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

MEMBERS NOT PRESENT: Patrick Morris
Trenton Magid

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

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

#9 Mr. Don Seten, Planning Department, advised that this project will rehabilitate a two story historic building and demolish a one story building to create apartments and commercial space on two lots. The buildings will share stairs and an elevator. Metro Transit will be included in discussions about streetscaping and landscaping, there is a bus stop on the corner.

#10 Mr. Don Seten, Planning Department, explained that the applicant plans to rehab the building to create and event space for meeting, receptions and things of that nature on the first floor. The applicant is proposing a second floor full service restaurant and bar. Mr. Seten advised the Board members that the applicant has provided a final rendering of the proposal which was not included in the packet.

#11 Mr. Don Seten, Planning Department, advised that this project would demolish four existing buildings and utilize those four lots to develop 2 four story mixed use buildings. He advised that the project will include the creation of public parking in the current right-of-way as well as 90 garage stalls as well as sewer improvements. There is an unimproved alley/right-of-way adjacent to the project location which will be improved with the project as well. In response to questions from the Board members, he explained that although the TIF request is a higher than usual percentage of the total costs, it is acceptable due to the extensive, offsite public improvements which include alley, street, and sewer improvements. Bridget Hadley, Planning Department also mentioned that the area has seen a lot of investment in the area which lends value to this project as well and reiterated that the public improvements will be significant enough to allow the increased TIF funding.

#12 Ms. Bridget Hadley, Planning Department stated that this is phase 3 of the Nobility Point project and is a part of the project at Highlander being driven by the 75 North Revitalization. This phase consists of a 3 story apartment building providing 60 apartments for senior living. Ms. Hadley stressed that this was not assisted living, but independent living, 1 and 2 bedroom apartments. She stated that the public improvements have mostly been completed in the previous phases. The TIF funding recommended is lower than some due to the use of low income tax credits for the project which requires income restrictions leading to a lower valuation, which means lower TIF support. Ms. Hadley also explained that future phases will include the development of single family housing, either attached or detached.

#4 Ms. Nicole Engels & Ms. Lisa Smith, Planning Department, provided information and answered questions about the Consolidated Plan. Ms. Engels explained that the Consolidated Plan lays out how HUD
funds are allocated over the five years included in the Plan. She stated that these funds are used to provide housing rehabilitation, façade improvements, Rapid Rehousing and shelter services. Ms. Engels and Ms. Smith explained to the Board members that the City is losing low income housing at a much faster rate than it is being replaced. They requested help from the Planning Board to work with developers to require them to produce lower income housing as a percentage of any new construction to replace housing for families being displaced when their housing is being demolished or rehabbed to make room for development designed for those who can afford higher rents. In response to questions, Ms. Engels stated that the City does not have data showing where displaced families are moving, there is no data to show whether they remain in the City or if they are forced to leave to find affordable housing. Additionally, Ms. Engles & Ms. Smith advised the Board that there is a mechanism to provide a density bonus, as an incentive for building lower income housing, written into the City code, however it has never been used since its inception in the 1980’s.

#7 Mr. Derek Miller, Planning Department, with Ryan Haas & James Key of Public Works appeared at the meeting to briefly describe the request for approval of this update to the Watershed Management Plan and new implementation plan. It was explained that this does not include a large increase of Papio Watershed fees. Currently a 2.5% increase every July is written into the Code, this amendment will extend that for another five years. In addition, this will make no change to Flood Fringe/Floodway requirements. They stated that the only change to this normal five year update will be the elimination of an exemption for fees in all but a couple of areas in the City. They explained that 1/3 of costs are paid through these fees and the NRD picks up the other 2/3. In addition, the NRD will be completing their Stream Degradation study this year.

#5 Ms. Kellie Johnston-Dorsey, Planning Department, explained the requests for amendments to several elements of the City master plan for the inclusion of the Transit Oriented Development. Ms. Johnston-Dorsey stated that the Master Plan amendments are the first phase of the project, the second phase will include the required code changes. She stated that there have been 11 public meetings, and meetings with the core audience of neighborhood association representatives, designers, and developers which have produced some suggestions for edits and implementation, however there have been no objections.

Mr. Eric Englund, Acting Assistant Director, advised that there have also been several internal meetings regarding the zoning code changes. He also advised that he had gone to Washington D.C. with Jed Moulton and other members of the department to attend meetings regarding Transit Oriented Development. He stated that they have learned that several cities are including this type of development in their plans and that Cleveland, Ohio has one of the most impactful developments in the country.

#6 Mr. Englund advised that this case was being added to the Consent Agenda to be laid over as portions of the Capital Improvements Program had not been finalized as of the date of this meeting.

#1 Mr. Englund explained that this case is on the Administrative Agenda. He stated that the Preliminary Plat was approved by the Planning Board on March 6, 2019 and by City Council in April 9, 2019. Mr. Englund advised that the Final plat is very similar to the approved Preliminary Plat and includes a dedication for future Blondo Street work.

#2 & #3 Mr. Englund explained that these two cases were laid over at the May 1, 2019 Planning Board meeting and will be heard together and voted on separately. He stated that the department has received a few letters of opposition, but fewer than were received in May. This project will develop seven single family homes and two outlots and a PUR for the same location. The department recommends approval of both, with conditions.

#8 & #17 Mr. Englund stated that both of these cases are on the Consent Agenda to be laid over, if one is pulled off, the other should be heard with it. He explained the project will develop 2 lots and two outlots on property which was donated for the project. This application is for the northern lot only. This will be an assisted living facility serving veterans with spinal and brain injuries. He stated that there are issues to be worked out with regards to street and sewer issues. The applicant is hoping to be on the August 7, 2019 agenda so the project can get going.
Ryan Haas, Public Works Department, advised that there are some issues with regards to the right-of-way, street, and sewer which need to be worked out, which is why the department is recommending a layover. He stated that when the streets are built they will be built to city standards and there will be no SID.

#13 Mr. Englund stated that at the request of the applicant this case has been added to the Consent Agenda for layover.

#14 Mr. Englund stated that this case is on the Consent Agenda for approval, but may be pulled off. The engineer from E & A Consulting was also in attendance at the pre-meeting to answer any questions from the Board. The applicant is opposed to one of the conditions of approval regarding 114th Street. Ryan Haas, Public Works Department, advised that they would be willing to look at plans with the applicant and that there are multiple ways to address some of the applicant’s concerns. Ms. Kristine Karnes, Planning Board, advised that she will be recusing herself from discussion and voting of this case.

#15 & #25 Mr. Englund advised that these cases are on the Consent Agenda for layover as there are still several required items which the department has not received. If these are removed from the consent agenda, they should be heard together. Mr. Englund stated that the department is generally amenable to the plans for the campground but still have several concerns, including the fact that a lot of work has been done at the site with no permits which makes it difficult to know exactly what has been done. Mr. Englund stated that the department has received several emails and letters of opposition, mostly due to a gun issue which was handled by the Police department. He reminded the Board that they are not responsible for making any decision regarding a criminal matter, they are to make the decisions about the planning applications based on the city code.

#18 - #20 Mr. Englund stated that these cases are on the Consent Agenda for approval. The department is acceptable to all three cases, with conditions placed on #18.

#21 & #22 Mr. Englund stated that these cases are related and the department recommends approving the rezoning as it is consistent with the future land use plan for this area. He stated that, based on information discovered in the review, the department has placed #22 on the Consent Agenda for layover.

#23 & #24 Mr. Englund stated that these two cases are on the Consent Agenda for approval.

#26 Mr. Englund stated that this case is on the Consent Agenda for layover to allow the department time to work with the applicants on some modifications to the plans.

#27 Mr. Englund stated that this case is on the Consent Agenda for approval with two conditions. Ms. Karnes advised that she will be recusing herself from discussion/voting on this case.

#28 Mr. Englund advised that the applicant has withdrawn this case.

#29 - #31 Mr. Englund advised that all three of these vacation requests are on the Consent Agenda for layover.

The pre-meeting of the Planning Board adjourned at approximately 1:23 p.m.
Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, June 24, 2019.

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

MEMBERS NOT PRESENT: Patrick Morris
Trenton Magid

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

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

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

Master Plan Referrals

<table>
<thead>
<tr>
<th>No.</th>
<th>Case Number</th>
<th>Request</th>
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</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>C3-19-114 (D)</td>
<td>Approval of 2020-2025 Capital Improvements Program</td>
<td>Omaha and the 3-Mile Extraterritorial Zoning Jurisdiction</td>
</tr>
<tr>
<td></td>
<td>City Planning on behalf of the City of Omaha</td>
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At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Pate moved for layover. Mr. Rosacker seconded the motion which carried 5-0.

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<thead>
<tr>
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<tbody>
<tr>
<td>8.</td>
<td>C3-19-137 (D)</td>
<td>Approval of an Amendment to the Future Land Use Element of the City’s Master Plan from Industrial to Low density residential</td>
<td>Northwest of 120th Street and Rainwood Road</td>
</tr>
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<td></td>
<td>John Folsom</td>
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At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.
Mr. Pate moved for layover. Mr. Rosacker seconded the motion which carried 5-0.

