

BELLEVUE PLANNING COMMISSION

Thursday, August 26, 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 July 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 to rezone Lots 1 and 2, Whispering Timber Estates Replat 7, being a replat of Lot 106, Whispering Timber Estates, Lot 1, Whispering Timber Estates Replat 6, and Lot 2A1, Fair Hill Addition, from AG, RE and RS-84-PS to RE and RS-84-PS for the purpose of existing residential development; and small subdivision plat Lots 1 and 2, Whispering Timber Estates Replat 7. Applicants: Todd Santoro and Greg Dennis. General location: Hickory Circle and Childs Road East. Case #'s: S-2107-19 and Z-2107-10.

b. Request to declare as Blighted and Substandard Lot 1, College Apartments Addition. Applicant: Stella Realty, LLC. General location: 400 W 19th Avenue. Case #: ECD-51.

c. Request to amend Sections 5.27 ML Light Manufacturing, and 5.28 MH Heavy Manufacturing, City of Bellevue Zoning Ordinance, regarding the addition of recycling collection and processing facilities as a permitted use. Applicants: Waste Connections of Nebraska, Inc. and City of Bellevue. Case #: 164.

d. Request to rezone Lots 12B & 13C, South of Drainage Ditch, Butterfields Subdivision, located in the Northeast $\frac{1}{4}$ of Section 10, T13N, R13E, Sarpy County, Nebraska; Tax Lot 14, Except that Part taken for Highway Right-of-Way, and Part of Vacated State Right-of-Way in the East $\frac{1}{2}$ of the East $\frac{1}{2}$ in the Southeast $\frac{1}{4}$ adjacent to Tax Lot 14, all located in the Southeast $\frac{1}{4}$ of Section 10, T13N, R13E, Sarpy County, Nebraska; and Part of Vacated State Right-of-Way in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, West of Fort Crook Road South, located in the Southwest $\frac{1}{4}$ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE, from FX and BNH to ML for the purpose of light industrial development. Applicant: Waste Connections of Nebraska, Inc. General location: Fairview Road and Fort Crook Road South. Case #: Z-2107-09.

e. Request to rezone Lots 154 through 196, and Outlots "F" through "I," Spring Ridge, being a platting of Tax Lot 12, Tax Lot 13A, Lot 2 Bohac Addition, and Outlot B, Green Meadows, all located in the Southwest $\frac{1}{4}$ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, NE, from AG and BG to RA, BG, and RG-8-PS, with site plan approval, for the purpose of single family and multi family residential development; and preliminary plat Lots 154 through 196, and Outlots "F" through "I," Spring Ridge. Applicant: Orchard Valley, Inc. General Location: South 21st Street and Gilmore Lake Road. Case #'s: Z-2103-02 and S-2103-05.

f. Request to amend Sections 2.22 Definitions, 5.27 ML Light Manufacturing District, 5.28 MH Heavy Manufacturing District, 5.35 HCO Highway 34 Corridor Overlay District, and Article 8 Supplemental Regulations, City of Bellevue Zoning Ordinance, regarding solar energy. Applicant: City of Bellevue. Case #: 165

4. CURRENT BUSINESS

a. Planning Commission Board of Adjustment member

b. Planning Department updates
5. ADJOURNMENT

MINUTE RECORD

Bellevue Planning Commission Meeting, July 22, 2021, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, July 22, 2021 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Aerni, Ritz, Ackley, Hankins, and Jacobson. Absent were Perrin, and Cutsforth. Also present was Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Gretna Guide & News 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 Hankins, to approve the minutes of the June 24, 2021 regular meeting as presented. Upon roll call, Casey, Aerni, Ritz, Hankins, Ackley, and Jacobson voted yes. Motion carried unanimously.

Ritz asked if there were any updates or additions to staff reports. Curry advised there was an update to the Capital Improvement Plan. She stated copies of the update had been provided to the commissioners.

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

Ritz explained the public hearing procedures

PUBLIC HEARING was held on a request to declare as Blighted and Substandard Lots 4 and 5, Edward Warren Addition, and Tax Lot H2, located in the Southwest ¼ of Section 16, T14N, R13E of the 6th P.M., Sarpy County Nebraska. Applicant: Imperial Homes, LLC. General Location: 3501 Chandler Road West. Case #: EDC-49.

Ritz asked staff for an update. Curry stated the applicant is requesting Lots 4 and 5, Edward Warren Addition and Tax Lot H2, be considered as blighted and substandard. She stated the property is located off 36th Street and West Chandler Road. Curry said the property is approximately 10.42 acres. Curry stated Tax Lot H2 is currently undeveloped and Lots 4 and 5 currently have single-family residences on them; both residences are approximately sixty to seventy years old and in need of some repairs. Curry said this corridor of Chandler Road has not seen any recent development. Curry stated the Planning Department recommends approval of the request.

Elizabeth Sevcik, 2120 S 72nd Street, Omaha, NE. was present on behalf of the applicant. Sevcik stated the existing structures on the site are significantly aged and it is necessary to demolish these structures. She stated there is substantial costs for infrastructure and demolishing the existing structures. Sevcik said the idea for this development would be entry-level housing and the homes would range from \$200,000 to \$250,000. Sevcik said plans are still being worked out for approximately thirty-six single-family dwellings and a couple of duplexes.

Jerri Sorensen, 7725 South 36th Street, Bellevue, NE stated her property abuts the development and asked if there were plans or pictures that would show her what would be developed there.

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

Ritz explained the application was to blight and substandard these lots and no site plan or development plan had been submitted.

Ackley stated the blighted and substandard request complies with the statutory requirements. He stated the redevelopment agreement might be submitted in the near future.

MOTION was made by Ackley, seconded by Aerni, to recommend APPROVAL of a request to declare as Blighted and Substandard Lots 4 and 5, Edward Warren Addition, and Tax Lot H2, located in the Southwest ¼ of Section 16, T14N, R13E of the 6th P.M., Sarpy County Nebraska. APPROVAL based upon the analysis that Lots 4 and 5, Edward Warren Addition, and Tax Lot H2, meet the statutory requirements of blighted and substandard and the designation supports the overall goal of redevelopment of the West Chandler Road corridor and will not result in more than 35% of the city being designated as blighted and substandard. Upon roll call, all present voted yes. MOTION carried

MINUTE RECORD

Bellevue Planning Commission Meeting, July 22, 2021, Page 2

unanimously.

This item will proceed to City Council for PUBLIC HEARING ON August 17, 2021.

PUBLIC HEARING was held on a request to approve the Redevelopment Plan for Lot 7, Tiller's 4th Addition. Applicant: Freedom Village, LLC. General Location: 1811 Hillcrest Drive. Case #: ECD-50.

Ritz asked staff for an update. Curry stated the property is located at 1811 Hillcrest Drive and the site is approximately 6.1 acres. Curry said the applicant is proposing redevelopment of the property by rezoning it and developing it into a 55 and over senior living community. She stated the lot has previously been designated as blighted and substandard and has remained vacant for some time.

Aerni stated he had a professional conflict with this case and excused himself.

Larry Jobeun, 11440 W. Center Rd., Omaha, NE was present on behalf of the applicant. Jobeun stated at one time this site was to be developed into a water park and hotel which was unsuccessful. He stated the site has remained vacant and undeveloped since 2008. Jobeun stated challenges on the site would require Tax Increment Financing (TIF) primarily due to a retaining wall in need of substantial renovation. He said there would need to be new on street and off-street parking along with site development work necessary to complete the project. Jobeun stated the current zoning is BG (General Business) and the requested zoning of RG-20-PS (General residence – 2,000 Square foot zone - Planned subdivision) is compatible with the Future Land Use Map of the City of Bellevue. He stated this is a senior living project for 55 and older. Jobeun stated there are a total of 56 units, 7 four-plex buildings, garden homes, and an apartment building with a clubhouse, gathering space, and a fitness center. He stated there are 28 garages and 91 surface parking spaces, which exceeds the parking requirements by city code. Jobeun stated the site has green space with a picnic shelter and gazebo. He stated the TIF eligible expenses are \$4,401,173 dollars and the proposed build out is \$12,500,000 dollars which support the TIF request of \$2,609,077 dollars at 4 ½ percent over the fifteen year term requested.

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

Ackley stated the blighted and substandard designation for this area was approved many years ago and he was happy to see the redevelopment plan. He stated he was in support of the redevelopment plan and appreciated the applicant developing in Bellevue.

Discussion ensued regarding sidewalks and parks in the area.

Ritz asked staff if the redevelopment plan was routed to the proper departments and were there any comments. Curry stated there were comments but they were remedied by the applicant. Ritz stated his concerns with traffic. Jobeun stated a traffic study had been done and no additional public improvements were required for this development.

Commissioner Aerni left the Council Chambers at 7:21 p.m.

MOTION was made by Casey, seconded by Jacobson, to recommend APPROVAL of a request to approve the Redevelopment Plan for Lot 7, Tiller's 4th Addition. Applicant: Freedom Village, LLC. General Location: 1811 Hillcrest Drive. Case #: ECD-50. APPROVAL based upon the elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for redevelopment along the Harlan Drive corridor. Upon roll call, Casey, Ritz, Ackley, Hankins and Jacobson, voted yes; Aerni abstained. MOTION carried.

This item will proceed to City Council for PUBLIC HEARING ON August 17, 2021.

PUBLIC HEARING was held on a request to rezone Lot 7, Tiller's 4th Addition, from BG to RG-20-PS for the purpose of a senior living development. Applicant: Freedom Village, LLC. General Location: 1811 Hillcrest Drive. Case #: Z-2106-07.

Larry Jobeun, 11440 W. Center Rd., Omaha, NE was present on behalf of the applicant and to answer questions.

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

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MOTION was made by Casey, seconded by Jacobson, to recommend APPROVAL of a request to rezone Lot 7, Tiller's 4th Addition, from BG to RG-20-PS for the purpose of a senior living development. Applicant: Freedom Village, LLC. General Location: 1811 Hillcrest Drive. Case #: Z-2106-07. APPROVAL based upon compatibility with the surrounding neighborhood, lack of perceived negative impact, and conformance with the Zoning Ordinance. Upon roll call, Casey, Ritz, Ackley, Hankins and Jacobson, voted yes; Aerni abstained. MOTION carried.

This item will proceed to City Council for PUBLIC HEARING ON August 17, 2021.

Commissioner Aerni returned to the Council Chambers 7:37 p.m.

PUBLIC HEARING was held on a request to rezone Lots 1 and 2, Harold Square Replat One, being a replat of Lot 49, Harold Square, from RG-50 to RG-20 and RG-50 for the purpose of a single-family residence and care facility for disabled adults; and small subdivision plat Lots 1 and 2, Harold Square Replat One. Applicant: Sharon Chaudhuri. General location: 8700 S 25th Street. Case #'s: Z-2106-08, S-2106-14.

Ritz asked staff for an update. Curry stated Ms. Chaudhuri is requesting to construct a single-family residence on Lot 2 and a care facility for young disabled adults on Lot 1. She stated the young disabled adults would range in age from 18 to 34. Curry stated the facility would give parents of disabled children an opportunity to refresh themselves while their children enjoy time with others at the facility. She stated Ms. Chaudhuri would provide a day learning center as well as seven bedrooms for overnight stays for her clients.

Sharon Chaudhuri, 12054 Carpenter St., Omaha, NE was present. Chaudhuri stated the facility is designed as an overnight respite and retreat. She stated she cared for a disabled daughter for twenty-five years who passed away two years ago. Chaudhuri stated from that experience she understands what families are lacking in caring for disabled children. She stated there are some services available but those services are in-home services and do not allow the parents the ability to have time to take care of other responsibilities. Chaudhuri said it would also allow the children to interact with other young adults their age. She stated there would be indoor and outdoor activities. Chaudhuri stated security is a big concern and is the reason she wants to build a single-family dwelling next door to the facility.

Bryan Lanning, 2506 Rose Lane Rd., Bellevue, NE stated although he has concerns regarding this facility he has two disabled children who may need this facility when they are adults. He stated a concern he has is sidewalks and the lack of them in this area. Lanning stated another concern is the water runoff from this property causing additional flooding. He stated this facility might cause property values to decrease in the area.

Ted Wiles, 8701 S. 25th St., Bellevue, NE stated he has a handicapped niece who would benefit from this type of facility but does not believe this is the right area for it. He stated a concern for the increase in traffic. He said the traffic has already increased significantly with the new subdivision Melvin Sudbeck is building. Wiles stated there are people who speed in this area and the city has reduced the speed limit to 35 miles per hour (MPH). Wiles stated there are no curbs, sidewalks, or streetlights in the area and he prefers it to remain that way. He stated he is also concerned with the impact on utilities and would not allow a sewer easement to cross his property. Wiles stated he would like clarification on the phase one and phase two projects. Wiles stated he feels it is a conflict of interest to have Mayor Hike as the listing agent and monetarily benefit from the sale of this property.

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

Curry stated the architectural design, access, and setbacks, would be reviewed at the time the applicant submits a building permit application. She stated the small subdivision request was sent to the Public Works department for review and minor revisions were requested. Curry said both the Public Works Department and the Planning Department agree the property is sufficient for this proposal.

Ackley stated from a zoning prospective the property is currently zoned to allow for duplexes or a building with four dwelling units. He stated there a quite a few pockets in the city that do not have sidewalks but as these new areas are developed sidewalks will be required. Ackley stated the developer would need to grade and slope the area to avoid any flooding issues and with this development the flooding issue should improve. He stated the property values in all areas are going

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up at this time but there is no way to tell what would happen in the future. Ackley stated the power line easement is one of the reasons this property has remained undeveloped for so long. He said the applicant has found a way to work around the easement and would be limited as to how much future development could be done on the property. Ackley stated the traffic in the area is heavy because 25th Street is two lanes and as the area grows the city may add a third lane. Ackley stated the conflict of interest deals with someone profiting from a development. He said Hike Real Estate is the realty company selling this property and Bellevue Mayors are not required to give up their day jobs. Ackley stated he feels this is a good project.

Aerni stated new developments in the area are required to install sidewalks.

Ritz asked the applicant to explain the phasing of this development. Chaudhuri stated Phase I would be to develop the 5,200 square foot building and Phase II, would construct another 5,200 square foot building if needed in the future.

Jacobson asked the applicant if there would be a Phase III. Chaudhuri stated there would not be a Phase III. Discussion ensued regarding indoor and outdoor activities

Casey asked the applicant if the front elevation plan provided to the Planning Commission was for Phase I and Phase II. Chaudhuri stated it was Phase I only. She stated the structure is quite large due to the ranch style and ADA (American Disabilities Act) accessibility. Casey asked if Phase II is predicated on the success of Phase I. Chaudhuri stated it is.

Aerni stated it would be important for the applicant to explain why she chose this particular lot. Chaudhuri stated she has been looking for a lot for two years. She explained cost was a big issue and other areas she looked at were half a million dollars.

Ritz stated he appreciated the services offered by this applicant. He stated respite is very necessary for individuals caring for disabled children.

Discussion ensued regarding connection locations for sewer and water.

Casey asked the applicant what types of security would be in place. Chaudhuri stated she is responsible for these adults when they come into her care so security is of the utmost importance. She stated there would be fencing surrounding the property and a gated entry. Chaudhuri said there would be security cameras throughout the house with the exception of the bathrooms. She stated she would be able to monitor the security cameras from her home next door. Casey asked how many staff would be required. Chaudhuri stated with an occupancy of seven there would be two full time employees and two part time employees. She stated the hours would be Friday 3:00 p.m. to Sunday 3:00 p.m. Chaudhuri stated the maximum stay would be seven days, except in the case of an emergency.

Discussion ensued regarding the aesthetics of the structure and signage.

MOTION was made by Aerni, seconded by Casey, to recommend APPROVAL of a request to rezone Lots 1 and 2, Harold Square Replat One, being a replat of Lot 49, Harold Square, from RG-50 to RG-20 and RG-50 for the purpose of a single-family residence and care facility for disabled adults; and small subdivision plat Lots 1 and 2, Harold Square Replat One. Applicant: Sharon Chaudhuri. General location: 8700 S 25th Street. Case #'s: Z-2106-08, S-2106-14. APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations, as well as lack of perceived negative impact upon the surrounding neighbors. Upon roll call, all voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON August 17, 2021.

PUBLIC HEARING was held on a request to approve the 2022-2027 Capital Improvement Plan. Applicant: City of Bellevue.

Ritz asked staff for updates. Curry stated the CIP (Capital Improvement Plan) has been constructed by the Finance Director and the Department Heads. She stated the plan is in conjunction with the needs of the upcoming year's budget. Curry stated the plan consists of projects for each department.

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

Ackley stated he was glad to see the economic development for LB840 being planned for the next four

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years.

Ritz stated item PK231 (page 10) \$13,000,000 dollar Aquatic Center Construction was not listed any further and would need to be corrected before the CIP goes to City Council. He asked what it represents. Curry stated she did not know but would contact the Public Works Department to get that information.

Aerni asked for information regarding the \$575,000 dollar non-departmental amendment marked as Convention Center update. Curry stated the amendment came from the Finance Manager and at this time, he did not provide any additional information.

Discussion ensued regarding funding from other agencies.

MOTION was made by Jacobson, seconded by Ackley, to recommend APPROVAL of a request to approve the 2022-2027 Capital Improvement Plan Update as presented. Applicant: City of Bellevue. APPROVAL of the 2022-2027 Capital Improvement Plan Update as presented. Upon roll call, all voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON August 17, 2021.

PUBLIC HEARING was held on a request to amend the Comprehensive Plan to include the Growth Management Plan of the Sarpy County and Cities Wastewater Agency. Applicant: City of Bellevue.

Ritz asked staff for updates. Curry stated this request is to amend the Comprehensive Plan to include the Growth Management Plan, which was adopted in May of 2021.

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

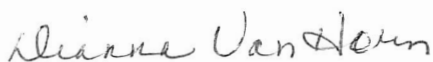
Ritz stated the maps appeared to be centered on Springfield rather than Bellevue. Curry stated it does appear that it focuses on the Sarpy service area.

