action. Mr. Deeb seconded the motion which carried 6-0.

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**REQUEST:**
Rezoning from R6 to R4, approval of a MCC-Major Commercial Corridor Overlay District and repeal a Planned Unit Development Overlay District

**LOCATION:**
1101 South 178th Street

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At the Planning Board meeting held on June 5, 2013, Pastor Craig Fischer, All Nations Church, 2011 South 194th Street appeared before the Board. Mr. Fischer stated that the request is to obtain proper zoning to build a church on the recently purchased land at 178th & Pacific Streets.

Nancy Whitney, 1607 South 175th Street, appeared before the Board in opposition. Mr. Whitney stated that she is the President of the Spring Ridge Homeowner’s Association and stated that they were opposed to the rezoning from low-density to high-density but after Mr. Fischer stated his purpose for rezoning they were no longer opposed to the request.

Chad Weaver, Assistant Planning Director, stated that the zoning would change from low-density multi-family to high-density single family and that multi-family would be an option if the church did not develop, but approval would have to be obtained by a public meeting. Mr. Weaver stated that the Department recommended approval.

Mr. Nesbitt moved for approval of the rezoning from R6 to R4 and approval of the MCC-Major Commercial Corridor Overlay District. He also moved for approval of repealing the existing PUD-Planned Unit Development Overlay District. Mr. Deeb seconded the motion which carried 6-0.

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**REQUEST:**
Rezoning from R4(35) and GC to CC and approval of an MCC-Major Commercial Corridor Overlay District

**LOCATION:**
Northwest of 57th Street and Northwest Radial Highway

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At the Planning Board meeting held on June 5, 2013, Matthew Manning, 4973 Dodge Street, appeared before the Board on behalf of the applicant. Mr. Manning stated that the applicant requested a layover.

Sandra Walker, 3112 North 55th Street appeared in opposition. Ms. Walker requested an explanation of a Major Commercial Corridor Overlay District and that she would be concerned with the noise from a large gas station in a residential area.
Jutta Sofronovs, 2924 North 58th Street, appeared in opposition. Ms. Sofronovs requested clarification of the time frame for the layover. Ms. Nubel explained that the applicant would appear before the Board again within 30 to 60 days.

Chad Weaver, Assistant Planning Director, explained that the property was currently zoned General Commercial with a variety of options for commercial development but that the MCC zoning would involve more regulations. He added that the Department had concern with the use of the lot to the north of the property and that they did not recommend the addition of this lot to the proposed project. Mr. Weaver stated that the Department recommend a layover.

Mr. Rosenbaum moved to layover the request to allow the applicant time to meet with the neighborhood organization and to meet with the Planning Department regarding the inclusion of Lot 19, Block 3, Vassar Place, in the redevelopment within 60 days, or 30 if ready. Mr. Nesbitt seconded the motion which carried 6-0.

APPROVAL OF MINUTES

Mr. Hoich moved to APPROVE the meeting minutes of April 3, 2013 and May 1, 2013 as written. Mr. Kelley seconded the motion which carried 6-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 5:04 pm.

Date Approved

_________________________________________
Raymond J. Neary, Chair

Rikki Flott, Planning Board
Recording Secretary