

BELLEVUE PLANNING COMMISSION

Thursday, October 28, 2021 6:00 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 September 23, 2021 Regular Meeting

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

2. CONSENT AGENDA/PUBLIC HEARINGS:

3. PUBLIC HEARINGS:

a. Request to rezone Lots 154 through 196, and Outlots "F" through "I," Spring Ridge, being a platting of Tax Lot 12, Tax Lot 13A, Lot 2 Bohac Addition, and Outlot B, Green Meadows, all located in the Southwest $\frac{1}{4}$ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, NE, from AG and BG to RA, BG, and RG-8-PS 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.

b. Request for site plan approval for Lot 2, Fontenelle Replat 1, for the purpose of rebuilding an eleven-unit apartment building. Applicant: Mark Sanford. General Location: Forest Drive and Hackberry Court. Case #: Z-2109-17.

c. Request to rezone Lot 1C, Except Part for NRD, Palmtag's Subdivision; That part of Tax Lot F1A and Part of Tax Lot J southwesterly of NRD taking; and Tax Lot F1B and Part of Tax Lot H; all located in the Southwest $\frac{1}{4}$ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE, from BNH to ML for the purpose of industrial development. Applicant: Zapo, LLC. General location: Fort Crook Rd. S. and Fairview Rd. Case #: Z-2109-15.

d. Request to rezone Lots 1 and 2, Marchio's Subdivision Replat 1, being a replat of Lot 1, Marchio's Subdivision, from RE to RS-120 for the purpose of single-family residential development; and small subdivision plat Lots 1 and 2, Marchio's Subdivision Replat 1. Applicant: Sebastian Enzolera. General location: 421 Bellevue Blvd N. Case #'s: Z-2109-16 and S-2109-22.

e. Request to rezone Lot 1, Fort Crook Addition, from BG to ML for the purpose of outdoor storage. Applicant: Aksarben Fence and Gate, Inc. General Location: 12809 South 9th Street. Case #: Z-2109-13.

f. Request to rezone the North $\frac{1}{2}$ of the East 35.2' of Lot 2, and the North $\frac{1}{2}$ of Lot 3, Tiller's Hillcrest Addition, from RS-84 to RD-60 for the purpose of duplex residential. Applicant: B J Justice. General location: 210 Galvin Road North. Case #: Z-2109-14.

4. CURRENT BUSINESS

a. Election of Officers

5. ADJOURNMENT



MINUTE RECORD

Bellevue Planning Commission Meeting, September 23, 2021, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, September 23, 2021, at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Compton, Aerni, Ackley, Hankins, and Jacobson. Absent were Ritz and Cutsforth. Also present were Tammi Palm, Planning Manager, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Bellevue Leader 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.

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

Motion was made by Casey, seconded by Hankins, to approve the minutes of the August 26, 2021, regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

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

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

Ackley explained the public hearing procedures.

The following item was on the Consent Agenda:

Item 2.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 wavier of Section 6-7 (7), Subdivision Regulations. Applicant: Alice Kunes. General location: 10507 Cedar Island Road. Case #'s: Z-2108-12, S-2108-22.

There was no one present to speak in favor of, or in opposition to this request.

MOTION was made by Jacobson, seconded by Perrin to recommend APPROVAL of 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 wavier of Section 6-7 (7), Subdivision Regulations. APPROVAL of the consent agenda as presented. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON October 19, 2021.

PUBLIC HEARING was held on 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.

Ackley asked staff for an update. Palm stated the application is for site plan approval for a car wash at the intersection of 22nd Street and Capehart Road. She stated the area was originally platted in 2002 with a site plan for a 14,000 square foot retail building in this location. Palm stated there have been several replats since the original platting. She said the Public Works Department has reviewed the site plan in terms of access and traffic flow and approved it. She stated a car wash is a permitted use in the BG zoning district.

Kurt Daniels, 8 E. Main Street, Wentzville, MO., was present on behalf of the applicant. Daniels displayed a power point presentation of the design and layout of the building and site. He stated staff did an excellent job of detailing the plan in their report. He stated the site is 1.3 acres with the car wash and entrance on the east side of the lot. Daniels stated the west side of the lot would be 16 vacuum bays, three employee parking spots, and one ADA (Americans with Disabilities Act) accessible parking spot.

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

MOTION was made by Aerni, seconded by Casey to recommend APPROVAL of a request for site plan

MINUTE RECORD

Bellevue Planning Commission Meeting, September 23, 2021, Page 2

approval for Lot 1, Tregaron Towne Centre Replat Six, for the purpose of a car wash. APPROVAL based upon conformance with the Zoning Ordinance and the Comprehensive Plan. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON October 19, 2021.

PUBLIC HEARING was held on a 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.

Ackley asked staff for an update. Palm stated the application is to declare an area bound by West 16th Avenue on the north, West 18th Avenue on the south and between Franklin and Jefferson Streets on the east and west sides as blighted and substandard.

Jeff Ray, 11213 Davenport Street, Suite 200, Omaha, NE was present on behalf of the applicant. He stated he wrote the study and did the field work. He stated representatives for this application met with some of the neighbors on Tuesday, September 21, 2021, to answer questions regarding the blight and substandard determination study and the proposed development which will come before the Commission at a later date. Ray stated blighted and substandard was the title given by the state legislators, and to change this title a referendum would be needed and then presented to the legislation for a vote. He stated this is an arduous process, so an ugly title remains for something that is an economic development tool. Ray stated there are three major steps for a blighted and substandard area: declare it blighted and substandard, develop a redevelopment plan, and finally implement the plan with Tax Increment Financing (TIF) to alleviate some of the conditions identified in the redevelopment plan. He said the pictures and the maps in the study show the blighted and substandard conditions in the area. Ray stated both blighted and substandard conditions were found in the study areas at 16th Avenue and Franklin Street and 18th Avenue and Jefferson Street. He said he found a lack of, or poorly rated sidewalks, streets not considered feasible by the city's Public Works Department, and some lots were irregular and had limited accessibility. Ray stated some areas were considered unsafe or unsanitary with debris piles and standing water which promotes mosquitos, vermin, and rodents. He stated structures built prior to 1970 may contain lead-based paint. Ray stated 90 percent of the homes in the area are over forty years of age. He said in this area all of the parcels had at least one of the statutory characteristics and most of them had multiple statutory characteristics of being blighted and substandard.

Andrew Willis, 233 South 13th Street, Lincoln, NE, stated he was the attorney representing the applicant. He stated the criteria for blighted and substandard is defined in the Community Development Laws. He stated the blight and substandard designation does not have an effect on property values and is merely a positive and beneficial tool for the city and developer.

Anthony Boyd, 1701 Jefferson Street, Bellevue, NE, stated his home was in the area of the blighted and substandard application. He stated the statute does not require a minimum area to be blighted and substandard so including the rest of the neighborhood is unwarranted. Boyd stated Nebraska statute 58-504 subsection (8) says; "the board may modify or return area applications or approve a smaller blighted and substandard area that is contained within the area proposed without additional notice or publication if in the public interest." He said he can speak for all the neighbors in the area that it would be in the public's best interest not to include their homes in this area. Boyd stated the pictures in the study show a cracked driveway which can be simply fixed, and the street layout would not be improved with the new development, it would be made worse. He stated all the lots in the area are adequately sized and shaped except for the lots purchased by Mercury Builders which are also the lots that have the vegetation overgrowth. Boyd stated the poor drainage in the area on 16th street is a Public Works problem. He stated lack of sidewalks and the vague criteria of the blighted study would describe 90% of Olde Towne Bellevue. Boyd quoted Nebraska State Statute 18-2101 and said this project will not alleviate the burden on taxpayers it will only increase it. Boyd asked if any follow up on the study had been done by the Planning Department.

Bernard Kusek, 1802 Jefferson Street, Bellevue, NE, stated the neighborhood is well kept and has been home for many of the neighbors for many years. He stated the new development will not fit with the neighborhood. Kusek stated he does not want the extra traffic.

There was no one else present to speak in favor of, or in opposition to this request. Subsequently,

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Ackley closed the public hearing.

Ray stated the characteristics of the study exist throughout the neighborhood; not just on the northern portion owned by the applicant. He stated some of the homes are deteriorating per HUD (Housing and Urban Development) standards. Ray stated many of the homes are built across lot lines due to the smaller lots in the area.

Casey asked how many neighbors attended the community meeting. Ray stated there were ten or eleven neighbors who attended. He stated they tried to address the neighbors' questions regarding the blighted study as well as the proposed development. Casey asked if some of the same concerns of tonight's meeting were addressed at the community meeting. Ray stated a neighbor said a realtor told them they would have a difficult time selling their home. He stated they were not aware of that situation anywhere in the State of Nebraska in areas being declared blighted and substandard.

Willis stated blighted and substandard declarations are not recorded against the property. He stated it is public record and the public can request information about blighted and substandard areas from the City of Bellevue. Willis stated it is a basic tool for redevelopment and has no bearing on the valuation of the property.

Palm stated within the last ten to twelve years the city did bring forward an application to designate the Mission Avenue corridor as blighted and substandard. She said that blighted area is from Lincoln Road on the west side and down Mission Avenue to the edge of the residential district on the east side, one block north and one block south of Mission Avenue, and along Franklin Street north to 19th Avenue which is within a few blocks of this area.

Ackley stated there was also an area along Highway 370 that was declared blighted and substandard which included a six-block area near the proposed redevelopment area. Palm stated generally a blighted and substandard study encompasses more than one or two properties. Discussion ensued regarding areas in Bellevue that are currently designated as blighted and substandard.

Ackley stated potential development for this area has not been brought to the Commission and tonight's discussion is regarding the blighted and substandard designation only. He stated this is a two-step process; the first being the blighted and substandard designation, and the next step is the redevelopment plan with the request for TIF. Ackley stated Mr. Boyd's question regarding what amount of TIF the applicant would collect cannot be answered until a redevelopment plan is applied for. He stated if the applicant made application for the blighted and substandard on the vacant lots they would not qualify for the TIF. He stated it is upsetting for some of the neighbors to have this designation. Ackley stated the study meets the statutory requirements. Discussion ensued regarding the statutory requirements.

Aerni asked the applicant to explain why they selected this area and not an area three times its size. Ray stated in the study they looked at boundaries that were easily identifiable. He stated there is no reason to include an area three times this size when there is no benefit to the city in doing so. Aerni asked Ray if all the homes in this area did not fall under the deteriorating category would they still include them in the request. Ray stated structural conditions and deterioration of the homes were not significant enough to include them as a contributing factor. Discussion ensued regarding the criteria of the study.

