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

#3 Mr. Don Seten of the Planning Department explained that this request involved two buildings. One of the buildings is a historic building which is in very bad condition with multiple code violations and would be rehabbed. The second building would be demolished to make room for a new 5000 square foot building. The applicant will be utilizing historic tax credits as part of their funding stack. The total project costs are approximately $1,900,000 and the TIF support requested is $282,676.

#4 Mr. Seten explained that this request will rehab a historic, 1919 building. The top floor of the building is intended to be utilized as a large office space for a single tenant. The next two floors are anticipated to house several offices and the main floor will include a restaurant. The second building included in this request will be utilized as parking for the office building. The total project costs are approximately $800,000 and the TIF support requested is approximately $1,662,000. The project will include approximately $46,000 in public improvements, and the applicant will be making a $25,000 donation to the Downtown Improvement Fund.

#1 Mr. Eric Englund, Acting Assistant Director, stated that this case will be on the “Administrative Only” portion of the agenda. He advised that the final plat is nearly identical to the preliminary plat which was approved by City Council on November 26, 2019. This development will include 68 residential lots and one public park as well as the extension of George B Lake Parkway to F Street.

#2 Mr. Englund stated that this request was laid over at the November meeting and that the department anticipates several speakers will attend the meeting today as well. He stated that the applicant has made significant design changes and has updated the site plan to accommodate potentially losing some land to the south if the neighbor’s adverse possession claim is approved and there will be no Building permit issued until the claim is settled.

#5 & #10 Mr. Englund stated that these two requests should be heard together but voted on separately. He explained that amendments to the Future Land Use Element are generally only approved if there is a factual deficit or if the amendment will further other Master Plan goals, as is the case here. He went over the comments in the recommendation report and advised that the application does meet most requirements for the PUR (Planned Unit Redevelopment).

#6 & #14 Mr. Englund stated that these cases are on the Consent Agenda for layover as more information is needed on each of them.
#7 - #14, #11 - #14, # 17 - #19  Mr. Englund stated that all of these cases are on the Consent Agenda for approval and provided a few details about each case.

He stated that one neighbor is opposing the project on #8 and may be at the meeting to speak.

#9 has multiple conditions, some of which need to be resolved with the Public Works department prior to the case being forwarded to City Council.

#11 will need a waiver from Zoning Board of Appeals.

#18 the department recommends approval for this applicant ONLY.

#15  Mr. Englund explained that the applicant is requesting this amendment due to a change in signage. He advised that the department is recommending approval subject to the applicant meeting all standards listed in the recommendation report.
Mr. Greg Rosenbaum, Chairperson, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures. Ms. Karnes advised those in attendance where to find a copy of the Nebraska Open Meetings Act in the Legislative Chambers.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

Subdivisions

<table>
<thead>
<tr>
<th></th>
<th>C10-19-245 (D) C12-19-246</th>
<th>REQUEST: Preliminary Plat approval of HANOVER FALLS CENTER, a subdivision outside the city limits, along with rezoning from AG to MU</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cameron General Contractors</td>
<td>LOCATION: Northwest of 156th and State Streets</td>
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</table>

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Moore motioned for layover to allow the applicant time to address issues related to layout and design. Mr. Rosacker seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th></th>
<th>C10-19-247 (D) C12-19-248</th>
<th>REQUEST: Preliminary and Final Plat approval of OPA CAMPUS, a subdivision inside city limits, with a waiver of Section 53-8(5c-d), Easements, along with rezoning from DS and CBD to CBD (property is located within an ACI-1 Overlay District)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Joan Squires, Omaha Performing Arts Society</td>
<td>LOCATION: Northwest and southwest of 11th and Dodge Streets</td>
</tr>
</tbody>
</table>
At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Morris motioned for approval of the waiver of Section 53-8(5c-d), Easements; approval of the rezoning from DS and CBD to CBD; approval of the preliminary plat, subject to the following conditions:

1. Construct the corner bump-out on the northeast corner of the intersection of 12th Street and Capitol Avenue and coordinate with the Public Works Department to provide 12th Street striping modifications north of Capitol Avenue.
2. Provide all improvements identified in the final approved traffic study.
3. Coordinate with Park Omaha for meter replacement in the new and reconfigured on-street parking stalls, and for any potential loading areas or parking management strategies.
4. All corner bump-outs, on-street parking, and street paving improvements are subject to the OPW improvement review process.
5. All striping changes are subject to Public Works Traffic review.
6. Coordinate with the Public Works Department on the process for the approval of the proposed 12th Street loading dock access.
7. Provide for improvements to the intersection of 11th and Dodge Streets to accommodate the project’s pedestrian trips as identified by the Public Works Department.
8. Coordinate with Planning and Public Works Departments regarding maintaining an at-grade sidewalk across the loading dock driveway on 12th Street.
9. Compliance with all applicable stormwater management ordinances and policies.
10. Coordinate with Planning regarding an acceptable streetscape plan including tree planters which conform to City standards.
11. Incorporate measures to protect and avoid adverse impacts to the historic site at 1110 Douglas Street.

In addition, Mr. Morris motioned for approval of the Final Plat, subject to the conditions of the preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding to City Council.

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

| 8. | C10-19-261 | (D) | REQUEST: | Preliminary Plat approval of EVERT PLACE REPLAT 1, a subdivision outside city limits, with rezoning from AG and R5 to DR and R5 |
|    | C12-19-249 |     | LOCATION: | 450 South 193rd Street |
| All Holy Spirit Greek Orthodox Church | | | |

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Morris motioned for approval of the rezoning from AG and R5 to DR and R5; and approval of the Preliminary Plat, subject to the following conditions:

1. Contribute to the 192nd Street project.
2. Submit the 30% design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection System Design manual.
3. Update the final plat to include the right of way purchased for Douglas County Project c-28(529) eliminating Outlot “C” and altering right of way dedication at the northeast corner of the platting.
4. Provide an acceptable tree mitigation plan with the final plat submittal, showing retained and mitigated trees within an outlot, which may require a Revised Preliminary Plat submittal.
5. Coordinate with the Douglas County Engineer’s Office on permits for any new or revised street connections to 192nd Street.
6. Temporary turn-arounds must be provided at the terminus of all temporarily dead-ended streets.
7. Proposed site grades along the eastern boundary of the platting, adjacent to 192nd Street, must be coordinated with the future improvement of the roadway.
8. Coordinate with the Douglas County Engineer’s Office on any permits for grading, sewer, or utility work carried out in conjunction with this development within the 192nd Street right-of-way.
9. Provide a note on the final plat that direct access to 192nd Street from the adjacent platted lots will not be permitted.
10. Coordinate with OPPD on any grading, construction, or vegetation management within the easements located on the north edge of the property.
11. Submit for review, storm sewer design computations and final plans to the Douglas County Engineer’s Office that relate to the handling of roadway and site drainage along the development boundary adjacent to 192nd Street.
12. Coordinate with the Douglas County Engineer’s Office on any necessary traffic calming measures...
in the design of some of the interior streets.

13. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
14. Provide sidewalks along all street frontages.
15. Coordinate with the city on an acceptable debt ratio.
16. Record the final plat for Evert Place prior to recording the final plat for Evert Place Replat 1.
17. Compliance with all applicable stormwater management ordinances and policies.

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

| 9. | C3-19-262  
|    | C10-18-219  
|    | C12-18-220  
|    | Falcone Land Development | REQUEST: Preliminary Plat approval of VISTANCIA (Lots 301-512 and Outlots J-L), a subdivision outside the city limits, with rezoning from AG and R5 to DR, R4, and R5, along with a request for a variance to the Present Development Zone boundary of the Urban Development Element of the City’s Master Plan |
|    | LOCATION: Northwest of 210th and Fort Streets |

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Morris motioned for approval of a variance to the Present Development Zone boundary of the Urban Development Element of the City of Omaha Master Plan; approval of the rezoning from Ag and R5 to DR, R4 and R5; and approval of the preliminary plat, subject to the following being addressed with or prior to submittal of a Final Plat:

1. Coordinate with the Public Works Department to address compliance issues related to the Vistancia first phase grading permit, drainage study, and Post Construction Stormwater Management Plan prior to forwarding this request to the City Council.
2. Provide for the construction of the three-lane section of Fort Street along the subdivision’s frontage and for the turn lane and taper areas.
3. Coordinate with the Public Works Department on the arrangements for the interceptor sewer project, including language in the subdivision agreement.
4. Coordinate with Public Works on an acceptable GO paving plan.
5. Coordinate with the Public Works Department, Douglas County and the Papio-Missouri River Natural Resources District for the alignment of the interceptor sewer relative to Dam Site #12.
7. Provide for temporary turn-arounds at the terminus of all temporarily dead-ended streets.
8. Secure all the necessary permits from the Douglas County Engineer’s Office.
9. Place a 35 foot no-build easement on the final plat on all lots adjacent to Kestral Parkway (211th Street).
10. Submit storm sewer design computations and final plans that relate to the handling of roadway and site drainage along the development boundary adjacent to Fort Street to the Douglas County Engineer’s Office for review.
11. Sidewalks are required by the subdivision ordinance to be provided along all street frontages, including along Fort Street.
12. Any grading, sewer or utility work carried out in conjunction with the development, in the Fort Street right-of-way, will require permits from the Douglas County Engineer’s office.
13. Proposed site grades along the southern boundary of the platting, adjacent to Fort Street, must be coordinated with the future improvement of the roadway.
14. Compliance with all applicable stormwater management ordinances and policies; including providing for a neo net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality.
15. Provide a revised tree canopy analysis addressing the tree canopy in Lot 483 and an acceptable tree mitigation plan indicating the location and species of mitigation trees to be planted.
16. Submit a wetland analysis and either a wetland mitigation plan if jurisdictional wetland area is proposed to be disturbed or a Revised Preliminary Plat with a layout avoiding the wetland area.
17. Any drainageways must be placed in outlots sized to accommodate either the 3:1 +20’ section, or the 100-year storm flow (whichever is greater).
18. Submit the 30% design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City's Wastewater Collection Systems Design Manual.
19. Coordinate with OPPD regarding any grading, construction or vegetation management plans near the transmission line on the south side of the Fort Street.
20. Place a note on the plat that there shall be no direct access from any lots or outlots to Fort Street.
21. Provide for traffic calming on all streets longer than 1000 feet.
22. Compliance with all applicable stormwater management ordinances and policies.
23. Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement.
24. Design of Kestral Parkway shall be per the 2016 Suburban Park Master Plan Boulevard plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
25. Coordinate the design for Park #33b with the adjacent SID’s and the Parks Department. The park design shall meet the requirements as outlined in the Suburban Park Master Plan (2016 updated). The park should be designed by a Professional Landscape Architect licensed in the State of Nebraska.
26. Submit a letter of approval of a Noxious Weed Plan from Douglas County.
27. Submit a letter from Douglas County Emergency management confirming that acceptable emergency warning is being provided for the area.
28. Complying with an acceptable debt ratio of 4% or less.
29. Correct street names on the final plat in compliance with city code, including Kestral Parkway instead of 211th Street.

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

Rezonings

11. C10-19-256  Mark McClellan  (D)  REQUEST: Rezoning from DS to CBD (property is located within an ACI-1 Overlay District)
   LOCATION: 2514 and 2524 Leavenworth Street

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Morris moved for approval. Mr. Pate seconded the motion which carried 6-0.

12. C10-19-257  Martha Villanueva  (D)  REQUEST: Rezoning from GI to R4
   LOCATION: 2501 Elm and 2906 South 25th Streets

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Morris moved for approval. Mr. Pate seconded the motion which carried 6-0.

13. C10-19-263  PJ Morgan Investments, Inc.  (D)  REQUEST: Rezoning from GI to NBD (property is located within the ACI-1 Overlay District)
   LOCATION: 1405 South 13th Street

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Morris moved for approval. Mr. Pate seconded the motion which carried 6-0.

Conditional Use Permits

14. C7-07-073  Joe Turacek  (D)  REQUEST: Approval of a Major Amendment to the CUP to allow Hospital services (general) in the GO District
   LOCATION: 8303 Dodge Street

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Morris motioned for approval of the Major Amendment to the Conditional Use Permit to allow Hospital services (general) in the GO District, subject to meeting the following conditions:
1. Obtain a waiver for front yard setbacks and fence/screening height from the Zoning Board of Appeals
2. Coordinate with Public Works to ensure compatibility between the site improvements with the City’s
separate 84th Street and Dodge/Indian Hills intersection improvement project.
3. Compliance with all applicable stormwater management ordinances and policies.
4. Compliance with the submitted site plan.
5. Compliance with the submitted operations plan.
6. Compliance with all other previous conditions of approval.
7. Compliance with all other applicable regulations.

