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

Mr. Bill Lukash, Assistant Director Housing and Community Development, discussed the receipt of CARES Act funding and the distribution of those funds. Mr. Lukash explained that the majority of the funds were distributed to aid in housing and food support as well as businesses and help with providing PPE to entities within the City working with homeless and other at-risk populations. He advised that the funds had been broken down into two funds, the CDBG-CV budget and ESG-CV budget; he further provided details into what entities had received funds from those two budgets, the amount received, and the intended use of the funds. Mr. Lukash explained that the department had received applications from various entities and the staff had gone through the applications to determine which groups met eligibility criteria and determine the amount they were awarded.

Mr. Don Seten, Housing Development Planner, advised that this Tax Increment Financing request was to affordable housing on eleven vacant lots. He explained that the housing would consist of single family homes and would be developed by Holy Name Housing who he anticipated would be represented by Mike Gawley at the meeting.

Mr. Englund advised that these cases were related and should be heard together. Ms. Kellie Johnston-Dorsey, CNI Manager Housing and Urban Development, explained that these two cases represented the fourth phase of the Highlander project and was for the development of 110, mixed income, residential units. She advised that the department had a Zoom meeting with members of the public to answer questions and address concerns. In addition, Ms. Johnston-Dorsey advised that there were several entities involved with the development of this project.

Mr. Troy Anderson, Deputy Chief of Staff for the Mayor, explained the details of the 2020 Annexation Package. He advised that 8 SID’s and two “islands” would be incorporated into the City of Omaha with this package which includes no greenbelt properties and only one adjacent property. Mr. Anderson advised that this package would include 597.5 acres of land and would add 2100 new residents
to the City. The valuation of the package was approximately $448,000,000 and would produce approximately $43,500,000 in revenue. He added that the residents of these SID’s would see a decrease in their tax levy. Mr. Anderson explained that due to an issue with boundary lines for SID 555, 8 lots from the adjacent SID are being included in this annexation package. He stated that the City will negotiate compensation for the loss of those 8 parcels with the SID. In addition, he pointed out that there is a drainage issue in that SID (Manchester Ridge) which will need to be addressed. Mr. Anderson explained the process which is undertaken to arrive at the annexation package each year which includes assessments by all departments including Police and Fire.

Mr. Anderson answered several questions from the Board regarding police and fire response, 911 coverage, and what responsibilities the City assumes when an SID is annexed. In addition, in response to questions from the Board, Mr. Anderson advised that the COVID-19 pandemic had no impact on the decision making as the work began in January, 2020, prior to the time the coronavirus began to affect city operations. He also advised that this annexation would have no impact on the 2020 Census.

#1 - #5 Mr. Englund advised that these cases were all on the Administrative Only portion of the agenda.

1) Is also on the Consent Agenda for layover to allow time for a wetlands mitigation plan to be completed by the applicant.

2 & 3) both are recommended for approval with just a few conditions.

#4) Mr. Englund advised that this case had undergone several revisions since the preliminary plat was initially recommended for approval by the Planning Board and approved by the City Council in 2018. As a result of the revisions, the department decided it was best to rename it from Replat 4 to Replat 7. The developer was Noddle in 2018, that has now changed and the developer is Applied Underwriting.

5) The first phase was recommended for approval by the Planning Board in January, but never proceeded to City Council. Now the applicant is resubmitting as a complete development rather than phased. Mr. Englund noted that the Parks department is not supportive of the current plans.

#8 Mr. Englund advised that this request is to extend the existing density corridors to I-680 and adds 204th Street as a density corridor. Mr. Englund explained that these corridors allow unlimited multi-family development within ¼ mile of the corridor. He added that this is done to develop the necessary density to ultimately support transit options. Mr. Englund provided the Board members with copies of the 2019 Development report which shows the areas in which developable land remains and discussed potential development opportunities.

#10 & #21 *Ms. Karnes advised that she would recuse herself from discussion of both of these cases and left the room at 12:20 p.m.*

Mr. Englund advised that the Tax Increment Financing and Community Redevelopment Area requests had already been approved for this project. He stated that the traffic study is under review and that the northbound left turn lane would be removed and the curb extended at that location. In addition there would be no vehicle connection at 72nd and Oak Streets but there would be access for bicycle and pedestrian traffic. The proposal is to develop 277 multi-family units as well as parking which meets city code requirements. Mr. Englund advised that the department approved of the design. He stated that the area of biggest concern from the neighborhood appears to be regarding the street connection and traffic.
Ms. Karnes returned to the room at 12:25 p.m. following discussion of these cases

#11 - #13 & #18 - #19  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. He advised that #12 was related to #26 and if one is removed from Consent, they should both be removed. In addition, Mr. Englund stated that the applicant may request to have #11 removed from Consent.

#23, #25, & #26  Mr. Englund advised that these requests were on the Consent Agenda for layover. He explained the basic facts of each case as well as why the department was recommending layover. Mr. Englund again advised that #26 is related to #12 and if one is removed from Consent they should both come off.

#15 - & #24  Mr. Englund advised that these two cases are related and should be heard together. He advised that the department was supportive of some of the requested waivers; the department was opposed to the waiver of the requirement for hard surfacing which is consistent with other cases in the past. He advised that Douglas County will pave the gap between what is paved by this development and what is paved by the nearest development.

#16  Mr. Englund advised that this project was for additional clinics for the Med Center and that the department had received communications from people in the surrounding neighborhood who were concerned about noise, traffic, and other concerns regarding commercial development.

#17  Mr. Englund advised that this is a part of the Riverfront Revitalization project at Lewis & Clark Landing. He advised that the department recommends approval.

#20 & #27  Mr. Englund advised that the department is supportive of these requests with conditions. He advised that the MCC on #27 should be laid over due to an error on the public notification.


Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, April 27, 2020.

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

MEMBERS NOT PRESENT: Cydney Franklin

STAFF PRESENT: Dave Fanslau, Director
Eric Englund, Acting Assistant Director
Michael Carter, Acting Current Planning Manager
Jennifer Taylor, Law Department
Lisa Agans, Acting Recording Secretary

Mr. Greg Rosenbaum, Chairperson, called the meeting to order at 1:

PUBLIC HEARING AND ADMINISTRATIVE MEETING

Subdivisions

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<tbody>
<tr>
<td>1.</td>
<td>C10-19-245 (D) C12-19-246 Walnut Grove, LLC</td>
<td>REQUEST: Final Plat approval of HANOVER FALLS CENTER, a subdivision outside city limits, with rezoning from AG to DR, R6, and MU</td>
</tr>
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<td></td>
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<td>LOCATION: Northwest of 156th and State Streets</td>
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At the Planning Board meeting held June 3, 2020, this request was on the Consent Agenda. Ms. Karnes motioned for layover. Mr. Moore seconded the motion which carried 6-0.

| 12. | C10-20-088 (D) C12-20-089 Bennington Public Schools | REQUEST: Preliminary Plat approval of 168 SNOWDEN COMMONS, a subdivision outside city limits, with rezoning from AG to DR and R4 |
|     |   | LOCATION: Northwest of 168th Street and Rachel Snowden Parkway |

At the Planning Board meeting held June 3, 2020, this request was on the Consent Agenda. Mr. Moore motioned for approval of the rezoning from AG to DR and R4; and approval of the Preliminary Plat, subject to the following conditions:

1. Provide for all improvements identified in the final approved traffic study.
2. Provide for the improvement of 168th Street to three lanes along the subdivision’s frontage and
provide for the improvement of Military Road to three lanes between Street A and the Military Road horizontal curve.

3. Coordinate with Public Works on an acceptable roundabout design.
4. Provide temporary turnarounds at the terminus of all temporarily dead-ended streets.
5. Provide traffic calming on all streets longer than 1,000 feet.
7. Coordinate with the Douglas County Engineer’s office on the review, approval, and permitting of all street, grading, sewer, storm sewer, drainage, and utility designs related to the widening/improvement of 168th Street and Military Road.
8. Adjust the lots lines to provide a minimum 20-foot frontage from Outlot C to Street B, and from Outlot D to Street A.
9. Any drainageway must be placed in an outlot sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater).
10. Place a note on the plat that there shall be no access to 168th Street or Military Road from any lots or outlots.
11. Submit the 30 percent design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.
12. Construct sidewalks along all street frontages as required by Section 53-9(9), Sidewalks, including sidewalks along 168th Street and along Military Road between Street A and Military Road horizontal curve.
13. Coordinate with the Douglas County Engineer’s office to grade the subdivision to match the ultimate profile of 168th Street and Military Road.
14. Compliance with all stormwater management ordinances and policies, including no net increase in stormwater runoff and treatment of the first half inch of stormwater for water quality.
15. Coordinate with Douglas County and the Omaha Parks Department on the development of the Military Road Trail and connection from the trail to the school.
16. If the subdivision is not located within a Sanitary Improvement District (SID), a maintenance agreement is required before Douglas County will provide routing maintenance of public streets. In addition, if not located within an SID, major maintenance activities are the responsibility of the adjacent property owner.
17. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.

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

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<thead>
<tr>
<th>No.</th>
<th>Case No.</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>13</td>
<td>C10-08-220 D</td>
<td>Revised Preliminary Plat approval of KENSINGTON PARK, a subdivision outside city limits, with rezoning from AG to DR and MU</td>
<td>Northwest of 204th and Q Streets</td>
</tr>
<tr>
<td></td>
<td>C12-08-221 BHI Development, Inc.</td>
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</table>

At the Planning Board meeting held June 3, 2020, this request was on the Consent Agenda. Mr. Moore motioned for approval of the rezoning from AG to DR and MU, subject to submittal of an acceptable Mixed Use Development Plan; and approval of the Revised Preliminary Plat of KENSINGTON PARK, subject to the following conditions:

1. Provide for all improvements identified in the final traffic impact study, as approved by Public Works and the Nebraska Department of Transportation (NDOT).
2. Provide documentation to justify the lack of a Street A connection to the northern subdivision boundary. If Street A is not constructed to the northern subdivision boundary, then provide for coordination with the neighboring property owner, cost sharing arrangements, and any
necessary right-of-way dedication for a future George B. Lake Parkway roundabout north of the subdivision’s northern boundary.

3. The minimum radius for the Street A cul-de-sac is 42.5 feet.
5. Coordinate with Public Works on the design of the roundabout.
6. Temporary turnaround must be provided at the terminus of all temporarily dead-ended streets.
7. Provide traffic calming on all streets longer than 1,000 feet.
9. Coordinate with the Douglas County Engineer’s office on the review, approval, and permitting of all street, grading, sewer, storm sewer, drainage, and utility designs related to the widening/improvement for Q Street.
10. Place the following notes on the plat:
    a. There shall be no direct access to 204th Street or Q Street from any lots or outlots.
    b. There shall be no direct access from Street G from Lots 11 or 12.
    c. There shall be no direct access to 207th Street from Lot 20.
11. Include a provision in the final subdivision agreement for the maintenance and snow removal of all parking located in the public right-of-way.
12. Submit the 30 percent design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.
13. Provide sidewalks along all street frontages, including Q Street, as required by Section 53-9(9), or the Urban Design standards for Mixed Use Districts.
14. Submit the wetlands analysis and mitigation plan (if necessary) with the final plat submittal.
15. Coordinate the design of Park 46 with adjacent SIDs and the Omaha Parks Department parks planning staff. The park must meet the requirements outlined in the Suburban Parks Master Plan, 2016 Update. The park should be designed by a professional landscape architect licensed in the State of Nebraska.
16. Compliance with all stormwater management ordinances and policies.
17. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.

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

Rezonings

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<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>18</td>
<td>C10-20-101 (D) Terry Patterson</td>
<td>Rezoning from GI to R5, with approval of a Conditional Use Permit to allow Religious assembly in the R5 District</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 3, 2020, this request was on the Consent Agenda. Mr. Moore motioned for approval of the rezoning from GI to R5. Approval of the Conditional Use Permit to allow Religious assembly in a R5 District, subject to the following:

1. Submittal and compliance with a revised site plan that provides five feet of perimeter parking lot landscaping south of the Lake Street property line, as well as converts the existing 45-degree parking stalls along Lake Street into parallel parking stalls.
2. Submittal and compliance with a landscape plan that includes new landscaping along the entire north side of the new parallel parking stalls, 4’ tall screening along the west and south property lines; four trees located in interior parking lot islands; and 20 trees along the Lake Street frontage.

3. Obtaining the necessary building permits and Certificate of Occupancy from the Permits and Inspections Division of the Planning Department.


5. Coordinate with OPPD on removal/relocation of equipment if necessary.

6. Compliance with the submitted operating statement.

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

8. Compliance with all sign regulations.

9. Compliance with all other applicable regulations.

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

19. C10-20-103 (D) Matt Burke  
REQUEST: Rezoning from DR to R5  
LOCATION: 4723 South 49th Avenue

At the Planning Board meeting held June 3, 2020, this request was on the Consent Agenda. Mr. Moore motioned for approval. Mr. Morris seconded the motion which carried 6-0.

