

BELLEVUE PLANNING COMMISSION

Thursday, August 27, 2020 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 July 23, 2020 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:

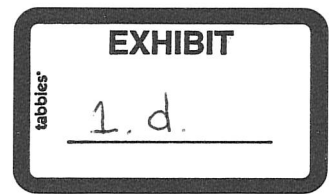
a. Request to rezone Lot 1 Riverview Heights Replat IV, being a replat of Lot 1 Riverview Heights Replat III, and Lot 6 Riverview Heights Replat, from RE and RS-120 to RE for the purpose of an existing single family residence; and small subdivision plat Lot 1 Riverview Heights Replat IV. Applicants: Tom and Mary Hansen. General location: 513 Ridge Road. Case #'s: Z-2007-06 and S-2007-12.

b. Request to rezone Lots 1 and 2, Southroads Technology Park, from BG-PCO to BGH, for the purpose of further commercial development. Applicant: Deep Well dba Southroads Technology Park. General location: 1001 Fort Crook Rd N. Case #: Z-2007-09.

c. Request for a Conditional Use Permit for Lots 1 and 2, Southroads Technology Park, for the purpose of the temporary parking of trucks and trailers. Applicant: UPS. General location: 1001 Fort Crook Rd N. Case #: CUP-2007-02.

4. CURRENT BUSINESS

5. ADJOURNMENT



MINUTE RECORD

Bellevue Planning Commission Meeting, July 23, 2020 Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, July 23, 2020 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Cain, Aerni, Ritz, Hankins, Cutsforth and Jacobson. Absent was Commissioner Ackley. Also present were Tammi Palm, Planning Department Manager, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Daily Record 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.

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

Motion was made by Cutsforth, seconded by Jacobson, to approve the minutes of the June 25, 2020 regular meeting as presented. Upon roll call, Casey, Perrin, Cain, Aerni, Ritz, Hankins, Cutsforth and Jacobson voted yes. Motion carried.

Ritz asked if there were any updates or additions to staff reports. Palm advised staff received an email from on Agenda item 3.a. an email received two updates were received. For Agenda item 3.a. an email was received from Patti Smith Normandy hills expressing concerns with potential access. Item 3.b. several documents were received from Shannon’s attorney, Notice of appeal, Notice of contract claim with exhibits, complaint with exhibits. A copy of each item was emailed to Commissioners and a hard copy was placed on their desk. A copy was also placed on the table for public review.

Motion was made by Jacobson, seconded by Cain, to accept into the record all staff reports, attachments, memos, and handouts regarding each application. Upon roll call, Casey, Perrin, Cain, Aerni, Ritz, Hankins, Cutsforth and Jacobson voted yes. Motion carried.

Ritz explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone the Irregular Westerly 724.67’ of Tax Lot 11, Except right-of-way in the NW ¼, located in the NW ¼ of Section 14, T13N, R13E; and the Irregular Tract in the NW corner of Tax Lot 12, Except right-of-way in the SW ¼, located in the SW ¼ of Section 14, T13N, R13E of the 6th P.M., Sarpy County, Nebraska, from AG to ML for the purpose of industrial development. Applicant: Frank R. Krejci. General location: Fort Crook Road South and Fairview Road. Case #: Z-2006-05.

Doug Kellner, TD2 Engineering & Surveying, 10836 Old Mill Rd, Omaha, NE was present on behalf of the applicant. Kellner stated the comprehensive plan has the land slated for industrial use. Several years ago, the applicant went through a preliminary plat process that he never went on to complete. Their intentions are to finish that process and get the needed zoning in place in case someone comes forward and wants to develop the land.

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

Casey asked Kellner if he had knowledge of any immediate plans for development of the land. Kellner stated no plans are in place that he could talk about in a public meeting. Casey asked staff if they had knowledge of any plans to add additional entrances or exits to the Normandy Hills Housing area. Palm stated the City is continuing to work on this and are hopeful future development at the Highway 34 /75 interchanges will allow the City to secure a second entrance from the Normandy Hills neighborhood down to Highway 34.

Cain mentioned letters from the Homeowners Association regarding the one entrance and one exit. She asked Kellner if he had contact with the Department of Transportation regarding access for the residents of Normandy Hills. Palm gave background history from 2013 regarding the initial application request. The initial proposal was for six lots. At that time, the State of Nebraska Department of Transportation (State) granted two access points onto Fort Crook Road South for the development and an access north to Fairview Road. Palm stated for this application we are not looking at platting. She said staff does not foresee six lots on this site, therefore two access points will not be needed to access Ft Crook Road South, and this will be discussed with the State. Palm said the State does not plan to add an additional entrance to the Normandy Hills subdivision but the City of Bellevue will pursue the need for an additional entrance for Normandy Hills residents to the South as development occurs at the 34/75 interchange.

Jacobson asked staff if the State should be contacted to gain access onto Fairview Road that will

MINUTE RECORD

Bellevue Planning Commission Meeting July 23, 2020, Page 2

provide entrance to Fort Crook Road. Palm explained the right of way to the north of the property at Fairview Rd is County right of way.

MOTION was made by Jacobson, seconded by Aerni to recommend APPROVAL of a request to rezone the Irregular Westerly 724.67' of Tax Lot 11, Except right-of-way in the NW ¼, located in the NW ¼ of Section 14, T13N, R13E; and the Irregular Tract in the NW corner of Tax Lot 12, Except right-of-way in the SW ¼, located in the SW ¼ of Section 14, T13N, R13E of the 6th P.M., Sarpy County, Nebraska, from AG to ML for the purpose of industrial development, based upon conformance with the zoning ordinance and Comprehensive Plan, and lack of perceived negative impact to the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING ON August 18, 2020.

PUBLIC HEARING was held on a request to rezone Lots 1 through 3, Block 55, City of Bellevue, from BGM-OTO to RG-50-OTO. Applicant: City of Bellevue. General location: 2221 Main Street. Case #: Z-1204-06.

Jason Bruno, Sherrets Bruno & Vogt, LLC, 260 Regency Parkway Drive, Suite 200, Omaha, Nebraska 68114, was present to speak on behalf of the applicant. Bruno asked the Planning Commission not to get involved. He stated this is not a rezoning issue and no alternate plan was presented for the property. Bruno said the zoning of the property comes pursuant to a contractual agreement entered September 10, 2012 between Main Street Properties, owner Pat Shannon, and the City of Bellevue. Bruno said the City believes Main Street is in breach of contract and Main Street believes the City is in breach of contract. Bruno stated therefore this is a breach of contract dispute between Main Street Properties and the City of Bellevue that should be presented to the courts to decide, therefore it is not appropriate for the Planning Commission to weigh in. He stated his client has operated and parked vehicles on the property in the same manner since 2012. Bruno said the three stalls in question have been used for parking since the beginning of the contract with full knowledge and consent of the City however in June 2020 the City tried to expand the scope of the development agreement. Bruno stated his office asked the Bellevue City Attorney for a copy of the zoning violation and was ignored and faced with threats. Bruno said even if in default, Main Street had a ten day opportunity to cure and should have been given specific notice of default but neither occurred. Bruno stated Shannon made an appeal to Board of Adjustment on July 13, 2020 and filed a Notice of Contract claim to the City of Bellevue July 12, 2020. Bruno said a Federal lawsuit (pending) was filed July 13, 2020 alleging Main Street's Constitutional and Contractual rights were violated. Bruno stated the courts should decide if there is a breach in contract not the City. He asked the Planning Commission to table the issue and allow the lawsuits and notices to go through the courts system.

