Certification of Publication: Zoning Board of Appeals Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, January 30, 2017 and Thursday, February 2, 2017.

MEMBERS PRESENT: Brian Mahlendorf, Chair
Jacque Donovan, Vice-Chair
Sebastian Anzaldo
Jeremy Aspen
Jason Lanoha

MEMBERS NOT PRESENT: Sean Kelley (Alternate)

STAFF PRESENT: Mike Carter, Zoning Board of Appeals Administrator
Jennifer Taylor, City Attorney
Michelle Alfaro, City Planner
Clinette Ingram, Recording Secretary

Mr. Mahlendorf called the meeting to order at 1:00 p.m., introduced the board members and staff, and explained the procedures for hearing the cases.
LAYOVERS:

1. Case No. 16-118
   Robert & Sharon Bruning
   16201 Fort St.
   Omaha, NE 68122

   REQUEST: Waiver of Section 55-84, 55-87, 55-715, 55-734 & 55-740(f)
   - Variance to the permitted use regulations of the AG district
   to allow Business Maintenance Services, Custom Manufacturing and Warehousing and Distribution (Limited),
   not otherwise permitted, to the maximum building coverage
   from 5% to 20%, to the maximum impervious surface
   coverage from 10% to 56%, to the required street yard
   landscaping percentage from 90% to 80%, to the minimum
   street yard landscaping depth from 35' to 5' and 9', to the
   required number of off-street parking stalls from 55 to 31
   and to the minimum perimeter parking lot landscaping from
   10' to 9' and 5'.

   LOCATION: 16201 Fort Street
   ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 9, 2017, Jerry Slusky (8712 West Dodge Road) appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicants had owned the property since the late 1970's. The site was under the City's jurisdiction at that time. Since owning the property, the applicants had removed and constructed a number of buildings on the site. There is a total of 8 stand-alone buildings, not including a barn and a house, on the property. The amount of pavement on the site increased to accommodate parking and drive aisles. There were no permits pulled for any of the improvements on the site. The Planning Department investigated a complaint that was filed on the property in March 2015. At that time the applicant submitted information that described the characteristics of the operation of the site, including the different businesses that were being operated there. An as-built site plan was also submitted to illustrate the improvements. He noted that the businesses and improvements on the site are not permitted in the AG (Agricultural) district. He explained that the purpose of the AG district is to prohibit premature and “leapfrog” development into rural areas not fully served by public facilities and to ensure that such development occurs adjacent to previously urbanized or urbanizing areas. Development of agriculturally zoned property requires platting, rezoning and review by various City departments and other entities to ensure compliance with all of the various regulations that are involved. The review process ensures that businesses are located in improved areas that are designed for commercial/industrial development. These improved areas provide the necessary utilities, street improvements, compatible land uses and serve the public health, safety and general welfare of the community.

The Planning Department found no hardship or practical difficulty to allow the requested waivers. Mr. Carter mentioned that in addition to the waivers that were being requested in relation to Chapter 55 of the Omaha Municipal Code, there were serious issues with Chapter 53 (Subdivision and Public Works), Chapter 43 (Building) and Chapter 49 (Plumbing). There were also issues with regards to the Fire Code, the Master Plan/Land Use Policies and other related issues. Taking into consideration all of those issues, the Planning Department recommended denial of the request.

Mr. Slusky mentioned the exhibit that had been submitted to the file (Exhibit 2). Included in the exhibit were the following: 1) a letter from Mr. Slusky dated February 7, 2017 with pictures attached showing other properties in Omaha with existing situations similar to his clients; 2) the Zoning Board of Appeals application; 3) a letter from the contractor that built the buildings; 4) a letter from the architect that included recommendations with regards to specific building codes, and 5) another letter from the architect that contained the proposed improvements that the applicants were willing to make to satisfy the immediate Life/Safety issues related to the site.
Mr. Slusky indicated that the majority of the neighbors, with the exception of one, were in support of the request and preferred to keep the site as-is. He added that many of the surrounding homes were built near the site several years after the property came into existence. He stated that the applicant’s housed their lawn care business on the property and that they later hired Cleary Building Corporation to replace and add buildings. The contractor indicated in his letter (Exhibit 2, Item 3) that he checked with the Planning Department with regards to zoning and building permits and that he was told each time that a permit was not needed to construct any of the 5 buildings since the property was zoned AG.