**Special Use Permits**

23. C8-20-107 (D) Custom Concrete Designs, Inc.  
REQUEST: Approval of a Special Use Permit to allow a Construction Yard in the DS District (property is located within an ACI-1 Overlay District)  
LOCATION: 1804 Paul Street

At the Planning Board meeting held June 3, 2020, this request was on the Consent Agenda. Ms. Karnes motioned for layover. Mr. Moore seconded the motion which carried 6-0.

25. C8-20-109 (D) C8-20-109(a) GOAL Aquatic Center  
REQUEST: Approval of a Special Use Permit to allow Indoor sports and recreation and Outdoor sports and recreation in the GI District  
LOCATION: 7505 North 101st Street

At the Planning Board meeting held June 3, 2020, this request was on the Consent Agenda. Ms. Karnes motioned for layover. Mr. Moore seconded the motion which carried 6-0.

**Conditional Use Permits**

26. C7-20-110 (D) Bennington Public Schools  
REQUEST: Approval of a Conditional Use Permit to allow Secondary education facilities in the R4 District, with a waiver to Section 55-186, Height, to allow a 38 foot tall building  
LOCATION: West of 168th Street and Military Road

At the Planning Board meeting held June 3, 2020, this request was on the Consent Agenda. Ms. Karnes motioned for layover. Mr. Moore seconded the motion which carried 6-0.
ADMINISTRATIVE MEETING ONLY

Subdivisions

<table>
<thead>
<tr>
<th>2.</th>
<th>C10-20-021</th>
<th>REQUEST: Final Plat approval of FLANAGAN POINTE, a subdivision outside city limits, with rezoning from AG to DR, R4, and MU</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>C12-20-022</td>
<td>LOCATION: Northeast of 180th and Fort Streets</td>
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<td></td>
<td>85 Seabees, LLC</td>
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At the Planning Board meeting held June 3, 2020, Mr. Eric Englund, Acting Assistant Director, appeared before the Board to provide details of the request. Mr. Englund advised that the preliminary plat for Flanagan Pointe had been recommended for approval by the Planning Board on April 1, 2020; and City Council had approved it on May 18, 2020. He stated that the final plat is very similar to the preliminary plat. Mr. Englund stated that applicant had addressed the Main Street component in Outlot C on the multi-family lot; there were also still just a few details to be addressed prior to sending the final plat to City Council for final approval.

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

Mr. Morris motioned for approval of the rezoning from AG-Agricultural District to DR-Development Reserve, R4-Single Family Residential District (high density), and MU-Mixed Use District, subject to submittal of an acceptable Mixed Use Development Agreement; and approval of the final plat, subject to meeting the following conditions prior to hearing by City Council:
1. Submission of revised final plat documents.
2. Submission of an acceptable final subdivision agreement.

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

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<tr>
<th>3.</th>
<th>C10-18-219</th>
<th>REQUEST: Final Plat approval of VISTANCIA (Lots 301-512, Outlots J-L), a subdivision outside the city limits, with rezoning from AG and R5 to DR, R4, and R5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C12-18-220</td>
<td>LOCATION: Northwest of 210th and Fort Streets</td>
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<tr>
<td></td>
<td>Falcone Land Development</td>
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At the Planning Board meeting held June 3, 2020, Mr. Eric Englund, Acting Assistant Director, appeared before the Board to provide details of the request. Mr. Englund stated that this phase consisted of 83 acres platted into 212 single family residential lots, two outlots for drainage and one outlot for a park. The preliminary plat had been recommended for approval by the Planning Board at the December, 2019 meeting; City Council had approved it at their March, 2020 meeting. Mr. Englund explained that there are a few items remaining to be addressed prior to forwarding the request to City Council, such as submittal of a Noxious Weed Plan and a letter from Douglas County regarding a warning siren and a few other items.

Mr. Englund advised that the department recommended approval subject to the conditions listed in the recommendation report.
Mr. Rosacker motioned for approval of the rezoning from AG and R5 to DR, R4 and R5; and approval of the final plat, subject to addressing the following prior to forwarding this request to the City Council:
1. Add the 35 foot no-build easement on Lot 487 along the Kestrel Parkway and correct the street names on the final plat mylars;
2. Submit an acceptable tree canopy analysis and final tree mitigation plan;
3. Submit an approved Noxious Weed Plan;
4. Submit a warning siren letter from Douglas County; and,
5. Submit a final acceptable subdivision agreement.
Ms. Karnes seconded the motion which carried 6-0.

At the Planning Board meeting held June 3, 2020, Mr. Eric Englund, Acting Assistant Director, appeared before the Board to provide details of the request. Mr. Englund stated that the preliminary plat had been before the Planning Board in March, 2018 but never went forward to City Council. Since that time, there have been multiple revisions including minor amendments and additional plats. He explained that as a result of the revisions, the final plat request is for Replat 7 although it was originally known as Replat 4. He advised that the layout is very similar to what the Board had approved two years ago. Mr. Englund stated that there are 40 lots, 35 of which are mixed use zoning, four will be zoned R7 and one will be zoned R1. He advised that there have been some minor modifications including the right-of-way dedication at the off-ramp from West Dodge Road. Mr. Englund stated that there will need to be a few updates to the Mixed Use Development Agreement prior to forwarding to City Council for final approval.

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

Mr. Pate motioned for approval of the rezoning from R4, R7 and MU to R4, R7 and MU, subject to submittal of an acceptable Major Amendment to the Mixed-Use Development Agreement, prior to forwarding the request to City Council; and approval of the final plat, subject to the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding the request to City Council. Mr. Moore seconded the motion which carried 6-0.

At the Planning Board meeting held June 3, 2020, Mr. Eric Englund, Acting Assistant Director, appeared before the Board to provide details of the request. Mr. Englund stated that the final plat of the first phase had come before the Planning Board on January 8, 2020; however, prior to proceeding to City Council, the developer decided that rather than a phased development, they wanted to come back to the Board
with the final plat for both phases combined. He advised that the final plat for the entire site includes 313 single family residential lots and seven outlots. Mr. Englund stated that the applicant is continuing to coordinate with the Parks, Public Works, and Planning Departments regarding the sewer alignment to which may end up requiring the elimination of two single family lots to avoid it going through the park to the south. He stated that the sewer alignment will need to be worked out before the request will proceed to City Council.

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

Mr. Rosacker motioned for approval of the rezoning from AG to R4; and approval of the final plat, subject to the conditions of preliminary plat approval and addressing the following items prior to forwarding the request to City Council:

1. Submittal of an acceptable final subdivision agreement.
2. Coordinate with the adjacent SIDs on sharing the cost for the development of the existing Deer Wood Park.

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

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

**(REGULAR AGENDA)**

**Master Plan Referrals**

<table>
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<tr>
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<th>REQUEST: Approval of the HNHC CENTRAL PARK TIF Redevelopment Project Plan</th>
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<tr>
<td>6.</td>
<td>C3-20-083 City Planning on behalf of the City of Omaha</td>
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<td>LOCATION: 3832 Saratoga Street, 3825 Browne Street, 3806 Camden Avenue, 3930 Camden Avenue, 4123 Camden Avenue, 5120 North 41st Street, 5110 North 40th Street, 5118 North 40th Street, 3815 Fort Street, 4004 Grand Avenue, and 4006 Grand Avenue</td>
</tr>
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At the Planning Board meeting held June 3, 2020, Mr. Don Seten of the Planning Department, appeared before the Board to provide the details of the request. Mr. Seten explained that HNHC is the Holy Name Housing Corporation. He advised that this would be an affordable housing development on 11 currently vacant lots. He advised that the developer intends to construct 11 new, single family homes which will be for sale to income qualified homebuyers. Mr. Seten advised that this project would be eligible for Low Income Tax Credits. He advised that the total project costs are approximately $3,000,000, the TIF support requested is $150,000. Mr. Seten advised the Board 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. Mike Gawley of Holy Name Housing Corporation, 4324 Fort Street, appeared before the Board in support of the request. Mr. Gawley provided photos of the homes which would be built on the vacant lots and advised that he would answer any questions from the Board.

No one appeared in opposition. Mr. Rosenbaum closed the public meeting.
Mr. Eric Englund, Acting Assistant Director, stated that the department recommended approval.

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

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<th>7.</th>
<th>C3-19-088 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of a substantial amendment to the 2019 Consolidated Action Plan</th>
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<tr>
<td></td>
<td>LOCATION: City of Omaha and the 3-Mile Extraterritorial Jurisdiction</td>
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At the Planning Board meeting held June 3, 2020, Mr. Bill Lukash, Assistant Manager of Housing and Community Development, appeared before the Board to provide details of the request. Mr. Lukash stated that he had received notification in March, 2020 from the Department of Housing & Urban Development (HUD) that they would receive approximately $2,800,000 of Community Development Block Grant (CDBG) funds and approximately $1,400,000 in Emergency Solutions Grant funds which were intended to be used to alleviate COVID-19 related issues in the community such as with housing, finances, or food. He advised the CDBG funds are intended for low to moderate income clients and ESG funds are intended for shelter operations, and people experiencing homelessness or near homelessness.

Mr. Lukash provided documentation on the overhead screen for the Board members and members of the public to see how the funds will be deployed into the community. He stated that HUD had required coordination with the Department of Health as well as providing guidance on the type of programs which could be considered to receive funds. Mr. Lukash advised that the department had received 22 or 23 applications for the CDBG funds and 11 or 12 applications for the ESG funds which were carefully evaluated to determine how well they met the approval criteria including the focus areas of the Mayor's Covid-19 Task Force. Mr. Lukash provided a breakdown of the organizations which would receive funds, the amount of the grant, and the intended use of the funds. He stated that one of the highest priorities was to provide assistance with housing and that $1,500,000 of the CDBG funds was given to MAACH for the rent and mortgage assistance program which will provide interim assistance for families having difficulty making their housing payments as well as providing case management services. Additional funds were given to community organizations to assist with support for the Department of Health & Human Services as well as the Department of Labor to help with the creation and retention of jobs; transportation to and from work; and other similar services; small/micro businesses who did not receive other funding from the federal government; food distribution to households affected by quarantine; mental health services through both the Indian Health Clinic and the Charles Drew Health Center for residents of the Omaha; Charles Drew Health Center will be receiving money for Covid-19 testing supplies as well. Following consultation with the Metropolitan Area Continuum of Care for the Homeless, ESG funds are being distributed for emergency shelter operations, homelessness prevention, rapid rehousing, and street outreach. Mr. Lukash advised that approximately $59,000 was being kept for administrative costs such as personal protective equipment (PPE) for staff as they go out into the community to work with clients; in addition, a portion of the money kept for will be given to the Metropolitan Area Continuum of Care for the Homeless for PPE for their staff and various other service providers such as staff at local homeless shelters.

No one appeared in opposition. Mr. Rosenbaum closed the public meeting.

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

Mr. Moore motioned for approval. Ms. Karnes seconded the motion which carried 6-0.
Mr. Eric Englund, Acting Assistant Director, appeared before the Board to provide details of the request. Mr. Englund advised that this amendment would make changes to the portions of the Land Use Element and Transportation Element of the Master Plan, as well as the Future Land Use map, related to density corridors. He explained that the purpose of these corridors is to develop the necessary density to ultimately support transit options. He explained that unlimited multi-family development is allowed within ¼ mile of density corridors and that currently there are three density corridors in Omaha which are:

1. West Center Road from 168th Street to 216th Street
2. West Dodge Road from 120th Street to 210th Street
3. West Maple Road from 144th Street to 210th Street

Mr. Englund advised that this amendment would extend all three currently existing density corridors all the way to I-680 as well as adding 204th Street from Harrison Street to West Maple Road as a fourth density corridor. He explained that at the time the Master Plan was developed and these elements were put in place, 204th Street was primarily outside of the City zoning jurisdiction.

Mr. Englund stated that this amendment would allow unlimited multi-family development within a quarter mile of the corridor, which is already allowed on the three existing density corridors. He stated that the department believes these amendments will encourage transit supportive growth beyond the existing density corridor policy designations while also facilitating future development potential closer to the I-680 corridor.

No one appeared in opposition. Mr. Rosenbaum closed the public meeting.

Mr. Englund advised that the department recommended approval.

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

At the Planning Board meeting held June 3, 2020, Mr. Troy Anderson, Deputy Chief of Staff for the Mayor’s Office appeared before the Board to explain the details of the case. Mr. Anderson stated that City of Omaha Mayor’s office works every year to develop an annexation package to accomplish three primary goals which are:
1. Eliminate “islands” within the city’s corporate limits.
2. The SID must be revenue positive.
3. The annexation must not compromise public safety.

