The meeting was called to order at 11:15 a.m.

#16 Mr. Don Seten, Planning Department, stated that this was a part of a larger overall development area. He stated that the applicant has requested the case be laid over to the December 5, 2018 meeting. The department supported the applicant's request for layover.

#17 Mr. Seten described the request to rehabilitate a large, vacant former bowling alley which is in bad condition and has several code violations. Mr. Seten stated that the applicant is currently working on clearing up the violations and cleaning up the building. The expected cost of development is $5,680,000 and the TIF support requested is $486,146. The department recommended approval.

#18 Mr. Seten described this project as a new construction, five story apartment building which will offer 83 market rate units including studio, 1 bedroom, and two bedroom apartments. The expected cost of development is $15,400,000 and the TIF support requested is $2,300,000. The department recommended approval.

#13 Mr. Eric Englund described this request for approval of a Special Use Permit to allow large group living which had been laid over at the October 3, 2018 Planning Board meeting. Mr. Ryan Haas, Public Works, stated that they had met with the applicant regarding the closure of one of their driveway entrances. Due to the timing with the ongoing street widening project, the Public Works department has agreed to allow the applicant to leave both access drives open. He stressed that this was a special circumstance and that the department will not always allow this to happen. The case was on the Consent Agenda for approval with conditions.

#10 Mr. Englund discussed the Preliminary and Final Plat approval and rezoning requests for PRIVADA. This case was laid over at the October 3, 2018 meeting. Mr. Englund stated that the applicant had submitted acceptable revised plans since the layover. Mr. Haas stated that Public Works is reviewing issues related to stacking, connectivity and traffic studies. The case was on the Consent Agenda for approval with conditions.

#1 Mr. Eric Englund discussed the Final Plat approval of HARRISON 210, a subdivision outside the city limits, with a rezoning from AG and DR to R4. The Preliminary Plat was approved by the Planning Board on July 11, 2018 and by the City Council on September 11, 2018. Mr. Englund stated that the applicant has addressed nearly all of the items in the recommendation report. The department
recommended approval with several conditions, including tree mitigation and re-assessing Lot 15 which needs to be changed so that the residential lot does not back up onto the parkway.

#2 Mr. Englund discussed the Final Plat approval of THE VILLAS OF PINEY CREEK (Lots 52-111, Outlots C-D), a subdivision outside the city limits. Mr. Englund stated that phase 1 of the project was approved by the City council in July, 2016. The current plans show the layout is nearly identical to the original submission. The department recommended approval.

#3 Mr. Englund discussed the request for Final Plat approval of WOODBROOK (Lots 1-105 and Outlots A-C) (formerly Sagewood Pointe (Lots 149-260 and Outlots E-G), a subdivision outside the city limits, with rezoning from AG to R4. He stated that this phase will include 105 single family residential lots and three outlots on 34 acres. The streets included in the development will be needed to access the school which will be built nearby, including Purple Martin Parkway. The department recommended approval with several conditions.

#4 Mr. Englund discussed the request for Final Plat approval of ST. PAT’S FIELD, a subdivision outside the city limits, with rezoning from AG to DR (property is located within FF-Flood Fringe and FW-Floodway overlay districts). Mr. Englund stated that the Preliminary Plat was approved in 2017 and the Final Plat was laid over at that time. The development is for one multi-use, outdoor recreation park (i.e. youth soccer and baseball). The developer discovered that the Final plat had never gone to the City Council for approval, though the park is already in use. The applicant has already received the necessary waivers from the Zoning Board of Appeals. The department recommends approval with conditions.

#5, #9, #15 Mr. Englund discussed this 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 which is related to a request for Preliminary and Final Plat approval of POPPLETON PARK REPLAT 3, a minor plat inside the city limits, with rezoning from R3 and GC to CC along with approval of an MCC-Major Commercial Corridor Overlay District, and vacation of the east/west alley west of 44th Street between Wakeley and Davenport Streets. These cases had all been laid over from the July 11, 2018 Planning Board meeting. In July, a related request for a surplus declaration had been approved. Mr. Englund stated that the applicant had made a change to their rezoning request, limiting it to only 4405 Wakeley Street and indicating that they intended to leave the residential home at 4401 Wakeley Street. The department recommended denial of the three requests, however, the applicant requested the case be laid over to allow them time to work with the department to find common ground. The three cases were on the Consent Agenda for layover. If they are removed from Consent, the cases will be heard together.

#6 & #11 Mr. Englund discussed this 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 which is related to the request for 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). Mr. Englund stated that the Planning department is not supportive of either of these requests. He stated that the Law department had gone over the proposed Development Agreement and, if the requests were approved, there were some items which needed changed. There was discussion among the board members and City staff regarding the development agreement, neighborhood opinions, and the danger of setting a precedent in which future applicants will proceed with changes to property with no permits and only come to the Board after they are “caught” not following the rules. The department does not believe this is a matter which would be a positive change to the neighborhood and to the Master Plan. The department recommended denial of both requests.

#7 Mr. Englund discussed this request for Preliminary Plat approval of ALOY’S ACRES, a subdivision outside the city limits, with a waiver of Section 53-9(9) Sidewalks along with Approval of a Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District, which had been laid over initially at the Planning Board meeting in October, 2017 and again in March, 2018. After multiple meetings with the applicant, the current plan submitted is for 17 single family residences on 22 acres, with lots ranging in size from 1.0 acre to 1.5 acres. The Planning department found that the applicant is proposing to grade a much larger percentage of the slopes than is allowable in the North Hills ED Overlay District. In addition, the applicant has not provided an acceptable tree mitigation plan. Mr. Englund stated
that the department had received several letters from neighbors in opposition to the current development plan. The department recommended denial.

#8 Mr. Englund discussed this request for Preliminary Plat approval of WATERFORD CROSSING REPLAT 27, a subdivision outside the city limits, along with approval of a Major Amendment to the Mixed Use District Development Agreement for Waterford Crossing which had been laid over from the July 11, 2018 Planning Board meeting. Mr. Englund stated that the applicant has addressed all items to the satisfaction of the department. He stated that he had been some letters from neighbors in opposition to the project, however, it was an approved use. The department recommended approval.

#12 Mr. Englund discussed the request for approval of a Special Use Permit to allow Large group living in a R7 District which had been laid over from the October, 3, 2018 Planning Board meeting. Mr. Englund stated that the applicant has provided much of the information which had been requested. He advised that based on the square footage of the home, the department determined that the maximum number of residents which could be allowed was ten, due to the requirement for 200 square feet of living space for each resident. The department recommended approval with conditions.

#14 Mr. Englund discussed this request for approval of a Conditional Use Permit to allow Food Sales (Limited) in a LO District and approval of an MCC-Major Commercial Corridor Overlay District which had been laid over from the July 11, 2018 meeting. Mr. Englund stated that the applicant was planning to complete the project in two phases in order to continue doing business at the current building while the new building is being built. He stated that the department was willing to work with the applicant on this matter to some extent, however, there could not be two separate buildings sitting on the lot for long. Mr. Englund stated that the department recommended approval with some conditions.

#19 & #28 Mr. Englund discussed this request for Preliminary and Final Plat approval of OMAHA VIEW REPLAT FOUR, a minor plat inside the city limits, with rezoning from R5(35) and R7 to R5 which was related to the request for approval of a PUR-Planned Unit Redevelopment Overlay District at the same location. Mr. Englund stated that the application is to build a 7 unit townhome structure on the lot. The case was on the Consent Agenda for approval.

#20 Mr. Englund described this request for Preliminary and Final Plat approval of MAGUIRE ESTATES, a minor plat inside the city limits, with rezoning from R5, R7 and GI to R7. The applicant has described a few possible uses for the 1.5 acre property and the most recent proposal was to build one 8000 square foot building to house a shop, office, and showers for several “tiny homes” which would possibly be rented to people coming into town for the College World Series. Mr. Englund stated that this proposed commercial use would not be allowable at this location. He stated that the department recommended denial of rezoning to R7, but approval of rezoning to R5 to consolidate the zoning on the property.

#21 Mr. Englund discussed this request for Preliminary Plat approval of SAGEWOOD RIDGE, a subdivision outside the city limits, with a 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. The developer proposed to create 180 single family residential lots on 55 acres, which would include a secondary street network. The department supported the waiver and the request was on the Consent Agenda for approval with conditions.

#22 Mr. Englund discussed the request for Preliminary Plat approval of FALLING WATERS NORTH, a subdivision outside the city limits, with rezoning from AG to DR and R4 for the construction of an elementary school on 17.5 acres for the Gretna Public School District. The request was on the Consent Agenda for approval with some conditions including some work with Public Works and tree mitigation.

#23 Mr. Englund discussed the request for Preliminary Plat approval of BLUESTEM MEADOWS, a subdivision located outside the city limits, with rezoning from AG to DR, R4, R6 and MU. The proposal is to develop 80 single family residential lots, 250 multi-family units and six mixed-use areas on 75 acres which are currently a tree farm. The plans currently show residential lots which back up to the parkway which will need to be revised. The department recommended approval with some conditions, however, the request was on the Consent Agenda for layover at the request of the applicant.
#24 Mr. Englund discussed the request for Preliminary and Final Plat approval of MEADOR MEADOWS REPLAT 1, a minor plat outside the city limits (property is located within the ED-Lake Cunningham Environmental Overlay District and the North Hills Environmental Overlay District). He explained that the plat was originally approved with three lots in 2012 with the requirement that lots 2 and 3 share an access to Dutch Hall Road. The request before the Board at this time is to remove that requirement and allow two separate access points. The Public Works department has indicated their support for this request. The request was on the Consent Agenda for approval.

#25 Mr. Englund discussed the request Preliminary and Final Plat approval of STERLING RIDGE REPLAT 5, a minor plat inside the city limits (portion of the property is located in the FF-Flood Fringe Overlay District and the FW-Floodway Overlay District). He explained that the plat was originally approved in 2011 with an access restriction. The request at this time is to remove the access restriction. The developer will be adding a public street. The request was on the Consent Agenda for approval with conditions.

