

BELLEVUE PLANNING COMMISSION

Thursday, December 16, 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 November 18, 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 "J," 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 for the purpose of single family and multi-family residential development; and preliminary plat Lots 154 through 196, and Outlots "F" through "J," 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 to rezone Tax Lot 6A6, located in the Northwest ¼ of Section 26, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, from BG to RG-20 for the purpose of an adolescent care facility. Applicant: i3, LLC. General location: 105 Fort Crook Road South. Case #: Z-2111-23.

c. Request to rezone Lot 3, LGB Properties Replat One, from RE to RS-120 for the purpose of existing residential development. Applicant: AMZ Investments, LLC. General Location: 13510 South 36th Street. Case#: Z-2111-24.

d. Request for a conditional use permit for Lot 3, LGB Properties Replat One, for the purpose of an Alzheimer's/dementia care home. Applicant: AMZ Investments, LLC. General Location: 13510 S 36th Street. Case #: CUP-2111-03.

e. Request to rezone Lots 1 and 2, Heer and Theer Addition, being a replat of Tax Lot 6B, and that Part of Tax Lot 6A2, being the north 50' of the west 175' of the east 260' and the south 22' of the east 85' of the east 260' of Tax Lot 6A, together with the south 15' of the west 110' of Lot 1, and the south 15' of the east 65' of Lot 34, Svoboda's Addition to the City of Bellevue, all located in the Southwest ¼ of Section 36, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from RG-8-M and BGM to BGM, for the purpose of residential and commercial development; and small subdivision plat Lots 1 and 2, Heer and Theer Addition. Applicant: 1st City Development, LLC. General Location: 2304 Lincoln Road. Case #'s: Z-2111-22 and S-2111-27.

4. CURRENT BUSINESS

5. ADJOURNMENT



MINUTE RECORD

Bellevue Planning Commission Meeting, November 18, 2021 Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, November 18, 2021, at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Hankins, Ritz, Aerni, Cutsforth, Ackley, Compton, Perrin, 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 News and posting in two public places, and was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

Cutsforth 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 Hankins, to approve the minutes of the October 28, 2021, regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Cutsforth asked if there were any updates or additions to staff reports. Palm advised there were three additional letters and emails in opposition to Item 3.c. She stated these items were given to the commissioners and will be entered into public record.

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

PUBLIC HEARING was held on a request to rezone Lots 1 and 2, Walnut Grove Estates Replat 1, being a replat of Lot 2, Walnut Grove Estates, from AG to RA for the purpose of single-family residential development; and small subdivision plat Lots 1 and 2, Walnut Grove Estates Replat 1. Applicant: Eric Carlson. General Location: 5007 Platteview Road. Case #'s: Z-2110-18 and S-2110-23.

Palm stated the applicant was unable to attend tonight's hearing. Palm stated the applicant's mother-in-law is the owner of the 21 acre parcel. She stated the request is to subdivide the property into two lots: one being a 5 acre parcel and the other being 15 acres. Palm said there is also a request to rezone both lots to RA (Residential Agricultural District). Palm stated the request meets the requirements of the Subdivision Regulations and is in conformance with the Comprehensive Plan.

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

MOTION was made by Ackley, seconded by Jacobson, to recommend APPROVAL of a request to rezone Lots 1 and 2, Walnut Grove Estates Replat 1, being a replat of Lot 2, Walnut Grove Estates, from AG to RA for the purpose of single-family residential development; and small subdivision plat Lots 1 and 2, Walnut Grove Estates Replat 1. Applicant: Eric Carlson. General Location: 5007 Platteview Road. APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, as well as a lack of perceived negative impact to the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

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

Cutsforth stated the next two items were for the redevelopment plan, rezoning and platting of Jefferson Place. She stated there have been emails regarding issues that are unrelated to the items on tonight's agenda and would not be discussed.

PUBLIC HEARING was held on a request to approve the redevelopment plan for Lots 1 through 10, and Outlot A, Jefferson Place Addition, being a replat of Lots 1 through 6, and Part of Lots 7-11A, lying South and West of Harvell Drive, Block 170, Bellevue, together with the adjacent vacated streets, avenues, and alleys. Applicant: Mercury Property Management, Inc. General Location: 16th Avenue and Jefferson Street. Case #: ECD #53.

Andrew Willis, 233 S. 13th Street, Lincoln, NE, was present on behalf of the applicant. Willis stated the area was declared blighted and substandard at a recent City Council meeting. He stated the site is approximately 75,000 square-feet, which is 7,500 square feet of lot area per unit. Willis stated there are 10 proposed lots with Outlot A to cover drainage issues. Willis stated the proposed site plan is for a four-plex and a duplex on the north end of the site and a four-plex on the south end of the site. He stated the six northern units would have access onto 16th Avenue and the southern units would have access onto Jefferson Street, which would mitigate traffic concerns. Willis stated no change of access

MINUTE RECORD

Bellevue Planning Commission Meeting, November 18, 2021, Page 2

would occur to the existing residences. Willis showed how the buildings would be positioned on the lots and the type of construction proposed. He stated each dwelling would be three- to four-bedroom units with upper and lower levels. Willis stated the value of the project would be \$3,150,000 dollars, which creates a TIF (Tax Increment Financing) of \$750,000 dollars. Willis stated \$850,000 identified in the costs would be civil site work such as retaining walls, relocating some utilities, grading and landscape buffers. He stated the site has an unusual topography. Willis stated this development would create the type of housing diversity that is lacking in the Olde Towne area. He said this redevelopment plan complies with several points in the Comprehensive Plan. Willis said this plan should not have a negative impact on the surrounding area.