Mr. Anderson stated the office receives information from the SID’s beginning by December 31st and
beginning in January they begin to analyze all the SID information to determine their financial health. He
advised that currently there are 127 SID’s and they begin the process by first eliminating all of the SID’s
which are neither adjacent nor adjacent+1 to the existing corporate limits. Once that is accomplished,
they begin eliminating SID’s based on criteria such as net debt of greater than $3,000,000 or debt ratio of
greater than 4%, not excluding SID’s which generate sales, restaurant, and hotel taxes. Mr. Anderson
stated that, following this analysis, this year they came down to a short list of 28 possible SID’s for
annexation which was then sent to the various City departments for a full service evaluation which allows
the Mayor’s office to identify existing needs within the SID’s or adjacent to them and the cost of extending
essential City services to that SID over the next 10 years. Following a review by the City department
groups, eight SID’s and adjacent areas were determined to be appropriate for consideration for this year’s
Annexation Package.

Mr. Anderson stated that the package includes 597.5 acres of land and, on 2010 Census data, 2,158 new
residents will be brought into the City. Through this annexation package the City will see an increase of
approximately $448,000,000 of new valuation. Mr. Anderson stated that in the packet, there is a 10-year
financial outlook based on the revenue, expenses, and debt being assumed. He also stated that in each
of the areas the residents will see a reduction in their tax obligation of an average of $500 per $100,000
valuation. Mr. Anderson stated that the annexation package included approximately 5.6 acres of park
land with a couple of trails; and 26 lane miles of street, none of which is unimproved or substandard and
all of which is in good condition. He explained that all areas not currently being served will immediately
begin receiving all essential city services including Police, Fire, solid waste removal, street maintenance,
and snow removal.

Mr. Anderson explained that, upon receiving a recommendation for approval from the Planning Board, the
package is scheduled to be introduced to the City Council on June 16, 2020 with the first Public Hearing
on June 23rd and a final reading and vote on July 14th with an effective date of July 28, 2020.

In response to questions from Mr. Pate, Mr. Anderson confirmed that the residents of the annexed SID’s
will see a reduction in their taxes. He explained that the City has no control over property assessments so
they will have no control over an increase or decrease in property valuation; however, the City has a levy
which will be imposed as a part of the annexation and the calculation for each SID shows that there will
be a decrease in the resident’s overall tax obligation.

Mr. Daniel Welsh, 11330 Q Street, Suite 331, appeared before the Board as the attorney representing
Manchester Ridge (SID 495). Mr. Welsh advised that the SID is requesting to remove Manchester Ridge
from the 2020 Annexation Package to give them time to address a serious erosion problem which exists
to the north of 17554 Corby Street on City owned property which has been becoming worse and
impacting the homeowner for the past couple of years. In addition, there is a second area of erosion
which is somewhat less severe, but is also on City owned property, which they are researching their
responsibility for repairing. Mr. Welsh stated that it is his belief that the City budget is not going to allow
for the mitigation of this erosion for, possibly, several years which will continue to negatively impact the
homeowner at 17554 Corby Street, and possibly other homeowners in that area. He proposed allowing
Manchester Ridge to be removed from the Annexation Package to allow for them to develop a bank
stabilization plan for the area, get it approved by the City of Omaha as well as the NRD, and implement
the plan. He advised that the larger area, north of 17554 Corby Street is difficult to access and is on a
very steep slope which resulted in an estimate of $300,000 to $500,000 to repair. The second area is smaller and easier to access so it has been estimated to be no more than $300,000. He advised that they believe they could secure some funding from the NRD, possibly as much as $30,000, to implement the erosion control plan. Mr. Welch stated that they will have more information prior to the next City Council meeting. He stated that he believed the costs of these repairs should be considered in the costs of annexing SID 495 since those costs would become the responsibility of the City once the annexation took effect. Additionally, he stated that the SID could get the repairs done faster than the City which would decrease the amount of damages to the homeowners in Manchester Ridge.

In response to questions from Mr. Pate, Mr. Welch stated that prior to notification of the annexation, the SID was not aware that the City would not have the funds or ability to repair the problem for possibly 10 years. He explained that there are trees in that area which has a negative slope and could cause some trees to fall in areas where people walk and children play. Mr. Welch confirmed that the representatives of the SID had not looked into the costs of the repairs/mitigation before they were aware of the annexation.

Mr. Rich Kotan, 2522 North 176th Street, appeared before the Board in opposition to the annexation of Manchester Ridge. Mr. Kotan stated that he is currently the Chairman of the Board of Trustees for Manchester Ridge (SID 495). He advised that he has received phone calls from several homeowners who are very concerned about this erosion problem and that the City will not be able to take care of it before it further damages their property. He stated that the SID Board feels they are responsible to provide the relief to the homeowners which the City is not able to do in a timely manner. He stated that

In response to questions from Mr. Moore regarding how quickly the erosion problem has been increasing and moving towards the homeowners in SID 495, Mr. Kotan provided a statement from the homeowner at 17554 Corby Street that it has moved approximately 5 feet closer to that property line in the past year. He advised that the engineer did not provide any timeline.

Mr. Morris inquired as to how quickly the SID would be able to implement the erosion control/bank stabilization plan. Mr. Welch, stated that they believed they could begin very soon; however, they first needed to get permission from the Army Corp of Engineers prior to starting work. He advised that he had been advised that the area to the south would be approximately a three week project; the area to the north would be approximately a two month project and they could begin both projects in the next year. Mr. Welch advised that they have consulted with their fiscal agent and determined that they could issue bonds for the project which could be wrapped around current bonds which the District could pay for without increasing the levy. He stated that they believed they were in a better position to do the projects in a timely manner and that they would do the project sooner than the City would be able to. In response to a question from Mr. Rosacker, Mr. Welsh stated that the plans have not been completed, but Mr. Zelensky with E & A Consulting had done things like this before and they were confident that he could get the plans completed and that they would be approved by the other entities involved.

Mr. Rosenbaum closed the public meeting.

Mr. Troy Anderson, advised that they have had conversations with the Finance, Public Works, and Legal departments regarding this problem since it was brought to their attention. He stated that the creek and the degradation around it was something they were aware of and have been monitoring if for some time. He stated that it is a priority project for the City and they are working with the Public Works department through the Capital Improvements Plan and the budgeting process to identify the funds which can insure that the project can be undertaken in a timely manner, likely in the next couple of years. Mr. Anderson confirmed that if SID 495 is removed from the annexation package the SID could issue bonds to pay for the projects. However, he explained, those were likely to be 12 to 18 year bonds for the $500,000 or more
required to fund the project. If during that 12 to 18 years the City decided to annex the SID, they would become responsible for all of the SID’s debts in addition to their assets which means that the City would end up paying for it anyway.

Mr. Rosenbaum stated that he intends to vote against the annexation package just like he did last year. He stated that this is due to the substandard street policy of the city which he believes is very unfair in that the City won’t repair the streets once they reach a certain point on the Paser scale and the repairs are levied against the homeowners. He advised that the Planning Board has always stressed to people who come in with projects which have stub streets which must be extended into the neighborhood that those streets belong to the City of Omaha and it is the City’s responsibility to maintain them, which Mr. Rosenbaum believes is the fair way to do things. However, he stated that the substandard street policy is unfair because streets which are in neighborhoods which could not afford to pay for the repairs, the city would pay for the repairs; but in neighborhoods where the homeowners could afford to pay more in tax levy, the homeowners have to pay for the repairs. Mr. Rosenbaum stated that he believes this is an unfair policy and he will vote against adding more lane miles of streets until the City can afford to fix the ones they already have.

Mr. Eric Englund, Acting Assistant Director, advised that there are frequently new developments, plats, and new SID’s on the Planning Board agenda. He stated that part of the development of SID’s is to manage the orderly growth of the city and when those neighborhoods have reached the financial balance point they are brought into the city as was the intent.

Mr. Englund stated that the department recommends approval of the 2020 Annexation Package.

Mr. Moore motioned for approval. Mr. Pate seconded the motion which carried 5-1, Mr. Rosenbaum dissenting.

**Subdivisions**

*(Cases 10 & 21 were heard together)*

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<td>10. C12-20-085 Jim Hughes-Meridian Development, LLC</td>
<td>Preliminary and Final Plat approval of MERIDIAN ADDITION, a minor plat inside city limits</td>
<td>Southwest of 72nd Street and West Center Road</td>
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<tr>
<td>21. C11-20-105 C7-20-106 Jim Hughes- Meridian Development, LLC</td>
<td>Approval of a PUR-Planned Unit Redevelopment Overlay District, along with approval of a Conditional Use Permit to allow Multiple family residential in the GO District (property is located within an ACI Overlay District)</td>
<td>Southwest of 72nd Street and West Center Road</td>
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*Prior to discussion of these cases Ms. Karnes advised that she was recusing herself and left the chambers at 2:38 p.m.*
At the Planning Board meeting held June 3, 2020, Mr. John Blumenthal, 1700 Farnam Street, appeared before the Board on behalf of the applicant. Mr. Blumenthal explained that the proposed project was a 270 unit, class A apartment complex at 72nd and Center Streets at the location of the former Shark Club and hotel. Mr. Blumenthal advised that the property is currently dilapidated and that the developer is prepared to begin work on the site in the fall of 2020 if the Board recommended this for approval.

Mr. Blumenthal stated that the applicant had conducted meetings with the neighbors prior to the Covid-19 pandemic and the restrictions on in-person meetings which resulted. He advised that the neighbors had expressed concerns about the connectivity through the neighborhood and he believed the applicant had addressed those concerns. Other concerns were about apartments in general and the applicant believes that this project is a good fit for the City as a whole, as well as bringing life back to the intersection which has become an eyesore as well as presenting a danger due to the dilapidated nature of the structures on the site. Mr. Blumenthal stated that he was available to answer questions from the Board and that the project engineer was also on hand at the meeting.

In response to questions from Mr. Rosenbaum, Mr. Blumenthal stated that one meeting had taken place prior to the submittal of the request for Tax Increment Financing and the request for the Community Redevelopment Area declaration. Mr. Blumenthal stated that the meeting had been well attended with approximately 30 to 40 neighborhood residents; Mr. David Fanslau, Planning Director, was at that meeting to answer questions as well. He advised that he felt at that meeting that they had a good rapport, they had been open and honest with the residents regarding plans for the site and had received little feedback from the neighbors since that meeting.

Ms. Mary Powell, 3005 South 72nd Avenue, appeared before the Board in opposition. Ms. Powell advised that she received her first notification about the project on May 19, 2020 and that she was unable to read the attachment because of the font used in the diagram and that it was blurry. Ms. Powell had sent a letter to the department and reiterated several points which she had mentioned in that letter. She advised that she is concerned for public safety and the welfare of her neighborhood if the project is allowed to proceed. Ms. Powell stated that they have already had to endure another apartment development nearby and are concerned that another development will further reduce their view of the eastern sky, as well as being detrimental to their privacy as occupants of the apartments can see into their home and yard. She advised that her biggest concerns were the intrusion on the privacy of the homeowners, traffic through the neighborhood, parking concerns, excessive noise and light pollution from the apartment dwellers and the safety issues this would cause in addition to the decreased property values. Ms. Powell expressed concern about the type of people who would live in the apartments and the increased potential for crime in the area. She also was concerned that the homeowners in the neighborhood had received no notice other than the notification which was sent out from the Planning Department on May 19, 2020. Ms. Powell stated that the neighborhood is older and well established and should not have to bear the responsibility for an apartment development to be built to their detriment. She was concerned with the closing of the access drive off of Center Street and the addition of a street which she felt would be a safety issue and she did not believe it would provide better access for emergency vehicles as had been stated and requested written documentation from the Fire Chief in this regard. Ms. Powell expressed doubt regarding the statement that the emergency access would be gated and accessible only to emergency vehicles, she believed that it was only a matter of time before the property owners would decide to open the entrance and increase traffic. She also did not believe that the developer would build the project as they have presented it and that it would likely be much taller and include a rooftop pool which would increase the negative impact on privacy; would only provide paid parking which would lead people to park in the neighborhood instead, and would not only be renting to only Doctors and Med Center professionals, such as allowing students, or other non-professionals to rent the apartments. She reminded the Board that the builders of the Titanic had promised it was unsinkable and felt this was a similar situation. For privacy,
Ms. Powell asked for assurances that the developer would provide screening around the entire project where it impacts the neighborhood, she stated that she would expect at least two rows of evergreen trees measuring at least 20’ high and 1’ in diameter; additionally, she asked for assurances that a 12’ concrete wall be erected prior to the beginning of the construction to block out construction noise as well as for privacy.

Ms. Powell presented copies of a petition signed by homeowners in the neighborhood to the Board members.

Mr. Rosenbaum, Chairman, advised the remaining speakers to please limit their comments to concerns which had not already been addressed in previous testimony.

