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)

Rezonings

<p>| | |</p>
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<tbody>
<tr>
<td>1.</td>
<td>C10-13-026 (D) Nicholas Triantafillou</td>
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At the Planning Board meeting held on February 5, 2014, Mr. Hoich moved for approval. Mr. Deeb seconded the motion which carried 6-0-1, with Mr. Harding abstaining.
(REGULAR AGENDA)

Subdivisions

5. C12-14-006 (D)  
11616 "I" Street, LLC  
REQUEST: Preliminary and Final Plat approval of "I" STREET PLACE, a minor plat inside the city limits  
LOCATION: 11616 "I" Street

At the Planning Board meeting held on February 5, 2014, Mr. Hoich moved for 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. Deeb seconded the motion which carried 7-0.

6. C12-14-015 (D)  
Little Marcy Redevelopment, LLC  
REQUEST: Preliminary and Final Plat approval of BARTLETTS ADDITION REPLAT 4, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) for Lot depth  
LOCATION: 3036 Marcy Street

At the Planning Board meeting held on February 5, 2014, Mr. Hoich moved for approval of the waiver of Section 53-8(4)(a) for Lot Depth from 100’ to 55’ and approval of the Preliminary Plat subject to the following conditions: 1) Receiving a waiver of lot area from the Zoning Board of Appeals, AND 2) Update final plat mylars with required signature blocks. Mr. Hoich also moved for approval of the Final Plat subject to the conditions of Preliminary Plat approval and submittal of a final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Deeb seconded the motion which carried 7-0.

Rezonings

7. C10-02-161 (D)  
Two Wheels, LLC  
REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Thompsen Mile West  
LOCATION: Northeast of 177th Street and West Maple Road

At the Planning Board meeting held on February 5, 2014, Mr. Hoich moved for approval of the Major Amendment to the Thompsen Mile West Mixed Use District Development Agreement for Lot 159, Thompsen Mile West, to allow Auto sales and Auto repair services subject to submittal of an acceptable mixed use development agreement prior to forwarding the request to the City Council for final action. Mr. Deeb seconded the motion which carried 7-0.

Special Use Permits

8. C8-14-016 (D)  
The Architectural Offices  
REQUEST: Approval of a Special Use Permit to allow a Restaurant (limited) in a GI District (property is also located within an ACI-2(65) Overlay District)  
LOCATION: 7425 Dodge Street

At the Planning Board meeting held on February 5, 2014, Mr. Hoich moved for approval of the Special Use Permit to allow a Restaurant (limited) in a GI District, subject to: 1) Submittal of a revised site plan...
showing compliance with the 90% impervious coverage requirement, 2) Compliance with the proposed operating statement, 3) Compliance with the proposed building elevations, 4) Compliance with the ACI-2(65) Overlay District regulations for building design, 5) Compliance with all applicable stormwater management regulations, 6) Obtaining a Certificate of Occupancy from the Permits and Inspections Division, 7) Obtaining all necessary permits, and 8) Compliance with all other applicable site development regulations. Mr. Deeb seconded the motion which carried 7-0.

**Conditional Use Permits**

<table>
<thead>
<tr>
<th>10.</th>
<th>C7-88-158 (D)</th>
<th>LOCATION: 6404 North 70th Plaza</th>
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<tbody>
<tr>
<td></td>
<td>C7-96-135 Quality Living, Inc.</td>
<td>REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Convalescent services in a R7 District</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on February 5, 2014, Mr. Hoich moved for approval of the Major Amendment to the Conditional Use Permit subject to: 1) Compliance with the site plan and elevations submitted for the proposed fencing, 2) Compliance with the site plan and elevations submitted for the proposed signage, 3) The applicant obtaining the necessary Zoning Board of Appeals waivers prior to issuance of permits, and 4) Compliance with all other previous conditions of approval. Mr. Deeb seconded the motion which carried 7-0.

**Vacations**

<table>
<thead>
<tr>
<th>11.</th>
<th>C14-14-018 (D)</th>
<th>REQUEST: Vacation of a portion of 192nd Street north of West Maple Road</th>
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<tbody>
<tr>
<td></td>
<td>Douglas County</td>
<td>Location: 192nd Street, north of West Maple Road</td>
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At the Planning Board meeting held on February 5, 2014, Mr. Hoich moved for approval. Mr. Deeb seconded the motion which carried 7-0.

