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

#4 Mr. Kevin Andersen (Mayor’s Office) discussed the request for approval of the BUILDERS DISTRICT AT NODO REDEVELOPMENT PLAN (formerly known as Kiewit Headquarters Campus). He clarified that the financing is being taken from the same fund that the Crossroads would be drawing from, however, Crossroads has no plan now, and therefore some money from the fund will be going to this project. There will still be funds available in the event a plan is submitted for the Crossroads. Mr. Anderson stated that he wanted to make this clarification as there had been media coverage and some concern among citizens that the money was being taken away from a future plan for Crossroads.

Ms. Jennifer Taylor (Law) stated that she will introduce the plan at the meeting. She stated that while this request is for a plan for the entire area, the specific plan for now is the Kiewit Headquarters Building. The department recommends approval.

#15 Ms. Jennifer Taylor explained this request for approval of the BLACKSTONE HOTEL TIF REDEVELOPMENT PROJECT PLAN. She stated that the request is simply to clarify language from the original application designating the Enhanced Employment Area and Occupation Tax requests. The wording is being updated to comply with disclosure rules and to clarify the narrative in the original plan. The department recommends approval.

#12 Mr. Don Seten discussed this request for approval of the HABITAT KOUNTZE PARK 5 TIF REDEVELOPMENT PROJECT PLAN. He explained that the $5,000,000 project will provide 24 single family homes, (22 new construction and 2 rehabs) near the King Magnet School. He reports that the department has not received any neighborhood complaints about this project. The department recommends approval.

#11 & 19 Mr. Seten discussed case #11 which is a request for approval of the 44 DOUGLAS STUDENT HOUSING TIF REDEVELOPMENT PROJECT PLAN. He explained that the $12,500,000 project will create 120 market rate apartments, some of which will be student housing. He stated that all of the single family homes in this location are now gone. Mr. Englund stated that the department will need to see something specific regarding the proposed lease from University of Nebraska for parking and the project will need several waivers, but the department recommends approval. Case #19 will be heard with this case. Mr. Englund discussed the request for preliminary and final plat approval for BRIGGS PLACE REPLAT 8. He stated that there was still some work to be done, however the department recommended approval of the
preliminary plat with several conditions, as well as approval of the final plat and approval of the PUR Overlay District.

#1 Mr. Englund discussed the final plat approval for WEST CENTER VILLAGE with rezoning from AG to MU which was laid over from August 1, 2018. He explained that the project has been on the agenda several times, and still has some issues along 204th Street. In addition, Mr. Englund stated that there are issues with the applicant proposing too many access points to the property. The department recommends approval with conditions prior to submittal to the City Council.

#2 Mr. Englund discussed the final plat approval for PACIFIC RESERVE with rezoning from AG to DR. He explained that the preliminary plat was approved by City Council on August 14, 2018. The applicant has removed the gate at the cul-de-sac as requested by the department. The department recommends approval.

#3 Mr. Englund discussed the final plat approval of WOOD VALLEY WEST 2 with rezoning from AG to R4. He stated that the preliminary plat was approved by City Council on August 28, 2018. The department recommends approval of the rezoning, and approval of the final plat with two conditions.

#5 Mr. Englund discussed the preliminary and final plat approval of THE RIDGES REPLAT 15 with rezoning from DR to DR & R4 which was previously laid over from January 3, 2018. Mr. Englund advised that there was some neighbor opposition to the project and that a packet of materials had been sent to Board members. He stated that the City Council had approved a similar request previously. This is a proposal to build one residence on a small portion of land not being used by the golf course. Ms. Karnes advised that she would recuse herself from discussion of this case. The department recommends approval of the rezoning, approval of the preliminary plat with two conditions and approval of the final plat, also with conditions.

#6 Mr. Englund discussed this request for final plat approval of PEACEFUL OAKS which was laid over from August 1, 2018. He advised that all of the information had been received by the apartment. The case was on the Consent Agenda for approval with conditions prior to submittal to City Council.

#7 Mr. Englund discussed this request for preliminary plat approval for LEGEND TRAILS, with waivers for street width, curb/gutter, and sidewalks, along with rezoning from AG to DR, which was laid over from August 1, 2018. He stated that the applicant has reduced the planned number of residential lots from 90 to 86 and has added additional outlots. The average size of the lot is 1.25 acres. The city is supportive to a few of the waivers, but not the sidewalks along 222nd Street. The southwest portion of the lot is in Douglas County. The case was on the Consent Agenda for approval, with some conditions.

#8 Mr. Englund discussed the request for approval of a major amendment to a MD Overlay District which was laid over from August 1, 2018. He advised that the department had received a letter from representatives of Broadmoor which states they are no longer in opposition to the project. Mr. Englund also advised that the Law department had reviewed the Agreement and determined that all property owners outlined in Exhibit A of the original agreement must sign for their approval before the project can move forward. The department is recommending approval with two conditions.

#9 Mr. Englund discussed the request for rezoning from GC and R7 to R7, which had been laid over from August 1, 2018. He advised that the applicant has dropped the request for a PUR, which had been on the application in August. This request is to consolidate zoning at the location. The applicant will need to request a Conditional Use Permit at a later date. This case was on the Consent Agenda for approval.

#10 Mr. Englund discussed the proposed approval of an amendment to Chapter 53, Subdivisions regarding perpetual easements. Mr. Englund explained that the request is due to a change in sidewalks, which has resulted in a need for MUD to change the easements, the request will change the wording from “all corner lots” to “all lots”. The department has reached out to OPPD with regards to this case, but as of the date of the meeting, no response has been received. The department recommends approval.

#13 & #25 Mr. Englund advised that these two cases will be heard together but voted on separately. Case #13 is a request for approval of an amendment to the Future Land Use Element of the City’s Master
Plan from Office/Commercial to Industrial. Case #25 is the request for rezoning from CC to GI at the same location. Mr. Englund stated that there has been no opposition from adjacent property owners. The department recommends approval of both requests with no conditions.

#14 Mr. Englund discussed this request for approval of Surplus Declaration and disposal of City property. The property in question was the site of a well when it was owned by Elkhorn prior to partnering with MUD. The owner of the property which surrounds this area has expressed a desire to purchase the property. The department recommends approval.

#16 Mr. Englund discussed this request for preliminary and final plat approval for Backwoods Paradise. The applicant proposes to place one house on each of two lots, the site is heavily forested and the applicant also owns an adjacent lot. The case is on the Consent Agenda for approval with two conditions and denial of the requested waiver for sidewalks.

#17. Mr. Englund discussed this request for preliminary plat approval, along with rezoning in order to create 17 lots out of 12 currently platted lots. The case was on the Consent Agenda for approval with 6 conditions.

#18. Mr. Englund discussed the applicant’s request for the preliminary and final plat approval for BUILDERS DISTRICT. This case is related to case #4, but is to be heard separately. The request will consolidate zoning and a waiver will be needed for the easement. This case was added to the Consent Agenda for approval at the pre-meeting.

#20. Mr. Englund discussed the request for approval of an ACI-1 Overlay District and applicant’s plans for the property as well as the history of the location. The case was on the Consent Agenda for approval.

#21 Mr. Englund discussed the request for approval of an ACI-1 Overlay District as well as the applicant’s plans for the location. The case was on the Consent Agenda for approval.

#22 Mr. Englund discussed the request for rezoning from DR to R4. He stated that the applicant wishes to build a garage on his property and the zoning request is to consolidate the zoning between the front and back lots of his property. The case was on the Consent Agenda for approval.

#23 Mr. Englund stated that the applicant has received a waiver for the setback from Zoning Board of Appeals and now are requesting rezoning from R4(35) to R4. The case was on the Consent Agenda for approval.

#24 Mr. Englund stated that the applicant has received a waiver for the setback from Zoning Board of Appeals and now are requesting rezoning from R5(35) to R5. The case was on the Consent Agenda for approval.

#26 Mr. Englund explained that the request for approval of a Major Amendment to a Conditional Use permit, with a waiver for height, is for the school to build an addition to the building as well as a 120’ bell tower. He stated that the department has received one letter in opposition which stated that since University of Nebraska Omaha has a bell tower, they do not feel another one is warranted at Creighton Prep. The case was on the Consent Agenda for approval with some conditions.

#27 Mr. Englund described the request for approval of a Major Amendment to a Conditional Use Permit for an electronic sign at the Church. He explained that the City, as a rule, only approves electronic signs for high schools due to the large number of activities that take place at the schools. He stated that the department recommends denial.

#28 Mr. Englund advised that the applicant is requesting an approval of a Major Amendment to a Conditional Use Permit. The applicant is requesting the addition of 8 dogs and 2 employees to the 10 dogs and 1 employee which was approved by the Planning Board at the October, 2017 meeting. Mr. Englund advised that the department recommends approval of one additional employee and denial of the request for 18 dogs.
#29 Mr. Englund discussed the request for approval of a Conditional Use Permit to allow body and fender repair services. Mr. Englund stated that the department recommends denial.

#30 Mr. Englund discussed the request for approval of a Major Amendment to a Conditional Use Permit to allow Agricultural sales and service in a CC District. This case was on the Consent Agenda for approval with several conditions.

The pre-meeting of the Planning Board Adjourned at 1:20 p.m.
Greg Rosenbaum, Chairman, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board's public hearing procedures.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

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

No one appeared in opposition.

Subdivisions

<table>
<thead>
<tr>
<th>No.</th>
<th>Request Number</th>
<th>January</th>
<th>REQUEST:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.</td>
<td>C12-18-161</td>
<td>(D)</td>
<td>Final Plat approval of PEACEFUL OAKS, a minor plat outside the city limits (property is located within an ED-Environmental Resources Overlay District) (laid over from 8/1/18)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>LOCATION: North of North Crest Drive and west of North Post Road</td>
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At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker motioned for approval of the final plat, subject to the conditions of preliminary plat approval and addressing the following items prior to forwarding the request to City Council: 1) Submittal of tree removal exhibit; 2) Revise the final plat showing the building envelope; 3) Submittal of an acceptable final subdivision agreement. Mr. Morris seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>No.</th>
<th>Request Number (D)</th>
<th>January</th>
<th>REQUEST:</th>
</tr>
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<tbody>
<tr>
<td>7.</td>
<td>C10-18-166</td>
<td></td>
<td>Preliminary Plat approval of LEGEND TRAILS (Lots 1-86, Outlots A-K), a subdivision outside the city limits, with waivers to Section 53-8(2), Street width, Section 53-9(3) Curb and gutter and Section</td>
</tr>
</tbody>
</table>
At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda.

