The meeting was called to order at 11:30 a.m.

#8 Mr. Jed Moulton with Ivy Freitag discussed the request for approval of a Local Landmark Designation for the Automobile Sales Building & Army Corps laboratory (ASB). Mr. Moulton stated that the building had been idle since 2009 up until approximately five years ago and is now in the process of being restored. In response to questions from Board members, Mr. Moulton explained that the building is eligible for Landmark status due to being part of the auto sales industry unique to Omaha, as well as architectural features such as the masonry bearing walls, ornamentation and storefront design features. The Landmark designation will make it eligible for certain tax credits and will make it harder, but not impossible for anyone to tear it down or for it to be taken through eminent domain. Mr. Moulton stated that there are other buildings in the immediate area which have either been designated as historical landmark buildings or are eligible to do so. The intent of the owner is to restore the building and use it for retail businesses. The department recommended approval.

#5 & #15 *Ms. Karnes recused herself from discussion of these cases and left the room.* Mr. Don Seten explained this request for approval of the COURTYARD ON PARK TOWNHOMES TIF REDEVELOPMENT PROJECT PLAN. Mr. Seten stated that the developer will be creating 12 for sale market rate townhomes. The expected development cost is $3,600,000 and the TIF support requested is $584,778. This development will also include a voluntary TIF contribution to the Midtown Public Improvement Fund in the approximate amount of $15,000. This case will be called with #15 on the agenda, but will be voted on separately.

Mr. Eric Englund discussed case #15 which is a request for Preliminary Plat approval of COURTYARD ON PARK, a subdivision inside the city limits, with an approval of a PUR-Planned Unit Redevelopment Overlay District. This development will produce 12 units with acceptable surface parking and garage parking.

The department recommended approval of both #5 and #15.

*Ms. Karnes returned to the room for discussion of the next case*

#6 Mr. Seten discussed this request for approval of the ELLIOT EQUIPMENT COMPANY TIF REDEVELOPMENT PROJECT PLAN. Mr. Seten stated that this is a request from a long time Omaha
company which manufactures truck mounted aerial equipment such as cranes. The project will consolidate 5 buildings which are currently on three different sites onto one site. Currently the company employs 170 people and plan to add an additional 40 to 50 employees making approximately $16 to $18 per hour. The expected development cost is $13,700,000 and TIF support requested is $1,131,408. The department recommended approval.

#7 Mr. Seten discussed this request for approval of the AINSWORTH AND BEVERLY APARTMENTS TIF REDEVELOPMENT PROJECT PLAN. He explained that the project is to renovate two certified historic structures to create apartments. The development plan will reduce the number of apartments from what is already in the buildings, some of the additional space created will be used to add elevators to the buildings. Mr. Seten stated that the buildings will be eligible for preservation tax credits and will follow all rehabilitation requirements. The anticipated cost of development is $3,200,000 and the TIF support requested is $285,000. The department recommended approval.

#1 Mr. Eric Englund discussed the Final Plat approval of SOMERSET 2 (Lots 101-206), (formerly Somerset (Lots 629-730)), a subdivision outside the city limits, with rezoning from DR to R4. The developer intends to create 105 single family residences on the 22 acre lot. The department recommended approval with conditions.

#2 Mr. Englund discussed the rezoning from AG and DR to AG and DR which was laid over from 7/11/18. He stated that since the case was laid over, the department has had good meetings with the applicant. This case was on the Consent Agenda for approval.

#3 Mr. Englund discussed the request for approval of a Special Use Permit to allow automotive sales in a GC District which was laid over from 6/6/18. He stated that the application submitted was mostly satisfactory and that the applicant had worked well with the Planning Department. The case was on the Consent Agenda for approval subject to 4 conditions.

#4 Mr. Englund discussed the request for approval of a Conditional Use Permit to allow body and fender repair services in a DS District (laid over from 9/5/18). He stated that the applicant had submitted new plans which addressed the parking concerns by showing 14 indoor parking stalls. Additionally, the applicant submitted a better operating statement explaining their plan to insure there were no drop offs after hours. The case was on the Consent Agenda for approval.

#9 Mr. Englund discussed this request for approval of an Interlocal Cooperation Agreement between the Village of Bennington and the City of Omaha regarding an adjustment to the extraterritorial jurisdiction and the associated Master Plan amendment. He stated that this came about when a request was received for a new housing development which would have straddled both jurisdiction lines. The agreement will include a jurisdictional “swap” in which both entities will gain approximately the same amount of land while squaring up the boundaries. The department recommended approval.

#10 & 18 Mr. Englund discussed these requests which will be heard together, but voted on separately. Case #10 is a request for approval of an Amendment to the Future Land Use Element of the City’s Master Plan from low density Residential to Office/Commercial and to change the boundary of the mixed use area. #18 is a request for rezoning from R3 and GC to GC and GC and approval of an expansion to the ACI-2 Overlay District in which a portion of the property lies. Mr. Englund and Mr. Dave Fanslau explained the long history leading up to this request beginning in 2007 when the land in question was purchased by the applicant. In 2008 they came to the Planning Board with a rezoning request which was laid over, the request was withdrawn in 2009. The applicant has paved an area to approach their carwash with no permits. A complaint was received and a citation was issued, which resulted in this request for rezoning and an amendment to the future land use. The department recommended denial.

#11 Mr. Englund discussed the request for Preliminary and Final Plat approval of 33 MASON SOUTH REPLAT 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a), Lot depth and Approval of a Major Amendment to a PUR-Planned Unit Redevelopment Overlay District. This case was on the Consent Agenda for approval with conditions.
#12 Mr. Englund discussed the request for Preliminary and Final Plat approval of 33 MASON NORTH REPLAT 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a), Lot depth and Approval of a Major Amendment to a PUR-Planned Unit Redevelopment Overlay District. Mr. Englund stated that the building is not what was approved and there is a requirement for "as built" plans. This case was on the Consent Agenda for approval with conditions.

#13 Mr. Englund discussed the request for Preliminary Plat approval of IDA POINTE NORTH, a subdivision outside the city limits, with rezoning from AG to R4, along with a request for a variance to the Present Development Zone boundary of the Urban Development Element of the City’s Master Plan. He explained that the Elkhorn School District intends to build a new Middle School and Elementary School at this location. The case was on the Consent Agenda for approval with several conditions.

#14 Mr. Englund discussed the request for Preliminary Plat approval of LINCOLN HIGHWAY COMMUNITIES, a subdivision inside the city limits, with a rezoning from AG to DR and R6, along with approval of PUD-Planned Unit Development Overlay District (portions of the property are located within the FF-Flood Fringe and FW-Floodway Overlay Districts). He stated that the applicant submitted plans to construct two multi-family buildings with a total of 304 units with a number of waivers. The applicant agreed to a layover and the case was placed on the Consent Agenda.

#16 Mr. Englund discussed this request for Preliminary Plat approval of VISTANCIA, a subdivision outside the city limits, with a waiver of Section 53-8(4)(d), Lot frontage, and a rezoning from AG to DR, R4 and R5, along with a request for a variance to the Present Development Zone boundary of the Urban Development Element of the City’s Master Plan. The developer submitted plans to construct 294 single family homes on the property, 52 attached and 242 detached. The applicant was in ongoing discussions with the Public Works department regarding the sewer. The case was on the Consent Agenda for approval with several conditions.

#17 Mr. Englund discussed the request for Revised Preliminary Plat approval of PRIVADA, a subdivision outside the city limits, with waivers of Section 53-8(2)(b), Cul-de-sac length and Section 53-8(4)(d), Lot frontage, and a rezoning from AG to DR, R4, R6, R7 and MU and Final Plat approval of PRIVADA (Lots 1-178, Outlots A-O), a subdivision outside the city limits, with rezoning from AG to DR, R4, R6, R7 and MU. He stated that the request was placed on the Consent Agenda for layover at the request of the applicant.

#19 Mr. Englund discussed the request for rezoning from R4(35) to R4. He explained that the applicant had received ZBA approval on July 11, 2018 for the setback waiver. The case was on the Consent Agenda for approval.

#20 Mr. Englund discussed the request for rezoning from R4(35) to CC along with approval of an MCC-Major Commercial Corridor Overlay District. He explained that the applicant is a food truck owner and the proposal was to use the location as a commercial kitchen. Mr. Englund stated that the applicant will be required to continue to work with the Planning department due to the size of the lot. The case was on the Consent Agenda for approval.

#21 Mr. Englund discussed the request for rezoning from AG to R2. He explained that the applicant was seeking to rezone the location in order to create a plat on which he intends to build one single family home. The case was placed on the Consent Agenda for approval.

#22 Mr. Englund discussed the request for approval of an MCC-Major Commercial Corridor Overlay District. He stated that the former Shopko location had been granted a Use Permit from the Planning Board in 2017. The case was on the Consent Agenda for approval.

#23 Mr. Englund discussed the request for rezoning from R4 and GC to R4 along with approval of a Major Amendment to a Conditional Use Permit to allow secondary educational facilities in a R4 District. The case was on the Planning Board agenda in May, 2018. The proposal is to correct the zoning. The case was on the Consent Agenda for approval with conditions.
#24 Mr. Englund discussed the request for approval of a Special Use Permit to allow assisted living in a R5 District along with approval of an MCC-Major Commercial Corridor Overlay District. He explained that the proposal was to construct a 40 bed assisted living facility. He stated that this location was always contemplated for this use and had previously been planned as an 80 bed facility. He stated that a neighbor had complained about the project. The case was on the Consent Agenda for approval with four conditions.

#25 Mr. Englund discussed the request for approval of a Special Use Permit to allow large group living in a R7 District. He stated that the applicant currently operated a small group home, which is compliant with all codes and requirements, and her request is to increase the number of clients to 12 which the code states makes the facility a large group setting. He stated that the department did not receive a large amount of the information which is required per the zoning code, and the information received did not appear to be in compliance with the building codes for large group living. The department recommended denial.

#26 Mr. Englund discussed the request for approval of a Special Use Permit to allow large group living in a R1 District. He stated that the applicant currently operated a small group home, which is compliant with all codes and requirements, and her request is to increase the number of clients to 12 which the code states makes the facility a large group setting. Mr. Englund stated that the location is a 6100 square foot residence sitting on ½ acre of land, which is more than enough to meet code regulations. The Public Works department has a requirement that the north access drive be closed. The case was on the Consent Agenda for approval.

#27 Mr. Englund discussed the request for approval of a Major Amendment to a Special Use Permit (assumed) to allow automotive sales in a GC District along with approval of an MCC-Major Commercial Corridor Overlay District. He stated that the applicant proposed to expand their current building. The department has requested a better site plan and clarification of some of the aspects of the proposal. The case was on the Consent Agenda for layover.

