MINUTES
PUBLIC HEARING AND ADMINISTRATIVE MEETING
OMAHA CITY PLANNING BOARD 1:30 P.M. – APRIL 2, 2014
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, March 24, 2014.

MEMBERS PRESENT: R. J. Neary, Chair
Anna Nubel, Vice Chair
Van C. Deeb
Greg Rosenbaum
Brinker Harding

MEMBERS NOT PRESENT: John Hoich
Arnold Nesbitt

STAFF PRESENT: James Thele, Planning Director
Dave Fanslau, Acting Assistant Director, Current Planning
Cheri Rockwell, Acting Manager, Current Planning
Chad Weaver, Manager, Long Range Planning
Alan Thelen, Law Department
Rikki Flott, Recording Secretary

R. J. Neary, Chair, 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. C12-14-030 (D) Midtown REI, LLC

REQUEST: Preliminary and Final Plat approval of
ABBOD'S FIRST ADDITION REPLAT
ONE, a minor plat inside the city limits (laid
over from 03/05/14)

LOCATION: 6201 South 90th Street

At the Planning Board meeting held on April 2, 2014, Ms. Nubel moved for approval of the Preliminary
Plat subject to: 1) Providing for sidewalks along 90th and Washington Streets, 2) Coordinating with the
Public Works Department to determine the required dedication of right-of-way needed to accommodate
the sidewalk, 3) Providing a drainage easement equal to 3:1 plus 20’ or the 100 year flood plain,
whichever is greater, 4) Providing a statement on the final plat that holds any public agency harmless
from any damage in the event of flooding or erosion damage in the drainage way easement and approval
of the Final Plat subject to compliance with the conditions of Preliminary Plat approval and submittal of an
acceptable final subdivision agreement, if necessary, prior to forwarding the request to the City Council.
Mr. Deeb seconded the motion which carried 5-0. Mr. Deeb seconded the motion which carried 5-0.
Rezonings

6. C10-13-128 (D) Greek Orthodox Church of Greater Omaha
   REQUEST: Rezoning from R6 to MU (laid over from 07/10/13)
   LOCATION: 215 South 181st Street

At the Planning Board meeting held on April 2, 2014, Ms. Nubel moved to layover at the applicant's request until: 1) The existing mixed use acres at this intersection, available for development, are near depletion, and 2) Until such time as a market study warrants additional mixed use acres at this intersection. Mr. Harding seconded the motion which carried 5-0.

Special Use Permits

7. C8-14-056 (D) Elton Foster
   REQUEST: Approval of a Special Use Permit to allow Vehicle storage in an GC District (laid over from 03/05/14)
   LOCATION: 3601 North 24th Street

At the Planning Board meeting held on April 2, 2014 the case was withdrawn.

(REGULAR AGENDA)

Master Plan Referral

11. C3-14-067 (D) Turner Park North, LLC
    REQUEST: Approval of the Rescission of the Local Landmark Status for the Clarinda-Page Apartment Building (#H6-14-2)
    LOCATION: Southeast of Turner Boulevard and Farnam Street

At the Planning Board meeting held on April 2, 2014, Ms. Nubel moved to layover at the request of the Applicant. Mr. Harding seconded the motion which carried 5-0.

Subdivisions

12. C10-13-078 (D) Lanoha Development Company
    REQUEST: Revised Preliminary and Final Plat approval of THE PRAIRIES (Lots 136-269, Outlots F-G, I-M), a subdivision outside the city limits, with rezoning from AG to DR, R4 and R5
    LOCATION: Northeast of Skyline Drive and West Center Road

At the Planning Board meeting held on April 2, 2014, Ms. Nubel moved to layover the revised Preliminary and Final Plat to allow the applicant additional time to revise the proposed street layout in phase two. Mr. Harding seconded the motion which carried 5-0.

Rezonings

13. C10-14-068 (D) Monte Froehlich
    REQUEST: Rezoning from GC to NBD (property is also located within an ACI-1(PL) Overlay District)
    LOCATION: 3814 Farnam Street

At the Planning Board meeting held on April 2, 2014, Ms. Nubel moved for approval. Mr. Deeb seconded the motion which carried 5-0.
At the Planning Board meeting held on April 2, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that questions regarding the request were answered at a recent public meeting. She then displayed a map and discussed the boundaries of the Community Redevelopment Area (CRA) and noted the CRA included the old Millard Lumber site. Ms. Hadley then explained that a CRA designation considered redevelopment opportunities, economic development, project plans, major commercial corridors with aging infrastructure and noted that the use of Tax Increment Financing (TIF) must be within a CRA. She further explained that the request was for an aging business area in Millard and that a study completed by City was used to determine necessity of the CRA. Ms. Hadley stated that a CRA had potential to stabilize or increase property values and noted that it was not the intent of the City to use eminent domain. In response to Mr. Neary, Ms. Hadley stated that the City study used to poor or fair conditions of a property to determine CRA boundaries.

Patrick Bonnett, 4979 S. 132nd Ave., appeared before the Board. Mr. Bonnett stated that he represented the Old Millard East Neighborhood Association (OMENA) and was a representative for this area on the Papio Natural Resources District Board of Directors. He stated that he was in favor of the request but had questions regarding the areas selected for designation. He then discussed preferred developments for the area were senior housing, multi-family housing, mixed use, condo, retail or office space and that he was opposed to non-profit developments, additional industrial uses, and new commercial areas encroaching into residential areas. He added that his concerns were noise pollution, lighting pollution, increased traffic, long construction timeframes, and lack of communication from the City.

Steve Andersen, 4850 S 137th St., Steve Anderson Electrical Contractors, co-founder of the Millard Business Association. Mr. Andersen stated that he supported the request but wanted the boundary extended toward Old L Street, along the Papio Creek, and to the former Rail Car of Nebraska site to encourage revitalization in other areas of Millard.

Mike Wineberg, representative for Millard Roadhouse at 13325 Millard Ave., appeared before the Board. Mr. Wineberg stated that he was a proponent of the request, but expressed that the owner needed to resolve all code violations at the site to make the property readily marketable to an interested developer.

Rob Likes, 1299 Farnam St., Stinson Leonard Street Law Firm, appeared before the Board and stated that he was a representative for Premier Plastics, Inc., a business in the area. Mr. Likes noted that the proposed boundary bisected the Premier Plastics property and requested that the boundary be extended to include the entire property.

Adam Kirshenbaum appeared before the Board and stated that he represented Millard Refrigeration Services, Inc. at 4715 S. 132nd Street. Mr. Kirshenbaum stated that this property abutted the proposed boundary on the northeast side of the property and requested an extension of the boundary to include the Millard Refrigeration property. He also noted they were in support of the request.
Mark Brasee, 409 S. 17th St., Fraser Stryker Law Firm, appeared before the Board. Mr. Brasee stated that he represented Millard Lumber, Inc. and that the owner of Millard Lumber, Inc., Rick Russell, was also present and available for questions. He also expressed concern that the project moved forward in a timely manner. In response to Mr. Neary, Mr. Brasee stated that, Mr. Russell was working with the City to secure and clean up the property.

