

BELLEVUE PLANNING COMMISSION

Thursday, November 19, 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 October 22, 2020 Regular Meeting

e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

2. CONSENT AGENDA/PUBLIC HEARINGS:

a. Request to final plat Lots 122 through 124, Belle Lago South, being a platting of a tract of land located in part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska; and approval of the First Amendment to the Belle Lago South Subdivision Agreement. Applicant: HRC Belle Lago, LLC. General location: 45th Street and Lookingglass Drive. Case #: S-2010-23.

3. PUBLIC HEARINGS:

a. Request for a conditional use permit for Lot 1, Biben Subdivision, for the purpose of auto sales. Applicant: Edward A Gilbert Jr. Location: 2620 Greenfield Street, #100. Case #: CUP-2009-03.

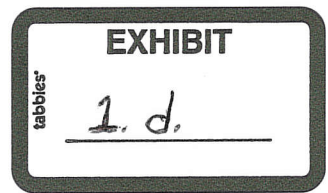
b. Request to rezone Lot 1, Walbeck Addition, from RG-20 to BN for the purpose of commercial development. Applicant: Amigo's Market LLC. General location: West Chandler Road and South 28th Street. Case #: Z-2009-14.

c. Request to rezone Lot 2, Wolf Creek Replat 4, from BGH to RG-8-PS for the purpose of multi-family development. Applicant: Wolf Creek Apartments II, LLC. General location: 10904 South 15th Street. Case#: Z-2010-15.

4. CURRENT BUSINESS

a. Approve the 2021 Uniform Review Schedule

5. ADJOURNMENT



MINUTE RECORD

Bellevue Planning Commission Meeting, October 22, 2020, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, October 22, 2020 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Aerni, Ritz, Ackley, Hankins, Cutsforth, and Jacobson. Absent was Cain. 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.

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

Motion was made by Ackley, seconded by Casey, to approve the minutes of the September 24, 2020 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Ritz asked if there were any updates or additions to staff reports. Palm advised there were no updates or additions.

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

Ritz explained the public hearing procedures

PUBLIC HEARING was held on 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: 11715 S 60th Street. Case#: Z-2009-13.

Pat Sullivan, 1246 Golden Gate Drive, Papillion, NE, was present to speak on behalf of the applicant. Sullivan stated the property is a twenty-acre parcel approximately three eighths of a mile south of Highway 370 and 60th Street. He stated the applicant's concept is unique and in a sense pivoting toward the current economy. Sullivan stated he has the utmost respect for Tammi Palm, Planning Manager, but their opinions differ regarding spot zoning.

Ryan Steele, 16050 South 120th Street, Springfield, NE, was present to speak. Steele stated he established his first company at the age of eleven doing yard work. Steele said at the age of sixteen he rented a facility to store his equipment, which he quickly outgrew. He said he struggled to find a solution to serve the storage needs of his young company. Steele stated he was not comfortable with taking on a three to five year lease commitment. He said most small businesses struggle with this exact problem. Steele stated during the course of the last twenty years he learned what it took to operate a successful business.

Dale Williams, 9257 Platteview Road, Papillion, NE, was present to speak on behalf of the applicant. Williams stated in 2004 he joined Entrepreneurship's Organization (EO), a worldwide organization comprised of groups of business owners that share business challenges and strategies. Williams said the proposed facility would provide an environment of community, connection, and culture. He said the objective was to help small businesses succeed in challenges and provide excellent customer service.

Steele stated the plan for the facility was to help small businesses on the path of success. Steele stated this facility would provide small businesses infrastructure, learning opportunities, and fill in the gaps where they lack expertise and knowledge. He said lease agreements would be sixty-days minimum and a month to month lease after the sixty-days. Steele displayed slides of the proposed facility's contours, spaces, and floor plans.

Brad Blakeman, Blakeman Engineering, 10423 Hansen Avenue, Omaha, NE, was present to speak on behalf of the applicant. Blakeman stated grading of the site would have to match the elevation of 60th Street. He stated the entire property after grading would be somewhat recessed on the south and east sides.

Steele displayed slides showing various sites in the metro area with similar zoning and topography.

Sullivan stated when a comprehensive plan is formed is it typically already outdated because the world moves so quickly. He stated this type of facility is in tremendous demand for the up and coming tradesmen like electricians, plumbers, and others. Sullivan stated municipalities receive constant

MINUTE RECORD

Bellevue Planning Commission Meeting, October 22, 2020, Page 2

complaints on people working out of their homes and for equipment parked on the streets and in driveways. He said this facility would eliminate these types of complaints. He said there have been discussions regarding spot zoning and conformance with the Comprehensive Plan, but the Comprehensive Plan is just that, a plan. Sullivan stated spot zoning is usually one very small lot or lots that are completely surrounded by other developments. He stated the surrounding areas are being used as industrial, and changing this zoning would be an advantage to the surrounding properties. He said it does not make sense to have a residential development on an arterial road such as Highway 370. Sullivan stated the applicant is willing to install a thirty-foot landscape area around the property as well as dedicate a right-of-way on Schram Road for future use if developed. Sullivan said this property would not have an increased water or sewer use and would have a well and a septic system. He stated this facility is an incubator for blue-collar businesses and would bring business into the City of Bellevue.

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

Ackley asked staff to explain the recommendation for denial. Palm stated properties in the area are zoned Agricultural (AG), and some of the properties are legal non-conforming. She stated the Future Land Use Map was updated in August 2018 and the Comprehensive Plan would be updated within the next few months. She said the Comprehensive Plan shows this property as low density residential. Palm stated the city has annexed Lakewood Villages. The properties moving toward South 60th Street would eventually mirror the Lakewood Villages development, and consist of commercial, multi-family residential and single family dwellings. She said she does appreciate Mr. Steele's business plan but her concerns are from a land use prospective. Palm stated although Mr. Steele does have a conceptual site and business plan, with the requested Light Manufacturing (ML) zoning there is nothing that holds him legally to that plan. She said if the property was rezoned, anything that is a permitted use within the ML zoning district would be allowed on the property without any city approval. Palm stated the ML zoning will allow manufacturing of food products, merchandise, light sheet metal products, trucking terminals, large warehouse facilities and land sea container storage as permitted uses. She said with this application the city is deciding the course of planning for the entire area. Palm stated if the city deviates from the Comprehensive Plan it would set a precedent to go from residential uses to the other end of the spectrum to industrial uses. She said if the property to the east would be developed as residential, the ML zoning on this property would require a buffer yard and would become a burden to the neighboring developer.

Sullivan stated the applicant would contractually agree to install the buffer yard, dedicate Schram Road, and conform to the site and business plans. Palm stated a contractual zoning agreement had been discussed; however Administration and the Planning Department did not want to enter into that type of agreement.

Ackley asked how many houses per acre would be in the low-density residential housing. Palm stated low-density housing would be the RS-120 zoning (Single Family Residential – 12,000 Square foot zone) which would make it similar to the Cedar Grove Subdivision. Ackley stated from a planning prospective the city would continue to grow with residential developments from 36th Street to the west and hopefully some commercial development along the 370 corridor. He said he likes the applicant's concept but is not sure this is the right location. Ackley asked if the applicant had looked at property on the Highway 34 and Highway 75 corridor which has areas slated for light industrial development. Ackley asked what the total development cost and accessed value of the project would be. Steele stated his preliminary estimate was about fifteen million for phase I and phase II.

Casey asked why this area when there are other areas in Bellevue that are zoned appropriately. Steele said this site is perfectly situated between Papillion and Bellevue on the Highway 370 corridor. Steele stated because of the Nebraska Department of Roads site he assumed the property was already zoned for industrial use. Palm indicated the NDOR no longer owns property along South 60th Street. Additionally, their prior maintenance yard was zoned AG; therefore, making it a legal, nonconforming use. Discussion ensued regarding areas that would be better suited for this project.

Jacobson asked if fire protection for the ML zoning had been resolved. Palm stated she was not aware of any fire hydrants in the area. Jacobson asked if there were any noise restrictions regarding hours of operation. Palm said there were no restrictions on hours of operation but they would be required to meet performance standards in regards to noise, smoke, and things of that nature. Jacobson said the Comprehensive Plan designates this area as low density residential and since it was last updated in 2018 the housing shortage is still an issue. He said there is a tremendous shortage in affordable housing in the Bellevue area. Jacobson stated in an area that is clearly meant to be residential he had

MINUTE RECORD

Bellevue Planning Commission Meeting, October 22, 2020, Page 3

concerns with the project and the absence of a contractual agreement to limit the uses. He said he applauds the applicant for an excellent business plan. Jacobson asked the applicant how traffic access would be handled until lights are installed at 60th Street and Highway 370. Sullivan stated 60th and Highway 370 would be a signaled intersection. He said the State of Nebraska issues warrants to install traffic signals based on traffic flow however, most times the need for a signal has long passed by the time a warrant is issued. Discussion ensued regarding traffic on Highway 370.

Ritz asked staff what was the basis of the ML zoning. Palm stated the ML zoning permits the warehousing and indoor/outdoor storage Mr. Steele is purposing. Ritz asked if there was any other zoning with a conditional use for this proposal. Palm stated the ML zoning has no limitations on the size of equipment to be parked on the site and the outdoor storage Mr. Steele would be able to allow on the property which is what he desires. Discussion ensued regarding the appropriate zoning for this project and the outdoor parking. Mr. Steele stated they would not allow any inoperable equipment to be parked on the site. He stated the site would be pristine. Palm explained the difference between the Heavy General Business District (BGH) zoning and the ML zoning. Palm stated the ML zoning is the only appropriate zoning for Mr. Steele's business plan.

Aerni stated every intersection west on Highway 370 has some type of mixed use, light industrial zoning except for this intersection. He asked why the Comprehensive Plan was designated residential at this intersection. He said Papillion had designated the area to the west across 60th Street as Neighborhood mixed use residential limited, and commercial office. Palm stated Papillion's proposed zonings from their Comprehensive Plan for this area are very different from the requested ML zoning. She stated Bellevue's future industrial development had been reserved mostly for the Highway 34 corridor, and from Highway 75 westward along Highway 370 there is no planned industrial areas. Palm stated Bellevue's Highway 370 corridor had been designated for mixed use, activity centers, commercial, and multi-family zoning. Discussion ensued regarding what changes would be made to the Comprehensive Plan for this area.

Aerni requested Chad Wehrbein provide public testimony. Ritz re-opened the public hearing.

Chad Wehrbein, Timmerman Farms, 17701 Webster Blvd, Plattsmouth, NE, stated as a neighbor he is in favor of the project. He stated Mr. Steele and Mr. Williams are successful business people and the dedication of Schram Road would be an asset. Mr. Wehrbein did indicate Ms. Palm's explanation of the possible future uses with the ML zoning was eye opening. Discussion ensued regarding the future development of the area.

Aerni said the area already had some light industrial use with Timmerman Farms and the former NDOR lot. Palm stated Timmerman Farms would not be considered light industrial and greenhouses are allowed in an AG zoning district.

Williams stated he did not want to be penalized for whoever or whatever caused the city to reject entering into a contractual agreement and he hoped the city would reconsider.

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

Ritz stated he did not want to set precedence by deviating from the Comprehensive Plan for this area. He stated he thought it was an exceptional business plan. Ritz said the Planning Commission does not have the authority to write or enter into a contractual agreement.

Cutsforth stated the plan was a great concept and it would be very helpful to entrepreneurs but the Comprehensive Plan, although not set in stone, does not designate this area for the ML zoning.

Ritz asked the applicant if they would like to continue this item to discuss a contractual agreement with the city. Palm reiterated the Planning Department, Community Development Director, and City Administrator were not interested in a contractual agreement and she recommended the Planning Commission vote on the item tonight.

Ackley stated he was in favor of the concept but not the location.