Ackley stated most of Bellevue has sewers because we tie into the Omaha plan. He stated the goal with the Waste Water Agency is to get infrastructure south of the ridgeline so it can be developed. Ackley said Bellevue has a small area down toward the Platte River so we are part of the agency but most of their plans will not involve Bellevue.

Aerni asked if someone from City of Bellevue staff is part of the agency. Curry stated she did not know but would find out and email the answer.

MOTION was made by Ackley, seconded by Jacobson, to recommend APPROVAL of a request to amend the Comprehensive Plan to include the Growth Management Plan of the Sarpy County and Cities Wastewater Agency. Applicant: City of Bellevue. APPROVAL based upon adoption of Resolutions 2021-13 and 2021-016. Upon roll call, all voted yes. MOTION carried unanimously.

Meeting adjourned at 8:29 p.m.



Dianna Van Horn
Planning Secretary

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2107-10
S-2107-19

FOR HEARING OF:
REPORT #1: August 26, 2021

I. GENERAL INFORMATION

A. APPLICANTS:

Todd Santoro
1606 Camp Gifford Road
Bellevue, NE 68005

Greg Dennis
908 Camp Gifford Road
Bellevue, NE 68005

B. PROPERTY OWNERS:

Todd Santoro
1606 Camp Gifford Road
Bellevue, NE 68005

Gregory & Sheri Dennis
908 Camp Gifford Road
Bellevue, NE 68005

C. GENERAL LOCATION:

Hickory Circle and Childs Road East

D. LEGAL DESCRIPTION:

Lots 1 and 2, Whispering Timber Estates Replat 7, being a replat of Lot 106, Whispering Timber Estates, Lot 1 Whispering Timber Estates Replat 6, and Lot 2A1, Fair Hill Addition.

E. REQUESTED ACTIONS:

1. Rezone Lots 1 and 2, Whispering Timber Estates Replat 7, from AG, RE, and RS-84-PS to RE and RS-84-PS.
2. Small Subdivision plat Lots 1 and 2, Whispering Timber Estates Replat 7.

F. EXISTING ZONING AND LAND USE:

AG, RE, and RS-84-PS, Single Family Residential/Vacant

G. PURPOSE OF REQUEST:

The applicant owns a parcel of land which is currently nonconforming that he wishes to bring into conformity by rezoning and combining with other properties.

H. SIZE OF SITE:

The site is approximately 13 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Proposed Lot 1 is developed with a single family residence built in 1978. Proposed Lot 2 is presently vacant.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

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

C. REVELANT CASE HISTORY:

On March 3, 2020, the City Council approved a request to rezone Lots 1 and 2, Whispering Timber Estates Replat 6, being a replat of Lots 103A, 103B, 124A, the West 22' of Lot 127, and Lot 128, Whispering Timber Estates; Lots 6, part of Lot 7B, 8A2A, part of Lot 9 except the South 155', and part of Lot 10B1, except the South 30', Fair Hill Addition, from AG, RE, and RS-84 to RE and RS-84 for the purpose of existing single family residential; and small subdivision plat Lots 1 and 2, Whispering Timber Estates Replat 6.

D. APPLICABLE REGULATIONS:

1. Section 5.07, Zoning Ordinance, regarding RE uses and requirements.
2. Section 5.09, Zoning Ordinance, regarding RS-84 uses and requirements.
3. Section 5.17, Zoning Ordinance, regarding -PS uses and requirements.
4. Chapter 5, Subdivision Regulations, regarding small subdivisions.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no traffic data information available for this area.
2. The property has access via Camp Gifford Road and Childs Road East.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Todd Santoro and Greg Dennis have submitted a request to small subdivision plat Lots 1 and 2, Whispering Timber Estates Replat 7.

The properties as presently platted are undevelopable due to slope, drainage, and being landlocked. The proposed plat will not create additional lots, but rather will consolidate these properties into existing, platted lots.

2. The applicants are also requesting to rezone Lots 1 and 2, Whispering Timber Estates Replat 7. Currently, these properties have three different zonings: AG, RE, and RS-84-PS. The AG property is non conforming.

The applicants are requesting RE zoning for proposed Lot 1, with RS-84-PS zoning for proposed Lot 2. The requested zoning matches the existing zoning of the properties these lots will be incorporated with.

3. The proposed zoning will not change the current uses of the properties. Proposed Lot 1 is developed with an existing house. Proposed Lot 2 is undeveloped. As previously mentioned, no additional residential lots are being created through this request.

4. The proposed lots meet the minimum requirements for their intended zoning districts. One of the existing platted lots is land-locked and does not have adequate access. The proposed plat will resolve this issue.

5. 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, Sarpy County Planning Director, Sarpy County Public Works Department, 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.

Public Works Engineer Matt Knight requested minor technical revisions to the plat. These revisions have since been made by the applicant's surveyor.

No other comments were received in this case.

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

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, and 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. Small Subdivision plat received August 13, 2021
4. Zoning justification letter dated July 22, 2021

VII. COPIES OF REPORT TO:

1. Todd Santoro
2. Greg & Sheri Dennis
3. Doug Hill, Hill-Farrell Associates, Inc.
4. Public Upon Request

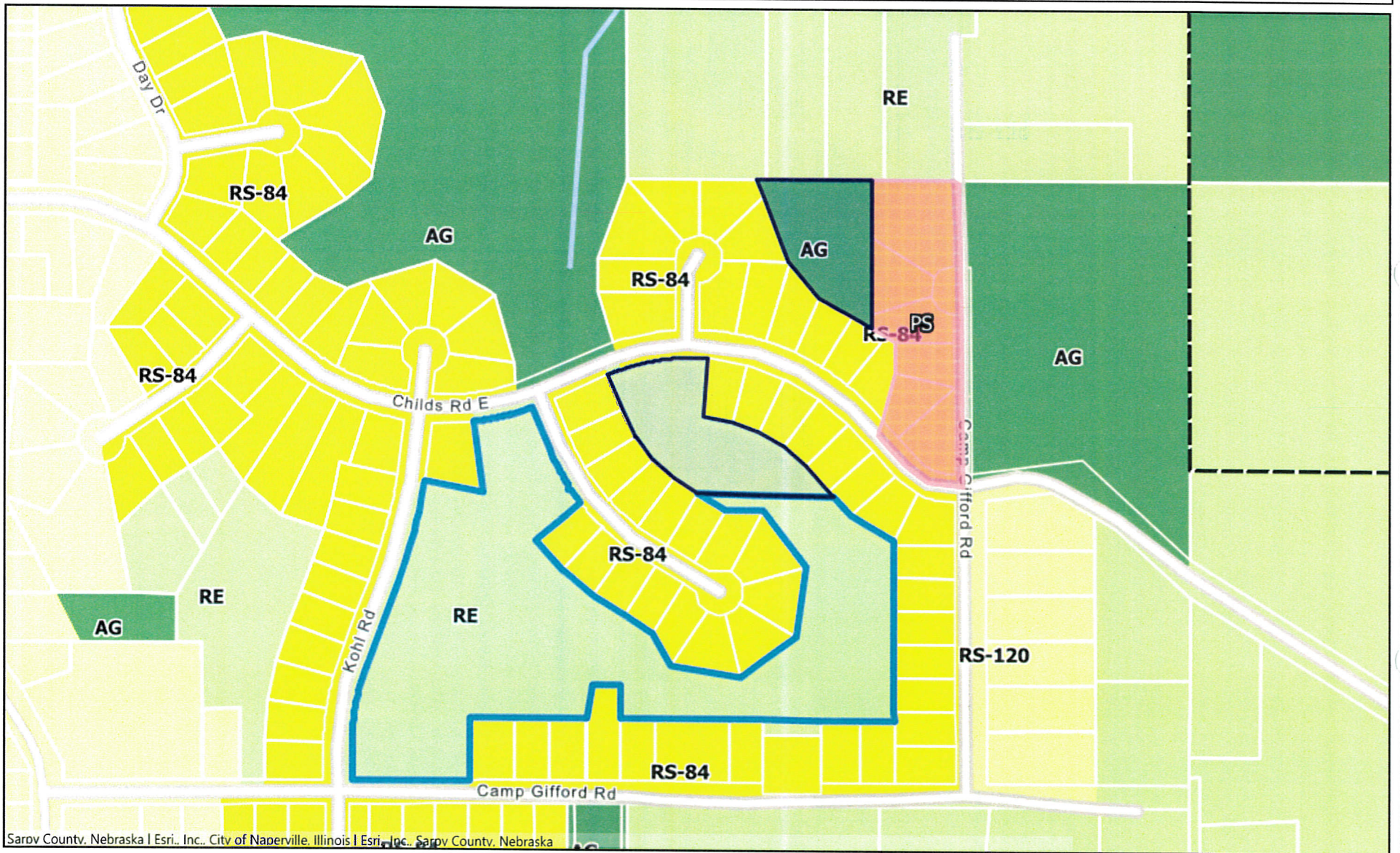

Assistant Planning Manager


Planning Manager 08/19/2021
Date of Report

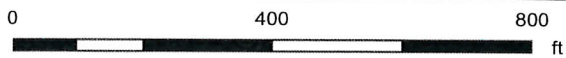


SARPY COUNTY
NEBRASKA

1606 Camp Gifford Road

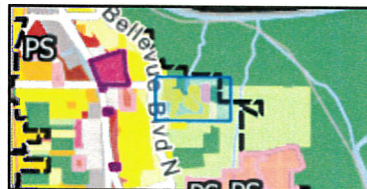


Sarpy County, Nebraska | Esri, Inc. | City of Naperville, Illinois | Esri, Inc. | Sarpy County, Nebraska



Map Scale 1: 4514

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Notes





SARPY COUNTY
NEBRASKA

Lots 1 & 2 Whispering Timbers Estates Replat 7



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

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ft

Map Scale 1: 9028

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Notes



RECEIVED

AUG 13 2021

PLANNING DEPT.

SURVEY: DCH/AB
DRAWN: RDH
DATE: 09/18/2021
07/18/2021
08/11/2021

WHISPERING TIMBER ESTATES REPLAT 7

LOTS 1 and 2
BEING A REPLAT OF LOT 106, WHISPERING TIMBER ESTATES,
LOT 1, WHISPERING TIMBER ESTATES REPLAT 6
AND LOT 2A1, FAIR HILL ADDITION;
NE 1/4 SEC. 23, T14N, RANGE 13 E, 6th P.M.
CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA.

- ① RADIUS 486.65', ARC 85.08'
CHORD BRNG S29°05'54"E, 84.98'
- ② S00°11'54"E, 10.80'
- ③ S89°47'29"E, 7.51'
- ④ RADIUS 486.65', ARC 34.70'
CHORD BRNG S37°42'17"E, 34.70'
- ⑤ S42°47'40"E, 84.41'
- ⑥ S50°40'58"E, 84.14'
- ⑦ S57°53'19"E, 79.92'
- ⑧ S59°11'30"E, 70.00'
- ⑨ S28°44'24"E, 78.84'
- ⑩ S80°19'21"E, 147.98'
- ⑪ N53°50'32"E, 147.98'
- ⑫ N08°00'17"E, 149.98'
- ⑬ N37°49'54"W, 149.98'
- ⑭ N89°28'30"W, 79.15'
- ⑮ N59°11'30"W, 129.64'
- ⑯ N48°35'27"W, 59.53'
- ⑰ N37°27'22"W, 59.73'
- ⑱ N26°38'30"W, 63.23'
- ⑲ N23°11'30"W, 80.00'
- ⑳ S03°39'22"W, 125.00'
- ㉑ S81°03'30"E, 61.84'
- ㉒ S70°29'14"E, 61.84'
- ㉓ S59°54'58"E, 61.84'
- ㉔ S49°20'44"E, 61.84'
- ㉕ S42°20'13"E, 70.93'
- ㉖ S42°11'30"E, 70.00'

RADIUS 1,107.33'
ARC 222.04'
C.B. N14°54'33"E, 221.67'

RADIUS 511.97'
ARC 186.83'
C.B. N10°11'58"E, 185.79'

RADIUS 460.68'
ARC 215.87'
C.B. N80°13'56"E, 213.90'

RADIUS 532.31'
ARC 125.27'
C.B. N76°11'07"E, 124.98'

RADIUS 50.00'
ARC 50.36'
C.B. S60°57'11"W, 48.26'

COUNTY TREASURER'S CERTIFICATION
THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST
THE PROPERTY AS DESCRIBED WITHIN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

DATE _____
COUNTY TREASURER _____

REVIEW BY SARPY COUNTY PUBLIC WORKS
THIS PLAT OF "WHISPERING TIMBER ESTATES REPLAT 7" WAS REVIEWED BY THE SARPY
COUNTY SURVEYOR'S OFFICE ON THIS _____ DAY OF _____ 2021.

SARPY COUNTY SURVEYOR/ENGINEER _____

ACKNOWLEDGMENT OF NOTARY
STATE OF NEBRASKA }
COUNTY OF SARPY } SS

ON THIS _____ DAY OF _____ 2021, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY QUALIFIED AND COMMISSIONED
IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, PERSONALLY KNOWN BY ME TO BE
THE IDENTICAL PERSONS WHOSE NAMES APPEAR ON THIS PLAT AND THEY DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE THEIR VOLUNTARY
ACT AND DEED.

APPROVAL OF BELLEVUE CITY COUNCIL
THIS PLAT OF "WHISPERING TIMBER ESTATES REPLAT 7" WAS APPROVED BY THE BELLEVUE CITY
COUNCIL THIS _____ DAY OF _____ 2021. THIS PLAT BECOMES NULL
AND VOID IF NOT RECORDED WITHIN NINETY (90) DAYS OF THE ABOVE DATE.

ATTEST: _____ CITY CLERK _____ MAYOR _____ DATE _____ NOTARY PUBLIC _____

SURVEYOR'S CERTIFICATE

I, RONALD D. HILL, THE UNDERSIGNED REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED WITH
IRON PINS THE CORNERS AS SHOWN IN "WHISPERING TIMBER ESTATES REPLAT 7", BEING A REPLAT OF LOT 1, WHISPERING TIMBER ESTATES REPLAT 6,
AND LOT 2A1, FAIR HILL ADDITION AND LOT 106, WHISPERING TIMBER ESTATES, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 23,
TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A" (LOT 1)
BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, WHISPERING TIMBER ESTATES REPLAT 6, THENCE NORTHERLY ALONG THE EASTERLY
RIGHT-OF-WAY OF KOHL ROAD ALONG THE FOLLOWING 4 COURSES:
1.) N00°15'17"W, 65.25 FEET; 2.) NORTHERLY ALONG A CURVE TO THE RIGHT RADIUS 511.97 FEET, ARC 186.83 FEET, CHORD BEARING N10°11'58"E,
185.79 FEET; 3.) N20°39'13"E, 177.42 FEET; 4.) NORTHERLY ALONG A CURVE TO THE LEFT RADIUS 1107.33 FEET, ARC 222.04 FEET, CHORD BEARING
N14°54'33"E, 221.67 FEET TO THE SOUTHWEST CORNER OF LOT 104, WHISPERING TIMBER ESTATES; THENCE S80°50'08"E, 124.28 FEET TO THE
SOUTHEAST CORNER OF LOT 104, WHISPERING TIMBER ESTATES; THENCE N07°44'22"W, 148.55 FEET TO THE NORTHEAST CORNER OF LOT 104,
WHISPERING TIMBER ESTATES; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY OF CHILDS ROAD ALONG A CURVE TO THE LEFT RADIUS
532.31 FEET, ARC 125.27 FEET, CHORD BEARING N76°11'07"E, 124.98 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF MOORE DRIVE; THENCE
SOUTHERLY ALONG THE WEST RIGHT-OF-WAY OF MOORE DRIVE ALONG THE FOLLOWING 2 COURSES: 1.) S22°17'26"E, 95.59 FEET
2.) SOUTHERLY ALONG A CURVE TO THE LEFT RADIUS 486.65 FEET, ARC 85.08 FEET, CHORD BEARING S29°05'54"E, 84.98 FEET TO THE NORTH
CORNER OF LOT 28, FAIR HILL ADDITION; THENCE S00°11'54"E, 10.80 FEET TO THE SOUTHWEST CORNER OF LOT 28, FAIR HILL ADDITION; THENCE
S89°47'29"E, 7.51 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF MOORE DRIVE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT
RADIUS 486.65 FEET, ARC 34.70 FEET, CHORD BEARING S37°42'17"E, 34.70 FEET TO THE NORTHEAST CORNER OF LOT 70, WHISPERING TIMBER
ESTATES; THENCE S59°11'30"E, 70.00 FEET TO THE SOUTHWEST CORNER OF LOT 87, WHISPERING TIMBER ESTATES; THENCE S28°44'24"E, 78.84
FEET TO THE SOUTHEAST CORNER OF LOT 70, WHISPERING TIMBER ESTATES; THENCE S00°40'58"E, 84.14 FEET TO THE SOUTHEAST CORNER
OF LOT 69, WHISPERING TIMBER ESTATES; THENCE S07°53'19"E, 79.92 FEET TO THE SOUTHEAST CORNER OF LOT 68, WHISPERING TIMBER
ESTATES; THENCE N08°00'17"E, 149.98 FEET TO THE NORTHEAST CORNER OF LOT 67, WHISPERING TIMBER ESTATES; THENCE S28°44'24"E, 78.84
FEET TO THE SOUTHEAST CORNER OF LOT 66, WHISPERING TIMBER ESTATES; THENCE S80°19'21"E, 147.98 FEET TO THE SOUTHEAST CORNER
OF LOT 65, WHISPERING TIMBER ESTATES; THENCE N53°50'32"E, 147.98 FEET TO THE SOUTHEAST CORNER OF LOT 64, WHISPERING TIMBER ESTATES;
THENCE N48°35'27"W, 59.53 FEET TO THE NORTHEAST CORNER OF LOT 63, WHISPERING TIMBER ESTATES; THENCE N37°49'54"W, 149.98 FEET TO
THE NORTHEAST CORNER OF LOT 62, WHISPERING TIMBER ESTATES; THENCE N89°28'30"W, 79.15 FEET TO THE NORTHEAST CORNER OF LOT 61,
WHISPERING TIMBER ESTATES; THENCE N59°11'30"W, 129.64 FEET TO THE NORTHEAST CORNER OF LOT 59, WHISPERING TIMBER ESTATES; THENCE
N48°35'27"W, 59.53 FEET TO THE NORTHEAST CORNER OF LOT 58, WHISPERING TIMBER ESTATES; THENCE N37°27'22"W, 59.73 FEET TO THE
NORTHEAST CORNER OF LOT 57, WHISPERING TIMBER ESTATES; THENCE N26°38'30"W, 63.23 FEET TO THE NORTHEAST CORNER OF LOT 56,
WHISPERING TIMBER ESTATES; THENCE N23°11'30"W, 80.00 FEET TO THE NORTHEAST CORNER OF LOT 55, WHISPERING TIMBER ESTATES; THENCE
S03°39'22"W, 125.00 FEET TO THE SOUTHWEST CORNER OF LOT 54, WHISPERING TIMBER ESTATES; THENCE S81°03'30"E, 61.84 FEET TO THE
SOUTHWEST CORNER OF LOT 53, WHISPERING TIMBER ESTATES; THENCE S70°29'14"E, 61.84 FEET TO THE SOUTHWEST CORNER OF LOT 52,
WHISPERING TIMBER ESTATES; THENCE S59°54'58"E, 61.84 FEET TO THE SOUTHWEST CORNER OF LOT 51, WHISPERING TIMBER ESTATES; THENCE
S49°20'44"E, 61.84 FEET TO THE SOUTHWEST CORNER OF LOT 50, WHISPERING TIMBER ESTATES; THENCE S42°20'13"E, 70.93 FEET TO THE
SOUTHWEST CORNER OF LOT 49, WHISPERING TIMBER ESTATES; THENCE S42°11'30"E, 70.00 FEET TO THE SOUTHWEST CORNER OF LOT 112,
WHISPERING TIMBER ESTATES; THENCE S80°48'18"E, 103.68 FEET TO THE SOUTHWEST CORNER OF LOT 112, WHISPERING TIMBER ESTATES; THENCE
S02°11'30"E, 378.82 FEET TO THE NORTHEAST CORNER OF LOT 121, WHISPERING TIMBER ESTATES; THENCE N89°47'21"W, 578.93 FEET TO THE
NORTHEAST CORNER OF LOT 123, WHISPERING TIMBER ESTATES; THENCE N00°12'39"E, 70.00 FEET TO THE NORTHEAST CORNER OF LOT 2,
WHISPERING TIMBER ESTATES REPLAT 6; THENCE N89°47'21"W, 60.00 FEET TO THE NORTHEAST CORNER OF LOT 2, WHISPERING TIMBER ESTATES
REPLAT 6; THENCE S00°11'54"E, 10.80 FEET TO THE NORTHEAST CORNER OF LOT 125, WHISPERING TIMBER ESTATES; THENCE N89°47'21"W, 41.36
FEET; THENCE N89°44'43"W, 185.41 FEET; THENCE S00°15'17"E, 130.10 FEET; THENCE S89°44'43"W, 272.88 FEET TO THE POINT OF BEGINNING.
DESCRIBED TRACT CONTAINS 480,390 SQUARE FEET.

