MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – September 4, 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, August 26, 2013.

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

MEMBERS NOT PRESENT: None

STAFF PRESENT: James Thele, Acting Planning Director
Dave Fanslau, Acting Assistant Director, Current Planning
Cheri Rockwell, Acting Manager, Current Planning
Chad Weaver, Manager, Long Range Planning
Alan Thelen, Law Department
Rikki Flott, Recording Secretary

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

(HOLD OVER CASES)

Subdivisions

| 5. | C10-13-092 (D) | C12-13-093 | Wheatley Properties, LLC | REQUEST: Preliminary and Final Plat approval of SKYLINE COUNTRY 3RD ADDITION REPLAT 2, a minor plat outside the city limits with rezoning from R4 and CC to R4 and CC (laid over from 5/1/13) | LOCATION: 20516 Nicholas Circle |

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of the rezoning from R4 and CC to R4 and CC, approval of the Preliminary Plat and approval of the Final Plat, subject to submittal of an acceptable amended final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Hoich seconded the motion which carried 7-0.
Conditional Use Permits

| 8. | C7-13-094 (D) Wheatley Properties, LLC | REQUEST: | Approval of a Major Amendment to a Conditional Use Permit to allow Agricultural sales and services in a CC District (see #C10-13-092, C12-13-093)(laid over from 5/1/13) | LOCATION: | 20516 Nicholas Circle |

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of a Major Amendment to a Conditional Use Permit to allow Agricultural sales and services in a CC District, subject to: 1) Revise the landscape plan to include 4 additional trees in the northeast portion of the site prior to issuance of the Use Permit, 2) Remove the pole barn located along the western boundary of the property prior to issuance of the Use Permit, 3) Receive a Certificate of Occupancy from the Permits and Inspections Division, 4) Provide specific calculations in regards to on-site parking with building permit submittal for the future expansion of the structure, 5) Compliance with the revised site and landscape plans, 6) Compliance with the operating statement and 7) Compliance with all other applicable regulations. Mr. Hoich seconded the motion which carried 7-0.

(REGULAR AGENDA)

Master Plan Referrals

| 9. | C3-13-145 (D) Planning Department on behalf of the City of Omaha | REQUEST: | Approval of the Surplus Declaration and Disposal of City Property | LOCATION: | Southeast of 42nd Street and Hillsdale Avenue |

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval. Mr. Hoich seconded the motion which carried 7-0.

Subdivisions

| 16. | C12-13-175 (D) Brakes Plus | REQUEST: | Preliminary and Final Plat approval of MIRACLE HILLS REPLAT 4, a subdivision inside the city limits, with a waiver of Section 53-8(4)(d) for lot frontage | LOCATION: | 12110 West Dodge Road |

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of the waiver of Section 53-8(4)(d) for Lot Frontage (for Lot 1) subject to an access easement to the lot being provided on the Final Plat, approval of the Preliminary Plat and approval of the Final Plat, subject to submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Hoich seconded the motion which carried 7-0.
At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of the preliminary plat subject to: 1) Compliance with all applicable stormwater management regulations, 2) Coordinating with Public Works on the design of the termination of 9th Street, 2) Showing easements granted to the adjacent Lot 5 of Block 232 on the plat, and 3) Coordinating with Public Works on the proposed right-of-way vacation along 10th Street. The applicant will be required to verify that no public improvements (bridge footings, etc.) exist within the area to be vacated. He also moved for approval of the Final Plat, subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable subdivision agreement, if necessary, prior to forwarding the request to City Council for final action. Mr. Hoich seconded the motion which carried 7-0.

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for denial of the waiver of Section 53-9(9) for Sidewalks and approval of the Preliminary Plat, subject to the applicant waiving the right to protest a future sidewalk district. He also moved for approval of the Final Plat, subject to the condition of Preliminary Plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the plat to the City Council. Mr. Hoich seconded the motion which carried 7-0.

**Zoning**

24. C10-13-163 (D) Bryce Bares
REQUEST: Approval of an MCC-Major Commercial Corridor Overlay District
LOCATION: 10730 “Q” Street

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval. Mr. Hoich seconded the motion which carried 6-0, with Mr. Neary abstaining.

25. C10-13-166 (D) Eric Elnes
REQUEST: Rezoning from GI to NBD (property is also located within an ACI-1(50) Overlay District)
LOCATION: 1424 and 1428 South 13th Street

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval. Mr. Hoich seconded the motion which carried 7-0.
### Special Use Permit

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Requestor</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>28.</td>
<td>C8-13-164 (D)</td>
<td>Mark Snow</td>
<td>Approval of a Special Use Permit to allow <em>Personal improvement services</em> in a GI District</td>
<td>10033 Scott Circle</td>
</tr>
<tr>
<td>30.</td>
<td>C8-13-169 (D)</td>
<td>Jump Sports, LLC</td>
<td>Approval of a Special Use Permit to allow <em>Indoor sports and recreation</em> in a GI District</td>
<td>13202 &quot;I&quot; Street</td>
</tr>
<tr>
<td>31.</td>
<td>C8-02-064 (D)</td>
<td>Brakes Plus</td>
<td>Approval of a Major Amendment to a Large Project Special Use Permit and Approval of a Conditional Use Permit to allow <em>Automotive repair services</em> in a CC District</td>
<td>12110 West Dodge Road</td>
</tr>
<tr>
<td>32.</td>
<td>C8-13-185 (D)</td>
<td>Crestline, LLC</td>
<td>Approval of a Special Use Permit to allow <em>Convenience storage</em> in a CC District, a Special Use Permit to allow <em>Automotive rentals</em> in a CC District and a Conditional Use Permit to allow <em>Warehousing and distribution (limited)</em> in a CC District</td>
<td>Southeast of 210th Street and Cumberland Drive</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of the Special Use Permit to allow *Personal improvement services* in a GI District subject to the following conditions: 1) Compliance with the proposed site plan, 2) Compliance with the proposed Operating Statement, 3) The applicant obtaining a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department, and 4) Compliance with all applicable development regulations. Mr. Hoich seconded the motion which carried 7-0.

