

BELLEVUE PLANNING COMMISSION +++Amended Agenda+++

Thursday, October 22, 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 September 24, 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:

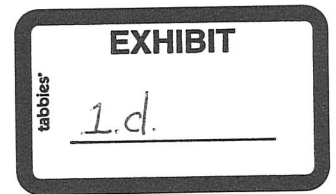
a. Request to rezone Tax Lot 14, located in the Southwest ¼ of Section 31, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, from AG to ML for the purpose of light industrial development. Applicant: Ryan Steele. General location: 60th Street and Highway 370. Case #: Z-2009-13.

4. CURRENT BUSINESS

a. Eric Ritz elected Chairman

Susan Custforth elected Vice Chairman

5. Adjourn 8:40 p.m.



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The Bellevue Planning Commission held a regular meeting on Thursday, September 24, 2020 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Cain, Aerni, Ackley, Hankins, and Cutsforth. Absent were Ritz and Jacobson. 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 Gretna Guide 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.

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

Motion was made by Casey, seconded by Hankins, to approve the minutes of the August 27, 2020 regular meeting as presented. Upon roll call, Casey, Perrin, Cain, Aerni, Ackley, and Hankins, voted yes. Cutsforth abstained. Motion carried.

Cutsforth asked if there were any updates or additions to staff reports. Palm advised there were updates: letters of opposition received on agenda items 3.d and 3.e. were forwarded to Commission members and will also be considered part of the public record for the hearing.

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

Cutsforth explained the public hearing procedures

PUBLIC HEARING was held on a request for a conditional use permit for Lot 2, One Cornhusker Place, for the purpose of auto sales. Applicants: James Howe and John Beckby. General location: 2204 Pratt Avenue. Case#: CUP-2006-01.

James Howe, 2204 Pratt Avenue, Bellevue, NE, and John Beckby, 21651 Chestnut Road, Council Bluffs, IA, were present to present their case. Howe stated he has a repair shop and on occasion customers will abandon their vehicle after repair or ask the repair shop to sell the vehicles. Howe stated they are asking for ten parking spots for these types of situations. Beckby stated he would be the sales manager and would handle all the paperwork for these vehicles. Howe stated the conditional use permit would allow Tuffy's to keep the parking lot clean and organized by allowing sales of vehicles that were left behind by customers who were unable to afford the cost of repairs. Howe said it would also allow for additional revenue to offset lease expenses.

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

Hankins asked staff if there will be any new entrances into the Pratt Avenue area. He said at present there are only two entrances to the development and the area around Menards becomes very congested. Palm noted, using the GIS map, Tax Lot 4F located south of Tuffy's is vacant ground but once this is developed there would be an opportunity for additional access on South 25th Street and South 23rd Street.

Aerni asked staff how many parking spaces are required for a mechanic shop. Palm stated the requirement is one parking space for every 400 Square feet of floor area. She stated calculations were done and the site plan shows satisfactory parking for the request.

Aerni asked the applicant if the aerial photo in the packet depicts a normal occurrence of vehicles parked on the grass because the lot was full. Howe stated having the ten designated parking spaces will help to organize the lot. Howe said he has explained to all of his employees parking on the grass is against Bellevue's Zoning Ordinance. Palm displayed a recent GIS map of the parking lot. Aerni stated if the most recent GIS map were a normal day, he would not have as many concerns. Howe stated vehicles are parked inside the shop when possible. He stated he has cleared additional spaces in the shop to alleviate some congestion.

MOTION was made by Ackley, seconded by Aerni to recommend APPROVAL of a request for a conditional use permit for Lot 2, One Cornhusker Place, for the purpose of auto sales. Applicants: James Howe and John Beckby. General location: 2204 Pratt Avenue. Case #: CUP-2006-01. APPROVAL based upon conformance with the requirements of the Zoning Ordinance and lack of

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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 October 20, 2020.

PUBLIC HEARING was held on a request to rezone Lots 122 through 124, Belle Lago South, being a platting of a tract of land located in part of the Southwest ¼ of the Northwest ¼ of Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to RG-50-PS, for the purpose of single family residential development; and preliminary plat Lots 122 through 124, Belle Lago South. Applicant: HC Belle Lago, LLC. General Location: Lookingglass Drive and South 45th Street. Case #'s: Z-2007-08 and S-2007-16.

Larry Jobeun, Fullenkamp, Jobeun, Johnson & Beller, LLP, 11440 W Center Road, Omaha, NE, was present to speak on behalf of the applicant. Jobeun stated when the Final Plat for Belle Lago South was approved by the City Council in 2018 the request was made to extend Lookingglass Drive to 45th Street to obtain three access points to 48th Street through Clearwater Falls. He stated in the Subdivision Agreement for Belle Lago South, the City Council permitted the power of eminent domain to acquire the Lookingglass right-of-way. Jobeun said in doing so surplus property was acquired which created three buildable lots. Jobeun stated the three buildable lots would be the exact same style and size as the lots in Belle Lago South. He said eventually Lookingglass Drive would be extended to 48th Street, which would be a direct access between 36th Street and 48th Street on Lookingglass Drive. He said this would prevent traffic from going through the Clearwater Falls neighborhood.

Jennifer Hobbs, 13401 S 45th Street, Bellevue, NE, stated there is a stop sign on Sheridan Dr., which no one stops at. She stated her concern was this will turn into a speedway straight to Lewis and Clark Middle School. Hobbs said vehicles traveling up Sheridan onto Lookingglass speed through the area and her concern was for her two young children and the other children who play on Sheridan Road and 45th Street. Hobbs stated please consider doing a traffic study in the morning and afternoon if you are going to extend Lookingglass Drive.

Treesje Wallin, 13403 S 45th Street, Bellevue, NE, stated she concurred with Hobbs' traffic concerns on the stop sign and opening another route to Lewis and Clark Middle School. Wallin stated she believes Lewis and Clark has the best traffic pattern of all the states and school districts she has lived in and that would be interrupted by opening up another route. She said if the long-term plan is to extend Lookingglass Drive to 48th Street she does not see the need to open up 45th Street just to build three more houses.

Jobeun stated the main purpose for opening 45th Street was to gain another access point to 48th Street through Clearwater Falls. He said the dedication of Lookingglass Drive created the surplus property. He stated the City Council requested another access point on 45th Street to extend Lookingglass Drive so this was included as part of the plan for the Belle Lago South Subdivision.

Treesje Wallin asked for clarification on the Bellevue jurisdiction line. Palm stated Clearwater Falls is currently not in the city limits, but it is within the city's zoning jurisdiction, which allows the city to approve or deny the platting, and any rezoning requests.

Ackley stated Wallin and Hobbs built homes on what is designed as a stub road meant to go into the next subdivision. He said when developments are designed, they are generally 40, 60, or 80 acre tracts. Ackley stated from a planning perspective subdivisions are intentionally designed with stub roads to connect to the next development, and when Belle Lago South was developed nothing lined up with connectivity except Lookingglass Drive. Ackley stated the Planning Commission required the developer to obtain the 45th Street and Lookingglass Drive connectivity. He said from a safety perspective the Commission needed to be sure the development had several access points for fire, police, ambulance and other rescue vehicles to enter.

Wallin stated that makes sense. She asked how soon the next tract of land would be developed and would the extension have to take place now. Ackley stated when Belle Lago South was approved the Commission required one more access and they were required to buy that small area with the three lots. Ackley said when the next development emerges that is when the houses and the rest of the roads would be built. Discussion ensued regarding the owner of the connecting property.

Ackley stated in terms of traffic and safety if there is a stop sign not being enforced it is possible traffic will stop and look before moving forward once 45th Street opens up.

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Wallin stated another concern is people parking on both sides of the road making it difficult to get a car through. She stated school buses take that route and it is not wide enough to be a thoroughfare.

Palm stated if the SID were annexed by the city then parking would only be allowed on one side of the street. Palm said if you want to request parking on one side of the street you would have to go to your SID board for approval. The SID Board will get approval from the county and the signs could be installed.

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

Motion was made by Ackley, seconded by Cain, to recommend APPROVAL of a request to rezone Lots 122 through 124, Belle Lago South, being a platting of a tract of land located in part of the Southwest ¼ of the Northwest ¼ of Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to RG-50-PS, for the purpose of single family residential development; and preliminary plat Lots 122 through 124, Belle Lago South. Applicant: HC Belle Lago, LLC. General Location: Lookingglass Drive and South 45th Street. Case #'s: Z-2007-08 and S-2007-16. Approval based upon conformance with the Zoning Ordinance, Comprehensive Plan, Subdivision Regulations, 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 October 20, 2020.

PUBLIC HEARING was held on a request to approve the Redevelopment Plan for Lots 9 through 11, South Woods. Applicant: Southwoods Manager, LLC. General Location: Nebraska Drive and Childs Road West. Case: ECO #47.

Sue Cutsforth stated in the interest of full disclosure she has a friend whose property backs up to Lot 1 Southwoods. She said she is able to be fair and does not have a conflict with the development.

