

# MINUTES

PRE-MEETING  
OMAHA CITY PLANNING BOARD – APRIL 5, 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  
Jennifer Taylor, Senior Attorney, Law Department-Absent  
Debbie Hightower, Recording Secretary  
Kathy Epperson, Recording Secretary

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

- #28** Eric Englund, Assistant Director, discussed the details of the case.
- #7,#8** Don Seten, Planner of Housing Development, discussed the TIF case and answered questions from the Board.
- Steve Jensen, Mayor’s Office, did a presentation on the street car effort, “Building Momentum for Omaha”.
- #3,#6** Eric Englund, Assistant Director and Doug Dreessen, TD2, discussed PONCA Trails.
- #1,2,12,13, 20, 21,25** 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.
- Show Cause Case** Eric Englund presented a brief summary of the problem of illegal parking. Jim Buser and Willie Douglas were present to answer question regarding the recent issue.

## CONSENT AGENDA

APPROVAL, some with conditions:  
**#5, 9, 11, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27.**

LAYOVER  
**#3, 4, 6, 10.**

OMAHA CITY PLANNING BOARD – APRIL 5, 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, March 27, 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  
Jennifer Taylor, Senior Attorney, Law Department  
Debbie Hightower, Recording Secretary  
Kathy Epperson, Recording Secretary

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

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**PUBLIC HEARING**

**(HOLD OVER CASES)**

**Subdivisions**

5.	C10-23-052 C12-23-053 Indian Creek North, LLC	<b>D-APPROVAL</b>	REQUEST:	Preliminary Plat approval of INDIAN CREEK PRESERVE, a subdivision outside city limits, with rezoning from AG to R3 (laid over 3/1/23)
			LOCATION:	Southeast of 204 <sup>th</sup> and Fort Streets

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the rezoning from AG to R3 and approval of the Preliminary Plat for INDIAN CREEK PRESERVE, subject to the following conditions:

1. Submit a revised tree canopy analysis that includes an inventory of canopy species confirming the location and square footage of “high” and “low” quality canopy types. Submit a revised mitigation plan showing a minimum 139 trees planted within Outlots D and E.
2. Revise the proposed legal description on the Preliminary Plat title block to include “Outlots A through E” rather than “Outlots A through C”.
3. Revise the phasing plan to include all of Outlot E within Phase 2 of the development, or confirm that Outlot E/Lot 16 avoids encroachment into the existing Fort Street right-of-way.
4. Dedicate fifty feet of right-of-way along the south side of the realigned Fort Street.
5. Coordinate with Douglas County and the City on the vacation of the existing Fort Street right-of-way concurrently with the Phase 2 final plat. Vacation of Fort Street must follow state statutes for County Right-of-Way vacation.
6. Coordinate with the Avante subdivision on the location of the intersection of Street A (201st Street) and Fort Street.

7. Enter into an interlocal agreement with Douglas County for the Fort Street improvements.
8. 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 Fort Street.
9. Provide temporary turnarounds at the termination of all stub streets.
10. Provide traffic calming for all streets longer than 1000 feet.
11. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.
12. Place a note on the plat that there shall be no direct access to Fort Street from any lots or outlots.
13. 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.
14. Construct sidewalks on all street frontages, including Fort Street.
15. Dedicate a noise attenuation easement, 115 feet from the ultimate alignment of Fort Street, and provide the standard language on the plat.
16. 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.
17. The development must comply with all stormwater management ordinances and policies.
18. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.

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

**(REGULAR AGENDA)**

**Subdivisions**

9.	C12-23-074 <b>D-APPROVAL</b> Greater Omaha Packing Co.	REQUEST:	Preliminary and Final Plat approval of PROGRESSIVE PROTEIN, a minor plat inside city limits
		LOCATION:	Northwest and Southwest of 26 <sup>th</sup> and O Streets

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the Preliminary Plat, subject to the following conditions:

1. Record the alley and O Street ROW vacations concurrently with the recording of the final plat.
2. Compliance with all applicable stormwater management ordinances and policies.
3. Show all existing easements on the plat, including those which will be granted as part of the ROW vacations.

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

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

11.	C10-23-077 <b>D-APPROVAL</b> C12-23-078 Raymond D. Anderson III	REQUEST:	Preliminary Plat approval of SONNENTANZ, a subdivision outside city limits, with rezoning from AG to R4
		LOCATION:	Northwest of Skyline Drive and Old Center Road

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the rezoning from AG to R4 and approval of the Preliminary Plat of, subject to meeting the following conditions:

1. Dedicate 50 feet of right-of-way along the centerline of Skyline Drive.
2. Provide temporary turnarounds at the termination of all stub streets.

3. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.
4. 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 Skyline Drive.
5. Provide traffic calming for all streets longer than 1000 feet.
6. Place a note on the plat that there shall be no direct access to Skyline Drive from any lots or outlots.
7. With the Phase 1 final plat, extend public sanitary sewer and connect Lot 1 to the City's sanitary sewer system.
8. 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.
9. Construct sidewalks on all street frontages, including Skyline Drive.
10. In the subdivision agreement, cover the sidewalk maintenance for all double-fronted lots.
11. 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.
12. The development must comply with all stormwater management ordinances and policies.
13. Provide for the use, ownership, and maintenance of the outlots in the final subdivision agreement.
14. The development must comply with all applicable floodplain development regulations, including obtaining a floodplain development permit for any work, including grading, occurring within an identified Special Flood Hazard Area.
15. If the subdivision will not be in an SID, enter into a maintenance agreement with Douglas County prior to recording the Final Plat.

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

14.	C10-23-083 C12-23-084 DWS Land Surveying	<b>D-APPROVAL</b>	REQUEST:	Preliminary and Final Plat approval of DEER CREEK REPLAT 27, a minor plat outside city limits, with rezoning from DR and R4 to DR and R4
			LOCATION:	12903 Deer Creek Drive and 13014 Scott Street

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker 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 Deer Creek Drive 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.

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

**Rezoning**

15.	C10-23-085 Juan C. LePez	<b>D-APPROVAL</b>	REQUEST:	Rezoning from GC to R7
			LOCATION:	1469 South 16 <sup>th</sup> Street

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval. Ms. Franklin seconded the motion which carried 7-0.

16.	C10-23-086 Gloria P. Avalos	<b>D-APPROVAL</b>	REQUEST:	Approval of the MCC-Major Commercial Corridor Overlay District
			LOCATION:	4110 and 4102 South 13 <sup>th</sup> Street

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval. Ms. Franklin seconded the motion which carried 7-0.

17.	C10-23-087 Gloria P. Avalos	<b>D-APPROVAL</b>	REQUEST:	Rezoning from GI to NBD (property is located within an ACI-Area of Civic Importance Overlay District)
			LOCATION:	5125 South 24 <sup>th</sup> Street

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval. Ms. Franklin seconded the motion which carried 6-0 with Mr. Sotolongo recusing himself.

18.	C10-92-239 Bowl New England, Inc. d/b/a Spare Time Omaha	<b>D-APPROVAL</b>	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for LAKESIDE PLAZA
			LOCATION:	17202 Lakeside Hills Plaza

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of a Major Amendment to the Mixed Use District Development Agreement for LAKESIDE PLAZA subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council. Ms. Franklin seconded the motion which carried 7-0.

19.	C10-04-060 Royce Falling Waters, LLC	<b>D-APPROVAL</b>	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for FALLING WATERS
			LOCATION:	6441 and 6425 South 193 <sup>rd</sup> Street

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of a Major Amendment to the Mixed Use District Development Agreement for FALLING WATERS COMMERCIAL subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council. Ms. Franklin seconded the motion which carried 7-0.

22.	C10-23-094 C7-23-095 Jeff Dart	<b>D-APPROVAL</b>	REQUEST:	Rezoning from R7 and CC to CC District, with approval of the MCC-Major Commercial Corridor Overlay District, along with approval of a Conditional Use Permit to allow <i>Automotive repair services</i> in the CC District (pending) (portions of the property are located within the FF-Flood Fringe and FW-Floodway Overlay Districts)
			LOCATION:	11607 and 11655 M Circle

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the MCC Overlay District, approval of the rezoning from R7 and CC to CC and approval of a Conditional Use Permit to allow Automotive repair services in the CC district, subject to:

1. Compliance with the submitted site plan.
2. Submittal and compliance with updated building elevations prior to submitting for a building permit.
3. Compliance with submitted operating statement.

4. No outside overnight parking of vehicles for repair.
5. Compliance with all applicable stormwater management ordinances and policies.
6. Approval of a Certificate of Occupancy for the new building.
7. Compliance with all other applicable regulations.

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

**Special Use Permits**

23.	C8-13-182 <b>D-APPROVAL</b> Greater Omaha Packing	REQUEST:	Approval of a Major Amendment to the Special Use Permit to allow <i>Meatpacking and related industries</i> in the HI District
		LOCATION:	Northwest and southwest of 26 <sup>th</sup> and O Streets

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the Major Amendment to the Special Use Permit to allow Meatpacking and related industries in the HI District, subject to the following conditions:

1. Submittal of and compliance with a revised site/landscape plan providing 5' of landscaping adjacent to side property lines for all parking facilities, prior to forwarding the request to City Council for final action.
2. Comply with all stormwater management ordinances and policies.
3. Coordinate with OPPD on relocation or removal of existing equipment, if necessary.
4. Compliance with the submitted operations plan.
5. Compliance with all other applicable regulations.

