

Draft – Not Approved by the Planning Commission

DOUGLAS COUNTY
PLANNING COMMISSION MEETING
SPECIAL MEETING
3015 MENKE CIRCLE
OMAHA, NEBRASKA 68134
September 28, 2011 6:00 P.M.

The meeting was called to order by Chair Lanoha at 6:00 p.m. with roll call vote.

Members Present: Robert L. Boozer, Bob Bruhn, Michael Gerdes, Anne Houlihan, Luke Janke, Bill Julien, and Dave Lanoha.

Members Absent: Murray McArdle and Milo P. Vacanti.

Other County Officials and Staff Present: Kent Holm, Barb Frohlich, and Mark T. Ekberg, Douglas County Environmental Services; and Bernie Monbouquette, Deputy County Attorney.

Before the meeting started, Chair Lanoha made the following statement:

“This meeting is conducted in accordance with the Open Meetings Law of the State of Nebraska and the provisions of the law are posted in the back of the room”.

Motion by Commissioner Julien, seconded by Chair Lanoha to approve August 10, 2011 meeting minutes.

Voting Yes: Boozer, Gerdes, Julien, and Lanoha.

Voting to Abstain: Bruhn, Houlihan, Janke.

The order of the agenda was modified to consider SPU-1-11 first.

APPLICATION SPU-1-11

REQUEST: Special Use Permit for recreational vehicle storage and maintenance

LEGAL: Parcel 0110580007 located in the SW 1/4 of the SW 1/4 of Section 20, Township 15 N, Range 10 E of the 6th P.M.

LOCATION: 26250 West Center Road

APPLICANT: Orion Land Management LLC
17220 Wright Street, Suite 200
Omaha, NE 68130

Eichler Company
P.O. Box 357
Elkhorn, NE 68022

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Ms. Frohlich presented the following background information on the area and some specifics about the special use permit application:

1. Showed the land use concept map (attached). Pointed on the brown area, 264th and West Center Road, which is designated as mixed use/commercial. There are not many areas designated for mixed use in the County.
2. Showed a second map of the surrounding area (attached). Pointed out other properties in the area are zoned and their uses.
3. Several errors were found on the zoning map and those will be on a future agenda for correction.
4. The property on the northeast corner of 264th and West Center Road is currently zoned MU-2 and the application proposed to change the zoning to MU-3.
5. The property on the northwest corner should be designated as MU-2 zoning.
6. The southwest corner should also be designated as MU-2 zoning.
7. South of intersection of 264th and West Center Road on the west side is an automobile repair and storage unit that should be designated as MU-3 zoning.
8. To the west of the intersection of 264th and West Center Road on the north side is Cottonwood Kennel (that zoning was corrected in August 2008).
9. To the west of the intersection of 264th and West Center Road on the south side is a beauty salon and bar.
10. Directly east of the application property is a landscaping business with a Special Use Permit.
11. South of West Center and East of 264th Street is a sand & gravel operation that has a Conditional Use Permit approved in March of 2005.
12. The proposed special use permit is for recreational vehicle storage and maintenance.
13. The proposed hours of operation are 8:00 a.m. to 5:00 p.m. M/F and 6 a.m. to 11:00 p.m. Sunday through Saturday.
14. The site plan we put on the website and shows the existing building and three proposed new buildings to be built during phase two of their operations. The proposed buildings are located along the north property line and east of the current 140'x 46' building that houses the Antique store.
15. The proposed buildings will be enclosed by a six foot chain link fence with commercial grade woven polypropylene screen along West Center Road and the east property line.
16. The two existing driveways, one from West Center Road and one from 264th Street, will be used for entrance to the property. There will be no new proposed driveways.
17. A 20' cantilever roll gate with electronic key pad controller and photo eye will be used for entrance to the vehicle storage area.

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18. There are two pole lights existing on the property and it is proposed that 6 additional pole lights will be installed.
19. The propose to remodel existing 140'x 46' building to include, roof, siding, doors, a 10'x 20' office addition with bathroom and shower.
20. We contacted the County Engineers Office for comment and they are requesting an additional dedication of 10 feet along 264th Street.
21. We also contacted the Nebraska Department of Roads because there is a corridor protection in place on this area of West Center Road. The Nebraska Department of Roads did not have any comments.
22. Staff recommendations are:
 1. All pole lights must be equipped with shields.
 2. Replacement of the well and septic system must be approved by the Douglas County Health Department.
 3. All new construction must meet floodplain elevation requirements.
 4. Proposed signs must comply with county sign regulations and be approved by the Nebraska Department of Roads.
 5. Construction of future structures will require approval by the Nebraska Department of Roads because this property is in a designated corridor protection area.
22. Also reminded Commissioners that a recommendation on the rezoning application should be contingent on a recommendation for approval of the special use permit.

Chair Lanoha opened the public hearing for application with SPU-1-11 because if there is not a recommendation for approval then the re-zoning will be unnecessary.

