MINUTES
PRE-MEETING
OMAHA CITY PLANNING BOARD – JUNE 5, 2019
12th FLOOR CONFERENCE ROOM - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

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

MEMBERS NOT PRESENT: NONE

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

The meeting was called to order at 11:25 a.m.

#7 Mr. Jed Moulton & Ms. Ivy Freetag, Planning Department, described the history of this building which was built in 1922. They explained that it is a good representation, not only of the era of commercial development, but also of the 24th Street Corridor as a whole. They answered questions from the Board regarding restrictions and requirements placed on properties designated as Local Landmarks. The designation does prevent demolition and restricts exterior work in order to preserve and protect the historical features of the building.

#9 Mr. Don Seten, Planning Department, explained that the plat and PUR for this project have already been approved by the Planning Board. Mr. Seten described the details of the proposal and answered questions from the Board members about the valuations provided to them in the packet.

#1 & #2 Mr. Eric Englund, Acting Assistant Director, stated that both of these requests for final plat approval are on the Administrative Meeting Only portion of the Agenda. He stated that the preliminary plat for both cases were approved by the Planning Board at the February 6, 2019 meeting. The City Council approved the preliminary plats at their April 9, 2019 meeting. The department recommends approval of both cases with conditions on each one.

#3 Mr. Eric Englund, stated that this case had been laid over at the May 1, 2019 Planning Board meeting at the request of the applicant to address park frontage requirements. He stated that this case is on the Consent Agenda for approval.

#5 Mr. Eric Englund, Planning Department, & Mr. Troy Anderson, Mayor’s Deputy Chief of Staff, described this project for the Board and answered questions. They explained that the developer is seeking to voluntarily be annexed into the City of Omaha in order to allow them access to the EEA financial mechanism. Mr. Anderson advised that there will be a requirement for an Interlocal Agreement with Douglas County to allow for the continuation of ongoing, and planned, road construction projects such as the 192nd Street widening project.

#6 Mr. Derek Miller, Planning Department, explained that this request is only related to Phase 1A of the overall Riverfront Redevelopment Plan and will be focused on the area around the Harney Street extension.
#8 Mr. Eric Englund, explained that this request would re-draw the jurisdiction line to bring the entirety of Legend Trails into the City jurisdiction. Currently all but a portion of the southwest corner is within the City. He advised that Douglas County is in agreement with the request.

#10 Mr. Eric Englund, explained that the preliminary plat for this case was approved by the Planning Board at the January 9, 2019 meeting. It was then approved by the City Council in March, 2019. Mr. Englund stated that there is an additional waiver request for lighting in order to appease the neighbors and the lots have been reduced to 14. This case is on the Consent Agenda for approval.

#11 Mr. Eric Englund, stated that the preliminary plat was approved at the September, 2019 Planning Board meeting and by the City Council in November, 2018. The revised preliminary plat includes a modest redesign with no change to the number of lots. He stated that the department supports the revised preliminary, waivers, and rezoning, but are recommending to lay over the final plat.

#4 Mayor Jean Stothert discussed the process involved in determining what areas will be annexed and the goals of the City with regard to annexations. Mayor Stothert explained some of the details of this annexation package, including that it is the smallest one she has presented in her tenure. Mayor Stothert, as well as Mr. Troy Anderson, Deputy Chief of Staff, responded to questions from the Board. She stated that there was an open house held on May 23, 2019 with very low attendance.

#12 Mr. Eric Englund stated that this request is to add one residential lot in a cluster subdivision. This case is on the Consent Agenda for approval.

#13 Mr. Eric Englund described this request which will add an NCE (Neighborhood Conservation District) overlay to the Millwork Commons. He stated that this overlay takes into consideration the historical nature of the properties. Mr. Englund advised that there are ongoing concerns about truck traffic through this area and Public Works is still working with the developer to address the truck route.

#14 Mr. Eric Englund presented the details of this request and advised that this is Phase 4 of the total project. He stated that it will include a trail system and will slightly expand a city owned lot. Lot 9 of this phase will require the MCC Overlay District. This case is on the Consent Agenda for approval.

#15 Mr. Eric Englund stated that this rezoning request is to allow the applicant to build a garage and that it will match the surrounding properties. He advised that this case is also on the ZBA agenda. This case is on the Consent Agenda for approval.

#16 Mr. Eric Englund stated that the applicant has contacted the department and requested this case be removed from the June 5, 2019 Planning Board agenda. Because it was advertised, it will need to be read at the meeting but there will be no vote or discussion on it.

#17 - #21 Mr. Eric Englund provided some details about these rezoning requests which are all on the Consent Agenda for approval.

#22 Mr. Eric Englund stated that the department is recommending denial of this request. He explained that the site is not amenable to this use and does not have adequate infrastructure, e.g. parking, in place to allow for an entertainment venue adjacent to a residential neighborhood.

#23 & #24 Mr. Eric Englund shared some details about these requests for Conditional Use Permits and advised that both are on the Consent Agenda for Approval.

#25 Mr. Eric Englund advised that the applicant had contacted the department and requested this case be laid over to a future Planning Board meeting.

#26 Mr. Eric Englund stated that this request is to allow a Montessori school in the CC District. This case is on the Consent Agenda for approval.

The pre-meeting of the Planning Board adjourned at approximately 1:23 p.m.
MINUTES
OMAHA CITY PLANNING BOARD – JUNE 5, 2019
LEGISLATIVE CHAMBERS - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

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, May 27, 2019.

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

MEMBERS NOT PRESENT: NONE

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

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

(HOLD OVER CASES)

Subdivisions

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>C10-19-070 (D) C12-19-071 AVG-CFM 204Q, LLC</td>
<td>REQUEST: Preliminary and Final Plat approval of COVENTRY REPLAT 12, a minor plat located outside the city limits, along with rezoning from DR to DR and R4 (laid over from 5/1/19)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LOCATION: Southwest of 210th Street and George B. Lake Parkway</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, this case was placed on the Consent Agenda. Mr. Morris moved for approval of the rezoning from DR-Development Reserve District to DR-Development Reserve District and R4-Single Family Residential District (High-Density) and approval of the Preliminary Plat, subject to the following conditions:

1. Either remove Lot 7 completely, or further decrease the size of the residential lots to provide the requirement of 35 percent park frontage along the perimeter adjoining streets per the Omaha Suburban Park Master Plan (254.84 feet).
2. In the Vacation language on the plat, include the standard language to retain easements in the area to be vacated.
3. Provide sidewalks along all streets.
4. Compliance with all applicable stormwater management ordinances and policies.

In addition, Mr. Morris moved for approval of the Final Plat, subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding to the City Council. Mr. Magid seconded the motion which carried 7-0.

