MINUTES
PRE-MEETING
OMAHA CITY PLANNING BOARD – AUGUST 7, 2019
12th FLOOR CONFERENCE ROOM - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

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

MEMBERS NOT PRESENT:
Greg Rosenbaum, Chairman

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 11:30 a.m.

#3 Mr. Kevin Carder & Mr. Jed Moulton explained the process the City goes through to produce the CIP and covered some of the highlights of the plan. They explained that there is a task force of City departments who check the document for conformity with the Master Plan, financial aspects, accuracy, and compliance with City goals and policies. Mr. Carder and Mr. Moulton answered questions from the Board members and advised that the plans get reworked each year.

#4 Mr. Don Seten, Planning Department, discussed this project which was laid over at the July 3, 2019 meeting. He reminded the Board 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 that the applicant had been working on a parking plan since the last meeting. Mr. Dave Fanslau, Director, answered questions regarding parking requirements in the NBD district.

#12 & #20 Mr. Don Seten advised that these two cases are related with #12 being the TIF request, and #20 being the PUR (Planned Unit Redevelopment Overlay) and Conditional Use Permit. He advised that Mr. Ryan Spellman will present information at the meeting and he will then explain the TIF request. He explained that the project will develop 158 (or 159) apartments, a parking garage with 122 stalls, and 5 surface parking stalls. He explained that this will create density along the ORBT line and is being developed by the same people who did the Centerline apartments at 72nd and Center Streets which have been very successful. Mr. Eric Englund, Acting Assistant Director, stated that the applicant is requesting some waivers with the PUR/CUP and the department is supportive of all except the sign waiver. He advised that the plat was previously done, but development never moved forward and the applicant will be required to get a ROW dedication. Mr. Englund stated that the department is very supportive of this development.

#1 Mr. Eric Englund, Acting Assistant Director, stated that this case is on the Administrative portion of the agenda. A new recommendation report was handed out at the pre-meeting. He explained that the applicant has turned in an acceptable wetlands mitigation plan and answered questions from the Board
about the 3-1 mitigation required. He stated that the Planning Board had approved the revised preliminary plat on April 3, 2019 and the department recommends approval of the final plat.

#2 Mr. Englund explained that this final plat request had been laid over from the July 3, 2019 Planning Board meeting. He advised that the preliminary plat had been approved by the City Council at their July 30, 2019 meeting. Mr. Englund stated that the department recommends approval of the final plat.

#5 & #7 Mr. Englund advised that these two requests should be heard together. #5 is the Future Land Use amendment and #7 is the preliminary plat and request for variance to the Present Development Zone. This case was laid over from the July 3, 2019 Planning Board meeting. Mr. Englund stated that the department has received all requested information. He reminded the Board that this request is to develop an assisted living facility for combat wounded veterans with traumatic brain and/or spinal injuries. The department recommends approval, and Mr. Englund advised that a Special Use Permit will be required with the Final Plat.

#6 Mr. Englund advised that this phase of the project will develop single family residences. Future phases will also develop multi-family housing. This is on the Consent Agenda for approval.

#8 & #9 Mr. Englund advised that both of these cases had been previously laid over in anticipation of receiving additional information from the applicant. The necessary information has been received and the department is recommending approval of both agenda items.

#10 Mr. Englund explained that this request had been laid over from the July, 2019 meeting. All the requested information was received within just a few days of the meeting and the department now recommended approval. Mr. Englund did advise that the applicant will need to see the Zoning Board of Appeals for a waiver.

#11 Mr. Englund advised that this request is to move the ETJ line due to recent annexations to add approximately 133 acres. Douglas County zoning will be changed to reflect City of Omaha zoning districts.

#13 - #15 Mr. Englund stated that these three requests are on the Consent Agenda for approval with conditions on each of them.

#16 & #22 Mr. Englund stated that these requests are on related and both are on the Consent Agenda for layover to allow the applicant to work with the department on some matters before it can move forward. If one of these requests are removed from the Consent Agenda, both should be removed.

#17- #19 Mr. Englund advised that these three requests are all on the Consent Agenda.

#21 Mr. Englund explained that this request is on the Consent Agenda for approval with conditions.

#23 Mr. Englund advised that this case is on the Consent Agenda for layover to allow the applicant time to work with the department regarding parking and sidewalk requirements.

#24 & #25 Mr. Englund stated that both of these requests are on the Consent Agenda for approval.
Kristine Karnes, Vice 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. Ms. Karnes advised those in attendance where to find a copy of the Nebraska Open Meetings Act in the Legislative Chambers.

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

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

No one appeared in opposition.

**(HOLD OVER CASES)**

**Subdivisions**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>REQUEST</th>
<th>LOCATION</th>
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</thead>
<tbody>
<tr>
<td>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 (laid over from 7/3/19)</td>
<td>Northwest of 180th and Blondo Streets</td>
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At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from AG to DR and R4, approval of the rezoning from AG to MU, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding a Final Plat request for Phase 2 to the City Council, and approval of the Revised Preliminary Plat, subject to the following:
1. Provide for all improvements identified in the final approved traffic study.
2. Provide a noise attenuation easement on any single family residential lots to a line 39 feet west of the subdivision’s 180th Street boundary.
3. Coordinate with Douglas County on the ultimate 180th Street and Blondo Street right-of-way, and to grade the subdivision to match the ultimate profile of 180th and Blondo Streets.
4. Approval of the necessary permits from the Douglas County Engineer’s Office.
5. Provide the following notes on the plat:
   a. No direct access is allowed to 180th Street and Blondo Street from the adjacent platted lots or outlots;
   b. No direct access is allowed to Big Elk Parkway from Lot 111; and that the intersections of 180th Street and Galloway Street and 181st Street and Blondo Street shall both be restricted to right-in/right-out intersections upon future arterial street improvements.
6. Temporary turn-arounds shall be provided at the terminus of all temporarily dead-ended streets.
7. Coordinate with Douglas County Engineer’s Office and Public Works to determine if it is necessary to incorporate traffic calming measures in the design of some of the interior streets.
8. Provide a contribution to Douglas County’s 180th Street bridge project.
9. Coordinate with Public Works on an acceptable GO paving plan.
10. Coordinate with Public Works on any necessary access restriction plat notes for Galloway Street and 181st Street.
11. Sidewalks are required along all street frontages, in compliance with city code.
12. Coordinate with the SID for Spruce 180, and provide for a sanitary sewer connection in the vicinity of 181st Street so that Spruce 180 can decommission their temporary lift station.
13. Storm sewer design computations and final plans must be submitted to the Douglas County Engineer’s Office for review.
14. Any drainageway must be placed in an outlot sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater).
15. Comply with all applicable stormwater management ordinances and policies.
16. Coordinate with the Parks Department regarding an acceptable plan for berming and landscaping in Outlot A adjacent to Big Elk Parkway, which must be prepared by a licensed landscape architect in the state of Nebraska, submitted to the City of Omaha Parks Department for review, approved by the Parks Board and installed immediately following completion of the parkway and associated improvements.
17. Provide acceptable documentation to the Parks Department regarding neighborhood covenants for homeowner installed fencing on the residential lots that back up to Big Elk Parkway with the intent that all fencing styles match.
18. Boulevard design shall be per the Suburban Park Master Plan and plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
19. Coordinate design for Park 35e with adjacent SID’s and the Omaha Parks Department Park Planning staff.
20. Coordinate with Parks Department regarding installation of a continuous round rail fence installed 1 foot inside the park or common area per the Parks Department standard detail.
21. Common areas or outlots not identified in the Suburban Park Master Plan as a ‘Park’ must be maintained by the neighborhood association.
22. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
23. The applicant should consider pursuing the acquisition of Outlot G of Spruce 180 from its current owner and incorporating it into this subdivision.
24. Submittal of a final wetland analysis and mitigation plan, if necessary.
25. Provide an acceptable debt ratio of 4 percent or less.

