

## **BELLEVUE PLANNING COMMISSION**

Thursday, December 20, 2018 7:00 PM  
Bellevue City Hall  
1500 Wall Street  
Bellevue, NE 68005

### 1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll Call
- c. The Open Meetings Act location
- d. Approve Minutes of November 15, 2018 Regular Meeting
- e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

### 2. CONSENT AGENDA/PUBLIC HEARINGS:

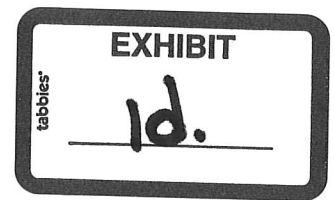
#### 3. PUBLIC HEARINGS:

- a. Request to rezone Lots 1 through 121, and Outlots A through G, Belle Lago South, being a replat of Lots 20 through 22, and Outlots B, G, and H, Belle Lago, and a platting of the Southwest 1/4 of the Northwest 1/4, all located in Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to RG-50-PS to RG-50-PS for residential development; and preliminary plat Lots 1 through 121, and Outlots A through G, Belle Lago South. Applicant: Boyer Young Development Company. General Location: Southeast of 48th Street and Capehart Road. Case #'s: Z-1809-07 and S-1809-08.

#### 4. CURRENT BUSINESS

- a. Planning Chair Updates - Training Opportunities

#### 5. ADJOURNMENT



# MINUTE RECORD

Bellevue Planning Commission Meeting, November 15, 2018, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, November 15, 2018 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Baumgartner, Jacobson, Cutsforth, and Smith. Absent were Commissioners Perrin, Cain, Ackley, and Ritz. Also present were Chris Shewchuk, Planning Director, and Tammi Palm, Land Use Planner.

Notice of this meeting was given in advance thereof by publication in the Bellevue Leader and posting in two public places, and was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

Jacobson announced a copy of the Open Meetings Act was posted in the entry to the City Council Chambers.

Motion was made by Baumgartner, seconded by Smith, to approve the minutes of the October 25, 2018 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Shewchuk mentioned a handout was provided to the Commissioners from Chairman Jacobson outlining Jim Moudry's suggestions on Item 3c, Complete Streets Policy.

Motion was made by Baumgartner, seconded by Casey, to accept into the record all staff reports, attachments, memos, and handouts regarding each application. Upon roll call, all present voted yes. Motion carried unanimously.

The following item was on the consent agenda:

Request to amend Sections 5.20 and 5.21, City of Bellevue Zoning Ordinance, regarding permitted uses in the BN and BNH Zoning Districts. Applicant: City of Bellevue. Case #: Z-1804-02.

Jacobson requested this item be moved to a Public Hearing Item.

Jacobson explained the public hearing procedures

PUBLIC HEARING was held on a request to amend Sections 5.20 and 5.21, City of Bellevue Zoning Ordinance, regarding permitted uses in the BN and BNH Zoning Districts. Applicant: City of Bellevue. Case #: Z-1804-02.

Shewchuk mentioned in discussing some items with the City Attorney, it was determined there was a shortfall in the BN and BNH Zoning Districts regarding some low impact uses. General office type uses are among those to have low impact in the BN and BNH Zoning Districts. In the original proposal, it was intended to add "General office buildings of one or more professional persons engaged in activities which generate a limited amount of contact with the general public, including offices for lawyers, accountants, architects, planners, engineers, and similar professions". After discussion with Mr. Jacobson and members of the public regarding this item, the Planning Department is amending their recommendation to change the proposed language to "General Office Uses." The size will remain limited in floor area to 7,500 square feet in the BN zoning district and 15,000 square feet in the BNH zoning district per the current zoning regulations.

There was no one present to speak in favor of, or in opposition to this request. Jacobson closed the public hearing.

Smith commented it is her understanding the two zoning districts have a focus on serving the nearby neighborhood. Her concern is this will open up the permitted uses of the zoning districts to uses not focused on serving the neighborhood. She provided the example of medical clinics in the current ordinance, explaining it limits the use to two persons in the office. Smith explained "general office uses" do not have the same focus on serving the neighborhood.

Shewchuk commented it is difficult to define the intent of serving a neighborhood. He mentioned many of the uses (such as banks), not only serve a neighborhood, but also a broader area. He stated the proposed amendment falls in line with many of the uses allowed in the zoning districts.

MOTION was made by Casey, seconded by Cutsforth, to recommend APPROVAL of a request to amend Sections 5.20 and 5.21, City of Bellevue Zoning Ordinance, regarding permitted uses in the BN and BNH Zoning Districts. Applicant: City of Bellevue. APPROVAL based upon the suggested revision to change the language to "General Office Uses." Upon roll call, Casey, Baumgartner, Jacobson, and

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Cutsforth voted yes. Smith voted no. MOTION carried.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING on December 10, 2018.**

PUBLIC HEARING was held on a request to rezone Lot 1, Milt's Addition, being a platting of Tax Lot W, Lots 10 and 11, West of right-of-way, and Lot 12B, Pleasant Hill or Martin's Subdivision, along with vacated McCorkindale Avenue, all located in the Southeast ¼ of Section 16, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska from RS-72 to BGH for the purpose of a self-storage facility; small subdivision plat Lot 1, Milt's Addition; and conditional use permit for Lot 1, Milt's Addition for the purpose of a self-storage facility. Applicant: 2715 LLC. General Location: West Chandler Road and Cedar Island Road. Case #'s: Z-1810-08, S-1810-09, and CUP-1810-03.

Charles Faulk, 1625 South 109<sup>th</sup> Street, Omaha, stated he is the owner of Milt's Mini Storage. He mentioned the current storage units have been there since 1978. The proposed request is to add on to the existing facility.

Sandra Bulduc, 8015 Sarpy Avenue, mentioned she and her husband own the property at 8103 Sarpy Avenue. She stated she has concerns with a business moving into a residential area. Other concerns she has are with the wildlife being disturbed, noise, and the impact the development will have on the safety of the neighborhood.

Linda Sorensen, 8007 Sarpy Avenue, mentioned the southern portion of the proposed development is located next to her house. She advised she has concerns with people going through her yard to access the storage units, security issues, wildlife being displaced, height of the proposed fence around the development, water storage on the property, safety issues, and how the development will affect property values.

Tami Winther, 2712 Greene Avenue, stated she chose this area to purchase a home in as it is a quiet neighborhood, with little traffic and a lot of green space. She advised her concerns are the proposed development will ruin green space, the wildlife will be displaced, traffic will increase, safety issues, light spillage onto the neighborhood, an increase in crime, the potential of hazardous materials stored in the storage units, and a reduction in property values.

Paul Bulduc, 8015 Sarpy County, mentioned the proposed property has been vacant for many years. He questioned why the property wasn't purchased when it was vacant. He feels the proposed development is not a good use for the land and is in opposition of the request.

Peggy Helms, 2722 Bonnie Street, agrees with the other neighbors' concerns. She requested the Commission consider the neighborhood and how this development would impact them.

Mike Kropp, 8010 Cedar Island, has concerns with the proposed retention pond which would be located to the north of his property and drain towards him. He questioned if the city will provide a guarantee the retention pond will not leak onto his property. He stated the plan he received does not indicate how deep the retention pond will be, if it is concrete, plastic lined, or any other details. He stated he is in opposition of this request due to drainage concerns.

Chris Didamo, 8014 Cedar Island Road, commented he has concerns with the retention pond. He stated the site plan he received is different than the one being used this evening and asked if that was a new plan. Palm indicated yes. He stated the area where the proposed retention pond will be has concrete fill with approximately six feet of dirt on top of it. He echoed the concerns of Kropp, mentioning there is no information regarding how deep the pond will be or if the water will sit stagnant.