#26 & #30 Mr. Englund discussed the request for rezoning from DS to CBD (property is located within an ACI-1 Overlay District) and request for vacation of the east/west alley adjacent to Lots 2-9, Hillcrest Addition and the north/south alley adjacent to Lot 6, Hillcrest Addition and Lot 2, Jones Street Addition (adjacent to 2210, 2230 and 2236 Jones Street and 2235 St. Mary's Avenue) which is related to a TIF project which was approved by the Planning Board at the October 3, 2018 meeting. The two cases were on the Consent Agenda for approval.

#27 Mr. Englund discussed the request for rezoning from GI to NBD (property is located within an ACI-1 Overlay District). The developer has proposed to renovate an existing building at this location. The request was on the Consent Agenda for approval.

#29 Mr. Englund discussed the request for approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4 District (portion of the property is located in a FF-Flood Fringe Overlay District). He explained that the Conditional Use Permit was originally approved in May, 2016. The request before the Board currently was an amendment for an increase in the sign budget. The Church proposed to place two, backlit, signs on their building and one monument sign at the front edge of the property. He stated that the department received communication from neighbors with concerns about lighting, however, it is unclear whether the lighting is associated with the signage request, and the electrical inspector has been asked to investigate the issue. The department recommended approval with some conditions.

The pre-meeting of the Planning Board adjourned at approximately 1:10 p.m.
Kristine Karnes, Vice Chairperson, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

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

No one appeared in opposition.

**Master Plan Referrals**

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<tbody>
<tr>
<td>16.</td>
<td>C3-18-238 (D) Planning Department on behalf of the City of Omaha</td>
<td>REQUEST: Approval of the ASHTON BUILDING TIF REDEVELOPMENT PROJECT PLAN</td>
</tr>
<tr>
<td></td>
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<td>LOCATION: 1218 Nicholas Street</td>
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</tbody>
</table>

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for layover. Mr. Morris seconded the motion which carried 6-0.

**Subdivisions**

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<tbody>
<tr>
<td>7.</td>
<td>C8-18-051 (D) C12-17-210 Orchard Valley Inc. c/o Melvin Sudbeck</td>
<td>REQUEST: Preliminary Plat approval of ALOY’S ACRES, a subdivision outside the city limits, with a waiver of Section 53-9(9) Sidewalks along with Approval of a Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District (laid over from 3/7/18)</td>
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<tr>
<td></td>
<td></td>
<td>LOCATION: Southeast of 66th and Garvin Streets</td>
</tr>
</tbody>
</table>
At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for layover. Mr. Morris seconded the motion which carried 6-0.

10. C10-18-078 (D)
    Wish In One Hand Enterprises, LLC

| REQUEST: | Revised Preliminary Plat approval of PRIVADA, a subdivision outside the city limits, with waivers of Section 53-8(2), Curve Radius and Section 53-8(2)(b), Cul-de-sac length, along with rezoning from AG to DR, R4, R6, R7 and MU and Final Plat approval of PRIVADA (Lots 1-177, Outlots A-Q), a subdivision outside the city limits, with rezoning from AG to DR, R4, R6, R7 and MU (laid over from 10/3/18) |
| LOCATION: | Southwest of 204th and West Center Road |

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval of waiver of Section 53-8(2), Curve Radius; approval of the rezoning from AG to DR, R4, R6, R7 and MU, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding the request to City Council; approval of the Revised Preliminary Plat, subject to the following conditions:

1) On the paving plan, change the traffic calming devices from a speed table to speed hump.
2) Provide for all improvements identified in the final approved traffic study, as approved by Nebraska Department of Transportation (NDOT) and Public Works.
3) Extend the median along Vinton Street through the intersection of 205th and Vinton Streets.
4) Provide acceptable traffic control (roundabout, traffic signal, etc.) at the intersection of Blue Sage Drive and Lots 173/174, as identified in the final approved traffic study.
5) Coordinate with Public Works on the design of the roundabouts.
6) Coordinate with Public Works on an acceptable General Obligation paving plan.
7) Construct Blue Sage Drive at a design speed of 40 mph, with a pavement thickness of 9 inches for its entire length between West Center Road and the south subdivision boundary.
8) Place a note on the plat that there shall be no direct access to West Center Road or 204th Street from any lots or outlots, and no direct access to Vinton Street from Lots 95-103, 123 or 176.
9) Place the following note on the plat: “Access to Blue Sage Drive shall be limited to rights-of-way and Outlots B and D. There shall be no other direct access to Blue Sage Drive from any lots.”
10) Place the following note on the plat: “All lots, but specifically Lots 56-71, 95-102 and 134-156 are required to comply with Section 55-786(e) of the Omaha Municipal Code in regards to residential fence regulations.”
11) Provide temporary turnarounds at the terminus of all temporarily dead-ended streets.
12) Provide a pro-rata reimbursement to SID 572 (Grandview Ridge Estates) for prior outfall sewer construction.
13) Provide sidewalks along all street frontages.
14) In the subdivision agreement, provide for the maintenance responsibility for the sidewalks abutting double-fronted lots.
15) Any drainageway must be placed in an outlot sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater).
16) The applicant will be required to comply with all applicable stormwater management ordinances and policies, including providing for a net increase in stormwater runoff and must treat the first ½” of stormwater for water quality.
17) The applicant must coordinate the development of Park 40b and the trail construction around the new water quality basin with the Blue Sage and Grandview SID’s. Park and trail plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
18) The use, ownership, and maintenance of all outlots must be addressed as a part of the subdivision agreement.
19) Include the approved tree mitigation plan in the final subdivision agreement.
20) Where lots back onto a park or common area, a continuous round rail fence must be installed one foot inside the park lot per the Parks Department standard detail.
21) As part of the 404 review, if it is determined that any jurisdictional wetlands are found, submittal of an acceptable wetland mitigation plan is required or encapsulate all wetland/drainage areas into an outlot.

22) The applicant must coordinate with the City on an acceptable debt ratio and approval of the final plat, subject to the conditions of Revised Preliminary Plat approval and submittal of a final acceptable subdivision agreement, prior to forward this request to the City Council. Mr. Moore seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>19.</th>
<th>C10-18-142  (D)</th>
<th>REQUEST: Preliminary and Final Plat approval of OMAHA VIEW REPLAT FOUR, a minor plat inside the city limits, with rezoning from R5(35) and R7 to R5</th>
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<tbody>
<tr>
<td></td>
<td>C12-18-143</td>
<td>LOCATION: Southeast of 34th Avenue and Miami Street</td>
</tr>
<tr>
<td></td>
<td>Mike Gawley</td>
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</tbody>
</table>

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval of the rezoning from R5(35) and R7 to R5. Approval of the Preliminary Plat, subject to the following conditions:

1) Compliance with all applicable stormwater regulations including no net increase in stormwater runoff and treat the first ½” of stormwater for water quality.

2) Provide sidewalks in compliance with city code.

Approval of the Final Plat, subject to the conditions of Preliminary Plat approval, along with submittal of an acceptable final subdivision agreement (if necessary) prior to forwarding the plat to the City Council. Mr. Moore seconded the motion which carried 6-0.

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<tr>
<th>21.</th>
<th>C3-18-254  (D)</th>
<th>REQUEST: Preliminary Plat approval of SAGEWOOD RIDGE, 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</th>
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<tbody>
<tr>
<td></td>
<td>C10-18-240</td>
<td>LOCATION: Northwest of 180th and Fort Streets</td>
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<td>C12-18-241</td>
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<td></td>
<td>Loren Johnson, Celebrity Homes Omaha</td>
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</tbody>
</table>

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval of the rezoning from AG to R4. Approval of the waiver to the Present Development Zone boundary of the Urban Development Element of the City’s Master Plan. Approval of the Preliminary Plat, subject to the following conditions:

1) Recording of the Final Plat for WOODBROOK addition prior to recording of the Final Plat for this subdivision.

2) Coordinate with the NRD to secure access through the outlots to adjacent properties.

3) Provide documentation of concurrence from the NRD noting their agreement with the subdivision boundary.

4) Submit an acceptable tree mitigation plan placing all proposed mitigation trees within Outlot B.

5) Provide traffic calming on all streets greater than 1,000 feet in length.

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

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

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

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

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

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

12) Meet an acceptable debt ratio of 4.0 percent or less.

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

<table>
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<tr>
<th>22.</th>
<th>C10-18-242  (D)</th>
<th>REQUEST: Preliminary Plat approval of FALLING WATERS NORTH, a subdivision outside the city limits, with rezoning from AG to DR and R4</th>
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<tr>
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<td>C12-18-243</td>
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<tr>
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<td>Gretna Public Schools, Dr. Kevin Riley, Superintendent</td>
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</tbody>
</table>
LOCATION: South of HWS Cleveland Boulevard and west of 198th Street

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval of the rezoning from AG to DR and R4. Approval of the Preliminary Plat, subject to the following conditions:
1) Contribute to the future creek crossing northwest of the subdivision.
2) Remove the outlots from the plat and include those areas in Lot 1.
3) Coordinate with Public Works on an acceptable stacking and circulation plan.
4) Construct public sanitary sewer along the HWS Cleveland right-of-way.
5) Submit a sight distance exhibit for the 201st Street approaches to HWS Cleveland, and revise the boulevard plan to remove any trees from the sight triangles.
6) Construct left turn lanes on HWS Cleveland at 201st Street.
7) Compliance with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and must treat the first 1/2" of stormwater for water quality.
8) Temporary turn-arounds shall be provided at the terminus of all temporary dead-ended streets.
9) Coordinate with Douglas County to incorporate traffic calming measures in the design of some of the interior streets.
10) Boulevard plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
11) Change the label of the “35’ no build zone” to 35’ no-build easement.
Mr. Moore seconded the motion which carried 6-0.