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

**Conditional Use Permits**

24.	C7-23-092 <b>D-APPROVAL</b> Arnold Nebraska, LLC	REQUEST:	Approval of a Conditional Use Permit to allow <i>Indoor sports and recreation</i> in the CC District
		LOCATION:	5585 North 90 <sup>th</sup> Street

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the Conditional Use Permit to allow Indoor sports and recreation in a CC District, subject to:

1. Submittal of a revised site plan to include a landscape plan providing required tree planting for interior parking lot islands which do not currently have a tree, replanting of dying trees, and planting of required landscape trees along the 90th Street frontage, prior to approval of any building permit for the site.
2. Compliance with the proposed site plan.
3. Compliance with the proposed operating statement.
4. Compliance with all other applicable regulations.

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

**Vacations**

26.	C14-23-008 Property owner	<b>D-APPROVAL</b>	REQUEST:	Approval of the vacation of a portion of the O Street right-of-way located west of the intersection of 26 <sup>th</sup> and O Street, to the western terminus
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At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval, subject to the following condition:

1. Coordinate with OPPD regarding street lights within the proposed vacation.

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

27.	C14-23-009 Planning Board	<b>D-APPROVAL</b>	REQUEST:	Approval of the vacation of the north-south alley right-of-way located north of O Street, south of N Street, and west of 26 <sup>th</sup> Street
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At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval, subject to the following conditions:

1. Retain utility easements, including street lights.
2. Retain an easement for the existing sewer, or submit documentation from an engineer stating that all connections have been terminated so the sewer can be properly abandoned.
3. An access easement must be granted to the benefit of 2615 N Street.

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

**PUBLIC HEARING**

**(HOLD OVER CASES)**

**Subdivisions**

3.	C12-22-244 Sean Negus with Ponca Trails, LLC	<b>D-LAYOVER</b>	REQUEST:	Preliminary Plat approval of PONCA TRAILS, a subdivision outside city limits, with a waiver to Sections 53-8(2)(g), Pavement Width; 53-9(9), Sidewalks; 53-8(2)(b), Cul-de-sac Length; 53-9(3), Street Surfacing to allow asphalt pavement and to waive installation of curb and gutter; 53-9(6), Storm Sewers; and 53-9(10), Streetscape Standards to reduce street lighting standards (laid over 3/1/23)
			LOCATION:	

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

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

4.	C10-21-009 C12-21-010 Celebrity Homes Omaha	<b>D-LAYOVER</b>	REQUEST:	Preliminary Plat approval of DEER CREST NORTH, a subdivision outside city limits, with rezoning from DR to R4 (laid over 3/1/23)
			LOCATION:	

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

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

**Special Use Permits**

6.	C8-22-255 C7-22-259 Sean Negus with Ponca Trails, LLC	<b>D-LAYOVER</b>	REQUEST:	Approval of a Special Use Permit to allow development located within the North Hills Environmental Resource Overlay District, along with approval of a Major Amendment to the presumed Conditional Use Permit pursuant to Section 55-883(q) to allow a <i>Stable</i> in the DR District (laid over 3/1/23)
			LOCATION:	14222 Calhoun Road

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

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

**Subdivisions**

10.	C12-23-076 Coveted Copper, LLC	<b>D-LAYOVER</b>	REQUEST:	Preliminary Plat approval of COPPER RIDGE REPLAT 58, a subdivision outside city limits
			LOCATION:	Northeast of 157 <sup>th</sup> and Laurel Avenues

At the Planning Board meeting held April 5, 2023, this case was on the Consent Agenda.

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

**ADMINISTRATIVE MEETING ONLY**

**Subdivisions**

1.	C10-19-245 C12-19-246 Walnut Grove, LLC		REQUEST:	Final Plat approval of HANOVER FALLS CENTER (Lots 3-8, Outlot B), with rezoning from AG to DR and MU
			LOCATION:	Northwest of 156 <sup>th</sup> and State Streets

At the Planning Board meeting held April 5, 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 this is the second phase of Hanover Falls Center. The first phase Final Plat was approved by City Council in November 2021. The second phase includes six mixed-use lots and one outlot which is consistent with the approved Preliminary Plat. The submittal of the traffic study needs to be reviewed and analyzed prior to forwarding to City Council. A few notes on the plat document need to be addressed as well as some coordination to come to an acceptable open space regarding the mixed use plan. Staff recommends approval of the rezoning from AG to DR and MU, subject to submittal of a Mixed Use Development Agreement prior to forwarding the request to City Council and approval of the final plat, subject to meeting the three conditions prior to forwarding to City Council.

Mr. Pate motioned for approval of the rezoning from AG to DR and MU, subject to submission of an acceptable final Mixed Use Development Agreement prior to forwarding the request to City Council and approval of the Final Plat, subject to meeting the following conditions prior to forwarding the request to City Council:



1. Receive preliminary approval of the Post Construction Stormwater Management Plan (PCSMP) from Public Works prior to forwarding the subdivision agreement to City Council. Upload the drainage study and preliminary plans to Permix.
2. Revise the plat document to provide the following notes/revisions:
  - a. Direct access to 157<sup>th</sup> Street from Lot 8 is prohibited.
  - b. Direct access to Tucker Street from Lots 4 and 5 is prohibited.
  - c. Update the callout on the plat document to refer to "Outlot B" and remove the reference to Note 4.
3. Submit an acceptable final subdivision agreement.

