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

#7 Ms. Bridget Hadley of the Planning Department explained some of the process used in creating the maps and applying the Extremely Blighted Designation. She clarified the process in determining which Omaha areas met the requirements and answered questions from the Board members and staff members at the pre-meeting.

Senator Justin Wayne explained in more detail the terms used in the legislation, the programs which will be available as a result of this designation. Together with Jennifer Taylor of the Law Department, Senator Wayne discussed the requirements for receiving the Homeowner’s Tax Credit associated with this designation. The tax credit will be available for 5 years and is only available on owner-occupied properties. The properties cannot be transferred between family members to continue receiving the tax credit.

#8 Mr. Don Seten, of the Planning Department, explained that this Habitat for Humanity project will develop 12 new single family residences on lots which are all currently vacant. He stated that the total project cost is $2,647,000 and the TIF support requested is $269,500.

#1 & #2 Both of these cases are on the Administrative Only portion of the agenda. Both are final plats which are consistent with the approved preliminary plat and the department recommends approval of both cases.

#3 & #6 Mr. Eric Englund advised that these agenda items are related and have been placed on the Consent Agenda for layover at the request of the applicant.

#4 *Prior to discussion, Ms. Karnes advised that she would recuse herself from this case and left the room at 12:05 p.m.* Mr. Englund advised that the applicant wishes to replat seven lots. The department is supportive of the cul-de-sac length waiver and is satisfied with the tree mitigation plan. He advised that the street will be privately owned and maintained, however it will be built to City standards. This case is on the Consent Agenda for approval. *Ms. Karnes returned to the conference room at 12:10 p.m.*
Mr. Englund advised that since being laid over from October, the applicant and the department have worked with Douglas County and the Public Works department regarding the trail connection. It has been decided that it would be unadvisable to put the trail connection on the applicant's property due to steep slopes and other related issues. Instead, it has been decided that the applicant will be responsible for working with Douglas County and Public Works to install a ramp, signage, and pavement markings for a trail crossing at 159th Avenue. The applicant is in agreement with this condition. The department recommends approval with the conditions listed on the recommendation report.

Mr. Englund stated that this request is on the Consent Agenda for approval. He advised that there are issues with the parking and Public Works has advised that the applicant is out of compliance with a grading permit which will need to be corrected prior to going to City Council.

Mr. Englund stated that the applicant has revised the preliminary plat which was approved by City Council and is now requesting approval of the final plat for the 1st phase which will not include the truck route. Mr. Englund discussed the benefit of replacing the ACI with an NCE with the Board and answered their questions regarding same.

Mr. Englund advised that these rezoning requests were all on the Consent Agenda for approval. They either had already received, or would need to receive, ZBA waivers.

Mr. Englund explained that this request was due to signage changes required following a company name change. He advised that the department was generally supportive of the request, however, there were a couple of waivers which they did not support.

Mr. Englund stated that the department had received a lot of public opposition about this case. Copies of communications were provided to the Board members for their review. He advised that the applicant intends to construct a 15 unit condominium complex. There were several waivers requested, however, Mr. Englund advised that they are similar to other developments in the same area in recent years. In response to questions about the choice of a PUR over rezoning, Mr. Englund stated that the applicant could have requested rezoning to R7 or R8, but that the PUR will lock down a lot of the specifics including materials, lot size, and other things which would not be included in a rezoning, making it a more transparent choice.

Jed Moulton, Planning Department, discussed the variety of architectural designs in the neighborhood, as well as Master Plan and Urban Design requirements. He advised that this location is not within a landmark district and historic preservation is not applicable to this case. Mr. Moulton stated that this neighborhood has historically always been a mixture of single family and multi-family housing of various sizes and styles.

Mr. Englund advised that this Conditional Use Permit will allow Embassy Suites hotel to add a Hertz car rental kiosk and seven parking stalls for the rental cars.

Mr. Englund stated that the Nebraska Methodist Hospital is planning an expansion of their emergency department with this request. They will be expanding from 12 treatment rooms to 20 treatment rooms, and adding another trauma bay.

The Board members and Planning Staff adjourned to the Legislative Chambers to conduct the Planning Board public meeting shortly before 1:09 p.m.
Mr. Greg Rosenbaum, Chairperson, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures. Ms. Karnes advised those in attendance where to find a copy of the Nebraska Open Meetings Act in the Legislative Chambers.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

Subdivisions

<table>
<thead>
<tr>
<th>No.</th>
<th>Request Number</th>
<th>D-LAYOVER</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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</thead>
<tbody>
<tr>
<td>3</td>
<td>C10-19-146</td>
<td>D-LAYOVER</td>
<td>Preliminary and Final Plat approval of SPIRE CLUB AT PACIFIC RESERVE, a minor plat outside the city limits, with waiver to Section 53-8(4d), Lot frontage, along with rezoning from R5 to DR (laid over 10/02/19)</td>
<td>1110, 1116, 1119, 1125 South 206th Circle</td>
</tr>
<tr>
<td></td>
<td>C12-19-147</td>
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<td></td>
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<td></td>
<td>Spire Foundation, LLC</td>
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</table>

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

Mr. Moore moved to layover the request. Ms. Karnes seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>No.</th>
<th>Request Number</th>
<th>D - APPROVAL</th>
<th>REQUEST:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>C10-19-214</td>
<td>D - APPROVAL</td>
<td>Preliminary Plat approval of ESTATES AT LOVELAND, a subdivision inside city limits,</td>
<td></td>
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<tr>
<td></td>
<td>C12-19-215</td>
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</table>
Planning Board Agenda
November 6, 2019
Page 4

Royce Enterprises, Inc.  with a waiver of Section 53-8(2b), Cul-de-sac length, along with rezoning from R2 to R4 (laid over 10/02/19)

LOCATION: Southeast of 87th and Pacific Streets

At the Planning Board meeting held November 6, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from R2 to R4, approval of the waiver to Section 53-8(2b), Cul-de-sac length, and approval of the Preliminary Plat, subject to the following conditions:

1. Revise the plat to include the following:
   a. Include the standard vacation language on the plat.
   b. Place a note on the plat that there shall be no direct access to Pacific Street from any lots or outlots, and no direct access to 87th Street from Outlots A or B.
   c. Place a note on the plat that Lots 1-18 and Outlots A-C are subject to compliance with the approved tree mitigation plan included in the final subdivision agreement.

2. Dedicate ROW along Pacific Street as necessary to accommodate the standard sidewalks.

3. Construct the private street in Outlot C to City standards.

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

5. Construct the sanitary sewer to City standards, and grant a sewer easement to the City.

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

7. Coordinate any grading, construction or vegetation management plans near the overhead power lines with OPPD. Coordinate with OPPD on removal/relocation of equipment if necessary.

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

9. Compliance with an acceptable tree mitigation plan.

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

Mr. Moore seconded the motion which carried 5-0-1 with Ms. Karnes recused.


REQUEST: Preliminary and Final Plat approval of ANTLER VIEW EAST REPLAT 1, a minor plat outside the city limits, with rezoning from R7 and MU to R7 and MU, along with a Major Amendment to the Mixed Use Agreement for Antler View East

LOCATION: Southwest of West Maple Road and Big Elk Parkway

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from R7 and MU to R7 and MU, subject to submittal of an acceptable Major Amendment to the Mixed Use District Development Agreement, including building elevations and landscape/site plan, prior to forwarding this request to the City Council; and approval of the Preliminary Plat, subject to the following conditions:

1. Submittal of a plan to the Public Works Department that describes the steps the applicant will take to bring the site into compliance with the approved Grading Permit and Stormwater Pollution Protection Plan, prior to forwarding this request to City Council.

