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

MEMBERS NOT PRESENT: None

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

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

#1 Mr. Eric Englund, Acting Assistant Director, stated that the applicant has addressed trail connections as requested, however, there is still a requirement for the HWS Cleveland ROW to be incorporated by the SID. This phase will develop 136 residential lots and 5 outlots near Flannigan Lake. This is on the Administrative portion of the agenda and the department recommends approval.

#2 & #3 Ms. Autumn Evans of the Planning Department stated that these two requests were to transfer city owned lots, all currently vacant, to Habitat for Humanity (#2, 9 properties) and the Land Bank (#3, 15 properties) for development into residential homes, community gardens, and other community development projects. Ms. Evans responded to questions from the Board regarding how decisions are made about which properties are transferred and how they are to be used. The department is recommending approval of both cases.

#4 Mr. Englund stated that this large site is already mostly zoned HI and this request is to consolidate that zoning. He advised that due to the request for HI zoning, notifications had been sent out to property owners within a 1000 foot radius rather than the usual 300 feet. He advised that this is a difficult site to develop and will require at least a year to complete all the clean up to make it suitable for even the HI uses. He advised that the applicant intends to re-activate the railroad stub and anticipates several different uses for the 66 acres. The department is recommending approval with only one condition. "There was an interested party present at the pre-meeting to listen to the discussion, her name was not given and she did not speak at the meeting"

#5 & #26 Mr. Eric Englund stated that these two requests were related and on the Consent Agenda for approval. He advised that this is for a small expansion of the South Omaha campus of Metropolitan Community College. He advised that there has been a parking analysis completed and parking stalls will be lost during this project. He advised that the building permit has already been issued.
#6 Mr. Englund stated that this request was on the Consent Agenda for approval. He explained that this request includes the vacation of Burt Street from 16th to 17th Street and that it was already scheduled to be vacated between 15th and 16th Street from a previous case. He stated there will be some public improvements including parking and sewer work. The department is recommending approval with six conditions.

#7 & #22 Mr. Englund stated that these two requests were related and on the Consent Agenda for approval. He advised that this location was previously a commercial auto sales business. The applicant proposes to develop a 4-story apartment building which will consist of 57 studio apartments, 30 1-bedroom apartments, and 9 2-bedroom apartments. Due to the location in the NBD district, there is no parking requirement to be met. There is a concern regarding the location of the transformer box which is required on the property. The applicant is requesting two waivers.

#8 Mr. Englund stated that this case was on the Consent Agenda for layover. He advised that this was previously part of Grandview Estates plat which did not get developed and is now being platted for the new phase of Blue Sage. There is a requirement for a five-acre park which may be included with this plat and shared with the surrounding developments. Ryan Haas discussed some concerns Public Works has with the cul-de-sacs as well as other conditions and concerns. The applicant has requested layover.

#9 & #24 Mr. Englund advised that these two cases were related and should be heard together. He explained that the proposal is to develop 17 single family residential lots and 2 outlots on 22 acres and includes a request for a use permit. The department is supportive of waivers for sidewalk and lot frontage, but do not support the request for a waiver of street surfacing for curb & gutter and pavement at one section. He stated that there has been communication from the neighbors, primarily the concern seems to be with increased water run-off to the north.

#10 & #25 Mr. Englund stated that these two cases were related and on the Consent Agenda for layover. He explained that this location is currently a 9-hole golf course with a separate banquet facility/clubhouse. The request is to separate the site into two lots with the banquet facility/club house on one lot and the golf course on the other. He advised that it will require several waivers for the separate facility and the department is not supportive of those waivers while the golf course is still open.

#11 - #23 Mr. Englund stated that all of these cases were on the Consent Agenda for approval and provided the details for each case.

#27 Mr. Englund stated that this Special Use Permit request had been laid over from the August 7, 2019 meeting and was now back with additional parking adjustments. He advised that the applicant will need to get ZBA waivers for the daycare. The department recommended approval.

#28 Prior to Mr. Englund discussing the case, Ms. Karnes recused herself and left the room. Mr. Englund stated that the signage request is not consistent with the policy of the department which only approves this type of signage at high schools due to location, traffic and the various activities which take place at the high school. He stated that the department recommended denial. *There was an interested party present at the pre-meeting to listen to the discussion of this case, she did not provide her name nor did she speak at the meeting.* Ms. Karnes returned to the meeting following discussion of this request, at 1:15 p.m.

#29, #30, #33 Mr. Englund stated that these three cases were all on the Consent Agenda for approval. He briefly discussed the details of each case and any conditions the department set for the approval.

#31 & #32 Mr. Englund advised that these two cases were on the Consent Agenda for layover. He briefly provided details about each request and advised that the department required more information to be able to move either one forward.
Mr. Greg Rosenbaum, Chairperson, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures. Ms. Karnes advised those in attendance where to find a copy of the Nebraska Open Meetings Act in the Legislative Chambers.

Prior to hearing requests, outgoing board member, Trenton Magid, was recognized for his service on the Planning Board. Members of the Planning Department and Board member thanked Mr. Magid for his years of service, his vast knowledge of the commercial real estate industry in Omaha, his sense of humor, and acknowledged his fairness and dedication to working for the best interests of the City and the citizens of Omaha. Mr. Magid thanked everyone for the kind words. Mr. Magid stated that it has been a fast, enjoyable five years on the Board. He thanked Mayor Stothert for her faith in him in appointing him to the Planning Board, the City Council for approving his appointment. He also thanked the department for their work and the Board members for working with him for the betterment of the city.

Mr. Eric Englund, Acting Assistant Director, presented Mr. Magid with a framed certificate acknowledging his service with the Planning Board.

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

<table>
<thead>
<tr>
<th>5.</th>
<th>C10-19-170 D-APPROVAL</th>
<th>REQUEST:</th>
<th>Preliminary and Final Plat approval of MCC-CIO ADDITION, a minor plat inside city limits, with rezoning from GO and HI to GO and HI</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C12-19-171</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


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Page 4

| Metropolitan Community College Area | LOCATION: Southeast of Edward Babe Gomez Avenue and 33rd Street |

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Ms. Karnes moved for approval of the rezoning from GO and HI to GO and HI, and for approval of the Preliminary Plat, subject to the following conditions:
1. In the subdivision agreement, provide for the payment of the Watershed Management Fee for Lot 1 prior to recording of the final plat.
2. Compliance with all applicable stormwater management ordinances and policies, including no net increase in stormwater runoff and treatment of the first 1/2 inch of stormwater for water quality.

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

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

| C12-19-175 D-APPROVAL | REQUEST: Preliminary and Final Plat approval of THE MILL, a minor plat inside city limits | LOCATION: 6152 Military Avenue |

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Ms. Karnes moved for approval of the Preliminary Plat, subject to the following conditions:
1. Removal of the access restriction note on the plat.
2. Coordinate with Public Works and the NDOT regarding the proposed street improvements.
3. Compliance with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and must treat the first 1/2” of stormwater for water quality.

In addition, Ms. Karnes 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. Magid seconded the motion which carried 7-0.

| C10-19-176 D-LAYOVER | REQUEST: Preliminary Plat approval of BLUE SAGE CREEK 2, a subdivision outside city limits, with rezoning from AG and R4 to R4 | LOCATION: Northeast of 213th and F Streets |

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

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

| C12-19-179 D-LAYOVER | REQUEST: Preliminary and Final Plat approval of ELKHORN RIDGE ESTATES REPLAT 2, a minor plat inside city limits | LOCATION: 20033 Elkhorn Ridge Drive |

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

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

Rezonings

| C10-19-189 D-APPROVAL | REQUEST: Rezoning from R4(35) and R5(35) to R5 | LOCATION: 4830 Webster Street |
At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

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

12. C10-19-190 D-APPROVAL Ron Hackett
REQUEST: Rezoning from HI to NBD (property is located within an ACI-1 Overlay)
LOCATION: 1219 Pacific Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda. Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.

REQUEST: Approval of the MCC-Major Commercial Corridor Overlay District
LOCATION: 11900 Pacific Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda. Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.

REQUEST: Rezoning from R7 to LO
LOCATION: 8040 and 8050 Chicago Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda. Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.

15. C10-19-195 D-APPROVAL Planning Department on behalf of the City of Omaha
REQUEST: Rezoning from GC to R5
LOCATION: 2517 Ames Avenue

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda. Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.

16. C10-19-196 D-APPROVAL Planning Department on behalf of the City of Omaha
REQUEST: Rezoning from GC to R7
LOCATION: 2006 Ohio Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda. Mr. Magid seconded the motion which carried 7-0.

17. C10-19-197 D-APPROVAL Planning Department on behalf of the City of Omaha
REQUEST: Rezoning from GI to R4
LOCATION: 4807 North 24th Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda. Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.

18. C10-19-198 D-APPROVAL Planning Department on behalf of the City of Omaha
REQUEST: Rezoning from GC to R7
LOCATION: 3116 North 16th Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda. Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.
19. **REQUEST:** Rezoning from GC to NBD (property is located within the ACI Overlay District)  
**LOCATION:** 140 South 40th Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.  
Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.

20. **REQUEST:** Rezoning from GI to NBD (property is located within an ACI Overlay District)  
**LOCATION:** 1915 South 13th Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.  
Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.

### Overlay Districts

21. **REQUEST:** Approval of a PUR-Planned Unit Redevelopment, along with approval of the MCC Overlay District (property is located within a FF-Flood Fringe Overlay District)  
**LOCATION:** 6405 Center Street

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.  
Ms. Karnes moved for approval of the MCC Overlay District, and approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submittal of acceptable final PUR plans including acceptable building elevations and ADA sidewalk ramp, prior to forwarding this request to the City Council. Mr. Magid seconded the motion which carried 7-0.

