

## **BELLEVUE PLANNING COMMISSION**

Thursday, December 17, 2020 7:00 PM

Bellevue City Hall

1500 Wall Street

Bellevue, NE 68005

### **1. CALL TO ORDER:**

a. Roll Call

b. The Open Meetings Act location

c. Approve Minutes of November 19, 2020 Regular Meeting

d. Accept into the record all staff reports, attachments, memos, and handouts regarding each application as well as the update by Ms. Palm.

### **2. CONSENT AGENDA/PUBLIC HEARINGS:**

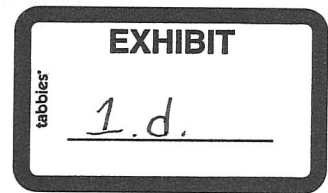
#### **3. PUBLIC HEARINGS:**

a. Request to rezone Lot 2, Bellevue Business Park Replat VI, from AG to FX for the purpose of flex development. Applicant: Dennis Schworer, LLC. General location: 10th Street and Alberta Avenue. Case #: Z-2010-16.

b. Request to rezone Lots 1 through 263, and Outlots A through D, Alta Collina, being a platting of the South ½ of the Northeast ¼ of Section 7, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to RS-72 and RD-60 for the purpose of single family residential development; and preliminary plat Lots 1 through 263, and Outlots A through D, Alta Collina. Applicant: Orchard Valley Inc. Location: S 48th Street south of Capehart Road. Case #'s: Z-2009-12 and S-2009-20

### **4. CURRENT BUSINESS**

### **5. ADJOURNMENT**



# MINUTE RECORD

Bellevue Planning Commission Meeting, November 19, 2020, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, November 19, 2020 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Cain, Ritz, Ackley, Hankins, and Cutsforth. Absent was Aerni and Jacobson. Also present were Tammi Palm, Planning 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 Casey, seconded by Cutsforth, to approve the minutes of the October 22, 2020 regular meeting as presented. Upon roll call, Casey, Perrin, Ritz, Ackley, Hankins, and Cutsforth voted yes. Cain abstained. Motion carried.

Ritz asked if there were any updates or additions to staff reports. Palm advised there were a number of updates. Palm stated there was a memo in-favor of Item 3.b. and a number of emails in opposition to Item 3.b. She stated the memo and emails had been sent to the commissioners ahead of tonight's meeting.

Motion was made by Ackley, seconded by Cain, to accept into the record all staff reports, attachments, memos, and handouts regarding each application; with the additional five items Ms. Palm mentioned. Upon roll call, all present voted yes. Motion carried unanimously.

CONSENT AGENDA/PUBLIC HEARING was held on 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 ¼ of the Northwest ¼ 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.

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

MOTION was made by Casey, seconded by Cutsforth to recommend APPROVAL of 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 ¼ of the Northwest ¼ 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. APPROVAL of the application based upon conformance with the approved preliminary plat. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON December 1, 2020.**

Ritz explained the public hearing procedures.

PUBLIC HEARING was held on 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.

Palm stated the applicant currently operates an auto repair shop at this location. She stated the applicant would like to reserve a maximum of ten parking stalls for the purpose of auto sales in addition to the auto repair. Palm said the current zoning is BG, which allows for a conditional use permit for automobile sales. Palm stated Mr. Gilbert has the required parking and has recently re-stripped eleven additional parking stalls in order to conform to the requirements of auto sales. Palm said based on conformance with the BG zoning and article six staff is recommending approval of this request.

David Nich Jr., 505 Cornhusker Road, Bellevue, NE, was present to speak on behalf of the applicant. Nich stated twenty-two parking stalls had been installed on the location to meet the parking requirement.

Tracy Leibert, 2702 Margo Street, Bellevue, NE, stated this lot was a junk yard. Ackley asked Palm to display a picture of the site. Discussion ensued regarding the application.

Brian Culp, 2702 Margo Street, Bellevue, NE, stated he wanted to voice his opposition to the application

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Bellevue Planning Commission Meeting, November 19, 2020, Page 2

because the lot already has trash, inoperable vehicles, a camper and an eighteen-wheeler.

Ackley asked if the site would be an improvement if the applicant were allowed ten parking stalls to sell automobiles. Culp stated he did not believe the applicant's intent was to sell quality automobiles. Ackley asked if Culp had spoken to the applicant. Culp stated he had not but his opinion comes from the vehicles he has seen on the site.

Palm stated the zoning ordinance and the Conditional Use Agreement do not allow any inoperable vehicles and this would be monitored by Code Enforcement.

Ed Gilbert Jr., 2020 Greenfield Street, Bellevue, NE, stated the site has two occupants and the west side of the building does have a pile of junk cars, which has nothing to do with his business. He stated his business is on the east end of the building and anything that is inoperable is located in a fenced area to the east. Gilbert stated he would have some inoperable vehicles waiting on repairs. Palm asked Gilbert if the inoperable vehicles were salvage vehicles. Gilbert stated none of the vehicles are salvage vehicles. He stated the vehicles are parked in the fenced area until they can be brought into the shop to be repaired. Once repaired the owner has two days to pick up their vehicle or it goes into storage behind the fence.

Clark Hurley, 2941 West Chandler Road, Bellevue, NE, stated Mr. Gilbert's lot was well kept and the opposite side of building did have junk cars and trash.

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

Hankins asked staff if there had been situations where a Conditional Use Permit (CUP) had been granted and then canceled. Palm stated the city has done a number of Conditional Use Permits for auto sales and as of yet none have been canceled. She stated auto sales requires the dealer to follow rules and regulations of the state to maintain a dealer license. Palm stated dealers are required to obtain compliance letters from the Planning Department on a regular basis, so a lot is at stake if they do not follow the rules.

Ritz asked staff if Mr. Gilbert was to move his auto sales to another location would this CUP become null and void for this property. Palm stated the property owner also signs the agreement so it stays with the property.

Casey stated he had visited the site and Mr. Gilbert's side of the property was acceptable.

