MINUTES
PRE-MEETING
OMAHA CITY PLANNING BOARD – OCTOBER 2, 2019
12th FLOOR CONFERENCE ROOM - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

MEMBERS PRESENT:  Greg Rosenbaum, Chairman
                     Kristine Karnes, Vice Chair
                     David Rosacker
                     Jeffrey Moore
                     Patrick Morris
                     Cydney Franklin

MEMBERS NOT PRESENT:  Michael Pate

STAFF PRESENT:  Dave Fanslau, Director
                Eric Englund, Acting Assistant Director
                Michael Carter, Acting Current Planning Manager
                Robert Laroco, Planning Board Administrator
                Lisa Agans, Recording Secretary

The meeting was called to order at 11:25 a.m.

#8  Mr. Don Seten, of the Planning Department, explained that this project will rehab/restore an historic 2 story, vacant, brick building. He stated that the developer will be utilizing historic preservation tax credit funding as part of the funding stack for the project. The developer intends to create office/commercial space which possibly will include some sort of coffee shop and rooftop amenities. The total project cost is approximately $7,300,000 and the developer is requesting $836,191 in TIF support.

#9  Mr. Seten explained that this project is to develop a 4 story apartment building which will sit on top of a one level, 66 stall parking garage on a 6.9 acre vacant lot. This building will house 97 apartments (studios, 1 bedroom and 2 bedroom units). The total project costs are between $14,300,000 and $14,400,000 and the developer is requesting approximately $2,067,135.

    Mr. Eric Englund, Acting Assistant Director, reminded the Board there was a PUR-Planned Unit Redevelopment on the agenda in September for this location.

#10  Ms. Bridget Hadley, of the Planning Department, explained that this project will involve demolishing two existing structures for the development of a new, three story, multi-family building. She advised that this building will house a total of 30 apartments which will be a mixture of three and four bedrooms, 100% of which will be for low income tenants. Ms. Hadley stated that the TIF support requested is $230,000 and that the developer will also be utilizing low-income housing tax credits. Ms. Hadley answered questions from the Board about various sources of funding for low income housing including Opportunity Zones and HOME funds.

#6  Ms. Autumn Evans, of the Planning Department, advised that this request is to dispose of a piece of property which has been owned by the city since the 1950’s and was never developed. Ms. Evans stated that the owner of an adjacent property will be purchasing the lot at the appraised value.
#7 Ms. Evans stated that the properties listed on this request will be transferred to the Land Bank with the exception of 3116 North 16th Street which needs to be removed from the list when the motion is made at the Planning Board meeting. Ms. Evans explained that the owner of an adjacent property has expressed interest in purchasing the property at 3116 North 16th Street once it is appraised.

#1 Mr. Eric Englund, Acting Assistant Director, advised that this request had been laid over from the September 4, 2019 meeting. Since that meeting, the applicant had submitted changes including an increase in the number of lots, the inclusion of a five-acre park which had been required, and the connection of Howard Circle. Mr. Englund stated that the request is on the Consent Agenda for approval subject to 15 conditions.

#2 & #5 Mr. Englund stated that these two cases are related and are both on the Consent Agenda for layover at the request of the applicant.

#3 Mr. Englund advised that this request had been held over from the September 4, 2019 Planning Board meeting and since that time the applicant had provided some of the additional information requested by the department. He reminded the Board that the applicant wanted to build a large addition to be used as the new sanctuary for the Church. He stated that the current building would house administrative offices and be used for other activities at the Church. The Parks department had previously required a trail connection at the easement which had already been required with the original plat, but they have now dropped that requirement.

Following a lot of discussion, Mr. John Williams of the Parks Department, came to the meeting to answer some questions from the Board about the trail and about the decision to drop the requirement for a connection. Mr. Williams advised that there was no clear indication that this is something that could be required during the process of getting an amendment to an existing Use Permit, therefore, the Parks department determined that they could not require the connection at this time. Mr. Williams stated that if the applicant does not put in the trail connection, it is unlikely the City will do so. He advised that the cost of putting in the connection would likely be a minimum of $130,000.

#4 Mr. Englund advised that this request had been laid over from the September 4, 2019 Planning Board meeting and that since that time the applicant has made several of the modifications requested by the department. He stated that this request is on the Consent Agenda for approval subject to a few conditions.

#11 Mr. Englund advised that this case is on the Consent Agenda for approval. He stated that the applicant wishes to divide the property into two separate lots in order to transfer one to an interested party. He advised that the applicant will need a waiver from the Zoning Board of Appeals and they were on the agenda to appear at that Board.

#12 Mr. Englund stated that the request is on the Consent Agenda for layover at the request of the applicant. Ms. Kristine Karnes, Planning Board member, advised that she will recuse herself from discussion of this case at the meeting if it is removed from the Consent Agenda and she will note her recusal in the motion if it remains on Consent.

#13 - #21 Mr. Englund discussed some of the details of each of these cases and advised that all were on the Consent Agenda for approval. He stated that the department had received only one public comment which related to number 13 and was provided to the Board members at the meeting. He advised that this person appeared to be seeking clarification and reassurance but did not appear to be opposed to the project.

The Board members and Planning Staff adjourned to the Legislative Chambers to conduct the Planning Board public meeting shortly before 1:30 p.m.
Mr. Greg Rosenbaum, 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. Ms. Karnes advised those in attendance where to find a copy of the Nebraska Open Meetings Act in the Legislative Chambers.

