MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – JULY 5, 2017
LEGISLATIVE CHAMBER - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, June 26, 2017.

MEMBERS PRESENT: Arnold Nesbitt, Vice Chairman
Greg Rosenbaum
Trenton Magid
David Rosacker
Kristine Karnes
Jeffrey Moore
Michael Pate

MEMBERS NOT PRESENT:

STAFF PRESENT: Dave Fanslau, Planning Director
Alan Thelen, Law Department
Eric Englund, Current Planning Manager
Rikki Flott, Recording Secretary

Arnold Nesbitt, Vice 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.

(HOLD OVER CASES)

Subdivisions

| 3. | C10-17-129 (D) C12-17-130 Development Services Corp. | REQUEST: Preliminary Plat approval of OFFICE DEVELOPMENT AT AVENUE ONE, a subdivision outside the city limits, with rezoning from AG to MU (laid over from 06/07/17) |
|    |                     | LOCATION: 240 South 192nd Street |

At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved for approval of the rezoning from AG to MU, subject to submittal of an acceptable Mixed Use Development Agreement to be submitted with the Final Plat, and for approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Submittal of a Revised Preliminary Plat. 2) Provide a pro-rata contribution for all improvements identified in the final approved traffic study (as approved by Public Works, Douglas County Engineer, and NDOR). 3) Dedicate right-of-way along HWS Cleveland Boulevard and along 192nd Street to accommodate the improvements identified in the final approved traffic study. 4) The proposed access at 192nd Street will be subject to the Nebraska Department of Roads approval - if approved by NDOR, then the following will apply: (a) Relocate the access further north to the 1/8-mile point. (b) Construct a southbound deceleration lane. (c) Provide a 24 foot minor street approach at a right angle to 192nd Street. (d) Place the minor street in right-of-way as a
public street or in an outlot as a private street built to City standards. (e) Connect the street to another interior public street with access restrictions as identified by Public Works. (f) Provide a note on the plat indicating the 1/8 mile connection to 192nd Street from the site will be restricted to right-in/right-out access at the time that 192nd Street is upgraded to a multi-lane section with raised medians. 5) Coordinate with Public Works on the design of HWS Cleveland Boulevard on its approach to 192nd Street (including the street section, and the spacing and traffic control of the accesses west of 192nd Street). 6) Coordinate with Public Works on the design of HWS Cleveland Boulevard roundabout, and to modify the street network north of the roundabout. 7) Dedicate right-of-way and pave a public street (or place a private street built to City standards in an outlot with a public access easement) between HWS Cleveland Boulevard and Lots 5-7 of Avenue One (roughly through the middle of the proposed plat). 8) Coordinate with the developer of the Avenue One project on the following items: (a) An acceptable alignment and design for HWS Cleveland Boulevard. (b) Cost sharing arrangements for the 192nd Street and HWS Cleveland Boulevard improvements. 9) Receive a permit from Douglas County for any street connections from the development to 192nd Street. 10) Any vacation of frontage road right-of-way would need to follow state statutes and a study by the Douglas County Engineer. 11) If the development is not within an SID, a maintenance agreement with Douglas County will be required for routine maintenance of public streets. 12) If the development is not within an SID, major street maintenance activities will be the responsibility of the adjacent property owners. 13) Include a provision in the final subdivision agreement that assigns responsibility for the routine maintenance and snow removal of the parking areas located on public right-of-way. 14) Place a note on the plat indicating there shall be no direct access to 192nd Street from Lot 1. 15) All beverage plans and cost estimates must be approved by the Park and Recreation Advisory Board prior to bidding. 16) Buildings located along HWS Cleveland Boulevard will need to either have their front or side building elevations facing the boulevard (rear elevations are not allowed). 17) HWS Cleveland Boulevard will need 100 feet width right-of-way, 6 foot sidewalks, landscaping and street lights to be located and specified and 35 foot no-build easement clearly shown and labeled. 18) Submittal of an acceptable tree mitigation plan. 19) Provide sidewalks along all streets as required by the Subdivision Ordinance. 20) Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies. 21) An acceptable debt ratio of 4% or less. Mr. Rosacker seconded the motion which carried 7-0.

Special Use Permits

| 4. | C8-11-081 (D) Lakeside AutoRecyclers, Inc. | REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Scrap and salvage services in a HI District (laid over from 10/07/15) | LOCATION: 1404 Grace Street |

At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved to layover to allow the applicant time to meet with city staff regarding the expansion of the storage of materials north of Grant Street and submittal of elevation plans for the proposed transfer station. Mr. Magid seconded the motion which carried 7-0.

Rezonings

| 11. | C10-17-142 (D) Don Thompson | REQUEST: Rezoning from R4(35) and R6 to R6 | LOCATION: 6321 North 51st Avenue |

At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved for approval. Mr. Rosacker seconded the motion which carried 7-0.

| 12. | C10-17-143 (D) City of Omaha | REQUEST: Rezoning from R4(35) to GI | LOCATION: Southeast of 20th and Ogden Streets |

At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved for approval. Mr. Rosacker seconded the motion which carried 7-0.
At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved for approval. Mr. Rosacker seconded the motion which carried 7-0.

