The meeting was called to order at 11:00 a.m.

#11. 12. 13 Mr. Don Seten, Planning Department, described some of the details of each project and broke down the total cost, TIF request and other funding being sought for each project.

#10 & 14 Ms. Bridget Hadley, Planning Department described the details of both TIF projects and provided information about the total cost, TIF request, and other funding for each project.

#1, 2, & 3 Mr. Eric Englund, Manager, Current Planning, described these three projects which are on the agenda for Administrative meeting only. He stated that the department recommended approval of all three requests.

#4 Mr. Eric Englund described this request which had been laid over several times and answered questions from the Board members. He stated that the department had received several letters of opposition from people in the neighborhood. The department is recommending approval with several conditions.

#5 & #3 Mr. Englund discussed this request which was laid over from the previous Planning Board meeting. He stated that there has been an SUP request added to the original plat request. He stated that the department is still opposed to the waiver of street resurfacing. Mr. Englund, Mr. Dave Fanslau (Director) and Ryan Haas (Public Works) answered questions from the Board members as to why this waiver was not recommended for approval.

Mr. Englund provided a brief description of the remaining cases and answered questions from the Board members as well as discussing the recommendations of the Planning Department for each case.

Ms. Kristine Karnes, Planning Board Vice-Chairperson, advised that she will need to leave the Planning Board meeting at 3:30pm for a prior engagement.

The pre-meeting of the Planning Board adjourned at approximately 1:20 p.m.
MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – JANUARY 9, 2019
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, December 24, 2018.

MEMBERS PRESENT: Greg Rosenbaum, Chairman
Kristine Karnes, Vice Chair
David Rosacker
Trenton Magid
Jeffrey Moore
Michael Pate
Patrick Morris

MEMBERS NOT PRESENT: None

STAFF PRESENT: Dave Fanslau, Director
Cheri Rockwell, Assistant Director
Eric Englund, Current Planning Manager
Michael Carter, Planning Board Administrator
Jennifer Taylor, Law Department
Lisa Agans, Recording Secretary

Greg Rosembaum, Chairperson, 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.

Subdivisions

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>REQUEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>Northwest of 204th Street and West Center Road</td>
<td>Revised Preliminary Plat approval of TOWN CENTER WEST, a subdivision outside the city limits, with waivers to Section 53-9(9) Sidewalks and Section 53-8(2)(b) Cul-de-sac length, along with rezoning from AG to MU and Final Plat approval of TOWN CENTER WEST (Lots 1-5 and Outlots A-B), a subdivision outside the city limits, with rezoning from AG to MU (laid over from 12/5/18)</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of waiver of Section 53-8(2)(b) Cul-de-sac length; approval of the waiver of Section 53-9(9) Sidewalks along the west side of 210th Street from West Center Road to Gold Circle; approval of the rezoning from AG to MU, subject to submittal of an acceptable Mixed Use District
Development Agreement, prior to forwarding the request to City Council; approval of the Revised Preliminary Plat, subject to the following:

1. Provide for all improvements identified in the final approved traffic study, as approved by the city and by Nebraska Department of Transportation (NDOT);
2. Provide a note on the plat that there shall be no direct access to West Center Road from any lots or outlots and no direct access to 210th Street from Lot 1;
3. Coordinate with the Public Works Department on the design of the retaining wall and potentially adjusting the location of the property line, if necessary;
4. If the subdivision will not be located in a Sanitary Improvement District, a maintenance agreement will be required before Douglas County will provide routine maintenance of public streets. If not located in a Sanitary Improvement District, major maintenance activities are the responsibility of the adjacent property owner;
5. Provide traffic calming on 210th Street in the paving improvements for the future final plat phase,
6. Contact OPPD to coordinate any grading or construction plans proposed within these easements;
7. Any 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);
8. The project will be required to comply with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and must treat the first ½" of stormwater for water quality;
9. Coordinate with the Papio-Missouri River Natural Resources District (NRD) and grant any required easements to the NRD property to the east of the plat;
10. Provide for an acceptable tree mitigation plan in the final subdivision agreement;
11. Provide sidewalks along all street frontages, except as waived;
12. The use, ownership, and maintenance of all outlots must be addressed as a part of the subdivision agreement;
13. Provide for an acceptable wetland mitigation plan in the final subdivision agreement;
14. The applicant must coordinate with the City on an acceptable debt ratio;

Mr. Magid also moved for approval of the Final Plat of Town Center West (Lots 1-5 Outlots A-B), subject to the conditions of the Revised Preliminary Plat approval and submittal of a final acceptable subdivision agreement.

Ms. Karnes seconded the motion which carried 7-0.

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of the rezoning from R3 and GC to R5 and CC, subject to approval of an acceptable PUR-Planned Unit Redevelopment Overlay District plan, prior to forwarding this request to the City Council; approval of the MCC-Major Commercial Corridor Overlay District; approval of the waiver to Section 53-8(4)(a) Lot depth from 100 feet to 80 feet; approval of the Preliminary Plat, subject to the following conditions:

1. Either verify that public sewer exists to serve Lots 3 through 7 or construct the sanitary sewer public improvement;
2. Provide for sidewalks adjacent to all street frontages in compliance with city code;
3. Comply with stormwater regulations and policies including no net increase in stormwater runoff and treat the first ½" of stormwater for water quality;

Mr. Magid also moved for approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council for final action.
Ms. Karnes seconded the motion which carried 7-0.

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<tr>
<th>16.</th>
<th>C10-18-271 (D) C12-18-272 Scott Iverson</th>
<th>REQUEST:</th>
<th>Final Plat approval of EVERGREEN ACRES, a subdivision located outside the city limits, with a waiver to Section 53-8-4(d) Lot frontage, along with rezoning from AG to DR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOCATION:</td>
<td></td>
<td>Southwest of 132nd Street and Bennington Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of the waiver to Section 53-8-4(d) Lot frontage and approval of the Final Plat, subject to the following conditions prior to forwarding the request to City Council:

1. Provide an ingress/egress easement to the owner of Outlot A over Lot 1;
2. Submittal of an acceptable final subdivision agreement.

Ms. Karnes seconded the motion which carried 7-0.

<table>
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<tr>
<th>20.</th>
<th>C10-19-008 (D) C12-19-009 South Farm LLC, Jeffrey A. Silver</th>
<th>REQUEST:</th>
<th>Preliminary and Final Plat approval of SOUTH FARM REPLAT 2, a minor plat outside the city limits, with rezoning from R4 and MU to R4 and MU</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOCATION:</td>
<td></td>
<td>Southwest of 144th and Pacific Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of the rezoning from R4 and MU to R4 and MU, subject to submittal of an acceptable minor amendment to the Mixed Use District Development Agreement and approval of the Preliminary Plat, subject to the following conditions:

1. Coordinate with the Public Works Department on the following:
   a. An acceptable design for the roundabouts;
   b. An acceptable GO paving plan;
2. Record the final plat of South Farm Replat 1 prior to the recording of this replat;
3. Coordinate with city staff regarding the finalization of the street names on the final plat documents;
4. Temporary turn-arounds shall be provided at the terminus of all temporarily dead-ended streets;
5. Sidewalks are required along all street frontages;
6. Provide for the use, ownership, and maintenance of the outlot and unbuildable lots in the final subdivision agreement;
7. Compliance with all applicable stormwater management ordinances and policies;

Mr. Magid also moved for approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding the request to the City Council for final action.

Ms. Karnes seconded the motion which carried 7-0.

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<thead>
<tr>
<th>21.</th>
<th>C11-09-143 (D) C12-19-013 Tim Holland</th>
<th>REQUEST:</th>
<th>Preliminary and Final Plat approval of HOLLAND HILLTOP ADDITION, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) Lot depth, along with a repeal of a PUD-Planned Unit Development Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOCATION:</td>
<td></td>
<td>209 South 49th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of the repeal of the existing PUD; approval of the waiver to Section 53-8(4)(a), lot depth; approval of the Preliminary Plat, subject to the following conditions:

1. Compliance with all applicable stormwater management ordinances and policies;
2. Provide sidewalks pursuant to OMA Section 53-9(9);
3. Provide for the use, ownership, and maintenance of the outlot in the final subdivision agreement;
Mr. Magid also moved for approval of the final plat, subject to the conditions of the preliminary plat and submittal of an acceptable final subdivision agreement.

Ms. Karnes seconded the motion which carried 7-0.

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<tr>
<th>Case Number</th>
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</tr>
</thead>
<tbody>
<tr>
<td>23. C10-19-017</td>
<td>Preliminary and Final Plat approval of</td>
<td>Southeast of 181st and Spencer St.</td>
</tr>
<tr>
<td>C12-19-018 Falcone Land Co.</td>
<td>SPRUCE 180 REPLAT ONE with rezoning from AG and R4 to R4</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of the rezoning from AG and R4 to R4 and approval of the Preliminary Plat, subject to the following conditions:

1. Incorporate the remainder of Outlot B into the buildable lots, with the exception of the eastern 33 feet for right of way;
2. Place a note on the plat that direct access to 180th Street will not be permitted from the adjacent platted lots;
3. Coordinate with Douglas County on the ultimate 180th Street right of way and grade the subdivision to match the ultimate profile of 180th Street;
4. Sidewalks are required along all street frontages;
5. Compliance with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and must treat the first ½” of stormwater for water quality;

Mr. Magid also moved for approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding the request to the City Council for final action.

Ms. Karnes seconded the motion which carried 7-0

**Vacations**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>REQUEST:</th>
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<tbody>
<tr>
<td>9. C14-18-138</td>
<td>Vacation of the east/west alley west of 44th Street between Wakeley and Davenport Streets (laid over from 11/7/18)</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval, subject to the applicant working with the Public Works Department regarding the need for any utility easements. Ms. Karnes seconded the motion which carried 7-0

**Rezonings**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>24. C10-19-010</td>
<td>Rezoning from DR to R5</td>
<td>6027 Holmes Street</td>
</tr>
<tr>
<td>Joe Kosiski</td>
<td></td>
<td></td>
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</tbody>
</table>

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval. Ms. Karnes seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>Case Number</th>
<th>REQUEST:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>25. C10-19-011</td>
<td>Rezoning from LO and CC to CC, along with expansion of the ACI-2(65) Overlay District (property is located within an ACI-2(65) Overlay District)</td>
<td>8040 West Dodge Road and 8319 Chicago Street</td>
</tr>
<tr>
<td>Steve Zey, Pinnacle Bank</td>
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</tbody>
</table>

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval. Ms. Karnes seconded the motion which carried 7-0.
Overlay Districts

26. C11-19-012 (D) Tim Holland
REQUEST: Approval of a PUR-Planned Unit Redevelopment Overlay District
LOCATION: 209 South 49th Street

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval. Ms. Karnes seconded the motion which carried 7-0.