Mr. Rosacker motioned for approval of the rezoning from AG to DR; approval of a waiver of Section 53-8(2)(g) Street width from 25 feet to 22 feet; approval of a waiver of Section 53-9(3) Curb and gutter, not providing curb and gutters. Approval of a waiver of Section 53-9(9) Sidewalks, not providing sidewalks throughout the development, with the exception that sidewalks must be provided along the 222nd Street frontage; approval of the Preliminary Plat, subject to the following conditions: 1) Pave 222nd Street to a two-lane section along the subdivision’s frontage within two years of the recording of the plat; 2) Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 222nd and Q Streets; 3) Grant a public access easement along 228th Plaza; 4) Pave 228th Plaza to the southern extent of Outlot E and provide a temporary turnaround; 5) Either acquire the portion of 228th Plaza outside the current plat boundary or secure a public access easement for the area; 6) Dedicate 50 feet of Right of Way along both Q Street and 222nd Street, widening to 60 feet within 300 feet of their intersection; 7) Proposed site grades along the eastern and southern boundaries of the platting, adjacent to 222nd Street and Q Street, must be coordinated with the future improvement of those roadways; 8) Proposed street connections from the development to 222nd Street and Q Street will require permits from the Douglas County Engineer’s office. The cost of the roadway improvements for the street connections, if required, will be the responsibility of the developer; 9) Place a note on the plat that direct access to 222nd Street and Q Street, from the adjacent platted lots, will not be permitted; 10) Temporary turn-arounds should be provided at the terminus of all temporarily dead-ended streets; 11) If the subdivision will not be located in a Sanitary Improvement District (SID), a maintenance agreement will be required before Douglas County will provide routine maintenance of any public streets. If not located in a SID, major maintenance activities are the responsibility of the adjacent property owner. If streets are private, no maintenance agreement would be needed; 12) Provide NDEQ approval of all septic systems; 13) Submit for review to the Douglas County Engineer’s Office storm sewer and/or drainage design computations and final plans that relate to the handling of roadway and site drainage along the development boundary adjacent to 222nd Street and Q Street; 14) Provide sidewalks along the 222nd Street frontage; 15) Any grading, sewer or utility work carried out in conjunction with this development, in 222nd Street and Q Street right-of-ways, will require a permit(s) from the Douglas County Engineer’s office; 16) Comply with all applicable storm water management regulations, including no net increase in storm water runoff and must treat the first 1/2” of storm water for water quality; 17) All trails, parks and open space not indicated on the Omaha Suburban Park Master Plan must be privately constructed, owned and maintained by the developer, homeowner’s association or other approved entity; 18) All drainageways must be placed in an outlot sized to accommodate either the 3:1+20’ section or the 100 year stormflow (whichever is greater); 19) Provide for the use, ownership and maintenance of all outlots in the final subdivision agreement; 20) Coordinate for the submittal of an inter-local agreement between the City of Omaha and Douglas County covering the area outside Omaha’s extraterritorial jurisdiction; 21) Submit a letter confirming that acceptable emergency warning is being provided for the area; 22) Submit a slopes analysis with the final plat. If the review at that time warrants a change in the plat layout a revised preliminary plat will be required; 23) Submit a final wetland analysis with the final plat and an acceptable mitigation plan, if necessary; 24) Submit a final tree canopy mitigation plan; 25) Submit a letter of approval of a Noxious Weed Plan from Douglas County; 26) Update the plat regarding size and location of Outlot G; 27) An acceptable debt ratio is 4.0 percent or less. Mr. Morris seconded the motion which carried 7-0.
subject to the following conditions: 1) Include a note on the plat requiring all development on the site to comply with the requirements of the ED-Environmental Resources Overlay District; 2) Revise plans to show all sidewalks are being provided. Approval of the final plat, subject to the conditions of the preliminary plat and submittal of an acceptable final subdivision agreement (if necessary). Mr. Morris seconded the motion which carried 7-0.

| 17.  | C10-18-187 (D) C12-18-188 GN & Sons, Inc. | REQUEST: Preliminary Plat approval of THE SHIRE, a subdivision inside the city limits, with rezoning from R2 to DR and R4 | LOCATION: Northeast of 72nd Street and Silver Valley Road |

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of the rezoning from R2 to DR and R4. Approval of the Preliminary Plat, subject to the following conditions be addressed prior to or with the submittal of the final plat: 1) Provide a note on the final plat that states that there will be no access to 72nd Street from Lots 9-17; 2) Coordinate with the city to address the city-owned parcel north of Lot 7; 3) Provide for the private use, ownership and maintenance of Outlot “A” in the subdivision agreement; 4) Compliance with all applicable storm water management ordinances and polices, including providing for a no net increase in storm water runoff and must treat the first ½” of storm water for water quality; 5) For the road sections of Glendale Avenue and Silver Valley Road, fronting the subdivision and which are existing substandard asphalt, remove the asphalt and replace with standard concrete streets with curb and gutter; 6) Change Silver Valley Road north of Glendale Avenue to Silver Valley Circle on the final plat. Mr. Morris seconded the motion which carried 7-0.

| 18.  | C10-18-190 (D) C12-18-191 Noddle Companies (Moved to Consent Agenda @ pre-meeting, 9-5-18) | REQUEST: Preliminary and Final Plat approval of BUILDERS DISTRICT, a minor plat inside the city limits, with a waiver of Section 53-8(5), Easements, along with rezoning from DS and CBD to CBD (property is located within an ACI-1 Overlay District) | LOCATION: Northwest of 15th and Mike Fahey Streets |

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of the rezoning from DS to CBD (property is located within an ACI Overlay District). Approval of the waiver to Section 53-8(5), Easements. Approval of the Preliminary Plat, subject to the following conditions: 1) Revise the plat document to show no direct access from the subject property to Cuming Street; 2) Coordinate with Omaha Public Works on the installation of parking meters on all on-street parking spaces; 3) Provide all improvements identified in the final traffic study. Approval of the final plat, subject to the conditions of the preliminary plat and submittal of an acceptable final subdivision agreement. Mr. Morris seconded the motion which carried 7-0.

**Rezoning**

| 9.  | C10-18-172 (D) Eric Wieseler | REQUEST: Rezoning from GC and R7 to R7 (property is located within an NCE–Neighborhood Conservation/Enhancement District) (laid over from 8/1/18) | LOCATION: Southeast of 10th and Pierce Streets |

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of the rezoning from GC and R7 to R7. Mr. Morris seconded the motion which carried 7-0.

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of an ACI-1 Overlay District. Mr. Morris seconded the motion which carried 7-0.

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Requestor</th>
<th>REQUEST:</th>
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</thead>
<tbody>
<tr>
<td>C10-18-195</td>
<td>Edward Alstatt</td>
<td>Approval of an ACI-1 - Area of Civic Importance Overlay District</td>
<td>3040 Cuming Street</td>
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</table>

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of an ACI-1 Overlay District. Mr. Morris seconded the motion which carried 7-0.

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>C10-18-196</td>
<td>Pedro Hernandez</td>
<td>Rezoning from DR to R4</td>
<td>5010 South 50th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval 7-0. Mr. Morris seconded the motion which carried 7-0.

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<tr>
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<tbody>
<tr>
<td>C10-18-197</td>
<td>Gesu Housing, Inc.</td>
<td>Rezoning from R4(35) to R4</td>
<td>4256 and 4260 Miami Street and 4253 Corby Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval 7-0. Mr. Morris seconded the motion which carried 7-0.

### Conditional Use Permits

<table>
<thead>
<tr>
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<tr>
<td>C7-08-006</td>
<td>Creighton Preparatory School</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow a Secondary educational facility in a R3 District, with a waiver of Section 55-166, Height to allow a 120 foot tall bell tower</td>
<td>Northwest of 72nd Street and Western Avenue</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of a waiver to Section 55-166, height, to allow a 120 foot bell tower; and approval of the Major Amendment to a Conditional Use Permit to allow Secondary Education Facility in a R3-Single-Family Residential District (Medium Density) subject to the following conditions: 1) Compliance with the Site Plans; 2) Compliance with the Operation Plan; 3) All previously approved conditions. Mr. Morris seconded the motion which carried 7-0.

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<tr>
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<th>Location</th>
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<tbody>
<tr>
<td>C7-18-201</td>
<td>Estate Landscape Services Inc.</td>
<td>Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Agricultural sales and service in a CC District (property is located within an ACI-3 Overlay District and portion of the property is located within the FF-Flood Fringe and FW-Floodway Overlay Districts)</td>
<td>3501 North 72nd Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on September 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of the requested Conditional Use Permit, subject to the following conditions: 1) Obtain the required floodplain development permit; 2) Compliance with the submitted operations plan, including no storage of materials or equipment within the FW-Floodway; 3) Obtain the required waivers for buffer yard along the south and east property line; 4) Removal of all materials and
products from the front of the building; 5) Compliance with the site plan (revised as necessary); 6) Compliance with all storm water management ordinances and policies; 7) Compliance with all other applicable regulations. Mr. Morris seconded the motion which carried 7-0.