Larry Jobeun, Fullenkamp, Jobeun, Johnson & Beller, LLP, 11440 W Center Road, Omaha, NE, was present to speak on behalf of the applicant. Jobeun stated the existing properties are approximately four and one half acres of undeveloped land and has been subdivided and remained undeveloped for over fifty years. Jobeun stated lots 9, 10 and 11, Southwoods, and the next agenda item, will be a small subdivision request to combine those lots into one lot. He said the property was already blighted and substandard by the City of Bellevue in 2010, which lends itself for a redevelopment agreement. Jobeun stated the redevelopment plan is consistent with the Comprehensive Plan, which designates this property as multi-family residential, and the property is zoned RG-8 and RG-8-PS. Jobeun stated the expected valuation on full build out is approximately \$15.5 million dollars with Tax Increment Financing (TIF) expenses of approximately \$1.7 million dollars that would be used for acquisition cost, Public improvements and site preparation cost. He said it is a difficult site to develop with a large easement, and power lines, which makes part of the site unbuildable.

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

Ackley stated he reviewed the redevelopment plan, which looks consistent with Community Development Law and other TIF applications. He said he believes it is a good in-fill development that without the TIF would likely not occur.

Motion was made by Ackley, seconded by Aerni to recommend APPROVAL of a request to approve the Redevelopment Plan for Lots 9 through 11, South Woods. Applicant: Southwoods Manager, LLC. General Location: Nebraska Drive and Childs Road West. Case: ECO #47. APPROVAL based upon conformance with the Comprehensive Plan, the elimination of a blighted and substandard area, and conformance with the requirements of the State Statutes, and the opportunity for redevelopment along the Childs Road corridor. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON October 20, 2020.

PUBLIC HEARING was held on a request to rezone Lot 1, South Woods Replat 4, being a replat of Lots 9 through 11, South Woods, from RG-8 and RG-8-PS to RG-8-PS for the purpose of multi-family residential development, with site plan approval; and small subdivision plat Lot 1, South Woods, Replat 4. Applicant: APOGEE Professional Services. General location: Columbus Avenue and Nebraska Drive. Case #'s: Z-2008-11 and S-2008-19.

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Larry Jobeun, Fullenkamp, Jobeun, Johnson & Beller, LLP, 11440 W Center Road, Omaha, NE, was present to speak on behalf of the applicant. Jobeun said the site is four and one half acres and currently undeveloped and has been undeveloped for over fifty years. He said the site is currently three lots, which are being consolidated into Lot 1, South Woods, Replat 4, and zoning has been requested to go from RG-8 and RG-8-PS to RG-8-PS. Jobeun stated the site plan calls for one hundred and seven multi-family unit housing project with three buildings being three stories, forty-two feet in height. He said the setback on the west side will be thirty feet, and sixty feet in width to the north with a berm and landscaping to separate the units from the neighborhood to the west. He stated there is a power line easement of approximately seventy feet in width, which cannot be built under. Jobeun stated the project's access is on Nebraska Drive and Childs Road West with no access through the adjoining neighborhood to the west and north. Jobeun stated of the one hundred and seven units, sixty-four will be efficiency one-bedroom units, thirty-five two-bedroom units, and eight three-bedroom units with an average rental of \$1,100.00 per month which makes it a market rate project. He stated the amenities would include a fitness center, courtyard with grills and outdoor gathering spaces. Jobeun stated there would be a number of parking garages, two hundred and nine surface spaces and an additional twenty-two spaces along Nebraska Drive. He said the site could support a density of two hundred and fifteen units so with only one hundred and seven units the density is much less, than it could be. Jobeun stated the building materials will be a class A type project. Jobeun stated the construction is anticipated to begin April 2021 and should take approximately sixteen months to complete.

Jim Campbell, 2803 Columbus Avenue, Bellevue, NE, was present to speak in opposition to the project. Campbell stated his main concern was traffic. He said there will be a new school right across the street and it will generate additional traffic with school buses and parents dropping off children. Campbell stated the access driveway is on Childs Road at the crest of a hill which he feels will be a traffic hazard and the parking on Nebraska Drive would create problems due to the additional traffic. Campbell stated there are one hundred and seventeen homes in the Southwoods Addition to the west of the development and ninety-six apartments less than half of a block from the development. He said in addition, there are auto sales lots on Chandler Road West, which would generate approximately seventy-five cars a day. Campbell stated there is no light on Nebraska Drive and Chandler Road West so traffic would be backed up when trying to access Chandler Road West. Campbell stated most homes in the area have a minimum of two cars and some have more, so on a light day there would be approximately five hundred and sixty cars traveling in the area and on a bad day, there could be eight hundred cars at that intersection. Campbell said with no fence and nothing to block the view of the three story buildings it would be an invasion of privacy for the neighbors to the west.

Debra Duff, 1107 Denver St., Bellevue, NE, was present to speak in opposition to the project. Duff stated her concern is with no fence and only bushes between her property and the project there will be kids cutting across her property. She stated the traffic was also a concern because the buses from the new school will be entering on Nebraska Drive, and exiting on Chandler Road which would add to the existing traffic problem. Duff stated her concern for existing and future drainage, as it is there are drainage issues at the bottom of the hill. She asked if the sewer system has been updated to handle the additional drainage.

Amy Corriveau, 2711 Columbus Ave., Bellevue, NE, was present to speak in opposition to the project. Corriveau stated she sent a letter to the Commission and on page three is a picture of the view from her deck. She stated no matter what is done her view will always be a parking lot and cars parked along Nebraska Drive. Corriveau stated she will see parking lot lights shining into her backyard. She stated she also had concerns regarding traffic. Corriveau stated if cars are allowed to park on Nebraska Drive it would create a site problem for traffic turning right onto Nebraska Drive. She expressed concern of not enough parking for the site and feared some people would park in front of their homes on Columbus Drive. She stated Childs Road is already dangerous and the apartment entrance is in a blind spot on Childs Road. Corriveau stated the neighborhood would be responsible for expensive fencing and security systems to keep people from the complex walking into their backyards.

Rhonda Jaurez, 1007 Kauii Street, Bellevue, NE, was present to speak in opposition to the project. She stated her concern is rent prices and the possibility of another low-income housing complex in their neighborhood. She stated the area was too small to put three stories buildings. Jaurez stated many of the students who attend Bellevue West High School currently cut through the area would add to the traffic problem. She stated she does not want a three-story building peering down into her back yard. Jaurez said she would need additional security in her home.

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Jeremy Yost, 1106 Denver Street, Bellevue, NE, stated his concern was also the traffic and sewer system. He stated the park at Nebraska Drive and Columbus Avenue was removed and now there is three to six inches of rain sitting in that area. Yost stated because the sewer system has not been updated and with everything draining to that area, it would turn neighbor's back yards into septic tanks.

Scott Corriveau, 2711 Columbus Avenue, Bellevue, NE, stated his concern was whether property taxes and property values would increase or decrease. He stated he did not want a parking lot in his back yard.

Campbell stated the bottom area of Columbus Avenue and Nebraska Drive is like a toilet bowl. He stated when it rains hard the water can be up over the tires on your car. Campbell stated Columbus Avenue and Denver Street are washing out and being replaced a section at a time.

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

Jobeun addressed the public's concerns. He stated traffic studies show apartment complexes do not have the a.m., p.m. peak traffic. Jobeun stated Lamp Rynearson did a traffic study and it showed Nebraska Drive was sufficient for the number of units proposed. Jobeun stated the property is currently zoned RG-8 and RG-8-PS, so in that respect the decision to have apartments in this area was made some time ago and what is being propose is consistent with that decision. He stated the Planned Subdivision overlay adds site plan review to assure compliance. Jobeun stated the developer believes a berm and landscaping will be far more attractive than a fence along the western boundary. Jobeun stated the stormwater retention area complies with all the post construction stormwater management policies; you would not have an increase in the stormwater run-off. Jobeun stated the developer has significant investment in this project and every interest in maintaining the property. He stated to maintain property values of the surrounding neighborhood and to protect the developer's investments, all residents will be properly vetted. Jobeun stated the range of rent would be eight hundred and forty dollars for an efficiency apartment and up to one thousand four hundred and sixty five dollars for the three bedroom apartments. He stated this is not a low-income housing project and would be market rate rentals. Jobeun stated the trees planted would have a minimum two-inch caliper and range in height between twelve and fourteen feet when planted. He stated there have been studies, which show diversity of housing in neighborhoods increase the value of the adjacent single-family properties.

Ackley asked staff if there was discussion regarding stoplights, stops signs, or any traffic modulators now with the new school being built in the area. Palm stated nothing has been planned at this time but the city engineers are aware of the recent traffic study and will continue to monitor the conditions. Ackley asked if the parking on Nebraska Drive was required in order to have enough parking for the complex. Palm stated with the Planned Subdivision overlay it gives staff the discretion for minimum parking requirements. Palm said the city engineers were in favor of the additional parking along Nebraska Drive and it does help; however, the on-site parking was sufficient for the proposed mix of units.

