

MINUTES

PRE-MEETING
OMAHA CITY PLANNING BOARD – MAY 3, 2023
11th 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 – Absent
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 11:10 a.m.

- #10,11,12,13** Don Seten, Planner of Housing Development, discussed the TIF cases and answered questions from the Board.
- #5,#9** Tom Ackley, Ava Jessen, and Julia Plucker were present to discuss PONCA TRAILS and answer any questions.
- #7** Kyle Haase was present to discuss outlot requirements for sewer instead of easement. Ryan Haas, Public Works, answered questions regarding outlot and clarified City requirements.
- #1,2,3,4,6,8,14
15,16,23,24** 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.
- Discussion** Eric Englund presented a brief summary of the problem of illegal parking. Jim Buser and Willie Douglas were present to answer questions regarding updates on the recent issue. Greg Rosenbaum, Board Chair, asked about no parking signs on lots included in the plat's parking spaces count.

CONSENT AGENDA

APPROVAL, some with conditions:
#17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 34, 35, 38.

LAYOVER
#7, 15.

OMAHA CITY PLANNING BOARD – MAY 3, 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, April 24, 2023.

MEMBERS PRESENT: Greg Rosenbaum, Chair
David Rosacker, Vice Chair
Cydney Franklin
Jeffrey Moore
Patrick Morris
Michael Pate - absent
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.

PUBLIC HEARING

(REGULAR AGENDA)

Subdivisions

17.	C12-23-108 D-APPROVAL Rainwood Development Partners	REQUEST:	Preliminary and Final Plat approval of AVENUE ONE REPLAT 4, a minor plat inside city limits
		LOCATION:	Southwest of 192nd Street and West Dodge Road

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

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

1. Place a note on the plat that there shall be no direct access to 192nd Street or West Dodge Road from any lots or outlots.
2. Include the 192nd Interchange Fee in the subdivision agreement.
3. Coordinate with Public Works on an acceptable sanitary sewer to serve Lot 1.
4. Complete the acquisition of the NDOT ROW prior to recording the final plat.
5. Grant an access easement between Outlot A and 193rd/Davenport Street.
6. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.
7. Comply with all applicable stormwater management ordinances and policies.
8. Submit a Minor Amendment to the Avenue One Mixed Use Development Agreement.

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

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

18.	C10-23-109 C12-96-186 Bill Black	D-APPROVAL	REQUEST:	Preliminary and Final Plat approval of TRAILRIDGE RANCHES (Outlot A), a minor plat outside city limits, with rezoning from GI to DR, along with a waiver to Section 53-8(4)(d), Lot Frontage
			LOCATION:	Northwest of 214th and Grover Streets

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

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

1. Coordinate with the City to release the City's access easement.
2. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.

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.

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

Rezoning

19.	C10-23-110 St. Andrew's United Methodist Church	D-APPROVAL	REQUEST:	Approval of the MCC-Major Commercial Corridor Overlay District
			LOCATION:	15050 West Maple Road

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

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

20.	C10-16-263 WDC Investments 9, LLC	D-APPROVAL	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for SOUTH FARM
			LOCATION:	Northwest of 144 th and Pine Streets

At the Planning Board meeting held May 3, 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 SOUTH FARM subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council.

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

21.	C10-18-015 New West Farm Holdings, LLC	D-APPROVAL	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for WEST FARM
			LOCATION:	Southwest of 144 th Street and West Dodge Road

At the Planning Board meeting held May 3, 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 WEST FARM subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council.

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

22.	C10-14-081 Scott Brown	D-APPROVAL	REQUEST:	Approval of a Major Amendment to the Mixed Use Development Agreement for ANTLER VIEW
			LOCATION:	18902 Evans Street

At the Planning Board meeting held May 3, 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 ANTLER VIEW subject to submittal of five acceptable, signed copies of the amendment prior to forwarding the request to City Council.

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

Special Use Permits

27.	C8-23-115 Adela Yanez	D-APPROVAL	REQUEST:	Approval of a Special Use Permit to allow a <i>Daycare (general)</i> in the R4(35) District
			LOCATION:	6017 South 20 th Street

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of a Special Use Permit to allow a Daycare services (general) in the R4(35) District, subject to the following conditions:

1. Submit a revised site plan removing the additional proposed parking and displaying the existing driveway correctly, prior to forwarding this request to the city council for final action.
2. Comply with all applicable building and fire codes, including receiving a Certificate of Occupancy from the Permits and Inspections division.
3. Compliance with the revised site plan.
4. Compliance with the submitted operations plan.

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

28.	C8-23-116 Amanda Wheeler	D-APPROVAL	REQUEST:	Approval of a Special Use Permit to allow a <i>Daycare (general)</i> in the R4 District
			LOCATION:	14822 Ruggles Street

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of a Special Use Permit to allow a Daycare services (general) in the R4 District, subject to the following conditions:

1. Comply with all applicable building and fire codes, including receiving a Certificate of Occupancy from the Permits and Inspections division.
2. Compliance with the submitted site plan.
3. Compliance with the submitted operations plan.

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

29.	C8-23-117 5712 Property, LLC	D-APPROVAL	REQUEST:	Approval of a Special Use Permit to allow <i>Personal improvement services</i> in the GI District
			LOCATION:	5712 South 85 th Circle

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the Special Use Permit to allow Personal improvements services in the District, subject to the following conditions:

1. Prior to forwarding the request to City Council, provide building elevations.
2. Compliance with the approved site plan.
3. Compliance with the approved operations plan.
4. Compliance with all stormwater management ordinances and policies.
5. Compliance with all applicable signage regulations.
6. Compliance with all other applicable regulations.

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

Conditional Use Permits

30.	C7-23-118 Jason Maus for CHDP	D-APPROVAL	REQUEST:	Approval of a Conditional Use Permit to allow <i>Outdoor entertainment</i> in the CBD (property is located within an ACI-Area of Civic Importance Overlay District)
			LOCATION:	112 South 20 th Street

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the Conditional Use Permit to allow Outdoor entertainment in the CBD District, subject to the following conditions:

1. Submit a revised operations plan noting compliance with the requirements of Chapter 55, Performance Standards, and including operating hours, capacity and number of employees.
2. Coordinate with Public Works for the design of the corner node at 20th and Dodge Streets.
3. 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.
4. Compliance with the approved site plan.
5. Compliance with the approved operations plan, as revised.
6. Compliance with all other applicable regulations.

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

31.	C7-23-119 Awesome Dogs and Destinations	D-APPROVAL	REQUEST:	Approval of a Conditional Use Permit to allow a <i>Kennel</i> to operate in the GC District (property is located within an ACI-Area of Civic Importance Overlay District)
			LOCATION:	7215 Blondo Street

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the Conditional Use Permit to allow a Kennel to operate in the GC District, subject to the following conditions:

1. Obtain a building permit for construction of the fence around the proposed outdoor yard.
2. Prior to or at time of submission of a building permit application, submit a revised
3. Operating Statement addressing the following:
 - a. Specify that dogs are prohibited from being kenneled or kept outside. Times that animals are let outside require supervision by staff. The proposed yard is for periodic exercise and waste elimination only.
 - b. Specify that veterinarian services will not be provided on the site.
 - c. Specify that the facility will operate in compliance with applicable City, County, and Nebraska Human Society regulations.
 - d. Provide additional details on how animals will be monitored during overnight and off-business hours, including video monitoring systems and/or overnight in-house staff.

- e. Provide additional details on waste disposal, including standard operating procedures for collection and disposal, frequency of waste pickup, and the contracted provider of waste pickup.
- 4. Compliance with the approved operations plan, as revised.
- 5. Compliance with the approved site plan.
- 6. Compliance with all applicable signage regulations. Pole signage is prohibited.
- 7. Compliance with all other applicable regulations.

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

32.	C7-23-120 Thomas Hightower	D-APPROVAL	REQUEST:	Approval of a Conditional Use Permit to allow <i>Small group living (disabled)</i> in the GC District
			LOCATION:	6302 Binney Street

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of the Conditional Use Permit to allow Small group living (disabled) in the GC District, subject to meeting the following conditions:

- 1. Prior to or at time of submitting a building permit application, submit a revised site plan showing the existing pole sign on the property has been removed and that one additional tree is being provided along the 63rd Street frontage.
- 2. Compliance with the approved site plan, as revised.
- 3. Compliance with the approved operating statement.
- 4. Compliance with all applicable signage regulations.
- 5. Compliance with all other applicable regulations.

