

# PLANNING BOARD DISPOSITION AGENDA



Public Hearing and Administrative Meeting  
Wednesday, January 4, 2023, 1:30 P.M.

Omaha/Douglas Civic Center  
1819 Farnam Street  
Legislative Chamber

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**Planning Board Members:** Greg Rosenbaum, Chairman; David Rosacker, Vice Chairman; Jorge Sotolongo; Cydney Franklin; Jeffrey Moore; Michael Pate; and Patrick Morris

**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, December 26, 2022.

**Applicant or Representative:** Please attend the meeting to present your case to the Planning Board. Decisions to approve, deny, or continue the case for additional information will be made by the Planning Board today.

**Consent Agenda:** Cases that are placed on the consent agenda have already been heard, or been recommended for layover, or are perceived to be non-controversial. When a consent agenda case is called, anyone with an interest in the case may request that the case be moved to the regular agenda for discussion. The Planning Board in accordance with the Planning Department's recommendations will act on any case that is not removed from the disposition agenda. Consent agendas will be available at the meeting.

**Planning Board Members:** Pre-meeting will be on Wednesday, January 4, 2023 at **11:00 a.m.** Meet on the 12<sup>th</sup> Floor in Room 1210.

Planning Board agenda and other information regarding the Planning Board and Planning Department is available on the Internet at <http://www.cityofomaha.org/planning>. The agendas available on the Internet are subject to change and are for convenience purposes only. A copy of the official agenda, kept continually current, shall be available for public inspection at the office of the Omaha Planning Department, 1819 Farnam Street, Suite 1100, Omaha, Nebraska, during normal business hours.

## **PUBLIC HEARING**

### **(HOLD OVER CASES)**

#### **Master Plan Referrals**

1.	C3-22-309 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the RIVERPLACE ROWS TIF Redevelopment Project Plan (laid over 12/07/22)
		LOCATION:	520 Riverfront Plaza

**DISPOSITION: APPROVAL 6-0.**

**Subdivisions**

2.	C10-22-203 <b>D-LAYOVER</b> C12-22-204 Scott Brown One Professional Square, LLC	REQUEST:	Preliminary Plat approval of ANTLER VIEW WEST, a subdivision outside city limits, with rezoning from AG to DR, R7, and MU (laid over 12/07/22)
		LOCATION:	Southwest of 192 <sup>nd</sup> Street and West Maple Road

**DISPOSITION: LAYOVER 6-0.**

3.	C3-22-287 <b>D-APPROVAL</b> C10-21-209 C12-21-210 Westwood Solutions, LLC	REQUEST:	Preliminary Plat approval of STATE AND HIGHWAY 133 ADDITION (Lots 3-8, Outlots C & D), a subdivision outside city limits; approval of a rezoning from AG to GI; along with approval of a waiver to the PDZ-Present Development Zone (laid over 12/07/22)
		LOCATION:	Northwest of State Street and Blair High Road

**DISPOSITION: APPROVAL 6-0.** Approval of the waiver to the PDZ-Present Development Zone, approval of the rezoning from AG to GI and approval of the Preliminary Plat, subject to the following conditions:

1. Coordinate with Douglas County on the proposed vacation of 117th and Haden Streets, including the 120th Street paving obligations and the timing of the recording of the vacation concurrently with the next phase final plat.
2. Place a note on the plat that there shall be no direct access to State Street, 120th Street, Rainwood Road, or Highway 133 from any lots or outlots.
3. Grant an access easement between 117th Circle and Lot 7; show the easement on the plat.
4. Acquire the property for all public street rights-of-way which are outside of the subject property. Either record a paper ROW dedication concurrently with the plat, or include the full width of the ROW on the plat.
5. Coordinate with Douglas County on the ultimate profile of 120th Street and Rainwood Road, and grade the subdivision to match the profile.
6. Construct temporary turnarounds at the termination of all stub streets.
7. Provide for all improvements identified in the final approved traffic study, as approved by the City and NDOT.
8. Construct right-turn deceleration lanes at all public street intersections along the subdivision's Rainwood Road, 120th Street, and State Street frontages.
9. For the 117th Street connector approach to 120th Street and the 117th Circle approach to Rainwood Road, construct the street to meet local industrial standards, including a 38' width and no median.
10. On the final plat, dedicate 50' of ROW along the centerline of 120th Street and Rainwood Road, plus an additional 10 feet for the first 300 feet from the intersection of 120th and Rainwood.
11. Coordinate with Douglas County and Public Works on the required improvements to Rainwood Road and 120th Street.
12. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.
13. The 60 feet of right of way dedication along Rainwood Road, east of 120th Street, must extend an additional 69 feet.
14. The vacation of Haden Street and 117th Street right of way must follow County and State requirements.