Mr. Patrick McCaslin, 2811 South 74th Street, appeared before the Board in opposition. Mr. McCaslin advised that he had only three questions for the Board and the applicant. He stated that he wanted to know:

1. When was the meeting with the neighborhood homeowners?
2. Where was the meeting with the neighborhood homeowners?
3. How did the applicant decide who was invited to the meeting with neighborhood homeowners?

Ms. Virginia Bognich, 2803 South 74th Street, appeared before the Board in opposition. Ms. Bognich stated that this development will be in her backyard. She stated that her family had purchased her home 49 years ago. She advised that when the hotel was built long ago there was a law passed which prohibited the access off 72nd Street; when the physician’s office was built there it also was not allowed access off 72nd Avenue. Ms. Bognich stated that she did not believe that the area should be changed and the limitations on access should remain the same.

Mr. David Murphy, 7304 Oak Street, appeared before the Board in opposition. Mr. Murphy stated that he had sent a letter to the department outlining his opposition to the project. He advised that everything Mary Powell had stated was on point and he felt the same way. Mr. Murphy stated that he lives behind the two-story office building and that the building also does not conform to the neighborhood but that he considered it to be harmless. He advised that a neighbor had shown him an old city clause which stated that new development should conform to the neighborhood and this new project definitely did not meet that standard. Mr. Murphy stated that he was not pleased with the notification he had received from the Planning Department because it appeared to be a pamphlet from the developer which included color photos of the proposed development. Mr. Murphy stated that he believed the neighborhood homeowners were being asked to sacrifice too much.

Mr. Rosenbaum closed the public meeting.

Mr. Rosenbaum recalled the applicant’s representative, Mr. John Blumenthal, to address the stated concerns of the opposition. Mr. Blumenthal stated that while he is respectful of the people appearing at the meeting, he hears the same opposition to apartment projects every time one is built. He stated that he is disappointed that this opposition still is being brought up for every new apartment building when the City needs is experiencing increased density which can only be addressed with apartment developments. He stated that experience and time have shown that many of these concerns do not come to fruition and he was not going to discuss each of them.

Mr. Blumenthal stated that the meeting with neighborhood residents had been held at the College of Saint Mary’s on in December of 2019 and that notifications of the meeting had been mailed out to the residents within a two-mile radius of the project to addresses found through a title search; he reiterated that
between 30 and 40 homeowners had attended that meeting. Mr. Blumenthal stated that Larry Mosato (sp) of Meridian Development had had numerous, extensive discussions with Mr. Terry Anderson, President of the Homeowners Association for the surrounding neighborhood and they had a good rapport with the HOA to the best of their knowledge.

Mr. Blumenthal pointed out that the access placement was being required by the City and the developers have no choice but to comply with that requirement. He advised that they had worked closely with the department to make the required access as unobtrusive as possible while still meeting the requirements of the City.

In response to a statement by Ms. Powell, Mr. Blumenthal stated that there would be no rooftop amenities such as a pool.

Mr. Blumenthal stated that the development team believed this project would be good for the City. He stated that the applicant had invested $47,000,000 and would be creating jobs as well while at the same time ridding the neighborhood of a dilapidated and dangerous eyesore.

In response to questions from the Board, Mr. Blumenthal stated that there will be 277, mostly one-bedroom units. He stated that there will be landscaping all around the project and that there will be a street separating the building from the rest of the neighborhood; in addition, he advised that the applicant will continue working with the city regarding trees and other landscaping or screening concerns.

Mr. Morris called Mr. Jeff Schmidt, 3021 South 72nd Avenue, to speak in opposition to the project. Mr. Schmidt stated that he believed most of his concerns had been presented by previous speakers; however, stated that he was angered by the statement that the same arguments are made against every new apartment project. He agreed and stated that he had previously lived in an apartment with his wife and no one listened to them. Mr. Schmidt stated that he has no privacy in his backyard now with other developments in the area and he is afraid to open his windows on the side nearest the apartment building.

Mr. Eric Englund, Acting Assistant Director, provided information to answer some of the questions which had been asked. He advised that the development will include 277 apartment units which would be comprised of 114 efficiency units, 93 one-bedroom units, and 70 two-bedroom units. Additionally, there would be a fully enclosed, 375 stall parking structure which could be accessed only from West Center Road on the west side of the property entering mid-site to the garage. He stated that the garage would have no access to the neighborhood to the south; he stated that he can confirm this because the city had initially pushed very hard to have vehicular connection from the site to the street to the south. Mr. Englund explained that the emergency access to the south is strictly for Fire and other emergency vehicles to access the site; there are no parking stalls on the southern drive and there will be no ability for vehicles to enter or park there as it will be a controlled access. The site would have pedestrian and bicycle access to the neighborhood because the department feels that the project should be a part of the neighborhood. He stated that he knew the homeowners who spoke stated that they wanted it to be excluded and not a part of the neighborhood; however, the people are Omaha residents who will be using the schools, parks, churches and businesses in the area and will be a part of the neighborhood.

Due to outbursts from the audience, Mr. Rosenbaum advised the members of the public in attendance that the public meeting had been ended and they needed to allow Mr. Englund to speak uninterrupted as they had been allowed to speak uninterrupted.
Mr. Englund stated that the entire parking structure will be enclosed within the structure. In addition, Mr. Englund advised that the site is within the ACI-1 Overlay District which means that the project must meet the highest design standards in the City of Omaha zoning code, which it does. No waivers have been requested for either parking or height; the existing zoning allows up to 120 feet in height which exceeds the height of this project. Mr. Englund stated that there are a few waivers being requested by the applicant with the PUR-Planned Unit Redevelopment Overlay, including a waivers to of floor area ratio, increased impervious coverage, and a few small landscaping provisions.

Mr. Englund specifically addressed some of the concerns stated by Ms. Powell. He advised that the City of Omaha is required to send notification to homeowners within 300 feet of the site for certain projects which include the Conditional Use Permit and PUR-Planned Unit Redevelopment Overlay in this case. Mr. Englund advised that the term “subdividing” means platting, not that it is being broken up into multiple pieces. In this case, the two platted lots are being combined into one platted lot.

Regarding agenda item #10 (C12-20-085) only, Mr. Englund advised that the department recommended approval of the preliminary and final plat subject to the conditions in the recommendation report.

Regarding agenda item #10 (C12-20-085) only: Mr. Pate moved for approval of the preliminary plat, subject to the following conditions:
1. Provide for the removal of the existing 72nd Street turn lane and the construction of a median in its place in the final subdivision agreement.
2. Place a note on the plat that there shall be no direct access to 72nd Street from the site.
3. Submittal of a traffic study to assess the impacts of the proposed project on queues and delay at the traffic signal at the site’s access to West Center Road, and provide for any identified improvements.
4. Compliance with all applicable stormwater management ordinances and policies.
5. Provide sidewalks in compliance with the requirements of Chapter 53, Subdivisions.

In addition, Mr. Pate moved for approval of the Final Plat, subject to the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement prior to hearing by City Council. Mr. Rosacker seconded the motion which carried 5-0-1, Ms. Karnes recusing.

Regarding agenda item #21 (C11-20-105, C7-20-106) only: Mr. Englund stated that the department recommended approval subject to the conditions in the recommendation report.

Regarding agenda item #21 (C11-20-105, C7-20-106) only: Mr. Rosacker moved for approval of the Conditional Use Permit to allow Multiple family residential in the GO District subject to the following conditions:
1. Compliance with the approved site plans.
2. Compliance with the approved operations plan.
3. Compliance with the approved landscaping plan.
4. Compliance with the approved building elevations.
5. Compliance with all applicable sign regulations.
6. Compliance with all other applicable regulations.

In addition, Mr. Rosacker moved for approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submittal of acceptable PUR Plans prior to forwarding to City Council. Mr. Morris seconded the motion which carried 5-0-1, Ms. Karnes recusing.

*Following disposition of these cases, Ms. Karnes returned to the chambers at 3:18 p.m.*
At the Planning Board meeting held June 3, 2020, Mr. Kyle Vohl of E & A Consulting Group, 10909 Mill Valley Road, appeared before the Board on behalf of the applicant and advised that a representative of Charleston Homes was also present to answer questions if needed. Mr. Vohl stated that the applicant had received the department’s recommendation report and that they were in agreement with all but #2 and #3 which they would like to work further on with staff.

Mr. Vohl provided an aerial view of the area in order to show the total site and pointed out the east half of the AG portion which had been purchased by the applicant, as well as the location of a proposed NRD lake. He pointed out that the site is bordered by Fort Street to the north, and a Waters of the US creek on the south. Mr. Vohl advised that they would not be grading which could impact the waterway, and that there is a 3 to 1+20 setback as well. Mr. Vohl pointed out Lot 1 on the aerial photo and advised that it was a remnant of a City of Elkhorn plat which is unusual because it was platted but was not rezoned from AG. He stated that the applicant is purchasing only 20 acres of the 51 total acreage of Lot 1; by survey Mr. Vohl stated that they could legally split the lot, leaving 31 acres not purchased by the applicant. Mr. Vohl advised that the seller does not want that 31 acres to be included in the plat because they intend to continue using it for agriculture and if it was included in the plat it would have to be rezoned with the rest away from AG zoning. He advised that, prior to the meeting, he had had a conversation with the attorney for the property owner, Gottsch Land, who reiterated their desire to maintain the 31 acres separately from this plat.

Mr. Vohl stated that the applicant wants to move forward and is willing to continue to coordinate with the department staff on conditions #1 and #2. He stated that the goal is to only include the 20 acres shown on the aerial for this project. Mr. Vohl pointed out four other remnant parcels on the east side which are being purchased by the applicant and are all being included as a part of the plat. He advised that there may be a future phase utilizing the remaining 31 acres; however, at this time the applicant does not use, own, or control in any way that portion of the land.

Mr. Weston Chrisman (sp), 21102 Old Coach Road, appeared before the Board in opposition. He stated that Mr. Vohl had already addressed many of his concerns. Mr. Chrisman stated that he still had concerns about the portion of the land which are federally protected wetlands which back up to homeowners on Old Coach Road; significant run-off in 2019 resulted in water in many of the backyards of those residences. He stated that he was concerned that if the land was rezoned and developed for residential purposes, it could increase the erosion and cause additional flooding concerns for those homeowners on Old Coach Road.

Mr. Rosenbaum closed the public meeting.

In response to a question from Mr. Rosacker, Mr. Vohl advised that he did not know why the land was not previously split up; it is being recorded now by survey by as a warranty deed with the lot lines dividing it. Additionally, Mr. Vohl addressed the concerns of Mr. Chrisman regarding the wetlands and flooding concerns. He pointed out areas on the map which were intended for use as retention basins for the new development to reduce water run-off flowing into the creek which will reduce flooding concerns.

Mr. Eric Englund, Acting Assistant Director, stated that the department staff does recommend approval, but with conditions. He advised that the staff is definitely willing to sit down with the applicant and have further
Mr. Englund acknowledged that the 51 acre, Lot 1 Brunings Addition, was platted many years ago under the separate jurisdiction of the City of Elkhorn. He pointed out that in the recommendation report the staff states that since a portion of the lot is being included in the development, the remaining portion of the lot needs to be included in the plat. He advised that staff is supportive of leaving the AG zoning in place for that 31 acre portion and staff believes that could be an outlot until further development which could be a part of further conversations with the applicant.

Mr. Englund stated that one area of concern is in the southwest portion approaching West Maple Road. As the drainageway curves towards West Maple Road, the adjacent business to the west has placed improvements encroaching into the designated floodway where very few things are allowed. He advised that the remaining portion of the lot should be included in the plat and that those improvements need to be removed from the floodway before returning for the final plat. Mr. Englund stated that the requirement to include the additional 31 acres in the plat is consistent with past practices in which the department does not generally allow remnant pieces to be left out of a platted lot. He acknowledged that the Douglas County Registrar of Deeds will record many deed transfers; however, the department staff does not believe that is an appropriate disposition of that portion of the platted lot. He advised that they are willing to sit down for further coordination with the applicant in this regard.

Mr. Rosenbaum asked for clarification regarding structures on the adjacent lot owned by a business which are in the floodway and how that person would have been able to get a permit to build in that location. Mr. Englund stated that the buildings are outside of the floodway which is closer to the creek. He advised that there is a lot about the site which is nonconforming and that the corner is zoned commercial; however, he stated that he did not know the arrangement between the property owners but the business is encroaching on the other person's property. Mr. Englund stated that he did not know exactly when or how the business owner got the permit to build the structures but that they were very old and most likely were built when the property was under the jurisdiction of the City of Elkhorn. He advised that it was something which would need further investigation and that it will need to be addressed along with the platting of the applicant's site.

