

## **BELLEVUE PLANNING COMMISSION**

Thursday, May 27, 2021 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 April 22, 2021 Regular Meeting
- e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

### 2. CONSENT AGENDA/PUBLIC HEARINGS:

#### 3. PUBLIC HEARINGS:

- a. Request for a conditional use permit for Lot 10 Nob Hill, for the purpose of caregiver services to independent seniors. Applicant: Gloria Pettigrew Fletcher. General Location: 2008 Virginia Avenue. Case#: CUP-2102-02.
- b. Request to rezone Lot 1, 370 Square Replat Six, being a replat of Lots 1 and 2, 370 Square Replat IV, from BG to RG-8-PS for the purpose of multi-family residential development, with site plan approval; and small subdivision plat Lot 1, 370 Square Replat Six, being a replat of Lots 1 and 2, 370 Square Replat IV. Applicant: Sage Capital, LLC. General location: 36th Street and Lexington Avenue. Case #'s: Z-2104-03, S-2104-07.

### 4. CURRENT BUSINESS

### 5. ADJOURNMENT

# MINUTE RECORD

Bellevue Planning Commission Meeting, April 22, 2021 Page 1

Pursuant to the Governor's Executive Order 20-36, on Thursday April 22, 2021 at 7:00 p.m. the Bellevue Planning Commission meeting was held via video conference. Upon roll call, present were Commissioners Ritz, Cain, Aerni, Hankins, Cutsforth, Ackley, Perrin, and Jacobson. Absent was Casey. 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 Daily Record and posting in two public places, and was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

Ritz announced the Open Meetings Act pursuant to the Governor's Executive Order 20-36, and said the 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 join using Facebook live via the City of Bellevue's Facebook page.

Cutsforth asked for a correction to the March 25, 2021 minutes.

Motion was made by Ackley, seconded by Aerni, to approve the minutes of the March 25, 2021 regular meeting with corrections. Upon roll call, all voted yes. Motion carried unanimously.

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

Motion was made by Cutsforth, seconded by Jacobson, 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 consent agenda process.

There was one item on the consent agenda:

Request to final plat 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; and approval of the Alta Collina Subdivision Agreement. Applicant: Orchard Valley, LLC. General location: 48th Street and Capehart Road. Case #: S-2103-04.

No one spoke in favor of, or opposition to this request.

MOTION was made by Jacobson, seconded by Cutsforth, to approve the consent agenda based upon conformance with the preliminary plat. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING ON May 4, 2021.**

Ritz explained the public hearing procedures.

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, of the 6th P.M., 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 if there were any updates. Palm stated the applicant had emailed a request to withdraw the application. She stated there is no need for a public hearing and the meeting could proceed to agenda item 3.b.

PUBLIC HEARING was held on a request to approve the Redevelopment Plan for Lots 1 through 6, Block 130, Bellevue & Vacated Avenue Adjacent. Applicant: Ivy Properties, Inc. General Location: 2009 Franklin Street. Case #: ECD-48.

Ritz asked staff if there were any updates. Palm stated there were no updates.

Elizabeth Sevcik, Croker Huck Law Firm, 2120 S 72<sup>nd</sup> Street, Suite 120, Omaha, NE was present on behalf of the applicant. Sevcik stated the property consists of six lots with two commercial buildings which are in poor condition and have been vacant for a number of years. She stated the other four lots had never been developed. Sevcik stated the northern lots would be developed into twelve row-house style apartment buildings with garages on the first floor and an additional parking lot on the south side

# MINUTE RECORD

Bellevue Planning Commission Meeting, April 22, 2021 Page 2

to provide parking for the commercial development. She stated construction would begin this year on the first building and after completion construction would begin on the second building. Sevcik stated the commercial property would be developed after the completion of the apartments. She stated the commercial project would be complementary to the apartments but there were no definite plans for that development at this time. Sevcik stated the cost of construction is increasing but her client is very motivated and with the help of tax increment financing, they believe the project could move forward. She stated this project is very close to the Olde Towne overlay and would provide a much-needed update to the corridor that leads to Olde Towne as well as complement the goals for Olde Towne Bellevue.

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

Ritz stated this is a great location and he would like to see the property developed.

Aerni asked staff what the parking requirements were for the apartments. Palm stated in the BGM (Metropolitan General Business District) zone there are no parking requirements.

Motion was made by Aerni, seconded by Perrin, to recommend approval of the Redevelopment Plan for Lots 1 through 6, Block 130, Bellevue & Vacated Avenue Adjacent. APPROVAL based upon conformance with the Comprehensive plan, elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for redevelopment in the Olde Towne Corridor. Upon roll call all present voted yes. MOTION carried unanimously.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING ON May 18, 2021.**

Meeting adjourned at 7:27 p.m.

  
Dianna Van Horn  
Planning Secretary

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBER:** CUP-2101-02

**FOR HEARING OF:  
REPORT 1#:** May 27, 2021

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Gloria Pettigrew-Fletcher  
2008 Virginia Avenue  
Bellevue, NE 68005

**B. PROPERTY OWNER:**

Gloria Pettigrew-Fletcher  
2008 Virginia Avenue  
Bellevue, NE 68005

**C. GENERAL LOCATION:**

2008 Virginia Avenue

**D. LEGAL DESCRIPTION:**

Lot 10 Nob Hill, located in the Northwest ¼ of Section 23, T14N, R13E of the 6<sup>th</sup> P.M.,  
Sarpy County, NE

**E. REQUESTED ACTION:**

Request for a conditional use permit for Lot 10 Nob Hill, for the purpose of caregiver  
services to independent seniors.

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

RS-84, Single Family Residential

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a conditional use permit to facilitate a facility to provide caregiver services to independent seniors.

