The meeting was called to order at 11:24 a.m.

#5 Mr. Anderson discussed the request is for the approval of two amendments to the 2016 and 2017 Action Plans. The first amendment is to move funds from one project to another in Council Bluffs, Mr. Anderson did advise that the funding does come from the State of Iowa, but that Council Bluffs is a part of the consortium. The second amendment involves the Rehab program, again it is to move focus from one location to another, this will include roofing projects.

#6 Mr. Miller and Mr. Carder discussed the 2019-2024 Capital Improvement Program. There was some discussion between Mr. Miller and Mr. Carder and the Board members regarding new projects and the process that goes into deciding what to put in to the CIP.

#4 Ms. Hadley discussed the request for approval of an amendment to the Landmark Building TIF Redevelopment Project Plan. Ms. Hadley explained that the only reason for the amendment is to make a change to the financing of the project as the developers were unable to qualify for the tax credits they had originally planned on and now plan to use the Enhanced Employment District funding instead. In response to questions Ms. Hadley explained that once the Board approves the request, the City Council will have to approve the amendment, designate the Enhanced Employment District, and approve the funding.

#1 Mr. Englund discussed the request for final plat approval of West Center Commons. Mr. Englund stated that the applicant has requested a layover. Mr. Englund stated that the case will remain on the Administrative Meeting agenda and recommends layover.

#2 Mr. Englund discussed the request for final plat approval of Phase 4 of Anchor Pointe. Mr. Englund stated that the department recommends approval of the final plat subject to conditions.

#3 Mr. Englund addressed the revised preliminary plat approval of Majestic Pointe. Mr. Englund stated that this is for the final stage of the development and will be office/commercial space. The department recommends approval with several conditions including an updated wetlands mitigation report as the current one is now outdated.

#7 Mr. Englund discussed the request for preliminary and final plat approval of Peaceful Oaks, with rezoning, and the approval of an SUP. Mr. Englund stated that the department recommends approval of
the preliminary plat, the SUP, and the rezoning, however, at this time the department recommends the
final plat be laid over to the September meeting to allow time for the developer to receive the NDEQ approval
for septic system.

#8 Mr. Englund described the request for preliminary and final plat approval of Villa Rows on 15th,
which proposes 16 residential units on 1.34 acres. The case has been placed on the Consent Agenda for
approval.

#9 Mr. Englund discussed the request for preliminary and final plat approval of Sweazy Acres with
rezoning from AG to DR. Mr. Englund stated that the request is to build a single residence on the 10 acres
and discussed some prior issues which make this case somewhat unique. The case has been placed on
the Consent Agenda for approval.

#10 Mr. Englund stated that the request for preliminary plat approval of Legend Trails, with three waivers
and rezoning. Mr. Englund advised that MUD still has several concerns which the applicant needs to
address. The case has been placed on the Consent Agenda for layover.

#11 Mr. Englund advised that case #11, preliminary and final plat approval of Preserve on Pacific
Addition, has been withdrawn by the applicant.

#12 Mr. Englund discussed the prior steps which have been taken and approved for this request for
approval of an MCC, as well as a brief description of the project. This case is on the Consent Agenda for
approval.

#13 Mr. Englund discussed the proposed request for rezoning. Mr. Englund advised that the applicant
is wishing to consolidate two lots into one with consistent zoning. The department recommends approval.

#14 Mr. Englund described request for rezoning. Mr. Englund advised that there is currently a duplex
on the site and the applicant wishes to rezone the lot to make it easier for him to sell it. Mr. Englund advised
that the department recommends denial of the request to rezone to R7 and approval of rezoning to R5.

#15 Mr. Englund advised that the request for rezoning of this City owned property from GI to R7 is to
make it more consistent with the neighborhood. This case is on the Consent Agenda for approval.

#16 Mr. Englund discussed this request for approval of a Major Amendment. He also explained that the
development agreement was made before there was a “Mixed Use Development” designation and that
numerous, poorly documented changes had been made to the Major Development Overlay District
throughout the 33 years since it was developed for One Pacific Place. Ms. Rockwell explained that the
proposed Amendment does reflect the original intent of the Agreement. The department recommends
approval subject to several conditions.

#17 Mr. Englund discussed this request for rezoning and approval of a PUR Overlay District. Mr.
Fanslau provided a brief history about the NCE agreement and other history in the neighborhood. The
request is to consolidate zoning and allow for the development of apartments and parking on 1.06 acres.
This case is on the Consent Agenda for layover.

#18 Mr. Englund described the request for a Major Amendment to the CUP and expansion of the ACI-
2 Overlay District for Children’s Hospital. The case is on the Consent Agenda for approval with several
conditions.

#19 Mr. Englund discussed the request for a Major Amendment to allow the development of a drive thru
restaurant as well as some of the conditions for approval. The case is on the Consent Agenda for Layover
to allow more time to work with the applicant.

#20 Mr Englund discussed the request for approval of a CUP to allow automotive sales. The case is on
the Consent Agenda for approval with four conditions.

The pre-meeting of the Planning Board Adjourned at 1:20 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, July 23, 2018.

