The meeting was called to order by Eric Englund, Acting Assistant Director.

Mr. Englund began the meeting by explaining the social distancing plan for Board members, Planning staff, and attendees at the Planning Board meeting.

#4 Mr. Don Seten, Housing Development Planner, advised that this Tax Increment Financing request was to develop a five-story building with 11,000 square feet of Office/Commercial space on the main floor and 171 apartment units on the four upper floors. The development would include an interior courtyard as well as 69 interior parking stalls and an additional parking lot. There would also be several public improvements, including the improvement of part of 12th Street.

#5 Ms. Karnes advised that she would recuse herself from this case and left the room at 11:53 a.m.*

Mr. Seten advised that this Tax Increment Financing request was to develop 277 apartments which would be a mix of Studios, 1- & 2-bedroom. There would be a parking structure with 375 stalls, 10 surface parking stalls, and 48 bike lockers. There would be no access through the adjoining neighborhood. *Ms. Karnes returned to the room at 12:09 p.m.*

Mr. Seten & Ms. Bridget Hadley, Economic Development Manager, answered questions from the Board regarding the possibility of requiring a percentage of apartments developed with TIF funding to be low income accessible apartments. Ms. Hadley stated that some developers are trying to do so, but the department is not able to force them to create mixed income developments. Mr. Seten explained that making certain units low income eligible would require monitoring which most developers are not prepared to do. Following discussion of the TIF requests, Mr. Seten passed out copies of the annual TIF report to the Board members and explained some of the categories contained within the report.

#1 Mr. Englund advised that this case was on the Administrative Only portion of the agenda. City Council had approved the preliminary plat in November, 2019 and the final plat had originally been on the December, 2019 but was removed when the applicant made a change by reducing the number of lots by four. Mr. Englund went over some of the other details of the project such as the park and trails.

#2 & #3 Mr. Pate advised that he would recuse himself from both cases and left the room at 12:19 p.m. prior to the beginning of discussion of #2.*

Mr. Englund reminded the Board that these two cases are for two different Millard Schools projects.
#2  This request was laid over at the April 1, 2020 meeting. Millard Schools is planning a building expansion to accommodate a larger activities center, as well as more classrooms. The project will include adding sports fields and an expansion of the parking lot. The requested height waiver is for the activities building.

#3  This request was also laid over at the April 1, 2020 meeting. Millard Schools is requesting to place a mural on the back of the scoreboard at Millard South High School. The department is supportive of this request with the condition that there can be no advertising at all on the mural. The school is working with local artists for the design.

*Mr. Pate returned to the room following discussion at 12:30 p.m.*

#6  Mr. Englund advised that when this case was previously heard a sidewalk waiver was approved. The applicant has now come back with a request to waive streetlights. The applicant has worked with the Planning Department to come up with a plan for a reduction in streetlights with the addition of partial sidewalks. The applicant wishes to have all streetlights waived; however, the department has been consistent in recent years with not supporting waivers of both sidewalks and streetlights due to concerns about pedestrians walking with limited natural light.

#7  Mr. Englund advised that this was formerly known as South Farm and is now known as Heartwood Estates. He stated that the primary focus of this request is to plat 50 estate residential lots. He advised that the Mixed Use component because they are requesting to take 2.5 acres previously zoned MU and making it part of the residential plat. One of the concerns is regarding a trail connection which could possibly be made at one of the outlots. Mr. Englund advised that a tree mitigation plan associated with the original South Farm platting kept most of the tree canopy on the south and west sides where the neighbors were very interested in keeping the trees; however there is conflicting information which the department needs to work with the applicant on in this regard. The applicant has provided an exhibit which was not approved by the department which implies the removal of the trees and mitigation of 577 trees and there is no planting plan. Mr. Englund advised that the tree mitigation plan is a part of the platting process, he advised that the preliminary plat could still move forward but the mitigation plan would have to be included with the final plat submittal. The Board members discussed concerns that the developer would remove the trees between the preliminary plat approval and the final plat submittal.

#8-11  Mr. Englund advised that these requests are on the Consent Agenda for approval. He explained the basic facts of each rezoning request and advised that there had been no public correspondence received regarding any of the requests.

#12  Mr. Englund advised that the NCE District was approved by City Council in 2011, a separate neighborhood plan was developed without input from the City. This request is for a new OPS Elementary School. The NCE District requires a CUP for any development over one acre in size. He explained that some of the neighbors have expressed opposition to having a school of this size on this site citing concerns about parking and traffic. He advised that Ryan Haas of Public Works will be present at the meeting to address concerns. Residents of the neighborhood have suggested the school should be located at the park which is a few blocks east of this location. The park location in question has been designated for use only as a City park since approximately 1930 so there cannot be a school built in the location the resident's prefer.
Mr. Greg Rosenbaum, Chairperson, called the meeting to order at 1:39 p.m.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

Rezonings

<table>
<thead>
<tr>
<th>Case Number</th>
<th>C10-20-076</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
<th>Rezoning from GI to CC (property is located in an ACI-1 Overlay District)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>3161 and 3165 Leavenworth Street</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held May 6, 2020, this case was on the Consent Agenda. Mr. Morris motioned for approval. Mr. Moore seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>Case Number</th>
<th>C10-20-078</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
<th>Rezoning from GC to R7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>1610 Dorcas Street</td>
<td></td>
<td></td>
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</tbody>
</table>

At the Planning Board meeting held May 6, 2020, this case was on the Consent Agenda. Mr. Morris motioned for approval. Mr. Moore seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>Case Number</th>
<th>C10-20-079</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
<th>Rezoning from DR and R2 to R2 (property is located within an ED-Environmental Resources Overlay District)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>5226 South 46th Street, 4601 Q Street</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held May 6, 2020, this case was on the Consent Agenda. Mr. Morris motioned for approval. Mr. Moore seconded the motion which carried 6-0.

Special Use Permits

<table>
<thead>
<tr>
<th>Case Number</th>
<th>C8-90-185</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
<th>Approval of a Major Amendment to the Special Use Permit to allow a Cemetery in the R4 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>5226 South 46th Street, 4601 Q Street</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held May 6, 2020, this case was on the Consent Agenda. Mr. Morris motioned for approval. Mr. Moore seconded the motion which carried 6-0.
At the Planning Board meeting held May 6, 2020, this case was on the Consent Agenda. Mr. Morris motioned for approval of the Major Amendment to a Special Use Permit to allow a Cemetery in a R4 District subject to the following conditions:
1. Compliance with the submitted site and elevation plans.
2. Approval of the necessary waivers from the Zoning Board of Appeals for fence height.
3. Coordinate with City staff on the potential requirement to vacate the portion of the east/west alley right of way between Q & R Streets, west of 46th Street if necessary.
4. Coordinate with OPPD on removal/relocation of equipment if necessary.
5. Compliance with all applicable stormwater management ordinances and policies.
6. Compliance with all other applicable regulations.
7. Compliance with all other previously approved conditions.
Mr. Moore seconded the motion which carried 6-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

<table>
<thead>
<tr>
<th>Case #</th>
<th>Name</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-19-176</td>
<td>Caleb Snyder, Lamp Rynearson</td>
<td>Final Plat approval of BLUE SAGE CREEK 2, a subdivision outside city limits, along with rezoning from AG to R4</td>
</tr>
<tr>
<td>C12-19-177</td>
<td></td>
<td>LOCATION: Northeast of 213th and F Streets</td>
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</tbody>
</table>

At the Planning Board meeting held May 6, 2020, Mr. Eric Englund, Acting Assistant Director, appeared before the Board to discuss the request.