MOTION was made by Ackley, seconded by Jacobson to recommend DENIAL of 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. DENIAL of the application based upon the perceived negative impact upon the surrounding area, as well as lack of conformance

MINUTE RECORD

Bellevue Planning Commission Meeting, October 22, 2020, Page 4

to the Comprehensive Plan. Upon roll call, Casey, Perrin, Ritz, Ackley, Hankins, Cutsforth, and Jacobson voted yes, Aerni voted no. MOTION carried.

This item will proceed to CITY COUNCIL for PUBLIC HEARING ON December 1, 2020.

There was discussion regarding the election of officers.

MOTION was made by Ackley, seconded by Hankins, to NOMINATE Eric Ritz to serve as Planning Commission Chair. Upon roll call, all present voted yes. MOTION carried unanimously.

MOTION was made by Ritz, seconded by Casey, to NOMINATE Sue Cutsforth to serve as Vice Chair. Upon roll call, all present voted yes. MOTION carried unanimously.

Meeting adjourned at 8:40 p.m.



Dianna Van Horn
Planning Secretary

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

2.a.

RECOMMENDATION REPORT # 1

CASE NUMBERS: S-2010-23

FOR HEARING OF:
REPORT #1: November 19, 2020

I. GENERAL INFORMATION

A. APPLICANT:

HRC Belle Lago, LLC
Attn: Dave Vogtman
6900 Westown Parkway
West Des Moines, IA 50266

B. PROPERTY OWNER:

Maalreo, LLC
P.O. Box 461178
Papillion, NE 68046

C. GENERAL LOCATION:

South 45th Street and Lookingglass Drive

D. LEGAL DESCRIPTION:

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.

E. REQUESTED ACTIONS:

1. Final Plat Lots 122 through 124, Belle Lago South.
2. Approval of the First Amendment to the Belle Lago South Subdivision Agreement.

F. EXISTING ZONING AND LAND USE:

RG-50-PS, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to final plat to enable single family residential development.

H. SIZE OF SITE:

The site is approximately 1.374 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant and most recently used agriculturally.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

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

C. REVELANT CASE HISTORY:

On September 24, 2020, the Planning Commission recommended approval of a request to rezone Lots 122 through 124, Belle Lago South, from AG to RG-50-PS, for the purpose of single-family residential development, and preliminary plat Lots 122 through 124, Belle Lago South.

D. APPLICABLE REGULATIONS:

- 1. Chapter 4, Subdivision Regulations, regarding Final Plats.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.
2. These lots will have access from newly created extensions of Lookingglass Drive and South 45th Street.

D. UTILITIES:

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

E. ANALYSIS:

1. Jeff Stoll, on behalf of HRC Belle Lago, LLC, has submitted a request to final plat Lots 122 through 124, Belle Lago South, for the purpose of single family residential development.
2. The proposed lots are an extension of the approved Belle Lago South subdivision and were required as a condition of the original plat approval in order to provide additional access by connecting Lookingglass Drive to the west to South 45th Street to create an additional connection to Clearwater Falls to the south.

3. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Offutt Air Force Base, Sarpy County Planning Director, Sarpy County Public Works Department, Sarpy County Planning Director, and the Springfield Platteview School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Matt Knight, Public Works Engineer, made comments pertaining to technical revisions to the final plat. The applicant's engineer has satisfied the requested revisions.

No other comments were received on this case.

4. The final plat is in conformance with the approved preliminary plat.
5. The amendment to the Belle Lago South Subdivision Agreement has been submitted by the applicant and reviewed by the City Attorney.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the approved preliminary plat.

V. PLANNING COMMISSION RECOMMENDATION

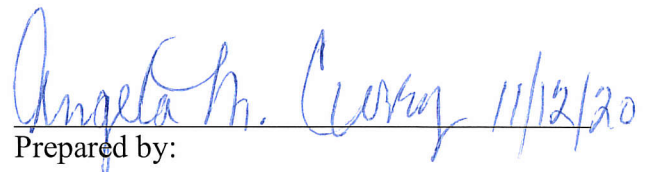
Under Review


VI. ATTACHMENTS TO REPORT

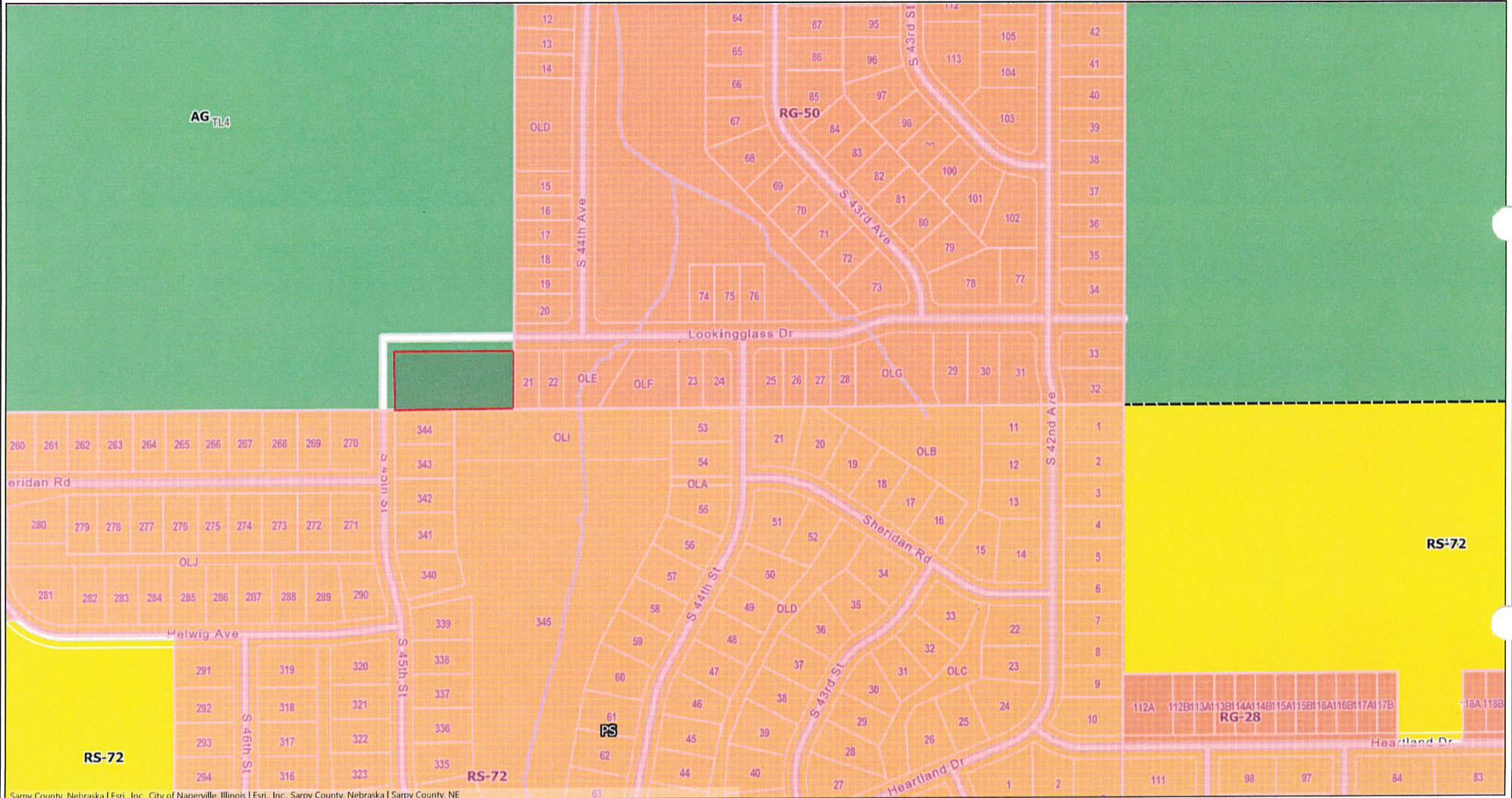
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Final plat received November 6, 2020
4. First Amendment to the Belle Lago South Subdivision Agreement received October 15, 2020

VII. COPIES OF REPORT TO:

1. HRC Belle Lago, LLC (Dave Vogtman)
2. Maalreo LLC
3. E & A Consulting Group, Inc. (Jeff Stoll)
4. Fullenkamp, Jobeun (Larry Jobeun), Johnson & Beller, LLP
5. Public Upon Request


Prepared by:


Planning Manager Date of Report

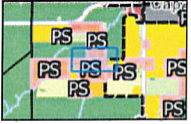


Sarpy County, Nebraska | Esri, Inc. | City of Naperville, Illinois | Esri, Inc. | Sarpy County, Nebraska | Sarpy County, NE

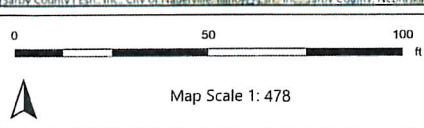
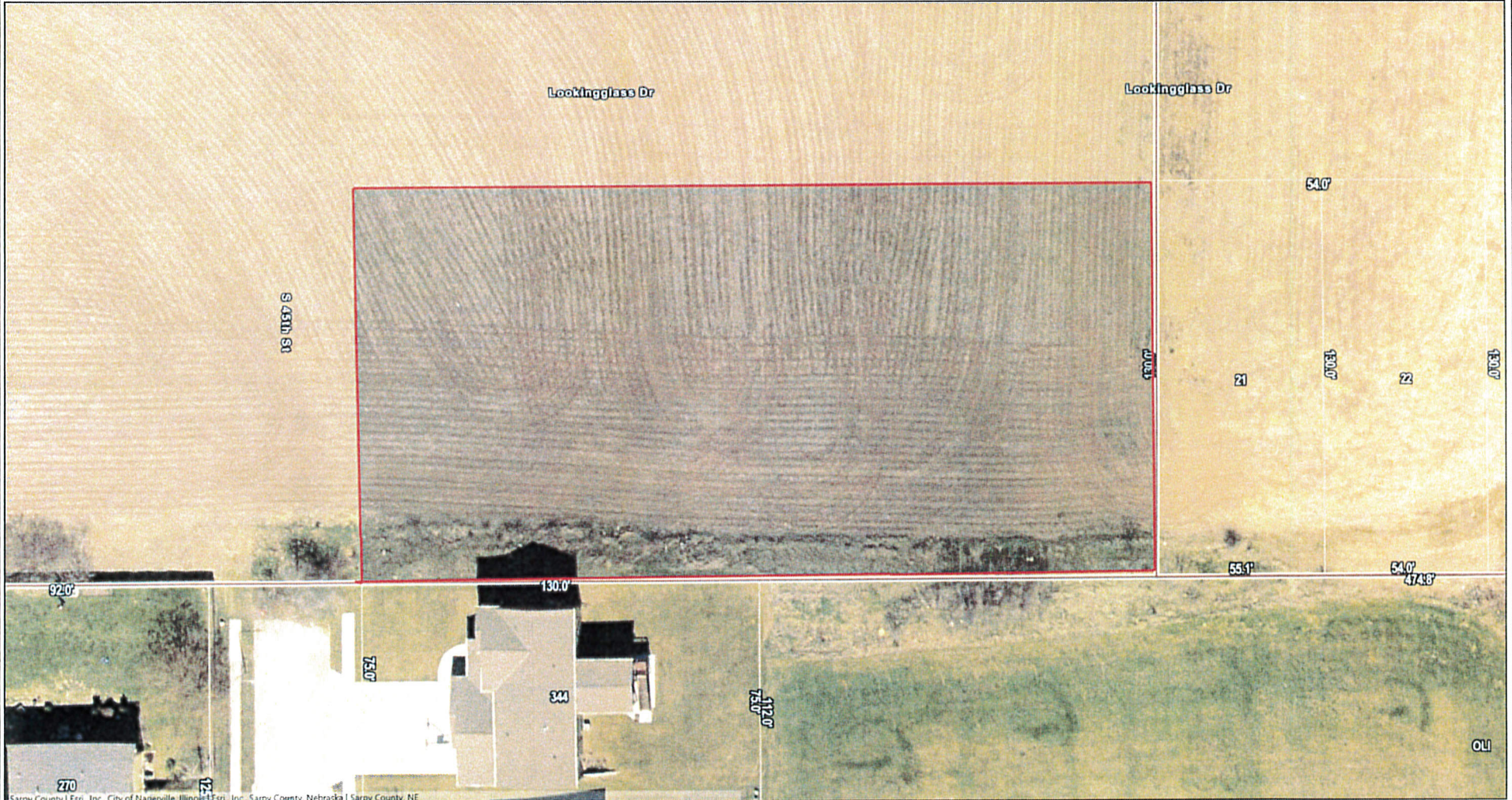


Map Scale 1: 3185

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



Notes



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



Notes

RECEIVED
NOV 06 2020
PLANNING DEPT.