REQUEST: Preliminary and Final Plat approval of MEADOR MEADOWS REPLAT 1, a minor plat outside the city limits (property is located within the ED - Lake Cunningham Environmental Overlay District and the North Hills Environmental Overlay District)
LOCATION: 7633 Dutch Hall Road

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval of the Preliminary Plat subject to the following conditions:
1) New house construction shall comply with restrictions outlined in 55-901 or obtain a Special Use Permit.
2) Provide a note on the plat indicating compliance with the regulations of the North Hills Environmental Overlay District.
3) The new driveway connection to Dutch Hall Road will require a permit from the Douglas County Engineer’s Office.
Approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, if necessary, prior to forwarding the request to City Council for final action. Mr. Moore seconded the motion which carried 6-0.

REQUEST: Preliminary and Final Plat approval of STERLING RIDGE REPLAT 5, a minor plat inside the city limits (portion of the property is located in the FF - Flood Fringe Overlay District and the FW - Floodway Overlay District)
LOCATION: Southeast of 132nd and Pacific Streets

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval of the Preliminary Plat, subject to the following conditions:
1) Place a note on the plat that there shall be no direct access to 132nd Street from Lots 1 or 2, and that 132nd and Logan Street shall be limited to a right-in/right-out intersection.
2) Submit a minor amendment to the Mixed Use Development Agreement for Sterling Ridge to update the site plan, necessary tables, associated language, and to account for the reallocation of plaza...
space from proposed lot 2 to the adjacent Tri-Faith development.

3) 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. Approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding the request to the City Council for final action. Mr. Moore seconded the motion which carried 6-0.

Rezonings

<table>
<thead>
<tr>
<th>No.</th>
<th>C10-18-246</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>26.</td>
<td>(D) Anderson Apartments LLC</td>
<td>Rezoning from DS to CBD (property is located within an ACI-1 Overlay District)</td>
<td>2230 and 2236 Jones Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval. Mr. Moore second the motion which carried 6-0.

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<thead>
<tr>
<th>No.</th>
<th>C10-18-255</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>27.</td>
<td>(D) Sean Kelley</td>
<td>Rezoning from GI to NBD (property is located within an ACI-1 Overlay District)</td>
<td>1903 South 13th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval. Mr. Moore second the motion which carried 6-0.

Overlay Districts

<table>
<thead>
<tr>
<th>No.</th>
<th>C11-18-257</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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</thead>
<tbody>
<tr>
<td>28.</td>
<td>(D) Alley Poyner Macchietto Architecture</td>
<td>Approval of a PUR-Planned Unit Redevelopment Overlay District</td>
<td>Southeast of 34th Avenue and Miami Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval of the PUR, subject to the submittal of acceptable revised PUR plans, prior to forwarding to the City Council. Mr. Moore seconded the motion which carried 6-0.

Special Use Permits

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<tr>
<th>No.</th>
<th>C8-18-229</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>13.</td>
<td>(D) Render Group LLC dba Comfort Care</td>
<td>Approval of a Special Use Permit to allow Large group living in a R1 District (laid over from 10/3/18)</td>
<td>2315 South 168th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval of the Special Use Permit to allow large group living in the R1 District, subject to the following conditions:

1) Compliance with the site plan dated October 1, 2018.
2) Compliance with the revised operations plan.
3) Obtain a Certificate of Occupancy from the Permits & Inspections Division of the Planning Department
4) Compliance with all other applicable regulations.
Mr. Moore seconded the motion which carried 6-0.

Vacation
15. C14-18-138 (D) 
Planning Board 
REQUEST: 
Vacation of the east/west alley west of 44th Street between Wakeley and Davenport Streets (laid over from 7/11/18)

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for LAYOVER. Mr. Morris seconded the motion which carried 6-0.

30. C14-18-253 (D)  
Planning Board 
REQUEST: 
Vacation of the east/west alley adjacent to Lots 2-9, Hillcrest Addition and the north/south alley adjacent to Lot 6, Hillcrest Addition and Lot 2, Jones Street Addition (adjacent to 2210, 2230 and 2236 Jones Street and 2235 St. Mary's Avenue)

At the Planning Board meeting held on November 7, 2018, this case was placed on the Consent Agenda. Mr. Pate moved for approval, subject to approval of a vacation for the remaining portion of the alley running north/south, north of Jones Street, not included in this request. Mr. Moore second the motion which carried 6-0.

**REGULAR AGENDA**

**ADMINISTRATIVE MEETING ONLY**

1. C10-18-128  
C12-18-129  
Loren Johnson, Celebrity Homes Omaha  
REQUEST: 
Final Plat approval of HARRISON 210, a subdivision outside the city limits, with a rezoning from AG and DR to R4  
LOCATION: 
Northwest of Spence Drive and Harrison Street

At the Planning Board meeting held on November 7, 2018, Mr. Eric Englund, Manager of Current Planning, stated that the preliminary plat was recommended for approval by the City Council on September 11, 2018. The applicant has addressed nearly all of the conditions of approval. Mr. Englund stated that the Planning department recommended approval of the rezoning from DR to R4 and approval of the final plat, subject to the conditions of preliminary plat approval, submittal of an acceptable final subdivision agreement prior to forwarding this request to City Council, and addressing the two items in the recommendation report.

Mr. Rosacker motioned for approval of the rezoning from DR to R4 and approval of the final plat, subject to the conditions of preliminary plat approval, submittal of an acceptable final subdivision agreement prior to forwarding this request to City Council, and addressing the following items:

1) Include a note on the plat specifying that the frontage of structures on Lot 15 shall orient toward George B. Lake Parkway or 210th Avenue.

2) Coordinate with Omaha Parks and Recreation on the design and installation of any required round rail fencing.

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

2. C12-16-052  
Lonetree Holdings, LLC  
REQUEST: 
Final Plat approval of THE VILLAS OF PINEY CREEK (Lots 52-111, Outlots C-D), a subdivision outside the city limits  
LOCATION: 
East of 204th Street and north of Blondo Parkway

At the Planning Board meeting held on November 7, 2018, Mr. Eric Englund, Manager of Current Planning, stated that the preliminary plat and phase one final plat was approved by City Council on July 26, 2016. He stated that the second phase included 60 single family residential lots and two outlots within 12.18 acres and the site is currently zoned R4, therefore there was no rezoning request with this final plat. Conditionally, the submitted final plat is consistent with the approved preliminary plat and ordinances in Chapter 53 of the Omaha Municipal Code. Mr. Englund stated that the department recommends approval of the final plat
subject to the conditions in the recommendation report.

Mr. Morris motioned for approval of the final plat (Lots 52-111, Outlots C-D), subject to the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Mr. Magid seconded the motion which carried 6-0.

### 3. C10-18-244
  - Loren Johnson, Celebrity Homes
  - Omaha

**REQUEST:** Final Plat approval of **WOODBROOK** (Lots 1-105 and Outlots A-C) (formerly Sagewood Pointe (Lots 149-260 and Outlots E-G), a subdivision outside the city limits, with rezoning from AG to R4)

**LOCATION:** Southwest of 180th Street and Purple Martin Parkway

At the Planning Board meeting held on November 7, 2018, Mr. Eric Englund, Manager of Current Planning, stated that the preliminary plat was approved under the name SAGEWOOD POINTE. He stated that this is the second phase of the project, now called WOODBROOK, including 105 single family residential lots and three outlots for greenspace and drainage purposes within 34 acres. Mr. Englund stated that the department recommends approval of the final plat subject to the conditions in the recommendation report.

Mr. Moore motioned for approval of the final plat (Lots 1-105, Outlots A-C), subject to the conditions of preliminary plat approval relative to phase two and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Mr. Rosacker seconded the motion which carried 6-0.

### 4. C10-16-307
  - Frank Krejci

**REQUEST:** Final Plat approval of **ST. PAT’S FIELD**, a subdivision outside the city limits, with rezoning from AG to DR (property is located within FF-Flood Fringe and FW-Floodway overlay districts)

**LOCATION:** Northeast of 230th Street and West Maple Road

At the Planning Board meeting held on November 7, 2018, Mr. Eric Englund, Manager of Current Planning, stated that the final plat for one lot, 9.5 acres in size to be used for the purpose of outdoor youth recreation such as football and soccer which will be maintained and operated by St. Patrick’s Church. He stated that the preliminary plat was approved by City Council in January, 2017; the applicant recently discovered that the final plat, which was laid over by the Planning Board in 2016, had never come back through for final approval. Mr. Englund stated that there was a separate Special Use Permit to allow the outdoor sports and recreation on this site, which was approved by the Planning Board, but has not yet gone to City Council either. The Use Permit, which was not on the agenda for this meeting, will accompany this final plat to City Council for approval. Mr. Englund stated that the department recommends approval of the rezoning from AG to DR as well as approval of the final plat, subject to the three conditions in the recommendation report prior to forwarding the request to City Council.

Mr. Pate motioned for approval of the rezoning from AG to DR (property is located within an FF-Flood Fringe and FW-Floodway Overlay Districts). Approval of the final plat, subject to the following prior to forwarding the request to the City Council:

1. An acceptable final subdivision agreement (if necessary).
2. Submit a letter confirming acceptable emergency warning is being provided for the area.

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

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

**(HOLD OVER CASES)**

**Master Plan Referrals**
At the Planning Board meeting held on November 7, 2018, Mr. Jason Thiellen, E & A Consulting Group, 10909 Mill Valley Road, Suite #100, appeared on behalf of the applicant, Omnicorp Saddle Creek, LLC. Mr. Thiellen stated that they had requested a layover in this case in order to allow more opportunity to work with City staff on a variety of items, as well as working with the neighborhood in additional meetings. Mr. Thiellen stated that as a neighborhood resident had requested the case be removed from the Consent Agenda, he would be on hand to answer any questions they or the board may have regarding the request.

