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, November 23, 2015.

MEMBERS PRESENT: Anna Nubel, Chair  
Brinker Harding, Vice Chair  
Arnold Nesbitt  
Van C. Deeb  
Greg Rosenbaum  
Trenton Magid  
David Rosacker

MEMBERS NOT PRESENT: None

STAFF PRESENT: Dave Fanslau, Assistant Planning Director  
Cheri Rockwell, Current Planning  
Eric Englund, Planning Board Administrator  
Alan Thelen, Law Department  
Rikki Flott, Recording Secretary

Anna Nubel, 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)

Conditional Use Permits

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<th>No.</th>
<th>Description</th>
<th>REQUEST:</th>
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<tr>
<td>5.</td>
<td>C7-15-272 (D) US Cellular</td>
<td>Approval of a Conditional Use Permit to allow a Broadcast tower in a GI District (laid over from 10/07/15)</td>
<td>2222 North 84th Street</td>
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At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the Conditional Use Permit to allow a 130 foot tall Broadcast tower in a GI-General Industrial District subject to: 1) Compliance with the site and tower elevation plans. 2) Compliance with all other applicable rules and regulations. 3) Submittal of an annual report, each year in January, to the Planning Department that discloses each broadcast tower location and operating status within Omaha’s zoning jurisdiction. 4) A governmental access easement for a public safety and communications network. Mr. Magid seconded the motion which carried 7-0.
At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of a Conditional Use Permit to allow Indoor entertainment in a LC District subject to: 1) Extend the public sewer to the right-of-way adjacent to the site and construct the private lateral sewer line between the building and this public sewer. 2) Submit a revised site plan prior to building permit application that provides the following: (a) Six (6) additional trees on the eastern/southeastern boundary of the site. (b) 5% interior parking lot landscaping. (c) Landscape screening for the dumpster from State Street. 3) A limit of 265 occupants for phase 1. 4) A limit of 400 occupants upon completion of phase 2. 5) Provide 67 off-street parking stalls for phase 1. 6) Provide 100 off-street parking stalls upon completion of phase 2. 7) Replace onsite gravel with sod (with the exception of a small area serving as the driveway to the residence). 8) Receive a permit from the Douglas County Engineer’s office for the new driveway location. 9) Receive a Certificate of Occupancy from the Permits and Inspections Division prior to operation. 10) Compliance with the revised site plan. 11) Compliance with the submitted operating statement. 12) Compliance with all applicable stormwater management ordinances and policies. 13) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

(REGULAR AGENDA)

Master Plan Referrals

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval. Mr. Magid seconded the motion which carried 7-0.

Subdivisions

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the preliminary plat subject: 1) The applicant receiving approval from the Zoning Board of Appeals for the reduction in the minimum lot width before submittal to the City Council for action. 2) The applicant providing for the provisions of installing a sidewalk or agreeing to waive the right to protest a future sidewalk improvement district within the subdivision agreement. 3) Correcting the owner information for the parcel east of Proposed Lot 2. 4) Compliance with all applicable stormwater management policies and ordinances. Approval of the final plat subject to compliance with the conditions of preliminary plat approval, and subject to submittal of an acceptable final subdivision agreement. Mr. Magid seconded the motion which carried 7-0.
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<td>15.</td>
<td>C12-15-298 (D) Hood Packaging Corporation</td>
<td>REQUEST: Preliminary and Final Plat approval of BEMIS CAMPUS REPLAT 1, a minor plat inside the city limits</td>
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<td>LOCATION: West of the Valley Street and 25th Street intersection</td>
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At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the Preliminary Plat and Final Plat. Mr. Magid seconded the motion which carried 7-0.

| 16. | C10-15-063 (D) C12-15-064 John Perlebach | REQUEST: Final Plat of BOYD’S ADDITION REPLAT 4, a subdivision inside the city limits, with rezoning from R5, CC and GI to CC, with approval of an ACI-2(PL) Overlay District (portions of property are located within an existing ACI-1(PL) Overlay District) |   |   |
|   |   | LOCATION: Southeast of 30th Street and Ames Avenue |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the rezoning from R5, CC and GI to CC, approval of the ACI-2(PL) overlay district designation and approval of the Final Plat subject to: 1) The applicant providing the appropriate public utility easements for the vacated street/alleys or providing for removal or relocation of the existing utilities. 2) The applicant providing fair market value compensation to the City for the vacated right-of-way (after accounting for the partial offset of the right-of-way dedication). 3) Including a note on the final plat that states that there shall be no vehicular access to 30th Street from Lot 1. 4) Compliance with applicable stormwater management ordinance and policies will be required; including providing a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality. 5) Submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Magid seconded the motion which carried 7-0.

