

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, December 2, 2015, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Cathy Beecham, Michael Cornelius, Tracy Corr, Maja V. Harris, Chris Hove, Jeanelle Lust, Lynn Sunderman and Ken Weber; Dennis Scheer absent. David Cary, Steve Henrichsen, Brian Will, Andrew Thierolf, Tom Cajka, Ed Zimmer, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

Chair Chris Hove called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Steve Henrichsen of the Planning Department came forward to introduce new Planner, **Andrew Thierolf**. Andrew is a graduate of the University of Nebraska, Lincoln. He spent the last three years working in North Dakota. He will handle projects on the north side of Lincoln.

Commissioners welcomed Thierolf to the Planning Department.

Hove requested a motion approving the minutes for the regular meeting held November 18, 2015. Cornelius moved approval as revised, seconded by Beecham and carried 7-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman and Hove voting 'yes'; Weber abstaining; Scheer absent.

CONSENT AGENDA **PUBLIC HEARING & ADMINISTRATIVE ACTION** **BEFORE PLANNING COMMISSION:**

December 2, 2015

Members present: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber, and Hove present; Scheer absent.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 15013 and CHANGE OF ZONE NO. 05068E.**

There were no ex parte communications disclosed.

Harris moved approval of the Consent Agenda, seconded by Lust and carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer absent.

Chair Hove asked that any Requests for Deferral be called.

SPECIAL PERMIT NO. 1762E
VINTAGE HEIGHTS CUP

ACTION BY PLANNING COMMISSION:

December 2, 2015

There was no public testimony on this item.

SPECIAL PERMIT NO. 15064,
AVALON EVENT PARADISE

ACTION BY PLANNING COMMISSION:

December 2, 2015

There was no public testimony on this item.

Lust moved deferral of **SPECIAL PERMIT NO. 1762E** and **SPECIAL PERMIT NO. 15064**, seconded by Beecham and carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer absent.

COMPREHENSIVE PLAN CONFORMANCE NO. 15032
AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD
"TELEGRAPH DISTRICT PHASE I:
401 BUILDING AND 333 BUILDING PROJECT".

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 2, 2015

Members present: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber, and Hove present; Scheer absent.

Staff recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Rorabaugh noted that Commissioner Scheer, though absent from today's meeting, declared a Conflict of Interest on this item.

Staff presentation: David Landis, Director of the Urban Development Department, came forward to state that this amendment is not hypothetical. The purpose of obtaining the authority that this is consistent with the Comprehensive Plan is to continue discussions with the developer to transform these seven acres. Nelnet will be involved and will have 650 employees, some of whom will be new.

One part of the project is the rehabilitation of the buildings to make them appropriate for the proposed uses and to change the look and feel of them. The old telegraph warehouse was built for the security, so it is a windowless building and has that feel of security. Current Downtown Design Standards strive for transparency, so one goal is to take buildings that do not conform and make them fit.

The second building is a parking garage. It will be opened up and include some ground floor retail to become pedestrian friendly. The Staff Report summarizes the many ways in which this project fits with the Comprehensive Plan. He reiterated that this plan is not hypothetical and will proceed in an active way. They hope to have someone in the building within a year.

Beecham asked about the two houses that remain in the area. She recognized that they are not part of the redevelopment area and wondered if they have historical value. Landis replied that the occupants of these properties are elderly and wish to remain. This area is zoned B-4. Residential exists but is not common in this immediate vicinity. They will continue to enjoy their homes but, at some point in the future, it is possible they redevelop to become more commercial.

Lust asked for clarification about the three bays of retail in the parking garage. Landis said the bays are pushed back into the facility to operate retail locations. They are typically a minimum of 50 to 60 feet deep, to accommodate something like a coffee shop or other small retail establishment. The important part from the City's point of view is to open up the structure with windows and doors.

