

MINUTES
 PUBLIC HEARING AND ADMINISTRATIVE MEETING
 OMAHA CITY PLANNING BOARD 1:30 P.M. – JULY 2, 2014
 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, June 23, 2014.

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

MEMBERS NOT PRESENT: None

STAFF PRESENT: Dave Fanslau, Acting Assistant Director, Current Planning
 Chad Weaver, Manager, Long Range 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.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Rezoning

4.	C10-13-128 (D) Greek Orthodox Church of Greater Omaha	REQUEST:	Rezoning from R6 to MU (laid over from 05/07/14)
		LOCATION:	215 South 181 st Street

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval of the rezoning from R6 to MU, subject to submittal of a final acceptable Mixed Use District Development Agreement prior to forwarding the request onto the City Council for final action. Mr. Harding seconded the motion, which carried 7-0.

5.	C10-96-261 (D) SMJ International	REQUEST:	Approval of a Major Amendment to a Mixed Use District Development Agreement for Altech Business Park to allow a <i>Broadcast tower</i> (laid over from 06/04/14)
		LOCATION:	4002 South 149 th Circle

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval of the Major Amendment to the Altech Business Park Mixed Use District Development Agreement for Lot 50, to allow for the construction of 50' high broadcast tower with an 11.6' x 25.5' equipment shelter and fencing subject to the meeting the following conditions prior to forwarding the request to the City Council for final action: 1) Submittal of an acceptable mixed use development agreement, 2) An approved flood plain development application, 3) Obtaining FAA approval prior to application for a building permit, 4) Compliance with all other applicable rules and regulations, 5) Providing a governmental access statement, and 6) Submittal of an annual report that describes the location and operating characteristics of all broadcast towers within the City and its extraterritorial jurisdiction. Mr. Harding seconded the motion, which carried 7-0.

Special Use Permits

6.	C8-14-112 (D) Roy Dailey	REQUEST:	Approval of a Special Use Permit to allow <i>Automotive sales</i> in a GC District (laid over from 06/04/14)
		LOCATION:	3702 North 30 th Street

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval of a Special Use Permit to allow Automotive sales in a GC District, subject to the following conditions: 1) Submit a revised site plan that adds 1 parking stall prior to forwarding the request to the City Council, 2) Submit an application to rezone the site to the CC-ACI-1 District prior to forwarding the request to the City Council, 3) Compliance with the revised site and landscape plan, 4) Removal of any existing barbed-wire and white tube fencing located on site, 5) No outdoor storage on the site, 6) The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department, and 7) Compliance with all other applicable regulations. Mr. Harding seconded the motion, which carried 7-0.

(REGULAR AGENDA)

Subdivisions

10.	C10-14-118 (D) C12-14-119 Gottsch Enterprises, LLC	REQUEST:	Preliminary Plat approval of INDIAN CREEK LANDINGS II, a subdivision outside the city limits, with rezoning from AG to R3
		LOCATION:	Northwest of 192nd and West Maple Road

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved to layover the applicant's request to allow additional time to address noted design issues and to resubmit an amended preliminary plat, tree canopy and wetland analysis. Mr. Harding seconded the motion, which carried 7-0.

11.	C10-14-127 (D) C12-14-128 FRK Development, LLC	REQUEST:	Preliminary Plat of INDIAN POINTE PHASE II (Lots 161-417, OL "D"- "J"), a subdivision outside the city limits, with rezoning from AG to DR and R4
		LOCATION:	Northeast of 192nd and Sahler Streets

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved to layover the request. Mr. Harding seconded the motion, which carried 7-0.

Rezoning

12.	C10-14-120 (D) SPM Manager, LLC	REQUEST:	Rezoning from R8 to NBD (property is also located within an NCE-C Overlay District)
		LOCATION:	4908 Underwood Avenue

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval. Mr. Harding seconded the motion, which carried 7-0.

13.	C10-14-121 (D) Luis Chavez	REQUEST:	Rezoning from HI to R4
		LOCATION:	2614 "Z" Street

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval. Mr. Harding seconded the motion, which carried 7-0.

14.	C10-02-203 (D) Berkshire Hathaway Home Services	REQUEST:	Approval of a Major Amendment to the Mixed Use District Development Agreement for West Village Pointe
		LOCATION:	Southeast of 179th and Chicago Streets

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval of the Major Amendment to the West Village Pointe subject to the following conditions being met prior to forwarding the request to the City Council for final action: 1) An updated site plan showing the new plaza and street configurations, 2) An updated application indicating the parking, landscaping, and building/impervious coverage information, 3) Submittal of an acceptable mixed use development agreement indicating that the trail system will be constructed on Outlots C and D with the completion of the proposed Berkshire building on Lot 1, Replat 8, and 4) Submittal of an Administrative Subdivision. Mr. Harding seconded the motion, which carried 7-0.