Jacobson stated the study listed several potentially unsafe items like sidewalks, overgrowth, and poor drainage, that may endanger life and property. He asked if the intent was to justify the TIF request, or should those items be resolved with the site plan and redevelopment agreement. Palm those items are pointed out for the purpose of the blighted and substandard designation. Jacobson asked if homeowners would also be eligible for TIF financing. Palm stated individuals could be eligible if they met the statutory requirements. Jacobson asked if the applicant had discussions with various departments (Police, Fire or Streets) regarding these unsafe conditions or if his report was based upon professional observation. Ray stated it was through his professional observation of the field analysis, County Assessor data, and conversations with the Public Works Director regarding the condition of Franklin Street.

MOTION was made by Jacobson, seconded by Aerni to recommend APPROVAL of a 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.

MINUTE RECORD

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APPROVAL based upon the Planning Department's recommendation and analysis this designation 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 October 19, 2021.

Meeting adjourned at 8:12 p.m.



Dianna Van Horn
Planning Secretary



City of Bellevue
Planning Department
1510 Wall Street • Bellevue, Nebraska 68005
(402) 293-3026

3.a.

MEMORANDUM

TO: Planning Commission
FROM: Tammi Palm, Planning Manager
DATE: October 21, 2021
RE: Spring Ridge Preliminary Plat/Rezoning

At the August 26, 2021 Planning Commission meeting, the Spring Ridge preliminary plat and rezoning actions were continued to the October 28, 2021 Planning Commission meeting per the applicant's request.

Staff is requesting this item be continued indefinitely to allow the applicant and his engineering team time to revise the previously submitted preliminary plat.

3.b.

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT #1

CASE NUMBERS: Z-2109-17

FOR HEARING OF:

REPORT #1: October 28, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Mark Sanford
1306 N 162nd Street
Omaha, NE 68118

B. PROPERTY OWNER:

MFR Partners XVI LLC
735 Lake Street East
Wayzata, MN 55391

C. GENERAL LOCATION:

Hackberry Court and Forest Drive

D. LEGAL DESCRIPTION:

Lot 2, Fontenelle Replat 1, located in the Southwest $\frac{1}{4}$ of Section 24, T14N, R13E
of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

Site Plan Approval for Lot 2, Fontenelle Replat 1.

F. EXISTING ZONING AND LAND USE:

RS-120-PS, Multi-Family Residential

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain site plan approval for the purpose of rebuilding an 11-unit apartment building.

H. SIZE OF SITE:

The site is approximately 15 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed as a multi-family residential development.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** RS-120-PS (Single-family Residential/across West Martin Drive)
- 2. **East:** RS-120-PS (Single-family Residential/across West Martin Drive)
- 3. **South:** RS-120-PS (Single-family Residential) and RE (Residential Estates)
- 4. **West:** RS-120-PS (Single-family Residential) and RE (Residential Estates)

C. REVELANT CASE HISTORY:

1. On August 14, 1998, the small subdivision plat of Lots 1 and 2, Fontenelle Replat I, being a replat of Lot 235, part of Lot 221 (A.K.A. Lot 221B) and Lot 236 (A.K.A. Lot 236B), Fontenelle, and all of Tax Lot 24-B in Section 24, and part of Tax Lot 9A2A1 (A.K.A. Tax Lot 9A2A1B), located in Section 25, all in T14N, R13E of the 6th P.M., Sarpy County, Nebraska, was administratively approved.

D. APPLICABLE REGULATIONS:

- 1. Section 5.08, Zoning Ordinance, regarding RS-120 uses and requirements.
- 2. Section 5.17, Zoning Ordinance, regarding PS uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan shows this area as multi-family residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data available for this location.
2. The proposed development will have access from Hackberry Court connecting to Forest Drive.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Mark Sanford, on behalf of Elevate Living, LLC, has submitted a request for site plan approval for Lot 2, Fontenelle Replat 1, for the purpose of an apartment building.
2. The proposal consists of 11 units in a three-story apartment building. The proposed building would replace an 11-unit apartment building (Building #24) located on the other side of the apartment complex near West Martin and Greenbrier Court destroyed by fire in March 2021.
3. The April 20, 1967 zoning ordinance which approved the Fontenelle Hills development, allowed for this multi-family residential development in an RS-120 zoning district. As such, the applicant will not need to request a change of zone since it is allowed by the original ordinance. The -PS overlay does require site plan approval.
4. The proposed site plan shows the new building will be relocated and placed where the existing basketball court sits. Due to steep hill slopes on the original site of Building #24, the applicant would not meet 5% grade or ADA Egress Guidelines. This new location meets the 5% grade and ADA egress guidelines.
5. Hackberry Court is a private street maintained by the apartment complex. There is an existing ingress-egress easement recorded for this street.
6. The site plan shows twenty-two total parking stalls. Two of the twenty-two are ADA accessible. The ordinance requires a minimum of twenty-two parking stalls.
7. Since the original basketball court is being removed to facilitate construction of the new building, the site plan proposes a new half basketball court adjacent to the pool on the north side, for the recreation of the residents. The previous building location and parking area will be turned into green space.
8. 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.

9. The Future Land Use Map of the Comprehensive Plan designates this property as multi-family residential.

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 October 20, 2021
4. Alta Survey received September 24, 2021
5. Letter from Marty & Nancy Giff received October 20, 2021

VII. COPIES OF REPORT TO:

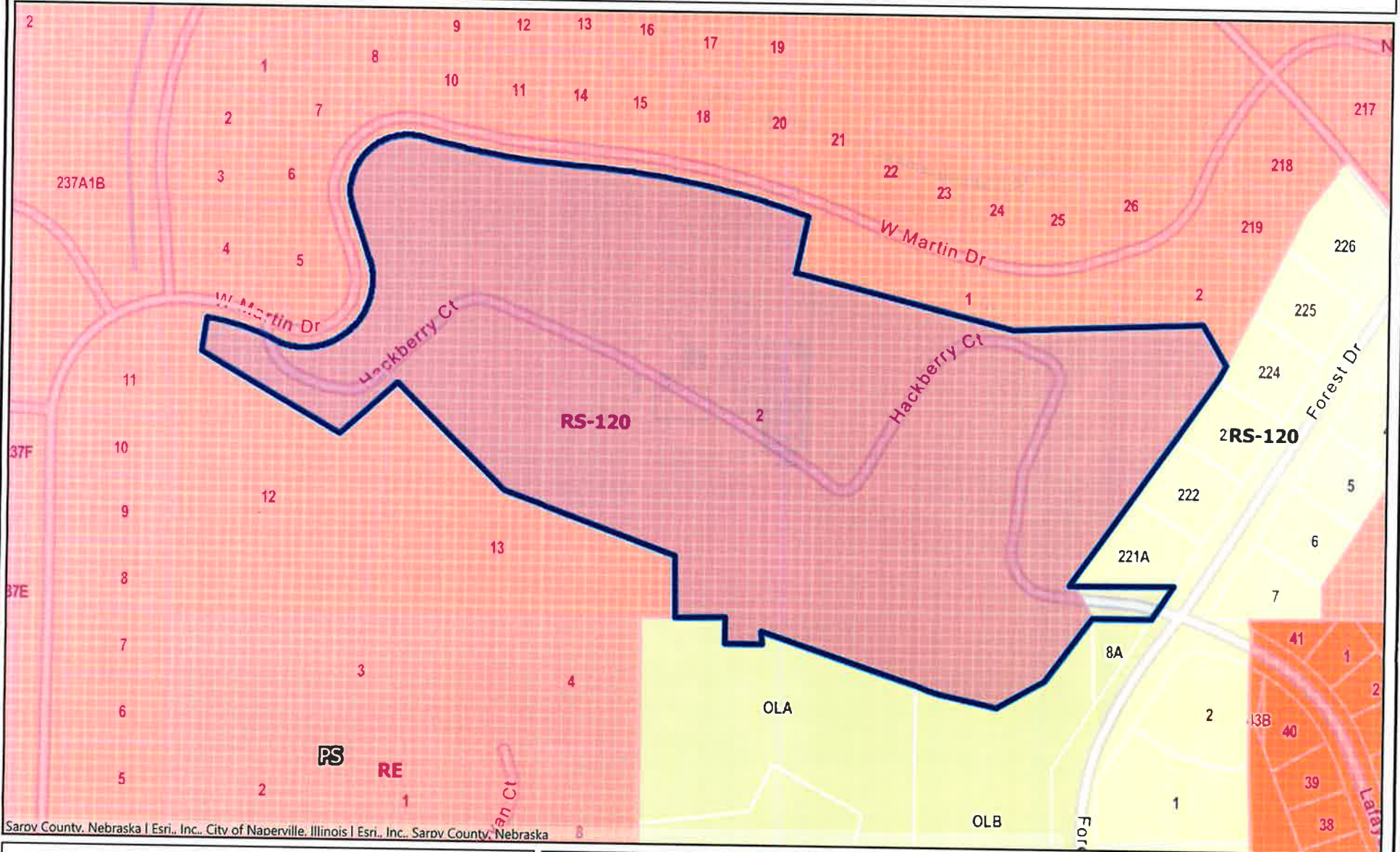
1. Mark Sanford
2. Tom Pennington, Elevate Living, LLC
3. Thomas Jizba, Atlas Engineering
4. David Levy
5. Public Upon Request


Assistant Planning Manager

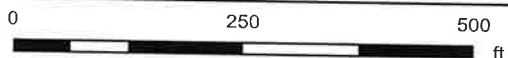

Planning Manager Date of Report 10/21/21



Lot 2 Fontenelle Replat 1

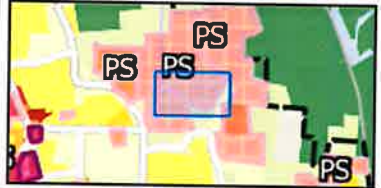


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 3185

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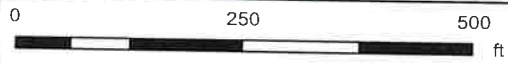