Proponents

1. Kent Seacrest, Seacrest and Kalkowski, came forward on behalf of the applicant and their two partners, who are also present today to answer questions. There are two new facades that will be designed as part of this proposal. They are still in the drawing phase but will be presented at the joint meeting of the Historic Preservation Commission and the Urban Design Committee on January 5, 2016. They will appear before the joint committee because the project includes historical attributes that are important to save, along with many new buildings and public spaces. This area is an even larger project area than the West Haymarket area, which also utilized the joint meetings, and the multiple phases will come before this body many times. This puzzle includes mixed uses with lots of residential areas, including many housing styles. Essentially, a new neighborhood is being built. Right now the area has a relatively nondescript industrial character. It includes three schools: Elliot, McPhee and Lincoln High. There are four bike trails that converge in the area, three bus routes, and the potential for many neighborhood services. Nelnet is a great start that will bring with it support services like restaurants. A neighborhood meeting was held and the feedback about the transition was very positive. Seacrest thanked all who have helped to work on this project thus far. The applicants look forward to this collaboration in the future.

Beecham commented that the combined committee is an excellent idea and they will work together to create something special.

Corr asked if the broader scope of the plan will include a grocery store. Seacrest said he did not want to comment or create expectations because there have been disappointments in the past with regard to that topic.

There was no testimony in opposition.

COMPREHENSIVE PLAN CONFORMANCE NO. 15032
ACTION BY PLANNING COMMISSION:

December 2, 2014

Beecham moved Conformance with the Comprehensive Plan, seconded by Harris.

Hove stated that this is an exciting project for the city and he offered his compliments to those who have worked on it thus far and will help to push it forward.

Motion for Conformance with the Comprehensive Plan carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 15034
TO DESIGNATE REES HOUSE AS LANDMARK

Staff recommendation: Approval of Landmark Designation

AND

SPECIAL PERMIT NO. 15070
TO ALLOW A PRIVATE RESIDENCE
TO SERVE AS A HOLISTIC HEALTHCARE CENTER
BOTH GENERALLY LOCATED AT 4701 BANCROFT STREET
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 2, 2015

Staff recommendation: Conditional Approval

Commissioner Corr disclosed that she attended a neighborhood meeting where the applicant presented the proposed project.

Staff presentation: Ed Zimmer of the Planning Department came forward to state that the home was built in 1938 by the church general manager of the Christian Record, which was located at the other end of the block. Both Mr. and Mrs. Rees were involved with the Christian Record. The Historic Preservation Commission (HPC) reviewed this property and recommends it as significant for both its architecture and the associated history. The

architecture is simplified Art Moderne. It is geometric in form, consisting of three distinctive blocks. The rear of the house has a sun porch nestled between the two outer blocks. The center area is a living room. The home sits on an ample corner lot. Mr. Rees was an English professor. He traveled extensively, teaching at Adventist colleges, until landing in Lincoln and with the Christian Record in the 1920s. The Christian Records Building is on the National Register and is an art deco building with a limestone front. The Historic Preservation Commission unanimously recommended the Landmark designation, which will go on to the City Council with the approval of this body. The Special Permit is Final Action today, with the condition that the Landmark must be approved by the City Council.

Proponents

1. Eugena Foster, 4716 Prescott Avenue, came forward as applicant and thanked Zimmer for his work on this project. She stated she noticed this home and asked the owner to enter and look at the space. The home has 12-foot ceilings and a very healing energy. She started her practice in April and it has been growing ever since. She serves students from Union College two days a week and would like to remain close to that location. There are other buildings available to rent for this use, but this home is very special.

Beecham noticed that a street tree was lost and that two were dying. Foster said that those trees will be replaced with David's Crabapple trees which were selected because David is her husband's name, and the white flowers will compliment the building.

Zimmer noted that embedded in the conditions is the inclusion of a potential conversion of the porch into a full sunroom. That feature was reviewed by HPC and would be permitted if the day comes when the applicant would like to take that step. There will also be a future sign on the corner which will be reviewed.

Beecham asked if this would come back before Planning Commission if any changes are made in the future. Zimmer said that the site plan governs the permit. There is parking within the garage. It is hoped that on this corner lot and with the proximity to the college, this will be restricted to a single practitioner. Beecham asked for further clarification regarding whether or not the business could expand on this property. Zimmer replied that the special permit follows the property, not the individual, so it will be restricted to use by a single professional.

