

MINUTES

PRE-MEETING

OMAHA CITY PLANNING BOARD – JANUARY 4, 2023
11th FLOOR CENTRAL CONFERENCE ROOM - OMAHA/DOUGLAS CIVIC CENTER
1819 FARNAM STREET

MEMBERS PRESENT:

Greg Rosenbaum, Chair
David Rosacker, Vice Chair
Cydney Franklin - Absent
Patrick Morris
Jeffrey Moore
Michael Pate
Jorge Sotolongo

STAFF PRESENT:

David Fanslau, Director
Eric Englund, Assistant Director
Michael Carter, Current Planning Manager
PJ Butler, Acting Planning Board Administrator
Robert Laroco, Planning Board Administrator - Absent
Jennifer Taylor, Senior Attorney, Law Department
Debbie Hightower, Recording Secretary

The pre-meeting was called to order by Eric Englund, Assistant Director, at 11:00 a.m.

- #3,5** Eric Englund, Assistant Director, discussed the cases. This is an expansion of a light industrial use - more specifically 187 additional acres for the Google data center. Boundaries will expand to Rainwood Road on the north and 120th Street on the west. This is a preliminary plat with multiple phases (five). The applicant is still working with city and county staff regarding the vacation of 117th and Haden Street. The expansion will allow multiple new buildings, for a total of 2.2 million gross square feet in floor area. There are a few waivers for parking and bufferyards that will need ZBA approval.
- #1,4** Eric Englund, Assistant Director; Bridget Hadley, Economic Development Manager; and Don Seten, Planner of Housing Development, discussed the TIF case. The project has not changed since the applicant requested a layover at the December 7 Planning Board meeting. The new building would include 17 market rate apartments. This is a challenging site, with the levee flood protection, environmental cap which restricts ground floor residential usage, as well as the requirement for 50% of the TIF proceeds to go towards repayment of a special obligation bond that was utilized to redevelop this area 20 years ago. and answered any questions.
- #8** Don Seten, Planner of Housing Development, discussed the TIF case. This is an amendment to a previously approved TIF project. The applicant has changed the product to go away from producing for-sale units. Future TIF applications will be made regarding rental multi-family residential.
- #9** Don Seten, Planner of Housing Development, discussed the TIF case. This is an amendment to a previously approved TIF project. The applicant has opted to enlarge the originally approved 160,000 sq. ft. industrial building to a 202,000 sq. ft. building. This will result in an increase in TIF from \$3.2 million to \$3.75 million.
- #10** Tim Fries, Urban Planner, presented the case via Zoom and answered questions. Ken Beckman, owner of a vacant lot used for a garden, discussed his situation. Lisa Smith, Long Range Planner, was present to answer any questions.

#18 Martha Benavides, applicant, and a representative discussed the case and answered any questions.

Eric Englund briefly discussed the details of the remaining items and answered questions from the Board regarding the projects and the recommendations of the department staff.

CONSENT AGENDA

APPROVAL, some with conditions:
#3, 5, 7, 13, 14, 15, 16, 0, 11, 13, 14, 15, 19.

LAYOVER
#2, 6, 9, 12, 17, 20.

OMAHA CITY PLANNING BOARD – JANUARY 4, 2023
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, December 26, 2022.

MEMBERS PRESENT:

Greg Rosenbaum, Chair
David Rosacker, Vice Chair
Cydney Franklin - Absent
Jeffrey Moore
Patrick Morris
Michael Pate
Jorge Sotolongo

STAFF PRESENT:

David Fanslau, Director
Eric Englund, Assistant Director
Michael Carter, Current Planning Manager
PJ Butler, Acting Planning Board Administrator
Robert Laroco, Planning Board Administrator - Absent
Jennifer Taylor, Senior Attorney, Law Department
Debbie Hightower, Recording Secretary

Greg Rosenbaum, Chair, called the meeting to order at 1:30 p.m.

PUBLIC HEARING

(HOLD OVER CASES)

Subdivisions

3.	C3-22-287 D-APPROVAL 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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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 Hadan 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.

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

Special Use Permits

5.	C8-21-233 D-APPROVAL 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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

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

7.	C8-22-321 D-APPROVAL 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 th Street and Cumberland Drive

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

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

Rezoning

13.	C10-12-134 D-APPROVAL C10-23-003 C10-23-004 C7-10-062 Rochelle Rohlf Marian High School	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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

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

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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for approval. Mr. Pate seconded the motion which carried 5-0 with Sotolongo dissenting.

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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for approval. Mr. Pate seconded the motion which carried 6-0.

Overlays

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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for approval. Mr. Pate seconded the motion which carried 6-0.

Special Use Permits

18.	C10-23-016 C8-23-017 Onyx Properties	D-APPROVAL	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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

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

Conditional Use Permits

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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

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

Subdivisions

2.	C10-22-203 C12-22-204 Scott Brown One Professional Square, LLC	D-LAYOVER	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 nd Street and West Maple Road

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for a layover. Mr. Moore seconded the motion which carried 6-0.