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<th>REQUEST:</th>
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<tr>
<td>13.</td>
<td>Rezoning from GI to NBD (property is also located within an ACI-1(PL) Overlay District)</td>
<td>Southeast of 39th and Leavenworth Streets</td>
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**Conditional Use Permits**

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<th>REQUEST:</th>
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<tr>
<td>19.</td>
<td>Approval of a Conditional Use Permit to allow a Primary educational facility in a CC District</td>
<td>4640 South 59th Street</td>
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At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved for approval of the Conditional Use Permit to allow Primary Educational Facility in a CC District, subject to: 1) Compliance with the submitted site plan and operating statement. 2) Submittal of an application for rezoning from CC to R3 and to add the MCC Overlay to the site. 3) Compliance with all other applicable regulations. Mr. Rosacker seconded the motion which carried 7-0.

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<td>21.</td>
<td>Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R4 District</td>
<td>2100 South 51st Street</td>
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At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved for approval of the Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R4 District, subject to: 1) Submittal of a revised site and landscape plan that includes the required 10’ perimeter landscaping along the west side of the proposed building. 2) Submittal of a revised operating statement that provides for only storage and maintenance of the disaster response equipment in the new building. 3) Compliance with the revised site and landscape plan. 4) Compliance with the proposed building elevations. 5) Compliance with the revised operating statement. Mr. Rosacker seconded the motion which carried 7-0.
Vacations

22. C14-17-151 (D) Planning Board  
REQUEST: Vacation of the north/south alley between 17th Street and 18th Street south of M Street (abutting 4802 South 17th Street and 1715 M Street)

At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved for approval. Mr. Rosacker seconded the motion which carried 7-0.

23. C14-17-152 (D) Planning Board  
REQUEST: Vacation of part of the North 102nd Frontage Road between Nicholas Street and the intersection with 102nd Street

At the Planning Board meeting held on July 7, 2017, this case was placed on the Consent Agenda and Ms. Karnes moved for approval of the vacation subject to: 1) Westroads Investors, LLC recording the final plat of PUTT’N PLACE at the same time as the vacation. 2) Westroads Investors, LLC being subject to all conditions of the subdivision agreement for PUTT’N PLACE. 3) The sewer and utility easements being maintained throughout the area of the vacation. Mr. Rosacker seconded the motion which carried 7-0.

PUBLIC HEARING AND ADMINISTRATIVE MEETING

(HOLD OVER CASES)

Subdivisions

(Item numbers 1 and 18 were heard concurrently, but voted on separately)

1. C10-17-095  
C12-17-096  
Dennis and Patrick Esch  
REQUEST: Preliminary Plat approval of CHERRY CREEK, a subdivision outside the city limits, with waivers of Section 53-8(2)(b) Cul-de-sac length and Section 53-8(3) Block length, along with rezoning from DR to DR, R4 and R6 (laid over from 05/03/17)  
LOCATION: West of 103rd Street and Blair High Road

At the Planning Board meeting held on July 7, 2017, Mark Westergard, E&A Consulting Group, 10909 Mill Valley Rd., Suite 100, appeared before the Board on behalf of the applicant. Mr. Westergard stated that the proposed plan was for 111 single family lots and 210 apartment units along 103rd Street on this 60 acre site. He noted that grading issues created challenges along the western portion of the site and that traffic issues were discussed with the City and Nebraska Department of Roads. He explained that major intersection renovations along Blair High Road were planned for approximately 2022 and that the existing cul-de-sac to the north in the Avalon development would be moved back to provide increased stacking. He further explained that a median would be installed to create a right-in/right-out only access opposite of the existing Cherry Hills development entrance.

Nathan Brei, 6303 N. 105th St., appeared before the Board in opposition. Mr. Brei stated that he was a resident of Cherry Hills directly south of the site and that he was opposed to over-saturation of apartment units in the surrounding area and increased density. He then stated that he requested a layover to conduct a survey of existing apartment complexes in the surrounding area.

Kirby Woods, 6721 N. 105th Ave., appeared before the Board in opposition. Mr. Woods stated that he resided in Cherry Hills to the south of the site and that he was concerned with increased traffic, safety of egress along Blair High Road and potentially increased flooding with an existing sewer system issue in the Cherry Hills area.
Mr. Westergard stated that the NDOR planned future removal of left turn movements at the intersection of 103rd Street and Blair High Road, as well as a relocation of the traffic signal further to the north along Blair High Road. He then stated that the existing creek on the site would remain in place for drainage purposes. In response to the Board, Mr. Westergard explained that the stacking at the Potter Street round-a-bout was approximately 400 feet with approximately 25 feet per car and that the queues met NDOR requirements. He further explained that a through collector street allowed traffic flow through the subdivision toward Potter Street for left hand turns at Blair High Road and that residential backyards and sideyards faced this collector street.

Dave Fanslau, Planning Director, stated that federal Fair Housing standards prevented discrimination of housing and that developments were required to be Master Plan and zoning compliant. He added that the market dictated need for housing and the developer determined subsidized or non-subsidized housing. He then stated that the Department recommended approval of the waiver of Section 53-8(2)(b) for Cul-de-sac length, approval of the rezoning from DR to DR, R4 and R6, and approval of the Preliminary Plat, subject to the 19 items on the Department recommendation report being addressed with or prior to submittal of a Final Plat: He also stated that the Department recommended approval of PUD subject to submittal of a final acceptable site plan and landscape plan prior to forwarding the request to the City Council.