15. Proposed site grades along the western, northern, and southern boundaries of the platting, adjacent to 120th Street, Rainwood Road, and State Street respectively, must be coordinated with the future improvement of those roadways.
16. Obtain all required permits from Douglas County.
17. To avoid construction of public sewers through any of the buildable lots, coordinate with Public Works on an acceptable phasing plan, including the lot boundaries of the future final plat phases.
18. In the subdivision agreement, cover the fees and off-site public improvements (as identified by Public Works) necessary to accommodate the increased sanitary sewer flows.
19. Construct an outfall sewer along the subdivision's Rainwood Road frontage, extending west to 120th Street.
20. Submit the 30% design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City's Wastewater Collection Systems Design Manual.
21. Receive preliminary approval of the PCSMP from Public Works prior to the application for final plat approval; upload the drainage study and preliminary plans to Permix.
22. Storm sewer and/or drainage design computations and final plans must be submitted to the Douglas County Engineer's office for review.
23. Construct sidewalks along all public street frontages, including Rainwood Road, 120th Street, and State Street.
24. Coordinate with OPPD on relocation or removal of distribution equipment, as necessary.
25. Place Thomas Creek in a separate outlot from any excess unusable ground.
26. Any drainageway (other than Thomas Creek) must be placed in an outlot sized to accommodate either the 3:1 + 20' section, or the 100-year storm flow (whichever is greater).
27. Verify that the proposed property line along Thomas Creek falls outside of the 3:1 + 50' section.
28. The development must comply with all applicable stormwater management ordinances and policies.
29. Provide for the location of a 10' wide concrete trail on the west side of the creek. Coordinate with the Parks department on the easement location, trail alignment/design and construction details.
30. Trails and/or open space constructed within the development that are not part of the suburban park master plan shall be privately constructed and maintained by the developer, HOA or other approved entity.
31. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement, including internal road connections and security fencing.
32. Coordinate with the City and Papio NRD regarding prairie mitigation requirements.
33. Submit a letter of approval of a Noxious Weed Plan from Douglas County.
34. Coordinate with city staff on a final acceptable tree mitigation planting plan.
35. Submit a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area.
36. If State and Highway 133 Addition will not be located in a Sanitary Improvement District, enter into a maintenance agreement with Douglas County.
37. The legal description on the submitted preliminary plat does not reflect the existing platted lots of record and must be revised on the final plat document.

**Rezoning**

4.	C12-04-089 Larry Jensen Riverplace Rows, LLC	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for RIVERFRONT PLACE (laid over 12/07/22)
		LOCATION:	520 Riverfront Plaza

**DISPOSITION: APPROVAL 6-0. Approval of a Major Amendment to the Mixed Use District Development Agreement for Riverfront Place subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council.**

**Special Use Permits**

5.	C8-21-233 <b>D-APPROVAL</b> Westwood Solutions, LLC	REQUEST:	Approval of a Major Amendment to the Large Project Special Use Permit to allow <i>Communication services</i> in the GI District (laid over 12/07/22)
		LOCATION:	Northwest of State Street and Blair High Road

**DISPOSITION: APPROVAL 6-0. Approval of a Major Amendment to the Large Project Special Use Permit to allow Communication services in the GI District, subject to the following conditions:**

1. Provide sidewalks along all street frontages.
2. Provide for the location of a 10' wide concrete trail on the west side of the creek. Coordinate with the Parks department on the easement location, trail alignment/design and construction details.
3. Coordinate with OPPD for removal/relocation of distribution equipment if necessary.
4. Obtain all necessary waivers from the Zoning Board of Appeals, prior to forwarding the request to the city council.
5. Receive a Floodplain Development Permit prior to submittal of any building/grading permits.
6. Compliance with the submitted operating statement.
7. Compliance with the submitted elevations.
8. Compliance with all other applicable regulations, including all signage ordinances.