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


At the Planning Board meeting held October 2, 2019, this request was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from AG and R4 to R4 and approval of the preliminary plat, subject to the following conditions prior to or with submittal of a final plat:

1. Coordinate with SID 572 (Grandview Ridge Estates) for cost sharing of the George B. Lake Parkway connection east of this subdivision.
2. Coordinate with the NRD on the acquisition and transfer of land to be included for Park 40b.
3. Coordinate the design and construction of Park 40b with adjacent SIDs and the Omaha Parks Department. The park must meet the requirements outlined in the Suburban Parks Master Plan, 2016 Update. The park must be designed by a professional Landscape Architect licensed in the State of Nebraska.

4. Provide a 10-foot-wide trail segment extending north from F Street along George B. Lake Parkway, ending at Park 40b. The 10-foot-wide trail will replace the typical 6-foot-wide parkway sidewalk and must be located on the west and north sides of George B. Lake Parkway. Coordinate with Omaha Parks Department for design and installation of the required trail.

5. Provide a 4-foot wide, paved median on the George B. Lake Parkway approach to F Street. Design of George B. Lake Parkway must comply with the requirements of the Suburban Park Master Plan. Boulevard plans and cost estimates must obtain the review and approval of the Parks and Recreation Advisory Board.

6. Provide an updated Source and Use of Funds showing an acceptable debt ratio is provided.

7. Coordinate with Douglas County to grade the subdivision to match the ultimate profile of F Street.

8. Submit the 30 percent design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.

9. Revise the plat to provide the correct legal description and remove the duplicated “Outlot A” label.

10. Coordinate with the Douglas County Engineer’s office on the design and extent of required improvements to F Street.


12. Provide traffic calming on all road segments greater than 1,000 feet in length.

13. Provide sidewalks along all street frontages as required by Section 53-9(9), Sidewalks, of the Omaha Municipal Code.

14. Compliance with all stormwater management ordinances and policies.

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

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

2. C10-19-146 (D)  C12-19-147  Spire Foundation, LLC

| REQUEST: | Preliminary and Final Plat approval of SPIRE CLUB AT PACIFIC RESERVE, a minor plat outside the city limits, with waiver to Section 53-8(4d), Lot frontage, along with rezoning from R5 to DR (laid over 8/7/19) |
| LOCATION: | 1110, 1116, 1119, 1125 South 206th Circle |

At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Morris moved for layover. Mr. Rosacker seconded the motion which carried 7-0.

**Conditional Use Permits**

4. C7-19-156 (D)  Fareway Stores, Inc.

| REQUEST: | Approval of a Conditional Use Permit to allow Food sales (general) in the LC District (laid over 9/4/19) |
| LOCATION: | Northeast of 132nd and Fort Streets |

At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the Conditional Use Permit to allow Food sales (general) in the LC District, subject to meeting the following conditions:

1. Revise plans to provide the following:
   a. Provide a minimum 25 percent building materials transparency along the southern elevation
b. Provide adequate pedestrian connections between the store and the surrounding street network.

c. Provide required screening of rooftop and mechanical equipment.

d. Remove the “Zoning Requirements” table from the site plan.

2. Submittal of an acceptable landscaping plan. The landscaping plan must, at a minimum, address the following:

a. Revise the species for the three-foot-tall vegetative screening with a species that actually grows to three-feet-tall.

b. Provide a minimum of 13 overstory trees.

c. Provide a minimum of four additional trees along the common property line between Lots 1 and 3.

3. Compliance with all applicable requirements of the MCC Overlay design guidelines.

4. Compliance with revised site/landscaping plans.

5. Compliance with the approved operations plan.

6. Compliance with all other applicable regulations.

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

**Special Use Permits**

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<thead>
<tr>
<th>Request Number</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. C8-19-158</td>
<td>Approval of a Special Use Permit to allow Outdoor sports and recreation in a DR District (laid over 8/7/19)</td>
<td>1110, 1116, 1119, 1125 South 206th Circle</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Morris moved for layover. Mr. Rosacker seconded the motion which carried 7-0.

**Subdivisions**

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<tr>
<th>Request Number</th>
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<tbody>
<tr>
<td>11. C10-19-212</td>
<td>Preliminary and Final Plat of ASCENCIO, a minor plat inside city limits, with rezoning from GI and HI to GI</td>
<td>Southeast of 16th and Pratt Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from GI and HI to GI and approval of the Preliminary Plat, subject to the following conditions:

1. Coordinate with the Permits and Inspections division regarding providing the necessary documentation ensuring the proper firewalls are being provided.

2. Approval of a setback waiver from the Zoning Board of Appeals.

3. Install sidewalks in compliance with chapter 53 along the subdivision’s 16th Street and Evans Street frontages.

4. Compliance with all applicable stormwater management ordinances and policies.

In addition, Mr. Rosacker moved for approval of the Final Plat, subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding to the City Council. Mr. Moore seconded the motion which carried 7-0.
12. **C10-19-214 (D)**  
Royce Enterprises, Inc.  
**REQUEST:** Preliminary Plat approval of ESTATES AT LOVELAND, a subdivision inside city limits, with a waiver of Section 53-8(2b), Cul-de-sac length, along with rezoning from R2 to R4  
**LOCATION:** Southeast of 87th and Pacific Streets

At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Morris moved for layover. Mr. Rosacker seconded the motion which carried 6-0-1 with Ms. Karnes recused.

