MINUTES
PRE-MEETING
OMAHA CITY PLANNING BOARD – December 5, 2018
PLANNING DEPARTMENT CENTRAL CONFERENCE ROOM - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

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

MEMBERS NOT PRESENT: Kristine Karnes, Vice Chair

STAFF PRESENT: Dave Fanslau, Director
Cheri Rockwell, Assistant Director
Eric Englund, Current Planning Manager
Michael Carter, Planning Board Administrator
Lisa Agans, Recording Secretary
Don Seten, Planning Department

The meeting was called to order at 11:30 a.m.

#8 Mr. Ryan Haas, Public Works Department, stated that this was a part of a larger overall development area. He stated that the applicant has requested the case be laid over to the December 5, 2018 meeting. The department supported the applicant's request for layover.

#3 & #6 Mr. Don Seten, Planning Department, briefly discussed the submission for the historic Ashton Building TIF Redevelopment Project Plan at 1218 Nicholas Street. Mr. Seten noted that this area has not seen much development activity. He stated that this case is related to case #6, the Millwork Commons Redevelopment Plan.

#5 & #11 Ms. Bridget Hadley, Planning Department, discussed the request for approval of the River Crossing Phase 1A TIF Redevelopment Project Plan located southeast of 10th Street and Farnam Streets. She stated that there would be a total of seven phases which would include apartments, retail, and office/commercial. She stated that this case is related to case #11 which is the request for preliminary plat approval and waiver requests for the overall area of the phases of the project.

Mr. Eric Englund, Manager of Current Planning briefly reviewed cases #1 and #2 which will be in the Administrative only portion of the meeting. He stated that the Planning Department recommends approval of these cases with some conditions as listed in the recommendation report. Mr. Englund went over cases #4, #7, #8 - #10, and #12 - 24. He went over the details of the submittal as well as the recommendations of the department on each of the cases. He noted that case #10 needs some further information from the NRD prior to approval of the final plat, therefore the department is recommending approval of the preliminary plat and rezoning and layover of the final plat.

The pre-meeting of the Planning Board adjourned at approximately 1:10 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.

Conditional Use Permits

<table>
<thead>
<tr>
<th>No.</th>
<th>REQUEST</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>4.</td>
<td>Approval of a Major Amendment to a Conditional Use Permit to allow Religious assembly in a R4 District (portion of the property is located in a FF-Flood Fringe Overlay District) (laid over from 11/7/18)</td>
<td>21220 Elkhorn Drive</td>
</tr>
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At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Morris moved for layover. Mr. Moore seconded the motion which carried 6-0.

Subdivisions

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<th>No.</th>
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<tr>
<td>9.</td>
<td>Preliminary and Final Plat approval of PACIFIC STREET WEST REPLAT FIFTEEN, a subdivision located outside the</td>
<td>21220 Elkhorn Drive</td>
</tr>
</tbody>
</table>
At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of the rezoning from MU and DR to MU and DR, subject to submittal of an acceptable amendment to the Mixed Use Agreement, and approval of the Preliminary Plat, subject to the following conditions:

1. Place a note on the plat prohibiting access to 204th Street from Lot 1 or Outlot A.
2. Coordinate with Omaha Public Works to provide analysis demonstrating the following:
   a. The proposed plat and development will result in no increase in runoff rate for NDOT right-of-way
   b. The stormwater facility in Outlot A will still be able to meet stormwater requirements for the existing PCSMPs which utilize the basin.
3. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.
4. Compliance with all applicable stormwater management ordinances and policies.
5. 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.

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

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Morris moved for layover. Mr. Moore seconded the motion which carried 6-0.

### Rezonings

14. C10-18-280 (D) Leslie Christensen  
**REQUEST:** Rezoning from GI to NBD (property is located in an ACI-1 Overlay District)  
**LOCATION:** 1935 South 13th Street

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of the rezoning from GI to NBD. Mr. Magid seconded the motion which carried 6-0.

### Overlay Districts

15. C11-18-279 (D) Alley Poyner Macchietto Architecture  
**REQUEST:** Approval of a PUR-Planned Unit Redevelopment Overlay District  
**LOCATION:** Southeast of 15th and Spring Streets

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submittal of acceptable final PUR plans including acceptable building elevations and providing the sidewalk extension, prior to forwarding this request to the City Council. Mr. Magid seconded the motion which carried 6-0.
At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval of the requested temporary heliport, subject to:
1. Compliance with the proposed site plan.
2. Compliance with the proposed operating statement.
3. This use permit expires April 1, 2021 and all improvements related to the heliport must be removed by April 30, 2021.
4. Construct sidewalk along the Indian Hills Drive frontage.
5. Compliance with all applicable regulations.
Mr. Magid seconded the motion which carried 6-0.

Vacation

18.  C14-18-258  (D)  
Planning Board  
REQUEST:  Vacation of an irregular portion of right-of-way abutting Lots 2 and 3, Block 5, South Omaha 2nd Addition and Lot 16, Block 2, St. Mary's Addition (abutting 3221 R Street)

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Morris moved for layover. Mr. Moore seconded the motion which carried 6-0.

19.  C14-18-259  (D)  
Planning Board  
REQUEST:  Vacation of the North/South alley from Hascall Street to Spring Street, between 4th and 5th Streets, abutting Lots 3-5, 7, 9-12 and 17-26, Block 6, Maynes Addition

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Morris moved for layover. Mr. Moore seconded the motion which carried 6-0.

