MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – DECEMBER 7, 2016
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, November 28, 2016.

MEMBERS PRESENT: Brinker Harding, Chairman
Arnold Nesbitt, Vice Chairman
Van C. Deeb
Greg Rosenbaum
Trenton Magid
David Rosacker
Kristine Karnes

MEMBERS NOT PRESENT: None

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

Brinker Harding, Chairman, 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)

Subdivisions

<table>
<thead>
<tr>
<th>No.</th>
<th>Case No.</th>
<th>REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>C8-11-189 (D) C12-16-238</td>
<td>Preliminary and Final Plat approval of NORTHERN HILLS ESTATES TWO REPLAT 2, a minor plat outside the city limits, with a Major Amendment to a Special Use Permit to allow development in the North Hills Environmental Overlay District (laid over from 10/05/16)</td>
</tr>
</tbody>
</table>

LOCATION: 12323 North 69th Street

At the Planning Board meeting held on December 7, 2016, Mr. Nesbitt moved for approval of the Major Amendment to the existing Special Use Permit to allow development in the North Hills Environmental Overlay District and approval of the Preliminary Plat subject to the following conditions: 1) Compliance with the submitted tree mitigation plan. 2) Include a note on the Final Plat indicating compliance with Section 55-901 of the Zoning Ordinance for the North Hills Environmental Resources Overlay District. Approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable amendment to the Northern Hills Estates Three subdivision agreement (updating the tree mitigation section and plan), prior to forwarding the request to the City Council. Mr. Rosacker seconded the motion which carried 7-0.
At the Planning Board meeting held on December 7, 2016, Mr. Nesbitt moved for approval of the rezoning from HI to GC, approval of the PUR, subject to submittal of an acceptable final site plan prior to forwarding the request to City Council, and approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding the request to City Council. Mr. Rosacker seconded the motion which carried 7-0.

(REGULAR AGENDA)

Subdivisions

9. C10-14-081 (D)  
   C12-14-082  
   192 Maple, LLC  

   REQUEST: Final Plat approval of ANTLER VIEW (Lots 3-13, Outlots D-E), a subdivision outside the city limits, with rezoning from AG to DR and MU  

   LOCATION: Southeast of 192nd Street and West Maple Road

At the Planning Board meeting held on December 7, 2016, Mr. Nesbitt moved to layover the rezoning from AG to DR and MU and to layover the Final Plat. Mr. Rosacker seconded the motion which carried 7-0.

10. C10-16-302 (D)  
   C12-16-303  
   Russ Larson  

   REQUEST: Preliminary and Final Plat approval of KINGS "L" STREET ADDITION REPLAT 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(d) for lot frontage, with rezoning from DR and GC to DR and CC and approval of an MCC-Major Commercial Corridor Overlay District (property is also located within the flood fringe overlay district)  

   LOCATION: South of 66th Circle and "L" Street

At the Planning Board meeting held on December 7, 2016, Mr. Nesbitt moved for approval of the MCC Overlay District, approval of the waiver of Section 53-8(4)(d) for Lot Frontage, approval of the preliminary plat subject to the following: 1) Dedicating right-of-way (ROW) as needed to ensure that the north property lines of Lots 1 and 2 are a minimum of 12.5 feet from the back of the curbline of the public street. 2) Providing an access easement between Outlot A and the public street ROW. 3) Constructing sidewalks along the public street frontages of Lots 1 and 2 and connecting the sidewalk on the west end of Lot 2 to the existing trail sidewalk. 4) Approval of a Flood Plain Development Permit before the submittal of any building permits for Lots 1 & 2. 5) Compliance with all applicable stormwater management ordinances and policies. 6) Including provisions for use, ownership and maintenance of the outlot 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 to City Council. Mr. Rosacker seconded the motion which carried 7-0.
### 14. C10-16-310 (D) White Lotus Group, LLC

**REQUEST:** Preliminary Plat approval of MAPLE ONE EIGHTY, a subdivision outside the city limits, with rezoning from AG to MU

