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

MEMBERS NOT PRESENT:  David Rosacker

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

Greg Rosenbaum, Chairman, called the pre-meeting to order at 11:25 a.m.

#16  Jed Moulton, discussed case #16 and explained that the applicant was seeking Local Landmark designation, though the location is also eligible for the National Register as well. The department recommends approval.

#10, #11, #12, #13, #14, and #15  Don Seten briefly described the six TIF cases, the history of the projects, and a summary of the plans and the funding request of each project. The department recommends approval of all six TIF cases.

#7  Mayor Jean Stothert, Troy Anderson & Kevin Andersen discussed case #7, the 2018 Annexation Package. The Mayor described the areas to be annexed, the criteria which is used in deciding what areas to annex, and the benefits to the City in annexing these areas. Mr. Anderson and Mr. Andersen discussed the one area that had contacted the Mayor’s office in opposition to the annexation. A letter which was sent out to the residents who opposed the plan was provided to the Board members. If approved by the Board, the effective date of the annexation will be August 29, 2018)

#1  Mr. Englund discussed case #1, Plaza 133 final plat. Mr. Englund stated that the applicant has made satisfactory progress and met the recommendations of the Planning Board. The department recommends approval.

#2  Mr. Englund discussed case #2, West Center Commons final plat. Mr. Englund explained that several of the conditions set by the Planning Department have not been met. The case is on the Consent Agenda for layover to allow time for the applicant to meet the recommendations of the Board.

#3  Mr. Englund addressed case #3, final plat approval of Chestnut Hills. Mr. Englund explained that the only thing the department still needed was the final tree mitigation details. The department recommends approval.

#4  Mr. Englund stated that case #4, final plat approval of Somerset 2 has satisfied the recommendations of the Board. The department recommends approval.

#5  Mr. Englund stated that for case #5, preliminary and final plat approval of American Interstate Plaza Replat 2, the applicant has taken care of the problem with access which was discussed at the last Planning Board meeting. The case has been placed on the Consent Agenda for approval.
#6) Mr. Englund stated that for case #6, rezoning from AG and DR to AG and DR, the department is still waiting to receive more information from the applicant. The case has been placed on the Consent Agenda for layover.

#8, #20, #35) Mr. Englund stated that cases #8, #20 and #35 still require further discussion with the applicant about the proposal. All three cases are on the Consent Agenda for layover. If these are pulled from Consent, they will be heard together.

#9) Mr. Englund stated that this case is related to #8, #20, and #35, however this case is on the Consent Agenda for approval. Mr. Englund explained that approval of this case, the Approval of the Surplus Declaration and Disposal of City Property, does not guarantee approval of the three related cases.

#17) Mr. Englund discussed the proposal and waivers requested for the preliminary plat approval of Harrison 210, which he reported are all acceptable. The case is on the Consent Agenda for approval.

#18) Mr. Englund discussed the proposal and waivers requested for the preliminary plat approval of Wood Valley, which he reported are all acceptable. The case is on the Consent Agenda for approval.

#19) Mr. Englund discussed the preliminary plat approval of Waterford Crossing Replat 27 with approval of a Major Amendment to the Mixed Use District Development Agreement for Waterford Crossing. Several emails have been received from residents of Waterford Crossing which are in opposition to the proposal. Mr. Englund stated that the department is recommending approval with several conditions to be met prior to final plat approval.

#21) Mr. Englund stated that the preliminary and final plat approval of Omaha View Replat 4 with rezoning from R5(35) and R7 to R7 is on the Consent Agenda for layover to allow further discussion with the applicant regarding the zoning.

#22) Mr. Englund stated that the department is satisfied that the applicant is working successfully on the conditions placed on this case. The case is on the Consent Agenda for approval.

#23) Mr. Englund stated the request for rezoning from DR to R1, along with approval of a Special Use Permit to allow development in the North Hills Environmental Resources Overlay District is on the Consent Agenda for layover to the August 1, 2018 meeting to be heard with the plat.

#24) Mr. Englund advised that the request for rezoning from DR and R3 to DR and R3 is for the open space at the golf course. The City is in approval of the rezoning with conditions to be met prior to being sent to the City Council for final approval. The case is on the Consent Agenda for approval.

#25) Mr. Englund advised that this request for rezoning from R2 and R3 to R3 and approval of an MCC-Major Commercial Corridor Overlay District is to consolidate the zoning for the schools. The case is on the Consent Agenda for approval.

#26) Mr. Englund advised that this request for rezoning from R1 and R3 to R3 is to consolidate the zoning. The case is on the Consent Agenda for approval.

#27) Mr. Englund stated that the department is satisfied with the applicant’s progress on the conditions for this request for approval of an MCC Overlay District. The case is on the Consent Agenda for approval.

#28) Mr. Englund stated that the department is satisfied with the applicant’s progress on the conditions for this request for approval of an MCC Overlay District. The case is on the Consent Agenda for approval.

#29) Mr. Englund discussed the request for approval of a Major Amendment to the Mixed Use District Development Agreement for West Point to allow multiple family residential. Mr. Englund explained that the applicant wishes to build apartments in an area originally planned for office space. As of this meeting there was no input received from the neighbors. Mr. Englund stated that the department recommended approval subject to the conditions in the recommendation report.
#30. Mr. Englund stated that the new plans submitted by Mr. Gomez for this case look much better than the original ones and that the department finds the waivers acceptable. The case is on the Consent Agenda for approval.

#31) Mr. Englund discussed this request for approval of a Special Use Permit to allow general office in a GI District. He stated that the department is not supportive of the sign waivers requested and that nothing which was previously approved with the SUP has changed since it was last heard by the Board.

#32) Mr. Englund discussed this request for approval of a Major Amendment to a CUP and advised that the department is not supportive of the request for a zero foot setback for the proposed sign.

#33: Mr. Englund advised that this request for approval of a CUP to allow food sales in a LO District and approval of an MCC Overlay District is on the Consent Agenda for layover.

#34) Mr. Englund stated that this request for approval of a Major Amendment to a CUP is on the Consent agenda for approval.

The pre-meeting of the Planning Board Adjourned at 1:25 p.m.
Greg Rosenbaum, Chairman, 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.

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 before the Board in opposition.

Subdivisions

| 2) | C10-18-061 (D) C12-18-062 Woodsonia-204 Center LLC | REQUEST: | Final Plat approval of WEST CENTER COMMONS, a subdivision located outside the City limits, with rezoning from AG to MU |
|    |                                               | LOCATION: | Southeast of 204th Street and West Center Road |

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to lay over this case to provide the applicant time to address issues mentioned in the file including the location of the Vinton Street right-of-way along with coordination with the property owner to the south, wetland determination, mixed use plan comments, noxious weed plan and emergency warning approval. Mr. Magid seconded the motion which carried 6-0.
At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the Preliminary Plat, subject to the following conditions: 1) Place a note on the plat that there shall be no vehicular access to Pinkney Street or 160th Street. 2) Construct sidewalks on all public street frontages. 3) Rename Outlot B to Outlot A and grant an access easement between Outlot A and Evans Street. 4) Provide provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies. 5) Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement. 6) Connect the development on Lot 1 to the shared Evans Street access with the adjacent property to the west (16101 Evans Street). 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 the final plat to the City Council. Mr. Magid seconded the motion which carried 6-0.

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the waiver to Section 53-8(4)(d), Lot frontage for Outlot A. Approval of the rezoning from AG and DR to R4. Approval of the Preliminary Plat, subject to the following conditions: 1) Provide an access easement from Outlot A to 213th Street. 2) Dedicate right-of-way for 213th Street, either as a separate document recorded concurrently with the plat, or included as a part of the final plat for this subdivision. 3) Coordinate the final design of Harrison Street, including site grading, storm sewer design, and access, with the Douglas County Engineer’s office. 4) Submittal of a final tree mitigation plan showing all mitigation planting is provided within identified outlots. 5) Provide traffic calming for all streets greater than 1,000 feet in length. 6) Provide temporary turn-arounds at the terminus of all temporarily dead-ended streets. 7) Compliance with all applicable stormwater management ordinances and policies. 8) Coordinate the design and construction of the five acre park P48 with adjacent SIDs - park plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding. 9) Parkway plans for George B. Lake Parkway must be approved by the Parks and Recreation Advisory Board prior to bidding. 10) Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement. 11) Provide sidewalks as required. 12) The development meeting an acceptable debt ratio. Mr. Magid seconded the motion which carried 6-0.

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from AG to R4. Approval of the Preliminary Plat, subject to the following conditions: 1) Provide access from Outlot A to Leeman Circle, and from Outlot C to 147th Avenue Circle. 2) Coordinate the closure of Military Road with the Douglas County Engineer’s office. Barricades shall be provided at the intersection of Military Road and Sheffield Drive to ensure that vehicular traffic cannot access the Military Trail right-of-way. 3) Coordinate access/trail connectivity from Outlots A, B, or C to the Military Trail right-of-way with the City and the Douglas County Engineer’s office. All site grading, storm sewer design, access, and utility work completed as a part of this subdivision regarding Military Road...
shall obtain a permit from the Douglas County Engineer, 4) Coordinate the design of the trail crossing at 144th Street and Wyoming Street with Public Works and Omaha Parks and Recreation, 5) Submit an acceptable final tree mitigation plan that shows that all tree mitigation planting is occurring within identified outlots, 6) Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement. 7) Compliance with all applicable stormwater management ordinances and policies, 8) Provide sidewalks as required, 9) Meet an acceptable debt ratio of 4% or less. Mr. Magid seconded the motion which carried 6-0.

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<td>20.</td>
<td>C10-18-134 (D) C10-18-135 C12-18-135</td>
<td>Omnicorp Saddle Creek LLC</td>
<td>REQUEST: Preliminary and Final Plat approval of POPPLETON PARK REPLAT 3, a minor plat inside the City limits, with rezoning from R3 and GC to CC along with approval of an MCC-Major Commercial Corridor Overlay District</td>
<td>LOCATION: Northeast of Saddle Creek Road and Davenport Street</td>
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At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to layover to allow the applicant time to coordinate with City staff on the issues discussed in this memo. Mr. Magid seconded the motion which carried 6-0.