MOTION was made by Casey, seconded by Custforth to recommend APPROVAL of 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. APPROVAL based upon compliance with the requirements of the zoning ordinance 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 December 15, 2020.**

PUBLIC HEARING was held on a request to rezone Lot 1, Walbeck Addition, from RG-20 to BN for the purpose of commercial development. Applicant: Amigo's Market, LLC. Location: West Chandler Road and South 28<sup>th</sup> Street. Case #: Z-2009-14.

Palm stated the property is a vacant lot at West Chandler Road and South 28<sup>th</sup> Street. She stated it is the previous location of an apartment complex that was demolished after it was condemned by the City of Bellevue. Palm stated the present zoning is RG-20 based on the past use of the property. She stated the request for BN zoning is to allow for a small market to be constructed. Palm said the applicant has submitted a conceptual site plan, which has been review by city departments for impact, traffic, and potential access points. She stated the Neighborhood Business District (BN) is the most restrictive commercial zone. Palm said currently along the West Chandler Road corridor there is a mix of single-family, multi-family, commercial, and industrial development. Palm stated some of the uses that would be allowed in the BN zone would be accounting and tax preparation office, florist, convenience store with no fuel sales, and dental clinics. Palm stated based on the requested zoning and the internal review and conformance with the zoning ordinance and lack of perceived negative impact to the adjacent properties, staff is recommending approval.

Dennis Duer, Professional Associates, Ltd., 256 N 115<sup>th</sup> Street, Suite 115, Omaha, NE, was present to

# MINUTE RECORD

Bellevue Planning Commission Meeting, November 19, 2020, Page 3

speaking on behalf of the applicant. Duer stated the requested zoning was acceptable for the type of market the Rivera's would be constructing. He stated the hours of operation would be from 6 a.m. to 9 p.m. on weekdays and on Sunday from 7 a.m. to 4 p.m. with no prospect of fuel sales. Duer said the proposed building is approximately 2400 square feet with the possibility of adding another 1000 square feet.

Brian Culp stated this is a high traffic area and he would recommend a traffic study be done. He stated the lot is at an apex from both directions making the entrance and exit onto West Chandler Road potentially dangerous. Culp stated there is plenty of existing convenience shopping in the area and there is no need for another market.

Clark Hurley asked where the two entrances would be located. Palm stated there would be one entrance off West Chandler Road and a potential entrance off South 28<sup>th</sup> Street. Hurley stated the traffic is already very heavy in the area and there are always multiple accidents. He stated this market would only increase the potential for more traffic and accidents. Hurley stated he thought some of the other uses Ms. Palm mentioned would be better suited to the area. Hurley asked if there was a plan for water runoff. Palm stated any construction must have a post construction plan for detention and runoff. She stated the plan has to show how they will capture the first half inch of runoff.

Tracy Leibert stated there are no sidewalks or streetlights in the area and if this business were allowed, she would like to see sidewalks and streetlights installed. She stated the applicant intends to sell alcohol and that will increase crime in the area. Leibert stated she fears for the safety of her children.

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

Hankins asked staff if design standards require a sidewalk and privacy fence when abutting residential neighborhoods. Palm stated the applicant would have to follow strict design standards. She said a privacy fence is not required but the applicant would have to do landscaping and install sidewalks unless they received a sidewalk waiver from the City Council.

Cutsforth stated she has been in the area and the traffic is at times heavy. She asked staff what criteria would need to be in place to warrant a traffic study. Palm stated the Public Works Department, based on zoning and potential uses, typically requests a traffic study.

Ritz stated some very relevant points had been made especially regarding traffic, however; the Planning Commission's objective is to approve a zoning change request. He stated any concerns regarding traffic should be addressed with your City Council representative.

Casey asked the applicant if at the time of purchase of the property they intended to build a convenience store. Cesar Rivera stated at the time of purchase it was not their intent to build a convenience store. Casey asked if they intended to sell alcohol at the location. Rivera stated it was their intent to sell alcohol at the location.

Ritz asked if dine in eating would be part of the business. Rivera stated there would be no dine in eating, just carry out.

Ackley stated many areas have neighborhood bars and neighborhood markets. He stated this business is consistent with the area. Ackley stated he frequently travels through the area and is concerned with the traffic issue. He asked staff if there are any types of traffic calming devices that could be requested. Palm stated the Public Works Department would need to determine if that would be possible. She stated there are warrants that need to be met in order to put those types of items in place. She stated she is unable to say whether that would be a possibility.

Cain stated she likes the location for this project but feels the neighbors have valid concerns regarding traffic. Cain asked staff if West Chandler Road was the city's jurisdiction. Palm stated it was the city's jurisdiction and prior to issuance of any building permits, Public Works would review all plans and at that time, the engineering department could request a traffic study.

Ackley stated the sidewalks in the area were at street level. Palm stated there is currently a sidewalk task force looking at issues such as this one. She stated staff and City Council are aware of these issues so hopefully there will be some solutions in the future for areas such as this. Ackley asked was there an area of Mission Avenue that would be similar to the West Chandler Road area in discussion, and what the speed limit there is. Palm stated it was twenty-five mph on Mission Avenue and on West

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Chandler Road, it was a thirty-five mph speed limit. Ackley asked staff who regulates speed limits on West Chandler Road. Palm stated the Public Works Department regulates those speed limits. Discussion ensued regarding neighborhood concerns.

MOTION was made by Ackley, seconded by Cain to recommend APPROVAL of a request to rezone Lot 1, Walbeck Addition, from RG-20 to BN for the purpose of commercial development. Applicant: Amigo's Market, LLC Location: West Chandler Road and South 28<sup>th</sup> Street. Case #: Z-2009-14. 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; with a suggestion to consider a traffic study as well as reduced speed limits, a traffic signal, or a traffic-calming device along West Chandler Road. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON December 15, 2020.**

Ackley thanked the public for testifying and encourage them to carry their concern forward to the City Council.

PUBLIC HEARING was held on a 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: 10904 S 15<sup>th</sup> Street. Case #: Z-2010-15.