**LOCATION:** Northeast of 180th Street and West Maple Road

At the Planning Board meeting held on December 7, 2016, Mr. Nesbitt moved to layover the rezoning from AG to MU, and to layover the Preliminary Plat in order to allow the applicant time to provide the following: 1) Submit an updated application and a revised preliminary plat with the appropriate number of lots and rezoning request. 2) Provide for the appropriate east-west ¼ mile and 1/8 mile street connections. 3) Provide a correct tree mitigation plan. 4) Coordinating with Public Works and/or Douglas County on the proper right-of-way dedication along 180th Street. 5) Submit a revised mixed use development plan in compliance with Section 55-561 and provides the minimum required office area. Mr. Rosacker seconded the motion which carried 7-0.

### Rezonings

#### 16. C10-16-313 (D) Royce Falling Waters LLC and Invest Omaha II LLC

**REQUEST:** Rezoning from DR and MU to MU

**LOCATION:** Northeast of 195th and Polk Streets

At the Planning Board meeting held on December 7, 2016, Mr. Nesbitt moved for approval. Mr. Rosacker seconded the motion which carried 7-0.

#### 17. C7-16-306 (D) Presbyterian Church of the Master

**REQUEST:** Rezoning from DR to R6, along with Approval of a Conditional Use Permit to allow Religious assembly in a R6 District (previously operating under an assumed Special Use Permit)

**LOCATION:** 10710 Corby Circle

At the Planning Board meeting held on December 7, 2016, Mr. Nesbitt moved for approval of the rezoning from DR to R6 and approval of the Conditional Use Permit to allow Religious Assembly in a R6 District (previously operating under an assumed Special Use Permit) subject to: 1) Compliance with the submitted site plan. 2) Compliance with all applicable ordinances and regulations. 3) Compliance with all applicable stormwater management ordinances and policies. 4) The applicant obtaining all necessary permits. Mr. Rosacker seconded the motion which carried 7-0.

#### 20. C10-97-029 (D) Vertzon 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 December 7, 2016, Mr. Nesbitt moved to layover. Mr. Rosacker seconded the motion which carried 7-0.
### 21.

<table>
<thead>
<tr>
<th>C7-16-305a (D)</th>
<th>REQUEST: Approval of a Special Use Permit to allow Convenience storage and Automotive sales and a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC District (property is also located within the flood fringe overlay district)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C8-16-304</td>
<td>Location: South of 66th Circle and &quot;L&quot; Street</td>
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<tr>
<td>C8-16-305</td>
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<tr>
<td>Russ Larson</td>
<td></td>
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</table>

At the Planning Board meeting held on December 7, 2016, Mr. Nesbitt moved for approval of the Conditional Use Permit to allow Warehousing and distribution (limited) in a CC-MCC District subject to: 1) Submittal of a floor plan showing the size of the proposed office area. 2) Submittal of building elevations in compliance with the MCC development regulations. 3) Providing a sign exhibit for review and approval by the Planning Department. 4) Compliance with an approved Floodplain Development permit. 5) Compliance with the MCC development regulations. 6) No outdoor storage is permitted. 7) Compliance with all applicable stormwater management regulations. 8) Compliance with all other applicable regulations. Approval of the Special Use Permit to allow Convenience storage in a CC-MCC District subject to: 1) Submittal of a revised site plan prior to forwarding this request to City Council that adequately addresses the following: (a) Providing an amended site and landscape plan that provides the required bufferyard of 20 feet adjacent to Lot 1, Kings "L" Street Addition Replat 1 and indicating the required perimeter fencing. (b) Providing one handicap accessible parking stall, with access aisle, for the parking area near the warehouse building. (c) Submittal of building elevations in compliance with the MCC development regulations. 2) Providing a sign exhibit for review and approval by the Planning Department. 3) Compliance with the revised site and landscape plans. 4) Compliance with the MCC development regulations, including signage. 5) Compliance with an approved Floodplain Development Permit. 6) Compliance with the operating statement. 7) Compliance with all applicable stormwater management regulations. 8) Compliance with all other applicable regulations. He also moved for approval of the Special Use Permit to allow Automotive sales in a CC-MCC District subject to: 1) Submittal of a revised building elevation in compliance with the MCC development regulations prior to forwarding the request to the City Council. 2) Providing a sign exhibit for review and approval by the Planning Department. 3) Compliance with the site and landscape plan. 4) Compliance with the submitted operating statement. 5) Compliance with the MCC development regulations, including signage. 6) Compliance with an approved Floodplain Development Permit. 7) Compliance with all applicable stormwater management regulations. 8) Compliance with all other applicable regulations. Mr. Rosacker seconded the motion which carried 7-0.