Mr. Slusky indicated that his clients were willing to install a gate at the existing street stub for Fire Department access. They were also willing to install exhaust fans in the two buildings where cars were stored (Buildings 4 and 7), although he stated that no painting was occurring. For the two buildings that had been vacated, the Brunings proposed that the future tenants would have no employees on the premises and if there were, then that applicant would come back to the City to meet the necessary requirements with regards to walls and access. He stated that for the remaining buildings where lawn care business were located (Buildings 3, 5, 6, 8 and 9), the applicants were willing to comply with the building codes that pertained to Life Safety issues.

With regards to the boiler repair company on the site, Mr. Slusky explained that there were 10 – 12 trucks that were on the site on Monday mornings that returned on Friday evenings. He stated that there were no employees on site; however, if there came a time that there were employees on the site, the applicant would put in the necessary fire walls. Mr. Slusky believed that if the waivers were not granted, it would put the applicants out of business and there would be no other use for the land. He requested that the board grant the waiver subject to the conditions proposed and negotiated by the architect and the Planning Department.

Terri Sauter, 5125 North 161st Avenue Circle, appeared in support of the request. She felt that the property was a landmark and should remain as it was. She indicated that she had spoken with several of her neighbors and most wanted the property to remain and were in support of the requested waivers. She believed that the applicants were good neighbors who took care of any problems in a timely manner. Mr. Mahlendorf noted that the board had been contacted by many of the neighbors and that it seemed to be general support for keeping the property as it exists. She stated that she enjoyed the atmosphere created by the existing site and preferred it to residential housing.

Councilmember Aimee Melton (District 7) appeared before the board in support of the request. Ms. Melton stated that she had attended one of the neighborhood meetings in the summer of 2015. At that meeting she stated that every neighbor in attendance was in support of keeping the land the way that it was. She felt that there would be an extreme hardship to the owners if the waivers were not granted. She understood the board’s hesitance to set a precedence in this case; however, she felt that, due to uniqueness of the property and the circumstances and taking into consideration what concessions the applicants were willing to make, an exception should be made.

Mr. Lanoha inquired as to why the applicant chose to appear before the Zoning Board of Appeals instead of the Planning Board or City Council. Mr. Slusky responded that there would be no “platting or zoning option that would make economic sense”.

Patrick Leahy noted some of the improvements that the applicant were willing to make. This included the installation of rated fire walls for building that are less than 30’ apart and installation of exhaust fans with sensors in buildings 4 and 7 where cars were being stored. In another of the buildings that was vacant, a 1-hour rated wall would need to be installed between the parking area and the office if the building was going to be occupied, in addition to a sprinkler system and CO2 sensors.

There was some discussion about Fire Department access to water. Mr. Leahy noted that there was access on across Fort Street to the east, 160th Circle and another on the 161st Street stub.
Jay Davis, Assistant Planning Director, appeared before the board. His response to Mr. Leahy’s statements were that the fire hydrant of Fort Street was over 600’ from the farthest building on the property. The hydrants in the cul-de-sacs and the street stub were not assessable because of the fence surrounding the site. He spoke about sprinkler requirements and the fact that the site was serviced by two septic systems and one well. He added that there were no oil separators, no way to know where the storm water was going, and concerns about the effects of chemicals that might be stored on the site. He concluded that the site was not designed to be used for a commercial application.

In response to Mr. Aspen, Mr. Carter stated that the Planning Department had not had enough time to look into the information that had was being proposed by the applicants. Mr. Mahlendorf believed that some additional time might be needed to understand what issues were not being addressed. Mr. Lanoha agreed that more time was needed to give all parties the time to discuss the issues.

Mr. Lanoha moved to LAYOVER for 60 days until the April 13, 2017 meeting, for further discussion. Mr. Mahlendorf seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
2. Case No. 17-001
Robert Byers
22630 Southshore Dr.
Waterloo, NE 68069
REQUEST: Waiver of Section 55-146 - Variance to the front yard setback from 40’ to 28’8” to allow a garage addition.
LOCATION: 22630 Southshore Drive
ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 9, 2017, Robert Byers appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that applicant was proposing to construct an addition to the front of the existing garage. He explained that the Neighborhood Association requested that his garbage cans be stored out of site. He indicated that the existing garage was too small to fit the garbage cans and his vehicles. Mr. Carter noted that the existing garage was already at a 35’ setback and that an addition would extend further into the setback. The Planning Department found no hardship or practical difficulty to allow the addition to be built in the setback and recommended denial.