Mr. Rosenbaum moved for approval of the waiver of Section 53-8(2)(b) for Cul-de-sac length, approval of the rezoning from DR to DR, R4 and R6, and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Provide for all improvements identified in the final traffic study, as approved by Public Works and NDOR. 2) Coordinate with Public Works on the design of the roundabout. 3) Cherry Creek Drive between 103rd Street and Hanover/Potter Street will need to be paved to a depth of nine inches and meet AASHTO requirements for a design speed of 40 m.p.h. 4) Provide traffic calming on all streets longer than 1,000 feet. 5) Coordinate with Public Works on an acceptable GO paving plan. 6) Provide a cross access easement on the plat between Lots 112 and 113. 7) Receive a permit from Douglas County for any street connections from the development to 103rd/Ida Street. 8) If the development is not within an SID, a maintenance agreement with Douglas County will be required for routine maintenance of public streets. 9) If the development is not within an SID, major street maintenance activities will be the responsibility of the adjacent property owners. 10) Place the following notes on the plat: (a) “There shall be no direct vehicular access to Cherry Creek Drive from Lots 69-93, inclusive.” (b) “There shall be no direct access to Hanover/Potter Street, Ida Street, 103rd Street or Blair High Road from any lots or outlots abutting said streets.” 11) Provide sidewalks along all street frontages as required by the Subdivision Ordinance (including along 103rd and Ida Street frontages). 12) Provide a pedestrian connection from 104th Circle to the roundabout. 13) Cover the installation and maintenance of sidewalks for all double-fronted lots in the final subdivision agreement. 14) Continue working with city staff on reaching an acceptable tree mitigation plan. 15) Submit a wetlands mitigation plan. 16) Receive approval of a 404 Nationwide Permit from the U.S. Army Corps of Engineers (if necessary) prior to receiving a grading permit from the City of Omaha. 17) Provide a letter of approval of a Noxious Weed Plan from Douglas County. 18) Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies. 19) An acceptable debt ratio of 4% or less. Mr. Magid seconded the motion which carried 7-0.

Overlay Districts

(Item numbers 1 and 18 were heard concurrently, but voted on separately)

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<tr>
<th>18.</th>
<th>C11-17-140 Dennis and Patrick Esch</th>
<th>REQUEST: Approval of a PUD-Planned Unit Development Overlay District</th>
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<td>LOCATION: West of 103rd Street and Blair High Road</td>
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At the Planning Board meeting held on July 7, 2017, Mark Westergard, E&A Consulting Group, 10909 Mill Valley Rd., Suite 100, appeared before the Board on behalf of the applicant. Mr. Westergard stated that the proposed plan was for 111 single family lots and 210 apartment units along 103rd Street on this 60 acre site. He noted that grading issues created challenges along the western portion of the site and that traffic issues were discussed with the City and Nebraska Department of Roads. He explained that major intersection renovations along Blair High Road were planned for approximately 2022 and that the existing cul-de-sac to the north in the Avalon development would be moved back to provide increased stacking. He
further explained that a median would be installed to create a right-in/right-out only access opposite of the existing Cherry Hills development entrance.

Nathan Brei, 6303 N. 105th St., appeared before the Board in opposition. Mr. Brei stated that he was a resident of Cherry Hills directly south of the site and that he was opposed to over-saturation of apartment units in the surrounding area and increased density. He then stated that he requested a layover to conduct a survey of existing apartment complexes in the surrounding area.

Kirby Woods, 6721 N. 105th Ave., appeared before the Board in opposition. Mr. Woods stated that he resided in Cherry Hills to the south of the site and that he was concerned with increased traffic, safety of egress along Blair High Road and potentially increased flooding with an existing sewer system issue in the Cherry Hills area.

Mr. Westergard stated that the NDOR planned future removal of left turn movements at the intersection of 103rd Street and Blair High Road, as well as a relocation of the traffic signal further to the north along Blair High Road. He then stated that the existing creek on the site would remain in place for drainage purposes. In response to the Board, Mr. Westergard explained that the stacking at the Potter Street round-a-bout was approximately 400 feet with approximately 25 feet per car and that the queues met NDOR requirements. He further explained that a through collector street allowed traffic flow through the subdivision toward Potter Street for left hand turns at Blair High Road and that residential backyards and sideyards faced this collector street.

Dave Fanslau, Planning Director, stated that federal Fair Housing standards prevented discrimination of housing and that developments were required to be Master Plan and zoning compliant. He added that the market dictated need for housing and the developer determined subsidized or non-subsidized housing. He then stated that the Department recommended approval of the waiver of Section 53-8(2)(b) for Cul-de-sac length, approval of the rezoning from DR to DR, R4 and R6, and approval of the Preliminary Plat, subject to the 19 items on the Department recommendation report being addressed with or prior to submittal of a Final Plat: He also stated that the Department recommended approval of PUD subject to submittal of a final acceptable site plan and landscape plan prior to forwarding the request to the City Council.