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<td>21)</td>
<td>C10-18-142 (D) C10-18-143</td>
<td>Mike Gawley</td>
<td>REQUEST: Preliminary and Final Plat approval of OMAHA VIEW REPLAT FOUR, a minor plat inside the City limits, with rezoning from R5(35) and R7 to R7</td>
<td>LOCATION: 3337 and 3341 Miami Street</td>
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At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to layover to allow the Planning Department to meet with the applicant about zoning. Mr. Magid seconded the motion which carried 6-0.

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<td>22)</td>
<td>C11-18-063 (D) C10-18-064 C12-18-065</td>
<td>Dahlman Rows, LLC</td>
<td>REQUEST: Preliminary and Final Plat approval of DAHLMAN ROWS, a minor plat inside the City limits, with a waiver of Section 53-8(4)(a), Lot depth and Section 53-8(4)(d), Lot frontage, along with rezoning from R7 and GC to R7 along with approval of a PUR-Planned Unit Redevelopment Overlay District</td>
<td>LOCATION: Northeast of 7th and Cedar Streets</td>
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At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from R7 and GC to R7, subject to approval of an acceptable PUR-Planned Unit Redevelopment Overlay District plan prior to forwarding this request to the City Council, approval of the waiver of Section 53-8(4)(a), Lot depth, approval of the waiver of Section 53-8(4)(d), Lot frontage, and approval of the Preliminary Plat, subject to the following conditions: 1) Cedar Street improvements are subject to the OPW public improvement process, 2) Comply with the City’s Infill and Redevelopment Policy for Alternative Lot Access, 3) Public Works approval of the sewer public improvement plans is required prior to the recording of the final plat, 4) The applicant must provide for sidewalks adjacent to all street frontages in compliance with City code, 5) Comply with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and must treat the first ½” of stormwater for water quality, 6) Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement, including any proposed open space amenities, 7) Correct the lot width and depth discrepancies between the Preliminary Plat/PUR plans and the Final Plat prior to forwarding this request to the City Council, 8) Provide two, 10 foot wide maintenance and pedestrian access easements from Outlot A to Outlot B, one on the north side of Lot 24 and one on the south side of Lot 28), 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.
for final action, approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submittal of acceptable final PUR plans prior to forwarding this request to the City Council. Mr. Magid seconded the motion which carried 6-0.

**Master Plan Referrals**

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<th>#</th>
<th>Code</th>
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<tr>
<td>8)</td>
<td>C3-18-133 (D)</td>
<td>Omnicorp Saddle Creek LLC</td>
<td>Approval of an Amendment to the Future Land Use Element of the City's Master Plan from Low density residential to Office/commercial and to change the boundary of the mixed use area</td>
<td>4401 and 4405 Wakeley Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to layover to allow the applicant time to coordinate with City staff on the issues discussed in this memo. Mr. Magid seconded the motion which carried 6-0.

**Rezonings**

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<tr>
<td>6)</td>
<td>C10-18-100 (D)</td>
<td>Suzanne C. Rittenhouse</td>
<td>Rezoning from AG and DR to AG and DR (property is located within the FF-Flood Fringe Overlay District) (laid over from 6/6/18)</td>
<td>Southeast of 252nd and Blondo Streets</td>
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At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to layover to provide the applicant time to provide additional information to the Planning Department. Mr. Magid seconded the motion which carried 6-0.

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<td>23)</td>
<td>C8-18-140 (D) C10-18-141</td>
<td>Sean Negus</td>
<td>Rezoning from DR to R1 (property is located within an ED-Environmental Resources Overlay District), along with approval of a Special Use Permit to allow development in the North Hills Environmental Resources Overlay District</td>
<td>North of North Crest Drive and West of North Post Road</td>
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</tbody>
</table>

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to layover to allow submittal of a plat to create one residential lot. Mr. Magid seconded the motion which carried 6-0.

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<td>24)</td>
<td>C10-18-120 (D)</td>
<td>Lamp, Rynearson</td>
<td>Rezoning from DR and R3 to DR and R3</td>
<td>North of 134th Circle and Bedford Avenue</td>
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At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to approve the rezoning from DR and R3 to DR and R3) Mr. Magid seconded the motion which carried 6-0.

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<td>25)</td>
<td>C10-18-121 (D)</td>
<td>Kenneth Hahn Architects</td>
<td>Rezoning from R2 and R3 to R3 and Approval of an MCC-Major Commercial Corridor Overlay District (a portion of the property is located in the FF-Flood Fringe Overlay District)</td>
<td>6143 Whitmore Street</td>
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</table>
At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from R1 and R3 to R3. Mr. Magid seconded the motion which carried 6-0.

| 26) | C10-18-122 (D) Mark Harral | REQUEST: Rezoning from R1 and R3 to R3 | LOCATION: Northwest of 90th Street and Mockingbird Drive |

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the rezoning from R1 and R3 to R3. Mr. Magid seconded the motion which carried 6-0.

| 27) | C10-18-123 (D) Jewish Federation of Omaha | REQUEST: Approval of an MCC-Major Commercial Corridor Overlay District | LOCATION: 333 South 132nd Street |

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of an MCC-Major Commercial Corridor Overlay District. Mr. Magid seconded the motion which carried 6-0.


At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of an MCC-Major Commercial Corridor Overlay District. Mr. Magid seconded the motion which carried 6-0.

**Overlay Districts**

| 30. | C11-18-081 (D) Ruben Gomez | REQUEST: Approval of a PUR-Planned Unit Redevelopment Overlay District | LOCATION: 2306 South 39th Street |

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the PUR subject to the submittal of an acceptable revised site plan and building elevations prior to forwarding the case to City Council. Mr. Magid seconded the motion which carried 6-0.

**Conditional Use Permits**

| 33) | C7-18-139 (D) Reda Hamze | REQUEST: Approval of a Conditional Use Permit to allow Food Sales (Limited) in a LO District and approval of an MCC-Major Commercial Corridor Overlay District | LOCATION: 1938 North 85th Street |

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to layover. Mr. Magid seconded the motion which carried 6-0.

| 34) | C7-18-144 (D) Douglas County School District 0001 | REQUEST: Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Secondary educational facilities in a R1 District | LOCATION: 6901 Burt Street |
At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved for approval of the Major Amendment to a Conditional Use Permit to allow a Secondary educational facility in a R1 District, subject to the following conditions: 1) Receiving approval from the Zoning Board of Appeals for a setback waiver prior to issuance of any building permit, 2) Compliance with the submitted site plan, 3) Compliance with the submitted operating statement, 4) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 6-0.

Vacations

| 35) | C14-18-138 (D) Planning Board | REQUEST: | Vacation of the east/west alley west of 44th Street between Wakeley and Davenport Streets |

At the Planning Board meeting held on July 11, 2018, this case was placed on the Consent Agenda. Ms. Karnes moved to layover this case to allow the applicant time to coordinate with City staff on the issues discussed in this memo. Mr. Magid seconded the motion which carried 6-0.

(REGULAR AGENDA)

(HOLD OVER CASES)

ADMINISTRATIVE MEETING ONLY

| 1) | C10-17-184 C12-17-185 RL Development LLC | REQUEST: | Final Plat approval of PLAZA 133, a subdivision outside the City limits, with rezoning from GI, GC, MH and DR to GI and DR and approval of a IG-Industrial Gateway Overlay District (portions of the property are located within the FW-Floodway Overlay District and FF-Flood Fringe Overlay District) (laid over from 6/6/18) |
| LOCATION: | North of 101st Street and Blair High Road |

At the Planning Board meeting held on July 11, 2018, Eric Englund, Manager of Current Planning, stated the Final Plat was laid over from the June 6, 2018 Planning Board meeting to allow the applicant time to address concerns with wetland mitigation, trail construction and acceptable debt ratio. The applicant has met with City staff and has adequately addressed all of those items. The Planning Department is recommending approval of the rezoning from GI, GC, MH and DR to GI and DR, approval of the final plat, subject to the conditions of preliminary plat approval and submittal of a final acceptable subdivision agreement, including a final wetland mitigation plan and the additional trigger event for trail construction, prior to forwarding the request to City Council.

Mr. Pate moved for approval of the rezoning from GI, GC, MH and DR to GI and DR, approval of the IG-Industrial Gateway Overlay District for Lots 4-6), approval of the final plat, subject to the conditions of preliminary plat approval and submittal of a final acceptable subdivision agreement, including a final wetland mitigation plan and the additional trigger event for trail construction, prior to forwarding the request to City Council. Mr. Morris seconded the motion which carried 6-0.

| 3) | C10-18-031 C12-18-032 Jerry Torczon, Richland Homes | REQUEST: | Final Plat approval of CHESTNUT HILLS (formerly Hunzeker), a subdivision outside the City limits, with rezoning from AG to R4 |
| LOCATION: | Northwest of Kilpatrick Parkway and State Street |
At the Planning Board meeting held on July 11, 2018, Eric Englund, Manager of Current Planning, stated that this Final Plat submittal was recommended for approval at the Planning Board meeting on March 7, 2018 and approved by the City Council on May 22, 2018. Mr. Englund stated that the applicant has adequately addressed almost all of the items previously recommended. The department has a few conditions remaining, one of which has already been addressed but will still be listed in the recommendation report. The Planning Department recommends 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 three items in the recommendation report prior to forwarding the request to City Council.

Mr. Pate moved 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) Submittal of an acceptable final tree mitigation plan providing a minimum of 221 mitigation trees and showing that all mitigation trees are planted within identified outlots. 3) Submittal of an acceptable final wetlands analysis (and mitigation plan if necessary). Mr. Magid seconded the motion which carried 6-0.

At the Planning Board meeting held on July 11, 2018 Eric Englund, Manager of Current Planning, stated that this Final Plat was formerly the sixth phase of Somerset. It has been renamed Somerset 2 and the lot numbers have been changed accordingly. The revised preliminary plat of Somerset was approved by City Council in 2004. The project subdivides approximately 2200 acres into 100 single family residential lots. The department is recommending approval of the rezoning from AG to R4 and approval of the final plat subject to the conditions of preliminary plat approval and submittal of an acceptable final Subdivision Agreement.

Mr. Morris moved for approval of the rezoning from AG to R4 and approval of the final plat, subject to the conditions of preliminary plat approval and submittal of an acceptable final Subdivision Agreement. Mr. Magid seconded the motion which carried 6-0.