Mr. Byers stated that the addition would increase the value of the home and be more appealing to the neighborhood. He indicated that he had spoken with his neighbors and that none objected to the improvement. A noted that there was a statement of support from one of his neighbors. He also included photos of two other homes in the neighborhood that had recently been granted waivers. In response to Ms. Donovan, Mr. Byers stated that the addition would match the existing structure.

Ms. Donovan moved to APPROVE in accordance with the plans submitted. Mr. Mahlendorf seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Mahlendorf

NAYES: Aspen

MOTION CARRIED: 4-1
NEW CASES:

3. Case No. 17-006  
   William Novak  
   3606 N. 156th St.  
   Omaha, NE 68116  
   REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surfacing requirement for a temporary parking lot from 4/1 – 10/31 for the years 2017-2021.  
   LOCATION: Generally south of West Maple Road between 230th and 233rd Streets  
   ZONE: AG-FW

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 9, 2017, Robert Byers appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the applicant had appeared before the board in 2015 for a similar request. Various activities were held on the site including soccer tournaments, tubing and tanking operations and other outdoor events. He was requesting a waiver to allow temporary, on-site parking for those events. The Planning Department believed that there was no hardship or practical difficulty, adding that the Department did not issue Temporary Use Permits without the required hard-surface parking. The Planning Department recommended denial.

Mr. Novak stated that he has worked with the Waterloo community since 2012 to ensure that there were no issues. In response to Mr. Anzaldo, Mr. Novak stated that the conditions that went along with the waivers he had been granted in the past had worked well. He added that if the request was approved, he would be in agreement with abiding by the same conditions as before.

Mr. Anzaldo stated that he would be more comfortable with approving the waiver for 3 years, instead of 5 as requested, with the same restrictions as before.

Mr. Anzaldo moved to APPROVE for the years 2017 – 2019 in accordance with the plans submitted, subject to no music played past 11 p.m. with the exception of 3 nights where music can be played later, subject to the Planning Department issuance of a Temporary Use Permit. Mr. Aspen seconded the motion.

Ms. Donovan stated that she would prefer to approve the request for 2 years. She also advised the applicant that a Temporary Use Permit would be required if he wanted to host any event beyond 11 p.m.

Mr. Anzaldo AMENDED his motion for the years of 2017 – 2018. Mr. Aspen AMENDED his second.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
4. Case No. 17-007  
Curt Hofer Construction  
16820 Frances St.  
Omaha, NE 68130  

REQUEST: Waiver of Section 55-126 – Variance to the front yard setback from 50’ to 40’ and to the interior side yard setback from 25’ to 10’ to allow construction of a new home.

LOCATION: 23728 Hampton Road  
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Approval, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on February 9, 2017, Steve Huber, Curt Hofer Construction, appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, explained that the Hampton subdivision was originally developed under Douglas County regulations. With the annexation of Elkhorn, Omaha expanded their zoning jurisdiction to include a portion of that subdivision. In 2008, an application for a blanket waiver for the front and side yard setbacks was submitted for several of the lots in the Hamptons that were under Omaha jurisdiction. He further explained that a recent annexation by Omaha caused an expansion of the zoning jurisdiction to include the lots that were not a part of the previous waiver. The applicant requested the same waivers that were granted to the other properties in 2008. The Planning Department recommended approval in accordance with the plans submitted.

Ms. Donovan moved to APPROVE in accordance with the plans submitted. Mr. Lanoha seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
5. Case No. 17-008
Pete Widhalm
Widhalm Custom Homes
7968 N. 155\textsuperscript{th} St.
Bennington, NE 68007

REQUEST: Waiver of Section 55-126 & 55-715 - Variance to the front yard setback from 50' to 40', to the interior side yard setback from 25' to 10' and to the street yard landscaping depth from 30' to 0' to allow construction of a new home.

LOCATION: 5015 South 237\textsuperscript{th} Circle
ZONE: R1

PLANNING DEPARTMENT RECOMMENDATION: Denial of the waiver for the street yard landscaping. Approval of the waiver for the front and interior side yard setbacks, in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on February 9, 2017, no one appeared before the Board.