Mr. Rosenbaum moved for approval of the PUD, subject to submittal of a final acceptable site plan and landscape plan prior to forwarding the request to the City Council. Mr. Magid seconded the motion which carried 7-0.

| 2. | C10-17-126 C12-17-127 Ryan Weber | REQUEST: Preliminary Plat approval of CLEARVIEW HILLS, a subdivision outside the city limits, with rezoning from DR to DR and R6 (laid over from 06/07/17) | LOCATION: Southwest of 75th and State Streets |

At the Planning Board meeting held on July 7, 2017, Mark Westergard, E&A Consulting Group, 10909 Mill Valley Rd., Suite 100, appeared before the Board on behalf of the applicant. Mr. Westergard stated that the 22-acre site was planned for up to 300 multi-family units and that significant grade issues needed to be addressed prior to final plans. He then stated that a well-attended neighborhood meeting was held to discuss the project and that concerns were expressed. He mentioned that access to the south of the site was proposed as a private street access, but that the applicant was not opposed to the Department recommendation for use as a public street.

Teri Teutsch, 7250 Reynolds St., appeared before the Board in opposition. Mr. Teutsch stated that she owned the office building at 7250 Reynolds Street and was the Chair for her SID. She explained that she was not notified of the neighborhood meeting, but was unable to attend on that date. She questioned a requirement for no direct access to State Street from Lot 1 and Lot A, although the plan included a road in this area. She then expressed concern for blind traffic views at the intersection of 78th and State Streets, increased traffic, degradation of streets, and increased density with limited emergency response facilities. She then stated that she was opposed to a zoning change for the site.
Mr. Westergard apologized for lack of notification and stated that the notification list used by the applicant was identical to the notification list used by the city. He explained that the apartment development was required to provide access from internal streets and then access to State Street via a public street. He then explained that due to grade changes, the area to the north required approximately 20 feet of fill and that grades would be acceptable for an apartment development. Mr. Westergard stated that multiple emergency districts served the area and that developer was not object to consideration of contribution toward maintenance of the road within the adjacent SID managed through an interlocal agreement.

Dave Fanslau, Planning Director, explained that development proposals were shared with approximately 26 agencies and government divisions for review, including emergency services, and that no issues were expressed for the request. He stated that the proposed development was in conformance with the Master Plan and that 72nd & State Street intersection was designated as a mixed use center with up to 350 multi-family units within or adjacent to the office/commercial area. He then stated that the Department recommended approval of the rezoning and approval of the preliminary plat subject to the 11 conditions on the Department recommendation report being addressed with or prior to submittal of a final plat.

Mr. Magid moved for approval of the rezoning from DR to DR and R6 and approval of the Preliminary Plat subject to addressing the following conditions with or prior to submittal of a final plat: 1) Replacing the access easement with dedicated right-of-way and providing for public street improvements. 2) Including provisions for the responsibility of routine maintenance of the street, parking areas and snow removal in the subdivision agreement. 3) Submitting a traffic signal warrant analysis memo for 72nd and State Street and providing a contribution to any required improvements. 4) Providing a dedication of right-of-way and paving a stub street between Street A and the unplatted property at the west edge of the proposed subdivision. 5) Providing for temporary turnarounds at the terminus of all temporarily dead-ended streets. 6) Including a note on the final plat that indicates that direct access to State Street from Lot 1 or Outlot A is prohibited. 7) Providing sidewalks per Chapter 53 Subdivisions of the Municipal Code. 8) Providing for compliance with all applicable stormwater management ordinances and policies. 9) Including provisions for use, ownership and maintenance of the outlots in the subdivision agreement. 10) Submittal of a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area. 11) The project having a debt ratio of 4% or less. Mr. Rosacker seconded the motion which carried 7-0.

**Special Use Permits**

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<th>5.</th>
<th>C8-16-294 Eco Storage Investments, Inc.</th>
<th>REQUEST: Approval of a Major Amendment to a Special Use Permit to allow Scrap and salvage services in a HI District (laid over from 06/07/17)</th>
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<td>LOCATION: 3701 Dahlman Avenue</td>
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At the Planning Board meeting held on July 7, 2017, Danielle Dring, Slusky Law, 8712 West Dodge Rd., appeared before the Board on behalf of the applicant. Ms. Dring stated that a revised operating statement was submitted to the Department to clarify hours of operation.

Steve McConnell 3515 S. 30th Ave., appeared before the Board in opposition. Mr. McConnell stated that he was concerned with putrescible smells, a new owner abiding by regulations, and large truck traffic. He explained that his main concern was odor.

Ms. Dring stated that the owner, Mr. Paltani, planned a future retirement, but was dedicated to the facility for a minimum duration of 5 years. She then stated that she submitted a list of similar properties with a variety of operating hours along with the revised operating statement. She explained that Mr. Paltani was in compliance with odor and air quality and that a state permit was issued for the site as a construction and demolition debris landfill.
Tom Paltani, Eco Storage Investments, Inc., 59502 Jabber Rd., Malvern, Iowa, appeared before the Board. Mr. Paltani stated that he understood a use permit was revoked by the City upon non-compliance. He stated that the facility floor was cleaned daily, loads hauled out daily and that the business closed at 4:30 p.m. He was informed by the Air Quality Control division that the division normally responded to odor complaints within one hour. In response to the Board, Mr. Paltani stated that no putrescible material was at the facility after 5:30 p.m. and that the present and new operators were aware of regulations for the facility.