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

2.	C10-05-208 C10-23-028 C12-23-029 Greenhall Investments, LLC	REQUEST:	Final 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

At the Planning Board meeting held April 5, 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 Final Plat is for the entire development and includes seven lots and three outlots within one phase. The Preliminary Plat was approved by Planning Board in February 2023 and by City Council on March 28, 2023. The development has placed the private street within an outlot which was a necessary component of the Preliminary Plat. The Fort Street median has also been extended. The applicant will need to coordinate with City staff regarding finalized street names on the plat document. Staff is not supportive of a zero perimeter parking lot landscaping therefore the Mixed-Use plan will need to be modified before proceeding to City Council. Staff recommends approval of the rezoning from DR, GC, and MU to DR and MU, subject to submittal of an acceptable Development Agreement, prior to forwarding to City Council and approval of the Final Plat, subject to addressing the four conditions in the report, prior to forwarding to the City Council

Ms. Franklin motioned for approval of the rezoning from DR, GC, and MU to DR and MU, subject to submittal of an acceptable Mixed Use District Development Agreement, prior to forwarding the request to City Council 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. Submittal of an acceptable final subdivision agreement.
2. Place a note on the final plat stating there shall be no access to Street E from Lots 4 or 5.
3. Coordinate with city staff on acceptable street names for the final plat mylars.
4. Receive preliminary approval of the PCSMP from Public Works; upload the drainage study and preliminary plans to Permix.

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

**(REGULAR AGENDA)**

**Master Plan Referrals**

7.	C3-23-047 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the HAMILTON VILLAGE SENIOR SUITES TIF Redevelopment Project Plan
		LOCATION:	4102 Hamilton Street

At the Planning Board meeting held April 5, 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 project consists of six parcels with three parcels containing vacant single-family homes. The site will be cleared before the construction of a 59 unit affordable senior housing project. There will be 67 parking stalls on site. The total project investment is \$13 million and are requesting \$500,000.00 in TIF program support.

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.

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

8.	C3-23-073 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of THE LARIMORE TIF Redevelopment Project Plan
		LOCATION:	3483 Larimore Avenue

At the Planning Board meeting held April 5, 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 project consists of an affordable housing project with the full rehabilitation of an existing building with multiple code violations and was on the demo list. There will be a total of 45 senior affordable housing rooms with surface parking to be developed on two lots across the street. The total project investment is \$19.7 million and are requesting \$191,300.00 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.

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. Pate motioned for approval. Mr. Morris seconded the motion which carried 7-0.

**Subdivisions**

12.	C10-23-079 C12-23-080 Elkhorn Landing, LLC	REQUEST:	Preliminary and Final Plat approval of ELKHORN LANDING, a minor plat inside city limits, with a waiver to Section 53-8(4)(d), Lot frontage, along with rezoning from NBD to DR and NBD (portions of the property are located within the FF-Flood Fringe Overlay District)
		LOCATION:	South of 206 <sup>th</sup> Street and Elkhorn Drive

At the Planning Board meeting held April 5, 2023, Doug Dreessen, TD2, 10836 Old Mill Road, appeared before the Board on behalf of all the applicants. This is an abandonment of a part of 206<sup>th</sup> Street, south of Elkhorn Drive, which contains a storm sewer discharge and the adjacent properties. Apparently the southern half was vacated by the City of Elkhorn. The owners of the lots to the east will convey their rights to the owners of the lots to the west. A gravel driveway will be paved with an addition of nine parking stalls and the completion of the walking trail located along the north side. Mr. Dreessen requested that one condition to the Final Plat would be to change the four lots to the east from Lot 4 Elkhorn Landing to Lot 2 Peek A Do Parking for clarity purposes. He offered to answer any questions.

In response to Mr. Rosenbaum, Mr. Dreessen explained the location of the parking stalls. Mr. Rosenbaum confirmed that the parking stalls would need to be completed before the building gets occupancy as per the original agreement.

Jim Lang, 8526 F Street, appeared before the Board to represent the owner of Lot 4, Elkhorn Landing, Peek A Do LLC. Mr. Lang requested that the proposed application include the following four conditions as part of the report: 1) Lot 4 be replatted from Lot 4, Elkhorn Landing to Lot 1 Peek A Do Parking Lot to keep it separate; 2) the developer maintain or replace the landscaping on the west side of the property; 3) his clients would not be participating financially to acquire 50% of the vacated area; and 4) the property remain as NBD therefore no financial cost for platting or rezoning.