2. Recording of the Antler View East plat, prior to forwarding this request to City Council.

3. Place a note on the plat that there shall be no direct access to West Maple Road from any lots.

4. Construct sidewalks along all street frontages.
5. Compliance with all applicable stormwater management ordinances and policies.

In addition, Mr. Rosacker moved for approval of the Final Plat, subject to the conditions of Preliminary Plat approval, along with submittal of an acceptable final subdivision agreement, prior to forwarding the plat to the City Council. Mr. Moore seconded the motion which carried 6-0.

**Special Use Permits**

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Status</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>C8-19-158</td>
<td>D-LAYOVER</td>
<td>Approval of a Special Use Permit to allow Outdoor sports and recreation in a DR District (laid over 10/02/19)</td>
<td>1110, 1116, 1119, 1125 South 206th Circle</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

Mr. Moore moved to layover the request. Ms. Karnes seconded the motion which carried 6-0.

**Rezonings**

<table>
<thead>
<tr>
<th>No.</th>
<th>Code</th>
<th>Status</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.</td>
<td>C10-19-234</td>
<td>D-APPROVAL</td>
<td>Rezoning from R4(35) to R4</td>
<td>3916 Miami Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

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

| 12. | C10-19-235 | D-APPROVAL | Rezoning from R5(35) to R5 | 3602, 3604, 3605 Erskine Street |

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

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

| 13. | C10-19-236 | D-APPROVAL | Approval of the MCC-Major Commercial Corridor Overlay District | 7340 and 7348 Blondo Street |

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

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


At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

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

| 15. | C10-19-243 | D-APPROVAL | Approval of the MCC-Major Commercial Corridor Overlay District | 3404 South 119th Street |
At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

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

<table>
<thead>
<tr>
<th>Request Number</th>
<th>Requester</th>
<th>Approval Type</th>
<th>Request Description</th>
<th>Location Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. C10-19-238</td>
<td>Brian Marinus</td>
<td>D-APPROVAL</td>
<td>Rezoning from R2 to R5</td>
<td>Southeast of 189th Street and West Maple Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

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

### Conditional Use Permits

<table>
<thead>
<tr>
<th>Request Number</th>
<th>Requester</th>
<th>Approval Type</th>
<th>Request Description</th>
<th>Location Description</th>
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<tbody>
<tr>
<td>19. C7-19-241</td>
<td>Hertz</td>
<td>D-APPROVAL</td>
<td>Approval of a Conditional Use Permit to allow Auto rentals in the CBD (property is located within an ACI-1 Overlay District)</td>
<td>Northeast and Southeast of 10th and Jackson Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the Conditional Use Permit to allow automotive rentals in a CBD District subject to:

1. Compliance with the submitted site plan
2. Compliance with the submitted operations plan.
3. Compliance with all applicable sign regulations.
4. Compliance with all other applicable regulations.

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

<table>
<thead>
<tr>
<th>Request Number</th>
<th>Requester</th>
<th>Approval Type</th>
<th>Request Description</th>
<th>Location Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. C7-07-073</td>
<td>Joe Turacek</td>
<td>D-APPROVAL</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow Hospital services (general) in the GO District</td>
<td>8303 Dodge Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held November 6, 2019, this request was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the Major Amendment to the Conditional Use Permit to allow Hospital services (general) in the GO District, subject to meeting the following conditions:

1. Obtain a waiver for front yard setback from the Zoning Board of Appeals.
2. Coordinate with Public Works to ensure compatibility between the site improvements with the City's separate 84th Street and Dodge/Indian Hills intersection improvement project.
3. Compliance with all applicable stormwater management ordinances and policies.
4. Compliance with the submitted site plan.
5. Compliance with the submitted operations plan.
6. Compliance with all other applicable regulations.

Mr. Moore seconded the motion which carried 6-0.
ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-19-141
   C12-19-142
   Mark Lampe
   
   REQUEST: Final Plat approval of GOLD MEADOWS
   (Lots 1-16, Outlots A & B), along with
   rezoning from R4(35) to DR, R4, and R5
   
   LOCATION: Northwest of 50th and Bancroft Streets

At the Planning Board meeting held November 6, 2019, Mr. Eric Englund, Acting Assistant Director, explained the details of the request. Mr. Englund stated that the preliminary plat for Gold Meadows was recommended for approval by the Planning Board on August 7, 2019 and was approved by the City Council on October 8, 2019. He advised that the final plat is identical to the approved preliminary plat and will create 16 single family residential lots. He stated that the proposed development is consistent with, and carries out the goals and objectives of, the City's Master Plan. Mr. Englund stated that the department recommends approval subject to the conditions listed in the recommendation report.

Mr. Morris moved for approval of the rezoning from R4(35) to DR, R4, and R5; and approval of the Final Plat, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Moore seconded the motion which carried 6-0.

2. C10-19-120
   C12-19-121
   R.L.R. Investments, LLC
   
   REQUEST: Final Plat approval of R AND L CARRIERS
   ADDITION (Lot 1), a subdivision outside the
   city limits, with rezoning from AG to GI
   
   LOCATION: Northeast of 117th and State Streets

At the Planning Board meeting held November 6, 2019, Mr. Eric Englund, Acting Assistant Director, explained that the preliminary plat for R and L Carriers Addition had been recommended for approval by the Planning Board on July 3, 2019 and was approved by City Council on September 10, 2019. He explained that this was the first phase, including only one lot, for a truck terminal. He stated that the final plat is identical to the approved preliminary plat. Mr. Englund stated that the department recommends approval subject to the conditions listed in the recommendation report.

Ms. Karnes moved for approval of the rezoning from AG to GI and approval of the final plat, subject to removing “Phase 1” from the plat name and submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Morris seconded the motion which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

Conditional Use Permits

5. C7-05-216
   Stone Bridge Christian Church
   
   REQUEST: Approval of a Major Amendment to the
   Conditional Use Permit to allow Religious
   assembly in the R4 District, with a waiver of
   Section 55-186, Height, to allow a 37 foot tall
   building (laid over 10/02/19)
At the Planning Board meeting held November 6, 2019, Mr. Kyle Haase of E & A Consulting, 10909 Mill Valley Road, Mr. Kyle Haase of E & A Consulting Group, 10909 Mill Valley Road, appeared before the Board on behalf of the applicant. Mr. Haase explained the purpose of the Major Amendment was to allow for an expansion to the Church, which will provide a new assembly area and convert the old assembly area into a space to be utilized for programming for children and teens in the congregation. Mr. Haase provided a diagram showing the proposed expansion.

Mr. Haase stated that since the October 2, 2019 Planning Board meeting, the applicant had worked closely with members of the City of Omaha Parks and Planning departments to come up with an agreeable plan for the trail connection which was the cause of the layover at the October meeting. He described the agreed upon plan and showed a diagram for the Board and assembled citizens. He stated that the trail connection from 159th Avenue to Taylor Street will be put in at the traffic signal at 159th Avenue. Mr. Haase stated that the proposed connection, and all other conditions of approval, are acceptable to the applicant.

Mr. Rosacker commended the applicant for working with City departments to find an acceptable resolution for the trail that would be in the best interests of everyone, including the citizens who use the trail system in the City.

Mr. Eric Englund, Acting Assistant Manager, stated that the department was pleased with the compromise which had been reached on the trail connection. He advised that several factors contributed to the decision, including the steep grade and terrain at the location previously proposed for the trail connection. He stated that the Public Works, Parks, and Planning Departments are all in agreement with the decision regarding the connection at 159th Avenue.

