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, December 26, 2016.

MEMBERS PRESENT: Brinker Harding, Chairman
Arnold Nesbitt, Vice Chairman
Greg Rosenbaum
Trenton Magid
David Rosacker
Kristine Karnes
Jeffrey Moore

MEMBERS NOT PRESENT: None

STAFF PRESENT: James Thele, Planning Director
Dave Fanslau, Assistant Planning Director
Cheri Rockwell, Current Planning Manager
Alan Thelen, Law Department
Jennifer Taylor, 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

| 3. | C10-14-081 (D)  
|    | C12-14-082  
|    | 192 Maple, LLC | REQUEST: Final Plat approval of ANTLER VIEW (Lots 3-17, Outlots D-E), a subdivision outside the city limits, with rezoning from AG to DR and MU (laid over from 12/07/16) |
|    | LOCATION: Southeast of 192nd Street and West Maple Road |

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the rezoning from AG to DR and MU, subject to submittal of five acceptable originally signed final Mixed Use Development Agreements prior to forwarding to City Council, and approval of the Final Plat, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Mr. Magid seconded the motion which carried 7-0.
At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the rezoning from AG to R4 and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Providing an acceptable tree canopy analysis and mitigation plan prior to submittal of a final plat. 2) Coordinating with Douglas County to grade the subdivision to the ultimate profile along 180th Street. 3) Coordinating with Douglas County on the grades, right-of-way dedications, and property line configurations along 180th Street. 4) Place a noise attenuation easement 115' from the ultimate centerline of 180th Street and provide the standard noise attenuation easement language on the plat. 5) The applicant will need to coordinate with Public Works on the design of the roundabouts. 6) The drainageway must be placed in an outlot sized to accommodate either the 3:1 + 20' section, or the 100-year storm flow (whichever is greater). 7) Placing the area southeast of the intersection of 181st and Locust Streets, which is outside of the typical required right-of-way section, in an outlot. 8) Place a note on the plat that there shall be no direct access to 180th Street from any lots or outlots abutting said street. 9) Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies. 10) Provide for traffic calming on any street in excess of 1,000 feet. 11) Pave all street stubs to the property line and provide temporary turnarounds. 12) Provide a contribution to Douglas County’s 180th Street bridge project. 13) Include provisions for use, ownership and maintenance of the outlots in the subdivision agreement. 14) Revise the 35’ wide no-build easement to be a no-build setback on each side of Big Elk Parkway. 15) Boulevard design and cost estimates must be approved by the Park and Recreation Advisory Board prior to bidding. 16) Provide a letter from the Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area. 17) Provide a letter of approval from Douglas County regarding noxious weed control. 18) Maintaining an acceptable debt ratio of 4% or less. Mr. Magid seconded the motion which carried 7-0.

Special Use Permits

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the Major Amendment to Special Use Permit (assumed) to allow Scrap and Salvage Services in a GI District subject to: 1) Compliance with the revised site/landscape plan. 2) Compliance with the revised operating statement. 3) Compliance with the approved Flood Plain Development Permit. 4) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

(REGULAR AGENDA)

Master Plan Referrals

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved to layover the request. Mr. Rosenbaum seconded the motion which carried 7-0.
At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved to layover the request. Mr. Rosenbaum seconded the motion which carried 7-0.

**Subdivisions**

9. C3-17-003 (D)  
Planning Department on behalf of the City of Omaha  
REQUEST: Approval of THE LANDING TIF REDEVELOPMENT PROJECT PLAN  
LOCATION: Southeast of 30th and Burt Streets

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved to layover the request. Mr. Rosenbaum seconded the motion which carried 7-0.

11. C12-17-004 (D)  
Pope Paul VI Institute for the Study of Human Reproduction, Inc.  
REQUEST: Preliminary Plat approval of LOVELAND ACRES REPLAT ONE, a subdivision inside the city limits (portions of the property lie within the flood fringe overlay district)  
LOCATION: 86th Circle north of Frederick Street

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the preliminary plat subject to: 1) Completing the proposed right-of-way vacation (C14-16-061) of 86th Street prior to recording the final plat. 2) Providing sidewalks along all street frontages, as required. 3) Compliance with all applicable stormwater management ordinances and policies. Mr. Magid seconded the motion which carried 7-0.

12. C10-17-005 (D)  
C12-17-006  
Dean Marshal  
REQUEST: Preliminary and Final Plat approval of PEACE RIDGE, a minor plat inside the city limits, with rezoning from AG to R4  
LOCATION: 333 South 204th Street

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the rezoning from AG to R4 and approval of the Preliminary Plat, subject to the following conditions: 1) Either remove the private pavement right-of-way encroachment north of proposed Lot 1 or enter into a lease agreement allowing the private improvement to stay. 2) Place a note on the plat that stating there shall be no direct access to 204th Street from Lot 1. 3) Compliance with all applicable stormwater management ordinances and policies. He also moved for approval of the Final Plat subject to conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary) prior to forwarding the request to the City Council for final action. Mr. Magid seconded the motion which carried 7-0.

