Brinker Harding, Chairman, called the meeting to order, introduced the Planning Board members as well as the Planning Department staff, and explained the Planning Board’s public hearing procedures.

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

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

No one appeared in opposition.

**Subdivisions**

<table>
<thead>
<tr>
<th>12.</th>
<th>C12-16-203 (D) Geoffrey McGregor</th>
<th>REQUEST: Preliminary and Final Plat approval of MCGREGORS FIRTH, a minor plat inside the city limits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>LOCATION: South of Hillandale Circle and west of Skyline Drive</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the Preliminary Plat subject to the following conditions: 1) Receive a waiver of lot width from the Zoning Board of Appeals. 2) Ensure that the final lot line configuration is reflective of the right-of-way vacation of a portion of Hillandale Circle. 3) Place the building envelope and driveway location on the Final Plat. 4) Provide a note on the plat that states that if 25% or more of existing tree canopy (mature woodlands) is to be removed to allow for construction of a new single-family home, 2:1 mitigation on-site will be provided. 5) Compliance with all applicable stormwater management ordinances and policies, and for approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding the plat to the City Council. Mr. Magid seconded the motion which carried 6-0.
13.  
C10-16-204 (D)  
C12-16-205  
CFM Realty  

REQUEST:  
Preliminary and Final Plat approval of COVENTRY REPLAT 9, a minor plat outside the city limits, with rezoning from DR and R4 to DR and R4  

LOCATION:  
West of 209th Street and George B Lake Parkway  

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the rezoning from DR and R4 to DR and R4, approval of the Preliminary Plat, subject to the following conditions: 1) Place the neighborhood park (boundaries include the area south of the round rail fence and one foot north of the fence line) into a separate designated parkland lot. 2) Provide a 35 foot no-build easement along the entire frontage of George B Lake Parkway on the Final Plat. 3) Receiving approval of park plans and cost estimates by the Parks and Recreation Advisory Board prior to bidding. 4) Compliance with all applicable stormwater management ordinances and policies. 5) Include provisions for use, ownership and maintenance of the outlots in the final subdivision agreement, and for approval of the Final Plat, subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding to the City Council. Mr. Magid seconded the motion which carried 6-0.

19.  
C10-12-157 (D)  
C10-16-218  
C12-16-219  
White Lotus Development  

REQUEST:  
Preliminary and Final Plat approval of WEST DODGE POINTE REPLAT 2, a minor plat with portions inside and outside the city limits, with rezoning from DR, MH and MU to DR and MU, along with a Major Amendment to the Mixed Use District Development Agreement for West Dodge Pointe (property is also located within an ACI-4(PL) Overlay District and portions lie within the flood fringe overlay district)  

LOCATION:  
Northwest of 168th Street and West Dodge Road  

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the rezoning from DR, MH and MU to DR and MU, subject to submittal of acceptable signed Mixed Use Development Agreements prior to forwarding to City Council, approval of the Preliminary Plat, subject to the following conditions: 1) Provide the standard right-of-way vacation language on the Final Plat, as well as leaving all utility easements in place. 2) No direct vehicular access to West Dodge Road or to 174th Street (Old Lincoln Highway) from any lots abutting said streets. 3) Receiving all necessary floodplain development permits. 4) Compliance with all applicable stormwater management ordinances and policies. 5) Include provisions for the use, ownership and maintenance of the outlots in the final subdivision agreement, and for approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding to City Council. Mr. Magid seconded the motion which carried 6-0.

**Rezonings**

20.  
C10-16-220 (D)  
Toomas Allisma  

REQUEST:  
Rezoning from HI to NBD (property is also located within an ACI-1(50) Overlay District)  

LOCATION:  
1103 and 1105 South 13th Street  

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval. Mr. Magid seconded the motion which carried 6-0.
## Planning Board Agenda
August 3, 2016
Page 3

### 21. C10-16-221 (D) PJ Morgan Investments, Inc.

**REQUEST:** Rezoning from GI to NBD (property is also located within an ACI-1(50) Overlay District)

**LOCATION:** 1419, 1423 and 1425 South 13th Street

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval. Mr. Magid seconded the motion which carried 6-0.

### 22. C7-88-158 (D) C7-96-135 C10-16-222 Quality Living, Inc.

**REQUEST:** Rezoning from R5 and R7 to R7, with approval of a Major Amendment to a Conditional Use Permit to allow Convalescent services in a R7 District

**LOCATION:** 6404 North 70th Plaza

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the rezoning from R7 and R5 to R7 and approval of the Major Amendment to the Conditional Use Permit subject to: 1) Submittal of a tree canopy removal analysis and tree mitigation plan if applicable. 2) Compliance with the site plan submitted. 3) No net increase in stormwater runoff and must treat the first ½” of stormwater for water quality. 4) Compliance with all other previous conditions of approval. Mr. Magid seconded the motion which carried 6-0.

### 23. C10-92-239 (D) Hertz Corporation

**REQUEST:** Approval of a Major Amendment to the Mixed Use District Development Agreement for Lakeside Plaza (Lakeside Hills)

**LOCATION:** 2571 South 171st Street

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the Major Amendment to the Lakeside Plaza Mixed Use Development Agreement to allow for Automotive rentals. Mr. Magid seconded the motion which carried 6-0.

### 24. C10-16-232 (D) Mark Warneke

**REQUEST:** Rezoning from DR to R4

**LOCATION:** 11220 Blondo Street

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval. Mr. Magid seconded the motion which carried 6-0.

### Special Use Permits

#### 27. C8-16-224 (D) MJ Construction

**REQUEST:** Approval of a Special Use Permit to allow Custom manufacturing in a CC District (property is also located within the flood fringe overlay district)

**LOCATION:** 4829 South 136th Street

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the Special Use Permit to allow Custom manufacturing in a CC-Community Commercial District (property is also located within the flood fringe overlay district) subject to: 1) Compliance with the site plan and building elevation. 2) Compliance with the operating statement. 3) Compliance with an approved Flood Plain Development Permit. 4) No outdoor storage of materials. 5) Compliance with all applicable stormwater management ordinances and policies. 6) The applicant receiving a Certificate of Occupancy from the Permits Division of the Planning Department. 7) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 6-0.
### Conditional Use Permits

| 28. | C7-16-225 (D)  |
|     | Steve Mainelli |
| **REQUEST:** | Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow a Secondary educational facility in a R4 District |
| **LOCATION:** | 1010 South 144th Street |

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the Major Amendment to a Conditional Use Permit (assumed) to allow Secondary Educational Facility in a R4 District, subject to: 1) Compliance with the submitted sign plan and site plan. 2) Approval of the necessary signage waivers from the Zoning Board of Appeals. 3) Submittal of an application to add the MCC-Major Commercial Corridor Overlay to the site. 4) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 6-0.

| 29. | C7-16-226 (D)  |
|     | Cross Training Center |
| **REQUEST:** | Approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in a CC District (property is also located within an ACI-3(PL) Overlay District) |
| **LOCATION:** | 5030 North 72nd Street |

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the Conditional Use Permit to allow Warehousing and distribution (limited) in the CC-ACI-3(PL) subject to: 1) Compliance with the revised site plan/landscape plan that is in compliance with all applicable regulations. 2) Compliance with the proposed operating statement. 3) No outdoor storage. 4) Compliance with all other applicable site development regulations. Mr. Magid seconded the motion which carried 6-0.

| 30. | C7-16-227 (D)  |
|     | Erin Carey |
| **REQUEST:** | Approval of a Major Amendment to a Conditional Use Permit (assumed) to allow a College and university facility in a DR District (portion of property is also located within an ACI-2(65) Overlay District) |
| **LOCATION:** | Northeast of 72nd Street and Mercy Road |

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved for approval of the Major Amendment to a Conditional Use Permit (assumed) to allow College and University Facilities in a DR District, subject to: 1) Compliance with the revised signage plan and site plan. 2) Approval of the necessary signage waivers from the Zoning Board of Appeals. 3) Submittal of a rezoning application to add the ACI overlay to the site. 4) Removal of the banners/wall signs on the north side of the Fitness Center building. 5) Compliance with all other applicable regulations. Mr. Magid seconded the motion which carried 6-0.

### Vacations

| 31. | C14-16-228 (D)  |
| Planning Board |
| **REQUEST:** | Vacation of 11th Street right-of-way beginning at the northeast corner of Lot 8, Block 221 extending south approximately 30 feet; thence east approximately 100 feet; thence north to the northwest corner of Lot 5, Block 220; thence northeast at a diagonal approximately 103 feet to the point of the beginning |

At the Planning Board meeting held on August 3, 2016, Mr. Nesbitt moved approval of the proposed vacation, subject to retention of any and all necessary easements. Mr. Magid seconded the motion which carried 6-0.
<table>
<thead>
<tr>
<th></th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong></td>
<td>Final Plat approval of STERLING RIDGE ESTATES (formerly known as Sterling Ridge Phase II), a subdivision inside the city limits, with rezoning from DR and R4 to DR and R4</td>
<td>South of Hickory Street between 127th and 129th Streets</td>
</tr>
<tr>
<td><strong>2.</strong></td>
<td>Final Plat approval of MAJESTIC POINTE (Lots 99-186, Outlots D-E), a subdivision outside the city limits, with rezoning from AG to DR and R4</td>
<td>Southwest of 168th and State Streets</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on August 3, 2016, Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the Final Plan subject to submittal of an acceptable final subdivision agreement prior to forwarding to City Council.