20.  C14-18-261  (D)  
Adjacent Property Owner  
REQUEST:  Vacation of Davenport Street from 24th Street to 25th Street along with a portion of alley located in Block 2, Reed's First Addition

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval, subject to the following conditions:
1. The City must retain easements to access sewer lines in portions of the 25th Street right-of-way.
2. The removal of two (2) street lights, four (4) 2-hour parking signs, one (1) no parking sign, three (3) parallel parking signs, two (2) no parking tow away zone signs, one (1) stop sign, one (1) keep right median sign, one (1) street name sign and seven (7) sign posts.
Mr. Magid seconded the motion which carried 6-0.

21.  C14-18-262  (D)  
Adjacent Property Owner  
REQUEST:  Vacation of Bridge Street and Hunt Street, east of 36th Street adjacent to Blocks 171 and 174, Florence (9201 North 36th Street)

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval. Mr. Magid seconded the motion which carried 6-0.
### 22. C14-18-263 (D) Planning Board

**REQUEST:** Vacation of the remaining portion of the east/west alley east of 51st Street between Walnut and Hickory Streets abutting Lots 10, 11, and 12, Block 28, West Side Addition

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Morris moved for layover. Mr. Moore seconded the motion which carried 6-0.

### 24. C14-18-265 (D) Planning Board

**REQUEST:** Vacation of B Street generally west of the west right-of-way line of 28th Street, abutting Lot 12, Block 15, South Omaha City Lots; Lot 12, Block 7 South Omaha City Lots and Lot 1, South Omaha Replat 5

At the Planning Board meeting held on December 5, 2018, this case was placed on the Consent Agenda. Mr. Rosacker moved for approval, subject to:
1. Coordination with Public Works on the design of the cul-de-sac and area of vacation.
2. Submittal of an acceptable replat of the property.
Mr. Magid seconded the motion which carried 6-0.

### (REGULAR AGENDA)

**ADMINISTRATIVE MEETING ONLY**

1. **C12-18-217 Courtyard on Park, LLC**

   **REQUEST:** Final Plat approval of COURTYARD ON PARK, a subdivision inside the city limits

   **LOCATION:** 1007 Park Avenue

At the Planning Board meeting held on December 5, 2018, Mr. Eric Englund, Manager of Current Planning, explained that the request for Final Plat approval is for 12 residential lots and two outlots. He stated that the Preliminary Plat, TIF funding, and PUR overlay district had been previously recommended for approval by the Planning Board and the Preliminary Plat was approved by the City Council in their meeting on December 4, 2018. Mr. Englund stated that there were only two conditions which remained to be addressed before the Final Plat would be forwarded to City Council for their approval.

Mr. Pate moved for approval of the final plat, subject to the following conditions being addressed prior to forwarding to the City Council:
1. Revision of the mylar documents to provide street frontage on Outlot B.
2. Submittal of an acceptable final subdivision agreement.
Mr. Magid seconded the motion which carried 6-0.

2. **C10-17-240 C12-17-241 NP Dodge Building Company**

   **REQUEST:** Final Plat approval of ARBOR WOODS, a subdivision inside the city limits, with rezoning from DR to DR, R4 and R6 (property is also located within the FF-flood fringe and FW-floodway overlay districts)

   **LOCATION:** 9300 Arbor Street

*Mr. Magid recused himself prior to the discussion of this case and left the chambers*

At the Planning Board meeting held on December 5, 2018, Mr. Eric Englund, Manager of Current Planning, explained that the request only for approval of the Final Plat. He stated that the Planning Board had previously recommended approval on the Preliminary Plat, rezoning and PUD, the City Council approved the Preliminary Plat at their January 9, 2018 meeting, and the Zoning Board of Appeals approved waivers in conjunction with the PUD at their November 8, 2018. Mr. Englund stated that the applicant has adequately addressed several of the conditions of approval. He stated that the department recommends approval subject to the conditions in the recommendation report.
Mr. Moore moved for approval of the rezoning from DR to DR, R4 and R6, subject to the approval of an acceptable finalized PUD-Planned Unit Development Overlay District and approval of the final plat, subject to the following prior to the request being forwarded to City Council:

1. Final approval from the Papio-Missouri River NRD.
2. Submittal of a final acceptable subdivision agreement.

Mr. Pate seconded the motion which carried 5-0 with Mr. Magid recused.

*Following the vote, Mr. Magid returned to the chambers*

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Master Plan Referrals

| 3. | C3-18-238 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the ASHTON BUILDING TIF REDEVELOPMENT PROJECT PLAN (laid over from 11/7/18) | LOCATION: 1218 Nicholas Street |

*Mr. Rosenbaum advised that agenda items #3 (C3-18-238) and #6 (C3-18-267) would be heard together but would be voted on separately.*

At the Planning Board meeting held on December 5, 2018, Mr. Don Seten, Planning Department, stated that the Ashton Building (case #3) is a 187,000 square foot, brick, four-story, historical building in the northeast downtown area, he presented an aerial photograph showing the location of the building in relationship to other downtown landmarks. Mr. Seten stated that the building would be completely rehabilitated to house offices with full amenities as well as a small amount of commercial and retail space. He stated that the rehabilitation of this building is the first step in the larger Millwork Commons Redevelopment Plan (item #6). Mr. Seten stated that the total investment in the building is approximately $40,000,000; the TIF support requested is $6,350,000 and the project also qualifies for Federal and State Historic Preservation tax credits. Mr. Seten also stated the project meets the required criteria for the TIF program, it is an appropriate land use for the location, and complied with the goals of the City’s Master Plan.