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of the Special Use Permit to allow *Indoor sports and recreation* in a GI District subject to the following conditions: 1) Compliance with the proposed site plan, 2) Compliance with the proposed Operating Statement, 3) Coordinating with Public Works on the driveway locations to ensure compliance with City's driveway regulations before issuance of a Certificate of Occupancy, 4) Providing parking lot lighting in compliance with Chapter 44 of the Municipal Code, 5) The applicant obtaining a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department, and 6) Compliance with all applicable development regulations. Mr. Hoich seconded the motion which carried 7-0.

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of the Major Amendment to the Large Project Special Use Permit subject to all original conditions of approval and approval of a Conditional Use Permit to allow *Automotive repair services* in a CC District (property is also located within an ACI-4(PL) Overlay District) subject to the following conditions: 1) Compliance with the proposed site and landscape plan, 2) Compliance with the proposed operating statement, 3) Compliance with all sign regulations, 4) Compliance with the proposed building elevations, 5) Compliance with all applicable regulations, and 6) The applicant obtaining a Certificate of Occupancy from the Permits and Inspections Division. Mr. Hoich seconded the motion which carried 7-0.
At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of the Special Use Permit to allow Warehousing and distribution (limited) in a CC District subject to compliance with the site plan, landscape plan, elevations and operating statement, approval of the Special Use Permit to allow Convenience storage in a CC District subject to compliance with an amended site and landscape plan that provides the required buffyard adjacent to Lot 2, Crestline, elevations and operating statement and approval of the Conditional Use Permit to allow Automotive rental in a CC District subject to display and storage of the rental vehicles being to the south of the warehousing building and not in required off-street parking spaces. All three use permits being subject to compliance with all applicable rules and regulations. Mr. Hoich seconded the motion which carried 7-0.

### Conditional Use Permits

33. C7-13-167 (D)
Tanny Liddy

**REQUEST:** Approval of a Conditional Use Permit to allow Pet services in a GI District

**LOCATION:** 13850 "C" Plaza

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of a Conditional Use Permit to allow Pet services in a GI District subject to: 1) The applicant maintaining any necessary license(s) from the State of Nebraska, 2) Compliance with the proposed site plan, 3) Compliance with the operating statement, and 4) Compliance with all applicable regulations. Mr. Hoich seconded the motion which carried 6-0, with Mr. Neary abstaining.

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

**REQUEST:** Approval of a Conditional Use Permit to allow Religious assembly in a R4 District (property is also located within a pending MCC Overlay District)

**LOCATION:** 1101 South 178th Street

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of a Conditional Use Permit to allow Religious assembly in a R4-MCC District (pending) subject to the following conditions: 1) Revise the landscape plan to provide a minimum 4 foot high landscape screen for the length of the common boundary along the southern and eastern edge of the parking areas, 2) The applicant providing additional information in regards to the size of the largest place of public assembly to ensure compliance with the required amount of off-street parking, 3) Compliance with the proposed site and revised landscape plan, 4) Compliance with the operating statement, and 5) Compliance with all applicable regulations. Mr. Hoich seconded the motion which carried 7-0.

35. C7-09-078 (D)
Wait Outdoor, LLC

**REQUEST:** Approval of a Major Amendment to a Conditional Use Permit of a "Takedown Plan" for off-premise advertising signs

**LOCATION:** 7510 Dodge Street

At the Planning Board meeting held on September 4, 2013, Mr. Kelley moved for approval of the proposed amended takedown plan submitted by Waitt to allow the erection of an electronic off-premise sign at 7510 Dodge Street subject to the following. 1) Adherence to all applicable operation standards (§55-826), and 2) Removal of the sign at 1124 S. 13th Street prior to issuance of a sign permit. Mr. Hoich seconded the motion which carried 7-0.
ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-13-055  
   C12-13-056  
   Edgewater Investments, LLC  
   REQUEST: Final Plat approval of EDGEWATER, a subdivision outside the city limits  
   LOCATION: Northeast of 228th Street and Edgewater Road

At the Planning Board meeting held on September 4, 2013, Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended approval.

Mr. Rosenbaum 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. Mr. Kelley seconded the motion which carried 7-0.

2. C12-13-098  
   D.E. Bomberger, Jr.  
   REQUEST: Final Plat approval of STEPHEN CENTER, a minor plat inside the city limits, with rezoning from CC and HI to R7  
   LOCATION: Southwest of 27th and “Q” Streets

At the Planning Board meeting held on September 4, 2013, Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the Final Plat subject to submittal of and acceptable final subdivision agreement.

