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, January 26, 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: James Thele, Planning Director
Dave Fanslau, Acting Assistant Director, Current Planning
Cheri Rockwell, Acting Manager, Current Planning
Bernard in den Bosch, Law Department
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.

(REGULAR AGENDA)

Subdivisions

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<tr>
<td>11</td>
<td>C10-15-034 (D)</td>
<td>REQUEST: Preliminary and Final Plat of GREEN SHOE, a minor plat inside the city limits, with rezoning from DR to GI</td>
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<td>C12-15-035</td>
<td>LOCATION: South of Blair High Road and Interstate 680</td>
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<td>Green Shoe Investments LLC</td>
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At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the rezoning from DR to GI and approval of the preliminary plat subject to: 1) Acquiring the right-of-way (ROW) or securing an easement from the Nebraska Department of Roads (NDOR) for the 50 foot access area described in Note 4 on the final plat, 2) Acquiring the small 50x70 foot rectangular parcel located southeast of Lot 1; or securing an access easement from the NDOR, and 3) Compliance with all applicable stormwater management ordinances and policies. He also moved for approval of the final plat subject to compliance with the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Rosenbaum seconded the motion, which carried 7-0.
|   | C10-15-036 (D)  | C10-15-037  | NM Hotel, LLC | REQUEST: Preliminary and Final Plat of NM PLACE, a minor plat inside the city limits, with rezoning from GO and GC to GO (property also located within an existing ACI-1(PL) Overlay District) |
|   |                 | C12-15-037  |             | LOCATION: Southeast of 44th and Farnam Streets |

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the rezoning from GO and GC to GO (property is also located within an ACI-1(PL) Overlay District) and approval of the Preliminary Plat, subject to the following conditions: 1) Provide for all improvements identified in the final approved traffic study, 2) Provide for the dedication of right-of-way as needed to accommodate all improvements identified in the final approved traffic study, 3) Provide for the removal or relocation of all utilities, or grant utility easements for all proposed right-of-way vacations, 4) Coordinate with Metro Transit and Public Works regarding necessary right-of-way for transit improvements and associated traffic modifications, 5) Coordinate with Public Works on an acceptable phasing plan and schedule during the construction of the public improvements, 6) Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies, and 7) Provide sidewalks as required by the Subdivision Ordinance (including maintaining the existing sidewalk south of Harney Street and east of 42nd Street). He also moved for approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the Final Plat to City Council. Mr. Rosenbaum seconded the motion, which carried 7-0.

|   | C10-15-038 (D)  | C10-15-039  | City of Omaha | REQUEST: Preliminary and Final Plat of LOCUST GLEN, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) for Lot depth, with rezoning from R7 and GC to R5 |
|   |                 | C12-15-039  |             | LOCATION: Southwest of 19th and Locust Streets |

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the rezoning from R7 and GC to R5, approval of the waiver of Section 53-8(4)(a) for Lot depth, approval of the Preliminary Plat, subject to receiving approval of a waiver of lot size from the Zoning Board of Appeals for proposed Lots 1-6, and approval of the Final Plat, subject to the condition of Preliminary Plat approval, prior to forwarding the Final Plat to City Council. Mr. Rosenbaum seconded the motion, which carried 7-0.

|   | C10-15-007 (D)  | C10-15-008  | Invest Omaha 1 LLC | REQUEST: Preliminary and Final Plat of COBURN'S SUBDIVISION REPLAT ONE, a minor plat inside the city limits, with rezoning from R7 to R8 (property also located within an existing ACI-1(PL) Overlay District) |
|   |                 | C12-15-008  |             | LOCATION: Southwest of 36th and Jones Streets |

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the rezoning from R7 to R8, approval of the Preliminary Plat subject to: 1) Providing for the removal or relocation of all utilities within the segment of alley to be vacated, and 2) Granting a public access easement between the southern boundary of Lot 1 and the north curbline of the paved addition to the alley, and approval of the Final Plat subject to compliance with the condition of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Rosenbaum seconded the motion, which carried 7-0.
16. C10-15-040 (D) C12-15-041 415 Leavenworth LLC, Omaha Public Power District and ConAgra Foods Inc. REQUEST: Preliminary and Final Plat of POWER STATION, a minor plat inside the city limits, with a waiver of Section 53-8(5)(c/d) for Utility easements and Section 53-9 for Sidewalks, with rezoning from DS and HI to CBD and HI, with approval of an ACI-1(PL) Overlay District (for proposed Lot 2)

LOCATION: East of 6th and Leavenworth Streets

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the ACI-1(PL) for proposed Lot 2, approval of a waiver to OMC 53-8(5)(c) and (d) regarding utility easements, approval of a waiver to OMC 53-9 regarding sidewalks, approval of the rezoning from DS and HI to CBD and HI, and approval of the Preliminary, subject to the applicant: 1) Either provide a ROW dedication/public access easement where the street and sidewalk encroach the northeastern corner of Lot 1 at the eastern termination of the Leavenworth Street ROW, or re-design the roadway to avoid this conflict, 2) Granting a public access easement over the cul-de-sac. Coordinate with Public Works on the design of the cul-de-sac to ensure it is constructed to City standards, and 3) Coordinate with Parks Department on trail connections and locations and providing an easement for future connection to the south. He also moved for approval of the Final Plat subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Rosenbaum seconded the motion, which carried 7-0.

17. C10-14-081 (D) C12-14-082 192 Maple, LLC REQUEST: Revised Preliminary and Final Plat (Phase I) approval of ANTLER VIEW, a subdivision outside the city limits, with rezoning from AG and R4 to DR, R7 and MU

LOCATION: Southeast of 192nd Street and West Maple Road

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved layover the Revised Preliminary and Final Plat to allow the applicant time to submit additional information in regards to the location and size of the waterway and wetlands on the subject site, revise the north-south ¼ mile connection to become more direct and provide the green corner. Mr. Rosenbaum seconded the motion, which carried 7-0.