Mr. Magid moved for approval, subject to submittal of an acceptable final subdivision agreement prior to forwarding the request to the City Council for final action. Mr. Rosacker seconded the motion which carried 6-0.

**PUBLIC HEARING AND ADMINISTRATIVE MEETING**

**(HOLD OVER CASES)**

### Rezonings

Cases 3 and 7 were heard concurrently, but voted on separately:

<table>
<thead>
<tr>
<th></th>
<th>REQUEST:</th>
<th>LOCATION:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.</strong></td>
<td>Rezoning from GI to R8, with approval of a PUR-Planned Unit Redevelopment Overlay District (laid over from 07/06/16)</td>
<td>151 North 46th Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on August 3, 2016, Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant to discuss the request for rezoning and TIF Redevelopment Project Plan. Mr. Jobeun stated that the 8.3 acre substandard lot was the former Ready Mix site and was currently used for vehicle storage and maintenance. He noted that the site was surrounded by a variety of residential and commercial zoning districts and was within an existing mixed-use area of the Future Land Use map of the Master Plan. He then stated that the proposed project included the demolition of the existing site and construction of five 4-level buildings with a total of 283 studio, one-bedroom and two-bedroom apartment units. He added that average rental rates were $1100/month. Mr. Jobeun stated that surface parking was behind the buildings to provide streetscaping along North 46th Street and that extreme drop in grade change from North 46th Street to the east, as well as extensive concrete removal, created a challenging site. He explained that parking included 83 parking garages and 308 parking stalls on the east side of the site, and construction of 60 on-street parallel parking stalls, which exceeded the 396 parking stall requirement. He further explained that the project also included a clubhouse with a variety of amenities...
for residents, a dog park, business center, electric vehicle charging stations, valet trash service and access to Bus Rapid Transit station at Dodge Street. He displayed elevations and noted the garages were behind the buildings on the east and balconies were recessed. He then noted the streetscape along 46th Street with landscaping, a 5-foot sidewalk with greenspace, parallel parking stalls and decorative street lighting.

Mr. Jobeun stated that the total project cost was approximately $44 million dollars, with $7.1 million dollars of Tax Increment Financing (TIF) eligible funds. He added that approximately $1.5 million of TIF funds were planned for public improvements, which included construction of a retaining wall, extending water main and sanitary sewers, and fill for grading purposes. He then stated that a neighborhood meeting was held on June 22, 2016 with approximately 60 in attendance and concerns discussed were compatibility with the neighborhood. He added that the completion date was projected during fall or winter of 2018.

Bridget Hadley, City Planning, appeared before the Board to present the TIF Redevelopment Project Plan. Ms. Hadley stated that the TIF request was reviewed and evaluated by Planning Staff and received approval by the TIF Committee. She then stated that the request was in compliance with the Master Plan and the Community Development Law. Mr. Jobeun displayed the brick proposed for construction of the building.

Molly Romero, 5101 Nicholas St., appeared before the Board in support of the request. Ms. Romero stated that she was President of the Dundee Memorial Park Neighborhood Association, a member of the Dundee Business Improvement District and Dundee Business Association. She then stated that she was in support of the project, but that neighbors expressed concern for increased density, increased traffic and lack of greenspace. She explained that after discussions with the developer, she embraced the project but wanted information regarding the traffic study and plans for greenspace along 46th Street.

Pamela Ehlinger, 4601 Davenport St., appeared before the Board in opposition. Ms. Ehlinger stated that she resided directly across from the site and that she and other neighbors were concerned with the height of the structure affecting their privacy. She was also concerned with increased traffic, traffic safety at 46th and California Streets, increased density and the increased number of rental properties affecting her ability to rent her properties. She added that she was in support of the development, but was opposed to the height of the structure.

Mr. Jobeun briefly compared the minimal difference in height of the of the proposed buildings and the buildings to the west of the site, then noted that the height of the proposed structures across from the single family residences was approximately 41 feet. He explained that public infrastructure improvements were conditions of approval and explained that access points were located along 46th Street near California and Dodge Streets. He then explained that the project increased the amount of greenspace at the existing site.

Applicant Peter Ky, 2131 Ansley Place, Augusta, Georgia, appeared before the Board. In response to the Board, Mr. Ky explained that “luxury” apartment items included stainless steel appliances and granite countertops.

Dave Fanslau, Assistant Planning Director, commented that the project was an important part of redevelopment in the midtown area and noted the proposed 2018 Bus Rapid Transit system along Dodge Street. He stated that the Department recommended approval of the rezoning and approval of the PUR subject to the 3 conditions on the recommendation report prior to forwarding to City Council. He then stated that the Department recommended approval of the TIF Redevelopment Project Plan.

Mr. Rosenbaum moved for approval of the rezoning to R8 and approval of the PUR subject to the following conditions prior to forwarding to City Council: 1) Provide an exhibit with building materials labeled on the elevations. 2) Remove unnecessary waivers from request sheet (north, south, and east bufferyards) 3) Showing overstory trees in the parking lot landscaping. Mr. Magid seconded the motion which carried 6-0.
7. C3-16-201
Planning Department on behalf of
the City of Omaha

REQUEST: Approval of the THE DUKE OF OMAHA TIF
REDEVELOPMENT PROJECT PLAN

LOCATION: 151 North 46th Street

At the Planning Board meeting held on August 3, 2016, Larry Jobeun, 11440 W. Center Rd., appeared
before the Board on behalf of the applicant to discuss the request for rezoning and TIF Redevelopment
Project Plan. Mr. Jobeun stated that the 8.3 acre substandard lot was the former Ready Mix site and was
currently used for vehicle storage and maintenance. He noted that the site was surrounded by a variety of
residential and commercial zoning districts and was within an existing mixed-use area of the Future Land
Use map of the Master Plan. He then stated that the proposed project included the demolition of the existing
site and construction of five 4-level buildings with a total of 283 studio, one-bedroom and two-bedroom
apartment units. He added that average rental rates were $1100/ month. Mr. Jobeun stated that surface
parking was behind the buildings to provide streetscaping along North 46th Street and that extreme drop in
grade change from North 46th Street to the east, as well as extensive concrete removal, created a
challenging site. He explained that parking included 83 parking garages and 308 parking stalls on the east
side of the site, and construction of 60 on-street parallel parking stalls, which exceeded the 396 parking
stall requirement. He further explained that the project also included a clubhouse with a variety of amenities
for residents, a dog park, business center, electric vehicle charging stations, valet trash service and access
to Bus Rapid Transit station at Dodge Street. He displayed elevations and noted the garages were behind
the buildings on the east and balconies were recessed. He then noted the streetscape along 46th Street
with landscaping, a 5-foot sidewalk with greenspace, parallel parking stalls and decorative street lighting.

Mr. Jobeun stated that the total project cost was approximately $44 million dollars, with $7.1 million dollars
of Tax Increment Financing (TIF) eligible funds. He added that approximately $1.5 million of TIF funds
were planned for public improvements, which included construction of a retaining wall, extending water
main and sanitary sewers, and fill for grading purposes. He then stated that a neighborhood meeting was
held on June 22, 2016 with approximately 60 in attendance and concerns discussed were compatibility with
the neighborhood. He added that the completion date was projected during fall or winter of 2018.

Bridget Hadley, City Planning, appeared before the Board to present the TIF Redevelopment Project Plan.
Ms. Hadley stated that the TIF request was reviewed and evaluated by Planning Staff and received approval
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of the project, but that neighbors expressed concern for increased density, increased traffic and lack of
greenspace. She explained that after discussions with the developer, she embraced the project but wanted
information regarding the traffic study and plans for greenscape along 46th Street.

Pamela Ehlinger, 4601 Davenport St., appeared before the Board in opposition. Ms. Ehlinger stated that
she resided directly across from the site and that she and other neighbors were concerned with the height
of the structure affecting their privacy. She was also concerned with increased traffic, traffic safety at 46th
and California Streets, increased density and the increased number of rental properties affecting her ability
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height of the structure.

Mr. Jobeun briefly compared the minimal difference in height of the of the proposed buildings and the
buildings to the west of the site, then noted that the height of the proposed structures across from the single
family residences was approximately 41 feet. He explained that public infrastructure improvements were
conditions of approval and explained that access points were located along 46th Street near California and
Dodge Streets. He then explained that the project increased the amount of greenspace at the existing site.

Applicant Peter Ky, 2131 Ansley Place, Augusta, Georgia, appeared before the Board. In response to the
Board, Mr. Ky explained that “luxury” apartment items included stainless steel appliances and granite
countertops.
Dave Fanslau, Assistant Planning Director, commented that the project was an important part of redevelopment in the midtown area and noted the proposed 2018 Bus Rapid Transit system along Dodge Street. He stated that the Department recommended approval of the rezoning and approval of the PUR subject to the 3 conditions on the recommendation report prior to forwarding to City Council. He then stated that the Department recommended approval of the TIF Redevelopment Project Plan.

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

Cases 4 and 8 were heard concurrently, but voted on separately:

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Rezoning from DS to CBD (property is also located within an ACI-1(PL) Overlay District) (laid over from 07/06/16)</td>
<td>Southwest of 24th Avenue and Farnam Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on August 3, 2016, Deepak Gangahar, Anant Enterprises, 222 S. 15th St., appeared before the Board. Dr. Gangahar stated that the project included two components on three lots; a new hotel with retail space and renovation of a historic building. He explained that two of the sites were substandard, one was a former gas station vacant for approximately 20 years and required compliance with the EPA and NDEQ to eliminate chemical contamination of the soil. He further explained that this site was the proposed 100-room franchise hotel and 5,000 square feet of retail space. Dr. Gangahar stated that the third lot was a vacant building, built in 1917 for Nebraska's first auto dealership, and was vacant for approximately 13 years. He then stated that the proposed plan was renovation of the historic building into eight apartment units and 12,500 square feet of retail and office space, a portion of which was offices for the hospitality business. He added that he was working with Nebraska Historic Society and National Parks Services to maintain the historic aspects of the building. He explained that a public meeting was held July 28, 2016 with approximately 20 neighbors in attendance to discuss the project and that all were in support.

