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

MEMBERS NOT PRESENT: Greg Rosenbaum, Chairman
Michael Pate

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

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

Mr. Derek Miller, Long Range & Mobility Planning Manager, and Jennifer Taylor, City Law Department, addressed the Board to discuss the City Charter as well as the mission, goals, responsibilities, and relevant sections of City code pertaining to the Planning Board. They both answered questions from the Board clarifying various responsibilities and code requirements. Classification of cities was discussed, as well as the Open Meetings Act and how it is relevant to the activities of the Planning Board.

#8 *Ms. Franklin advised that she would recuse herself from discussion of this case and left the room at 11:50 a.m.* Mr. Bill Lukash, Assistant Director HCD, explained that the amendment is requested due to activities which generated unanticipated funds to be disbursed to new projects. He explained how those funds came about and how they would be utilized. Mr. Lukash advised that Ms. Lisa Smith of the Planning Department would present this case at the meeting. *Ms. Franklin returned to the room at 11:55 a.m.*

#6 Ms. Autumn Evans, of the Planning Department, advised that this request was to dispose of property under Community Development Law and described the proposed use for the property to develop housing to people displaced during the redevelopment of South Side Terrace.

#7 Mr. Eric Englund, Acting Assistant Director, stated that this had been “inherited” by the City from the County and that in the past it had been a holding pond. Elkhorn, then Omaha had been filling it in with street rubble until 2014. There is some environmental clean-up to be done, part of which will be the responsibility of Merck. Prior to transfer, the City will rezone to DR, an appraisal still needs to be done which will be impacted by the environmental report.

#1 & #2 Mr. Eric Englund, Acting Assistant Director, advised that these two requests will be on the Administrative Meeting portion of the agenda.
#1: The preliminary plat was approved in September, 2019 by the Planning Board and in October, 2019 by City Council. This will consist of 17 acreage lots and 2 outlots.
#2: There was a final plat for the whole development approved in February, 2017 by Planning Board and October, 2019. The developer has decided to make it a phased development instead, so this request is for phase 1 of a two phase Mixed Use Development.

#3 Mr. Englund reminded the Board that this request had been laid over from the December, 2019 Planning Board meeting. The applicant is proposing to pull the Multi-family residential project out of the Mixed Use development, which is permissible. The department does not support the cul-de-sac. The department recommended approval with several conditions; condition #1 must be met prior to the preliminary plat being forwarded to City Council.

#4 & #5 Mr. Englund advised that these requests should be heard together and both were laid over from the January, 2020 Planning Board meeting. He advised that there had been additional meetings and some changes had been made to entryways and sidewalks along HWS Cleveland Blvd. No change to building #3. The department had not received any additional correspondence from opposition and did not expect any at the meeting.

#9 Mr. Englund advised that the request was withdrawn by the applicant.

#10 Mr. Englund advised that this request for Mixed Use development is on the Consent Agenda for Layover to allow time to work on some zoning requirements and to get some documentation together.

#11 Mr. Englund advised that though this project has made a few appearances in front of the Urban Design Review Board, this is the first request for the Planning Board for the Riverfront Revitalization Project. This is to plat one lot and will include vacated portions of 11th and 12th Street. He advised that there is a portion of the easement on the southeast side which must be maintained for fire and emergency access.

#12 - #17 Mr. Englund stated that all of these rezoning requests were on the Consent Agenda for approval.

#18 Mr. Englund advised that this request for rezoning and a major amendment to the Conditional Use Permit will allow for the construction of a fieldhouse and associated parking on the College of Saint Mary's campus.

#19 - #23 Mr. Englund advised that these Use permits are all on the Consent Agenda for approval.

The Planning Board pre-meeting adjourned at 1:13 p.m.
Mr. Greg Rosenbaum, Chairperson, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures. Mr. Rosenbaum advised those in attendance where to find a copy of the Nebraska Open Meetings Act in the Legislative Chambers.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

Subdivisions

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<tr>
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<tbody>
<tr>
<td>9.</td>
<td>C10-20-019</td>
<td>WITHDRAWN</td>
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<tr>
<td></td>
<td>C12-20-020</td>
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<td></td>
<td>Mark Sanford</td>
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<tr>
<td></td>
<td></td>
<td>REQUEST: Preliminary and Final Plat approval of PLAYERS CLUB, a minor plat outside city limits, with rezoning from AG to DR (portion of the property is located within the FF-Flood Fringe Overlay District)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LOCATION: Southeast of 132nd and State Streets</td>
</tr>
</tbody>
</table>

Prior to the Planning Board meeting held February 5, 2020, this case was withdrawn at the request of the applicant.

At the Planning Board meeting held February 5, 2020, Mr. Pate moved for layover. Mr. Moore seconded the motion which carried 6-0.
**Rezonings**

<table>
<thead>
<tr>
<th>Rezoning ID</th>
<th>Requestor</th>
<th>Rezoning Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-20-024 (D)</td>
<td>Joe Semin</td>
<td>Rezoning from R4(35) to R4</td>
<td>4323 South 33rd Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval. Mr. Moore seconded the motion which carried 6-0.