18. C10-04-060 (D) C12-04-061 Royce Falling Waters LLC REQUEST: Revised Preliminary Plat of FALLING WATERS and Final Plat of FALLING WATERS COMMERCIAL, a subdivision outside the city limits, with rezoning from AG to DR and MU, with approval of a Mixed Use District Development Agreement

LOCATION: Northwest of 192nd and Harrison Streets

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the rezoning from AG to DR and MU, subject to submittal of an acceptable final Mixed Use District Development Agreement prior to forwarding the final plat to the City Council for final action, approval of the Revised Preliminary Plat subject to: 1) All previous approved preliminary plat conditions, approved by the City Council that remain applicable to Phase IV, 2) Providing for all improvements identified in the final approved traffic study, 3) Providing for the construction of deceleration lanes for southbound 192nd and the 194th Street access at Harrison Street at 194th Street, 4) Providing a note on the final plat that states that the Monroe Street access at 192nd and the 194th Street access at Harrison Street shall be restricted to right-in/right-out movements in the future, 5) Providing a note on the final plat that states that there shall be no direct access to 195th Street from Lot 3, 194th Street from Lots 5 and 6, Monroe Street from Lots 8 or 9, and Adams Street from Lot 10, 6) Compliance with the City’s Guidelines and Regulations for Driveway Location, Design and Construction, 7) Providing for sidewalks as required by the Subdivision Ordinance, 8) Coordinating with Douglas County regarding the grading of the subdivision to the ultimate 5-lane profile of 192nd and Harrison Streets, 9) Verifying that the drainageway in Outlots A and B accommodates either the 3:1 +20’ section or the 100-year storm flow; whichever is greater, 10)
Compliance with all applicable stormwater management ordinances and policies; including providing for a no net increase in stormwater runoff and treatment of the first ½ inch of storm water for water quality, 11) Providing the green corner per Section 55-564(f) within its own outlot, 12) Including provisions in the subdivision agreement for use, ownership and maintenance of the outlots, 13) Verifying that the previous tree mitigation plans are still valid or resubmit for approval, and 14) That the overall debt ratio for all phases of development for Falling Waters being under the accepted 4%, and for approval of the Final Plat subject to compliance with the applicable conditions of Revised Preliminary Plat approval and subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Rosenbaum seconded the motion, which carried 7-0.

**Overlay Districts**

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<tr>
<td>20.</td>
<td>C11-14-049 (D) 5319 North, LLC</td>
<td>Approval of a Major Amendment to a PUD-Planned Unit Development Overlay District</td>
<td>Northeast of 30th and Fort Streets</td>
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At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the Major Amendment to the PUD subject to the applicant meeting the following conditions prior to forwarding the request to the City Council for final action: 1) Recording the 30 METROPOLITAN PLACE Final Plat, 2) Approval of the revised parking, bufferyard, and height waivers from the Zoning Board of Appeals, 3) Working with the Planning Department to move the dumpster location away from the street, 4) Removal of a parking stall straddling the property line on the northeast corner of the site, and 5) Coordinating with Metro Transit regarding stop locations along 30th Street. Mr. Rosenbaum seconded the motion, which carried 7-0.

**Rezonings**

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<tr>
<td>21.</td>
<td>C10-15-042 (D) Jesus Vallin</td>
<td>Rezoning from HI to R4</td>
<td>4958 South 36th Street</td>
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At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval. Mr. Rosenbaum seconded the motion, which carried 7-0.

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<tr>
<td>22.</td>
<td>C10-15-043 (D) David and Helen Edwards</td>
<td>Rezoning from R4(35) to R5</td>
<td>1503 North 58th Street</td>
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At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval. Mr. Rosenbaum seconded the motion, which carried 7-0.

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<tr>
<td>23.</td>
<td>C10-15-044 (D) Gregory Schaneman</td>
<td>Rezoning from R3 to R5</td>
<td>505 North 41st Avenue</td>
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At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval. Mr. Rosenbaum seconded the motion, which carried 7-0.

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<tr>
<td>24.</td>
<td>C10-96-261 (D) Kristopher Jarecki</td>
<td>Approval of a Major Amendment to a Mixed Use District Development Agreement for Altech Business Park to allow Automotive sales</td>
<td>3880 South 149th Street</td>
</tr>
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At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval. Mr. Rosenbaum seconded the motion, which carried 7-0.
25. C10-04-099 (D) DHK LLC

**REQUEST:** Approval of a Major Amendment to a Mixed Use District Development Agreement for Maple Creek

**LOCATION:** Southwest of 162nd Street and West Maple Road

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval. Mr. Rosenbaum seconded the motion, which carried 7-0.

### Special Use Permits

26. C8-15-045 (D) Mohamed Aboutaleb

**REQUEST:** Approval of a Special Use Permit to allow Automotive sales in a CC District

**LOCATION:** 11714 West Dodge Road

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the Special Use Permit to allow Automotive sales in a CC District subject to: 1) The use permit is for this applicant only, 2) No pole signs permitted, 3) Compliance with the proposed operating statement and plans, 4) Compliance with all applicable regulations, and 5) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department. Mr. Rosenbaum seconded the motion, which carried 7-0.

27. C8-15-046 (D) St. John Lutheran Church

**REQUEST:** Approval of a Major Amendment to a Special Use Permit (assumed) to allow Religious assembly in a DR-ED District

**LOCATION:** 4519 Kelby Road

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved for approval of the Major Amendment to a Special Use Permit (assumed) to allow Religious Assembly in a DR-ED, subject to: 1) Working with the Planning Department on a site design for a monument sign in compliance with zoning regulations, 2) Submittal of a revised site plan and sign plan providing a monument sign in compliance, 3) Removal of the sign structures for the two (2) existing signs, 4) Compliance with the revised site plan, and 5) Compliance with the operating statement. Mr. Rosenbaum seconded the motion, which carried 7-0.

### Conditional Use Permits

30. C7-15-048 (D) Clarkson Memorial Hospital

**REQUEST:** Approval of a Conditional Use Permit to allow Surface parking in a GC District (property also located within an existing ACI-1(PL) Overlay District)

**LOCATION:** 4248 Douglas Street

At the Planning Board meeting held on February 4, 2015, Mr. Harding moved to layover the Conditional Use Permit to allow Surface parking in a GC-ACI-1(PL) District to allow the applicant to submit a revised site plan in compliance with all applicable regulations. Mr. Rosenbaum seconded the motion, which carried 7-0.
ADMINISTRATIVE MEETING ONLY

1. C12-14-159
   J Dubbya Land, LLC
   REQUEST: Final Plat approval of PRIME BUSINESS PARK REPLAT, a subdivision inside the city limits (laid over from 12/03/14)
   LOCATION: Southwest of Old Highway 64 and West Maple Road

At the Planning Board meeting held on February 4, 2015, Dave Fanslau, Acting Assistance Planning Director, stated that the Department recommended approval subject to the conditions of the recommendation report.

Mr. Nesbitt moved for approval of the final plat subject to compliance with the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Deeb seconded the motion, which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

Cases 2 and 5 were heard concurrently, but voted on separately:

2. C10-14-227
   C12-14-228
   Brinshore Development
   REQUEST: Preliminary Plat of HIGHLANDER 75 NORTH, a subdivision inside the city limits, with rezoning from R5(35) and R7 to LC-ACI-1(PL), R7 and R7-ACI-1(PL) (laid over from 12/03/14)
   LOCATION: Generally, north of Parker Street, south of Grant Street, east of 32nd Street and west of 29th Street

At the Planning Board meeting held on February 4, 2015, Jerry Slusky, 8712 West Dodge Rd., appeared before the Board on behalf of the applicant. Mr. Slusky stated that this was the first phase of a mixed-use development and was in was in conformance with the Master Plan. He explained that the proposed project included high-density, mixed-income residents, walkable areas, a senior living project, an accelerator building, apartment units and single family homes. He added that 109 mixed-income apartment units were proposed within 16 buildings and that the project included live-and-work townhomes with businesses on the lower level and residency on the upper level, traditional townhomes and multi-family units. Mr. Slusky stated that North 30th Street would be repurposed to 3 lanes with a bicycle path, passenger lane, bus stops, and ADA compliance.