13. C10-17-008 (D)  
C12-17-009  
Gottsch Enterprises  
REQUEST: Preliminary Plat approval of HIGH POINT REPLAT 9, a subdivision inside the city limits, with rezoning from R6 to DR and CC  
LOCATION: Southeast of 204th Street and Veterans Drive

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved to layover the request. Mr. Rosenbaum seconded the motion which carried 7-0.

14. C11-17-010 (D)  
C12-17-011  
Uptown Properties, LLC  
REQUEST: Preliminary and Final Plat approval of 31 MASON SOUTHWEST 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) for Lot depth and approval of a PUR-Planned Unit Redevelopment Overlay District  
LOCATION: Northwest of 31st and Mason Streets

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the PUR. Approval of the waiver of Section 53-8(4)(a) for Lot Depth and approval of the Preliminary Plat, subject to the following conditions: 1) Receive approval from Public Works in regards to the sewer public improvement
16. C12-17-017 (D) Robert Kozol

**REQUEST:** Preliminary Plat approval of KOZOL'S PONCA BUSINESS PARK, a subdivision inside the city limits

**LOCATION:** Northeast of U.S. Highway 75 and Interstate 680

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the Preliminary Plat, subject to the following: 1) Provide for all improvements to U.S. Highway 75 as identified by the Nebraska Department of Roads (NDOR). 2) Place a note on the plat indicating that there shall be no direct access to U.S. Highway 75 from Lots 1 or 4. 3) Place a note on the plat indicating compliance with Section 55-901 of the Zoning Ordinance for the North Hills Environmental Resources Overlay District. 4) Provide sidewalks as required by the subdivision ordinance. 5) Compliance with all applicable stormwater management ordinances and policies. Mr. Magid seconded the motion which carried 7-0.

### Rezonings

19. C10-04-169 (D) Methodist Health Systems

**REQUEST:** Approval of a Major Amendment to the Mixed Use District Development Agreement for Pacific Springs Vista

**LOCATION:** Northwest of 168th and Pacific Streets

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the Major Amendment to the Pacific Springs Vista Mixed Use Development Agreement subject to submittal of five acceptable, originally signed, final Mixed Use Development Agreements prior to forwarding to City Council. Mr. Magid seconded the motion which carried 7-0.


**REQUEST:** Approval of a Special Use Permit to allow Indoor entertainment in a GI District, along with approval of a Major Amendment to a Parking Adjustment for a Mixed Use Development (Section 55-736)

**LOCATION:** Generally southeast of 45th and Nicholas Streets

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the Special Use Permit to allow Indoor Entertainment in a GI district, subject to the following: 1) Submittal of and compliance with a revised site plan(s) in compliance with zoning regulations, prior to forwarding this to the City Council. 2) Submittal of and compliance with an acceptable landscape plan, prior to forwarding this request to the City Council. 3) Follow the OPW public improvement process for the on-street parking improvements. 4) No net increase in stormwater runoff. 5) Treat the first 1/2 " of stormwater for water quality. 6) Maximum occupancy capacity for the Indoor Entertainment use is 350 persons. This may be less if restricted by the fire or building codes. 7) Approval of the requested major amendment to the parking adjustment (C10-15-246). 8) Approval of the necessary administrative subdivisions for the proposed new parking and trailer storage lots. 9) Approval of a lease of ROW application for the 8 parking stalls on the west side of the building that are located partially in the right-of-way. 10) Compliance with the operating statement. 11) Compliance with all other applicable regulations. He also moved for approval of the parking adjustment for mixed use developments pursuant to Section 55-736 of the Municipal Code, subject to: 1) Submittal of and compliance with revised site plans in compliance with all zoning regulations. 2) Submittal of and compliance with an acceptable landscape plan. 3) Follow the OPW public improvement process for the on-street parking improvements. 4) No net increase in stormwater runoff. 5) Treat the first 1/2 " of
stormwater for water quality. 6) Maximum occupancy capacity for the Religious Assembly use is 550 and 350 for the Indoor Entertainment use. These may be less if restricted by the fire or building codes. 7) Approval of a lease of ROW application for the 8 parking stalls on the west side of the building that are located partially in the right-of-way. 8) Submittal of acceptable administrative subdivisions for the new parking and trailer storage lots. 9) Compliance with submitted operating information and all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

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<td></td>
<td>LOCATION: 8996 &quot;L&quot; Street</td>
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At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the request. Mr. Magid seconded the motion which carried 7-0.