Palm stated Mr. Brown, on behalf of Wolf Creek Apartments II, LLC, has submitted a request to rezone Lot 2, Wolf Creek Replat 4, located south of Cornhusker Road on 15<sup>th</sup> Street. She stated the current zone is BGH, which is Heavy General Business District. Palm said the request is to rezone to RG-8-PS, which requires site plan approval. Palm stated Wolf Creek Apartments constructed an apartment complex to the north of this site, which is nearing completion. She stated the proposal is for one building with one hundred and ten units and three detached garages. Palm stated the site plan has been reviewed by the required departments. She stated a traffic study was required on this application and had been review by the engineering department who found no issues with the proposal. Palm stated based the location and site plan staff is recommending approval of the request based on compatibility with the surrounding neighborhood and lack of perceived negative impact.

Scott Brown, 1925 N. 120<sup>th</sup> Street, Omaha, NE, was present to present his case. Brown stated Wolf Creek's current project is near completion and approximately 70 percent leased. He stated they are very proud of the current project and want to continue the momentum on Lot 2, Wolf Creek Replat 4. Brown stated this project would be an extension of the Latitude 41 project. He stated the single building would have 110 units with 220 parking stalls. Brown said the building would consist of studio, one bedroom, and three bedroom apartments, a work out room, a community area, and leasing office.

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

Ackley stated this site is better than the previous site in terms of location. He stated there was a slight traffic concern but did not see any controversy.

Casey stated he would be against this project in terms of traffic congestion at the intersection of Cornhusker and 15<sup>th</sup> Street but understands the need for apartments.

Ackley asked the applicant what the target was for the proposed types of apartments. Brown stated the goal was affordable apartments that are fantastic to live in. Discussion ensued regarding market rent.

MOTION was made by Ackley, seconded by Hankins to recommend APPROVAL of a 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. 10904 S 15<sup>th</sup> Street. Case #: Z-2010-15. APPROVAL based upon compatibility with the surrounding neighborhood and lack of perceived negative impact. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON December 15, 2020.**

Brown thanked Mr. Ackley and the Planning Commission for their support.

There was a discussion regarding the 2021 Uniform Review Schedule.

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MOTION was made by Custforth, seconded by Hankins to approve the 2021 Uniform Review Schedule. Upon roll call, all present voted yes. MOTION carried unanimously.

Meeting adjourned at 8:07 p.m.



Dianna Van Horn  
Planning Secretary



**3.a.**

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT #1**

**CASE NUMBER:** Z-2010-16

**FOR HEARING OF:**  
**REPORT #1:** December 17, 2020

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Dennis R. Schworer, LLC  
417 Ridgewood Drive  
Bellevue, NE 68005

**B. PROPERTY OWNER:**

Dennis R. Schworer, LLC  
417 Ridgewood Drive  
Bellevue, NE 68005

**C. GENERAL LOCATION:**

South 10<sup>th</sup> Street and Alberta Avenue

**D. LEGAL DESCRIPTION:**

Lot 2 Bellevue Business Park Replat VI, located in the Northeast ¼ of Section 22, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTION:**

Rezone Lot 2, Bellevue Business Park Replat VI, from AG to FX.

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

BGH, Vacant

**G. PURPOSE OF REQUEST:**

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

**H. SIZE OF SITE:**

The site is approximately 9.10 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:** Single Family Residential, RS-84 (across Cary Street)
- 2. **East:** Light Manufacturing, ML
- 3. **South:** Light Manufacturing, ML
- 4. **West:** Residential Estates; RE, Vacant; AG, and Single Family Residential, RS-120

**C. REVELANT CASE HISTORY:**

On June 28, 2004, the City Council approved a change of zone from RG-20-PD to BGH for Lot 2, Bellevue Business Park Replat VI. Along with the change of zone, a conditional use permit for the purpose of an auto body repair shop was also approved.

**D. APPLICABLE REGULATIONS:**

Section 5.26, Zoning Ordinance, regarding FX uses and requirements.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

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

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data information available for this area.
2. The property presently has access from unimproved Cary Street on the north, and Alberta Avenue on the south.

**D. UTILITIES:**

All utilities are available to this property.

**E. ANALYSIS:**

1. Dennis R. Schworer, LLC has submitted a request to rezone Lot 2, Bellevue Business Park from BGH to FX for the purpose of future flex development.
2. The intent of the FX zoning district is to provide for a variety of commercial, retail, and industrial uses. This district is designed to accommodate both traditional and modern businesses and industries by having regulations that are adaptive and more responsive to market trends and conditions. Such uses may include retail, service, public and light industrial.

Some examples of permitted uses in the FX zoning district include: business parks and services, convenience stores, retail businesses, warehouses and wholesale businesses. Outdoor storage, hotels, and automotive sales would be examples of some of the conditional uses.

3. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and stated if the requested department did not have comments pertaining to the application, no response was needed.

No comments were received on this case.

4. The Future Land Use Map of the Comprehensive Plan shows this property as commercial, based on its current zoning. 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.
5. In 2004, the applicant was granted a conditional use permit for an auto body repair shop. Conditional use permits for auto body repair shops are no longer allowed in the BGH zoning district after the 2011 Zoning Ordinance update. This type of use is currently allowed in the industrial zoning districts as a permitted use.

The applicant's conditional use permit would be considered grandfathered and still allowed. The applicant has indicated he no longer desires to pursue this type of development, but rather would like to market the property for flex uses.

6. Considering the applicant could pursue a light industrial development on his property with his previously approved conditional use permit, staff believes the Flex zoning request is reasonable for the neighborhood. This zoning district would provide an appropriate transition from the adjacent ML (Light Manufacturing) zoning/uses on the east and south sides of the property, to the AG and low density residential uses on the west side of the property.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