Kirt Trivedi, 222 S. 15th St., appeared before the Board. In response to the Board, Mr. Trivedi explained that the lots used for parking were necessary to maintain the number of parking spaces required by the hotel franchise agreement.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the TIF Redevelopment Project Plan.

Mr. Rosacker moved for approval of the rezoning. Ms. Karnes seconded the motion which carried 6-0.

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<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Approval of the HUPMOBILE &amp; HOLIDAY INN EXPRESS TIF REDEVELOPMENT PROJECT PLAN</td>
<td>Southwest of 24th Avenue and Farnam Street</td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on August 3, 2016, Deepak Gangahar, Anant Enterprises, 222 S. 15th St., appeared before the Board. Dr. Gangahar stated that the project included two components on three lots; a new hotel with retail space and renovation of a historic building. He explained that two of the sites
were substandard, one was a former gas station vacant for approximately 20 years and required compliance with the EPA and NDEQ to eliminate chemical contamination of the soil. He further explained that this site was the proposed 100-room franchise hotel and 5,000 square feet of retail space. Dr. Gangahar stated that the third lot was a vacant building, built in 1917 for Nebraska’s first auto dealership, and was vacant for approximately 13 years. He then stated that the proposed plan was renovation of the historic building into eight apartment units and 12,500 square feet of retail and office space, a portion of which was offices for the hospitality business. He added that he was working with Nebraska Historic Society and National Parks Services to maintain the historic aspects of the building. He explained that a public meeting was held July 28, 2016 with approximately 20 neighbors in attendance to discuss the project and that all were in support.

Bridget Hadley, Planning Department, appeared before the Board to present the TIF Redevelopment Project Plan. Ms. Hadley displayed an aerial map of the site and explained that the project included the HUPMobile historic building renovation, a vacant lot running from Farnam Street to Harney Street for parking and the former gas station site at 24th Avenue and Farnam Street for construction of a Holiday Inn Express hotel. She then stated that Tax Increment Financing (TIF) funds totaled $4 million dollars and that the total project cost was approximately $21 million dollars. She added that public improvements included streetscaping, improvements to 24th Avenue and additional parallel parking along the east side of 24th Avenue.

Kirt Trivedi, 222 S. 15th St., appeared before the Board. In response to the Board, Mr. Trivedi explained that the lots used for parking were necessary to maintain the number of parking spaces required by the hotel franchise agreement.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning and approval of the TIF Redevelopment Project Plan.

Ms. Karnes moved for approval of the TIF Redevelopment Project Plan. Mr. Nesbitt seconded the motion which carried 6-0.

**REGULAR AGENDA**

**Master Plan Referrals**

<table>
<thead>
<tr>
<th>5.</th>
<th>C3-16-161 Planning Department on behalf of the City of Omaha</th>
<th>REQUEST: Approval of the UPTOWN GIFFORD PARK DISTRICT TIF REDEVELOPMENT PROJECT PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOCATION: Southeast of 32nd and California Streets along with northeast of 34th and Davenport Streets</td>
<td></td>
</tr>
</tbody>
</table>

At the Planning Board meeting held on August 3, 2016, Don Seten, Planning Department, presented the request. Mr. Seten stated that the project developer was Steven Held, Dial Realty/Uptown Properties and that the project was planned for two phases on two separate sites. He explained that Phase I was located at 34th and Davenport Streets and Phase II was located at 32nd & California Streets, both new construction of for-sale townhomes. He further explained that Phase I was a 4-unit townhome development and that Phase II was a 7-unit townhome development within two buildings. He then stated that total project cost of both Phases was $2.7 million dollars and that the total of Tax Increment Financing (TIF) funds was $470,000.

Michael Carter, 11506 Nicholas St., appeared before the Board on behalf of the developer. Mr. Carter stated that he and the developer met with neighbors regarding the project and that he was available to answer questions.

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

Mr. Rosenbaum moved for approval. Mr. Magid seconded the motion which carried 6-0.
Cases 6 and 25 were heard concurrently, but voted on separately:

<table>
<thead>
<tr>
<th>Case</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>6.</td>
<td>C3-16-200 Planning Department on behalf of the City of Omaha</td>
</tr>
</tbody>
</table>

REQUEST: Approval of the 3700 DEWEY TIF REDEVELOPMENT PROJECT PLAN

LOCATION: 3625 Dewey Avenue

At the Planning Board meeting held on August 3, 2016, Bridget Hadley presented the 3700 Dewey TIF Redevelopment Project plan. Ms. Hadley stated that the project was the redevelopment of the vacant, fire-damaged Arbor-Metz mansion into 18 one-bedroom and 6 two-bedroom units, for a total of 24 market-rate apartments. She added that the total TIF cost was $580,200 and the total project cost was approximately $3.9 million. Ms. Hadley then stated that neighborhood meetings were held and concerns expressed were density, proximity to the adjacent townhomes and elevation of the building. She noted that a resolution was recommended and submitted to the Board.

David Levy, Baird Holm Law Firm, 1700 Farnam Street, appeared before the Board on behalf of the applicant. Mr. Levy stated that in response to neighbor concerns, the project was reduced to 21 one-bedroom units and 3 two-bedroom units. He then stated that 2 neighborhood meetings were held in June and concern was the setback on the east property line adjacent to the existing townhomes that fronted the site rather than the street. He explained that the majority of the of the site was setback 5 feet from the property line for the first-floor garage level, and the upper floors were setback 10 feet. He further explained that a smaller portion of the site to the south was setback 10 and 15 feet from the property line to the east. Mr. Levy stated that to accommodate privacy of the adjacent townhomes, landscaping was added to the ground level and atop the first-level garages, bathroom windows were removed and opaque bedroom windows were planned along the east property line. He then stated that regulation was 38 parking spaces, but the project proposed 31 parking spaces.

Rita Yasson, 531 S. 36th Ct., appeared before the Board in opposition. Ms. Yasson stated that she resided in the Blackstone Townhomes in a building facing South 36th Street and expressed concern for the four residents adjacent to the eastern portion of the site. She then stated that she was concerned with lack of greenspace between the buildings and close proximity of the proposed development to the existing townhomes. She displayed a photo representing the close proximity.

Bob Heng and Mary Heng-Braun, 508 S. 36th Ct., appeared before the Board in opposition. Mr. Heng explained that his townhome faced the proposed development and that the former Arbor-Metz mansion was further to south with more greenspace. He further explained that his son Alex currently resided in the townhome and planned to purchase, but was unable to attend the meeting today. He stated that his son was opposed to the setback at 5 feet and preferred a setback at 10 feet. He was concerned with lack of privacy with east-facing bedroom windows, parking, and height of the building blocking the sunlight. Ms. Heng-Braun stated that she purchased the property with a 10-foot setback and was concerned with the view after the development was completed as well as decreased property values.

Mr. Levy stated that neighbor concerns were considered and revisions were made to the building, landscaping added in place of the existing fence and that parking was ample for the site.

Mr. Magid called Ms. Heng-Braun before the Board. Ms. Heng-Braun was concerned that she requested a rendering of the front of the building, but had not received the information, and that the home ownership to the east of the site was not considered.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the TIF Redevelopment Project Plan. He then briefly discussed that the suburban nature of the zoning code for infill sites and that Infill Development Guidelines were adopted to promote redevelopment in older areas of the city. He then stated that the Department was not opposed to the requested sideyard setbacks to complete the project and that the Department recommended approval of the PUR subject to the applicant continuing to work with the Urban Design staff and submittal of an acceptable final site plan, landscape plan and building elevations prior to forwarding to City Council.

Mr. Magid moved for approval. Mr. Nesbitt seconded the motion which carried 6-0.
At the Planning Board meeting held on August 3, 2016, Bridget Hadley presented the 3700 Dewey TIF Redevelopment Project plan. Ms. Hadley stated that the project was the redevelopment of the vacant, fire-damaged Arbor-Metz mansion into 18 one-bedroom and 6 two-bedroom units, for a total of 24 market-rate apartments. She added that the total TIF cost was $580,200 and the total project cost was approximately $3.9 million. Ms. Hadley then stated that neighborhood meetings were held and concerns expressed were density, proximity to the adjacent townhomes and elevation of the building. She noted that a resolution was recommended and submitted to the Board.

David Levy, Baird Holm Law Firm, 1700 Farnam Street, appeared before the Board on behalf of the applicant. Mr. Levy stated that in response to neighbor concerns, the project was reduced to 21 one-bedroom units and 3 two-bedroom units. He then stated that 2 neighborhood meetings were held in June and concern was the setback on the east property line adjacent to the existing townhomes that fronted the site rather than the street. He explained that the majority of the of the site was setback 5 feet from the property line for the first-floor garage level, and the upper floors were setback 10 feet. He further explained that a smaller portion of the site to the south was setback 10 and 15 feet from the property line to the east. Mr. Levy stated that to accommodate privacy of the adjacent townhomes, landscaping was added to the ground level and atop the first-level garages, bathroom windows were removed and opaque bedroom windows were planned along the east property line. He then stated that regulation was 38 parking spaces, but the project proposed 31 parking spaces.