13. **C10-19-216 (D)**  
Loren Johnson, Celebrity Homes Omaha  
**REQUEST:** Preliminary Plat approval of DEER CREST, a subdivision outside city limits, along with rezoning from AG to R4  
**LOCATION:** Southeast of 114th and State Streets

At the Planning Board meeting held on October 2, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from AG to R4 and approval of the Preliminary Plat, subject to the following conditions:
1. Widen 114th Street to three lanes along the subdivision's frontage.
2. Place a note on the final plat that there shall be no direct access to 114th Street from Outlot A or B.
3. Grant a noise attenuation easement 115 feet from the centerline of 114th Street, and place the standard easement language on the plat.
4. Provide traffic calming on all streets longer than 1000 feet.
5. Coordinate with Public Works on an acceptable GO paving plan.
6. Coordinate with the Public Works and Parks Departments to find an acceptable alignment for the proposed sewer south of Potter Street.
7. Submit the 30% design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.
8. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
9. Submit storm sewer design computations and final plans to the Douglas County Engineer for review.
10. Provide temporary turn-arounds at the terminus of all temporarily dead-ended streets.
11. Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 114th Street.
12. Receive all necessary permits from the Douglas County Engineer.
13. Provide sidewalks as required by Chapter 53, Subdivisions.
14. Comply 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.
15. Submit a letter of approval from Douglas County for a Noxious Weed Plan.

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

### Rezonings

<table>
<thead>
<tr>
<th>14.</th>
<th>C10-19-218 (D)</th>
<th><strong>REQUEST:</strong> Rezoning from GI to CC</th>
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<tbody>
<tr>
<td></td>
<td>Leah Thrasher</td>
<td>LOCATION: 1223 and 1231 South 14th Street</td>
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At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.
Mr. Rosacker moved for approval. Mr. Moore seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Case Name</th>
<th>Request</th>
<th>Location</th>
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<tbody>
<tr>
<td>C10-19-225</td>
<td>Corey Spader</td>
<td>Rezoning from R4(35) to R5</td>
<td>4628 Capitol Avenue</td>
</tr>
<tr>
<td>C10-19-226</td>
<td>Klinker Homeplace, LLC</td>
<td>Rezoning from LC to R7</td>
<td>Northeast of 132nd and Fort Streets</td>
</tr>
<tr>
<td>C10-19-220</td>
<td>St. Margaret Mary's Church</td>
<td>Rezoning from R1 to R3, along with approval of a Major Amendment to the Conditional Use Permit (assumed) to allow Religious assembly in the R3 District (property is located within an ACI Overlay District)</td>
<td>Northwest and Northeast of 62nd and Dodge Streets</td>
</tr>
<tr>
<td>C10-96-261</td>
<td>Ted Grace</td>
<td>Rezoning from GI to MU (property is located within an FF-Flood Fringe Overlay District) (3727 South 149th Street) and approval of a Major Amendment to the Mixed Use District Development Agreement for Altech Business Park</td>
<td>Northwest of 144th and F Streets</td>
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At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

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

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

Mr. Rosacker moved for approval of the rezoning from R1 to R3 and approval of the Major Amendment to a Conditional Use Permit to allow Religious assembly in the R3 District, subject to the following conditions:

1. Coordinate with the Public Works department regarding on-street parking and internal parking lot modifications.
2. Coordinate with City staff regarding an acceptable sidewalk design and location for 62nd Street.
3. Submittal of and compliance with a revised site plan addressing on-street parking design, internal parking lot modifications, and sidewalk design/location for 62nd Street.
4. Obtain waivers to the maximum impervious surface coverage, parking in the front yard setback, and minimum depth landscaping requirements from the Zoning Board of Appeals.
5. Compliance with the submitted operating statement.

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

At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from GI to MU for 3727 South 149th Street, and approval of the Major Amendment to the Altech Business Park Mixed Use Development Agreement, subject to submittal of five (5) acceptable, signed agreements prior to forwarding the request to City Council. Mr. Moore seconded the motion which carried 7-0.
Special Use Permits

19. C7-19-222 (D) C8-19-223 Baxter Cycle Omaha

REQUEST: Approval of a Special Use Permit to allow Auto sales in the CC District, with approval of a Conditional Use Permit to allow Auto repair services in the CC District (a portion of the property is located within the FW-Floodway and FF-Flood Fringe Overlay Districts).

LOCATION: 13704 P Street

At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of a Special Use Permit to allow Auto sales in the CC-Community Commercial District, subject to the following conditions:
1. Compliance with the submitted site plan.
2. Compliance with the submitted operations plan.
3. Compliance with all other applicable regulations.

In addition, Mr. Rosacker moved for approval of the Conditional Use Permit to allow Auto repair services in a CC-Community Commercial District, subject to the following conditions:
1. Compliance with the submitted site plan.
2. Compliance with the submitted operations plan.
3. Compliance with all other applicable regulations.

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

Conditional Use Permits

20. C7-19-219 (D) Jung Seu

REQUEST: Approval of a Major Amendment to the Conditional Use Permit (assumed) to allow a Daycare services (general) in the R6 District.

LOCATION: 2902 South 20th Street

At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of a Major Amendment to the Conditional Use Permit (assumed) to allow a daycare (general) to be located in R6.
1. Submittal of and compliance with a revised site plan providing 2 additional parking stalls and a minimum drive aisle of 24 feet for the new parking facility.
2. Submittal of and compliance with a revised landscape plan adding the required tree plantings to the site and removing the landscaping shown on the south side of the existing parking lot.
3. Compliance with all applicable building and fire codes, including providing a storm shelter and obtaining a permanent Certificate of Occupancy for both facilities from the Permits and Inspections division.
4. Compliance with the City's driveway regulations.
5. Compliance with submitted operating statement.

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

21. C7-15-314 (D) Kiewit Infrastructure Group

REQUEST: Approval of a Major Amendment to the Conditional Use Permit to allow Surface parking in the CBD (property is located within an ACI Overlay District).
At the Planning Board meeting held October 2, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the Major Amendment to the Conditional Use Permit to allow Surface parking in a CBD-ACI-1(PL) District, subject to the following conditions:
1. Approval of the Major Amendment to the CUP for a period of four (4) years.
2. Receive a waiver from the Zoning Board of Appeals to delay installation of the landscaping for a duration of four (4) years.
3. Compliance with all other applicable regulations.
Mr. Moore seconded the motion which carried 7-0.