Mr. Englund stated that a traffic study had been submitted and the applicant would be required to comply with all provisions of the approved traffic study. He also explained that department was supportive of the request for a waiver of height, which is not unusual, for civic developments in residential districts.

Mr. Englund stated that the department recommended approval subject to the conditions listed in the recommendation report.

Mr. Morris moved for approval of the waiver of Section 55-186, Height to allow a 37 foot tall building and approval of a Major Amendment to a Conditional Use Permit to allow Religious Assembly in a R4-Single Family Residential District (High Density), subject to the following conditions:

1. Submittal of an acceptable final traffic study. Provide for all identified improvements prior to issuance of a building permit or submit a Certificate of Occupancy (CO) Hold Letter accompanied by an acceptable letter of credit.
2. Coordinate with the Douglas County Engineer’s Office regarding the trail crossing at 159th Avenue including painted markings, the ramp, and appropriate signage.
3. Coordinate with Public Works regarding signage along 159th Avenue and Taylor Street for the trail.
4. Compliance with the submitted site plan.
5. Compliance with the submitted building elevations.
6. Compliance with the submitted operating statement
7. Compliance with all applicable stormwater management ordinances and policies.
8. Compliance with all other applicable regulations.

Ms. Franklin seconded the motion which carried 6-0.
(REGULAR AGENDA)

Master Plan Referrals

<table>
<thead>
<tr>
<th>7.</th>
<th>C3-19-230 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the Extremely Blighted Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOCATION: Area bound by Interstate 680 on the north, Harrison Street on the south, 72nd Street on the west, and the Missouri River on the east</td>
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</tbody>
</table>

At the Planning Board meeting held November 6, 2019, Ms. Bridget Hadley of the Planning Department, explained some of the definitions and clarified some of the language in the new designation. Ms. Hadley stated that the Extremely Blighted designation came about as a result of LB86 which was recently passed by the Nebraska State legislature. She explained that in Omaha, the blighted and substandard areas are also designated as Community Redevelopment Areas (CRA). Ms. Hadley then explained that to meet the new designation of Extremely Blighted, the area must be a substandard and blighted area, in which the unemployment is at least 200% of the average rate of unemployment in the state during the same period AND the average poverty rate in the area exceeds 20% for the total federal census tract(s), census block group, or block groups in the area. She shared a map of the overall area showing those areas designated as CRA’s and explained that in determining which areas qualified as Extremely Blighted, the department began by identifying which areas were CRA’s, which meant they met the first portion of the requirements for the designation. Ms. Hadley then explained the various maps which were included in the packet showing the areas affected by this designation. Once determining the location of the CRA's in Omaha, the department then went about determining which areas met the unemployment and poverty level requirements for the designation. Maps showing the areas determined to fit the criteria for the Extremely Blighted designation were provided with the packet, which was also available at the Planning Department website for public viewing.

Senator Justin Wayne, 8937 North 56th Avenue Circle, appeared before the Board in support of the request. Senator Wayne stated that he represents Legislative District 13, which includes North Omaha and Northeast Douglas County in the Nebraska State Legislature. He explained that the designation was intended to encourage homeownership and development of affordable housing in some of the hardest hit areas of the state. Senator Wayne stated that he would briefly discuss only two of the provisions of LB86 and be available to answer questions from the Board. He advised that the first important provision would, in the 2020 tax year, provide an income tax credit for any individual who purchases a residence inside an area designated as an extremely blighted area. Secondly, the legislation would provide funding preference for grants and loans under the Affordable Housing Trust fund for affordable housing projects in areas which are designated as extremely blighted. Senator Wayne stated that he believed it was critical to have this designation approved right away so that it could be implemented at the beginning of the 2020 tax year in order to achieve the maximum benefit.

In response to questions from the Board, Senator Wayne stated that the tax credit is a one-time credit and that the home must be the primary residence for the person claiming the tax credit, which means a person could only apply for the tax credit on one property at any one time. He stated that the current legislation would be in effect for five years, with the possibility of it being extended if this “test” is successful.

Ms. Hadley advised that there is no sunset on the designation at this time. She advised that when new census data becomes available there could potentially be additional areas designated based on that information, however, she stated that they would have to confer with the Law department to determine exactly what that would look like. In addition, Ms. Hadley stated that at the end of the five years, if it appears that people are not taking advantage of the tax credit, it may be allowed to end at that time or, if it is successful in reaching the goals of the program it could be extended at that time.
Senator Wayne stated that the tax credit is a “hard” $5000, it is not a percentage of income. In addition, he stated that it is a non-refundable tax credit, meaning it will reduce your taxable income but won’t increase your tax refund by $5000.

Ms. Pamela Duncan, 6302 Taylor Circle, appeared before the Board stating that she is not really an opponent, she wished to have some clarification as to how an area is determined to be Extremely Blighted. She also was curious about whether Census data including income was used at all in the decision making. Ms. Bridget Hadley of the Planning department reiterated the points of her introduction, including explaining the process through which the department had determined which areas of the city met the conditions for the designation. Ms. Hadley explained that the overall condition of the area including buildings and infrastructure, unemployment numbers, and per capita income of the area were the main drivers of the designation, much of which had come from Census data. Ms. Duncan stated she was concerned about the entire area between 60th and 66th Streets around Ames Street and wanted to know why the entire area was not included in the designation. Ms. Hadley explained how to find the designation maps and the outline of the program designation as well as the process for designating an area as a Community Redevelopment Area.

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

Ms. Karnes moved for approval. Mr. Rosacker seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>8.</th>
<th>C3-19-209 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST:</th>
<th>Approval of the LAIRD STREET HABITAT REDEVELOPMENT PROJECT 6 TIF Redevelopment Project Plan</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION: Area bound by 16th Street to the east, 23rd Street to the west, Sahler Street to the north, and Pratt Street to the south</td>
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</tbody>
</table>

At the Planning Board meeting held November 6, 2019, Mr. Don Seten of the Planning Department, explained the details of the proposed project. Mr. Seten provided a map of the area to show where the location was oriented in the area. He advised that Habitat for Humanity was the developer and they had been very active in the community and in that area in particular. Mr. Seten stated that twelve new, single family homes would be constructed on currently vacant sites, he advised that some dilapidated structures had been removed from the sites to make them ready. He advised that the total project cost was $2,600,000 and they are requesting $269,500. Mr. Seten advised that the project meets the requirements of the TIF program, is an appropriate land use for the area, and complies with the city’s Master Plan.

Mr. Al Siemek, CFO of Habitat for Humanity, 1701 North 24th Street, advised that he was present to answer questions from the Board on behalf of the developer.

No one appeared in opposition.

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

Mr. Moore moved for approval. Ms. Franklin seconded the motion which carried 6-0.

**Subdivisions**

| 10. | C10-19-092 C12-19-093 Paul Smith | REQUEST: Revised Preliminary and Final Plat approval of MILLWORK COMMONS (Lots 1-7), a subdivision inside the city limits, with |
rezoning from CBD and HI to CBD and HI, with repeal of the ACI-1 Overlay District, along with approval of the NCE Overlay District

LOCATION: Northeast of 14th and Nicholas Streets

At the Planning Board meeting held on November 6, 2019, Ms. Katie Underwood of Olsson Associates, 2111 South 67th Street, appeared before the Board on behalf of the applicant. Ms. Underwood stated that Luke Weatherly of Olsson Associates and Jen Ratner of Dvorak Law were also available at the meeting to answer questions from the Board if necessary. She advised that the applicant had appeared at the June 5, 2019 Planning Board meeting for approval of the preliminary plat. She stated that there have been some changes and she was present at the November meeting to discuss the revised preliminary plat as well as the final plat for the first phase of the project and the rezoning.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the applicant was requesting approval of a revised preliminary plat as well as approval of the final plat for phase one of the project which included seven platted lots on approximately 23 acres. In addition, the applicant was asking to replace the ACI-1 Overlay with a NCE Overlay along with a change in the zoning. He advised that some of the department’s conditions mention modifications to the NCE which will line it up better with the overall plan for the project. Mr. Englund stated that the department recommends approval subject to the conditions in the recommendation report.