In addition, Mr. Rosacker moved for approval of the Final Plat for Lots 1-109 and Outlots A-G, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council for final action.

Mr. Moore seconded the motion which carried 6-0.
Special Use Permits

10. C8-19-126 (D) Sandra Delgado

REQUEST: Approval of Special Use Permit to allow Daycare services (general) in the R4 District (laid over from 7/3/19)

LOCATION: 5815 and 5819 South 14th Street

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the requested Special Use Permit to allow Daycare services (general) in the R4(35)-Single-Family Residential District, subject to the following conditions:

1. Submittal of and compliance with a revised site plan adding at least one ADA compliant parking stall, prior to forwarding the request to the City Council.
2. Submittal of and compliance with a detailed landscape plan (with plant schedule), prior to forwarding the request to City Council.
3. The applicant receiving a waiver from the Zoning Board of Appeals to allow for the care of up to 29 individuals, prior to forwarding the request to the City Council.
4. The exterior of the proposed storm shelter matching the architectural features of the existing building on the site.
5. Combining the lots through the Chapter 53 subdivision process prior to submitting for building permits.
6. Compliance with all applicable building and fire codes, including providing a storm shelter and obtaining a Certificate of Occupancy from the Permits and Inspections division.
7. Constructing sidewalks along the 14th Street frontage.
8. Compliance with the submitted operating statement, including a maximum of 29 children.
9. Any signage being in compliance with the zoning ordinance.
10. Compliance with any applicable state or federal regulations.
11. Compliance with all applicable stormwater regulations, including no net increase in stormwater runoff and treat the first half inch of stormwater for water quality.

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

(REGULAR AGENDA)

Subdivisions


REQUEST: Preliminary Plat approval of GOLD MEADOWS, a subdivision inside the city limits, with rezoning from R4(35) to DR, R4, and R5

LOCATION: Northwest of 50th and Bancroft Streets

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from R4(35) to DR, R4, and R5, as well as approval of the Preliminary Plat, subject to the following conditions:

1. Provide sidewalks along all street frontages. As part of the initial paving improvements, construct sidewalks along the Gold Street frontages of Lot 16 and Outlot B and connect them to the 50th Street sidewalks; and construct sidewalks along the street frontage of Outlot A.
2. Provide documentation showing compliance with all site development regulations for Lot 16.
3. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
4. Submit a letter of approval from Douglas County for a Noxious Weed Plan.
5. Removal of all existing improvements (except on Lot 16).
6. Coordinate with OPPD regarding any grading, construction, or vegetation management plans near the transmission line along the west side of 50th Street.
7. Compliance with all applicable stormwater management ordinances and policies.
Mr. Moore seconded the motion which carried 6-0.

### 14. C12-19-144 (D) S&B Properties, LLC
#### REQUEST:
Preliminary and Final Plat approval of HARVEY INDUSTRIAL PARK REPLAT 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(d), Lot frontage
#### LOCATION: 4420 South 67th Street

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the waiver to Section 53-8(4)(d), Lot frontage and approval of the Preliminary Plat, subject to the following conditions:
1. Provide an easement from Outlot A to Outlot B.
2. Construct the private street in Outlot B to City standards.
3. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.

In addition, Mr. Rosacker moved for approval of the Final Plat, subject to the conditions of the preliminary plat approval and submittal of an acceptable agreement final subdivision agreement prior to forwarding to City Council.

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

### 15. C12-19-145 (D) Thompson, Dreessen, & Dorner, Inc.
#### REQUEST:
Preliminary and Final Plat approval of HANSCOM PLACE REPLAT 16, a minor plat inside the city limits
#### LOCATION: 1719 Park Avenue

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the Preliminary Plat, subject to the following conditions:
1. Coordinate with the department regarding providing the necessary Documentation insuring the proper firewalls are being provided.
2. Approval of a setback waiver from the Zoning Board of Appeals for the garage bays.

In addition, Mr. Rosacker moved for approval of the Final Plat, subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding to the City Council.

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

#### REQUEST:
Preliminary and Final Plat approval of SPIRE CLUB AT PACIFIC RESERVE, a minor plat outside the city limits, with rezoning from R5 to DR
#### LOCATION: 1110, 1116, 1119, 1125 South 206th Circle

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for layover to address the following:
1. Submittal of a traffic study demonstrating that there will be no adverse queuing or other impacts to Pacific Street.
2. Final lot layout, specifically in regards to existing Outlot F.
3. Inclusion of a waiver for Lot frontage for Outlot B.
4. Submittal of a tree canopy analysis and mitigation plan (if necessary).
5. Addressing issues identified in the associated Special Use Permit.

Mr. Pate seconded the motion which carried 6-0.
At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the rezoning from LC to DR and LC, approval of the MCC-Major Commercial Corridor Overlay District, approval of the waiver to Section 53-8(4d), Lot frontage, and approval of the Preliminary Plat, subject to meeting the following conditions:

1. Provide for all improvements identified in the final traffic impact study.
2. Place the following notes on the plat:
   a. No access to Fort Street or 132nd Street from Outlot A.
   b. One access to 132nd Street from Lot 1.
   c. One access to Fort Street from Lot 2.
   d. Location of permitted access points shall be shown on the plat with callouts.
   e. Fort Street and 132nd Street access shall be restricted to right-in/right-out only upon future improvements to the respective streets.
3. Provide a public access easement between the arterial access points. The easement shall be designed to City standards and shall not encroach into parking spaces or parking lot drive aisles.
4. Provide an access easement between Outlot A and the public access easement.
5. Provide sidewalks along the 132nd Street frontage as required pursuant to Chapter 53 Subdivisions of the Omaha Municipal Code.
6. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.
7. Compliance with all applicable stormwater management ordinances and policies.

In addition, Mr. Rosacker moved for approval of the Final Plat, subject to the conditions of the Preliminary Plat and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council.

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

Rezonings

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval. Mr. Moore seconded the motion which carried 5-0-1 with Mr. Magid recusing.