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

**Special Use Permits**

<table>
<thead>
<tr>
<th>Number</th>
<th>Code</th>
<th>Applicant</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td>C8-19-258</td>
<td>Edward Rose Development Company, LLC</td>
<td>Approval of a Special Use Permit to allow a Broadcast tower in the R6 District, with a waiver to Section 55-226, Height, to allow a 100 foot tall tower.</td>
<td>North of George B Lake Parkway and West Q Road</td>
</tr>
<tr>
<td>17.</td>
<td>C10-19-264 C8-02-063 C8-02-064</td>
<td>Menard, Inc.</td>
<td>Approval of a Major Amendment to the Special Use Permit to allow Construction sales and service in a CC District, and approval of a Major Amendment to the Large Project Special Use Permit, along with expansion of the ACI-4-Area of Civic Importance Overlay District (portions of the property are located within the ACI-4 Overlay District)</td>
<td>708 North 120th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda. Mr. Moore motioned for layover. Mr. Rosacker seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>Number</th>
<th>Code</th>
<th>Applicant</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.</td>
<td>C7-19-265 C8-19-260</td>
<td>Metabolic Engineering and Recovery Center (MERC)</td>
<td>Approval of a Special Use Permit to allow Personal improvement services in the GI District, with approval of a parking adjustment (Section 55-736)</td>
<td>10729 J Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held December 4, 2019, this request was placed on the Consent Agenda.
Mr. Morris motioned for approval of the Parking Adjustment for a Mixed Use Development (Section 55-736); and approval of the Special Use Permit to allow a *personal improvement services* in the GI District, subject to the following conditions:

1. Compliance with the submitted site plan.
2. Compliance with the submitted operations plan.
3. Construct the sidewalks along 108th Street and J Street as proposed in the site plan.
4. Coordinate with OPPD on any grading along the proposed sidewalks.
5. Compliance with all applicable stormwater management ordinances and policies.
6. This applicant only.
7. Compliance with all other applicable regulations.

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

**ADMINISTRATIVE MEETING ONLY**

**Subdivisions**

| REQUEST: | Final Plat approval of BLUE SAGE CREEK 2, a subdivision outside city limits, along with rezoning from AG to R4 |
| LOCATIONS: | Northeast of 213th and F Streets |

At the Planning Board meeting held December 4, 2019, Mr. Eric Englund, Acting Assistant Director, advised that the preliminary plat for Blue Sage Creek was recommended for approval by the Planning Board on October 2, 2019, and approved by the City Council on November 26, 2019. He stated that the final plat is consistent with the approved preliminary plat with a total of 69 lots and four outlots. Mr. Englund stated that the department recommends approval subject to the condition listed in the recommendation report.

Mr. Rosacker motioned for approval of the rezoning from AG to R4, and approval of the final plat, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Ms. Franklin seconded the motion which carried 6-0.

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

**(HOLD OVER CASES)**

**Overlay Districts**

| REQUEST: | Approval of a PUR-Planned Unit Redevelopment Overlay District (laid over from 11/06/19) |
| LOCATION: | 501 South 38th Street |

At the Planning Board meeting held December 4, 2019, Mr. Jay Noddle of Noddle Companies, 2285 South 67th Street, appeared before the Board in support of the project. Mr. Noddle stated that he apologized for his rigid stance at the last meeting and he had held three additional meetings with the neighborhood associations and surrounding neighbors since then. Subsequently, after considering the goals of the project, his vision for the redevelopment of the core of the city and the concerns of the neighbors, Mr. Noddle and his team reconsidered the site plan and project design. Mr. Noddle presented an aerial view of the site and surrounding area. He pointed out three large, multi-family, buildings all within a block of, or adjacent to, his proposed project in the same neighborhood. As a direct result of input from the Board and other residents in the neighborhood, the proposed building was completely redesigned to better reflect some of other styles in the neighborhood.

Mr. Noddle stated that in addition to the major changes in design and materials, a number of other changes have been made to the building. Though the overall size of the building is not very flexible, the number of
units in the building decreased from 15 to 13 due to architectural changes affecting the layout. The number of parking stalls in the building remains the same, increasing the already abundant parking for the building residents. The Public Works and Planning departments have approved changing ingress/egress points to allow them to move the garage entrance from the west side of the building to the north side of the building. The entrance to the building has also been moved to the north side of the building and will be covered, allowing them to move the stair and elevator tower to the north side, eliminating the large architectural element at that corner of the building. Mr. Noddle advised that moving the entrance and tower is what lead to the decrease in the number of units. The extended balconies which were originally proposed and had been a point of contention with the neighbor to the north, will be inset which will make big difference. The roof has been changed from the original straight roofline to one that is set back and slanted. The perimeter lighting has been replaced with acorn lights to be more consistent with what is in the neighborhood. The trees on the west side will be tulip trees which is consistent with the trees on the west side of the street.

Mr. Noddle stated that with the redesign, his team had made accommodation for the possibility of the adverse possession claim of the neighbor adjacent to the south being found in favor of that neighbor. The setbacks on the southern portion of the project have been adjusted in order to allow for the possible loss of that portion of the site. In addition, the trees along that exposure may be changed to accommodate the loss of land as well.

Mr. Noddle believed that he and his team took the time to listen to the concerns of the Board and the neighbors, and made some large changes to the style of the building in response to those concerns. Regarding the desire of the neighborhood for larger setbacks than the current site plan allowance of 23 feet from the back of the curb on the north side of the building and 18 feet from the back of the curb on the west side of the building. Mr. Noddle stated that there is no way to decrease the size of the footprint of the building without further reducing the number or size of units, and that the PUR tool does allow for smaller setbacks for this type of development. He stated that they want to be good neighbors, and he felt they have come up with a design which should be much more acceptable based on the feedback they received at the meetings. He stated that this type of housing is very much in demand in the core of the city and he feels this project will set a standard for future development in the area.

In response to questions from Mr. Pate, Mr. Noddle stated that the materials are a combination of pre-cast material, brick, cementitious panels, and at the top are metal panels which are intended to be virtually maintenance free. Mr. Noddle stated that they have used these materials in a number of projects and believes the finished building will look stunning. Mr. Pate agreed that the site plans he has viewed have looked very nice.

In addition, Mr. Pate inquired about the recent meetings with the neighborhood residents. Mr. Noddle stated that he believed the meetings had gone fairly well though he was disappointed that people do not want to acknowledge the effort his team has put into creating a project that will be an asset to their neighborhood and will address many of their stated concerns. He feels that many people came to the meetings with an open mind, though there were also some who came, and remained, close minded, disrespectful, and unwilling to see any other point of view than their own. He felt that some people lack a realistic understanding of the Master Plan and of some of the development tools which are available to anyone who wants to develop a project. He feels that this lack of understanding and confusion about zoning codes leads to a false perception to how things are created, presented, reviewed, and approved by the City.