| 17. | C10-15-299 (D) C12-15-300 Western Springs Land Corp. | REQUEST: Preliminary Plat approval of SHADOW VIEW VILLAGE, a subdivision outside the city limits, with rezoning from AG to MU with approval of a Mixed Use District Development Agreement |   |   |
|   |   | LOCATION: Northwest of HWS Cleveland Boulevard and West Center Road |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved to layover the rezoning from AG to MU and the Preliminary Plat to modify/provide the following items: 1) Additional information in regards to providing an acceptable ¼ mile gap. 2) An acceptable Mixed Use Plan. 3) A wetland analysis. Mr. Rosacker seconded the motion which carried 7-0.

| 18. | C12-15-317 (D) Mike Shramek | REQUEST: Preliminary Plat and Final Plat approval of THE SHOPPES AT LORETO REPLAT ONE, a minor plat inside the city limits, with a waiver of Section 53-8(4)(d) for Lot frontage (property is located within an existing MCC Overlay District) |   |   |
|   |   | LOCATION: 2334 North 90th Street |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the waiver of Section 53-8(4)(d) for lot frontage, approval of the Preliminary Plat and approval of the Final Plat subject to submittal of an acceptable final subdivision agreement if necessary. Mr. Magid seconded the motion which carried 7-0.
### Rezonings

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<td>C10-15-301 (D)</td>
<td>REQUEST: Rezoning from HI to R4</td>
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<td>Jaime Cruz</td>
<td>LOCATION: 2607, 2611 and 2615 &quot;X&quot; Street</td>
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At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval. Mr. Magid seconded the motion which carried 7-0.

|   | C10-15-302 (D)   | REQUEST: Rezoning from DR to R4 |   |   |
|   | Jose Ontiveros   | LOCATION: 4914 South 49th Street |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval. Mr. Magid seconded the motion which carried 7-0.

|   | C10-15-303 (D)   | REQUEST: Rezoning from AG to DR (property is also located within an ED Overlay District) |   |   |
|   | William Welchert   | LOCATION: 11550 Pawnee Road |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval. Mr. Magid seconded the motion which carried 7-0.

|   | C10-15-304 (D)   | REQUEST: Rezoning from GC to NBD (property is also located within an existing ACI-1(PL) Overlay District) |   |   |
|   | Travis Freeman   | LOCATION: 3852 and 3876 Farnam Street |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval. Mr. Magid seconded the motion which carried 7-0.

|   | C10-15-305 (D)   | REQUEST: Rezoning from DS to CBD (property is also located within an existing ACI-1(PL) Overlay District) |   |   |
|   | Planning Department on behalf of the City of Omaha | LOCATION: Southeast of 10th Street and Capitol Avenue |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval. Mr. Magid seconded the motion which carried 7-0.

|   | C10-15-306 (D)   | REQUEST: Rezoning from R7 to R5 |   |   |
|   | Planning Department on behalf of the City of Omaha | LOCATION: Southeast of 18th and Clark Streets |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval. Mr. Magid seconded the motion which carried 7-0.

|   | C10-03-260 (D)   | REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Tivoli |   |   |
|   | SDG Omaha, LLC   | LOCATION: 17510 Gold Plaza |   |   |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the Major Amendment to the Tivoli Mixed Use District Development Agreement subject to the applicant submitting an acceptable final amended Mixed Use District Development Agreement prior to forwarding the request to the City Council for final action. Mr. Magid seconded the motion which carried 7-0.
27. C10-15-315 (D)  
US Cellular  
REQUEST: Approval of an MCC-Major Commercial Corridor Overlay District  
LOCATION: 2222 North 84th Street

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval. Mr. Magid seconded the motion which carried 7-0.

Special Use Permits

29. C8-15-307 (D)  
Mark Ramsey  
REQUEST: Approval of a Special Use Permit to allow Indoor entertainment in a GI District  
LOCATION: 8809 "F" Street

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the Special Use Permit to allow Indoor entertainment in a GI District, subject to the following conditions: 1) Submit a revised site plan that provides the following prior to forwarding the request to the City Council: (a) Three (3) tree plantings along the western portion of the site. (b) Modify the ten (10) proposed diagonal stalls south of the building to 90 degree parking. 2) Compliance with the revised site plan. 3) Compliance with the submitted operating statement. 4) Compliance with all applicable stormwater management ordinances and policies. 5) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

31. C8-14-114 (D)  
Tom Meyer  
REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Meat packing and related industries in a HI District  
LOCATION: Northeast of 27th and "N" Streets

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the Major Amendment to the Special Use Permit to allow Meatpacking and related industries in a HI District subject to: 1) Submittal of a revised site plan for Phase 1 showing the 10 foot landscape strip along 27th Street prior to forwarding this request to City Council. 2) Compliance with the revised site plans for Phase I & II. 3) Compliance with the operating statement. 4) Compliance with all other applicable regulations. 5) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department. Mr. Magid seconded the motion which carried 7-0.

