

BELLEVUE PLANNING COMMISSION

Thursday, February 25, 2021 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 January 28, 2021 Regular Meeting

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

2. CONSENT AGENDA/PUBLIC HEARINGS:

3. PUBLIC HEARINGS:

a. Request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E of the 6th P.M., Sarpy County, NE, from BG to RG-20 for the purpose of a residential group home facility. Applicant: i3, LLC. General Location: 601 Chateau Drive. Case #: Z-2012-17.

4. CURRENT BUSINESS

a. NPZA virtual conference March 12, 2021

5. ADJOURNMENT

MINUTE RECORD

Bellevue Planning Commission Meeting, January 28, 2021 Page 1

Pursuant to the Governor's Executive Order 20-36, on Thursday January 28, 2021 at 7:00 p.m. the Bellevue Planning Commission meeting was held via video conference. Upon roll call, present were Commissioners Ritz, Casey, Cain, Aerni, Hankins, Cutsforth, Ackley, Perrin, 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 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 the Open Meetings Act pursuant to the Governor's Executive Order 20-36, said meeting may be held via videoconference, telephone conference, or by conferencing by other electronic means. As such, said meeting will be a virtual meeting and the public may by calling our Community Relations Department, be provided a link to attend the meeting via GoToMeeting. Said meeting, can be viewed via Facebook Live by visiting the City of Bellevue Facebook page, but no public participation will be allowed or considered via Facebook live.

MOTION was made by Hankins, seconded by Ackley, to approve the minutes of the December 17, 2020 regular meeting as presented. Upon roll call, all voted yes. Motion carried unanimously.

Ritz asked if there were any updates or additions to staff reports. Palm stated two emails were received and they were forwarded to the Planning Commissioners. She stated one email was from Mr. Vanderhoff regarding Item 2.a. and one email from Mr. Kassebaum regarding Item 3.c., these emails will become part of the record.

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

PUBLIC HEARING was held on a request to preliminary plat Lots 1 through 45, Spring Ridge Replat 2, being a replat of Lots 104 through 153, Spring Ridge; and final plat Lots 1 through 45, Spring Ridge Replat 2; and approval of the First Amendment to the Spring Ridge Subdivision Agreement. Applicant: Orchard Valley Inc. Location: 21st Street and Rose Lane Circle. Case #'s: S-2012-27 and S-2012-28.

Melvin Sudbeck, 14711 Industrial Road, Omaha, NE, spoke on behalf of Orchard Valley. Sudbeck requested the item be tabled for two weeks. Palm stated the next Planning Commission meeting would be February 25th. Sudbeck stated they would like to table the item to that date. Palm asked for a motion to approve the item be tabled to the February 25th Planning Commission Meeting.

MOTION was made by Cutsforth, seconded by Casey, to recommend APPROVAL of a request to table the request to preliminary plat Lots 1 through 45, Spring Ridge Replat 2, being a replat of Lots 104 through 153, Spring Ridge; and final plat Lots 1 through 45, Spring Ridge Replat 2; and approval of the First Amendment to the Spring Ridge Subdivision Agreement. Applicant: Orchard Valley Inc. Location: 21st Street and Rose Lane Circle. Case #'s: S-2012-27 and S-2012-28. Upon roll call, all voted yes. MOTION carried unanimously.

This item will proceed to PLANNING COMMISSION for PUBLIC HEARING ON February 25, 2021.

PUBLIC HEARING was held on a request to rezone Lots 1 and 2, Figgyland Overlook, being a platting of Tax Lot 11, located in the Southeast ¼ of the Southwest ¼ of Section 10, T13N, R13E, of the 6th P.M., Sarpy County, Nebraska, from AG to RS-120 for the purpose of residential development; preliminary plat Lots 1 and 2, Figgyland Overlook; and final plat Lots 1 and 2, Figgyland Overlook. Applicant: HBC Homes. Location: 2116 Fairview Road. Case #'s: Z-2012-18, S-2012-29, and S-2012-30.

Ritz asked staff for updates. Palm stated the request was to Preliminary Plat, Final Plat and rezone an existing Tax Lot that is approximately 1.8 acres. She stated the current zoning is AG (Agricultural District) which is a non-conforming lot because it does not meet the minimum requirement of the AG zoning. Palm stated the lot would be split into two lots and the rezoning will bring the lots into conformance with the Zoning Ordinance. Palm said the Preliminary Plat and Final Plat requests are due to the applicant creating additional right-of-way for Fairview Road. Palm stated staff is recommending approval of the application based on conformance with the Zoning Ordinance, Subdivision Regulations, and Comprehensive Plan.

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No one spoke in favor of, or opposition to this request. Ritz closed the public hearing.

Ackley asked staff if there would be separate access on each lot or would it require an easement. Palm stated currently there are two access points off Fairview Road, and they would both be maintained.