Ackley asked if the lighting had been addressed. Palm said general language in the Zoning Ordinance states lighting must be downcast and there cannot be light spillage onto the adjacent neighborhoods. She stated the lighting is reviewed by the Planning Department and the Electrical Department when the development permit is submitted.

Cain asked Jobeun for the name of another apartment complex currently managed or developed by APOGEE Southwoods. Jobeun listed Latitude 41, located in Bellevue, Rovella, located on 192nd and Pacific Streets, Omaha, and Onyx located in Aksarben. Palm stated the Commissioners might recognize the Latitude 41 apartments as the Wolf Creek Apartments south of Walmart in Bellevue.

Casey asked if the topography of the property runs north to south. Jobeun stated there was about a 7% grade down to the clubhouse. He said the stormwater would be detained in the detention basin in the southwest corner. Casey stated he understood neighbors' concerns regarding a parking lot with forty parking spaces located behind their house. Jobeun stated the buffer in that area is sixty feet with landscaping and green space. Casey asked in the interest of being good neighbors if anything can be done to mitigate the noise from that parking lot. Jobeun stated there is no access on Columbus Avenue and there will be no traffic coming in from the north side of the project so he believes the sixty feet of landscaping and green space would mitigate the noise.

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Casey asked who made the decision about the parking on Nebraska Drive. Palm stated it was a decision made by the engineering staff in the Public Works Department after working with the developer's engineer.

Cutsforth asked what the height of the lights would be in the parking lot to the north. Jobeun stated the ordinance does not allow for any spillage or glare vertically or horizontally between properties. Regan Pence, Lamp Rynearson, 14710 W Dodge Road, Omaha, NE, stated the lighting would be twelve to fourteen feet in height with LED fixtures and would not be the high mast lights as seen on streets or freeways.

Cutsforth asked how far from Columbus Avenue is the first parking space on Nebraska Drive. Pence stated the first parking space would be approximately twenty to twenty five feet from the corner of Columbus Avenue. Pence said modifications were being made, such as bump outs to allow pedestrians to walk out and look for on-coming traffic.

Aerni asked if the sewer was adequate to handle the drainage in the area. Pence stated drainage studies were done and they worked with the engineering staff to confirm drainage is adequate. Aerni asked if the study was for both storm and sanitary. Pence stated that is correct.

Aerni stated there were conversations with Omaha Public Schools (OPS) regarding student traffic. He stated there was no sidewalk on Childs Road and no sidewalk connectivity to the school along Nebraska Drive so the goal was to direct the students to the north away from traffic. He said his concern with this development would be students would take the shortest path to reach their destination. Pence asked if Aerni's concern would be students crossing mid-block from the school to the multi-family development. Discussion ensued regarding student safety and crossings on Nebraska Drive.

Ackley asked if there was plan for a sidewalk on Childs Road. Palm stated sidewalks would be required along the south side of the development.

Cutsforth asked staff why the engineering department was in-favor of on street parking along Nebraska Avenue. Palm stated the right-of way is wide enough to allow for it and the parking was probably always planned for at the time of development.

Ackley asked if other apartments had fencing requirements. Palm stated there were no requirements for fencing, only landscaping. Palm said there is a berm requirement depending on the height of the building and width of the required buffer yard.

Cutsforth asked if anything was being done about the concerns of homeowners regarding the drainage issue. Palm stated she was unsure what if anything Public Works or engineering is working on. Palm said with this project they would have to capture that drainage. She stated the watershed partnership regulations would have to be met and the requirements are quite stringent.

Casey asked if it is standard procedure to have a manager living on premises. Jobeun stated it might be in the case of a larger development but it will not be the case in this development. He stated there would be a leasing office on site but employees would not live on the premises.

Motion was made by Aerni, seconded by Perrin to recommend APPROVAL of a request to rezone Lot 1, South Woods Replat 4, being a replat of Lots 9 through 11, South Woods, from RG-8 and RG-8-PS to RG-8-PS for the purpose of multi-family residential development, with site plan approval; and small subdivision plat Lot 1, South Woods, Replat 4. Applicant: APOGEE Professional Services, General location: Columbus Avenue and Nebraska Drive. Case #: Z-2008-11 and S-2008-19. APPROVAL based upon compatibility with the surrounding neighborhood, lack of perceived negative impact, and conformance with the Zoning Ordinance and Comprehensive Plan. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON October 20, 2020.

Ackley thanked the public for coming and encouraged them to attend the City Council public hearing if they had additional questions or concerns.

PUBLIC HEARING was heard on a request to rezone Lots 2 and 2A Kennedy Town Center, Replat Seven, being a replat of Lot 2, Kennedy Town Center Replat Four, located in the Southwest 1/4 of

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Section 15, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, from RG-20-PS to BG-PCO and RG-20-PS for the purpose of commercial and multi-family residential development; and small subdivision plat Lots 2 and 2A, Kennedy Center Replat Seven. Applicant: Carlson Consulting Engineers, Inc. General location: 25th Street and W Chandler Road. Case #'s: Z-2008-10 and S-2008-18.

Mike Dedman, 7068 Ledgestone Commons, Bartlett, TN, was present on behalf of the applicant. Dedman stated Ryan Hamilton with R & D Group was also present to answer any questions regarding the application.

Cutsforth asked for an explanation of the request. Dedman stated presently Lot 2, Kennedy Town Center Replat Four is zoned RG-20-PS. He stated the request is for Lot 2A which is approximately 2.54 acres and will be zoned BG-PCO for future commercial development. He said the corridor between 25th Street and Highway 75 is trending commercial development along 25th street. He stated the BG-PCO zoning fits with the neighborhood. He stated the remaining parcel would maintain the current zoning RG-20-PS. Dedman stated the proposal for Lot 2 is a forty-eight unit apartment complex. Dedman stated it is possible to get twice as many units on the site but they wanted to leave space for a playground and BBQ area. He stated Bellevue's Future Land Use Map designates this area for multi-family development.

Larry Cascio, 8009 South 25th Street, Bellevue, NE, stated he was happy when they built the senior living center and now they want to put government-funded apartment buildings next to it. Cascio said he believed government-funded property built next to a senior living property is not a fit or a good mix. Cascio said think about whether you would want your senior family member living next to low-income housing. He stated both vehicle and foot traffic would cut through the senior living facility to access the Casey's gas station and vehicles would cut through the neighborhood to get to 25th Street and Cornhusker Street. Cascio stated the entrance to the site on Albert Street is unacceptable with substandard streets and parking, and residents will only be able to get one car through there. Cascio stated he does not feel this is a good mix and if he were still on the City Council, he would deny it.

Janice Stober, 7810 South 24th St., Bellevue, NE, was present to speak in opposition of the project. Stober stated she and her mother moved into the neighborhood for peace and quiet. She stated since the inclusion of Corwin Toyota, their neighborhood has become a speedway for test drivers and employees. She said Corwin customers and employees use Sautter Avenue and Albert Street instead of the entrances and exits that were designed for their use. Stober stated Casey's General Store did not maintain and mow their property causing Code Enforcement to cite them. She stated because of previous problems with new construction and current problems with existing businesses the neighborhood is apprehensive about new development. Stober stated they are looking for something that compliments the neighborhood.

Linda Vermooten, 7904 South 22nd Avenue, Bellevue, NE, stated the neighborhood was very quiet and there was no crime. She stated when Corwin Toyota was developed they were supposed to plant trees on the entire property line but the trees are sporadic and very small. Vermooten stated several people in the area are handicapped in some way and they have to cross Sautter Avenue to get to their mailboxes. She stated the traffic from both Corwin and Casey's exceeds twenty-five miles per hour on Sautter Avenue. Vermooten stated since the Casey's store was built there have been three break-ins of vehicles in the neighborhood, which did not occur before Casey's was constructed. She said in one case they also broke into the garage. Vermooten stated there has been a drastic increase in foot traffic in the neighborhood since the Casey's store was built. She stated the multi-family development is a concern because the streets are already congested. Vermooten stated snow removal is also a concern because snow is being pushed from the senior center into the neighborhood and now there will be additional snow from the apartment complex. She stated the site shows a retaining wall and she has some concern regarding drainage.

Daniel Dube, 7803 South 24th Street, Bellevue, NE, stated he wanted to call attention to the corner of Albert Street and 24th Street, which is where he lives. Dube stated he would like to see a solid fence on the outside of the curve on 24th and Albert. He stated, for reasons that others have already raised he wanted to go on record in opposition of the development.

Debbie Young, 7801 South 23rd Street, Bellevue, NE, stated the construction of Casey's was a total nightmare. She stated the construction equipment used Albert Street to access the job site and they experienced heavy construction traffic before 7 a.m. creating a rumbling from the heavy vehicles and loud engine noises. She stated the trucks would frequently engine brake when going

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down Albert St. and in some cases they were unable to make the curve causing them to drive on her property damaging sprinkler heads and the lawn. She stated complaints to Casey's and the trucking company fell on deaf ears. Young stated concrete trucks would wash their trucks in the street and side dump trucks tracked mud all along Albert Street leaving it a total mess. She stated Albert Street was not designed to sustain this type of traffic and would quickly deteriorate if it is used for this project. She asked what measures would be taken on this project to protect them from similar damage and dust created by the project. Young voiced her opposition of the entrance on Albert Street.