(REGULAR AGENDA)

Subdivisions

<table>
<thead>
<tr>
<th>10.</th>
<th>C12-17-210</th>
<th>(D)</th>
<th>Orchard Valley, Inc.</th>
<th>REQUEST:</th>
<th>Final Plat approval of ALOY'S ACRES, a subdivision outside the city limits, with a waiver to Section 53-9(9), Sidewalks, and Section 53-9(11), Streetscape standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LOCATION:</td>
<td>Southeast of 66th and Garvin Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, this case was placed on the Consent Agenda. Mr. Morris moved for approval of the waiver of Section 53-9(9) Sidewalks, except that sidewalks will be required along the Howell and 64th Street frontages adjacent to Lots 5-10 and Outlot A along with a provision in the subdivision agreement to waive the right to protest the creation of a future sidewalk improvement district for the frontage of the lots and outlot abutting 66th and Garvin Streets, approval of the waiver of Section 53-9(11) Streetscape standards for street lights, except that one street light must be installed at the intersection of 66th and Howell Streets, one street light at the intersection of 64th and Garvin Streets and one street light where 66th Street curves into Garvin Street, and approval of the Final Plat, subject to the conditions of the Preliminary Plat approval and addressing the following additional conditions prior to forwarding this request to City Council:
1. Submittal of an acceptable final subdivision agreement.
2. Coordinate with the Public Works and Planning Departments on an acceptable street lighting and sidewalk plan.
3. Coordinate with OPPD regarding any grading or construction plans proposed within existing easement and coordinate with OPPD’s Land Management and Transmission Engineering teams on proximity of buildings to overhead transmission lines.
4. Coordinate with the Public Works Department to provide an acceptable post-construction stormwater management plan (PCSMP) prior to a Final Plat being forwarded to the City Council.
Mr. Magid seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>12.</th>
<th>C12-19-094</th>
<th>(D)</th>
<th>Michael Wickham</th>
<th>REQUEST:</th>
<th>Preliminary and Final Plat approval of BLAZEK ACRES REPLAT 2, a cluster subdivision outside the city limits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LOCATION:</td>
<td>Southeast of 126th Street and Bennington Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, this case was placed on the Consent Agenda. Mr. Morris moved for approval of the Preliminary Plat, subject to the following conditions:
1. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.
2. The applicant waiving the right to protest a future sidewalk improvement district.
3. Any new or revised driveway connections to 126th Street will require a permit from the Douglas County Engineer’s Office.
Approval of the Final Plat, subject to the conditions of the Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding to City Council. Mr. Magid seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>14.</th>
<th>C10-08-016</th>
<th>(D)</th>
<th>Greg Stowers</th>
<th>REQUEST:</th>
<th>Revised Preliminary and Final Plat approval of WEST HAMPTON PARK (Lots 7-12, Outlot D), a minor plat inside the city limits, with rezoning from DR and CC to DR and</th>
</tr>
</thead>
</table>
At the Planning Board meeting held June 5, 2019, this case was placed on the Consent Agenda. Mr. Morris moved for approval of the rezoning from DR and CC to DR and CC, approval of the MCC-Major Commercial Corridor Overlay District on Lot 9, and approval of the revised Preliminary Plat, subject to meeting the following conditions:

1. Place the following notes on the plat:
   a. Direct access to 204th Street from Lot 9 is not permitted.
   b. Direct access to Blondo Parkway from Lots 8 and 9 is not permitted.
2. Provide a cross-access easement between Lots 10 and 11, and between Lots 7 and 8.
3. Construct a 10 foot wide trail, which begins on the south side of Blondo Parkway across from the existing trail and heads generally south east paralleling the existing creek through Outlot D. Coordinate with Parks and Recreation on the precise design and location of the trail.
4. Revise the plat to show “203rd Street” as “203rd Avenue”.
5. Confirm that the required 3:1 + 50’ slope is being contained entirely within Outlot D.
6. Provide sidewalks as required pursuant to Chapter 53 Subdivisions of the Omaha Municipal Code.
7. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.
8. Compliance with all applicable stormwater management ordinances and policies.

In addition, Mr. Morris moved for approval of the Final Plat, subject to the conditions of the revised Preliminary Plat and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council. Mr. Magid seconded the motion which carried 7-0.

### Rezonings

<table>
<thead>
<tr>
<th>Request Number</th>
<th>Description</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. C10-19-097 American Tower (D)</td>
<td>Approval of the ACI-1-Area of Civic Importance Overlay District</td>
<td>1804 Paul Street</td>
<td></td>
</tr>
<tr>
<td>18. C10-19-098 Gerald Mancuso (D)</td>
<td>Rezoning from R8 to LC</td>
<td>7930 Blondo Street</td>
<td></td>
</tr>
<tr>
<td>20. C10-19-110 Vecino Group (D)</td>
<td>Rezoning from CBD to DS (property is located within an ACI-1 Overlay District)</td>
<td>1920 Nicholas Street and 1019 Florence Boulevard</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, this case was placed on the Consent Agenda. Mr. Morris moved for approval. Mr. Magid seconded the motion which carried 7-0.
At the Planning Board meeting held June 5, 2019, this case was placed on the Consent Agenda. Mr. Morris moved for approval of the Major Amendment to the Falling Waters Mixed Use Development Agreement to allow sign setback of 2 feet on Lot 4 adjacent to Polk Street, subject to submittal of 5 signed copies of an acceptable Major Amendment to the Falling Waters Mixed Use Agreement prior to forwarding to City Council. Mr. Magid seconded the motion which carried 7-0.

### Conditional Use Permits

| 23. | C7-19-100 | (D) | REQUEST: Approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in the CC District (property is located within an ACI-1 Overlay District) | LOCATION: 101 North 40th Street |
| 24. | C7-19-101 | (D) | REQUEST: Approval of a Conditional Use Permit to allow Multiple family residential in the CC District | LOCATION: 7010 Hascall Street |
| 25. | C7-19-102 | (D) | REQUEST: Approval of a Conditional Use Permit to allow Indoor sports and recreation in the CC District | LOCATION: Northeast of 210th Street and California Circle |
At the Planning Board meeting held June 5, 2019, this case was placed on the Consent Agenda. Mr. Morris moved for approval of the Conditional Use Permit to allow Primary education facilities in the CC District, subject to the following conditions:

1. Submittal of a revised landscape plan moving the proposed line of trees on the west part of the site to the interior of the buffer yard.
2. Compliance with the revised landscape plan.
3. Compliance with the submitted site plan.
4. Compliance with the submitted operating statement.
5. Compliance with all other applicable regulations.

Mr. Magid seconded the motion which carried 7-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-19-026
   C12-19-027
   Mark Warneke, Douglas County
   School District 001
   REQUEST: Final Plat approval of OPS PINE CREEK ADDITION, a subdivision outside the city limits, with rezoning from AG to R5
   LOCATION: Northwest of 156th and Ida Streets

At the Planning Board meeting held June 5, 2019, Mr. Eric Englund, Acting Assistant Director, stated that the Preliminary Plat of OPS Pine Creek Addition was approved by the Planning Board at the February 6, 2019 meeting and by the City Council at their meeting on April 9, 2019. He advised that the request will create three lots and three outlots for a new Omaha Public Schools high school. Mr. Englund also advised that in addition to submitting an acceptable final subdivision agreement, the applicant will also need to apply for a Conditional Use Permit prior to forwarding the request to the City Council for final approval.