In response to further questions from the Board, Mr. Todd Swirzek of Noddle Companies, 2285 South 67th Street, and Mr. Noddle stated that the one bedroom-den units will be approximately 1,100 square feet; the two bedroom units will be approximately 1,600 – 1,700 square feet; the three penthouse units on the top will be approximately 2,500 – 2,700 square feet. Mr. Noddle stated that the smaller units will be sold for around $400,000. He advised that the prices of the units will probably be between 13% and 18% higher than originally thought due to the change in the design, however, that will depend on customization requested by a buyer and that, if a buyer comes in early enough in the process, there will be some opportunity for customization or combining a couple units into one larger one. He stated that he believes the homeowner will be making a very significant investment in their home and neighborhood, as well as creating a significant gain in the tax base.

Mr. Curt Snodgrass, 632 South 38th Street, appeared before the Board in opposition. Mr. Snodgrass stated...
that his home is approximately two blocks south of this proposed project, that the size of the building was his number one concern, and that the changes the Noddle team had made to the project were not enough for him. He stated that commercial development is very different from residential development and the residents in Omaha neighborhoods do not want to see large buildings built next to their homes. Mr. Snodgrass stated that all corners of this intersection have large, single family homes with large yards. He advised that the zoning on this corner is wrong as the ACI-1 Overlay is for “downtown” like zoning, which he states is not the case in this neighborhood with large homes set back far from the street. Mr. Snodgrass stated that the zero foot setbacks are inappropriate for the neighborhood and the size of the project will dwarf the homes in the neighborhood which have been there for 100 years.

Mr. Snodgrass noted the Board treated Mr. Noddle with much deference at the last meeting, and he is aware that Mr. Noddle is an important person who has done a lot of big projects over the years and has earned the respect of the members of the Planning Board and Planning department with whom he works closely. He stated that he is aware the Planning Department & Board do not want to cross Mr. Noddle, however, it has not been fun to have Mr. Noddle coming at them with this project. Mr. Snodgrass asked whether the Board could, in good conscious, support waiving all the zoning standards for Mr. Noddle against the wishes of all of the people in the neighborhood. In closing, Mr. Snodgrass advised the Board to consider whether they would want this project to be built in their neighborhood or next to their home.

Ms. Rhonda Stuberg, 3708 Farnam Street, appeared before the Board in opposition to the project. Ms. Stuberg reminded the Board that she is the President of the Blackstone Neighborhood Association. Ms. Stuberg stated that at the November 6, 2019 Planning Board meeting, the Board mistakenly came to the conclusion that the biggest concern of the neighborhood residents was the design of the building. She stated that the concern was about more than just the design. Ms. Stuberg stated that the Resolution which she sent to the Board members and read at the November meeting, mentioned the size of the building in nine different places and she read those sections of the resolution again to remind the Board of the specific size concerns. Ms. Stuberg stated that they had met with Mr. Noddle and his team at their neighborhood meeting the Monday prior to the meeting, December 2, 2019, but that very little had been changed concerning the building and its footprint, to address their concerns. She also provided photographs showing the original design and the new design, which she stated were the same size and the neighbors felt the developer did not make the changes they requested. Ms. Stuberg stated that they have no problem with the design of the building, but don't believe it belongs in their neighborhood. She stated that following the last meeting with Mr. Noddle, the association drafted and approved an Affirmation of the Resolution, which she read to the Board.

Ms. Stuberg stated that the neighborhood is also unhappy about the ACI-1 designation, which people in the neighborhood were not informed had been made and feel strips the people in the neighborhood of any say in what happens in their area. She stated that a Board member had, at the end of the November 6, 2019 meeting, stated that the neighbors should have purchased the property if they wanted to control what was developed there. Ms. Stuberg again stated that they were not interested in investing in property to tear down and develop. The neighborhood is invested in restoration and preservation, which she feels should be the desire of the entire city for this neighborhood.

Mr. Pate inquired about Ms. Stuberg’s knowledge of any other projects or buildings of this size or type in the immediate area. Ms. Stuberg stated that there are not only other buildings, some of them are even bigger than this proposed building, however, they were built in the 1950’s and ’60’s when people were moving west and she does not believe they should have been allowed in the neighborhood back then either. In response to another question from Mr. Pate, Ms. Stuberg stated that her family had moved into the neighborhood twelve years ago and that they were aware the buildings were there at that time. Additionally, she stated that the buildings would be out of place in the neighborhood even if they were fixed up. She stated that the neighbors want their homes to what people notice when they come into the neighborhood. Mr. Pate inquired about what Ms. Stuberg would like to see built on that site, she replied that she would like the Board to consider what they would want next to their own homes. The neighbors would like to see something much smaller, with no or fewer variances to the zoning. Ms. Stuberg stated that the neighborhood residents should be able to control what the Planning Board and City Council approves for their neighborhood. She stated that she has heard from “others” that the new developments are a travesty and they are very displeased with the lack of input from the people who live in the neighborhoods.
Ms. Franklin stated that the Board appreciated everyone from the neighborhood association who came to the meeting to voice their opinions. She stated that there is an inaccurate perception of ownership by the neighborhood residents, particularly in older neighborhoods. She advised that neighbors do not have the ability to decide what another property owner can do with his property. Ms. Franklin inquired as to whether the neighborhood association had looked into developing covenants or other types of restrictions which could limit what type of development could occur in their neighborhood and would give them a little more control in the decisions; she advised that without those types of restrictions, a person can only control what happens on their own property. Ms. Stuberg stated that they have been thinking a lot about that recently and that she has attended neighborhood meetings in other neighborhoods in the Midtown area and that they are all mortified by the development they are seeing. Ms. Stuberg stated that they would like to get a covenant which would protect their historical neighborhood. Ms. Franklin encouraged them to develop the covenants, but until such time as they did so, it was really up to the property owner to determine what happens with their own property. She stated that the Noddle Companies had done their due diligence and was in compliance with the Master Plan of the city.

