

BELLEVUE PLANNING COMMISSION

Thursday, September 23, 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 August 26, 2021 Regular Meeting

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

2. CONSENT AGENDA/PUBLIC HEARINGS:

a. Request to rezone Lots 1 and 2, Kunes Addition Replat One, being a replat of Lot 1, Kunes Addition, from RA to RE for the purpose of single family residential development; small subdivision plat Lots 1 and 2, Kunes Addition Replat One; and waiver of Section 6-7 (7), Subdivision Regulations. Applicant: Alice Kunes. General location: 10507 Cedar Island Road. Case #'s: Z-2108-12, S-2108-22.

3. PUBLIC HEARINGS:

a. Request for site plan approval for Lot 1, Tregaron Towne Centre Replat Six, for the purpose of a car wash. Applicant: Club Car Wash Operating, LLC. General Location: 22nd Street and Capehart Road. Case#: Z-2108-11.

b. Request to declare as blighted and substandard Lots 1 through 6, and Part of Lots 7 through 11A, lying South and West of Harvell Drive, Lots 11B and 12, Block 170, Bellevue; Lots 1 through 12, Block 171, Bellevue; vacated 17th Avenue between Jefferson Street and Franklin Street; and the adjacent rights-of-way of West 16th Avenue, Harvell Drive, Franklin Street, West 18th Avenue, and Jefferson Street. Applicant: Mercury Builders and Contractors, Inc. General Location: W 18th Avenue and Jefferson Street. Case #: ECD-52.

4. CURRENT BUSINESS

a. Discussion regarding Planning Commission meeting time

5. ADJOURNMENT

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Bellevue Planning Commission Meeting, August 26, 2021, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, August 26, 2021 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Compton, Aerni, Ritz, Ackley, Hankins, Cutsforth, and Jacobson. Also present were Tammi Palm, Planning Department Manager, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Gretna Guide and posting in two public places, and was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

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

Motion was made by Ackley, seconded by Jacobson, to approve the minutes of the July 22, 2021 regular meeting as presented. Upon roll call, Casey, Perrin, Aerni, Ritz, Ackley, Hankins, and Jacobson voted yes. Compton and Cutsforth abstained. Motion carried.

Ritz asked if there were any updates or additions to staff reports. Palm advised there were two emails one from Michelle Foss and one from Matthew Curran expressing concerns regarding agenda item 3.a. Palm stated the developer for agenda item 3.e. Spring Ridge has requested a continuance to the October Planning Commission meeting. She said there would be a public hearing on that item but because the plat would be revised staff could not add much to the discussion.

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

Ritz explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone 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.

Commissioner Perrin stated a conflict and left the chambers at 7:05 P.M.

Ritz asked staff for an update. Palm stated Mr. Santoro was unable to attend the meeting due to a death in the family. Palm stated the application was for a small subdivision plat and a change of zone. She said the request was not creating any additional lots but rather incorporating two lots into other existing lots. Palm stated the neighbors seemed to be confused about the request and were concerned the application was creating additional buildable lots, which is not the case. She said proposed Lot 1 is combining an existing lot with Mr. Santoro's existing residential lot. Palm stated Lot 1, Whispering Timber Estates Replat 6, is currently developed with Mr. Santoro's primary residence and he would not be able to develop the property further under this request. Palm stated proposed Lot 2 is taking a non-conforming AG (Agricultural) lot and adding it to an existing platted lot zoned RS-84-PS (Single-family residential – 8400 square foot zone – Planned Subdivision). She stated Lot 2 is currently undeveloped.

John Gallagher, 804 Moore Drive, Bellevue, NE asked for clarification of the proposed application. A map was displayed and Palm gave a description of the proposed application.

Rodney Eaton, 1320 Camp Gifford Road, Bellevue, NE asked for clarification of the rezoning to RE (Residential Estates). Palm stated when the properties are combined, they must be under the same zoning. She stated Mr. Santoro's properties to the south of Childs Road are currently zoned RE so that zoning will remain single-family residential with a minimum lot size of one acre. Palm said the northern lot is a nonconforming AG lot; it will be combined with a lot currently owned by the Dennis' and zoned RS-84-PS. She stated with the request to combine the two lots, the AG zoning must be changed to RS-84-PS.

Megan Curran, 1608 Chaput Drive, Bellevue, NE asked if Mr. Santoro would be allowed to build on the property with the requested zoning. Palm stated the zoning does not change what Mr. Santoro could currently build. She stated combining the lots limits what Mr. Santoro can do. Discussion ensued regarding the drainage issues on Lot 1.

Gary Jacobs, 1411, Childs Road East, Bellevue, NE stated at the time of Whispering Timbers Estate's

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development, the developer told him this area would never be developed. He stated the developer previously attempted to redevelop this area and the neighbors took legal action against the developer and the request failed. Jacobs stated he was tired of fighting development in this area.

Gallagher asked if the drainage area in the southern lot is Mr. Santoro's responsibility. Palm stated part of it could be the homeowner's responsibility, and part of it because of the easements and infrastructure that runs through the area could be the city's responsibility. Gallagher asked if the fallen trees are Mr. Santoro's responsibility. Palm stated any fallen trees on his property would be his responsibility.

Dave Koukol, 1313 Camp Gifford Road, Bellevue, NE stated when Mr. Santoro purchased the property he made a commitment to never sell or develop the property. Koukol asked if the Commission could reassure him the Dennis' would not develop the lot being incorporated into their existing property. Palm stated legally if it is a developable lot and if setbacks and all regulations can be met, it may be developed. Koukol stated his understanding was the Dennis' did not plan to develop the lot. Palm stated the Dennis' already own the existing platted lot, so if all regulations are met, they could build on that existing lot now. Koukol asked what the Commission does to ensure that Mr. Santoro maintains the lot. Palm stated the Commission has no authority in that matter; it would be the Code Enforcement Department's responsibility. Koukol asked what the Commission would do to be sure the erosion and drainage control would be taken care of. Palm stated that is also not the Commission's responsibility, but rather the Public Works Department would take care of any issues concerning those matters. Palm stated this plat does not change the rules and regulations that already exist for this property.

Curran asked if no changes are taking place why does the zoning need to be changed. Palm stated the request is due to the Dennis' wanting to purchase the lot adjacent to their property from Mr. Santoro, and in order for them to create one lot it had to be rezoned. Discussion ensued regarding the zoning regulations.

Jacobs asked if the meeting would be documented and would he be able to get copies of that documentation. Palm stated minutes are taken and available online or by contacting the Planning Department within ten business days of the meeting.

Deb Eaton, 1320 Camp Gifford Road, Bellevue, NE asked what prevented Mr. Santoro from installing a road behind the existing houses on Moore Dr. and Camp Gifford Rd. with streetlights and a five-car garage. Palm stated there are no easements shown on the plat for a private street. She stated Mr. Santoro could potentially construct a garage on the lot but would have to meet the zoning regulations for a detached structure. Palm stated the plat does not change what Mr. Santoro could construct on his current property. Discussion ensued regarding regulations on building on an easement or negatively influencing a drainage way.

Clayton Dunn, 806 Kohl Road, Bellevue, NE asked if this affected the tax base for the City of Bellevue. Palm stated the city had no control over the assessed values for property. She said her main concern was that the Subdivision Regulations and Zoning Ordinance were being followed. Dunn asked if anyone could tell him whether his taxes would increase with this rezoning. Palm stated the Assessor's Office would be the office to talk to regarding the effects of the rezoning.

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

Ackley stated from his prospective everything that has been presented made it less likely for development. He stated the zoning change must be done if the lots are to be combined. Ackley stated every generation has a different idea of what they want to do, and in the future, someone may want to rezone this lot. He said Mr. Santoro is limiting himself to one single-family dwelling with the lot consolidation. Ackley stated he would be supportive of this application because it appears to address a drainage issue.

Aerni asked Palm to address the email that was received from Michelle Foss at Fontenelle Forest. Palm stated she had responded to the email from Ms. Foss and explained the request was not for any additional buildable lots. She said Ms. Foss responded by saying thank you, and indicated that clarification was helpful.

MOTION was made by Ackley, seconded by Cutsforth to recommend APPROVAL of 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

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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. APPROVAL of the application based upon conformance with the Zoning Ordinance, Subdivision Regulations, and lack of perceived negative impact to the surrounding area. Upon roll call, Casey, Compton, Aerni, Ritz, Ackley, Hankins, Cutsforth, and Jacobson voted yes. Perrin abstained. MOTION carried.

This item will proceed to City Council for PUBLIC HEARING ON September 21, 2021.

Commissioner Perrin returned to the chambers at 7:40 P.M.

PUBLIC HEARING was held on a 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.

Ritz asked staff for updates. Curry stated Lot 1, College Apartments Addition is located between Madison Street and Wayne Street north of Mission Avenue. She said the property is approximately four acres with three existing apartment buildings built in the 1900's. Curry stated the site is underdeveloped and underutilized. She said the Permits Department has had numerous complaints in the past resulting in code violations. Curry stated the Planning Department feels Lot 1, College Apartments Addition, meets the statutory requirements of blighted and substandard.

Brent Beller, 11440 W. Center Road, Omaha, NE was present on behalf of the applicant. Beller stated the developer wants to redevelop this property and is proposing a 160-unit apartment building, with market rate, loft style, 1-bedroom units. Beller stated this project would be approximately five million dollars in development costs and the developer would like to take advantage of Tax Increment Financing (TIF).

Palm stated approximately ten years ago the city declared the Mission Avenue corridor as blighted and substandard and this property lies to the north of that area. She stated this is definitely an area the city would like to see redeveloped.

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

Casey asked staff what percentage of the city is currently blighted and substandard and when does that designation expire. Palm stated by statute, 35% of the city's area can be declared blighted and substandard. She stated the city is currently at 9%. Palm stated once the TIF is approved there is a fifteen-year timeline for redevelopment.

Ackley stated this meets the statutory requirements for blighted and substandard and assumed the applicant would follow up with a redevelopment plan.

Aerni pointed out the two million dollars acquisition fee listed in the report might be a mistake because page 8 shows \$780,000 dollars. Beller stated the \$780,000 is the correct acquisition fee and a correction would be made.

Ritz asked if this property is declared blighted and substandard and the developer does not develop the property does it stay in perpetuity and remain blighted and substandard. Palm stated it would remain as blighted and substandard.

MOTION was made by Jacobson, seconded by Aerni to recommend APPROVAL of a 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. APPROVAL based upon the designation analysis by the Planning Department that it meets the statutory requirements of blighted and substandard. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 21, 2021.

PUBLIC HEARING was held on a 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.

Ritz asked staff for an update. Palm stated the Flex zoning has a category for "recycling, collection

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and processing facilities both public and private” as a conditional use permit. She stated it was an oversight during the 2011 zoning ordinance update process not to carry that use into the industrial zoning designations as well. Palm stated the proposal is that the recycling facilities be listed as a permitted use in both the ML (Light Manufacturing) and MH (Heavy Manufacturing) zoning districts. She stated neighboring jurisdictions list recycling facilities as a permitted use. Palm gave examples of permitted uses in the ML and MH zoning. Palm stated a recycling facility is no more offensive than some of the uses permitted in these zones. She stated if it were listed as a permitted use there would be performance standards that would have to be met for ML and MH zoning districts. Palm said those standards are listed in a separate section of the Zoning Ordinance and also listed at the end of each zoning designation as miscellaneous provisions. She stated those performance standards indicate facilities such as this would have to be indoors and materials stored in containers.

Stephen Mossman, Mattson Ricketts, 134 South 13th Street, Lincoln, NE, was present on behalf of the applicant.

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

Ackley asked staff if pallets would be stored outdoors or would everything be done inside the building. He said he would like a sense of how this would impact the neighbors if allowed as a permitted use rather than a conditional use. Palm said operations would have to be indoors. She stated recyclables would not be allowed to be stored outdoors unless in containers. Palm stated the items you place in your recycling bin would be separated at this facility.

Ackley asked Mossman how the facility operates. Mossman stated the engineer for the project was present and could better answer that question.

Geoff Strack, 251 Starkey Street, St. Paul, MN, stated he is the regional engineer for Waste Connections. Strack stated trucks would collect recyclables from residents and cardboard from commercial sites. He stated these get unloaded inside of the building where it is sorted by hand or equipment and then baled to be sent to recycle mills. Ackley clarified from drop off to shipping, the recyclables are not seen outside. Strack stated that was correct.

Casey inquired what language stipulates the processing of the recyclables must take place indoors. Palm stated the performance standards stipulate that. She stated there are performance standards listed for the industrial zoning districts ML and MH in Section 8.07 of the Zoning Ordinance. Palm stated the same language of that section is carried over to the ML and MH zoning designations.

Ritz asked if there was a definition of recycling in the Zoning Ordinance. Palm stated there is a definition for a recycling facility.

MOTION was made by Casey, seconded by Hankins to recommend APPROVAL of a 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. APPROVAL of amendment as presented. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 21, 2021.

PUBLIC HEARING was held on 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; 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 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.

Ritz asked staff for an update. Palm stated these parcels are bounded by the Papio Creek on the north, Fairview Road on the south, Fort Crook Road to the east, and the Highway 75 freeway to the west. Palm stated the applicant is requesting a change of zone to light industrial to be in conformance with the Future Land Use Map. She said with a light industrial zoning no site plan approval is required. Palm stated any oversight for design standards and access will be reviewed at the time of the building

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permit process.

Geoff Strack, 251 Starkey Street, St. Paul, MN, stated Waste Connections is purchasing this property to relocate their waste hauling company from another location. He stated a maintenance shop, office building, and in the future a recycling facility, would be constructed on the site. Strack stated the facility would employ around 175 employees. He said Waste Connection has a ten-year agreement as the City of Bellevue's contract hauler.

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

Ackley asked staff if the applicant would benefit by combining the lots. Palm stated it is the applicant's intention to replat the lots into one or two parcels once the rezoning is approved.