### (REGULAR AGENDA)

**Master Plan Referrals**

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<th>C10-18-126</th>
<th>C12-18-127</th>
<th>Loren Johnson, Celebrity Homes Omaha</th>
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<tr>
<td>REQUEST: Final Plat approval of SOMERSET 2 (Lots 1-100), (formerly Somerset (Lots 530-628)), a subdivision outside the City limits, with rezoning from AG to R4</td>
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<td>LOCATION: Southeast of Wenninghoff Road and State Street</td>
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At the Planning Board meeting held on July 11, 2018, Planning Department on behalf of the City of Omaha, the request for approval of the 2018 Annexation Package: Miracle Hills Golf Course and adjacent area; Cherry Ridge (SID 380); Cinnamon Creek (SID 392) and adjacent area; Westin Hills, Westin Hills West (SID 415) and adjacent area; Quail Hollow (SID 437) and adjacent area; West Bay Woods (SID 439) and adjacent area; Lake Cunningham Ridge (SID 445); Bay Ridge/West Bay Woods 2 (SID 463) and adjacent area; West Village Point/Village Cove (SID 483); West Dodge Station (SID 487); Manchester Park (SID 493) and adjacent area; Pacific Pointe Estated (SID 498) and adjacent area; Pacific Woods (SID 500) and adjacent area.  

LOCATION: Omaha and 3-mile extraterritorial jurisdiction
At the Planning Board meeting held on July 11, 2018, Mr. Troy Anderson, Deputy Chief of Staff, on behalf of the Mayor’s office, provided information and a map showing the areas included in the 2018 Annexation Package. Mr. Anderson described the systematic and analytical process. The main criteria used to determine which areas will be annexed into the City include: 1) to eliminate “islands”, 2) the areas must be revenue positive, and 3) the City’s ability to provide police & fire services to the area. Mr. Anderson advised that the area to be annexed includes 12 SID’s, 1 golf course, and 8 parks. Mr. Anderson provided information about the additional residents, tax revenues and costs to the City as well as the debt ratio which fell well below the acceptable level. It was also noted by Mr. Anderson that all of the areas in the package are already being serviced by the Omaha Fire Department and Police Precinct being built in Elkhorn, in addition to increasing the number of police officers to over 900 by next year. In response to a question from Mr. Rosenbaum, Planning Board Chairman, regarding the Miracle Hills Golf Course, Mr. Anderson advised that if there was a desire, in the future after annexation, to redevelop the property into a Commercial/Mixed Use center, there are development tools available to serve as a driver for the re-development of this property.

Mr. Don Cheloha, 19150 Grover Street, appeared before the Board in opposition. Mr. Cheloha stated that he lives in one of the adjacent properties listed in the package. Mr. Cheloha stated that his first concern is that he, and his six neighbors would see an increase in property taxes. His second concern was that his property (only his property) has had Greenbelt designation for the past 40 years which was originally farm land and used to keep horses. In 2005 the family built a residence on the property. His concern is that since the City does not accept the Greenbelt designation, his property taxes would go from approximately $500 to over $5,400. His third concern is regarding the infrastructure. Mr. Cheloha’s property is the only one of the seven properties which are connected to City sewer and water. Due to these concerns, Mr. Cheloha is requesting that the City not include this area in the annexation this year. In response to a question from the Board, Mr. Cheloha stated that he does farm 2)5 acres of his land and the 4)5 acres is used for the horses.

At the request of the Board, Mr. Anderson addressed the concerns brought up by Mr. Cheloha. Mr. Anderson did advise that the property taxes will increase. Of the areas in the annexation package, only 2% are adjacent areas which are residential and will see an increase in property taxes, Mr. Cheloha lives in one of those areas. He went on to explain that several of the adjacent areas included in the package are schools and other non-residential areas. In response to concerns raised by Mr. Cheloha, and other residents in that area who had voiced opposition via mail, Mr. Anderson advised that although the City is not “required” to annex the adjacent areas, it does work to reduce costs associated with services provided to the annexed areas by creating an “economy of scale”. In addition, by annexing the areas adjacent to SID’s, the City insures that people receiving City services are paying their fair share for those services. Finally, he explained that annexing these adjacent areas eliminates the need to block out certain areas, possibly along the same street, as being maintained by different entities.

Mr. Anderson stated that letters and emails were received from residents regarding the annexation. He provided copies of this correspondence as well as a copy of the response letter which was mailed from the Mayor’s office.

In response to Mr. Cheloha’s concern about losing the Greenbelt designation for his property if he is annexed, Mr. Anderson advised that this is correct. In addition, however, Mr. Anderson did advise that the Nebraska Supreme Court had ruled on another similar case, that properties which have residences on them do not qualify for the Greenbelt designation. As Mr. Cheloha built a residence on his property in 2005, if it was appraised today, his property would likely not be eligible for the Greenbelt designation even if it was not annexed.

With regard to the infrastructure concerns, Mr. Anderson advised that the property owners would be able to continue to own, maintain, and utilize their current wells and/or septic systems as long as they are in good repair and do not constitute a health hazard. In the event they are determined to be a health hazard or are no longer functional, the City statute stated that if there is a water/sewer system adjacent to the property, the property owner would be required to connect. Currently, there are no adjacent facilities. Until there are adjacent City facilities for the property owners to tie into, they would still be able to obtain permits for repair or maintenance of their existing water/septic systems. After facilities are available to tie into, the property owners would only be required to do so in the event their current system fails.
Eric Englund, Manager of Current Planning, advised the Board that all of
the properties in the annexation package, including adjacent areas, are already within the City zoning and
permitting jurisdiction, so none of those processes would change upon annexation. Mr. Englund advised
that the department recommends approval of the 2018 Annexation Package.

Mr. Magid moved for approval of the 2018 Annexation package. Mr. Pate seconded the motion which
passed 5-1 with Mr. Rosenbaum dissenting.

| 9)  | C3-18-136 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the Surplus Declaration and Disposal of City Property | LOCATION: Between Wakeley and Davenport Street, east of Saddle Creek Road |

At the Planning Board meeting held on July 11, 2018 Eric Englund, Manager of Current Planning, explained that the City has received a request, as part of a proposed development, to declare surplus and disposal of City property at this location consisting of approximately 22,000 square feet. Other aspects of this development have been laid over to a future meeting. Recommending approval of this surplus declaration and disposal, the City is not committing to sell the property to any specific buyer. The Surplus & Declaration involves many steps beginning with this one, also the determination of fair market value, and other items.

The Planning Department recommends approval, subject to the future owner coordinating with Public Works regarding the retaining of any necessary easements.

Mr. Moore moved for approval of the Surplus Declaration and Disposal of City Property, subject to the future owner of the property coordinating with Public Works regarding the retaining of any necessary easements. Mr. Morris seconded the motion which passed 6-0.

| 10) | C3-18-145 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the BLACKSTONE HOTEL TIF REDEVELOPMENT PROJECT PLAN | LOCATION: 302 South 36th Street |

At the Planning Board meeting held on July 11, 2018 Mr. Don Seten, Planning Department, gave a brief history of the iconic Blackstone Hotel building since it was built in 1916. The building has been vacant since flooding caused damage on the lower levels in 2017. The proposed project will renovate the building into an upscale, full service hotel with a total of 204 rooms, 164 will be in the existing building and 40 will be in a newly constructed building. The applicants are Greenslate Development and Clarity Development. The total project cost is approximately $74.5 million; the TIF support request is $76 million. The project does comply with all the TIF requirements.

Mr. Tom McLeay, 3814 Farnam Street, Suite 201 appeared with Tom Lund and Matt Dwyer on behalf of the development team for the project. Mr. McLeay stated that this development team have completed a number of projects in the Blackstone District in the past and are excited to be working on this project which they believe will become the crown jewel of the District. Mr. McLeay offered to answer any questions from the Board or public.

In response to a question from the Board, Mr. Tom McLeay presented a preliminary drawing of the additional building which will be constructed in this project. He explained that they are required by the historic and preservation people to construct a "complimentary" building, which means it does not have to look identical, but does need to blend with the original construction. Mr. McLeay stated that for this project they are using local designers and architects which are known worldwide for their excellence in the field.

The Board questioned how the development team plans to address parking, which is a constant issue in the Blackstone District. Mr. McLeay responded that there is a parking lot across the street to the west, which will be purchased for use by the hotel, in addition to valet parking which will make use of parking throughout the neighborhood. Mr. McLeay stated that there will be use of the parking lot available to the rest of the District as well as numerous other lots in the District.
Eric Englund, Manager of Current Planning, responded to Mr. Pate’s question about the design that the project is within an ACI 1 Overlay District, in addition to compliance with the State Preservation Office, which means that the developer will be held to the highest design standards with the Urban Design Section. Mr. Englund stated that the Department recommends approval of the project.

Mr. Magid moved for approval of the Blackstone Hotel TIF Redevelopment Project Plan. Ms. Karnes seconded the motion which carried 6-0.

At the Planning Board meeting held on July 11, 2018 Mr. Don Seten, Planning Department, gave a brief history of the Drummond Motor Building and the Firestone Building, which were built between 1912 and 1915. This project involves both State and Federal historical tax credits. The project will repurpose these two buildings to create 20 market rate apartments, 2,575 square feet of commercial space, 11,250 square feet of basement storage and indoor parking space. The project cost is approximately $7.6 million, TIF support request is for $1,080,688. The project does comply with all the TIF requirements. The project represents an appropriate land use for the area and is consistent with the City’s Master Plan. The developers are Greenslate Development and Clarity Development.

Mr. Tom McLeay, 3814 Farnam Street, Suite 201, appeared with Tom Lund and Matt Dwyer on behalf of the development team for the project. Mr. McLeay advised that the team has met with the local Landmark Board which recommended approval to the State Historic Preservation Office for National Historic designation for these two buildings. In anticipation of questions from the Board, Mr. McLeay stated that parking for the building will be included in the building project, 2/3 of the back half was originally designed for parking vehicles. There is also an abundance of street parking already available in the area as well as a lot which has been acquired by the applicant.

Eric Englund, Manager of Current Planning, stated that the Department recommends approval of the project.

Mr. Pate moved for approval of the Drummond Motor Company and Firestone Building TIF Redevelopment Project Plan. Mr. Moore seconded the motion which carried 6-0.