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

MEMBERS NOT PRESENT: Kristine Karnes, Vice Chair

STAFF PRESENT: Dave Fanslau, Planning Director
Cheri Rockwell, Acting Assistant Planning Director
Eric Englund, Current Planning Manager
Michael Carter, Planning Board Administrator
Alan Thelen, Law Department
Debbie Hightower, Executive Secretary, Planning Department
Lisa Agans, Recording Secretary

Greg Rosenbaum, Chairman, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

Subdivisions

| 11. | C11-18-160 (WITHDRAWN) C10-18-059 C12-18-060 Ehrhart Griffin & Associates for Sage Capital | REQUEST: Preliminary Plat approval of PRESERVE ON PACIFIC ADDITION, a subdivision inside the city limits, with a waiver of Section 53-9(9), Sidewalks, with rezoning from R1 to R5, along with approval of a PUD-Planned Unit Development Overlay District | LOCATION: 9402 Pacific Street |

At the Planning Board meeting held on August 1, 2018, this case was withdrawn at the request of the applicant.

| 3. | C10-14-044 (D) C12-14-045 David Steier / Ken Hagen | REQUEST: Revised Preliminary Plat approval of MAJESTIC POINTE (Lots 244-252 and Outlots I-N), a subdivision outside the city limits, with rezoning from AG to DR and MU (laid over from 6/6/18) |
At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the rezoning from AG to DR and MU, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding the request to City Council; approval of the Revised Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Proposed site grades along the northern and eastern boundaries of the platting, adjacent to State Street and 168th Street, must be coordinated with the future improvement of those roadways; 2) The proposed street connections from the development to State Street and 168th Street will require permits from the Douglas County Engineer's office and must meet proper sight distance criteria and incorporate intersection improvements as required by current City/County Access Policy; 3) Place the following notes on the plat: a) the 1/8th mile access to 168th Street from the site will be restricted to right-in/right-out vehicular turning movements at the time that 168th Street is upgraded to a 4-lane section with raised medians; b) there shall be no direct access to State Street or 168th Street from any abutting lot or outlot; and c) there shall be no direct access to Reynolds Street from Lot 247 or 249. 4) Temporary turn-arounds should be provided at the terminus of all temporarily dead-ended streets; 5) Provide an access easement across Lot 252 from Mormon Street/168th Avenue to Outlot N; 6) Provide for all improvements identified in the final approved traffic study; 7) Coordinate with the Public Works Department regarding the final right-of-way configuration at the south end of the plat; 8) Provide for the improvement of 168th and State Streets to three lanes and enter into an inter-local agreement with Douglas County via coordination with Douglas County, SID No. 528 (Stratford Park), and SID No. 581 (Summer Hill Farm) on cost-sharing arrangements; 9) Provide a provision in the subdivision agreement that assigns responsibility for the routine maintenance and snow removal of the parking areas on public right-of-way; 10) Storm sewer design computations and final plans must be submitted to the Douglas County Engineer's office for review that relate to the handling of roadway and site drainage along the development boundary adjacent to State Street and 168th Street; 11) Provide sidewalks along all public street frontage, including 168th and State Streets; 12) Any grading, sewer or utility work carried out in conjunction with this development, in State Street and 168th Street right-of-ways, will require a permit(s) from the Douglas County Engineer's office; 13) The Sanitary and Improvement District (SID) shall only own Post Construction Stormwater Management Plan (PCSMP) outlots; all other outlots shall be privately owned; 14) If drainage basins or other PCSMP features are to be owned and maintained by the District, they need to be platted into separate outlots from those outlots with other purposes; 15) Any drainageway must be placed in an outlet sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater); 16) Coordinate with Douglas County to grade the subdivision to the future five-lane section of State and 168th Streets; 17) The applicant will be required to comply with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and must treat the first ½” of stormwater for water quality; 18) Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement; 19) Provide for Channel B within an outlot or submit an acceptable wetland mitigation plan. No grading permit shall be issued until a wetland mitigation plan has been approved; 20) Lot 247 must be split into two lots, one for the Civic use (daycare) and one for the Commercial use (retail); 21) The outlots must be properly renamed; and 22) An acceptable debt ratio of 4% or less is required. Mr. Magid seconded the motion which carried 6-0.

At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the rezoning from R5(35) and CC to R7. Approval of the Preliminary Plat, subject to compliance with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and must treat the first ½” of stormwater for water quality, and approval of the Final Plat, subject to the condition of Preliminary Plat approval, along with submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding the plat to the City
At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the rezoning from AG District to DR District (a portion of the property is also located within an ED (Environmental Resources Overlay District), and approval of the Preliminary Plat, subject to the following conditions: 1) Submittal of an amended preliminary and final plat documents showing the correctly labeled north arrow; 2) The applicant agreeing to waive the right to protest a future street or sidewalk improvement district in the final Subdivision Agreement, approval of the final plat, subject to the conditions of the preliminary plat and submittal of an acceptable final subdivision agreement. Mr. Magid seconded the motion which carried 6-0.

**REQUEST:** Preliminary and Final Plat approval of SWEAZY ACRES, a minor plat outside the city limits, with rezoning from AG to DR (portion of the property is located within an ED-Environmental Resources Overlay District)

**LOCATION:** Southeast of Blair High Road and Pawnee Road

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At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Pate motioned to layover the case to allow the applicant time to address the following: 1) MUD comments; 2) Slopes analysis/grading; 3) Tree canopy analysis; 4) Wetlands analysis; 5) Location of backup wastewater treatment areas; 6) Improvement to 228th Plaza outside the plat area; and 7) Coordination with Douglas County for the portion of the plat area located outside the city’s jurisdiction. Mr. Moore seconded the motion which carried 6-0.

**REQUEST:** Preliminary Plat approval of LEGEND TRAILS (Lots 1-90, Outlots A-F), a subdivision outside the city limits, with waivers to Section 53-8(2), Street width, Section 53-9(3) Curb and gutter and Section 53-9(9) Sidewalks, along with rezoning from AG to DR

**LOCATION:** Northwest of 222nd and Q Streets

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**REQUEST:** Approval of an MCC-Major Commercial Corridor Overlay District

**LOCATION:** 5645 North 90th Street

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At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval. Mr. Magid seconded the motion which carried 6-0.

**REQUEST:** Rezoning from GI to R5

**LOCATION:** 1708 Sahler Street

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At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval. Mr. Magid seconded the motion which carried 6-0.

**REQUEST:** Rezoning from GC and R7 to R7 along with Approval of a PUR-Planned Unit Redevelopment Overlay District (property is located within an NCE-Neighborhood Conservation/Enhancement District)
At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Pate motioned to layover the case to allow the applicant time to adequately address the following issues: 1) Provide building elevations in compliance with the NCE and PUR regulations; 2) Provide a site plan in compliance with the NCE and PUR regulations, including building location, driveway throat width, sidewalk design and handicapped parking stalls; and 3) Provide documentation that the building complies with the maximum 60 foot height, in accordance with 55-21, Height. Mr. Moore seconded the motion which carried 6-0.