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

34.	C7-23-122 Michael Worley	D-APPROVAL	REQUEST:	Approval of a Conditional Use Permit to allow <i>Indoor sports and recreation</i> in the CC District
			LOCATION:	2500 South 120 th Street

At the Planning Board meeting held May 3, 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 CCCommunity Commercial District, subject to:

- 1. Submittal of a revised site plan to include a landscape plan providing removal of pavement from two stalls on the southern end of two separate parking trays within the parking lot to create landscape islands, which must be planted with overstory trees, prior to approval of any building permit for the site.
- 2. Submit a rezoning application to add the MCC Overlay to the site, prior to approval of any building permit for the site.
- 3. Compliance with the proposed site plan, as revised.
- 4. Compliance with the proposed operating statement.
- 5. Compliance with all other applicable regulations.

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

35.	C7-23-125 Vantedge Auto T5 Real Estate, LLC	D-APPROVAL	REQUEST:	Approval of a Conditional Use Permit to allow <i>Auto repair services</i> in the CC District
			LOCATION:	20309 Roberts Street

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

Mr. Rosacker motioned for approval of a Conditional Use Permit to allow Auto repair services in the CC District., subject to the following conditions:

1. Submit an application to add the MCC-Overlay to the site, prior to approval of a building permit.
2. Comply with all applicable stormwater management ordinances and policies.
3. Coordinate with OPPD regarding the layout of the proposed project as needed.
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 the submitted site plan.

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

Vacations

38.	C14-23-123 Douglas County	D-APPROVAL	REQUEST:	Approval of the vacation of the right-of-way located north of West Q Road, east of 216 th Street, south of Karen Street, and west of George B. Lake Parkway
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Mr. Rosacker motioned for approval of the vacation of the right-of-way located north of West Q Road, east of 216th Street, south of Karen Street, and west of George B. Lake Parkway, subject to the following conditions:

1. Easements must be retained for any utilities located within the proposed vacation area.
2. The appropriate easements must be maintained for the drainage, sewer, and sanitary force main running west to east on the north side of the property.
3. No fence shall be placed within 25 feet of the existing sewers to allow for proper access.

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

PUBLIC HEARING

(HOLD OVER CASES)

Subdivisions

7.	C12-23-076 Coveted Copper, LLC	D-LAYOVER	REQUEST:	Preliminary Plat approval of COPPER RIDGE REPLAT 58, a subdivision outside city limits (laid over 4/5/23)
			LOCATION:	Northeast of 157 th and Laurel Avenues

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

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

(REGULAR AGENDA)

Subdivisions

15.	C10-23-104 C12-23-105 Jeremy Hall, Advanced Acquisitions, LLC	D-LAYOVER	REQUEST:	Preliminary Plat approval of BUNGALOWS AT WHITEHAWK LAKE, a subdivision outside city limits, with rezoning from AG to R6, along with approval of the MCC-Major Commercial Corridor Overlay District
			LOCATION:	4205 South 204th Street

At the Planning Board meeting held May 3, 2023, this case was on the Consent Agenda.

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

ADMINISTRATIVE MEETING ONLY

Subdivisions

1.	C10-23-014 C12-23-015 WD Investments 10, LLC	REQUEST:	Final Plat approval of AERIE AT BLUE SAGE (Lots 1-2, Outlots A-D), a subdivision outside city limits, with approval of a rezoning from AG to DR and R6
		LOCATION:	Southwest of 204 th Street and Blue Sage Parkway

At the Planning Board meeting held May 3, 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 first phase of AERIE AT BLUE SAGE. This first phase includes two platted lots and four outlots. Within the platted lots there are 326 units of single, family, townhouse, duplex and apartment style units. The traffic study review is ongoing. Mr. Englund stated that staff recommends approval of the rezoning from AG to DR and R6 and approval of the Final Plat, subject to meeting the five conditions prior to forwarding the request to City Council.

Mr. Morris motioned for approval of the rezoning from AG to DR and R6 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 remove reference to "Outlot B" from Note Number 1 pertaining to access restrictions to 204th Street.
3. Confirm that proposed outlots are adequately sized to accommodate the 3:1 + 20' section, or the 100-year storm flow, whichever is greater.
4. Revise plans to show sidewalk is provided along both sides of Shirley Street and connecting to the existing sidewalks west of Windgate Subdivision, Outlot C.
5. Submit an acceptable final subdivision agreement.

Ms. Franklin seconded the motion which carried 6-0.

2.	C10-23-026 C12-23-027 Signature Ernst Holdings, LLC	REQUEST:	Final Plat approval of CHERRY CREEK (Lots 1-9, Outlots A-C), a subdivision outside city limits, with a waiver to Section 53-8, Street grading, along with rezoning from DR to R4 and R6
		LOCATION:	West of 103 rd Street and Blair High Road

At the Planning Board meeting held May 3, 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 first phase with nine lots, seven single family lots, two multifamily lot and three outlots. The Preliminary Plat was approved by Planning Board February 1, 2023 and by City Council on March 7, 2023. This first phase includes 300 units. There is a request of Chapter 53 regarding street grading waiver, which due to the potential impacts and connectability to the site to the west if that were to ever redevelop, staff cannot support that waiver. Mr. Englund stated that staff recommends a layover to allow for additional time.

Ms. Franklin motioned for layover. Mr. Sotolongo seconded the motion which carried 6-0.

3.	C10-19-245 C12-19-246 Walnut Grove, LLC	REQUEST:	Final Plat approval of HANOVER FALLS CENTER (Lots 9-10, Outlots C-E), with rezoning from AG to DR and MU
		LOCATION:	Northwest of 156 th and State Streets

At the Planning Board meeting held May 3, 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 third phase of Hanover Falls Center. The second phase was before the Planning Board last month. This phase consists of two lots and three outlots. The site includes two lots for mixed use development. However, the post construction stormwater plans are not at a level of being acceptable. Mr. Englund stated that staff recommends a layover.

Mr. Moore motioned for layover. Ms. Franklin seconded the motion which carried 6-0.

PUBLIC HEARING

(HOLD OVER CASES)

Subdivisions

Agenda items #4 (C10-23-050, C12-23-051) and #8 (C11-05-178b) were heard together

4.	C10-23-050 C12-23-051 Brookestone Meadows Inc./ Vetter Senior Living	REQUEST:	Preliminary Plat approval of BROOKESTONE MEADOWS REPLAT 3, a subdivision inside city limits, with rezoning from AG and R7 to R7, along with approval of the MCC-Major Commercial Corridor Overlay District (laid over 3/1/23)
		LOCATION:	Southeast of 204 th and Harney Streets

Overlay

8.	C11-05-178b Brookestone Meadows Inc./ Vetter Senior Living	REQUEST:	Approval of a Major Amendment to the PUD-Planned Unit Development Overlay District (laid over 3/1/23)
		LOCATION:	Southeast of 204 th and Harney Streets

At the Planning Board meeting held May 3rd, 2023 the case was on the Consent Agenda but removed by an opponent. There were no proponents or representatives present.

Lamant Spencer, 516 South 201 Avenue, appeared before the Board. Mr. Spencer stated that he has concerns regarding a service road that is proposed that would run behind his property. His concern is sounds and lights from traffic, and possible speeding on the access road.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. In response to Mr. Rosenbaum, Mr. Englund stated that traffic engineer Ryan Haas from Public Works is here for specific traffic questions. Mr. Englund also stated that this case had been on the Consent Agenda for layover due to additional information regarding post construction stormwater management plans. The access from Harney Street is shifting a couple hundred feet to the east from what currently exists. There will be 32 new independent living villas that are proposed. The eastern 100ft there is an OPPD power easement that only allows the access road and minimal amount of landscaping. He offered to answer any questions.

Ryan Haas, Public Works, appeared before the Board. In response to Mr. Moore, Mr. Haas stated that the change to the placement of the access road was requested by the development team and that it was not a City requirement. In response to Mr. Rosenbaum, Mr. Haas stated that there are no plans for gates on the

access road that he was aware of. Mr. Haas also pointed out that the City has no issue with the proposed access road. Mr. Rosacker asked if it would be a private drive rather than a dedicated drive. Mr. Haas answered in the affirmative.

Lamant Spencer displayed images of the plans that show the new easement being proposed to illustrate his concern regarding people using it to cut through.

Mr. Englund responded stating that the developers are just reconfiguring where the access road cuts through to Harney. He stated that it is an internal street on their site and that they are modifying their layout so their villas can have three internal cul-de-sacs.