**H. SIZE OF SITE:**

The site is approximately 0.23 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

This property is presently developed with a single-family residence. There is an accessory structure on the northwest portion of the property.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

- 1. **North:** Single Family Residential, RS-84
- 2. **East:** Single Family Residential, RS-84
- 3. **South:** Single Family Residential, RS-84
- 4. **West:** Single Family Residential, RS-84

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.09.03, Zoning Ordinance, regarding conditional uses in the RS-84 zoning district.
- 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 Medium Density Residential.

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data available for this location.
2. This property has access from a private driveway off Virginia Avenue.

**D. UTILITIES:**

All utilities are available to this location.

**E. ANALYSIS:**

1. Gloria Pettigrew-Fletcher is requesting a conditional use permit to provide care and assistance of daily living to independent seniors not wanting to move into a nursing home facility.

2. The applicant states the facility will provide 24-hour care for independent seniors needing additional assistance with personal and oral hygiene, administering and filling medications, bathing, dressing and undressing, meal preparation, laundry, shopping and errands, and transportation to doctors' appointments. Some residents may require standby assisted transfer to a chair or bed and continual supervision due to cognitive impairment.

3. The applicant has stated her hours of operation will be 24 hours per day, 7 days per week, with the following shifts for staff: 7:00 am to 3:00 pm, 3:00 pm to 11:00 pm, and 11:00 pm to 7:00 am with one staff member per shift and a floater available if needed. The existing one-car extended driveway will be used for both resident and staff parking.

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

4. Ms. Pettigrew-Fletcher has completed the required training and is registered and licensed to operate this type of facility in the State of Nebraska. She has not received a facility license from the Department of Health and Human Services (DHHS) and cannot acquire this licensure before installing a sprinkler system. The applicant does not want to take on this burden of cost before city approval of her application.

In addition to the requirements of the zoning ordinance, the applicant will be required to comply with all licensure requirements of the State of Nebraska DHHS.

5. The property is located along Virginia Avenue, a local street with a total width of 25' and on-street parking allowed only on the south side of the street.

6. 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, Bellevue Public School District, Sarpy County Administrator, Sarpy County Engineer, Sarpy County Public Works. 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.

Matt Knight, Public Works Engineer, commented “The justification letter cites a total staff of 10 serving 3 or 4 residents at a time with parking available on the residence’s driveway. The existing driveway is approximately 20’ wide by 35’ deep, and would likely be able to accommodate no more than 4 vehicles at a time, with 2 vehicles being effectively blocked in. Virginia Avenue is a local street with a total width of 25’ and on-street parking allowed only on the south side of the street. Driveways in the area have a typical spacing of 40’ – 60’, leaving minimal available on-street parking. Public Works’ concern would be the potential for congestion in this area due to the limited available parking.”

Mike Christensen, Chief Building Official, commented the 2021 IBC (International Building Code) permits care facilities for five or fewer persons receiving care in a single-family dwelling if an automatic sprinkler system is installed.

Captain Donald Gifford, Battalion Chief, commented a change of occupancy to residential board and care and the need for a fire sprinkler system would be required.

No other comments were received on this case.

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

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

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

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

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

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

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

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

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

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

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

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.

8. Staff does not believe the applicant can meet all the necessary requirements of Section 6.06 based on the negative perceived impact of the proposed conditional use. Staff is concerned with the applicant's ability to meet Sections 6.06.01, 6.06.02, and 6.06.05 specifically.

This is a 24/7 operation in a residential neighborhood, with ten paid staff, and the traffic that comes along with this type of use. The immediate neighborhood is developed with single family residences constructed in the 1960's. Most of these homes range in size from 1000-1200 square feet with single car driveways. As such, street parking is utilized in the area. The neighborhood also has individual mailboxes, further restricting street parking. Subsequently, staff believes this conditional use permit would have a negative impact on this existing, residential neighborhood.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

DENIAL based upon Section 6.06, standards for conditional use permits.

**V. PLANNING COMMISSION RECOMMENDATION**

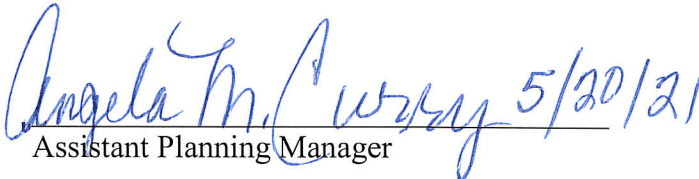
Under Review

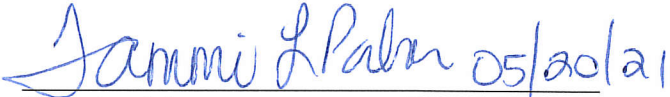
**VI. ATTACHMENTS TO REPORT**

1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter from Gloria Pettigrew-Fletcher received February 05, 2021.
4. Conditional Use Permit Agreement

**VII. COPIES OF REPORT TO:**

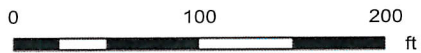
1. Gloria Pettigrew-Fletcher
2. Public Upon Request