Jerry Reimer, 4880 S. 131st St, appeared before the Board. Mr. Reimer stated that he owned property next to the Millard Refrigeration property, and mentioned that if the boundary were extended, he would commit to a new project on his property. In response to the Board, Mr. Reimer identified his property and discussed the completion of a prior project to redevelop his site.

In response to Mr. Rosenbaum, Ms. Hadley explained that the CRA boundaries were set within developable areas of the commercial corridor and that the potential for public infrastructure occurring with the use of TIF funds was considered. She identified the boundaries that could be expanded and modified today, and explained that these parcels were previously explored for demographic and physical conditions. She added that all other requests for parcels to be included within a CRA boundary required a completed study and redevelopment plan created by the Planning Department.

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

Mr. Harding moved for approval of an Amendment to include the entire parcel commonly known as 4880 South 134th Street. Mr. Rosenbaum seconded the motion, which carried 5-0.

Mr. Harding moved for approval of an Amendment to include the area on both sides of South 131st Street between N and L Streets on the east, L Street on the north and the south and South 132nd Street on the west. Mr. Rosenbaum seconded the motion, which carried 5-0.

Mr. Harding moved for approval of the request for the designation of the proposed study area as a Community Redevelopment Area and the re-certification of the North Central Omaha CRA meeting the substandard and blighted conditions as per the Community Development Law. The approval of the designation that the study area meets the conditions of a Community Redevelopment Area, f/k/a Substandard and Blighted, in accordance with Nebraska Community Development Law will allow an application for the use of tax increment financing (TIF). Mr. Rosenbaum seconded the motion, which carried 5-0.

Subdivisions

The following two cases (4 & 5) were heard concurrently but voted on separately:

<table>
<thead>
<tr>
<th>Case</th>
<th>REQUEST: Preliminary and Final Plat approval of CASS PLACE, a minor plat inside the city limits, with rezoning from R2 to R8 and approval of an ACI-2 Overlay District (laid over from 03/05/14)</th>
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<td>LOCATION: 7023 Cass Street</td>
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At the Planning Board meeting held on April 2, 2014, Larry Jobeun, 11440 West Center Road, appeared before the Board. Also in attendance were Christian Christensen with Bluestone Development, and John Coolidge and Dan Owen with Lamp Rynearson & Associates, Inc. Mr. Jobeun displayed a map and discussed the distance from the site location to the neighborhoods 300 feet to 1,000 feet away from the site, and also one-fourth mile to one mile away from the site. He mentioned that the Fairacres and Underwood neighborhoods were approximately one-fourth mile away from the site and noted that Aksarben Village and Memorial Park were approximately one mile away from the site. Mr. Jobeun then mentioned that adjacent parcels to the west and south of the site were zoned commercial and that the property adjacent to the east of the site was a civic use business zoned residential. He also noted the
site was within the boundary of the mixed-use area of the Future Land Use map of the City’s Master Plan.

Mr. Jobeun discussed the proposed project; the existing site would be demolished and two new u-shaped residential buildings would be constructed with an interior courtyard. He explained that the new buildings would be four stories in height and would be constructed in two phases. He then explained that the proposed 434 total units would include studios, convertibles, one bedroom and two bedroom units with average rents at $1,010 per month and that the project consisted of 507 total parking stalls, 248 stalls under the building structure and 259 outside surface parking stalls. He commented that the amenities would include a clubhouse with fitness room, yoga studio, vinyl record listening room, dog spa and bike repair room, and that the outdoor amenities within the interior courtyard would include a pool, walking trail, urban gardens, fitness stations, bocce ball court, firepits, picnic area, and pet area. He also noted that the exterior of the building would be constructed to meet Area of Civic Importance (ACI) regulations and displayed renderings of the building elevations, façade, and materials that would be used to construct the development. He added that entrances to the residential portion of the building would be within the parking garage structure and that there would be no entrances off of Cass Street.

Mr. Jobeun stated that prior to application submittal to the City, meetings were conducted with the Fairacres & Dundee Memorial Park Home Owners Associations to discuss the proposed project and adjustments were made to the proposed plans. He added that after submittals to the City, another meeting was held with the Home Owners Associations to discuss changes made and that per request of neighbors concerned with traffic, the scheduled Planning Board meeting was delayed to allow a traffic study of the area to be completed. Mr. Jobeun explained that Lamp Rynearson & Associates conducted the traffic study and determined that the four intersections studied (72nd and Cass Streets, 69th and Cass Street into Underwood Avenue, 69th and Dodge Streets, and 72nd and Dodge Streets) operated at acceptable levels of service after full build-out of the development within the 2013, 2016, and 2035 scenarios. He added that the study determined access was also sufficient at full build out of the development and that no additional public improvements were required. He explained that another portion of the traffic study determined that within a 24-hour period, traffic along Underwood Avenue east of 69th Street increased by 1.1% after full build-out of the development. He mentioned that HDR, Inc. reviewed the traffic study and determined that site-generated trips had insignificant impact on any intersection beyond the current study area and also determined that the impact was a 2% increase in traffic along Underwood Avenue east of 69th Street. Mr. Jobeun then distributed copies of the traffic study reports to Board Members and the Planning Department and noted that the Public Works Department also reviewed the traffic studies.

Mr. Jobeun mentioned that phase one of the development construction was expected to begin fall of 2014 and that phase two was expected to begin spring of 2015. He also commented that necessary connections would be provided to future developments to the south and the west to allow for dispersement of traffic.

Bob Huck, Attorney, 2120 S 72nd Street, Suite 1200, appeared before the Board in opposition. Mr. Huck stated that he represented the Fairacres Home Owners Association. He mentioned that numerous signed petitions were submitted to the Planning Department expressing opposition to the proposed development. He explained that six speakers were selected to speak on different aspects of concern regarding the project.

Mary Rensch, 674 N. 63rd Street, appeared before the Board in opposition. Ms. Rensch stated that she has resided in the neighborhood for 29 years. As a real estate professional her concerns were that a busier street would have a negative effect on property values, the proposed site use and dramatic zoning change would deter potential new residents and that the infrastructure was not sufficient to handle the increased traffic.

Scott Dobbe, 5020 Burt Street, appeared before the Board in opposition. Mr. Dobbe stated that he was an architectural professional and a resident of the neighborhood. He then explained that the land use at this site spanning the past 50 years was an appropriate buffer between the low-density residential to the
east and the high-density commercial areas to the west and that a high-density infill development was more appropriate in an area likely to become consistently densified. He also expressed that drastic zoning change should be accepted with community support and that more suitable alternatives existed for this site. Mr. Dobbe concluded that the Urban Design element of the Master Plan promoted protection of older buildings not meeting historic designation.