There was no one else present to speak in favor of, or in opposition to this request. Jacobson closed the public hearing.

Mr. Faulk mentioned his facility has been in the area since 1978 and there has been no issue with crime. As far as he knows, his development has not decreased property values in the past 40 years. He commented his father developed the subdivision to the east of the storage units shortly before he built the existing storage unit facility. He explained his father did not purchase the property being discussed earlier because the railroad owned the property and there was a railroad line that ran through it. He addressed the issue of traffic through the neighborhood. The current facility is lit and fenced. The lights are to the inside of the facility and do not shine out onto the neighbors. The current adjacent facility is controlled access from 6:30 a.m. to 9 p.m., which will be the same hours as the proposed facility. After 9 p.m. there is a perimeter alarm system which will turn on. Faulk mentioned if anyone

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were to cut the fence or climb the fence, an alarm will go off. He advised there will be a manager who lives on site and the proper authorities will be notified if there is a problem. He stated the current facility has had very few issues over the past 40 years of being there. Faulk explained the property currently drains to the south. This will not be changed, as the proposal includes the water to continue to flow in the same direction as it flows currently. The reason the detention basin is to the south end of the property is because the city requires the rain water to be held for a period of time after a storm. The water is then released slowly after the storm so it does not put an undue burden on the storm system. The proposed location of the stormwater detention basin is where the water is naturally draining to now. The engineer needs to determine how deep and how wide that basin will be. The water is flowing to that area, will continue to flow to that area, and it will be held there temporarily during the initial rainfall. Then it will be dispersed an hour or two after rainfall.

Ms. Bulduc requested to speak again. The Commissioners allowed her to come to the podium. She mentioned the current location of the existing storage facility is off of Chandler Road which has public access. The proposed facility will be located deeper into a neighborhood off of Cedar Island Road.

Cutsforth questioned the applicant if there will be any additional staff or manager staying on the premises with the proposed expansion. Faulk replied no. He explained he owns seven other facilities that are twice the size of the proposed facility. He stated one manager is able to manage and maintain those facilities.

Baumgartner requested the applicant to explain the access to the proposed property. Faulk advised it has a controlled access. He explained on Cedar Island Road there will only be one way in and one way out of the facility off of Cedar Island Road. There is a gate, which is always in the closed position. Upon renting a unit, you will have a code to enter into the gate to gain access to the units. Once a car enters the facility, the gate will close behind them. Baumgartner clarified there will be two points of entry to the facility, one off of Cedar Island Road, and the other off of Chandler Road. Faulk replied that was correct.

Jacobson clarified the hours of operation will be from 6 a.m. to 9 p.m. Faulk replied that was correct.

Jacobson clarified the lighting will be done to standards and will be limited to the inside of the property. Faulk replied that was correct. Jacobson questioned if there was spillage onto the neighborhood, would the applicant be willing to address the issue. Faulk replied yes. Jacobson mentioned the plan meets the current standards for landscaping. He questioned since the fence does not go up to the property line if there is any type of buffer. Shewchuk advised there is landscaping around the perimeter of the area, outside of the fence. He explained there is a 25 foot landscape bufferyard around the area, and the six foot privacy fence around the facility. Jacobson clarified the location of the proposed fence. Shewchuk explained the fence is 25 feet inside the property line and then the 25 five foot area between the property line and fence is landscaped.

Casey inquired what the anticipated height of the tallest building will be. Faulk stated it will be approximately fourteen feet from the ground to the roof. Casey inquired if the lighting is attached to the buildings. Faulk replied that was correct. Casey inquired if the six foot fence around the development is just the area that abuts against the residential area or if it is around the entire facility. Faulk commented it is around the residential area for sure, but he is not positive it is along the Cedar Island Road area.

Smith mentioned she understands there will be 70 covered stalls and 159 uncovered stalls for parking vehicles. She requested a description of the lighting to serve the uncovered stalls. Faulk mentioned it will be similar to a grocery store or shopping mall. It will be a pole light, with a light fixture on top of it that will shine down.

Jacobson questioned the applicant if his engineers have had access to the property to work through the retention pond issues. Faulk replied yes. The engineers are in the process of addressing the retention pond as well as doing soil testing. He stated they are not sure where the fill starts and stops, therefore the soil tests will dictate what can be done in specific locations throughout the property.

Baumgartner questioned the applicant if he has considered expanding residential development onto the proposed area. Faulk replied he looked at it but is not interested in pursuing that. He mentioned at one time his father had looked at developing apartments on a corner portion of the area. However, it was not economically feasible.

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Smith inquired why residential development in the area would not be feasible. She mentioned the Comprehensive Plan indicates the area as medium residential. Faulk replied it is not ideal for residential development due to the concrete fill which was placed on the property. The fill area would need to be excavated or removed and the cost would be terribly expensive. He mentioned there is no sewer available and would need to be connected from the east to the west, which isn't practical. Smith questioned if the fill will be an issue for the self-storage facility. Faulk commented it is in some regards. Where the fill is currently at will be where the open parking will be going, which is not an issue. It is where you intend to put a building where the fill becomes an issue.

Casey inquired who received the notification letters. Shewchuk advised the property owners within 300 feet of the application are notified. He explained if it is a renter they would not get the letter; only the property owners receive letters. The information is gathered from Sarpy County. Casey questioned what the process to vacate McCorkindale Avenue is. Shewchuk explained the applicant is working with the Public Works Department. The request goes through the Public Works Department for vacation. The anticipated ordinance to vacate should be on the same City Council agenda as the request to rezone the property. Conversation ensued on this topic.

Cutsforth inquired if the City of Bellevue has minimum design standards the engineer would have to meet for the storm water retention site. Shewchuk replied yes there are. The engineers for the proposed development have been working with the city's Public Works Department regarding the drainage on the property. It would need to hold enough volume to retain the water. The runoff cannot be increased. It will be a zero net affect after a storm. It will go into the detention pond and release slowly so there is no increase in runoff from the area onto other properties.

Smith commented the character of this neighborhood changes significantly from Chandler Road, which is very commercial, onto Cedar Island Road, which is very residential. There is quite the difference in the nature of the neighborhood. She advised the proposed development is a very intensive commercial use. The Comprehensive Plan does designate this area as medium residential which seems more consistent with the existing uses in the neighborhood.

Baumgartner agreed with Smith's assessment of the area and that it is more conducive to residential development. She stated she could see the portion off of Chandler Road supporting a commercial development, but not the proposed location.

MOTION was made by Baumgartner, seconded by Smith, to recommend DENIAL of a request to rezone Lot 1, Milt's Addition, being a platting of Tax Lot W, Lots 10 and 11, West of right-of-way, and Lot 12B, Pleasant Hill or Martin's Subdivision, along with vacated McCorkindale Avenue, all located in the Southeast ¼ of Section 16, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska from RS-72 to BGH for the purpose of a self-storage facility; small subdivision plat Lot 1, Milt's Addition; and conditional use permit for Lot 1, Milt's Addition for the purpose of a self-storage facility. Applicant: 2715 LLC. General Location: West Chandler Road and Cedar Island Road. Case #'s: Z-1810-08, S-1810-09, and CUP-1810-03. Upon roll call, Casey, Baumgartner, Cutsforth, and Smith voted yes. Jacobson voted no. MOTION carried.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING on December 10, 2018.**

PUBLIC HEARING was held on a request to amend Article 7, City of Bellevue Zoning Ordinance, regarding digital signs. Applicant: City of Bellevue.