Ms. Jennifer Taylor, City of Omaha Law Department, presented information regarding the Millwork Commons Redevelopment Plan (case #6), including showing an aerial photograph of the entire area which would be included in the plan. She stated that the Ashton Building (case #3) is the first step in this larger project. Ms. Taylor stated that the City had completed a study of the development potential in north downtown and that the area where this project would be located had not seen as much development as some of the other areas of north downtown. The development plan includes office/retail, multi-family residential and mixed use areas directly north of the CHI Health Center and TD Ameritrade Park. With the exception of a few buildings which are currently in use, the current condition of many of the buildings in the area ranges from average to very poor, in addition, many of them are vacant and underutilized. This is an area of Omaha which is very near the downtown corridor where many visitors come every year and is in dire need of redevelopment. Ms. Taylor stated that the redevelopment plan currently before the Board contains both current and potential projects within the area as well as areas for City participation through the installation of several streets, sidewalks, sewer relocation and other public improvements. In addition, the City will potentially construct and operate a public parking structure. The plan being presented today is for the overall redevelopment area, specific TIF and other projects will come through as they come through.

In response to a question from Mr. Pate, Ms. Taylor stated that the entire project is anticipated to be underway by 2024, the Ashton Building project will start immediately.

Ms. Taylor also advised the Board that 12th Street, between Izard and Nicholas Streets on 12th Street, was designated as a Historic District on the National Registry in 2009 and several buildings in the project area were designated as Historic Buildings on the National Registry in 2008.

Ms. Kendra Ringenberg, 1318 North 187th Street, appeared before the Board as the attorney on behalf of
Mr. Eric Englund, Manager of Current Planning, stated that, with regards to Case C3-18-238, the City recommended approval.

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

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<tr>
<th></th>
<th>C3-18-267 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the MILLWORK COMMONS REDEVELOPMENT PLAN</th>
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<tr>
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<td>LOCATION: Generally bound by Seward Street on the north, 11th Street on the east, Nicholas and Izard Streets on the south and the mid-block point between 13th and 14th Streets on the west</td>
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Ms. Kendra Ringenberg, 1318 North 187th Street, appeared before the Board as the attorney on behalf of the applicant to take questions.

Mr. Eric Englund, Manager of Current Planning, stated that, with regards to Case C3-18-267, the City recommended approval.
Mr. Morris moved for approval. Mr. Pate seconded the motion which carried 6-0.

(REGULAR AGENDA)

Master Plan Referrals

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<td>5.</td>
<td>C3-18-266 Planning Department on behalf of the City of Omaha</td>
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<tr>
<td></td>
<td>REQUEST: Approval of the RIVER CROSSING PHASE 1A TIF REDEVELOPMENT PROJECT PLAN</td>
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<td></td>
<td>LOCATION: Southeast of 10th and Farnam Streets</td>
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*Mr. Rosenbaum advised that agenda items #5 (C3-18-266) and #11 (C10-18-273, C12-18-274) would be heard together but would be voted on separately.*

At the Planning Board meeting held on December 5, 2018, Mr. Larry Jobuen, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobuen introduced Mr. Brad Soderwall to discuss the project and give an overview of the project history of Hines Interests.

Mr. Brad Soderwall, 444 West Lake Street, Chicago, Illinois, appeared before the Board on behalf of the developer, Hines Interests LP. Mr. Soderwall described the history of the company, provided photos of many projects which they had developed around the world, and stated that the company is currently working with Mutual of Omaha, in Omaha, to redevelop their campus in Midtown, and stated that the company had developed the Union Pacific headquarters in Omaha. Mr. Soderwall described the current request before the Board as the first phase of a multi-phase, mixed-use, redevelopment project with a total investment in excess of $500,000,000. He stated that the entire project will take approximately seven to eight years. He stated that this first phase will create a “sense of place” from which the entire development will grow and will create a dynamic area in the City which will connect the Old Market with the Riverfront area.

Mr. Larry Jobuen, 11440 West Center Road, returned to address the Board on behalf of the applicant. He presented an aerial photograph showing the various phases which will be developed on the former Conagra campus, on which he highlighted the area currently on the agenda, as well as showing an area which will remain intact as Conagra. In addition, Mr. Jobuen presented photographs showing 10th Street on the western boundary and Farnam Street on the northern boundary in addition to Harney Street which will be extended to connect to 8th Street, and 8th Street which will extend to connect Harney Street to Farnam Street.