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval. Mr. Moore seconded the motion which carried 6-0.
## Special Use Permits

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Applicant</th>
<th>REQUEST</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>C8-19-157</td>
<td>Schrier Automotive, Inc.</td>
<td>Approval of a Special Use Permit to allow Automotive sales in a CC District, with approval of the ACI-3 – Area of Civic Importance Overlay District</td>
<td>601 North 108th Circle</td>
</tr>
<tr>
<td>C8-19-158</td>
<td>Spire Foundation, LLC</td>
<td>Approval of a Special Use Permit to allow Outdoor sports and recreation in a DR District</td>
<td>1110, 1116, 1119, 1125 South 206th Circle</td>
</tr>
<tr>
<td>C8-19-159</td>
<td>Robert Patterson</td>
<td>Approval of a Special Use Permit to allow Daycare services (general) in a R4 District</td>
<td>4768 Q Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the expansion of the ACI-3 Overlay District, and approval of a Special Use Permit to allow Automotive sales, subject to the following conditions:

1. Submittal and compliance of a revised site plan showing required minimum parking prior to forwarding to City Council.
2. Submittal of, and compliance with, a revised landscape plan prior to forwarding to City Council.
3. Compliance with the submitted operations plan.
4. Compliance with all other applicable regulations.

Mr. Moore seconded the motion which carried 5-0-1 with Mr. Magid recusing.

Mr. Rosacker moved for layover to address the following:

1. Submittal of a traffic study. The study must demonstrate no impact of the proposed development on the surrounding street network, specifically Pacific Street.
2. Submittal of a Memorandum of Agreement noting that parking/queuing of vehicles is strictly prohibited along Pacific Street. Violation of this Agreement could result in penalties up to and including revocation of the Special Use Permit.
3. Submittal of a shared parking agreement between Elkhorn Valley Middle School and the Camp.
4. Submittal of a parking analysis demonstrating that adequate parking can be provided on the site. The analysis must also address expected pedestrian/bicycle traffic to and from the site and the movement of campers/families between the Middle School and the Camp.
5. Revise the operations plan to eliminate *Indoor sports and recreation* uses. Indoor uses permitted with this request must be limited to offices, restrooms, locker rooms, and storm shelter.
6. Submittal of a revised site plan removing all proposed uses from Outlot F, or revision of the associated plat to incorporate Outlot F into one or both of the proposed lots. The revised site plan must also show proposed development meets all zoning regulations of OMC Section 55-103, DR-Development Reserve District.
7. Submittal of a compliant landscaping plan.

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

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for layover. Mr. Pate seconded the motion which carried 6-0.
Conditional Use Permits


REQUEST: Approval of a Conditional Use Permit to allow Secondary education facilities in a R5 District with a waiver of Section 55-206, Height to allow a 52 foot tall structure

LOCATION: Northwest of 156th and Ida Streets

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the waiver of Section 55-206, height, to allow a 52 foot building height and approval of the Conditional Use Permit to allow a Secondary educational facility in the R5 District, subject to the following conditions:

1. Submittal and compliance with a revised site plan.
2. Submittal and compliance of a revised tree mitigation plan.
3. Submittal and compliance of a revised landscaping plan.
4. Compliance with the submitted operations plan.
5. Compliance with all other applicable regulations.

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

25. C7-19-155 (D) Spire Foundation, LLC

REQUEST: Approval of a Conditional Use Permit to allow Daycare services (general) in a R6 District

LOCATION: Northeast of 165th and Pinkney Streets

At the Planning Board meeting held August 7, 2019, this case was placed on the Consent Agenda.

Mr. Rosacker moved for approval of the Conditional Use Permit to allow Daycare services (general) subject to the following conditions:

1. Submittal of and compliance with an acceptable revised site plan.
2. Submittal of and compliance with an acceptable revised landscape plan.
3. Compliance with the submitted building elevations.
4. Compliance with the submitted operations statement. Obtaining the necessary building permits and a Certificate of Occupancy from the Permits and Inspections Division of the Planning Department.
5. Compliance with all other applicable regulations.

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

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-18-039
C12-18-040
All Holy Spirit Greek Orthodox Church

REQUEST: Final Plat approval of EVERT PLACE (Lots 1-4, Outlots A-F), a subdivision outside the city limits, with rezoning from AG to DR and R5 (laid over from 4/3/19)

LOCATION: 450 South 193rd Plaza (Northwest of 192nd and Grey Fawn Plaza)

At the Planning Board meeting held August 7, 2019, Mr. Eric Englund, Acting Assistant Director, explained that this request is for the first phase of Evert Place which includes four lots and six outlots. He advised that there will be an additional lot for civic use at a later date. The applicant has submitted revised final plat plans adding an outlot along 192nd Street for future right-of-way acquisition purposes, a wetland delineation and mitigation report, and an updated tree canopy analysis and mitigation plan.

Mr. Englund advised that the department recommended approval of the final plat subject to the submittal
Mr. Morris motioned for approval of the Final Plat for Evert Place (Lots 1-4 and Outlots A-F), subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council for final action. Mr. Magid seconded the motion which carried 6-0.

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<tr>
<th>2.</th>
<th>C10-18-166 C12-18-167 Krejci Development</th>
<th>REQUEST: Final Plat approval of LEGEND TRAILS (Lots 1-86, Outlots A-L), a subdivision outside the city limits, along with rezoning from AG to DR (laid over from 6/5/19)</th>
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<td>LOCATION: Northwest of 222nd and Q Streets</td>
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At the Planning Board meeting held August 7, 2019, Mr. Eric Englund, Acting Assistant Director, stated that the revised preliminary plat and waivers were approved by City Council at their meeting on July 30, 2019. He stated that this is the final plat for the entire project and the applicant has submitted additional information including slopes analysis and wetlands delineation report to address the conditions of the revised preliminary plat and the reason for the layover at the April 3, 2019 meeting.

Mr. Englund advised that the department recommended approval subject to the two conditions in the recommendation report being addressed prior to forwarding to City Council.

Mr. Rosacker motioned for approval of the rezoning from AG to DR and approval of the Final Plat, subject to the following prior to forwarding the request to City Council:

1. Submittal of a final acceptable subdivision agreement.
2. Submittal of an acceptable tree canopy mitigation plan.

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

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

**(HOLD OVER CASES)**

**Master Plan Referrals**

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<tr>
<th>3.</th>
<th>C3-19-114 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of 2020-2025 Capital Improvements Program (laid over from 7/3/19)</th>
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<td>LOCATION: Omaha and the 3-Mile Extraterritorial Zoning Jurisdiction</td>
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At the Planning Board meeting held August 7, 2019, Mr. Kevin Carder, Long Range Planning, appeared before the Board to provide an overview of the request and answer questions. Mr. Carder advised that the Capital Improvement Plan (CIP) is updated annually and reflects the schedule of major infrastructure projects including streets, sewers, parks, other public facilities, and major equipment purchases over the next six years. Mr. Carder explained that the process of updating the CIP coincides with updating the annual City budget, begins in January and involves staff members from different City departments coordinating to come to a balanced six-year program. He expressed that the process this year included additional opportunity for the City Council to provide input and ask questions during the annual budget hearings which have already taken place. Mr. Carder advised that the annual public hearing on the budget will be August 13, 2019 at 6:30 p.m. and will include discussion of the CIP. Mr. Carder advised that the CIP this year includes an index listing all the changes to the CIP from last year as well as a summary of all the new projects. Mr. Carder advised that the Planning department recommended approval.