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| 18.  | C10-18-174 (D)  
C7-08-166  
C7-97-225  
Tim Jacoby, Children’s Hospital Foundation | Approval of a Major Amendment to a Conditional Use Permit to allow Hospital services (general) in a GO District, (property is located within an ACI-2(65) Overlay District) and approval of the expansion of the ACI-2 Overlay District | Southeast of 10th and Pierce Streets |
| 19.  | C10-00-040 (D)  
SCM 10X Omaha 14901 LLC | Approval of a Major Amendment to the Mixed Use District Development Agreement for Grayhawk | Northeast of 84th and Dodge Street and Northwest of 84th Street and Indian Hills Drive |
| 20.  | C7-18-175 (D)  
Geraldo Villar Fernandez | Approval of a Conditional Use Permit to allow Automotive sales in a NBD, (property is located within an ACI-1 Overlay District) | 5026 South 24th Street |

At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the expansion of the ACI-2 Overlay District to include the property at the northwest corner of 84th Street and Indian Hills Drive, and approval of the Major Amendment to a Conditional Use Permit to allow Hospital services (general) in a GO district, subject to the following: 1) Compliance with the proposed site plan; 2) Compliance with the proposed elevation plans and renderings conforming to Urban Design regulations; 3) Approval of a right-of-way lease over 84th Street; 4) Approval of the necessary setback waivers from the Zoning Board of Appeals; 5) No net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality; 6) Compliance with all other applicable regulations; and 7) Compliance with all applicable previously approved conditions. Mr. Magid seconded the motion which carried 6-0.

At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Pate motioned to layover the Major Amendment to the West Greyhawk Mixed Use Development Agreement to allow the applicant time to address the following: 1) Revise the submitted site statistics table to correctly identify the use of Replat 3, Lot 3 as a Financial services use; 2) Provide and updated site plan that includes adjustments to the drive-through location and separation from the pedestrian open space; 3) Provide a revision to the open space exhibit that includes the area between the on street-parking on Evans Plaza and the south elevations of Replat 5, Lots 1 and 2 and omit the narrow portions along the inline retail to the south of Evans Plaza; and 4) Provide revisions to the building design to provide more Primary wall material more equally distributed on all four facades. Mr. Moore seconded the motion which carried 6-0.

At the Planning Board meeting held on August 1, 2018, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the requested Conditional Use Permit, subject to the following conditions: 1) Submittal of revised elevations showing that a brick face is proposed along the eastern-facing elevation of the existing building; 2) Compliance with the site plan; 3) Compliance with the operations plan; and 4) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 6-0.

(REGULAR AGENDA)
(HOLD OVER CASES)

ADMINISTRATIVE MEETING ONLY

1. C10-18-061
   C2-18-062
   Woodsonia-204 Center LLC
   REQUEST: Final Plat approval of WEST CENTER COMMONS, a subdivision located outside the city limits, with rezoning from AG to MU (laid over from 7/11/18)
   LOCATION: Southeast of 204th Street and West Center Road

At the Planning Board meeting held on August 1, 2018, Eric Englund, Manager of Current Planning, stated that the applicant requested a layover. The department recommends layover. Mr. Pate motioned to layover the case. Mr. Rosacker seconded the motion which carried 6-0.

2. C10-14-104
   C2-14-105
   Anchor Pointe Development LLC
   REQUEST: Final Plat approval of ANCHOR POINTE (Lots 217-302 and Outlots P-T), a subdivision outside the city limits, with rezoning from AG to R4
   LOCATION: Northwest of Ida Street and HWS Cleveland Boulevard

At the Planning Board meeting held on August 1, 2018, Eric Englund, Manager of Current Planning, stated that this is the fourth phase of the Anchor Pointe development. This phase includes 86 single family, residential lots and five outlots. Mr. Englund stated that the Planning Department recommends approval of the rezoning from AG to R4, and approval of the final plat, subject to the conditions of the revised preliminary plat approval relative to this phase of development and submittal of an acceptable final subdivision agreement.

Mr. Magid motioned for approval of the rezoning from AG to R4, approval of the final plat, subject to the conditions of the revised preliminary plat approval relative to this phase of development, and submittal of an acceptable final subdivision agreement. Mr. Morris seconded the motion which carried 6-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(REGULAR AGENDA)

Master Plan Referrals

4. C3-18-027
   Planning Department on behalf of the City of Omaha
   REQUEST: Approval of an amendment to the LANDMARK BUILDING TIF REDEVELOPMENT PROJECT PLAN
   LOCATION: Northeast of 13th and Harney Streets

At the Planning Board meeting held on August 1, 2018, Bridget Hadley, Economic Development Planner, described the amendment requested for the Landmark Building TIF Redevelopment Project Plan which was previously approved by the Planning Board on March 7, 2018 and subsequently approved by the City Council on April 17, 2018. Ms. Hadley stated that the original plan was to transform some of the floors in the Landmark Building into a boutique hotel. The amendment is to substitute a funding source. One of the sources of funding planned was the New Market tax credit, which the developer was unable to secure for this project. At this time the developer is requesting that the Occupation Tax be considered as the funding source for the project. Ms. Hadley explained that this funding source does require City of Omaha, as the redevelopment authority, to designate the area of the project as an Enhanced Employment Area and then
approve the Occupation Tax. The Community Development law requires the applicant to bring the project back to the Planning Board as an amendment to the TIF Redevelopment Plan. Ms. Hadley stated that there are no proposed changes to the land use or zoning and that the project still complies with the Master Plan, the amendment is solely for the purpose of substituting a new funding source.