#28 Mr. Englund discussed the request for approval of a Special use Permit to allow agricultural sales and service in an AG District (property is located in a FF-Flood Fringe Overlay District). He explained that this case is related to case #2, however it will be heard separately. The applicant proposed to recycle and sell agricultural material such as mulch and indicated that he will only operate during regular, daytime business hours. Mr. Englund stated that the applicant will need to work with Permits & Inspections to insure that the buildings meet all City codes. The case was on the Consent Agenda for approval with several conditions.

#29 Mr. Englund discussed the request for approval of a Conditional Use Permit to allow religious assembly in a R3 District with a waiver of Section 55-156, Height, to allow for a church and cross up to 54 feet tall along with approval of an MCC-Major Commercial Overlay District. He stated that this request had previously been approved in 2013, however, it has expired. The request was on the Consent Agenda for approval with several conditions.

#30 Mr. Englund discussed the request for approval of a Conditional Use Permit for a site over 1 acre in size in the South 10th Street NCE District. He stated that the property was rezoned in September and a PUR application was withdrawn by the applicant. The applicant has worked diligently with the department on issues regarding height and modifications. This case was on the Consent Agenda for approval with several conditions.

The pre-meeting of the Planning Board Adjourned at 1:07 p.m.
Greg Rosenbaum, Chairman, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

The requests listed below were voted on concurrently in accordance with the Planning Department’s recommendation report.

No one appeared in opposition.

Subdivisions

<table>
<thead>
<tr>
<th>Request: Preliminary and Final Plat approval of 33 MASON SOUTH REPLAT 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a), Lot depth and Approval of a Major Amendment to a PUR-Planned Unit Redevelopment Overlay District</th>
<th>Location: Northwest of 15th and Mike Fahey Streets</th>
</tr>
</thead>
</table>
record of the final plat.
4) Provide for sidewalks adjacent to all street frontages in compliance with city code, including sidewalks in disrepair must be replaced and curbside landscaping must be installed and maintained.
5) The applicant must coordinate with the Public Works Department to develop an acceptable PCSMP.
6) The applicant must receive Fire Department approval for the private street configuration and dimensions.
7) Revise the mylars for the correct square footage of Lot 1.

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 and approval of the PUR, subject to the submittal of final acceptable site, elevation and landscape plans, prior to forwarding to the City Council. Mr. Rosacker seconded the motion which carried 7-0.

| 12. | C11-15-231 (D) C12-18-209 Uptown Properties, LLC and DBA Uptown Urban Dwellings | REQUEST: | Preliminary and Final Plat approval of 33 MASON NORTH REPLAT 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a), Lot depth and Approval of a Major Amendment to a PUR-Planned Unit Redevelopment Overlay District. |
| LOCATION: | Northwest of 33rd and Mason Streets |

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the waiver of Section 53-8(4)(a), Lot depth and approval of the Preliminary Plat, subject to the following conditions:
1) Provide for the use, ownership and maintenance of the outlots in the subdivision agreement.
2) Public Works approval of the sewer and alley public improvement plans shall be required prior to the recording of the final plat.
3) Comply with the City’s Infill and Redevelopment Policy for Alternative Lot Access.
4) Provide for sidewalks adjacent to all street frontages in compliance with city code, including sidewalks in disrepair must be replaced and curbside landscaping must be installed and maintained.
5) The applicant must coordinate with the Public Works Department to develop an acceptable PCSMP.
6) Provide an as-built survey for the building foundations already under construction.

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 and approval of the PUR, subject to the submittal of final acceptable site, elevation and landscape plans, prior to forwarding to the City Council. Mr. Rosacker seconded the motion which carried 7-0.

| 13. | C3-18-210 (D) C10-18-211 C12-18-212 Ryan Lindquist, Elkhorn Public Schools | REQUEST: | Preliminary Plat approval of IDA POINTE NORTH, a subdivision outside the city limits, with rezoning from AG to R4, along with a request for a variance to the Present Development Zone boundary of the Urban Development Element of the City’s Master Plan |
| LOCATION: | Southwest of 180th and Ida Streets |

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from AG to R4 and approval of the waiver to the Present Development Zone boundary of the Urban Development Element of the City’s Master Plan and approval of the Preliminary Plat, subject to the following conditions:
1) Provide a connection to North 180th Street by doing one of the following:
   a. Record this plat subsequent to the separate Sagewood Ridge final plat, which can provide the connection of Purple Martin Parkway to 180th Street, or;
   b. Provide the dedication and paving of the Purple Martin Parkway connection and the necessary 180th Street improvements.
2) Coordinate the design of a five acre park #33a with adjacent SIDs. Park plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
3) Provide a 35 foot wide no-build easement on both sides of the proposed parkway.

4) The parkway must comply with design criteria of the Suburban Parks Master Plan. All boulevard plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.

5) Provide sanitary sewer to the extents of all public streets abutting Lot 1.

6) Provide temporary turnarounds at the terminus of all dead-ended streets.

7) Provide for all improvements identified in the final approved traffic study.

8) Provide sidewalks as required by Chapter 53, Subdivisions.

9) Provide a pedestrian connection between the school properties and the planned park.

10) Submit a letter of approval for a noxious weed plan.

11) Submit a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area.

12) Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.

13) Compliance with all applicable stormwater management ordinances and policies.

14) Coordinate with Public Works on the design of the roundabout.

15) Provide traffic calming on all streets longer than 1,000 feet.

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

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to lay the case over. Mr. Pate seconded the motion which carried 7-0.

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the waiver to Section 53-8(4)(d), Lot frontage, approval of a variance to the Present Development Zone boundary of the Urban Development Element of the City's Master Plan, and approval of the rezoning from AG to DR, R4 and R5 and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat:

1) The proposed temporary street connection from the development to Fort Street will require permits from the Douglas County Engineer's Office and must meet proper sight distance criteria and incorporate intersection improvements as required by current City/County Access Policy. The cost of the roadway improvements for the street connection, if required, will be the responsibility of the developer.

2) Submit documentation to show that the ¼-mile connection to 204th Street is not feasible.

3) The centerline of Kansas Avenue on its approach to 204th Street shall be at the ½-mile point. Coordinate with the neighboring property owner for acquisition of the necessary ROW, and either include the additional ROW on the plat or record the ROW 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 Kansas Avenue approach to 204th Street shall consist of on 16 foot inbound lane, a paved 4 foot median, and two 12 foot outbound lanes.
7) Coordinate with Nebraska Department of Transportation (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) The cul-de-sac at the end of Ellison Street must be removed and the street extended as a stub to allow for future connection to the street to the west.
10) 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.
11) Sidewalks are required by the subdivision ordinance to be provided along all street frontages (including along 204th and Fort Streets).
12) 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.
13) Proposed site grades along the southern boundary of the platting, adjacent to Fort Street, must be coordinated with the future improvement of the roadway.
14) 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.
15) Provide a plan that combines the tree removal plan with a grading plan so that the extents of the tree removal can be accurately verified.
16) Provide a tree mitigation plan indicating the location and species of trees to be planted.
17) Submit a final wetland analysis and mitigation plan, if necessary.
18) The green corner (Outlot C) at the corner of 204th and Fort Streets must be renamed as Outlot K.
19) Place the drainageways in outlots sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater).
20) Construct a temporary public street connection between Fort Street and the intersection of 209th and Ogden Streets; this street connection shall be removed in the future when 208th Street is extended to Fort Street by others.
21) Extend a flag from Outlot C (green corner) back to the 205th/Ogden Street right-of-way.
22) 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 Outlot I.
23) Provide for traffic calming on all streets longer than 1000 feet.
24) Compliance with all applicable stormwater management ordinances and policies.
25) Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement.
26) 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.
27) Coordinate the design and construction of the five acre 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.
28) Install 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,
29) Submit a letter of approval of a noxious weed plan from Douglas County.
30) Submit a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area.
31) Complying with an acceptable debt ratio of 4% or less.
32) Correct street names in compliance with city code.
33) Submittal of a Revised Preliminary Plat may be necessary to address changes to the plat layout.

Mr. Rosacker seconded the motion which carried 7-0.
At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to lay the case over. Mr. Pate seconded the motion which carried 7-0.

**Rezonings**

2. **C10-18-100 (D)**
   Suzanne C. Rittenhouse

**REQUEST:** Rezoning from AG and DR to AG and DR (property is located within the FF-Flood Fringe Overlay District) (laid over from 7/11/18)

**LOCATION:** Southeast of 252nd and Biondo Streets

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from AG and DR to AG and DR. Mr. Rosacker seconded the motion which carried 7-0.

19. **C10-18-222 (D)**
    Maria Hernandez

**REQUEST:** Rezoning from R4(35) to R4

**LOCATION:** 3723 South 16th Street

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to approve the rezoning from R4(35) to R4. Mr. Rosacker seconded the motion which carried 7-0.

20. **C10-18-223 (D)**
    Amanda J. Pearson

**REQUEST:** Rezoning from R4(35) to CC along with approval of a MCC-Major Commercial Corridor Overlay District

**LOCATION:** 3214 L Street

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to approve the rezoning from R4(35) to CC and to approve a MCC-Major Commercial Corridor Overlay District. Mr. Rosacker seconded the motion which carried 7-0.

22. **C10-18-225 (D)**
    Frank Overhue

**REQUEST:** Approval of an MCC-Major Commercial Corridor Overlay District

**LOCATION:** 5646 North 90th Street

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the MCC-Major Commercial Corridor Overlay District. Mr. Rosacker seconded the motion which carried 7-0.

23. **C7-18-044 (D)**
    David Neubauer

**REQUEST:** Rezoning from R4 and GC to R4 along with Approval of a Major Amendment to a Conditional Use Permit to allow Secondary educational facilities in a R4 District

**LOCATION:** Southeast and Southwest of 22nd Street and Willis Avenue

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from R4 and GC to R4 and approval of the Major Amendment to a Conditional Use Permit to allow Secondary educational facilities in a R4 District, subject to:

1) Compliance with the submitted site plan.
2) Compliance with all other applicable regulations.
3) Compliance with all other applicable regulations.
4) Submittal of an administrative subdivision combining property west of 22nd Street between Willis Avenue and Grant Street into one lot.

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

Special Use Permits

3. C8-18-101 (D)
   NY Auto Sales

REQUEST: Approval of a Special Use Permit to allow Automotive sales in a GC District (property is located within an ACI-2 Overlay District) (laid over from 6/6/18)

LOCATION: Northwest of 71st and Blondo Streets

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the Special Use Permit to allow Automotive sales, subject to the following conditions:
1) Compliance with the revised site/landscaping plan, including location and size of the vehicle display area.
2) Compliance with the operations statement.
3) Obtaining a Certificate of Occupancy.
4) Compliance with all other applicable regulations.

