

MINUTES
 PUBLIC HEARING AND ADMINISTRATIVE MEETING
 OMAHA CITY PLANNING BOARD 1:30 P.M. – July 10, 2013
 LEGISLATIVE CHAMBER - OMAHA/DOUGLAS CIVIC CENTER
 1819 FARNAM STREET

Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, July 1, 2013.

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

MEMBERS NOT PRESENT: Arnold Nesbitt

STAFF PRESENT: James Thele, Acting Planning Director
 Dave Fanslau, Manager, Current Planning
 Chad Weaver, Current Planning
 Eric Englund, Current Planning
 Alan Thelen, Law Department
 Rikki Flott, Recording Secretary

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

(REGULAR AGENDA)

(HOLD OVER CASES)

Subdivisions

3.	C10-13-053 (D) C12-13-054 Jasper Stone Development	REQUEST:	Preliminary Plat approval of GATEWAY PARK, a subdivision inside and outside the city limits, with rezoning from AG to R6 and MU (laid over from 6/5/13)
		LOCATION:	Southwest of 192 nd Street and West Dodge Road

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved to layover the request to allow the applicant additional time for resubmittal. Mr. Deeb seconded the motion which carried 6-0.

5.	C12-13-121 (D) Lamp, Rynearson & Associates	REQUEST:	Preliminary and Final Plat approval of BAKER PLACE, a minor plat inside the city limits (final plat laid over from 6/5/13)
		LOCATION:	4910 Young Street

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved for approval of the final plat. Mr. Hoich seconded the motion which carried 6-0.

Zoning

6.	C10-13-089 (D) Al Povondra	REQUEST:	Rezoning from R4(35) to R5 (laid over 5/1/13)
		LOCATION:	4520 South 33 rd Street

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved for approval of the rezoning to R5 based on the applicant's latest submitted building elevations. Mr. Hoich seconded the motion which carried 6-0.

7.	C10-13-118 (D) John Perlebach	REQUEST:	Rezoning from R4(35) and GC to CC and approval of an MCC-Major Commercial Corridor Overlay District (laid over from 6/5/13)
		LOCATION:	Northwest of 57th Street and Northwest Radial Highway

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved to layover the request to allow the applicant additional time to address outstanding issues. Mr. Deeb seconded the motion which carried 6-0.

Conditional Use Permits

8.	C7-05-216 (Withdrawn) Fort Street Christian Church	REQUEST:	Approval of a Major Amendment to a Conditional Use Permit to allow <i>Religious assembly</i> in a R4 District (laid over 5/1/13)
		LOCATION:	15801 Butler Avenue

(REGULAR AGENDA)

Subdivisions

15.	C10-90-135 (D) Olsson Associates	REQUEST:	Approval of a Major Amendment to a Planned Unit Development Overlay District
		LOCATION:	11620 Arbor Street

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved for approval of the Major Amendment to the Planned Unit Development Overlay District. Mr. Hoich seconded the motion which carried 5-0, with Mr. Neary abstaining.

Zoning

16.	C10-13-126 (D) Mark Dayton GLMV Architecture, Inc.	REQUEST:	Approval of an MCC-Major Commercial Corridor Overlay District (the existing base zoning district is CC)
		LOCATION:	801 and 815 North 204 th Avenue

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved approval of the MCC- Major Commercial Corridor Overlay District. Mr. Hoich seconded the motion which carried 6-0.

17.	C10-13-127 (D) Tammy Soria	REQUEST:	Rezoning from HI to R4
		LOCATION:	2626 and 2630 "Y" Street

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved approval of the rezoning from HI to R4 for 2626 and 2630 "Y" Street. Mr. Hoich seconded the motion which carried 6-0.

19.	C10-13-134 (D) Craig Fischer	REQUEST:	Approval of an MCC-Major Commercial Corridor Overlay District (the existing base zoning district is R4)
		LOCATION:	1101 South 178 th Street

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved for approval of the MCC-Major Commercial Corridor Overlay District. Mr. Hoich seconded the motion which carried 6-0.