Shewchuk mentioned this is the third time this item has been discussed by the Planning Commission. Previously, how to measure the light given off from a sign was changed from nits to 0.3 foot candles over ambient lighting. The time the image can be displayed on a digital sign was reviewed. Staff is recommending the time a message has to hold static on billboards be amended from ten to eight seconds, and on non-billboard signs be amended from fifteen to eight seconds. There was discussion regarding movement/motion of the signs and it is recommended, other than a scrolling message, the image shall remain static during its display period, other than a scrolling message. Shewchuk advised he looked at other regulations in the area for Papillion, LaVista, Sarpy County, and Omaha. LaVista only allows electronic message boards on center identification signs. They cannot change at intervals of less than one minute. Sarpy County prohibits rotating or moving lights or any animated or moving parts, with the exception of lighted animation or moving parts providing public service information such as time, date, weather, or similar information. Omaha, in regards to billboards, cannot contain any type of motion, animation, scrolling of text, or sequential displays. As far as transition between images, Omaha and LaVista require an instantaneous change of the image. Shewchuk stated he is okay not having those type of restrictions. He is okay with having a message that fades in and out. Papillion

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has a couple of different requirements regarding the change in the message or the image depending on the location. Generally it is five seconds to zero seconds for a refresh rate. They do limit digital and electronic signs to 50% of maximum permitted sign area. Shewchuk commented Bellevue is a little more lenient than other communities in the area.

Pat Shannon, 3417 East Dutchman Circle, commented he does agree the proposed amendment has come a long way since July. He commented there are 15 signs in the shopping plaza he owns which would not comply with this ordinance. He stated more than 90% of the signs in Bellevue would not comply with this ordinance as presented. He stated Valentinos has a 30 foot digital sign with motion and fadings. He commented an eight second static display is ridiculous on a digital sign. He stated he is unsure what is trying to be regulated and why it is trying to be regulated. The role of government is to not regulate things which do not need to be regulated. He feels there is no problem with digital signs. He stated if the regulation were proposed as is with no static timing requirement, it would be fine. He explained there are too many things that change in a second's time, such as open and close signs. He commented the scrolling messages being exempted is good. Shannon commented unless every sign in Bellevue is grandfathered, he is unsure where these regulations are going or why.

Jacobson clarified with Mr. Shannon he was attending the meeting on a personal basis. Shannon replied he was.

Brittanie True, 23319 Hunt Avenue, Council Bluffs, IA, mentioned she has been in the sign industry for over ten years and has worked with digital signs the entire time of her employment. She mentioned she works with other jurisdictions locally, as well as in other states. She commented there are many different types of viewpoints and interruptions of sign regulations. She explained all jurisdictions have concerns with brightness. She stated Mr. Shewchuk has narrowed this down to the most efficient way to manage brightness. True advised she reviewed sign regulations in neighboring jurisdictions. She commented LaVista does not like digital signs. Ralston does not refer to digital signs in their ordinance. Omaha regulates off-premise billboard signs. Papillion had impressive regulations and approached them with a general, common sense perspective. She advised the concern with digital signs is safety, and there is no statistical data that supports these signs are unsafe. If there was, the signs would not be allowed at all.

Shannon commented he is in agreement the static time on billboard signs should be at eight seconds. The non-billboard signs should not be at eight seconds.

There was no one else present to speak in favor of, or in opposition to this request. Jacobson closed the public hearing.

Casey requested clarification from Mr. Shannon that he is okay with the amendment as presented, with the exception of the eight second timing for non-billboard signs. Shannon commented there is no reason to restrict or regulate those signs. However, billboard signs should be regulated at eight seconds and no more. Casey questioned what the difference is in Mr. Shannon's opinion between the two types of signs. Shannon replied the size, the scope, and that billboards are located in high density traffic. Casey questioned staff as to why they feel these items need to be regulated. Shewchuk replied the way the regulation currently reads "signs shall not change panels or messages within at least 15 seconds and flashing lights or brightness of signs may be regulated based on vehicular traffic safety." He advised he is proposing the time regulations going down from 15 seconds to eight in the proposed amendment. He explained in the discussion at the September Planning Commission meeting, someone brought up the animation of signs. This topic wasn't previously addressed in the proposed amendment, therefore staff is recommending signs remain static other than scrolling messages. He advised if the Commission wants to recommend something else, it is their prerogative, and the City Council will make a final decision on it. Casey inquired if the basis for staff's input is safety. Shewchuk replied yes.

Jacobson commented he did some research on the International Sign Association (ISA). He was pleased to find the ability to measure 0.3 foot candles is well described in the ISA's documentation. Jacobson mentioned the ISA list samples of model ordinances for cities to follow. He questioned Ms. True if the range she has seen for static signs is eight seconds or faster. True replied she is okay with eight seconds. She commented she informs her clients the best time frame for a static display is five to eight seconds. Jacobson stated he has concerns with public safety with drivers trying to focus on signs changing. He feels 0.3 candles are reasonable. True commented she has no issues with the brightness; she thinks that is a great level to be at. Her focus is on the reality of current sign users being out of compliance if this were to be the regulation that goes into effect.

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MOTION made by Smith, seconded by Jacobson, to recommend APPROVAL of a request to amend Article 7, City of Bellevue Zoning Ordinance. APPROVAL based upon the Planning Department's recommendation. Upon roll call, Casey, Baumgartner, Jacobson, and Smith voted yes. Cutsforth voted no. MOTION carried.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING on December 10, 2018.**

PUBLIC HEARING was held on a request to amend Article VII, Chapter 28, of the Bellevue Municipal Code regarding the Complete Streets Policy. Applicant: City of Bellevue.

Shewchuk mentioned the Commissioners were provided a handout regarding the correspondence Commissioner Jacobson had with Mr. Moudry regarding his recommended revisions to the proposal. Shewchuk advised this item had been previously discussed by the Planning Commission. The item was also discussed by the City Council, at which time the Council requested a formal action by the Planning Commission. The ordinance was also taken to the Citizen Complete Streets Advisory Panel for their feedback. The input from the Commissioners and Complete Streets Panel has been incorporated in the proposed amendment. Shewchuk pointed out in Section 28-151 he included motor vehicles. In Section 28-152, some of the principles of Complete Streets will require City Council approval. The amendment proposes to delete Section 28-153, Freight, as the city does not have streets classified as "Major Truck Streets." The proposed amendment seeks to clarify portions of the document; primarily existing Section 28-154 which describes exceptions. Shewchuk mentioned Mr. Moudry recommended a change in Item "b" and added Item "d" under this section.

Jim Moudry, 1207 Rebecca Court, mentioned he appreciates the effort the Planning Department, Complete Streets Panel, and the Planning Commission has taken to review and make recommendations to the ordinance. He stated he agrees with most of the proposed amendments to the ordinance. He mentioned the one section he has additional comments on is proposed Section 28-153, Exceptions. Moudry referred to Item "b", which reads: "Where the Planning or Public Works Director issues a documented exception concluding determining that the application of Complete Street principles is unnecessary or inappropriate because it would be contrary to public safety and the City Council approves the documented exception." He stated he would like to recommend to amend the statement to add "or efficient flow of current or projected motor vehicle traffic flow," after "contrary to public safety." Moudry advised he has done a fair amount of research on this item. He has run into several cases where Complete Streets provisions have been made on a street which has resulted in motor vehicle traffic being severely impacted. People will divert off of the major road onto neighborhood streets to get around the increased traffic, which increases the volume on the neighborhood streets. Moudry recommended adding Item "d," a provision to an exception "where the application of complete streets on one street would have a detrimental impact on traffic volume and/or safety on a neighboring street." He referred to Items "b" and "c," under proposed Section 28-153. He recommended changing the wording from "Where the Planning or Public Works Director issues a documented exception" to "Where the Planning or Public Works Director recommends a documented exception."

Pat Shannon, stated he agrees with Mr. Moudry's proposed changes. He noted the word "issues" in both Items "b" and "c" does need to be changed to "recommends".