Mark Dunbar, 5601 Western Avenue, appeared before the Board in opposition. Mr. Dunbar stated that he was previously a longtime resident of the Memorial Park neighborhood and recently returned. He expressed that his personal concerns were the high density of the project and that the height of the proposed structures atop the higher elevation on the west side of the property would look extremely tall. He also mentioned that the structure did not resemble the common definition of “rowhouse”.

Sara Penn, 664 Fairwood Lane, appeared before the Board in opposition. Ms. Penn stated that she resided in her home for 36 years and that the traffic along Underwood Avenue steadily increased over time. She expressed concern that although the traffic study showed no effect on the neighborhood, residents witnessed the congested traffic along Underwood Avenue during peak hours and that eastbound Cass Street to Underwood Avenue carried a high volume of traffic from vehicles using the road as an alternative route to Dodge Street. She then expressed concern that increased traffic would hinder the safety of the school children crossing Underwood Avenue to and from nearby schools.

Ann Roberts, 404 N. 61st Street, appeared before the Board in opposition. Ms. Roberts stated that she was a resident of the Memorial Park area and a Fairacres Terrace Neighborhood Watch Captain. She discussed how components of the Master Plan promoted the preservation and enhancement of the City’s residential neighborhoods. She explained that the large scale and setbacks of the proposed buildings were not compatible with the surrounding neighborhood and violated the Master Plan Housing Element Report. She noted that the greenspace within the interior of the proposed structures was not visible to the surrounding neighborhood and also agreed that the long existing zoning preserved and enhanced the neighborhood. Ms. Roberts then discussed that the Housing Element of the Master Plan promoted conservation of existing, stable neighborhoods, encouraged home ownership and that neighborhood character not be changed negatively. She explained that the proposed use promoted no long term ownership in the neighborhood and changed the existing character of the neighborhood. She also discussed that a report prepared for the City by Mead and Hunt promoted the preservation of the Temple Israel property.

Barbara McCusker, 616 Fairacres Road, appeared before the Board in opposition. Ms. McCusker stated that she lived in her home for 28 years and was the President of the Fairacres Home Owners Association. She was in agreement with the concerns of prior opponents regarding zoning change, traffic congestion and safety of school children. She also explained that the Master Plan provided guidelines, contained conflicted text within itself and was subject of interpretation with each case. Ms. McCusker noted that in the last 11 days, 1,070 signatures were gained and presented to the Planning Department in opposition of the project.

Justin Curtis, Executive Pastor, Coram Deo Church Community, 210 N. 78th Street, appeared before the Board in opposition. Mr. Curtis stated that the church desired to purchase the former Temple Israel property and keep the current use. He mentioned that he also agreed with prior opponents regarding the historic value of the property and opposition to the zoning change.

Susie Buffet, 6301 Chicago Street, appeared before the Board in opposition. Ms. Buffet stated that she was concerned the development would become housing for students attending the University of Nebraska-Omaha and that the students would rapidly increase traffic along Underwood Avenue as a route to the University. She was also concerned the increased traffic would create a safety hazard for children in the neighborhood. Ms. Buffet stated that this development would negatively affect the entire Dundee-Memorial Park neighborhood.
John Kerwin, 330 North 69th Street, appeared before the Board in opposition. Mr. Kerwin stated that he resided at the corner of North 69th and Cass Streets and that his driveway abutted North 69th Street. He explained that Cass Street was a four lane road changing into a two lane road at 69th Street and Underwood Avenue and was concerned traffic from the development would increase congestion. He also mentioned traffic exiting the Community Playhouse at 69th and Cass Street caused excessive congestion when in session and that increased traffic would further hamper his ability to use his driveway. He was in agreement with prior opponents that traffic was already an issue, students used Underwood Avenue as a route to the University and that the development was too dense with 54 units per acre.

Mayrene Bentley, 710 N. 58th Street, appeared before the Board in opposition. Ms. Bentley stated that churches and synagogues provided a moral place for residents and were valuable to the community.

Colleen Batcheler, 306 N. 68th Street, appeared before the Board in opposition. Ms. Batcheler stated that she was in agreement with prior opponents that the development did not promote overall community improvement in the area. She discussed community reinvestment and noted that in 2010 she purchased property in the Fairacres neighborhood, built a new home on the lot but preserved the trees and tripled the value of the property. She mentioned that neighbors in the area also spent time reinvesting in the neighborhood to enhance neighborhoods without the assistance of Tax Increment Financing (TIF) funds. She also noted that the residents’ reinvestment into the neighborhood provided jobs, increased property values and raised tax revenues for the County. She then asked the Board to consider the long-term loss of individual community reinvestment the proposed development could generate.

Mr. Huck discussed a document previously presented to the Board entitled “Analysis of Cass Place” proposed by the Fairacres Home Owners Association. He highlighted and briefly discussed elements of the document: the zoning change from R2 to R8 would not be acceptable to any neighborhood in the City, high density developments should be located on major corridors, Cass Place was similar to the Legacy Commons proposal but Legacy Commons had only 20 units per acre and also had two light-signaled intersections near the entry points but Cass Place offered none.

Mr. Jobeun noted that the development was closer in proximity to surrounding commercial areas than residential areas and discussed how the project was consistent with the Master Plan. He explained that although the property was currently zoned R2, it was within the boundaries of a Mixed-Use area and that the Master Plan also called for diversity of housing. He further explained that the R8 zoning was restricted by the Planned Unit Development (PUD) Overlay regulations and that the development was not presented as student housing. Mr. Jobeun reviewed the aspects of the project design and mentioned that the grade change would create a height of five stories on the west side of the property. He then reviewed aspects of the traffic study and noted that the study was prepared by reputable professionals.

Mr. Jobeun confirmed to Mr. Neary that connections and access to future developments would be provided by the developer through the provisions of the subdivision agreement. He also confirmed that the quality of the building materials presented would be maintained or improved and that the developer met with the Planning Department beginning in November of 2013 to discuss elevation and site plans, and continuously revised these plans to reach a higher quality. In response to Ms. Nubel, he explained the material of the wall below the building line that faced Cass Street side was concrete, but that the developer was willing to work with the Planning Department to revise the plan with an acceptable design.

Murthy Koti, Public Works Department, stated that City regulations required traffic studies submitted to the City be developed under the supervision of a professional licensed engineer and that the study was completed by a professional licensed engineer in Nebraska. He explained that a professional engineer was required to take a series of exams to obtain an engineer license issued by the state of Nebraska and that a professional traffic operations engineer was also a licensed engineer but was qualified with a specialty focus in traffic operations (such as signal timing, congestion management and access management). Mr. Koti explained that a draft traffic study was submitted to the City and multiple items were reviewed by qualified staff members of the Department, including members holding the professional traffic operations engineer license. He further explained that the study was required to include scenarios
for the opening date of the project and 20 years into the future. He added that after review of the draft, the Department concluded that all intersections studied performed under the acceptable level of service, minor edits were made to the draft and submitted to the engineer for review. Mr. Koti stated that the Department also conducted independent studies and concluded that traffic from the proposed project was not projected to have a major negative impact on the area to the east along Underwood Avenue.