### Subdivisions

<table>
<thead>
<tr>
<th>Case Number</th>
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<tbody>
<tr>
<td>13. C10-18-247 (D) C12-18-248 Blondo 180, LLC</td>
<td>Revised Preliminary Plat and Final Plat approval of BLUESTEM MEADOWS (Lots 1-109, Outlots A-G), a subdivision located outside the city limits, with rezoning from AG to DR, R4 and MU</td>
<td>Northwest of 180th and Blondo Streets</td>
</tr>
<tr>
<td>16. C12-19-123 (D) Woodsonia-204 Center, LLC</td>
<td>Preliminary and Final Plat approval of WEST CENTER VILLAGE REPLAT TWO, a minor plat outside the city limits</td>
<td>Northeast of 203rd and Vinton Streets</td>
</tr>
<tr>
<td>17. C3-19-136 (D) C10-19-124 C12-19-125 John Folsom</td>
<td>Preliminary Plat approval of WOUNDED WARRIORS FAMILY SUPPORT - DUNHAM ADDITION, a subdivision outside the city limits, with rezoning from AG to R4, along with a request for a variance to the Present Development Zone (PDZ) boundary of the Urban Development Element of the City's Master Plan</td>
<td>Northwest of 120th Street and Rainwood Road</td>
</tr>
<tr>
<td>18. C12-10-038 (D) Jason Laferriere</td>
<td>Approval of a waiver to Section 53-9(9), Sidewalks, for SMOKY RIDGE</td>
<td>Northeast of 72nd Street and Northern Hills Drive</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Pate moved for layover. Mr. Rosacker seconded the motion which carried 5-0.

Mr. Pate moved for layover to allow the applicant time to meet with City staff regarding the street network, and to provide a phasing plan, tree canopy analysis and wetlands analysis. Mr. Rosacker seconded the motion which carried 5-0.

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval for the waiver of Section 53-9(9) Sidewalks, subject to securing signatures from all property owners for the subdivision agreement amendment, which will require that the property owners agree to not oppose a future sidewalk improvement district if the City decides that sidewalks are necessary in the future. Mr. Moore seconded the motion which carried 5-0.
**Planning Board Minutes**  
**July 3, 2019**  
**Page 6**

### Rezonings

<table>
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<tr>
<th>Case Number</th>
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</thead>
<tbody>
<tr>
<td>C10-19-129</td>
<td>Chris Horstman</td>
<td>Approval of rezoning from GO to CC, along with approval of the ACI-3 Overlay District</td>
<td>10810 Harney Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval. Mr. Moore seconded the motion which carried 5-0.

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</thead>
<tbody>
<tr>
<td>C10-19-130</td>
<td>Neeraj Agarwal</td>
<td>Approval of rezoning from DS to CBD (property is located within an ACI Overlay District)</td>
<td>1901 Howard Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval. Mr. Moore seconded the motion which carried 5-0.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>C10-96-261</td>
<td>Ted Grace</td>
<td>Approval of a Major Amendment to the Mixed Use Development Agreement for Altech Business Park</td>
<td>Northwest of 144th and F Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Pate moved for layover of the Major Amendment to the Altech Business Park Mixed Use Development Agreement to allow the applicant time to coordinate with City staff on the issues mentioned in the recommendation report. Mr. Rosacker seconded the motion which carried 5-0.

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<tbody>
<tr>
<td>C10-07-004</td>
<td>Susan Bishop</td>
<td>Approval of a Major Amendment to the Mixed Use Development Agreement for Midtown Crossing at Turner Park</td>
<td>East of 33rd and Farnam Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the Major Amendment to the Midtown Crossing Mixed Use Development Agreement to allow temporary signage to exceed 32 square feet and allow a three year permit, subject to submittal of 5 signed copies of an acceptable Major Amendment to the Midtown Crossing Mixed Use Agreement prior to forwarding to City Council. Mr. Moore seconded the motion, which carried 5-0.

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<tbody>
<tr>
<td>C10-19-138</td>
<td>Robert Greenhagen</td>
<td>Approval of rezoning from R7 to CC with an MCC Overlay</td>
<td>9006 Ohio Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from R7 to CC and approval of the MCC Overlay District. Mr. Moore seconded the motion, which carried 5-0.
Special Use Permits

| 26. | C8-19-126 (D) | Sandra Delgado | REQUEST: Approval of Special Use Permit to allow a Daycare services (general) in the R4 District | LOCATION: 5815 and 5819 South 14th Street |

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Pate moved for layover. Mr. Rosacker seconded the motion which carried 5-0.

| 27. | C8-19-127 (D) | Todd Kinney | REQUEST: Approval of a Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District | LOCATION: 10409 North 72nd Street |

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval, subject to the following:
1. Submittal of an administrative subdivision for the property
2. Compliance with the submitted plans.
Mr. Moore seconded the motion which carried 5-0.

Vacations

| 29. | C14-19-132 (D) | Adjacent property owners | REQUEST: Vacation of the 67th Street right-of-way between Lot 24, Block 14 of West Albright Addition (southern lot of 3802 South 67th Street) and Lot 15, Block 13 of West Albright Addition (3701 South 67th Street), and east/west alley portions separating the northern and southern portions of Lot 24, Block 14 of West Albright Addition |

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval. Mr. Moore seconded the motion which carried 5-0.

| 30. | C14-19-133 (D) | Planning Board | REQUEST: Vacation of the east 18 feet of the North 49th Street right-of-way south of Saddle Creek Road abutting Lot 12, Block 11, Cloverdale Addition, and the previously vacated alley adjacent to Lot 12 |

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the proposed vacation subject to retaining any necessary easements. Mr. Moore seconded the motion which carried 5-0.

| 31. | C14-19-134 (D) | Adjacent property owners | REQUEST: Vacation of the east/west alley east of North 36th Street and South of Evans Street abutting Malcolm X Memorial Site (3448 and 3525 Evans Street), abutting Lots 6 and 12, Block 4 of Bedford Place Addition |

At the Planning Board meeting held July 3, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the proposed vacation, subject to all easements being reserved in the
vacation ordinance. Mr. Moore seconded the motion which carried 5-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

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| 1. | C10-19-039  
C12-19-040  
Aldrich Holdings, LLC | REQUEST: | Final Plat approval of OLDE TOWNE COMMONS (Lots 1-5, Outlots A & B), a subdivision outside the city limits, with rezoning from DR and R4 to MU |
|   |   | LOCATION: | Southwest of 204th Street and Honeysuckle Drive |

At the Planning Board meeting held June 5, 2019, Mr. Eric Englund, Acting Assistant Director, stated that the preliminary plat was recommended for approval by the Planning Board on March 6, 2019 and approved by the City Council on April 9, 2019. He advised that the final plat is for five lots zoned for mixed use and 2 outlots and is very compliant with the approved preliminary plat. Mr. Englund advised that there are a few items which remain to be worked out prior to the request going to the City Council for final approval.

Mr. Englund stated that the department recommends approval with the conditions stated in the recommendation report.

Mr. Pate moved for approval of the rezoning from DR and R4 to MU, subject to submittal of an acceptable final Mixed Use Development Plan and approval of the final plat, subject to meeting the following conditions prior to forwarding the request to City Council:

1. Submittal of an exhibit confirming that the retaining wall and slope are being accommodated within Outlot B. Any proposed or required retaining walls must comply with Omaha Municipal Code Section 55-934.
2. Submittal of mylars which include a note prohibiting access to North Main Street from Lot 3.
3. Submittal of an acceptable final subdivision agreement.

Mr. Moore seconded the motion which carried 5-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

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| 2. | C10-19-076  
C12-19-077  
Pacific 90, LLC | REQUEST: | Preliminary and Final Plat approval of PACIFIC GROVE (formerly PACIFIC HILL), a subdivision located inside the city limits, with a waiver to Section 53-8(4a), Lot depth, along with rezoning from R2 to DR and R4 (laid over from 5/1/19) |
|   |   | LOCATION: | 1018 S 90th Street |

*Mr. Rosenbaum advised that agenda item #2 would be heard together with agenda item #3 (C11-19-083) but that both cases would be voted on separately*

At the Planning Board meeting held July 3, 2019, Mr. Kyle Haase of E & A Consulting, 10909 Mill Valley Road, appeared before the Board on behalf of the applicant, Pacific 90, LLC. Mr. Haase presented an aerial of the area showing where the project is situated on 90th Street near Pacific Street. He advised that the property included 1.3 acres which is zoned R2 which matches the properties on three sides of this project, and the property to the west is zoned R4 and currently has three multi-family buildings on it. The applicant proposes to build seven separate homes developed on the property, all of which will be in the $600,000 to $800,000 price range with additional amenities, including elevators, available as chosen by the homeowner.
Mr. Haase stated that the lots on the west will measure 50’ x 130’ and the ones to the east will measure 50’ x 105’ with an additional 45’ buffer between the back of the lot and 90th Street and will be comparable to other developments in the area, providing a consistent feel along 90th Street.

The project will include a one-way private drive, the entrance will be from the north and egress to the south, it will be flanked on each side with landscaping and both ends will be anchored with stamped and colored concrete. A community space with benches and, possibly, a fire pit will provide a gathering place for residents as well. In addition, Mr. Haase stated that there will be sidewalks provided within the development connecting to 90th Street. He explained that the department recommendation report included a requirement to extend the sidewalks to the north as well, as was shown on the original site plan, however, at the request of the homeowner to the north that was removed to decrease pedestrian traffic in that area. On the east side of the project there will be a well landscaped rain garden between the back of the lots and 90th Street as well as a masonry pillar fence with metal rails (he showed a photo of this). Mr. Haase stated that the developer has already contracted with a local company to maintain the lots and install the landscaping through the HOA.