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<tr>
<th>12.</th>
<th>C14-14-019 (D)</th>
<th>REQUEST: Vacation of the west 14 feet of 9th Street from Leavenworth Street north 172 feet (to the previously vacated right-of-way)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Planning Board</td>
<td>Location: 9th Street, north of Leavenworth Street</td>
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At the Planning Board meeting held on February 5, 2014, Mr. Hoich moved for approval of the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Deeb seconded the motion which carried 6-0-1, with Mr. Neary abstaining.

**(REGULAR AGENDA)**

**Master Plan Referral**

<table>
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<tr>
<th>2.</th>
<th>C3-14-014 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the 31-33 MARCY MASON TIF REDEVELOPMENT PROJECT PLAN</th>
</tr>
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<td>Location: 3070 Mason Street, 3101 and 3216 Marcy Street and 811 South 33rd Street</td>
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At the Planning Board meeting held on February 5, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley displayed a map of the area and explained that the proposed highlighted properties included 4 residential structures that would be rehabilitated into 9 row houses, a 12-unit multi-family apartment complex and duplexes. She added that this neighborhood, which is part of the Leavenworth Neighborhood Association, contained many dwellings with City Code Enforcement cases and that
revitalization would reduce the number of marginal dwelling units and promote home ownership in the neighborhood. She then explained that according to the American Community Survey 5 year estimates from 2008-2012, the renter to owner occupied rate in this area was 83% renters and 17% owner-occupied dwellings. Ms. Hadley concluded that revitalization of the neighborhood would generate an increase in property value and an increase in private investment to revitalize remainder of the community, which was the goal of Tax Increment Financing.

Mr. Harding moved for approval of the request. Mr. Deeb seconded the motion which carried 7-0.

3. C3-13-038 Planning Department on behalf of the City of Omaha

REQUEST: Approval of an Amendment to the AKSARBEN MU PROJECT AT 72ND & POPPLETON STREETS TIF REDEVELOPMENT PROJECT PLAN

LOCATION: Southeast of 72nd and Poppleton Streets

At the Planning Board meeting held on February 5, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that this request was an Amendment to a TIF Redevelopment Project Plan that was approved in 2013 and explained that HUD financing for the assisted living development was the reason for the delay of the project. She stated that because of delays in financing the developer would move forward with a portion of the project. She displayed a map of the project highlighting the changes and explained that the original project included an 87-unit assisted living facility, 10,000 square feet of commercial space and an 80-unit hotel. Ms. Hadley stated that the section of the project being developed now would include 40-units of independent living, 22,000 square feet of commercial in a 2-story building instead of a 1-story building, and a 92 unit hotel. She added that the project cost increased from approximately $34 million to approximately $42 million and that the TIF amount increased from approximately $4 million to approximately $5.3 million.

Mr. Rosenbaum moved for approval of the request. Ms. Nubel seconded the motion which carried 7-0.

4. C3-14-020 Planning Department on behalf of the City of Omaha

REQUEST: Approval of an amendment to Chapter 55 regarding the FF flood fringe and FW floodway districts

LOCATION: Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on February 5, 2014, Dave Fanslau, Acting Assistant Planning Director, stated that part of the request was for the adoption of a new floodplain map for the Elkhorn River area. He explained that beginning in 2009 the Federal Emergency Management Agency (FEMA) conducted a study of the Elkhorn River tributaries which resulted in changes to the flood fringe and floodway lines. He further explained that the Department was part of the national flood insurance program and that we were required to adopt the new FEMA maps as part of our floodway and floodplain management program. Mr. Fanslau stated that another part of the request was to update the text within our code. He explained that comparisons with similar codes across the country and discussions with the NRD resulted in updates to the text in our code that regulated the floodplain within our jurisdiction. He added that those text changes dealt with the cumulative substantial improvements on a property damaged by a flood and how the records were calculated and recorded for those properties to assure the sites were within code regulations. He then explained other text changes were a new definition for human habitation and a change in text regarding the 25% fill restriction for properties in the flood fringe to include all tributaries in our jurisdiction, instead of sites only located in the Papillion Creek waterway. The Department requested approval of the new map and text changes.