Mr. Englund advised that this request had been before the Board in December, 2019 and that the City Council had approved the preliminary plat in November of 2019. Prior to moving the final plat forward to City Council, the applicant has requested to reduce the number of lots from 69 to 6 single family residential lots which is why the request is back in front of the Planning Board. Mr. Englund stated that the layout of the site is the same, the applicant made some of the lots larger by removing four of the originally planned lots. In addition, the project will still include a part in the northeast corner which will be built by the SID which is currently under NRD ownership; there will be a trail from George B Lake Parkway to the park as well.

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

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Rezonings

<table>
<thead>
<tr>
<th>Case #</th>
<th>Name</th>
<th>Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-20-069</td>
<td>Chad Meisgeier</td>
<td>Approval of the MCC-Major Commercial Corridor Overlay District, and approval of a Major Amendment to the Conditional Use Permit to allow Secondary education facilities in the R4, with a waiver to Section 55-186, Height, to allow a 55 foot tall building (laid over from 04/01/20)</td>
</tr>
</tbody>
</table>
At the Planning Board meeting held May 6, 2020, Mr. Joe Zadina of Lamp Rynearson, 14710 West Dodge Road, appeared before the Board to answer questions regarding this project.

Mr. Zadina advised that the MCC-Major Commercial Corridor Overlay needs to be applied to this project and that the applicant has been working closely with City staff regarding the requirements related to the site and building design. He advised that he would remain available at the meeting to answer any questions from the Board or members of the public in attendance.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the applicant is proposing a 150,000 square foot activity center, a parking lot expansion, a small classroom addition, and four outdoor baseball/softball fields. He advised that the parking lot will be expanded from 305 existing stalls to 670 stalls to be utilized by both the school and the activity center, which staff finds acceptable. The department staff will continue working with the applicant regarding finalized building elevations to ensure code compliance prior to submittal of a building permit. Mr. Englund advised that a few small landscaping revisions are required due to the buffer yard on the west side of the site. He advised that department staff is supportive of the height waiver for the activity center as they are common with churches, schools and other civic buildings.

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

Mr. Morris motioned for approval of the waiver of Section 55-186, Height, to allow a 55 foot tall building. Approval of the expansion of the MCC Overlay District. Approval of the Major Amendment to the Conditional Use Permit to allow Secondary education facilities in the R4 District, subject to the following conditions:

1. Submittal of and compliance with building elevations in compliance with Article 22, Urban Design, prior to submitting for a building permit.
2. Provide sidewalks in compliance with Chapter 53, Subdivisions, along Q Street and X Street.
3. Submittal of and compliance with a revised site plan/landscape plan showing the required tree plantings, prior to submitting for a building permit.
4. Compliance with all applicable stormwater management ordinances and policies.
5. Compliance with the submitted operating statement.
6. Compliance with all previous conditions of approval.

Ms. Karnes seconded the motion which carried 5-0-1, Mr. Pate recused.

*Mr. Pate remained out of the Chambers as he also was recused from the following case.*

**Conditional Use Permits**

3. C7-17-067 Chad Meisgeier

| LOCATION: | Southwest of George B. Lake Parkway and West Q Road |

*Prior to discussion of this request, Mr. Mike Pate recused himself and left the chambers at 1:39.*

At the Planning Board meeting held May 6, 2020, Mr. Joe Zadina of Lamp Rynearson, 14710 West Dodge Road, appeared before the Board to discuss this project. He advised that representatives of Millard Public Schools were also available at the meeting.

Mr. Zadina stated that this request is regarding the scoreboard which was added at the school in 2019. He stated that currently the back of the scoreboard is black and the school wishes to place a mural on the back
of the scoreboard. Mr. Zadina stated that the school district has incorporated artwork at several of the other schools and that this will be a continuation of that trend. He advised that the project would be funded through donations, would contain no advertising, and would be created by local artists. Mr. Rosenbaum asked Mr. Zadina to clarify the statement that there would be no advertising on the mural; Mr. Zadina stated that the mural would include nothing that could be interpreted as advertising including the name of the school.

Mr. Morris pointed out that the plans submitted indicated the possibility that the mural would be changed over time and wanted to know how often the mural would be changed. Mr. Chad Meisgeier, Millard Public Schools Chief Financial Officer, stated that it would be a rare occurrence. He stated that they are keeping the options open in the event the image started to fade or become otherwise unsightly and they decided to change it at that time; the plan at this time is to retain the same image once it is developed and approved by the community input group.

In response to a questions from Mr. Moore, Mr. Meisgeier advised that there is no intent at this time to have the mural lighted as they were concerned it would be a distraction at night. Mr. Meisgeier stated that the mural will be created by an artist which had produced artwork for other schools in the district. He stated that this artist gets together with members of the community to discuss the history of the building and the neighborhood; he has drawings made by students and given to him for consideration; the artwork will then be created to reflect the story of Millard South High School and the neighborhood around it. Mr. Meisgeier reiterated that the mural will be funded by donors rather than taxpayers.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, advised that a mural is defined in the Municipal Code as “works of graphic art painted or applied to building walls which contain no advertising or identification messaging”. Additionally, the applicant will have to comply with Building codes regarding how the artwork is attached to the scoreboard.

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

Mr. Moore moved for approval of the Major Amendment to a Conditional Use Permit (assumed) to allow Secondary educational facilities in a R3 District, subject to the following conditions:

1. Compliance with the submitted site and elevation plan.
2. Compliance with the submitted operating statement.
3. Compliance with all other applicable regulations.
4. Compliance with all other previously approved conditions.
5. This request must meet the definition of a mural per Section 55-823(d)(9) and contain no advertising or identification messages.

Mr. Rosacker seconded the motion which carried 5-0-1, Mr. Pate recusing.

*Mr. Pate returned to the chambers at following discussion of this case at 1:57 p.m.*

(REGULAR AGENDA)

Master Plan Referrals

<table>
<thead>
<tr>
<th>4.</th>
<th>C3-20-071 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the MILLWORK PARCEL 8 APARTMENTS TIF Redevelopment Project Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION: 1200 North 12th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held May 6, 2020, Mr. Don Seten, Housing Development Planner, appeared before the Board on behalf of the City of Omaha. Mr. Seten provided photos to show the orientation relative to other structures and landmarks in the area. He advised that the project will develop 171 apartment units on the upper four floors of a new five-story building. The first floor of the building will house 11,000 square
feet of office/commercial/retail space. The property will have an interior courtyard with amenities for the building residents; structured parking will be provided within the building with 69 parking stalls; surface parking will be provided in a new lot adjacent to the building on the north. Approximately $1,200,000 to $1,500,000 in public improvements will be made including building and improving Millwork Avenue; improving 12th Street up to the entrance to the newly constructed surface parking lot.