Cutsforth asked staff if there were traffic concerns in that area. She stated there have been other concerns in relation to access to the Normandy Hills Subdivision and the congestion that develops at that intersection. Palm stated Waste Connections was very proactive in reaching out to staff and having pre-application meetings. She stated the intersection of Fairview Road and Fort Crook Road South is controlled by the Nebraska Department of Transportation (NDOT), so any changes to the access currently shown would have to be approved by NDOT. Palm said the city may require a traffic study or additional engineering information from the applicant prior to the building permit process. She stated long-term improvements will be made at that intersection but what the improvements will be is undetermined at this time. Palm said several properties in the area are slated for light industrial development and as the city works with developers on those parcels, city staff, developers, and NDOT would work on improvements in that area.

Hankins asked if Papillion Sanitation is affiliated with Waste Connection. Strack stated yes it is the same company.

Aerni stated this area is the entrance to Bellevue and asked if there were examples of what the site would look like. Strack stated there is a facility in the Twin Cities area that would be similar to the proposed facility. Discussion ensued regarding design standards and landscaping requirements.

Ackley stated this facility is in conformance with the Comprehensive Plan, and he hoped this would spark development along the Highway 34 corridor.

MOTION was made by Cutsforth, seconded by Ackley to recommend 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; 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 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. APPROVAL based upon conformance with the Zoning Ordinance and Comprehensive Plan, as well as lack of perceived negative impact upon the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 21, 2021.

PUBLIC HEARING was held on a 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 ¼ 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.

Ritz asked staff for an update. Palm stated the applicant, Mr. Sudbeck, requested this item be continued to the October Planning Commission meeting. She stated it is likely Mr. Sudbeck will alter the site plan and platting from what was previously presented. Palm stated staff was in support of the continuance to allow Mr. Sudbeck time to correct the necessary technical deficiencies.

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Dustin Janillo, 9607 South 20th Street, Bellevue, NE stated Gilmore Lake is his back yard. Janillo asked who he contacted regarding his taxes going up. He stated his taxes have gone up twice in less than two years. Janillo stated 20th Street is like a drag strip and he is concerned this will create another drag strip in the area. He asked if Gilmore Lake Road would remain. Palm stated Janillo would need to contact the County Assessor's office regarding taxes. She stated Mr. Sudbeck originally requested a preliminary plat and rezoning in 2014 for phases one through four of Spring Ridge. Palm said it has always been the agreement that Gilmore Lake Road would have to be improved in order for the development in the southern phases to happen. Palm stated the subdivision agreement would outline everyone's responsibilities and when those improvements would take place. Discussion ensued regarding the condition of Gilmore Lake Road. Janillo asked if Morrie Drive would be an access road to the new subdivision. Palm stated under the current proposal, access to the subdivision would be from Gilmore Lake Road, Lola Avenue, and Morrie Drive. Palm stated a traffic study had been done in 2014 and recently the city engineer requested that study be updated. Palm said the updated traffic study requires Gilmore Lake Road to be improved, and includes some improvement along South 25th Street. She stated one being a southbound turn lane at the intersection of South 25th Street and Gilmore Lake Road to be completed by 2025, as well as a northbound turn lane at the intersection of South 25th Street and Morrie Drive.

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

Ackley asked if Janillo should talk to the city about traffic calming devices on the five blocks between Lucille Drive and Morrie Drive. Palm stated that could be taken into consideration.

MOTION was made by Ackley, seconded by Cutsforth to CONTINUE a 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 ¼ 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. Request CONTINUED to the October 28, 2021 Planning Commission meeting. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will be continued to the October 28, 2021 Planning Commission hearing.

PUBLIC HEARING was held on a 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.

Palm stated the 2011 Zoning Ordinance update regarding Section 8.06 contained general language regarding solar panels. She stated solar technology has evolved and the city is ready to update the ordinance accordingly. Palm stated Ms. Curry had done some research locally and nationally on solar energy. Neighboring jurisdictions have updated their ordinances, and the proposed language represents a mix of those regulations. Palm said the city currently has a moratorium on solar until these regulations are in place. She said these regulations have been given to Ms. Valentin at Omaha Public Power District (OPPD) and she has provided a handout to the commissioners of OPPD's recommended revisions.

Michaela Valentin, OPPD, 444 South 16th Street Mall, Omaha, NE stated she has worked on several different solar panel regulations, to include Saunders County and Cass County. She stated she has also worked with Sarpy County, Burt County, and several solar developers. Valentin said she has also worked on the Platteview solar project being constructed in Yutan, NE. Valentin briefly presented OPPD's suggested changes to the proposed amendment and ended with offering her assistance, if needed, to the Planning Department. She stated OPPD is happy to be a community partner and provide expertise on this.

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

Palm stated due to the amount of discussion, the best way to organize proposed changes was to go through the document page by page allowing staff to take notes that would be used for revisions.

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Palm stated they would begin with page 2 definitions and asked if anyone had anything to offer on page 2. Ackley stated he would note the definition for Solar Conversion System has three different components, which is why he agrees with Ms. Valentin's proposed revisions to change "solar panel" to "Solar Conversion System" in multiple places in the revised text.

Jacobson stated on page 2, Section 2.22 (S) definitions of the Solar Conversion System he would propose adding, "converts solar energy to a form of usable electrical energy and/or supplies electrical energy to an energy storage device." He said there might be storage on the property as well, whether it be a residential and/or commercial application.

Ackley asked regarding page 4, what the title Residential and Individual mean. Palm stated it should read Residential and Commercial Solar Conversion Systems. Ackley asked if Section 8.07 was the Commercial and Section 8.06 the Residential. Palm stated that was correct. Ackley asked if there is an Agricultural (AG) zoning with only a barn on the property is a solar panel allowed under the individual definition. Palm stated that was the intent. Ackley stated then it is acceptable as written. Palm stated Section 8.06 would be changed to read "Residential and Individual Solar Conversion Systems."

Jacobson stated OPPD pointed out to change "solar panel" to "Solar Conversion System" and that should be a global change throughout the entire document.

Jacobson stated page 4, Section 8.06.02 (6) Solar Conversion System – Ground Mounted, change "rack and pole" to "racks and poles." Palm asked Jacobson to address changes to (3) and (4) in regards to energy and storable energy. Jacobson stated on (3) Solar Collector change a single "residence" to "structure" to ensure it is across one residential property or structure. Palm stated Mr. Jacobson also wanted to change "retain heat" to "retain energy" at the end of (4). Jacobson stated that is correct solar energy is no longer stored as a passive hot air device. He stated (4) change to, "form of useable or on-site energy storage."

Palm stated page 4, Section 8.06.02 (6) OPPD suggests to strike "sits on the ground or has its own foundation." Ackley stated he approved of that.

Ackley initiated discussion regarding Section 8.06.03 Permit Required, exception for mobile units or six square feet or less in size of panels. He asked if a person could have multiple panels or one six square feet aggregate. Palm stated that would be her interpretation but it would have to be clarified. Ackley asked what the goal was because permitting brings revenue to the city. Aerni stated you can install solar lights and they have to be exempt. Ackley stated it reads as unlimited. Discussion ensued regarding maximum size for exemption. Aerni stated if it were tied into the electrical grid it would require a permit regardless of size. Jacobson stated the wording "applicable permits shall also be obtained as well as Federal Utilities permits and inspections," so if it is a significant size of square footage of solar the permitting process must go through the local utilities for approval. Valentin stated permitting generally goes through the city or county and then OPPD provides the power. She stated all these panels have electrical hook ups on the backside. Palm asked if the Commission wanted to update it with Mr. Jacobson's suggestion: "applicable permits shall also be obtained as well as Federal and Utility permits and inspections." Ritz stated he thought Ms. Valentin stated it was not necessary to change. Palm stated the addition added clarification. Ackley stated he approved of all of OPPD's comments.

Jacobson stated Section 8.06.04 (1) reads a "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." He stated his concern was some of the residential zoning would allow a solar panel to extend out four feet, and if two houses next to each other both had panels extending out four feet that would leave only two feet between houses. Jacobson stated on the front of the house extending into the front yard setback, a solar panel might cover the gutters or windows. He stated this might create some structural issues. Jacobson stated his comment is to add "the structure-mounted solar system will not be taller than the lowest peak of the roofline and stay within the footprint of the roofline." Palm stated that is existing language and permits issued in the last ten years have never hung over the roofline. Commissioners agreed, and Jacobson suggested the language be stricken and add "the Solar Conversion System must be within the footprint of the roofline." Ackley stated this could also be pole mounted on the ground. Palm stated it could read, "roof mounted structures must be within the footprint." Jacobson stated 8.06.04 (2) addresses ground mounted. Discussion ensued regarding roof-mounted systems. Valentin stated the solar developers arrange the panels so they are not below the shadow line and OPPD would do a Google earth search to see how the sun crosses over the structure and then recommend placement. She stated she has not personally seen panels installed over the roofline. Palm asked if Jacobson wanted to strike the encroachment language and add "roof mounted SCS (Solar Conversion System) must be within the footprint of the

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roofline." Casey asked if wall mounted systems need to be addressed. Palm stated combine it and have it read as, "SCS, other than roof mounted, may project..." and leave the encroachment language as is. Aerni stated he would rather have a neighbor's SCS have an overhang rather than an encroachment in the side yard. Jacobson stated the permitting process would go through some review and it could be flagged at that time. Ritz suggested to leave as written and it could be visited later if need be. Palm asked the Commissioners if it should remain as is or changed; consensus was to leave as presented.

Jacobson suggested 8.06.04 (2) to read, "solar panel be located in the required side yard or front yard, unless a waiver is issued by the Board of Adjustment," to identify the ruling party. Palm stated she is in agreement with that. Ritz asked if a carport on your driveway with solar panel would fall under this. Palm stated that would require that the carport meet the setbacks. Ackley stated the language would allow an encroachment of four feet. Discussion ensued regarding when an applicant would need to apply to the Board of Adjustment.

Jacobson suggested on page 6, Section 8.07.02 (3) adding "including energy storage devices" to language, and 8.07.04 (1) add "and Operator" to the language. He stated (3) adding "(KW)" of the solar conversion to the system and in (4) adding "storage device" to language to be consistent with previous language. Jacobson suggesting adding "(8) The County of Sarpy Nebraska and (9) The City of Bellevue Nebraska," including its extra territorial jurisdiction (ETJ).

Ackley initiated discussion regarding Section 8.07.04 Permitting Requirements, Conditional Use Permits, number (13) decommission plan as required by this ordinance. He stated that would be a detailed document for a commercial facility that was unsure of approval at time of plan submittal. Valentin stated in Saunders County the Conditional Use Permit was granted at the end of May and the finalized decommission plan was submitted in August. She stated there was a period of time given to work with the Board of Supervisors to get the plan where it needed to be. Ritz asked if construction had started before the plan was submitted. Valentin stated construction had not begun as of yet. Discussion ensued regarding appropriate language. Palm said added language would be "contingent upon approval of the Conditional Use Permit; and (14) Any other information as deemed reasonably necessary and requested by the city." Discussion ensued regarding the addition of "reasonably" in (14). Jacobson stated (12) adjust language to read "local utilities." Palm stated so that would read "any specific requirements of the appropriate fire district and local utilities." Jacobson said correct.

Palm stated Mr. Jacobson wanted 8.07.05 (1) added language, "and standards in effect at the time of permit approval." Jacobson stated his intent was to let the contractors know they would continue to work under the standards at the time of approval and not new standards adopted during the process if applicable. Jacobson suggested added language on (4) to be "Minimum setbacks for all equipment and structures."

Palm stated height requirements 8.07.05 (5) were taken directly from Sarpy County's regulations. She stated they were aware this requirement would be a point of discussion. She stated Sarpy's full section reads, "shall not exceed 15 feet in height at maximum tilt, exceptions may be granted within the Special Use Permit in cases where topography, flood plain or other natural elements of the natural landscape interfere with the ability to meet the forgoing height restrictions." Ackley and Valentin were in favor of that language. Aerni asked if it should match the zoning districts maximum height requirements for buildings. Palm said there is no maximum height requirement in ML (Light Manufacturing) and MH (Heavy Manufacturing). Ackley asked about the industry standard for solar farms. Valentin stated eight-foot poles are pile driven and at full tilt, approximate height would be about ten feet. Valentin said OPPD's goal was to account for topography. Palm stated if the Commission was agreeable, the Sarpy County language would be incorporated into (5) leaving the 15 foot limit but allow for topography, flood plain and other natural elements. Aerni asked if the Zoning Ordinance allows barbed wire listed in (6) fencing. Palm stated barbed wire is not allowed in the city limits so it should be stricken from the ordinance. Ackley asked in (7) vegetative buffer how far apart are the trees and what is the goal of minimum six feet in height and maintained at maturity eight feet in height. Valentin stated the trees are located on the outside of the fence to block the fence. Palm stated in other parts of the ordinance spacing of trees in a buffer yard are addressed. Ackley stated a true buffer should require spacing requirements and at maturity should say a minimum of eight feet. Ackley stated he was in favor of OPPD's comment regarding striking (7)(a) "public road right-of-way." Cutsforth asked the reasoning behind striking (7)(a). Valentin stated typically when installing buffering around a project, industry standard is not to installed it in the public right-of-way. She said height of trees and where landscape is planted is typically done through the Conditional Use Permit process. Palm stated the landscaping ordinance regarding buffer yard reads, "at least one row staggered to space not to exceed one-half mature spread." She stated spacing would depend upon the species being planted. Ackley suggested

MINUTE RECORD

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it read, "the evergreen vegetated buffer shall be spaced in accordance..." with the appropriate landscaping reference in Article 9, Zoning Ordinance. Palm stated that would be Section 9.05 for reference. Jacobson asked if under (9) should "solar panels, batteries, and parts" be added to the language along with the last sentence of "during construction and operation." Jacobson stated (10) the majority of groups that have enacted these regulations say on-site power lines shall be buried where reasonable but shall not apply to fiber optic. He stated why one and not the other due to fiber optic lines being the same size as some of the other cables. Ritz stated burying fiber optic is more expensive. Jacobson agreed and said there are security features involved. Discussion ensued regarding buried cables. Valentin stated she would look into the issue. She stated in areas that are more rural it would be cheaper to have lines that are not buried. Ritz stated unless you have a massive solar farm, overhead fiber optics would not be that unsightly. He stated he would leave the fiber optics and add "communication connections" so it is not just specific to fiber optics. Jacobson stated that is a good point. Compton stated he would also leave it as is. He stated the cost is why you see many overhead lines.