Ms. Donovan moved to LAYOVER. Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
6. Case No. 17-009
Armando Legarreta
5428 S. 19th St.
Omaha, NE 68107

REQUEST: Waiver of Section 55-782(b)(6) and 55-186 - Variance to the interior side yard setback from 3’ to 2’6” and to the maximum impervious surface coverage from 50% to 69%, to allow a 19’ x 30’ detached garage to remain.

LOCATION: 5428 South 19th Street
ZONE: R4(35)

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 9, 2017, Fabiola Vazquez Martinez appeared before the Board.

Mike Carter, Zoning Board of Appeals Administrator, stated that construction of a detached garage had begun on the property that was 25’ wide. He explained that in order to comply with the 3’ setbacks, the 19’ wide garage would need to be placed directly in the middle of the property. The garage was built 6” off center which placed it inside the side yard setback. It also exceeds the maximum impervious coverage. The Planning Department found no hardship or practical difficulty and believed that the garage should be built in compliance with zoning regulations and recommended denial.

Ms. Martinez stated that when the home was purchased, it was believed that the existing fence was on the property line. After obtaining a permit, a city inspector suggested that the applicant get a survey of the property. The surveyor found that the fence was off approximately 6”. The applicant decided to apply for a waiver.

Mr. Mahlendorf noted that the same situation occurred in many of the homes in the neighborhood.

Ms. Donovan moved to APPROVE in accordance with the plans submitted. Mr. Aspen seconded the motion.

AYES: Aspen, Donovan, Lanoah, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
7. Case No. 17-010  
Kum & Go, LLC  
6400 Westown Pkwy.  
W. Des Moines, IA 50266

REQUEST: Waiver of Section 55-734, 55-740(f) & 55-928(e) - Variance to the required number of off-street parking stalls from 42 to 28, to the required perimeter parking lot landscaping from 5’ to 0’ and green parking area perimeter landscaping from 15’ to 7.5’, with a screen wall, to allow redevelopment of the site for a convenience store.

LOCATION: 7152 Pacific Street
ZONE: GC-ACI-2(65)-FF/FW and GI-ACI-2(65)-FF

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the applicant applying for rezoning of the site to CC-Community Commercial District.

At the Zoning Board of Appeals meeting held on February 9, 2017, Larry Jobeun, (11440 W. Center Road) appeared before the Board. Also in attendance were Mike Kelley (Property Owner), Tim Scherer (Runza Owner), Siobhan Harman (Kum & Go) and Jeremy Shepherd (Olsson & Associates).

Mike Carter, Zoning Board of Appeals Administrator, stated that the existing gas station was being demolished to make room for a convenience store and gas pumps. The project would include many improvements to the site including additional landscaping along 72nd Street and Pacific Street and the reduction in the number of access drives to the site. The Planning Department believed that the proposed improvements would enhance the site. Mr. Carter stated that the applicant should continue working with the Planning Department on an acceptable design for the screen wall and building materials for the new building prior to applying for a building permit. In addition, signage must comply with Urban Design regulations, which prohibits pole signs. He further noted that the site was in a flood zone and that approval of a Floodplain Development Permit would be required prior to applying for a building permit. The Planning Department believed that there was a hardship/practical difficulty that resulted from the irregular shape of the site, the dedication of right-of-way along 72nd and Pacific Streets and the reduction of access to the property. The Planning Department recommended approval in accordance with the plans submitted, subject to the applicant applying for rezoning of the site to CC-Community Commercial District.

Mr. Jobeun stated that his client was in agreement with the Planning Department’s recommendation. In response to Mr. Mahlendorf Mr. Jobeun stated that the number of stalls on the Runza property were being reduced from 42 to 28 parking stalls; however, there would be a joint parking agreement in place between the Runza restaurant and the Kum & Go lot. He explained that there would be sufficient parking for both business. The existing billboard would remain in place.

Mr. Anzaldo moved to APPROVE in accordance with the plans submitted subject to applicant applying for rezoning of the site to CC-Community Commercial District. Mr. Lanoha seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
8. Case No. 17-011  
Matthew L. Wickham  
8618 N. 155th St.  
Omaha, NE 68007  
REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surface driveway requirement to allow a gravel driveway for a new home.  
LOCATION: 11515 North 126th Street  
ZONE: AG

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to the applicant paving the approach plus the first 50’ of the driveway back from the property line at such time that 126th Street is paved.

