MEMBERS PRESENT: Greg Rosenbaum, Chairman  
Kristine Karnes, Vice Chair  
David Rosacker  
Michael Pate  
Jeffrey Moore  
Patrick Morris

MEMBERS NOT PRESENT: Trenton Magid

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

The meeting was called to order at 11:00 a.m.

#5 and #6  Mr. Don Seten, Planning Department, discussed the details and explained to the Board how the two cases fit together. He stated that #5 will amend the current project to remove one lot which will become the standalone lot for the project in case #6. Case #11 is also related to these cases.

#11  Mr. Eric Englund, Manager of Current Planning, discussed the details of this case and advised that it will be heard with cases #5 and #6 as they are all related. He stated that the department is in agreement with the developer’s plan to remove the existing four on-street parking spots due to the area that it is in, while perhaps this would not be allowed in a different kind of area. The three cases will be voted on separately.

#1 and #2  Mr. Englund stated that these cases are on the Administrative Only portion of the agenda. He provided the details of the cases and past actions which allowed them to be moved to the Administration Only agenda.

#3 and #7  Mr. Englund stated that these two cases are related and should be heard together, but voted on separately. There was a lot of discussion between Planning staff and Board members about the parking available with this project.

#14 & #18  Mr. Englund stated that these two cases are related and should be heard together, but voted on separately. He provided details of the cases as well as the departments recommendations and conditions of approval. Ms. Susan Knicely was present at the meeting and answered questions from the Board regarding her opposition. Mr. Jason Theilen was also present to answer questions from the Board on behalf of the applicant.

#4, #9, #12, #13, #16, #17, & #20  Mr. Englund stated that all of these cases are on the Consent Agenda for approval. He then went over some of the details of each of these cases and discussed the department’s conditions for approval.

#10 and #15  Mr. Englund stated that these cases are on the Consent Agenda for Layover. He then went over the details of each case as well as the department’s conditions for approval.

#8  Mr. Englund described the details of this case and explained some of the problems to be worked out with the location as well as the department’s conditions for approval.
#19 Mr. Englund discussed the Major Amendment and the changes/additions to Elkhorn High School that would be made if this is approved. He discussed the department's conditions for approval.

The pre-meeting of the Planning Board adjourned at approximately 1:15 p.m.
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.

Prior to presenting the agenda items, Mr. Rosenbaum introduced Mr. Dave Fanslau, Planning Department Director to speak to the Board and meeting attendees. Mr. Fanslau, announced that Cheri Rockwell, Assistant Director, would be retiring in April. Mr. Fanslau announced that Mr. Eric Englund, Current Planning Manager would be stepping up as the Interim Acting Assistant Director; Mr. Michael Carter, Planning Board Administrator would be moving into the position of Interim Current Planning Manager. Beginning with the May 1, 2019 Planning Board meeting, Mr. Robert Laroco, Planning Department, will be Acting Planning Board Administrator. Throughout the meeting, members of the department, the Board, and the public shared their appreciation for Ms. Rockwell’s professionalism and fairness throughout her career with the Planning department. Ms. Cheri Rockwell thanked everyone for their kind words and stated that she had always done her best to consider the best interests of the citizens of Omaha, through the Planning Department.

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.

Special Use Permits

<table>
<thead>
<tr>
<th>No.</th>
<th>Case Number</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>C8-19-019</td>
<td>Approval of a Special Use Permit to allow Broadcast tower in a DS District (laid over from 1/9/19)</td>
<td>1804 Paul Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held April 3, 2019, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of a Special Use Permit to allow Broadcast tower in a DS-Downtown Services District subject to:
1. The applicant waiving the Federal Communication Commission “Shot Clock” order for this application,
2. The applicant providing a surety bond guaranteeing removal of the Creighton tower within 120 days of the new tower being constructed,
3. Submittal of revised site/landscape plan/elevations showing an updated planting table as well as removing the barbed wire from the fence elevation, prior to forwarding to City Council for final action,
4. Submittal of a rezoning application to add the ACI-Area of Civic Importance Overlay District to the site, prior to forwarding the request to the City Council for final action,
5. Compliance with the revised site/landscape plan/elevations,
6. Compliance with the proposed operating statement,
7. The lease area being large enough and tower be of sufficient structure integrity to allow for co-location of at least one (1) additional provider,
8. Compliance with all applicable storm water management ordinances and policies,
9. Submittal of an annual report that describes the location and operating characteristics of all broadcast towers within the City and its extraterritorial jurisdiction.

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

**Subdivisions**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Applicant</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>C12-19-051</td>
<td>Steven Cramer</td>
<td>Preliminary and Final Plat approval of CHRISTIAN ACRES, a minor plat outside the city limits, with a waiver to Section 53-9(9), Sidewalks (the property is located within an ED Overlay District)</td>
<td>12424 North 60th Street</td>
</tr>
<tr>
<td>C12-19-053</td>
<td>New West Farm Holdings, LLC</td>
<td>Preliminary and Final Plat approval of WEST FARM REPLAT 4, a subdivision outside the city limits</td>
<td>Southeast of 150th Street and Wycliffe Drive</td>
</tr>
<tr>
<td>C12-19-054</td>
<td>New West Farm Holdings, LLC</td>
<td>Preliminary and Final Plat approval of WEST FARM REPLAT 5, a subdivision outside the city limits</td>
<td>Southwest of 144th and Dodge Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held April 3, 2019, this case was placed on the Consent Agenda. Ms. Karnes motioned to layover the case. Mr. Rosacker seconded the motion which carried 6-0.

At the Planning Board meeting held April 3, 2019, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the Preliminary Plat, subject to the following conditions:
1. Place a note on the plat that there shall be no direct access to Pacific Street from Lot 3, and no direct access to 150th Street from Lot 1,
2. Provide for the use, ownership, and maintenance of Lot 3 in the subdivision agreement,
3. Provide sidewalks along all streets as required by city code,
4. Comply with all applicable storm water management ordinances and policies; including providing for a no net increase in storm water runoff and treatment of the first ½ inch of storm water for water quality,

Additionally, Mr. Rosacker motioned for approval of the Final Plat subject to an acceptable final subdivision agreement, prior to forwarding the request to City Council. Ms. Karnes seconded the motion which carried 6-0.

At the Planning Board meeting held April 3, 2019, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the Preliminary Plat, subject to the following conditions:
1. Provide sidewalks along all streets as required by city code,
2. Comply with all applicable storm water management ordinances and policies; including providing for a no net increase in storm water runoff and treatment of the first ½ inch of storm water for water quality. Additionally, Mr. Rosacker motioned for approval of the Final Plat subject to submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding the request to City Council. Ms. Karnes seconded the motion which carried 6-0.

Rezonings

<table>
<thead>
<tr>
<th>Request #</th>
<th>Requestor</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-19-056</td>
<td>Joe Semin</td>
<td>Rezoning from R4(35) to R4</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>2308 South 6th Street</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held April 3, 2019, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval. Ms. Karnes seconded the motion which carried 6-0.

Conditional Use Permits

<table>
<thead>
<tr>
<th>Request #</th>
<th>Requestor</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>C7-10-070</td>
<td>Ryan Lindquist for Elkhorn Public Schools</td>
<td>Approval of a Major Amendment to the Conditional Use Permit to allow Secondary education facilities in the DR District</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>1401 Veterans Drive</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held April 3, 2019, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the Major Amendment to a Conditional Use Permit to allow Secondary educational facilities in a DR District, subject to:
1. Obtaining a waiver from the Zoning Board of Appeals to allow a variance to the maximum, impervious coverage percentage from 25% to 32%,
2. Compliance with the submitted site plan,
3. Compliance with the submitted building elevations,
4. Compliance with the submitted operating statement,
5. Constructing sidewalks along the Veterans Drive frontage,
6. Compliance with all applicable storm water management ordinances and polices,
7. Provide an acceptable landscaping plan showing all trees being removed as a part of this request, as well as the location of all replacement trees provided at a minimum 1:1 ratio,
8. Compliance with all other applicable regulations.

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

ADMINISTRATIVE MEETING ONLY

Subdivisions

<table>
<thead>
<tr>
<th>Request #</th>
<th>Requestor</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-18-219</td>
<td>20535 Fort, LLC</td>
<td>Final Plat approval of VISTANCIA, a subdivision outside the city limits, with a rezoning from AG to DR, R4 and R5</td>
</tr>
<tr>
<td>LOCATION:</td>
<td>Northwest of 204th and Fort Streets</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held April 3, 2019, Mr. Eric Englund, Manager of Current Planning, advised that the preliminary plat of VISTANCIA had been approved by the Planning Board at their January, 2019 meeting and the final plat had been laid over. Mr. Englund stated that the request was to plat 125 acres into 300 residential lots consisting of 246 detached single family residences and 54 single family attached dwelling lots, as well as 9 outlots for greenspace and drainage. Mr. Englund advised that the applicant has adequately addressed most items. He stated that the department is awaiting finalization of acceptable tree and wetlands mitigation plans, as well as an acceptable subdivision agreement prior to forwarding the request to City Council for final approval.

Mr. Morris motioned for approval of the rezoning from AG to DR, R4 and R5, as well as approval of the final plat, subject to addressing the conditions of the revised preliminary plat approval and submittal of a
final acceptable subdivision agreement, prior to forwarding this request to the City Council. Mr. Moore seconded the motion which carried 6-0.

| 2. | C10-18-017  
   C12-18-018  
   AVG-CFM 204Q, LLC c/o J.F. Carter | REQUEST: Final Plat approval of COVENTRY NORTH (Lots 2-11 and Outlots A-B), a subdivision outside the city limits, with rezoning from AG and MU to DR and MU (laid over from 3/6/19) |
|    | LOCATION: Southwest of 204th and Q Streets |

At the Planning Board meeting held April 3, 2019, Mr. Eric Englund, Manager of Current Planning, advised that at the Planning Board meeting held on March 6, 2019, the Board voted to lay over the request to allow the applicant to meet with City staff regarding the requirement for increased right-of-way width to accommodate Mixed Use code requirements as well as orientation and layout of one of the ten commercial lots. He stated that the development team has met with staff and has submitted revised plans which are acceptable to the department. Mr. Englund stated that the department recommends approval of the rezoning from AG and MU to DR and MU and approval of the final plat subject to the conditions in the recommendation report.

Mr. Pate motioned for approval of the rezoning from AG and MU to DR and MU, subject to submittal of an acceptable Minor Amendment to the Mixed Use Development Agreement, as well as approval of the Final Plat, subject to the submittal of a final acceptable subdivision agreement prior to forward this request to the City Council. Mr. Rosacker seconded the motion which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Overlay Districts

| 3. | C11-19-036  
   BHC Rhodes | REQUEST: Approval of a PUR-Planned Unit Redevelopment Overlay District (laid over from 3/6/19) |
|    | LOCATION: Southwest of 46th and Dodge Streets |

*Mr. Rosenbaum advised that agenda items #2 (C11-19-036) and #7 (C10-74-179, C10-19-037, & C12-19-038) would be heard together but would be voted on separately.*

At the Planning Board meeting held April 3, 2019, Mr. Ken Bunger, 18313 Dewey Avenue, appeared on behalf of the applicant to discuss the request. Mr. Bunger advised that the applicant and architect were both present at the meeting as well. Mr. Bunger stated that this project is a dense project which follows the Master Plan to provide market rate apartments in this general area along Dodge Street. He stated that the project is healthy for the residential area around the Nebraska Medical Center and other growing businesses in the area. Mr. Bunger stated that this project includes 278 market rate apartment units with a parking lot in the center of the buildings.

The applicant, Mr. Gary Hasenflu, 2020 Broadway, Kansas City, Missouri appeared before the Board to discuss further details of the development request. Mr. Hasenflu advised that he has worked in 6 states developing over 1400 multi-family units. He stated that he has developed projects in Chadron, Wahoo, and other cities in Nebraska. Mr. Hasenflu stated that they have done other large projects in Kansas City, Denver, Wichita, among other large cities. He stated that this project will have a number of appealing amenities and will be a great housing option for the students and employees at the Medical Center as well as a great addition to the Omaha skyline.

Architect Mr. John Wanick (sp?), of Kansas City, appeared on behalf of the applicant. Mr. Wanick stated that this development will include 278 apartment units and 295 parking stalls in a three level parking structure, between Dodge and Douglas Streets, just west of 46th Street. Mr. Wanick provided a video showing various angles of the building exterior, photos of the pool deck and garage. He stated that they
had worked closely with the Planning Department to meet zoning requirements as well as providing quality building materials to create a nice looking building.

In response to questions from Mr. Pate, Mr. Hasenflu stated that he has completed other projects of this scope in other cities, some of which did not utilize tax credit financing. He stated that this development will not use low income tax credits and will be market rate apartments. Mr. Hasenflu stated that they will employ local, onsite management to oversee and maintain the property. Mr. Bung said that they will be using local labor for the construction as well. Mr. Wanick stated that they have a team member who has given a lot of engineering help on the project to make sure they are creating a design which meets the budget as well as the requirements of the city.

Mr. Rosacker stated that, after looking at the proposal, it appears to be a very appealing design which will be a welcome addition near the Med Center.

Ms. Kassandra Jensen, 102 South 48th Street, appeared before the Board in opposition. Ms. Jensen stated that she believes this development is wrong for the city and she believed it was a “shame and a tragedy” that a historic, local grocery store will be removed to make room for this project.

Mr. Nels Erickson, 4817 Davenport, appeared before the Board in opposition representing the Lincoln Highway. Mr. Erickson stated that the Lincoln Highway is considered a national, historic landmark and that he believes any business dealing with petrol, repair garages or “automobilia”, should be considered a part of the Lincoln Highway and treated as a historic landmark. Mr. Erickson stated that the current Jensen service station had been through many changes over the years since 1925 including the Updike repair shop owned by Nelson B Updike, whom Mr. Erickson described as one of the most important historical figures from Nebraska. He stated that the garage is one of the last remaining buildings from Mr. Updike’s empire. In addition, there is a grocery store which began business in the 1920’s – 1930’s. Mr. Erickson inquired whether there was some way to incorporate these two historic buildings, even only their facades, into the new construction.

Ms. Alex O’Hanlon, 3010 Lincoln Blvd, appeared before the Board in opposition. Ms. O’Hanlon stated that she is the current President of the Saddle Creek Corridor Neighborhood Association, and that this project will be within the boundaries of that association. She stated that the Neighborhood has some concerns about the plans they have seen and are there to request the Board layover the request to allow them time to meet and discuss their concerns with the developers. She stated that because the developer is requesting TIF financing, they believe the project requires further scrutiny. Ms. O’Hanlon stated that the neighborhood is requesting four things from the developer.