Mr. Morris moved for approval of the rezoning from CBD and HI to CBD and HI, repeal of the existing ACI-1 Overlay District, approval of the NCE Overlay District subject to submittal of an acceptable final NCE District Plan prior to forwarding to City Council, and approval of the Revised Preliminary Plat, subject to the following conditions:

1. Provide for all improvements identified in the final traffic impact study.
2. Coordinate with Public Works on acceptable right-of-way widths relative to the three sewer lines within the proposed Millwork Avenue right-of-way.
4. Coordinate with Public Works on an acceptable sanitary sewer design. Any lift stations must be maintained privately and addressed as a part of the subdivision agreement.
5. Submit the 30 percent design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.
6. Grant easements in all rights-of-way proposed for vacation.
7. Contact OPPD to coordinate the grading, construction, and/or vegetation management plans near the transmission line and on the relocation/removal of all distribution equipment as necessary.
8. Provide sidewalks along all street frontages as required by Section 53-9(9) and/or Section 55-924 of the Omaha Municipal Code.
9. Compliance with all stormwater management ordinances and policies.

In addition, Mr. Morris moved for approval of the Final Plat of Lots 1-7, subject to the conditions of the Revised Preliminary Plat and submittal of an acceptable final subdivision agreement prior to forwarding to City Council. Mr. Rosacker seconded the motion which carried 6-0.

### Overlay Districts

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<tr>
<th>#</th>
<th>Code</th>
<th>REQUEST</th>
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<tr>
<td>17</td>
<td>C11-84-261a Design8 Studios</td>
<td>Approval of a Major Amendment to the PUD-Planned Unit Development Overlay District to revise the approved signage</td>
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At the Planning Board meeting held November 6, 2019, Mr. Joe Proctor of Design8 Studios, 5801 North 90th Street, appeared before the Board on behalf of the applicant. Mr. Proctor stated that the location was previously known as Skyline Manor and has changed the name to the Keystone Senior Community. He advised that the request is to change the signage due to the name change. Mr. Proctor stated that the current signage on the site has been out of code for several years from what he understands and this amendment will also allow them to bring it up to code. He advised that the last time the PUD was amended was in 1984. He stated that when he attempted to obtain permits he was told that the signage was not in compliance and the needed to amend the PUD to allow the signage they need and to bring it all into compliance with city codes.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, advised that the request will require a number of waivers. The applicant will require a waiver to the overall sign budget which will allow an increase from the 80 square feet currently allowed to 291 square feet. In addition, they will need a waiver to increase the maximum square footage of three wall signs. Mr. Englund stated that the site plan shows two monument signs, one of which is existing currently on the site. He advised that the existing monument sign is in the right-of-way and will need either the appropriate encroachment permit from the State of Nebraska or the appropriate right-of-way lease from Public Works. Mr. Englund advised that the other monument sign, the new one, is proposed to be in the right-of-way, and Planning staff is not supportive of that request. He stated that the staff is requesting a revised site plan showing that sign on the property to comply with zoning setbacks.

Mr. Englund advised that the department recommends approval subject to the conditions listed in the recommendation report.

Mr. Rosacker moved for approval of the Major Amendment to a PUD, subject to:
1. Approval of the necessary signage waivers from the Zoning Board of Appeals prior to forwarding to City Council.
2. Coordinate with the State of Nebraska for an encroachment permit or with the City for a lease agreement for the existing monument sign, Sign #5, located within the Right of Way.
3. Submittal and compliance with a revised site plan for Sign #1 showing compliance with sign setbacks prior to forwarding to City Council.
4. Compliance with all other applicable regulations.

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

18. C11-19-240 Noddle Homes
REQUEST: Approval of a PUR-Planned Unit Redevelopment Overlay District
LOCATION: 501 South 38th Street

At the Planning Board meeting held on November 6, 2029, the applicant, Mr. Jay Noddle of Noddle Homes, 2285 South 67th Street, appeared before the Board to provide details about the request. Mr. Noddle stated that he had a particular interest in the eastern half of the city.

Mr. Noddle stated that he is the chairperson of the city’s Urban Core Committee, which is comprised of landowners, employers, business and civic leaders, as well as representatives of the Chamber of Commerce and the City of Omaha. He advised that the focus of the Urban Core Committee has been to determine what we can do to improve life in all aspects in the core of the city. Mr. Noddle advised that through various projects, initiatives, and studies which have been done over the years about how Omaha compares to peer communities such as Denver, Kansas City, and Minneapolis, the committee has
learned that as the core of the city goes, in large part, goes the rest of the region. He advised that they have identified some of the core aspects which go into an inviting city core, which are vibrancy, safety, employment opportunities, job growth, housing, transportation, parks, and amenities such as food stores. Mr. Noddle stated that those qualities will grow throughout the community as they develop in the core of the city. He stated that is work on this civic committee is what initially sparked his interest in the eastern portion of Omaha and it is his hope that this project will get things started by showing developers, property owners and others in the city just what can be done to improve the core in a well thought out, thorough and meaningful way. Mr. Noddle stated that, as a company, they had spent quite a lot of time looking at peer communities, including going to those cities and walking their streets to get a feel at a pedestrian level to walk through a neighborhood similar to Omaha’s Gold Coast or Blackstone neighborhood. He stated that they wanted to know how it looked and felt when there were different kinds of projects, different types of architecture, different scales, a blend of new and historic, and how those ideas could be carried to Omaha’s core.

Mr. Noddle stated that when this property was offered to his company he felt that it was well located for a project of this kind and is not a historical property. In this case, Mr. Noddle stated that his company sees an opportunity to develop 15 condominium units. Mr. Noddle stated that he understands the neighbor to the south of the property believes he may have a case for adverse possession of a portion of the project site, however, nothing has been determined legally at the time of the meeting and he does not believe that it is an issue for consideration of this board. He advised that he does not believe the neighbor’s case will affect the viability of the project though it may affect the amount they will pay for the land.

Mr. Noddle stated that when they had spoken with the Planning staff about the project, there were a couple of different options available to them with regards to the zoning, such as rezoning to R7, but the department recommended the PUR-Planned Unit Redevelopment tool, which was created for projects such as this one which does not necessarily fit in to any one category. He advised that the PUR overlay gives the city more input into the project which was in line with the Noddle company policy over the decades to be very inclusive and collaborative with the City as well as with the neighbors. He advised that to that end, whatever area of the city they have worked in they have done what they could to put their best foot forward by sending emails, making phone calls, offering to sit down with property owners and neighborhood associations; however, if people do not respond or are unwilling to be reasonable and collaborative, it makes collaboration difficult.

Mr. Noddle advised that some Nebraska Senators have been working to reform some of the condominium statutes and requirements in the state of Nebraska so that condominium development can be opened up and made less difficult for anyone to develop condominiums in Nebraska. He stated that he is hopeful that this legislation will take place at the beginning of next year and that it will open the doors to more condominium development which will give potential homeowners more opportunities for investment in more locations throughout the city.