**DISPOSITION: APPROVAL 6-0.**

<table>
<thead>
<tr>
<th>Rezoning ID</th>
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<th>Rezoning Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-20-025 (D)</td>
<td>StandardHistoricOwner, LLC</td>
<td>Rezoning from DS to CBD (property is located within an ACI-1 Overlay District)</td>
<td>500 South 18th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval. Mr. Moore seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>Rezoning ID</th>
<th>Requestor</th>
<th>Rezoning Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-20-026 (D)</td>
<td>203rd Plaza, LLC</td>
<td>Approval of the MCC-Major Commercial Corridor Overlay District</td>
<td>1402 and 1404 North 203rd Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval. Mr. Moore seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>Rezoning ID</th>
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<th>Rezoning Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-20-027 (D)</td>
<td>Gary Bowen</td>
<td>Rezoning from GC to R5</td>
<td>6052 Country Club Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval. Mr. Moore seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>Rezoning ID</th>
<th>Requestor</th>
<th>Rezoning Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-20-028 (D)</td>
<td>Julie Roy for My Montessori School, LLC</td>
<td>Rezoning from R6 and R7 to R7 (property is located within an ACI-1 Overlay District)</td>
<td>518 South 38th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval. Mr. Moore seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>Rezoning ID</th>
<th>Requestor</th>
<th>Rezoning Request</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>C10-20-029 (D)</td>
<td>3347 Ames Avenue, LLC</td>
<td>Rezoning from R5(35) to LC, with approval of the MCC-Major Commercial Corridor Overlay District</td>
<td>3343 and 3347 Ames Avenue</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval. Mr. Moore seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>Rezoning ID</th>
<th>Requestor</th>
<th>Rezoning Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-20-035 (D)</td>
<td>HBI, LLC</td>
<td>Rezoning from R4(35) to R4</td>
<td>2886 Bauman Avenue</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval. Mr. Moore seconded the motion which carried 6-0.
## Special Use Permits

<table>
<thead>
<tr>
<th></th>
<th>C8-20-033</th>
<th>(D)</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td>Tim Jacoby</td>
<td></td>
<td>Request to allow a Heliport in a GO District (property is located in an ACI-2 Overlay District)</td>
<td>8200 West Dodge Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval of the requested heliport, subject to:
1. Compliance with the proposed site plan.
2. Compliance with the proposed operating statement.
3. Compliance with all applicable regulations.

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

<table>
<thead>
<tr>
<th></th>
<th>C8-20-034</th>
<th>(D)</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.</td>
<td>J.S.J Enterprises, LLC</td>
<td></td>
<td>Approval of a Special Use Permit to allow General offices in the GI District (a portion of the property is located in the FF-Flood Fringe Overlay District)</td>
<td>7525 North 101st Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval of the Special Use Permit to allow a General Offices in the GI District (portion of the property is located in the FF-Flood Fringe Overlay District), subject to the following conditions:
1. Approval of a waiver from the Zoning Board of Appeals to place the parking lot within the required bufferyard.
2. Compliance with the submitted operations plan.
3. Submittal and compliance of a revised landscaping plan to comply with the required bufferyard tree plantings.
4. Coordinate with OPPD on any grading, construction, or vegetation management near the existing transmission line.
5. Compliance with all applicable stormwater management ordinances and policies.
6. Approval of a Flood Plain Development Permit.
7. Compliance with all other applicable regulations.

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

## Conditional Use Permits

<table>
<thead>
<tr>
<th></th>
<th>C7-20-031</th>
<th>(D)</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.</td>
<td>Frank Krejci</td>
<td></td>
<td>Approval of a Conditional Use Permit to allow Surface parking in the CC District</td>
<td>391 North 243rd Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval of a Conditional Use Permit to allow Surface parking in a CC District subject to:
1. Construct sidewalks along all street frontages and dedicate right-of-way as needed.
2. Coordinate with the Department regarding an acceptable pedestrian connection to the lots to the southwest.
3. Submittal of and compliance with a revised site plan showing the following items, prior to submitting for a building permit:
   a) Additional ROW dedication along 243rd Street to allow for the necessary landscaping and sidewalk requirements to be met.
   b) 10' of perimeter parking lot landscaping.
   c) A 15’ bufferyard along the northwest corner of the site.
d) The accessible stalls being located in those that are closest to the street.

4. Submittal of and compliance with a landscape plan providing the necessary landscaping and planting requirements, prior to submitting for a building permit.

5. Compliance with all floodplain development regulations, including obtaining a floodplain development permit prior to obtaining a building permit.

6. Compliance with the submitted operating statement.

7. Compliance with all other applicable regulations.

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

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

<table>
<thead>
<tr>
<th>23.</th>
<th>C7-20-032</th>
<th>(D)</th>
<th>Joseph Dempsey</th>
<th>REQUEST:</th>
<th>Approval of a Conditional Use Permit to allow Auto sales in the CBD (property is located within an ACI-1 Overlay District)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOCATION:</td>
<td></td>
<td></td>
<td></td>
<td>2621 Farnam Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Pate motioned for approval of the Conditional Use Permit to allow Automotive sales in a CBD District subject to:

1. Compliance with the submitted site plan
2. Compliance with the submitted operations plan.
3. Submittal of a right of way lease for the existing file, if necessary.
4. Coordinate with City Staff on an acceptable streetscaping plan on provision of the tree planting along Farnam Street.
5. Compliance with all applicable sign regulations.
6. Compliance with all other applicable regulations.