Ms. Margie Magnuson, President of the Joclyn Castle Neighborhood Association, 4151 Davenport Street, appeared before the board in opposition. Ms. Magnuson stated that the Neighborhood Association had met and were divided on their opinion of the project. She stated that she had sent a letter to the Planning department stating that the greatest concern is the additional traffic on Saddle Creek Road. Ms. Magnuson stated that the neighborhood association believed there should be a traffic study completed and would like to see a dedicated turn lane at the intersection with Davenport Street. She stated that there are already problems with traffic backing up there while vehicles are trying to turn and that this is also a concern at Wakeley Street.

Mr. Ryan Hass, Public Works Department, stated that they had received a request for a traffic study requirement to be tied to this project. He stated based on the department’s evaluation it was determined that Davenport Street already has signals and Wakeley Street is not going to be signalized, in addition, he stated that there are already dedicated turn lanes on Saddle Creek Road in the locations where it is feasible to have them. Mr. Haas stated that while the placement of the access to the proposed site along Davenport Street is concerning, it is really more of an issue with the placement of the driveway and not anything that would be evaluated through a traffic study. Other than that problem, he stated that there is a good network of local streets to serve to distribute the traffic in the neighborhood. Mr. Haas stated that the department did not feel a traffic study was warranted because there is no issue with infrastructure around the project which could be evaluated throughout the study, however they would continue to work with the applicant concerning the placement of their driveway on Davenport Street.

Mr. Eric Englund, Manager of Current Planning, stated that the department supported continued cooperation with the applicant to work out issues concerning the project specifically with regards to agenda item #5. He stated that the department recommends layover.

Mr. Morris motioned to LAYOVER the case. Mr. Moore seconded the motion which carried 6-0.

At the Planning Board meeting held on November 7, 2018, Mr. Jason Thiellen, E & A Consulting Group, 10909 Mill Valley Road, Suite #100, appeared on behalf of the applicant, Omnicorp Saddle Creek, LLC.
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Mr. Eric Englund, Manager of Current Planning, stated that specifically in regards to agenda item #9, the department recommends layover.

Mr. Moore motioned to LAYOVER the case. Mr. Morris seconded the motion which carried 6-0.

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<th>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 (laid over from 10/3/18)</th>
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<td>C3-18-234 Buck’s Inc. d/b/a Buchanan Energy</td>
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*Ms. Karnes advised that agenda items #6 (C3-18-234) and #11 (C10-18-221) would be heard together, but would be voted on separately.*

At the Planning Board meeting held on November 7, 2018, Ms. Ryann Glynn, Husch Blackwell, LLC, 13330 California Street, Suite 200, appeared on behalf of the applicant. She stated that at the last meeting it was clear that there was some distrust from the neighbors regarding the intentions of the applicant, Mr. Buchanan. Ms. Glynn stated that since the case was laid over in October, the applicant has had the opportunity to fine tune the Development Agreement with the intention of resolving some of that distrust as well as limiting the potential negative impact to the neighborhood as a result of the rezoning to GC. (A copy of the revised agreement was provided to the Board.) The Development Agreement would be a deed restriction on both parcels, which would effectively tie Mr. Buchanan’s hands in perpetuity from expanding the current footprint of the service station. Ms. Glynn presented a rendering to the Board of the refacing project which the applicant proposed to undertake, as allowed in the Development Agreement, to return the station to its former 1920’s appeal, which would be a dramatic improvement to the current appearance and would provide a better fit with the neighborhood and allow it to fit in better with the City’s Master Plan.

Ms. Glynn stated that the applicant had spoken with the Dundee-Memorial Park Neighborhood Association Board, which represents approximately 3,000 residents in the neighborhood. After hearing what the applicant intended to do, and not do, with the property, the Neighborhood Association voted to support the applicant’s request for rezoning. She stated that the support of the neighborhood is important because the
Master Plan is a living document which can be amended and if the neighborhood is not concerned with the potential commercial encroachment into their neighborhood, with the Development Agreement being in executed, then the Master Plan is not being negatively impacted with regards to future precedent. In addition, she stated that the Development Agreement will serve to further the Master Plan with regards to preserving and protecting unique, historical features of the Dundee neighborhood. Ms. Glynn addressed the concern that the rezoning is contrary to the Master Plan and will lead to further encroachment into the neighborhood. She pointed out several areas of office/commercial development in the immediate area along the Dodge corridor, some of which encroached farther into the surrounding neighborhoods than the applicant is proposing, which the applicant believes proves that amendments to the Master Plan should be considered on a case-by-case basis and that it is not impossible to make zoning changes work in that area.

Ms. Glynn stated that the applicant admitted he made a mistake by pouring the concrete drive without permits and he has apologized for it. She stated that now that it is done however, the Development Agreement would place the neighborhood in a better position than it is now because the agreement guarantees that no additional development will occur on that lot in the future. She stated that the Agreement will guarantee that the lot will provide additional green space which will leave the corner of 50th Street and Dodge Street in a better position than it is in today.

Mr. Steve Buchanan, 5001 Dodge Street, appeared before the Board on his own behalf as the applicant to answer any questions from the Board. In response to questions from the Board, Mr. Buchanan stated that they had been working with the City for approximately six months regarding the remodel and hope to have it complete within the next nine months or so. He stated that the Overlay District will only allow them to remodel the face of the building, which they plan to return to a 1920’s service station appearance. Mr. Buchanan stated that this remodel, as well as the addition of some landscaping and a fence, is part of his master plan for the property to make it look better and not necessarily tied to the execution of the Development Agreement. He stated that his meeting with the neighborhood association took place at their regular monthly meeting.

Mr. Peter Manhart, 312 S 57th Street, appeared before the Board on behalf of the Dundee-Memorial Park Neighborhood Association in support of the request. Mr. Manhart stated that the Neighborhood Association Board had spent about 45 minutes meeting with Mr. Buchanan on Monday, November 5. He stated that the Board felt that this was not a normal rezoning case because Mr. Buchanan had never left the neighborhood. He stated that they had been just wanting Mr. Buchanan to give them his word that he was not going to do anything to harm the neighborhood, like possibly an outside developer would do. Mr. Manhart stated that the Neighborhood Association has looked over the Development Agreement and are satisfied that the Dundee neighborhood will be protected.

In response to questions from Mr. Magid, Mr. Manhart stated that the neighborhood is not concerned about Mr. Buchanan trying to further encroach into the neighborhood. He stated that the small lot with only the driveway on it is not a concern, they are only interested in seeing it being landscaped and providing a clear buffer between the residential neighborhood and the commercial business. He stated that having the Development Agreement to lock down any future expansion is very important to them, they are pleased that he intends to remodel the exterior of the existing building, but that is not terribly important to them.

There were no opponents.

Mr. Eric Englund, Manager of Current Planning, stated that the department appreciates the applicant working with the neighbors and his willingness to sign the Development Agreement. However, the City viewed this request as a blatant disregard for the Master Plan and although the applicant said he was sorry for installing the commercial driveway with no permits, there is no justification for expansion of the office/commercial zoning. Mr. Englund stated that the City believed allowing the expansion of office/commercial zoning and changing the Master Plan would be a further encroachment into an established neighborhood and if it was allowed at this location, it would set a precedence for future expansion requests in other areas in the jurisdiction.

Mr. Englund stated that the Law department had looked at the previous Development Agreement which was submitted by the applicant, and if the City was interested in executing the Agreement there was some “tweaking” that would need to be done to it, however, the City is not supportive of these requests or of
executing the Development Agreement. Mr. Englund stated that he is unaware of what was different in the Agreement which was submitted at the meeting because he has not read that one, but it does not change the fact that the City is not supportive of the request with or without the Agreement. He stated that the department recommends denial of the request to amend the Master Plan.

Mr. Magid stated that he believes that the Planning Board exists to listen to unique situations like this and that the Master Plan can be altered. He believes that the neighborhood depends on the service station for services in their neighborhood and that since the neighbors are now not opposed to the expansion of the station, he believes it would be a good case to approve and it would not set a precedent. He stated that the City Council still has to approve it, however, it would be easier for Mr. Buchanan to get it approved there if the Planning Board approved it.

Mr. Englund reminded the Board that the station can continue to function as a gas station and a carwash to serve the neighbors, even if the rezoning and the amendment to the Master Plan are denied by the Planning Board.

Mr. Pate motioned to DENY the request. Mr. Moore seconded the motion which carried 5-1 with Mr. Magid dissenting.

| 11. | 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) (laid over from 10/3/18) | LOCATION: 5003 Dodge Street and 106 South 50th Street |

*Ms. Karnes advised that agenda items #6 (C3-18-234) and #11 (C10-18-221) would be heard together, but would be voted on separately.*

At the Planning Board meeting held on November 7, 2018, Ms. Ryann Glynn, Husch Blackwell, LLC, 13330 California Street, Suite 200, appeared on behalf of the applicant. She stated that at the last meeting it was clear that there was some distrust from the neighbors regarding the intentions of the applicant, Mr. Buchanan. Ms. Glynn stated that since the case was laid over in October, the applicant has had the opportunity to fine tune the Development Agreement with the intention of resolving some of that distrust as well as limiting the potential negative impact to the neighborhood as a result of the rezoning to GC. (A copy of the revised agreement was provided to the Board.) The Development Agreement would be a deed restriction on both parcels, which would effectively tie Mr. Buchanan’s hands in perpetuity from expanding the current footprint of the service station. Ms. Glynn presented a rendering to the Board of the refacing project which the applicant proposed to undertake, as allowed in the Development Agreement, to return the station to its former 1920's appeal, which would be a dramatic improvement to the current appearance and would provide a better fit with the neighborhood and allow it to fit in better with the City’s Master Plan.

