



WRONG MESSAGE

City Councilman Ben Gray wants Omaha open for business. Dundee thought it already was.

by Brandon Vogel

They thought they had won.

After months of meetings, rallies, redesigns and petitions, the group of Dundee residents fighting a proposed CVS pharmacy slated for 49th and Dodge thought the uphill battle was over. On Aug. 31 the Omaha City Council listened as the group voiced their concerns. Members looked at the maps showing the homes that would be destroyed to make way for the store, saw the nearly 1,800 signatures in opposition and decided, no — CVS was not coming to Dundee.

Outside council chambers, Jenny Allgood was ecstatic. “We’re so happy the council looked beyond the minimum design requirements and took into account the people’s concerns,” she said that day.

As the creator of the “No CVS Box in Dundee” Facebook page, Allgood had spent months serving as a de facto spokesperson for the group of hipsters, historical preservationists and home owners united against the suburbanization of their neighborhood. They were all headed to the 49’r Lounge to celebrate — the one 49’r in a nation full of more than 20,000 chain pharmacies.

Denizens of the beloved dive bar had begun organizing right away when CVS announced last January its intention to tear down five houses and four commercial buildings, including the 49’r. More than 2,900 people “liked” the “Save the 49’r” Facebook page. They posted links to stories of various lawsuits against CVS, crafted letters to city officials, offered alternative sites and, in some cases, simply expressed outrage at the potential loss of another Omaha landmark.

The 49’r opened sometime after World War II. Nobody’s really certain of the exact date — an indication of the “we don’t give a damn” atmosphere that has always defined the bar. Cursive played there before anyone knew who they were and they played there again this week, long since established as indie rock stars. The walls are full of signs

from long-gone music venues like the Howard Street Tavern, a sort of graveyard for an older, grittier Omaha.

And despite what many had seen as a lost cause, the 49'r fans were here now, toasting the bar they had helped save. It seemed eight months of grassroots efforts had brought a storybook ending.

But there was a twist.

Sending the Wrong Message

Nine days after the initial vote, City Councilman Ben Gray, one of four council members who had voted against the project, announced he was having second thoughts. On Sept. 9, he asked the Council to vote again, explaining in a written statement: "In difficult economic conditions, I do not believe Omaha can restrict economic development."

CVS opponents suspected closed-door dealings, payoffs and corruption, but Gray said he was simply unaware the five homeowners whose houses would be demolished were willing sellers.

"I didn't want us to be in a position where we were sending the wrong message — that Omaha is only partially open for business," he said.

While Gray contemplated the message to potential developers, Dundee residents asked what sort of message he was sending them.

"You almost lose faith in different city organizations when they vote one way and then change their mind," said Jimmy Winter, one of the creators of nocvs.org. The website went live last Thursday, coinciding with a protest outside the 49'r.

Approximately 50 people stood with signs along Dodge Street that evening, the din of rush-hour traffic punctuated every few minutes with car horns honking in support for the protestors.

Winter said he was impressed with the turnout. Enthusiasm for the cause hadn't waned, despite Gray's announcement a day earlier that he planned to vote for CVS.

The writing was on the wall and just about everywhere else in Dundee. A stop sign at 48th and Underwood showed "CVS" spray-painted beneath its intended message. An empty billboard on Saddle Creek Road now had Gray's phone number alongside the

words “No Do-Overs.” But more importantly, the proposal now had the fourth vote it needed to pass.

CVS was coming to Dundee, whether the neighborhood wanted it or not.

A Different Animal

Omaha City Clerk Buster Brown can't remember the last time the City Council faced so contentious a reconsideration motion.

“We do them from time to time, but it's rare,” he said. “More often than not, the reconsideration is done when there was an error, rather than a change of mind. And it's usually an issue that isn't in the public eye.”

In Omaha, it doesn't get much more public than Dodge Street. And that could be part of the issue, said B.J. Reed, dean of the College of Public Affairs and Community Service at the University of Nebraska-Omaha.

“It's Dundee, but it's also Dodge Street, and that's a bit of a different animal,” Reed said. “You would have a different argument if this was at 50th and Underwood.”

The block in question has been deemed an Area of Civic Importance by the city's Planning Department, meaning tougher design standards were required on everything from sidewalk width to signage. But considering the amount of traffic and potential exposure for businesses on Dodge Street, Reed said change along the thoroughfare seems inevitable.

Larry Jobeun, an Omaha attorney representing CVS, said the location was key to the company's entry into Omaha. But what CVS sees as an economic issue was viewed as one of aesthetics by the neighborhood.

The Woonsocket, R.I., company operates more than 7,000 stores in the U.S., making it the second-largest pharmacy chain in the country. Revenue in 2005 topped \$37 billion — a mint made by standardizing the look, feel and experience of the pharmacy. But while chain stores can make a street corner look like any other in the country, they can't control how those indistinguishable store fronts are received by neighbors.

“People assume that design issues and neighborhood issues are standardized. They're not,” Reed said. “You go back, and Florence, South Omaha, Benson, Dundee — these were all independent cities annexed by Omaha, but they still have strong individual identities and viewpoints about the alignment and the fit of particular businesses in their neighborhoods.”

Community members coaxed numerous design changes out of the pharmacy's developers. What was once a prototypical CVS store now would feature a multi-level roof line, more ground-level windows and more elaborate masonry along the store facade, making it consistent, according to city planners, with the rest of Dundee. Jobeun said the plans had undergone 19 revisions, costing CVS more than \$250,000. Omaha Planning Director Rick Cunningham said the final design met all of the minimum standards, and was consistent with the city's master plan.

But there was one more change still to come. After the council rejected the proposal, CVS developers submitted another revised design that removed 13 parking stalls. In explaining his decision to vote to deny the ordinance on Aug. 31, Gray said his primary reservation was that the parking lot size was too large.

The Flip Side

Omaha has answered the question of big business versus local flavor before. In 2006, the Ranch Bowl — another iconic music venue that had hosted bands like Pavement and Warren Zevon — was demolished in favor of a Wal-Mart at 72nd and Pacific, following a similar protracted struggle over the store's look.

And it won't be the last time Omaha has to make such a decision, said Ernie Goss, chair of Creighton University's regional economics department.

"People argue against Wal-Mart, but it provides cheap goods," he said. "On the flip side, local businesses are often better at meeting local demand. How much are you willing to pay for that?"

"The state of Vermont doesn't allow Wal-Marts — it's very easy for a well-to-do professor or doctor to get behind that, but is it fair to the man and woman on the street? Trying to create this idyllic life is often costly."

While the issue isn't black-and-white, Goss said the potential to stunt economic development is real.

"Companies want to see consistency from a city, and whatever Omaha decides, it's important to remain consistent," he said. "You don't want potential investors saying, 'Well, Omaha, you know how they do things.' It's a tough choice for the council."

They made their choice Tuesday when Gray joined Jean Stothert, Garry Gernandt and Franklin Thompson to allow the pharmacy. Thomas Mulligan, Pete Festersen and Chris Jerram voted against.

Gray said no ulterior motives were behind his change of heart. Rather, his heart was the source.

“I didn’t do this in some fanciful way,” he said. “I didn’t do this to garner press clippings. I did this because inside of me I felt like I made the wrong decision.”

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