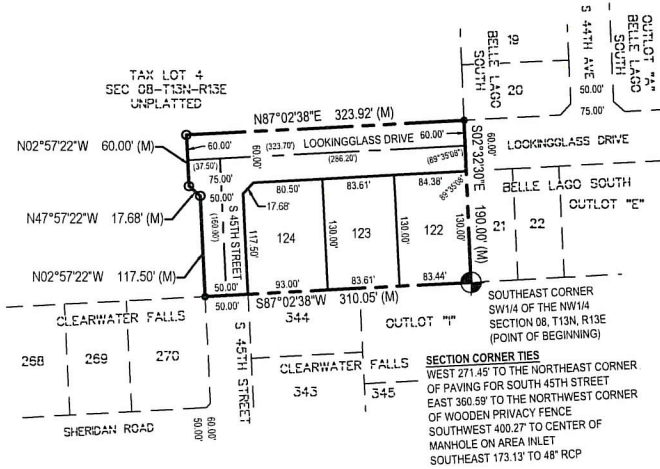
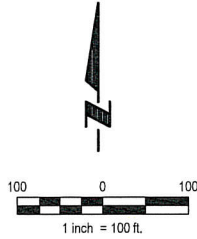
BELLE LAGO SOUTH

LOTS 122 THRU 124

A TRACT OF LAND LOCATED IN PART OF THE SW1/4 OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- ⊙ EXIST. SECTION CORNER
- EXIST. PROPERTY LINES
- (M) MEASURED DISTANCE
- 5/8" REBAR SET W/CAP LS-608
- MONUMENTS FOUND (5/8" REBAR W/CAP LS-608)



APPROVAL OF BELLEVUE CITY PLANNING COMMISSION

THIS PLAT OF BELLE LAGO SOUTH (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE BELLEVUE CITY PLANNING COMMISSION.

CHAIRMAN OF CITY PLANNING COMMISSION _____ DATE _____

NOTES:

- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF CENTERLINE.
- THE CHAMFERS FOR SIDEWALKS ON CORNER LOTS ARE SET AT TWELVE AND HALF FEET (12.5) RADII FROM THE INTERSECTION OF RIGHT-OF-WAY LINES. NO ANGLES SHOWN WHEN RIGHT-OF-WAY LINES HAVE 90° ANGLE.

LOT AREAS	
LOT NO.	SQ. FOOTAGE
122	10,908
123	10,869
124	12,012

RG-50-PS ZONING SETBACK TABLE (LOTS 122 THRU 124)	
FRONT YARD	25'
SIDE YARD	5'
STREET SIDE YARD	15'
REAR YARD	20'

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER OF HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN. SAID SUBDIVISION TO BE HEREAFTER KNOWN AS BELLE LAGO SOUTH (LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT. WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT (OPPD), COX COMMUNICATIONS, AND CENTURYLINK ACROSS FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN (16) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION. THE SIXTEEN (16) FOOT WIDE EASEMENT MAY BE REDUCED TO EIGHT (8) FEET WIDE WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED. THE SUBDIVIDER SHALL GRANT PERPETUAL EASEMENTS TO METROPOLITAN UTILITIES DISTRICT AND/OR BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS TO ERRECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID OR RIGHTS HEREIN GRANTED.

HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY
 BY: HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER

DAVID VOGTMAN, ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY _____ DATE _____

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)

COUNTY OF _____)

ON THIS _____ DAY OF _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME DAVID VOGTMAN, ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY OF HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER OF HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND NOTARIAL SEAL, THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC _____

BELLEVUE CITY COUNCIL APPROVAL

THIS PLAT OF BELLE LAGO SOUTH (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF BELLEVUE ON THIS _____ DAY OF _____. APPROVAL OF THIS FINAL PLAT SHALL BECOME NULL AND VOID NINETY (90) DAYS FROM THE DATE OF CITY COUNCIL APPROVAL IF THIS FINAL PLAT IS NOT FILED WITH THE REGISTER OF DEEDS AS PROVIDED IN SECTION 4-10 OF THE CITY OF BELLEVUE SUBDIVISION REGULATIONS.

MAYOR _____

ATTEST _____

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED ON THE BOUNDARY OF THE PLAT AND STAKES AT ALL CORNERS OF ALL LOTS, STREETS AND ANGLE POINTS IN BELLE LAGO SOUTH (THE LOTS NUMBERED AS SHOWN), A TRACT OF LAND LOCATED IN PART OF THE SW1/4 OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4 OF THE NW1/4 OF SECTION 08, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 21, BELLE LAGO SOUTH, A SUBDIVISION LOCATED IN SAID NW1/4 OF SECTION 08, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF OUTLOT "I", CLEARWATER FALLS, A SUBDIVISION LOCATED IN THE SW1/4 OF SAID SECTION 08, THENCE S87°02'38"W (ASSUMED BEARING) ALONG THE SOUTHERLY LINE OF SAID SW1/4 OF THE NW1/4 OF SECTION 08, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID CLEARWATER FALLS, A DISTANCE OF 310.05 FEET TO THE NORTHEAST CORNER OF LOT 270, SAID CLEARWATER FALLS, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET, THENCE N02°57'22"W, A DISTANCE OF 117.50 FEET, THENCE N47°52'22"W, A DISTANCE OF 17.68 FEET, THENCE N02°57'22"W, A DISTANCE OF 60.00 FEET, THENCE N87°02'38"E ALONG A LINE 190.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTHERLY LINE OF THE SW1/4 OF THE NW1/4 OF SECTION 08, A DISTANCE OF 323.92 FEET TO THE SOUTHWEST CORNER OF LOT 20, SAID BELLE LAGO SOUTH, SAID POINT ALSO BEING ON THE EASTERLY LINE OF SAID SW1/4 OF THE NW1/4 OF SECTION 08; THENCE S02°32'30"E ALONG SAID EASTERLY LINE OF THE SW1/4 OF THE NW1/4 OF SECTION 08, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID BELLE LAGO SOUTH, A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 59,868 SQUARE FEET OR 1.374 ACRES, MORE OR LESS.

ERIC A. SCHABEN LS-808 _____

DATE _____

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

COUNTY TREASURER _____

DATE _____

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF BELLE LAGO SOUTH WAS REVIEWED BY THE THE SARPY COUNTY SURVEYOR'S OFFICE THIS _____ DAY OF _____, 20____.

COUNTY SURVEYOR / ENGINEER _____

Proj No:	P2018.000.001
Date:	10/14/2020
Designed By:	JRS
Drawn By:	RP
Scale:	1" = 100'
Sheet:	1 of 1

Revisions	
Date	Description
11/06/20	REVISED PER COUNTY COMMENTS

FINAL PLAT

BELLE LAGO SOUTH
 LOTS 122 THRU 124
 BELLEVUE, NEBRASKA



E & A CONSULTING GROUP, INC.
 Engineering • Planning • Environmental & Field Services

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
 Phone: 402.895.4700 • Fax: 402.895.3599
 www.eacg.com

FIRST AMENDMENT TO SUBDIVISION AGREEMENT
OF BELLE LAGO SOUTH

This First Amendment to Subdivision Agreement (“Amendment”) is made this ____ day of _____, 2020 (“Effective Date”), by and among HRC Belle Lago, LLC, a Nebraska limited liability company (“Developer”), Sanitary and Improvement District No. 325 of Sarpy County, Nebraska, a Nebraska political subdivision (“District”), and The City of Bellevue, a municipal corporation of the first class (“City”).

WITNESSETH:

WHEREAS, the Parties hereto entered into a Subdivision Agreement (“Agreement”) on the 15th day of May, 2019,

WHEREAS, the District and Developer desire to extend Lookingglass Drive to the west to S 45th Street to create an additional connection to Clearwater Falls to the south as required by the original agreement to develop Belle Lago South; and the District and Developer desire to plat Lots 122 thru 124 along the south side of Lookingglass Drive; and the area to be platted shall be annexed by SID 325; and the District and Developer shall construct, install and locate certain public improvements within the development area; and

WHEREAS, the development area is outside the incorporated limits of City but within the City’s zoning and platting jurisdiction thereby necessitating City’s review and approval of the desired improvements.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Agreement shall be amended by adding to the following exhibits, to-wit:

- Exhibit “A-1”, Final Plat, Belle Lago South Lots 122 thru 124 Inclusive
- Exhibit “B” Paving Exhibit
- Exhibit “B-1”, Sanitary Sewer Exhibit

All other terms and conditions of the Agreement shall remain in full force and effect.

CITY OF BELLEVUE

Date: _____

By: _____
Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

By: _____
Attorney for City of Bellevue

SANITARY AND IMPROVEMENT DISTRICT NO.
325 OF SARPY COUNTY, NEBRASKA

Date: _____

By: _____
Chairman

ATTEST:

APPROVED AS TO FORM:

Clerk Attorney for SID #325

By: _____

HRC BELLE LAGO, LLC
By: HRC DEVELOPMENT, LLC, Its sole Member

Date: _____

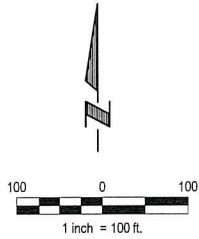
By: _____
Dave Vogtman, A.V.P AND Ass't Secretary.

APPROVED AS TO FORM

By: _____
Attorney for Developer

LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EXIST. SECTION CORNER
- EXIST. PROPERTY LINES
- MEASURED DISTANCE
- 5/8" REBAR SET W/CAP LS-608
- MONUMENTS FOUND (5/8" REBAR W/CAP LS-608)



BELLE LAGO SOUTH

LOTS 122 THRU 124

A TRACT OF LAND LOCATED IN PART OF THE SW1/4 OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER OF HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AS SHOWN, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT (OPPD), COX COMMUNICATIONS, AND CENTURYLINK ACROSS FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN (16) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION, THE SIXTEEN (16) FOOT WIDE EASEMENT MAY BE REDUCED TO EIGHT (8) FEET WIDE WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED. THE SUBDIVIDER SHALL GRANT PERPETUAL EASEMENTS TO METROPOLITAN UTILITIES DISTRICT AND/OR BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN SAID EASEMENT YARDS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID OR RIGHTS HEREIN GRANTED.

HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY
BY: HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER

DAVID VOGTMAN, ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY DATE

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____)

ON THIS _____ DAY OF _____ BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME DAVID VOGTMAN, ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY OF HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER OF HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC _____

BELLEVUE CITY COUNCIL APPROVAL

THIS PLAT OF BELLE LAGO SOUTH (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF BELLEVUE ON THIS _____ DAY OF _____, APPROVAL OF THIS FINAL PLAT SHALL BECOME NULL AND VOID NINETY (90) DAYS FROM THE DATE OF CITY COUNCIL APPROVAL IF THIS FINAL PLAT IS NOT FILED WITH THE REGISTER OF DEEDS AS PROVIDED IN SECTION 4-10 OF THE CITY OF BELLEVUE SUBDIVISION REGULATIONS.