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

Ms. Karnes moved for approval of the rezoning from AG to DR and R4; approval of the preliminary plat, subject to the following conditions:

1. Provide for the improvement of Fort Street to three lanes along the subdivision’s frontage.
2. Include the remaining portion of Lot 1, Brunings First Addition in an outlot.
3. Remove all improvements within the Floodway currently located on Lot 1, Brunings First Addition.
4. On the Kestral Parkway approach to Fort Street, provide a 16 foot inbound lane, a 4 foot paved median, and two 12 foot outbound lanes, and dedicate right-of-way as needed to accommodate.
5. Coordinate with Douglas County to grade the subdivision to match the ultimate profile of Fort Street.
6. Coordinate with Public Works on an acceptable roundabout design.
7. Provide for traffic calming on all streets longer than 1000 feet.
8. Obtain all of the appropriate permits from Douglas County.
9. Place a note on the plat that there shall be no access to Fort Street from any lots or outlots, and no access to Kestral Parkway from Lots 560 or 561.
10. Coordinate with Public Works on an acceptable GO paving plan.
11. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide design checklists.
12. Submit the 30% design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.
13. Coordinate with Public Works regarding the location of the stormwater detention basins in relation to the stream setback.
14. Place all drainageways in an outlot sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater).
15. Coordinate proposed site grades along the northern boundary of the platting, adjacent to Fort Street, with the Douglas County Engineer.

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

(Cases 14 & 22 were heard together)

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<td>Preliminary Plat approval of HIGHLANDER EAST, a subdivision inside city limits (portions of the property are located within an ACI Overlay District)</td>
<td>Southwest and southeast of 29th and Burdette Streets</td>
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<tr>
<td>22. C11-14-226</td>
<td>Approval of a Major Amendment to the PUR-Planned Unit Redevelopment Overlay District (portions of the property are located within an ACI-Area of Civic Importance Overlay District)</td>
<td>Southwest and southeast of 29th and Burdette Streets</td>
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At the Planning Board meeting held June 3, 2020, Mr. Todd Lieberman of Brinshore Development, appeared before the Board on behalf of the applicant. Mr. Lieberman advised that Mr. Othello Meadows of the 75 North Revitalization Corporation, a partner in the development, was present as well. Mr. Lieberman stated that this 4th phase of the Highlander development was for 110 mixed income apartment units which would be a combination of walk-ups, townhomes, and an elevator apartment building. He explained that this phase will help to populate the neighborhood which will aid in the revitalization of the area of the project.

Mr. Othello Meadows of 75 North Revitalization Corporation, appeared before the Board in support of the project. Mr. Meadow reiterated that 75 North was partnering with Brinshore Development on this project. He advised that he was available at the meeting to answer questions or provide more detail.

Mr. Eric Englund, Acting Assistant Director, stated that this is phase 4 of a multi-phased development. He stated that the platting process was pretty straightforward; the Planned Unit Redevelopment Overlay (PUR) portion of the request needed a few things finalized before it was forwarded to the City Council for final approval.

No one appeared in opposition. Mr. Rosenbaum closed the public meeting.

Regarding agenda item #14 (C12-20-093) only: Mr. Englund stated that the department recommended approval of the preliminary plat subject to the 8 conditions in the recommendation report.

Regarding agenda item #14 (C12-20-093) only: Mr. Morris moved for approval of the preliminary plat subject to the following conditions:
1. Verify that there are no buildable lots east of the proposed 28th Street vacation.
2. Provide the standard vacation language on the plat.
4. Submit the 30% design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City’s Wastewater Collection Systems Design Manual.
5. For any existing sewers or utilities within proposed vacated rights-of-way, either grant easements or provide for their removal or relocation.
6. Coordinate with OPPD on removal/relocation of equipment if necessary.
7. Comply with all stormwater management policies and ordinances.
8. Coordinate with Planning staff on an acceptable tree canopy analysis and mitigation plan (if necessary).

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

Regarding agenda item #22 (C11-14-226) only: Mr. Englund advised that the department recommended approval of the PUR subject to the conditions listed in the recommendation report.

Regarding agenda item #22 (C11-14-226) only: Mr. Rosacker moved for approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submittal of acceptable final PUR plans, including building elevations for all unit types and a detailed landscape plan, prior to forwarding this request to the City Council. Ms. Karnes seconded the motion which carried 6-0.

(Cases 15 & 24 were heard together)

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<th>Case</th>
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<td>15.</td>
<td>C12-20-094 Michael and Rhonda Peavy</td>
<td>Preliminary and Final Plat approval of PEAVY VILLAGE ESTATES, a minor plat outside city limits, with waivers to Sections 53-8(2g) Right-of-way and street width; 53-9(2) Street grading; 53-9(3) Street surfacing, including curb and gutter; 53-9(6) Storm sewers; 53-9(9) Sidewalks; 53-9(10) Streetscape standards (property is located within an ED-Environmental Resources Overlay District)</td>
<td>West of 66th Street and Twin Brooks Plaza</td>
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<td>24.</td>
<td>C8-20-108 Michael and Rhonda Peavy</td>
<td>Approval of a Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District</td>
<td>West of 66th Street and Twin Brooks Plaza</td>
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At the Planning Board meeting held June 3, 2020, Ms. Rhonda Peavy, 4019 North Post Road appeared before the Board as the applicant. Ms. Peavy advised that June 6th she would be moving into 13334 West 66th Street. Ms. Peavy stated that she and her husband had purchased the property with the intent to subdivide it to allow two of their children to build their homes on the property as well.

Ms. Peavy stated that they had received the recommendation report and were in agreement with the conditions listed for approval. She advised that they had begun clearing away the large amount of brush, wild poison oak and other invasive vegetation which was on the property along with some diseased trees and a couple mature trees. Ms. Peavy stated that a tree mitigation analysis had been completed and that
of the 580 trees on the 10 acres, it was determined that they would be allowed to remove up to 127 of them without mitigation. She stated that a wetlands study determined that there were no wetlands present on the 10 acres.

Mr. Pate asked for clarification that Mr. and Mrs. Peavy were in agreement with all of the recommendations of the department. Ms. Peavy stated that they were; however, she added that they were a little confused about whether they could proceed with working on Lot 1, which would be her daughter’s home, since they are ready to begin work there. She advised that Lot 3 would be for her son’s home, but that they are not nearly ready for work on that lot which she understood needed the NDEQ approval for the septic system due to the size of the lot.

Ms. Sandra Koch, 9738 Brentwood Road, appeared before the Board in opposition on behalf of her parents, James and Charlene Camenzind of 13416 North 66th Street. Ms. Koch reminded the Board that the site is in the Northern Hills Environmental Resources Overlay District which was home to steep slopes and valleys, heavy forestation and uncultivated grasslands. Ms. Koch stated that she and several other home owners near her parents had sent letters to the Planning Department staff; she read through several of the concerns mentioned in those letters. Concerns included increased erosion due to grading, excavation, and removal of vegetation; as well as the removal of tree canopy on the Peavy’s property. An additional concern was with the increase of traffic on 66th Street which is an unimproved road and they feared additional traffic will make the surface of the road worse as well as creating a higher risk to other drivers and pedestrians. She advised that the people who lived in this area had moved there for the large acreages and the natural environment and that this development will decrease their property values as well as their enjoyment of their properties.

Ms. Koch stated that among the concerns were that Mr. and Mrs. Peavy had not reached out to the neighbors for their input on the project. She stated that the majority of the neighbors are opposed to the request, as evidenced by the letters sent to the department. Another concern was that several large pine trees had been removed including all of them along the property line shared with her parents to the north. Ms. Koch stated that this would allow a view into her parent’s home from the proposed home to be built on that part of the Peavy’s property; she requested that, at the very least, this proposed home be moved closer to 66th Street at the eastern end of the property. Ms. Koch stated that they support local development in but asked that the Board protect the acreages and not allow increased development there.

Mr. Rosenbaum closed the public meeting and invited Ms. Peavy to address the concerns stated by Ms. Koch and answer questions from the Board.

Ms. Peavy stated that contrary to Ms. Koch’s statement that they had not spoken with the her parents, they had spoken with Mr. Jim Camenzind and told him their plans for the property the first time they met him. She stated that Mr. Camenzind that Mr. Camenzind did not believe they would be allowed to do that and she advised that she would see what the City said. Ms. Peavy advised that Mr. Camenzind never expressed that he was opposed personally to the plans, only that he did not believe the City would allow it. Ms. Peavy stated that it was true that they had not called a formal neighborhood meeting, instead they had spoken to the neighbors. She stated that the neighbors on the south side of their property and the neighbors across the street have expressed that they are fine with the Peavy’s building on their property. She stated that she had not had a conversation with the Church across from them. She stated that attempts to speak with Mrs. Camenzind failed when she refused to meet or speak with them or refused to respond when Ms. Peavy or her grandchildren had attempted to speak with her.
Ms. Peavy also advised that, contrary to Ms. Koch’s statement that they had removed all of the trees along the north property line, they had only removed 14 trees from that area. She stated that four of the trees which were removed were diseased and that they have also removed a lot of brush and a significant amount of dead wood and tree debris which was on the ground in that area to avoid animals and vermin from building homes in it. Ms. Peavy stated that they are also doing things to improve that area, as well as the rest of the property including planting flowers and native grasses. Ms. Peavy stated that when they originally began laying out plans for the children’s new homes, Mr. Camenzind was opposed to the placement of the home nearest his property line and asked them to move it, which they had done by moving it further east. She advised that they could not move it any farther towards 66th Street than what they already had done at the request of Mr. Camenzind because past that point is where the grade increases to greater than 17%. Ms. Peavy stated that the houses have to be where they are placed due to the grades on the land.

At Ms. Peavy’s request, Mr. Josh (unintelligible last name), 13334 North 66th Street, appeared before the Board to provide photos of the home they intended to build on Lot 1. He stated that it would be a single family home.

Mr. Eric Englund, Acting Assistant Director, stated that the requested waivers for storm sewers, street grading, and street lights were not applicable to this subdivision request. He advised that waivers for a reduction in street width to 22 feet, no curb and gutter, and no sidewalks were acceptable to the department staff due to the location in the North Hills Environmental Overlay District. Additionally, the department had recommended denial of a waiver to allow for the reduction of right-of-way width, and denial of a waiver of the requirement to provide hard street surfacing. To summarize, Mr. Englund stated that the department recommended approval of a 22 foot wide, hard surface street with no sidewalks. He stated that the staff recommended approval of the preliminary plat, but layover for the final plat to allow time for the department to work with the applicant on issues such as the septic system for Lot 3. He advised that the department recommended approval of the Special Use Permit which theoretically could allow the home locations to be moved, but due to the steeper grades, the department believed that the current plans are the most acceptable and moving them to those areas would not be supported by staff.

Regarding Ms. Peavy’s question about Lot 3, Mr. Englund stated that it would be possible for her to return with a phased final plat in the future. He stated that they would be open to a conversation regarding this possibility to work out what would be required. Mr. Englund stated that Public Works would likely need to be involved in the conversation regarding a phased plan as well.

Regarding agenda item #15 (C12-20-094) only: Mr. Englund stated that the department recommended approval and denial of the waivers as listed in the recommendation report as well as approval of the preliminary plat subject to the conditions stated in the recommendation report. In addition, Mr. Englund stated that the department recommended a layover of the final plat.

Regarding agenda item #15 (C12-20-094) only: Mr. Morris moved for denial of the waiver of Section 53-8(2g), Right-of-way; approval of the waiver of Section 53-8(2g), Street width to 22 feet; denial of the waiver of Section 53-9(2), Street grading; denial of the waiver of Section 53-9(3), Surfacing; approval of the waiver of Section 53-9(3), Curb and gutter; denial of the waiver of Section 53-9(6), Storm Sewers; approval of the waiver of Section 53-9(9), Sidewalks; denial of the waiver of Section 53-9(10), Streetscape standards; approval of the Preliminary Plat, subject to the following conditions:

1. Provide the building envelopes and driveway location on the final plat.
2. Coordinate with Douglas County Engineer’s Office on an acceptable alignment and paving plan for 66th Street adjacent to the subdivided property.
3. Provide a 66 foot right of way and a paved public street along the subdivision’s 66th Street frontage.
4. Submittal of a Tree Mitigation Analysis/Calculation Table showing the amount of tree canopy being removed from areas with slopes less than 17% grade, slopes 17%-30%, and slopes greater than 30%.
5. Provide a continuous erosion control silt fence around the development site during construction.
6. NDEQ approval for the septic system on Lot 3.

In addition, Mr. Morris moved for layover of the Final Plat to allow the applicant time to address the conditions of Preliminary Plat approval. Mr. Pate seconded the motion which carried 6-0.

Regarding agenda item #24 (C8-20-108) only: Mr. Englund stated that the department recommended approval of the Special Use Permit subject to the conditions in the recommendation report.

Regarding agenda item #24 (C8-20-108) only: Mr. Pate moved for approval of the Special Use Permit, subject to the following conditions:

1. Approval of the waiver of driveway surface material from the Zoning Board of Appeals, if necessary.
2. Submittal and compliance with a calculation table showing the tree canopy removed from areas with slopes less than 17%, slopes 17%-30%, and slopes greater than 30%.
3. Provide a continuous erosion control silt fence around the development site during construction.
4. Compliance with the submitted plans.