1. More realistic renderings showing the building to scale in the proposed location so they can see how it is going to fit into the neighborhood from several angles. Ms. O’Hanlon provided some photos showing what they are wanting to see from the developer using 3D modeling.
2. The development should include some commercial space to slow traffic, foster a safer walking environment, help to integrate the building into the neighborhood, and take advantage of the Orbit transit line.
3. The project should include affordable housing, particularly given its location on the major transit routes.
4. The project should be subject to future zoning regulations of the T.O.D. (Transportation Oriented Development) overlay regarding parking, rather than the current zoning regulations. Being on the future transit route should lessen the need for parking, which could free up space for the requested commercial space in the development.

Ms. Jessica Foreman, 4620 Wakeley Street, appeared before the Board in opposition. Ms. Foreman stated that she is a member of the Saddle Creek Corridor Neighborhood Association, as well as a student at University of Nebraska-Omaha. Ms. Foreman pointed out that there have already been two new luxury apartment buildings developed in that neighborhood. She stated that while she understands the financial incentive to provide luxury apartments, there should also be a consideration given to the residents in the area. As a student, Ms. Foreman stated that she would like to have the opportunity to stay, live and work in the neighborhood, however, the lack of affordable housing will send her elsewhere as it has others in the neighborhood. She stated that since the opening of The Duke residences, rents on other housing in the area has increased substantially and several families have been forced to leave the neighborhood to
find an affordable place to live. Ms. Foreman requested the Board layover the case to continue working with the developer to provide affordable units in their development. Ms. Foreman stated that she is likely to leave Omaha once she graduates from UNO as the housing costs in Omaha are now as high, or higher, than those of larger cities, and not within reach of students or young professionals getting started. She also indicated that this development is within an ACI-Area of Civic Importance, which she believes should require the City to insure that the developer is providing the best use of the area, including creating a walkable neighborhood, commercial space, and affordable housing included with the density. Ms. Foreman closed by stating that when the City is intentional about supporting mixed-use/mixed-income development and rejects developments which lead to the gentrification of the areas, they attract the type of young people who will keep these areas strong, vibrant, and innovative. When development strategies displace creative, free-thinking young people, as well as longstanding, deeply rooted older residents, the result is the loss of talent and culture that the City should be seeking to retain.

Mr. William Stott, 2115 South 34th Street, appeared before the Board in opposition. Mr. Stott stated that he is a member of Transportation Oriented Development stakeholders group, which is a multi-disciplinary group charged with creating design guidelines for the future development of properties associated with the future Orbit line. Mr. Stott stated that his main concern is that this development flies in the face of the design standards which are being created for the future of this area which is currently slated to be a Tier 2 property in which buildings are to be no more than six stories high, however, this building is planned to be eight stories. The new guidelines are still currently in the “working” process and have not been adopted by the City. Mr. Stott stated that his concern is that if this building is allowed to slip through before the new guidelines are adopted and enforceable, it will be larger and will be at odds with newer buildings which will be held to the new design standards.

In response to a question from Mr. Pate, Mr. Stott stated that his group is creating design guidelines for all properties along the future Orbit line and will be a part of a new overlay district specific to the transportation corridor. Mr. Eric Englund, Manager of Current Planning, stated that Mr. Stott is a part of a group that is leading the effort to review potential regulations for a future TOD overlay.

Mr. Luis Jimenez, 518 North 40th Street, appeared before the Board in opposition. Mr. Jimenez stated that as a pedestrian and a person who has office space in the area, he frequently walks through this area. He stated that he has been watching the development along this corridor and he has noted that the materials appear to be cheap, but are being used for luxury apartments which has him concerned about the type of residents that are going to be drawn to these units. In addition, he is concerned about the use of TIF funding for this project.

Mr. Rosenbaum closed the public hearing and invited the applicant to address the concerns which had been raised.

Mr. Ken Bunger stated that the development team had met with the Saddle Creek Corridor Neighborhood Association, as well as the Dundee-Memorial Park Association. He stated that they have taken the comments from those meetings into consideration and had sent out revised renderings as Planning Department staff has approved them. In addition, Mr. Bunger stated that the developer had a meeting set up with Ms. O'Hanlon following the Planning Board meeting, at the architect’s office at 5:00 p.m. The commercial issue was discussed, however, due to parking and access requirements, the site does not lend itself to commercial enterprise. Mr. Bunger stated that they have not had any negative comments from the immediate neighbors, like the Child Saving Institute with whom they have been working to vacate the alley and other issues.

The applicant, Mr. Gary Hasenflu, stated that they have the street level renderings which they can make available to the representatives of the neighborhood associations. In addition, he agreed with Mr. Bunger that the site does not meet the parking or other requirements applicable to commercial development as there is no parking allowed on Dodge Street and a commercial use would require even more parking. He stated that parking will always be a requirement, regardless of what other methods of transportation may be available in the area, people still have their automobiles. He did mention that there will be bicycle parking available at the development. With regards to affordability, he stated that land prices are what dictate what can be built. He stated that it would not be financially feasible to develop low income tax credit or Section 8 housing at this location.
In response to questions from the Board, Mr. Hasenflu stated that the rents will range from $900 per month for the efficiency apartments up to $1475 for the two bedrooms, with the one bedroom rents being in the middle somewhere. He stated that the breakdown of units will be 50% efficiency/studio apartments, 35% one bedrooms, and 15% two bedrooms. Mr. Hasenflu stated that they have done some research and found that the demand is there for these units. Additionally, he stated that they found that the rents proposed are not any higher than rents in the surrounding area. Mr. Pate agreed that they were market rate rents in this market. Mr. Hasenflu stated that they have secured contracts on all of the property they need, he anticipates that the process to close on all the properties will be completed by July, 2019.

Architect John Wanick addressed the issue of materials. Mr. Wanick stated that they have been working closely with the Planning Department regarding the design and materials to bring it up a notch. He stated that the building will have the look and feel of a high class development. In response to a question from Mr. Rosacker, he stated that the base level is concrete which is clad in masonry and above it is a mix of masonry, glass, and stucco and that the street level will be mostly glass and masonry.

At the request of the Board, Mr. Eric Englund, Manager of Current Planning, addressed questions about recent developments in this area as well as future design standards. Mr. Englund stated two recent developments in this area were the Duke, which is north of Dodge and south of Saddle creek near 46th Street, and Dundee Flats which is closer to 49th Street. The proposed BRT station will be located near the Dundee Flats. He stated that the Dundee Flats development was smaller than this project and the Duke was similar in size to the proposed development. Mr. Englund stated that Dodge is a very important corridor from downtown Omaha all the way out to West Omaha for office/commercial, residential, and transportation uses. Considering the expenditures and investments being made in the BRT which will come on-board sometime next year, Mr. Englund stated that the City views it as essential for investment to occur along this corridor and branching out from Dodge as well. He advised that the City staff has been conducting a lot of research and holding a lot of public and internal meetings regarding how to best maximize the potential of the Orbit system. All of these studies are still in the review stages, including internal staff review, the stakeholder group that Mr. Stott mentioned which includes HOA presidents, neighborhood representatives, real estate investors, architects and others which have interests along this corridor from downtown to Westroads. Mr. Englund stated that there is discussion of a Tier system along the corridor, and design standards related to those tiers, however, he reiterated that all of this is only a study at this time. He stated that before any of it can be adopted and implemented, the changes to the Master Plan and zoning code would have to be brought before the Planning Board and eventually before the City Council. While the department is keeping the potential regulatory factors in mind, there is no way, at this time, of knowing what those factors will ultimately consist of in the future.

Mr. Englund stated that the project is located within a Mixed Use boundary which does support office/commercial and high density residential projects. He stated that the department is supportive of this project without the office/commercial use, due to the parking requirements and other barriers to commercial development at this site. Mr. Englund advised that the developer has worked extensively with the department in improving the plans for the development. He advised that, ultimately, the City Council makes the final decision on a PUR district and if there are changes to the plans that have been approved by the City Council, the developer will have to bring them back through the Planning Department to be approved by the Planning Board and City Council.

Mr. Englund stated that the developer will continue to work with the City regarding the vacation of the alley, which will need to be completed prior to recording the plat.

Mr. Englund stated that the department recommends approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submittal of final acceptable plans, prior to forwarding this request to the City Council for final action.

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

7. C10-74-179  
   C10-19-037  
   C12-19-038  
   BHC Rhodes  

REQUEST: Preliminary and Final Plat approval of BRIGGS PLACE ADDITION REPLAT 1, a subdivision inside the city limits, with rezoning from R7, GC and GI to R8, along with expansion of the ACI-2 Overlay District and the repeal of the PK-Parking Overlay District (portion of property is located in an ACI-2 Overlay District) (laid over from 3/6/19)

LOCATION: Southwest of 46th and Dodge Streets

*Mr. Rosenbaum advised that agenda items #2 (C11-19-036) and #7 (C10-74-179, C10-19-037, & C12-19-038) would be heard together but would be voted on separately.*

At the Planning Board meeting held April 3, 2019, Mr. Ken Bunger, 18313 Dewey Avenue, appeared on behalf of the applicant to discuss the request. Mr. Bunger advised that the applicant and architect were both present at the meeting as well. Mr. Bunger stated that this project is a dense project which follows the Master Plan to provide market rate apartments in this general area along Dodge Street. He stated that the project is healthy for the residential area around the Nebraska Medical Center and other growing businesses in the area. Mr. Bunger stated that this project includes 278 market rate apartments with a parking lot in the center of the buildings.

The applicant, Mr. Gary Hasenflu, 2020 Broadway, Kansas City, Missouri appeared before the Board to discuss further details of the development request. Mr. Hasenflu advised that he has worked in 6 states developing over 1400 multi-family units. He stated that he has developed projects in Chadron, Wahoo, and other cities in Nebraska. Mr. Hasenflu stated that they have done other large projects in Kansas City, Denver, Wichita, among other large cities. He stated that this project will have a number of appealing amenities and will be a great housing option for the students and employees at the Medical Center as well as a great addition to the Omaha skyline.

Architect Mr. John Wanick (sp?), of Kansas City, appeared on behalf of the applicant. Mr. Wanick stated that this development will include 278 apartment units and 295 parking stalls in a three level parking structure, between Dodge and Douglas Streets, just west of 46th Street. Mr. Wanick provided a video showing various angles of the building exterior, photos of the pool deck and garage. He stated that they had worked closely with the Planning Department to meet zoning requirements as well as providing quality building materials to create a nice looking building.

In response to questions from Mr. Pate, Mr. Hasenflu stated that he has completed other projects of this scope in other cities, some of which did not utilize tax credit financing. He stated that this development will not use low income tax credits and will be market rate apartments. Mr. Hasenflu stated that they will employ local, onsite management to oversee and maintain the property. Mr. Bunger stated that they will be using local labor for the construction as well. Mr. Wanick stated that they have a team member who has given a lot of engineering help on the project to make sure they are creating a design which meets the budget as well as the requirements of the city.

Mr. Rosacker stated that, after looking at the proposal, it appears to be a very appealing design which will be a welcome addition near the Med Center.

Ms. Kassandra Jensen, 102 South 48th Street, appeared before the Board in opposition. Ms. Jensen stated that she believes this development is wrong for the city and she believed it was a “shame and a tragedy” that a historic, local grocery store will be removed to make room for this project.

Mr. Nels Erickson, 4817 Davenport, appeared before the Board in opposition representing the Lincoln Highway. Mr. Erickson stated that the Lincoln Highway is considered a national, historic landmark and that he believes any business dealing with petrol, repair garages or “automobilia”, should be considered a part of the Lincoln Highway and treated as a historic landmark. Mr. Erickson stated that the current Jensen service station had been through many changes over the years since 1925 including the Updike repair shop owned by Nelson B Updike, whom Mr. Erickson described as one of the most important
historical figures from Nebraska. He stated that the garage is one of the last remaining buildings from Mr. Updike’s empire. In addition, there is a grocery store which began business in the 1920’s – 1930’s. Mr. Erickson inquired whether there was some way to incorporate these two historic buildings, even only their facades, into the new construction.

Ms. Alex O’Hanlon, 3010 Lincoln Blvd, appeared before the Board in opposition. Ms. O’Hanlon stated that she is the current President of the Saddle Creek Corridor Neighborhood Association, and that this project will be within the boundaries of that association. She stated that the Neighborhood has some concerns about the plans they have seen and are there to request the Board layover the request to allow them time to meet and discuss their concerns with the developers. She stated that because the developer is requesting TIF financing, they believe the project requires further scrutiny. Ms. O’Hanlon stated that the neighborhood is requesting four things from the developer. More realistic renderings showing the building to scale in the proposed location so they can see how it is going to fit into the neighborhood from several angles. Ms. O’Hanlon provided some photos showing what they are wanting to see from the developer using 3D modeling.

The development should include some commercial space to slow traffic, foster a safer walking environment, help to integrate the building into the neighborhood, and take advantage of the Orbit transit line.

The project should include affordable housing, particularly given its location on the major transit routes. The project should be subject to future zoning regulations of the T.O.D. (Transportation Oriented Development) overlay regarding parking, rather than the current zoning regulations. Being on the future transit route should lessen the need for parking, which could free up space for the requested commercial space in the development.

Ms. Jessica Foreman, 4620 Wakeley Street, appeared before the Board in opposition. Ms. Foreman stated that she is a member of the Saddle Creek Corridor Neighborhood Association, as well as a student at University of Nebraska-Omaha. Ms. Foreman pointed out that there have already been two new luxury apartment buildings developed in that neighborhood. She stated that while she understands the financial incentive to provide luxury apartments, there should also be a consideration given to the residents in the area. As a student, Ms. Foreman stated that she would like to have the opportunity to stay, live and work in the neighborhood, however, the lack of affordable housing will send her elsewhere as it has others in the neighborhood. She stated that since the opening of The Duke residences, rents on other housing in the area has increased substantially and several families have been forced to leave the neighborhood to find an affordable place to live. Ms. Foreman requested the Board layover the case to continue working with the developer to provide affordable units in their development. Ms. Foreman stated that she is likely to leave Omaha once she graduates from UNO as the housing costs in Omaha are now as high, or higher, than those of larger cities, and not within reach of students or young professionals getting started. She also indicated that this development is within an ACI-Area of Civic Importance, which she believes should require the City to insure that the developer is providing the best use of the area, including creating a walkable neighborhood, commercial space, and affordable housing included with the density.