Michael Wills, 1321 Harrison Street, Bellevue, NE, was present to speak on behalf of the applicant. Mr. Wills stated he believes the City is out to get Mr. Shannon. He said Shannon is believed to be a thorn in the side of the City and they will do whatever it takes to bring him into lockstep. Wills stated the city tore down one of Shannon's car washes and his building on Galvin Road and he does not agree with the City's actions.

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

Aerni asked Bruno if Main Street Properties has ever breached the agreement by using the stalls documented in the agreement. Bruno stated Shannon never used the stalls North of the North Face of the building in violation of the agreement. Aerni asked Bruno to look at an aerial of the property included in his packet that appeared to be a U-Haul parked in one of the stalls to the North of the North face of the building. Bruno stated the vehicle shown in the aerial view was not a U-Haul.

Casey asked Bruno about the four notices of violation for parking on the north side of the building. Bruno stated he had not seen the violations mentioned although he asked for copies. Palm stated she has copies of the Code Enforcement violations dated October 23, 2012, September 11, 2014, and April 16, 2020. Casey asked why parking of U-Haul vehicles was not allowed on the North face of the building. Palm stated Shannon requested to rezone from RG-50-OTO (General Residential, Olde Towne Overlay) to BGM-OTO (Metropolitan Business General, Olde Towne Overlay) to operate his U-Haul business. Palm said the building operated as a non-conforming structure for years at one time being owned by the school district and used as office space. She said City Council minutes from the September 10, 2012 hearing on this request show Council members expressed concern about having

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Bellevue Planning Commission Meeting, July 23, 2020 Page 3

BGM zoning moving further east down Mission Avenue and into residential areas. Palm stated as a compromise and to allow for Mr. Shannon's rezoning request City Council, with assistance from Patrick Sullivan, City Attorney in 2012, created a contractual zoning agreement. She said part of the agreement restricted the location of parking of U-Haul vehicles that no U-Haul vehicles would be allowed to park to the north of the building. Palm stated this was put in place to minimize impact on the surrounding neighborhood. Casey asked if the violation notices provided a description or location of where the violations occurred. Palm stated the violations offered descriptions and license plates of vehicles and stated the owner must have all U-Haul vans, trucks and or trailers parked south of the north face of the building which suggests they were parked in violation of the agreement. Palm said Code Enforcement provided pictures of the violations. Cain asked Palm to allow the Commissioners to examine the copies of violations and pictures.

Cutsforth asked Palm how the complaints originated and for a description of the normal process surrounding a notice of violation. Palm stated the complaints are generated by the Code Enforcement Department. She said their policy is to give 30 days to remedy a zoning violation. Palm said the notices presented are specific to the agreement between Shannon and the City therefore the owner had (10) days to cure violation after receipt of the notice.

Casey asked if Shannon attempted to correct the previous violations. Palm reported the October 23, 2012 and September 11, 2014 violations were corrected but the most recent violation from April 16, 2020 was not corrected. Bruno stated Shannon denied receiving any violations prior to the most recent one and that violation has been filed with the Board of Adjustment. Palm stated the information submitted for review was provided by the Code Enforcement Department.

Aerni asked if this request would move forward to City council regardless of the Planning Commission's recommendation. Palm stated it would move forward with a Planning Commission recommendation.

Ritz asked Bruno if the property owner actively kept customers from parking returned U-Haul vehicles in the spots noted in the agreement. Bruno said Shannon stated he attempted to actively discourage customers from parking in those slots. Ritz stated Exhibit C, Notice of Violation dated June 19, 2020 gave Shannon Thirty (30) days to correct the violation and not just one (1) day as presented in documents submitted by the applicant.

Jacobson asked if the area noted in the agreement encompassed the entire plane across the north side of the building. Staff answered yes.

More questions and discussion were had regarding Shannon's knowledge of the 2012 and 2014 violations. Bruno stated he had no knowledge of those violations.

Ritz reminded the Commissioners their task is not to debate legalities or the meaning of contracts but to make a recommendation to approve or deny the City's rezoning request based on the information provided and that recommendation will move forward to City Council for final approval.

MOTION was made by Aerni, seconded by Jacobson to recommend APPROVAL a request to rezone Lots 1 through 3, Block 55, City of Bellevue, from BGM-OTO to RG-50-OTO. Applicant: City of Bellevue. General location: 2221 Main Street. Case #: Z-1204-06. APPROVAL based upon the Zoning Agreement dated September 12, 2012 and the documented violations. Upon roll call, seven voted yes, with Hankins voting no and one absent. Motion carried.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on August 18, 2020.

PUBLIC HEARING was held on a request to approve the Fiscal Year 2019-2026 Capital Improvement Plan. Applicant: City of Bellevue.

Palm advised, on July 22, 2020 Planning Commissioners received an amended agenda with a copy of the amended Capital Improvement Plan (CIP). She stated changes were made in consequence of items received for Code Enforcement as they are transitioning out of the realm of the police department and are requesting a budget for new vehicles and equipment. Palm said Information Technology (IT) made a request to budget for replacement and upgrades to the current phone system. She stated the 2019-2020 CIP was approved in conjunction with the yearly budget and an amendment was proposed based on Public Works' need for equipment because of a large number of annexations.

There was no one present to speak in favor of, or in opposition to this request. Subsequently, Ritz

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Bellevue Planning Commission Meeting July 23, 2020, Page 4

closed the public hearing.

Cain said she noticed \$750,000.00 is allocated for Economic Development and wondered if the City has plans to begin infrastructure at the Highway 34 corridor. Palm stated each year of the CIP \$750,000.00 is budgeted for LB840 infrastructure improvements, but the City does not have a specific project at this time. Jacobson requested the City provide a list of proposed allocations for the LB840 Economic Development funding in the next budget cycle. Ritz asked if the City provided economic projections for future years. Palm stated budget items for the current and following year are fairly accurate but future years are typically wish list items. She said the items listed are a result of meetings with department heads and the Finance Director. Aerni said he noticed items were added and removed on the South 36th Street project. He asked if the City planned to continue this project. Palm replied the project will continue, the modifications are adjustments for timing, engineering, and construction. Ritz noted in the CIP 2020 fiscal year amended budget the \$75,000.00 architectural engineering services for American Heroes Park Amphitheater addition was approved for less by city council. He asked staff to make the necessary updates before going to City Council. Cutsforth asked if Fort Crook Road, South 13th Street to Harlan Drive is a reconstruction project. Palm stated it is listed as engineering and design, but she did not have specific details for the project.

MOTION was made by Jacobson, seconded by Cutsforth to recommend APPROVAL of the Fiscal Year 2019-2026 City of Bellevue Capital Improvement Plan as amended. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on August 18, 2020.

Meeting adjourned at 7:57 p.m.


Angela Curry
Assistant Planning Manager

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2007-06
S-2007-12

FOR HEARING OF:
REPORT #1: August 27, 2020

I. GENERAL INFORMATION

A. APPLICANTS:

Tom and Mary Hansen
513 Ridge Road
Bellevue, NE 68005

B. PROPERTY OWNERS:

Mary K. Hansen Revocable Trust
513 Ridge Road
Bellevue, NE 68005

C. GENERAL LOCATION:

513 Ridge Road

D. LEGAL DESCRIPTION:

Lot 1, Riverview Heights Replat IV, being a replat of Lot 6, Riverview Heights Replat and Lot 1, Riverview Heights Replat III.

E. REQUESTED ACTIONS:

1. Rezone Lot 1 Riverview Heights Replat IV, from RE and RS-120 to RE.
2. Small Subdivision plat Lot 1, Riverview Heights Replat IV.

F. EXISTING ZONING AND LAND USE:

RE and RS-120, Single Family Residential

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a change of zone and small subdivision plat to allow for an addition to the existing home at 513 Ridge Road.