### Regular Agenda

**ADMINISTRATIVE MEETING ONLY**

<table>
<thead>
<tr>
<th>1.</th>
<th>C10-16-236</th>
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<tr>
<td></td>
<td>C12-16-237</td>
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<tr>
<td></td>
<td>City of Omaha</td>
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<tr>
<td>REQUEST:</td>
<td>Final Plat approval of LOCUST GLEN SECOND ADDITION, a subdivision inside the city limits, with rezoning from R5 and GC to R5</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Northwest of 19th and Corby Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on December 7, 2016, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the final plat subject to approval of a waiver of lot size from the Zoning Board of Appeals for Lots 1-6, prior to forwarding the request to City Council.

Mr. Rosenbaum moved for approval of the rezoning from R5 and GC to R5 and approval of the Final Plat, subject to approval of a waiver of lot size from the Zoning Board of Appeals for proposed Lots 1-6, prior to forwarding the request to City Council. Mr. Deeb seconded the motion which carried 7-0.
At the Planning Board meeting held on December 7, 2016, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the Major Commercial Corridor Overlay District and approval of the final plat subject to compliance with conditions of the preliminary plat and submittal of a final subdivision agreement, prior to forwarding to City Council.

Ms. Karnes moved for approval of the MCC Overlay District and approval of the final plat subject to compliance with the conditions of the preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council. Mr. Magid seconded the motion which carried 7-0.

At the Planning Board meeting held on December 7, 2016, Dave Fanslau, Assistant 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, prior to forwarding the request to City Council.

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(REGULAR AGENDA)

Master Plan Referrals

At the Planning Board meeting held on December 7, 2016, Jim Anderson, Planning Department, presented the request. Mr. Anderson stated that the Action Plan was a federal application for Housing and Community Development funds and that the amendments adjusted the location or budget amounts for the programs.

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

Mr. Deeb moved for approval. Ms. Karnes seconded the motion which carried 7-0.
### 7. C3-16-299
Planning Department on behalf of the City of Omaha

**REQUEST:** Approval of the 2017 Consolidated Plan  
**LOCATION:** Omaha and 3-mile extraterritorial jurisdiction

At the Planning Board meeting held on December 7, 2016, Jim Anderson, Planning Department, presented the request. Mr. Anderson stated that the Consolidated Plan was used as a budget for the use of federal funds for the Housing and Community Development programs.

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

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

### 8. C3-16-301
Planning Department on behalf of the City of Omaha

**REQUEST:** Approval of the Grammercy Park-Bakers Place Community Redevelopment Area Designation  
**LOCATION:** An area generally bounded by Northwest Radial Highway on the north and east, Erskine Street on the south and 48th Street on the west (including parcels on both sides of street)

At the Planning Board meeting held on December 7, 2016, Don Seten, Planning Department, presented the request. Mr. Seten stated that properties within the Community Redevelopment Areas were eligible for Tax Increment Financing (TIF) and that the study of the area was prompted by a request from a property owner interested in redevelopment. He then stated that the proposed redevelopment was the rehabilitation of a historic building, built in approximately 1925, at the corner of North 48th Street and Northwest Radial Highway and that the area met requirements of the Nebraska Community Development Law. He added that a neighborhood meeting was held on October 25, 2016 with no objections to the request.