Othello Meadows, 4927 Miami St., appeared before the Board. Mr. Meadows stated that he was the Executive Director of 75-North, developer for the project. He explained that the development was modeled after an Atlanta, Georgia neighborhood redevelopment with similar high density public housing, focused on mixed-income residents, educational aspects within the community, community wellness and economic development.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the Preliminary Plat, subject to the 7 conditions of the recommendation report. He then stated that the Department recommended approval of the Planned Unit Redevelopment Overlay District.

Mr. Harding moved for approval of the rezoning from R5(35) and R7 to LC-ACI-1(PL), R7 and R7-ACI-1(PL). Approval of the Preliminary Plat subject to: 1) Providing for all improvements identified in the final approved traffic study, 2) Coordinating with the Public Works Department regarding the transitions in and
out of the "road diet" section of 30th Street north and south of the project extents, 3) Maintain utility easements or provide for the removal/relocation of all utilities in the right-of-way proposed for vacation, 4) Removal of the splitter islands at 31st and Patrick Streets, 5) Either securing a public access easement across Salem Baptist Drive between 30th and 31st Streets or providing for the dedication and paving of a cul-de-sac on 31st Street at the northern boundary of the subdivision, 6) Compliance with all applicable stormwater management ordinances and policies, and 7) Confirm that acceptable emergency warning facilities currently exist in the area. Mr. Magid seconded the motion, which carried 7-0.

5. C11-14-226 Brinshore Development
   REQUEST: Approval of a PUR-Planned Unit Redevelopment Overlay District (laid over from 12/03/14)
   LOCATION: Generally, north of Parker Street, south of Grant Street, between 29th and 31st Street

At the Planning Board meeting held on February 4, 2015, Jerry Slusky, 8712 West Dodge Rd., appeared before the Board on behalf of the applicant. Mr. Slusky stated that this was the first phase of a mixed-use development and was in conformance with the Master Plan. He explained that the proposed project included high-density, mixed-income residents, walkable areas, a senior living project, an accelerator building, apartment units and single family homes. He added that 109 mixed-income apartment units were proposed within 16 buildings and that the project included live-and-work townhomes with businesses on the lower level and residency on the upper level, traditional townhomes and multifamily units. Mr. Slusky stated that North 30th Street would be repurposed to 3 lanes with a bicycle path, passenger lane, bus stops, and ADA compliance.

Othello Meadows, 4927 Miami St., appeared before the Board. Mr. Meadows stated that he was the Executive Director of 75-North, developer for the project. He explained that the development was modeled after an Atlanta, Georgia neighborhood redevelopment with similar high density public housing, focused on mixed-income residents, educational aspects within the community, community wellness and economic development.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the Preliminary Plat, subject to the 7 conditions of the recommendation report. He then stated that the Department recommended approval of the Planned Unit Redevelopment Overlay District.

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

Cases 3 and 7 were heard concurrently, but voted on separately:

3. C10-12-153 C12-12-154 Sixty Sorensen, LLC
   REQUEST: Revised Preliminary and Final Plat of SORENSEN PLACE, a subdivision inside the city limits, with a waiver of Section 53-8(4)(d) for Lot frontage, with approval of an MCC-Major Commercial Corridor Overlay District (laid over from 01/07/15)
   LOCATION: Northeast of 60th Street and Sorensen Parkway

At the Planning Board meeting held on February 4, 2015, Neeraj Agarwal, 105 N. 31st Ave, appeared before the Board on behalf of the applicant. Mr. Agarwal stated that updated sites plan were submitted and that a wetland mitigation plan was in progress. He added that a neighborhood meeting was recently held to discuss the affordable housing component, density, traffic issues, and parking issues. He then stated that low-income housing tax credits would be utilized, parking was within regulations, a traffic study was completed, and that public improvements would be implemented if required.

Mike Helmberger, 6803 N 60th St, appeared before the Board. Mr. Helmberger stated that a document was submitted to the Board stating concerns regarding the project and that he was a designated spokesperson for the neighborhood. He then stated his property was adjacent to the site and concerns
were increased density, increased traffic, overcrowded schools and lack of communication. He explained that although the Master Plan allowed for 500 residential units within the ¼ mile area of Sorensen Parkway from North 60th to North 56th Streets, the increased density would have a negative impact on the area. He added that 900 residential units existed within approximately 1 mile of the proposed site and further explained that concerns were schools were already overcrowded, and that school traffic and traffic from the proposed development onto North 60th Street would be a safety issue. Mr. Helmberger mentioned that although he contacted Omaha Public Schools, he did not receive concrete information regarding his concerns. He added that a senior living center would have less impact on the density and overcrowded schools and was concerned that no walkable businesses were available in the area, or proposed for future development. He stated that attendees at the neighborhood meetings were opposed to the request.

Robert Smith, N 56th St., appeared before the Board in opposition. Mr. Smith stated that at the neighborhood meeting, Mr. Agarwal explained an agreement for low-income housing was required for approximately 25 to 35 years and was concerned the agreement was voided upon transfer of ownership of the property. He stated that he was also concerned with increased traffic.

Mary Semans-Dingman, 5624 Mary St., appeared before the Board in opposition. Ms. Semans-Dingman stated that she resided in the neighborhood and was not opposed to development, but was opposed to the high density. She added that she was concerned with the lack of transparency from the developer and that although the developer was given her contact information, she was never contacted regarding the development. She stated that she preferred more commercial development with taxable income and lower density, and that she was opposed to removal of existing vegetation. She requested more information regarding the details of the project and the impact on the neighborhood before a decision was made.

Barbara Mantz, 5621 Mary St, appeared before the Board in opposition. Ms. Mantz commented that she was concerned with the increased traffic and the safety of the children walking to and from the schools.

Mr. Agarwal stated that the tax-credit agreement between the developer and the state agency was limited to one specific group for a term of approximately 15 to 45 years. He explained that the focus was for senior and veteran housing and that there was a possibility of a partnership with Immanuel Communities, but that a specific group for the development had not been determined. Mr. Agarwal stated that the strategy was for a long-term investment in the property and that after finalization of the traffic study, issues would be discussed with their engineering firm and the Planning Department. He added that tree mitigation was required and that future communication would be forwarded to a list of residents within a ¼ mile radius of the site.

Dave Fanslau, Acting Assistant Planning Director, stated that Omaha Public School District was part of a Development Review Committee within the City and was informed of relevant requests made to the Planning Board. He added that information obtained at the Committee meetings was used to review Planning Board requests and that comments regarding the proposed development were not received from Omaha Public School. He stated that the proposed use and mixed-use were permitted in the existing Community Commercial (CC) zoning and mentioned that connection was required with future development of adjacent sites. Mr. Fanslau stated that the Department recommended approval of the revised Preliminary Plat subject to 10 conditions on the recommendation report, approval of the requested waiver subject to an acceptable alternative public access easement, approval of the MCC Overlay district rezoning, and to layover the Final Plat. Mr. Fanslau stated that the Department recommended to layover the 4 use permits.