H. SIZE OF SITE:

The site is approximately 1.2 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Proposed Lot 1 is developed with a single-family residence built in 1987.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single Family Residential, RE, RS-120
- 2. **East:** Single Family Residential, RS-120
- 3. **South:** Single Family Residential, RE, RS-120
- 4. **West:** Single Family Residential, RE

C. REVELANT CASE HISTORY:

- 1. There have been no recent requests to rezone or replat this property.

D. APPLICABLE REGULATIONS:

- 1. Section 5.07, Zoning Ordinance, regarding RE uses and requirements.
- 2. Chapter 5, Subdivision Regulations, regarding small subdivisions.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this property as low density residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

- 1. There is no traffic data information available for this area.

2. The property has access from Ridge Road.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Tom and Mary Hansen have submitted a request to small subdivision plat Lot 1, Riverview Heights Replat IV, for the purpose of an addition to an existing single-family residence.

2. The applicants are also requesting to rezone Lot 1, Riverview Heights Replat IV. Currently, this property has two different zonings: RE, and RS-120. The applicants are requesting RE zoning.

3. This neighborhood is largely zoned RE (Residential Estates). The RE zoning district requires a minimum lot size of one acre.

4. The proposed lot meets the minimum requirements for the RE zoning district.

5. The applicants have demolished a home that was previously existing on Lot 6, Riverview Heights Replat in order to facilitate this request.

6. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Fire Inspector, Chief of Police, Sarpy County Planning Director, Sarpy County Public Works Department, Sarpy County Deputy Administrator, Offutt Air Force Base, and the Bellevue Public 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.

No comments were received in this case.

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

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations, as well as lack of perceived negative impact upon the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

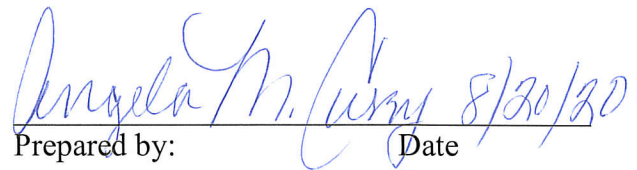
Under Review

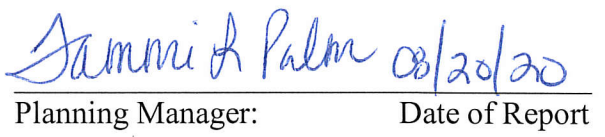
VI. ATTACHMENTS TO REPORT

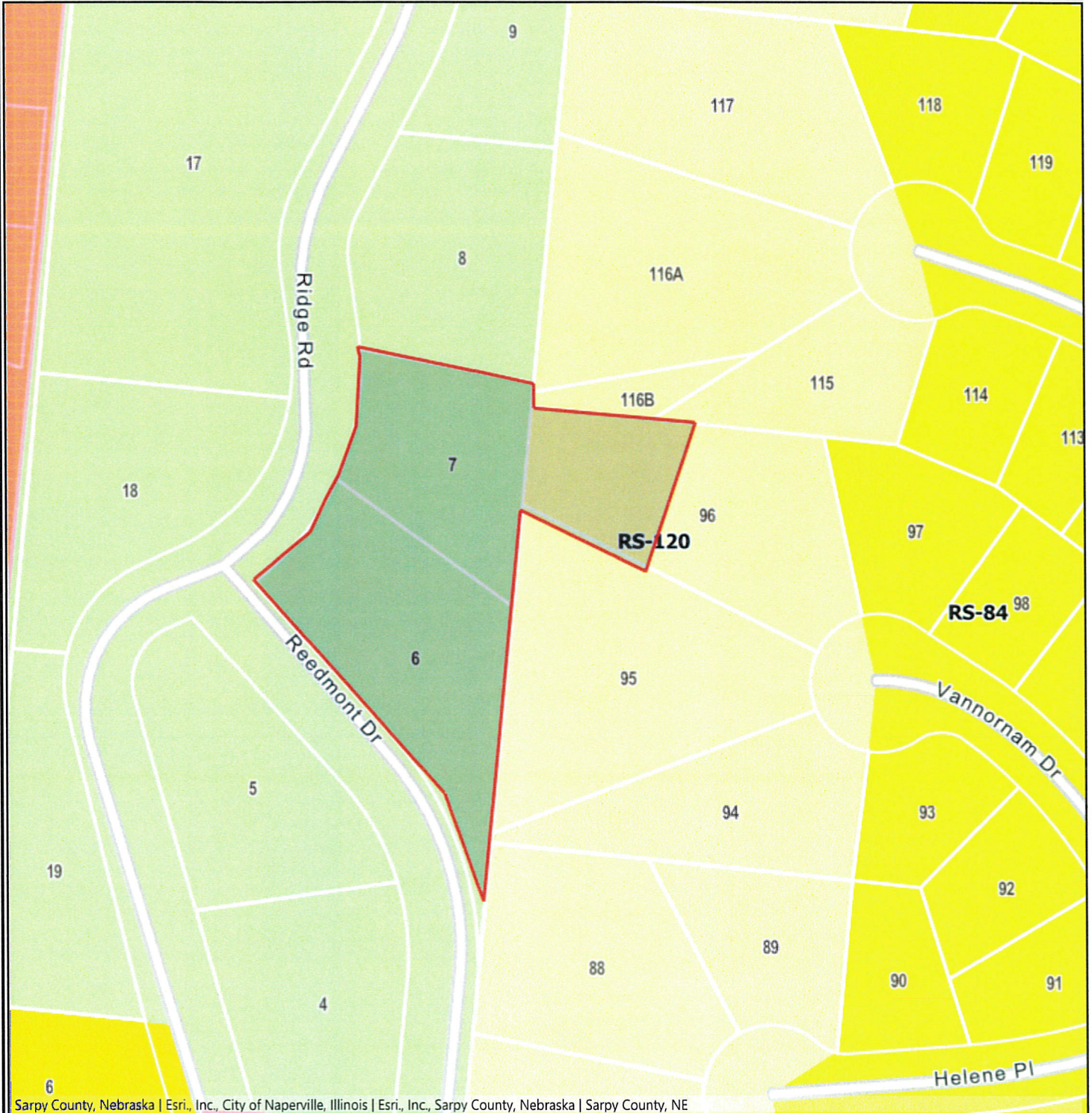
1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Small Subdivision plat received August 20, 2020
4. Letter from the applicant received August 17, 2020

VII. COPIES OF REPORT TO:

1. Tom and Mary Hansen
2. Doug Hill, Hill-Farrell Associates, Inc.
3. Public Upon Request

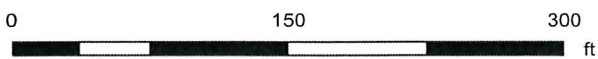

Prepared by: _____ Date: _____


Planning Manager: _____ Date of Report: _____



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Notes



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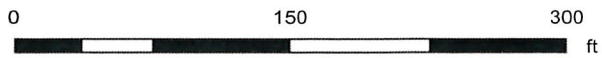
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Notes



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Tom & Mary Hansen
513 Ridge Road
Bellevue, NE 68005

cc: Angela Curry

Angela,

The reason for the justification of the zoning change at 701 Reedmont Drive is because I (Tom Hansen) am handicapped in a wheelchair and I would like to add onto my current home at 513 Ridge Road, Bellevue, NE 68005. My current home is right next door to 701 Reedmont Drive. We purchased 701 Reedmont Drive so we could put an addition onto 513 Ridge Road to accommodate handicap accessibility with a new garage access, bedroom, bathroom, and an elevator. We had to purchase 701 Reedmont to adjoin 513 Ridge Road to accommodate code compliance on set-backs on the lot layout.