Kaye Kiepert Hensley, 7805 South 24th Street, Bellevue, NE, stated the corner on 24th Street and Albert Street is down to one lane in the winter because snow piled on that corner. Hensley asked who the Councilman is for the area. Ackley stated it is ward four, Kathy Welch. She stated when going to work in the morning she has to be very careful backing out of her driveway because of the fast moving traffic going through the neighborhood to the Corwin dealership. Hensley stated because of speeding traffic it is difficult to take a walk through the neighborhood or even get the mail. She stated she has concerns the property was not going to be well maintained.

Barb LeMoine, 7803 South 23rd Street, Bellevue, NE, stated she is president of the Homeowners Association (HOA). She stated she supports all of the residents' complaints. LeMoine stated safety is her primary concern for all of the residents. She asked if the retaining wall shown on the site plan along 25th Street was going around the entire site or would there be a fence. LeMoine stated she would like to see a fence rather than bushes or trees around the site. She said a fence would be a safer option.

Vermooten said we were promised many things when the neighborhood was annexed. She stated we have not seen anything apart from the grass on the lot that was neglected being mowed. Vermooten stated she attended the hearing for Corwin Toyota and there was never supposed to be an entrance on 22nd Street but there is.

Stober stated the developer has shared plans with the neighborhood and they appreciate their effort. She said her last concern is the dumpsters because no one wants them right by their house.

Dedman addressed neighbors' concerns. He stated the retaining wall will not be built on the site and that item will be removed from the plat. He stated drainage would go into an existing storm sewer on the north side of the complex and from there to an existing retention pond to the east of the complex. Dedman stated the Albert Street access had been dictated by the city and we are not allowed to have access to 25th Street. He stated there would be a right-in, right-out on Chandler Road. Dedman stated there was nothing they could do about the traffic other than install speed mounds in the neighborhood to slow traffic. He stated a privacy fence could be installed along the south property line from 25th Street to the entrance on Albert Street. Dedman stated the dumpsters would be moved to the west and away from houses. He stated dust would be limited during construction, which is regulated, by the state. Dedman said the trees were supposed to be a visual barrier between the complex and the housing subdivision to the south and is required by the city.

Ryan Durant, 1110 North Skyline Drive, Elkhorn, NE was present on behalf of the developer. Durant stated he would like to address concerns. He stated the development is about eight units an acre and the financing through Nebraska Investment Finance Authority (NIFA) checks tenant files as well as the project to be sure the property is being maintained. Durant stated there is also an investor who would check the property on an annual basis to be sure the property is being maintained. He stated there would be a property manager on site to address any maintenance issues. Durant stated landscaping is per city code. Durant stated he has reached out to Ms. LeMoine to let her know he would be present during the entire project and if needed, she could contact him at any time. He stated construction is not perfect but any issues that arise would be addressed. Durant stated they feel it is a good use of the land.

Perrin asked how long NIFA and the investor will monitor the property. Durant stated fifteen years and after the fifteen years, the investor is done but NIFA compliance continues.

Dedman stated the reason Casey's construction equipment went through the neighborhood is that the city would not allow the equipment to access Chandler Road. He stated he would prefer to have their construction equipment enter and exit on Chandler Road or 25th Street.

Cascio stated they have not addressed the senior citizen property concerns. He stated there is no fence or partition to keep children from using the property to get to the Casey's Store.

MINUTE RECORD

Bellevue Planning Commission Meeting, September 24, 2020 Page 9

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

Aerni asked if there would be a connection between the senior housing development and the apartment development. Palm stated there would not be a connection, based on the commercial zoning to the north. She said originally when the area was planned for multi family residential, the access would have connected to the current property. Aerni asked if they had not requested the small subdivision plat would they be allowed to build the apartments without the Planning Commission approval. Palm stated the current site plan and zoning would support a density of two hundred units which was approved by City Council in 2006. Aerni stated he wanted the neighbors to understand the current zoning and site plan approval allow for over two hundred units without the Planning Commission's approval.

Palm stated access on 25th Street is not a possibility. She said the current plat restricts access to 25th Street and West Chandler Road. Palm stated city engineers considered the option of access to 25th Street, but felt access was not feasible with the school location and current conditions. She stated the applicant's engineer provided additional information to city engineers to support the right-in, right-out restricted access onto Chandler Road similar to Casey's access. Palm stated the BG-PCO zoning on the north lot would require the developer to go through this process for site plan approval. Discussion ensued regarding access to the proposed site.

Ackley asked if the fence the developer offered would be allowed and could it be made a requirement. Palm stated as part of the site plan approval Planning Commission would be able to make that recommendation.

Palm addressed neighbors' concerns. She said the development would be required to have trash enclosures that would be constructed of the same materials as the buildings. She stated the applicant is correct in that staff typically asks the applicant to do more landscaping because multi-family design standards have a very stringent minimum landscaping requirement. Palm said it serves two purposes: aesthetics and creates a buffer to lessen the impact to adjacent developments.

Ackley reviewed the planning and zoning history of the site and the surrounding area. He stated the Commission does not approve or deny zoning based on economic ability and where they live. Ackley stated multi-family is appropriate as a buffer between housing and commercial development. He said he appreciates it will be a change from the empty lot but this is a lower density project than what could be there. Ackley said the neighbors should take Mr. Durant up on his offer of contacting him if they have issues with the construction. He stated from a zoning prospective this project fits the area.

Motion was made by Ackley, seconded by Casey, to recommend APPROVAL of a request to rezone Lots 2 and 2A, Kennedy Center Replat Seven, being a replat of Lot 2, Kennedy Town Center Replat 4, from RG-20- PS to BG-PCO and RG-20-PS for the purpose of a commercial and multi-family residential development; and small subdivision plat Lots 2 and 2A, Kennedy Center Replat Seven. Applicant: Carlson Consulting Engineers, Inc. General location: 25th Street and West Chandler Road. Case #'s: Z-2008-10, S-2008-18. APPROVAL based upon compatibility with the surrounding neighborhood, lack of perceived negative impact, and conformance with the Zoning Ordinance and Comprehensive Plan. APPROVAL based upon the Future Land Use Map of the Comprehensive Plan being amended to allow for the commercial use at the corner of 25th Street and West Chandler Road. APPROVAL also based upon the installation of a fence on the south side of the development along the north side of Albert Street. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON October 20, 2020.

Meeting adjourned at 9:46 p.m.



Dianna Van Horn
Planning Secretary

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-2009-13

FOR HEARING OF:
REPORT #1: October 22, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Ryan Steele
13951 Valley Ridge Drive
Omaha, NE 68138

B. PROPERTY OWNER:

Ryan Steele
13951 Valley Ridge Drive
Omaha, NE 68138

C. GENERAL LOCATION:

South 60th Street and Highway 370

D. LEGAL DESCRIPTION:

Tax Lot 14, located in the Southwest ¼ of Section 31, T14N, R13E of the 6th P.M.,
Sarpy County, Nebraska.

E. REQUESTED ACTION:

Rezone Tax Lot 14, from AG to ML.

F. EXISTING ZONING AND LAND USE:

AG, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning for the purpose of light industrial development.

H. SIZE OF SITE:

The site is approximately 19.5 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant and most recently used agriculturally. A storage building currently sits on a part of the northwest portion of the property.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Agriculture, AG
2. **East:** Agriculture, AG
3. **South:** Agriculture, AG
4. **West:** Agriculture, AG (Papillion's zoning jurisdiction)

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

Section 5.27, Zoning Ordinance, regarding ML uses and requirements.

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. The most recent traffic data from MAPA estimates approximately 3,700 vehicles per day along northbound 60th Street and 600 vehicles per day along southbound 60th Street near this property.
2. The property has access from South 60th Street. South 60th Street is presently an unimproved gravel road.

D. UTILITIES:

No utilities are available to this property.

E. ANALYSIS:

1. Ryan Steele has submitted a request to rezone Tax Lot 14, from AG to ML (Light Manufacturing) for the purpose of light industrial development.
2. The purpose of the ML (Light Manufacturing) zoning district is to provide for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance. The zone specifically excludes residences on the theory that the mixture of residential use, and public services and facilities for residences with those for industry is contrary to the purpose of the zoning regulations.
3. The applicant has submitted a conceptual site plan and has indicated his development will consist of private small business warehousing and co-working office spaces. The applicant has indicated he will have space for indoor and outdoor storage.

The applicant's justification statement is attached to this report.

4. 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 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 on this case.

5. Although the applicant has submitted conceptual plans, site plan approval is not required for the ML zoning district and this specific request. If the property is rezoned, any permitted or accessory use allowed in the ML zoning district would be allowed on this property. Examples of permitted uses include, but are not limited to: commercial parking lots, kennels, light manufacturing including assembly,

fabrication and processing of products, self storage facilities (indoor and outdoor), and highway maintenance yards or buildings.

