

# MINUTES

## PRE-MEETING

OMAHA CITY PLANNING BOARD – FEBRUARY 1, 2023  
11<sup>th</sup> FLOOR CENTRAL CONFERENCE ROOM - OMAHA/DOUGLAS CIVIC CENTER  
1819 FARNAM STREET

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

STAFF PRESENT: David Fanslau, Director  
Eric Englund, Assistant Director  
Michael Carter, Current Planning Manager  
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.

- #4 Greg Paskach, Nicole Engels, Kellie Johnston-Dorsey, Planning Department and Tamara Dwyer from the Mayor's Office were present to discuss the case and answer questions with regard to the Amendment of the 2021 Consolidated Action Plan to include additional HOME ARP funds in the amount of \$8,186,000.
- #1,2,5-24 Eric Englund, Assistant Director, briefly discussed the details of the cases and answered questions from the Board regarding the projects and the recommendations of the department staff.
- #3 Eric Englund, Assistant Director; and Dave Fanslau discussed this case and answered questions from the Board.

## CONSENT AGENDA

APPROVAL, some with conditions:  
#7, 9, 11, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23.

LAYOVER  
#5, 8.

OMAHA CITY PLANNING BOARD – FEBRUARY 1, 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, January 23, 2023.

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

STAFF PRESENT: David Fanslau, Director  
Eric Englund, Assistant Director  
Michael Carter, Current Planning Manager  
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.

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**(REGULAR AGENDA)**

**Rezoning**

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Withdrawn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

This case was withdrawn at the request of the applicant.

**Subdivisions**

7.	C10-23-022 C12-23-023 Ryan Lindquist Elkhorn Public Schools	<b>D-APPROVAL</b>	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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for approval of the rezoning from AG to R5 and approval of the Preliminary Plat, subject to 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 Permixon.
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.

Mr. Moore seconded the motion which carried 7-0.

9.	C10-23-026 <b>D-APPROVAL</b> C12-23-027 Signature Ernst Holdings, LLC	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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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 103<sup>rd</sup>/Ida Streets.
11. Confirm a minimum 50 feet of right-of-way is being dedicated along the northern/western side of 103<sup>rd</sup>/Ida Streets.
12. Place a note on the plat that there shall be no direct access to 103<sup>rd</sup> 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 nor 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 103<sup>rd</sup> Street.

Mr. Moore seconded the motion which carried 7-0.

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

**Rezoning**

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

17.	C10-23-040 C7-23-041 Jon Petersen Gospel Meeting Rooms Inc.	<b>D-APPROVAL</b>	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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

**Overlays**

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

**Special Use Permits**

20.	C8-11-083 Gloria Pavalos	<b>D-APPROVAL</b>	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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

**Conditional Use Permits**

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

22.	C7-23-039 <b>D-APPROVAL</b> Westwood Plaza Limited c/o OMNE Partners	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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Morris motioned for 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.

Mr. Moore seconded the motion which carried 7-0.

**Master Plan Referrals**

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Moore motioned for a layover. Mr. Pate seconded the motion which carried 7-0.

**Subdivisions**

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

At the Planning Board meeting held February 1, 2023, this case was on the Consent Agenda.

Mr. Moore motioned for a layover. Mr. Pate seconded the motion which carried 7-0.

**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

At the Planning Board meeting held February 1, 2023, this case was on the Administrative portion of the agenda.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund explained that the Preliminary Plat was approved by Planning Board in October 2022 and approved by City Council on November 8, 2022. He stated that there are two lots and two outlots for 36 potential townhome units. The Final Plat is consistent with the approved Preliminary Plat. Mr. Englund stated that staff recommends approval of the Final Plat, subject to the two conditions in the report prior to City Council.

Mr. Pate motioned for 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 Permixon.
2. Submittal of an acceptable final subdivision agreement.

Ms. Franklin seconded the motion which carried 7-0.

**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

At the Planning Board meeting held February 1, 2023, Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. Mr. Jobeun submitted a site and explained that the proposed development will consist of 44.5 acres to include Phase I and Phase II. The property is undeveloped and will be low density residential housing to include 323 units consisting of single family detached cottages, townhomes, direct access two story units and duplexes. The site will include a clubhouse, dog park, walking trails, playground areas, park and a lot of green space. There was a neighborhood meeting held on January 19 with a few neighbors in attendance. He offered to answer any questions.

There were no opponents.



Eric Englund stated that staff recommends 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 15 conditions in the recommendation report.

Mr. Rosacker motioned for 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.

Mr. Pate seconded the motion which carried 7-0.