MOTION was made by Ackley, seconded by Jacobson, to recommend APPROVAL of a request to rezone Lots 1 and 2, Figgyland Overlook, being a platting of Tax Lot 11, located in the Southeast ¼ of the Southwest ¼ of Section 10, T13N, R13E, of the 6th P.M., Sarpy County, Nebraska, from AG to RS-120 for the purpose of residential development; preliminary plat Lots 1 and 2, Figgyland Overlook; and final plat Lots 1 and 2, Figgyland Overlook. Applicant: HBC Homes. Location: 2116 Fairview Road. Case #'s: Z-2012-18, S-2012-29, and S-2012-30. APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, and lack of perceived negative impact to the surrounding areas. Upon roll call all voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING ON March 2, 2021.

PUBLIC HEARING was held on a request to amend section 5.28, City of Bellevue Zoning Ordinance, regarding permitted uses in the MH (Heavy Manufacturing) zoning district to allow for concrete recycling. Applicant: Douglas Earnest/Central Recycling, LLC. Case #: 161.

Ritz asked staff for updates. Palm stated the request by Scott Earnest is to amend Section 5.28 of the Zoning Ordinance to add concrete recycling plant as a permitted use in the MH (Heavy Manufacturing) zoning district. She stated the current regulation allows batch plants as a permitted use however, there is no language for recycling of concrete, asphalt or paving materials. Palm said staff researched neighboring jurisdictions and proposes language that is consistent with neighboring jurisdictions as well as the current language in the zoning ordinance for batch plants. Palm stated the proposal would be to add temporary recycling plants not to exceed 36 months of operation as a permitted use and permanent recycling plants added as a conditional use. She said this falls in line with existing language for batch plants. Palm stated currently the MH Zone allows temporary batch plants not to exceed 24 months of operation.

Scott Collins and Doug Earnest were present on behalf of Central Recycling, LLC, 11507 S. 42nd Street, Ste. 109, Bellevue, NE.

No one spoke in favor of, or opposition to this request. Ritz closed the public hearing.

Aerni asked the applicant why they were applying for temporary status rather than permanent. Collins stated the company recycles concrete removed from sidewalks, city and county roads. He stated the request for temporary status is because the equipment could be moved to different locations as needed.

Ritz asked what defined temporary versus permanent. Palm stated the time frame that the company works in the location determines whether it is temporary or permanent. Palm said staff has recommended temporary to be no longer than 36 months and permanent would be allowed as a conditional use permit to have more oversight of the these types of projects.

Jacobson asked staff if the company moves to another location on the same property would that restart the 36-month time limitation. Palm stated it would not, if they remain on the same property.

Ackley asked the applicant what the estimated height of the debris piles would be and how often would the piles be turned. Collins stated they would be approximately fifteen to twenty feet high. Ackley asked if there would be an issue if the commission restricted the height of the piles. Ackley stated subsection 17 of the permitted uses has blocking requirements. Palm stated height limitations could be part of the proposed language moving forward to the City Council.

Ackley asked if the applicant moves off site and leaves debris or piles on the site who is responsible for the cleanup of that debris. Palm stated the landowner would be responsible for the cleanup of that debris once the temporary recycling plant is gone.

Ritz stated to be consistent he would suggest following the language in 5.28.02, 17 of the Zoning Ordinance. He suggested adding this language for permanent recycling plants since the language requires obscuring an area from the street or from any adjacent property in another zone by installing a site-obscuring fence. Palm stated this type of requirement could be added as needed with a Conditional Use Permit application. She said a permanent recycling plant would be allowed as a conditional use.

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Collins stated the piles on the existing batch plant off Highway 75 could be 40 to 50 feet high and there are no restrictions on that plant.

Aerni asked staff if the application was for a permanent plant what conditions would be required for the Conditional Use Permit. Palm stated conditions would be implemented on a case-by-case basis. She said she did not see what could be accomplished with landscaping or fencing this type of use. She said staff would be more concerned with location and surrounding land uses. Discussion ensued regarding temporary and permanent recycling plants.

Ackley asked if there was a requirement on the amount of debris they could dump before recycling it and hauling it off site. He said with a forty-acre site would there be twenty acres of debris before it would be recycled and hauled away, or worse yet forty acres of debris and the company picks up and leaves. Earnest stated the only way Central Recycling turns a profit is if they process the material and sell it. He said they would also be doing some landscape materials for homeowners and landscape contractors to purchase. Ackley asked if they would be grinding trees and limbs for mulch or would it strictly be concrete, asphalt and paving materials. Earnest said strictly concrete, asphalt and paving materials and the landscape materials would be boulders and rock.

Ritz stated the amendment would allow anyone to set up a temporary recycling plant on property in the MH zoning. He asked staff if there was a height restriction on the facility at Highway 75 and Highway 370. Palm stated there are no height restrictions for batch plants. Ritz said he would recommend a 25 foot height restriction for temporary batch plant. Collins stated that was acceptable.

