

MINUTES  
 PUBLIC HEARING AND ADMINISTRATIVE MEETING  
 OMAHA CITY PLANNING BOARD 1:30 P.M. – AUGUST 6, 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, July 28, 2014.

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

MEMBERS NOT PRESENT: Arnold Nesbitt

STAFF PRESENT: James Thele, Planning Director  
 Cheri Rockwell, Acting Manager, Current Planning  
 Eric Englund, Current Planning  
 Alan Thelen, Law Department  
 Rikki Flott, Recording Secretary

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

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

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

No one appeared in opposition.

**(REGULAR AGENDA)**

**Rezoning**

10.	C10-14-135 (D) Irene Gill	REQUEST:	Rezoning from R4(35) to R5
		LOCATION:	4219 and 4221 Madison Street

At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved for approval. Mr. Harding seconded the motion, which carried 6-0.

14.	C10-14-139 (D) Alegent Creighton Health	REQUEST:	Rezoning from R4(35) and GC to CC and Approval of an MCC Overlay District
		LOCATION:	Northwest of 42nd and "L" Streets

At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved for approval. Mr. Harding seconded the motion, which carried 6-0.

15.	C10-14-140 (D) Rod Laible	REQUEST:	Rezoning from GC to GI
		LOCATION:	North of 101st Street and Blair High Road

At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved to layover the request. Mr. Hoich seconded the motion, which carried 6-0.

**Special Use Permits**

17.	C8-14-141 (D) Caitlyn Todd	REQUEST:	Approval of a Special Use Permit to allow <i>Day care services (general)</i> in a R4 District
		LOCATION:	14614 Knudsen Street

At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved for approval of the Special Use Permit to allow Day care services (general) in a R4 District subject to the following conditions: 1) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department, 2) Compliance with storm shelter regulations, 3) Compliance with the submitted site plan, 4) Compliance with the proposed operating statement, and 5) Compliance with all applicable development regulations. Mr. Harding seconded the motion, which carried 6-0.

18.	C8-14-143 (D) Millard Lumber, Inc.	REQUEST:	Approval of a Special Use Permit to allow <i>General office</i> in a GI District
		LOCATION:	12900 "I" Street

At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved for approval of the Special Use Permit to allow General office, subject to the following conditions prior to forwarding to City Council: 1) An agreement from the rail line operator/owner that the proposed rail spur is acceptable, 2) An updated site/landscaping plan showing 6.5' of curbside landscaping and a 5' sidewalk along I Street, and 3) Compliance with all other applicable regulations. Mr. Harding seconded the motion, which carried 6-0.

**Conditional Use Permits**

19.	C7-14-144 (D) Auto Bathouse, LLC	REQUEST:	Approval of a Conditional Use Permit to allow <i>Automotive washing</i> in a CBD District (property is also located within an ACI-1(PL) Overlay District)
		LOCATION:	716 South 9th Street

At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved for approval of a Conditional Use Permit to allow Automotive washing in the CBD subject to: 1) Approval of a ROW lease to include the dock area, 2) Compliance with the updated operating statement that limits services on the dock by not allowing power tools or auto washing, 3) Compliance with the site plan, and 4) Compliance with all other regulations. Mr. Harding seconded the motion, which carried 6-0.

20.	C7-14-145 (D) St. Stanislaus Church	REQUEST:	Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R4(35) District
		LOCATION:	4002 "J" Street

At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved for approval of a Conditional Use Permit to allow Religious assembly in a R4(35) District subject to: 1) Submittal of a revised site plan with a minimum 15 foot side setback for the structure from the north property line prior to approval of the building permit, 2) Compliance with the revised site plan, and 3) Compliance with all applicable regulations. Mr. Harding seconded the motion, which carried 6-0.

**Vacations**

21.	C14-14-146 (D) Planning Board	REQUEST:	Vacation of the east 8 feet of 45th Street from Corby Street to Maple Street
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At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Harding seconded the motion, which carried 6-0.

22.	C14-14-147 (D) Planning Board	REQUEST:	Vacation of Davenport Street from 10th Street to 12th Street and 11th Street from the south right-of-way line of Davenport Street north a point on the diagonal 53.18 feet on the east and 79.88 on the west
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At the Planning Board Meeting held on August 6, 2014, Ms. Nubel moved for approval of the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Harding seconded the motion, which carried 6-0.