Mr. Steven Ranum of the Croker Huck Law Firm, 2120 South 72nd Street, appeared before the Board in opposition, representing the owners of 507 South 38th Street, the property adjacent to the south from this project. Mr. Ranum reiterated his belief from the November 6, 2019 meeting that the Board could not move forward with the request until such time as his client’s case for adverse possession had been decided by the courts. He stated that if that case is decided in favor of his client, it would remove a significant amount of land from the southern portion of the proposed project site. He stated that he knew the applicant, Noddle Companies, had submitted a new site plan which took into consideration the potential loss of that amount of property, however, he felt that with the removal of that property the site would be too small for the building being proposed. He stated that whether the adverse possession claim is granted or not, the project is too large for the site as evidenced by the requested waivers. He stated that, as he understands it, the site should comply with standards for the base district to the extent feasible and that the code states that relief can be obtained to address site constraints. Mr. Ranum stated that, in his opinion, this application seeks more than just “relief” from different code sections given the amount and severity of waivers the applicant is seeking will completely disregard the underlying, applicable R6 standards. Mr. Ranum advised the Board members to question whether the PUR exists to provide the type of substantial waivers being sought in this case or whether, as he believes, it is more appropriate for an application which seeks fewer, more moderate waivers for slight variances from the underlying code standards.

Ms. Therese Safranek, 503 North 38th Street, appeared before the Board in opposition. Ms. Safranek stated she believes this project looks like a large box which will destroy the aesthetics of the neighborhood with many designer show-homes. She stated that the project is being pushed forward by power and money and by people who want to increase density in this area of the city. She stated that once a development like this moves into one area, they are allowed to keep moving because it is all driven by power and money and those people can do whatever they want to do. Ms. Safranek suggested the project would be more appropriate on the empty lot at at 41st and Dodge Street where a motel used to sit or at the northwest corner of 38th and Leavenworth Streets. In her opinion, the tax base should have nothing to do with the location of this project which will destroy the neighborhood.

Mr. Pate confirmed with Ms. Safranek that she was familiar with the Blackstone neighborhood. Ms. Safranek stated that she was, and it is terrific. Mr. Pate asked Ms. Safranek how she felt about the development which has been occurring in the Blackstone District. She stated that she believes that the businesses now on Farnam are terrific. Mr. Pate clarified that he meant the overall district, not just on Farnam. Ms. Safranek stated that she is talking about the restaurants, bars, and other businesses on Farnam Street. She stated that she had been in the area since 1975 when she went to nursing and medical school at the Med Center. Ms. Safranek stated that the other buildings which the Board had asked about are east of where Mr. Noddle proposes to build his building and not an area she is concerned with. Mr. Pate inquired whether Ms. Safranek would agree that the development in the area had revitalized the Blackstone District. Ms. Safranek stated that she believed revitalization of old buildings was fine, but she is not in favor of building any new buildings in that area. Mr. Pate pointed out that Midtown Crossing is pretty new and is all new buildings. Ms. Safranek reiterated her statement that Midtown is not an area she is concerned with. She stated that it would be fine to put in condos down near Midtown, but not where Mr. Noddle wants to put them.

Mr. Mark Vondrasek, 555 South 34th Street, appeared before the Board in opposition. Mr. Vondrasek stated
that his opposition is due to the lack of affordability. He stated that he is also opposed to the idea that just because someone owns a piece of property, they have more of a right to decide what happens on that property than everyone else in the neighborhood. He stated that he works with tenant groups against slumlords in Midtown evicting tenants due to gentrification of the city. Mr. Vondrasek stated that Mr. Noddle, at the meeting on Monday, said he would like to see Omaha become more like Denver which he believes is an “unaffordable hellscape” now, compared to what it was 10 years ago before wealthy developers moved in and were allowed to take over neighborhoods and do whatever they wanted to do despite the opinions of poor, working class people. With respect to this project, Mr. Vondrasek stated that he wanted to push back on the belief that just because a person had the money to purchase a piece of property, that person should have the right to do what they wanted to do with the property they own which, he feels is a slap in the face to working class people who should also have some input in what happens on the property.

At the request of Mr. Pate, Mr. Jay Noddle returned to address the concerns expressed by the opponents and to answer questions from the Board.

In response to questions from the Board, Mr. Noddle stated that there had been no application for TIF funding for this project but based on the increased costs, he may do so. He stated that when he first considered this location for his project, he spent a lot of time walking neighborhoods similar to this one in various cities and found that most had historic pockets, new development, and one or more major institutions. Mr. Noddle stated that they found that an eclectic mixture of housing and development was something which worked well. There was previously an application submitted to build a Montessori school at that location, which is how he became aware the site may be available. Mr. Noddle stated that directly adjacent to the east is a building which is approximately 20 feet taller than the one he is proposing and that throughout the neighborhood there are examples of different styles of building built in the 1950’s, 1960’s and 1970’s and that on every block there is this mixture of architectural styles which makes for a dynamic neighborhood. Mr. Noddle stated that changing the style and materials, regardless of the size and style of the large building directly to the east, made sense for this project; however, he stated that they were going to keep the original, more contemporary, design to use somewhere else in the city. With regards to the size of the building, Mr. Noddle stated that as a development project, it would simply not be feasible if it were any smaller or if he reduced the number of units more than he has with the new design. He stated that a smaller footprint would reduce the quality of the condominiums and would significantly decrease or completely eliminate the parking within the building which is necessary to make the project attractive to potential buyers. Mr. Noddle stated that they could go to the R6, R7, or R8 zoning which would significantly reduce the project and make it reliant on street parking for residents as well as guests.

Mr. Pate asked what made Mr. Noddle believe this project would be successful. Mr. Noddle stated that his instinct and prior experience told him this project would be successful. He stated the research they had conducted into the market for this type of development would be proprietary, but that they had reason to believe it would be successful. Mr. Noddle stated that businesses, such as the Med Center, are continuing to grow, other buildings are being repurposed into new businesses, and the Kiewit Plaza was quickly developing, all of which was bringing new people into the area. Mr. Noddle reminded the people present that this development fits with the Master Plan for this area.

Mr. Eric Englund, Acting Assistant Director, explained that the ACI Overlay about in the early 2000’s as a result of the City Council, and city residents wanting better design standards. Omaha by Design was formed and out of that effort came Article 22, the section in the zoning code which provides higher design standards for certain portions of the city, including four variations of the ACI Overlay. He advised that ten to twelve years ago, there was a large effort by the city and the Planning Department to have certain corridors and districts in the city designated with the ACI Overlay. Mr. Englund explained that in 2008 or 2009 there was a lot of outreach, several public meetings, and notifications were sent to all property owners who owned property in an area which would be designated with the ACI Overlay, including the Blackstone neighborhood. He advised that most of the ACI Overlay requirements do not apply to single family homes, so if a property owner sold their homes or did something with their own home it would not apply; however, it does apply to other types of residential or office/commercial development.