Smith referred to Mr. Moudry's description of the severe impairment of the efficiency of traffic flow. She noted his suggested language refers to any change of efficiency. She questioned Mr. Moudry if it is his intention to talk about a severe efficiency. Smith stated any bike lane will affect traffic flow to some extent. Moudry replied it is a matter of how you define impact and detrimental impacts. Smith inquired if it is his view if any impact of efficiency on traffic flow would lead to an exception to complete streets. Moudry replied he would not say any decrease would warrant an exception.

Jacobson questioned Mr. Moudry if "substantially detrimental affect" would be an appropriate use of words for his suggested revisions. Conversation ensued on this topic.

Shewchuk commented he has no objections to the proposed language Mr. Moudry provided. The recommendations refer to the beginning of the ordinance which refers to safe, efficient access and use for all users. He noted on Items "b" and "c" he would propose language to include "Where the Planning or Public Works Director recommends an exception which determines that the application of Complete Street principles is unnecessary or inappropriate because it would be contrary to public safety and the City Council approves the documented exception." He would recommend in Item "d" to insert the word "substantial" before the word "detrimental."

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Smith commented "substantially detrimental" should be added in Item "b" after the words "contrary to public safety or."

MOTION made by Jacobson, seconded by Casey, to recommend APPROVAL of a request to amend Article VII, Chapter 28, of the Bellevue Municipal Code regarding the Completes Streets Policy. Applicant: City of Bellevue. APPROVAL based upon the Planning Department's recommendation with additional revisions to Section 28-153 as presented by Councilman Moudry and as discussed by the Commission. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING on December 10, 2018.**

Motion made by Casey, seconded by Baumgartner, to approve the 2019 Uniform Review Schedule. Upon roll call, all present voted yes.

Meeting adjourned at 8:30 p.m.



Shirley R. Harbin  
Planning Assistant

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-1809-07  
S-1809-08

**FOR HEARING OF:**  
**REPORT #1:** December 20, 2018

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Boyer-Young Development  
Attn: Dave Vogtman  
9719 Giles Road  
LaVista, NE 68128

**B. PROPERTY OWNERS:**

Boyer-Young Development  
Attn: Dave Vogtman  
9719 Giles Road  
LaVista, NE 68128

Lewis Holdings, LLC  
Attn: Kenneth D. Lewis  
21320 W. 115<sup>th</sup> Street  
Olathe, KS 66061

**C. GENERAL LOCATION:**

Southeast of 48<sup>th</sup> Street and Capehart Road

**D. LEGAL DESCRIPTION:**

Lots 1 through 121, and Outlots A through G, Belle Lago South, being a replat of Lots 20 through 22, and Outlots B, G, and H, Belle Lago, and a platting of the Southwest ¼ of the Northwest ¼, all located in Section 8, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

1. Rezone Lots 1 through 121, and Outlots A through G, Belle Lago South, from AG and RG-50-PS to RG-50-PS for the purpose of single family residential development
2. Preliminary plat Lots 1 through 121, and Outlots A through G, Belle Lago.

**F. EXISTING ZONING AND LAND USE:**

AG, Vacant

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain a change in zone and preliminary plat approval to enable single family residential development.

**H. SIZE OF SITE:**

The site is approximately 65 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is presently vacant and most recently used agriculturally.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

- 1. **North:** Vacant (Belle Lago), RG-50-PS
- 2. **East:** Vacant, AG
- 3. **South:** Single Family Residential, RS-72-PS
- 4. **West:** Vacant, AG

**C. REVELANT CASE HISTORY:**

1. On March 23, 2017, the Planning Commission recommended approval of a request to rezone Lots 1 through 75, and Outlots A through F, Belle Lago, being a platting of Tax Lot 15, except the irregular 400; located in the Northwest  $\frac{1}{4}$  of Section 8, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska from AG to RG-50; and preliminary plat Lots 1 through 75, and Outlots A through F, Belle Lago. On April 24, 2017 the City Council approved the aforementioned request.

2. On August 24, 2017, the Planning Commission recommended approval of a request to rezone Lots 1 through 107, and Outlots A through H, Belle Lago, being a platting of Tax Lot 14 and Tax Lot 15, located in part of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$ , Section 8, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska from AG to RE, RG-50-PS, and RG-28-PS; site plan approval for the purpose of single family residential and multi-family residential development; and preliminary plat Lots 1 through 107, and Outlots A through H, Belle Lago. On October 9, 2017, the City Council approved the aforementioned request.

3. On October 19, 2017, the Planning Commission recommended approval of a request to final plat Lots 1 through 81, and Outlots A through H, Belle Lago, being a platting of Tax Lots 14 and 15, located in the Northwest ¼ of Section 8, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. On November 13, 2017, the City Council approved the aforementioned request.

**D. APPLICABLE REGULATIONS:**

1. Section 5.12, Zoning Ordinance, regarding RG-50 uses and requirements.
2. Section 5.17, Zoning Ordinance, regarding -PS uses and requirements.
3. Chapter 3, Subdivision Regulations, regarding Preliminary Plats.
4. Chapter 6, Subdivision Regulations, regarding Minimum Design Standards.
5. Chapter 7, Subdivision Regulations, regarding Capital Improvements.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this area as medium density residential.

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. There are approximately 1,400 vehicles per day near the intersection of 48<sup>th</sup> Street and Capehart Road per the 2014 MAPA Traffic Count data. This is the most current traffic information available for this area.
2. Access will be from South 44<sup>th</sup> Avenue, as well as extensions of South 42<sup>nd</sup> Avenue and South 44<sup>th</sup> Street.

**D. UTILITIES:**

All utilities are available or will be constructed to serve this development.

**E. ANALYSIS:**

1. Dave Vogtman, on behalf of Boyer Young Development Company, has submitted a request to preliminary plat Lots 1 through 121, and Outlots A through G, Belle Lago South, for the purpose of single family residential development.
2. The applicant is also requesting a change in zone from AG and RG-50-PS to RG-50-PS (General Residence, 5,000 Square Foot Zone, Planned Subdivision) for Lots 1 through 121, and Outlots A through G, Belle Lago.

The setbacks in the RG-50-PS zone would be as follows:

Front Yard	25 feet
Rear Yard	20 feet
Side Yard	5 feet
Street Side Yard	15 feet

The standard front yard setback in the RG-50 zoning district is 35 feet, with a rear yard of 25 feet. These are the same setbacks which were approved for the adjacent Belle Lago subdivision.

The proposed lots range in size from approximately 6,500 square feet for the smaller lots, to over 10,000 square feet for some of the larger lots. This exceeds the minimum lot size of 5,000 square feet.

3. The applicant has indicated this development will consist of smaller, villa-type housing along the western portion of the subdivision (near South 44<sup>th</sup> Avenue), with larger single family residences throughout the remainder of the property.

4. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Planning Director, Sarpy County Public Works Department, Sarpy County Planning Director, Sarpy County IS/GIS/Public Safety, Metro Area Planning Agency, Metropolitan Utilities District, CenturyLink, Omaha Public Power District, Black Hills Energy, Cox Communications, Papio-Missouri NRD, Bellevue Public School District, and the Springfield Platteview School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Sarpy County GIS/911 had comments pertaining to the proposed street names. The applicant's engineer has made all of the suggested revisions. The Public Works Department requested technical revisions to the preliminary plat, paving exhibit and profiles, storm sewer, and sanitary sewer.

No other comments were received on this case.

5. The Public Works Managing Engineer has reviewed the grading and drainage plans for this proposed development and found them to be acceptable. Detailed engineering plans will continue to be reviewed as the project progresses.

6. The access for this development will be from newly created South 44<sup>th</sup> Avenue through the Belle Lago subdivision, as well as extensions of South 42<sup>nd</sup> Avenue and South 44<sup>th</sup> Street. Future access points will be constructed as adjacent development occurs.