Palm stated in regards to Section 8.07.06 Decommissioning, OPPD has recommended changing complete decommissioning from 6 months to 12 months. She stated end of useful life is at 12 months so it makes sense to keep it consistent. Jacobson stated there is a possibility that a commercial solar installation might see some sort of partial decommissioning. He stated it should read, "the owner or operator of a commercial/utility grade solar conversion system shall, at its expense, partial or complete decommissioning of the system or individual solar arrays, within 12 months." Jacobson stated this would prevent a partial decommissioned system from remaining until the other portion was decommissioned.

Aerni stated if the property owner is a farmer who leases his property to a company who then leaves and decommissioning is left up to him, should he be given an additional year or six months to complete decommissioning. Discussion ensued regarding time limits and a decision to leave it at the six months was made.

Palm stated in Section 8.07.07 the City of Bellevue was comfortable with the \$1 million liability insurance. Valentin stated the CUP governs the amount of liability insurance. Ritz stated the CUP could increase that amount if need be.

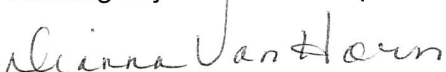
Jacobson thanked OPPD for their participation in tonight's discussion.

Ackley asked how the ordinance would be presented to the City Council. Palm stated a red line copy would be provided to City Council and a memo with highlights of tonight's discussion. She stated a clean copy of the ordinance would move forward with the recommendation.

MOTION was made by Jacobson, seconded by Cutsforth to recommend APPROVAL of a 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. APPROVAL of the amendment as presented including the Planning Commission's discussions and modifications. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 21, 2021.

Meeting adjourned at 9.49 p.m.



Dianna Van Horn
Planning Secretary



**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-21-08-12
S-2108-22

FOR HEARING OF:
REPORT #1: September 23, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Alice Kunes
10507 Cedar Island Road
Bellevue, NE 68123

B. PROPERTY OWNER:

Alice Kunes
10507 Cedar Island Road
Bellevue, NE 68123

C. GENERAL LOCATION:

10507 Cedar Island Road

D. LEGAL DESCRIPTION:

Lots 1 and 2, Kunes Addition Replat One, being a replat of Lot 1, Kunes Addition

E. REQUESTED ACTIONS:

1. Rezone Lots 1 and 2, Kunes Addition Replat One, from RA to RE.
2. Small Subdivision plat Lots 1 and 2, Kunes Addition Replat One.
3. Waiver of Section 6-7 (7), Subdivision Regulations.

F. EXISTING ZONING AND LAND USE:

RA, Single Family Residential/Agricultural

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a change of zone and small subdivision plat to create an additional single family residential acreage lot.

H. SIZE OF SITE:

The site is approximately 6.8 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Proposed Lot 2 is developed with a single-family residence built in 1980.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Vacant/Agricultural, AG
- 2. **East:** Single Family Residential, RS-72
- 3. **South:** Single Family Residential, RA
- 4. **West:** Single Family Residential, AG

C. REVELANT CASE HISTORY:

On August 23, 2012, the Planning Commission recommended approval of a request to rezone Lots 1 and 2, Kunes Addition, being a platting of Tax Lot 15A, located in the Northeast ¼ of Section 28, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, from AG to RA; small subdivision plat Lots 1 and 2, Kunes Addition; and waiver of Section 6-7 (7), Subdivision Regulations. On October 8, 2012, the City Council approved the aforementioned request.

D. APPLICABLE REGULATIONS:

- 1. Section 5.07, Zoning Ordinance, regarding RE uses and requirements.
- 2. Chapter 5, Subdivision Regulations, regarding small subdivisions.
- 3. Chapter 8, Subdivision Regulations, regarding hardship and waivers.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.
2. The property has access from Cedar Island Road.

D. UTILITIES:

This property is not served by public water. All other utilities are available.

E. ANALYSIS:

1. Alice Kunes has submitted a request to small subdivision plat Lots 1 and 2, Kunes Addition Replat One. In conjunction with the plat, the applicant is requesting a change of zone from RA to RE.

2. The Residential Estates (RE) District is intended for the purpose of allowing low density residential uses on larger parcels of land that are compatible with adjacent urban growth.

The minimum lot size in the RE zone is 1 acre. Each of the proposed lots meets this requirement.

3. There is an existing single family residence and garage on proposed Lot 2. This land is also being used agriculturally. A family member intends to build a single family residence on proposed Lot 1.

The permitted uses of the RE District allow for a single family residence as well as farming operations.

4. In conjunction with the plat, the applicant is requesting a waiver of Section 6-7 (7), Subdivision Regulations. This regulation deals with excessive depth in relation to width of lots over three (3) to one (1). Staff has no objections to this request.

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

Matt Knight, Public Works Engineer, requested technical revisions to the plat. The applicant's engineer has satisfied this request.

No other comments were received on this case.

6. This property lies outside of the Air Installation Compatible Use Zone (AICUZ).

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations, 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 September 8, 2021

VII. COPIES OF REPORT TO:

1. Alice Kunes
2. Jim Warner, TD2
3. Public Upon Request

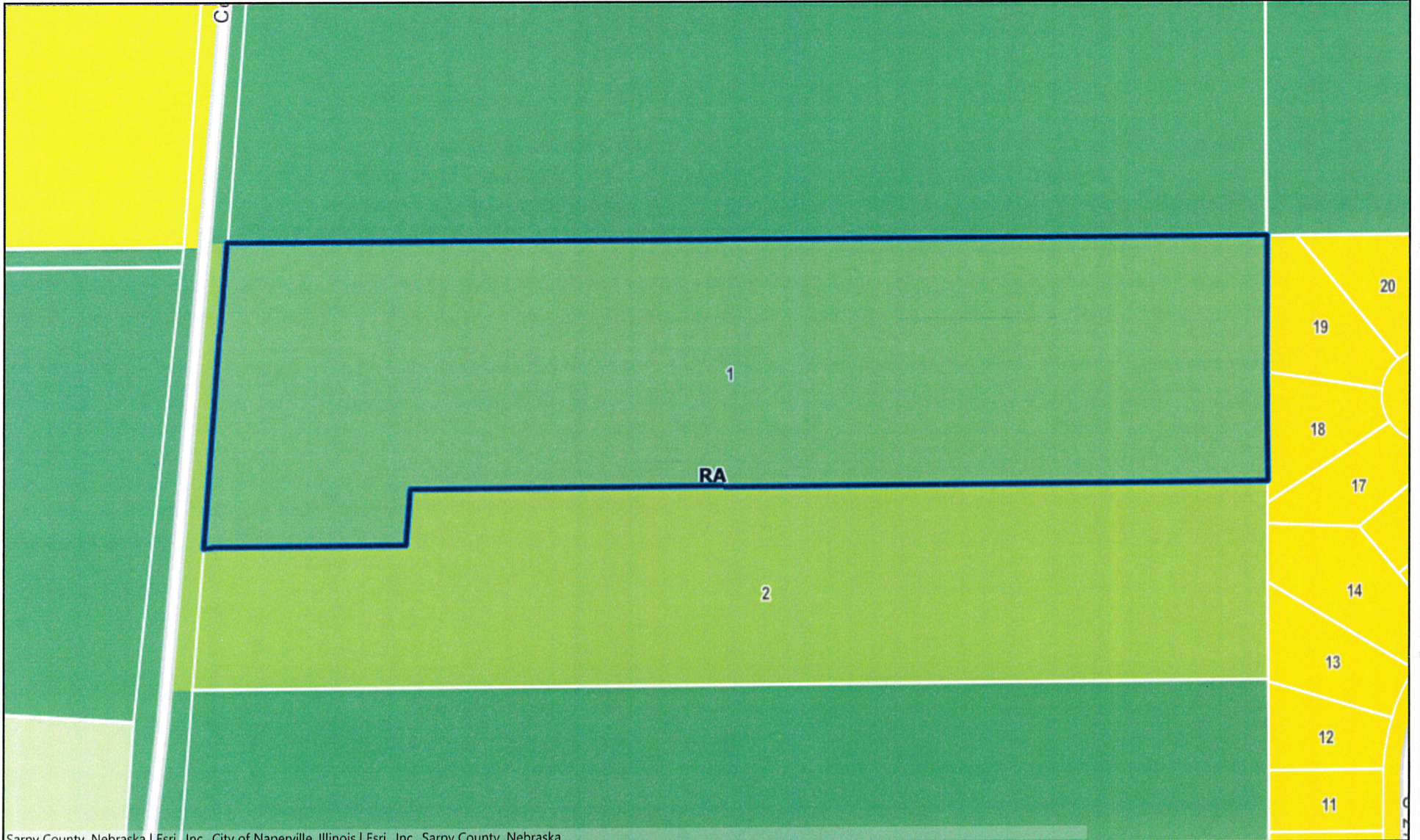
Prepared By:


Planning Manager: _____ Date of Report

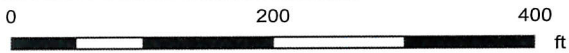


SARPY COUNTY
NEBRASKA

10507 Cedar Island Road



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



Map Scale 1: 2257

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Notes



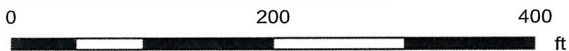


SARPY COUNTY
NEBRASKA

10507 Cedar Island Road



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



Map Scale 1: 2257

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Notes



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREIN WAS MADE UNDER MY DIRECT PERSONAL SUPERVISION AND THAT PERMANENT MARKERS WERE FOUND AT ALL CORNERS OF SAID SUBDIVISION AND THAT PERMANENT MARKERS WILL BE SET AT ALL CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS KUNES ADDITION REPLAT ONE, LOTS 1 AND 2, BEING A REPLATTING OF LOT 1, KUNES ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 1;
 THENCE N89°38'04"E (ASSUMED BEARING) 1086.15 FEET ON THE NORTH LINE OF SAID LOT 1 TO THE NE CORNER THEREOF;
 THENCE S00°24'37"E 257.91 FEET ON THE EAST LINE OF SAID LOT 1 TO THE SE CORNER THEREOF;
 THENCE S89°33'44"W 896.57 FEET ON THE SOUTH LINE OF SAID LOT 1;
 THENCE S04°21'20"W 60.00 FEET ON THE SOUTH LINE OF SAID LOT 1;
 THENCE S89°32'04"W 210.78 FEET SOUTH LINE OF SAID LOT 1 TO THE SW CORNER THEREOF;
 THENCE N04°16'50"E 320.25 FEET ON THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.



JAMES D. WARNER
NEBRASKA RLS #308

CONTAINING 6.801 ACRES MORE OR LESS

JULY 8, 2021
DATE:

SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS _____ DAY OF _____, 2021.

TREASURER'S SEAL

SARPY COUNTY TREASURER

APPROVAL OF BELLEVUE PLANNING COMMISSION

THIS PLAT OF KUNES ADDITION REPLAT ONE WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION ON THIS _____ DAY OF _____, 2021. THIS PLAT BECOMES NULL AND VOID IF NOT RECORDED WITHIN 90 DAYS OF THE ABOVE DATE.

BELLEVUE PLANNING COMMISSIONER

KUNES ADDITION REPLAT ONE

LOTS 1 AND 2

BEING A REPLATTING OF LOT 1, KUNES ADDITION, IN THE SW 1/4 OF THE NE 1/4 OF SECTION 28, T14N, R13E OF THE 6th P.M. SAID SARPY COUNTY, NEBRASKA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT, DAVID E. KUNES FAMILY TRUST, BEING THE OWNERS, OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS KUNES ADDITION REPLAT ONE, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, LUMEN AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR, AND RENEW POLES, WIRES, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LOT LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOT IS HEREBY DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE- DESCRIBED SUBDIVISION. SAID SIXTEEN (16') FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8') FOOT WIDE STRIP OF LAND WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED IF SAID SIXTEEN (16') FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF REQUESTED BY THE OWNER.

PERPETUAL EASEMENTS SHALL BE GRANTED TO METROPOLITAN UTILITIES DISTRICT OF OMAHA, AND ANY NATURAL GAS PROVIDER, AND THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS, AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE-FOOT-WIDE STRIP OF LAND ABUTTING CEDAR ISLAND ROAD.

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

DAVID E. KUNES FAMILY TRUST

By: _____
ALICE KUNES, TRUSTEE

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA
COUNTY OF SARPY)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021 BY ALICE E. KUNES, TRUSTEE OF DAVID E. KUNES FAMILY TRUST, ON BEHALF OF SAID TRUST.

NOTARY PUBLIC

RECEIVED
SEP 08 2021
PLANNING DEPT.