15.	C10-14-122 (D) Mike Sharif	REQUEST:	Approval of a MCC-Major Commercial Corridor Overlay District
		LOCATION:	13125 "Q" Street

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval. Mr. Harding seconded the motion, which carried 7-0.

Special Use Permits

16.	C8-14-123 (D) Grover Street Ice Arena	REQUEST:	Approval of a Special Use Permit to allow <i>Indoor sports and recreation</i> in a GI District
		LOCATION:	6161 Grover Street

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval of a Special Use Permit to allow Indoor sports and recreation in a GI District subject to: 1) Closing the site's eastern most point off of Grover Street, 2) Compliance with the site plan, 3) Compliance with the submitted operating statement, 4) The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department, and 5) Compliance with all other applicable regulations. Mr. Harding seconded the motion, which carried 7-0.

Conditional Use Permits

19.	C7-07-290 (D) Omaha Christian Academy	REQUEST:	Approval of a Major Amendment to a Conditional Use Permit for a <i>Primary education facilities</i> in a GO District
		LOCATION:	10244 Wiesman Drive

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval of a Major Amendment to a Conditional Use Permit for a Primary Education Facility located in a GO-General Office District subject to: 1) Compliance with the proposed site plan, 2) Compliance with the proposed operating statement, 3) Compliance with the proposed building elevations, 4) Compliance with all stormwater management regulations, and 5) Compliance with all other applicable regulations. Mr. Harding seconded the motion, which carried 7-0.

20.	C7-14-126 (D) Joan's Place, LLC	REQUEST:	Approval of a Conditional Use Permit to allow <i>Day care services (general)</i> in a GI District
		LOCATION:	5022 South 114th Street

At the Planning Board meeting held on July 2, 2014, Ms. Nubel moved for approval of the Conditional Use Permit to allow Day care services (general) in a GI District subject to: 1) Compliance with the proposed site plan, 2) Compliance with the proposed operating statement, 3) Compliance with all applicable development regulations, 4) Submitting plans for the required storm shelter space in compliance with Section 55-787(a)(c), before the issuance of a Certificate of Occupancy, and 5) Obtaining a Certificate of Occupancy from the Planning Department Permit Division prior to operation of the facility. Mr. Harding seconded the motion, which carried 7-0.

(HOLD OVER CASES)

Master Plan Referrals

1.	C3-14-103 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the Saddle Creek South Community Redevelopment Area Designation
		LOCATION:	An area generally bound by Pacific Street on the northeast, south along 48 th Street to Center Street, west to 51 st Street, north to Poppleton Avenue, east to 50 th Street, north to Pacific Street and then east to the original starting point (laid over from 06/04/14)

At the Planning Board meeting held on July 2, 2014, Don Seten, City Planner, appeared before the Board. Mr. Seten stated that the Community Redevelopment Area Designation (CRA) facilitated use of the Tax Increment Financing (TIF) program for redevelopment projects and that the selected area included both sides of this segment of Saddle Creek Road, with limited residential areas included. He added that the requested CRA connected two existing redevelopment areas and that a study was reviewed by the Department, which determined the designation was within Community Development Law guidelines.

In response to Ms. Nubel, Mr. Seten stated that approximately 55 neighborhood residents attended a neighborhood meeting and that a positive response was received from the meeting.

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

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

Subdivisions

Cases 2 and 7 were heard concurrently, but voted on separately:

2.	C10-11-006 C12-11-016 Metropolitan Community College	REQUEST:	Preliminary and Final Plat approval of MCC ELKHORN CAMPUS, a subdivision inside the city limits, with rezoning from AG to R6 (laid over from 05/07/14)
		LOCATION:	829 North 204 th Street

At the Planning Board meeting held on July 2, 2014, Robert Cannella, Fitzgerald Schorr Barmettler & Brennan Law Firm, 10050 Rgengcy circle, Suite 200, appeared before the Board on behalf of the Board of Governors of Metropolitan Community College. Mr. Cannella stated that the college was a political subdivision in the State of Nebraska with power of Eminent Domain and, with respect to construction activities, under the Nebraska Constitution was subject to the jurisdiction of the Nebraska Coordinating Commission on Post Secondary Education; therefore, the college was exempt from any zoning jurisdiction and rules and regulations within the City of Omaha. Mr. Cannella mentioned that the two major arterial highways of 204th Street and Dodge Street were actively used by college since August 1980. He then explained that prior to the 2007 annexation by the City of Omaha, the parcel zoning allowed college and university facilities under a conditional use permit and that the current zoning was agricultural. He stated that the recommendations of the Department to provide connection of 203rd Street to the college's private drive and dedication of a portion of the college's driveway as a public street between 203rd and 204th Streets were not acceptable. Mr. Cannella mentioned that a compromised was discussed at a recent meeting in the Mayor's office.

