

# PLANNING BOARD DISPOSITION AGENDA



Public Hearing and Administrative Meeting  
Wednesday, February 1, 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, January 30, 2023.

**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, February 1, 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.

## **ADMINISTRATIVE MEETING ONLY**

### **Subdivisions**

1.	C10-22-269 C12-22-270 156Potter Villas, LLC	REQUEST:	Final Plat approval of THE VILLAS AT PINE CREEK WOODS, a subdivision outside city limits, with rezoning from AG to DR and R5
		LOCATION:	Southwest of 156 <sup>th</sup> and Potter Streets

**DISPOSITION: APPROVAL 7-0. Approval of the rezoning from AG to DR and R5 and approval of the Final Plat, subject to addressing the following conditions, prior to forwarding the request to the City Council for final action:**

1. Receive preliminary approval of the PCSMP from Public Works prior to forwarding the subdivision agreement to City Council; upload the drainage study and preliminary plans to Permix.
2. Submittal of an acceptable final subdivision agreement.

**PUBLIC HEARING**

**(HOLD OVER CASES)**

**Subdivisions**

2.	C10-23-013 C10-23-014 C12-23-015 WD Investments 10, LLC	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, approval of an NCE-Neighborhood Conservation and Enhancement District on a portion of the site, along with approval of the MCC-Major Commercial Corridor Overlay District on a portion of the site (laid over 1/4/23)
		LOCATION:	Southwest of 204 <sup>th</sup> Street and Blue Sage Parkway

**DISPOSITION: APPROVAL 7-0.** Approval of the rezoning from AG to DR, R6, and R7, approval of the NCE-Neighborhood Conservation and Enhancement District plan, subject to submission of an acceptable final NCE Plan prior to forwarding the request to City Council, approval of the MCC-Major Commercial Corridor Overlay District on Lot 3 and approval of the Preliminary Plat for AERIE AT BLUE SAGE, subject to the following conditions:

1. Provide all improvements identified in the final traffic study, as approved by Public Works and NDOT.
2. Coordinate with Public Works and NDOT on an acceptable offset distance between the Shirley Street roundabout and 204th Street.
3. Coordinate with Public Works on the design of the roundabout.
4. For the private street between the Shirley Street roundabout and Lot 3, construct the street to City standards and grant an access easement to the City.
5. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.
6. Place a note on the plat that there shall be no direct access to 204th Street from any lots or outlots.
7. Submit the 30 percent 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.
8. Construct sidewalks on both sides of Shirley Street to connect to the existing sidewalks west of Outlot C.
9. Dedicate a noise attenuation easement, 115 feet from the centerline of 204th Street, and provide the standard language on the plat.
10. Receive preliminary approval of the PCSMP from Public Works prior to application for final plat approval. Upload the drainage study and preliminary plans to Permix.
11. 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).
12. The development must comply with all stormwater management ordinances and policies, including no net increase in stormwater runoff and treatment of the first half inch of stormwater for water quality.
13. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.
14. Coordinate with the surrounding SIDs to allocate funds for the expansion/improvement of park 40a, or to reimburse the other SIDs an equitable share of the original construction of the park.

**15. Provide required sidewalk and street tree improvements on the south side of Blue Sage Parkway.**

**Special Use Permits**

3.	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 1/4/23)
		LOCATION:	Northeast of 72 <sup>nd</sup> Street and Bennington Road

**DISPOSITION: LAYOVER 4-3.**

**(REGULAR AGENDA)**

**Master Plan Referrals**

4.	C3-20-244 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of a Major Amendment to the 2021 Consolidated Action Plan
		LOCATION:	City of Omaha and the Three-Mile Extraterritorial Jurisdiction

**DISPOSITION: APPROVAL 7-0.**

5.	C3-23-043 <b>D-LAYOVER</b> Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the 2023 Consolidated Action Plan
		LOCATION:	City of Omaha and the Three-Mile Extraterritorial Jurisdiction

**DISPOSITION: LAYOVER 7-0.**

**Subdivisions**

6.	C12-23-018 Fred Tonack	REQUEST:	Preliminary and Final Plat approval of TONACK FARMS NUMBER 2, a minor plat outside city limits, along with a waiver to Section 53-9(9), Sidewalks (a portion of the property is located within an ED-Environmental Resources Overlay District)
		LOCATION:	Southeast of Pawnee Road and Blair High Road

**DISPOSITION: APPROVAL 7-0. Approval of the waiver to Section 53-9(9), Sidewalks and approval of the Preliminary Plat, subject to the following conditions:**

- 1. Show the dedication of a minimum 50 feet of right-of-way along Pawnee Road on the plat.**
- 2. Removal of the existing fence from the Pawnee Road right-of-way.**