  
Assistant Planning Manager

  
Planning Manager                      Date of Report



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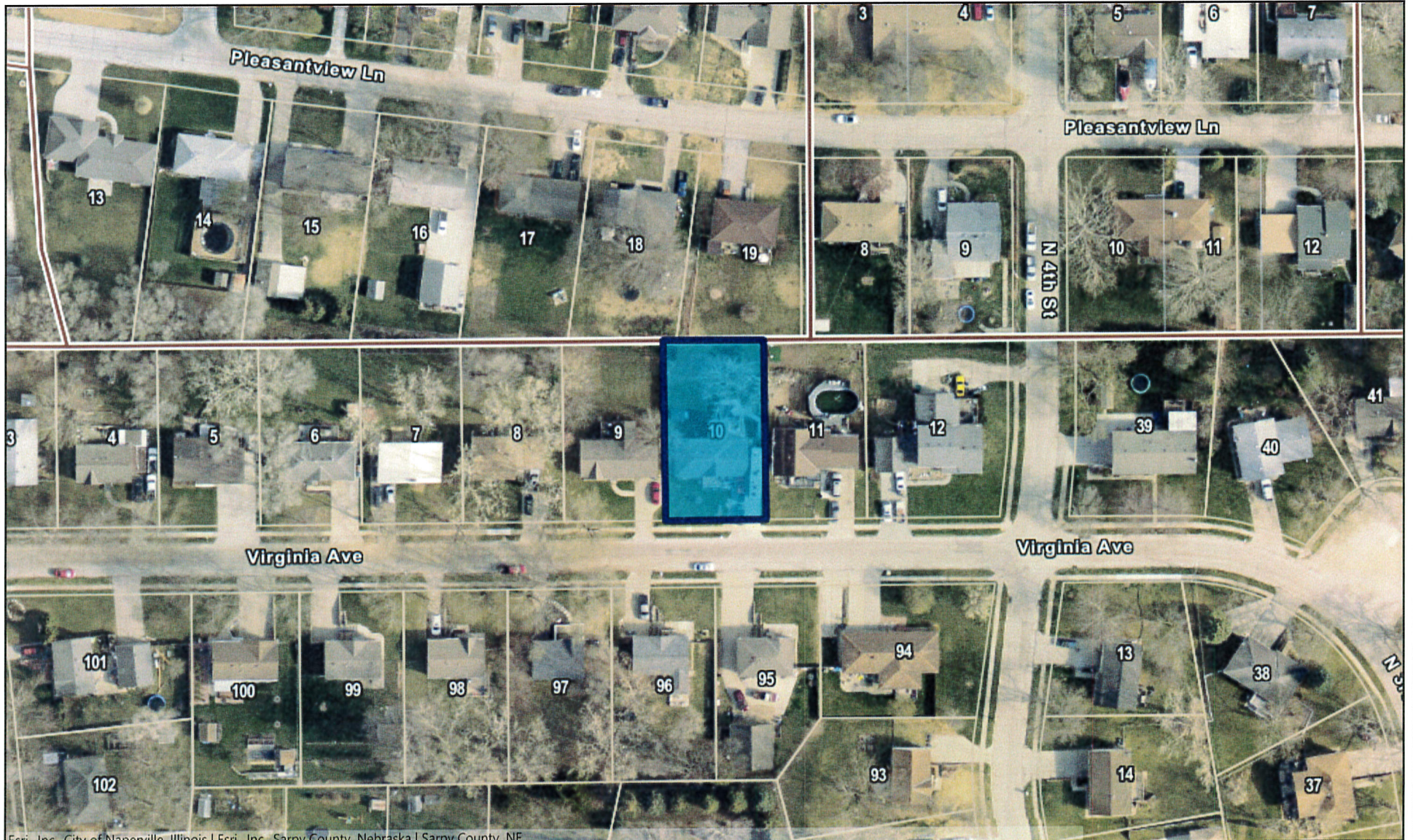
Notes





SARPY COUNTY  
NEBRASKA

# 2008 Virginia Avenue

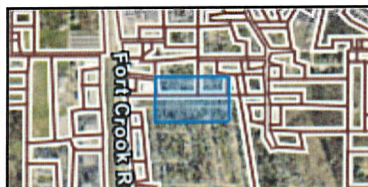


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Notes



January 15, 2021

To whom it may concern,

From: Gloria Pettigrew-Fletcher

I will be providing 24/7 care to all residents. SWAP Inc. offers companion care, certified medication aides, certified nurse assistance, and CPR trained. We will serve all meals and provide transportation to doctors' appointments. I have a staff of 10. The staff and resident will have onsite parking in the car double driveway.

My home will hold 3 to 4 residents.

Please call me if you can any questions.

Thanks again,

Gloria Pettigrew-Fletcher

402-598-8363

**RECEIVED**  
**FEB 05 2021**  
**PLANNING DEPT.**

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

CITY OF BELLEVUE  
CONDITIONAL USE PERMIT  
LOT 10, NOB HILL, LOCATED IN THE NORTHWEST ¼ OF SECTION 23, T14N, R13E OF  
THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA

Conditional Use Permit for Gloria Pettigrew-Fletcher

This Conditional Use Permit issued this \_\_\_\_\_ day of June, 2021 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Gloria Pettigrew-Fletcher, (“Applicant”), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Gloria Pettigrew-Fletcher is the legal owner of Lot 10, Nob Hill, located in the Northwest ¼ of Section 23, Township 14 North, Range 13 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, consisting of approximately .23 acres, more or less (“Property”). Applicant desires to use the Property for the purpose of Caregiver Services to Independent Seniors; 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 follow all Nebraska Health and Human Services Licensing requirements regarding health care services. A copy of required licensure shall be provided to the Planning Department.
  - d. The applicant may operate a facility providing Caregiver Services to Independent Seniors on the Property.
  - e. No more than three to four (3-4) senior residents may be in care at the facility at any one time.
  - f. The applicant may have a staff of ten (10) to include Certified Nursing assistants, Certified Medical Assistants, Personal Care Assistants, Physical Therapist, Speech Therapist and Occupational Therapist.
  - g. Approved hours of operation shall be 24 hours, 7 days a week with staff on site.
  - 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:

Gloria Pettigrew-Fletcher  
2008 Virginia Avenue  
Bellevue, NE 68005

- 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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