12.	C10-23-013 C10-23-014 C12-23-015 WD Investments 10, LLC	D-LAYOVER	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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for a layover. Mr. Moore seconded the motion which carried 6-0.

Special Use Permits

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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for a layover. Mr. Moore seconded the motion which carried 6-0.

Conditional Use Permits

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

At the Planning Board meeting held January 4, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for a layover. Mr. Moore seconded the motion which carried 6-0.

Agenda items #1 (C3-22-309 and #4 (C12-04-089) were heard together

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

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

At the Planning Board meeting held January 4, 2023, Alex Jensen, Jensen Construction, 6324 South 118 Street, appeared before the Board on behalf of the applicant. Mr. Jensen stated that a neighborhood meeting was recently held to further explain the project. He further explained that the proposed project will include 17 for sale condo units in a five story building with 35 indoor parking stalls and 11 off-street parking spaces. Although the project presented many challenges, the riverfront and downtown Omaha will benefit.

Don Seten, Housing Development Planner, appeared before the Board on behalf of the Planning Department. Mr. Seten submitted a site plan and stated that the project is a very challenging site and the developers did a good job at reaching out to the neighbors. The project is also in an EBA (Extremely Blighted Area) therefore is eligible for a 20 year TIF term. The total project investment is \$11.7 million and are requesting \$2,022,260.00 in TIF program support. The project meets all the criteria for the TIF program and has been approved by the TIF Committee, is an appropriate land use for the area and complies with the goals of the City's Master Plan.

John (inaudible), 555 Riverfront Drive, appeared before the Board. He stated that he is President of the Riverfront HOA and is not opposed to the project.

There were no opponents.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that a lot of correspondence was received. The major amendment is because there is a Mixed Use Development agreement and because of the changes to allow the 17 units, specifically as it relates to the floor area ratio.

Specifically regarding #1 (C3-22-309):

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. Morris seconded the motion which carried 6-0.

Specifically regarding #16 (C12-04-089):

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

Mr. Sotolongo motioned for 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. Mr. Morris seconded the motion which carried 6-0.

Special Use Permits

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 nd Street and Bennington Road

The case was removed from the Consent Agenda.

At the Planning Board meeting held January 4, 2023, Pat Ackerman, 11901 North 72 Street, appeared before the Board. Mr. Ackerman stated that he is the owner of the proposed project and explained that the North Omaha Airport Revitalization Plan will include a leisure aviation space to create a destination for people to experience what Omaha has to offer. A public meeting with the neighbors was held on November 30, 2022. He also pointed out that there were several design changes in the latest submittal.

Mark Farrell, 12404 North 69 Street, appeared before the Board. Mr. Farrell stated that his property is adjacent to the airport. He also indicated that he is a pilot/recreational flyer and is in favor of the proposed project.

Stephen Scheer, 6934 Northland Drive, appeared before the Board. Mr. Scheer stated that he lives north of the airport runway and requested a layover to consider a new plan with attention to runoff issues.

Andrew Collins, Ericson Sederstrom, 10330 Regency Drive, appeared before the Board on behalf of the nearby fire station. Mr. Collins indicated that there are concerns with regard to environmental impact on the surrounding properties regarding the extension of the runway.

Patrick Ackerman addressed the impact of the RPZ (Runway Protection Zone) and stated that the proposed project does not change the RPZ.

Doug Dreessen, TD2, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Dreessen explained the water detention facility with regard to runoff issues.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that there are lots of revisions with the resubmittal and staff recommends a layover but the turnaround can be quick depending on the applicant's time frame.

Mr. Rosacker motioned for a layover. Mr. Sotolongo seconded the motion which carried 6-0.

(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

At the Planning Board meeting held January 4, 2023, Don Seten, Housing Development Planner, appeared before the Board on behalf of the Planning Department. Mr. Seten submitted a site plan and stated that the proposed amendment will eliminate Phase III and Phase IV which included for sale townhome units. Phase III has been approved for a separate TIF project. Two of the Phase IV sites will be donated and another sold off.

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. Morris motioned for approval. Mr. Moore seconded the motion which carried 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

At the Planning Board meeting held January 4, 2023, Don Seten, Housing Development Planner, appeared before the Board on behalf of the Planning Department. Mr. Seten submitted a site plan and stated that the proposed amendment will increase the square footage from 160,000 square to 202,404 square feet with an increase in the amount of TIF from \$3.2 million to \$3,750,000.00. The increase in cost would be from \$21.7 to \$23.7 million. The project is in an EBA (Extreme Blighted Area) therefore it will eligible for a 20 year TIF. The project has been reviewed by the TIF Committee.