**Approval of the Final Plat subject to the conditions of Preliminary Plat approval.**

7.	C10-23-022 <b>D-APPROVAL</b> C12-23-023 Ryan Lindquist Elkhorn Public Schools	REQUEST:	Preliminary Plat approval of IDA POINTE WEST, a subdivision outside city limits, with rezoning from AG to R5
		LOCATION:	Northwest of 196 <sup>th</sup> Street and Stone Avenue

**DISPOSITION: APPROVAL 7-0.** Approval of the rezoning from AG to R5 and approval of the Preliminary Plat, subject to the following conditions:

1. Enter into an agreement with Douglas County for the maintenance of the public street, prior to recording the final plat.
2. Construct a temporary cul-de-sac at the northern termination of 195th Street, and grant a public access easement for any street pavement within Lot 1.
3. The right-of-way along the tangent section of 195th Street shall abut the subdivision boundary; revise the Outlot A lot lines accordingly.
4. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.
5. 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.
6. 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.
7. Comply with all applicable stormwater management ordinances and policies.
8. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.

8.	C10-23-024 C12-23-025 Ryan Lindquist Elkhorn Public Schools	<b>D-LAYOVER</b>	REQUEST:	Preliminary Plat approval of IRON BLUFF SOUTH and Final Plat approval of IRON BLUFF SOUTH (Lot 1), a subdivision outside city limits, with rezoning from AG to R5
			LOCATION:	Southeast of George B. Lake Parkway and I Street

**DISPOSITION: LAYOVER 7-0.**

9.	C10-23-026 C12-23-027 Signature Ernst Holdings, LLC	<b>D-APPROVAL</b>	REQUEST:	Preliminary Plat approval of CHERRY CREEK, a subdivision outside city limits, with a waiver to Section 53-8, Street grading, along with rezoning from DR to R4, R5, and R6
			LOCATION:	West of 103 <sup>rd</sup> Street and Blair High Road

**DISPOSITION: APPROVAL 7-0.** Approval of the rezoning from DR to R4, R5, and R6 and approval of the Preliminary Plat of CHERRY CREEK, subject to meeting the following conditions:

1. Provide all improvements identified in the final traffic study, as approved by Public Works and NDOT.
2. Coordinate with NDOT to obtain an NDOT right-of-way permit to perform any work on state right-of-way and/or improve any accesses or driveways from the state highway system.
3. Design Cherry Creek Drive and Hanover Street to accommodate higher traffic volumes and heavy truck traffic. Coordinate with Public Works.
4. Coordinate with Public Works on the acceptability of the Chapter 53 waiver request.
5. In the subdivision agreement, provide for the cost sharing arrangement for improvements to the intersection of Blair High Road and Hanover Street.
6. Coordinate with Public Works on the design of the roundabout.
7. Provide temporary turnarounds at the termination of all stub streets.
8. Provide traffic calming for all streets longer than 1000 feet.
9. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.

10. Coordinate with the Douglas County Engineer's office on the review, approval, and permitting of all street, grading, sewer, storm sewer, drainage, and utility designs related to the improvement of 103rd/Ida Streets.
11. Confirm a minimum 50 feet of right-of-way is being dedicated along the northern/western side of 103rd/Ida Streets.
12. Place a note on the plat that there shall be no direct access to 103rd Street, Ida Street, or Blair High Road from any lots or outlots.
13. Receive preliminary approval of the PCSMP from Public Works prior to application for final plat approval. Upload the drainage study and preliminary plans to Permixon.
14. 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).
15. The development must comply with all stormwater management ordinances and policies.
16. Coordinate with SID 490 (Deerwood) and Omaha Parks and Recreation on improvements/expansion to the existing Deerwood Park.
17. Trails/open space constructed within the development that are not a part of the suburban parks master plan must be privately constructed and maintained by the developer, HOA, or other approved entity.
18. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.
19. Coordinate with the City on an acceptable debt ratio.
20. Submit the 30 percent 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. Construct sidewalks on all street frontages, include Ida Street and 103rd Street.

10.	C10-05-208 C10-23-028 C12-23-029 Greenhall Investments, LLC	REQUEST:	Preliminary Plat approval of ROANOKE BUSINESS PARK REPLAT 4, a subdivision inside city limits, with rezoning from DR, GC, and MU to DR and MU, along with approval of a Major Amendment to the Mixed Use Development Agreement for ROANOKE BUSINESS PARK (property is located within the FF-Flood Fringe and FW-Floodway Overlay Districts)
		LOCATION:	Southwest of 120th and Fort Streets

**DISPOSITION: APPROVAL 7-0.** Approval of the rezoning from DR, GC, and MU to DR and MU, subject to submitting an acceptable Major Amendment to the Mixed Use District Development Agreement, prior to forwarding this request to the City Council and approval of the Preliminary Plat, subject to the following conditions:

1. Provide for all improvements identified in the final approved traffic study.
2. Place the following notes on the plat:
  - There shall be no direct access to Fort Street or 120th Street from any lot or outlot
  - No access to Street E from Lots 4 or 5
  - No access to Street B from Lots 2 or 3
  - The intersections of Street E and Fort Street and 120th and Street B shall be restricted to right-in/right-out only
3. Provide an access easement between Outlot A and Street C/D.
4. Place Street C, Street D, and Street E in an outlot, and grant public sewer, public access, and utility easements.
5. Coordinate with Public Works on an acceptable location for the intersection of Street E and Fort Street.