Mr. Hoich moved for approval of the rezoning from CC and HI to R7. Approval of the Final Plat subject to submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the request to City Council for final action. Mr. Deeb seconded the motion which carried 7-0.

3. C12-13-099  
   Crestline, LLC  
   REQUEST: Final Plat approval of CRESTLINE, a subdivision inside the city limits  
   LOCATION: Southeast of 210th Street and Cumberland Drive

At the Planning Board meeting held on September 4, 2013, Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended approval. Mr. Deeb moved for approval of the Final Plat subject to an acceptable final subdivision agreement being submitted prior to forwarding the request to the City Council for final action. Mr. Kelley seconded the motion which carried 7-0.

4. C10-13-119  
   C12-13-120  
   Pacific Windgate, LLC  
   REQUEST: Final Plat approval of WINDGATE RANCH II (formerly known as WINDGATE (Lot 97-363, O.L. E-O), a subdivision outside the city limits, with rezoning from AG to DR and R4  
   LOCATION: West of 204th Street, north and south of Blue Sage Parkway

At the Planning Board meeting held on September 4, 2013, Dave Fanslau, acting Assistant Planning Director, stated that the Department recommended to layover the request. Mr. Nesbitt moved to layover the Final Plat for 60 days, 30 days if ready, to allow the applicant additional time to comply with the conditions of preliminary plat approval (#3, 4, 13, 14 and 15) and provide the additional information financial information as requested by the Parks Department. Mr. Kelley seconded the motion which carried 7-0.
PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

<table>
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<tr>
<th>Case Number</th>
<th>REQUEST:</th>
<th>Location</th>
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</table>
| 6. C10-01-111 C12-01-111a
Warehouse 51, LLC | 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 8/7/13) | Southeast of I-680 and Irvington Road |

At the Planning Board meeting held on September 4, 2013, Doug Kellner, Thompson Dreeszen Dorner, 10836 Old Mill Road appeared before the board on behalf of the applicant. Mr. Kellner stated that the applicant had met with adjacent neighbors and agreed upon the installation of a 6 foot buffer fence along the property line on the east side of the site approximately 6 months after platting, prohibiting outdoor RV, boat or trailer storage and providing mutually agreeable covenants before presenting to City Council. Dave Fanslau, City Planning, stated that because of code regulations the fence could not be on the property line and that proper waivers would need to be obtained for approval. Mr. Kellner responded that the applicant was taking measures to obtain the waiver.

John Fullenkamp, 11440 West Center Road, appeared before the Board. Mr. Fullenkamp stated that he represented the Glenmoor subdivision to the east of the site and that they were in support of this project. He added that the only concern was that the builder was undecided with the use for the site. Mr. Fullenkamp explained that the Master Plan supported the bufferyard requirement for industrial use but that the area was now residential and that they were in support of the fence installation along the property line and the bufferyard waiver. He added that because the site was visible from the interstate that they were opposed to outdoor storage and that a buffer along the property line was necessary. He also stated that the subdivision and the developer would agree to enter into private covenant agreement. In response to Mr. Kelley, Mr. Fullenkamp stated that he had seen the tree canopy loss mitigation plan and that they were in favor of the tree mitigation along the interstate and along the property line.

Dave Fanslau, acting Assistant Planning Director, stated that the code was previously revised to mandate the fence installation on the industrial site so neighbors had the benefit of the landscaping, but added that the neighbors and the applicant would agree on an acceptable buffer. He then stated that the Department recommended approval.

Mr. Kelley moved for approval of the rezoning from DR to GI, approval of the Revised Preliminary Plat subject to the applicant obtaining the necessary ZBA waivers prior to forwarding the request to the City Council for final action and approval of the Final Plat as amended by the condition of revised Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement being submitted prior to forwarding the Final Plat to the City Council for final action. Also subject to approval of the following: 1) An acceptable revised tree canopy loss mitigation plan, 2) The applicant providing a 6 foot tall fence within in bufferyard and obtaining a ZBA waiver if necessary, 3) The applicant working with the neighbors regarding mutually acceptable covenants addressing the storage of RV’s, boats, trailers and similar items prior to forwarding to City Council. Ms. Nubel seconded the motion which carried 7-0.
Special Use Permits

<table>
<thead>
<tr>
<th></th>
<th>Request</th>
<th>Approval of a Major Amendment to a Large Project Special Use Permit in a GC District (portions of which property lie within the flood fringe) (laid over from 8/7/13)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>C8-94-093 Hy-Vee, Inc.</td>
<td>Location: 7910 Cass Street</td>
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</tbody>
</table>

At the Planning Board meeting held on September 4, 2013, Joe Foley, Lamp Rynearson, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Foley stated that the applicant was asking for consideration of the recommendation requiring a sidewalk connection along the west side of the private drive off of Cass Street. He explained that the applicant was proposing additional sidewalk connections off of 83rd Street to the front of the existing Hy-Vee grocery store, proposed gas station, and proposed convenient store and an additional sidewalk connection along the access drive to the north of the site. He displayed a map of the site and discussed the proposed sidewalk connections with Mr. Neary. He stated that a sidewalk connection along the west side of the site would only benefit the neighboring tenant and that this connection was not critical because optional sidewalk routes could be used for pedestrian access.

