

MINUTES

PRE-MEETING

OMAHA CITY PLANNING BOARD – AUGUST 7, 2024
11th FLOOR CENTRAL CONFERENCE ROOM - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

MEMBERS PRESENT: Greg Rosenbaum, Chair
David Rosacker, Vice Chair
Cydney Franklin
Patrick Morris – absent
Jeffrey Moore
Michael Pate
Jorge Sotolongo

STAFF PRESENT: David Fanslau, Director
Eric Englund, Assistant Director
Michael Carter, Current Planning Manager
Kathy Epperson, Recording Secretary

The pre-meeting was called to order by Eric Englund, Assistant Director, at 10:47 a.m.

- #1 Bridget Hadley, Economic Development Manager, discussed the TIF case and answered questions from the Board.
- #7 Don Seten, Planner of Housing Development, discussed the TIF case and answered questions from the Board.
- #6 Derek Miller, Long Range and Mobility Planning Manager, discussed the case and answered questions from the Board. Mr. Miller also introduced Joe Coniglio, new Long-Range Planner.
- #5 Eric Englund, Assistant Director, and Tim Fries, Urban Design Planner, discussed the cases and answered questions from the Board.
- #15 Eric Englund, Assistant Director, Jason Alberico, U Pull It, and Klancy Peterson discussed the case and answered questions from the Board. Don Wesely also discussed the case.

Eric Englund, Assistant Director, discussed the details of the remainder of the cases on the agenda and answered questions from the Board regarding the projects and the recommendations of the department staff.

CONSENT AGENDA

APPROVAL, some with conditions:
#2,9,10,11,13,14,18,19.

LAYOVER:
#3,4,12.

OMAHA CITY PLANNING BOARD – AUGUST 7, 2024
 OMAHA/DOUGLAS CIVIC CENTER – LEGISLATIVE CHAMBER
 1819 FARNAM STREET

Certification of Publication: Planning Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on Monday, July 29, 2024.

MEMBERS PRESENT: Greg Rosenbaum, Chair
 David Rosacker, Vice Chair
 Cydney Franklin
 Patrick Morris – absent
 Jeffrey Moore
 Michael Pate
 Jorge Sotolongo

STAFF PRESENT: David Fanslau, Director
 Eric Englund, Assistant Director
 Michael Carter, Current Planning Manager
 Jennifer Taylor, Law Department
 Kathy Epperson, Recording Secretary

Greg Rosenbaum, Chair, called the meeting to order at 1:00 p.m.

(ON CONSENT FOR APPROVAL)

2.	C11-21-249 Lyric Townhomes -CONSENT APPROVAL	REQUEST:	Approval of a Major Amendment to the PUR-Planned Unit Redevelopment Overlay District (laid over 7-3-24)
		LOCATION:	1110 South 20th Avenue Plaza

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Ms. Franklin motioned for approval of a Major Amendment to PUR, subject to submittal of acceptable final plans prior to forwarding the request to City Council.

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

9.	C10-24-188 C12-24-189 Charles Hill Jr. -CONSENT APPROVAL	REQUEST:	Preliminary and Final Plat approval of HARTMAN RIDGE, a minor plat inside city limits, with rezoning from R2 to R3
		LOCATION:	5517 North 52nd Street

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Ms. Franklin motioned for approval of a rezoning from R2 to R3, along with approval of the Preliminary Plat, subject to the following conditions:

1. Provide for the standard sidewalks along 52nd Street.
2. Coordinate with OPPD on any facility relocation, if needed.
3. If needed, provide for extension of public sanitary sewer to serve the lots, along with submittal of a 30% Design Report to the Public Works Design Division.

The Board also moved 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. Rosacker seconded the motion which carried 6-0.

10.	C10-24-177 C10-72-157 Lyle Burkle -CONSENT APPROVAL	REQUEST:	Rezoning from R6 to R5, along with a repeal of the PUD-Planned Unit Development Overlay District for a portion of the site (property is located within an ED-Environmental Overlay District)
		LOCATION:	West of 50th Street and Raven Oaks Drive

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Ms. Franklin motioned for approval of the rezoning from R6 to R5, along with approval of the repeal of the PUD Overlay for a portion of the site.

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

11.	C10-24-178 Jay Nielsen -CONSENT APPROVAL	REQUEST:	Rezoning from GI to R5
		LOCATION:	408 William Street

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Ms. Franklin motioned for approval of the rezoning from GI to R5.

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

13.	C10-24-185 Metro Driveway Replacement LLC. -CONSENT APPROVAL	REQUEST:	Rezoning from R4(35) to R5
		LOCATION:	Northwest of 45 th and H Streets

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Ms. Franklin motioned for approval of the rezoning from R4(35) to R5.

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

14.	C10-24-187 Aida Maria Lucas -CONSENT APPROVAL	REQUEST:	Rezoning from GI to R5
		LOCATION:	1231 South 15 th Street

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Ms. Franklin motioned for approval of the rezoning from GI to R5.