27. C11-19-016 (D) Omnicorp Saddle Creek LLC
REQUEST: Approval of a PUR-Planned Unit Redevelopment Overlay District
LOCATION: Northeast of Saddle Creek Road and Davenport Street

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of the Planned Unit Redevelopment Overlay District, subject to submittal of the following prior to forwarding this request to the City Council for final action:

1. Revised site and landscape plans that comply with the City's Guidelines and Regulations for Driveway Location, Design and Construction; specifically for the proposed drive-thru stacking. If compliance cannot be achieved the noncompliant drive-thru will need to be eliminated.
2. Revised building elevation plans and screenwall design/materials in compliance with city code.

Ms. Karnes seconded the motion which carried 7-0

Special Use Permits

28. C8-19-019 (D) American Tower
REQUEST: Approval of a Special Use Permit to allow Broadcast tower in a DS District
LOCATION: 1804 Paul Street

Mr. Magid moved to layover the request to allow the applicant additional time to coordinate with the Planning Department regarding the location of the tower on the property and to provide a landscape plan showing screening of the proposed equipment. Ms. Karnes seconded the motion which carried 7-0.

29. C8-19-020 (D) Merlyn Menjivar
REQUEST: Approval of a Special Use Permit to allow Day care services (general) in a HI District
LOCATION: 2221 Washington Street

At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of the Special Use Permit to allow Day care services (general) subject to the following conditions:

1. Obtaining the necessary building permits and a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department;
2. Submit a revised site plan prior to forwarding to City Council;
3. Removal of the existing driveway;
4. Compliance with the submitted operations statement;
5. Compliance with the proposed building elevations;
6. Compliance with all other applicable regulations.

Ms. Karnes seconded the motion which carried 7-0

30. C8-19-021 (D) Slosburg Company
REQUEST: Approval of a Special Use Permit to allow General office, Consumer convenience services, General retail sales, Personal services and Restaurant (limited) in a R7 District (property is located within a PUD-
At the Planning Board meeting held January 9, 2019, this case was placed on the Consent Agenda. Mr. Magid motioned for approval of the Special Use Permit to allow General office, Consumer convenience services, General retail sales, Personal services and Restaurant (limited) in the R7 District, subject to:
1. Compliance with submitted site plan.
2. Compliance with submitted operating statement;
3. Compliance with submitted elevations;
4. Compliance with all other application regulations;
5. All future development including tenant finishes must have an approved floodplain development permit.

Ms. Karnes seconded the motion which carried 7-0.

**Conditional Use Permits**

<table>
<thead>
<tr>
<th>Case</th>
<th>Location</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>C7-90-108 (D) Mel Friesen, Community Bible Church</td>
<td>Southwest of 90th and Q Streets</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R3 District</td>
</tr>
</tbody>
</table>

Mr. Magid moved to layover the case to allow determination of the ownership of the retaining wall and if adding signage would still be an option. Ms. Karnes seconded the motion which carried 7-0.

**ADMINISTRATIVE MEETING ONLY**

<table>
<thead>
<tr>
<th>Case</th>
<th>Location</th>
<th>Request</th>
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</thead>
<tbody>
<tr>
<td>C10-18-031 C12-18-032 Jerry Torczon, Richland Homes</td>
<td>Northwest of Kilpatrick Parkway and State Street</td>
<td>Final Plat approval of CHESTNUT HILLS (Lots 1-106 and Outlots A-C) (formerly Hunzeker), a subdivision outside the city limits, with rezoning from AG to R4</td>
</tr>
<tr>
<td>C10-18-211 C12-18-212 Ryan Lindquist, Elkhorn Public Schools</td>
<td>Southwest of 180th and Ida Streets</td>
<td>Final Plat approval of IDA POINTE NORTH, a subdivision outside the city limits, with rezoning from AG to R4</td>
</tr>
</tbody>
</table>

At the Planning Board meeting on January 9, 2019, Mr. Eric Englund, Manager of Current Planning, stated that this request is for the first phase of Chestnut Hills. Mr. Englund stated that Chestnut Hills had come before the Planning Board previously as only one phase, it is being heard again today because the developer has decided to divide the project into two phases, the first of which is before the Board today to develop 106 single family residential lots and three outlots on approximately 28 acres.

Mr. Englund stated that the department recommends approval of the rezoning from AG to R4 and approval of the final plat subject to submittal of an acceptable final subdivision agreement.

Mr. Pate 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. Moore seconded the motion, which carried 7-0.

At the Planning Board meeting on January 9, 2019, Mr. Eric Englund, Manager of Current Planning, stated that the preliminary plat and variance to the PDZ (Present Development Zone) were approved by the City Council at their November 20, 2018 meeting. He stated that the development will allow for a future Elementary School and Middle School in Elkhorn Public School District. He stated that there still needs to
be further coordination as far as either the recording of the adjacent Woodbrook plat or for this development to provide for provisions of dedication and paving of Purple Martin Parkway prior to the plat recording.

Mr. Englund stated that the department recommends approval of the rezoning from AG to R4 and approval of the final plat subject to the conditions listed in the recommendation report.

Ms. Karnes moved for approval of the rezoning from AG to R4 and approval of the final plat, subject to the conditions of preliminary plat approval, submittal of an acceptable final subdivision agreement and submittal of updated mylars correcting the street name, prior to forwarding the request to City Council. Mr. Rosacker seconded the motion, which carried 7-0.


REQUEST: Final Plat approval of WOODBROOK WEST (Lots 1-32 and Outlot A) (formerly Sagewood Ridge), a subdivision outside the city limits, with a rezoning from AG to R4

LOCATION: Northwest of 180th and Fort Streets

At the Planning Board meeting on January 9, 2019, Mr. Eric Englund, Manager of Current Planning, stated this case is for the first phase of Woodbrook West which is comprised of 32 single family residential lots and one outlot. He stated that the preliminary plat and variance to the PDZ (Present Development Zone) was approved by the City Council on January 8, 2019. Mr. Englund stated that this development is immediately south of agenda item #2, Ida Pointe North.

Mr. Englund stated that the department recommends approval of the rezoning from AG to R4 and approval of the final plat subject to the conditions in the recommendation report.

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

4. C8-18-051 C12-17-210 Orchard Valley Inc. c/o Melvin Sudbeck

REQUEST: Preliminary Plat approval of ALOY’S ACRES, a subdivision outside the city limits, with a waiver of Section 53-9(9) Sidewalks along with Approval of a Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District (laid over from 11/7/18)

LOCATION: Southeast of 66th and Garvin Streets

At the Planning Board meeting on January 9, 2019, Attorney Jim Lang, 13340 California Street, appeared on behalf of the applicant to present the request and answer questions from the Board. Mr. Lang advised that the applicant is amenable to the recommendation of the Planning Department to reduce the number of lots to 14, which will be between one and two acres in size. Mr. Lang gave a brief history of the proposal which he stated has been working its way through the department for the past several months. He provided a diagram showing how some of the originally planned 16 lots would be combined to reach the agreed upon 14 lots. Mr. Lang also provided an aerial map and description of the area in which the development will be located, showing I-680 to the north and the various lot sizes to the north of the proposed development as well as development on the other sides. In addition, Mr. Lang stated that the proposed lot size and density is within the allowable parameters of the low density residential zoning present in the area. He stated that the applicant is agreeable with all of the conditions set by the department, however, 14 lots is the minimum number of lots which will be economically feasible. He also reminded the Board that this property is within the Interstate loop, in which the Master Plan has always encouraged in-fill development. He stated that the
development is geared toward $350,000 to $500,000 homes which will be an asset to the area. Mr. Lang stated that he is available to answer any questions from the Board as is Mr. Don Heine of Thompson, Dreessen & Dorner.

Mr. Andy Melville, 8720 North 60th Street and appeared before the Board in opposition. Mr. Melville stated that he disagreed with the statement made by the applicant in regards to the size of lots present in the area, and that he and his neighbors have lots in excess of 8 acres. Mr. Melville stated that the neighbors were agreeable with previous recommendations by the Department, but are not agreeable with the current approval recommendation. He stated that the proposed development would not be complimentary to the current “rural” feel of the neighborhood, would cause a loss of natural habitat for wildlife in the area, and would create light pollution which would reduce the quality of life for the people currently in the neighborhood. Mr. Melville provided aerial views of the area from 2013, 2017, and 2018 showing the reduction of tree canopy, the increase of grading and the soil erosion in the area since a Special Use Permit was issued. Mr. Melville stated that he would find 4 to 6 residential lots to be acceptable.

Mr. Tim McGill, 6060 Country Club Oaks Place, appeared before the Board in opposition. Mr. McGill reiterated the same issues as Mr. Melville. Mr. McGill stated that he owns 60 acres of land from 66th to 60th and State Street on which he and his two partners intend to build their own homes. He stated that he would find development acceptable if the number of lots was reduced to 4 to 6 homes on large lots.

Mr. Tom Shomaker, 8877 North 66th Street, appeared before the Board in opposition. Mr. Shomaker stated that he had the same concerns as the previous opponents and agreed that 4 to 6 residential lots would be acceptable. Mr. Shomaker read excerpts from the Master Plan regarding tree canopy preservation and natural development of the property.

Mr. Jim Lang, 13340 California Street, appeared before the Board at the request of the Board to address the concerns of the opponents. He introduced Mr. Don Heine to address the natural features of the land as they relate to development and the work he had done in coordination with the Planning Department.

Mr. Don Heine of Thompson, Dreessen & Dorner, 10836 Old Mill Rd, stated that the biggest features the applicant has to deal with on his property were the slopes and the trees. He stated that an arborist has been out to survey the trees in the areas and found that many of them were in bad condition or were dead, however, the applicant intends to maintain as many of those trees as possible. Mr. Heine stated that the grading plan provided included a building footprint, or envelope, of 80 x 100 feet, or 8000 square feet which is where the 19% grading estimate came from. He stated that they are not intending to build residences anywhere near 8000 square feet, but they overestimated the size of the envelope intentionally in order to allow the flexibility to place the homes on the lot in a way which will result in the least possible grading. He stated that there is a significant overhead power line along the north side of the property which encumbers a large area along Garvin Street. In addition, he stated that there are views of the interstate from the majority of the lots which results in the property having a less rural nature as some of the other properties. The applicant took all of these features into consideration when he was figuring out the type and number of homes which would work there and be in compliance with the zoning and the Master Plan.

In response to a question from Ms. Karnes, Mr. Heine advised that the last time they had met with the neighbors was last February. He stated that in the meantime they had been working with the Planning Department to come up with a plan the department would be supportive of and did not feel it was prudent to meet with the neighbors again until such a plan had been developed.