20.	C10-13-135 (D) Doug Johnson	REQUEST:	Approval of an MCC-Major Commercial Corridor Overlay District (the existing base zoning district is CC)
		LOCATION:	1918 North 203 rd Street

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved approval. Mr. Hoich seconded the motion which carried 5-0, with Mr. Rosenbaum abstaining.

Conditional Use Permits

22.	C7-13-130 (D) McNeil Company	REQUEST:	Approval of a Conditional Use Permit to allow <i>Multiple family residential</i> in a CC District
		LOCATION:	11101 "M" Street

At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved for approval of a Conditional Use Permit to allow Multiple-family residential in a CC District subject to: 1) Modification of the submittal to comply with or receive waivers from the Zoning Board of Appeals prior to the issuance of the use permit for the following: (a) Front yard setback, (b) Impervious coverage, (c) Depth of street yard landscaping and (d) Total amount of landscaping in the street yard, 2) The installation of a sidewalk along the "M" Street right-of-way adjacent to the site, 3) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department, 4) Compliance with the proposed site plan, 5) Compliance with the proposed building elevations and 6) Compliance with all applicable regulations. Mr. Hoich seconded the motion which carried 6-0.

Vacations

23.	C14-13-125 (D) Planning Board	REQUEST:	Vacation of the north/south alley between 24 th and 25 th Streets from Dodge to Douglas Streets
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At the Planning Board meeting held on July 10, 2013, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Hoich seconded the motion which carried 6-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1.	C10-12-215 C12-12-216 Kingswood Estates, LLC	REQUEST:	Final Plat approval of KINGSWOOD HEIGHTS, a subdivision inside the city limits, with rezoning from DR to R4
		LOCATION:	3330 South 132 nd Street

At the Planning Board meeting held on July 10, 2013, Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended approval. Mr. Hoich moved for approval of the final plat subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Deeb seconded the motion which carried 6-0.

2.	C10-13-062 C12-13-063 Foundations Development, LLC	REQUEST:	Final Plat approval of KIDDER HEIGHTS, a subdivision inside the city limits, with rezoning from DR to R6
		LOCATION:	4502 South 60 th Street

At the Planning Board meeting held on July 10, 2013, Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended approval of the Final Plat and rezoning. Mr. Kelley moved for approval of the final plat, subject to submittal of an acceptable final subdivision agreement being submitted prior to forwarding the request to the City Council for final action. Mr. Deeb seconded the motion which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

4.	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 (laid over from 6/5/13)
		LOCATION:	Southeast of I-680 and Irvington Road

At the planning Board meeting held on July 10, 2013, Doug Kellner, Thompson Dreessen Dorner, 10836, Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Kellner stated that the applicant received a phone call from an adjacent property owner and that they are requesting a layover until next month to address concerns and discuss issues with the Planning Department.

Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended to layover the request.

Mr. Hoich moved to layover the request to allow the applicant time to address issues with the adjacent property owner and the Planning Department, with resubmittal within 60 days, 30 days if ready. Ms. Nubel seconded the motion which carried 6-0.

(REGULAR AGENDA)

Master Plan Referrals

9.	C3-13-132 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the CYPRESS POINTE II, LLC TIF REDEVELOPMENT PROJECT PLAN
		LOCATION:	Southwest of 60 th Street and Hartman Avenue

At the Planning Board meeting held on July 10, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that this project would be the second phase of a construction redevelopment project that provides additional housing for seniors ages 55 and older. She added that the project would include two 3-story buildings with 40 units each for a total of 80 units and that the only public infrastructure construction would be the addition of a bus stop.

Paula Ryan, Excel Development Group, 8551 Lexington in Lincoln, Nebraska, appeared before the Board. Ms. Ryan stated that she is the developer for this project and in response to Mr. Neary she explained that they have developed and currently manage a number of senior housing projects in Omaha, which were consistently full with waiting lists. She also stated that they had worked in conjunction with the City on the rehab of rent-to-own sites.

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

In response to Mr. Kelley, Ms. Hadley explained that because the majority of the project is contained within the site and there was no need for major off site public improvements, that TIF financing was not necessary.

Mr. Kelley moved for approval of the request. Ms. Nubel seconded the motion which carried 6-0.