PARCEL "B" (LOT 2)
BEGINNING AT THE NORTHEAST CORNER OF LOT 106, WHISPERING TIMBER ESTATES; THENCE S00°11'30"E, 180.00 FEET TO THE SOUTHEAST CORNER
OF LOT 106, WHISPERING TIMBER ESTATES; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT RADIUS 50.00 FEET, ARC 50.36 FEET, CHORD
BEARING S00°71'11"W, 48.26 FEET TO THE SOUTHWEST CORNER OF LOT 106, WHISPERING TIMBER ESTATES; THENCE N57°54'07"W, 157.01 FEET TO
THE NORTHEAST CORNER OF LOT 107, WHISPERING TIMBER ESTATES; THENCE S00°11'30"E, 182.62 FEET TO THE SOUTHWEST CORNER OF LOT 108,
WHISPERING TIMBER ESTATES; THENCE N89°47'21"W, 129.81 FEET TO THE NORTHEAST CORNER OF LOT 46, WHISPERING TIMBER ESTATES; THENCE
N41°50'23"W, 59.28 FEET TO THE NORTHEAST CORNER OF LOT 45, WHISPERING TIMBER ESTATES; THENCE N20°42'03"W, 185.55 FEET TO THE
NORTHEAST CORNER OF LOT 41, WHISPERING TIMBER ESTATES; THENCE S00°00'00"E, 418.40 FEET TO THE POINT OF BEGINNING. DESCRIBED TRACT
CONTAINS 80,524 SQUARE FEET.

DATE _____ RONALD D. HILL NEBRASKA L.S. NO. 373

DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT WE, TODD A. SANTORO AND TONI L. KAVAJI SANTORO, AND GREGORY S. DENNIS AND SHERI
E. DENNIS, AS THE TRUSTEES OF THE G & S DENNIS FAMILY TRUSTING THE OWNERS OF THE PROPERTY DESCRIBED WITHIN THE
SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE REPLATED INTO A LOT TO BE NUMBERED
AS SHOWN, SAID SUBDIVISION TO BE HEREINAFTER KNOWN AS "WHISPERING TIMBER ESTATES REPLAT 7", AND WE DO HEREBY RATIFY
AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT. WE DO HEREBY GRANT A PERPETUAL EASEMENT TO
THE OMHA PUBLIC POWER DISTRICT AND CENTURYLINK COMMUNICATIONS INTERNATIONAL, INC. 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, CROSS ARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND
OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES, FOR THE TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT,
HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREON, 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 ALL FRONT AND SIDE BOUNDARY LINES, AND AN EIGHT (8) FOOT WIDE STRIP OF LAND ABUTTING THE REAR
BOUNDARY LINES OF ALL LOTS, NO PERMANENT BUILDINGS, TREES, RETAINING WALL OR LOOSE ROCK SHALL BE PLACED IN THE SAID
EASEMENT WAYS, BUT THE SAME MAY BE USED FOR CARBONS, SHRUBS, SIDEWALKS, DRIVEWAYS, AND OTHER PURPOSES
THAT DO NOT THEM OF LATER INTERFERE WITH THE AFORESAID USES OF RIGHTS HEREIN GRANTED. IN WITNESS WHEREOF WE DO
HEREBY SET OUR HANDS THIS _____ DAY OF _____ 2021

TODD A. SANTORO TONI L. KAVAJI SANTORO GREGORY S. DENNIS SHERI E. DENNIS

ACKNOWLEDGMENT OF NOTARY
STATE OF NEBRASKA }
COUNTY OF SARPY } SS

ON THIS _____ DAY OF _____ 2021, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY QUALIFIED AND
COMMISSIONED IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TODD A. SANTORO AND TONI L. KAVAJI SANTORO,
PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSONS WHOSE NAMES APPEAR ON THIS PLAT, AND THEY ACKNOWLEDGE THE
EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

DATE _____ NOTARY PUBLIC _____

WHISPERING TIMBER ESTATES REPLAT 7
SMALL SUBDIVISION PLAT
NE 1/4 SEC. 23, T14N, R13E, OF THE 6TH P.M.
SARPY COUNTY, NEBRASKA.

HILL-FARRELL ASSOCIATES, INC.
Surveyors
Land
14402 Hudson Lane Road, Bellevue, NE 68003 (402) 331-6100

PROJECT NO.
21/WHISPERING
TIMBER
REPLAT 7

Hill-Farrell Associates, Inc.

Land Surveyors
Bellevue, Nebraska



July 22, 2021

Tammi Palm
Planning Manager
City of Bellevue
1510 Wall Street
Bellevue, NE 68005

RE: Santoro Rezoning – Whispering Timbers Estates

Dear Tammi:

Justification for the change of zoning for Whispering Timber Estates Replat 7 is to correct the zoning on a parcel which has been surrounded by Residential Development and allow for its inclusion with another Residential property and eliminate its current nonconforming zoning.

Best Regards,

Doug Hill
HILL-FARRELL ASSOCIATES, INC.

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3.b.

MEMORANDUM

To: Planning Commission
From: Angela Curry, Assistant Planning Manager
Date: August 26, 2021
Subject: Blighted and Substandard Designation for Lot 1 College Apartments Addition

Andrew Panebianco, on behalf of Stella Realty, LLC, is requesting Lot 1 College Apartments Addition, be designated as blighted and substandard. The applicant's analysis is attached. Lot 1, College Apartments Addition, is located between Madison Street and Wayne Street and north of Mission Avenue. Please refer to the attached map, where the property is outlined in blue.

The area requested to be designated as blighted and substandard is approximately 4.01 acres in total. The property consists of three buildings built in 1900 and a parking lot, once used for an apartment complex.

Section 18-2103 of Nebraska State Statutes provides the following definitions of "substandard" and "blighted" which must be met for the City Council to approve a resolution designating an area as blighted and substandard:

(3) Blighted area means an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the platted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than

fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted.

(31) Substandard area means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;

In order for the City Council to declare an area as blighted and substandard, the property must meet the statutory criteria outlined above. The authority of the City in making such a determination "shall be liberally construed" as stated in Section 18-2143 of the State Statutes.

The site requested to be blighted and substandard is currently underdeveloped and underutilized. The existing buildings are vacant, in disrepair, suffering severe deterioration, unfit for human occupancy, and due to the existing deterioration, need to be demolished for health and safety concerns. Additionally, the following conditions exist in the area:

The blighted properties are within Census Tract 101.06. The median per capita income is approximately \$26,006.92, with a percentage below poverty rate at 13.8%.

Based upon the above analysis, the Planning Department feels that Lot 1, College Apartments Addition, meets the statutory requirements of blighted and substandard.

PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends APPROVAL of this designation based upon the above analysis that Lot 1, College Apartments Addition, meets the statutory requirements of blighted and substandard. This designation supports the overall goal of redevelopment of the area and will not result in more than 35% of the city being designated as blighted and substandard.



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



Map Scale 1: 3185

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



Notes



**SUBSTANDARD AND BLIGHT DESIGNATION
FOR
ELEVATION LOFTS REDEVELOPMENT**

**400 W 19th AVENUE BELLEVUE, NEBRASKA
July 23, 2021**

Submitted by:

Applicant:
Andrew Panebianco
Maxim Realty Group
office: (402) 991-1162
direct: (402) 991-0573

Attorney for Applicant:
Brent W. Beller
Fullenkamp, Jobuen Johnson & Beller LLP
11440 West Center Road
Omaha, Nebraska 68144
(402) 334.0700

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Substandard and Blight Designation:

The site contains 4.01 total acres, consisting of one legal parcel of property. The property has long been used for a run-down apartment complex, consisting of three buildings and a parking lot used to serve the property. The buildings are now vacant, and no residents are living therein. Due to the existing conditions of the existing buildings, the buildings need to be demolished for health and safety concerns.

The site is currently underdeveloped and underutilized. The existing buildings are vacant, in disrepair, suffering severe deterioration, are obsolete, and unfit for human occupancy. The site also contains poor soil conditions, including brick rubble and very soft and wet natural soil. Because of the poor soil conditions, the development of this site will require over-excavation and replacement of suitable materials or other stabilization methods to support the proposed buildings on the site. In addition, traffic circulation and access serving the site is inadequate for the effective utilization and redevelopment of this site. The boundaries of the site to be included within the blight and substandard designation include the properties legally described on Exhibit A attached hereto and shall include the adjacent public rights-of-way of Lawre Circle. The cost of the public improvements, demolition of the buildings and other site development costs are estimated to be \$2,751,600.00, and the land acquisition costs are in the amount of \$2,000,000.00. Accordingly, the TIF eligible costs are in the amount of \$4,751,600.00. The itemized estimated cost-breakdown of the TIF eligible costs for the redevelopment plan is attached hereto as Exhibit B.

An area is substandard where "there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare." Neb.Rev.St. §18-2103(10). The two vacant equipment sheds impose inherent risks to the public health, safety and welfare because of fire, vandalism, vermin and nuisance.

An area is blighted where "An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of the site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals or welfare in its present condition and use." Neb.Rev.St. §18-2103(11)

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To declared blighted a site must meet one (1) of the following additional conditions: (i) unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses." Neb.Rev.St. §18-2103(11).

The area is eligible for a designation of blighted and substandard in accordance with the Community Development Law, Neb.Rev.St. §18-1201 et.seq. The area is one in which there is a deteriorating structure, unsafe conditions, conditions which threaten property, and conditions which substantially impairs the sound growth of the community. The area is detrimental to the public health, safety, morals and welfare in its present condition. The area has a lower average per capita income than the City of Bellevue as shown on the attached Exhibit C. The area in Census Tract 101.06 in Sarpy County had a median per capita income of \$26,006.92, with a percentage below poverty rate at 13.8%. The area has had a stable or decreasing population based upon the last two decennial censuses as shown on the attached Exhibit D. The area showed a population of 4386 persons in 2010 and a population of 4397 persons in 2019. The change of only eleven (11) persons is a stable population. The area meets the requirements of the Community Development Law to be declared as blighted by the City of Bellevue.

"Elevation lofts of Bellevue" is a proposed 164 apartment community which will consist mainly of unique "lofted" style studio and 1 bedroom apartments with an emphasis on fulfilling the need for young professional housing in the area of Bellevue, NE commonly referred to as Old Town. The proposed location is located towards the top of a large hill offering wonderful views of the Missouri River and Iowa Bluffs. With the unique topography of the parcel, the development will utilize an innovative parking design allowing some parking under the buildings as well as maintaining a clean and sophisticated front street view with the entries located at grade along both 19th Ave and Lawre Circle. Some of the tenant amenities are to include an in-ground pool, elevator access, clubhouse area, gym facility, and Resident Package delivery center. This proposed development would bring in a needed density to a more mature areas of the City, which will continue to make the area a sustainable in a more mature area of Bellevue. The area meets the requirements of the Community Development Law to be declared as blighted by the City of Bellevue.

Accordingly, the site is blighted and substandard as defined by the Nebraska Community Development Law.

Respectfully submitted,



Brent W. Beller

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Exhibit A Page 1

BLIGHTED AND SUBSTANDARD AREA

The properties legally described on this Exhibit A, together with adjacent public right-of way of Lawre Circle.

Lot 1 College Apartments Addition, an addition in the City of Bellevue, Sarpy County, Nebraska.

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Exhibit B

TIF ELIGIBLE COSTS

Item	Cost
Acquisition Cost	\$780,000.00
Architectural/Engineering	\$750,000
Demolition	\$1,363,500
Site Work/Grading/Special Foundations	\$874,650
Site Utilities and Public Infrastructure	\$983,450
TOTAL	\$4,751,600.00

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Exhibit C

CENSUS TRACT FACT SHEET

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QuickFacts
Bellevue city, Nebraska

Exhibit C

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

Table

All Topics	Bellevue city, Nebraska
Population estimates, July 1, 2019, (V2019)	53,544
PEOPLE	
Population	
Population estimates, July 1, 2019, (V2019)	53,544
Population estimates base, April 1, 2010, (V2018)	51,520
Population, percent change - April 1, 2010 (estimates base) to July 1, 2019, (V2019)	3.9%
Population, Census, April 1, 2020	X
Population, Census, April 1, 2010	50,137
Age and Sex	
Persons under 5 years, percent	▲ 7.5%
Persons under 18 years, percent	▲ 24.4%
Persons 65 years and over, percent	▲ 13.8%
Female persons, percent	▲ 49.2%
Race and Hispanic Origin	
White alone, percent	▲ 81.8%
Black or African American alone, percent (a)	▲ 6.4%
American Indian and Alaska Native alone, percent (a)	▲ 0.5%
Asian alone, percent (a)	▲ 2.9%
Native Hawaiian and Other Pacific Islander alone, percent (a)	▲ 0.2%
Two or More Races, percent	▲ 4.4%
Hispanic or Latino, percent (b)	▲ 16.8%
White alone, not Hispanic or Latino, percent	▲ 70.4%
Population Characteristics	
Veterans, 2015-2019	7,028
Foreign born persons, percent, 2015-2019	8.7%
Housing	
Housing units, July 1, 2019, (V2019)	X
Owner-occupied housing unit rate, 2015-2019	62.0%
Median value of owner-occupied housing units, 2015-2019	\$148,900
Median selected monthly owner costs -with a mortgage, 2015-2019	\$1,355
Median selected monthly owner costs -without a mortgage, 2015-2019	\$560
Median gross rent, 2015-2019	\$944
Building permits, 2020	X
Families & Living Arrangements	
Households, 2015-2019	20,406
Persons per household, 2015-2019	2.61
Living in same house 1 year ago, percent of persons age 1 year+, 2015-2019	80.4%
Language other than English spoken at home, percent of persons age 5 years+, 2015-2019	14.1%
Computer and Internet Use	
Households with a computer, percent, 2015-2019	93.6%
Households with a broadband Internet subscription, percent, 2015-2019	87.8%
Education	
High school graduate or higher, percent of persons age 25 years+, 2015-2019	92.5%
Bachelor's degree or higher, percent of persons age 25 years+, 2015-2019	28.5%
Health	
With a disability, under age 65 years, percent, 2015-2019	8.4%
Persons without health insurance, under age 65 years, percent	▲ 11.4%
Economy	
In civilian labor force, total, percent of population age 16 years+, 2015-2019	67.4%
In civilian labor force, female, percent of population age 16 years+, 2015-2019	62.7%
Total accommodation and food services sales, 2012 (\$1,000) (c)	88,664
Total health care and social assistance receipts/revenue, 2012 (\$1,000) (c)	170,127

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Total manufacturers shipments, 2012 (\$1,000) (c)	126,384
Total retail sales, 2012 (\$1,000) (c)	661,918
Total retail sales per capita, 2012 (c)	\$12,583
Transportation	
Mean travel time to work (minutes), workers age 16 years+, 2015-2019	21.3
Income & Poverty	
Median household income (in 2019 dollars), 2015-2019	\$65,308
Per capita income in past 12 months (in 2019 dollars), 2015-2019	\$29,822
Persons in poverty, percent	▲ 10.5%

BUSINESSES

Businesses	
Total employer establishments, 2019	X
Total employment, 2019	X
Total annual payroll, 2019 (\$1,000)	X
Total employment, percent change, 2018-2019	X
Total nonemployer establishments, 2018	X
All firms, 2012	3,060
Men-owned firms, 2012	1,281
Women-owned firms, 2012	1,229
Minority-owned firms, 2012	481
Nonminority-owned firms, 2012	2,414
Veteran-owned firms, 2012	374
Nonveteran-owned firms, 2012	2,404

GEOGRAPHY

Geography	
Population per square mile, 2010	3,182.8
Land area in square miles, 2010	15.86
FIPS Code	3103950

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MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)



Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.