Rita Yasson, 531 S. 36th Ct., appeared before the Board in opposition. Ms. Yasson stated that she resided in the Blackstone Townhomes in a building facing South 36th Street and expressed concern for the four residents adjacent to the eastern portion of the site. She then stated that she was concerned with lack of greenspace between the buildings and close proximity of the proposed development to the existing townhomes. She displayed a photo representing the close proximity.

Bob Heng and Mary Heng-Braun, 508 S. 36th Ct., appeared before the Board in opposition. Mr. Heng explained that his townhome faced the proposed development and that the former Arbor-Metz mansion was further to south with more greenspace. He further explained that his son Alex currently resided in the townhome and planned to purchase, but was unable to attend the meeting today. He stated that his son was opposed to the setback at 5 feet and preferred a setback at 10 feet. He was concerned with lack of privacy with east-facing bedroom windows, parking, and height of the building blocking the sunlight. Ms. Heng-Braun stated that she purchased the property with a 10-foot setback and was concerned with the view after the development was completed as well as decreased property values.

Mr. Levy stated that neighbor concerns were considered and revisions were made to the building, landscaping added in place of the existing fence and that parking was ample for the site.

Mr. Magid called Ms. Heng-Braun before the Board. Ms. Heng-Braun was concerned that she requested a rendering of the front of the building, but had not received the information, and that the home ownership to the east of the site was not considered.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the TIF Redevelopment Project Plan. He then briefly discussed that the suburban nature of the zoning code for infill sites and that Infill Development Guidelines were adopted to promote redevelopment in older areas of the city. He then stated that the Department was not opposed to the requested sideyard setbacks to complete the project and that the Department recommended approval of the PUR subject to the applicant continuing to work with the Urban Design staff and submittal of an acceptable final site plan, landscape plan and building elevations prior to forwarding to City Council.
Ms. Karnes moved for approval of the PUR, subject to the applicant continuing to work with Urban Design and submittal of an acceptable final site plan, landscape plan and building elevations prior to forwarding to City Council. Mr. Rosacker

Cases 9 and 16 were heard concurrently, but voted on separately:

| 9. | C3-16-210 Lanoha Pacific, Inc. | REQUEST: Approval of an Amendment to the Present Development Zone boundary of the Urban Development Element of the City of Omaha Master Plan | LOCATION: Northwest of 212th and "F" Streets |

At the Planning Board meeting held on August 3, 2016, Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Jobeun announced that the applicant Jason Lanoha and the project engineer John Coolidge of Lamp Rynearson & Associates, were also present. He explained that one area within the development was removed from the Present Development Zone (PDZ) and one area was added to the PDZ. He stated that the development included approximately 220 acres ranging from 212th Street on the east to 222nd Street on the west and was planned in 2 phases. He then explained that Phase I to the east included 213 single-family residential lots with an elementary school site and that Phase II included 182 single-family residential lots and 11 outlots for drainage ways and open space. Mr. Jobeun stated that the applicant met with the Department and that all conditions of approval were acceptable.

Bradley Speer, Chairman of SID 277, appeared before the Board in support of the request. Mr. Speer stated that discussions were held with the applicant and he was not opposed to the development, but had 3 concerns. He explained that concerns were lack of traffic signals along 222nd Street from F Street to West Center Road and Skyline Drive, increased traffic, and how the development affected the water supply for the area.

Anson Nowka, 21810 Hascall St., appeared before the Board in opposition. Mr. Nowka stated that he resided in Trailridge Ranches to the north of the site and was concerned with smaller lots adjacent to the larger lots of Trailridge Ranches. He explained that discussions with the applicant included the proposed tree line buffer along the north border of the development and required connectivity of the neighborhoods at 217th Street and 222nd Street. He stated that he was concerned with increased traffic and the lack of sidewalks in Trailridge and with cost of maintenance resulting from increased traffic on the asphalt roads. Mr. Nowka added that the traffic study was briefly discussed with the Public Works Department prior to the meeting and that he was opposed to the reduced sideyard setbacks within the development.

Jen Stone, 3459 S. 220th St, appeared before the Board in opposition. Ms. Stone stated that she was also concerned with the connectivity and use of the asphalt roads. She then stated that she was concerned with water drainage from the new development into their neighborhood and with the incurred cost of decreasing the width of the 217th Street by 25 feet at the north border of the development. She briefly discussed the Transportation Element of the Master Plan and that through-routes could be met without use of 220th Street.

Lindy and Jason Kyzer, 21819 Hascall St., appeared before the Board in opposition. Ms. Kyzer stated that she was concerned with the number of smaller lots adjacent to her lot, removal of trees, and increased traffic with connectivity. Mr. Kyzer stated that he was also opposed to the density of the development.

Darrick Peters, 3114 S. 217th St., appeared before the Board in opposition. Mr. Peters stated that he was also opposed to connectivity at 217th Street, decreased property values and pedestrian safety with increased traffic. He added that 21st and 220th Street were not straight connections to West Center Road.

Mr. Jobeun stated that 217th Street and 220th Street were planned for future connectivity as required by the Master Plan and mentioned that additional east-west and north-south street connections were required with future development. He then stated that the development would use MUD as the public water system, lot sizes were 10,800 square feet minimum, price points ranged from $500,000 to $800,000 and that the
zoning request allowed for side-load garages. He explained that because of location of Phase I to the south of the site, construction vehicles would access the site from F Street and that the connections to the north of the site could be blocked to prohibit access by construction vehicles during Phase I. He then explained that the land on the site drained to the south, with 11 outlots for drainageway and open space, and that a tree mitigation process was required.

Jason Lanoha, 19111 W. Center Rd., appeared before the Board. Mr. Lanoha stated that he would continue communication with neighbors through the development process and reiterated the required street connections. He added that price points ranged from $450,000 to $1 million and that the price point was common for this area. He explained that density was part of the Master Plan with the large north-south collector street and that mature-sized trees were planned along the adjacent lot to the north.

Mr. Rosenbaum called Ms. Kyzer before the Board. Ms. Kyzer again stated that she was strongly opposed to the connectivity. Members of the Board briefly discussed connectivity, tree mitigation and the transition of lot sizes between adjacent neighborhoods with development and growth of the city.

Donna Wyse, 21740 Hascall St., appeared before the Board in opposition. Ms. Wyse stated that she questioned responsibility for maintenance of the asphalt road with increased traffic.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of an amendment to the Present Development Zone. He then explained that the stubbed streets provided for required future connectivity between existing and new developments to increase traffic safety. He added that the Master Plan supported a variety of density and that density supported infrastructure. He stated that the SID was responsible for maintenance of their roads unless annexed by the City. Mr. Fanslau stated that the Department recommended approval of the rezoning and approval of the preliminary plat subject to the 32 conditions of the Department recommendation report.

Ms. Karnes moved for approval of an amendment to the present Development Zone. Mr. Nesbitt seconded the motion which carried 5-0-1, with Mr. Magid abstaining.

| 16. | C10-16-211  
C12-16-212  
Lanoha Pacific, Inc. | REQUEST: Preliminary Plat approval of WHISPER RIDGE, a subdivision outside the city limits, with rezoning from AG to R4 | LOCATION: Northwest of 212th and "F" Streets |

At the Planning Board meeting held on August 3, 2016, Larry Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Jobeun announced that the applicant Jason Lanoha and the project engineer John Coolidge of Lamp Rynearson & Associates, were also present. He explained that one area within the development was removed from the Present Development Zone (PDZ) and one area was added to the PDZ. He stated that the development included approximately 220 acres ranging from 212th Street on the east to 222nd Street on the west and was planned in 2 phases. He then explained that Phase I to the east included 213 single-family residential lots with an elementary school site and that Phase II included 182 single-family residential lots and 11 outlots for drainage ways and open space. Mr. Jobeun stated that the applicant met with the Department and that all conditions of approval were acceptable.

Bradley Speer, Chairman of SID 277, appeared before the Board in support of the request. Mr. Speer stated that discussions were held with the applicant and he was not opposed to the development, but had 3 concerns. He explained that concerns were lack of traffic signals along 222nd Street from F Street to West Center Road and Skyline Drive, increased traffic, and how the development affected the water supply for the area.

Anson Nowka, 21810 Hascall St., appeared before the Board in opposition. Mr. Nowka stated that he resided in Trailridge Ranches to the north of the site and was concerned with smaller lots adjacent to the larger lots of Trailridge Ranches. He explained that discussions with the applicant included the proposed tree line buffer along the north border of the development and required connectivity of the neighborhoods at 217th Street and 222nd Street. He stated that he was concerned with increased traffic and the lack of
sidewalks in Trailridge and with cost of maintenance resulting from increased traffic on the asphalt roads. Mr. Nowka added that the traffic study was briefly discussed with the Public Works Department prior to the meeting and that he was opposed to the reduced sideyard setbacks within the development.

Jen Stone, 3459 S. 220th St, appeared before the Board in opposition. Ms. Stone stated that she was also concerned with the connectivity and use of the asphalt roads. She then stated that she was concerned with water drainage from the new development into their neighborhood and with the incurred cost of decreasing the width of the 217th Street by 25 feet at the north border of the development. She briefly discussed the Transportation Element of the Master Plan and that through-routes could be met without use of 220th Street.

Lindy and Jason Kyzer, 21819 Hascall St., appeared before the Board in opposition. Ms. Kyzer stated that she was concerned with the number of smaller lots adjacent to her lot, removal of trees, and increased traffic with connectivity. Mr. Kyzer stated that he was also opposed to the density of the development.