Mr. Pate inquired about what happens if there is a shortfall in anticipated revenues to repay the bond? Mr. David Levy, attorney for the developer, 1700 Farnam Street, advised that in the event there is a shortfall of the revenues, the developer is contractually liable for the repayment of the bond. Conversely, in the event the revenue is higher than anticipated, the bond will be paid back and the tax will end sooner. Mr. Levy confirmed that the liability of the developer is spelled out fully in the Development Agreement and on the financing documents as well. Mr. Pate inquired as to why the developer is requesting $8,700,000 in funding and dropping the mortgage by $1,000,000 rather than leaving the mortgage where it is and requesting $7,700,000 from the City. Mr. Levy advised that the occupation tax results in an income stream over 20 years and when you have a stream of money like that you need to monetize it for today, because it is needed now for the project. He advised that there is a financing cost associated with monetizing that income stream, so that is the cause of the $1,000,000, it is still in the financing it is just a different line item.

There were no opponents.

Mr. Eric Englund, Manager of Current Planning, advised that the department recommends approval.

Mr. Moore motioned for approval of the amendment to the Landmark Building TIF Redevelopment Plan. Mr. Rosacker seconded the motion which carried 6-0.

| 5.  | C3-18-177 Planning Department on behalf of the City of Omaha | REQUEST: Approval of amendments to the 2016 and 2017 Action Plans | LOCATION: Omaha and 3-mile extraterritorial jurisdiction |

At the Planning Board meeting held on August 1, 2018, Mr. Jim Anderson, City Planning Department, stated that the 2016 and 2017 Action Plans represent the Community Development budget that is used to make improvements in the City of Omaha, and with regards to the 2016 plan it also includes Council Bluffs. He explained that the 2016 plan switches funding from a multi-family effort which is going to be completed to single family homeownership assistance. He also advised that the 2017 plan will change focus from a location in South Omaha to a location in North Omaha. Mr. Anderson stated that there are two projects associated with that switch, both of which will become focused in that area and continue to be focused in that area until the redevelopment effort switches focus.

There were no opponents.

Mr. Eric Englund, Manager of Current Planning, stated that the department recommends approval.

Mr. Pate motioned for approval of the amendments to the 2016 and 2017 Action Plans. Mr. Rosacker seconded the motion which carried 6-0.

| 6.  | C3-18-176 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the 2019-2024 Capital Improvement Program | LOCATION: Omaha and 3-mile extraterritorial jurisdiction |

At the Planning Board meeting held on August 1, 2018, Mr. Kevin Carder, City Planning Department, stated that the Capital Improvement Program is the City’s six year program for major infrastructure improvements related to streets, sewers, parks and other public facilities. He explained that this program is updated annually. This year’s CIP has a number of new projects, which are listed in the document provided to the Board.

The Board commended the department for improving the layout of the document this year which made it
Ms. Sarah Shirley, CEO of Livable Omaha, 4540 William Street, appeared before the Board to state that while she is not in opposition to the plan, she is disappointed to see that the improvements to Leavenworth Street between 31st and 39th Streets have been removed from the program. Ms. Shirley stated that a considerable amount of time and philanthropic money has been put into the plan for a bike lane in that area and that she feels there is opportunity for road diet which would not only make it safer for cyclists, but also for all traffic in that area. Additionally, she explained that since the South Omaha bike trail is now open, Leavenworth is the best route to connect with the downtown area. Ms. Shirley also stated that her organization is also pleased to see the new format of the report which makes it a much more readable document.

In response to a question from Mr. Magid, Ms. Shirley stated that her organization does not feel that the development along Leavenworth will make the street a more dangerous area to put a bicycle lane. She stated that there has been a traffic study and other investigation into the safety of this type of development and she feels that the road diet, combined with turning lanes, signage, and a bicycle lane will actually increase the safety along this stretch of Leavenworth.

Mr. Eric Englund, Manager of Current Planning, stated that there is a lot of work that goes into this document and there is an exhaustive process which goes into determining what projects will be in the CIP.

Mr. Pate motioned for approval of the 2019-2024 Capital Improvement Program. Mr. Moore seconded the motion which carried 6-0.

**Subdivisions**

| 7. | C8-18-140  
C10-18-141  
C12-18-161  
Sean Negus | REQUEST: Preliminary and Final Plat approval of PEACEFUL OAKS, a minor plat outside the city limits, with rezoning from DR to R1 and approval of a Special Use Permit to allow development in the North Hills Environmental Resources Overlay District (property is located within an ED-Environmental Resources Overlay District)  
LOCATION: North of North Crest Drive and West of North Post Road |

At the Planning Board meeting held on August 1, 2018, Mr. Sean Negus, 11828 North 34th Avenue, the applicant, appeared before the board to explain the request. Mr. Negus asked that the Board approve the Final plat in addition to the Preliminary plat, the SUP, and the rezoning. He stated that all the requirements have been met except for one from the NDEQ approving the septic system on the property. Mr. Negus stated that he would prefer the Final plat be approved and building permits be held up until the report from NDEQ is obtained, rather than having the final plat laid over for a month as the City is recommending.

In response to a question from the Board, Mr. Negus stated that the request is to build a single residence for his Aunt and Uncle.

Ms. Bernice Pfieffer, 7806 South 98th Street, LaVista, appeared before the Board in opposition. Ms. Pfieffer urged the board to consider that the DR zoning approved by the City requires a minimum of 1 acre lots.