Census Tract 101.06, Sarpy County, Nebraska				
Bellevue city, Nebraska				
Label	Estimate	Margin of Error	Estimate	Margin of Error
Median family income in the past 12 months (in 2019 inflation-adjusted dollars)	64,063	±5,994	77,492	±2,965

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POVERTY STATUS IN THE PAST 12 MONTHS



Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.

Census Tract 101.06, Sarpy County, Nebraska		Below poverty level		Percent below poverty level		
Total						
Label	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
<ul style="list-style-type: none"> ▼ Population for whom poverty status is determined <ul style="list-style-type: none"> > AGE > SEX > RACE AND HISPANIC OR LATINO ORIGIN > EDUCATIONAL ATTAINMENT > EMPLOYMENT STATUS > WORK EXPERIENCE > ALL INDIVIDUALS WITH INCOME BELOW THE FOLLOW 			4,397	±285	606	
> UNRELATED INDIVIDUALS FOR WHOM POVERTY STATUS			1,101	±217	377	

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Table Notes

POVERTY STATUS IN THE PAST 12 MONTHS

Survey/Program: American Community Survey

Year: 2019

Estimates: 5-Year

Table ID: S1701

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

Dollar amounts are adjusted to respective calendar years. For more information, see: Change to Income Deficit.

The 2015-2019 American Community Survey (ACS) data generally reflect the September 2018 Office of Management and Budget (OMB) delineations of metropolitan and micropolitan statistical areas. In certain instances, the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB delineation lists due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Explanation of Symbols:

An "***" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution, or the margin of error associated with a median was larger than the median itself.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

An "***" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

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Exhibit D
POPULATION MAP

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ACS DEMOGRAPHIC AND HOUSING ESTIMATES

Exhibit D

Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.

Census Tract 101.06, Sarpy County, Nebraska - 2010

Label	Estimate	Estimate Margin of Error	Percent	Percent Margin of
SEX AND AGE				
Total population	4,386	±424	4,386	
Male	2,276	±253	51.9%	
Female	2,110	±294	48.1%	
Under 5 years	187	±97	4.3%	
5 to 9 years	303	±96	6.9%	
10 to 14 years	346	±194	7.9%	
15 to 19 years	409	±99	9.3%	
20 to 24 years	360	±125	8.2%	
25 to 34 years	471	±175	10.7%	
35 to 44 years	733	±189	16.7%	
45 to 54 years	539	±116	12.3%	
55 to 59 years	178	±80	4.1%	
60 to 64 years	168	±98	3.8%	
65 to 74 years	359	±77	8.2%	
75 to 84 years	281	±80	6.4%	
85 years and over	52	±43	1.2%	
Median age (years)	36.3	±3.1	(X)	
18 years and over	3,300	±312	75.2%	
21 years and over	3,117	±263	71.1%	
62 years and over	809	±89	18.4%	
65 years and over	692	±50	15.8%	
18 years and over	3,300	±312	3,300	
Male	1,604	±214	48.6%	
Female	1,696	±188	51.4%	
65 years and over	692	±50	692	
Male	244	±45	35.3%	
Female	448	±52	64.7%	
> RACE				
> HISPANIC OR LATINO A				

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United States
Census
Bureau

ACS DEMOGRAPHIC AND HOUSING ESTIMATES

Note: This is a modified view of the original table produced by the U.S. Census Bureau. This download or printed version may have missing information from the original table.

Census Tract 101.06, Sarpy County, Nebraska - 2019

Label	Estimate	Margin of Error	Percent
✓ SEX AND AGE			
✓ Total population	4,397	±285	4,397
Male	2,353	±263	53.5%
Female	2,044	±179	46.5%
Sex ratio (males per 100 females)	115.1	±17.8	(X)
Under 5 years	309	±91	7.0%
5 to 9 years	210	±104	4.8%
10 to 14 years	246	±77	5.6%
15 to 19 years	329	±119	7.5%
20 to 24 years	377	±127	8.6%
25 to 34 years	590	±165	13.4%
35 to 44 years	573	±147	13.0%
45 to 54 years	608	±144	13.8%
55 to 59 years	233	±80	5.3%
60 to 64 years	290	±112	6.6%
65 to 74 years	403	±94	9.2%
75 to 84 years	172	±56	3.9%
85 years and over	57	±36	1.3%
Median age (years)	36.6	±4.8	(X)
Under 18 years	938	±149	21.3%
16 years and over	3,555	±244	80.9%
18 years and over	3,459	±225	78.7%
21 years and over	3,242	±207	73.7%
62 years and over	776	±110	17.6%
65 years and over	632	±96	14.4%
✓ 18 years and over	3,459	±225	3,459
Male	1,825	±201	52.8%
Female	1,634	±146	47.2%
Sex ratio (males per 100 females)	111.7	±17.0	(X)
✓ 65 years and over	632	±96	632
Male	332	±72	52.5%
Female	300	±60	47.5%
Sex ratio (males per 100 females)	110.7	±31.7	(X)
✓ RACE			
✓ Total population	4,397	±285	4,397
One race	4,122	±304	93.7%



City of Bellevue

Planning Department

1510 Wall Street ■ Bellevue, Nebraska 68005
(402) 293-3026

3.c.

MEMORANDUM

TO: Planning Commission
FROM: Angela Curry, Assistant Planning Manager
DATE: August 19, 2021
RE: Amendment to Sections 5.27 and 5.28 regarding permitted uses

Waste Connections of Nebraska, Inc. is requesting an amendment to Section 5.27 of the Zoning Ordinance to allow for “Recycling collection and processing facilities, both public and private” as a permitted use in the ML (Light Manufacturing) zoning district. During the 2011 Zoning Ordinance update, “recycling collection and processing facilities, both public and private” was added as a conditional use in the FX (Flex Space) zoning district. Staff believes it was an oversight this use was not added to the ML and MH zoning districts as well.

The Planning Department researched and found similar facilities in Omaha, Papillion, and Sarpy County where both city and county ordinances allow collection and processing of recyclables in their Light Industrial and General Manufacturing zones as permitted uses. As a result of this research, staff is recommending adding “Recycling collection and processing facilities, both public and private” as a permitted use in our ML (Light Manufacturing) and MH (Heavy Manufacturing Zoning Districts).

Section 8.07 lists performance standards for flex and industrial uses. The physical appearance section of these regulations states: “All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be displayed or stored in the open if the applicable zoning district permits. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the outdoor storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. Outdoor storage shall be visually screened from public roadways and residential properties.” This same language is also listed in the Miscellaneous Provisions section of both the ML and MH zoning districts. Based on these regulations, the recycling operations would have to be contained indoors.

As such, staff is recommending the following amendments to Sections 5.27.02 and 5.28.02:

Section 5.27 ML Light Manufacturing District

5.27.01 Intent. This zone provides for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid

specifications as to nuisance free performance. The zone specifically excludes residences on the theory that the mixture of residential use, and public services and facilities for residences with those for industry is contrary to the purposes of these regulations irrespective of whether the industry is encroaching on a living area or a living area is encroaching on an industrial area.

5.27.02 Permitted Uses:

1. Automobile rental store.
2. Brewery.
3. Building materials yards with enclosed and screened storage areas.
4. Call centers.
5. Car wash.
6. Combination display store, office, warehouse, and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts.
7. Commercial parking lots.
8. Dry cleaning, laundry, and dying plants.
9. Feed and seed store.
10. Garages for the storage of automobiles.
11. Garden supply including nursery stock.
12. Gasoline stations.
13. Governmental services – administrative facilities.
14. Governmental services – maintenance and service facilities.
15. Greenhouses, commercial; nursery stock sales yards.
16. Hardware, appliance, and small tool rental when incidental to a hardware or other business.
17. Heavy auto repair services.
18. Highway maintenance yards or buildings.
19. Indoor and Outdoor Recreational Facilities, with the exception of golf courses.
20. Kennels.
21. Laboratories.
22. Light auto repair services.
23. Light manufacturing; assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
24. Logistical centers.
25. Manufacture and assembly of electrical and electronic appliances.
26. Manufacture of light sheet metal products including heating and ventilation equipment.
27. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
28. Manufacturing of food and kindered products, such as bakery items, dairy products, sugar and confectionary products, and beverages.
29. Marine sales and services, but excluding the storage or salvage of boats.
30. New and used automobile, truck, tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers, or machinery not in operable condition or in the process of salvage, or the major parts thereof.

31. Outdoor storage of automobiles, boats, and recreational vehicles in operable condition.
32. Portable Outdoor Storage and the storage of such containers shall be a Permitted Use, subject to the following conditions:
 - A. All minimum setback requirements of the zoning district shall be met. Additionally, no storage container (whether used for storage or as business inventory) may be located between a front or street side property line and any building on the lot.
 - B. No stacking of containers shall be permitted.
 - C. Containers shall not be permitted to be located within any required parking area, as determined by the Zoning Ordinance. In no event may the use obstruct the circulation of traffic within the zoning lot.
 - D. Containers may not encroach into a drainageway or required landscaped area.
 - E. No container may open into a required side or rear yard, if the site directly abuts a residential zoning district. Containers shall not be located in such a manner which will preclude access to the container, i.e. completely surrounded by other containers, except when empty containers are being used as business inventory, rather than for actual storage.
 - F. An approved hard surface will be required for access to and the placement of all containers. Additionally, areas intended for this use shall be marked to distinguish them from required off-street parking areas.
 - G. All containers shall remain locked at all times, when not being attended to, whether empty or full.
 - H. Landscaping shall be provided in accordance with the landscape regulations in Article 9. In addition, the perimeter of each storage area shall be enclosed by fencing or screening walls, as approved by the Planning Director. All fencing/screening walls shall be located on the interior side of any required landscaping.
 - I. The storage of hazardous materials within such containers is permitted to the extent that it is listed as a principal permitted use and/or it meets the performance standards of the zoning district. Containers shall be labeled if combustible materials are being stored.
33. Printing services, when mechanical operation is not visible from a street.
34. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
35. Radio and television stations, except transmission towers over 35 feet high.
36. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
37. **Recycling collection and processing facilities, both public and private.**
38. Self-service storage facilities, provided they meet the following restrictions:
 - A. Lot Standards: All space limits as specified in the ML Zone shall be followed,
 - B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.

- C. Access to Buildings: No storage building may open into required side or rear yards, if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide access from one storage bay to another.
- D. Storage Restrictions: All storage on the site must be within enclosed buildings, with the exception of automobiles, boats, and recreational vehicles in operable condition. The storage of hazardous materials on the site is prohibited.
- E. Parking/Loading:
 Parking: Two parking spaces shall be provided at the rental office or 1.5 parking spaces per employee, whichever is greater.
 Loading: Loading docks shall be prohibited, all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.
- F. Drive Lanes: Minimum drive land width shall be twenty-four (24) feet.
- G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning Director. All fencing shall be located on the interior side of the required bufferyards.
- H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning Director. (*Ord. No. 3888, Dec. 11, 2017*)

- 39. Special and vocational educational and training facilities.
- 40. Stone and monument work.
- 41. Trucking terminals containing 4 or less loading or transfer bays.
- 42. Upholstery shops.
- 43. Veterinary Services.
- 44. Warehouses and storage of non-hazardous goods provided storage is inside building.

5.27.03 Conditional Uses:

- 1. Commercial/Utility grade wind energy systems, subject to Section 8.10.
- 2. Communication Towers meeting the requirements as set forth in Section 8.05.
- 3. Indoor Firing Range (*Ord. No. 3698, Feb. 11, 2013*)
- 4. Indoor recreational facility

5.27.04 Specifically Excluded Uses:

- 1. The following uses are hereby declared incompatible with the purpose of the ML zone and are hereby expressly excluded:
 - A. Churches, synagogues, chapels, and similar places of religious worship and instruction.
 - B. Dwellings and other types of living accommodations shall be prohibited except that quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use occupying more than 20,000 square feet of lot area.

- C. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings.
- D. Motels, hotels, and mobile home parks.
- E. Public, parochial and private schools and colleges, except trade schools.
- F. Any use not enumerated as permitted in this zone, but which is specifically provided for in another zone or zones.

5.27.05 Permitted Accessory Uses:

- 1. Accessory uses for light industrial development shall include those normally appurtenant to such development, except as further specified herein.
- 2. Residential and small wind energy systems, subject to Section 8.09.
- 3. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.

5.27.05 Space Limits:

- 1. Minimum lot area for business or industry: 10,000 square feet.
- 2. Minimum width of lot: 50 feet.
- 3. Maximum building height: No restriction except as limited by gross floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.
- 4. Minimum front yard: 20 feet.
- 5. Minimum rear yard: None.
- 6. Minimum side yard: None.
- 7. Minimum side yard on street side of corner: 10 feet.
- 8. Maximum gross floor area ratio: 1.0
- 9. Maximum ground coverage: 75percent.

5.27.06 Miscellaneous Provisions:

- 1. Buildings and uses customarily incidental to the permitted uses
- 2. Parking as required by Sections 8.01-8.03.
- 3. Signs as permitted in Article 7.
- 4. Landscaping as required by Article 9.
- 5. No outdoor storage is permitted, except
 - A. The display of new merchandise for sale to the public
 - B. Unless specifically permitted within this Section
- 6. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 7. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.
- 8. Physical Appearance: All operation shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.

9. Performance standards shall conform to Section 8.07 of the Supplemental Regulations.

Section 5.28 MH Heavy Manufacturing District

5.28.01 Intent. This zone provides for the widest range of industrial operations permitted in the city. It is the zone for location of those industries which have not reached a technical stage in processing which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance free manner.

5.28.02 Permitted Uses:

1. Automobile rental store.
2. Brewery.
3. Building materials yards with enclosed and screened storage areas.
4. Car wash.
5. Combination display store, office, warehouse, and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts.
6. Commercial Kennels
7. Dry cleaning, laundry, and dyeing plants.
8. Feed and seed store.
9. Garages for the storage of automobiles.
10. Garden supply including nursery stock.
11. Gasoline stations.
12. Governmental services – administrative facilities.
13. Governmental services – maintenance and service facilities.
14. Greenhouses, commercial; nursery stock sales yards.
15. Heavy auto repair services.
16. Highway maintenance yards or buildings.
17. Junk yards, auto parts salvage and auto wrecking yards when such operations are obscured from any street or from any adjacent property in another zone by a sturdy, sight obscuring fence in good repair, and under the condition that any burning operations be carried on in any enclosed structure provided with such super-heating devices designed to assure complete combustion as may be approved by the Building Inspector.
18. Laboratories.
19. Light auto repair services.
20. Light manufacturing; assembly, fabrication and processing of products inside an enclosed building, except hazardous or combustible materials.
21. Manufacture and assembly of electrical and electronic appliances.
22. Manufacture of light sheet metal products including heating and ventilation equipment.
23. Manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities.
24. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
25. Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components.

26. Manufacturing of food and kindered products, such as bakery items, dairy products, sugar and confectionary products, and beverages.
27. Marine sales and services, but excluding the storage or salvage of boats.
28. New and used automobile, truck, tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers, or machinery not in operable condition or in the process of salvage, or the major parts thereof.
29. Outdoor storage of automobiles, boats, and recreational vehicles in operable condition.
30. Portable Outdoor Storage and the storage of such containers shall be a Permitted Use, subject to the following conditions:
 - A. All minimum setback requirements of the zoning district shall be met. Additionally, no storage container (whether used for storage or as business inventory) may be located between a front or street side property line and any building on the lot.
 - B. No stacking of containers shall be permitted.
 - C. Containers shall not be permitted to be located within any required parking area, as determined by the Zoning Ordinance. In no event may the use obstruct the circulation of traffic within the zoning lot.
 - D. Containers may not encroach into a drainageway or required landscaped area.
 - E. No container may open into a required side or rear yard, if the site directly abuts a residential zoning district. Containers shall not be located in such a manner which will preclude access to the container, i.e. completely surrounded by other containers, except when empty containers are being used as business inventory, rather than for actual storage.
 - F. An approved hard surface will be required for access to and the placement of all containers. Additionally, areas intended for this use shall be marked to distinguish them from required off-street parking areas.
 - G. All containers shall remain locked at all times, when not being attended to, whether empty or full.
 - H. Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each storage area shall be enclosed by fencing or screening walls, as approved by the Planning Director. All fencing/screening walls shall be located on the interior side of any required landscaping.
 - I. The storage of hazardous materials within such containers is permitted to the extent that it is listed as a principal permitted use and/or it meets the performance standards of the zoning district. Containers shall be labeled if combustible materials are being stored.
31. Printing services, when mechanical operation is not visible from a street.
32. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
33. Radio and television stations, except transmission towers over 35 feet high.
34. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
35. **Recycling collection and processing facilities, both public and private.**
36. Self-service storage facilities, provided they meet the following restrictions:

- A. Lot Standards: All space limits as specified in the MH Zone shall be followed,
 - B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.
 - C. Access to Buildings: No storage building may open into required side or rear yards, if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide access from one storage bay to another.
 - D. Storage Restrictions: All storage on the site must be within enclosed buildings, with the exception of automobiles, boats, and recreational vehicles in operable condition. The storage of hazardous materials on the site is prohibited.
 - E. Parking/Loading:
 Parking: Two parking spaces shall be provided at the rental office of 1.5 parking spaces per employee, whichever is greater.
 Loading: Loading docks shall be prohibited, all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.
 - F. Drive Lanes: Minimum drive land width shall be twenty-four (24) feet.
 - G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning Director. All fencing shall be located on the interior side of the required bufferyards.
 - H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning Director. **(Ord. No. 3888, Dec. 11, 2017)**
- 37. Stone and monument works.
 - 38. Temporary batch plants, not to exceed 24 months of operation.
 - 39. Truck wash.
 - 40. Trucking terminals containing in excess of 4 loading or transfer bays.
 - 41. Veterinary Services, including livestock.
 - 42. Warehouses and storage of non-hazardous goods, provided storage is inside building.
 - 43. Yards for the sale, transfer and temporary holding of livestock. **(Ord. No. 3840, February 8, 2016)**

5.28.03 Conditional Uses:

- 1. Commercial/Utility grade wind energy systems, subject to Section 8.10.
- 2. Communication Towers meeting the requirements as set forth in Section 8.05.
- 3. Meat packing, slaughtering, eviscerating and skinning.
- 4. Permanent batch plants for concrete, asphalt, or paving material.
- 5. Poultry killing, plucking and dressing when such operations are of such size as to employ in excess of 3 persons.
- 6. Recreational facilities and uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the City Council.