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

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

### Subdivisions

**Agenda items 11 and 22 were heard concurrently, but voted on separately:**

### 11. C10-16-307  
C12-14-083  
Frank Krejci

**REQUEST:** Preliminary and Final Plat approval of ST. PAT’S FIELD, a minor plat outside the city limits, with waivers of Section 53-9(5) for Sanitary sewer, Section 53-9(7) for Water mains; fire hydrants and Section 53-9(9) for Sidewalks, along with rezoning from AG to DR (property is located within flood fringe and flood way overlay districts)  
**LOCATION:** Northeast of 230th Street and West Maple Road

At the Planning Board meeting held on December 7, 2016, Jason Thiellen, E&A Consulting Group, 10909 Mill Valley Road, Suite 100, appeared before the Board on behalf of the applicant. Mr. Thiellen stated that the 9-acre parcel was donated by the applicant to St. Patrick’s Church for soccer fields and that waivers were necessary for the project.

Mr. Magid called Frank Krejci, before the Board. Mr. Krejci, 3015 N. 203rd St., explained that he frequently donated to the community and was donating the site to St. Patrick’s Church for soccer fields, along with a separate site for a church.
Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning, approval of the waivers of Sections 53-95, 53-97 and 53-99, approval of the preliminary plat subject to the 2 conditions of the Department recommendation report, and layover of the final plat. He then stated that the Department recommended approval of the special use permit subject to the 8 conditions of the Department recommendation report.

Mr. Magid moved for approval of the rezoning from AG to DR, approval of the waivers of Section 53-9(5) Sanitary sewer, Section 53-9(7) Water mains; fire hydrants and Section 53-9(9) Sidewalks, and approval of the preliminary plat subject to the following: 1) Provide a letter from the Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area. 2) Provide a letter of approval from Douglas County regarding noxious weed control. He also moved to layover the final plat. Ms. Karnes seconded the motions, which carried 7-0.

Agenda items 11 and 22 were heard concurrently, but voted on separately:

<table>
<thead>
<tr>
<th>22.</th>
<th>C8-14-084 Frank Krejci</th>
<th>REQUEST: Approval of a Special Use Permit to allow Outdoor sports and recreation in a DR District (property is located within flood fringe and flood way overlay districts)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION: Northeast of 230th and West Maple Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on December 7, 2016, Jason Thiellen, E&A Consulting Group, 10909 Mill Valley Road, Suite 100, appeared before the Board on behalf of the applicant. Mr. Thiellen stated that the 9-acre parcel was donated by the applicant to St. Patrick’s Church for soccer fields and that waivers were necessary for the project.

Mr. Magid called Frank Krejci, before the Board. Mr. Krejci, 3015 N. 203rd St., explained that he frequently donated to the community and was donating the site to St. Patrick’s Church for soccer fields, along with a separate site for a church.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning, approval of the waivers of Sections 53-95, 53-97 and 53-99, approval of the preliminary plat subject to the 2 conditions of the Department recommendation report, and layover of the final plat. He then stated that the Department recommended approval of the special use permit subject to the 8 conditions of the Department recommendation report.

Mr. Rosenbaum moved for approval of a Special Use Permit to allow Outdoor sports and recreation in a DR District subject to: 1) Addressing the following prior to forwarding the request to the City Council: (a) Submittal of a landscape plan in compliance with Article XIII Landscaping. (b) Revising the operating statement to include language providing for portable restroom facilities. (c) Receiving the applicable waivers from the Zoning Board of Appeals for the hard surface parking requirements and interior parking lot landscaping requirement. (d) Submittal of a revised site plan showing the portable restroom facilities location. 2) Providing portable restrooms during all activities during the operating season. 3) Compliance with the revised site plan. 4) Compliance with the revised operating statement. 5) Approval of a Floodplain Development Permit. 6) This use permit is for the St. Patrick’s Catholic Church of Elkhorn only. 7) The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department. 8) Compliance with all other applicable regulations. Mr. Rosacker seconded the motion which carried 7-0.
At the Planning Board meeting held on December 7, 2016, Pat Hillyer, Lamp Rynearson & Associates, 14710 W Dodge Rd, Ste 100, appeared before the Board on behalf of the applicant. Mr. Hillyer stated that the development consisted of 256 single family lots and 23 acreage lots west of the Present Development Zone line along 220th Street, which required individual septic systems. He added that the applicant was working with the State for septic system approvals. He then stated that a neighborhood meeting was held November 28, 2016 with one neighbor in attendance.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning, approval of the preliminary plat subject to the 20 conditions on the Department recommendation report and to layover the final plat to allow additional time for the NDEQ to approve septic systems for Lots 257-279.