Dave Fanslau, Acting Assistant Planning Director, discussed that it was regulation for sidewalks to abut private and public streets and that the proposed sidewalk on the west side would promote pedestrian access for all businesses in the development. He stated that the Department recommended approval subject to all conditions in the recommendation report.

Ms. Nubel moved for approval of a Major Amendment to a Large Project Special Use Permit in a GC District (portions of which property lie within the flood fringe), subject to the following conditions: 1) Revise the site and landscape plans prior to forwarding the request to City Council that addresses the following: (a) Add a sidewalk along the western side of the access drive off of Cass Street, and (b) Close the driveway off of the southeast corner of the fuel canopy of the convenience store, 2) Work with Planning Department staff on increasing the size of the island curbs south of the gas station canopy prior to submittal of building permits, 3) Receive any necessary floodplain development permits, 4) Compliance with the revised site and landscape plans, 5) Compliance with the building elevations, and 6) Compliance with all other applicable regulations. Mr. Rosenbaum seconded the motion which carried 6-1, with Mr. Deeb dissenting.

(REGULAR AGENDA)

Master Plan Referrals

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<th>10</th>
<th>Request</th>
<th>Approval of the BLACKSTONE BUSINESS IMPROVEMENT DISTRICT</th>
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<tbody>
<tr>
<td></td>
<td>C3-13-170 Planning Department on behalf of the City of Omaha</td>
<td>Location: 36th to 42nd Streets along Farnam Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 4, 2013, Bridget Hadley, City Planner, stated that this request was for the formation of a Business Improvement District (BID). She stated that the BID would focus on street improvements, cleaning and maintenance, beautification, security and lighting. She explained that state statute requires a 51% approval from area business and property owners and that the proposed BID currently had 65% approval. Ms. Hadley stated that a BID Board had been formed and approved by the Mayor and that the request would exist for approximately 3 years, unless reauthorized by City Council. She added that the current budget was $18,750 for first year and would vary thereafter.
Chris Jerram, City Council, explained that the members of the BID Board held public meetings, consulted with property owners of the district and developed the proposed BID in terms of funding, assessment, and term. He added that this BID would expand upon the Midtown Crossing district and tie into cancer center redevelopment of the midtown area. In response to Mr. Neary, Mr. Jerram stated that the 3 year BID term was suggested by a property owner within the district and that of the 40 property owners within the district only 3 were not responsive.

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

Mr. Rosenbaum moved for approval. Mr. Deeb seconded the motion which carried 7-0.

### Table 1

| C3-13-171 Planning Department on behalf of the City of Omaha | REQUEST: Approval of THE WIRE TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 100 South 19th Street |

At the Planning Board meeting held on September 4, 2013, Bridget Hadley, City Planner, stated that this project would be a conversion of the former Northwestern Bell Telephone Company building into 300 apartments with 134 parking stalls and additional parking available at a nearby public parking garage. She added that commercial space would eventually be available for lease. She discussed that the developer, NuStyle Development, had completed other projects in the area, converting formerly vacant office buildings into market-rate residential units and that this project along with the others help to fulfill the downtown Master Plan.

Todd Heistand, NuStyle Development, 2223 Dodge Street, appeared before the Board. Mr. Heistand stated that number of units leased for 2 of the existing apartment projects was at or above 85%, sustaining the demand for more units. In response to questioning by the Board, he explained that the interior décor would tie into the original telephone company use of the building and that an atrium constructed in the middle of building would allow for natural light. He further explained that offering rents comparable to rents in the western section of the city would help increase occupancy rates in the downtown area.

Ms. Hadley added that the public improvements, funded by TIF funds and a variety of other funds, would include curb improvements, restriping, street lighting and street trees and that the developer was planning improvements along 19th Street, 20th Street and Dodge Street.

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

Ms. Nubel moved for approval. Mr. Kelley seconded the motion which carried 7-0.

### Table 2

| C3-13-172 Planning Department on behalf of the City of Omaha | REQUEST: Approval of KETV OFFICE AND STUDIO FACILITY TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 1001 South 10th Street |

At the Planning Board meeting held on September 4, 2013, Bridget Hadley, City Planner, stated that this request would be a complete renovation of the Burlington Railroad Station building, which is a 115 year old historic building that has been vacant since 1974. She displayed pictures of the tremendous interior structural damage and the exterior of the site and stated that the renovation would not affect the Amtrak railroad access next to the site. Ms. Hadley added that the use would be the relocation of the KETV office and studio, an established local business currently residing at 26th and Farnam Street, and that the project would revitalize the 10th Street corridor bringing 117 jobs into the downtown area and helping to fulfill the Downtown Master Plan.
Ariel Roblin, KETV, 2665 Douglas, appeared before the Board. Ms. Roblin stated that the business looked forward to revitalizing the historic building and keeping their office location in Omaha.

John Drain, Hearst Corporation, appeared before the Board. Mr. Drain stated that he was excited about the proposed project and the support of the City. Mr. Neary commented that Mr. Drain was a catalyst in starting the project. Ms Hadley added that a portion of 9th Street would be vacated and that the site would be rezoned.