Mr. Eric Englund, Acting Assistant Director, stated that it is the role of the Planning department to review each project for compliance with the Master Plan. He reminded the Board, and the audience, that the Planning Board plays the same role. Mr. Englund stated that the CIP is compliant with the Master Plan and the department recommends approval.
There were no opponents.

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

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<tr>
<th>4.</th>
<th>C3-19-116 Michael Sands</th>
<th>REQUEST: Approval of the 6121 MAPLE TIF REDEVELOPMENT PROJECT PLAN (laid over from 7/3/19)</th>
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<td>LOCATION: 6121 Maple Street</td>
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At the Planning Board meeting held August 7, 2019, Mr. Don Seten, Planning Department, appeared before the Board to discuss the request and answer questions. Mr. Seten reminded the Board that this request had been laid over from the July 13, 2019 meeting. He stated that the request was fundamentally the same as it had been presented at the July 13 meeting, it is a single story, existing building, which had been vacant for at least two years and was in poor condition. Mr. Seten advised that the rehabilitation of the existing building was a $1,690,000 project and the applicant requests $241,000 in TIF support. In addition, of a second floor bar and patio space will be included in the rehabilitation. Mr. Seten stated that the request had been laid over due to questions about the zero foot lot lines, parking and requests for additional outreach to the neighborhood. He advised that due to its location in the NBD zoning district, there is no requirement to provide parking, however, the applicants are working on securing parking within one to two blocks of the location which would be new parking and would not take away any existing public parking. Mr. Seten stated that the Chief Building Inspector has looked at the space with regards to the zero lot lines and the 2nd floor windows in the adjacent building. He stated that since the windows are not egress windows, the department would issue a building permit for the second floor addition at the applicant’s location with the zero lot line. Additionally, Mr. Seten advised that the applicant had reached out to both the neighborhood association via certified letters and had scheduled a meeting with the neighborhood association, however the association was unable to schedule the meeting before this Planning Board meeting.

Mr. Seten stated that the project meets the criteria for the TIF program, is an appropriate land use for the area, and complies with the City’s Master Plan.

Mr. Michael Sands, 1700 Farnam Street, appeared before the Board on behalf of the applicant, he also advised that Mr. Ryan Miller of the development team was present for questions. Mr. Sands advised that since the last Planning Board meeting, the applicant had addressed, or attempted to address, all of the concerns which caused the request to be laid over at that meeting. He reiterated Mr. Seten’s points that the applicant had met with the Building Inspector and was advised that the Building permit would be issued with the zero lot lines, the applicant had attempted to contact the adjacent property owner, and had also reached out to the neighborhood association and had worked out a plan, and a backup plan, to address parking concerns.

In response to questions from the Board, Mr. Sands advised that the applicant was exploring two different options for parking, both of which would be within a two block radius and that the lease would be for a 15 year term. He stated that the most likely option would have over 60 parking stalls, but if that plan falls through, there is a contingency, for which the applicant has signed a letter of intent, would provide 60 stalls. He stated that the parking would be for the applicant’s location only and for use during events held at the space. Mr. Pate advised that his concern is that parking would bleed out into the neighborhood and he inquired whether the applicant had addressed that with the neighborhood association. Mr. Sands advised that the applicant had reached out to the neighborhood association regarding attending a meeting, however, the association did not have time available for them until late August, so they did take that opportunity and will meet after the Planning Board meeting. Mr. Sands advised that he had spoken with the President of the neighborhood association before this meeting, at which time she advised that she had no personal objection to the project, and that the neighborhood association had not presented any official opposition, however there may be opposition among the individual members.

Mr. Pate inquired about the intended use of the TIF funds. He stated that since there were no public improvements to be included with this project, he assumed the funds would primarily be for property acquisition. Mr. Sands advised that the funding would be used for gutting and redeveloping the building.
Ms. Erin Feichtinger, 2719 North 49th Avenue, appeared before the Board in opposition. Ms. Feichtinger stated that she is a resident of the neighborhood as well as a member of the neighborhood association board. She stated that the Board has not decided whether they approve or oppose the project, they are waiting to see what the Planning Board does before they make any decision. Ms. Feichtinger stated that the applicant has not been transparent regarding the intended use of this project, specifically whether it is going to be a bar or not. She stated that in the application it states that the second floor will house a full service bar and restaurant which will be open to the public. In addition, Ms. Feichtinger stated that the applicant had reached out to the neighborhood association and they would be meeting on August 26, 2019 and she requested the Board lay over the request until after that meeting. She advised that the Master Plan states that plans must accurately reflect the community’s desires, resulting in a clear direction for Omaha’s future, and rapid approval of proposals which follow those plans, which could not be done until the Neighborhood Association has met with the developer.

In response to a question from Mr. Magid regarding parking, Ms. Feichtinger stated that the parking in Benson often is pretty bad. She stated that there is one parking garage in the area and that she does not know where the applicant could put a parking lot for his business. In addition, Ms. Feichtinger stated that she does not see what benefit there would be for the neighborhood if the applicant creates a parking lot solely for the use of people attending events at his location.

Mr. Mark Brannen, 6915 Evans Street, appeared before the Board in opposition. Mr. Brannen stated that he is also a Benson Neighborhood Association member, however he is representing only himself at the meeting because the association has not reached any decision regarding this request. Mr. Brannen stated that it is his belief that this project only meets the bare minimum threshold to qualify for TIF financing and that he believes it is an inappropriate use of those funds. Mr. Brannen states that, in his opinion, the applicant has created the situation which makes the TIF funding necessary. Mr. Brannen states that the building was in good condition when purchased and was gutted by the current owner in order to qualify for the funding rather than being uninhabitable at the time of purchase as the application states. In addition, Mr. Brannen stated that removing the second story addition would make the project more affordable and eliminate the need for TIF support. Mr. Brannen stated that if the TIF funding were denied, the applicant would simply find another use for the property which would generate tax revenue. He stated his belief that developers are abusing the TIF program and are holding the department hostage by claiming that without the TIF subsidies, the property would sit vacant. Additionally, Mr. Brannen stated the project should not move forward until there is a definite plan in place for parking, even though it is not required due to the NBD zoning. He stated that it is not prudent to award public funding to a project which will utilize well over a hundred parking spaces in a neighborhood where homeowners rely on on-street parking and where commercial business customers are already encroaching into neighborhoods to find parking. In addition, he stated that having a parking lot accessible only to the applicant, that parking area would reduce availability of space to be developed for the next 15 years.

In response to Mr. Pate, Mr. Brannen stated that he would prefer a business which could be visited during the day and which would be family friendly. He stated that he felt that a business which caters to people who do not live in the Benson area is a bad idea. Mr. Brannen stated that he lives nine blocks away and has never been impacted by overflow parking.

Ms. Karnes closed the public meeting and called on Mr. Michael Sands to respond to the concerns of Ms. Feichtinger and Mr. Brannen.