Mr. Rosacker moved for approval of the rezoning from AG to DR and R4, and approval of the Revised Preliminary Plat, subject to the following conditions: 1) Provide for all improvements identified in the final approved traffic study. 2) Improve 216th Street to a two lane section along the subdivision’s frontage, with a northbound left turn lane and taper at “F” Street (enter into an interlocal agreement with Douglas County and the SID on the east side of 216th Street to formalize the cost sharing arrangement for the 216th Street improvements). 3) Improve the unpaved segment of 222nd Street to a two-lane section. 4) Coordinate with Public Works regarding an acceptable general obligation paving plan. 5) Coordinate the vacation of 216th Street right-of-way with Douglas County and complete prior to recording the plat. 6) Pave all stub streets to the boundary of the subdivision and construct temporary turnarounds. 7) Provide traffic calming on all streets in excess of 1,000 feet. 8) Provide a note on the plat that states that no lot shall have direct access to 216th Street, 222nd Street or “F” Street. 9) Coordinate with Public Works on the required paving plan modifications along 216th Street adjacent to Outlot C (in lieu of providing Outlot C with frontage to an internal right-of-way). 10) Provide a minimum of 25 feet for the width of Outlot D between Lots 60-61. 11) Provide language in the final subdivision agreement and in a Memorandum of Agreement recorded against each lot (concurrently with the recording of the Final Plat) that Lots 257-279 will never be allowed to connect to the City’s sanitary sewer system. 12) Provide a pro-rata reimbursement to SID 572 (Grandview Ridge Estates) for prior outfall sewer construction. 13) Provide for sidewalks as required on all street frontages; including 216th Street, 222nd Street and “F” Street. 14) Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 216th Street, 222nd Street and “F” Street. 15) Receive NDEQ approval for septic systems of the acreage lots (Lots 257-279). 16) Work with city staff in regards to finalizing an acceptable tree mitigation plan. 17) Encapsulate any drainageway within an outlot that is sized to include the 3:1 +20’ section or the 100-year storm; whichever is greater. 18) Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement. 19) Compliance with all applicable stormwater management ordinances and policies. 20) Providing an acceptable debt ratio. He also moved to layover the Final Plat to allow additional time for the NDEQ to approve the septic systems for Lots 257-279. Mr. Deeb seconded the motions which carried 7-0.

At the Planning Board meeting held on December 7, 2016, Mark Johnson, Fullenkamp Doyle & Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Johnson stated that the development consisted of 148 single family lots and discussed reasons the Department recommended to layover the request. He explained that the alignment of Locust Street was discussed with the Public Works Department and was no longer a concern. He also explained that the wetland and tree canopy analysis
were a concern for the Department. He further explained that the engineer for the applicant found no issues within the completed wetland analysis, but that the analysis was submitted with lack of time for Department review. Mr. Johnson stated that the tree canopy analysis was planned for next week and then requested the Board consider approval of the request.

Mr. Nesbitt commented that he was concerned with lack of time to review the wetland and tree canopy analysis.

Dave Fanslau, Assistant Planning Director, stated that the Department received the wetland analysis submittal late and needed more time for staff to analyze the report to properly inform the Board of the findings and possibly change recommendation reports. He then stated that the Department recommended layover of the rezoning and layover of the preliminary plat to allow the applicant time to submit a wetland and tree canopy analysis.

Mr. Rosenbaum moved to layover the rezoning from AG to R4 and to layover the Preliminary Plat to allow the applicant time to provide a wetland and tree canopy analysis. Mr. Nesbitt seconded the motion which carried 7-0.