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

Conditional Use Permits

4. C7-18-200 (D)
   Robert E. Lorenz

REQUEST: Approval of a Conditional Use Permit to allow Body and fender repair services in a DS District (laid over from 9/5/18)

LOCATION: 1011 North 18th Street

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the Conditional Use Permit to allow Body and Fender Repair Services in a DS- Downtown Service District subject to:
1) Submittal of an application for an ACI-1-Area of Civic Importance Overlay District prior to receiving a Certificate of Occupancy.
2) The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department.
3) No outdoor storage or parking of any kind.
4) No overnight drop-offs or deliveries.
5) Compliance with the proposed site plan.
6) Compliance with the proposed Operating Statement.
7) Valid for this applicant only.
8) Compliance with all other applicable regulations.

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

27. C8-18-230 (D)
    C10-18-236
    Big O Auto

REQUEST: Approval of a Major Amendment to a Special Use Permit (assumed) to allow Automotive sales in a GC District along with approval of an MCC-Major Commercial Corridor Overlay District

LOCATION: 1907 North 85th Street and 8431 Blondo Street

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms.
Karnes moved to lay the case over. Mr. Pate seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>REQUEST:</th>
<th>Approval of a Special Use Permit to allow Agricultural sales and service in a AG District (property is located in a FF-Flood Fringe Overlay District)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>1701 North 252nd Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of a Special Use Permit to allow Agricultural sales and service in an AG-FF District subject to:

1) Submittal of a revised site plan that provides two handicapped-accessible parking stalls prior to forwarding the request to City Council.
2) Submittal of acceptable building elevations for the proposed office building prior to forwarding the request to City Council.
3) Receiving approval of a Floodplain Development Permit prior to submittal of any building permits.
4) Compliance with all applicable building permits for the existing outbuildings and receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department.
5) Approval of the zoning consolidation, an acceptable administrative subdivision and receiving the necessary waivers from the Zoning Board of Appeals.
6) Compliance with the revised site plan.
7) Compliance with the proposed operating statement.
8) Compliance with all other applicable regulations.

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

**Conditional Use Permits**

<table>
<thead>
<tr>
<th>REQUEST:</th>
<th>Approval of a Conditional Use Permit to allow Religious assembly in a R3 District with a waiver of Section 55-166, Height to allow for a church and cross up to 54 feet tall along with approval of an MCC-Major Commercial Corridor Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>6010 North 49th Street</td>
</tr>
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</table>

At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of a Conditional Use Permit to allow Religious assembly in an R3 District with a waiver of Section 55-166, Height to allow for a church and cross up to 54 feet tall along with approval of an MCC-Major Commercial Corridor Overlay District, subject to the following:

1) Coordinate with the Public Works Department for review of plans and for the funding, bidding and cost sharing arrangements required for the improvement of 49th Street.
2) Receive a waiver from the Zoning Board of Appeals for maximum area of a monument sign.
3) Provide additional information in regards to the size of the largest place of public assembly to ensure compliance with the required amount of off-street parking.
4) Revise the landscape plan to provide a minimum of 7% interior landscaping for proposed parking lots, including one tree per 350 square feet of required landscaping.
5) Submittal and compliance with an acceptable, revised elevation plan meeting MCC regulations.
6) Compliance with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and treat the first ½” of stormwater for water quality.
7) Compliance with the submitted operating statement.
8) Compliance with the proposed landscape and grading plan.
9) Compliance with all other applicable regulations.

Mr. Rosacker seconded the motion which carried 7-0.
At the Planning Board meeting held on October 3, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of a Conditional Use Permit for a site over 1 acre in size in the South 10th Street NCE subject to:

1) Compliance with the submitted site plan.
2) Submittal and compliance with garage parking floor plan providing compact stalls in a grouping of 5 or more.
3) Compliance with the submitted elevations plans.
4) Compliance with all 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.
5) Construct a node to the south of the east/west alley on the east side of 10th Street and at the southeast corner of 10th and Pierce Streets. Curb-bump out construction is subject to the OPW public improvement process. The applicant must coordinate with the Public Works Department on the design.
6) Approval of a right-of-way lease for stair and planter encroachments.

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

(ADMINISTRATIVE MEETING ONLY)

LOCATION: Southeast of 10th and Pierce Streets

At the Planning Board meeting held on October 3, 2018, Mr. Eric Englund, Manager of Current Planning, addressed the Board stating that this is the second phase of Somerset 2. He stated that the applicant intends to subdivide and rezone 22 acres of land for 105 single family homes. The developer will make improvements to Wenninghoff Road and State Street. Mr. Englund stated that the department recommended approval of the final plat subject to the four conditions in the report prior to forwarding to the City Council.

Mr. Pate moved for approval of the final plat, subject to addressing the following prior to forwarding to the City Council:

1) An acceptable final Subdivision Agreement.
2) Coordinate with Public Works on stormwater management requirements.
3) Provide a paved connection from State Street to 85th Avenue.
4) Provide a westbound left turn lane from State Street onto Wenninghoff Road.

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

(PUBLIC HEARING AND ADMINISTRATIVE MEETING)

5. C3-18-203 Planning Department on behalf of the City of Omaha

REQUEST: Approval of the COURTYARD ON PARK TOWNHOMES TIF REDEVELOPMENT PROJECT PLAN

LOCATION: 1007 Park Avenue

*Mr. Rosenbaum advised that agenda items #5 (C3-18-203) and #15 (C11-18-216 & C12-18-217) would
be heard together, but would be voted on separately.*
*Ms. Karnes recused herself prior to discussion of this case and left the room*

At the Planning Board meeting held on October 3, 2018 Mr. Don Seten, Planning Department, addressed the Board first to describe the TIF Redevelopment Project Plan. He stated that the project is located just south of Leavenworth Street on Park Avenue and the project is to develop twelve, new construction, for sale, market rate townhomes in two buildings with a courtyard between them. Mr. Seten stated that parking will be provided onsite with garages below each unit. Access will be through the alley on the eastern edge of the property to which the applicant will be making improvements as well as allowing the opportunity for additional street-scaping and landscaping along Park Avenue. Mr. Seten stated that the project was coordinated with the Planning Department Urban Design staff who viewed the design very favorably.

Mr. Seten stated that the developer is Milestone Property LLC who have completed several projects in the City of Omaha, the most recent being a Farnam Street apartment rehabilitation which was also a TIF project. He stated that the site is near the Hanscom apartments and some new townhomes to the north. The project represents a $3,600,000 investment in the neighborhood, and the TIF support requested was $584,778. The project meets the required criteria for the TIF program, it is an appropriate land use for the location, and complies with the City’s Master Plan.

With regard to case #15, Mr. David Levy of Baird Holm, LLP, 1700 Farnam Street, addressed the Board on behalf of the applicant to address any questions regarding the project described by Mr. Seten.

Ms. Bonnie Urbanek, 1017 South 30th Avenue, appeared before the Board in opposition. Ms. Urbanek stated that she is concerned about the density and the parking. She advised that there is already so much parking on the street, including a lot of illegal parking, which she believes creates a public safety issue as the street is narrow and there does not appear to be space for emergency vehicles to get through in the neighborhood where there has been so much development. She stated that the Police have not really done much about the illegal parking. She is concerned that the requirement for 1.5 parking spaces per unit has been waived for many of the developments in the area with no regard for the congestion it is causing on the street. She stated that if the parking problem is addressed she has no opposition to the development.

In response to questions from Mr. Pate, Ms. Urbanek stated that the proposed development will be just across Park Avenue from her residence which is also getting very congested with on street parking. She stated that about half of the homes in the area have garages and the rest park on the street. Ms. Urbanek stated that it is sometimes difficult to get to her home due to the congestion on the street. She also stated that although it is a two way street, if you meet a car coming from the opposite direction, one of the cars has to back up to let the other one through because there is not enough space for two cars to pass each other.

Mr. Levy returned to address the concerns raised by Ms. Urbanek. He stated that this project is not requesting any parking waivers and is providing garage space for two cars per unit as well as an optional third space per unit. Mr. Levy stated that the townhomes will mostly be two bedrooms, therefore they are going above and beyond the 1.5 space per unit requirement by providing one parking space per bedroom for each unit.

Mr. Eric Englund, Manager of Current Planning stated that the department recommended approval of agenda item #5.

Mr. Pate moved for approval of the Courtyard on Park Townhomes TIF Redevelopment Project Plan. Mr. Morris seconded the motion which carried 6-0-1 with Ms. Karnes recused.

Mr. Englund stated that the department recommended approval of the Preliminary Plat subject to the six conditions in the recommendation report as well as approval of the PUR subject to submittal of acceptable revised PUR plans prior to forwarding to City Council.

Mr. Pate moved for approval of the Preliminary Plat, subject to the following conditions:
  1) Construct eight inch public sanitary sewers to serve each of the lots. Coordinate with Public Works on an acceptable design.
2) Coordinate with Public Works Sewer Maintenance on the requested private sewer redesignation and provide all necessary information for their evaluation.
3) Comply with the City’s Infill and Redevelopment Policy for Alternative Lot Access.
4) Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
5) Coordinate with Public Works to develop and acceptable post construction stormwater management plan.
6) Public Works approval of the sewer and alley public improvement plans shall be required prior to the recording of the final plat.

Approval of the PUR, subject to submittal of acceptable revised PUR plans prior to forwarding to City Council. Mr. Moore seconded the motion which carried 6-0-1 with Ms. Karnes recused.

C11-18-216
C12-18-217
Larry Jensen

**REQUEST:** Preliminary Plat approval of COURTYARD ON PARK, a subdivision inside the city limits, with Approval of a PUR-Planned Unit Redevelopment Overlay District

**LOCATION:** 1007 Park Avenue

*Mr. Rosenbaum advised that agenda items #5 (C3-18-203) and #15 (C11-18-216 & C12-18-217) would be heard together, but would be voted on separately.*

*Ms. Karnes remained out of the room during discussion of this case.*

At the Planning Board meeting held on October 3, 2018 Mr. Don Seten, Planning Department, addressed the Board first to describe the TIF Redevelopment Project Plan. He stated that the project is located just south of Leavenworth Street on Park Avenue and the project is to develop twelve, new construction, for sale, market rate townhomes in two buildings with a courtyard between them. Mr. Seten stated that parking will be provided onsite with garages below each unit. Access will be through the alley on the eastern edge of the property to which the applicant will be making improvements as well as allowing the opportunity for additional street scaping and landscaping along Park Avenue. Mr. Seten stated that the project was coordinated with the Planning Department Urban Design staff who viewed the design very favorably.

Mr. Seten stated that the developer is Milestone Property LLC who have completed several projects in the City of Omaha, the most recent being a Farnam Street apartment rehabilitation which was also a TIF project. He stated that the site is near the Hanscom apartments and some new townhomes to the north. The project represents a $3,600,000 investment in the neighborhood, and the TIF support requested was $584,778. The project meets the required criteria for the TIF program, it is an appropriate land use for the location, and complies with the City’s Master Plan.

With regard to case #15, Mr. David Levy of Baird Holm, LLP, 1700 Farnam Street, addressed the Board on behalf of the applicant to address any questions regarding the project described by Mr. Seten.