Dave Fanslau, Planning Director, stated that zoning codes regulated use, noise, pollution, and air quality and that non-compliance for sites could result in revocation of an approved use permit. He explained that the adjacent residential area was zoned industrial and that the homes were built and zoned prior to zoning code was established in approximately 1940. He then explained that although zoning codes changed, the homes were allowed to remain with their current zoning, as long as the home did not sustain damage greater than 50 percent. He added the area was zoned industrial on the Future Land Map of the Master Plan. Mr. Fanslau stated that the department recommended approval of special use permit subject to the 8 conditions on the Department recommendation report.

Mr. Magid moved for approval of the Major Amendment to a Special Use Permit to allow Scrap and salvage services in a HI District subject to: 1) Compliance the original Special Use Permit approved by the City Council January 31, 2017, Resolution #37, unless altered by the proposed major amendment. 2) Compliance with a final revised operating statement. 3) Compliance with a revised final site plan that includes hard surfaced paving for the trailer staging area. 4) Compliance with the proposed concept building elevations. 5) Compliance with Section 55-766 and 767 of the Municipal Code; which also references Section 30 and 33 of the Municipal Code. 6) Compliance with Article XVII Performance Standards of the Zoning Ordinance Chapter 55; which also reference Chapter 41 of the Omaha Municipal Code. 7) The applicant obtaining a building permit and construction of the proposed building and paving prior to issuance of a Certificate of Occupancy for the proposed amended use. 8) Compliance with all other applicable regulations. Mr. Rosenbaum seconded the motion which carried 6-1, with Mr. Pate dissenting.

**Master Plan Referrals**

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<th>6.</th>
<th>C3-17-135 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the SORENSEN HEIGHTS SENIOR HOUSING TIF REDEVELOPMENT PROJECT PLAN</th>
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<tr>
<td>LOCATION: 6657 North 56th Street</td>
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At the Planning Board meeting held on July 7, 2017, Don Seten, Planning Department, appeared before the Board. Mr. Seten stated that the proposed plan was construction of a 3-story building on 4.6 acres of land for senior housing, multi-family apartment units. He then stated that the development entailed use of low income housing tax credits and that 67 units were income-restricted and 8 units were at market rate. He noted that Rob Woodling, Foundations Development, LLC was the owner and developer and that the total project cost was approximately $10.6 million dollars. Mr. Seten stated that total TIF funding was $500,000, which was 4.7% of total project cost, and that the project had $872,000 in TIF eligible costs. He then stated that that public improvements included sidewalks along Mary Street and North 54th Street, landscaping, and on-site storm water detention facilities. He added that a developer fee was not uncommon with tax credit projects and was approximately 12% of total project cost.

Rob Woodling, Foundations Development, 1886 S. 126th St., appeared before the Board. Mr. Woodling stated that he was the developer and explained that tax credits were calculated based on eligible basis. He also explained that the net developer fee for this project was approximately $800,000.

Dave Fanslau, Planning Director, stated that the Department recommended approval.

Mr. Moore moved for approval. Mr. Rosacker seconded the motion which carried 7-0.
At the Planning Board meeting held on July 7, 2017, Don Seten, Planning Department, appeared before the Board. Mr. Seten stated that the proposed project was rehabilitation of a structure built in 1912 and that the building was a local landmark and included in the Goldcoast National Historic Registration District. He then explained that project was rehabilitation of 8 two-bedroom units and 1 studio unit, with on-site parking in an 8-stall garage building. He noted that the developer was S.L. Jensen Construction and that the project was discussed with neighbors. Mr. Seten stated that total project cost was approximately $2.9 million dollars and that $340,000 of TIF funding was requested, which was approximately 11.5% of the total project cost. He then stated that public improvements included sidewalks, curbs and gutters and that the project included $1.2 million in TIF eligible costs.

Larry Jensen, 6324 S. 118th St., appeared before the Board. In response to the Board, Mr. Jensen stated that only 3% development cost was necessary to financially make the project work.

Vanessa Silke, Baird Holm, 1700 Farnam St., Suite 1500, appeared before the Board. Ms. Silke stated that she represented S.L. Jensen Construction and was available to answer questions.

Rhonda Stuberg, 3708 Farnam St., appeared before the Board. Ms. Stuberg stated that she was President of the Blackstone Neighborhood Association and that she supported the request.

In response to the Board, Mr. Jensen explained that rehabilitation costs included matching windows and building interiors to historic appearance of 1912. Mr. Seten explained that the units were upscale and rent for the 1,850 square foot, two-bedroom units was $2350.00 per month.

Dave Fanslau, Planning Director, stated that the Department recommended approval.