**Special Use Permits**

<table>
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<tr>
<th>22.</th>
<th>C8-17-019 (D) C7-17-023 Walter Carter</th>
<th>REQUEST:</th>
<th>Approval of a Special Use Permit to allow Custom manufacturing, along with a Major Amendment to a Conditional Use Permit (assumed) to allow Single-family residential in a CC District (property is also located within the flood fringe overlay district)</th>
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<td></td>
<td>LOCATION: 4811 South 136th Street</td>
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At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved to layover the request for approval of the Major Amendment to the Conditional Use Permit (assumed) to allow Single-family residential in a CC-Community Commercial District, and to layover the request for approval of the Special Use Permit to allow Custom manufacturing in a CC-Community Commercial District (property is also located within the flood fringe overlay district) to allow the applicant additional time to: 1) Submit a revised site plan showing the required handicapped accessible off-street parking on the site; that would not interfere with the use of any overhead doors. 2) Provide a copy of the long-term agreement for the eight (8) off-street parking stalls being provided on the adjacent site. Mr. Rosenbaum seconded the motion which carried 7-0.

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<th>23.</th>
<th>C8-17-020 (D) Patrick S. O'Donnell</th>
<th>REQUEST:</th>
<th>Approval of a Special Use Permit to allow a Construction yard in a DS District</th>
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<td>LOCATION: 911 South 20th Street</td>
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At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of the Special Use Permit to allow Construction yard in a DS District, subject to the following conditions: 1) Submittal of an acceptable, revised site plan that provides for the required paved on-site off-street parking prior to forwarding the request to City Council. 2) Submittal of an acceptable fence elevation that clearly indicates the vinyl fencing material/color. 3) That all of the existing galvanized metal fencing be replaced. 4) Compliance with the revised site plan. 5) Providing the required sidewalks along the property’s Mason/19th Street frontage prior to issuance of a Certificate of Occupancy. 6) Obtaining an approved Certificate of Occupancy. 7) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.
At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of a Conditional Use Permit to allow Agricultural sales and service in a CC-ED District subject to: 1) Work with city staff on providing an acceptable landscape plan that provides adequate screening along the southern boundary of the accessory service building prior to issuance of any building permits. 2) Compliance with the proposed site plan. 3) Compliance with the proposed operating statement. 4) Compliance with the proposed building elevation. 5) No pole signs allowed. 6) Compliance with all applicable stormwater management regulations. 7) Compliance with all other applicable regulations; approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC-ED District subject to: 1) Work with city staff on providing an acceptable landscape plan that provides adequate screening along the southern boundary of the facility prior to issuance of any building permits. 2) Compliance with the proposed site plan. 3) Compliance with the proposed operating statement. 4) Compliance with the proposed building elevation. 5) No pole signs allowed, 6) Compliance with all applicable stormwater management regulations. 7) Compliance with all other applicable regulations; and approval of a Special Use Permit to allow Convenience storage in a CC-ED District subject to: 1) Work with city staff on providing an acceptable landscape plan that provides adequate screening along the southern boundary of the facility prior to issuance of any building permits. 2) Compliance with the proposed site plan. 3) Compliance with the proposed operating statement. 4) Compliance with the proposed building elevation. 5) No pole signs allowed. 6) Compliance with all applicable stormwater management regulations. 7) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

**Conditional Use Permits**

At the Planning Board meeting held on January 4, 2017, Mr. Rosacker moved for approval of a Conditional Use Permit to allow Religious assembly in a R4 District, subject to the following conditions: 1) Either remove the private pavement right-of-way encroachment north of proposed Lot 1 or enter into a lease agreement allowing the private improvement to stay. 2) Compliance with the site plan. 3) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 7-0.

**ADMINISTRATIVE MEETING ONLY**

At the Planning Board meeting held on January 4, 2017, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the final plat subject to compliance with the 2 conditions on the Department recommendation report prior to forwarding the request to City Council.
Ms. Karnes moved for approval of the rezoning from AG to DR and R4, and approval of the final plat, subject to the following conditions prior to forwarding the request to City Council for final action: 1) Providing the building envelope for Lot 8 on the final plat mylars. 2) Submittal of an acceptable final subdivision agreement. Mr. Magid seconded the motion which carried 7-0.

### REQUEST:

<table>
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<tr>
<th>Case Number</th>
<th>Request</th>
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<tr>
<td>C10-16-216</td>
<td>Final Plat approval of WESTBURY FARM (formerly known as 216th and F - West), a subdivision outside the city limits, with rezoning from AG to DR and R4</td>
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At the Planning Board meeting held on January 4, 2017, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the final plat subject to the conditions of the Revised Preliminary Plat and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council.