Notes





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Map Scale 1: 3185

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Notes



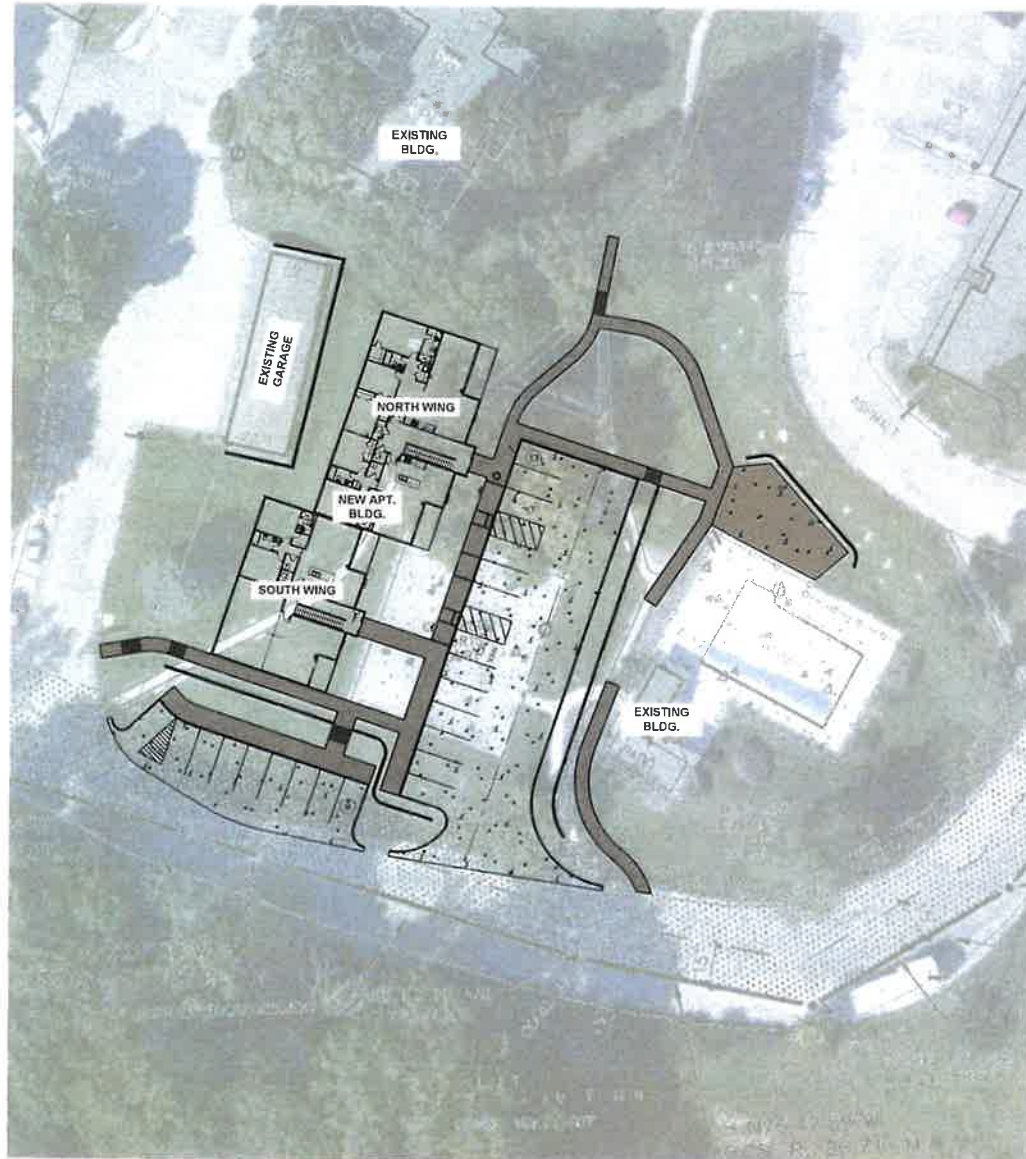
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OCT 20 2021

PLANNING DEPT.

S_SITE.dwg

10/19/2021



SITE LAYOUT LEGEND

- PROPOSED 7" CONCRETE (NDOT 47B-3500PSI)
- PROPOSED 5" CONCRETE W/ 4" AGG. SUBGRADE ATOP GEOGRID (NDOT 47B-3500PSI)
- PROPOSED 5" CONCRETE WALK (NDOT 47B-3500PSI)
- CONCRETE INTEGRAL CURB



PAVING NOTES:

- 1 ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED
- 2 PAVEMENT SUBGRADE TO A DEPTH OF 12 INCHES AND A WIDTH OF 2 FEET OUTSIDE PAVEMENT EDGES SHALL BE COMPACTED AS SPECIFIED IN THE COMPACTION REQUIREMENTS TABLE ON GEOTECHNICAL REPORT
- 3 THE CONTRACTOR SHALL CONTACT THE GEOTECHNICAL ENGINEER TO OBSERVE THE SUBGRADE PRIOR TO PAVEMENT PLACEMENT TO DELINEATE ANY AREAS WHERE SUBGRADE OVEREXCAVATION MAY BE REQUIRED
- 4 SUBGRADE SHALL BE MOIST PRIOR TO THE POURING OF CONCRETE
- 5 AT THE LOCATION OF WHEELCHAIR RAMPS CONTRACTOR SHALL DROP THE CURB IN ACCORDANCE WITH CITY OF OMAHA STANDARD PLATE 504-01
- 6 THE CONTRACTOR IS REFERENCED TO THE FOLLOWING CITY OF OMAHA STANDARD PLATES:
501-01 CONCRETE PAVEMENT JOINTS
502-01 CONCRETE CURBS
505-01 SEGMENTED RETAINING WALL (NOTE: GEOGRID REINFORCEMENT TO BE INSTALLED EVERY OTHER BLOCK COURSE)
505-01 R.C.C. STAIRS
- 7 CONCRETE MIX SHALL BE TYPE I IN ACCORDANCE WITH CITY OF OMAHA STANDARD PLATE 504-01 UNLESS OTHERWISE NOTED
- 8 CURBS SHALL BE TYPE A IN ACCORDANCE WITH CITY OF OMAHA STANDARD PLATE 504-01 UNLESS OTHERWISE NOTED
- 9 CONCRETE PAVEMENT SHALL BE CURED USING A LIQUID MEMBRANE FORMING COMPOUND AT THE CONCENTRATIONS AND APPLICATION RATES RECOMMENDED BY THE MANUFACTURER
- 10 WATER REDUCING ADMIXTURE SHALL BE ADDED TO ALL HAND-PLACED AND FINISHED CONCRETE
- 11 ALL CONCRETE SHALL BE FINISHED WITH A WET BURLAP OR CANVAS DRAG
- 12 CONCRETE PAVEMENT JOINTS SHALL NOT EXCEED 12'-0". ALL PANELS SHOULD BE SQUARE OR NEARLY SO. THE LENGTH OF THE PANEL SHALL NOT EXCEED 1.5 TIMES THE WIDTH
- 13 WHERE APPLICABLE, JOINTS SHALL MATCH EXISTING JOINT PATTERN
- 14 ALL JOINTS SHALL BE SAW-CUT AND SEALED WITH HOT POUR SEALANT TO WITHIN 1/4" OF CONCRETE SURFACE
- 15 CONTRACTOR TO PLACE 1" EXPANSION MATERIAL WHERE CONCRETE ABUTS BUILDING
- 16 THE BARS SHALL BE UTILIZED AT ALL LOCATIONS WHERE PROPOSED CONCRETE IS TYING INTO EXISTING CONCRETE. THE BARS SHALL BE #5 AT 18" IN LENGTH AND PLACED AT 33" O.C. AT MID DEPTH OF THE SLAB
- 17 ALL REBAR SHALL BE EPOXY COATED
- 18 1" EXPANSION JOINT SHALL BE INSTALLED WHERE DRIVEWAYS AND/OR SIDEWALKS ABUT AND SEALED WITH HOT POUR SEALANT

PAVEMENT MARKING NOTES:

- 1 PAVEMENT MARKINGS SHALL BE 4" WHITE PIGMENTED PAVEMENT MARKING PAINT. APPLY PER MANUFACTURERS RECOMMENDATIONS
- 2 PAVEMENT MARKING PAINT SHALL BE IN ACCORDANCE WITH CITY OF OMAHA STD. SPECIFICATION SECTION 905.02(A) OR APPROVED EQUIVALENT
- 3 HANDICAP MARKINGS SHALL BE PER MUTCD STANDARDS

SIDEWALK NOTES:

- 1 SIDEWALK SUBGRADE TO A DEPTH OF 8 INCHES AND TO A WIDTH OF 6 INCHES OUTSIDE OF THE SIDEWALK EDGES SHALL BE COMPACTED AS SPECIFIED IN THE COMPACTION REQUIREMENTS TABLE OR THE GEOTECHNICAL REPORT
- 2 THE CONTRACTOR IS REFERRED TO THE FOLLOWING CITY OF OMAHA STANDARD PLATES:
504-01 SIDEWALK
504-01 CONCRETE CURB RAMP
- 3 ALL SIDEWALKS SHALL BE CONSTRUCTED WITH 1.5% MAX CROSS SLOPE AND 4% MAX RUNNING SLOPE UNLESS PARALLEL AND MATCHING EXISTING STREET GRADE
- 4 SIDEWALK JOINT SHALL BE SQUARE NO LARGER THAN 7x7 PANELS
- 5 CONCRETE PAVEMENT SHALL BE CURED USING A LIQUID MEMBRANE FORMING COMPOUND AT THE CONCENTRATIONS AND APPLICATION RATES RECOMMENDED BY THE MANUFACTURER
- 6 WATER REDUCING ADMIXTURE SHALL BE ADDED TO ALL HAND PLACED AND FINISHED CONCRETE
- 7 WHERE SHOWN ON PLANS CURB RAMPS SHALL INCLUDE CAST IRON REPLACEABLE DETECTABLE WARNING PANELS (TRUNCATED DOME) WHICH COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. APPROVED TYPES ARE:
IRON DOME BY ADA SOLUTIONS INC.
DETECTABLE WARNING PLATE 408 BY DEETER FOUNDRY INC.
DURABLAST DETECTABLE WARNING PLATE BY EAST JORDAN IRON WORKS
TUFTLE CAST IRON TILES BY TUFTLE INC.
ADVANTAGE TACTILE CAST IRON DETECTABLE WARNINGS
- 8 DETECTABLE WARNING PANELS SHALL BE "BRICK" COLOR OR APPROVED EQUAL

General Notes

GENERAL NOTES

- 1 ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF OMAHA STANDARD SPECIFICATIONS, LATEST EDITION UNLESS NOTED OTHERWISE ON PLAN
 - 2 MECHANICAL, ELECTRICAL AND ARCHITECTURAL ELEMENTS SHOWN ON THE CIVIL PLANS ARE FOR INFORMATION ONLY. REFER TO THE APPROPRIATE DISCIPLINE DRAWINGS FOR DETAILS ON THESE ITEMS
 - 3 ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE HAULED OFF-SITE AND DISPOSED OF PROPERLY AT THE CONTRACTOR'S EXPENSE
 - 4 THE CONTRACTOR SHALL PAY ALL PERMIT AND OTHER ASSOCIATED FEES AND COSTS RELEVANT BY LOCAL, STATE AND FEDERAL AGENCIES
 - 5 CONTRACTOR SHALL FIELD VERIFY ALL EXISTING ELEVATIONS AND MARKETS PRIOR TO ANY CONSTRUCTION AND IF EITHER VARY SIGNIFICANTLY FROM THOSE SHOWN, CONTACT THE ENGINEER IMMEDIATELY
 - 6 CONTRACTOR SHALL COORDINATE WITH THE UTILITY COMPANIES FOR ANY RELOCATION OF EXISTING UTILITIES
 - 7 THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH A CONSTRUCTION RECORD SET OF DRAWINGS SHOWING TIES AND DEPTHS OF ALL SUBURSTS, BENDS, AND FITTINGS
- REMOVAL NOTES:
- 5 NO TREES SHALL BE REMOVED WITHOUT APPROVAL OF THE ENGINEER. TREES SHALL BE REMOVED ONLY WHERE THEY INTERFERE WITH CONSTRUCTION OF THE PROJECT
 - 4 PAVEMENT REMOVAL ALONG PAVEMENT THAT IS TO REMAIN SHALL BE SAW CUT FULL DEPTH. SAWCUTTING SHALL BE CONSIDERED SUBSIDIARY
 - 5 CONTRACTOR IS RESPONSIBLE FOR LAWFUL REMOVAL & DISPOSAL OF ALL ITEMS
 - 6 CONTRACTOR SHALL FIELD VERIFY EXISTING WATER AND SANITARY SERVICE LOCATIONS

REV	DESCRIPTION	DATE
1	CSWP - RESPONSE COMMENTS	10/19/21



Fontenelle Hills Relocation & Re-Building of Fire Damaged Building #24 Located at 802 Hackberry Court
ELEVATE LIVING MGMT., LLC

Project Name	NEW SITE PLAN	Sheet	C100
Date	10/19/2021	Scale	1" = 20'



Giff Property Services

2211 Thurston Circle, Bellevue, NE 68005 402-557-5999

October 20, 2021

City of Bellevue, Nebraska
Planning Department & Planning Commission
1510 Wall Street
Bellevue, NE 68005

Re: Site Plan Approval
Lot 2, Fontenelle Replat 1
Fontenelle Hills Apartments
Case #Z-2109-17

RECEIVED

OCT 20 2021

PLANNING DEPT.