6. Provide for the extension of the Fort Street median from its current termination to the Papillion Creek bridge.
7. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.
8. 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.
9. 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.
10. Sidewalks must be provided along all street frontages.
11. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
12. Comply with all applicable stormwater management ordinances and policies.
13. Submit a minor amendment to the Presumed Conditional Use Permit for Agricultural sales and service in the DR District for the Mulhall's nursery facility.

11.	C10-23-030 C12-23-031 Steve Macaitis	<b>D-APPROVAL</b>	REQUEST:	Preliminary and Final Plat approval of DEER CREEK REPLAT TWENTY SIX, a minor plat inside city limits, with rezoning from DR and R4 to DR and R4
			LOCATION:	7361 North 122 <sup>nd</sup> Avenue Circle

**DISPOSITION: APPROVAL 7-0.** Approval of the rezoning from DR and R4 to DR and R4 and approval of the Preliminary Plat, subject to the following conditions:

1. Submit a Minor Amendment application to the SUP for Outdoor Sports and Recreation in the DR District, prior to forwarding this request to City Council.
2. Construct sidewalks along the subdivision's Whitmore Street frontage.

Approval of the Final Plat, subject to the conditions of the Preliminary Plat and submittal of an acceptable final subdivision agreement (if necessary), prior to forwarding the request to the City Council for final action.

**Rezoning**

12.	C10-23-032 Andrea Macias	<b>Withdrawn</b>	REQUEST:	Rezoning from R4(35) to R5
			LOCATION:	6128 Pierce Street

**DISPOSITION: Withdrawn.**

13.	C10-23-033 Big O Auto LLC	<b>D-APPROVAL</b>	REQUEST:	Approval of the MCC-Major Commercial Corridor Overlay District
			LOCATION:	3217 North 90 <sup>th</sup> Street

**DISPOSITION: APPROVAL 7-0.**

14.	C10-16-287 Jasper Stone 192nd & Dodge LLC	<b>D-APPROVAL</b>	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for Avenue One
			LOCATION:	Southeast of 188 <sup>th</sup> and Burke Streets

**DISPOSITION: APPROVAL 7-0.** Approval of the Major Amendment to the Avenue One Mixed Use Development Agreement subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council.

15.	C10-12-179 C10-23-034 Sullivan Development Company	<b>D-APPROVAL</b>	REQUEST:	Rezoning from R8 to TOD-2-MX, with repeal of the ACI-1 Area of Civic Importance Overlay District
			LOCATION:	3612 Leavenworth Street

**DISPOSITION: APPROVAL 7-0.** Approval of the rezoning from R8 to TOD-2-MX and approval of the repeal of the ACI-1(PL) Overlay District from the property.

16.	C10-05-208 Greenhall Investments, LLC	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for Roanoke Business Park
		LOCATION:	Northwest of 120 <sup>th</sup> Street and Roanoke Boulevard

**DISPOSITION: APPROVAL 7-0.** Approval of a Major Amendment to the Mixed Use District Development Agreement for ROANOKE BUSINESS PARK subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council.

17.	C10-23-040 <b>D-APPROVAL</b> C7-23-041 Jon Petersen Gospel Meeting Rooms Inc.	REQUEST:	Rezoning from DR to R4, with approval of the MCC-Major Commercial Corridor Overlay District, along with approval of a Conditional Use Permit to allow <i>Religious assembly</i> in the R4 District
		LOCATION:	3215 North 168 <sup>th</sup> Street

**DISPOSITION: APPROVAL 7-0.** Approval of the rezoning from DR to R4, approval of the MCC-Major Commercial Corridor Overlay District and approval of a Conditional Use Permit to allow Religious assembly in the R4 District, subject to the following conditions:

1. Submittal of and compliance with a revised site plan providing sidewalks along all street frontages, prior to submittal of a building permit.
2. Submittal of and compliance with a landscape plan providing the required landscaping noted in recommendation report, prior to submittal of a building permit.
3. Replatting the property in compliance with Chapter 53, Subdivisions.
4. Comply with all applicable stormwater management ordinances and policies.
5. There shall be no access to 168th Street or Bedford Avenue.
6. Compliance with the submitted operations plan.
7. Compliance with the submitted building elevations.
8. Compliance with all other applicable regulations.