Mr. Rosenbaum moved for approval of the rezoning from AG to DR and R4, and approval of the Final Plat, subject to the conditions of the Revised Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding the request to City Council. Ms. Karnes seconded the motion which carried 7-0.

### PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

**Rezonings**

<table>
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<tr>
<th>Case Number</th>
<th>Request</th>
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<tr>
<td>C10-02-203</td>
<td>Approval of a Major Amendment to the Mixed Use District Development Agreement for West Village Pointe (laid over from 12/07/16)</td>
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At the Planning Board meeting held on January 4, 2017, Ted Grace, President, Altech Builders, 14921 Industrial Rd., appeared before the Board. Mr. Grace stated that he submitted an email to the Department with information regarding the installed signage and also submitted additional photos today. He then stated that the process of the sign installation involved miscommunication between the sign contractor and himself, and commented that he has obtained permits for building within the city for approximately 40 years now. Mr. Grace displayed photos of the installed signed from various directions and noted the location of OPPD’s power utility boxes, which he explained determined placement of the signage. He explained that the distance from the property line to edge of signage was 7 feet 4 inches and did not obstruct traffic views. In response to the Board, Mr. Grace stated that part of the landscaping wall of the signage was within the right-of-way.

In response to the Board, Dave Fanslau, Assistant Planning Director, stated that because an application for sign permit was not submitted, the Department was unable to review the sign plan and compliance with regulations was undeterminable. Mr. Grace explained that he forwarded information for sign placement to his architect for completion of the site plan and that on August 17th he submitted a signed permit and the proposed site plan to his sign company, which was then forwarded to a sign sub-contractor.

Mr. Magid commented that the situation was unique, the sign was costly and that the applicant historically was a reputable builder within the City. Mr. Nesbitt was concerned with setting a precedent for forgiveness rather than obtaining approvals. Board members discussed that mistakes occur, but duties of the Planning Board were to enforce zoning regulations.

Mr. Fanslau explained that the Department confirmed with OPPD that diagram submitted by the applicant was inaccurate and not created by OPPD. He added that the signage was outside of the “hotstick” area of the utility box. He reiterated that because the correct process was not followed, a review of the sign request
was not completed by the Department. Mr. Fanslau explained that Mixed Use zoning required Mixed Use Development Agreements with the City Council, therefore Zoning Board of Appeals waivers were not an option to overrule the City Council agreements. He then stated that the Department recommended denial of the request.

Mr. Magid moved for approval of a Major Amendment to the Mixed Use District Development Agreement for West Village Pointe. Mr. Rosenbaum seconded the motion, which failed 3-4, with Mr. Moore, Ms. Karnes, Mr. Nesbitt and Mr. Harding dissenting.

Mr. Nesbitt moved for denial of the request. Mr. Moore seconded the motion, which carried 4-3, with Mr. Rosenbaum, Mr. Magid and Mr. Rosacker dissenting.

(REGULAR AGENDA)

Master Plan Referrals

| 7. | C3-17-001 | Planning Department on behalf of the City of Omaha | REQUEST: Approval of THE HUB TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 1605 Nicholas Street |

At the Planning Board meeting held on January 4, 2017, Don Seten, Planning Department, presented the request to the Board. Mr. Seten stated that the project was rehabilitation of the existing 14,333 square foot building into 7 commercial bays to provide space for professional, technology start-up and retail users. He then stated that the total project cost was approximately 2 million dollars, with a Tax Increment Financing (TIF) request of $300,000, and that public improvements included landscaping, curbs, sidewalks and lighting. He added that the request met all requirements.

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

Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 6-0-1, with Mr. Harding recusing.

| 10. | C3-07-114 | Planning Department on behalf of the City of Omaha | REQUEST: Approval of an Amendment and Redesignation for the South 72nd Street and "F" Street Community Redevelopment Area Designation | LOCATION: Southeast of 72nd Street and Interstate 80 |

At the Planning Board meeting held on January 4, 2017, Don Seten, Planning Department, presented the request to the Board. Mr. Seten stated that the request amended the boundary of an existing Community Redevelopment Area (CRA) to include additional parcels in need of redevelopment. He added that areas within the CRA were eligible for Tax Increment Financing (TIF). He then stated that the Amendment expanded the CRA north of F Street and south of Interstate 80 between 72nd and the Keystone drainageway. Mr. Seten stated that the request was prompted by a property owner interested in a potential project in the area and explained that the site was substandard, lacked water mains to service the area and contained infrastructure challenges. He then stated that a study revealed the area met state criteria for CRA designation and that a neighborhood meeting was held on December 19, 2016 with no concerns expressed.

Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the property owners at 6767 C Street, Ryan Steele and Dale Williams. Mr. Jobeun stated that the designation was necessary for future redevelopment plans, which required water main connections to the properties.