Marti Mramor, 101 E. 16th Avenue, Bellevue, NE, stated several residents compiled questions regarding this matter and they were emailed to the Planning Department. She stated the allowed five minutes would not cover all of the questions and she did not hear that email mentioned with the other emails and letters placed into the record. Palm stated the email was received just prior to the meeting and it was received anonymously. She stated this was the opportunity for Ms. Mramor to ask her questions for the record, and staff, the applicant, and the applicant's attorney would be able to answer those questions. Discussion ensued regarding the public hearing process and the public's opportunity to voice their oppositions. Mramor asked when the development would occur if approved, and how long construction would last. She asked if it would be done in phases and where the construction equipment would be parked and the hours of operation. Mramor asked if any of the trees would remain and who planted those trees. She asked if any environmental studies had been done. Palm stated once the public hearing is closed these questions would be addressed.

Bill and Connie Golden, 1712 Franklin Street, Bellevue, NE, stated the pictures taken after a storm were used in the blighted and substandard study. Golden stated the area is not large enough for the number of units proposed and the increased traffic on Franklin Street is not welcomed. She stated some of the City Council members had visited the site and spoken with neighbors. Golden stated they would have appreciated if Mercury Contractors had met with the neighbors. She stated there is not room for emergency vehicles to get in and out of the development.

Diane Leiker, 1703 Jefferson Street, Bellevue, NE, stated she does not want her property value to go down because it has been labeled blighted and substandard. She stated the blighted and substandard label does not go away after development. She said she is bothered by the developer using the blighted and substandard label so they can get a tax break.

Steve Compton, 802 Kohl Road, Bellevue, NE, stated although he does not live in the area he travels through the area frequently. He stated he concurs with the need for housing diversity in the city but the site selected for this development is a very poor alternative. Compton stated there are multiple infrastructure and environmental impact issues. He stated the amount of work to be done to the parcel and the need for a site plan and rezoning should speak for itself. Compton stated the trees that provide habitat for big game, wildlife, and avian species would need to be cleared. He stated he did not see a plan that the proposed development would be consistent with the character of the community or a stormwater management plan. Compton stated the area is frequently flooded after a storm. He stated he does not understand how this could be approved without grading and stormwater management plans. Compton asked if any traffic control changes would be made to accommodate the additional traffic. Compton stated deer warning signs in the area indicate this is a wildlife corridor and that would create an increase in road kill. Compton asked if the Federal Migratory Bird Treaty Act had been considered for violation.

Matt Griffith, 1701 Franklin Street, Bellevue, NE, stated Mr. Compton brought up many of the points on his mind. He stated the misplaced animals would become a nuisance. Griffith stated this is the wrong development for this space. He stated the grade of the site would require excessive construction to maintain safety and drainage control. Griffith stated although the City of Bellevue is not near the limitations of Tax Increment Financing there is no way to reverse it. He stated the water pressure is going to be affected by this development. Griffith stated the developer is planning to install sidewalks but that cannot be done without taking part of the current homeowner's property.

Tony Boyd, 1701 Jefferson Street, Bellevue, NE, stated neighbors he has spoken to are opposed to this development. He stated concerns about traffic and lack of environmental studies had been approached in all of the meetings for this development but have not been addressed. Boyd stated increased parking and traffic on Jefferson Street would be a nightmare. He stated the objections to this development fall on deaf ears. Boyd said he wants the Planning Commission and the City Council to vote no to this request.

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Bellevue Planning Commission Meeting, November 18, 2021 Page 3

Bernard Kusek, 1802 Jefferson Street, Bellevue, NE, stated no one is listening to the people and the issues they have with the development.

Mramor asked if the plan would be allowed to change after tonight's vote. Palm stated there are two items on tonight's agenda. She said there is the redevelopment plan with a site plan attached, and a rezoning with a small subdivision plat. Palm stated if the City Council approves the site plan the developer would be required to build accordingly. She stated items such as construction materials, utilities, grading and drainage would be finalized in the building permit process. Discussion ensued regarding the permit process.

Michele Goldapp, 1712 Jefferson Street, Bellevue, NE, stated there are already issues with parking in the area and this construction would create more problems. She stated she likes the peace and quiet and natural forest area. She asked how this project would be done without disturbing the neighborhood.

Willis stated traffic and environmental studies are not required for this project. He stated the construction project would be approximately 18 months, starting at the north end and working to the south end of the site. Willis stated this site is difficult to develop and the reason the developer is asking for TIF.

