MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – APRIL 1, 2015
LEGISLATIVE CHAMBER - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, March 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: James Thele, Planning Director
Dave Fanslau, Acting Assistant Director, Current Planning
Chad Weaver, Long Range 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

| 6. | C7-15-048 (D) Clarkson Memorial Hospital | REQUEST: Approval of a Conditional Use Permit to allow Surface parking in a GC District (property is also located within an existing ACI-1(PL) Overlay District) (laid over from 02/04/15) | LOCATION: 4248 Douglas Street |

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved approval of a Conditional Use Permit to allow Surface parking in a GC-ACI-1(PL) District subject to: 1) Submittal of a Dedication to allow for adequate curbside landscaping and sidewalks, 2) Compliance with the revised site plan, 3) Compliance with all applicable stormwater management ordinances and policies, and 4) Compliance with all other applicable regulations. Mr. Rosacker seconded the motion which carried 7-0.
(REGULAR AGENDA)

Subdivisions

| 12. | C10-15-019 (D) C12-15-020 | REQUEST: Final Plat approval of LUMBERYARD DISTRICT, a subdivision 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 CC, GI and RR to CC and NBD | LOCATION: An area generally bounded by Millard Avenue on the north, “Q” Street on the south, 134th Street on the east and 136th Street on the west |

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the rezoning from CC, GI and RR to CC and NBD and approval of the Final Plat as amended by conditions #5 and 6 and subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Rosacker seconded the motion which carried 7-0.

| 13. | C12-15-082 (D) | REQUEST: Preliminary and Final Plat approval of BARTLETTS ADDITION to OMAHA REPLAT 6, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) for Lot depth | LOCATION: 3078 Mason Street |

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the waiver of Section 53-8(4)(a) for Lot depth, approval of the Preliminary Plat, subject to the following conditions: 1) Adjust the lot configuration to allow for a greater building setback from Mason Street, 2) Record the proposed access easement on the property adjacent to the immediate east of the site prior to or simultaneously with the Final Plat, 3) Provide sidewalks as required by the Subdivision Ordinance, 4) Compliance with all applicable stormwater management ordinances and policies, and 5) Include provisions for the use, ownership and maintenance of the outlot in the final subdivision agreement, and 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. Rosacker seconded the motion which carried 7-0.

Overlay Districts

| 16. | C11-15-086 (D) | REQUEST: Approval of a PUR-Planned Unit Redevelopment Overlay District | LOCATION: 3078 Mason Street |

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the PUR, subject to submittal of a final site plan, final landscape plan and final building elevations prior to forwarding the request to the City Council for final action. Mr. Rosacker seconded the motion which carried 7-0.

Rezonings


At the Planning Board meeting held on April 1, 2015, Mr. Magid moved for approval. Mr. Nesbitt seconded the motion, which carried 7-0.
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<th>Request Number (D)</th>
<th>Requestor</th>
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<tr>
<td>19.</td>
<td>C10-15-088 (D)</td>
<td>Carrie Stone</td>
<td>Rezoning from R1 to R4</td>
<td>7351 Bedford Avenue</td>
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<td>20.</td>
<td>C10-15-089 (D)</td>
<td>Tito Flores</td>
<td>Rezoning from DR to R4 (a portion of which property is located within flood fringe overlay district)</td>
<td>6033 &quot;P&quot; Street</td>
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<td>21.</td>
<td>C10-15-090 (D)</td>
<td>Neal Borchman</td>
<td>Rezoning from GC to CC, with approval of an MCC-Major Commercial Corridor Overlay District</td>
<td>4557 South 38th Street</td>
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<td>23.</td>
<td>C10-15-092 (D)</td>
<td>Newstreet LLC</td>
<td>Rezoning from DS to CBD (property is also located within an existing ACI-1(PL) Overlay District)</td>
<td>1502 and 1506 Mike Fahey Street</td>
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<td>24.</td>
<td>C10-15-093 (D)</td>
<td>Newstreet LLC</td>
<td>Rezoning from DS to CBD (property is also located within an existing ACI-1(PL) Overlay District)</td>
<td>1515 Cuming Street</td>
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<td>25.</td>
<td>C10-15-094 (D)</td>
<td>CHI Health and Creighton University</td>
<td>Rezoning from DR and R7 to CC, with approval of an ACI-1(PL) Overlay District (property is also located within an existing ACI-1(PL) Overlay District)</td>
<td>Northeast of Cuming Street and 25th Avenue</td>
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<td>27.</td>
<td>C10-02-262 (D)</td>
<td>Majik, LLC</td>
<td>Approval of a Major Amendment to the Mixed Use District Development Agreement for West Dodge Station</td>
<td>18451 California Street</td>
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At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the Major Amendment to the West Dodge Station Mixed Use Development Agreement to allow Automotive sales on Lot 1, Replat 1, West Dodge Station subject to submittal of an acceptable Mixed Use Development Agreement.
Agreement that includes updated exhibits showing the current California Street configuration and expanded sidewalk prior to forwarding to City Council. Mr. Rosacker seconded the motion which carried 7-0.