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

**ADMINISTRATIVE MEETING ONLY**

**Subdivisions**

<table>
<thead>
<tr>
<th>1.</th>
<th>C12-19-178</th>
<th>REQUEST:</th>
<th>Final Plat approval of PONCA HILLS ESTATES, a subdivision outside city limits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>James T Smith, Sr.</td>
<td>LOCATION:</td>
<td>Northwest of Northern Hills Drive and 66th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held February 5, 2020, Mr. Eric Englund, Acting Assistant Director, advised that the preliminary plat of Ponca Hills Estates had been recommended for approval by the Planning Board on September 4, 2019 and was approved by the City Council on October 22, 2019. He stated that the preliminary plat is consistent with the preliminary plat and the applicant has provided approval from the Nebraska Department of Environmental Quality for the septic system for the proposed acreage lots.

Mr. Englund stated that the department recommends approval subject to the submittal of an acceptable final subdivision agreement prior to sending the request to City Council for final approval.

Mr. Rosacker motioned for 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.
At the Planning Board meeting held February 5, 2020, Mr. Eric Englund, Acting Assistant Director, advised that this case has been around for several years and the Planning Board and City Council have seen either a preliminary plat or a final plat. He explained that, most recently, the final plat for the entire development came before the Planning Board in February, 2017 and was approved by City Council October, 2019 but was never recorded.

Mr. Englund stated that the applicant returned to the Planning Department and has decided to turn this into a phased development. He advised that the request on the agenda for this meeting was for phase one of the development which consists of four lots and three outlots comprising the eastern two-thirds of the site. He advised that there were a few items which needed to be addressed prior to forwarding the first phase final plat to City Council such as placement of the monument sign in its own outlot, and submittal of updated mylars.

Mr. Englund advised that the department recommended approval subject to the conditions outlined in the recommendation report.

Mr. Morris motioned for approval of the rezoning from AG to MU, subject to submittal of an acceptable Mixed Use Development Agreement prior to forwarding to City Council; and approval of the Final Plat, subject to the following conditions, prior to forwarding the request to the City Council:

1. Place the proposed monument sign in Outlot A within its own outlot.
2. Submit updated mylars showing the 35 foot no-build easement along HWS Cleveland Boulevard.
3. Submittal of an acceptable final subdivision agreement.

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

At the Planning Board meeting held February 5, 2020, Mr. Kyle Haase of E & A Consulting Group, 10909 Mill Valley Road, appeared before the Board to explain the facts of the request. Mr. Haase stated that the 45.2 acre property is located on the northwest corner of 156th and State Streets and is currently zoned AG. He pointed out that the properties to the north and to the east are zoned R4, the property to the south is a mixture of MU and R5 zoning, and to the west is R6 zoning. Mr. Haase stated that the applicant is requesting to rezone 9.4 acres in the northern portion to R6, 20.2 acres to MU, and 10.4 acres to DR; he pointed out on an aerial photo where the different zoning areas are located on the site. He also advised that the corner is designated for Mixed Use in the Future Land Use plan. Mr. Haase provided a diagram showing the various uses proposed as well as where they would be located on the site. He stated that on the north portion where they are requesting rezoning to R6, they propose a total of 205, market rate, studio, one-
two-bedroom apartments. These will be housed in three story apartment buildings with garages underneath. The development will include a clubhouse with a pool. Rents are expected to be between $800 and $1,400 per month. Mr. Haase provided elevations showing all four sides of the building as well as showing the materials to be stone, wood shingle siding. He explained that the remainder of the site will be used for office and retail commercial, though at this time they do not have any confirmed users for any uses but the apartments.

Mr. Pate who stated that the building in the center looked to be meant for a “big box” user which are getting hard to find; he asked Mr. Haase whether there was a contingency plan for if they were unable to find a user for that “big box” location. Mr. Haase stated that it would be determined by the market; however, if a user came in who wanted to use the location differently than approved, they would need to come back before the Planning Board and City Council for approval of an amendment to the Mixed Use Agreement.

Mr. Haase stated that the applicant had discussed the development plans at a neighborhood meeting on November 25th, 2019. At the meeting, one of the biggest concerns was about an increase in traffic and improvements to 156th Street as well as concerns about having apartments adjacent to the single family residential housing in the neighborhood. Mr. Haase stated that, at the meeting, they had discussed how the development could drive improvement of 156th Street, which the developer would be contributing to as required by the traffic study. He advised that the apartments will be high end, market rate apartments, with a reputable company and on-site management.

Mr. Haase stated that based on the recommendations of the department, Road D would be extended to connect the loop road and would connect the two lots in the south portion of the site. He presented a diagram showing this connection. In response to a question from Mr. Morris, Mr. Haase and Mr. Eric Englund, Acting Assistant Director, both stated that the department had not seen this diagram as it had been prepared following receipt of the recommendation report.

Mr. Clay Buhl 900 Twin Ridge Road, Lincoln, Nebraska, appeared before the Board on behalf of Cameron General Contractors. He stated that they were focused on the apartments being the first portion of the Mixed Use Development to be created. Mr. Buhl advised that he was present to answer any questions.

Ms. Kathy Levine, 8905 North HWS Cleveland Boulevard, appeared before the Board in opposition. Ms. Levine pointed out her residence on the aerial photo to show where it would be situated relative to the development. She stated that she felt the proposal would bring too much density to their neighborhood, she did not want people from the apartments walking through the neighborhood with their dogs, did not want the peace and quiet of the neighborhood to be disturbed, and did not feel the infrastructure would support the increased density of the apartment development. Ms. Levine stated that she feels the large “box” area in the center will be a grocery store and they do not want that in the neighborhood; she believes it will disrupt the retirement community west of the location as well as the pests associated with a grocery store and other issues inherent to that type of business such as pests and bad smells. Ms. Levine inquired about whether any study had been done to determine the impact of the apartments and other development on the surrounding neighborhoods and she is concerned that an additional 400 people in the apartments will overwhelm the streets and other infrastructure. In response to a question from Mr. Pate regarding the commercial development portion of the Mixed Use area, Ms. Levine stated that she would prefer it be something like a day care or dog groomer, definitely not apartments or a grocery store.