Corr asked what the normal parking requirements would be for a clinic like this. Zimmer said he is not certain. This property would not normally be used for this purpose. It would certainly be greater than two, but the parking calculations were not run since this is a special use. Corr said that she mentioned it because there were some concerns from neighbors about on-street parking. She also wonders about the potential to add a partner

to the practice in the future. Zimmer said that an increase in allowed parking or the addition of a partner would both come back through the public process. This allows only what is being requested and what is shown on the map and in the conditions.

Corr asked if Building and Safety approved the location of the sign as shown. Zimmer stated that the location is indicated, but not to the inch. It gets reviewed, including the height, and cannot be an obstacle. Both HPC and staff from Building and Safety have reviewed this proposal. Because the sign will have to come back for review, it will not cause hazard.

Foster added that with the flow of her clinic, there are usually only two people waiting. She is grateful for her good relationship with Union College.

CHANGE OF ZONE NO. 15034

ACTION BY PLANNING COMMISSION:

December 2, 2014

Beecham moved Approval of the Landmark designation, seconded by Corr.

Beecham stated that she is always encouraged when citizens save and make use of Lincoln's great historic resources. There are several changes related to business and residential development in this area. This neighborhood is ripe for the City to sit down with the residents to come up with a great neighborhood plan and it would be great if this could be thought out in advance instead of risking conflict. It is important to discuss with small neighborhoods these kinds of changes.

Motion for Approval of Landmark designation carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 15070

ACTION BY PLANNING COMMISSION:

December 2, 2014

Harris moved Conditional Approval of the Special Permit, seconded by Corr.

Motion for Conditional Approval carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer absent. This is final action, pending approval of the Landmark designation by the City Council, unless appealed to the City Council within 14 days.

**SPECIAL PERMIT NO. 04016A
TO CONSTRUCT A MULTI-STORY, INDOOR SELF-STORAGE BUILDING
AND INCREASE THE FLOOR AREA TO 236,200 SQUARE FEET,
ON PROPERTY GENERALLY LOCATED AT
NORTHWOODS DRIVE AND COLBY STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 2, 2014

Members present: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber, and Hove present; Scheer absent.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: Andrew Thierolf of the Planning Department came forward to present the staff report. The applicant is looking to construct an indoor storage facility, which is classified as a permitted use, and to amend the maximum floor area and maximum height. The building is proposed to be constructed on two lots. Right now, the plan allows for 19,000 square feet or retail commercial use. The request is to increase that to 140,000 square feet, with conditions. First, the increase can only be used for mini-warehouse use. When the special permit was initially put together, it was based on several factors, including the greater impact of retail. The building would need to be reevaluated and altered if another use is proposed. In other words, this special permit would not allow 140,000 square feet of retail use. Approval would bump the entire permit area up to 236,000 square feet. The height increase would allow the east side to be built up to 55 feet, which is the allowed height in H-4 zoning, but would remain 35 feet to the west, across from the single-family attached development that already exists. The greater height would only be along 84th Street to the east. There is nothing specific in City ordinances about parking for indoor storage units, so the number suggested was based on what works for similar facilities in Omaha, also owned by the applicant. That number is 18 parking stalls for every 1,000 units.

Thierolf went on to describe two letters of opposition received just prior to this hearing. One from Derek Schroeder, President of the Northern Lights Townhome HOA. It opposes the height increase in general. The other letter is from Randy Haas, partner in T.O. Haas Tire, who leases property in an adjacent retail strip mall. He also opposes the height due to the potential that the new building will block visibility of his business from 84th Street. Thierolf offered for consideration the fact that H-4 zoning has permissive sign regulations so a center sign in a more visible location could be used to address this issue. That business owner was also concerned that a mini-warehouse would not be appropriate in this retail and commercial area.

Harris asked about the potential location for a center sign. Thierolf said it could be anywhere within the property, closer to the street. Harris asked if it could be a free-standing sign. Thierolf said yes, and it could include all businesses in the area.

Hove asked about the elevation of this property. Thierolf said it is lower than 84th Street. The neighborhood to the west is also lower than the lot line.