APPROVAL OF BELLEVUE CITY COUNCIL

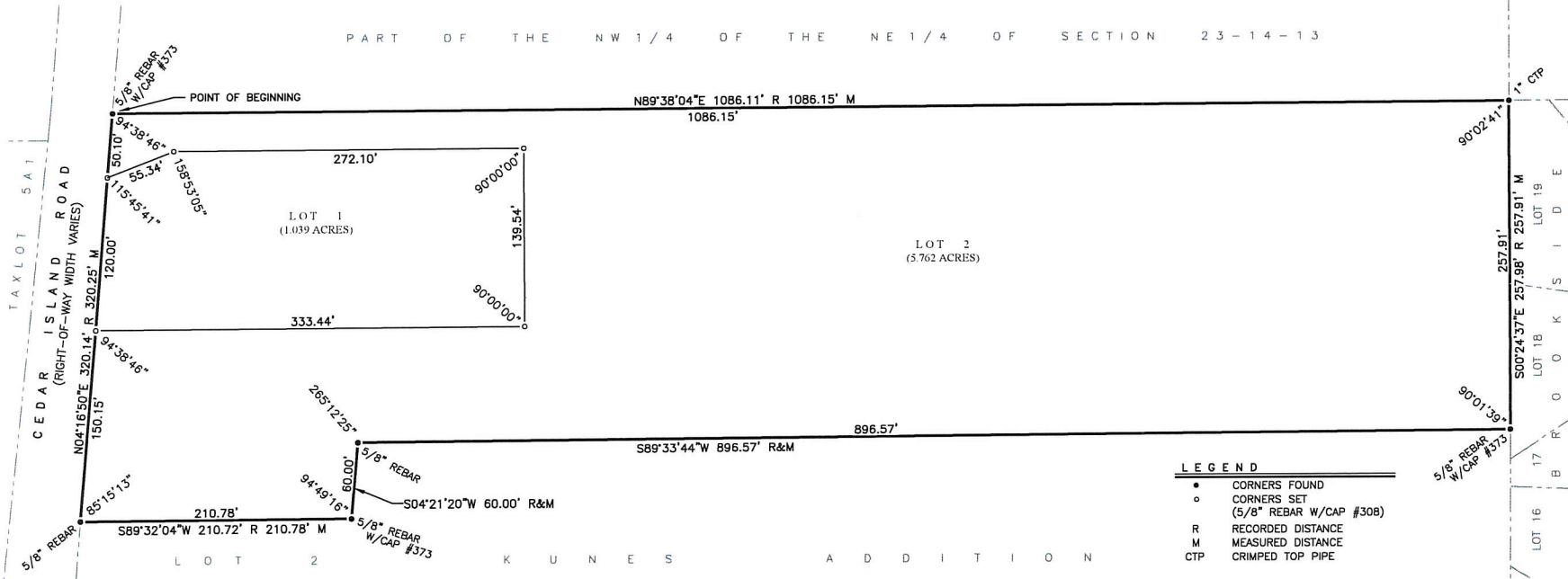
THIS PLAT OF KUNES ADDITION REPLAT ONE WAS APPROVED BY THE BELLEVUE CITY COUNCIL ON THIS _____ DAY OF _____, 2021.

RUSTY HIKE, MAYOR
SUSAN KLUTHE, CITY CLERK

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF KUNES ADDITION REPLAT ONE WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS _____ DAY OF _____, 2021.

SARPY COUNTY SURVEYOR/ENGINEER



thompson, gressen & dornier, inc.
10335 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

KUNES ADDITION REPLAT ONE
LOTS 1 AND 2



Revision Dates

No.	Description	MM-DD-YY

Job No.: A1438-21-8A
Drawn By: RJR
Reviewed By: JDW
Date: JULY 8, 2021
Book: 21/18
Pages: 58&59

Sheet Title
CITY OF BELLEVUE
SMALL SUBDIVISION

Sheet Number
SHEET 1 OF 1

10/2/2021 8:27 AM D:\KUNES\111043\111043.dwg Application: Substation\111043-211028.dwg User: C:\Users\jdw\Documents\111043-211028.dwg

3.a.

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT #1

CASE NUMBERS: Z-2108-11

FOR HEARING OF:
REPORT #1: September 23, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Club Car Wash Operating, LLC
Attn: Justin Barnes
1591 E Prathersville Road
Columbia, MO 65202

B. PROPERTY OWNER:

Mcv1, LLC
Attn: Charles Vacanti, Jr.
11205 John Galt Blvd
Omaha, NE 68137

C. GENERAL LOCATION:

South 22nd Street and Capehart Road

D. LEGAL DESCRIPTION:

Lot 1, Tregaron Towne Centre Replat Six, located in the Northwest ¼ of Section 10, T13N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

Site Plan Approval for Lot 1, Tregaron Towne Centre Replat Six.

F. EXISTING ZONING AND LAND USE:

BG-PCO, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain site plan approval to allow for the construction of a car wash.

H. SIZE OF SITE:

The site is approximately 1.30 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant and covered in vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Willow Lakes Golf Course (Offutt Air Force Base Property/across Capehart Road)
- 2. **East:** Commercial/Capehart Family Dentistry, BG-PCO
- 3. **South:** Vacant/WalMart Market, BG-PCO
- 4. **West:** Commercial/Retail Strip Center, BG-PCO

C. REVELANT CASE HISTORY:

1. In December 2002, MCV1, LLC submitted a request to rezone Lots 1 through 12, inclusive, Tregaron Towne Centre, being a replat of Lots 1 and 2, Whitted Creek, Tax Lots 9A1B, 9B, 9C, Lot 3, Tregaron Replat 1, Lot 257, Tregaron, Lot 1, Hardee's Addition, and part of the 25th Street and Capehart Road right-of-way, all located in the Norwest ¼ of Section 10, T13N, R13E, of the 6th P.M., Sarpy County, Nebraska, from BNH, BG, BG-C, and BGH to BG-C; site plan approval for Lots 1 through 12, inclusive, Tregaron Towne Centre; and preliminary plat Lots 1 through 12, inclusive, Tregaron Towne Centre. The Planning Commission recommended approval of this request on January 23, 2003. City Council approved the aforementioned requests on March 10, 2003.

2. On August 18, 2021, MCV1 made a request to small subdivision plat Lot 1, Tregaron Towne Centre Replat Six, being a replat of Lot 3, Tregaron Towne Centre, and Lot 2, Tregaron Towne Centre Replat Five, located in the Northwest ¼ of Section 10, T13N, R13E of the 6th P.M., Sarpy County, Nebraska. This request was administratively approved on September 7, 2021.

D. APPLICABLE REGULATIONS:

- 1. Section 5.22, Zoning Ordinance, regarding BG uses and requirements.

2. Section 5.25, Zoning Ordinance, regarding PCO uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The 2018 MAPA Traffic Flow Chart estimates 17,000 vehicles per day along Capehart Road, east of the intersection of Capehart Road and 25th Street.
2. The proposed development will have two access points along Towne Centre Drive, and a restricted right-in, right-out access on South 22nd Street.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Justin Barnes, on behalf of Club Car Wash Operating, LLC, has submitted a request for site plan approval for Lot 1, Tregaron Towne Centre Replat Six, for the purpose of a car wash.
2. The proposed site plan shows a one-story 5,298 square foot car wash facility. In addition to the car wash, there are 16 vacuum stations.
3. The site plan meets the minimum stacking requirements for a car wash. Proposed access is acceptable to the Public Works Department.
4. The original site plan for the Tregaron Towne Centre commercial area was approved March 10, 2003. For this particular property, site plan approval was given for a 14,000 square foot retail building.
5. This application was sent out to the following departments for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the

requested department did not have comments pertaining to the application, no response was needed.

Matt Knight, Public Works Engineer, had technical comments pertaining to the site plan. The applicant's engineer has addressed Mr. Knight's concerns.

No other comments were received on this case.

6. The applicant has submitted a landscape plan as part of the site plan materials. The landscape plan has been reviewed by staff and meets the minimum requirements of the zoning ordinance.

7. Upon submittal of a building permit, the applicant will be required to meet the regulations of Section 8.11, Zoning Ordinance, for design standards for the car wash facility.

8. A car wash is a permitted use in the BG (General Business) zoning district. Staff believes this is an appropriate use of the property.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance and the Comprehensive Plan.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning/Vicinity Map
2. 2020 GIS aerial photo of the property
3. Site plan received September 13, 2021
4. Landscaping plan received September 13, 2021

VII. COPIES OF REPORT TO:

1. Club Car Wash Operating, LLC (Justin Barnes)
2. Cochran (Elliott Reed, P.E.)
3. MCV1, LLC (Charles Vacanti, Jr.)
4. Public Upon Request

Prepared By:

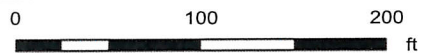
A handwritten signature in blue ink that reads "Sammi R. Palm" followed by a date "09/16/21".

Planning Manager

Date of Report

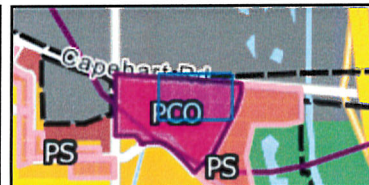


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 1592

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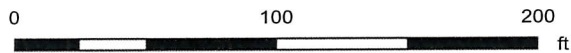


Notes





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



Map Scale 1: 1128

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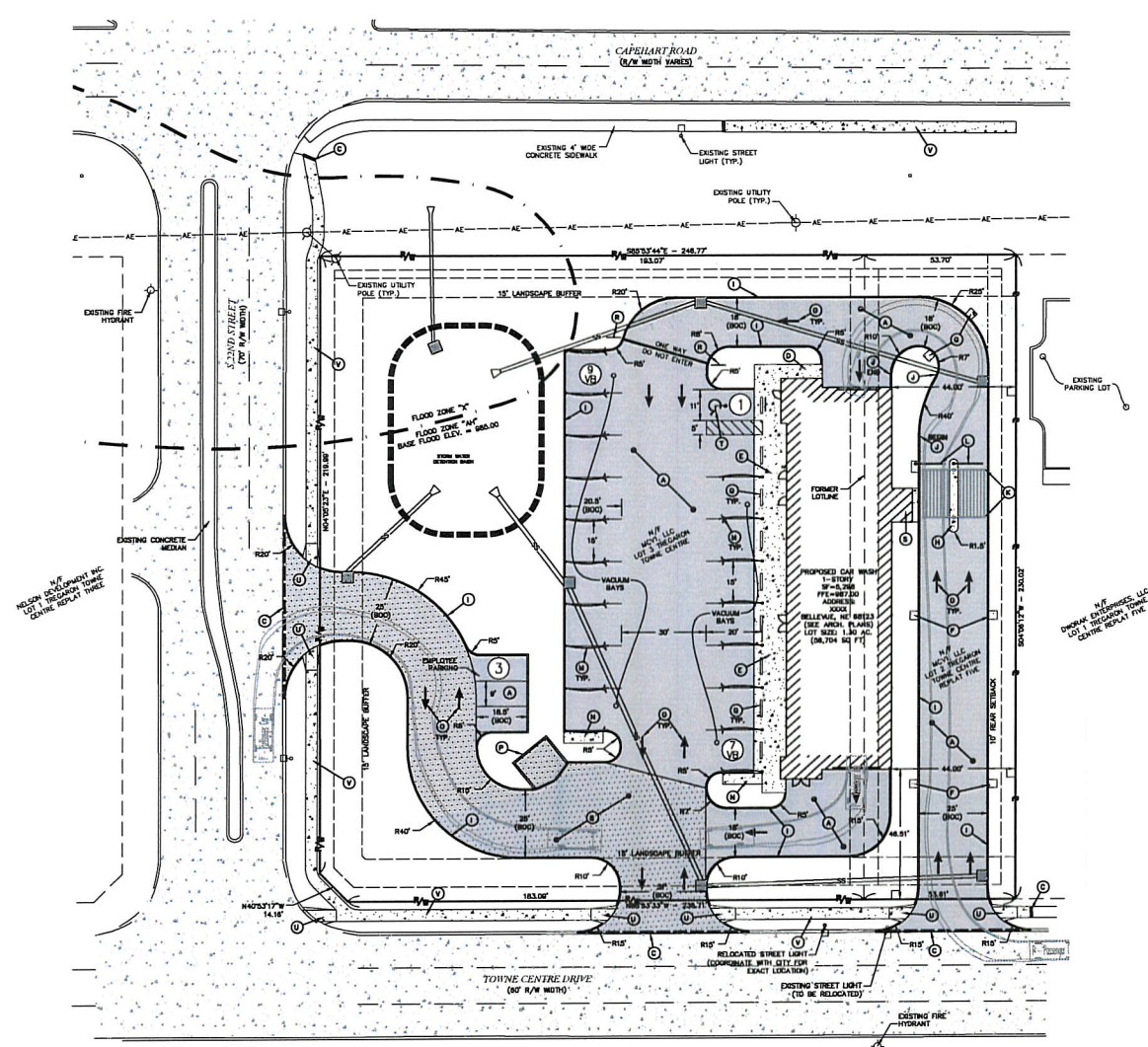
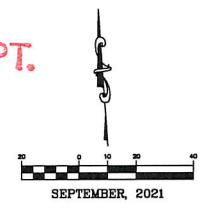


Notes



RECEIVED
 SEP 13 2021
 PLANNING DEPT.

SITE PLAN



SITE LEGEND

- ① NEW STANDARD DUTY CONCRETE PAVEMENT, (7" MINIMUM THICKNESS FOR BELLEVUE'S HARD SURFACE REQUIREMENTS OR PER CITY APPROVED SITE-SPECIFIC ENGINEERED DESIGN SOLUTION.)
- ② NEW HEAVY DUTY CONCRETE PAVEMENT, SEE DETAIL, SHEET C0. (7" MINIMUM THICKNESS FOR BELLEVUE'S HARD SURFACE REQUIREMENTS OR PER CITY APPROVED SITE-SPECIFIC ENGINEERED DESIGN SOLUTION.)
- ③ CONTRACTOR TO SAWCUT EXISTING PAVEMENT FULL DEPTH TO ENSURE A SMOOTH JOINT.
- ④ NEW 4" THICK CONCRETE SIDEWALK, SEE DETAIL, SHEET C0.
- ⑤ NEW 8" THICK CONCRETE SIDEWALK, SEE DETAIL, SHEET C0.
- ⑥ NEW 3"x3"x4" CONCRETE PADS FOR SIGNS AND TRASH CANS.
- ⑦ NEW 2' x 2' x 8" CONCRETE PAD FOR CAMERA ARCH.
- ⑧ NEW 2" WIDE CONCRETE ISLAND, SEE DETAIL, SHEET C0.
- ⑨ NEW 6" VERTICAL CURB AND OUTER, SEE DETAIL, SHEET C0.
- ⑩ NEW MOUNTABLE CURB, SEE DETAIL, SHEET C0.
- ⑪ NEW NON-STRUCTURAL SHADE CANOPY, BY OWNER.
- ⑫ NEW STOP ARM, BY OWNER.
- ⑬ NEW VACUUM ARM, BY OWNER.
- ⑭ NEW 4"x4" CONCRETE PAD FOR VACUUM TURBINE, SEE MEP PLANS.
- ⑮ NEW TRAFFIC FLOW ARROWS, SEE DETAIL, SHEET C0.
- ⑯ NEW DUMPSTER ENCLOSURE.
- ⑰ NEW WHEEL STOPS, SEE DETAIL, SHEET C0.
- ⑱ NEW DO NOT ENTER SIGN, BY OWNER.
- ⑲ NEW ATTACHED COUNTER SIGN, SEE ARCHITECTURAL PLANS.
- ⑳ NEW ACCESSIBLE PARKING STALL WITH SIGNAGE AND STRIPING SEE DETAIL, SHEET C0.
- ㉑ NEW ADA RAMP, SEE DETAIL, SHEET C0.
- ㉒ NEW 4" WIDE CONCRETE SIDEWALK, SEE DETAIL, SHEET C0.