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

18.	C7-24-180 Above & Beyond Therapy -CONSENT APPROVAL	REQUEST:	Approval of a Conditional Use Permit to allow a Medical office in the LO District (property is located within an ACI-Area of Civic Importance Overlay District)
		LOCATION:	12915 West Dodge Road

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Ms. Franklin motioned for approval of a Conditional Use Permit to allow a Medical office in a LO District subject to:

1. Prior to approval of building permits, the applicant must obtain a waiver of Section 55-734 to allow a reduction in minimum required off-street parking from 45 stalls to 41 stalls, for this applicant only.
2. Compliance with the submitted site plans.
3. Compliance with the submitted operations statement.
4. Compliance with applicable building and fire regulations.
5. Compliance with all other applicable regulations.
6. Obtaining a Certificate of Occupancy prior to opening for business.

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

19.	C7-24-163 Sacred Heart Academy -CONSENT APPROVAL	REQUEST:	Approval of a Major Amendment to the presumed Conditional Use Permit pursuant to Section 55-883(q) to allow Secondary educational facilities in the R3 District, along with approval of a waiver to Section 55-166, Height, to allow a 36-foot-tall building addition (property is a designated Local Landmark)
		LOCATION:	Southwest of 36th and Burt Streets

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Ms. Franklin motioned for approval of a waiver to Section 55-166, Height, to allow a 36-foot-tall building addition, along with approval of a Major Amendment to the presumed Conditional Use Permit pursuant to Section 55-883(q) to allow Secondary educational facilities in the R3 District, subject to the following conditions:

1. Obtain a waiver for impervious coverage from the zoning board of appeals, prior to submittal of a building permit application.
2. Provide an updated site plan showing compliance with setbacks for the proposed scoreboard, prior to submittal of a building permit application.
3. Compliance with the revised site/landscape plan.
4. Compliance with the submitted elevations.
5. Compliance with the submitted operations plan.
6. The public on-street parking improvements are subject to the OPW public improvement review process.
7. Comply with all applicable stormwater management ordinances and policies.
8. Compliance with all applicable signage regulations.
9. Compliance with all other applicable regulations.

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

(ON CONSENT FOR LAYOVER)

3.	C8-21-150 C8-21-158 Nebraska HBPA -CONSENT LAYOVER	REQUEST:	Approval of a Major Amendment to the Special Use Permit to allow Indoor Entertainment and Outdoor entertainment in the GI District, along with approval of a Major Amendment to the Large Project Special Use Permit to allow development over 10 acres in the GI District (property is located within the FF-Flood Fringe, FW-Floodway and MCC-Major Commercial Corridor Overlay Districts) (laid over 6-5-24)
		LOCATION:	6303 Q Street

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Mr. Sotolongo motioned for layover.

Ms. Franklin seconded the motion which carried 6-0.

4.	C8-20-188 C8-20-191 Karen Buddhist Society of Omaha -CONSENT LAYOVER	REQUEST:	Approval of a Special Use Permit to allow Religious assembly in the DR District, and approval of a Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District (laid over 9-2-20)
		LOCATION:	9861 North 60th Street

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Mr. Sotolongo motioned for layover.

Ms. Franklin seconded the motion which carried 6-0.

12.	C10-12-157 Woodhouse Auto Family -CONSENT LAYOVER	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for WEST DODGE POINTE
		LOCATION:	17335 Burt Street

At the Planning Board meeting held August 7, 2024, this case was on the Consent Agenda.

Mr. Sotolongo motioned for layover.

Ms. Franklin seconded the motion which carried 6-0.

PUBLIC HEARING

(HOLD OVER CASES)

Master Plan Referrals

1.	C3-24-146 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the CENTRAL PARK PLAZA (THE DUO) TIF Redevelopment Project Plan (laid over 7-3-24)
		LOCATION:	222 South 15th and 201 South 16th Streets

At the Planning Board meeting held August 7, 2024, Bridget Hadley, Economic Development Manager, appeared before the Board. Ms. Hadley stated that this project does propose to completely repurpose and rehabilitate the existing twin towers at this location into residential living. She stated there will be a little over 700 units, one, two and three-bedroom units. Ms. Hadley stated that on the west side of this site the existing garage will be deconstructed and a new City-owned garage will be constructed at that site, with NuStyle Development constructing apartments above that garage. She stated that the ground floor of the twin towers does have about 16,000 square feet of commercial space that is being renovated. Ms. Hadley stated that the TIF Committee gave approval of this project and it is compliant with the Master Plan.