Planning Department & Commission Members,

I am writing to voice my firm OPPOSITION for the site plan approval to construct an 11-unit apartment structure on the portion of the Fontenelle Hills Apartments that is currently used as it's recreation and pool area for the following reasons:

1. The original approval to zone and develop the Fontenelle Hills Apartment property was based on an approved site plan. That plan included a recreational area for the apartments near Forest Drive and Hackberry Court. The requested site plan modification relocates a structure destroyed by fire 750 feet from the original foundation, infringes on the recreation area, and eliminates the basketball court. It does not mirror the original plan or the original use intent.
2. The reason for the site plan modification was indicated to be accessibility concerns for a new structure. The Fontenelle Hills Apartment are built on rolling hillsides. Accessibility has, and will always be an issue. The property owner acquired the complex with these site grade and accessibility issues. Having to deal with the pre-existing issues for construction of a new structure is not justification for site plan modification. It has been overcome with construction of the last two apartment structures, one of which is still being built.
3. The complex was originally locally owned and a signature property in the community. It has changed ownership three times since I built my home and is currently owned by a Minnesota entity that is profit driven. Thus the complex is in below average condition. Maintenance is done with "cosmetic band-aids" rather than actual repairs, apparently to reduce expenses and increase profits. I do not desire these under-maintained improvements any closer to my home.
4. The southeast driveway to the apartments off Forest Drive is only possible because of a recorded "ingress-egress" easement. Approximately half of their driveway is on my property abutting on the south. The complex has insufficient parking as it currently exists with trees, stairways, walls and trash cans interrupting any chance of an orderly parking plan. The 22 parking stalls will not be sufficient for the residents and guests of the proposed 11 apartments. The result will be parking on my half of the easement driveway. The easement does not allow "parking".

5. There is no identified place for commercial trash containers for the new building. The existing trash containment at the complex is sickening. Commercial trash removal for the complex is normally about 4.00 am. Trash trucks , dumpster doors slamming, and dropped dumpsters are very loud and wakening. I do not want to see the trash dumpsters nor hear these interruptions any nearer to my home.
6. As existing, I have ongoing issues with mischievous and possible illegal activities happening along the easement driveway. Noise, dumping, questionable late night transactions, etc. are ongoing. Residents of the apartments are constantly trespassing on my property. Moving the apartment population closer to my property will likely cause these issues to increase.
7. Bellevue police, fire and rescue are constantly called to the Fontenelle Hills Apartments. Horns, sirens, and emergency lights are a weekly occurrence. I do not need these interruptions any nearer to my home.
8. Existing apartment structure along the south side of the complex are built into the sloping site. They have a garden level mostly below grade, and two stories above. The proposed structure will be three stories, all above grade elevation.
9. The new structure is proposed to be built on an upslope. The grade level of the proposed structure at 1169 feet is 10 feet above the current driveway elevation at 1159 feet. The three story apartment structure will have 32 foot tall walls and a roof peak height of about 42 feet. In total the structure will be about 52 feet above the driveway **towering to an elevation of 1211 feet** (1169' structure grade level + 42' structure height).

I located, positioned and constructed my home on a ridge top 60 feet above the easement driveway so it would have less negative impact from the apartment complex below. My main level is at an elevation 1215 feet. My walkout basement that overlooks the apartment recreation area is at an elevation of **1205 feet**. The proposed development will result in the apartments being above by basement floor level. This will ruin the solstice of the wildlife sanctuary for which my property serves, and it will destroy the views and privacy for which I have invested greatly.

10. A request by the prior property owner of my property at 106 Forest Drive to construct an apartment in about 1997 was rejected because it did not conform to the neighborhood.

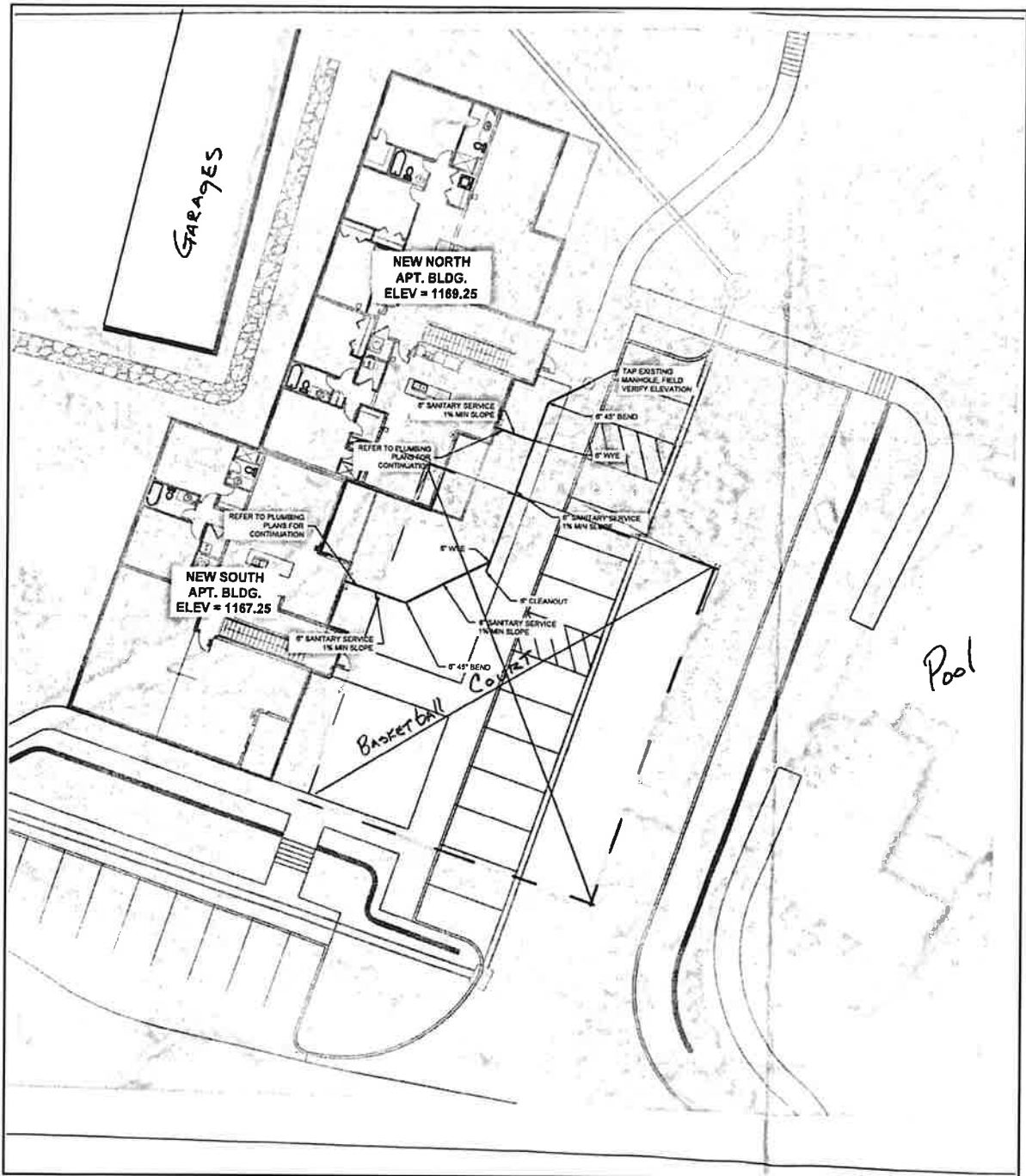
CONCLUSION & REQUEST

I ask the Planning Board Members to NOT APPROVE the site plan requested.

Thank your for your consideration,

Marty & Nancy Giff
106 Forest Drive
Bellevue, NE

(attached photos of area and complex)





Current View from my front yard



Future View from my front yard



Easement drive (only right 50% is apartment property)



Apartment dumpsters obstruct traffic & trash



Storm debris remaining 10/20/21 after summer wind storm



Poor garage maintenance



Brush dump



Concrete dump



Fontenelle Hills
AN ELEVATE LIVING COMMUNITY

(https://www.fontenellehillsapartments.com?
_yTrackUser=MTM3...xNDExNTc2MDkz-
EKmpQ87ITQg%3d...MJQ,NDE1MTA3MIMxNT...MIM-
SAoRwc9CgeQ%3d...T=15151520212010)

The image shows a banner for Fontenelle Hills with a background of a bed with white and striped pillows. The logo features a stylized mountain peak icon.

Photo Gallery



Share

Fontenelle Hills website photo



Photo Gallery



Share

Fontenelle Hills website photo

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-2109-15

FOR HEARING OF:
REPORT #1: October 28, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Zapo, Inc.
Kyle Peterson
11516 Miracle Hills Drive, Suite 400
Omaha, NE 68154

B. PROPERTY OWNER:

Fox Creek Properties LLC
4901 G Street
Omaha, NE 68117

C. GENERAL LOCATION:

Fort Crook Road South and Fairview Road

D. LEGAL DESCRIPTION:

Lot 1C, Except Part for NRD, Palmtag's Subdivision; that part of Tax Lot F1A and Part of Tax Lot J southwesterly of NRD taking; and Tax Lot F1B and Part of Tax Lot H; all located in the Southwest ¼ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE.

E. REQUESTED ACTION:

1. Rezone Lot 1C, Except Part for NRD, Palmtag's Subdivision; that Part of Tax Lot F1A and Part of Tax Lot J southwesterly of NRD taking; and Tax Lot F1B and Part of Tax Lot H; all located in the Southwest ¼ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE, from BNH to ML.