In response to Mr. Rosenbaum, Mr. Koti stated that the traffic studies included pedestrian traffic and all vehicle traffic. He also mentioned that traffic along Underwood Avenue has been monitored and tracked by the Department over the past 10 to 15 years to evaluate concerns regarding speeding and that he was aware portions of the infrastructure did not have sidewalks. He explained that because this was a new project, the developer would be required to install sidewalks on the property along Cass Street and all minor streets where sidewalks did not exist. Mr. Rosenbaum further questioned Mr. Koti regarding pedestrian safety. Mr. Koti responded that signalized intersections near the site had signaled crossing features for pedestrians using the crosswalk and that locations to the east of the site were not included in the study. He added that concerns arising outside the study area would be taken into consideration by the Department and evaluated for solutions.

Ms. Roberts mentioned that sidewalks existed along Underwood Avenue east of 69th Street but that sidewalks did not exist in the neighborhoods north of Dodge Street from 69th Street east to JE George Boulevard.

Dave Fanslau, Acting Assistant Planning Director, commented on the issues discussed. Mr. Fanslau explained that historically sidewalks were not a City requirement and that property owners currently requesting sidewalks in their neighborhoods would be assessed. He further explained that that the site was within an existing mixed-use boundary that allowed increased density and that the Master Plan promoted increased density along major east west corridors, such as Dodge Street, to provide for public transportation options. Mr. Fanslau further explained that design standards for the site were regulated by the Area of Civic Importance (ACI) Overlay District and Planned Unit Development (PUD) Overlay District, and provided for a mix of uses. He added that the Master Plan promoted different types of housing options throughout the City to discourage segregation of single family home away from other uses. He mentioned that the zoning code allowed these two uses and zoning codes to be adjacent, separated by bufferyards and noted that this project exceeded the zoning distance requirements. He stated that the Department recommended approval of the rezoning subject to the approval of a PUD overlay district, approval of the ACI-2 (65) Overlay District, approval of the preliminary plat subject to the 5 conditions on the recommendation report, and approval of the final plat subject to conditions of the preliminary plat and submittal of a final subdivision agreement if necessary. He stated that the Department also recommended approval of the PUD Overlay District, subject to submittal of a final site plan, landscape plan and building elevations in compliance with all applicable site development regulation prior to forwarding the request to City Council.

Mr. Neary explained that the Board was obligated to adhere to the code and the Master Plan. He commented that he reviewed all opposition and visited the site numerous times, taking photos and videos. He mentioned that he visited the site at 4:50 p.m. on a Tuesday with no trouble exiting the site onto Cass Street. He then discussed a personal scenario where traffic engineers were successful in predicting the low impact on traffic after the completion of the recent TD Ameritrade project. He also reviewed studies that showed this site was more pedestrian friendly than the City of Omaha overall and that he hoped the project would be an overall improvement to the Crossroads area.

Mr. Rosenbaum commented that he was conflicted with his decision but agreed this project was in compliance with the Master Plan.

Mr. Rosenbaum moved for approval of the rezoning from R2 to R8, subject to approval of a PUD-Planned Unit Development Overlay District. Approval of the ACI-2(65) Overlay District. Approval of the preliminary plat subject to: 1) The applicant providing for all improvements identified in the final approved traffic study, 2) Dedicating right-of-way to the back of the proposed sidewalk along Cass Street, 3)
Coordinating with the Public Works Department regarding necessary arrangements to facilitate the future internal access connections to adjacent sites (e.g. easements, improvements, etc., 4) Coordinating with Metro regarding transit improvements, 5) Compliance with all applicable stormwater management ordinances and policies. Approval of the final plat subject to the conditions of preliminary plat approval and submittal of an acceptable final subdivision agreement, if necessary. Ms. Nubel seconded the motion which carried 4-1, with Mr. Deeb dissenting. Mr. Deeb commented that he was also conflicted but that an opportunity existed to retain the site as a place of worship.

**Overlay Districts**

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<tr>
<th>5.</th>
<th>C11-14-043 Bluestone Development</th>
<th>REQUEST:</th>
<th>Approval of a PUD-Planned Unit Development Overlay District (laid over from 03/05/14)</th>
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Mr. Jobeun discussed the proposed project; the existing site would be demolished and two new u-shaped residential buildings would be constructed with an interior courtyard. He explained that the new buildings would be four stories in height and would be constructed in two phases. He then explained that the proposed 434 total units would include studios, convertibles, one bedroom and two bedroom units with average rents at $1,010 per month and that the project consisted of 507 total parking stalls, 248 stalls under the building structure and 259 outside surface parking stalls. He commented that the amenities would include a clubhouse with fitness room, yoga studio, vinyl record listening room, dog spa and bike repair room, and that the outdoor amenities within the interior courtyard would include a pool, walking trail, urban gardens, fitness stations, botche ball court, firepits, picnic area, and pet area. He also noted that the exterior of the building would be constructed to meet Area of Civic Importance (ACI) regulations and displayed renderings of the building elevations, façade, and materials that would be used to construct the development. He added that entrances to the residential portion of the building would be within the parking garage structure and that there would be no entrances off of Cass Street.

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Mark Dunbar, 5601 Western Avenue, appeared before the Board in opposition. Mr. Dunbar stated that he was previously a longtime resident of the Memorial Park neighborhood and recently returned. He expressed that his personal concerns were the high density of the project and that the height of the proposed structures atop the higher elevation on the west side of the property would look extremely tall. He also mentioned that the structure did not resemble the common definition of “rowhouse”.

Sara Penn, 664 Fairwood Lane, appeared before the Board in opposition. Ms. Penn stated that she resided in her home for 36 years and that the traffic along Underwood Avenue steadily increased over time. She expressed concern that although the traffic study showed no effect on the neighborhood, residents witnessed the congested traffic along Underwood Avenue during peak hours and that eastbound Cass Street to Underwood Avenue carried a high volume of traffic from vehicles using the road as an alternative route to Dodge Street. She then expressed concern that increased traffic would hinder the safety of the school children crossing Underwood Avenue to and from nearby schools.

Ann Roberts, 404 N. 61st Street, appeared before the Board in opposition. Ms. Roberts stated that she was a resident of the Memorial Park area and a Fairacres Terrace Neighborhood Watch Captain. She discussed how components of the Master Plan promoted the preservation and enhancement of the City’s residential neighborhoods. She explained that the large scale and setbacks of the proposed buildings were not compatible with the surrounding neighborhood and violated the Master Plan Housing Element Report. She noted that the greenspace within the interior of the proposed structures was not visible to the surrounding neighborhood and also agreed that the long existing zoning preserved and enhanced the neighborhood. Ms. Roberts then discussed that the Housing Element of the Master Plan promoted conservation of existing, stable neighborhoods, encouraged home ownership and that neighborhood character not be changed negatively. She explained that the proposed use promoted no long term ownership in the neighborhood and changed the existing character of the neighborhood. She also
discussed that a report prepared for the City by Mead and Hunt promoted the preservation of the Temple Israel property.

