RESOLUTION: SPECIAL USE PERMIT – CCHT, LLC
19003 Edna Street, Sarpy County, Nebraska

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114; and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Special Use Permits; and

WHEREAS, the Planning Department has reviewed the Special Use Permit application to allow an assisted living facility in the General Business District (BG) Zoning District on property generally located at the southwest corner of 189th and Edna Streets and legally described as follows, hereinafter “the Property”:

Lot 1, Sugar Creek Neighborhood Center Replat 1

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

I. A public hearing regarding the Special Use Permit was held before the Sarpy County Planning Commission on July 17, 2018, and further, the Planning Commission gave their recommendation.

II. A public hearing regarding the Special Use Permit was held by this Board.

III. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing.

IV. The Planning Department has made a recommendation as noted in the attached Exhibit “A”, which Exhibit “A” includes the Planning Department report, the operation plan, the Site Plan and an aerial view of the Property.

V. The zoning at the Property is BG, General Business District.
VI. The Special Use Permit is in compliance with the Comprehensive Development Plan and the Sarpy County Zoning Regulations.

VII. The performance standards set out at Section 41.5 of the Sarpy County Zoning Regulations have been met.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves a Special Use Permit for CCHT, LLC consistent with the following:

1. The applicant remain consistent with the operation plan/business plan submitted with the application.

2. Applicant and the development shall be required to comply with Sarpy County Zoning Regulations in all development or improvements including but not limited to commercial landscaping regulations, and all other site planning regulations including parking, stormwater management, trash dumpster and mechanical equipment screening.

3. The exterior façade will be constructed of brick and/or stone and lap siding to be compatible with both commercial and residential adjacent developments.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 14th day of August, 2018.

Attest

Sarpy County Board Chairman

County Clerk

Resolution SUP – CCHT, LLC – Aug 2018
I. GENERAL INFORMATION

A. APPLICANT:
CCHT, LLC
13424 Chandler Road
Omaha, NE 68138

B. PROPERTY OWNER:
CCHT, LLC
3424 Chandler Road
Omaha, NE 68138

C. SUBJECT PROPERTY LOCATION: Subject property is generally located at the southwest corner of 189th Street and Edna Street.

D. LEGAL DESCRIPTION: Lot 1, Sugar Creek Neighborhood Center Replat 1

E. SUBJECT PROPERTY SIZE: approximately 4.17 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
- Future Land Use Designation: Low to Medium Density Residential
- Zoning: BG (General Business) District

G. REQUESTED ACTION(S):
- To approve a Special Use Permit to allow for an assisted living facility in the General Business District (BG). The proposed facility will be a mix of studio, one- and two-bedroom units in a three-story building. There will be 72 total units.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: This is an undeveloped site.

B. GENERAL VICINITY ZONING AND LAND USE

<table>
<thead>
<tr>
<th>DIRECTION FROM SUBJECT PROPERTY</th>
<th>FUTURE LAND USE DESIGNATION (reference attached map)</th>
<th>CURRENT ZONING DESIGNATION (reference attached map)</th>
<th>SURROUNDING DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>Low-Medium Density Residential</td>
<td>BG</td>
<td>Day care facility and additional vacant commercially zoned lots</td>
</tr>
</tbody>
</table>

Special Use Permit Application to allow an Assisted Living Facility in the BG, General Business District at 19003 Edna Street, located on the southwest corner of 189th Street and Edna Street.  
Public Hearings and Resolutions  
Bruce Fountain, AICP  
Director, Planning & Building
SUBJECT PROPERTY

<table>
<thead>
<tr>
<th>SOUTH</th>
<th>Low-Medium Density Residential</th>
<th>BG</th>
<th>Mini-storage facility</th>
</tr>
</thead>
<tbody>
<tr>
<td>EAST</td>
<td>Low-Medium Density Residential</td>
<td>RS-72</td>
<td>Sugar Creek Single Family Residential Development</td>
</tr>
<tr>
<td>WEST</td>
<td>Low-Medium Density Residential</td>
<td>BG</td>
<td>Future expansion area for mini-storage facility</td>
</tr>
</tbody>
</table>

BG = General Business  
RS-72 = Single Family Residential (7,200 sq. ft. minimum lot size)

C. APPLICABLE REGULATIONS:
- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations: Section 20, BG – (General Business)
- Sarpy County Zoning Regulations: Section 41 – Special Use Permits

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:
- The Comprehensive Plan shows the area as Low to Medium Density Residential. Neighborhood commercial type facilities are compatible with this land use designation.

B. TRAFFIC AND ACCESS:
- Access to the subject property will be from Edna Street. Development will be encouraged to line up driveway accesses with adjacent driveways and/or streets.

C. OTHER AGENCY REVIEW/COMMENTS:
- The application was sent to area jurisdictional agencies or departments within Sarpy County that may have an interest in the proposed project. Comments received are attached to this report for review. All other responses received indicated no comments or objections to the application.