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

At the Planning Board meeting held on July 7, 2017, Dave Fanslau, Planning Director, presented the request. Mr. Fanslau stated that the 3 areas proposed for annexation were Lake Cunningham Hills (SID 326) with 749 residents, Pacific Springs Village (SID 402) with 114 residents, and West Dodge Place (SID 462) containing only commercial parcels. He explained that an analysis of all SIDs was reviewed by multiple city departments and then narrowed down to areas that met goals of the city. He then explained that the proposed annexation areas eliminated islands within the city, were revenue positive for a 10-year projection, and did not compromise public safety. Mr. Fanslau stated that the annexation added 863 new residents and $119 million in property valuation. He added that the average debt ratio was 3.63%, property taxes were reduced, and that emergency services, solid waste, street maintenance and snow removal were provided immediately. He then stated that no parks were added and there were no existing road projects which affected the area. He explained that an annexation open house was held June 28, 2017 and that a total of 7 residents attended. Mr. Fanslau noted that a final vote at City Council was predicted for August 15, 2017 with an effective date for annexation August 30, 2017.

Judy Rhodes, 8155 Willit Street, appeared before the Board in opposition. Ms. Rhodes stated that she was on vacation and received annexation information the day after the annexation meeting was held. She explained that she was concerned with unacceptable street maintenance and trash removal provided by the city and then stated that she was opposed to the annexation of her neighborhood.
Mr. Fanslau stated that informational packets were mailed to all property owners within the annexation areas and that SIDs were set up to eventually be annexed by the city. He added that city streets constructed within recent decades were built to a higher city standard and that trash removal service was provided at no extra charge to residents.

Bob Stubbe, Public Works Director, stated that annexed residents were not obligated to use city trash service and had the option to pay for private trash service. He added that recycling service and recycling bins were provided at no cost to the residents, but trash cans were the responsibility of the residents.

Mr. Fanslau stated that the Department recommended approval.

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

**Subdivisions**

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<th>Property</th>
<th>REQUEST</th>
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<tr>
<td>9.</td>
<td>C12-17-139 TD2</td>
<td>Preliminary and Final Plat approval of SANCTUARY ACRES, a minor plat outside the city limits, with waivers of Section 53-9(5) Sanitary sewer and Section 53-9(9) Sidewalks</td>
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LOCATION: 11205 North 60th Street

At the Planning Board meeting held on July 7, 2017, Doug Kellner, Thompson Dreessen & Dorner, 10836 Old Mill Rd., appeared before the Board on behalf of owner. Mr. Kellner stated that he was available to answer questions regarding the request.

Dave Fanslau, Planning Director, stated that the Department recommended approval of the waiver of Section 53-9(5) for Sanitary sewer, approval of the waiver of Section 53-9(9) for Sidewalks, and approval of the Preliminary Plat, subject to the 6 conditions on the Department recommendation report. He then stated that the Department recommended to layover the final plan to allow additional time for the NDEQ to approve the septic system for Lot 1.

Ms. Karnes moved for approval of the waiver of Section 53-9(5) for Sanitary sewer, approval of the waiver of Section 53-9(9) for Sidewalks, and approval of the Preliminary Plat, subject to the following conditions:
1) Remove the existing shed from the area within the 60th Street right-of-way. 2) Regarding the two existing barns on proposed Lot 2, the applicant will be required to do one of the following prior to forwarding the Final Plat to City Council: (a) Remove the structures, or (b) Receive a waiver from the Zoning Board of Appeals to allow them to remain. 3) Submittal of a letter of approval from the NDEQ for the septic system on Lot 1. 4) Receive a permit from the Douglas County Engineer’s Office for any new or revised driveway connections to 60th Street from Lot 1 or 2. 5) Compliance with Section 55-901 of the Zoning Ordinance for the North Hills Environmental Resources Overlay District and include a note on the Final Plat indicating such. 6) Providing the existing and proposed building footprints and on-site wastewater treatment facilities locations on the Final Plat. She also moved to layover the Final Plat to allow additional time for the NDEQ to approve the septic system for Lot 1. Mr. Magid seconded the motion which carried 7-0.

**Rezonings**

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<th>#</th>
<th>Property</th>
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<tbody>
<tr>
<td>10.</td>
<td>C10-17-141 Habitat for Humanity</td>
<td>Rezoning from GI to R4</td>
<td>1247 South 16th Street</td>
</tr>
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At the Planning Board meeting held on July 7, 2017, Ed Thiele, Habitat for Humanity, 1701 N. 24th St., appeared before the Board. Mr. Thiele stated that the parcel was acquired by demolition of the existing home and that Habitat planned to build a new home on the site. He explained that he applied for R4 rezoning, but understood that R5 zoning was required to build the home.
Arnie Breslow, 5528 Emile St., appeared before the Board in opposition. Mr. Breslow stated that he was President of the Old Market South Neighborhood Association and represented the neighborhood. He then expressed concern with multiple high density projects in the area and lack of information regarding the proposed project.

Mr. Thiele stated that construction of a single-family home was planned for the site and explained that the lot was large and narrow. He then stated that he would speak privately with Mr. Breslow regarding the project and Habitat ownership.

Dave Fanslau, Planning Director, stated that the applicant requested R4 zoning, but that R5 was more appropriate for the area. He then stated that the Department recommended denial of rezoning to R4 and approval of rezoning to R5.