Specifically regarding #4 (C10-23-050, C12-23-051):

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

Mr. Morris motioned for layover. Ms. Franklin seconded the motion which carried 6-0.

Specifically regarding #8 (C11-05-178b):

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

Mr. Rosacker motioned for layover. Ms. Franklin seconded the motion which carried 6-0.

Agenda items #5 (C12-22-244) and #9 (C8-22-255) were heard together

5.	C12-22-244 Sean Negus with Ponca Trails, LLC	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 4/5/23)
		LOCATION:	14222 Calhoun Road

Special Use Permits

9.	C8-22-255 Sean Negus with Ponca Trails, LLC	REQUEST:	Approval of a Special Use Permit to allow development located within the North Hills Environmental Resource Overlay District (laid over 4/5/23)
		LOCATION:	14222 Calhoun Road

At the Planning Board meeting held May 3, 2023, Doug Dreesson, TD2, 10836 Old Mill Road, appeared before the Board on behalf of the applicant. Mr. Dreesson discussed the removal of the equine elements from the proposal. He added that future property owners of the lots can make the request for horses themselves if so desired. He further stated that the applicant would like to have time to find another use for the existing stable.

Robert Peterson, 14747 California Road, lawyer for the applicant appeared before the Board. Mr. Peterson confirmed that the equine wording has been removed from all parts of the application and covenants. He also requested that there be an allowance of 24 months to allow the owner to determine the use for the lot the stable is on prior to requiring it to be demolished.

Chad Jessen, 13650 Calhoun Road, appeared before the Board. He stated that he is a partial owner of the property southwest of the proposed development. Mr. Jessen stated that the area of the proposed

development does not fit in with the surrounding area, which is sparsely populated. His concern is design and design assumptions and waivers. He referred to the Wetlands Delineation Report submitted with this proposal, stating that the report referenced in multiple places the proposed development at 192nd and Maple, not this proposed location. He then stated that a new independent Delineation Report may be warranted to confirm this information. Mr. Jessen further quoted the Wetlands section from the Recommendations of the Planning Department for this development dated August 31, 2022 for the September 2022 Planning Board meeting, citing concerns regarding potential soil and drainage issues. He also stated that Washington County neighbors have brought up concerns about their water and the fire suppression features they have in that neighborhood. He then discussed concerns regarding erosion, and concerns that the drainage report done for this property may be incomplete and have errors. Mr. Jessen stated that his concern is that the studies underestimate issues regarding stormwater management and issues with damage to the environment. He further stated that the current design encroaches on his property. He discussed other waivers that have been approved in the area, stating he disagreed with an approval for a waiver on this proposed development. Mr. Jessen further stated that he believes the waivers are being used to waive environmental requirements and should therefore not be approved.

Tom Ackley with the law firm of Koley Jessen, 1125 South 103 Street, appeared before the Board on behalf of the West Ponca Conservancy, which owns the property adjacent to this development to the south. Mr. Ackley discussed some history of this proposed development. He went into detail regarding the unique ecology of the area. He stated concerns regarding protecting the steep slopes, erodible soil, and other natural features. He stated that the revised plan from the developers still does not address the reduction of density required by the Master Plan. Mr. Ackley also had concerns regarding the tree canopy being removed and the lack of a timeline provided by the developers. Lastly, he stated that the plans violate the goals of the overlay district.

Ava Jessen, 13650 Calhoun Road, appeared before the Board. Ms. Jessen stated that she owns the property to the southwest of the proposed development and is a member of the West Ponca Conservancy, LLC. She referred to conversations with the Ponca Hills volunteer Fire Chief regarding fire code concerns for this development, stating that there were three main issues discussed, lack of adequate water, the single road, and turnaround time for emergencies. She went on to discuss at length water pressure, fire flow, and the amount of water in this area not being adequate for such a dense community. Ms. Jessen further stated that the lack of parking available on the street due to the proposed road being only 22 feet wide would be an additional concern for emergency vehicles due to cars parking on such a narrow road. She stated that she is also concerned that the 2,500 foot dead end road and the proposed cul-de-sac does not meet City requirements. Ms. Jessen also touched on the natural features of the area and the concern that they are preserved.

Joel Sacks, Ponca Hills Volunteer Fire Department Fire Chief, 12919 Ponca Road, appeared before the Board. Chief Sacks stated that he had reached an agreement with the developers to install sprinkler systems in the homes and to enlarge the cul-de-sac to allow room for emergency vehicles to turn around. He discussed the issue that Papio NRD will not certify their water main for fire protection, it is for drinking water only. He also went over other factors that will affect their ability to get water to fires in the development, thus necessitating the recommendation for sprinkler systems to be installed inside all homes in the proposed development to help mitigate the concern. Chief Sacks stated that the developer had agreed to put sprinkler systems in all homes, but the recommendation does not reflect that. He stated that the recommendation should be updated to state that there must be sprinkler systems in every home in the development.

John Sauter, Ponca Hills Preservation Society, 11803 North 36 Street, appeared before the Board. Mr. Sauter gave an overview of the history of the area in regards to development. He stated that there has been an average of ten homes per year added in this area. He stated that there is a preference for small developments not large developments.

David Levy, Baird Holm, 1700 Farnam St, appeared before the Board, on behalf of neighbors of the project. Mr. Levy stated that this revised plan is still too dense. He stated that the proposed development is bringing an urban subdivision into a rural area. He also discussed issues with infrastructure including concerns over

only one road and the possible need for an addition of 42 new septic tanks.

Matt Virus, 5112 Wedge Court, appeared before the Board. He stated that his home is south and west of the proposed development area. Mr. Virus stated that he was concerned about light and noise pollution. He spoke at length regarding the severely limited internet availability in that area being effected even further by the density of the proposed development. Mr. Virus also stated his concern regarding property values, tax rates, and the possibility of causing overcrowding of the local schools.

Dr. Bill Julian, 13423 Calhoun Road, appeared before the Board. Dr. Julian stated that he has concerns regarding the increase in traffic. He further stated his concerns about water adequacy and quality with such a large development.

Mr. Dreesson addressed some of the concerns raised. He stated that the density is 42 lots, but that does not necessarily mean 42 houses and that it is their contention that people will purchase multiple lots for one family unit. They worked with the fire department due to the differences in rural fire and urban fire and they have come to agreements regarding those issues. He further stated that in regards to light pollution, they have followed Public Works direction on limiting street lights. He discussed the intention to avoid environmentally sensitive areas there. He also addressed issues in the septic and hydrology reports that have been done, stating that they are still in the preliminary stages. Mr. Dreesson stated that there are some issues in the code that were brought up by Mr. Ackley that have still not been addressed at this point either, but he reiterated that they are still in preliminary stages. He further stated that regarding the concern about cul-de-sac length that is not unusual to see long dead end roads in rough areas like this and that they worked with Planning and Public Works on those layouts. He also stated that light pollution, property valuation and school population are not typically things that are addressed at this stage.

Mr. Moore asked about meeting with the neighbors again to discuss their concerns. Mr. Dreesson stated that he believes that the neighborhood has been updated through emails. He stated that they are willing to meet with the neighbors to get a mutually palatable solution.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund asked about the concern regarding the number of lots proposed. Mr. Dreesson answered that like the development to the north, people will purchase multiple lots in the proposed development thus creating larger lots, so it is their conviction that they will not ultimately end up with 42 lots.

Mr. Rosenbaum and Mr. Dreesson discussed septic and soil testing from Douglas County. Mr. Dreesson explained the State Laws regarding these types of testing and stated that the developers have completed these tests.

The Board requested Chief Joel Sacks answer questions. Mr. Rosenbaum confirmed with Chief Sacks that the only conditions that the Fire Department are requiring at this time are sprinkler systems in all homes, and room on the road at the end of the cul-de-sac to turn a fire truck around. Chief Sacks confirmed that these were the only conditions that were agreed upon, but did state that he still had concerns on the strain this large of a development will put on the NRD.

Mr. Englund referred to a document from Chief Sacks to the Planning Department regarding this development that stated that while it was preferred to have all homes in the development be installed with a sprinkler system, that it would only be required for homes over 2500 square feet. Chief Sacks stated that was the original discussion, and then Sean Negus, the developer, called the Chief and stated that they would put the sprinkler systems in every home, but that has yet to be added to any of the covenants. Mr. Sotolongo asked if Chief Sacks was officially changing his recommendation to include every home. Chief Sacks confirmed that based on his conversation with Mr. Negus, he is officially changing his recommendation to state that all houses need the sprinkler system installed.