10.	C3-13-133 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the CAPITOL DISTRICT TIF REDEVELOPMENT PROJECT PLAN
		LOCATION:	Northwest and southeast of 10 th Street and Capitol Avenue

At the Planning Board meeting held on July 10, 2013, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that this project was 4.2 acres in the downtown area and that it would be consistent with the Master Plan with mixed-use development, pedestrian friendly areas, open green space and entertainment venues. She added that the Master Developer would develop various components of the project such as a 350 room Marriott hotel, approximately 100,000 square feet of retail space, 250 affordable and market rate apartments, office space, and a parking garage with approximately 525 stalls. Ms. Hadley mentioned that the site on the southeast corner was under contract to be purchased from the City and that the entire project was estimated to generate about 350 million dollars

when complete in approximately 3 years. In response to Mr. Kelley, Ms. Hadley explained that hotel and parking garage would use most of the TIF dollars and that the office, retail and housing would use the remainder.

Mike Moylan, Shamrock Development, 1414 Harney Street, Suite 400, appeared before the Board. Mr. Moylan displayed drawings of the project and explained that using the TIF funds would assist in the completion of the project. He also mentioned that numerous Omaha based companies would be involved in the completion of the project. Mr. Moylan used the drawings to explain the layout of the hotel and parking garage and that the flow of traffic would be accommodating with no ingress or egress on Capitol Avenue, Davenport Street would connect to 10th Street and 10th Street would remain the same. He also explained that the office building would include retail on the first 2 floors with 4 to 5 floors of office use above that, additional retail throughout along the west side, market-rate apartments and approximately 80 to 85 units of affordable housing on the north side of Davenport. In response to Mr. Deeb, Mr. Moylan explained that the affordable housing would be 1 and 2 bedroom units. He also mentioned that the supplemental site would have an option for retail and residential use.

Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended approval. Mr. Rosenbaum added that numerous jobs would be created with the development of this project.

Mr. Kelley moved for approval of the request. Ms. Nubel seconded the motion which carried 6-0.

Subdivisions

11.	C12-13-131 Transpec Leasing	REQUEST:	Preliminary and Final Plat approval of TSL INDUSTRIAL PARK, a minor plat inside the city limits, with a waiver of Section 53-8(4)(d) for street frontage
		LOCATION:	2401 North 11 th Street

At the Planning Board meeting held on July 10, 2013, Doug Kellner, Thompson Dreessen Dorner, 10836, Old Mill Road, appeared before the Board on behalf of the applicant and stated that he would answer questions regarding the request.

Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended approval subject to the conditions of the recommendation report. In response to Mr. Neary, Mr. Fanslau explained that a majority of the site lies within Carter Lake, Pottawattamie County, Iowa and a portion lies in Omaha, Douglas County, Nebraska. He further explained that after exploring various access easement options for this site, that the Department was in agreement with the proposed easement through Carter Lake if recorded in both Counties.

Mr. Kelley moved for approval of the waiver of Section 53-8(4)(d) for street frontage for proposed Lot 2 and approval of the preliminary plat subject to the applicant providing additional right-of-way as required by the Public Works Department and providing an acceptable final tree mitigation plan. He also moved for approval of the final plat subject to compliance with the conditions of preliminary plat approval, the applicant recording the proposed access easement in both Douglas County, NE and Pottawattamie County, IA when the final plat is recorded and subject to submittal of an acceptable final subdivision agreement, if necessary. Mr. Rosenbaum seconded he motion which carried 6-0.

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

At the Planning Board meeting held on July 10, 2013, Dennis Hogan, Regency Center, appeared before the Board on behalf of the applicant. Mr. Hogan stated that the request was consistent with the previously approved Preliminary Plat and stated that he would answer any questions.