Barbara McCusker, 616 Fairacres Road, appeared before the Board in opposition. Ms. McCusker stated that she lived in her home for 28 years and was the President of the Fairacres Home Owners Association. She was in agreement with the concerns of prior opponents regarding zoning change, traffic congestion and safety of school children. She also explained that the Master Plan provided guidelines, contained conflicted text within itself and was subject of interpretation with each case. Ms. McCusker noted that in the last 11 days, 1,070 signatures were gained and presented to the Planning Department in opposition of the project.

Justin Curtis, Executive Pastor, Coram Deo Church Community, 210 N. 78th Street, appeared before the Board in opposition. Mr. Curtis stated that the church desired to purchase the former Temple Israel property and keep the current use. He mentioned that he also agreed with prior opponents regarding the historic value of the property and opposition to the zoning change.

Susie Buffet, 6301 Chicago Street, appeared before the Board in opposition. Ms. Buffet stated that she was concerned the development would become housing for students attending the University of Nebraska-Omaha and that the students would rapidly increase traffic along Underwood Avenue as a route to the University. She was also concerned the increased traffic would create a safety hazard for children in the neighborhood. Ms. Buffet stated that this development would negatively affect the entire Dundee-Memorial Park neighborhood.

John Kerwin, 330 North 68th Street, appeared before the Board in opposition. Mr. Kerwin stated that he resided at the corner of North 69th and Cass Streets and that his driveway abutted North 69th Street. He explained that that Cass Street was a four lane road changing into a two lane road at 69th Street and Underwood Avenue and was concerned traffic from the development would increase congestion. He also mentioned traffic exiting the Community Playhouse at 69th and Cass Street caused excessive congestion when in session and that increased traffic would further hamper his ability to use his driveway. He was in agreement with prior opponents that traffic was already an issue, students used Underwood Avenue as a route to the University and that the development was too dense with 54 units per acre.

Mayrene Bentley, 710 N. 58th Street, appeared before the Board in opposition. Ms. Bentley stated that churches and synagogues provided a moral place for residents and were valuable to the community.

Colleen Batcheler, 306 N. 68th Street, appeared before the Board in opposition. Ms. Batcheler stated that she was in agreement with prior opponents that the development did not promote overall community improvement in the area. She discussed community reinvestment and noted that in 2010 she purchased property in the Fairacres neighborhood, built a new home on the lot but preserved the trees and tripled the value of the property. She mentioned that neighbors in the area also spent time reinvesting in the neighborhood to enhance neighborhoods without the assistance of Tax Increment Financing (TIF) funds. She also noted that the residents' reinvestment into the neighborhood provided jobs, increased property values and raised tax revenues for the County. She then asked the Board to consider the long-term loss of individual community reinvestment the proposed development could generate.

Mr. Huck discussed a document previously presented to the Board entitled “Analysis of Cass Place” proposed by the Fairacres Home Owners Association. He highlighted and briefly discussed elements of the document: the zoning change from R2 to R8 would not be acceptable to any neighborhood in the City, high density developments should be located on major corridors, Cass Place was similar to the Legacy Commons proposal but Legacy Commons had only 20 units per acre and also had two light-sigaled intersections near the entry points but Cass Place offered none.

Mr. Jobeun noted that the development was closer in proximity to surrounding commercial areas than residential areas and discussed how the project was consistent with the Master Plan. He explained that although the property was currently zoned R2, it was within the boundaries of a Mixed-Use area and that
the Master Plan also called for diversity of housing. He further explained that the R8 zoning was restricted by the Planned Unit Development (PUD) Overlay regulations and that the development was not presented as student housing. Mr. Jobeun reviewed the aspects of the project design and mentioned that the grade change would create a height of five stories on the west side of the property. He then reviewed aspects of the traffic study and noted that the study was prepared by reputable professionals.

Mr. Jobeun confirmed to Mr. Neary that connections and access to future developments would be provided by the developer through the provisions of the subdivision agreement. He also confirmed that the quality of the building materials presented would be maintained or improved and that the developer met with the Planning Department beginning in November of 2013 to discuss elevation and site plans, and continuously revised these plans to reach a higher quality. In response to Ms. Nubel, he explained the material of the wall below the building line that faced Cass Street side was concrete, but that the developer was willing to work with the Planning Department to revise the plan with an acceptable design.

Murthy Koti, Public Works Department, stated that City regulations required traffic studies submitted to the City be developed under the supervision of a professional licensed engineer and that the study was completed by a professional licensed engineer in Nebraska. He explained that a professional engineer was required to take a series of exams to obtain an engineer license issued by the state of Nebraska and that a professional traffic operations engineer was also a licensed engineer but was qualified with a specialty focus in traffic operations (such as signal timing, congestion management and access management). Mr. Koti explained that a draft traffic study was submitted to the City and multiple items were reviewed by qualified staff members of the Department, including members holding the professional traffic operations engineer license. He further explained that the study was required to include scenarios for the opening date of the project and 20 years into the future. He added that after review of the draft, the Department concluded that all intersections studied performed under the acceptable level of service, minor edits were made to the draft and submitted to the engineer for review. Mr. Koti stated that the Department also conducted independent studies and concluded that traffic from the proposed project was not projected to have a major negative impact on the area to the east along Underwood Avenue.

In response to Mr. Rosenbaum, Mr. Koti stated that the traffic studies included pedestrian traffic and all vehicle traffic. He also mentioned that traffic along Underwood Avenue has been monitored and tracked by the Department over the past 10 to 15 years to evaluate concerns regarding speeding and that he was aware portions of the infrastructure did not have sidewalks. He explained that because this was a new project, the developer would be required to install sidewalks on the property along Cass Street and all minor streets where sidewalks did not exist. Mr. Rosenbaum further questioned Mr. Koti regarding pedestrian safety. Mr. Koti responded that signalized intersections near the site had signaled crossing features for pedestrians using the crosswalk and that locations to the east of the site were not included in the study. He added that concerns arising outside the study area would be taken into consideration by the Department and evaluated for solutions.

Ms. Roberts mentioned that sidewalks existed along Underwood Avenue east of 69th Street but that sidewalks did not exist in the neighborhoods north of Dodge Street from 69th Street east to JE George Boulevard.