Conditional Use Permits

32. C7-15-309 (D)  
Mike Shramek  
REQUEST: Approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC District  
LOCATION: 2334 North 90th Street

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the Conditional Use Permit to allow Warehousing and distribution (limited) in the CC-MCC District subject to: 1) Compliance with the proposed site plan. 2) Compliance with a revised landscape plan in compliance with all applicable landscaping regulations. 3) Compliance with building elevations in compliance with all applicable urban design codes. 4) Compliance with the proposed operating statement. 5) Compliance with all other applicable site development regulations. Mr. Magid seconded the motion which carried 7-0.
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<td>33.</td>
<td>Approval of a Conditional Use Permit to allow Restaurant (general) in a LC District (property is also located within a pending ACI-1(PL) Overlay District)</td>
<td>Northwest of 30th Street and Patrick Avenue</td>
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At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the request to allow Restaurant (general) in LC-Limited Commercial District subject to: 1) Compliance with the proposed site plan. 2) Compliance with the proposed building elevations. 3) Compliance with the proposed operating statement. 4) Issuance of a Certificate of Occupancy. Mr. Magid seconded the motion which carried 7-0.

| 34. | Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R2 District | 7415 Hickory Street |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the Major Amendment to a Conditional Use Permit (assumed) to allow Religious Assembly in a R2 district subject to: 1) Compliance with the submitted site and sign plans, subject to reducing the height of the monument sign to a maximum of 6 feet and the sign area to a maximum of 25 square feet. 2) Approval of signage waivers from the Zoning Board of Appeals for overall sign budget to 51 square feet and to setbacks from 12’ and 6’ to 0’. 3) Submittal of an acceptable sight distance diagram. 4) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

| 35. | Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R5 district with a waiver of Section 55-206 Height to 44 feet | 20500 West Maple Road |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the waiver of Section 55-206 Height. Approval of the Major Amendment to a Conditional Use Permit (assumed) to allow Religious Assembly in a R5 district subject to: 1) Obtaining waivers for the maximum sign budget and maximum height for wall signs for the proposed signage. 2) Compliance with the submitted site plan. 3) Compliance with all stormwater management regulations. 4) Compliance with all applicable ordinances and regulations. 5) The applicant obtaining all necessary permits. Mr. Magid seconded the motion which carried 7-0.

| 36. | Approval of a Conditional Use Permit to allow Surface parking in a CBD District (property is also located within an existing ACI-1(PL) Overlay District) | 1515 Cuming Street |

At the Planning Board meeting held on December 2, 2015, Mr. Harding moved for approval of the Conditional Use Permit to allow Surface parking in a CBD-ACI-1(PL) District, subject to the following conditions: 1) Approval of the CUP for a period of four (4) years. 2) Receive a waiver from the Zoning Board of Appeals to delay installation of the landscaping for a duration of four (4) years. 3) Contribute to the 15th Street public improvement project and coordinate the streetscape design with Planning Department staff. 4) Comply with the City's driveway regulations or receive a waiver from the Administrative Board of Appeals (ABA) that approves the site plan as proposed. 5) Compliance with all applicable stormwater management ordinances and policies. 6) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.
Infill & Redevelopment Design Guidelines

At the Planning Board meeting held on December 2, 2015, Mr. Nesbitt moved to approve the adoption of the Infill & Redevelopment Design Guidelines. Mr. Deeb seconded the motion which carried 7-0.

Subdivisions

1. C12-15-192
   Bernard Morello
   REQUEST: Final Plat approval of SOUTH OMAHA REPLAT 23, a subdivision inside the city limits (laid over from 11/04/15)
   LOCATION: Generally located west of Dahlman Avenue and south of "A" Street

At the Planning Board meeting held on December 2, 2015, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval.

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

2. C10-15-207
   C12-15-208
   BHRHUD, L.P.
   REQUEST: Final Plat approval of BLAIR COMMONS (Lot 1, Outlots A-C), a subdivision outside the city limits, with rezoning from DR to R6
   LOCATION: West of 90th Street and south of Blair High Road

At the Planning Board meeting held on December 2, 2015, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval.

Mr. Rosacker moved for approval of the rezoning from DR to R6 and approval of the final plat subject to compliance with the conditions of preliminary plat approval and the following items being addressed prior to forwarding the request to the City Council: 1) Providing for all improvements in the final approved traffic study. 2) Approval from the NDOR for the right-of-way transfer and approval of the final traffic study. 3) Submittal of an acceptable final subdivision agreement. Mr. Nesbitt seconded the motion which carried 7-0.

3. C12-06-053
   C10-15-138
   C12-15-139
   6300 Arbor Street, LLC
   REQUEST: Final Plat approval of AKSARBEN VILLAGE SOUTH (Lot 2), a subdivision inside the city limits, with rezoning from MH and GI to MU, with approval of a Major Amendment to the Mixed Use District Development Agreement for Aksarben Village (portion of property is also located within the flood fringe overlay district)
   LOCATION: South of 63rd Street and West Center Road

At the Planning Board meeting held on December 2, 2015, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning, approval of the Major Amendment to the Mixed Use District Development Agreement and approval of the final plat subject to the conditions on the recommendation report.