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

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

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<tr>
<th></th>
<th>C11-17-012</th>
<th>C10-17-013</th>
<th>C12-17-014</th>
<th>Burlington Capital</th>
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<tr>
<td>REQUEST:</td>
<td>Preliminary Plat approval of VANTAGE, a subdivision outside the city limits, with rezoning from AG to DR, R4 and R6, along with approval of a PUD-Planned Unit Development Overlay District</td>
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<td>LOCATION:</td>
<td>Southeast of 156th and Ida Streets</td>
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At the Planning Board meeting held on January 4, 2017, Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Jobeun briefly discussed the adjacent R4, R5, and mixed use zoned areas, and the R6 and development reserve zoned area to the northwest of the site. He then discussed how the 28.32 acre site sloped downward dramatically from the south property line to the north property line and also sloped downward from the west property line to the east property line. He stated that Phase I was approximately 18.71 acres and included 294 one, two and three-bedroom multi-family residential units within twelve 3-story buildings. He mentioned that Phase II was planned for 17 single-family detached residential lots and outlots, to be developed by another developer. He then stated that 2 multi-unit buildings had a 6,150 square foot floor plate with 12 units each, 10 multi-unit buildings had a 9,000 square foot floor plate with 27 units each, and that monthly rental rates ranged from $850 for one-bedroom units to $1,350 for three-bedroom units. He added that the density was in conformance with the Master Plan of the City. Mr. Jobeun stated that upon request by the adjacent neighbors, the revised site plan included the detention basin within the boundary of Phase I, which allowed for relocation of the enclosed trash compactor from the south property line entrance to the north property line entrance. He then discussed the various amenities associated with luxury multi-family units and that Phase I exceeded parking requirements with 589 total surface and garage parking stalls. He added that the south property line had a 30 foot buffer yard, 156th and Ida Streets was designated a green corner and that the entire complex was fenced and gated with restricted access. He also stated that part of the development used ornamental fence and that wood fence was planned along the south property line to complement existing fences of adjacent homes. Mr. Jobeun explained that primary access was along Ida Street, which would become a right-in/right-out only access upon future street improvements. He then explained that a second connection would be established at Newport Avenue into the Stone Park subdivision during Phase II of the project. He stated that there was no direct access onto 156th Street and that a traffic study would be completed to determine if a traffic signal was warranted at 156th & Curtis Avenue. He added that a connection would be made at the currently stubbed 154th and Curtis Avenue and that 156th Street would be widened to 3 lanes. He then stated that a neighborhood meeting was held on December 27, 2016, with approximately 200 neighbors in attendance, and that Public Works and Planning Department representatives also attended. In response to the Board, Mr. Jobeun displayed a rendering of the multi-family residential building, discussed the esthetics and stated that all buildings were 35 feet in height at the midpoint of the roofline.

Dave Domina, Attorney, 2425 S. 144th St., appeared before the Board in opposition. Mr. Domina stated that he represented the Board of Trustees of SID 424 and that he objected to the notice of the proceedings. He then stated that SID 424 owned streets and improvements in those streets within 300 feet of the site, but was not notified of the meeting and then made a reference to Nebraska Statute 31-740. He then tendered objection to notice and exited to preserve the objection. In response to the Board, Mr. Domina stated that SID 424 was a property owner entitled to notice, was concerned how streets and sewers owned by the SID would become engaged with the development and requested further discussions with the developer.

Catherine Meyer, 1441 Douglas St., Sioux City, Iowa, appeared before the Board in opposition. Ms. Meyer stated that she owned property in Stone Creek and that she was a real estate analyst. She then stated that she was in support of development, but was opposed to the increased density of the multi-family units. She also stated that she was concerned with increased traffic, lack of adequate infrastructure and traffic safety. Ms. Meyer stated that she supported the single-family residential development.
Kevin Tracy, Attorney, Fraser Stryker, 409 S. 17th St., appeared before the Board in opposition. Mr. Tracy stated that he represented Brian Fortina, whose family owned the property at 15401 Ida Street, adjacent on the northeast corner of the site, and that Mr. Fortina resided at the property. He explained that the proposed connection from the development to Newport Avenue required access across Mr. Fortina’s property and that an agreement regarding this connection had not been discussed with Mr. Fortina. He then stated that his client was concerned with drainage and run-off from the development towards his property, lack of communications from the developer prior to the neighborhood meeting, and lack of agreement regarding Newport Avenue. He requested the case be laid over for further discussions with the developer.

Dan Hoeck, 6305 N. 155th Cir., appeared before the Board in opposition. Mr. Heck stated that he resided adjacent to the site on the south property line and that he had a direct view of the site from his home. He was also concerned with conflicting information received today regarding average rents, improvements to Ida Street creating a right-in/right-out access would increase traffic to flow at 154th & Curtis Avenue, and that the roads used by the development were maintained through the SID.