Regarding the issue of preservation, Mr. Englund pointed out that this site is not within a local Landmark District or a locally designated property. He advised that there are a few properties in the neighborhood which do have that designation, but this site is not one of them.
Mr. Englund stated that the number and type of waivers which are being requested is not unusual for PUR projects in many areas around the city. He explained that much of Omaha’s zoning code is suburban code in general, and much of the code dates back to 1987; though there have been some updates and code changes since that time such as the ACI section. He stated that much of that older code has larger setbacks and other provisions which make infill development very difficult, which is why the PUR was developed.

Mr. Englund stated that the application submitted accounted for the possibility of a portion of the property being transferred to the neighbor to the south through their adverse possession claim. He explained that if that does not occur and the PUR is approved by City Council, there could be a Minor Amendment to the PUR which would allow the site to show that land within its property boundaries. He stated that there will also need to be an Administrative Subdivision which will set the location of the southern property line prior to any building permit being issued to prevent there being a 17 foot area with uncertain ownership between the two properties.

Mr. Englund stated that, unless there were additional questions from the Board, the staff recommended approval subject to the condition listed in the recommendation report.

Mr. Pate motioned for approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submittal of acceptable final PUR plans, including acceptable building elevations, prior to forwarding this request to the City Council. Mr. Rosacker seconded the motion which carried 6-0.

(REGULAR AGENDA)

Master Plan Referrals

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<tr>
<th>3.</th>
<th>C3-19-231 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the AMES INDUSTRIAL PARK TIF Redevelopment Project Plan</th>
<th>LOCATION: 4411 North 20th Street</th>
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At the Planning Board meeting held December 4, 2019, Mr. Don Seten of the Planning Department, appeared before the Board to explain the details of the request. Mr. Seten presented an aerial view of the area showing two buildings currently on the site which have historically been the home of a monument company and the site is currently zoned for industrial use. The northern most building was used as a showroom for the monument works and was constructed around 1900 which will be rehabilitated and the other will be torn down and replaced with a new 5,000 square foot building. Mr. Seten advised that the buildings have multiple code violations and the roof has failed. He stated that the developer is Justin Moore, the owner of Spencer Management which owns a trucking business and a small construction management business. Mr. Moore is looking for a new home for the business which will allow him to expand his business and increase the number of employees as well. In addition to TIF funding, the developer will also be utilizing historic preservation funds for the rehabilitation of the first building.

Mr. Seten stated that the total project costs are estimated to be $1,960,000 and the TIF support requested $282,676. He advised that the project meet the TIF program requirements and has been approved by the TIF committee, it is an appropriate land use, and complies with the City’s Master Plan.

No one appeared in opposition.

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

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

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<tr>
<th>4.</th>
<th>C3-19-244 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the REDFIELD TIF Redevelopment Project Plan</th>
<th>LOCATION: 1901 Howard and 435 South 20th Streets</th>
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At the Planning Board meeting held December 4, 2019, Mr. Don Seten of the Planning Department,
appeared before the Board to explain the details of the request. Mr. Seten stated that this project will be located downtown at 19th and 20th Streets and Howard Streets. The building at 1901 Howard is currently vacant, has approximately 47,800 square feet of usable space and will be rehabilitated for office/commercial use. This building is also on the National Registry of Historic Places and will be rehabilitated as a Historic building, maintaining its historic integrity and appearance. The top floor is intended to be rehabbed for a single, large, anchor office user. Floors two and three are anticipated for use by smaller office users, perhaps with some shared amenities. The first floor of this building will likely house a coffee shop and restaurant. The developer is anticipating the offices will likely be leased by law firms due to the location relative to the Courthouse.

The building at 435 South 20th Street is diagonally across the street to the south from the first building. This building is also vacant and will be repurposed to provide parking for the office/commercial building. The building will house two levels of parking for a total of approximately 60 indoor parking stalls.

The developer, 1901 Howard, LLC, anticipates using state and federal historic tax credits as well as TIF and PACE funding. In addition to public improvements, such as sidewalks and streetscaping, the developer will be making a $25,000 contribution to the Downtown Improvement Fund. Mr. Seten stated the total project costs are approximately $800,000 and the TIF support requested is approximately $1,662,000. He advised that the project meet the TIF program requirements and has been approved by the TIF committee, it is an appropriate land use, and complies with the City’s Master Plan.

No one appeared in opposition.

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

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

| 5. | C3-19-229 Elko Properties | REQUEST: Approval of an Amendment to the Future Land Use Element of the City’s Master Plan from Low density residential to High density residential |
| LOCATION: 4912 and 4914 Davenport Street |

*Ms. Karnes advised that this case would be heard together with agenda item #10 (C10-19-239 & C11-19-224) but both cases would be voted on separately.*

At the Planning Board meeting held December 4, 2019, Mr. Geoff DeOld of DeOld Andersen Architecture, 1717 Vinton Street, appeared before the Board on behalf of the applicant. Mr. DeOld stated that the applicant had had a medical emergency and was unable to make the trip from Colorado; they requested a one month layover to the January, 8, 2020 Planning Board meeting.

Mr. Ralph Ross, 224 North 49th Street, appeared before the Board in opposition. Mr. Ross stated that he resides on the block where the developer proposes to build the apartments and though it is not a very nice block, it is in Dundee and he believes the Board should be careful with what they will allow. Mr. Ross stated that he understands why they are requesting to change the zoning to allow for medium density, multi-family, residential development since it is near the proposed new transit route. He stated that he is shocked by the waiver requested to allow 21 units as opposed to the 13 units which would be allowed with R7 zoning. He did not believe the Dundee neighborhood needed that kind of density and that it would create a slippery slope for other, very dense, development in the area.

Mr. Alan Rowch, 4908 Chicago Street, appeared before the Board in opposition. Mr. Rowch stated that he was a teacher and had lived in the Dundee neighborhood with his wife since the 1970’s. Mr. Rowch stated that he chose the Dundee neighborhood to purchase a home in the 1970’s because the area seemed “magical” and was very special. He stated that walking through the neighborhood shows that there is a strong sense of community there because the area is so special. Mr. Rowch brought in a book which had some historic photographs of the Dundee area and stated that Dundee had been the home of Warren Buffet and Henry Fonda, and he felt it was likely that Marlon Brando had been there as well, all of which went into making the neighborhood a special and magical place to live. He stated that his heart
was broken when he got the notice about the proposed development and learned that the home currently on the site was to be torn down and asked the Board to deny the request and save the house.