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

| 16. | C10-02-203  
C12-20-098  
Noddle VP 1, LLC | REQUEST: | Preliminary Plat approval of WEST VILLAGE POINTE REPLAT 10, a subdivision outside city limits, with a waiver to Section 53-9(9), Sidewalks, along with a Major Amendment to the Mixed Use Development Agreement for West Village Pointe |
| LOCATION: | Southeast of 175th and Burke Streets |

At the Planning Board meeting held on June 3, 2020, Mr. Jay Noddle of Noddle Companies, 2285 South 67th Street, appeared before the Board. Mr. Noddle advised that he was appearing on behalf of Nebraska Medicine as well as his own company, both of which were involved in the project. He advised that prior to the meeting his team had the opportunity to meet with all the commercial neighbors; in the 10 days prior to the meeting there had been several meetings with the neighborhood residents to the south of the project site; he had conducted a small meeting in his office with a small group the previous week which had led to a very large Zoom meeting with neighborhood homeowners on Tuesday. Mr. Noddle summarized by stating that he had personally had a minimum of 15 to 20 conversations over the past 10 days. As a result of these meetings and conversations, he noted that the development team had made several revisions to the project and that the Public Works and Planning Departments were aware of those modifications. Mr. Noddle stated that he had made a commitment to the neighbors that he would put certain things into the record during the discussion at the Planning Board meeting.

Mr. Noddle stated that this project was an expansion of the Nebraska Medical Center facilities at Village Pointe; Children’s Hospital is also located on the site; they are not included in this request but have extended their commitment to provide services at this location for the foreseeable future. Mr. Noddle read a statement from Nebraska Medicine advising that expansion of the Village Pointe facility will establish this
as a multi-specialty care, procedural, and diagnostic hub for Nebraska Medicine. The additional space will allow for the growth of specialty services currently onsite; namely cancer, gastrointestinal, and ophthalmology, while also providing room for the relocation of heart, vascular, and orthopedic services currently located at the Oakview Health Center. This does not include any kind of Emergency Room facility, or 24 hour facility; the ER that is at the Oakview facility is not Nebraska Medicine’s ER, it is the orthopedic group which runs that facility. Mr. Noddle stated that he wanted to be clear that the plans for this facility do not include an ER or any type of 24 hour facility. He did stress that Children’s Hospital has operated an Urgent Care clinic at this project location for quite some time and there will be no modifications to that operation with this project.

Mr. Noddle provided a large aerial view of the site as it currently stands and pointed out the areas which would be affected by the project. He advised that they had acquired Lot 10, Building 111 and 110 in January of 2020; the Medical Center currently owns the Med Spa property as well. The first step in the process is to replat the site into one platted lot to create a comprehensive campus. Mr. Noddle stated that, while the parking is ok, one of the challenges patients are facing currently is that they often must travel between the buildings. He explained that a patient may go to the Med Spa building to check in, have a consultation in the 110 building and have to go to building 111 for radiology; currently that movement requires the patient to drive between the buildings, possibly multiple times in one visit. He explained that the driving principle of this project is to improve patient experience through two important elements: ease of access by having everything under one roof, and proximity of patient parking to the building.

Mr. Noddle provided a rendering showing the original and landscaping plan for the site, as well as one showing modifications made to that plan as a result of concerns expressed in his meetings with the commercial and residential neighbors. He advised that he had not had the opportunity to provide the revised plans to the neighborhood residents prior to the meeting, though one had been provided to the Planning department. Mr. Noddle stated that at this stage of planning, the team knew where they would place landscaping and had basic ideas of the type of landscaping but the final species of various plants and trees had not been decided. He stated that he had told the homeowners that they would be utilizing Kinghorn Gardens for the design, installation, and maintenance of the landscaping. In addition, he pointed out that the drawing showed the full build-out maximum potential and that the floor area ratio allowed at this location is 1.0 and their proposal is far under that maximum at 0.5.

Mr. Noddle showed a smaller garage on the east side than originally planned. He pointed out that there is an L shaped lot below Lot 10 which goes around Building 111 which has 211 parking stalls. This existing lot is currently used by both patients and staff; this lot will be converted to staff only parking which will reduce the amount of traffic near the residential neighborhood.

Mr. Noddle provided a slide showing the overall illustrated site plan, he advised that this plan had been updated to reflect modifications made as a result of concerns expressed by the neighboring homeowners. This slide now showed the quantity of trees which were on the submittal documents but which had not been on the site plan photos shown to the homeowners; over 150 new trees will be added to the site with this project. Mr. Noddle pointed out the connector building which will connect buildings 110 and 111 with a full basement which will not only allow for additional parking, it will house other functions which don’t need to be above grade, and it will also facilitate the delivery of materials such as medical supplies to all three of the buildings from one central point. Additionally, loading facilities which are currently at Building 111 and 110 will be remaining and there will not be another loading facility added with the new building. Above the basement will be two full floors connecting the buildings and half a floor above those. Mr. Noddle pointed out the east garage which is tucked away in a low area of the site at grade +2 and will have patient parking at the surface and second levels; the upper level will be used for staff parking. Some existing patient parking will remain for radiology and oncology clinics where ease of movement is very important. He pointed out
where the Children’s Hospital facility is located in Building 110 including their Urgent Care clinic and showed their entrance on the south side of the building.

Mr. Noddle stated that the plan is to maintain the existing east entrance off of Burke Street as a full movement access to Building 111 and the east garage. He advised that there is no connection between the east garage and the 211 stall surface parking lot to the south reducing traffic through the adjacent residential neighborhood by eliminating patient parking/access in that lot. Mr. Noddle demonstrated the path that people utilizing the Medical Center clinics would have to take in order to access the parking lot through the neighborhood which involved going far out of their way rather than taking the direct route through the signalized intersections. He advised that the patient parking will be convenient and there will be no physical way to get from the patient parking garage to the south lot which will be exclusively staff parking. In front of the connector building, in the center, will be patient parking; to the west the building will be partially shell space and it is unknown when it will be occupied and that garage will not be constructed until that time.

Mr. Pate inquired about the access to the parking garage access off of Burke Street and whether there was a median which would allow traffic going west to access the site at that location. Mr. Noddle explained that the location Mr. Pate was referring to was currently a full movement, signalized, intersection and that it would remain as such. The next entrance will be where the current 175th Street will be vacated and be replaced by 176th Street and Nathan Street, which currently exists as a non-signalized intersection will remain at the recommendation of the Public Works department as a three-way intersection. Mr. Noddle explained that to the west, another full-movement, signalized intersection will be built; this will be coordinated with Madonna to allow them to tie into it in the future if they so choose. He advised that 176th Street, turning into Nathan Street, will be built to full City standards. Mr. Noddle stressed that 100% of the public improvements are being privately funded and there has been no request for City resources for those improvements. In addition, he explained that the right-of-way being created is virtually identical to the right-of-way which is vacated.

Mr. Noddle pointed out that currently, the Med Spa building sits in what will be the 176th Street right-of-way. He advised that until the morning of the meeting, they thought there would be no access to the residential area during a significant portion of the construction phase because they could not take down the Med Spa building until they had a place for those people to go while 176th Street is being constructed. The development team had conversations with the Med Center and Public Works just prior to the Board meeting and worked out an interim plan which will allow for access to continue between the neighborhood and Burke Street while people are being relocated from the Med Spa building. Once those people are relocated, the building will be taken down which will allow for 176th and Nathan Streets to be constructed far earlier in the construction schedule than originally anticipated. The team will continue to work with the Public Works and Planning departments to ensure that the construction work does not affect the safety of the public on the newly constructed roadway, or at any point throughout the construction phase.

Mr. Pate asked whether the intention was to allow traffic to continue to flow on 175th Street into the neighborhood as it exists now, while the new 176th Street is being constructed. Mr. Noddle advised that the construction of the new right-of-way will happen in three phases and that 175th Street will remain open as long as Public Works will allow it. He advised construction reaches a point where safety dictates the closing of 175th Street, an interim connection will be made, the details of which are still being worked out to ensure safety and traffic concerns meet the requirements of the Public Works department. Immediately following that, 176th Street will be constructed connecting to Nathan Street. Mr. Noddle stated that he believed it would be possible, though not guaranteed, that the work could begin in the spring. In response to additional questions from Mr. Pate, Mr. Noddle stated that the interim access would likely be an asphalt surface and would definitely be accessible and sufficient for emergency vehicles into the neighborhood; the interim
connector would meet all Public Works requirements for public and life safety services. Mr. Pate asked whether there was a curb cut for westbound traffic on Burke Street to turn to southbound 175th Street, Mr. Noddle stated that there is currently a curb cut there. He advised that as the shift happens, the interim connection will shift west to be between the current 175th Street and the new 176th Street which may require another cut in the median which is being discussed with Public Works to provide access which will be both functional and safe during construction. Mr. Noddle reminded the Board that the preliminary plat, if recommended for approval by the Planning Board, will still have to be approved by the City Council and they would then have to appear before the Planning Board and City Council again with the final plat allowing for multiple opportunities to work with everyone and get it right. He advised that their commitment is to get it all worked out as quickly as possible.

Mr. Noddle again pointed out to the drawings showing the full build-out of the project, pointing out additional revisions which had been made following public input, but which had not been prepared in time to provide to the homeowners in the neighborhood prior to the meeting. Citing concerns from the neighbors that staff exiting from the staff parking lot would turn left and drive through the neighborhood, Mr. Noddle pointed out that there would be No Left Turn signs at the exit from that lot. He again reminded the Board that there would be no patient entrance on the south side of the property, which is adjacent to the residential neighborhood; there would be staff entrance/exit and emergency exits only on that side. He advised that they were also amenable to putting a No Left Turn sign to stop staff from accessing the neighborhood from Nathan Street. Mr. Noddle advised that the neighbors had asked about possibly installing stop signs or traffic calming devices of some sort going through the residential area or to make it a gated neighborhood. He stated that he had told those residents that they support all of those possibilities, but that Public Works would be responsible for making those decisions. Mr. Noddle stated that, while supportive of those ideas, he believes that the way the site has been laid out will discourage traffic through the neighborhood unless they just really need to go through there because it has been made very inconvenient.

The site plan also indicated a new 8’ wide walking trail which would run along the neighborhood side of the roadway. Mr. Noddle stated that they had found that the people out walking prefer a wider area than a standard 4’ wide sidewalk and Public Works had supported the idea of the 8’ walking trail in that area. In addition, also added after the last meeting with the neighbors, Mr. Noddle pointed out that they decided it would be appropriate to install a nice 6’ tall steel fence which would be very similar to the fence at 105th Street between Pacific and Center Streets at the Happy Hollow Country Club. He stated that the fence columns will match the building materials on the buildings and that it is a very attractive, durable fence which will provide some security for the residential neighborhood.

Mr. Noddle pointed out the location of some mechanical equipment which serves Building 110 which had been the subject of some concern from the neighborhood. He indicated that people were concerned there would be medical waste incinerator, to which he stated that there was not one there now and there were no plans to add an incinerator in the future because there will not be a large enough amount of medical waste produced at this facility to warrant installing one. Any medical waste produced will be picked up and taken off site daily for disposal. Additionally, he stated there was a concern about generators on the site, he advised that there is currently a generator for each building for use in a power outage; a generator will be required for the new connector building as well as a smaller one for the garage and that those generators could be combined. He discussed the possibility of the garage related power generators being housed in the garages and the generator for the connector building could potentially be housed in the basement of that building or on the roof. The generators being used will not be the type which have to be fired up on a regular basis, but they will be used only to bring the power in the buildings down slowly in the event of a power outage to allow procedures to be completed, or people to be moved safely. Mr. Noddle pointed out that the mechanical equipment which had been there since the buildings were built, was an understandable source of frustration for the nearby residents; he advised that they were attempting to find a way to create
screening which would hide the equipment from sight as well as provide a buffer for the sound coming from that same equipment. He advised that their engineers were currently working on this screening/sound buffer and that the materials used in it would match or complement the materials used on the actual structure. He provided some “very preliminary” ideas for this screening.

Mr. Noddle stated that a final concern was with the noise created by medical deliveries and trash pick-up. He stated that he had learned that early morning deliveries were made by trucks carrying materials such as surgery packs which are prepared off-site and brought in every day as needed for planned procedures at the clinics. He stated that they are working on finding a way where those deliveries could possibly be made later in the morning, or possibly a way to make deliveries without having to back up, eliminating the loud beeping which occurs when the trucks are backing up. Additionally, they are working to adjust the pick-up times for the garbage service to eliminate the loud, banging noise early in the morning and are confident the garbage hauler will work with them on making that adjustment.