Mr. Noddle stated that the design, from the beginning, has exceeded requirements for parking by including one parking stall per bedroom, all of which will be under the building for owners and residents. He clarified that they anticipate the owners will be the residents as this is not the kind of development a person would buy and then rent out units. He stated that the scale of the project is a good fit for the neighborhood and they have been very diligent in the architectural design and the materials. Mr. Noddle stated that in his experience when a developer tries to mimic a historic building it does not work out well, it is either not affordable, not aesthetically pleasing, or people just don’t like it; in short, it is not possible to copy the past.

Mr. Noddle stated that several design changes have been made as a result of input obtained through meetings with the adjacent property owners and neighborhood associations. He stated that some of the changes included softening the colors, changed some of the materials, added primary materials on the west and north faces, and approximately 2,000 square feet of brick has been added to the building. He
stated that mullions have been added to the window design in order to make the windows appear more attractive. Additionally, Mr. Noddle stated that the design has been softened at the pedestrian level and the decision has been made to add public art to the site. He stated that they intend to get a small group together to help determine what type of art would be appropriate and then ask for proposals from some artists. Mr. Noddle stated that the developer would be covering the entire cost of the art when it is created and installed.

Mr. Noddle stated that he was hoping that the Board would approve the request today so that they could get before the City Council soon. He stated that during the process, he is also willing to continue to meet with the neighbors to get their input. Mr. Noddle stressed, however, that they are not going to completely change the design of the project. He stated that they have a good design which they believe is appropriate for a 15 unit, condominium building in which the units will be priced at approximately $400,000, and they are not willing to change the fundamentals of the project. He advised that the site does not have an historic designation, nor do many of the residences in the neighborhood. He stated that there are a few important structures in the neighborhood; however, there is also quite a mixture of architecture. Mr. Noddle pointed out that in the neighborhood, most of the structures were built in the 1960’s or later, there are a few which were built around the early 1900’s, several apartment buildings, university facilities, care facilities for people with different types of challenges, and all are currently coexisting in the one neighborhood within a few blocks of each other.

In closing, Mr. Noddle stated that when aspirational peer cities, such as Kansas City, Minneapolis, and Denver, are studied it has been found that in neighborhoods like this one, near large employers, there is always an eclectic mix of development which draws people in. He stated that this mix provides opportunities for people to live in and enjoy neighborhoods, such as this one, for decades to come.

Mr. Scott Dobbe of Omaha by Design, 618 North 11th Street, appeared before the Board in support of the project. Mr. Dobbe stated that he had spoken with several people from the neighborhood who had reached out to him as well as speaking with the development team. He advised that everyone agrees that the Gold Coast and Blackstone neighborhoods are special and do have some spectacular historic homes. Mr. Dobbe stated that he has walked through the neighborhood and found quite a mix of architecture and designs. He advised that there are homes which were built between 1890 and 1910 and are spectacular examples of that era of design. In addition, Mr. Dobbe went to the Douglas County Assessor’s website and looked up the construction dates of structures within a one block area of the proposed development and found a blend of structures built between the 1890’s to 2000’s with only the 1930’s not being represented in that neighborhood. He reminded the Board that in order to be considered “historic” the structure needs to be 50 years old or more and in this neighborhood the Danish Brotherhood building which was built in 1966 is on the National Historic Register. He stated that he wanted to remind the Board of this because people forget that historic homes are not just the ones built in the 1800’s and that an eclectic mix of architectural designs are present in this neighborhood.

Mr. Dobbe stated that Omaha by Design is in favor of this project for a number of reasons. First he stated that it adds walkability to schools, parks, and businesses including several locally owned businesses. In addition, it provides an appropriate level of density, and he pointed out that the 15 units in this development is less than the number in some of the other buildings in the neighborhood. Mr. Dobbe advised that the addition of 15 units supports the current and future goals of the City particularly along the new transit corridor. The new development will provide homeownership options to bring people to the area who will be socially and financially invested in the neighborhood. Finally, Mr. Dobbe stated that the development will also support the local tax base while making good use of existing infrastructure.

Mr. Dobbe stated that the biggest question or concern seems to be a stylistic one, which he said is where there is a need to differentiate between personal style preferences and the underlying design quality of the project. He advised that they are supportive of the development because it is a high quality design, utilizing high quality materials with well thought out public areas such as a green roof and well thought out
Mr. Dobbe believes that all of these factors will make this development an asset to the neighborhood while being true to its own time and place.

Mr. Rosenbaum, Planning Board Chairman, called for any opponents to come forward and speak. Before opening the floor to speakers, Mr. Rosenbaum advised that the Board had received and read the resolution sent from the Blackstone Neighborhood Association as well as several other letters and emails which addressed several areas of concerns including: style, density, height, setbacks, placement, materials, variances, parking, and integrity. He requested that speakers please not repeat what had already been addressed through those documents submitted to the Board prior to the meeting in order to keep things moving forward and to allow for everyone to speak.

Mr. Mark (last name unintelligible), 555 North 34th Street, appeared before the Board in opposition. Mark stated that he feels that most of the development in the general area has been unaffordable for working class people, such as himself, in Omaha, but he does not see anything wrong with the design aspect and feels that it is a good addition to the neighborhood. He pointed to a recent development in this area in which an existing apartment building was gutted and redeveloped and the rent went from $700 to nearly $2,000 in the new building. One block east of this development there was another building torn down to make room for more high end development. Mark stated that while he was listening to the previous speakers, he found it interesting when Mr. Noddle stated that “so goes the center of the city, so goes the region” because he feels that all of the development currently happening in the city is being developed exclusively for affluent residents. He stated that he goes to every City Council meeting and listens to all the plats as well as neighborhood meetings throughout the city to hear from various developers. Mark stated that entire new neighborhoods are being built which will have hundreds or thousands of residents, and none of those will be accessible to the working class citizens of Omaha. When he asks at City Council or neighborhood meetings, “where are the working class people going to live”, the developers explain that after a few years the rents will come down as the buildings get older and then they will be more accessible. He is concerned that developers in Omaha are creating homes which will be inaccessible to a large portion of the population of the city until the buildings deteriorate to the point that they can no longer demand high rent.

Ms. Rhonda Stuberg, 3708 Farnam Street, appeared before the Board in opposition stating that she was the President of the Blackstone Neighborhood Association. Ms. Stuberg stated that there was a series of events which occurred before getting to the meeting beginning with being contacted by Todd Swirczek of Noddle Development to schedule a meeting with the neighborhood association and other neighborhood residents to discuss plans to build a condominium building on the property at 501 South 38th Street. Ms. Stuberg stated that they were pleased to hear about the development because they want to have some of the areas filled in with condos, apartments, and townhouses. She advised that she did tell Mr. Swirczek that the people in the neighborhood were very invested in the historical nature of the area and especially of that intersection of 38th Street and Dewey Avenue and want to preserve it the way it is now. She advised that areas such as this neighborhood are attractions to people who come to the city to visit and to live. Ms. Stuberg stated that she told Mr. Swirczek that he would be asked whether the development would be a classical style which would fit in with the neighborhood, and would it be of a size which would not tower over adjacent homes. She stated that she told him that if he could show them that this was their plan, they would applaud him and welcome the development into their neighborhood. Ms. Stuberg stated that they were very disappointed to see the “ultra-modern” design and the intrusive height of the proposed project which was presented at the neighborhood meeting and afterward, they sent a number of drawings and photos of the type and style of structure they would find acceptable in the neighborhood and advised the applicant to look those over and come up with a new plan which would conform to code, not require a number of variances, and would look like what the residents desired. Ms. Stuberg stated that when the applicant returned for a second meeting, the neighborhood was not pleased that there were not, in their opinion, significant changes to the original plan and voted unanimously against the proposed project. Ms. Stuberg then read the Resolution which had been sent to the Board prior to the meeting.
Mr. Rosenbaum, Planning Board Chair, stated that he had driven around the neighborhood and noticed a number of structures which were not historic in nature and which were taller than surrounding homes, he inquired about Ms. Stuberg’s opinion on those structures. Ms. Stuberg stated that the buildings throughout the neighborhood have been there for a long time and she believes they are ok, but she is concerned by the increased development in the area. She stated that she and her neighbors are interested in keeping the historical nature of the Blackstone and Gold Coast neighborhoods intact and feel they have no way to stop the development of buildings they do not believe belong in their neighborhood.