Darrick Peters, 3114 S. 217th St., appeared before the Board in opposition. Mr. Peters stated that he was also opposed to connectivity at 217th Street, decreased property values and pedestrian safety with increased traffic. He added that 21th and 220th Street were not straight connections to West Center Road.

Mr. Jobeun stated that 217th Street and 220th Street were planned for future connectivity as required by the Master Plan and mentioned that additional east-west and north-south street connections were required with future development. He then stated that the development would use MUD as the public water system, lot sizes were 10,800 square feet minimum, price points ranged from $500,000 to $800,000 and that the zoning request allowed for side-load garages. He explained that because of location of Phase I to the south of the site, construction vehicles would access the site from F Street and that the connections to the north of the site could be blocked to prohibit access by construction vehicles during Phase I. He then explained that the land on the site drained to the south, with 11 outlots for drainageway and open space, and that a tree mitigation process was required.

Jason Lanoha, 19111 W. Center Rd., appeared before the Board. Mr. Lanoha stated that he would continue communication with neighbors through the development process and reiterated the required street connections. He added that price points ranged from $450,000 to $1 million and that the price point was common for this area. He explained that density was part of the Master Plan with the large north-south collector street and that mature-sized trees were planned along the adjacent lot to the north.

Mr. Rosenbaum called Ms. Kyzer before the Board. Ms. Kyzer again stated that she was strongly opposed to the connectivity. Members of the Board briefly discussed connectivity, tree mitigation and the transition of lot sizes between adjacent neighborhoods with development and growth of the city.

Donna Wyse, 21740 Hascall St., appeared before the Board in opposition. Ms. Wyse stated that she questioned responsibility for maintenance of the asphalt road with increased traffic.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of an amendment to the Present Development Zone. He then explained that the stubbed streets provided for required future connectivity between existing and new developments to increase traffic safety. He added that the Master Plan supported a variety of density and that density supported infrastructure. He stated that the SID was responsible for maintenance of their roads unless annexed by the City. Mr. Fanslau stated that the Department recommended approval of the rezoning and approval of the preliminary plat subject to the 32 conditions of the Department recommendation report.

Mr. Rosenbaum moved for approval of the rezoning from AG to R4 and for 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 approved traffic study. 2) Improve “F” Street to a three lane section along the subdivision’s frontage (enter into an interlocal agreement with Douglas County and the SID on the south side of “F” Street to formalize the cost sharing arrangement for the “F” Street improvements). 3) Construct the 213th Street southbound approach to “F” Street (between Lots 16-17) as a three-lane section with a 4 foot median; with dedication of any additional right-of-way. 4) Construct northeast-bound and
southwest-bound left turn lanes along the collector street at the intersection of 215th Street and “Drive 1” (next to Lots 131, 132, 138 and 395). 5) Include right-of-way and a paved stub street to the south boundary of the subdivision roughly at the location of Lot 223, as well as to the east boundary of the subdivision roughly at Lot 11. 6) Coordinate with Public Works on the realignment of Grover Street to provide an east-west route which meets the Master Plan’s “Three Through Route” requirement. 7) Coordinate with Public Works on the required traffic control at the intersection of Grover Street and “Drive 1” (next to Lots 113, 114, 153 and 154). 8) Coordinate with Public Works regarding an acceptable general obligation paving plan. 9) Pave all stub streets to the boundary of the subdivision and construct temporary turnarounds. 10) Provide traffic calming on all streets in excess of 1,000 feet. 11) Provide a note on the plat that states that no lot or outlot shall have direct access to 222nd Street, “F” Street and the yet to be named collector Street (“Drive 1”). 12) Provide a note on the plat that states all lots, but specifically Lots 114-115, 117-134 and 138-153 are required to comply with Section 55-786(e) of the Omaha Municipal Code in regards to residential fence regulations. 13) Coordinate with Public Works on which areas will require a noise attenuation easement 115 feet from the centerline along “F” Street. 14) Provide language in the final subdivision agreement and in a Memorandum of Agreement recorded against each lot (concurrent with the recording of the Final Plat) that Lots 244-245, 253-254 will only be allowed to connect to the City’s sanitary system in the event that the land west of 222nd Street develops with a sanitary sewer system which can be connected to by said lots, and only if the sewer connections function by gravity flow (no pumping). 15) Provide a pro-rata reimbursement to SID 572 (Grandview Ridge Estates) for prior outfall sewer construction. 16) Provide for sidewalks as required on all street frontages; including 222nd Street and “F” Street. 17) Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 222nd Street and “F” Street. 18) Coordinate the possible trail location along the drainageway behind Lots 26-44, 71-103 and Outlots A-C, F-G with the Parks Department staff (demonstrate that the trail can be safely located outside the 3:1 +20’ creek setback requirement and still have 20’ between the setback and the lot lines). 19) Encapsulate any drainageway within an outlot that is sized to include the 3:1 +20’ section or the 100-year storm; whichever is greater. 20) Provide a tree canopy analysis (and acceptable mitigation plan if necessary). 21) Provide a wetland analysis (and acceptable mitigation plan if necessary). 22) Modify the submitted PDZ adjustment map so Lots 244-245, 253-254 and Outlot J fall outside of the PDZ. 23) Receive NDEQ approval for septic systems of the acreage lots less than three acres in size (Lots 244-245, 253-254). 24) Receive approval from the Zoning Board of Appeals for a waiver of lot width for Lots 244-245, 253-254. 25) Provide an easement and a note on the plat that requires Lots 244-245 and Lots 253-254 to share one access driveway from 221st Street. 26) Provide frontage from Outlot J extending to 221st Street (a minimum of 20 feet). 27) Change the name of the plat to avoid confusion with existing plats (Whispering Ridge). 28) Compliance with all applicable stormwater management ordinances and policies. 29) Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement. 30) Submit a letter of approval of a noxious weed plan. 31) Submit a letter confirming that acceptable emergency warning is being provided for the area. 32) Meeting an acceptable overall debt ratio. Mr. Rosacker seconded the motion which carried 5-0-1, with Mr. Magid abstaining.

<table>
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<tr>
<th>10.</th>
<th>C3-16-229</th>
<th>REQUEST: Approval of the 2017-2022 Capital Improvement Program</th>
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<tbody>
<tr>
<td></td>
<td>Planning Department on behalf of the City of Omaha</td>
<td>LOCATION: Omaha and 3-mile extraterritorial jurisdiction</td>
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At the Planning Board meeting held on August 3, 2016, Dave Fanslau, Assistant Planning Director presented the request. Mr. Fanslau stated that the update to the Capital Improvement Plan was briefly discussed at the pre-meeting and that Department recommended approval.

Mr. Magid moved for approval. Mr. Rosacker seconded the motion which carried 5-0-1, with Mr. Nesbitt absent.
Subdivisions

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<th>REQUEST:</th>
<th>Revised Preliminary Plat of BLAIR COMMONS and Final Plat approval of BLAIR COMMONS (Lots 2-4, Outlot D), a subdivision outside the city limits, with a waiver of Section 53-9(9) for Sidewalks, with rezoning from DR and R6 to R5 and R6</th>
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<tr>
<td>LOCATION:</td>
<td>West of 90th Street and south of Blair High Road</td>
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At the Planning Board meeting held on August 3, 2016, Tom McCleay, 144 S. 39th St, appeared before the Board on behalf of the applicant. Mr. McCleay stated that the request was Phase II of the development and included 50 units for 55 and older, independent living and 32 row house units. He explained that the units targeted the middle market and that rents ranged from $600 to $1100 per unit. He then stated that meetings were held with neighbors throughout both phases of the project and that concerns expressed were density and connectivity. Mr. McCleay explained that density was reduced to a total of 82 units and that connectivity was discussed with the Department. He explained that the 3 access points to the development included a main entrance at Blair High Road, and access to Redick Avenue and North 92nd Avenue. He added that neighbors expressed concern for connection at North 92nd Avenue, but confirmed North 92nd Avenue would not be used as a construction access.

Mary Dyer, 5832 N. 92nd Ct., appeared before the Board in support of the request. Ms. Dyer explained that the development would be maintained by Lutheran Family Services (LFS) and the Pace Program at Immanuel Communities, and briefly discussed her prior work with LFS. She then explained that LFS planned an office at this location with staff on-site and that concerns regarding residents could be expressed to LFS staff. She further explained that residents included refugees, veterans, elderly and some residents with addiction problems and that the Pace program operated the Immanuel Communities for the elderly.

Shayne Fili, 9808 Military Rd., appeared before the Board in support of the request. Ms. Fili expressed concern for high-speed vehicles traveling between 99th and 90th Streets along Military Road and the safety of children and elderly residents in the neighborhood. She also expressed concern for lack of traffic signal at Blair High Road.

Carol Stoltenberg, 5912 N. 92nd St., appeared before the Board in opposition. Ms. Stoltenberg stated that at the neighborhood meetings, the developer discussed the type of residents planned for the development and that she was concerned with traffic safety and connectivity. She explained that she was concerned with traffic safety at 92nd and Military Road and safety of vehicles traveling south along the downward slope of 92nd Avenue towards Military Road during inclement weather. She then explained that she was concerned with safety of elderly residents crossing 92nd Avenue to retrieve mail from cluster mailboxes and that she was opposed to the connectivity at 92nd Avenue.

Deacon Jim Tardy, 5918 N. 92nd Ave., appeared before the Board in opposition. Deacon Tardy stated that he was not opposed to development, but was concerned with safety of elderly residents and pedestrian traffic upon connectivity. He explained a personal tragedy resulting from a car accident along a high-volume street similar to Blair High Road and expressed concern for traffic safety with implementation of a stop sign along Blair High Road. He also expressed concern for safety of the increased number of elderly residents along with increased traffic volumes, and that he was opposed to the connectivity proposed.