Ackley asked staff if they had concerns regarding pile heights or the amount of area for the recycling plant. He stated forty acres seems like a potential eyesore if material is not recycled and moved right away. Palm stated she did not have an issue with restricting the pile height. She stated limiting the amount of land is far reaching and she would be more concerned with whether the property is properly zoned. Palm stated she needed a recommendation that was easily enforceable and rock solid in court.

Jacobson stated a height limitation might be arbitrary and would appear to be customized for this applicant. He said equipment on a site could be taller than the 25-foot height restriction Mr. Ackley is proposing. He said he recommends using a broader scope that could be adapted to any applicant applying for batch plants. Discussion ensued regarding safety and work methods of concrete recycling plants.

Palm stated the request is for the MH Zoning district and the intent of the MH zone provides for the widest range of industrial operations permitted in the city. Palm stated the MH zone includes permitted uses such as Highway maintenance yards or buildings, which have no height limitations on stockpiles. She said MH zone also allows for junk yards, auto parts salvage, auto wrecking yards, rendering plants and several types of manufacturing. Palm said she would have more concerns if this were in a more restrictive zone such as Flex or ML (Light Manufacturing). Ackley stated he would agree.

Aerni stated without knowing industry standards the 25 foot height limitation is arbitrary. Ritz stated he agreed and withdrew his suggestion of the 25 foot height limitation.

Motion was made by Aerni, seconded by Cain, to recommend APPROVAL of a request to amend section 5.28, City of Bellevue Zoning Ordinance, regarding permitted uses in the MH (Heavy Manufacturing) zoning district to allow for concrete recycling and including proposed correction of verbiage. Applicant: Douglas Earnest/Central Recycling, LLC. Case #: 161. Upon roll call all voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING ON March 2, 2021.

PUBLIC HEARING was held on a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E, from BG to RG-20 for the purpose of a residential group home facility. Applicant: i3, LLC. General Location: 601 Chateau Drive. Case #: Z-2012-17.

Ritz asked staff for updates. Palm stated she had received an email from Fisher Easterling on behalf of i3, LLC requesting the item be continued to the February 25, 2021 Planning Commission Agenda.

Jerry Kassebaum, 2111 Harvell Dr., Bellevue, NE, stated he is co-owner of a martial arts school located across the street from 601 Chateau Drive. He said the school caters to children and adults and he

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fears parents would not want to drop off their children in an area across from a group home. He stated surrounding properties are zoned business and he would be concerned with changing the zoning of this property to residential. Kassebaum also expressed concern his property value would decrease with this type of use in the area. Ritz stated Commissioners had received the letter from Master Kassebaum and it was part of the record for this item

No one else spoke in favor of, or opposition to this request. Ritz closed the public hearing.

Aerni asked Kassebaum if an empty building would be more likely to hurt property values rather than a group home business, which is taken care of and maintained. Kassebaum stated he thought the building would eventually be sold due to a high demand for commercial property in the area. Aerni stated his concern was the building was unique and it would take a unique business to purchase it and work with the existing footprint.

Hankins asked staff if the sale of the property was contingent on the zoning. Palm stated typically that is the case but the department does not get involved in that aspect of the case.

Ritz asked if the item is continued to the February meeting are notices sent out again. Palm stated if the item is continued to a specific date new notices are not required.

MOTION was made by Cutsforth, seconded by Ackley, to recommend CONTINUANCE of a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E, from BG to RG-20 for the purpose of a residential group home facility to the February 25, 2021 Planning Commission Meeting. Applicant: i3, LLC. General Location: 601 Chateau Drive. Case #: Z-2012-17. Applicant: Douglas Earnest/Central Recycling, LLC. Case #: 161. Upon roll call all voted yes. MOTION carried unanimously.

This item will proceed to PLANNING COMMISSION for PUBLIC HEARING ON February 25, 2021.

PUBLIC HEARING was held on a request to approve the 2021 Comprehensive Plan Update. Applicant: City of Bellevue. Case #: 162.

Ritz asked staff for updates. Palm stated the Comprehensive Plan was last updated in 2018 and is typically updated every three years. She stated the updates presented represent information regarding statistics and projects already completed. She stated most updates are to the Future Land Use Map and the City's short, long, and mid-term goals.

No one spoke in favor of, or opposition to this request. Ritz closed the public hearing.

Jacobson referred to page 3, and made note short term (1-5 Years) is silent to any development of Galvin Road from Harlan Road to Mission Avenue. Jacobson suggests including reference of a line item to establish a public/private partnership to implement the redevelopment plan of Galvin Road from Harlan Road to Mission Avenue. He stated the city needs to avoid redevelopment of Mission Avenue, Galvin Road and Fort Crook Road, at the same time. Jacobson recommended the city establish at least a short-term plan to move forward.