Ms. Karnes moved for denial of the rezoning from GI to R4 and approval of the rezoning from GI to R5. Mr. Pate seconded the motion which carried 7-0.

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<th>REQUEST:</th>
<th>LOCATION:</th>
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<tbody>
<tr>
<td>16.</td>
<td>C10-17-147</td>
<td>Rezoning from R7 to GC</td>
<td>3001 and 3003 North 16th Street</td>
</tr>
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Richard Getzchman, 5830 North 36th Ave., appeared before the Board. Mr. Getzchman discussed multiple properties he previously owned and sold within the city and stated that approximately 3 years prior he purchased the subject lot from the Superior Heating & Air Conditioning owner directly across from the site. He explained that he failed to verify the zoning prior to purchasing the lot and explained that the lot perimeter was fenced with building materials stored inside the fenced area. He mentioned that he removed his commercial trucks from the site. In response to the Board, Mr. Getzchman stated that he completed a survey for the site when purchased, but title insurance was not obtained and that the lot was purchased on a land contract. He then stated that he was notified approximately 6 months prior that the current use was not allowed on this parcel and that he planned to sell the lot back to the Superior Heating & Air Conditioning owner.

Michelle Jones, 1481 Wirt St., appeared before the Board in opposition. Ms. Jones stated that she represented her 89-year old mother who resided in the neighborhood. She explained that the lot was never clean and that Mr. Getzchman was offensive when speaking to her and her family. She then stated that she was concerned with the view of the site and safety of the children in the neighborhood. She expressed strong opposition of the request.

Bob Edwards, 1476 Spencer St., appeared before the Board in opposition. Mr. Edwards displayed pictures of the site taken approximately three days prior and noted the sidewalks were overgrown with weeds and crumbling. He explained his family resided in the area for 55 years and invested in multiple properties in the area. He expressed concern that the site was an eyesore with constant violations.

Dorothy Fant, 3207 N. 16th St., appeared before the Board in opposition. Ms. Fant stated that she cleaned up trash in area on a daily basis and maintained her property. She then expressed concern that the site was not kept and that she was opposed to the request.

Mr. Getzchman discussed other condemned homes in the area and in response to the Board, he stated that the site was not maintained recently because he was busy with building projects resulting from the recent storms in the city. He then stated that he realized the current use was not permitted on the site and requested 30 days to allow him time to clean up and sell the lot.

Dave Fanslau, Planning Director, stated that the Department received complaints for this site and that the site had code violations. He then stated that the use non-compliant with the current R7 zoning and was also non-compliant with the requested GC zoning. He added that the Department had not received a development plan for the site. He then stated that the Department recommended denial of the request.

Mr. Pate moved for denial. Mr. Rosacker seconded the motion which carried 7-0.
At the Planning Board meeting held on July 7, 2017, Tom McLeay, 3814 Farnam St., Suite 201, appeared before the Board on behalf of development team, Clarity Development and Greenslate Development. Mr. McLeay explained that the site included a former fraternity house and parking lot and that the existing Neighborhood Business District boundary would be extended to include this site. He stated that the proposed plan was construction of 112 apartment units and 12,000 square feet of commercial space and that exterior and interior design details were still in progress. He then stated that the first floor was planned commercial space with apartments on upper levels and parking on the lower level. He added that parking was accessible from the alley just north of Farnam Street. Mr. McLeay explained that discussions were held with Restoration Exchange regarding the historic essence of the fraternity house and research determined that multiple rehabilitation of the house severely altered the home from the original use and historic value was lost. He stated that he reached out to neighbors and concern was expressed for parking. He displayed a site plan that highlighted the multiple parking areas in the surrounding area. He briefly discussed the Midtown Vision 2050 created by neighborhood stakeholders for future revitalization of the midtown Omaha area and commented that this site was included within their plan.

Jay Lund, Greenslate Development, 3814 Farnam St., appeared before the Board. Mr. Lund stated that neighbors expressed concern for parking and briefly discussed that the Urban Land Institute (ULI) parking standard requirements encouraged shared parking.

Dwayne Brown, Slate Architecture, 3624 Farnam St., appeared before the Board in support. Mr. Brown stated that he was the owner of the adjacent business to the west of the site and supported the project. He expressed the need for increased density and was in agreement with the importance of shared parking.

Matt Dwyer, Greenslate Development, 3814 Farnam St., appeared before the Board. Mr. Dwyer stated that he was available to comment on the project.

Rhonda Stuberg, Blackstone Neighborhood Association, 3708 Farnam St., appeared before the Board in opposition. Ms. Stuberg stated that she resided in the area and was not opposed to the development, but was concerned with parking. She explained that parking existed in the area, but not all parking was public. She then stated that with the recent increase of multi-family unit developments in the area a parking plan was needed. She commented that alternate transportation options needed improvement and expressed concern with keeping esthetics similar to the existing neighborhood.

Bernie Conway, Marcon Enterprises, appeared before the Board in opposition. Mr. Conway stated that he owned several businesses in the Blackstone district, one to the north of the site. He then stated that he objected to only 50 parking stalls for 112 residential units. He also discussed that parking was already an issue in the Blackstone District area.