Ms. Shayna Bryant, 8821 North 157th Street, appeared before the Board in opposition. Ms. Bryant stated that at the meeting they had with the applicant, they were advised that only the apartment portion of the development had a buyer/user. She stated that she is concerned that, if the other parts of the development are not sold, the applicant will choose to build more apartments on the unsold portions.

At the request of the Board, Mr. Kyle Haase of E & A Consulting Group, returned to address some of the concerns. Mr. Haase confirmed that they did not currently have users lined up for all of the portions of the development. He advised that once the zoning has been figured out, they will be able to use that to attract
users to the development.

Additionally, Mr. Haase stated that from Bondesson Street there is a 20 foot drop in elevation; along HWS Cleveland Boulevard, the drop in elevation is 10 feet; and the elevation drops 6 feet from the remaining corner to where the apartments would be built which will reduce the “towering” effect of the buildings next to the single family homes. Mr. Haase stated that along HWS Cleveland Boulevard there would be a minimum 35 foot setback from the right-of-way; along Bondesson Street the setback would be approximately 60 feet from the edge of the right-of-way; and on the remaining side, the setback would be 110 feet from the edge of the right-of-way. Landscape screening would also be present to help reduce the view of, and from, the apartments.

In response to questions from the Board, Mr. Haase stated that if they do not find the retailers for all of the spaces they have not planned to add more apartments or convenient storage. He added that the applicant has no plans to sell any of the lots within the development. Additionally, specifically regarding the concern about pets going through the adjacent neighborhood, Mr. Haase stated that the apartment developer will be including greenspace within the development for residents to walk their pets and that those spaces would include pet waste management facilities.

Ms. Kathy Levine, 8905 North HWS Cleveland Boulevard, returned to state that she was also concerned about the entrance from 156th Street into the development. She stated that she did not like the idea of it going through their neighborhood and utilizing the entrance area which the existing neighborhood had been maintaining. She pointed out where the sign for their neighborhood was located, as well as some trees and other landscaping which she felt would be damaged by more people using the 156th Street ingress and egress.

Mr. Eric Englund, Acting Assistant Director, advised that one of the several comments in the recommendation report had been that the ¼ mile access needed to be made and attach the East/West Street “A” to State Street. Mr. Englund stated that he was pleased to see that the plan presented by Mr. Haase at the meeting had included that street connection and he looked forward to further collaboration with the developer regarding that design. He advised that the department was supportive of a waiver due to a large, natural drainageway which goes through the two mixed use lot. Mr. Englund stated that in 2006 the Planning Board had approved a preliminary plat for a similar mixed use project which did not ultimately move forward with a final plat.

Mr. Englund advised that the intersection of 156th and State Streets overall is a 60 acre potential mixed use intersection. He advised there are currently less than 12 existing mixed use acres on the southwest corner, and that, with this development, there would be approximately 20 acres of mixed use and 9 acres of multi-family residential. Mr. Englund explained that the amount of office/commercial being proposed is consistent with the Master Plan and a center this size, on 60 acres, could allow for up to 500 multi-family residential units either right at the intersection within the mixed use area, or adjacent to the mixed use portion.

For the benefit of the neighbors in attendance at the meeting, Mr. Englund explained a little about the process for this type of development. He explained that the request on the agenda was the preliminary plat, which will also need to go to City Council for their final approval. The applicant would also have to submit a final plat which would also be heard by the Planning Board and forwarded on to City Council for approval. He explained that the City Council is actually the governing body which would ultimately approve the platting and rezoning. If the applicant were to make a change in the future, for example if they were unable to find users for some of the other lots, they could request either a Major Amendment or a rezoning, either of which would have to go back through the Planning Board and the City Council for approval.

Mr. Englund advised that the staff recommended approval subject to the conditions listed in the recommendation report.

Mr. Rosacker motioned for approval of the rezoning from AG to DR, R6, and MU, subject to submittal of an
acceptable Mixed Use Development Agreement; and approval of the preliminary plat, subject to the
following conditions:

1. Prior to forwarding this request to City Council, submit an updated preliminary plat removing the
   Outlot C street connection from plans and constructing Street “D” from State Street to Street “A”.
   Coordinate with Public Works on an acceptable cross section for Street “D”, including the
   potential need for access restrictions at the Street “D” access to Lots 9 and 10.
2. Widen 156th and State Streets to three lanes along the subdivision’s frontage. Coordinate with
   Douglas County on any cost sharing arrangements.
3. Coordinate with the Douglas County Engineer’s office on the review, approval, and permitting of all
   street, grading, sewer, storm sewer, drainage, and utility designs related to the widening/improvement of 156th and State Streets.
4. Provide for all improvements identified in the final traffic impact study.
5. Include the following notes on the plat:
   a. The intersection of Street “C” and State Street, and the intersection of Street “B” and 156th
      Street are restricted to right-in/right-out only upon future improvements to State Street and
      156th Street, respectively.
   b. Direct vehicular access will not be allowed to 156th Street or State Street from any lots or
      outlots abutting said streets.
   c. Direct access to Street “C” from Lot 5 is prohibited.
   d. Direct access to Street “B” from Lots 2 and 3 is prohibited.
7. Coordinate with the Parks Department on provision of improvements (sidewalks, street trees, ornamental lighting) along H.W.S. Cleveland Boulevard as required by the Suburban Parks Master Plan. Final boulevard plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
9. Coordinate with Planning and Public Works Departments on acceptable access configurations for
   the Mixed Use Development Plan.
10. If the subdivision is not located within a Sanitary Improvement District (SID), a maintenance
    agreement is required before Douglas County will provide routine maintenance of public streets.
11. Construct public sanitary sewer to abut Lots 9 and 10.
12. Submit the 30 percent design report for the sanitary sewer to the Public Works Design Division
    per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.
13. Provide an acceptable access easement between Outlot A (green corner) and Street “A”.
14. Confirm that a 3:1 +20’ slope for all drainage ways are being accommodated within outlots and/or
    that all disturbed wetlands are mitigated at a 3:1 ratio. Continue to coordinate with City Planning
    staff on an acceptable Wetlands Analysis and Mitigation Plan.
15. Coordinate with City Planning and the Parks Department on the orientation of buildings fronting
    H.W.S. Cleveland Boulevard. The rear elevations of buildings may not front the Boulevard.
16. Compliance with all stormwater management ordinances and policies.
17. Coordinate with Urban Design staff on the location and design of pedestrian access to the
    building on Lot 6.
18. Provide sidewalks along all street frontages as required by Section 53-9(9), Sidewalks, or the
    requirements of the Mixed Use District.
19. Provide for the use, ownership, and maintenance of the outlots in the final subdivision
    agreement.

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

*Ms. Karnes advised that agenda item #4 (C10-19-251, C12-19-252) would be heard together with
agenda item #5 (C11-19-255) but both requests would be voted on separately*
At the Planning Board meeting held February 5, 2020, Mr. Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun reminded the Board that the PUD portion had been recommended for layover prior to the last meeting, and the preliminary plat was laid over to allow time to address how five of the adjacent lots interacted with the proposed development.

Mr. Jobeun explained that in the month since the layover, they had met with the department and gone over how the property will relate to HWS Cleveland Boulevard. Following discussions, the applicant has agreed to add a front door element to the side of the building facing HWS Cleveland Boulevard. This was accomplished by adding patios to that side of the building, as well as sidewalks which will connect to the trail system along HWS Cleveland Boulevard. Additionally, the applicant is adding landscaping and public seating along the HWS Cleveland Boulevard side of the development. Mr. Jobeun provided a diagram showing the location of the two phases of the project. He advised that Phase 1 will include 315 apartment units and Phase 2 will include 268 units, for a total of 583 multi-family apartment units.

Mr. Jobeun stated that one developer has decided to withdraw and build in another area of the development, which resolved one of the issues from the January meeting. At the previous meeting they had also discussed issues of the grade changes and how it oriented the apartments to the five adjacent lots outside the development; there is a twelve foot reduction in elevation between the backyards of those five lots and where the apartment buildings will sit. Mr. Jobeun reminded the Board that the buildings will be approximately 47 feet in height to the peak and reducing that by the 12 foot elevation drop will leave the visible portion of the building at 35 feet, which is the approximate height of an average two story single residential home. Mr. Jobeun presented diagrams showing the location of lots 80, 81, 82, 83, and 84, which are the five lots closest to this development. Mr. Jobeun then showed photographs taken from a drone showing the view from the deck of each of those lots looking towards the lake with the multi-family buildings at the proposed locations. He illustrated that the view from Lot 80 will not be impacted at all; Lot 84 will be the most impacted, but will still have a view of the lake; Lot 83 will have a very good view of the lake though they will be able to see the buildings as well; Lot 82 will have a better view of the lake and less of the multi-family buildings; Lot 81 will not view the buildings at all as they look towards the lake. He stated that the building on the north end, the one nearest those five lots, was designed with only three-stories rather than four like the others, specifically to preserve the view from those lots as much as possible. Mr. Jobeun also provided overviews looking southeast and east from the lake and reminded the Board that the grade from 168th Street towards the lake drops approximately 50 feet.

Mr. Jobeun also provided renderings showing the amenities which will be offered at the development including a swimming pool. He also provided photos showing the changes made to the side of the development facing HWS Cleveland Boulevard including the patios, the “front door” style doors, and the sidewalks connecting to the trail system, as well as an overview looking east from the lake.

Mr. Jobeun stated that the applicant would be appearing at the Zoning Board of Appeals for a couple of waivers. He advised that they were appreciative of the recommendations of the Planning Department as well.

Specifically regarding agenda item #4 (C10-19-251, C12-19-252), Mr. Eric Englund, Acting Assistant Director, stated that the applicant and developer had met with City staff to discuss the items related to the layover. He advised that, as a result of those meetings, there had been substantial changes made to the ground floor units to add frontage features facing HWS Cleveland Boulevard which had been a concern of the department. Mr. Englund advised that the applicant would have to see the Zoning Board of Appeals for a waiver to the bufferyard at the stormwater detention area, which is supported by the department since it
is unbuildable and the applicant is also putting in significant landscaping as a buffer. The applicant is also requesting, and the department supports, a waiver to reduce perimeter parking lot landscaping to ten feet in several areas of the site; if it was an office/commercial use this would be allowed by code, since it is multi-family residential project with public streets going through the site, they will need a waiver. Mr. Englund stated that one minor issue which will need to be addressed is the moving of some dumpsters in some enclosures.