**REGULAR AGENDA**

**HOLD OVER CASES**

**ADMINISTRATIVE MEETING ONLY**

| 1. | C10-18-061 C12-18-062 Woodsonia-204 Center LLC | REQUEST: Final Plat approval of WEST CENTER VILLAGE (formerly West Center Commons), a subdivision located outside the city limits, with rezoning from AG to MU (laid over from 8/1/18) | LOCATION: Southeast of 204th Street and West Center Road |

*Prior to the beginning of discussion, Mr. Rosacker recused himself from hearing this case and left the meeting.*

At the Planning Board meeting held on September 5, 2018, Eric Englund, Manager of Current Planning, stated that this final plat approval has been before the Board previously as there have been some modifications to the original plans and ongoing discussions between the City, the applicant and the neighboring property owner to the south. He stated that most of the items have been adequately addressed. Mr. Englund stated that the current Mixed Use Plan has two unshared access drives at lot 7 as well as one shared access drive, the regulations dictate only one shared and one unshared access drive is allowed, this will need to be addressed prior to forwarding the case to City Council for final approval. The department recommended approval of the rezoning from AG to MU and approval of the final plat, subject to the conditions in the recommendation report.

Mr. Larry Jobeun, 11440 West Center Road, addressed the Board. Mr. Jobeun expressed concern about the restriction on the access drives required by the City. He stated that the applicant needs the second access drive due to the type of traffic which will be present at the location. Mr. Jobeun stated that the requirement to have the second unshared access drive removed prior to forwarding the request to City Council could hold up progress on the final plat which they are trying to fast track.

Mr. Englund discussed with Mr. Alan Thelen, of the City Law Department, that typically the Mixed Use Plan would show the second unshared access drive being removed prior to going to City Council. He questioned whether City Council could vote then to allow the drive back into the plans. Mr. Thelen stated the City Council could vote to either add or remove an access drive. Mr. Englund stated that the department would stand by its requirement that the Mixed Use Plan show second unshared drive removed prior to sending it to City Council, then if the City Council saw fit to add it back in, they could do so.

Ms. Karnes noted that the department’s recommendation did not specify anything about the access drive, it simply stated approval was subject to submittal of an acceptable Mixed Use District Development Agreement. Mr. Englund responded that the documents would have to show that the removal of the access drive would make the Agreement acceptable to the department. Mr. Englund stated that they would not send the plan to the City Council until it showed that the drive had been removed. Mr. Englund reiterated that the department recommends approval of the rezoning from AG to MU, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding the request to City Council and approval of the final plat, subject to the submittal of a final acceptable subdivision agreement prior to forwarding this request to the City Council.

Mr. Pate moved for approval of the rezoning from AG to MU, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding the request to City Council and approval of the
final plat, subject to the submittal of a final acceptable subdivision agreement prior to forwarding this request to the City Council. Mr. Magid seconded the motion which carried 6-0-1 with Mr. Rosacker recused.

| 2. | C10-18-089  
C12-18-090  
Pacific Reserve, LLC, Chris Erickson | REQUEST: | Final Plat approval of PACIFIC RESERVE, a subdivision outside the city limits, along with rezoning from AG to DR and R5 |
| LOCATION: | 20601 Pacific Street |

*At the beginning of discussion, Mr. Rosacker had not returned and did not vote on this case.

At the Planning Board meeting held on September 5, 2018, Eric Englund, Manager of Current Planning, stated that the preliminary plat was heard and recommended for approval by the Planning Board on June 6, 2018 and approved by City Council on August 14, 2018. He stated that there have been some minor modifications made since that time, the primary item being the removal of the gate which had been shown at the private cul-de-sac which is now a public street. The other items have been adequately addressed.

Mr. Englund stated that the department recommends approval of the rezoning from DR to R5 and approval of the final plat, subject to the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding to City Council for final approval.

Ms. Karnes moved for approval of the rezoning from DR to R5 and approval of the final plat, subject to the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement prior to forwarding to City Council for final approval.

Mr. Rosacker rejoined the meeting.

| 3. | C10-18-131  
C12-18-132  
Loren Johnson, Celebrity Homes | REQUEST: | Final Plat approval of WOOD VALLEY WEST 2, a subdivision outside the city limits, with rezoning from AG to R4 |
| LOCATION: | North of Military Road and west of 147th Street |

At the Planning Board meeting held on September 5, 2018, Eric Englund, Manager of Current Planning, stated that the preliminary plat was heard and approved by the Planning Board on July 7, 2018 and approved by the City Council on August 28, 2018. He stated that all of the conditions have been adequately addressed. Mr. Englund explained that the development will have an access trail to connect to Military Road which will become a public trail in the future. Department calculations indicate that the grade for the trail is unacceptable at this time, the applicant will need to either provide documentation that this outlot will be acceptable for ADA access to the trail, or the outlot will need to be moved to an acceptable location.

Mr. Englund stated that the department recommends approval of the rezoning from AG to R4 and approval of the final plat subject to the conditions of the preliminary plat and addressing the two items listed in the report prior to forwarding to City Council for final approval.

Mr. Pate moved for approval of the rezoning from AG to R4. Approval of the final plat, subject to the conditions of preliminary plat approval and addressing the following items prior to forwarding the request to City Council: 1) Submittal of an exhibit showing that a trail connection in compliance with all design standards can be provided through Outlot B or revising the plat to relocate Outlot B to a position that can accommodate an acceptable public trail connection; 2) Submittal of an acceptable final subdivision agreement. Mr. Rosacker seconded the motion which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Master Plan Referrals
4. C3-18-082  
Planning Department on behalf of the City of Omaha

**REQUEST:** Approval of THE BUILDER'S DISTRICT AT NODO REDEVELOPMENT PLAN (formerly Kiewit Headquarters Campus Redevelopment Plan) (laid over from 6/6/18)

**LOCATION:** An area generally bound by Cuming Street on the north, 22nd Street on the west, 15th Street on the east and Mike Fahey Street on the south, along with an area generally bound by Mike Fahey Street on the north, 14th Street on the east, Cass Street on the south and 17th Street on the west.

At the Planning Board meeting held on September 5, 2018, Ms. Jennifer Taylor, City Law Department, explained that the project has changed from the original plan to develop the new Kiewit Headquarters Campus to include an expanded area to spur additional development in the newly identified area. Ms. Taylor explained that several properties in the area are currently owned by Creighton University, First National Bank, Union Pacific and other companies, however, there are also several properties in the identified area which are underutilized, underdeveloped or vacant which the department believes could be redeveloped and spur additional interest in this area. Ms. Taylor explained that while north downtown/north of Cuming Street has undergone some great redevelopment in areas such as near the TD Ameritrade Park, Centurylink/CHI Health Center, but this particular area has not enjoyed the same amount of redevelopment. She stated that the City is hoping that this redevelopment plan will spur some of that redevelopment in this area. Ms. Taylor advised the Board that in their packet of material they can see that parking concerns have been addressed, as well as some concepts of the project. She also advised that in the event the additional development moves forward as anticipated, the department will have a traffic study completed, and will work with neighboring property owners to identify locations for additional parking if it is deemed necessary by the study. Ms. Taylor introduced Mr. Noddle and Mr. Anderson to further discuss the project.

Mr. Jay Noddle of Noddle Companies, 2285 South 67th Street, stated that the thinking began on the day the ribbon was cut when the Kiewit University project was completed. He stated that in June, 2018, they requested to layover the case because there was momentum building and it looked like the project area and number of stakeholders could increase quickly and that the size of the redevelopment area and the projects within that area could potentially be dramatically bigger and have a much greater impact on the urban core and specifically on that particular area. Mr. Noddle presented several photos and aerial views of the overall project which is comprised of approximately 12 blocks. He stated that the major property owners in the district are Kiewit, Creighton University, Union Pacific, Max I Walker, and Sol's. Mr. Noddle presented an "as built" view of the proposed district, other than the TD Ameritrade ballpark and the Creighton soccer complex, most of the buildings in the district are lower profile. Mr. Noddle explained that the business and property owners in that district are just as important as businesses in any other part of the City, however, some of the properties are under-utilized with respect to density. Next, Mr. Noddle showed a color coded map showing the planned development, blue areas show academic/athletic buildings, yellow shows residential buildings, and red shows office buildings. Mr. Noddle stated that the residential and office buildings may have some retail space in them. He then provided several views of the first phase of the planned Kiewit Headquarters campus, to include the Kiewit Global Headquarters and will also connect with Kiewit University. Mr. Noddle showed images of the entire district from the north and from the south on Mike Fahey, which he likened to communities such as the Rino neighborhood near Denver. The plan is to have a district with lower profile buildings and to have a mix of usages both horizontally and vertically which will flank both sides of Mike Fahey Drive which will connect the district from the soccer fields to the Meca facilities. He provided a diagram showing the square footages and potential value of the various usages planned for the area which includes office space, 350 apartments or condos, a small amount of retail, planned parking at a ratio of approximately 4 per 1000. Total investment will be at least $300,000,000. Mr. Noddle stated that the Kiewit Headquarters building and a couple of the smaller buildings will likely begin immediately and other projects will be added in at a later date. Mr. Noddle addressed the issue of truck traffic, he advised that a traffic consultant has been retained, at the Mayor’s request, to study what can be done to improve the flow of truck traffic throughout the area, which has been a problem for some time. Additionally, a group of consultants are studying the route being taken by the homeless population throughout the day, working to make sure their safety and other issues are being taken care of throughout.
the area. It is anticipated that the work will begin on the Kiewit Headquarters, parking and related utilities relocation and expansion will begin in spring, 2019 at the latest, depending on City Council approval and weather conditions.

In response to a question from Mr. Rosenbaum, Mr. Noddle reiterated that the parking ration will be 4 per 1000, which is above the requirements of the City for development of this nature.

Mr. Magid inquired whether any streets would be closed or traffic rerouted as a result of this development. Mr. Noddle stated that there will not be any streets rerouted, however at the end of the project Burt Street between 15th Street and 16th Street, as well as 16th and 17th would be vacated in the future to create larger development sites. In addition, California Street between 13th Street and 14th Street, south of the UP Child Care Facility will be vacated over time to potentially create more childcare, Mr. Noddle stated that Creighton and Kiewit have a need for more child care, and there may potentially be other needs as the area is developed. Burt Street from 18th Street west into the Creighton campus would likely be vacated to make larger development sites for facilities they want to build along Cuming Street. In order to vacate the streets, the developer would go through the normal process with the City.