F. EXISTING ZONING AND LAND USE:

BNH, Vacant/Agricultural

G. PURPOSE OF REQUEST:

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

H. SIZE OF SITE:

The site is approximately 62.54 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The property is presently vacant and being used agriculturally.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Papio Creek
2. **East:** Papio Creek
3. **South:** Vacant/Agricultural, AG (across Fairview Rd)
4. **West:** Vacant, ML (across Fort Crook Road)

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

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

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

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

D. UTILITIES:

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

E. ANALYSIS:

1. Kyle Peterson, on behalf of Zapo, LLC., has submitted a request to rezone Lot 1C, Except Part for NRD, Palmtag's Subdivision; that Part of Tax Lot F1A and Part of Tax Lot J southwesterly of NRD taking; and Tax Lot F1B and Part of Tax Lot H; all located in the Southwest ¼ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE from BNH to ML.

2. This property is presently zoned BNH. The applicant is requesting a zoning change to ML to facilitate light industrial development. No platting is being requested at this time.

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

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

Krista Hoffart, Offutt AFB Community Planner, stated the site is not located within Offutt's Accident Potential Zones or noise contours. She did request any future industrial development not create any potentially hazardous to flight scenarios, such as emitting smoke, creating inviting areas for bird congregation, or excessive lighting.

No other comments were received on this case.

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

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

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

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

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Vicinity map/Zoning Map
2. GIS aerial photo of the property
3. Letter from Kyle Peterson received September 23, 2021

VII. COPIES OF REPORT TO:

1. Zapo, LLC/Kyle Peterson
2. Fox Creek Properties, LLC
3. Public Upon Request


Assistant Planning Manager

 10/21/21
Planning Manager Date of Report

Ft Crook Rd S and Fairview Rd



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



Map Scale 1: 9028

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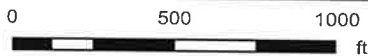
Notes



Fort Crook Rd S and Fairview Rd



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



Map Scale 1: 9028

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



Notes



11516 Miracle Hills Drive
Suite 400
Omaha, NE 68154

Main: +1 402 345 5866
colliers.com



Written Justification of Zoning Change for:
Parcel # 010629262 - TAX LOT F1B & PT OF TAX LOT H 11-13-13 (15.95 acres)
Parcel # 010629289 - PT TAX LOT F1A & PT TAX LOT J
EXC PT TAKEN FOR NRD 11-13-13 (46.23 ac)
Parcel # 010433163 - LOT 1C EXC PT FOR NRD PALMTAG'S SUBDIVISION (.36 ac)

The three parcels identified above are currently zoned BNH (Heavy Neighborhood Business) but are not currently being used for agricultural purposes. An excavation company has been placing compacted fill from construction sites in the Omaha Metropolitan Area on the property since 2016. We intend to build up to 700,000 square feet of warehouse/light industrial buildings that will phase in over a market driven period (ideally 3-5 years maximum) and such development will require a zoning change to ML (Light Manufacturing District). This use is consistent with the City of Bellevue's most recent Master Plan and development recommendations. Our ownership group feels the location of the parcels, the lack of competing properties in close proximity and ultimately the market demand for industrial product will lead to a positive outcome on the site and the surrounding area. We appreciate your consideration.

Kyle Peterson
CEO, Principal | Nebraska
Colliers

September 23, 2021

RECEIVED
SEP 23 2021
PLANNING DEPT.

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2109-16
S-2109-22

FOR HEARING OF:
REPORT #1: October 28, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Sebastian Enzolera
1609 Grove Road
Bellevue, NE 68005

B. PROPERTY OWNER:

Nicholas and Jennifer Enzolera
1609 Grove Road
Bellevue, NE 68005

C. GENERAL LOCATION:

421 Bellevue Blvd North

D. LEGAL DESCRIPTION:

Lots 1 and 2, Marchio's Subdivision Replat 1, being a replat of Lot 1, Marchio's Subdivision.

E. REQUESTED ACTIONS:

1. Rezone Lots 1 and 2, Marchio's Subdivision Replat 1, from RE to RS-120.
2. Small Subdivision plat Lots 1 and 2, Marchio's Subdivision Replat 1.

F. EXISTING ZONING AND LAND USE:

RE, Single-family Residential

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 lot.

H. SIZE OF SITE:

The site is approximately 1.07 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Proposed Lot 1 is developed with a single-family residence built in 1929, an existing garage to the north, and an existing shed to the south.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single Family Residential, RS-84
- 2. **East:** Single Family Residential, RE
- 3. **South:** Single Family Residential, RE
- 4. **West:** Single Family Residential (across Bellevue Blvd N), RS-120

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

- 1. Section 5.08, Zoning Ordinance, regarding RS-120 uses and requirements.
- 2. Chapter 5, Subdivision Regulations, regarding small subdivisions.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this property as low density 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 Bellevue Blvd North.

D. UTILITIES:

All utilities are available to serve this development.

E. ANALYSIS:

1. Sebastian Enzolera has submitted a request to small subdivision plat Lots 1 and 2, Marchio's Subdivision Replat 1. In conjunction with the plat, the applicant is requesting a change of zone from RE to RS-120.
2. The RS-120 (Single Family Residential) District is intended for the purpose of allowing single-family residential developments and other compatible uses on relatively ample sized lots.

The minimum lot size in the RS-120 zone is 12,000 square feet. Each of the proposed lots meets the minimum RS-120 zoning requirements.

3. There is an existing single-family residence, garage, and shed on proposed Lot 1. A family member intends to build a single-family residence on proposed Lot 2.
4. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Planning Director, Sarpy County Deputy County Administrator, Sarpy County Public Works Department, and 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.

5. The proposed RS-120 zoning is in conformance with the Comprehensive Plan.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

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

V. PLANNING COMMISSION RECOMMENDATION

Under Review


VI. ATTACHMENTS TO REPORT

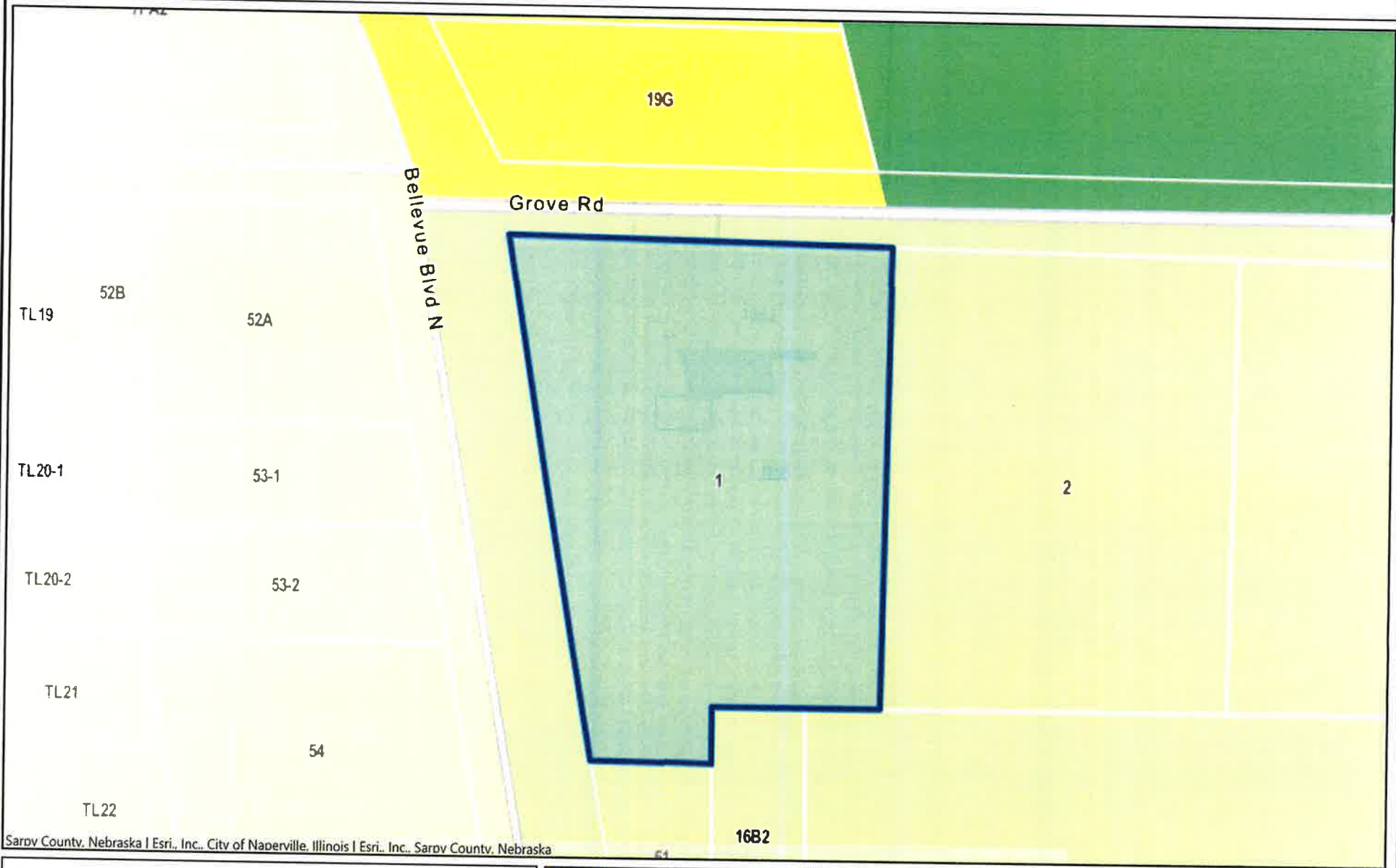
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter from the Nicolas Enzolera received September 24, 2021
4. Small Subdivision plat received October 14, 2021
5. As-built Plot Plan received September 24, 2021

VII. COPIES OF REPORT TO:

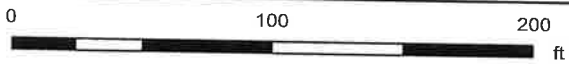
1. Nicholas Enzolera
2. Sebastian Enzolera
3. William White, Ehrhart Griffin & Associates
4. Public Upon Request


Assistant Planning Manager

 10/21/21
Planning Manager: Date of Report



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



Map Scale 1: 1128

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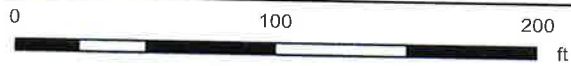


Notes





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



Map Scale 1: 1128

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Notes



To the City of Bellevue Planning Department,

My name is Nicholas Enzolera. I am requesting the re-plat of my property at 421 Bellevue Blvd. N. in order to sell the proposed vacant lot to my parents so they can build a new house on that property.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. Enzolera", is written over a horizontal line.

Nicholas Enzolera

RECEIVED
SEP 24 2021
PLANNING DEPT.