**Rezonings**

<table>
<thead>
<tr>
<th>15.</th>
<th>C10-16-312</th>
<th>REQUEST:</th>
<th>Rezoning from HI to R5</th>
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<tbody>
<tr>
<td></td>
<td>Byron Boyd</td>
<td>LOCATION:</td>
<td>2419 South 27th Avenue</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on December 7, 2016, the applicant was not present.

Dave Fanslau, Assistant Planning Director, stated that Future Land Use map of the Master Plan designated the existing single-family residence parcel as an industrial zoned area and was not supportive of the request to rezone to residential. In response to the Board, Mr. Fanslau explained another option to accommodate refinancing of the residence was approval a use waiver from the Zoning Board of Appeals, which the Department supported. He then stated that the Department recommended denial of the request.

Mr. Rosacker moved to deny the rezoning. Mr. Magid seconded the motion which carried 7-0.

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<thead>
<tr>
<th>18.</th>
<th>C10-16-315</th>
<th>REQUEST:</th>
<th>Rezoning from R7, CC and GI to GO (property is also located within an ACI-1(PL) Overlay District)</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>University of Nebraska Board of Regents</td>
<td>LOCATION:</td>
<td>An area bounded by Emile/Jones Street on the north, 38th Avenue on the east, Leavenworth Street on the south and 42nd Street on the west</td>
</tr>
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</table>

At the Planning Board meeting held on December 7, 2016, Luke Watherly, Olsson Associates, 2111 S. 67th St., appeared before the Board on behalf of the applicant. Mr. Weatherly stated that the rezoning request allowed for consistency with the Future Land Use map of the Master Plan.

Curt Snodgrass, 632 S. 38th St., appeared before the Board in opposition. Mr. Snodgrass stated that he was a board member of the Blackstone Neighborhood Association and that he was not opposed to the rezoning, but had concerns with parking. He explained that UNMC students frequently parked in his neighborhood and vehicles at times blocked his driveway. He questioned if the request created additional parking and traffic issues.

Mr. Weatherly stated that the existing buildings had adequate parking and that future UNMC projects considered parking needs. He then stated that a traffic study was not completed because buildings were already constructed prior to the zoning request. He added that he was willing to discuss parking issues with neighbors.
Dave Fanslau, Assistant Planning Director, stated that the request was an effort to consolidate a variety of zoning within the UNMC campus to conform to a base zoning district for the majority of the campus. He then stated that the Department recommended approval.

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

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<tr>
<th>19.</th>
<th>C10-02-203 Altech Builders</th>
<th>REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for West Village Pointe</th>
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<td></td>
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<td>LOCATION: 17838 Burke Street</td>
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At the Planning Board meeting held on December 7, 2016, Ted Grace, President, Altech Builders, 12921 Industrial Rd., appeared before the Board. Mr. Grace submitted an exhibit to the Board displaying the location of the erected sign. He explained that the subcontractor installed the sign footing without obtaining an inspection and the sign company did not apply for a sign permit. He further explained that his sign was not in compliance with setback regulations, but that an Omaha Public Power District (OPPD) utility box limited placement of the sign. He added that he received permission from OPPD for placement of the sign as shown on the submitted exhibit.

Dave Fanslau, Assistant Planning Director, stated that proper permit procedures were not followed for the sign at the southeast corner of the site and that the setback along Village Pointe Plaza was noncompliant. He added that Village Pointe Plaza lacked extra right-of-way width to accommodate decreased setbacks. He then stated that the Department recommended denial of the request.

In response to the Board, Mr. Fanslau stated that without review of the site plan submitted by the applicant today, alternate locations were indeterminable. He also clarified that the setback along Village Pointe Plaza was 7.6 feet and requirement was 12 feet minimum.

Mr. Nesbitt moved for denial of the request. Mr. Rosacker seconded the motion which failed 4-3, with Mr. Rosenbaum, Mr. Deeb, Mr. Magid and Ms. Karnes dissenting.

Ms. Karnes suggested that a layover would accommodate a review of utility easements and new information received today.

Ms. Karnes moved to layover the request. Mr. Rosenbaum seconded the motion which carried 7-0.