Dave Fanslau, Acting Assistant Planning Director, commented on the issues discussed. Mr. Fanslau explained that historically sidewalks were not a City requirement and that property owners currently requesting sidewalks in their neighborhoods would be assessed. He further explained that that the site was within an existing mixed-use boundary that allowed increased density and that the Master Plan promoted increased density along major east west corridors, such as Dodge Street, to provide for public transportation options. Mr. Fanslau further explained that design standards for the site were regulated by the Area of Civic Importance (ACI) Overlay District and Planned Unit Development (PUD) Overlay District, and provided for a mix of uses. He added that the Master Plan promoted different types of housing options throughout the City to discourage segregation of single family home away from other uses. He mentioned that the zoning code allowed these two uses and zoning codes to be adjacent, separated by bufferyards and noted that this project exceeded the zoning distance requirements. He stated that the
Department recommended approval of the rezoning subject to the approval of a PUD overlay district, approval of the ACI-2 (65) Overlay District, approval of the preliminary plat subject to the 5 conditions on the recommendation report, and approval of the final plat subject to conditions of the preliminary plat and submittal of a final subdivision agreement if necessary. He stated that the Department also recommended approval of the PUD Overlay District, subject to submittal of a final site plan, landscape plan and building elevations in compliance with all applicable site development regulation prior to forwarding the request to City Council.

Mr. Neary explained that the Board was obligated to adhere to the code and the Master Plan. He commented that he reviewed all opposition and visited the site numerous times, taking photos and videos. He mentioned that he visited the site at 4:50 p.m. on a Tuesday with no trouble exiting the site onto Cass Street. He then discussed a personal scenario where traffic engineers were successful in predicting the low impact on traffic after the completion of the recent TD Ameritrade project. He also reviewed studies that showed this site was more pedestrian friendly than the City of Omaha overall and that he hoped the project would be an overall improvement to the Crossroads area.

Mr. Rosenbaum commented that he was conflicted with his decision but agreed this project was in compliance with the Master Plan.

Mr. Rosenbaum moved for approval of the PUD subject to submittal of final site plan, landscape plan, and building elevations in compliance with all applicable site development regulations prior to forwarding the request to the City Council for final action. Ms. Nubel seconded the motion which carried 4-1, with Mr. Deeb dissenting. Mr. Deeb commented that he was also conflicted but that an opportunity existed to retain the site as a place of worship.

### Master Plan Referral

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<tr>
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<th>REQUEST: Approval of the CASS ST. APTS TIF REDEVELOPMENT PROJECT PLAN (laid over from 03/05/14)</th>
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<td>LOCATION: 7023 Cass Street</td>
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At the Planning Board meeting held on April 2, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that the details of the project were discussed in the previous case and that the request was in compliance with various elements of the Master Plan. She explained that this was an area in need of redevelopment and that increased inner-city density made the transportation and public service elements of the Master Plan more efficient.

Colleen Batcheler, 306 N. 68th Street, appeared before the Board in opposition. Ms. Batcheler stated that she opposed the Tax Increment Financing (TIF) and restated testimony from the previous case regarding the existence of community reinvestments without the use of TIF funding. She also expressed her concerns with the use of TIF were: the majority of jobs created were not permanent; growth of low to moderate income housing was not supported; and the public infrastructure created, the greenspace area, was located in the center of the apartment complex, not available for public use.

Steve Andersen, 6244 Oak Hills Plaza, Millard, appeared in opposition to the request. He stated that he also opposed the use of TIF for the project for the reasons mentioned by Ms. Batcheler.

Larry Jobeun, 11440 W. Center Rd. appeared before the Board on behalf of the developer. Mr. Jobeun mentioned that the site was within a Community Redevelopment Area (CRA) and that the use of TIF assisted with the investment into the property. Ms. Hadley added that TIF targeted areas in need of redevelopment and that income of families or communities was not addressed. She noted that this project focused on redeveloping the area.

Dave Fanslau, Acting Assistant Director, stated that the Planning Department recommended approval.
Mr. Harding moved for approval. Ms. Nubel seconded the motion, which carried 4-1, with Mr. Deeb dissenting.

**Special Use Permits**

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<tr>
<th>8.</th>
<th>C8-14-060 McNeil Company Builders</th>
<th>REQUEST: Approval of a Large Project Special Use Permit to allow Multiple-family residential in a CC District (laid over from 03/05/14)</th>
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<td>LOCATION: 5505 South 120th Street</td>
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At the Planning Board meeting held on April 2, 2014, Jim Boozer, 10250 Regency Parkway, appeared before the Board on behalf of the applicant. Also in attendance were Patrick McNeil and Deb Sand with McNeil Company Builders; John Coolidge and Regan Pence with Lamp, Rynearson & Associates; Randy Lenhoff is the Property Manager.

Mr. Boozer presented the site plan to the Board. He explained that the project consists of 9 buildings with a total of 268-units. One of the proposed buildings along the golf course will be 4 stories; the rest are three stories, with the exception of the clubhouse which is 2 stories. He showed the locations of the buildings. He briefly discussed Mr. McNeil’s experience as a builder of several Class A apartment buildings in the City of Omaha. With regards to density, he noted that the previously submitted plan included 296 units. At the request of the Planning Department, the plans were revised and the number of units was reduced to 268. The Special Use Permit allows R7 regulations to apply to this district which is zoned CC (Community Commercial District). He explained that the R7 site development regulations allow up to 43 units per acre, which equates to 481 units. As proposed, the plan show 24 units per acre which below what is allowed.

Mr. Boozer stated that after a neighborhood meeting, many of the commercial neighbors expressed that they did not agree with how traffic would be directed to 120th Street. As a result, the ingress/egress point was relocated further to the south of the site. Individuals from Project Harmony and Centris Federal Credit Union stated at another meeting that they did not agree with the revised plan for traffic flow through the site. They felt that there would be issues with employees who use the light at 120th Street to exit the area. Consequently, the plans were changed to reflect an entrance at 118th Street. He stated that Mr. McNeil has repeatedly met with individuals from WRK Systems, Inc. to work out some parking issues they currently have. He further added that Centris and WRK are in full support of the site plan, the ingress/egress easement agreement, and the project. Mr. Boozer mentioned the great respect that he and the applicant have for Project Harmony and the services they provide for the community.

Gene Klein, Executive Director – Project Harmony, appeared in opposition to the request. He briefly explained the purpose and mission of the organization, which provides services to children are the victims of abuse. He stated that currently there are over 200 professionals that work out of the facility which is located near 120th & Q. He explained the reasons why the location was ideal for the facility. He described the project as being an invasive type of development which would allow over 500 people to live in apartments within feet of Project Harmony. He felt that the project as planned is overbuilt with little regard for the respect and privacy of the children and families being served. There would also be a need for more security due to the number of surrounding residents. He stated that the project as proposed does not need to be as large, dense, or as close to be considered for multi-family use.