In response to a question from Mr. Magid, Mr. Noddle stated that there have been several conversations with neighboring businesses, several properties have already been acquired and one business is relocating from one side of the Kiewit site to the apartment building recently built. He stated that negotiations are underway with Max I Walker’s representative and others are being worked on in a case by case basis.

In response to questions from Mr. Pate, Mr. Noddle advised that they have been in communication with Creighton University about their needs. He also replied that he does believe that although there is not currently enough demand to fill all of the downtown development projects, he feels that "the cream will rise to the top" to draw businesses into the area. He stated that one thing which puts this particular development in demand is that it is ready to go as soon as approval is received. They are moving the headquarters of a Fortune 500 company, Kiewit, right into the downtown area. Their headquarters will be between Creighton and the Meca facilities, it will be timed up nicely with the first phase of the Riverfront revitalization. Mr. Noddle stated that one thing that happens when a development of this type gets started, especially since this one will have available land which will be potentially eligible for TIF financing to the extent that a project qualifies, and the City has made a commitment that, if a study is done which shows that additional parking is necessary, the City will build a parking structure which will then be leased to the users at market rate.

Mr. Pate asked Mr. Noddle how long he believes it will take to completely fill in the development. Mr. Noddle replied that he believes it will be under 10 years.

In response to a question from Mr. Rosacker, Mr. Noddle stated that approximately 600 people will be at the Kiewit Headquarters building, coming in and out. He also stated that he believes Kiewit University, books about 12,000 hotel room nights per year, so that is an indication of how many people are coming through there.

Mr. Kevin Andersen, Mayor’s office, addressed the Board to describe the City participation in the project in partnership with the development. He stated that the original project was in the 2019 CIP, which programs funding for projects throughout the City of Omaha within its bonding capacity. With the expansion of the project, the City is able to comfortably fulfill the request of the City’s participation to incentivize and provide public improvements throughout the project area based on the natural growth of the bonding capacity as well as through the re-obligation of revenue bonds for a project which was identified and removed from the 2018 CIP. Mr. Andersen stated that this allows the bonds to be allocated and distributed throughout the City on various projects. Mr. Andersen went on to explain that this reallocation will, in no way, limit or preclude the City from being able to partnering or participating in a project which generates from the Crossroads Mall re-development.

Ms. Tanya Cooper, President of the OIC Neighborhood Association, 2025 Maple Street, appeared before the Board in opposition. Ms. Cooper stated that she is not necessarily opposed to the project, but she stated that she did have some questions about the funding. Ms. Cooper asked how the developer plans to acquire the land which is not owned by the entities mentioned. Ms. Cooper was concerned that aggressive measures will be used such as declaring the property to be blighted and substandard which she stated is
a backdoor to eminent domain. In response, Ms. Taylor stated that the redevelopment plan allows the City to invest redevelopment bond funding into the area to assist in property acquisition, demolition, site development, relocation, and other things as needed under the Community Development law. She stated that the redevelopment plan does allow the use of eminent domain as one of the tools available to acquire property as a last resort. Ms. Taylor stated that at this time any properties which need to be acquired for this project are being worked on privately and no aggressive measures for acquisition of properties are being considered at this time.

Ms. Cooper also inquired about whether the use of TIF funding for this large project will reduce the amount of TIF funding available for other projects in North Omaha. Ms. Cooper stated that she is concerned about why Kiewit, a multi-million dollar company, would be eligible to receive TIF funding as she understood it is to be used for development in low income areas. In response, Ms. Taylor stated that Tax Increment Financing is intended to assist the redevelopment of under-utilized and/or vacant properties. She explained that what is found in this area and where many of projects would go, are properties which are either under-utilized or vacant and have for some time. In order to assist a developer to come in, acquire the property, undertake the necessary demolition, environmental remediation, and to build on the properties which have not been utilized for several years in some cases, a lot have been industrial sites or parking lots or unused vacant parcels for several years. This type of redevelopment includes expenses which are not normally found in other “green field” development projects involving brand new ground. TIF is a tool available to developers and cities to assist in addressing the additional costs which come with this type of redevelopment. The use of TIF funds in this district has no effect on the availability of TIF funds in any other area of North Omaha.

Mr. Noddle returned to further address the concerns of Ms. Cooper with regards to Kiewit specifically. Mr. Noddle reiterated that the developer is in private negotiations with property owners for acquisition of property located within the area related to the first phase of the project. There may be other properties which other stakeholders wish to acquire in the future, but those discussions have not begun. As of this date, acquisition discussions for property essential to the needs of Kiewit are underway. In the future, discussions may be required for a development by Creighton (for example), but as of now those have not begun. Mr. Noddle stated that the Church, located along Cuming Street, is not a part of the redevelopment area and if, in the future the Church becomes a part of the development, discussions will be undertaken by Creighton University with the Church. Mr. Noddle stated that Kiewit is not using Tax Increment Financing, the TIF funding would be available for projects that happen within the district, other than Kiewit, to the extent that the project meets the requirements for TIF funding. Kiewit is using benefits they receive under a State legislative package, so they have decided to forgo applying for TIF funding, which makes it easier for the City to participate in providing funding for some other projects discussed today.

Ms. Cooper stated that her final concern is about the timing of the notices which were sent out. She stated that the notices were sent out on August 21, 2018 for the September 5, 2018 meeting which, with the holiday on September 3, did not allow people enough time to make arrangements to be at the meeting. Ms. Taylor responded to this concern by stating that the notices are given as required under the Community Development Law, which was recently amended, now requires that the redevelopment plans be heard at the Planning Board as well as at the City Council. She stated that the same law also dictates the time the department must send out the notices.

Mr. Englund stated that the department recommends approval.

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

### Subdivisions

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<tr>
<th></th>
<th>C10-18-003</th>
<th>REQUEST: Preliminary and Final Plat approval of THE RIDGES REPLAT 15, a minor plat inside the city limits, with rezoning from DR to DR and R4 (laid over from 1/3/18)</th>
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<td>C12-18-004</td>
<td>LOCATION: South of Shadow Ridge Drive and east of 186th Street</td>
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<tr>
<td></td>
<td>Justin Shanahan</td>
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Prior to the beginning of discussion, Ms. Karnes recused herself from hearing this case and left the meeting.

At the Planning Board meeting held on September 5, 2018, Mr. Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant, Mr. Justin Shanahan. Mr. Jobeun stated that Justin and Ellen Shanahan, and Steve Shanahan, owner of the Shadow Ridge Country Club, are present to answer any questions or give further information as needed. He explained that the request is for approval of the preliminary and final plat as well as rezoning for an area on which Justin and Ellen Shanahan will build a single family residence for their own use. Mr. Jobeun explained that the case was laid over from the January 3, 2018 meeting to allow time for the applicant to meet with the neighbors surrounding this single family, residential lot and that those meetings have occurred. He also stated that in the intervening time, a second project was undertaken by the applicant. Mr. Jobeun stated that there are approximately four lots which directly abut this property, the property owners to the north and to the east have expressed that they have no objection to the development of the single family residential home. The only objection has come from the property owner primarily to the west and a property owner to the southwest also raised some objections at the meeting in January. Mr. Jobeun reiterated that since the January meeting, the applicant has had meetings to attempt to come to an agreement with the property owners abutting the development.

Mr. Jobeun stated that the applicant is here for approval of the preliminary and final plat as well as rezoning because the subdivision includes a portion of the outlot which includes hole #8. He also stated that later there will be minor amendment to the Outdoor Sports and Recreation special use permit which will be administrative because it is minor in nature.

Mr. Jobeun presented several overviews of the lot in question as well as the surrounding area. He stated that he believes it is important to note that the development will not do anything with respect to hole #8, the hole will still have t-box, fairway, rough, and sand traps. He stated that the hole has been renovated since the photos were taken which resulted in some change to the sand traps, but the hole still has a green, a hole, and a pin and will continue to function as it has in the past. Mr. Jobeun advised that the property involved in this case is surplus property which is currently, and has been, unused by the golf course, he provided more overviews of the line of site of hole #8 from the abutting properties, none of which will change, and a view showing the property from the west to the proposed area to be developed. He stated that one of the questions which came up in the January meeting was about the elevations from Shadow Ridge Drive and concern about possible a retaining wall behind the residence. Mr. Jobeun stated that in the months since that meeting a proposed grading plan was developed which would support a single family, residential home at this location. This plan shows that there is no retaining wall required as it is possible to grade out the space adequately without it. In response to a question from the Board, Mr. Jobeun stated that there is enough room to make up the grade so that there will be no need for a retaining wall.

Mr. Jobeun stated that the developer will subject the lot to the neighborhood covenants with respect to the Design Review Board, which is the only covenant that applies to this piece of property. The Shanahans had a drone fly over the property to the west to show the view from that property to the area of the proposed residential home. The drone showed significant landscaping which block the view from the property to the west towards this proposed residence. One of the views from the drone was taken from the location to be developed, raised up 55 feet which would be the height of the peak of a 2-story home, and showing towards the property to the west. This view showed that only the very top of the home to the west is visible from the proposed development. In response to a question from Mr. Pate, Mr. Jobeun stated that the trees are on the Campbell’s property and will not be removed, and few, if any on the property belonging to the applicant will be removed. Mr. Jobeun stated that the only potential change to the golf course will be the re-alignment of the cart path, which he believes has already occurred with the recent renovation at the golf course. Mr. Jobeun presented a photo he had taken at the “pin” on the 8th hole which illustrated that the Campbell’s home was not visible from that hole.