Corr asked about the location of the T.O. Haas. Thierolf described the layout of other businesses in the development. T.O. Haas is located in a strip mall to the south. There is a dental office to the east and a Walgreen's to the southeast.

Beecham noted the surrounding zoning and that only a section of property is across from H-4. She asked the height limitations in B-1 or B-2 Districts.

Steve Henrichsen of the Planning Department stated there are 27 districts and height restrictions can change based on use. In B-1 and B-2, the height is 40 feet and in O-3 it is 45 feet. Beecham asked about the zoning to the south of the parcel in question. Henrichsen said it is B-2 for Northern Lights all the way to Holdrege Street. The area is mostly B-2, but when developed, H-2 was requested to allow a few heavier uses other than just retail, so it allows the retail, but was specifically intended to allow more intensive uses. The townhomes were approved and built at the same time. We do not know why the 35 foot height was designated, but it is possible that it was chosen to account for the townhomes. That is why the application before this body today only changes the height on the east side.

Beecham asked if the H-4 section was really only across the street from one area. Henrichsen said that is correct.

Corr asked if the entire area is currently H-4. Thierolf said yes.

Lust asked how many stories the building will be. Thierolf said it could be between three and five stories, somewhere between 35 and 55 feet.

Proponents:

1. Bill Glismann, HGM Associates, Omaha, came forward representing the applicant. He stated that Dave Paladino and Dale Clymens, both of Landmark Group/Dino's Storage are also present to answer questions. This building will be a 4-story, climate controlled mini-storage facility with no garages. Dino's has similar locations in Omaha. The building will include a storefront office and sliding glass doors to the sides. Enclosed loading areas have also been considered. The building will be set back 50 feet from 84th Street due to a 50-foot utility easement, so there will be some room for sight lines to existing businesses. Typically, these facilities range from 130,000 to 140,000 square feet. The commodity that makes this business model work is space. The buildings are approximately 45 feet in height, depending on the pitch of the roof, but that is the average. The facilities in Omaha

run 1 parking stall per 56 units as a rule of thumb. Most people come, unload belongings, and leave. There is not a lot of traffic coming and going. One facility only has 12 stalls and that lot has never been full. This type of business does not generate traffic so it is not an issue.

Lust asked what the buildings will be constructed out of. Glismann said they are a metal structure inside. On the exterior, there is glass and the building is broken up with corners so it is not just a square metal building. The unloading area is proposed to be glass to make it visible but without exposure to elements.

Beecham asked if access would be taken off 85th Street. Glismann said it would either be from Northwoods Drive or Colby Court. Lust asked if Colby Court connects to 84th Street. Glismann said it is a dead end that does not connect.

2. Dave Paladino, 2702 Douglas, Omaha, came forward as owner. He stated the building office would face 84th Street even though access would be taken in back. The 55 feet mentioned is taller than what is needed.

Corr how many units the facility would have. Paladino said around 800.

Opponents:

1. John Rallis, 3600 Doonbeg Road, came forward to state that he owns the lot just south of this property. He received no notification of this project and there were no neighborhood meetings scheduled. He found out by accident from another property owner. Normally the Planning Department does a good job of due diligence and this is not the usual experience he has had. The requested increase is square footage; for perspective, this is the size of a Wal-Mart. That is a drastic change from what was previously specified for the area. Those who have developed in the area have a right to expect that what was designated is what will occur. The dentist put his life savings into his business. No specifics have been given with regard to showing exactly what will be built. There are use restrictions in place including limitations on boat and auto storage. We do not have the details to know if they store items like that. The other property owners in the area should be able to rely on the restrictions that were already agreed upon. This is not a mini-warehouse, this is a warehouse. Normally there would be more parking stalls and it is not right to arbitrarily choose a number. There are too many unknown things. Mr. Rallis concluded by saying that if there is intention to approve this application, he would like to at least request a delay in action until more questions have been answered.

Lust asked which property Mr. Rallis owns. He stated his son owns the orthodontist office as part of the same lot, along 84th Street. There is nothing else like this in the neighborhood. There was a reason there was a 35-foot height limit placed when this was approved. No one imagined a 55- foot, 140,000 square foot building on this site. It does not fit the area.