Mr. Seten advised that the developer is Millwork Parcel 8, LLC which is operated by Bluestone Development; managed by Debra & Christian Christensen. Mr. Seten stated that the total project costs are over $30,500,000 and the TIF request is for $3,425,000. He confirmed that the project complies with the Master Plan and meets the requirements of the TIF program.

There were no opponents.

Mr. Pate stated that he had concerns regarding the percentage of the total cost which were represented by “soft costs” and asked the developer’s representative to come forward. Christian and Debra Christensen, 5110 Mayberry St, appeared before the Board representing Bluestone Development and Millwork Parcel 8, LLC. Mr. Pate stated that he believed the $5,800,000 in “soft costs” representing 19% of the total costs, is very high and asked for a breakdown of those costs. Debra Christensen stated that the “Construction, finance, and interest costs” in the amount of $2,100,000 include all of the loan fees for both the construction loans and the TIF loan, as well as interest for the entire period of construction as well as part of the lease up period. She stated that the extended interest period is part of the reason it is a larger amount than usual.

In response to a question from Mr. Pate, Ms. Christensen stated that the interest period is likely to be about three years. Ms. Christensen also stated that the additional soft costs of $2,600,000 included amounts for lease up reserve, real estate taxes and interest during construction, legal fees, market studies, retail leasing commissions, and the developer fees.

Mr. Pate stated that his other concern is the difference between the total project costs and the estimated assessed value upon completion which is much lower. Ms. Christensen stated that the assessed value is not the same as the market value, which is anticipated to be much higher. She advised that each year their other apartment buildings are assessed and she has discussed the assumptions which go into it with the assessor. When she is developing her estimates, Ms. Christensen stated that she uses the same assumptions in her calculations as well as experience with other, similar past projects. Mr. Pate stated that he was still concerned about how the assessor could assess the property at $18,000,000 when the true market value will be approximately $30,000,000. Ms. Christensen stated that, in her experience, this is not uncommon with projects like this one both with past projects for Bluestone Development and other developers as well. Mr. Pate stated that he understands that, but this is a concern for him with most TIF projects which have come up recently. Ms. Christensen stated that they use a 6% developer fee which is included in the costs as well.

Mr. Eric Englund, Acting Assistant Director, stated that the first phase final plat for Millwork Commons, which includes this site, will be in front of the City Council in the next couple of months. Once the plat is recorded, it is anticipated there will be an administrative lot split. He advised that this site is also part of the NCE plan which will accompany the plat to City Council. Mr. Englund advised that the developer will be required to improve North 12th Street adjacent to the project and extend it to the north driveway at the adjacent parking lot.

Mr. Englund advised that department staff recommends approval.

Mr. Pate requested the developer to return for additional questions. Ms. Christensen returned to address the Board. In response to questions from Mr. Pate, Ms. Christensen stated that the lease up reserve is approximately 1 ½ years and the cap rate was 6 and was unloaded.

Mr. Rosacker motioned for approval. Ms. Karnes seconded the motion which carried 6-0.
At the Planning Board meeting held May 6, 2020, Mr. Don Seten, Housing Development Planner, appeared before the Board on behalf of the City of Omaha. Mr. Seten described the project which will include demolition of the existing Quality Inn and Shark Club building, which has been vacant for approximately three years, as well as clearing the site for a new apartment building. A new, five-story apartment building will be constructed on the site. Mr. Seten explained that the building will consist of 277 apartment units which will be a mixture of Studio, 1-, and 2-bedroom units. In addition, the developer will construct a 375 stall parking structure, as well as 10 surface parking stalls and 48 bike lockers. Mr. Seten advised that the developer will continue working with the Planning Department to ensure they are meeting all zoning code requirements for parking. He advised that the developer is Meridian Development, LLC which is managed by Jim Hughes. The total project costs are $46,940,000 and TIF support requested is $5,876,535. Mr. Seten stated that the project meets the requirements of the Master Plan, is an appropriate land use for the area, and complies with the requirements of the TIF program.

Mr. Michael Sands, 1700 Farnam Street, appeared before the Board on behalf of the applicant. Mr. Sands reminded the Board that, previously, the Board had recommended approval of the Blighted designation for this site which was subsequently approved by City Council. Mr. Sands confirmed the details of the project which had been shared by Mr. Seten. He advised that, pending approval of the TIF funding, construction is anticipated to begin in the fall of 2020 and completion is estimated in 2022. Mr. Sands stated that the site is in dangerous and dilapidated condition and demolition will begin as soon as the funding is approved.

Mr. Sands advised that the TIF request for $5,876,535 represents approximately 12.5% of the total project costs and is based on an estimated final valuation of $28,665,000. He advised that the final valuation was based upon a comparison with Aksarben Village apartments which are the most comparable, Class A, apartments in the general vicinity. Although the estimated assessed value is below the market valuation, Mr. Sands explained that it is not in the best interests of the developer to overestimate the amount of the assessed valuation in an effort to artificially inflate the TIF valuation in order to avoid potential problems with paying off the TIF note on time. Mr. Sands stated that the project conforms to the Master Plan as it will create new jobs, revitalize vacant and blighted space, and densify the urban core. He also advised that approximately $430,000 in public improvements will be completed with this project, providing a benefit which would otherwise be a tax on residents.

Mr. Pate stated that he understood the desire to keep from overestimating the assessed valuation; however, he wondered whether the market value would indeed be near the $46,900,000 total costs. Mr. Sands stated that the rents and revenue will drive the final value of the project. He advised that the developer has not completed a financing appraisal. Mr. Sands advised that rather than using a cap rate, they had instead used a comparison approach with the Aksarben Village Apartments.

Mr. Pate stated that he had concerns regarding the percentage of the total cost which were represented by “soft costs” and asked Mr. Sands to remain to answer some questions. Mr. Pate stated that he believed the $3,100,000 in “soft costs” representing 19% of the total costs, is very high and asked for a breakdown of those costs. Mr. Sands advised that the developer fees, legal and permitting costs, financing costs, construction interim costs, professional fees such as architectural fees, administrative fees, permitting fees and others, and developer contingencies are all included in the “soft costs”. Mr. Pate advised that he was concerned because he has noticed that the soft costs seem to be increasing. Mr. Sands stated that one problem was that a developer had to estimate all of the fees up front which is not the best way to do it, but that is not possible with TIF projects. In his opinion, Mr. Sands stated that he believes most developers go off their experience that the costs almost always are a bit higher than estimated which is why the construction interim estimates are sometimes higher. He advised that the developer fee is approximately 3%.

There were no opponents.