In response to Mr. Hoich, Mr. Cannella stated that if the property was rezoned to R6, without the two previously discussed conditions, and City funds contributed to a park and ride to the college property, the college was willing to contribute land and maintenance costs. In response to Mr. Rosenbaum, Mr. Cannella confirmed that if an agreement could be reached, the President of the college would recommend dedication of the drive and street connection to the Metro Community College Board of Governors.

Jim Lang, Attorney, 11718 Nicholas Street, appeared before the Board in opposition. Mr. Lang stated that he represented the adjacent property owner to the north, Gottch Land Company. He explained that he supported the expansion of the college but was opposed to omitting the requirement for connectivity at 203rd Street. He mentioned that the requirement provided a second connection and that a traffic study showed little impact to the college entrance at Cumberland Drive.

Dave Fanslau, Acting Assistant Planning Director, stated that rezoning during the 2007 annexation was based on land size and that property owners were given one year to protest the rezoning. He then explained that in 2010 the college received waivers from the Zoning Board of Appeals with conditions to plat, rezone and establish a use permit, as requested today. He noted that the opinion of the City Law Department was that the college was within City zoning regulations and that similar street connections were typically required upon development of adjoining property owners. Mr. Fanslau stated that the Department recommended approval of the Preliminary Plat and rezoning, subject to the conditions of the recommendation report, and to layover the Final Plat to allow the applicant time to comply with the conditions of the Preliminary Plat. He stated that the Departement also recommended approval of the special use permit subject to the 7 conditions of the recommendation report.

Mr. Harding moved to layover and suggested that the Department and Metro Community College reached a compromise, presented the compromise to the Metro Community College Board and then presented the case to the Planning Board. Mr. Hoich seconded the motion, which failed 2-4-1, with Mr. Near recusing.

Mr. Nesbitt commented that the request had previously been laid over five times and suggested that the request move forward today.

Mr. Nesbitt moved for approval of the rezoning from AG to R6 , approval of the preliminary plat, subject to

the applicant providing a dedication of right-of-way for and improvement of a street connection to 203rd Street and layover the final plat to allow the applicant additional time to comply with the condition of preliminary plat approval. Mr. Rosenbaum seconded the motion which carried 4-2-1, with Mr. Neary recusing.

Conditional Use Permits

7.	C7-11-005 Metropolitan Community College	REQUEST:	Approval of a Conditional Use Permit to allow College and university facilities in a R6 District, with a waiver of Section 55-226 Height to 70' (laid over from 05/07/14)
		LOCATION:	829 North 204 th Street

At the Planning Board meeting held on July 2, 2014, Robert Cannella, Fitzgerald Schorr Barmettler & Brennan Law Firm, 10050 Regency Circle, Suite 200, appeared before the Board on behalf of the Board of Governors of Metropolitan Community College. Mr. Cannella stated that the college was a political subdivision in the State of Nebraska with power of Eminent Domain and, with respect to construction activities, under the Nebraska Constitution was subject to the jurisdiction of the Nebraska Coordinating Commission on Post Secondary Education; therefore, the college was exempt from any zoning jurisdiction and rules and regulations within the City of Omaha. Mr. Cannella mentioned that the two major arterial highways of 204th Street and Dodge Street were actively used by college since August 1980. He then explained that prior to the 2007 annexation by the City of Omaha, the parcel zoning allowed college and university facilities under a conditional use permit and that the current zoning was agricultural. He stated that the recommendations of the Department to provide connection of 203rd Street to the college's private drive and dedication of a portion of the college's driveway as a public street between 203rd and 204th Streets were not acceptable. Mr. Cannella mentioned that a compromised was discussed at a recent meeting in the Mayor's office.

In response to Mr. Hoich, Mr. Cannella stated that if the property was rezoned to R6, without the two previously discussed conditions, and City funds contributed to a park and ride to the college property, the college was willing to contribute land and maintenance costs. In response to Mr. Rosenbaum, Mr. Cannella confirmed that if an agreement could be reached, the President of the college would recommend dedication of the drive and street connection to the Metro Community College Board of Governors.