22. **REQUEST:** Approval of a PUR-Planned Unit Redevelopment to allow development of Multiple family residential  
**LOCATION:** 6152 Military Avenue

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.  
Ms. Karnes moved for approval of the PUR subject to submittal of revised plans addressing the location of the transformer, compliance with all applicable site development regulations, and submittal of a revised landscaping plan prior to forwarding the request to City Council. Mr. Magid seconded the motion which carried 7-0.

23. **REQUEST:** Approval of a Major Amendment to the PUR-Planned Unit Redevelopment to revise the approved signage  
**LOCATION:** 1011 South Saddle Creek Road

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.  
Ms. Karnes moved for approval. Mr. Magid seconded the motion which carried 7-0.

### Special Use Permits
At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Mr. Rosacker moved for layover to allow the applicant to address timing of the request and revise plans to eliminate waivers. Mr. Pate seconded the motion which carried 7-0.

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Ms. Karnes moved for approval of a Major Amendment to the Large Project Special Use Permit (assumed) to allow College and university facilities in GO, subject to the following conditions:
1. Compliance with the submitted site plans.
2. Compliance with the submitted development proposal.
Mr. Magid seconded the motion which carried 7-0.

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Ms. Karnes moved for approval of the Parking Adjustment for a Mixed Use Development (Section 55-736), and approval of the Special Use Permit to allow Daycare services (general) in an R4 District, subject to the following conditions:
1. Submittal of and compliance with a revised landscape plan providing a 4-foot headlight screening on the north edge of the parking lot and a detailed planting schedule, prior to forwarding the request to the City Council.
2. Obtain a waiver from the Zoning Board of Appeals for number of individuals permitted to provide care for from 12 to 246, prior to forwarding the request to the City Council.
3. Coordinate with the Public Works department regarding an acceptable sidewalk plan.
4. Combining the lots through the administrative subdivision process prior to submitting for building permits.
5. 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.
6. Events that would be classified as Indoor entertainment are prohibited from occurring on the site, including but not limited to family reunions, wedding receptions, graduation parties, etc.
7. Compliance with the submitted operating statement, including a maximum of 246 children.
8. Compliance with the submitted site plan.
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. Magid seconded the motion which carried 7-0.
**Conditional Use Permits**

<table>
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<tr>
<th>#</th>
<th>C7-19-184</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tr>
<td>29</td>
<td>Julio Covarrubias</td>
<td></td>
<td>Approval of a Conditional Use Permit to allow <em>Personal services</em> in the LO District</td>
<td>Southwest of 13th and Polk Streets</td>
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</table>

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Ms. Karnes moved for approval of the Conditional Use Permit to allow a Personal Services in the LO District, subject to the following conditions:
1. Compliance with the submitted site plan.
2. Submittal and compliance of a revised landscaping plan showing two additional trees.
3. Compliance with the submitted operations plan.
4. Compliance with all other applicable regulations.

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

<table>
<thead>
<tr>
<th>#</th>
<th>C7-19-185</th>
<th>C10-19-199</th>
<th>D-APPROVAL</th>
<th>REQUEST:</th>
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<tr>
<td>30</td>
<td>Daryl Liese</td>
<td></td>
<td>Approval of a Conditional Use Permit to allow <em>Warehousing and distribution (limited)</em> in the CC District, with approval of the ACI Overlay District</td>
<td>11540 West Dodge Road</td>
<td></td>
</tr>
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</table>

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Ms. Karnes moved for approval of the ACI Overlay District, and approval of the Conditional Use Permit to allow Warehousing and distribution (limited) in the CC District, subject to the following conditions:
1. Submittal of and compliance with a revised site plan moving the structure further to the east to a distance greater than 100 feet from the adjacent R6 zoning.
2. Submittal of and compliance with a revised landscape plan addressing the following items:
   a. Provide the required 5 feet of perimeter parking lot landscaping on the east side of the parking lot and the interior of the curve on the entry drive off Dodge Street.
   b. Provide 10 overstory trees in the landscaped islands evenly distributed throughout the site.
   c. Provide a minimum of 57 trees in the 30 foot buffer yard on the west part of the site.
3. Submittal and compliance with revised elevations.
4. Comply with all applicable stormwater management ordinances and policies.
5. Compliance with the submitted operating statement.
6. Subdivide the property in compliance with Chapter 53, Subdivisions, prior to submitting for building permits.

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

<table>
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<tr>
<th>#</th>
<th>C7-05-216</th>
<th>D-LAYOVER</th>
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<tr>
<td>31</td>
<td>Stone Bridge Christian Church</td>
<td></td>
<td>Approval of a Major Amendment to the Conditional Use Permit to allow <em>Religious assembly</em> in the R4 District, with a waiver of Section 55-186, Height, to allow a 37 foot tall building.</td>
<td>15801 Butler Avenue</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Mr. Rosacker moved for layover to address the parking calculations on the site and resubmit a site plan showing all parking on the site and additional operations information regarding the facility. Mr. Pate seconded the motion which carried 7-0.

**Vacations**
33. C14-19-193 D-APPROVAL
Planning Department on behalf of the City of Omaha
REQUEST: Vacation of a portion of Pacific Street east of 6th Street to the dead end abutting Lot 1, City of Omaha Replat 2 Addition and Lots 2 through 3, Block 245, Original City of Omaha Addition

At the Planning Board meeting held September 4, 2019, this request was placed on the Consent Agenda.

Ms. Karnes motioned for approval subject to retaining any necessary easements, removal of unnecessary traffic control devices, and coordinating with Public Works regarding the need for an easement for the manhole. Mr. Magid seconded the motion which carried 7-0.

ADMINISTRATIVE MEETING ONLY

Subdivisions

1. C10-18-275
   C12-18-276
   Loren Johnson, Celebrity Homes Omaha
   
   REQUEST: Final Plat approval of LAKEVIEW 168 (Lots 1-136, Outlots A-E), a subdivision outside the city limits, with rezoning from AG to R4
   
   LOCATION: Northwest of 168th Street and Kansas Avenue

At the Planning Board meeting held September 4, 2019, Mr. Eric Englund, Acting Assistant Director, stated that this is the final plat for the first phase of the project and includes 136 single family residential lots and five outlots on 45 acres. He stated that the entire development of Lakeview 168 consists of two phases, 265 total lots, but only the first phase is being considered today.

Mr. Englund advised that the final plat is consistent and compliant with the Preliminary Plat which was approved by the City Council on January 29, 2019. He stated that the resubmittal has provided two trail connections from the development to the adjacent Lake Flannigan trial system. One area which will need to be cleaned up before the final plat can move to the City Council is for the SID boundary to be expanded to include the entire HWS Cleveland Boulevard right-of-way within the SID.

Mr. Englund stated that the department recommends approval of the rezoning and approval of the final plat subject to the two conditions in the recommendation report.

Mr. Magid moved for approval of the rezoning from AG to R4, and approval of the final plat, subject to meeting the following conditions prior to forwarding the request to City Council:
   1. Revise the SID boundary to show the entire HWS Cleveland Boulevard right-of-way is included within the SID.
   2. Submittal of an acceptable final subdivision agreement.
Mr. Moore seconded the motion which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(REGULAR AGENDA)

Master Plan Referrals

2. C3-19-166
   Planning Department on behalf of the City of Omaha
   
   REQUEST: Approval of the disposal of City-owned property to an interested party under Community Development Law
   
   LOCATION: 1814 Sprague Street, 2420 Binney Street, 2428 Bristol Street, 2521 Spencer Street,
At the Planning Board meeting held September 4, 2019, Ms. Autumn Evans, City Planning Staff, stated that this request is for nine properties currently zoned residential and owned by the City to be transferred to Habitat for Humanity for the development of residential homes. She stated that the staff recommended approval.

Mr. John Koch, 5304 North 78th Street, appeared before the Board in opposition. Mr. Koch stated that he is an interested party for 1814 Sprague Street as the property owner of the adjacent property at 4101 North 19th Street and that 1814 Sprague Street is a very small lot which actually used to be the back yard of his property. Mr. Koch stated that he is concerned about what could be built on such a small lot with the current zoning. He advised that he had attempted several times to contact the City about purchasing the lot with the intention of completing his lot by bringing the back yard back into the original plot where it was intended to be. Mr. Koch requested that the lot at 1814 Sprague Street be removed from the transfer to Habitat for Humanity and that he be allowed to purchase it.

In response to a question from the Board, Mr. Koch stated that this property is a rental property, however, he does have a prospective buyer for the property but not having a back yard is a problem. He advised that from the back door to the lot line is only 4 feet. He stated that the prospective buyer is interested in purchasing his property along with the adjacent City owned lot as a back yard. Mr. Koch stated that when he reached out to the City about purchasing the lot the last time, approximately one year ago, he was told that it was not available. Mr. Koch stated that he believed the most beneficial arrangement would be to allow him to purchase the property for use as the back yard of the adjacent party as it was originally platted.

In response to questions from Mr. Magid, Ms. Evans stated that sometimes Habitat for Humanity does reach out to adjacent property owners, however, she does not know what their process is. Mr. Koch advised that no one had reached out to him from Habitat for Humanity regarding rehabbing his rental property or about selling him the adjacent land. Ms. Evans stated that she had not heard from Mr. Koch but that, if she had, she would have removed this lot from the transfer list. She advised that if the lot is removed from this request by the Board, and Mr. Koch does not end up buying it, the lot could potentially sit vacant for quite a while. She advised that if the property is transferred to Habitat for Humanity, the City does not need to get it appraised. However, if the property is sold to Mr. Koch, there will need to be an appraisal or it could possibly be transferred as a "side-lot disposal" which would need to be approved by City Council to allow the department to sell the property to Mr. Koch for an amount less than the appraised value.