Mr. Eric Englund, Acting Assistant Director, advised that there will be a Planned Unit Redevelopment plan
coming before the Board in the next couple of months related to this project. He stated that the department staff recommended approval.

Mr. Morris motioned for approval. Mr. Pate seconded the motion which carried 5-0-1, Ms. Karnes recused.

*Ms. Karnes returned to the chambers following discussion at 2:20 p.m.*

**Subdivisions**

<table>
<thead>
<tr>
<th>6.</th>
<th>C12-19-178</th>
<th>REQUEST: Final Plat approval of PONCA HILLS ESTATES, a subdivision outside city limits, with a waiver of Sections 53-9(9), Sidewalks and 53-9(10), Streetscape standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>James T Smith, Sr.</td>
<td>LOCATION: Northwest of Northern Hills Drive and 66th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held May 6, 2020, Mr. Mark Westergard of E & A Consulting Group, 10909 Mill Valley Road, appeared before the Board on behalf of the applicant. Mr. Westergard advised that the owner and developer of Ponca Hills Estates, Mr. James Smith was also present to answer questions from the Board or the public. Mr. Westergard reminded the Board that the final plat had been previously approved by the Board with no mention of a requirement of streetlights. He added that he had done other subdivisions in the past in which street lights were not required, and it was not until they were writing the Subdivision Agreement that he was informed that the department’s interpretation of the code on acreage subdivisions required streetlights. He stated that he believed it was in the best interest of the City to make that portion of the code more black and white so there are no more misunderstandings in that regard. Mr. Westergard stated that the developer is passionate in his belief that the streetlights are not necessary in a rural type subdivision.

Mr. Westergard stated that the applicant reached an agreement to put in sidewalks on one side of the street so that pedestrians will not be walking in the street. He stated that the City is requesting that streetlights be placed at the two intersections on 66th Street, which is a dead end street servicing only twelve residences to the north. The applicant will be improving 66th Street, but does not feel the streetlights are necessary at those intersections, Mr. Westergard named several subdivisions in that area which have no streetlights. He advised that there would be just two streetlights in the middle of nowhere. Mr. Westergard stated that the residents who will buy these acreage lots will not want streetlights. According to Mr. Westergard, there is no grade, turning lanes, high traffic or high speeds to warrant streetlights and the issue of pedestrian safety has been addressed with the addition of the sidewalks on one side of the street.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the Board had recommended approval of the final plat in February with a full waiver of sidewalks which is common in the North Hills Overlay District. He advised that more acreage plats are requesting streetlight waivers, examples would be Aloy’s Acres and The Preserve. In both recent cases, both Public Works and the Planning Department have been consistent in recommending partial waivers or reductions in street lights when they are accompanied by an acceptable sidewalks; for safety purposes a mixture of the two, streetlights and sidewalks, are generally required. Mr. Englund stated that it is true that other plats developed in the past 10 to 12 years did receive waivers and others did not get waivers but never installed the streetlights.

Mr. Englund stated that the department is supportive of the partial waiver of sidewalks which would allow for the installation of sidewalks on only one side of the road on the two east/west streets. The department recommends streetlights be installed at the two places those streets intersect with 66th Street. The department recommends approval of the request subject to the conditions in the recommendation report.
Mr. Morris requested Mr. Westergard return to answer questions from the Board. In response to questions regarding the rationale for opposing the streetlights, Mr. Westergard stated that one of the reasons people move to the country is to get away from the streetlights which interfere with the clear view of the sky. Additionally, he stated that there are no other streetlights within a mile so these would be the only two in the area.

Mr. Pate motioned for approval of the waiver to OMC Section 53-9(9), Sidewalks, subject to providing sidewalks along one side of Pawnee Circle and one side of Stargrass Road; approval of the waiver to OMC Section 53-9(10), Streetscape standards to waive streetlights, subject to providing a streetlight at Pawnee Circle and 66th Street, and providing a streetlight at Stargrass Road and 66th Street with all other streetscape standards provided. In addition, Mr. Pate motioned for approval of the final plat, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Mr. Moore seconded the motion which carried 6-0.

### Request

| 7.   | C10-20-073  
|      | C12-20-074  
|      | Jeffrey A Silver | REQUEST: Preliminary Plat approval of HEARTWOOD ESTATES, a subdivision inside city limits, with rezoning from R4 and MU to R4 and MU  
|      |                 | LOCATION: Northwest of 151st and Pine Streets  

At the Planning Board meeting held on May 6, 2020, Mr. Joe Flaxbeard of Lamp Rynearson, 14710 West Dodge Road, appeared before the Board on behalf of the applicant. Mr. Flaxbeard stated that this development was previously called South Farm, and this is the first single family residential project to come out of that development. He advised that there are 50 residential lots, each of which are approximately ½ acre in size. Mr. Flaxbeard stated that this type of development is consistent with the Master Plan for this area. He advised that the developer is preparing to get some of the homes online and getting infrastructure in place. Mr. Flaxbeard stated that the development team has reviewed the conditions in the recommendation report and are in agreement with all of them.

Mr. Flaxbeard explained that the rezoning request would not change the zoning, it is just adjusting the line between the R4 and MU somewhat. Regarding the tree mitigation plan, the applicant is in agreement and are working to determine what trees may need to come out of the existing property as they continue to develop the grading and infrastructure plans; once those plans are more fully developed the applicant will work with the Planning staff to come up with an acceptable tree mitigation plan. Mr. Flaxbeard advised that Bart Emanuel of Applied Underwriters, the owner and developer of the project, was present at the meeting and that they had made a commitment to keep as many trees as possible on the site as well as planting thousands of new trees within the development.

Ms. Karnes stated that the tree mitigation plan had been discussed with the previous developer and that the neighborhood residents had been very concerned about the removal of trees from the site as well. She stated that planting new trees is great; however, that is completely different from mature trees and the canopy they provide. Ms. Karnes stated that the mitigation plan which was submitted appeared to show that a lot of trees along the south were to be removed, Mr. Flaxbeard stated that he believed that plan was from the South Farm development team; Ms. Karnes stated that the previously approved plan had maintained all of those trees. Mr. Flaxbeard stated that he would go back and look at that, but that they would work with the department regarding any tree removal once the grading and infrastructure plans were further along.