Brent Beller, 11440 West Center Road, appeared before the Board on behalf of the applicant and 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. Moore motioned for approval. Mr. Morris seconded the motion which carried 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

At the Planning Board meeting held January 4, 2023, Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund explained that the proposed Amendment is to Chapter 55 zoning regarding urban agriculture, the raising and harvesting of crops on properties or within a building that was not originally zoned for agricultural use. This will allow agriculture to take place in portions of the City where the zoning code does not address it or prevents it. The intent is to also provide a consistent set of standards, both for urban farmers and citizens. The code amendment will not regulate properties where individuals or families are growing food for their consumption such as the typical home garden. It will regulate vacant lots and properties where individuals or families are growing food for their own consumption or donation. Mr. Englund explained the four new use types: Community Garden, Urban Garden, Urban Farm and Community Farm. The proposed code amendment also addresses composting, parking, registry for growers, operating hours, signage and the like.

Ken Beckman, 1306 North 97 Circle, appeared before the Board. Mr. Beckman stated that he supports the amendment but has concerns relating to personal use growers and the limitation of a 100 square foot accessory structure such as a shed. He suggested the revision of the amendment to a 200 square foot structure on a vacant lot. Mr. Beckman was also concerned with the use of compost only from the vacant lot and suggested an amendment to let the property owner use compost from neighbors, etc. He also requested that the time allowed to be on a vacant lot be more flexible.

John Porter, 7812 Jackson Street, appeared before the Board. Mr. Porter stated that he is an Urban Agricultural Educator for University of Nebraska at Lincoln Extension Service and served on the committee that assisted the City Planners. He stated that he is in support of the amendment but there are some limitations. Benefits include bringing equity to neighborhoods that don't have food access. The amendment is a path forward to look at the future of the food that is eaten and grown in the Omaha area.

Aaron French, 4002 Seward Street, appeared before the Board on behalf of City Sprouts. Mr. French stated he is in support of the proposed amendment.

Mark Brannan, 6915 Evans Street, appeared before the Board. Mr. Brennan stated he is owner of Benson Bounty LLC and thanked the City Planners for the amendment process.

Susan Whitfield, Paxton Blvd, appeared before the Board. Ms. Whitfield stated she serves as the Facility Manager of No More Pots and served on the committee for the proposed amendment.

Gus VanRoven, 4871 Northwest Radial Hwy, appeared before the Board. Mr. VanRoven stated he represents Omaha Permaculture and appreciates the efforts put forth in the amendment.

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. Morris motioned for approval. Mr. Sotolongo seconded the motion which carried 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

At the Planning Board meeting held January 4, 2023, Brent Beller, 11440 West Center Road, appeared before the Board on behalf of the developer. Mr. Beller submitted a site plan and stated that the proposed subdivision development will include 198 single-family homes. The layout is complicated because of the floodway. The County is leading the project and will be adding a three lane highway in the future. Mr. Beller stated that an adjacent property owner, Mr. Tim Rees, does not want to sell a portion of his property, which is needed for a connection to 216th Street.

Tim Rees, 4545 North 216 Street, appeared before the Board. Mr. Rees stated that he is the owner of the adjacent 10 acres and has been since 1986. He also indicated that he is not willing to sell any portion of his property and suggested other options that the developer could use to access 216th Street.

Scott Moore, 4550 North 215 Street, appeared before the Board. Mr. Moore stated that he owns 100 acres directly to the west of the proposed development and requested that the Board address the additional traffic on 216th Street.

Brent Beller, 11440 West Center Road, addressed the grade change on 216th Street and the moving of a culvert which is not a good option. The best option is to purchase property from Tim Rees for the 216th Street connection.

Kevin Sasse, 15750 West Dodge Road, appeared before the Board. Mr. Sasse discussed the widening of 216th Street and the right-a-way options with regard to the culvert and drainage area on 216th Street.

Brent Beller answered several questions from the Board.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval of the rezoning from AG to DR and R4 and approval of the Preliminary Plat, subject to the 33 conditions in the recommendation report.

Mr. Rosacker motioned for 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 Permixon.
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 outlet 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 outlet 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.

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

December 7, 2022 MINUTES

Mr. Morris motioned for approval of the December 7, 2022 Planning Board pre-meeting and meeting minutes. Mr. Pate seconded the motion which carried 6-0.

ELECTION OF 2023 PLANNING BOARD OFFICERS

Mr. Pate motioned to nominate Mr. Rosenbaum to the position of 2023 Planning Board Chairman. Mr. Morris seconded the motion which carried 6-0.

Mr. Sotolongo motioned to nominate Mr. Rosacker to the position of 2023 Planning Board Vice-Chairman. Mr. Moore seconded the motion which carried 6-0.

ADJOURNMENT

Mr. Morris motioned to adjourn the meeting. Mr. Moore seconded the motion which carried 6-0. The meeting was adjourned at 4:45 p.m.

February 1, 2023

Date Approved

Greg Rosenbaum, Chairman

Debbie Hightower, Planning Board
Recording Secretary