Mr. Sands stated that the developer is going above and beyond the zoning requirements by contracting for a parking lot for the guests at his business to utilize rather than taking up street parking spaces and overflowing into the residential area. In addition, he stated that the developer, Mr. Ryan Miller, has been very active in the Benson area and in the development of the area. Mr. Sands indicated that while the opponents were speaking, Mr. Miller, stated to him that they had attempted “daytime” businesses in Benson but had all failed and closed after a short time. He stated that the reality is that if you want to have a successful business in Benson, you need something which attracts the people who already go to there. Mr. Sands stated that Mr. Miller should not be penalized for making a business plan which is in his best interests and reminded the Board that the developer is doing what he can to alleviate any burden his business would create in the neighborhood.
Mr. Pate inquired as to the anticipated business hours and uses for the first and second floor. Mr. Sands stated that the first level will be a rentable event space. He advised that initially, the second level was anticipated to house a full service bar and restaurant, however, after discussion with Mr. Seten, the developer has determined that instead it will be a flex space which can be rented for a cocktail space for an event happening downstairs. When it is not being utilized by an event, it can be open to the public and used as revolving kitchen space in which chefs from the area could come in and cook food. He stated that, at this time, the hours of operation have not been set.

Mr. Ryan Miller, 6209 Maple Street, appeared before the Board as a part of the development team to respond to questions from the Board. Mr. Miller stated that they are anticipating approximately 75 to 80 events per year, primarily on the weekends. In addition, he stated that they are partnering with Abraham Catering which is one of the oldest catering companies in Omaha (established in 1952). He stated that most of their employees are people who live in Benson and that they estimate they will pay approximately $450,000 in wages to people in Benson, which is a benefit he believes should not be ignored. He pointed out that people who worked for them in the evening would then have money they could spend in the daytime, which would pull more businesses into the area such as what Mr. Brannen had stated he wanted to see. In addition, Mr. Miller stated that he had also owned the Benson Brewery which is also very successful and which he had recently sold. He stated that the exact schedule had not been determined but that it would be closing between 11:00 and midnight each day. He stated that the downstairs location would not be open other than for events. The second floor would be available for “pop-up” restaurants. He stated that on days where there is not an event, the public could still go to the second floor when there is a “pop-up” in residence and have a meal there.

In response to Mr. Magid, Mr. Miller stated that the engineering costs, development costs, and other expenses related to bringing the building up to code requirements for the anticipated use make the project financially not feasible without the TIF financing. He stated that they do currently own the building.

Mr. Eric Englund, Acting Assistant Director, confirmed that since this business is in the NBD district, there is no onsite parking requirement. He stated that the department does encourage the developer to provide parking and to consider sharing that parking with other businesses in the area. He stated that the department recommends approval.

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

| 5. | C3-19-137 John Folsom | REQUEST: Approval to an Amendment to the Future Land Use element of the City’s Master Plan from Industrial to Low density residential (laid over from 7/3/19) | LOCATION: Northwest of 120th Street and Rainwood Road |

*Ms. Karnes advised that agenda items #5 (C3-19-137) and #7 (C10-19-124 & C12-19-125) would be heard together with but that both cases would be voted on separately*

At the Planning Board meeting held August 7, 2019, Mr. Adam Charlson, 13330 California Street, Suite 200, appeared before the Board on behalf of the applicant. He stated that the request is for a change to the Master Plan and rezoning to allow the construction of a residential long term care facility for combat wounded veterans. Mr. Charlson advised that Colonel John Folsom, members of the HDR team, and Mr. Hal Daub were also present at the meeting to provide more information and answer questions from the Board.

Colonel John Folsom, 1719 North 60th Street, appeared before the Board as the applicant for this request. He described this project as being a one of a kind facility in the United States to provide care for combat wounded veterans who have suffered injuries from I.E.D. and other attacks such as kinetic trauma causing moderate to severe traumatic brain and spinal injuries. Colonel Folsom stated that his inspiration was a young soldier with whom he served in Iraq who was injured when an explosive device, which was placed “head high” was detonated as he was performing clearing duty in Rimadi, causing brain trauma so severe that the young man, while not in a vegetative state, is now completely reliant on the care of others. He
stated that the primary care giver for this young man, and many other single young soldiers, is his mother. Colonel Folsom noted that, eventually, the parents of soldiers in such dire condition would be unable to care for their child either due to age, illness, or death and that the only alternatives for the care at that point would be a VA veterans home, or another assistive care facility, both of which are geared towards elderly people. He stated that his vision is to build this facility in Omaha because in addition to the availability of excellent medical facilities, Omaha is also nearly in the exact center of the United Stated. Colonel Folsom stated that once the facility is ready to go, there will be a national call for applicants. Initially, phase one of the program will include 24 beds.

Mr. Don Vokee, 12640 & 12610 Rainwood Road, appeared before the Board in support of the project. Mr. Vokee stated that he will be the adjacent neighbor to this project and emphasized that he was not asked to address the Board and had not discussed his testimony with the applicant, but he wanted to express that he was highly in favor of the project. He stated that he had grown up and gone to school in Omaha. After leaving the area for 43 years, he and his wife returned and spent two years searching for the perfect location for their home before finding the right place. He stated that the residents in this area of Omaha feel the area is special and are not interested in selling their land for any purpose not related to agriculture. Mr. Vokee stated that while he believes that, like most people, his neighbors prefer the land to remain undeveloped, he understands that progress happens and if the land is to be developed he believes this is the best project to put there due to the design of the project by HDR and the engineering contractor. Mr. Vokee stated that he wanted to speak to address the erroneous claims which had been made in social media that the neighbors were opposed to this project and to state that he thinks the world of the soldiers who will be served by this project and welcomes their presence.

Mr. Vokee stated that he understands that the Master Plan currently calls for this land to eventually be zoned heavy industrial and that he would like for the department to revisit the future land use plan for the area to possibly revise the best use for that land.

Mr. Hal Daub, 314 North 97th Court, appeared before the Board in support of the request. Mr. Daub stated that he is passionate about this project not only for the singular national implication, but also because Omaha has grown into a center of health care for the country. He stated that they had looked all around the country before deciding on this location due to the proximity of health care, hospitals, rehabilitation centers and other specialized services which will be necessary for the success of the project, as well as allowing the potential for growth into a larger facility in the future. Mr. Daub advised that this was a perfect place being surrounded by rural homes, horse riding communities and large agricultural acreages which will provide a peaceful, serene setting for the residents at the facility.

Mr. Daub stated that they appreciated the work the Planning Department and HDR had put into making this project workable. He stated that Wounded Warriors Family Support organization had their headquarters in Omaha and is one of only five 501c-3 organizations in the country devoted to veteran services who had earned Morningstar’s elite 5 star rating.

Mr. Eric Englund, Acting Assistant Director, addressed the Board to describe the department’s recommendations. Mr. Englund stated that the department is always reviewing Master Plan to ensure the best zoning fit for various areas of the city. He stated that the department believes that this area is a good location to rezone to low density residential for this project. Mr. Englund stated that the department has been working with the applicant and development team for some time to get to this point where the department can support the application for an amendment. He stated that the Planning staff believes this is a great project and are glad they are able to recommend this request for approval. He also explained that with the Preliminary Plat and rezoning request (agenda item #7, C10-19-124 & C12-19-125) there is also a request for a variance to the boundary of the Present Development Zone and with this project the applicant will be required to extend the sanitary sewer from Blair High Road and with the installation of a street network, the department is supportive of extending the boundary of the Present Development Zone.