Palm stated when an application is submitted, Sarpy County Public Works, Bellevue Public Works, the Police Department, Fire Department, and the Permits Department review the plans. She stated during the review process any concerns are addressed. Palm stated typically the process takes several months prior to the public hearing. She stated the city's engineers reviewed the proposed density for this project and did not request a traffic study based on the fact these ten units and their access points would be able to handle the additional traffic. Palm stated the site is private property and to her knowledge, the city has not planted any trees on this site. She said an environmental study is not standard practice. Palm stated the blight and substandard designation has already been approved so that makes this property TIF eligible. She stated the Police Department and Fire Department have reviewed the site plan and do not have any concerns with emergency vehicles being able to access this development. Palm stated a preliminary drainage and grading plan were submitted and reviewed and if the development is approved, there is a process for review during the permitting process for drainage and grading. She stated the City of Bellevue is part of the Papio Watershed partnership and those regulations must be adhered to. These regulations state the developer cannot negatively impact any neighboring properties.

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

Commissioner Compton stated the City Council and the Planning Commission are separate bodies and the Planning Commission is governed by ordinances and regulations. He said he does not appreciate the term blighted and substandard and was faced with his own property being labeled blighted and substandard when Mission Avenue was designated as such many years ago. Compton stated many people think their property values will decrease because of this designation but his property values have continued to rise in spite of the blighted and substandard designation. He said the designation is a tool for redevelopment and the label is set by legislation.

Ritz stated he is very familiar with the area because he commutes through that intersection daily. He stated on TIF Exhibit B, lines 24 and 25 do not match. He stated he also has concerns regarding the traffic. Ritz stated the units would be valued at \$300,000 dollars and that would be on the high end for the Olde Towne area. Ritz stated TIF should be used for developing properties with better housing. He stated the site preparation makes it too expensive to develop this site.

Aerni asked staff when the area was originally platted. Palm stated this area is part of original Bellevue platted decades ago. She stated the lots are smaller and non-conforming lots. Palm stated zoning originated in 1965 so this area was likely zoned RD-60 at that time. She said that current zoning allows for a density of 6,000 square feet of lot area per dwelling unit. Aerni stated the zoning has always intended for this area to be a residential development. Discussion ensued regarding what could be constructed on this site with the current zoning and how many of the trees would be removed.

Ackley asked staff if the developer would be required to widen the current Jefferson Street. Palm stated the city would not improve Jefferson Street to 16th Avenue. She said some of the existing driveways and structures along Jefferson Street are encroaching into the right-of-way, so as not disrupt those, the city did not require any improvements other than private drives from the developer.

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Ackley asked the applicant's engineer what Outlot A would be used for. Fortino Ramirez, 2717 South 13th Street, Omaha, NE, engineer for the developer, stated the developer would use Outlot A for the sanitary sewer easement and stormwater management. He stated the lot is currently being used for that but the developer would be realigning things to fit better. Ramirez showed the proposed new location for the sanitary sewer. Ackley inquired about the standard for water pressure and what would be upon completion of the project. Ramirez stated 40 pounds is the minimum and MUD (Metropolitan Utilities District) would install the water lines. He stated he has not seen the drawings for those lines. Ritz stated ideally water pressure is 70 pounds. Ackley asked if the stormwater drainage design would be to remove the trees and have a grassy area where the water would collect in the event of a storm and then drain. Ramirez stated the area shaded in gray on the site plan will be used to handle the stormwater drainage and would be landscaped with types of plants that have a root system to break down the hydrocarbons. He stated some areas of Outlot A are unusable so the trees would remain as is in those areas.

Ackley asked once all of the units are sold who is responsible for Outlot A. Palm stated the common areas would have to be maintained by an HOA (Homeowners Association). Ackley stated according to the Redevelopment Plan there is \$4,000,000 in costs for the project and the goal is to sell the units for \$315,000. Willis stated the use of \$315,000 per unit in the TIF projections was to cover possible rising construction cost and if a buyer wanted to do upgrades to the unit. He stated the goal is the \$300,000 price and without the TIF, the cost would be closer to \$400,000. Ackley stated if there is \$4,000,000 in costs and you sell 10 units for \$315,000 each that totals \$3,150,000 with TIF money of \$750,000, that does not add up to the projected costs. Jeff Gehring, 4222 Davenport Street, Omaha, NE, stated the \$4,000,000 was for inflationary costs but he did not expect the project to exceed \$3,200,000. Ackley stated if that was the case why was the TIF needed. Discussion ensued regarding the math in the Redevelopment Plan. Ackley stated the TIF amount per unit would be \$75,000, which would be the highest amount of money for development the city has ever approved. Willis stated the site would be difficult and expensive to develop.

Ackley questioned with a cost of \$315,000 per unit, what the assessed value would be. Hankins stated the assessor will look at recent sales and there are no comparable sales for this type of property in Bellevue. Discussion ensued regarding the value of homes in the area and the risks of building \$315,000 units in the Olde Towne area.

Jacobson asked if the builder had expertise in complying with the Migratory Bird Act. Ramirez stated he was not an expert but follows what the law allows, which allows trees to be removed outside the window of April 1st to September 1st.

Ackley stated areas in Bellevue that have remained vacant for a long time generally have neighbors' opposition to change. He stated the Commission listens and wants to hear concerns of water pressure, infrastructure, and traffic. Ackley said the traffic increase has been reviewed by the city and deemed that an additional ten units would not impact the neighborhood. He stated discussion regarding some type of traffic control at the intersection of Galvin and Franklin could take place. Ackley stated if the Commission votes in favor of this application it does not mean concerns are not being heard. Discussion ensued regarding recent developments and neighbors' opposition. Ackley stated these developments benefit the city by keeping taxes from going up for all of us. Ackley stated because of the difficulty in developing this site he has concerns if the development would work even with the TIF.