Ms. Foreman closed by stating that when the City is intentional about supporting mixed-use/mixed-income development and rejects developments which lead to the gentrification of the areas, they attract the type of young people who will keep these areas strong, vibrant, and innovative. When development strategies displace creative, free-thinking young people, as well as longstanding, deeply rooted older residents, the result is the loss of talent and culture that the City should be seeking to retain.

Mr. William Stott, 2115 South 34th Street, appeared before the Board in opposition. Mr. Stott stated that he is a member of Transportation Oriented Development stakeholders group, which is a multi-disciplinary group charged with creating design guidelines for the future development of properties associated with the future Orbit line. Mr. Stott stated that his main concern is that this development flies in the face of the design standards which are being created for the future of this area which is currently slated to be a Tier 2 property in which buildings are to be no more than six stories high, however, this building is planned to be eight stories. The new guidelines are still currently in the “working” process and have not been adopted by the City. Mr. Stott stated that his concern is that if this building is allowed to slip through before the new guidelines are adopted and enforceable, it will be larger and will be at odds with newer buildings which will be held to the new design standards.
In response to a question from Mr. Pate, Mr. Stott stated that his group is creating design guidelines for all properties along the future Orbit line and will be a part of a new overlay district specific to the transportation corridor. Mr. Eric Englund, Manager of Current Planning, stated that Mr. Stott is a part of a group that is leading the effort to review potential regulations for a future TOD overlay.

Mr. Luis Jimenez, 518 North 40th Street, appeared before the Board in opposition. Mr. Jimenez stated that as a pedestrian and a person who has office space in the area, he frequently walks through this area. He stated that he has been watching the development along this corridor and he has noted that the materials appear to be cheap, but are being used for luxury apartments which has him concerned about the type of residents that are going to be drawn to these units. In addition, he is concerned about the use of TIF funding for this project.

Mr. Rosenbaum closed the public hearing and invited the applicant to address the concerns which had been raised.

Mr. Ken Bunger stated that the development team had met with the Saddle Creek Corridor Neighborhood Association, as well as the Dundee-Memorial Park Association. He stated that they have taken the comments from those meetings into consideration and had sent out revised renderings as Planning Department staff has approved them. In addition, Mr. Bunger stated that the developer had a meeting set up with Ms. O’Hanlon following the Planning Board meeting, at the architect’s office at 5:00 p.m. The commercial issue was discussed, however, due to parking and access requirements, the site does not lend itself to commercial enterprise. Mr. Bunger stated that they have not had any negative comments from the immediate neighbors, like the Child Saving Institute with whom they have been working to vacate the alley and other issues.

The applicant, Mr. Gary Hasenflu, stated that they have the street level renderings which they can make available to the representatives of the neighborhood associations. In addition, he agreed with Mr. Bunger that the site does not meet the parking or other requirements applicable to commercial development as there is no parking allowed on Dodge Street and a commercial use would require even more parking. He stated that parking will always be a requirement, regardless of what other methods of transportation may be available in the area, people still have their automobiles. He did mention that there will be bicycle parking available at the development. With regards to affordability, he stated that land prices are what dictate what can be built. He stated that it would not be financially feasible to develop low income tax credit or Section 8 housing at this location.

In response to questions from the Board, Mr. Hasenflu stated that the rents will range from $900 per month for the efficiency apartments up to $1475 for the two bedrooms, with the one bedroom rents being in the middle somewhere. He stated that the breakdown of units will be 50% efficiency/studio apartments, 35% one bedrooms, and 15% two bedrooms. Mr. Hasenflu stated that they have done some research and found that the demand is there for these units. Additionally, he stated that they found that the rents proposed are not any higher than rents in the surrounding area. Mr. Pate agreed that they were market rate rents in this market. Mr. Hasenflu stated that they have secured contracts on all of the property they need, he anticipates that the process to close on all the properties will be completed by July, 2019.

Architect John Wanick addressed the issue of materials. Mr. Wanick stated that they have been working closely with the Planning Department regarding the design and materials to bring it up a notch. He stated that the building will have the look and feel of a high class development. In response to a question from Mr. Rosacker, he stated that the base level is concrete which is clad in masonry and above it is a mix of masonry, glass, and stucco and that the street level will be mostly glass and masonry.

At the request of the Board, Mr. Eric Englund, Manager of Current Planning, addressed questions about recent developments in this area as well as future design standards. Mr. Englund stated two recent developments in this area were the Duke, which is north of Dodge and south of Saddle creek near 46th Street, and Dundee Flats which is closer to 49th Street. The proposed BRT station will be located near the Dundee Flats. He stated that the Dundee Flats development was smaller than this project and the Duke was similar in size to the proposed development. Mr. Englund stated that Dodge is a very important corridor from downtown Omaha all the way out to West Omaha for office/commercial, residential, and transportation uses. Considering the expenditures and investments being made in the BRT which will
come on-board sometime next year, Mr. Englund stated that the City views it as essential for investment to occur along this corridor and branching out from Dodge as well. He advised that the City staff has been conducting a lot of research and holding a lot of public and internal meetings regarding how to best maximize the potential of the Orbit system. All of these studies are still in the review stages, including internal staff review, the stakeholder group that Mr. Stott mentioned which includes HOA presidents, neighborhood representatives, real estate investors, architects and others which have interests along this corridor from downtown to Westroads. Mr. Englund stated that there is discussion of a Tier system along the corridor, and design standards related to those tiers, however, he reiterated that all of this is only a study at this time. He stated that before any of it can be adopted and implemented, the changes to the Master Plan and zoning code would have to be brought before the Planning Board and eventually before the City Council. While the department is keeping the potential regulatory factors in mind, there is no way, at this time, of knowing what those factors will ultimately consist of in the future.

Mr. Englund stated that the project is located within a Mixed Use boundary which does support office/commercial and high density residential projects. He stated that the department is supportive of this project without the office/commercial use, due to the parking requirements and other barriers to commercial development at this site. Mr. Englund advised that the developer has worked extensively with the department in improving the plans for the development. He advised that, ultimately, the City Council makes the final decision on a PUR district and if there are changes to the plans that have been approved by the City Council, the developer will have to bring them back through the Planning Department to be approved by the Planning Board and City Council.

Mr. Englund stated that the developer will continue to work with the City regarding the vacation of the alley, which will need to be completed prior to recording the plat.

Mr. Englund stated that there is a small portion of the site which has a PK-Parking Overlay District dating back to the mid-1970’s, so the department’s recommendation is to repeal the PK Overlay District, approval of the rezoning from R7, GC and GI to R8, along with the expansion of the ACI-2 Overlay district, approval of the preliminary plat, and approval of the final plat subject to the conditions listed in the recommendation report.

Mr. Pate motioned for approval of the repeal of the PK-Overlay District; approval of the rezoning from R7, GC and GI to R8, along with expansion of the ACI-2 Overlay District, subject to a final acceptable Planned Unit Redevelopment Overlay District plan; approval of the Preliminary Plat, subject to the following conditions:

1. Coordinate with the City and the adjacent property owner regarding the proposed alley vacation from 46th Street west to the proposed Lot 1.
2. Relocate any existing utilities in the area to be vacated.
3. Dedicate right-of-way as necessary to accommodate the required sidewalks and sidewalk setbacks.
4. Provide the City with a fair-market value payment for the vacated right-of-way prior to recording the final plat.
5. Improvements in the alley right-of-way on the west side of the site are subject to the OPW public improvement review process.
6. Coordinate with the City on the public access easement and the design of the access between the alley right-of-way and Douglas Street.
7. Comply with all applicable storm water management ordinances and policies, including providing for a no net increase in storm water runoff and must treat the first ½” of storm water for water quality.
8. Provide for sidewalks along all public street frontages in compliance with city code.
9. Coordinate with OPPD regarding distribution facilities in the alley proposed to be vacated.

In addition, Mr. Pate motioned for approval of the Final Plat, subject to the conditions of preliminary plat approval and submittal of a final acceptable subdivision agreement, prior to forwarding this request to the City Council. Mr. Moore seconded the motion which carried 6-0.

(REGULAR AGENDA)
Master Plan Referrals

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<tr>
<th>5.</th>
<th>C3-19-048 Noddle Companies</th>
<th>REQUEST: Approval of the 64 AVE AKSARBEN VILLAGE TIF REDEVELOPMENT PROJECT PLAN</th>
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"Mr. Rosenbaum advised that agenda items #5 (C3-19-048), #6 (C3-07-029), and #11 (C10-97-029, C12-19-052) would be heard together but would be voted on separately."

At the Planning Board meeting held April 3, 2019 Mr. Don Seten, Planning Department, appeared before the Board to outline the details of agenda items #5 and #6 as they were directly related. Mr. Seten provided an aerial photo showing the area in which the project belongs. Mr. Seten stated that the original approval (#6) was for two platted lots, the north lot has been developed with apartments as planned, and the south one is still vacant. The major amendment to the Aksarben Zone 3 Apartments TIF Redevelopment Project Plan will allow for removal of the southern lot and re-drawing of the boundaries of that project. Agenda item #5, will utilize that southern lot as a stand-alone project.

Mr. Seten explained that the 64 Ave Aksarben Village TIF Redevelopment Project Plan proposal is to construct 7 new, for sale, market rate townhomes, each with a two stall garage. Mr. Seten stated that the developer is Noddle Homes, LLC. He stated that the total project cost is just over $3,100,000 and the amount of TIF support requested is $550,114. Mr. Seten stated that the project meets all the requirements for the TIF program, is an appropriate land use for the area, and complies with the City’s Master Plan.

Mr. Todd Swirczek of Noddle Companies, 2285 South 67th Street, appeared before the Board on behalf of the applicant. Mr. Swirczek explained that there has been a lot of demand for a “for-sale” housing project in Aksarben Village for a couple of years, and that this will be the first project of that kind. He stated that this is a 7,900 square foot lot and there are not a lot of options to put on it. The lot is between a single family residence and a large apartment building, so there are not a lot of general contractors who are eager to take this on at a reasonable cost. In addition, a part of the property is in a flood plain, so the development will need to be raised up above that, which will affect the building foundations. Despite these obstacles, the developer believes it will be a successful due to the proven demand.

In response to questions from the Board members, Mr. Swirczek reiterated that the lot is approximately 7,900 square feet and that each unit will have a two stall garage. He stated that the reason for the Major Amendment is to reduce the setback, from 15 feet from the sidewalk, to 10 feet, due to the size of the lot. He stated that the townhomes are expected to sell for approximately $400,000 each, which is on the high side of the South 10th Street townhomes and on the low side of the Midtown condominiums.

Mr. Swirczek explained that there has been a lot of demand for a “for-sale” housing project in Aksarben Village for a couple of years, and that this will be the first project of that kind. He stated that this is a 7,900 square foot lot and there are not a lot of options to put on it. The lot is between a single family residence and a large apartment building, so there are not a lot of general contractors who are eager to take this on at a reasonable cost. In addition, a part of the property is in a flood plain, so the development will need to be raised up above that, which will affect the building foundations. Despite these obstacles, the developer believes it will be a successful due to the proven demand.

In response to questions from the Board members, Mr. Swirczek reiterated that the lot is approximately 7,900 square feet and that each unit will have a two stall garage. He stated that the reason for the Major Amendment is to reduce the setback, from 15 feet from the sidewalk, to 10 feet, due to the size of the lot. He stated that the townhomes are expected to sell for approximately $400,000 each, which is on the high side of the South 10th Street townhomes and on the low side of the Midtown condominiums.

Mr. Pate asked for some explanation of the “math”, as it does not appear this would be a profitable venture. Mr. Swirczek advised that there is a very small development fee. He stated that Noddle Companies is willing to take less of a profit on this project, which is their first residential development project. Mr. Swirczek stated that the developer is willing to make less on this project and see it as a way to get a team in place that they are comfortable with for residential projects, and as a pilot project for possibly larger residential projects in the future. Ms. Karnes asked what the development fee is for this project, to which Mr. Swirczek replied that there really is no set percentage due to the fact that Noddle is doing this project for itself and there is no client.

Mr. Swirczek stated that the sale of the units is slated to begin on May 2, 2019 and that they are hoping to have the sales completed prior to beginning construction in August, 2019. He stated that due to the demand, the developer anticipates having all of the units sold, at the latest, by the completion of construction. In response to a question from Mr. Rosacker, Mr. Swirczek stated that the $400,000 would be the finished cost, although there are potential “buy-up” options (including a roof-top deck) which would be additional.

Mr. Luis Jimenez, 518 North 40th Street, appeared before the Board in opposition. He stated that he is concerned about people waiting for the bus for up to an hour at the area which will be developed.

Mr. Todd Swirczek, returned at the request of the Board to address the concerns of Mr. Jimenez. He stated that the project will be adding more walkability to allow the new homeowners the convenience of walking to jobs in the Aksarben area to cut down on vehicle traffic.
Mr. Eric Englund, Manager of Current Planning addressed the Board to discuss the recommendations and answer questions. He stated that there is a 0’ setback required for most commercial and office buildings in Aksarben, but the original development agreement for the project had a provision requiring the 15’ front setback, and changing that requirement is one of the reasons a Major Amendment. Mr. Englund stated that the department is supportive of this amendment. He also explained the request for sidewalk waiver, stating that 64th Avenue will have a sidewalk but the access drive to the garages is on the west side of the development is not considered a public street and therefore does not require sidewalks. The sidewalks on the north and south sides will be addressed in the Mixed Use Development agreement. Mr. Englund stated that the department recommends approval of the 64th Avenue Aksarben Village TIF Redevelopment Project Plan.

Mr. Morris motioned for approval of the 64 AVE AKSARBEN VILLAGE TIF REDEVELOPMENT PROJECT PLAN. Mr. Rosacker seconded the motion which carried 6-0.

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*Mr. Rosenbaum advised that agenda items #5 (C3-19-048), #6 (C3-07-029), and #11 (C10-97-029, C12-19-052) would be heard together but would be voted on separately.*

At the Planning Board meeting held April 3, 2019 Mr. Don Seten, Planning Department, appeared before the Board to outline the details of agenda items #5 and #6 as they were directly related. Mr. Seten provided an aerial photo showing the area in which the project belongs. Mr. Seten stated that the original approval (#6) was for two platted lots, the north lot has been developed with apartments as planned, and the south one is still vacant. The major amendment to the Aksarben Zone 3 Apartments TIF Redevelopment Project Plan will allow for removal of the southern lot and re-drawing of the boundaries of that project. Agenda item #5, will utilize that southern lot as a stand-alone project.