Mr. Englund stated that the Planning Department recommended approval.

Mr. Pate moved for approval of the rezoning from AG-Agricultural District to R5-Urban Family Residential District and approval of the Final Plat, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Moore seconded the motion which carried 7-0.

2. C10-19-006
   C12-19-007
   A-1 Development
   REQUEST: Final Plat approval of LAKE CUNNINGHAM VILLAGE (Lots 1-168, Outlots A-L), a cluster subdivision outside the city limits, with rezoning from DR to R5
   LOCATION: Southeast of 96th and State Streets

At the Planning Board meeting held June 5, 2019, Mr. Eric Englund, Acting Assistant Director, stated that the Preliminary Plat of Lake Cunningham Village was approved by the Planning Board at their February 6, 2019 meeting and by the City Council at their April 9, 2019 meeting. He advised that the original preliminary plat had 250 single family, residential lots and that the final plat request on this agenda is for Phase 1 of the project which includes 168 of the single family, residential lots and almost the entire southern half of the plat. Mr. Englund stated that the final plat is in compliance with the approved preliminary plat and is consistent with the goals and objectives of the City's Master Plan.

Mr. Englund stated that the Planning Department recommends approval subject to the conditions in the recommendation report.
Mr. Rosacker moved for approval of the rezoning from DR-Development Reserve District to R5-Urban
Family Residential District and approval of the Final Plat, subject to the following conditions prior to
forwarding the request to City Council:
1. Submittal of an acceptable final subdivision agreement
2. Place the standard noise attenuation easement language on the Final Plat.
3. Place a note on the plat that there shall be no direct access to 96th Street or State Street from
any lots or outlets.

Mr. Magid seconded the motion which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(REGULAR AGENDA)

Master Plan Referrals

<table>
<thead>
<tr>
<th>4.</th>
<th>REQUEST: Approval of the 2019 Annexation Package: Ranchview Estates (SID 467), Ranchview Estates 3 (SID 556), and adjacent areas; The Willows (SID 496) and adjacent areas; Stone Creek Plaza (SID 443)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C19-19-107 City Planning on behalf of the City of Omaha</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, Mr. Troy Anderson, Deputy Chief of Staff at the Mayor's Office, presented information regarding the proposed Annexation Package for 2019. Mr. Anderson stated that the goals and objectives of the City when reviewing possible areas for annexation are:
1. To eliminate islands
   a. There are no islands involved in this package.
2. The package must be revenue positive for the City.
3. The annexation does not compromise public safety.

Mr. Anderson then explained that there is a very systematic and analytical decision-making process involved in deciding which areas will be annexed. He stated that there are currently 132 SID's within the Douglas County area and in looking at that list, the first step is eliminate any SID's which are not adjacent or adjacent plus one as the City can only annex properties which are contiguous to the City's corporate limits. Once that list is determined, they then begin eliminating the SID's where a SID may not have a sales, restaurant, or hotel tax if there are at least two of the following: a levy greater than 60, net debt greater than 3,000,000 or a debt ration of greater than 4%. Those SID's who do not meet this criteria are then eliminated from the list. This year, that process of elimination left a list of approximately 36 SID's which were then reviewed by the Law Department and other City departments as well as outside consultants to better understand the fiscal health and conditions of each SID on the list. He stated that based on information received through this review, the list was then pared down to 12 SID's which were then given a full service evaluation. Mr. Anderson stated that the evaluation is sent out to each of the City departments for feedback on what it will cost the City to provide essential services over the next ten years. He explained that as a result of that evaluation four areas were identified for annexation. These areas will add approximately 246 acres of land, 955 new residents (based on 2010 Census data), and approximately $155,000,000 in new valuation. Mr. Anderson stated that the annexation will add approximately 14 lane miles of roads to the City, all of which have already been built to City standards. He stated that the package has a debt ratio of 2.23% and is revenue positive over the next ten years.

Mr. Anderson stated that the annexation of these areas will not jeopardize public safety. He explained that these are low call volume areas and with the opening of the fifth Police precinct the City will be able to provide full police coverage to the new areas. He also stated that the areas involved are already being served by the Omaha Fire Department through contract agreements. Mr. Anderson stated that there are zero acres of parkland included in the annexation, though there are approximately eight acres of land which will remain private property and not subject to City maintenance. All areas not currently being served will immediately become eligible for all essential City services including Police and Fire services, street maintenance and snow removal, garbage collection services.

Mr. Anderson stated that if the Planning Board approves the Annexation package today, it will then go to
the City Council on June 25, 2019 for the first reading. The final reading and vote by the City Council will be on July 16, 2019 and will become effective on July 31, 2019, at which time the residents in those areas will become eligible for City services.

Mr. Derek Miller, City Planning Department, advised that he was also available to answer any questions if necessary.

There were no opponents.

Eric Englund, Acting Assistant Director, advised that a significant amount of time has been spent by all the City departments determining the eligibility of areas to be annexed and that the Planning Department recommends approval.

In response to a question from Mr. Pate, Mr. Anderson stated that there are a number of different taxing jurisdictions including the City taxes as well as school districts and others. Mr. Anderson pointed out a breakdown of taxes for each SID in the packet given to the Board members. He stated that in each of the annexed areas, the tax rate will decrease. Mr. Anderson did explain that in Ranchview Estates (SID 467) the total tax levy actually goes up slightly, however, as the SID is currently paying for garbage collection, the total tax will go down because they will no longer be paying for that service once annexed. He did clarify that if a resident prefers to continue paying a company for garbage collection, they are welcome to do so, but they are eligible for the same free service as the rest of the City.

In response to a question from Mr. Morris, Mr. Anderson agreed that the debt ratio in Stone Creek Plaza (SID 443) is higher than 4%. He stated that for SID's who are generating revenue beyond regular tax, such as restaurant, hotel, or sales tax, an SID could potentially have a debt ratio higher than the threshold because the money generated from those taxes offset the debt ratio. He stated that what they are really looking for in their evaluation is a total package which is revenue positive for the City.

Mr. Rosenbaum, Planning Board Chairman, stated that he disagrees with the annexation. He stated that due to the condition of the substandard streets in Omaha, he believes the City should not be taking on additional streets until such time as they can provide maintenance for all the streets already in the City.

Mr. Moore moved to approve the 2019 Annexation Package. Mr. Pate seconded the motion which carried 6-1 with Mr. Rosenbaum dissenting.