(REGULAR AGENDA)

Conditional Use Permits

| C7-05-216 Stone Bridge Christian Church | REQUEST: Approval of a Major Amendment to the Conditional Use Permit to allow Religious assembly in the R4 District, with a waiver of Section 55-186, Height, to allow a 37 foot tall building (laid over 9/4/19) | LOCATION: 15801 Butler Avenue |

At the Planning Board meeting held October 2, 2019, Mr. Kyle Haase of E & A Consulting, 10109 Mill Valley Road, appeared before the Board on behalf of the applicant. Mr. Haase presented an aerial photo showing the location of the building and explained the request to build a 21,000 square foot addition will accommodate 1,500 people and will be used for religious services, weddings, funerals, and receptions. He advised that the current building will be used for education opportunities and religious education for students. Additionally, there will be an expansion to the parking lot. Mr. Haase stated that the applicant is in agreement with the conditions stated in the revised Recommendation Report dated October 10, 2019. He stated that he and Mr. Jason Theilien were present to answer any questions from the Board.

There were no opponents.

The Board had several comments and questions regarding the requirement for a trail connection which had originally been on the recommendation report in September but had been removed as a condition by the Parks Department on the revised Recommendation Report dated October 10, 2019. These questions were addressed individually by Mr. Haase and Mr. Jason Theilien of E & A Consulting.

In response to questions from the Board, Mr. Jason Theilien of E & A Consulting, 10909 Mill Valley Road, advised that in 2005 the City only requested that the easement for a future trail connection be included in the plat, there was no discussion or requirement as to who would be required to put in the trail or who would pay for the trail extension. Mr. Theilien stated that it is the position of the applicant that since they are not requesting any amendment to the subdivision agreement and that it was not the intent of the Parks department that a single user would be responsible for the entire cost of creating the trail connection. He advised that he does not believe that it is fair to saddle a single user with the cost of the trail when it can’t be shown that the requested addition would cause the need for the trail improvement which is usually included in a subdivision agreement and vetted out through that process. He stated that the Parks Department had determined that this was not a requirement which could be placed on the applicant through the amendment to the Conditional Use Permit. Mr. Theilien stated that this type of public improvement is generally always handled through an SID and through the subdivision agreement. He advised that there is nothing in the subdivision agreement to address the trail connection and that there is nothing in this request
which could be connected to a requirement for a public improvement such as this. In response to Mr. Rosenbaum, Mr. Theilan stated that if there was a requirement for additional parking, landscape buffer, or a traffic study due to the increased number of people coming to the location, that would be something which could be addressed within the amendment, because it is directly related to the use permit, however, a major public improvement such as the major undertaking of constructing an 800 foot in an area with a steep grades is not something that is the result of the applicant expanding their building through an amendment to the use permit. He stated that a sidewalk is something that is typically required of a user, an 800 foot trail is something entirely different.

Mr. Theilan stated that it is their belief and that of their legal team that the City can’t require them to construct this trail extension through the amendment to a use permit, neither did the Parks Department which is why the condition was removed by Mr. Williams in that department. In addition, Mr. Theilan urged the Board to look at where the trail would cross 156th Street and the hazardous situation which would be created by people attempting to cross on that trail. Mr. Morris stated that they were concerned that if the trail connection was not made now, perhaps it would never be put in, to which Mr. Theilan replied that there are a number of places throughout the City where trail connections do not go all the way through and it does not change the fact that it is not the responsibility of the applicant to shoulder the entire cost of this connection. Mr. Theilan reiterated the fact that Mr. Williams in the Park Department had removed the condition for approval and that in combination with the dangerous situation of crossing 156th Street should be all the Board needed to understand that this is a condition which cannot be applied to this amendment to the Conditional Use Permit.

In response to questions from the Board, Mr. Theilan stated that he believed this portion of property had originally been a part of the SID and that perhaps the trail had been planned within that SID. However, when the property was subdivided, there was nothing in the subdivision agreement regarding the construction or costs of a trail on this piece of property. He stated that perhaps the City needs to go back and research the SID and where this easement came from and he believes that it would make the most sense to assume that the trail was to be the responsibility of that SID, as is usually the case, because there is nothing in the subdivision agreement applicable to the applicant’s property. He stated he did not know exactly which properties had been in the original SID and that would need to be researched further.

Mr. Rosacker inquired whether the slopes at the area where the trail would go exceeded ADA requirements. Mr. Theilan said that the ADA requirement was 2% and at this location the slopes far exceed that number.

Mr. Eric Englund, Acting Assistant Director, advised that the department believed the requirement for the trail connection should have never been removed from the recommendation report. He advised that John Williams of the Parks Department was also present at the meeting to answer questions if necessary. Mr. Englund stated that the department had looked over all of the documentation and he confirmed that there was no provision for who would be responsible for the costs of constructing the trail through this property when the land was platted in 2005, however, the trail easement was put in place at that time. Mr. Englund advised that the City believed that by applying for the Major Amendment, the applicant was opening up their site for review for compliance with the City’s policies, regulations, and Master Plan. He stated that the Parks Master Plan had added the trail connection at this location. Mr. Englund acknowledged that the site did have steep grades and other challenges, but he was unsure whether the Parks Department had considered, in any great detail, what the trail would look like in that location, however, a representative from the Parks Department was present at the meeting if the Board had any questions in that regard. Additionally, Mr. Englund acknowledged that this type of requirement was generally in when the site is originally platted, however it is not impossible for it to be required at a later time if the applicant comes back for an amendment such as this one. He reminded the Board that the department was requiring a traffic study and any improvements which will come as a result of that study. He stated that they have had Use Permits come in which are adjacent to unimproved rights-of-way, which requires the applicant to improve the street, and while the trail issue does not come up as often, that does not mean it is impossible for the city to make the requirement.
In response to questions from the Board, Mr. Englund stated that the trail would connect from east of 144th Street. He stated that he was not sure whether there would be a signalized crossing at 156th Street for the trail and suggested the Board pose that question to the Parks Department. Additionally, he advised that Parks would be best able to answer the questions about why the requirement for the trail connection was removed from the Recommendation Report after the September 4, 2019 Planning Board meeting.