Mr. Englund stated that the proposed use will likely be classified as an Assisted Living Facility which will require a Special Use Permit which is anticipated to be included in the Final Plat.

At the request of Mr. Pate, Colonel Folsom returned to the podium to answer questions from the Board regarding the project. Mr. Pate stated that he believes this is a great project and that it will be very good for
the veterans it will serve as well as for the community as a whole. In response to questions from the Board, Colonel Folsom stated that the facility will be open to both male and female veterans and that this phase will not include medical facilities on site, but it is anticipated in a future phase. He explained that there will be small pods built to accommodate skilled care, similar to family style housing rather than a big hospital or dormitory type building. He reminded the Board that the conditions of the veterans with traumatic brain and spinal injuries will not improve, it is his goal to build a facility where these young men and women can live the remainder of their lives. Colonel Folsom stated that his long term goal is to have no development east of the current location, even if he has to purchase all of that land, this is to allow the residents of the facility to go out on the veranda and watch the sunrise/sunset, relax, and just enjoy the Nebraska countryside. He is confident that once the facility is up and running, it will be something that the entire country will get behind. He also assured the neighboring residents that this would never be an eyesore with high rise buildings, rather it will be single floor pods, resembling residential homes which will conform to the land and will be something Omaha as a whole can be proud of.

Mr. Hal Daub returned to address the Board and answer questions as well. He stated that initially the first 20 to 24 veterans who are admitted will be in an independent living situation, however, it will also have to have the facilities to accommodate the progression of the physical and mental condition of their residents into assisted living, and then to skilled nursing care. He also stated that the initial buildings will possibly not require the use permit, however the second and third phases may. Mr. Daub explained that as their physical and mental condition deteriorates, the veterans may be moved from one building to another which will be built to accommodate their condition.

Mr. Pate stated that he believes there is a huge demand for this type of facility and expressed his belief that it will be a model used throughout the country to create similar facilities. Mr. Daub agreed and stated that they are confident that after this is developed and in operation, other groups around the country will see that there is, indeed, a demand and will rise to meet that demand.

In response to a question from Mr. Magid, Colonel Folsom stated that the facility will only house the veterans, their families will not reside there at all. He reminded the Board that many warriors returning home are single young men and women, and that their primary caregivers are their parents. He stated that as the parents age and as the condition of the veteran deteriorates, there will be a time when the parent is unable to provide care for their son or daughter. The goal of Mr. Daub and Colonel Folsom is to create a facility which can provide a home for these wounded warriors when they cannot be cared for in their parent’s home or in a situation where a wounded soldier comes home and their spouse is unable to handle the responsibility for their care. Colonel Folsom stated that their goal in a later phase is to create a facility similar to a Ronald McDonald House where the families can stay for a short time, however, there is no plan to provide permanent or long term housing for family members. Mr. Magid observed that this facility will probably also draw people into the community who wish to live near their loved one who is in the facility. Colonel Folsom stated that this could possibly happen, however, since Omaha is so centrally located, it will also be possible for families to travel relatively short distances from where they currently live to see their family member as well.

There were no opponents.

Mr. Eric Englund advised that there are three different components within the code regarding assisted living facilities (1) independent housing, (2) semi-independent housing, and (3) dependent housing. He went on to explain that an assisted living facility can be a mixture of any or all of those components and that those details can be worked out with the applicant when the final plat is brought to the department. Mr. Englund stated that the department recommends approval of the amendment to the Future Land Use element of the City’s Master Plan.

Prior to the vote, Mr. Rosacker stated that he commends the vision of Colonel Folsom and the development team to provide a much needed service to combat wounded veterans and the wisdom to assemble the team which will be able to move this project forward to completion.

Mr. Magid motioned for approval. Mr. Moore seconded the motion which carried 6-0.
**Subdivisions**

| 7. | C10-19-124  
   | C12-19-125  
   | John Folsom |
|-----|-----|-----|

**REQUEST:** 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 (laid over from 7/3/19)

**LOCATION:** Northwest of 120th Street and Rainwood Road

*Ms. Karnes advised that agenda items #7 (C10-19-124 & C12-19-125) and #5 (C3-19-137) would be heard together with but that both cases would be voted on separately*

At the Planning Board meeting held August 7, 2019, Mr. Adam Charlson, 13330 California Street, Suite 200, appeared before the Board on behalf of the applicant. He stated that the request is for a change to the Master Plan and rezoning to allow the construction of a residential long term care facility for combat wounded veterans. Mr. Charlson advised that Colonel John Folsom, members of the HDR team, and Mr. Hal Daub were also present at the meeting to provide more information and answer questions from the Board.

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Mr. Eric Englund, Acting Assistant Director, addressed the Board to describe the department’s recommendations. Mr. Englund stated that the department is always reviewing Master Plan to ensure the best zoning fit for various areas of the city. He stated that the department believes that this area is a good location to rezone to low density residential for this project. Mr. Englund stated that the department has been working with the applicant and development team for some time to get to this point where the department can support the application for an amendment. He stated that the Planning staff believes this is a great project and are glad they are able to recommend this request for approval. He also explained that with the Preliminary Plat and rezoning request (agenda item #7, C10-19-124 & C12-19-125) there is also a request for a variance to the boundary of the Present Development Zone and with this project the applicant will be required to extend the sanitary sewer from Blair High Road and with the installation of a street network, the department is supportive of extending the boundary of the Present Development Zone.

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Mr. Eric Englund, Acting Assistant Director, stated that the department recommends approval of the rezoning, approval of the preliminary plat, and approval of the variance to the Present Development Zone boundary of the Urban Development Element of the City’s Master Plan subject to the 23 conditions in the recommendation report.

Mr. Magid motioned for approval of the rezoning from AG to R4, approval of a variance to the Present Development Zone (PDZ) boundary of the Urban Development Element of the City’s Master Plan, and approval of the Preliminary Plat, subject to the following conditions:

1. Pave Roadway A and Roadway B to City standards (including curb and gutter and storm sewer). Roadway A will be required to comply with Industrial street design standards.
2. Widen Roadway A to three lanes (38 feet, no median) on its approach to Rainwood Road and center on the section line at the intersection (acquire right-of-way from the neighboring property owner on the east for the approach).
3. Widen Rainwood Road to provide an eastbound left turn lane and tapers at its intersection with Roadway A.
4. Modify the Roadway B right-of-way width to the local residential standard of 50 feet.
5. Modify the radius of the Roadway A assumed horizontal curves (north of Roadway B) to a minimum of 200 feet, per the local industrial street standards (update the right-of-way dedication accordingly).
6. Place a note on the plat that “there shall be no access to Lot 1 or Outlot A from Rainwood Road.”
7. Provide for the private maintenance of Roadway A and Roadway B in the final subdivision agreement.
8. Provide traffic calming on all residential streets in excess of 1,000 feet.
9. Pave all stub streets to the subdivision boundary, and provide temporary turnarounds.
10. Provide a 115 foot noise attenuation easement from the centerline of Rainwood Road and the standard noise attenuation easement language on the final plat.
11. Dedicate right-of-way and pave the stub street connection to Rainwood Road at the time of final platting of Lot 1 and Outlot A (acquire right-of-way from the neighboring property owner on the west for the approach).
12. Widen Rainwood Road to three lanes along the subdivision’s frontage and construct sidewalks along Rainwood Road at the time of final platting of Lot 1 and Outlot A.
13. Shorten the name of the plat to comply with Douglas County Assessor/Register of Deeds office requirements.
14. Coordinate with City staff regarding street names.
15. Coordinate with Public Works regarding preliminary approval of the sanitary sewer design prior to submittal of a final plat.
16. Coordinate with Douglas County to grade the subdivision to match the ultimate profile of Rainwood Road.
17. Submit an updated wetlands analysis and acceptable wetlands mitigation plan (if necessary).
18. Encapsulate all drainageways within outlots that are adequately sized to encompass the 3:1+20’ (3:1 = 50’ where applicable) or the 100 year storm, whichever is greater.
19. Provide sidewalks along all streets as required by the Subdivision Ordinance.
20. Submit a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area.
21. Submit a letter of approval from Douglas County for a Noxious Weed Plan.
22. The use, ownership and maintenance of the outlots need to be provided for in the final subdivision agreement.
23. Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies.

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

**Rezonings**

<table>
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<tr>
<th>8.</th>
<th>C10-05-064 Mark Sanford</th>
<th>REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Torrey Square to allow multifamily residential (laid over from 5/1/19)</th>
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<td>LOCATION: 3833 North 153rd Street</td>
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At the Planning Board meeting held August 7, 2019 Mr. Mark Sanford, 1506 North 162nd Street, appeared before the Board as the architect for the project. Mr. Sanford stated that the request is for an amendment to allow the development of a 27 unit apartment building. He advised that this is an allowable use in the Mixed Use development area. Mr. Sanford advised that since the layover, the team has revised the elevations and landscaping plan, including the mitigation plan which was in the original agreement signed ten years ago. He stated that the landscaping from that time did not survive and they were required by Mr. Tim Fries, Planning Department, to discover what the vegetation was and what was salvageable, which has been done and the applicant has provided an updated mitigation plan to the department. Mr. Sanford stated that the commercial neighbor to the north has agreed to allow the applicant to utilize a portion of the parking lot at his location to help alleviate the parking concerns and will provide a written agreement to the department if required.

Mr. Sanford stated that the Mixed Use Agreement needs to be revised as well, and that the department is recommending layover. He advised that the developer is seeking approval from the Board with the revision of the agreement as a condition in order to allow the developer to justify the expense of making those revisions.

Mr. Eric Englund, Acting Assistant Director, clarified for the Board and for Mr. Sanford that the department was recommending approval, not layover. He stated that the department is still finalizing on some details of the tree mitigation plan, a letter of agreement for the parking is needed, and some refinements are required on the building elevations.

There were no opponents.

Mr. Englund stated that the department is confident that these matters can be worked out in the time between the Planning Board meeting and the City Council meeting. Mr. Englund stated that the department recommends approval with some conditions as noted above.

Mr. Pate motioned for approval of the Major Amendment to the Torrey Square Mixed Use Development Agreement subject to the applicant providing five acceptable, signed agreements and associated exhibits as discussed in the recommendation report prior to forwarding to City Council. Mr. Magid seconded the motion which carried 6-0.

<table>
<thead>
<tr>
<th>9.</th>
<th>C10-96-261 Ted Grace</th>
<th>REQUEST: Approval of a Major Amendment to the Mixed Use District Development Agreement for Altech Business Park (laid over from 7/3/19)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION: Northwest of 144th and F Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held August 7, 2019, Ms. Jessica Thomas, 10250 Regency Circle, Suite...
300, appeared before the Board on behalf of the applicant. Ms. Thomas stated that the applicant has worked with the department since the layover on the concerns they expressed and is in agreement with the conditions of approval. She advised that, in addition to herself, the engineer and developer for the project were at the meeting to answer questions from the Board.

There were no opponents.

Mr. Eric Englund, Acting Assistant Director, reminded the Board that in July this request was on the agenda with a related rezoning request. He stated that only the amendment was being considered at this meeting. Mr. Englund stated that this amendment will only apply to one lot and adds Custom Manufacturing, Light Industrial, and Warehousing/Distribution (limited) uses, all of which are allowable in this Mixed Use Development. In addition, the restrictive parking requirement is also being modified with this amendment to designate specific parking requirements relative to the requested uses which a traffic study indicated would be sufficient.

Mr. Englund stated that the department recommended approval subject to the submittal of five acceptable, signed agreements prior to forwarding to City Council.

Mr. Rosacker motioned for approval of the Major Amendment to the Altech Business Park Mixed Use Development Agreement subject to submittal of five acceptable, signed agreements prior to forwarding to City Council. Mr. Morris seconded the motion which carried 6-0.

(REGULAR AGENDA)

Master Plan Referrals

| 11.  | C3-19-161  
|      | C10-19-140  
|      | Planning Department on behalf of the City of Omaha  |
|      | REQUEST:  
|      | Conversion of Douglas County zoning districts AG, R-1, and RR-2 to City of Omaha zoning districts AG, R1, and DR, along with approval of an Amendment to the Future Land Use element of the City's Master Plan for the expanded 3-mile extraterritorial jurisdiction  |
|      | LOCATION:  
|      | Omaha and the 3-Mile Extraterritorial Zoning Jurisdiction  |

At the Planning Board meeting held August 7, 2019, Mr. Eric Englund, Acting Assistant Director, appeared before the Board to address the details and purpose of the request. Mr. Englund explained that the zoning conversion and Future Land Use amendment was necessary as a result of the 2019 annexations, which was approved by City Council in July and became effective on July 31, 2019, due to the expansion of the City's jurisdiction by 133 acres in the southwest area near 228th and Q Street. He explained that the zoning jurisdiction includes a 3-mile limit from the City limit unless it abuts another, already held, jurisdiction. Mr. Englund stated that the result of this expansion is a need to convert Douglas County zoning to City of Omaha zoning. He advised that the City attempts to match up the zoning as much as possible. In addition, Mr. Englund advised that the Future Land Use map would also change a small portion to low-density residential as well as a larger portion which is Elkhorn Special Development.

There were no opponents.

Mr. Englund stated that the department recommended approval.