Commissioner Compton stated there is a bill being drafted by Senator Hunt to remove properties from the blighted and substandard designation.

Ackley asked the developer if they would prefer to hold this item over to make sure all the information is correct. Gehring stated he cannot predict inflation, which has been hard to put the numbers together, but these would be very attractive units on a beautiful piece of land and as a homebuilder he believes the numbers work.

MOTION was made by Aerni, seconded by Jacobson, to recommend APPROVAL of a request to approve the redevelopment plan for Lots 1 through 10, and Outlot A, Jefferson Place Addition, being a replat of Lots 1 through 6, and Part of Lots 7-11A, lying South and West of Harvell Drive, Block 170, Bellevue, together with the adjacent vacated streets, avenues, and alleys. Applicant: Mercury Property Management, Inc. General Location: 16th Avenue and Jefferson Street. Case #: ECD #53. APPROVAL based upon the elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for infill development near the Olde Towne district. Upon roll call, Casey, Hankins, Aerni, Cutsforth, Compton, Perrin and Jacobson voted yes, Ritz and Ackley voted no. MOTION carried.

MINUTE RECORD

Bellevue Planning Commission Meeting, November 18, 2021 Page 5

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

PUBLIC HEARING was held on a request to rezone Lots 1 through 10, and Outlot A, Jefferson Place Addition, being a replat of Lots 1 through 6 and Part of Lots 7-11A, lying South and West of Harvell Drive, Block 170, Bellevue, together with the adjacent vacated streets, avenues, and alleys, from RD-60-OTO to RG-28-PS, with site plan approval, for the purpose of multi-family residential development; and small subdivision plat of Lots 1 through 10 and Outlot A, Jefferson Place Addition. Applicant: Mercury Property Management, Inc. General location: 16th Avenue and Jefferson Street. Case #'s: Z-2110-21, S-2110-26.

Palm stated emails were received from Jessica Conkey, 1506 Franklin Street, Roger and Carol Tschmpl-Diesing, and Diana Souza, 1702 Franklin Street, all expressing opposition to the development. Copies of these emails were provided to the Commission prior to the hearing. She stated page 1, item E, of the staff report states the request to rezone from RD-60 to RG-20-PS. Palm said it should state RD-60-OTO. Palm stated the technical deficiencies have been satisfied by the applicant.

Willis stated the current zoning allow for duplexes and single-family dwellings at a minimum of 6,000 square feet of lot area per unit. He stated the ten units proposed would allow for 7,500 square feet of lot area per unit. He stated the rezoning would not change the density on this lot, but rather it would make it work for the ten units proposed.

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

Ritz stated realistically there are seven existing platted lots that are in conformance with the zoning ordinance, so the ten units being proposed is increasing the density to this area.

Ackley stated he does not have an issue with the development.

MOTION was made by Aerni, seconded by Perrin to recommend APPROVAL of a request to rezone Lots 1 through 10, and Outlot A, Jefferson Place Addition, being a replat of Lots 1 through 6 and Part of Lots 7-11A, lying South and West of Harvell Drive, Block 170, Bellevue, together with the adjacent vacated streets, avenues, and alleys, from RD-60-OTO to RG-28-PS, with site plan approval, for the purpose of multi-family residential development; and small subdivision plat of Lots 1 through 10 and Outlot A, Jefferson Place Addition. Applicant: Mercury Property Management, Inc. General location: 16th Avenue and Jefferson Street. Case #'s: Z-2110-21, S-2110-26. APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, and Comprehensive Plan, as well as a lack of perceived negative impact to the surrounding area. Upon roll call, Casey, Hankins, Aerni, Cutsforth, Ackley, Compton, Perrin, and Jacobson, voted yes, Ritz voted no. MOTION carried.

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

Meeting adjourned at 7:55 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: December 10, 2021
RE: Spring Ridge Preliminary Plat/Rezoning

Staff is requesting this item be continued to the January 27, 2022 Planning Commission meeting 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 NUMBER: Z-2111-23

FOR HEARING OF:
REPORT #1: December 16, 2021

I. GENERAL INFORMATION

A. APPLICANT:

i3, LLC
Attn: Fisher Easterling
955 East Main Street, Ste. E, Box 92
Lexington, SC 2964

B. PROPERTY OWNER:

Radhe Krishna, LLC
105 Fort Crook Road South
Bellevue, NE 68005

C. GENERAL LOCATION:

105 Fort Crook Road South

D. LEGAL DESCRIPTION:

Tax Lot 6A6, located in the Northwest ¼ of Section 26, T14N, R13E of the 6th P.M.,
Sarpy County, NE

E. REQUESTED ACTION:

1. Rezone Tax Lot 6A6, from BG to RG-20 for the purpose of an adolescent care facility.

F. EXISTING ZONING AND LAND USE:

BG, Commercial Building (Royal Inn Motel)

G. PURPOSE OF REQUEST:

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

H. SIZE OF SITE:

The site is approximately 1.87 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

This property is developed with the Royal Inn Motel, which was constructed in 1956.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Strip Retail/Commercial, BGH
2. **East:** Single Family Residential, RD-60
3. **South:** Single Family Residential, RG-28 and RD-60
4. **West:** Vacant, BG (across Fort Crook Road South)

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

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

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

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

C. TRAFFIC AND ACCESS:

1. The MAPA Traffic Flow Data estimates 4,300 vehicles per day along the northbound leg of Fort Crook Road, north of the intersection of Fort Crook Road and Cornhusker Road.