Mr. Fred Wolfe, 5003 Davenport Street, appeared before the Board in opposition. Mr. Wolfe stated that he had lived and worked in Dundee since 1963 and that when he was in high school the developers had begun “slipping in” six to twelve unit apartment buildings on single lots to save the neighborhood. Mr. Wolfe stated that he does not believe the development is necessary to save the neighborhood any more than it did need it in the 1970’s, and the Dundee area is plenty dense. Mr. Wolfe believes that if density needs to be added, it should be done along the major streets rather than in neighborhoods like Dundee. He feels that it is possible another small building could be ok, but the proposed development is too big for the neighborhood. Additionally, he is concerned that small apartments have “expiration dates”, and will lead to decreased safety and increased crime in the neighborhood.

Mr. Eric Englund, Acting Assistant Director, stated that he sees no reason not to grant a layover to the applicant. He reminded those in attendance that new notices would not be sent out if the case is back on the agenda at the January 8, 2020 meeting. If it comes back at a later time, new notices would then be sent out.

Mr. Pate moved to layover agenda item #5. Mr. Morris seconded the motion which carried 6-0.

**Rezonings**

<table>
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<tr>
<th>10.</th>
<th>Rezoning from R4(35) and R7 to R7, along with approval of a PUR-Planned Unit Redevelopment Overlay District</th>
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<tbody>
<tr>
<td></td>
<td>LOCATION: 4912 and 4914 Davenport Street</td>
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*Ms. Karnes advised that this case would be heard together with agenda item #5 (C3-19-229) but both cases would be voted on separately.*

At the Planning Board meeting held December 4, 2019, Mr. Geoff DeOld of DeOld Andersen Architecture, 1717 Vinton Street, appeared before the Board on behalf of the applicant. Mr. DeOld stated that the applicant had had a medical emergency and was unable to make the trip from Colorado; they requested a one month layover to the January, 8, 2020 Planning Board meeting.

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than it did need it in the 1970’s, and the Dundee area is plenty dense. Mr. Wolfe believes that if density needs to be added, it should be done along the major streets rather than in neighborhoods like Dundee. He feels that it is possible another small building could be ok, but the proposed development is too big for the neighborhood. Additionally, he is concerned that small apartments have “expiration dates”, and will lead to decreased safety and increased crime in the neighborhood.

Mr. Eric Englund, Acting Assistant Director, stated that he sees no reason not to grant a layover to the applicant. He reminded those in attendance that new notices would not be sent out if the case is back on the agenda at the January 8, 2020 meeting. If it comes back at a later time, new notices would then be sent out.

Mr. Rosacker moved to layover agenda item #10. Mr. Moore seconded the motion which carried 6-0.

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<th>15.</th>
<th>C7-08-166 C7-97-225 Children’s Hospital Foundation</th>
<th>REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Hospital services (general) in a GO District, (property is located within an ACI-2(65) Overlay District)</th>
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<td>LOCATION: Southeast of 84th Street and West Dodge Road and Northwest of 84th Street and Indian Hills Drive</td>
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At the Planning Board meeting held December 4, 2019, Mr. Tim Jacoby, 8200 Dodge Street, appeared before the Board on behalf of Children’s Hospital. Mr. Jacoby was joined by Mr. Bryan Nielsen of HDR, 1916 South 67th Street, who was the lead designer on the project. Mr. Jacoby stated that currently Children’s Hospital is building a new tower and garage structure and that there is a digital display sign on the northeast corner of that project. He explained that since the hospital is a civic use in a GO District, the digital information sign is not permitted which is why they are requesting the Major Amendment to their Conditional Use Permit. Mr. Jacoby stated that the Foundation believed the sign was of vital importance because it allows the hospital to give information in near-real time of the services offered to the public. He stated that they had met with the Planning Department staff regarding the restrictions associated with this use and felt they have reached agreement on those restrictions.

Mr. Pate asked what type of information will be offered on the display. Mr. Jacoby stated that it would feature photos of children who had successful treatment at the hospital, as well as information about services offered at the hospital and any special events as well. Mr. Pate stated that while he understands the signs are important and visually appealing, this is in a very high traffic area and he is concerned about people staring at the sign and causing accidents. Mr. Jacoby felt they would be able to comply with the regulations associated with this type of signage. Mr. Rosacker asked whether the programming would be such that the time delay could not be overridden and taken out of compliance. Mr. Nielsen stated that they had been through multiple meetings with department staff going through the ten second pause/delay between images. He showed some of the screens on the overhead display. He clarified that the images did not change instantly, there was a “fade in” from one image to the next. Mr. Nielsen went through some of the settings and explained how the programming and technology worked. He also pointed out that more than 50% of signs through the city are not in compliance with city regulations. He stated that the display is 60 feet by 20 feet, which he compared to the typical billboard along Dodge Street which measures approximately 15 feet by 50 feet.

Mr. Pate pointed out that the sign is already up and functioning. Mr. Jacoby stated that they are asking forgiveness because this sign was left out of the previous request for the Conditional Use Permit but was put up when the garage was built. Mr. Jacoby stated that he had not been aware of the need for a permit. Mr. Pate pointed out that HDR was a local firm and should have known the sign would have required a permit.

In response to a question from Mr. Pate, Mr. Jacoby stated that he believed they had taken every possible precaution to reduce the potential danger to motorists. He stated that he would welcome any additional ideas for methods to further mitigate the potential for danger. Mr. Jacoby stated that the current location is the only place it was feasible to place the sign on the garage structure due to the design of both the sign.
and the building. Mr. Nielsen stated that the sign was a part of the design of the parking structure to make it look less like a parking structure right on Dodge Street and create a more appealing look for drivers and pedestrians along Dodge Street as well as providing valuable information to the public.

Mr. Pate stated he was still worried about the safety hazards presented by the sign. He stated that part of his concern came from the fact that they had put the sign up without getting permission or permits and he was concerned about compliance with the conditions which were being placed on the approval by the department. Mr. Jacoby stated that they were in agreement with the conditions. Mr. Rosacker stated that he appreciated the applicant making a public promise to comply with the conditions but he noted that other locations have been in compliance when they are approved, then a month later they are out of compliance. He recommended having the department staff come out to see when the sign is turned on to ensure that it is what was allowed and does not become a movie screen.