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

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review

**VI. ATTACHMENTS TO REPORT**

1. Zoning Map
2. 2018 GIS aerial photo of the property

**VII. COPIES OF REPORT TO:**

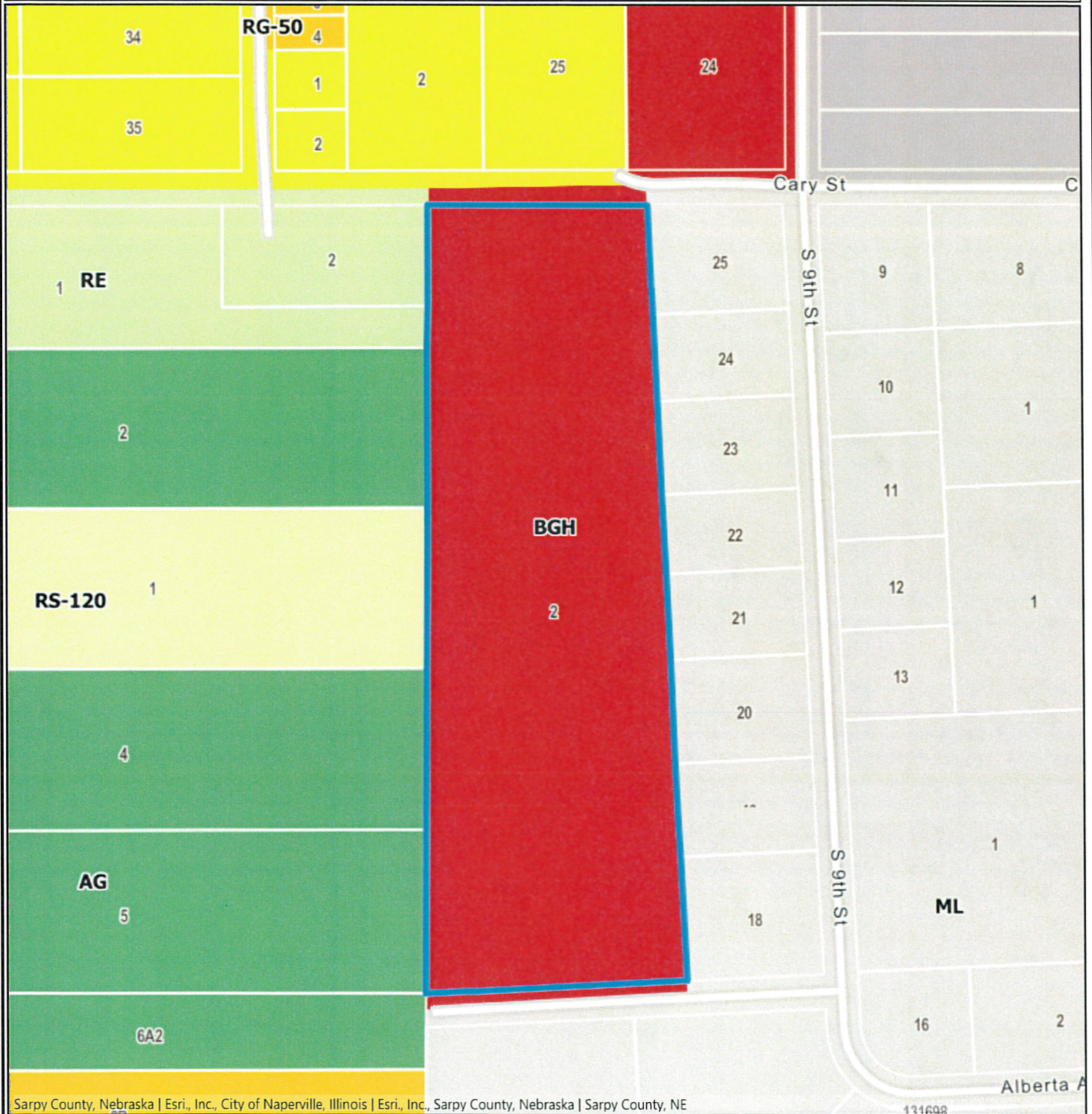
1. Dennis Schworer, LLC
2. Don Heine, TD2
3. Public Upon Request

  
Assistant Planning Manager      Date of Report

  
Planning Manager      Date of Report

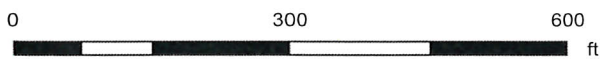


# Lot 2, Bellevue Business Park Replat VI



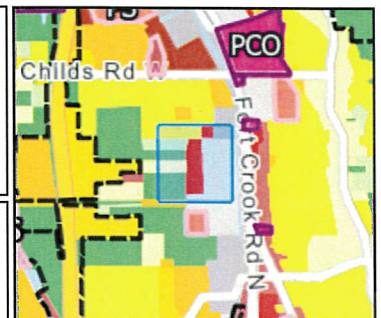
Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE

## Notes



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.



# Lot 2, Bellevue Business Park Replat VI



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## Notes



Map Scale 1: 3185

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3.b.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2009-12  
S-2009-20

**FOR HEARING OF:**  
**REPORT #1:** December 17, 2020

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Orchard Valley Inc.  
Attn: Melvin Sudbeck  
16255 Woodland Drive  
Omaha, NE 68136

**B. PROPERTY OWNER:**

Kenneth and Norma Kuhlman  
c/o Trustees  
12502 South 48<sup>th</sup> Street  
Papillion, NE 68133

**C. GENERAL LOCATION:**

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

**D. LEGAL DESCRIPTION:**

Lots 1 through 263, and Outlots A through D, Alta Collina, located in the South ½ of the Northeast ¼ of Section 7, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

1. Rezone Lots 1 through 263, and Outlots A through D, Alta Collina, from AG to RD-60 and RS-72 for the purpose of single family residential development.
2. Preliminary plat Lots 1 through 263, and Outlots A through D, Alta Collina.

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

AG, Vacant

**G. PURPOSE OF REQUEST:**

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

**H. SIZE OF SITE:**

The site is approximately 80 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:** Single Family Residential, RS-72 and RG-50-PS
2. **East:** Single Family Residential and Vacant, AG
3. **South:** Single Family Residential, RS-72-PS
4. **West:** Vacant, AG

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

1. Section 5.10, Zoning Ordinance, regarding RS-72 uses and requirements.
2. Section 5.11, Zoning Ordinance, regarding RD-60 uses and requirements.
3. Chapter 3, Subdivision Regulations, regarding Preliminary Plats.
4. Chapter 6, Subdivision Regulations, regarding Minimum Design Standards.
5. Chapter 7, Subdivision Regulations, regarding Capital Improvements.

### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

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

#### **B. OTHER PLANS:**

None

#### **C. TRAFFIC AND ACCESS:**

1. There is no specific MAPA traffic count data available for the intersection of 48<sup>th</sup> Street and Capehart Road.
2. Access is proposed from two points off of South 48<sup>th</sup> Street. The property will also have access to the north from newly created extensions of South 49<sup>th</sup> Street, South 52<sup>nd</sup> Street, and South 55<sup>th</sup> Street connecting to the Falcon Pointe development. Access to the south will be from a newly created extension of South 51<sup>st</sup> Street connecting to the Lions Gate development.

#### **D. UTILITIES:**

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

#### **E. ANALYSIS:**

1. Melvin Sudbeck, on behalf of Orchard Valley Inc., has submitted a request to preliminary plat Lots 1 through 263, and Outlots A through D, Alta Collina, for the purpose of single family residential development.
2. The applicant is also requesting a change of zone from AG to RD-60 (Duplex Residential, 6,000 Square Foot Zone) and RS-72 (Single Family Residential, 7,200 Square Foot Zone) for Lots 1 through 263, and Outlots A through D, Alta Collina.

The majority of the development will consist of RS-72 zoned lots, with a minimum square footage of 7,200. The applicant is also proposing smaller townhome lots in the southeast corner of the development under a proposed RD-60 zoning. The minimum square footage for these lots is 6,000.

All of the lots conform to the minimum requirements of the requested zoning districts.

3. The applicant has indicated this development will be similar to the existing Falcon Pointe neighborhood adjacent to this property on the north. Falcon Pointe is zoned RS-72 and RG-50-PS, with a similar mix of housing styles.

4. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Public Works Department, Sarpy County Planning Director, Sarpy County IS/GIS/Public Safety, Metro Area Planning Agency, Metropolitan Utilities District, CenturyLink, Omaha Public Power District, Black Hills Energy, Cox Communications, Papio-Missouri NRD, 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.

Krista Hoffart, Offutt Community Planner stated the project area does not fall within Offutt Air Force Base Accident Potential Zones or Noise Contours.

Matt Knight, Public Works Engineer, requested technical revisions to the preliminary plat, street profiles, drainage plan, sanitary sewer plan, and storm sewer plan.

Many of the technical revisions have been completed; however, there are still technical deficiencies as of the date of this report that need to be addressed by the developer's engineer prior to any preliminary plat approval. Items to be addressed include technical revisions to the preliminary plat, sanitary sewer plan, storm sewer plan, and street profiles.

Sarpy County GIS/911 requested revisions to the street names on the preliminary plat. These revisions have been made by the developer's engineer.

No other comments were received on this case.

5. The Future Land Use Map designates this area as medium density residential. This development is compatible with the Comprehensive Plan.

6. This plat will be developed as a Sanitary and Improvement District. A draft amendment to the Alta Collina Subdivision Agreement has been submitted by the applicant and has been reviewed by the City Attorney.

7. When this area began developing with residential neighborhoods, it was the plan to have this development and Falcon Pointe share park area to serve both subdivisions. The city does not want to have subdivisions with smaller parks but would rather see larger parks serving more than one development which can easily be maintained in the future. Falcon Pointe currently has a 4.20 acre platted park area adjacent to this property. This subdivision has a proposed trail system to connect to the existing park area to the north. In addition, the applicant will contribute

financially to the Falcon Pointe Sanitary and Improvement District as they develop this park area.

Several walking trails are being proposed and are shown on the attached trail plan. An 8' wide trail will be constructed along the east side of South 48<sup>th</sup> Street to connect to a trail system along the west side of this street. Additional 10' wide trails are being proposed internally along South 52<sup>nd</sup> Street, which will connect to the Falcon Point development on the north and the Lions Gate subdivision on the south. A 10' wide trail is also proposed along the north side of Lookingglass Drive. This trail will eventually extend from 36<sup>th</sup> Street to the western edge of the city's jurisdiction and will provide an important east/west trail connection.

8. Traffic calming measures are proposed and shown on the preliminary plat along South 52<sup>nd</sup> Street and Lookingglass Drive, both of which are proposed collector streets.

9. Based on the number of acres, this development will require a contribution to the Park Fund in the amount of \$44,000.

10. Staff believes this development is compatible with the existing single family residential development in the neighborhood.

#### **F. TECHNICAL DEFICIENCIES:**

As previously mentioned, the applicant has a number of technical deficiencies to satisfy for this application. These include technical revisions to the preliminary plat, sanitary sewer plan, storm sewer plan, and street profiles. The applicant should address the revisions stated in Public Works Engineer Matt Knight's memo dated December 10, 2020, which has been provided to both the applicant and his engineer.

#### **IV. DEPARTMENT RECOMMENDATION**

CONTINUATION to the January 28, 2021 Planning Commission meeting for the purpose of allowing the applicant and his engineer to satisfy the technical deficiencies. If the applicant is able to satisfy the technical deficiencies prior to the December 17, 2020 Planning Commission meeting, staff will update the recommendation at that time.