<table>
<thead>
<tr>
<th>5.</th>
<th>C19-19-108</th>
<th>REQUEST: Approval of the Annexation of Avenue One</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City Planning on behalf of Jasper Stone 192nd and Dodge, LLC</td>
<td>LOCATION: Southeast and Southwest of 192nd Street and West Dodge Road</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, Ms. Jessica Thomas, 10250 Regency Circle, appeared before the Board on behalf of the developer, Jasper Stone. Ms. Thomas stated that they were present to request the annexation of the property known as Avenue One. She stated that the intention behind the request is to enable the developer to utilize a financial mechanism which is not allowed outside the City limits. She stated that she is present to answer any questions from the Board or the public.

Mr. Troy Anderson, Deputy Chief of Staff at the Mayor's Office, appeared before the Board in support of the project. He stated that this is a pretty unique request and that they had not been able to find any examples of previous requests for voluntary annexation. Mr. Anderson stated that this project will ultimately introduce almost $1,000,000,000 in new development in Omaha. He stated that this request will coincide with a request for a financing mechanism which is not available to developments outside the corporate limits of the City of Omaha.

There were no opponents.

In response to a request from Mr. Magid, Ms. Thomas returned to answer questions. Mr. Magid inquired as to whether there was a specific reason why the applicant wants to annex now rather than later and if it was for a specific project or tenant. Ms. Thomas stated that the intention was to annex the entire development, and that in order to utilize the financial mechanism they needed to do this now. She
explained that from a planning standpoint, the developer needs to know where they are going to be regarding the City limits. Ms. Thomas stated that they have been working closely with City staff on how the financing would work and their intention is to develop in phases.

Eric Englund, Acting Assistant Director, stated that there are several related items which will be going to the City Council for approval in the coming weeks. He stated that the annexation will go along with the Avenue One plat, Mixed Use Development Agreement, rezoning, and some other things. He stated that there is a portion of the western edge of Avenue One which is not included in the annexation, because it is already within the City corporate limits. Mr. Englund advised that the first phase included 11 lots which will be included on the Final Plat which will be recorded in the coming weeks. Mr. Englund stated that the Planning Department recommends approval subject to the recording of the Final Plat of Avenue One.

Mr. Pate moved for approval. Mr. Morris seconded the motion which carried 6-1 with Mr. Rosenbaum dissenting.

| 6. | C3-88-036  
City Planning on behalf of the City of Omaha | REQUEST: Approval of an Amendment to the RIVERFRONT REDEVELOPMENT PLAN |
|    |                                             | LOCATION: Area generally bound by I-480, 8th Street, Farnam Street, 10th Street, Leavenworth Street and the Missouri River |

At the Planning Board meeting held June 5, 2019, Mr. Derek Miller, Planning Department, appeared before the Board to describe the details of the request. Mr. Miller stated that the amendment being requested will facilitate the redevelopment of the Conagra area. He stated that he would be present to answer any questions from the Board or members of the public at the meeting.

No one appeared in opposition.

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

Ms. Karnes moved for approval. Mr. Pate seconded the motion which carried 7-0.

| 7. | C3-19-089  
Murphy Shambly | REQUEST: Approval of a Local Landmark designation |
|    |                                             | LOCATION: 1802, 1804, and 1806 North 24th Street |

At the Planning Board meeting held June 5, 2019, Mr. Joshua Biggs of Restoration Exchange, 9813 Morrie Circle, Bellevue, appeared before the Board on behalf of the applicant. Mr. Briggs stated that Mr. Shambly was unable to make it due to an unforeseen circumstance, however, Mr. Kay Leflore, long time tenant of the building was present to address the Board as well.

Mr. Kay Leflore, 4611 North 29th Street, stated that he has been a tenant at the building for nineteen years. In addition, he advised that he is the Treasurer of the Long School Neighborhood Association and Vice President of the 24th Street Corridor Alliance. Mr. Leflore explained that the neighborhood considers the building in question to be historical and are seeking the Landmark designation to preserve and protect the building in light of ongoing new development in the area. He stated that it is a beautiful building with a basement, and that it is in good condition.

Mr. Magid inquired as to whether the applicant and tenant were aware of the restrictions which would be placed on the building if the Landmark designation was approved. Mr. Leflore stated that they were aware of them and still were interested in going forward with the request.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the location does meet the standards required for this type of designation. Additionally, he stated that there were other Planning Department personnel on hand to answer any questions from the Board. Mr. Englund stated that the Planning Department recommended approval.
Planning Board Minutes  
June 5, 2019  
Page 11

Mr. Rosacker moved for approval. Ms. Karnes seconded the motion which carried 7-0.

| 8. | C3-19-090 Planning Department on behalf of the City of Omaha | REQUEST: Approval of an Interlocal Cooperation Agreement between Douglas County and the City of Omaha regarding an adjustment to the extraterritorial jurisdiction and the associated Master Plan amendment | LOCATION: Northeast of 228th Plaza and West Q Road |

At the Planning Board meeting held June 5, 2019, Mr. Eric Englund, Acting Assistant Director, explained that this Interlocal Cooperation Agreement would allow the City to move their jurisdiction lines to include the entire site of Legend Trails within the jurisdiction. He stated that currently a small portion of the plat is outside of the City jurisdiction in Douglas County. Mr. Englund stated that Douglas County is in favor of this agreement.

Mr. Jim Lang, 8526 F. Street, appeared before the Board on behalf of Krejci Development, to reiterate that this agreement would bring the entire site of Legend Trails within the City of Omaha jurisdiction.

No one appeared in opposition.

Mr. Englund stated that the Planning Department recommended approval.

Mr. Rosacker moved for approval. Mr. Pate seconded the motion which carried 7-0.


At the Planning Board meeting held June 5, 2019, Mr. Don Seten, Planning Department, appeared before the Board to discuss the details of the project. Mr. Seten stated that the developer, 46 Dodge LLC has acquired and will utilize nine properties on approximately 1.4 acres which have been acquired by the applicant. He advised that the applicant will demolish three single family homes and some of the older commercial buildings along Dodge Street. Mr. Seten presented a rendering of the completely project which will include 278 apartment units on five levels, and a two level parking structure with 295 parking stalls.

Mr. Seten stated that the total project represents a $52,700,000 investment in the area and the TIF support requested is $6,500,000. He affirmed that the project meets all the requirements for the TIF program, is an appropriate land use for the area, and complies with the City’s Master Plan.

Mr. Rick Faust, 4672 Mason Street, stated that he is the Construction Manager and is present to answer questions from the Board.

Ms. Alex O’Hanlon, 3010 Lincoln Boulevard, appeared in opposition. Ms. O’Hanlon reminded the Board that she had been at the April, 3, 2019 Planning Board meeting to oppose other elements of this project and was back, as promised, to publicly oppose the project. Ms. O’Hanlon stated that she opposes the project for three reasons:

1. It is not the best development for the area.
2. Neighbors are being pushed out by the development of high rent apartments which is causing current rents in the area to increase as well.
3. The Planning Board are the decision makers and she is hopeful that they will see that this is a bad idea, and it is not appropriate for TIF funding.