Bob Dailey, 1601 Dodge Street First National, Tower Suite 3700, Omaha, NE, attorney representing Orion Land Management, made the following presentation:

1. Stated that Mike Sorenson with Orion Land Management is also present.
2. He commented on the five recommendations in the staff report:
 - a. pole lights equipped with shields will be installed because we don't want our lights to bother anyone in the neighborhood.
 - b. There was a reference about a problem with the well & septic system that the Health Department said the well would be unacceptable and that's Ok with us because we plan on abandoning it. With the septic system, the Health Department said once the septic tank goes bad you will have to replace it. That is fine with us. The septic system the Health Department needed assurance that the septic tank had been cleaned out in the last two years. It had been cleaned out about a year and a half ago. We have the cleaning invoice from the current owners proving the cleaning of the existing septic tank. We shouldn't have a problem with that.

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- c. The new construction has to meet the flood plain requirements. We have addressed that. The survey we did that was part of the report showed how much the land would have to be built up for a new building construction. The new construction is on the back burner any how but we understand it will have to be built up about eight feet to meet the flood plain requirements.
- d. Signs will have to comply with sign regulations. We are certainly OK with that. And the designated corridor issue. There is no problem with that right now we currently don't have any plans to build anything right now. The State wants a 300' right of way on that side of the road. Even our phase two project, the buildings are a good 700' to 800' beyond that corridor. So unless we radically change our plans we will never have to go get state for any approval. As for the proposed project the project itself is pretty minimal.
- e. We plan to have RV storage and maintenance. Everything will be behind a six (6) foot fence. Its about as unobtrusive use as you can get. It should not be bothering anybody. And that is part of the purpose of putting a screened fence in there and pointing lights facing down.
- f. On the timing of the business operation, there are two sides to the business operations. Office hours will be 8:00 a.m. to 5:00 p.m. hours with staff on site. The rest of the week, the site will be open as late as 11:00 p.m. because people want to come in at different hours. There will be a card key system or some other type of security card system.
- g. The units are pretty unobtrusive and obviously won't draw much traffic. We are not changing anything that is there now, we are not changing any of the driveways.
- h. If you have any questions for me I will be happy to answer them.

Commissioner Gerdes asked Mr. Dailey if the applicant agreed with the additional 10 feet of right of way dedication on 264th Street. Mr. Dailey stated the applicant was agreeable to the additional dedication.

Public Hearing Comments

Richard Andersen, 2120 S. 72nd Street, Suite 1200, Omaha, NE, representing properties owner to the south of proposed Special Use Permit, G&G Manufacturing and the Graske Family limited partnership made the following comments:

1. Believes it is important to understand that this is a significant area.
2. This area is a corridor entry to the County.

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3. It is a corridor that is developed for a specific purpose for mixed use as commercial and neighborhood residential. What you are being asked to do is introduce an industrial type of use.
4. The MU-2 District provides residential, office, and retail. When you move to the MU-3 provides commercial and industrial activities. Use types include body work, light manufacturing, auto repair, convenient storage, custom manufacturing, and truck terminals. This is not exactly what has been suggested as land use for an area proposed for a beautification highway.
5. What is anticipated when you look at the trails is You look along 264th Street which is a major arterial street. This is the entry way the County and to this area. The only other area that is going to be a introduction to the County is other ways into the county.
6. The zoning change allows significant different uses that can exist here. Now we have a special use eventually in that regard a lot of conditions we ought to be looking at we don't think we should get to that. We've had this discussion we had today. First time with the applicant, we perhaps can come to some resolution. We have not had a chance to come to a resolution tonight. We want to raise the issues that you should not change the zoning.
7. We want to point out this is not a minor change this is a significant change from a residential commercial to a more industrial use area. That's not on the comprehensive plan.
8. The comprehensive plan calls for resource extraction that transition in to lake front housing. When you move to the north, south, and southwest this is exactly what is going on in this parcel here and other areas we think the burden is on them to show reason for the change and it is justified under the comprehensive plan.
9. We don't think the site plan conforms to the regulations. We are going to work with them on it to see if we can come to some conclusion.
10. A fence barrier is not good enough. Where are your plans for buffers made with landscaping and/or berms for screening.
11. This would re-zone the property to a more intensive zone from a less intensive zone.
12. The types of storage being proposed will require maintenance.
13. The lighting needs to be better defined so that lights are not being spread out to the neighborhood. Light direction needs to be better defined other than just pointing the light down.
14. People don't need to be coming at eleven o'clock at night to drop off vehicles. We are going to have heavy vehicles driving in at all hours of the night with their lights all over the place.
15. Vehicle maintenance is not the type of use that should be going on in this area.
16. We feel the applicant's description of type of building is not specific enough.

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17. We think we need more time to look at this special use permit and ask for additional time to review the proposals within the special use permit.