Mr. Seten explained that the 64 AVE Aksarben Village TIF Redevelopment Project Plan proposal is to construct 7 new, for sale, market rate townhomes, each with a two stall garage. Mr. Seten stated that the developer is Noddle Homes, LLC. He stated that the total project cost is just over $3,100,000 and the amount of TIF support requested is $550,114. Mr. Seten stated that the project meets all the requirements for the TIF program, is an appropriate land use for the area, and complies with the City's Master Plan.

Mr. Todd Swirczek of Noddle Companies, 2285 South 67th Street, appeared before the Board on behalf of the applicant to explain agenda item #11. Mr. Swirczek explained that there has been a lot of demand for a “for-sale” housing project in Aksarben Village for a couple of years, and that this will be the first project of that kind. He stated that this is a 7,900 square foot lot and there are not a lot of options to put on it. The lot is between a single family residence and a large apartment building, so there are not a lot of general contractors who are eager to take this on at a reasonable cost. In addition, a portion of the property is in a flood plain, so the development will need to be raised up above that, which will affect the building foundations. Despite these obstacles, the developer believes it will be a successful due to the proven demand.

In response to questions from the Board members, Mr. Swirczek reiterated that the lot is approximately 7,900 square feet and that each unit will have a two stall garage. He stated that the reason for the Major Amendment is to reduce the setback, from 15 feet from the sidewalk, to 10 feet, due to the size of the lot. He stated that the townhomes are expected to sell for approximately $400,000 each, which is on the high side of the South 10th Street townhomes and on the low side of the Midtown condominiums.

Mr. Pate asked for some explanation of the “math”, as it does not appear this would be a profitable venture. Mr. Swirczek advised that there is a very small development fee. He stated that Noddle Companies is willing to take less of a profit on this project, which is their first residential development project. Mr. Swirczek stated that the developer is willing to make less on this project and see it as a way to get a team in place that they are comfortable with for residential projects, and as a pilot project for possibly larger residential projects in the future. Ms. Karnes asked what the development fee is for this project, to which Mr. Swirczek replied.
that there really is no set percentage due to the fact that Noddle is doing this project for itself and there is no client.

Mr. Swirczek stated that the sale of the units is slated to begin on May 2, 2019 and that they are hoping to have the sales completed prior to beginning construction in August, 2019. He stated that due to the demand, the developer anticipates having all of the units sold, at the latest, by the completion of construction. In response to a question from Mr. Rosacker, Mr. Swirczek stated that the $400,000 would be the finished cost, although there are potential “buy-up” options (including a roof-top deck) which would be additional.

Mr. Luis Jimenez, 518 North 40th Street, appeared before the Board in opposition. He stated that he is concerned about people waiting for the bus for up to an hour at the area which will be developed.

Mr. Todd Swirczek, returned at the request of the Board to address the concerns of Mr. Jimenez. He stated that the project will be adding more walkability to allow the new homeowners the convenience of walking to jobs in the Aksarben area to cut down on vehicle traffic.

Mr. Eric Englund, Manager of Current Planning addressed the Board to discuss the recommendations and answer questions. He stated that there is a 0’ setback required for most commercial and office buildings in Aksarben, but the original development agreement for the project had a provision requiring the 15’ front setback, and changing that requirement is one of the reasons a Major Amendment. Mr. Englund stated that the department is supportive of this amendment. He also explained the request for sidewalk waiver, stating that 64th Avenue will have a sidewalk but the access drive to the garages is on the west side of the development is not considered a public street and therefore does not require sidewalks. The sidewalks on the north and south sides will be addressed in the Mixed Use Development agreement. Mr. Englund stated that the department recommends approval of a Major Amendment to the Aksarben Zone 3 Apartments TIF Redevelopment Project Plan.

Mr. Pate motioned for approval of a Major Amendment to the AKSARBEN ZONE 3 APARTMENTS TIF REDEVELOPMENT PROJECT PLAN. Mr. Morris seconded the motion which carried 6-0.

Subdivisions

| 11. | C10-97-029  
C12-19-052 
Noddle Companies | REQUEST: Preliminary and Final Plat approval of AKSARBEN VILLAGE REPLAT 18, a minor plat inside the city limits, with a waiver to Section 53-9(9), Sidewalks, along with a Major Amendment to the Mixed Use Agreement for Aksarben Village | LOCATION: 2210 South 64th Avenue |

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Mr. Seten explained that the 64 Ave Aksarben Village TIF Redevelopment Project Plan proposal is to construct 7 new, for sale, market rate townhomes, each with a two stall garage. Mr. Seten stated that the developer is Noddle Homes, LLC. He stated that the total project cost is just over $3,100,000 and the amount of TIF support requested is $550,114. Mr. Seten stated that the project meets all the requirements for the TIF program, is an appropriate land use for the area, and complies with the City’s Master Plan.

Mr. Todd Swirczek of Noddle Companies, 2285 South 67th Street, appeared before the Board on behalf of the applicant to explain agenda item #11. Mr. Swirczek explained that there has been a lot of demand for
a “for-sale” housing project in Aksarben Village for a couple of years, and that this will be the first project of that kind. He stated that this is a 7,900 square foot lot and there are not a lot of options to put on it. The lot is between a single family residence and a large apartment building, so there are not a lot of general contractors who are eager to take this on at a reasonable cost. In addition, a portion of the property is in a flood plain, so the development will need to be raised up above that, which will affect the building foundations. Despite these obstacles, the developer believes it will be a successful due to the proven demand.

In response to questions from the Board members, Mr. Swirczek reiterated that the lot is approximately 7,900 square feet and that each unit will have a two stall garage. He stated that the reason for the Major Amendment is to reduce the setback, from 15 feet from the sidewalk, to 10 feet, due to the size of the lot. He stated that the townhomes are expected to sell for approximately $400,000 each, which is on the high side of the South 10th Street townhomes and on the low side of the Midtown condominiums.

Mr. Pate asked for some explanation of the “math”, as it does not appear this would be a profitable venture. Mr. Swirczek advised that there is a very small development fee. He stated that Noddle Companies is willing to take less of a profit on this project, which is their first residential development project. Mr. Swirczek stated that the developer is willing to make less on this project and see it as a way to get a team in place that they are comfortable with for residential projects, and as a pilot project for possibly larger residential projects in the future. Ms. Karnes asked what the development fee is for this project, to which Mr. Swirczek replied that there really is no set percentage due to the fact that Noddle is doing this project for itself and there is no client.

Mr. Swirczek stated that the sale of the units is slated to begin on May 2, 2019 and that they are hoping to have the sales completed prior to beginning construction in August, 2019. He stated that due to the demand, the developer anticipates having all of the units sold, at the latest, by the completion of construction. In response to a question from Mr. Rosacker, Mr. Swirczek stated that the $400,000 would be the finished cost, although there are potential “buy-up” options.

Mr. Luis Jimenez, 518 North 40th Street, appeared before the Board in opposition. He stated that he is concerned about people waiting for the bus for up to an hour at the area which will be developed.

Mr. Todd Swirczek, returned at the request of the Board to address the concerns of Mr. Jimenez. He stated that the project will be adding more walkability to allow the new homeowners the convenience of walking to jobs in the Aksarben area to cut down on vehicle traffic.

Mr. Eric Englund, Manager of Current Planning addressed the Board to discuss the recommendations and answer questions. He stated that there is a 0’ setback required for most commercial and office buildings in Aksarben, but the original development agreement for the project had a provision requiring the 15’ front setback, and changing that requirement is one of the reasons a Major Amendment. Mr. Englund stated that the department is supportive of this amendment. He also explained the request for sidewalk waiver, stating that 64th Avenue will have a sidewalk but the access drive to the garages is on the west side of the development is not considered a public street and therefore does not require sidewalks. The sidewalks on the north and south sides will be addressed in the Mixed Use Development agreement. Mr. Englund stated that the department recommends denial of the waiver to Section 53-9(9), Sidewalks. (The waiver is not required.); approval of the Major Amendment to the Mixed Use Development Plan, subject to submittal of an acceptable plan to City Planning; approval of the Preliminary Plat and Final Plat, subject to the conditions listed in the recommendation report.

Mr. Rosacker motioned for denial of the waiver to Section 53-9(9), Sidewalks. (The waiver is not required.); approval of the Major Amendment to the Mixed Use Development Plan, subject to submittal of an acceptable plan to City Planning; approval of the Preliminary Plat and Final Plat, subject to the following conditions:

1. Coordinate with Omaha Public Works on the removal of on-street parking along South 64th Avenue.
2. Relocate all utilities and air handling units from at-grade to the rooftop.
3. Compliance with all applicable storm water management ordinances and policies.
4. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
and approval of the Final Plat, subject to the conditions of the Preliminary Plat and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Mr. Pate seconded the motion which carried 6-0.

| 8. | C11-18-213 C10-18-214 C12-18-215 Miller Commerce | REQUEST: | Preliminary and Final Plat approval of LINCOLN HIGHWAY COMMUNITIES, a subdivision inside the city limits, with a rezoning from AG to DR and R6, along with approval of PUD-Planned Unit Development Overlay District (portions of the property are located within the FF-Flood Fringe and FW-Floodway Overlay Districts) |
| LOCATION: | Northwest of 192nd Street and Honeysuckle Drive |

At the Planning Board meeting held April 3, 2019, Mr. Brent Beller, 11440 appeared before the Board on behalf of the applicant to discuss the details of the request. Mr. Beller advised that the applicant, Miller Commerce, is the co-developer with Say You Can, both of which are from Springfield, Missouri. This is the first of their projects in Omaha, though there are 2 to 3 more planned in the next couple of years. The location is just north of Dodge on 192nd Street. He explained that the project will take place on 21 acres of land which is surrounded by residential housing to the north, east and south. West of the project location is a City sewer treatment facility, which is in the process of being shut down. Mr. Beller stated that the location is currently zoned AG and they are requesting rezoning to R6/DR and approval of a PUD. He explained that the 21 acre property has been shrunk down to approximately 11 developable acres due to the constraints created by the sewer, flood fringe/floodway. The development will include three lots, one large lot will be where all of the residential units are located, the other two will be outlots. The outlots will allow for the flood fringe/floodway setbacks and for the future expansion of 192nd Street. Mr. Beller stated that the applicant has been working with City staff for approximately one year to come up with a design plan which would work with the site constraints. He advised that the current plan has been worked out for 55 single family units, each with two bedrooms and two bathrooms, the average size of each unit will be 2100 square feet. This will be a market rate, retirement community for residents aged 55 and over. The concept for the development is unique to this area, though the developer has created several of them in other cities. The “Verra Terra” concept includes all costs into one rental payment, these could include all utilities, WiFi and cable service, trash pick-up, concierge services, pool and clubhouse and possibly other services as well.

Mr. Beller showed an aerial view of the site to show the surrounding streets and the two access points into this development. He pointed out the site of an interceptor sewer line which will be constructed in late fall, 2019 or possibly into 2020 and it will replace the previously mentioned sewer treatment facility, which will run through the center of the project site. Mr. Beller explained that Eric Williams of Olsson & Associates has been working with the City departments to come up with a plan for getting that sewer line installed through the site. As of this point, those plans are on track logistically. The other issue that the developer has been working on with the City is the connection to the trail going east/west along Old Lincoln Highway. The problems are the location of the floodway along where the trail would naturally go and the location of the bridge would push the cost for the trail at that location in excess of $300,000. Mr. Beller provided a view of where the trail was originally planned to go, as well as where the Parks department has agreed it can be moved to along another route. The developer is continuing to work with the Parks department to possibly continue the trail along Honeysuckle and around the development. Mr. Beller stated that everyone involved in the project views the trail system as an amenity for the residents of the retirement community.

Mr. Beller stated that they have had two meetings with neighborhood associations, the most recent of which was Tuesday, April 2. He stated that the meetings were very positive and supportive of the project. Mr. Beller confirmed that the project would be fully in compliance with City of Omaha code regulations, including compliance with the Master Plan.
In response to questions from the Board, Mr. Beller stated that the reason for the two outlots is due to the planned extension of 192nd Street. Mr. Eric Williams of Olsson Associates, 2111 North 67th St, stepped in to advise that the reason they did not just make this one outlot is due to the presence of the flood plain. They created the lot lines to match the boundaries of the flood plain, which necessitated the creation of two outlots rather than just one.

Mr. Eric Englund, Manager of Current Planning addressed the Board to discuss the recommendations and answer questions. He stated that since the Planning Board meeting of October, 2018, when the case was originally heard, there have been several modifications to the style and nature of the proposed development. Mr. Englund explained that the PUD is required to allow multi-family style housing to be built in low-density residential areas, although these are single family homes, they are all on one lot so they are classified as multi-family style housing. In conjunction to the PUD, the department is utilizing the more restrictive R6 district regulators. He stated that there are no concerns about the project not being in compliance with low-density residential zoning. Mr. Englund stated that the Parks Department would still like to sit down with the applicant regarding the trail which needs to be worked out prior to forwarding the proposal to the City Council. There are also some small landscaping and fencing issues to be worked out with the City prior to forwarding to City Council.

Mr. Englund stated that the department recommends approval of the rezoning and PUD, as well as the preliminary and final plat subject to the conditions in the recommendation report prior to forwarding the request to the City Council for final approval.