Jim Lang, Attorney, 11718 Nicholas Street, appeared before the Board in opposition. Mr. Lang stated that he represented the adjacent property owner to the north, Gottch Land Company. He explained that he supported the expansion of the college but was opposed to omitting the requirement for connectivity at 203rd Street. He mentioned that the requirement provided a second connection and that a traffic study showed little impact to the college entrance at Cumberland Drive.

Dave Fanslau, Acting Assistant Planning Director, stated that rezoning during the 2007 annexation was based on land size and that property owners were given one year to protest the rezoning. He then explained that in 2010 the college received waivers from the Zoning Board of Appeals with conditions to plat, rezone and establish a use permit, as requested today. He noted that the opinion of the City Law Department was that the college was within City zoning regulations and that similar street connections were typically required upon development of adjoining property owners. Mr. Fanslau stated that the Department recommended approval of the Preliminary Plat and rezoning, subject to the conditions of the recommendation report, and to layover the Final Plat to allow the applicant time to comply with the conditions of the Preliminary Plat. He stated that the Departement also recommended approval of the special use permit subject to the 7 conditions of the recommendation report.

Mr. Harding moved to layover and suggested that the Department and Metro Community College reached a compromise, presented the compromise to the Metro Community College Board and then presented the case to the Planning Board. Mr. Hoich seconded the motion, which failed 2-4-1, with Mr. Near recusing.

Mr. Nesbitt commented that the request had previously been laid over five times and suggested that the request move forward today.

Mr. Nesbitt moved for approval of the Conditional Use Permit to allow College and university facilities in the R6 District subject to: 1) The applicant providing a dedication of right-of-way and improvement of a street connection to 203rd Street, 2) The applicant installing geometric improvements to provide satisfactory traffic flow for campus traffic to and from 204th Street in accordance with the approved traffic study, 3) Continuing to work with the City regarding a potential future street connection to 192nd Street, 4) Compliance with the site plan as amended to comply with Condition #1 and #2, 5) Compliance with the proposed operating statement, 6) That the elevations of any structures proposed to be over 45' be subject to administrative review and approval by the Planning Department, and 7) Recording the Final Plat of MCC ELKHORN CAMPUS. Mr. Rosenbaum seconded the motion, which carried 4-2-1, with Mr. Neary recusing.

Subdivisions

Cases 3 and 8 were heard concurrently, but voted on separately:

3.	C12-14-085 Frank Krejci	REQUEST:	Preliminary Plat approval of RIVER'S EDGE PARK, a subdivision outside the city limits, with a waiver of Section 53-8(4) for Lot frontage, a waiver of Section 53-9(3) for Street surfacing, a waiver of Section 53-9(5) for Sanitary sewer, a waiver of Section of 53-9(7) for Water mains, and a waiver of Section 53-9(9) for Sidewalks (laid over from 05/07/14)
		LOCATION:	Northwest of 230th and West Maple Road

At the Planning Board meeting held on July 2, 2014, Jim Lang, 11708 Nicholas Street, attorney appeared before the Board on behalf of the applicant, Frank Krejci. Mr. Lang stated that the present zoning is AG Floodway which restricts the uses for the property. He stated that one of the permissible uses in AG is a campground for RV's, tents and other related activities with a Conditional Use Permit. The approximate 24 acre site (as shown) abuts the Elkhorn River to the west and to the east is an access road onto 230th Street. The campground will be a recreational and outdoor environment with the Elkhorn River, tree line and campsite. Characteristics for the campsite is that it will be seasonal from April to October with 81 pad sites for RV's and a tent area with a drop off point for tubing and accessory use to the Elkhorn River. There will be a full-time manager on site. Mr. Lang pointed out that the improvements will be minimal but the code requires a number of waivers because of the floodway. He further stated that the campsite will utilize a mobile restroom facility for accommodations plus many of the RV's have restroom facilities. There will be water on the site with a well and electricity will be provided. The location is excellent and benefits recreational activity in the area in the form of camping. The RV and tent clientele will be short term users. Mr. Lang commended the Planning Department to accommodate the camp facility and requested approval of the project based on the recommendation report. Mr. Lang offered to answer any questions.

In response to Mr. Rosenbaum, Mr. Lang answered that according to the recommendation report there will be a maximum stay of 30 days.

In response to Mr. Rosenbaum, Jason Thiellen, E & A Consulting Group, 330 North 117th Street, answered that electrical boxes, specifically designed for outdoor uses, will be set and easily removed in case of an emergency.

Dave Fanslau, Acting Assistant Planning Director, stated that the department recommends approval of the requested waivers with the preliminary plat subject to the two conditions listed in the recommendation report and approval of the Conditional Use Permit subject to the eleven conditions listed in the recommendation report.