Tyler Kerns, 2610 North Main Street, appeared before the Board. Mr. Kerns owns the local art gallery and is part of the Elkhorn Business Association. He stated that he would like to have clarification with regard to the parking spots.

Carl Anderson, 2619 Main Street, appeared before the Board. Mr. Anderson stated that he is concerned about parking. He encouraged the developer to attend the BID meetings and talk to the apartment dwellers.

Rod Schiltz, 20609 Elkhorn Drive, appeared before the Board. Mr. Schiltz stated that he is concerned with the parking and also the contractors are parking on the Skyline walking trail.

There were no opponents.

Doug Dreessen addressed several of the concerns and issues and his client is agreeable to the conditions as addressed by Mr. Lang.

Jason Gillman, 20605 Elkhorn Drive, appeared before the Board. Mr. Gillman is the contractor and agreed to keep the equipment off the walking trail.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that there cannot be a plat name with two legal descriptions.

Ryan Haas, Public Works, appeared before the Board. Mr. Haas explained that the site is comprised of four lots and without 206<sup>th</sup> Street frontage the vacation of the right-of-way could not go entirely to the western property owner. Mr. Englund pointed that an administrative subdivision could be proposed as a solution.

Jim Lang stated that he is in agreement to a follow-up with an administrative subdivision.

Doug Dreessen added that he is in agreement as long as the purchase of the right-of-way is fair market value. In response to Mr. Rosacker, Mr. Dreessen agreed to replace the landscaping that is disturbed and keep the contractors off the trail.

Mr. Englund stated that as part of the TIF redevelopment agreement, a hold was put on the Certificate of Occupancy until the parking has been approved and the parking stalls have been installed.

Jason Gillman stated that he was unaware that the parking needed to be completed before the CO is issued. He asked for a variance on the parking. Mr. Englund stated that the original TIF agreement was approved by City Council therefore the Board has no authority.

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 NBD to DR and NBD and approval of the waiver to Section 53-8(4)(d), Lot frontage and approval of the Preliminary Plat, subject to the six conditions listed on the recommendation report.

Mr. Rosacker motioned for approval of the rezoning from NBD to DR and NBD and approval of the waiver to Section 53-8(4)(d), Lot frontage and approval of the Preliminary Plat, subject to meeting the following conditions:

1. Provide the payment of the fair-market value of the vacated 206th Street right-of-way prior to recording the final plat.
2. Grant an access easement between Elkhorn Drive and Lot 3 and Outlot A on the plat.
3. Provide a minimum 10-foot-wide trail along Elkhorn Drive.
4. Compliance with all applicable floodplain development regulations.
5. Compliance with all stormwater management ordinances and policies
6. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.

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

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

**\*Agenda items #13 (C10-23-081, C12-23-082), #21 (C10-23-090, C8-23-091) and #25 (C7-23-093) were heard together\***

13.	C10-23-081 C12-23-082 Roger Keaton	REQUEST:	Preliminary and Final Plat approval of CHILD SAVING ADDITION, a minor plat inside city limits, with rezoning from GO and GI to GO (property is located within an ACI-Area of Civic Importance Overlay District)
		LOCATION:	Southeast of 46 <sup>th</sup> and Dodge Streets

**Rezoning**

21.	C10-23-090 C8-23-091 Roger Keaton	REQUEST:	Rezoning from R7, GO, GC, and GI to GO, with approval of the ACI-2 Area of Civic Importance Overlay District on a portion of the property, along with approval of a Special Use Permit to allow <i>Surface parking</i> in the GO District (pending) (a portion of the property is located within an ACI-Area of Civic Importance Overlay District)
		LOCATION:	Southwest of 46 <sup>th</sup> and Dodge Streets

**Special Use Permits**

25.	C7-23-093 Roger Keaton	REQUEST:	Approval of a Conditional Use Permit to allow <i>Large group living</i> in the GO District
		LOCATION:	Southeast of 46 <sup>th</sup> and Dodge Streets

At the Planning Board meeting held April 5, 2023, Dan Dolezal, 3552 Farnam Street, appeared before the Board on behalf of the applicant. Mr. Dolezal submitted a site plan and stated that the project will include an addition to an existing non-profit organization. The addition will be used to meet increased needs and missions. He also added that the existing entrance will be changed.

Rob Zimmerman, 1313 Cuming Street Suite 200, appeared before the Board on behalf of the Child Saving Institute. Mr. Zimmerman stated that the Child Saving Institute has been in the community since 1892 and provides services such as child welfare, early childhood education, criminal justice, mental health and

prevention services to children in the community. The three main areas that will be expanded are early childhood education by adding classrooms, capacity for mental health therapy and adding capacity to the juvenile justice center which is a shelter for kids in trouble. Mr. Zimmerman added that there have been many site challenges.

There were no opponents.

**Specifically regarding #13 (C10-23-081, C12-23-082):**

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 GO and GI to GO, approval of the Preliminary Plat subject to the three conditions and approval of the Final Plat subject to the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement (if necessary) prior to City Council.