### 28. Royce Grayhawk, LLC

**REQUEST:** Approval of a Major Amendment to the Mixed Use District Development Agreement for West Grayhawk

**LOCATION:** Southwest of 147th Street and West Maple Road

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the Major Amendment to the West Grayhawk Mixed Use Development Agreement for the reconfiguration of the required plaza and open space areas subject to submittal of an acceptable Mixed Use Development Agreement and the following conditions prior to forwarding to City Council: 1) Submittal of an acceptable Administrative Subdivision in order to create Lot 1, West Grayhawk Replat 4, and Lots 1 and 2, West Grayhawk Replat 5. Mr. Rosacker seconded the motion which carried 7-0.

### Special Use Permits

#### 30. Omaha Blue Wave

**REQUEST:** Approval of a Special Use Permit to allow Personal improvement services and Personal services in a GI District

**LOCATION:** 13801 Industrial Road

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the Special Use Permit for Personal Improvement Services and Personal Services, subject to: 1) Compliance with submitted site plan, providing the additional striped parking stalls on the property, 2) Compliance with existing elevations, and 3) Compliance with proposed operating statement. Mr. Rosacker seconded the motion which carried 7-0.

#### 31. Woodsonia Real Estate Group, Inc.

**REQUEST:** Approval of a Special Use Permit to allow Restaurant (drive-in or fast food) in a GI District

**LOCATION:** 7425 Dodge Street

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the Special Use Permit to allow a Restaurant (drive-in) in a GI District, subject to: 1) Compliance with the proposed site and landscape plan, 2) Compliance with the proposed operating statement, 3) Compliance with the ACI-2(65) Overlay District regulations for building design and materials, 4) Compliance with all applicable stormwater management regulations, 5) Obtaining a Certificate of Occupancy from the Permits and Inspections Division, 6) Obtaining all necessary permits, and 7) Compliance with all other applicable site development regulations. Mr. Rosacker seconded the motion which carried 7-0.

### Conditional Use Permits

#### 33. The Vecino Group

**REQUEST:** Approval of a Conditional Use Permit to allow Multiple-family residential in a GC District

**LOCATION:** Northeast of Grant Street and Northwest Radial Highway

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved to layover the Conditional Use Permit to allow Multiple-family residential, to allow time for the applicant to meet with Planning and Urban Design staff on the reconfiguration of the proposed site, and also to apply for the MCC District overlay. Mr. Deeb seconded the motion which carried 7-0.
34. C7-06-036 (D)  
RGK Investments LLC  
REQUEST:  
Approval of a Major Amendment to a Conditional Use Permit to allow a Garden Center in association with a Horticultural operation in a DR District  
LOCATION:  
6056 North 156th Street

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved to layover as requested by the applicant. Mr. Deeb seconded the motion which carried 7-0.

Vacations

35. C14-15-102 (D)  
Planning Board  
REQUEST:  
Vacation of 21st Street and 22nd Street from Burt Street to Cuming Street and the east/west alley between Burt Street and Cuming from 21st Street to 22nd Street

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the proposed vacation, subject to all easements being reserved in the vacating ordinance. Mr. Rosacker seconded the motion which carried 7-0.

36. C14-15-103 (D)  
Property Owner  
REQUEST:  
Vacation of Bob Gibson Boulevard on the north and south sides of 10th Street and 10th Street north of Bob Gibson Boulevard

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the proposed vacation, subject to all easements being retained in the vacating ordinance and the applicant continue working with the Public Works Department on traffic operations. Mr. Rosacker seconded the motion which carried 7-0.

37. C14-15-104 (D)  
Douglas County  
REQUEST:  
Vacation of Stryker Street between Lots 33 and 45, Elkhorn Ridge Estates

At the Planning Board meeting held on April 1, 2015, Mr. Harding moved for approval of the proposed vacation subject to any necessary easements being included in the vacating ordinance. Mr. Rosacker seconded the motion which carried 7-0.

