

PLANNING BOARD MEETING
City Hall - 950 Locust St., Carter Lake, Iowa
June 11, 2018 7:00 P.M.

AGENDA

Roll Call

Approval of the Agenda

1. Consent Agenda
 - a. Planning Board Minutes from 5/14/2018
 - b. Review City Council Minutes
 - c. Building Permits from May 2018
2. New Business
 - a. James Moraski 4423 N 17th Street – request to adjust property line
 - b. Review request to close Avenue J per City Council request
 - c. Review height restrictions in all zoning districts per City Council request
 - d. Review sidewalk requirements in Commercial Districts per City Council request
 - e. Review Casino plans for Interior Design and Floor Plan
 - f. Election of Officers for 2018
3. Old Business
 - a. Sign Ordinance
 - b. Comprehensive Plan
4. Comments

Adjourn

06/05/18

jms

City of Carter Lake
950 Locust Street
Carter Lake, IA 51510
Proceedings: Planning Board Meeting Special Meeting
Monday, May 14, 2018 – 7:00 PM

This Planning Board Meeting was called to order at 7:00 p.m. by Chairman Tim Podraza.

Roll Call: Present: Ed Palandri, Kathy Dueling, Jay Gundersen, Tim Podraza, Nate Bradburn, and Karen Fisher. Ray Pauly was absent. Also present: City Attorney Mike O’Bradovich and City Clerk Jackie Stender

Chairman Podraza opened the public hearing, asking for any comments, no written comments or concerns regarding the proposed Zoning Change in C-2 general commercial district, the board will be accepting comments concerning proposed text amendment to the land use development ordinances for the city of Carter Lake, Iowa. The land use development ordinances adopted by the city of Carter Lake, Iowa on August 28, 2006, shall be amended as follows:

Approved use in C-2 commercial district shall now include "gaming facilities" activities as defined by the ordinance in section 307(0) on property held in trust by the government of the United States of America, and that the table 4-1 "use matrix for office and commercial" type in the code shall be amended to identify "gaming facilities" as an approved and permitted (P) use in C-2 Zoning District and in no other Zoning District other than C-2. The City Clerk has not received any written or verbal comments on the subject. Bill Dalheimer asked why if the original plan from 2009 was to designate the area for a medical clinic why did that change? Larry Wright explained that after re-evaluation the vision of the tribe changed several questions of the tribal members regarding the proposed project. Gundersen moved to close the public hearing, seconded by Fisher, Ayes: Unanimous. Chairman closed the public hearing and called for roll call at 7:10 p.m. Roll Call: Present: Ed Palandri, Kathy Dueling, Jay Gundersen, Tim Podraza, Nate Bradburn, and Karen Fisher. Ray Pauly was absent. Also present: City Attorney Mike O’Bradovich and City Clerk Jackie Stender

Dueling moved to approve of the agenda, seconded by Gundersen to approve the agenda. Ayes: Unanimous. Fisher moved to approve consent agenda which included Planning Board minutes from 11/13/2017 and 4/23/2018, review of city council meetings from January 1st through April, and Building Permits from November 2017 to current, seconded by Gundersen. Ayes: Unanimous.

Palandri moved to add the addition of “Zoning Request change for C-2 District”, seconded by Gundersen, Ayes: Unanimous.

New Business:

City Attorney Mike O’Bradovich gave brief history of the tribal communications with the City since 2009. Recommend that the building codes should meet same standards of all other buildings in Carter Lake. The City Council in the past was not opposed to gaming, but there is no “Gaming” listed in the code. Therefore it makes sense to add gaming to land that is designated as “trust land”. The council recommendation that gaming only be allowed on Indian tribal land and that is why the board had the hearing tonight. Gundersen expressed concerns about spot zoning. City Attorney said, no this is adding an approved use to the land development ordinances. When property was rezoned on the riverfront for the Omaha Tribe, it was a recognition of the most appropriate use of the property at that time. Podraza asked if they can add a conditional use permit. City Attorney, said yes you can. Bradburn asked what would be the purpose; the Tribe can do whatever they wanted but want to be good neighbors with the City so they are following along with our required processes. Gundersen moved to adopt the new language to the zoning matrix, seconded by Dueling. Ayes: Unanimous.

Chairman requested a representative for the Ponca Tribe come up to review the Commercial Building Permit application. Doug Jandro, Vice President of Business Development for Kraus-Anderson Construction Company is here on the site work and demolition permits. Trisha Sieh, Civil Engineer/Project Manager with Kimley Horn.