Mr. Jobeun stated that because the City was the governing body for the street system, Sanitary Improvement Districts had limited rights within the street systems and mentioned that representatives for SID 424 attended the December neighborhood meeting. He then stated that a notation was made on the Preliminary Plat regarding potential right-of-way accommodation for Newport Avenue, which would be resolved at a later date, and that typically stubbed streets provided future connections to adjacent properties as required by the Master Plan. He explained that discussions at the neighborhood meeting were consistent with discussions today and that the minimal revisions made were also discussed today. He then explained that the use of the public street system was reciprocal and that additional public meetings for approvals were necessary. In response to the board, Mr. Jobeun explained that the applicant agreed to commit to future neighborhood meetings prior to final plat submittal and that the meetings would be coordinated with Council Member Aimee Melton.

In response to the Board, Ryan Haas, Public Works Department, stated that Ida Street was currently a full movement intersection and that improvements were in the far future.

In response to the Board, Jennifer Taylor, City Law, stated that the Department was not concerned with the issue of improper notice to the SID.

Dave Fanslau, Assistant Planning Director, stated that he attended the neighborhood meeting and acknowledged the Department received written correspondence from concerned neighbors. In response to written correspondence and testimony, he explained the 156th and Ida Street intersection was designated as 10-acre Mixed Use center, additionally office and commercial acres were available, supported 250 multi-family units and that the proposed plan was in compliance with the Master Plan. He then explained that stubbed streets served a purpose for future connectivity and that connectivity to an SID prevented traffic circulation issues in the future. Mr. Fanslau stated that the Department recommended approval of the rezoning and approval of the preliminary plat subject to the 11 conditions on the Department recommendation report. He then stated that the Department recommended approval of the PUD subject to submittal of a final acceptable site plan, landscape plan, building elevations and fence exhibit prior to forwarding the request to City Council.

Ms. Karnes moved for approval of the rezoning from AG to DR, R4 and R6, and approval of the Preliminary Plat subject to the following being addressed with or prior to submittal of a Final Plat: 1) Submit a traffic memo evaluating the traffic signal warrants at 156th Street and Curtis Avenue and provide for all improvements identified. 2) Provide a public access easement for both temporary turnarounds. 3) Acquire the land for proposed Street C right-of-way prior to recording the Final Plat for that phase of the development. 4) Place the green corner in its own separate outlot, with an access easement back to Street A across Lot 1. 5) Notes will need to be placed on the plat that state the following: (a) “There shall be no direct access to 156th Street or Ida Street from Lot 1 or Outlot A.” and (b) “The intersection of Street A and Ida Street will be restricted to a right-in/right-out only intersection at the time of future Ida Street improvements.” 6) Enter into a maintenance agreement with Douglas County to provide routine maintenance of public streets if the development is not to be part of a Sanitary Improvement District (SID).
7) Designate neighborhood park contribution for Park 32c (Saddlebrook) of the Suburban Park Master Plan and coordinate with the Parks Department on the nature of the improvements.
8) Provide the standard noise attenuation easement language on the plat. 9) Provide sidewalks along all street frontages (including Ida and 156th Streets).
10) Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.
11) Compliance with all applicable stormwater management ordinances and policies.
12) The developer hold at least 1 additional meeting with the neighbors to discuss the plan prior to City Council.

Mr. Rosacker seconded the motion, which carried 7-0.

Ms. Karnes then moved for approval of the PUD, subject to submittal of a final acceptable site plan, landscape plan, building elevations and fence exhibit prior to forwarding the request to the City Council. Mr. Nesbitt seconded the motion which carried 7-0.

| 17. | C10-14-160  
C12-14-161  
Pier 15 Development LLC | REQUEST: Revised Preliminary Plat and Final Plat approval (Lots 1-88, Outlots A-B) of PIER 15 (formerly known as Lakeview Pointe), a subdivision outside the city limits, with rezoning from AG to R4, R5 and MU | LOCATION: Northwest of 168th and Fort Streets |

At the Planning Board meeting held on January 4, 2017, Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Jobeun stated that he was available to answer questions regarding the request.

Catherine Meyer, 1441 Douglas St, Sioux City, IA, appeared before the Board in opposition. Ms. Meyer stated that she was a real estate analyst and that she owned property east of the site at 6037 N. 167th Court in Stone Creek. She then stated that she did not receive notice of the meeting and was highly opposed because of the oversaturation of available residential lots in recently completed subdivisions, multiple undeveloped commercial areas within the vicinity, and lack of infrastructure to support increased density.