#### **V. PLANNING COMMISSION RECOMMENDATION**

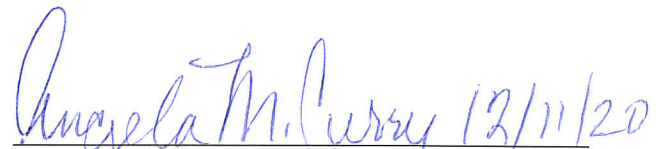
Under review


**VI. ATTACHMENTS TO REPORT**

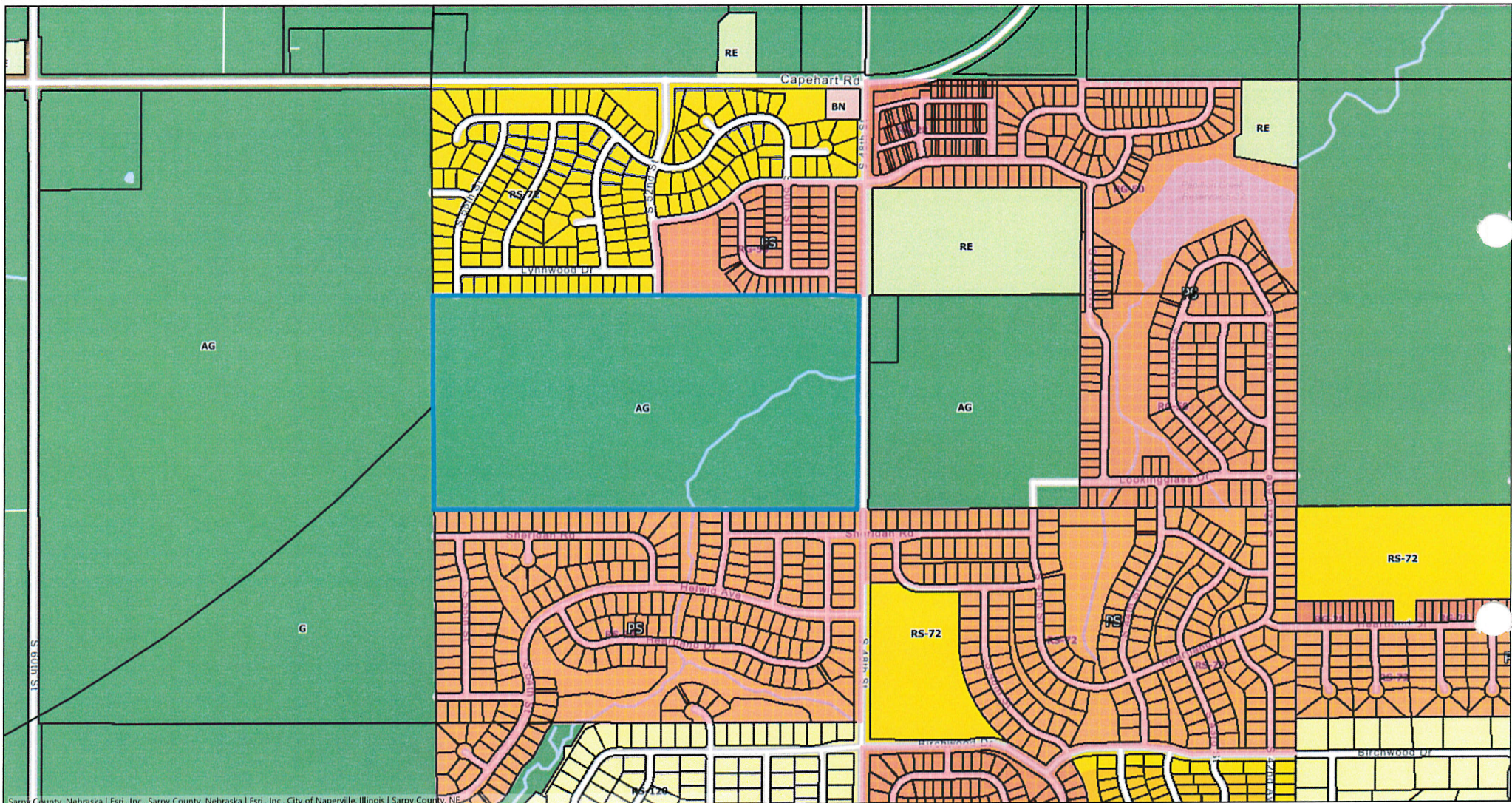
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Preliminary plat received December 9, 2020
4. Zoning justification letter received December 10, 2020
5. Trail plan received December 9, 2020
6. Zoning exhibit received November 3, 2020

**VII. COPIES OF REPORT TO:**

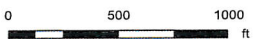
1. Orchard Valley Inc (Melvin Sudbeck)
2. Blakeman Engineering (Brad Blakeman)
3. Peterson/Foster Law (Bob Petersen)
4. Public Upon Request

  
Assistant Planning Manager      Date of Report

  
Planning Manager      Date of Report



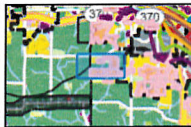
Sarpy County, Nebraska | Esri, Inc. | Sarpy County, Nebraska | Esri, Inc. | City of Naperville, Illinois | Sarpy County, NE