Jacobson said the mention of incorporating maintenance for facilities into the Capital Improvement Plan (CIP). He stated the Commissioners previously approved nine million dollars to redevelop the library. Jacobson recommended redevelopment of the library should be included in the Short Term (1-5 Years) and the execution of the nine million dollar expenditure. Cain stated the improvement of Lincoln Road to Mission Avenue is listed in a later part of the plan. She asked Jacobson if he wanted the redevelopment listed in the short-term objectives also. Jacobson said yes in the 1-5 year he would like to establish a plan to execute the redevelopment in later years.

Cain stated when the city was bidding for the Space Command they were going to donate a number of dollars to improve the South entrance to Offutt Air Force Base which is mentioned later in the plan but should it also be mentioned in the short term objective. Jacobson stated he would agree to that and possible wording should be to plan for the improvement in later years and make sure it is intergrated. Palm stated she could combine both items. She said could add a statement in regards to a redevelopment plan along the Galvin Road corridor leading to the Offutt Air Force Base Gate.

Ritz stated the Offutt gate is important but feels a higher priority is the intersection at Galvin Road and Mission Avenue because it is very confusing and busy. Ritz stated he would want the projects split because he feels the Offutt Gate would be a low priority. Palm stated reconfiguration of the entrance

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and the intersection is mentioned later in the plan. She stated she could combine the Galvin Road redevelopment to include the entrance to the Offutt Gate and then a second short term goal for the improvement or re-alignment of the intersection leading into Olde Towne.

Ritz referred to page 218 regarding the library addition. He asked Jacobson if he wanted to add more to that. Jacobson stated he just wanted to emphasize what was put into the CIP budget for the library and move that into the Short Term goal. He stated he would like to have a plan as to how to execute the nine million dollars that was approved. Jacobson said he feels it should be highlighted as a Short Term goal. Ritz stated he agreed since it has already been budgeted.

Jacobson referred to page 5, Establish a historic walking tour of Olde Towne, He would recommend it read (Establish a historic walking and/or biking tour) due to the popularity of biking. Palm state she was in support of the change.

Jacobson referred to page 7, Make this district more pedestrian friendly and stated he would recommend it read (Make this district more pedestrian friendly and or bike friendly by connector trail).

Jacobson referred to page 14, 2.2 Community Goals under housing he would like to add (Middle Income/Lower Income/Mixed use) to show the housing available in the area. Palm state she agreed and legislation passed last year requiring the city to address those items.

Jacobson referred to page 15, under Public Facilities is where the library renovations should be added. He stated possibly under community character areas of civic importance. Palm stated it would work well under the Public Facility section.

Jacobson referred to page 20, Existing Land Use Map. He stated the actual geographical center of Bellevue has shifted to about 25th Street and Railroad Crossing. He suggested modification of the map to show the geographical center of Bellevue. Palm stated she could add that to the new Land Use Map.

Jacobson commented on page 57, Bellevue Population Projection. He stated Bellevue is growing much faster than anticipated which is a plus.

Jacobson referred to page 91, Energy Infrastructure, Electrical Power. He stated Fort Calhoun Station is closed and offline and should be removed. He said this was the end of his comments and he was hoping the other Commissioners had comments as well. He stated the Comprehensive Plan is one of the most important task of the Commissioners.

Hankins referred to page 6, mention of converting Cascio Pool or Dowding Pool to waterparks. He stated Cascio pool was recently renovated. Palm stated she had corrected that in other parts of the report and will update that portion also. Hankins agreed Dowding Pool does need renovation.

Hankins referred to page 5, increase housing style/diversity in Olde Towne. He asked the reasoning for that recommendation. Palm stated the goal is to afford more alternatives of the standard era of housing in Olde Towne area. She stated the city is hoping to usher in some more development and to be attractive to various types of populations. Hankins asked if there were requirements for shipping container homes in Bellevue. Palm stated currently shipping container homes are not allowed. She stated shipping containers are currently allowed in certain zoning districts which does not include residential districts. Palm said she does realize there are a number of creative housing opportunities and we may see amendments to the zoning ordinance as a result. Ritz stated five bedroom homes are hard to find in Olde Towne and it would be good to have some larger homes in that area.

Ritz stated he did not see language in the plan regarding splash pads. He stated the city has been leaning toward more splash pads rather than pools and waterparks. Palm stated she would add that to a mid-term goal.