MARCHIO'S SUBDIVISION REPLAT 1

LOTS 1 AND 2,
BEING A REPLAT OF LOT 1, MARCHIO'S SUBDIVISION,
CITY OF BELLEVUE,
IN THE SOUTHEAST QUARTER OF SECTION 23,
TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE 6TH P.M.,
SARPY COUNTY, NEBRASKA.

RECEIVED
OCT 14 2021
PLANNING DEPT.

PROJECT NO.	
NO.	DESCRIPTION
DATE	BY

EHRHART GRIFFIN & ASSOCIATES
3552 Forum Street
Omaha, Nebraska 68131
402 / 551-0631

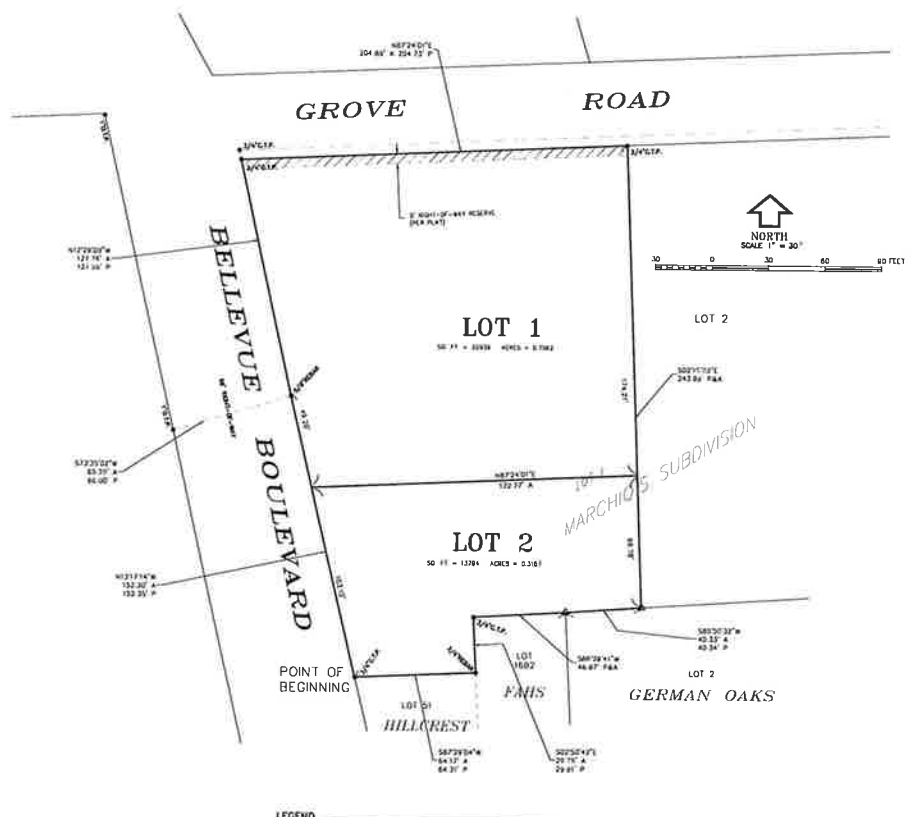
- ENGINEERING
- PLANNING
- LAND SURVEYING

MARCHIO'S SUBDIVISION REPLAT 1
A SMALL SUBDIVISION
BELLEVUE, NEBRASKA

DATE DESIGNED BY:
DRAWN BY: WAW
CHECKED BY: SRB
CREW:



SHEET NO. 1



LEGEND

3" = SET 3/4" ROUND NYSM (UND)	3.0" = STAR ORILL HOLE
5" = FOUND SURVEY POINT	"x" = CHISELED "X" IN CONCRETE
6" = TEMPORARY CONTROL POINT (ELEM)	"P" = PLAT DISTANCE
12" = LONGSHANK SPRING (UND)	"A" = ACTUAL DISTANCE
C.T.A. = OWNED TOP PINE	"R" = RECORDED DISTANCE
D.T.P. = OWNED TOP PINE	"C" = COMPUTED DISTANCE
S.C. = SET & CAP	"O.A.C." = UNLESS NOTED OTHERWISE

DEDICATION
AND ALL MEN BY THESE PRESENTS THAT WE, NICHOLAS S. ENZLEBAER AND JENNIFER A. ENZLEBAER, BEING THE OWNERS OF THE PROPERTY DESCRIBED WITHIN THIS PLAT HAVE CAUSED THE LAND TO BE REPLATED INTO LOTS TO BE NUMBERED AS SHOWN, SAID ADDITION TO BE HEREAFTER KNOWN AS MARCHIO'S SUBDIVISION REPLAT 1.

AND WE DO HEREBY RATEY AND APPROVE OF THE DEDICATION OF OUR PROPERTY AS SHOWN ON THIS PLAT. WE HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT AND UTILITIES AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBMITTED TO THE CITY OF BELLEVUE AND ADDITIONAL TO THE CITY OF BELLEVUE AND OTHER RELATED FACILITIES, AND TO EVERY INDIAN WIRELESS OR CABLES FOR THE TRANSMISSION OF SIGNALS AND SOURCE OF ALL WIRELESS AND TELEVISION SIGNALS, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECESSION ON OVER, THROUGH UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LINES, AND AN EIGHT (8) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL LOTS, NO PERMANENT BUILDINGS, UTILITY STAKING OR LINES SHALL BE PLACED IN THE SAID EASEMENT AREA, AND THE SAME MAY BE USED FOR GARDENS, DRUGS, LANDSCAPING, EDUCATIONAL, CONVEYANCE AND OTHER PURPOSES THAT DO NOT THIN OR LAZER INTERFERE WITH THE ABOVE SAID USES OR RIGHTS HERIN GRANTED.

IN WITNESS WHEREOF WE DO HEREBY SET OUR HANDS,

NICHOLAS S. ENZLEBAER _____ DATE _____
JENNIFER A. ENZLEBAER _____ DATE _____

APPROVAL OF BELLEVUE CITY COUNCIL
THIS PLAT OF MARCHIO'S SUBDIVISION REPLAT 1 WAS APPROVED BY THE BELLEVUE CITY COUNCIL
THIS _____ DAY OF _____ 20____
MAYOR, CITY OF BELLEVUE _____
BELLEVUE CITY CLERK _____

APPROVAL OF BELLEVUE PLANNING COMMISSION
THIS PLAT OF MARCHIO'S SUBDIVISION REPLAT 1 WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION
THIS _____ DAY OF _____ 20____
BELLEVUE PLANNING COMMISSIONER _____

SURVEYOR'S CERTIFICATE
I, SHANE BAKER, THE UNDERSIGNED REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED WITH IRON PINS, ALL CORNERS OF ALL LOTS AND ANGLE POINTS TO MARCHIO'S SUBDIVISION REPLAT 1, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
MARCHIO'S SUBDIVISION REPLAT 1, CONTAINING LOTS 1 AND 2, AND BEING A REPLAT OF LOT 1, MARCHIO'S SUBDIVISION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE SOUTHWEST CORNER OF SAID LOT 1, THENCE NORTH 15°17'41" WEST ON THE WEST LINE OF SAID LOT 1, A DISTANCE OF 153.30 FEET, THENCE NORTH 1°22'30" WEST ON THE WEST LINE OF SAID LOT 1, A DISTANCE OF 127.78 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 87°23'11" EAST ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 204.89 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 7°52'33" EAST ON THE EAST LINE OF SAID LOT 1, A DISTANCE OF 242.89 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 1 THE NEXT A CALLS, SOUTH 80°22'26" W, 40.58 FEET, SOUTH 86°24'41" WEST, 48.84 FEET, SOUTH 65°50'42" EAST, 29.79 FEET, SOUTH 87°23'11" WEST, 84.17 FEET TO THE POINT OF BEGINNING.

SHANE BAKER, NE R.L.S. #771 _____ DATE _____

ACKNOWLEDGEMENT OF NOTARY
STATE OF NEBRASKA)
COUNTY OF _____
ON THIS _____ DAY OF _____ 20____
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, FULLY QUALIFIED AND COMMISSIONED IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NICHOLAS S. ENZLEBAER, PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME APPEARS ON THIS PLAT AND HE DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

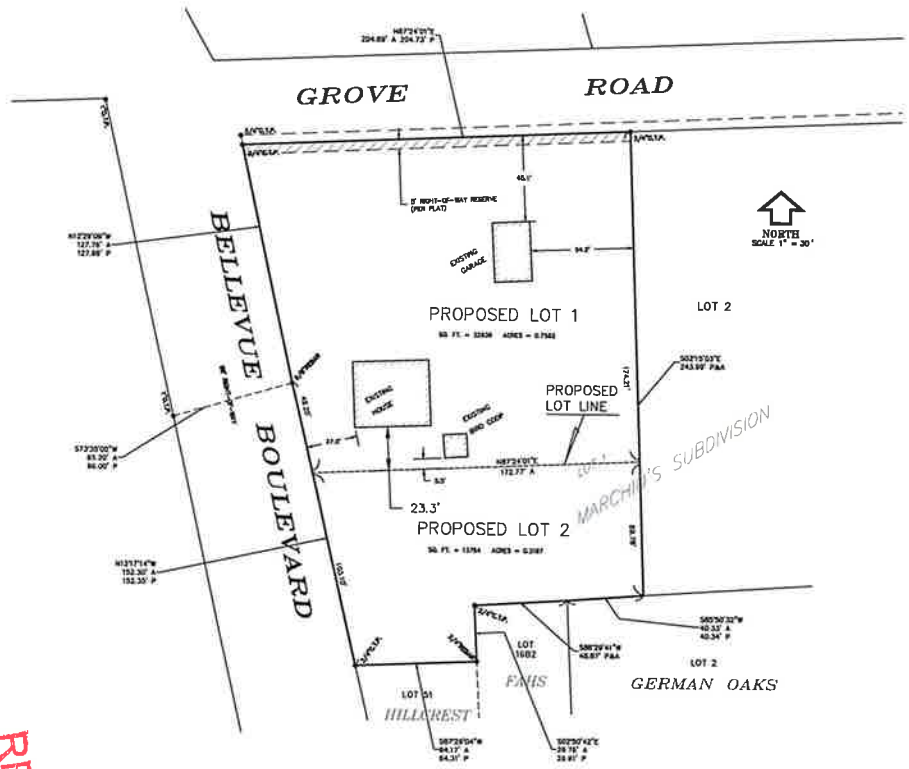
NOTARY PUBLIC
MY COMMISSION EXPIRES _____
STATE OF NEBRASKA)
COUNTY OF _____
ON THIS _____ DAY OF _____ 20____
BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, FULLY QUALIFIED AND COMMISSIONED IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JENNIFER A. ENZLEBAER, PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME APPEARS ON THIS PLAT AND HE DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

REVIEW BY SARPY COUNTY PUBLIC WORKS
THIS PLAT OF MARCHIO'S SUBDIVISION REPLAT 1 WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE
THIS _____ DAY OF _____ 20____
SARPY COUNTY SURVEYOR/ENGINEER _____

COUNTY TREASURER'S CERTIFICATE
THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR BELIEVED AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.
COUNTY TREASURER _____
DATE _____

RECEIVED
 SEP 24 2021
 PLANNING DEPT.