**Special Use Permits**

<table>
<thead>
<tr>
<th>23.</th>
<th>C8-16-317 Dismas Charities Properties, Inc</th>
<th>REQUEST: Approval of a Special Use Permit to allow Transitional living in a GI District</th>
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<td></td>
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<td>LOCATION: 506 and 516 Crown Point Avenue</td>
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At the Planning Board meeting held on December 7, 2016, Den Freaney, Vice President of Development, Dismas Charities, 2000 River Ridge, San Antonio, Texas, appeared before the Board. Mr. Freaney stated that Dismas Charities was a 52-year old, non-profit company with headquarters in Louisville, Kentucky and that Dismas operated community re-entry programs for the Federal Bureau of Prisons. He then stated that the program expanded into multiple states, with successful operations in Kearney, Nebraska and Sioux City, Iowa. He explained that an industrial area with accessible public transportation was a major component for site location. Mr. Freaney stated that the program consisted of 95 beds, 78 for males and 17 for females, and briefly discussed the application process through the Federal Bureau of Prisons. He explained that site inspections were completed by the Federal Bureau of Prisons and reported to Washington D.C., with application approvals approximately 5 months later. He then explained that he reached out to neighbors within 300 feet of the site to discuss the proposed facility and was met with support and opposition. He added that he also discussed the program with the Deputy Chief of Police, Councilman Ben Gray and members of the social services community, and explained that approximately 30 employees would need to be hired for the facility. Mr. Freaney explained that the facility had a Community Advisory Board and that all centers were members of the local Chamber of Commerce. In response to the Board,
he stated that the majority of the residents were in prison for transporting or manufacturing drugs, smuggling firearms, white-collar crimes, and as non-violent sex-offenders.

Carrie Olson, 155 Ida St., appeared before the Board in opposition. Ms. Olson stated that she owned a crane-rigging and heavy-haul company to the south of the proposed site and that she supported the use for the community, but not the location. She explained that she was concerned with increased taxes for her property, theft, type of residents, and security for the facility.

Chris Estwick, Fraser Stryker Law Firm, 409 S. 17th St., Ste. 500, appeared before the Board in opposition. Mr. Estwick stated that he represented Neal Drickey, owner of NBG Enterprises, a business located approximately 20 feet from the proposed site at 526 Crown Point Avenue. He then stated that his client was also concerned with the security of the facility and safety of nearby business owners. He added that he requested a layover to allow the applicant time to discuss concerns with surrounding business owners. In response to the Board, Neal Drickey, 526 Crown Point Ave, located his business on the aerial map. Mr. Estwick explained to the Board that his client’s previous meeting with the applicant was less than 1 minute of discussions.

Nancy Kurtenbach, John Day Company, 6263 Abbot Dr., appeared before the Board in opposition. Ms. Kurtenbach stated that she had similar concerns with security of the facility. She added that she was also concerned with pedestrian safety because of the semi-truck traffic in and out of her business.

In response to the Board, Mr. Freaney stated that residents served a majority of their prison term in a federal facility and that the re-entry program provided reunification with family, employment, educational classes and counseling. He then stated that the program required strict accountability with biometric monitoring at the facility and phone check-ins from employment facilities or home visits. He added that employees also performed checks on residents, as well as drug and alcohol testing. He also stated that security cameras were placed inside and outside the facility. Mr. Freaney stated that residents at existing facilities had an 88 to 92 percent success rate.

Robyn Deacon, 422 Chamber St., Sioux City, Iowa, appeared before the Board on behalf of the applicant. Ms. Deacon stated that she was the Director of the Sioux City facility for approximately 5 years. She then stated that the facility was equipped with indoor and outdoor security cameras, had male/female staff 24-hours a day, and staff performed perimeter patrols every hour. She also stated that the facility utilized electronic monitoring and GPS tracking for accountability and that random canine checks were performed quarterly. She explained that Board members included local law enforcement and that the facility was required to report to the Bureau and local law enforcement agencies. Ms. Deacon stated that her facility never had theft or violence issues and that the center offered support to local residents for re-entry back into their community. In response to the Board, she explained the facility was not locked, but that movement of residents was pre-approved and monitored and that residents returned prior to curfew. She added that strict measures were in place for accountability and notification to US Marshalls if necessary.