At the request of the Chairman, Mr. Lang returned to answer some questions from the Board. Mr. Lang stated that many of issues which were brought up by the property owners who had spoken at the meeting were addressed in the recommendation report, which the applicant has agreed with including the slopes, the tree canopy, and the other natural features. He also stated that the proposed development lots averaging 1.5 acres were a good transition between the one to two acre properties to the north, which are between the applicant’s property and the interstate and the properties to the south of the proposed development which are larger lots. In addition, Mr. Lang reiterated that 1.5 acre lots are definitely not high density.

In response to questions from the Board, Mr. Lang stated that if the neighbors offered to purchase the
Mr. Eric Englund, Manager of Current Planning, stated that the area is in the North Hills Environmental Area which means that standard development with sewers and 5000 square foot lots would not be supported, however acreage lots are supported and are appropriate for the area if they comply with the zoning and subdivision regulations and with the Master Plan. He stated that the existing zoning is DR which requires a minimum of one acre lot size, but that does not mean that a developer can develop only one acre lots due to slopes and other features which will be a challenge to a developer. Mr. Englund stated that based on the departments analysis of the tree canopy plan, the slopes analysis, the grading plan, the department is supportive of the development of 14 lots with the conditions presented in the recommendation report. Mr. Englund stated that street lighting and sidewalks are requirements in the city code and that the department cannot support waivers of both the street lighting and sidewalks as that would result in a dangerous situation of people walking on unlighted streets. In addition, he stated that there will need to be some revision of the current tree mitigation plan as well. Mr. Englund stated that the department recommends approval of the preliminary plat and the Special Use Permit, subject to the conditions in the recommendation report.

Mr. Pate moved for approval of the waiver of Section 53-9(9) Sidewalks, and approval of the Preliminary Plat, subject to the following:

1. Combine Lots 1, 2 and 3 into two lots and combine Lots 4, 5 and 6 into two lots.
2. Provide building envelopes and driveways on the final plat for all developable lots.
3. Provide a note on the plat that: "Prior to the submittal of a building permit for development on the lots, proposed building and grading plans must be compliant with Section 55-901, North Hills Environmental Resources Overlay District."
4. Submittal and compliance with an acceptable revised tree canopy analysis and mitigation plan.
5. Submittal and compliance with an acceptable revised slopes analysis and grading plan showing how all areas to be disturbed will be graded into the existing contours.
6. Approval of the necessary permits from the Douglas County Engineer’s Office.
7. Enter into a maintenance agreement with Douglas County to provide routine maintenance of public streets if the subdivision will not be located in a Sanitary Improvement District.
8. The applicant will be required to provide for the private maintenance of Howell and 64th Streets.
9. The 64th Street approach to Garvin Street will need to be modified to remove the skew from the intersection.
10. Provide NDEQ approval of all septic systems.
11. Coordinate with OPPD regarding any grading or construction plans proposed within existing easements.
12. Coordinate with the Public Works Department to provide an acceptable post-construction stormwater management plan (PCSMP) prior to a final plat being forwarded to the City Council.
13. Comply with all applicable stormwater management regulations, including no net increase in stormwater runoff and must treat the first 1/4" of stormwater for water quality.
14. Provide for the use, ownership and maintenance of the outlot in the subdivision agreement.
15. Submit a letter confirming that acceptable emergency warning is being provided for the area.
16. Submit a letter of approval of a Noxious Weed Plan from Douglas County.

Approval of the Special Use Permit, subject to the following conditions prior to forwarding the City Council:

1. Submittal and compliance with an acceptable revised tree canopy analysis and mitigation plan.
2. Submittal and compliance with a revised slopes analysis and grading plan showing how all areas to be disturbed will be graded into the existing contours.

Mr. Magid seconded the motion which carried 6-1 with Ms. Karnes dissenting.

| 5. | C12-18-268 Sean Negus | REQUEST: Preliminary and Final Plat approval of STONE ARCH CREEK, a subdivision located outside the city limits, with waivers to Section 53-8-4(d) Lot frontage, Section 53-9(3) Street surfacing and Section 53-9(9) Sidewalks (property is located in the ED-North Hills Environmental Resources Overlay District) (laid over from 12/5/18) |
LOCATION: 13909 North 64th Plaza

"Mr. Rosenbaum advised that agenda items #5 (C12-18-268 and #31 (C8-19-022) would be heard together but would be voted on separately."

At the Planning Board meeting on January 9, 2019, the applicant Mr. Sean Negus, 408 Sunset Drive, Fort Calhoun, appeared before the Board. Mr. Negus stated that the only new information he had to present the Board was a petition which had been signed by all but one of his neighbors on North 64th Plaza. He explained that the neighbor who did not sign the petition was unavailable in person, but had indicated to him in an email that they were in agreement and would have signed the petition of they could have met with him.

He reminded the Board that 64th Plaza was not a dedicated City street, but was an easement to the properties along it. He stated that there is a mile of gravel which lead to his property which would not be paved and that there would only be paving in front of his property if he did not receive a waiver of street surfacing.

Mr. Rosenbaum stated that the reason the department is against the waiver is because as time goes on, lots along that road may be divided up and there would be more properties along there at that point, all of which would be required to resurface the street.

Mr. Negus responded to Mr. Rosenbaum by stating that his property is 2 ½ miles north of the city limits, it is within ½ mile of the Douglas County border with Washington County. He stated that the property owners which abut his property on the west side will not agree to allow him to put pavement, which would be required, on their property. He stated that the neighbor to the south just built a new house and the odds of him selling or subdividing that property within the next 20 or 30 years is nil, the father of that owner was present at the meeting to address the Board. Mr. Negus stated that he just does not believe this property should be held to the street surfacing standards as a property within the City.

In response to a question from Mr. Pate, Mr. Negus stated that the property to the south of him had only a shed on the property prior to building the house recently which is what gave them the rights to build the house without having to surface the street in front of the lot.

Mr. Don Ziezler, 13303 North 64th Plaza, appeared before the board in support of Mr. Negus. Mr. Ziezler stated that he stated that he owns property south of Mr. Negus and that he supports the waiver of street surfacing. He stated that there is nowhere for North 64th Plaza to extend past Mr. Negus property. In addition, he stated that neither he, nor any of the other neighbors, wish to have the street paved as it will take away from their country lifestyle.

Mr. Randy Woodward, 1758 South 105th Street, appeared before the Board in support of Mr. Negus. He stated that he purchased the property immediately south of Mr. Negus almost 40 years ago when it was first split into 10 acre lots. He stated that he sold the property to his daughter in 2018 and she promptly built her home there. He stated that the road is a private, gravel/dirt road, which extends off a county road which is also a gravel road. He stated that the property he sold his daughter has such steep slopes that it would likely not be possible to build another house and he does not feel it is likely that any of the other property owners there would be subdividing their property in the near future.

In response to a question from the Board, Mr. Eric Englund, Manager of Current Planning, clarified that the applicant is requesting a waiver to not provide the street surfacing required by Section 53 of the code. He stated that the department is not supportive of that waiver. He stated that the department is supportive of no curb and gutter, a reduction in street width and a reduction in cul-de-sac length. He stated that 64th Plaza is actually an easement which allows access to the homes along it. If the applicant is unable to obtain permission from the neighbor to place part of the easement on their property, then the entire outlot will need to be on Mr. Negus’ property. Mr. Englund reiterated that there are several very large pieces of property along that street which could easily be divided into several other lots, all of which would be required to surface the street when they chose to develop the property.

At the request of Mr. Magid, Mr. Negus provided an aerial view of the area and pointed out that the only place flat enough to build a house on his property is where he is proposing to build, all of the other property...
has steep slopes, trees, and a waterway. He stated that the only place that could possibly be developed is the property to the west which is owned by the Tripp family who has no intention of dividing their property and is unlikely to grant him permission to pave part of their property.

Mr. Englund stated that the department recommends denial of the waiver of Section 53-9(3), Street Surfacing; denial of the waiver of Section 53-8-4(d), Lot Frontage; approval of the waiver of Section 53-9(9), Sidewalks; approval of the Preliminary Plat, subject to the following conditions:

1. Improve 64th Plaza along the western plat boundary to meet Chapter 53 standards including construction of a cul-de-sac at the northern terminus.
2. Coordination with the City on the following items:
   a. Placing the street improvements within an outlot.
   b. Provide an acceptable access easement over the new street.
3. Submittal of an acceptable tree mitigation plan.
4. Compliance with an acceptable Special Use Permit.
and approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding the request to the City Council for final action.

Mr. Magid moved for approval of the waiver of Section 53-9(3), Street Surfacing; approval of the waiver of Section 53-8-4(d), Lot Frontage; approval of the waiver of Section 53-9(9), Sidewalks; approval of the Preliminary Plat, subject to the following conditions:

1. Submittal of an acceptable tree mitigation plan.
2. Compliance with an acceptable Special Use Permit
and approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding the request to the City Council for final action.
Mr. Pate seconded the motion which carried 5-2 with Mr. Moore and Mr. Rosenbaum dissenting.

At the Planning Board meeting on January 9, 2019, the applicant Mr. Sean Negus, 408 Sunset Drive, Fort Calhoun, appeared before the Board. Mr. Negus stated that the only new information he had to present the Board was a petition which had been signed by all but one of his neighbors on North 64th Plaza. He explained that the neighbor who did not sign the petition was unavailable in person, but had indicated to him in an email that they were in agreement and would have signed the petition if they could have met with him.

He reminded the Board that 64th Plaza was not a dedicated City street, but was an easement to the properties along it. He stated that there is a mile of gravel which lead to his property which would not be paved and that there would only be paving in front of his property if he did not receive a waiver of street surfacing.

Mr. Rosenbaum stated that the reason the department is against the waiver is because as time goes on, lots along that road may be divided up and there would be more properties along there at that point, all of which would be required to resurface the street.

Mr. Negus responded to Mr. Rosenbaum by stating that his property is 2 ½ miles north of the city limits, it is within ½ mile of the Douglas County border with Washington County. He stated that the property owners which abut his property on the west side will not agree to allow him to put pavement, which would be required, on their property. He stated that the neighbor to the south just built a new house and the odds of him selling or subdividing that property within the next 20 or 30 years is nil, the father of that owner was present at the meeting to address the Boards. Mr. Negus stated that he just does not believe this property should be held to the street surfacing standards as a property within the City.

In response to a question from Mr. Pate, Mr. Negus stated that the property to the south of him had only a
shed on the property prior to building the house recently which is what gave them the rights to build the house without having to surface the street in front of the lot.

Mr. Don Ziezler, 13303 North 64th Plaza, appeared before the board in support of Mr. Negus. Mr. Ziezler stated that he stated that he owns property south of Mr. Negus and that he supports the waiver of street surfacing. He stated that there is nowhere for North 64th Plaza to extend past Mr. Negus property. In addition, he stated that neither he, nor any of the other neighbors, wish to have the street paved as it will take away from their country lifestyle.