Access is also being proposed through the vacant ground to the west and connecting to South 45<sup>th</sup> Street. This access is being proposed in lieu of staff's original suggestion of making South 44<sup>th</sup> Avenue a collector street. The Public Works Department does approve of the proposed access. Lookingglass Drive will serve as a collector street, which will eventually connect developments from 36<sup>th</sup> Street to 48<sup>th</sup> Street.

As of the date of this report, the applicant's engineer had begun discussions with the adjacent landowner for the purpose of facilitating the South 45<sup>th</sup> Street connection.

7. This plat will be developed as a Sanitary and Improvement District. A draft copy of the Subdivision Agreement has been submitted by the applicant and is under review. A final draft will be submitted with the final plat.

8. Due to the size of the development, a park is not proposed for this subdivision. The Parks Department has previously indicated small neighborhood parks are not desirable in every subdivision due to maintenance issues; instead, staff will plan for larger community parks in this area.

The applicant is proposing a trail along South 44<sup>th</sup> Avenue which would connect to the existing trail in Clearwater Falls to the south (see attached paving exhibit). Original discussions with the developer included plans for a trail around the lake and connecting to the Belle Lago development to the north. Staff would prefer that type of trail system for this development. This would further facilitate future trail connections to the east. Staff will be meeting with the developer ahead of the Planning Commission meeting to further discuss trail locations within the development. An update will be provided at the December 20, 2018 meeting regarding this matter.

Based upon the number of acres, this development will require a contribution to the Park Fund in the amount of \$55,675; however, as the trail plan is finalized, this amount will most likely decrease to reflect a credit for that infrastructure.

9. This development is compatible with the Comprehensive Plan.

**F. TECHNICAL DEFICIENCIES:**

There are several minor technical deficiencies pertaining to the preliminary plat, paving exhibit, sanitary sewer exhibit, and street profiles which need to be satisfied prior to approval of the preliminary plat. These items will be addressed with the applicant's engineer.

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon conformance with the Zoning Ordinance, Comprehensive Plan, Subdivision Regulations, and lack of perceived negative impact to the surrounding area. APPROVAL contingent upon satisfaction of the technical deficiencies and submittal of a suitable trail plan as coordinated with staff prior to the December 20, 2018 Planning Commission meeting.

**V. PLANNING COMMISSION RECOMMENDATION**

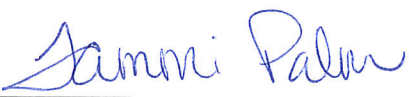
Under Review

**VI. ATTACHMENTS TO REPORT**

1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Preliminary plat received December 11, 2018
4. Paving Exhibit received December 11, 2018
5. Zoning justification letter from Mark Westergard, E & A Consulting Group Inc., received September 21, 2018.

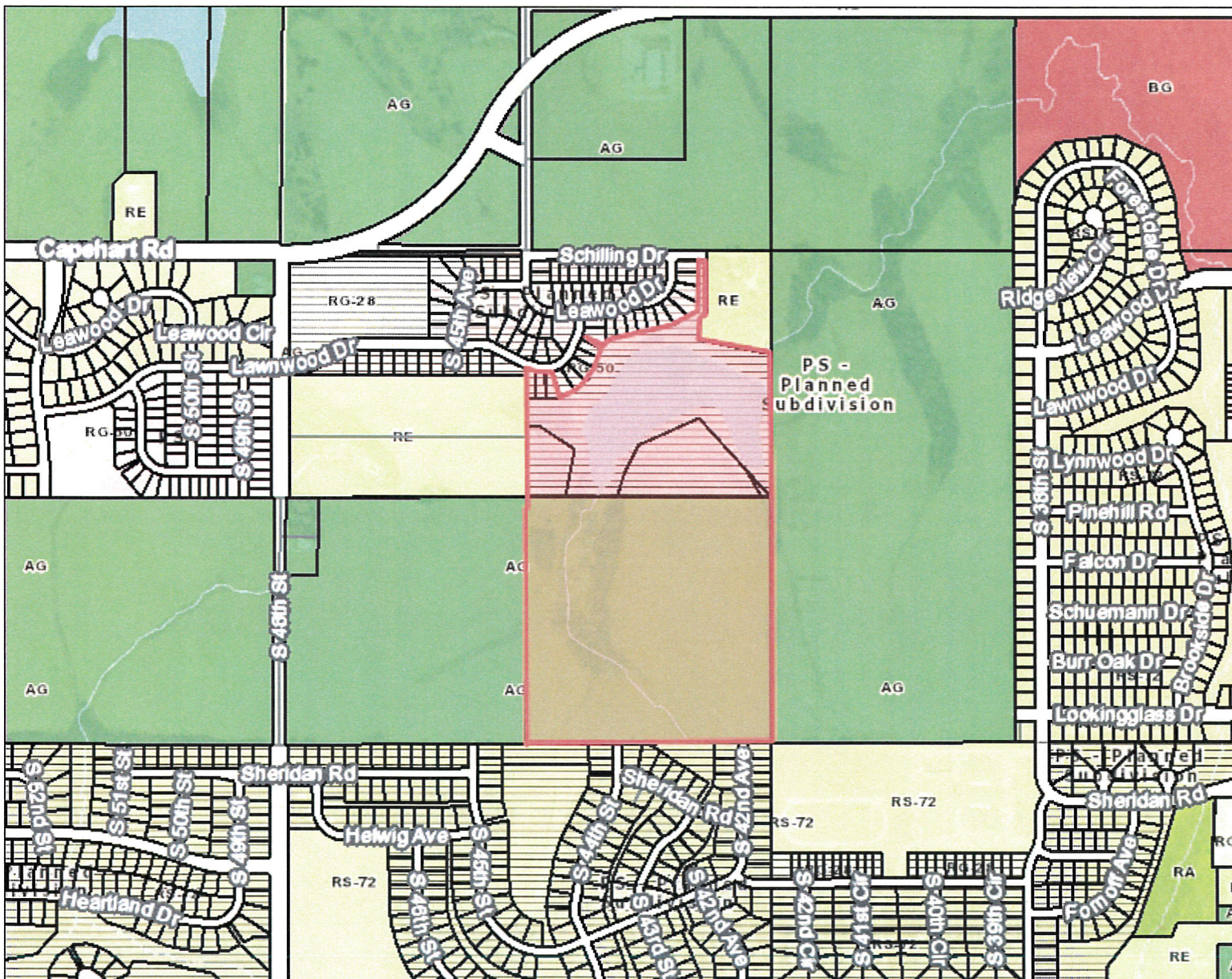
**VII. COPIES OF REPORT TO:**

1. Boyer-Young Development Company (Dave Vogtman)
2. E & A Consulting Group, Inc. (Mark Westergard)
3. Fullenkamp, Doyle, and Jobeun (Larry Jobeun)
4. Public Upon Request

  
Prepared by:

   
Planning Director Date of Report

## Belle Lago South Zoning Map

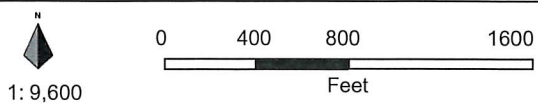


### Location



### Legend

- Road Centerlines
- 2018 Aerial Photo
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

### Sarpy County GIS



1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com









E & A CONSULTING GROUP, INC.

Engineering Answers

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154-3950  
P 402.895.4700 • F 402.895.3599  
www.eacg.com

September 21, 2018

Tammi Palm  
City of Bellevue, NE  
1510 Wall Street  
Bellevue, NE 68005

RECEIVED  
SEP 21 2018  
PLANNING DEPT.