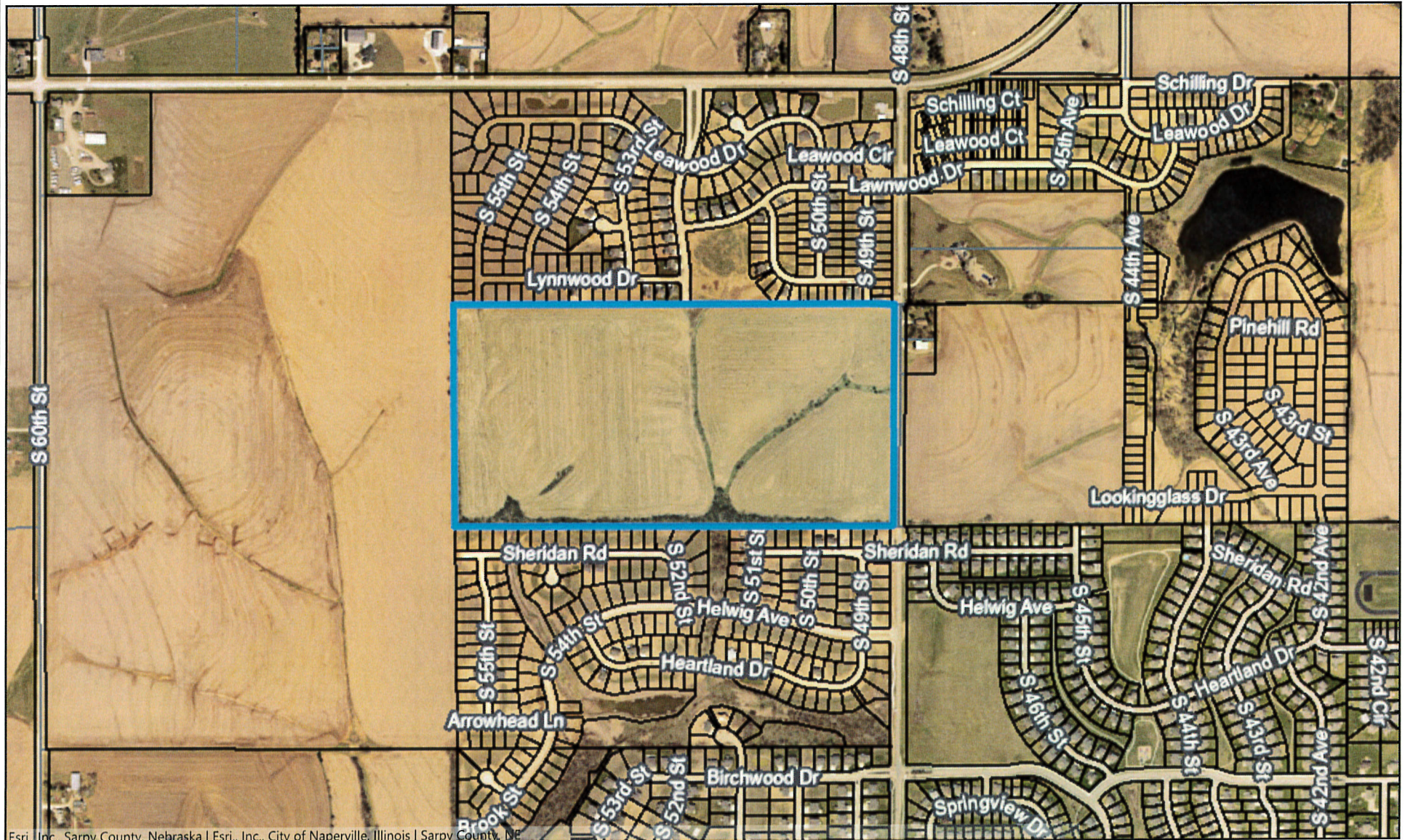
Map Scale 1: 9028



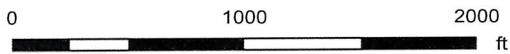
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes



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



Map Scale 1: 12739

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



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DEC 09 2020

PLANNING DEPT.

# ALTA COLLINA

PRELIMINARY PLAT  
LOTS 1 THROUGH 263, AND OUTLOTS "A" THROUGH "D" INCLUSIVE  
LOCATED IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION  
7, T13N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA



SCALE - 1" = 100'



DRAWN BY: TWF  
CHECKED BY: TWF  
JOB NO.: 2018-08  
DATE: 11-2-2020



ALPHA LAND SURVEYING  
ALTA COLLINA



Alpha Land Surveying  
12-8-2020  
DATE: FRED M. FRANKLIN, R.L.S. 525



**STREET ACCESS RESTRICTIONS**  
THERE WILL BE NO STREET ACCESS FOR LOTS 1, 2, 3, 4, 5, 8, 7, 6, 9, 10, 11, 12, 13, 14, 15, 18 AND OUT LOT "A" TO 46TH STREET.

**SETBACKS**  
RD-60  
Front: All lots are 25ft minimum setback  
Side: 5ft minimum, 15' on lots that adjoin streets.  
Rear: 35ft minimum  
RS-72  
Front: All lots are 25ft minimum setback  
Side: 7ft minimum, 20' on lots that adjoin streets.  
Rear: 35ft minimum

**LEGAL DESCRIPTION**  
A TRACT OF LAND LOCATED IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 7; THENCE NORTH 87° 28' 30" ON THE EAST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1330.78 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE S87° 22' 15" W. ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 284.30 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE S82° 11' 15" E. ON THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1330.78 FEET TO THE SOUTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE NORTH 87° 28' 30" ON THE SOUTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 284.38 FEET BACK TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 80.906 ACRES MORE OR LESS.

**CERTIFICATION**  
I HEREBY CERTIFY THAT THE SURVEYING INSTRUMENTS PREPARED BY ME OR UNDER MY SUPERVISION COMPLY WITH THE REQUIREMENTS OF THE NEBRASKA SURVEYING ACT AND THAT I AM A LEGALLY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.  
DATE: 12-8-2020  
FRED M. FRANKLIN, R.L.S. 525



ZONING TABLE	
TOTAL ACREAGE OF SUBDIVISION	78.44 ACRES
RD 60 ZONING TOTAL LOTS	74 15,823 ACRES
RD 72 ZONING TOTAL LOTS	189 42,890 ACRES
OUTLOT A DRAINAGE	7500 SF
OUTLOT B STORM WATER BASIN	13,200 SF
OUTLOT C LIFT STATION	43,271 SF
OUTLOT D DRAINAGE	23,402 SF

Subdivider: Orchard Valley Inc.  
c/o - Melvin Sudbeck  
Blakeman Engineering LLC  
Principal, Project Manager - Brad Blakeman  
10423 Hansen Ave, Omaha, NE 68124

December 7, 2020

City of Bellevue – Zoning Dept  
ATTN: Angela Curry  
1510 Wall Street  
Bellevue, NE 68005  
402-293-3000

RE: Alta Collina – Zoning Justification

Angela

As requested, this letter serves as a justification statement for the development of a proposed residential subdivision, Alta Collina, in the City of Bellevue's zoning jurisdiction. The proposed Alta Collina subdivision sits on a parcel of land approximately one-quarter mile southwest of 48th and Capehart. Orchard Valley is requesting the referenced land (currently zoned as agricultural) be rezoned as single-family residential (RD60 and RS72).

Rezoning this land to single-family residential helps to fill the need for housing in this area and meets the City of Bellevue's future comprehensive land development plan. Required utilities / infrastructure for the proposed subdivision run adjacent to the land thus allowing for affordable development costs.

Houses in the Alta Collina subdivision will be comparable to the Falcon Ridge neighborhood to the north and the Lions Gate subdivision to the south. The anticipated price point for RD60 properties should fall within \$250-350k range; the anticipated price point for the RS72 properties should fall within the \$325-500k range.

Feel free to reach out to us w/ any additional inquiries you may have. Thank you.