Mr. Eric Englund, Acting Assistant Director, inquired as to whether there would be any problem with approving the package as it is written and having conversations with Mr. Koch, and possibly removing that parcel, prior to moving the request forward to City Council. Ms. Evans stated that she did not believe this would be a problem. Mr. Englund stated that if this will not be a problem, he would recommend moving forward with the entire package and then having that conversation with Mr. Koch and potentially removing the property before the City Council receives the request. Both Ms. Evans and Mr. Koch agreed that this would be an acceptable resolution. Mr. Englund clarified that the City was not making a commitment to sell the property to Mr. Koch, but that they would sit down with Mr. Koch and negotiate in good faith to reach a resolution.

Mr. Englund stated that the department recommended approval.

Mr. Pate moved for approval. Mr. Magid seconded the motion which carried 7-0.
At the Planning Board meeting held September 4, 2019, Ms. Autumn Evans, City Planning Staff, stated that this request is for fifteen properties, all of which are zoned residential and owned by the City of Omaha, to be transferred to the Land Bank. The Land Bank uses the properties in several ways, including selling them for residential construction, sidewalk projects (which are lots which are not buildable but can be used to enlarge the yard of an adjacent property), community gardens, and other community outreach projects. Ms. Evans stated that the department recommended approval.

No one appeared in opposition.

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

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

**Subdivisions**

| 4. | C10-19-168 C12-19-169 Parkway Properties | REQUEST: Preliminary and Final Plat approval of ENTERPRISE INDUSTRIAL PARK, a minor plat inside city limits, along with rezoning from R4, R5, R7, and HI to HI |
| LOCATION: Northwest of 13th and Locust Streets |

At the Planning Board meeting held September 4, 2019, Mr. Tom Ackley with the law firm of Koley Jessen, 1125 S 103rd Street, Suite #800, appeared on behalf of the applicant. Mr. Ackley stated that Virgil Anderson, over the course of almost 40 years has acquired approximately 63 parcels of real estate in the area north of 13th Street, immediately east of 16th Street, south of Ames Avenue, and west of Carter Lake. Mr. Ackley provided a view showing the current boundaries and the current zoning of the property on the screen for everyone to see. He stated that from 16th Street to the bottom of the site there is 20 to 30 foot drop in elevation. He pointed out the areas marked in red as being those which are on the request to replat in order to consolidate them into one lot at the request of the Planning Department. Additionally, Mr. Ackley showed the areas which were currently zoned Heavy Industrial, which made up approximately 95% of the site, he also pointed out the remnant pieces, mostly near the railroad tracks which are zoned residential. He advised that the department had advised them to consolidate the zoning to heavy industrial along with the replat.

Mr. Ackley stated that the applicant’s goal is to clean up the property and bring it back into productive use. He stated that the applicant intends to stage the work over three to five years, beginning the clean-up in the south and working north. Initially, the cleanup will involve removing a lot of tree debris and underbrush from the site as well as tons of broken up concrete, which includes piles as large as 40 feet high, which is strewn throughout the site. On his aerial photo, Mr. Ackley pointed out which areas of the property will serve various purposes, including a dirt farm to the south where excavators and others could bring wet soil in from a job site and come back and retrieve the dried soil when they are ready to put it back down at the job site. He believes that this use will be important for all the new development going on in the downtown area.

Mr. Ackley pointed out the next area, which currently has the greatest accumulation of concrete, would be a grading and staging area. He stated that the initial goal for this second area will be to get the concrete ground up and then use it onsite for interior roads and other purposes. This area will also be graded in order to create and maintain proper drainage throughout the property.

The next area to the north is anticipated to be used for a truck trailer storage area. The area next to that, which is also next to the railroad tracks, which could be re-engaged next to active tracks, is anticipated to be a transportation loading area where people could store and load between train and trucks.

The final portion at the north end of the site, from 16th Street to the bottom of the site, there is a grade
change of 20’ to 30’. The portion which is accessible from 16th Street is an old, abandoned grain facility and currently has several hundred tons of broken up concrete sitting there. The goal in this area is also to clean up this area, grind up the concrete chunks, and make it all a usable area again.

Mr. Ackley stated that at this time there is no current plans or users for the site, the developer is willing to speculate that the site can be cleaned up and once again turned into a productive/active site for the City. During the process of clean-up, which is anticipated to take up to three years to complete, the developer will be marketing the site to find users once it is ready to go.

Mr. Mike McIntosh or Lamp, Rynearson, 14710 West Dodge Road, appeared before the Board to speak on behalf of the applicant as well. Mr. McIntosh addressed the issue of access to the site, stating that the Locust Street access is currently gated and the road does go all the way through the site. The developer is intending to utilize the access from Locust Street and use that road to access the different areas within the site. There is also an existing, gated access off of 16th Street to the northern end of the site as well as an access off Pratt Street to that higher portion of the northern end.

Mr. McIntosh pointed out an area of R7 zoning and there is approximately 35’ to 40” difference in elevation and a 2-1 slope with heavy vegetation there. He stated that there is a lot of illegal dumping going on in that area as well, which the developer intends to clean up.

In response to questions from the Board, Mr. McIntosh stated that once the work is complete, there is no intention to change the elevation and it will remain below the elevation of the neighborhood. He stated that at this time there is no intention to build any structures, he reiterated the plans which had been discussed by Mr. Ackley with regards to the “dirt farm”, trailer storage, and rail loading areas. He stated that they believe most of the illegal dumping is taking place from empty back lots where people are just pushing stuff off trucks down the hill. Mr. McIntosh stated that the plan to stop the dumping included the placement of monitored, security fencing, and clearing out some of the trees to make the area more visible and less inviting for dumping. He stated that his understanding is that the site will be open for regular business hours, 8 a.m. to 5 or 7 p.m., whatever is allowed by the zoning.

Ms. Ilene Beaugard, 1472 Pinkney Street, appeared before the Board with concerns regarding what type of businesses will be working in the site as well as concerns regarding the effects of the dust from dumping dirt and from breaking up the concrete on people who have respiratory problems. She stated that she was neither for nor against the project, she needed more information to decide where she stood.

Ms. Sandra Pederson, 1466 Lothrop Street, appeared before the Board in support of the request. Ms. Pederson stated that she has had the property for approximately 26 years and she is happy to hear that there are no plans to raise the elevation of the site which would damage the views she has from her home. Ms. Pederson stated that her only concern is whether there is some plan in place for the wildlife which will be displaced when the trees and existing habitats are removed when the site is cleaned up. In response to questions from the Board she stated that most of the dumping occurs south of Lothrop, closer to Locust Street where people dump stuff over the cliff. Other than that she stated that the view from her neighborhood is beautiful.

Mr. Robert McGuire, 2884 Martin Avenue, appeared before the Board in opposition. Mr. McGuire stated that he owns property at 4401 to 4409 Commercial Avenue and that he can attest to the amount of illegal dumping which happens in that area. Mr. McGuire stated that he spends about $200 per month, every month, cleaning up the area around his property. Mr. McGuire stated that there is a garbage company at the bottom of the hill who stores their dumpsters there and makes the whole neighborhood look trashy. He stated that his concerns with this development are reduced property values, increased crime, poverty and neglect. He stated that he is concerned about the plan to use the site for parking “rusty, old, trailers” on the which will further damage the quality of life in the neighborhood which he says is already neglected by the City and has more than its share of problems. In response to questions from Mr. Magid, Mr. McGuire stated that there is fencing at the applicant’s location, and if the applicant makes the fencing more secure and monitors it, this will improve the conditions somewhat, but it does nothing to help the neighborhood which already needs a lot of help. He stated that since the applicant’s site overlooks Carter Lake, it would be more beneficial to the neighborhood if he built condominiums and apartments overlooking the lake, which would bring property values in the neighborhood up. Mr. McGuire stated that he believes his neighborhood could
be one of the most upscale and beautiful neighborhoods in the metro area if the applicant developed apartments or condos and the City stopped neglecting the area. Mr. Magid stated that he would ask the engineer for the project about the soil quality and other factors that go into determining what can be built on a site to see if residential use is even feasible on that site.

Mr. Stephen Davis, 3211 North 14th Avenue, appeared before the Board in opposition. Mr. Davis stated that when Mr. Anderson started removing trees, he went down to Mr. Anderson’s site and tried to stop the excavator and was threatened by him. He stated that it was his intention to halt the removal of the trees until he could get a court order to stop Mr. Anderson from removing them because they need to remain in order to stabilize the bank. Mr. Davis stated that the property owner three houses up from him hauled in 10 to 20 dump truck loads of dirt and concrete to stabilize that bank to their lot line. He stated that the trees are the only things stabilizing the bank right now and removing them would cause the banks to collapse. Mr. Davis stated that he is also concerned about the dust created when dry dirt is hauled out. Additionally, he is concerned about both the dust and the noise which will be created when the concrete is being broken up, and would like to know what the developer plans to do to mitigate these issues. Mr. Davis admitted that he is one of the people who has dumped stuff down the hill and that he did it to stabilize the banks.

Mr. Robert Edwards, owner of several properties in the area, appeared before the Board in opposition. Mr. Edwards stated that his concerns are with the contaminants which will be released into the air with the grinding of concrete and other work on the site which can be harmful to health. In addition, he stated that he believes this rezoning will reduce property values, and will provide no advantage to the surrounding neighborhood. In response to a question from Mr. Magid, he stated that if the site was left as it is now, the ground would not be disturbed and the contaminants would not be released into the air. He stated that he would prefer there to be some sustainable use of the property, however, if that is not to be the case, he wants some sort of mitigation measures in place to prevent damages to his property and to the air quality by contaminants released into the air when the ground is disturbed.

Ms. Cynthia Coleman, 1480 Spencer Street, appeared before the Board in opposition. Ms. Spencer stated that she is concerned about what type of contaminants will be dug up with this development. She stated that she, and several members of her family have allergies and have had cancer, and she is concerned that allergies will be made worse and there may be things released into the air which could cause cancer or other serious illnesses. She wants a guarantee from the developer that there will be nothing released into the air that will be dangerous to the neighborhood.