6. There is no public water or sanitary sewer presently serving this property. The closest water and sanitary sewer are located in the Lakewood Villages subdivision to the east, or farther to the north along the Highway 370 corridor. As such, the applicant does not intend to extend these utilities to service his development.

7. If this property is rezoned for light industrial use, future adjoining development would be responsible for the landscaping bufferyard requirements per Section 9, Zoning Ordinance.

8. The Future Land Use Map designates this area as low density residential. The adjoining properties are designated for agricultural use and low density residential. The western edge of the city's jurisdiction is South 60th Street. The City of Papillion has zoning jurisdiction to the west of this property.

9. Given the wide range of permitted uses in the ML zoning district, staff is opposed to this spot zoning. Staff believes light industrial zoning does not fit into the area now, or in the future based on the lack of infrastructure, the surrounding neighborhood, and lack of conformance to the Comprehensive Plan.

10. City staff is not in favor of any type of contractual zoning agreement. Land use should be considered in this application, and whether or not the city is comfortable with the wide range of uses allowed in the requested ML zoning designation short-term as well as long-term.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

DENIAL of the change of zone based upon the perceived negative impact upon the surrounding area, as well as lack of conformance to the Comprehensive Plan.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

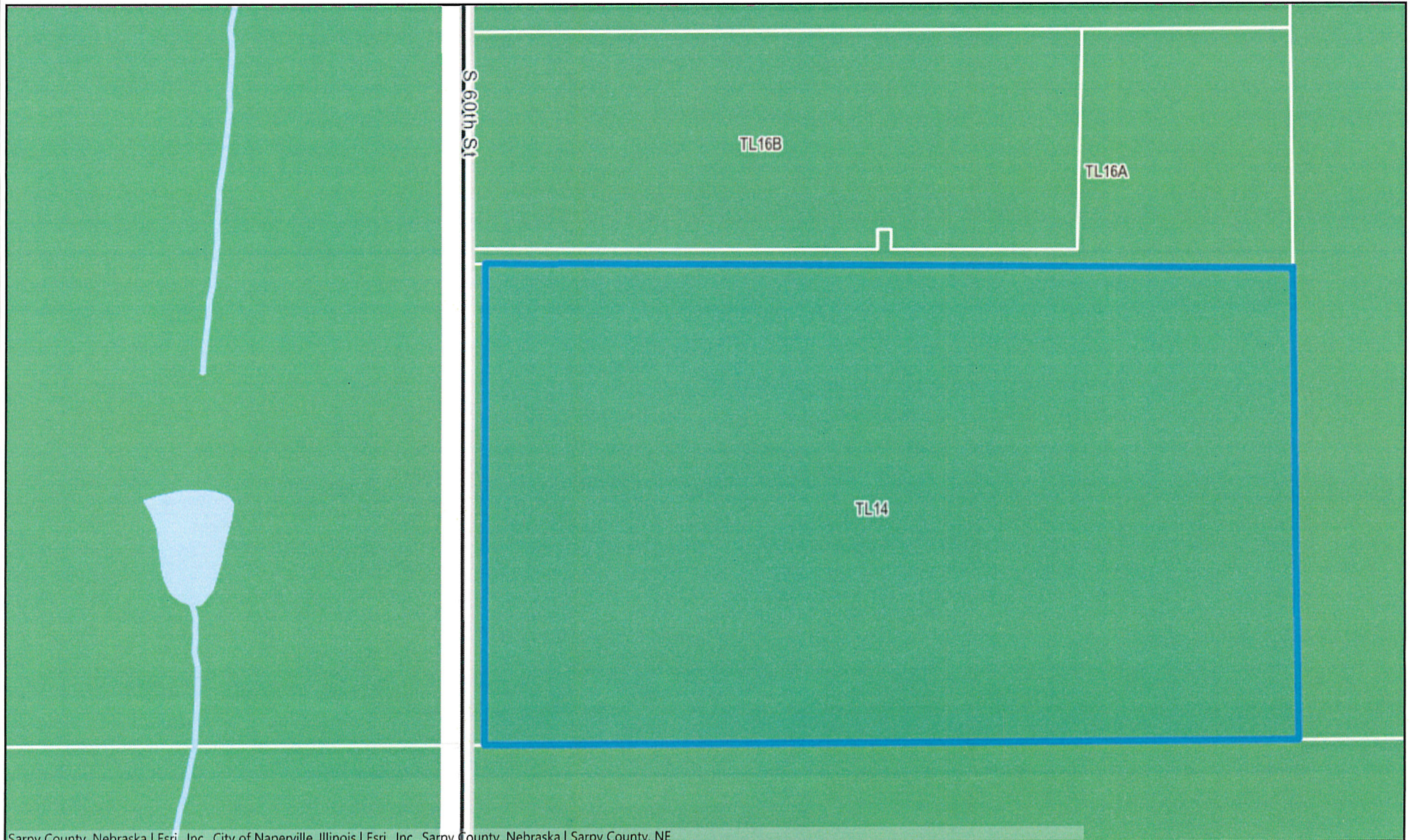
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Justification letter received September 18, 2020
4. Conceptual plans submitted by the applicant September 18, 2020

VII. COPIES OF REPORT TO:

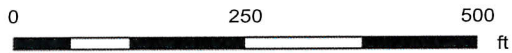
- 1. Ryan Steele
- 2. Pat Sullivan
- 3. Public Upon Request

Angela M. Curry 10/16/20
Prepared by:

Sammi L. Palm 10/16/2020
Planning Manager Date of Report

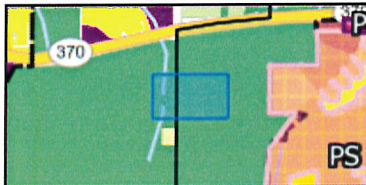


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



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Notes



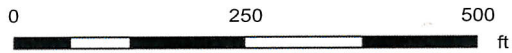


SARPY COUNTY
NEBRASKA

Tax Lot 14, Section 31



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



Map Scale 1: 3185

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Notes



To: Tammi Palm

From: Ryan Steele

The purpose of the rezone application for Tax Lot 14 31-14-13 is so we can develop the site into a "Blue Collar" small business park. I believe ML zoning is the best zoning class for our development. If there is an alternative solution that you suggest that will still allow us to provide the offerings to our customers that we need please let me know. I am open to suggestions.

I moved to Sarpy county in 1987 and I am a graduate of Papillion LaVista High School. I was 11 years old when I started my first business. At the age of 16 I needed a space to warehouse my equipment for my Lawn and Landscaping business. At the age of 18 I had two full time employees and my business was continuing to grow. One of the biggest challenges I faced at this point was having a large enough place to keep my equipment at the end of each workday. I was not in a position financially to commit to a long-term lease that most landlords require. I also faced the challenge of needing an office space but not wanting the large overhead that comes along with that. I also needed someone to handle office duties but found it hard to hire someone to help with that part time. I was not the only small business start-up with this challenge at that time and this is still a problem today. Many small contractor businesses struggle with this. Many never start to begin with because of the obstacles they face and the fear of failure. Our plan will take many of these obstacles out of the way for them. This development will cater to small business with an offering that does not exist anywhere in the metro area and eliminate one of the largest financial obstacles.

I currently own two other sites in the metro area and one site under construction that caters to the small contractor business I am describing. This site will broaden the offering we currently have even further. We want to be able to create a one stop shop for these companies at this location. The strategic location of this site south of Highway 370 sitting between Bellevue and Papillion is perfect.

A few of the amenities of this site would include the following. All offerings will address a need that these small businesses have.

1. Private small business warehouses
2. Co-working office spaces
 - a. Meeting rooms
 - b. Kitchen area
 - c. Private offices
 - d. Hot desks
 - e. Book-keeping services
 - f. Marketing services
 - g. Answering service
 - h. Regularly scheduled education opportunities
3. Flex spaces
 - a. The difference between Private warehouses and flex space is the difference in the use type and the size of the space in order to meet different needs
4. Outdoor Parking

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By having these offerings we have something for the company that just started all the way to the company that may have been open for business for a while. By providing the flexibility we offer the small business owner can focus on what they do best and let us provide the facility they need. We do not require any long-term lease, are minimum is only 2 months. This removes a financial hurdle. Our flexibility allows them to easily add or subtract from their space requirements.