Loren Anderson, 9340 Military Ave., appeared before the Board in opposition. Mr. Anderson discussed the long traffic queues on Military Road at 90th Street and the need for a right-turn lane onto 90th Street. He then stated that the row houses were not complimentary to the development.

Blanche Ferree, 6006 N. 92nd Ave., appeared before the Board in opposition. Ms. Ferree expressed her concern for the safety of the increased number of elderly residents in the area.

Mr. McCleay confirmed the partnership with LFS and Immanuel Communities and stated that the access
point at Blair High Road was discussed with the Nebraska Department of Roads (NDOR). He further explained that Blair High Road was controlled by the NDOR and that upon completion of traffic studies, determined a traffic light was not warranted on a state highway.

Ms. Karnes called Deacon Tardy before the Board. Deacon Tardy mentioned that a traffic light existed along Blair High Road and requested the installation of a traffic light at the Blair High Road access point.

Dave Fanslau, Assistant Planning Director, explained that a pipeline easement through the site required revisions to the preliminary plat. He stated that connectivity was required and lessened traffic at arterial streets, which increased safety. Mr. Fanslau stated that the Department recommended approval of the rezoning, approval of the waiver of Section 53-9(9) for sidewalks, approval of the revised preliminary plat subject to the 4 conditions on the recommendation report being addressed prior to or with the final plat approval by City Council, and approval of the final plat subject to the 3 conditions on the recommendation report being addressed prior to forwarding to City Council.

Mr. Magid moved for approval of the rezoning from DR and R6 to R5 and R6, approval of the waiver of Section 53-9(9) OMC for Sidewalks along the east side of 93rd Avenue, north of Kansas Avenue as proposed by the applicant only, and approval of the revised preliminary plat subject to the following being addressed prior to or with final plat approval by the City Council: 1) Submittal of a revised tree mitigation plan prior to forwarding the final plat to the City Council for action. 2) Providing for the assignment of maintenance responsibilities in the subdivision agreement for all public streets until annexation by the City. 3) Providing for compliance with all applicable stormwater management ordinances and policies. 4) Include provisions for use, ownership and maintenance of the outlot in the subdivision agreement. Approval of the final plat subject to the following being addressed prior to forwarding the final plat to the City Council for final action: 1) Satisfactorily addressing all conditions of revised preliminary plat approval. 2) Changing the subdivision title to Blair Commons Replat 1 (Lots 1-3 & Outlot A). 3) Submittal of an acceptable final subdivision agreement. Mr. Nesbitt seconded the motion which carried 6-0.

At the Planning Board meeting held on August 3, 2016, Bryan Doyle, Fullenkamp Doyle & Jobeun, 11440 W. Center Rd., appeared before the Board on behalf of the applicant. Mr. Doyle stated that the proposed development was 67 residential lots with 6 outlots for drainage and outlot purposes.

Seth Burmeister, 14747 Weber St, appeared before the Board in opposition. Mr. Burneister stated that he was concerned with connectivity, increased traffic and pedestrian safety with traffic filtering through the Waterford development. He explained that in the Waterford development Military Road was currently used as walking trail and was also concerned with connectivity across this street. He then stated he wanted more information regarding the proposed development.

Mr. Doyle stated that connectivity at Wyoming Street was required by the Department. He then stated that Military Road was no longer an active street for vehicular travel, but was used as a low-speed, residential connector street.

Dave Fanslau, Assistant Planning Director, stated that after review of the plat, determination was made that Wyoming Street at Waterford Drive was not intended to be blocked to through traffic and that upon approval of the request, the Department required Wyoming Street re-open at the Waterford Drive intersection. Mr. Fanslau stated that the Department recommended approval of the rezoning and approval of the preliminary plat subject to the 15 conditions of the recommendation report.

Mr. Rosenbaum moved for approval of the rezoning from AG to R4 and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Widen 144th Street along the subdivision’s frontage and provide for the southbound left turn lane and taper at Potter Parkway.
2) Construct improvements at the Wyoming Street/Military Road trail crossing to prevent vehicle movements on the trail. 3) Provide appropriate signage and barricades at street intersections with the Military Road trail. 4) Coordinate with Douglas County and SID 484 in regards to facilitate the opening of Wyoming Street at Waterford Drive. 5) Reconfigure the lot lines to provide frontage from Outlot B extending to Potter Circle and from Outlot D extending to Wyoming Street/144th Avenue (minimum of 20 feet). 6) Provide a note on the Final Plat that prohibits access to 144th Street and Military Road from any adjacent lot or outlot. 7) Continue working with city staff in finalizing an acceptable tree mitigation plan. 8) Coordinate with the Douglas County Engineer’s office to grade the subdivision to the ultimate profile of 144th Street. 9) Rename Potter Parkway as Potter Street/Potter Circle. 10) Provide sidewalks as required by the Subdivision Ordinance (including along 144th Street and adjacent to all outlots). 11) Assign sidewalk maintenance responsibilities to the respective owners of all double-frontage lots within the final subdivision agreement. 12) Compliance with all applicable stormwater management ordinances and policies. 13) Include provisions for the use, ownership and maintenance of the outlots in the final subdivision agreement. 14) Provide a letter of approval from Douglas County regarding noxious weed control. 15) An acceptable debt ratio of 4% or less. Mr. Rosacker seconded the motion which carried 6-0.

| 15. | C10-16-208  
C12-16-209  
Herbert Freeman | REQUEST: Preliminary Plat approval of BECKLEY, a subdivision outside the city limits, with rezoning from AG to R4 (portions of the property lie within the flood fringe overlay district) |
| LOCATON: Northeast of 168th Street and Rachel Snowden Parkway |

At the Planning Board meeting held on August 3, 2016, Pat Hillyer, 14701 W. Dodge Rd., appeared before the Board on behalf of the applicant. Mr. Hillyer stated that the proposed development was 132 single-family residential lots and 1 lot for civic use. He then stated that the applicant requested further discussions with the Department regarding items number 6, 7, 9, 11, 16 and 24 on the recommendation report prior to forwarding the request to City Council.

Dave Fanslau, Assistant Planning Director, stated that the Department would meet with the applicant regarding the mentioned items. He then stated that the Department recommended approval of the rezoning and approval of the preliminary plat subject to the 24 conditions prior to submittal of a final plat.

Ms. Karnes moved for approval of the rezoning from AG to R4, and approval of the Preliminary Plat, subject to the following being addressed with or prior to submittal of a Final Plat: 1) Including Lot 131 of Leytham in the final plat or requesting a waiver of lot frontage for Lot 133 and changing it to an outlot, and submittal of a Revised Preliminary Plat, if necessary. 2) Coordinate with Douglas County to grade the subdivision to the ultimate profile of 168th Street. 3) Coordinate with Public Works and Douglas County for an acceptable location for the intersection of 168th and Sandpiper Street to ensure adequate sight distance. 4) Providing a standard three-lane section with a paved 4’ median, for the westbound approach of Sandpiper Street to 168th Street and dedicating sufficient ROW to accommodate this section. 5) Widening 168th Street along the subdivision’s frontage and providing for a southbound left turn lane and taper at Military Road. 6) Reconfiguring the lot lines for Outlot A and E in order to provide frontage and access to 167th Avenue Circle. 7) Relocating the Garvin Circle cul-de-sac east to the boundary of the subdivision in order to provide future access to the property to the east. 8) Direct access to 168th Street or Military Road, from the adjacent platted lots, will not be permitted. 9) Providing an updated wetland mitigation plan. 10) Drainageways need to be placed in an outlot sized to accommodate either the 3:1 + 20’ section, or the 100-year storm flow (whichever is greater). 11) Place a noise attenuation easement 115’ from the centerline of 168th Street and provide the standard noise attenuation easement language on the plat. 12) Include provisions in the subdivision agreement for compliance with all applicable stormwater management ordinances and policies. 13) Provide for traffic calming on any street in excess of 1,000 feet. 14) Paving Rachel Snowden Parkway to the southern subdivision boundary and providing a temporary turnaround, if the street paving precedes that of the adjacent Leytham subdivision. 15) Submit written concurrence from the NRD stating that the subdivision will have no impact on their future downstream dam site or lake. 16) Providing a 35 foot no-build easement along Rachel Snowden Parkway. 17) Pave all street stubs to the property line and provide temporary turnarounds. 18) Coordinate with Public Works for approval of the access and stacking plan for
the proposed school for Lot 133. 19) Provide a sidewalk along 168th Street and sidewalks as required by
the Subdivision Ordinance. 20) Parkway plans and cost estimates must be approved by the Parks and
Recreation Advisory Board prior to bidding. 21) Include provisions for use, ownership and maintenance of
the outlots in the subdivision agreement. 22) Provide a letter from the Douglas County Emergency
Management confirming that acceptable emergency warning is being provided for the area. 23) Provide a
letter of approval from Douglas County regarding noxious weed control. 24) Providing an acceptable debt
ratio of 4% or less. Mr. Magid seconded the motion which carried 6-0.

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<th>REQUEST: Preliminary Plat approval of 216TH AND F - EAST, a subdivision outside the city limits, with rezoning from AG to R4</th>
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<td>17.</td>
<td>C10-16-213</td>
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LOCATION: Southeast of 216th and "F" Streets

At the Planning Board meeting held on August 3, 2016, John Bachman, 10250 Regency Cir., appeared
before the Board on behalf of the applicant. Mr. Bachman stated that he requested ongoing discussions
with the Department regarding items 4, 5, 10, 15 and 22 of the Department recommendation report, with
final resolutions prior to forwarding the request to City Council.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the
rezoning and approval of the preliminary plat, subject to the 22 conditions on the Department
recommendation report being addressed prior to forwarding to City Council.