Todd Heistand, 222 South 15th Street, NuStyle Development, appeared before the Board. Mr. Heistand stated that this building was down to 30% occupancy when they took it over in March. He stated that they have consolidated everyone into the north tower to prepare for doing some demolition on the south tower. He stated that the north tower will not start until June of 2026. Mr. Heistand briefly discussed commercial tenants that will remain in the building and possible future tenants. He stated that the parking garage will be six to eight stories with 150 residential units on top. He stated that NuStyle will be paying for the extra footings and the slab that are necessary for the units on top of the garage. Mr. Heistand stated there will

be new sidewalks and new public improvements all the way around the project. He offered to answer any questions.

In response to Mr. Pate, Mr. Heistand stated that they will be able to begin leasing in April although they will not finish south tower until November, so they will be leasing as they go which will help with that absorption rate. He stated that the north tower is almost a year behind that.

In response to Mr. Moore, Mr. Heistand stated that the tenant would pay a premium to have a designated parking spot. He briefly detailed additional parking in the area.

There were no opponents.

Eric Englund, Assistant Director, appeared before the Board. Mr. Englund stated that staff recommends approval.

Mr. Pate motioned for approval.

Ms. Franklin seconded the motion which carried 6-0.

(REGULAR AGENDA)

Master Plan Referrals

5.	C3-24-135 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of an amendment to Chapter 55, Zoning regarding landscaping regulations and urban design code, in addition to an amendment to Chapter 24, Planning regarding the Urban Design Review Board
		LOCATION:	City of Omaha and the Three-Mile Extraterritorial Jurisdiction

At the Planning Board meeting held August 7, 2024, Eric Englund, Assistant Director, appeared before the Board. Mr. Englund stated that there are two components to this zoning code amendment. He stated that it is a text amendment that changes some of the Urban Design code section material as well as landscaping regulations. Mr. Englund stated that there is also an amendment to Chapter 24 related to those Urban Design zoning code sections. He stated that Chapter 24 is the Planning Department section and it specifically relates to the Urban Design Review Board. He stated that these changes will modify the makeup of the Board. Mr. Englund stated that since its inception in 2007 there has been a public and a private component. He stated that the changes would be to simplify this Board and it would eliminate the public and private differentiation and create one full Board. He stated it also clarifies what projects would need to go to the Review Board as some language had been vague in the past. Mr. Englund stated that regarding the landscaping regulations, these are minor edits that are important to clean up and provide clarifications both on definitions of tree and overstory tree, the purpose of the landscaping article, a screening component when there is a bufferyard related to parking lots and drive-throughs, as well as tree planning and maintenance. He stated that several of the sections refer to the City of Omaha Standards for Urban Landscaping which is a planting guide which has been in place since 1987. Mr. Englund stated that document is being eliminated but it will reference ongoing updated planting guides for recommendations for bufferyard trees or street trees that will be kept on file with the Planning Department. He briefly detailed the notices that were sent out for this case. Mr. Englund stated that staff recommends approval.

There were no opponents.

Mr. Rosacker motioned for approval.

Ms. Franklin seconded the motion which carried 6-0.

6.	C3-24-186 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the 2025-2030 Capital Improvements Plan (CIP)
		LOCATION:	City of Omaha and the Three-Mile Extraterritorial Jurisdiction

At the Planning Board meeting held August 7, 2024, Eric Englund, Assistant Director, appeared before the Board. Mr. Englund stated that this is the 2025-2030 Capital Improvements Plan that will cover years 2025 through 2030, a six-year plan that was released when the Mayor announced her proposed budget. He went over a quick recap and summary of how the process evolves throughout several months and the departments involved. Mr. Englund stated that the recommended projects fit into the allocated bond dollars for each section. He stated that the projects comply with the Master Plan. Mr. Englund stated that staff recommends approval

There were no opponents.

Mr. Sotolongo motioned for approval.

Ms. Franklin seconded the motion which carried 6-0.

7.	C3-24-019 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of an amendment to THE NODO TIF redevelopment project plan
		LOCATION:	South and West of 12th and Nicholas Streets

At the Planning Board meeting held August 7, 2024, Don Seten, Housing Development Planner, appeared before the Board on behalf of the Planning Department. Mr. Seten stated that this is an amendment to the original TIF project plan that was already approved by the Planning Board. He stated that this amendment is on the financial structure of the redevelopment site and that the physical nature is unchanged. Mr. Seten briefly summarized the physical plans that were previously approved. Mr. Seten stated that the total project investment is about \$19.6 million. He stated that the TIF request that was initially \$1.9 million has been increased to \$2,616,662.00 in TIF program support. He stated that the estimated final value of the project of \$13.99 million supports the amount of TIF requested. Mr. Seten stated that the project meets all the criteria for the TIF program and has been approved by the TIF Committee, and is an appropriate land use for the area.

Drew Silva, White Lotus Group, 10404 Essex Court, appeared before the Board. Mr. Silva briefly discussed the EEA application that is in process for this project. He stated that it would not delay construction on the project as it is developer equity either way. Mr. Silva offered to answer any questions.