Mr. John Williams of the City of Omaha Parks Department, appeared before the Board at the request of Mr. Pate. He stated that, with regards to the crossing, presently there is not a plan to have a signalized crossing at 156th Street for the trail and that there are other options which may be considered at a later date. Mr. Williams advised that presently, the plan is to have trail users use the sidewalk and walk south to the next signalized crossing and then use the sidewalk on the other side of 156th Street to return to the trail. Mr. Pate asked for confirmation that the trail would not have a direct connection from the applicant’s property to the other side of 156th Street. Mr. Williams confirmed that that was the case at this time, however, at some point in the future that may change. Mr. Williams stated that the requirement for the trail connection was removed from the Recommendation Report because the Parks Department was unsure whether it would be an allowable requirement with an amendment to the Conditional Use Permit. Mr. Williams pointed out on an aerial photograph the current layout of the trail as well as the existing sidewalk west of 156th Street which could be used to walk south to the signalized intersection to cross over 156th Street, however, there is no existing sidewalk on the east side to travel back north along 156th Street to pick up the trail on that side. He explained that there was a very wide sidewalk east of 156th Street along Taylor Street (which is directly across the intersection from that signalized crossing, to meet up with the trail which goes north of Taylor Street parallel to 156th Street to meet the east/west trail. On the same aerial photograph, Mr. Williams pointed out where the trail system picked up west of the applicant’s property and continued to the internal trail system at the park.

At the request of the Board, Mr. Jason Theillen, returned to address the Board. Mr. Theillen pointed out that the subdivision agreement which was created in 2005, it spells out all of the things that the property owner will be responsible for paying for. He pointed out that this is the agreement that the subdivision makes with the City regarding who is responsible for what improvements and other things. Mr. Theillen stressed that the agreement clearly states that the property owner will be responsible for such as the construction of, or improvements to, streets and sidewalks. He advised that nowhere in this agreement is any mention of the trail, which would have been included due to the large expense of building the trail, which is different from a sidewalk. Mr. Theillen stated that if the City can go back in time whenever someone comes in for an amendment and say, “Oh, we should have thought of this 10 or 15 years ago, you are now burdened with that cost”, it will open up a Pandora’s Box with by saying, “sorry we missed this, now it is your burden.” He reminded the Board that the subdivision agreement is what a person looks at when anticipating purchasing a property to advise them as to what improvements may be burdening this property according to the agreement they have with the City. This agreement with the City is a large part of what determines the value of the land, what a person is going to pay for the property, and if the City is allowed to go back and change that agreement whenever someone wants to build an addition, he believes it sets up a slippery slope in which a property owner really can’t rely on the subdivision agreement to accurately reflect the intention of the City. He reminded the Board that there is no mention of this at all in any part of the subdivision agreement, the trail connection is completely omitted from the agreement, even though all other costs of improvements are clearly spelled out. He advised that the applicant has agreed to make, and pay for, everything they are required to do in the subdivision agreement, as well as any improvements required as a result of the traffic study.

In response to additional questions from the Board, Mr. Theillen stated that he and the property owner had contacted the Planning Department when this condition was originally in the recommendation report. He advised that they were not in agreement with the condition at that time and had several conversations in this regard with the Planning, Parks, and Public Works departments.
Mr. Eric Englund, Acting Assistant Director, reiterated that the subdivision agreement was 14 year old and that any required improvements to Butler Avenue or the intersection with 156th as a result of the new traffic study are also not included in the subdivision agreement. He advised that this was an indication that the agreement is not set in stone for eternity. Mr. Englund stated that the Department feels it is within their rights to make this requirement now with the application for a major amendment to the Conditional Use Permit.

Mr. Englund advised that the zoning district allows for a height maximum of 35 feet and the department is supportive the request for a waiver to allow a 37 foot building for this type of civic use. In addition, he advised that the Planning Board does have the authority to grant final approval of the amendment and it will not have to go to City Council. He stated that the applicant is working on the required traffic study and the department is recommending approval subject to the applicant providing for all improvements required in the traffic study. Mr. Englund stated that the department is recommending approval, subject to all of the conditions in the recommendation report, with the addition of the requirement for the trail condition which the department does not believe should have been removed from the report.

Mr. Pate requested Mr. John Williams return to respond to more questions from the Board. Mr. Pate specifically was curious as to whether the City Parks department would consider putting in the trail if the Church did not do so. Mr. Williams advised that it would be placed on a long list of potential trail projects and that it may, at some point in the future, be constructed by the department but he could not say definitely when or if that would happen.

At the request of Mr. Rosenbaum, Mr. Jason Theillen of E & A Consulting returned to address the Board on behalf of the applicant. Mr. Theillen inquired as to whether there was something similar to a traffic study which the applicant could go through to prove that they are causing the need for this trail connection, like the traffic study does with street issues. If not, he stated that, unlike a traffic study, the City had no way to show that the applicant was causing issues which necessitated the need for the trail connection. He pointed out that without that type of study, there was no way to show that the applicant would be causing additional trail traffic which would need to walk from 168th to 156th on the trail and not be able to go down Taylor Street to make the connection. He stated that he agrees that if the property owner came to the Planning department with a request to subdivide the property, then this could be written into the new subdivision agreement as a requirement. Until that time, Mr. Theillen stated that he did not believe this could be a requirement on the amendment to the Conditional Use Permit which is not related at all to the trail system.