Thank you,

Tom & Mary Hansen

RECEIVED
AUG 17 2020
PLANNING DEPT.

3.b.

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2007-09

FOR HEARING OF:

REPORT #1: August 27, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Deep Well dba Southroads Technology Park
Tari Asche
1001 Fort Crook Road North
Bellevue, NE 68005

B. PROPERTY OWNER:

Deep Well dba Southroads Technology Park
Tari Asche
1001 Fort Crook Road North
Bellevue, NE 68005

C. GENERAL LOCATION:

1001 Fort Crook Road North

D. LEGAL DESCRIPTION:

Lots 1 and 2, Southroads Technology Park, all located in the Southwest ¼ of Section 14, T14N, R13E of the 6th P.M., Sarpy County, NE.

E. REQUESTED ACTIONS:

Rezone Lots 1 and 2, Southroads Technology Park, from BG-PCO to BGH.

F. EXISTING ZONING AND LAND USE:

BG-PCO, Commercial

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning which will allow the applicant to pursue a conditional use permit for the temporary staging of United Parcel Service (UPS) trucks and trailers.

H. SIZE OF SITE:

The site is approximately 2.83 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The property contains the former Southroads Mall building and also contains a parking lot currently used for overflow parking.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Industrial, Commercial, and Single Family Residential; ML, BGH, and RD-60
2. **East:** Single Family Residential, RS-84 and RS-72
3. **South:** Commercial, Industrial, and Multi Family Residential, BG-PCO, ML, and RG-20-PS
4. **West:** Fort Crook Road right-of-way

C. REVELANT CASE HISTORY:

There have been no recent requests to rezone or replat this property.

D. APPLICABLE REGULATION:

1. Section 5.24, Zoning Ordinance, regarding BGH uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use designation for this property is Flex Space.

B. OTHER PLANS:

The applicant desires to obtain a conditional use permit to allow for the temporary staging of United Parcel Service (UPS) trucks and trailers.

C. TRAFFIC AND ACCESS:

1. There is no traffic data information available for this area.
2. The property has access via public drives off Camp Brewster Road, Fort Crook Road, as well as Childs Road.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Tari Asche, on behalf of Deep Well dba Southroads Technology Park, has submitted a request to rezone Lots 1 and 2, Southroads Technology Park, for the purpose of pursuing a conditional use permit to allow for the parking of UPS trucks and trailers.
2. The property is presently developed with the former Southroads Mall building, which consists of commercial/office space, Cornerstone Christian School, and classroom space for Omaha Public Schools.

The proposed zoning will not change the current development on the property and will allow the uses previously mentioned.

3. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Omaha Public 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.

Mike Christensen, Chief Building Official, made comment the adjacent building is currently occupied by two separate schools with Pre-K through 12 and Pre-K through 6, respectively and this type of rezoning would allow for storage and parking of large semi-tractor trailers. He stated both schools have playgrounds fenced in but located in the parking lot; one on the north end and the other on the east side.

No other comments were received in this case.

4. The Future Land Use Map of the Comprehensive Plan designates this area as flex space.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon lack of perceived negative impact upon the surrounding area and conformance with the Zoning Ordinance and Comprehensive Plan.

V. PLANNING COMMISSION RECOMMENDATION

Under Review


VI. ATTACHMENTS TO REPORT

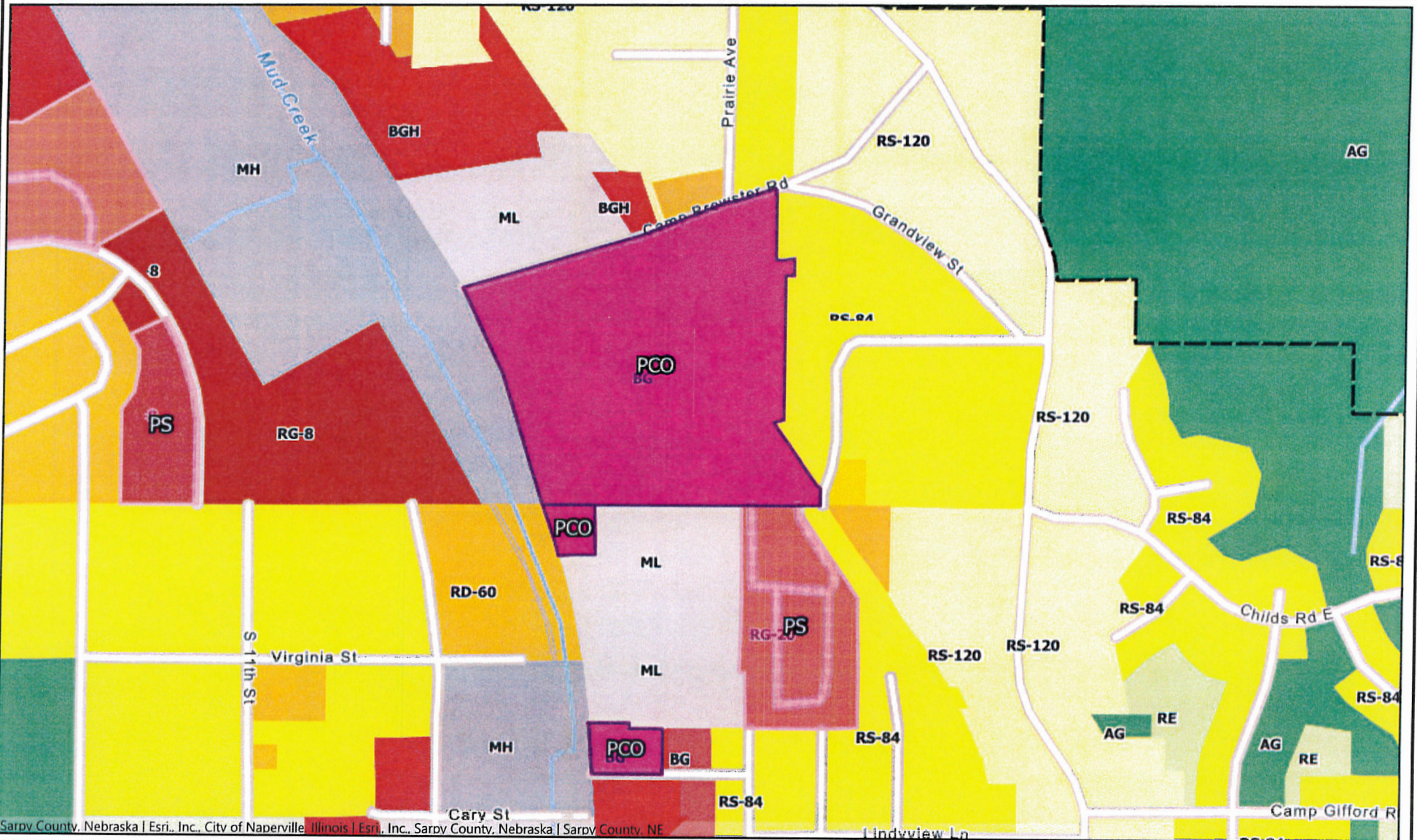
1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Justification letter received August 18, 2020

VII. COPIES OF REPORT TO:

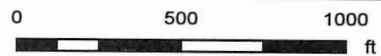
1. Deep Well dba Southroads Technology Park, Attn: Tari Asche
2. Public Upon Request