Mr. Randy Woodward, 1758 South 105th Street, appeared before the Board in support of Mr. Negus. He stated that he purchased the property immediately south of Mr. Negus almost 40 years ago when it was first split into 10 acre lots. He stated that he sold the property to his daughter in 2018 and she promptly built her home there. He stated that the road is a private, gravel/dirt road, which extends off a county road which is also a gravel road. He stated that the property he sold his daughter has such steep slopes that it would likely not be possible to build another house and he does not feel it is likely that any of the other property owners there would be subdividing their property in the near future.

In response to a question from the Board, Mr. Eric Englund, Manager of Current Planning, clarified that the applicant is requesting a waiver to not provide the street surfacing required by Section 53 of the code. He stated that the department is not supportive of that waiver. He stated that the department is supportive of no curb and gutter, a reduction in street width and a reduction in cul-de-sac length. He stated that 64th Plaza is actually an easement which allows access to the homes along it. If the applicant is unable to obtain permission from the neighbor to place part of the easement on their property, then the entire outlot will need to be on Mr. Negus’ property. Mr. Englund reiterated that there are several very large pieces of property along that street which could easily be divided into several other lots, all of which would be required to surface the street when they chose to develop the property.

At the request of Mr. Magid, Mr. Negus provided an aerial view of the area and pointed out that the only place flat enough to build a house on his property is where he is proposing to build, all of the other property has steep slopes, trees, and a waterway. He stated that the only place that could possibly be developed is the property to the west which is owned by the Tripp family who has no intention of dividing their property and is unlikely to grant him permission to pave part of their property.

Mr. Eric Englund, Manager of Current Planning stated that the department recommends approval subject to the two conditions in the recommendation report.

Mr. Morris motioned for approval of the Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District, subject to the following:

1. Submittal of an acceptable tree mitigation plan for 20 tree plantings prior to forwarding to the City Council.
2. Compliance with the submitted plans.
Mr. Pate seconded the motion which carried 7-0.

| REQUEST: Preliminary Plat approval of BLUESTEM MEADOWS, a subdivision located outside the city limits, with rezoning from AG to DR, R4, R6 and MU (laid over from 11/7/18) |
| LOCATION: Northwest of 180th and Blondo Streets |

*Ms. Karnes left the meeting at 3:30pm, prior to the end of discussion of this case, and she did not return for the duration of the meeting.*

At the Planning Board meeting on January 9, 2019, Mr. Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun stated that the property is located on the northwest corner of North 180th and Blondo Streets and is owned by the Mulhall family. Mr. Jobeun noted that this request was on the Consent Agenda in November and was pulled off by the applicant to work through some of the recommendations with the Planning department. He stated that the property is 74 acres which is split by Big Elk Parkway. He stated that the proposal is to develop 80 single family residential lots north of Big Elk Parkway; south of Big Elk Parkway, developer proposes 5 mixed use lots and 3 lots which will be zoned
R6. The southern lots will include 62 multi-family residential units on Lot 82 (density of 11.4 units/acre), and 28 multi-family residential units on Lot 83 (density of 13.2 units/acre) which will be 2 story buildings the approximate height of the single family residential homes in the neighborhood. There will also be another 160 units in another area (density of approximately 19.2 units/acre) for a total of 250 multi-family units and 5 mixed use lots south of Big Elk Parkway. Mr. Jobeun stated that the applicant is also making accommodation in the plat for the upcoming re-configuration of Blondo Street and the 180th Street viaduct which will be going over the railroad tracks.

Mr. Jobeun stated that this will be a convenience, mixed use development on the northwest corner of 180th and Blondo Streets. He stated that the other three corners are either developed or are not adequate for a mixed use development.

Mr. Eric Ohlendorf, 2213 North 183rd Street, appeared before the Board in opposition. Mr. Ohlendorf provided an aerial photograph showing the location of his home in reference to the proposed development. He stated that he believes the apartment homes will reduce the valuation of his home, and fourteen other residents who asked him to speak on their behalf. In addition, he stated that if he had known that apartments would be built there he would never had purchased his dream home in that area. He believes that apartment homes will lead to higher crime and impact the safety of the children in the single family homes in the area. Mr. Ohlendorf stated that they would prefer that the apartments be moved back behind either a large green space or a row of single family homes to reduce the negative impact of the apartment dwellers on the neighborhood. In response to a question from the Board, Mr. Ohlendorf stated that he had attended a one hour meeting with the developer in November which was an “informational” meeting but he did not ask any questions.

Nick Adkins, 2219 North 183rd Street, appeared before the Board in opposition. Mr. Adkins stated that he lived next door to Mr. Ohlendorf and shared many of the same concerns. He stated that when he moved into his home with his family, he had believed that there would likely be single family homes built on that location. Mr. Adkins stated that because of the safety concerns which would come with having the apartments in the neighborhood, he would likely move his family out of the neighborhood.

Ms. Robin Hanson, 2407 North 183rd Street, appeared before the Board in opposition. Ms. Hanson showed the Board on the map where her home is located. She stated that she also purchased her home with the belief that the property would not be developed, which is part of what lead to the decision to purchase a home in that neighborhood. She also stated that she had attended the meeting but did not ask any questions at that time. Ms. Hanson stated that she believed it would be better to move the multi-family residences north of Big Elk Parkway and move the single family residences south. Ms. Hanson stated her opinion that apartments will increase traffic, decrease home valuations, as well as reducing the safety and serenity of the people currently in single family homes. She prefers that the area would be left as green space and not developed. Mr. Rosacker explained to Ms. Hanson that the Planning Department generally tries to provide transitions from one type to another, from single family homes, to smaller apartment complexes, to mixed use lots, in order to prevent her home from being directly behind a grocery store. He also advised that when purchasing a home, it is possible to research the area around it to find any development possibilities or plans prior to purchasing to possibly look into purchasing part of the property to create the green space they desired behind their homes. Mr. Rosacker reminded Ms. Hanson that if the multi-family development was moved, it would still be behind someone else’s single family home. Ms. Hanson replied that she believes the multi-family should be moved because her home is already there whereas people buying the new homes would be aware of the apartments being built.

Ms. Tammy Campbell, 12472 Evans Street, appeared before the Board in opposition. Ms. Campbell pointed out her property on a photo for the Board. She stated that she had spoken at the meeting in November and still had the same concerns. She reiterated that a portion of her property is being taken by the City for the bridge they are building and she would like for this development to be put on hold so she could possibly find some way to develop what land she will have left. Ms. Campbell believes that if this development is completed, there will be no “mixed-use” potential remaining for her to utilize for her property and that she should have the opportunity to explore the option with an appraiser or an engineer before the applicant begins his project.

Mr. Magid advised that Ms. Campbell speak with an engineer to help her find out the options for what
property she and her sister will have remaining.

Ms. Debra Campbell, 18727 Blondo Street, appeared before the Board in opposition. Ms. Campbell stated that she is Ms. Tammy Campbell’s sister and she showed where her property is located on the photo for the Board. She stated that she has the same concerns as her sister and would like the development to be put on hold until they can explore their options.

At the request of the Board, Mr. Larry Jobeun returned to address some of the concerns raised by the opponents. Mr. Jobeun stated that due to the natural features of the Campbell's property, such as wetlands, waterways, and other natural features, there would not be enough developable acreage remaining to meet the requirements for a mixed-use development.

Mr. Jobeun stated that the green space planned at the multi-family housing is within code. He stated that they are unable to move the housing east is because there is a jurisdictional waterway there which prevents them from building at that location. He stated that the applicant did move the more dense development to the middle and put with the lower density directly behind the single family residences already there. He also stated that the applicant will be adding a street which people can use to access Big Elk Parkway without driving through the neighborhood. Mr. Jobeun stated that there were approximately 30 to 40 people at the meeting in November, he stated that it was one hour long with the applicant providing a very short presentation and left time for questions at the end.

Mr. Eric Englund, Manager of Current Planning, addressed some of the concerns regarding the mixed use development at the corner of 180th and Blondo Streets. He stated that there was a lot of work being planned on Blondo Street and the addition of a viaduct on 180th Street as well. In addition, he stated that there is a large amount of area south of Blondo near that corner which cannot be developed due to waterways, wetlands, drainageways, and other topographical features. Mr. Englund stated that most of the property south of Blondo is within a flood plain which has specific requirements which have to be met in order to develop the property. In addition, the drainageway has to be incorporated within an outlot has a 3 to 1+50 easement requirement, which would take up a large portion of Ms. Campbell’s southern property. Mr. Englund advised that the Mixed Use acreage is locked in when the Preliminary Plat is approved by the City Council regardless of what portion of the property the developer chooses to work on first.

Mr. Englund stated that the department recommends approval of the rezoning and approval of the Preliminary Plat subject to the conditions listed in the recommendation report.

Mr. Pate motioned for approval of the rezoning from AG to DR, R4, R6 and MU, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding a Final Plat request to City Council and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat:

1. Submittal of a Revised Preliminary Plat addressing the issues related to the lots along the Parkway and right-of-way for Street “F”.
2. Provide for all improvements identified in the final approved traffic study.
3. Coordinate with Urban Design staff to provide sufficient right-of-way width for Street “F” to comply with design requirements related to the Mixed use standards.
4. Provide a noise attenuation easement on any single family residential lots to a line 39 feet west of the subdivision’s 180th Street boundary.
5. Provide the permanent easement proposed by Douglas County’s project C-28(434) on the plat.
6. Coordinate with Douglas County on the ultimate 180th Street and Blondo Street right-of-way, and to grade the subdivision to match the ultimate profile of 180th and Blondo Streets.
7. Approval of the necessary permits from the Douglas County Engineer’s Office.
8. Provide the following notes on the plat:
   a. No direct access is allowed to 180th Street and Blondo Street from the adjacent platted lots or outlots;
   b. No direct access is allowed to Big Elk Parkway from Lot 84; and that the intersections of 180th Street and Street “G” and Street “H” and Blondo Street shall both be restricted to right-in/right-out intersections upon future arterial street improvements.
9. Temporary turn-arounds shall be provided at the terminus of all temporarily dead-ended streets.
10. Coordinate with Douglas County Engineer’s Office and Public Works to determine if it is necessary
to incorporate traffic calming measures in the design of some of the interior streets.