Ms. Glynn stated that the applicant had spoken with the Dundee-Memorial Park Neighborhood Association Board, which represents approximately 3,000 residents in the neighborhood. After hearing what the applicant intended to do, and not do, with the property, the Neighborhood Association voted to support the applicant’s request for rezoning. She stated that the support of the neighborhood is important because the Master Plan is a living document which can be amended and if the neighborhood is not concerned with the potential commercial encroachment into their neighborhood, with the Development Agreement being in executed, then the Master Plan is not being negatively impacted with regards to future precedent. In addition, she stated that the Development Agreement will serve to further the Master Plan with regards to preserving and protecting unique, historical features of the Dundee neighborhood. Ms. Glynn addressed the concern that the rezoning is contrary to the Master Plan and will lead to further encroachment into the neighborhood. She pointed out several areas of office/commercial development in the immediate area along the Dodge corridor, some of which encroached farther into the surrounding neighborhoods than the applicant is proposing, which the applicant believes proves that amendments to the Master Plan should be considered on a case-by-case basis and that it is not impossible to make zoning changes work in that area.

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Mr. Peter Manhart, 312 S 57th Street, appeared before the Board on behalf of the Dundee-Memorial Park Neighborhood Association in support of the request. Mr. Manhart stated that the Neighborhood Association Board had spent about 45 minutes meeting with Mr. Buchanan on Monday, November 5. He stated that the Board felt that this was not a normal rezoning case because Mr. Buchanan had never left the neighborhood. He stated that they had just wanted Mr. Buchanan to give them his word that he was not going to do anything to harm the neighborhood, like possibly an outside developer would do. Mr. Manhart stated that the Neighborhood Association has looked over the Development Agreement and are satisfied that the Dundee neighborhood will be protected.

In response to questions from Mr. Magid, Mr. Manhart stated that the neighborhood is not concerned about Mr. Buchanan trying to further encroach into the neighborhood. He stated that the small lot with only the driveway on it is not a concern, they are only interested in seeing it being landscaped and providing a clear buffer between the residential neighborhood and the commercial business. He stated that having the Development Agreement to lock down any future expansion is very important to them, they are pleased that he intends to remodel the exterior of the existing building, but that is not terribly important to them.

There were no opponents.

Mr. Eric Englund, Manager of Current Planning, stated that the department appreciates the applicant working with the neighbors and his willingness to sign the Development Agreement. However, the City viewed this request as a blatant disregard for the Master Plan and although the applicant said he was sorry for installing the commercial driveway with no permits, there is no justification for expansion of the office/commercial zoning. Mr. Englund stated that the City believed allowing the expansion of office/commercial zoning and changing the Master Plan would be a further encroachment into an established neighborhood and if it was allowed at this location, it would set a precedence for future expansion requests in other areas in the jurisdiction.

Mr. Englund stated that the Law department had looked at the previous Development Agreement which was submitted by the applicant, and if the City was interested in executing the Agreement there was some “tweaking” that would need to be done to it, however, the City is not supportive of these requests or of executing the Development Agreement. Mr. Englund stated that he is unaware of what was different in the Agreement which was submitted at the meeting because he has not read that one, but it does not change the fact that the City is not supportive of the request with or without the Agreement. He stated that the Planning Department recommends denial of the rezoning request.

Mr. Pate motioned to DENY the request. Mr. Rosacker seconded the motion which carried 5-1 with Mr. Magid dissenting.

**Subdivisions**
8. C10-99-044  
C12-18-130  
Dragon Storage, LLC  

REQUEST: Preliminary Plat approval of WATERFORD CROSSING REPLAT 27, a subdivision outside the city limits, along with approval of a Major Amendment to the Mixed Use District Development Agreement for Waterford Crossing (laid over from 7/11/18)  

LOCATION: Northeast of 156th and Ida Streets

At the Planning Board meeting held on November 7, 2018, Mr. Brent Beller, 11440 West Center Road, appeared on behalf of the applicant. Mr. Beller stated that the developer had worked on the site design and continued to reach out to the neighbors since the case was laid over in July, 2018. He stated that they had a meeting with the neighbors on October 10, 2018 which approximately seven to ten residents attended, and another meeting was held on October 23, 2018 which only one resident attended. In addition, members of the development group had individually met with some neighbors about the development where the neighbors stated they were pleased to see some of the changes which were made to the original plans. Mr. Beller presented a diagram showing the layout of the proposed development including the neighborhood. He stated that one of the important factors in the development is the grade which sits 30' to 40' lower than the townhomes and duplexes to the east. Mr. Beller stated that they are proposing to amend the Mixed Use Development Agreement, however he noted that the type of development which was laid out in the original 2005 plan was heavy on retail and office which would produce a much higher amount of traffic into and out of the neighborhood. He also pointed out the access point from Ida Street on 154th Avenue which runs along the eastern side of the proposed development and, he explained, was City required, planned and controlled and would provide a right in/right out access once Ida Street was improved. The Iowa Street round-a-bout which will tie into this location per City standards. The street along the eastern edge was always planned according to the original agreement, this will enable garbage trucks, delivery trucks, and all other traffic. Mr. Beller asked the Board to consider that if there was retail/office use at that location, there would be dumpsters along that street behind the businesses, possibly several of them which would cause a lot of noise being emptied which usually takes place in the morning, the same with delivery trucks to retail locations, so this use will not be having delivery trucks bringing in merchandise and will produce much less waste to be removed. Mr. Beller stated that the property has been sitting vacant since 2005 and that no developer has expressed an interest in the past 13 years to develop retail in that location.

Mr. Beller stated presented some of the changes they had made to their development plan since the July, 2018 meeting. He stated that in order to alleviate the concerns of some of the neighbors was the relocation of the office building on the site in order to provide a landscape buffer between the development site and the residential neighborhood. In addition, the new plan allows for a change in the setback along the new 154th Avenue. The developer has also eliminated two buildings which were on their original development plan partially because of the required 10' setback between storage and commercial. Mr. Beller provided a diagram showing the new plans. There is an outlot which is now, and will continue to be an area for community use. In addition, he stated that the development will be within the SID which means that the residents in the SID will benefit with the addition of the tax base created by the development. He also stated that the public improvements such as sanitary sewer and utilities which will tie into the commercial development on the south side of this location will be provided by this developer, meaning the commercial sites to the south will be pad ready for new business to build on. Mr. Beller did stress that this Dragon Storage will not include building on those sites to the south. He stated that some of the neighbors were concerned about the location 154th Avenue, however, he stated that the location of that Avenue was not under the control of Dragon Storage and they were not able to make any changes to the location or length of it. At the neighborhood meetings, several neighbors expressed their concern about the location of the street in relationship to their homes, since the location of the street could not be changed, Dragon Storage discussed with the City and received permission to change the setback between the storage units and the right of way from 35’ to 25’ which will effectively move 154th Avenue farther away from those residential lots. Mr. Beller stated that most of the neighbors stated their largest concern was the site line from their homes towards the storage units. He stated that there will be significant landscaping work along the east side of the self-storage development which will include a large number of trees serving to mostly, if not completely, block the view from those homes onto the development site. He stated that with the change in elevation between the residences and the storage units, and given that the majority of the buildings will be
single story, storage units on the majority of the lots with the exception of a single two-story building, the view from the residences to the east of the project will be mostly of the tops of the trees.

In response to questions from the Board, Mr. Beller stated that the SID had been in existence since 2004 and this site had been vacant since that time. Mr. Beller stated that the development proposed would increase the tax base of the SID and could conceivably lead to a decrease in property taxes for the residents of the SID. In addition, the public improvements will be installed by the developer which will create pads ready for retail/office development on the south end of the site, which will also increase the valuation. Mr. Beller stated that the land to the south will be owned by Dragon Storage, however, they do not intend to develop the property other than installing the public improvements which will make the two sites much more marketable for future sale. He stated that the site is 9 to 10 acres in size. He advised that west of the proposed site is a Casey’s store which is currently in operation and a proposed fast food restaurant. Based on total costs, which are approximately $7.7 million, Mr. Beller stated that the probable valuation of the development will be around $7.3 million. Mr. Pate stated that if there was another use in that location, such as office or retail, it is possible that the valuation would be higher.

Mr. Beller stated that the new plans do not add any more storage buildings than were indicated on the original plans. He stated that they have pushed everything south, which allowed them to reconfigure the layout by moving some buildings, providing a larger turn radius in some areas and moving the office building onto the site. He stated that the buildings on the south end of the storage unit site were not there in the original site plans, however, there are no additional units.

Mr. Mike Welniack, 15803 Pacific Street, appeared before the Board on behalf of Dragon Storage. Mr. Welniack stated that on the original plans, the two buildings had been two-story buildings; one with office/retail on the top and temperature controlled storage below, the other with temperature controlled storage on both levels. With the re-design, the 2 temperature controlled buildings will be shifted around on the site, all of the other buildings will be regular storage buildings. In response to a question from Mr. Pate, Mr. Welniack reiterated that the site had been vacant for 13 years, during which time anyone could have come in to develop retail or other office/commercial, but they did not. Mr. Pate disagreed, and felt that there could be a better use for the neighborhood as the area expands and could provide a higher tax valuation. Mr. Welniack stated that they had spoken with the neighbors and discussed that this location could be developed as a Walmart, which they also were not in favor of. Mr. Magid stated that he believed this use could fit into the neighborhood, and that the storage units would not increase the traffic in the neighborhood nearly as much as many other types of development would, which would create a hazard for children walking on the sidewalks or other cars in the neighborhood, in addition to the increased noise. He also stated that there are a lot of retail sites sitting empty throughout Omaha, which is also not good for the neighborhood.