Mr. Englund stated that the department recommended approval of the preliminary plat and rezoning from AG to R7, subject to the conditions listed in the recommendation report.

Specifically regarding agenda item #4 (C10-19-251, C12-19-252), Mr. Moore moved for approval of the rezoning from AG to R7; and approval of the Preliminary Plat, subject to the following conditions:

1. Provide for any Fort Street improvements west of H.W.S. Cleveland Boulevard, as identified by Douglas County.
2. Include the following notes on the plat:
   a. The intersection of 169th and Fort Streets shall be restricted to right-in/right-out only upon future improvements to Fort Street;
   b. There shall be no direct access to 168th Street or Fort Street from any lot or Outlot;
   c. There shall be no direct access to 169th Street from Lots 2 or 3.
3. Grant an access easement between Outlot B and Ogden Street or 168th Avenue.
4. Grant a noise attenuation easement 115 feet from the centerlines of 168th and Fort Streets and place the standard noise attenuation easement on the plat.
5. Provide for all improvements identified in the final traffic impact study.
6. Obtain all required permits from the Douglas County Engineer's office. Any street connections, grading, sewer or utility work, and storm sewer designs and/or computations carried out in conjunction with this development in the 168th Street and Fort Street rights-of-way require the review and approval of the Douglas County Engineer’s office.
7. Coordinate with Public Works and the Parks Department on the design of the street and amenities provided on H.W.S. Cleveland Boulevard. Design must include corner nodes consisting of landscaping plantings and public seating. Final Boulevard plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
10. Provide traffic calming on all streets longer than 1,000 feet.
11. Submit the 30 percent design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.
12. Coordinate design of Park 33 with adjacent SIDs and the Omaha Parks Department. Park design must meet the requirements outlined in the Suburban Parks Master Plan, 2016 Update. The park must be designed by a professional landscaping architect registered in the State of Nebraska.
13. Coordinate with the Parks Department on the location and design of the proposed trail connection across H.W.S. Cleveland Boulevard and the required trail connection to the West Papio Trail south of Fort Street.
14. Compliance with all stormwater management ordinances and policies.
15. Provide sidewalks along all street frontages as required by Section 53-9(9), Sidewalks, of the Omaha Municipal Code, including sidewalks along the Fort Street and 168th Street frontages.
16. Provide for routine road maintenance and snow removal for all on-street parking areas in the final subdivision agreement.
17. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.

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

Specifically regarding agenda item #5 (C11-19-255), Mr. Englund stated that the department recommended approval of the Planned Unit Development, subject to the applicant meeting the three conditions in the recommendation report prior to sending the request to City Council for final approval.
Specifically regarding agenda item #5 (C11-19-255), Mr. Morris motioned for approval of the PUD, subject to meeting the following conditions prior to forwarding the request to City Council:

1. Obtain waivers for front yard setbacks, multifamily residential parking in the front yard setback, and bufferyards from the Zoning Board of Appeals.
2. Remove the dumpster enclosures from the front yard setback along Ogden Street/168th Avenue, and relocate a minimum of 35 feet from the property line.
3. Compliance with all other applicable regulations.

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

(REGULAR AGENDA)

Master Plan Referrals

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<th>REQUEST:</th>
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<td>6.</td>
<td>Approval of the disposal of City-owned property to an interested party</td>
<td>3004 and 3004 ½ V Street</td>
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At the Planning Board meeting held February 5, 2020, Ms. Autumn Evans of the Planning Department, appeared before the Board to explain the details of the request. Ms. Evans stated that the department had received an application from Southside Redevelopment Corporation to build a single family home on the lot. She stated that the lot needs to be replatted and the applicant may need some waivers. She pointed out the location on an aerial photo and pointed out that it consists of two parcels which will need to be replatted into one buildable lot.

Ms. Evans stated that this request is to dispose of City-owned property to an interested party under Community Development Law to support the development of affordable housing in the Southside Terrace-Indian Hills neighborhood in South Omaha. This request is also related to the CHOICE Neighborhood grants which the city has received to relocate residents of the Southside Terrace apartments.

No one appeared in opposition.

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

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

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<td>7.</td>
<td>Approval of the disposal of City-owned property to an interested party</td>
<td>North of 214th and Grover Streets</td>
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At the Planning Board meeting held February 5, 2020, Mr. Eric Englund, Acting Assistant Director, stated that the city had received a request to purchase the 6.8 acre property which had been “inherited” from Douglas County where it had been used as a holding pond. Once it had ceased to function as a holding pond, the City of Elkhorn began to fill it in using material from street projects; the Omaha Public Works department continued to do so after it became part of the city until it was capped with several feet of dirt in 2014. Mr. Englund explained that the City of Omaha had entered into access agreements last year with the industrial facility located to the north as well as the prospective buyer. He advised the City will coordinate any environmental remediation efforts which are necessary before transferring the property. Mr. Englund advised that the property will require an appraisal. He also explained that the property is currently GI but the Future Land Use map designates this area for low density residential, so the City will proactively rezone the property to DR before transferring it. The interested party will have to come through the department and Planning Board for replatting and rezoning for any future development on the site.
Ms. Eleanor Hohman, 317 North 92nd Street, appeared before the Board on behalf of Privada, which is the developer on the property directly south of this site. Ms. Hohman pointed out that Merck Industries is on the other side of the site. She stated that the interest of Privada is in protecting their residential customers who will be abutting this property. Ms. Hohman stated that they had become aware that Merck was doing some testing on the site, and she would be interested in seeing the reports outlining the results of that testing.