Mr. Haase stated that there was a neighborhood meeting held on April 30, 2019 at the Sorenson Library which was attended by ten neighborhood residents and since the meeting, the applicant has received additional phone calls and emails. He stated that the main concerns appear to be screening and changes to the slope and grading along the western property line. To ease some of the screening concerns of the neighbors, the applicant is proposing a 6’ vinyl fence along the entire length of the western property line, on the south side the fence will extend to the eastern edge of the north/south private drive. Originally it was planned to also extend the fence on the north side to match the south fence, however as a concession to the northern neighbor, the applicant is willing to extend the northern fence to the front of the house on the north side. At the end of the fence, on both the north and south side, the applicant is proposing some landscaping out to the edge of the property line. The western edge will also be heavily landscaped, and the applicant has already contracted a company to install that landscaping. In addition, the neighbor to the north, Spencer Murphy, would like some additional evergreen trees between the home and the fence line, however the developer believes that will make things pretty tight around the home on that end. The applicant has proposed giving an allowance to Mr. Murphy for trees to be planted on his side of the fence for screening, and they are fine with making this a condition of approval prior to the request being sent to the City Council.

In regards to the slope and grading concerns, the slope on the west is being increased from the current 6% to 16-20% over a 25 foot distance, the remaining five feet of property line will remain at the current percentage. Mr. Haase advised that the increase in slope will increase the time and concentration from the current (approximate) 1.8 feet per second to, approximately, 3.1 feet per second. Mr. Haase advised that, in his experience, this will not cause any additional erosion over the sodded area. The amount of water flowing off the site will not increase and Mr. Haase stated that the applicant is willing to provide an acceptable water flow calculation to the property owner to the west at 1015 South 91st Circle, Mr. Colin Bagwell.

Ms. Karnes requested confirmation that the applicant had only held one neighborhood meeting thus far, Mr. Haase stated that was correct. In addition, Ms. Karnes asked Mr. Haase to show on the aerial view which trees were existing trees and which would be new growth trees, which he did. Mr. Haase stated that the applicant has marked the trees on the north property line which will be kept and he indicated these on the photo as well. He stated that there is a lot of underbrush and several volunteer trees which will be removed.

Mr. Pate inquired about the price point of the new homes, Mr. Haase reiterated that they would be within the $600,000 to $800,000 range depending on amenities chosen by the buyer, the homes would be a minimum of 3,000 square feet and that there would be covenants attached to the development as well. Mr. Pate advised that he was concerned that the architecture would be consistent with that of the existing homes in the neighborhood. Mr. Haase stated that the materials would be of a high quality, consistent with homes in that price range, which will include stone on the front and back of each home, he also showed a rendering of the elevations of the proposed construction. Mr. Pate inquired about why the fence was not being extended all the way to the east on the north and south. Mr. Haase stated that if the fence was going to be in the neighbor’s front yard if they extended it further.
In response to questions from the Board, Mr. Haase stated that the sidewalk was being removed at the north end in response to a request from Mr. Murphy who owns the property to the north. In addition, he stated that the vinyl fencing was being added in response to a request from the neighbors as well.

Mr. Spencer Murphy, 1010 South 90th Street, appeared before the Board in opposition. Mr. Murphy stated that he is seeking to have the fence on the north side extended as far as possible, at least to the front of his home so when looking out their master bedroom windows they are not looking down the private street, he provided photos showing the view from those windows. In addition, he is hoping that the proposed deciduous trees/bushes can be changed to evergreens which would be green year around as well as growing taller than the fence to lessen the light and sound pollution. Mr. Murphy stated that the allowance for trees would be fine, however, there is a sewer easement which goes through his yard and would likely go through the new development which may effect the placement of the trees on either side of the fence. He stated that it is a burden on him to have to put in and maintain the trees on his side of the fence, but he is willing to consider the proposal. In response to a question from Mr. Pate, Mr. Murphy stated that he expects to be consulted on what type of trees would be planted on his side of the fence. He stated that with the proposed home set back so far they would be able to look over the fence and see it from their back yard. He advised that he is willing to provide the maintenance involved in the ownership of the trees. Mr. Murphy stated that as long as there is a condition that the fence will extended at least to the front of his home, and the change is made to the proposed trees prior to being approved by the City Council, he would be supportive of the project.

Mr. Mark Jacobsen, 890 South 90th Street, appeared before the Board in opposition. Mr. Jacobsen stated that his opposition is to the rezoning. He feels that it would set a bad precedent which could open up the possibility of other lots being rezoned and large lots being subdivided to develop two or more homes on one lot.

Mr. Eric Englund, Acting Assistant Director, advised that there are two separate components to this request, the plat/rezoning and the PUR, and that the two components will be voted on separately. He explained that there are no screening requirements within the code for the rezoning. The fencing or landscape screening is fine, but there is no requirement for it. Mr. Englund stated that there is a required 5’ setback, which the applicant is exceeding. He stated that the department would be fine with extending the fence to the front of Mr. Murphy’s home, however, it would not be acceptable to extend the fencing to the front property line due to line of sight problems on the street. In addition, the department has no opposition to the request for evergreen landscaping rather than deciduous trees.

With regards to density, Mr. Englund stated that the R2 zoning requires 10,000 square feet minimum lot area. The R4/PUR zoning only requires 5,000 square feet, however the proposed development would create seven lots on 1.3 acres which would break down to approximately 8,300 square feet lot area.

In response to a question from Ms. Karnes, Mr. Englund stated that the department is recommending a sidewalk on the north side to provide a direct connection from the internal street to allow the homeowners on the north access to walk on 90th Street. He stated that the department will be keeping that recommendation in place.

Mr. Englund stated that the department recommends approval of the preliminary and final plat, as well as the related waiver and rezoning, subject to the conditions in the recommendation report.

Mr. Pate moved to approve the request as written. Mr. Moore seconded the motion which failed by a vote of 3-2 with Mr. Pate and Ms. Karnes dissenting.

Mr. Pate moved to deny the request.

Ms. Karnes expressed that this was a tough case because she does not like this kind of development in a neighborhood such as this one because it creates uncertainty in what people may be buying a home next to. She stated that she would not want this kind of rezoning in her neighborhood. However, she stated that she does understand that the City does need in-fill development and that Mr. Murphy has been
amenable to working with the developer. Ms. Karnes advised that she is disappointed in the fact that there has only been one meeting with the neighbors.

Mr. Haase asked to come forward and speak to the concerns of Ms. Karnes, as the public hearing had been closed, this request was denied.

Mr. Pate stated that his concerns with this development are similar to Ms. Karnes. He agreed with her that this type of in-fill project is not appropriate for this area. He stated that he is concerned with a situation where the Board may consistently approve projects of this type in neighborhoods like this one, which he believes would not be a positive move for this type of neighborhood. Mr. Pate stated that he believes this neighborhood has a distinct characteristic and this rezoning will be inconsistent with that character. In addition, Mr. Pate stated that another of his concerns is with the ingress and egress of this property from 90th Street, particularly from the north which he feels is already difficult and will be made worse with an additional seven homes in the neighborhood.

Ms. Karnes seconded the motion to deny, which failed by a vote of 2-3 with Mr. Rosacker, Mr. Moore, and Mr. Rosenbaum dissenting.

Ms. Karnes moved for approval of the rezoning from R2 to DR and R4, as well as approval of the waiver to Section 53-8(4a), Lot Depth. Approval of the Preliminary Plat, subject to meeting the following conditions prior to hearing by City Council:
1. Show the proposed “public gathering space” as a separate, HOA-owned outlot, or secure the space with a public access easement.
2. Coordinate with Public Works on provision of acceptable “one-way” signage at each of the two driveway intersection with 90th Street.
3. Sidewalks must be provided pursuant to Omaha Municipal Code Section 53-9(9).
4. Compliance with all applicable stormwater management ordinances and policies.
5. Compliance with the approved tree mitigation plan.
6. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.

Ms. Karnes also moved for the addition of the following three conditions prior to hearing by City Council:
7. Provide a minimum 6-foot-tall, 100 percent screening composed of evergreen shrubs or trees in place of the proposed deciduous screening along the northern property line.
8. Provide a tree allowance to the property owner adjacent to the north to allow for the purchase and installation of landscape screening for the neighbor’s property. The landscape screening shall be provided on the neighboring property owner’s side of the proposed screening fence.
9. Extend the proposed privacy fence along the northern property line to at least the front building line of the neighboring residence.

In addition, Ms. Karnes moved for the approval of the Final Plat, subject to the conditions of the Preliminary Plat and submittal of an acceptable final subdivision agreement prior to forwarding this request to City Council. Mr. Moore seconded the motion which carried 4-1 with Mr. Pate dissenting.