6.	C10-22-319 C8-03-089 C8-22-320 Patrick Ackerman	REQUEST:	Approval of a Major Amendment to the Special Use Permit to allow <i>Aviation services</i> in the AV District, with approval of a Major Amendment to the Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District, along with rezoning from DR and AV to AV (laid over 12/07/22)
		LOCATION:	Northeast of 72 <sup>nd</sup> Street and Bennington Road

**DISPOSITION: LAYOVER 6-0.**

7.	C8-22-321 <b>D-APPROVAL</b> Nick Brenner Menard Inc.	REQUEST:	Approval of a Special Use Permit to allow <i>Convenience storage</i> in the CC District, along with a waiver to Section 55-756(e)(7), Height limits, to allow a 23 foot tall building (laid over 12/07/22)
		LOCATION:	Northwest of 205 <sup>th</sup> Street and Cumberland Drive

**DISPOSITION: APPROVAL 6-0.** Approval of a waiver to Section 55-756(e)(7), Height limits, to allow a 23 foot tall building and approval of a Special Use Permit to allow Convenience storage in the CC District, subject to the following conditions:

1. Submittal of and compliance with a revised site/landscape plan providing the additional tree planting requirements and showing the location of the solid waste disposal facilities, prior to forwarding the request to city council for final action.
2. Submittal of and compliance with revised building elevations providing a higher quality building design, including the addition of brick or masonry, prior to forwarding the request to city council for final action.
3. Obtain a waiver of fence height from the Zoning Board of Appeals, prior to forwarding the request to city council for final action.
4. Coordinate with OPPD on relocation or removal of adjacent infrastructure.
5. Comply with all applicable stormwater management ordinances and policies.
6. Compliance with the submitted operations plan.

**(REGULAR AGENDA)**

**Master Plan Referrals**

8.	C3-15-283 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of an Amendment to the UPTOWN DISTRICT TIF Redevelopment Project Plan
		LOCATION:	522 S. 30th Street, 522 Park Avenue, 909-918 S. 30th Court, 825 Park Avenue, 1113 S. 31st Street, and 1313 S. 31st Street

**DISPOSITION: APPROVAL 6-0.**

9.	C3-22-232 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of an Amendment to the 5902 NORTH 9TH STREET INDUSTRIAL TIF Redevelopment Project Plan
		LOCATION:	5902 North 9th Street

**DISPOSITION: APPROVAL 6-0.**

10.	C3-23-019 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of an Amendment to Chapter 55, Zoning, pertaining to Urban Agriculture
		LOCATION:	City of Omaha and the three-mile extraterritorial jurisdiction

**DISPOSITION: APPROVAL 6-0.**

**Subdivisions**

11.	C10-23-011 C12-23-012 Falcone Land Dev. LLC	REQUEST:	Preliminary Plat approval of MAGNOLIA TRAILS, a subdivision outside city limits, with approval of a rezoning from AG to DR and R4
		LOCATION:	Southeast of 216th and Fort Streets

**DISPOSITION: APPROVAL 6-0.** Approval of the rezoning from AG to DR and R4 and approval of the Preliminary Plat, subject to the following conditions:

1. Prior to the final plat application for this development, all floodplain violations must be adequately resolved.
2. Provide for the improvement of 216th Street to a three-lane section, with the extent of the improvements as identified by Public Works and Douglas County.
3. Provide a pro-rata reimbursement to other SIDs for prior Fort Street improvements.
4. Provide for traffic calming on all streets longer than 1000 feet.
5. Place a note on the plat that there shall be no direct access to Fort Street or 216th