Mr. Rosacker stated that he believes that it is not possible to reproduce the past without having the knowledge of what happened back them. He stated that he does agree with Mr. Theillen that it is customary to include this type of trail requirement and expense within an SID or subdivision agreement in order to spread the cost of the trail among the pool of users rather than placing the sole burden on one property owner. Additionally, he stated that he now is able to see the challenges in putting in the trail with the conditions of the site, as well as the fact that he is not positive that this is the best place to put a trail connection given the challenges of crossing 156th Street. Mr. Rosacker stated that he believes there needs to be more research done on this requirement and possibly a layover would be the best decision to allow that to happen. Mr. Morris stated that he could also see both sides of the situation and felt that more information was needed and that a layover may be appropriate.

Mr. Eric Englund, Acting Assistant Director, read Section 55-883 subsection I, of the zoning code regarding Conditional Use Permits. He advised that under the section regarding “Conditions of Approval” it stated, “The planning board may require specific conditions for approval of a conditional use permit. These conditions may be more restrictive than base district regulations and may include, but not be limited to, provision of buffer yards, landscaping and screening; installation of erosion control measures; requirements for street improvements and dedications; improvement to access and circulation systems; rearrangement of structures and uses on the site; design character and standards for buildings and structures; location and character of signs; limitations or restrictions upon operations; and other conditions the planning board
considers necessary to ensure compatibility with the surrounding environment and protect public health, safety and welfare”. Mr. Englund stated that while researching this matter, he found that the Parks Master Plan did not have this trail in place in 2005 and he believes the trail was added in 2014 through an amendment to that Master Plan.

Ms. Karnes stated that she believed there are a lot of questions which need to be answered before requiring the applicant to spend over $100,000 to put in a trail. She stated that there are questions about the site with regards to slopes, the presence of culverts, the crossing at 156th Street and other site specific concerns as well as questions about whether this is an allowable requirement with this type of request. Ms. Karnes stated that she would support a layover to allow time to figure this out before requiring the applicant to incur this major expense. She stated that she sees both sides of the argument, though she does believe it is within the City's authority to require the trail connection.

Ms. Karnes moved for layover. Mr. Pate seconded the motion which carried 7-0.

**Master Plan Referrals**

| 6. | C3-19-204 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the disposal of City-owned property to an interested party | LOCATION: 5116 South 21st Street |

At the Planning Board meeting held October 2, 2019, Ms. Autumn Evans of the Planning Department, explained that the department was asking for approval to sell this property to an interested party. She advised that this party, owned property adjacent to this City-owned parcel, and wished to utilize the property to add to their home. Ms. Evans advised that the property is 7,000 square feet in size and would be sold for the appraised value.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the department recommended approval.

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

| 7. | C3-19-205 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the disposal of City-owned property to an interested party under Community Development Law | LOCATION: 3116 North 16th Street, 2115 North 26th Street, 2517 Ames Avenue, 2551 Ames Avenue, 2006 Ohio Street |

At the Planning Board meeting held October 2, 2019, Ms. Autumn Evans of the Planning Department, explained this request for disposal of several City-owned properties in North Omaha. Ms. Evans stated that all of these properties are currently vacant and the department intends to transfer them to the Land Bank for future development of single family housing. At the September Planning Board meeting, the department had applied to rezone three of the properties from General Commercial to Residential. Ms. Evans advised that the department wished to remove the property at 3116 North 16th Street from the list. She explained that when notifications went out to the public, a party who owned a business adjacent to this parcel, expressed interest in purchasing that property. While the department proceeds with the process of having that property appraised, they would like to proceed with the disposal of the other four parcels.
Mr. Eric Englund, Acting Assistant Director, stated that the department recommended approval of the request, not including the property at 3116 North 16th Street.

Mr. Morris moved for approval with the exclusion of the property at 3116 North 16th Street. Ms. Karnes seconded the motion which carried 7-0.

8.  

| C3-19-208 | REQUEST: Approval of the HUB 1401 TIF Redevelopment Project Plan |
| Planning Department on behalf of the City of Omaha | LOCATION: 1401 Jones Street |

At the Planning Board meeting held October 2, 2019, Mr. Don Seten of the Planning Department described the details of this project at 1401 Jones Street as well as providing an aerial view of the building and renderings showing the anticipated finished building for the Board’s reference. Mr. Seten advised that the intention was to restore/rehabilitate an existing, two story brick building which was constructed in 1912 and is a contributing building within a nationally registered, historic district. He advised that the developer will be utilizing historic preservation tax credits to help rehabilitate the building. Mr. Seten stated that the building is approximately 43,000 square feet in size and occupies the entire site. The developer intends to rehab the space to accommodate office/commercial space in the form of an innovation center to provide office space for a number of non-profit organizations and potentially to include a coffee shop and beanery as well as a roof-top patio.

Mr. Seten stated that the total project costs are estimated to be $7,332,938 and the TIF support requested is $836,191. Mr. Seten advised that the developer is 1401 Jones, LLC, which is owned and managed by the White Lotus Group. Mr. Seten stated that the project has been reviewed and approved by the TIF Committee, it meets the requirements for the TIF program, is an appropriate land use for the area, and complies with the City’s Master Plan. He advised that the developer is currently in the process of applying to rezone the property to CBD (Central Business District) and, although parking is not required, the developer has acquired a property approximately two blocks away which will be used for parking.

Ms. Delaney Nelson of White Lotus Group, 10404 Essex Court appeared before the Board to answer questions and provide additional information as requested.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the department recommended approval.

Mr. Pate moved for approval. Mr. Morris seconded the motion which carried 7-0.