11. Provide a contribution to Douglas County’s 180th Street bridge project.
12. Coordinate with Public Works on an acceptable GO paving plan.
13. Coordinate with Public Works on any necessary access restriction plat notes for Street “G” and Street “H”.
14. Sidewalks are required along all street frontages, in compliance with city code.
15. Coordinate with the SID for Spruce 180, and provide for a sanitary sewer connection in the vicinity of Street “D” so that Spruce 180 can decommission their temporary lift station.
16. Storm sewer design computations and final plans must be submitted to the Douglas County Engineer’s Office for review.
17. Any 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).
18. Comply with all applicable stormwater management ordinances and policies.
19. Coordinate with Planning, Public Works and Parks Departments regarding the single family lot layout and apartment building design fronting along Big Elk Parkway.
20. Boulevard design shall be per the Suburban Park Master Plan and plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
21. Coordinate design for Park 35e with adjacent SID’s and the Omaha Parks Department Park Planning staff.
22. Coordinate with Planning and Parks Departments regarding installation of a continuous round rail fence installed 1 foot inside the park or common area per the Parks Department standard detail.
23. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
24. The applicant should consider pursuing the acquisition of Outlot G of Spruce 180 from its current owner and incorporating it into this subdivision.
25. Submit a wetland analysis and mitigation plan, if necessary.
26. Provide an acceptable debt ratio of 4 percent or less.
27. Coordinate with Planning Department staff on acceptable street names for the final plat.

Mr. Magid seconded the motion which carried 6-0.

### Conditional Use Permits

<table>
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<tr>
<th>#</th>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>8</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4 District (portion of the property is located in a FF-Flood Fringe Overlay District) (laid over from 12/5/18)</td>
<td>21220 Elkhorn Drive</td>
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</tbody>
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At the Planning Board meeting on January 9, 2019, Mr. Lee Homan, 1601 Dodge Street, appeared before the Board on behalf of the applicant. Mr. Homan clarified the details of the request to expand the sign budget for the Church to allow for a monument sign and two signs on the façade of the building which will be backlit by the lighting inside the Church. He stated that the applicant had a meeting with the neighbors on December 11, 2018 regarding what hours the lights would be left on to backlight the façade. In addition, Mr. Homan stated that after the lighting was tested and found to be in compliance with City codes by the lighting engineer, the applicant then went back to meet with the neighbors with a proposal to limit the lighting by agreeing that the façade backlighting would be shut off by 9:00pm and the backlit “R” logo signs will be turned off by 10p.m. on Sunday through Thursday night and by midnight on Friday and Saturday nights. He advised they have heard nothing back from the opponents regarding the proposal. He stated that an engineer from the design engineering company, Morrissey Engineering, tested all the parameters required by the City code and found that the lighting was below the limits in all cases. He stated that Mr. Toby Samuelson was present at the meeting to answer any questions from the Board. Mr. Homan stated that the applicant is willing to have the lighting restrictions included in the Conditional Use Permit, so that the neighbors can be more comfortable by having it in writing. Mr. Homan reminded the Board that the request in front of them today is solely for the increase in signage budget and has nothing to do with lighting, as was determined at the December 5, 2018 Planning Board meeting.

In response to a question from Mr. Rosacker, Mr. Homan stated that the report submitted by the applicant
regarding the lighting code matters is based on testing which was completed on-site by Morrissey Engineering.

Attorney Dave Domina, 2425 South 144th Street, appeared before the Board in opposition on behalf of 18 households, all of which are on the north side of West Maple Road across from the Church. He stated that these neighbors have never been contacted for a meeting with the representatives of the applicant. Mr. Domina stated that he was also contacted by some of the neighbors to the west of the Church, which had met with the applicant, and find the proposal regarding the lighting to be unacceptable as well. Mr. Domina stated that it is his opinion, and that of the neighbors, that the entire façade is actually a sign, as opposed to only the illuminated logo signs. He stated that this is because the entire façade is back lit and is simply an extension of the logo signs. Mr. Domina stated that he had also seen the plans which indicate “The Relevant Center” lit up on the façade, which is not being mentioned in this request. In addition, Mr. Domina stated that based on the website describing the Church, he believes that the Church is illegally operating as a rental hall which is a commercial enterprise. He stated that this is due to the fact that the Church offers, on its website, the opportunity for people to rent the Church hall for events such as meetings, dinners, etc.

In response to a question from Mr. Magid, Mr. Domina stated that they believe the entire opaque façade is a sign and that the entire thing needs to be removed from the building, not just turned off, but completely removed from the building.

Mr. Lee Homan returned at the request of the Board to address some of the concerns raised by Mr. Domina. He stated that there are many examples of similar buildings in Omaha which use architectural lighting and architectural glass is used in the same way as the Church. He stated that the architectural lighting is not considered a sign on any of those buildings and it is not a sign on the Relevant Church. In addition, Mr. Homan stated that the engineer and the City inspected the signage and agreed that the logo signs are in compliance with lighting codes and that they are the only signs, not the entire façade.

In addition, Mr. Homan stated that the Church hall is used in a similar manner to many other Churches for dinners after funerals and other types of community events. He stated that the Church does accept a free will donation from people wishing to use the Church for a community, funeral, or wedding event.

In response to questions from the Board, Mr. Homan referred to Mr. Toby Samuelson of Morrissey Engineering, 4940 North 118th Street, for specific information about the lighting. Mr. Samuelson stated that the lighting is linear LED lighting made up of four foot long individual luminaires attached end to end. He stated that there is no way to change the color temperature, but it is possible to change the intensity by dimming the light. He stated that in their testing, they had the lights on at full intensity and it complies with city codes at full brightness. He stated that the façade of this building is no more a sign than the top of the Holland Performing Arts building or the Do Space building. He stated that the façade lighting could be turned off independently of the logo sign lighting. Mr. Samuelson stated that his company did the lighting design and chose to use the type of lighting, however, some of those other types of lighting cost significantly more than the type the applicant chose to use.

Mr. Rosacker pointed out that the plans have to be submitted to the City for permits and that the City will require separate permits if they determine that there is a sign present that is not listed on the plans. It was agreed that the permit was issued on the basis that the façade is back lit, architectural panel and the “R” logo is a sign. Mr. Randal Milbrath of RDG Planning & Design, 900 Farnam Street, stated that the façade area was listed on the original designs as a back lit, architectural panel, and that the logo was a sign which requires a separate permit. Mr. Milbrath also pointed out that there were no drawings which showed “The Relevant Center” on the façade as stated by Mr. Domina. He stated that he believed Mr. Domina was perhaps confusing the façade signage with the proposed monument sign which was part of the request before the Board and does include the entire name of the Church, “The Relevant Center”.

Mr. Homan stated that there has already been a sign permit issued for the one “R” logo sign which is within the allowed sign budget. He stated that the request to increase the sign budget is to add an additional “R” logo sign on the façade and a monument sign in front of the building, which will require an additional sign permit.

Mr. Eric Englund, Manager of Current Planning, stated that the sign stating “The Relevant Center” was the
proposed 16.25 square foot monument sign which is part of this request along with the second “R” logo sign which measures 32 square feet (the same as the one currently on the building). Mr. Englund went on to explain how the department measures the square footage of signs since there appeared to be some confusion in that regard. In addition, Mr. Englund stated that it is not uncommon for a Church to have a hall that people can use for lunches, dinners, or other community gatherings as an accessory part of the primary Religious assembly use.

Mr. Englund stated that the Planning Department is generally supportive of increased signage for churches and schools in residential neighborhoods. He stated that before the applicant can appear before the Zoning Board for the waiver, they must first appear at the Planning Board for the Major Amendment to the Conditional Use Permit. Mr. Englund stated that the department recommends approval of the Major Amendment subject to the conditions included in the recommendation report.

In request to a question from Mr. Rosenbaum about the lack of notification to the neighbors on the north side of West Maple Road, Mr. Englund stated that the department is required to send notification to property owners within 300 feet of the subject site and because the neighborhood to the north is across West Maple Road which is a large right of way, they do not fall within that 300 foot measurement. Mr. Englund stated that he had checked during the meeting and found that based on the map showing the 300 foot area, the list of property owners did not include those north of West Maple Road.

In response to questions from Mr. Magid, Mr. Englund clarified that the only request before the Planning Board is for the Major Amendment to allow an increase in the sign budget. He explained that the issue of lighting is not on the agenda, though if the Board wished, they could be included in the conditions of approval, however, he reminded the Board that the lighting was tested and found to be in compliance with the applicable city codes.

Mr. Magid requested a representative of the applicant to return to the podium to answer some questions. Mr. Lee Homan returned to respond to Mr. Magid’s questions. Mr. Magid inquired as to whether it would be a hardship to lay the case over for 30 days to allow the applicant time to meet with the neighbors to discuss the issues raised today about the lighting. He stated that the neighbors had not had an opportunity to respond to the proposed lighting schedule and he believed a layover would allow them to do so. Mr. Homan advised that the neighbors were presented the proposal on December 20, 2018 and had chosen not to respond since that time.

Mr. Magid moved to layover the case for 30 days to allow the applicant more time to work something out with the neighbors. The motion failed when no one seconded.

Mr. Rosacker moved for approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4 District (portion of the property is located in a FF-Flood Fringe Overlay District) subject to the following conditions:
1. Approval of the necessary waiver from the Zoning Board of Appeals for total sign budget.
2. Compliance with the submitted sign plan.
3. Compliance with the submitted elevations.
4. Approval of all necessary sign permits.
5. Approval of a Flood Plain Development Permit (if necessary).
6. Compliance with all other applicable regulations.
7. Compliance with the original conditions of approval.
Mr. Morris seconded the motion which carried 5-1 with Mr. Magid dissenting.

(REGULAR AGENDA)

Master Plan Referrals

| 10. | C3-15-062 Planning Department on behalf of the City of Omaha | REQUEST: Approval of an Amendment to the ROWS ON SOUTH HILL TIF REDEVELOPMENT PROJECT PLAN |
At the Planning Board meeting on January 9, 2019, Ms. Bridget Hadley, City Planning Department, advised that the proposal was to add six for sale, townhomes, to the original 36 units. The units will be three stories, 2 bedrooms and 3 bathrooms in each unit with two car garages off the alley approximately ½ block from the original 36 units. Ms. Hadley stated that she was aware of representatives of two neighborhood associations were present at the meeting in opposition. In addition, she stated that the department had also received letters in support of the project which had been shared with the Board. Ms. Hadley stated that there was no proposed change to the zoning, other than a requested PUR. She stated that Urban Design Review Committee has reviewed and approved the elevations. She described the project as continuing in-fill in the area. Ms. Hadley stated that the request if for an additional $652,000 in TIF support.

Mr. Tom McLeay, 3814 Farnam Street, appeared before the Board on behalf of the developer, Clarity Development. Mr. McLeay stated that in November he had reached out to the Dahlman Neighborhood Association President, Mary Thompson, to see about attending their December meeting and was rejected. Mr. McLeay stated that they were allowed to attend the January meeting, at which they presented the proposal and heard the concerns from the association members, as well as hearing from supporters and that he received several emails of support which were provided to the Board, including one from Jeff Speihs, the President of the South Omaha Neighborhood Association. Mr. McLeay advised that he has owned property in the neighborhood for the past 13 years.