**Street from any lots or outlots.**

- 6. The location of the intersection of 216th Street and Sunburst Avenue may need to be relocated, subject to concurrence by Douglas County, the NRD, and The Haven subdivision.**
- 7. Acquire the ROW for 215th Street and Sunburst Avenue, and incorporate it into the plat.**
- 8. Grand Avenue and the future park entrance need to align at their intersection with 216th Street; coordinate with the City and the NRD.**
- 9. Coordinate with the City on the design and alignment of the temporary Grand Avenue connection to 216th Street.**
- 10. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.**
- 11. Proposed site grades along the western and northern boundaries of the platting, adjacent to 216th Street and Fort Street, must be coordinated with the future improvement of the roadways.**
- 12. Obtain all necessary permits from Douglas County.**
- 13. Temporary turn-arounds must be provided at the terminus of all temporarily dead-ended streets.**
- 14. The final plat may not be recorded until the construction of the interceptor sewer is complete, including final acceptance by the City.**
- 15. Coordinate with Public Works on the width of easements and outlots for sewers between lots.**
- 16. Any areas currently occupied by interceptor sewer easements need to be removed from buildable lots and placed in outlots.**
- 17. Submit the 30% design report for the sanitary sewer to the Public Works Design Division per Section 2.14 of the City's Wastewater Collection Systems Design Manual.**
- 18. Coordinate with Public Works on an acceptable PCSMP design, including the revision of the outlot boundaries as needed.**
- 19. Receive preliminary approval of the PCSMP from Public Works prior to the application for final plat approval; upload the drainage study and preliminary plans to Permix.**
- 20. Storm sewer design computations and final plans must be submitted to the Douglas County Engineer's office for review.**
- 21. Along the segments of 216th Street and Fort Street which will not be impacted by the future NRD dam project, construct sidewalks and dedicate 50 feet of ROW from the centerline of each street.**
- 22. At Camden Circle, place an outlot between two of the lots and provide a sidewalk connection between Camden Circle and Fort Street.**
- 23. OPPD has an existing three phase line on the northern border of the development; coordinate with OPPD as necessary.**
- 24. Comply with all applicable stormwater management ordinances and policies**
- 25. Any drainageway must be placed in an outlot sized to accommodate either the 3:1 + 20' section, or the 100-year storm flow (whichever is greater).**
- 26. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.**
- 27. Coordinate design for Park 33c with adjacent SIDs and the Omaha Parks Department park planning staff.**
- 28. Trails and/or open space constructed within the development that are not part of the suburban park master plan shall be privately constructed and maintained by the developer, HOA or other approved entity.**
- 29. Coordinate with Parks and Planning staff on a trail connection through the site that**

would connect from West Maple Road to Dam Site 12, and a trail connection that follows the drainageway from just east of 216th Street to the southeastern edge of the development.

30. Submit a letter of approval from Douglas County for a Noxious Weed Plan.
31. Submit a full wetlands analysis with the final plat application.
32. All development must comply with all applicable floodplain development regulations.
33. Submit a letter from Douglas County Emergency Management confirming that acceptable emergency warning is being provided for the area.

12.	C10-23-013 C10-23-014 C12-23-015 WD Investments 10, LLC	<b>D-LAYOVER</b>	REQUEST:	Preliminary Plat approval of AERIE AT BLUE SAGE, a subdivision outside city limits, with approval of a rezoning from AG to DR, R6, and R7, along with approval of an NCE-Neighborhood Conservation and Enhancement District
			LOCATION:	Southwest of 204th Street and Blue Sage Parkway

**DISPOSITION: LAYOVER 6-0.**

**Rezoning**

13.	C10-12-134 C10-23-003 C10-23-004 C7-10-062 Rochelle Rohlf's Marian High School	<b>D-APPROVAL</b>	REQUEST:	Approval of a Major Amendment to the Conditional Use Permit to allow <i>Secondary education facilities</i> in the R2 District, with rezoning from CC, R8 and R2 to R2, along with expansion of the MCC Overlay District and repeal of the ACI Overlay District for a portion of the site
			LOCATION:	Northeast of Military Avenue and Aurora Drive

**DISPOSITION: APPROVAL 6-0.** Approval of the repeal of the ACI-3 Area of Civic Importance Overlay District, approval of the MCC-Major Commercial Corridor Overlay District, approval of the rezoning from R2, R8, and CC to R2 and approval of the Major Amendment to the Conditional Use Permit to allow Secondary education facilities in the R2 District, subject to the following conditions:

1. Submit a revised site plan showing the location of the proposed monument sign adjacent to 72nd Street. A minimum 12 foot setback is required.
2. Obtain waivers for overall sign budget and sign height from the Zoning Board of Appeals.
3. Compliance with the approved site plan, as revised.
4. Compliance with all signage regulations. Pole signage is prohibited.
5. Compliance with all conditions of approval of the initially approved Conditional Use Permit and subsequent Major Amendment.
6. Compliance with all stormwater management ordinances and policies.
7. Compliance with all other applicable regulations.