NOTE:
 ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED AND ALL RADIUS CALLOUTS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.

NOTE:
 SEE MEP PLANS FOR SITE LIGHTING PHOTOELECTRICAL.

VACUUM STATIONS
 PROVIDED = 15 VACUUM STATIONS

LIT COVERAGE PERCENTAGE
 GREEN SPACE = 24.8% SF (430)
 PAVEMENT AND BUILDING = 31,222 SF (87%)

MINIMUM PARKING DIMENSIONS
 REGULAR PARKING = 8'x12'
 ADA PARKING = 8'x12'
 ADA ACCESSIBLE STRIPING = 5'x15'
 PARKING DRIVE ASBLES (TWO-WAY) = 24' W. MIN.

686-337-0274 (MO)
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 • Civil Engineering
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 • Master Planning

Nebraska State Certificate
 of Authority Number:
 CE4374

I am the duly authorized
 professional engineer
 for the project
 and I hereby certify that
 the work shown on this
 drawing was done by
 me or under my direct
 supervision and I am
 a duly licensed
 professional engineer
 in the State of Nebraska.

KURTIS J. DANIELS
 E-10016

SITE IMPROVEMENTS
 CLUB CARWASH
 BELLEVUE, NEBRASKA

PRELIMINARY DRAWING

FOR REVIEW PURPOSES ONLY
 NOT TO BE USED FOR CONSTRUCTION



DEVELOPER:
 CLUB CARWASH OPERATING, LLC
 1591 E. PRATHERSVILLE ROAD
 COLUMBIA, MO 65202

OWNER:
 MCVI, LLC
 11205 JOHN GALT BOULEVARD
 OMAHA, NE 68137

NO.	DATE	DESCRIPTION	BY
1	BAB	KJD	
2	SEP 9 2021		
3	1" = 20'		
4	M21-8092		
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SITE PLAN
 C1



3.b.

MEMORANDUM

To: Planning Commission
From: Angela Curry, Assistant Planning Manager
Date: September 16, 2021
Subject: Blighted and Substandard Designation for Lots 1 through 6, and Part of Lots 7 through 11A, Lots 11B and 12, Block 170; Lots 1 through 12, Block 171, Bellevue; vacated 17th Avenue between Jefferson Street and Franklin Street; and the adjacent rights-of-way of West 16th Avenue, Harvell Drive, Franklin Street, West 18th Avenue, and Jefferson Street

Jeff Ray of JEO Consulting Group, Inc., on behalf of Mercury Builders and Contractors, is requesting to declare as blighted and substandard Lots 1 through 6, and Part of Lots 7 through 11A, lying South and West of Harvell Drive, Lots 11B and 12, Block 170, Bellevue; Lots 1 through 12, Block 171, Bellevue; vacated 17th Avenue between Jefferson Street and Franklin Street; and the adjacent rights-of-way- of West 16th Avenue, Harvell Drive, Franklin street, West 18th Avenue, and Jefferson Street. Please refer to the attached map, where the property is outlined in blue. The blight and substandard study conducted by JEO Consulting Group, Inc. is also attached for review.

The area requested to be designated as blighted and substandard is approximately 8.03 acres. The area consists of six undeveloped lots, and eleven lots with residential buildings built between 1916 and 1965.

JEO Consulting Group, Inc. provided notice of their request to the property owners within the proposed blight and substandard area on September 7, 2021. The applicant has a neighborhood meeting scheduled on September 21, 2021 to discuss this application with the identified property owners.

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 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. 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.

A study prepared and completed by JEO Consulting Group, Inc. in August 2021, indicates the following:

- Unsanitary or unsafe conditions which could endanger life or property and deterioration of site
 - Topography and Terrain
 - Topography that drains to the low-lying water courses
 - Lacks complete subterranean storm drainage system
 - Vegetation Overgrowth
 - Tree, brush, and weed overgrowth in vacant areas contribute to rodents and vermin and propose a potential fire danger in drought or dry spells
 - Sidewalks
 - Lacks sidewalks and accessible crosswalks that safely allow for pedestrian movement
 - Poor Drainage
 - Standing stagnant water near existing 16th Street
 - Breeding grounds for mosquitoes which can convey illnesses and diseases
 - Vehicle Circulation and Parking
 - Lack of improvements for vehicular access and connectivity to Jefferson Street and adjacent neighborhood impedes easy flow of travel

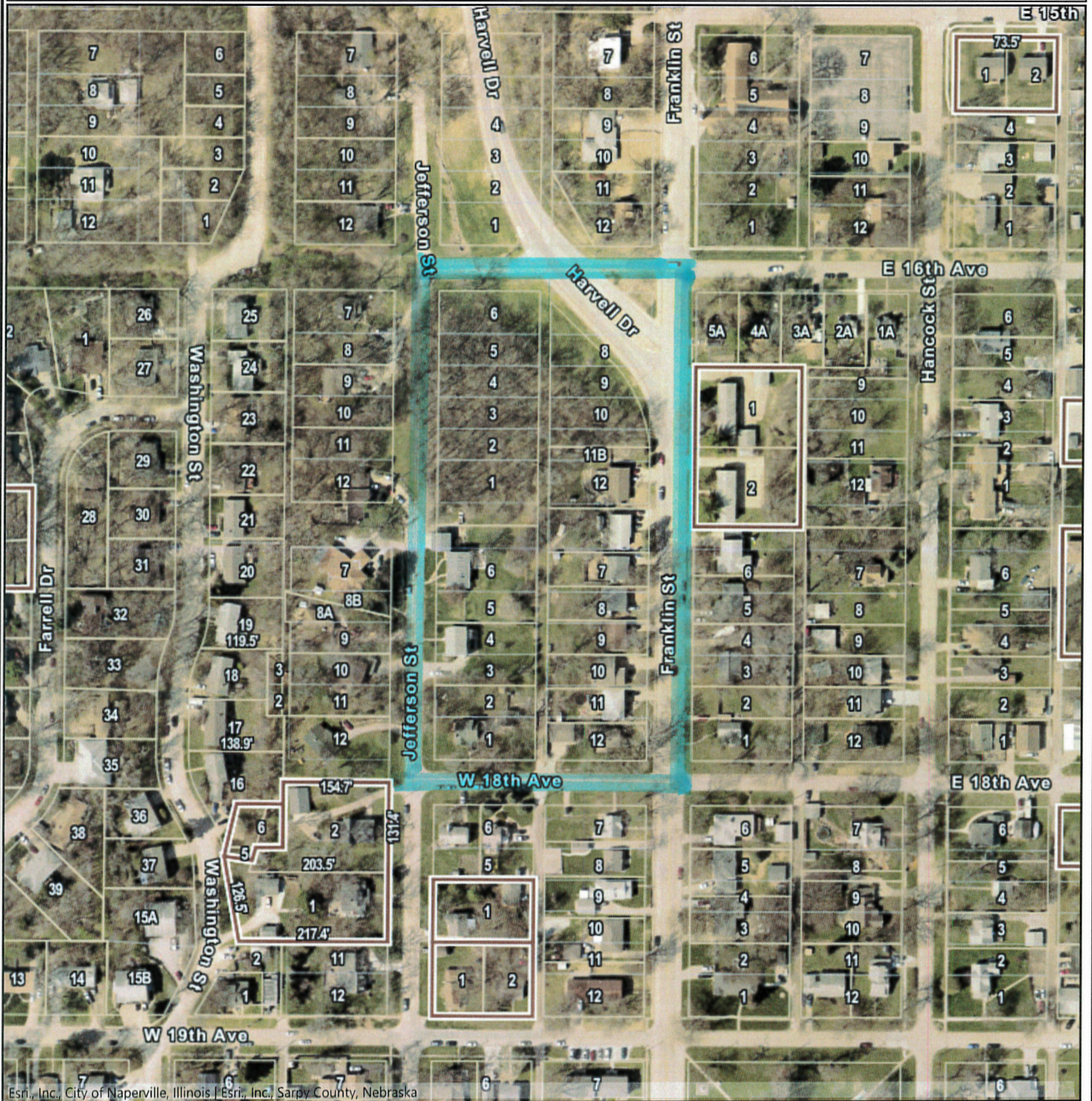
- Age of Structures
 - The average age of the residential structures is 61 years
 - Structures constructed prior to 1978; may contain lead-based paint
 - Chipping or peeling can pose health and human development risks to children
- Diversity of Ownership
 - Twelve unique private property owners; Diversity of ownership not evident
- Improper Subdivision or Obsolete Platting
 - Lot sizes and shapes vary
 - Northern lots too large, need additional subdivision and infrastructure improvements for accessibility and usefulness
- Defective or Inadequate Street Layout
 - Missing portions of Jefferson Street
 - Limited connectivity with the adjacent street grid

Based upon the above analysis, the Planning Department feels the area stated above meets the statutory requirements of blighted and substandard.

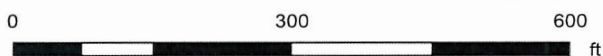
PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends APPROVAL of this designation based upon the above analysis that Lots 1 through 6, and Part of Lots 7 through 11A, lying South and West of Harvell Drive, Lots 11B and 12, Block 170, Bellevue; Lots 1 through 12, Block 171, Bellevue; vacated 17th Avenue between Jefferson Street and Franklin Street; and the adjacent rights-of way- of West 16th Avenue, Harvell Drive, Franklin street, West 18th Avenue, and Jefferson Street, 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.

Blighted and Substandard area

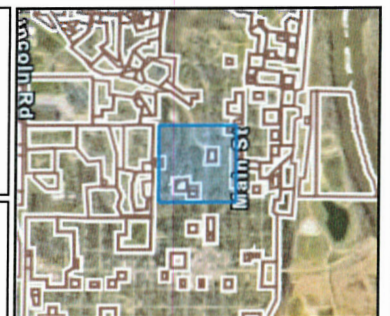


Notes



Map Scale 1: 3185

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2021

City of Bellevue
Jefferson Place Blight Study



JEO Consulting Group, Inc.

Introduction

Purpose of the Study

This Jefferson Place blight and substandard study of the designated study area is intended to give the Community Redevelopment Authority and City Council the basis for considering the existence of blight and substandard conditions within the delineated study area. Through this process, the City of Bellevue's Community Redevelopment Authority may employ and exercise the power authorized in Nebraska Community Development Law to eliminate and prevent blighted and substandard conditions that are detrimental to the future public health, safety, morals, and general welfare of the entire community as well as the surrounding region. If the City of Bellevue finds and determines, based on substantial evidence in the record before it, that the recommended Blight and Substandard Area (detailed below and referred to herein as "Jefferson Place Blight Study Area") meets the statutory conditions for an area that is blighted, substandard, and in need of redevelopment, the designated study area will become a Redevelopment Area under the Community Development Law (Neb. Rev. Stat. §§ 18-2101 to 18-2154).

The Redevelopment Plan—the companion document to the Blight and Substandard Study—will contain local objectives regarding appropriate land uses, improved traffic circulation, economic development activities, public transportation, public utilities, and other public improvements, in accordance with the provisions of the Community Development Law.

Background

In 1975, the Nebraska Legislature enacted legislation in response to areas in cities and villages that had become deteriorated and substandard for a variety of reasons. These areas were considered harmful to the social and economic well-being of the entire community in which they existed. Conditions in such areas were considered beyond the remedy and control of the normal regulatory process or impossible to reverse through the ordinary operations of private enterprise. The Community Development Law, as it is known, enables cities and villages to take steps to eliminate blight through the acquisition, clearance, and disposing of property for redevelopment or the conservation and rehabilitation of the property.

Prior to the enactment of the legislation, Nebraska communities were unable to carry out redevelopment programs involving assembly of land for conveyance to private developers without the creation of an urban renewal authority approved by voters. The Community Development Law permits cities of all classes and villages to establish Community Redevelopment Authorities (CRAs) by ordinance. Such authority empowers CRAs to undertake broad urban renewal and municipal growth opportunities through a variety of mechanisms. This law, with subsequent amendments, has been the cornerstone of redevelopment and community development activities in Nebraska.

This blight and substandard study examines existing conditions of land use, buildings, and structures within the designated study area in the City of Bellevue to determine its eligibility for redevelopment activities. Potential opportunities for redevelopment exist throughout the designated study area, which would allow the City of Bellevue to overcome blighted and substandard conditions and avoid issues that could lead to blight and substandard conditions. When evaluating blight and substandard conditions, the City of Bellevue must adhere to Nebraska Community Development Law.

Nebraska Revised State Statutes

The Community Development Law provides guidelines under which municipalities may address concerns and develop strategies for the rehabilitation and redevelopment of deteriorating area, as well as the prevention and elimination of substandard and blighted area. The Legislature has declared, in pertinent part:

It is hereby found and declared that there exist in cities of all classes and villages of this state area which have deteriorated and become substandard and blighted because of the unsafe, insanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable land uses...These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided...It is further found and declared that the prevention and elimination of blight is a matter of state policy, public interest, and statewide concern and within the powers and authority inhering in and reserved to the state, in order that the state and its municipalities shall not continue to be endangered by area which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of their revenue. §18-2102

Consistent with these findings, municipalities have been granted the power to address deterioration, substandard conditions, and blight through any number of means, including “the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.” Neb. Rev. Stat. §18-2104.