Mr. Eric Englund, Manager of Current Planning, stated that the property is approximately 30,000 square feet or just under ¾ of an acre, which does not meet the DR zoning requirements, however, the requirement for R1 zoning is 20,000 square feet. This area is programmed for low density, residential therefore, the City is comfortable with recommending approval of the rezoning from DR to R1 to allow for construction of this single family home. Mr. Englund went on to explain that whenever there is a septic system involved, the Nebraska Department of Environmental Quality requires pre-approval whenever there is a lot created that is less than three acres in size. It is the City’s policy that the Final Plat will not be approved until they receive
that written correspondence from the NDEQ indicating that the lot is of sufficient size and has appropriate characteristics to support their requirements for the septic system. Due to the size of the lot, the department is not comfortable recommending the approval of the Final Plat until that report is received from the NDEQ. The department is recommending approval of the Preliminary Plat, approval of the Special Use Permit, and approval of the rezoning from DR to R1. The department recommends that the Final Plat be laid over to allow for the receipt of the report from the NDEQ, the department does not believe it would be appropriate to approve the Final Plat and attempt to hold up the building permits until the report is received. He advised that once the department receives the report, the Final Plat could then be put back on the agenda.

Mr. Magid inquired as to what is required for the applicant to get this report. Mr. Englund explained that there is an application for the developer to fill out and submit to the NDEQ. He advised that there is an approximately four week wait for the report.

Mr. Negus returned at the request of the Board to advise that all the engineering has been completed and all they are waiting for is this report. He advised that the location meets all the criteria for the parameters the NDEQ is looking for. Mr. Negus stated that there is a new staff member in charge of approving these and sending the report, so while normally there is a four week wait there is currently about a six to eight wait according to Thompson, Dreesen, and Dorner. Mr. Magid asked whether the engineer had already sent in the application, to which Mr. Negus replied that the application has been submitted and that they were trying to get the approval moved up on the priority list, but there was no guarantee as to when the report would be received.

Mr. Morris asked when the request was submitted. Mr. Negus stated that he believed the request was sent in approximately 30 days ago. Again, Mr. Negus stated that they already have everything required and this report was the final thing holding them up. Mr. Pate asked if that meant that all the other recommendations had already been addressed and the NDEQ report was the final requirement. Mr. Negus replied that everything else has been completed and although this report has not been received, it is his belief that all the necessary criteria are there for approval.

In response to Mr. Magid, who asked whether all other conditions had been met, Mr. Englund stated that there are six conditions necessary for approval of the Preliminary Plat, which are listed below and include the confirmation of approval from the NDEQ, which are still outstanding. He stated that if the Preliminary Plat, Special Use Permit, and rezoning are approved today, this will give the applicant time to work on addressing those recommendations until the NDEQ report is received and the Final Plat can be put back on the agenda. It is Mr. Englund’s belief that the case would not be ready to send to City Council for approval before the Final Plat could be heard next month at the Planning Board meeting on September 5, 2018.

Mr. Englund stated that the department recommends approval of the rezoning from DR to R1, approval of the Special Use Permit to allow development in the North Hills Environmental Resources Overlay District, approval of the Preliminary Plat subject to the six conditions in the recommendation report.

Mr. Pate motioned for approval of rezoning from DR to R1, approval of the Special Use Permit to allow development in the North Hills Environmental Resources Overlay District, approval of the Preliminary Plat subject to the six conditions in the recommendation report.

Mr. Englund stated that the department recommends layover of the Final Plat to allow submittal of the NDEQ approval and to address conditions of the Preliminary Plat. In response to a question from the Board, Mr. Englund stated that the applicant can continue to work with the Planning Department and that there is a deadline next week for them to submit the report from the NDEQ to get the Final Plat on the agenda for the meeting on September 5, 2018.
Mr. Pate motioned for layover of the Final Plat to allow submittal of the NDEQ approval and to address conditions of the Preliminary Plat. Mr. Rosacker seconded the motion which carried 6-0.

Rezonings

| 13. | C10-18-169  
Melissa Brady | REQUEST:   | Rezoning from DR and R1 to R1 (property is located within an ED-Environmental Resources Overlay District) |
|      |  | LOCATION: | 13126 North 42nd Street |

At the Planning Board meeting held on August 1, 2018, Mr. Jack Brady, 13126 North 42nd Street addressed the Board to discuss the request. Mr. Brady advised that they are requesting rezoning from DR and R1 to D1 to combine the lots to ease the sale of the property at a later time. He stated that the DR zoned property is land-locked in the rear of their property with no access from the street and is currently used as a horse pasture. Mr. Brady stated that they have no plans to change the usage of the property and it will remain pasture, the request is to simplify the zoning on the two properties that the applicant owns and currently lives on.

Ms. Dorothy Polan, 13030 North 47th Street, appeared before the Board in opposition. Ms. Polan stated that none of the residents of Ponca Hills want any change made to the zoning of the area as they feel it will negatively impact the area due to the uniqueness of the Ponca Hills. She stated that she is also concerned that rezoning will allow for additional construction which she feels can not be supported by the current infrastructure in the area. She feels that allowing this rezoning would open a Pandora’s Box and set a precedence for rezoning more of the area. Ms. Polan also stated that she did not believe the 300’ rule for notification of the request was sufficient in this area due to the lots being so large that many of the neighbors were not included in the notification mailing.

Ms. Bernice Pfeifer, 7806 South 98th Street, LaVista, appeared before the Board in opposition. Ms. Pfeifer stated that she had lived in the Ponca Hills area previously until she moved to LaVista for her job. She stated that she worked with the Planning Department to create the Overlay District which includes several parks and other unique features not found anywhere else in Omaha. Ms. Pfeifer stated that the DR zoning allows only lots of one acre or more and low density single family housing. She stated that the well water and other infrastructure is not sufficient for high density residential zoning. Additionally, Ms. Pfeifer stated that the DR zoning protects the natural features of the land and she believes that the rezoning will disturb the streams, tree canopy, and other undisturbed natural features. Ms. Pfeifer believes that the rezoning will allow someone in the future, if the property is ever sold, to further develop the land which she believes will ruin the environment of the Ponca Hills.

Ms. Ann McGuire, 14910 Shongaska Road, appeared before the Board in opposition. Ms. McGuire stated that the Ponca Hills is home to a large horse community. She is concerned that as the area becomes more dense, it will not be safe to ride their horses on the streets and throughout the area. In response to a request from the Board as to whether all the other homes on the side of the street as Mr. & Ms. Brady are also zoned R1, Ms. McGuire stated that she did not know, but that there are two horse stables in the area and she is concerned for the safety of the horses and the people who ride in the area.