Aerni referred to the Future Land Use map. He stated there was a recent application for rezoning at 60th Street and Schram Road. He asked if any changes had been made to the map in the area from 60th Street to 42nd Street, and 48th Street. Palm stated some changes had been made. She stated the area Mr. Aerni was referring to had been changed from low and medium residential to medium density residential. Palm said along the Highway 370 corridor, from 42nd Street down to 60th Street had been changed from residential estates to mixed use to open it up to some commercial and residential uses. She stated the commercial corridor was extended down to 60th Street which was previously multi-family residential and now some areas are mixed use. Palm stated there has been a large focus to protect

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those commercial corridors and commercial opportunities that are left. She stated there are a lot of redevelopment opportunities on Fort Crook Road and in Olde Towne but not a lot of areas for new commercial opportunities. Palm said some of the 370 corridor are the last opportunities for a commercial corridor. She said along Cornhusker there are limitations with floodplain/floodway and Air Installation Compatible Use Zone (AICUZ) which makes that more difficult to develop and the same exists east on Highway 370. Palm stated the activity center area along the Hwy 34 and Plattview Road interchange was extended to South 27th Street to permit flexibility and provide opportunities for commercial, multi-family residential, and single-family residential development, and allow for a work play concept. She stated changes had been made in the area of Fort Crook Road and Fairview Road to extend the ML (Light Manufacturing) and FX (Flex) zoning on the North side. She said those changes would allow larger, more open areas conducive to these types of zoning. Palm stated no other major changes were made to the Future Land Use Map. Aerni noted the Sarpy County has signed a contract to pave 60th Street from Capehart to Highway 370.

Ackley referred to page 113 regarding Develop a housing rehabilitation assistance program, in conjunction with neighborhood associations, to preserve and rehabilitate Bellevue's housing stock. He asked staff if using CDBG funding was close to being formalized for use in Olde Towne housing. Palm stated it is an ongoing goal.

Jacobson referred to the Future Land Use Map. He asked if consideration of an activity center along the West edge of 60th Street and Capehart Road or Fairview Road is appropriate now or in the next revision. Palm stated the city's ETJ (Extraterritorial Jurisdiction) does not extend to 60th Street as you go further south. Palm stated the ETJ on Capehart Road is around 54th Street and from Highway 370 south therefore 60th Street at Capehart Road is not within Bellevue's ETJ. Jacobson asked should there be additional activity center development on the western edge at 54th Street and Capehart or was that covered with Highway 370 and 57th Street. Palm stated the commercial placed on the north side of 48th Street and Capehart Road location could be considered for an activity center concept. Jacobson stated he felt commercial development was sparse in that location and asked for the Commissioners opinion. Aerni stated 48th Street and Capehart Road makes sense for commercial development but nothing west of there. He said 54th Street is residential on both the north and south side and 60th Street is not in our jurisdiction.

Cain referred to page 69 and 84, Street improvements. She asked why Chandler Road was not being improved. Palm stated at this time there is no short term or future major improvements along Chandler Road. Cain stated she would like to compliment staff on the presentation of the Comprehensive Plan. Cain stated she thinks the public should have more information of the development in Olde Towne and the Highway 34 corridor development on page 115. Cain referred to page 111, making the AICUZ an asset to the community. She stated she feels this is very important because not all of Bellevue's citizen understand the AICUZ area. Palm stated she would like to share all the projects of Highway 34 and Olde Towne development unfortunately that cannot be done until there are solid projects and commitments. She said if any projects require a public hearing because of zoning or site plan approval at that time the public would be able to participate.

Palm stated she would like to discuss the 48th Street and Capehart Road area. She stated the south side is currently set with the platting and zoning that has been done. Palm said there are housing developments, townhomes, and a small commercial zone on the corner, which is why the north side is shown as commercial. Palm stated the discussion was potentially to do an activity center. She said an activity center opens it up somewhat because by definition it is a live/work play area and has the potential of commercial, residential, which would be more of a mixed-use type of development. Palm asked the commissioners if they want to leave it as proposed, strictly commercial, or change it to activity center for the broader uses. Hankins, Cutsforth and Aerni stated they would like to propose the activity center for broader uses. Palm stated she would include the area into a larger activity center.

Casey referred to page 4, Mid Term (6-10 Years). Casey asked what work with the county to transfer ownership of rundown properties to the City or non-profits is referring to. Palm stated that has to do with Code Enforcement efforts to solidify situations where properties are run down and not taken care of. The nuisance codes are in the City Code but do not cover properties that are in the city's ETJ and not in city limits so they are not covered by regulation of the City Code. She stated the goal is work with the county to rectify some of those issues or work on a path forward to transfer the property to someone who would use it in a beneficial way to the community.

Casey referred to page 25, Education. He asked if the new OPS (Omaha Public School) school being constructed at Fort Crook and Childs Road should be listed. Palm stated she would add it to the list. Casey referred to page 236, Landmarks and Activity Centers. He stated Fontenelle Hills Golf Course

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is no longer in business and should be removed. Palm stated she would remove it. Casey complimented staff on the plan.

MOTION was made by Jacobson, seconded by Cutsforth, to approve the 2021 Comprehensive Plan Update as amended. Applicant: City of Bellevue. Case #: 162. Upon roll call all voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING ON March 2, 2021.