Mr. Pate motioned for approval of the rezoning from GO and GI to GO and approval of the Preliminary Plat, subject to the following conditions:

1. Revise the plat document to provide a minimum 18 feet of right-of-way from the Dodge Street curb line to the property line.
2. The public on-street parking is subject to the OPW public improvements review process.
3. Compliance with all stormwater management ordinances and policies

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

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

**Specifically regarding #21 (C10-23-090, C8-23-091):**

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 R7, GO, GC, and GI to GO, approval of the expansion of the ACI-2 Overlay District and approval of the Special Use Permit to allow Surface parking in the GO District (pending), subject to the 13 conditions listed in the report.

Mr. Sotolongo motioned for approval of the rezoning from R7, GO, GC, and GI to GO, approval of the expansion of the ACI-2 Overlay District and approval of the Special Use Permit to allow Surface parking in the GO District (pending), subject to the following conditions:

1. Dedicate right-of-way a minimum of 18 feet behind the curb line of Dodge Street.
2. Prior to forwarding the request to City Council, submit a revised site plan reflecting the required right-of-way dedication and any resulting adjustments to the parking lot.
3. Prior to forwarding the request to City Council, submit an acceptable landscaping plan.
4. Prior to forwarding the request to City Council, submit details for the proposed screen walls adjacent to Dodge Street.
5. Submit an administrative plat to consolidate the parcels into one legal lot of record.
6. The improvements cannot be constructed until the separate alley right-of-way vacation is recorded.
7. Construct curb ramps for the 10-foot-wide shared path along 46th Street in accordance with standard plate 504-01-4.
8. Compliance with the approved site plan, as revised.
9. Compliance with the approved landscaping plan, as revised.
10. Compliance with the approved operations plan.
11. Compliance with all stormwater management ordinances and policies.
12. Compliance with all applicable signage regulations. Pole signage is prohibited.
13. Compliance with all other applicable regulations.

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

**Specifically regarding #25 (C7-23-093):**

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval of the Conditional Use Permit to allow Large group living in the GO District, subject to the five conditions.

Mr. Sotolongo motioned for approval of the Conditional Use Permit to allow Large group living in the GO District (pending), subject to the following conditions:

1. Coordinate with the Urban Design division to submit acceptable building elevations and landscaping plan before or at time of building permit submittal.
2. Compliance with the approved site plan.
3. Compliance with the approved operations plan.
4. Compliance with applicable signage regulations. Pole signage is prohibited.
5. Compliance with all stormwater management ordinances and policies.

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

**Rezoning**

20.	C10-23-088 C8-23-089 Tessa Domingus	REQUEST:	Rezoning from R5(35) to R6, with approval of a Special Use Permit to allow <i>Transitional living</i> in the R6 District (pending)
		LOCATION:	4810 Polk Street

At the Planning Board meeting held April 5, 2023, Tessa Domingus, 1224 North 26 Street, Lincoln, Nebraska, Mental Health Coordinator for MHA, appeared before the Board. Ms. Domingus stated that the subject property is currently operating as a small group living facility which allows for support to individuals who have jammed out of the Nebraska Department of Corrections and have come out with no other requirements or mandatory supervision, as well as individuals on both supervised release. The request is to rezone with a Special Use Permit to operate as transitional living rather than small group living which would allow to expand services to individuals on parole. Ms. Domingus explained the operation statement and stated that they did reach out to neighbors by going door to door and submitted letters of support. She offered to answer any questions.

In response to Mr. Pate, Ms. Domingus stated that supervision includes 24 hour staff with trained employees, wrap around services (employment, outreach, etc.) and programming within the house, BRAP (Bonus Recovery Action Planning) and also provide trauma groups. The Metropolitan Community College program will provide many of the wrap around services.

Casey Parker, 3211 South 81 Street, Lincoln, Nebraska, appeared before the Board. Ms. Parker stated that she is Executive Director of Mental Health Association of Nebraska (MHA) and pointed out that they have had no incidents in the existing house located in Lincoln within the last 14 years except for the use of drugs.

Sandra Newsome, 2429 (inaudible) Blvd, appeared before the Board. Ms. Newsome stated that she moved into MHA during her fifth year of incarceration. She added that MHA was a positive experience for her and her recovery.

Sharon (inaudible), 4546 Seward, appeared before the Board. She stated that she is Program Manager at Metropolitan Community College with a focus on education inside the prisons and with individuals coming out of the state prisons to help them acclimate into society. There is a job center, education center, pantry and ability to assist with basic needs such as obtaining a social security card and identification. She added that Metro is a partner with MHA to help facilitate residents and decrease recidivism.

In response to Mr. Pate, Sharon (inaudible) answered that there are job skills training through the job center including the creation of a resume and overcoming job barriers such as clothes and transportation.