MAYOR _____

ATTEST _____

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED ON THE BOUNDARY OF THE PLAT AND STAKES AT ALL CORNERS OF ALL LOTS, STREETS AND ANGLE POINTS IN BELLE LAGO SOUTH (THE LOTS NUMBERED AS SHOWN). A TRACT OF LAND LOCATED IN PART OF THE SW1/4 OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SW1/4 OF THE NW1/4 OF SECTION 08, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 21, BELLE LAGO SOUTH, A SUBDIVISION LOCATED IN SAID NW1/4 OF SECTION 08, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF OUTLOT "I", CLEARWATER FALLS, A SUBDIVISION LOCATED IN THE SW1/4 OF SAID SECTION 08; THENCE S87°02'38"W (ASSUMED BEARING) ALONG THE SOUTHERLY LINE OF SAID SW1/4 OF THE NW1/4 OF SECTION 08, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID CLEARWATER FALLS, A DISTANCE OF 310.05 FEET TO THE NORTHEAST CORNER OF LOT 270, SAID CLEARWATER FALLS, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID 45TH STREET; THENCE N02°57'22"W, A DISTANCE OF 117.50 FEET; THENCE N47°57'22"W, A DISTANCE OF 17.68 FEET; THENCE N02°57'22"W, A DISTANCE OF 60.00 FEET; THENCE N87°02'38"E ALONG A LINE 190.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTHERLY LINE OF THE SW1/4 OF THE NW1/4 OF SECTION 08, A DISTANCE OF 323.92 FEET TO THE SOUTHWEST CORNER OF LOT 20, SAID BELLE LAGO SOUTH, SAID POINT ALSO BEING ON THE EASTERLY LINE OF SAID SW1/4 OF THE NW1/4 OF SECTION 08; THENCE S02°32'30"E ALONG SAID EASTERLY LINE OF THE SW1/4 OF THE NW1/4 OF SECTION 08, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID BELLE LAGO SOUTH, A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 59,868 SQUARE FEET OR 1.374 ACRES, MORE OR LESS.

ERIC A. SCHABEN LS-608 DATE

COUNTY TREASURER'S CERTIFICATE

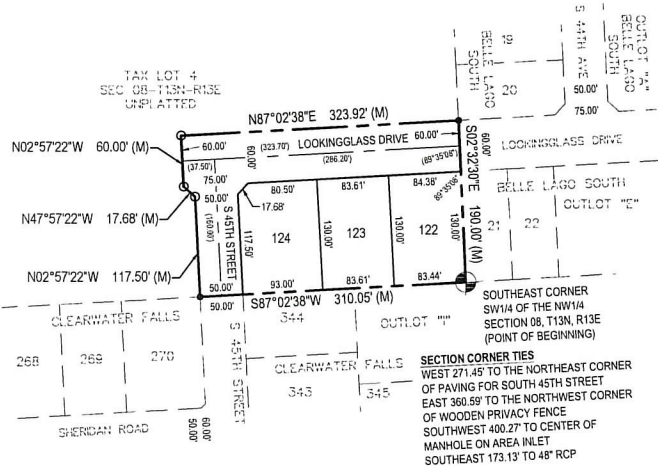
THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

COUNTY TREASURER DATE

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF BELLE LAGO SOUTH WAS REVIEWED BY THE THE SARPY COUNTY SURVEYOR'S OFFICE THIS _____ DAY OF _____, 20____.

COUNTY SURVEYOR / ENGINEER _____



APPROVAL OF BELLEVUE CITY PLANNING COMMISSION

THIS PLAT OF BELLE LAGO SOUTH (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE BELLEVUE CITY PLANNING COMMISSION.

CHAIRMAN OF CITY PLANNING COMMISSION DATE

LOT AREAS	
LOT NO.	SQ. FOOTAGE
122	10,968
123	10,869
124	12,012

RG-50-PS ZONING SETBACK TABLE (LOTS 122 THRU 124)	
FRONT YARD	25'
SIDE YARD	5'
STREET SIDE YARD	15'
REAR YARD	20'

- NOTES:**
- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF CENTERLINE.
 - THE CHAMFERS FOR SIDEWALKS ON CORNER LOTS ARE SET AT TWELVE AND HALF FEET (12.5) RADII FROM THE INTERSECTION OF RIGHT-OF-WAY LINES. NO ANGLES SHOWN WHEN RIGHT-OF-WAY LINES HAVE 90° ANGLE.

Revisions	
Date	Description
11/06/20	REVISED PER COUNTY COMMENTS

EXHIBIT "A"
FINAL PLAT

BELLE LAGO SOUTH
LOTS 122 THRU 124
BELLEVUE, NEBRASKA



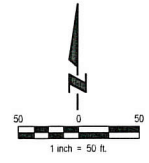
E & A CONSULTING GROUP, INC.
Engineering Answers

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
www.eacg.com



LEGEND
 ——— PROP. SANITARY SEWER
 - - - - - EXIST. SANITARY SEWER



File No. P2018.056.001 Date 7/16/2018 Drawn By JCF Drawn By AEB Scale AS SHOWN Sheet 1 of 1	Revisions <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">A</td> <td style="width: 15%;">Date</td> <td style="width: 75%;">Description</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	A	Date	Description				Exhibit "B-1" Sanitary Sewer Exhibit	BELLE LAGO SOUTH LOTS 122 THRU 124 INCLUSIVE S10 S13 BELLEVUE, WISCONSIN	 E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services	18750 Maple Road, Suite 100 • Omaha, NE 68154 Phone: 402.395.8700 • Fax: 402.395.3759 www.eag.com
A	Date	Description									

3.a.

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT #1

CASE NUMBER: CUP-2009-03

FOR HEARING OF:
REPORT #1: November 19, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Edward A Gilbert Jr.
2620 Greenfield Street #100
Bellevue, NE 68147

B. PROPERTY OWNER:

Michael and Karen Biben
3207 Birchwood Drive
Bellevue, NE 68123

C. LOCATION:

2620 Greenfield Street #100

LEGAL DESCRIPTION:

Lot 1 Biben Subdivision, located in the Southeast $\frac{1}{4}$ of Section 16, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

D. REQUESTED ACTIONS:

Conditional Use Permit for Lot 1, Biben Subdivision

E. EXISTING ZONING AND LAND USE:

BG, Commercial/Flex building

F. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a conditional use permit to allow for automobile sales.

H. SIZE OF SITE:

The site is approximately 0.96 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed with a brick building with a service repair shop, concrete parking lot, a fenced in parking area, three drive in bays and office space.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Commercial, BG
- 2. **East:** Omaha Cellular Base Station, BG
- 3. **South:** Single Family Residential (across Greenfield St), RS-72
- 4. **West:** Vacant, RS-72

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

- 1. Section 5.22, Zoning Ordinance, regarding BG uses and requirements.
- 2. Article 6, Zoning Ordinance, regarding Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as commercial.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.
2. Access is from South 26th Street.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. Edward Gilbert Jr., has submitted a request for a conditional use permit for Lot 1, Biben Subdivision, for the purpose of automobile sales.
2. The property is presently developed with a brick building with a service repair shop, concrete parking lot, a fenced in parking area, three drive in bays and office space. Mr. Gilbert states he would like to have no more than 10 vehicles on the property for sale in addition to his current business.
3. The applicant has submitted a site plan showing his proposed parking for sales.

The applicant has indicated the vehicles to be sold will be purchased at auction, repaired by his shop, then placed on the lot for sale.

In addition to himself, Mr. Gilbert has plans to employ two additional mechanics for the business.

4. The property presently has 11 stalls recently striped for Mr. Gilbert's business. The Zoning Ordinance requires 7 stalls for the current use. In order to have 10 stalls available for auto sales, Mr. Biben will need 17 spaces total. The current parking lot has the available stalls; however needs to be re-striped. Mr. Gilbert indicated this would be done prior to any City Council approval.
5. This application was sent out to the following departments for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Public Works, Sarpy County Engineer, Sarpy County Deputy Administrator, 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.

No other comments were received on this case.

6. 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.
- 6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

The Planning Department believes this application meets the criteria for approval of the Conditional Use Permit.

F. TECHNICAL DEFICIENCIES:

- 1. Stripe an additional 6 stalls in the current parking area.

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon compliance with the requirements of the zoning ordinance and lack of perceived negative impact to the surrounding area; contingent upon satisfaction of the technical deficiency.

V. PLANNING COMMISSION RECOMMENDATION

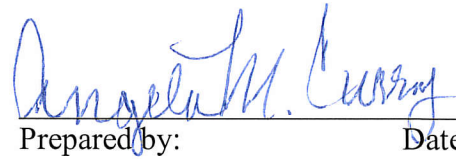
Under Review


VI. ATTACHMENTS TO REPORT

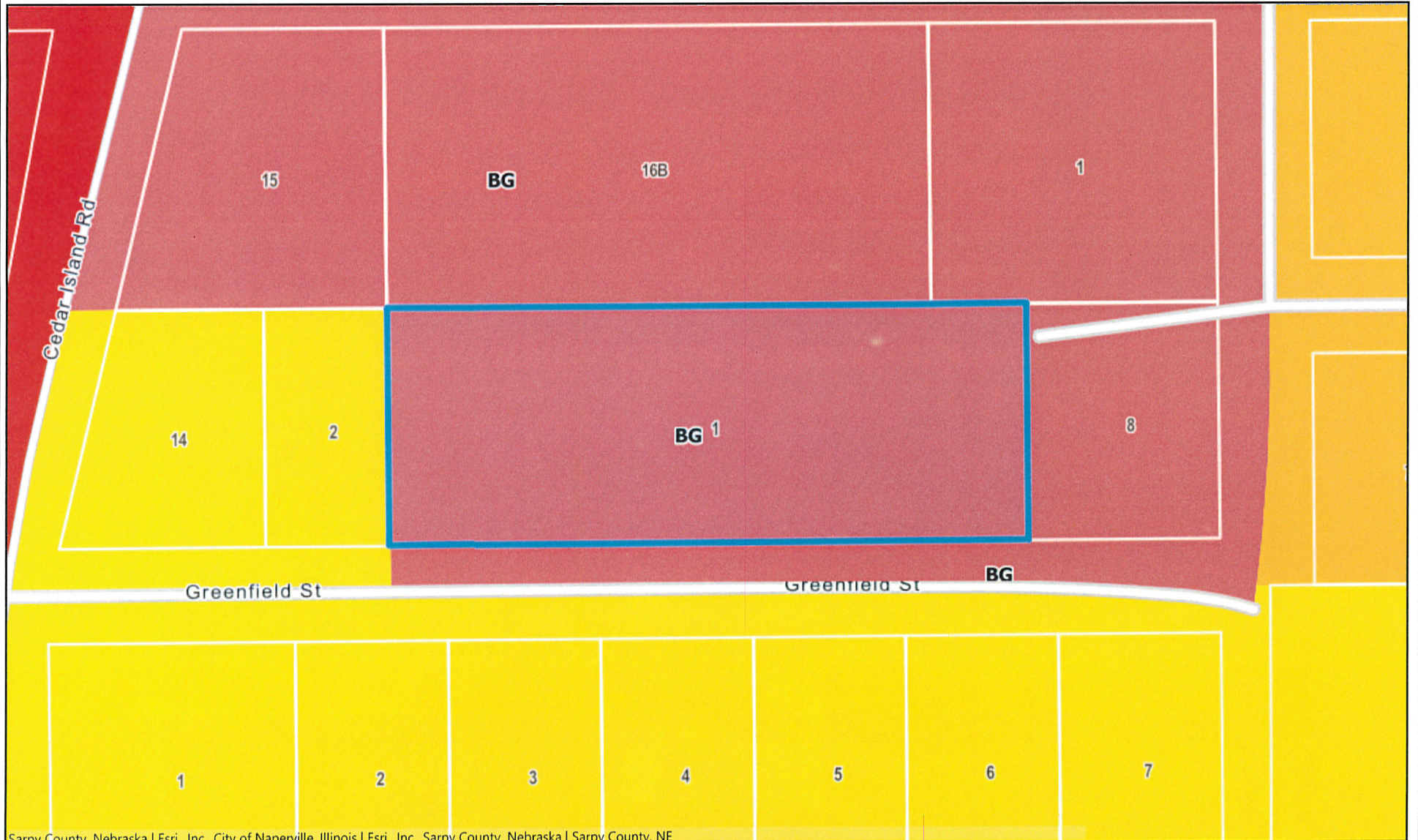
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Explanation of the request from Edward Gilbert received September 24, 2020
4. Site plan received September 24, 2020
5. Conditional Use Permit Agreement

VII. COPIES OF REPORT TO:

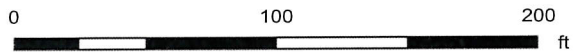
1. Edward A. Gilbert Jr.
2. David L. Nich Jr.
3. Michael Biben
4. Public Upon Request

 11/12/20
Prepared by: _____ Date

 11/12/20
Planning Manager _____ Date of Report



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



Map Scale 1: 1128

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

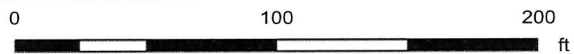


Notes





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



Map Scale 1: 1128

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



Notes



EXPLANATION OF REQUEST

I own a Auto Repair shop called G.A.S. Auto. I have prided myself for over 15 years at providing auto repair. I had a shop in Bellevue a few years back but due to the flood, we moved to Omaha. Fortunately, I found another shop in Bellevue.