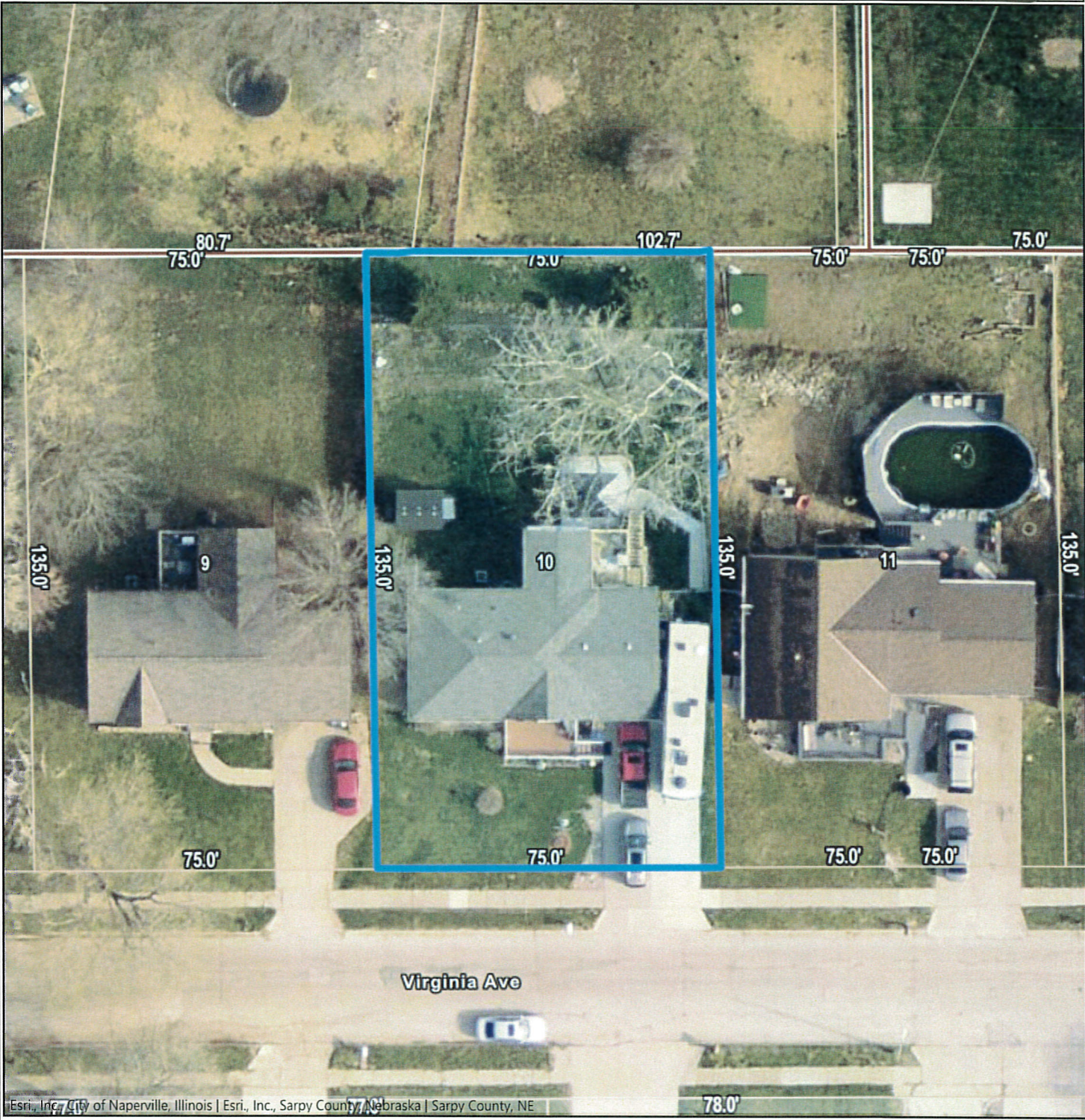
\_\_\_\_\_  
Gloria Pettigrew-Fletcher

STATE OF NEBRASKA        )  
  )SS:  
COUNTY OF \_\_\_\_\_)

The undersigned, a notary public qualified in and for said county, does hereby certify that Gloria Pettigrew-Fletcher signed the foregoing instrument, acknowledged before me on this day and she executed and delivered said instrument as her voluntary act and deed.

Witness my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

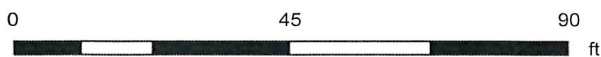
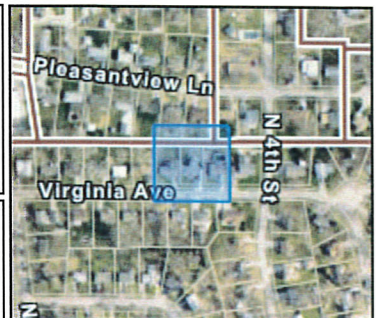


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Notes



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JAN 12 2021  
PLANNING DEPT.



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3.b.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2104-03  
S-2104-07

**FOR HEARING OF:**  
**REPORT #1:** May 27, 2021

**I. GENERAL INFORMATION**

**A. APPLICANTS:**

Sage Capital, LLC  
818 South 75<sup>th</sup> Street  
Omaha, NE 68114

**B. PROPERTY OWNERS:**

Tb2005, LLC  
c/o Tom Belford  
1817 North 100<sup>th</sup> Street  
Omaha, NE 68114

**C. GENERAL LOCATION:**

36<sup>th</sup> Street and Lexington Avenue

**D. LEGAL DESCRIPTION:**

Lot 1, 370 Square Replat Six, being a replat of Lots 1 and 2, 370 Square Replat IV.

**E. REQUESTED ACTIONS:**

1. Rezone Lot 1, 370 Square Replat Six, from BG to RG-8-PS with site plan approval.
2. Small Subdivision plat Lot 1, 370 Square Replat Six.

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

BG, General Business District/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 51-unit multi-family residential development.