Dave Buelt, Attorney, Ellick Jones Buelt Blazek & Longo, 9290 West Dodge Rd, Suite 303, appeared before the Board on behalf of his client, the Roy Johnson Family Limited Partnership, and the principals Barbie Hayes and Elizabeth Wolgamott. He stated that his client owned land adjacent on the north property line of the site and that he was not opposed to the project, but requested an approval subject to further communication and input between the applicant’s and his client’s engineers prior to final approvals. He explained that he met with Adrian Suarez, the applicant representative, in September, but that engineer drawings promised to his client’s engineer were never received.

Mr. Jobeun acknowledged the recent lack of communication with the property owner to the north. He explained that the applicant hastily worked with the Papio Missouri River NRD and the Parks Department to coordinate a permanent road access by the applicant to the Dam Site 15A boat ramp and parking area prior to submittal of the preliminary plat. He agreed to work with the property owner to the north to determine the best possible solution for the grading issue in a small area along the north portion of the property line.

Mr. Buelt commented that his client did not receive notice for the Preliminary Plat request at the site.

Dave Fanslau, Assistant Planning Director, explained that the Master Plan was created by City representatives, with assistance from Omaha By Design representatives for portions of the plan, and then approved by the City Council. He briefly discussed how the Sewer element of the Master Plan used a systematic process to help determine developable land and that land development was at the risk of the developer. He then stated that the Department recommended approval of the rezoning subject to submittal of an acceptable Mixed Use Development Agreement to be submitted with the Phase 2 Final Plat, and approval of the Revised Preliminary Plat, subject to the 17 conditions on the Department recommendation report. He added that the Department recommended approval of the Final Plat subject to the conditions of Revised Preliminary Plat approval relative to Phase 1 and submittal of an acceptable final subdivision agreement, prior to forwarding the request to the City Council.
Mr. Rosenbaum moved for approval of the rezoning from AG to R4, R5 and MU, subject to submittal of an acceptable Mixed Use Development Agreement to be submitted with the Phase 2 Final Plat, 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) Coordinate with Public Works on providing an acceptable design of the street section and median for the eastbound approach to 168th Street along both Hartman Avenue and Kansas Avenue.
3) Coordinate with the PMNRD on the paving to serve the public park on the west side of HWS Cleveland Boulevard and enter into a cost-sharing arrangement as needed.
4) Coordinate with Public Works regarding an acceptable general obligation paving plan.
5) Pave all stub streets to the boundary of the subdivision and construct temporary turnarounds.
6) Provide traffic calming on all streets in excess of 1,000 feet.
7) Provide the standard noise attenuation easement language on the plat.
8) Place the following notes on the plat:
   a) There shall be no direct access onto 168th or Fort Street from any adjacent lot within the subdivision.
   b) The 1/8 mile street connection (169th Street) to Fort Street will be restricted to right-in/right-out vehicular turning movements at the time Fort Street is upgraded to a 4-lane section with raised medians.
9) Provide storm sewer design computations and final plans to the Douglas County Engineer’s office for review that relate to the handling of roadway and site drainage along the development boundary adjacent to Fort and 168th Streets.
10) Provide sidewalks along all street frontages as required by the Subdivision Ordinance (including along Fort and 168th Street).
11) Receive approval from the Park and Recreation Advisory Board on final boulevard design and estimates prior to bidding.
12) Revise the language on the plat to read as a 35 foot no-build setback along HWS Cleveland Boulevard (rather than a 35 foot no-build easement).
13) Work with city staff in regards to finalizing an acceptable tree mitigation plan.
14) Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement.
15) Include a provision in the subdivision agreement that assigns responsibility for the routine maintenance and snow removal of the parking areas located on public right-of-way.
16) Compliance with all applicable stormwater management ordinances and policies.
17) Providing an acceptable debt ratio.
18) The applicant continue to meet with adjacent property owners regarding the project.

He also moved for approval of the Final Plat (Lots 1-88, Outlots A-B), subject to the conditions of Revised Preliminary Plat approval relative to Phase 1 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.

Rezonings

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<thead>
<tr>
<th>No.</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>18.</td>
<td>Rezoning from DR and R2 to R4 (portions of the property lie within the flood fringe and floodway overlay districts)</td>
<td>9503 Walnut Street</td>
</tr>
</tbody>
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At the Planning Board meeting held on January 4, 2017, Troy Meyerson, 409 S 17th St., appeared before the Board on behalf of the applicant. Mr. Meyerson stated that the request involved an upgrade of the existing Sunset Hills School and that R4 zoning provided flexibility with setback regulations for the driveway. He then displayed a list of project meetings held to discuss various aspects of the project dating back to March 2016 and explained that the applicant was increasing the capacity for students. He then stated that one neighbor concern was the possibility of multi-family use if the property was sold. Mr. Meyerson explained that the owner planned continued use as a school and that permitted uses in R4 were identical to R2.