There were no opponents.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval.

Mr. Rosacker motioned for approval.

Mr. Sotolongo seconded the motion which carried 5-0-1, with Ms. Franklin recusing herself.

Subdivisions

8.	C10-24-183 C12-24-184 University of Nebraska Board of Regents	REQUEST:	Preliminary and Final Plat approval of WEST OMAHA REPLAT EIGHT, a minor plat inside city limits, with rezoning from R6 and R7 to R7 (property is located within an ACI-Overlay District)
		LOCATION:	Southwest of 38th Avenue and Dewey Avenue

At the Planning Board meeting held August 7, 2024, Luke Weatherly, Olsson, 2111 South 67th Street, appeared before the Board on behalf of the applicant. Mr. Weatherly offered to answer any questions.

There were no opponents.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that this project is providing housing for students and/or staff. Mr. Englund stated that staff recommends approval of the rezoning from R6 and R7 to R7, along with approval of the Preliminary Plat, subject to meeting the eight conditions in the report, and approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding the request to City Council for final action.

Mr. Sotolongo motioned for approval of the rezoning from R6 and R7 to R7, along with approval of the Preliminary Plat, subject to meeting the following conditions:

1. In the subdivision agreement, provide for the payment of the Watershed Management Fee prior to recording the final plat.
2. Show all existing easements on the final plat.
3. For any existing public sewers which are not currently covered by an easement, grant the City an easement in conformance with the City's Wastewater Collection Systems Design Manual.
4. Place the standard right-of-way (ROW) Vacation language on the final plat, including language to retain easements.
5. If the ROW vacation on this plat will be associated with the vacation on the Briggs Place Replat 12 plat, the two final plats must go to City Council concurrently. Otherwise, provide a payment to the City for the fair-market value of the vacated land prior to recording the final plat.
6. Coordinate with Public Works on the acceptability of fill, retaining walls, or any other encroachments into the public sewer easement areas. An OPW public improvement project may be required to relocate public sewers.
7. Coordinate with OPPD and city staff on dedication language for the final plat mylars.
8. Comply with all stormwater management ordinances and policies.

The Board also moved for approval of the Final Plat, subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding the request to City Council for final action.

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

Special Use Permits

15.	C8-16-040 Hansen Property Development, Inc.	REQUEST:	Approval of a Major Amendment to a Special Use Permit to allow Scrap and salvage services in the GI District (portions of the property are located within the FF-Flood Fringe and FW-Floodway Overlay Districts)
		LOCATION:	5940 South 60th Street

At the Planning Board meeting held August 7, 2024, Klancy Peterson, 14747 California Street Suite 2, appeared before the Board on behalf of the applicant. Mr. Peterson briefly discussed the history of U Pull-It at this location. He stated that this request is for a Major Amendment to their Special Use Permit that allows Scrap and salvage operations currently, to include the use of improved recycling equipment including a 3TEK Alpha 7400 Hammer Mill. He stated that they are requesting a layover at this time to address deficiencies in its application and to allow time to work with the Planning Department to develop a noise mitigation plan and provide for some testing. Mr. Peterson offered to answer any questions.

Thomas White, 3214 Saint Mary's Avenue, appeared before the Board on behalf of the Nebraska Future Fund. Mr. White stated that they are concerned regarding on-going building on this property without the proper permits. He stated that they are concerned regarding wastewater from this facility being flushed directly into the Papio Creek. He stated that they are also concerned about ASR – After Shredding Residue

being created by this new machine and it causing environmental damage, health concerns, and safety issues. Mr. White stated they are concerned regarding location and how close it is to parks and other businesses. He also stated that there should be an environmental study, sound study, water pollution, and air pollution study. Mr. White also stated that they are concerned that it is not safely operated. He stated they are also concerned regarding traffic.

Stephanie Matthews, 5710 M Street, appeared before the Board. Ms. Matthews stated that she lives in the community and is concerned about health issues.

Teddy Morrison, 3524 Hawthorne Avenue, appeared before the Board. Ms. Morrison stated that her concerns are major health issues from ASR and the pollutants that result from that process.

In response to Mr. Pate, Mr. White stated that the Nebraska Future Fund is a group that is concerned about economic justice and environmental issues. He stated that one of their concerns with this project is that the residents here are below the normal income level and it is very dangerous industrial processes being dumped in a neighborhood without permitting.

Mr. Peterson stated that they are willing to mitigate any environmental issues pointed out by regulators. He stated that about 90% of the non-recyclable products from cars is removed before they go into the hammer mill. Mr. Peterson stated that this is a resizing apparatus designed to make these as small and condensed as possible. He stated that this is recycling and that it is a brand-new machine on a concrete pad to reduce the dust and other debris there. Mr. Peterson stated that their designs include runoff and that they have an industrial storm permit that requires them to capture and treat the first half of the stormwater and that is in the plan. He stated that they are willing and prepared to satisfy all regulations.