Weber asked how and when Mr. Rallis was notified. Rallis replied that he happened to be notified by a landowner on 84th Street this morning. He has been involved in development projects in the past. This is an anomaly that none of the usual explanation and notification has occurred.

2. Scott Anderson, 3000 W. A Street, stated that he has been a property owner in the area for over 20 years. It was challenging to even get commercial ground approved and to make future projections about what would occur in this area. When it was done, 19,000 square feet was approved on the lots of the applicant. They are asking for a seven fold increase over what was originally approved. That is not right. People have invested heavily in their businesses and homes. This is the wrong time and place. The project is vague with no conclusive answer about where access will be taken, the number of storage units, and the height. The height is horrendous. Yes, the ground is at a lower elevation, but property owners will be unhappy about a commercial use next door. It is also not right to ask business owners to bear the cost of putting up an extra sign. There are better uses for this land and the size is way too big of a jump.

Staff Questions:

Beecham asked if there was a public meeting held. Thierolf said he did not believe so.

Corr noted that the property slopes and asked the elevation difference between 84th Street and the townhomes to the west. Thierolf said it drops roughly 10 to 20 feet near 84th Street and then another 10 or so on the other side, near the townhomes.

Lust stated she would like to compare the requests of the applicants with what was approved in the past. She asked what the actual increase would be for the area. Thierolf said Lots 6 and 10 would be increasing from 19,000 square feet to 140,000 square feet.

Weber said that there is a discrepancy regarding whether or not the height is in conformance in two different areas of the staff report. Thierolf responded that with the original Special Permit, the maximum height was 35 feet. The H-4 district would allow 55 feet. The 35 was an extra condition put on the original site plan.

Beecham asked, for the sake of clarification, whether the original special permit limited the height to 35 feet. Thierolf said yes. Beecham went on to say that they may not have described why that was done, but it can be assumed it was done in a thoughtful way. Thierolf agreed that it was not a clerical error but was added to the special permit.

Lust wondered if notification could have been delayed due to the Thanksgiving Holiday. Thierolf showed the notification map to indicate all property owners that were notified. Corr noted that if there were a discrepancy with the address listed by the Assessor's office, that could also cause a problem.

Harris asked for more information about the setbacks. Thierolf said that as part of the first Special Permit from 2004, all of the internal setbacks were waived.

Harris referred to the Staff Report, noting that self-storage would have a lower impact. Thierolf confirmed that looking at traffic and parking, storage has a much lower impact than retail.

Hove wondered if there are rules about the storage of vehicles at the facility.

Beecham wondered if staff has seen a site plan. Thierolf said that a site plan will be required at the time of building. Beecham wondered if that was typical. Henrichsen approached to state that in a case where there is existing residential with commercial or a dramatic increase in retail coming in later, there will be a specific site plan and elevations. Because this entire center was built in advance, and with the tree mass and the distance taken as part of the consideration, a more general site plan was allowed. Beecham stated that decision could have been impacted by the height restriction. There were many mitigating factors in place to protect the neighborhood. She acknowledged that is speculative. Henrichsen agreed that is a possibility.

Corr asked the width of the lot from Northwoods to the west boundary line. Thierolf said it is 175 feet.

Hove asked the height limit in the area from Northwoods to the west boundary line. Thierolf said it will be 35 feet. Hove asked if the neighbors would be able to see the 55-foot building placed in the applicant's area from their properties. Beecham noted that neighbors are at a lower elevation.

Corr asked if the strip mall is one story. Thierolf said it is.

Cornelius asked, if there were no pre-existing special permit, if this body would even be discussing this, since the 55-foot height would normally be allowed. Thierolf agreed that height is allowed in H-4.

Applicant Rebuttal:

Glismann stated that on the site plan, a conceptual drawing gives an idea of the 140,000 being considered. The building will face 84th Street, where there is a 50-foot easement. There will also be a 20-foot setback maintained all the way around to meet the requirement for H-4. The applicant is leaning towards access off of Colby. There is a slop down from

84th Street, then the property itself is flat, then there is another slope down towards the neighbors. Typically the 4-story structures are in the mid-forties, in terms of height. We are not looking to build a 55-foot building, that is just happens to be the maximum height in H-4.