In response to questions from the Board, Mr. Flaxbeard stated that they had neighborhood meetings when the development was first platted. Since that time they have had one-on-one meetings with neighbors, but no structured group meetings yet. He stated that they are open to having meetings with the neighborhood to discuss their concerns. Mr. Rosacker stated that it was his understanding that in addition to the tree canopy, the neighborhood residents were also concerned about the screening being lost if trees are removed. Mr. Flaxbeard stated that they have considered the screening issue as well and will be addressing it. He advised that there is a big outlot which is meant for water detention and planting on the Pacific Hollow side of the development and in the southwest corner of the development there is also a planned green space outlot. According to Mr. Flaxbeard, other than the outlots, the connections to

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the Harvey Oaks and Pacific Hollow neighborhoods and the elementary school will be rear lots. He advised that he and Mr. Emanuel have had conversations with the real estate team as they are putting together neighborhood covenants that there will be a minimum requirement for builders to provide trees on each lot. Ms. Karnes stated that she is more interested in the preservation of existing trees than the replacement of them with small saplings because she feels that a commitment was made with the previous plans. In response to a question from Mr. Pate, Mr. Flaxbeard stated that they anticipate grading to begin this summer after it has gone through the modification process with the city. Mr. Pate inquired whether Mr. Flaxbeard would commit to not removing any trees unless there is a neighborhood meeting first. Mr. Flaxbeard stated that he would be comfortable with that commitment with the understanding that the department would agree to an acceptable mitigation plan. Mr. Rosacker expressed concern about the future location of the detention pond; Mr. Flaxbeard stated that the detention ponds are already there and will remain at the current locations.

Ms. Stacy Jolley, 1706 South 153rd Avenue Circle appeared before the Board. Ms. Jolley stated that she was excited about the development, but was concerned about the loss of tree canopy and screening. She stated that her family lives in the last home in the southwest corner of Harvey Oaks. She stated that she appreciated the comments from the Board because there had been extensive conversations with the developer early in the original development planning and she believes the commitments and promises made by that development team at that time should be honored. She stated that both neighborhood associations are very active and dynamic and she believes there should be meetings between them and the development team to discuss their plans.

At the request of Mr. Rosenbaum, Mr. Joe Flaxbeard of Lamp Rynearson returned to confirm that he committed to holding a meeting with the neighborhood associations.

Mr. Bart Emanuel of Applied Underwriters, 10805 Old Mill Road, appeared before the Board on behalf of the developer. Mr. Emanuel stressed that they are committed to preserving as many trees as possible on the site. He also stated that they had removed some dead trees on the west side when they could this year given the restrictions on tree removal between the months of April and October, which would also prevent the removal of any trees until at least sometime in October anyway. In order to fit the detention ponds in some trees did have to be removed as well due to the size of pond which is required; along the south side which borders Harvey Oaks, he had gone through with a crew and removed everything that was dead, everything laying on the ground or near falling, and cleaned away all the brush and debris in that area. Mr. Emanuel stated that the Noddle Company had not gotten it done before they left the project and when Applied Underwriters had come in and were committed to clearing away the debris and making it all look nicer along the fence line for the neighbors. Mr. Emanuel stated that he understands how important this is and now that he is responsible for the development, he welcomes anyone to come to him with questions or concerns.

Mr. Eric Englund, Acting Assistant Director, stated that they will continue to coordinate with the applicant to keep track of what is being done with regards to the tree mitigation. He did advise that staff does not have the authority to prevent mature woodlands from being removed, there are requirements in the code to account for ones which are removed though and staff encourages the retention of healthy, mature woodlands. Mr. Englund stated that they do have frequent conversations with the applicant and they can make certain this issue is included in those conversations. He also advised that there will need to be a minor amendment to the Mixed Use Agreement to account for the change in the Mixed Use & Residential boundary line. Additionally, the final plat of South Farm Replat 2 will need to be recorded prior to the recording of the final plat for this development; however, since this is only the preliminary plat there is plenty of time to get that done.

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

Ms. Karnes motioned for approval of the rezoning from R4 and MU to R4 and MU, subject to submittal of an acceptable minor amendment to the Mixed Use District Development Agreement; and approval of the Preliminary Plat, subject to the following conditions:

1. Coordinate with Public Works on an acceptable GO paving plan.
2. Either 1) provide an easement to the SID through Lot 1 between 150th Street and Lot 2, or 2) adjust the lot lines to provide for a 25’ lot frontage to 150th Street for Lot 2.
3. Submit documentation to Public Works demonstrating that the design vehicle can successfully complete all turns at the three intersections adjacent to Outlot E.
4. Provide temporary turn-arounds at the terminus of all temporarily dead-ended streets.
5. Coordinate with the Douglas County Engineer regarding potential traffic calming measures in the design of the interior streets.
6. In the subdivision agreement, provide for the private maintenance of sidewalks along the rear of the double-fronted lots.
7. Compliance with all applicable stormwater management policies and ordinances.
8. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
9. Coordinate trail connections from development to Harvey Oaks Parks with the City of Omaha Parks Department.
10. Provide a separate tree mitigation calculation and planting plan for this portion of the plat with the Final Plat submittal; and that current trees are maintained until the final tree mitigation plan is approved.
11. Record the final plat of South Farm Replat 2 prior to the recording of this replat.

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

Conditional Use Permits

| REQUEST: | Approval of a Conditional Use Permit for a site over 1 acre in size in the South 10th Street NCE District |
| LOCATION: | 810 Pine Street |

At the Planning Board meeting held on May 5, 2020, Mr. John Roister with the design firm of Big Muddy Workshop, 4502 South 42nd Street, appeared before the Board. Mr. Roister stated that his firm is the landscape architects working with Jackson and Jackson Architects who are the architectural team leaders on this project. Mr. Roister pointed out the property location between 8th and 10th Streets with Worthington Street on the north and Pine Street to the south on the property which previously was home to the heart of Grace University campus. He explained that when the University closed a few years ago, Omaha Public Schools purchased the property with the intention of building a new elementary school on the site due to the increased enrollment in that area requiring another school. The anticipated enrollment at the school will be 600 students.

Mr. Roister provided a view of the buildings currently on the property which will be repurposed for use by the new school. The largest building will be used as a gymnasium, the building south of that will be demolished down to the structure and repurposed as well. A classroom addition will be in the three story building which appears as a one story building from 8th Street, a one and a half to two story building from Pine Street, from the north side it is shielded by the gymnasium building and it is only apparent as a three story building from within the site.

The applicant has had meetings with the Urban Design staff in the Planning Department who have emphasized that they wanted an urban context school as opposed to a suburban context school. Mr. Roister advised that they have also had several meetings with neighborhood groups around the site and have considered their concerns. The neighbors expressed a desire for an urban context school without a large parking lot. In addition, they were very concerned about the iconic trees, particularly on the west side of the site, not be removed. The trees the neighbors are concerned about are historic trees which go back to when Brownell Hall was on the site. The history of the site is that it has always housed educational facilities of some sort since its initial development. The architects have worked very hard to develop a plan which will keep most, if not all of the trees which make up about ¼ of the site.

Mr. Roister stated that they needed the Conditional Use Permit because the project is within the 10th Street NCE District and the site is approximately 3.4 acres in size. He advised that they had received the department’s recommendation report and since that time they had been actively engaged in addressing the recommendations. Mr. Roister advised that the plan he was showing the Board and public on the screen
at the meeting showed that the parking lot had been moved 10 feet south of the Worthington Street right-of-way property line which eliminated the need for a screening wall. The drawing provided showed more trees than were on the originally submitted site plan to address the concern of Planning staff regarding the lack of a traditional tree island along Worthington and Pine Streets due to the sidewalks being up against the curb. To address that concern, the landscape architect went back to the plans to find a way to add more trees; that plan will be further discussed with the Planning Department staff for their approval.