I have attached a diagram of my new location and my proposed sale space. The building I am located at has approximately 18,450 SF of which I am renting 1/3 of the lot.

I have space in front and to the west of my building where I would like to Sell used cars. Basically, these cars will be purchased at the auction, repaired by my shop, and placed out for sale.

I will be submitting my application to the Nebraska Dealers Board as well. I am insured and would have no problem getting bonded or anything else.

Thank you.

Edward A. Gilbert Jr.

RECEIVED
SEP 24 2020
PLANNING DEPT.

Further Explanation for Application of Conditional Use Permit.

To the Board:

In regard to my business plan, I intend to have approximately 4 to 8 cars for sale. I do not intend to have this as my main business but for the occasional opportunity.

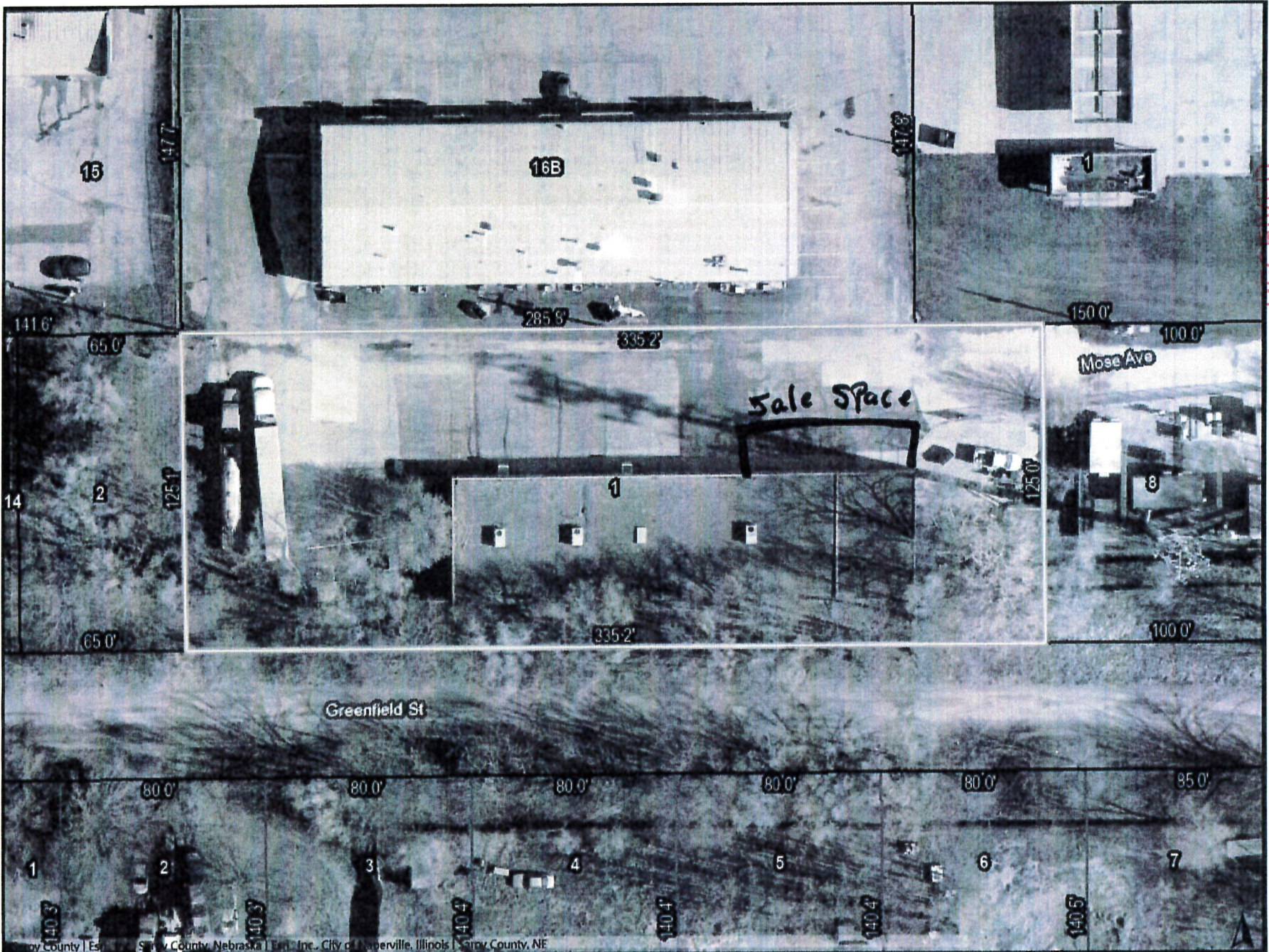
I fully intend to apply for my Car Dealers License, and to operate under the guidelines and rules as set forth by the Board.

I am the Mechanic for the business, and with a little luck I may be able to hire 2 more mechanics because the property has space for up to 3 mechanics.

Thank you for the opportunity.

Edward Gilbert

RECEIVED
SEP 24 2020
PLANNING DEPT.



RECEIVED

SEP 24 2020

PLANNING DEPT.

Record & Return To:
City of Bellevue Planning Department
1510 Wall Street
Bellevue, NE 68005

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 1, BIBEN SUBDIVISION,
LOCATED IN THE SOUTHEAST ¼ OF SECTION 16, T14N, R13E OF THE 6TH P.M., SARPY
COUNTY, NEBRASKA

Conditional Use Permit for EDWARD GILBERT JR.

This Conditional Use Permit issued this _____ day of January, 2020 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Edward Gilbert Jr., (“Applicant”), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Michael and Karen Biben, are the legal owners of Lot 1, Biben Subdivision, located in the Southeast ¼ of Section 16, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately .96 acres, more or less (“Property”). Applicant desires to use the Property for the purpose of an automobile dealership; and

WHEREAS, Applicant has applied for a conditional use permit for the purpose of using the Property as described above; and

WHEREAS, the Mayor and City Council of the City of Bellevue are agreeable to the issuance of a conditional use permit to the Applicant for such purpose, subject to certain conditions and agreements as hereinafter provided (the “Permit”).

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Applicant to use the Property for the purpose described above, said use hereinafter being referred to interchangeably as a “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Use:
 - a. A site plan showing the Property’s boundaries, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit “A.”

- b. The Property shall be developed and maintained in accordance with the site plan (Exhibit “A”) and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.
 - c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant’s Use of the Property.
3. The Applicant’s right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:
- a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and opportunity to cure in the time and manner described below.
 - b. The Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void.
 - c. The Use shall be in compliance with all State of Nebraska regulations regarding the sale of automobiles. A copy of required license shall be provided to the Planning Department.
 - d. Applicant may maintain a service repair garage and automobile dealership on the Property.
 - e. Approved hours of operation shall be 8:00 a.m. – 5:00 p.m. Monday through Friday, and 10:00 p.m. – 1:00 p.m. on Saturday.
 - f. No more than ten automobiles shall be for sale on the property at any one time.
 - g. The parking lot shall be striped prior any automobile sales on the property.
 - h. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant’s expense within twelve (12) months of cessation of the Use of the Property.
 - i. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
 - j. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant’s expense.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Applicant’s abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.
 - c. Applicant’s breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to

promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the same to be removed at Applicant's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall reimburse the City the costs incurred to remove the same. Applicant hereby irrevocably grants the City, its agents and employees, the rights, provided notice is furnished to the Applicant along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards, nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

6. If any provisions, or any portion thereof, contained in this Permit are held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

7. The conditions and terms of this Permit shall be binding upon Applicant, its successors and assigns.

a. Delay of City to terminate this Permit on account of breach of Applicant of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

b. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Applicant shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Applicant of any breach of this Permit. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section b and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

c. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.

d. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

Edward Gilbert Jr
2620 Greenfield Street, #100
Bellevue, NE 68147

e. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

The City of Bellevue

By: _____
Rusty Hike, Mayor

ATTEST:

Susan Kluthe, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

The undersigned, a notary public qualified in and for said county, does hereby certify that Rusty Hike and Susan Kluthe, whose names as Mayor and City Clerk respectively, of the City of Bellevue, Nebraska, a municipal corporation, are signed to the foregoing instrument and who are each known to me and known to be such officers, acknowledged before me on this day and they, in their respective capacities as Mayor and Deputy City Clerk, executed and delivered said instrument as their voluntary act and deed and voluntary act and deed of such corporation.

Witness my hand and notarial seal this ____ day of _____, 2020.

Notary Public

Edward Gilbert Jr.

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Edward Gilbert Jr signed the foregoing instrument, acknowledged before me on this day and he executed and delivered said instrument as his voluntary act and deed.

Witness my hand and notarial seal this ____ day of _____, 2020.

Notary Public

Michael Biben

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Michael Biben signed the foregoing instrument, acknowledged before me on this day and he executed and delivered said instrument as his voluntary act and deed.

Witness my hand and notarial seal this ____ day of _____, 2020.