Mr. Tom Ackley returned at the request of the Board to address some of the concerns expressed by the neighbors. Mr. Ackley stated that 95% of the site is already zoned Heavy Industrial, so everything that they have planned for the site would already be allowed there. He stated that at the request of the Planning Department, the applicant was applying to consolidate the 63 parcels into one lot and the rezoning request was to create consistent zoning across the lot by rezoning the few remnant lots which were not zoned HI already. Mr. Ackley stated that the intention is to clean up the site, improve the site, and improve the uses. He admitted that there will be some dust initially, but after the initial clean up there will be less dust than currently present. He advised that the developer will be required to comply with all requirements of Federal and State guidelines for air quality. Mr. Ackley stated that contrary to Mr. McGuire’s statement, there will be no “rusty, old trailers” stored on the site. The trailer storage will be for active businesses who wish to utilize a fenced, secured site for storage. In response to a question from Mr. Pate, Mr. Ackley stated that the trailer storage would be for trailers which were inactive due to not being needed for hauling or excess trailers for a truck fleet, and it would be temporary storage. Mr. Ackley reiterated that there is no current person or company who has signed on to utilize any portion of the site, however, there is no intention, on the behalf of the developer, of offering long term storage at the site.

Mr. Ackley stated that, after talking with the State, it is believed that if the site is cleaned from south to north, most of the environmental issues can be negated. He advised that the anticipated use would require minimal disturbance of the soil which is very important based on previous uses for the area and doing much excavating is just going to dig up a lot of problems. Building homes or apartments at this site would require extensive excavation which would expose and release whatever contamination there is in the ground from the previous use of the site, leading to the environmental problems many of the opponents were concerned about. The site will maintain the current elevations with the exception of whatever, minimal excavation is required to create and maintain adequate drainage within the site.
In response to a question from Mr. Rosacker, Mr. Ackley stated that the concrete which is being broken up into aggregate would then be used on the roads within the site, and to create a gravel pad for the trailer storage.

Mr. Morris inquired as to whether there is a plan in place to mitigate the dust from the excavation and cleanup of the site. Mr. Ackley advised that while he is no expert on the subject, he is familiar with several mitigation methods for this purpose and the developer will be utilizing all of the tools at their disposal to make the dust as little of a problem as possible. He reminded the Board that they will be complying with all Federal and State laws regarding dust and other issues on the site which could have any effect on air quality.

In addressing some of the questions regarding what good this project will do for the neighborhood, Mr. Ackley advised that it will be providing employment opportunities in the area, initially for the cleanup of the site, then there will be active businesses in there which will also need employees. Additionally, the site at this time is full of garbage and other debris, cleaning it up will take time but will make it a much more useful, productive, and attractive area for the neighbors. He advised that he did not currently have the bank stabilization plan, but as the cleanup takes place, they will be working with engineers and others to insure that the banks are stabilized once they see what is under all the underbrush, trees, and other debris. In response to a question from Stephen Davis, 3211 North 14th Avenue, Mr. Ackley stated that there are no plans for a long term concrete recycling operation on the site, but reminded everyone that there are currently no users lined up for the future, so it is impossible to definitely state what may happen after the cleanup is completed and new users move into the site. Mr. Davis advised that he is okay with a temporary concrete recycling operation, but would strenuously object to a long-term operation of that kind. Mr. Ackley advised that in the future if they did decide to parcel out or sell some of the lots, they would need to come back to the Board for approval as well. Mr. Ackley reminded the Board and the audience that currently 95% of the site is already zoned Heavy Industrial and that all of the operations people have expressed concern about, such as the concrete crushing, are already allowed without the rezoning. He stated that the applicant is making the request in order to clean up the site and bring it back into productive use for the community.

In response to a question from Mr. Rosenbaum regarding Ms. Pederson’s concern about the wildlife habitats, Mr. Ackley stated that the developer will be removing a lot of the underbrush, trees, and other debris which will remove some wildlife habitat. He stated that there will still be a lot of trees and other cover on the nearly 70 acre site which will provide cover for research, though probably not as much as is currently there.

At the request of Mr. Magid, Mr. Tom Egan of Parkland Properties, 10220 F Street, appeared before the Board. Mr. Magid asked Mr. Egan to address risks to the neighborhood regarding working hours, noise and dust. Mr. Egan stated that the hours of operation in the summer would likely begin at 7:00 a.m. to around 5:00 p.m. He stated that they have other manufacturing companies which exist in much more residential neighborhoods and work within state and federal regulations and OSHA guidelines at all times to minimize air pollution and other risk factors. With regard to employment, he stated that the number of jobs available once the site is cleared would depend on who leases the property and what type of operation is going on.

Mr. Eric Englund, Acting Assistant Director, reiterated that the majority of the site is already zoned as Heavy Industrial. He stated that the applicant could have come in and administratively platted the entire Heavy Industrial zoned area into one lot and would not have been required to go through the Planning Board or the City Council for the rezoning. However, in order to maximize usage of all of the site, they need to rezone the few areas which are currently not zoned Heavy Industrial to consolidate the zoning to allow them to plat the entirety of the site. Mr. Englund stated that the land which is currently zoned residential is shown on the Future Land Use map as being zoned Industrial, so this plat and rezoning is in compliance with the City’s Master Plan. Since no specific operators have signed on to utilize the site, the department has not reviewed any specific site plans, however, in the future when operators move in after the cleanup phase, they will be required to go through the plating and permitting process through the departments, including Planning, Public Works, Environmental Quality, etc., which will include a review of the operation with regards to the zoning and other regulations. Mr. Englund stated that there are restrictions in the code regarding noise which considers the decibel level and what the zoning is both at the site itself and in the surrounding property.
Mr. Englund advised that there are several permitted uses in the Industrial zoning and the department will need to identify what those uses are, and if any of them will require a Special or Conditional Use permit which would require approval by the Planning Board and potentially by City Council as well. He stated that there are buffer yard requirements and the department does recommend keeping as many trees as possible, however with a significant grade change between two sites, sometimes it is difficult to keep the buffer yard within those parameters.

Mr. Englund advised that the department recommends approval of the rezoning, the preliminary plat, and the final plat all subject to the conditions laid out in the recommendation report.

Mr. Rosacker thanked the members of the neighborhood for their comments and concerns. He stated that although he believes the rezoning and platting will be beneficial to the community, and that the developer is a respected member of the business community, if there are non-compliance issues it will be helpful to have an engaged neighborhood to bring those issues to the City.

Mr. Magid moved for approval of the rezoning from R4, R5, R7, and HI to HI, approval of the Preliminary Plat, subject to compliance with all applicable stormwater management ordinances and policies, and approval of the Final Plat, subject to the condition of Preliminary Plat approval. Mr. Morris seconded the motion which carried 7-0.

At the Planning Board meeting held September 4, 2019, Mr. Ted Zetzman of Noddle Companies, 2285 South 67th Street, appeared before the Board on behalf of the applicant. Mr. Zetzman stated that they have already made a lot of progress on the Builder’s District 1, including completing the steel structure for five out of the seven floors of the Kiewit Headquarters building, and there has been progress in acquiring properties as discussed in the Redevelopment Plan agreement for the Builders District. He stated that they were at the meeting to proceed with the platting to create the redevelopment sites and to continue development in the District. Mr. Zetzman advised that the applicant was generally in agreement with the conditions in the recommendation report, however, condition number one regarding the access through Burt Street was a concern as Burt Street does not exist east of 16th Street. He stated that they do absolutely agree that there should be pedestrian and bicycle access through the district, they intend to continue working with the City to find the best route for that access.

Ms. Julie Harris with Bike/Walk Nebraska, 1905 Harney Street, appeared before the Board in opposition. Ms. Harris stated that she believes the density being brought to the area by this project is great, but she wants it to be clear that maintaining pedestrian and bicycle connectivity through the district is crucial. Ms. Harris provided a diagram which purported to show the amount of bicycle traffic on that route through the use of a phone app which people turned on while they were bicycling in order to show their route. She stated that this diagram showed that Burt Street is the most heavily travelled bike route in the city and that she had seen data indicating that the number of bicyclists on this route was similar to the bicycle traffic on the Bob Kerrey bridge. In response to questions from the Board, Ms. Harris stated that she believed this was such a busy cycling route because it connected Benson with downtown for people biking to work, to the entertainment areas and to the ballpark. Ms. Harris stated that there are bike lanes on parts of Burt Street but not all of it. She stated that according to 2016 information, approximately 200 bikes use Burt Street per day. She stated that the study was done over three days, two hours in the morning, two hours in the afternoon/evening and two hours on the weekend, so many of those trips are people going back and forth to some point. Ms. Harris stated that she is not aware of any drawback to using 17th Street rather than 16th Street from Burt Street, she thinks the most important part is just keeping the connection open between Benson and downtown, regardless of where Burt Street ends as long as it is a safe route.

| 6. | C10-19-172 C12-19-173 Kiewit Infrastructure Co. | REQUEST: | Preliminary and Final Plat approval of BUILDERS DISTRICT 2, a minor plat inside city limits, with rezoning from DS to CBD (property is located within an ACI Overlay District) |
| LOCATION: | West of 16th and Burt Streets |
Mr. Jason Cobal (sp), 725 North 14th Street, appeared before the Board in opposition. Mr. Cobal stated that he is appearing on behalf of himself as a property owner on 14th Street between Mike Fahey and Cuming Street, and on behalf of the North Downtown organization. Mr. Cobal stated that he had sent a letter to the Board but he wanted to emphasize a few points he believed are relevant to this request. He stated that he is always opposed to closing any street and he believed it is not necessary to close Burt Street for this development and he is concerned that eventually it will be closed all the way from Creighton University. In addition, Mr. Cobal stated that property owners in the neighborhood are finding out about development in the area through 300’ notices and street signs, he wants to have more contact with the developers to allow them to have more input into what happens in their community. In response to questions from the Board, Mr. Cobal stated that his businesses in that area have seen a lot of bicycle traffic and are now seeing a lot of scooters as well. He stated that he is basically supportive of the project, but he would like to see more communication with the developer and does not believe Burt Street needs to be closed.