LEGAL DESCRIPTION
 LOT 1, MARCHIO'S SUBDIVISION IN BELLEVUE AS SURVEYED, PLATTED AND RECORDED
 IN SARY COUNTY, NEBRASKA.

LEGEND

△ - SET 5/8" REBAR 1/2" DIA.	SCM - SWR GRILL HOLE
○ - FOUND SURVEY POINT	✓ - CHECKED IN CONCRETE
△ - TOPGRAPHY CONTROL POINT (T.C.P.)	P - PILE CORNER
(12" DIAMETER SPW) (1/2" DIA.)	R - PILE CORNER
STP - CHANGED TOP PINE	W - PILE CORNER
SP - SET TOP PINE	C - CORNER BEARING
MB & CP	U.A.C. - UNLESS NOTED OTHERWISE

LAND SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS PLAN, MAP, SURVEY, OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.
 DATE: 9/23/2021
 WILLIAM A. WHITE, JR. LS-510



PROJECT NO.	
NO.	DATE
DESCRIPTION	BY
EHRHART GRIFFIN & ASSOCIATES <small>3502 Farnam Street Omaha, Nebraska 68131 402 / 351-0831</small>	
<ul style="list-style-type: none"> • ENGINEERING • PLANNING • LAND SURVEYING 	
421 BELLEVUE BLVD SITE PLAN PROPOSED MARCHIO'S SUBDIVISION REPLAT 1 BELLEVUE, NEBRASKA	
DATE:	
DESIGNED BY:	
DRAWN BY:	
CHECKED BY:	
CREW:	
SHEET NO.	
1	

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-2109-13

FOR HEARING OF:
REPORT #1: October 28, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Aksarben Fence and Gate, Inc.
Robert Malloy
1803 Meadowlark Lane
Bellevue, NE 68123

B. PROPERTY OWNER:

Aksarben Fence and Gate, LLC
3937 Himebaugh Avenue
Omaha, NE 68111

C. GENERAL LOCATION:

12809 South 9th Street

D. LEGAL DESCRIPTION:

Lot 1, Fort Crook Addition, located in the Northwest ¼ of Section 11, T13N, R13E of the 6th P.M., Sarpy County, NE

E. REQUESTED ACTION:

1. Rezone Lot 1, Fort Crook Addition, from BG to ML.

F. EXISTING ZONING AND LAND USE:

BG, Vacant (being utilized for outdoor storage with Code Enforcement action pending)

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning to enable outdoor storage of the applicant's fencing materials and heavy equipment.

H. SIZE OF SITE:

The site is approximately .7 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The property is presently vacant and being used for the outdoor storage of fencing materials/equipment by the applicant.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Former Rumor's Bar/Office Building, BG
- 2. **East:** Offutt Air Force Base
- 3. **South:** City of Bellevue Street Department Shop, BG
- 4. **West:** Vacant/Single Family Residential, BG

C. REVELANT CASE HISTORY:

- 1. On December 16, 2010, the Planning Commission recommended approval of a request to rezone Lot 1, Fort Crook Addition, from ML to BG for the purpose of commercial development. The City Council approved the aforementioned request on February 14, 2011.

D. APPLICABLE REGULATIONS:

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

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

If approved, the applicant intends to operate his fencing company at this location, with the desire to store fencing materials and equipment on this property. The

applicant has also submitted a hard surface parking waiver which will be decided by the city's Hard Surface Committee after this zoning action is determined.

C. TRAFFIC AND ACCESS:

1. The MAPA Traffic Flow Map estimates 3,100 vehicles per day along Fort Crook Road South adjacent to this property.
2. This property has access from South 9th Street.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. Robert Malloy, on behalf of Aksarben Fence and Gate, Inc., has submitted a request to rezone Lot 1, Fort Crook Addition, from BG to ML.
2. This property is presently zoned BG. The applicant is requesting a zoning change to ML to allow for the outdoor storage of fencing materials and heavy equipment on the property.
3. This property lies along the Fort Crook Road corridor just north of the Capehart Road intersection. The property was zoned ML until February 2011, at which time the City Council approved the current BG zoning.

BG zoning was requested back in 2011 based on the Fort Crook Road Redevelopment Plan. The Redevelopment Plan labels this area as the "Offutt Row Office/Technology District" sub-area. The Redevelopment Plan further states: "This area contains many 'marginal uses,' and was repeatedly identified during the study as a segment of the corridor that is in need of immediate redevelopment. With its close proximity to the base and its deteriorated appearance, a concerted effort should be made to redevelop this area. Redevelopment efforts should focus on new office and technology uses, as well as more utilitarian uses, such as a gas station." The Redevelopment Plan goes on to state, "New office and technology buildings should front directly onto Fort Crook Road."

HDR drafted the original Fort Crook Road Redevelopment Plan. Earlier this year, the city hired HDR to update the plan, which is currently in process. Based on staff knowledge of this process, the Planning Department does not anticipate the Redevelopment Plan will identify this area for light industrial/industrial use.

4. In November 2019, the \$1.3 billion StratCom headquarters was dedicated at Offutt Air Force Base. This building is located across the street, to the southwest

of the applicant's property. Staff believes this is another reason the redevelopment of this area is crucial.

5. Martin Pelster, the applicant's attorney, points out in a letter the property adjacent to the south is owned by the City of Bellevue and being used for similar purposes. The city does operate one of its Street Department shops at this location. The city is actively pursuing the development of one centralized Public Works facility/headquarters (this project is listed in our current Capital Improvement Plan). Subsequently, the Public Works Department would vacate the existing shops sprinkled throughout the city. Thus, further opening this area for redevelopment. The city's property is zoned BG.

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

Krista Hoffart, Offutt AFB, noted this property is located within Offutt Air Force Base's 65db range noise contour. She stated Offutt has no concerns about land use, but the area could have increased noise volumes intermittently.

The applicant placed fencing with a gate accessing the city's private driveway. The Public Works Department has requested the applicant move the entrance to his property and not utilize private city access.

No other comments were received on this case.

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

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

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

DENIAL based upon the lack of conformance with the Fort Crook Road Redevelopment Plan and Comprehensive Plan.

V. **PLANNING COMMISSION RECOMMENDATION**

Under Review

VI. **ATTACHMENTS TO REPORT**

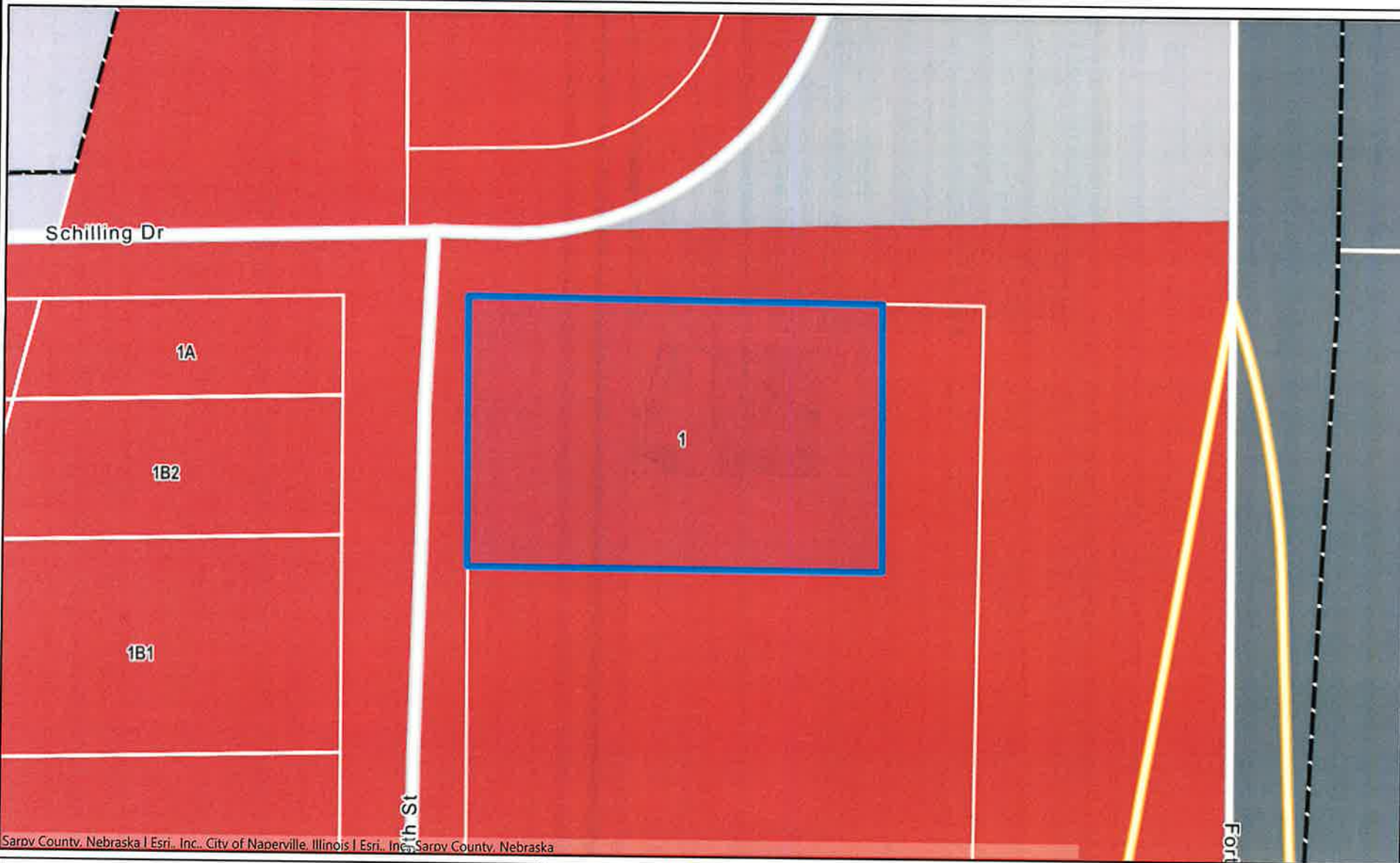
1. Vicinity map/Zoning Map
2. GIS aerial photo of the property
3. Letter from Martin Pelster received September 16, 2021

VII. **COPIES OF REPORT TO:**

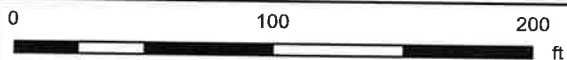
1. Robert Malloy, Aksarben Fence and Gate, Inc.
2. Martin Pelster, Croker Huck Law Firm
3. Public Upon Request