7. Rendering of by-products of slaughtering and killing of animals or poultry.
8. Special and vocational educational and training facilities.
9. The bulk storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature.
10. The bulk storage of flammable or noxious gasses above or below ground.

5.28.04 Specifically Excluded Uses:

1. The following uses are hereby declared incompatible with the purpose of the MH Zone and are hereby expressly excluded:
 - A. Any use which cannot meet the performance standards set forth herein.
 - B. Dwellings except caretaker and watchmen quarters as set forth in the provisions of the MH Zone.
 - C. Schools and colleges, except trade schools.
 - D. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted.
 - E. Motels, hotels and mobile home parks.
 - F. Churches, synagogues, chapels, and similar places of religious worship and instruction.

5.28.05 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Residential and small wind energy systems, subject to Section 8.09.
3. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.

5.28.06 Space Limits:

1. Minimum lot area for business or industry: 10,000 square feet.
2. Minimum width of lot: 50 feet.
3. Maximum building height: No restriction except as limited by gross floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.
4. Minimum front yard: 20 feet.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: 10 feet.
8. Maximum gross floor area ratio: 1.0
9. Maximum ground coverage: 50 percent.

5.28.07 Miscellaneous Provisions:

1. Buildings and uses customarily incidental to the permitted uses
2. Parking as required by Sections 8.01-8.03.
3. Signs as permitted in Article 7.
4. Landscaping as required by Article 9
5. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
6. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.
7. Physical Appearance: All operation shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in

containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.

8. Performance standards shall conform to Section 8.07 of the Supplemental Regulations.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the amendment as presented.

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-2107-09

FOR HEARING OF:
REPORT 1#: August 26, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Waste Connections of Nebraska, Inc.
c/o Stephen D Mossman
134 South 13th Street, Suite 1200
Lincoln, NE 68508

B. PROPERTY OWNER:

Peter Ciaccio Living Trust
c/o Dean Jungers
101 West Mission Avenue
Bellevue, NE 68005

C. GENERAL LOCATION:

Fort Crook Road South and Fairview Road

D. LEGAL DESCRIPTION:

Lots 12B & 13C, South of Drainage Ditch, Butterfields Subdivision, located in the Northeast $\frac{1}{4}$ of Section 10, T13N, R13E, Sarpy County, Nebraska; Tax Lot 14, Except that Part taken for Highway Right-of-Way, and Part of Vacated State Right-of-Way in the East $\frac{1}{2}$ of the East $\frac{1}{2}$ in the Southeast $\frac{1}{4}$ adjacent to Tax Lot 14, all located in the Southeast $\frac{1}{4}$ of Section 10, T13N, R13E, Sarpy County, Nebraska; and Part of Vacated State Right-of-Way in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, West of Fort Crook Road South, located in the Southwest $\frac{1}{4}$ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE

E. REQUESTED ACTION:

1. Rezone Lots 12B & 13C, South of Drainage Ditch, Butterfields Subdivision, located in the Northeast $\frac{1}{4}$ of Section 10, T13N, R13E, Sarpy County, Nebraska; Tax Lot 14,

Except that Part taken for Highway Right-of-Way, and Part of Vacated State Right-of-Way in the East ½ of the East ½ in the Southeast ¼ adjacent to Tax Lot 14, all located in the Southeast ¼ of Section 10, T13N, R13E, Sarpy County, Nebraska; and Part of Vacated State Right-of-Way in the Southwest ¼ of the Southwest ¼, West of Fort Crook Road South, located in the Southwest ¼ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE, from FX and BNH to ML.

F. EXISTING ZONING AND LAND USE:

FX and BNH, Vacant/Agricultural

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning to enable light manufacturing development.

H. SIZE OF SITE:

The site is approximately 48 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The property is presently vacant and being used agriculturally.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Vacant/Agricultural, MH (across Papio Creek)
2. **East:** Vacant/Agricultural, BNH (across Ft Crook Rd S)
3. **South:** Vacant/Agricultural, AG (across Fairview Rd)
4. **West:** Nebraska Department of Roads right-of-way/Highway 75

C. REVELANT CASE HISTORY:

1. On October 25, 2012, the Planning Commission recommended approval of a request to rezone Lots 12B & 13C, South of Drainage Ditch, Butterfields Subdivision, located in the Northeast ¼ of Section 10, T13N, R13E, Sarpy County, Nebraska; Tax Lot 14, Except that Part taken for Highway Right-of-Way, and Part of Vacated State Right-of-Way in the East ½ of the East ½ in the Southeast ¼ adjacent to Tax Lot 14, all located in the Southeast ¼ of Section 10, T13N, R13E, Sarpy County, Nebraska, from AG to FX. The City Council approved the aforementioned request on November 26, 2012.

D. APPLICABLE REGULATIONS:

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

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

The applicant has submitted a text amendment regarding recycling facilities as a permitted use in the ML zoning district as part of their development request.

C. TRAFFIC AND ACCESS:

1. The 2018 MAPA Traffic Flow Map estimates 2,400 vehicles per day along Fort Crook Road South adjacent to this property.
2. This property has access from two points along Fort Crook Road South.

D. UTILITIES:

All utilities are available to this location or will be brought in to serve the future development.

E. ANALYSIS:

1. Stephen Mossman, on behalf of Waste Connections of Nebraska, Inc., has submitted a request to rezone a tract of land described as Lots 12B & 13C, South of Drainage Ditch, Butterfields Subdivision, located in the Northeast $\frac{1}{4}$ of Section 10, T13N, R13E, Sarpy County, Nebraska; Tax Lot 14, Except that Part taken for Highway Right-of-Way, and Part of Vacated State Right-of-Way in the East $\frac{1}{2}$ of the East $\frac{1}{2}$ in the Southeast $\frac{1}{4}$ adjacent to Tax Lot 14, all located in the Southeast $\frac{1}{4}$ of Section 10, T13N, R13E, Sarpy County, Nebraska; and Part of Vacated State Right-of-Way in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, West of Fort Crook Road South, located in the Southwest $\frac{1}{4}$ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE from FX to ML.
2. This property is presently zoned FX. The applicant is requesting a zoning change to ML to facilitate light industrial development. No platting is being requested at this time.

3. This property lies north of the intersection of Fort Crook Road South and Fairview Road. The property presently has two access points set along Fort Crook Road South. The Nebraska Department of Transportation (NDOT) controls access in this area. Any change in access for this property will need to be coordinated with NDOT.

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, 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.

Krista Hoffart, Offutt AFB Community Planner, stated the site is not located within Offutt's Accident Potential Zones or noise contours. She did request any future industrial development not create and expel smoke that could impair pilot vision or encourage the congregation of birds due to the proximity of location to the Offutt runway and flight tracks.

No other comments were received on this case.

5. The intent of the ML district is to provide for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance.

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

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance and 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. Vicinity map/Zoning Map
2. GIS aerial photo of the property

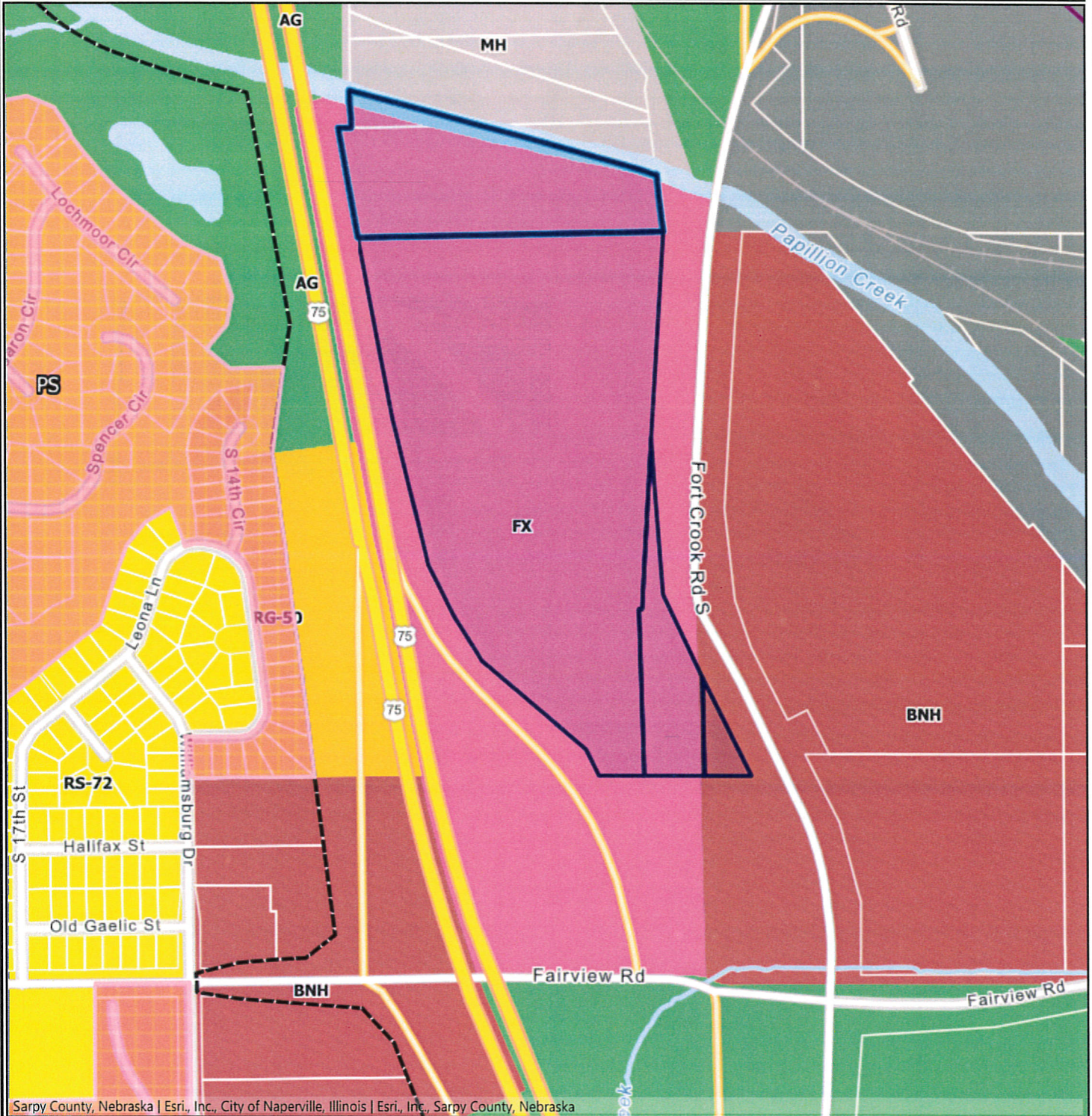
3. Letter from Stephen Mossman received July 23, 2021

VII. COPIES OF REPORT TO:

1. Waste Connections of Nebraska, Inc./Stephen Mossman
2. Peter Ciaccio Living Trust/Dean Jungers
3. Public Upon Request


Assistant Planning Manager


Planning Manager Date of Report



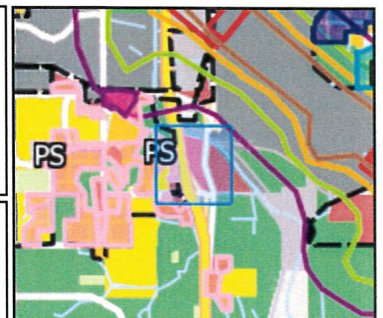
Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska

Notes



Map Scale 1: 7962

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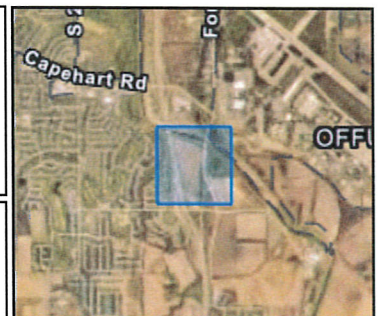
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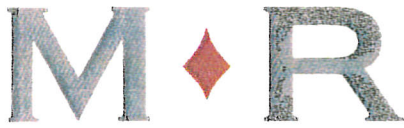
Notes



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MATTSON RICKETTS
LAW FIRM

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PLANNING DEPT.

Jacob C. Garbison
Reginald S. Kuhn
Stephen D. Mossman
Jennifer A. Panko-Ralhe
Sally A. Rasmussen
Andrew R. Spader
J. L. Spray
Scott W. Steele
Christina L. Usher
Patricia L. Vannoy
Joseph A. Wilkins
Hon. Randall L. Rehmeier (Ret.), Of Counsel

July 22, 2021

VIA OVERNIGHT MAIL and E-MAIL

Tammi Palm, Planning Manager
City of Bellevue
1510 Wall Street
Bellevue, NE 68005
Tammi.Palm@bellevue.net

*Also Admitted in California
Also Admitted in Iowa*

Offices in Lincoln, Nebraska, City and Syracuse

www.mattsonricketts.com

RE: Waste Connections of Nebraska, Inc.

Dear Tammi:

As you know, our firm represents Waste Connections of Nebraska, Inc. in conjunction with certain zoning matters with the City of Bellevue. Enclosed with this letter please find a signed Rezoning Application, a signed Text Amendment Application, and supporting documentation. A \$775 check made payable to the City of Bellevue is also enclosed to cover the application fees for these two applications.

I. Rezoning Application

The enclosed Rezoning Application seeks the rezoning of Parcel Nos. 010436901, 010629181, 011608401, and 011608402 (collectively, the "Property") located at 1702 Fort Crook Road, Bellevue, Nebraska 68132 from its current Flex Space ("FX") district to a Light Manufacturing ("ML") district. The purpose of this Rezoning Application is to permit light industrial use on the Property. Maps of the Property are attached hereto as Exhibit "A."

II. Text Amendment Application

The enclosed Text Amendment Application seeks to add "Recycling collection and processing facilities, both public and private" to § 5.27.02 of Bellevue's Zoning Ordinances. The purpose of this Text Amendment Application is to allow recycling facilities as a permitted principal use in the ML district, for both public and private facilities.

If you have any questions, please let me know. Finally, please confirm that the Applications have been timely filed in order for them to be considered by the City of Bellevue Planning Commission at their meeting scheduled for August 26, 2021.