Mr. Morris motioned for approval of the rezoning from AG to DR and R6 (portions of the property are located within the FF and FW Overlay Districts) subject to submitting acceptable PUD plans prior to forwarding to City Council; approval of the PUD, subject to submittal of final acceptable plans showing internal landscaping, internal sidewalks, and details of the proposed 6-foot-tall privacy fence prior to forwarding to City Council; approval of the Preliminary Plat, subject to the following conditions:

1. Dedicate right-of-way 50 feet from the centerline along 192nd Street, plus 10 additional feet for the first 300 feet of Honeysuckle Drive.
2. Place a note on the plat prohibiting direct access to 192nd Street from any of the lots.
3. Verify with Public Works that the western property lines of Outlots B and C are acceptable.
4. Coordinate with Omaha Public Works on an acceptable sewer alignment for the new interceptor sewer and grant all easements as necessary.
5. Compliance with all applicable storm water management ordinances and policies.
6. Provide sidewalks along all access and circulation drives throughout the interior of the site.
7. Coordinate with Omaha Parks and Recreation on the location and alignment of the trail and connection to adjacent trail network. If the trail is located along Honeysuckle Drive, it must be redesigned/relocated to maintain as straight a travel path as possible, and not weave around utilities.
8. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement, and approval of the Final Plat, subject to the conditions of the Preliminary Plat and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Ms. Karnes seconded the motion which carried 6-0.

| REQUEST: Preliminary and Final Plat approval of INDIAN CREEK RESERVE, a minor plat outside the city limits, with a waiver to Section 53-9(9), Sidewalks, along with rezoning from AG, R1, and R4 to R4 |
| LOCATION: Southwest of 192nd Street and Camden Avenue |

At the Planning Board meeting held April 3, 2019, Mr. Joe Foley, 4611 South 96th Street, appeared on behalf of the applicant as the engineer working on the project. Mr. Foley stated that he requested the case be pulled off the Consent Agenda in order to have the opportunity to discuss the sidewalk waiver the applicant is requesting. He stated that there are existing homes and landscaping along 192nd Avenue Circle and the original intent when the street was paved was to have all of the lots double fronted with landscaping along the back side. Because of the original intent, the grade along the east side of the street...
is steeper from the curb than it would normally be to allow for the landscaping and the trees which are planted along there. Mr. Foley advised that the trees along the east side of the street are evergreen trees and some crab apple trees, most of which are pretty mature, which will be impacted if the sidewalks are required. Mr. Foley provided some photos of the tree line which will be impacted in some areas. In response to a question from Mr. Pate, Mr. Foley advised that the trees were planted when the development was put in, approximately 1999.

Mr. Todd Ringenberg, 4804 N 192nd Avenue Circle, appeared before the Board in support of the request. Mr. Ringenberg stated that he is a member of the Indian Creek Villa Homeowners Association. He provided a photo of the tree line which he took from his front room window. Mr. Ringenberg stated that he appeared in order to urge the Board to approve the request with the waiver for the sidewalks in order to maintain the character and environmental integrity of the existing neighborhood. He stated that several of the trees are 25 to 30 feet tall, as well as other trees closer to the curb, many of which would have to be removed for the installation of the sidewalk. Mr. Ringenberg stated that he is a member of the Architectural Board in the Homeowners Association, and on behalf of that Board he is respectfully requesting the request be approved with the sidewalk waiver.

In response to questions from the Board, Mr. Ringenberg stated that he did not put together a count of the number of trees which would be affected. In addition, he stated that a many of the trees are too big to be moved. Mr. Ringenberg stated that there is little traffic along the street and many residents walk in the street and that the sidewalk would not enhance the neighborhood or provide any benefit to the residents. He stated that the existing trees would be in the back yard of the residences in the new development. He explained that there is a 50 to 60 foot difference in elevation between the main road and the cul de sac, which is why many of the existing homes, as well as the residences in the proposed development, have walk out basements. Mr. Ringenberg stated that several existing homes are similar to the proposed residences and none of them have sidewalks up next to the tree line.

At the request of Mr. Rosenbaum, Mr. Joe Foley returned to explain that all of the residences will be walk out lots onto the cul de sac and the developer had tried to fit things in so that none of the trees would have to be disturbed. In response to a question from Mr. Rosacker, Mr. Foley stated that the grade drops down into the cul de sac.

Mr. Eric Englund, Manager of Current Planning, advised that the request was unique. He stated that the original plat was approved by the City of Elkhorn, and several of the phases were built under the jurisdiction of Elkhorn. The current request is one of the final phases. He explained that the design is unique because generally double frontages would not be approved on a cul de sac. Mr. Englund stated that considering the location, the City does not typically support sidewalk waivers unless there is an extreme grade which would prohibit reasonable accommodations to provide sidewalks, or if the location is in a sensitive, environmental area. He explained that, while the department promotes conserving as many trees as possible, it is the belief of the department many of the trees could be saved while also providing a sidewalk.

Mr. Englund stated that the department recommends denial of the waiver for sidewalks, approval of the rezoning, and approval of the preliminary and final plat, subject to the conditions in the recommendation report.

Mr. Moore motioned for approval of the rezoning from AG, R1, and R4 to R4; denial of the waiver for sidewalks along 192nd Avenue Circle; approval of the Preliminary Plat, subject to the following conditions:

1. Place a note on the plat that there shall be no direct access to 192nd Street from any lots or outlots.
2. Place a noise attenuation easement along a line 115 feet from the centerline of 192nd Street, and place the standard noise attenuation easement language on the plat.
3. Provide for traffic calming on 192nd Avenue.
4. Coordinate with the Douglas County Engineers office on the final cross section and grading of 192nd Street. Site grading adjacent to 192nd Street must reflect final buildout of the street.
5. Coordinate with Douglas County Engineers office on the grading, sanitary sewer, storm sewer, and other utility design/work in or adjacent to the 192nd Street right-of-way.
6. The S.I.D. boundary must be adjusted to annex the previously vacated 192nd Street right of way,
7. Rename Browne Circle to either Larimore Circle or Redman Circle.
8. Coordinate the design of Park 37a with adjacent SIDs and the Omaha Parks Department. The park design must meet the requirements as outlined in the Suburban Parks Master Plan, 2016 Update and must be designed by a Professional Landscape Architect licensed in the State of Nebraska.
9. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
10. Compliance with all applicable storm water management ordinances and policies.
11. An acceptable debt ratio of 4.0 percent or less.

and approval of the final plat, subject to the conditions of the Preliminary Plat and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Mr. Pate seconded the motion which carried 5-1 with Mr. Rosenbaum dissenting.

| 14. | C10-18-039  
C12-18-040  
All Holy Spirit Greek Orthodox Church | REQUEST: | Revised Preliminary Plat and Final Plat approval of EVERT PLACE (Lots 1-4, Outlots A-E), a subdivision outside the city limits, with a waiver from Section 53-8(4), Lot frontage, along with rezoning from AG to DR and R5

LOCATION: | Northwest of 192nd Street and Grey Fawn Plaza

*Mr. Rosenbaum advised that agenda items #14 (C12-18-039 & C12-18-040) and #18 (C8-18-071) would be heard together but would be voted on separately.*

At the Planning Board meeting, held on April 3, 2019, Mr. Jason Theillen of E & A Consulting Group, 10909 Mill Valley Road, appeared on behalf of the applicant. Mr. Theillen began by showing a diagram showing the general boundaries of the development. He noted several stakeholders were present at the meeting as well. Mr. Theillen pointed out the location of the Knicely’s property, the Daily’s property, and property which was previously the Beller’s but has now been sold to another family. Mr. Theillen advised that the case was originally approved by the Planning Board in April, 2018 and went to the City Council in June, 2018. In 2018, at the time it was heard in April, it did not include the Beller property and there were some things going on with the road, mostly based on the eighth mile full intersection opportunity at 192nd Street, and rights as the owner of Evert Place to do something with Grey Fawn Plaza.

Mr. Theillen stated that he has been working on the project since 2016. He stated that the developer has been working with the Bellers, the Knicely’s, and the Dailys for several years. However, when the Avenue One and Fountain Ridge West projects got started, and 192nd Street work got accelerated, Ryan Haas of Public Works, contacted them to advise that they were no longer going to have the access at the eighth mile point. In response to a question from Mr. Pate, Mr. Theillen inquired as to why a road was shown from the Fire Ridge development but is no longer being shown. Mr. Theillen stated that the plan had always been to have connectivity between the developments, but due to a large grade change, there had to be a different plan. Mr. Theillen stated that once that eighth mile connectivity was removed, they then tried to work with the Knicely’s regarding a connection, but were unable to reach any agreement with them. At the same time, the developer was working with the Avenue One team, and as of last week, an agreement has been signed for Harney Street construction. So now there is a full access point at the quarter mile and 193rd Street has been straightened out. In the interim, Mr. Beller sold his property to Mr. Fichter who runs a Montessori School and asked to be a part of the project. In order to have access onto 193rd Street, Mr. Fichter offered to dedicate the right-of-way as part of the project. Mr. Theillen provided aerial photos and diagrams showing where the various streets will come through and provide access points. At the request of the Board, Mr. Theillen showed where Leavenworth, Jones, 193rd Street, will come through to a centralized intersection. He stated that the applicant closed on the purchased a portion of the Daily property approximately March 13, 2019, and in the agreement, the applicant agreed to stop the construction short of Mr. Daily’s property and barricade access until such time as he chooses to sell his property. Mr. Theillen stated that Ryan Haas has approved this agreement on behalf of the Public Works department because it has reduced the Grey Fawn Plaza down to a single access point for Mr. Daily’s property only. As a result of this agreement, the access to the Beller property, the Montessori school, and all the properties which are a part of this plat will have access off 192nd Street.

In response to questions from the Board, Mr. Theillen clarified that the only reason Grey Fawn Plaza is staying open is to be the only access to Mr. Daily’s property as he refuses to access off the future street.
and no one else has rights to accessing that piece of property. He stated that the applicant does have a signed agreement in place for a portion of Mr. Daily's property, but there is nothing in place allowing them to acquire the entire property at any time. Mr. Theillen stated that he is unsure about easement rights on the portion of Grey Fawn Plaza which will remain. He stated that the northern portion of Grey Fawn Plaza will be replatted with the final plat and incorporated into a larger lot for the assisted living facility.

Mr. Theillen then explained that the corner property, formerly known as the Barker property, was sold to a plumbing contractor who has since sold the property to a company from Lincoln. Mr. Theillen stated that they are currently in conversations with the plumbing contractor to determine what is going to happen on that property. He stated that one of the benefits of this contractor is that he also works in real estate, so he is familiar with some of what is happening. Mr. Theillen stated that the contractor has been made aware that he will need right of way along the front of his property for Harney Street. He stated that the development is going to be in a SID, so they can either purchase the right-of-way or they can condemn it and they of course prefer to purchase the property. As a part of the agreement with Avenue One, on a section of the road they had proposed to only build the north half of Harney Street between 192nd and 193rd Streets. This proposal was unacceptable to both Avenue One and Public Works, therefore, the applicant will be building the entire section of Harney Street between 192nd and 193rd Streets. Mr. Theillen stated that this expense is the sole reason for the high debt ratio which is mentioned in the recommendation report. In response to a question from Mr. Pate, Mr. Theillen stated that the SID council has agreed to work through this and there will be some in-lieu payments from some of the users in order to reduce that debt.

Mr. Theillen stated that the last issue was that the Fire Ridge Homeowners Association had requested a buffer between this development and their neighborhood. He stated that there are going to be a couple of outlots, one of which will include some trees which will be moved from another area to create a buffer up against the Fire Ridge neighborhood.

Mr. Theillen provided a map showing where the various components of the development will be situated. He stated that the senior living component will include independent living, assisted living, and memory care of some sort. There will be wetlands on site, as well as some outlots with trees. In addition, the Montessori School will be there, as well as the All Holy Spirit Greek Orthodox Church, and the possibility of some additional residential units.

Mr. Theillen went through the various problems which had been brought up with the development, and how they were being solved with this revision. He stated that they had solved the problem of the quarter mile access problem as well as future street connectivity problems. In addition, Mr. Theillen stated that they had solved the Daily property/Grey Fawn issue by purchasing the property and stopping the street construction short of the property. The Beller/Fichter issue was solved by giving them access at 193rd Street. Finally, the Fire Ridge issue was resolved by creating a buffer screen with trees.

So, Mr. Theillen stated that the issues before the Board with this request are the four lot plat, five outlots, a waiver for lot frontage, and rezoning. He stated that a Special Use Permit is being requested under request C8-18-071 on the agenda. In addition, Mr. Theillen stated that they have received a copy of the Planning Department's recommendation report and have no issue with the conditions therein.

With regards to the special use permit, Mr. Theillen stated that this is required for the proposed assisted living. The proposal is to create the assisted living and memory care services in one building. Mr. Theillen provided a rendering of the proposed building.

Ms. Susan Knicely, 930 South 192nd Street, appeared before the Board in opposition. Ms. Knicely provided a map of the proposal from 2016. Ms. Knicely stated that they had been working on development of their property since 2007, at which time it was planned to be a mixed use development called Tuscan Reserve which would have included, among other things, rezoning to R6 with no restriction on density. She stated that since that time, due to pressure from neighbors not wanting the higher density development, the plans have been reduced down to R5. Ms. Knicely stated that last week was the first time they had seen the proposal being presented at the meeting, so they were unaware of the change of the road to 193rd Street. She stated that this change would prevent her from being able to connect to any road north or west of the property due to the fact that Mr. Daily is not planning to sell his property at any
time in the near future. Ms. Knicely stated that they had spoken with Mr. Ryan Haas of the City Public Works department in the past about designing an S curve from Leavenworth Street to Grey Fawn Road to allow connection between the new development and the Knicely property. She explained that her suggestion would be that the neighboring parcels shared the cost of the road, which would be more equitable. She described a connection coming from Jones Street to the lot lines of the Beller & Daily properties, which she stated would now be difficult to do since the Dailys are not interested in developing. In 2016, according to Ms. Knicely, Say You Can had a purchase agreement for their property in order to develop a senior living site, however, they chose to instead move to the Evert Place development where they could have more units than on the Knicely property. Ms. Knicely showed a diagram to the Board showing how the properties line up along 192nd Street and along Leavenworth Street. She stated that Leavenworth dissect their property, which makes it less attractive to developers. She explained that the intersection which is being proposed now comes straight through and intersects the Daily property, additionally, she expressed that she is unsure what the plan is for the area between Jones Street and the Beller property line but that the Bellers were being limited by someone else’s plans for the street on their property.

Ms. Knicely stated that her request is to have more opportunity for discussions with the developer to discuss how to make the connection at the quarter mile. She stated that the potential is for the Daily’s to do a right-of-way dedication through the Beller property, then the road could be connected without causing an extreme curve, Ms. Knicely stated that this S curve plan was approved by Ryan Hass in 2018.