Ms. Bonnie Urbanek, 1017 South 30th Avenue, appeared before the Board in opposition. Ms. Urbanek stated that she is concerned about the density and the parking. She advised that there is already so much parking on the street, including a lot of illegal parking, which she believes creates a public safety issue as the street is narrow and there does not appear to be space for emergency vehicles to get through in the neighborhood where there has been so much development. She stated that the Police have not really done much about the illegal parking. She is concerned that the requirement for 1.5 parking spaces per unit has been waived for many of the developments in the area with no regard for the congestion it is causing on the street. She stated that if the parking problem is addressed she has no opposition to the development.

In response to questions from Mr. Pate, Ms. Urbanek stated that the proposed development will be just across Park Avenue from her residence which is also getting very congested with on street parking. She stated that about half of the homes in the area have garages and the rest park on the street. Ms. Urbanek stated that it is sometimes difficult to get to her home due to the congestion on the street. She also stated that although it is a two way street, if you meet a car coming from the opposite direction, one of the cars has to back up to let the other one through because there is not enough space for two cars to pass each other.
Mr. Levy returned to address the concerns raised by Ms. Urbanek. He stated that this project is not requesting any parking waivers and is providing garage space for two cars per unit as well as an optional third space per unit. Mr. Levy stated that the townhomes will mostly be two bedrooms, therefore they are going above and beyond the 1.5 space per unit requirement by providing one parking space per bedroom for each unit.

Mr. Eric Englund, Manager of Current Planning stated that the department recommended approval of agenda item #5.

Mr. Pate moved for approval of the Courtyard on Park Townhomes TIF Redevelopment Project Plan. Mr. Morris seconded the motion which carried 6-0-1 with Ms. Karnes recused.

Mr. Englund stated that the department recommended approval of the Preliminary Plat subject to the six conditions in the recommendation report as well as approval of the PUR subject to submittal of acceptable revised PUR plans prior to forwarding to City Council.

Mr. Pate moved for approval of the Preliminary Plat, subject to the following conditions:

1) Construct eight inch public sanitary sewers to serve each of the lots. Coordinate with Public Works on an acceptable design.
2) Coordinate with Public Works Sewer Maintenance on the requested private sewer redesignation and provide all necessary information for their evaluation.
3) Comply with the City’s Infill and Redevelopment Policy for Alternative Lot Access.
4) Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
5) Coordinate with Public Works to develop and acceptable post construction stormwater management plan.
6) Public Works approval of the sewer and alley public improvement plans shall be required prior to the recording of the final plat.

Approval of the PUR, subject to submittal of acceptable revised PUR plans prior to forwarding to City Council. Mr. Moore seconded the motion which carried 6-0-1 with Ms. Karnes recused.

*Ms. Karnes returned to the room following the vote*

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<tr>
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<th>REQUEST: Approval of the ELLIOT EQUIPMENT COMPANY TIF REDEVELOPMENT PROJECT PLAN</th>
<th>LOCATION: 3514 South 25th Street</th>
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<tr>
<td>C3-18-204 Planning Department on behalf of the City of Omaha</td>
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At the Planning Board meeting held on October 3, 2018 Mr. Don Seten, Planning Department, addressed the Board to explain that this proposal would renovate a large, existing industrial site near the intersection of I-80, I-480, and the Kennedy Freeway. Mr. Seten explained that Elliot Equipment Company manufactures truck mounted aerial work platforms. The renovation would allow Elliot Equipment Company to consolidate what is now five buildings on three sites onto one site, as well as allowing them to expand their business and add 40 to 50 employees to their existing 170 person workforce. He stated that the 42,000 square foot building on the north would be renovated to house the company headquarters, offices, and an employee breakroom. The 167,000 square foot building to the south would be renovated to house the factory operations. There will be onsite parking provided.

Mr. Seten stated that Elliot Equipment Company is the applicant and they are represented by Jamie Hudson. The total project cost is $13,700,000 and the TIF support requested is $1,131,408. He also stated the project meets the required criteria for the TIF program, it is an appropriate land use for the location, and complies with the City’s Master Plan.

Mr. Brent Beller, 11440 West Center Road, appeared before the Board with Elliot Equipment CEO, Mr. Jim Glaser, and CFO, Mr. Jamie Hudson, in support of the project. He stated that the consolidation of their company into one site would not only allow them to be more efficient in their business, but also allow them to grow and add 40 to 50 new employees. The company has been in Omaha since 1948 and they are excited to be able to continue to grow within the city. Mr. Beller stated that a lot of the project will be interior remodeling to make their processes more efficient. With a diagram of the site, Mr. Beller showed how the
process will cycle through the new facility from deliveries to when the finished product leaves the site. Mr. Magid stated that he is aware that the business has always been a local company and this is a good project to bring more jobs to the area as well as growing a local business. Mr. Beller responded by stating that when the business which was previously on this site closed their doors, 155 jobs were lost, so he sees this project as a good use to bring back some of those jobs as well as supporting a homegrown business. Mr. Rosacker stated that he believes this is a good use of TIF funding.

In response to a question from Mr. Pate, Mr. Beller stated that they are working their way through the process of obtaining the New Market Tax Credit and hopes to have that completed by the end of the year.

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

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

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<th>C3-18-205</th>
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<td>Planning Department on behalf of the City of Omaha</td>
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<tr>
<td>REQUEST:</td>
<td>Approval of the AINSWORTH AND BEVERLY APARTMENTS TIF REDEVELOPMENT PROJECT PLAN</td>
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<tr>
<td>LOCATION:</td>
<td>2230 and 2236 Jones Street</td>
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At the Planning Board meeting held on October 3, 2018 Mr. Don Seten, Planning Department addressed the Board to describe the applicant’s proposal to complete a comprehensive rehabilitation of two identical, historic apartment buildings located in the southwest portion of downtown which has not seen as much economic reinvestment as the central area of the downtown district. He stated that this project is located one block north of Leavenworth and west of the Drake Court apartments. The buildings are certified historic structures which were originally constructed as apartment buildings and the owner intends to use Historic Preservation tax credits. The applicant has also applied for rezoning to CBD-Central Business District. Mr. Seten stated that the buildings occupy the entire site leaving no space onsite for parking, however, the owner does own several other properties in the area and intends to make parking at those locations available for these apartments. He stated that when the buildings were originally constructed there were a total of 74 apartments between the two buildings, with this project there will only be a total of 33 apartments which will significantly reduce parking requirements. He stated that some of the additional space will be used to install elevators in the buildings.

Mr. Seten stated that the owner/developer is Anderson Apartments, LLC which is managed by Mr. Dave Paladino. The total project cost is $3,200,000 and the TIF support requested is $285,000. Mr. Seten stated that the project meets the required criteria for the TIF program, it is an appropriate land use for the location, and complies with the City’s Master Plan.

Mr. Dave Paladino, 2702 Douglas Street, stated that he is the property owner and was available to answer any questions.

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

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

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<th>C3-18-206</th>
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<tr>
<td></td>
<td>Marcy Mason LLC</td>
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<tr>
<td>REQUEST:</td>
<td>Approval of a Local Landmark Designation - Automobile Sales Building &amp; Army Corps Laboratory (ASB)</td>
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<tr>
<td>LOCATION:</td>
<td>420 South 18th Street</td>
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At the Planning Board meeting held on October 3, 2018 Mr. Bob Perrin, 1101 South 36th Street, owner of the property and Manager of Marcy Mason, LLC, addressed the Board to describe the request. Mr. Perrin provided several photos and gave an overview of the history of the building. He stated that the building was used for automobile sales from when it was built in 1920 until 1948 when the Army Corps took the building over. The Army Corps used the building as a laboratory until 2010. Mr. Perrin stated that it was his intention to bring the building back to the same design and condition as it was originally in 1920, adding that the structure inside is nearly identical now to the original design and several steps had been taken through its history to preserve unique features of the building.
In response to questions from the Board, Mr. Perrin stated that he has owned the building for five years and is currently working on researching the history of the building and restoring some of the interior such as windows and wood work, and after he finishes the rehabilitation he intends to use the building for retail on the first floor with residential apartments above that. Mr. Perrin stated that they intended to complete the restoration and have the parking, apartments and retail spaces ready within about two years. He stated that the building is unique and deserving of Landmark Designation due to the unique early 19th century commercial style, the terra cotta ornamental features, the storefront detail as well as its unique history.

Dr. Scott Williams, 1139 South 93rd Ave, appeared in support of the request. Mr. Williams stated that he was born and raised in Omaha and received his Bachelor’s degree and PHD in Engineering at Iowa State University. He also studied at John’s Hopkins University, and in Los Alamos, New Mexico, and completed post-Doctoral research in West Berlin, Germany. He is currently a university professor in Omaha and has lived in a number of urban communities in the US and around the world. Dr. Williams stated that he has learned from his experiences around the world that respecting and protecting historic landmarks creates places where young professionals want to be and is essential to maintaining the vibrancy of the city’s future.

Ms. Kathleen Jamrozy, 1614 South 93rd Avenue, appeared before the Board in support of the request. Ms. Jamrozy stated that she has owned and operated the Flat Iron Grill for 23 years which is near the building that Mr. Perrin owns. She believes that the building is unique and should be preserved as many other buildings have been in the Flat Iron District.

Ms. Carol Zacek, 2518 North 64th Street, appeared before the Board in support of the request. Ms. Zacek stated that her home is a unique home which was built in 1918 and features many historical elements which are not found in newer homes. She stated that the building at 420 South 18th Street also has many historical features which make it unique from any other building, and definitely make it stand out from newer, “cookie cutter” buildings. Ms. Zacek stated that having all the historical buildings in Omaha makes her proud of her city and she hopes this building can be preserved as well.

Ms. Maria Fernandez, 1101 Jackson Street, appeared before the Board in support of the request. Ms. Fernandez stated that she had sent a letter to Mr. Carter and she assumed the Board members had read it, so would not re-state the things in the letter. She stated that she believes that all the new buildings on the north side of Dodge Street are faceless and she believes that they will not even be there in 50 years, unlike the historical buildings south of Dodge Street, such as Mr. Perrin’s building. Ms. Fernandez stated that the historical buildings are anchors which draw people to areas such as the Old Market and downtown.

There were no opponents.

Mr. Rosacker stated that his career has been to build new buildings for 45 years. He stated that he cherishes old buildings and hates to see them torn down when they can be restored.

Mr. Eric Englund, Manager of Current Planning, stated that the Landmarks Heritage Preservation Commission recommended approval of the designation at their August, 2018 meeting. He stated that the building meets the requirements for Landmark Designation and the department recommended approval.