Sincerely

Melvin Sudbeck, President

**RECEIVED**  
**DEC 10 2020**  
**PLANNING DEPT.**

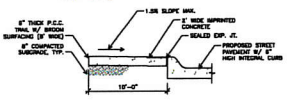
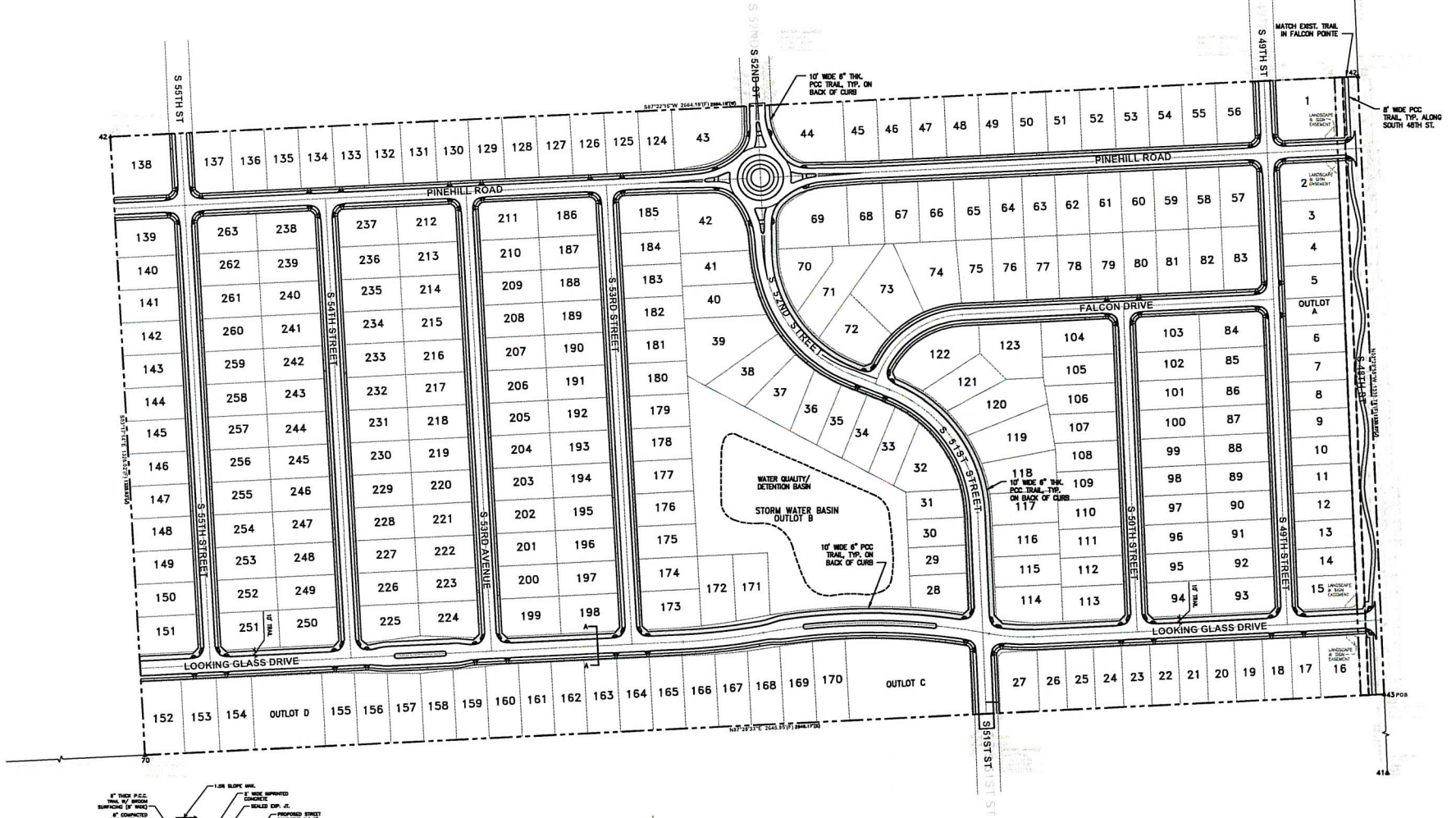
# ALTA COLLINA

LOCATED IN THE S 1/2 OF NE 1/4, SEC 7, T13N, R13E OF THE 6TH P.M.,  
SARPY COUNTY, NEBRASKA.

RECEIVED

DEC 09 2020

PLANNING DEPT.



**TRAIL CROSS SECTION A-A**  
1/8\"/>

**LEGEND**  
 P.C.C. TRAIL

**WALKING TRAIL PLAN EXHIBIT**  
 SCALE 1" = 100'-0"



RECEIVED

NOV 03 2020

PLANNING DEPT.



DATE: 11-3-2020  
DRAWN BY: TDF  
CHECKED BY: TDF  
APP. NO.: 2019-008

ALPHA LAND SURVEYING  
ALTA SURVEY



Alpha Land Surveying  
1096 S  
SOUTH 50TH CITY, NEBRASKA 68148-1011  
OAKLAND, NEBRASKA 68134-2444  
HARRISBURG, NEBRASKA 68031-9191  
HARRISBURG, NEBRASKA 68031-9191  
www.alphaandsurveying.com  
email: alphaandsurveying@gmail.com

# ALTA COLLINA

## PRELIMINARY PLAT

LOTS 1 THROUGH 263, AND OUTLOTS "A" THROUGH "D" INCLUSIVE  
LOCATED IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION  
7, T13N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA



SCALE - 1" = 10'



**STREET ACCESS RESTRICTIONS**  
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COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 7; THENCE N07°30'30"W, ON THE EAST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1330.78 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE S87°28'18"W, ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 588.00 FEET TO THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE S00°17'14"E, ON THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1339.03 FEET TO THE SOUTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE N07°28'32"E, ON THE SOUTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 2848.98 FEET BACK TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 80.00 ACRES MORE OR LESS.

**SETBACKS**  
**RD-60**  
Front: All lots are 25ft minimum setback  
Side: 5ft minimum, 15' on lots that adjoin streets.  
Rear: 35ft minimum  
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Subdivider: Orchard Valley Inc.  
c/o - Melvin Sudbeck

Blakeman Engineering LLC  
Principal, Project Manager - Brad Blakeman  
10423 Hansen Ave, Omaha, NE 68124

**CERTIFICATION**  
I HEREBY CERTIFY THAT THIS SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.  
11-3-2020  
DATE