Nebraska Revised Statute §18-2104 enables a municipality to declare that blight and substandard conditions exist. The statute reads,

The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with sound needs of the city, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under sections 18-2101 to 18-2144, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements. §18-2101

The process of improving an area begins with the creation of a municipality-wide workable program for utilizing appropriate private and public resources to address the specific conditions to be improved. Such workable programs may include “provision for the prevention of the spread of blight into area of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted area or portions thereof by re-planning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted area or portions thereof.” Neb. Rev. Stat. §18-2105.

The statutes provide a means for the governing body of a municipality to address and develop strategies for rehabilitation and redevelopment of the community. Nebraska Revised Statute §18-2105 also grants authority to the governing body to formulate a redevelopment program. The statute reads,

The governing body of a city or an authority at its direction for the purposes of sections 18-2101 to 18-2144 may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted area, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into area of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of substandard or blighted area or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted area or portions thereof. §18-2105

The main substance of a workable program is an adopted general redevelopment plan for a defined area, as well as the subsequent individual redevelopment projects that identify specific projects within a redevelopment area. Prior to the adoption of a general redevelopment plan, a municipality must have an adopted comprehensive plan (§18-2110) and shall have declared the redevelopment area to be a substandard and blighted area in need of redevelopment (§18-2109).

The important community development terms are defined in Nebraska Revised Statute §18-2103, several of which are shown below (organization and emphasis added):

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;

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 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.*

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;

Substandard and Blight Eligibility Analysis

Designated Study Area

The designated study area is property within the corporate limits for evaluation pursuant to the Community Development Law. The area is a residential district. The designated study area was selected for a number of reasons, including:

1. The presence of blighted and substandard characteristics within the study area.
2. The potential for private development and redevelopment activities within the study area.
3. The need for improvements in infrastructure due to specific existing conditions.
4. The economical and functional obsolescence of certain properties within the study area.
5. The need for public intervention to stimulate the development and redevelopment of vital infrastructure systems and housing to support these private redevelopment efforts.

Once declared substandard and blighted, the City of Bellevue can stimulate and manage future development in this area by creation and use of the redevelopment plan and its statutory authority to provide financial incentives for private development.

Through the redevelopment process, the City of Bellevue can guide future development in the community and provide financial incentives for development. The use of the Nebraska Community Redevelopment Law by the City of Bellevue is intended to improve the community and enhance the quality of life for all residents by eliminating conditions that contribute to the spread of blight and hinder private reinvestment in the area due to these factors. Using the Nebraska Community Development Law, Bellevue can eliminate negative factors and implement programs and/or projects identified to improve conditions, thereby removing, or preventing blight and substandard conditions.

Substandard and Blight Conditions

As set forth in section 18-2103(10), **substandard area** shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the following:

1. **Dilapidation/deterioration***
Exterior inspection of buildings to note deficiencies (sound, minor, major, dilapidated)
 - Examples include structural (walls, foundation, roof), building systems (gutters, roof surface, chimney), and architectural systems (fire escapes, weatherization, steps, exterior paint, site conditions).
2. **Age or obsolescence**
Estimate age of structures (40+ years criteria)
3. **Inadequate provision for ventilation, light, air, sanitation, or open spaces**
Overall sight conditions
 - Examples include junked cars or debris, cluttered alleyways, antiquated infrastructure systems (overhead power lines), outdoor storage/sanitation facilities, unpaved parking/outdoor storage.
4. **Other substandard conditions**
 - (a) High density of population and overcrowding (census); or
 - (b) The existence of conditions which endanger life or property by fire and other causes as unsanitary and unsafe conditions which endanger life or property by fire and other natural causes floodplain; or

- (c) Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; is detrimental to the public health, safety, morals or welfare (includes sanitation concerns, inadequate infrastructure systems (sewer, water service mains, storm sewers), poor lighting, crime statistics, floodplain area, outdoor storage, site clutter).

As set forth in the Community Development Law, a **blighted area** shall mean an area, which by reason of the presence of:

1. **A substantial number of deteriorated or deteriorating structures***
Exterior inspection of buildings to note deficiencies (sound, minor, major, dilapidated)
 - Examples include structural (walls, foundation, roof), building systems (gutters, roof surface, chimney), and architectural systems (fire escapes, weatherization, steps, exterior paint, site conditions).
2. **Existence of defective or inadequate street layout**
Condition of streets/inadequate access including sidewalks
 - Examples include street conditions, dead ends, railroad crossings, linear downtown, narrow alleyways, blind crossings, and sidewalk condition.
3. **Faulty lot layout in relation to size, adequacy, accessibility, or usefulness**
Conditions associated with accessibility/usefulness of the lots
 - Examples include land locked parcels, odd shaped lots, undersized lots, lots with accessibility concerns.
4. **Unsanitary or unsafe conditions**
Conditions which pose a threat to public health and safety
 - Examples include age and physical condition of structures, floodplain, lack of public infrastructure systems, unsanitary conditions, ventilation concerns.
5. **Deterioration of site or other improvements**
Field observation of age and condition of public utilities, debris and inadequate public improvements
 - Examples include lack of off-street parking, storm drainage, junk cars, dilapidated structures, debris, on-site storage, congested overhead power lines.
6. **Diversity of ownership**
The total number of unduplicated owners
 - Examples include the necessity of to acquire numerous lots is a hindrance to redevelopment. However, land assemblage of larger proportions necessary for major developments, is more economically feasible and will attract financial support, as well as public patronage required to repay such financial support. Such assemblage is difficult without public intervention.
7. **Tax or special assessment delinquency exceeding the fair value of the land**
Examination of public records to determine the status of taxation of properties
 - Examples include delinquent taxes, real estate taxes, tax exempt.
8. **Defective or unusual conditions of title**
Examine public records to determine any defective or unusual title defects
 - Examples include improper filings, liens, defective titles, etc.

9. **Improper subdivision or obsolete platting**
Examine public records to determine improper subdivision and obsolete platting
 - Examples include undersized lots, improper zoning, lot configuration, easement concerns, never recorded vacated streets, accessibility concerns.
10. **The existence of conditions which endanger life or property by fire or other causes**
Examine conditions which endanger life or property
 - Examples include inadequate, undersized or inoperative public infrastructure systems, floodplain, building materials, site access, on-site storage (cars), secluded area for pests and vermin to thrive, inadequate surface drainage, street/sidewalk conditions, etc.
11. **Any combination of such factors, substantially impairs or arrests the sound growth of the community, hinders the provision of housing accommodations or constitutes an economic or social liability**
Economic and/or socially undesirable land uses
 - Examples include incompatible land uses, economic obsolescence, functional obsolescence which relates to the property's ability to compete in the market place.
12. **Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:**
 - (a) Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average (Census statistics);
 - (b) The average age of the residential or commercial units in the area is at least 40 years (Field observation);
 - (c) More than half of the plotted and subdivided property in the area is unimproved land that has been within the city for 40 years and has remained unimproved during that time (Public records);
 - (d) The per capita income of the designated blighted area is lower than the average per capita income of the city or village in which the area is designated (Census); or
 - (e) The area has had either stable or decreasing population based on the last two decennial censuses (Census).

*Where structural conditions are evaluated, individual structures are rated in accordance with the following rating schedule as defined by the U.S. Department of Housing and Urban Development: no problem, adequate condition, deteriorating condition, or dilapidated condition. The following descriptions define the rating schedule used to assess and evaluate building and structure conditions:

No Problem

No structural or aesthetic problems are visible.

Adequate Condition

- Slight damage to porches, steps, roofs, etc. is present on the structure,
- Slight wearing away of mortar between bricks, stones, or concrete blocks,
- Small cracks in walls or chimneys,
- Cracked windows,
- Lack of paint, and
- Slight wear on steps, doors, and door and window frames.

Deteriorating Condition

- Holes, open cracks, rotted, loose, or missing materials in parts of the foundation, walls, (up to one-quarter of the wall), or roof (up to one-quarter of roof),
- Shaky, broken, or missing steps or railings,
- Numerous missing and cracked window panes,
- Some rotted or loose windows or doors (no longer wind- or water-proof),
- Missing bricks or other masonry of chimney, and
- Makeshift (un-insulated) chimney.

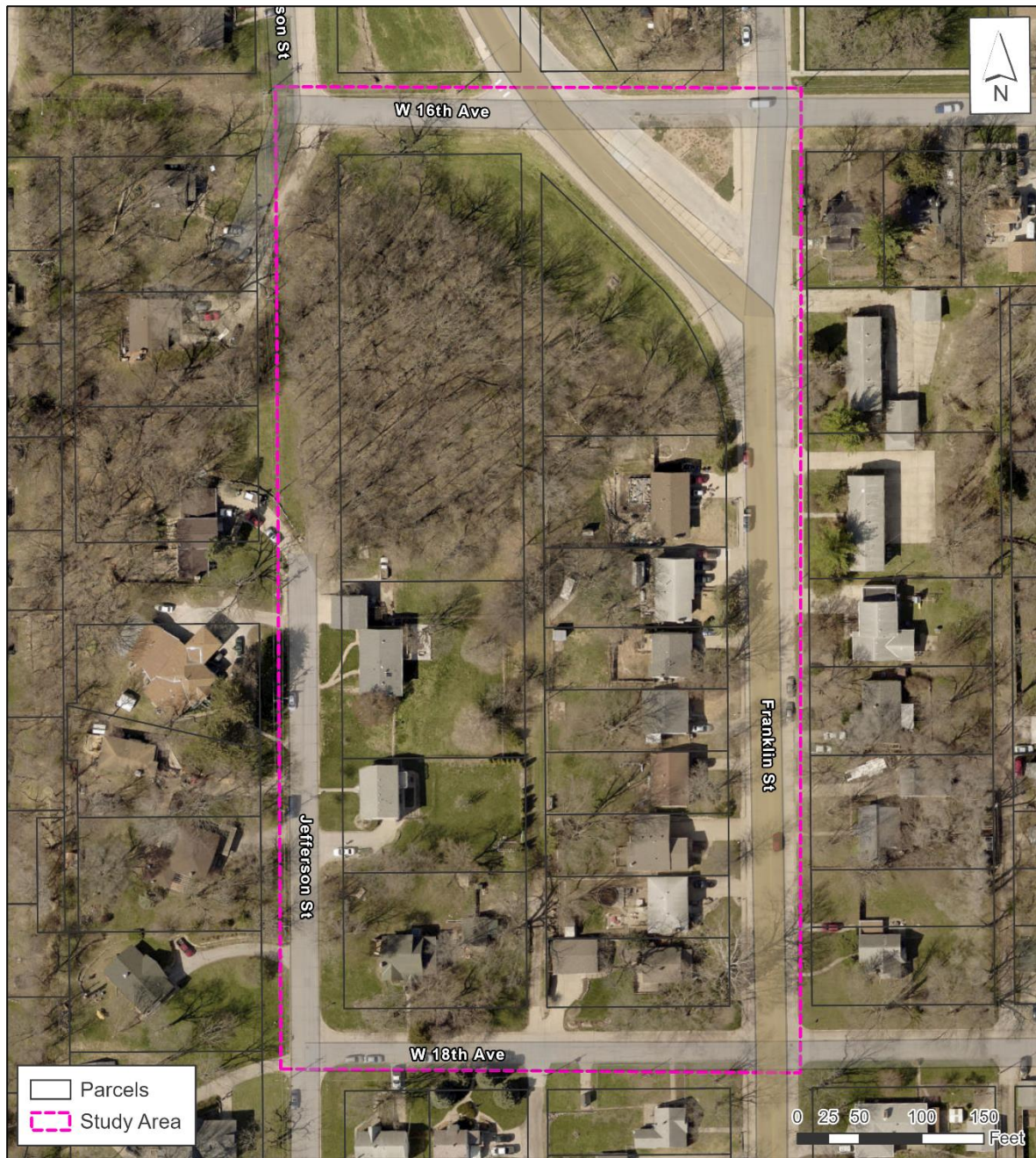
Dilapidated Condition

- Holes, open cracks, or rotted, loose or missing material (siding, shingles, brick, concrete, tiles, plaster, floorboards) over large area of foundation, on walls or on roof,
- Substantial sagging of roof, floors, or walls,
- Extensive damage by fire, flood or storm, and
- Inadequate original construction such as makeshift walls, roofs made of scrap materials, foundations or floors lacking, or converted barns, sheds, and other structures not adequate for housing.

Designated Study Area

The initial study area as identified can be found in Figure 1. For this study, the initial study area will be known as the "Designated Study Area" which was reviewed for substandard and blight characteristics.

Figure 1: Designated Study Area



City of Bellevue, NE
Jefferson Place Blight Study

Study Area



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Date: August 2021
Software: ArcGIS Pro 2.8.1
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Recommended Blight and Substandard Area

Based upon the review of the designated study area, and its context with the community, JEO Consulting Group recommends the designated study area be recommended as a Blight and Substandard Area. This area consists of approximately 8.03 acres. The area description of the Recommended Area that follows was prepared by a JEO.

Area Description of Designated Study Area

A TRACT OF LAND LOCATED IN THE CITY OF BELLVUE INCLUDING LOTS 1-12 OF BLOCK 170; LOTS 1-12 OF BLOCK 171; VACATED 17TH STREET BETWEEN JEFFERSON STREET AND FRANKLIN STREET; AND THE ADJACENT PUBLIC RIGHT OF WAY OF WEST 16TH STREET, FRANKLIN STREET, WEST 18TH STREET, AND JEFFERSON STREET.

Findings and Contributing Factors

The intent of this study is to determine whether the Jefferson Place Blight Study Area within the community has experienced structural and site deterioration or if there are other negative factors which are decreasing the development potential for the area. The field survey conducted on Thursday, July 29, 2021, indicated the community has such deterioration or lack of municipal infrastructure, thus the community warrants further examination regarding blighted and substandard conditions. The following factors were evaluated to determine if there is a reasonable presence of blight and substandard conditions within the Jefferson Place Blight Study Area.