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

| 9. | C3-18-207 Planning Department on behalf of the City of Omaha | REQUEST: Approval of an Interlocal Cooperation Agreement between the Village of Bennington and the City of Omaha regarding an adjustment to the extraterritorial jurisdiction and the associated Master Plan amendment. |
| LOCATION: Generally, north of Military Road, between 138th Street and 180th Street |

At the Planning Board meeting held on October 3, 2018, Mr. Eric Englund, Manager of Current Planning, stated that the request would be an agreement between the Village of Bennington and the City of Omaha
to adjust the zoning jurisdiction boundaries of both cities which would determine which city has the responsibility for approving new buildings and other development. He stated that this originated from a proposed subdivision plat, parts of which were in each jurisdiction. As a result of working with the applicants, the City made the decision that it would be beneficial to adjust the jurisdiction line between the two entities. The Future Land Use map would be modified with new areas being brought into Omaha which would be designated for low density residential and open space as well as some areas being taken out of Omaha’s jurisdiction. He stated that the agreement would allow development to occur in an orderly fashion and would continue a long held partnership between the two communities.

Mr. Jim Lang, 13340 California Street, appeared before the Board as Attorney representing Mr. Frank Krejci in support of the proposal. Mr. Lang stated that Mr. Krejci was developing a parcel at 168th Street and Bennington Road which laid across the jurisdictional lines. He stated that he was appearing at the meeting to thank the department for working out this agreement with Bennington which will make it much easier to continue with development in that area.

Mr. Englund explained that the agreement would square up the boundary lines and would result in a swap of nearly identical amounts of acreage of developable ground for both entities. He stated that the department recommended approval.

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

10. C3-18-234
    Buck’s Inc. d/b/a Buchanan Energy
    REQUEST: Approval of an Amendment to the Future Land Use Element of the City’s Master Plan from Low density residential to Office/commercial and to change the boundary of the mixed use area
    LOCATION: 106 South 50th Street

*Mr. Rosenbaum advised that agenda items #10 (C3-18-234) and #15 (C10-18-221) would be heard together, but would be voted on separately.*

At the Planning Board meeting held on October 3, 2018, Ms. Ryann Glynn, 13330 California Street, Suite 200, appeared before the Board on behalf of the applicant. Ms. Glynn stated that the applicant was present and wished to address the Board.

Mr. Steve Buchanan, 5001 Dodge Street, addressed the Board in support of the project. Mr. Buchanan stated that he had purchased the store at 5001 Dodge Street in 1979 when he was 19 years old and has been in business at that location since then. He stated that he had purchased another property on 50th Avenue to allow for additional parking which was later sold. In 2006, when the property at 106 South 50th Street became available he had made arrangements to purchase the home, remove the retaining wall and install a fence. In 2007 he applied to rezone the property to use it for additional parking. Due to various circumstances, the application to rezone was dropped by Mr. Buchanan. He stated that they had problems with vehicles running into things and driving off the pavement into the grass and getting stuck while trying to enter the carwash, which resulted in his decision to pour a concrete access to the carwash on the 50th Street property, which he did not get permits to do. Mr. Buchanan stated that he is making these two requests now in order to fix the situation and provide safe access to the carwash.

In response to a question from Mr. Rosenbaum, Mr. Buchanan stated that his in-house counsel had advised him that since a house had been there, it was fine to pour a driveway there, which he now knows was a mistake. He stated that he is willing to pay for the permits which he did not obtain prior to the work being done.

In response to questions from the Board, Mr. Buchanan stated that when he purchased the property he only intended to remove the retaining wall. He stated that the carwash has been there since 1969 and that, historically, vehicles have entered the carwash from the back without the additional drive, though he stated that there may have previously been a front entrance as well prior to his purchase of the store. Mr. Buchanan stated that the access to the carwash was not something he thought about back when he first acquired the store in 1979.
In response to questions from Mr. Magid, Mr. Buchanan stated that there is a privacy fence between the carwash drive and the residential homes to the south which cuts down on lights shining into the homes. He stated that this has been discussed with the Dundee residents, and has agreed to install a tighter fence which would allow less light through it. Mr. Buchanan stated that the neighbor to the immediate south has not stated any concerns or opposition.

Ms. Glenn returned to address the Board in support of the project to reiterate that the store was the first one Mr. Buchanan had purchased and held a sentimental value to him. She stated that he preferred for the station to remain the small, “historical feeling” station that it is now and feels it serves as a valuable resource for the people in the neighborhood. Ms. Glenn stated that they have had a couple of town hall type meetings with the residents of the Dundee Neighborhood Association and the Dundee-Memorial Park Association in which several residents shared their concern that this request was simply the first of several which would result in Mr. Buchanan creating a large Bucky’s store like the ones that exist all over Omaha. Ms. Glenn stated that in order to re-build trust with the neighbors, Mr. Buchanan has proposed a development agreement which would prevent Mr. Buchanan from expanding the existing structure in perpetuity, copies of the agreement were shared with the Board for their review. In response to questions from the Board, Ms. Glynn stated that in the unlikely event that Mr. Buchanan sells the property, the agreement will be binding on any future owner.

Ms. Glynn stated that Mr. Buchanan is not proposing any new use for the property, he proposes to continue to use the property as he is now to provide access to the carwash. Mr. Rosenbaum stated that the current use of the property is not in compliance with the zoning, to which Ms. Glynn replied that they are requesting the rezoning to correct the problem. Ms. Glynn stated that prior to Mr. Buchanan pouring the additional concrete to access the carwash, customers were driving off onto the grass, ripping up the sod and damaging the sprinkler system. In order to prevent further damages, Mr. Buchanan created the wider access drive.

Ms. Glynn stated that after considering available zoning classifications they chose the GC zoning over more restrictive classifications. She stated that Bucks wishes to continue to provide the vehicle service station for the residents in the area, and this is an allowable use under the GC zoning, but not the CC zoning. She also stated that in addition to the GC zoning, they also need to be allowed to retain the current “grandfathered” access from Dodge Street. Ms. Glynn stated that if they rezoned to CC with a Conditional Use Permit to allow the vehicle repair service, the Dodge Street access would be extremely problematic, if not impossible, to overcome. Therefore, the applicant is requesting GC zoning and the retention of the Dodge Street access, with the development agreement as an amendment. She stated that the applicant would be amenable to laying the case over if it would be beneficial for the Board to have additional time to look over the development agreement.

In response to questions from the Board, Ms. Glynn clarified that the original access to the carwash is within the commercially zoned property boundaries, while the newer drive is on the residential zoned side of the boundary.

Mr. Rosenbaum stated that it appears that the applicant knew the problems in 2008, chose at that time to not go through the proper channels to fix the problems, but went ahead and put in the drive without permits or without requesting the zoning change through the City. He stated that Mr. Buchanan has created a situation for the Board and the Planning Department which will be used for future applicants who decide to also do what they want without getting proper permits or rezoning. In response, Ms. Glynn stated that she understands the situation that the Board has been placed in, however, Mr. Buchanan is trying to fix the problem he created and he is very sorry for the problem. She stated that he was a property owner who saw that his property was being damaged by his customers continually driving over the space causing him to have to make repeated repairs. She stated that she believes this situation is unique from any other future situation because the applicant is willing to completely tie his hands, in perpetuity, with respect to development of this property within the GC limits, which will prevent him from selling the property to someone who wants to build a 10 story building.

Mr. Magid stated that he has done transactions with Mr. Buchanan and has witnessed that he does what he says he would do. Mr. Magid stated that Mr. Buchanan is very proud of this first store and is even seen at the location working on cars. He stated that he believes the Board should lay this case over to allow them
Ms. Glynn stated that on the proposed site plan in the packet where there is an existing, slatted, fence on the retaining wall as well as some trees Mr. Buchanan intends to install a new six foot privacy fence as well as landscaping on both the interior and the exterior of the fence in order to shield the property owner from the lights as well as providing a more attractive view from their property.

Mr. Peter Manhart, 321 South 57th Street, appeared before the Board on behalf of the Dundee-Memorial Park Neighborhood Association, in opposition to the requests. Mr. Manhart stated that Steve has been a fixture in the neighborhood for a very long time and most people in the neighborhood have been his customers. He stated that the neighbors were surprised to learn that there had been no permits for the work which was done at the applicant’s location. He stated that for a long time people had viewed getting into the carwash as a challenge. Mr. Manhart stated that the greatest concern is that this decision will set a dangerous precedent for the neighborhood as well as being concerned about the lack of information which was given to the neighborhood. He stated that all the neighborhood had been shown was the photo which did not look so bad and they figured that if the City had approved the drive and had given the permits, it must be ok. When the neighbors learned that there had been no permit and no approval from the City, they then were very concerned about not only what had already been done, but also what will be done next. Mr. Manhart stated that Ms. Glynn had shared with him, an hour ago, the possibility of a binding agreement, which he had been texting information about to other members of the Neighborhood Association throughout the past hour. He, and the Neighborhood Association Board, were concerned that the binding agreement is only good if all parties agree, however it is hard to drive through Omaha and not see a super Bucky's on every corner. Mr. Manhart stated that it is hard to give approval of a binding agreement which for one, none of the Neighbors had heard about prior to the beginning of the Planning Board meeting and have not had an opportunity to review, but also now that they know Mr. Buchanan has already done work at the location without permits or City approval, they are concerned that the agreement will not stop any future changes as well.

Mr. James Rosales, 103 South 50th Avenue, appeared before the Board in opposition. Mr. Rosales advised that he lives directly east of Bucky's and that he is also very skeptical about Mr. Buchanan's proposal. He stated that the neighbor to the south, who Mr. Buchanan states is in support of the plan, is also one of his employees. He stated that he has been voicing opposition to this plan since 2007 when Mr. Buchanan purchased the property. Mr. Rosales stated that when the property was purchased, there was a wood wall along the property line, and people were able to get into the carwash without driving into the wall. One day when everyone got home from work, they found that the house had been demolished, photos were laying on the ground, and the trees were knocked down. He stated that there is a lot of mistrust in the neighborhood regarding Mr. Buchanan, many believe that since he was willing to circumvent the zoning ordinances, they do not see that he would be any less willing to break his own agreement. He stated that the mistrust is the biggest issue. Mr. Rosales stated that with regards to the meetings with the neighbors, there was a meeting on Tuesday which two people attended and one on Sunday with one person in attendance. Mr. Rosales presented a petition in opposition signed by residents of the neighborhood.

Mr. Brock Pursley, 114 South 50th Avenue, appeared before the Board in opposition. He stated that he had moved into the neighborhood in July and that his family chose the Dundee neighborhood because of established character of the neighborhood. He stated it is wonderful that Mr. Buchanan is proposing to sign covenants which will bind him from expansion if it is truly binding. However, Mr. Pursley stated that in the very short amount of time he has had to look over the agreement, he is concerned about the wording which does not appear to give any kind of long term protection. He stated that while there is wording that Mr. Buchanan “should” provide information about the agreement to a future buyer, but no “shall”, “may” but not “will”. There does not appear to be any successive interest clause anywhere in the document. He believes that, at minimum, the Board should lay the case over to allow time to look over the document and insure that it is truly the protective agreement which the applicant says it is.