Prepared by: _____ Date: 8/20/20


Planning Manager: _____ Date of Report: 08/20/20

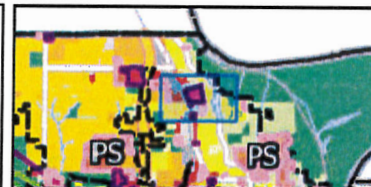


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



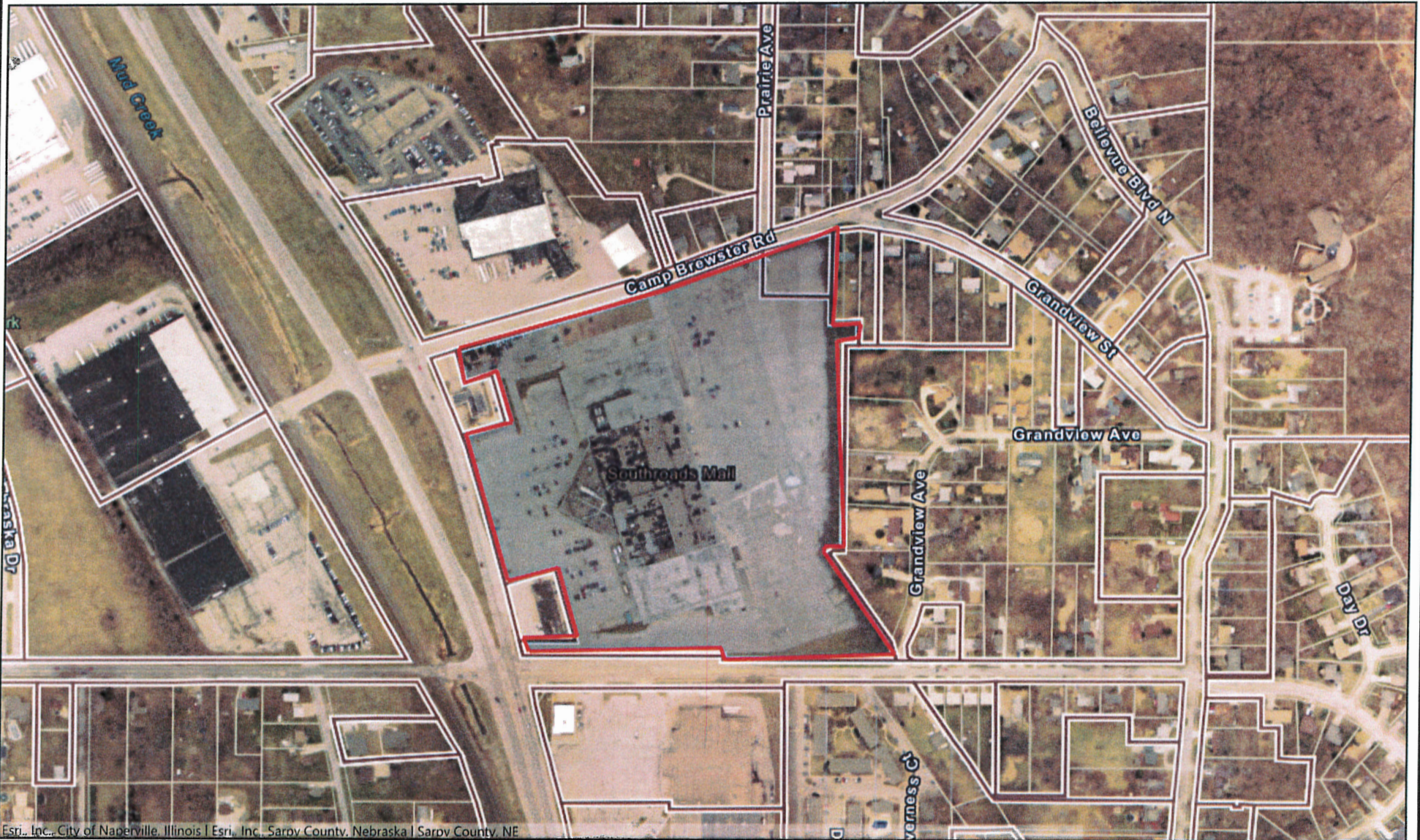
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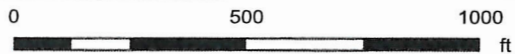


Notes





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Notes



August 18, 2020

RECEIVED

AUG 18 2020

PLANNING DEPT.

City of Bellevue
Attn: Planning Commission
1510 Wall Street
Bellevue, NE 68005

RE: Lot 2 and NE corner of Lot 1, located at 1001 Fort Crook Rd. N, in The Southroads Technology Park
Proposed Area: Approximately 123,019 Square Feet
Current zoning: BG-PCO Requested Zoning: BGH

Lot 2 and Lot 1 are located at 1001 Fort Crook N within the Southroads Technology Park. The proposed area involves all of Lot 2 and the northeast corner of Lot 1 off of Camp Brewster Rd. Southroads Technology Park currently does not use this area of our parking lot. Our intent is to lease the proposed area to UPS for the purpose of temporary trailer staging during the year.

UPS Proposal

Our proposed agreement with UPS states that UPS would erect and maintain, prior to occupancy, a gated perimeter for the entire leased area. This said fence must be a minimum of 6 feet in height and include a locked gate.

- Trailer staging from November - January
- Maximum number of trailers: 125
- Peak Days—Saturday is peak day of activity with limited trips on Tuesdays and Wednesdays
- Peak Hours—2:00am-7:00am and 7:00pm-9:00pm
- Avg trips per day - 10
- Trailer movements are made by only one or two drivers

While we do have two schools located on our premises, both Cornerstone Christian School and the Omaha Public Schools have agreed to the UPS proposal for said purposes and are willing to work together to be good partners. Both schools cited that UPS has a good track record of job site safety.

The UPS Proposal provides income which will allow Deep Well to continue to update and renovate the Southroads Technology Park in order to bring the area back to a source of pride for our community.

Thank you for your time and attention, please let me know if you have any questions or concerns.

Sincerely,



Tari Asche- Manager

Southroads Education and Technology Park
Deep Well Mgmt.
1001 Fort Crook Rd N Suite 140A
Bellevue, NE 68005
402-968-6376 Cell

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: CUP-2007-02

FOR HEARING OF:

REPORT #1: August 27, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Deep Well dba Southroads Technology Park
Tari Asche
1001 Fort Crook Road North
Bellevue, NE 68005

B. PROPERTY OWNER:

Deep Well dba Southroads Technology Park
Tari Asche
1001 Fort Crook Road North
Bellevue, NE 68005

C. GENERAL LOCATION:

1001 Fort Crook Road North

D. LEGAL DESCRIPTION:

Lots 1 and 2, Southroads Technology Park, all located in the Southwest ¼ of Section 14, T14N, R13E of the 6th P.M., Sarpy County, NE.

E. REQUESTED ACTIONS:

Conditional Use Permit for Lots 1 and 2, Southroads Technology Park.

F. EXISTING ZONING AND LAND USE:

BG-PCO, Commercial

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a conditional use permit to allow for the temporary staging of United Parcel Service (UPS) trucks and trailers.

H. SIZE OF SITE:

The site is approximately 123,382 square feet.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The property is a parking lot currently used for overflow parking. The lot is shared with two schools, Cornerstone Christian, and Omaha Public School.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Industrial, Commercial, and Single Family Residential; ML, BGH, and RD-60
2. **East:** Single Family Residential, RS-84 and RS-72
3. **South:** Commercial, Industrial, and Multi Family Residential, BG-PCO, ML, and RG-20-PS
4. **West:** Fort Crook Road right-of-way

C. REVELANT CASE HISTORY:

1. An application to rezone this property was received on July 28, 2020.

D. APPLICABLE REGULATIONS:

1. Section 5.24.03, Zoning Ordinance, regarding conditional uses in the BGH zoning district.
2. Article 6, Zoning Ordinance, regarding Conditional Use permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use designation for this property is Flex Space.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no traffic data information available for this area.
2. The property has access via public drives off Camp Brewster Road, Fort Crook Road, as well as Childs Road.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Tari Asche, on behalf of Deep Well dba Southroads Technology Park, is requesting approval of a conditional use permit for Lots 1 and 2, Southroads Technology Park, for the temporary parking of UPS trucks and trailers.