Mr. Noddle provided elevations viewing the site from several different directions and providing a better idea of the building designs, access and parking locations, the landscaping plan. He advised that they would match the building materials to those existing currently, to the extent possible for 12 year old materials. Mr. Noddle stated that they had not made a final decision regarding the materials and screening for the garage structures but that he preferred something green which would provide screening year-round. He pointed out the entrance to the connector building and advised that they did not believe that there will be a need for a covered drop off area at that building such as the ones at the Durham Cancer Center or the Lauritzen Research building because the patients which need to be dropped off will likely be going to Building 111; however, he noted that they did have a design for one if it should become necessary.

Mr. Noddle stated that the project schedule centers around several critical dates 24 – 26 months out when the first new occupants need to be in and operational to eliminate the risk for a delay or break in service delivery for the patients they serve. He stated that the project establishes a greater health care presence in that area, will be an important extension and expansion of services currently offered at the Nebraska Medical Center, and will allow people to receive most services from their preferred provider at a more convenient location for them.

Mr. Kelly Barada, 17610 Douglas Circle, appeared before the Board in opposition. Mr. Barada stated that he believed the Board should, at least, layover this request because he did not feel they had enough notice. He advised that they had been notified on May 20, 2020, and that this had not allowed enough time for them to finalize their concerns. Mr. Barada stated that this is a major project and Mr. Noddle had not reached out to the neighborhood at all. He advised that they had presented their concerns to Mr. Noddle and that he had responded to all of their questions and concerns. Mr. Barada stated that by allowing Mr. Noddle to build 176th Street, the City is basically donating prime real estate to Mr. Noddle and his project, while closing a street that people are using every day. He added further concern that the moving of the street will move traffic past 12 houses which currently do not have traffic going past them; he had purchased his home with the understanding that he would not have to deal with a city street and does not believe he should have to adjust to one now.

Senator Robert Hilkemann, 17515 Douglas Street, appeared before the Board in opposition. Senator Hilkemann stated that in addition to representing this area in the Nebraska Senate, he also lived in the neighborhood and was opposed to the project. He advised that he never received any notification and assumed that was because he is a Senator and someone decided he should not get notice. He advised that while he believed the project would bring useful services to the area, he was opposed to the project because it would be a huge imposition to the residents of the surrounding neighborhood who had purchased their homes with no knowledge that the project would take place and that there would be changes to the
city streets around them. He advised that he is concerned about the closure of 175th Street and pointed out his home on a diagram showing the surrounding street network and stated that when he purchased his home he inquired about putting gates up to keep traffic out of the neighborhood and was told that would not be allowed because the street had to remain open. He also pointed out that the signage indicating Village Point Estates would be lost and their neighborhood would lose its identity if this project moved forward. Senator Hilkemann stated he did not believe that Mr. Noddle was being truthful when he said the project would take two years and doubted that he would build the access road. He added that there are 42 homes, representing approximately 100 residents who depend on 175th Street remaining open at all times and he was concerned that there would be no emergency access in the event of a natural disaster or tragedy if the street is closed; he did not believe the fire, police, or ambulance services were in agreement with this proposal. The Senator stated that he believes they need to see an alternate plan because he does not believe it is a good idea to block 175th Street.

Ms. Cynthia Ruma, 17528 Douglas Street, appeared before the Board in opposition. Ms. Ruma stated that everyone was very surprised by this and that the notification sent by the city was completely illegible. Ms. Ruma stated that Mr. Noddle had been very forthcoming with information and that, as the HOA President, she had had meetings with him to discuss the concerns of the homeowners in the neighborhood. She stated that they realize this project is going to happen but in their dreams they would like to have 175th Street remain open and no new street running behind the houses. Ms. Ruma stated that the traffic study indicated traffic of approximately 500 cars per day, which would almost double with the staff parking in the proposed location. She advised that if 175th Street is to be closed, the homeowners dream would be to have no staff parking access through the neighborhood. Ms. Ruma acknowledged that Mr. Noddle has been gracious about making changes to address their concerns thus far, but they need him to also make the changes to the parking garage access.

Mr. Tony Chacon, 17631 Douglas Circle, appeared before the Board in opposition. Mr. Chacon acknowledged that Mr. Noddle had been in contact with them and that he had taken their concerns into consideration and made some changes to the original site plan based on those concerns. However, he stated that they had received no notification of this huge project and they believe they need more time to present other ideas they had which they thought Mr. Noddle should look at and consider. Mr. Chacon stated that he is an engineer and he believes there are other ways to work this site plan to make it better. He also advised that he had put his home on the market approximately 10 days before the notification was received; when selling a house he stated that he was asked whether he was aware of any government notification regarding proposed changes, to which he replied no and now he has to change it. He advised that his home is not directly affected by the construction, but that it will likely affect his ability to sell his home. He stated that he does not believe 175th Street needs to be closed and requested additional time to discuss alternative ideas with Mr. Noddle.

Mr. Gary Randall, 17516 Douglas Street, appeared before the Board in opposition. Mr. Randall stated that the Medical Building is behind his back yard, and that he had known they would have commercial neighbors at the time he purchased his home. He advised that in order to get out of his neighborhood it was necessary to drive through Pacific Springs if they can’t use 175th Street. Mr. Randall pointed out that if 175th Street was closed, he would have to go south one or two blocks to Harney Street to get to either 168th Street or 180th Street which are significantly long routes to get through in order to access West Dodge Road from one of those two streets rather than using 175th Street to get to Burke to reach one of those streets. He stated that the homes in the neighborhood averaged between $500,000 and $800,000 and they would be significantly affected by the closure of 175th Street north of Douglas Street. Mr. Randall stated that since they had received little notice of the project he believed they should lay the case over because Mr. Noddle has been responsive to their concerns and he believed they could reach a compromise if they had more time. IN response to a question from Mr. Pate, Mr. Randall advised that traffic does travel through their
neighborhood from Pacific Springs on 175th Street to get to Village Pointe.

Mr. Jim Schaefer, 17504 Farnam Street, appeared before the Board in opposition. Mr. Schaefer stated that, as an attorney, he is concerned about two things, one of which is due process. He stated that he heard Mr. Noddle at the meeting discussing new plans that the neighborhood homeowners have not seen prior to this meeting which violates their right to due process. Secondly, he stated that this project is solely a private business attempting to acquire public property for private business for profit which should not justify the closing of 175th Street which is critical for homeowners in the neighborhood.

Mr. Chuck Stevens, 17628 Douglas Circle, appeared before the Board in opposition. Mr. Stevens pointed out that there are three significant entrances to the neighborhood from either 168th Street or 180th Street between West Dodge Road and Pacific Street as well as several on Pacific Street; however, on this street there is only one entrance from Village Pointe into that neighborhood. In addition, Mr. Stevens reminded the Board that there is patient parking on the south side of the building for the Children’s Hospital urgent care clinic.

Ms. Rachel Reeder, 17522 Douglas Street, appeared before the Board in opposition. Ms. Reeder stated that there is a traffic light at 168th Street and Harney past the golf course but 168th Street is currently closed for widening; however there is no traffic light at 180th Street and Harney and it is a problem getting out onto 180th Street because there is traffic from Pacific Street and from Hy-Vee and there is no light.

Mr. Mark Tillwick, 17527 Farnam Street, appeared before the Board in opposition. Mr. Tillwick stated out that he is also opposed to closing 175th Street because there will be increased traffic through the neighborhood at shift change or whenever staff arrives and leaves the clinic from the staff parking lot. He stated that he is opposed to this change in traffic flow because it will impact the homeowner's access to the streets out of their neighborhood. He stated that it would be better to completely close off access to the neighborhood from the staff parking lot and instead route them around to the existing lighted intersection at 175th and Burke Streets.

Mr. Rosenbaum closed the public meeting.

Mr. Jay Noddle of Noddle Companies, 2285 South 67th Street, appeared at the Board’s request to address concerns stated by the neighborhood residents. Mr. Noddle stated that they were not opposed to putting in a three way stop coming out of the neighborhood as had been suggested by one of the homeowners. Regarding Senator Hilkemann’s statement that they would or could not finish the project by the time Mr. Noddle had indicated, he reminded the Board that his company has a very long history of completing projects according to their stated schedule. Additionally, regarding the Senator’s statement that he doubted the developer would keep their word to build the access road when 175th Street was closed, Mr. Noddle stated that he was committed to creating that access as he had said and had worked out a plan with Public Works to ensure that there would always be access open throughout the closing of 175th Street and the construction of 176th Street. Mr. Noddle advised that if a utility company or Public Works department comes and has to move infrastructure which is perpendicular to the roadway, they may close the road the same way they do for any other pipe project throughout the city. He advised that there is no way to leave 175th Street in place while meeting the physical needs of the patients of Nebraska Medical Center under one roof. Mr. Noddle stated that the possibility of leaving the street in place and constructing the building over it had been mentioned frequently. He advised that they had looked into the possibility of constructing the basement level, then putting 175th Street back and building the structure over the road; however, while it is physically possible to do so, it is definitely not affordable, it would not meet the contiguous needs for patient flow throughout the facility because the first floor would be separated by a roadway.
Regarding the concern that the city is “giving” his company the 175th Street right-of-way, Mr. Noddle stated that the decision to abandon that right-of-way is up to the Public Works department. He explained that although that would be abandoned, they replacing it with a right-of-way at 176th Street which will be the same as the abandoned one. Mr. Noddle pointed out that they had taken measurements and the 176th Street access is approximately 800’ from the existing one both on the street and the sidewalk.

Mr. Noddle stated that they anticipated, and agreed with working further with the Public Works and Planning departments throughout the project. He stated that he was in agreement with all of the conditions placed on the approval of the preliminary plat by the staff. Mr. Noddle reminded the Board and others in attendance that if the preliminary plat is recommended for approval by the Planning Board, it still has to be approved by City Council; additionally, the final plat will have to come before both the Planning Board and City Council.

Regarding Mr. Pate’s concern about the neighborhood residents statements that there was a lack of communication about the project, Mr. Noddle stated that the inability to hold in-person meetings due to Covid-19 meeting restrictions extended the process of meetings with the city departments, but as soon as the notifications went out they did all they could do to meet with the neighborhood representatives. He suggested the department could have sent out a more complete notification and acknowledged that some additional information could have been provided at the HOA meeting. Mr. Noddle stated that the minute they received the information about who lived in the neighborhood they had spoken with everyone they knew how to contact within 24 hours either via text, email, or phone and he remains available to everyone as well, as acknowledged by many of the speakers at the meeting.

In response to questions from Ms. Karnes regarding the staff parking and access, Mr. Noddle reiterated that there would not be a lot of shift changes; this is a limited scope facility which would not have overnight stays and would not be open 24 hours per day. He advised that the hours would likely be somewhere between 6:30 to 8:00 a.m. and 5:00 to 6:00 p.m. Mr. Noddle pointed out that this lot is already being utilized by staff and patients, and that the use of that parking lot would actually decrease with this project; the parking lot behind Children’s urgent care is currently in use by patients and staff as mentioned by Mr. Randall but with this project it would be significantly decreased down to 31 stalls at the Urgent Care and would have a roadway, sidewalk, and greenspace which is not currently there. Mr. Noddle stated that it may be possible to connect the garage to the parking lot; however, the grades do not match up and there is the operational issue of getting the staff to the parking garage into and out of the staff lot. Mr. Noddle also pointed out that there needs to be access in and out of that parking lot for emergency vehicles, which are not going to be able to go through the parking garage.

Mr. Eric Englund, Acting Assistant Director, advised that both Ryan Haas, and Director Bob Stubbe from Public Works were present at the meeting if the Board had any questions about the access issue.

At the request of Mr. Pate, Mr. Ryan Hass of the Public Works department appeared before the Board. Mr. Pate stated that he sees all the traffic in that area and that he has seen Burke Street become more congested, especially around the holidays. He asked Mr. Haas whether Public Works knows whether Burke Street can support a lighted intersection at 175th Street or is it too close to the other lighted intersection just a block away; additionally, he asked whether a signal at 176th Street would also be too close. Mr. Haas indicated that the department prefers signalized intersections to be more than a block apart. Mr. Haas stated that if the project moves forward with the approved plan for a signalized intersection at 176th Street, it will be the recommendation of Public Works that the full movement intersection at 175th Street be restricted with a median to still allow inbound left turns but restrict outbound left turns. Regarding a question about whether 176th Street would cross over into Madonna, Mr. Haas stated that it would be up to Madonna to decide whether they wanted that access; if not it would function as a signalized T intersection. Mr. Pate
stated that he was still concerned about congestion and traffic flow on Burke Street.

Ms. Karnes asked for clarification regarding left turns from the Medical Center site. Specifically, she asked whether a person parking at Building 110 would have to go around thru the parking garage to make a left turn out of the site. Mr. Haas stated that was correct and advised that, prior to the construction of the west garage, there could either be an interim connection through the area which would eventually be that garage and when the west garage is built, there could be directional signage on the building. Mr. Noddle confirmed that to go west on Burke, the person would have to use the full movement intersection in front of Building 111. Ms. Karnes asked for confirmation that if a person was parked in front of building 110, they could cut through the west garage to get to 176th Street to turn left onto Burke Street. Mr. Noddle stated that they would be willing to extend it so that the person could cut straight across and make a left turn onto Burke Street, if it is acceptable to Public Works.