In response to Mr. Pate, Mr. Peterson stated that there is a Stop Work Order now and that they are not operating at all. He confirmed that not all permits needed had been obtained prior to some of the work that was done. Mr. Peterson stated that there was a breakdown in communications but that they now understand the process that they need to go through to get operational again. He stated that the generator used to power the hammer mill has been taken out and that it will not operate until they have satisfied all applicable regulations and satisfied the Planning Department.

David Fanslau, Planning Director, appeared before the Board. Mr. Fanslau stated that three Stop Work Orders were issued on May 22, June 17, and June 26. He stated it was not until after the June 26 Stop Work Order that they stopped.

In response to Mr. Pate, Mr. Peterson stated that he came in in July and was not involved at the time that the Stop Work Orders were issued. He stated that they are trying now to repair the trust and be completely transparent with everyone including concerned neighbors. Mr. Peterson stated that they have received no negative feedback from their immediate neighbors. He confirmed that they must follow the rules and regulations.

In response to Mr. Rosenbaum, Mr. Peterson stated that they know there is work to be done and that they are willing to do it. He stated that they understand that this is the way it has to be done before anything can operate. He stated that they will make sure that they are communicating with the Planning Department and going through the correct legal process.

Eric Englund, Assistant Director, appeared before the Board. Mr. Englund stated that the recommendation report includes the information regarding the specific violation letters that Mr. Fanslau referenced. He stated that the City is concerned that it has gotten to this point. He stated that they will continue to work with the applicant and anyone who wants to have discussions on the case. Mr. Englund stated that the first step is receiving proper permitting for the improvements or pavement that have not received the appropriate permits. He stated that it is their understanding that there has been work towards applications for those permits. Mr. Englund stated that there are environmental concerns, noise concerns, and not following previous approvals of the Special Use Permit in 2016. He stated that changes to the plan and what is being requested should be clear to the City, to the Planning Department, and to City Council members if this proceeds to City Council. Mr. Englund stated that there should be ongoing conversations about those

details as well as showing that in their operating statement and on their plans. He stated that what has been submitted regarding the noise is not in compliance with Omaha zoning codes, so the City is not going to support noise variances so a solution has to be made so that this facility and all their operations comply with the noise ordinances as well as every other applicable code and regulation. He stated that Public Works has an air quality division that is aware of this submittal and that they will work with them as well as stormwater individuals in that division in Public Works. Mr. Englund stated that staff recommends layover.

Ms. Franklin motioned for layover.

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

Conditional Use Permits

16.	C7-24-176 Brooks Builders Inc.	REQUEST:	Approval of a Conditional Use Permit to allow an Accessory dwelling unit in the R2 District
		LOCATION:	3315 South 115th Street

At the Planning Board meeting held August 7, 2024, Stacy Fahrenbruch, Brooks Builders, 20321 South 192nd Plaza Springfield, appeared before the Board. Ms. Fahrenbruch offered to answer any questions.

Anthony Salado, 3315 South 115th Street, appeared before the Board. Mr. Salado stated that he is the owner of this property. He stated that they have been in the home for 18 years. He stated that when they retire in a few years and move out of state, that they will sell this home to their daughter and her family so her kids can grow up in the family home. Mr. Salado stated that this unit is to provide a place for them to stay when they come back to visit family.

Steve Floersch, 3329 South 115th Street, appeared before the Board. Mr. Floersch briefly detailed the location and his history in the neighborhood. He stated that the neighborhood is zoned R2 which is single-family residential and low density. Mr. Floersch stated that he is concerned that this will change the character of the neighborhood, increase traffic, and reduce property value.

Ms. Fahrenbruch attempted to address the issues raised. She stated this project will not increase traffic. She stated that it is for family use only and that they will have direct access from the existing house to the ADU. Ms. Fahrenbruch stated that the plan complies with the R2 and ADU requirements.

In response to Mr. Moore, Ms. Fahrenbruch briefly discussed the cost of the ADU and the amenities in the project.

In response to Mr. Pate, Ms. Fahrenbruch confirmed that this project will be slab on grade. She stated this will be tucked behind the existing home.

Ms. Fahrenbruch briefly discussed ADUs in other areas and the increasing need for these types of projects.

In response to Mr. Sotolongo, Ms. Fahrenbruch stated that a separate ADU versus an attached ADU is a matter of use and preference.

In response to Mr. Pate, Ms. Fahrenbruch confirmed that the unit will have its own kitchen and bathroom.