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

**(HOLD OVER CASES)**

**Master Plan Referrals**

**Case 1 and Case 2 were heard concurrently, but voted on separately:**

1.	C3-14-079 192 Maple, LLC	REQUEST:	Approval of an Amendment to the Future Land Use Element of the City's Master Plan to allow a Community (60-acre) Mixed Use Center (laid over from 05/07/14)
		LOCATION:	Intersection of 192nd Street and West Maple Road

At the Planning Board Meeting held on August 6, 2014, Katie Underwood, Olsson Associates, 2111 S. 67<sup>th</sup> St., Suite 200, appeared before the Board on behalf of the applicant. Ms. Underwood displayed a map of the area and noted that the proposed development included 30 acres of mixed-use lots, residential lots and outlots for open space and detention areas. She also noted the request for approval of an Amendment to the Master Plan.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval of the Master Plan Amendment and approval of the Preliminary Plat subject to the 19 conditions of the recommendation report. Mr. Neary confirmed with the Ms. Rockwell that upon approval of 60 acres of mixed-use development at this site, additional mixed-use development acreage would be available on the adjacent property. In response to Mr Rosenbaum, Ms. Rockwell confirmed that the omittance of recommendation 9(e) for Preliminary Plat approval was acceptable to the Department, and Ms. Underwood responded that she concurred.

Mr. Deeb moved for approval of the request. Mr. Hoich seconded the motion which carried 6-0.

**Subdivisions**

2.	C10-14-081 C12-14-082 192 Maple, LLC	REQUEST:	Preliminary Plat approval of ANTLER VIEW, a subdivision outside the city limits, with rezoning from AG and R4 to DR, R7 and MU (laid over from 05/07/14)
		LOCATION:	Southeast of 192nd Street and West Maple Road

At the Planning Board Meeting held on August 6, 2014, Katie Underwood, Olsson Associates, 2111 S. 67<sup>th</sup> St., Suite 200, appeared before the Board on behalf of the applicant. Ms. Underwood displayed a map of the area and noted that the proposed development included 30 acres of mixed-use lots, residential lots and outlots for open space and detention areas. She also noted the request for approval of an Amendment to the Master Plan.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval of the Master Plan Amendment and approval of the Preliminary Plat subject to the 19 conditions of the recommendation report. Mr. Neary confirmed with Ms. Rockwell that upon approval of 60 acres of mixed-use development at this site, additional mixed-use development acreage would be available on the adjacent property. In response to Mr. Rosenbaum, Ms. Rockwell confirmed that the omittance of recommendation 9(e) for Preliminary Plat approval was acceptable to the Department, and Ms. Underwood responded that she concurred.

Mr. Deeb moved for approval of rezoning from AG and R4 to DR, R7 and MU, subject to submittal of an acceptable Mixed-Use District Development Agreement with application for Final Plat approval and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Revised Preliminary Plat and/or Final Plat: 1) Submittal of a Revised Preliminary Plat, 2) Provide for all improvements identified in the final approved traffic study, 3) Dedicate right-of-way as necessary for the north-south ½ mile connection to be located at the northeast portion of the proposed development, 4) Provide an east-west ¼ mile connection along the south side of proposed Lot 1, 5) Pave the stub street in the dedicated right-of-way that connects to Miami Street, 6) Place the remaining land south and west of the dedicated right-of-way in the southwest corner of Outlot “C” in another outlot, 7) Dedicate an additional 10 feet of right-of-way along 192nd Street for the first 300 feet south of West Maple Road, 8) Coordinate with the Public Works Department on the design of the proposed roundabout, 9) Provide, keep or modify so the following notes are on the Final Plat: (a) “No direct access shall be permitted to 192nd Street or to West Maple Road from any lots.”, (b) “Street D [replace with actual street name] shall be restricted to a right-in/right-out only movement at 192nd Street in the future.”, (c) “There shall be no access from Lot 15 to Street A [actual street name].”, (d) “Lot 6 shall only have access via a shared driveway on the common lot line with Lot 7.” (A reciprocal access easement will need to be placed on the plat to accommodate this), 10) Coordinate the sanitary sewer design with the Douglas County Engineer’s office so that it is consistent with the future 180th and Blondo Street improvements, 11) Provide storm sewer design computations and final plans to Douglas County for review that relate to the handling of roadway and site drainage along the development boundary adjacent to 192nd Street, 12) Place any jurisdictional waterways and wetlands within an outlot, 13) Including provisions within the subdivision agreement for compliance with all applicable stormwater management ordinances and policies, 14) Providing for all applicable fees as outlined in the Omaha Municipal Code, 15) Including provisions for use, ownership and maintenance of the outlots in the subdivision agreement, 16) Provide sidewalks as required by City codes, 17) An acceptable debt ratio of 4% or less, 18) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area, and 19) Submittal of a letter of approval of a Noxious Weed Plan from Douglas County. Mr. Hoich seconded the motion, which carried 6-0.