Trailer is being eliminated, Gundersen brought up the stormwater problems. Tribe does not want to invest a bunch money because the first building is temporary, asking to add conditions to developer agreement to have the remaining issues completed in 3-4 years if phase 2-3 do not get completed.

Islands have been created in the parking lot to take some of the incidental stormwater and regrading of the soil will be done in increase infiltrate better than what is currently there. The final plan will include a permanent storm water system.

Doug: This structure is called temporary because it will be open while they are building the new casino so this building will either go away or be incorporated into the permanent facility. They will plan the storm water management for the permanent casino

Jay: The board wants to know what is considered temporary. Temporary could be 10 years, 1 year 6 months?

Doug: Right now from what the design team is being told that assuming all funding and financing is put into place to larger structure would be in operation in 2020. And we certainly expect if that does not happen in that timeframe they would should enter into a developer agreement with the city to give ourselves that time frame. If after 5 years if a permanent structure is not built the tribe will need to come into compliance with all the requirements of that zoning district.

City Attorney asked Lem Sheard, building inspector, to come forward, has the tribe submitted their applications? Lem stated yes last week for footings, grading and foundation plans. Has not acted on anything yet. Lem does not have any concerns about the building but has not had chance to review the revised drawings. Attorney, that if Lem believes special inspectors are needed to inspect certain parts, that you have the right to request those inspections.

Jay, see no problem with footings plan, he does see issues with the site plan because of the drainage. Planning board is making recommendation to council, because of the drainage plan is not adequate.

Larry Wright, representing the tribe, this is not our first option to build a temporary building, but the fact that the Tribe does not have a compact with the state and governor's office we cannot financially move forward with the entire build out. The board thanked Larry for the information and want to make sure if it is a temporary building then it be truly temporary. How long it stays temporary is based on the State of Iowa. Gundersen moved to approve the footing plan, seconded by Dueling. Ayes: Unanimous.

Gundersen moved to deny drainage plan, seconded by Bradburn. Ayes: Unanimous.

Now they don't have to come back to the Planning Board for these two permits because the board has made their decision, now it falls to the City Council since this is the recommendation from Board.

Election of Officers for 2018: Gundersen moved to appoint Kathy Dueling as Chairman, seconded by Fisher Ayes: Gundersen, Bradburn, Fisher, Podraza, Dueling. Ney: Palandri; Gunderson moved to appoint Ray Pauly as Vice-Chairman, seconded by Kathy. Ayes: Gundersen, Bradburn, Fisher, Podraza, Dueling. Ney: Palandri.

Due to the lateness, Podraza suggest the group table the Sign Ordinance and Comprehensive Plan until a later date.

Comments from City Attorney, wants the board to take to heart what he said earlier allowing them to do what they need to do on trust land is one thing, requiring them to do what you expect on non-trust land is

where you have your ability to influence what it looks like. There is no question that the development cannot be at all times just on trust land and they know that. The water issue that Jay was talking about, back to 1993 when all the water came and there is no good answer to it, the best answer left when Omaha would not work with us in putting a pipe underneath Abbott Drive and that was a matter of timing. The City Engineer at that time made the recommendation and the former engineers Schemmer's Associates made the same recommendation but it simply never got done. And storm water utility, retention and detention ponds. It's not just the property owner's problem of what to do with the water, but it affects all the neighboring properties and that is where the city's interest comes in. The Council needs to address the issue or it will keep coming back over and over again in the future and hopefully the Council will get a plan in place to correct the problem.

With no further comments, meeting adjourned at 8:45 p.m.

Tim Podraza, Co-Chairman

Jackie Stender, City Clerk

City of Carter Lake
Regular City Council Meeting
Monday, April 16, 2018

The Pledge of Allegiance

Mayor Cumberledge called the meeting to order at 7:00 p.m.

Roll Call: Council members Present: Aaron Grell, Pat Paterson, Jackie Wahl, Jason Gunderson and Frank Corcoran. Also present City Clerk, Jackie Stender and City Attorney Michael O'Bradovich.

Approval of the Agenda – Gunderson moved to approve agenda, seconded by Paterson; Ayes: Unanimous. Gunderson moved to approve the Consent Agenda items as follows: March Council minutes, March Financial reports; March claims, overtime reports and department reports from Maintenance, Building Inspector, Parks, Fire/EMS, Senior Center, Library and Police Department; seconded by Corcoran. Ayes: Unanimous.