Mr. Jobuen stated that the entire project will take place on approximately 23 acres at the former Conagra campus which will be subdivided into 10 buildable lots and 2 outlots for drainage and greenspace. He stated that the development will include multi-family housing, parking structure, commercial/retail, a hotel, and a public pedestrian plaza. The overall concept was to tie the development into the Old Market area, extending it to the Riverfront and Heartland of America Park, while also adding a vibrant, mixed use area to this part of downtown. The overall development will include approximately 500,000 square feet of office space, 80,000 square feet of retail space, a proposed boutique hotel with approximately 200 rooms, as well as 900 new residences including multi-family apartments and condominiums. He again referred to the diagram to point out how the various phases will be completed. Mr. Jobuen stated that the first phase (phase 1A), which was on the agenda, will include the demolition of some of the buildings and will construct of a five story building, housing approximately 375 multi-family residences and approximately 42,000 square feet of retail space on the first floor streetscape on the south side of the building facing Harney Street and on the west side facing 10th Street. In addition, Mr. Jobuen stated that there will be a 720 stall parking garage within the building to serve the multi-family and retail components, and will also include 150 to 250 public parking spaces, which is important because of the planned revitalization project at the Gene Leahy Mall which will need some parking nearby as well. The building constructed in phase 1A will be approximately 680,000 square feet in size and the parking structure will be internal to the structure and not visible from the street. There will be a 38’ wide the public open space/plaza which will extend from 9th to 10th Street and two lanes of traffic from 9th Street to 8th Street. Mr. Jobuen provided several proposed elevations showing a variety of views into the project. This phase will be on the northwestern corner of 10th and Farnam Streets. He pointed out the other various parking areas, entrances, and street extensions on the aerial photo. Mr. Jobuen pointed out the various other phases which will take place in the project and gave an idea of what
will be included in each phase. He also described the additional work which will be done to extend the streets and improvements which will be made to public infrastructure in this area.

Mr. Jobuen stated that there was a neighborhood meeting held in November, 2018 which approximately 45 people attended. He stated that they sent out a large number of notices, both within the required 300’ area as well as some outside that area. Mr. Jobuen stated that there have also been numerous news articles about the project, so many people know about it. He stated that they have reviewed the recommendation report and agree with all of the recommendations and that they will continue working with the Planning Department, the Mayor’s office, and other developers in the area of the Riverfront, Gene Leahy Mall, and other projects nearby.

In response to a question from the Board, Mr. Jobuen stated that the entrance to parking will be from Farnam Street and 8th Street.

The total public improvement cost will be approximately $12,000,000, excluding the public parking garage which will be built, maintained, owned, and operated by the City. The total phase 1A project costs are expected to be approximately $105,000,000. The developer’s contribution will be $81,000,000. Mr. Jobuen stated that request before the Board at this meeting are only for phase 1A, additional TIF requests may come with future phases. Mr. Jobuen stated that phase 1A will create approximately 1,900 to 2,100 construction jobs as well as 60 to 80 full-time jobs in the retail and commercial aspects of the development once completed. Mr. Jobuen stated that in the future there may be a request for an Enhanced Employment District. The TIF request for phase 1A is $11,000,000 which is approximately 14% of the project cost. Mr. Jobuen stated that the project meets the required criteria for the TIF program, it is an appropriate land use for the location, and complied with the goals of the City’s Master Plan.

In response to a question from the Board, Mr. Jobuen stated that the traffic flow, west of 10th Street on Harney will not change at this time. Mr. Ryan Haas, Public Works department, also stated that there is no plan to change the flow at this time.

In response to a question from Mr. Pate, Mr. Brad Soderwall stated that they had a 3rd party market assessment completed to determine the market for apartments in this area which indicated that there is interest in this development. He stated that it will take approximately two years to absorb 95% of the 375 apartments.

Mr. Eric Englund, Manager of Current Planning stated that the City recommends approval of case number C3-18-266, the River Crossing Phase 1A TIF Redevelopment Plan.

Mr. Pate moved for approval. Mr. Moore seconded the motion which carried 6-0.

<table>
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<tr>
<th>11.</th>
<th>REQUEST: Preliminary Plat approval of CENTRAL PARK EAST REPLAT 3, a subdivision located inside the city limits, with a waiver of Section 53-8(4)(d) Lot frontage, along with expansion of the ACI-1 Overlay District</th>
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Mr. Jobuen stated that there was a neighborhood meeting held in November, 2018 which approximately 45 people attended. He stated that they sent out a large number of notices, both within the required 300’ area as well as some outside that area. Mr. Jobuen stated that there have also been numerous news articles about the project, so many people know about it. He stated that they have reviewed the recommendation report and agree with all of the recommendations and that they will continue working with the Planning Department, the Mayor’s office, and other developers in the area of the Riverfront, Gene Leahy Mall, and other projects nearby.

In response to a question from the Board, Mr. Jobuen stated that the entrance to parking will be from Farnam Street and 8th Street.

The total public improvement cost will be approximately $12,000,000, excluding the public parking garage which will be built, maintained, owned, and operated by the City. The total phase 1A project costs are expected to be approximately $105,000,000. The developer’s contribution will be $81,000,000. Mr. Jobuen stated that request before the Board at this meeting are only for phase 1A, additional TIF requests may come with future phases. Mr. Jobuen stated that phase 1A will create approximately 1,900 to 2,100 construction jobs as well as 60 to 80 full-time jobs in the retail and commercial aspects of the development once completed. Mr. Jobuen stated that in the future there may be a request for an Enhanced Employment District. The TIF request for phase 1A is $11,000,000 which is approximately 14% of the project cost. Mr. Jobuen stated that the project meets the required criteria for the TIF program, it is an appropriate land use
for the location, and complied with the goals of the City's Master Plan.

Ms. Bridget Hadley, Planning Department, stated that the project has gone through the TIF committee and has been vetted to meet with the community development law and complies with the TIF guidelines. In addition, she reiterated that the TIF request is only for phase 1A of the development.