Ms. Denae Dannelly, 105 South 50th Avenue, appeared before the Board in opposition. She stated that her property backs up to the property which was a residential lot with a house and a garage when she purchased her home in 1994. In 2007, the house and garage were gone, there was a five foot retaining wall built across the back yard abutting her property and the lot was raised five feet. Ms. Dannelly stated that once the neighborhood figured out what was going on, they contacted the Planning Department who came
out and prevented Mr. Buchanan from putting in the driveway at that time. She stated that is how the neighbors know that Mr. Buchanan has been aware since 2007 that the driveway was not legal on that lot. Her biggest concern is her property value, which will be adjacent to a commercial lot if this is approved. In addition, there are now privacy issues which were not present until Mr. Buchanan put in the driveway in the past year. She is concerned that if that is allowed to become a commercial lot, there will be no way for her to regain the loss she will sustain to her property value.

Ms. Ryann Glenn returned to address the concerns expressed by the opponents. She stated that the agreement would be recorded and would show up on any title search if the property was sold in the future. She stated that she is willing to review the agreement to address any concerns the neighbors may have.

Mr. Pate stated that while he believes Mr. Buchanan has done a great job of creating an enterprise which is creating jobs across the city, he struggles with the issue that the work was done with no permits. He stated that he has financed a lot of projects over the years, and one of the first questions that is ever asked by the owner, architect or contractor is “do we need to get permits”, so he struggles with the idea that no one knew they needed to at least check for the permit requirements. In addition, Mr. Pate stated that using a residential lot, for a commercial drive, really diminishes the character of the neighborhood. He stated that he believes that if Mr. Buchanan would have gone through the proper channels the City possibly would not have approved the use in this neighborhood. He stated that he does not see any way to reconcile these issues with or without a layover.

Mr. Eric Englund, Manager of Current Planning, stated that there are two different issues before the Board for this location. The first is an amendment to the Future Land Use for the residentially zoned property to expand the office/commercial boundary which is where the Bucky’s sits currently. The second use is to actually change the zoning from R3 and GC to GC for the property at 106 South 50th Street. Mr. Englund stated that this is similar to the request Mr. Buchanan had submitted 10 years ago, which was ultimately laid over and then not pursued further by the applicant. The department’s stance at that time was that the request not be approved, which has not changed. The Planning Department believes that expanding the commercial zoning to the residential lot is the beginning of a process which leads to destabilization of the neighborhood, as has been seen in other parts of the city. The department has fought against the same thing in other parts of the city. While in some areas residential zoning can co-exist with commercial zoning, once the commercial zoning starts creeping past that demarcation into the residential areas is when problems start occurring. When residential property owners see that the commercial use is creeping into the neighborhood, they begin to believe that their property will be acquired by or adjacent to commercial buildings, and they stop taking proper care of that property and/or stop investing in their property. Mr. Englund described a similar issue at 88th Street and Center, where multiple requests were received to rezone it to office/commercial which were repeatedly denied until a request finally came in for a use which fits well, and has done well, with the low density residential zoning. The department generally does not support expanding commercial zoning into residentially zoned neighborhoods.

Mr. Englund stated that if there would have been a building permit requested, it would not have been approved due to the zoning. Even though it is only a driveway, it is a part of the commercial entity, and therefore would not be allowed. He stated that there is no justification for forgiving the willful disregard of the zoning and permit process. Mr. Englund stated that there are many other options for preventing people from driving onto the property and causing damages, these would include a fence, retaining wall, or landscaping.

Mr. Englund stated that the department could not comment on the Development Agreement, as they had not had an opportunity to read it, however, it is likely that the department would maintain the stance that the rezoning and the Land Use amendment should be denied. He also mentioned that the existing commercial enterprise is non-conforming with regards to the carwash stacking and access points and he can see why the applicant would not want to go ahead with rezoning to CC. Mr. Englund stated that even if the applicant proposed rezoning to CC, the department would still not be supportive of the expansion of the commercial zoning.

Mr. Englund stated that the department recommends denial of agenda item #10.

Mr. Magid moved to lay the case over to allow further discussion between the City, the applicant and the
neighbors. Mr. Morris seconded the motion which carried 4-3 with Mr. Moore, Mr. Pate, and Mr. Rosenbaum dissenting.

| 18. | C10-18-221 Buck's Inc. d/b/a Buchanan Energy | REQUEST: Rezoning from R3 and GC to GC and approval of an expansion to the ACI-2 Overlay District (portion of the property is in an ACI-2 Overlay District) | LOCATION: 5003 Dodge Street and 106 South 50th Street |

*Mr. Rosenbaum advised that agenda items #10 (C3-18-234) and #15 (C10-18-221) would be heard together, but would be voted on separately.*

At the Planning Board meeting held on October 3, 2018, Ms. Ryann Glynn, 13330 California Street, Suite 200, appeared before the Board on behalf of the applicant. Ms. Glynn stated that the applicant was present and wished to address the Board.

Mr. Steve Buchanan, 5001 Dodge Street, addressed the Board in support of the project. Mr. Buchanan stated that he had purchased the store at 5001 Dodge Street in 1979 when he was 19 years old and has been in business at that location since then. He stated that he had purchased another property on 50th Avenue to allow for additional parking which was later sold. In 2006, when the property at 106 South 50th Street became available he made arrangements to purchase the home, remove the retaining wall and install a fence. In 2007 he applied to rezone the property to use it for additional parking. Due to various circumstances, the application to rezone was dropped by Mr. Buchanan. He stated that they had problems with vehicles running into things and driving off the pavement into the grass and getting stuck while trying to enter the carwash, which resulted in his decision to pour a concrete access to the carwash on the 50th Street property, which he did not get permits to do. Mr. Buchanan stated that he is making these two requests now in order to fix the situation and provide safe access to the carwash.

In response to a question from Mr. Rosenbaum, Mr. Buchanan stated that his in-house counsel had advised him that since a house had been there, it was fine to pour a driveway there, which he now knows was a mistake. He stated that he is willing to pay for the permits which he did not obtain prior to the work being done.

In response to questions from the Board, Mr. Buchanan stated that when he purchased the property he only intended to remove the retaining wall. He stated that the carwash has been there since 1969 and that, historically, vehicles have entered the carwash from the back without the additional drive, though he stated that there may have previously been a front entrance as well prior to his purchase of the store. Mr. Buchanan stated that the access to the carwash was not something he thought about back when he first acquired the store in 1979.

In response to questions from Mr. Magid, Mr. Buchanan stated that there is a privacy fence between the carwash drive and the residential homes to the south which cuts down on lights shining into the homes. He stated that this has been discussed with the Dundee residents, and has agreed to install a tighter fence which would allow less light through it. Mr. Buchanan stated that the neighbor to the immediate south has not stated any concerns or opposition.

Ms. Glenn returned to address the Board in support of the project to reiterate that the store was the first one Mr. Buchanan had purchased and held a sentimental value to him. She stated that he preferred for the station to remain the small, “historical feeling” station that it is now and feels it serves as a valuable resource for the people in the neighborhood. Ms. Glenn stated that they have had a couple of town hall type meetings with the residents of the Dundee Neighborhood Association and the Dundee-Memorial Park Association in which several residents shared their concern that this request was simply the first of several which would result in Mr. Buchanan creating a large Bucky’s store like the ones that exist all over Omaha. Ms. Glenn stated that in order to re-build trust with the neighbors, Mr. Buchanan has proposed a development agreement which would prevent Mr. Buchanan from expanding the existing structure in perpetuity, copies of the agreement were shared with the Board for their review. In response to questions from the Board,
Ms. Glynn stated that in the unlikely event that Mr. Buchanan sells the property, the agreement will be binding on any future owner.

Ms. Glynn stated that Mr. Buchanan is not proposing any new use for the property, he proposes to continue to use the property as he is now to provide access to the carwash. Mr. Rosenbaum stated that the current use of the property is not in compliance with the zoning, to which Ms. Glynn replied that they are requesting the rezoning to correct the problem. Ms. Glynn stated that prior to Mr. Buchanan pouring the additional concrete to access the carwash, customers were driving off onto the grass, ripping up the sod and damaging the sprinkler system. In order to prevent further damages, Mr. Buchanan created the wider access drive.

Ms. Glynn stated that after considering available zoning classifications they chose the GC zoning over more restrictive classifications. She stated that Bucks wishes to continue to provide the vehicle service station for the residents in the area, and this is an allowable use under the GC zoning, but not the CC zoning. She also stated that in addition to the GC zoning, they also need to be allowed to retain the current “grandfathered” access from Dodge Street. Ms. Glynn stated that if they rezoned to CC with a Conditional Use Permit to allow the vehicle repair service, the Dodge Street access would be extremely problematic, if not impossible, to overcome. Therefore, the applicant is requesting GC zoning and the retention of the Dodge Street access, with the development agreement as an amendment. She stated that the applicant would be amenable to laying the case over if it would be beneficial for the Board to have additional time to look over the development agreement.

In response to questions from the Board, Ms. Glynn clarified that the original access to the carwash is within the commercially zoned property boundaries, while the newer drive is on the residential zoned side of the boundary.

Mr. Rosenbaum stated that it appears that the applicant knew the problems in 2008, chose at that time to not go through the proper channels to fix the problems, but went ahead and put in the drive without permits or without requesting the zoning change through the City. He stated that Mr. Buchanan has created a situation for the Board and the Planning Department which will be used for future applicants who decide to also do what they want without getting proper permits or rezoning. In response, Ms. Glynn stated that she understands the situation that the Board has been placed in, however, Mr. Buchanan is trying to fix the problem he created and he is very sorry for the problem. She stated that he was a property owner who saw that his property was being damaged by his customers continually driving over the space causing him to have to make repeated repairs. She stated that she believes this situation is unique from any other future situation because the applicant is willing to completely tie his hands, in perpetuity, with respect to development of this property within the GC limits, which will prevent him from selling the property to someone who wants to build a 10 story building.

Mr. Magid stated that he has done transactions with Mr. Buchanan and has witnessed that he does what he says he would do. Mr. Magid stated that Mr. Buchanan is very proud of this first store and is even seen at the location working on cars. He stated that he believes the Board should lay this case over to allow them to all look over the agreement.

Ms. Glynn stated that on the proposed site plan in the packet where there is an existing, slatted, fence on the retaining wall as well as some trees Mr. Buchanan intends to install a new six foot privacy fence as well as landscaping on both the interior and the exterior of the fence in order to shield the property owner from the lights as well as providing a more attractive view from their property.