9.  

| C3-19-210 | REQUEST: Approval of the BENSON APARTMENTS TIF Redevelopment Project Plan |
| Planning Department on behalf of the City of Omaha | LOCATION: 6152 Military Avenue |

At the Planning Board meeting held October 2, 2019, Mr. Don Seten of the Planning Department described the details of this project at 6152 Military Avenue. Mr. Seten stated that the lot is a little less than .7 acres in size and is currently vacant. The developer will construct a new four story apartment building which will sit on top of a one story parking structure. He advised that the building will house a mixture of Studio, 1 bedroom, and 2 bedroom apartments totaling 97 market rate units. The parking structure will have 66 stalls. He stated that the applicant has met with the neighborhood association and no concerns have been raised. In addition, the developer has been working closely with the Urban Design staff regarding the design plans and public improvements.

Mr. Seten stated that the developer is Sage Capital, LLC, the total project cost is $14,300,000- $14,400,000.
and the TIF support requested is $2,067,135. Mr. Seten stated that the project has been reviewed and approved by the TIF Committee, it meets the requirements for the TIF program, is an appropriate land use for the area, and complies with the City's Master Plan.

Mr. Brent Beller, 11440 West Center Road, appeared before the Board with Aaron Lozier and Colin Brown of Sage Capital. Mr. Beller stated that although the location is zoned NBD (Neighborhood Business District) with no parking requirement, the location will include a 67 stall parking garage and eight on-street parking stalls. He also advised that they are working with neighboring property owners to see if they can provide additional parking stalls. He stated they are aware there are parking issues in the Benson area and they are trying to be mindful of that.

Ms. Erin Feichtinger, 2719 North 49th Avenue, appeared before the Board in opposition. Ms. Feichtinger stated that she fully supported increasing density in Benson, however, she requested the Board deny the application. Ms. Feichtinger stated she did not believe the developer needed the TIF support and that the project did not reflect the values of the vibrant and economically diverse Benson community. Ms. Feichtinger stated that the development team had come to the neighborhood association meeting on the Monday prior to the Planning Board meeting and she appreciated hearing from them. She stated that there has been a lot of questions at the meeting about parking, traffic and the prices, sizes of the units. The developers were asked if they would consider setting aside some of the units for affordable housing for low-income renters which make up a large part of the neighborhood and were questioned about the need for TIF funding. Members of the neighborhood were concerned about the use of $2,000,000 in TIF funding for a project which will develop 97 apartment units priced above the average rent in the neighborhood. In response to the question regarding TIF funding, Ms. Feichtinger stated that one of the members of the development team advised, and she agreed, that there would be a significant investment just to make the lot ready for construction. Ms. Feichtinger stated that the overall attitude of the development team was along the lines of “why wouldn’t we use TIF funding”. She advised that she understands their desire to utilize TIF because their role is not to care about the affordability question, but to develop high end apartments and make as much money as possible. Ms. Feichtinger stated that she felt there should be someone in the process who does care about the affordability of housing in the community and about creating and maintaining diversity, including economic diversity, in neighborhoods. Ms. Feichtinger inquired about who the individuals as taxpayers could go to in order to express concerns that incentives such as TIF funding should be used to level the playing field, not to develop more high-end apartments which are beyond the reach of the hundreds of Omaha residents who are below the poverty level and need housing.

Ms. Feichtinger stated that in 2018, the Planning Board approved 18 of 24 TIF applications which resulted in the development of 660 new housing units in Omaha. She stated that of those 660 units, 48 were accessible to low-income residents in the city. She stated that in Omaha there are 41 affordable units for every 100 families who need housing. Ms. Feichtinger stated that in Nebraska, the process for accessing incentives to develop affordable housing is a very long and complicated process; however, the City makes it as easy to access millions in incentives as simply stating that the project would be impossible to develop by a prudent investor in the “but for” section of the TIF application.

Ms. Feichtinger stated that she fully understands that the Board is not legally required to bear any responsibility for these questions and that her comments will likely have very little impact on the decision of the Board. Ms. Feichtinger stated that her request is that the Board accept some of the responsibility as stewards of the public trust and public money, and as people in charge of shaping the community. She asked the Board exercise their authority to deny the application for TIF funding for this project, or to ask that they develop an application and a project which reflects the values of the community by providing housing accessible for all members of the community in return for providing them incentives which are paid for by all of the taxpayers in the city.

In response to questions from Mr. Pate, Ms. Feichtinger stated that she had lived in the Benson neighborhood for three years and that the location had been a dirt hill at least as long as she had been
there. Mr. Pate stated that he believed this would be a great addition to the Benson community and advised that, years ago, it had been a very vibrant area. He stated that he believed this may be one of those projects which will provide incentive for other developers to come in and help revitalize the area. Mr. Pate stated that he felt Ms. Feichtinger had made some excellent points, but that he believed development had to start somewhere. Ms. Feichtinger agreed, but stated that she had been a young professional moving into the neighborhood and had chosen to live there because of the diversity which makes it the kind of place she wanted to raise her children, not because of the availability of high-end apartment units. Mr. Pate inquired about what Ms. Feichtinger considered “high end”. Ms. Feichtinger stated that at the meeting the development team had said that the units would be $850 per month for a studio, $950 for a junior one-bedroom, and higher for the regular one-bedroom apartments. She stated that she had lived in a beautiful, one-bedroom apartment by the lake in Chicago for 13 years which rented for the same price as one of these studio apartments.

Ms. Franklin stated that she appreciated the passionate commentary and advocacy for economic diversity.

