



City of Omaha  
Jim Suttle, Mayor

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## Planning Department

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R. E. Cunningham, RA, F.SAME  
Director

September 25, 2012

C10-11-099

C11-11-100

Honorable President

and Members of the City Council,

The attached Ordinance rezones the property located East of 99<sup>th</sup> Street and South of Redick Avenue from LI-Limited Industrial District to R7-Medium-Density Multiple-Family Residential District. The applicant is the Eagles Nest.

**CASE DESCRIPTION:** The purpose of this request is to allow the development of the site for Religious assembly (Eagles Nest Worship Center). This rezoning accompanies a PUD-Planned Unit Development Overlay District.

**DEPARTMENT RECOMMENDATION:** Approval of the rezoning from LI to R7.

**SUMMARY OF TESTIMONY:** The Planning Board held a public hearing on this request August 3, 2011. A full summary of the proceedings is attached.

**PLANNING BOARD RECOMMENDATION:** Approval, as recommended by the Planning Department, 7-0.

Respectfully submitted,

Referred to City Council for Consideration:

*James R. Theale 8/18/11*  
for R. E. Cunningham, RA, F.SAME Date  
Planning Director

*[Signature]* 18 Sept 2011  
Mayor's Office Date

Pln2322ece

INTER-OFFICE COMMUNICATION  
City of Omaha, Nebraska  
Planning Department

TO: Chairman and Members of the Planning Board

FROM: R. E. Cunningham, RA, F.SAME  
Planning Director

DATE: July 27, 2011

SUBJECT: East of 99<sup>th</sup> Street, South of Redick Avenue  
Case #C10-11-99, C11-11-100

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This request for approval of a rezoning from LI-Limited Industrial District to R7-Medium-Density Multiple Family Residential District and approval of a PUD-Planned Unit Development Overlay District was laid over by the Planning Board at their regular meeting June 1, 2011, to allow additional time for the applicant to meet with the Planning Department to discuss potential development alternatives for the site.

The applicant met with Planning Department staff June 9, 2011, and has since submitted a revised application. The revised site plan includes one 195,080 square foot building, in Phase I, for *Religious assembly*. The religious assembly includes religious education classrooms, an interior bookstore, daycare facility and administrative offices as ancillary uses. This building will be expanded to 253,000 square foot, in Phase II, by adding a gymnasium, elementary school and senior housing; all of which are allowed in the proposed R7 District.

A sports field and event amphitheater is proposed for the northeastern area of the site.

Phase II will also include expansion of the surface parking.

**Applicable Regulations:** Based on the revised site plans the following items have been noted:

The applicant has indicated that the building will be a maximum of 60 feet tall plus an architectural element to a maximum height of 100 feet. In the R7 District the maximum building height allowed is 75 feet (Sec. 55-246). A steeple may exceed the maximum allowed building height by not more than 25% (93.75 feet)(Sec. 55-783(a)).

The site plans indicate, "30 foot side required buffer between DR and R7-PUD. However, the adjacent property has a preliminary plat for R6 apartment. In the event that this zoning is not finalized the owner will plant buffer." The preliminary plat of Jensen Addition expired October 30, 2009. The applicant will be required to install all bufferyards (Sec. 55-716). A revised landscape plan will need to be submitted, showing the required bufferyard plantings adjacent to the DR District prior to forwarding the request to the City Council for final action.

*Daycare (general)* is allowed as an accessory use to *Religious assembly*. Compliance with Section 55-787 Storm shelters will be required to accommodate the occupants of the daycare.

A business center sign 12 feet from the property line has been shown on the site plan and discussed in the phasing schedule. All proposed signage must comply with Article XVIII Sign and Street Graphics

Regulations as set forth for the R7 District as referenced in the zoning ordinance. The site plan and phasing schedule will need to be revised accordingly.

The site/landscape plans must comply with Article XIV Off-Street Parking and Loading Regulations. The site plans do not comply with this section with regard to handicapped accessible off-street parking.

**No Building Permit will be issued based on a site plan that does not comply with the provisions of the Zoning Ordinance.**

**Traffic and Circulation:** Public Works has indicated that a modified traffic study is needed and that the applicant must provide for all improvements noted in the approved study.