134 South 13th Street, Suite 1200
Lincoln, Nebraska 68508

(402) 475-8433 Phone
(402) 625-0775 Fax

Tammi Palm, Planning Manager
July 22, 2021
Page 2

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Very truly yours,

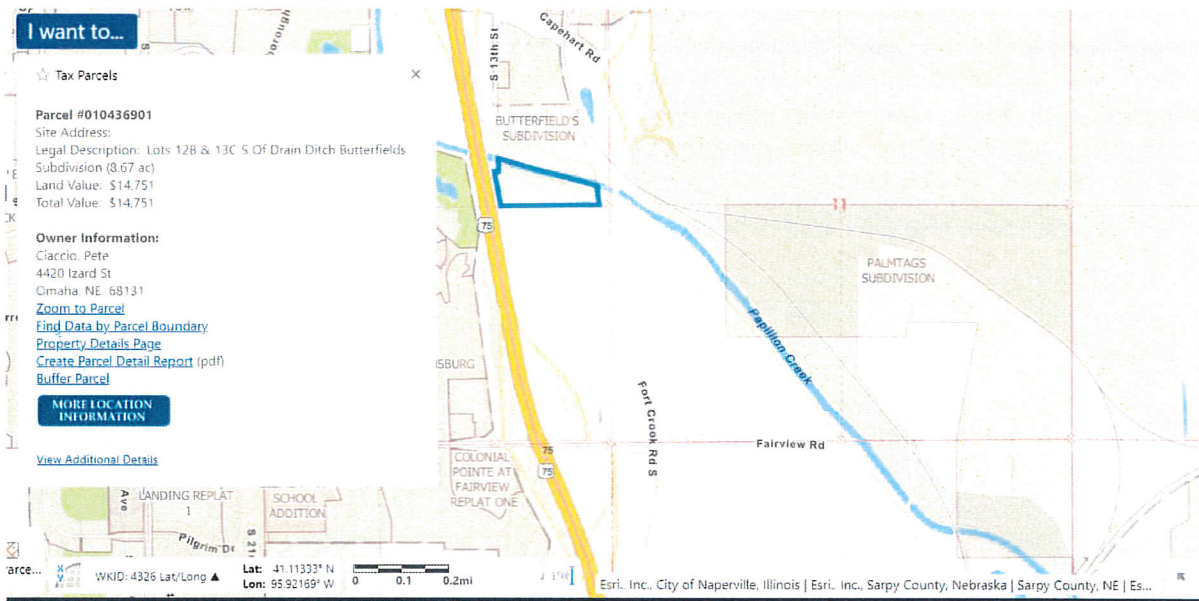


Stephen D. Mossman
sdm@mattsonricketts.com

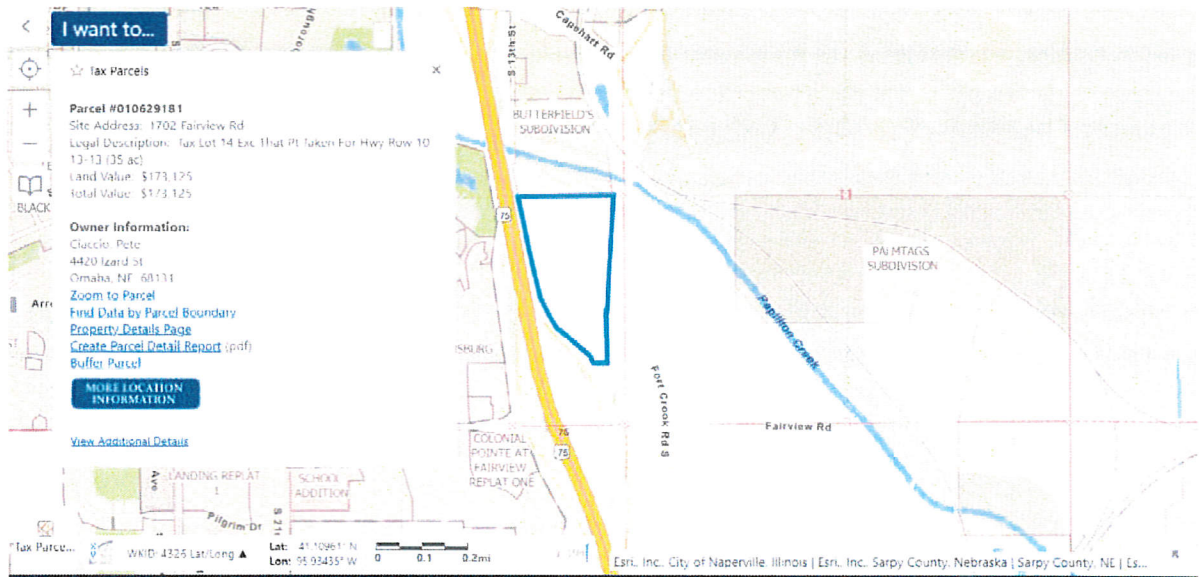
SDM/eal
Enclosures

Exhibit "A"

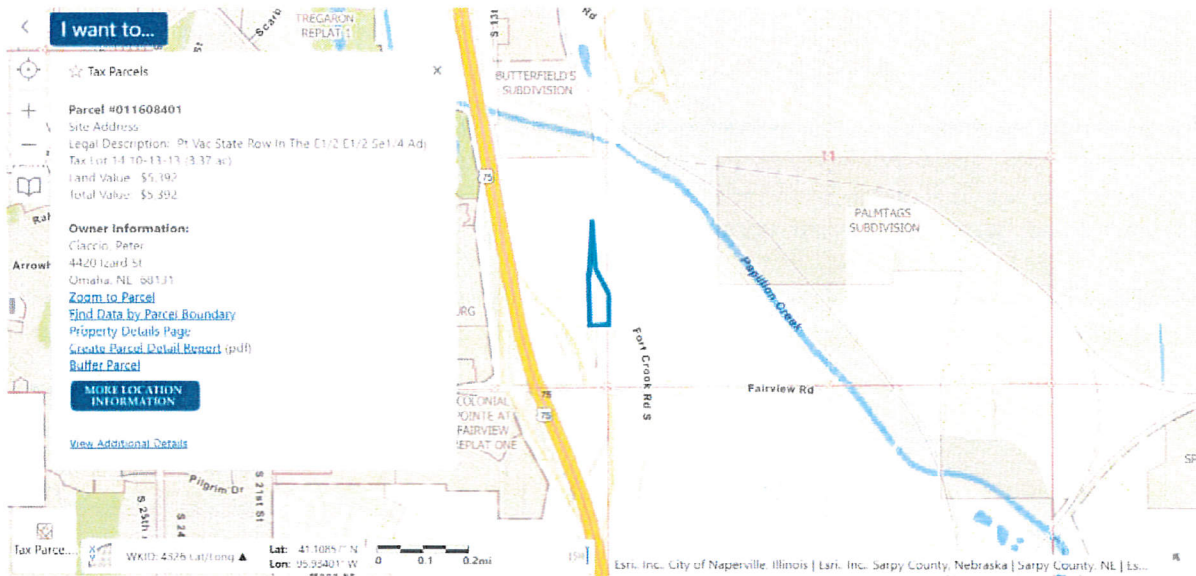
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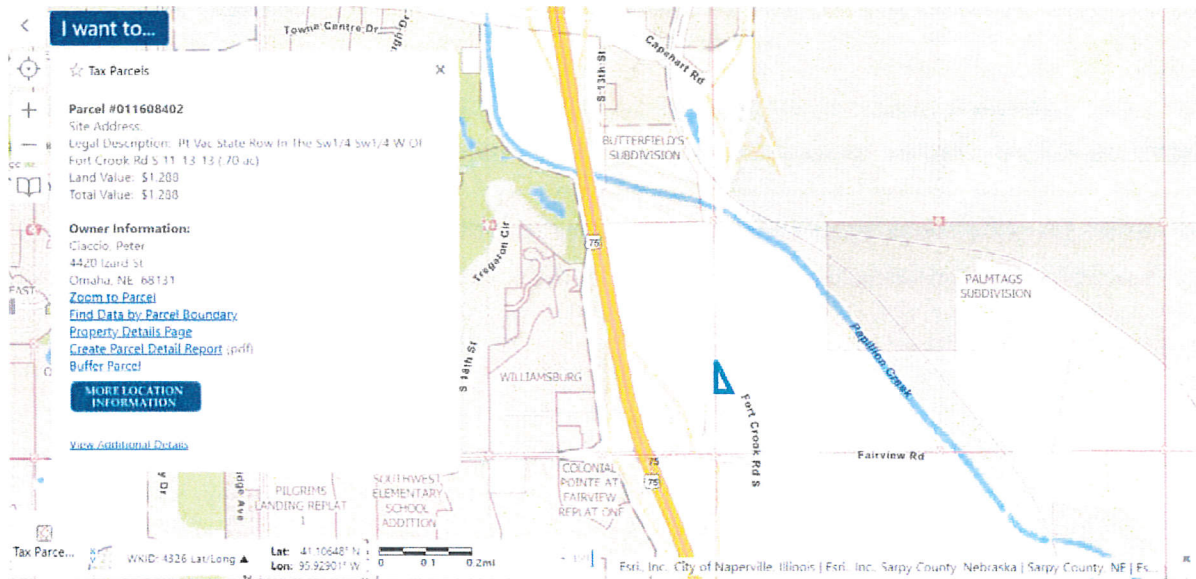
Parcel No. 010629181:



Parcel No. 011608401:



Parcel No. 011608402:



**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: S-2103-05
Z-2103-02

FOR HEARING OF:
REPORT #1: August 26, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Orchard Valley, Inc.
Melvin Sudbeck
16255 Woodland Drive
Omaha, NE 68154

B. PROPERTY OWNERS:

Orchard Valley, Inc.
16255 Woodland Drive
Omaha, NE 68154

Lionel and Martha Mora
1902 Lola Avenue
Bellevue, NE 68147

C. GENERAL LOCATION:

21st Street and Gilmore Lake Road

D. LEGAL DESCRIPTION:

Lots 154 through 196, and Outlots "F" through "I," Spring Ridge, being a platting of Tax Lot 12, Tax Lot 13A, Lot 2 Bohac Addition, and Outlot B, Green Meadows, all located in the Southwest ¼ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, NE.

E. REQUESTED ACTIONS:

1. Rezone Lots 154 through 196, and Outlots “F” through “I,” Spring Ridge, from AG and BG to RA, BG, and RG-8-PS, with site plan approval, for the purpose of single family and multi-family residential development.
2. Preliminary plat Lots 154 through 196, and Outlots “F” through “I,” Spring Ridge.

F. EXISTING ZONING AND LAND USE:

AG and BG; Vacant/Agricultural, Single Family Residential, and VFW Post 10727

G. PURPOSE OF REQUEST:

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

H. SIZE OF SITE:

The site is approximately 39 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Proposed Lot 196 is developed with a single family residence constructed in 2014. Most of the property is vacant and most recently used agriculturally. Additionally, the VFW Post 10727 is located on a portion of proposed Outlot G at the east end of Gilmore Lake Road.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Single Family Residential/Vacant RS-72 and RD-60
2. **East:** Highway 75 Right-of-Way
3. **South:** Vacant, AG
4. **West:** Single Family Residential, RS-72, and RS-72-PS

C. REVELANT CASE HISTORY:

1. On January 24, 2013 the Planning Commission continued a request to rezone Lots 1 through 147, and Outlots A and B, Spring Ridge, being a platting of part of Tax Lot 13A, lying north of Tax Lot 6A2A; Part of Tax Lot 12 (irregular 809.99' x 554.44'); and Lots 92A and 93A, Childs Estate Acres; all located in Section 22, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from AG and RS-72 to RD-60 for the purpose of single family residential development; and preliminary plat

Lots 1 through 147, and Outlots A and B, Spring Ridge. Action on this request was continued until the February 28, 2013 Planning Commission meeting.

2. On February 28, 2013, the Planning Commission recommended approval of a request to rezone Lots 1 through 147, and Outlots A and B, Spring Ridge, being a platting of part of Tax Lot 13A, lying north of Tax Lot 6A2A; Part of Tax Lot 12 (irregular 809.99' x 554.44'); and Lots 92A and 93A, Childs Estate Acres; all located in Section 22, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from AG and RS-72 to RD-60 for the purpose of single family residential development; and preliminary plat Lots 1 through 147, and Outlots A and B, Spring Ridge. On April 8, 2014, the City Council approved the final plat of Lots 1 through 45 and Outlot A, Spring Ridge, contingent upon the improvement of Gilmore Lake Road.

3. On April 24, 2014, the Planning Commission recommended approval of a request to rezone Lots 1 through 203, and Outlots A through F, Spring Ridge, being a platting of Lots 91, 92A, 92B, 93A, 93B, 94 through 96, 109 through 111, and 114, Childs Estate Acres; Lots 1 and 2, Bohac Addition; part of Outlot B, Green Meadows; that part of Tax Lot 13A, lying north of Tax Lot 6A2A, except for 33'; Tax Lots 5A2 and 6A2; the irregular 809.99' x 554.44' tract being a part of Tax Lot 12; the irregular southeast 10.21 acres of Tax Lot 12; the approximate 139.82' x 780' tract being part of Tax Lot 12; together with the portions of vacated 23rd Street, Cary Street, and Concord Street; all located in Section 22, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from AG, RS-72, RD-60, and BG to BG, RS-72, RD-60, and RG-20; and preliminary plat Lots 1 through 203, and Outlots A through F, Spring Ridge. The City Council approved this request on June 9, 2014.

4. On September 24, 2014, the Planning Commission recommended approval of a request to final plat Lots 1 through 153, and Outlots A through E, Spring Ridge, being a platting of Lots 91, 92A, 92B, 93A, 93B, 94 through 96, 109 through 111, and 114, Childs Estate Acres; together with the drainage alley adjacent to the west line of said Lot 110, together with part of vacated Cary Street, Concord Street, and 23rd Street lying within said Childs Estate Acres, part of Tax Lots 5A2 and 6A2, and part of Tax Lot 13 north of Tax Lot 6A2A except 33'; all located in the Northwest ¼ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, NE. The City Council approved this request on October 13, 2014.

D. APPLICABLE REGULATIONS:

1. Section 5.06, Zoning Ordinance, regarding RA uses and requirements.
2. Section 5.15, Zoning Ordinance, regarding RG-8 uses and requirements.
3. Section 5.17, Zoning Ordinance, regarding Planned Subdivision (-PS) uses and requirements.
4. Section 5.22, Zoning Ordinance, regarding BG uses and requirements.

5. Chapter 3, Subdivision Regulations, regarding Preliminary Plats.
6. Chapter 6, Subdivision Regulations, regarding Minimum Design Standards.
7. 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 being medium density and multi family residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.
2. Access is proposed from newly constructed extensions of Lola Avenue, Gilmore Lake Road, and Morrie Drive. The proposed multi-family development will have private streets.

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 154 through 196, and Outlots F through I, Spring Ridge, for the purpose of single family and multi-family residential development.

2. The applicant is also requesting a change in zone from AG and BG to BG (General Business), RA (Residential Agriculture), and RG-8-PS (General Residence, 800 Square Foot Zone, Planned Subdivision) for Lots 154 through 196, and Outlots F through I, Spring Ridge.

Lots 154 through 195, along with Outlots F, H, and I will be zoned RS-8-PS for the purpose of multi-family residential development.

Lot 196 will be zoned RA to accommodate the existing single family residential development on this property.

Outlot G contains a portion of the VFW Post 10727. Their existing property is zoned BG. Outlot G will be zoned BG to stay consistent with the remainder of their property and use thereof.

3. In addition to the rezoning of Lots 154 through 196, site plan approval is also being requested.

Lots 154 through 173 will be developed as single family residences, with the following setbacks:

- Front yard – 25 feet
- Rear yard – 25 feet
- Side yard – 5 feet
- Street side yard – 15'

In comparison, the typical single family residence constructed in the RG-8 zoning district must have the following setbacks:

- Front yard – 25 feet
- Rear yard – 10'
- Side yard – 3'
- Street side yard – 5'

Lots 174 through 176, and 178 through 181 will be constructed with multi-family residential buildings. Each building will house between 48 and 68 units, with a total of 408 units in six buildings. Lot 177 will be constructed as a clubhouse for the development, with amenities to include a pool, workout room, and event space. The applicant has indicated other amenities may include benches, playground, and a dog park.

Lots 182 through 195 will be constructed with three- to eight-unit row homes, with a total of 74 row homes.

Lot 196 is developed with a single family residence constructed in 2014. It is presently a non conforming agricultural tax lot. The applicant is purchasing a portion of the tax lot to include in this development; therefore, the entire parcel is being included in the preliminary plat.

4. The site plan shows 383 surface parking stalls, and 336 garage spaces in the apartment buildings, for a total of 719 parking stalls available. The row homes will also have 148 internal stalls.

5. The proposed subdivision will develop in two different phases, working from north to south.

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, Sarpy County Planning Director, 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 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.

Sarpy County IS/GIS/Public Safety returned comments in regards to proposed street names. The applicant has since satisfied their concerns.

Public Works Engineering Manager Dean Dunn had technical comments pertaining to the initial drainage, grading, street profiles, storm sewer, paving plans, and preliminary utility plan. The applicant has made most of the requested revisions. The outstanding revisions are listed as technical deficiencies at the end of this report and should be satisfied as part of a condition of approval before moving forward to the City Council.

The Public Works Department requested an updated traffic study for Phases IV and V of this development. The original traffic study was done with the preliminary platting in 2014. Based on the updated traffic impact analysis, some improvements will need to be made to South 25th Street in addition to improving Gilmore Lake Road. A southbound turn lane at the intersection of South 25th Street and Gilmore Lake Road is recommended by 2025. Additionally, a northbound turn lane is recommended by 2025 at the intersection of South 25th Street and Morrie Drive. These improvements will be part of the Gilmore Lake Road infrastructure and will be addressed in the amended Spring Ridge Subdivision Agreement, which will be finalized with the final plat process.

No other comments were received on this case.

7. A portion of the VFW Post 10727 sits on proposed Outlot G. The VFW structure was built in 1981. The applicant has worked with the VFW since the original Spring Ridge platting was approved in 2014. Staff has requested the applicant provide documentation (i.e., easements) which allows VFW encroachments onto Outlot G. As of the date of this report, that documentation has yet to be provided to staff.

8. Construction of this development is contingent upon the improvement of Gilmore Lake Road. When the original Spring Ridge plat was approved in 2014, the applicant was to be responsible for 25% of these costs, along with the city, Sarpy County, and SID 279 (Spring Creek). Since that time, the city has annexed the Spring Creek subdivision, therefore assuming 75% of the improvement costs.

The applicant and his development team have been in discussions with the city regarding the planned improvements for Gilmore Lake Road. These engineering conversations are ongoing. Finalized costs and timing will be part of the amended Spring Ridge Subdivision Agreement. A draft of this document has been submitted and is under review by the City Attorney.

9. The original Spring Ridge preliminary plat approved by City Council on June 9, 2014 included 45 single family residential lots in Phase IV, with 11.23 acres of RG-20 zoned property to be developed as multi-family residential, with future site plan approval. The current preliminary plat proposal has 20 single family residential lots abutting similarly developed property, with the remainder being developed as multi-family residential.

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

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

12. Based upon the number of acres, this development will require a contribution to the Park Fund in the amount of \$32,589.

F. TECHNICAL DEFICIENCIES:

1. The following engineering comments need to be addressed per emailed document dated August 19, 2021:

- Adjust Gilmore Lake Road right-of-way alignment
- Correct Morrie Court radius
- Revise the Gilmore Lake Road right-of-way width on the proposed storm sewer and paving plan
- Update the proposed utility plan per engineering comment

2. Provide documentation to allow for the VFW encroachment on Outlot G.

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, Comprehensive Plan, and Subdivision Regulations. APPROVAL contingent upon the improvement of Gilmore Lake Road, and satisfaction of the technical deficiencies.