Planned Unit Redevelopments

<table>
<thead>
<tr>
<th>#</th>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>3</td>
<td>Approval of a PUR-Planned Unit Redevelopment. (laid over from 5/1/19)</td>
<td>1018 South 90th Street</td>
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*Mr. Rosenbaum advised that agenda item #3 would be heard together with agenda item #2 (C10-19-076 & C12-19-077) but that both cases would be voted on separately*

At the Planning Board meeting held July 3, 2019, Mr. Kyle Haase of E & A Consulting, 10909 Mill Valley Road, appeared before the Board on behalf of the applicant, Pacific 90, LLC. Mr. Haase presented an aerial of the area showing where the project is situated on 90th Street near Pacific Street. He advised that the property included 1.3 acres which is zoned R2 which matches the properties on three sides of this project, and the property to the west is zoned R4 and currently has three multi-family buildings on it. The applicant proposes to build seven separate homes developed on the property, all of which will be in the $600,000 to
Mr. Haase stated that there was a neighborhood meeting held on April 30, 2019 at the Sorenson Library which was attended by ten neighborhood residents and since the meeting, the applicant has received additional phone calls and emails. He stated that the main concerns appear to be screening and changes to the slope and grading along the western property line. To ease some of the screening concerns of the neighbors, the applicant is proposing a 6’ vinyl fence along the entire length of the western property line, on the south side the fence will extend to the eastern edge of the north/south private drive. Originally it was planned to also extend the fence on the north side to match the south fence, however as a concession to the northern neighbor, the applicant is willing to extend the northern fence to the front of the house on the north side. At the end of the fence, on both the north and south side, the applicant is proposing some landscaping out to the edge of the property line. The western edge will also be heavily landscaped, and the applicant has already contracted a company to install that landscaping. In addition, the neighbor to the north, Spencer Murphy, would like some additional evergreen trees between the home and the fence line, however the developer believes that will make things pretty tight around the home on that end. The applicant has proposed giving an allowance to Mr. Murphy for trees to be planted on his side of the fence for screening, and they are fine with making this a condition of approval prior to the request being sent to the City Council.

In regards to the slope and grading concerns, the slope on the west is being increased from the current 6 - 8% to 16-20% over a 25 foot distance, the remaining five feet of property line will remain at the current percentage. Mr. Haase advised that the increase in slope will increase the time and concentration from the current (approximate) 1.8 feet per second to, approximately, 3.1 feet per second. Mr. Haase advised that, in his experience, this will not cause any additional erosion over the sodded area. The amount of water flowing off the site will not increase and Mr. Haase stated that the applicant is willing to provide an acceptable water flow calculation to the property owner to the west at 1015 South 91st Circle, Mr. Colin Bagwell.

Ms. Karnes requested confirmation that the applicant had only held one neighborhood meeting thus far, Mr. Haase stated that was correct. In addition, Ms. Karnes asked Mr. Haase to show on the aerial view which trees were existing trees and which would be new growth trees, which he did. Mr. Haase stated that the applicant has marked the trees on the north property line which will be kept and he indicated these on the photo as well. He stated that there is a lot of underbrush and several volunteer trees which will be removed.

Mr. Pate inquired about the price point of the new homes, Mr. Haase reiterated that they would be within the $600,000 to $800,000 range depending on amenities chosen by the buyer, the homes would be a minimum of 3,000 square feet and that there would be covenants attached to the development as well. Mr. Pate advised that he was concerned that the architecture would be consistent with that of the existing homes in the neighborhood. Mr. Haase stated that the materials would be of a high quality, consistent with homes in that price range, which will include stone on the front and back of each home, he also showed a rendering of the elevations of the proposed construction. Mr. Pate inquired about why the fence was not being extended all the way to the east on the north and south. Mr. Haase stated that if the fence was going
In response to questions from the Board, Mr. Haase stated that the sidewalk was being removed at the north end in response to a request from Mr. Murphy who owns the property to the north. In addition, he stated that the vinyl fencing was being added in response to a request from the neighbors as well.

Mr. Spencer Murphy, 1010 South 90th Street, appeared before the Board in opposition. Mr. Murphy stated that he is seeking to have the fence on the north side extended as far as possible, at least to the front of his home so when looking out their master bedroom windows they are not looking down the private street, he provided photos showing the view from those windows. In addition, he is hoping that the proposed deciduous trees/bushes can be changed to evergreens which would be green year around as well as growing taller than the fence to lessen the light and sound pollution. Mr. Murphy stated that the allowance for trees would be fine, however, there is a sewer easement which goes through his yard and would likely go through the new development which may effect the placement of the trees on either side of the fence. He stated that it is a burden on him to have to put in and maintain the trees on his side of the fence, but he is willing to consider the proposal. In response to a question from Mr. Pate, Mr. Murphy stated that he expects to be consulted on what type of trees would be planted on his side of the fence. He stated that with the proposed home set back so far they would be able to look over the fence and see it from their back yard. He advised that he is willing to provide the maintenance involved in the ownership of the trees. Mr. Murphy stated that as long as there is a condition that the fence will extended at least to the front of his home, and the change is made to the proposed trees prior to being approved by the City Council, he would be supportive of the project.

Mr. Mark Jacobsen, 890 South 90th Street, appeared before the Board in opposition. Mr. Jacobsen stated that his opposition is to the rezoning. He feels that it would set a bad precedent which could open up the possibility of other lots being rezoned and large lots being subdivided to develop two or more homes on one lot.

Mr. Eric Englund, Acting Assistant Director, advised that there are two separate components to this request, the plat/rezoning and the PUR, and that the two components will be voted on separately. He explained that there are no screening requirements within the code for the rezoning. The fencing or landscape screening is fine, but there is no requirement for it. Mr. Englund stated that there is a required 5’ setback, which the applicant is exceeding. He stated that the department would be fine with extending the fence to the front of Mr. Murphy’s home, however, it would not be acceptable to extend the fencing to the front property line due to line of sight problems on the street. In addition, the department has no opposition to the request for evergreen landscaping rather than deciduous trees.

With regards to density, Mr. Englund stated that the R2 zoning requires 10,000 square feet minimum lot area. The R4/PUR zoning only requires 5,000 square feet, however the proposed development would create seven lots on 1.3 acres which would break down to approximately 8,300 square feet lot area.

In response to a question from Ms. Karnes, Mr. Englund stated that the department is recommending a sidewalk on the north side to provide a direct connection from the internal street to allow the homeowners on the north access to walk on 90th Street. He stated that the department will be keeping that recommendation in place.

Mr. Englund stated that the conditions Ms. Karnes added to agenda item #2 (C10-19-076 & C12-19-077) were more appropriate for agenda item #3 as they were more related to the design elements in the PUR request. As a result, Mr. Englund stated that it would be best for those three additional conditions to be incorporated into this PUR request as well.

Mr. Englund stated that the department recommends approval of the PUR-Planned Unit Redevelopment, subject to submission of an acceptable PUR plan prior to forwarding the request to City Council.

Mr. Rosacker moved for approval of the PUR-Planned Unit Redevelopment, subject to meeting the following conditions which include those proposed by Ms. Karnes with related agenda item #2 (Case #C10-19-076 & C12-19-077):
1. Provide a minimum 6-foot-tall, 100 percent screening composed of evergreen shrubs or trees in place of the proposed deciduous screening along the northern property line.

2. Provide a tree allowance to the property owner adjacent to the north to allow for the purchase and installation of landscape screening for the neighbor’s property. The landscape screening shall be provided on the neighboring property owner’s side of the proposed screening fence.

3. Extend the proposed privacy fence along the northern property line to at least the front building line of the neighboring residence.

4. Provide a final acceptable PUR Plan prior to forwarding the request to City Council.

Mr. Moore seconded the motion which carried 4-1 with Mr. Pate dissenting.

(REGULAR AGENDA)

Master Plan Referrals

<table>
<thead>
<tr>
<th>4.</th>
<th>C3-19-088 City Planning on behalf of the City of Omaha</th>
<th>REQUEST:</th>
<th>Approval of the 2019-2023 Consolidated Plan</th>
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<tbody>
<tr>
<td></td>
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<td>LOCATION:</td>
<td>Omaha and 3-Mile Extraterritorial Zoning Jurisdiction</td>
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At the Planning Board meeting held July 3, 2019, Ms. Nicole Engels, Planning Department Community Development Division, described the purpose of the Consolidated Plan. She advised that the Consolidated Plan is a five-year plan which impacts the goals for HUD provided funds including the Community Development Block Grant, Home Partnership Investment Funds, and Emergency Solutions Grant. Ms. Engels stated that she is available at the meeting to answer questions from the Board.

Mr. Pate asked whether the five-year plan can be modified at all. Ms. Engels advised that it can be modified through amendments each year.

Mr. Rosenbaum stated for the people in the gallery that Ms. Engels presented a lot of information at the pre-meeting, which is why the Board did not have many questions.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the department recommends approval.

Mr. Moore moved for approval. Mr. Rosacker seconded the motion which carried 5-0.