Eric Englund, Assistant Director, appeared before the Board. Mr. Englund stated that this is the first Conditional Use Permit to come before the Board under the new ADU code that was approved by City Council in March 2024. He stated that in December 2022 the City of Omaha approved a Housing Affordability Plan. He stated that part of the plan was trying to find ways to help facilitate more affordable housing and more housing units in general. Mr. Englund stated that as part of the implementation of that plan after 2022 was finding ways to make zoning code modifications that can help facilitate more housing and more affordable housing. He stated that the code change in March of this year permitted ADUs in the lower density districts such as R1 and R2. Mr. Englund stated that it does require a Conditional Use Permit. He briefly discussed the history of ADUs in older homes. Mr. Englund stated that the units cannot be sold

as their own property. He briefly discussed other cases that rezoned to R5 where ADUs are permitted without a Conditional Use Permit. Mr. Englund stated that staff recommends approval of a Conditional Use Permit to allow an Accessory dwelling unit in the R2 District., subject to the two conditions in the report.

Mr. Rosacker motioned for approval of a Conditional Use Permit to allow an Accessory dwelling unit in the R2 District., subject to the following conditions:

1. Compliance with the submitted site plan.
2. Compliance with the submitted building elevations.

Ms. Franklin seconded the motion which carried 6-0.

17.	C7-24-179 Mental Health Association	REQUEST:	Approval of a Conditional Use Permit to allow Small group living (disabled) in the GC District
		LOCATION:	6055 Country Club Road

At the Planning Board meeting held August 7, 2024, Tessa Domingus, Mental Health Association, 1645 N Street Lincoln, appeared before the Board. Ms. Domingus stated they have been looking at ways to utilize this property to expand their services into the Omaha Metro community. She stated that MHA's priority population is and always has been supporting and advocating individuals that live with behavioral health challenges. She stated that is the root of all of their programs since the beginning in 2001. She stated that this request is to support individuals living with these exact challenges. Ms. Domingus stated that the house will be staffed 24/7 with one to four staff members on the premises at any given time. She stated that they will provide wraparound services and groups related to wellness and recovery as well as work with community partners to provide the needed supports for individuals. Ms. Domingus stated that these individuals would live at the greenhouse for approximately three months working towards building a strong foundation for successful independence in the community. She stated that they are hoping to find new ways to become a part of this community. Ms. Domingus stated that she is hoping the community will open their hearts and minds to the communities they serve. She stated that now that they are property owners in this neighborhood, if this is not approved they are looking at opening offices there. She stated that it is a priority of theirs to be a part of this community and stated that the offices would serve the reentry population with their wraparound services in Omaha. Ms. Domingus stated that their programs are most successful when they have community support.

Olivia Butts, 7525 Brummond Lincoln, appeared before the Board. Ms. Butts stated that she supports the Mental Health Association's permit to support people with behavioral health challenges. She stated that their support in giving people the resources that they need is a significant service to the community. Ms. Butts that she lives in Lincoln in a community that is better because the Mental Health Association is there.

In response to Mr. Pate, Ms. Butts stated that she works with a community organization that works on issue campaigns including criminal justice, mental health, and affordable housing. She stated that they work closely with the Mental Health Association on a lot of their issues. Ms. Butts stated that her organization is an interfaith organization of faith communities in Lincoln.

Carla Walker, 4820 Hillside Street Lincoln, appeared before the Board. Ms. Walker stated that she is a service connected disable military veteran. She stated that she supports MHA. She stated that she is a success because of the support of her community. Ms. Walker stated that she continues to reach back and help others so that they can also be successful. She stated that it is important when someone hits rock bottom that they are able to make those positive changes and be welcomed back. Ms. Walker stated that they also have families, and children and grandchildren, and nieces and nephews. She stated that they want success and safety as well. Ms. Walker stated that without the help of MHA and other programs she wouldn't be standing before the Board today.

Paul Kolkman, 7820 Fairway Drive, appeared before the Board. Mr. Kolkman briefly discussed details pertaining to the last permit for transitional living that was requested for this location. His concern is lack of communication with the neighborhood. Mr. Kolkman stated that he wants to ensure that no sex-offenders will be at this location. He stated that his concern is the safety of the neighborhood and more specifically

the children in the neighborhood as this location is across from a school. Mr. Kolkman stated that he is seeking assurance that no sex offender or violent criminals would be at this location. He stated that with the Conditional Use Permit, no one on work release probation or pre-release would be allowed to live at that location under a probationary status. Mr. Kolkman stated that he has further concerns regarding who would be considered disabled. He briefly detailed his experience as a physician with physical exams for the State of Nebraska for disability. Mr. Kolkman stated that he is also concerned that there is not enough staff to help the mentally disabled. Mr. Kolkman stated that the project does not fit with the neighborhood and is a danger both to the school and their clients if they do not have better coverage to help deal with mental disabilities.

Tom Dudderar, 6132 Country Club Road, appeared before the Board. Mr. Dudderar discussed details of the previous request for a Special Use Permit at this same location. Mr. Dudderar stated that his concerns are the proximity to the school, that this is a residential neighborhood, and his distrust of the representatives of the project. He stated he is also concerned regarding a lack of communication with the neighborhood. Mr. Dudderar is also concerned about statements made by the representative regarding a fear of hostility from the neighbors.