Mr. Deeb moved for approval of the rezoning from MH and GI to MU and approval of a Major Amendment to the Mixed Use District Development Agreement for Aksarben Village subject to submittal of an acceptable mixed use development agreement prior to forwarding the request to the City Council for final action. Approval of the Final Plat subject to receiving approval of a flood plain development permit and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 7-0.
C12-15-085  
Blue Sage Development, LLC  

REQUEST: Final Plat approval of TUSCAN RIDGE, a subdivision outside the city limits, with rezoning from R6 to DR and R4  

LOCATION: Southwest of 199th Street and Blue Sage Parkway  

At the Planning Board meeting held on December 2, 2015, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the final plat subject to the conditions of the recommendation report.

Mr. Rosacker moved for approval of the rezoning from R6 to DR and R4 and approval of the Final Plat subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Nesbitt seconded the motion which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(REGULAR AGENDA)

Master Plan Referrals

7. C3-15-291  
Planning Department on behalf of the City of Omaha  

REQUEST: Approval of the Old Market South Community Redevelopment Area Designation  

LOCATION: An area generally bounded by Pacific Street on the north, 6th Street on the east, Castelar Street on the south and 16th Street on the west  

At the Planning Board meeting held on December 2, 2015, Don Seten, Planning Department, presented the request. Mr. Seten stated that the proposal designated approximately 277 acres of land as a redevelopment area and that the area was surrounded by existing Community Redevelopment Areas. He then stated that a neighborhood meeting was held on October 19, 2015 to discuss the terms of the request and that neighbors were in support. He explained that development interest initiated a study of the area and that the area met the criteria needed for the designation under the Nebraska Community Development Law.

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

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

8. C3-15-292  
Planning Department on behalf of the City of Omaha  

REQUEST: Approval of the OLDE TOWNE ELKHORN BUSINESS IMPROVEMENT DISTRICT  

LOCATION: An area generally bounded by Glenn Street on the north, 204th Street on the east, Blondo Street on the south and 207th Street/Elkhorn Drive on the west  

At the Planning Board meeting held on December 2, 2015, Cassie Paben, Mayor’s Office, presented the request. Ms. Paben stated that over the past 1.5 years, the Mayor’s office discussed plans with members of the Merchant’s Association from Elkhorn, now annexed by the City of Omaha, for revitalization of Main Street and the surrounding area. She explained that the formation of a Business Improvement District (BID) was discussed and that a Board was appointed by the Mayor and approved by City Council. She added that the BID created a budget, a plan, types of improvements, and a $1.5 million dollar multi-faced streetscape project. She then stated that a public meeting was held on November 10, 2015 to discuss the proposed plan and that approximately 10 people were in attendance.
Rex Moats, 131 S. 202nd St., appeared before the Board in opposition. Mr. Moats stated that he represented properties owners Robert Rolfs at 2304 N 205th St. and owner Allan Rolfs adjacent to Mr. Robert Rolfs. He explained that he was not opposed to the concept of the plan, but was opposed to the residential properties included in the area. He further explained that a downtown business improvement district benefited business owners within the district and that the residential property owners should not be taxed to fund the project. In response to the Board, Mr. Moats stated that he was not aware of the public meeting and that he was aware the tax rate for residential property differed from the tax rate for business property owners within the district. He suggested that the footprint of the area be adjusted and lineal square foot rate be adjusted for residential.

Roberta McFarland, 20502 Ohio St., appeared before the Board in opposition. Ms. McFarland stated that she owned 3 rental homes in the area and that she was concerned with removal of homes.

Ms. Paben stated that the tax assessment for residential properties was $2.50 per square foot and $6.50 per square foot for commercial properties. She then stated that the boundary was created for potential future development of commercial and residential areas, and eliminated the need for amendment at a later date. She added that removal of homes was not planned and the tax assessment provided revitalization and improvement for the entire district. Ms. Paben explained that some sewer work was planned in first phase of the project and that City funding was also being evaluated.

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

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

| 9.  | C3-15-293 | Planning Department on behalf of the City of Omaha | REQUEST: Approval of the BREAKERS TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 415 Leavenworth Street |

At the Planning Board meeting held on December 2, 2015, Don Seten, Planning Department, presented the request. Mr. Seten stated that the site was a former OPPD power plant and that the proposed project was 217 market rate residential units. He explained that the $38.4 million dollar project included $6.2 million dollars in Tax Increment Financing funds and that public improvements included rebuilding Leavenworth Street east of 6th Street and some streetscaping.

Todd Heistand, 2223 Dodge St., appeared before the Board. Mr. Heistand stated that he was available to answer questions regarding the project. In response to the Board, he explained the north tank was planned for removal for Leavenworth Street improvements and the south tank refurbished. He added that river access was a possibility in the future.