ADMINISTRATIVE MEETING ONLY

1. C10-15-053  
C12-15-054  
Lane Building Corp.  
REQUEST:  
Final Plat (Phase I) approval of SHADOW GLEN NORTH REPLAT 1, a subdivision outside the city limits, with rezoning from DR to R4  
LOCATION:  
Northeast of 168th and Locust Streets

At the Planning Board meeting held on April 1, 2015, Dave Fanslau, Acting Assistance Planning Director, stated that the Department recommended approval of the rezoning and approval of the Final Plat subject to submittal of an acceptable final subdivision agreement and condition of the recommendation report, prior to forwarding the request to City Council.

Mr. Rosenbaum moved for approval of the rezoning from DR to R4 and approval of the Final Plat, subject to submittal of an acceptable final subdivision agreement and for the following to be addressed prior to forwarding the request to the City Council for final action: 1) Provide a letter of approval from Douglas County regarding noxious weed control. Mr. Deeb seconded the motion, which carried 6-0-1, with Mr. Magid abstaining.
2. C10-12-157  
C12-12-158  
White Lotus Development  

REQUEST: Final Plat approval of WEST DODGE POINTE (Lots 9-11), a subdivision outside the city limits, with rezoning from MH to MU (property is also located within an existing ACI-4(PL) Overlay District)  

LOCATION: Northwest of 168th Street and West Dodge Road  

At the Planning Board meeting held on April 1, 2015, Dave Fanslau, Acting Assistance Planning Director, stated that the Department recommended approval of the Final Plat of lots 9 through 11, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council.  

Mr. Nesbitt moved for approval of the Final Plat of West Dodge Pointe (Lots 9-11) subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Deeb seconded the motion which carried 6-0-1, with Mr. Magid abstaining.  

3. C10-12-157  
C12-12-158  
White Lotus Development  

REQUEST: Final Plat approval of WEST DODGE POINTE (Lots 2A, 3A, 4A, 9A, 10A, 11A and Outlot C), a subdivision inside the city limits, with rezoning to MU (property is also located within an existing ACI-4(PL) Overlay District)  

LOCATION: Northwest of 168th Street and West Dodge Road  

At the Planning Board meeting held on April 1, 2015, Dave Fanslau, Acting Assistance Planning Director, stated that the Department recommended approval of the Final Plat of Lots 2A, 3A, 4A, 9A, 10A, 11A and Outlot C, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council.  

Mr. Deeb moved for approval of the Final Plat of West Dodge Pointe (Lots 2A, 3A, 4A, 9A, 10A, 11A and Outlot C) 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 6-0-1, with Mr. Magid abstaining.  

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**  

**(HOLD OVER CASES)**  

**Master Plan Referrals**  

4. C3-15-057  
Planning Department on behalf of the City of Omaha  

REQUEST: Approval of the AKSARBEN POINTE TIF REDEVELOPMENT PROJECT PLAN (laid over from 03/04/15)  

LOCATION: 6920, 6940 and 6940 1/2 Pacific Street  

At the Planning Board meeting held on April, 2015, Bridget Hadley, City Planner, appeared before the Board to present the request. Ms. Hadley displayed a site plan of the site and explained that the existing building was demolished to prepare for new construction. She also explained that the site abutted parking lots, had cross easements, parking restrictions and was located within a flood fringe zone. She stated that the development was proposed commercial with rezoning, a sanitary sewer relocation project, some streetscaping, and that the amount of Tax Increment Financing (TIF) was approximately $272,230.  

Mark Johnson, 11440 West Center Road, appeared before the Board on behalf of the developer to answer questions.
In response to Mr. Harding, Ms. Hadley stated that the TIF eligible uses were reduced to site improvements related to the project, engineering costs and demolition. She explained that the approximate costs were $170,000 for site work, $40,000 for engineering costs, and the remainder for demolition, totaling approximately $272,230. In response to Mr. Nesbitt, Mr. Johnson explained that the sanitary sewer project would tap into the existing sanitary sewer system that runs along the adjacent creek.