Mr. Brent Beller, 11440 West Center Road, once again appeared before the Board on behalf of the applicant at the request of Ms. Franklin to address the concerns raised by Ms. Feichtinger. Mr. Beller stated that he appreciated Ms. Feichtinger’s comments and that this is not the first time concerns had been raised about the use of TIF funding. He stated that generally when there is opposition to TIF funding it is because people are not aware of the requirements and purpose of the incentive. Mr. Beller stated that before they can even get past the application process, it must be determined that the area of the proposed development has been designated as “blighted and sub-standard”, which is the case in the Benson area. He stated that in Nebraska, in order to receive TIF funding, the proposal must meet the requirement of fighting blighted, and sub-standard conditions. If those conditions exist, the purpose of TIF funding is to provide an incentive for developers to come into the area and pay for things like infrastructure, public improvements, and other enhancements to the area in order to make it a more vibrant and inviting area for other economic development to come in.

Mr. Beller explained that TIF funding applications require the developer to itemize the costs of the public improvements in order to determine the amount of TIF eligible costs. On this project, there are approximately $1,500,000 in TIF eligible expenses, of that amount, approximately $500,000 is for true, public infrastructure costs which would be nearly impossible to find private funding to cover. Mr. Beller stated that the turn lane coming off of Northwest Radial Highway which the applicant is required to put in will cost $150,000 alone for an improvement which will benefit the entire community. In addition, Mr. Beller pointed out that the location will require extensive grading and special foundations which are a big expense, but not something that most people are aware of. Mr. Beller stated that he and the design team had met several times with the Urban Design staff to make certain that the entire project, the part people will see, is up the City standards. Mr. Beller pointed out a project completed by Sage Capital on 49th and Dodge Street, which he stated does a great job of creating an aesthetically pleasing finished building. He advised that all of these factors together cost a lot of money, which is why Tax Increment Financing is such a great incentive for any project in the City of Omaha to help offset eligible costs to make projects feasible in blighted and substandard areas of the city.

In response to questions from the Board, Mr. Beller advised that he understands the rents will be $800 per month for the studio apartments, $950 for the one-bedroom apartments, and $1200 for the two-bedroom apartments.

Mr. Eric Englund, Acting Assistant Director, stated that the department recommended approval.

Mr. Moore moved for approval. Mr. Morris seconded the motion which carried 7-0.

| 10. |  | REQUEST: | Approval of the GARAGE LOFTS TIF Redevelopment Project Plan |
At the Planning Board meeting held October 2, 2019, Ms. Bridget Hadley of the Planning Department appeared before the Board to discuss the details of the request. Ms. Hadley provided an aerial photograph of the project site. Ms. Hadley explained that Arch Icon Development is the developer on this project and that they had also been the developer of the Flats on Howard Street TIF Redevelopment Project. She advised that the developer proposes to demolish the structures currently on the site to construct a new, three story, multi-family apartment building with 30 on-site parking stalls including two ADA compliant stalls. Ms. Hadley stated that the building will house a total of 30, three and four bedroom apartments and would be 100% low income housing. She stated that this size of apartment will address a huge need in the Omaha area for low income residents in the City.

Ms. Hadley presented a rendering of the site plan showing various elevations including the streetscaping, on-street parking, and the on-site parking lot. She also emphasized that there will be no rezoning request as the location is already zoned CBD (Commercial Business District) which allows for this type of development.

Ms. Hadley advised that the applicant is requesting $230,000 which is about 2.8% of the costs. She advised that the project has been reviewed and approved by the TIF Committee, it meets the requirements for the TIF program, is an appropriate land use for the area, and complies with the City’s Master Plan.

Mr. Darin Smith of Arch Icon Development, 509 Walker Street, Woodbine, Iowa, appeared before the Board to make himself available for questions from the Board.

No one appeared in opposition.

At the request of the Board, Ms. Hadley returned to address questions about the TIF program. Ms. Hadley stated that the Tax Increment Financing tool has been used in the City of Omaha since the early 1980’s. She stated that it had been available in Nebraska since at least the 1970’s, possibly the 1960’s. She stated that the intent of the program was to help offset the costs of public improvements incurred in development projects and the law was updated in the mid-1980’s to include rehabilitation costs. Ms. Hadley stated that she had been on the TIF committee for approximately one year; however, she had worked with the TIF program for nine to ten years.

Mr. Rosenbaum stated that he believed that Omaha’s downtown had been revitalized beautifully, which he attributed partially to the availability of TIF incentives. He stated that the diversity and vibrancy which had been brought downtown by recent development is impressive. Ms. Hadley agreed that the City has benefited greatly in development which may not have happened without TIF incentives. Mr. Morris asked whether Ms. Hadley knew how Omaha’s use of TIF funding compared with that of other cities of a similar size. Ms. Hadley stated that she believed it was used similarly in a number of cities; however she stated that it may be used differently in other states because each state was able to determine how TIF funding would be used in their communities.

Mr. Eric Englund, Acting Assistant Director, stated that the department recommended approval.

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

**APPROVAL OF MINUTES**

**September 4, 2019**
Ms. Karnes moved to approve the minutes of the September 4, 2019 Planning Board pre-meeting with an amendment to item number 28. The amended item added the note that Ms. Karnes returned to the room at 1:15 p.m. after having recused herself from discussion of that item. Mr. Rosacker seconded the motion which carried 6-0-1, Ms. Franklin abstaining.

Mr. Rosacker moved to approve the minutes of the September 4, 2019 Planning Board meeting as written. Ms. Karnes seconded the motion which carried 6-0-1, Ms. Franklin abstaining.

**ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at 2:55 p.m.

______________________________________
Date Approved

______________________________________
Greg Rosenbaum, Chairman

______________________________________
Lisa Agans, Planning Board
Recording Secretary

**MINUTES TO BE APPROVED: October 2, 2019**

If alternative (tape) to the agenda is needed, please advise the Board Secretary at (402) 444-5150 Ext. 2013. A 72-hour advance notice is required.