This section reviews the building and structure conditions, infrastructure, site conditions and land use found within the Jefferson Place Blight Study Area based upon the statutory definitions, planning team observations during the field survey, and explains the identified contributing factors. *Appendix A* provides a visual description and documents examples of the different conditions that led to each factor's determination. See *Appendix A* for a visual description of the erosion, stagnant water, open drainage channel, vegetative overgrowth, and other observed conditions within the Jefferson Place Blight Study Area.

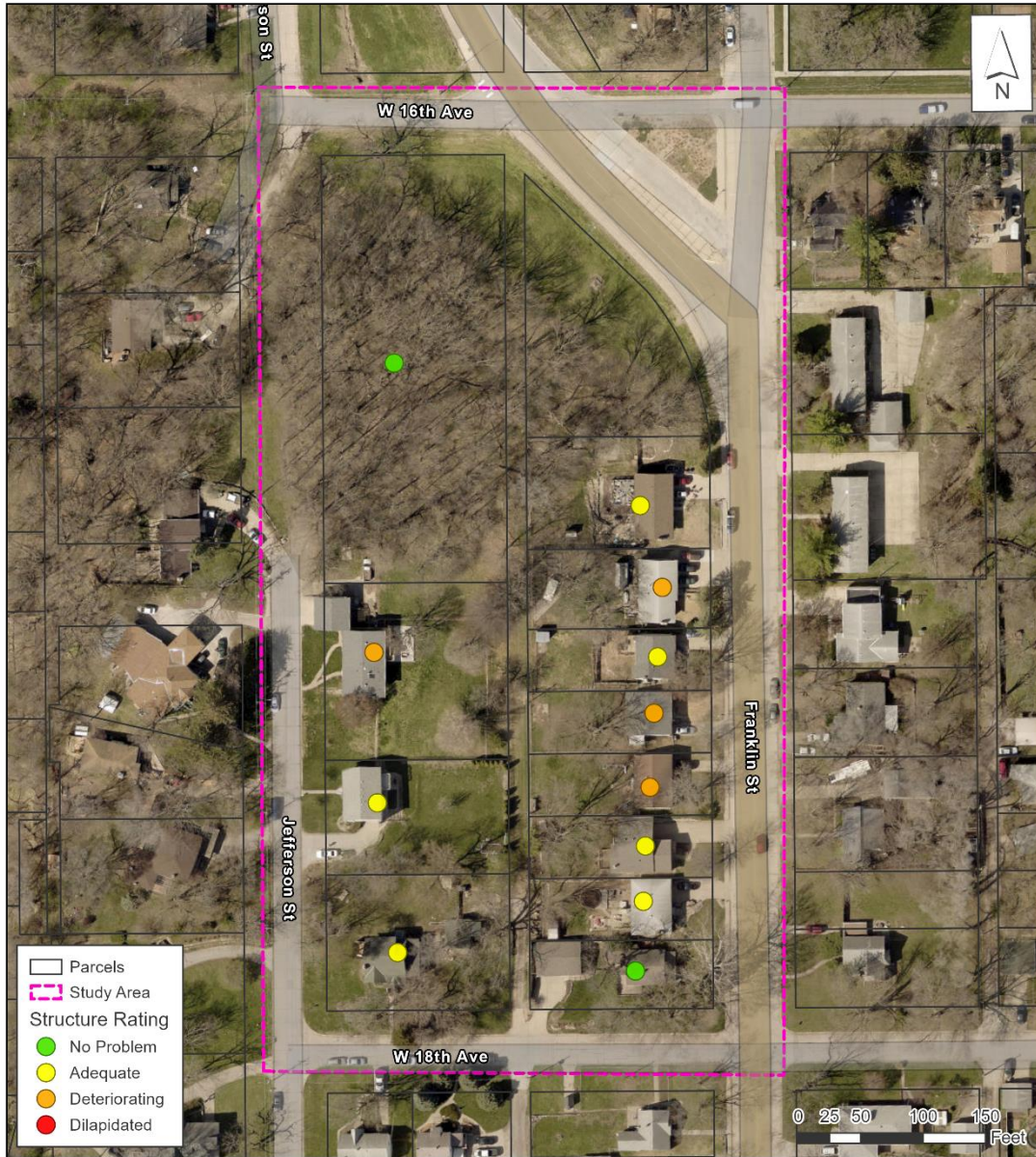
BLIGHTED CRITERIA CONDITIONS

As set forth in the Nebraska legislation, a **blighted area** shall mean an area, which by reason of the presence of:

Substantial Number of Deteriorated or Deteriorating Structures

As a rule, the primary structure for each parcel within the Jefferson Place Blight Study Area was examined. A total of 36% of the structures within the designated study area were graded as deteriorating. This is not considered a significant contributing factor.

Figure 2: Structural Conditions



City of Bellevue, NE
Jefferson Place Blight Study

Structural Rating



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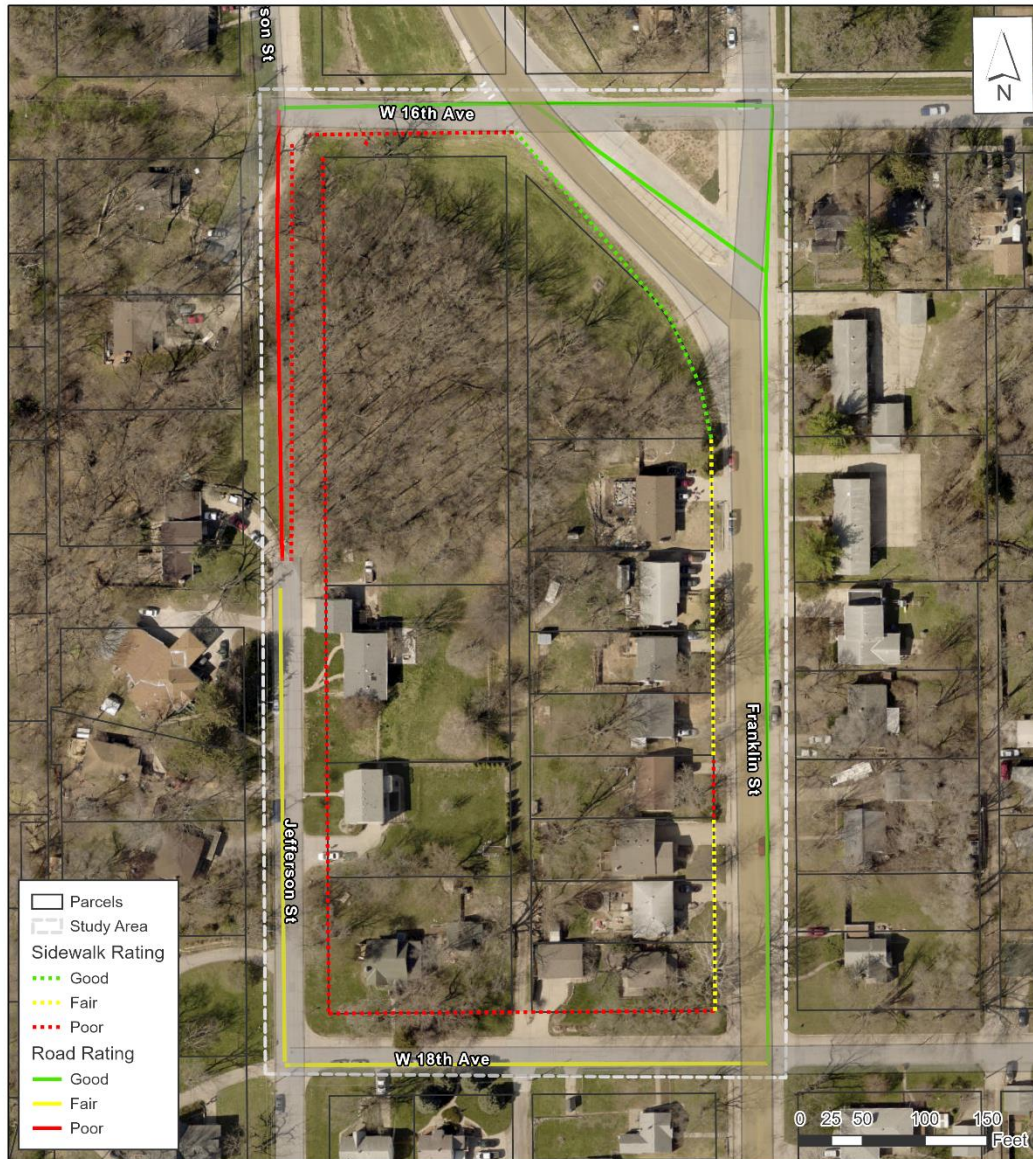
Defective or Inadequate Street Layout

Street Conditions and Accessibility

Street conditions and accessibility within the Jefferson Place Blight Study Area were evaluated in relation to the provision of safe and efficient public circulation and access, and with regard to ease of travel and appearance. The noted deficiencies are: missing portion of Jefferson Street; and over half of the sidewalks in the area are missing.

Overall, the Jefferson Place Blight Study Area has limited connectivity with the adjacent street grid. streets with dead-end at the subject study area and private drives extended in the ROW for site access. Due to the lack of connectivity, this is considered a contributing factor.

Figure 3: Transportation Conditions



City of Bellevue, NE
 Jefferson Place Blight Study

Transportation



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Faulty lot layout in relation to size, adequacy, accessibility, or usefulness

Throughout the Jefferson Place Blight Study Area, the lot sizes and shapes vary. Some lots are too large and need additional subdivision and infrastructure improvements for accessibility and usefulness. In addition, the lots have limited access with private drives extended to connect to a paved street which is not conducive to accessibility or usefulness, as a result, this factor is considered to be contributing the recommended blight designation.

Unsanitary or unsafe conditions

Conditions which pose a threat to public health and safety

Topography and terrain

The Jefferson Place Blight Study Area has a variety of topography that drains to the low-lying water courses in the study area. The area lacks complete subterranean storm drainage system

Vegetation Overgrowth

There is significant tree, brush, and weed overgrowth in the vacant areas of the study area. This can contribute to harboring rodents and vermin as well as pose a potential fire danger during drought or dry spells.

Sidewalks

The study area lacks sidewalks that safely allow for pedestrian movement through the site or connecting to adjacent uses.

Poor Drainage

On the northern portion of the study area near the existing 16th street, standing stagnant water was observed. This poorly drained area with standing water can harbor and create breeding grounds for mosquitoes which can convey illnesses and diseases to humans.

As a result, this factor is considered to be contributing the recommended blight designation.

Deterioration of site or other improvements

Sidewalks

The lack of sidewalks, including accessible crosswalks, inhibits pedestrian movement through or on the study area.

Vehicle circulation and parking

The lack of site improvements for vehicular access and connectivity to Jefferson Street and the adjacent neighborhood impedes the ability to freely travel to or from the study area.

Diversity of ownership

The diversity of ownership is not evident in the Jefferson Place Blight Study Area. There are twelve unique private property owners in the Jefferson Place Blight Study Area. Thus, this is considered a contributing factor.

Improper subdivision or obsolete platting

Obsolete platting

Throughout the Jefferson Place Blight Study Area, the lot sizes and shapes vary. The northern lots are too large and need additional subdivision and infrastructure improvements for accessibility and usefulness as a result, this factor is considered to be contributing to the recommended blight designation.

The existence of conditions which endanger life or property

Conditions which pose a threat to public health and safety

Vegetation Overgrowth

There is significant tree, brush, and weed overgrowth in the vacant areas of the study area. This can contribute to harboring rodents and vermin as well as pose a potential fire danger during drought or dry spells.

Sidewalks

The lack of sidewalks, including accessible crosswalks, inhibits pedestrian movement through or on the study area.

Poor Drainage

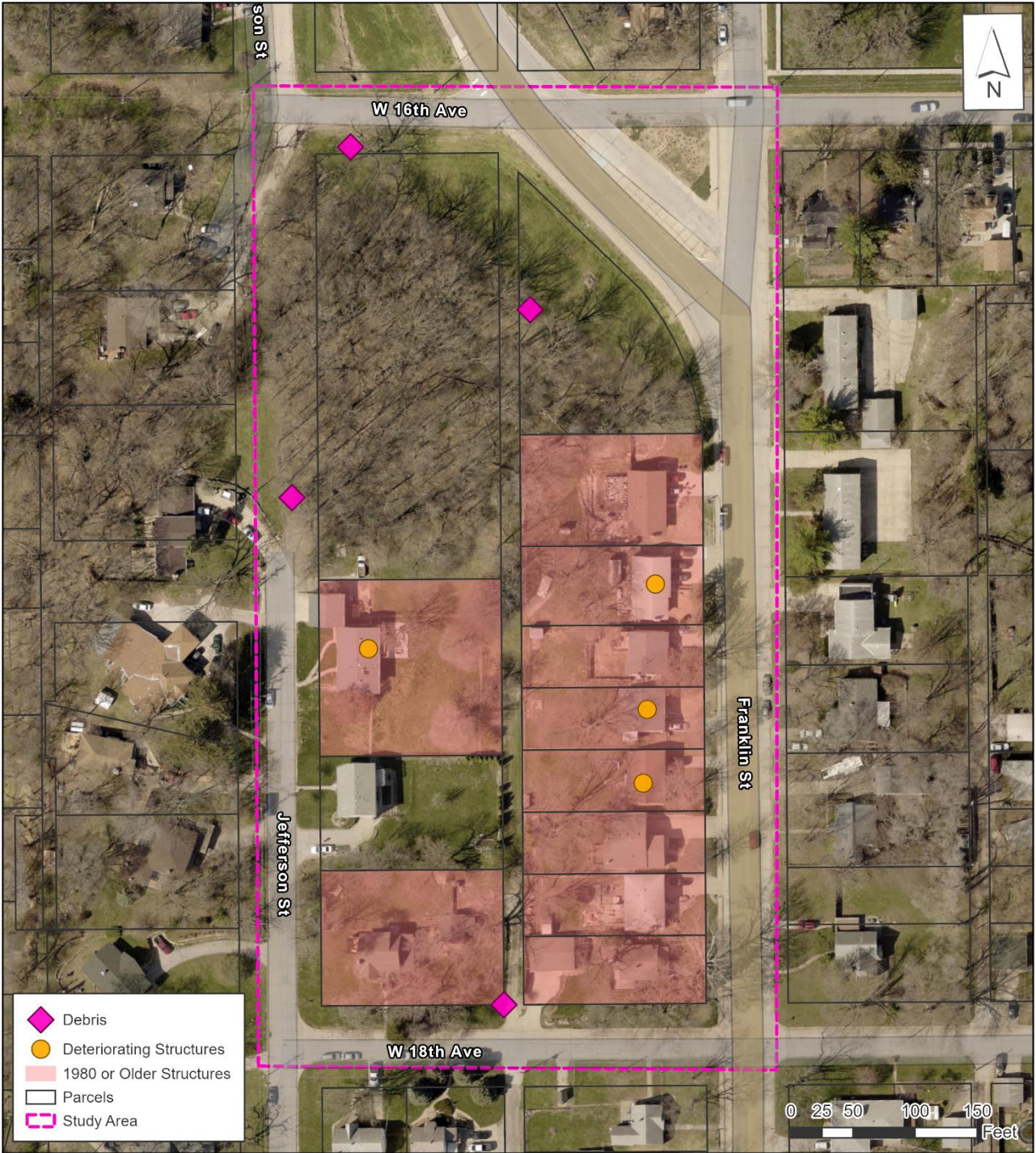
On the northern portion of the study area near the existing 16th street, standing stagnant water was observed. This poorly drained area with standing water can harbor and create breeding grounds for mosquitoes which can convey illnesses and diseases to humans.