Nina Ziembra, 4824 Polk Street, appeared before the Board. Ms. Ziembra submitted 14 signatures from nearby neighbors who oppose the proposed house. She stated that she has concerns with regard to parking issues and the risk of possible unhealthy activity at the nearby public park, elementary school and church.

Carol Dudzik, 4825 Polk Street, appeared before the Board. Ms. Dudzik stated that she has concerns with regard to decreased property valuations.

Mr. Rosacker commented that society recognizes the need for transition and commended the programs to assist with that transition but the neighbors are fearful of the safety in their area.

Teesa Domingus and Casey Parker answered several questions from the Board members. With regard to the parking issue, most of the residents living in the house do not own vehicles. There is a system in place with regard to individuals who might wander off. The house is funded by the Nebraska Department of Corrections, Region 5, City of Lincoln, Sherwood Foundation and Community Health Endowment, contracts with Nebraska Vocational Rehabilitation for employment support and other funding sources. There is a selection process in place that includes an interview before an individual comes out of prison into the general population. The overall employment success rate is 85% and 70 out of 101 individuals transitioned out successfully in the previous year.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund pointed out that R6 zoning west of 48<sup>th</sup> Street is not Master Plan compliant therefore staff recommends denial of the rezoning therefore the SUP would be denied. He pointed out that if the vote is for denial, the request can proceed to City Council but would need a super majority vote.

In response to Mr. Sotolongo, Mr. Englund stated that transitional living is not allowed in R5 zoning or less.

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

**Show Cause Hearing**

28.	C7-17-175 C7-21-121 C7-22-026 Malibu Properties, LLC West Omaha Sports Complex, LLC	REQUEST:	Conditional Use Permit to allow <i>Indoor sports and recreation</i> in the CC District, along with a Parking Adjustment for a Mixed Use Development
		LOCATION:	Generally southwest of 210 <sup>th</sup> Street and Cumberland Drive

At the Planning Board meeting held April 5, 2023, Jim Buser, 10250 Regency Circle, appeared before the Board on behalf of the owner. Mr. Buser submitted a rendering of the site and explained that the use of the UBT facility has caused problems. The UBT facility was constructed to expand the facility which was originally at 120<sup>th</sup> & Blondo Street, and also to accommodate the Nebraska league volleyball program. Both programs have grown significantly over the past few years. The new facility was completed at the end of October 2022 and opened in November 2022. When the conditional use permit was approved there was a parking study completed by a well-respected consulting firm. On the recommendation of the parking study, the owners felt that there was adequate parking until January 2023 when the peak use of both the basketball and volleyball operations commenced in the new facility. It was immediately recognized that there was probably a shortage of over 100 stalls of parking. The President of the Planning Board met with owner, Willie Douglas to express concerns about the parking problems. At that time, in January and February, when all the tournaments were going, Mr. Douglas tried to alleviate the problem by adding a rock

parking lot to help facilitate the overflow of parking. There was not a lot of options available. It was not a good time of the year in Omaha to pave a parking lot and all the tournaments were booked well in advance. The problem was not dealt with appropriately. After receiving the “show cause” letter, Mr. Douglas immediately started working with the planning department to solve the problem. A viable solution was to create 225-250 additional stalls but the project went south. Mr. Douglas is committed to impose whatever restrictions that are necessary to facilitate the use of those parking stalls by the UBT facility on an ongoing basis through easement agreements and then whatever process needs to be worked through on a conditional use permit to solve the problem. Mr. Douglas understands the time frame, has engaged an architect and plans should be completed by mid-May. The facility and the parking should be constructed sometime in October 2023. Major tournaments are in January and February but there were more parking challenges because of an expanded tournament conducted over the recent weekend. The program and facility is very important to Omaha and Mr. Douglas is committed to making this work. He offered to answer any questions.

Willie Douglas, 21008 Cumberland Drive, appeared before the Board. Mr. Douglas stated that he takes full responsibility for the past weekend events and the parking issue. He added that he is working on a plan that addresses all the parking needs. With regard to the uses of the potential building, he understand there needs to be restrictions.

In response to Mr. Pate, Mr. Douglas stated that he started working on the south parking plan in January 2023 when they knew they had an issue with the two UBT buildings and immediately met with Kyle Haase of E & A Consulting. At that time, communication was started with Eric Englund, Planning Department, regarding the issues at the site. Mr. Englund stated that a notification letter was mailed and emailed to Mr. Douglas on January 30th. Mr. Douglas spoke with planning staff the next day and the March 5th time line was explained. The plans for the new parking were seen in mid-February.