RE: Belle Lago South – Planned Subdivision District Zoning Justification Letter

Dear Tammi,

The proposed Belle Lago South development zoning is proposed to be RG-50-PS. The proposed changes to the RG-50 zoning shall be a reduced front setback from 35 feet to 25 feet and a reduced rear setback from 25 feet to 20 feet. This development meets multiple categories within Section 5.17.03 (1-4) of the City of Bellevue Zoning Ordinance, our Justification is as follows:

5.17.03 (1) – This section of ground has a future land use designation of Medium Density Residential. RG-50 zoning should fit within this designation and thus fits the proposed character of this portion of the City of Bellevue's ETJ and thusly shouldn't adversely affect neighboring properties. The minimum lot size for RG-50 is 5000 sq. ft. The smallest single family lots proposed in the Belle Lago South development are 6480 sq. ft with many of the more standard shaped lots exceeding 8000 sq ft and oddly shaped lots exceeding 10,000 sq. ft as the development moves further west. Furthermore, the narrowest lots abut the lake and not adjacent properties.

The density of the proposed single family lots is roughly 4.4 lots per acre due to the developable acres lost to the lake. This density is well within the range of medium density developments, again meeting the future land use plan for the City of Bellevue.

5.17.03 (2) – The designation of the planned subdivision allows this development to better fit the topography and space limitations on this proposed property. This property is quite narrow due to the lake and drainageway located within the property. This limits the depth that the lots can be built to, making the standard setbacks of the RG-50 zoning district too restrictive for the style homes proposed within this development. The floorplans of the house styles that will be developed in this neighborhood will not fit on many of the lots within this development due to the reduced depth achievable without reducing the front and rear yard setbacks.

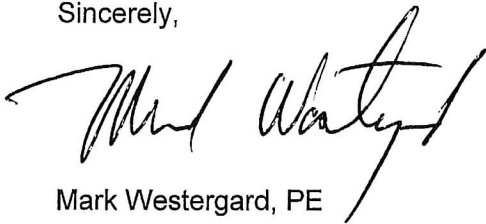
The current rate that the cost of construction is going up is outpacing any increase in the valuation of homes. Valuations needed to make these SIDs work struggle to increase fast enough to keep up with these increased cost. Because of this, finding ways to best utilize the land available on a given development is important. Solving the debt ratio difficulties for SIDs cannot simply be a situation where we try build higher priced, larger homes. This will quickly stymie growth by only making new home construction available to a smaller pool of

wealthier individuals. New developments are needed with diverse home costs to provide opportunities for the widest range of citizen's to achieve their dreams of home ownership.

5.17.03 (3) – This development will not be a typical single-family neighborhood in that the west 31 homes on the west side of the lake are planned to be a small villa community made up of several different ranch style homes that will include mowing, snow removal, etc as a part of living there. This style of development is often more desirable with reduced lot size that often isn't considered a benefit to the target market. This villa community also creates a different market that is not currently available in the area. The access to the lake will also make this a unique development. As mentioned above, the development has been planned out so that the narrowest lots abut the lake area and not adjacent properties.

5.17.030 (4) – We do not feel that the reduced front and rear yard setbacks that are being requested for this development should be considered to be for the purposes of convenience, profit or caprice. The developer is creating a development that fits within the future land use designation and is aimed at a different market than is currently available within the existing and proposed developments along 48<sup>th</sup> Street. As mentioned in Section 2, the request is not being made to create more lots, but to develop workable lots within the physical restraints of the site.

Sincerely,



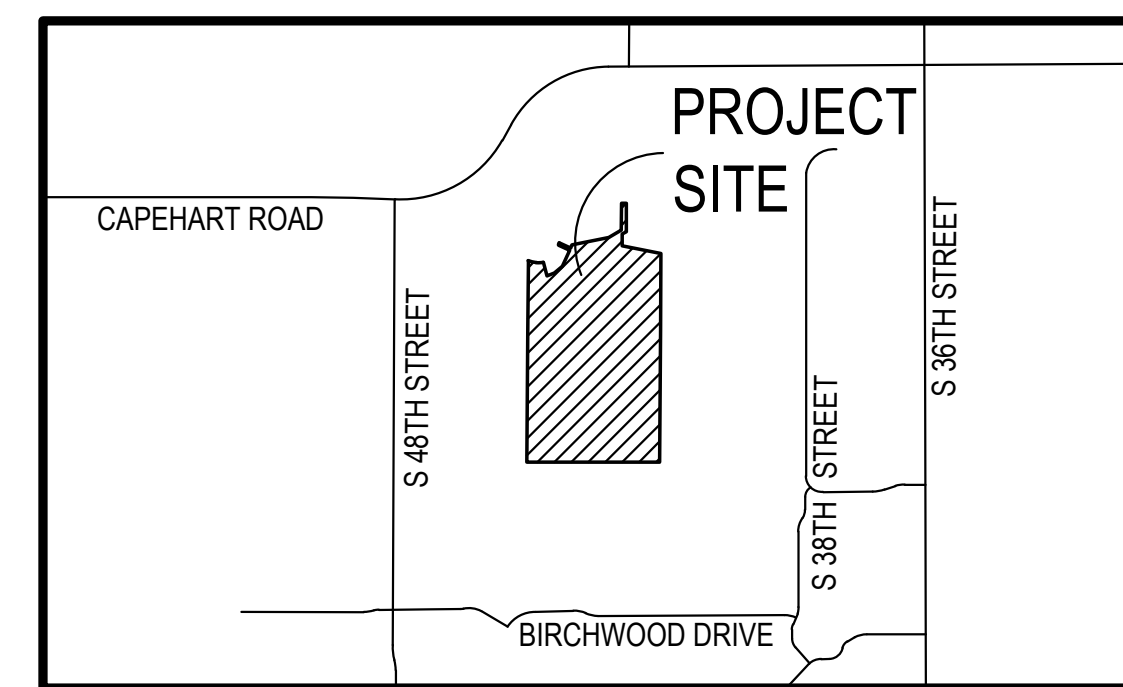
Mark Westergard, PE  
E & A Consulting Group, INC.

RECEIVED  
SEP 21 2018  
PLANNING DEPT.

# BELLE LAGO SOUTH

LOTS 1 THRU 121 & OUTLOTS "A" THRU "G" INCLUSIVE

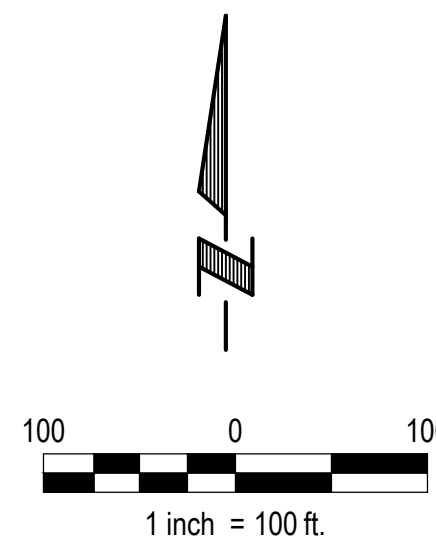
A TRACT OF LAND LOCATED IN LOTS 20 THRU 22, OUTLOTS "B", "G" AND "H", BELLE LAGO, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 08 ALONG WITH THE SE1/4 OF THE NW1/4 OF SECTION 08, ALL LOCATED IN TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



VICINITY MAP

### LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENTS
- - - 1120' EXIST. MAJOR CONTOURS
- - - 1122' EXIST. MINOR CONTOURS
- ▨ EXISTING BUILDING
- OHP - OHP EXIST. OVERHEAD POWER LINE
- EXIST. EDGE OF ROAD
- SS - SS EXIST. SANITARY SEWER LINE



FRONT YARD	25'
SIDE YARD	5'
STREET SIDE YARD	15'
REAR YARD	20'

CURVE	RADIUS
1	150.00'
2	150.00'
3	500.00'
4	150.00'
5	150.00'
6	200.00'
7	150.00'
8	150.00'
9	150.00'
10	150.00'
11	150.00'
12	150.00'
13	150.00'
14	150.00'
15	150.00'
16	150.00'
17	150.00'
18	150.00'
19	150.00'

### LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN LOTS 20 THRU 22, OUTLOTS "B", "G" AND "H", BELLE LAGO, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 08 ALONG WITH THE SE1/4 OF THE NW1/4 OF SECTION 08, ALL LOCATED IN TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

SAID TRACT OF LAND CONTAINS 2,854,135 SQUARE FEET OR 65.522 ACRES, MORE OR LESS.