First, Ms. O’Hanlon stated her belief that this is not the best development for this area. She stated that a 278 unit apartment building with 295 parking stalls will not encourage usage of the proposed rapid transit station near that location. In addition, she advised that by not including commercial use in the building, it will provide no added value to the existing residents in the neighborhood and there will be no space for the new residents to integrate into the existing neighborhood population. Ms. O’Hanlon stated that by developing this apartment building with no affordable housing units it will discourage use of the bus transit
Planning Board Minutes  
June 5, 2019  
Page 12

system and it is a missed opportunity to add to the affordable housing stock in the City in general, and in this neighborhood specifically.

Second, Ms. O’Hanlon quoted the City Master Plan as saying, “Omaha must be a community committed to providing and maintaining a high quality of life for all of its people.” She stated that allowing these large developments with high rents and private amenities does not seem to support the City’s goals, and subsidizing these developments seems to undermine this goal. Ms. O’Hanlon told the stories of neighbors who have been forced to move out due to the rising rents in the neighborhood partially due to the development of several large, high rent, apartment units in the area.

Thirdly, Ms. O’Hanlon stated that the Board is the decision maker in this type of development. She stated that the developer is just doing their job and can’t be expected to bend over backwards to spend more money. Ms. O’Hanlon advised that it is the job of the Planning Board, through their votes to illustrate for developers that the cost of doing business in Omaha includes respecting and integrating into existing communities, and the creation of durable, beautiful buildings which are accessible to the average renter.

Ms. O’Hanlon stated that she was not opposed to development, and agrees that this is a great location for development. She was confident that if this development is not approved, it wouldn’t be long before another developer moved in.

Mr. Pate inquired as to what Ms. O’Hanlon meant when she said this development would not meet the needs of the neighborhood. In response, Ms. O’Hanlon stated that what the neighborhood needs is more affordable housing and commercial space to increase opportunities for neighbors to come together.

In response to a question from Mr. Magid, Ms. O’Hanlon stated that while she does live in Omaha, she is one of the residents who has been pushed out of this neighborhood due to the rising rents.

In response to questions from the Board, Ms. O’Hanlon stated that she believes the reason the rents are rising and people are being pushed out of the area completely related to the newest developments in the area, such as the Duke. She stated that when development began in the Blackstone district and raised rents there, many of those residents moved to this neighborhood where now the same thing is happening. Ms. O’Hanlon believes the sole cause of the rising rents is the development going on in these areas. Mr. Pate spoke to Ms. O’Hanlon about supply & demand, meaning development in an area is generally due to demand, and increasing supply will bring because more people to be interested in living in the neighborhood, which will cause rents to rise regardless of what type of housing is built there. Ms. O’Hanlon agreed, however, reiterated her point that government is supposed to care for the whole population of the City as stated in the Master Plan, and continuing to only develop high rent units, a large segment of the population is being squeezed out. She believes that it is a bad idea for government to subsidize this project.

Mr. Magid advised that many developers do not include commercial space within these types of development, due to demand in the area. He reiterated that there are a number of criteria which are involved in determining where to put commercial/retail development, not just the desire of the neighborhood. Ms. O’Hanlon replied that she understand that, but there is demand for commercial/retail in the area, and she believes it should be included in this development. She advised that she is involved with several startup businesses in Omaha, and she knows that there is no shortage of people looking to grow their business who would be interested in renting or buying space.

Mr. Pate asked Ms. O’Hanlon, if she opened a restaurant in this development, where would her customers park? Ms. O’Hanlon replied that since this is on the rapid transit bus line, people could access the business using that mode of transportation. She stated her belief is that if parking is congested, people will then switch to using bus transportation rather than driving to a business. Ms. O’Hanlon reminded the Board that in April, she encouraged the Planning department to work with the developer to reduce the required number of parking spaces for commercial uses in this development, as well as having parking around the corner from Dodge Street. She stated that she believes the lack of available parking will encourage more people to ride bicycles, walk, or use the bus system to get to these places.
Mr. Asid Goswami, 427 North 41st Street, appeared before the Board in opposition. Mr. Goswami stated that he agrees with Ms. O'Hanlon that this development does not fit with the development of the bus rapid transit system. He stated that the idea is to develop the Dodge corridor into a dense urban environment which would be appealing to pedestrian traffic, bicycle traffic, and people utilizing the rapid transit system. Mr. Goswami reiterated Ms. O'Hanlon’s opinion that developing buildings with all the proposed parking would not encourage people to use the bus system nor would it encourage bicycle or pedestrian traffic. In addition, Mr. Guswami stated that he did his residency at Creighton University and loves that neighborhood and that it consists of a very diverse mix of cultures and classes. He stated that a lot of the people who live in the area are very engaged with the community. Mr. Guswami stated that the lack of affordable housing in the area will lead to less diversity and community engagement as well as changing the character of the neighborhood.

Mr. Magid stated that increasing the number of residents in a neighborhood will increase the demand for some of the services Ms. O'Hanlon and Mr. Goswami would like to see developed there and that adding the development would not necessarily decrease the diversity of the neighborhood. Mr. Goswami replied to Mr. Magid by stating that the only people who will be moving into the neighborhood will be the people who are able to afford the very high rents that the new apartment developments are demanding, which will result in a less diverse population. Mr. Goswami stated that he believes the City should be encouraging the development of spaces that are available to all people rather than only those with high incomes. He advised that he believed the Planning Board had the opportunity to show developers that the City is interested in creating these spaces which are accessible to all residents. Mr. Goswami stated that people in these neighborhoods are frustrated and anxious about being pushed out of neighborhoods because rents are going up, as well as being able to find affordable housing. Mr. Goswami gave the example of a development in the Gifford Park neighborhood in which one building was demolished and replaced with 3 condominiums, each of which sold for over $300,000.

At the request of Mr. Pate, Mr. Rick Faust returned to answer questions from the Board. He advised that the developer has either acquired or has contracts to acquire all of the property required for the development. Mr. Pate reminded him that it would be required for them to own all of the property before the project could move forward, which Mr. Faust advised he understood. Mr. Faust did remind the Board that he is the Construction Manager and, as such, has limited knowledge of the financial aspects of the project. In response to a question from the Board, Mr. Faust stated that he was unaware of whether a market study had been completed.

Mr. Don Seten returned to address questions from the Board. He advised that no project goes to the TIF committee unless the developer has total site control, so there are either contracts for purchase or the property is already owned by the developer before it would ever get to the Planning Board stage. Additionally, he did advise that there was a market study completed and after that was done the developer is anticipating rents on the upper end of a scale. He stated that with the amount of demand for housing in this area, the rents would likely be higher if it weren’t for these new developments just due to the supply and demand aspects.