In response to questions from the Board, Ms. Knicely stated that the connection was approved in 2018, but then the developer did not offer enough for their property, due to it being devalued because of the developer’s design, which caused that plan to fall apart. She stated that she believes the developer and the City can do better than the design currently in place which includes barricading a road and creating a private drive which will be there beyond the foreseeable future. Ms. Karnes stated that the design Ms. Knicely desires would put the S curve onto the property of a person who is unwilling to sell their property to the developer. Ms. Knicely stated that the property owner also did not want to sell 193rd Plaza either, but the developer was able to convince them to do so as well as being able to acquire property from the Bellers, and the Bakers on the corner. She stated that the developer could have the same rights to improve and extend Grey Fawn Drive as they do 193rd Plaza, if it were not for them choosing to make an agreement with Mr. Daily to prevent that from happening. She stated that she and her family have been squeezed out of the negotiations and it is negatively impacting their property value. Mr. Pate asked about the location of the S curve on the Knicely property and the retention pond. Ms. Knicely stated that they had asked the developer to take on the detention pond, and that they could have access to their parking area as well, but the developer was not interested. She stated that future developers for their property would like to see a contiguous piece of property instead of a dissection of property.

At the request of the Board, Mr. Jason Theillen of E & A Consulting Group, 10909 Mill Valley Road, returned to respond to Ms. Knicely’s proposal and to answer questions from the Board. Mr. Theillen stated that the development team had worked long and hard on the project which was before the Board. He stated that the bottom line is that it is expensive to build roads, and it is a cost to be borne by those who are developing their property. He stated that the Knicely’s would have had to put in the infrastructure and that, while it is nice when the property owners all participate, the fact is that they do not and then the costs have to be borne by the developer. Mr. Theillen stated that there is more than one piece of Leavenworth Street which would have to be moved to incorporate the Knicely’s property and that he has several layouts in the file which do include their property, but showing the costs and sources of funding which would have to be shared by everyone was very expensive and they could not come to an agreement with the Kinkel’s. He advised that, while the applicant did have the right to improve and extend Grey Fawn Drive, part of the agreement with Mr. Daily was that he gets his drive and they are not willing to go back on the agreement with Mr. Daily. Mr. Theillen stated that the S curve would end up right in the middle of Mr. Daily’s lot, meaning he would have to participate, which he is not willing to do. He stated that they have been working on this project for three years, and they are willing to re-open discussion about the S curve. He stated that Mr. Daily is aware that as it is projected now, the road will eventually split his property, but that the agreement states that can’t happen until he sells his property and if that was a concern it seemed unlikely that Mr. Daily would have made the deal with the applicant 30 days ago.
Mr. Ryan Haas, Public Works Department, appeared before the Board to clarify some of the issues brought up in discussion of the project. Mr. Haas pointed out that everything Mr. Theillen described was accurate regarding the work they have done together to reach this point in the project. He stated that this was a good example of some of the challenges faced by staff when there is existing development, proposed development, and some property owners who are not interested in participating in the development of an area. In addition, there are City standards which dictate where arterial streets have to start and where they can go, as well as how the road has to be designed, for example a road has to extend straight for a certain distance before it can curve and then there are design standards for the rate at which it can curve. Mr. Haas stated that there are a lot of parameters which have to be considered when designing a street network, including stub streets which have to be continued as part of a proposed development. Staff is tasked with planning street networks which will function well in the long term, which involves creating well connected, local streets and looking at the big picture during the design phase. He stated that the department had worked closely with the applicant and with Ms. Knicely regarding a potential option for Leavenworth Street, however, there were a number of complications with Grey Fawn Plaza which had existing, grandfathered conditions and is not an acceptable location for a full access road at 192nd Street to serve more development. Mr. Haas explained that Grey Fawn Plaza is limited regarding the hazard it currently poses because it is only accessed by three houses, however, it is not an option to use for full movement. Once Grey Fawn was eliminated as an option the applicant chose to go with Harney Street. He explained that if the Knicelys decided to pursue subdivision project on their property, the use of Harney Street by Evert Place, does not impact their option to do so and they would be granted a public access at Leavenworth Street and would be subject to the same minimum design standards, it would be up to them to figure out the best place to stub a street to the west. He stated that there is nothing about the current project which will inhibit or change the City’s view of the possible future development of the Knicely’s property.

Members of the Board discussed that communication needs to be ongoing between all of the property owners around the development, whether they wish to participate in this project or not. It was stated that there are a lot of moving parts that have to be coordinated for the betterment of the neighborhood and that can only work by working together.

Ms. Karnes inquired as to whether there is anything to prohibit the property owners from continuing to work on developing connections at 193rd, Jones, and Leavenworth Streets. Mr. Eric Englund stated that there are design standards that have to be followed, and the size of the property also impacts what can be done, but there is nothing to stop someone from submitting a plan to the department for their review. He stated that there are fixed access points at the quarter, half, and three quarter mile which need to be present, other than that, the department would have to look at the project.

Mr. Rosenbaum requested Mr. Jason Theillen return to address Ms. Karnes’ questions. Mr. Theillen showed a diagram of areas where connections could be made, including the fixed points. He pointed out that there are potential opportunities for the Knicely’s to create the connectivity they are requesting in the future, it will all depend on how Leavenworth Street goes through. Ms. Karnes encouraged Mr. Theillen and the rest of the development team to continue to work with the Knicely’s to come to some agreement that would work for both of them. Mr. Theillen stated that they are willing to do so, and have made numerous offers which have all been declined by the Knicely’s.

Mr. Eric Englund, Manager of Current Planning stated that regarding agenda item #14 (C10-18-039 & C12-18-040), the department recommends laying over the final plat to work wetland and tree analysis and mitigation plans, and a few other issues. The department recommends approval of the waiver for lot frontage, approval of the rezoning and approval of the revised preliminary plat subject to the conditions in the recommendation report.

Mr. Rosacker motioned for approval of the waiver of Section 53-8(4), Lot frontage; approval of the rezoning from AG to DR and R5; approval of the Revised Preliminary Plat, subject to the following conditions being addressed prior to or concurrently with the final plat:

1. Place the eastern most 25 feet of Lot 2 in a separate outlot to be acquired in the future at the time of the ultimate improvement of 192nd Street.
2. Coordinate with the Public Works Department on an acceptable GO paving plan.
3. Provide an access easement or easements between 193rd Street and the outlots.
5. Construct a temporary turnaround at the new termination of Harney Street at the north boundary of the subdivision.
6. Coordinate with the Avenue One development on a mutually acceptable location and design for the future Harney Street connection.
7. Provide for traffic calming on all streets longer than 1,000 feet.
8. Pave all stub streets to a location acceptable to the City, and provide a temporary turnaround.
9. Coordinate with the Public Works Department on acceptable barricading to prohibit access from Grey Fawn Plaza to 193rd Street.
10. Grant a noise attenuation easement along 192nd Street 115 feet from the centerline, and place that standard noise attenuation easement language on the plat.
11. Place a note on the plat that there shall be no direct access to 192nd Street from any lot or outlot.
12. Provide a contribution to future 192nd Street improvements.
13. If the subdivision will not be located in a Sanitary Improvement District, a maintenance agreement will be required before Douglas County will provide routine maintenance of public streets.
14. Storm sewer design computations and final plans must be submitted to the Douglas County Engineer’s office for review.
15. Sidewalks must be provided adjacent to all street frontages in compliance with city code.
16. Proposed site grades along the eastern boundary of the platting, adjacent to 192nd Street, must be coordinated with the future improvement of the roadway.
17. Any grading, sewer or utility work carried out in conjunction with this development, in 192nd Street right-of-way, will require a permit(s) from the Douglas County Engineer’s office.
18. Compliance with all applicable storm water management ordinances and policies.
19. The applicant must provide for the use, ownership and maintenance of the outlots in the final subdivision agreement.
20. Provide a letter from Douglas County Emergency Management office confirming that acceptable emergency warning siren is being provided for the area.
21. Submittal of a final wetland delineation report and wetland mitigation plan (if necessary).
22. Submittal of a letter of approval of a Noxious Weed Plan from Douglas County.
23. Submittal of an acceptable tree canopy analysis and mitigation plan for the entire plat area.
24. Coordinate with OPPD to ensure all issues are adequately addressed.
25. Meeting an acceptable debt ratio.

And layover the Final Plat for Evert Place (Lots 1-4 and Outlots A-E) to allow the applicant time to address conditions of the Revised Preliminary Plat including but not limited to, a final wetland delineation report and mitigation plan, if necessary and an acceptable tree canopy analysis and mitigation plan. Mr. Moore seconded the motion which carried 6-0.

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<tr>
<th>REQUEST:</th>
<th>Approval of a Special Use Permit to allow Assisted living in the R5 District</th>
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<tr>
<td>LOCATION:</td>
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*Mr. Rosenbaum advised that agenda items #14 (C12-18-039 & C12-18-040) and #18 (C8-18-071) would be heard together but would be voted on separately.*

At the Planning Board meeting, held on April 3, 2019, Mr. Jason Theillen of E & A Consulting Group, 10909 Mill Valley Road, appeared on behalf of the applicant. Mr. Theillen began by showing a diagram showing the general boundaries of the development. He noted several stakeholders were present at the meeting as well, Mr. Theillen pointed out the location of the Knicely’s property, the Daily’s property, and property which was previously the Beller’s but has now been sold to another family. Mr. Theillen advised that the case was originally approved by the Planning Board in April, 2018 and went to the City Council in June, 2018. In 2018, at the time it was heard in April, it did not include the Beller property and there were some things going on with the road, mostly based on the eighth mile full intersection opportunity at 192nd Street, and rights as the owner of Evert Place to do something with Grey Fawn Plaza.

Mr. Theillen stated that he has been working on the project since 2016. He stated that the developer has been working with the Bellers, the Knicelys, and the Dailys for several years. However, when the Avenue
One and Fountain Ridge West projects got started, and 192nd Street work got accelerated, Ryan Haas of Public Works, contacted them to advise that they were no longer going to have the access at the eighth mile point. In response to a question from Mr. Pate, Mr. Theillen inquired as to why a road was shown from the Fire Ridge development but is no longer being shown. Mr. Theillen stated that the plan had always been to have connectivity between the developments, but due to a large grade change, there had to be a different plan. Mr. Theillen stated that once that eighth mile connectivity was removed, they then tried to work with the Knicely’s regarding a connection, but were unable to reach any agreement with them. At the same time, the developer was working with the Avenue One team, and as of last week, an agreement has been signed for Harney Street construction. So now there is a full access point at the quarter mile and 193rd Street has been straightened out. In the interim, Mr. Beller sold his property to Mr. Fichter who runs a Montessori School and asked to be a part of the project. In order to have access onto 193rd Street, Mr. Fichter offered to dedicate the right-of-way as part of the project. Mr. Theillen provided aerial photos and diagrams showing where the various streets will come through and provide access points. At the request of the Board, Mr. Theillen showed where Leavenworth, Jones, 193rd Street, will come through to a centralized intersection. He stated that the applicant closed on the purchased a portion of the Daily property approximately March 13, 2019, and in the agreement, the applicant agreed to stop the construction short of Mr. Daily’s property and barricade access until such time as he chooses to sell his property. Mr. Theillen stated that Ryan Haas has approved this agreement on behalf of the Public Works department because it has reduced the Grey Fawn Plaza down to a single access point for Mr. Daily’s property only. As a result of this agreement, the access to the Beller property, the Montessori school, and all the properties which are a part of this plat will have access off 192nd Street.

In response to questions from the Board, Mr. Theillen clarified that the only reason Grey Fawn Plaza is staying open is to be the only access to Mr. Daily’s property as he refuses to access off the future street and no one else has rights to accessing that piece of property. He stated that the applicant does have a signed agreement in place for a portion of Mr. Daily’s property, but there is nothing in place allowing them to acquire the entire property at any time. Mr. Theillen stated that he is unsure about easement rights on the portion of Grey Fawn Plaza which will remain. He stated that the northern portion of Grey Fawn Plaza will be replatted with the final plat and incorporated into a larger lot for the assisted living facility.

Mr. Theillen then explained that the corner property, formerly known as the Barker property, was sold to a plumbing contractor who has since sold the property to a company from Lincoln. Mr. Theillen stated that they are currently in conversations with the plumbing contractor to determine what is going to happen on that property. He stated that one of the benefits of this contractor is that he also works in real estate, so he is familiar with some of what is happening. Mr. Theillen stated that the contractor has been made aware that he will need right of way along the front of his property for Harney Street. He stated that the development is going to be in a SID, so they can either purchase the right-of-way or they can condemn it and they of course prefer to purchase the property. As a part of the agreement with Avenue One, on a section of the road they had proposed to only build the north half of Harney Street between 192nd and 193rd Streets. This proposal was unacceptable to both Avenue One and Public Works, therefore, the applicant will be building the entire section of Harney Street between 192nd and 193rd Streets. Mr. Theillen stated that this expense is the sole reason for the high debt ratio which is mentioned in the recommendation report. In response to a question from Mr. Pate, Mr. Theillen stated that the SID council has agreed to work through this and there will be some in-lieu payments from some of the users in order to reduce that debt.

Mr. Theillen stated that the last issue was that the Fire Ridge Homeowners Association had requested a buffer between this development and their neighborhood. He stated that there are going to be a couple of outlots, one of which will include some trees which will be moved from another area to create a buffer up against the Fire Ridge neighborhood.

Mr. Theillen provided a map showing where the various components of the development will be situated. He stated that the senior living component will include independent living, assisted living, and memory care of some sort. There will be wetlands on site, as well as some outlots with trees. In addition, the Montessori School will be there, as well as the All Holy Spirit Greek Orthodox Church, and the possibility of some additional residential units.
Mr. Theillen went through the various problems which had been brought up with the development, and how they were being solved with this revision. He stated that they had solved the problem of the quarter mile access problem as well as future street connectivity problems. In addition, Mr. Theillen stated that they had solved the Daily property/Grey Fawn issue by purchasing the property and stopping the street construction short of the property. The Beller/Fichter issue was solved by giving them access at 193rd Street. Finally, the Fire Ridge issue was resolved by creating a buffer screen with trees.

So, Mr. Theillen stated that the issues before the Board with this request are the four lot plat, five outlots, a waiver for lot frontage, and rezoning. He stated that a Special Use Permit is being requested under request C8-18-071 on the agenda. In addition, Mr. Theillen stated that they have received a copy of the Planning Department’s recommendation report and have no issue with the conditions therein.

With regards to the special use permit, Mr. Theillen stated that this is required for the proposed assisted living. The proposal is to create the assisted living and memory care services in one building. Mr. Theillen provided a rendering of the proposed building.