Mike Jensen, 1313 Ranchview Lane, appeared in opposition. Mr. Jensen stated that he previously submitted letters regarding his concerns to City Council and the Planning Board. He stated that his concern was that there was no consistency with the code regulations for cul-de-sac length and connectivity within the surrounding subdivisions. He stated that Southpointe Estates was required to abide by the code regulations for cul-de-sac length and connectivity but that although the Board required the connectivity between the cul-de-sacs, or pods, of The Prairies, the plan was approved by City Council with no connectivity via streets but via walking trails. He added that although this type of connectivity had been approved previously for another subdivision that connection was between 2 main streets and not connected to another subdivision. Mr. Jensen stated that he had expressed his concerns to many departments within the City with no success for consistency to regulations within the surrounding developments. He added that the differences are unfair and that The Prairies should accept traffic on their driveways with the connection of the cul-de-sacs as his subdivision was required. Mr. Rosenbaum questioned Mr. Jensen how connecting the cul-de-sacs in The Prairies would increase traffic on their driveways. Mr. Jensen responded that a long straight-way connecting street with only 1 entrance into the subdivision and no driveways backing up to the street, as proposed for this development, increases the speed of traffic along the main thoroughfare and that if another connecting street was provided and the cul-de-sacs were connected, this would eliminate the traffic along the main through-street.

Lawrence Beck, 2000 Skyline Drive, appeared in opposition. Mr. Beck stated that his concern was that the large proposed subdivision would more than double the population of their tranquil rural neighborhood and the tranquility would be destroyed. He added that Skyline Drive was a quiet 2-lane road and that an additional 242 lots would increase the traffic in the area and the value of his home would decrease. In response to Mr. Neary, Mr. Beck stated that his property was on 1 acre of land set back approximately 6 car-lengths from Skyline Drive.

Dave Fanslau, acting Assistant Planning Director, stated that when the subdivision to the east of Skyline Drive was developed, stub-streets were built for future growth in the area with the idea of connecting the subdivisions. Mr. Fanslau agreed that the Department recommended the connection of the cul-de-sacs within the proposed subdivision to adhere to the code but that their recommendation was changed by the City Council. He added that according to traffic engineers Skyline Drive would be able to handle the increased traffic and that traffic calming measures would be required. Mr. Fanslau stated that the Department recommended approval of the rezoning, the revised Preliminary Plat subject to the items listed on recommendation report and Final Plat Phase I subject to the items on the recommendation report.

Mr. Rosenbaum explained to Mr. Beck that progress and expansion is inevitable and then he questioned if Skyline Drive would be expanded to 3 lanes. Mr. Fanslau responded although it was a prior recommendation of the Department that a traffic study revealed it would not be necessary.

Mr. Hogan explained to Mr. Kelley that the only changes to the Preliminary Plat between the prior Planning Board meeting and the City Council meeting were lot line changes. He then responded to Mr. Kelley that the developer had no issues with the Department's current recommendations. In response to Ms. Nubel, Mr. Hogan stated that the pods were not designed to connect and that this design exists in another subdivision. The Board and Mr. Hogan discussed the definition of a cul-de-sac and Mr. Fanslau stated that the Department concluded the proposed pods were cul-de-sacs because there was one road for ingress and egress. Mr. Hogan again stated that although the Department's previous recommendation was to connect the pods that the Final Plat is consistent with the Preliminary Plat approved by the City Council.

Mr. Jensen stated that during the recent City Council meeting Public Works determined that the layout of the pods in The Prairies did not create an unsafe situation. He added that only one ingress/egress could cause hazardous situations during blizzard conditions and that his neighborhood was required to add a

second ingress/egress. Mr. Fanslau presented the definition of a cul-de-sac as defined in Section 53-4 of the Subdivision Code: A street or private way having one end connecting with a public street or private way and being terminated at its other end by a vehicular turn-around. The Board discussed that no turn-around existed in The Prairies. In response to Mr. Kelley, Mr. Fanslau stated that the Department was adhering to Code when recommending connectivity and that the Master Plan promotes connectivity.

Mr. Kelley moved for approval of the rezoning from AG to DR and R4 and approval of the revised preliminary plat subject to the following being addressed prior to or with final plat approval by the City Council: 1) Submittal of an acceptable, final traffic study signal warrant analysis, 2) Providing for all improvements identified in the approved traffic study signal warrant analysis, 3) Including an acceptable Source and Use of Funds as an attachment to the final subdivision agreement, 4) Including an acceptable paving plan as an attachment to the final subdivision agreement, 5) Providing the required noise attenuation easement from the centerline of Skyline Drive, 6) Providing for compliance with all applicable stormwater management ordinances and policies and 7) Obtaining Park and Recreation Advisory Board approval of the final construction drawings and cost estimate for the trail. Mr. Kelley also moved for approval of the final plat (Phase I) subject to the following being addressed prior to forwarding the final plat (Phase I) to the City Council for final action: 1) Satisfactorily addressing all conditions of revised preliminary plat approval and 2) Submittal of an acceptable final subdivision agreement. Mr. Rosenbaum seconded the motion which carried 4-2, with Mr. Deeb and Mr. Neary dissenting.