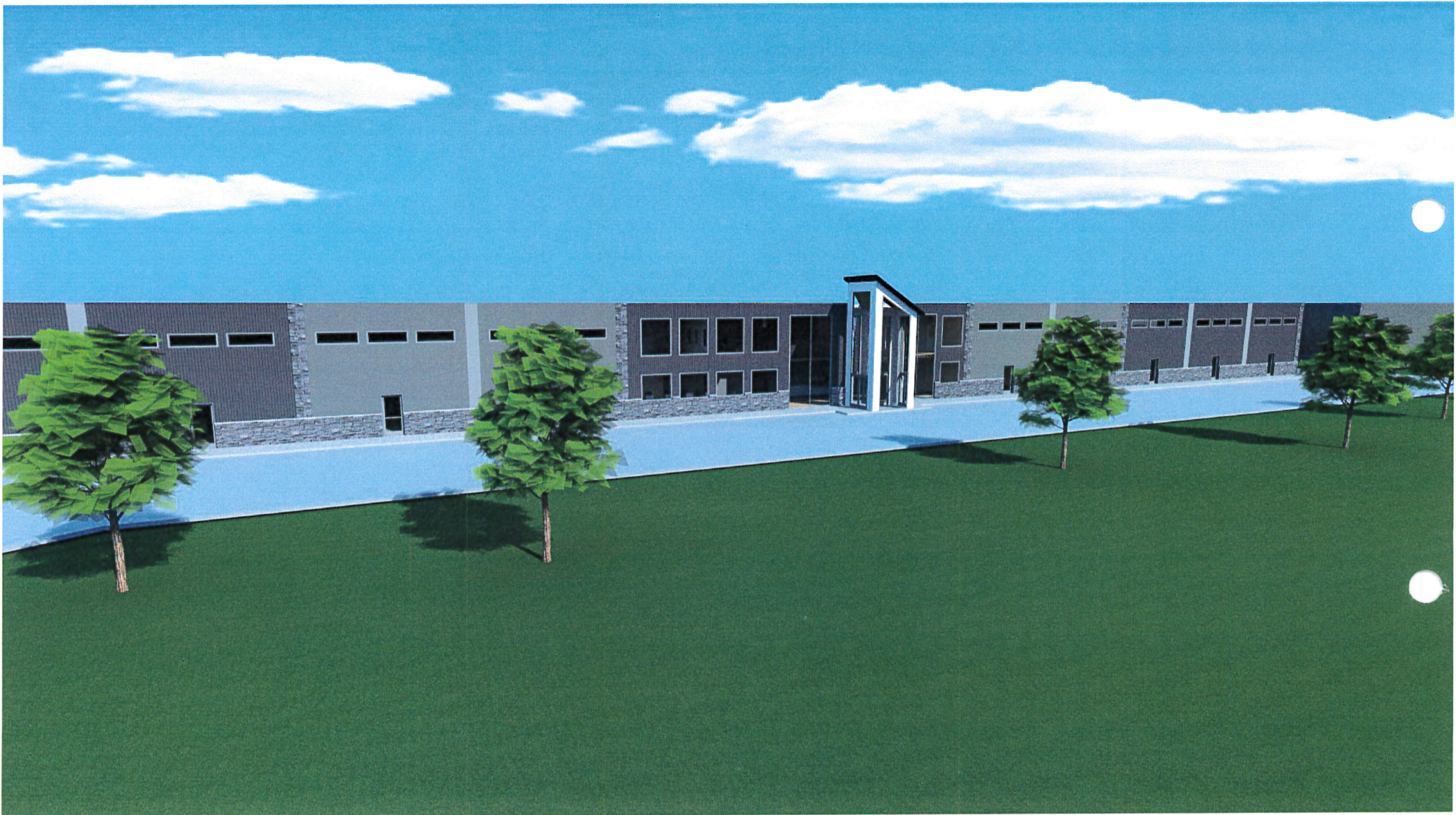
I appreciate your time in reviewing this and am open to suggestions on how I can partner with you and the city of Bellevue to make this happen. Please let me know if you have any questions at all.