Ms. Julie Prescott, 1709 Cuming Street, appeared before the Board in opposition. Ms. Prescott stated that her family owns the properties from 1709 to 1729 Cuming Street. Ms. Prescott stated that she and her family enjoyed watching the crowds from the College World Series, the summer arts festival, the New Year’s Eve fireworks, and a lot of other events in that neighborhood from their rooftop deck. She advised that she does not want to be anti-development, but she, her husband and her sister have walked and biked down Burt Street and that contrary to popular opinion Burt Street does exist past 16th Street, it is just closed right now to build the Kiewit building. Ms. Prescott stated that is also concerned that vacating this section of Burt Street will only lead to further vacations until the whole thing is closed off up to Creighton University which will impact not only bicycle traffic but also vehicular traffic overflow from Cuming Street. Ms. Prescott stated that she believed that in the future the city would regret blocking off Burt Street the same way Mr. Kiewit said he regretted blocking off 16th Street at Capital Avenue to build a hotel because of the impact it had on the downtown area.

Mr. Ben Swan, 3515 Hawthorne Avenue, appeared before the Board in opposition. Mr. Swann stated that he is a huge fan of Kiewit and sold one of his lots to them for this project. He advised that he believes creating another long block on Burt Street will only make things worse, partly because there is no signal at 17th and Cuming Street. He stated that the Master Plan calls for creating more connectivity, and this request does the opposite. Mr. Swan stated that he believes vacating Burt Street at this location will inhibit businesses, traffic, and will inhibit millennials from wanting to come to the area. In response to questions from the Board, Mr. Swan stated that by taking away this connection, pedestrians as well as people on bicycles and in vehicles, are going to be required to make more decisions which will impede traffic flow and create bad situations for everyone. Additionally, he believes that by creating these long blocks, development is hindered in the area and people avoid moving into those areas.

Mr. Billy Kurtz (sp), 1144 North 11th Street, appeared before the Board in opposition. Mr. Kurtz stated that he is a member of, or on the Board of several bicycle friendly groups in Omaha and is opposed to this project for several reasons. Mr. Kurtz read from a letter stating that he is in favor of the development being done in the north downtown area, however, he runs the only platinum, bike friendly business in the state of Nebraska and currently all six of his employees ride their bicycles to work, including himself, all of which utilize this intersection which would be closed. He stated that he believes the vacation of Burt Street, as proposed, with no consideration for bike and pedestrian traffic will be a detriment to the community, will negatively impact all traffic, and does not send a message to millennials that we value their participation in the community as cyclists and pedestrians. In response to a question from Mr. Magid, Mr. Kurtz stated that riding farther is not a basic desire of cyclists. Mr. Eric Englund stated that the department is recommending bicycle and pedestrian traffic through the vacated portion of Burt Street. Mr. Kurtz stated that is current route takes him up 16th Street where he then cuts over to his business.

At the request of Mr. Rosenbaum, Mr. Ted Zetzman of Noddle Companies, 2285 South 67th Street, returned to address the concerns of the opponents and to answer questions from the Board. Mr. Zetzman pointed out the area to be vacated and also showed that TD Ameritrade, the Cambria Hotel, Kiewit parking garage, and Saddle Creek records are all on vacated Burt Street, east of 15th Street, contrary to the belief of Ms. Prescott. In addition, he pointed out that on the heat map provided by Ms. Julie Harris of Bike/Walk Nebraska, shows that the majority of bicycle traffic on Burt Street turns onto 17th Street already as opposed to 16th Street. Mr. Magid pointed out that her information only comes from people who are using the app to document their rides, with which Mr. Zetzman agreed. In response to questions from the Board, Mr.
Zetzman advised that they have no opposition to keeping the connection open for bicycle and pedestrian traffic. Mr. Zetzman stated that there has been an updated traffic study completed and there is a recommendation for a signal to be placed at 17th Street. In response to a question from Ms. Karnes, Mr. Zetzman stated that the closing of Burt Street allowed for development blocks in that area and that current plans are to build on the land that is currently Burt Street, as has been done by various developers east of 16th Street on Burt Street. In response to Mr. Rosenbaum, Mr. Zetzman advised that the developer does believe there should be pedestrian and bicycle connectivity through the development, however, it has not been determined whether it will be along Burt Street at this time. He stated that currently, Mike Fahey Street is the “spine” for bicycle/pedestrian traffic from TD Ameritrade Park, west to Creighton University, and that studies show that bicyclists are using 17th Street more than 16th Street. Additionally, he stated that Creighton University has a number of plans which he knows nothing about but which may have some impact on bicycle/pedestrian connectivity in that area as well.

At the request of Mr. Pate, Mr. Ryan Haas of Public Works appeared before the Board to provide some additional information about the vacation of Burt Street. Mr. Haas stated that the vacation of Burt Street between 15th and 16th Streets was approved by City Council in December, 2018 as part of the redevelopment agreement, at that time further vacations were also contemplated with certain stipulations regarding further evaluation of the impacts of future vacations along Burt Street. Mr. Haas stated that the departments feel it is important to maintain a connection through this development along Burt Street between 16th and 17th Street as well as looking at the traffic impacts as well. He stated that the newest traffic study is still being evaluated to determine the best way forward with this vacation. Mr. Haas stated that there is also an ongoing discussion and study regarding the closure of the truck route on 14th Street through this development. He stated that it is his suggestion that any subsequent requests for vacation west of 17th Street, the last connection on Burt Street which is not a major intersection, would result in forcing a lot of trips from neighborhood streets onto arterial streets such as Cuming Street, be carefully studied and evaluated.

Mr. Eric Englund, Acting Assistant Director, reiterated that all improvements in the final, approved traffic study must be provided per the recommendation. Additionally, he noted that a block of Burt Street between 16th and 17th Streets has been mentioned many times as part of a signed bike route with dedicated bike lanes and is along a proposed multi-use trail corridor in the City of Omaha Master Plan. Staff is recommending that the vacation of Burt Street is acceptable, with the condition that there should dedicated public bicycle and pedestrian connectivity through the vacated portion of Burt Street, though the exact location is something the department is willing to work with the applicant on determining. In addition, he stated that the rezoning from DS to CBD within the existing ACI Overlay district is appropriate. Mr. Englund stated that the department recommends approval of the rezoning, approval of the preliminary plat, and approval of the final plat, all subject to the conditions in the recommendation report.

Mr. Morris moved for approval of the rezoning from DS to CBD (property is located within an ACI Overlay District), and approval of the Preliminary Plat, subject to the following conditions:
1. Coordinate with City staff regarding pedestrian and bicycle access through the vacated Burt Street
2. Coordinate with Omaha Public Power District regarding the existing streetlight infrastructure.
3. Coordinate with Public Works to place standard right of way vacation language on the plat, to grant the proper easements within the vacated area, and provide a fair market payment (or other considerations) to the City.
4. Coordinate with Public Works on the traffic signal removal, including the return of all salvaged materials to the City.
5. Provide all improvements identified in the final traffic study.
6. Compliance with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and must treat the first 1/2” of stormwater for water quality.

In addition, Mr. Morris moved for approval of the final plat, subject to the conditions of the preliminary plat and submittal of an acceptable final subdivision agreement. Mr. Rosacker seconded the motion which carried 7-0.

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<th>Preliminary Plat approval of PONCA HILLS ESTATES, a subdivision outside city limits, with waivers to Sections 53-8(4d), Lot</th>
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At the Planning Board meeting held September 4, 2019, Mr. Mark Westergard of E & A Consulting Group, 10909 Mill Valley Road, appeared before the Board on behalf of the applicant. Mr. Westergard stated that this project is in the Northern Hills area, on an overhead photo he pointed out 66th Street on the eastern side of the development. Mr. Westergard stated that Jim Smith, the owner and developer was also present at the meeting to answer questions if necessary. In addition, he stated that the property was purchased from Mr. Virgil Anderson, who is also the neighbor to the west of this development. Mr. Westergard stated that the development is on 23 acres and plans are to develop 17 single family residential lots, each a minimum of one acre. He stated that the development will be serviced with public water from the Papio-Missouri River NRD and each will have on-site waste-water treatment/septic systems.

Mr. Westergard showed the general layout of the site to include a cul-de-sac to the north which has nowhere else to connect to the west or the north. He stated that 66th Street is effectively only serving a few acreages to the north and really has no probability of ever going through, however, in the recommendation report, Douglas County is requiring that 66th Street must be paved, Mr. Westergard stated that 66th Street currently was graded to the correct grade by the County several years ago, therefore, it only needs to be surfaced, which the applicant has agreed to do. On the lower side of the site, there is a street which appears to go to nowhere, however there is a street stub in the Smoky Ridge subdivision, which as development continues, is anticipated to connect to this street. Mr. Westergard stated that this development will be very similar to the Smoky Ridge development to the west and the Northern Hills Estates development to the south. He advised that the applicant and developer have looked over the recommendation report and find all of the conditions to be acceptable and they will continue to work with staff towards resolution of all of the conditions.