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

| 12.  | C3-19-139  
|      | Planning Department on behalf of the City of Omaha  |
|      | REQUEST:  
|      | Approval of the FURNITURE ROW TIF REDEVELOPMENT PROJECT PLAN  |
|      | LOCATION:  
|      | 119 North 72nd Street  |
At the Planning Board meeting held August 7, 2019, Mr. Randy Kuszak, 14710 West Dodge Road, appeared before the Board as the civil engineer for this project. Mr. Kuszak stated that the project involves an existing one story former retail furniture store, with a basement, which has been vacant for a few years. The developer is proposing to build a four-story podium style apartment building with 128 studio and 30 to 31 1-bedroom apartments using the existing building and basement, as a parking garage, approximately 400 feet north of the intersection of 72nd and Dodge Streets. He stated that the total unit count will be 158 or 159, depending on whether they decide to create a community space or not, however, the application does reflect 159 total units. As the building is currently encroaching in the right-of-way, the developer is working to secure a right-of-way lease as requested in the conditions of approval by the Planning department. In addition, the curb cut which is currently on the subject property will be closed and the cut south of the property, known as Capital Court, will be utilized for access to the building. The developer intends to remove a significant portion of the existing overhead power lines and bury them which will allow the removal of the poles, creating more usable space and a more pleasing aesthetic.

Mr. Kuszak provided a site plan for the Board to review showing the anticipated building, curb cuts, and landscaping, as well as anticipated traffic flow. He explained that the existing building would be turned into a two-level, 122 stall, parking garage for the apartments which would be built on top of it, set half on/half off the existing south & east exposures. Mr. Kuszak explained that the application includes several waivers, mostly tied to the existing GC zoning district such as set-backs, impervious coverage, and building coverage waivers. He stated that the entire site is paved currently and the applicant intends to provide more greenspace as well as addressing the 72nd Street frontage by removing the existing retaining wall and pulling back the sidewalk to increase green space. To allow the multiple family residential project, they will require a Conditional Use Permit which will change the zoning from GC to R8 and the applicant has applied for the PUR-Planned Unit Redevelopment overlay to take care of the waivers. Mr. Kuszak stated that they were also requesting a sign waiver and will work with the department regarding the signage as indicated in the recommendation report. Mr. Kuszak stated that due to the tight nature of the site, they are requesting a waiver for surface parking to allow only five stalls in addition to the garage parking.

In response to questions from the Board, Mr. Kuszak stated that there will be only one curb cut, which will be a right in/right out on 72nd Street. He advised that the easement has no expiration date. Mr. Kuszak stated that there are several businesses and one additional residential development which utilize Capital Court to access their sites.

Ms. Julie Stavneak of J Development, 2430 South 73rd Street, Suite 200, appeared before the Board on behalf of the development. Ms. Stavneak stated that there were other members of the development team present with her to answer questions about the project. In response to questions from the Board, Ms. Stavneak stated that the development would target University of Nebraska-Omaha and Creighton University students, as well as students and employees at the Med Center, Children’s Hospital, and other surrounding businesses. She advised that the studios would rent for $795 to $850, which is approximately $1.80 per square foot. She stated that the ORBT route is a major factor in the consideration of this project.

Mr. Don Seten, Planning Department, appeared before the Board to provide information specific to the TIF request. Mr. Seten stated that the total project cost is $17,760,000 and the TIF support requested is $2,861,000. He also advised that the project meets the criteria for the TIF program, is an appropriate land use for the area, and complies with the City’s Master Plan. Mr. Seten stated that the applicant has met with the TIF committee and has secured their endorsement for the project and that the Urban Design staff has reviewed and approved the plans and the proposed building materials. He also stated that the development fits particularly well with the proposed rapid bus transit which is coming soon along the Dodge corridor.

Mr. Martin Pelster, 2120 South 72nd Street, Suite 1200, appeared before the Board as the attorney for the property owner south of this development. He stated that while they are not opposed to the project, the easement is adjacent to his client’s property and while the easement was granted in the 1940’s there is no provision in the agreement for the maintenance of it. Mr. Pelster stated that they are requesting that an agreement regarding the maintenance of the easement be required as a condition of approval for this project.
In response to questions from the Board, Mr. Pelster stated that he is unsure who is maintaining the easement at this time. He advised that the easement is on his client’s property, but he does not have the information about who is doing the snow removal or other maintenance at this time.

No one appeared in opposition.

Mr. Eric Englund, Acting Assistant Director, explained that the property in question was platted in 2018, for a project which never went forward. He stated that the document is not very specific about the easement and that the maintenance of that easement is not within the purview of what is before the Board at this meeting. He did advise that the applicant could work with the adjacent property owner to work out an agreement for maintenance of Capital Court.

At the request of Mr. Pate, Ms. Stavneak, explained that the “owner equity” in the application is partially what the developer is providing and another part is through an outside investor being brought into the project.

At the request of Ms. Karnes, Randy, appeared before the Board to discuss the access easements and the discussion which went into determining that it would be best to only keep the access to the south of the property which is at Capital Court. He stated that without that access, there would be no other access to the property, and that there was no description or discussion of maintenance of that easement.

Mr. Eric Englund stated that prior development in this area had left a lot of unanswered questions, but as development continues, the department does try to bring everything into compliance. He advised that there has been other interest in this site and the Planning staff believes this will be the best use for the area, including bringing density along the ORBT path. He stated that this development will be in compliance with regulations being developed for the transit oriented development. Mr. Englund stated that the department is in favor of all the requested waivers with the exception of the request for a sign waiver. Mr. Englund stated that the department recommends approval.

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

**Overlay Districts**

<table>
<thead>
<tr>
<th>No.</th>
<th>REQUEST:</th>
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<tbody>
<tr>
<td>20.</td>
<td>Approval of a PUR-Planned Unit Redevelopment Overlay District, along with approval of a Conditional Use Permit to allow multiple family residential in a GC District</td>
</tr>
</tbody>
</table>

LOCATION: 119 North 72nd Street

*Ms. Karnes advised that agenda items #20 (C7-19-150, C11-19-151) and #12 (C3-19-139) would be heard together with but that both cases would be voted on separately*

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regulations being developed for the transit oriented development. Mr. Englund stated that the department is in favor of all the requested waivers with the exception of the request for a sign waiver. Mr. Englund stated that the department recommends approval of the Conditional Use Permit and the PUR overlay district subject to the conditions in the recommendation report.

Mr. Morris motioned for approval of the Conditional Use Permit to allow Multiple family residential in a GC District, subject to the following:

1. Approval of a right-of-way lease for the building encroachment into 72nd Street.
2. Compliance with submitted site plan.
3. Submittal of and compliance with a revised landscaping plan.
4. Submittal of and compliance with revised building elevation plans addressing the above peak signage.
5. Compliance with submitted operating statement.
6. Compliance with all other applicable regulations.
7. Approval of acceptable PUR plans.

In addition, Mr. Morris motioned for approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submittal of final acceptable plans, prior to forwarding this request to the City Council for final action. Mr. Magid seconded the motion which carried 6-0.

APPROVAL OF MINUTES

JULY 3, 2019

Mr. Rosacker moved to approve the minutes of the July 3, 2019 Planning Board pre-meeting as written. Mr. Pate seconded the motion which carried 4-0-2, Mr. Morris and Mr. Magid abstaining.

Mr. Moore moved to approve the minutes of the July 3, 2019 Planning Board meeting as written. Mr. Pate seconded the motion which carried 4-0-2, Mr. Morris and Mr. Magid abstaining.

ADJOURNMENT

It was the consensus of the Board to adjourn the meeting at 3:15 p.m.