Notary Public

Karen Biben

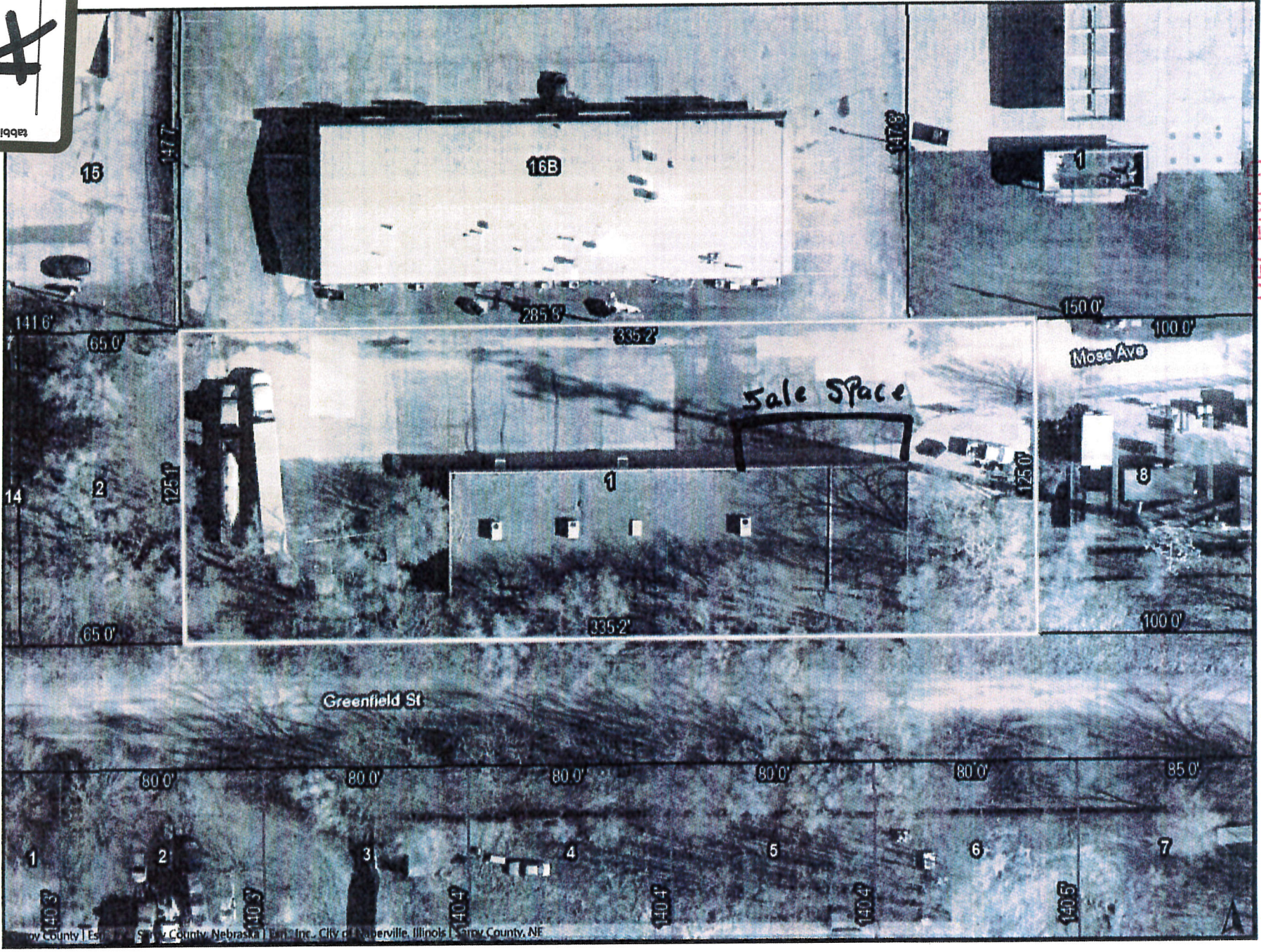
STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Karen Biben signed the foregoing instrument, acknowledged before me on this day and he executed and delivered said instrument as his voluntary act and deed.

Witness my hand and notarial seal this ____ day of _____, 2020.

Notary Public

EXHIBIT
A
tabbles



RECEIVED

SEP 24 2020

PLANNING DEPT.

3.b.

CITY OF BELLEVUE
PLANNING DEPARTMENT

RECOMMENDATION REPORT #1

CASE NUMBER: Z-2009-14

FOR HEARING OF:

REPORT #1:

November 19, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Amigo's Market LLC
Pastor Rivera
3810 Groves Road
Bellevue, NE 68147

B. PROPERTY OWNER:

Amigo's Market LLC
3810 Groves Road
Bellevue, NE 68147

C. LOCATION:

West Chandler Road and South 28th Street

D. LEGAL DESCRIPTION:

Lot 1, Walbeck Addition, located in the Northeast ¼ of Section 16, T14N, R13E of the 6th P.M. Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

Rezone Lot 1, Walbeck Addition, from RG-20 to BN for the purpose of a commercial development.

F. EXISTING ZONING AND LAND USE:

RG-20, General Residential, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to rezone the property to allow for the construction of a convenience store without fuel sales.

H. SIZE OF SITE:

The site is approximately 0.64 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

This site is currently vacant.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. North:** Single-family residential/RS-72
- 2. East:** Single-family residential (across S 28th St)/RS-72
- 3. South:** Single-family residential (across Chandler Rd)/RS-72
- 4. West:** Single-family residential/RG-20

C. RELEVANT CASE HISTORY:

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

D. APPLICABLE ZONING REGULATIONS:

- 1. Section 5.20, Zoning Ordinance, regarding BN uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this property as multi-family residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data available for this location.
2. The property has access from South 28th Street as well as West Chandler Road.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. Pastor Rivera, for Amigo's Market LLC, has submitted a request to rezone Lot 1, Walbeck Addition, from RG-20 to BN.
2. A thirteen (13) unit apartment building was previously located on this property. The Bellevue City Council determined, under Section 8-50 of the Bellevue City code, the building was a public nuisance and unsafe for human occupancy because of unsafe, unsanitary, and dangerous conditions. On April 14, 2014, Resolution No. 2014-10 was adopted, and the owner was ordered to demolish the structure, but he failed to complete the demolition. Subsequently the city pulled a permit for demolition August 2014 and completed the demolition October 2014. The property has since remained vacant.
3. The intent of the BN district is to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity.
4. Although site plan approval is not required with this request, the applicant has provided a conceptual site plan. The convenience store proposal consists of a 2,400 square foot building, with room for future expansion. Fuel sales are not allowed in the requested BN zoning district.
5. Per Section 8.11, Zoning Ordinance, the convenience store will need to meet the city's design standards. The applicant will also be required to meet the city's parking and landscaping requirements.

Under the requested zoning designation, all approvals would be done through the building permit process.

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.

No comments were received on this case.

9. The Future Land Use Map of the Comprehensive Plan shows this property as multi-family residential, based on its current zoning and past use. If the Planning Commission desires to recommend approval of this rezoning request, staff recommends the approval also include a motion to amend the Future Land Use Map of the Comprehensive Plan as well.

10. The West Chandler Road corridor in this area is presently a mix of commercial, industrial, and residential uses. The BN zoning district is the city's most restrictive commercial zoning district, which allows for limited uses to serve the residents of the immediate neighborhood.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the zoning ordinance and lack of perceived negative impact to the surrounding area with an amendment to the Future Land Use Map of the Comprehensive Plan for this property.

V. PLANNING COMMISSION RECOMMENDATION

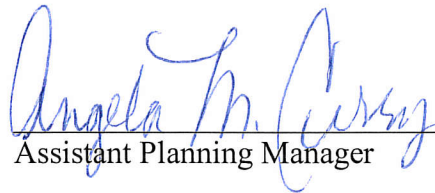
Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Site Plan received October 7, 2020
4. Zoning justification letter from applicant received October 15, 2020

VII. COPIES OF REPORT TO:

1. Pastor Rivera, Amigo's Market LLC
2. Dennis Duer, Professional Associates Ltd.
3. Public Upon Request

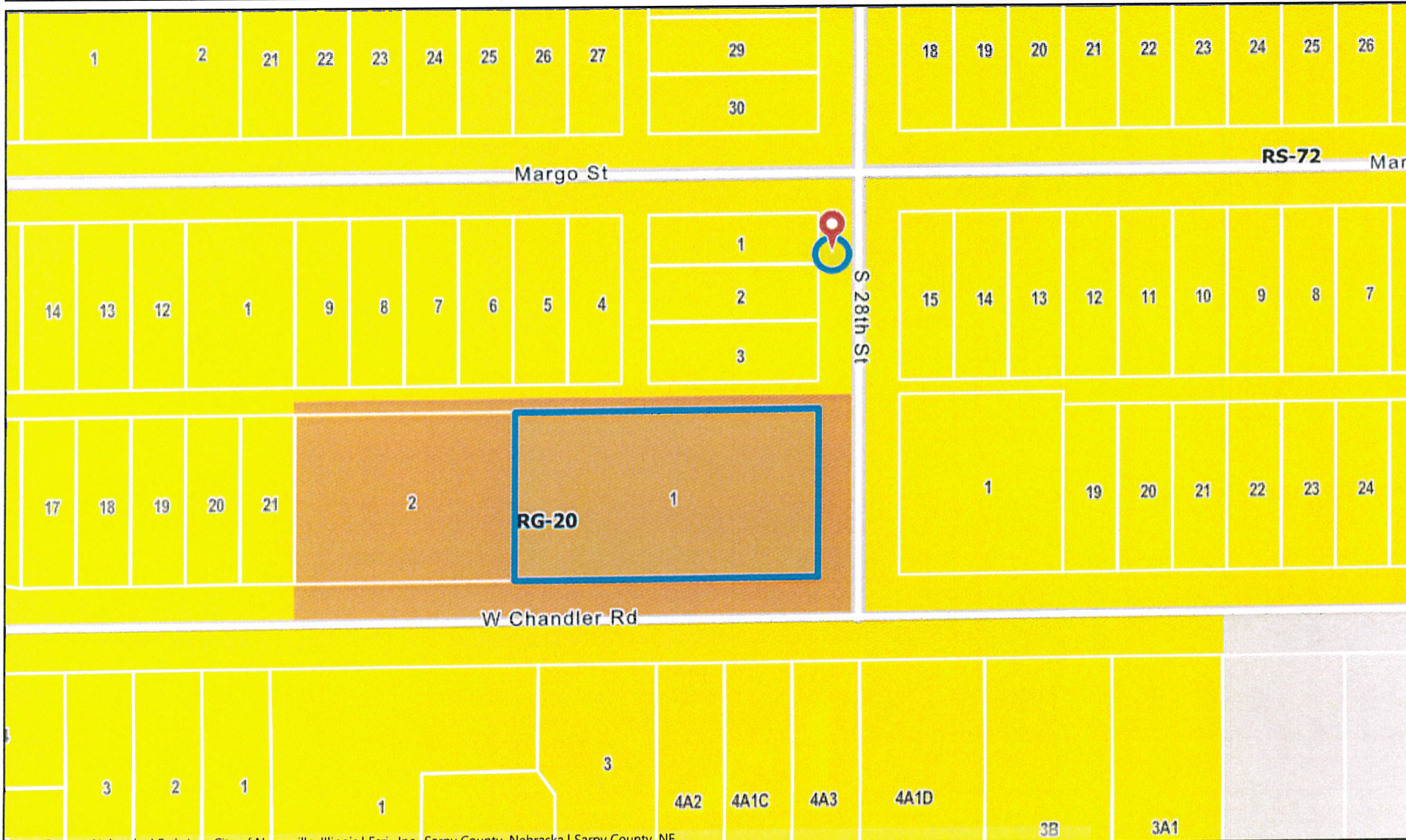
 11/12/20
Assistant Planning Manager Date

 11/12/20
Planning Manager Date

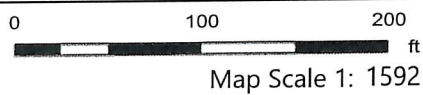


SARPY COUNTY
NEBRASKA

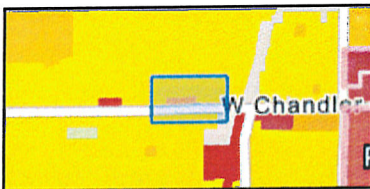
Lot 1 Walbeck Addition



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



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

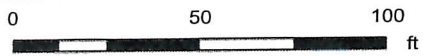


Notes



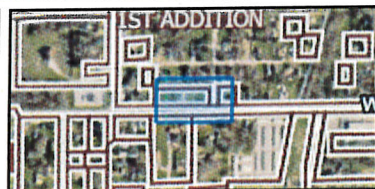


Sarpy County | Esri, Inc. | City of Naperville, Illinois | Esri, Inc. | Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 796