In response to questions from the Board, Ms. Stuberg stated that the home which is currently on the site of the proposed project has been owned for years by a person who has been renting it out and that the home and grounds have not been well maintained. She stated that when the home came up for sale the cost was higher than anyone wanted to pay for it, though some neighbors had considered acquiring the property. Ms. Stuberg stated that the developer “swooped in” and bought the property before the neighbors even knew it was for sale. She stated that she felt that the people in the neighborhood who had invested a lot of money into their properties should have more of a say in development in the neighborhood. Mr. Rosenbaum asked whether Ms. Stuberg was satisfied with the apartment building at 3625 Dewey Avenue which had a similarly modern design. Ms. Stuberg stated that she felt the style and materials fit in better with the neighborhood. Ms. Franklin asked Ms. Stuberg if she had any ideas of actions the neighborhood association would have taken had they known the property was for sale. Ms. Stuberg stated that the owner was asking too much for the property for them to consider purchasing it.

Ms. Etta Bice (?), 122 South 39th Street, appeared before the Board in opposition. Ms. Bice stated that she had lived at that address for 2 ½ years. Ms. Bice stated that she is concerned about adding enough parking for 15 more units since the parking garage will only have enough stalls for the tenants and their guests will have to park in the street. She stated that the neighborhood already has a shortage of parking and this development will only make it worse.

Mr. Curt Snodgrass, 632 South 38th Street, appeared before the Board in opposition. Mr. Snodgrass stated that he is the Treasurer of the Blackstone Neighborhood Association and that he is opposed to the proposed development. He stated that he took issue with Mr. Noddle stating that the people in the neighborhood would not work with him on the design of the building. He stated that the neighborhood members were willing to work with him, but he would not decrease the size of the building, or the location of the building on the site, which was Mr. Snodgrass’ biggest concern. Mr. Snodgrass stated that the location is not appropriate for the ACI-1 Overlay because it is completely residential area. He stated that any development should have a yard similar to those already in the neighborhood. He advised that he understood there may not be anyone interested in building another single family home on that site, but he also believes something more appropriate can be put there.

Mr. Steve Ranum of Croker, Huck Law Firm, 2120 South 72nd Street, appeared before the Board in opposition on behalf of his client Mr. Ronald Banse of 507 South 38th Street. Mr. Ranum stated that he and his client believe they have a case for adverse possession of a 16 foot section of the property at 501 South 38th Street and that when this is granted by a court, it will change the representation of the lot lines shown in the project site plan and decrease the lot size by 16 feet. He stated that the surveyed lot lines as presented in the site plan shows the lot line adjacent to the Banse’s driveway. Mr. Ranum stated that his client had installed a fence on their property which encloses approximately 15 feet of what is shown to be part of the 501 South 38th Street property as well as planting trees and placing a sandbox that same area over 20 years ago when they acquired their property. Mr. Snodgrass presented several photos showing the area in question from various viewpoints. He stated that since moving to this property in 1984, Mr. Banse has maintained this strip of land as part of his property. Mr. Ranum stated that since his client has maintained that property for over 15 years, they believe that their client owns this property through adverse possession and have filed suit accordingly.
Mr. Rosenbaum, Planning Board Chair, advised Mr. Ranum that the Planning Board is not responsible for making decisions on this type of issue and cannot take into account any unresolved court case. He stated that as far as the Planning Board hearing, this issue is not relevant as they have to concern themselves with the existing property lines. Mr. Rosenbaum clarified that until told differently by a judge or other court official, the issue of adverse possession is not a part of what they would be voting on at the Planning Board.

Mr. Ranum stated that he believes the issue of adverse possession should be considered because, in his opinion, according to the statute his client already owns the portion of the property in question. He stated that the court case will only be to confirm this and make it legal. He stated that it is relevant to this case because the site plans and requested waivers are relying on the size of the site, which will change once the court case has concluded.

Mr. Nathan Zingg, 126 North 38th Street, appeared before the Board in opposition. Mr. Zingg stated that he chose to purchase his home on 38th Street four years ago because the streetscape and architecture in that neighborhood make it a very special street. He stated that he does not dig the style. He stated while he is supportive of development which is happening on Farnam and on Dodge, this is not the right building for this neighborhood.

Mr. Mark Maser, 500 South 38th Street, appeared before the Board in opposition. Mr. Maser stated that he has lived in the neighborhood for a total of 30 years, the past 10 years at his current address. He stated that he has been a member of the Blackstone Neighborhood Association Board in various capacities, since it was created 25 years ago. He advised that while he is excited about the many improvements to the Blackstone Neighborhood, he cannot support the current development. In particular, he takes issue to the proposed setback waivers as it will be much different from the rest of the residences in the neighborhood and he presented a copy of the neighborhood flier showing the setbacks currently in the neighborhood. Mr. Maser stated that in his years as a Board member he has had the opportunity to meet with several developers, some of which had come to the Board before drawings had even been made in order to discuss issues and concerns regarding ideas they had for their project. He advised that as a result of these collaborations, the neighborhood association has rarely had issue with projects and have never had reason to compel them to write a resolution in opposition of a project until this one. Mr. Maser stated that knowing of the reputation of the Noddle Company and their transformational work within the city, he was disappointed with, what he felt was, the lack of regard for the investment of neighbors and their concerns about this project.

Mr. Maser stated that in response to the question Mr. Rosenbaum had asked of Ms. Stuberg regarding the building at 3625 Dewey Avenue, the developer had come to the neighborhood association and spoke with them while it was still in the planning stages. He stated that the neighbors had found their idea to be austere, and following input from them, the developer went through two revisions to come up with the structure which was finally built. In response to Ms. Franklin’s question to Ms. Stuberg, Mr. Maser stated that the association had discussed raising the money to purchase the property as an association or as a consortium of neighbors and that they are still interested in doing so if the property owner would sell to them, to perhaps create a park. Mr. Maser then read a statement from his family and the neighborhood association advising they were not against development in the neighborhood, but they opposed this particular project for the reasons he had already discussed at the meeting. Mr. Maser encouraged Mr. Noddle to meet with the neighborhood residents to find common ground before moving this project forward against their wishes.