2. This property has access from two points along Fort Crook Road South.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. i3, LLC has submitted a request to rezone Tax Lot 6A6, located in the Northwest ¼ of Section 26, T14N, R13E of the 6th P.M., Sarpy County, NE from BG to RG-20.

2. The applicant is requesting a zoning change to RG-20 in order to facilitate an adolescent residential group home facility. No platting is being requested at this time.

The applicant states Broadstep Behavioral Health is a national care provider for both adolescents and adults. They have recently added Nebraska to its geography due to a statewide shortage of care in this category. The building located at 105 Fort Crook Road South, home of the Royal Inn Motel, would be converted into an adolescent residential group home facility for those with behavioral health challenges and therapeutic needs. The adolescents in this facility would eat, sleep, recreate, and be educated on premises.

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

3. This property is located along the Fort Crook Road South corridor. The corridor consists of commercial/heavy commercial uses north of the property, and a mix of residential and commercial uses to the south of the property.

4. The Avery Heights residential neighborhood is adjacent to the south and east of this property.

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

Mike Christensen, Chief Building Official, commented this type of use would be considered a complete change of occupancy from its current use and would require the entire structure to be brought up to current code for the new occupancy. He stated the number of individuals needing care and the number of staff proposed is needed to classify the exact type of use.

Donald Gifford, Battalion Chief, had comments regarding the need to update the building with the proposed change of occupancy to meet the health care life safety codes.

No other comments were received on this case.

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

7. The RG-20 District allows hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions as a permitted use.

8. The Fort Crook Road Corridor Redevelopment Plan, describes this sub-area as The Galvin Corner Neighborhood and designates this section of Fort Crook Road South as a mixed-use district, with retail, office, and residential uses. The Galvin Corner Neighborhood shows this specific area as a traditional multi-family residential use district, with apartments and condos.

9. Staff does not believe this request is compatible with the existing development along the Fort Crook Road corridor and the adjoining residential neighborhoods, nor is it appropriate when considering the Future Land Use Map designation of this property and the Comprehensive Plan.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

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

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Vicinity Map/Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter from Fisher Easterling received November 12, 2021.

VII. COPIES OF REPORT TO:

1. i3, LLC
2. Radhe Krishna, LLC
3. Don Schleining
3. Public Upon Request

 12/10/21
Assistant Planning Manager

 12/10/21
Planning Manager Date of Report



SARPY COUNTY
NEBRASKA

105 Fort Crook Road South



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



Map Scale 1: 1128

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.

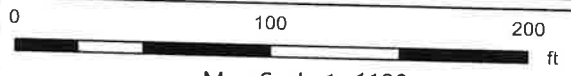


Notes





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



Map Scale 1: 1128

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Notes





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

Dear Ms. Palm:

Thank you for your time and consideration regarding the pending request to re-zone the property a 105 Fort Crook Road. As previously discussed, we are seeking a new zoning status, changing from the current "BG" designation to the appropriate "RG-20" designation. It is our understanding that this zoning change will allow for the Tenant's use as behavioral healthcare providers.

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

Best Regards,

Fisher Easterling

RECEIVED
NOV 12 2021
PLANNING DEPT.

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-2111-24

FOR HEARING OF:
REPORT #1: December 16, 2021

I. GENERAL INFORMATION

A. APPLICANT:

AMZ Investments, LLC
Alicia Zuger
1230 South 110th Street
Omaha, NE 68144

B. PROPERTY OWNERS:

AMZ Investments, LLC
Alicia Zuger
1230 South 110th Street
Omaha, NE 68144

C. GENERAL LOCATION:

13510 South 36th Street

D. LEGAL DESCRIPTION:

Lot 3, LGB Properties Replat One

E. REQUESTED ACTIONS:

1. Rezone Lot 3, LGB Properties Replat One from RE to RS-120.

F. EXISTING ZONING AND LAND USE:

RE, Single Family Residential

G. PURPOSE OF REQUEST:

The applicant is requesting a change of zone to accommodate the existing single family residence, as well as to facilitate a conditional use permit request for an Alzheimer’s/dementia care home.