At the Planning Board meeting held on July 11, 2018 Mr. Don Seten, Planning Department, advised that this project was on the Planning Board agenda in March, and is back now as essentially the same project in the same location. The project is still the construction of market rate, for sale, townhomes. The change (which Mr. Seten showed on an aerial map) is that since the March 7, 2018 meeting, the applicant has acquired the final, single family property adjacent to the project. This small change to the boundaries changes the number of planned units from 30 to 36). There were a number of concerns from that property owner at the last meeting, which have all been resolved. Mr. Seten stated that there has been significant outreach to the neighborhood associations, particularly the Dahlman Park Neighborhood Association, by the developer. There has been a lot of communication back and forth and the design for the project has been fine-tuned as a result of those discussions. The applicant is Dahlman Rows LLC, Mr. Ben Katt is the managing member of the LLC. The total project cost is $11,970,000 and the TIF support requested is $1,800,000. The project does comply with all the TIF requirements. The project represents an appropriate land use for the area and is consistent with the City’s Master Plan.

Mr. Brent Beller, 1144 West Center Road, appeared on behalf of the applicant. The prior concerns of the Board regarding the one property has now been resolved. With the addition of that one property, the TIF request has changed from $1,750,000 (at the March, 2018 meeting) to $1,800,000.
Mr. John Capalopo, 128 Cedar Street, appeared before the Board in opposition. Mr. Capalopo stated that he does not believe this type of development is appropriate for the neighborhood which is made up of single family homes. Mr. Capalopo stated that he is the 4th generation of his family to live in his home and he has family members in the neighborhood who have lived in their homes in excess of 24 years. He believes that any development in the area should be single family homes.

Mr. Jim Bogats, 1904 South 7th Street, appeared before the Board in opposition. Mr. Bogats stated that he lives directly across the street from the project and that the development will be an eyesore and will completely change the view from his front porch. He advises that he has lived in his home for 35 years and has always had a view of Lake Manawa from his deck but with this development his view will now be of a wall. In addition, Mr. Bogats advises that the owners are not keeping the property clean, he has called the Mayor’s office to complain more than once about the mess at this property. Mr. Bogats believes that if there must be development, it should be single family residences. He also has concerns about the additional traffic generated by 36 more homes on 7th Street, Cedar Street, and Center Street.

In response to Mr. Capalopo and Mr. Bogats, Mr. Beller stated that the current zoning of the property could allow for some very undesirable development in this otherwise neighborhood. Mr. Beller advises that with the zoning change, they are attempting to return the neighborhood to a residential neighborhood. The R7 zoning with PUR allows this type of development, the developer is not asking for any other changes. The current zoning could allow for commercial development. Mr. Beller stated that they are trying to be mindful of the residential nature of the area, however, different types of residences are being built in 2018 than were built in 1920 and 1930 when a large number of the other dwellings in the neighborhood were built. Mr. Beller presented a rendering of the planned development showing the placement of the buildings as well as the entrances and exits. Mr. Beller also advised that the developer will be improving Cedar Street, which is currently an unimproved road, to bring it to City standards to allow for the additional traffic being generated by the new townhomes.

In response to Mr. Capalopo and Mr. Bogats, Mr. Beller stated that the current zoning of the property could allow for some very undesirable development in this otherwise neighborhood. Mr. Beller advises that with the zoning change, they are attempting to return the neighborhood to a residential neighborhood. The R7 zoning with PUR allows this type of development, the developer is not asking for any other changes. The current zoning could allow for commercial development. Mr. Beller stated that they are trying to be mindful of the residential nature of the area, however, different types of residences are being built in 2018 than were built in 1920 and 1930 when a large number of the other dwellings in the neighborhood were built. Mr. Beller presented a rendering of the planned development showing the placement of the buildings as well as the entrances and exits. Mr. Beller also advised that the developer will be improving Cedar Street, which is currently an unimproved road, to bring it to City standards to allow for the additional traffic being generated by the new townhomes.

Eric Englund, Manager of Current Planning, reminded the board that the Preliminary and Final Plat was approved with the Consent Agenda items at the beginning of this meeting, as well as the rezoning and PUR Overlay District for this project and those items will proceed to City Council for final approval or denial. The only thing in front of the Board at this time is the request for TIF funding. Mr. Englund advised that the Department recommends approval of the TIF project plan.

Mr. Morris moved for approval of the Dahlman Rows TIF Redevelopment Project Plan. Mr. Pate seconded the motion which carried 6-0.

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<tr>
<th>REQUEST: Approval of the GRACE UNIVERSITY TIF REDEVELOPMENT PROJECT PLAN</th>
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<td>LOCATION: 1311 South 9th Street</td>
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At the Planning Board meeting held on July 11, 2018 Mr. Don Seten, Planning Department, gave a brief history of the area in and a description of the surrounding neighborhood. On the 2.7 acre campus in the middle of a neighborhood, there are four buildings, three former dormitory buildings and one former administration building. The buildings will be gutted to remove asbestos and lead. The four buildings will be converted into 167 one bedroom/efficiency apartments and the property will also include 167 parking spaces including angle parking in the public right-of-way. The owner/developer is Triangular Holdings, LLC, an Urban Villages entity, owned by Jerry Reimer and Scott Semrad. There has been extensive public involvement regarding this development. The project has been through the Zoning Board of Appeals for waivers and both the Dahlman Neighborhood Association and the Old Market Neighborhood Association appeared to testify on behalf of the project as no one wants to see this property left vacant, abandoned, or underutilized. The total project cost is $14.5 million, the TIF support request is for $2,786,095. The project does comply with all the TIF requirements. The project represents an appropriate land use for the area and is consistent with the City’s Master Plan.

Mr. Scott Semrad, 1750 S 85th Avenue, representing Urban Village Development, appeared on behalf of the project. Mr. Semrad advised that this project has been in the planning stages for almost two years and, as a result, has had quite a lot of interaction with the neighborhood associations and residents, as well as
the Planning Department. Mr. Semrad advises that the project is ready to move forward, most everyone they have met with has given positive feedback. Mr. Semrad stated that he will be available to answer any questions.

Ms. Mary Thompson, 1309 S 6th Street, appeared in support of the project. Ms. Thompson addressed the Board to correct the name of the neighborhood association which has been referred to as the Dahlman Park Neighborhood Association, which is incorrect, the name is the Dahlman Neighborhood Association. Ms. Thompson stated that there has been a lot of interaction between Mr. Semrad and the neighborhood and they are looking forward to the project.

Mr. Dave Koenig, 607 Cedar Street, appeared before the Board in opposition. Mr. Koenig stated that he is opposed to the project because he feels it is not the right fit for the area. He is concerned that 167 studio/one bedroom apartments are not going to draw the “young professionals” due to the location of the neighborhood. Mr. Koenig presented several exhibits drawn from Trulia which he felt indicated the presence of the small apartments would cause the crime rate to significantly increase in the neighborhood due to the type of people who would be interested in one bedroom apartment living. Mr. Koenig provided statistics indicating the number of apartment, townhouse, and single family residences available in the area. Mr. Koenig advises that he is not opposed to development of the area, he is opposed to the type of development.

In response to concerns raised by Mr. Koenig about the increased crime in the area which would be caused by the development, Mr. Semrad stated that there is a very stringent application process for the residents of the building in order to weed out potential problems. In response to a question from the Board, Mr. Semrad advised that the market for these apartments will likely be an age range of 25-32, and that the rent on the apartments would be between $750 and $850, which would also serve to limit the applicants.

Eric Englund, Manager of Current Planning, stated that the City’s Master Plan is supportive of all types of housing, and all levels of income and rents. The applicant has worked with the City for several months, in several meetings. The Zoning Board of Appeals has approved several waivers for the project. Mr. Englund advised that the Department recommends approval of the TIF project plan.

Mr. Pate moved for approval of the Grace University TIF Redevelopment Project Plan. Ms. Karnes seconded the motion which carried 6-0.

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<tr>
<th>C3-18-148 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the 420 CONDOMINIUM REGIME TIF REDEVELOPMENT PROJECT PLAN</th>
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<td>LOCATION: 420 South 11th Street</td>
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At the Planning Board meeting held on July 11, 2018, Mr. Don Seten, Planning Department, gave a brief history of the building which was placed on the National Register in 1979, as well as providing information about the fire which caused the damages and the reconstruction required. Mr. Seten stated that the project is to rebuild the condominiums which were damaged in the M’s Pub fire and subsequent damages resulting from the fire suppression efforts. The damages exceeded the amount of insurance payments. Mr. Seten advises that the total project cost is $8)3 million and the TIF support requested is $685,682) The project does comply with all the TIF requirements. The project represents an appropriate land use for the area and is consistent with the City’s Master Plan.

Mr. Bob Peters, 3552 Farnam Street, representing the 420 Condominium Regime, advised that he is present and available to answer any questions. Mr. Peters also introduced Ms. Kendra Ringenberg, 1318 N 187th Street, legal counsel for the Association, who was also available to answer questions.

In response to a question from the Board, Mr. Peters advised that the building has been stabilized, the “white box” reconstruction of the building has been completed, the interior construction on the individual units has begun, however, more than six of the units have not had any work done on them yet. In addition, Mr. Peters stated that a number of issues have come up which have impacted the timeline on reconstruction.
In response to questions about the effect of litigation on the reconstruction, Ms. Ringenberg explained that the Association opted against filing claim against the City, however, some of the owners of the condominiums do have pending lawsuits which is one of the factors which has slowed progress.

Eric Englund, Manager of Current Planning, Manager of Current Planning, advised that the Department recommends approval of the TIF project plan.

Ms. Karnes moved for approval of the 420 Condominium Regime TIF Redevelopment Project Plan. Mr. Magid seconded the motion which carried 6-0.

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<th>C3-18-149 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the CUMING PLAZA TIF REDEVELOPMENT PROJECT PLAN</th>
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<td>LOCATION: 3040 Cuming Street</td>
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At the Planning Board meeting held on July 11, 2018 Mr. Don Seten, Planning Department, gave a brief description of the project which is to demolish the building at the east end of the site and to rehab the remaining building into three commercial bays. One of the bays would be utilized by the owners for their tailor building. The total cost of the project is $889,000 the TIF support request is $133,554. The developers have been working with the Planning staff on the design review of the building, which will be a brick faced building. The project does comply with all the TIF requirements and is consistent with the City’s Master Plan.