The public access easement from the north property line (between Lots 5 and 6) needs to be extended so that it connects to the driveway on the west side of the development.

**Grading and Drainage:** A post construction stormwater management plan (PCSMP) demonstrating control of the first ½ inch of stormwater runoff, and demonstrating a no-net increase in stormwater runoff from a 2-year storm event are required for this project.

The proposed stormwater detention cell and bio-swale need to operate as a sediment detention area during development. Upon final site stabilization, the original capacity of the stormwater detention cell needs to be re-established.

**Financing:** All proposed improvements will be funded privately.

**Land Use and Planning:** The proposed rezoning to R7 and proposed land use is in conformance with the Land Use Element of the City's Master Plan.

**ANALYSIS:** The applicant's request is in conformance with the City's Master Plan.

All site/landscape plans and building elevations will be required to comply with all applicable regulations prior to being forwarded to City Council for final action.

The proposed phasing schedule needs to be updated to eliminate references to items that do not comply with all applicable regulations.

**DEPARTMENT RECOMMENDATION:**

Approval of the rezoning from LI to R7.

Approval of the PUD subject to:

- 1) Submittal of an acceptable modified traffic study and development agreement providing for all required improvements prior to forwarding the request to City Council for final action.
- 2) All site/landscape plans and building elevations being amended to comply with all applicable regulations prior to being forwarded to City Council for final action.

- 3) Submitting a revised phasing schedule that eliminates references to items that do not comply with all applicable regulations.
- 4) The public access easement from the north property line (between Lots 5 and 6) needs to be extended so that it connects to the driveway on the west side of the development.

**ATTACHMENTS:**

Site Plans

Elevations

Phasing Schedule

OMAHA CITY PLANNING DEPARTMENT  
RECOMMENDATION REPORT  
May 25, 2011

**Case Number:** #C10-11-99, C11-11-100

**Applicant:** Eagles Nest

**Request:** Rezoning from LI-Limited Industrial District to R7-Medium-Density Multiple Family Residential District and approval of a PUD-Planned Unit Development Overlay District.

**Location:** East of 99<sup>th</sup> Street, South of Redick Avenue

**I. GENERAL INFORMATION:**

**Purpose:** To allow development of the site for *Religious assembly* (Eagles Nest Worship Center).

**Existing Land Use:** Vacant

**Existing Zoning:** LI

**Adjacent Land Use and Zoning:**

North	Vacant and industrial	GI-General Industrial
South	Residential	DR
East	Vacant	DR
West	Commercial	LI

**Zoning History:** #C10-07-174, C12-07-175 on October 20, 2007, the City Council approved a preliminary plat for Jensen Addition to allow multiple family residential and commercial adjacent to the subject property. The preliminary plat has since expired.

#C10-05-062, C12-05-063 on December 20, 2005, the City Council approved a preliminary plat for Market Square, a mixed-use development that included the subject site. The preliminary plat has since expired.

#C3-04-135, on December 20, 2005, the City Council approved a Master Plan amendment to change the intersection at State St. and Blair High Road from a Community 165-acre to a Community 80-acre mixed-use area and to designate the intersection of I-680 and Blair High Road as a Community 80-acre mixed-use area to be centered at the intersection of Blair High Road and Ida Street.

#C7-04-122, A request for a Conditional Use Permit to allow *General retail sales* on Redick Circle west of 99<sup>th</sup> Street was approved by the Planning Board on June 2, 2004.

#C8-04-043 and #C8-04-044 - These were separate applications submitted by the same applicant for Special Use Permits to allow commercial development in the GI District at 9810 and 9815 Redick Avenue. The Department recommended denial of these requests, which led to the request for the above Master Plan amendment and rezoning and platting request for Market Square. Ultimately, the use permit requests were withdrawn by the applicant.

#C3-02-180 - Chapter 55 Amendment to remove certain commercial and civic uses as "permitted" uses in the GI District was approved by City Council on February 2, 2003.

#C8-02-166, approval of a Large Project Special Use Permit for a Wal-Mart west of 99<sup>th</sup> St.