Mr. Roister discussed the traffic plan which has been worked out to reduce traffic congestion in the neighborhood. He advised that during pick up and drop off will come off of 10th Street to go east on Worthington Street to go south on 8th Street, west on Pine Street. The bus pick up/drop off point will be on the south side of Worthington Street. Drop off/pick up for parents bringing their students to school will be on Pine Street. He explained that there will be bump outs on 10th Street which will decrease the width of the pedestrian crosswalk going east/west on 10th at Pine and Worthington Streets as well as going north/south across Pine & Worthington Streets; there will be approximately a 24 foot opening.

Mr. Roister stated that the department had commented that the site plan must conform to the 10th Street NCE District ultimate build-out plan which is shown now on the site plan shown at the meeting. He advised that Mr. George Killian from Jacobs was also at the meeting to answer questions in this regard.

In closing, Mr. Roister stated that they have worked hard to make modifications to the plan to meet the requirements of the department and that Omaha Public Schools is determined to meet the requirements set in the recommendation report.

In response to questions from Mr. Pate, Mr. Roister reiterated that the bus pickup and drop off on Worthington Street on the south side of Worthington Street which will be one-way traffic west to east from 10th Street to 8th Street; there will be two additional east bound traffic lanes which can be used for travel while the busses are parked. The parent pick up and drop off will also be in one-way traffic on Pine Street. This design was created in keeping with the OPS preferred policy of having the bussed students all exiting from one point, this is to make it easier to account for those students coming and going on the bus. They also want all the parent drop offs/pick-ups done out of a different door for the same reason. Regarding parking for events, Mr. Roister stated that it has been his experience that parents adapt to parking situations, and he is hopeful that OPS will be able to work out some sort of deal to use the parking lots at some of the adjacent businesses as has been done at other schools in Omaha such as Gifford Park. There is only street parking available on the sides of the streets which are directly adjacent to the park, the opposite side of the street will be No Parking areas and Mr. Roister anticipates that the areas used for pick-ups and drop offs on Worthington Street and Pine Street could also be used for event parking stalls as well as a limited number of parking stalls on both 8th Street and 10th Street on the side of those streets adjacent to the school property. Mr. Roister confirmed that the off street, onsite parking has approximately 63 stalls which generally will be used for staff and faculty parking.

Ms. Karnes was curious about whether there would also be early childhood education as well at this school, Mr. Roister stated that there would be Pre-K and that the drop off for the Pre-K students would likely be in the off-street parking lot. In response to Ms. Karnes questions regarding traffic flow, Mr. Roister confirmed that Worthington Street would be one-way east bound, in the morning and afternoon, and 8th Street would be one-way southbound and Pine Street will be one-way westbound. Ms. Karnes stated that her concern was that students would be walking out between cars into the street. Mr. Roister responded that OPS is very good about directing students to appropriate crossing places and students would not be walking out between cars from the school. Mr. Pate stated that they were just concerned about student safety crossing the street.

Mr. George Killian, 4041 North 72nd Street, advised that he was the Design Manager for Jacobs working on this project. Mr. Killian stated that Jacobs was in agreement with all of the department’s conditions with the exception of the requirement to reduce the 10th Street parking curb line width at the parking tray from the current 12 feet down to 8 feet. He stated that they do not see the need to reduce that curb line and the request is not consistent with other developments in the area such as the Sons of Italy property. Mr. Killian advised that they are requesting reconsideration of that issue but are in agreement with the other conditions in the recommendation report.
Mr. Darwin Rhode, 4041 North 72nd Street, advised that he is the Director of Facilities and Grounds for Omaha Public Schools. Mr. Darwin stated that the traffic study and historical analysis lead them to follow their previous position of having traffic flow in a clockwise fashion due to the fact that the bus doors will then open to the curb, preventing students from unloading into traffic or having to cross the street. Parents/caregivers are trained to drop students off using the passenger door which opens on the curb side for the same reason. Crosswalks will have crossing guards on all intersections as well to maintain safety of the students and the public. Mr. Rhode advised that, while the numbers are not confirmed yet, they anticipate approximately 20% to 22% of students will walk to and from the school. Ms. Karnes stated that she believed that would be a lot of students crossing streets. Mr. Rhodes advised that this is no higher number of walkers than in-neighborhood, urban school.

In response to questions from the Board, Mr. Rhode advised that the two lanes of traffic from 8th Street will be turning into two lanes of traffic on Pine Street. He advised that analysis of historical data from other schools, they anticipate that approximately 22 vehicles will be accommodated in the drop off/pick up lane and six busses in the lane on the north side. He explained that parents are good about lining up in an orderly fashion which leaves room for the busses to still get around them while the students remain on the curb side of the vehicles. Ms. Karnes indicated that she still did not understand how it will work to have two lanes of traffic on 8th Street turning into a single lane on Pine Street. Mr. Rhode stated that at the other schools in Omaha, they have not seen a problem with vehicles lining up single file to drop off and pick up students on the curb side of the vehicles and that pick-up/drop-off typically takes 8 to 10 minutes in the morning and afternoon. Ms. Karnes & Mr. Pate indicated they were concerned about traffic stacking up, Mr. Rhodes stated that they have not seen this problem at other schools and do not anticipate it at this school. He reiterated that in most cases a car is stopped for no more than 2-3 minutes to drop off students and pick them up. Mr. Pate indicated that he was still concerned. Mr. Moore indicated that he has seen traffic backing up onto Center Street at Beals Elementary School and wanted to know how the traffic at this school is anticipated to be different. Mr. Rhode stated that the drop off/pick up lane is much shorter at Beals than it will be at the new school and that there is a higher enrollment at Beals as well. Additionally, Mr. Rhode stated that on-street parking will be available on the street during the times outside of the drop off/pick up times when the streets will be limited to one way traffic, which are anticipated to be approximately 30 minutes in the mornings and afternoons.