Mr. Sotolongo further inquired on details regarding the NRD not certifying their water supply for fire protection. Chief Sacks confirmed this fact and went on to detail NRD's fire hydrants and their acceptable usage in the proposed community. He then went on to answer additional questions from the Board

regarding the amount of water in the area, including drinking water, and the area's ability to have enough water supply to serve this development in addition to the community it already supports, especially in regards to fire protection. In response to Mr. Moore, Chief Sacks did state that he would feel safe if he owned a home in that development as long as his home had a sprinkler system.

Mr. Englund, asked Chief Sacks about how Omaha Fire Codes may interrelate with Ponca's fire codes. Chief Sacks stated that he spoke with the Assistant Fire Marshall, Joseph Caniglia, of the Omaha Fire Department regarding this issue. He stated that Mr. Caniglia told him that they do not enforce codes on residential developments and that those issues would be decided by the Planning Board. He further stated that if there is a fire code issue in Ponca, he refers it to the City of Omaha.

Mr. Sotolongo asked about the fire suppression and whether or not it was particular to this development or if it was common throughout Ponca Hills. Chief Sacks stated that there are no other sprinklered homes in Ponca Hills on City water, with the exception of one large riding academy that added a sprinkler system at his request.

Mr. Dreesson addressed errors in the environmental reports. He went into detail about the different types of studies and stated that they are amenable to correcting the studies with errors and do new studies as warranted. In response to Mr. Rosenbaum, Mr. Dreesson stated that there will be no encroachment on neighboring properties. Mr. Dreesson stated both noise reduction and construction time would be determined later as this is still in the Preliminary stages. He further stated that if additional permits and studies are needed via the Core of Engineers they would be willing to do so. He also addressed minimizing tree destruction. He also stated that they had been in discussion with NDOT regarding the speed on Highway 75 and modifications that are necessary with this development. Mr. Englund asked if during the conversations with the State, if there had been any indications of turning movement into the site or any modifications out on the highway to get to the site. Mr. Dreesson stated that to his recollection there is no change as the plans were good with the State.

Mr. Peterson addressed concerns regarding the many changes in plans. He stated that this development has been on the Planning Board agenda five times and each time the developers have changed the design to meet the recommendations of the Planning Department. He discussed the agreement with the Fire Chief regarding the size of the cul-de-sac and the need for sprinklers. He addressed the waivers and one road design as being necessary to preserve as much of the natural environment as possible. He stated that the change from 41 to 42 lots was simply the change of the one equine lot with the existing stable to a home lot.

The Board discussed the condition regarding the demolition of the stable. Mr. Englund went over the different waivers that are being requested, specifically the request to keep the structure up. The Board came to a consensus to add a new condition to allow the barn/stable structure to remain in place, subject to approval of a waiver by the Zoning Board of Appeals, for a period of 24 months from the Final Plat recording date or issuance of a building permit for a house on that lot.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund spoke on the topic regarding the number of lots for the proposed development. He stated that the proposal meets the requirements in Section 901, and it does have base zoning of DR, which does require one acre minimum lots. He also stated that the State of Nebraska and Douglas County requirements of the septic systems less than three lots needs pre-approval before Final Plat regarding the septic system. Mr. Englund went on further to state that this development has come a long way as far as information regarding protecting environmental features, which leads into the Chapter 53 division waivers. The waiver for reduction in street size and sidewalk width was to protect the unique environmental features. He also stated that any errors in reports will need to be remedied prior to final plat.

Specifically regarding #5 (C12-22-244):

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends denial of a waiver to Section 53-9(6), Storm Sewers (not applicable), approval of a waiver to Section 53-8(2)(g), Pavement Width, approval of a waiver to Section 53-9(9), Sidewalks, approval of a waiver to Section 53-8(2)(b), Cul-de-sac Length, approval of a waiver to Section 53-9(3), Street Surfacing to allow asphalt pavement and to waive installation of curb and gutter, approval of a waiver to Section 53-9(10), Streetscape Standards to reduce street lighting standards, and approval of the Preliminary Plat, subject to the 17 conditions.

Mr. Rosacker motioned for approval of the denial of a waiver to Section 53-9(6), Storm Sewers (not applicable), approval of a waiver to Section 53-8(2)(g), Pavement Width, approval of a waiver to Section 53-9(9), Sidewalks, approval of a waiver to Section 53-8(2)(b), Cul-de-sac Length, approval of a waiver to Section 53-9(3), Street Surfacing to allow asphalt pavement and to waive installation of curb and gutter, approval of a waiver to Section 53-9(10), Streetscape Standards to reduce street lighting standards, and approval of the Preliminary Plat, subject to the following:

1. Place a note on the plat that there will be no access to Highway 75 from any lots or outlots.
2. At the intersection of the subdivision's street access to Highway 75, provide for all improvements identified by NDOT.
3. The Subdivision Agreement must clearly state that the private street connection to Highway 75 that is located on public right of way shall be maintained by the owner of Outlot "A".
4. Include language in the final subdivision agreement stating that a warning siren will be installed by the subdivider and that all homes will be required to have residential automatic fire sprinkler systems.
5. Coordinate with OPPD on relocation or removal of existing equipment.
6. Comply with all applicable stormwater management ordinances and policies.
7. Provide for the use, ownership, and maintenance of the outlot in the subdivision agreement.
8. For any lot smaller than three acres, Nebraska Department of Environment and Energy (NDEE) approval of the septic system must be provided.
9. Show slope preservation easement shading on lots 9-11 to be consistent with the other slope preservation easement areas.
10. Coordinate with staff on the wildlife protection corridor along the perimeter of wooded areas.
11. All driveway and building envelopes, wildlife corridors, and preservation easements must be shown on the final plat.
12. Submit a letter of approval of a Noxious Weed Plan from Douglas County.
13. Provide documentation that the stable/barn has been removed from the site.
14. Provide concurrence from the Ponca Fire Department stating their concerns regarding the proposed development are being adequately addressed.
15. 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.
16. Allow the barn/stable structure to remain in place, subject to approval of a waiver by the Zoning Board of Appeals, for a period of 24 months from the Final Plat recording date or issuance of a building permit for a house on that lot.
17. A neighborhood meeting is required prior to submitting the Final Plat to Planning Board.

Ms. Franklin seconded the motion which carried 4-2.

Specifically regarding #9 (C8-22-255):

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval of the Special Use Permit to allow development located within the North Hills Environmental Resource Overlay District, subject to the 14 conditions.

Mr. Rosacker motioned for approval of the Special Use Permit to allow development located within the North Hills Environmental Resource Overlay District, subject to the following:

1. No driveway throat width shall be greater than 30' wide.
2. Show slope preservation easement shading for lots 9-11 on the associated final plat to be consistent with the other slope preservation easement areas.

3. Coordinate with staff on the wildlife protection corridor along the perimeter of wooded areas.
4. All driveway and building envelopes, wildlife corridors, and preservation easements must be shown on the associated final plat.
5. Submit a full tree mitigation planting plan, prior to forwarding the request to city council for final action.
6. Follow tree clearing and grading guidance detailed in the wetlands report to protect vulnerable species.
7. For any lot smaller than three acres, Nebraska Department of Environment and Energy (NDEE) approval of the septic system must be provided with the final plat application.
8. Comply with all applicable stormwater management ordinances and policies.
9. Obtain a setback waiver from the Zoning Board of Appeals for Lots 1-3, prior to forwarding the request to city council for final action.
10. Obtain an environmental review from the Nebraska Game and Parks Commission, prior to forwarding the request to city council for final action.
11. Allow the barn/stable structure to remain in place, subject to approval of a waiver by the Zoning Board of Appeals, for a period of 24 months from the Final Plat recording date or issuance of a building permit for a house on that lot.
12. Provide concurrence from the Ponca Fire Department stating their concerns regarding the proposed development are being adequately addressed, prior to forwarding the request to city council for final action.
13. Compliance with all other applicable regulations.
14. A neighborhood meeting is required prior to submitting the Final Plat to Planning Board.

Ms. Franklin seconded the motion which carried 4-2.

6.	C10-21-009 C12-21-010 Celebrity Homes Omaha	REQUEST:	Preliminary Plat approval of DEER CREST NORTH, a subdivision outside city limits, with rezoning from DR to R4 (laid over 4/5/23)
		LOCATION:	Southeast of 114 th and State Streets

At the Planning Board meeting held May 3rd, 2023 the case was on the Consent Agenda but removed by an opponent.