**(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

At the Planning Board meeting held February 1, 2023, Greg Paskach, Housing Manager for Community Development, Planning Department, appeared before the Board. Mr. Paskach stated that the amendment to the 2021 Action Plan consists of HOME ARPA funds as part of the American Rescue Plan Act for 2021 allowing for homeless assistance in the amount of \$8,186,000. Mr. Paskach discussed who would receive the qualifying populations along with the 2012-2022 trends to homelessness, unsheltered and chronically

homeless. The options of the plan include: 1) Production or preservation of affordable housing, 2) supportive services, and 3) purchase and development to non-congregate shelter. A draft plan was made available during a recent public meeting. There will be a virtual public hearing on February 9. Request for Proposals (RFP's) will be made available in the summer of 2023 and projects will be awarded by the end of 2023.

In response to Mr. Pate, Nicole Engels, City Planner, Planning Department, stated that 5% of the funds have been received to be used for planning and administration before the plan is approved by HUD. After the plan is approved by HUD, the remainder of the funds will be received.

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. Ms. Franklin seconded the motion which carried 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

At the Planning Board meeting held February 1, 2023, Doug Dreessen, TD2, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Dreessen offered to answer any questions.

There were no opponents.

In response to Eric Englund, Assistant Director, Mr. Dreessen verified that the applicant wants to build a single-family home and the lot will be platted.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval subject to the two conditions listed on the recommendation report.

Mr. Morris motioned for 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.

Mr. Pate seconded the motion which carried 7-0.

**\*Agenda items #10 (C10-05-208, C10-23-028, C12-23-029 and #16 (C10-05-208) were heard together\***

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 120 <sup>th</sup> and Fort Streets

**Rezoning**

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

At the Planning Board meeting held February 1, 2023, Kyle Haase, E & A Consulting Group, 10909 Mill Valley Road, appeared before the Board on behalf of the applicant. Mr. Haase submitted a site plan and stated that the project will include fast food, proposed hotel, retail and restaurant as part of the indoor recreation use. He offered to answer any questions.

There were no opponents.

**Specifically regarding #10 (C10-05-208, C10-23-028, C12-23-029):**

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval subject to the 13 conditions listed on the recommendation report.

Mr. Pate motioned for 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 Permixon.
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.

Mr. Rosacker seconded the motion which carried 7-0.

**Specifically regarding #16 (C10-05-208):**

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 ROANOKE BUSINESS PARK subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council.

Mr. Pate motioned for 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.

Mr. Rosacker seconded the motion which carried 7-0.

**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

At the Planning Board meeting held February 1, 2023, Jeff Lake, 21008 Cumberland Drive, appeared before the Board on behalf of the applicant. Mr. Lake explained the need for the signage for the project, Bloom at Lakeside, which is a unique development style with pocket homes. The request is for a sign that is approximately the same size as the sign across the street which is already a PUD district. Mr. Lake submitted a rendering of the requested sign and offered to answer any questions.

Mike Pate asked Mr. Lake if the sign could be modified in size. Mr. Lake explained the size of the requested sign and the lower grade of the street. A possible solution would be to add three feet of dirt to raise the sign.

There were no opponents.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund explained that the request was for a design choice and that there is no hardship or practical difficulty. He stated that staff recommends denial.

Mr. Pate motioned for denial. Ms. Franklin seconded the motion which carried 7-0.

**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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At the Planning Board meeting held February 1, 2023, Aaron Bartek, 402 Center Street, appeared before the Board on behalf of the property owner, Dave Jensen. Mr. Bartek stated that he is a contractor and will be doing a three story addition to the home. The unusable alley is needed for additional green space to install a deck on the back of the house. He also indicated that he lives in the neighborhood and received

75% of the required signatures from the neighbors. There are a number of vacant lots in the area of which Mr. Jensen owns three additional lots.

In response to Mr. Moore, Mr. Bartak stated that there are gardens and a firepit on the additional lots. He also stated that a permit was received previously and a garage was built. A permit has been received to build the three story addition to build to the right-a-way line but the deck would be a future project, if the vacation is approved.

Mr. England stated there looks like a lot of concrete blocks, a white roofed structure on the additional lot and in 2020 and 2021 there was a skid loader parked in the alleyway.

In response to Mr. Rosenbaum, Mr. Bartak stated that the white roofed structure must be a container and is no longer located on the property. He also stated that Mr. Jensen and his wife are the only ones who use the garden.

John Newman, 100 Bancroft Street, Executive Director, Lauritzen Gardens, appeared before the Board. Mr. Newman stated that the homeowner, Dave Jensen, has not been a good neighbor and there has been a long history of illegal dumping.