Mr. Edward Alstadt, owner of the property, appeared in support of the project. Mr. Alstadt advised that he and his wife have been the operators of a men’s clothing shop and tailoring business in West Omaha for approximately 25 years. He stated that they have a good client base and wish to move their business to the new location because they have outgrown their current location and they like the downtown area which connects to many of the busiest business areas in the City. Mr. Alstadt described the project and provided a view of what the completed building will look like. He stated that the Cuming street side of the property would not change much and that the entrance would move to the east side of the property. Mr. Alstadt advises that his business would be in the northern bay, they are hoping to have a C-Store in the central bay and they anticipate a restaurant in the southern bay. Mr. Alstadt stated that he believes this use would bring valuable services to the area.

Eric Englund, Manager of Current Planning, Manager of Current Planning, advised that the applicant will be required to apply for an ACI Overlay District in the future. Mr. Englund stated that the Department recommends approval.

Mr. Magid moved for approval of the Cuming Plaza TIF Redevelopment Project Plan. Mr. Morris seconded the motion which carried 6-0.

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<th>16)</th>
<th>C3-18-153 Court 31, LLC c/o Ashley Kuhn</th>
<th>REQUEST: Approval of a Local Landmark Designation - Kay Apartment House</th>
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<tr>
<td></td>
<td>LOCATION: 118 North 31st Street</td>
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At the Planning Board meeting held on July 11, 2018, Mr. Matthew Pells, an Architectural Historian Consultant working for the applicant, White Lotus Group and for Restoration Exchange Omaha described the historical significance of the location which was also detailed in a report for the file.

Eric Englund, Manager of Current Planning, Manager of Current Planning, stated that this project has already been to the Landmarks Commission, which recommended approval at their June 13, 2018 meeting. The Planning Department recommends approval of the project.

Mr. Morris moved for approval of the Local Landmark Designation for Kay Apartment House. Mr. Pate seconded the motion which carried 6-0.

**Subdivisions**
At the Planning Board meeting held on July 11, 2018, Brent Beller, 11440 West Center Road, appeared on behalf of the applicant, Dragon Storage, LLC. Mr. Beller advised that representatives of the project, owner and the development company were also present to address questions.

Mr. Beller explained that the location of the project is approximately 11 acres at 156th and Ida Street, which is currently subject to the Mixed Use agreement. He also described several other developments in the progress or planning stage in the area. Mr. Beller described the site, showing the original plan for the property, and what the project is proposing to do with the site including access to and from the location. He showed a topographical map of the area to assist in explaining how the developer plans to lay out the project due to grades currently in the lot as they will relate to the buffers and placements of various aspects of the project.

Mr. Beller advised that the plans include five new lots: Lot 1 is a small lot at the northeast corner of the property, Lot 2 will be the storage facility, Lots 3-5 will be office/retail. The developer will also be installing a public right-of-way on the east side of the property to make it easier to access the storage facility. Mr. Beller also explained how the buildings will be laid out on the lot as well, including a small (625 square foot) office building for the storage units in which one employee will be working on a daily basis. Mr. Beller stated that they understand and intend to follow all the regulations associated with the Mixed Use agreement including building materials, buffer zones, lighting, etc., with the exception of a couple of waivers they will be seeking. Along 154th Street between the storage units and the residential neighborhood to the east, there will be dense vegetation in the 35 foot buffer zone. Plaza space is required and is provided for in the plans, although the requirement is only for 10% open space, the plans include 27% open space. Due to the grade of the property, the developer is planning for drainage to the west and the plans indicate the retention pond will be placed in the northwest corner of the property.

Mr. Beller indicated that they are requesting modifications to two of the department’s recommendations. The first modification is in respect to the placement of the office building and the retention pond. The department has recommended placing landscaping or the retention pond in the northeast corner at Lot 1, which the developer believes is not feasible due to the layout of the land and the fact that the drainage naturally flows to the west, which is why they wish to have the office building on the northeast corner and the retention pond at the northwest corner. Mr. Beller did indicate that they are planning for extensive landscaping around the office building.

Mr. Beller stated that the other modification they are requesting is regarding the buffer between Lot 2 and Lot 3) The Mixed Use Development agreement requires a 20 foot buffer zone between the two lots, the developer is asking for a 0 foot buffer. Mr. Beller explained that this is due to the steep change in grade between the two lots. The proposal is to place a concrete retaining wall between the two lots.

In response to questions from the Board, Mr. Beller explained that the office buildings on Lot 3 will be single story in the front and two story in the back, approximately 10,125 square feet. The plaza and open space areas are mostly coming out of the area at Lots 3 through 5, which is why the plan is not allowing for landscaping or vegetation between lots 2 and 3 which would be similar, due to the grade, to what is proposed between Lot 2 and the residential lots to the east. Mr. Beller also clarified that there will only be one entrance into the storage facility.

Mr. Beller went on to further describe the storage facility operations. He advised that it will look and operate similar to their 180th and Harrison Street location, including 24 hour security. Mr. Beller stated that this is a growing area, the zoning permits this type of use, and there is no other storage facility within a three mile

| 19) | C10-99-044  
|     | C12-18-130  
|     | Dragon Storage, LLC | REQUEST: | Preliminary Plat approval of WATERFORD CROSSING REPLAT 27, a subdivision outside the City limits, along with approval of a Major Amendment to the Mixed Use District Development Agreement for Waterford Crossing |
|     | | LOCATION: | Northeast of 156th and Ida Streets |
radius. He described the storage facility as a less intense commercial use in a mixed use area with less traffic on a daily basis than a typical retail use.

In response to a question from the Board, Mr. Beller advised that they have had meetings with the residents in the neighborhood and that, while retail or other services may be the preference of the neighbors, the reality is that in 14 years, no one else has had an interest in the property for retail or any other purpose. Mr. Beller again reiterated that this use would be much less intrusive and generate much less traffic than a shopping center or large chain store such as Wal-Mart, both of which would also be permissible under this zoning. In response to a question as to whether a retail use would generate more tax dollars for the City, Mr. Beller stated that for 14 years, the property has been generating zero tax dollars, and as of now there is still no one else interested in developing the property.

Mr. Rosenbaum, Planning Board Chairman, remarked that the Planning Board has received a large amount of communication in opposition to this project from the residents in the Waterford neighborhood, he asked Mr. Beller what he knew about the meetings that had taken place. Mr. Beller advised that there was a lot of education taking place at the meetings, and that there was opposition from some of the residents. Again, he reminded the Board that they planned to do all they could to create a good buffer between the residential neighborhood and the storage facility and that this is an allowable use of the lot which will be far less intrusive to the neighbors than some of the other possible uses of the location.

Ms. Andrea Westphal, 15121 Gilder Avenue, appeared before the Board in opposition. Ms. Westphal stated that she and her neighbors paid a lot of money for their homes in the Waterford neighborhood with the expectation that it would remain a nice, peaceful neighborhood. She advised that when deciding on an area to purchase a home, she was told that there would possibly be some small shops or restaurants built on the lot at 156th and Ida Streets, she never expected a storage facility to be built there. Ms. Westphal stated that the homes in that area are very large and have no use for additional storage facilities, therefore, she believes there is no need for them to be built there and they will be of no value to the Waterford residents. Ms. Westphal indicated that she found several another storage facilities within three miles of the planned development which she listed for the Board. The list provided showed several facilities between 2.9 miles and 5)4 miles away. Ms. Westphal believes that the storage facility belongs in a commercial or industrial area rather than in their residential neighborhood.

Mr. Don Kane, 7204 North 154th Avenue, appeared before the Board in opposition. Mr. Kane advised that his is the only home which sits on the round-about, just north of the proposed project. Mr. Kane stated that he is upset about the amount of additional traffic which he believes will be coming into the neighborhood from other areas. He believes that this project will bring people into his neighborhood who will harm his young child. Additionally, Mr. Kane stated that although the developer is proposing to create a buffer with trees and other vegetation between the neighborhood and the storage facility, he does not believe that the plantings will be mature enough to create any kind of a buffer for several years. He is concerned that the trees will lose their leaves in the fall, which will result in there being nothing to hide the view from his home into the storage facility.

Ms. Karen Claud, 7115 North 154th Street, appeared before the Board in opposition. Ms. Claud stated that she feels these will be in the backyard, right in the middle of her neighborhood. Ms. Claud wants to know who will be taking care of the trees and other plantings, she has viewed another facility and the trees/plantings are not cared for at all. She also questions how long it will take for the buffer to be mature enough to hide the view of the proposed project. Additionally, Ms. Claud stated that all the other facilities she has seen are not in residential areas, they are in industrial areas or are near farms. Ms. Claud stated that when she purchased her home in Waterford, she was not told that there could be commercial use for the area, only residential and retail. She feels that this is not an appropriate use for this land and is very upset over the possibility of it going forward.

Mr. Grant Kobis, 15315 Whitmore Street, appeared before the Board in opposition. Mr. Kobis stated that his major issue is with the number of units planned for the project and the changes being made to the original agreement which he understood to include a lot more open space, colored concrete, wider sidewalks and wider buffer zones. Mr. Kobis is concerned that the office building will look like an afterthought with metal siding and a metal roof as he stated he has noticed in other storage facilities. He stated that he believes the buffer should be left as the residents were promised between their homes and
the lot which the storage unit will be on. Mr. Kobis also stated that he is concerned about several trucks with trailers blocking traffic while waiting to park or backing out of the storage facility office when they are wanting to go into their unit. Mr. Kobis stated that he is not completely opposed to the storage facility, he just feels the project needs a lot of work to be appropriate for the area. Mr. Kobis believes that the neighborhood residents need to be involved in the planning stages of the project rather than after the plans have been made and it is now at the Board for approval.

Mr. Lowell Uteck, 7122 North 154th Street, appeared before the Board in opposition. Mr. Uteck stated that his home has a deck and all the windows look out the back which means his view will be looking down on the storage facility. He believes that everyone else made good points as well, which he will not repeat.

Board members asked the residents who are opposing the storage facility whether they would feel the same way if a Wal-Mart moved in there. Mr. Uteck stated that they would be fine with that, but would prefer some small shops or possibly a small strip mall. Mr. Magid stated that it is unlikely they would be getting small shops to fill 10 acres of land within the next 5 years, or more.