Meeting adjourned at 8:47



Dianna Van Horn
Planning Secretary

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 2

CASE NUMBER: Z-2012-18

FOR HEARING OF:

REPORT #1: January 28, 2021

REPORT #2: February 25, 2021

I. GENERAL INFORMATION

A. APPLICANT:

i3, LLC
Attn: Fisher Easterling
955 East Main Street, Ste. E, Box 92
Lexington, SC 29072

B. PROPERTY OWNER:

Leopard Partnership Ltd.
Attn: Margaret Swarbrick
601 Chateau Drive
Bellevue, NE 68005

C. GENERAL LOCATION:

601 Chateau Drive

D. LEGAL DESCRIPTION:

Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E of the 6th P.M., Sarpy County, NE

E. REQUESTED ACTION:

1. Rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, from BG to RG-20 for the purpose of a residential group home facility.

F. EXISTING ZONING AND LAND USE:

BG, Vacant Commercial Building (former home of Leopard Lanes Bowling Alley)

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning to facilitate an adolescent residential group home facility.

H. SIZE OF SITE:

The site is approximately 3.76 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

This property is developed with a vacant commercial building which was most recently the home of Leopard Lanes Bowling Alley.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Multi-Family Residential, BG
- 2. **East:** Commercial, BG
- 3. **South:** Commercial/Bellevue University, BG and BG-PCO
- 4. **West:** Commercial, BG

C. REVELANT CASE HISTORY:

On January 28, 2021, the Planning Commission continued a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E of the 6th P.M., Sarpy County, NE, from BG to RG-20 for the purpose of a residential group home facility. Continuation at the applicant's request.

D. APPLICABLE REGULATIONS:

- 1. Section 5.14, Zoning Ordinance, regarding RG-20 uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

If the rezoning is approved, the applicant intends to convert the existing building into an adolescent residential group home facility.

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data available for this location.
2. This property has access from two points along Chateau Drive.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. i3, LLC has submitted a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E of the 6th P.M., Sarpy County, NE from BG to RG-20.
2. The applicant is requesting a zoning change to RG-20 in order to facilitate an adolescent residential group home facility. No platting is being requested at this time.

The applicant states Broadstep Behavioral Health is a national care provider for both adolescents and adults. They have recently added Nebraska to its geography due to a statewide shortage of care in this category. The building located at 601 Chateau Drive, home of the former Leopard Lanes Bowling Alley, would be converted into an adolescent residential group home facility for those with behavioral health challenges and therapeutic needs. The adolescents in this facility would eat, sleep, recreate, and be educated on premises.

A copy of the applicant's letter detailing their request is attached to this report.

3. This property is located along the busy Harvell Drive corridor. The corridor consists of commercial zoning and uses in the general vicinity of this property.
4. The Chateau Apartments are adjacent to the north of this property. Although a multi family residential use, the apartments are zoned BG and BG-PCO. Due to their age, they are a grandfathered use in a commercial zoning district.
5. 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, 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.

Mike Christensen, Chief Building Official, commented the Harvell Drive corridor was zoned BG to encourage commercial growth up and down the corridor. He

indicated even though the Chateau Apartments are to the north of this property, the intent of the development of this area is for commercial uses moving forward.

No other comments were received on this case.

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

7. Staff does not believe this request is compatible with the existing development along the Harvell Drive corridor, nor is it appropriate when considering the Future Land Use Map designation of this property and the Comprehensive Plan.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

DENIAL based upon the Future Land Use Map and Comprehensive Plan, as well as the perceived negative impact upon the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