New Business:

Grell moved to approve Liquor License for Dollar General Store, seconded by Wahl, Ayes: Unanimous. Wahl moved to approve Fire Department membership for Jannetta Norman, seconded by Gunderson, Ayes: Unanimous. Gunderson moved to approve re-appointment of Kitty Buchanan to the Board of Adjustments, seconded by Corcoran. Ayes: Unanimous.

Representative from OPPD was present to explain the future plans to phase in the LED streetlights over the next 5 years.

Representative from SWIPCO was present to update the Council concerning all services offered by the Southwest Iowa Planning Council. Grant writing, Community planning and busing services to name a few.

Steve Robinette from PeopleService presented a proposal to become the Certified Operator of the Water Distribution system, it is required that a DNR Certified Operator handle testing and reporting for the City's water system. Corcoran moved to approve the proposal, seconded by Grell; Ayes: Wahl, Grell, Paterson, Corcoran Ney: Gunderson

Department Supervisor Reports: Building Inspector: Coming up on deadline for 97 Carter Lake Club, it was brought to his attention that asbestos has been removed from the house and need direction on where to go from here. Inspector will need to serve abatement notice and options available for the home owner. Municipal of Infraction can be issued if not resolved in timely matter. Council agreed to move forward. Chief Kannedy and Inspector have contacted 30 home owners, Mayor requested face to face contact before issuing abatements.

Chief Kannedy, Woodhouse matched the State bid price for a new cruise at \$27,142.00 with add-ons totaling \$29,097. Delivery expected in mid-June. This is to add a car to the fleet not replacing.

Mayor Cumberledge request council support to send a request to the Planning Board to review adding "Gaming" to the matrix for the C-2 district on land owned by the Tribe. Corcoran moved to make recommendation, seconded by Grell, Ayes: Unanimous. After the Planning Board hears the request, a public hearing will be set to hear public comments and the Planning Board will provide a written recommendation back to the Council.

Wahl presented a Social Media policy to be added to the employee handbook to help manage how and who manages the current sites on the internet. Gundersen moved to approve, seconded by Paterson. Ayes: Unanimous.

Paterson requested the council set a public workshop to review the Rental Inspection Ordinance, definitions, resolution of the fee structure and forms. It is available online and copies at City Hall and at the Library. Scheduled workshop for April 30 at 4:30 p.m. Requested an update from Mike on Property Tax Abatement – Mike is still working on getting more information.

Clerk Stender presented the Iowa DOT Compliance with the Title VI Program that is required to be adopted the Program to sign documents needed to keep receiving RUT funding Paterson moved to approve, seconded by Corcoran, Ayes: Unanimous.

Corcorn moved to approve Resolution to adopt Carter Lake Flexible Benefits Plan, seconded by Gundersen, Ayes: Unanimous.

Paterson moved to approve Resolution for Public Purpose Policy for Expenditures of Funds seconded by Gundersen, Ayes: Unanimous.

Corcoran moved to approve Resolution to State Legislature against the proposed reduction in backfill Paterson, Ayes: Unanimous.

Gundersen moved to approve 1st reading of Ordinance regarding Right Of Way Permits, seconded by Grell, Ayes: Unanimous.

Adjourned at 8:30 p.m.

Jackie Stender
City Clerk

Ron Cumberledge
Mayor

City of Carter Lake
Regular City Council Meeting
Monday, May 21, 2018

The Pledge of Allegiance

Mayor Cumberledge called the meeting to order at 7:00 p.m.

Roll Call: Council members Present: Aaron Grell, Pat Paterson, Jackie Wahl, Jason Gunderson and Frank Corcoran. Also present City Clerk, Jackie Stender and City Attorney Michael O'Bradovich.

Approval of the Agenda – Paterson moved to approve agenda, seconded by Grell; Ayes: Unanimous. Paterson moved to approve the Consent Agenda items as follows: April Council minutes, April Financial reports; April claims, overtime reports and department reports from Maintenance, Building Inspector, Parks, Fire/EMS, Senior Center, Library and Police Department; seconded by Gunderson. Ayes: Unanimous.

New Business:

Gundersen moved to approve Liquor License for Jonesys, seconded by Wahl, Ayes: Unanimous.

Corcoran moved to Solid Waste Collector Permits, seconded by Gunderson. Ayes: Unanimous.

Gundersen moved to approve Urban Revitalization Application for 918 Silver Lane, Ayes: Wahl, Grell, Paterson, Corcoran; Gunderson-abstained from voting.