Age of Structures

Structures constructed prior to 1978 may contain lead-based paint which can pose health and human development risks to children with chipping or peeling.

As a result, this factor is considered to be contributing the recommended blight designation.

Figure 4: Potential Hazards of Site



City of Bellevue, NE

Jefferson Place Blight Study

Potential Hazards



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Any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability.

Economically undesirable

Economic and functional obsolescence is present with the lack of infrastructure including streets, sidewalks, utilities, and a controlled storm drainage system. This makes it difficult for these properties to compete in the marketplace. As a result, it is considered a substantial contributor to the Jefferson Place Blight Study Area to be considered blighted.

Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:

The average age of the residential units in the area is at least 40 years. The average age of the residential structures in 61 years (1959.9).

SUBSTANDARD CRITERIA

A **substandard area** shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the following:

Dilapidation/deterioration

As part of the Blight and Substandard Study, a Structural Conditions Survey was completed along with an analysis of the land-use patterns in the Jefferson Place Blight Study Area.

A total of 36% of the structures within the designated study area were graded as deteriorating. This is not considered a significant contributing factor.

Age or obsolescence

Information regarding the age of the permanent structures within the Jefferson Place Blight Study Area was provided by the Sarpy County Assessor's Office.

The average age of the residential structures in 61 years, therefore, this is considered a contributing substandard factor.

Inadequate provision for ventilation, light, air, sanitation, or open spaces

Poor Drainage and Sanitation

The Jefferson Place Blight Study Area has minor storm drainage issues and eroding. This is not considered significant to be considered a contributing factor.

Other Substandard Conditions

The existence of conditions which endanger life or property

Vegetation Overgrowth

There is significant tree, brush, and weed overgrowth in the vacant areas of the study area. This can contribute to harboring rodents and vermin as well as pose a potential fire danger during drought or dry spells.

Sidewalks

The lack of sidewalks, including accessible crosswalks, inhibits pedestrian movement through or on the study area.

Poor Drainage

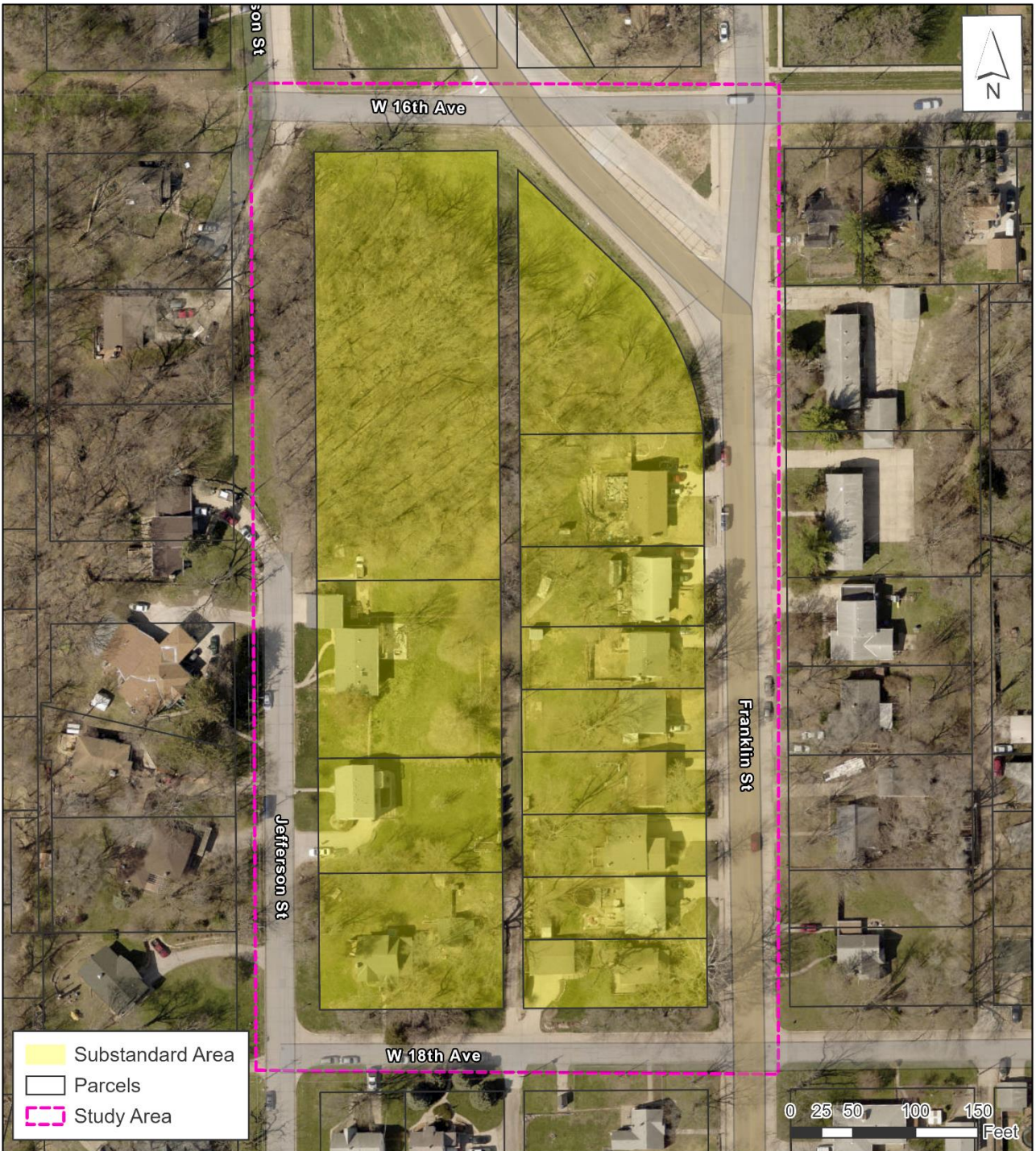
On the northern portion of the study area near the existing 16th street, standing stagnant water was observed. This poorly drained area with standing water can harbor and create breeding grounds for mosquitoes which can convey illnesses and diseases to humans.

Age of Structures

Structures constructed prior to 1978 may contain lead-based paint which can pose health and human development risks to children with chipping or peeling.

As a result, this factor is considered to be contributing the recommended blight designation.

Figure 5: Parcels Showing Blight and Substandard Criteria



City of Bellevue, NE

Jefferson Place Blight Study

Characteristics of Blight and Substandard Area



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Blighted and Substandard Findings

The Jefferson Place Blight Study Area has many items contributing to the blight and substandard conditions. Based on the information collected and analyzed pursuant to Nebraska Revised Statutes, the area has various items that were considered beyond the remedy and control of the normal regulatory process of the City of Bellevue or impossible to reverse through the ordinary operations of private enterprise. These conditions include:

Table 1: Summary Matrix

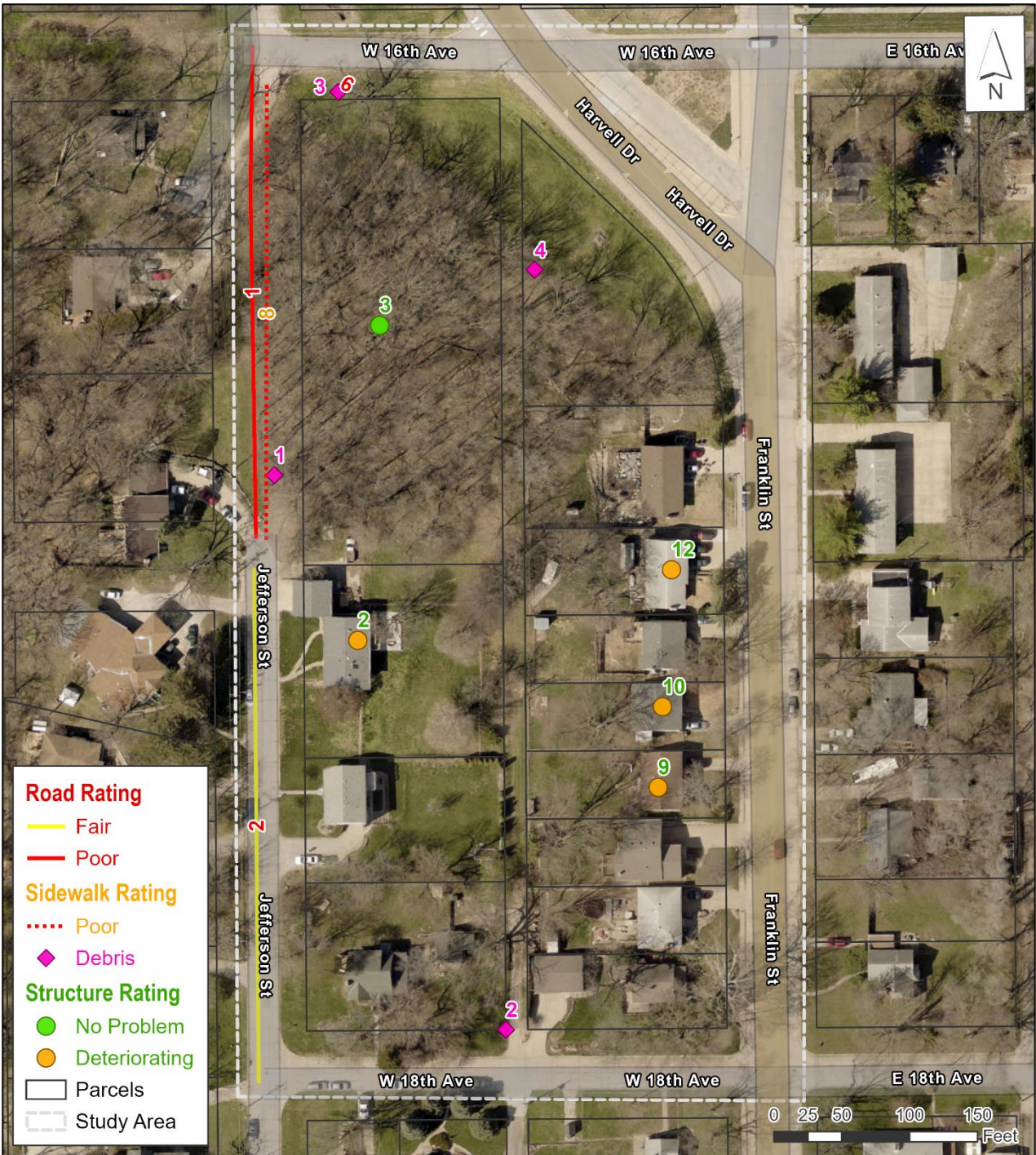
Criteria	
Structure condition	No
Street layout	Yes
Faulty lot layout	Yes
Unsanitary or unsafe conditions	Yes
Deterioration of site	Yes
Diversity of owners	Yes
Tax special assessment	No
Titles conditions	No
Obsolete platting	Yes
Endanger life/property	Yes
Any combination	Yes
Age of Structure	Yes
BLIGHT TOTALS	9/12
Exterior inspection of structures	No
Age of structures	Yes
Inadequate provision for ventilation, sanitation	Yes
Other Substandard – (conducive to ill health, floodplain, endanger life)	Yes
SUBSTANDARD TOTALS	3/4
TOTALS	12/16

Conclusion

Several conditions within the Jefferson Place Blight Study Area were evaluated during the field survey which contributed to blighted and substandard conditions. The conditions showing evidence of blight are interspersed throughout the Jefferson Place Blight Study Area, and as such, parcels within the boundaries of the Jefferson Place Blight Study Area are recommended for further action.

It is the professional opinion of the consultant, based on the information collected and analyzed pursuant to Nebraska Revised Statutes, that the Jefferson Place Blight Study Area contains the required conditions that would warrant a designation as blighted and substandard by the City of Bellevue and the Community Redevelopment Authority. The City of Bellevue should review this Blight and Substandard Study, and if satisfied with the findings contained in this study, may, by resolution, designate the Jefferson Place Blight Study Area as “Blighted and Substandard” as provided for in the Community Development Law.

Appendix A
Photo Exhibit



City of Bellevue, NE

Jefferson Place Blight Study

Photo Guide



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Infrastructure Location 1



Location 2



Location 3



Location 3



Location 8



Debris Location 1



Location 2



Location 3



Location 4



Site and Structures Location 1



Location 3



Location 9



Location 10



Location 12



end