Travis Smith, 22849 Elk City Drive, made the following comments:

1. Used to live a couple miles north of here right across the street from the West Shores subdivision.
2. They are proposing a mixed use that was not planned for the intersection.
3. The proposed use was for mixed use -commercial/residential uses.
4. Previously owned 160 acres on 192 and Dodge in the City of Omaha's jurisdiction and this area was also designated for a mixed use zone. When this property was sold, Methodist Women's Hospital was built.
5. Believes this property is an important area to the community around it; there are a number of housing developments around here with people that need commercial types services.
6. Does not believe a storage unit of any sort fits with this location because the property to the south is the site for a future residential lake development and feels that storage units do not represent a good fit for the nearby future developments.
7. Is not down grading what these gentlemen are trying to do. Has two properties with conditional use permits (now special use permits) and fully understands the restrictions that go with them.

Mike Sorenson, Orion Land Management made the following comments:

1. Orion Land Management presently owns land in Sarpy County near Highway 92 where we lease spots for recreational vehicles.
2. Cory Wheeler is the co-owner of Orion Land Management and founder of Complete Nutrition that has four or five locations within the Omaha Area. Complete Nutrition is about three years old with 520 franchises throughout the country.
3. They want to use the property for a 10 to 15 year time period, a transitional period of 10 to 15 years. As the rest of the area grows, we also see a transitional use at the same time the sand pits change.
4. During the transition, believes the proposed use is a good use for the property.
5. Want to continue a good relationship with the surrounding property owners as well as the County.

Chair Lanoha asked Mr. Sorensen if they had considered landscaping to provide a buffer. Mr. Sorensen responded that they had contacted the State Department of Roads and were told the protected corridor is 300' in width. Their concern was that any plantings were probably be torn out when the NDOR claims the protected corridor but if a landscaping buffer is more appealing, they would be certainly willing to install one.

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Chair Lanoha suggested that it could be set back away from the corridor and closed the public hearing.

Commissioner Comments, Questions:

1. Commissioner Houlihan stated this type of development has not hurt Valley Shores which is up against Valmont.
2. Commissioner Julien commented that he did not feel that re-zoning was the approach to take because the nearby landowners feel the land will be diminished in value. Also asked Mr. Sorensen to clarify whether or not they planned to sell the property in the future.
 - a. Mr. Sorensen said he did not say they will sell it in the future but envisioned the land being used differently in 10 to 15 years.
3. Ms. Frohlich pointed out that vehicle storage is not a permitted use in MU-2 zoning district but is a permitted use in MU-3 zoning district.
4. Mr. Holm suggested that another option might be to leave the MU-2 zoning in place but consider adding vehicle storage as a special use in the MU-2 zoning district. It would allow for control of the use.
5. Mr. Monbouquette stated that would require an additional application for that change to be made.
6. Commissioner Janke asked if the property was currently owned by Orion Land Management.
 - a. Mr. Sorensen stated the sale was contingent upon approval of the application for zoning change and special use permit.
7. Ms. Frohlich stated that the change to the regulation to allow vehicle storage as a special use in MU-2 zoning could be on the agenda for the October meeting.
8. Chair Lanoha clarified that if that approach is taken, then the property would not have to be re zoned.
9. Mr. Holm stated it would be an application from staff to add vehicle storage as a special use in the MU-2 zoning district.
10. Chair Lanoha stated the public hearing was closed and asked Mr. Monbouquette if it could be reopened for further comment.
11. Mr. Andersen, attorney for G&G Manufacturing, stated that he had requested an opportunity to work with Orion Land Management regarding the conditions and another meeting would allow time for that.

Motion by Commissioner Janke, seconded by Commissioner Julien to recommend approval of application SPU-1-11 with the following conditions:

1. The Special Use Permit applies only to the applicant, Orion Land Management LLC.
2. Sale of the property to Orion Land Management LLC must be finalized.

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3. Applicant will dedicate an additional 10 feet of right of way on the 264th Street boundary of the property.
4. County Board approval of an amendment to add to the Zoning Regulations Article 4, Zoning Districts, Table 4.1, Permitted Uses by Zoning District, Commercial Uses, Designating Recreation Vehicle Sales & Storage as a special use in the Mixed Use – 2 Zoning District.
5. All pole lights must be equipped with shields to minimize light pollution or alternatively the applicant must use fixtures that minimize light pollution.
6. Replacement of the well and septic system must be approved by the Douglas County Health Department.
7. All new construction must meet floodplain elevation requirements.
8. Proposed signs must comply with county sign regulations and be approved by the Nebraska Department of Roads.
9. Construction of future structures will require approval by the Nebraska Department of Roads because this property is in a designated corridor protection area.
10. Applicant will submit a landscape plan to Environmental Services Department for consideration and approval and install a landscape buffer adjacent to West Center Road.

Voting Yes: Boozer, Bruhn, Gerdes, Houlihan, Janke, Julien, and Lanoha

Voting No: None

APPLICATION Z-1-11

REQUEST: Rezone parcel from MU-2 to MU-3

LEGAL: Parcel 0110580007 located in the SW 1/4 of the SW 1/4 of Section 20, Township 15 N, Range 10 E of the 6th P.M.

LOCATION: 26250 West Center Road

APPLICANT: Orion Land Management LLC
17220 Wright Street, Suite 200
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Chair Lanoha opened the public hearing. No one from the public spoke for or against the application. Application Z-1-11 died for lack of a motion.

Meeting Adjourned 6:40 p.m.