Ms. Karnes moved for approval of the rezoning from AG to R4 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 approved traffic study. 2) Improve "F" Street to a three lane section along the
subdivision’s frontage (enter into an interlocal agreement with Douglas County and the SID on the north
side of "F" Street to formalize the cost sharing arrangement for the "F" Street improvements). 3) Improve
216th Street to a two lane section along the subdivision’s frontage, with a northbound left turn lane at "F"
Street (enter into an interlocal agreement with Douglas County and the SID on the west side of 216th Street
to formalize the cost sharing arrangement for the 216th Street improvements). 4) Construct the 213th
Street northbound approach to "F" Street, and the "I" Street westbound approach to 216th Street as a three-
lane section with a 4 foot median; with dedication of any additional right-of-way. 5) Construct a roundabout
at the intersection of 213th and "I" Streets or coordinate with Public Works on other potential traffic control
solutions. 6) Coordinate with Public Works regarding an acceptable general obligation paving plan. 7)
Provide a contribution towards a future traffic signal at the intersection of 204th and "F" Street. 8) Pave all
stub streets to the boundary of the subdivision and construct temporary turnarounds. 9) Provide traffic
calming on all streets in excess of 1,000 feet. 10) Provide a note on the plat that states that no lot or outlot
shall have direct access to 216th Street or "F" Street. 11) Coordinate with Public Works on which areas
will require a noise attenuation easement 115 feet from the centerline along 216th Street and "F" Street.
12) Provide a pro-rata reimbursement to SID 572 (Grandview Ridge Estates) for prior outfall sewer
construction. 13) Provide sidewalks as required on all street frontages; including 216th and "F" Streets.
14) Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 216th and "F"
Streets. 15) Reconfigure the lot lines to provide frontage from Outlots F and G extending to 214th Street
(a minimum of 20 feet). 16) Confirm that all wetlands are fully encapsulated within an outlot (otherwise
provide an acceptable mitigation plan). 17) Encapsulate any drainageway within an outlot that is sized to
include the 3.1 +20’ section or the 100-year storm; whichever is greater. 18) Compliance with all applicable
stormwater management ordinances and policies. 19) Provide for the use, ownership and maintenance of
the outlots in the final subdivision agreement. 20) Submit a letter of approval of a noxious weed plan. 21)
Submit a letter confirming that acceptable emergency warning is being provided for the area. 22) The
overall debt ratio being under the accepted 4%. Mr. Magid seconded the motion which carried 6-0.
| 18. | C3-16-215  
    | C10-16-216  
    | C12-16-217  
    | BHI Development | REQUEST: Preliminary Plat approval of 216TH AND F - WEST, a subdivision outside the city limits, with rezoning from AG to DR and R4, along with request of a variance to the Present Development Zone boundary of the Urban Development Element of the City of Omaha Master Plan | LOCATION: Southwest of 216th and "F" Streets |

At the Planning Board meeting held on August 3, 2016, John Bachman, 10250 Regency Cir., appeared before the Board on behalf of the applicant. Mr. Bachman stated that this request was connected to the subdivision southeast of 216th and F Streets and that the development proposed 256 single-family residential lots, 20 single-family acreage lots and 9 outlots for drainage purposes. He then stated that he requested further discussions with the Department regarding items number 4, 6, 12, 18, 19 and 26 on the Department recommendation report, with final resolutions prior to forwarding the request to City Council.

Dan Koch, 4700 S. 222nd St., appeared before the Board in opposition. Mr. Koch stated that he resided to the west of the proposed development and was opposed to the requested variance. He explained that he wanted to know the variance impacted the wetlands and how his property was affected by the variance in regards to water run-off. He commented that he received no information from the applicant regarding the development.

Barbara Wright, 22655 Holmstead Rd., appeared before the Board in opposition. Ms. Wright stated that she owned the 273-acre farm to the west of the site and that her farm provided watershed run-off for 1,000 acres of land ultimately draining into the Elkhorn River to the west. She then stated that she was concerned the PDZ variance prohibited her from selling her property for high-density development and that high-density development along the western portion of the PDZ boundary negatively affected the watershed through her farm. She added that high density development along the western portion of the PDZ boundary was situated on a ridgeline and required watershed management to run east into the sewer system of the proposed development to prevent watershed issues to the west of the development.

Brad Speer, 22705 Rifle Ridge Rd., appeared before the Board in opposition. Mr. Speer stated that he was concerned that the area was underdeveloped and that high-density development could not be supported by city provided services such as streets, sewer and utilities.

Nancy Predahl, 14710 W Dodge Rd., appeared before the Board on behalf of the applicant. Ms. Predahl stated that she was the civil engineer for the project and that lots abutting east of the ridgeline along 220th Street were sewered and the acreage lots along the west of 220th Street were acreage lots draining to the west. She then stated that regulations included storm water management guidelines and that outlots were provided for additional drainage purposes. She added that the acreage lots would have minimal grading. Ms. Predahl then explained that a traffic study was completed and that improvements included widening of F Street to 3 lanes east of 216th Street, and that 216th and 222nd Streets remained 2-lane paved roads.

Mr. Koch was concerned with disturbance of the ridgeline and stated his opposition to the variance in the PDZ boundary. Ms. Wright voiced concern that the detention basins were capable of holding only one-half inch of rain and not sufficient for high density development with larger rain amounts. Ms. Predahl explained that the one-half inch of rain was for water quality. She then briefly explained the formula used for water detention amounts and agreed to provide Mr. Koch and Ms. Wright with the preliminary drainage study.

Dave Fanslau, Assistant Planning Director, stated that the Department recommended approval of the rezoning, approval of the variance to the PDZ boundary, and approval of the preliminary plat subject to the 27 conditions on the Department recommendation report being addressed with, or prior to, submittal of a final plat.

Ms. Karnes moved approval of the rezoning from AG to DR and R4, approval of a variance to the Present Development Zone boundary of the Urban Development Element of the City of Omaha Master Plan, 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 approved traffic study. 2) Improve “F” Street to add an eastbound left turn lane and taper on its approach to 216th Street. 3) Improve 216th Street to a two lane section along the subdivision’s frontage, with a northbound left turn lane and taper at “F” Street (enter into an interlocal agreement with Douglas County and the SID on the east side of 216th Street to formalize the cost sharing arrangement for the 216th Street improvements). 4) Construct the 219th Street northbound approach to “F” Street, and the “I” and “K” Streets on their respective eastbound approaches to 216th Street as a three-lane section with a 4 foot median; with dedication of any additional right-of-way. 5) Improve the unpaved segment of 222nd Street to a two-lane section. 6) Construct a roundabout at the intersection of 219th and “I” Streets or coordinate with Public Works on other potential traffic control solutions. 7) Coordinate with Public Works regarding an acceptable general obligation paving plan. 8) Provide a contribution towards a future traffic signal at the intersection of 204th and “F” Street. 9) Provide the standard vacation language for the proposed right-of-way vacation in Outlot I on the plat, as well as leaving all utility easements in place. 10) Pave all stub streets to the boundary of the subdivision and construct temporary turnarounds. 11) Provide traffic calming on all streets in excess of 1,000 feet. 12) Provide a note on the plat that states that no lot or outlot shall have direct access to 216th Street, 222nd Street or “F” Street. 13) Coordinate with Public Works on which areas will require a noise attenuation easement 115 feet from the centerline along 216th Street and “F” Street. 14) Provide language in the final subdivision agreement and in a Memorandum of Agreement recorded against each lot (concurrently with the recording of the Final Plat) that Lots 257-279 will never be allowed to connect to the City’s sanitary sewer system. 15) Provide a pro-rata reimbursement to SID 572 (Grandview Ridge Estates) for prior outfall sewer construction. 16) Provide for sidewalks as required on all street frontages; including 216th Street, 222nd Street and “F” Street. 17) Coordinate with Douglas County to grade the subdivision to match the ultimate profile of 216th Street, 222nd Street and “F” Street. 18) Receive NDEQ approval for septic systems of the acreage lots less than three acres in size (Lots 257-279). 19) Reconfigure the lot lines to provide frontage from Outlot E extending to 219th or “K” Street, Outlot F extending to 216th Avenue Circle and Outlot I extending to “G” Street/Blaine Street (a minimum of 20 feet). 20) Work with city staff in regards to developing an acceptable tree mitigation plan. 21) Confirm that all wetlands are fully encapsulated within an outlot (otherwise provide an acceptable mitigation plan). 22) Encapsulate any drainageway within an outlot that is sized to include the 3:1 +20’ section or the 100-year storm; whichever is greater. 23) Provide for the use, ownership and maintenance of the outlots in the final subdivision agreement. 24) Compliance with all applicable stormwater management ordinances and policies. 25) Submit a letter of approval of a noxious weed plan. 26) Submit a letter confirming that acceptable emergency warning is being provided for the area. 27) The overall debt ratio being under the accepted 4%. Mr. Magid seconded the motion which carried 6-0.

Special Use Permits

| 26. | C8-16-186 | REQUEST: Approval of a Special Use Permit to allow Large group living in a R2 District; with Reasonable Accommodation | LOCATION: 742 Palamino Road |

At the Planning Board meeting held on August 3, 2016, Steve Siebrandt, 712 N. Polk St, Papillion, Nebraska, appeared before the Board. Mr. Siebrandt stated that he owned the property and planned a large group assisted living facility at the home.