In response to questions from the Board, Mr. McLeay referred questions about financing to Mr. Mark Peters. Mr. Peters, 3814 Farnam Street, appeared before the Board to answer questions about financing related to the additional request and the TIF support request. Mr. Peters stated that the homes had sold for more than they had anticipated, but the costs had been higher than anticipated. He stated that the TIF support for the original units had already been approved, and they are now requesting support for the additional six units.

Ms. Bridget Hadley returned to clarify the reason for the increase in costs for the 36 original units, including additional construction costs, labor costs and high end finishes which were requested by some of the home purchasers, which caused them to go over the original budget by $3,200,000. She stated that the cost for the additional six units is $1,800,000 and the TIF request for those six units is $480,000. She explained that the total TIF request is for $652,000; $180,000 of which is for TIF eligible expenses from the 36 original units. Ms. Hadley explained that if there is an amendment to the TIF request, as in this case, the developer can request additional TIF support if the costs have increased from the original estimate.

Mr. Robert Siniard, 1218 South 12th Street, appeared before the Board in support of the project. Mr. Siniard stated that he is one of the original homeowners in Town View Terrace on 12th Street between Briggs Street and Pierce Street. He stated that he supports this development as it is a high quality project and he believes that it fits in well with the momentum in the area and that it will draw people to the neighborhood.

Ms. Mary Thompson, 1309 South 6th Street, appeared before the Board in opposition. Ms. Thompson stated that she is the President of the Dahlman Area Rehabilitation Effort, commonly called the Dahlman Neighborhood Association. Ms. Thompson stated that she is there not in opposition to the development in the neighborhood, but that there has never been dialog between the developer and the Association on this particular project. She stated that several of the members had not attended the January meeting and she is requesting that the request be put on hold until a full meeting can be held with the developer. Ms. Thompson stated that she did refuse Mr. McLeay’s request to attend the December meeting to present the proposal to the association members. She stated that she had not received any information about the project and that the neighborhood and surrounding area needs to know more about it. She stated that Mr. McLeay did attend their January meeting, but she does not feel he shared enough information about the proposed project. In addition, Ms. Thompson stated that the original 36 units were not yet complete and she feels this is a disservice to the neighborhood.

Mr. Terry White, 1951 South 11th Street, appeared before the Board in opposition. Mr. White stated that his concern is that, in his opinion, this neighborhood should be considered historical because a large number of houses there were built by people who have done very interesting things, such as riding for the Pony
Express and being a steamboat Captain. Mr. White stated that he believes building modern homes in the neighborhood will degrade the quality of the neighborhood and that if anything is to be built there it should be done in the style of the older homes already in the neighborhood, with the same type of yards, setbacks, etc.

Ms. Marie Sedlacek, 1015 William Street, appeared before the Board in opposition. Ms. Sedlacek stated that she was active in the Dahlman Neighborhood Association as well as being on the steering committee of Historic South 10th Street. Ms. Sedlacek stated that she had emailed Ms. Bridget Hadley and Mr. Don Seten in the Planning Department with some questions after listening to Mr. McLeay’s presentation at the neighborhood association meeting. She stated that she is concerned that the developer had been working on the project for six months, however, the neighbors were not informed until he requested to appear at the December meeting. Ms. Sedlacek stated that in the past developers had come to the various associations in the area with their plans, accepted feedback from the people in the area and revised their plans accordingly. She stated that because the developer had not done this, they were opposed to the project. Ms. Sedlacek also provided information which she believed indicated that the homes which were complete were not being sold to homeowners as Mr. McLeay indicated, and were mostly owned by various investment companies.

At the request of Mr. Rosenbaum, Mr. McLeay returned to respond to the points mentioned by those in opposition to the project. Mr. McLeay stated that they had attempted to work with the neighborhood by requesting to attend their meeting in December. He stated that they had, indeed, spoken with the City for several months about the lot in question, however, several ideas had been turned down by the Planning Department. He stated that when they had a project which was supported by the department, they did attempt to meet with the association. He stated that he had received emails and other communication from people in the area which indicates a large amount of support for the project, and a small, but very vocal minority of residents in opposition.

In regards, to Ms. Sedlacek’s comments regarding the units being owned by investors as opposed to homeowners, Mr. McLeay stated that he does not know where that information came from but it was incorrect. He stated that one of the original 36 homes was purchased by a person who chose not to live in it and was renting it out. In addition, Mr. McLeay stated that 27 of the units were owned by the people living in them. He stated that he had sent a copy of an email from one of the homeowners to Ms. Hadley stating their joy of homeownership and of the various events that the homeowners have enjoyed since purchasing their units, including fireworks on the rooftop on the Fourth of July, and other monthly get-togethers with the community. He stated that in addition to their units, a new single family home was being built across 11th Street, showing that they were spurring development in the area and that their design was based on other, modern style development in the area, including another single family home, an apartment building and a very modern style movie theatre, all built prior to their development. Mr. McLeay stated that the numbers referenced by Ms. Sedlacek were for the lots on which the homes would be constructed. Mr. McLeay advised that each of the lots were sold for $67,000. Mr. McLeay explained that one of the developer’s entities, 1234 South 10th, LLC, purchases the lot and then enters into a contract with the homeowner for them to purchase the lot and for the home to be built on the lot.

Mr. Pate inquired about the process by which the homes were being developed and sold. Mr. McLeay stated that each lot was a separate lot which was sold “fee simple”, which makes financing easier for the homeowner. After the purchase of the lot for $67,000, title is conveyed to the homeowner, at which time the homeowner can use that to obtain financing for the construction of the row house.

In response to Mr. Rosacker’s question about the incomplete homes, Mr. McLeay stated that all of those homes are “shelled out”, and completely enclosed, doors on, windows in, and garages doors installed. He stated that those units are abutting the Sons of Italy which had a fire and has a lot of building materials and equipment sitting around where the building was.

Mr. Eric Englund, Manager of Current Planning, stated that in the upcoming months the department anticipates receiving the plat and PUR to come in which will be required for the project to move forward. Mr. Englund stated that the department recommends approval.

Mr. Moore motioned for approval. Mr. Rosacker seconded the motion which carried 6-0.
At the Planning Board meeting on January 9, 2019, Mr. Don Seten, Planning Department appeared before the Board to discuss the proposed development. Mr. Seten explained that the proposal was to construct nine, for-sale, market rate, row homes on 49th Street between Farnam Street and Douglas Street. He stated that each of the homes will have three bedrooms, 2½ bathrooms, and a two car garage. He stated that one of the nice features of the site plan is that there will be a single curb cut off Douglas Street which will keep traffic off Farnam Street. In addition, Mr. Seten pointed out that there will be space for ample landscaping and other aesthetic improvements along the right-of-way in front of the building. Mr. Seten stated that, while the site is currently vacant, there is an underutilized surface parking facility there and a temporary community garden on the southern portion of the lot.

Mr. Seten advised that Mr. Tim Holland of Design Development, LLC was the project manager. He stated that the total project cost is approximately $5,000,000 and the TIF support requested is $883,330. Mr. Seten stated that the project meets all the requirements for the TIF program, is an appropriate land use for this location, and complies with the City’s Master Plan.

Mr. Tim Holland, 119 South 49th Avenue, appeared before the Board on behalf of the developer. Mr. Holland stated that they have met with and received the support of the neighborhood associations and all neighbors.

Mr. Eric Englund, Manager of Current Planning, advised that the department recommended approval.

Mr. Moore motioned for approval. Mr. Rosacker seconded the motion which carried 6-0.

At the Planning Board meeting on January 9, 2019, Mr. Don Seten, Planning Department appeared before the Board to provide details about the proposed development. Mr. Seten stated that the proposal is to rehabilitate a seven story, historic building which has been vacant for ten to twenty years on the northwest corner of 18th and Dodge Streets. He advised that there will be 4-6 penthouse condominiums on the top floors, a 90 room Indigo brand boutique hotel, a Speakeasy bar, and the main level will have retail and office space. He stated that there will be approximately 25 parking spaces on the west and north sides of the site and the company will be leasing 60 to 70 parking spaces at the City parking facility at 19th and Capitol Streets.

Mr. Seten advised that Mr. Mike Wirtz of Logan Hospitality, LLC was the project manager. He stated that the total project investment is almost $20,800,000 and the TIF support requested is $2,776,500. Mr. Seten noted that the developer has also made an application for an Enhanced Employment Area tax, as well as using Historic Preservation income tax credits, and are looking at using PACE financing. He explained that PACE is the Project Assessed Clean Energy program which provides financing for energy conservation. Mr. Seten stated that the project meets all the requirements for the TIF program, is an appropriate land use for this location, and complies with the City’s Master Plan.

Mr. Michael Sands, 1700 Farnam Street, Suite 1500, appeared before the Board on behalf of Logan Hospitality to advise that he and Mr. Mike Wirtz also of Logan Hospitality were available to answer any questions the Board may have.

Mr. Rosacker stated that he is pleased to see that someone is finally working on a project to utilize the historic building.

Mr. Eric Englund, Manager of Current Planning, advised that the department recommended approval.

Mr. Rosacker motioned for approval. Mr. Moore seconded the motion which carried 6-0.
At the Planning Board meeting on January 9, 2019, Mr. Don Seten, Planning Department, appeared before the Board to provide details about the proposed development. Mr. Seten advised that the proposal is to demolish, and clear the site of the former Baymont Inn at this location before building a four-story, 96,300 square feet, 135 room, dual branded hotel. In addition there will be a separate outbuilding which will be used for a small commercial enterprise, possibly a Scooters or something similar. Mr. Seten advised that the current access to the property, off South 72nd Street, will be closed and the property will be accessed only from Hascall Street.

Mr. Seten advised that Mr. Dan Merrick of MH Hospitality was the project manager. He advised that Mr. Merrick had extensive experience with operating and developing hotels in the Omaha market. Mr. Seten stated that the total project cost is approximately $18,200,000 and the TIF support requested is $3,380,797. Mr. Seten stated that the project meets all the requirements for the TIF program, is an appropriate land use for this location, and complies with the City’s Master Plan.

Ms. Sandy Zdan, 4817 Douglas Street, appeared before the Board in opposition. Ms. Zdan stated that she believes the name Midtown Hotel is misleading and should be changed to something more appropriate. Mr. Larry Jobeun, 11440 West Center Road, appeared before the Board to answer the concerns of Ms. Zdan. Mr. Jobeun stated that the name is simply the name of the redevelopment plan and has nothing to do with what the hotel will be called.