Best Regards,

Ryan Steele

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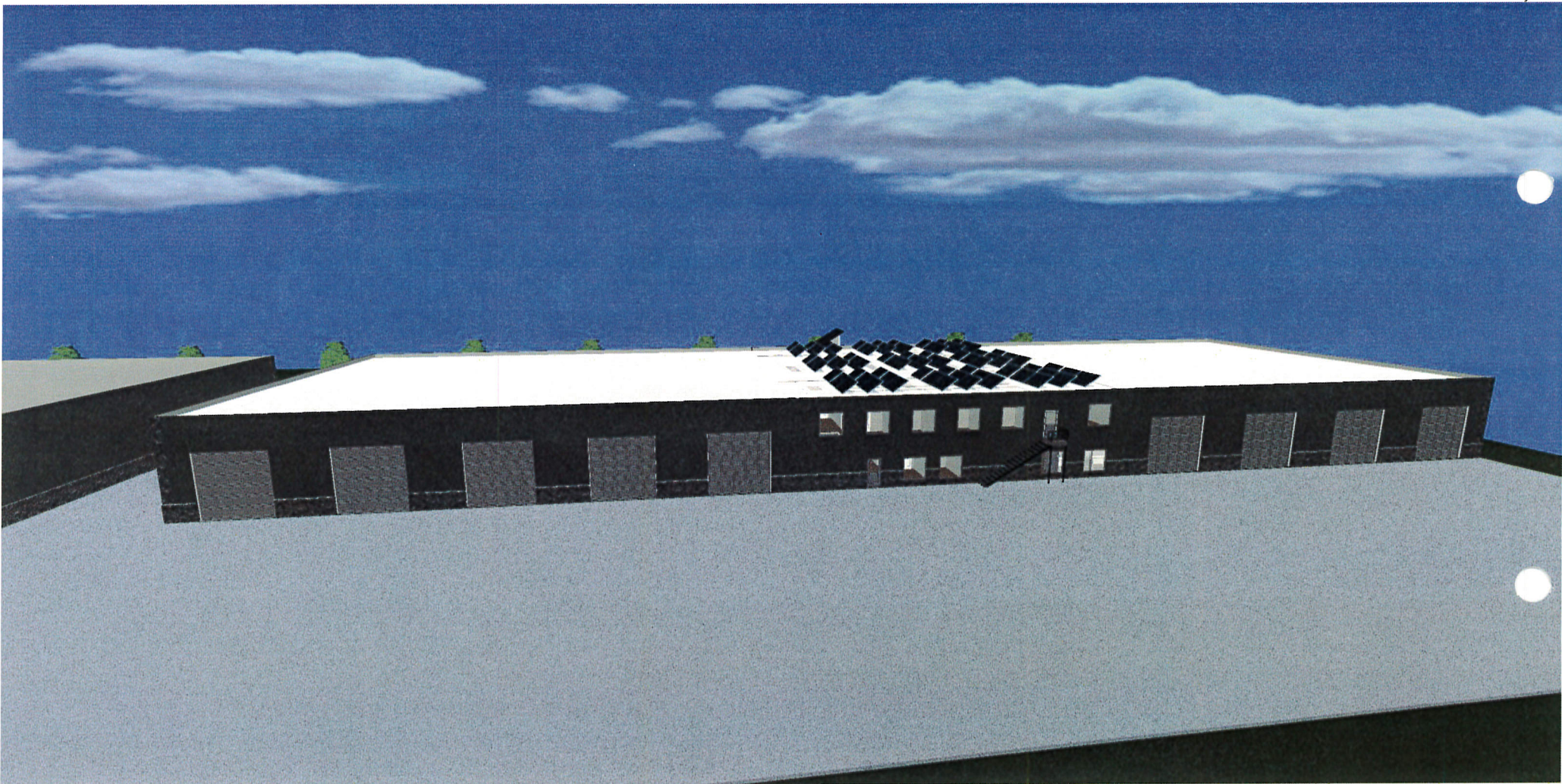
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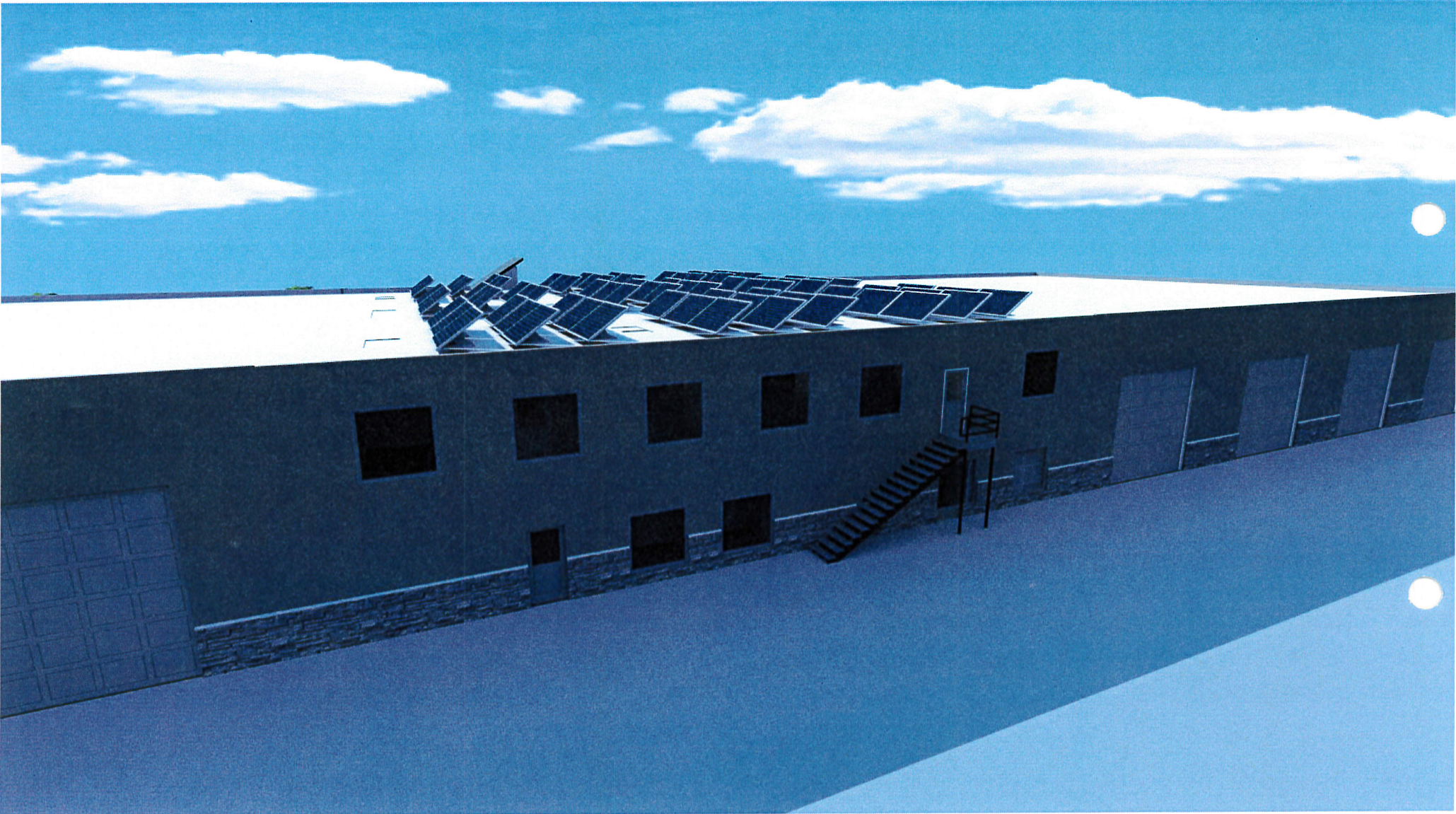
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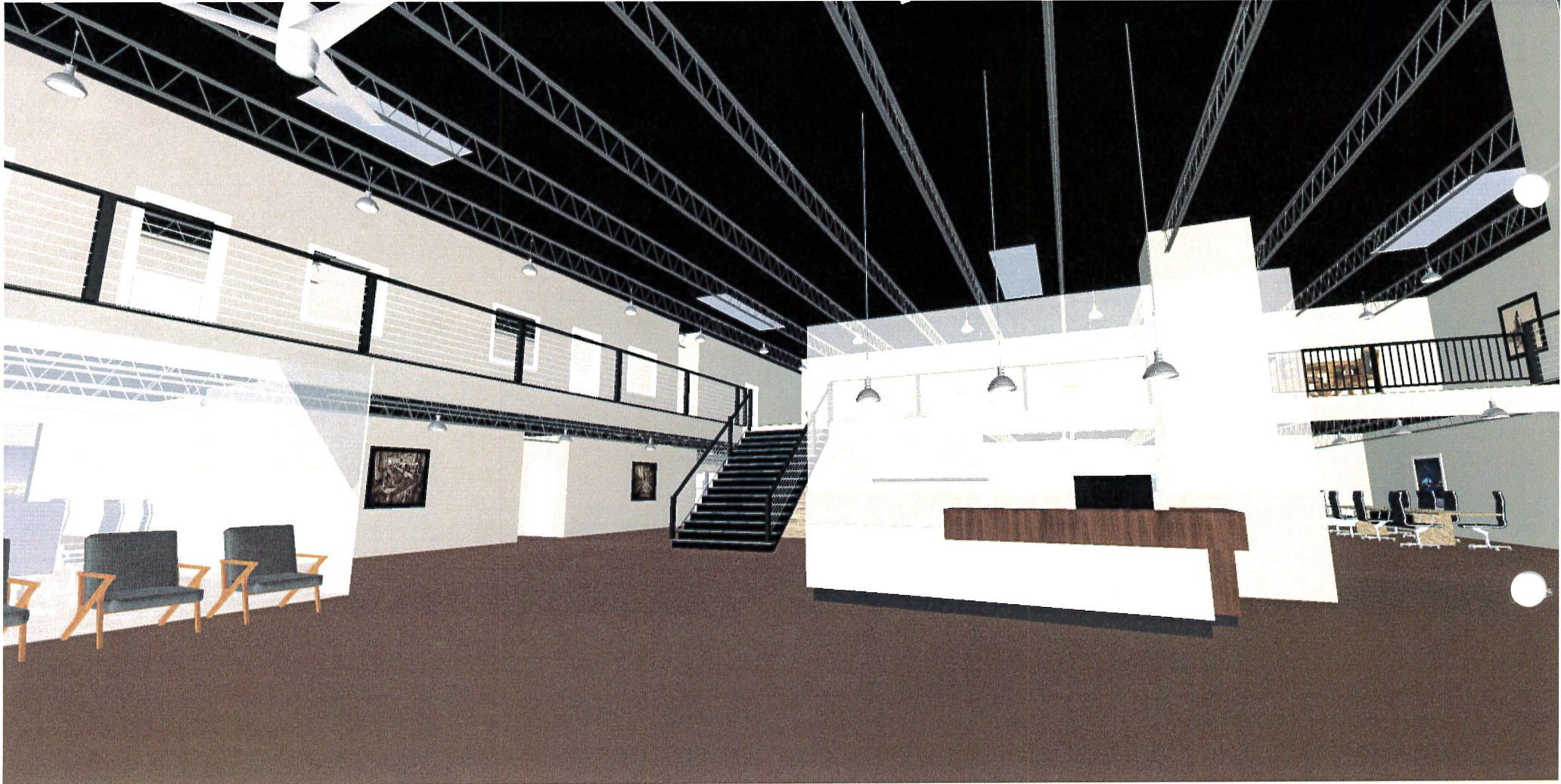
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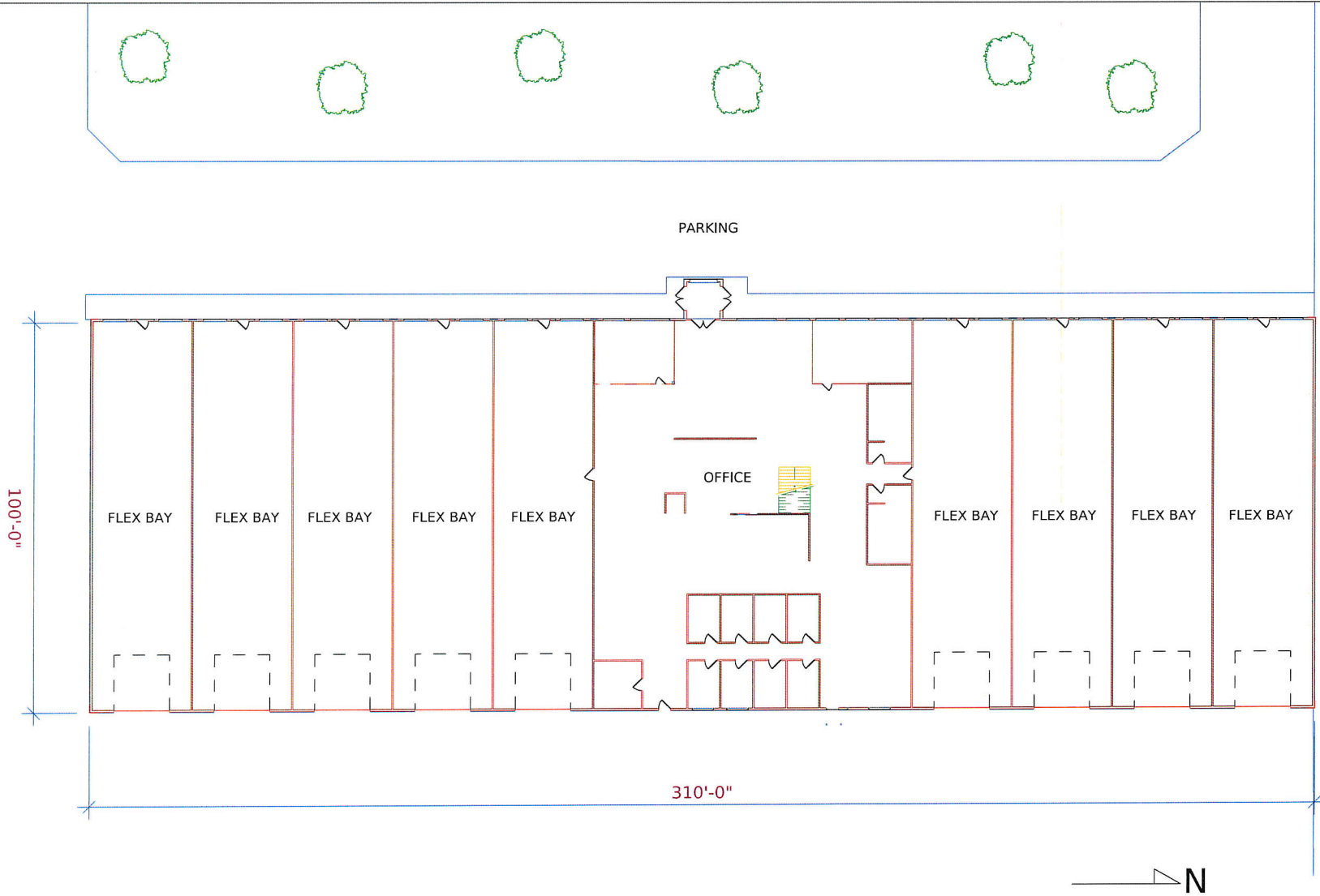


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S 60th Street



General Notes

No.	Revision/Issue	Date

No. Revision/Issue Date

Orientation:	Stamp:
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Precision Enterprises
13951 Valley Ridge Dr. Omaha, NE 68138
402-592-3323

Project Name and Address:

Client:

Drawing:
Main Building

Scale: Date:

Drawn By: H.E.C.	Sheet: A1
Checked By:	
Approved By:	

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General Notes
PLANNING DEPT.