Mr. Pate stated that he is concerned with the fact that part of the business was sold and what information the new owners may have regarding the possible revocation of the business and the parking violations. Mr. Douglas verified that he only owns the real estate and the new owners only own the basketball operations. He stated that he has had limited conversations with the new owners. They do not know about any possible revocations. Mr. Pate added that he is disappointed that the new owners are unaware of the possible revocations. Mr. Douglas confirmed that there were no disclosures in the purchase agreements. Mr. Pate asked the question, “What control do you have if the business owners decide to ramp up the activities even more than exist right now, even with revised parking plans?” Mr. Douglas stated that volleyball and basketball have the same operations. The problem exists because we added a new facility and not because we added additional activities, there are only so many volleyball and basketball courts. We realized in January that we did not have enough parking. There will not be any added activities to the facilities, they are at full capacity. Mr. Douglas stated he learned of the recent weekend activities and parking issues by driving by the facility.

In response to Mr. Rosacker, Mr. Douglas answered that he has no control over the scheduling of games but does meet with the owners on a weekly basis to implement staggering times for tournaments to free up parking.

In response to Mr. Moore, Mr. Douglas stated that as part of the lease agreements, there are parameters to operate in good faith. Mr. Moore was concerned that the owners are not aware of the parking violations.

Mr. Buser stated that he does not know the exact provisions of the leases. He added that Walker is a noted parking consultant and takes into account the use types when projecting parking requirements. The study was not correct and the parking was lacking 120 stalls. There will be an additional 250 stalls.

Mr. Moore confirmed that he would like the owners to be aware of the violations and also cooperate with the parking issues. Mr. Douglas stated that he would continue to meet with the owners and work on a parking plan that meets everyone’s needs. Mr. Pate would like to see copies of lease agreements, if the case is laid over. Mr. Douglas requested that the Planning Board give him an opportunity to correct the problem by adding parking stalls and is concerned with a layover which would become a time factor. Mr.



Englund added that a permit could be applied for today. Mr. Douglas wants to be assured that if he submits a plan that he can move forward. Mr. Moore stated that he is agreeable but wants to see reports of where the parking is and how the process is coming along.

In response to Mr. Rosenbaum, Mr. Moore stated that he is okay with not seeing the owner's leases if updates continue within the next few months. Mr. Englund added that ultimately the different business owners and operators are connected to the landowner concerning the conditional use permit. If the conditional use permit is revoked, the business owners will not operate. Mr. Pate is concerned that the new business owner is unaware of the parking violations or the possibility of issues.

Mr. Buser stated that an application was made and there are time frames to perform by including submitting a plan which is presently being designed by an architect. He added that they are committed to start construction within the time set forth in the application forms. He requested to proceed with the plan and have the confidence from the Board to move forward.

Mr. Rosenbaum is concerned that members of the Board are thinking that as the plan moves forward and then in January we find out that the plan did not work and the business owners were not informed about the issues. He suggested bringing all of the participants before the Board.

Mr. Pate questioned the time line with regard to laying the concrete for the parking lot. Mr. Douglas stated he is able to get the concrete and the plans will be ready May 4th from E & A Consulting and May 15th is the date to submit plans for a building permit.

In response to Mr. Rosacker, Mr. Englund answered that if the conditions in the motion are not met then there will be a similar process for a "show cause" hearing or theoretically one option could be is the revocation of the conditional use permit for the smaller southern building to allow enough parking for the primary building. The City wants a parking lot that is compliant and approved through the necessary building permit process that accounts for storm water and puts sidewalks along 210th Street.

David Fanslau, Planning Director, questioned if the date of May 15th is too late or if the date can be earlier in May therefore allowing enough time to add the case to the June agenda, if necessary.

Kyle Haase, E & A Consulting, confirmed that a parking lot permit can be submitted separate from the building permit.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that in the event that a parking lot permit is not submitted, there is nothing in the code that requires a discussion item before a "show cause" item. He stated that staff recommends denial of the revocation of the CUP, subject to the four conditions in the recommendation report.

Mr. Pate motioned for approval of the denial of the revocation of the Conditional Use Permit to allow Indoor sports and recreation in a CC District, subject to the following:

1. Submittal of a major amendment to the Conditional Use Permit (Case #C7-21-121) and the Parking Adjustment (Case #C7-22-026) to expand to include the property of 602 North 210th Street for placement on the May Planning Board agenda.
2. Submittal of a building permit for the new parking lot by May 15, 2023.
3. Compliance with the ACI-4 Overlay District requirements for the new buildings and parking lot.
4. Provide monthly in person progress reports to the Planning Board until the completion of the new parking lot or until the Planning Board decides that the progress is satisfactory.

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

### **March 1, 2023 MINUTES**

Ms. Franklin motioned for approval of the March 1, 2023 Planning Board pre-meeting and meeting minutes. Mr. Morris seconded the motion which carried 7-0.

**ADJOURNMENT**

Mr. Morris motioned to adjourn the meeting. Ms. Franklin seconded the motion which carried 7-0. The meeting was adjourned at 4:30 p.m.

May 3, 2023  
Date Approved

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

\_\_\_\_\_  
Debbie Hightower, Planning Board  
Recording Secretary