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

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

| 5. | C3-15-061  
Planning Department on behalf of  
the City of Omaha | REQUEST: | Approval of the 1702 CUMING TIF  
REDEVELOPMENT PROJECT PLAN (laid over from 03/04/15) |
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<td>LOCATION:</td>
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At the Planning Board meeting held on April 1, 2015, Bridget Hadley, City Planner, appeared before the Board to present the request. Ms. Hadley explained that the project involved rehabilitation of the existing 6,700 square foot building built in 1906 and that the 2 buildings to the west would be demolished to create parking. She further explained that the site was vacant for many years and that 1 tenant was secured. She added that the project included the addition of parking along North 17th street, streetscaping, and that the amount of Tax Increment Financing (TIF) funds was approximately $217,000.

Neeraj Agarwal, 105 N. 31st Ave, appeared before the Board on behalf of the applicant and was available to answer questions.

In response to the Board, Ms. Hadley explained that the analysis of TIF funds was $330,000, but that the TIF Committee recommended approval of $217,000 in TIF eligible funds for the project. Alan Thelen, City Law, explained that the Board voted on the TIF amount stated in the Department recommendation report. In response to Ms. Nubel, Mr. Agarwal stated that the original “JF Bloom” sign would remain on the existing building.

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

Mr. Rosacker moved for approval. Mr. Deeb seconded the motion which carried 4-3, with Mr. Rosenbaum, Mr. Nesbitt and Mr. Harding dissenting.

(REGULAR AGENDA)

Master Plan Referral

| 7. | C3-15-001  
Planning Department on behalf of  
the City of Omaha | REQUEST: | Approval of THE CONRAD TIF  
REDEVELOPMENT PROJECT PLAN |
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<td>LOCATION:</td>
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At the Planning Board meeting held on April 1, 2015, Bridget Hadley, City Planner, appeared before the Board to present the request. Ms. Hadley explained that this infill project was within the Blackstone TIF District and was proposed for a 3-story building with 153 market rate apartment units. She added that rezoning was previously approved and that public improvements included streetscaping along Jones, 36th and 37th Streets, alley improvements, and utility relocations and extensions, totaling approximately $278,000 of Tax Increment Financing (TIF) funds. Ms. Hadley displayed renderings and noted the grading slope from the northwest corner down to the southeast corner. She added that the proposed project included a 2 level parking garage under the building and an inner courtyard.

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

Mr. Deeb moved for approval. Mr. Rosenbaum seconded the motion which carried 7-0.
8. **C3-15-079**  
Planning Department on behalf of  
the City of Omaha  

**REQUEST:** Approval of the ELK HILLS APTS PHASE II TIF REDEVELOPMENT PROJECT PLAN  

**LOCATION:** Southwest of Park Road and North Main Street  

At the Planning Board meeting held on April 1, 2015, Bridget Hadley, City Planner, appeared before the Board to present the request. Ms. Hadley explained that the project was a continuation of the previously approved Elk Hills Apartment TIF Redevelopment Project Plan and included 4 residential and 1 light industrial properties. She further explained that Tax Increment Financing (TIF) funds contributed to streetscaping and a proposed pedestrian crossing. She displayed a site plan and explained that the proposed project included three 3-story buildings with 30 units each and was similar to the design of the Phase I building to the south. She mentioned that the developer was currently working with the engineer to resolve the flood fringe issue existing on a portion of the site.

Jim Lang, 11718 Nicholas St., appeared before the Board on behalf of the developer to answer questions.

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

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

9. **C3-15-080**  
Planning Department on behalf of  
the City of Omaha  

**REQUEST:** Approval of H2.0 TIF REDEVELOPMENT PROJECT PLAN  

**LOCATION:** Northwest of 20th and Douglas Streets  

At the Planning Board meeting held on April 1, 2015, Bridget Hadley, City Planner, appeared before the Board to present the request. Ms. Hadley explained that the project was Phase II of the previously approved Highline project and was a redevelopment of a surface parking lot into 114 market rate apartment units. She explained that the project did not include parking and that amenities would be shared between Highline Phase I and Highline Phase II developments. She added that street improvements were made during Phase I, but improvements would be made to the east-west alley from 20th to 24th Streets. She displayed a rendering and noted that the ground floor was designed for a possible transition from apartment units to commercial space.

Todd Heistand, NuStyle Development, 2220 Dodge St. appeared before the Board and was available to answer questions.