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

Mr. Harding moved for approval. Mr. Rosacker seconded the motion which carried 7-0.

| 10. | C3-15-294 | Planning Department on behalf of the City of Omaha | REQUEST: Approval of the BLUE LION PROJECT TIF REDEVELOPMENT PROJECT PLAN | LOCATION: Southeast of 24th and Lake Streets |

At the Planning Board meeting held on December 2, 2015, Don Seten, Planning Department, presented the request. Mr. Seten stated that the proposed project included the reuse of 2 adjoining, vacant buildings. He explained that the uses included retail on the streetfront along 24th Street and that the Union for Contemporary Arts would occupy 90 percent of the buildings. He added that the project created approximately 30 new jobs, retained 3 jobs and that the $4.7 million dollar project included $431,807 in Tax Increment Financing (TIF) funds. Mr. Seten stated that the project also implemented part of the North Omaha Village Revitalization Plan and that public improvements included streetscaping and alley improvements.
Dan Walsh, Attorney, 4780 S 131st St., Suite 132, appeared before the Board on behalf of the applicant. Mr. Walsh stated that he was available to answer questions regarding the project.

Tonya Cooper, President of OIC Neighborhood Association, 2025 Maple St., appeared before the Board in opposition. Ms. Cooper stated that she also represented Juanita Johnson, President of Long School Neighborhood Association, 2520 Franklin Street. She then stated that she was opposed to the use because the facility did not benefit and was not accessible to neighborhood residents.

Eliga Ali, 2912 N 24th St, appeared before the Board in opposition. Mr. Ali stated that he was an agent for the 24th & Lake Street Merchant Association, and Chairman of the Board for the Nebraska Black Chamber of Commerce. He explained that these organization worked to maintain the cultural significance of the neighborhood and that the existing Blue Lion Center building had cultural significance that was not being maintained by the proposed project. He added that he was not informed of developments or change of ownership regarding the building and requested the case be heldover for further discussion with the neighbors and representatives.

In response to the Board, Mr. Seten stated that the owner of the building was RH Land Management Company and that he was unaware of many details of the case because the applicant worked with a Planning Department member currently on leave. He noted that more approvals were needed after today and time allowed for future neighborhood meetings before the process was completed.

In response to the Board, Mr. Walsh stated that he represented the owner, RH Land Management and that he had knowledge of neighborhood meetings, but was not apprised of the details. He added that he was not opposed to discussions with neighbors, but wanted the process to move forward today.

Kylie VonSeggern, 418 S 38th Ave, appeared before the Board. Ms. VonSeggern stated that she was the project architect and that approximately Summer of 2015 the owner approached business and residential neighbors with an invitation to attend meetings discussing the project.

Mr. Ali briefly discussed change of ownership of the building and the cultural significance of the building, which was originally occupied by the traditional Hebraic-Jewish community in the area. He noted that previously the cultural significance was maintained. Ms. Cooper briefly expressed concern for the lack of communication regarding the project and meetings.

Ms. Alexander, 4112 N 19th St, appeared before the Board in opposition. Ms. Alexander stated that the Blue Lion Center was historical to North Omaha and that she was not opposed to development in the area, but was concerned with lack of input allowed by the neighbors in the area.

Mr. Seten noted that applicants were encouraged to hold neighborhood meetings and that the project was an investment in the vacant buildings. In response to the Board, he stated that he was willing to meet with concerned neighbors.

Mr. Nesbitt moved to layover the request. Mr. Magid seconded the motion which carried 4-3, with Mr. Rosenbaum, Mr. Harding and Ms. Nubel dissenting.

At the Planning Board meeting held on December 2, 2015, Don Seten, Planning Department, presented the request. Mr. Seten stated that the project was the renovation of 30 1-bedroom market-rate apartment units and was a $2.4 million dollar investment with approximately $250,000 dollars in Tax Increment Financing (TIF) funds. He added that public improvements included new curbs and gutters, sidewalks and alley improvements.

Matt Dwyer, 144 S 39th St, Greenslate Development, and Jay Lund, 6336 Pierce St., appeared before the Board and stated that they were available to answer questions regarding the project.
Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval.

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

| 13. | C3-96-276  
Planning Department on behalf of  
the City of Omaha | REQUEST: Approval of an Amendment to the  
DOWNTOWN NORTHEAST  
REDEVELOPMENT PLAN for OPAS |
| LOCATION: | Northwest of 11th and Douglas Streets |

At the Planning Board meeting held on December 2, 2015, Jennifer Taylor, City Law, presented the request. Ms. Taylor stated that the original Northeast Downtown Development Plan was approved in 1996 and subsequently amended to incorporate redevelopment projects in the area. She explained that this industrial area was transformed into a mixed-use area to encourage redevelopment and noted prominent redevelopment projects in the area. She then stated that the request today allowed the expansion of the Omaha Performing Arts Society and Holland Center and provided current and future parking needs, but that design plans for the development were not finalized. She added that the request also allowed the developer to secure ownership of the project area for future expansion of the Holland Center. Ms. Taylor noted that historic designations and Tax Increment Financing (TIF) were not included in the plan and required separate processes and public hearings. She stated that the developer was willing to hold discussions with interested stakeholders regarding the plan and that representatives from the Omaha Performing Arts Society and HDR were available to answer questions.