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

Mr. Sotolongo motioned for a layover. Ms. Franklin seconded the motion which carried 7-0.

**(HOLD OVER CASES)**

**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

At the Planning Board meeting held February 1, 2023, Patrick Ackerman, 11901 North 72 Street, appeared before the Board. Mr. Ackerman stated that he is the owner of the North Omaha Airport. He explained that a second public meeting was held in January with approximately 40 in attendance. One detail of conversation was around membership which was put into place because of concerns with the neighbors and the City in terms of access to the property. The membership would be for the aviation community and for those who have an intrigue in aviation. The aviation community is an open community that is inclusive and looking for those wanting to have a career and inspiration around aviation. Another topic of conversation was with regard to trees and air space violations. The trees need to be trimmed because of safety purposes and to get the airport back into public use. Engagement has been well received and the project has been improved tremendously with feedback. Mr. Ackerman pointed out that he has been encouraged with response by the aviation community. The project is to get more leisure pilots to fly and give them a place and reason to fly and also to inspire the next generation of those who want to become pilots. Since 1945, the airport has been an asset to the Omaha community.

Greg Rosenbaum, Chairman of the Board, stated the packet states, "The use of these facilities shall be restricted to the aviation community, utilizing this airfield only and not available to the general community." How does the City monitor the bar, restaurant and hotel? How does the City know it will not be used for the community?

In response to Mr. Rosenbaum, Doug Dreessen, 10836 Old Mill Road, who appeared before the Board on behalf of the applicant, stated that most of what is in the area is served by septic. There has not been a percolation test because the site has been moving around. Given the data and the existing systems, there is no concern about the capacity of the septic to handle the project.

In response to Mr. Pate, Mr. Dreessen stated there will need to be enough water and sanitary services to get the hotel to work but testing will not take place until the plan is approved unless the Board would make that a requirement.

In response to Mr. Pate, Mr. Ackerman answered that there will be 20 hangar spots with 76 hotel rooms. Mr. Ackerman stated that some planes will accommodate 4-6 people but 76 hotel rooms may not be the ultimate number. He stated that his background was in Marriott Hotels and he spent more than a decade for Marriott International doing various things for the hotel industry including analytics, finance, technology and hotel operations. The membership would be for those in the aviation community and those that have a true interest in aviation and to bring social aspects to aviation. The development will be a long process and the 76 room hotel will not be built initially. The membership will begin with some kind of fuel package and smaller events at the pre-existing facilities.

In response to Mr. Sotolongo, Mr. Ackerman stated that a membership might cost a few hundred dollars a month with different tiers and amenities. There will be different layers of membership around events.

In response to Mr. Rosacker, Mr. Ackerman answered that national memberships are those looking at pre-buying packages and looking at coming for a long weekend. In terms of membership there may be around 400-500 local memberships and 1,000 national memberships.

In response to Mr. Pate, Mr. Ackerman stated that the Planning staff is the airport zoning commission. The majority of the violations are tree violations where the trees have grown too tall in the air space around the airport and are in need of being trimmed. He also stated that they are fully committed to clearing up any other violations involving the airport. Mr. Ackerman stated that he is focused on scalability. In the Omaha area, there are over 1,200 people with pilot's licenses, over 2,500 registered planes in Nebraska and within a seven state radius there are over 50,000 pilot's licenses and 20,000 registered airplanes. There is a need for pilots in the future. Access will depend on the final approval and the feedback within the pilot community. The membership may change as well.

In response to Mr. Rosacker, Mr. Ackerman stated that the runway was approved to be widened in 2004 and certainly in the terms of public use is what needs to be cleaned up in the future.

In response to Mr. Englund and safety violations and public use, Mr. Ackerman stated that cleaning up the violations will create a safer environment which includes the extension of the runway by 400'. The plan is to clear up the violations with the City of Omaha which will allow the airport to get back to public use. The extension of the runway is not for larger aircraft.

In response to Mr. Morris with regard to the restaurant and hotel component. Mr. Ackerman stated that there needs to be something else that creates additional activity to keep the airport sustainable on a long term basis. The goal is to have an actual place to fly into.

Dawn Van Sloun, 6866 Willow Street, appeared before the Board. Ms. Van Sloun stated she lives within 300 feet of the property and is excited about the return of air traffic to the area and has a sincere interest and love for aviation. She added that she supports the idea of the improvements to the airport and would like to become a member.

Clark (inaudible), 1328 S. 163 Street, appeared before the Board. He stated that he earned his pilot certificate in 1974. A destination airport is very important and would be very beneficial for the aviation industry and the Omaha area.