Mr. Richard Camp, 13326 North 66th Street, appeared before the Board in opposition. Mr. Camp advised that his property is directly north of this proposed development and he is concerned about additional drainage onto his property. He stated that there is a culvert on his property due to excessive storm water runoff during heavy rain events. In addition, there is already significant drainage off the proposed project site onto his property which tends to overflow his culvert and wash out the driveway. He is requesting that something be put into place which will limit the runoff from that area. He stated that he is pleased to see the developer plans to put some sort of detention in place to stop the runoff from the newly paved street and hopes they plan to do the same to prevent drainage from the north side of the site onto his property. In addition, since 66th Street only is to be paved to just north of the new street which is being built on the development, Mr. Camp is concerned that the gravel surface will be washed out and will affect the access to the properties north of the paved portion. Mr. Camp stated, in response to a question from Mr. Pate, that there is already a good amount of water running off into the ditches. Additionally, he is concerned that one of the proposed buildable lots will be within 68 feet of his property line and would like to see if that could be moved further away. Mr. Camp also stated that he wants to be sure access to his neighborhood will still be open during the time the street is being paved as it is their only access.

Mr. Larry West, 6600 Northern Hills Drive, appeared before the Board in opposition. Mr. West pointed out his property on the overhead. He stated that his concern is that Northern Hills Drive is a narrow, two-lane road which has multiple uses including cut through traffic from Highway 75. Mr. West stated that this road is too narrow for the current amount of traffic and that traffic from an additional 17 homes will only make the conditions more dangerous. The biggest concern is that there is very short sight distance from the hills. He stated that it is very scary to make a left turn out of his property because you can’t see what is coming. In addition, he stated that a lot of farmers use the road for moving their hay bales and other farm equipment which takes up the entire width of the street. Mr. West stated that he believes Northern Hills Drive is inadequate to handle the increase in traffic if this development is approved. If further development is approved for this area, including this one, Mr. West stated that he wants to see a requirement that
something is done by the developer to improve the sight distance at the hills.

Mr. John Rupe, 6610 Northern Hills Drive, appeared before the Board in opposition. Mr. Rupe pointed out his property on the overhead projector. Mr. Rupe reiterated Mr. West's concerns about the amount of traffic on the street and the conditions, including speeding, blind spots, and wildlife; which could make any increase more dangerous. Mr. Rupe stated that he is not necessarily opposed to the development, he believes there are a number of things which need to be addressed before this development goes in. He pointed out the significant grade change which will create a problem with drainage from the new lots as well as from the newly paved 66th Street and onto the street from the surrounding agricultural land. He Mr. Rupe stated he was concerned about the placement of utilities as well, he stated that they were promised new water infrastructure would be installed with Northern Hills Estates, however, that was not done and it has created a significant issue with the water service to everyone. He is also concerned about natural gas, propane, electric, and telephone service being extended to the new development. Mr. Rupe stated that he is concerned about who is going to bear the expense of paving 66th Street and who is going to maintain the road. In closing, Mr. Rupe stated that he is concerned that the homes will not be on large lots and will not be comparable to the homes in the area, he stated that this is because the lots and homes in Northern Hills Estates are nothing like they were promised to be and he does not want to see their land depleted any more than it already has been. In response to a question from the Board, Mr. Rupe stated that the owner of the Northern Hills Estates and had a meeting at the airport and told the homeowners all these things at that meeting, he did not know what the recommendations were of the Planning Department. He stated his concern is the property values in the area going down and the lack of requirements regarding storm sewers, septic systems, and other things related to utilities.

Ms. Janet Reining, 13225 North 66th Street, appeared before the Board in opposition. Ms. Reining pointed out her property on the diagram. She stated that her biggest concern is with run-off from the newly paved street as well as from the other properties. Ms. Reining stated she would like to know what the plan is for mitigating this concern. She is also concerned about where mailboxes will be placed and who will be responsible for maintaining the portion of the road which is not to be private.

Ms. Sarah Rupe, 6610 Northern Hills Drive, appeared before the Board in opposition. Ms. Rupe stated that she is the wife of John Rupe who spoke previously. She stated that her concern is related to who will be paying for the upgrades to the portion of the road. Ms. Rupe stated that she is aware that street upgrades, from gravel to pavement, are generally done at the expense of the neighboring properties, however, since this road will be of no benefit to her, she does not want to be expected to bear any of the burden for paying for it.

Mr. Mark Westergard of E & A Consulting, 10909 Mill Valley Road, returned at the request of the Board to address the concerns brought forward by the neighboring property owners. Mr. Westergard stated that the issue of drainage is one they have dealt with before on rural roads, he advised that this road will be a city road with curbs and gutters which will guide any water down to the detention basins. He stated that the developer is working to reduce the amount of runoff from the northeast corner with some type of post construction stormwater runoff feature which he believes will be acceptable to all parties. Mr. Westergard stated that 66th Street will be extended to the north property line of the development at the request of the Planning Department. He stated that the buildable areas are shown just to see the size of the lot and give the purchaser an idea of where they could put their home and he has no problem with reducing the size in order to move it further from the neighboring property line.

With regard to the traffic concerns, Mr. Westergard stated that Northern Hills Drive is a collector street, regardless of the number of lanes, and that it currently has far less traffic than most other collector streets. He advised that the access to this development will be on 66th Street, not Northern Hills Drive. He stated that he understands the hills pose a visibility problem, and that the county actually moved 66th Street in order to achieve better sight distances on Northern Hills Drive. Mr. Westergard reassured Mr. and Ms. Rupe that the cost of the road will be completely covered by the developer, and that access to their neighborhood would be open throughout the development. He stated that the road would be maintained by Douglas County.

Mr. Westergard stated that the new homes will be utilizing the NRD rural water system and will have propane heating as Metropolitan Utilities is not available in that area. If MUD becomes available, they will
Mr. Westergard stated that the one acre lots are allowable within the zoning and are consistent with the size of the lots in the Northern Hills Estates and the Smoky Ridge development as well. He stated his belief that the size of the lot does not determine the value of the home. He stated that the lots will probably range in price from $70,000 to $85,000 and the price of the lot is typically 20% of the home value, so it clearly will be a development with very nice homes. He stated that the post office is dictating gang mail boxes, so that is what will be installed.

Mr. Ryan Haas, Public Works Department, appeared at the request of the Board to address some of the concerns. He stated that this development is well below the threshold which would require a traffic study, he advised that traffic studies are generally required for projects which will generate 100 or more peak hour trips. Based on the national guidelines, a 17 lot subdivision would generate, as a worst case, 17 peak hour trips on a given day, some of those would be incoming and some would be outgoing. Mr. Haas stated that the County Engineer's office receives and comments on any proposed plat within their jurisdiction, and on this one they did not provide any feedback on sight distances on Northern Hills Drive. The only feedback regarding Northern Hills was the same as the opinion of the city which states that there can be no direct access to Northern Hills Drive from Lots 1 and 3, they would have to utilize the internal streets to access 66th Street, as will all of the lots within the development. He stated that the internal streets are likely to be private and will be maintained by the association and that 66th Street will either be made a public street and maintained by the County or will be private and also maintained by the association.

Mr. Eric Englund, Acting Assistant Director, stated that there are three proposed, subdivision waivers for this plat. The City is supportive of the waiver for lot frontage, which is for the storm water detention area on the northwest portion of the site. In addition, the City is supportive of the sidewalk waiver as well, due to the grades and the location in the Northern Hills Overlay and the environmental concerns. However, the City is not supportive of the request for a waiver for street surfacing. He stated that there are several elements within the description of "street surfacing", in this case, there is a small portion adjacent to lot 17 that is a rural section which the department is requiring to have curb and gutter. He advised that it is not the intention of the department to have any negative impact on drainage figures so the applicant is encouraged to continue working and communicating with the department in this regard. The department is recommending denial of that waiver, however, if it is determined that it will negatively impact drainage, they are willing to revisit the matter. He also stated that the department defers to the post office regarding mailboxes.

Mr. Englund stated that there was one condition mistakenly left off subdivision report, he announced that he would include an 11th condition when he reads the department's recommendation. The condition will state, "to provide a letter of approval from the NDEQ regarding septic systems prior to, or with, submittal of a final plat." He stated this is customary when there is a septic system less than three acres in size and is an important component to be included.

Mr. Englund stated that the department recommends approval of the preliminary plat, the waivers to Sections 53-8(4d) Lot frontage and 53-9(9) sidewalks and denial of the waiver to section 53-9(3) Street Surfacing subject to the 10 conditions in the recommendation report and the additional condition laid out above regarding septic systems, for a total of 11 conditions for approval.

Mr. Rosacker moved for approval of the waiver to Section 53-8(4d), Lot frontage, for Outlot A, denial of the waiver to Section 53-9(3), Street surfacing, approval of the waiver to Section 53-9(9), Sidewalks, and approval of the Preliminary Plat, subject to the following conditions:

1. Coordinate with City Planning and Public Works staff on the grading and stormwater runoff plans for the site. A detailed grading plan including the volume of cut, fill, and grading must be provided. If necessary, revise the grading plan to show that the minimum amount of grading is proposed in order to create a buildable envelope on each lot and provide a stormwater management plan.
2. Revise plans to show the required "curb and gutter" street segment is provided the length of “A” Circle.
3. Revise plans to show 66th Street is constructed to City design standards to the northern boundary of the subdivision.
4. Revise the plat to show the building envelope and driveway locations for each lot.
5. Revise the plat to show the current right-of-way and permanent drainage easement at the intersection of 66th Street and Northern Hills Drive.
6. Place a note on the plat that prohibits direct access to Northern Hills Drive from Lots 1 and 3.
7. Coordinate with the Douglas County Engineer’s office on the review, approval, and permitting of all street, grading, sewer, storm sewer, drainage, and utility designs for Northern Hills Drive and 66th Street.
8. Provide for the maintenance of the private streets in the final subdivision agreement.
9. Comply with all applicable stormwater management ordinances and policies.
10. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.
11. Provide documentation of NDEQ approval for all septic systems prior to or with the submittal of the final plat.