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<tr>
<th>5.</th>
<th>C3-19-113 City Planning on behalf of the City of Omaha</th>
<th>REQUEST:</th>
<th>Approval of Amendments to the Transportation Element, Land Use Element, and Urban Design Element of the Omaha Master Plan for the inclusion of Transit Oriented Development</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION:</td>
<td>Omaha and the 3-Mile Extraterritorial Zoning Jurisdiction</td>
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At the Planning Board meeting held July 3, 2019, Ms. Kelley Johnston-Dorsey, Planning Department described the purpose for the requested amendment. Ms. Johnston-Dorsey explained that this was the first phase of two phases of the new Transit Oriented Development (TOD) project. She advised that this is a way to ensure the development best suited to bus transit station locations is what will be developed along the transit corridor. Ms. Johnston-Dorsey stated that this is the first step, the Master Plan amendments which will guide the development along the rapid transit corridor, and that the second step will include the amendments to the Zoning Code which will likely come in the fall of 2019.

Ms. Johnston-Dorsey stated that the department has had eleven public meetings thus far, and have worked with the stakeholders group which includes Neighborhood Association representatives, designers and developers to incorporate public comments into the red-lined document that has been provided to the
Board. She stated that this document has also been distributed to Neighborhood Association Presidents, developers, other members of the stakeholders group and anyone else who has expressed an interest and have not heard any opposition, but have received some clarifying questions. Ms. Johnston-Dorsey stated that she will be available after the meeting to address any questions.

Ms. Alex Goswami, 427 North 41st Street, appeared before the Board in support of the project in her capacity as Treasurer of the Gifford Park Neighborhood Association. She advised that one year ago the stakeholders group was formed by the Planning Group and was comprised of developers, designers, neighborhood representatives, and other professionals and that she was a part of that group. She stated that she feels it is vital to include neighborhood input throughout this project as it will be people in those neighborhoods who will be utilizing the service. Ms. Goswami mentioned two of the important goals of the project the first of which was respecting the context of the neighborhoods, and the second was to insure equitable access to housing, jobs, education and entertainment.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the department recommends approval.

Mr. Pate moved for approval. Ms. Karnes seconded the motion which carried 5-0.

| 7. | C3-19-119 City Planning on behalf of the City of Omaha | REQUEST: Approval of an Amendment to the Storm Water Element of City’s Master Plan to update the Watershed Management Plan and develop a new Implementation Plan | LOCATION: Omaha and the 3-Mile Extraterritorial Zoning Jurisdiction |

At the Planning Board meeting held July 3, 2019, Mr. Don Seten, Planning Department, described the various elements of the request and provided elevations for the Board to see. Mr. Seten stated that the department had worked with the NRD and representatives of all the communities within the Papillion Creek Watershed for approximately one year to develop the plan. Mr. Seten stated that the main goals are water quality and flood control.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, stated that the department recommends approval.

Ms. Karnes moved for approval. Mr. Rosacker seconded the motion which carried 5-0.


At the Planning Board meeting held July 3, 2019, Mr. Don Seten, Planning Department, described the various elements of the request and provided elevations for the Board to see. Mr. Seten advised that the project involves two buildings on two parcels, one of which is a one story building which will be demolished and the second is an historic, single story building which will be rehabilitated. Mr. Seten explained that the new building which will be constructed will share an elevator and stairwell with the rehabilitated building and the two buildings will, essentially, function as one building. He advised that the development will include 6650 square feet of restaurant/bar space, 3100 square feet of retail, 6300 square feet of office space, and 4200 square feet of storage space.

Mr. Seten stated that the plans have been reviewed and approved by the Design Review staff in the Planning Department who believe the contemporary elements meld well with the historical elements of the building. He advised that they believe it will fit in well with the surrounding neighborhood. In response to a question regarding the existing accessibility ramp at the building, Mr. Seten showed on the rendering that it will be replaced with a stair and a separate ramp will be installed beginning near the stair will flow to the east entrance.
The total cost of the project is approximately $4,000,000 and the TIF support requested is $475,000. Mr. Seten advised that the project meets the criteria for the TIF program, is an appropriate land use for the area, and complies with the goals of the Master Plan.

The developer, Mr. Eric Weiseler, 9217 Davenport Street, appeared before the Board to answer questions about the project. He advised that they do have a bar & restaurant tenant for the corner building who will also utilize the rooftop patio and that the developer is also working with some potential office and retail tenants.

No one appeared in opposition.

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

Mr. Pate moved for approval. Mr. Moore seconded the motion which carried 5-0.


At the Planning Board meeting held July 3, 2019, Mr. Don Seten, Planning Department, described the various elements of the request and provided renderings and sketch drawings for the Board to see. Mr. Seten advised that the project involves rehabilitating an existing one story structure in downtown Benson to create an event space of approximately 5,000 square feet. In addition, there will be a second level added to the south half of the existing structure to create a restaurant/bar with patio seating.

Mr. Seten advised that the total cost of the project is approximately $1,690,000 and the TIF support requested is $241,000. Mr. Seten advised that the project meets the criteria for the TIF program, is an appropriate land use for the area, and complies with the goals of the Master Plan. He stated that the department believes this project will be an enhancement to the Benson business district.

Mr. Seten referred questions regarding the second floor addition to the project representatives.

Mr. Michael Sands, 1700 Farnam Street, Suite 1500, appeared before the Board on as the attorney for the applicant. Mr. Sands advised that he would make himself available to answer questions from the Board.

Mr. Travis Broderson, 440 Regency Parkway, appeared before the Board as the Architect of record for the project. Mr. Broderson stated that he could address the questions regarding the second floor addition and its impact on the adjacent building windows. He stated that the two buildings were built independently of each other so the requirement is to have a two hour fire wall separation between the two buildings, which is being provided by building a masonry wall. The masonry wall, however, is going to be in front of windows in the other building. Mr. Broderson stated that City representatives advised that as long as the windows were not a means of egress, the placement of the walls would be acceptable. After reviewing the floor plan for the neighboring building it was determined that those three windows are not egress windows.

In response to questions from the Board, Mr. Broderson stated that he understood that the applicant had spoken with the adjacent neighbor but he was not aware of whether the applicant had discussed the windows with the owner of the building next door. He stated that to the best of his knowledge, none of the windows were bedroom windows and that the new wall would be quite close to the face of the existing building. Mr. Eric Englund, Acting Assistant Director, stated that he had not personally viewed the property to answer questions regarding these windows, but that the property is zoned NBD which requires a zero foot setback in the side-yard and along all property lines. Mr. Broderson stated that the code related issues were all discussed with the city inspectors in the Planning Department and their only concerns, when looking at the plans, was that there needed to be the two hour fire separation and that egress not be impacted from the adjoining building.
Mr. Don Seten, stated that this information regarding the window issues was new information to him. He stated that generally with downtown commercial buildings there is a zero lot line agreement between the building owners, which is apparently not the case in this situation. Mr. Seten stated that he had been unaware that there had not been discussion between the applicant and the adjacent property owner.

Mr. Broderson stated that the developer was unable to attend the Planning Board meeting because he lives in Washington D.C. He stated that if there had not already been a conversation with the adjacent property owner, he would ensure one took place prior to the City Council meeting.

Mr. Rosenbaum stated that even if the Planning Board approved the TIF funding, it is possible that Permits and Inspections would issue a building permit. Mr. Englund stated that the zoning code allows for the zero foot setback, but he did not know about the building permits and what may be required in the building code. Mr. Broderson stated that the developer is very interested in moving the project forward and he is certain he would be in agreement with there being a requirement that he works out the problem with the neighbor as a condition of approval.

Mr. Mark Brannen, 6915 Evans Street, appeared before the Board in opposition. Mr. Brannen stated that he is the Secretary for the Benson Neighborhood Association, but was attending on his own behalf to state his personal concerns. He stated that he is opposed to the project because he does not believe that it is the best use for the building and he feels that the TIF funding request is inappropriate. Mr. Brannen stated that the available parking is inadequate for any additional traffic. In addition, he advised, the neighbors do not want the additional traffic, light pollution, or noise that would come with an additional bar on the Benson "strip" and that there is no demand for an event venue in Benson. In addition, he stated that the TIF funding requested is inappropriate both because the project does not meet the requirements, in his opinion, and because the applicant paid too much for the building which is part of what is making the project "not feasible" without TIF funding.

Mr. Mark Sands, returned at the request of the Board to address some of the concerns raised by Mr. Brannen. Mr. Sands stated that they have been working with the Planning Department on the question of parking and actively working on securing a parking agreement in the area and they have no intention of leaving that up to chance. He stated that one option being explored is to have an outside parking lot with a shuttle to bring people over for the events. Additionally, Mr. Sands stated that this is not a bar, and that their market research showed that people do want a place in Benson where they can hold weddings, receptions, business events and things of that nature, which is the intended purpose of this project. He stated that the restaurant is anticipated to be a “revolving” kitchen with local chefs coming in to cook food on different nights.

Mr. Pate stated that he believes there are a lot of unanswered questions with this project. Mr. Sands stated that there was a very comprehensive application provided with a very detailed R.O.I. and a very comprehensive narrative of the intention of the project. He did advise that there would be more discussion with the adjacent property owner and he was willing to meet with the neighborhood association as well as doing whatever was needed to deal with some of the neighborly concerns.

Mr. Rosacker reminded the Board members that the only item on the agenda was the application for TIF funding. He stated that, at this meeting, there was nothing on the agenda regarding the zoning, building, or parking.