In response to Mr. Harding, Mr. Lang agreed to add the 30 day maximum stay in the operation statement.

In response to Mr. Neary, Mr. Lang verified that most of the trees will be saved and left in the natural setting.

Mr. Rosenbaum moved for approval subject to the approval of the waivers of Section 53-8(4) Lots and Section 53-9(3) for Street Surfacing, Section 53-9(5) for Sanitary Sewer, Section 53-9(7) for Water Mains and Section 53-9(9) for Sidewalks of the Omaha Municipal Code and approval of the preliminary plat subject to: 1) Coordinating with the Douglas County Engineer's Office for design requirements of the 230th Street access and providing a 50 foot paved return adjacent to 230th Street, and 2) Recording the 40 foot easement with the final plat. Mr. Nesbitt seconded the motion which carried 7-0.

Conditional Use Permits

8.	C7-14-086 Frank Krejci	REQUEST:	Approval of a Conditional Use Permit to allow a <i>Campground</i> in an AG District (laid over from 05/07/14)
		LOCATION:	Northwest of 230th and West Maple Road

At the Planning Board meeting held on July 2, 2014, Jim Lang, 11708 Nicholas Street, attorney appeared before the Board on behalf of the applicant, Frank Krejci. Mr. Lang stated that the present zoning is AG Floodway which restricts the uses for the property. He stated that one of the permissible uses in AG is a campground for RV's, tents and other related activities with a Conditional Use Permit. The approximate 24 acre site (as shown) abuts the Elkhorn River to the west and to the east is an access road onto 230th Street. The campground will be a recreational and outdoor environment with the Elkhorn River, tree line and campsite. Characteristics for the campsite is that it will be seasonal from April to October with 81 pad sites for RV's and a tent area with a drop off point for tubing and accessory use to the Elkhorn River. There will be a full-time manager on site. Mr. Lang pointed out that the improvements will be minimal but the code requires a number of waivers because of the floodway. He further stated that the campsite will utilize a mobile restroom facility for accommodations plus many of the RV's have restroom facilities. There will be water on the site with a well and electricity will be provided. The location is excellent and benefits recreational activity in the area in the form of camping. The RV and tent clientele will be short term users. Mr. Lang commended the Planning Department to accommodate the camp facility and requested approval of the project based on the recommendation report. Mr. Lang offered to answer any questions.

In response to Mr. Rosenbaum, Mr. Lang answered that according to the recommendation report there will be a maximum stay of 30 days.

In response to Mr. Rosenbaum, Jason Thiellen, E & A Consulting Group, 330 North 117th Street, answered that electrical boxes, specifically designed for outdoor uses, will be set and easily removed in case of an emergency.

Dave Fanslau, Acting Assistant Planning Director, stated that the department recommends approval of the requested waivers with the preliminary plat subject to the two conditions listed in the recommendation report and approval of the Conditional Use Permit subject to the eleven conditions listed in the recommendation report.

In response to Mr. Harding, Mr. Lang agreed to add the 30 day maximum stay in the operation statement.

In response to Mr. Neary, Mr. Lang verified that most of the trees will be saved and left in the natural setting.

Mr. Rosenbaum moved for approval of the request for a Conditional Use Permit to allow a Campground in an AG District (property also located within the floodway) subject to the following: 1) Submittal of a revised site plan providing more detail on the tent camping area and identifying the on-site manager location, 2) Submittal of an updated operating statement to include information on the on-site manager

location and residency of the manager along with providing a guest residency restriction of 30 days, 3) Approval of the necessary waivers for Section 55-740(e), Sections 55-765(d)(3), and Section 55-740(4), 4) Approval of a Flood Plain Development Permit, 5) Tubing operations are for patrons occupying the campground and their guest(s), 6) Submitting detailed product specifications for the mobile restroom facilities and receiving approval from specific agencies and/or divisions for the proposed use, 7) Providing more detail on the power distribution boxes and which pad sites have electrical hookups, 8) This Conditional Use Permit is for this applicant only, 9) Compliance with the revised site plan and revised operating statement, 10) Compliance with all other applicable site development regulations, and 11) Obtaining all necessary permits. Mr. Nesbitt seconded the motion which carried 7-0.