Ann Christiansen, 1102 S. 92nd Cir, appeared before the Board in support of the request. Ms. Christiansen stated that she was a Sunset Hills School parent and served on various committees for the district, including the facilities project for the school. She then stated that meetings held indicated the District’s intended use of the property was for educational purposes only and that the District was detailed and transparent with the community regarding the project.

Richard Onken, 1715 S. 94th St., appeared before the Board in opposition. Mr. Onken stated that he resided to the north of the site and that he supported the school, but was concerned with the rationale for using R4 zoning. He displayed a chart and briefly discussed the regulators for R2 zoning and stated that he was uncertain why the access road required R4 zoning. He added that the surrounding neighborhood was zoned R2 and that the area was zoned DR and R2 on the Master Plan. Mr. Onken stated that work travels
prevented him from attending many project meetings and that he wanted the school project to move forward, but was concerned townhomes were a planned use after rezoning the site.

Mr. Meyerson stated that townhome use for the site required additional approvals from the Board.

Caleb Snyder, Lamp Rynearson & Associates, 14710 West Dodge Rd, appeared before the Board on behalf of the applicant. Mr. Snyder stated that he met with the Department on March 7, 2016 regarding the project and was informed that the Department supported R1 through R5 zoning, which was standard for a primary educational facility. He explained that R4 zoning allowed the most flexibility for impervious coverage and prevented the need for additional waivers if the northeast parking lot was expanded.

Joel McWilliams, Project Advocates, appeared before the Board on behalf of the applicant. Mr. McWilliams stated that the proposed plan required 41.2% impervious coverage, which exceeded the maximum 40% allowed within R2 zoning. He then stated that R4 zoning allowed the setbacks and increased impervious coverage needed for the drop-off and pick-up driveway to be located on the site.

Dave Fanslau, Assistant Planning Director, stated that the change in zoning prevented the need for additional waivers typically requested by a school use and that the area was designated on the Master Plan as low-density residential, which included R1 through R5 zoning. He then stated that the Department recommended approval of the rezoning.

Mr. Rosacker moved for approval. Mr. Magid seconded the motion which carried 5-0-2, with Ms. Karnes and Mr. Harding recusing.

**Conditional Use Permits**

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<tr>
<td>26.</td>
<td>C7-17-021</td>
<td>REQUEST: Approval of a Conditional Use Permit to allow Auto repair service in a CC District</td>
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<tr>
<td></td>
<td>Michael Horst</td>
<td>LOCATION: 5229 South 96th Street</td>
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At the Planning Board meeting held on January 4, 2017, Joann Horst, 17520 Howard St., appeared before the Board. Ms. Horst stated that she and her husband purchased the property in 2013, which included 2 buildings that housed a carwash. She explained that in 2014 permits were obtained to erect an additional building for retail space and that she received an occupancy permit on January 21, 2014. She then explained that a tinting and electronics car services tenant moved into the new building and subsequently requested expansion of the space. She stated that permits were acquired to convert car wash bays into service bays for the tenant and was informed the site was improperly zoned for the use. In response to the Board, Ms. Horst stated that the same tenant still occupied the space.

Dave Fanslau, Assistant Planning Director, stated that during the permit review process, for unknown reasons a zoning compliance check was not completed by the Department. He explained that a conditional use permit was needed to operate the tenant’s business at the site and that the Department needed additional information from the applicant. He then stated that the Department recommended to layover the request to allow the applicant additional time to provide a revised site plan and operating statement as required.

Mr. Rosenbaum called Mike Horst, 17520 Howard St, to appear before the Board. Mr. Horst was concerned how building and occupancy permits were obtained if the site was improperly zoned. Mr. Fanslau explained that the site was not required to be rezoned for the use, but a conditional use permit was needed. He also explained that the applicant needed to submit a revised site plan for proper review of the site.

Mr. Rosenbaum moved to layover of the request for a Conditional Use Permit to allow Auto repair service in a CC district to allow the applicant additional time to provide a revised site plan and operating statement as required. Mr. Rosacker seconded the motion which carried 7-0.
ELECTION OF OFFICERS

Mr. Rosenbaum moved to RETAIN Brinker Harding as Chairperson of the Planning Board. Mr. Rosacker seconded the motion which carried 7-0.

Mr. Rosenbaum moved to RETAIN Arnold Nesbitt as Vice Chairperson of the Planning Board. Mr. Rosacker seconded the motion which carried 7-0.

APPROVAL OF MINUTES

Mr. Magid moved to APPROVE the meeting minutes of December 7, 2016 as written. Ms. Karnes seconded the motion which carried 7-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 4:08 pm.

_________________________________________________________________________

Date Approved

_________________________________________________________________________

Brinker Harding, Chairman

_________________________________________________________________________

Rikki Flott, Planning Board
Recording Secretary