**OWNER**  
LEWIS HOLDINGS LLC  
2120 N 115TH ST  
OLATHE, KS 66061

**OWNER**  
BOYER YOUNG EQUITIES XV - BELLE LAGO, LLC  
9719 GILES RD  
LA VISTA, NE 68128

**DEVELOPER**  
BOYER YOUNG DEVELOPMENT COMPANY  
9719 GILES RD  
LA VISTA, NE 68128

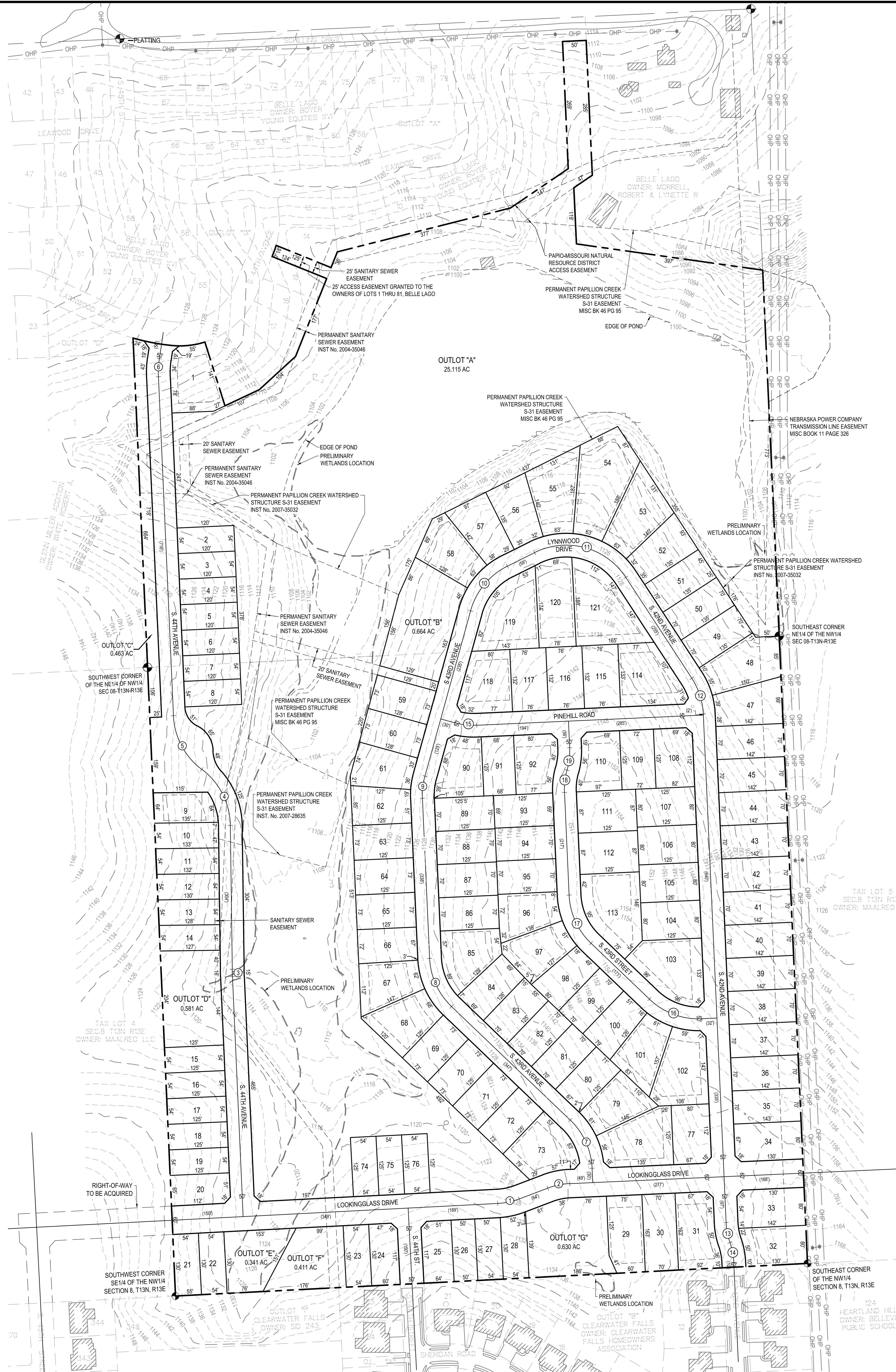
### ZONING:

EXISTING AG, RG-50-PS  
PROPOSED: RG-50-PS, LOTS 1 THRU 122, OUTLOTS "A" THRU "G"