****Staff will not place item on City Council agenda without satisfaction of the technical deficiencies.*

V. PLANNING COMMISSION RECOMMENDATION

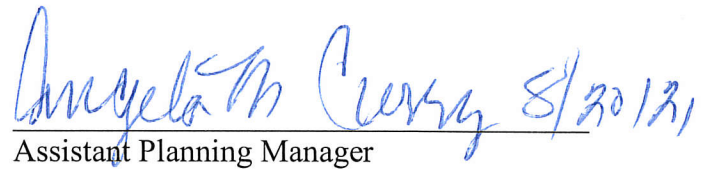
Under Review

VI. ATTACHMENTS TO REPORT

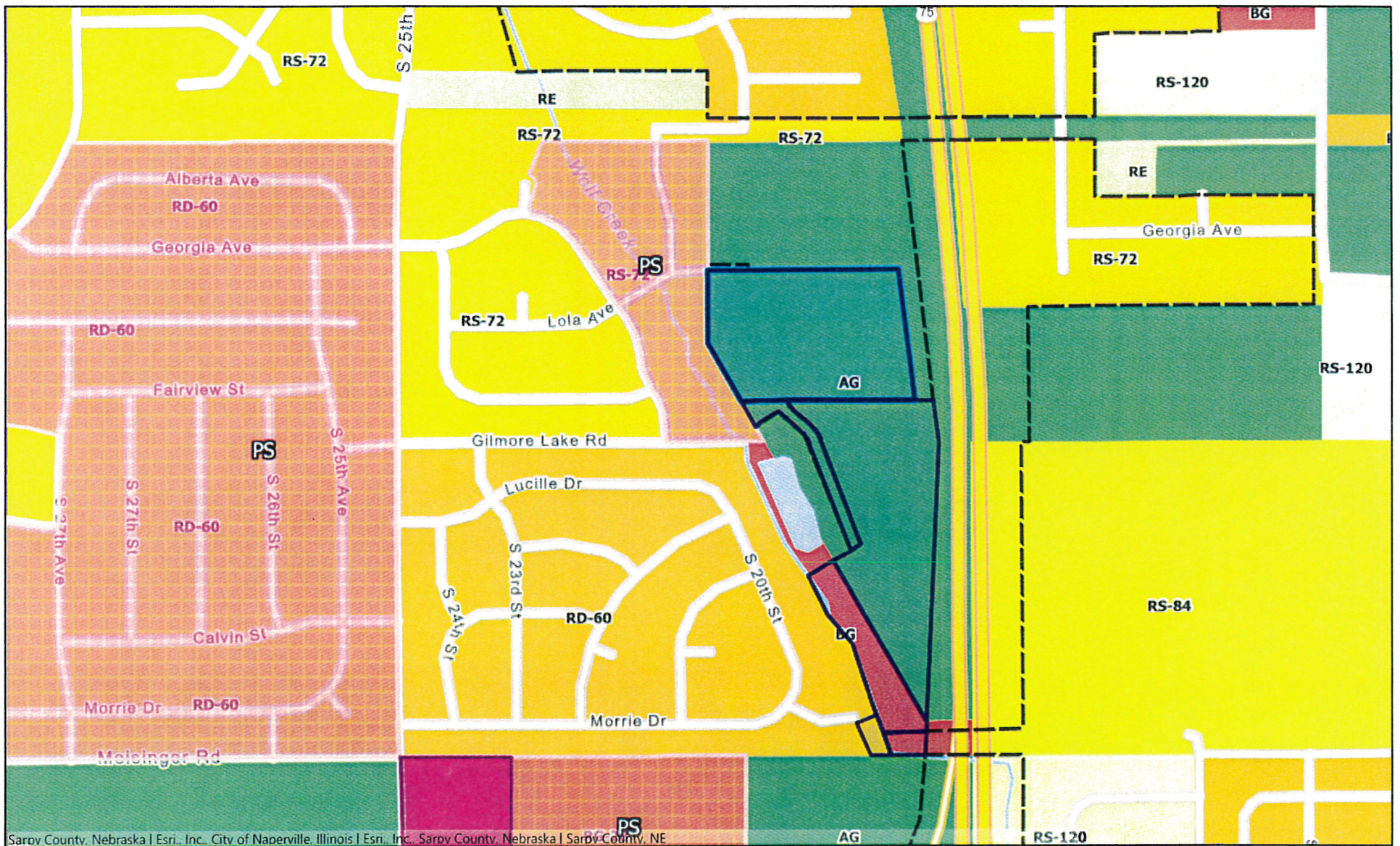
1. Vicinity map/Zoning Map
1. 2020 GIS aerial photo of the property
2. Preliminary plat received August 18, 2021
4. Site plan received August 5, 2021
5. Landscape plan received August 5, 2021
6. Recreational needs/zoning justification received August 5, 2021
7. Planned Subdivision zoning justification received August 19, 2021

VII. COPIES OF REPORT TO:

1. Orchard Valley, Inc.
2. Lionel and Martha Mora
3. FoleyShald Engineering
4. Robert Peterson
5. Public Upon Request


Assistant Planning Manager


Planning Manager Date of Report

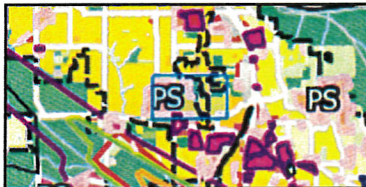


Sarpy County, Nebraska | Esri, Inc. City of Naperville, Illinois | Esri, Inc. Sarpy County, Nebraska | Sarpy County, NE

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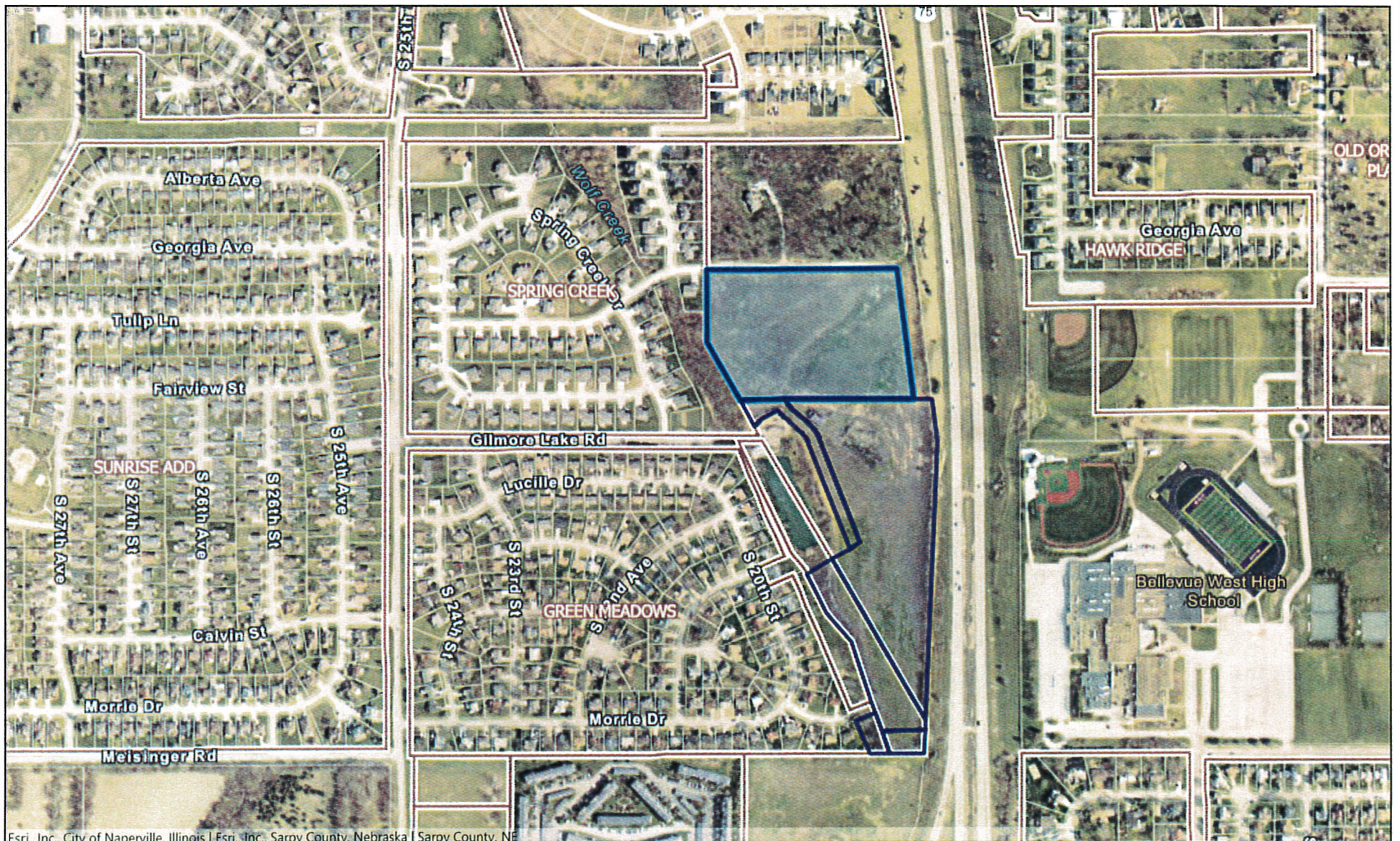
Map Scale 1: 9028

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Notes





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

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Map Scale 1: 9028

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Notes



REVISIONS

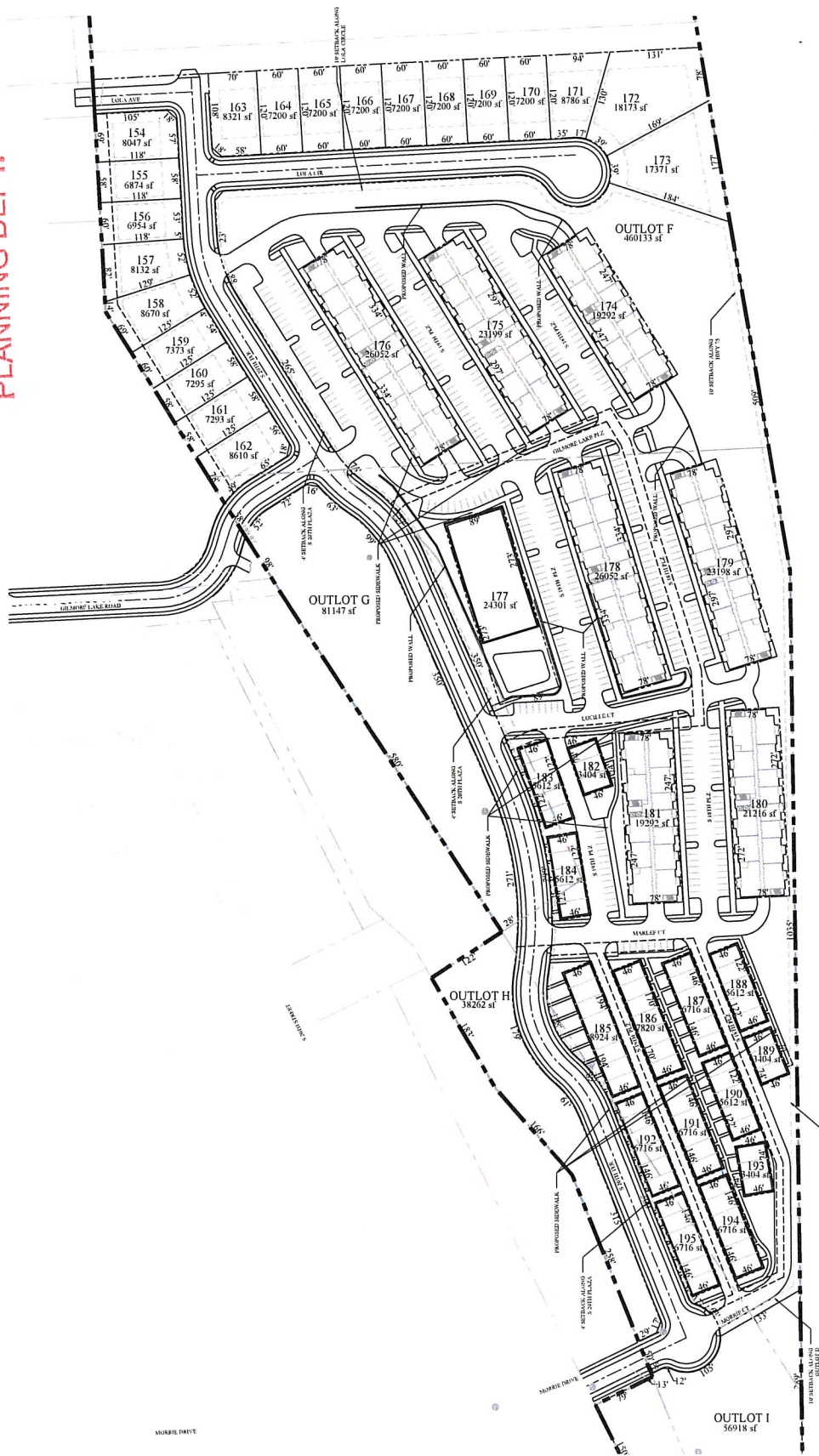
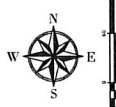
NUMBER	DATE	DESCRIPTION
1000	7/23/21	CITY REVIEW

Spring Ridge
 Bellevue, NE
 FSE #: 020,001

July 23, 2021

Planned Subdivision
 Site Plan
 1 of 2

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 PLANNING DEPT.



OUTLOT USAGE TABLE

OUTLOT	CARPORT	DRIVE	STAIR	MECHANICAL	POOR
F	N	N	N	N	N
G	N	N	N	N	N
H	N	N	N	N	N
I	N	N	N	N	N

MULTIFAMILY SUMMARY (OUTLOT F & LOTS 172 - 193)

OUTLOT	AREA	UNIT TYPE	UNIT COUNT	TOTAL UNITS	DENSITY
OUTLOT F	460133 sf	APARTMENT	148	148	1.00
LOT 172	17371 sf	APARTMENT	2	2	0.12
LOT 173	17371 sf	APARTMENT	2	2	0.12
LOT 174	19292 sf	APARTMENT	3	3	0.16
LOT 175	23199 sf	APARTMENT	4	4	0.17
LOT 176	26032 sf	APARTMENT	5	5	0.19
LOT 177	24301 sf	APARTMENT	4	4	0.17
LOT 178	26052 sf	APARTMENT	5	5	0.19
LOT 179	198 sf	APARTMENT	1	1	0.01
LOT 180	21216 sf	APARTMENT	3	3	0.14
LOT 181	19292 sf	APARTMENT	4	4	0.17
LOT 182	18612 sf	APARTMENT	3	3	0.16
LOT 183	404 sf	APARTMENT	1	1	0.01
LOT 184	8612 sf	APARTMENT	2	2	0.10
LOT 185	7820 sf	APARTMENT	2	2	0.10
LOT 186	7820 sf	APARTMENT	2	2	0.10
LOT 187	716 sf	APARTMENT	1	1	0.01
LOT 188	716 sf	APARTMENT	1	1	0.01
LOT 189	716 sf	APARTMENT	1	1	0.01
LOT 190	716 sf	APARTMENT	1	1	0.01
LOT 191	716 sf	APARTMENT	1	1	0.01
LOT 192	716 sf	APARTMENT	1	1	0.01
LOT 193	716 sf	APARTMENT	1	1	0.01
LOT 194	716 sf	APARTMENT	1	1	0.01
LOT 195	716 sf	APARTMENT	1	1	0.01
LOT 196	716 sf	APARTMENT	1	1	0.01
LOT 197	716 sf	APARTMENT	1	1	0.01
LOT 198	716 sf	APARTMENT	1	1	0.01
LOT 199	716 sf	APARTMENT	1	1	0.01
LOT 200	716 sf	APARTMENT	1	1	0.01

ZONING REGULATORS

REGULATORY	MINIMUM	MAXIMUM
FRONT YARD SETBACK	10 FEET	15 FEET
REAR YARD SETBACK	5 FEET	10 FEET
SIDE YARD SETBACK	5 FEET	10 FEET
MAXIMUM LOT AREA	10000 SQ FT	15000 SQ FT
MAXIMUM GROUND COVER	10%	15%
MAXIMUM BUILDING HEIGHT	40 FEET	50 FEET
MAXIMUM NUMBER OF UNITS	10	15
MAXIMUM NUMBER OF STORIES	3	4
MAXIMUM NUMBER OF PARKING SPACES	10	15
MAXIMUM NUMBER OF DRIVEWAYS	1	2
MAXIMUM NUMBER OF DRIVEWAYS PER LOT	1	2

NOTES

1. PROVIDE ALL DIMENSIONS FROM EXTERIOR WALLS UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).
3. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).
4. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).
5. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).
6. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).
7. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).
8. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).
9. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).
10. ALL DIMENSIONS SHALL BE IN FEET AND INCHES (Rounded Up).

ZONING

GENERAL BUSINESS DISTRICT (GB)

GENERAL RESIDENTIAL DISTRICT (GR)

GENERAL INDUSTRIAL DISTRICT (GI)

GENERAL OFFICE DISTRICT (GO)

GENERAL PUBLIC USE DISTRICT (GP)

GENERAL RECREATION DISTRICT (GR)

GENERAL SERVICE DISTRICT (GS)

GENERAL SINGLE-FAMILY RESIDENTIAL DISTRICT (SFR)

GENERAL TWO-FAMILY RESIDENTIAL DISTRICT (2FR)

GENERAL MEDIUM-DENSITY RESIDENTIAL DISTRICT (MDR)

GENERAL HIGH-DENSITY RESIDENTIAL DISTRICT (HDR)

GENERAL COMMERCIAL DISTRICT (CD)

GENERAL MIXED-USE DISTRICT (MUD)

GENERAL MANUFACTURING DISTRICT (M)

GENERAL HEAVY INDUSTRIAL DISTRICT (HI)

GENERAL PORTLAND DISTRICT (P)

GENERAL AIRCRAFT DISTRICT (A)

GENERAL UTILITIES DISTRICT (U)

GENERAL TRANSPORTATION DISTRICT (T)

GENERAL SPECIAL DISTRICT (SD)

GENERAL UNCLASSIFIED DISTRICT (UC)

August 5, 2021

SPRING RIDGE PHASES 4/5 – RECREATIONAL NEEDS

The Phase 4/5 community site will have large areas of common space within proposed Outlots F and H which will include green space available to residents. This green space will include landscaping and a sidewalk network as shown in the Planned Subdivision and may also include other amenities including benches, gathering areas, playgrounds, and/or dog parks. Additionally, Lot 177 is proposed as a community clubhouse which could include amenities such as a pool, workout room, study area, and/or event room.