William Stelack, 1035 O’Malley Cir., Bellevue, Nebraska, appeared before the Board on behalf of the applicant. Mr. Stelack stated that the home would be used as a group living home for elderly adults 62 years of age or older who needed more assistance than was available within their own home. He explained that for approximately two years he worked across the country training for this type of facility and that the proposed property, and demographics of the neighborhood, met the needs for this type of living facility. He then stated that the concept was new to the Omaha area, but that 1,500 licensed facilities of this type were currently operating in Phoenix, Arizona. Mr. Stelack stated that the facility provided a home environment, rather than an institution, and that the caregiver to resident ratio was 1:5. He added that caregivers were licensed and certified employees and that the facility was licensed by the State of Nebraska. He explained that the facility would house 12 residents, which was below the State of Nebraska limit of 14 residents. He then explained that a neighborhood meeting was held on July 25th and that opposition and concerns were expressed. In response to the Board, Mr. Stelack explained that cost for residents was $6,500 per month,
all inclusive, and that disability was not a requirement. He further explained that a resident may have a disability, but a stipulation for residents was that the elderly person must be able to transport themselves within the home at least 50% of time. He then stated that this was not a skilled-care facility and that stays varied from 3 months to 6 years.

Maggie and Alex Emerson, 718 S. 114th St., appeared before the Board in opposition. Mrs. Emerson stated that she resided adjacent to the north of the property and that she attended the July 25th neighborhood meeting regarding the proposed request. She explained that at the meeting she received conflicting information from the applicant and representative regarding the request, which prompted her to research the proposed use. She then explained that neighbors were not opposed to assisted living facilities, but that the use was incompatible with the existing neighborhood. She stated that concerns were safety of neighborhood residents, pedestrian traffic safety, increased vehicle traffic, and impact of a commercial use in the neighborhood and added that a collection of 257 signatures of opposition was obtained. Ms. Emerson discussed City Ordinance section 55-885 and stated that setbacks, structure height, and parking were not compatible with the existing neighborhood.

Mr. Emerson stated that he previously emailed his concerns regarding safety, health and infrastructure. He explained that the residential character of neighborhood existed for approximately 60 years and was not a mixed-use development. He then stated that he was concerned with the ability of the applicant to successfully operate a first-time business venture and possible alternative uses of the property. He discussed concerns regarding indoor and outdoor ADA compatibility for the elderly residents and lack of information regarding daily operations of the facility. He stated he was also concerned with noise from security and fire safety systems and pedestrian safety.

Theresa O’Grady, 754 Palamino Rd., appeared before the Board in opposition. Ms. O’Grady stated that she resided adjacent on the southwest side of the property and that she was not opposed to this type of assisted living facility, but that the use was not compatible with the single-family residential neighborhood. She then stated that she was concerned 1 caregiver at night was responsible for 12 residents and the unanswered questions regarding operations of the facility.

Cheryl Archibald, 707 Meadow Rd., appeared before the Board in opposition. Ms. Archibald stated that she resided to the west of the facility and that she was not notified of the neighborhood meeting. She explained that she was concerned with the view of the facility from her backyard and the multiple discrepancies in the submitted application for reasonable accommodation. She further explained the reasonable accommodation application discrepancies were that the special needs created by a specific disability varied from client to client; the use had no impact on surrounding uses, alternative accommodations for equivalent level of benefits was not detailed, no license was obtained for the property, description of services offered on premises was vague, meeting with interested parties, proposed number of staff was 4, and the real estate was purchased for the same use. She added that neighborhood covenants prohibited a structure more than 2 stories above ground and required residents to maintain the integrity of the neighborhood. Ms. Archibald displayed photos of views from various residences and the proposed commercial facility.

Dennis Henkenius, 11361 Mason St., appeared before the Board in opposition. Mr. Henkenius stated that he resided to the east of 114th Street. He was concerned that the applicant preferred upscale neighborhoods for the proposed facility, but that his neighborhood to the east of the facility was designated blighted and substandard by the City. He then stated that the commercial use was not compatible with the area.

Maureen Becker, 753 Palamino Rd., appeared before the Board in opposition. Ms. Becker stated that she resided directly across from the property and that she was not opposed to assisted living, but the zoning was not appropriate. She added that she was concerned with a parking lot directly across from her residence and that the facility ruined the character of the neighborhood.

Joe Finocchiaro, 719 Meadow Rd., appeared before the Board in opposition. Mr. Finocchiaro stated that his backyard was approximately 65 feet from the proposed property and that the Meadow Lane Subdivision was maintained for approximately 55 years as a neighborhood for one-family homes. He added that the
Covenants were submitted to Board Members, along with written comments, and that the Covenants prescribed no improvement, use or occupation for other than private one-family resident purposes. He was also concerned with discrepancies in the application, applicant's lack of experience and alternative uses. He added that the application drawings failed to depict drainage systems and surface contours as required by the code, a pre-application conference was not evidenced, and a traffic analysis was not addressed.

Todd Smith, 937 Palamino Rd., appeared before the Board in opposition. Mr. Smith briefly discussed the integrity of the neighborhood and that he was also in commercial business ventures, but that the business use was not appropriate for the neighborhood.

Gabrielle Geiger, 842 S. 114th St., appeared before the Board in opposition. Ms. Geiger stated that she was also concerned with noise from the facility and briefly discussed assisted living facilities in residential areas resembling residential homes that were compatible with the neighborhood.

Lynn Woleben, 716 Meadow Rd., appeared before the Board in opposition. Mr. Woleben stated that he resided approximately 600 feet to the west of the site. He discussed bus, vehicle and pedestrian traffic at the elementary school to the west of the neighborhood traveling east along Leavenworth Road, onto Palamino Road and was concerned with construction vehicles, delivery trucks and emergency vehicles and the lack of parking on the narrow neighborhood streets. He was also concerned with lack of sidewalks on one side of Palamino Road and pedestrian safety.

Rebecca Woita, 804 Meadow Rd., appeared before the Board in opposition. Ms. Woita stated that the fee for residents at the facility was higher than the market and was also concerned with lack of compatibility and traffic safety.

Jerry Merwald, 604 Meadow Rd., appeared before the Board in opposition. Mr. Merwald stated that there were 2 schools in the neighborhood and was also concerned with bus and vehicle traffic through the neighborhood at peak school times. He stated that he was opposed to the proposed commercial business in the neighborhood.

Craig Madsen, 849 Palamino Rd., appeared before the Board in opposition. Mr. Madsen stated that he was also concerned the use and structure were not compatible, limited parking, increased traffic, safety of pedestrian traffic, lack of experience of the applicant and alternate uses.

Mr. Stelack stated that the neighborhood was ideal and these facilities worked well in neighborhoods. He then stated that the business was not a scheme and was a for-profit business. He added that the elderly residents were not a threat and the facility has been successful across the country. He explained that Neighborhood Scout, a nationally recognized website, revealed that homes around these facilities in the neighborhood appreciated by approximately 12.5%. Mr. Stelack stated that landscaping was proposed for privacy and that the basement would not be utilized. He added that staff were licensed and that a Physician Assistant would visit the home one time per month. He then stated that the applicant complied with the City Ordinance. In response to the Board, Mr. Stelack stated that disability was not a requirement for residents but was acceptable as previously described and that residents were required to be 62 or older. He then explained that he educated the applicant and helped him develop the business.

Mr. Siebrandt stated that consultants would be responsible for daily operations of the facility and that the business idea resulted from personal need for care of elderly relatives. In response to the Board, he explained that residents were provided with a home-based environment and were not required to be disabled. He added that only the main level would be used for elderly residents and that the second level was proposed for office and storage use. He then explained that a fence would be installed and security measures in place, and noted that the facility was located on the peripheral of the neighborhood. Mr. Stelack explained that the staff chef made bi-weekly purchases of fresh product from local grocery stores for daily prepared meals and that food was not delivered.

Dave Fanslau, Assistant Planning Director, stated that in 1987 and 2008 group living was redefined within the zoning code and that private consultants and multiple City department staff members collaborated to redefine the code, which was used to make Department recommendations. He explained that the site was
zoned residential and that group living was allowed in residential zones, but commercial uses were not allowed. He further explained that Zoning Code 55-885 was used to analyze the request and that the request met regulations. He added that the Public Works Department also analyzed traffic impact. Mr. Fanslau stated that the Department analyzed and determined the site was on a major arterial street and not in the middle of a neighborhood. Mr. Fanslau then questioned City Law regarding Reasonable Accommodation validation for the applicant.

Jennifer Taylor, City Law Department, stated that Reasonable Accommodation under the Fair Housing Law required the applicant, or resident of the housing unit, was a qualified individual with a disability and that disabled was an individual needing assistance with major life skills. Ms. Taylor then stated that upon testimony from the applicant, reasonable accommodation was not warranted for the residents of the facility and that the applicant did not meet reasonable accommodation requirements.

Mr. Fanslau stated that based on testimony, the Department did not recommend Reasonable Accommodation for the request and that the Department recommended approval of the Special Use Permit for large group living subject to the 7 conditions on the recommendation report.

Mr. Magid moved for denial. Mr. Rosenbaum seconded the motion which carried 6-0.

**ADJOURNMENT**

It was the consensus of the board to ADJOURN the meeting at 7:00 pm.

_________________________________________
Date Approved

_________________________________________
Brinker Harding, Chairman

_________________________________________
Rikki Flott, Planning Board Recording Secretary