(REGULAR AGENDA)

Master Plan Referral

9.	C3-14-116 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the SOUTH OMAHA SURGICAL CENTER TIF REDEVELOPMENT PROJECT PLAN
		LOCATION:	3201 South 24 th Street

At the Planning Board meeting held on July 2, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the proposed project was an outpatient surgical center under the direction of Dr. Jorge Sotolongo. She added that the project converted an existing vacant bar into a surgical center and then displayed a front view and elevations of the proposed building. She explained that the applicant, the Chamber and the bank discussed the financial obligations needed to operate the business and financial obligations needed to redevelop the site. Ms. Hadley stated that the current estimated project cost was \$2.7 million dollars, with \$239,000 in Tax Increment Financing (TIF) funds, and that the project created approximately 60 jobs. She explained that collaboration with OneWorld and Charles Drew Health Centers provided referrals to the proposed facility for a variety of outpatient surgeries. She noted that a meeting with the developer was planned to discuss possible expansion of the building onto the adjacent property, also owned by Dr. Sotolongo.

In response to Mr. Nesbitt, Ms. Hadley explained that there would be an agreement with local doctors for use of the facility for outpatient surgeries.

Christine Lustgarten, 1403 Farnam St., appeared before the Board. Ms. Lustgarten stated that she represented the applicant, Dr. Sotolongo. She then explained that Dr. Sotolongo had a need for use of the facility for outpatient surgeries and that doctors within the community would also be granted permission for use of the facility for outpatient surgeries. She added that the facility eliminated the need for patients to stay overnight.

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

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

Special Use Permits

17.	C8-14-124 Anthony L. Felici	REQUEST:	Approval of a Special Use Permit to allow <i>Automotive sales</i> in a CC District (portion of property within flood fringe)
		LOCATION:	13525 Millard Avenue

At the Planning Board meeting held on July 2, 2014, Anthony Felici, 7011 S. 151st St., appeared before the Board. Mr. Felici stated that he was involved in automotive sales for approximately 30 years and currently had a Nebraska automobile dealer license. He explained that the proposed business was for small family auto sales and that the area business owners he recently spoke with were not opposed to the request. He mentioned that the area surrounding this site entailed a diverse group of businesses and that his business was a good fit with the existing businesses.

Jason Lanoha, Lanoha Development Company, 19111 West Center Road, appeared before the Board in opposition. Mr. Lanoha stated that the request was discussed amongst area business owners prior to today's meeting and that those business owners, also present today, were in opposition. He mentioned that Pat Bonnet, President of Old Millard East Neighborhood Association (OMENA), submitted a letter of opposition but was not present today. Mr. Lanoha stated that their concern was that, although the proposed business fit with the existing businesses today, the proposed business did not compliment the vision for future redevelopment of the area. He mentioned that the recent approval of the Community Redevelopment Area (CRA) was to improve and change development in the area.

Steve Andersen, Millard Business Association and Steve Andersen Electrical Contractors, appeared before the Board in opposition. Mr. Andersen stated that his business was approximately one and a half blocks from the site and that the Millard Business Association opposed the request. He added that concerns were that the business did not meet future redevelopment designs and would deter future redevelopment of the area. He then discussed the design of the Neighborhood Business District (NBD) zoning in this area, designed to enhance traditional walkable areas, and that the proposed business did not meet the NBD zoning.

Ray Bartlett, Premier Plastics, 4880 S. 134th Street, appeared before the Board in opposition. Mr. Bartlett stated that he was opposed for reasons already stated and mentioned that he was working with Mr. Lanoha on plans to update his own property to fit with the future vision of redevelopment in the area.

Rick Russell, President of Millard Lumber, appeared before the Board in opposition. Mr. Russell stated that a variety of developers have shown an interest in the Millard Lumber site and that Lanoha Development signed a contract for future redevelopment of the their site. He added that he was confident with the vision and quality development Lanoha would bring to the area. He mentioned that many car lots currently existed in the area and the proposed business was not the best use for the area. Mr. Hoich questioned if Mr. Russell thought the business would be an improvement to the current condition of the site and Mr. Russell agreed that the request would improve the site, but hoped the site would be part of a larger redevelopment project. He added that he did not review the recommendations by the Department.

Mr. Nesbitt commented that he resided in the Millard area and was not in favor of the numerous existing used auto lots currently in the area, but that a submitted request was more concrete than speculation for future development. Mr. Russell responded that the Planning Board was in place to make decisions and plan for future development.

Mr. Lanoha stated that he understands the request, but that he considered what effect the request would have on future development and requested that the Department consider the larger plan for future redevelopment. Mr. Hoich commented that the applicant was a potential seller in the future and that improvement would already be in place. Mr. Lanoha responded that a large buffer was not an idea for future development and that the concept was to bring buildings up to the street for a more walkable community. He also was concerned this request may set a precedent that affected the bigger vision for future redevelopment.