13.	C10-13-100 C12-13-101 Bruce Carpenter	REQUEST:	Revised Preliminary Plat and Final Plat approval of UNO NEBRASKA VILLAGE, a subdivision inside the city limits, 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 64 th Avenue and West Center Road

At the Planning Board meeting held on July 10, 2013, Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun stated that the developer was working with many organizations in Omaha regarding parking, traffic, traffic circulation, infrastructure requirements and funding for the development of this UNO ice arena project. He then displayed drawings of the development showing street connections, public improvements, the location of the proposed arena and the proposed additional parking. He then added that the community and competition ice arena would be visible from Center Street.

In response to Mr. Kelley, Mr. Jobeun stated that the arena would cater to a variety of UNO events but would also be available to various events throughout Omaha. Mr. Neary questioned the parking ratio during events and Mr. Jobeun responded that parking agreements would be created for available stalls south of Center Street, at the existing and proposed parking structures within Aksarben Village to the north and at the UNO campus north of Aksarben Village. He added that the street connection improvements would also benefit Aksarben Village.

Paul Waggener, 19726 K Street, appeared before the Board requesting the exact location and boundaries for the proposed project.

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

Mr. Deeb moved for approval of the rezoning from DR, R3, MH, CC and GI to MU, subject to submittal of an acceptable final Mixed Use District Development Agreement prior to forwarding the request to the City Council for final action and approval of the Revised Preliminary Plat subject to the applicant addressing the following conditions: 1) Providing for all improvements identified in the final approved traffic study, 2) The applicant coordinating with MUD to have a 50 foot right-of-way dedicated along the north end of the proposed joint-use parking lot. This right-of-way section needs to be paved to City standards from 64th

Avenue to its eastern extent with a temporary turnaround at its terminus, 3) The applicant working with the Public Works Department regarding the design and placement of traffic calming measures, 4) Dedication of right-of-way for the entire length of 68th Street between Mercy Road and 67th Street, 5) Constructing sidewalks along both sides of all new public streets. The full extent of the sidewalks shall be in the right-of-way. Dedication of right-of-way will be required where needed (e.g. the west side of 64th Avenue), 6) Providing public sidewalk connections from the public street to the Keystone Trail, 7) Including provisions for the payment of the Watershed Management Fees in the final subdivision agreement. The fees shall be paid prior to final plat approval for all of Lots 1, 2, 6, 7 and 8, as well as the prorated portions of Lot 3 and 4 which are inside the limits of current construction. The language in the subdivision agreement shall stipulate that the remaining portion of the Watershed Management fees for Lot 3 and 4, and the fee for all of Lot 5 shall be paid either when the lots are developed, or by October 1, 2018, whichever is sooner, 8) The PCSMP being approved by the Public Works Department prior to final plat approval, either via the grading permit process or via a separate agreement, 9) Final construction plans for the site and trail connections being submitted to the Park Planning staff for review prior to bidding, 10) Renaming Outlot 1 to Outlot "A" and 11) Including provisions for use, ownership and maintenance of the outlot in the final subdivision agreement and as a note on the final plat. Mr. Deeb also moved for approval of the final plat as amended by the conditions of revised preliminary plat approval and subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Ms. Nubel seconded the motion which carried 6-0.