Bob Belgrade, 1015 S. 78th St., appeared before the Board in opposition. Mr. Belgrade stated that he owned the Blackstone Apartments adjacent on the north of the site and that he was also concerned with parking in the area. He then expressed concern with the deteriorated alley which provided access to his property and properties from Dodge Street towards Farnam Street and concern with adequate research for existing traffic flow issues.

Dan Dolezal, Ehrhart Griffin, 3552 Farnam St., appeared before the Board on behalf of the applicant. Mr. Dolezal stated that the alley running east to west along their property line would be built to current standards by the developer and that the alley was used for access to parking for the development. In response to the Board, Mr. Lund stated that the Business Improvement District had shared parking agreements with UNMC, Dundee Bank, Kiewit, and Mutual of Omaha. He then stated that market research was completed and the area had over 90 percent occupancy rate for multi-family units. He briefly discussed parking in the area

| 17. | C10-17-153  
|     | C11-17-154  
|     | CDGS 3618 LLC | REQUEST: | Rezoning from R8 and GC to NBD, along with approval of a PUR-Planned Unit Redevelopment Overlay District (property is also located within an ACI-1(PL) Overlay District) |
|     |             | LOCATION: | Northwest of 36th and Farnam Streets |
and explained that market dictated parking arrangements. He further explained that some parking for the development was assigned and that the shared parking agreements were for multiple properties. He added that public parking was also available and that he was currently working on a parking count within the Blackstone Business District.

Dave Fanslau, Planning Director, explained that with geographical limits for expansion, increased density provided economic stability for the city. He briefly discussed pending alternate transportation improvements for the City and the possibility of a district wide parking plan. He explained that ACI-1 zoning required the highest design standards for the City. Mr. Fanslau stated that the Department recommend approval of rezoning and approval of PUR, subject to submittal of acceptable building elevations prior to forwarding the request to the City Council.

Mr. Pate moved for approval of the rezoning from R8 and GC to NBD and approval of the PUR, subject to submittal of acceptable building elevations prior to forwarding the request to the City Council. Mr. Rosacker seconded the motion which carried 7-0.

### Conditional Use Permits

| REQUEST: | Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow Religious assembly in a R4 District, with a waiver of Section 55-186 Height to 86 feet |
| LOCATION: | 15353 Pacific Street |

At the Planning Board meeting held on July 7, 2017, Ed Thiele, 15353 Pacific St., appeared before the Board on behalf of the applicant. Mr. Thiele stated that he was Chairman of the St. Wenceslaus Catholic Church Building Committee and that 16 acres was purchased by the church for construction of a new church adjacent to the existing church property. He then stated that a meeting was held on Thursday, June 29th and that attendees supported the plan.

Kevin Straley, BCDM Architects, 1015 N. 98th St., Suite 300, appeared before the Board on behalf of the applicant. Mr. Straley stated that he was available to answer questions regarding design.

Dave Fanslau, Planning Director, stated that the Department recommended approval of the Major Amendment to the Conditional Use Permit to allow Religious assembly in the R4 District, with a waiver of Section 55-186 Height to 86 feet, subject to the 7 conditions on the Department recommendation report.

Mr. Pate moved for approval of the Major Amendment to the Conditional Use Permit to allow Religious assembly in the R4 District, with a waiver of Section 55-186 Height to 86 feet, subject to the following conditions: 1) Submittal of an exhibit demonstrating the existing tree canopy and impacts of the proposed development on the canopy. Prior to issuance of a building permit, a tree mitigation plan may be required. 2) Compliance with the approved site plans, building elevations, and operating statement. 3) Compliance with all applicable stormwater management ordinances and policies. 4) Submittal of a revised sign package in compliance with codes or submittal of a sign package that is acceptable to the Planning Department and obtaining any necessary Zoning Board of Appeals waivers. 5) Submittal of construction details and elevations of all proposed retaining walls. All retaining walls will be required to comply with Article XXII Urban Design of the Omaha Municipal Code. 6) Submittal of an application to add the MCC Overlay to the site. 7) Compliance with all other applicable development regulations. Mr. Magid seconded the motion which carried 6-0-1, with Ms. Karnes abstaining.

### ELECTION OF OFFICERS

Mr. Rosenbaum moved to ELECT Arnold Nesbitt as Chairperson of the Planning Board. Ms. Karnes seconded the motion which carried 7-0.

Mr. Rosacker moved to ELECT Greg Rosenbaum as Vice Chairperson of the Planning Board. Ms. Karnes seconded the motion which carried 7-0.
APPROVAL OF MINUTES

Ms. Karnes moved to APPROVE the meeting minutes of May 3, 2017 as written. Mr. Magid seconded the motion which carried 6-0-1, with Mr. Pate abstaining.

Mr. Rosenbaum moved to APPROVE the meeting minutes of June 7, 2017 as written. Mr. Magid seconded the motion which carried 6-0-1, with Mr. Rosacker abstaining.

ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 4:17 pm.

_________________________________________
Date Approved

_________________________________________
Arnold Nesbitt, Vice Chairman

_________________________________________
Rikki Flott, Planning Board
Recording Secretary