D. GENERAL COMMENTS:
- Facility will consist of a three-story building with 72 studio, one and two bedroom units. It will be a fully functional facility which will provide a dining hall, private dining room, mail room, laundry room, drug/medicine management rooms, activity room, salon parlor, exercise room, movie room, coffee/snack bar, chapel, library, whirlpool room, exterior patio, picnic tables and grill area.
- The facility will operate 24 hours a day, 7 days a week.
- The facility will accommodate 80-100 residents and employ 35-50 personnel. Approximately 10-30 employees will be on site at any given time.
- The development will be required to meet the County’s commercial landscaping regulations and all other site planning regulations including parking, stormwater management, trash dumpster and mechanical equipment screening.
- The exterior façade will be constructed of brick and/or stone and lap siding to be compatible with both commercial and residential adjacent developments.

IV. PLANNING COMMISSION RECOMMENDATION
- The Planning Commission held public hearings on these applications at their July 17, 2018 meeting and recommended APPROVAL to the County Board by a 9-0 vote.
MOTION: Whitfield moved, seconded by Lichter, to recommend Approval of the Special Use Permit application to allow for an assisted living facility in the BG (General Business) Zoning District with the comments of the Planning Department’s Recommendation Report, provided the proposed zoning text amendment to allow such facilities in a BG District is approved by the County Board. If the proposed zoning text amendment is approved, this request will comply with the Sarpy County Comprehensive Plan and Zoning Regulations.


V. STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends Approval of this Special Use Permit application to allow for an assisted living facility in the BG (General Business) Zoning District with comments as noted above, provided that the proposed zoning text amendment to allow such facilities in a BG District is approved. If the proposed zoning text amendment is approved, this request will comply with the Sarpy County Comprehensive Plan and Zoning Regulations.

VI. ATTACHMENTS TO REPORT

1. SUP Operational Plan
2. Elevation and Site Plan documents
3. Agency Comments
4. Sarpy County Current Zoning Map
5. Future Land Use Map of Sarpy County Comprehensive Plan

VII. COPIES OF REPORT PROVIDED TO

1. CCHT, LLC (applicant)
2. Patrick Sullivan (applicant’s representative)
3. Public Upon Request
EXISTING LAND USE
This land is currently zoned BG General Business District. It is graded and ready for construction.

SURROUNDING PROPERTIES:
NORTH: Harrison St.
EAST: Residential- Sugar Creek
SOUTH: Adjacent development- Storage Units
West: 192nd St
Proposed use of the property

Construct an assisted living facility. The facility shall be a mix of studio, one bedroom, and two-bedroom units. A total of 72 units in a three-story building.

The goal is to add a memory care unit at some point in the next three to five years, see attached plans.

This will be a fully functional facility which also provide the following as well as other things.
Dining Hall
Private Dining Room
Mail room
Laundry room
Drug/ medicine management rooms
Activity room for cards, billiards, pool table, shuffle board, quilting, sewing.
Salon parlor
Exercise room
Movie room
Coffee/ snack bar
Chapel
Library
Whirlpool room
Exterior patio, picnic tables grill area, pond

The facility will operate twenty-four hours a day seven days a week.
Our anticipated population is 80-100 residents our average employees will be 35-50 total with approximately 10-30 on site at any one given time

Assisted living is often viewed as the best of both worlds. Residents have as much independence as they want with the knowledge that personal care and support services are available if they need them. Assisted living communities are designed to provide residents with assistance with basic ADL’S (activities of daily living) such as bathing, grooming, dressing, and more. Some states also allow assisted living to offer medication assistance and or reminders. Assisted living communities differ from nursing homes in that they don’t offer complex medical services.

WHO NEEDS ASSISTED LIVING

Assisted living residents are usually seniors who have had a slight decline in health in some way and need assistance performing ADL’S (see note above). Seniors who would like to live in a social environment with little responsibilities and a place where care is easily accessible whenever the senior may need it are the type of seniors you will find in an assisted living community. Statistically, the most common resident of an assisted living community is a female in her mid-eighties.

WHAT HAPPENS WHEN THE RESIDENTS LEVEL OF CARE NEEDS TO INCREASE

Many assisted living communities allow the residents to age in place. Communities are able to do this because many have care available on site and if they do not they contract with local healthcare providers so that the resident can stay at the community as his or her level of care increase. This care is paid for on top of the monthly rent and varies depending on the amount of care.

SUMMARY

This will be a Type II facility which residents may require the assistance of one person for transfers or to evacuate where Type I they are able to evacuate under their own power.

Our ultimate goal is to provide and fill a need in the southwest area of Omaha for an assisted living community. The building will be very neighbor friendly along with inviting landscaping and outdoor areas for the residents.