Ms. Karnes seconded the motion which carried 7-0.

**Special Use Permits**

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<tr>
<th>24.</th>
<th>C8-19-188</th>
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<td>James T Smith, Sr.</td>
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REQUEST: Approval of a Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District

LOCATION: Northwest of Northern Hills Drive and 66th Street

*Mr. Rosenbaum advised that agenda items #24 (C8-19-188) and #9 (C12-19-178) would be heard together with but that each case would be voted on separately*
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At the Planning Board meeting held September 4, 2019, Mr. Mark Westergard of E & A Consulting Group, 10909 Mill Valley Road, appeared before the Board on behalf of the applicant. Mr. Westergard stated that this project is in the Northern Hills area, on an overhead photo he pointed out 66th Street on the eastern side of the development. Mr. Westergard stated that Jim Smith, the owner and developer was also present at the meeting to answer questions if necessary. In addition, he stated that the property was purchased from Mr. Virgil Anderson, who is also the neighbor to the west of this development. Mr. Westergard stated that the development is on 23 acres and plans are to develop 17 single family residential lots, each a minimum of one acre. He stated that the development will be serviced with public water from the Papio-Missouri River NRD and each will have on-site waste-water treatment/septic systems.

Mr. Westergard showed the general layout of the site to include a cul-de-sac to the north which has nowhere else to connect to the west or the north. He stated that 66th Street is effectively only serving a few acreages to the north and really has no probability of ever going through, however, in the recommendation report, Douglas County is requiring that 66th Street must be paved. Mr. Westergard stated that 66th Street currently was graded to the correct grade by the County several years ago, therefore, it only needs to be surfaced, which the applicant has agreed to do. On the lower side of the site, there is a street which appears to go to nowhere, however there is a street stub in the Smoky Ridge subdivision, which as development continues, is anticipated to connect to this street. Mr. Westergard stated that this development will be very similar to the Smoky Ridge development to the west and the Northern Hills Estates development to the south. He advised that the applicant and developer have looked over the recommendation report and find all of the conditions to be acceptable and they will continue to work with staff towards resolution of all of the conditions.

Mr. Richard Camp, 13326 North 66th Street, appeared before the Board in opposition. Mr. Camp advised that his property is directly north of this proposed development and he is concerned about additional drainage onto his property. He stated that there is a culvert on his property due to excessive storm water runoff during heavy rain events. In addition, there is already significant drainage off the proposed project site onto his property which tends to overflow his culvert and wash out the driveway. He is requesting that something be put into place which will limit the runoff from that area. He stated that he is pleased to see the developer plans to put some sort of detention in place to stop the runoff from the newly paved street and hopes they plan to do the same to prevent drainage from the north side of the site onto his property. In addition, since 66th Street only is to be paved to just north of the new street which is being built on the development, Mr. Camp is concerned that the gravel surface will be washed out and will affect the access to the properties north of the paved portion. Mr. Camp stated, in response to a question from Mr. Pate, that there is already a good amount of water running off into the ditches. Additionally, he is concerned that one
of the proposed buildable lots will be within 68 feet of his property line and would like to see if that could be
moved further away. Mr. Camp also stated that he wants to be sure access to his neighborhood will still be
open during the time the street is being paved as it is their only access.

Mr. Larry West, 6600 Northern Hills Drive, appeared before the Board in opposition. Mr. West pointed out
his property on the overhead. He stated that his concern is that Northern Hills Drive is a narrow, two-lane
road which has multiple uses including cut through traffic from Highway 75. Mr. West stated that this road
is too narrow for the current amount of traffic and that traffic from an additional 17 homes will only make the
conditions more dangerous. The biggest concern is that there is very short sight distance from at the hills.
He stated that it is very scary to make a left turn out of his property because you can't see what is coming.
In addition, he stated that a lot of farmers use the road for moving their hay bales and other farm equipment
which takes up the entire width of the street. Mr. West stated that he believes Northern Hills Drive is
inadequate to handle the increase in traffic if this development is approved. If further development is
approved for this area, including this one, Mr. West stated that he wants to see a requirement that
something is done by the developer to improve the sight distance at the hills.

Mr. John Rupe, 6610 Northern Hills Drive, appeared before the Board in opposition. Mr. Rupe pointed out
his property on the overhead projector. Mr. Rupe reiterated Mr. West's concerns about the amount of traffic
on the street and the conditions, including speeding, blind spots, and wildlife; which could make any
increase more dangerous. Mr. Rupe stated that he is not necessarily opposed to the development, he
believes there are a number of things which need to be addressed before this development goes in. He
pointed out the significant grade change which will create a problem with drainage from the new lots as well
as from the newly paved 66th Street and onto the street from the surrounding agricultural land. Mr. Rupe
stated he was concerned about the placement of utilities as well, he stated that they were promised new
water infrastructure would be installed with Northern Hills Estates, however, that was not done and it has
created a significant issue with the water service to everyone. He is also concerned about natural gas,
propane, electric, and telephone service being extended to the new development. Mr. Rupe stated that he
is concerned about who is going to bear the expense of paving 66th Street and who is going to maintain the
road. In closing, Mr. Rupe stated that he is concerned that the homes will not be on large lots and will not
be comparable to the homes in the area, he stated that this is because the lots and homes in Northern Hills
Estates are nothing like they were promised to be and he does not want to see their land depleted any
more than it already has been. In response to a question from the Board, Mr. Rupe stated that the owner
of the Northern Hills Estates and had a meeting at the airport and told the homeowners all these things at
that meeting, he did not know what the recommendations were of the Planning Department. He stated his
concern is the property values in the area going down and the lack of requirements regarding storm sewers,
septic systems, and other things related to utilities.

Ms. Janet Reinig, 13225 North 66th Street, appeared before the Board in opposition. Ms. Reinig pointed
out her property on the diagram. She stated that her biggest concern is with run-off from the newly paved
street as well as from the other properties. Ms. Reinig stated she would like to know what the plan is for
mitigating this concern. She is also concerned about where mailboxes will be placed and who will be
responsible for maintaining the portion of the road which is not to be private.

Ms. Sarah Rupe, 6610 Northern Hills Drive, appeared before the Board in opposition. Ms. Rupe stated that
she is the wife of John Rupe who spoke previously. She stated that her concern is related to who will be
paying for the upgrades to the portion of the road. Ms. Rupe stated that she is aware that street upgrades,
from gravel to pavement, are generally done at the expense of the neighboring properties, however, since
this road will be of no benefit to her, she does not want to be expected to bear any of the burden for paying
for it.

Mr. Mark Westergard of E & A Consulting, 10909 Mill Valley Road, returned at the request of the Board to
address the concerns brought forward by the neighboring property owners. Mr. Westergard stated that the
issue of drainage is one they have dealt with before on rural roads, he advised that this road will be a city
road with curbs and gutters which will guide any water down to the detention basins. He stated that the
developer is working to reduce the amount of runoff from the northeast corner with some type of post
construction stormwater runoff feature which he believes will be acceptable to all parties. Mr. Westergard
stated that 66th Street will be extended to the north property line of the development at the request of the
Planning Department. He stated that the buildable areas are shown just to see the size of the lot and give
the purchaser an idea of where they could put their home and he has no problem with reducing the size in order to move it further from the neighboring property line.

With regard to the traffic concerns, Mr. Westergard stated that Northern Hills Drive is a collector street, regardless of the number of lanes, and that it currently has far less traffic than most other collector streets. He advised that the access to this development will be on 66th Street, not Northern Hills Drive. He stated that he understands the hills pose a visibility problem, and that the county actually moved 66th Street in order to achieve better sight distances on Northern Hills Drive. Mr. Westergard reassured Mr. and Ms. Rupe that the cost of the road will be completely covered by the developer, and that access to their neighborhood would be open throughout the development. He stated that the road would be maintained by Douglas County.

Mr. Westergard stated that the new homes will be utilizing the NRD rural water system and will have propane heating as Metropolitan Utilities is not available in that area. If MUD becomes available, they will use it, but the developer does not intend, at this time, to extend it over to the site. He stated that the phone line question does not really apply to the building of the homes out in that neighborhood.

Mr. Westergard stated that the one acre lots are allowable within the zoning and are consistent with the size of the lots in the Northern Hills Estates and the Smoky Ridge development as well. He stated his belief that the size of the lot does not determine the value of the home. He stated that the lots will probably range in price from $70,000 to $85,000 and the price of the lot is typically 20% of the home value, so it clearly will be a development with very nice homes. He stated that the post office is dictating gang mail boxes, so that is what will be installed.

Mr. Ryan Haas, Public Works Department, appeared at the request of the Board to address some of the concerns. He stated that this development is well below the threshold which would require a traffic study, he advised that traffic studies are generally required for projects which will generate 100 or more peak hour trips. Based on the national guidelines, a 17 lot subdivision would generate, as a worst case, 17 peak hour trips on a given day, some of those would be incoming and some would be outgoing. Mr. Haas stated that the County Engineer's office receives and comments on any proposed plat within their jurisdiction, and on this one they did not provide any feedback on sight distances on Northern Hills Drive. The only feedback regarding Northern Hills was the same as the opinion of the city which states that there can be no direct access to Northern Hills Drive from Lots 1 and 3, they would have to utilize the internal streets to access 66th Street, as will all of the lots within the development. He stated that the internal streets are likely to be private and will be maintained by the association and that 66th Street will either be made a public street and maintained by the County or will be private and also maintained by the association.