H. SIZE OF SITE:

The site is approximately 4.4 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed with a single family residence constructed in 1970, along with several detached structures and a barn.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single Family Residential, RA and AG (non-conforming)
- 2. **East:** Single Family Residential (across S 36th St), RS-72
- 3. **South:** Single Family Residential, RS-120 and AG (non-conforming)
- 4. **West:** Single Family Residential, RS-72-PS

C. REVELANT CASE HISTORY:

1. On November 19, 2015, the Planning Commission recommended approval of a request to rezone Lots 1 through 3, LGB Properties Replat One, being a replat of Lots 1 and 2, LGB Properties, and Tax Lot 1B1, all located in the Southeast ¼ of Section 8, T13N, R13E of the 6th P.M., Sarpy County, NE, from AG, RA, and RG-28 to RA, RE, and RG-28 for the purpose of existing residential use; and small subdivision plat Lots 1 through 3, LGB Properties Replat One. The City Council approved the aforementioned request on January 25, 2016.

D. APPLICABLE REGULATIONS:

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

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

If the applicant's zoning is approved, she is requesting a conditional use permit for the purpose of an Alzheimer's/dementia care home.

C. TRAFFIC AND ACCESS:

1. MAPA Traffic Flow Data indicates 9,600 vehicles per day along southbound 36th Street south of Capehart Road and north of Schneekloth Road.
2. The property has access from South 36th Street.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Alicia Zuger on behalf of AMZ Investments, LLC has submitted a request to rezone Lot 3, LGB Properties Replat One from RE to RS-120. The applicant is requesting RS-120 zoning for the existing single family residential development.
2. Ms. Zuger wishes to pursue a conditional use permit for the existing residence for the purpose of an Alzheimer's/dementia care home under the RS-120 zoning designation.
3. The existing lot and structures are in conformance with the minimum requirements of the RS-120 zoning district. The intent of the RS-120 zoning district is to permit single family residential developments and other compatible uses on relatively ample sized lots.
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 Springfield Platteview 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 in this case.

5. The Future Land Use Map of the Comprehensive Plan designates this area as rural estates based on its current zoning. A change of zoning will require an amendment to the Future Land Use Map of low density residential use. Staff believes a low density residential use is compatible with the surrounding development.

6. The Fox Ridge Estates subdivision to the south of this property is zoned RS-120. The adjacent Heartland Hills subdivision is zoned RS-72-PS.

7. Staff believes this request is compatible with the surrounding neighborhoods.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

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

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

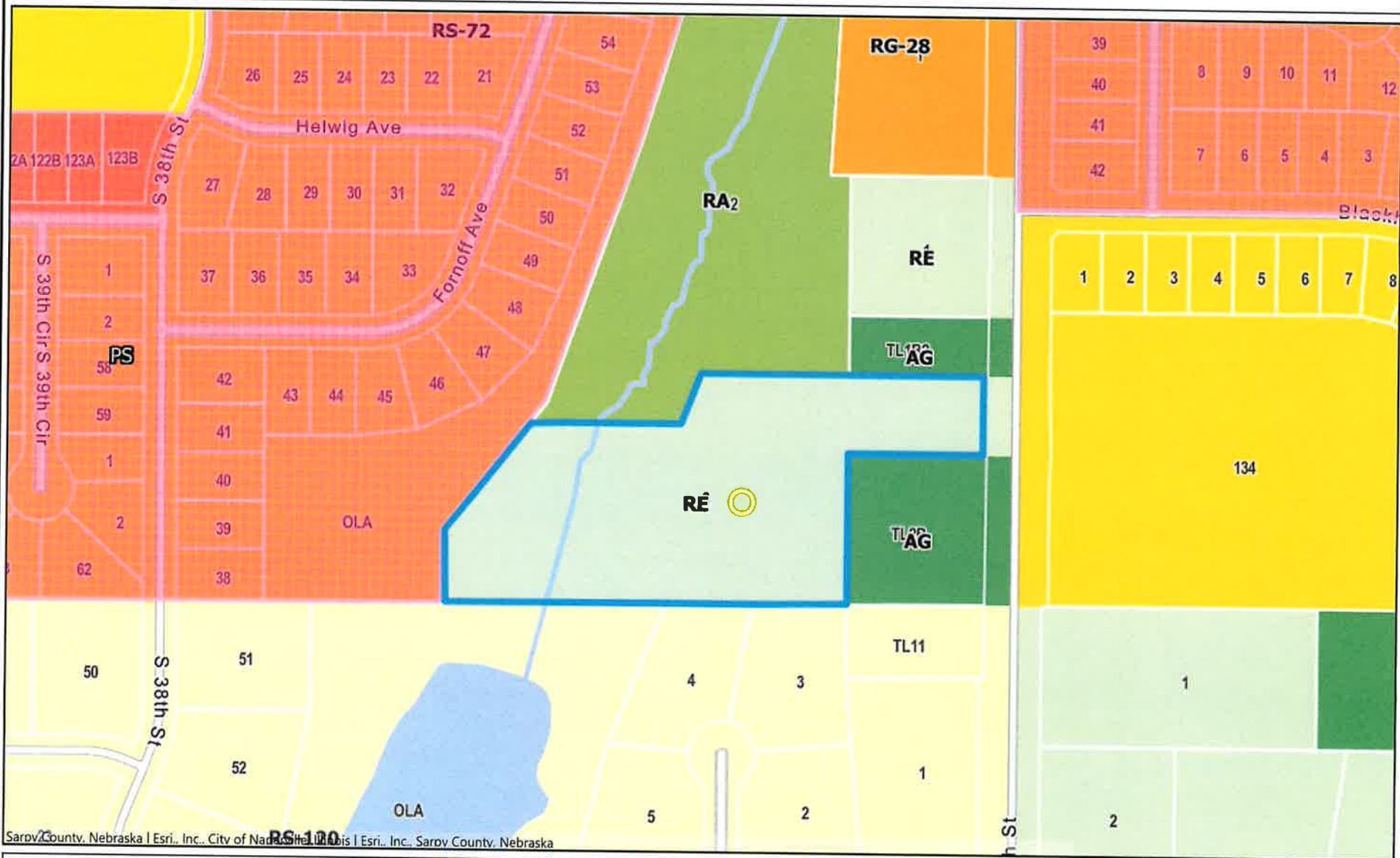
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter from the applicant received December 6, 2021