**Future Land Use Plan Designation:** I-680 and Blair High Road is designated as a Community 80-acre mixed-use area, centered at the intersection of Blair High Road and Ida Street. The subject site is designated as industrial as a reflection of the existing zoning district.

**Applicable Regulations:** The development would be required to comply with the proposed R7 District regulations and any approved PUD plans. The development as proposed does not comply with the R7 District site development regulations and as such the proposed PUD cannot be approved.

The R7 District regulations allow for *General office* and several other specific use types to be integrated into predominately residential development. The proposed Phase Two and Three of the development do not comply with the R7 District.

Applications for PUD's need to be submitted in compliance with Section 55-589 of the Omaha Municipal Code. Site, landscaping, grading, utility, circulation and public services plans and architectural elevations are required, as well as development schedules, land use plans and traffic impact analysis (if required) are to be submitted. Photographs with narrative information do not qualify as architectural plans and elevations.

**No Building Permit will be issued based on a site plan that does not comply with the provisions of the Zoning Ordinance. Approval of a rezoning by the Planning Board and City Council does not include or imply an acceptance of the site plan for permit purposes.**

## II. SPECIAL INFORMATION

**Site Characteristics:** The site includes just over 25 acres of land that rises slightly from the northeast corner (1,184 m.s.l) near the southwest corner (1,200 m.s.l) but then rises sharply corner to 99<sup>th</sup> Street and Military Road. The land is currently vacant and used agriculturally. North 99<sup>th</sup> Street abuts the site on the west for its length.

**Development Proposal:** The applicant proposes a four phase development.

Phase One (2013 - 2015) will include a *Religious assembly*, religious education classrooms, administration and counseling, *Day care (general)*, gymnasium, sports fields and amphitheater and surface parking.

Phase Two and Three (2014 - 2015) will include mixed use (residential, office and commercial) buildings.

Phase Four (2015) will include a *Primary educational facility* and *Multiple family residential* (senior apartments).

### **Public Improvements:**

- Traffic and Circulation - An updated traffic study needs to be provided.

A public street connection must be provided through site generally from west to east.

The proposed driveway access to 99<sup>th</sup> Street needs to be redesigned to align with the driveway on the opposite side of 99<sup>th</sup> Street.

- Sidewalks - Sidewalks are proposed adjacent to 99<sup>th</sup> Street. Other sidewalks that allow for interior and perimeter circulation need to be provided.

**Grading and Drainage:** The project requires a Post Construction Storm Water Management Plan that demonstrates control of the first ½ inch of storm water runoff on site and no net increase in storm water runoff from a 2-year storm event.

**Financing:** The proposed development of the site will be funded privately.

**Land Use and Planning:** The PUD, as proposed, does not comply with the base R7 District regulations and therefore is not in conformance with the Master Plan.

A development plan in compliance with the R7 District regulations that includes *Religious assembly, Primary educational facilities, and Multiple family residential* uses could be approved for this site.

A Mixed Use District development plan, which includes office and commercial uses as well as the other proposed uses and an expanded area including land north and east of this site adjacent to Ida Street and Blair High Road with rezoning to MU could also be considered.

### III. ANALYSIS:

The applicant needs to amend their development plans and proposed uses to comply with the R7 District that has been requested; including proper subdivision of the site or revise the rezoning request, expand their development proposal to include lands to the north and east, and properly subdivide the site for development of a Mixed Use District. Either way an updated traffic study and a street connection through the site have been requested which may result in further amendments to any proposed site plans.

IV. **RECOMMENDATION:** Lay over the request to allow additional time for the applicant to meet with the Planning Department to discuss potential development alternatives for the site.