Mr. Jeremy Haliburton, 15206 Vane Street, appeared before the Board in opposition. Mr. Haliburton stated that he would prefer the indoor storage units, like Dino’s Storage, which is an enclosed facility and looks much nicer. He stated that the proposed type of storage units looks more industrial and is not appropriate for the neighborhood. He was also concerned about the size of the development being seven to ten acres. Mr. Haliburton also believed that there is a lot of new development in the area, including filling out the SID which has only a few vacant lots now. He stated that he believed that the traffic has increased substantially from the Casey’s store and will increase more with the new apartment’s being built to the south of Ida Street and the high school proposed to the north, which will generate interest from other developers who may want to create the retail shops the neighborhood would like to see. He stated that he does not feel the developer reached out far enough to notify the neighborhood about the meetings, they only notified the neighbors which were closest to the site. Mr. Haliburton stated that the SID was doing fine financially without this development, so the possible increased tax base is not needed. In addition, he had planned a trail system for the SID which would tie in nicely with a retail/commercial development rather than storage units. He stated that he put a poll on NextDoor to see what the neighbors outside of the Waterford development thought of the idea and received approximately 100 responses within 24 hours, 96% of which were against the idea. In response to Mr. Pate, Mr. Haliburton stated that the proposed high school will be on the west side of 156th Street, north of Casey’s and it is to be completed for either the 2020-2021 or 2021-2022 school year. Mr. Magid stated that Dino’s storage buildings were all 4 stories, and about 120,000 to 130,000 square feet and he did not understand how the neighborhood would feel this would be better to look at than flat storage buildings which would be largely hidden from their view by the trees. Mr. Haliburton stated that it is.
his personal opinion that the Dino’s buildings are more attractive than the garage type buildings being proposed and will not look like an outdoor junkyard like he believes the garage units.

Mr. Randy Kuschak of Lamp Rynearson, 14710 West Dodge Road, appeared before the Board in rebuttal to Mr. Halliburton’s testimony. Mr. Kuschek stated that the storage units will be built on 5.4 acres and there will be 2.64 acres for the proposed office/retail use. He also stated that Dragon Storage is not proposing outdoor storage. Outdoor storage would not be allowed on site and all of the storage would be required to be inside the buildings at all times. Mr. Kuschek stated that all of the garage doors would face to the inside of the development and there would be buffer yard on all four sides of the site as well as the additional buffer with the trees along 154th Avenue. He stated that the grade of the site will also diminish the possibility of the residents to the east looking out onto a bank of storage garages.

Mr. Brent Beller, 11440 West Center Road, appeared before the Board to clarify some points on behalf of the developer. Mr. Beller stated that Dragon storage does not do the Dino’s style buildings, however, all of their buildings are subject to the Mixed Use Development’s design guidelines, which means that all of their buildings will always comply with those and they are not requesting any modifications to those guidelines. Mr. Magid inquired about what will be facing the residential neighbors to the east, Mr. Beller stated that they will be looking at the right-of-way, fence or trees for quite a distance, and if they look through all of that they may see a garage door. In response to a question from Mr. Pate, Mr. Beller stated that the trees will be a mixture of types which will include evergreen trees.

Mr. Eric Englund, Manager of Current Planning, stated that the department had recommended approval in July with some conditions, however, it was laid over to this meeting. Mr. Englund stated that since the case was laid over, the applicant had addressed many of the concerns and made several of the requested changes to the site plan. He stated that the department recommended approval of the major amendment subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding the request to City Council and approval of the Preliminary Plat, subject to the 10 conditions in the recommendation report being addressed with or prior to submittal of a Final Plat.

Mr. Rosacker clarified that this application was consistent with the zoning that is in place and the process they are going through is to make sure that everything meets requirements of the City. He clarified that the Board is not tasked with judging the aesthetics of a proposal or to judge the financial value of the development.

Mr. Rosacker motioned for approval the Major Amendment, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding the request to City Council and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat:

1) Provide an access easement between Outlot B and 154th Avenue.
2) Provide for the use, ownership, and maintenance of the outlot in the final subdivision agreement.
3) Provide the following notes on the Final Plat:
   a. The proposed street connection (154th Avenue) to Ida Street from the site, will be restricted to right-in/right-out vehicular turning movements upon future improvements to Ida Street.
   b. No direct access is permitted to 156th Street from Lots 1-2 and Outlots B and no direct access is permitted to Ida Street from Lots 2-4 and Outlot A.
4) Include in the subdivision agreement that the maintenance of the sidewalk on the east side of 154th Avenue adjacent to Waterford Crossing Replats 10, 18, and 22 through 25 inclusive, shall be the responsibility of the Association.
5) Comply with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality.
6) Obtain any required permits from the Douglas County Engineer’s office.
7) Storm sewer design computations and final plans must be submitted to the Douglas County Engineer’s office for review.
8) Submit cross-section information of the proposed site grades along the western and southern boundaries of the plat to the Douglas County Engineer’s office for review.
9) Submit a letter of approval of a Noxious Weed Plan from Douglas County.
10) An acceptable debt ratio of 4.0 percent or less.

Mr. Morris seconded the motion which carried 5-1 with Mr. Pate dissenting.
**Special Use Permits**

<table>
<thead>
<tr>
<th>12.</th>
<th>C8-18-228 Nakia Vasser-Brye</th>
<th>REQUEST: Approval of a Special Use Permit to allow Large group living in a R7 District (laid over from 10/3/18)</th>
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<td>LOCATION: 4548 Bedford Avenue</td>
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At the Planning Board meeting held on November 7, 2018, Ms. Nakia Vasser-Brye, 4548 Bedford Ave appeared before the Board as the Administrator of Bridging Hands, LLC and as the applicant. Ms. Vasser-Brye stated that she had received the information in the mail from the Planning Department and had spoken with Robert Laroco in the Planning Department who explained all of the conditions to her. She stated that other than #3 which required her to remove the parking from the right-of-way and setback, she had no problem with the conditions recommended by the Planning Department. She stated that she does not need the parking because she only has one employee and the residents at the group home do not drive or have visitors, so her driveway is sufficient. Mr. Englund explained to her that the parking area which extends over her property line into the right-of-way is what needs to be removed. Ms. Vasser-Brye stated that the parking pad had been there when she purchased the property and she could remove it if she needs to, but she does not understand why she needs to.

Mr. Eric Englund, Manager of Current Planning, stated that the request was for twelve residents, however, due to the size of the home the City can only support ten residents due to zoning code requirements. Because of the limited number of employees and the fact that the clients don’t drive, the City is willing to reduce the department can support a waiver to reduce the number of off-street parking spaces for this use and this applicant only. Mr. Englund stated that as there is no record of a right-of-way lease, which would have allowed the parking pad within the City right-of-way, the department is making the removal of the pavement a condition for approval. In addition, Mr. Englund stated that all applicable building and fire code requirements must be met and maintained to get the required Certificate of Occupancy and recommended that Ms. Vasser-Brye contact Permits & Inspections to become familiar with the requirements. Ms. Vasser-Brye stated that she understood.

Mr. Englund stated that the department recommends approval of the Special Use permit subject to the nine conditions listed in the recommendation report.

Mr. Morris inquired about the possibility of the applicant applying for a right-of-way lease to prevent her from having to incur the expense of having the pavement removed and have the landscaping redone in that area. Mr. Englund stated that the Parks Department would handle the right-of-way lease since the property is on the boulevard, if her application is received and approved by the Parks department it would then be forwarded either to the City Council or to the Planning department for administrative approval.

Mr. Morris asked about amending condition #3 on the recommendation report to allow the applicant to pursue the possibility of obtaining a right-of-way lease before going to the expense of having the pavement approved. Mr. Englund stated that the condition could be amended to state that the applicant remove the off-street parking within the right-of-way and setback OR enter into an acceptable right-of-way lease with the City subject to the necessary approval process.

Mr. Moore confirmed that Ms. Vasser-Brye understood what she needed to do to obtain the Certificate of Occupancy, which she stated she was familiar with as she already had a Certificate. She also stated that she understood and was ok with having ten residents rather than the twelve she had originally requested.

Mr. Morris motioned for approval of the Special Use Permit to allow large group living, subject to the following conditions. Conditions 2 and 3 must be met prior to hearing by City Council:

1) A maximum of ten residents may be housed on site.
2) Obtain a waiver to reduce the required off-street parking.
3) Submit a revised site plan showing all off-street parking is removed from the Fontenelle Boulevard right-of-way and setback OR enter into an acceptable right-of-way lease with the City subject to the necessary approval process.
4) Obtain a Certificate of Occupancy from the Permits & Inspections Division of the Planning Department.
5) Compliance with the revised site plan.
6) Compliance with the operation plan.
7) Compliance with all applicable building and fire code regulations.
8) Compliance with all other applicable regulations.
9) Approval of this Special Use Permit shall be specific to this operator and operation plan only.

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

Conditional Use Permits

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<th>#</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tr>
<td>14.</td>
<td>Approval of a Conditional Use Permit to allow Food Sales (Limited) in a LO District and approval of an MCC-Major Commercial Corridor Overlay District (laid over from 7/11/18)</td>
<td>1938 North 85th Street</td>
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At the Planning Board meeting held on November 7, 2018, Mr. Douglas Dreessen, 10836 Old Mill Road, appearing on behalf of, and with, the applicant. Mr. Dreessen stated that the request is to expand an existing Mediterranean Grocery Store which is running out of storage space. He stated that the applicant needed to expand the site, but he can't afford to close the business while the expansion is ongoing. Mr. Dreessen stated that the applicant has worked with the Planning Department to work out a plan in which he can keep his business open while he completes the first phase of the expansion, and then transition the business into the new building while he continues to work on the 2nd phase. He stated that the site is in a residential conversion area and he stated that the applicant is in agreement with the ten conditions in the recommendation report.

Mr. Eric Englund stated that the project has been ongoing for several months while the department has worked with the applicant. He stated that the department recommends approval of the Conditional Use permit and approval of an MCC-Major Commercial Corridor Overlay District subject to the ten conditions in the recommendation report.