14.	C10-23-005 Midwest Fidelity Partners, LLC	<b>D-APPROVAL</b>	REQUEST:	Rezoning from GO to CC (property is located within an ACI - Area of Civic Importance Overlay District)
			LOCATION:	3131 South 72nd Street

**DISPOSITION: APPROVAL 5-0.**

15.	C10-23-006 Matthew L. Andress	<b>D-APPROVAL</b>	REQUEST:	Rezoning from DR and R1 to R1 (property is located within an ED - Environmental Resources Overlay District)
			LOCATION:	7116 and 7126 Northland Drive

**DISPOSITION: APPROVAL 6-0.**

**Overlays**

16.	C10-23-010 Tim King	<b>D-APPROVAL</b>	REQUEST:	Approval of the MCC-Major Commercial Corridor Overlay District
			LOCATION:	3711 North 90th Street

**DISPOSITION: APPROVAL 6-0.**

**Special Use Permits**

17.	C8-23-002 Martha Benavides	<b>D-LAYOVER</b>	REQUEST:	Approval of a Special Use Permit to allow <i>Indoor entertainment</i> in the HI District
			LOCATION:	Northwest and Southwest of 20 <sup>th</sup> and Dorcas Streets

**DISPOSITION: LAYOVER 6-0.**

18.	C10-23-016 C8-23-017 Onyx Properties	<b>D-APPROVAL</b>	REQUEST:	Approval of a Special Use Permit to allow <i>Custom manufacturing</i> in the CC District with approval of the ACI-Area of Civic Importance Overlay District
			LOCATION:	1111 Papillion Parkway

**DISPOSITION: APPROVAL 6-0. Approval of the ACI-3 Area of Civic Importance Overlay District on the site and approval of the Special Use Permit to allow Custom manufacturing in the CC District, subject to the following conditions:**

1. Coordinate with Planning and the Public Works Departments on the potential to reduce the size of the stormwater easement along the northern property line.
2. Prior to forwarding this request to City Council, revise plans to remove the stormwater pond from the 100-Year floodplain.
3. Prior to forwarding this request to City Council, revise plans to remove the “Outdoor Laydown Area” from plans or incorporate the area into the building.
4. Prior to forwarding this request to City Council, revise plans to provide one additional overstory tree within the islands on the northwest corner of the building, and to provide the three-foot-high landscaping along Papillion Parkway.
5. Dedicate right-of-way to the back of the sidewalk along Papillion Parkway.
6. The development must comply with the City’s driveway regulations.
7. Compliance with the approved site plan, as revised.
8. Compliance with all signage regulations. Pole signage is prohibited.
9. Compliance with all stormwater management ordinances and policies.
10. Compliance with all other applicable regulations.

**Conditional Use Permits**

19.	C7-23-007 AJAK Inc.	<b>D-APPROVAL</b>	REQUEST:	Approval of a Conditional Use Permit to allow <i>Indoor sports and recreation</i> in the CC District
			LOCATION:	19295 Grant Avenue

**DISPOSITION: APPROVAL 6-0. Approval of a Conditional Use Permit to allow Indoor sports and recreation in the CC District, subject to the following conditions:**

1. Submittal of and compliance with a revised site plan providing the portion of



required trail that is adjacent to the subject site along Grant Avenue, prior to submitting a building permit application.

2. Comply with all stormwater management ordinances and policies.
3. Coordinate with the Public Works Department regarding the proposed PCSMP.
4. Coordinate with OPPD regarding the layout of the proposed project as needed.
5. No pole signs will be permitted on the subject property.
6. Compliance with the submitted operations plan.
7. Compliance with the submitted building elevations.
8. Compliance with all other applicable regulations.

20.	C7-23-020 Dr. Luke Berglund	<b>D-LAYOVER</b>	REQUEST:	Approval of a Conditional Use Permit to allow <i>Automotive repair services</i> in the CC District
			LOCATION:	4910 L Street

**DISPOSITION: LAYOVER 6-0.**

**\*ELECTION OF 2023 PLANNING BOARD OFFICERS\***

Greg Rosenbaum was elected as Chair for 2023.

David Rosacker was elected as Vice Chair for 2023.

**MINUTES APPROVED: December 7, 2022**