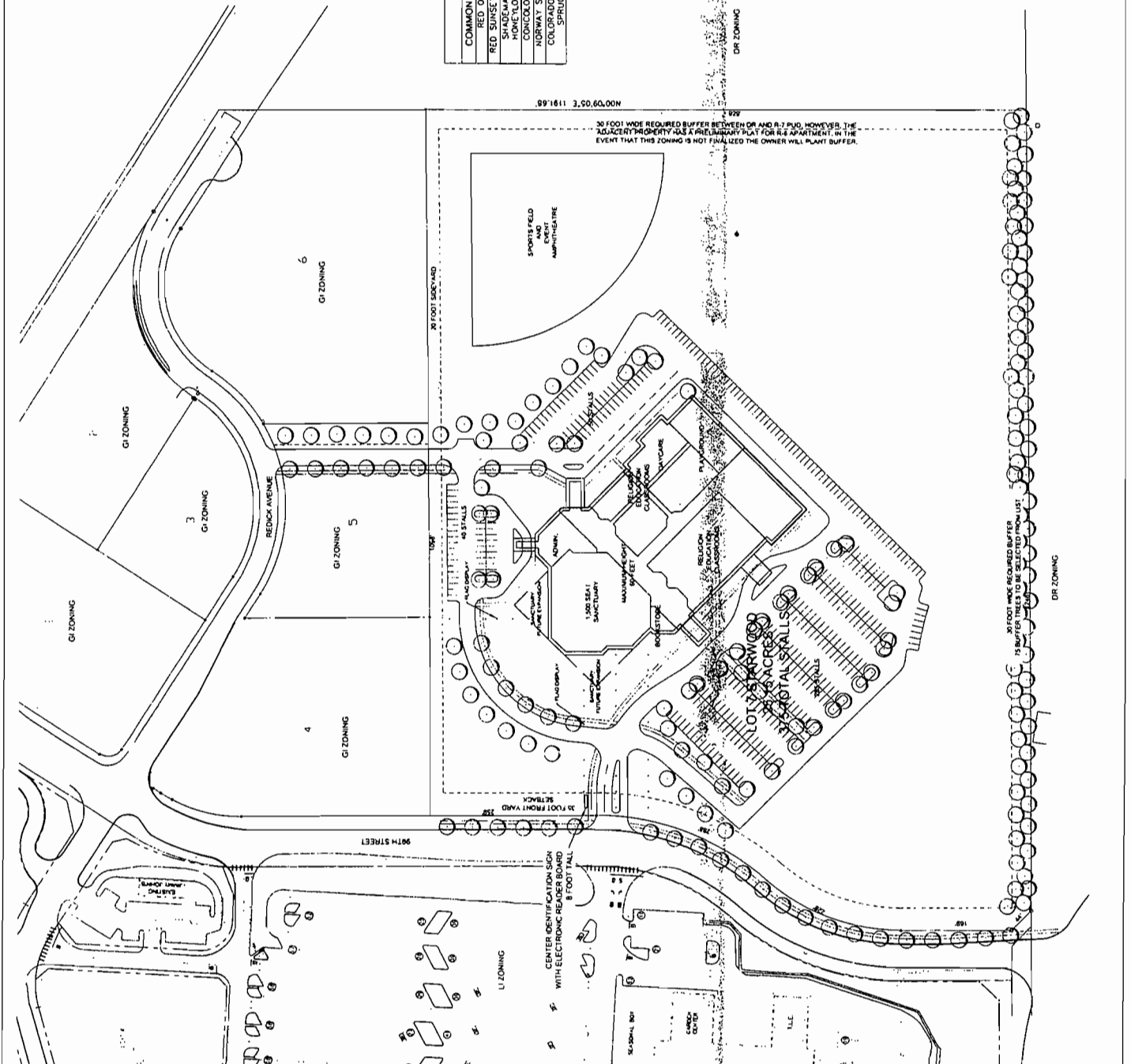
### V. ATTACHMENTS

Concept Plans

Concept Elevation Photos

PLANT SCHEDULE			
COMMON NAME	BOTANICAL NAME	MINIMUM SIZE	METHOD
RED OAK	QUERCUS RUBRA	3" CAL.	BB
RED SUNSET MAPLE	ACER RUBRA 'SUNSET'	3" CAL.	BB
SHADEMASTER	GLEDITSIA TRICANTHOS	1 1/2" CAL.	BB
HONEYLOCUST	INCENSE SHADEMASTER		BB
CONCOLOR FIR	ABIES CONCOLOR	5'-6'	BB
NORWAY SPRUCE	PICEA ABIES	5'-6'	BB
BLUE SPRUCE	PICEA PUNGENS 'GLAUCA'	6'-8'	BB