### NOTES:

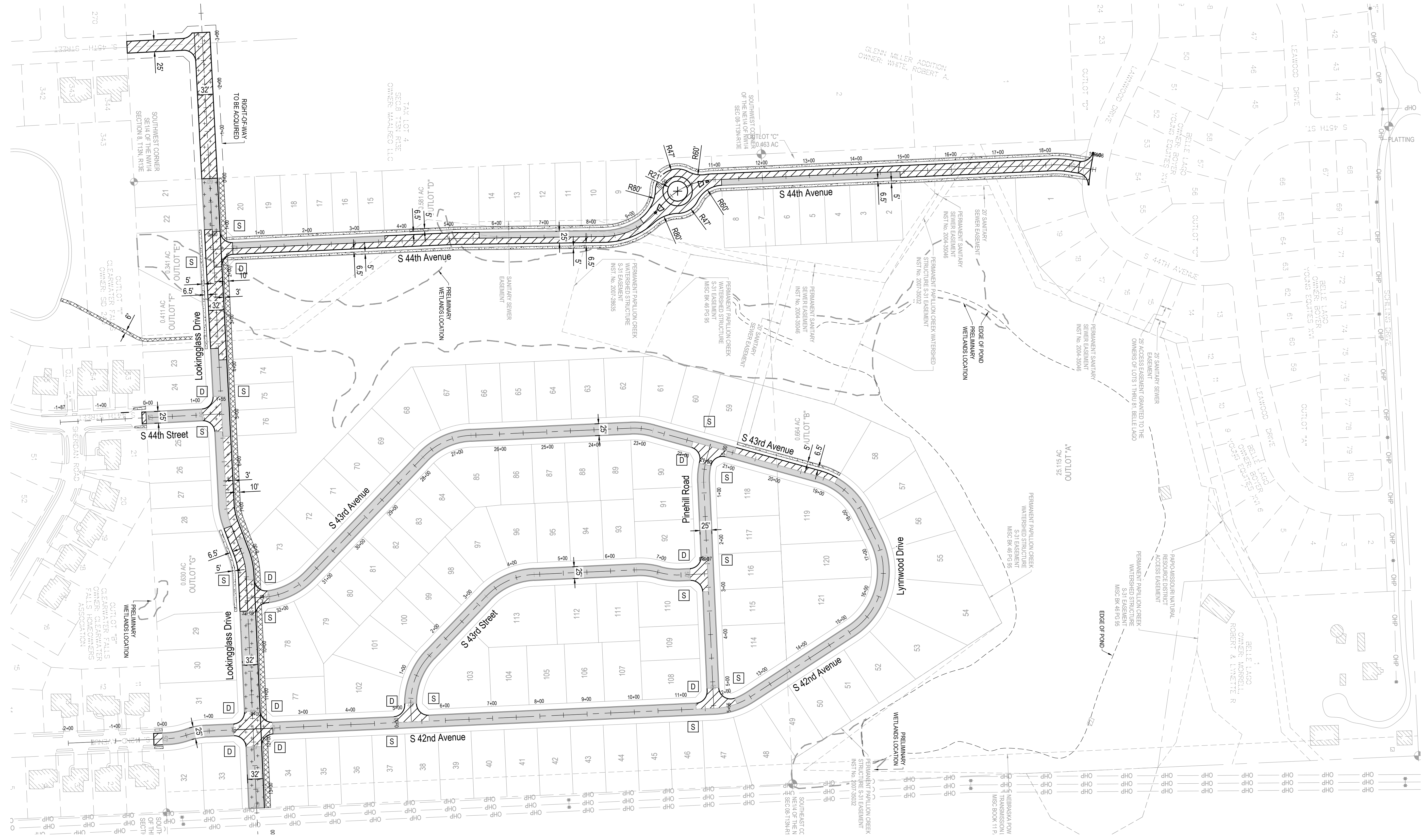
- TEMPORARY TURNAROUNDS WILL BE CONSTRUCTED AT ALL DEADEND STREETS.
- THE CHAMFERS FOR SIDEWALKS ON CORNER LOTS ARE SET AT (12.5') RADII FROM THE INTERSECTION OF RIGHT-OF-WAY LINES.
- TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.
- A PERMANENT STORM SEWER AND DRAINAGE EASEMENT IS GRANTED OVER ALL OF OUTLOTS "A", "E" & "G". OUTLOTS "A", "E" & "G" SHALL BE OWNED BY THE SANITARY AND IMPROVEMENT DISTRICT & SHALL BE TRANSFERRED TO THE HOMEOWNERS ASSOCIATION PRIOR TO ANNEXATION.
- OUTLOTS "B", "D", "F" ARE TO BE USED FOR A PERMANENT PSCMB BASIN, A PERMANENT STORM SEWER AND DRAINAGE EASEMENT IS GRANTED OVER ALL OF OUTLOTS "B", "D", "F". OUTLOTS "B", "D", "F" SHALL BE OWNED BY THE SANITARY AND IMPROVEMENT DISTRICT & SHALL BE TRANSFERRED TO THE HOMEOWNERS ASSOCIATION PRIOR TO ANNEXATION.
- OUTLOT "C" SHALL BE USED AS A GRADING & BUFFER EASEMENT. OUTLOT "C" SHALL BE OWNED BY THE DEVELOPER.
- LOT 1 DRIVEWAY SHALL ONLY HAVE ACCESS TO LAWNWOOD DRIVE.
- LOT 20 DRIVEWAY SHALL ONLY HAVE ACCESS TO S. 44TH AVENUE.
- LOTS 24, 25, 31, AND 77 DRIVEWAYS SHALL ONLY HAVE ACCESS TO LOOKING GLASS DRIVE.
- LOTS 33, 34, AND 103 DRIVEWAYS SHALL ONLY HAVE ACCESS TO S. 42ND AVENUE.
- LOTS 73 AND 78 DRIVEWAYS SHALL ONLY HAVE ACCESS TO S. 43RD AVENUE.
- LOTS 90, 92, 108, 110, 114, AND 118 DRIVEWAYS SHALL ONLY HAVE ACCESS TO PINEHILL ROAD.
- LOT 102 DRIVEWAY SHALL ONLY HAVE ACCESS TO S. 43RD STREET.
- ON STREET PARKING IS TO BE RESTRICTED ON S. 44TH AVENUE.

LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE
1	13,238	32	10,854	63	9,166	94	8,750
2	8,480	33	11,373	64	9,166	95	8,750
3	6,480	34	11,322	65	9,166	96	10,636
4	6,480	35	9,974	66	8,875	97	11,457
5	6,480	36	9,973	67	11,371	98	9,249
6	6,480	37	9,972	68	12,545	99	8,750
7	6,480	38	9,971	69	9,178	100	9,204
8	6,480	39	9,970	70	9,177	101	11,796
9	8,198	40	9,968	71	9,177	102	15,968
10	7,237	41	9,967	72	9,177	103	17,038
11	7,148	42	9,966	73	13,254	104	10,000
12	7,058	43	9,965	74	6,750	105	10,000
13	6,968	44	9,964	75	6,750	106	10,000
14	6,879	45	9,962	76	6,750	107	10,000
15	6,790	46	9,961	77	9,922	108	10,132
16	6,700	47	11,884	78	15,605	109	8,957
17	6,750	48	14,175	79	11,169	110	10,792
18	6,750	49	9,450	80	8,828	111	10,906
19	6,750	50	9,450	81	8,763	112	10,906
20	7,956	51	9,450	82	8,763	113	17,913
21	7,077	52	10,843	83	8,769	114	15,230
22	7,020	53	14,758	84	9,214	115	10,086
23	7,020	54	21,580	85	12,700	116	10,058
24	7,722	55	14,694	86	8,763	117	10,031
25	8,242	56	10,809	87	8,763	118	13,165
26	6,500	57	11,111	88	8,763	119	17,564
27	7,020	58	12,308	89	8,763	120	14,437
28	7,201	59	9,424	90	11,444	121	19,840
29	11,960	60	9,381	91	8,525		
30	11,385	61	10,387	92	10,698		
31	13,523	62	9,708	93	8,589		



Revisions	Description	Date
1	11/18/18 Revised Per City Comments	11/18/18
2	12/11/18 Revised Per City Comments	12/11/18
3	12/20/18 Revised Per City Comment	12/20/18

Proj No: P2018.090.001  
Date: 12/11/2018  
Designed By: MWO  
Drawn By: TRH  
Scale: 1" = 100'  
Sheet: 1 of 1

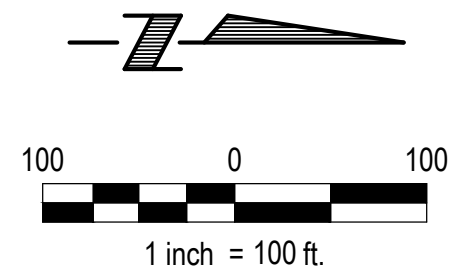


**NOTE**

1. On street parking is to be restricted on S 44th Avenue.
2. ADA compliant curb ramps will be required at each intersection with a minimum of one pair of ramps crossing the through street and one crossing the stop street.
3. All radii shall be 25' unless otherwise noted.

**LEGEND**

- 9' - Pavement
- 9' - General Obligation Pavement
- 7' - Pavement
- 7' - General Obligation Pavement
- 5' - Sidewalk
- 10' - Trail
- Double ramp location
- Single ramp location



<b>E &amp; A CONSULTING GROUP, INC.</b> Engineering • Planning • Environmental & Field Services	
<b>BELLE LAGO SOUTH</b> BELLEVUE, NEBRASKA	
<b>PAVING EXHIBIT</b>	
<b>Revisions</b>	
<b>Proj No:</b> P2016.090.001	<b>Date:</b> 11/16/2018
<b>Designed By:</b> MAW	<b>Drawn By:</b> BRW
<b>Scale:</b> AS SHOWN	<b>Sheet:</b> 1 of 1
12/20/2018 8:55 AM K:\Projects\2016\090\001\Engineering\CAD\Drawings\Exhibit\Drawings\PAV - Paving\Rev - 001.dwg	

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Phone: 402.896.4700 • Fax: 402.896.3599  
www.eaeg.com