SPRING RIDGE PHASES 4/5 – REZONING JUSTIFICATION

We are requesting that the City of Bellevue accept the proposed rezoning as per the Preliminary Plat for Spring Ridge Phases 4/5. The existing zoning for the project area is Agricultural District (AG) and General Business District (BG). Proposed zoning is Residential Agricultural District (RA), General Residential (RG-8-PS), and General Business District (BG). The future land use for the site includes Multi Family Residential (MFR), Medium Density Residential (MDR), and Commercial (C). Through meetings with City Staff, we believe the proposed rezoning of the site meets the future land use, transitioning from medium density residential on the north to multifamily residential on the south.

Lot 196 is proposed as “RA” to help transition an existing “AG” acreage lot towards the proposed future land use of “MDR”. The proposed zoning better meets the current use of the property as a large residential lot. Outlot G is being created to possibly be incorporated into the existing VFW facility and thus is proposed as “BG” to provide an area that meets the future land use, “C”. This will match the existing zoning designation of the VFW building and Gilmore Lake to the west, making the entirety of Gilmore Lake and the VFW one cohesive zone. Most of the proposed site, including Lots 154-195 and Outlots F, H, & I, is proposed as “RG-8-PS”. This rezoning would replace an existing farm field with a mixture of residential units. The north and west side of this area (Lots 162-173) provides single-family detached lots meeting the future land use of “MDR”. The central and southern part of this area (Lots 174 – 195) provide apartments and rowhomes to meet the future land use of “MFR”.

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SPRING RIDGE PHASES 4/5 – PLANNED SUBDIVISION JUSTIFICATION

Based on the pre-application meeting held on December 8, 2020 and staff recommendation, this project is requesting a Planned Subdivision (PS) overlay district.

The proposed site layout has unique characteristics that require the utilization of a planned subdivision district. The future land use for the site includes Multi Family Residential (MFR), Medium Density Residential (MDR). The proposed site is transitioning from single family on the north to multi-family apartments central to townhomes/rowhomes on the south.

This overlay allows for the proposed site to have individual lots for each apartment and townhome building while still having public access, owned and maintained by the homeowners association, over all the parking and common space.

The townhomes are proposed 3 story buildings with 2 car attached garages, commonly used in redevelopment areas. These have patio access along street right of way with garage access in rear alley areas. This allows for the development to have no garage frontages along the townhome area right-of-way. To get the unique characteristic that is sought with these types of buildings, there is also a reduced yard setback to locate the buildings closer to the right-of-way.

We believe the unique nature of the development warrants the use of the planned subdivision overlay and will allow for an innovative development to be constructed to meet the needs of the city and future land use.

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AUG 19 2021
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City of Bellevue

Planning Department

1510 Wall Street • Bellevue, Nebraska 68005
(402) 293-3026

3.f.

MEMORANDUM

TO: Planning Commission
FROM: Angela Curry, Assistant Planning Manager
DATE: August 19, 2021
RE: Amendment to Section 2.22, Definitions; Sections 5.27, 5.28 and 5.35 regarding permitted uses; and Article 8 regarding Supplemental Regulations

The City of Bellevue is proposing to amend Section 2.22 Definitions, and the ML (Light Manufacturing), MH (Heavy Manufacturing), and HCO (Highway 34 Corridor Overlay) Zoning Districts (Sections 5.27.03, 5.28.03, 5.35.01) regarding commercial/utility grade solar conversion systems.

At the present time, Section 8.06 has general language regarding the use of solar panels. This language does not address commercial/utility grade solar conversion systems. To be proactive, the city is proposing new language to address this type of use. The proposed amendments to several sections of the Zoning Ordinance are designed to fill this void. Several neighboring jurisdictions have recently done the same. The City Attorney's office and Planning Department staff looked at recently drafted language from Saunders County, Cass County, the City of Gretna, and Sarpy County among others statewide and nationwide.

Section 2.22 was amended to add a definition for solar conversion system.

Sections 5.27 (ML zoning district) and 5.28 (MH zoning district) were amended to allow commercial/utility grade solar conversion systems as a conditional use.

Section 5.35 (HCO Highway Corridor Overlay District) was amended to specifically prohibit commercial/utility grade solar conversion systems as a use in the defined area.

Staff is also proposing to add language to Article 8 (Supplemental Regulations) Sections 8.06 would allow for residential and individual solar conversion systems. Newly created Section 8.07 allows for commercial/utility grade solar conversion systems and provides regulations for this type of use.

Based on the aforementioned, staff is proposing to amend Sections 2.22, 5.27.03, 5.28.03, 5.35.01 and Article 8, Supplemental Regulations as follows:

ARTICLE 2: Definitions

Section 2.22 S

SKATEBOARD RAMP shall mean a outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

SOLAR CONVERSION SYSTEM shall mean any device such as a solar panel, Solar Array, or Solar Collector or any combination thereof, which collects and converts solar energy to a form of useable energy.

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SOLID WASTE COMPANY shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.

SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

STABLE shall mean a facility, either as a principal or accessory use, that is designed for the maintenance, rental, or storage of non-domesticated animals.

STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

STATE shall mean the State of Nebraska.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

STOREFRONT shall mean the public-accessible entrance(s) to a commercial use visible from a private/public street or sidewalk.

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORMWATER DETENTION shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City

An Example

STORMWATER MANAGEMENT shall mean the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

STORMWATER RETENTION AREA shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.

STORMWATER RUNOFF shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

ARTICLE 5: ZONING DISTRICTS

Section 5.27 ML Light Manufacturing District

5.27.03 Conditional Uses:

1. Commercial/Utility grade wind energy systems, subject to Section 8.10.
2. **Commercial/Utility grade solar conversion systems, subject to Section 8.07**
3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Indoor Firing Range (*Ord. No. 3698, Feb. 11, 2013*)

Section 5.28 MH Heavy Manufacturing District

5.28.03 Conditional Uses:

1. Commercial/Utility grade wind energy systems, subject to Section 8.10.
2. **Commercial/Utility grade solar conversion systems, subject to Section 8.07**
3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Meat packing, slaughtering, eviscerating and skinning.
5. Permanent batch plants for concrete, asphalt, or paving material.
6. Permanent recycling plant for concrete, asphalt, or paving material. (**Ord. No. 4027, March 2, 2021**).
7. Poultry killing, plucking and dressing when such operations are such size as to employ in excess of 3 persons.
8. Recreational facilities and uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with that efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the City Council.
9. Rendering of by-products of slaughtering and killing of animals or poultry.
10. Special and vocational educational and training facilities.
11. The bulk storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature.
12. The bulk storage of flammable or noxious gasses above or below ground.

Section 5.35 HCO Highway 34 Corridor Overlay District

5.35.01 Intent. The Highway 34 Corridor Overlay District provides basic guidelines which promote quality design along a visible corridor in the city's zoning jurisdiction. The Highway 34 Corridor Overlay District is intended to: Encourage development design that strengthens the physical character and image of the city; Support the value of property and

quality of development of a major highway corridor; set basic requirements for good site design and development, building design, landscaping, and signage without discouraging creativity and flexibility in design; permit safe and convenient transportation access and circulation for motorized and non-motorized vehicles, and for pedestrians; and manage the impact of industrial development on adjacent properties. The uses permitted in the Highway 34 Corridor Overlay District shall be the same as those permitted by the underlying base zoning district except as provided by this section. The following uses shall be prohibited within the Highway 34 Corridor District:

- 1) Hazardous waste storage, as primary use
- 2) Salvage or junk yard operations and transfer stations, as a primary use
- 3) Tow lots, as a primary use
- 4) Commercial/Utility Grade Solar Conversion Systems

ARTICLE 8: SUPPLEMENTAL REGULATIONS

Section 8.06 Residential and Individual Solar Conversion Systems

8.06.01 Purpose

It is the purpose of this ordinance to promote the safe, effective, and efficient use of residential and individual solar conversion systems installed to reduce the on-site consumption of utility supplied electricity and that such systems are appropriately sited within Bellevue's zoning jurisdiction.

8.06.02 Definitions

The following are defined for the specific use of this section.

1. **Project Area:** The size of the land area occupied by solar arrays(s), solar collector(s), and/or solar conversion system(s), including any foundation, base, or any other extension of the solar conversion system structure.
2. **Solar Array:** Any number of solar photovoltaic modules or panels connected together to increase voltage and/or power to the level required for a given system.
3. **Solar Collector:** A device, or combination of devices, structure, or part of a device or structure which is used to transform solar energy into thermal, chemical, or electrical energy and that contributes to a structure's energy supply. It includes any space or structural components specifically designed to retain heat derived from solar energy.
4. **Solar conversion system (SCS):** Any device such as a solar panel, Solar Array, or Solar Collector or any combination thereof, which collects and converts solar energy to a form of useable energy.
5. **Solar conversion system – Individual:** A solar conversion system for the specific use of an individual, residential, commercial, or public use equal or less than one (1) acre in total project area.
6. **Solar conversion system – Ground Mounted:** A solar conversion system mounted on a rack or pole that sits on the ground or has its own foundation and is not attached to a building or structure.

7. **Solar conversion system – Structure Mounted:** A solar conversion system that is directly connected to and supported by a structure or the roof of a structure.

8.06.03 Permit Required for Residential and Individual Solar Conversion Systems

No solar panel shall be constructed within the zoning jurisdiction of the City of Bellevue unless a permit therefore is approved and issued by the building inspector, except for mobile units or those six square feet or less in size, and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained.

8.06.04 Lot and Height Requirements: Solar panels shall conform to the required front, side, and rear lot setback requirements except as provided herein:

1. A structure mounted solar conversion system may project four feet into the front yard; six feet into the rear yard; and two feet into a side yard of five feet or less and four feet into a side yard greater than five feet.
2. A ground mounted solar conversion system may be located in the required rear yard provided it does not exceed fifteen feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard, unless a waiver is issued. (*Ord. No. 3643, Nov. 14, 2011*)

8.06.05 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable building codes.

8.06.06 Plot Plan: For ground mounted SECS, the application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

Section 8.07 Commercial/Utility Grade Solar Conversion Systems

Section 8.07.01 Purpose

It is the purpose of this ordinance to promote the safe, effective, and efficient use of commercial/utility grade solar conversion systems and that such systems are appropriately sited within the zoning jurisdiction of the City of Bellevue.

Section 8.07.02 Definitions: The following are defined for the specific uses of this section. Additional definitions pertaining to solar conversion systems are found in Section 8.06.02 herein.

1. **Applicant:** Any person or entity submitting an application for a conditional use permit for a commercial/utility grade solar conversion system.
2. **Capacity:** The amount of electricity produced by a solar conversion system measured in kilowatts (kW).

3. **Operator:** The person or entity responsible for the day-to-day operation and maintenance of the commercial/utility grade solar conversion system.
4. **Owner:** The person, entity, or entities having controlling or majority equity interest in the commercial/utility grade solar conversion system, including their respective successors and assigns.
5. **Landowner:** The person or entity listed as the real property owner under a lease or other property agreement(s) with the Owner or Operator of the commercial/utility grade solar conversion system.
6. **Setback:** The minimum distance, measured in feet, between the solar conversion system facility and the property line or access easements.
7. **Solar conversion system – Commercial/Utility Grade:** A series of solar conversion systems, solar array, and/or solar collectors connected together in order to supply the converted energy to a community, power grid, or public utility, which occupies a project area greater than one (1) acre of land.
8. **State:** The State of Nebraska.

Section 8.07.03 General Requirements

1. No commercial or utility grade solar conversion system shall be constructed within the zoning jurisdiction of the City of Bellevue unless a conditional use permit is approved and issued. Permit and applications for Solar conversion systems shall comply with all of the policies, requirements, and procedures set out in Article 6: Conditional Use Permits, in addition to the policies, requirements, and procedures set out in this Section.
2. Commercial/Utility Grade Solar conversion systems may be located in districts designated as ML (Light Manufacturing) and MH (Heavy Manufacturing).
3. Commercial/Utility Grade Solar conversion systems shall not be permitted within the Highway 34 Corridor Overlay District as defined in Section 5.35 of these regulations.
4. The application fee for the conditional use permit shall be paid by the applicant at the time of submission of the application in accordance with the Master Fee Schedule.

Section 8.07.04 Permitting Requirements

In addition to the requirements and procedures set out in Article 6: Conditional Use Permits, the following requirements and information shall be met and supplied before a Commercial/Utility Grade Solar conversion system be approved as a Conditional Use within any district where the use is listed and allowed:

1. The name(s) of project applicant.
2. The name(s) of the project owner.
3. A narrative describing the proposed solar conversion system, including an overview of the project and proposed total rated capacity of the solar conversion system.
4. The proposed number, types, and height or range of heights of solar array to be constructed including their generating capacity, dimensions, and respective manufacturers.
5. Description of any ancillary facilities or structures to be erected on the site.

6. A site plan, drawn to scale, of the total project area which indicates the following:
 - a. Total site acreage.
 - b. Description and location of project boundary lines, including all parcels on which the proposed system will be located.
 - c. Proposed location of all solar conversion systems;
 - d. Property lines, setback lines, access roads, and other site features;
7. Existing easements, rights-of way, and current public utility lines or infrastructure;
8. Evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application;
9. Description of existing vegetation and soil information for the proposed site;
10. Erosion/Sediment control plan or resource management plan, if required;
11. Documentation of land ownership and/or legal authority to construct on the proposed site;
12. Any specific requirements of the appropriate fire district;
13. A decommissioning plan as required by this ordinance; and,
14. Any other information as deemed necessary and requested by the City.

Section 8.07.05 Installation and Design Standards

All commercial/utility grade solar conversion systems shall adhere to the following installation and design standards:

1. All structural, electrical and mechanical components of the solar conversion system shall conform to the relevant and applicable local, state and national codes.
2. Electrical Codes and Standards. All solar conversion systems and accessory equipment shall comply with the National Electrical Code and applicable local code.
3. Nebraska State Building Code. All solar conversion system structures shall comply with the International Building Code as adopted by the State of Nebraska Building Code and Bellevue City Code.
4. SET BACK REQUIREMENTS: Minimum setback requirements are as follows:
 - a. Front Yard – 20 feet
 - b. Rear Yard – 10 feet
 - c. Side Yard – 5 feet
 - d. Street Side Yard - 10

In the event the setback requirements from the applicable zoning district are greater than the minimum setbacks as required by this section, the requirements of the applicable zoning district shall be followed.

5. Maximum Height: Ground mounted solar conversion systems shall not exceed fifteen feet (15') maximum design tilt.
6. Fencing: All boundary line fencing shall be located entirely upon the property of the solar conversion system. Fences shall consist of open fencing such as chain link or barber wire. Fences shall not exceed eight (8) feet in height.

7. **Buffer Requirement:** A berm (2:1 maximum slope with supplemental plant materials including, trees, shrubs, and groundcovers) and/or a continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the fencing that faces: (a) public road right-of-way; (b) an existing residence or farmstead not on the subject parcel; or (c) residentially zoned or platted property. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at time of planting shall be minimum of six (6) feet in height and which shall be maintained at maturity at a height of eight (8) feet in height to screen the fence.
8. **Stormwater Management and Erosion Control:** Solar conversion system sites shall meet the requirements for stormwater management and erosion and sediment control pursuant to applicable Nebraska state and local law.
9. **Waste Disposal:** Solid and hazardous wastes, including but not limited to crates, packing materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations.
10. **On-site power lines** shall be buried where reasonably feasible, except when connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.

8.07.06 Decommissioning: The owner or operator of a commercial/utility grade solar conversion system shall, at its expense, complete decommissioning of the system or individual solar arrays, within six (6) months after the end of the useful life of the system or individual solar array. The commercial/utility grade solar conversion system or individual solar array will presume to be at the end of their useful life if no electricity is generated for a continuous period of twelve (12) months. A decommissioning plan shall be submitted with the application for a commercial/utility grade solar conversion system conditional use permit, which shall document:

1. The removal of all structural, electrical, and mechanical components of the solar conversion system after the end of its useful life within six (6) months.
2. Grading and re-seeding of all disturbed earth.
3. A report prepared by an independent professional engineer licensed in the State of Nebraska that estimates the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the City of Bellevue after the first year of operation and every fifth year thereafter.
4. The owner or operator of the SCS shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs, provided, at no point shall Decommissioning Funds be less than 25 percent of the Decommissioning Costs. The Decommissioning Funds shall be posted and maintained as a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney.

5. If the owner or operator of the SCS fails to complete decommissioning with the period prescribed herein, then the landowner shall have six months to complete decommissioning.
6. If neither the owner or operator of the SCS nor the landowner complete decommissioning within the periods prescribed herein, then the City of Bellevue may take such measures as necessary to complete decommissioning.
7. An easement allowing the City of Bellevue access to the project site, pursuant to reasonable notice, to effect or complete decommissioning.
8. The escrow agent shall release the Decommissioning funds when the owner of the SCS has demonstrated and the City of Bellevue concurs that decommissioning has been satisfactorily completed, or upon written approval of the City of Bellevue in order to implement the decommissioning plan.
9. An agreement that the City of Bellevue is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner or operator of the SCS, or landowner, for decommissioning costs in excess of the amount guaranteed, and to file a lien against any real estate owned by the owner or operator of the SCS, or landowner, or in which they have an interest, for the amount of the excess, and to take all steps allowed to enforce such lien.
10. Financial provisions shall not be so onerous as to render SCS facilities unfeasible in the City of Bellevue.

8.07.07 Liability Insurance: For each commercial/utility grade solar conversion system, there shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Copies of such certificates shall be made available to the City of Bellevue upon request.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the amendment as presented.