Jerry Golmanivich, 2213 S 84th St., President, Omaha Magical Society, appeared before the Board. Mr. Golmanivich stated that he was in support of the Omaha Performing Arts Society expansion and advocated the use of the expanded space for magician performances and the Society of American Magicians yearly convention and headquarters.

Randy Thelen, 605 S 195th St, Sr. Vice President of Economic Development, Greater Omaha Area Chamber, appeared before the Board. Mr. Thelen stated that he supported the expansion and was critical to the growth of downtown. He stated that he also supported the opportunities the amendment provided for the placement of HDR in the downtown area. His organization was working towards solutions to accommodate advocates of the historic buildings in the area and of the redevelopment.

Christine Gerber, 5037 Parker St. Restoration Exchange Omaha, appeared before the Board. Ms. Gerber stated that she was in support of the expansion of HDR and Omaha Performing Arts Society and for future development in the historic north downtown areas. She discussed her support of the reuse of historic buildings and walkable developments, and the benefits of mixing the use of old buildings with new buildings. She then displayed examples from other cities of this type of mixed old and new development.

Marty Hosking, 7510 Cass St., Restoration Exchange Omaha, appeared before the Board. Mr. Hosking stated that he recently moved from Washington D.C. to Omaha and discussed that walkable areas in downtown development areas provided a safer environment for the public.

Matt Radick, 1227 S 52nd St., appeared before the Board in opposition. Mr. Radick stated that he resided in a historic building and advocated the retention of historic buildings. He commented that the approval of the amendment threatened the 4 structures at 11th and Douglas Streets and that parking was already abundant in the area. He then stated that he opposed to the gifting of $10 million dollars of taxpayer money toward a well-funded project.

Craig Moody, 510 S 57th St, Board Chairman, Mode Shift Omaha, appeared before the Board in opposition. Mr. Moody stated that he advocated active transportation and that he was not opposed to the expansion of the Omaha Performing Arts Society, but was concerned with the lack of parking need downtown. He displayed a map of parking facilities in the area and commented on the possibility of shared parking. He then explained that alternate modes of transportation reduced the need for increased parking and that he promoted walkable areas. Mr. Moody briefly discussed the Downtown Master Plan related to parking and stated that parking resources were under-utilized. He then stated that he objected to the use of the redevelopment bonds with regards to this plan and that he wanted more details before the plan was approved.
Sandy Brens, 1111 Leavenworth St., appeared before the Board in opposition. Ms. Brens stated that she was not opposed to the expansion of the Omaha Performing Arts Society, but was opposed to the destruction of historic buildings. She requested the plan included a contingency that the historic buildings on 11th and Douglas Street remained.

Doug Meyer, 12735 Martha St., appeared before the Board in opposition. Mr. Meyer stated that he was also opposed to the destruction of the involved historic buildings for expansion of the development.

Sarah Johnson, 6015 Maple Street, appeared before the Board in opposition. Ms. Johnson stated that she was concerned with lack of transparency and community involvement regarding developments. She also stated that she was opposed to the Amendment.

Ms. Taylor reiterated that the plan preserved the opportunity for the Omaha Performing Arts Society to expand in the future and that designs and plans were not concrete. She added that with future planning still needed, concerned parties had opportunities for discussions and input regarding the plans.

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

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

Rezonings

<table>
<thead>
<tr>
<th>Request</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>Generally North 30th Street from Sprague Street to Sorensen Parkway, Ames Avenue from North 28th Avenue to North 33rd Street.</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on December 2, 2015, Dave Fanslau, Assistant Planning Director, presented the request. Mr. Fanslau stated that requests from developers interested in development of the 30th and Ames Avenue area prompted re-evaluation of the zoning overlay district for the area. He explained that rezoning from ACI-1 to ACI-2 allowed lenience for parking and build-to setbacks and complimented other redevelopment areas along Lake Street from 24th to 30th Street. He stated that the Department recommended approval.

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

<table>
<thead>
<tr>
<th>Request</th>
<th>Description</th>
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<tbody>
<tr>
<td>28. C10-15-316</td>
<td>Rezoning from GI to CC and approval of an MCC-Major Commercial Corridor Overlay District</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Southeast of 63rd and Center Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on December 2, 2015, Jeff Guyette, 7315 Mercy Rd., Buchanan Energy, appeared before the Board. Mr. Guyette stated that the proposed project was the redevelopment of 2 lots to construct a Bucky’s convenient store and that the downgraded zoning was suggested by the Department to better compliment the surrounding district. He stated that neighbors had concerns other than zoning, but that he was working with staff and neighbors to resolve those issues. He explained that a meeting was held with neighbors, but an agreement was not met regarding a shared driveway access. In response to the Board, Mr. Buchanan explained that the property with the existing Bucky’s on 60th and Center Streets would be sold and confirmed that he reached out to Broadmoor Development and adjacent neighbors. He also stated that the design of the facility would complement the surrounding area.