In response to Mr. Neary, Mr. Felici stated that his intent was for a small business and that he was unaware of the future redevelopment plan for the Millard area. He added that he would be in favor of future redevelopment of the area and was willing to conform to a future redevelopment plan. He also responded that his business could be successful at this small location. Mr. Felici also explained that he met with Mrs. Rathbun to discuss the request, but was unsuccessful at meeting directly with David Rathbun of OMENA. He added that a meeting invitation was not sent out to adjacent neighbors, but that he randomly met with neighbors to get feedback on the proposed request with no opposition.

Dave Fanslau, Acting Assistant Planning Director, explained that the recently approved CRA was a mechanism for property owners in the area to apply for Tax Increment Financing (TIF) to initiate redevelopment but that a specific plan did not exist. He also commented that discussions have taken place regarding redevelopment of the area, with a lack of opportunity to design a plan. He then explained that with the adoption of the Urban Design code, Millard Avenue was designated as a Major Commercial Corridor District (MCC), which improved landscaping signage and design values, and was a State

highway, which needed to be considered for future development. Mr. Fanslau noted that the current zoning allowed for the requested use with a Special Use Permit approval and that he discussed the regulation requirements for the site with Mr. Felici and he was compliant with all requests. Mr. Fanslau stated that the Department recommended approval of the request subject to the 5 conditions of the recommendation report.

Mr. Andersen questioned a change of Highway 50 by the State approximately 7 years ago, but Mr. Fanslau confirmed with the Public Works Department that Millard Avenue was still part of Highway 50. Mr. Neary and Mr. Harding expressed concern that the applicant had not met with all neighbors. Mr. Nesbitt commented that the request today had no opposition from residents, only businesses in the area and Mr. Neary commented that the Millard Business Association was also involved, not just residents.

Mr. Harding moved to layover the request for 60 days, 30 if ready. Mr. Deeb expressed that he disagreed with a motion to layover the request because the applicant was willing to comply with all recommendations by the City. Ms. Nubel commented that the comparison of a plan for future redevelopment that did not exist today and the proposed plan with immediate improvements, made the decision difficult.

Ms. Nubel seconded the motion to layover the request. Mr. Hoich commented that he was not opposed to the proposed future development by Lanoha, then questioned Mr. Felici on ownership of the property. Mr. Felici responded that he closed on the property August 20th. Mr. Hoich then commented that the applicant was willing to conform to future development and that the future redevelopment by Lanoha was not in the near future. In response to Ms. Nubel, Mr. Felici stated that he complied with all requirements, was in the process of locating vehicles for the business and that he was not in favor of a layover. In response to Ms. Nubel, Mr. Lanoha stated that a layover would not change their decision of opposition. He also stated that he would not be objected to further discussion.

Mr. Harding amended his motion to layover for 30 days to allow the applicant additional time to meet with neighbors. Ms. Nubel seconded the motion, which carried 4-3, with Mr. Rosenbaum, Mr. Deeb and Mr. Nesbitt dissenting.

18.	C8-14-125 Santa Monica, Inc.	REQUEST:	Approval of a Special Use Permit to allow <i>Transitional living</i> in a GO District (property is also located within an ACI-1(PL) Overlay District)
		LOCATION:	401 South 39th Street

At the Planning Board meeting held on July 2, 2014, Bob Worrell, 808 N. 162nd St., President, Santa Monica Board of Directors, appeared before the Board. He explained that Santa Monica House was a halfway house for recovering alcoholic and drug-addicted women and has operated for 42 years at one location. He stated that they provided residential treatments and programs for women and that the residents were on a path of recovery attending at their own will. He commented that law enforcement, county court systems and rehabilitation and treatment centers were advocates of the facility and sources for referrals. Mr. Worrell explained that because of demand within the community, a second facility was needed, and mentioned that the current location was a member of the Joslyn Castle Neighborhood Association.

Lawrence Roland, Attorney, Gross & Welch Law Firm, 1500 Omaha Tower, 2120 S. 72nd St., appeared before the Board on behalf of the applicant. Mr. Roland stated that the Special Use permit designation of transitional living was determined after a meeting with Planning Department. In response to Mr. Nesbitt, Mr. Roland explained that the current facility was a half-way house for women and provided services for approximately 6 to 7 months, but that the new facility was a slightly different use as a three-quarter house for women and provided a longer stay in an effort to fulfill all requirements of the program. He added that the new facility would have increased space needed for large group meetings and individual counseling. Mr. Worrell stated that two meetings were held with neighbors and another was scheduled to discuss the proposed facility plan, the recovery plan and their continuum of care. He then reiterated a longer stay was needed for full recovery of residents. In response to Mr. Rosenbaum, he stated that neighbors expressed both positive and negative feedback at the meetings.