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

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

10. **C3-15-081**  
Planning Department on behalf of  
the City of Omaha  

**REQUEST:** Approval of an Amendment to the Future Land Use Element of the City's Master Plan  

**LOCATION:** Along 10th Street from Pacific Street to Interstate-80 and along Pierce Street from 5th Street to 10th Street  

Dave Fanslau, Acting Assistant Planning Director, stated that the request updated the Land Use element of the Master Plan in connection with the previously approved land use element of the 10th Street NCE plan. He stated that the Department recommended approval.

Mr. Deeb moved for approval. Mr. Nesbitt seconded the motion which carried 7-0.
11. C3-15-105  
Planning Department on behalf of the City of Omaha  
REQUEST: Approval of the HIGHLANDER 75 NORTH REDEVELOPMENT PLAN  
LOCATION: An area bounded by Lake Street on the north, U.S. 75 North Freeway on the east, Parker Street on the south and 33rd Street on the west

Jim Anderson, City Planner, appeared before the Board to present the request. Mr. Anderson stated that the request included the former sight of Pleasantview public housing and that the largest portion of the site would be developed by Seventy Five North. He explained that the proposed project was mixed-use with approximately 350 total residential units to be completed in Phases. He further explained that all phases were mixed income developments with the highest density along North 30th Street and that a complete street approach plan along North 30th Street accommodated both motorized and pedestrian traffic. Mr. Anderson stated that the Seventy North development amenities included a swimming pool and that housing included attached single family dwellings, row houses and single-family detached for a total of approximately 275 total units, a portion of which will be focused on veterans and their families. He added that the Omaha Housing Authority and Charles Drew Medical Center anticipated construction projects within the development and that the eastern portion of the site was proposed for single family use. He also explained that to accommodate the development, an extension of Patrick Street was planned.

Mr. Harding commented that the development was a total investment of approximately $100 million dollars into the community.

Othello Meadows, 75 North, 4927 Miami St, appeared before the Board. In response to Ms. Nubel, Mr. Meadows stated that the design of the housing and the managing standards were important and that funding sources eliminated the pressure of marketing the units.

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

Subdivisions

Cases 14 and 17 were heard concurrently, but voted on separately:

Ehrhart Griffin & Associates  
REQUEST: Preliminary and Final Plat approval of THE COTTAGES AT OAKDALE ADDITION, a cluster subdivision inside the city limits  
LOCATION: 9515 West Center Road

At the Planning Board meeting held on April 1, 2015, Jerry Slusky, 8712 W. Dodge Rd, appeared before the Board on behalf of the applicant. Mr. Slusky displayed a rendering of the proposed cottages and stated that changes were made to decrease costs of the project. He stated that the project included 8 single level units with a lower level walkout and that changes were proposed for the building materials. He explained that Zoning Board of Appeals (ZBA) approvals were needed and that the new design eliminated previous issues with the turnaround. He also explained that one entrance was proposed on the West Center frontage Road and one on South 96th Street.

Kent Brasch, Essex Corporation, Omaha, Nebraska, appeared before the Board on behalf of the applicant. Mr. Brasch stated that he was the developer for the project and explained that cottages were proposed to be a walkable development. He displayed a rendering of the project and explained that because of the grade change, the cottages were designed as one level with a screened walk-out lower level. He added that the peak height was 23 feet. Mr. Brasch mentioned that neighbors expressed concern regarding drainage from the site and explained that a bio-soil would be used to help with drainage issues. He then stated that the project was 8 lots, the cottages were 2 bedrooms with 1,360 square feet on the main floor, and a walk-out basement with screened porch at an approximate sale price of $400,000.
Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the preliminary plat subject to the 5 conditions on the recommendation report, to layover the final plat and to layover the Major Amendment to the Planned Unit Development (PUD).

Mr. Magid moved for approval of the Preliminary and Final Plat, but withdrew his motion. He then moved for approval of the preliminary plat subject to the following conditions: 1) Providing for the relocation/removal of all utilities, or granting a utility easement for the proposed right-of-way vacation, 2) Adjusting the right-of-way vacation boundary to no closer than 12.5’ from the curbline of the street, 3) Obtaining the necessary waivers from the Zoning Board of Appeals before submittal of the final plat, 4) Compliance with all applicable stormwater management policies and ordinances, and 5) Including provisions for use, ownership and maintenance of the outlot in the final subdivision agreement and as a note on the final plat, and to layover of the final plat in order to address the conditions of the preliminary plat approval. Mr. Deeb seconded the motion, which carried 7-0.