Mr. Jobeun stated that he is aware that the City does not involve themselves in Neighborhood Agreements or Covenants, however, Mr. Jobeun provided a copy of the Agreement, which stated that none of the covenants apply to the golf course lots with the exception of it being subject to the approval of the Design Review Board of any structures which will be built on golf course lots. He also stated that the Design Review Board has reviewed the plans and have approved them subject to a couple of conditions, one of which is that the single family, residential home will be included in the Cherry Ridge subdivision in the Ridges to
which the homeowner will be required any assessments and dues. The Design Review Board will review the architectural components of the proposed structure subject to the applicable covenants. The Design Review Board found that the proposed residence is consistent with the integrity and character of the neighborhood and will preserve the value and amenities of the neighborhood.

Mr. Jobeun stated that this proposed development is consistent with the City’s Master Plan which indicates this area for low density residential as it will be utilizing only one lot in a subdivision of approximately 685 lots, so it does not increase the density significantly. He reiterated that the property is surplus property which is better used as a single family, residential lot within the subdivision.

Mr. Robert Campbell, 1801 South 186th Street, appeared before the Board in opposition. Mr. Campbell stated that he was there to speak for himself and 140 other residents of the subdivision who signed a petition and had five points he wished to make. Mr. Campbell stated that he believes the proposal has a significant, direct, and negative impact on his family. He also stated that his family purchased their home solely because it was a golf course lot with no residences behind it and there was never any indication in the marketing material that there would be a house built on that lot, therefore, no reasonable person would expect a home to be built there. Mr. Campbell presented the map showing the Ridges master plan indicating his home and the proposed lot, stating that the golf course, as it is now, was what was included in the marketing materials to prospective homeowners for the Ridges development which included nothing to indicate that the area in question would ever become a residential lot. Mr. Campbell stated that 25 years ago, the Ridges was marketed as a golf course community and people either purchased or had homes built based upon that marketing information. He stated that residents in the neighborhood never expected a residential lot to be “shoe horned” into the golf course by stating that the land is surplus and/or unused. Instead, Mr. Campbell stated that the land in question provides green space vistas on the golf course property, which went into his decision to purchase his home in the location he chose. He stated that he, and 140 of his neighbors who signed a petition, believed that the golf course would remain a golf course with all of its amenities which were present at the time they purchased their homes in the Ridges.

Additionally, Mr. Campbell stated that they have sought legal counsel who advised them that this proposed rezoning and development is illegal and therefore, they are seeking to have what they believe to be their legal rights enforced. He stated that he hopes the Board will protect their property rights rather than forcing them to undertake expensive, time consuming litigation.

Mr. Campbell then read what he says are the three important sentences from a letter he stated was sent to the Board by his attorney. These sentences referenced the neighborhood covenants and a prior case which was upheld by the Nebraska Supreme Court regarding what he believes to be contain nearly identical facts at Skyline Ridge Homeowners Association.

Mr. Campbell stated that the photos shown by Mr. Jobeun did not show the conditions at the location. He provided photos showing the view from his dining room when the leaves are off of the trees and other similar photos, all showing that they can see the golf course from their windows when there are no leaves on the trees.

Mr. Jobeun returned to address the Board to respond to Mr. Campbell. He stated that the belief that the new residence will lower the value of the homes or in some way have a negative impact is not based in fact. The new residence will be comparable, if not exceeding, the value of any of the neighboring homes. The new construction will be in the Cherry Ridge community and will be held to the same Design Review standards as any home in the community. Mr. Jobeun again stated that the neighborhood covenants, which Mr. Campbell referred to, plainly state that the golf course lots are not a part of the covenants except for the requirement that any development on the golf course lots must be approved by the Design Review Board, which has already occurred.

Mr. Jobeun explained that the covenants only say that the golf course must be maintained as an 18 hole, championship golf course, which it is. The Shanahans are in the process of completing a $5,000,000 renovation to the golf course and clubhouse. Mr. Jobeun stated that the Shanahans have every intention of maintaining the golf course to very high standards. He reiterated that the golf course was an 18 hole golf course yesterday, is the same today, and remain the same 18 hole, champion golf course plus a $5,000,000 renovation. In addition, Mr. Jobeun stated again that none of the holes on the golf course will be affected.
by this construction. The cart path has been moved, some sand traps have been redone and some greens have been redone as a part of a major renovation in progress to improve the golf course and club house.

Regarding the petition presented by Mr. Campbell, Mr. Jobeun stated that it is their belief that many of the signatures came from people who were scared into signing it based on the brochure handed out by the Campbell’s which contained a number of inaccurate statements. The brochure in question was previously submitted to the Board which stated that the applicant planned to “chop up the golf course” which would hurt property values and have very negative effects on the neighborhood. Mr. Jobeun stated that he believes the falsehoods and misrepresentations in the materials provided by the Campbell’s to the neighbors led them to believe that there was a horrible thing in the works to ruin their neighborhood, which is just not factual. He mentioned that none of the 140 people who signed this petition were present before the Board at this meeting.

Mr. Jobeun stated that it needs to be remembered that the Shanahans also have property rights, they are in fact the largest property owners in the neighborhood. He explained that they have the largest investment in the neighborhood and ensuring that the neighborhood looks great, as well as the golf course being held to high standards, is what draws people into the golf course.

Mr. Jobeun stated that, as has been discussed before, the Skyline Golf Course case had a completely different set of circumstances in that the owner of that golf course allowed it to completely deteriorate and had the intention of redeveloping the entire golf course to the point that it could no longer be used as a golf course. The Shanahans on the other hand have just invested $5,000,000 in renovations to improve the Shadow Ridge Golf Course and are continuing to maintain it as a championship golf course. With regards to the Master Plan, he stated that the single family, residential home is well within the low density requirements.

Mr. Steve Shanahan, 2029 South 189th Court, addressed the Board on behalf of the applicant at the request of Mr. Rosenbaum. Mr. Shanahan stated that he is the owner and founder of the Shadow Ridge Golf Course as well as being the owner of the property abutting the back of the 8th hole where his son, Justin Shanahan, is planning to build his home. Mr. Shanahan stated that as the property owner, he is the one with property rights on that property and he believes it is disingenuous and against common sense to consider that property rights bleed over onto his property from others in the neighborhood. He stated that there is precedence as this same type of thing has been done 10 times in the past on what the City calls valuable unused or surplus property, like the property where his son is proposing to build his home. He stated that the property is valuable, as well as other property in the neighborhood, because of the golf course which has created hundreds of millions of dollars in construction, in property taxes, and in the development of the community. He stated that the photos provided by Mr. Campbell are old photos as evidenced by the lack of trees as shown in the drone photos which also show that the Campbell’s home is not visible from the property where his son is proposing to build his home, and that the Campbell’s do not have a view of his son’s property. Mr. Shanahan stated that 25 years ago he started the Shadow Ridge Golf Club and he is the one who created the brochures which Mr. Campbell provided to the Board. Mr. Shanahan stated that there is no comparison between Skyline Woods and Shadow Ridge Golf Course. He stated that the owner of Skyline Woods intended to develop it as a water park, where Shadow Ridge will always be a golf club as he intended when he built it. Mr. Shanahan stated that the golf course is held to high standards which he and his family intend to maintain as evidenced by the major renovation and upgrade which was just completed throughout the entire golf course property and he believes that for his son to build his house there on his property, adjacent to his golf course, makes perfect sense.

Mr. Campbell stated that he would like to have an opportunity to provide rebuttal to Mr. Shanahan’s statement. Mr. Rosenbaum allowed him to return to address the Board. Mr. Campbell stated that he disagreed with Mr. Shanahan’s assertion that the Shadow Ridge Golf Course had the largest investment in the neighborhood, he believes that the community has the larger investment. Additionally, he stated that although this type of development may have been done before, he believed that it was because people did not know before that they could challenge the development. Mr. Campbell stated that the photos that he presented were not old, that they were taken in March of this year, he also presented another photo he stated was taken in March which showed the vistas that he feels will be lost with this development. Mr. Campbell stated in closing that he is not a member of the Shadow Ridge Club because he does not have the time to play golf so it would not be financially feasible for him to join.
In response to a question from Mr. Magid, Mr. Campbell stated that he is there for the view of the golf course rather than to play golf.

Mr. Eric Englund, Manager of Current Planning, stated that the case before the Board is to split one large, platted lot into two lots with a rezoning for the one smaller, residential lot. He also stated that Mr. Jobeun was correct in stating that there would need to be a minor amendment to the special use permit to allow outdoor sports and recreation which would have to be submitted before sending the final plat to the City Council for final approval. Mr. Englund pointed out that the City is not a party to private covenants with regards to any development within the City jurisdiction, including this one. The applicant’s request meets all the City requirements with regards to zoning and subdivisions. The City recommends approval of the rezoning from DR to DR and R4, approval of the preliminary plat subject to the two conditions in the recommendation report, and approval of the final plat subject to the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement (if necessary) prior to forwarding it to City Council for final approval.

Mr. Rosacker stated for the record that in addition to not being a party to any neighborhood covenants, they are also not bound by any representations made in any marketing materials for neighborhood development. He stated that the Board is taxed with ensuring that the applications meet the City codes with regards to zoning and subdivisions, and he is convinced that this case meets all of those requirements. Mr. Rosacker moved for approval of the rezoning from DR to DR and R4; approval of the Preliminary Plat, subject to the following conditions: 1) Submittal of an application for a Minor Amendment to the existing Special Use Permit for Outdoor sports and recreation; 2) Compliance with all applicable storm water management regulations; and approval of the Final Plat, subject to the conditions of Preliminary Plat approval, along with submittal of an acceptable final subdivision agreement (if necessary) prior to forwarding the plat to the City Council. Mr. Morris seconded the motion which carried 6-0-1 with Ms. Karnes recused.

Ms. Karnes rejoined the meeting.