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



Notes



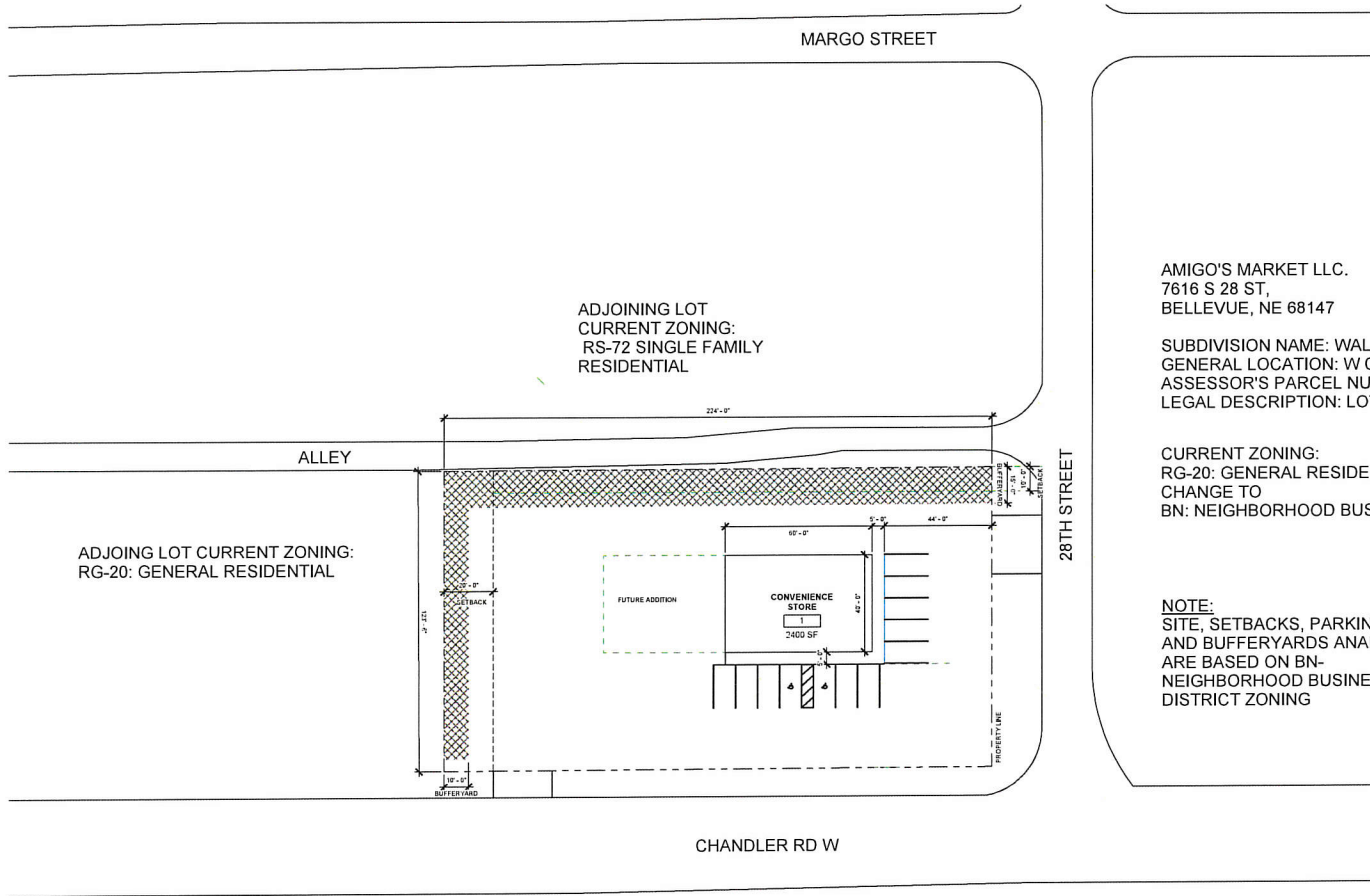


Professional Associates Ltd.

Architects Planners Interior Architects

REGISTERED PROFESSIONAL ARCHITECTS
REGISTERED PROFESSIONAL PLANNERS
REGISTERED INTERIOR ARCHITECTS
P.A. INC. 1982/1983

RECEIVED
OCT 07 2020
PLANNING DEPT.



AMIGO'S MARKET LLC.
7616 S 28 ST,
BELLEVUE, NE 68147

SUBDIVISION NAME: WALBECK ADDITION (10261)
GENERAL LOCATION: W CHANDLER RD & S. 28 ST.
ASSESSOR'S PARCEL NUMBER: 011136316
LEGAL DESCRIPTION: LOT 1 WALBECK ADDITION

CURRENT ZONING:
RG-20: GENERAL RESIDENTIAL
CHANGE TO
BN: NEIGHBORHOOD BUSINESS DISTRICT (BN)

NOTE:
SITE, SETBACKS, PARKING
AND BUFFERYARDS ANALYSIS
ARE BASED ON BN-
NEIGHBORHOOD BUSINESS
DISTRICT ZONING

COPYRIGHT:
Professional Associates Ltd. 2020

CONVENIENCE STORE
AMIGO'S MARKET
LLC

7616 S 28 ST
BELLEVUE, NE 68147

1 SITE ANALYSIS
A1.00 SCALE 1" = 20'-0"



10/5/2020
REZONING
DRAWING

A1.00

October 5, 2020

City of Bellevue
Planning Department
1510 Wall Street
Bellevue, NE 68005

RECEIVED
OCT 15 2020
PLANNING DEPT.

Dear Sir or Madam:

Re: Justification for Zoning Change
at
7616 South 28th St.
Bellevue, NE 68147

We would like to change the zoning on the above property from RG-20 to BN-Neighborhood Business Development.

We wish to construct and operate a Convenience Store at this site. The following are details of operation:

1. The hours of operation for the store would be Tuesday to Saturday from 6:00 a.m. to 9:00 p.m. Sundays would be 7:00 a.m. to 4:00 p.m. and closed on Mondays. Days and hours of operation may change based upon customer demand.
2. Primary sells would consist of grocery's, vegetables, dairy products, dry goods, canned goods, beverages, deli meat, hot food to go, etc.
3. It is anticipated that there will be six to eight employees.
4. The anticipated customers are expected to be residents living around the area.
5. No gasoline sales are intended.

We wish to cooperate with the City of Bellevue and its Planning Department to provide a store which is good for the community.

Sincerely,



Pastor Rivera
Amigo's Market, LLC
3810 Groves Road
Bellevue, NE 68147
402-708-1107
Kenworth02@hotmail.com

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2010-15

FOR HEARING OF:

REPORT #1: November 19, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Wolf Creek Apartments II, LLC
Scott Brown
1925 North 120th Street
Omaha, NE 68154

B. PROPERTY OWNER:

Hogan Wolf Creek South, LLC
c/o: Jim Buser
10250 Regency Circle, Suite 300
Omaha, NE 68114

C. GENERAL LOCATION:

10904 South 15th Street

D. LEGAL DESCRIPTION:

Lot 2, Wolf Creek Replat 4, located in the Southeast ¼ of Section 27, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lot 2, Wolf Creek Replat 4, from BGH to RG-8-PS with site plan approval.

F. EXISTING ZONING AND LAND USE:

BGH, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning and site plan for the construction of a 110 unit multi-family residential development.

H. SIZE OF SITE:

The site is approximately 3.95 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant and covered in vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Vacant/Commercial, BGH
2. **East:** Vacant/MH
3. **South:** Vacant/MH
4. **West:** Highway 75 right-of-way

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

1. Section 5.15, Zoning Ordinance, regarding RG-8 uses and requirements.
2. Section 5.17, Zoning Ordinance, regarding Planned Subdivision District.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan shows this area as commercial.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data available for this location.
2. The property has access from one point along South 15th Street.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Scott Brown, on behalf of Wolf Creek Apartments II, LLC has submitted a request for a rezoning for Lot 2, Wolf Creek Replat 4, from BGH to RG-8-PS for the purpose of a multi-family residential development.
2. In conjunction with the change of zone, the applicant is also requesting site plan approval for the apartment buildings.
3. The RG-8 zoning district is intended to permit very high-density development, multi-story apartment development and other uses that are typical and compatible in the operation of apartment houses.
4. The proposal consists of 110 units in one building. The building is a mix of studio, one-, two-, and three-bedroom units. Additionally, three detached garaged structures are proposed.
5. The site plan shows 188 surface parking stalls for the development, in addition to 32 garage spaces, for a total of 220 parking spaces. The ordinance requires a minimum of 220 parking stalls.
6. The applicant is proposing a clubhouse within the proposed building with a private fitness center, leasing office, and common area space for the residents. Additionally, the residents will have access to a fenced in dog park, as well as the convenience of the surrounding Wolf Creek commercial area.
7. The landscape plan has been reviewed by staff and meets the minimum requirements of the zoning ordinance.
8. The proposed buildings will need to meet the requirements of Section 8.11, Zoning Ordinance, in regard to design standards. Compliance for this will be reviewed at such time a building permit is submitted.
9. A traffic study was required by staff and submitted with this application. This study has been reviewed by the Public Works Department. Based on this study,

staff does not believe the proposed development will have a negative impact on the traffic conditions in the area.

10. This application was sent out to the following departments for review: Public Works, Streets Department, Permits and Inspections, Acting 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.

Matt Knight, Public Works Engineer, requested technical revisions to the site plan and preliminary grading and utility plans. These comments have since been satisfied by the applicant's engineer.

Chief Building Official Mike Christensen had a general comment pertaining to his concern for added traffic in the area.

No other comments were received on this case.

11. Based on its current zoning, the Future Land Use Map of the Comprehensive Plan shows this area as commercial. A recommendation of approval should also include a recommendation to update the Future Land Use Map for this area to multi family residential.

12. The applicant presently has an apartment development nearing the end of construction to the north of this site. This complex is named Latitude 41. The Latitude 41 property was also zoned commercial prior to the City Council rezoning it for the multi family residential use in 2018.

13. Based on the previous decision of the City Council to rezone commercial property to multi family residential in this area, as well as the existing conditions, staff believes this request is appropriate given the current uses in the area.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon compatibility with the surrounding neighborhood and lack of perceived negative impact.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Site plan received November 5, 2020
4. Landscape plan received November 5, 2020
5. Justification letter received October 16, 2020 from Scott Brown.