**Special Use Permits**

3.	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) (laid over from 07/02/14)
		LOCATION:	13525 Millard Avenue

At the Planning Board meeting held on August 6, 2014, Anthony Felici, 7011 S 151<sup>st</sup> St., appeared before the Board. Mr. Felici stated that he discussed the proposed plan with Rick Russell, Millard Lumber, and that Mr. Russell wanted to discuss the plan with Jason Lanoha. He also mentioned that he met with 18 business owner in the area and that although he was aware the that Millard Business Association opposed the request, the members he spoke with were unaware of the proposed request. In response to Ms. Nubel, Mr. Felici stated that he randomly chose residents to the north to meet with, but none were available, and that not many residents existed to the south. In response to Mr. Harding, he stated that the State of Nebraska randomly checks the 7 test-well sites on the property and will continue to monitor these tes-well sites until all contamination is removed. He added that once all test-well sites are cleared they will eventually be closed down. Mr. Felici also responded that the State testing would not delay site improvements, the 8 stalls shown on plan were for customer parking and the rest of the site would be for display vehicles.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval subject to the 4 conditions of the recommendation report.

Mr. Hoich moved for approval of the Special Use Permit to allow Automotive sales, subject to the following conditions prior to forwarding to City Council: 1) Applying for and approval of an MCC overlay district, 2) Obtaining flood plain development permit, 3) Compliance with all applicable regulations, and 4) Compliance with the operating statement. Mr. Rosenbaum seconded the motion, which carried 6-0.

**(REGULAR AGENDA)**

**Master Plan Referral**

4.	C3-14-130 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the 40 HARNEY-FARNAM TIF REDEVELOPMENT PROJECT PLAN
		LOCATION:	Southwest of 40th and Farnam Streets

At the Planning Board meeting held on August 6, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley displayed a rendering of the site and stated that the proposed project was among several within the Blackstone Business District. She then stated that both the commercial and residential structures would be rehabilitated and that the current commercial tenants were working with the developer to remain in the building. She displayed a rendering of the brick structure and further explained that the exterior brick needed repair, the exterior repainted in some areas, and significant improvements made to the interior of the commercial bays. She added that the proposed public improvements were sidewalks along 40<sup>th</sup> Street, with some street trees, and that the residential zoning would remain the same. Ms. Hadley explained that the existing 12 residential units would be rehabilitated into 6 units and that the parking would be moved from the south to north side of the site.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval.

In response to Ms. Nubel, Ms. Hadley stated that parking was moved to the north end for convenience and that a carport would be installed.

Mr. Harding moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

5.	C3-14-131 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of THE PORT TIF REDEVELOPMENT PROJECT PLAN
		LOCATION:	4355 Davenport Street

At the Planning Board meeting held on August 6, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley displayed a map of the site and explained that the project included 3 residential buildings and was built in the early 1950's. She further explained that 3 of the residential units were unhabitable with city code violations and that the existing 17 units were proposed to be completely rehabilitated into 14 townhome units. Ms. Hadley explained that balconies would be added to the inner courtyard area and that the proposed public improvements were sidewalks along Davenport Street and additional trees. She added that parking was along 43<sup>rd</sup> and 44<sup>th</sup> Streets and on the site.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval.

Mr. Hoich moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

6.	C3-14-132 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the KOUNTZE PARK AREA TIF REDEVELOPMENT PROJECT PLAN
		LOCATION:	An area generally bounded by 24th Street on the west, Sahler Street on the north, Florence Boulevard on the east and Pratt Street on the south

At the Planning Board meeting held on August 6, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the project allowed for redevelopment of 23 homes in the area and that 19 were new construction and 4 were proposed rehabilitated homes along North 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> Streets. She added that \$350,000 in Tax Increment Financing (TIF) funds would be used for sewer improvements, demolition and rehabilitation of the homes over a span of approximately 3 years. She explained that Habitat for Humanity was the developer and displayed a photo of a rehabilitated home and a rendering of a new home. Ms. Hadley mentioned that public improvements were streetscaping and would be completed with construction or rehabilitation of individual homes.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval.