At the Zoning Board of Appeals meeting held on February 9, 2017, Matthew Wickham appeared before the board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to construct a new home with a gravel driveway adjacent to 126th Street, which is also a gravel street. A similar waiver was granted to a nearby property. The Planning Department believed that there was a hardship due to the nature of the existing gravel road and recommended approval in accordance with the plans submitted, subject to the applicant paving the approach plus the first 50’ of the driveway back from the property line at such time that 126th Street is paved.

Mr. Wickham was in agreement with the Planning Department’s recommendation.

Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to the applicant paving the approach plus the first 50’ of the driveway back from the property line at such time that 126th Street is paved. Ms. Donovan seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
9. Case No. 17-014
Dale Ludwick
Farnam 36, LLC
Kiewit Plaza
3555 Farnam St.
Omaha, NE 68131

REQUEST: Waiver of Section 55-782(b)(5) – Variance to the minimum vertical clearance for a canopy from 8’6” to 6’10” and to the required setback from 5’ to 0’ to allow construction of a new canopy.

LOCATION: 302 South 36th Street
ZONE: CBD-AC1-1(PL)

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on February 9, 2017, Matt Smith (BVH Architecture) and Dale Ludwick (Kiewit Building Group) appeared before the board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the building is right up to the property line along Farnam Street. The applicant was proposing to renovate the front façade of the building facing north. Approval for the design was approved by the Landmarks Heritage Preservation Commission at its April 2016 meeting. The canopy portion of the design has a clearance that does not comply with the requirements of the code, which stated that there should be a clearance of 8’6”. Due to sidewalk conditions, the clearance for the canopy decreases to 6’10” in some areas. In addition, since the building is close to the property line, the improvement would be at 0’. The Planning Department believed that the canopy fit in with the historical design of the building and that the encroachment was minimal and, therefore, recommended approval in accordance with the plans submitted. He did note the waiver applied to the portion of the project located on private property and that the applicant would need to go through the lease process for the portion of the improvements located in the right-of-way.

Mr. Smith stated that the applicant would be applying for a right-of-way lease.

Ms. Donovan moved to APPROVE in accordance with the plans submitted. Mr. Aspen seconded the motion.

AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
10. Case No. 17-015
    David Holt
    Union Pacific Railroad
    1400 Douglas St.
    Omaha, NE 68179
    REQUEST: Waiver of Section 55-734 – Variance to the required number of off-street parking stalls from 107 to 60.
    LOCATION: 8949 Sorensen Parkway
    ZONE: GI

    PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

    At the Zoning Board of Appeals meeting held on February 9, 2017, Ronald Feuerbach (Morrissey Engineering) appeared before the board.

    Mike Carter, Zoning Board of Appeals Administrator, stated that the building was originally used by First Data Resources, who received a parking waiver for the site in 2001. The building is a data center so much of the space inside the building is used for equipment. The parking waiver was granted for the original applicant only, so a waiver was needed for the new owner of the property. The owner indicated that there would be 3 - 5 employees on the site, which could temporarily increase to 40 or 50 during a disaster recovery. The Planning Department recommended approval in accordance with the plans submitted.

    Mr. Aspen moved to APPROVE in accordance with the plans submitted. Mr. Anzaldo seconded the motion.

    AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

    MOTION CARRIED: 5-0
11. Case No. 17-016
   Byron J. Boyd
   1007 Normandy Dr.
   Bellevue, NE 68005

   REQUEST: Waiver of Section 55-523 – Variance to the permitted use regulations of the HI district to allow Single-family Residential (Detached) not otherwise permitted.

   LOCATION: 2419 South 27th Avenue
   ZONE: HI

   PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

   At the Zoning Board of Appeals meeting held on February 9, 2017, no one appeared before the board.

   Mr. Anzaldo moved to LAYOVER to give the applicant the opportunity to appear. Ms. Donovan seconded the motion.

   AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

   MOTION CARRIED: 5-0
12. Case No. 17-017
   David E. Anderson
   4805 N. 107th St.
   Omaha, NE 68134
   REQUEST: Waiver of Section 55-146 – Variance to the interior side yard setback from 10’ to 6’9” to allow a garage addition.
   LOCATION: 4805 North 107th Street
   ZONE: R2

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 9, 2017, no one appeared before the board.