No one appeared in opposition.

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

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

8. C3-19-088 Planning Department on behalf of the City of Omaha

REQUEST: Approval of an amendment to the 2019 Consolidated Action Plan

LOCATION: City of Omaha

*Prior to discussion of this case Ms. Franklin advised that she was recusing herself and left the chambers at 2:24 p.m.*

At the Planning Board meeting held February 5, 2020, Ms. Lisa Smith of the Planning Department, appeared before the Board to explain the request and answer questions. Ms. Smith advised that the amendment is to reallocate $1,384,000 in Community Development Block Grant funding which was received from the sale of the OSBM Building. Ms. Smith advised that this funding will be reallocated to new projects including the Charles Street Improvement Street Project, the Goodwin’s Barber Shop Façade Improvement Project, the Urban Indian Health Coalition Supportive Services Building Rehabilitation Project, and the Rental Readiness Program.

Additionally, this amendment would reallocate $650,000 in unspent HOME funds/Home Investment Partnership Program funds which were received from the City of Council Bluffs which is the City of Omaha’s Home Consortium partner. These funds would be reallocated to the Nobility Point project which is a new, multi-family, senior housing project in North Omaha at Highlander.

No one appeared in opposition.

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

Mr. Rosacker motioned for approval. Mr. Moore seconded the motion which carried 5-0-1, Ms. Franklin recused.

*Ms. Franklin returned to the chambers at 2:28 p.m.*

Subdivisions

11. C12-20-023 City of Omaha

REQUEST: Preliminary and Final Plat approval of GENE LEAHY MALL REPLAT ONE, a minor plat inside city limits (property is located within an ACI-1 Overlay District)

LOCATION: Northeast of 13th and Farnam Streets

At the Planning Board meeting held February 5, 2020, Mr. Chris Koenig of HDR, 1917 South 67th Street, appeared before the Board in support of the project. Mr. Koenig stated that this request is related to the Gene Leahy Mall portion of the Downtown Riverfront project. He explained that when the Mall was developed in the 1970’s it was not replatted as one lot; therefore, the right-of-way is still in place throughout
the entire corridor from 8th Street to 13th Street. The challenge they are having is that the City of Omaha code will not allow things like fountains, and other structures on the site, to be built in the right-of-way. The purpose of the request is to clean up the site and replat it into one lot so that the project can move forward.

Mr. Koenig explained that the project will include Gene Leahy Mall, Heartland of America Park, and Lewis & Clark Landing. Work is currently being done in the Gene Leahy Mall; construction in Heartland of America Park will begin in the spring of 2020; and work at Lewis & Clark Landing will begin in the fall of 2020. The project is a joint venture with the Omaha Philanthropic Community and the City of Omaha; MECA has been hired for design and construction contracting as well as for operations when the project moves forward. Mr. Koenig explained that the largest issue at Gene Leahy Mall is that they have to raise it up to street grade as there is a depressed area, which was great for walking but that is about it. The plan is to raise it, make it more active with an event lawn and other features and to make 11th Street a pedestrian promenade with a large number of trees. Mr. Koenig shared several renderings of the features which will be present when construction is completed including a performance pavilion for various musical events; an event lawn in the center where the symphony may perform along with other performers; there will be a sculpture garden on the north side, a couple of children’s areas, a dog park, and many other features to draw the public to the park. Mr. Koenig emphasized that the children’s area will be very active with a lot of fun features as well as seating areas for adult supervision. In the future there will be a restaurant or food court there as well, but no definite plans are in place at this time. Mr. Koenig also presented renderings which showed the entire park from several points of view as well as photos of what the pavilion will look like. Mr. Koenig advised that they had been working closely with owners at the Greenhouse Building and the Burlington Building and would continue to collaborate with them throughout the project.

Mr. Koenig explained that this first plat would be from 10th Street to 13th Street. A second plat will be submitted which will be from 8th Street to 10th Street. There is an agreement in place between the City of Omaha and the Greenhouse building regarding the right-of-way which implemented when Gene Leahy Mall was created which will need to be addressed which is why they were choosing to go through a twostep process.

Mr. Koenig then described some of the plans for Heartland of America Park which will include filling in part of the lake, a large event lawn and an ice skating rink which can be used in the summer for roller blading as well. He pointed out that one of the things involved with replatting will be the extension of Douglas Street, which will make it easier to access the Lewis & Clark Landing area with a new at-grade crossing under the I-480 interchange. Currently there is a Douglas Street right-of-way which extends to the river which will be replatted to make it in line with the roadway. Mr. Koenig stated that the trail system will also be extended to make bicycle access better between the parks and South Omaha.

In addition, Mr. Koenig advised that Lewis & Clark Landing will need to be replatted due to the change in the realignment of Douglas Street into Riverfront Drive. This will be to allow for a very large children’s play area, which he described as a destination playground with a lot of structures where children can be very active and play. Other features will include an event lawn, urban beach, food truck pavilion and volleyball courts. Currently the whole plat is just one parcel with no road right-of-way. Mr. Koenig stated that the replatting would include adding in the right-of-way and there would be some rezoning requested as well from the current Heavy Industrial zoning to CBD (Central Business District) zoning with an ACI-1 Overlay.