**Rezoning**

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<tr>
<th>8.</th>
<th>C10-83-146 Security National Bank</th>
<th>REQUEST:</th>
<th>Approval of a Major Amendment to a MD-Major Development Overlay District (One Pacific Place) (laid over from 8/1/18)</th>
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<tr>
<td></td>
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<td>LOCATION:</td>
<td>1120 South 101st Street</td>
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At the Planning Board meeting held on September 5, 2018, Mr. Todd Swirczek of Noddle Companies, 2285 South 67th Street, addressed the Board on behalf of the applicant. Mr. Swirczek briefly recapped the details of the case since it was laid over from August. The proposed development is for a four story, 83,500 square foot, mixed use building with several residential apartments, internal parking, and an adjacent detached 108,000 square foot, 373 stall parking garage. He stated that the developer is requesting three changes to the original agreement from 1985: 1) the use of residential on the top floor of the structure, which they are requesting be wrapped into the Major Amendment rather than requiring a Conditional Use Permit; 2) the change in floor area ratio (FAR) requirement of .55 to and FAR of .7 for the office structures on this lot, which is much less than the 1.5 FAR which would be allowed by the G.O. code; and 3) an overall increase in the office square footage from 390,000 square feet to 455,000 square feet for the overall development. In addition, he stated that they have reached out to all the property owners within the development, including Regency Property Owners, the Regency Townhouse Property Owners and the Summit Hills Neighborhood Association, none of which had any opposition to the development.

Mr. Swirczek stated that the developer agrees with the recommendation of the Planning Department to create an administrative subdivision to combine the property into one lot. They will seek signatures from all of the property owners in the original agreement as well as seeking the approval of the One Pacific Place/Pacific Shores Architectural Committee. Broadmoor Development had requested previously that the case be laid over to allow time for further discussion. Mr. Swirczek stated that discussions have taken place with Broadmoor representatives regarding their concerns, primarily regarding parking.

Mr. Jay Noddle of Noddle Companies, 2285 South 67th Street, appeared before the Board on behalf of the
applicant. Mr. Noddle stated that he was involved in discussions with the representatives from Broadmoor regarding parking in the One Pacific Place development. He stated that he has had three meetings with Mr. Cooper and Mr. Stratton of Broadmoor, as well as four telephone conversations with Mr. Feldman, also of Broadmoor Development. At the request of Broadmoor, Mr. Noddle stated they have also met with Mr. Purdy, the consultant for Broadmoor. He stated that the agreement which has been reached with Broadmoor is that the completed project, including both the original building and the expansion, will deliver 4.25 parking stalls per 1,000 usable square feet. Broadmoor sent a letter to the Board stating that this change to the parking, up from 3.85 parking stalls per 1,000 square feet, is something they can live with. The other conditions were obtaining the signatures of the other property owners and the approval of the Architectural Committee which includes representatives of Broadmoor. It is Mr. Noddle’s belief that everyone is now in agreement that the availability of parking will be sufficient for the development.

No one appeared in opposition.

Mr. Eric Englund, Manager of Current Planning, stated that the Department had reviewed the development agreement and at this time was recommending approval of the Major Amendment subject to the conditions listed in the recommendation report prior to forwarding to City Council for approval.

Mr. Pate moved for approval of the Major Amendment to the One Pacific Place Development Agreement subject to the following conditions: 1) Plat the current parcel into one lot with an administrative subdivision; 2) Submittal of five acceptable amendments to the One Pacific Place Development Agreement prior to forwarding to City Council for approval. This agreement will need to include the signatures from all property owners outlined in Exhibit A of the original agreement. Mr. Magid seconded the motion which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(REGULAR AGENDA)

Master Plan Referrals

| 10. | C3-18-182 Planning Department on behalf of the City of Omaha | REQUEST: Approval of an amendment to Chapter 53, Subdivisions regarding perpetual easements | LOCATION: Omaha and 3-mile extraterritorial jurisdiction |

At the Planning Board meeting held on September 5, 2018, Mr. Eric Englund, Manager of Current Planning, explained that this section of the City code addresses perpetual easements for Metropolitan Utilities District and any other natural gas utility provider. Mr. Englund stated that, a few years ago, there was another change to Chapter 53 which increased sidewalk width from 4’ to 5’ and adjacent, curbside landscaping from 4’ of landscaping to 6.5’. Due to the change, MUD has had issues with installing necessary utility lines. The current easement provides for 5’ for all corner lots, this amendment would strike the word “corner” and pertain to all platted lots which will provide MUD the opportunity to install their utility lines in the proper location rather than needing to go to each adjacent property owner to install the lines.

Mr. Pate moved for approval. Mr. Morris seconded the motion which carried 7-0.

| 11. | C3-18-158 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the 44 DOUGLAS STUDENT HOUSING TIF REDEVELOPMENT PROJECT PLAN | LOCATION: Northwest of 44th and Douglas Streets |

*Mr. Rosenbaum advised that agenda items #11 (C3-18-158) and #19 (C11-18-192 & C12-18-193) would be heard together, but would be voted on separately.

At the Planning Board meeting held on September 5, 2018, Mr. Don Seten, Planning Department, addressed the Board to first describe the TIF Redevelopment Project Plan. He stated that the proposal was for a four story apartment building with 125 efficiency style, market rate, apartments which is intended to serve as student housing for students at the University of Nebraska Medical Center, as they are near the UNMC campus on the corner of 44th and Douglas. Mr. Seten stated that there were previously six, single
family, residential lots within this project area, those homes are now gone and the lots have been consolidated into a single site. On-site parking will consist of 33 parking stalls on the north side of the building and 87 spaces leased across the street from UNMC. The applicants are Green Slate Development and Clarity Development. Mr. Seten provided some visuals of the proposed project. He stated that the total project cost is slightly over $12,500,000, TIF support requested is $2,173,800. The project meets the criteria for the TIF program, it is an appropriate land use for the area, and complies with the goals of the City’s Master Plan.

With regards to item #19, Mr. Eric Westman of Alley, Poyner, Maccietto Architecture, 1516 Cuming Street, addressed the Board on behalf of the applicant to describe the proposal. Mr. Westman stated that the proposal for 125 market rate apartments has been worked out with the University of Nebraska Medical Center and they believe it is a very valuable proposal for that area. He stated that there are also six on-street parking spaces which had not been mentioned with item #11. The developer will be adding parking nodes as well as City compliant street lighting and sidewalks.

Mr. Tom McLeay, 3814 Farnam Street, appeared on behalf of the owner. Mr. McLeay stated that they have been working with the Med Center for quite some time and the land was actually acquired a while ago. He stated that while the housing is targeted to student housing, it is not limited to students, the developer anticipates three will be students who are part-time workers as well, and also full-time workers in the area. He stated that they are encouraged by the success they have had with other developments in the Blackstone area as well as the encouragement they have received from the Med Center.

Mr. Eric Englund, Manager of Current Planning, stated that with regards to the TIF request, the department recommends approval.

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

| 19. | C11-18-192  
    | C12-18-193  
    | 44 Douglas Housing LLC | REQUEST: | Preliminary and Final Plat approval of BRIGGS PLACE REPLAT 8, a minor plat inside the city limits, along with approval of a PUR-Planned Unit Redevelopment Overlay District |
|     | LOCATION: | Northwest of 44th and Douglas Streets |

*Mr. Rosenbaum advised that agenda items #11 (C3-18-158) and #19 (C11-18-192 & C12-18-193) would be heard together, but would be voted on separately.

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Mr. Tom McLeay, 3814 Farnam Street, appeared on behalf of the owner. Mr. McLeay stated that they have been working with the Med Center for quite some time and the land was actually acquired a while ago. He stated that while the housing is targeted to student housing, it is not limited to students, the developer
anticipates there will be students who are part-time workers as well, and also full-time workers in the area. He stated that they are encouraged by the success they have had with other developments in the Blackstone area as well as the encouragement they have received from the Med Center.

Mr. Eric Englund, Manager of Current Planning, stated that this is the plat and PUR portion of the project indicated in item #11 and there are multiple zoning waivers included. The applicant has indicated they have a lease agreement with an adjacent parking structure in which the department will need to see a clear designation of a certain number of parking stalls and a defined time period for the lease prior to forwarding the case to the City Council for final approval. The department recommends approval of the final plat, the preliminary plat and the PUR, subject to the conditions listed in the recommendation report prior to forwarding to City Council for approval.

Ms. Karnes moved for approval of the Preliminary Plat, subject to the following conditions: 1) Coordinate with the City on an arrangement for the present or future dedication as ROW for the applicant’s property located between the existing alley ROW and 44th Street; 2) The alley and on-street parking are subject to the OPW public improvement process; 3) Provide for sidewalks adjacent to all street frontages in compliance with city code; and 4) Comply with all applicable storm water management ordinances and policies, including providing for a no net increase in storm water runoff and must treat the first ½” of storm water for water quality; approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement prior to forwarding the request to City Council for final action: and approval of the PUR, subject to the submittal of acceptable revised PUR plans and an executed parking lease agreement with UNMC, prior to forwarding to City Council. Mr. Magid seconded the motion which carried 7-0.

### Request: Approval of the HABITAT KOUNTZE PARK 5 TIF REDEVELOPMENT PROJECT PLAN

**LOCATION:** Various properties within an area bound by Sahler Street to Evans Street from 18th Street to 24th Street

At the Planning Board meeting held on September 5, 2018, Mr. Don Seten, Planning Department, addressed the Board to describe the project by Habitat for Humanity. He stated that the plan is to develop 24 affordable, single family homes on scattered sites near the King Science School, north of Kountze Park. Of the 24 homes, 22 of them will be new construction and 2 will be rehabilitated existing structures. The lots are mostly owned by Habitat for Humanity, some are also owned by the Land Bank or the City of Omaha. Mr. Seten reports that there has been some demolition completed to clear the sites of dilapidated structures and overgrown vegetation. He stated that the total project investment is approximately $5,000,000, the TIF support request is for $405,000. Additionally, Mr. Seten advised that the project meets all TIF funding criteria, it is an appropriate land use and complies with the goals of the City's Master Plan.

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

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

### Request: Approval of an Amendment to the Future Land Use Element of the City's Master Plan from Office/commercial to Industrial

**LOCATION:** 13909 and 14001 L Street

*Mr. Rosenbaum advised that agenda items #13 (C3-18-183) and #19 (C10-18-199) would be heard together, but would be voted on separately.