In response to a questions from the Board, Mr. Jobuen stated that the traffic flow, west of 10th Street on Harney will not change at this time. Mr. Ryan Haas, Public Works department, also stated that there is no plan to change the flow at this time.

In response to a question from Mr. Pate, Mr. Brad Soderwall stated that they had a 3rd party market assessment completed to determine the market for apartments in this area which indicated that there is interest in this development. He stated that it will take approximately two years to absorb 95% of the 375 apartments.

Mr. Eric Englund, Manager of Current Planning stated that the development team for case number C10-18-273 and C12-18-274 has worked closely with the City departments to work through some of the issues and the department anticipates they will continue to coordinate throughout the development. Mr. Englund stated that the department recommends approval with several conditions.

Mr. Rosacker moved for a approval of the waiver of Section 53-8(4)(d) Lot frontage; approval of the expansion of the ACI-1 Overlay District; and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat:

1. Coordinate with the Public Works Department on an acceptable design for Harney Street.
2. Coordinate the design of the intersection of 8th and Farnam Streets with the Riverfront development to provide a mutually acceptable street elevation drainage design.
3. Coordinate with the Public Works Department on acceptable paving and sidewalk materials and on the design of the mini-roundabout.
4. Provide a minimum of back-of-curb to back-of-curb street width of 25 feet along 8th Street.
5. Provide for all improvements identified in the final approved traffic study, including the modification of the traffic signals at 10th and Harney Streets.
6. Enter into a maintenance agreement with the City to cover the private maintenance responsibilities for the streetscape improvements and for all non-standard pavement, sidewalk and drainage improvements.
7. Coordinate with Public Works on an acceptable design for the 8th and Harney Streets intersection.
8. For Lot 10, coordinate with Public Works on minimum requirements for building setbacks relative to Harney Street and sidewalks.
9. The applicant must coordinate with city staff regarding an acceptable sidewalk layout along Conagra Drive and dedicate additional right-of-way, if needed.
10. Comply with all applicable stormwater management ordinances and policies, including providing for a no net increase in stormwater runoff and treatment of the first ½ inch of stormwater for water quality.
11. The applicant must provide for the use, ownership and maintenance of the outlots in the subdivision agreement.

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

| 7. | C3-18-283 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the disposal of City owned property under Community Development Law |
| LOCATION: | 2807 Spaulding Street; 3712, 3714, 3811, 3821 and 3922 North 19th Street; 1823 Pratt Street; 2857 Manderson Street; 2528 Sprague Street; 5813 North 29th Street; 2522 Maple Street |

At the Planning Board meeting held on December 5, 2018, Mr. Eric Englund, Manager of Current Planning stated that the request is for the disposal of eleven parcels, totaling approximately 55,000 square feet with the intention that they will go to Habitat for Humanity for the future development of single family residences.
He explained that the policy of the City is to surplus and dispose of unneeded public property and this request is consistent with Nebraska Community Development law. Mr. Englund stated that the department recommends approval.

Mr. Moore moved for approval. Mr. Magid seconded the motion which carried 6-0.

| REQUEST: Preliminary and Final Plat approval of STONE ARCH CREEK, a subdivision located outside the city limits, with waivers to Section 53-8-4(d) Lot frontage, Section 53-9(3) Street surfacing and Section 53-9(9) Sidewalks (property is located in the ED-North Hills Environmental Resources Overlay District) |
| LOCATION: 13909 North 64th Plaza |

At the Planning Board meeting held on December 5, 2018, Mr. Sean Negus, appeared before the Board as the applicant. Mr. Negus stated that he is currently homeless and living with a friend at 801 Sunset Drive, Fort Calhoun, Nebraska. Mr. Negus stated that he intended to build his residence at this location and he is requesting a waiver of the required street paving on the west side of 13090 North 64th Plaza. He stated that the property is located approximately one mile north of North Hills Drive, which is approximately a half mile from the county line. He stated that North 64th Plaza is all gravel from North Hills Drive, for approximately 1 mile to his location. Mr. Negus stated that North 64th Plaza is a private drive, not a dedicated City street. He stated that it is illogical to put pavement on just the section in front of his location when it will remain gravel on both sides of that location. He stated that the neighbor who owns the majority of the other property on that roadway prefers that the road remain gravel as it contributes to the country type living they enjoy. In addition, Mr. Negus stated that the cost to pave that section would be approximately $70,000, making it unaffordable for him to develop the property to build his home. He stated, that on approximately ten acres just south of his property, a new residence was built and became occupied in June, and that property owner was not required to pave the portion of the road in front of their home. In response to a question from the Board, Mr. Negus stated that previously there had only been a shed on the property south of his location.

In addition, Mr. Negus stated that he is requesting there be no requirement for a Special Use Permit because there is not going to be a significant amount of grading other than the removal of dirt for the foundation of the home. He stated that the slopes are less than 17% and the tree removal will be done on less than a half-acre. He stated that he would like to be able to move forward sooner rather than later so that he can get out of his friend’s home and into his own place. He did state that if the area became further developed, he would not be opposed to the creation of a paving district, but for only his frontage to be paved does not make sense to him.

In response to questions from the Board, he stated that he discussed whether the land would be buildable with his architect and was told that it would be, however, he did not look into any paving requirements. In addition, he replied that if the paving is required, he would likely be unable to build his home on that property. He stated that he did not consult with the Planning Department prior to purchasing the property.