Mr. William Bianco, of the Law Firm of Bianco Stroh, appeared before the Board in opposition on behalf of his client, the Old Marked South Neighborhood Association. Mr. Bianco stated that he envisions confusion at the drop offs and pick-ups because the applicants representatives did not answer any questions regarding the issue of stacking and parking. He stated that students will not all be dropped off and picked up at the same times and that students exit and approach vehicles differently, as an example he stated that kindergarten students are dropped off and picked up at different times of days than 6th grade students and 6th grade students are more apt to run from a vehicle than a kindergarten student, because possibly the kindergarten student will have to be removed from a car seat which will make them be parked longer. Mr. Bianco stated that he was at the meeting to highlight the concerns of his clients who he began meeting with in November of 2019. He stated that he had been given the Historic 10th Street Neighborhood Plan and the District 108 Plan which he said showed that the people had been trying to improve this neighborhood for almost 20 years. Mr. Bianco explained that in 2010 the area was given an ACI (Area of Civic Improvement) and the goal was to make this a nice walking path through a historic area between the Old Market and the Henry Doorly Zoo. He stated that when Grace University closed, it seemed like a viable location for a school but what was a very small University is being replaced with a very large elementary school if this request is approved. He stated that there are very big differences between the uses since University Students have classes all day long, drive their own cars, and do not run out in the street. Mr. Bianco explained that the Neighborhood Association does not oppose a school being built, they do oppose this one. He said that when his students were in elementary school, he remembers that drop off and pick-up time did not always go smoothly, which is one of the large problems with this developer’s plan. In addition, he stated that additional events at the school would create problems for the residents who live and work in the neighborhood and want to have a place to park. Mr. Bianco stated that, although the applicant had stated that the parents would adapt to parking and traffic, it was really the neighborhood residents who would have to adapt, and they expect to be a part of the process. It was his understanding that the Neighborhood Associations only had one meeting with the developer and he was asking for a lay over to allow for additional meetings and collaboration with the applicant. He stated that the comparison to Gilford School was incorrect because although Gilford School had started out as a 600 student school, its enrollment was
brought down to 400 students by the District, which set the precedent that OPS is willing to work with neighborhood residents and reduce the enrollment at neighborhood schools. Mr. Bianco also wondered whether a 600 student school will even be viable anymore considering the Covid-19 pandemic. Mr. Bianco then invited his clients to come up and each discuss their specific concerns.

Ms. Karnes asked Mr. Bianco for clarification of the law firm(s) involved in this case because one of them he had mentioned was one she worked for and as such would need to recuse herself from the discussion. Mr. Bianco apologized for the misunderstanding and explained that it was an attorney at Baird Holms Law Firm rather than Kutak Rock as he had mentioned previously and was the law firm where Ms. Karnes works.

Mr. Arnold Breslow, 5528 Emile Street, appeared before the Board in opposition. Mr. Breslow stated that about 2000 the neighborhood got together because they wanted to make the neighborhood better and that as a “quasi-developer” he had been involved in that process. Mr. Breslow described some buildings in the area which he had worked on and are registered as historic buildings and stated that there are 28 historical properties along 10th Street between the Convention Center and the Henry Doorly Zoo and he believed that, for a city which tore down everything north of Dodge Street, it was important to save those historic buildings. He stated that he and a group of neighborhood people had went off on their own and had a study of traffic patterns and other matters by Lamp Rynearson because they did not feel they were getting help from the city. Mr. Breslow stated that they had done a “non-scientific” study and learned that 10th Street was a mile and a half route between the #1 and #2 tourist attractions in Omaha: the Old Market and the zoo. They determined that approximately 5% of out of town tourists go from the zoo to the Old Market and about 3% went from the Old Market to the zoo which made them believe walking traffic was an important thing to consider when making a neighborhood plan such as adding more basic retail like clothing stores and restaurants. They also wanted to find a way to deal with the increased traffic on 10th Street such as adding diagonal parking to slow people down. Mr. Breslow stated that after working with Lamp Rynearson, the neighborhood group had met with Jed Moulton in the Planning Department regarding the historical nature of the neighborhood who helped them work their plan into the City’s plan in 2000 which was supported by the Planning Board, City Council, and Mayor Fahey. Mr. Breslow stated that when a developer wants to build something in the neighborhood, he works tells them the plan they had come up with for the neighborhood and listed some of the projects he had worked with. He advised that when he was working with these developments, he did not know there would be a school in the neighborhood which will greatly impact traffic, parking, and the local retail business. Mr. Breslow stated that walking down to Bancroft School will show the mess that happens during peak times. Mr. Breslow stated that he believes there need to be more meetings with the neighbors before anything is approved.

Mr. Jeff Jorgenson, 1425 South 8th Street, appeared before the Board in opposition. Mr. Jorgenson stated that his home is on the northeast corner of the property. Mr. Jorgenson stated that he is involved with South 10th Street Neighbors and Advocates group. He advised that there is a vision for the neighborhood which is in the Neighborhood Conservation Enhancement (NCE) and the ACI District. When they saw Grace University close and go up for sale the group knew there would be big changes. He stated that they were not opposed to the entire project but had serious concerns about some of it. Mr. Jorgenson read through the document which his organization had sent to the Planning Department and which had been given to the Board members discussing some of the problems they had with the project including traffic, parking, congestion, pedestrian crossings and how the project interfaces with the rest of the neighborhood which is currently seeing a lot of development including at several new apartment buildings.

Ms. Lori Sedlacek, 1015 William Street, appeared before the Board in opposition. Ms. Sedlacek stated that she shares the concerns mentioned by Mr. Jorgenson, Mr. Breslow, and Mr. Bianco. She stated that she is also concerned about neighborhood engagement, which was also mentioned in the document mailed to the department and Board. Ms. Sedlacek stated that she is a member of the Dahlman Neighborhood Association; one of the coordinators for the Historic South 10th; she was also involved in the committee formed regarding this school project and participated in some of the design reviews as they were presented to the committee by the OPS and Jacobs. She stated that some of the neighborhood members pushed for additional meetings with OPS, but she felt OPS was reluctant to meet with them. Ms. Sedlacek stated that she believed OPS was very surprised by the negative feedback they received at the November 2019 meeting they held with the public, most of which was regarding parking and traffic concerns. She advised that she spoke with Dr. Lisa Sterba, COO of Omaha Public Schools, and told her she believed that when OPS had purchased the property for a school, they should have also purchased the parking lots to the
south which have now been purchased by Bluestone Development for their apartment building projects. Ms. Sedlacek stated that OPS needs to acquire those parking lots through whatever means necessary, perhaps going through the legislature to acquire them from Bluestone Development. She stated that this would relieve a lot of people’s opposition. Ms. Sedlacek stated that although Bluestone Development plans to provide parking space for the residents of the buildings they are developing, she knows it will not be enough and that the additional people in the buildings will make the parking and traffic situation even worse. She stated that she believes OPS woefully underestimated the amount of land they need for this project and that they still could acquire that additional property which would make the project more acceptable.

Mr. Ryan Haas, City of Omaha Public Works, appeared before the Board at the request of Mr. Rosenbaum to discuss the matter of the curb line on 10th Street which Mr. George Killian had spoken about. Mr. Haas stated that the recommended condition of approval was that the applicant work with the City regarding an acceptable modification of the curb line along 10th Street. He advised that this stems from the fact that most of the 10th Street corridor is much wider than is needed for the two lanes of traffic which creates an environment conducive to excessive speeds. Mr. Haas advised that rather than taking on a huge capital project to convert the corridor to a different cross-section, as applications for subdivisions or use permits have come in, the City has consistently placed the condition that approval was subject to approval based upon compliance with narrowing of the corridor within their project. In the case of this project, the recommendation is for the developer move the curb line to either eliminate on street parking completely and narrow it down to a 12’ lane, or widen it to the appropriate width for a dedicated parking lane. As of this time there is 12 to 13 feet of excess pavement outside of the regular 12 foot lane as it goes northbound past this site. This means that when you park a car in that excess area, there is still essentially a 16 foot, or more, lane which will still contribute to the excess speed problem. Narrowing, or removing that excess pavement, is the best option for reducing speeds since signage and enforcement can only have limited effect. It is the opinion of Public Works that this is an important condition which has been consistently placed on all use permits or plats for the past several years for a safety consideration.