In response to Mr. Harding, Ms. Hadley stated that after discussions with the Public Works and Planning Departments, a larger public improvement enhancement program for redevelopment neighborhoods would be considered in the future and that improvements would be made to right-of-ways with development of the individual homes.

Mr. Rosenbaum moved for approval. Mr. Deeb seconded the motion, which carried 6-0.

7.	C3-14-133 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the Ellison-Fort Community Redevelopment Area Designation
		LOCATION:	An area generally bounded by 30th Street on the west, Ellison Avenue on the north, Florence Boulevard on the east and Arthur C. Storz Expressway/Sorensen Parkway on the south

At the Planning Board meeting held on August 6, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the request was primarily in response to a previously approved development project at North 30<sup>th</sup> and Fort Street, which was located just outside the current Community Redevelopment Area (CRA) boundary. She added that the proposed request would allow the developer of the North 30<sup>th</sup> and Fort Street site to apply for Tax Increment Financing (TIF) funds, and also allowed future redevelopment along the North 30<sup>th</sup> Street corridor. She mentioned that a neighborhood meeting was held to discuss the details of the proposed CRA request.

Neeraj Agarwal, 105 North 31<sup>st</sup> Avenue, appeared before the Board on behalf of the owner and developer of 30<sup>th</sup> and Fort Street and stated that he was available to answer any questions. In response to Mr. Deeb, Mr. Agarwal stated that he would immediately contact the property manager of the site to remove the debris and overgrowth on the property.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval.

Mr. Harding moved for approval. Ms. Nubel seconded the motion, which carried 6-0.

8.	C3-14-134 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the 2015-2020 Capital Improvement Program
		LOCATION:	Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on August 6, 2014, Ryan McClure, Long Range Planning, appeared before the Board. Mr. McClure stated that the Capital Improvement Program commenced in January 2014 and included the following types of bonds: transportation, environment, parks, safety, and public facilities. He then stated that in March of 2014, the Planning Department reviewed requested projects for compliance with the Master Plan, the Finance Department suggested fund allocations for projects within each fiscal year over the next 6 years, and then the projects were assessed for affordability. Mr. McClure explained that from March to May of 2014, a CIP task force was comprised of one member from each Department within the City and met with the Planning Department to discuss requested projects. He then explained that in June of 2014 the proposed CIP was presented to the Mayors Priority Committee for review and changes, then approximately August to September 2014 the request would be submitted to the Planning Board, and subsequently to City Council, for approvals. He then mentioned the submittal

included a Major Changes document that detailed removed or changed CIP projects.

In response to Mr. Neary, Mr. McClure explained that voters approved a set amount of money towards the bonds and that the administration decided which projects were funded. He also responded that a further analysis would need completed to determine the percentage of projects in zones east and west of the City. In response to Mr. Rosenbaum, Mr. McClure stated that the change in the public safety bond was discussed with the Fire Department.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval.

Mr. Harding moved for approval. Mr. Rosenbaum seconded the motion, which carried 6-0.

**Subdivisions**

9.	C10-14-044 C12-14-045 Kenneth Hagen, Jr.	REQUEST:	Revised Preliminary and Final Plat (Lot 1-98, Outlot "A-C") approval of MAJESTIC POINTE, a subdivision outside the city limits, with rezoning from AG to DR, R4, R7 and MU with approval of a Mixed Use District Development Agreement
		LOCATION:	Southwest of 168th and State Streets

At the Planning Board meeting held on August 6, 2014, Jeff Lake, 2111 S. 67<sup>th</sup> St., appeared before the Board on behalf of the applicant. Mr. Lake displayed a map of the site area and stated that the project was proposed in 3 phases with single-family residential development on the west side of the drainage way bisecting the property, commercial on the northeast portion and multi-family on the southeast portion of the site. He added that a final plat was submitted for the first segment of the residential development.