Mr. Magid asked what would be allowable on the property if it was rezoned from DR to R1 as requested. He was interested in whether more houses or possibly apartments could then be built on the property without having to come back to the City for approval. In response, Mr. Englund stated that there appeared to be some confusion about the request. He explained that the applicant’s home, and the 6 or 7 adjacent properties on 42nd Street are all zoned R1 and that there is also land zoned DR, however, all of the property falls under the Environmental Resources Overlay District. According to Mr. Englund, neither the Overlay District, nor any of the requirements which go along with it, would be impacted in any way by this request. He further explained that rezoning the lot behind Mr. Brady’s home would not open it up for development in any way, the applicant could not build a guest house or an apartment building back there. He further explained that the applicant had come to the department to request to combine all of their property into one platted lot, the City can not approve a plat with split zoning, so they were directed how to rezone part of the property so that it is consistent throughout.
Mr. Englund stated that the concerns about lot size requirements do not apply to this location as the site is over four acres with the home sitting on approximately ½ acre, which exceeds the size requirements for either type of zoning. The overlay requirements would not change and there would be a note on the plat stating that they must comply with the requirements of the overlay. The State of Nebraska requires that property owners within 300 feet be notified of rezoning requests, the City complies with that requirement. The zoning requirements between DR and R1 do have a few differences, but if someone wanted to build another residence or increase the density, it would be a completely different process than what is before the Board with this request. In response to a question from Mr. Pate, Mr. Englund stated that if the current property owner sold the property at some point, the new owner would still be subject to the same requirements and restrictions of the zoning. Mr. Englund also pointed out that the property currently in question is behind the applicant’s residence and has no access at all from the street. In response to Mr. Magid, Mr. Englund stated that the applicant would not be able to sell the land locked piece of property and grant an easement for someone to build another house on it, because an unplatted property cannot be developed. Mr. Englund also confirmed that R1 zoning will only allow one residence on the platted property.

At the request of the Board, Mr. Brady returned to address questions from the Board. Mr. Brady confirmed that he was following the advice of the department in requesting the rezoning of the DR lot to R1 to be consistent with the other residences adjacent on that side of 42nd Street.

Mr. Englund stated that the department recommends approval of the rezoning from DR and R1 to R1.

Mr. Magid motioned for approval of the rezoning from DR and R1 to R1. Mr. Pate seconded the motion which carried 6-0.

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At the Planning Board meeting held August 1, 2018, Mr. John Stahlnecker, 3227 Harney Street, stated that after discussion with the department he believes that rezoning from GI to R5 would be the more appropriate zoning for the location.

Mr. Eric Englund, Manager of Current Planning, stated that the request was for rezoning from GI to R7 because residential use is not allowed in the GI district. The future land use map for this location shows low density residential. The request came in requesting rezoning to R7, however, the department feels R5 would be more appropriate. The department is recommending denial of rezoning from GI to R7 and approval of rezoning from GI to R5.

Mr. Morris motioned for denial of rezoning from GI to R7 and approval of rezoning from GI to R5. Mr. Magid seconded the motion which carried 6-0.

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<th>C10-83-146 Security National Bank</th>
<th>REQUEST: Approval of a Major Amendment to a MD-Major Development Overlay District (One Pacific Place)</th>
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At the Planning Board meeting held on August 1, 2018, Mr. Todd Swirczek, Noddle Companies, 2285 South 67th Street, appeared before the board to discuss the request. Mr. Swirczek stated that the proposal is to build a second building to the south of the Security National Bank at 1120 South 101st Street. The maximum square footage of the new building is anticipated to be approximately 83,500 square feet which is approximately 67,700 square feet of office space, some residential apartments on the top floor of the building and internal parking on the ground floor. Mr. Swirczek stated that the plans for a 360 stall garage have changed to include 373 parking stalls. He also stated that there are no planned changes to curb cuts or access to the site. Mr. Swirczek stated that the reason they are coming before the Board is because there is a 1985 Development Agreement for the entire site and surrounding parcels to which they are requesting three changes or amendments:

1) The development plan is to have residential units on the site. The proposal is to have three to seven luxury apartments on the top floor of the building. It is anticipated that these apartments will
be utilized by the family of the building owners
2) Add to the Floor Area Ratio for this lot. Currently the development plan allows for .55 and the proposal is for up to .7 for the office structures on the lot.
3) The overall square footage to be increased from the current 390,000 square feet to 441,360 square feet.

Mr. Swirczek began by discussing the request to the addition of residential units. He stated that they normally would request a conditional use permit to allow the residential units, however, since they are requesting a Major Amendment, it was rolled into this request.

Mr. Swirczek stated that the FAR change will still leave the square footage lower than was originally allotted for office space on this lot. The original agreement allowed for 190,000 square feet of office, with this request the total square feet of office will be 165,600 square feet. Mr. Swirczek stated that although Public Works did not require a traffic study, the developer did have one done by Lamp, Rynearson, which indicated that the increased size of the building would still maintain a level of service for traffic to remain at “A” at 101st Street and Pacific Street.

Mr. Swirczek also explained the request for the increase in overall square footage for the entire development. He stated that the 441,360 is under the total allowed office and parking square footage of 948,000 stated in the 1985 agreement. With the expansion to 441,360 for the office and parking, the total square footage for the development will be 896,000. The structure provides parking per the City code of 1 stall for every 300 square feet of office space and currently parking is at about 3.5. The new proposal will provide parking of approximately 3.5 as well, which is above the Planning Department’s requirement. The developer believes this parking is adequate for a class A office space in this area. Mr. Swirczek acknowledged that there has been an issue of parking along 101st Street, which he attributed partially to the fact that the location is a non-smoking campus and some people are parking off the property in order to smoke in their cars. Additionally, Mr. Swirczek stated that there is also parking on 101st Street when the offices are closed, on weekends for example. It is believed that a part of the parking on 101st Street is due to people parking there to visit the One Pacific Place park which is nearby but has little parking available.