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

Ms. Nubel moved for approval. Mr. Deeb seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>13.</th>
<th>C3-13-173 Planning Department on behalf of the City of Omaha</th>
<th>LOCATION:</th>
<th>1011 South 30th Avenue</th>
</tr>
</thead>
</table>

At the Planning Board meeting held on September 4, 2013, Bridget Hadley, City Planner, stated that this request was the rehabilitation of a multi-family building containing 16 one-bedroom and two-bedroom market-rate apartments in the Park Avenue-Leavenworth neighborhood. She added that multiple Code Enforcement violations led to a demolition order on this property but that SL Jensen Construction would be working with the developer to revitalize this site and committed to revitalizing similar sites in the area.

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

Mr. Deeb moved for approval. Mr. Nesbitt seconded the motion which carried 7-0.

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<tr>
<th>14.</th>
<th>C3-13-174 Planning Department on behalf of the City of Omaha</th>
<th>LOCATION:</th>
<th>7100 West Center Road</th>
</tr>
</thead>
</table>

At the Planning Board meeting held on September 4, 2013, Bridget Hadley, City Planner, stated that this request would include 5.4 acres of an 8-acre site with the complete demolition of the existing vacant building. She added that a new 6-story, 120,000 square foot medical office would be built to create a centralized location for patients to visit a doctor and fill prescriptions. She then stated that the proposed development would bring approximately 45,000 patients to the facility and provide a variety of preventative care doctors, lab services, pharmacy services and a gift shop. Ms. Hadley explained that the project would include providing a 4-way signaled intersection at the existing right-turn only ingress and egress. She then stated that a total of 20 out-of-state and local doctors had committed to 50% ownership in this facility and that TREI Investment Inc., which was formed by a single business entity, would constitute the other 50% ownership. Ms. Hadley also mentioned that 250 highly-skilled jobs would be created and that the project fulfills the Master plan by revitalizing a building in an area that needed redevelopment.

Mr. Nesbitt stated that he supported the concept of the project and the use of TIF funds for the relocation of the access ramp but that he did not support the use of TIF funds for demolition of the existing building and construction of the new building. Mr. Kelley questioned the involvement of the Irish based developer for the project. Ms. Hadley responded that the partial owner interest was confidential at this time.

Joshua Westling, Tetrad Corporation, 11422 Miracle Hills Drive, appeared before the Board. Mr. Westling stated that the concept of having all operations centralized in one location was new to the area. He explained that the patient would be accommodated at one location with a variety of doctor offices and a pharmacy to fill necessary prescriptions. He added that the prescriptions would be called down by the physician, filled by a robotic pull system and made available to the patient in one visit. In response to Mr.
Neary, Ms. Hadley stated that another building was not proposed to be built as part of this project and stated that all owners would have access easement through the new driveway.

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

Ms. Hadley reassured the Board that the entire project was TIF eligible.

Ms. Nubel moved for approval. Mr. Rosenbaum seconded the motion which carried 6-1, with Mr. Nesbitt dissenting.

The following two cases 15 & 18 were heard concurrently but voted on separately:

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
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<tbody>
<tr>
<td>15.</td>
<td>C3-13-181a R &amp; R Investors, LTD and Jasper Stone Partners</td>
<td>Approval of a 20% variance to the size of the existing Community (80) Mixed Use Area to allow up to 96 acres of mixed use development</td>
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<td>The intersection of 192nd Street and West Dodge Road</td>
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</table>

At the Planning Board meeting held on September 4, 2013, Jason Thiellen, E & A Consulting, 330 North 117th Street, appeared before the Board on behalf of the applicant. Mr. Thiellen stated that the variance request was consistent with the Master Plan. He explained that the development would be completed in phases totaling 127 acres and that approximately 500,000 square feet would be office and retail. He added that the surrounding area within 300 feet of the site was under control or contract by the applicant.

Mr. Kelley questioned if there was sufficient demand for more retail at this location. Mr. Thiellen responded that the applicant had developments in Des Moines and that some of those users also had offices in Omaha and that there was an interest for this type of office use.

Dave Fanslau, Acting Assistant Planning Director, stated that this intersection was developing quickly and that proper documentation was submitted for approval of the request. He stated that the Department recommended approval of the variance, approval of the rezoning subject to condition on the recommendation report and Preliminary Plat approval subject to the items listed on the recommendation report.

Mr. Kelley moved for approval the applicant’s request for a 20% variance to allow a maximum of 96 acres of mixed use development at the intersection of 192nd and West Dodge Road. Mr. Rosenbaum seconded the motion which carried 7-0.

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<th>Case</th>
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<tr>
<td>18.</td>
<td>C10-13-180 C12-13-181 R &amp; R Investors, LTD and Jasper Stone Partners</td>
<td>Preliminary Plat approval of 192ND STREET AND WEST DODGE ROAD (SE), a subdivision outside the city limits, with rezoning from AG to DR and MU (property is also located within an ACI-4(PL) Overlay District)</td>
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<td></td>
<td></td>
<td>Southeast of 192nd Street and West Dodge Road</td>
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At the Planning Board meeting held on September 4, 2013, Jason Thiellen, E & A Consulting, 330 North 117th Street, appeared before the Board on behalf of the applicant. Mr. Thiellen stated that the variance request was consistent with the Master Plan. He explained that the development would be completed in phases totaling 127 acres and that approximately 500,000 square feet would be office and retail. He added that the surrounding area within 300 feet of the site was under control or contract by the applicant.
Mr. Kelley questioned if there was sufficient demand for more retail at this location. Mr. Thiellen responded that the applicant had developments in Des Moines and that some of those users also had offices in Omaha and that there was an interest for this type of office use.