Marion Brewer, PO Box 18365, Denver, Colorado, appeared before the Board. Ms. Brewer stated that she represented the Marion McGee Brewer Trust, owner of the property directly to the east of the site, and that she was not opposed to the project, but was not aware of the request. She added that the manager of her property failed to forward notifications of the request and noted the importance of effective communication between developers and neighbors. She also stated that she was concerned with the diminishing amount of mixed-use acres and that land owners failed to develop the land over the last 10 years.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended approval of the rezoning and revised preliminary plat subject to the 13 conditions of the recommendation report, and approval of the final plat subject to the 2 conditions of the recommendation report.

Mr. Rosenbaum moved for approval of the proposed rezoning from AG to DR, R4, R7 and MU, subject to an acceptable final mixed use district development agreement, and approval of the revised preliminary plat subject to the following being addressed prior to or with final plat approval by the City Council: 1) Providing for all improvements identified in the approved traffic study, 2) Reducing the street right-of-ways widths from 60 feet to 50 feet for all the streets in the subdivision except for the proposed Kilpatrick Parkway, 3) Provide for the improvement of 168th and State Streets to three lanes and enter into an inter-local agreement with Douglas County, 4) Providing sidewalk chamfers on corner lots must be 8.5' X 8.5', 5) Reconfiguring Street A to provide the ¼ mile east/west through route, 6) A street connection shall be made between Street A and the ½-mile connection to 168th Street. If this will not be a public street in dedicated ROW, then provide a private street built to City standards in a public access easement through the intervening lots, 7) Provide an access easement across Lot 250 from Street B to Outlot N, 8) Removing the northern driveway on Lot 258 and show it as a shared driveway on the common lot line between Lots 257 and 258 within the Mixed Use District Development Agreement and its exhibits, 9) Removing the southern driveway on lot 253 and show it as a shared driveway on the common lot line between Lots 253 and 254 within the Mixed Use District Development Agreement and its exhibits, 10) Private trails need to be placed in outlots owned and maintained privately (not by the District). Either relocate the trails to such outlots, or the PCSMP outlots will need to be owned and maintained privately,

11) Providing for compliance with all applicable stormwater management ordinances and policies, 12) Include provisions for use, ownership and maintenance of the outlots in the subdivision agreement, and 13) An acceptable debt ratio of 4% or less. Mr. Hoich seconded the motion, which carried 6-0.

Mr. Rosenbaum also moved for approval of the final plat (Phase 1) subject to the following being addressed prior to forwarding the final plat (Phase I) to the City Council for final action: 1) Satisfactorily addressing all conditions of revised preliminary plat approval, and 2) Submittal of an acceptable final subdivision agreement. Mr. Hoich seconded the motions, which carried 6-0.

**Rezoning**

11.	C10-14-136 Tige Development & Design	REQUEST:	Rezoning from DR to R4
		LOCATION:	2218 North 179 <sup>th</sup> Street

At the Planning Board meeting held on August 6, 2014, Jason Thiellen, E&A Consulting Group, 330 N 117<sup>th</sup> St., appeared before the Board on behalf of the applicant. Mr. Thiellen stated that the site was an outlot in the Andresen Meadows subdivision that was no longer needed for post-construction stormwater maintenance or a drainage way, and was now considered a buildable lot. In response to Mr. Neary, Mr. Thiellen explained that an easement existed on both sides of the outlot whether buildable or non-buildable and that the applicant requested rezoning with the condition that Public Works confirms the lot was not needed for post-construction stormwater maintenance or a drainage way.

Linda Leary, 2214 N 179<sup>th</sup> Street, appeared before the Board in opposition. Ms. Leary stated that she was aware of the easement and wanted the outlot kept as a greenspace; otherwise, no access was available from their lots to the greenspace by the creek behind their neighborhood lots.

Mr. Thiellen stated that a trail system was proposed along North 180<sup>th</sup> Street and that a bridge was never intended to be constructed from the outlot across the creek and to the greenspace to the west. He added that a connection was proposed further south of the outlot. He then responded to questioning by the Board that the outlot was currently owned by SID and that the developer intended to sell the outlot. Ms. Leary mentioned that she was informed by the builder that a bridge was proposed from HWS Cleveland Boulevard and across the creek to provide access to the trail system. Mr. Harding noted that the Development Agreement stated the outlot was "not a building site." Mr. Thiellen responded that rezoning allowed a buildable outlot and that access from the neighborhood was intended to be provided to the trail, but not through the outlot.

Cheri Rockwell, Acting Manager, Current Planning, stated that the Department recommended to layover the request, and that other approvals were necessary for the site to be buildable.