Assistant Planning Manager

 10/21/21
Planning Manager Date of Report



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



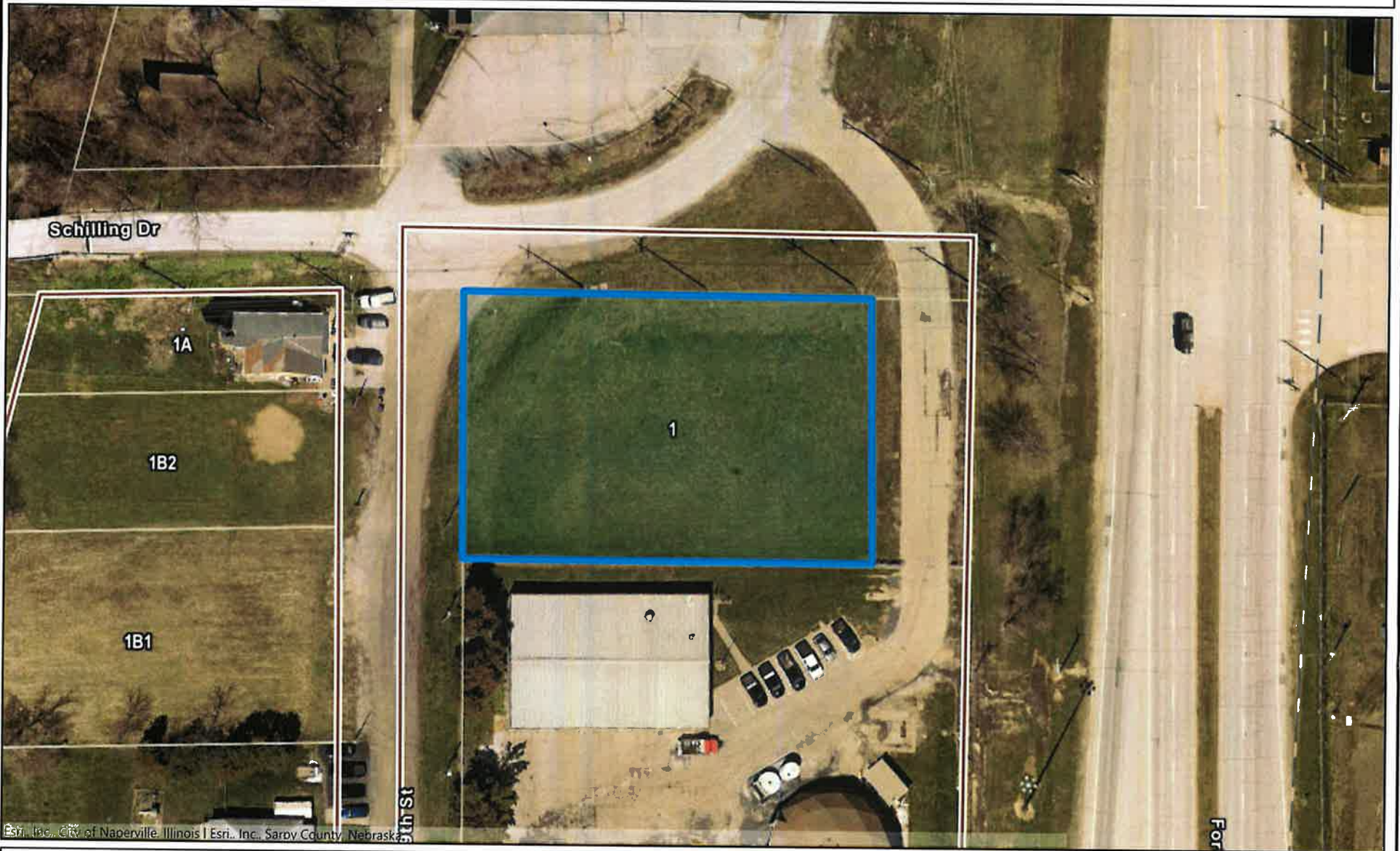
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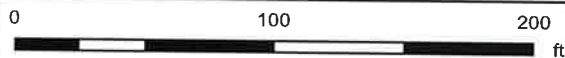


Notes





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Notes





MARTIN P. PELSTER

(402) 505-3165

mpelster@crokerlaw.com

September 13, 2021

City of Bellevue
Planning Department
Attn: Tammi Palm
1510 Wall Street
Bellevue, NE 68005

Re: Rezoning Application for 12809 South 9th Street, Bellevue, Nebraska

Dear Tammi:

Enclosed is a Rezoning Application requesting the rezoning of the above-referenced property from BG – general business to ML – light manufacturing to allow the subject property to be used for outdoor storage of fencing materials and equipment, and for office and warehouse space. Also enclosed is a check in the amount of \$175.00 for the application fee and an aerial photograph of the subject property.

The zoning change is justified because the adjacent property owned by the City of Bellevue is used for the same purpose. Further, the requested zoning change will allow the highest and best use of the subject property.

Thank you for your consideration. If you have any questions regarding the foregoing, please let us know.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Martin P. Pelster", is written over a faint, larger version of the signature.

Martin P. Pelster

MPP/srs
Enclosures
c: Robert Malloy
00965409.DOCX

RECEIVED
SEP 16 2021
PLANNING DEPT.

Metro Area,
sa City,
i, Louisville,
everything

HOME SERVICES ABOUT CONTACT
402-430-4120

Bonded Licensed an

STIMATES !!!



Aksarben Fence & Gate is family owned and locally operated. We are the leader in customer oriented fence installation. We offer a variety of both residential and commercial fencing options in an array of styles sure to delight for years to come. Aksarben Fence and Gate services Omaha and the greater metro area offering new installations as well as repairs. With more than 20 years of fencing experience it is our goal to answer all your questions and exceed your expectations. From start to finish our salesman will walk you through every step of the process. Our installers are professional and knowledgeable regarding our products, and we stand behind our craftsmanship, by offering a craftsmanship warranty on all installations. Our mission is to professionally install a quality product that guarantees customer satisfaction.

SERVICES



CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-2109-14

FOR HEARING OF:
REPORT #1: October 28, 2021

I. GENERAL INFORMATION

A. APPLICANT:

BJ Justice
210 Galvin Road North
Bellevue, NE 68005

B. PROPERTY OWNERS:

BJ and Joan Justice
210 Galvin Road North
Bellevue, NE 68005

C. LOCATION:

210 Galvin Road North

D. LEGAL DESCRIPTION:

North ½ of the east 35.2' of Lot 2 and North ½ of Lot 3, Tiller's Hillcrest Addition, located in the Southwest ¼ of Section 23 T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone the North ½ of the east 35.2' of Lot 2 and North ½ of Lot 3, Tiller's Hillcrest Addition, from RS-84 to RD-60.

F. EXISTING ZONING AND LAND USE:

RS-84, Single Family Residential

G. PURPOSE OF REQUEST:

To obtain a rezoning for the purpose of a multi-family residential structure.

H. SIZE OF SITE:

The site is approximately .55 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently being used for residential purposes.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** BG (Galvin Glass), Commercial
- 2. **East:** BG, Commercial (across Galvin Rd)
- 3. **South:** BG/BGH, Single Family Residential
- 4. **West:** BGH, Commercial

C. REVELANT CASE HISTORY:

- 1. On January 24, 2019, the Planning Commission recommended approval of a request to rezone the North ½ of the east 35.2' of Lot 2 and North ½ of Lot 3, Tiller's Hillcrest Addition, located in the Southwest ¼ of Section 23 T14N, R13E of the 6th P.M., Sarpy County, Nebraska from BG and BGH to RS-84 for the purpose of an existing single-family residence. The City Council approved this request on March 11, 2019.
- 2. On July 25, 2019, the Planning Commission continued to August 22, 2019, a request to rezone the North ½ of the east 35.2' of Lot 2 and North ½ of Lot 3, Tiller's Hillcrest Addition, from RS-84 to RD-60 for the purpose of a multi-family residential structure. The applicant withdrew this application before the request moved forward to the City Council.

D. APPLICABLE REGULATIONS:

- 1. Section 5.11, Zoning Ordinance, regarding RD-60 uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The MAPA Traffic Flow Map estimates approximately 9,700 vehicles per day south of the intersection of Galvin Road North and Avery Road.
2. The property has access to Galvin Road North via a private drive.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. BJ Justice has submitted a request to rezone the North ½ of the east 35.2' of Lot 2 and North ½ of Lot 3, Tiller's Hillcrest Addition, for the purpose of allowing a two-family dwelling.
2. This property is presently zoned RS-84. The applicant is requesting a change of zone to the RD-60 zoning district to allow for the existing residence to be used as a two-family dwelling. Mr. Justice writes that he rents the upstairs of the home "from time to time" and the rezoning would bring this property into conformance. Please refer to the applicant's letter attached to this report
3. On March 11, 2019, the applicant received a change of zone from BG and BGH to RS-84. At that time, the applicant had indicated he was asking for a change of zone to facilitate a refinance on his home. Mr. Justice's home was considered a legal non-conforming use under the previous commercial zoning.
4. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

No comments were received on this case.
5. The Future Land Use Map of the Comprehensive Plan shows this property as commercial.
6. The Comprehensive Plan does not preclude a change of zone in this location. Staff believes commercial use for this property is an appropriate long-term plan; however,

the residential zoning will allow for the existing residence to remain until such time as commercial development occurs.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

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

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter from the applicant received September 22, 2021

VII. COPIES OF REPORT TO:

1. BJ Justice
2. Public Upon Request


Assistant Planning Manager


Planning Manager

10/21/21
Date of Report

168th Rd N

1682B

RS-84

3

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Map Scale 1: 564

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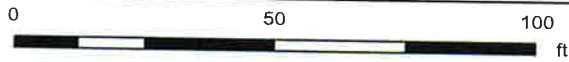


Notes





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Map Scale 1: 564

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Notes



B.J. Justice

210 Galvin Road N.

Bellevue, NE 68005

September 22, 2021

City of Bellevue Planning Manager

Tammi Palm

1510 Wall Street

Bellevue, NE 68005

Dear Mrs. Palm,

I have submitted an application for rezoning of my residence to be zoned from RS-84 to RD-60. The property is legally described as N ½ of E 35.2' of Lot 2 & N ½ of Lot 3 Tiller's Hillcrest Addition.

It was built in 1956 by my father-in-law as his family home. Of course, it was my wife's childhood home. The property is currently considered a duplex as we rent the upstairs. If our property can be rezoned it will allow us to remain as is.

We fully disclosed that we rent the upstairs from time to time in the past. We wanted to be sure to apply for the correct zoning. We were told that we were allowed to rent a part of our house and that it would not be a problem, so we ask for residential duplex zoning. Since it does make a difference, we now need to rezone from RS-84 to RD-60, which will allow for single family, duplex, and multi-family property.

We humbly request that you grant us the zoning change.

Thanking you for all your kind assistance,

I remain,



B.J. Justice

RECEIVED

SEP 22 2021

PLANNING DEPT.