Mr. Roland stated that the first recommendation by the Planning Department was approval of a waiver for two halfway houses within a one-half mile area, but noted that the current facility was actually a large group home and was designated as transitional living by previous approvals from the City.

Dan Rock, Attorney, 9290 W Dodge Rd., Ellick Jones Buelt Blazek & Longo LLP, appeared before the Board in opposition. Mr. Rock stated that he represented the Montessori school directly across the street, to the west of the site. He then stated that, since 1983, Dr. Lavonne Plambeck has owned the Montessori school and that currently 725 students were enrolled. He added that concerns were with the placement of the facility directly across the street from the Montessori school, students witnessing negative behavior from residents, the large number of residents at the facility, and the recommendation report stating the majority of female residents had mental health and/or trauma issues. He added that another concern was that the zoning did not require a business plan and that the types of residents at the facility would change in the future. In response to Mr. Nesbitt, Mr. Rock explained that concern was potential interaction of the residents with the students attending the Montessori school.

Dr. Lavonne Plambeck, 400 S 39th St., appeared before the Board in opposition. Dr. Plambeck stated that she owned the Montessori educational center for 47 years and that she purchased the property in 1983. She stated that she was concerned with the location of the halfway house directly across the street from the Montessori school and that the situation was dangerous and vulnerable. She commented that the younger school children were at a critical learning age and was concerned for the safety of the children with the facility directly across the street. She added that the current Santa Monica facility did not have an early education center across the street and that she was also concerned with the vulnerability of the female residents. Ms. Plambeck stated that per State regulation, the children were constantly supervised and in response to Mr. Nesbitt, she stated that fear of unwanted contact with residents and school children was derived from her own instinct.

Mr. Harding recused himself from the case because his children attended the House of Montessori school.

Jim Farho, 3722 Dewey Ave, appeared before the Board in opposition. Mr. Farrow stated that he represented the Blackstone Neighborhood Association and was a property owner in the district. He explained that he was not opposed to services provided by Santa Monica, but was opposed to numerous group homes in the area. He then displayed a list of 8 large and small group homes within the area and commented that distinguishing the different types of group homes according to zoning code was not clear. He also displayed a map of the site and surrounding area, and noted the location of area group homes. Mr. Farho stated that 4 fraternity homes also existed within the Blackstone Neighborhood Association, but were not on the group home list.

Mr. Roland stated that 75 percent of the female residents had children and were attempting recovery to reunite with families. He mentioned that today he provided to the Board a list of 8 group homes in the area within one half mile of the proposed site that received special use permits or conditional use permits, but that none were for transitional living.

Dave Fanslau, Acting Assistant Planning Director, stated that uses for small group homes, large group homes, and transitional living each had specific requirements within the zoning code and that a one-half mile distance requirement existed only between like uses. He noted that one transitional living facility was currently within the one half-mile radius and that the request also needed approvals from the Zoning Board of Appeals and City Council. In response to Mr. Hoich, Mr. Fanslau stated that because the current Santa Monica facility was transitioning to the new facility, a waiver of distance requirement between like facilities was needed from the Zoning Board of Appeals. He added that some Special Use Permit applicants also applied for Reasonable Accommodation under the Fair Housing Act and that further research was needed to determine the approval process of the existing small and large group home facilities. He also noted that fraternity homes were unrelated to the requested use, but realized the use was a concern to opponents.

Mr. Roland stated that the second meet and greet was scheduled for July 28, 2014 to discuss the results of the meeting today and next steps in the approval process.

In response to Mr. Rosenbaum, Mr. Fanslau stated that after discussion with the Law Department, a request for Reasonable Accommodation was submitted concurrently with the Special Use Permit and still needed waiver approval from the Zoning Board of Appeals.

Mr. Farho questioned the designation for transitional living and halfway house Special Use Permits. Mr. Roland responded that designations for these facilities were determined by the State and not the Omaha municipal code. Mr. Farho then commented that neighbors had conflicting information regarding the types of Special Use Permits.

Mr. Rosenbaum moved to layover the request for 60 days, 30 if ready, to allow the applicant additional time for further discussion with the Department and neighbors. Mr. Nesbitt seconded the motion, which carried 4-1-2, with Mr. Deeb dissenting, and Mr. Neary and Mr. Harding recusing.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 4:10 pm.

Date Approved

Raymond J. Neary, Chair

Rikki Flott, Planning Board
Recording Secretary