Mr. Peter Manhart, 321 South 57th Street, appeared before the Board on behalf of the Dundee-Memorial Park Neighborhood Association, in opposition to the requests. Mr. Manhart stated that Steve has been a fixture in the neighborhood for a very long time and most people in the neighborhood have been his customers. He stated that the neighbors were surprised to learn that there had been no permits for the work which was done at the applicant’s location. He stated that for a long time people had viewed getting into the carwash as a challenge. Mr. Manhart stated that the greatest concern is that this decision will set a dangerous precedent for the neighborhood as well as being concerned about the lack of information which was given to the neighborhood. He stated that all the neighborhood had been shown was the photo which did not look so bad and they figured that if the City had approved the drive and had given the permits, it must be ok. When the neighbors learned that there had been no permit and no approval from the City, they
then were very concerned about not only what had already been done, but also what will be done next. Mr. Manhart stated that Ms. Glynn had shared with him, an hour ago, the possibility of a binding agreement, which he had been texting information about to other members of the Neighborhood Association throughout the past hour. He, and the Neighborhood Association Board, were concerned that the binding agreement is only good if all parties agree, however it is hard to drive through Omaha and not see a super Bucky’s on every corner. Mr. Manhart stated that it is hard to give approval of a binding agreement which for one, none of the Neighbors had heard about prior to the beginning of the Planning Board meeting and have not had an opportunity to review, but also now that they know Mr. Buchanan has already done work at the location without permits or City approval, they are concerned that the agreement will not stop any future changes as well.

Mr. James Rosales, 103 South 50th Avenue, appeared before the Board in opposition. Mr. Rosales advised that he lives directly east of Bucky’s and that he is also very skeptical about Mr. Buchanan’s proposal He stated that the neighbor to the south, who Mr. Buchanan stated is in support of the plan, is also one of his employees. He stated that he has been voicing opposition to this plan since 2007 when Mr. Buchanan purchased the property. Mr. Rosales stated that when the property was purchased, there was a wood wall along the property line, and people were able to get into the carwash without driving into the wall. One day when everyone got home from work, they found that the house had been demolished, photos were laying on the ground, and the trees were knocked down. He stated that there is a lot of mistrust in the neighborhood regarding Mr. Buchanan, many believe that since he was willing to circumvent the zoning ordinances, they do not see that he would be any less willing to break his own agreement. He stated that the mistrust is the biggest issue. Mr. Rosales stated that with regards to the meetings with the neighbors, there was a meeting on Tuesday which two people attended and one on Sunday with one person in attendance. Mr. Rosales presented a petition in opposition signed by residents of the neighborhood.

Mr. Brock Pursley, 114 South 50th Avenue, appeared before the Board in opposition. He stated that he had moved into the neighborhood in July and that his family chose the Dundee neighborhood because of established character of the neighborhood. He stated it is wonderful that Mr. Buchanan is proposing to sign covenants which will bind him from expansion if it is truly binding. However, Mr. Pursley stated that in the very short amount of time he has had to look over the agreement, he is concerned about the wording which does not appear to give any kind of long term protection. He stated that while there is wording that Mr. Buchanan “should” provide information about the agreement to a future buyer, but no “shall”, “may” but not “will”. There does not appear to be any successive interest clause anywhere in the document. He believes that, at minimum, the Board should lay the case over to allow time to look over the document and insure that it is truly the protective agreement which the applicant says it is.

Ms. Denae Dannelly, 105 South 50th Avenue, appeared before the Board in opposition. She stated that her property backs up to the property which was a residential lot with a house and a garage when she purchased her home in 1994. In 2007, the house and garage were gone, there was a five foot retaining wall built across the back yard abutting her property and the lot was raised five feet. Ms. Dannelly stated that once the neighborhood figured out what was going on, they contacted the Planning Department who came out and prevented Mr. Buchanan from putting in the driveway at that time. She stated that is how the neighbors know that Mr. Buchanan has been aware since 2007 that the driveway was not legal on that lot. Her biggest concern is her property value, which will be adjacent to a commercial lot if this is approved. In addition, there are now privacy issues which were not present until Mr. Buchanan put in the driveway in the past year. She is concerned that if that is allowed to become a commercial lot, there will be no way for her to regain the loss she will sustain to her property value.

Ms. Ryann Glenn returned to address the concerns expressed by the opponents. She stated that the agreement would be recorded and would show up on any title search if the property was sold in the future. She stated that she is willing to review the agreement to address any concerns the neighbors may have.

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he believes that if Mr. Buchanan would have gone through the proper channels the City possibly would not have approved the use in this neighborhood. He stated that he does not see any way to reconcile these issues with or without a layover.

Mr. Eric Englund, Manager of Current Planning, stated that there are two different issues before the Board for this location. The first is an amendment to the Future Land Use for the residentially zoned property to expand the office/commercial boundary which is where the Bucky’s sits currently. The second use is to actually change the zoning from R3 and GC to GC for the property at 106 South 50th Street. Mr. Englund stated that this is similar to the request Mr. Buchanan had submitted 10 years ago, which was ultimately laid over and then not pursued further by the applicant. The department’s stance at that time was that the request not be approved, which has not changed. The Planning Department believes that expanding the commercial zoning to the residential lot is the beginning of a process which leads to destabilization of the neighborhood, as has been seen in other parts of the city. The department has fought against the same thing in other parts of the city. While in some areas residential zoning can co-exist with commercial zoning, once the commercial zoning starts creeping past that demarcation into the residential areas is when problems start occurring. When residential property owners see that the commercial use is creeping into the neighborhood, they begin to believe that their property will be acquired by or adjacent to commercial buildings, and they stop taking proper care of that property and/or stop investing in their property. Mr. Englund described a similar issue at 88th Street and Center, where multiple requests were received to rezone it to office/commercial which were repeatedly denied until a request finally came in for a use which fits well, and has done well, with the low density residential zoning. The department generally does not support expanding commercial zoning into residentially zoned neighborhoods.

Mr. Englund stated that if there would have been a building permit requested, it would not have been approved due to the zoning. Even though it is only a driveway, it is a part of the commercial entity, and therefore would not be allowed. He stated that there is no justification for forgiving the willful disregard of the zoning and permit process. Mr. Englund stated that there are many other options for preventing people from driving onto the property and causing damages, these would include a fence, retaining wall, or landscaping.

Mr. Englund stated that the department could not comment on the Development Agreement, as they had not had an opportunity to read it, however, it is likely that the department would maintain the stance that the rezoning and the Land Use amendment should be denied. He also mentioned that the existing commercial enterprise is non-conforming with regards to the carwash stacking and access points and he can see why the applicant would not want to go ahead with rezoning to CC. Mr. Englund stated that even if the applicant proposed rezoning to CC, the department would still not be supportive of the expansion of the commercial zoning.

Mr. Englund stated that the department recommended denial of agenda item #18.

Mr. Magid moved to lay the case over to allow further discussion between the City, the applicant and the neighbors. Mr. Morris seconded the motion which carried 4-3 with Mr. Moore, Ms. Karnes, and Mr. Rosenbaum dissenting.

### Rezoning

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<tr>
<th>21.</th>
<th>C10-18-224 Chad Eicher</th>
<th>REQUEST:</th>
<th>Rezoning from AG to R2</th>
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At the Planning Board meeting held on October 3, 2018, Mr. Jeff Elliott, 17007 Marcy Street, appeared before the Board on behalf of the applicant. Mr. Elliott stated that the property is located on the south side of the Greenbriar development. The Eicher family is proposing to build their home on the 14 acre lot, which they understand the City will require an Administrative plat, which has been submitted to the department, who then advised rezoning to R2 from AG to be consistent with the property surrounding this lot. He stated that one residential home would be built on the east side of the lot, all of the trees would remain except for at the home site and the location of the 15’ wide driveway.

Mr. Patrick Student, 21520 Sky Ridge Plaza, appeared before the Board in opposition. Mr. Student
presented several aerial maps showing the layout of the property in relationship to his home as well as other charts and described drainage issues which he believes will be made worse by this proposed development. Mr. Student stated that the creek drains onto his property as does all other drainage in the area. He is concerned that the development of the property as proposed will increase the flow onto his property and cause damages. He stated that some of the flow was held back by a dam at the retention pond, which has been moved and now allows significantly more water to run onto his property. Mr. Student states that he is concerned that additional development including the house, driveway or outbuildings, will further disrupt water flow and send more onto his property. He believes that the pond needs to be changed back to a retention pond and there needs to be design consideration to insure the water drain-off does not exceed beyond pre-construction levels.

Ms. Kim Faase, 21430 Sky Ridge Plaza, appeared in opposition. Ms. Faase stated that she is at one of the highest points in the neighborhood and has no drainage issues. She is concerned that when her property was advertised, it was stated that it was backed by “undisturbed prairie”, which has now been disturbed. She is concerned about whether permits were obtained for the grading which has taken place and whether there was permission granted to develop in this prairie property.

In response to a request from Mr. Magid, Mr. Jeff Elliot returned to answer questions about the proposed development. He stated that they are adding approximately 1 acre of impervious coverage. Mr. Elliott stated that the driveway will run across the drainage ways which will act as a dam, there will also be a culvert which will allow some water through and Mr. Eicher is willing to do further study to ensure there is no additional drainage. He stated that the only change to the area referred to by Mr. Student will be the addition of the driveway. With the impervious coverage, and the location of the driveway, there is potential for a reduced amount of drainage.

Mr. Eric Englund, Manager of Current Planning, stated that the applicants had come to the Department to find out what had to be done to build their home on this land. In order for a building permit to be issued, the parcel had to be platted into a single lot, which is why there is a need for the Administrative Subdivision considering the infrastructure which needs to be put in place such as streets and sewer. The zoning change is necessary because the 14 acre lot does not meet the requirements for the AG zoning which requires 20 acres. The R2 zoning would be consistent with most of the zoning in the area. Mr. Englund stated that there are not specific stormwater ordinances which specifically apply to single family homes like the ones you would see on a commercial development or multi-family development. There are building code requirements which govern the drainage and erosion from one lot to another. With regards to “undisturbed prairie”, Mr. Englund stated that there is no such designation within the City which he is aware of, though he would be willing to look into it. He stated that the City has no control over what a realtor says to a buyer in order to sell a home. Additionally, he is not aware of whether there has been any grading permit issued for the property. Mr. Englund stated that the department recommends approval.

At the request of the Board, Mr. Patrick Student, returned to address the Board. He stated that when he walked the applicant’s land several years ago in an attempt to find the source of the water running into his property, he walked through the trees into a clearing which appeared to be approximately one acre in size which was nothing but tall grass and very few trees.

Mr. Rosacker stated that if the applicant would conduct a study of the drainage it would go a long way towards addressing the concerns of the neighbors.

Mr. Moore moved to approve the rezoning from R3 and GC to GC and to approve the expansion to the ACI-2 Overlay District. Mr. Pate seconded the motion which carried 7-0.