VII. COPIES OF REPORT TO:

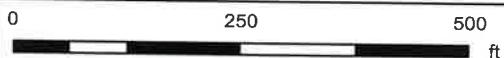
1. Alicia Zuger, AMZ Investments, LLC
2. Public Upon Request


Assistant Planning Manager


Planning Manager: Date of Report

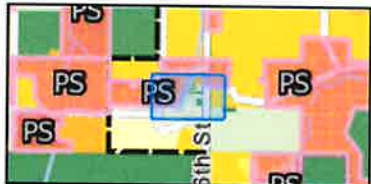


Sarpy County, Nebraska | Esri, Inc., City of Nadeau, Nebraska | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 3185

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Notes



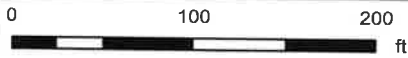


SARPY COUNTY
NEBRASKA

13510 S 36th Street



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



Map Scale 1: 1592

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Notes



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DEC 06 2021

PLANNING DEPT.

AMZ INVESTMENTS, LLC

1230 S 110th Street
Omaha, NE 68144
(402)871-5248

City of Bellevue
Planning Department
1510 Wall Street
Bellevue, NE 68005

RE: LOT 3 OF LGB PROPERTIES, SARPY COUNTY, NE

To Whom It May Concern:

AMZ Investments, LLC is requesting the Planning Commission's approval to rezone the property at 13510 S 36th Street in Bellevue, Nebraska for purposes consistent with approved conditional uses.

The property in question is currently zoned as RE and we would like to request the zoning be changed to RS-120 for the purpose of operating an Alzheimer's/Dementia Care home under the DBA Legato Living at Heartland Hills in the residence. This use is consistent with the conditional use referred to in Section 5.08.03 of the Zoning Ordinance as "Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions".

The current residential property will be remodeled and expanded by approximately 500 square feet with the following being main points of focus:

- ◆ Our facility will accommodate 10-12 residents and will remain an ADA compliant residential style home.
- ◆ A fire-sprinkler system and proper means of egress will be installed for the safety of the residents and staff.
- ◆ Parking for up to one (1) vehicle for every two (2) residents for visitors and an additional two (2) to three (3) for staff will be provided on the premises.
- ◆ For the safety of our residents and the comfort of the surrounding neighbors and community, all doors leading in and out of the premises will be secured by an electronic lock which requires a code to be entered to gain access inside or out.
- ◆ Various caretakers, including a Registered Nurse, med aides and administrative staff, will be on site continuously and residents will be permitted to have visitors as this is a family centered environment.
- ◆ A minimum of two (2-3) staff members will be on site during daytime hours and one (1-2) staff member will be present during the overnight hours, with a Registered Nurse on call twenty-four (24) hours per day, seven (7) days per week to assist when necessary.

The included site plan lays out the proposed additional living space as well as additional parking and has a nice deck for residents to enjoy the outside. The lower level of the home will primarily be used for storage and for a staff office/meeting area as the residents are not encouraged to navigate the stairs. The main level will maintain much of the same layout with the garage being converted into three (3-4) bedrooms and two (2-3) bathrooms to accommodate more residents.

Legato Living has a solid reputation in the area of care for Alzheimer's/Dementia patients and is a family centered company who enjoys getting to know our residents and their families in a more intimate manner, which is why we have chosen the residential setting for our model.

We are looking to expand from Omaha into Sarpy county for the purposes of being accessible to more families in the Metro area and providing quality care for individuals in need in the City of Bellevue.

We hope you will consider our request and we look forward to working with you on this venture.

Sincerely,



Alicia Zuger
President
AMZ Investments, LLC

Enclosure:

- 1) LHH Proposed Site Plan I
- 2) LHH Proposed Site Plan II
- 3) LHH Proposed Floorplan
- 4) As-Built Survey completed by TD2

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBER: CUP-2111-03

FOR HEARING OF:
REPORT #1: December 16, 2021

I. GENERAL INFORMATION

A. APPLICANT:

AMZ Investments, LLC
Alicia Zuger
1230 South 110th Street
Omaha, NE 68144

B. PROPERTY OWNERS:

AMZ Investments, LLC
Alicia Zuger
1230 South 110th Street
Omaha, NE 68144

C. GENERAL LOCATION:

13510 South 36th Street

D. LEGAL DESCRIPTION:

Lot 3, LGB Properties Replat One

E. REQUESTED ACTIONS:

Request for a conditional use permit for Lot 3, LGB Properties Replat One, for the purpose of an Alzheimer's/dementia care home.