Mr. Harding moved for approval of the MCC Overlay District, approval of the waiver of Section 53-8(4)(d) for Lot frontage, subject to the applicant providing an acceptable alternative public access easement, and approval of the Revised Preliminary Plat subject to the following conditions: 1) Construct an eastbound left turn lane at the intersection of the site access with Sorensen Parkway, 2) Provide for all improvements identified in the final approved traffic study, 3) Grant a public access easement across Outlot A, 4) Provide a noise attenuation easement on Lot 5, 115 feet from the centerline of 60th Street, 5) Provide access to the corner lot on the southwest portion of the site, 6) Submit an acceptable wetlands mitigation plan, 7) Work with city staff on finalization of the tree mitigation plan, 8) Provide sidewalks as required by
the Subdivision Ordinance, 9) Compliance with all applicable stormwater management ordinances and policies, and 10) Include provisions for the use, ownership and maintenance of the outlots in the final subdivision agreement. Mr. Harding also moved to layover the final plat to allow the applicant time to submit a wetlands mitigation plan. Mr. Magid seconded the motion, which carried 7-0.

| 7. | C8-12-155  
C8-12-156  
C7-13-012  
C7-15-030  
Sixty Sorensen, LLC | REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Convenience storage, approval of a Major Amendment to a Large Project Special Use Permit, approval of a Major Amendment to a Conditional Use Permit to allow Multiple-family residential and approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC District (laid over from 01/07/15) |
| LOCATION: Northeast of 60th Street and Sorensen Parkway |

At the Planning Board meeting held on February 4, 2015, Neeraj Agarwal, 105 N. 31st Ave, appeared before the Board on behalf of the applicant. Mr. Agarwal stated that updated sites plan were submitted and that a wetland mitigation plan was in progress. He added that a neighborhood meeting was recently held to discuss the affordable housing component, density, traffic issues, and parking issues. He then stated that low-income housing tax credits would be utilized, parking was within regulations, a traffic study was completed, and that public improvements would be implemented if required.

Mike Helmberger, 6803 N 60th St, appeared before the Board. Mr. Helmberger stated that a document was submitted to the Board stating concerns regarding the project and that he was a designated spokesperson for the neighborhood. He then stated his property was adjacent to the site and concerns were increased density, increased traffic, overcrowded schools and lack of communication. He explained that although the Master Plan allowed for 500 residential units within the ¼ mile area of Sorensen Parkway from North 60th to North 56th Streets, the increased density would have a negative impact on the area. He added that 900 residential units existed within approximately 1 mile of the proposed site and further explained that concerns were schools were already overcrowded, and that school traffic and traffic from the proposed development onto North 60th Street would be a safety issue. Mr. Helmberger mentioned that although he contacted Omaha Public Schools, he did not receive concrete information regarding his concerns. He added that a senior living center would have less impact on the density and overcrowded schools and was concerned that no walkable businesses were available in the area, or proposed for future development. He stated that attendees at the neighborhood meetings were opposed to the request.

Robert Smith, N 56th St., appeared before the Board in opposition. Mr. Smith stated that at the neighborhood meeting, Mr. Agarwal explained an agreement for low-income housing was required for approximately 25 to 35 years and was concerned the agreement was voided upon transfer of ownership of the property. He stated that he was also concerned with increased traffic.

Mary, Mary St., appeared before the Board in opposition. Mary stated that she resided in the neighborhood and was not opposed to development, but was opposed to the high density. She added that she was concerned with the lack of transparency from the developer and that although the developer was given her contact information, she was never contacted regarding the development. She stated that she preferred more commercial development with taxable income and lower density, and that she was opposed to removal of existing vegetation. She requested more information regarding the details of the project and the impact on the neighborhood before a decision was made.

Barbara Mantz, 5621 Mary St, appeared before the Board in opposition. Ms. Mantz commented that she was concerned with the increased traffic and the safety of the children walking to and from the schools.

Mr. Agarwal stated that the tax-credit agreement between the developer and the state agency was limited to one specific group for a term of approximately 15 to 45 years. He explained that the focus was for
senior and veteran housing and that there was a possibility of a partnership with Immanuel Communities, but that a specific group for the development had not been determined. Mr. Agarwal stated that the strategy was for a long-term investment in the property and that after finalization of the traffic study, issues would be discussed with their engineering firm and the Planning Department. He added that tree mitigation was required and that future communication would be forwarded to a list of residents within a ¼ mile radius of the site.

Dave Fanslau, Acting Assistant Planning Director, stated that Omaha Public School District was part of a Development Review Committee within the City and was informed of relevant requests made to the Planning Board. He added that information obtained at the Committee meetings was used to review Planning Board requests and that comments regarding the proposed development were not received from Omaha Public School. He stated that the proposed use and mixed-use were permitted in the existing Community Commercial (CC) zoning and mentioned that connection was required with future development of adjacent sites. Mr. Fanslau stated that the Department recommended approval of the revised Preliminary Plat subject to 10 conditions on the recommendation report, approval of the requested waiver subject to an acceptable alternative public access easement, approval of the MCC Overlay district rezoning, and to layover the Final Plat. Mr. Fanslau stated that the Department recommended to layover the 4 use permits.

Mr. Harding moved to layover the request. Mr. Rosacker seconded the motion, which carried 7-0.

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>Preliminary Plat of BLONDO 186, a subdivision outside the city limits,</td>
<td>Northeast of 189th and Blondo</td>
</tr>
<tr>
<td>with a waiver of Section 53-8(2)(b) for Cul-de-sac length maximum from</td>
<td>Streets</td>
</tr>
<tr>
<td>600’ to 715’, along with rezoning from AG to DR and R4 (laid over from 01/07/15)</td>
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</table>

At the Planning Board meeting held on February 4, 2015, Jason Thiellen, 330 N. 117th St., appeared before the Board on behalf of the applicant. Mr. Thiellen stated that the proposed project was 160 acres and included 348 single family residential lots and 12 outlots. He then stated that connection issues with the adjacent property owner, Mulhall’s, were resolved prior to today’s meeting and that he also worked with Public Works and the Parks Department regarding access points and the proposed park within the subdivision. He explained that the proposed Parkway would connect to the existing Boulevard to the east and that an entrance was proposed at Blondo Street. Mr. Thiellen displayed a map of the site and discussed the street connections and noted that a Final Plat would be submitted with Preliminary plat revisions.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department needed to review recent changes made by the applicant. He then stated that the Department recommended approval of the waiver, rezoning and approval of the Preliminary Plat subject to the 25 conditions on the recommendation report prior to submittal of a Final Plat.