Mr. Doug Kellner of Thompson, Dreessen & Dorner, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. He stated that he had only recently become involved in the project, but that he believed the request was made with the assumption that it would be an administrative deal because it is on an easement adjacent to the property off a private drive rather than a public street. It seems logical that the entire road would remain gravel rather than paving just a short section of the private drive.

Mr. Don Zeisler, 13303 North 64th Plaza, appeared before the Board on behalf of the applicant. Mr. Zeisler stated that his property is directly south of Mr. Negus’ property and that he has no problem with the portion of the road in front of Mr. Negus’ property being left gravel. He stated that he, and the other property owners on the road pay to put down asphalt grindings on the street and take good care of it, it is not muddy, and he believes it is in better condition than some of the county roads. He stated that, in his opinion, it is unreasonable for Mr. Negus to have to spend that money on a piece of concrete on a road that goes to nowhere. He stated that he has spoken with other property owners and they feel the same way.
Mr. Eric Englund, Manager of Current Planning, stated that the department had corresponded with Thompson, Dreessen, and Dorner about the requirement for paving. He stated that although other properties may have been developed over time without making the proper street, sewer, and other infrastructure improvements, the code is very clear that when properties become buildable lots the improvements are necessary. Mr. Englund stated that because the development is within the North Hills Environmental Resources Overlay District, the department is supportive of a reduction of pavement width, no curb and gutter, and no sidewalks, however, the street pavement is a requirement. He stated that there are other areas of the City which have been developed without building the streets up to City standards and over time, those streets become a problem when the City needs to repair and maintain those streets. Mr. Englund stated that although there is a private easement in this case, if the property is going to be developed, the street improvement will be a requirement regardless of whether the residents are currently taking care of it. Concerning the newly developed property to the south, Mr. Englund stated that the property owner did obtain a building permit because it was determined that it was a buildable lot with a structure already in place, so it did not have to go through the platting process, if it had gone through the platting process, it would have had the same requirement for street paving along their frontage. Mr. Englund stated that due to the property being within the North Hills Overlay, there are additional regulations due to the environmentally sensitive features in the area. Depending on the slopes, grading and tree canopy removal, there are several regulations which dictate whether a Special Use Permit is required, however, that information was not included with the submittal of this application and though there was a small amount of that information provided prior to the meeting, the department recommended a layover to allow time to review that information to determine the need for a Special Use Permit. He stated that if all of the required information is provided, the case could potentially be placed on the agenda for the January 9, 2019 Planning Board meeting, however, the department would recommend denial of the request to not provide street surfacing.

Mr. Morris inquired as to what would trigger the need for the neighbors to the south of Mr. Negus to pave their portion of the street. He stated that it did not seem to make sense to just have one small portion of the street to have concrete when it is all gravel around that slab. Mr. Englund stated that if all of the structures on the site were removed, or if the property owner wished to split the property into additional lots, in order to build again on the property it would require platting which would mean that the requirement for paving would be applied.

Mr. Pate stated that he understands the City’s requirements, but he does not think it makes sense to require that one small portion of the road would be paved with no indication that all of the road around it would be paved. He stated that he would be supportive of a layover to allow the applicant time to work with the City to possibly find a compromise.

Mr. Rosacker recommended a layover. Mr. Moore seconded the motion which carried 6-0.

| 10. | C10-18-271  
C12-18-272  
Scott Iverson | REQUEST: | Preliminary and Final Plat approval of  
EVERGREEN ACRES, a subdivision located outside the city limits, with rezoning from AG to DR  
LOCATION: | Southwest of 132nd Street and Bennington Road |

At the Planning Board meeting held on December 5, 2018, Mr. Scott Iverson, 5212 North 158th Avenue appeared before the Board with Mr. Jeff Elliott, 17007 Marcy Street, in support of the request. Mr. Elliott provided an aerial view of the area with the location of this projected highlighted for the Board members. He stated that the Iversons plan was to build one, single family home, on 9.77 acres they own at this location. He stated that after reviewing the recommendation report, he had contacted Amanda at the NRD about the future dam site planned which will touch the applicant’s property in the next 20 years. He showed on the aerial photograph the area which will include the “top of dam” elevation. He stated that the NRD asked the Iverson’s to place the southern portion of their property into an outlot which would be purchased by the NRD at a later date for the dam site. He explained that the northern portion of the site has a large hill on which it would be possible to place their home. In response to a question from the Board, Mr. Elliott stated that if the property for the dam site is not considered, the applicants would still have approximately
4 to 5 acres on which to build a house.

Mr. Eric Englund, Manager of Current Planning, stated that the department discovered the NRD dam information during their review of the application. The department discussed the application with the NRD and it was suggested that the southern portion be placed in an outlot for future purchase by the NRD. He stated that the department recommends approval of the rezoning, approval of the preliminary plat subject to the conditions listed in the recommendation report and layover of the final plat to allow the applicant to coordinate with the NRD.

In response to a question from Mr. Rosacker, Mr. Elliott stated that the NRD dam is only in the preliminary planning stages. He also stated that after talking with Amanda and looking at the preliminary plans, it is anticipated that they would be able to get the necessary information back to the Planning Department by the deadline for the January, 2019 Planning Board meeting.

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

1. Coordinate with the Natural Resources District for their determination on the extent of the future dam site impacts to the area in this subdivision, and place the area of future NRD acquisition in an outlot.
2. Provide for the use, ownership, and maintenance of the outlot in a subdivision agreement.