Mr. Uteck stated that he does not believe the design of the proposed units would fit in well with the neighborhood at all and he does not want it to be improved.

Ms. Krystal Kane, 7204 North 154th Avenue, appeared before the Board in opposition. Ms. Kane stated that in addition to sharing the same concerns of her husband, Mr. Don Kane (above), she is concerned about the parking at the project and the possibility of customers parking on the street. Ms. Kane stated that there is very little parking in the area and the streets are not wide enough for people to park trucks on them. She believes that there should be fewer units to allow for more parking in the facility. The Board pointed out that to build a four story storage building rather than the flat, one level buildings, would also be unpopular with the residents. Ms. Kane advised that she does not want the storage unit there, she wants to see the small shops, possibly a strip mall there that she was promised by her realtor. The Board advised Ms. Kane that the Planning Board has no control over what a realtor tells someone to whom they are selling a home, but that the proposed storage facility is one of the options allowed for under the Mixed Use Agreement.

At the request of the Board, Mr. Brent Beller returned to address some of the concerns that had been raised. Mr. Beller reminded the group that the storage facility is an allowable use of this property under the Mixed Use Agreement, and that the location has not been developed for 14 years. He stated that although they are proposing to build the storage units on the property, they are also trying to be mindful of the residents in the area and their wish to have retail there, which is why they will be putting in retail abutting Ida Street, and tucking the storage facility back behind it. With regard to concerns about the design, Mr. Beller advised that they are subject to the design standards in the Mixed Use Agreement, which means there will not be metal siding or most of the other things neighbors were concerned about. Nothing is being changed about the buffer zones which are spelled out in the Agreement, they will stay as they are outlined, the only exception being the request to change the buffer between lots 2 and 3) Mr. Beller stated that the Dino’s Storage which was referenced by several of the residents is three to four stories high which obviously makes it much more visible to the surrounding area. The proposed facility will be one story and the elevation of the land will also place it below the line of sight from the residential area, in addition to the trees being planted. Mr. Beller responded to remarks that the realtor had told them that it would only be small retail going into the lot proposed for the storage facility, he noted that his company did not make those statements and they are not responsible for what someone else told them when they were purchasing a home in Waterford. The proposed use of the lot is within the allowable uses within the Agreement. He did advise the group of residents and the Board that other facilities like this have less than 20 people per day visiting them, as opposed to a large retailer like Wal-Mart or Target which may see hundreds of people in a day, other smaller retailers would also likely have more traffic than this proposed use. In closing, Mr. Beller stated that over the course of the last 14 years, many developers have looked at this location and have chosen not to build the smaller shops or restaurants in that area, perhaps the new development will spur some interest in developing the rest of the area.

In response to questions from the Board, Mr. Beller stated that the facility will operate 24 hours per day, based on other facilities, the developer stated that there are generally less than 10 people per week entering after 6:00pm. The lighting at the facility will be all down lighting, no spread lighting, in compliance with the
lighting ordinance. There will be no outside storage, all storage items will be stored inside the garages. There are climate controlled units, but they are all on the single level.

Mr. Rosenbaum stated that a three story storage building was built in his neighborhood, and he voted against it when it came before the Board. However, he feels that this one will be somewhat better because it is only one level and he feels that, like his neighborhood, after time people will get used to them and not really notice them anymore. Mr. Rosenbaum stated that since he voted against the one in his neighborhood, he did not really feel like he could vote in favor of one in the Waterford neighborhood.

Mr. Pate stated that he feels there is a better use for this location which would be more acceptable in the area and would provide a higher tax base for the City. He indicated that he would vote no on this proposal.

Mr. Magid stated that this is an acceptable use for the area per the Mixed Use Agreement. He reminded the Board that for the past 14 years it has generated zero tax base as it is sitting undeveloped and there is no guarantee it will be developed in the next 10 years. Mr. Magid stated that he has a problem voting no on an acceptable use when the developers are meeting the restrictions, working with the City recommendations and doing all they can to comply with the regulations. Additionally, he stated that the Board only makes recommendations and that the City Council has the opportunity to hear from the residents and approve or deny the project. He feels that the Board is not responsible for determining what kind of company they wish was there.

Ms. Karnes stated that she agrees with Mr. Magid in that the Board should not be picking and choosing what they like or dislike in an area when they are faced with a developer who is meeting the regulations to build a development which is an acceptable use for the location. Ms. Karnes pointed out that the buffer between the storage facility and the residential homes is larger than originally proposed in the Agreement and the storage facility will generate far less traffic into the neighborhood than a retail use. Ms. Karnes went on to say that she does not feel it is the duty of the Board to deny an acceptable use for no other reason than the residents are in a “high end” neighborhood. Ms. Karnes recommended that the opponents look at the original projected use, which is not necessarily any better than what they are recommending. Ms. Karnes stated that although the residents may have preferred small shops or restaurants, based on the types of uses allowed under the Mixed Use Agreement, they could also end up with something they would like a lot less than a storage facility.

Mr. Rosenbaum agreed with Ms. Karnes that there could be something else put in the area which would create a lot more traffic and noise which would be a lot less attractive in the neighborhood. He stated that the biggest problem he has with the one in his neighborhood is that it is a multilevel building which he believes looks bad. With the increase in landscaping, he believes that the residents will find this much easier than some other use. Mr. Rosenbaum disagreed with Ms. Karnes that they have to vote yes for it just because it is an acceptable use.

Eric Englund, Manager of Current Planning, clarified that convenience storage is classified as a commercial use in the zoning code. The Mixed Use plan was approved in 2004 and amendments to these plans are common. Mr. Englund stated that real estate agents do not always do the best job of relaying what has been approved or what is possible on a site. The Major Amendment is the proper Avenue to make changes, regardless of what was approved 14 years ago. The Planning Department receives the applications, they review it for code compliance, and then they make recommendations to the Planning Board. The Planning Board then reviews each case and makes their recommendations to the City Council who makes the final determination to approve or deny the request. Mr. Englund stated that the connection was always intended and approved between Iowa and Ida Streets, though as opposed to the current approved plan, originally it wound through the Mixed Use development whereas now it is proposed to be a north/south connection. This development would be required to comply with all applicable codes in their project, including the building materials and lighting.

Mr. Englund stated that the Department does not believe that the office building should be located in the northeast corner of the property, east of the new north/south right-of-way, the department believes that if it cannot be used for the stormwater retention area it should be left as open space. There is a section in the zoning code (Section 765) which applies to Special Use Permits, which involves basically the same process as a Major Amendment, specific to convenient storage facilities which requires a 35 foot buffer yard which
would be on the east side, as well as the south side, which is what is recommended for the benefit of the adjacent commercial/office properties. The answer to whether mixed use centers should be allowed on these types of property was determined decades ago, it is an allowed use with this process. No matter what happens with this, or future, votes, we do encourage communication between the developer and the residents in the neighborhood throughout the project if it is approved. Mr. Englund stated that the Planning Department recommends approval of the Major Amendment to the Mixed Use District Development Agreement for Waterford Crossing subject to five, acceptable and signed, final Mixed Use District Development Agreements prior to forwarding to City Council for approval, this would occur with the Final Plat which will come at a later date. The Department recommends approval of the Preliminary Plat subject to the ten conditions listed in the recommendation report.

Mr. Moore made a motion to lay the case over to the August 1, 2018 Planning Board meeting. Mr. Magid seconded the motion. Mr. Englund stated that because the meeting in July was happening late in the month, the layover would have to be to the September 5, 2018 meeting as the deadline for the August 1, 2018 meeting had already passed. After consulting with Mr. Thelen of the Law Department regarding procedure, Mr. Moore chose to withdraw his motion to layover the case.

Mr. Pate moved to deny the request. There was no second.

Mr. Magid moved to layover the request for two months to the September 5, 2018 meeting. Mr. Moore seconded the motion. Mr. Magid withdrew his motion in order to invite Mr. Beller back up to the front to seek his opinion regarding laying over the motion for two months. Mr. Rosenbaum advised that this was not a good idea. Mr. Magid asked what would happen if the Board was deadlocked, as there were only 6 members present at this meeting, he was advised that the request could be forwarded to the City Council with a 3-3 vote if that should happen.

Mr. Magid moved to approve the Major Amendment to the Mixed Use District Development Agreement for Waterford Crossing subject to five, acceptable and signed, final Mixed Use District Development Agreements prior to forwarding to City Council for approval, this would occur with the Final Plat which will come at a later date. The department recommends approval of the Preliminary Plat subject to the ten conditions listed in the recommendation report. Mr. Morris seconded the motion which was defeated 3-3 with Mr. Moore, Mr. Pate, and Mr. Rosenbaum dissenting.

Mr. Rosenbaum consulted Mr. Thelen whether the 3-3 vote should then be sent to the City Council. Mr. Thelen advised that while it was possible to do so, the failed motion left the floor open for another motion to layover, which would be the preferable way to deal with it. If the Board feels they are deadlocked, Mr. Thelen stated that the request could be sent to the City Council with the 3-3 vote.

Ms. Karnes moved to layover the request to the September, 5, 2018 meeting. Mr. Magid seconded the motion which passed 4-2 with Mr. Rosenbaum and Mr. Pate dissenting.