Ms. Susan Knicely, 930 South 192nd Street, appeared before the Board in opposition. Ms. Knicely provided a map of the proposal from 2016. Ms. Knicely stated that they had been working on development of their property since 2007, at which time it was planned to be a mixed use development called Tuscan Reserve which would have included, among other things, rezoning to R6 with no restriction on density. She stated that since that time, due to pressure from neighbors not wanting the higher density development, the plans have been reduced down to R5. Ms. Knicely stated that last week was the first time they had seen the proposal being presented at the meeting, so they were unaware of the change of the road to 193rd Street. She stated that this change would prevent her from being able to connect to any road north or west of the property due to the fact that Mr. Daily is not planning to sell his property at any time in the near future. Ms. Knicely stated that they had spoken with Mr. Ryan Haas of the City Public Works department in the past about designing an S curve from Leavenworth Street to Grey Fawn Road to allow connection between the new development and the Knicely property. She explained that her suggestion would be that the neighboring parcels shared the cost of the road, which would be more equitable. She described a connection coming from Jones Street to the lot lines of the Beller & Daily properties, which she stated would now be difficult to do since the Dailys are not interested in developing. In 2016, according to Ms. Knicely, Say You Can had a purchase agreement for their property in order to develop a senior living site, however, they chose to instead move to the Evert Place development where they could have more units than on the Knicely property. Ms. Knicely showed a diagram to the Board showing how the properties line up along 192nd Street and along Leavenworth Street. She stated that Leavenworth dissects their property, which makes it less attractive to developers. She explained that the intersection which is being proposed now comes straight through and intersects the Daily property, additionally, she expressed that she is unsure what the plan is for the area between Jones Street and the Beller property line but that the Bellers were being limited by someone else’s plans for the street on their property.

Ms. Knicely stated that her request is to have more opportunity for discussions with the developer to discuss how to make the connection at the quarter mile. She stated that the potential is for the Daily’s to do a right-of-way dedication through the Beller property, then the road could be connected without causing an extreme curve, Ms. Knicely stated that this S curve plan was approved by Ryan Hass in 2018.

In response to questions from the Board, Ms. Knicely stated that the connection was approved in 2018, but then the developer did not offer enough for their property, due to it being devalued because of the developer’s design, which caused that plan to fall apart. She stated that she believes the developer and the City can do better than the design currently in place which includes barricading a road and creating a private drive which will be there beyond the foreseeable future. Ms. Karnes stated that the design Ms. Knicely desires would put the S curve onto the property of a person who is unwilling to sell their property to the developer. Ms. Knicely stated that the property owner also did not want to sell 193rd Plaza either, but the developer was able to convince them to do so as well as being able to acquire property from the Bellers, and the Bakers on the corner. She stated that the developer could have the same rights to improve and extend Grey Fawn Drive as they do 193rd Plaza, if it were not for them choosing to make an agreement with Mr. Daily to prevent that from happening. She stated that she and her family have been squeezed out of the negotiations and it is negatively impacting their property value. Mr. Pate asked about
the location of the S curve on the Knicely property and the retention pond. Ms. Knicely stated that they had asked the developer to take on the detention pond, and that they could have access to their parking area as well, but the developer was not interested. She stated that future developers for their property would like to see a contiguous piece of property instead of a dissection of property.

At the request of the Board, Mr. Jason Theillen of E & A Consulting Group, 10909 Mill Valley Road, returned to respond to Ms. Knicely’s proposal and to answer questions from the Board. Mr. Theillen stated that the development team had worked long and hard on the project which was before the Board. He stated that the bottom line is that it is expensive to build roads, and it is a cost to be borne by those who are developing their property. He stated that the Knicely’s would have had to put in the infrastructure and that, while it is nice when the property owners all participate, the fact is that they do not and then the costs have to be borne by the developer. Mr. Theillen stated that there is more than one piece of Leavenworth Street which would have to be moved to incorporate the Knicely’s property and that he has several layouts in the file which do include their property, but showing the costs and sources of funding which would have to be shared by everyone was very expensive and they could not come to an agreement with the Kincely’s. He advised that, while the applicant did have the right to improve and extend Grey Fawn Drive, part of the agreement with Mr. Daily was that he gets his drive and they are not willing to go back on the agreement with Mr. Daily. Mr. Theillen stated that the S curve would end up right in the middle of Mr. Daily’s lot, meaning he would have to participate, which he is not willing to do. He stated that they have been working on this project for three years, and they are willing to re-open discussion about the S curve. He stated that Mr. Daily is aware that as it is projected now, the road will eventually split his property, but that the agreement states that can’t happen until he sells his property and if that was a concern it seemed unlikely that Mr. Daily would have made the deal with the applicant 30 days ago.

Mr. Ryan Haas, Public Works Department, appeared before the Board to clarify some of the issues brought up in discussion of the project. Mr. Haas pointed out that everything Mr. Theillen described was accurate regarding the work they have done together to reach this point in the project. He stated that this was a good example of some of the challenges faced by staff when there is existing development, proposed development, and some property owners who are not interested in participating in the development of an area. In addition, there are City standards which dictate where arterial streets have to start and where they can go, as well as how the road has to be designed, for example a road has to extend straight for a certain distance before it can curve and then there are design standards for the rate at which it can curve. Mr. Haas stated that there are a lot of parameters which have to be considered when designing a street network, including stub streets which have to be continued as part of a proposed development. Staff is tasked with planning street networks which will function well in the long term, which involves creating well connected, local streets and looking at the big picture during the design phase. He stated that the department had worked closely with the applicant and with Ms. Knicely regarding a potential option for Leavenworth Street, however, there were a number of complications with Grey Fawn Plaza which had existing, grandfathered conditions and is not an acceptable location for a full access road at 192nd Street to serve more development. Mr. Haas explained that Grey Fawn Plaza is limited regarding the hazard it currently poses because it is only accessed by three houses, however, it is not an option to use for full movement. Once Grey Fawn was eliminated as an option the applicant chose to go with Harney Street. He explained that if the Knicelys decided to pursue subdivision project on their property, the use of Harney Street by Evert Place, does not impact their option to do so and they would be granted a public access at Leavenworth Street and would be subject to the same minimum design standards, it would be up to them to figure out the best place to stub a street to the west. He stated that there is nothing about the current project which will inhibit or change the City’s view of the possible future development of the Knicely’s property.

Members of the Board discussed that communication needs to be ongoing between all of the property owners around the development, whether they wish to participate in this project or not. It was stated that there are a lot of moving parts that have to be coordinated for the betterment of the neighborhood and that can only work by working together.

Ms. Karnes inquired as to whether there is anything to prohibit the property owners from continuing to work on developing connections at 193rd, Jones, and Leavenworth Streets. Mr. Eric Englund stated that there are design standards that have to be followed, and the size of the property also impacts what can
be done, but there is nothing to stop someone from submitting a plan to the department for their review. He stated that there are fixed access points at the quarter, half, and three quarter mile which need to be present, other than that, the department would have to look at the project.

Mr. Rosenbaum requested Mr. Jason Theillen return to address Ms. Karnes’ questions. Mr. Theillen showed a diagram of areas where connections could be made, including the fixed points. He pointed out that there are potential opportunities for the Knicely’s to create the connectivity they are requesting in the future, it will all depend on how Leavenworth Street goes through. Ms. Karnes encouraged Mr. Theillen and the rest of the development team to continue to work with the Knicely’s to come to some agreement that would work for both of them. Mr. Theillen stated that they are willing to do so, and have made numerous offers which have all been declined by the Knicely’s.

Mr. Eric Englund, Manager of Current Planning, stated that the Special Use Permit is requested for the assisted living facility specifically. He explained that this would include an approximately 75,000 square foot floor area for a 24 unit dependent living area and a 54 unit semi-independent living area. He pointed out that there are areas of the landscaping plan which need to be worked out prior to forwarding the request to the City Council. In addition, Mr. Englund advised that the Special Use permit request would not move forward to the City Council until the final plat is ready to move forward as well. He advised that the department recommends approval of the Special Use permit subject to the conditions in the recommendation report.

Ms. Karnes motioned for approval of the Special Use Permit to allow assisted living in a R5 District, subject to the following being addressed prior to the request being forwarded to the City Council:

1. Compliance with the submitted site plan.
2. Submittal and compliance with a revised landscape plan to address screening for headlights.
3. Compliance with the submitted elevation plan.
4. Compliance with the submitted operating statement.
5. Comply with the City’s Guidelines for Driveway Location, Design and Construction.
6. Compliance with all applicable storm water management ordinances and policies, including providing for a no net increase in storm water runoff and treat the first ½” of storm water for water quality.
7. Coordinate with OPPD to ensure issues related their distribution facilities and easements are adequately addressed.
8. Provide sidewalks in compliance with city code.
9. Compliance with all other applicable regulations.

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

**Rezonings**

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<th>#</th>
<th>C10-19-055 Keith Harris</th>
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<tbody>
<tr>
<td>REQUEST:</td>
<td>Rezoning from R4(35) to R5 (a portion of the property is located within the FF-Flood Fringe Overlay District)</td>
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<tr>
<td>LOCATION:</td>
<td>Southeast of 38th Street and Forest Lawn Avenue</td>
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At the Planning Board meeting held on April 3, 2019 the applicant, Mr. Keith Harris, ELA Holdings, 5334 North 24th Street, appeared before the Board to describe the project and answer questions. Mr. Harris stated that he grew up in this neighborhood very close to the location proposed for this project. He stated that when they found the property and purchased it, there was a lot of dumping going on and it was very unkempt. Mr. Harris advised that recently the police were on the property searching for a missing person, and a few years ago a person died on the property in an automobile accident. Mr. Harris stated that they saw this property as an opportunity to do something good in the neighborhood and advised that when people are living on a property, it tends to be taken care of better than when it is vacant. He advised that
since purchasing the property, he and the other members of the holding company have made certain the lawn has been mowed, tree branches removed, and debris has been picked up.

Mr. Harris stated that the proposal is to develop four row houses/town homes, on the 2.5 acre parcel. He presented an aerial view of the area for the Board and the audience to see the location. He stated that the 1500 to 2500 square foot, four bedroom homes for-sale homes with two car garages will have direct street access. He stated that the impact on traffic in the neighborhood will be minimal with only four homes with two cars apiece.

Mr. Harris acknowledged that he realized there may be conditions placed on the approval by the Planning Department and expressed his willingness to continue working with the department to get the project approved and moving forward. He also stated his desire to work with the neighbors to address their concerns and to create a project which would fit in well and be accepted by the neighborhood.

In request to questions from Mr. Pate regarding the odd shape of the parcel and many 90 degree angles, Mr. Harris stated that their original proposal had been for a larger development, but after working with the Planning Department, it was decided that they needed to reduce the number of units and rezone the property from R4(35) to R5, which would allow them to have smaller setbacks among other things. In addition, he stated that there are a number of trees on the property which would require them to push the construction onto the flatter portion of the land, which will place the creek and the trees behind them. Mr. Harris presented a preliminary artist rendering of the area and proposed building layout. He stated that the applicants are also considering putting in some sort of trails behind the homes to take advantage of the woods and the creek as well as providing recreation to the residents. He noted that they were aware of the issues presented by the creek and the woods, and were planning to engage an engineer as well as working closely with the City to make sure those are all addressed.

In response to questions from the Board, Mr. Harris stated that they did intend to sell the units. Mr. Rosacker stated that they were all on one lot, which caused an issue with selling the units. Mr. Harris suggested that they were considering some sort of condo regime to allow them to sell the units, otherwise they would retain an agency to assist them with renting the units. He reiterated that the proposed size of the unit was between 1500 and 2500 square feet. In answer to Mr. Morris regarding pricing, he responded that it was too early to determine the possible sale price. He reiterated that they proposed to create a development which would be a benefit to the neighborhood. Mr. Harris stated that they would love to put a park or some other sort of public space there, but realistically it was not financially feasible for them to do so. He stated that he understands it is “scary” when something new comes into a neighborhood, but even if they sold the property to someone else it would end up eventually being some sort of development.

Mr. Gary Pinneo, 3720 Forest Lawn Avenue, appeared before the Board in opposition. Mr. Pinneo provided an aerial photo of the neighborhood and showed the location of his home relative to the location of the proposed project. He noted that his parents had purchased this home in 1962 and it came to him when they passed away. Mr. Pinneo stated that he believes Mr. Harris lives on 150th Street, and he has never seen him in this neighborhood. He stated that he has no idea what Mr. Harris’ plans are for the property, but he is opposed to allowing the setback to be reduced from 35’ to 25’ which he states would put the homes right next to the street, and if they put in a sidewalk, the residents will be parking cars across it when they are in the driveway. He pointed out several existing homes in the neighborhood which have their homes set back much farther from the street than the proposed 25’ at the project location. Mr. Pinneo stated that Mr. Harris has not maintained the property; he did not have snow removed from the existing sidewalks, the grass was not mowed, the weeds are not removed and when tree branches fall they are left lying in the yard. He states that he is the one who contacts the City to get the grass mowed and he is the one who picks up trash from the property because Mr. Harris has never maintained the property. Mr. Pinneo expressed his concern that there will be anything “nice” put on the property due to the size of the parcel and his experience with Mr. Harris. In addition to these concerns, Mr. Pinneo stated that the sewer separation project is slated to come down through that area which will take up a majority of the property owned by Mr. Harris according to the assessor’s website. His recommendation is that Mr. Harris put the proposed homes on the other property he owns south of this one and leaves the property north of the creek as open green space. Mr. Pinneo stated that he has not seen anything from Mr. Harris.
to indicate that he is interested in being a good neighbor. He stated that they had approximately 50 to 60 people at his house for a neighborhood meeting to discuss concerns about the proposed development.

Ms. Kylie Ellis, 7728 North 37th Street, appeared before the Board in opposition. Ms. Ellis stated that she grew up in this area, has lived there for more than 30 years, and her parents also still live in the neighborhood. Ms. Ellis stated that she shares many of the concerns of Mr. Pinneo, but is primarily concerned about the safety of children near the creek which she advised has very steep banks and has a lot of overgrown, dead trees. In addition, she is concerned about the loss of wildlife like deer, raccoons, turkeys and others. Ms. Ellis stated that she believes the area should be left as greenspace.

Mr. Terry Foust, 7715 North 39th Street, appeared before the Board in opposition. Mr. Foust stated that he will be unable to see the property from his property, but he is concerned because the property owned by Mr. Harris is the neighborhood greenspace. Mr. Foust stated that he measured the property and the land owned by Mr. Harris is only one acre, not 2.5 acres as reported by Mr. Harris unless you include the portion south of the creek, and that area would be seriously affected by the sewer separation project. He stated that he is concerned that the wildlife will be pushed out and he is concerned about flooding from the creek.