Mr. Nesbitt moved for approval of the request. Ms. Nubel seconded the motion which carried 7-0.
At the Planning Board meeting held on February 5, 2014, Mark Johnson, 11440 W. Center Road, appeared before the Board. Mr. Johnson stated that he represented the applicant and that the proposed site was for the business named the Android Factory.

Katie Kier, PJ Morgan Real Estate, 7801 Wakeley Plaza, appeared before the Board in opposition. Ms. Kier stated that she represented the Cryer Crest Townhome Association and she highlighted some concerns expressed in a letter previously submitted to the Department by the Association. She stated that these concerns were outside noise from the establishment, a proposed outdoor smoking and drinking area and a 3rd bar located within a 2 block radius of their neighborhood. She added that they received an email from the owner of the proposed business stating that the business would occasionally have performances with background music.

Mr. Deeb questioned the type of outdoor activities the business would conduct. Mr. Johnson responded that there was not a plan for an outdoor beer garden, only a designated smoking area, and that there would be no speakers located outside the building.

Blair Mourer, 9427 Himebaugh Circle, appeared before the Board. Mr. Mourer stated that he was the owner of the Android Factory. He concurred that there would be no outdoor speakers and that music performances would be held inside with a small P.A. system. In response to questioning by the Board, he explained that on occasion the bar would have a burlesque dance group performance accompanied by low-volume music and that security would be available on event nights only. He added that the establishment would be video-gamers and comic book collectors and represented a small percentage of smokers. Mr. Mourer explained that an area in the front of the building would be designated for smoking and that an outdoor drinking area was not in their opening plan but was a possibility for future plans. In response to further questioning by the Board, Mr. Mourer stated that the bar would have video-game tournaments, a hybrid coffee shop, limited food with no need for exhaust fans and that parking was within code regulations. He also stated that a movie night would be held occasionally for viewing of old and science fiction movies similar to Mystery Science Theater 3000 and that food would be catered for this event. He added that there were not similar bars in Omaha but that these types of establishments existed in the coastal cities.

In response to Mr. Neary, Ms. Kier stated that the Townhome Association was across the street just north of the proposed site at 118th and 119th Court and included 3 cul-de-sacs, each containing 9 homes. She explained there had been previous issues with noise and police assistance needed for special events held at the American Dream bar in the area, but it was noted by the Board that the establishment had since relocated to another location in the city. In response to Ms. Nubel, Ms. Kier stated that the term burlesque caused concern for the community. In response to Mr. Rosenbaum, Mr. Mourer explained that burlesque consisted of gypsy type dance with the dancers occasionally stripping down to underwear but that he could control the circumstances. Members of the Board suggested that Mr. Mourer exchange contact information with the neighbors and address any concerns that arise.

Dave Fanslau, Acting Assistant Planning Director, stated that the applicant had received a liquor license from the City Council and that the site plan approved did not include an outdoor drinking area. He added that an outdoor area would require approval through the Planning Board and approval of an amended liquor license from the City Council and that neighbors would receive written notification of the request. He explained that zoning does not regulate the number of bars in the area but that use permits are required to be obtained for one-time events. He added that this business was located in a Limited Commercial District and required more stringent review by the Department and that certain criteria needed to be met to obtain the Conditional Use Permit request. Mr. Fanslau stated that the Department
recommended approval subject to the items stated on the recommendation report. He added that noise performance standards were regulated in the zoning code and that any concerns could be directed to the Planning Department and owners would be notified of the violation.

Mr. Nesbitt moved for approval of a Conditional Use Permit to allow a Cocktail lounge in an LC District subject to: 1) Compliance with the proposed site plan, 2) Compliance with the operating statement, 3) Compliance with all applicable regulations. Mr. Deeb seconded the motion which carried 7-0.

**APPROVAL OF MINUTES**

Mr. Hoich moved to APPROVE the meeting minutes of December 4, 2013. Mr. Deeb seconded the motion which carried 6-0-1, with Mr. Harding abstaining. Mr. Harding moved to approve the minutes of January 8, 2013 as written. Mr. Deeb seconded the motion which carried 7-0.

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 2:07 pm.

Date Approved

_________________________________________
Raymond J. Neary, Chair

Rikki Flott, Planning Board
Recording Secretary