At the Planning Board meeting held on September 5, 2018, Mr. Eric Englund, Manager of Current Planning, stated that this request (#13) originated as a rezoning request only for 14001 L Street (agenda item #25) which is shown on the City’s Master Plan as office/commercial although the vast majority of the properties along this stretch of L Street are shown as industrial. During the review, the department noted that the adjacent property to the east, 13909 L Street, was also shown as office/commercial although it was being used industrially, so it was added to the request after the property owners indicated that they had no opposition to the change.
Regarding item #25, Mr. Eric Englund, Manager of Current Planning, stated that the applicant for this case had stepped out, but he could describe the request for rezoning. Mr. Englund stated that this case would have been on the Consent Agenda for approval, but the department wanted it to be heard together with #13 so that the Board would have a full picture of the issue. The request which was originally received was to rezone the location from CC to GI to more adequately address the land use that had taken place on the site.

Mr. Englund stated that the department recommends approval.

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

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<tr>
<th>25.</th>
<th>C10-18-199</th>
<th>REQUEST: Rezoning from CC to GI (property is located within a FF-Flood Fringe and FW-Floodway Overlay Districts)</th>
<th>LOCATION: 14001 L Street</th>
</tr>
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</table>

*Mr. Rosenbaum advised that agenda items #13 (C3-18-183) and #19 (C10-18-199) would be heard together, but would be voted on separately.

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Mr. Englund stated that the department recommends approval.

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

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<tr>
<th>14.</th>
<th>C3-18-180</th>
<th>REQUEST: Approval of the Surplus Declaration and Disposal of City Property</th>
<th>LOCATION: Adjacent to 721 South 210th Circle and part of Lot 322, Skyline Ranches III</th>
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At the Planning Board meeting held on September 5, 2018, Mr. Eric Englund, Manager of Current Planning, stated that the City had received a request from the owner of the property at 721 South 210th Circle to declare as surplus the 2,400 square foot piece of land directly adjacent to his property, north of Pacific Street. This piece of property was previously owned by the City of Elkhorn and after the annexation it became the property of the City of Omaha. He stated that upon review of the request, documentation was provided to the Public Works, Finance, Parks, and Planning departments to make sure the property is eligible for surplus, there were no objections from any departments.

Mr. Englund stated that the department recommends approval.

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

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<tr>
<th>15.</th>
<th>C3-18-145</th>
<th>REQUEST: Approval of the BLACKSTONE HOTEL TIF REDEVELOPMENT PROJECT PLAN</th>
<th>LOCATION: 302 South 36th Street</th>
</tr>
</thead>
</table>
At the Planning Board meeting held on September 5, 2018, Bridget Hadley of the City of Omaha Planning Department provided a review of the plan and a map of the area which was originally approved by the Board on July 11, 2018. She stated that the map showed the entire Enhanced Employment Area (EEA) District and the TIF Redevelopment Project area for upscale hotel with approximately 205 rooms. Within the project plan there were a number of funding sources, two of which were TIF and EEA or general business occupation tax. Ms. Hadley stated that it was the applicant’s intention to request the general business occupation tax, as well as the TIF funding and EEA designation, however, in the language there was no statement in the document that the applicant was requesting the occupation tax as well as the EEA. This intention has now been spelled out in the Plan, however, since the plan was approved in July, there has been a change to the Nebraska Community Development Law which requires that modifications to the Plan must go back to the Planning Board for approval. Ms. Hadley stated that the plan is back before the Board only to approve the modification which more clearly states all of the funding sources requested as well as noting that this hotel has been designated as a local landmark. Ms. Hadley stated that they are requesting approval of these modifications to the original plan.

Mr. Jay Lund, 3814 Farnam Street, appeared before the board on behalf of the developer at the request of the Board to answer a question regarding the financing. Mr. Pate stated that in reviewing the Sources & Uses Statement from the original submission and this new case, there is a significant difference in the Enhanced Employment Area occupation tax which went from about $10,000,000 originally to $22,000,000 on the new submission. Mr. Pate asked Mr. Lund for an explanation of the reason for this increase. Mr. Lund stated that he would not be the best person to explain it and asked Mr. Tom McLeay, 3814 Farnam Street, to discuss the financing.

Mr. McLeay stated that the overall cost in the financing package is very complicated and the financing on a hotel has been particularly complex. He stated that determining what leverage they can get with regard to a permanent loan, as well as the financing costs associated with Occupation Tax, TIF support, and overall construction loans which have gone up almost 200 basis points since the beginning of the project, have been difficult to nail down. Mr. McLeay stated that for the overall costs, they are looking at construction loans for 10 to 20 years, which add up pretty quickly. He also stated that there are a lot of additional costs involved in being the kind of upper, upscale hotel they are planning. He advised that they do have a well-known brand which they are working out the final details with at this time, which is adding additional expense as well as bringing down some of the additional financing capital stack. Mr. McLeay stated that the increased Occupation Tax will balance out some of the additional financing costs that they are now looking at.

Mr. Pate asked whether they had gotten the New Market tax credit. Mr. McLeay stated that with all the legal structuring which was already taking place in the project, he did not believe they could reach the finish line on their current timeline with respect to that tax credit, so they had not included it in their financing package.

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

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

Rezoning

24. C10-18-198 Gesu Housing, Inc. REQUEST: Rezoning from R5(35) to R5
LOCATION: 4339 Lake Street and 4143 Grant Street

At the Planning Board meeting held on September 5, 2018, this case was originally on the Consent Agenda, however, it was removed at the request of a neighbor adjacent to the listed location at 4339 Lake Street.

The applicant did not appear at the Planning Board meeting.

Mr. Eugene Pappan, 4421 North 59th Street, appeared before the Board on behalf of his father, Mr. Clifton Pappan who resides at 4329 Lake Street. Mr. Pappan stated that he and his father are not necessarily opposed to the rezoning but they don’t understand what the rezoning will change with regards to the Lake
street property and have some questions for the Board. Mr. Pappan stated that his father wants to understand how the rezoning will affect his property at 4329 Lake Street, including any change in lot size.

Mr. Eric Englund, Manager of Current Planning, stated that the applicant is requesting rezoning to build a home on each of the sites mentioned. He explained that the current R5(35) zoning requires that the home be built behind a 35’ setback and changing the zoning to R5 will allow them to use a 25’ set back, for which they have already received a zoning waiver from the Zoning Board of Appeals who required the applicant to get the approval of the Planning Board as a condition of the waiver approval. Mr. Englund stated that the zoning change will not change the size of the lots owned by the applicant, or any other lots adjacent to them. There is no impact on any adjacent lots.

Mr. Pappan stated that his father currently owns the property using the Homestead Act and is concerned that this will have an impact on that designation in the future if he should decide to pass it along to his sons. Mr. Englund stated that they would have to check with the Assessor’s office about taxes, but the rezoning should not have any impact at all on the property owned by Mr. Pappan’s father.

Mr. Pappan stated that he did not have any other questions.

Mr. Morris moved for approval. Mr. Pate seconded the motion which carried 7-0.

Conditional Use Permits

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<tr>
<th>27.</th>
<th>C7-14-145</th>
<th>Rev. William E. Sanderson, St. Stanislaus Catholic Church</th>
<th>REQUEST: Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4(35) District</th>
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<tbody>
<tr>
<td></td>
<td>LOCATION:</td>
<td>4002 J Street</td>
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At the Planning Board meeting held on September 5, 2018, Mr. Daniel Sanuik, 13814 South 47th Street in Papillion, a Deacon at St Stanislaus Catholic Church, addressed the Board on behalf of the applicant. Mr. Sanuik stated that the proposal is to construct a monument made of stone which matches the Church, on the Church property, within the proper setbacks, which will house a single sided, multi-lined, red/amber, message board sign. Mr. Sanuik provided copies of the elevations of the monument to the Board for review.

Mr. Sanuik stated that the Church holds a number of events, the information for which would be displayed on the sign, as well as information about Church services. He stated that it is the intent of the Church to only use the sign during daytime and early evening hours, it will not be used at nighttime to avoid being a nuisance to the neighbors. Additionally, the Consortium of Catholic Schools opened a dual-language academy in the past few weeks in the former St. Stanislaus school building. He stated that the enrollment at the Academy is over 80 students and that enrollment is expected to grow. The sign being proposed will also be used for notifications about the school which is located immediately across the street from the Church to the south. Mr. Sanuik stated that the Church would have the ability to put messages on the sign in other languages which will be important for the dual-language program. He stated that the Church is seeking to use an electronic sign rather than another type of sign because it is easier to change the message, it is easily recognizable since it is lighted and hopefully it will not be as prone to vandalism.

Mr. Sanuik stated that the Church distributed their own informational fliers throughout the neighborhood. He stated that while they did not receive any negative feedback, there was a lot of positive feedback stating that the sign has been needed for some time.

Mr. Vinny Palermo, 4520 South 44th Street, appeared before the Board in support of the proposal. Mr. Palermo stated that as he lives in the neighborhood near the Church, he received one of the notices which were distributed by the Church. He advised that although the sign being proposed is small, it will be very useful as a welcome to the neighborhood as it continues to grow. Mr. Palermo advised that he is aware that the City policy has been for this type of electronic message board to only be allowed at high schools, but he feels that with all of the events held at the Church and which will be held at the school, this is a proposal that should be considered. He stated that many of the parents of students who will be attending the school do not live in the neighborhood and he feels that having this sign with all the information on it may draw them into more events.
In response to a question from Mr. Morris, Mr. Palermo stated that he does live in the neighborhood and attends the Church. He also added that the sign will be facing towards his home.

Mr. Sanuik replied to a question from Mr. Moore who inquired about membership in the Parish, that there are approximately 600 members in the Parish. He also reminded that the Parish is combined with Holy Ghost since the fire destroyed their Church which brings the membership up to near 1000 people.

Mr. Palermo confirmed that Holy Ghost is holding services at St. Stanislaus, so those are also more people who may not be living in the neighborhood will benefit from the information displayed on the sign.