Mr. Eric Englund, Acting Assistant Director, stated that the notification process for TIF funding is somewhat different than that for plats or rezoning requests. He explained that for Tax Increment Funding or for Redevelopment Plans, the notification goes to the taxing entities such as school districts, MUD, OPPD, and neighborhood associations which are registered with the city within 1-mile of the project. Mr. Englund stated that notifications are sent out either via certified mail to the address listed on the City website or via email at the request of the contact person, again to the address on file with the City. He advised that the information the City has for neighborhood associations is pulled from the website, which must be updated by the neighborhood association if, or when, it changes to ensure proper delivery.
Mr. Englund stated that the request before the Board today is only for the TIF funding, not the site plans or any related items. He advised that it was up to the Board to approve, deny, or lay over the request. Mr. Englund stated that the department recommended approval.

Ms. Karnes moved for layover. Mr. Moore seconded the motion which carried 5-0.

Mr. Seten advised that he will follow up on the outstanding matters prior to the next hearing of the case.

At the Planning Board meeting held July 3, 2019, Mr. Don Seten, Planning Department, addressed the Board to explain the details of the request. He stated that this request included four parcels with frontages on Main Street and Elkhorn Drive. Mr. Seten advised that the buildings on the site will be demolished to make way for a pair of new, four-story, mixed use buildings. He stated that the second through fourth floors of both buildings will be apartment units, the lower level of the building facing Main Street will house retail space and the other will have first floor retail facing Elkhorn Drive. The two buildings, combined, will have a total of 90 apartments which will be a mix of one and two-bedrooms. There will 94 surface parking spaces and 90 garage stall parking spaces. He stated that there will be a large number of public improvements included with this project. The public improvements will include the additional public parking in the railroad right-of-way, which will serve some of the uses on Main Street, improvements to North 206th Street which is currently unimproved and is currently overgrown, and a significant portion of storm sewer will be constructed.

Mr. Seten stated that the project manager is Dan Gardner, who has previously worked on developments in Elkhorn and has another TIF project nearby. The total project cost is $16,200,000 and the TIF request is $3,200,000. Mr. Seten advised that the project meets the criteria for the TIF program, is an appropriate land use for the area, and complies with the goals of the Master Plan.

Mr. Jim Lang, Attorney for the applicant, appeared before the Board in support of the project. Mr. Lang stated that this is the third phase of an ongoing development with Dan Gardner as the project manager of all phases. He stated that this phase will include additional parking and public improvements as well as a quiet zone at the railroad location south of the development. The quiet zone will be a very significant portion of the project, at a cost of approximately $500,000 which the developer is working on in conjunction with Union Pacific railroad since the apartments will be so close to the tracks. Mr. Lang advised that the applicant is requesting approval from the Board and that he will be able to answer any questions from the Board.

No one appeared in opposition.

Mr. Pate had several questions regarding the requested TIF support cap rate, and the willingness of the applicant to pay additional taxes if the true project costs turn out to be higher than the final valuation. Mr. Lang advised that the TIF request is based upon the estimated future value, and that the applicant will owe the amount of the TIF, plus any interest over approximately 15 years. He stated that although initially, the valuation may be lower than anticipated, over the length of the loan, the valuation is most likely to exceed the anticipated amount. He reminded the Board that the developer will be responsible for anything over the anticipated costs. Mr. Lang further explained that the reason this TIF request was a higher percentage of the total project costs than the norm, is because of the large amount of public infrastructure improvements which are included with this phase of the project. Mr. Lang advised that the cap rate was based on nearly complete occupancy rate, approximately 7-8%.

In response to a question from Mr. Rosenbaum regarding the access point at the southeast corner at Main Street, Mr. Lang advised that the circulation will be right in, right out.

Mr. Seten returned to address the Board to advise that the pro-forma with a three-year stabilized NOI, shows a 5% vacancy rate built into it. This includes both residential and retail. In addition, Mr. Seten stated that the $16,200,000 valuation had been fully reviewed and accepted by the TIF committee, which
tends to be very conservative with these estimations. Mr. Seten stated that the applicant has been working with Public Works on the access and a “pork chop” or “T-bone” curb structure is being considered to physically prevent northbound traffic from turning into the lot, which will address the stacking concerns.

Mr. Eric Englund, Acting Assistant Director, stated that there will be a plat before the Board for this project in the future. Mr. Englund stated that the department recommends approval of the TIF request.

Mr. Rosenbaum stated that several developers, including Mr. Gardner, have done a great job of revitalizing the Elkhorn downtown area.

Mr. Rosacker stated, for the record, that although he has no financial interest in the project, Don Gardner did contact him about construction consulting services. There was no deal made, he just wanted it noted for the record that the contact had been made.

Ms. Karnes moved for approval. Mr. Pate seconded the motion which carried 5-0.

<table>
<thead>
<tr>
<th>12.</th>
<th>C3-19-118 Todd Lieberman</th>
<th>REQUEST: Approval of the NOBILITY POINT-HIGHLANDER PHASE III TIF REDEVELOPMENT PROJECT PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION: 3031 Blondo Street</td>
</tr>
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</table>

At the Planning Board meeting held July 3, 2019, Ms. Bridget Hadley, Planning Department, appeared before the Board to present the details of the request. Ms. Hadley explained that this request is for phase three of the four phase project plan. She provided an aerial view with the location of the project highlighted and pointed out where the proposed development will occur near the intersection of 30th and Parker Streets at the former site of the Pleasantview Homes housing project. Ms. Hadley stated that this development will be part of the Seventy Five North Highlander Redevelopment Area. She also read a quote regarding the purpose from the website of the Seventy Five North Revitalization Corporation stating that the purpose is “to facilitate the revitalization of a healthy, sustainable, mixed-income community in North Omaha’s Highlander neighborhood”. She advised that the project will provide infill and revitalization as called for in the Master Plan, utilizing a currently vacant lot. The first phase of this project was the development of 101 mixed income, rental housing units, the second phase was the creation of the Accelerator building, this request is for the third phase and future phases will create single family housing. The TIF committee has reviewed the project plans and given its approval.

Ms. Hadley explained that the proposed project is to build a single, 3 story building with 60 one and two bedroom apartments and does not require rezoning. She stated that public improvements will include parallel parking, sidewalk improvements, street-scaping and a community garden. Ms. Hadley pointed out that additional public improvements have also been completed with previous phases of this project. She presented drawings of all four elevations for the Board. Ms. Hadley stated that there was no rezoning request with this phase of the project. Ms. Hadley stated that a road diet already exists on 30th Street between Parker Street and Burdette Street; an asphalt overlay project is proposed for Ames Avenue in 2020; and it is anticipated that North 30th Street will be reconfigured to add a bike lane and on street parking on the west side of the street.

Ms. Hadley stated that the TIF support requested is $200,000 for this project. She explained that the total construction costs are approximately $12,000,000; however the use of low income tax credits and the rent restrictions for the low income apartments lowers the valuation, which lowers the TIF support eligibility.

Mr. Othello Meadows of the 75 North Revitalization Corporation, 2112 North 30th Street, Suite 200, appeared before the Board in support of the project. Mr. Meadows explained that this neighborhood is rapidly aging and that this project, as a part of the larger redevelopment effort, is also targeting senior citizens by providing much needed senior housing. He stated that the development of so many rental units in this project was designed to bring density back to the area, and that future plans will create opportunities for homeownership.

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

Mr. Rosacker moved for approval. Mr. Pate seconded the motion which carried 5-0.

### Subdivisions

| 14. | C10-19-120  
C12-19-121  
R.L.R. Investments, LLC | REQUEST: Preliminary Plat approval of R AND L CARRIERS ADDITION, a subdivision outside the city limits, with rezoning from AG to GI |
| LOCATION: Northeast of 117th and State Streets |

*Prior to discussion of this case, Ms. Karnes advised that she was recusing herself and left the chambers at 3:30 p.m.*

At the Planning Board meeting held July 3, 2019, Mr. Stan Richards of R & L Carriers, 600 Gilliam Lane, Wilmington, Ohio, appeared before the Board on behalf of the applicant. Mr. Richards described R & L Carriers as a logistics company, which has been operating in LaVista since 2004. He stated that the company prides itself on being a LTL (Less Than Loaded) carrier, meaning if a small business or a "Mom and Pop" store needed a small load moved, R & L Carrier would pick up and ship that small load rather than needing a full truck in order to ship. He advised that, in addition to the 51 current employees who would relocate to the 117th and State Street location, the applicant hopes to increase their workforce by approximately 35% over the next two to three years as they expand their business from the current 65-door facility to an 80-door facility. Mr. Richards advised that the property they are currently on in LaVista is landlocked and offers no opportunity for expansion, which is why they are planning to move to this new location.

Mr. Richards showed an aerial of the area showing the proposed 37 acre site which would be divided into two lots. Lot one would be approximately 24.89 acres and is the site on which the building will be constructed. Lot two measures approximately 11.48 acres and will be set aside for future development.

Mr. Chris Terry, 6309 Northern Lights Lane in Fort Calhoun, appeared before the Board in support of the request. Mr. Terry stated that he owns the property to the south, between 114th and 117th Streets and that he welcomes this development.

Mr. Eric Englund, Acting Assistant Director, stated that the department recommends approval with conditions as stated in the recommendation report, such as modifications and future improvements to 114th Street which will be worked out with the applicant in a future phase.