Harvey Cooper, 8712 West Dodge Road – Project Harmony Board member, appeared in opposition to the request. He submitted copies of the easement documents to Dave Fanslau (Assistant Planning Director – City of Omaha, and members of the Board. He spoke mainly about the easement issue. He explained that there is an east/west easement that goes from 120th Street to the adjoining lots to the east, including Lot 3 and Lot 1 which is the location of the proposed project. He explained that the applicant plans to build in the easement which is not allowed unless all parties consent; Project Harmony does not consent to that plan. He presented several documents which included the initial plat and an agreement between Harry Koch and Center Associates. The easement agreemtn, which benefits Lots 1 – 3, states
that there is to be nor parking or obstruction permitted in the roadways so as not to inhibit the free flow of
traffic. He concluded that the applicant should not be permitted to construct in an easement when it has
been clearly stated that they cannot. He referred to a recent proposal from the applicant for a new
easement. Under this agreement the property owners would give up their current easement rights, they
would be assessed by the owners of Lot 1 for maintenance of the easement, and they would give a
temporary 10’ construction easement to the south. He added that the current warranty deeds do not
require assessments to property owners for upkeep since it is the sole responsibility of each lot owner. He
further explained that the temporary construction easement would be really close to the property line and
would almost touch the healing garden that is part of the Project Harmony facility.

Jim Jansen, 10519 Madison Street – Project Harmony Board member, appeared in opposition to the
request. Mr. Jansen pointed out that the Master Plan states that projects must be compatible with the
neighborhood in which they would be built. He stated that originally, the plans for Lot 1 was that it would
be an office complex that would be located an acceptable distance from the Project Harmony facility. He
related various examples of the density of new and established complexes that have been built by the
applicant and the Seldin Company: Harrison Hills (17 units/acre); Pedcor properties (10 units/acre);
Montclair apartments (21 units/acre); Westport Apartments (17 units/acre); and Tuscany Place (15 units
/acre). He noted that the applicant is proposing to build with 25 units/acre, but the 15’ easement takes
away approximately 1 acre of usable space. This would result in 268 units on 10 acres or 26 units per
acre. He suggested that the request be denied as submitted or be modified so that it is similar to the
density of the complexes he mentioned.

Neil Morien, 12009 Jefferson Plaza, President - Board of Directors - Oak Hills Country Club. The club,
which abuts the proposed development, opposes the project as presented because the scale, mass and
density is out of character with other West Omaha apartment complexes. He added that it would present
a safety risk to its renters since the building and pool would be located within 30’ of the golf course. He
felt that an additional 60’ to 90’ clearance zone would be appropriate. He also requested that the Board
require that the complex owners assume liability for any damage to property or lives and that the renters’
lease should acknowledge that they understand they are living near a golf course and that they assume
liability for damage to their property and that of their guests. He concluded that, as proposed, the project
is not the right scale or design for the property.

Steve Andersen, 6244 Oak Hills Plaza, appeared in opposition to the request. He stated that there are
currently traffic issues in the area and that if the proposed density were added, it would be even more
difficult to enter and exit the neighborhood.

Doug Quinn, 5918 South 118th Plaza, Board of Directors – St. Andrew’s Pointe, appeared in opposition to
the request. He felt that the applicant should be sensitive to the concerns of Project Harmony. He
expressed concern with the density of the project and speeding along 120th Street. He also anticipates a
left turn issue at 120th & Q.

In response to the issues raised by the opposition, Mr. Boozer stated that the Multi-Family Use is a better
use than other potential uses that could be allowed on the site. He noted that the density of the project is
in line with with regulations. With regards to the easement issue, he referred to the warranty deeds which
states that the easement space on the west side is actually 50’. There is also a 120’ easement that runs
north to south. He stated that there are some inaccuracies in the documents. He stated that both Centris
and WRK have indicated that they would be willing to waive their easement rights to the left; he felt that
something could be worked out with Project Harmony. He further stated that the applicant would be
willing to modify the site plan out of respect for the easement rights of their future neighbors; however it
would be better to work on a solution that would benefit all parties involved.

Pat McNeil, 4666 South 132nd Street, appeared before the Board. He expressed his desire to create a
responsible project that would benefit the City. He explained the reasons for the density of the previously
mentioned apartment projects, noting that many were within a normal range. He stated that, as proposed,
the units that are adequately spaced and would have the necessary parking. He stated that only one of
the buildings would face the golf course and that the porches on that side will be screened in.

Randy Lenhoff, CEO – Seldin Company, 16306 Valley Street, mentioned that he has worked with the applicant on other projects that originally had the same concerns at the proposed complex. He explained that, because of the pricing of the apartments, many of the residents of the complexes are empty-nesters. He stated that he would work with the neighbors and make every attempt to be a good neighbor.

Ryan Hass, Public Works, stated that Public Works evaluated the signal timing and operations at 120th & Q. It was determined that, based on the site plan, a traffic study was not necessary since the existing reserve capacity could handle what is being proposed for the site.

There was some discussion about easement widths and condition, the proposed agreement, and the proximity of one of the building to the Project Harmony property. Mr. Cooper stated that he would be agreeable to working with the applicant to come to acceptable solutions for these issues.

In response to Ms. Nubel, Mr. Jansen stated that Project Harmony is concerned with the proximity of the proposed road and traffic to the healing garden. He added that perhaps landscaping or the addition of a burm could be added as a buffer between the two. He felt that there should be a compromise as to the location of the buildings, preferably farther away from their site. Mr. McNeil addressed some of the issues and stated that he would be agreeable to adding whatever landscaping was necessary to maintain the privacy of the healing garden location. He added that the buildings could be repositioned, although he felt it would affect the quality of the project.

Mr. Morien suggested that landscaping be added near the pool to prevent golf balls from hitting people. He felt that, even with screening, the property owners and renters should still be required to resume the liability for damage to themselves and their property.

Dave Fanslau, Acting Assistant Director, stated that the Planning Department supports the project and recommends approval of the request. He explained that it meets the intent of the Master Plan and also zoning code requirements with regards to density. He further explained that since the site is over 10 acres, a Large Project Special Use Permit is required. He noted that the number of proposed units for the site are fewer that what is allowed. He stated that the Department had very recently received a plan that showed nothing in the easement for Lot 1, but that there was no chance to review it to ensure it meets code. He stated that a layover would allow time for the Department to review the plan. He advised that the site plan would need to be agreed upon by all parties involved before the case went before City Council.

Mr. Boozer stated that he preferred that no conditions be added for approval before the case went to City Council, since it could result in a larger delay. He explained that if an agreement could not be reached with Project Harmony, a revised site plan would be submitted.

Mr. Harding moved to layover for 30 days. Ms. Nubel seconded the motion, which carried 4-0-1, with Mr. Deeb absent.