Mark Johnson, Lamp Rynearson, 14710 West Dodge Road, appeared before the Board on behalf of the applicants and stated that he was there to answer any questions.

Josh Weiner, Kutak Rock LLP, 1650 Farnam Street, appeared before the Board on behalf of their client RNL Carriers in regards to the rezoning. The client owns two parcels of land adjacent to the proposed subdivision cross corner. Their concern is for future development of the eastern most parcel if the area is rezoned. They are requesting that the Board condition the approval of the applicant Celebrity Homes on their agreement to file a covenant of record against the residential development that informs purchasers of the trucking facility lots that operate in the vicinity or as an alternative at minimum they would be asking the Board that the application include a condition that the rezoning of the applicant's lot be without prejudice to RNL's right to rezone the eastern most lot on their property.

Mark Johnson responded that they had a couple of conversations previously with Josh Weiner in which Mr. Johnson explained that these are two separate processes. He stated that covenants are not for putting future residents on notice regarding what could be developed around them. He further stated that developers would not want to put a covenant on their property that may cause it to be less valuable. At this time, his client is not willing to entertain this request.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that this plat had been previously approved for Preliminary Plat back in 2021 for a nearly identical layout. It had been approaching a two year voidance of that Preliminary Plat so this is a resubmittal. He is not aware of previous cases of prior covenants. The City is not a party to those covenants but that is not something he has heard before. Mr. Englund further stated that south of State Street is designated as

residential and to the north of State Street it is designated as industrial, therefore he would see no issue if RNL came in with a request to rezone for the AG piece to go to General Industrial to match their larger site, with a small buffer required on the corner of that lot. Mr. Englund stated that staff recommends approval of the rezoning from DR to R4, and approval of the Preliminary Plat, subject to the 21 conditions.

Mr. Morris motioned for approval of the rezoning from DR to R4, and approval of the Preliminary Plat, subject to the following conditions:

1. Place a note on the plat that there shall be no access to 114th Street or State Street from any lots or outlots.
2. Provide traffic calming on all streets longer than 1000 feet.
3. Coordinate with Public Works on an acceptable GO paving plan.
4. Place the standard noise attenuation easement language on the plat.
5. Provide for the improvement of 114th and State Street to a three-lane section.
6. Provide a pro-rata contribution for prior State Street improvements.
7. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.
8. Obtain all necessary permits from Douglas County.
9. Temporary turn-arounds must be provided at the terminus of all temporarily deadended streets.
10. 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.
11. Storm sewer design computations and final plans must be submitted to the Douglas County Engineer's office for review.
12. Provide sidewalks along all street frontages, including 114th and State Streets.
13. Coordinate with OPPD on relocation or removal of existing equipment, if necessary.
14. The PCSMP basin in Outlot E may not be sufficiently sized; coordinate further with Public Works.
15. Comply with all applicable stormwater management ordinances and policies.
16. Proposed site grades along the northern boundary of the platting, adjacent to 114th Street and State Street, must be coordinated with the future improvement of the roadway.
17. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
18. Coordinate with the existing SIDs in the mile section on making improvements to the existing Deerwood Park at 112th & Potter Streets or making an equal reimbursement to those SIDs that paid for the park construction.
19. Trails and/or open space constructed within the development that are not part of the suburban park master plan shall be privately constructed and maintained by the developer, HOA or other approved entity.
20. Submit a letter of approval of a Noxious Weed Plan from Douglas County.
21. Receive preliminary approval of the PCSMP from Public Works prior to the application for final plat approval; upload the drainage study and preliminary plans to Permixon.

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

(REGULAR AGENDA)

Master Plan Referrals

10.	C3-23-099 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the 2816 AMES TIF Redevelopment Project Plan
		LOCATION:	2816 Ames Avenue

At the Planning Board meeting held May 3, 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 the comprehensive rehabilitation of an existing building. The developer is preparing the building for a health services tenant focusing on geriatric services. This site is in an Extremely Blighted Area so it qualifies for a 20 year TIF term instead of the standard 15 year TIF term. The total project investment is \$2.5 million and are requesting \$300,000.00 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.

Michael Sands, 1700 Farnam Street, appeared before the board on behalf of the applicant/developer. Mr. Sands stated that the plan is to create the Archwell Healthcare Center to provide multiple medical services to the community, specifically geriatric. He stated that the City's Master Plan identifies this as an area of need for this type of facility.

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 6-0.

Agenda items #11 (C3-23-100) and #23 (C10-13-109, C10-23-126, C10-23-112) were heard together

11.	C3-23-100 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of the 7101 MERCY TIF Redevelopment Project Plan
		LOCATION:	7101 Mercy Road

Rezoning

23.	C10-13-109 C10-23-126 C10-23-112 7101 Mercy Holdings, LLC	REQUEST:	Rezoning from GO to R8, with repeal of the MCC-Major Commercial Corridor Overlay District, along with approval of the ACI-2 Area of Civic Importance Overlay District
		LOCATION:	7101 Mercy Road

At the Planning Board meeting held May 3, 2023, Brent Beller, 11440 West Center Road, appeared before the Board. Mr. Buller discussed the proposed site plan of 200 multifamily higher end units. The rezoning to R8 will allow these multifamily units. There will be 140 one bedroom/studio apartments, 50 two bedroom apartments with the remaining units being three bedrooms. There will be an adjoining approximately 300 unit parking garage with a sky bridge. This facility will also offer high end amenities including a clubhouse, yoga studio, community area, pool and pool deck. Demolition is planned to start later this year.

Don Seten, Housing Development Planner, appeared before the Board on behalf of the Planning Department. Mr. Seten stated that there will be major demolition on the site. The plan includes two buildings, one with apartments and the other being the parking structure with 296 stalls. The total project investment is \$49.9 million approximately and are requesting \$6,246,574.00 in TIF program support. The project meets all the criteria for the TIF program and complies with the goals of the City's Master Plan.

There were no opponents.

Specifically regarding #11 (C3-23-100):

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

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

Specifically regarding #23 (C10-13-109, C10-23-126, C10-23-112):

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval of the repeal of the MCC-Major Commercial Corridor

Overlay District, approval of the ACI-2 Area of Civic Importance Overlay District, and approval of the rezoning from GO to R8.

Mr. Morris approval of the repeal of the MCC-Major Commercial Corridor Overlay District, approval of the ACI-2 Area of Civic Importance Overlay District, and approval of the rezoning from GO to R8.

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

12.	C3-23-101 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of THE DIGS APARTMENTS MASON TIF Redevelopment Project Plan
		LOCATION:	Southeast of 31 st and Marcy Streets

At the Planning Board meeting held May 3, 2023, Don Seten, Housing Development Planner, appeared before the Board on behalf of the Planning Department. Mr. Seten submitted a site plan that consists of a number of parcels including four vacant single family homes. The homes will be cleared before the construction of a 187 unit apartment development consisting of two buildings, five stories in height each with apartments in the upper levels, above a level of structured parking. The site is located in the Urban Core Housing Mobility Plan Area and in an Extremely Blighted Area therefore they will be receiving a 20 year TIF term instead of a 15 year TIF term. The total project investment is \$20.8 million and are requesting \$4,114,758.00 in TIF program support. The project meets all the criteria for the TIF program.

Steven Held, 11506 Nicholas Street, appeared before the Board on behalf of the applicant. He offered to answer any questions.

There were no opponents.

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

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

13.	C3-23-102 Planning Department on behalf of the City of Omaha	REQUEST:	Approval of Community Redevelopment Area (CRA) and Extremely Blighted Area (EBA) designations
		LOCATION:	Southwest of 60 th Street and Sorensen Parkway

At the Planning Board meeting held May 3, 2023, Don Seten, Housing Development Planner, appeared before the Board on behalf of the Planning Department. Mr. Seten stated that a request was received to do a Community Redevelopment Area study and an Extremely Blighted Area study particularly for a potential redevelopment near 60th Street and Sorenson Parkway. Parts of the area are already within a Community Redevelopment Areas. The purpose of a Community Redevelopment Area designation is it makes the area eligible for redevelopment projects to apply for the TIF program. In order to qualify for that designation, the area must meet both definitions of Blighted and the definition of Substandard per State Law. In this case, the project meets the definition of Blighted, in that the per capita income of the area is a little over \$18,000.00 which compares to or is lower than the City's overall per capita income of \$34,000.00. Also the area is higher at 6% than the threshold of unemployment for the State of 4%. The area meets the Substandard definition in that the buildings in the area are older than the 40 year threshold set by State law. For the Extremely Blighted Area designation, the area needs a poverty rate that exceeds 20%. The area has a poverty rate of 30.5%, and the unemployment rate of the area at 6.8% also meets the criteria for this designation. The area requested meets the criteria for the designations requested. However, due to the age of some of the surrounding areas not meeting the criteria, narrow boundaries for the designations are targeted.