**Special Use Permits**

| REQUEST: | Approval of a Special Use Permit to allow Assisted living in a R5 District along with approval of an MCC-Major Commercial Corridor Overlay District |
| LOCATION: | Northwest of 204th Street and George B Lake Parkway |
At the Planning Board meeting held on October 3, 2018, Mr. Nate Buss of Olsson Associates, 601 P Street, Lincoln, Nebraska, addressed the Board on behalf of Agemark Corporation. Mr. Buss stated that he has worked on three of these developments in Lincoln as well as one currently in Omaha at 156th and Q Streets. He stated that the facility will provide memory care and skilled nursing with dependent and semi-dependent living quarters. Mr. Buss provided aerial views and descriptions of the location of the facility within the neighborhood as well as showing that the entrance has been oriented away from the residences and onto George B Lake Parkway. The parking is slightly above requirements with landscape islands to conceal the driveways and parking areas, as well as other structures, to give a sense of protection to the residents at the facility, which also creates a better view for the neighbors. He provided site plans to show the proposed layout of the entire project. Included in the project are walkways and a courtyard on the northwest side for residents which will have ponds, green space, activities for the residents, there will be a shed to house the maintenance equipment and other items necessary for the care of the residents, which will be constructed with the same stone & siding materials as the main building. Mr. Buss stated that they had worked with Public Works to identify the location away from 205th Street to maintain driveway clearances which end with a drop off point at the main entrance to the building. He showed a diagram showing that nearly all of the property will be enclosed behind a 6’ fence, the exception being the stone veneer face which would face 205th Street. The building and fence materials and construction style would be complementary to the neighborhood.

Mr. Buss stated that they had been working with the City in order to nearly double the number of trees along 204th Street, 205th Street, and George B Lake Parkway. The developer has been given a landscape easement in order to make the north side of the property more attractive. The developer is not requesting any rezoning, the proposed facility is a one-story, sprawling ranch style building, which meets the height requirements, and is an allowed use within the current zoning.

Mr. Walter Pasko, 3730 South 205th Street, appeared before the Board in opposition. He stated that he purchased his home in May and was not told that there was the possibility of a healthcare facility, or any business, being built directly across from his home. He is concerned about his property value going down, as well as not wishing to look across the street and see the facility. Mr. Pasko stated that there had been no information shared with the neighbors with regard to landscaping or any other part of the development. He stated that he is most concerned with the location of the maintenance shed which he believes will be an eyesore as most sheds are not well maintained and usually have materials and equipment laying around. He feels the shed should be moved from the west end of the property. In response to a question from the Board, Mr. Pasko stated that he believed the lot would be developed with other residential homes, and would likely not have purchased his home if he had known this would be built on that lot.

Mr. Bob Mormann, 3724 South 204th Street, appeared before the Board in opposition. He stated that he is Mr. Pasko’s neighbor, and that he was also not told that there could be a healthcare facility built across the street when he purchased his house. He stated that he is opposed to the maintenance shed as well as the fence. He believes the shed needs to be moved and there needs to be additional landscaping on the west side of the development.

Mr. Buss stated that the developer usually works up a landscape plan, then turns it over to the landscaping company to do what they feel is appropriate, but they would be willing to look at the plan and see if they could make improvements. He stated that the fence sets back approximately 40’ from the property line, and there would be more trees within that setback. Mr. Buss stated that they would look at the plans and see what can be done about the shed, however, he cannot guarantee it can be moved across the property, however, perhaps it could be moved inside the fence or have more landscaping to conceal it from the neighboring property owners.

Mr. Eric Englund, Manager of Current Planning, stated that some of the items in the recommendation report have been addressed, there are some remaining recommendations which need to be addressed prior to forwarding to City Council. The proposed use is allowed within the R5 zoning subject to the approval of the Special Use Permit. When the original plat and rezoning came forward, the applicant materials had always indicated that this would be an assisted living facility, but at the time, they did not have an operator or user, so they would not have gone through the Special Use process at that time. The MCC-Major Commercial Corridor Overlay District is being applied. Mr. Englund stated that all the materials are acceptable to the
Mr. Englund stated that the department recommends approval of the MCC and approval of the Special Use Permit to allow assisted living subject to the seven conditions in the recommendation report.

Ms., Karnes moved for approval of a MCC-Major Commercial Corridor Overlay District. Approval of a Special Use Permit to allow Assisted living in a R5-Urban Family Residential District subject to the following conditions:
   1) Submittal of an acceptable revised Landscape Plan prior to forwarding to City Council.
   2) Compliance with the submitted Site Plan.
   3) Compliance with the submitted Elevations.
   4) Compliance with the revised Landscape Plan.
   5) Construct sidewalks along George B Lake to 204th Street.
   6) No net increase in stormwater runoff.
   7) Treat the first ½” of stormwater for water quality.

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

At the Planning Board meeting held on October 3, 2018, the applicant, Ms. Nakia Vasser-Brye, 458 Bedford Avenue, appeared before the Board. Ms. Vasser-Brye stated that she is the owner and administrator of Bridging Hands, LLC which is a licensed, small group, assisted living home. The residence is a 6 bedroom home, there are currently two clients per room for a total of 8 clients, and two rooms are currently vacant. Ms. Vasser-Brye stated that her facility caters to the needs of female clients who have mild psychosis/schizophrenia. She stated that all of the clients attend an adult day program which picks them up at 9:00am and brings them home at approximately 3:00pm., five days per week. Ms. Vasser-Brye stated that all of the clients are under Board of Mental Health jurisdiction and have State appointed legal guardians. None of the clients are able to drive, so the only parking required is for the staff, the clients are transported to appointments by IntelliRide through Medicaid. Most of the clients do not have family, they come from mental health respite programs which are short term problems, a few came through the psychiatric unit at hospitals. She stated that one of the licensing requirements is to have an architect come out to make certain that there is adequate space for the number of clients who will be housed at the facility.

In response to questions from the Board, Ms. Vasser-Brye stated that she employs one medication aide, which would not change if she was able to be approved for a total of twelve residents. She also stated that the neighbors called her to ask questions about the clients, since they did not even realize she was operating a small group home due to the clients being gone most of the day and participating in mostly indoor activities in the afternoon and evening hours. The neighbors were concerned as to whether there were sex offenders in residence, upon learning that there were none, no one has expressed any opposition to her living facility. She was uncertain about the total square footage of the home.

Ms. Vasser-Brye stated that most of her residents come from the mental health respite program after 30 days, she does not have a time limit on how long they can stay with her. She reiterated that most of the women do not have family in the area and many are homeless prior to coming in to the respite program or hospital. She stated that her residents receive either General Assistance or Social Security, and that she has no cap on how long they can stay in the program.

Mr. Eric Englund, Manager of Current Planning, stated that up to eight residents is what is allowed in small group living, anything over that qualifies as a large group living facility with the related change in ordinances. Mr. Englund stated that there is a long list of requirements for documentation, most of which they had not received from the applicant. He stated that the most concerning one is the requirement for 200 square feet per resident, which would be far higher than the 1400 square feet of living space in the applicant’s home as indicated by the County Assessor’s website. The other concern is with parking, what is currently at the location is not code compliant. Mr. Englund stated that the department’s recommendation was for denial, however, the department would be open to a layover to give the applicant time to submit more
documentation and for discussion with the Planning Department.

Mr. Magid stated that he is concerned about the number of residents in relation to the square footage of living space. Ms. Vasser-Brye stated that she would be willing to consider a number between the eight residents currently there and the twelve she is requesting if the department allows it. In response to Mr. Magid, Ms. Vasser-Brye stated that she would be fine with a layover to allow some time to work with the department to possibly be able to come to an agreement.

Ms. Karnes stated that she believes the applicant is providing a valuable service to the residents as well as the community. She stated that she would support a layover to allow time to get more of the required information turned in. Mr. Rosacker agreed, stating that there were eleven items which needed to be addressed with the application that she did not provide.

Mr. Morris moved to lay the case over to allow the applicant time to provide additional information. Mr. Rosacker seconded the motion which carried 7-0.

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<th>26.</th>
<th>C8-18-229 Render Group LLC dba Comfort Care</th>
<th>REQUEST: Approval of a Special Use Permit to allow Large group living in a R1 District</th>
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<td>LOCATION: 2315 South 168th Street</td>
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At the Planning Board meeting held on October 3, 2018, Ms. Jill McMann, 2315 South 168th Street, appeared before the board on behalf of Comfort Care Homes. Ms. McMann stated that the residence provided care for Alzheimer’s patients. She stated that the reason she had requested the case be removed from the Consent Agenda where it was recommended for approval, was because of the requirement to close the north entrance to the U-drive on 168th Street. She stated that the north entrance is directly across from the drive of the Lakeside hospital where there is a stoplight and turn lane. She stated that she believed it would be safer for their visitors, emergency vehicles and patient transports to enter where there is a controlled access at the traffic light. Ms. McMann stated that they would be amenable to closing the south entrance instead.

Mr. Ryan Haas, Public Works Department, stated that in the past 20 to 25 years they have placed access restrictions on the major streets in west Omaha. The development pattern which is in accordance with good practices in traffic engineering is to prohibit direct access from any lot onto the major street, he stated that research is clear that fewer access points leads to fewer accidents. This is one of those cases where the direct access is already there and there is no connection possible to neighborhood streets. In cases like this, when something comes in for approval, it gives the Public Works/Traffic department the ability to do what they can to cut down on the access points onto the street. In making the recommendation, it was anticipated that the south entrance would be made a right-in-right out access point. In response to a question from the Board, Mr. Haas stated that there will be some changes made when the section of 168th Street at this location is widened, but he is uncertain what those changes will be.

Mr. Rosacker asked why it would not be safer to have the access drive across from the hospital where it is controlled by the traffic lights, rather than an uncontrolled access at the south drive. Mr. Haas stated that traffic signals sometimes cause more problems. In this case, there is a lot of traffic on 168th Street, which would be stopped by a few cars everyday trying to cross and triggering the red light. This kind of traffic control on a four way intersection can lead to more accidents than using it as a T-intersection with the north entrance to the facility closed. Mr. Haas stated that if the Board would consider laying the case over, he would be happy to consider options with the applicant and other engineers in the Traffic Department.

Ms. McMann stated that all of the residents are between 80 and 100 years old, so there are times when emergency vehicles have to get into the facility. She stated that most of those vehicles come from the north and that closing that north entrance would make it much more difficult for them to enter and exit. Ms. McMann stated that she would be fine with laying over the request for the Special Use Permit so she could work with Public Works on the access issue.

Mr. Eric Englund, Manager of Current Planning, stated that the removal of the north access is in one of the conditions of approval, as well as needing several other documents. Mr. Englund stated that she could get with him after the meeting or set up a time to meet with the Planning Department to get the issues other
than the access, addressed. He stated that originally the department had recommended approval with conditions, but he believes a layover may be a good idea to allow some more time to get all of the conditions addressed.

Mr. Pate moved to lay the case over to allow the applicant time to meet with City staff regarding site access. Mr. Morris seconded the motion which carried 7-0.

**APPROVAL OF MINUTES**

September 5, 2018 meeting minutes are being amended and will be voted on at the November 7, 2018 Planning Board meeting.

**ADJOURNMENT**

Mr. Moore motioned to adjourn the meeting at 4:30pm. Ms. Karnes seconded the motion which carried 7-0.

______________________________
Date Approved

______________________________
Greg Rosenbaum, Chairman

______________________________
Lisa Agans, Planning Board
Recording Secretary