In response to Mr. Deeb, Mr. Thiellen stated that a layover was acceptable to allow time to obtain necessary approvals.

Mr. Rosenbaum moved to layover the request for 60 days, 30 if ready. Mr. Deeb seconded the motion, which carried 6-0.

12.	C10-14-137 Berkshire Family Bldg, LLC	REQUEST:	Rezoning from R1 to R2
		LOCATION:	600 and 610 South 76 <sup>th</sup> Street

At the Planning Board meeting held on August 6, 2014, Angela Burmeister, Berkshire & Burmeister, 1301 S 75<sup>th</sup> St, appeared before the Board on behalf of the applicant. Ms. Burmeister displayed a proposed plan for the site and explained that the request was to divide the south lot for a total of 3 lots on the site. She added that two homes existed on the property, the larger home was recently relocated to the south lot and was being rehabilitated, and the proposed plan subdivided the south lot. She explained that the homes and lots would be placed on the market for sale and that she discussed with neighbors that no plans existed for a multi-family structure or a group home on the site.

In response to Mr. Neary, Ms. Burmeister explained that a home was relocated to the previously vacant south lot and that the rehabilitation of the home was taking longer than expected. In response to Ms. Nubel, she then estimated the rehabilitation would take approximately 6 months to complete and that all issues with lot maintenance were now resolved.

Victor Kirkland, 2245 S. 84<sup>th</sup> St, appeared before the Board. Mr. Kirkland stated that he owned a home in the neighborhood and was in favor of the project to maintain property values within the neighborhood.

Tom Blair, 1441 S. 91<sup>st</sup> Ave., appeared before the Board. Mr. Blair stated that he owned 3 residential properties in the area and supported the project.

Sue Cheslak, 620 S 76<sup>th</sup> St., appeared before the Board in opposition. Ms. Cheslock stated that she represented the Old Loveland Home Owners Association and that she opposed the request, along with other named neighbors and Councilman Thompson. She then stated that the owner did not inform neighbors of the proposed plans and that previous rezoning of the lot was not supported by neighbors. She added that the home was placed on the lot 5 years prior and was still not completed and that concerns were lack of communication with neighbors, safety issues with sewer pipes protruding from the ground, and noxious weeds on the property.

Gene Dunn, 804 Loveland Dr., President of the Neighborhood Association, appeared before the Board in opposition. Mr. Dunn stated that the property was not up to standard and the he was concerned with the length of time taken to develop the relocated home. He added that the home was a good addition to the neighborhood, but action needed to be taken immediately to complete the rehabilitation. In response to Ms. Nubel, Mr. Dunn stated that the applicant had not met with the Neighborhood Association and that a commercial use of the property was not supported, but a residential use was supported if the project was maintained and completed in a timely manner.

Rich Schuler, 832 S. 76<sup>th</sup> St., appeared before the Board in opposition. Mr. Dunn stated that he resided 2 lots south of the site and that he was concerned with the setup of the 2 homes on the subdivided lot. He then questioned the safety of access to the home by emergency vehicles and also agreed weeds were currently an issue on the property. He added that he was not in favor of rezoning to smaller lots and was concerned the rezoning would set a precedence in the neighborhood. Mr. Schuler also mentioned the importance of effective communication between developers and neighbors during the development process.

Pat Casey, 2036 S. 182<sup>nd</sup> Cir., appeared before the Board in opposition. Mr. Casey stated that his mother owned the adjacent property to the north of the site and that she was also concerned with the setup of the two homes on the south lot, lack of maintenance on the property and lengthy development process.

In response to Mr. Deeb, Ms. Burmeister agreed the project completion time was lengthy and poorly managed and that the project was a learning process for the applicant. She added that efforts were made to communicate with neighbors, but problems were encountered and that she conveyed the proposed plans to Mr. Dunn. She then explained that the plan was to finish the rehabilitation of the larger home to sell the property and to sell the vacant subdivided lot. In response to questioning by the Board, Ms. Burmeister then explained that interior and exterior work needed completed on the larger home and that organization of the project was the issue, not funding.

Cheri Rockwell, Acting Manager, Current Planning, stated that land area was sufficient for R2 zoning and in conformance with the Master Plan. She then stated that the Department recommended to layover the request.