**H. SIZE OF SITE:**

The site is approximately 2.54 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The property is presently vacant and covered in vegetation.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

- 1. **North:** Commercial, BG (across Lexington Avenue)
- 2. **East:** Commercial, BG (across South 36<sup>th</sup> Street)
- 3. **South:** Multi-Family Residential, RG-28-PS
- 4. **West:** Commercial, BG

**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 uses and requirements.
- 3. Chapter 5, Subdivision Regulations, regarding Small Subdivisions.
- 4. Section 8.11, Zoning Ordinance, regarding Building Design and Material Criteria.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this property as an activity center.

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data information available for this area.
2. The property will have access from one point along Lexington Avenue.

**D. UTILITIES:**

All utilities are available to this property.

**E. ANALYSIS:**

1. Brian Akert, on behalf of Sage Capital, LLC, has submitted a request for a re-zoning for Lot 1, 370 Square Replat Six, from BG to RG-8-PS, for the purpose of a multi-family residential development.

2. The property presently consists of two existing, platted lots both zoned BG.

The intent of the RG-8 district is to permit high-density, multi-story development and other uses that are typical and compatible in the operation of apartment houses.

The -PS zoning overlay allows for the construction of multiple buildings on one lot, in addition to encouraging the creative design of new living areas. With the -PS zoning overlay, site plan approval is required.

3. In conjunction with the change of zone, the applicant is also requesting a small subdivision plat for the apartment buildings. This request will result in a 2.54 acre one-lot plat by combining the two previously platted lots.

4. The proposal consists of 51 units in two buildings. The site plan shows 94 surface parking stalls (five handicap) for the development with an additional 16 ground level attached garages to provide protected parking. This exceeds the minimum 102 stalls required by the zoning ordinance.

5. The applicant's plans include a fitness room for their residents.

6. The landscape plan has been reviewed by staff and meets the minimum requirements of the zoning ordinance.

7. Per Section 8.11, Zoning Ordinance, the apartment buildings will need to meet the city's design standards. Compliance with these regulations will be reviewed as part of the building permit process.

8. 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, Papillion LaVista School Superintendent, Sarpy County Public Works Department, and the Sarpy County Administrator. 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.

Bellevue Public Works Engineer Matt Knight requested a preliminary drainage study and minor technical revisions to the plat. These revisions have since been made by the applicant's surveyor. Additionally, Mr. Knight is comfortable with the applicant's plan for drainage.

Don Gifford, Bellevue Fire Department, had a comment regarding fire hydrant placement. He indicated depending on the location of the existing hydrants in the area, the applicant may need to place one inside their development. This will be addressed at time of building permit.

Sarpy County Public Works Engineer Michael Sharp also requested minor technical revisions to the plat. These revisions have since been made.

No other comments were received in this case.

9. The 36<sup>th</sup> Street widening project currently under construction calls for a 10' wide trail from Sheridan Road to Gayle Avenue (just to the south of this project). In reviewing this application, the Public Works and Planning Departments have determined it would be beneficial to run the 10' wide trail north to Lexington Avenue. As such, city staff is requesting the 5' wide sidewalk requirement along 36<sup>th</sup> Street be temporarily waived. When the city is ready to proceed with this section of 10' wide trail, we would request a 50% cost share from the developer for the portion abutting their property. The waiver/cost-share agreement will be formally addressed as part of the City Council approvals.

10. This area is identified as an activity center in the Future Land Use Map of the Comprehensive Plan. Activity centers are defined as areas of mixed land use to include residential, retail and commercial, office, and public areas all in close proximity. This development is in conformance with the Comprehensive Plan.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

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

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review

**VI. ATTACHMENTS TO REPORT**

1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Justification letter received April 27, 2021
4. Architectural/Landscape Plan received April 27, 2021
5. Site plan received May 18, 2021
6. Small subdivision plat received May 18, 2021