Ms. Diane Hughes, 3620 Pacific Street, appeared before the Board in opposition. Ms. Hughes stated that she lived on 38th Street one block away from the proposed development in the Blackstone neighborhood prior to moving to her current location on Pacific Street. Ms. Hughes stated that while living in the neighborhood she, and others, noticed an increase in parking problems, traffic, and noise. She advised
that a decibel meter in her window had measured the noise on 38th Street at up to 70 decibels, which is equal to freeway noise, far above the acceptable level of 40 to 50 decibels in residential neighborhoods. Additionally, Ms. Hughes advised that parking on the street is almost impossible due to the number of cars already in the neighborhood and she believes that the addition of 15 condominium units will only make the parking situation worse. She stated that these concerns were in addition to the “obvious” incongruence of the proposed building to the rest of the neighborhood and she questions whether this type of development is even necessary in the city as a real estate agent had told her that there are currently 10 properties, half of which are in Midtown, similar to this one on the market and that the average time spent listed is 90 days which is profound in a seller’s market. Ms. Hughes felt that there is more of a need for affordable housing in Omaha.

Mr. Bob Perrin, 1101 South 36th Street, appeared before the Board in opposition. Mr. Perrin stated that he was an architect and had done quite a lot of restoration work in his career and that he had always worked to insure that when he left a property no one could ever tell he had been there. Mr. Perrin stated that he also was certain the adverse possession case would be approved and he felt this request should be laid over until such time as the court case had been adjudicated. He stated that the other apartment complexes in the neighborhood were built before anyone knew anything about the historic value of the neighborhood and about protecting those neighborhoods. Mr. Perrin stated that a structure such as the one proposed by the applicant would destroy the neighborhood and be like a “stake to the heart” of the neighbors. He stated that the neighborhood would be happy to see new homebuyers in the area, however, this proposal violates all of the zoning codes currently in place such as height and setbacks. In his opinion, the applicant could decrease the number of units and bring the height down some in order to be a better fit for the neighborhood and to not require so many waivers or variances.

Mr. Jim Farho, 3722 Dewey Avenue, appeared before the Board in opposition. He stated that he lives directly across Dewey Avenue to the north from the proposed site and a person standing on a balcony of the new building could look down into his back yard if the current design is approved. Mr. Farho stated that he had lived at his home for 17 years, had invested quite a bit of money in the property and that his family is very engaged in the Blackstone neighborhood and the surrounding businesses. Mr. Farho stated that he appreciated the investment Noddle Companies had made in areas all around Omaha, but he expected more from them with regards to this proposal. Mr. Farho stated that when he and his wife first met with Todd Sczwirek, they were pleased to learn that it was not going to be apartments built on the site, however, after looking at the design he feels that it looks no different from the apartment building at 3625 Dewey Avenue but with larger units.

Mr. Farho stated that he had known Dr. Severa, the owner of the property at 501 South 38th Street, who recently passed away. He stated that he knew Dr. Severa wanted to have condominiums built on the property, but he had thought six would be a good number, which Mr. Farho believed was too many as well. He advised that at the time of the meeting, Noddle Companies did not own the property, though they hope to own it if they get approval from the Board for the project. Mr. Farho stated that while he had hoped that Noddle Homes would do a good project at the location, but feels that another developer would be more willing to “do it right”.

Mr. Rosenbaum closed the public meeting and recalled Mr. Jay Noddle to respond to the questions and concerns of the neighbors and the Board.

Mr. Noddle stated that while his company does have a contract to purchase the property, a survey and a title commitment. With regard to the claim of adverse possession, he stated that if the court ruled in favor of the adverse possession claim, he would likely not buy the property. Mr. Rosenbaum re-stated his earlier point that the Planning Board has no responsibility for determining what might happen with regards to an adverse possession litigation. Mr. Noddle agreed.
With respect to the zoning, Mr. Noddle pointed out that the PUR-Planned Unit Redevelopment, is designed to prevent a developer from having to request variances and waivers because the Planning Department staff have created this mechanism whereby things which otherwise may not be possible, can be done. Mr. Noddle stated that if they had chosen to apply for R7 zoning, rather than the PUR, there would be less required collaboration between Noddle Homes and the City. However, the Planning staff suggested the PUR because it fit and it was created specifically for projects such as the one he is proposing. He stated that the parking issue was also a part of the PUR and pointed out that his company had a long history of exceeding parking requirements in their projects whether they are office, mixed use, residential, urban or suburban. The parking at this project will exceed requirements and will likely exceed the onsite parking availability of most other projects in the area. He also stated that they will be providing bicycle parking at the location. Mr. Noddle stated that the maple trees which are currently on site are not doing well and will be replaced with tulip trees which are similar to the ones across the street at Mr. Maser’s home.

Mr. Noddle stated that at the meeting with the Blackstone Neighborhood Association on September 24, his staff was present to listen to the people in attendance. After the meeting and considering the concerns discussed at the meeting, they changed some of the design by adding 2,000 square feet of brick, lightened the color of the board material, added window mullions, removed glass balconies and replaced them with wood railings, reduced and lowered signage to now include only the address, added more landscaping including on the west side where public art will be installed, acorn lights and street benches were added, the size of the concrete retaining wall was lowered, and the garage doors were changed to a wood door. Mr. Noddle stated that they believe the scale of the project is good and that the building is only 7 feet taller than the adjacent home.

Mr. Noddle stated that he believes that in order to bring more jobs and diversity to the center of the city, these kind of developments are going to be necessary. With regard to the question of affordability, Mr. Noddle stated that he is aware of some affordable housing options being studied, but he is not at liberty to go into details about those projects. He stated that, in his opinion, the question before the Board is whether they are in favor of this style of development for homeownership taking place in this area of the city or are they not. He stated that, upon approval by the Board, he and his staff would continue to have conversations with the neighbors and the neighborhood association and he is confident that if people are being reasonable they will be able to find an aesthetic compromise. Mr. Noddle acknowledged that some of the neighborhood residents had provided him with images of styles they prefer and that they are at the extreme opposite end of where the current design is. He stated that they are not going to change the design so much that it is no longer a project they want to be involved in building. He advised that they will continue to work with people and when the project gets to the City Council, if they believe it is a good project and is appropriate for the area, the Council will approve it, if they don’t believe it is appropriate they won’t.

Mr. Rosenbaum stated that if the applicant is going to continue to work with the neighbors on possible design changes, the Board would rather be voting on something they know, rather than voting at the meeting and then elements changing which would have to be brought back to the Board. Mr. Noddle stated that he is confident that any changes would be to the color palette which would include all materials, but no change to the actual materials used. He stated that they wanted a decision from the Board today, if the Board is not in favor of the project, then deny it and move on. Mr. Noddle stated that he was not interested in a layover and that any changes to the design would not be substantial enough to require returning to the Board for revisions if it was approved at the meeting.

Mr. Eric Englund, Acting Assistant Director, addressed the Board to discuss some of the concerns which had been raised, clarify the intentions of the PUR tool, and advise the Board of the recommendations of the Planning staff. Mr. Englund advised that the PUR is intended to encourage redevelopment of parcels served by existing infrastructure while providing flexibility in site design and further intended to enable the implementation of Master Plan goals that promote redevelopment in older areas of the city with complex
and constrained lot conditions. Mr. Englund explained that the zoning code in the city is mostly a suburban code and redevelopment in the established parts of the city is very difficult with regulations in place within the zoning code, which is the reason the PUR mechanism was implemented a few years ago. He stated that the PUR allows a more collaborative effort in using urban design standards, which are the highest design standards in the zoning code, while also factoring in relief of certain regulations that are within the zoning code which are very difficult to attain in certain parts of the city or on certain sites. Mr. Englund added that it is not uncommon for there to be several waivers incorporated into the PUR process. He advised that the Future Land Use for this area is high-density residential. High density residential means that the City would usually support rezoning to R6, R7, and R8 zoning and it is true that if the request was to approve rezoning to R7 or R8 and a conceptual design was submitted, the City would likely be supportive of that request but it would not lock in any site plans or building elevations. Mr. Englund stated that the department prefers using the PUR tool because it requires a more collaborative effort with the developer and the city. Mr. Englund advised that projects with similar or more density have been approved in this area and that the 1,100 square foot per unit proposed is almost compliant with R7 zoning. In addition, the department supports 1:1 parking ratio which means one parking stall onsite for each residential unit and this project exceeds that requirement.