Mr. Eric Englund, Manager of Current Planning, stated that the department recommended approval.

Mr. Morris motioned for approval. Mr. Pate seconded the motion which carried 6-0.

At the Planning Board meeting on January 9, 2019, Ms. Bridget Hadley, Planning Department, appeared before the Board to describe the details of the proposed development. Ms. Hadley advised that the proposal is for the second phase of the Victory Apartments which, like Phase 1, will provide permanent, supportive housing for veterans at the former Grace University campus. Ms. Hadley stated that the proposal is to develop 60 one bedroom apartments. She stated that the Victory Apartments I houses additional supportive services which will also be accessible to the residents at the Victory Apartments II.

Ms. Hadley advised that the estimated total cost of the project is $8,200,000 and the TIF support requested is $347,000. The project is also be eligible for low income housing tax credits. Ms. Hadley stated that the TIF request is lower due to a rent restriction. She stated that the project meets all the requirements for the TIF program, is an appropriate land use for this location, and complies with the City’s Master Plan.

Mr. Michael Sands, 1700 Farnam Street, Suite 1500, appeared before the Board on behalf of the developer to advise that he is available to answer any questions the Board may have.

Mr. Eric Englund, Manager of Current Planning, advised that the department recommends approval.

Mr. Morris motioned for approval. Mr. Rosacker seconded the motion which carried 6-0.

Subdivisions
17. | C10-16-287  
C12-16-288  
Jasper Stone 192nd and Dodge LLC | REQUEST: | Revised Preliminary Plat approval of AVENUE ONE, a subdivision inside and outside the city limits, with rezoning from AG to DR and MU, Final Plat approval of AVENUE ONE (Lots 1-8 and Outlots A-B), a subdivision outside the city limits, with rezoning from AG to DR and MU, and Final Plat approval of AVENUE ONE (Lots 9-11 and Outlot C), a subdivision inside and outside the city limits, with rezoning from AG to DR and MU |
| LOCATION: | Southeast and Southwest of 192nd Street and West Dodge Road |

At the Planning Board meeting on January 9, 2019, Mr. Jim Boosier, 10250 Regency Circle, appeared before the Board on behalf of the applicant. Mr. Boosier stated that a member of the engineering team of Olsson & Associates is also available to answer questions if necessary. Mr. Boosier provided an overview of the revised preliminary plat showing an aerial photo of the entire area, as well as the area of the final plat request. Mr. Boosier stated that since their last appearance before the Board, the developer has had several meetings with various City departments, as well as representatives of the Douglas County, the State of Nebraska, and R&R Realty. He stated that the applicant appreciates the collaboration with the City and that they have secured $17,000,000 through collaboration with the State of Nebraska for the improvements of the intersection of 192nd Street and West Dodge Road. The applicant has been meeting almost daily with the R&R Realty team to push the projects forward including cost-sharing for infrastructure improvements, such as widening 192nd Street to 6 lanes at that section, sanitary sewer, and the shared drive between the two projects.

Mr. Boosier stated that the applicant is fine with all of the recommendations of the department except for recommendation number 6 regarding reconfiguration of Farnam Street and 195th Street. He stated that this has been discussed with the Planning department as well as the City Council when the project came through the first time. Mr. Boosier stated that this is something they are continuing to work through, but as of yet have not reached a resolution. Mr. Boosier stated that the representatives of Fire Ridge is opposed to this reconfiguration due to the effects the traffic will have on their neighborhood.

Mr. Eric Englund, Manager of Current Planning, stated that the department has been working with the developer for several months and briefly remarked on the recommendations. He stated that recommendation number 6 is something they will continue to work on. Mr. Englund stated that the department recommended approval of the rezoning, the preliminary plat and the final plat subject to the conditions in the recommendation report.

Mr. Pate motioned for approval of the rezoning from AG to DR and MU, subject to submittal of an acceptable Mixed Use Development Agreement prior to forwarding the request to City Council and approval of the Revised Preliminary Plat subject to the following conditions:

1. Provide for all improvements identified in the final approved traffic study (as approved by Public Works, Douglas County, and NDOT).
2. Coordinate with NDOT for their determination of the final configuration and design of the 192nd Street and West Dodge Road interchange improvements.
3. Provide for the financing of the infrastructure in the final subdivision agreement. If the development will be annexed by the City as part of the infrastructure financing arrangements, then the applicant will need to agree in the subdivision agreement that each of the lots will still be subject to the payment of the then-current ASIP fee at the time of building permit application for each lot.
4. Coordinate with Public Works on the following:
   a. Design of the minor street approaches to 192nd Street - including the street section and the proximity of the first accesses to 192nd Street.
   b. On the warrant analysis and (if warranted) the design of the proposed HAWK signal at 192nd and Farnam Streets.
   c. The design of the roundabouts.
   d. An acceptable cross section for Farnam Street between 189th and 193rd Streets.
5. Remove the existing temporary turnarounds at the end of Farnam Street and 197th Streets.
6. Reconfigure the streets so that the existing Farnam Street stub connects to Harney Street as a through movement, and reconfigure 195th Street as the intersecting street.
7. Pave all stub streets to the property line and provide a temporary turnaround.
8. Provide traffic calming on the internal street network as required.
9. Clearly show the existing right-of-way lines and portion of right-of-way to be dedicated on the final plat.
10. Provide an access easement to a public street for Lots 1, 5 and 11.
11. Provide access for Lots 9-11 either via public streets within right-of-way, or by some other arrangement in conformance with Chapter 53 of the Omaha Municipal Code.
12. Coordinate with the developer of the Fountain Ridge West project (south of Lots 9-11) on the following:
   a. An acceptable alignment and design for HWS Cleveland Boulevard along that subdivision's frontage.
   b. Cost sharing arrangements for the 192nd Street and HWS Cleveland Boulevard improvements.
13. Coordinate with the developer of the Fountain West Office Park project on the following items:
   a. An acceptable alignment and design for Burke Street along that subdivision's frontage.
   b. Cost sharing arrangements for the 192nd Street and Burke Street improvements.
14. Dedicate right-of-way and pave a stub street to the adjacent Evert Place development in the location of their public street connection near Outlot G.
15. Place the following notes on the plat:
   a. There shall be no direct access to 192nd Street or West Dodge Road from any lots abutting said streets.
   b. There shall be no direct access to Burke Street from Lots 4, 7, 36 or 37.
   c. There shall be no direct access to Harney Street from Lot 17.
   d. There shall be no direct access to Davenport Street from Lots 2 or 3.
16. For the final plat for Avenue One (Lots 1-8, Outlots A-B), either:
   a. Record a paper dedication for Burke Street's full section between Lot 6 and 188th Street concurrently with this final plat, or
   b. Record this plat concurrently with the adjacent Fountain West Office Park plat.
17. Record the final plat of Fountain Ridge West prior to the recording of Avenue One (Lots 9-11, Outlot C).
18. Include a provision in the final subdivision agreement that assigns responsibility for the routine maintenance and snow removal of the parking areas located on public right-of-way.
19. Coordinate with Public Works, Parks and Recreation and NDOT if a pedestrian bridge is to be built over West Dodge Road connecting the development with the city park to the north.
20. If the development will not be located within a Sanitary Improvement District (SID), a maintenance agreement will be required before Douglas County will provide routine maintenance of public streets. If not located in a SID, major maintenance activities are the responsibility of the adjacent property owner.
21. Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 192nd Street.
22. Receive permits from Douglas County for any grading, sewer or utility work carried out in 192nd Street right-of-way.
23. Encapsulate all drainageways within outlots that are adequately sized to encompass the 3:1 +20' section or the 100-year storm (whichever is greater).
24. Coordinate with OPPD regarding any grading or construction plans within existing transmission line easements.
25. Waiving the typical 35 foot no-build easement along south side of HWS Cleveland Boulevard from 192nd west to the roundabout is acceptable, provided the following conditions are met:
   a. The architectural treatment of the building façade facing the boulevard need to have the same level of transparency (per mixed use development requirements) as the side of the building with the primary entrance facing the parking.
   b. There will need to be architectural treatment variation to the building façade facing the boulevard (no blank elevations of brick or other material).
   c. There will need to be one or more entrances to the building along the façade facing HWS Cleveland Boulevard (an emergency egress door would not count). This entrance(s) would
also need to connect to the regular sidewalk running along the boulevard.

d. Service areas/loading docks are not allowed in yards facing the boulevard (appropriately screened service areas with architectural materials can be considered).

e. Provide a 15 foot no-build easement measured from the boulevard right-of-way. At the roundabout and heading south on HWS Cleveland, it will be required to revert back to the traditional 35 foot no-build easement.

f. The green space between the back-of-curb and trail/sidewalk needs to be 8 feet on both sides of the boulevard.

26. Receive approval of all park, trail and boulevard plans and cost estimates by the Parks and Recreation Advisory Board prior to bidding.

27. Coordinate neighborhood park improvements to Fire Ridge Park with the Parks and Recreation Department.

28. Provide park improvements to Grove Park (coordinate improvements with SID 438).

29. Coordinate with city staff regarding submittal of an acceptable tree mitigation plan.

30. Coordinate with city staff regarding submittal of an acceptable wetlands mitigation plan.

31. The use, ownership and maintenance of the outlots need to be provided for in the final subdivision agreement.

32. Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies.

33. Provide sidewalks along all streets as required by the Subdivision Ordinance.

In addition, Mr. Pate motioned for 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 for final action and 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 for final action. Mr. Magid seconded the motion which carried 6-0.

| 18. | C10-17-129  
C12-17-130  
Fountain II, LLC | REQUEST: Revised Preliminary Plat approval of FOUNTAIN RIDGE WEST (formerly Office Development at Avenue One), a subdivision outside the city limits, with rezoning from AG to DR and MU and Final Plat approval of FOUNTAIN RIDGE WEST (Lot 1 and Outlots A-C), a subdivision outside the city limits, with rezoning from AG to DR and MU |
| LOCATION: 240 South 192nd Street |

At the Planning Board meeting on January 9, 2019, Mr. Larry Jobeun, 11440 West Center Road, appeared before the board to provide details about the proposed development. Mr. Jobeun advised that representatives from R & R Realty in Des Moines, Iowa were also in attendance on behalf of the applicant. He stated that the development will utilize 18 acres on the northwest side of the intersection of 192nd Street & HWS Cleveland Drive. He stated that the concept shows 158,000 square feet of office space, which could go up as high as 240,000, depending on the end-users. He stated that today the applicant is requesting to replat Lot one and have the final plat approved for that same lot as well as three outlots and the rezoning. Mr. Jobeun stated that the applicant agrees with all of the recommendations from the Planning Department with the exception of #3. He stated that the Public Works department has requested that the applicant remove the right in/right out on HWC Cleveland. The applicant would like to have further opportunities to discuss the recommendation with Public Works in light of all of the traffic which will be coming in and out and the additional public streets which will be built within this project.