Paladino added that he chooses sites that others have a hard time making sense of. The access to this property is limited, but for this use, it is not an issue. The only commercial use that has less traffic is a cemetery. The average is approximately one car per 10,000 square feet, so when full, we might see 11 customers per hour. The 55 feet was chosen simply because it was the previous zoning. We would only have asked for 45 feet. In terms of the sight lines, once other buildings are constructed, this building will be somewhat difficult to see.

Lust said she is concerned about the lack of notices. She acknowledged that the applicant complied with all notification rules, but there are people who did not receive notification. She asked if it would be a problem if Action were delayed so that the applicant could meet with the neighbors. Glismann said that would not be a problem at all and it is desirable to reach out to those who are in opposition. That is not a new process.

Beecham asked if car storage would be allowed. Glismann said that if it can't fit down the 5-foot hallway or into an elevator, it could not be stored.

Beecham went on to say that a neighborhood meeting would be helpful. She suggested that it is also helpful for neighbors to have an idea of what the building might look like. Hove agreed that elevation would be helpful.

Paladino said they have done sketch ups and modeling before and they would be willing to do that.

Corr wondered if the 50-foot setback also applied to the dentist's office. She wondered if the buildings will line up. Glismann said that to the east, there could potentially be parking, but they have the same setback. Corr went on to say that elevation is important but it is also important to remember that we are talking about existing next door neighbors. We need to see those businesses. Glismann said they could also provide an aerial to show how the building will fit in with the entire area.

Hove asked about the 20 feet on all sides. Glismann said 20 feet of setback will be on all other sides.

Weber added that some of the opposition might be relieved by a 45-foot height limit, rather than the 55-foot limit. Paladino said that is all we need. Beecham agreed, stating that if it is changed, it is changed for all of the lots.

SPECIAL PERMIT NO. 04016A

ACTION BY PLANNING COMMISSION:

December 2, 2014

Lust moved Deferral of the Special Permit, seconded by Cornelius.

Lust said she appreciates the applicant's willingness to work things out with neighbors and hopes agreement can be reached.

Hove clarified that the motion would allow more discussion.

Motion for Deferral carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer absent.

SPECIAL PERMIT NO. 15066

**TO ALLOW A PRIVATE SCHOOL FOR PERSON PROTECTION
FIREARM, AND LIVE FIRE TRAINING WITH SOME RETAIL SALES
ON PROPERTY GENERALLY LOCATED AT
3200 GAGE ROAD.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 2, 2014

Members present: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber, and Hove present; Scheer absent.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: Tom Cajka of the Planning Department came forward to present the staff report. He stated this application is located on Gage Road along the southern county line between 25th and 29th Streets. The property is 20 acres and the private school area is roughly 9 acres. The special permit is to allow for gun safety training, including carry and conceal classes, among others. As an accessory use to the school, there is an outdoor shooting range located to the west and north west. There are three shooting stations and the direction of the shooting is to the north and west. There is one house to the east which is 1,300 feet from the closest shooting station. There is open farm ground in all other directions. Jeff Rawlinson from Nebraska Game and Parks was consulted to look at the range. He has expertise in designing shooting ranges and his recommendations were added to the conditions for approval. Overall, he thought the existing shooting range was good. Increasing the berm height was one suggested change. The range is not open to the general public and firing exercises are supervised by certified National Rifle Association (NRA) instructors. The classroom building is being reviewed and requires some improvements to bring it up to commercial standards. Finally, the application requests limited retail sales for items related to classes. This would be allowed as an accessory to the school.

Beecham asked about the impact to future development on surrounding properties. Cajka said with the added safety precautions, it would still meet all standards. The NRA has guidelines about how shooting areas should be built and Jeff Rawlinson is an expert and follows those, so safety measures are in place.

Beecham asked if oversight for compliance is complaint driven. Cajka said that is correct.