Council reviewed the Salvage Yard permit for City Super Shop, council is not satisfied with the progress that was promised to have the fence completed by today's date 5/21/18. Paterson motioned to assess a \$50 per day fine until the fence is completed as required for salvage yards, if not completed within 60 days, action may be taken to terminate salvage yard permit, seconded by Grell. Ayes: Unanimous.

Communication from Department Supervisors: Police Chief Kannedy has implemented new requirements for mandatory patrolling in the parks every hour and every shift. Department has purchased patrol bikes for officers to utilize after they go through training with Council Bluffs Police Department. Chief will be extending an offer to hire an officer this month and another officer will be hired after July 1st to bring the department to 10 full time officers.

Interim Public Works Director Stan Olsen has hired a new member to the staff, Phillip Buchanan. Splash pad is operations, flag pole has been repaired, air conditioner back up running. Wondering if he should look at getting bids for resurfacing streets. Council recommended requesting multiple bids. Mayor updated the council on the Parks Department. Some have requested a dog park near the park. Elkhorn fencing provided a bid, council would like to see additional bids and hear more details for the idea and public input.

Mayor received a request to vacate a portion of right away on 17th Street from James Moraski. The current right of way is much wider than other areas of town and would like it reduced to 25 feet. City attorney said that the Planning Board needs to review and a survey will have to be

completed. It sounds like the neighbors are interested in being part of the request to adjust property line on 17th Street. Gundersen motioned to approve and send to Planning Board for review, seconded by Corcoran. Ayes: Unanimous.

Mayor has received a request from William Geis to donate property located on the northeast corner of 13th and Hyatt. Mayor contacted Habitat for Humanity to see if they would be interested in utilizing the property and no one has responded. Paterson moved to accept donation of the land, Grell seconded the motion. Ayes: Unanimous.

Mayor request that the Planning Board to review height restrictions in all zoning districts, Paterson moved to send request to Planning Board, seconded by Gundersen, Ayes: Unanimous.

Mayor request that the Planning Board to review sidewalk requirements in Commercial Districts, Gundersen moved to send request to Planning Board, seconded by Grell, Ayes: Unanimous.

Councilman Jason Gundersen, provided copies of photo of water standing in an area that was recently repaired with new concrete on Redick Street. Asked if something could be done to get the area repaired so it drains instead of holding water. Maintenance agreed to get the issue resolved.

Councilman Frank Corcoran, requested that the council consider adding restrictions to the amount of time fireworks are legal to be discharged in city limits, a proposed ordinance from Council Bluffs is part of the packet. Can we get this in place for this year? Council could approve during the proposed special meeting on June 4th, and final reading at the regular meeting. Also, open burning has become another concern with the weather warming up, Frank would like to see some restrictions or regulations added to the code

Councilman Pat Paterson, the council and landlords have spent time reviewing the Rental Inspection Program, Ordinance and forms in recent weeks. The Ordinance is ready for approval. Paterson requested an update on property tax abatement sunset clause. City Attorney O'Bradovich confirmed that there is no end date unless the Council makes motion to end the program.

City Attorney Mike O'Bradovich, provided the recommendation from Planning Board regard C-2 Zoning change to add "Gaming" Attorney recommended setting public hearing on June 4th to hear public comments and concerns regarding the change. Notice will be published and mailed to the necessary parties as required per the City Code.

City Clerk Jackie Stender, provided an explanation of the necessary budget amendments for public hearing on June 4th. Increased expenditure for Public Safety to purchase Fire pickup \$42,250 and moved Inspector budget to correct program and added \$9,300 for the demo and cleanup of 1501 Cachelin Drive. Increased expenditures in Community & Economic Development \$31,900 for developer agreement payment and emergency repair under Urban Revit program. Increase expenditures to Government: \$11,900 for police consultant, newsletter printing and election cost. Cap. Projects reduced \$380,725 for payments due after 7/1/18. Increase Transfers for Revenues and Expenditures \$195,000.

Gundersen moved to approve resolution to Set Public Hearing on C-2 Zoning changes for June 4th at 6 p.m., seconded by Grell, Ayes: Unanimous

Gundersen moved to approve resolution to Set Wages as follows:

William Calabretto	8.50	04/16/2018	Park Concessions
Esther Schroeder	8.75	04/12/2018	Park Concessions
Tracey Calabretto	9.14	04/10/2018	Park Concessions
Cassandra Payne	9.14	04/11/2018	Park Concessions
Janelle Kannedy	9.79	04/12/2018	Park Concessions
Cheryl Calabretto	9.94	04/16/2018	Park Concessions
Daniel Koch	9.50	05/08/2018	Park Maintenance – Seasonal
Richard Adams	9.50	04/24/2018	Park Maintenance – Seasonal
Gina Smith	10.57	03/05/2018	Clerk’s Assistant – New Hire
Philip Buchanan	12.67	05/3/2018	Maintenance – New Hire
Maxwell Edmonds	19.95	01/29/2018	Police Department–New Hire
Brock Gentile	23.87	01/15/2018	Police Department – 4 th Year
Matt Owens	23.87	03/10/2018	Police Department – 4 th Year

Motion was seconded by Grell, Ayes: Unanimous

Gundersen moved to approve the second reading of Ordinance concerning Right Of Way and Permits, and waive the third read to proceed with approval, seconded by Grell, Ayes: Unanimous

Paterson moved to approve the first Reading of Ordinance concerning Rental Inspection Program, seconded by Wahl, Ayes: Unanimous.

At 9:15 p.m. Gundersen moved for the Council to go into executive session to discuss litigation pursuant to Iowa Code 21.5(1)(c), seconded by Grell. Ayes: Unanimous

At 9:50 p.m. the City Council reconvened in open session and motioned to adjourn for the evening

Jackie Stender
City Clerk

Ron Cumberledge
Mayor

402-681-2419
James and Geneva Moraski 10'
4423 n 17th ST

Terry and Dianna Hite
4433 n 17 ST

Tim and Leta Chillingo
vacant ground

Property Line 50' back from
edge of road adjust on split
have they will build a new
home next to 4423 n 17th

[Find Property](#) [Res Sales](#) [Com DOVs](#)

[Zoom Out](#) [Move North](#) [Zoom In](#)

Adjust Right of way toward street on split



300ft x 300ft S 300ft x 300ft

Press 'ESC' to reset feet.

S 83°E 577'

[Find Property](#) [Res Sales](#) [Com DOVs](#)

between

LAKESIDE AUTO RECYCLERS

2813 North 9th Carter Lake, IA 51510

SHRED THE
WORLD

May 16, 2018

To the City of Carter Lake:

RE: Ave J East of 9th St.

Lakeside Auto Recyclers, Inc. requests for vacancy of Avenue J east of North 9th Street on the South side of Lakeside Auto as it is not a public thoroughway and is primarily used for repair workers.

For safety reasons and security purposes we ask for the road to be abandoned.

Thank you in advance for your time and consideration in this matter.

Sincerely,



Mike Levell, Sr.
Owner/President
Lakeside Auto Recyclers, Inc
2813 N 9th St
Carter Lake, IA 51510

712.347.6561
LAKESIDEAUTORECYCLERS.COM

Commercial Building Permit Application



City of Carter Lake

950 Locust Street
Carter Lake, IA 51510

Office (712) 847-0535 Fax (712) 347-5454

Address of Project: 1001 Avenue H, Carter Lake IA 51510

Legal Description:	Lot	Block	Subdivision	Zoned
	Please See Attached Legal Survey			

Property: Platted Unplatted _____
Size: Width _____ Length _____ Square Ft. 260,503
Structure: Yes No _____ Current Use: n/a - not in use
Proposed Use: New Casino

Property Owner: Ponca Tribe Of Nebraska Phone: (402) 734-5708

Address: 2602 J Street, Omaha, NE 68107

(City, State, Zip)

General Contractor: Kraus Anderson Construction Phone: (612) 332-7281

Address: 501 S 8th Street, Minneapolis MN, 55434

(City, State, Zip)

Occupant / Tenant: Ponca Tribe of Nebraska Phone: (402) 734-5708

Contact Name: Gary Stoltenberg

Type of Construction / Description of Work: Construction of 10,000 SF New Casino. This permit application does not include mechanical, electrical, plumbing, and fire protection.

TOTAL: Value of Finished Product \$ 2,200,000 *Required Field*

The property shall comply with all applicable City of Carter Lake zoning ordinances. All covenants and easements are the responsibility of the builder or property owner.

All property owners, HOA and others having interest in this project been contacted: Yes No _____

I hereby state that the information submitted on this application is accurate and correct. I recognize that the issuance of this building permit shall not grant approval to violate any of the provisions of the building codes or zoning ordinances enforced by this jurisdiction, state or federal law; and that this permit shall not prevent the building official from requiring construction to be in compliance with all applicable code provisions during field inspections. This building permit is issued for the express purpose of work stated on this application and shown on the approved plans. Any changes to the construction plans that effect area or scope of work shall be approved by the building official's prior to construction and may require another permit application. No building shall be occupied until a certificate of occupancy has been issued by the Building Official.