Mr. Eric Englund, Acting Assistant Director, stated that there are three proposed, subdivision waivers for this plat. The City is supportive of the waiver for lot frontage, which is for the storm water detention area on the northwest portion of the site. In addition, the City is supportive of the sidewalk waiver as well, due to the grades and the location in the Northern Hills Overlay and the environmental concerns. However, the City is not supportive of the request for a waiver for street surfacing. He stated that there are several elements within the description of "street surfacing", in this case, there is a small portion adjacent to lot 17 that is a rural section which the department is requiring to have curb and gutter. He advised that it is not the intention of the department to have any negative impact on drainage figures so the applicant is encouraged to continue working and communicating with the department in this regard. The department is recommending denial of that waiver, however, if it is determined that it will negatively impact drainage, they are willing to revisit the matter. He also stated that the department defers to the post office regarding mailboxes.

Mr. Eric Englund, Acting Assistant Director, stated that with regards to the Special Use Permit to allow development within the North Hills Environmental Resources Overlay District, single family residential uses are permitted within the DR district and can be appropriate at very low density in this Overlay District. Mr. Englund advised that particular care must be taken to minimize grading which disrupts steep and unstable slopes in the area. Mr. Englund stated that the department had discussions in this regard and encourages the applicant to continue discussions with the adjacent neighbors. Additionally, he stated that there are storm water requirements which will need to be followed in the development.

Mr. Englund stated that the department recommended approval of the Special Use permit subject to the
two conditions in the recommendation report.

Ms. Karnes moved for approval of the Special Use Permit to allow development in the ED-Northern Hills Environmental Resource District, subject to meeting the following conditions prior to City Council approval:

1. Coordinate with City Planning and Public Works staff on the grading and stormwater runoff plans for the site. A detailed grading plan including the volume of cut, fill, and grading must be provided. If necessary, revise the grading plan to show that the minimum amount of grading is proposed in order to create a buildable envelope on each lot and provide a stormwater management plans.

2. Compliance with the revised plans.

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

Conditional Use Permits

| 28. | C7-89-037 Westside Community Schools Foundation | REQUEST: Approval of a Major Amendment to the Conditional Use Permit to allow Secondary educational facilities in the R2 District | LOCATION: 8601 Arbor Street |

"Prior to discussion of this request, Ms. Karnes advised she was recusing herself and left the chambers."

At the Planning Board meeting held September 4, 2019, Mr. Michael Coyle, 409 South 17th Street, appeared before the Board on behalf of the Westside Community Schools Foundation. Mr. Coyle stated that Ms. Laura Islif (sp), President of the Westside Community Schools Foundation was present as well. He advised that they were applying for the Conditional Use Permit for an electronic sign, which had been donated to the Foundation, to be placed at the Middle School. Mr. Coyle stated, and showed on a diagram, that the school is on a 19 acre lot with Arbor Street on the north side and Center Street on the south side. He advised that they proposed to place the sign in the center of the property. Mr. Coyle presented a diagram showing the traffic flow around the school as well as the proposed placement of the sign so it will have maximum impact without being a distraction to drivers on Center Street or Arbor Street. Mr. Coyle stated that they understood the department was recommending denial because they do not allow electronic signs at middle schools as a rule, however, he wanted to point out that there would be no flashing lights which would be intrusive into the neighborhood, it would only be an informative sign which will be in the front of the school for parents to see when they drive up there.

In response to questions from the Board, Mr. Coyle stated that there are approximately 900 students at the Middle School. He stated that he believes the conditions which generally cause the department to deny the waiver are not present in this case. Mr. Coyle stated that the sign could be turned off/on at different times if that is a requirement. He also acknowledged that they would likely require waivers from the Zoning Board of Appeals.

In response to questions from Mr. Magid, Mr. Eric Englund, Acting Assistant Director, explained the standards and conditions which would have to be addressed if the Board did chose to approve the request. Mr. Englund stated that there are restrictions regarding brightness, height, size, image restrictions, and transition times, to name a few. Mr. Englund stated that in the event the Board approved the request, the department could discuss the restrictions and conditions with the applicant.

Mr. Magid stated that he feels strongly about this particular request because it is in the middle of a campus and would not intrude into the neighborhood. He stated his belief that the Board exists for the exceptions not for the rules.

Mr. Eric Englund, Acting Assistant Director, stated that the department generally does not approve
electronic messaging for primary and middle schools or for churches in residential neighborhoods. The department generally only approves electronic messaging signs for high schools, based on the size of the campus, potentially having multiple street frontages, and the potential for a large number of events held at the location. For the sake of consistency, the department is recommending denial of this request.

Mr. Englund stated that if the Planning Board did decide to approve this Use Permit, it would then proceed to the Zoning Board of Appeals, but because it is a Major Amendment to the Use Permit, it needs the permission of the Planning Board before it can go to the Zoning Board. Mr. Englund explained the two waivers which would be required, one to the overall sign budget and the other to allow the electronic messaging. Mr. Englund stated that if the Board voted to approve the request, he would ask that there be two conditions placed on the approval. First that the applicant receive the necessary waivers from the Zoning Board of Appeals, and secondly, that the applicant must comply with the relevant Performance Standards in the City of Omaha Municipal code section 55-854 (a-e). Mr. Englund stated that he can go through the specific requirements or can show the copy of the code to the applicant. He stated that the code does address size and height as applicable to the zoning district in addition to the images, transition time, flashing lights, etc. which would be distracting to drivers.

Mr. Rosenbaum reminded the Board members that whatever decision they make on this request, will have to be backed up when later, similar cases come before the Board as making an exception in one case sets a precedent which will have to be considered with each additional request.

Mr. Pate moved for approval of the Major Amendment to the Conditional Use Permit subject to the following conditions:

1. Approval of the necessary waivers from the Zoning Board of Appeals.
2. Compliance with the Performance Standards listed in Omaha Municipal Code Section 55-854.

Mr. Magid seconded the motion which carried 5-1-1 with Ms. Karnes recused and Mr. Rosenbaum dissenting.

*Upon conclusion of the vote, Ms. Karnes returned to the chambers*

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<tr>
<th>32.</th>
<th>C7-19-156 Fareway Stores, Inc.</th>
<th>REQUEST:</th>
<th>Approval of a Conditional Use Permit to allow Food sales (general) in the LC District</th>
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<td>LOCATION:</td>
<td>Northeast of 132nd and Fort Streets</td>
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At the Planning Board meeting held September 4, 2019, Mr. Mark Klinker, appeared before the Board on behalf of the property owner. Mr. Klinker stated that he removed the case from the Consent Agenda for layover, but he would like to take the opportunity to try and move the request forward so work could get going before winter. Mr. Klinker stated that this a choice between a zoning which would allow limited grocery stores with a use permit and the next higher zoning which would allow this use as a right. He stated that if this was permitted by right, all of the conditions in the report could be handled by City staff as the project moves along. He is concerned that laying it over for another month, brings it closer to winter which will impact the work which can be done. Mr. Klinker stated that his request was to approve the request now subject to conditions which are in the analysis in the staff report.

In response to questions from the Board, Mr. Klinker stated that he has been dealing with a lot of the other issues, such as traffic and allowed uses, leading up to having this request put on the agenda this month. He has been working with Public Works on traffic and access issues and with Planning on what exactly can be built with the access restrictions.

Mr. Magid inquired whether the issues which need to be addressed could be made conditions of approval in order to allow the request to move forward. Mr. Englund stated that the department was recommending layover and noted there is still a plat which needs to move through the Planning Board and City Council. He explained that even if the Board went ahead and approved the CUP, there is no plat currently recorded which means there could not be a building permit approved. Mr. Englund advised that if the applicant could get their additional information in to the department by September 13 this request could go back on the October 2, 2019 agenda.

Mr. Kyle Graham of Olsson Associates, 2111 South 67th Street, appeared before the Board on behalf of
the applicant. Mr. Graham stated that he has been working with Ryan Haas in Public Works and Robert Laroco in Planning to get all of the necessary information turned in. He stated that he was unaware of some of the requirements which were listed in the recommendation report and the applicant would be willing to work on those requirements if the request was approved and they were made conditions. Mr. Graham also stated that if the case has to be laid over, they would work as quickly as possible to get the required information to the department. In response to a question from Mr. Morris, Mr. Graham advised that the applicant is currently in the process of obtaining a grading permit.

Mr. Corby Krick, 13014 Ogden Circle, appeared before the Board in opposition. Mr. Krick stated that he has lived at his home since 2010 and Mr. Klinker’s property has been vacant that entire time. He stated that he can see the property from his deck and does not want to see trash cans and fences. Mr. Krick is concerned about lights coming from the building itself, parking lot and from cars going to and from the store. He stated that the neighborhood does not need or want a grocery store. Mr. Krick wants to know what the hours will be, he would like to see the plans, and he wants to know where fences will be put.

Mr. Pate confirmed that the property had been vacant and inquired whether Mr. Krick had believed that it would never be developed. Mr. Krick stated that he knew it would be developed, but the plans, as he knew them, were for an assisted living facility or something similar. He stated that the assisted living would produce less traffic and would be quieter, more attractive, and would produce less light pollution. Mr. Krick stated that the intersection is already very busy and there is a very large hill between there and 120th Street which could contribute to more accidents in that area.

In response to Mr. Krick, Mr. Klinker stated that three acres on the north side of the development will be dedicated to senior living. He also stated that until 2012, his mother had lived in her home on this property. He advised that the house had been torn down in the summer in 2018.

Mr. Eric Englund, Acting Assistant Director, addressed the Board, stating that this property had been zoned commercial since the mid-1970's. He stated that the department recommends layover and is willing to continue working with the applicant to get the information so they can get the request back on the agenda as quickly as possible.

Mr. Pate moved for layover. Mr. Moore seconded the motion which carried 6-1, Mr. Rosacker dissenting.

**APPROVAL OF MINUTES**

**August 7, 2019**

Ms. Karnes moved to approve the minutes of the August 7, 2019 Planning Board pre-meeting as written. Mr. Moore seconded the motion which carried 6-1, Mr. Rosenbaum abstaining.

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

**ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at 4:30 p.m.