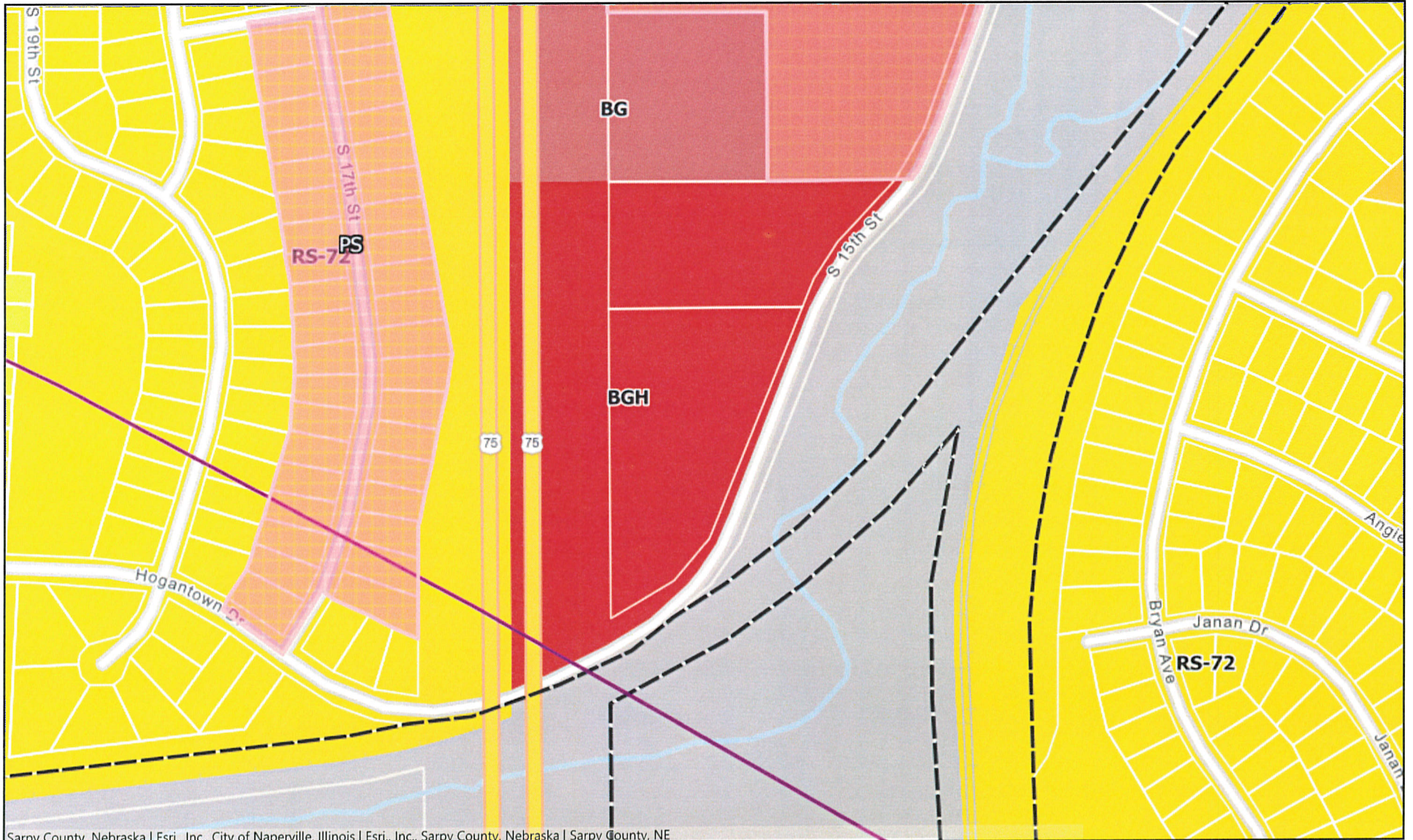
VII. COPIES OF REPORT TO:

1. Wolf Creek Apartments II, LLC
2. Hogan Wolf Creek South, LLC
3. Thompson, Dreessen & Dorner, Inc.
4. Public Upon Request

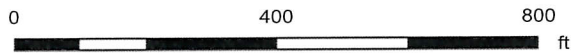

Assistant Planning Manager


Planning Manager

11/12/20
Date of Report

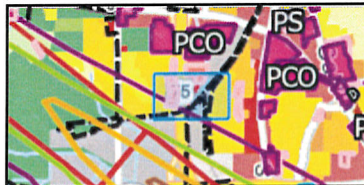


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



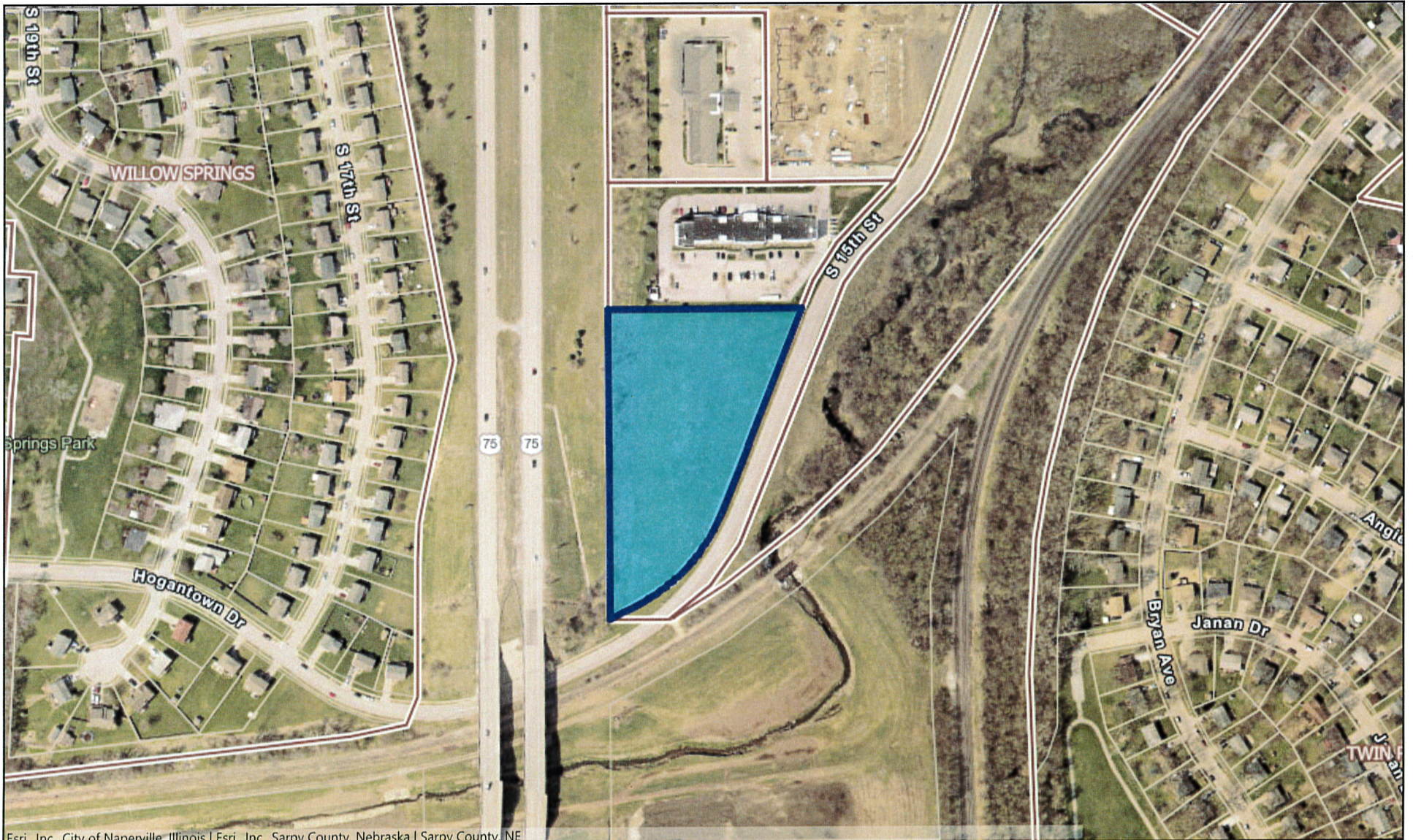
Map Scale 1: 4514

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

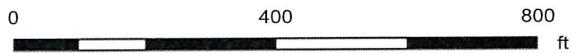


Notes





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



Map Scale 1: 4514

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



Notes



RECEIVED

OCT 16 2020



Ms. Tammi Palm
Bellevue Planning Director
1510 Wall Street
Bellevue, NE 68005

PLANNING DEPT.

RECEIVED

Re: Rezoning Request Lot 2, Wolf Creek Replat 4

PLANNING DEPT.

Dear Tammi:

This letter serves as a supplement to the application to rezone the approximate 3.95 +/- acre property legally described as Lot 2, Wolf Creek Replat 4, located in the Wolf Creek subdivision in Bellevue, Nebraska (the "Property") from its existing BGH zoning to RG-8-PS. The Property is currently surrounded by a hotel and apartment building to the north, railroad tracks to the east and south, and Kennedy Freeway to the west. The rezoning of the Property is necessary to accomplish several key benefits for the City of Bellevue.

The applicant is proposing to develop a single four (4) story multi-family building that will contain a clubhouse common area. The applicant is also the co-developer of Latitude 41, an apartment community located to the north of the Property that will be fully built by the end of this year.

1. Lack of Marketability for the Land

The Property has been in a finished developed condition for over 20 years and yet the owner has had very little interest from any commercial users for the land. In today's market, retail is currently struggling from the trend towards online purchasing and dealing with the negative effects of COVID 19. As far as an office use, companies are currently re-evaluating their office space needs finding out during this COVID 19 period that they were able to have normal operations with remote employees while their office was either vacant or operated with skeleton crews. Accordingly, we will be seeing more vacant office space on the market which will deter the office demand for new construction. Hotels on the Property are also not a viable use either as there are already two (2) hotels to the north that are struggling in this environment as corporate travel has halted and it will take some time before hotels recover to the levels they were before COVID 19. Consequently, this land is not marketable to any commercial users.

2. Multi-family housing needed in Mixed Use areas

The applicant has learned from Latitude 41 that there is a need for more multi-family units to serve the community, especially Bellevue University and Offutt Air Force Base. Shopping centers today are being developed with multi-family communities either near or part of the shopping center to support the retailers. These types of mixed used developments are commonplace in the Douglas and Sarpy county marketplaces. In our case, the Bellevue retailers located at 15th & Cornhusker would benefit from the proposed 110 multi-family units due to its close proximity to the multi-family dwellings and the residents

5. Assessed Valuation

The land is valued at \$773,383 and with the applicant's proposed Project, the land and building will have an assessed valuation to over \$6,000,000 which is more than 775% increase in the property valuation.

We are sincerely looking forward to working with the City of Bellevue on the development of the Property. We see this project as mutually beneficial for all parties involved and the current and future residents of the City of Bellevue. Should you or anyone else require or desire any additional information, please do not hesitate to contact me at your convenience.

Yours truly,



Scott Brown

C: Mr. Jim Buser
Mr. Terry Hogan

RECEIVED
OCT 16 2020
PLANNING DEPT.

PLANNING COMMISSION

Uniform Review Schedule – 2021

SUBMITTAL ^{1,2} DEADLINE FOR ALL APPLICATIONS	FINAL REVISIONS DEADLINE	PLANNING COMMISSION PUBLIC HEARING	SMALL ³ SUBDIVISION OR FINAL PLAT APPLICATIONS NOT REQUIRING ZONING ACTION	CITY COUNCIL ³ ZONING/PRELIM INARY PLAT APPLICATIONS
December 23, 2020	January 19, 2021	January 28, 2021	February 02, 2021	February 16, 2021
January 22, 2021	February 16, 2021	February 25, 2021	March 02, 2021	March 16, 2021
February 19, 2021	March 16, 2021	March 25, 2021	April 06, 2021	April 20, 2021
March 19, 2021	April 13, 2021	April 22, 2021	May 04, 2021	May 18, 2021
April 23, 2021	May 18, 2021	May 27, 2021	June 01, 2021	June 15, 2021
May 21, 2021	June 15, 2021	June 24, 2021	July 06, 2021	July 20, 2021
June 18, 2021	July 13, 2021	July 22, 2021	August 03, 2021	August 17, 2021
July 23, 2021	August 17, 2021	August 26, 2021	September 07, 2021	September 21, 2021
August 20, 2021	September 14, 2021	September 23, 2021	October 05, 2021	October 19, 2021
September 24, 2021	October 19, 2021	October 28, 2021	November 02, 2021	November 16, 2021
October 15, 2021	November 09, 2021	*November 18, 2021	December 07, 2021	December 21, 2021
November 12, 2021	December 07, 2021	*December 16, 2021	January 18, 2022	January 18, 2022
December 23, 2021	January 18, 2022	January 27, 2022	February 01, 2022	February 15, 2022

Approved by the Bellevue Planning Commission

Chairman

Date

*Please note meeting dates reflect the third Thursday of the month.

¹ A preapplication meeting with the Planning Department Staff is required PRIOR to the submission of an application for a preliminary plat.

² Preliminary plats shall be scheduled on the Planning Commission agenda upon submittal of revised plans in accordance to Section 3-6 (3) of the Subdivision Regulations

³ Dates shown for City Council hearings are shown as a guide for planning purposes only. The City Council will not meet on January 4, 2022 due to the New Years Holiday.