**Rezonings**

| 29) | C10-99-084 Malibu Properties, LLC | REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for West Point to allow Multiple family residential | LOCATION: 15450 and 15454 Ruggles Street |

At the Planning Board meeting held on July 11, 2018 Mr. Jim Buser 10250 Regency Circle, provided a description of the planned development at 156th Street and West Maple Road in the West Point Development. Mr. Buser stated that the project is to build 84 market rate apartments in two buildings on the final two vacant lots in the development. Currently there is a bank, office buildings, retail, an established single family residential neighborhood, and a daycare in the area. Mr. Buser explained that the daycare is situated immediately to the north of the project and the new apartment buildings will share an access drive with the daycare. The amendments requested are to allow for a height of 45 feet and to allow the multi family use. The developer has held two meetings with the neighbors, with Torrey Pines Homeowners Association Board on May 31, 2018, the immediately adjacent neighbors were also invited to that meeting and there was good attendance. Preliminary plans were presented at that meeting where the neighbors
provided some feedback before the plans were submitted. After the plans were submitted, there was another meeting with the entire Torrey Pines neighborhood on June 26, 2018, the daycare owner was also represented at that meeting. There have been additional meetings with the daycare owner who had some concerns about the shared access. Mr. Buser stated that he feels they have had productive meetings with the daycare and some concessions have been made with regard to ensuring the safety of the children and families at the daycare center. The developer has discussed adding a speed bump just before leaving our drive into the daycare, in addition, there will be some sort of stop sign or other sign to slow traffic. In addition, Mr. Buser stated they do not believe it will be possible to get much speed coming out of the apartments due to the design of the drive. The number one issue brought up at the meetings was the traffic coming through the daycare to the apartments. The second issue was dealing with concerns about the type of building which would be built. Mr. Buser stated that the developer has assured the neighbors that these will be nice looking, market rate apartments. Mr. Buser advised that they had presented visuals to show the sight lines and elevations from the Torrey Pines neighborhood. Issues such as garbage removal, parking, and noise have been discussed with the neighbors as well.

With regards to the traffic, the Planning Department did require a traffic analysis, which has been completed and submitted to the department. Mr. Buser advised that Chris Rolling is available to discuss the results of the analysis if necessary. The study did show that the traffic is somewhat less with a multi-family use as opposed to an office building.

Ms. Adrian Agula, 109 S 55th Street, appeared before the Board in opposition to the project. Ms. Agula stated that she is the owner of the company which owns the daycare center next to the project. Ms. Agula stated that the center is licensed to serve 200 children and concern for their safety is what she spends all day worrying about. Ms. Agula stated that there are people coming in and out of the center all day, sometimes carrying one child and holding onto the hand of another small child, additionally the center provides transportation for children who go to school from the center and return there in the afternoon. Ms. Agula stated that she believes that their parking lot will be the primary access point to the development due to the traffic signal at Taylor Street which will make access at 156th much easier since there is no light at Ruggles. Ms. Agula shared that she has spoken with the developer about her concerns and she feels that, thus far, they have been very receptive and responsive in finding ways to alleviate her concerns. They have discussed doing away with the cross parking easement and adding the two right turns to the approach to Hamilton Heights daycare. Additionally, Ms. Agula stated that they have discussed adding a stop sign between the apartment access and the daycare access, as well as a speed bump at that location. Ms. Agula stated that she appreciates all the cooperation she has gotten from the development team and is asking that, if this project is approved today, it be approved with the confirmation of these traffic control methods.

In response to a question from the Board, Ms. Agula stated that she would prefer to see office space going in as her neighbor, since from a business standpoint, she feels it would be better for her to have working people next door who may need her services as opposed to apartments which she does not feel are as likely to need daycare. Nevertheless, Ms. Agula stated that she understands the need for progress, and if the developer can provide the safety elements, she is not opposed to the project.

Mr. Josh Kerns, 4303 North 154th Avenue, appeared before the Board in opposition. Mr. Kerns stated that he has a front row seat to this proposed development in addition to another apartment complex at 154th and Ruggles. He stated that he sees the amount of traffic coming and going from there all day long. Mr. Kerns advised that he also has two children in the daycare and feels that their safety should be a deal breaker as he feels that the parking lot there cannot handle any more traffic and still be safe for the children.

Anita (last name not given), 4315 North 154th Circle appeared before the Board in opposition. She stated that she is appearing today both on behalf of the Torrey Pines Homeowners Association and as the grandmother to Mr. Kerns’ children who attend the daycare. Anita stated that the Torrey Pines Homeowners Association is opposed to this development and to the request for a Major Amendment. Anita provided the following list of ways the HOA feels the development will serve as a detriment to their quality of life in the neighborhood.

- Property in question was intended for retail and business, which was acceptable to property owners in the Torrey Pines development at the time they took residence, not multi family development.
• Decreased child safety at the peak drop off and pick up times at the daycare facility.
• Traffic congestion: HOA members feel that the information provided by Summit Development does not appropriately address the subject of traffic congestion on Taylor Street (the only street with a stop light), Ruggles Street, 154th Street and 150th Street. The HOA feels that if the development was business/retail it would not cause additional congestion as the traffic would be coming and going from that type of business at opposite times from the daycare.
• Multi family developments on all major streets in the Torrey Pines development.
• Point of access for the apartment development: Ruggles Street has no traffic light, the only access to the development would be at 154th and Taylor Street where there is a traffic light, which would require driving through the daycare parking lot to get to the apartments.
• Overflow parking. There is already a problem with parking on the streets related to Torrey Pines apartments, another apartment complex will simply add to the problem.

Personally speaking, she is concerned about the change to the neighborhood and the safety at the daycare. Anita stated that there will be no way to get out onto Ruggles at any time of day, which will send people through the daycare to Taylor Street, which is also already backed up. Anita feels that this development would be dangerous.

In response to a question from Ms. Karnes, Anita described the various changes that the neighborhood has undergone since her family first purchased a house in the Torrey Pines development. She stated that she feels that this apartment complex proposal is simply one change too many in her opinion.

Mr. Jim Buser introduced Mr. Jeff Lake and Mr. Chris Rolling to address the concerns of the opponents.

Jeff Lake, Summit Development, 21008 Cumberland Drive, responded to Ms. Karnes question regarding the original intent for the location. Mr. Lake advised that prior to the development of the daycare, there were two access easements, the first one was the cross parking between what is now the daycare and the two lots proposed for this project, the second easement was always designed to be through the parking lot of what is now the daycare. Both of those easements existed prior to the development of the daycare center and still are in existence today.

Mr. Lake described the project streets, Ruggles Street which is unsignalized, and Taylor Street which does have a traffic signal. He addressed concerns about cut-thru traffic to the traffic signal through the daycare parking lot. Mr. Lake stated that they designed the access with 90 degree angles specifically to make it less attractive to cut through, and to slow any traffic down if they did choose that route. There is a connection to Ruggles Street to provide immediate access to 154th Street if you want to go north. To go south, Mr. Lake advised that one option is to go through the parking lot to the light and then proceed through that intersection. The other option, which Mr. Lake described is to take Ruggles Street to Maple, then take a right turn to go west. Additionally, they are still exploring other ways to improve connectivity at the peak times for the daycare.

Mr. Chris Rolling, 2111 South 67th Street, discussed the traffic analysis which was completed at the request of the Public Works department to get some information about the possible increase in traffic with this development as opposed to the originally planned office/retail use. Mr. Rolling presented a chart showing that the AM peak hour traffic would not be significantly different between the apartment use and the office/retail use, this is because the traffic generated by people coming into the office in the morning would be about equal to the number of people leaving their apartment to go to work in the morning. In the PM peak hour, there is a significant drop because the traffic at the apartments would be pretty much stagnant during the day, whereas a retail/office location would see traffic coming and going throughout the day. In the PM peak hour, when there is the most delay in traffic on the existing roads, there would be a similar amount of trips entering the site as there would be if it was retail/office and a significant reduction in trips exiting the apartments as opposed to the retail/office use.

In response to a question from Mr. Pate about where the data came from which was used in the traffic analysis, Mr. Rolling stated that the Institute of Transportation Engineers (ITE) puts out a publication with rates of traffic generation for different kinds of land uses, based on square footage for retail use, number of units for residential, etc. Through a very extensive amount of study, particularly on common uses, i.e. retail, apartments, etc., there is a very high confidence in the rates which are developed from that research. Mr.
Rolling advised that the analysis was based upon national and industry recognized rates based on voluminous amounts of research at comparable sites over the past decade.

Ms. Karnes asked whether there was also an analysis done on the traffic at 156th Street and Taylor Street. Mr. Rolling stated that they did not develop their analysis on certain intersections, based on comparison of trips to and from the site from the old use to the new use. Mr. Rolling stated that while they did not analyze numbers from each intersection, he did note that the area is set up nicely to provide options for traveling in different directions to and from the site.

Mr. Pate advised that his grandson goes to that daycare and when he has been there to pick up his grandson he has noted that the traffic is very tough in the afternoon.

Ms. Karnes asked Mr. Eric Englund, Manager of Current Planning, if it is the City’s requirement that there be connectivity through the daycare lot. In response, Mr. Englund stated that while he does not recall specifically the discussion about the easements, however, the connectivity is usually expected within Mixed Use developments.

Mr. Magid noted that as opposed to a retail/office use which would have traffic coming and going all through the day, the residential use would likely see much less in and out traffic. He inquired as to whether it would be possible to make a requirement for traffic at certain times of the day to enter/exit from only one direction. In response, Mr. Lake advised that they are open to discussion with the daycare owner to find a way to make sure it is a safe environment for the children. He stated that they would not be opposed to having the one way at peak times similar to some school zones, but questioned the enforcement of such a restriction. In addition, he felt that there was a benefit to having the connectivity open, rather than a closed connection between the two, for emergency services and to possibly help with traffic at the daycare itself. Mr. Lake stated that although he believes having the open connection is important, if the Board stated that they have to close it, he does not feel it would be a deal breaker.

Mr. Englund stated that within the request is a provision which would allow the developer to adjust the height to 45 feet which is common with this type of use and the department would be supportive of that adjustment. Mr. Englund stated that there is still some work to be done with regards to requirements for green space and open space before the Mixed Use development agreement could be sent to City Council. Mr. Englund advised that the department recommends approval of the Major Amendment to the West Point Mixed Use Development Agreement subject to the four conditions in the recommendation report.

Mr. Morris motioned for approval of the Major Amendment to the West Point Mixed Use Development Agreement subject to the following conditions: 1) Provide an updated Exhibit B that accurately reflects the plaza and open space provided as part of this development prior to forwarding the request to City Council. This exhibit will need to indicate the sidewalks adjacent to Outlot A and Replat 4 Lot 2) 2) Submittal of five acceptable signed final Mixed Use District Development Agreements prior to forwarding the request to City Council (these were submitted as part of this request, however the language needs to be changed to limit the height of the apartments on Replat 4, Lots 1 and 2 to 45’ maximum). 3) Submittal of a traffic memo to Public Works prior to forwarding to City Council and 4) The sidewalks on the north and south sides of Outlot A will need to be constructed as part of the building permit for the apartments. Mr. Magid seconded the motion which passed 5-1 with Mr. Pate dissenting.