17. C11-08-105 Ehrhart Griffin & Associates

REQUEST: Approval of a Major Amendment to a PUD-Planned Unit Development Overlay District

LOCATION: 9515 West Center Road

At the Planning Board meeting held on April 1, 2015, Jerry Slusky, 8712 W. Dodge Rd, appeared before the Board on behalf of the applicant. Mr. Slusky displayed a rendering of the proposed cottages and stated that changes were made to decrease costs of the project. He stated that the project included 8 single level units with a lower level walkout and that changes were proposed for the building materials. He explained that Zoning Board of Appeals (ZBA) approvals were needed and that the new design eliminated previous issues with the turnaround. He also explained that one entrance was proposed on the West Center frontage Road and one on South 96th Street.

Kent Brasch, Essex Corporation, Omaha, Nebraska, appeared before the Board on behalf of the applicant. Mr. Brasch stated that he was the developer for the project and explained that cottages were proposed to be a walkable development. He displayed a rendering of the project and explained that because of the grade change, the cottages were designed as one level with a screened walk-out lower level. He added that the peak height was 23 feet. Mr. Brasch mentioned that neighbors expressed concern regarding drainage from the site and explained that a bio-soil would be used to help with drainage issues. He then stated that the project was 8 lots, the cottages were 2 bedrooms with 1,360 square feet on the main floor, and a walk-out basement with screened porch at an approximate sale price of $400,000.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department recommended approval of the preliminary plat subject to the 5 conditions on the recommendation report, to layover the final plat and to layover the Major Amendment to the Planned Unit Development (PUD).

Mr. Rosenbaum move to layover of the Major Amendment to a PUD-Planned Unit Development Overlay District to allow the applicant time to submit the following: 1) Submitting architectural elevations providing information on building materials and heights of the proposed structures, 2) Submittal of a revised site/landscape plans depicting any walls or fences, 3) Submittal of any retaining wall elevations if applicable, and 4) Obtaining the necessary waiver from the Zoning Board of Appeals for the required bufferyards along the south and east property lines. Mr. Deeb seconded the motion, which carried 7-0.


REQUEST: Preliminary 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 April 1, 2015, Jason Thiellen, 330 N. 117th St, appeared before the Board on behalf of the developer. Mr. Thiellen stated that prior to the case hearing, he discussed the proposed townhome project with concerned neighbors and also explained that the developer was in agreement with all recommendations by the Department.
Mark Roberts, 1228 S 200th St, appeared before the Board. Mr. Roberts stated that he resided just north of the site and was concerned with adequate drainage, sidewalk similarity with the north side of Blue Sage Parkway and a defined traffic calming area. He added that after speaking with Mr. Thiellen prior to the case hearing, his questions and concerns were answered.

George Galver, appeared before the Board. Mr. Galver stated that he was a resident of Tuscan Ridge Villas directly across the street from the proposed development. He explained that he was not opposed to the rezoning, but that he was concerned with heavy school traffic along Blue Sage Parkway. He further explained that he was concerned that traffic calming devices did not impede the flow of traffic and accessibility for emergency vehicles.

Murthy Koti, Public Works Department, appeared before the Board. Mr. Koti stated that the Public Works Department used a traffic calming program to determine traffic calming devices in each area. He mentioned that the Department was working with the adjacent school on a project for additional access points onto Blue Sage Parkway. He stated that the Department considered all neighbor preferences prior to development of plans.

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 on the recommendation report.

Mr. Harding moved for approval of the rezoning from R6 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) Provide traffic calming on Blue Sage Parkway adjacent to the subdivision, 2) Submit a tree canopy analysis (and mitigation plan if necessary), 3) Submit a wetlands analysis (and mitigation plan if necessary), 4) Place the building envelopes for all lots on the Final Plat, 5) Provide sidewalks as required by the Subdivision Ordinance, 6) Compliance with all applicable stormwater management ordinances and policies, and 7) Include provisions for the use, ownership and maintenance of the outlots in the final subdivision agreement. Mr. Nesbitt seconded the motion which carried 7-0.

### Rezonings

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<thead>
<tr>
<th>C10-15-091</th>
<th>REQUEST: Rezoning from R4 to R6</th>
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<tbody>
<tr>
<td>Common Bond Communities</td>
<td>LOCATION: West of 5th Street between Oak Street and Bancroft Street</td>
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</tbody>
</table>

At the Planning Board meeting held on April 1, 2015, the applicant requested the case be held over and was not present at the meeting.