Mr. Pate stated that he believes the request is reasonable given all the information that the Church is trying to get out. He inquired about the size of the sign, to which Mr. Sanuik replied that it will be a 12 square foot sign, which is within the requirements.

Mr. Eric Englund, Manager of Current Planning, stated that the department supports electronic message boards only for high schools as they are predominantly on arterial streets, operate as more of a campus, and have a large number of activities to advertise. Based on residential zoning regulation, there is a use permit required, which is why the applicant is not able to go directly to the Zoning Board for a waiver. He stated that the department recommends denial of the request. Mr. Englund stated that if the Planning Board does vote to approve the request for the Major Amendment, he recommends some conditions be met. The first condition is that the applicant will need to apply for, and receive a waiver from the Zoning Board of Appeals to allow the electronic messaging sign. Also, he stated that the sign will have to comply with all applicable performance standards as stated in Section 55-854. Mr. Englund stated that the department still recommends denial.

Mr. Magid inquired about why the department does not support the electronic signs at churches or schools other than high schools. Mr. Englund stated that churches are typically within residential neighborhoods rather than along major streets like high schools. Additionally he stated that there have been issues with electronic signs flashing to quickly, or being a distraction for drivers, or the brightness factor is more of an issue within neighborhoods.

Mr. Rosenbaum stated that he was looking at the proposal and noted that while the entire monument is proposed to be 12 square feet, the electronic message board is only 2’7” tall by feet by 4’6” wide, which he felt is not all that big. He stated that he believes that the Board sets a standard and he likes to keep with that standard, however, he feels that the size proposed will not be intrusive and since it is across the street from the school he would lean towards approval.

Mr. Pate moved for approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in an R4(35) District subject to the following conditions: 1) Receive waiver from Zoning Board of Appeals to allow electronic messaging sign; 2) Compliance with performance standards (Section 55-854). Mr. Magid seconded the motion which carried 7-0.

### REQUEST:

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<tr>
<th>NO.</th>
<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>28.</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow Kennel in a DR District</td>
<td>5622 South 185th Street</td>
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At the Planning Board meeting held on September 5, 2018, Mr. Steve Watts, 5622 South 185th Street, appeared before the Board as the applicant and owner of Fidelity K-9. Mr. Watts advised that he has received a letter from his nearest neighbor stating that his current kennel has had no negative impact on the neighborhood and that she never hears the 10 dogs in his home barking at all. He believes that people would likely be concerned about noise from the barking dogs or odor from the waste, but he has shown over the past year that this is not a concern and many of the neighbors were not even aware that he had a kennel operating there. Mr. Watts advised that he is asking for an increase in the number of dogs he can bring in as well as a couple of employees to help out. He stated that it is a 24 hour per day, 7 day per week job regardless of the number of dogs, so he works about 100 hours per week. He stated that he needs the employees to take over some of the care, but he needs the additional number of dogs in order to be able
to pay the new employees. He stated that nothing will change in how the business works, he is not sure why there would be any problem with his request. Mr. Watts stated that he is in agreement with all of the department recommendations, except for the limit of 10 dogs and only one additional employee besides himself. Mr. Watts stated that he believes that limiting him to 10 dogs instead of 18 seems arbitrary and he believes he should be able to have the 18 he is requesting.

Mr. Magid stated that the Board had received a letter in opposition to the kennel and at his request, Mr. Watts pointed out on the map where in relation to his one acre lot, the neighbor who had sent the letter lived.

In response to questions from the Board, Mr. Watts described more detail about his company and his request. He stated that he has been in operation for a year and has been full (10) dogs almost from the start and currently he has a wait list. He stated that he offers a three week program and a six week program, during which the dogs are boarded in kennels in his basement and that his home sits on a one acre lot. Mr. Watts advised that he believes his method of training the dogs while they are boarded in his home is superior to training which other people provide on a day to day basis with the dog going home each day. He also stated that he is requesting to have 18 dogs in order to continue to grow his business, but he does not wish to move to a commercial building which he believes would create a less effective situation for him to work with the dogs. He stated that although he prefers to have 18 dogs, he could likely afford to hire the additional employees with 14 dogs. In conclusion, Mr. Watts stated that he is performing a vital function for the City by sending better trained dogs home throughout the City. He stated that the business has been much more successful than he expected and he has a waiting list. Mr. Watts stated that he believes he could have the additional dogs without anyone ever knowing, but he is following the rules because that is the kind of person he is.

The Board discussed possible options including following the department’s recommendations as well as varying the number of dogs and/or employees allowed.

Mr. Watts asked, if the Board denies the request for 18 dogs, could it possibly be approved for fewer dogs and still get the additional two employees? Mr. Magid stated that it appears to him that they have a few options in front of them with varying the number of dogs, the number of employees, approving the request as it is, or denying it outright.

Mr. Morris stated that he is concerned that approving the additional dogs will create a precedence in which the applicant will be back in another year requesting more dogs. He is concerned because Mr. Watts has stated that he plans to continue the business at his home, regardless of the number of dogs, rather than moving to a commercial location. Mr. Watts responded that he believes he has the space in his home to continue the business there and provided a diagram showing 19 kennels in the basement which he believes supports his claim that there is plenty of room for more than 10 dogs.

Mr. Magid stated that he believed 12 dogs seemed like a good number, with two additional employees. Mr. Watts responded that he would prefer to have 14, but if 12 is what they will allow, he will make it work.

Mr. Eric Englund, Manager of Current Planning, stated that the City views this as a residential neighborhood and the proposed increase in dogs takes it to more of a commercial level which should be moved to a commercial location. Mr. Englund stated that the City is not supportive of increasing the number of dogs, but would support one additional employee. If the Board chooses to allow the increase, they would need to change condition #1 on the recommendation report to reflect the increase. Mr. Englund stated that the City recommends approval of the Major Amendment to the Conditional Use Permit subject to the four conditions in the recommendation report.

Mr. Magid moved for approval of the Major Amendment to the Conditional Use Permit to allow a Kennel in a DR District, subject to: 1) A revised operating statement declaring that at no time will there be more than 12 dogs total on-site for indoor boarding and/or training, including those owned by the owner of the residence of the business entity and; the maximum number of employees will be three (the business owner and two additional); 2) No outdoor kenneling or boarding of any dogs; 3) Compliance with all other applicable regulations; and 4) Compliance with all other original conditions of approval. Mr. Moore seconded the motion which carried 4-3 with Mr. Pate, Mr. Morris and Mr. Rosenbaum dissenting.
29. C7-18-200
Robert E. Lorenz

REQUEST: Approval of a Conditional Use Permit to allow Body and fender repair services in a DS District

LOCATION: 1011 North 18th Street

At the Planning Board meeting held on September 5, 2018, Paul Kelly, 440 North 61st Street, appeared on behalf of the applicant as the Architect on the project. Mr. Kelly stated that Mr. Lorenz purchased the property earlier this year, the location has been used as an auto service facility, mostly focused on frame and suspension work. Mr. Kelly stated that currently Mr. Lorenz has a couple of employees working on frame straightening right now and would like to add a paint booth, which is why he is now making this request. Mr. Kelly stated that since submitting their application for the Conditional Use Permit, they have had a different set of plans drawn up which they believe will be more acceptable to the department and he would like to present them instead of the ones already received by the department with the application. The Board engaged in significant discussion with the applicant and Architect regarding the new plans being submitted.

Mr. David Fanslau, Planning Director, stated that he is very concerned that the applicant is asking for the Board to approve plans that the Planning Department has never seen prior to the applicant coming to the podium at the meeting. Mr. Fanslau stated that there is no way for the department to know whether the new plans, which have not been reviewed, meet any zoning or building code requirements and that he is concerned about life/safety issues. He stated that he is not comfortable recommending to the Board that plans should be approved that were only presented 10 minutes ago. Approving plans that are only presented the day of the meeting sets a very bad precedence. Mr. Fanslau stated that the CO which was mentioned by the applicant is not something he is aware of being in existence at this location and he feels that should be investigated by the department. The building extends from property line to property line, it is not meant for any off street parking or parking on site because the building takes up the entire site. Although some places do have indoor parking, they have to meet very specific requirements. Mr. Fanslau stated that although the applicant stated that the business will be by appointment only, there is always the possibility that someone gets in an accident overnight and has the vehicle towed and dropped off at the location because they are aware of the work that Mr. Lorenz does. He stated that he believes there are too many issues which have been brought up with the new plans for him to feel comfortable proceeding without reviewing the plans.

Mr. Lorenz, 421 South 91st Circle, stated that there is no place outside for customers to park due to the neighborhood and the transients who live in it and there is no way to get into the building unless someone opens the door from the inside for the same reason, which is why they have presented the new plans to show indoor parking. He also stated that he received the notice on the Saturday before the Labor Day holiday which stated that the department recommendations which is why they got the new plans.

Mr. Rosenbuam stated that he believed the best option would be to layover the case for the Planning Department to have time to review the revised plans.

Mr. Eric Englund, Manager of Current Planning, stated that he had the same reservations which were stated by Mr. Fanslau. He stated that his recommendation is to layover the case to the next Planning Board meeting if the applicant is able to get the information in before the deadline, otherwise it would go to a later meeting.

Mr. Pate moved to layover the request to allow applicant time to submit revised plans for indoor parking. Mr. Morris seconded the motion which carried 7-0.

APPROVAL OF MINUTES

Ms. Karnes moved for approval of the pre-meeting minutes from August 1, 2018. Mr. Magid seconded the motion which carried 7-0.

Mr. Pate moved for approval of the meeting minutes from August 1, 2018. Mr. Moore seconded the motion
which carried 6-0-1 with Ms. Karnes abstaining.

**ADJOURNMENT**

Mr. Morris motioned to adjourn the meeting at 4:56pm. Mr. Pate seconded the motion which carried 6-1.

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Date Approved

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Greg Rosenbaum, Chairman

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Lisa Agans, Planning Board
Recording Secretary