Since there are no Federal regulations for assisted living facilities our facility will meet all of the Nebraska regulations which will include but not limited to the following shelter, food and care for a fee because of their illness, age, and or physical disabilities.
ZONING

NURSING HOME

PARKING REQUIREMENTS

- 1 parking stalls per 2 beds
- (6) 2 bedroom units
- (64) 1 bedroom units

= 80 beds / 100 people

50 stalls required
53 provided

GENERAL BUSINESS - LOT REQUIREMENTS:

Front: 25 ft
Side Yard: 10 ft
Rear: 20 ft
Maximum Height: 45 ft max
Kelly,

I feel that building codes will require this building to have fire sprinklers. That is the Fire Districts only concern is to make sure the building is fully covered by a Fire Marshal approved fire sprinkler system. Other than that we have no problems with the building.

Kevin W. Edwards, Fire Chief  
402-679-5452 cell  
402-444-3500 office

On Tue, Jun 26, 2018 at 12:57 PM, Kelly Jeck wrote:

> CCHT, LLC has submitted an application for consideration of a Special  
> Use Permit in the BG, General Business Zoning District to allow an  
> Assisted Living Facility at 19003 Edna Street, legally described as  
> Lot 1, Sugar Creek Neighborhood Center Replat 1, as surveyed, platted  
> and recorded in Sarpy County, NE. This application is slated for a  
> July 17, 2018 Public Hearing before the Sarpy County Planning  
> Commission, therefore, we would like to have any comments back prior  
> to July 3, 2018. If you require additional information, please  
> contact our office to request.
>
>
> Thank you,
>
> Kelly Jeck  
> Planning & Zoning Assistant  
> Sarpy County Planning Department  
> 1210 Golden Gate Drive  
> Papillion, NE  68046  
> kjeck@sarpy.com
Subject Property
(Outlined in red)
Current FLU - Sarpy Co

Future Land Use
Sarpy County, Nebraska

Legend

Amended 9-12-2017

Subject Property Outlined in red
(Low to Medium Density Residential)

19003 Edna Street, Lot 1, Sugar Creek Neighborhood Center Replat 1
Special Use Permit

GIS

Amended 9-12-2017
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA
   )
       ) SS.
County of Sarpy
   )

Being duly sworn, upon oath, Laura Estep-Bronk deposes and says that she is a Sales Representative or Ron Petak deposes and says that he is the Executive Editor of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, July 4, 2018
Gretna Breeze
Bellevue Leader
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska.
The above facts are within my personal knowledge.

Ron Petak
Executive Editor

Laura Estep-Bronk
Sales Representative

Signed in my presence and sworn to before me:

Notary Public

GENERAL NOTARY - State of Nebraska
ELISABETH M WHITE
My Comm. Exp. December 22, 2019

Printer's Fee: $31.75
Customer Number: 40638
Order Number: 0002106286

NOTICE OF PUBLIC HEARING
SARPY COUNTY PLANNING COMMISSION

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be on Tuesday, July 17, 2018, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, A Public Hearing will be held on the following applications: Rodney and Maureen Nielsen have submitted an application for consideration of a Change of Zone from AG to AGD and a Preliminary Plat and Final Plat of a subdivision to be known as Nielsen Additions, Lot 1, being a platting of Part of the NW 1/4 of the SW 1/4, Sec 21, Twp 13 North, Rng 12 East, of the 6th P.M., Sarpy County, NE. Generally located northeast of 108th Street and Plattview Road. Boyer-Young Equities XIV, LLC has submitted an application for consideration of a Final Plat for Phase V of Remington Ridge, Lots 309 - 360 and Outlots J-L, for tract of land located in part of the SW 1/4 of the SE 1/4 and part of the NW 1/4 of the SE 1/4, Sec 18, Twp 14 North, Rng 11 East, of the 6th P.M., Sarpy County, NE. Generally located northwest of 192nd Street and Gilles Road. Michael Thomson has submitted an application for consideration of a Special Use Permit to allow a Home Occupation I (Major) in the RS-72 Single Family Residential District for home based firearm sales at 18113 Emilie Street, legally described as Lot 256, Millard Park, as surveyed, platted and recorded in Sarpy County, NE. Generally located southeast of 162nd Avenue and Harrison Street. CCHT, LLC has submitted an application for consideration of a Text Amendment to the Sarpy County Zoning Regulations, Section 20 - BD General Business District, to add “Assisted Living Facility” under 20.2

Permitted Special Uses, CCHT, LLC has submitted an application for consideration of a Special Use Permit in the BD, General Business District to allow an Assisted Living Facility at 19003 Edna Street, legally described as Lot 1, Sugar Creek Neighborhood Center Replat 1, as surveyed, platted and recorded in Sarpy County, NE. Generally located southeast of 192nd Street and Harrison Street.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE 2106286; 7/04.
STATE OF NEBRASKA

County of Sarpy

Being duly sworn, upon oath, Laura Estep-Bronk deposes and says that she is a Sales Representative or Ron Petak deposes and says that he is the Executive Editor of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereunto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, August 1, 2018

Gretna Breeze
Bellevue Leader
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Ron Petak
Executive Editor

Laura Estep-Bronk
Sales Representative

Today's Date
Signed in my presence and sworn to before me:

Notary Public

Printer's Fee: $27.34
Customer Number: 40638
Order Number: 0002111328