Dave Fanslau, Acting Assistant Planning Director, stated that this intersection was developing quickly and that proper documentation was submitted for approval of the request. He stated that the Department recommended approval of the variance, approval of the rezoning subject to condition on the recommendation report and Preliminary Plat approval subject to the items listed on the recommendation report.

Mr. Kelley moved for approval of the proposed rezoning from AG to DR and MU, subject to: 1) City Council approval of the requested 20% variance (Case #C3-13-181a) and 2) Submittal of an acceptable final mixed use district development agreement, and for approval of the Preliminary Plat subject to the following being submitted with or prior to an application for Final Plat: 1) A revised preliminary plat, 2) The applicant working with the Public Works Department and the Nebraska Department of Roads regarding the proposed right-in/right-out access to 192nd Street. The ¼ mile connection should be made more direct, if possible, 3) Providing a dedication of 10 feet of additional right-of-way along 192nd Street 300 feet north of Burke Street, 4) Providing a dedication of right-of-way between the Burke Street roundabout and West Dodge Road, 5) Modifying or relocating the first intersection along Burke Street, east of 192nd and Burke Streets to accommodate the back-to-back left turn queuing west of the intersection, 6) Placing a note on the plat stating that there shall be no direct access onto Burke Street from Lots 1, 2 or 6, 7) Providing for the paving along Burke Street of two through lanes past the next intersection before tapering down to one eastbound through lane, 8) Moving the driveway south of the roundabout on the east side of the subdivision north away from the horizontal curve to provide more sight distance, 9) Coordinating with the Public Works Department regarding an acceptable design of the roundabout on Burke Street, 10) Providing a public access easement along all private streets, 11) Providing an access easement to Outlot A across Lot 4 and/or Lot 5 and to Lot 1 across Lot 2 and/or Lot 3, 12) Providing for all improvements identified in the final approved traffic study, 13) Submittal of storm sewer design computations and final plans for review that relate to the handling of roadway and site drainage along the development boundary adjacent to 192nd Street, 14) Providing sidewalks as required, 15) Coordinating the proposed grades along the western boundary of the subdivision, adjacent to 192nd Street with the future improvement of the roadway, 16) 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, 17) Including park fees in the subdivision agreement, 18) Including provisions for use, ownership and maintenance of the outlots in the subdivision agreement, 19) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area, and 20) An acceptable debt ratio of 4% or less. Ms. Nubel seconded the motion which carried 7-0.

Subdivisions

The following two cases 17 & 22 were heard concurrently but voted on separately:

<table>
<thead>
<tr>
<th>Case Numbers</th>
<th>REQUEST: Preliminary Plat approval of 192ND AND LEAVENWORTH, a subdivision outside the city limits, with rezoning from AG to DR and R6</th>
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</thead>
<tbody>
<tr>
<td>17.</td>
<td>Location: Northeast of 192nd and Leavenworth Streets</td>
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<tr>
<td>C10-13-178</td>
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<tr>
<td>C12-13-179</td>
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<tr>
<td>DP Metro Capital</td>
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At the Planning Board meeting held on September 4, 2013, Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun stated that the applicant was in agreement with a layover and had met with neighbors regarding concerns to revise aspects of the plans. He added that the applicant would meet with the Planning Department and neighbors prior to submittal at the next Planning Board meeting.
Susan Nicely, 930 South 192nd Street, appeared before the Board in opposition. Ms. Nicely stated that her concerns were high-density zoning next to low-density acreage homes and increased traffic. She mentioned that the Master Plan supports keeping congestion and high-traffic areas closer to the corner of an intersection. She then discussed 2 large apartment projects nearby that were along visible high traffic streets with public transportation accessibility and that this high-density project was situated on the interior of the property. Ms. Nicely suggested the zoning be reduced and restricted.

John Prososki, Croker Huck Law Firm, 2120 South 72nd Street, appeared before the Board in opposition. Mr. Prososki stated that he represents the Grove Home Owners Association and that the Grove residential neighborhood adjoins the proposed site. He mentioned that they share the same concerns as previously stated but do not oppose a layover.

Heather Robley-Anderson, Koley Jessen Law Firm, appeared before the Board in opposition. Ms. Robley-Anderson stated that she represents the Grove SID 438 and that they are not opposed to a layover but wanted to express opposition to the project for the same reasons already stated.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended a layover of the plat and the Planned Unit Development. Mr. Fanslau explained that the base zoning would be R6 but the PUD will limit the density. He added that the PUD would establish the building locations and suggested that the developer meet with neighbors to discuss these locations before the next meeting.

Mr. Rosenbaum moved to layover the request for 60 days, 30 days if ready, to allow the applicant additional time to: 1) Submit a traffic impact memo/warrant analysis, 2) Include a dedication for the ½ mile street connection on the preliminary plat, 3) Submit a wetlands analysis and 4) Update the application and Source and Use of Funds forms as needed. Mr. Nesbitt seconded the motion which carried 7-0.