Eric Kruger, 7520 Fairway Drive, appeared before the Board. Mr. Kruger stated that he does not oppose any kind of group home that is providing ministry to people with emotional, physical, or mental health. He stated that this structure was built by an entity associated with Boys Town in the early 1980s for a group home. Mr. Kruger stated that it has eight separate bedrooms and a large kitchen. He stated that it has not been occupied for about five years. Mr. Kruger stated prior to that it was being used as a facility for adult men with alcohol and drug addiction and that no neighbors objected to that and it operated that way for a long time. He stated that his concern is a lack of information. Mr. Kruger stated that the group's web page has not changed since the last application that stated they wanted to minister to and provide services to felons who had recently been released from incarceration without discernment regarding violent offenders or sex offenders. Mr. Kruger is concerned regarding the lack of neighborhood communication. He presented a letter that was emailed to the Board. Mr. Kruger stated that he would like clarification regarding the types of people that would be housed at the location.

Ms. Domingus attempted to address the issues raised. Ms. Domingus stated that their organization originated as an advocate for people living with behavioral health challenges. She stated that was the foundation of their organization since 2001. Ms. Domingus stated that it was formulated to give a voice in policies and care plans to the person affected with these challenges. She stated that from there their programs have grown into direct services that started with primarily the community. Ms. Domingus stated that they did not work with the reentry population until 2015. She stated that did not change the direction or the purpose of their organization, it only expanded their services to multiple different populations of people that live with behavioral health challenges. Ms. Domingus stated that disability covers many different levels of care. She stated that some need higher levels of care and that is not the service they provide. She stated that if an individual needed a higher level of care than what they can provide, they would work with other community partners to get them referred on to the facilities or institutions that could provide those types of care. Ms. Domingus stated that with peer support it is individuals that live with these types of challenges providing support to others in their community with similar challenges. She stated they teach how to get resources, where to go in the community, and how to live independently in the community successfully. Ms. Domingus stated that their staff does go through extensive training to be able to provide this support. She stated they also go through 40 hour training for intentional peer support that teaches them relational aspects of how to use that experience to support others. She stated that they also go through CPR training and much more extensive training. Ms. Domingus offered to provide a list of the trainings required. She briefly discussed issues from the last request.

In response to Ms. Franklin, Ms. Domingus stated that they have an application process followed by one-on-one interviews to discuss what their goals are for their own wellness and future, they discuss the services that they provide and together it would be mutually decided if this was the right fit. She stated that the person would have the opportunity to decide if this was a level of support that would be most beneficial to them. She also stated that their staff doing the interviews would be able to make that determination if this felt like the right fit for what they provide. She confirmed that there are instances where they have needed to refer someone on to another facility.

In response to Mr. Pate, Ms. Domingus stated that it was another staff member that spoke with the school while distributing flyers for the last request for this property. She confirmed that there was not neighborhood contact regarding this new request due to threats that were made during a neighborhood meeting for the last request. Ms. Domingus stated that there is a lot of stigma. She confirmed that this will be open campus. She stated that there is an application process, there could be a referral process from other programs. Ms. Domingus stated there are currently no sex offender or violent crime questions on their application. She stated that they abide by all State laws and regulations that state where people on the sex registry can live. Ms. Domingus stated that during the prior request a suggestion was made by City Council for them to add an amendment regarding sex offenders and that they would not be opposed to that. She stated at this point that has not been requested of them. She stated that they would abide by existing City ordinances regarding how close a sex offender can live to schools and daycares. Ms. Domingus stated that their first request was not approved and they own this property, so they needed to determine what they will do with it that fits within their model, fits within their mission as an organization, and how can they utilize this property. She stated that is where they shifted to the behavioral health challenges that have always been a part of our priority population, so they decided to focus more broadly on that population instead of it being so narrowed to Department of Corrections transition. Ms. Domingus stated that their focus will be Behavioral Health transitional living. She stated the information referred to from the website is for their reentry program. She stated that all of their programs are dual-sided and gave the example of the Hope Program that they started in 2008 that was supportive employment for people with behavioral health challenges that worked in collaboration with voc rehab. She stated that in 2015 they expanded that program to be reentry focused as well as community focused. She further stated that there is different staff that work on different sides of that program. Ms. Domingus stated that the umbrella of what they do is behavioral health challenges and that could encompass anyone including someone coming out of treatment, someone in the community that is struggling to find what wellness and recovery looks like for them whether that is because of mental health challenges or addiction challenges, so it just expands those services. Ms. Domingus confirmed that she can guarantee that this will not become a transitional living facility without coming back before the Board. She stated that the people living with mental health challenges also have families, children, and grandchildren. She stated that she understands the concerns of the school being nearby but reiterates that people with these challenges already live in communities and that their program is there to provide the support that individuals need to have successful independence when they are acknowledging that they need that support.