Applicant Name: Ryan Klick

(Print Clearly)

(Signature)

Date: 6/5/18

Please Note that this application must be approved by the following:

Planning Board: _____ Date: _____
Fire Department: _____ Date: _____
Building Official: _____ Date: _____

Documents Needed for Construction:

1. Three sets of plans and specifications. Drawn to scale (1/4").
2. A certified certificate of survey of the property.
3. A plot plan drawn to scale showing building location on the lot.
4. A Copy of SWPPP (Storm Water Pollution Prevention Plan)

Impervious Coverage:

Total (sq ft) of Property: _____
Total (sq ft) of All Structures: _____
Total (sq ft) of Impervious Paving: _____
Impervious Coverage Percentage: _____

AGREEMENT

1. Building Codes.

1.1 Except as set forth in Section 1.2, the Tribe agrees, consistent with its own building codes contained in the Ponca Tribe of Nebraska Law and Order Code, to construct the interim and permanent casino facilities and related amenities in accordance with the City, County and State building codes regarding safety, maintenance, plumbing, fire safety, and electricity that would otherwise be applicable to the trust property if it were held in fee simple. The Tribe further agrees, upon 48 hours' notice to the Tribe, to allow inspectors directly employed or contracted by the City of Carter Lake (but not County or State inspectors) reasonable ingress and egress to inspect the property pursuant to such codes.

1.2 The Parties agree that interim facility is expected to be temporary in nature and will likely be deconstructed and substantially repurposed within 2-3 years after opening. As such, it would be inefficient and a waste of tribal resources to fully comply with certain Code provisions regarding parking and landscaping. Therefore, the Parties agree that the proposed substantial compliance by the Tribe as set forth in the table below shall be sufficient compliance of the identified Code provisions for construction and operation of the interim facility. The Parties further agree that upon the sooner of the construction of the permanent facility or three (3) years after opening of the interim facility, the Tribe will ensure that its gaming facilities are in full compliance with such code provisions as set forth below.

Code Section	Requirement	Action Required
Ordinance No. 633	Infiltrate water quality volume of 1.25" over impervious area. Post development runoff rate for 100-year event shall not exceed 5-year predevelopment rate	Provide additional stormwater treatment volume as required per City Code dated 5/30/2018.
Section 26 – Parking Regulations	2602.a.8 – Requires 6" high curb around perimeter of parking areas. Shall be constructed of concrete.	Add concrete curb around perimeter of parking areas and landscape islands as required per City Code dated 5/30/2018.
Section 26 – Parking Regulations	Bicycle Parking – Per Table 26-3 requires 10 bicycle spaces for sites with 151-200 parking stalls	Add 10 bicycle parking spaces
Section 25 – Landscaping and Screening	SECTION 2503 – Landscaping Depth – 15% green space required within the 80' street yard Current Plan provides 12.5% green space within the 80' street yard on Fee and Trust Land.	Replace approximately 6 parking stalls on the north side of the Site with green space such that 15% green space is attained in the 80' street yard.
Section 25 – Landscaping and Screening	2507.2b. – Requires double row of shrubs	Add a second row of shrubs consisting of 63 #2 Cont. Alpine Currant and 16 #2 Cont. Shenandoah Switch Grass along Avenue H frontage.
Section 25 – Landscaping and Screening	2507.5.c - 1 Tree shall be planted for each 3,000 SF of paved onsite. Approximately 90,000 SF of paving requires 30 trees. Temporary Casino plans will include 9 trees.	21 trees (Swamp White Oak or American Elm (2" min. caliper), or similar) to be added onsite.
Section 25 – Landscaping and Screening	2507.5.e – One tree with a minimum caliper size of 2" shall be planted and maintained for each 500 SF of required landscaped area. 18 Trees required. No trees currently provided in landscape islands, only perennials and shrubs	Plant 18 trees (Swamp White Oak or American Elm (2" min. caliper), or similar) in landscape islands. This requirement shall also count towards the above 2507.5.c requirement.
Section 12 – C-2 General Commercial District	Minimum 30 Performance Points required. Section 1403 defines performance points as a result of Landscaped Areas (parking lot landscaping and trees), Signage, Impervious coverage, Building Articulation, Building Materials	Provide improvements and proof of performance points as required per City Code dated 5/30/2018.

1.3 Nothing in this Section 1 or this Amendment shall be construed as a waiver of rights or an admission by either Party that such codes would or would not apply to the trust property.