UPS was previously utilizing a portion of the parking lot for truck and trailer parking before the city brought it to their attention this was not a permitted use under the zoning regulations. The Zoning Ordinance has since been amended to include Section 5.24.03 (6) of the BGH zoning district, which allows for the parking of semi-trailers, tractors, truck-tractors, or any truck in operable condition exceeding eight (8) feet in width or twenty-one (21) feet in length when not utilizing required parking as defined in Section 8 of the zoning ordinance. A change of zone to BGH is being requested in conjunction with the conditional use permit application.

2. The applicant stated there will be approximately 125 trailers averaging ten trips per day and they will utilize one or two drivers. The following schedule of operations was provided for review:
 - a. Trailer staging from November through January
 - b. Peak Day of operation on Saturdays with limited trips Tuesday and Wednesday
 - c. Peak hours – 2:00 a.m. to 7:00 a.m. and 7:00 p.m. to 9:00 p.m.
3. There are currently two schools at this location: Cornerstone Christian Prekindergarten through 12th grade, and Omaha Public Schools has classrooms for Prekindergarten through 6th grades.
4. In an attached document provided by the applicant, Omaha Public Schools (OPS) requested UPS have zero to limited mobility from 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m. on weekdays. Buses are dropping off and picking up students at the times they are requesting zero to limited truck mobility in the parking lot. UPS reported to OPS they could not commit to the zero-mobility. UPS pulled truck movement data from their busiest week last year. Their

movements during those time frames occurred on a Tuesday and Wednesday and included the following data:

- a. Tuesday
 - i. 7:00 a.m. to 9:00 a.m. – 0 Movements
 - ii. 3:00 p.m. to 5:00 p.m. – 11 Movements
 - b. Wednesday
 - i. 7:00 a.m. to 9:00 a.m. – 4 Movements
 - ii. 3:00 p.m. to 5:00 p.m. – 0 Movements
5. Darwin Rhode, representative for Omaha Public Schools stated OPS is willing to be a good partner because UPS has a good track record of job site safety.
6. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Omaha Public 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.

Donald Gifford, Fire Inspector, questioned what would be in the trailers.

Mike Christensen, Chief Building Official, made comment the adjacent building is currently occupied by two separate schools with Pre-K through 12 and Pre-K through 6, respectively. He stated both schools have playgrounds fenced in but located in the parking lot; one on the north end and the other on the east side.

No other comments were received on this case.

7. Per Section 6.06, the Zoning Ordinance requires no conditional use permit shall be granted unless the Planning Commission or City Council has found:

6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.

6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

8. The applicant provided a site plan showing the proposed parking area in conjunction with the OPS bus route (shown as a green line on the site plan). The site plan also shows the OPS playground area. School activities are happening in close proximity with proposed truck movements.

Staff has safety concerns with truck movements happening in the same space as two schools with separate playgrounds, and bus routes. Subsequently, staff does not believe the conditions of Section 6.06 can be met.

F. TECHNICAL DEFICIENCIES:

The applicant should provide details in regards to the type of 6' fence they are proposing and submit an amended site plan showing the fence location and type.

IV. DEPARTMENT RECOMMENDATION

Denial based upon Section 6.06, City of Bellevue Zoning Ordinance.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

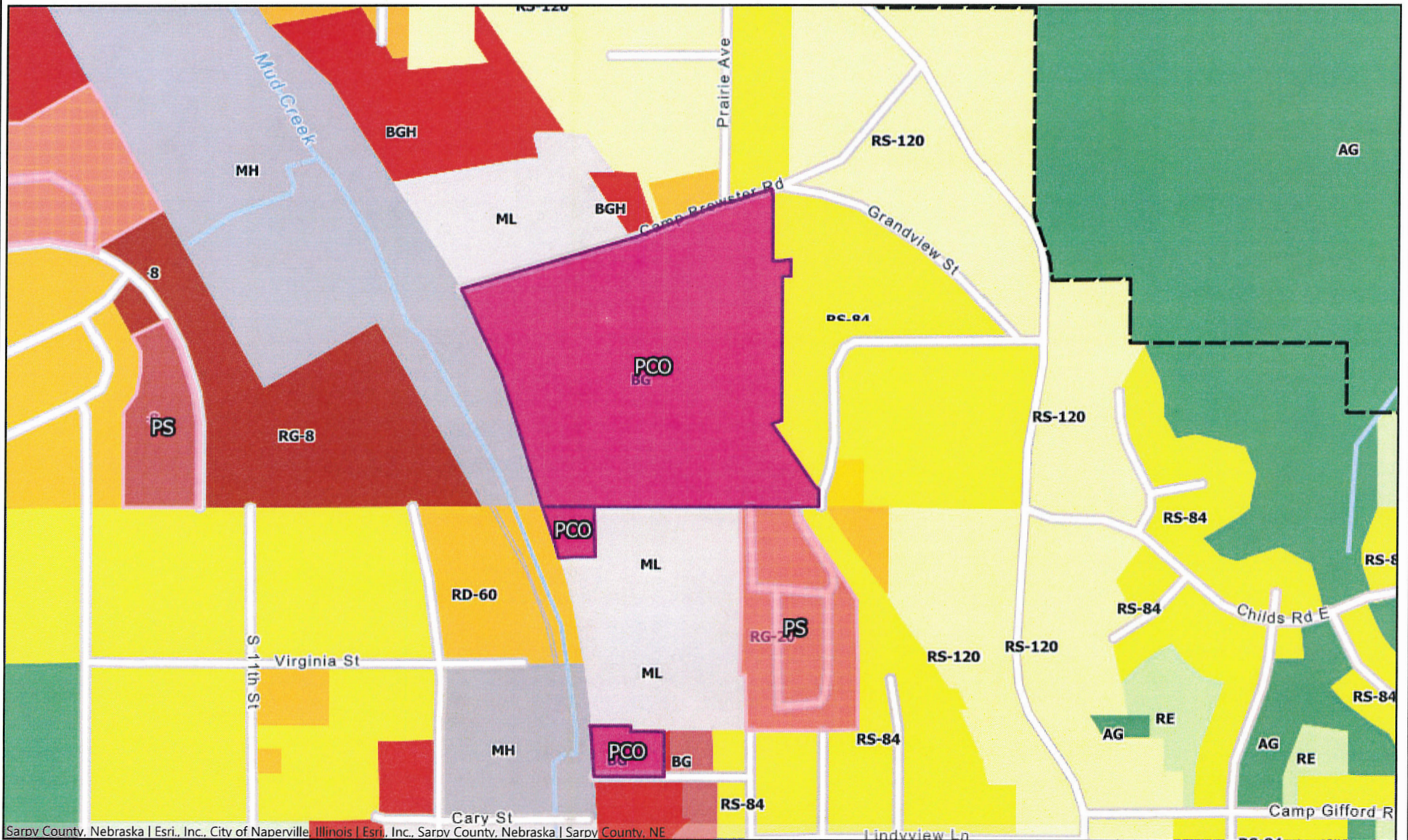
1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Site plan received July 28, 2020
4. Letter from Deep Well received August 18, 2020
5. Email correspondence from the applicant received July 28, 2020
6. Email from Jo Rouse received August 18, 2020
7. Email from Agnes Stark received August 20, 2020