Candace Price, 6025 Sorenson Parkway, appeared before the Board. Ms. Price offered to answer any questions.

There were no opponents.

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

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

Subdivisions

14.	C10-23-011 C12-23-012 Falcone Land Dev. LLC	REQUEST:	Revised Preliminary Plat and Final Plat approval of MAGNOLIA TRAILS, a subdivision outside city limits, along with approval of a rezoning from AG to DR, R4, and R5
		LOCATION:	Southeast of 216 th and Fort Streets

At the Planning Board meeting held May 3, 2023, Brent Beller, 11440 West Center Road, appeared before the Board. Mr. Beller stated that the location of Sunburst Avenue has been confirmed. They have come to an agreement with the neighbor on placement of the road. It will be half on their property and half on the neighbor's property. This location was affirmed in a meeting between the County and the NRD confirming that is where they want the road due to the future dam site.

There were no opponents.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that there are a couple of items 1) regarding the Sunburst Avenue location, continue to coordinate with those parties on placement of the road 2) on the very southern portion of the site there had been a business that encroached on the floodway, these improvements have been pulling back from that. He further stated that there was a revised Preliminary because there was some modifications to the site layout with a few additional lots. Mr. Englund stated that staff recommends approval of the rezoning from AG to DR, R4, and R5, approval of the Preliminary Plat, subject to the 29 conditions, approval of the Final Plat, subject to compliance with the conditions of Preliminary Plat approval and submittal of an acceptable final subdivision agreement, prior to forwarding to the City Council.

Mr. Sotolongo motioned for approval of the rezoning from AG to DR, R4, and R5, and approval of the Preliminary Plat, subject to the following conditions:

1. Provide documentation that all floodplain violations from the neighboring business have been removed from the site.
2. The location of the intersection of 216th Street and Sunburst Avenue may need to be relocated, subject to concurrence by Douglas County, the NRD, and The Haven subdivision.
3. Acquire the ROW for 215th Street and Sunburst Avenue, and incorporate it into the plat.
4. Grand Avenue and the future park entrance need to align at their intersection with 216th Street; coordinate with the City and the NRD.
5. Coordinate with the City on the design and alignment of the temporary Grand Avenue connection to 216th Street.
6. Change the ROW width between Lots 9 and 10 to 70 feet.
7. Provide for the improvement of 216th Street to a three-lane section, with the extent of the improvements as identified by Public Works and Douglas County.
8. An interlocal agreement with Douglas County will be required to address the widening of 216th Street to a three-lane section along the existing frontage to 216th Street and the future realigned 216th Street.

9. Provide a pro-rata reimbursement to other SIDs for prior Fort Street improvements.
10. Southwest of Lot 28, extend the Sunburst Avenue right-of-way (ROW) all the way to the adjacent parcel to the west (removing any intervening outlet).
11. Place a note on the plat that there shall be no direct access to Fort Street or 216th Street from any lots or outlots.
12. Coordinate with the Planning and Public Works Departments on the Complete Streets Design Guide Design Checklists.
13. Proposed site grades along the western and northern boundaries of the platting, adjacent to 216th Street and Fort Street, must be coordinated with the future improvement of the roadways.
14. Obtain all necessary permits from Douglas County.
15. Temporary tum-arounds must be provided at the terminus of all temporarily deadended streets.
16. The final plat may not be recorded until the construction of the interceptor sewer is complete, including final acceptance by the City.
17. Coordinate with Public Works on the width of easements and outlots for sewers between lots.
18. 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.
19. Storm sewer design computations and final plans must be submitted to the Douglas County Engineer's office for review.
20. Along the segments of 216th Street and Fort Street which will not be impacted by the future NRD dam project, construct sidewalks and dedicate 50 feet of ROW from the centerline of each street.
21. Any drainageway must be placed in an outlet sized to accommodate either the 3:1 + 20' section, or the 100-year storm flow (whichever is greater).
22. The project must comply with all applicable stormwater management ordinances and policies.
23. 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.
24. Provide for the use, ownership, and maintenance of the outlots in the subdivision agreement.
25. Coordinate design for Park 33c with adjacent SIDs and the Omaha Parks Department park planning staff.
26. Trails and/or open space constructed within the development that are not part of the suburban park master plan shall be privately constructed and maintained by the developer, HOA or other approved entity.
27. Coordinate with the City of Omaha Parks and Planning Departments on the installation of a future trail planned along the east side of 216th Street.
28. All development will be required to comply with all applicable floodplain development regulations.
29. Provide for traffic calming on all streets longer than 1000 feet.

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

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

Agenda items #16 (C10-23-106, C12-23-107) and #25 (C11-23-124) were heard together

16.	C10-23-106 C12-23-107 Jeremy Hall, Advanced Acquisitions, LLC	REQUEST:	Preliminary and Final Plat of BUNGALOWS ON HONEYSUCKLE, a minor plat inside city limits, with rezoning from DR to R6
		LOCATION:	1999 Veterans Drive

Overlays

25.	C11-23-124 Jeremy Hall, Advanced Acquisitions, LLC	REQUEST:	Approval of a PUD-Planned Unit Development Overlay District
		LOCATION:	1999 Veterans Drive

At the Planning Board meeting held May 3rd, 2023 the case was on the Consent Agenda but removed by an opponent.

Larry Jobeun, 11440 West Center Road, appeared before the Board on behalf of the applicant. He was available to address concerns.

Anthony Ardito, 1802 North 197 Street Elkhorn, neighbor to the east of the proposed Plat, appeared before the Board. Mr. Ardito stated that he has concerns regarding how many units are proposed for this site as there has been some confusion as to whether there are 258, 256, or 263 units due to discrepancies in notices sent by the developers. He further stated that he is concerned about the increase in traffic to the area and inquired about a possible traffic light being required at North 204 Street and Honeysuckle Road as part of this Plat. He stated that there are possible issues to the drainage on his property due to the new grading on the proposed property. He also stated concerns about the potential for future overcrowding of the schools due to the increase in population to the area.

Jeff Thompson, 1814 North 197 Street, appeared before the Board. He stated that he has concerns regarding traffic, property taxes, and the confusion with the new designs for the property.

Larry Jobeun addressed several of the concerns and issues. He stated this is on for layover, and that it is a Preliminary Plat. There is some post-construction stormwater management materials that needed to be presented to the Public Works Department, and there is a traffic study being done. This project does comply with the Master Plan and future land use map. He further stated that he will determine the discrepancy in the number of units. The application states there are 256 units in the plan. He stated that the layover will allow time to address these issues and that he will be arranging further neighborhood meetings. The buffer yard on the east is more than what is required allowing for a large buffer between this proposed site and the neighborhood to the east.

Ryan Haas, Public Works, appeared before the Board. He addressed the traffic concerns of the neighbors. He stated that the City cannot put lights in at the intersections of North 192 Street and Honeysuckle Road or North 204 Street and Honeysuckle Road until they meet certain Federal thresholds. He further stated that this new project may increase the amount of traffic enough to allow for traffic lights to be added to the intersections by meeting those thresholds. The City would put in those traffic lights once thresholds are met. There is a condition included on this Preliminary Plat to include an appropriate contribution of the associated costs of installing a traffic light at 204 Street and Honeysuckle. The City is actively monitoring those intersections for those thresholds for signalization.

Mr. Rosacker added for clarification that the general way developments work is to go from commercial, to high density to low density residential, which is the way this neighborhood is currently planned.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that this site is designated for low density residential. The Master Plan is supporting rezoning up to a density level of R5. The request is for R6 with PUD, which is a tool used to utilize multiple units on one site. This site is one large lot for a rental product that is considered Multiple-family residential which typically requires R6. The more restrictive tool of R6 and PUD was used so the density of R5 could be as high as 14 ½ units per acre, and this site is less than 11 per acre. The City is seeing more of this density within low density because there is a finite amount of land, so there is more maximization of that ground. There are increased setbacks and buffers for the benefits of the surrounding communities included in the plan. The proposed site is Master Plan compliant and is considered low density residential similar to the single family neighborhood to the east even though they do have different densities. Some issues that still need to be addressed are storm water management, and any conflicting information about the number of units.