Ms. Ann Scheiblhofer, 3913 King Street, appeared before the Board in opposition. Ms. Scheiblhofer stated that her concern is about the roads which are dirt roads with a lot of potholes. She is concerned that adding more traffic onto Forest Lawn Avenue it will lead to worse road conditions.

At the request of Mr. Rosenbaum, Mr. Keith Harris returned to respond to the concerns of the opponents and answer questions from the Board. Mr. Rosenbaum stated that he did not believe they had enough information to vote on the matter at this meeting, but would be happy to hear from Mr. Harris. Mr. Harris stated that his family has lived in this neighborhood since the 1980’s even though he has not sat down with each person in the neighborhood. He provided a drawing of the area as well as a survey, completed by a professional surveyor, as requested by the department. Mr. Harris stated that this survey confirmed that the lot is 2.5 acres. In addition, he stated that he has never received a complaint or fine for weeds or litter. He stated that approximately one year ago, he did receive a phone call from the City at which time Mr. Harris met the inspector at the location and resolved the issue. Mr. Harris pointed out that the notice that went out for the Planning Board meeting had his personal phone number on it, he stated that he received phone calls from five or six people, most of which were positive though a couple did have minor concerns which he addressed with them. In response to concerns about the wildlife and wooded area, Mr. Harris reiterated that the reason they were applying to be able to move the building envelope further towards the road was so there would be less of an impact on the woods and the wildlife which lives in them. With regards to concerns about the creek and the placement of the building envelope, Mr. Harris stated that he will comply with whatever conditions the City sees fit to place on this project to insure that these matters are within the City requirements.

In response to a question from Mr. Pate regarding the buildable area of the property, Mr. Harris stated that he is awaiting further study to know the exact measurement of the buildable area, but it is not the entire 2.5 acres. In addition, Mr. Pate asked whether Mr. Harris acknowledges that the neighbors have maintained his property for him. Mr. Harris stated that for many years, there was an agreement with Mr. Gerald Zulfer, who owns the property directly west of Mr. Harris, in which Mr. Zulfer was paid to cut the grass and maintain the trees. When people dumped debris, furniture, etc. on the property, Mr. Zulfer contacted Mr. Harris who then engaged someone to abate the issue. Now that Mr. Zulfer has reached an age where he can no longer do this work, Mr. Harris stated that he has hired two different lawn maintenance companies to take care of the property. He stated that he is concerned that the neighbors perhaps were confusing his property with someone else’s in that general area. He stated that there have been no tickets issued by inspectors for many years, and that all of the “City specials” on the property when he purchased it, had been abated at the time of purchase. Mr. Pate stated that he had not asked whether there were any fines or tickets, he wanted to know whether Mr. Harris had maintained the property. Mr. Harris advised that the lawn care service he had retained went twice per month to mow the grass and perform other maintenance.

Mr. Eric Englund, Manager of Current Planning, advised that the property is a platted lot, which was allowed at the time it was platted. According to current standards, a property with a creek running through
it would be required to put the creek in an unbuildable outlot, but that is not the case with this plat. As this is a platted lot, certain property rights go along with that, for example, as it stands at this time the property owner could submit an application for a permit to build a single family residence, that is about all that would be allowed in the R4(35) zoning. If a building permit came in for a single family home on the site, Mr. Englund stated that he is not certain that the property would be able to meet all of the requirements and setbacks for the R4(35) zoning. The requested rezoning to R5, would reduce the required setback from the front property line, not the curb or the street, however it is not exactly clear where the property line is. One of the issues the department had is that they do not have a to-scale dimension site plan which accurately shows the property lines, which is one of the reasons the department recommends layover.

Mr. Englund stated that in addition to reducing the setbacks from 35 feet to 25 feet, the rezoning would allow the opportunity to develop the site with either a duplex, or, as in this case, four townhome units. The units would have to be rentals, the department would not likely be supportive of further dividing this property into additional lots to allow for-sale residential units, which would then open up the discussion of putting the creek into an unbuildable outlot. As it stands, the plat does not allow for the four townhome units proposed. Mr. Englund reiterated that the department had not received a to-scale site plan showing the lot lines, which will be required. He stated that the department has concerns about how the proposed structure lays out on the site and its proximity to the creek. In addition, zoning regulations require a 3 to 1 + 20 foot setback from all creeks and drainageways which is difficult to determine and generally requires a professional engineer. Mr. Englund explained that the “3 to 1” is a slope based on the creek and drainageway which can change the required setback based on the steepness of the slope or if it is relatively flat. He stated that while he is aware there will be CSO (sewer separation) work done in this area, he does not have details about exactly where it will be or how it would impact this property. Mr. Englund pointed out that much of the property is within the flood plain/flood fringe, which does not necessarily mean the property is not developable but a flood plain development permit will be required which has several restrictions placed on it including limiting the amount of fill that can be placed on the site and building elevation requirements.

Mr. Englund stated that the department recommends a layover to allow time for them to get all of the necessary information from the applicant and review it for compliance. He stated that this will also allow the applicant time to meet with the neighbors to address concerns. Mr. Englund advised that the department was not supportive of any waivers from the Zoning Board of Appeals for setbacks.

Mr. Moore motioned to layover the request for rezoning from R4(35) to R5. Mr. Morris seconded the motion which carried 6-0.

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<th>C10-19-057</th>
<th>REQUEST:</th>
<th>Rezoning from R3 and GC to GC, along with approval of the MCC Overlay District</th>
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<tr>
<td>17</td>
<td>Indian Creek Nursery</td>
<td>LOCATION:</td>
<td>Northeast of Saddle Creek Road and Wakeley Street</td>
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At the Planning Board meeting held on April 3 the applicant, Scott Farrington, 1014 North 64th Street. Mr. Farrington stated that during the course of the meeting he had an opportunity to speak with someone from the Planning Department and now understood that the question which had led him to remove the request from consent was one that was not within the scope of the Planning Board’s work. Mr. Farrington stated that he had questions about the required 30 foot buffer between the business and the residential area. He stated that he was pleased with the Department’s recommendation for approval and had no objections or concerns.

Mr. Eric Englund, Manager of Current Planning, explained that the applicant wished to move all of their operations to the north side of Wakeley Street. The eastern most lot on the site has split zoning of GC and Residential, this request would consolidate the zoning to GC and apply the MCC Overlay District. Mr. Englund stated that the department recommends approval.

Mr. Rosacker motioned for approval of the rezoning from GC and R4 Districts to GC District as well as approval of the MCC Overlay District. Mr. Morris seconded the motion which carried 6-0.

**Special Use Permits**
At the Planning Board meeting held on April 3 Jared Evenich of Logado LLC, 2315 S 168th Street, appeared before the Board on behalf of the applicant. Mr. Evenich explained that the word Logado in music refers to a peaceful, smooth transition, he stated that a smooth transition is what this company strives to provide for people affected by dementia. Mr. Evenich stated that they provide this transition through professional care in a home-like environment. He advised that in 2012 he and his business partner, founded a company called A Place At Home which provides at home care to allow seniors to remain independent in their own home. Mr. Evenich advised that A Place At Home now has six franchise locations which provide services in eight states. A Place At Home teamed up with Comfort Care Homes, which is a large group senior living community which helps those with dementia remain as independent as possible within a safe, comfortable environment. Comfort Care Homes has been an Omaha company for 20 years and has been owned by the Render Group consisting of Erin Render and her husband for the past four years. Mr. Evenich stated that between the two companies, as well as the local builders who also built many of the private homes in the Five Fountain neighborhood, the intention has always been to develop a luxury home which will fit in well with the neighborhood.

Mr. Evenich stated that they have provided a front elevation as well as a site plan to the Planning department and offered to show it on the overhead projector as well if the Board wished. Mr. Evenich stated that they were intending to provide luxury living for those with dementia. He advised that the design will look like a single family home from the exterior, there will be a garage, parking space and will have a nice privacy fence around the home. He stated that this was to provide a safe living environment for the residents who wish to go outside, but will also so that people in the neighborhood would not be able to distinguish this home from any other single family home in the neighborhood. Mr. Evenich stated that the home will be staffed very well, in excess of local staffing requirements by nearly 50%. He advised that there will be a maximum of three full time staff on duty at any one time. In addition, Mr. Evenich stated that the facility will be locally built, locally staffed, and locally administrated which the developers believed will be a benefit to the community, the residents and the neighbors. In closing, Mr. Evenich advised that 1 in 3 seniors will develop some form of dementia and it is the goal of Logado to provide a solution for those seniors who chose to live in a beautiful community such as the Five Fountains neighborhood.

In response to questions from the Board, Mr. Evenich stated that the ranch style home will feature nearly 5,000 square feet of finished living space. There will be four bedrooms upstairs which will be shared with two residents in each, downstairs would have one shared bedroom and two single bedrooms. He advised that there would be no more than twelve residents at any time. Mr. Evenich stated that the residents will be at the stage in their lives where they need a high level of care, none of them will be driving or going out on their own. He stated that the only vehicles at the property will be those of the staff and any people visiting the residents. Mr. Evenich stated that it is unlikely there will be any group outings, due to the nature of the care required for the residents.

Mr. Jim Marriott, 18687 Webster Circle, appeared before the Board in opposition. Mr. Marriott stated that he was the President of the Five Fountains Homeowners Association as well as a member of the Five Fountains SID Board. He advised that he was present at the meeting to express the concerns of 12 to 15 neighborhood residents who had reached out to him in the past week or so. Mr. Marriott stated that the objective of the Homeowners Association is to protect property values, and many of the homeowners were concerned that this proposed facility would negatively affect the value of their properties. Mr. Marriott stated that the first concern is that of safety, both of the patients at the facility and the residents in the neighborhood. He stated that due to the high traffic on 192nd Street, they are concerned that the patients could be injured or cause damages to residents or property in the area. Mr. Marriott also expressed that although the plans for the facility look nice, there is concern about whether it will really blend in with the single family homes in the neighborhood, some of which are valued at over $1,000,000. He stated that many residents are concerned about the reputation of the neighborhood, which they feel would be damaged by having the group living facility in the neighborhood. He also advised that people were concerned about traffic congestion on holidays when more people would be visiting. Mr. Marriott
stated that residents were also concerned that if this business were to one day close or sell, they do not know what type of business would move into the building which may be less than desirable to the neighbors. In closing, Mr. Marriott stated that many people had built their dream homes in this neighborhood expecting to have other single family homes as neighbors, not a large group living facility.

Mr. Rich Jarecke, 18916 North HWS Cleveland Boulevard, appeared before the Board in opposition. Mr. Jarecke stated that he and his wife had relocated to this area approximately six months ago, specifically looking for single family housing development. In the opinion of Mr. Jarecke, the Special Use Permit is simply a way of getting around the way a property was originally zoned. He stated that twelve patients and three workers is not single family living. Mr. Jarecke stated that privacy fences are not allowed by the neighborhood covenants, so either the developer is unaware of that or are mis-speaking about their intentions.

At the request of the Board, the applicant returned to answer questions from the board and to address the concerns of Mr. Marriott and Mr. Jarecke. Ms. Erin Render, 2315 South 168th Street, appeared before the Board on behalf of the applicants. Ms. Render stated that as she was the one currently operating with this same model in another location, she would be the best person to address the concerns of the neighborhood residents. She stated that the safety of their residents is the top concern of the Logado group, although most are physically not able to move around on their own, however, all of the entrances and exits are fully secured, requiring a code to get in and out. In addition, regarding the property and home values, Ms. Render stated that all of their other homes were single family residences and when sold, all have been converted back to single family homes which largely included removing the locks off the doors and the fire sprinkler systems. She stated that they use this model to prevent residents from being stuck in a room at the end of a long hallway as is the case in most nursing facilities. Finally, Ms. Render addressed the concern about traffic at large group events. She stated that due to the nature of the illness, large gatherings tend to be too stimulating for them. Ms. Render advised that, for example, on Mother’s Day, at other facilities they will set out materials for a family to plant flowers with their Mother when they come for a visit, but large holiday gatherings are not something that are held.

Mr. Jared Evenich returned to address questions from the Board. Mr. Morris asked about the privacy fence issue brought up by Mr. Jarecke. Mr. Evenich stated that they would install fencing that allowed as much privacy as possible, but that every aspect of the home from the roofing materials, fascia, and style of the home are in compliance with the HOA requirements. He stated that they would do everything possible to insure the privacy of their residents as well as their neighbors. He stated that they had provided a rendering of the front of the home to indicate how it will appear from the street. Mr. Evenich stated that they could do away with the double driveways if it weren’t for the parking requirements set by the City which requires one parking stall for every two residents even though none of their residents would be driving or own vehicles. He stated that he understands concerns about property values and explained that this project will be well in excess of $1,000,000, so they are very invested in the quality of the neighborhood. In closing, Mr. Evenich clarified that they do not have “patients” living in a “facility” there will be “residents” living in a “home”.

Mr. Rosacker stated that as a construction manager, he had looked at the plans and noted that the plans show a walk out on one end, but no stairway between the two levels and wondered whether people have to go out and walk around to get back in. Mr. Evenich stated that there is a stairway which was on the latest plans that they had submitted to the department and offered to point them out on the screen. Mr. Rosacker said it was not necessary to show them, he just wanted to ask.

Mr. Eric Englund, Manager of Current Planning, explained that large group living is classified as a residential use in the zoning code. He stated that if there were eight residents or fewer, only a building permit would be required, but with twelve residents the process of going through the Planning Board for a special use permit was required and the base zoning of R3 would not be changed or impacted as a result of this request. Mr. Englund stated that there were a few small modifications to the landscape screening and parking to be addressed, but otherwise the department recommends approval subject to the seven conditions in the recommendation report.

Mr. Morris motioned for approval of the Special Use Permit to allow Large group living in the R3 District, subject to the following conditions:
1. Submittal and compliance with a revised site plan providing for the required parking and landscaping, prior to forwarding this request to City Council.
2. Compliance with the revised site plan.
3. Compliance with the submitted elevations.
4. Compliance with the operating statement.
5. Compliance with the submitted sign plan.
6. Obtain a Certificate of Occupancy from the Permits & Inspections Division of the Planning Department.
7. Compliance with all other applicable regulations.

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

**APPROVAL OF MINUTES**

It was the consensus of the Board to hold over the vote on the March 6, 2019 minutes until the May 1, 2019 meeting.

**ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at 5:20 p.m.

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Date Approved

______________________________
Greg Rosenbaum, Chairman

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Lisa Agans, Planning Board
Recording Secretary