In response to Mr. Pate’s previous question about access to Madonna, Mr. Noddle stated that Madonna has approved the current plan for the new intersection. He advised that it would be up to Madonna to decide whether they want to use it as a replacement for their currently unsignalized access, or if they want to use it as an additional access point into their campus. Mr. Noddle pointed out that the Madonna expansion is on the north side of their campus and that they do not have a large amount of traffic. He advised that they have designed it so that Madonna can connect to it if they want to in the future.

Mr. Eric Englund, Acting Assistant Director, stated that the proposed parking ratio is similar to what exists now. He stated that the use is a mix of limited hospital services and medical office, and those uses are what the parking requirements are based upon. Mr. Englund explained that the current ratio is 1 parking stall for every 250 gross square feet and the proposed full build out would have a similar parking ratio. He advised that request for a waiver of sidewalks on the north and east side of 176th and Nathan Streets, provided the wider 8’ trail is on the south side; there is also a required buffer yard between the residents to the south and the proposed street as well. In response to a question from Ms. Karnes, Mr. Englund advised that the proposed Nathan Street right-of-way would be between 50’ and 53’, which is standard. He advised that the right-of-way would be shifted a little bit because there would only be a sidewalk on one side and increased landscaping on one side as well. He explained that the street would be the standard 25’ width, but the right-of-way would be the common local street designation, he added that it would get wider approaching Burke Street to allow for additional turn lanes.

Mr. Englund advised that the project would come back to the Board for the final plat and that there could be further discussion at that time as well, stressing that it did not necessarily have to be on the Administrative portion of the agenda.

Mr. Englund stated that the department was supportive of the sidewalk waiver and recommended approval of the preliminary plat and Major Amendment to the Mixed Use Development Agreement subject to the conditions in the recommendation report.

Mr. Rosenbaum advised the homeowners that in the past Mr. Noddle has always been willing to work with people and that he is confident he will do the same in this case. He stated that he did not want the homeowners to feel that the train was on the track and it was not possible to change the course. Ms. Karnes stated that she did not take the closing of a street lightly, that they had done so in the past, and that she is concerned that the homeowners did not purchase their homes with the knowledge that the street would be behind them. She stated that she believes homeowners should be able to have confidence that, when they check and see the conditions such as zoning and things of that nature, conditions will not change after they purchase their home. She stated that although she is concerned, she does have confidence that Mr. Noddle will continue to communicate with the homeowners and listen to their concerns. Mr. Rosacker stated that
this is a unique situation in which they are trying to expand something beyond the original plans. He added that there is a complexity in trying to accomplish that as well as meeting all of the transportation needs and other things is quite a challenge and he encouraged everyone to maintain flexibility moving forward, stating his belief that Mr. Noddle would keep the lines of communication open. Mr. Rosacker stated that everyone will not get 100% of what they want; however, he noted that this is a vital project for the City and the area.

Mr. Rosacker moved for approval of the sidewalk waiver for the north side of 176th Street/Nathan Avenue only; approval of the Major Amendment to the Mixed Use Development Agreement for West Village Pointe, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding this request to the City Council; and approval of the Preliminary Plat, subject to the following conditions:

1. Provide for all improvements identified in the final approved traffic study.
2. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.
3. Coordinate with Public Works on the required median modifications at 176th and Burke, and at the vacated 175th Street and Burke.
4. Place the standard vacation language on the plat.
5. In the vacated ROW, provide for the relocation of any existing utilities.
6. Comply with all stormwater management policies and ordinances.
7. Coordinate with OPPD on removal/relocation of equipment if necessary.

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

At the Planning Board meeting held June 3, 2020, Mr. Chris Koenig of HDR, 1917 South 67th Street, appeared to summarize this portion of the Riverfront Revitalization project. Mr. Koenig explained that, when the Lewis & Clark Landing was remediated in the 1990’s, there was no right-of-way designated for Riverfront Drive so this request will address that issue. Additionally, Mr. Koenig stated that the Corps of Engineers has specific requirements regarding the flood wall which will also be addressed with this project. This request will also designate the area of lot 1 for development. Mr. Koenig advised that the City of Omaha will maintain ownership of the property and that the zoning will be changed from Heavy Industrial to downtown, Central Business District zoning for this project.

No one appeared in opposition. Mr. Rosenbaum closed the public meeting.

Mr. Eric Englund, Acting Assistant Director, stated that the department is supportive of the requested waivers. He advised that the staff believed it is a good project and will add interest to the riverfront area of the city. Mr. Englund stated that the department recommended approval subject to the conditions in the recommendation report.

Mr. Morris moved for approval of the rezoning from HI to CBD; approval of the waiver of Section 53-4(d), Lot frontage; and approval of the Preliminary Plat, subject to the following conditions:

1. Coordinate with OPPD on any grading, construction, or vegetation management near the existing transmission line.
2. Compliance with all applicable stormwater management ordinances and policies.
3. Coordinate with City staff on the right of way width north of Lot 4.
4. Approval of a Floodplain Development Permit, if necessary.

In addition, Mr. Morris moved for approval of the Final Plat, subject to the conditions of the preliminary plat approval and submittal of an acceptable agreement final subdivision agreement prior to forwarding to City Council. Ms. Karnes seconded the motion which carried 6-0.

Rezonings

| 20. | C10-20-104  
     | C10-16-289  
     | Steve Gaer, PMR Realty Group, LLC  
     |  
     | REQUEST: | Rezoning from AG and DR to DR, with approval of a Major Amendment to the Mixed Use Development Plan for Fountain Ridge East (property is located within an ACI Overlay District)  
     | LOCATION: | Northeast of 192nd and Burke Streets |

At the Planning Board meeting held June 3, 2020, Mr. Brent Beller, 11440 West Center Road, appeared on behalf of the applicant. Mr. Beller stated that they had requested this case be removed from the Consent Agenda in order to allow him to further describe the signage being requested. He stated that the monument signs they are requesting will be on the side of the property facing West Dodge Road and pointed out their locations for those signs on an aerial photo. He stated that they will continue working with staff on the placement of the signs at the full movement entrances to the property. Mr. Beller stated that the signs are not full monument sized signs which are approximately 24’, the requested signs will be only 7’ and will not use all of their sign budget.

Ms. Karnes asked whether the applicant was comfortable with the conditions listed in the recommendation report. Mr. Beller stated that they are and hope to continue working with the Planning department to reach an agreement. Ms. Karnes indicated that she was confused as to what the applicant was seeking versus what the department was recommending. Mr. Beller advised that the applicant was asking for three monument signs at the locations he had pointed out; the department was supportive of two monument signs, one at each of two full movement entrances. He stated that the difference was in what the department and the applicant considered to be “full movement”, but he reiterated that the applicant would continue working with staff to come to an agreement regarding the third sign to be placed at Burke Street.

No one appeared in opposition. Mr. Rosenbaum closed the public meeting.

Mr. Eric Englund, Acting Assistant Director, stated that typically neighborhood identification signs would not be allowed on the northern portion of the site because there is no full movement there due to the location of West Dodge Road. Based on the type of signage proposed, which have no specific tenant signage for individual businesses but are more of a smaller monument style, Mr. Englund advised that the department is supportive of the placement of the signage along West Dodge Road in this circumstance. He stated that usually they would be only allowed at the full movement intersection which is on the east side of the roundabout, and in the center on Burke Street. Mr. Englund pointed out that the applicant is requesting the third sign at the southwest corner which is a ¾ movement intersection. He advised that the department is willing to have further conversation with the applicant regarding placement of the third sign but offered no guarantee that it would be allowed.

Mr. Englund stated that the applicant is also requesting rezoning from AG and DR, to DR; this is because the outlot where the fountain and signage are proposed will be partially on the AG portion of the site. He
stated that if the rezoning is approved, the department would approve an administrative subdivision to move the lot line so that the sign will be completely on a platted lot.

In summary, Mr. Englund stated that the department recommends approval subject to the condition in the recommendation report.

Ms. Karnes moved for approval of the rezoning from AG and DR to DR; and approval of the Major Amendment to the Fountain Ridge East Mixed Use Development Agreement, subject to the following conditions:

1. Submit five acceptable, signed copies of the agreement, including adjustments to the site plan as mentioned in the report, prior to forwarding the request to City Council.

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

### Conditional Use Permits

<table>
<thead>
<tr>
<th>REQUEST:</th>
<th>Approval of a Conditional Use Permit to allow Secondary education facilities in the R4 District, with a Waiver to Section 55-186, Height, to allow a 65 foot tall building, along with approval of the MCC-Major Commercial Corridor Overlay</th>
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<tr>
<td>LOCATION:</td>
<td>5810 South 42nd Street (Northwest of 42nd and Y Streets)</td>
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At the Planning Board meeting held June 3, 2020, Mr. Chris Turner of RDG Planning & Design, 1302 Howard Street, appeared on behalf of the applicant. Mr. Turner stated that the request is for a proposed 180,000 square foot middle school which is anticipated to house 800 to 1,000 students when it opens. He pointed out that it is located adjacent to an existing elementary school and early learning center along 42nd Street and just north of Y Street. Mr. Turner explained that the primary automobile access will be from X Street and buses will approach from Y Street. Mr. Turner pointed out that the project also includes existing wetlands which will remain and that any future work in the area of the existing wetlands would have to come back before the Board for approval. He advised that the long term outlook for that area of the site is that it would be the location for a track and field area for the middle school.

Mr. Turner stated that the overall intention of the project is to pull students from other middle schools around an area of Omaha which has continued to grow significantly in the past few years. He stated that the additional school will meet the needs based on the increased student population in the area.

Mr. Tim (last name unintelligible), 4416 Washington Street, appeared before the Board in support of the project. Tim stated that he was pleasantly surprised with the proposed site plan. He stated that the biggest fear of the residents in the neighborhood had been the re-extension of Y Street to 44th Street after it had been closed off in the 1970's to the best of his knowledge. He stated that he was concerned about a fence line which is along his property which has an open gap along the western fence line allowing movement between his property and that of Omaha Public Schools; he recommended the repair or replacement of that fence. Tim also stated that he was concerned the open part of the fence line could be a safety issue as students could get through to the railroad property and possibly be injured.

No one appeared in opposition. Mr. Rosenbaum closed the public meeting.
Mr. Eric Englund, Acting Assistant Director, stated that the department was recommending a layover for the MCC-Major Commercial Overlay because the notification for that portion was incorrect. He stated that due to State requirements for notifications, this portion should be laid over to allow the department to properly notify homeowners of the request. Mr. Englund stated that this layover would not have an impact on the timeline for the project and that it would be back on the agenda soon. He stated that most of the building will be between 36’ and 48’ in height and a small area approaches 6’ in height, which exceeds the maximum height of 35’ which is allowable in residential zoning; the department is supportive of the waiver due to the civic use of the structure. Mr. Englund reiterated that future improvements in the area of the existing wetlands will require coordination with department staff and approval of the Board. Additionally, he pointed out some of the conditions in the recommendation report including the need for a traffic study.

In summary, Mr. Englund stated that the department recommended a layover of the request for an MCC Overlay District. He further advised that the department recommended approval of the waiver to allow a maximum of 65 foot tall structure and approval of the Conditional Use Permit.

Mr. Pate moved to layover of the MCC Overlay District. In addition, Mr. Pate moved for approval of the requested waiver to Section 55-186, Height, to allow a maximum 65 foot tall structure; and approval of the Conditional Use Permit to allow a Secondary educational facility in the R4 District, subject to the following conditions:

1. Provide a revised site plan indicating five handicap accessible parking stalls, including one designated as van accessible, that meet the design standards for handicap parking outlined in Section 55-740.
2. Provide a landscaping plan in compliance with the requirements of the MCC-Major Commercial Corridor Overlay District.
3. Compliance with the requirements of the MCC-Major Commercial Corridor Overlay District design criteria, including the design of all retaining walls.
4. Provide for all the improvements identified in the final approved traffic study.
5. Coordinate with Public Works to provide for the public improvement of Y Street.
6. Compliance with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and treat the first 1/2” of stormwater for water quality.
7. Compliance with the submitted elevation plans.
8. Compliance with the submitted operations plan.
9. Compliance with all other applicable regulations.
10. No impact of the existing wetland will be allowed with this project.

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

APPROVAL OF MINUTES

Mr. Pate moved to approve the minutes of the May 6, 2020 Planning Board pre-meeting as written. Ms. Karnes seconded the motion which carried 6-0.

Mr. Rosacker moved to approve the minutes of the May 6, 2020 Planning Board meeting as written. Mr. Morris seconded the motion which carried 6-0.

ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 5:52 p.m.
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.