Robert Slimp, 2813 Riverview Blvd., appeared before the Board in opposition. Mr. Slimp stated that the site was a former landfill and that residential zoning was not appropriate. Mr. Slimp submitted to the Board a packet of historical information regarding the site and mentioned that the same was emailed to Mayor Stothert, Lauritzen Gardens and Henry Doorly Zoo. He stated that his main concerns were health issues and expenditures of money for the site.

Ms. Perez-Flores, 2914 S. 5th St., appeared before the Board in opposition. Ms. Perez-Flores stated that she resided in the neighborhood and she submitted to the Board a petition opposing the request.

George Demitruk, 501 Bancroft St., appeared before the Board in opposition. Mr. Demitruk briefly discussed the history of the site and stated that the present site was not insurable. He mentioned that the adjacent property was currently owned by Grace University, but funds were needed to add filling to the ground to develop the site.

Linda Brown, 2809 Riverview Blvd., appeared before the Board in opposition. Ms. Brown commented that she previously submitted a letter to the Planning Board and was available to answer questions regarding the letter.
Ms. Perez-Flores stated that her concern was the safety of children with increased traffic and that Bancroft Street was the only access to the neighborhood. She stated that she also wanted more information regarding the development. Mr. Slimp stated that he was also concerned with increased traffic.

Dave Fanslau, Acting Assistant Planning Director, stated that the Department previously discussed with the applicant the former landfill use of the site. He also mentioned that the applicant was working with State of Nebraska NDEQ to investigate the contents of the soil. Mr. Fanslau stated that the Department recommended to layover the request to continue working with the applicant regarding compliance.

Ms. Nubel stated that the public hearing would remain open.

Mr. Nesbitt moved to layover to allow the applicant time to revise their rezoning request to R5 or submit a PUD in conjunction with R6 zoning, while also submitting the necessary replat to create a buildable lot(s). Mr. Deeb seconded the motion, which carried 7-0.

|   | C10-97-029 Verizon Wireless | REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Aksarben Business & Education Campus to allow a 129 foot tall Broadcast tower |
|-------------------------------|------------------------------------------------------------------------------------------|
| LOCATION:                     | Northeast of 72nd and Pine Streets                                                      |

At the Planning Board meeting held on April 1, 2015, Ralph Wyngarden, Faulk & Foster, 678 Front Avenue Northwest, Suite 110, Grand Rapids, MI, appeared before the Board on behalf of the applicant. Mr. Wyngarden stated that the request was for a monopole tower located adjacent to an OPPD substation, behind a ridgeline, on a parcel with a recently constructed hotel. He then explained that 2 Verizon cellular sites were located within approximately a 1-mile radius of the site, but provided the same type of coverage. He further explained that the requested height was to accommodate co-location in the future and that no alternative sites existed. He also commented that the tower would have a brick enclosure around base of the tower to match the dumpster and hotel already located on the parcel.

In response to the Board, Mr. Wyngarden stated that sufficient information was submitted to the Department to justify the requested height and location of the tower. He also responded that the site was a base station for Verizon with co-location space available and although other locations existed within a 1-mile radius, this tower was necessary because of increased voice and data cellular use.

In response to Ms. Nubel, Mr. Wyngarden agreed to extending the shot clock to accommodate a layover.

Dave Fanslau, Acting Assistant Planning Director, stated that submittal of all requested information on the recommendation report was necessary to fully evaluate the site for the tower use and to minimize the number of towers within any jurisdiction. He stated that the Department recommended to layover the request.

In response to Mr. Rosenbaum, Mr. Fanslau stated that not enough information was submitted by the applicant for the Department to recommend an appropriate tower height.

Mr. Rosenbaum moved to layover the request and extend the shot clock to allow the applicant additional time to: 1) Provide a map depicting the search ring (radius) used for locating additional towers, 2) Provide coverage maps of the specific site and its relationship to other tower sites showing the variation in coverage provided in 10-20 foot increments between the allowed and proposed height, 3) Provide a map showing alternate site locations where coverage could be provided, and 4) Providing a new elevation that includes no barbed wire on top of the fencing. Mr. Nesbitt seconded the motion, which carried 7-0.
Special Use Permits

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Applicant</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>29.</td>
<td>C8-15-095</td>
<td>Carla Vista Sober Living LLC</td>
<td>Approval of a Special Use Permit to allow a Large group living facility in a R2 District</td>
<td>11648 Douglas Street</td>
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At the Planning Board meeting held on April 1, 2015, the applicant was not present.