Planned Unit Development Overlay Districts

14.	C11-08-098 Calvin L. Hinz Architects, P.C.	REQUEST:	Approval of a Major Amendment to a Planned Unit Development Overlay District
		LOCATION:	7815 Farnam Street

At the Planning Board meeting held on July 10, 2013, Troy Meyerson, 409 South 17th Street, appeared before the Board on behalf of the applicant. Mr. Meyerson stated that this project would be a new Carolyn Scott Rainbow House to house families with children undergoing acute long-term treatment at Children's Hospital. He added that this facility would increase the number of accommodated families. He then stated that Children's Hospital met with representatives of the Neighborhood Homes Owner's Association and the owner of the adjacent property directly to the south to discuss concerns. Mr. Meyerson stated that the adjacent property owner had concerns with height of trees and visibility from the new facility into their home and with the proposed patio and play area in the buffer yard. He then stated that the facility would be cut into the existing grade lowering the height of the 3-story building by 5 feet with a 34 foot setback exceeding the requirement. He added that trees would be planted on the south end with a projected height of 25-30 feet at maturity and that the playground area would be located farther to the north as to not encroach in the buffer yard.

Nathan Miller, 333 Beverly Drive, appeared before the Board in opposition. Mr. Miller stated that he is the homeowner directly to the south of the proposed facility. He then stated that his concerns were addressed by Mr. Meyerson and that he preferred an increase in the setback to approximately 50 feet but he was satisfied with the relocation of the play area and height of the trees. In response to Mr. Neary, Mr. Miller stated that the office building to the west, across the street from his home, exceeds the height of the proposed facility.

Gene Dunn, 804 Loveland Drive, appeared before the Board in opposition. Mr. Dunn stated that he is the President of the Neighborhood Association and that they are not opposed to the facility but wanted to support Mr. Miller's concerns.

Dave Fanslau, acting Assistant Planning Director, stated that the recommendation report was revised earlier today to comply with the buffer yard regulations. He then stated that the Department recommended approval. In response to Mr. Neary, Mr. Fanslau stated that new sidewalks would not be installed and that the sidewalk across the street would be sufficient.

Mr. Deeb moved for approval of the Major Amendment to the PUD-Planned Unit Development Overlay District in a GO District subject to: 1) The applicant submitting an application for and receiving approval of a Conditional Use Permit to allow Large group living for the subject property prior to the issuance of any building permits, 2) Submittal of an updated operating statement that provides greater detail of the operations of all uses (existing and proposed) on the site prior to sending this request to City Council, 3) Submittal of a revised site plan prior to sending this request to City Council that addresses the following: (a) Provide for the installation of sidewalks along Farnam Drive and connects to the north/south sidewalk west of the new parking lot, and (b) Remove all structures from the required landscaped bufferyard, 4) Compliance with the revised site/landscape plan, 5) Compliance with the updated operating statement, 6) Compliance with all applicable regulations, 7) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department for the new facility. Mr. Hoich seconded the motion which carried 6-0.

Zoning

18.	C10-13-128 Greek Orthodox Church of Greater Omaha	REQUEST:	Rezoning from R6 to MU
		LOCATION:	215 South 181 st Street

At the Planning Board meeting held on July 10, 2013, Walt Pepper, PJ Morgan Real Estate, 7801 Wakeley Plaza, appeared before the Board on behalf of the applicant. Mr. Pepper stated that the applicant purchased the property approximately 6 years ago and that they were now requesting Mixed Use restricted zoning to be in compliance with the Master Plan. He added that although the Department recommended a market study to support the request, the church would not have the funding for the market study and after discussing the various types of surrounding business and developments that such a request was not necessary. Mr. Pepper stated that the applicant was requesting the zoning for future office use with no need for additional ingress or egress from 180th Street or Harney Street and also that rezoning would complement the surrounding developments.

In response to Mr. Kelley, Mr. Pepper stated that the applicant intended to sell the land because they did not have the funding to build a church or develop the land. He added that prospective buyers were not interested in R6 zoning and that the interest was for office use. In response to questioning by the Board, Mr. Pepper stated that if rezoned the price of the land would be approximately \$12 per square foot and that the proposed user would occupy the entire building. He added that a market study would reveal that 1-story office or medical use was in demand.

Dave Fanslau, acting Assistant Planning Director, stated that R6 zoning would allow for a variety of uses with no further review from the Department. He added that the Master Plan dictated the amount of office use allowed at each intersection and that this intersection was already in excess. He then stated that proper documentation for justification of rezoning would be necessary. Mr. Fanslau stated that the Department recommended to layover the request.