**Special Use Permits**

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<tr>
<th>REQUEST:</th>
<th>Approval of a Special Use Permit to allow General office in a GI District</th>
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<td>LOCATION:</td>
<td>8800 F Street</td>
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At the Planning Board meeting held on July 11, 2018, Mr. Russ Daub (no address given) appeared on behalf of the applicant. Mr. Daub explained that there were two issues to discuss today, the first being the Special Use Permit and the second being some sign waivers. Mr. Daub described the renovation being completed by Mr. Brannon at the old Pamida building. He advised that when the building was purchased, they were not aware they would need a Special Use Permit, however, they have learned that they will need
one in order to turn the building into the business the applicant wishes to have. They had applied for a sign waiver, when they were told they should apply for the Special Use Permit, so that is what they are here for now. Mr. Daub stated that he understands that it is necessary to prove hardship in order to be granted the waiver and he had several points to make which he believed would prove that hardship. The first item Mr. Daub noted was that as soon as the property was purchased by the applicant, the City had dropped the assessed valuation on the property from $5,000,000 to $3,000,000 while recognizing that the building was a disaster. The applicant had purchased the building fully understanding that it would need to be completely renovated. The applicant has done all he needed to do to meet the fire codes and other requirements of the City. The upper level of the building is completely vacant, but the applicant is still being assessed for it. The business is selling updated products, which led the applicant to rename the business the “Kul Factory”. The applicant has developed a new logo and sign in the art deco design. Mr. Daub provided drawings of the sign which is being proposed, in addition to showing the sign which is currently there. Mr. Daub presented photos showing the design of the exterior of the building as well as the location of the entrance, which is one of the hardships Mr. Daub feels would indicate the need for a sign waiver. Mr. Daub showed that the entrance to the building is in an odd location, not easily noticed by someone wishing to visit the business. The entrance to the building is away from the street, below the level of the street and somewhat to the back of the building. The plan for the upstairs is to have office space for rent to small businesses who need an office but not necessarily a whole building for their business. In order to get the tenants interested in the building, there will need to be appropriate signage to draw them in. Mr. Daub stated that according to the City code, there could be signage all across the side of the building, which is not something the applicant wants to have on the building. Instead, Mr. Daub advised that the applicant has designed a large, monument sign. Mr. Daub provided various drawings and photos to the Board to demonstrate the placement of the proposed sign as well as other signs in place in the neighborhood. Mr. Daub stated that the applicant also wished to have a sign protruding from the side of the building which will indicate where the entrance is, since it is somewhat hidden. The applicant is requesting waivers to allow for a sign protruding from the side of the building, and to allow the monument sign which at 258 square feet, exceeds the size allowed per City code. Mr. Daub stated that Mr. Brannon went to 10 of the neighbors at this location to get their consent for the signage (included in the packet presented for inclusion in the record), all 10 of the neighbors agreed.

Mr. Daub explained that the applicant was having to work with a building design which he did not create, which is another aspect of hardship. Another key element is consent, which he has gotten from the neighbors. Mr. Daub stated that the economic element is also significant, the valuation went down after the purchase, after putting work into rehabbing the building, the valuation has been raised again up to $5,000,000, which the applicant did not protest. Additionally, Mr. Daub, presented a model showing projected income from the building if it is fully leased, which he believes will be impossible unless he is allowed the sign waiver to make the entrance and the building stand out to draw people.

Mr. Daub advised that Mr. Brannon has agreed to make modifications to the entrance sign, to drop the waiver for the protruding sign, he is willing to have an on-building sign to indicate the entrance. In addition, the applicant is willing to remove the sparkling 8001 from the top of the monument sign. In response to a question from the Board, Mr. Daub stated that the proposed sign is significantly larger than the pole sign currently in place.

Mr. Magid described the building to the Board as he had been at an Open House to see the business that is going in there. Mr. Magid describes the building as being approximately 50,000 square feet. Mr. Morris also advised that he went to tour the location and initially entered the wrong door and had to travel all the way across the warehouse to get to the entrance he should have used initially, because there was no signage to show the entrance.

The applicant, Mr. Curt Bannon, 8800 F Street, addressed the Board to discuss the waiver request. Mr. Bannon stated that he feels the special use for this building requires thinking outside the box which will be more of a landmark sign for what he believes is a landmark building. Mr. Bannon explained that there will be 25 leased offices in the building and that there will be a digital sign in the monument sign which will run the names of the businesses who are leasing workspace at the “Kul Factory”. He stated that he has additional plans for the building to make it more appealing, and add greenspace. He feels that the size of the lot requires an “inflated” sized sign. In response to a question from Mr. Rosenbaum, Mr. Brannon
advised that the adjacent neighbors were not opposed to the sign and he is unaware of any opposition from neighbors farther out.

Mr. Eric Englund, Manager of Current Planning, stated that the request for the Special Use Permit had come before the Board previously but now were asking to add office space as a stand alone use, which is why they were appearing today for the Special Use Permit for General Office. With a use permit, whenever there is a request for a waiver of the zoning code on a Special Use Permit, Planning Board and City Council have to be supportive of those waivers prior to them going before the Zoning Board of Appeals. If it was a Conditional Use Permit, it would only require the Planning Board approval before going to the Zoning Board of Appeals. Mr. Englund stated there were three sign waivers requested, 1) Permitted maximum pole signage waiver from 150 square feet to 258 square feet, 2) the maximum square footage of a projecting sign from 40 square feet to 105 square feet and 3) the flashing and bare bulb elements. As the applicant has agreed to drop the requests for the waivers for the projecting sign and the flashing/bare bulb elements, Mr. Englund stated that the only matter before the board is the request for a waiver for the maximum pole signage size. He explained that in the Industrial zoning requirements for signage, the maximum square footage allowed for a pole sign is 150 square feet, it does not take into account the size of the lot. Mr. Englund stated that there is no problem with the design of the sign, however, there is no zoning hardship or difficulty that allows the department to support an increase in the size of the pole sign. Mr. Englund stated that nothing else has changed since the previous time the applicant was before the Board requesting a Special Use Permit, therefore, he stated that the Department recommends approval of the Special Use Permit subject to the five conditions in the recommendation report. Mr. Englund stated that the Department is not in support of any waivers for the signage.

Mr. David Fanslau, Planning Director, stated that the department had reviewed the request and that everyone liked the design of the sign. However, the State law stated that in order to grant a waiver, the zoning code has to create a difficulty or a practical hardship, not a business hardship or a financial hardship. The State law is to grant a waiver if the zoning code is in error on a certain site or does not apply equally to a specific site. Mr. Fanslau stated that if there had not been the request for the Special Use Permit for the separate office use, this request would have gone straight to the Zoning Board of Appeals and when the Planning Department reviews waiver requests, they review them according to State law. Mr. Fanslau stated that there is nothing in this request which indicates anything in the zoning code which would justify a waiver per State law. Planning staff cannot sign off on permits which are not code compliant, regardless of what they think of the project.

Mr. Magid motioned for approval of the Special Use Permit to allow General offices in the GI-General Industrial District, subject to the following conditions: 1) Providing a revised site plan indicating the total floor area designated for each use type, prior to forwarding the request to the City Council for final action.
2) Compliance with the proposed operating statement. 3) All signage shall comply with the requirements of Chapter 55 of the Omaha Municipal Code, with the exception of the pole sign which may be up to 258 square feet in size. 4) Compliance with all other applicable regulations and 5) The applicant receiving a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department. Mr. Morris seconded the motion which carried 4-2 with Mr. Rosenbaum and Ms. Karnes dissenting.

### Conditional Use Permits

| C7-18-137 | 32) Pleasant Hill Cemetery John Rohwer, President | REQUEST: Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Cemetery in a DR District | LOCATION: 345 South 132nd Street |

At the Planning Board meeting held on July 11, 2018, Mr. Don Heine, TD2 Engineering, 10836 Old Mill Road, stated that the applicant has submitted a site plan and is requesting to put a monument sign to identify the historical cemetery with a zero foot setback due to the way the cemetery is oriented to the street. The ground that the cemetery sits on is higher than the road, there is a green space before the sidewalk, a short retaining wall with more green space before you get to the property line, and just past the property line is a row of mature Linden trees, if the sign was placed in the required 12 foot set back, it would be in
the row of trees and not visible from the street. Mr. Heine respectfully requests approval without conditions number 2 and 4 which are listed on the recommendation report.

In response to a request from the Board, Mr. Heine stated that the cemetery has been in existence since 1863 and went on to describe the historical nature of the cemetery. The trustees are interested in finding a way to honor the site and to draw visitors who are interested in historical cemeteries. The sign will include the date the cemetery was established.

Mr. Eric Englund, Manager of Current Planning, stated that the department approves of the 25 square foot sign, and that the 9 foot height is acceptable as well. Mr. Englund stated that the department finds no hardship or practical difficulty with the 25 foot setback, therefore, the request for a 0 foot setback is not acceptable to the department. The department recommends approval of the Major Amendment with the five conditions in the recommendation report.

In response to a question from the Board, Mr. Heine reported that if the requirement is for the 12 foot setback, they will not place a sign. Mr. Morris asked to see the drawing showing the sign and the proposed setback. The Board asked if there is another place that the sign could be placed. Mr. Heine responded that this is the only entrance and the trees are going to block the sign where ever it is placed in the 25 foot setback.

Ms. Karnes moved for approval of the Major Amendment to a Conditional Use Permit to allow a Cemetery in a DR District, subject to the following conditions: 1) Receiving approval from the Zoning Board of Appeals for a height waiver to 9’8”, prior to issuance of a sign permit. 2) Submittal of a revised site plan that places the sign at the required 12 foot setback. 3) A limit of 25 square feet in sign area. 4) Compliance with the revised site plan and 5) Compliance with all other applicable regulations. Mr. Pate seconded the motion which carried 6-0.

APPROVAL OF MINUTES

Ms. Karnes moved for approval of the site visit minutes from June 6, 2018. Mr. Moore seconded the motion which carried 6-0.

Ms. Karnes moved for approval of the pre-meeting minutes from June 6, 2018. Mr. Moore seconded the motion which carried 6-0.

Ms. Karnes moved for approval of the meeting minutes of June 6, 2018 as written. Mr. Moore seconded the motion which carried 6-0.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 6:00 pm.