ADJUSTMENT TO THE SITE PLAN THAT WILL BE MINOR AMENDMENT.  
PARKING TO THE NW OF THE CHURCH BUILDING BUT NOT IN THE FRONT YARD.  
CHANGE OF SHAPE OF THE BUILDING BUT REMAIN WITH THE BUILDING SQUARE FOOTAGE AND THE PHASE BUILDING ENVELOPE.  
TOTAL FOOTPRINT OF BUILDINGS 195,090 S.F  
TOTAL SQUARE FOOTAGE OF BUILDINGS 253,000 S.F





## PLANNING BOARD MINUTES

- |    |                                                                    |                                                                                                                                                                |
|----|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. | C10-11-099<br>C11-11-100<br>Eagles Nest<br>(Laid Over from 6/1/11) | REQUEST: Rezoning from LI to R7 and approval of a<br>PUD-Planned Unit Development Overlay<br>District<br>LOCATION: East of 99th Street, South of Redick Avenue |
|----|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|

Doug Halvorson, Olsson Associates, 2211 South 67<sup>th</sup> Street, appeared before the board on behalf of the applicant. Mr. Halvorson stated the proposed Eagles Nest Worship Center is relocating from the Sorensen Parkway area with the new location consisting of 25 acres. The church is expanding tremendously with a vision for a new Worship Center which will be Phase I. Phase II will be a gymnasium, elementary school with a connected assisted living facility and a sports field. The proposed location is ideal due to the visibility and the access to the interstate. Mr. Halvorson indicated that he agrees with most of the comments and will continue to work with the Planning Department and Public Works. The most difficult issue will be the request for an easement that connects to Wal-Mart. Mr. Halvorson offered to answer any questions.

Chad Weaver, Assistant Planning Director, Planning Department, confirmed the need for an access easement from the north property line (between Lots 5 and 6) that extends to the 99<sup>th</sup> Street access. He stated that according to Public Works the access is useful and necessary and there needs to be more common access provided especially as the ground to the east develops. Mr. Weaver stated that the department recommends approval subject to the four items listed on the recommendation report.

Mr. Neary questioned if there is a shortage of industrial zoned ground and if this is an appropriate use for industrial zoned ground according to the Master Plan. Mr. Weaver answered that the intersection allows for this type of use on the underlying industrial Master Plan. In this case, with the presence of Wal-Mart there will most likely not be any industrial users.

Mr. Neary asked if the ground has been purchased and is the financing in place for the project. Pastor James Hart, 16 Marina Court, Carter Lake, Iowa, answered that the land has not yet been purchased but is contingent upon all of the approvals but the financing is in place.

Lillie Knudsen, 9812 Military Road, appeared before the board in opposition. Ms. Knudsen questioned why the church would need so many acres and why the church is moving. Mr. Hart answered that the present location is being leased and is not available for purchase. He indicated that the church has outgrown its present facility with a total of 1,200 parishioners. Mr. Hart stated the ultimate plan is to build a gymnasium, community center, elementary school and senior living facility with adequate parking.

Mr. Kelley moved to APPROVE. Approval of the rezoning from LI to R7; approval of the PUD subject to: 1) Submittal of an acceptable modified traffic study and development agreement providing for all required improvements prior to forwarding the request to City Council for final action; 2) All site/landscape plans and building elevations being amended to comply with all applicable regulations prior to being forwarded to City Council for final action; 3) Submitting a revised phasing schedule that eliminates references to items that do not comply with all applicable regulations; and 4) The public access easement from the north property line (between Lot 5 and 6) needs to be extended so that it connects to the driveway on the west side of the development. Mr. Rosenbaum seconded the motion which carried 7-0.

August 2011

Pln2330ece

CASE: C10-11-099, C11-11-100

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APPLICANT: Eagles Nest

REQUEST: Rezoning from LI to R7 and approval of a PUD-Planned Unit Development  
Overlay District

LOCATION: East of 99th Street, South of Redick Avenue

SUBJECT AREA IS SHADED - AUGUST 2011