Mr. Rosacker moved for approval of the rezoning from AG to GI, and approval of the Preliminary Plat, subject to the following conditions:

1. Prior to forwarding the request to City Council, the following items must be addressed:
   a. Submit an updated preliminary plat showing the dedication of 114th Street right-of-way.
   b. Submit updated plans for all applicable exhibits showing the 114th Street ROW dedication and improvements, including grading and paving.
2. Coordinate with Public Works on an acceptable cross section and design of the 117th Street approach to State Street
3. Submit cross section information that shows the relationship of the proposed site grading to the existing and future 117th Street and State Street improvements.
4. At the time of the final platting of Outlot A, the following conditions must be addressed:
   a. Dedicate right-of-way and pave 114th Street; coordinate with Public Works on an acceptable design and alignment.
   b. Coordinate with the neighboring property owner for the acquisition of the necessary ROW for 114th Street on its approach to State Street.
   c. Improve State Street to three lanes along the Outlot A frontage and for the turn lanes and tapers at 114th Street.
5. Place a note on the plat that there shall be no direct access to State Street from any lots or outlots.
6. Submit storm sewer and/or drainage design computations and final plans to the Douglas County Engineer for review that relate to the handling of roadway and site drainage along the development.
boundary adjacent to 117th Street and State Street.
7. Acquire all easements necessary for the off-site public sewer.
8. Compliance with all City driveway regulations.
9. Obtain all necessary permits from the Douglas County Engineer’s office.
10. Provide sidewalks along all street frontages.
11. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.
12. Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area.
13. Submit a letter of approval from Douglas County for a Noxious Weed Plan.
14. Compliance with all applicable stormwater management ordinances and policies, including providing for no net increase in stormwater runoff and treatment of the first half inch of stormwater for water quality.

Mr. Moore seconded the motion which carried 4-0-1, with Ms. Karnes recused.

Following the discussion and vote, Ms. Karnes returned to the chambers at 3:36 p.m.

| 15. | C10-19-135  
   | C12-19-122  
   | Michael Walker | REQUEST: | Preliminary Plat approval of LONE PINE SUBDIVISION, a subdivision outside the city limits, with a waiver of Section 53-8(4d), Lot frontage, along with rezoning from DR and CC to DR and CC (property is located within the ED Environmental Resources Overlay District, the FF-Flood Fringe Overlay District, and FW-Floodway Overlay District) |
   | LOCATION: | 14445 North River Drive |

Mr. Rosenbaum announced that as this case had been removed from the Consent Agenda, where it was recommended for layover, it would be heard together with agenda item #25, Case C8-19-106 & C8-19-111 but that both cases would be voted on separately.*

At the Planning Board meeting held July 3, 2019, Mr. Michael Walker, the applicant, of 14445 North River Drive, appeared before the Board to describe the details of the request. Mr. Walker explained that in 2013 he took over this business which has been in operation for over 70 years and that approximately 25 employees are on staff for seven to eight months out of the year. He stated that he purchased the property directly south of the Surfside Club to develop the Lone Pine subdivision as a complement to the Club. Mr. Walker stated that after meeting with the neighbors and hearing concerns about fencing and screening, he intends to include a tree buffer consisting of Poplar trees or something similar, along with fencing to discourage customers from wandering into the neighboring properties. In addition, he pointed out that there is a difference in elevation of approximately 150 feet between the property and the neighbors, which he believes, in combination with the tree buffer and fencing, will suppress much of the noise coming from the property. Mr. Walker stated that easements have been acquired for the installation of a new 2 ½ mile 4” waterline which will accommodate 18 single family dwellings south of the entrance to the club, in addition to his properties. In response to questions from the Board, Mr. Walker explained that the waterline project would be done through the NRD and the water would be from Fort Calhoun.

Mr. Walker stated that since this case had been on the Consent Agenda to be laid over, he had not brought much information with him but wanted to provide at least a few details about the project. He explained that he has additional information to share with the department prior to the next meeting.

Ms. Terry Crawford, 3312 Hamilton Street, appeared before the Board in opposition to the request. Ms. Crawford stated that she was opposed to the project for many reasons and wanted to share a couple of stories. She shared information regarding past, alleged, criminal behavior by the applicant, Mr. Walker, in which he discharged a weapon or threatened to and which she stated was clear evidence of his bad character. Ms. Crawford stated that she was not present to witness the altercation, however she knows the information she was given is true.

Mr. Rosenbaum reminded those present that the purpose of the Planning Board was to determine the appropriateness of the application for a campground with regards to the City of Omaha zoning codes and
Mr. Lamar Barber, 908 South 25th Avenue, appeared before the Board in opposition to the request. Mr. Barber stated that he was the person threatened in the incident Ms. Crawford spoke of and he wanted to share more details. He stated that he believed this incident showed Mr. Walker to have a bad temper, he was unstable, and possessed a bad character, which should preclude Mr. Walker from being able to have any businesses or be allowed any influence in the City. Mr. Barber stated that it was his belief that the Board should consider the character of the applicant and deny his application.

Ms. Merica Whitehall, Executive Director at Fontanelle Forest, appeared before the Board in opposition to the request. Ms. Whitehall stated that she is concerned about the impact which this project would have on the sensitive ecosystem of the surrounding area, including the Floodway and Flood-fringe in the ED Overlay district of Ponca Hills, which was intended for low impact and low use making it inappropriate for a 100 stall RV park on 30 acres. Ms. Whitehall stated that the Ponca Hills Special Development Area allows for only one unit to be built on five acres of land, a much less dense use than the applicants proposal. She stated that there are also concerns about 100 RV's in the flood-fringe and floodway which will produce garbage, debris and human waste, in addition to any vehicle fluids, which will make their way into the Missouri River and damage that eco-system.

Ms. Whitehall stated that she was contacted by many of the neighbors in the area regarding the danger of increased traffic, including large RVs, on “very narrow” roads with no shoulders and soft soil. She stated that there have been vehicle accidents on those roads and that the neighbors are concerned that the increased traffic will create an increased public safety problem as well as increased noise pollution.

Ms. Whitehall advised that she was not aware of any community meetings in which neighborhood input had been allowed or addressed and it was her opinion that the project should not be allowed to continue without full support of the entire community. Ms. Whitehall stated that since camping is allowed at NP Dodge Park, which is very close by, an additional campground is unnecessary and would provide no benefit to the community. She stated that alcohol consumption at Mr. Walker’s campground would make it difficult to manage and would create a burden on the neighbors as fencing can’t keep intoxicated people from trespassing on the neighbor’s property. In addition, she stated that it was her opinion that allowing the campground would only lead to an increase in the problems occurring at the Surfside Club as well as the issues which Mr. Barber and Ms. Crawford had already spoke about.

At the request of Mr. Rosenbaum, Mr. Walker appeared to address the Board and answer questions. Mr. Walker stated that he wished to address the comments made about his character and reputation as well. He stated that he started working for the railroad at the age of 18 and in 1991 he began acquiring properties in Omaha including Kelso’s Lounge which he ran as Boondocker’s Lounge until 1998. He also stated that he has owned a number of restaurants and businesses in the Omaha/Ashland area, as well as selling real estate as an agent in the area and working as a pilot. Mr. Walker stated that in all cases in his life and as a business owner, his focus is on the best interests of the community. He stated that he has been a registered gun owner for 30 years and that he carries the gun to protect himself as his business frequently requires him to carry large amounts of cash late at night. He stated that he has never drew his weapon or fired a round until the incident which was mentioned previously and he hopes it never happens again, however it was a situation which was investigated by the police and he was neither cited nor arrested.

Mr. Walker addressed concerns regarding noise from the Surfside Club, which he has owned since 2013, by stating that they operate a DB meter (decibel meter) to regulate the sound at the Club and that it is set at 92 decibels, 60 feet from the stage at all times. He advised that the Club entertainment is always from 5:00 p.m. to 9:00 p.m. Sunday through Thursday, and 6:00 p.m. to 10:00 p.m. on Friday and Saturdays. He stated that approximately twice per year there are special events on the weekend during which the Club is open up to 11:30 p.m.

Mr. Walker stated that the letter he received from Ms. Whitehall regarding the traffic problem is different than her testimony today. He stated that he drives the roads Ms. Whitehall is concerned with, three or four times per day and he has never seen traffic so heavy that people are pulling to the side of the road to let other vehicles pass other than when one of the “vehicles” was a tractor or other farm equipment. Mr. Walker
explained that in order to control dust on the dirt road down from the top of the hill, he frequently puts water on the road and has also put down asphalt grindings. In addition, he has people guiding traffic to prevent accidents at his location for events as well. Mr. Walker stated that there was an accident at his location in which his truck was hit by a motorcycle, which was going 70 miles per hour on bald tires.

Upon prompting from Board Chairman Rosenbaum, Mr. Walker concluded in stating that he believes his application should be viewed the same as anyone else’s would be, and that he agrees with the Board that all the extraneous information is not relevant to the Planning Board application. In addition, Mr. Walker pointed out that Ms. Whitehall enjoyed hundreds of visitors at her venue, and he has the same right at his location.