He also moved to layover the Final Plat to allow the applicant to coordinate with the NRD for their determination on the extent of the future dam site impacts to the area in this subdivision, place the area of future NRD acquisition in an outlot, and allow for a waiver of lot frontage for the outlot to be added to the request. Mr. Moore seconded the motion which carried 6-0.

At the Planning Board meeting held on December 5, 2018, Mark Johnson, 11440 West Center Road, appeared before the Board on behalf of the applicant. He stated that the project will create 256 single family residential lots on 80 acres along with 8 outlots. He stated that this will be a two phase project with the south phase being completed first. Mr. Johnson stated that he has received a copy of the recommendation report and will work with the City to get those items addressed. Mr. Johnson indicated that he had nothing further to add, but was available to answer any questions from the Board or other interested parties.

Mr. Tom Neuverth, 6525 North 168th Street, appeared before the Board in opposition. Mr. Neuverth stated that he is not so much opposed to the project, rather he is opposed to the proposed access road into the subdivision being placed directly across from his driveway. He stated that with the entrance directly across from his driveway he will have a very hard time getting out of his drive with all of the new traffic from 256 residences as well as the traffic from the school and requested the road be moved 150’ south of its currently planned location in order to alleviate this problem.

Mr. Eric Englund, Manager of Current Planning, explained that the spacing of streets is generally uniform throughout the City at ¼, ½, and ¾ mile locations per direction from the Master Plan.

Mr. Ryan Haas, City of Omaha Public Works, stated that deviating from the Master Plan placement guidelines leads to other problems with regards to traffic engineering and opportunities for additional hazards. He also pointed out that moving the street further one way or another would then put it closer to another driveway and that other landscape issues such as a drainageway make it difficult to consider moving the location of the planned street. In response to a question from the Board, Mr. Haas stated that at this time, there is not a plan to put in a signal at this intersection, however if traffic density shows that a traffic signal is required at some point, it will be necessary for the streets to line up with each other.

At the request of the Board, Mr. Neuverth returned to the podium for some clarification. The Board showed Mr. Neuverth how off-setting the street could leave him with a right in/right out situation which would be
worse than what is being shown now. Mr. Neuverth stated that he did not agree, but he understands what they are saying.

Mr. Englund stated that the applicant is requesting a waiver of sidewalks along the west edge of HWS Cleveland, which is supported by the City due to the location of the Flanagan Lake trail network and proposed connections. He stated that the City recommends approval subject to the conditions listed in the recommendation report.

Mr. Pate moved for approval of the rezoning from AG to R4, approval of the waiver to Section 53-9(9), Sidewalks, of the Omaha Municipal Code for the west side of HWS Cleveland Boulevard only, and approval of the Preliminary Plat, subject to the following conditions:

1. Coordinate with Omaha Public Works and the Parks Department on the location and design of trail connections from Lakeside 168 to the Flanagan Lake trail network, which must include a 10-foot-wide trail located within the existing OPPD easement. Design and location of the trail must be also be coordinated with OPPD.
2. Provide a note on the plat prohibiting direct access to 168th and Ida Streets from any of the lots.
3. Include language in reference to the deferral of arterial improvements along both 168th and Ida Streets in the final subdivision agreement.
4. Coordinate the design of Park 33 with adjacent SIDs and the Omaha Parks Department.
5. Coordinate the boulevard design for HWS Cleveland Boulevard with the Parks Department. The design must comply with the criteria of the Suburban Park Master Plan (with the exception of sidewalks along the western edge of the Boulevard). All boulevard plans and cost estimates must be approved by the Parks and Recreation Advisory Board prior to bidding.
6. Coordinate with the Douglas County Engineer’s office on the design and construction of 168th Street, Ida Street, and all associated grading, utilities, and storm sewer design.
7. Provide traffic calming on all streets greater than 1,000 feet in length.
8. Submit a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area.
9. Submit a letter of approval from Douglas County for a noxious weed plan.
10. Compliance with all applicable stormwater management ordinances and policies.
11. Incorporate the entire HWS Cleveland right-of-way into the boundary of the Sanitary Improvement District (SID).
12. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
13. Coordinate with the City on an acceptable debt ratio.

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

**Special Use Permits**

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<td>16.</td>
<td>C8-18-281 Mark Sanford</td>
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<td>REQUEST:</td>
<td>Approval of a Special Use Permit to allow Body and fender repair services in a GC District (property is located in a ACI-2 Overlay District)</td>
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<td>LOCATION:</td>
<td>7076 Maple Street</td>
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At the Planning Board meeting held on December 5, 2018, Mr. Mark Sanford appeared before the Board on behalf of the current business/property owner. He stated that the request is to build an addition to the current automotive repair shop to add body and fender repair services. He stated that currently the business consists of mainly oil changes and similar, simple repairs, not including collision repair. Mr. Sanford stated that the current building is already at the eastern boundary of the lot, the addition will be to the rear and will consist of two service bays, the west side of the property will be developed to provide additional parking. He stated that the requirement is to have four parking stalls per repair bay, there are nine parking stalls in the back, as well as some existing angled parking at the side of the building, and there will be ADA parking added at the front of the building. Mr. Sanford described the layout of the current building as well as changes the owner hopes to make if the SUP is approved by adding an alignment bay and a paint booth. He also showed some plans for landscape buffering and potential changes to the parking layout. Mr. Sanford stated that they had considered utilizing 10’ of the alley which is currently overgrown and undrivable, in order to create more parking, but had not firm up anything in that regard.
In response to questions from the Board, Mr. Sanford reiterated that the owner does not currently do collision repair work at the facility and that he was uncertain as to whether additional licensing would be required for collision repair work. Mr. Sanford stated that as the property is right now, customers have to back out of the parking spaces onto Maple Street. In the future, it will require maneuvering around out of the space to get heading out towards Maple Street.