Mr. Rosenbaum moved to layover the request to allow the applicant an opportunity to submit a request to amend the Master Plan and submit a complete application for a mixed use district in compliance with all applicable ordinances. It should be noted however, that in lieu of a market study indicating that the 180th Street and West Dodge Road intersection should be changed from a Community Mixed Use Area to a Metro Mixed Use Area or that a Specialty Mixed Use area as called for, the Planning Department will not be able to support alternative requests. Mr. Hoich seconded the motion which carried 6-0.

Conditional Use Permits

21.	C7-13-129 Trans Motion	REQUEST:	Approval of a Conditional Use Permit to allow a <i>Truck terminal</i> in a DS District
		LOCATION:	1804 Paul Street

At the Planning Board meeting held on July 10, 2013, Dan Dolezal, Ehrhart Griffin & Associates, 3552 Farnam Street, appeared before the Board on behalf of the applicant. Mr. Dolezal explained that the applicant is an over-the road trucking company and that the site was previously used as a truck transfer station and currently as a bus transfer station. He displayed a new site plan that was developed after meeting with the neighboring Sienna Francis House facility to the east. He explained that the site plan indicates the installation of a 6 foot screen fence around the property, an entrance gate at Paul Street to limit traffic to the west side, deliveries would be on the east side, and an emergency exit on 18th street only if necessary. Mr. Dolezal added that the applicant would provide new curbing, close an existing curb cut along 18th street, and add additional green space and that a recent addendum to the operating statement of the company would limit truck traffic near the Sienna Francis House. He also noted that this operation would bring less traffic than the prior bus operation at the site.

Ken Bunger, 18313 Dewey Street, appeared before the Board in opposition on behalf of the Sienna Francis House. Mr. Bunger stated that they have no opposition to the trucking company but that they had concerns about traffic along 18th Street and that the Operating Statement would meet their expectations and be enforceable.

Dick Pierson, 144 Ginger Cove in Valley, Nebraska, appeared before the Board. Mr. Pierson stated that he owns the property and that the applicant was the proposed buyer for this property. He stated that this property was a terminal for 25 years and a bus company for 20 years and that the facility was constructed for use as a trucking company. He added that he was in support of the trucking company.

Dave Fanslau, acting Assistant Planning Director, stated that the Department did not have an opportunity to review the Operating Statement or revised site plan, but that because those were 2 conditions of the recommendation report they would be reviewed and that the Department recommended approval subject to the items on the recommendation report.

After questioning from the Board, Alan Thelen, Law Department, discussed the possible delegation for review and approval of the Operating Statement but concluded that it would not be necessary. The Board then received and discussed the contents of the Operating Statement and concluded that there were acceptable regulations for truck routes and noise from refrigerated trucks. After Mr. Bunger expressed his concern that the Operating Statement would not regulate truck routes or noise, he also received and reviewed the document and agreed that it would be acceptable.

Tracy Reeves, 2301 Veterans Memorial Highway in Council Bluffs, Iowa appeared before the Board. Mr. Reeves stated that his company had 3 refrigerated units in the fleet that would not be parked at the facility the majority of the time and that the building on the site would provide a partial noise barrier from the Sienna Francis House. He added that 18th Street would not be a part of their truck route.

Mr. Hoich moved for approval of the conditional use permit request to allow a Truck terminal subject to the following conditions: 1) Compliance with the operating statement, 2) Removal of the barbed wire fencing, 3) Providing screening, materials subject to approval from the Planning Department, along Florence Boulevard, North 18th Street and along the north property line, 4) The access off North 18th Street being restricted to an emergency entrance/exit, 5) Compliance with a revised site plan depicting the restrictions to the access on North 18th Street and a note indicating the screening requirements, 6) Compliance with Noise Performance Standards, 7) Compliance with all applicable ordinances and regulations and 8) The applicant obtaining all necessary permits and a Certificate of Occupancy. Mr. Rosenbaum seconded the motion which carried 5-0, with Mr. Deeb abstaining.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 3:45 pm.

Date Approved

Raymond J. Neary, Chair

Rikki Flott, Planning Board
Recording Secretary