**Overlays**

18.	C11-21-245 Jeff Lake SRE Development	REQUEST:	Approval of a Major Amendment to the PUD-Planned Unit Development Overlay District
		LOCATION:	Southeast of 177th and Frances Streets

**DISPOSITION: DENIED 7-0.**

19.	C11-23-035 <b>D-APPROVAL</b> Signature Ernst Holdings, LLC	REQUEST:	Approval of a PUD-Planned Unit Development Overlay District
		LOCATION:	West of 103 <sup>rd</sup> Street and Blair High Road

**DISPOSITION: APPROVAL 7-0.** Approval of the PUD-Planned Unit Development Overlay District, subject to submittal of acceptable final PUD plans prior to forwarding the requests to City Council for final action.

**Special Use Permits**

20.	C8-11-083 <b>D-APPROVAL</b> Gloria Pavalos	REQUEST:	Approval of a Major Amendment to the Special Use Permit to allow <i>Daycare services (general)</i> in the R5(35) District
		LOCATION:	4102 and 4110 South 13 <sup>th</sup> Street

**DISPOSITION: APPROVAL 7-0.** Approval of a Major Amendment to the Special Use Permit to allow Day care services (general) in a R5(35) District subject to the following conditions:

1. Prior to forwarding to City Council, the applicant must:
  - a. Obtain a waiver from the Zoning Board of Appeals to allow for the care of up to 280 individuals in a Day care services (general) facility in the R5(35) district.
  - b. Submit a revised site plan to include landscape requirements and updated parking requirements.
  - c. Submit a rezoning application to add the MCC Overlay to the site
2. The applicant receiving a Certificate of Occupancy for the former church building prior to operation.
3. Compliance with the proposed revised site plan.
4. Compliance with the proposed operating statement.
5. Compliance with all other applicable development regulations.
6. Compliance with all previously approved conditions.

**Conditional Use Permits**

21.	C7-23-038 Trek Design Group, LLC	<b>D-APPROVAL</b>	REQUEST:	Approval of a Conditional Use Permit to allow <i>Warehousing and distribution (limited)</i> in the CC District
			LOCATION:	19251 Grant Avenue

**DISPOSITION: APPROVAL 7-0.** Approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in the CC District., subject to the following conditions:

1. Coordinate with OPPD regarding the layout of the proposed project as needed.
2. Coordinate with Public Works to verify that the stormwater detention system has an acceptable design.
3. Compliance with the submitted site plan.
4. No pole signs will be permitted on the subject property.
5. Compliance with the submitted operations plan.
6. Compliance with the submitted building elevations.
7. Compliance with all other applicable regulations.

22.	C7-23-039 Westwood Plaza Limited c/o OMNE Partners	<b>D-APPROVAL</b>	REQUEST:	Approval of a Conditional Use Permit to allow <i>Indoor sports and recreation</i> in the CC District
			LOCATION:	2809 South 125 <sup>th</sup> Avenue

**DISPOSITION: APPROVAL 7-0.** Approval of the Conditional Use Permit to allow Indoor sports and recreation in the CC District, subject to the following conditions:

1. Prior to submission of a building permit application, submit a landscaping plan providing a minimum eight overstory trees within the existing interior parking lot islands on the site.
2. Approval of the submitted site plan.
3. Approval of the submitted operations plan.
4. Compliance with all signage regulations.
5. Compliance with all other applicable regulations.

23.	C7-91-050 Jeremy Moore Skutt Catholic 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 DR District (portions of the property are located within the FF-Flood Fringe Overlay District)
			LOCATION:	3131 South 156 <sup>th</sup> Street



**DISPOSITION: APPROVAL 7-0.** Approval of the Major Amendment to a Conditional Use Permit to allow Secondary educational facilities in a DR District (portions of the property are located within the FF-Flood Fringe Overlay District), subject to the following conditions:

1. Receive a waiver of maximum impervious coverage from the Zoning Board of Appeals prior to obtaining a building permit.
2. Compliance with all floodplain development regulations, including obtaining a floodplain development permit prior to obtaining a building permit.
3. Submittal of a rezoning application to add the MCC Overlay to the site.
4. Compliance with all applicable stormwater management ordinances and policies.
5. Compliance with the submitted site and elevation plans.
6. Compliance with the submitted operating statement.
7. Compliance with all other applicable regulations.
8. Compliance with all other previously approved conditions.

**Vacations**

24.	C14-23-042 Property Owners	REQUEST:	Approval of the vacation of the east-west alley right-of-way located between Cedar and Frances Streets, and between 2 <sup>nd</sup> and 4 <sup>th</sup> Streets
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**DISPOSITION: LAYOVER 7-0.**

**MINUTES TO BE APPROVED: January 4, 2023**