Mr. Eric Enlund, Acting Assistant Director, stated that the plat and PUR components of the project were approved by the Planning Board at the April 3, 2019 meeting and have just a few items to finalize prior to being sent to the City Council for final approval. He stated that the department recommends approval of this portion of the 46TH AND DODGE TIF REDEVELOPMENT PROJECT PLAN as well.

Mr. Rosacker moved for approval. Mr. Moore seconded the motion which carried 7-0.

Subdivisions

<table>
<thead>
<tr>
<th>#</th>
<th>REQUEST:</th>
<th>Revised Preliminary and Final Plat approval of LEGEND TRAILS (Lots 1-86, Outlots A-L), a subdivision outside the city limits, with waivers of Section 53-8(2), Street width, Section 53-9(3) Curb and gutter, Section 53-</th>
</tr>
</thead>
<tbody>
<tr>
<td>C10-18-166</td>
<td>C12-18-167</td>
<td>Krejci Development</td>
</tr>
</tbody>
</table>
At the Planning Board meeting held June 5, 2019, Mr. Jim Lang, 8526 F Street, appeared before the board, in his role as attorney for the developer, to describe the details of the request. He advised that this is a single family, residential development. Mr. Lang advised that each lot will be approximately 1.5 acres in size. He advised that the developer is in agreement with the items in the recommendation report. He stated that he understood that the preliminary plat, waivers, and rezoning are being recommended for approval with conditions, and the final plat is to be laid over. Mr. Lang stated that he and the project engineer, Don Heine of Thompson, Dreessen, and Dorner, were both available to answer any questions the Board may have.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that Mr. Lang was correct in understanding that all but the final plat are being recommended for approval at this time. He stated that the department recommended layover of the final plat to allow time for the applicant to submit slopes and wetland analyses and a tree mitigation plan and canopy analysis. Mr. Englund reminded the Board that the plan calls for 86 acreage lots and twelve outlots for open space. He stated that there a few subdivision waivers which are listed and most were approved the last time the preliminary plat was presented at Planning Board. Mr. Englund stated that due to the project being within the Elkhorn ex-urban zone in the Omaha Master Plan, the department is supportive of the waivers which include a reduction in street width, not providing curbs and gutters, not providing sidewalks in some locations, as well as a waiver of lot frontage in one of the outlots.

Mr. Englund stated that he was available to answer any questions from the Board and that the department recommended approval of the preliminary plat, waivers, and rezoning subject to the conditions listed in the recommendation report, and layover of the final plat.

Mr. Rosacker moved for approval of a waiver of Section 53-8(2)(g) Street width, approval of a waiver of Section 53-9(3) Curb and gutter, approval of a waiver of Section 53-9(9) Sidewalks, not providing sidewalks throughout the development, with the exception that sidewalks must be provided along the 222nd and Q Street frontages, approval of a waiver of Section 53-8(4) Lot frontage. Approval of the rezoning from AG to DR, and approval of the Revised Preliminary Plat, subject to the following conditions:

1. Pave 222nd Street to a two-lane section along the subdivision's frontage within two years of the recording of the plat.
2. Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 222nd and Q Streets.
3. Dedicate 50 feet of Right of Way along both Q Street and 222nd Street, widening to 60 feet within 300 feet of their intersection.
4. Proposed site grades along the eastern and southern boundaries of the platting, adjacent to 222nd Street and Q Street, must be coordinated with the future improvement of those roadways.
5. Proposed street connections from the development to 222nd Street and Q Street will require permits from the Douglas County Engineer's office. The cost of the roadway improvements for the street connections, if required, will be the responsibility of the developer.
6. Place a note on the plat that direct access to 222nd Street and Q Street, from the adjacent platted lots, will not be permitted.
7. Temporary turn-arounds should be provided at the terminus of all temporarily dead-ended streets.
8. If the subdivision will not be located in a Sanitary Improvement District (SID), a maintenance agreement will be required before Douglas County will provide routine maintenance of any public streets. If not located in a SID, major maintenance activities are the responsibility of the adjacent property owner. If streets are private, no maintenance agreement would be needed.
9. Provide an updated NDEQ approval letter based on the revised layout or documentation from the NDEQ that the previous approval is acceptable.
10. Submit for review to the Douglas County Engineer's Office storm sewer and/or drainage design computations and final plans that relate to the handling of roadway and site drainage along the development boundary adjacent to 222nd Street and Q Street.
11. Provide sidewalks along the 222nd Street and Q Street frontages.
12. Any grading, sewer or utility work carried out in conjunction with this development, in 222nd Street and Q Street right-of-ways, will require a permit(s) from the Douglas County Engineer’s office.
13. Comply with all applicable stormwater management regulations, including no net increase in stormwater runoff and must treat the first ½" of stormwater for water quality.
14. All trails, parks and open space not indicated on the Omaha Suburban Park Master Plan must be privately constructed, owned and maintained by the developer, homeowner’s association or other approved entity.
15. All drainageways must be placed in an outlot sized to accommodate either the 3:1+20' section or the 100 year stormflow (whichever is greater).
16. Provide for the use, ownership and maintenance of all outlots in the final subdivision agreement.
17. Coordinate for the final approval of the inter-local agreement between the City of Omaha and Douglas County covering the area outside Omaha’s extraterritorial jurisdiction.
18. Submit a letter confirming that acceptable emergency warning is being provided for the area.
19. Submit a slopes analysis confirming that grading will not significantly impact environmental features.
20. Submit a final wetland analysis with the Final Plat and an acceptable mitigation plan, if necessary.
21. Submit a revised tree canopy analysis and mitigation plan, if necessary.
22. An acceptable debt ratio is 4.0 percent or less.

In addition, Mr. Rosacker moved to layover the Final Plat to allow the applicant time to address conditions of the Revised Preliminary Plat approval. Mr. Pate seconded the motion which carried 7-0.

| 13. | C10-19-092  
C12-19-093  
Paul Smith | REQUEST: Preliminary Plat approval of MILLWORK COMMONS, a subdivision inside the city limits, with rezoning from CBD and HI to CBD, along with repeal of the existing ACI-1 Overlay District and approval of the NCE Overlay District. |
| LOCATION: Northeast of 14th and Nicholas Streets |

At the Planning Board meeting held June 5, 2019, Ms. Kendra Ringenberg, 9500 West Dodge Road, Suite 100, appeared before the Board in her role as attorney for the applicant. She advised that representatives of the development team and the engineering team were present if necessary to answer questions from the Board.

Ms. Ringenberg stated that previously they were before the Board for approval of the redevelopment of the Ashton Building which is a part of the Millwork Commons project. She advised that now they were presenting more of the master planning process for what is planned to be an urban mixed use redevelopment plan for a portion of north downtown. Ms. Ringenberg presented a map showing the location of the project in relationship with several other features downtown such as the Slowdown and TD Ameritrade Park. She explained that the current plan includes retail, commercial, residential townhomes and apartments, hotel and entertainment areas within approximately 500,000 square feet. She stated that the developer is excited to get started on this project which will be very unique in this area which will tie into the historical features especially on Nicholas Street, and the industrial components to the north of the neighborhood. Ms. Ringenberg stated that they will also be back in front of the Board for the final plat of this portion of the project, with other development to begin in phases at a later date.