Mr. Rosenbaum moved for approval of the waiver of Section 53-8(2)(b) for Cul-de-sac length maximum from 600’ to 715, approval of the rezoning from AG to DR and R4, and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Continued coordination with the property owner to the east, and submittal of a revised preliminary plat if the street connections deviate, 2) Coordinate with Douglas County to grade the subdivision to the ultimate 5-lane profile of Blondo Street, 3) Coordinate the outfall sewer and public street connections locations with the proposed Antler View subdivision to the north of the development, 4) Provide for paving of Blondo Street to the three-lane section and coordinate with Douglas County on the appropriate tie in with their 180th and Blondo Street project, 5) Construct the 183rd Street approach to Blondo Street as a three-lane section with a 4’ median and dedicate additional ROW as needed to accommodate this section, 6) Coordinating with the property owner to the east of the proposed subdivision for the acquisition of land necessary for the 183rd Street connection with Blondo Street. Either include it within the subdivision boundaries or submit a paper ROW dedication for recording prior to final plat approval, 7) Repositioning the stub of 183rd Street so that it can curve north and east as the continuous North/South ¼-mile through
route and reconfiguring the ROW along with the intersection of 183rd Street & Patrick Avenue, 8) Pave the street connection between the subdivision boundary and 189th Street, 9) Construction all intersection curb ramps and all sidewalks fronting outlots in conjunction with the initial infrastructure improvements, 10) The applicant will need to coordinate with Public Works and SID #502 to provide for the removal of the Miami Street lift station, 11) Separate the drainageway and the park ground into two separate lots (currently shown as Outlot L), 12) Submitting an exhibit showing that there will be adequate sight distance looking north from the intersection of 188th Street and 186th Street, under the full build out condition for Lot 23. If sight distance is deficient, provide for the re-routing 186th Street into a 4-way intersection with 186th and Burdette Streets, 13) Add the following notes on the Final Plat: (a) “There shall be no direct access to 186th Street from Lot 1 or Outlot F.”, (b) “There shall be no direct access onto 183rd Street from Outlot H.”, 14) Submit a wetland analysis and provide for mitigation if any wetlands are damaged, 15) Drainageways need to be placed in an outlot sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater), including the drainageway along Blondo Street from Lot 1 to Outlot H, 16) Place a noise attenuation easement 115’ from the centerline of Blondo Street and provide the standard noise attenuation easement language on the plat, 17) Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies, 18) Provide for traffic calming on any street in excess of 1,000 feet, 19) Pave all street stubs to the property line and provide temporary turnarounds, 20) Provide a contribution to Douglas County’s 180th Street bridge project, 21) Provide a sidewalk along Blondo Street and sidewalks as required by the Subdivision Ordinance, 22) Include provisions for use, ownership and maintenance of the outlots in the subdivision agreement, 23) Provide a letter from the Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area, 24) Provide a letter of approval from Douglas County regarding noxious weed control, and 25) Maintaining an acceptable debt ratio of 4% or less. Mr. Deeb seconded the motion, which carried 7-0.

**Special Use Permits**

<table>
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<tr>
<th>6.</th>
<th>C8-14-220</th>
<th>REQUEST: Approval of a Special Use Permit to allow a Broadcast tower in a DR District, with a waiver of Section 55-108 Height to 105 feet tall tower (laid over from 11/05/14)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SBA Communications/Verizon Wireless</td>
<td>LOCATION: 16140 Fort Street</td>
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</table>

At the Planning Board meeting held on February 4, 2015, Susan Faber, Black & Veatch, 7600 County Line Rd, Burr Ridge, IL, appeared before the Board on behalf of the applicant. Ms. Faber stated that SBA was the tower owner and Verizon Wireless provided telecommunications services on the tower. She then stated that although service existed in the area, the tower provided additional capacity to meet demand of increased use on technological devices. She explained that the proposed tower was designed to accommodate additional carriers for future users and that Verizon encouraged co-location on the tower. Ms. Faber stated that a neighborhood meeting was held on January 21st and concerns expressed by residents were property values. She stated that a property evaluation report was completed by Integra Realty Resources and the economic analysis indicated no meaningful impact on property values. She then explained that another concern was that additional coverage was not necessary. She submitted a letter to the Board from the regional manager of RF System & Performance explaining the need for additional coverage in the growing area. She then stated additional concern from residents was the possibility of alternate sites and explained that 3 alternate sites were considered. In response to Ms. Nubel, Ms. Faber stated that the requested height guaranteed an additional carrier would have successful co-location, and that alternate locations needed a willing landlord and suitable site for the engineers. She added that existing sites and municipal areas were considered first. Ms. Faber displayed coverage maps and noted the locations of existing cell tower sites, but that the proposed request was for a capacity site. She added that the technology benefited the immediate area and that the height of the tower provided co-location for multiple providers.

In response Ms. Faber, Dave Fanslau, Acting Assistant Planning Director, clarified that easements for vehicles and co-location were requested by the Department and she responded that vehicle easements were available, but co-location for government access would be determined by the need of the government entity. Mr. Fanslau stated that the Department would research and further clarify to the applicant the Department recommendation requirement for easement access.
Lyn Heller, 6503 N. 159th St, appeared before the Board in opposition. Mr. Heller stated that he was the Director of the Stone Creek Homeowner’s Association and that he was opposed to the request because alternate locations were available.

Mary Ann Rundall, 16219 Jaynes St, appeared before the Board in opposition. Ms. Rundall stated that a letter of opposition with 252 signatures from Stone Creek residents was submitted to the Board and that 25 residents submitted emails regarding their concerns and opposition. She added that concerns were decreased property values, alternate locations were not considered, the negative impact on the aesthetics of the neighborhood and golf course, and that the erection of a tower was not noted in the restrictive covenants of the neighborhood. She then expressed concern that the owner of the site was not responsive to resident’s concerns, Black & Veatch representatives displayed poor communication with residents, and that adequate telecommunication service already existed in the area.

Joe Martin, 5501 N. 162nd St, appeared before the Board in opposition. Mr. Martin stated that his residence looked directly to the site of the proposed tower and noted that the neighborhood had restricted covenants to maintain the integrity of the neighborhood. He then stated that he was also concerned with decreased property values and that he was opposed to the request. He mentioned that the Douglas County Sheriff Department located nearby had an existing radio tower.

Jan Richardson, 6607 N. 159th St, appeared before the Board in opposition. Ms. Richardson also stated that the covenants were intended to keep the aesthetics of the neighborhood. She displayed a photo of a camouflaged tower located within the city and noted that the mature trees were used to camouflage the tower. She then displayed a rendering of the proposed tower and noted that the rate of growth for newly planted trees required many years to camouflage the tower. She expressed concern that the tower site was approximately 25 feet away from the golf course cart path.