In response to Mr. Moore, Ms. Domingus stated that this will be for anyone in the community that lives with mental health challenges, addiction challenges that are working towards overcoming those and finding that wellness and recovery in their own life, people coming out of treatment centers, people coming out of county jail, people just living in the community. She briefly stated that if they had been allowed to rezone to residential that this Conditional Use Permit would be unnecessary for this use. She further stated that the only reason for the request is due to the commercial zoning. Ms. Domingus stated that she is unsure of where most of the residents are going to come from as it is going to be wherever they have funding resources to provide for the service. She stated that they have never transitioned their services to reentry, they have expanded their services to meet multiple populations. She stated they have never gotten rid of one to take on the other. Ms. Domingus stated that they expanded their services. She stated that for this house it has a broader umbrella of populations that they can serve unlike their Honu house. Ms. Domingus stated that this will be more similar to their Keya house which serves people in the community with behavioral health challenges except that is a respite stay and so has a shorter length stay than this proposal. She stated that they would have to navigate where the funding source would be coming from to support different individuals. Ms. Domingus confirmed that they have meetings to teach residents to become better in society. She stated that they would have regular house meetings with all of the guests and their staff. She stated that their staff would also have separate meetings where they are provided co-reflection and opportunities to navigate difficult situations, and then come back and provide that support that is necessary. She stated they provide groups such as trauma groups, WRAP which is Wellness Recovery Action Planning, Rentwise that helps people learn how to be good tenants and know what landlord tenant laws are and certifications that are accepted by HUD, 12 step meetings, and anything related to that Wellness and Recovery piece would be the support that they would provide. Ms. Domingus stated that they have had meetings with the Behavioral Health team at Region 6. She stated that their network is bigger than what might be assumed, even more so in Lincoln as their offices are in the Region 5 building. She stated that

they do have those connections with Region 6 as well and that the longer they are in Omaha the more they will build those connections.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that the City's recommendation report is focused on the criteria set out in the Small group living disabled facility. He stated that they acknowledge but do not get into detail about the previous submittal for the Special Use Permit regarding transitional living that in their view that is a separate application, a separate process, and completely different qualifications of who could live in this home. He stated that this request is for Small group living disabled. He stated that the code definition within the zoning code that mirrors Federal Law of what the term handicap means is on page two of the recommendation report. He stated that handicap can come in all forms, it can be mental, physical, on a wide range. Mr. Englund stated that the zoning code does not deal with sex offenders. He stated that they must be careful about labeling who can live in these homes. Mr. Englund stated that Small group living is a residential use and that this request is due to the odd commercial zoning on this property. He stated that part of their recommendation is a downzoning to R5 which is Master Plan compliant, as they do not believe the commercial zoning is appropriate for this property. Mr. Englund stated that the applicant has provided all the material that is required for an applicant to submit for a Small group living disabled. He stated that this is a different request than the previous request and that there should not be people living in this home that are serving out the duration of their imprisonment term. He stated that as transitional living is defined those individuals should not be living in this location. Mr. Englund stated there is a clear definition between parole and probation that the City views when looking at these different use types. He stated that there are handicap individuals that can live at this facility for a wide variety of reasons. Mr. Englund stated that staff recommends approval of a Conditional Use Permit to allow a Small group living (disabled) facility on the property, subject to the five conditions in the recommendation report.

The Board discussed the issue of neighborhood meetings.

Ms. Franklin motioned for approval of a Conditional Use Permit to allow a Small group living (disabled) facility on the property, subject to the following conditions:

1. Prior to or with the building permit, submit a revised site plan that includes the sidewalks along the site's Girard Street and Country Club Road frontages which must be constructed.
2. Grant a sidewalk easement for any sidewalk that is placed outside of the right-of-way.
3. Submittal of an application to rezone the site from GC to R5.
4. Comply with all applicable building and fire codes.
5. Compliance with the submitted operations plan.

Mr. Rosacker seconded the motion which failed 3-3, with Mr. Moore, Mr. Pate, and Mr. Sotolongo dissenting.

The Board discussed the issue with the City Law Department.

Ms. Franklin motioned for layover.

Mr. Rosacker seconded the motion which carried 5-1, with Mr. Pate dissenting.

July 3, 2024 MINUTES

Ms. Franklin motioned for approval of the July 3, 2024 Planning Board pre-meeting and meeting minutes. Mr. Sotolongo seconded the motion which carried 6-0.

ADJOURNMENT

Mr. Moore motioned to adjourn the meeting. Ms. Franklin seconded the motion which carried 6-0. The meeting was adjourned at 3:19 p.m.

September 9, 2024

Date Approved

Greg Rosenbaum, Chairman

Kathy Epperson, Planning Board
Recording Secretary