Mr. Aspen moved to LAYOVER to give the applicant the opportunity to appear. Mr. Anzaldo seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
13. Case No. 17-018
   MIA, LLC
   4629 S. 23rd Street
   Omaha, NE 68107

   REQUEST: Waiver of Section 55-406, 55-734 & 55-928
   - Variance to the front yard setback from 17’ to 3’, to the minimum number of off-
     street parking stalls from 17 to 14 and to the minimum perimeter landscaping for a
     green parking area from 15’ to 8’ with a screen wall, to allow for construction of a
     new building and parking lot improvements.

   LOCATION: 3902/3908 L Street
   ZONE: GC

   PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject
to applying for rezoning to CC-MCC and complying with the MCC standards for building materials, screen
wall design and signage.

   At the Zoning Board of Appeals meeting held on February 9, 2017, Dan Dolezal (Ehrhart Griffin &
Associates) appeared before the board.

   Mike Carter, Zoning Board of Appeals Administrator, stated that the existing building was being
demolished and a new one constructed on the site. The existing building to the west would remain. The
applicant planned to make improvements to the site which included the removal of pavement along L
Street and 39th Street and the addition of more greenspace. The applicant also planned to provide a
screen wall since the 15’ of required landscaping was not being provided. Mr. Carter noted that L Street is
a Major Commercial Corridor and that the waivers would help with compliance with the MCC standards as
much as possible, while taking into consideration the small size of the site. The Planning Department
recommended approval in accordance with the plans submitted, subject to applying for rezoning to CC-
MCC and complying with the MCC standards for building materials, screen wall design and signage.

   The applicant was in agreement with the Planning Department’s recommendation.

   Mr. Aspen moved to APPROVE in accordance with the plans submitted, subject to applying for rezoning to
CC-MCC and complying with the MCC standards for building materials, screen wall design and signage. Ms.
Donovan seconded the motion.

   AYES: Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

   MOTION CARRIED: 5-0
14. Case No. 17-019
Jon Alexander
Junkstock, LLC
1150 River Road Dr.
Waterloo, NE 68069

REQUEST: Waiver of Section 55-740(e) – Variance to the hard-surfacing requirement for a temporary parking lot for 3 Junkstock events during 2017.

LOCATION: 1150 River Road Drive
ZONE: AG-FW

PLANNING DEPARTMENT RECOMMENDATION: Denial.

At the Zoning Board of Appeals meeting held on February 9, 2017, Jon Alexander appeared before the board.

Mike Carter, Zoning Board of Appeals Administrator, recalled that the Junkstock event was previously held on 192nd & West Dodge Road before moving to the current location. The zoning ordinance does not provide any exceptions to the hard-surfacing requirement for temporary uses. Mr. Carter mentioned that there were options off-site to shuttle people to the event location. The applicant indicated that he planned to use some shuttles from the Metropolitan Community College site and that he was working with the Douglas County Engineer and Department of Roads on a suitable traffic control plan. The Planning Department found no hardship or practical difficulty to allow the request and recommended denial.

There was some discussion with the applicant about his parking plans.

Mr. Aspen moved to APPROVE in accordance with the plans submitted. Ms. Donovan seconded the motion.

AYES: Aspen, Donovan, Lanoha, Anzaldo, Mahlendorf

MOTION CARRIED: 5-0
15. Case No. 17-020

Nate Buss
Olsson Associates
601 P St.
Lincoln, NE 68508

REQUEST: Waiver of Section 55-406, 55-715, 55-716, 55-740(f), 55-734, & 55-928 – Variance to the rear yard setback from 15' to 4', to the minimum street yard landscaping depth from 7.5' to 3' and 0', to the bufferyard between GC and R4(35) from 30' with screening to 0', perimeter parking lot landscaping from 10' to 6.5' and 0', perimeter landscaping for a green parking area from 15' to 3' with a screen wall, to the minimum interior parking lot landscaping from 7% to 3%, to the minimum number of off-street parking stalls from 32 to 25, to allow redevelopment of the site for a new Restaurant (Drive in).

LOCATION: 5051 Center Street

ZONE: GC

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted, subject to applying to rezone the site to CC-Community Commercial District and add the MCC overlay to the site and complying with MCC standards for building materials, screen wall design and signage.