In response to Mr. Pate, Mr. Haas stated that there have been three to four other projects along the corridor up to approximately Pierce Street and this is the furthest one south. Past Pierce Street, it is widened to three lanes due to the traffic signal at Pacific Street. There is another project happening on the east side of 10th Street just south of Pierce Street which has the same condition of approval. The cost of this curb line modification is borne by the developer, not the City. Mr. Haas also clarified that he is not part of the project team, but that they had shared concerns with OPS from the neighborhood residents regarding traffic and the possibility of it stacking up at various times throughout the day. Since the department was also aware of the Bluestone Development project in the same area, they requested that OPS and Bluestone Development complete a combined traffic study, which they did. This study was performed accounting for full build of both the school project and all three multi-family development projects and the results were provided to the Public Works department. Following a review of the traffic study, based on the projected traffic volume, the department is comfortable with the proposed circulation plan (clockwise movement around the school, one way) during drop-off and pick-up times. Mr. Haas stated that it is always a concern to Public Works and to OPS to determine the best way to safely get students to and from the school while also providing adequate traffic control at the same time. He explained that with more suburban settings, the department has an opportunity to require on-site stacking, which is successful in that type of setting. In urban settings, it is necessary to utilize the surrounding streets and make do with what is there by working on circulation patterns. The department generally measures from the door of the school to a reference point and, in the new sites out west for example, they generally require 600 to 1000 feet of stacking on site. In the case of this school, measuring from the intersection of 10th and Worthington to the front door of the school, is approximately 1000 feet. The one-way circulation will allow them to have one lane of curb parking which is not currently available on Worthington Street, plus an additional lane for moving traffic, it will essentially mimic the conditions they require at the newer schools in western Omaha.

In response to Mr. Morris’ question regarding whether there is another way to improve traffic flow, Mr. Haas stated that he believes the applicant has optimized the site. Ms. Karnes stated that she was still concerned about traffic backing up onto major streets if there is not off-street parking/queueing provided. Mr. Haas stated that there will be traffic and it will be different from what it is now, but the department believes that the applicant has optimized the site and infrastructure present. Mr. Pate was interested in whether the Bluestone Development sites will be able to use Worthington Street once they are completed. Mr. Haas explained that the northern portion of their site will be accessed via an alleyway according to the current
plan and that during those two times of the day, they would only be able to travel eastbound on Worthington Street; however, they would still have access to 8th Street which they could take to William Street where there is a traffic signal.

Mr. Pate expressed that he agreed with Ms. Karnes that the site was very small for a school with an anticipated enrollment of 600 students. He stated that he did not believe that a school this large with no onsite parking was appropriate for this site. Ms. Karnes agreed that she was concerned about the safety issue as well.

Mr. Darwin Rhode, of Omaha Public Schools, appeared before the Board upon the invitation of Mr. Rosenbaum to address concerns which had been expressed. Mr. Rhode explained that neighborhood/public meetings had been held on July 8, 2019; September 5, 2019; and November 21, 2019. He advised that an additional “building exterior” meeting had been held January 14, 2020 for the public to participate in; a subsequent private meeting between some concerned neighborhood residents and OPS had taken place on January 27, 2020. He stated that the applicant had, with these meetings, actively met and exceeded the legislatures date setting and community meeting guidance. In addition, regarding public comment about the difference in the number of students at Grace University and the new elementary school, Mr. Rhode clarified that between 1980 and 1984 the student population of Grace University was 525 and at the end of the University’s existence, the student population was 500.

Mr. Rhode stated that eminent domain was never considered by Omaha Public Schools in the past, and it is not being considered at this time. He stated that OPS never actively seek eminent domain particularly when it involves private and personal property. Mr. Rhodes stated that the suggestion of using eminent domain to acquire additional property made by Ms. Sedlacek was very new to hear at the meeting.

Mr. Jeff Jorgenson, 1425 South 8th Street, returned to address the Board regarding statements made after his prior testimony. Mr. Jorgenson stated that the neighborhood associations had not seen the traffic study and he believed that they should have been given that opportunity. In addition, Mr. Jorgensen stated that the enrollment of Grace University was not the same as that of an elementary school because the majority of the classrooms at Grace University had been on another site and this site on 10th Street was only used for dormitories which also utilized the parking on the other property and at the other two parking lots.

Mr. Eric Englund, Acting Assistant Manager, stated that the R7 zoning allowed for elementary schools. The only reason the case had to be brought to the Planning Board was because the NCE Overlay required it for sites over one acre in size. He advised that the 63 parking spaces onsite is compliant with the zoning code and explained that parking for elementary schools is based on the number of staff present at one time and the submitted information indicates a staff of 62 people. Mr. Englund stated that he understood the concern about stacking and that the Planning and Public Works departments meet frequently with OPS do discuss circulation plans. He advised that the applicant meets all other zoning requirements and is not asking for any other waivers. The site and project are code compliant, and while there may be concerns about stacking and traffic as well as event parking, elementary schools are good for neighborhoods and do a good job of making the best use of the infrastructure present at the site.

Mr. Englund stated that the department recommended approval of the Conditional Use Permit subject to the conditions in the recommendation report. He advised that he understood there is another project in the works for the same area, but this is the only project before the Board today and when the other project comes before the Board they will deal with that one separately.

Mr. Morris motioned for approval of the Conditional Use Permit for a site over one acre in size in the South 10th Street NCE District subject to the following conditions:
1. Provide for all improvements identified in the final approved traffic study.
2. Compliance with all applicable stormwater management ordinances and policies.
3. Coordinate with Planning and Public Works on an acceptable 10th Street design and street section.
4. Submittal of and compliance with an updated site plan/landscape plan showing the required tree plantings, revised 10th Street design, and either 10’ of perimeter landscaping or a screen wall on the north side of the new parking lot, prior to submitting for a building permit.
5. All future signage must comply with all applicable zoning regulations.
6. Prior to the issuance of a building permit, the property must be properly platted into one lot and all
necessary right-of-way must be dedicated.
7. Compliance with the submitted operating statement.
8. Coordinate with Urban Design on an acceptable screen wall design if that option is selected for the proposed parking lot.
9. Compliance with the submitted building elevations.
10. Coordinate with city staff regarding the required tree plantings around the perimeter of the site.
11. Coordinate with OPPD on removal/relocation of equipment if necessary.

Mr. Rosacker seconded the motion which carried 4-2, Mr. Pate and Mr. Moore dissenting.

MINUTES APPROVED: April 1, 2020

______________________________________
Date Approved

______________________________________
Greg Rosenbaum, Chairman

______________________________________
Lisa Agans, Planning Board
Recording Secretary

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