Ms. Nubel moved to layover the request for 90 days to allow the applicant to: 1) Meet with neighbors for further discussions, and 2) Provide the Department with an update on the condition of the property. Mr. Deeb seconded the motion, which carried 6-0.

13.	C10-14-138 9290 Partnership	REQUEST:	Rezoning from LO and LC to LO and LC (property is also located within an ACI-4(PL) Overlay District)
		LOCATION:	Southeast of 148th Street and Cass Circle

At the Planning Board meeting held on August 6, 2014, Todd Whitfield, Lamp Rynearson & Associates, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Whitfield stated that the site consisted of 2 vacant lots and 1 lot with an existing building. He added that the owner had a potential buyer to develop the vacant lots and needed zoning approval.

Mike Mankin, 14808 Cass Cir., appeared before the Board in opposition. Mr. Mankin stated that he owned the home just west of the site on Cass Circle and was opposed to construction of a commercial office building at the site. He mentioned he was concerned with increased traffic flow through his neighborhood, an obstructed view from the commercial building, and decreased market value of his home. He added that the President of neighborhood Homeowner Association was out of town and unaware of the request, and that there was no communication from applicant. Mr. Harding commented that the current zoning allowed a building to be built and that the request was for combined zoning.

Mr. Whitfield stated that the owner planned to build a building on the lot but now had an opportunity to sell the property. In response to Ms. Nubel, he stated that the current architect would meet with Mr. Mankin to discuss future plans.

Cheri Rockwell, Acting Manager, Current Planning, mentioned that the request allowed for a future lot line adjustment of 2 different zoning classifications and allowed the properties to be in compliance with zoning regulations. She stated that the Department recommended approval.

Mr. Harding moved for approval of the rezoning from LC and LO to LC and LO (with an ACI-4(PL) overlay) subject to the applicant submitting an administrative subdivision to adjust the existing lot line. Mr. Hoich seconded the motion, which carried 5-0., with Mr. Neary absent.

**Special Use Permits**

16.	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); with Reasonable Accommodation
		LOCATION:	401 South 39th Street

At the Planning Board meeting held on August 6, 2014, Larry Roland, Gross & Welch, 1500 Omaha Tower, 2120 S 72<sup>nd</sup> St., appeared before the Board on behalf of the applicant. Mr. Roland stated that the applicant met with the Department on July 8, 2014 to determine which properties were classified as transitional living facilities within the one-half mile area of the site, submitted an application for reasonable accommodation and also submitted additional support materials for the original application. He then stated that at the second meet and greet no one appeared in opposition. Mr. Roland explained that information obtained through the Douglas county Tax Assessor on properties from South 37<sup>th</sup> to South 41<sup>st</sup> Streets and from Jackson to Dodge Streets showed that less than 12 percent of the properties were single family residents, more than 50 percent were multiple commercial properties, less than 40 percent were commercial, and the remaining were ex-governmental or multiple-residential. He noted that the proposed request did not saturate the area with numerous group home facilities. In response to Mr. Rosenbaum, he explained that property owners and residents attending the prior meet and greet were notified by mail of the second meet and greet.

Mike Jones, 9290 West Dodge Rd., appeared before the Board in opposition. Mr. Jones stated that he represented the Montessori Education Center located directly across the street from the site. He explained that discussion between the applicant and the Montessori school was alternate site locations for the facility and noted that the Montessori school was open from 7:00 a.m. to 6:00 p.m. Mr. Jones stated that concerns were the negative behavior the residents at the group home would portray to the

Montessori students, decreased enrollment, future uses allowed at the site, and the numerous group homes already located within the Blackstone Neighborhood Association district. He commented that they supported the Santa Monica program, but that the facility should not be located across from a childcare and education center. In response to questions by the Board regarding additional discussions with the applicant, Mr. Jones stated that materials explaining the Santa Monica program were previously read and that they offered to discuss alternate site locations with the applicant. He also responded that he was not aware of trouble from existing group homes facilities within the one-half mile area. In response to further questions by the Board, Mr. Jones commented that his concept of reasonable accommodation was that the disabled were allowed an exception to the rules and agreed the residents may fit that definition. He noted that they were still concerned with use of the facility.