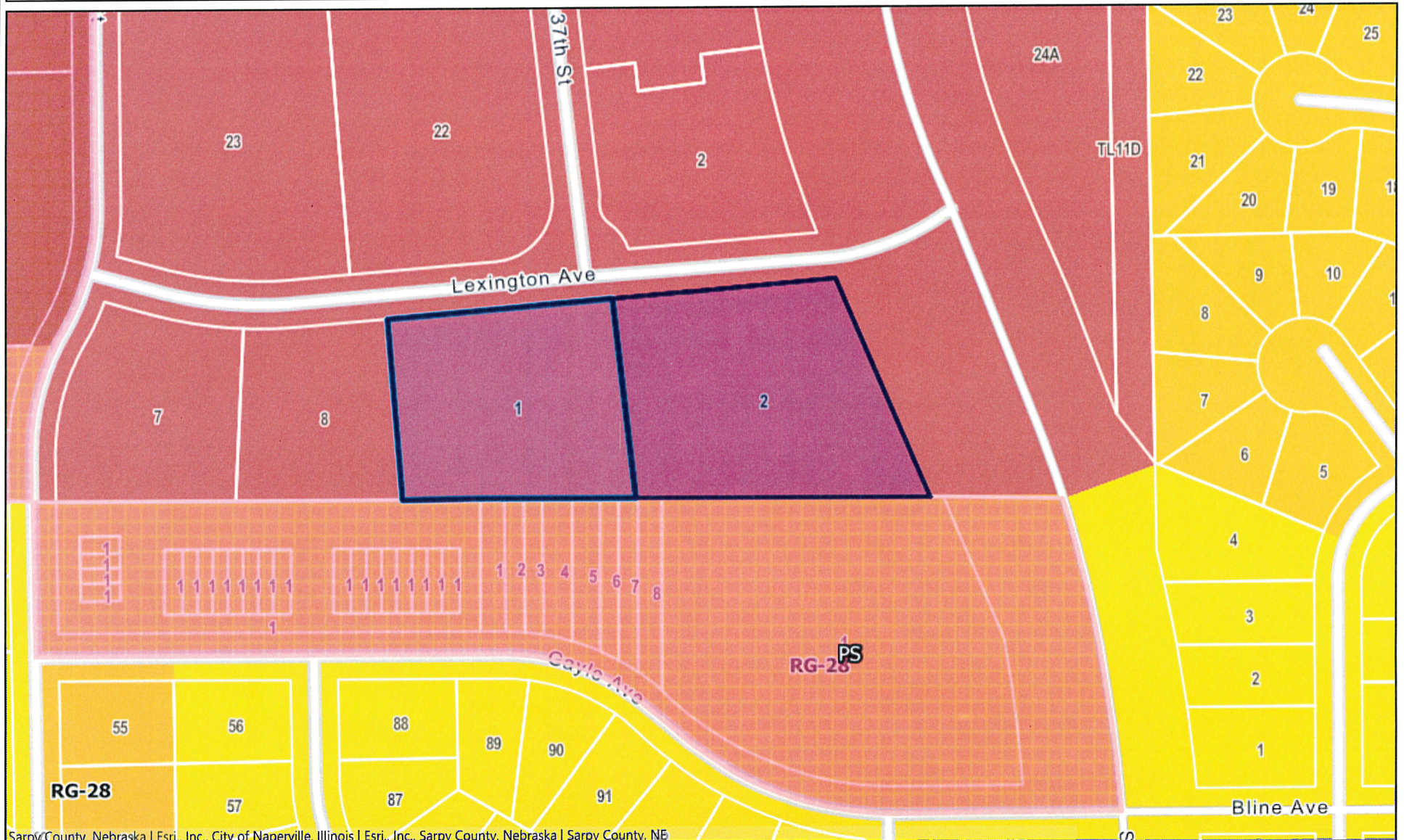
**VII. COPIES OF REPORT TO:**

1. Sage Capital, LLC
2. Tom Belford
3. Thompson, Dressen & Dorner (Gary Norton)
4. Public Upon Request

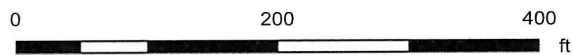
  
Assistant Planning Manager: Date of Report

  
Planning Manager: Date of Report

# 36th Street and Lexington Avenue



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



Map Scale 1: 2257

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







119 South 49th Avenue Omaha NE 68132  
[HollandBasham.com](http://HollandBasham.com)

April 23, 2021

City of Bellevue  
1510 Wall Street  
Bellevue, NE 68005

Subject: 36<sup>th</sup> & Lexington Zoning Change  
HBA Project Number: 20071

To whom it may concern,

This letter serves as the written justification for the zoning change for the property located at 36<sup>th</sup> & Lexington from BG to RG-8 with a PS district. The future use of the site is being designed for two multifamily buildings, but the current BG zoning does not allow multifamily as a permitted use. The zoning change to RG-8 with a PS district allows for multiple multifamily buildings on a single lot with the necessary setbacks for buildable area. Furthermore, the immediate area is part of an Activity Center future use that encourages multifamily development in this zone.

Sincerely,

Brian Akert, AIA, Associate Partner  
[bakert@hollandbasham.com](mailto:bakert@hollandbasham.com)

BA

Enclosure

cc: Aaron Moser, Collin Brown, Terry Root

**RECEIVED**  
**APR 27 2021**  
**PLANNING DEPT.**





thompson, dressen & dörner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 www.td2co.com