Mr. Pate motioned for approval of the MCC-Major Commercial Corridor Overlay District. Approval of the Conditional Use Permit to allow a Food sales (limited) in a LO District, subject to the following conditions:

1) Issuance of a demolition permit for the existing building, parking lot, drive access, etc. prior to the issuance of a Certificate of Occupancy (CO) for the new building and those improvements must be removed from the site within 30 days from the issuance of the CO for the new building.

2) Submittal of and compliance with a revised site plan for Phase 1 providing the required handicapped parking in the new parking lot and Phase 2 as proposed future phase.

3) Submittal of and compliance with a revised landscape plan providing the required 3 foot tall landscaping along Blondo Street, installed for both phases, along with a different tree variety.

4) The unloading of trucks from Blondo Street and any backing maneuvers into the site are both prohibited.

5) The applicant must construct standard sidewalks (5’ wide, setback 6.5’ from the back of curb) along the 85th Street and Blondo Street frontages; dedicate right-of-way as needed to ensure the property line is a minimum of one foot behind the sidewalk.

6) Compliance with the submitted elevation plans
7) Compliance with the submitted operating statement.
8) Compliance with all applicable stormwater regulations including no net increase in stormwater runoff and treat the first ½” of stormwater for water quality.
9) Compliance with sign regulations.
10) Compliance with all other applicable regulations.

Mr. Magid seconded the motion which carried 6-0.
At the Planning Board meeting held on November 7, 2018, Mr. Don Seten of the Planning Department, appeared on behalf of the department. He stated that the project is for a newly constructed, 5-story apartment building located on a cluster of parcels southeast of 10th and Pierce Streets. He stated that there will be a total of 83 market rate studio, 1 bedroom and 2 bedroom apartments immediately south of the Old Market and near the Dahlman neighborhood. Mr. Seten stated that the developer has met with the neighbors and has worked closely with the Planning department’s Urban Design staff on the design of the building.

Mr. Seten stated that the developer is Avanti Group, LLC which is managed by Eric Weisler. The total project cost is approximately $15,400,000 and the TIF support requested is $2,300,000. He also stated the project meets the required criteria for the TIF program, it is an appropriate land use for the location, and complied with the City's Master Plan.

Mr. Arnie Breslow, President of Old Market South Neighborhood Association, addressed the board in favor of the project. Mr. Breslow stated that the developer has worked very closely with the neighborhood association. He stated that representatives of the developer has done a tremendous job of making a modern building fit in well with the existing neighborhood with regards to grading and keeping the building so it does not look a lot larger than what already exists by setting the top floor back a bit and adding balconies. He stated that the neighborhood association is in favor of the project.

Mr. Eric Weisler, appeared before Board on behalf of the developer, to answer questions if needed.

Mr. Eric Englund, Manager of Current Planning, stated that the rezoning and Conditional Use permit required for this project have already been approved by the Planning Board. He stated that the Planning
Department recommends approval.  
Mr. Magid motioned for approval.  Mr. Rosacker seconded the motion which carried 6-0.

**Subdivisions**

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<tr>
<th>20.</th>
<th>C10-18-184 C12-18-185 Robert E. Maguire</th>
<th>REQUEST: Preliminary and Final Plat approval of MAGUIRE ESTATES, a minor plat inside the city limits, with rezoning from R5, R7 and GI to R7</th>
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<td>LOCATION: Northeast of Commercial Avenue and Sahler Street</td>
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At the Planning Board meeting held on November 7, 2018, the applicant, Mr. Robert Maguire of 2884 Martin Avenue, appeared before the Board. Mr. Maguire provided some maps to the Board. He stated that he believed there was some confusion about his request. He stated that 4405 Commercial Avenue is already zoned R7 and he had purchased the hillside and the railroad lots, neither of which have not been platted by the City. Mr. Maguire stated that he wants to consolidate the zoning on all three of the lots to R7 and have them platted together as one lot.

Mr. Maguire stated that he had no real, solid plan at this time. He has considered building a shop there for his business, or possibly “tiny houses” for people to rent, or “shipping container homes”. He stated that there has been nothing there for 50 years, he had suggested to the Mayor that the stadium could go there, but nothing is there as of now except garbage which he has been cleaning up for 10 years. Mr. Maguire stated that he needs the lot platted and rezoned to R7 in order to get financing to do anything with the property. He stated that he is not interested in putting a single family home on that lot.

Mr. Eric Englund, Manager of Current Planning, stated that the Future Land Use element of the City’s Master Plan supports low density residential zoning for this location, therefore, the department could not support the rezoning to R7, however, and they would support rezoning to R5. Mr. Englund stated that R5 was the highest density of low density residential zoning. He stated that the idea of tiny homes, or shipping container homes to rent out for short term stays would be a commercial use which is not allowed in either R7 or R5 zoning. There are housing options allowed in R5 zoning other than single family, such as duplexes or townhomes. In addition, there is the option to have R6-PUD, which would allow low density multi-family style housing. Mr. Englund stated that the department recommended denial of rezoning to R7, and approval of rezoning to R5, approval of the preliminary plat subject to the conditions in the recommendation report and approval of the final plat as stated in the recommendation report.

Mr. Magid stated that on the map provided by the applicant, there is a portion of the property which is zoned GI and he wanted to know if it was large enough to put the applicant’s shop and parking. Mr. Englund stated that since the entire property is only 1.5 acres, it would not be large enough for that use.

Mr. Robert Maguire returned to address the Board. Mr. Maguire stated that running through the center of the two lots is a 24’ wide easement for a sewer line, which effectively divided that into two lots. He stated that the north side is already zoned as R7 and the south lot is his as well which he wants to also zone as R7, and he believes that the strip which is currently zoned GI would be lowering the allowed density if it were to be zoned R7. He stated that maybe it would just be better to abandon that lot which is zoned GI and start over again with the other two lots, but he doesn’t want to do that because it has been vacant for 80 years where people have just dumped garbage. However, he stated that he needs the zoning to allow him to put multiple houses on the lots to make it financially feasible.

Mr. Pate motioned for denial of the rezoning from R5, R7 and GI to R7, approval of the rezoning from R5, R7 and GI to R5. Approval of the Preliminary Plat, subject to the following conditions:

1) Compliance with all applicable stormwater regulations including no net increase in stormwater runoff and treat the first ½” of stormwater for water quality.

2) Provide sidewalks along all street frontages in compliance with city code.

Approval of the Final Plat, subject to the conditions of Preliminary Plat approval, along with submittal of an acceptable final subdivision agreement (if necessary) prior to forwarding the plat to the City Council. Mr.
Moore seconded the motion which carried 6-0.  **STOPPED AT 02:11:52**

| 23. | C10-18-247  
|     | C12-18-248  
|     | Blondo 180, LLC | REQUEST: Preliminary Plat approval of BLUESTEM MEADOWS, a subdivision located outside the city limits, with rezoning from AG to DR, R4, R6 and MU |
|     | LOCATION: Northwest of 180th and Blondo Streets |

At the Planning Board meeting held on November 7, 2018, Mr. Larry Jobeun, 11440 West Center Road, appeared before the board on behalf of the applicant. Mr. Jobeun stated that the applicant had a couple of items that they still needed to work with Planning Department staff on, so they requested the case be laid over.

Mr. Jobeun stated that they did have a meeting with the neighborhood on October 30, 2018, which was attended by 40-45 people. He stated that at the applicant had sent an email or called all of those people to let them know that they were requesting a layover.

Ms. Tammy Campbell-Peterson, 12472 Evans Street, appeared before the Board in opposition. Ms. Campbell-Peterson stated that she and her mother, Debra Campbell, each owned 10.1 acres of farmland just east and south of this proposed development. She stated that the City is making a forced acquisition of 6.4 acres of her mother’s property to allow for the new bridge which is going to be built over 180th Street. Ms. Campbell-Peterson stated that the City is also taking 4.83 acres of her farmland. She stated that she will be left with half of a ravine and most of their frontage, which will leave very little for them to do with it. Her question is how the rezoning will affect any future use of her property and that of her mother. She stated that they understand the Mixed Use zoning will only allow for a certain number of acres for each use and she is concerned that this development will use up all of that which is allowed and she and her mother will be shut out.

Mr. Jobeun returned at the request of the Board to address Ms. Campbell-Peterson’s concerns. He stated that the bridge project is a Douglas County project and the taking of their property is completely unrelated to the applicant’s development proposal. Mr. Jobeun stated that the intersection is zoned as a convenience mixed use area, which is consistent with the City’s Master Plan and with Mixed Use zoning.

Ms. Tammy Campbell-Peterson returned to clarify her concerns before the Board. She stated that she and her mother understood that the taking of their property had nothing to do with this development. She stated that they were concerned that they were going to be left with small pieces of property which they could not do anything with because of the development using all of the allowable mixed use acreage. She would like for their property to be included in the plans so that they are not left with property no one can develop or use.

Ms. Debra Campbell, 18727 Blondo Street, appeared before the Board to further explain her concerns as previously stated by her daughter, Ms. Tammy Campbell-Peterson. Ms. Campbell stated that they are requesting the mixed use area to be expanded to the south to include their property. She is also concerned that they are going to be left with a small strip of property which they can’t farm, and which no one will be able to develop.

In response to a question from Mr. Rosacker, Mr. Eric Englund, Manager of Current Planning, stated that the 180th and Blondo Streets intersection is designated as a ten acre, convenience mixed use area. This development proposal would use 9.7 acres of the office/commercial area. He stated that in addition to the office/commercial availability, all of the mixed use centers allow a certain amount of multi-family residential units, in this case it allows 250 adjacent multi-family units, which is what is being proposed in this application. Mr. Englund stated that he did not know the particulars of the future road/bridge alignment or what property Douglas County will need to take for the project. He stated that with the drainage area south of Blondo Street, there is a large portion of their property which is within the floodplain. He explained that the property within the floodway are not usually developable, but areas farther out from the floodway but within the flood fringe it is possible to develop the property with an acceptable floodplain development permit. Mr. Englund encouraged Ms. Campbell-Peterson and Ms. Campbell to speak with the development
team for this project and see what could be done.