(REGULAR AGENDA)

Master Plan Referral

| 9. | C3-14-069 Planning Department on behalf of the City of Omaha | REQUEST: Approval of the FLATIRON TIF REDEVELOPMENT PROJECT PLAN |
| Location: 1722 St. Mary's Avenue |

At the Planning Board meeting held on April 2, 2014, Bridget Hadley, City Planner, presented the request. Ms. Hadley stated that in 1983, Tax Increment Financing (TIF) was used for public infrastructure at this site and that this project involved complete rehabilitation and adaptive use of the existing building. She
explained that the second through fourth floors would be renovated to 30 market-rate apartment units, the
ground floor would remain commercial use, and that the surface parking lot to the west was controlled by
the developer. She discussed that potential public improvements were a pedestrian crossway, street
lighting, and conversion of Howard Street between 18th and 16th Streets from one-way to 2-way traffic. In
response to Mr. Neary, Ms. Hadley stated that at this time it was not known if TIF would be used for street
improvements.

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

Ms. Nubel moved for approval. Mr. Rosenbaum seconded the motion, which carried 4-0-1, with Mr. Deeb
absent.

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<th>10.</th>
<th>C3-14-070 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST:</th>
<th>Approval of the 1915 JACKSON STREET TIF REDEVELOPMENT PROJECT PLAN</th>
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<td>LOCATION:</td>
<td>1915 Jackson Street</td>
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At the Planning Board meeting held on April 2, 2014, Bridget Hadley, City Planner, presented the request.
Ms. Hadley stated that site was vacant for approximately one year and that the Creative Creations
catering business, currently located near 74th and Pacific Streets, would relocate to this site. She
explained that the new location would allow an expansion of the business, the ability to conduct all
business on site, and included the addition of a ballroom for approximately 300 to 500 people. She
displayed potential renderings of the interior of the building and discussed the creation of an open
greenspace plaza to the east of the property and mentioned potential public improvements were
streetscaping and street lighting. Ms. Hadley then discussed that parking was sufficient in the area and
that lease arrangements would be made with existing parking lot owners for use of these parking lots.

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

Ms. Nubel moved for approval. Mr. Rosenbaum seconded the motion, which carried 4-0-1, with Mr. Deeb
absent.

Rezonings

<table>
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<tr>
<th>14.</th>
<th>C10-14-071 C11-14-072 34 Harney, LLC</th>
<th>REQUEST:</th>
<th>Rezoning from R7 to R8 and Approval of a PUD-Planned Unit Development Overlay District (property is also located within an ACI-1(PL) Overlay District)</th>
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<td>LOCATION:</td>
<td>3327 Harney Street</td>
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At the Planning Board meeting held on April 2, 2014, Larry Jobeun, 11440 West Center Road, appeared
before the Board on behalf of the applicants, Jerry Torczon and Mark Torczon.

Mr. Jobeun stated that the project consists of a 31-unit apartment building, which includes the following:
17 efficiency units, 8 1-bedrooms units, and 6 2-bedroom units. There are plans for 32 parking stalls
underneath the structure. He noted that waivers would be sought from the Zoning Board of Appeals for
parking and bufferyard issues before the applicant appears before City Council.

Kathleen McCallister, New Hope Life Center for Women – 3507 Harney Street, appeared before the
Board in support of the request. She stated that the Center is in the process of purchasing 3501 Harney
Street directly to the east of their facility. The building at 3501 Harney Street will be demolished to make
room for off-street parking. Although she was in favor of the project, she suggested that the applicant be
required to have all parking for the site remain on the site. She noted that there are two lots on Dewey
Street that are adjacent to the proposed project that could be used to alleviate ingress/egress issues on
Harney Street, which she felt is already too congested.
Monroe Evans, 3404 Dewey Avenue, appeared in opposition to the request. Mr. Evans’ property is adjacent to the proposed development. He felt that the applicants did not provide sufficient notice about the project and were not concerned with how it would affect the surrounding property owners. He believed the structure, as proposed, was too large for the area. He stated that he had submitted a letter from Joan and Gordon Crellin, 3405 Dewey Street, who were not able to appear before the Board. They also were not in support of the project. He provided pictures which showed the problem the area has with parking. He suggested additional parking under the proposed building and more greenspace in place of concrete. Mr. Evans also showed damage to the foundation of his property, which he believed resulted from the nearby demolition work. He stated that he had no foundation problems before the demolition work was performed. He added that he received no response from the applicants when he advised them of the problems with his home. He felt that the applicants were not being good neighbors.

Max Evans, 3404 Dewey Avenue, appeared in opposition to the request. She agreed with the statements made by Mr. Evans, adding that they are hesitant to make repairs since there is the possibility of more damage with construction of the project.

Ernestina Torres Sanchez, 3312 Dewey Avenue, appeared in opposition to the request. She stated that she felt the effects of the demolition work at her home which is approximately five houses away. She stated that parking is a problem, and would increase with the addition of the new building. Because of the parking congestion, she allows a couple of her neighbors to park in her driveway. Ms. Torres Sanchez felt that the project would not be a benefit to the neighborhood or that it would not help property values.

Mr. Jobeun responded that the buildings that were demolished for the proposed project had numerous code violations and were in a state of disrepair. He believed that the new building would be an asset to the community. In response to Mr. Neary, Mr. Jobeun stated that there had been no meetings with the neighbors since he was not previously aware of any opposition. He also stated that the developer did not plan to incorporate the two vacant lots on Dewey Avenue with the proposed apartment building. He stated that the average rents for the apartment building would range from $830 - $1500 per month. Bridget Hadley, Planning Department, confirmed that the developer had no plans to connect the lots on Dewey with the project.

With regards to the damage to Mr. Evans’ home, Mr. Jobeun stated that he was not aware of any damage to the home and that the homeowner would need to take whatever legal steps necessary to have the problem rectified. He added that he would speak to Jerry Torczon about the matter after the meeting.

Dave Fanslau, Acting Assistant Director, stated that the proposed project is part of the urban core and that the R8 zoning is appropriate. He added that there is a PUD with the project. He explained that R7 zoning allows buildings up to 75’; R8 would allow for even taller buildings. He noted that the project as proposed does not exceed 75’. He explained that reason the City has begun to support 1:1 parking is because, typically, people who want to live downtown do not want or require the same parking as other areas of the city. He felt that redevelopment was healthy for the neighborhood. Per information received from the Public Works Department, it had determined that on-street parking tends to decrease traffic speeds. Mr. Fanslau concluded that the Department recommended approval based on the nine conditions set forth in the Planning Department Recommendation Report.

Ms. Nubel moved to layover for 30 days to allow the applicant time to meet with the neighbors. Mr. Rosenbaum seconded the motion, which carried 4-0 with Mr. Deeb absent.

**APPROVAL OF MINUTES**

Mr. Rosenbaum moved to APPROVE the meeting minutes of March 5, 2014. Mr. Hoich seconded the motion which carried 4-0, with Mr. Deeb absent.
ADJOURNMENT

It was the consensus of the board to ADJOURN the meeting at 5:52 pm.

Date Approved

_________________________________________
Raymond J. Neary, Chair

_________________________________________
Rikki Flott, Planning Board
Recording Secretary