Ms. Ringenberg commented on some of the recommendations of the Planning department. She stated that the developer does not own a portion of the property to the east, which is included in the recommendation report. In addition, she stated that the intersection of 14th Street and Nicholas Street goes directly through a portion of the west side of the property which would limit development in that portion. Ms. Ringerberg stated that the developer wants to move that street farther west which is not acceptable to the Planning department. She stated that they are continuing discussions with Planning staff regarding the movement of that street as they already have a developer interested in utilizing that portion of the property.
Planning Board Minutes
June 5, 2019
Page 16

Mr. R.J. Neary, 12500 I Street, Suite 160, appeared before the Board representing Future Forward who owns the property to the east of 12th Street. He stated that they also own the property to the west, but are under contract to sell that property to the Millwork district. He stated that the property east of 12th Street was never supposed to be in the preliminary plat and they are not supposed to be included in the NCE Overlay District either. He stated that the contract they have with Millwork calls for them to be in agreement with the NCE Overlay District, and they have some details to work out but are almost there. He stated that he is a proponent of the project, but there are some caveats that need worked out.

No one appeared in opposition.

Mr. Morris inquired about where they were wanting 14th Street moved to. Ms. Ringenberg replied that the plan had gone through several iterations, but the current proposal was to have it go straight and then jut over to the west. She advised that the recommendation from the Planning department is to move it over a triangle piece of property which is owned by Union Pacific and the developer has no control over that piece of property. Mr. Pate inquired about possibly moving it over a piece of the property they already own, to which Ms. Ringenberg responded that the location he was indicating was where a building is going. She stated that they are still working with the department to come to an agreement that would work for both entities.

In response to a question from Mr. Pate about the proposed entertainment district, Ms. Ringenberg stated that they are planning a large open park, some public space in the Ashton Building. She stated that there will be significant public space, possibly with a restaurant and music venue.

Mr. Rosacker expressed concern that so many elements of the project were in flux at this time, and suggested it may be too early for the Board to be approving the plans. Specifically, he stated that he is concerned about what would happen with the preliminary plat if they approved it now and then the deal with Future Forward falls through. Mr. Eric Englund, Acting Assistant Director, stated that it is not uncommon for preliminary plats to change between their approval and the final plat request and he believed that the preliminary plat, as it is presented now, is fine and ready to go. He advised that before the final plat can be moved forward to the City Council for approval, it has to be signed by all the property owners. In addition, he reminded the Board that it is possible to submit a revised preliminary plat if something changes before they get to the final plat stages.

Mr. Rosenbaum stated that when he and Mr. Rosacker worked with the City of Elkhorn, the downtown was dying off. He explained that developers came in, like the developer is here, and revitalized the area making it very nice for the residents. He expressed his belief that this development could do the same thing for the north downtown area.

Mr. Eric Englund, Acting Assistant Director, explained that the development will utilize 42 acres, which will be divided into 14 lots and six outlots. This request includes consolidating the zoning to CBD for the entire project as well as repealing the existing ACI-1 and approving an NCE Overlay District instead. He apologized for the cover map not showing that the boundaries of the preliminary plat were not the same as the boundaries of the NCE Overlay. He advised that the actual plans for the NCE Overlay do not include some of the lots which Mr. Neary had mentioned. Mr. Englund stated that there were still some public improvement items to work out, one being the location of the trucking route which goes through this area. Additionally, he advised that the applicant has been working with the City of Omaha regarding a parking structure as well. A representative from Public Works was present at the meeting in the event the Board had any questions regarding either of those issues. Mr. Englund stated that they are still working with the applicant regarding the details of the NCE Overlay District which generally try to reflect the character of the neighborhood and be flexible, while at the same time maintaining high standards. He stated that the department recommended approval subject to the conditions listed in the recommendation report.

Ms. Karnes moved for approval of the rezoning from CBD and HI to CBD, repeal of the existing ACI-1 Overlay District, approval of the NCE Overlay District subject to submittal of an acceptable final NCE District Plan prior to hearing by City Council, and approval of the Preliminary Plat for MILLWORK COMMONS, a subdivision inside the city limits, subject to the following conditions:
Planning Board Minutes
June 5, 2019
Page 17

1. The proposed offset intersection at 14th and Nicholas is not acceptable. Coordinate with Public Works on an acceptable layout/alignment.
2. Provide for all improvements identified in the final traffic impact study.
3. Grant easements in all rights-of-way proposed for vacation.
4. Coordinate with Public Works on acceptable right-of-way widths relative to the three sewer lines within the proposed Millwork Avenue right-of-way.
5. Construct improvements on Cuming Street between 10th/11th Street and 13th Street as identified by Public Works in order to accommodate the extension/connection of 11th Street.
6. The traffic signal at 12th and Cuming Street must be removed and the median in Cuming Street must be extended through the 12th Street intersection to restrict the intersection to right-in/right-out turning movement from 12th Street.
7. Construct public sanitary sewer lines to service Lots 13 and 14.
8. Coordinate with Public Works on an acceptable sanitary sewer design. Any lift stations must be maintained privately and addressed as a part of the subdivision agreement.
9. Coordinate with OPPD for any grading, construction, or landscaping plans associated with the development.
10. Provide sidewalks as required pursuant to Chapter 53 Subdivisions of the Omaha Municipal Code and/or Section 55-924 of the zoning ordinance.
11. Provide for the use, ownership, and maintenance of the outlets in the subdivision agreement.
12. Compliance with all applicable stormwater management ordinances and policies.

Mr. Morris seconded the motion which carried 7-0.

Rezonings

<table>
<thead>
<tr>
<th>No.</th>
<th>Request</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.</td>
<td>C10-19-095 Rezoning from R1 to R4</td>
<td>5066 Harrison Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, this case was pulled off of the Consent Agenda and opened for discussion.

Mr. Eric Schalunberg, 13448 South 217th Street, Gretna, Nebraska, appeared before the Board on behalf of the applicant. Mr. Schalunberg stated that the request is to allow the applicant to build a garage on his property on a flat surface which requires him to rezone his property. Mr. Schalunberg advised that he will be available to answer any questions from the Board.

The person who requested to pull this case of the Consent Agenda had left the Chambers prior to the discussion of this case and did not return. No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the rezoning is consistent with the Master Plan and with zoning in the area. He stated that the department recommends approval.

Mr. Morris moved for approval of the rezoning from R1 to R4. Mr. Rosacker seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>No.</th>
<th>Request</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.</td>
<td>Approval of the MCC-Major Commercial Corridor Overlay District</td>
<td>3106 North 63rd Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, Mr. Eric Englund, Acting Assistant Director, advised that the applicant requested this case be removed from the agenda for this month.