VII. COPIES OF REPORT TO:

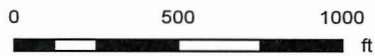
1. Deep Well dba Southroads Technology Park, Attn: Tari Asche
2. Public Upon Request

Angela M. Curny 8/20/20
Prepared by: Date

Sammi R. Palm 9/29/20
Planning Manager: Date of Report

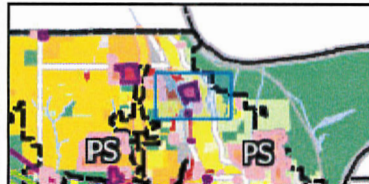


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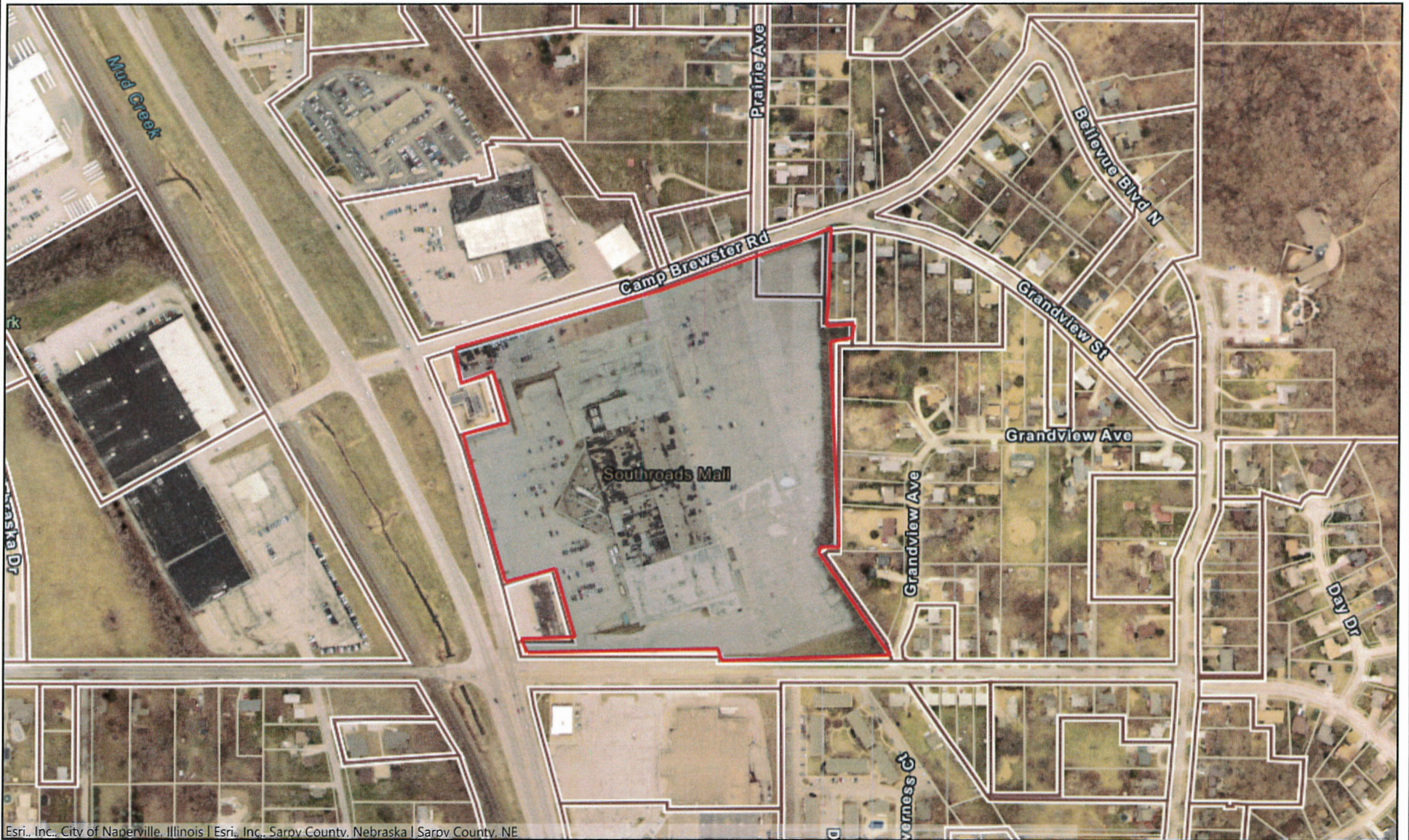
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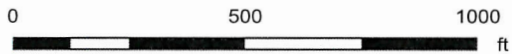


Notes





Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 6370

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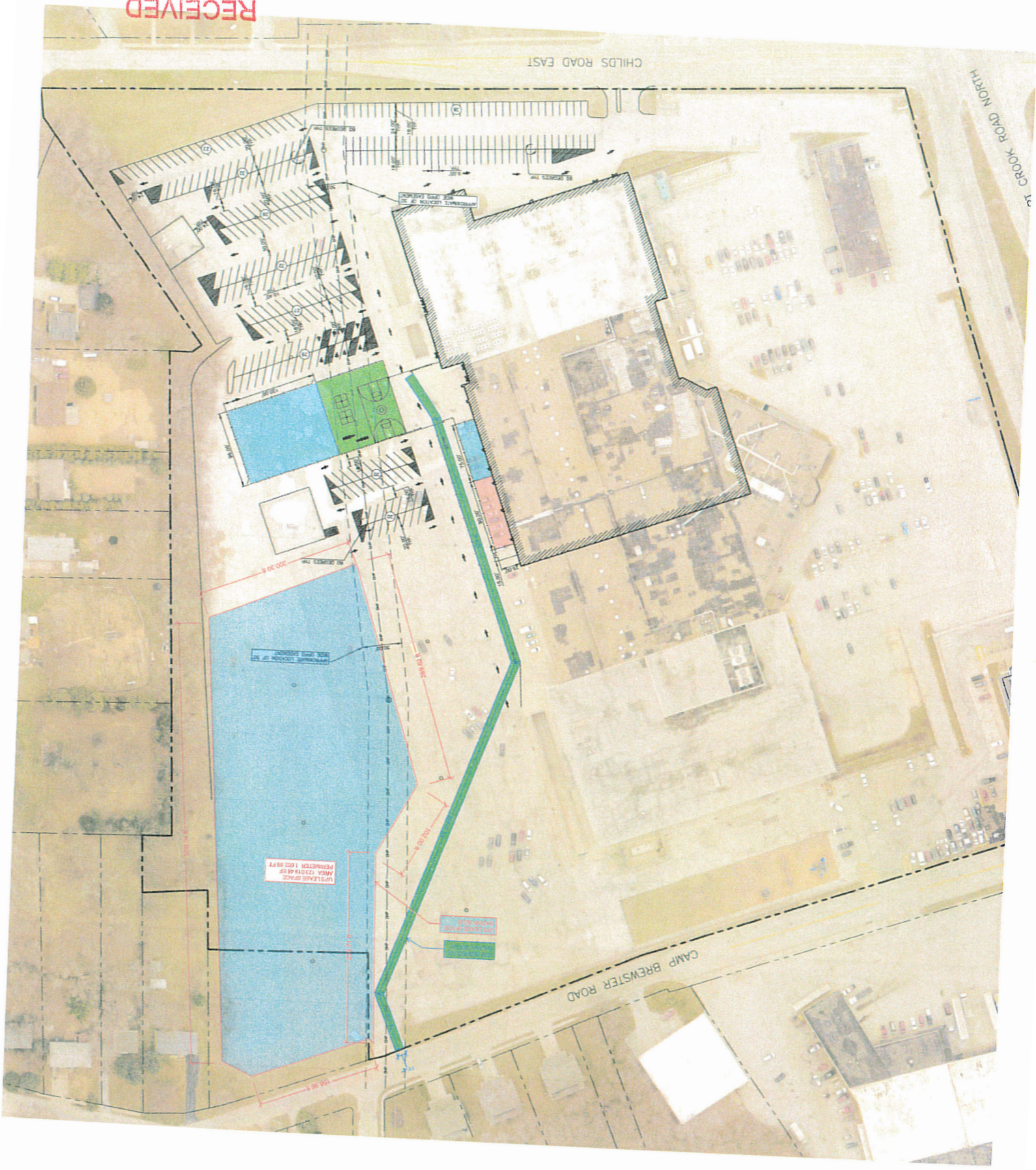
Notes



PLANNING DEPT.