Dave Richardson, 6607 N. 159th St, appeared before the Board in opposition. Mr. Richardson stated that Black & Veatch representatives were not able to identify other towers in the area placed within a residential neighborhood and that he was opposed to the location of the tower. He expressed concern that the tower benefitted residents to the west of the site, but did not benefit Stone Creek residents. He then explained that no detailed information regarding the request was given at the recent neighborhood meeting and that all in attendance were opposed. Mr. Richardson mentioned that the public school to the east of the site was willing to place the tower on their property.

Ms. Faber stated that she sent communication to neighbors immediately upon receiving necessary information from the Department and that notices entailed accurate information regarding the homeowners meeting. She added that an email sent to one resident contained misinformation regarding the time of the Planning Board meeting. She then stated that approximately 50 people attended the meeting and she addressed concerns of the residents during the meeting. She reiterated that a recent study showed property values did not decrease and that the tower benefitted the Stone Creek residents with increased telecommunication service. Ms. Faber noted that a landscaping was proposed and would conform to the area. In response to Ms. Nubel, Ms. Faber stated that she completed a study only for the proposed tower site and that the landlord was willing to place the tower on his property. Mr. Deeb expressed concern that other sites were not properly researched. After a brief discussion with the Board regarding alternate locations, Ms. Faber stated that the proposed site met regulations, met a need for the area, and the opportunity for co-location. Mr. Rosacker agreed that regulations for the request were met by the applicant. In response to Ms. Nubel, Ms. Faber explained that as residential development increased, demand also increased, and that she was open to alternate designs if the design fit the engineering of the tower.

Marvin Sagar, 5644 N. 160th Ave, appeared before the Board in opposition. Mr. Sagar stated that the proposed tower site was at a low grade of land along Fort Street, next to a hill, and that alternate sites were at higher elevations with less ground clutter. He stated he also had concerns with property values and aesthetics of the neighborhood.
Ms. Rundall submitted copies of the meeting notices sent to neighbors by Ms. Faber and the email addressed to Mr. Williams, a resident of the neighborhood. She added that 3 alternate sites were recommended and also commented that the local school was willing to consider a tower on their property.

In response to Mr. Harding, Mr. Fanslau stated that if co-location was not possible at the proposed site, the use permit could be deemed invalid. He then stated that the applicant submitted new information requested by the Department and that growth demanded the need for more telecommunication service. He added that upon approval of the request, a user showed interest for co-location on the tower. Mr. Fanslau stated that the Department recommended approval subject to the 4 conditions of the recommendation report.

Mr. Rosenbaum and Mr. Deeb briefly discussed the possibility of alternate locations for the tower and responding Board members stated that the applicant submittals met Department requirements.

Mr. Rosenbaum moved to deny the request. Mr. Deeb seconded the motion, which failed. Mr. Nesbitt moved for approval of the Special Use Permit subject to: 1) Compliance with a revised tower elevation that provides a total height of 75 feet and the capability of co-location for at least 2 providers, 2) Compliance with the site and landscaping plans, 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, and 4) A governmental access easement for a public safety and communications network. Mr. Harding seconded the motion which carried 5-2, with Mr. Rosenbaum and Mr. Deeb dissenting.

### (REGULAR AGENDA)

**Master Plan Referral**

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<tr>
<th>8.</th>
<th>C3-15-002 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the 30 METROPOLITAN PLACE TIF REDEVELOPMENT PROJECT PLAN</th>
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<td>LOCATION: Northeast of 30th and Fort Streets</td>
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At the Planning Board meeting held on February 4, 2015, Bridget Hadley, City Planner, appeared before the Board to present the request. Ms. Hadley explained that the site was vacant and that the existing building was in the process of demolition. She stated that the proposed site was 4 vacant parcels, a surface lot and a parcel with a vacant building. She added that the project included 110 affordable housing units, 1 and 2 bedrooms, with approximately 11,000 square feet of commercial space. Ms. Hadley stated that improvements included streetscaping and diagonal parking along Fort Street and 29th Street. She also mentioned that the project included the use of low-income housing tax credits.

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

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

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<tr>
<th>9.</th>
<th>C3-15-052 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of an amendment to Chapter 55 regarding Article XXII - Urban Design</th>
</tr>
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<tr>
<td></td>
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<td>LOCATION: Omaha and 3-mile extraterritorial zoning jurisdiction</td>
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At the Planning Board meeting held on February 4, 2015, Jed Moulton, Urban Design Manager, Planning Department, presented the request. Mr. Moulton stated that the Urban Design code was reviewed with the development community and stakeholders and that the proposed request was for revisions to the code. He added that the revisions were reviewed and approved by the Technical Advisory Committee (TAC) and the Urban Design Review Board (UDRB). In response to Ms. Nubel, Mr. Moulton stated that the change to the build-to setback regulation in the Urban Design overlay zoning, allowed for exceptions to the position of the building appropriate to the use and location of the site.
Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval.

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

Subdivisions

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<tr>
<th>Case</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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Cases 15 and 31 were heard concurrently, but voted on separately:

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<tr>
<th>Case</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>15.</td>
<td>C10-15-050 C12-15-051 Music School Development Corp, LLC</td>
<td>Preliminary and Final Plat of CASS PLACE, a minor plat inside the city limits, with rezoning from R2 to LC</td>
</tr>
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At the Planning Board meeting held on February 4, 2015, Doug Dreessen, Thompson Dreessen Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Dreessen stated that prior to the case hearing, he spoke with concerned opponents regarding the project.

Pascal Narce, 123 N. 35th St., appeared before the Board. Mr. Narce stated that he was in favor of the project and that the project was a needed improvement for the area.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the ACI-2(50) Overlay district and approval of the preliminary and final plats, subject to the conditions of the recommendation report.

Mr. Deeb moved for approval of the ACI-2(50) Overlay District, approval of the Preliminary, subject to the applicant: 1) Change the access note of the plat to: “There shall be no direct vehicular access to Dodge Street from Lot 1.” Do not include 35th Street in the access restriction, 2) Coordinate with Metro Transit regarding transit improvements, and 3) Provide bike parking and indoor facilities, and approval of the Final Plat subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the plat to the City Council. Mr. Magid seconded the motion, which carried 7-0.

Rick Anderson, 2120 S 72nd St, appeared before the Board in opposition. Mr. Anderson stated that he represented the Fairacres Homeowners Association and that he was opposed to the rezoning, but not opposed to the subdivision of the property. He requested separate voting for the plat and the rezoning of the site. Alan Thelen, Law Department, stated separate voting was acceptable. Mr. Anderson explained that he was in favor of the use of the property by the Omaha Conservatory of Music, but that the rezoning was too intense for the neighborhood. He added that the current zoning allowed the requested use and that application for rezoning was appropriate at a future time, if the use of the property changed. He then
mentioned that the site was consistently not included in the Crossroads Redevelopment plans and that the property had limited access for connection points as required by the Master Plan. Mr. Anderson stated that he was concerned with decreased traffic safety if the property was rezoned to a potentially higher traffic zoning and mentioned that traffic studies revealed South 72nd & Cass Streets was ranked #14 for car crashes.