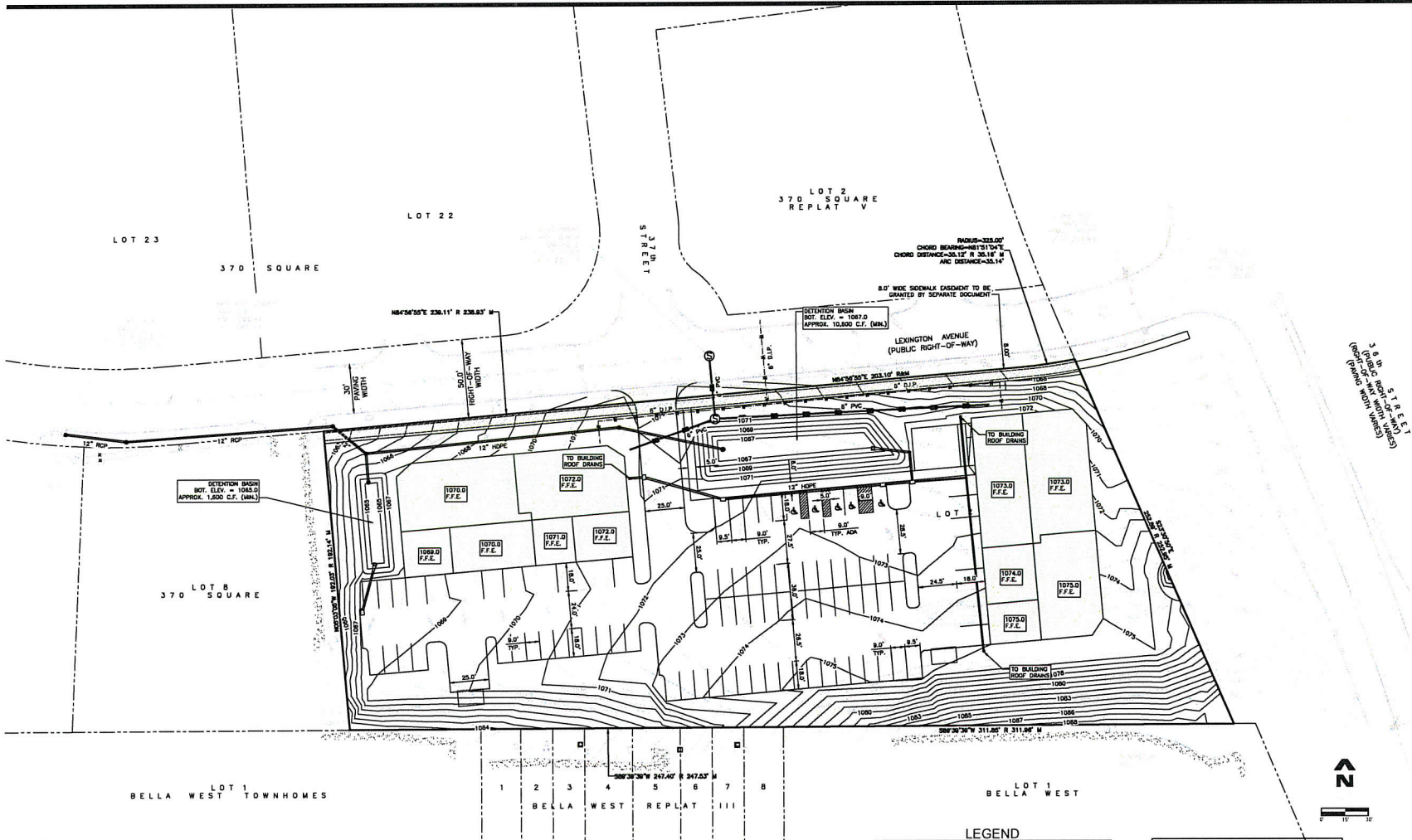
Sage 36th &  
Lexington

HBA

PROGRESS PRINT  
NOT TO BE USED FOR  
CONSTRUCTION  
DATE PRINTED: May 18, 2021

Site Plan

C1.0



**LEGEND**

	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING SANITARY SEWER
	PROPOSED SANITARY SEWER
	EXISTING STORM SEWER
	PROPOSED STORM SEWER
	EXISTING WATER MAIN
	PROPOSED WATER MAIN
	PROPOSED 7" P.C.C. PAVEMENT
	PROPOSED 4" P.C.C. SIDEWALK
	PROPOSED SIDEWALK EASEMENT TO BE GRANTED BY SEPARATE DOCUMENT

**PARKING SUMMARY**






STALL TYPE	STALLS
STANDARD STALLS	73
HANDICAP STALLS	5
ATTACHED GARAGE	18
STALL IN FRONT OF ATTACHED GARAGE	18
<b>REQUIRED PARKING STALLS</b>	<b>102</b>
<b>TOTAL PARKING</b>	<b>110</b>

**RECEIVED**  
 MAY 18 2021  
 PLANNING DEPT.

RECEIVED

MAY 18 2021

PLANNING DEPT.

-  EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT AS INSTRUMENT NO. 89-02965.
-  EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT AND NORTHWESTERN BELL TELEPHONE COMPANY IN BOOK 48, PAGE 19, MISCELLANEOUS RECORDS.
-  EASEMENTS AS SET FORTH ON THE PLAT AND CONTAINED IN THE DEDICATION OF 370 SQUARE REPLAT IV AS INSTRUMENT NO. 2001-27537.
-  EASEMENTS AS SET FORTH ON THE PLAT AND CONTAINED IN THE DEDICATION OF 370 SQUARE, IN BOOK 5, PAGE 104, PLAT RECORDS AND ON THE PLAT AND CONTAINED IN THE DEDICATION OF 370 SQUARE REPLAT II 1989 AS INSTRUMENT NO. 89-03573.
-  8.0 FOOT WIDE SIDEWALK EASEMENT TO BE GRANTED BY A SEPARATE DOCUMENT.

# 370 SQUARE REPLAT SIX

## LOT 1

BEING A REPLATTING OF LOTS 1 AND 2, 370 SQUARE REPLAT IV, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 32, T14N, R13E OF THE 6th P.M. SAID SARPY COUNTY.

REVIEW BY SARPY COUNTY PUBLIC WORKS  
THIS PLAT OF 370 SQUARE REPLAT SIX WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