Mr. Eric Englund, Acting Assistant Director, explained for the Board, the applicant, and the audience, that the responsibility of the Planning Department and the Planning Board is to look at a development proposal and compare it to the applicable City code regulations. Mr. Englund stated that it is not his job, the Planning Department’s job, nor the job of the Board, to judge anyone’s character. He stated that the department had recommended a layover because there are concerns about the completeness and quality of the application which had been submitted. Mr. Englund stated that there is a large amount of information which is either missing or incomplete, such as a complete site plan, information about existing improvements and proposed improvements, and tree canopy information. He stated that all the missing information needs to be submitted to the department in order for them to make a recommendation on the application. He stated that a campground is one of only a few uses allowed within the floodway, so the department needs to consider life-safety and evacuation plans.

Mr. Pate moved for layover agenda item number 15 to allow the applicant to provide more complete information to the department. Mr. Moore seconded the motion which carried 5-0.

## Special Use Permits

<table>
<thead>
<tr>
<th></th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>25.</td>
<td>Approval of a Special Use Permit to allow development within the ED Environmental Resources Overlay District, and a Special Use Permit to allow a campground in the DR District (a portion of the property is located in the FF-Flood Fringe and FW-Floodway Overlay Districts)</td>
<td>14445 North River Drive</td>
</tr>
</tbody>
</table>

*Mr. Rosenbaum announced that as this case had been removed from the Consent Agenda, where it was recommended for layover, it would be heard together with agenda item #15, Case C10-19-135 & C12-19-122 but that both cases would be voted on separately.*

At the Planning Board meeting held July 3, 2019, Mr. Michael Walker, the applicant, of 14445 North River Drive, appeared before the Board to describe the details of the request. Mr. Walker explained that in 2013 he took over this business which has been in operation for over 70 years and that approximately 25 employees are on staff for seven to eight months out of the year. He stated that he purchased the property directly south of the Surfside Club to develop the Lone Pine subdivision as a complement to the Club. Mr. Walker stated that after meeting with the neighbors and hearing concerns about fencing and screening, he intends to include a tree buffer consisting of Poplar trees or something similar, along with fencing to discourage customers from wandering into the neighboring properties. In addition, he pointed out that there is a difference in elevation of approximately 150 feet between the property and the neighbors, which he believes, in combination with the tree buffer and fencing, will suppress much of the noise coming from the property. Mr. Walker stated that easements have been acquired for the installation of a new 2 ½ mile 4” waterline which will accommodate 18 single family dwellings south of the entrance to the club, in addition to his properties. In response to questions from the Board, Mr. Walker explained that the waterline project would be done through the NRD and the water would be from Fort Calhoun.

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Mr. Rosenbaum reminded those present that the purpose of the Planning Board was to determine the appropriateness of the application for a campground with regards to the City of Omaha zoning codes and regulations. He advised that the Board has nothing to do with litigation, criminal activity or character assessments.

Mr. Lamar Barber, 908 South 25th Avenue, appeared before the Board in opposition to the request. Mr. Barber stated that he was the person threatened in the incident Ms. Crawford spoke of and he wanted to share more details. He stated that he believed this incident showed Mr. Walker to have a bad temper, he was unstable, and possessed a bad character, which should preclude Mr. Walker from being able to have any businesses or be allowed any influence in the City. Mr. Barber stated that it was his belief that the Board should consider the character of the applicant and deny his application.

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Mr. Moore moved for layover to allow the applicant to provide more complete information to the department. Mr. Pate seconded the motion which carried 5-0.

**Rezonings**

<table>
<thead>
<tr>
<th>No.</th>
<th>Property</th>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>21.</td>
<td>C10-19-131</td>
<td>Approval of rezoning from MU to GI (property is located within an FF-Flood Fringe Overlay District)</td>
<td>3735 S 149th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held July 3, 2019, Mr. Kyle Haase of E & A Consulting Group, appeared before the Board on behalf of the applicant, Mr. Ted Grace. Mr. Haase stated that the property in question is Lot 9 and Lot 10 in the Altech Business Development. He advised that Lot 10 is currently inside the overall mixed use district, but Lot 9 is currently zoned GI and is outside of the mixed use district. Mr. Haase stated that the applicant wishes to remove Lot 10 from the mixed use agreement and combine it with Lot 9 into one lot, which necessitates the consolidation of zoning. In response to a question from Mr. Pate, Mr. Haase stated that the project will be a “spec build”.

Ms. Jackie Donovan, 3850 South 149th Street, appeared before the Board in opposition. Ms. Donovan stated that she represents both Robert Munn Properties and Donovan Properties. Ms. Donovan pointed out the buildings which are owned by the companies she represents as well as the property next to her. She stated that when she purchased the property in 2000, the Planning Department advised Mixed Use
zoning rather than General Industrial. She stated that she is concerned about the reason why the applicant is asking to rezone to GI rather than MU and expressed concerns that the developer intends to have outdoor storage at this location as would be allowed in GI zoning and she believes that would bring down the property values and quality of the other businesses in the Business Park. Ms. Donovan stated that she has attempted to speak with Mr. Grace, however was unable to reach him via telephone and has only spoken with the attorney representing him. In response to a question from Mr. Pate regarding her concern about outdoor storage, Ms. Donovan pointed out that when reading the permissible uses in GI zoning, it does state that outdoor storage must be screened, which implies that outdoor storage is allowed. Her concern is that the beautiful buildings in the business park will be forced to exist next to a metal slat fence behind which is a pile of building materials, or some other unattractive type of material being stored outside.

Ms. Donovan stated that she was shocked to hear that the zoning was going to be changed. She stated that she would like to have a meeting with Mr. Grace so they could discuss the plans and work out an agreement that they would both be happy with.

At the request of Mr. Rosenbaum, Mr. Haase returned to address some of the concerns expressed by Ms. Donovan. Mr. Haase stated that while there is no specific user in mind for the building, they do have a site plan to show how it will be laid out. In addition, Mr. Haase stated that he has discussed proposed uses for the lots included in this request, as well as those included in the other request for Lots 11 and 12, with Ms. Donovan. He explained that, at her request, he did provide a printout showing the various allowed uses for the different zoning designations and that under Light Industrial, enclosed or screened outside storage is allowed. Although the outside storage would be allowed in the requested zoning, Mr. Haase stated that there is no outside storage being anticipated or planned on either of the lots included in this request.

Mr. Pate inquired as to what would be considered allowable “storage” if the zoning change to GI was approved. Mr. Eric Englund, Acting Assistant Director, stated that General Industrial (GI) would allow a business to store some of its materials, such as lumber, outside. He stressed that this is not the same as the Outdoor Storage use type which is a much different situation. Mr. Englund stated that there are screening requirements, such as if it were adjacent to the Mixed Use zoning, it may only allow storage in the back of the building. Additionally, Mr. Englund stated that General and Heavy Industrial zoning districts there is a possibility of some very heavy usages, however, that is not what is being proposed. Mr. Pate stated that the site plan appears to show that everything will be contained within the proposed building. Mr. Englund stated that frequently the “flex spaces” are utilized by construction contractors such as electricians, drywall companies, and things of that nature which are generally considered under the “custom manufacturing” use type which is allowed in some Commercial zoning districts, Mixed Use districts, or Industrial zoning districts. He explained that currently, half of the property is already zoned General Industrial and the other half is in a Mixed Use district, so this request is one of the options available to the applicant. He advised that while the department would be amenable to discussing a different option with the applicant, the Future Land Use portion of the Master Plan does designate this location as Industrial.

Mr. Rosacker and Ms. Karnes inquired about what the motivation was in changing the zoning from Mixed Use to Industrial. Mr. Englund stated that within the Mixed Use Agreement, it can list the possible uses within the district. In the Altech agreement, custom manufacturing was not included. Mr. Englund also reminded the Board that he could not confirm that the department would be amenable to expanding the Mixed Use agreement to include the second lot in this request rather than rezoning to General Industrial, as is designated in the Future Land Use plan, because there are different requirements for different zoning districts.

Mr. Pate moved for approval. There was no second and the vote did not move forward.

Ms. Karnes moved for layover. Mr. Pate seconded the motion which carried 4-1 with Mr. Rosenbaum dissenting.

### Conditional Use Permits

<table>
<thead>
<tr>
<th>Request Number</th>
<th>Description</th>
<th>Action</th>
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<tbody>
<tr>
<td>C7-19-128</td>
<td>WITHDRAWN</td>
<td>REQUEST: Approval of a Conditional Use Permit to allow a Daycare services (general) in the R6 zoning district</td>
</tr>
</tbody>
</table>
At the Planning Board meeting held July 3, 2019, Mr. Eric Englund, Acting Assistant Director, advised that the applicant requested this case be removed from the agenda for this month.

As this case was removed from the agenda at the request of the applicant after it had been advertised in the Daily Record, there was no discussion at the meeting and no vote was taken.

**APPROVAL OF MINUTES**

**JUNE 5, 2019**

Mr. Rosacker moved to approve the minutes of the July 5, 2019 Planning Board pre-meeting as written. Mr. Moore seconded the motion which carried 5-0.

Ms. Karnes moved to approve the minutes of the June 5, 2019 Planning Board meeting as written. Mr. Rosacker seconded the motion which carried 5-0.

**ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at 4:25 p.m.

________________________________________________________________________
Date Approved

Greg Rosenbaum, Chairman

________________________________________________________________________
Lisa Agans, Planning Board
Recording Secretary