As this case was removed from the agenda at the request of the applicant, there was no discussion and the meeting and no vote was taken.
Special Use Permits

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>Approval of a Special Use Permit to allow Indoor entertainment in the HI District</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION:</td>
<td>2325 South 27th Avenue</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held June 5, 2019, Mr. Mick McGuire of Straightline Design, 3925 South 147th Street, appeared before the Board on behalf of the applicant. Mr. McGuire stated that Mr. Garcia’s wife and daughter, Maria, were also present in support of the request and that Maria wished to address the Board.

Ms. Maria Noemi Garcia, 9601 South 26th Avenue in Bellevue, Nebraska, appeared before the Board on behalf of her father in support of the request. Ms. Garcia stated that her father had been working his whole life to own a company and provide for his family. She stated that they had come from Mexico where they did not have much and now that they are here, they just want to be able to make a better life for themselves including owning their own business.

Mr. McGuire appeared before the Board again to describe the details of the request. He stated that Mr. Garcia already owns the property where this request is for including two buildings, one of which he wishes to turn into a nice place in which people can have weddings, birthdays, and other celebrations. Mr. McGuire advised that they were aware that the area was zoned as Heavy Industrial and believe they can work with that zoning with the Special Use Permit. In addition, Mr. McGuire stated that the applicants had already spoken with the neighbors of the residential properties in the same area and showed them the plans for what they were proposing and many of them had signed a petition in support of the project. Mr. McGuire read the petition for the Board, stating “A Special Use Permit has been applied for, for the property located at 2325 South 27th Avenue. The property is currently zoned as Heavy Industrial and the proposed use, Indoor Entertainment, is not permitted without the approval of a Special Use Permit. In light of the <<inaudible>> will not expand on the existing footprint of the structures, however, additional parking and <<inaudible>> will be provided. <<inaudible>> buffer yard, landscaping and sidewalks will be provided. We request that the occupancy be limited to 100 people and parking has been provided for that occupancy. By signing this document, I acknowledge that the <<inaudible>> and maintain the integrity of our neighborhood” Mr. McGuire stated that 11 of the residential neighbors had signed the petition which he presented to the Board.

Mr. McGuire explained that the applicant is proposing to limit the occupancy to 100 which is much lower than the 623 the City determined could occupy the building based on their standard formula for determining maximum occupancy of a structure. He advised that the buffer yard, landscaping, and sidewalks will be provided as required. Mr. McGuire stated that this situation is basically the opposite of the “broken window syndrome”, where you see broken windows and the neighborhood goes downhill. He advised that there are several broken windows in this building which was being used to store large vehicles and surrounded by debris, but the applicant purchased the building, cleaned it up and began to do repairs and to make it into something nice in the neighborhood where they also own other property. He explained that the property backs up to the railroad tracks and has other Heavy Industrial uses right next door. <<inaudible> (something regarding the proposed use?)>

Mr. McGuire stated that they had prepared revised plans after receiving the recommendation report and presented the drawings showing the various amenities and features of the site, including the proposed buffer yard, landscaping, and sidewalks. Additionally, he reiterated that the applicant was proposing to limit occupancy to a maximum of 100 people, and that sufficient parking was available to meet the requirements for that number of people. <<inaudible>> Mr. McGuire stated that the applicant was in agreement with providing sidewalks, but requested that they not be required to install the sidewalks past a certain point near the driveway. With regard to the curbs the department expressed concern about, Mr. McGuire stated that the applicant had looked into the problem and the curb is very small because over the years the asphalt has been built up around it. He stated that the applicant could replace it if required, however, it is the same way throughout the entire area until it gets to the residential portion of the neighborhood.
Planning Board Minutes  
June 5, 2019  
Page 19

In response to a question from Mr. Pate, Mr. McGuire stated that the second building on the site is used solely for storage.

Mr. Rosenbaum stated that since the City had not had the opportunity to review the revised plans that he was just presenting at the meeting, the Board would not be able to give any opinion or ruling on the new plans. Mr. McGuire inquired whether a layover would be an option to give the department time to go over the new plans. Mr. Rosenbaum advised that would depend on the motion made by the Board.

No one appeared in opposition.

Mr. Rosacker reiterated Mr. Rosenbaum's point about the revised plans, which Mr. McGuire stated he understood. In addition, Mr. Rosacker stated that the department uses a specific formula based on the square footage of the structure to determine the occupancy, and regardless of whether the applicant stated that he would limit it to 100 people, there was no way to enforce that. Mr. McGuire again stated that the applicant would be amenable to a layover to have the department go over the new plans.

In response to a question from Mr. Pate, Ms. Garcia stated that she has no experience with running a banquet facility. In addition, she advised that there would be no kitchen or cooking done on site, all food would be catered in.

Mr. Eric Englund, Acting Assistant Director, advised that the department was made aware of this situation when the applicant applied for a liquor license. He stated that when the inspector went out to inspect for that license, he discovered work being done which did not have permits. At that time, it came to the attention of the department that the proposed use was for indoor entertainment, which would require a special use permit for that location. In that process of getting a Special Use Permit, Mr. Englund stated that the Master Plan and zoning code attempt to bring the site into compliance as much as possible including things like installing sidewalks, or landscaping. He stated that the applicant had not submitted a landscaping plan with his application. Mr. Englund stated that most of the issues are things that can be worked with, however, the biggest concern is that of occupancy. He explained that the department uses the formula in the building code to determine occupancy when there is no fixed seating in a building. He stated that various sizes of tables can be used, and can be set up different ways which would increase or decrease the possible occupancy. He stated that if the applicant could provide a floor plan showing what the rooms would look like, perhaps they could estimate down the occupancy, however, they do not have that plan. However, Mr. Englund stated that based on the number they currently have, it is difficult to say it will be limited to 100 people when the space can hold a much higher number of people. He advised that since there is no licensing that would specifically limit the occupancy, like the State license for a daycare facility, it is very tricky to try to enforce the reduced occupancy. He stated that he understood the applicant intended to limit the occupancy, however, if more people come in, or the user invites more people, there is really no way to enforce the lower occupancy, and then the concern of where they would park comes up. Mr. Englund stated that, while he is skeptical that they will be able to find a number which will work given the size and features of the site, he is open to a layover to allow time for the department to work further with the applicant. He stated, however, that based on what they have now, the department recommends denial of the request.

Mr. Pate moved for denial of the Special Use Permit. Mr. Moore seconded the motion which carried 6-1 with Mr. Rosenbaum dissenting.

**APPROVAL OF MINUTES**

Ms. Karnes moved to approve the minutes of the May 1, 2019 Planning Board pre-meeting as written. Mr. Morris seconded the motion which carried 7-0.

Ms. Karnes moved to approve the minutes of the May 1, 2019 Planning Board meeting as written. Mr. Rosacker seconded the motion which carried 7-0.

**ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at 3:11 p.m.