Harris said that in the report letter from Game and Parks stated they have no statutory authority. She wondered who does. Cajka said it would fall upon the City because the authority is compliance with the Special Permit. If they did not comply, there would be a complaint and Building and Safety would inspect it. It is County zoning jurisdiction, but Building and Safety investigates things in the County.

Harris went on to ask that if regulation is complaint driven, is it typical to apply the maximum regulations. Cajka said he is unsure if that question has been asked before. This is a unique circumstance with firearms, so we want to take the most stringent approach for safety. This is in addition to Mr. Rawlinson's recommendations.

Hove asked if the suggestions made by Game and Parks were discussed with the applicant. Cajka said that he and the applicant both met with Mr. Rawlinson on site to discuss suggestions.

Corr asked what triggered Building and Safety to notify the applicant that they needed to apply for the Special Permit. Cajka said Building and Safety received a complaint but he is not aware of the details of that complaint.

Beecham asked for confirmation that because this is a Special Permit, it will follow the land and not the owner. Cajka said that is correct.

Proponents:

1. Justin Grusing, 3200 Gage Road, came forward as applicant to state that Nebraska Shooters provides training all across the state. Our interest is to provide an effective place to teach proper firearm safety. With the help of Staff and Mr. Rawlinson from Game and Parks, the design has been refined to optimize safety and follow protocols. Having the safety standards in place keep neighbors safe and keeps the business from becoming a nuisance. Good relationships with neighbors are a high priority in rural areas and there have been no complaints. One protocol that must be observed is that the ranges are supervised by NRA Range Safety Officers for all classes, which include gun safety, State Patrol conceal and carry, and hunter safety education.

Grusing went on to say that he would like to request one amendment to Condition 1.4 to allow the hours of operation to include Sundays, allowing class instruction between 8:00 a.m. and 6:00 p.m. and live fire between 10:00 a.m. and 2:00 p.m. Sundays are a popular day for potential students to enroll in all-day classes.

Harris asked Mr. Grusing to repeat his amendment. He stated the hours of operation he is requesting for Sundays.

Weber commented that he lived near that area and gives a lot of weight to the opinions of surrounding property owners. The letters of support are encouraging. He commended Mr. Grusing for his efforts to communicate with neighbors.

Corr asked how many students are in a typical class. Grusing said the average is eight. They are fairly small and meet State requirements.

Corr went on to ask if the facility is rented out for events. Grusing said the facility is not rented out but they do support local charities events for organizations like the VFW, for example. Instructors volunteer their time to host events and the charity keeps any money raised. Corr clarified that it is not a dinner or banquet.

Hove asked if classes were just for handgun operators. Grusing said there is some shotgun training with the hunter education kids. There is limited rifle training, but the ranges do not have the distance for that.

Lust wondered about the complaint that prompted this application. Grusing stated he was told there was a complaint but has not heard it. It could have come after a competition or from a former instructor. Lust asked why a year passed between the time of that complaint and this application. Grusing said he hired an engineer and did not get a response for a long time, until he finally hired a different engineer. He did not receive a draft of what would be acceptable until a month ago. Primarily, he did not realize that he could go ahead with the Special Permit application process without the other approval.

Staff Questions:

Harris asked how staff feels about the amendment proposed by the applicants. Cajka said Planning does not object to that. The original hours were chosen under the impression that classes were held primarily on Saturdays. Since it is an eight hour class, both weekend days are needed.

SPECIAL PERMIT NO. 15066

ACTION BY PLANNING COMMISSION:

December 2, 2014

Lust moved Conditional Approval, as amended by the Applicant, seconded by Weber.

Corr commented that the information provided was very professional so if that is any indication, she feels sure the business is run in a professional manner.

Beecham thanked the applicant for reaching out to neighbors and stated that she feels good about the safety measures that are being taken.

Weber stated that when change is made in a rural area, having the strong support of surrounding property owners makes the decision easier.

Motion for Conditional Approval as amended carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Sunderman, Weber and Hove voting 'yes'; Scheer absent.

There being no further business to come before the Commission, the meeting was adjourned at 2:45 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, December 16, 2015.