Jay Noddle, Noddle Companies, 2285 S 67th St., appeared before the Board in opposition. Mr. Noddle stated that he also appeared on behalf of Aksarben Future Trust, and the Aksarben Village Property
Owner’s Association, and that all were property owners in the adjacent area. He noted that all 3 stakeholders had a significant investment in the area wanted more information on the proposed plans. He explained that he was not opposed to growth in the area, but design guidelines and principles were place for developers in the area and requested that case be held over for further discussions with the applicant and stakeholders.

Joe Neary, 7522 Shirley St., appeared before the Board in opposition. Mr. Neary stated that he represented Triple N Enterprises LLC, the property owner east of the site at 6165 Center Street. He then stated that he met with Bucky’s to discuss the proposed plan and was concerned with increased traffic at the shared driveway access on Center Street. He noted that the applicant offered no compensation and continued to discuss issues regarding traffic and the shared driveway. Mr. Neary acknowledged that the driveway issue may not be part of the rezoning request, but noted that the driveway issue was of most concern.

Mr. Guyette stated that he was informed by Broadmoor Development that Broadmoor controlled their own property and was unaware he needed to contact Noddle Company. He then stated that he was not opposed to discussions with Mr. Noddle and other stakeholders regarding the plan and noted that traffic safety concerns, as well as a shared driveway access, were discussed with the Public Works Department prior to submittal of the development plans.

Mr. Noddle briefly discussed the traffic during events at the new arena to the west of the site and explained that traffic patterns were uncertain in the continuously developing area. He then stated that he had concerns with any development changes made from 60th to 67th and Center Streets and how traffic would be affected.

Dave Fanslau, Assistant Planning Director, stated that the request was compliant with the Master Plan and explained that the MCC Overlay district entailed the highest design standards of the City. He then stated that the Department recommended approval.

In response to the Board, Ryan Haas, Public Works Department stated that an east to west road south of the site was not required nor planned. He then discussed the benefits of a shared driveway access and that a driveway approval was a separate approval process at the Administrative Board of Appeals.

Mr. Magid moved to layover the request. Mr. Harding seconded the motion which failed, with Mr. Rosenbaum, Mr. Deeb, Mr. Nesbitt and Ms. Nubel dissenting.

The Board members briefly discussed the need to layover the request for further discussions regarding issues with the proposed plan and also that the request today was a change of zoning. Mr. Guyette clarified that he was willing to work with Mr. Noddle and Mr. Neary, and commented that the driveway was not part of the zoning request. Mr. Neary again stated that he was opposed to the proposed plan. Mr. Noddle again requested consideration of a layover for further discussions, or denial.

Mr. Nesbitt moved to layover the request for 30 days. Mr. Magid seconded the motion which carried 6-1, with Mr. Deeb dissenting.

Special Use Permits

| 30. | C8-15-308 SBA Communications Corporation | REQUEST: Approval of a Special Use Permit to allow a Broadcast tower in a R4 District with a waiver of Section 55-186 Height to 90 feet | LOCATION: 15656 Fort Street |

At the Planning Board meeting held on December 2, 2015, Curtis Holland, Attorney, Polsinelli Law Firm, 6201 College Blvd, Suite 500, Overland Park, Kansas, appeared before the Board on behalf of the applicant, Verizon Wireless, and Landlord of the property, Concordia Lutheran School. Mr. Holland explained that this request replaced the recently approved request for a tower on the Stone Creek Golf Course property, which was currently pending approval by the City Council. He further explained that the Stone Creek Golf Course tower request would be withdrawn upon approval of the request for the tower at 15656 Fort Street. He stated that wireless coverage was adequate, but data capacity was needed to
accommodate data usage within the area. He displayed an aerial of the site and explained that the proposed tower location was adjacent to the maintenance facility for the school. He then explained that the location was central to the site, as well as accessible for the applicant. Mr. Holland stated that the central location also allowed for buffering for residents to the north and west and displayed photos of the tower viewed from the adjacent residences. He then stated that the overall structure height was 90 feet. Mr. Holland then displayed coverage maps with search areas and noted the location of the Stone Creek Golf Course site. He then explained that upon suggestion by the City Council this alternate site was researched upon interest expressed by Concordia Lutheran School expressed interest and an agreement was made between the applicant and the school. He mentioned that a meeting was held with parents of students and neighbors on October 20, 2015 and that the applicant was met with support and opposition. He concluded that that the tower was also capable of supporting other carriers.

In response to Mr. Nesbitt, Mr. Holland explained that the use of the tower by additional carriers was driven by demand and that the tower could accommodate approximately two additional carriers.

Dave Fanslau, Assistant Planning Director, stated that Department recommended approval of the Special Use Permit subject to the 6 conditions on the recommendation report.