Mark Farrell, 12404 North 69 Street, appeared before the Board. Mr. Farrell stated that he supports the project which will be a place for pilots to congregate. He stated he enjoys the North Omaha airport as his destination airport and would like to see others experience aviation.

Patrick Stolinski, 13015 Heavenly Drive, appeared before the Board. Mr. Stolinski stated that he received his private pilot's license when he was 17 years old in 2021. He is in support of the idea of the destination airport in North Omaha and encourages others to fly and to grow Omaha.

Kathy Lanphier, 7030 Bennington Road, appeared before the Board. Ms. Lanphier stated that her home is located directly adjacent to the airport. She requested more information with regard to the membership requirements and a business plan. There were concerns with regard to Mr. Ackerman's background and the sustainability of the hotel. The North Omaha airport has a short and narrow runway and only possesses the capability for pilots to land in a visual mode which prohibits landing in inclement weather or darkness. The plan proposes additional air traffic. The North Omaha airport is only 36 acres which is adding a hotel, restaurant, bar, spa, hangar, gaming area of approximately 13,000 square feet along with homes that are already in FAA violation being too close to proximity to the airport which is dangerous. In comparison, Millard has 165 acres, Blair 306 acres, Council Bluffs 656 acres, and Eppley 2,650 acres. These airports allow for pilots to make emergency landings. The North Omaha airport has an extremely dense population of homes completely surrounding it and the plan has used up all of the airport space for emergency landings for an entertainment venue. The North Omaha airport has several violations against it and is now termed a private airport. Ms. Lanphier questioned how safety will be handled, the drainage of fuels, well water contamination, traffic safety and the value of property. In conclusion, Ms. Lanphier stated that Section 55-545 of the Omaha Municipal Code states, "Aviation zoning allows for the operation of commercial facility which are accessory to the operation of the airport and provide direct services to its users. Such uses may include, but are not limited to financial services, personal services, general retail, restaurants, cocktail lounges, service stations." The intent of the aviation code is to provide commercial passengers with scheduled airlines with food and drink between arrival at the airport and department flights. This is not the primary reason for using the airport but instead, it is an accessory. In fact, most of the services are only available to ticketed passengers. The North Omaha airport does not offer scheduled flights to passengers and intends to use the accessory zoning options for its primary function for income. The roles of the primary land use in the airport and accessory hotel/bar/restaurant are being reversed. The number of employees for the hotel is 15 and the airport is one.

Dan Lanphier, 7030 Bennington Road, appeared before the Board. Mr. Lanphier stated that he has been a pilot for 36 years. He believes the proposed plan is not viable for use as a public airport. The North Omaha airport has been demoted to a private use airport, has no instrument approaches and is relatively in poor shape. In the latest design, the septic field located to the east of the runway will prevent any widening of the runway. Due to the lack of adequate airport land, nearby expanding residential housing and surrounding hilly terrain, the North Omaha airport has the most restrictive options for pilots to return to the field when an emergency occurs, unknowingly causing a perfect storm. The North Omaha airport has had a long history in the community but the proposal to add living quarters and community gatherings at such close proximity to the airport should be a major red flag.

Lawrence Shackman, 6515 Stones Throw Drive, appeared before the Board. Mr. Shackman stated that he is a retired civil engineer. He was concerned that the airport expansion will increase both noise and air pollution in the surrounding areas. The Audubon Society maintains an area east of the airport which supports a number of bird species and other wildlife. There is no way to know how much fuel contaminate is located in the soil which represents a health risk to area residents when disturbed by construction. Contaminated soil, improperly transported and disposed of in a special landfill, is a danger to public health. A soil testing program must be done and represents and presented to the Nebraska Department of Environmental Quality for their review and approval of any development. Presently, there are no sewer lines connecting to Omaha to support the airport expansion and new infrastructure. It should be the

responsibility of the developer. The drilling of a well will impact the water table by lowering it and will require residents to dig their wells deeper for drinking water and other non-potable uses. The residents should be compensated for the redrilling of their well. The proposed expansion will affect traffic especially on 69<sup>th</sup> Street and Highway 36. The surface parking went to an underground parking structure designed for 91 vehicles. This will require exhaust fans large enough to exchange the air containment and will run 24 hours a day, seven days a week. Additional structures will be required to reduce the noise to acceptable levels for the residential area and will have to be built. This will increase air pollution to the east of the hotel. Another concern is fire safety. The closest fire hydrant is at the southwest corner of Hwy 36 and 69<sup>th</sup> Street. If a well is proposed for the use of fire suppression, that introduces the possibility of fighting a fire with water that contains aviation fuel in the ground water.