David Levy, 1700 Farnam St, appeared before the Board on behalf of his client, Joe Ricketts, a resident of the neighborhood and supporter of the Omaha Conservatory of Music. He stated that his client was opposed to the rezoning of the site and that the current zoning created an appropriate buffer to the neighborhood. He stated that his client was also opposed to the Conditional Use Permit.

In response to the Board, Mr. Jobeun stated that his client preferred a dedication of public right-of-way rather than a public easement agreement across private property for the street connection requirement. He added that the right-of-way dedication, if necessary, could be required within the Subdivision Agreement.

Dave Fanslau, Acting Assistant Planning Director, stated that the requested use was not within the list of civic uses and required the waiver from the Zoning Board of Appeals. He also stated that the site was within a boundary of an existing mixed-use designation and met conditions of the Master Plan. He stated that the Department recommended approval of the rezoning, approval of the preliminary plat subject to the 2 conditions of the recommendation report, and approval of the final plat subject to approval of the preliminary plat and a final subdivision agreement prior to being forwarded to City Council. In response to the Board, Mr. Fanslau stated that the applicant consulted the Department regarding appropriate uses and zoning. He also stated that the Department was in favor of the use waiver obtained by the applicant. Mr. Harding commented that Limited Commercial (LC) zoning was the least intense zoning for the requested use. Mr. Magid was concerned that with rezoning, the property owner was within regulation to change the future use of the site without approvals from the Department.

Mr. Magid moved to deny the rezoning; motion died due to lack of a second. Mr. Thelen responded to Mr. Magid that the street connection requirement was a condition of the plat approval and was not required to be attached to the rezoning.

Mr. Fanslau stated that the Department recommended to layover the Conditional Use Permit.

Mr. Nesbitt moved for approval of the rezoning from R2 to LC. Mr. Rosenbaum seconded the motion, which carried 6-1, with Mr. Magid dissenting. Mr. Harding moved for approval of the preliminary plat subject to: 1) The applicant coordinating with the Public Works Department regarding necessary arrangements to facilitate the future internal access connections to adjacent sites (easements, etc.), and 2) Compliance with all applicable stormwater management ordinances and policies and approval of the final plat subject to compliance with the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Nesbitt seconded the motion, which carried 7-0.

\[
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\hline
31. & C7-15-049 & \text{REQUEST: Approval of a Conditional Use Permit to allow Personal improvement services in a LC District} \\
& Music School Development Corp, LLC & \text{LOCATION: 7023 Cass Street} \\
\hline
\end{array}
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At the Planning Board meeting held on February 4, 2015, Larry Jobeun, 11440 W. Center Rd, appeared before the Board on behalf of the applicant, and Paul Smith, co-founder of the Omaha Conservatory of Music, was also present. Mr. Jobeun stated that the Omaha Conservatory of Music planned to repurpose the existing structure and explained that to open within a specific timeframe, a use waiver for personal improvement services was obtained from the Zoning Board of Appeals, which was conditioned upon subdivision of the property, rezoning and conditional use permit approvals from the Planning Board. He then stated that the applicant was willing to dedicate 50 feet of right-of-way at the western boundary of the property, as displayed on the plat, because connection to the south of the site was difficult with steep grade changes. He added that a connection to the south was possible with future development, if necessary. Mr. Jobeun then stated that for the Condition Use Permit request, the revised plan showed
the future access point on the western 50 feet of property so students were not required to cross a street to gain access to the school.

Rick Anderson, 2120 S 72nd St, appeared before the Board in opposition. Mr. Anderson stated that he represented the Fairacres Homeowners Association and that he was opposed to the rezoning, but not opposed to the subdivision of the property. He requested separate voting for the plat and the rezoning of the site. Alan Thelen, Law Department, stated separate voting was acceptable. Mr. Anderson explained that he was in favor of the use of the property by the Omaha Conservatory of Music, but that the rezoning was too intense for the neighborhood. He added that the current zoning allowed the requested use and that application for rezoning was appropriate at a future time, if the use of the property changed. He then mentioned that the site was consistently not included in the Crossroads Redevelopment plans and that the property had limited access for connection points as required by the Master Plan. Mr. Anderson stated that he was concerned with decreased traffic safety if the property was rezoned to a potentially higher traffic zoning and mentioned that traffic studies revealed South 72nd & Cass Streets was ranked #14 for car crashes.

David Levy, 1700 Farnam St, appeared before the Board on behalf of his client, Joe Ricketts, a resident of the neighborhood and supporter of the Omaha Conservatory of Music. He stated that his client was opposed to the rezoning of the site and that the current zoning created an appropriate buffer to the neighborhood. He stated that his client was also opposed to the Conditional Use Permit.

In response to the Board, Mr. Jobeun stated that his client preferred a dedication of public right-of-way rather than a public easement agreement across private property for the street connection requirement. He added that the right-of-way dedication, if necessary, could be required within the Subdivision Agreement.

Dave Fanslau, Acting Assistant Planning Director, stated that the requested use was not within the list of civic uses and required the waiver from the Zoning Board of Appeals. He also stated that the site was within a boundary of an existing mixed-use designation and met conditions of the Master Plan. He stated that the Department recommended approval of the rezoning, approval of the preliminary plat subject to the 2 conditions of the recommendation report, and approval of the final plat subject to approval of the preliminary plat and a final subdivision agreement prior to being forwarded to City Council. In response to the Board, Mr. Fanslau stated that the applicant consulted the Department regarding appropriate uses and zoning. He also stated that the Department was in favor of the use waiver obtained by the applicant. Mr. Harding commented that Limited Commercial (LC) zoning was the least intense zoning for the requested use. Mr. Magid was concerned that with rezoning, the property owner was within regulation to change the future use of the site without approvals from the Department.

Mr. Magid moved to deny the rezoning; motion died due to lack of a second. Mr. Thelen responded to Mr. Magid that the street connection requirement was a condition of the plat approval and was not required to be attached to the rezoning.

Mr. Fanslau stated that the Department recommended to layover the Conditional Use Permit.

Mr. Deeb moved to layover the Conditional Use Permit in order for the applicant to submit updated site, landscape and improvement plans which provides the north/south vehicular access easement. Mr. Rosacker seconded the motion, which carried 7-0.

| 19. | C10-15-053 C12-15-054 Lane Building Corp. | REQUEST: Preliminary Plat of SHADOW GLEN NORTH REPLAT 1, a subdivision outside the city limits, with a waiver of Section 53-8(4)(d) for Lot frontage, with rezoning from DR to DR, R4 and R6 | LOCATION: Northeast of 168th and Locust Streets |

At the Planning Board meeting held on February 4, 2015, John Fullenkamp, 11440 West Center Rd, appeared before the Board on behalf of the applicant. Mr. Fullenkamp stated that the proposed project was low-density residential that included 63 single family lots and an 8-acre lot for approximately 108
residential apartment units. He explained that the project would be developed in phases; the first 2 phases were single family lots and phase 3 was apartment units. He added that all Department recommendations were acceptable.