Dave Fanslau, Assistant Planning Director, stated that the applicant presented the proposed facility to the Department and that the zoning code allowed the use at this site with approval of a use permit. He added that the business was structured, detailed and was a necessary service within the community. He explained that use permits could be revoked if operations did not perform as required. He then stated that the Department recommended approval of the Special Use Permit subject to the 3 conditions on the Department recommendation report.

Mr. Magid moved for approval of the Special Use Permit to allow Transitional living in the GI District subject to: 1) Compliance with the proposed site and landscape plan. 2) Compliance with the proposed building elevations. 3) Compliance with the proposed operating statement. Mr. Rosacker seconded the motion which carried 7-0.
Conditional Use Permits

24. C7-11-135
Victory Apartments, LLC

REQUEST:
Approval of a Major Amendment to a Conditional Use Permit to allow Multiple-family residential in a GO District

LOCATION: 819 Dorcas Street

At the Planning Board meeting held on December 7, 2016, David Levy, Baird Holm Law Firm, 1700 Farnam St., appeared before the Board on behalf of the applicant. Mr. Levy stated that the request was for Phase II of the Victory Apartments project on the former St. Joseph Hospital campus. He explained that Phase I was 90 apartments units with preference for veterans and that Phase II was the conversion of an existing 3-story office building into 60 studio and 1-bedroom apartment units with a preference for veterans. He then explained that 101 parking stalls were available, which exceeded the 73 stall requirement.

Karen Bluvas, 824 Worthington Ave., appeared before the Board in favor of the request. Ms. Bluvas stated that she was Secretary of the Dahlman Neighborhood Association and that the proposed project was consistent with development in the area. She added that the project provided needed stability for the site.

Arnie Breslow, Old Market South Neighborhood Association, 1240 S. 10th St., appeared before the Board. Mr. Breslow stated that he was not opposed, but wanted more information regarding the development. He explained that his questions were answered today and that he supported the use.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the Major Amendment to the Conditional Use Permit subject to the 2 conditions on the Department recommendation report.

Ms. Karnes moved for approval of the Major Amendment to a Conditional Use Permit to allow Multiple-family residential in a GO District, subject to the following conditions: 1) Compliance with the proposed site plan. 2) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

25. C7-16-318
Plambeck Family, LLC

REQUEST:
Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow a Primary educational facility in a CC District (property is also located within an ACI-1(PL) Overlay District)

LOCATION: 400 South 39th Street

At the Planning Board meeting held on December 7, 2016, Larry Sheehan, Ellick Jones Buehl Blazek & Longo Law Firm, 9290 W. Dodge Rd, Ste. 303, appeared before the Board on behalf of the applicant. Mr. Sheehan stated that Lavonne Plambeck was also present and that the request was for a pergola at the rear of the facility. He then stated that Dr. Plambeck owned the property, used the site as a Montessori educational facility for approximately 34 years and that the use was not changing. He explained that Dr. Plambeck worked with the University of Nebraska-Omaha for development of a nature-conservatory setup within the pergola as a model for other daycares and educational facilities.

Dave Fanslau, Assistant Planning Director, stated that Planning Board approvals for the request were required prior to approval by the Zoning Board of Appeals in November 2016 and that the Department was not in favor of the setback waiver request submitted. He added that the pergola setbacks were noncompliant and that a hardship was not found for the waiver request. He then stated that the Department recommended denial of the Major Amendment to the Conditional Use Permit.

In response to the Board, Mr. Sheehan stated that the approval process was improperly completed by the applicant’s landscape company and that he was now attempting to obtain property approvals.

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

Mr. Deeb moved to APPROVE the meeting minutes of November 2, 2016 as written. Mr. Magid seconded the motion which carried 5-0-2, with Ms. Karnes and Mr. Nesbitt abstaining.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 3:38 pm.

_________________________________________
Date Approved

_________________________________________
Brinker Harding, Chairman

_________________________________________
Rikki Flott, Planning Board
Recording Secretary