Mr. Swirczek stated that the Noddle Companies has reached out to each of the adjacent property owners including the Wantanabi family, Northern Natural Gas, the local representation for the Koley Jessen building. Mr. Swirczek stated that he has spoken personally with the Regency Homeowners Association and the Regency Townhouse Association, neither of which felt it was necessary for Noddle Companies to make a presentation at their monthly meetings and did not have any concerns about the project. He also stated that the Executive Vice President of Noddle Companies has reached out and spoke with the ownership at Broadmoor on three separate occasions.

In conclusion, Mr. Swirczek stated that upon approval of the Planning Board, they will present the proposal to the City Council for approval. In addition, he stated that they are attempting to present the proposal to the Architectural Committee at the Pacific Shores owners association which has not met in a number of years, but Noddle Companies has been reaching out to them. Mr. Swirczek stated that he believes the project is in line with the goals of Omaha as far as the redevelopment of sites. It is their belief that the additional office space would also create an additional customer base for the surrounding retail businesses as well as potential tenants for the adjacent apartment buildings and provide the potential for them to walk to where they work, to the retail stores in the area, and to the recreational spots nearby.

In response to a question from the Board, Mr. Swirczek stated that the conversations between the Vice President of Noddle Companies and Broadmoor owners indicated that there were concerns about parking on 101st Street. The same parking issue exists after office hours and on weekends, Noddle Companies sees no way to mitigate the street parking issue. The Board stated that they have been to that area frequently and found that even with parking lots only half full, there are still multiple cars parked on the street.

Mr. Rich Onken, 1715 South 94th Street, appeared before the Board in support of the project. Mr. Onken stated that he does not feel the proposed development will negatively impact traffic flow or parking in the neighborhood. In addition, Mr. Onken stated that he believes the project will provide support for the retail businesses in the area as well as bringing new people into the neighborhood.
Ms. Danielle Dring of Smith, Slusky, 8712 West Dodge Road, appeared before the Board in opposition on behalf of Broadmoor Development and Broadmoor Apartments at One Pacific Place. Ms. Dring stated that the conversations her client has had with the developer have been perfunctory at best. She stated that Broadmoor has concerns about parking as well as about the safety of the area with additional traffic being brought into the area. Ms. Dring stated that she sent a letter to the Planning Department the morning of the meeting outlining the concerns of the Broadmoor community. One of those concerns is that there will be a loss of parking during the construction period, which has not been addressed as of this meeting. Ms. Dring stated that the proponent is accurate in stating that there was a development agreement signed in 1985, and that the City and the site have changed in the 33 years since that time. Ms. Dring stated that in requesting the Major Amendment, the developer is attempting to circumvent procedures spelled out for making changes to the agreement. Ms. Dring stated that there has been no attempt by anyone to follow the procedures in the agreement before coming directly to the Planning Board to amend the agreement. Additionally, she stated that the parking along 101st Street and 103rd Street poses a safety concern for the people in the neighborhood. Ms. Dring also stated that while the proposed development is under the allowable square footage for the development, it will hinder the ability of other owners within One Pacific Place from building any additional square footage onto their property without putting the total square footage above the 948,000 allowable.

Ms. Dring stated that the concern her clients have is that no consideration has been given to the other owners in the area. She advises that there has not been enough communication with the Broadmoor owners with regard to parking, safety issues, and other concerns related to the proposed development.

With regard to parking, Ms. Dring stated that there is a concern that the number of parking stalls planned to be included will not be adequate for the increased office space and the traffic they will bring into the area. Additionally, there is concern whether the amendment being requested is appropriate or whether there is a need to have a Conditional Use or Special Use permit, which would place additional requirements on the developer. The main concern is whether the record which has been kept by the City regarding One Pacific Place is adequate for the development agreement and the usage for the various tenants there. Ms. Dring stated that when she has gone to Wheatfields for brunch, she has, occasionally, had difficulty finding parking at Wheatfields or in the adjacent shopping center. At those times, she has had to park in the street on 101st /103rd Street where there are no marked pedestrian crossings.

Ms. Dring stated that she is requesting that the case be laid over for one month to allow time for the property owners in One Pacific Place the time to meet and decide whether this development can be amended without the consent and approval of all the property owners. She reiterated that coming straight to the Planning Board circumvents the intention of the agreement and the desires of the property owners at the time the agreement was signed in 1985.

In response to a question from Mr. Pate, Ms. Dring stated that the concern of Broadmoor for the tenants of the apartment complex, is the parking, which they feel is not consistent with the needs of the new development which means there would be overflow parking along 101st Street or in the surface area parking in the apartment complex. The second concern is with the procedure through which the project is being presented. She stated that if the property owners and the developers had a conversation, perhaps this issue could be resolved, however, there needs to be some work done to bring the development agreement up to date with the revised property lines and platting in order to make sure the intent of the agreement is being fulfilled.

Mr. Pate commented that for the intended use of the development, the 5-1 parking is more than adequate, based on his experience, the requirement is 3-1. Mr. Magid agreed that office space being what it is, 3.5 to 4 is pretty low, however, this is a large enough development, that he feels it is appropriate for the property owner to hold a meeting over the next few weeks to discuss the parking and traffic issues.

In response to another question from Mr. Pate, Ms. Dring stated that the development agreement is on record with the Registrar of Deeds. Ms. Dring stated that one of the concerns is regarding the development plan for all of One Pacific Place, which has within it specific protocol for making changes to the agreement. Mr. Pate then asked what would appear if he were to do a title search on this property, Ms. Dring stated that she believes it would show Midlands as the developer. In addition, the development does make
provision for reducing the number of office buildings from three down to two, but makes no provision for additional office buildings. Ms. Dring stated that there is also provision for off street parking which may be altered as long as it meets the measurements laid out in the agreement.