Mr. Sanford stated that they had conversations with the City regarding their concerns and have tried to find ways to comply with the requirements. He stated the owner would be open to a layover in order to continue to try and work things out.

Ms. Lita (last name unknown), appeared on behalf of her father who owns the business but does not speak English well. She stated that the only body work taking place at this location currently is when the owner does some light work on cars for his children and it consists only of changing out parts and is not done as a part of the business, only for personal vehicles.

Mr. Eric Englund, Manager of Current Planning, stated that the site is approximately 12,600 square feet with an existing building measuring approximately 2,100 square feet and the proposed addition is a little over 2,800 square feet. He stated that the department has concerns about the size of the site being large enough to accommodate a building nearly 5,000 square feet in size as well as the required 16 parking spaces (4 for each of 2 repair bays, 1 estimating bay, and 1 alignment bay). Mr. Englund stated that the current 90 degree angle parking is non-compliant because there is no egress from them other than backing onto the street. In addition, on the northwest portion of the site, there a 24’ drive aisle required to allow for cars entering and exiting the site simultaneously. Mr. Englund explained that there are buffer yard requirements, screening requirements, and future street improvements which would need to be addressed. Mr. Englund stated that the department recommends denial at this time, though they are open to meeting with the applicant to further discuss the request.

Mr. Pate moved for denial. Mr. Moore seconded the motion, which failed by a vote of 3-3 with Mr. Magid, Mr. Rosacker, and Mr. Morris dissenting.

Mr. Magid moved for layover. Mr. Morris seconded the motion which carried by a vote of 4-2 with Mr. Pate and Mr. Rosembaum dissenting.

| 23.  | C14-18-264 Planning Board | REQUEST: Vacation of 57th Street south of Hascall Street abutting Lots 5 and 6, Schwab’s 3rd Addition along with the strip of land dedicated to the City abutting Lots 2, 8, and 9, Block 8, Patterson’s Park |

At the Planning Board meeting held on December 5, 2018, Mr. Eric Englund, Manager of Current Planning, addressed the Board to clarify the request. Mr. Englund stated that there are five property owners adjacent to this area and the department believed the property owner who is requesting the vacation needed to seek the required signatures from his neighbors. He explained that the usual process was for a petition to be circulated and if 75% of the property owners are in favor of the vacation, the City will allow the vacation.

Mr. Earl Baker, 5705 Hascall Street, appeared before the Board in support of the request. Mr. Baker explained that he is the property owner who is requesting the vacation. He stated that the request originated when an inspector came out to inspect a deck he was building and noted that the house was built too close to the property line. Mr. Baker stated that he has been taking care of the property, including the sidewalk, for the past 32 years, but he can’t get insurance on it because it still belongs to the City however, he is concerned that if someone is ever hurt there he will be held liable because he is the only one maintaining it. He stated that if the property is vacated so he could purchase it, he could then add it to his homeowners insurance.

Ms. Betty Dieter, 3314 South 56th Street, appeared before the Board in opposition. Ms. Dieter stated that the only access to the rear portion of her property is through this strip of land. She stated that when she
purchased her property in 1979, it was understood that 57th Street would be built on that property south of Hascall Street, however, the street was never built. She stated that she is maintaining the property south of her in the back along the fence line which is being taken over by volunteer trees and she does not think Mr. Baker is aware of the amount of work that will be required to maintain the property. In addition, Ms. Dieter stated that there is property back there which had been deeded to the City and she felt that family would turn over in their grave if they knew it was not going to be used as they had wished.

In response to a question from Mr. Englund, Ms. Dieter stated that she does not presently access her property from the rear, but she has a tree that she probably needs to remove which she would need to access from 57th Street.

Mr. Baker returned to state that it was his understanding that people were not supposed to access the properties by driving over City property. In addition, he stated that there is a fence all around the Dieter property which would prevent access from the rear.

Mr. Rosenbaum stated that it is apparent that the City is not going to put a street in there and the parties involved need to get together to talk this over with the City staff.

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

Mr. Moore moved to layover to allow this case to be further reviewed. Mr. Rosacker seconded the motion which carried 6-0.

APPROVAL OF MINUTES

Mr. Magid moved to approve the minutes of the September 5, 2018 Planning Board Meeting as written. Mr. Morris seconded the motion which carried 6-0.

Mr. Pate moved to approve the minutes of the October 3, 2018 Planning Board meeting as written. Mr. Morris seconded the motion which carried 6-0.

Mr. Rosacker moved to approve the minutes of the November 7, 2018 Planning Board meeting as written. Mr. Pate seconded the motion which carried 5-0-1 with Mr. Rosenbaum abstaining.

ADJOURNMENT

Mr. Morris motioned to adjourn the meeting at 3:52 p.m. Mr. Moore seconded the motion which carried 6-0.

Date Approved

______________________________

Greg Rosenbaum, Chairman

______________________________

Lisa Agans, Planning Board
Recording Secretary