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<tr>
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<th>C11-13-177</th>
<th>REQUEST: Approval of a Planned Unit Development Overlay District</th>
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<tr>
<td></td>
<td>DP Metro Capital</td>
<td>LOCATION: Northeast of 192nd and Leavenworth Streets</td>
</tr>
</tbody>
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Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended a layover of the plat and the Planned Unit Development. Mr. Fanslau explained that the base zoning would be R6 but the PUD will limit the density. He added that the PUD would establish the building locations and suggested that the developer meet with neighbors to discuss these locations before the next meeting.

Mr. Rosenbaum moved to layover the request for 60 days, 30 days if ready, to allow the applicant time to meet with Planning Department staff regarding the application and to resubmit a complete and accurate PUD plan. Mr. Nesbitt seconded the motion which carried 7-0.

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| 20. | C10-13-188  
    | C12-13-189  
    | Bill and Jean Pullen | REQUEST: Preliminary and Final Plat approval of PULLEN PLACE, a subdivision inside the city limits, with a waiver of Section 53-9(9) for sidewalks, with rezoning from R1 to R2 |
|   |   | LOCATION: 2102 South 105th Street |

At the Planning Board meeting held on September 4, 2013, Doug Kellner, Thompson Dreessen Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Kellner stated that he would listen to the opposition before discussing the request.

Matt Mullen, 10552 Mullen Road, appeared before the Board. Mr. Mullen stated that he resided across the street from the property and that he was not opposed to the request but wanted more detailed information. He mentioned that 7 neighbors signed a letter which was presented to the Planning Department prior to the meeting and that the letter requested additional information about the dimensions of the proposed lots, trees, deteriorating landscaping and access points.

Bob Cochran, 2110 South 105th Street appeared before the Board in opposition. Mr. Cochran stated that he resided south of the property. He added that he had concerns about how the south lot would affect his property with the drainage ditch compromising a large portion of the lot and draining downward toward 105th Street. He explained that he was not opposed to the development but wanted more detailed information. Mr. Cochran also mentioned that as a result of construction on the property his phone service and internet service had been interrupted and that he was still without phone service.

Sue Schlesinger, appeared before the Board in opposition. Ms. Schlesinger stated that she represented Dr. Alan Schlesinger at 2123 S 110th Street and that his concern was inadequate infrastructure to carry a heavier residential load. She added that he also had similar concerns with sewage, road maintenance, and ingress/egress.

Bill Seidler, 1944 South 105th Street, appeared before the Board in opposition. Mr. Seidler stated that he resided directly across the street from the property and that he wanted more information about the project. He added that there has been no communication from the builder.

Mr. Kellner stated that the lots would be approximately 1 acre each and that the owners were proposing to build a home on Lot 3, with access to Mullen Road. He added that the 2 additional lots would be sold with Lot 2 accessible from Mullen Road and Lot 3 accessible from 105th Street. He then mentioned that there was existing sanitary sewer and that the drainage way runs through the property to the culvert. In response to Ms. Nubel, Mr. Kellner stated that the developer would be willing to meet with the neighbors to discuss the project and that the applicant was in agreement with a layover. He added that the owners were unsure if the project would move forward.

Mr. Mullen stated that there were also safety issues on the property because of a recent partial demolition.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended denial of the waiver for sidewalks, approval of the rezoning, approval of Preliminary Plat subject to the applicant
waiving the right to protest a future sidewalk improvement district, and approval of Final Plat subject to the items on the recommendation report.

Mr. Nesbitt moved to layover the request for 60 days, 30 days if ready, to allow the applicant additional time for discussions with the homeowners. Ms. Nubel seconded the motion which carried 7-0.

Zoning

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<thead>
<tr>
<th>23.</th>
<th>C10-02-262 TOHVT Development, Inc.</th>
<th>REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for West Dodge Station</th>
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<tbody>
<tr>
<td></td>
<td>LOCATION: North of Burt Street and east of 184th Avenue</td>
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At the Planning Board Meeting held on September 4, 2013, Brinker Harding, 6464 Center Street, appeared before the Board on behalf of the applicant. Mr. Harding displayed exhibits from the West Dodge Station Mixed Use Development Agreement and discussed that when the Sixth Amendment was approved there were discrepancies in language and exhibits within the entirety of the document. He explained that item #7 of the Sixth Amendment does not allow pole signs and that the referenced table also excludes information about pole signs. He further explained that information regarding pole sign heights and square footages was eliminated with the 6th Amendment and that documentation regarding regulation height of center identification signs also had discrepancies from the original Agreement. Mr. Harding discussed the Urban Design standards and that the Sixth Amendment to the West Dodge Station Mixed Use Development Agreement was approved after Urban Design standards were passed and that the elimination of monument sign heights up to 25 feet was not specifically notated in item # 7 or #8 of the Sixth Amendment. He then quoted an excerpt from the Sixth Amendment that discussed updating existing signs to comply with current regulation and then displayed photos of existing signs of other businesses within the development.

Mr. Rosenbaum questioned the height of the Ford and Infiniti signs within the development and Mr. Harding responded that the Infinity sign was approximately 20 feet in height not including the pedestal and that the Ford sign was approximately 19 feet in height. After further questioning from the Board members Mr. Harding explained that the West Dodge Station Mixed Use Development Agreement included all parcels within the development which was approximately 105 acres and 10 to 12 parcel owners. He further explained that the center identification sign would include the business names of all parcels in the development and that each tenant would be allowed its proportionate share on the center identification sign. Mr. Harding also responded that although none of the monument signs within the development reached a height of 25 feet that guidelines of the Development Agreement would allow for this height.