No.	Revision/Issue	Date

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13951 Valley Ridge Dr. Omaha, NE 68138
402-592-3323

Project Name and Address:

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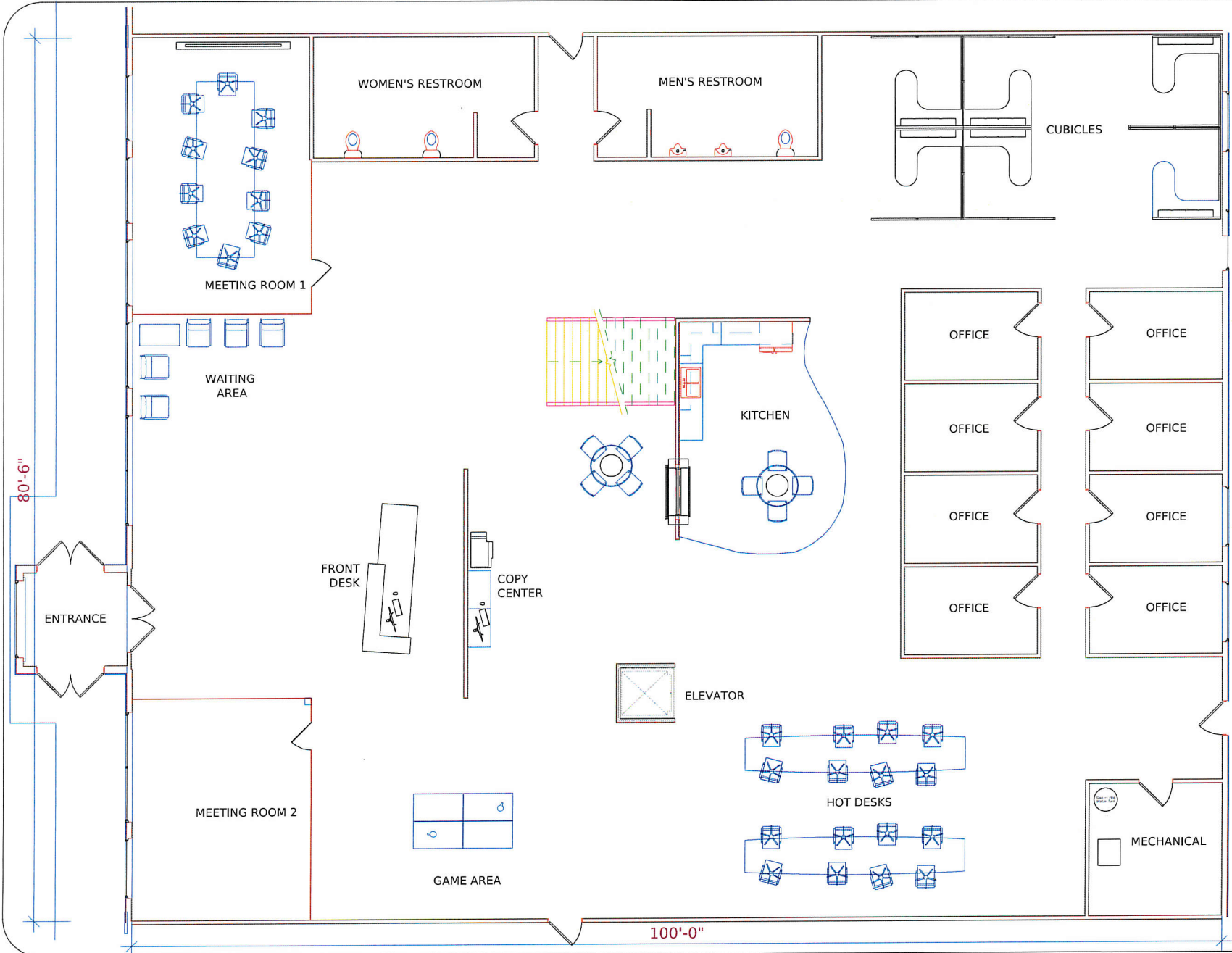
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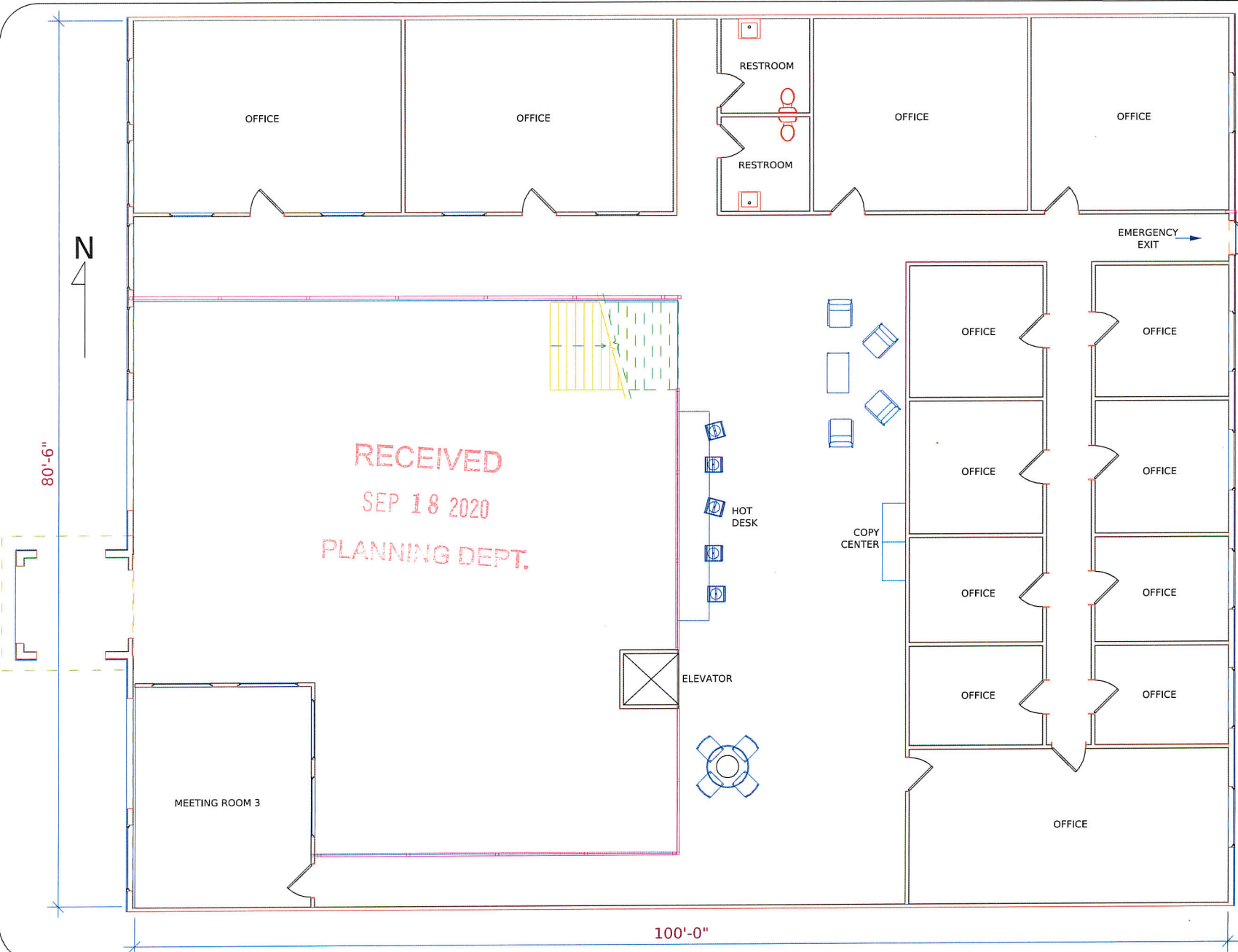
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General Notes

No.	Revision/Issue	Date

No. Revision/Issue Date

Orientation:

Stamp:

Precision Enterprises
13951 Valley Ridge Dr. Omaha, NE 68138
402-592-3323

Project Name and Address:

Client:

Drawing:
OFFICE LEVEL 2

Scale: Date:

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Checked By:

Approved By:

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