Regarding the timeline, Mr. Koenig advised that Gene Leahy Mall will likely be open in 2022 and Lewis & Clark Landing in 2023. He advised that Heartland of America Park may open later in 2023 but may take longer due to the massive amount of soil that will be brought in to build it up and will have to have time to settle.

Mr. Pate inquired about the walkways in the area along 10th Street being widened. Mr. Koenig stated that they will not be doing anything with those walkways. He did advise that a street light will be added at 11th and Douglas Streets and pedestrians could use the new crosswalks there to cross the street.
Ms. Franklin asked whether the Omaha Performing Arts or Holland Center were engaged in the planning of the Performance Pavilion and how it would function. Mr. Koenig stated that both entities were actively involved and that ideas are already in play for possible programming. Questions regarding set up of the pavilion, such as speakers and lighting had been discussed at meetings with those entities.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, advised that the Urban Design Review Board has had some meetings to view the 30% and 60% design for the Gene Leahy Mall portion of the project and would have more meetings as the project progresses, but that this was the first part of the project to come before the Planning Board. Mr. Englund stated that there is a 20 foot access easement on the southeast portion of the site which is not a vehicular access but is for maintaining fire and life safety building codes related to the adjacent Burlington Place Building which will require some coordination in the separate recorded easement document for the plat. Other than the issue of the easement, Mr. Englund stated that the request is largely to clean up right-of-way matters and getting the site into one platted lot. Mr. Englund stated the department recommended approval subject to the conditions in the recommendation report.

Mr. Rosacker motioned for approval of the Preliminary Plat subject to coordinating with city staff regarding the language and terms of the separate easement document; and approval of the Final Plat, subject to compliance with the condition of Preliminary Plat approval. Mr. Pate seconded the motion which carried 6-0.

Rezoning

| REQUEST: | Rezoning from MU to DR, with expansion of the ACI-2(65) Overlay District, along with approval of a Major Amendment to the Conditional Use Permit to allow College and university facilities in the DR District with a waiver of Section 55-108, Height, to allow a 44 foot tall building (portions of the property are located within the ACI-2 Overlay District and the FF-Flood Fringe Overlay District) |
| LOCATION: | 7000 Mercy Road |

At the Planning Board meeting held February 5, 2020, Ms. Dawn Danley of DLR Group, 6457 Franklin Street, appeared before the Board on behalf of the applicant. Ms. Danley stated that the College of Saint Mary wished to expand their athletic capabilities. As part of the expansion, they are adding a track team and the proposed Fieldhouse will have an indoor track to support that team, as well as basketball and volleyball courts. She advised that the campus is located off Mercy Road and 72nd Street and pointed out the location of the current Lied Fitness Center which houses the main gymnasium facilities, locker rooms, and offices. The new fieldhouse will be located east of the main gym at the site of the former soccer fields, which have been relocated to make room for the project. The location proposed for the building is currently zoned Mixed Use and was never rezoned to match the rest of the campus. In addition to building the new fieldhouse, the project would also include a revitalization of the existing Lied Fitness Center which is about 20 years old. An elevated link would also be created to connect the Lied Fitness Center to the new fieldhouse. The link would house the weight room, conference rooms, and team meeting rooms as well as providing access from the main level of the Lied Fitness Center to the second level lobby of the new fieldhouse.

Ms. Danley stated that the main access to the site is from Mercy Road and the back of the site can be accessed by going through the parking lot; access is also available from 72nd Street as well. She advised that parking lots for the new fieldhouse will be east of the existing parking lot and the same access will be maintained and there will be no access from Pine Street. All parking will be enclosed within the campus.
boundaries.

In response to a question from Mr. Eric Englund, Acting Assistant Director, Ms. Danley advised that the grading currently taking place on campus is related to, and for the purpose of, this project.

Mr. Eric Englund, stated that the department recommended approval subject to the conditions in the recommendation report. He advised that the waiver for impervious coverage would have to be approved by the Zoning Board of Appeals, but the height waiver is included in the amendment to the Use permit and the department is in support of that waiver which can be approved by the Planning Board.

Mr. Morris motioned for approval of the waiver of Section 55-108, Height, to allow a 44 foot tall building; approval of the rezoning from MU to DR; approval of the expansion of the ACI-2(65) Overlay District; and approval of a Major Amendment to the Conditional Use Permit to allow College and university facilities in the DR District, subject to the following conditions:

1. Receive a waiver of maximum impervious coverage from the Zoning Board of Appeals prior to obtaining a building permit.
2. Submit updated elevations providing details on specific building materials prior to obtaining a building permit.
3. Submit a minor amendment to the Aksarben Business and Education Campus mixed use development agreement prior to obtaining a building permit.
4. Compliance with all floodplain development regulations, including obtaining a floodplain development permit prior to obtaining a building permit.
5. Compliance with all applicable stormwater management ordinances and policies.
6. Compliance with the submitted site plan.
7. Compliance with the submitted landscape plan.
8. Compliance with the submitted operating statement.

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

APPROVAL OF MINUTES

Mr. Pate moved to approve the minutes of the December 4, 2019 Planning Board pre-meeting as written. Mr. Rosacker seconded the motion which carried 6-0.

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

ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 2:49 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.