Specifically regarding #16 (C10-23-106, C12-23-107):

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

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

Specifically regarding #25 (C11-23-124):

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

Ms. Franklin motioned for layover. Mr. Sotolongo seconded the motion which carried 6-0.

Rezoning

24.	C10-23-113 C11-23-114 Aaron Moser	REQUEST:	Rezoning from GI to NBD, with approval of a PUR-Planned Unit Redevelopment Overlay District (property is located within an ACI-1 Area of Civic Importance Overlay District)
		LOCATION:	Northwest of 13 th and Pine Streets

At the Planning Board meeting held May 3, 2023, Brent Beller, 11440 West Center Road, appeared before the Board. Mr. Beller stated that the rezoning is to allow for a six story unit. This will be on the proposed site made up of three parcels on point five acres. It also allows for narrow sidewalks on Pine Street to preserve the narrow brick street. The unit will consist of 59 apartments on the upper floors, four commercial units on the bottom level with a mix of retail and office, and underground parking with 24 parking stalls. There will be an additional ten parking stalls to the rear of the building and seven more stalls on 13th Street. Demolition will begin the latter half of this year. There will be a TIF request in connection to this project in June. The unit will have 15 studio apartments, six one bedroom, eight two bedroom, and 5400 feet of retail space on the bottom. They have spoken with neighbors regarding concerns of Pine Street being closed off. Mr. Beller stated that they have no plans to close off Pine Street, but in the event that they do temporarily, that they will make sure those neighbors still have access to their properties and they will not be closed off. He offered to answer any questions.

Sean Kolterman, 1446 S 13 Street, Kehm Contracting, appeared before the Board. Mr. Kolterman stated that his main concerns are ongoing access to streets and parking, stormwater management, and lack of neighborhood meetings.

Mr. Beller addressed concerns stating that there had not been a formal neighborhood meeting. He further stated that there will be a neighborhood meeting that takes place before June, possibly the third week of May. He also stated that the parking garage is meant to alleviate some of the parking concerns, while larger concerns for parking in that area would be handled by the City. Stormwater will be retained for the unit per City standards. Any existing issues with the City sewer system would need to be deferred to Public Works.

Mr. Kolterman stated that there has been some conversation with the developer regarding the purchase of additional property in the area for additional parking.

Mr. Sotolongo stated that if it is approved today, it then goes to City Council. It will then have three readings, therefore it does take some time before final approval.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund discussed parking challenges with new developments. He stated that the proposed plan is Master Plan compliant. Mr. Englund stated that staff recommends approval of the rezoning from GI to NBD, and approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submission of an acceptable final PUR Plan prior to forwarding the request to City Council.

Mr. Rosacker motioned for approval of the rezoning from GI to NBD, and approval of the PUR-Planned Unit Redevelopment Overlay District, subject to submission of an acceptable final PUR Plan prior to forwarding the request to City Council.

Ms. Franklin seconded the motion which carried 6-0.

Special Use Permits

26.	C8-21-115 C8-21-116 C8-21-258 C7-21-117 Nebraska Youth Justice Initiative	REQUEST:	Approval of a Major Amendment to the Special Use Permit to allow <i>Large group</i> living in the R1 District; approval of a Major Amendment to the Special Use Permit to allow <i>Emergency residential care</i> in the R1 District; approval of a Major Amendment to the Special Use Permit to allow a <i>Recreational Club</i> in the R1 District; along with approval of a Major Amendment to the Conditional Use Permit to allow <i>Secondary education facilities</i> in the R1 District
		LOCATION:	5020 Grand Avenue

At the Planning Board meeting held May 3rd, 2023 the case was on the Consent Agenda but removed by an opponent.

Ashley Kuhn, 4616 Dodge Street, appeared before the Board. Ms. Kuhn stated that they are requesting more signage and removal of the requirement of the vacation of 50th Avenue due to a six inch plot of land not owned by the applicants that makes it not possible for them to create a vacation of the street.

Bryce Davidson, 4616 Dodge Street appeared before the Board. Mr. Davidson stated that in the R1 district they are allowed 32 square feet of signage. They are requesting to go up to 55 square feet to allow the installation of a monument sign for the purpose of making it easier to find the facility.

Charlotte Abram, 4916 North 50 Street, appeared before the Board. Ms. Abram stated that she has concerns about the stormwater protection plan being adequate and wanting to ensure that it is already in place. She further stated that the sign would be too big and obstruct the view when taking walks in the neighborhood.

Linda Donaldson, 4923 North 50 Avenue, appeared before the Board. Ms. Donaldson stated that her main concern is the 50th Avenue paving condition that is being removed from the original proposal. She further stated that there are questions regarding fencing and landscaping.

Ms. Kuhn responded that they have had several neighborhood meetings. She further stated that they have joined the Neighborhood Association and give updates at those meetings as well. There was also a neighborhood tour of the building 30 days ago. The stormwater plans are in place. There are underground retention ponds and one above ground on the corner. The sign sits back on their property towards the building, therefore it will not obstruct the view of pedestrians walking on the sidewalk. The fence location is around the actual building not the entire property. The landscaping is being sodded there was a wait due to winter weather. Ms. Kuhn stated that they are unable to improve or vacate 50th Avenue due to not owning a privately owned six inch parcel between their property and the road.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund addressed the six inch spite strip that is privately owned preventing the applicant from paving 50th Avenue. Mr. Englund stated that staff recommends approval of a Major Amendment to the Special Use Permit to allow Large group living, Emergency residential care, and a Recreational Club in the R1 District, subject to the eight conditions, along with approval of a Major Amendment to the Conditional Use Permit to allow Secondary education facilities in the R1 District, subject to the eight conditions.

Mr. Morris motioned for approval of a Major Amendment to the Special Use Permit to allow Large group living, Emergency residential care, and a Recreational Club in the R1 District, subject to the following conditions:

1. Coordinate with OPPD on relocation or removal of existing equipment.
2. Comply with all applicable stormwater management ordinances and policies.

3. Submittal of and compliance with an updated landscape plan that incorporates the site changes with previously required and approved landscaping, prior to forwarding the request to city council for final action.
4. Obtain a sign budget waiver from 32 square feet to 55 square feet from the Zoning Board of Appeals, prior to forwarding the request to city council for final action.
5. Compliance with the submitted site plan.
6. Compliance with the original operations plan.
7. Compliance with the original building elevations.
8. Compliance with all other applicable conditions of approval from the original Use Permit (not relating to the vacation and improvement of 50th Avenue).

Approval of a Major Amendment to the Conditional Use Permit to allow Secondary education facilities in the R1 District, subject to the following conditions:

1. Coordinate with OPPD on relocation or removal of existing equipment.
2. Comply with all applicable stormwater management ordinances and policies.
3. Submittal of and compliance with an updated landscape plan that incorporates the site changes with previously required and approved landscaping, prior to submitting for a building permit.
4. Obtain a sign budget waiver from 32 square feet to 55 square feet from the Zoning Board of Appeals, prior to submitting for a building permit.
5. Compliance with the submitted site plan.
6. Compliance with the original operations plan.
7. Compliance with the original building elevations.
8. Compliance with all other applicable conditions of approval from the original Use Permit (not relating to the vacation and improvement of 50th Avenue).

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

Conditional Use Permits

33.	C7-23-121 Hy-Vee, Inc.	REQUEST:	Approval of a Conditional Use Permit to allow <i>Warehousing and distribution (limited)</i> in the CC District
		LOCATION:	5710 South 144 th Street

At the Planning Board meeting held May 3rd, 2023 the case was on the Consent Agenda but removed by an opponent.

Blake Weatherly, 2111 S 67 St, appeared before the Board on behalf of the applicant, Hy-Vee, Inc. Mr. Weatherly offered to answer any questions.

Rob Whatley, Hy-Vee, 5820 Westown Parkway West Des Moines, Iowa, appeared before the Board. Mr. Whatley stated that the old Supersaver was purchased to turn the site into an e-commerce warehouse to fill online orders from Hy-Vee. There will be two to three semi-trucks that deliver daily to the building. Box trucks or vans will then ship the completed orders to the various area Hy-Vee stores. He further stated that if this site were turned into a traditional grocery store there would be approximately 4,000 vehicles a day and that their trucks could deliver any time between 6:00 am and 11:00 pm

Randy Downs, Hy-Vee, 5820 Westown Parkway West Des Moines, Iowa, appeared before the Board. Mr. Downs stated that their traditional stores get some trucks between 3:00 pm and 4:00 pm, then the night crew would stock the store. This proposed site would be different as the stocking by the machines would happen in the morning. He stated that he is unsure as to the exact times trucks would deliver product to the site.