Mr. Eric Englund, Acting Assistant Director, stated that this type of signage does require a Major Amendment and that the applicant will also need to receive waivers from the Zoning Board of Appeals. The two waivers would be for the total sign budget up to 2,520 square feet and also to allow an electronic information sign not otherwise permitted. He advised that if the applicant can comply with the code requirements, the department considers the request to be acceptable. Mr. Englund stated that they are aware signage is a problem in many places throughout the jurisdiction, but the applicant is stating that they are willing to comply with the conditions of the department. In the event of non-compliance, the Planning Board does have the authority to bring them back before the Board and could revoke the use permit.

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

Mr. David Fanslau, Director, clarified that “instantaneous” means no fade in/fade out, waterfall in/out or other type of thing between images. Instantaneous means one second an image is there, and the next second there is a different image, nothing in between. He stated that the conditions in the report state exactly how the sign image should look. Mr. Pate clarified that the image shown at the meeting had a fade in/fade out, and requested that the applicant provide updated video/images showing the instantaneous change as Mr. Fanslau had described.

Mr. Morris moved for approval of the Major Amendment to a Conditional Use Permit to allow Hospital services (general) in a GO district, subject to the following:

1. Compliance with the submitted signage plan.
2. Compliance with Section 55-854 of the Omaha Municipal Code.
3. No off-premise advertising is permitted.
4. Secure any necessary approvals from NDOT for the electronic information sign.
5. Approval of the necessary waivers from the Zoning Board of Appeals.
6. Compliance with all applicable previously approved conditions.
7. Compliance with all other applicable regulations.

Ms. Franklin seconded the motion which carried 6-0.

**Vacations**

| 19. | C14-19-242 Planning Department on behalf of the City of Omaha | REQUEST: Vacation of the east/west alley, west of North 28th Avenue, between Binney Street and Maple Street abutting Lot 91, Block 0 of Gises Addition and Lots 3-11 and 13, Block 0 of Remington Subdivision |

At the Planning Board meeting held December 4, 2019, Mr. Eric Englund, Acting Assistant Director, explained that the city is proposing to vacate 4,500 square foot of alley right-of-way which has a fence and curb abutting the southern edge. He advised that the alley has been maintained over the years by the property owner at 2863 Binney Street. Mr. Englund stated that the Public Works department received a request from the property owner at 2863 Binney Street about vacating that remnant piece of alley. Mr. Englund stated that there are generally two methods to use for vacating an alley; a petition can be
brought forward by the owners of property abutting at least 75% of the alley, or an applicant can request the Planning Board initiate such an action. Because the desire is to have the vacated alley property go to only the property owners on the north side of the alley, representing less than the 75% threshold, the department believes that the Planning Board initiation of the vacation is the best way to proceed.

Mr. Mitchell(?) Payne appeared in opposition. Mr. Payne stated that he had been maintaining that property for 60 years, that his mother owned the property at 2863 Binney Street, and he owned several other properties in that area. Mr. Payne inquired about whether taking that alley was being done through eminent domain. Mr. Englund advised that the alley property is owned by the City of Omaha, and that the city has the ability to vacate that property if a request is made. Mr. Englund verified with the file that it was the property owner at 2863 Binney Street who requested this vacation and inquired whether that was the property his mother owned. Mr. Payne advised that his mother actually no longer lived at that address and he did not know the name of the person who owned it now. He stated that he also owned, or had at one time owned, property at 2867 and 2863 Binney Street and that his in-laws owned the property at 2914 North 28th Avenue. In response to a request from the Board, Mr. Payne pointed out which structure was 2863 Binney Street on the aerial photograph of the block. Mr. Payne also pointed out which locations he owned on the same photograph.

Mr. Englund stated that following the vacation of the alley, a portion of the alley property would become a part of the property of each abutting property owner on the north side of the alley, it would not all be going to a single property owner. He explained that through the vacation process, the city actually sells the alley property to the abutting property owners, which then essentially moves the lot lines, making it a part of their property. Mr. Englund stated that the determination of appraised value and division of the property will be part of a process following the vacation. In response to questions from the Board, Mr. Englund stated that the property owners generally initiated the request due to the fact that they have been maintaining the property for some time and the desire to make the property a part of their own parcel. Mr. Payne stated that he was the person who had been maintaining the alley his entire life.

Mr. Morris pointed out that if the alley was vacated, Mr. Payne would be increasing his property at 2867 and 2866 Binney Street and at 2914 North 28th Avenue. Mr. Payne stated that the property at 2914 North 28th Avenue had recently been demolished, but that he had paid the taxes on all of his properties this year. Ms. Karnes asked whether there were driveways in the alley to access the properties to the south, who which Mr. Payne replied that the alley was not “finished”, it was a grass alley with weeds and trees rather than being paved or having gravel for driving on. Mr. Englund asked whether Mr. Payne’s opposition was to gaining the land at his property, or if he was opposed to paying for the additional land, or if there was some other issue with the vacation which Mr. Payne opposed. Mr. Payne replied that he just did not want the alley to be blocked.

Mr. Englund advised continuing the public hearing to see if there was any other opposition to the request. He stated that it may be a good idea to lay the request over to allow time for Public Works to meet with Mr. Payne, and other property owners, regarding the vacation. Mr. Rosacker pointed out that there was only one applicant who had requested the vacation and that the Board really did not know what the opinion was of any of the other abutting property owners regarding the vacation.

As Mr. Payne prepared to leave, Ms. Karnes recommended he stay to hear the decision of the Board regarding this request.

Mr. Englund stated that the department’s recommendation was for approval of the vacation subject to retention of any easements; however, given the opposition he believed it may be best to layover the request to the next meeting to allow time for Public Works department to reach out to the abutting property owners. Ms. Franklin asked whether the property owners would receive notification of another meeting. Mr. Englund stated that all abutting property owners to the north and south had received notification of the meeting for December and that the department could send another notification for January. Mr. Rosacker requested confirmation that all the abutting property owners had been aware of the request and of the December 4, 2019 meeting, which Mr. Englund did confirm.

Mr. Rosacker motioned for layover. Ms. Franklin seconded the motion which carried 6-0.
Ms. Karnes explained to Mr. Payne that the Board had voted to layover the request to the next meeting, advised that the meeting would be held on January 8, 2020, and that he was welcome to come back at that time if he wished.

**APPROVAL OF MINUTES**

**November 6, 2019**

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

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

**ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at 3:31 p.m.

Date Approved

______________________________________________
Greg Rosenbaum, Chairman

______________________________________________
Lisa Agans, Planning Board
Recording Secretary

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