Patricia Ulrich, 3009 N. 168th Ave, appeared before the Board in opposition. Ms. Ulrich stated that her backyard abutted North 168th Street between Locust Street and Bedford Avenue and that her concerns were increased traffic, pedestrian safety for school children, lack of road improvements, and increased noise from traffic resulting from increased density.

Mr. Fullenkamp stated that North 168th Street was the boundary line between 2 separate school districts and then briefly discussed connectivity. He explained that a proposed viaduct at North 180th street was now funded for the process of development and that connectivity to existing subdivisions was in the proposed plan. He added that the developer would contribute to improvements along North 168th Street and that the subdivision was not expected to generate a high volume of traffic.

Ryan Haas, Public Works, appeared before the Board. Mr. Haas stated that the Public Works Department was aware of traffic issues in the area, the need for traffic improvements and mentioned that solutions were in process. He added that North 168th Street was incorporated into a current larger study for improvements to the area. Mr. Hass mentioned that guidelines and requirements for the proposed subdivision were met.

Ms. Ulrich mentioned that she also had concerns with the increased number of access points.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the rezoning, waiver and preliminary plat subject to the 15 conditions of the recommendation report.

Mr. Rosacker moved for approval of the rezoning from DR to DR, R4 and R6, approval of the waiver of Section 53-8(4)(d) for Lot frontage, subject to the applicant providing a public access easement to Oulot “A”, and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Provide for traffic signal modifications at the 168th and Bedford intersection, 2) Coordinate with the Douglas County Engineer’s Office to grade the subdivision to the ultimate five-lane profile of 168th Street, 3) Provide a contribution to the future Bedford Avenue bridge, 4) Make the stub street north of the 165th Avenue and Wirt Street intersection either private or part of Lot 64, 5) Place the following notes on the plat: (a) “There shall be no direct access to 168th Street from Lots 52 and 53.” and (b) “There shall be no direct access to Locust Street from Lot 52.”, 6) Provide traffic calming on all streets longer than 1,000 feet, 7) Pave all street stubs to the property line and provide temporary turnarounds, 8) Provide a noise attenuation easement 115 feet from the centerline of 168th Street and provide the standard noise attenuation easement language on the final plat, 9) Renumber the lot numbers to be sequential based on the development phases and submit an updated Phasing Plan, 10) Provide sidewalks as required by the Subdivision Ordinance, 11) Compliance with all applicable stormwater management ordinances and policies, 12) Include provisions for the use, ownership and maintenance of the outlots in the final subdivision agreement, 13) Provide a letter of approval from Douglas County regarding noxious weed control, 14) Provide a letter of approval for established delivery points from the Omaha Post Office, and 15) An acceptable debt ratio of 4% or less. Mr. Harding seconded the motion, which carried 7-0.

Conditional Use Permits

| REQUEST: | Approval of a Major Amendment to a Conditional Use Permit to allow Indoor sports and recreation in a CC District |
| LOCATION: | 8910 Military Road |

At the Planning Board meeting held on February 4, 2015, Tasha Clerc, 8910 Military Rd, appeared before the Board. Ms. Clerc stated that the changes to the original conditional use permit were the purchase of the adjacent property to the east and that the facility was now permanent.
In response to Mr. Rosenbaum, Ms. Clerc stated that noise would not be a concern and that the facility contractor was present to explain the construction details.

Nick Peterson, 13404 S 44th St., appeared before the Board. Mr. Peterson explained that building construction used NRA standard guidelines with 8 inch reinforced concrete walls, an 8 inch concrete ceiling, and sound batt between the walls to mitigate noise. He added that noise from inside the building would not be heard from outside the building.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the Major Amendment to the Conditional Use Permit, subject to the 9 conditions on the recommendation report.

Mr. Magid moved for approval of the proposed Conditional Use subject to: 1) Submittal of revised site and landscape plans which comply with all site development regulations, 2) Submittal and approval of an administrative subdivision prior to issuance of building permits, 3) The Conditional Use Permit is for this user only, 4) Compliance with the amended site and landscape plans, 5) Compliance with the originally approved operating statement, 6) Compliance with all applicable stormwater management regulations, 7) Obtaining a Certificate of Occupancy from the Permits and Inspections Division, 8) Obtaining all necessary permits, and 9) Compliance with all other applicable site development regulations. Mr. Rosacker seconded the motion, which carried 7-0.

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<tr>
<th>29.</th>
<th>C7-15-047 Verizon Wireless</th>
<th>REQUEST:</th>
<th>Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R4(35) District, with a waiver of Section 55-186 Height to allow 50 foot tall radio antenna</th>
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<td>LOCATION:</td>
<td>1502 North 52nd Street</td>
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At the Planning Board meeting held on February 4, 2015, Ms. Nubel stated that due to inclement weather, a representative for the applicant was not present.

George Bialac, 5216 Hamilton St., appeared before the Board. Mr. Bialac stated that the rear of his property faced the existing tower site on the church property. He mentioned that he had no objection to the appearance of the existing tower, which was covered by a stone and brick enclosure, and that he was concerned with the appearance of the new tower if the same enclosure was not required.

Eric Magnuson, 1510 N 53rd St., appeared before the Board. Mr. Magnuson stated that he resided directly to the west of the existing tower site and mentioned that the original agreement for the tower required the cell tower to be enclosed within a spire. He stated that he was also concerned with the appearance of the new tower if not enclosed.

Dave Fanslau, Acting Assistant Planning Director, stated that alternative design options were necessary if co-location was not possible. He then stated that the Department recommended to layover the request to determine co-location and possible alternate designs if necessary.

Mr. Magid moved to layover the request and continue the public hearing for the Major Amendment to a Conditional Use Permit (assumed) to allow Religious Assembly, subject to: 1) Submittal of documentation from the church and/or the owner of the spire addressing the availability of co-location space, and 2) If co-location space is not available then the applicant should work with the Planning Department regarding alternative design options. Mr. Harding seconded the motion, which carried 7-0.

**APPROVAL OF MINUTES**

Mr. Nesbitt moved to APPROVE the meeting minutes of November 5, 2014 as written. Mr. Rosenbaum seconded the motion which carried 6-0-1, with Mr. Rosacker abstaining. Mr. Rosenbaum moved to approve the meeting minutes of December 3, 2014 as written. Mr. Harding seconded the motion which carried 6-0-1, with Mr. Nesbitt abstaining.
ELECTION OF OFFICERS

Mr. Nesbitt moved to retain Anna Nubel as Chairperson of the Planning Board. Mr. Deeb seconded the motion, which carried 7-0. Mr. Deeb moved to retain Brinker Harding as Vice Chairman of the Planning Board. Mr. Rosenbaum seconded the motion which carried 7-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 5:42 pm.

_________________________________________
Date Approved

_________________________________________
Anna Nubel, Chair

_________________________________________
Rikki Flott, Planning Board
Recording Secretary