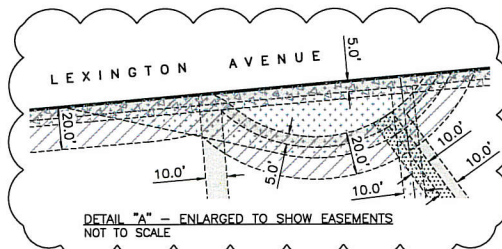
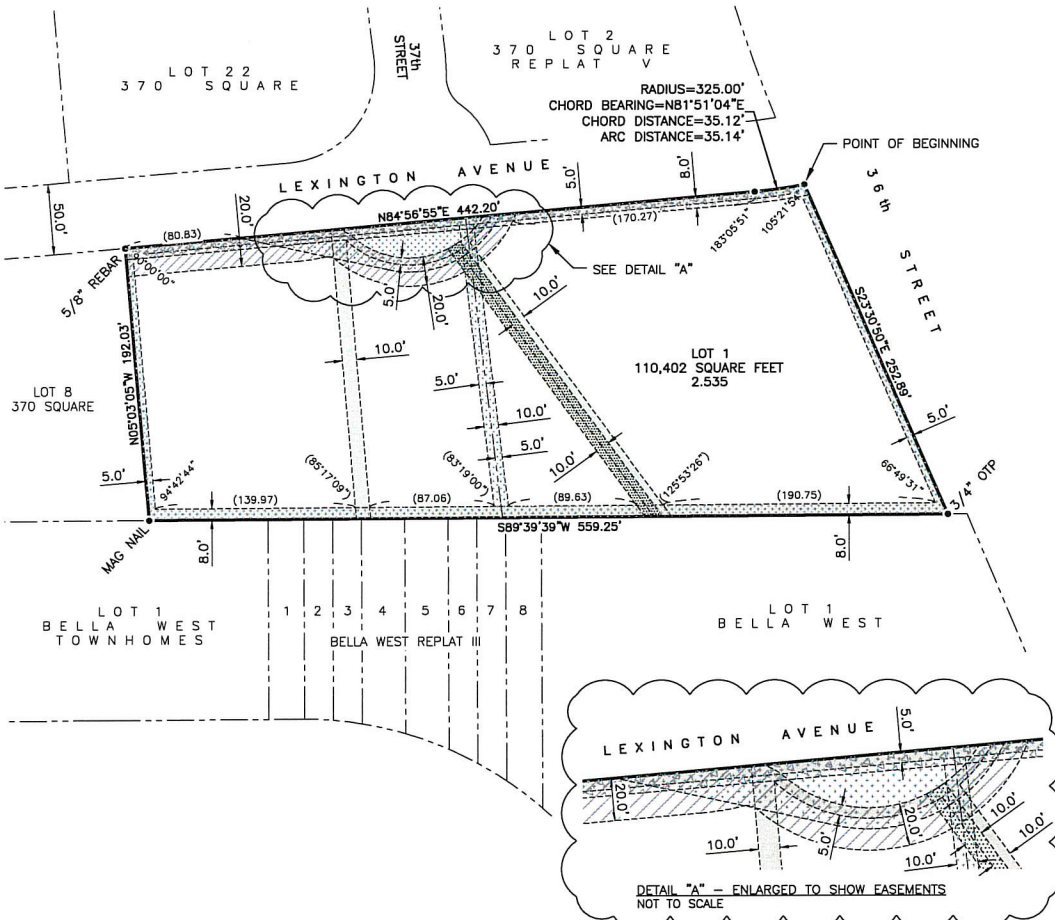
SARPY COUNTY SURVEYOR/ENGINEER

### NOTES

- THERE SHALL BE NO DIRECT VEHICULAR ACCESS ONTO 36TH STREET OVER THE EAST LINE OF LOT 1.
- ANGLES SHOWN ADJACENT TO CURVES ARE MEASURED TO THE CHORD LINE OF THE CURVE.
- DIMENSIONS IN PARENTHESIS ARE FOR THE LOCATION OF EASEMENTS.

### LEGEND

- CORNERS FOUND (5/8" REBAR W/CAP UNLESS NOTED)
- R RECORDED DISTANCE
- M MEASURED DISTANCE
- OTF OPEN TOP PIPE



### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID SUBDIVISION TO BE KNOWN AS 370 SQUARE REPLAT SIX, LOT 1, BEING A REPLATTING OF LOTS 1 AND 2, 370 SQUARE REPLAT IV, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2;

THENCE S23°30'50"E (BEARINGS BASED ON THE DOUGLAS/SARPY COUNTY LOW DISTORTION PROJECTION) 252.89 FEET ON THE EASTERLY LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER THEREOF;

THENCE S89°39'39"W 559.25 FEET ON THE SOUTH LINES OF SAID LOTS 1 AND 2 TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE N05°03'05"W 192.03 FEET ON THE WEST LINE OF SAID LOT 1 TO THE NORTHWEST CORNER THEREOF;

THENCE N84°56'55"E 442.20 FEET ON THE NORTH LINES OF SAID LOTS 1 AND 2;

THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID LOT 2 ON A 325.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N81°51'04"E, CHORD DISTANCE 35.12 FEET AN ARC DISTANCE OF 35.14 FEET TO THE POINT OF BEGINNING.

APRIL 15, 2021 CONTAINING 110,402 SQUARE FEET OR 2,535 ACRES  
DATE:



CHRIS E. DORNER  
NEBRASKA RLS 507

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, TB2005,LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNER OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO A LOT TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS 370 SQUARE REPLAT SIX, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR, AND RENEW POLES, WIRES, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING THE FRONT AND SIDE BOUNDARY LOT LINES AND AN EIGHT (8') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINE.

NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, SIDEWALKS, DRIVEWAYS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

TB2005, LLC  
A NEBRASKA LIMITED LIABILITY COMPANY

By: \_\_\_\_\_  
THOMAS M. BELFORD, MANAGING MEMBER

### ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA  
COUNTY OF DOUGLAS)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY THOMAS M. BELFORD, MANAGING MEMBER OF TB2005, LLC ON BEHALF OF SAID LLC.

NOTARY PUBLIC

### SARPY 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 WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

TREASURER'S SEAL  
SARPY COUNTY TREASURER

### APPROVAL OF BELLEVUE PLANNING COMMISSION

THIS PLAT OF 370 SQUARE REPLAT SIX WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021. THIS PLAT BECOMES NULL AND VOID IF NOT RECORDED WITHIN 90 DAYS OF THE ABOVE DATE.

BELLEVUE PLANNING COMMISSION

### APPROVAL OF BELLEVUE CITY COUNCIL

THIS PLAT OF 370 SQUARE REPLAT SIX WAS APPROVED BY THE BELLEVUE CITY COUNCIL ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BELLEVUE CITY COUNCIL



thompson, dreesen & dornier, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p:402.330.8860 f:402.330.5566  
td2co.com

370 SQUARE REPLAT SIX  
LOT 1



Revision Dates

No.	Description	MM-DD-YY
01	CITY COMMENTS	05-16-21
-	-	-
-	-	-

Job No.: A1071-119A  
Drawn By: BJH  
Reviewed By: CED  
Date: APRIL 15, 2021  
Book: 20/26  
Pages: 39-41

Sheet Title  
CITY OF BELLEVUE  
SMALL SUBDIVISION

Sheet Number  
SHEET 1 OF 1