Laura Houston, 1323 South 98 Street, appeared before the Board on behalf of her mother who resides at 6924 Bennington Road. Ms. Houston stated that she is opposed to the proposed project and specifically, the location of the hotel, the design of the building and water supply to the building.

Jeff Hofer, 12505 North 84 Street, appeared before the Board representing Curt and Linda Hofer who own the adjacent Lonergan Lake property to the west. Mr. Hofer stated that there are concerns with the current zoning, existing and potential airspace violations and airspace easement rights. He further stated that they are not opposed to the operation of the private airport but do not support increased volume and targeting of tree violations on their property. He requested that the project be laid over.

Andrew Collins, Ericson Sederstrom Law Firm, 10330 Regency Drive, appeared before the Board on behalf of the nearby Irvington Volunteer Fire Department. Mr. Collins indicated that there are concerns with regard to public health, safety and welfare. He requested that the project be denied or laid over and with no changes to the RPZ.

Stephen Scherr, 6934 Northland Drive, appeared before the Board. Mr. Scherr stated that he lives north of the airport runway and indicated it does not make sense to expand the use of the airport near residential. He requested a denial of the application as it is proposed.

Mark LaPuzza, Pansing, Hogan, Ernst & Bachman, 10250 Regency Parkway, appeared before the Board on behalf of the applicant. Mr. LaPuzza discussed the violation issues with the City and the possibility of variances.

Eric Englund, Assistant Director, stated that the City has not made any commitment regarding violations.

In response to Mr. Rosenbaum, Mr. LaPuzza stated that the City would be able to identify the owner of the zoning violations and ask to have them corrected. The City would have the ability to act on the property. It is the intention of Mr. Ackerman to pay for the remedy of any tree violations.

Mr. Englund pointed out that there were violations when the property was purchased by Mr. Ackerman. The previous owner did not protect his interest because he platted many of the residential lots on the northeast portion.

Doug Dreessen, TD2, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Dreessen addressed the engineering related items. Safety is the number one goal and the airport will make sure there is adequate fire protection. A soil test will be completed and any contaminates will be identified. The NRD has a water line system along 72<sup>nd</sup> Street which will be looked at as the project progresses. The violations will be addressed. Traffic studies can be done regarding Hwy 36 but the roads need improvement.

In response to Mr. Englund, Mr. Dreessen stated that a fire plan will be worked out with the fire department.

Mr. Ackerman stated that there has been issues with the terminal and it needs to be upgraded before offering fuel. There are a number of aviators using the air field.



In response to Mr. Moore, Mr. Ackerman stated that the plan is to have 38,000 square feet of hangar space. The desired number of flights would be approximately 39 per day which includes takeoff and landing.

Mr. Rosenbaum stated that at this point he will not support the project because of so many questions. He indicated that he is not sure that the project can comply with the zoning for FAA.

Mr. Pate shares the concern that there are so many variables that do not fit together. He stated that he will not vote in favor of the proposed project.

Mr. Rosacker pointed out that a permit will not be issued without all the hurdles being met. He stated that he is not confident with the business plan and the extent of the violations but he would not deny at this point.

Ms. Franklin stated she would vote to deny but would agree to a layover at this point.

Mr. Morris stated she would not support a layover. There are too many questions regarding building, violations and safety.

Mr. Sotolongo stated he would support a layover and would like to give the project more time and further communication.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that the zoning code is extremely strict regarding the distances from a runway which is basically 1,000 feet on each side of the runway that cannot have anything taller than the runway but there are homes, hangar buildings and other facilities. Under the zoning perspective, the airport will never be in compliance of 1,000 feet. If the project proceeds, the City will have to work with the applicant regarding the violations. Mr. Englund stated that staff recommends a layover.

Ms. Franklin motioned for a layover. Mr. Sotolongo seconded the motion which carried 4-3 with Rosenbaum, Morris and Pate dissenting.

### **January 4, 2023 MINUTES**

Mr. Rosacker motioned for approval of the January 4, 2023 Planning Board pre-meeting and meeting minutes. Mr. Moore seconded the motion which carried 6-0 with Franklin abstaining.

### **ADJOURNMENT**

Ms. Franklin motioned to adjourn the meeting. Mr. Morris seconded the motion which carried 7-0. The meeting was adjourned at 4:45 p.m.

March 1, 2023

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Date Approved

\_\_\_\_\_  
Greg Rosenbaum, Chairman

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Debbie Hightower, Planning Board  
Recording Secretary