JUL 28 2020

RECEIVED



CHILDS ROAD EAST

ST CROCK ROAD NORTH

CAMP BREWSTER ROAD

RECEIVED

AUG 18 2020

PLANNING DEPT.

August 18, 2020

City of Bellevue
Attn: Planning Commission
1510 Wall Street
Bellevue, NE 68005

RE: Lot 2 and NE corner of Lot 1, located at 1001 Fort Crook Rd. N, in The Southroads Technology Park
Proposed Area: Approximately 123,019 Square Feet
Current zoning: BG-PCO Requested Zoning: BGH

Lot 2 and Lot 1 are located at 1001 Fort Crook N within the Southroads Technology Park. The proposed area involves all of Lot 2 and the northeast corner of Lot 1 off of Camp Brewster Rd. Southroads Technology Park currently does not use this area of our parking lot. Our intent is to lease the proposed area to UPS for the purpose of temporary trailer staging during the year.

UPS Proposal

Our proposed agreement with UPS states that UPS would erect and maintain, prior to occupancy, a gated perimeter for the entire leased area. This said fence must be a minimum of 6 feet in height and include a locked gate.

- Trailer staging from November - January
- Maximum number of trailers: 125
- Peak Days—Saturday is peak day of activity with limited trips on Tuesdays and Wednesdays
- Peak Hours—2:00am-7:00am and 7:00pm-9:00pm
- Avg trips per day - 10
- Trailer movements are made by only one or two drivers

While we do have two schools located on our premises, both Cornerstone Christian School and the Omaha Public Schools have agreed to the UPS proposal for said purposes and are willing to work together to be good partners. Both schools cited that UPS has a good track record of job site safety.

The UPS Proposal provides income which will allow Deep Well to continue to update and renovate the Southroads Technology Park in order to bring the area back to a source of pride for our community.

Thank you for your time and attention, please let me know if you have any questions or concerns.

Sincerely,



Tari Asche- Manager

Southroads Education and Technology Park
Deep Well Mgmt.
1001 Fort Crook Rd N Suite 140A
Bellevue, NE 68005
402-968-6376 Cell

UPS Traffic estimated and agreed upon by OPS.

From: rmathies@ups.com <rmathies@ups.com>
Sent: Tuesday, July 14, 2020 2:33:22 PM
To: Hansen, Chad @ Omaha <Chad.Hansen2@cbre.com>
Subject: RE: Southroads

- OPS is requesting that UPS should have zero to limited mobility from 7 to 9 AM and 3 to 5 PM weekdays. Buses run will access the property from the North route.
 - We cannot commit to zero but movement levels will be similar to last year. We pulled actual moves from our busiest week last year. Only movements during those hours happened on a Tuesday and Wednesday and they were limited. Keep in mind that these moves were probably completed by 1 or 2 drivers. There would not have been 11 drivers on property at one time. The results are below
 - Tuesday
 - 7AM -9AM --- 0 Movements
 - 3PM -5PM --- 11 Movements
 - Wednesday
 - 7AM -9AM --- 4 Movements
 - 3PM -5PM --- 0 Movements

Darwin Rohde <darwin.rohde@ops.org>

Tue 7/14/2020 3:03 PM
To: Hansen, Chad @ Omaha

Acceptable

We are willing to be a good partner.

UPS has a very good track record of job site safety.

RECEIVED
JUL 28 2020
PLANNING DEPT.

Tammi Palm

From: Jo Rouse <jrouse@vnatoday.org>
Sent: Tuesday, August 18, 2020 8:17 AM
To: Tammi Palm
Subject: Southroads Technology Park UPS

City of Bellevue Planning Department

I cried when I got this! I have lived in this location all of my life, and to see what the neighborhood once was, to what it is, and now what you want it to become, breaks my heart. Nothing ever nice....nothing good....nothing peaceful and quiet! I remember last fall/winter when those trailers parked there. How loud it was. Being woken early in the morning with what sounded like gunshots as the trucks hooked up to the trailers, and the diesel engine sounds, a few truck horns. There has been a lot to deal with living across from the Southroads, but that was one of the worse. I was so glad when they pulled out of there. And now, you're all bringing that back. It's become a dump, and this certainly won't help things down there....or the neighborhood. Right now there are a few trailers down there, and that is bad enough. Not only the noise, but the sight. Other neighbors have already told me that it won't do a bit of good to voice my opinion, or theirs, because it's all about the dollar. Something already trashy, making it trashier, but making a buck off it...forget about the people who have to live there! How many of you involved with this....especially those on the planning commission who makes these decisions, can honestly say they would like this in their neighborhood? But that's the deal....it won't be in YOUR neighborhood! You won't have to look at it or listen to it as you try to enjoy the nice weather from your porch...or be sitting on your couch and look out to that. At least now I see children playing or people walking the lot for exercise! I am sure there are other viable places to do this, where families aren't surrounding the location. Just the fact that this is being considered, shows you really haven't thought about the people in this neighborhood. The notice was just a formality....all of you have probably already decided to just push it through. But again, none of you probably live in the area, and doesn't affect you, so why not?! Thanks for your time, even though my time was probably wasted on this. I apologize for the obvious anger I have toward this, but it is always something with Southroads...and rarely for the better or consideration of the neighborhood.



Jo Rouse
Medical Supply Technician

Office: [402-342-5566](tel:402-342-5566) www.vnatoday.org
12565 West Center Road, Suite 100 Omaha, NE 68144

RECEIVED
AUG 18 2020
PLANNING DEPT.

8/17/20

City of Bellevue
Planning Department
Bellevue, NE 68005

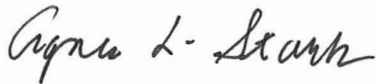
RECEIVED
AUG 20 2020
PLANNING DEPT.

To whom it may concern:

I am appalled to learn that the Southroads parking lot is being considered as a parking place for those huge UPS delivery trucks (or any other trucks). Last year there was continual activity there with dozens and dozens of trucks coming and going, drivers picking up or parking their vans. Driving through there was especially hazardous. Consider the fact that families are leaving and picking up their children for a school that serves grades one through twelve on the north side close to where these vans are coming and going. On the south side, another school system will be serving students including bussing and playground areas.

I live directly above the area where the parking is being planned and remember how difficult it was last year to even get to the mailbox and the other businesses in the Southroads. There have been many changes since we moved here in 1958 and witnessed the development of the Southroads. To see it be turned into a parking lot really diminishes the value of the area and downgrades it as a technology park and school area. Close by are many family homes whose property values will be lessened due to huge trucks coming and going all hours of the day.

Due to my infirmities, I cannot attend the public hearing, but trust that the Planning Department will seriously consider this matter and make a decision not to turn the Southroads into a parking lot. It would be a detriment to our neighborhood and our property values.

Agnes L. Stark 
2012 Grandview Ave., Bellevue, NE 68005

CASE #s: Z-2007-09, CUP-2007-02