Under Review


VI. ATTACHMENTS TO REPORT

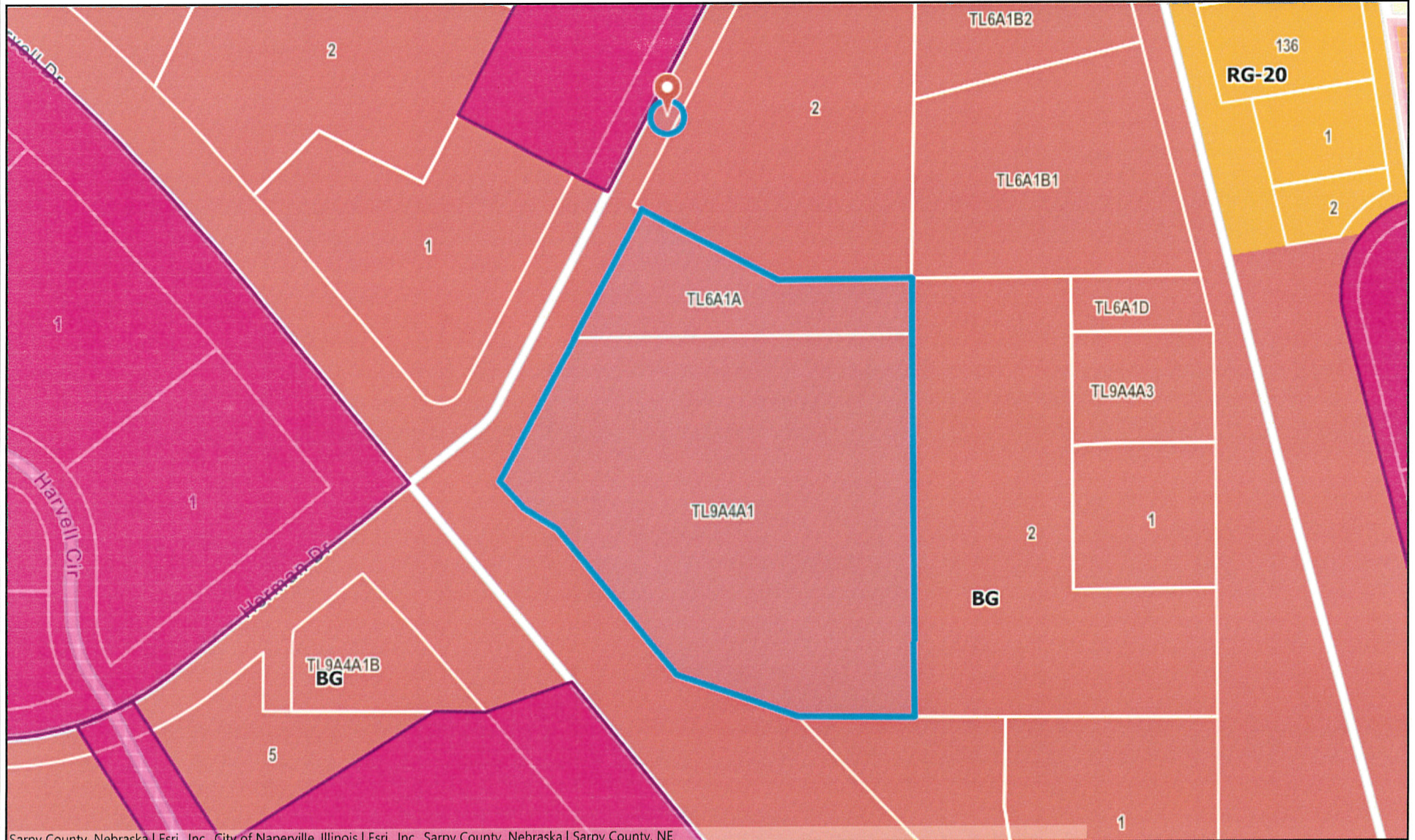
1. Vicinity Map/Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter from Fisher Easterling received December 24, 2020.
4. Letter from Chief Master Mike Kassebaum received January 28, 2021.
5. Letter from Tami Moore received February 11, 2021.
6. Letter from David "Nick" Forss received February 18, 2021.

VII. COPIES OF REPORT TO:

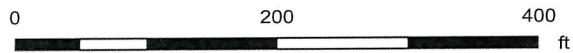
1. i3, LLC
2. Leopard Partnership, Ltd.
3. Public Upon Request


Assistant Planning Manager


Planning Manager Date of Report

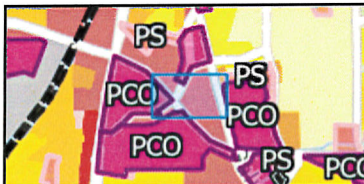


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 2257

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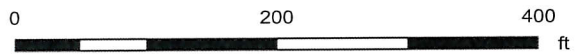


Notes





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



Map Scale 1: 2257

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Notes





i3, LLC
955 E. Main Street
Suite E Box #92
Lexington, SC 29072

Dear Ms. Palm:

Thank you for your time and consideration regarding the pending request to re-zone the property at 601 Chateau Dr. ("Leopard Lanes"). As previously discussed, we are seeking a new zoning status, changing from the current "BG" designation to the appropriate "RG-20" designation. It is our understanding that this zoning change will allow for the Tenant's use as behavioral healthcare providers.

To be more specific "Broadstep Behavioral Health" is a national care provider for both adolescents and adults and has recently added Nebraska to its geography due to a stated statewide shortage of care in this category. This facility is planned for adolescent care for those with behavioral health challenges and therapeutic needs. The youth in this facility will eat, sleep, recreate, and be educated on these premises. Please let us know if there are any questions at all about this group, or the specific intentions for the property. We look forward to discussing with your group as necessary, and we look forward to being a part of the Bellevue community.

Best Regards,

Fisher Easterling

RECEIVED
DEC 24 2020
PLANNING DEPT.



January 26, 2021

City of Bellevue Planning Department
1510 Wall Street
Bellevue, NE 68005
Case # Z:2012-17 or Applicant i3, LLC.

RECEIVED
JAN 28 2021
PLANNING DEPT.

To Tammi Palm:

I am writing regarding the proposed rezoning of tax lot 6A1A & 9A4A1 at 601 Chateau Drive, Bellevue. I own the business across the street from this location: Kassebaum's Martial Arts, 2111 Harvell Drive.

I am opposed to the rezoning of this area for the purpose of an adolescent residential group home. I am a small business owner who has faced a rough year due to the pandemic. The proposed rezoning would only put my business in further jeopardy.