At the Zoning Board of Appeals meeting held on February 9, 2017, Nate Buss appeared before the board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the applicant was proposing to clear the Runza restaurant and redevelop it with another fast-food restaurant. There was a challenge that resulted from the size and location of the existing site in this urban area of the city that make it difficult to comply with many of the requirements. The Planning Department acknowledged that the proposed plan was an improvement to the area, noting that landscaping will be provided along Center Street that is not currently there. In accordance with the requirements of the MCC overlay, the project will also utilize the screen wall feature and cars will overhang into the landscaping; the sidewalk will be built to the property line along the west, south and east; and some of the driveway access points off of Center Street will be closed. In addition, rezoning to CC-Community Commercial District will be required. The applicant was encouraged to continue working with the Planning Department on an acceptable design for the screen wall and building materials prior to applying for a building permit. The Planning Department recommended approval in accordance with the plans submitted, subject to applying to rezone the site to CC-Community Commercial District and add the MCC overlay to the site and complying with MCC standards for building materials, screen wall design and signage.

Mr. Buss discussed some of the plans for the site. He mentioned that he had met with someone from Good Shephard Church, which is adjacent to the site, and that they were in support of the project. He added that a representative was in attendance if the board wished to speak with them.

Mr. Lanoha moved to APPROVE in accordance with the plans submitted, subject to applying to rezone the site to CC-Community Commercial District and add the MCC overlay to the site and complying with MCC standards for building materials, screen wall design and signage. Ms. Donovan seconded the motion.

AYES: Donovan, Lanoha, Anzaldo, Aspen, Mahlendorf

MOTION CARRIED: 5-0
16. Case No. 17-021
Clarity Development
144 S. 39th St.
Omaha, NE 68131

REQUEST: Waiver of Section 55-734 – Variance to the minimum number of off-street parking stalls from 102 to 51 to allow a 51-unit, senior living facility.

LOCATION: Southeast of Blair High Road and 93rd Avenue

ZONE: DR (R6 proposed)

The applicant requested a layover for this case.

Mr. Anzaldo moved to LAYOVER at the applicant’s request. Ms. Donovan seconded the motion.

AYES: Lanoha, Anzaldo, Aspen, Donovan, Mahlendorf

MOTION CARRIED: 5-0
17.  Case No. 17-022
Geoff McGregor
McGregor Interests
11750 Stonegate Dr.
Omaha, NE 68164

REQUEST:  Waiver of Section 55-734 – Variance to the
minimum lot width from 100’ to 32.67’ to
allow platting of a lot for a single-family
residential development.

LOCATION:  South of Hillandale Circle, west of Skyline
Drive

ZONE:  R1

PLANNING DEPARTMENT RECOMMENDATION: Approval in accordance with the plans submitted.

At the Zoning Board of Appeals meeting held on February 9, 2017, Dan Dolezal (Ehrhart Griffin & Associates) appeared before the board.

Mike Carter, Zoning Board of Appeals Administrator, stated that the Planning Board recommended approval of the Preliminary and Final Plat, subject to conditions, at its August 3, 2016 meeting. A strip of land adjacent to Hillandale Circle was being vacated and attached to the applicant’s property. The lot width will not meet the requirement for the R1 district, so the applicant requested a waiver that would allow the lot to be properly platted so a home could be built on it in the future. The Planning Department found that there was a hardship/practical difficulty due to the existing strip of land intending to be access to the site and, therefore, recommended approval in accordance with the plans submitted.

Bill Alford (810 Skyline) appeared before the board. Mr. Alford had questions as to why a waiver was needed.

Ms. Donovan moved to APPROVE in accordance with the plans submitted. Mr. Mahlendorf seconded the motion.

AYES:  Anzaldo, Aspen, Donovan, Lanoha, Mahlendorf

MOTION CARRIED: 5-0
APPROVAL OF MINUTES:

Motion by Mr. Anzaldo to APPROVE the minutes of the January 12, 2017 meeting. Second by Mr. Aspen.

AYES: Aspen, Donovan, Anzaldo, Mahlendorf

ABSTAIN: Lanoha

MOTION CARRIED: 4-0-1

ADJOURNMENT

It was the consensus of the Board to ADJOURN the meeting at 2:59 p.m.

____________________________________________
Approved (date)

____________________________________________
Brian Mahlendorf, Chair

____________________________________________
Clinette Ingram, Secretary