Ms. Campbell-Peterson returned to discuss her concerns further. She stated that the “front” part of the property which they will be left with, has not been designated as being in the floodway. She stated that the City was supposed to be sending someone out next week to appraise the property for the bridge work.

Mr. Englund stated requests for office/commercial development, are done through an application process. He explained that there are other requirements such as the number of buildings allowed, groupings of buildings, required greenspace, among others which generally require a minimum of two to three acres, which means that in most cases a 10 acre center could not be divided between four sides of an intersection.

Mr. Larry Jobeun returned on behalf of the applicant to show a map of the area. He pointed out areas of floodway and flood fringe which could not be developed at all, and a small portion of flood fringe which could be developed. He stated that the requirements for office/space, open space, and buffer yards, would make it very difficult to develop the small pieces of acreage Ms. Campbell-Peterson and Ms. Campbell would be left with after Douglas County took large parts of their property.

In response to questions from Mr. Rosacker, Mr. Jobeun stated that he understands that Blondo Street would shift to the north a little bit to accommodate where the viaduct will meet Blondo Street. At the request of Mr. Jobeun, Mr. Kyle Vohl of E & A Consulting, 10909 Old Mill Road, stated that he had received plans showing the proposed widening of both 180th Street and Blondo Street. He stated that Mr. Jobeun was correct in saying that Blondo Street will shift to the north and the plat they have submitted included an additional outlot at the intersection to accommodate the future roadway section. Mr. Rosacker inquired Mr. Vohl stated that with the widening of Blondo Street and the shifting of the intersection will limit access to the property owned by Ms. Campbell-Peterson and Ms. Campbell from Blondo Street.

Mr. Eric Englund, Manager of Current Planning, stated that the department had recommended approval, however, the department is supportive of laying over the case at the request of the applicant.

Mr. Moore motioned to layover the case. Mr. Pate seconded the motion which carried 6-0.

**Conditional Use Permits**

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<tr>
<td>29.</td>
<td>C7-16-100 Relevant Community Church c/o Cory Nelson</td>
<td>REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4 District (portion of the property is located in a FF-Flood Fringe Overlay District)</td>
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<td>LOCATION: 21220 Elkhorn Drive</td>
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At the Planning Board meeting held on November 7, 2018, Mr. Lee Hamann of McGrath North Law Firm, 1601 Dodge Street, appeared before the Board on behalf of the applicant. Mr. Hamann stated that they are requesting an increase in the sign budget for the Church by 48.25’. He presented a diagram of the site showing where the signs would be located, there would be a 32’ sign facing northwest and one facing southwest on the building, both would be back lit from the interior church light, in addition, they are proposing an additional monument sign near the street. He stated that the building sits back a ways from the street and the signage would make it more visible.

Mr. Hamann stated that some of the neighbors had complained about the lights. He stated that the top of the building is surrounded by opaque, architectural glass which is lit from inside the building with LED lights on a programmable system which can be dimmed and will be on at night for activities at the Church which may last a couple of hours. Along this glass top is where the two signs would be on the building.

Mr. Brent Beller, 10909 West Center Road, appeared in opposition on behalf of Mr. Patrick Hastings and other members of the Homeowners Association west of the development. Mr. Beller presented a letter on behalf of the homeowners association, which he read sections of, stating that they stated that the lighting is diminishing the enjoyment of their homes in the evenings and early morning, in the countrylike setting, disturbing family dinners and keeping the children awake at night, and preventing them from sitting on their
deck in the evening and look at the stars. He advised that no one opposes the Church being there, they are opposed to the light coming off the building which is diminishing their enjoyment of their homes and surrounding. Mr. Beller presented a diagram showing the placement of the residences in relation to the location of the Church. He explained that the homes in that area are on ten acre lots and were purchased for the tranquility of the area, which is being diminished by the lights at the church building. He stated that as he understands the lighting ordinance, any lights on the top of the building should not project outward as these lights are. Mr. Beller presented photos of the signs on the building which are back lit.

Mr. Beller stated that the pastor at the Relevant Church has had conversations with the neighbors, but they are requesting that the lights be shut down until there can be some sort of agreement reached with the neighbors to the west. It is their position that the lighting currently at the church does not comply with lighting ordinances.

In response to questions from the Board, Mr. Beller stated that the lights and the signs are already up on the building and have been turned on at night in the past four days. He stated that the church had turned off the lights last night so they could not get photos of the issue.

Mr. Rosacker reminded everyone that the issue before the Board today is only the signage, not the luminescent panel which is independent of the signs. In response to a question from Mr. Rosacker, Mr. Cory Nelsen, 11656 Meridith Avenue, stated that when the plans were approved by the city, the lighting and the luminescent panel was included in the plans which were submitted. Mr. Rosacker added that after the initial plans were approved, there would have also been a separate submittal showing how many lumens are on every square foot and the ordinance Mr. Beller referred to was related to the horizontal projection of that lighting. He stated that none of that process involving the lighting is something that the Planning Board deals with.

In response to questions from Ms. Karnes, Mr. Beller stated that she was correct in assuming that for the signs on the building to be lit, the entire panel has to be lit from what they had been able to determine. He also stated that the neighborhood is requesting that the approval for the signage be laid over until the lighting issue can be worked out.

Mr. Beller showed a photo taken from the Hastings yard towards the building showing how the lighting looks from that perspective.

Mr. Patrick Hastings, 21500 Elk Ridge Circle, appeared before the Board in opposition. Mr. Hastings presented a photo taken on his cell phone from his kitchen window looking towards the church showing the lights. He stated that he is happy that the Church is going to be their neighbor, but he is unhappy with the lighting disrupting his nighttime view. He did state that the lights are not on constantly.

Mr. Tom Hastings, 9708 Valaretta Drive, Gretna, appeared before the Board in opposition. Mr. Hastings stated that Patrick Hastings is his son and they had saved for this home for many years. He stated that they can sit on their deck and see deer and other wildlife. He stated that the lights at the church light up his son's house because the back of the house is glass. Mr. Hastings stated that he believes the lights from the church would devaluate his son's home by at least 50%.

Ms. Michelle Cheetum, 3501 North 216th Street, appeared before the Board in opposition as both a neighbor and as the Secretary/Treasurer of the Elkhorn Ranches Homeowners Association. She stated that she has been bombarded by phone calls from other members of the Homeowners Association. She stated that the homes in the neighborhood are on 10 acre lots and that all of the houses are being affected by the lighting. Ms. Cheetum stated that she understands wanting to provide signage showing where the Church is located, however, none of the neighbors were asked if it was ok for them to have lighting. She believes the lighting should face away from them. She stated that other churches use amber lighting rather than the bright lights being used in this case. She stated that when the representatives of the church first came in, they gave their word that Elkhorn Drive would remain a tree covered lane and she believes that by having the lighting, it is no longer that tree covered lane that it once was.

Mr. Hamann, appeared before the Board on behalf of the applicant, in rebuttal. He stated that the signs are not advertising signs and in relationship to the size of the lot, it is really minimal signage. The glass panels
on the façade is backlit with a glow, it does not have projecting light. He stated that when the lights were installed, the electrician turned them up as high as they would go and left them on for several hours in order to “burn them in” then he did not turn them off. Mr. Hamann stated that during regular use, the lights will not be on that high and will not be on regularly after dark, though they may be on for a couple of hours some nights for events or activities at the church. He presented a diagram from the staff report showing the location of the Church related to the residences which showed that Mr. Hastings’ home is approximately 1100 feet from the Church. He also reminded the Board that the Church is in an R4 zone, the Church is a permitted use in that zoning with a Conditional Use Permit which they have. He stated that they are getting distracted from two small signs on the building and getting into an architectural class, which has nothing to do with the request before the Board.

In response to questions from the Board, Mr. Beller stated that the lights can be turned off in segments, which means that all of the lights do not have to be on in order to light the signs. Mr. Nelson responded that they had just taken occupancy of the building last week and have not had the opportunity to become familiar with the lighting system, but it is his understanding that the lights can be turned on and off in segments. He stated that for now the lights have been left off but the lighting contractor is coming back to show them how the programming works on the lights.

Mr. Rosacker inquired whether the glass panels had always been a part of the plans or had they originally been shown to be metal panels? Mr. Nelson stated that they had always been shown on the plans to be opaque glass panels.

Mr. Eric Englund, Manager of Current Planning, stated that the department is supportive of increased signage for schools and churches in residential districts. He stated that the department recommended approval of the additional signage, which would include a requirement that the applicant also receive a waiver from the Zoning Board of Appeals. He stated that he received correspondence from residents adjacent to the Church and he contacted the Chief Electrical Inspector who is in the process of looking at the plans which were approved and specific lighting codes for the City. Mr. Englund stated that the lighting is a separate issue from the signage which would be dealt with separately through the electrical code. He stated that the department recommends approval subject to the conditions in the recommendation report.

Mr. Magid confirmed with Mr. Englund that the original approval for the Church was in May, 2018 and that this now is only an amendment for the additional signage. Mr. Englund and Mr. Pate agreed that the neighbors and the representatives of the church need to have a meeting to determine hours of operation, and other issues including the lighting.

Ms. Karnes stated that she is not comfortable allowing the church to move forward until the lighting issue is worked out. Mr. Magid stated that he believed the issue before the Board was only to decide whether the church can or cannot have the additional signage.

Mr. Morris motioned to layover the case. Mr. Moore seconded the motion which carried 6-0.

**APPROVAL OF MINUTES**

No minutes were voted on at this meeting.

**ADJOURNMENT**

Mr. Rosacker motioned to adjourn the meeting at 4:36pm. Mr. Moore seconded the motion which carried 7-0.