Mr. Deeb moved for approval of the Special Use Permit subject to: 1) Submittal of a revised site/landscape plan providing for screening around the lease area in accordance with the Telecommunication Facilities Performance Standards and removal of the barbed wire before submitting the request to the City Council for action. 2) Submittal of a minor amendment to the Conditional Use Permit for Secondary Education Facilities before submittal of a building permit. 3) Compliance with the revised site/landscape plan and tower elevation plans. 4) Submittal of an annual report, each year in January, to the Planning Department that discloses each broadcast tower location and operating status within Omaha’s zoning jurisdiction. 5) Providing a governmental access easement for a public safety and communications network. 6) Compliance with all other applicable rules and regulations. Mr. Rosacker seconded the motion which carried 7-0.

**Show-Cause Hearing**

<table>
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<tr>
<th>C7-05-136</th>
<th>REQUEST: Conditional Use Permit to allow Warehousing and distribution (limited) and a Special Use Permit to allow Automotive sales in a GC District</th>
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<tbody>
<tr>
<td>C8-08-047</td>
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<tr>
<td>Mick Pick</td>
<td></td>
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<tr>
<td>LOCATION:</td>
<td>5717 North 90th Street</td>
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</tbody>
</table>

At the Planning Board meeting held on December 2, 2016, Mick Pick, 5728 Colorado Ln, Ft. Calhoun, Nebraska, appeared before the Board. Mr. Pick stated that he received a notice from the City and received a final report on Saturday. He explained that as of today he moved all vehicles off the rocks, moved all trucks off the grass, moved big trucks from the front lot and moved 12 tons of trash from the site. He further explained that he has been at this location for 13 years, employed 12 people and needed more time to become compliant.

Ms. Nubel stated the Board received photos of site taken yesterday and Mr. Pick explained to Ms. Nubel that he started cleaning approximately 2 months prior. Mr. Rosenbaum noted that the facility had received citations since 2006 and Mr. Pick stated that his intentions were to clean up and become compliant.

Scott Benson, Code Inspector, Planning Department, appeared before the Board. Mr. Benson stated that he met with Mr. Pick on site and explained all violations. He then explained that a letter was sent to Mr. Pick the first week of August 2015 stating 3 violations at the site and stating that a show-cause hearing would be held if he did not become compliant. Mr. Benson stated that he visited the site many times within the past month and witnessed licensed vehicles parked on the gravel.

Mr. Pick explained that the letter he received Saturday explained stipulations for the site to become compliant and noted that he was now in compliance, except for the scrap. He stated that he moved vehicles yesterday after 5:00 p.m. In response to the Board, Mr. Pick stated that he did not receive the letter mailed to him by the City in August of 2015.
After repeated discussion between the Board and Mr. Pick regarding the ample amount of time since violation notification and lack of compliance as of today, Mr. Pick explained to the Board that he needed approximately 5 more months to become compliant.

Dave Fanslau, Assistant Planning Director, stated that the non-certified mail notification received by Mr. Pick on Saturday was sent by the Planning Department and included the Planning Board Agenda and recommendation reports for the Show-Cause Hearing today. He added that the August 2, 2015 letter was a notification of non-compliance and consideration for a Show-Cause Hearing if the site was still non-compliant and also explained the possible revocation of the Special Use Permit for non-compliance. Mr. Benson further explained that the August 2, 2015 notification was sent by the Permits and Inspections Department to Mr. Pick via non-certified mail and that a copy was also hand-delivered to Mr. Pick’s wife. Mr. Fanslau explained to the Board that the Department mailed Mr. Pick a certified letter dated November 19, 2015 notifying him of the upcoming December 2, 2015 Planning Board meeting.

Mr. Fanslau stated that zoning code allowed revocation of approved use permits if terms and conditions of the use permit were not met. He then stated that Mr. Pick received approval of 2 use permits at this site, but that the inoperable cars, car parts and outdoor storage at the site fell under scrap and salvage use, which was not allowed in the zoning district for this site. He added that Mr. Pick had ample notification of the violations, ample time to become compliant and discussion with multiple City personnel regarding non-compliance issues for the site and that violations were not remedied. Mr. Fanslau stated that the Department recommended revocation of the Conditional Use Permit for Warehousing and Distribution (Limited) and revocation of the Special Use Permit for Auto Sales at this site.

In response to the Board, Mr. Pick stated that his businesses at this site were a pawn shop, small engine parts sales and service at the Little Engines business, confiscation of vehicles on defunct loans for the pawn shop, and a dealer’s license. He then noted that working on vehicles was allowed under the Auto Sales Use Permit and stated that he received the August 2, 2015 letter on August 15, 2015.

Mr. Harding moved for revocation of the Conditional Use Permit for Warehousing and Distribution (Limited) and the Special Use Permit for Auto Sales in the GC district. Mr. Nesbitt seconded the motion which carried 7-0.

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 4:58 pm.

_________________________________________
Date Approved

_________________________________________
Anna Nubel, Chair

_________________________________________
Rikki Flott, Planning Board
Recording Secretary