Curt Snodgrass, 632 S. 38<sup>th</sup> St., appeared before the Board in opposition. Mr. Snodgrass stated that he was opposed because of the current high density of group homes in their neighborhood, but that he supported the Santa Monica operation. He then explained that he felt unwelcomed at the meet and greet and that he was unaware the Santa Monica lawyer and the Omaha World Herald were attending. In response to Ms. Nubel, the only issues he recalled in his neighborhood were vehicles blocking his driveway; he then commented that the Santa Monica Board members did not choose to reside next to their own facility. In response to Mr. Rosenbaum, he added that he had less than a 24 hour notice of the second meet and was unable to attend.

James Farho, 3722 Dewey Ave., appeared before the Board in opposition. Mr. Farho stated that in the reasonable accommodation petition submitted by Santa Monica, section 2(c) referenced expanding the operation larger than 20 residents if permitted by the State, and added that he attended first meet and greet and understood the proposed program. He then commented that 3 requests for group homes in his neighborhood were recently denied by the City and noted that Santa Monica was opposed to one of these requests that would have allowed a men's group home in close proximity to their women's group home. Mr. Farho was concerned that another group home would have a negative effect on the resale of homes and property values in the neighborhood.

Alan Nability, 3727 Jackson St., appeared before the Board in opposition. Mr. Nability stated that he resided next to 2 group homes and was concerned with the behavior of the residents.

Michelle Uting, 15727 Jackson Dr., appeared on behalf of her father, Alan Nability. Ms. Uting stated that the group home next to her father's residence was similar to the proposed facility, but was utilized by men rather than women.

Mr. Roland stated that Santa Monica residents left the facility for day-time jobs and that employees would work with the Montessori school during hours of concern and noted that residents must follow strict rules. He then explained the definition of a transitional living facility and that the residents were there as an alternative to incarceration, but not directly from incarceration. He then stated that a code restriction waiver approval was in process for 3 transitional living use facilities within a one-half mile restriction, which included the proposed facility, and noted that group home uses had different distance requirements. Mr. Roland clarified that in June of this year, an initial letter was sent to property owners of record and Neighborhood Associations acknowledging the 2 scheduled meet and greets, and that a reminder letter was sent in July for the second meet and greet. He noted that the Omaha World Herald was not invited by Santa Monica, but attended at their own free will.

In response to Mr. Deeb, Mr. Roland stated that the number of residents was restricted by State regulations and City zoning regulations and that 4 full-time supervisors would be on duty at the facility from 8:00 a.m. to 10:00 p.m and 1 overnight supervisor from 10:00 p.m. until the following morning. He assured Mr. Hoich that Santa Monica was determined to work with neighbors and reiterated that the lack of police intervention at current facility. Mr. Hoich then commented that he visited the current facility, and breaks were in the rear of the facility, not on the front porch. Mr. Roland stated that the yard to the south and yard to the east of the new facility were proposed community areas for the residents. Ms. Nubel noted that Department recommendation stated no more than 20 occupants were allowed at one time and that the request still needed City Council approval.

Alan Thelen, City Law, stated that reasonable accommodation of the City was required by Federal District Court and described the process. He stated that the Board determined if the requested accommodation was related to the disability and was necessary to provide the disabled with an equal opportunity to housing, and then indicated that a denial was allowed if the reasonable accommodation created an undue financial or administrative burden to the City, or that the requested accommodation was a fundamental alteration of City policy or programs.

In response to Mr. Jones, Mr. Thelen stated that, as determined by the Federal District Court, the reasonable accommodation policy needed to be applied to every reasonable accommodation request.

Cheri Rockwell, Acting Manger Current Planning, stated that the opinion of the Department was the reasonable accommodation application and Special Use Permit requested met required criteria. She then stated that the Department recommended approval of the Special Use Permit subject to the 7 conditions of the recommendation report.

Mr. Rosenbaum moved for approval of a Special Use Permit to allow Transitional living in a GO District subject to: 1) Receiving a waiver from the Zoning Board of Appeals for the separation distance from other existing Transitional living facilities prior to forwarding the request to the City Council, 2) The facility being limited to no more than 20 occupants at one time, 3) The applicant providing 1 handicapped-accessible parking stall, 4) Compliance with the site plan, 5) Compliance with the submitted operating statement, 6) Compliance with the submitted Reasonable Accommodation application, and 7) Compliance with all other applicable regulations. Mr. Deeb seconded the motion, which carried 4-0.

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 4:13 pm.

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Date Approved

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Raymond J. Neary, Chair

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Rikki Flott, Planning Board  
Recording Secretary