Matt Merwald, 11640 Douglas St., appeared before the Board in opposition. Mr. Merwald stated that his concerns were lack of contact from the applicant, neighborhood children exposed to the issues of the residents of the facility, and decreased property value. He briefly discussed the contents of the Carla Vista website and expressed concern regarding lack of parking along the neighborhood street. He also submitted photos of the multiple cars parked along the street and mentioned that the business continued at the residence after receiving notice to stop operations. Mr. Merwald asked the Board to consider code regulations 55-141 through 55-147, and 55-882 through 55-885. In response to Mr. Nesbitt, Mr. Merwald stated that the Douglas County Assessor website listed 4 bedrooms at the residence.

Ron Grasmick, 11695 Capitol Ave., appeared before the Board in opposition. Mr. Grasmick questioned which entity conducted business at the residence and the type of residents. He also stated that he was concerned with public safety of the neighborhood and the requested use.

Eric Wheelock, 11653 Douglas St., appeared before the Board in opposition. Mr. Wheelock stated that he was concerned with noise, curfews, parking, increased traffic, age of residents, and lack of contact from the applicant.

Marvin Broman, 11534 Farnam St., appeared before the Board in opposition. Mr. Broman stated that he resided in the neighborhood for 28 years and that although he appreciated the service Carla Vista provided, he was he was opposed to the use in his neighborhood.

Kevin Rose, 11659 Douglas St., appeared before the Board in opposition. Mr. Rose was concerned that he was not opposed to recovery, but that he was opposed to the number of residents in the home. He also commented that increased parking of vehicles along the street was a concern.

Chad Reichling, 11610 Farnam St., appeared before the Board in opposition. Mr. Reichling submitted a letter to the Board on behalf of a neighbor that was unable to attend.

Dave Fanslau, Acting Assistant Planning Director, stated that the requested use was permitted in an R2 residential zoning district upon approval of a special use permit and mentioned that the Department had minimal contact with the applicant. He noted that the request was in response to Code Enforcement violations and that the site did not meet parking regulations. Mr. Fanslau stated that the Department recommended denial.

Mr. Fanslau also commented that the site required a special use permit approval for “large group living” but that “small group living” only required a certificate of occupancy.

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

Conditional Use Permits

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Applicant</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>32.</td>
<td>C7-15-099</td>
<td>Elkhorn School District 10</td>
<td>Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow a Secondary educational facility in a DR District</td>
<td>Northwest of 206th and Glenn Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on April 1, 2015, the applicant was not present.
Rodger Kunkle, Jr., 3322 N. 207th Ter., appeared before the Board in opposition. Mr. Kunkle stated that he was not opposed to the addition of a school gymnasium and parking lot, but was concerned with pedestrian traffic and development of the site without installation of additional sidewalks in the area. He was also concerned that traffic increased with continued growth of the area, and that public improvements, such as sidewalks in the neighborhood and on the school property, were lacking. Mr. Kunkle expressed concern that crosswalks were not available along 204th Street or Maple Street for the children to access the public schools. He was also concerned with security of the property owners with increased enrollment at the school, limited use of the facilities during late hours and more lighting in the area.

Dave Fanslau, Acting Assistant Planning Director, stated that a proposed sidewalk connection was required along the west side of 207th Street and that the Public Works Department had regulations concerning pedestrian crossings along 204th Street. He stated that the Department recommended approval subject to the 9 conditions in the recommendation report.

Mr. Rosacker moved for DISPOSITION: APPROVAL 7-0. Approval of the Major Amendment to the Conditional Use Permit, subject to the following conditions: 1) Submittal of a right-of-way vacation request for 207th Street, 2) Submittal of a revised site plan showing the sidewalk connection to the existing sidewalk south of the proposed parking lot, 3) Compliance with the proposed site and landscape plan, 4) Compliance with the proposed operating statement, 5) Compliance with the building elevations, 6) Compliance with the Operating Statement, 7) Compliance with the storm shelter provisions in Section 55-787, 8) Compliance with all stormwater management regulations, and 9) Obtaining all necessary permits and Certificates of Occupancy. Mr. Harding seconded the motion, which carried 7-0.

**ADJOURNMENT**

It was the consensus of the Board to ADJOURN the meeting at 4:48 pm.

______________________________  
Date Approved

______________________________  
Anna Nubel, Chair

______________________________  
Rikki Flott, Planning Board  
Recording Secretary