Mr. Kelley stated that if Mr. Harding believed the Development Agreement allowed for the height of a monument sign up to 25 feet then a variance was not necessary. Mr. Harding responded that the Planning Department suggested the applicant apply for a waiver because the original sign request was denied.

Mike Purdy, Purdy & Slack, 11919 Grant Street, appeared before the Board on behalf of the applicant to discuss the sign criteria. Mr. Purdy stated that because the sign permit was denied by the Planning Department the applicant was requesting a Major Amendment to allow for the 25 feet sign variance and that it was necessary to clarify the language of the Sixth Amendment. He added that the Toyota business was requesting to move one 25 foot sign and add another sign. Mr. Kelley mentioned that the Board had not waived this requirement for any businesses within the Development.
Alan Thelen, Law Department, stated that the discussion of the Development Agreement would be entitled to an attorney-client privilege in a closed session and Mr. Kelley stated that he did not want to waive the privilege.

Kevin Quinn, 17950 Burt Street, West Dodge Place LLC, appeared before the Board in opposition. Mr. Quinn stated that he was the developer of the Village Pointe Auto Mall on the northeast corner of 180th & Dodge Streets. He then stated that he was not familiar with the West Dodge Station Mixed Use Development Agreement but that after discussions with the Planning Department regarding signage regulations for their development agreement that the intent was to maintain each property’s signs at 12 to 15 feet in height and 1 mall sign at a maximum height of 30 feet. He commented that if this request was approved neighboring developments would request waivers for taller signage also. In response to Mr. Neary, Mr. Quinn stated that the heights of the Ford and Infiniti signs were not 25 feet tall and that the signs existed when the property was purchased.

Dave Fanslau, Acting Assistant Planning Director, stated that portions of the Development Agreement could be misinterpreted and that the Department met with the applicant to review the Agreement and concluded that a sign 25 feet in height was not the intent of the Agreement. Mr. Fanslau stated that the Department recommended denial of the request.

Mr. Kelley moved for denial. Mr. Nesbitt seconded the motion which carried 5-2, with Mr. Deeb and Mr. Hoich dissenting.

At the Planning Board meeting held on September 4, 2013, Reuben Jimenez, 2922 South 20th Street appeared before the Board. Mr. Jimenez stated that he is the owner of the existing duplex and that the property had sustained fire damage in rear of the home. He added that he would be repairing the damage to the duplex.

Sue Schlesinger appeared before the Board in opposition. Ms. Schlesinger stated that she represents several homeowners along Elm Street near the duplex. She mentioned that notices sent to nearby homeowners regarding this request were not translated to Spanish and that these particular owners were not aware of the meeting process. She added that the owners were concerned with the multiple code violations on the property and wanted to know the rezoning process required to obtain permits to fix the duplex.

Mr. Jimenez stated that he was trying to obtain permits and that he needed rezoning approval to obtain the necessary permits to begin repairs.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval subject to the recommendation report and that the rezoning was required to obtain permits.

Mr. Deeb moved for approval of the rezoning subject to the applicant paving three off-street parking stalls adjacent to the alley at the rear of the property prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 7-0.

At the Planning Board meeting held on September 4, 2013, Matt Christensen, 6404 Woolworth Avenue, appeared before the Board. Mr. Christensen stated that he was requesting approval of the rezoning.
Jill Benz, 822 Pacific Street, appeared before the Board in opposition. Ms. Benz stated that she was not aware of the request and wanted adequate parking for the area.

Mr. Christensen stated that he had provided 3 parking areas for the tenants of this location.

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

Mr. Deeb moved for approval. Mr. Nesbitt seconded the motion which carried 7-0.

**Special Use Permits**

| 29. | C8-13-165 Tawanna Washington | REQUEST: Approval of a Special Use Permit to allow Automotive sales in a GC District | LOCATION: 3117 North 30th Street |

At the Planning Board meeting held on September 4, 2013, Tawanna Washington, 3117 North 30th Street, appeared before the Board. Ms. Washington stated that she wants to sell used vehicles at this site and that the surrounding residential and business owners were in approval of the request.

Dave Fanslau, Acting Assistant Planning Director, stated that this site was being used as a car wash and convenient store and that after inspection of the site the property size would need to be increased to add an additional use and remain in compliance with regulations. He added that the Department recommended denial. Ms. Washington questioned if eliminating one of the businesses would allow for the addition of a new business. Mr. Fanslau responded that she could possibly expand the site or eliminate one of the business uses but that the new use would still have to be in compliance with City and State regulations for automotive sales. Ms. Washington mentioned that she owned the site and the lot across the street to the south of the site and that she would talk with her architect, Mark Sanford, regarding the creation of new plans expanding the site. She stated that these plans would be resubmitted to the Department for review.

Frank Daley, appeared before the Board. He stated that he is the grandparent of Ms. Washington and that he owns the carwash and the surrounding property. He added that the surrounding properties would be available to her for expansion of the business.

Mr. Kelley moved to layover the request to allow the applicant time to submit proper amendments to the Planning Department. Mr. Nesbitt seconded the motion which carried 7-0.

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 4:14 pm.