At the request of the Board Chairman, Mr. Todd Swirczek, returned to address the concerns of the opponent and to answer questions from the Board. Mr. Swirczek did advise that the City’s parking requirement will be met in the project. In addition, Mr. Swirczek stated that there is no existing Board for the development as there was in 1985. Without that Board, the developer has gone to each existing property owner individually. All of the existing property owners have either stated that they hold a neutral position or are in agreement with the proposed development, with exception of Broadmoor which raised the concerns about parking on 101st Street. Any questions about the safety of parking on 101st Street need to be addressed by the Public Works department as it is a City street, not a private one. Mr. Swirczek stated that he questions whether a fourth meeting with Broadmoor will change anything. He stated that the proposal is to meet or exceed the Planning Department’s parking requirement, however, it is not feasible to go to 5-1 or 7-1.

In response to a question from Mr. Pate about the staging of construction equipment, Mr. Swirczek stated that this project is still in the conceptual stages and that the intention is to work with the adjacent property owners with regards to construction parking, they will not be spilling over into the apartment complex parking area. It is anticipated that for a short period of time there will be additional parking on the street, until the garage is completed, once work begins on the office, the parking garage can be utilized. He also stated that the original agreement did not have procedures in place showing that one certain group has to be consulted before or after another group. The Architectural Board is no longer in existence, instead they have met with each individual property owner and will do so again when they have their elevations prepared.

Mr. Swirczek stated that the original development agreement allowed for 190,000 square feet of office on this lot, the new proposal is for 166,000 square feet. As far as any additional redevelopment in the future on other lots, they would have the same opportunity to come before the Planning Board to request amendments or whatever is required, it would be up to that development at that time, however, at this time, all the adjacent property owners have voiced their approval of this development project, with the exception of Broadmoor.

Mr. Swirczek advised that the City Planning Department is requiring an Administrative Subdivision be created in order to clean up the plat which will take place prior to the case moving forward to City Council. He explained that essentially the lot will become one lot.

Mr. Magid inquired what the parking ratio is for HDR at Aksarben Village. Mr. Swirczek stated that he was not completely sure, he believes that the existing office buildings on the site has about 4-1 usable which translates to 3.3 to 3.5 gross square footage which is what the City bases parking on. He also stated that in many cases the tenant wants more parking, especially in parking garages, however, the top level of parking generally is completely unused. Additionally, Mr. Magid asked what the harm would be in laying over the case for 30 days to allow Noddle to work with some of the neighbors. Mr. Swirczek stated that Broadmoor is the only neighbor who has stated any concerns with the project and he does not feel a fourth meeting will change any of their opinions because there is nothing the developer can do to regulate parking on the City street. Broadmoor has stated they have two issues, one being parking on 101st Street, which Noddle can do nothing to affect as it is a public street, regulated by the City. The second issue is that Noddle is not following procedures as set out in the 1985 agreement, which includes meeting with a Board which is no longer in existence. Given these two issues, Mr. Swirczek stated that he does not believe consensus can be reached with a fourth meeting.

Mr. Rosacker questioned the conditions which had been placed on the approval by the Planning Department, specifically number 2, “submittal of five acceptable amendments to the One Pacific Place development agreement”, Mr. Rosacker stated that he reads that to mean that somehow Noddle needs to find a way to comply with the development agreement, including getting the approval of the “nonexistent board”, before the request can be forwarded to the City Council for final approval. Mr. Eric Englund, Manager of Current Planning, stated that he does not have the development agreement in front of him, but is aware that there is some statement related to all parties being in agreement to the amendment. The Law Department would probably need to look into it, as the Planning Department was unaware of that language being in the agreement when the recommendation report was completed. Mr. Englund stated that the
department is fully supportive of the project and the proposed changes to the parking and office space, however, with the uncertainty about the provision in the development agreement.

Mr. Rosacker stated that it has been demonstrated that everything is in compliance with City code, which is the responsibility of the Board to determine. He advised that he believes the questions about the development agreement is for someone other than the Board to answer.

Mr. Englund again stated that the agreement is over 30 years old and has not been updated well as changes were made. However, he stated that the parking is not a question, the additional square footage is really what is before the Board.

Mr. Magid stated that from an industry standard, he finds it problematic that without knowing what tenants future parking needs are, the developer is determining that 3.5-1 parking will be satisfactory. He stated that in his experience he finds more new developments with closer to 5-1 parking because 3.5 is just not enough to meet the needs. Mr. Pate stated that it depends on the use of the building, he has seen plenty of new development with 3-1 parking, which does meet the requirements in the City code.

Mr. Rosacker stated that he believes the issue of the development agreement has to be figured out before a decision can be made about whether it is permissible to make an amendment to that agreement.

Mr. Rosenbaum questioned whether the case should be moved forward before the City has a chance to further review the development agreement as it relates to this request. He stated that he believes it could end up just creating a larger mess if the Board proceeds. Mr. Magid responded with his belief that the case should be laid over for a month to allow further review of the agreement.

Mr. Eric Englund, Manager of Current Planning, stated that the City approves of the amendment, however, in consideration of the testimony today and the questions about who needs to be involved in the approval of the amendment according to the development agreement, he recommends laying the case over to the September meeting to allow the City staff to review the agreement and for further discussion with the applicant.

Mr. Magid made a motion to layover the case to the September 5, 2018 Planning Board meeting. The motion was seconded and carried 6-0.

**APPROVAL OF MINUTES**

Mr. Pate moved for approval of the pre-meeting minutes from July 11, 2018. Mr. Moore seconded the motion which carried 5-0-1 with Mr. Rosacker abstaining.

Mr. Morris moved for approval of the meeting minutes from July 11, 2018. Mr. Pate seconded the motion which carried 5-0-1 with Mr. Rosacker abstaining.

**ADJOURNMENT**

Mr. Moore motioned to adjourn the meeting at 3:24pm. Mr. Morris seconded the motion which carried 6-0.