In response to Mr. Moore, Mr. Whatley stated that there will be no customer traffic, no public access at this site.

In response to Mr. Morris, Mr. Whatley confirmed that the customer pick up or delivery service pickup would

happen at the store that the online order was placed at.

In response to Mr. Rosacker, Mr. Whatley stated that the product is loaded by an employee into a machine in the building. The customer's list is then entered into the machine, and then the machine places the items ordered on a conveyor belt. An employee then takes those items, inspects them, and places them in totes for delivery to their respective stores. Mr. Downs further stated that the delivery trucks will pick up those orders at the front of the store. Mr. Whatley stated that the project is designed to simplify the process of online ordering and lessen the amount of pickers in their regular stores.

Rich Secor, Cushman and Wakefield, appeared before the Board on behalf of the property owner. Mr. Secor spoke on how long this property has been vacant. He stated that Hy-Vee is a good corporate citizen and that they will take good care of the property.

Roger Sash, 5521 South 146 Street, appeared before the Board. Mr. Sash stated that he is the neighbor to this project and that his home is on the corner of U Street and South 146th Street. He further stated that Hy-Vee would be a good tenant by keeping up on maintenance, landscaping, and cleanliness of the property. He stated his concern is lights and noise from the trucks at the loading docks. He stated that the neighborhood offered suggestions such as a noise wall or more trees to block the noise. Mr. Sash also stated his concern that 4:00 am is the time trucks would start arriving. He had questions regarding whether this would be against City sound ordinances that restrict loud noises before 7:00 am.

Jamie and Stacy Ryan, 5529 South 147 Street, appeared before the board. They stated that their home faces the delivery area for the semi-trucks. Their concern is light and noise from the trucks in the early hours of the morning.

Mr. Whatley responded stating that landscaping will be fixed on the property. He discussed that there is a berm between the property and the neighborhood. Mr. Downs further stated that the plans include a buffer to be created with landscaping between the property and the neighborhood. They both discussed that the parking lot and drive for the semi-trucks are below the neighborhood by six to eight feet.

In response to Mr. Rosenbaum, the front parking lot is for the employees and the delivery box trucks/vans.

In response to Mr. Morris, Mr. Downs stated that the ideal is that the box trucks will be loaded and ready to go to their respective stores to finish the fresh part of the online order as early as possible. Mr. Whatley stated that trucks may be there as early as 4:00 am.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department, regarding the noise concerns. Mr. Englund pointed out that the 4:00 am noise level would be subject to the City sound ordinances, under code 55-804 Maximum Permitted Sound section, which is covered under the Planning Department's recommendation number six, Compliance with all other applicable regulations. He further stated that if the site was a grocery store, this site would be approved and not need a Conditional Use Permit. He went on to state it is only because of the zoning of this building as Warehousing and Distribution that this Permit is necessary. He also stated that if this were a regular retail store they would be having trucks coming and going. Mr. Englund stated that this is a Commercially zoned property which allows certain uses, and allowances that are afforded by that zoning.

Mr. Downs stated that they would check on the hours to verify when trucks would be at the facility due to the fact that they must coordinate with the Hy-Vee grocery stores for the perishable parts of the order and those department have limited hours. Mr. Whatley stated that the store director is in charge of the hours of operation at each Hy-Vee so there may be differences in hours from one location to the next. Mr. Morris asked if there would be a store director at this site. Mr. Whatley and Mr. Downs stated that they were unsure at this time as to the title of the employee that will be managing that facility.

Mr. Moore confirmed with Mr. Whatley that if the noise level does become concerning that they can contact the Hy-Vee home office in Des Moines, Iowa to report the issue.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval of a Conditional Use Permit to allow Warehousing and distribution (limited) in the CC District, subject to the six conditions.

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. Submittal of and compliance with a revised landscape plan providing the required tree plantings, prior to submitting for a building permit.
2. Compliance with the submitted site plan.
3. No pole signs will be permitted on the subject property.
4. Compliance with the submitted operations plan.
5. Compliance with the submitted building elevations.
6. Compliance with all other applicable regulations.

Mr. Moore seconded the motion which carried 4-0.

Agenda items #36 (C7-21-121) and #37 (C7-22-026) were heard together

36.	C7-21-121 West Omaha Sports Complex, LLC	REQUEST:	Approval of a Major Amendment to the Conditional Use Permit to allow <i>Indoor sports and recreation</i> in the CC District
		LOCATION:	602 and 702 North 210 th Street
37.	C7-22-026 West Omaha Sports Complex, LLC	REQUEST:	Approval of a Major Amendment to the Parking Adjustment for a Mixed Use Development (Section 55-736)
		LOCATION:	Northwest, southwest, and southeast of 210 th Street and Cumberland Drive

At the Planning Board meeting held May 3, 2023, Jim Buser, 10250 Regency Circle, appeared before the Board on behalf of the owner. Mr. Buser stated that he, along with Willie Douglas were present to answer questions.

Mr. Rosenbaum stated that at the location of 725 North 210 Street there are no parking signs on the corner. The parking is included in the numbers of stalls for the property, so the no parking signs must be removed.

Willie Douglas, 21008 Cumberland Drive, appeared before the board. Mr. Douglas stated that the stalls at that location are included in the total count of stalls for the Conditional Use Permit for West Omaha Sports Complex. He further stated that the no parking signs will be removed. Mr. Douglas believed the signs were placed in the wrong place and that they should have been on the island across from where they are currently because there is one buildings parking lot that is not to be parked in.

There were no opponents.

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that one of those conditions of the denial of the revocation last month was to expand the site, Major Amendment to the Conditional Use Permit, and the Parking Adjustment. He also mentioned that there is still some work with the ACI requirements with the building. Staff has asked the applicant to coordinate with Planning Department staff as they submit and lead up to the building permit submittal. Mr. Englund pointed out that the monthly discussion at the pre-meeting for updates will continue but it will not be an item at the public hearing.

Specifically regarding #36 (C7-21-121):

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval of the Major Amendment to the Conditional Use Permit to allow Indoor sports and recreation in the CC District, subject to the ten conditions.

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

1. Submittal of and compliance with revised building elevations compliant with ACI requirements with the building permit.
2. Submittal of and compliance with a revised site/landscape plan providing a continuous landscaped screen a minimum height of three feet along the southern parking lot with the building permit.
3. Approval of the associated Major Amendment to the Parking Adjustment for a Mixed Use Development (Case #C7-22-026).
4. Coordinate with Public Works to construct measures to redirect some stormwater flow away from Cumberland Drive storm sewers.
5. Construct sidewalks along the site's 210th Street frontage.
6. Comply with the City's driveway regulations.
7. Compliance with all stormwater management objectives and policies.
8. Subject to the conditions of approval for the original Conditional Use Permit and subsequent amendments.
9. No parking on gravel, grass, or dirt on any portion of the subject site or any other site.
10. Compliance with all other applicable site development regulations.

Mr. Morris seconded the motion which carried 4-0.

Specifically regarding #37 (C7-22-026):

Eric Englund, Assistant Director, appeared before the Board on behalf of the Planning Department. Mr. Englund stated that staff recommends approval of the Parking Adjustment for a Mixed Use Development pursuant to Section 55-736, subject to the two conditions.

Mr. Morris motioned for approval of the Parking Adjustment for a Mixed Use Development pursuant to Section 55-736, subject to:

1. Providing the additional parking lot stalls as proposed with the new site plan.
2. Compliance with all previous conditions of the Parking Adjustment approval.

Mr. Rosacker seconded the motion which carried 4-0.

April 5, 2023 MINUTES

Mr. Rosacker motioned for approval of the April 5, 2023 Planning Board pre-meeting and meeting minutes. Mr. Morris seconded the motion which carried 4-0.

ADJOURNMENT

Mr. Moore motioned to adjourn the meeting. Mr. Rosacker seconded the motion which carried 4-0. The meeting was adjourned at 5:52 p.m.

June 7, 2023

Date Approved

Greg Rosenbaum, Chairman

Kathy Epperson, Planning Board
Recording Secretary