Mr. Englund addressed the matter of adverse possession by stating that the department would have to see something from a judge which stated that the lot lines had been changed. He explained that the Planning department can only make decisions based on the surveys and documentation from the Douglas County Assessor’s office and the GIS which show the lot lines where they are presently. If a judge were to declare that the lot lines had been moved and the project had moved forward and received approval from the City Council, there could be a need for a Major Amendment to the PUR if the lot line changes, which would have to be discussed with the Law department.

Mr. Englund stated that the site is within a National Historic District which he explained is somewhat different than a Local Historic District and there are certain limits to specific design regulations which the department can apply. He did confirm that this property was not designated as a historic property. He advised that there is a comment in the recommendation report which states that additional consideration should be given to the design of the east and south elevations of the structure and the staff believe more of the primary materials should be added to those elevations. With that condition, the department believes the project meets the Urban Design standards for what is allowed with the PUR tool.

Mr. Englund stated that the department recommends approval subject to the conditions listed in the recommendation report.

Prior to asking for a motion, Mr. Rosenbaum stated that he wished Mr. Noddle was amenable to a layover. He stated that he does not have a problem with the design, but he is aware of some members who would like to see the final look before the vote on it.

Ms. Karnes stated that she is not traditionally in favor of rezoning within neighborhoods and she believes some aspects of the PUR go too far, because she believes a homeowner should have some confidence when purchasing a home as to what may be built next to it. Ms. Karnes stated that she does not believe the developer should be required to build an old looking building, nor does she believe the entire neighborhood needs to be homogenous, and she does like modern looking buildings. She stated that she would like to see a greater effort to compliment the neighborhood and she would like to see what adjustments are made based on more neighborhood interaction prior to voting on the project.

Mr. Morris and Ms. Franklin stated that they liked the design and have no doubt that Noddle Company would produce a great building, however, considering the number of residents who are opposed to the project as it is currently, they would like to see more collaboration with them prior to a vote.
Mr. Englund reminded the Board that regardless of the applicant’s wishes, the Board was free to vote to either deny, approve, or layover the request.

Mr. Rosenbaum requested Mr. Noddle return to answer more questions and give clarification regarding possibly laying the project over to allow for more communication with the neighborhood residents and association.

Mr. Noddle stated that he does not want to get held up deciding if this can move forward. He stated that if the Board moved to layover to work on things such as colors or materials, he would be fine with a 30 day layover. However, he advised that he is not open to significantly changing the design or scale of the project, he will not discuss reducing the project to a two story building with seven units, or something along those lines. Mr. Noddle stated his concern that, based on the conversations with the neighbors leading up to the meeting, they will not be satisfied with simply tweaking the current design. He has heard at the Board meeting and at the neighborhood meetings as well, that his company is not responsive to their desires, that the neighbors are disappointed with his company, and all the things his company has not done to the liking of the neighborhood. He stated that he has been working in this industry for 40 years and he trusts his staff, he knows they have made design changes in response to criticism, he knows they have listened to the neighbors, and he knows they have been responsive and that he has sent emails to the residents which have received no response. Mr. Noddle stated that he does not want to be in the same place after a layover because he is not hearing from the neighbors that they will be supportive of anything that that does not have significant design change and downsizing. He clarified that he is a huge fan of the Blackstone neighborhood and that approximately 50% of his time now is dedicated to working downtown on a volunteer basis. He stated that he does not want to, but if he must, he will let the property sit until such time as the neighborhood is ready to have a more collaborative attitude.

Following multiple outbursts from members of the audience, Mr. Rosenbaum reminded everyone that he expects them to be respectful and not interrupt speakers at the meeting. He then asked Mr. Noddle to proceed.

Mr. Noddle reiterated that his attempts at contact with the neighborhood association president and others via email have received no response. He stated that he finds the lack of response to be troubling because he feels that his company has been trying to make contact and willing to speak with the residents and he is getting no response from them while they are saying that he is not being responsive to them. Mr. Noddle stated that, in the spirit of community, he would be willing to accept a one month layover during which he would do his best to work with the neighborhood. Ms. Karnes advised that she would be looking for something more than just color changes. Ms. Franklin advised that Mr. Noddle look at a layover as the opportunity to complete his due diligence in making sure the residents feel heard, regardless of the outcome. She stated that in some cases, though maybe not in this one, that would be enough to satisfy the neighbors. Mr. Noddle stated that they have always done so in the past and pride themselves on their collaborations with the neighborhoods in which they build projects, and he will attempt to do so in this case with the layover.

Mr. Rosacker stated that the City of Omaha develops long range plans for future development in the city to guide them and ensure organized development throughout the city. He reminded everyone that this particular area is designated for high-density housing. Mr. Rosacker stated that the decisions made and set forth in the Future Land Use plan have come from a lot of work and decisions about what is the best for the future growth and health of Omaha, and that projects such as this one are a part of that vision for the future. He stated that the goals and purpose of the Planning Department and the Planning Board is to look at entrepreneurs who want to invest in the community within the guidelines of the department, which is what this applicant has done in selecting the PUR which was developed by the City for this type of development and was recommended by the Planning Department for this project. Mr. Rosacker stated that the applicant came in good faith to work with the Planning Department and to make an effort to meet with the residents of the neighborhood and that the bottom line is that no one is going to be able to put
any project together which gives everyone everything they want and that the entire world lives with compromise. Mr. Rosacker stated that while the neighborhood has stated the aesthetics of what they want their area of the city to look like, they had had options available to them. He stated that Omaha by Design is an effort for the very purpose of set some guidelines about what our city is going to look like aesthetically and physically. He advised that the whole neighborhood association can come together, and through a legal process, can put limits on what happens in their neighborhood as long as it works within the goals of the City of Omaha. He stated that they could have, either as a group or individually, purchased the property and developed it to their own liking. Mr. Rosacker pointed out that the neighborhood residents and association had chosen not to act on any of the options which had been available to them. He stated that someone did come along who was interested enough to invest in the property, brought a viable project plan to the department and Board, and, according to testimony had done a good job in attempting to make contact and cooperate with the residents, but the bottom line is that it has to work for the developer and it has to make money. He stated that he appreciated Mr. Noddle agreeing to give the Board another month to consider the proposal, but it is on the neighborhood residents to be realistic in working with him and coming to the table with an open mind to accept something different because nothing stays the same, every neighborhood grows and changes over time which is what makes for a vibrant, dynamic, and diverse neighborhood and city.

Mr. Morris moved to layover the request to the December 4, 2019 Planning Board meeting. Mr. Rosacker seconded the motion. Mr. Englund reminded the Board and the audience that when a project is laid over for 30 days, no new notifications are sent out. The motion carried 6-0.

APPROVAL OF MINUTES

October 2, 2019

Mr. Rosacker moved to approve the minutes of the October 2, 2019 Planning Board pre-meeting as written. Mr. Morris seconded the motion which carried 6-0.

Mr. Morris moved to approve the minutes of the September 4, 2019 Planning Board meeting as written. Mr. Moore seconded the motion which carried 6-0.

ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 3:51 p.m.

Date Approved

______________________________________
Greg Rosenbaum, Chairman

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