In response to a question from Mr. Pate, Mr. Jobeun stated that the intention is to begin construction this year, however, the improvements to the intersection are possibly going to be as far out as 2024. He stated that the interchange does not have to be completed in order to get started on the construction in the development.

Mr. Eric Englund, Manager of Current Planning, stated that there has been a lot of coordination between the developer and the department, and it is anticipated that it will continue. Mr. Englund stated that the department recommends approval of the rezoning, approval of the revised preliminary plat, and approval
of the final plat, all subject to the conditions outlined in the recommendation report.

Mr. Rosacker motioned for approval of the rezoning from AG to DR and MU, subject to submittal of an acceptable Mixed Use Development Agreement prior to forwarding the request to City Council; approval of the Revised Preliminary Plat subject to the following conditions:

1. Provide a pro-rata contribution for all improvements identified in the final approved traffic study (as approved by Public Works, Douglas County Engineer, and NDOT).
2. Remove the HWS Cleveland Boulevard access to Lot 1 on the mixed use plans.
3. Dedicate right-of-way along HWS Cleveland Boulevard and along 192nd Street to accommodate the improvements identified in the final approved traffic study.
4. Pave all stub streets to the property line and provide a temporary turnaround.
5. Coordinate with Public Works on the design of HWS Cleveland Boulevard on its approach to 192nd Street (including the street section, and the spacing and traffic control of the accesses west of 192nd Street).
6. Show the existing right-of-way lines and portion of right-of-way that is to be dedicated on the final plat.
7. Coordinate with the developer of the Avenue One project on the following:
   a. An acceptable alignment and design for HWS Cleveland Boulevard (the ultimate use and ownership of Outlot A will need to be addressed as part of this condition).
   b. Cost sharing arrangements for the 192nd Street and HWS Cleveland Boulevard improvements.
8. Place a note on the plat indicating the following:
   a. Lot 1 shall have no direct access to 192nd Street or to HWS Cleveland Boulevard.
   b. Outlot A shall have no direct access to 192nd Street.
9. Receive a permit from Douglas County for any street connections from the development to 192nd Street.
10. Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 192nd Street.
11. All boulevard plans and cost estimates must be approved by the Park and Recreation Advisory Board prior to bidding.
12. Waiving the typical 35 foot no-build easement along north side of HWS Cleveland Boulevard from 192nd west to the roundabout is acceptable, subject to the following:
   a. The architectural treatment of the building façade facing the boulevard need to have the same level of transparency (per mixed use development requirements) as the side of the building with the primary entrance facing the parking.
   b. There will need to be architectural treatment variation to the building façade facing the boulevard (no blank elevations of brick or other material).
   c. There will need to be one or more entrances to the building along the façade facing HWS Cleveland Boulevard (an emergency egress door would not count). This entrance(s) would also need to connect to the regular sidewalk running along the boulevard.
   d. Service areas/loading docks are not allowed in yards facing the boulevard (appropriately screened service areas with architectural materials can be considered).
   e. Provide a 15 foot no-build easement measured from the boulevard right-of-way. The buildings on both Lots 1 and 2 will need to shift closer to the right-of-way to meet this setback.
   f. The green space between the back-of-curb and trail/sidewalk needs to be 8 feet on both sides of the boulevard.
13. Work with city staff on finalization of an acceptable tree mitigation plan.
14. Provide sidewalks along all streets as required by the Subdivision Ordinance.
15. The use, ownership and maintenance of the outlots need to be provided for in the final subdivision agreement.
16. Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies.
17. Coordinate with city staff on an acceptable debt ratio.

In addition, he also motioned for 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 for final action.
Mr. Moore seconded the motion which carried 6-0.

C12-18-220  
20535 Fort LLC | REQUEST: | Revised Preliminary Plat and Final Plat approval of VISTANCIA, a subdivision outside the city limits, with rezoning from AG to DR, R4 and R5 |
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At the Planning Board meeting on January 9, 2019, Mr. Brent Beller, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Beller advised that the rezoning and preliminary plat for the 125 acre residential development had been brought to the Planning Board in November, and since that time, the developer has been working with the Planning Department and have made some changes to the preliminary plat by reconfiguring some of the lots on the south portion of the development. In addition, Mr. Beller stated that the department had requested some connectivity to the west, which will be in Phase 2 of the development. He stated that those things had been included, but nothing else had changed since the November Board meeting.

Mr. Eric Englund, Manager of Current Planning, stated that the department recommended approval of the Preliminary Plat, subject to the conditions in the recommendation report and approval of the rezoning. Mr. Englund explained that the department recommended laying over the Final Plat due to the need for some more work on the tree canopy analysis and mitigation, as well as the wetlands analysis and mitigation.

Mr. Pate motioned for approval of the rezoning from AG to DR, R4 and R5 and approval of the Revised Preliminary Plat, subject to the following:

1. A minimum of 50 feet of right-of-way must be dedicated along the north side of Fort Street, widening to 60 feet within 300 feet of 204th Street.
2. The proposed temporary street connection from the development to Fort Street will require permits from the Douglas County Engineer’s Office.
3. On the northeast corner of the subdivision coordinate with the neighboring property owner for acquisition of the necessary right-of-way and either include the additional right-of-way on the plat or record the right-of-way dedication concurrently with the plat.
4. The proposed outfall sewer extension east of the plat boundary will require a separate interceptor sewer extension by the City; coordinate with Public Works.
5. Coordinate with Public Works on an acceptable GO paving plan.
6. The applicant must contact OPPD to coordinate any grading or construction plans proposed within the easements for the transmission line along the east side of the site.
7. Coordinate with NDOT to provide 204th Street improvements at Kansas Avenue, and provide for any other 204th Street improvements identified by NDOT.
8. Pave all stub streets to the subdivision boundary, and provide temporary turnarounds.
9. Storm sewer design computations and final plans that relate to the handling of roadway and site drainage along the development boundary adjacent to Fort Street must be submitted to the Douglas County Engineer’s Office for review.
10. Sidewalks are required by the subdivision ordinance to be provided along all street frontages (including along 204th and Fort Streets).
11. Any grading, sewer or utility work carried out in conjunction with the development, in the Fort Street right-of-way, will require permits from the Douglas County Engineer’s office.
12. Proposed site grades along the southern boundary of the platting, adjacent to Fort Street, must be coordinated with the future improvement of the roadway.
13. Compliance with all applicable stormwater management ordinances and policies; including providing for a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality.
14. Place the drainageways in outlots sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater).
15. Construct a temporary public street connection between Fort Street and the intersection of 208th Avenue and Ogden Streets; this street connection shall be removed in the future when 208th Street is extended to Fort Street by others.
16. Submit a wetland analysis and mitigation plan, if necessary.
17. Place a note on the plat that there shall be no direct access from any lots or outlots to 204th Street, and no direct access from any lot or outlot to Fort Street except for the temporary street connection on Lot 175.

18. Provide for traffic calming on all streets longer than 1,000 feet.

19. Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement.

20. All trails, parks and open space not indicated on the Omaha Suburban Parks Master Plan must be privately constructed, owned and maintained by the developer, homeowner’s association or other approved entity.

21. Coordinate the design and construction of the park #33b with the adjacent SID’s. Park plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.

22. Provide for the installation of a continuous round rail fence one foot inside the park lot per the Parks Department standard detail where lots back onto a park or common area.

23. Submit a letter of approval of a noxious weed plan from Douglas County.

24. Coordinate with Douglas County regarding the appropriate location of the outdoor warning siren and its installation.

25. Submit an updated tree canopy analysis and acceptable tree canopy mitigation plan.

26. Complying with an acceptable debt ratio of 4% or less.

27. Work with the Planning Department staff to ensure that correct street names are provided on the final plat mylars.

In addition, Mr. Pate motioned to layover the Final Plat to allow the applicant time to address issues discussed in the report including an updated tree canopy analysis and mitigation plan and a wetland analysis and mitigation plan, if necessary.

Mr. Morris seconded the motion which carried 6-0.

| 22. | C10-19-014  
|     | C12-19-015  
|     | Tim Halpine | REQUEST: Preliminary and Final Plat approval of DEER CREEK REPLAT 21, a minor plat outside the city limits, with rezoning from DR to DR and R4 (portions of the property are located within the FF-Flood Fringe Overlay District) | LOCATION: South of 130th Street and Deer Creek Drive

At the Planning Board meeting on January 9, 2019, Mr. Jason Theilen of E & A Consulting Group, 10909 Mill Valley Road. Mr. Theilen advised that the proposal was to develop a three lot plat on the back nine of the Deer Creek Golf Course. He stated that due to opposition from some of the adjacent property owners, after discussion with them, the applicant has agreed to remove Lot 3 from this plat. He stated that the applicant will come back with a two lot plat for the final plat to go to the City Council.

Mr. Eric Englund, Manager of Current Planning, stated that the proposal to remove lot 3 is acceptable to the department, though it will be necessary to submit revised documents and signed mylars prior to sending the final plat to the City Council. In addition, Mr. Englund stated that a Minor Amendment will be required to the existing Special Use Permit to allow Outdoor Sports prior to the Final Plat moving forward. He also advised that a portion of lot 2 was within a Flood Fringe Overlay District, therefore all development will have to comply with floodplain development regulations. Mr. Englund stated that the department recommends approval of the rezoning, the preliminary plat and the final plat subject to the conditions in the recommendation report.

Mr. Morris motioned for approval of the rezoning from DR to R4 (a portion of the property is located within the FF-Flood Fringe Overlay District); approval of the preliminary plat, subject to the following conditions:

1. Sidewalks must be provided along all street frontages pursuant to OMC Section 53-9(9).
2. Obtain a Minor Amendment to the SUP.

In addition, Mr. Morris motioned for approval of the final plat, subject to the conditions of the preliminary plat and submittal of an acceptable final subdivision agreement (if necessary).

Mr. Magid seconded the motion which carried 6-0.
*ELECTION OF OFFICERS*

By a vote of 6-0, Mr. Greg Rosenbaum was elected Planning Board Chairperson for 2019.

By a vote of 6-0, Ms. Kristine Karnes was elected Planning Board Vice-Chairperson for 2019.

APPROVAL OF MINUTES

Mr. Magid moved to approve the minutes of the December 5, 2018 Planning Board meeting as written. Mr. Rosacker seconded the motion which carried 6-0.

ADJOURNMENT

Mr. Magid motioned to adjourn the meeting at 5:27 pm. Mr. Pate seconded the motion which carried 6-0.

Date Approved

Greg Rosenbaum, Chairman

Lisa Agans, Planning Board
Recording Secretary