My clientele is made up of families, most with children. Having an adolescent group home across the street would deter families from choosing my business. Safety is always a top priority for parents. A martial arts school across the street from an adolescent residential group home does not portray a safe environment for their children.

I am trying to keep my business afloat. I have owned a small business in Bellevue for 15 years. Each year my academy hosts a tournament in Bellevue that brings in roughly 500 competitors. We rent out the gym in a high school adding income to Bellevue Public Schools. Our tournament also contributes to other Bellevue businesses such as hotels and restaurants.

I frequently offer free self-defense seminars as well as free child safety days to the Bellevue Community. If my school loses business and is forced to close or move to another location, I will no longer be able to contribute all of this to this community.



After the past year, I cannot afford another hit to my business. In my opinion choosing to put this group home across the street from a martial arts school that caters to families with small children is an alarming choice.

Not only will it hurt the economic stability of my school, it also puts my clients' health and welfare at risk. I am asking that the rezoning for this purpose be denied. I would like to keep my partnership with the city of Bellevue going for many years to come.

Please consider this request of a longtime Bellevue business owner.

Thank you,
Chief Master Mike Kassebaum
Kassebaum's Martial Arts
2111 Harvell Drive
Bellevue, NE 68005
(402) 826-7448



The Lund Company
450 Regency Parkway
Suite 200
Omaha, NE 68114
Tel +1 402 393 8811
Fax +1 402 393 2402
lundco.com

February 11, 2021

Case #: Z-2012-17

RE: Letter of Opposition

Dear Council,

I am writing on behalf of the ownership of Chateau Apartments, as well as the 115 residents that reside within the community. We are writing to express our opposition to the proposed rezoning and development of Tax Lots 6A1A & 9A4A1. The City of Bellevue can support this development in a different location without the need to rezone. We believe the proposed rezoning would have a negative impact on the apartment communities located on Chateau Drive. Furthermore, the residents of Chateau Apartments oppose the adolescent group home as they are fearful that this change could cause safety problems and increased traffic congestion.

We urge you to disapprove the proposed rezoning, and from recent discussions with the neighboring apartment communities, we know our opinions are shared by others who have not managed to attend meeting or write letters and emails.

Thank you for your continued service and support of our communities.

Sincerely,

Tami Moore, CAM, CAPS
Director of Residential Property Management
The Lund Company
(402) 548-4073
tami.moore@lundco.com

RECEIVED
FEB 11 2021
PLANNING DEPT.



EPH Equity Partnership Holdings

Nick Forss
Principal
1863 Bolden Dr.
Mount Pleasant, SC 29466

714-916-6505 *Direct*
nick@ephproperties.com

February 16, 2021

RE: Case #: Z-2012-17

RECEIVED
FEB 18 2021
PLANNING DEPT.

To Whom It May Concern:

This letter serves as formal notice of our opposition to the re-zoning proposed at Tax Lots 6A1A & 9A4A1. I am one of the owners of the neighboring Chateau apartments, which consists of 115 apartment units. On behalf of our tenants, we vehemently request that rezoning is declined. A few of our tenants have already voiced concern over the potential rezoning as they have fears for their safety and wellbeing.

We appreciate the efforts of the group trying to establish an adolescent group home. My wife worked for a non-profit that helped at risk youth for 8-9 years. We also founded a charity that specialized in programs for children with special needs. While we appreciate and understand the benefits, we believe that there are significantly better locations than being placed in a retail center next to a number of apartment units. We believe that the city of Bellevue should be able to help the organization find a more suitable location.

We previously owned a multi-family property in Idaho Falls, ID. We had a similar situation where a group home was moved next to the complex. We ended up with a number of issues with tenants having items stolen, damaged, and concerns for their safety. We experienced increased crime and graffiti at the property. After two years this facility was closed down and immediately tenants felt a sense of relief and crime decreased.

On last month's call, we heard one of the committee members voice concern over the vacant retail space. In general, we would tend to agree that it is obviously better to have the space filled. However, over the past year of Covid, the country has experienced significant vacancy in retail, strip centers, and shopping malls. Thus, it is not specific to this location. We would also argue that over time this having the group home located here will dissuade neighboring retailers from being able to re-lease existing tenants or secure new tenants in the future. Therefore, it would likely cause the area to have even more significant vacancy issues over time.

Finally, although the success of the Chateau apartments may not be of concern to the Committee. This change in rezoning, will result in our property having higher vacancy, lower rental rates, and would likely eventually cause the property to be financially insolvent. This could result in an increased downturn in the community as we potentially many not be able to

deal with deferred maintenance items. We would request that the committee recommend a significant decrease in our property taxes if this rezoning is approved as we would not be able to afford the current rates being charged on the property.

Please confirm receipt of this letter and let me know if we need to provide to anyone else. We appreciate your understanding of our concerns. If you have any additional questions or concerns, please feel free to reach out.

Sincerely,

David A. Forss

David "Nick" Forss
EPH Properties, LLC