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 conditional use permit to utilize the existing single family residence as an Alzheimer's/dementia care home.

H. SIZE OF SITE:

The site is approximately 4.4 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed with a single family residence constructed in 1970, along with several detached structures and a barn.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single Family Residential, RA and AG (non-conforming)
- 2. **East:** Single Family Residential (across S 36th St), RS-72
- 3. **South:** Single Family Residential, RS-120 and AG (non-conforming)
- 4. **West:** Single Family Residential, RS-72-PS

C. REVELANT CASE HISTORY:

1. On November 19, 2015, the Planning Commission recommended approval of a request to rezone Lots 1 through 3, LGB Properties Replat One, being a replat of Lots 1 and 2, LGB Properties, and Tax Lot 1B1, all located in the Southeast ¼ of Section 8, T13N, R13E of the 6th P.M., Sarpy County, NE, from AG, RA, and RG-28 to RA, RE, and RG-28 for the purpose of existing residential use; and small subdivision plat Lots 1 through 3, LGB Properties Replat One. The City Council approved the aforementioned request on January 25, 2016.

D. APPLICABLE REGULATIONS:

- 1. Section 5.08, Zoning Ordinance, regarding RS-120 uses and requirements.
- 2. Article 6, Zoning Ordinance regarding Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

The applicant has requested a change of zone from RE to RS-120 to facilitate this conditional use permit request.

C. TRAFFIC AND ACCESS:

1. MAPA Traffic Flow Data indicates 9,600 vehicles per day along southbound 36th Street south of Capehart Road and north of Schneekloth Road.
2. The property has access from South 36th Street.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Alicia Zuger on behalf of AMZ Investments, LLC has submitted a request for a conditional use permit for Lot 3, LGB Properties Replat One, for the purpose of an Alzheimer's/dementia care home.

2. The applicant has also submitted a rezoning request from RE to RS-120. The RS-120 zoning district lists "hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions or philanthropic institutions" as a conditional use.

3. The applicant states the facility will provide 24-hour care for Alzheimer's/dementia patients. The existing single family residence has two bedrooms. The applicant intends to convert the attached garage into bedrooms, as well as complete an addition onto the existing ranch home. The existing garage area will be extended to the south 3½', while a 20' x 28' addition is proposed on the east side of the home, between the existing structure and South 36th Street. The home would have six bedrooms under the applicant's proposal. Attached are proposed site plans for review. The proposed addition would be 26' from the east property line and meets the 20' minimum street side yard setback of the RS-120 zoning district. Additional 36th Street right-of-way was previously dedicated through a 2016 replatting of the property. In addition, the applicant is showing the permanent sanitary and Metropolitan Utilities District easements on her site plan.

The applicant states the facility will accommodate ten to twelve residents and will remain an ADA compliant home.

4. The applicant has stated her hours of operation will be 24 hours per day, 7 days per week, with a minimum of two to three staff on site during daytime hours, and one to two staff members present during the overnight hours. A Registered Nurse

will be on call 24 hours per day/7 days per week. The applicant indicates for the safety of residents and for the comfort of the surrounding neighbors and community, all doors leading in and out of the premises will be secured by an electronic lock which requires a code to be entered to gain access inside or out.

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

5. The property has a driveway from South 36th Street. The applicant intends to use the existing 28' x 35' paved parking pad in front of the house. Additionally, she plans to add another 20' x 16' paved parking area adjacent to the existing pad. The zoning ordinance requires 2.5 parking stalls based on the size of the proposed facility. The applicant's proposed site plan meets this requirement.

The driveway is shared with the property owner to the south. That property owner has an additional driveway from South 36th Street as well. Lot 3, LGB Properties Replat One shows an 8' easement along the property line south of the residence to accommodate this shared access. The applicant's proposed parking stalls do not encroach in this easement.

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, Springfield Platteview Public School District, Sarpy County Administrator, Sarpy County Engineer, Sarpy County Public Works. The cover letter indicated a deadline to send comments back to the Planning Department, and stated if the requested department did not have comments pertaining to the application, no response was needed.

Don Gifford, Bellevue Fire Department, and Mike Christensen, Chief Building Official, had comments pertaining to the change of occupancy for the residence. The residence will require an approved fire sprinkler and smoke alarms. The applicant is aware of the change of occupancy and subsequent building/fire code requirements.

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

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

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

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

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

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

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

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

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

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

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

6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

The Planning Department believes this application meets the criteria for approval of the Conditional Use Permit.

8. This property is over 4 acres in size, providing ample space for what the applicant is proposing. The property has direct access to South 36th Street, which is in the process of being widened from a two-lane road to a four-lane road. There will be no traffic through a local neighborhood street. Consequently, staff believes this request will have minimal impact on the surrounding neighborhood.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with Section 6.06, Zoning Ordinance, 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 applicant received December 6, 2021

4. As-built plot plan received December 6, 2021
5. Proposed site plans received December 8, 2021
6. Proposed floorplan received December 6, 2021
7. Conditional Use Permit Agreement

VII. COPIES OF REPORT TO:

1. Alicia Zuger, AMZ Investments, LLC
2. Public Upon Request

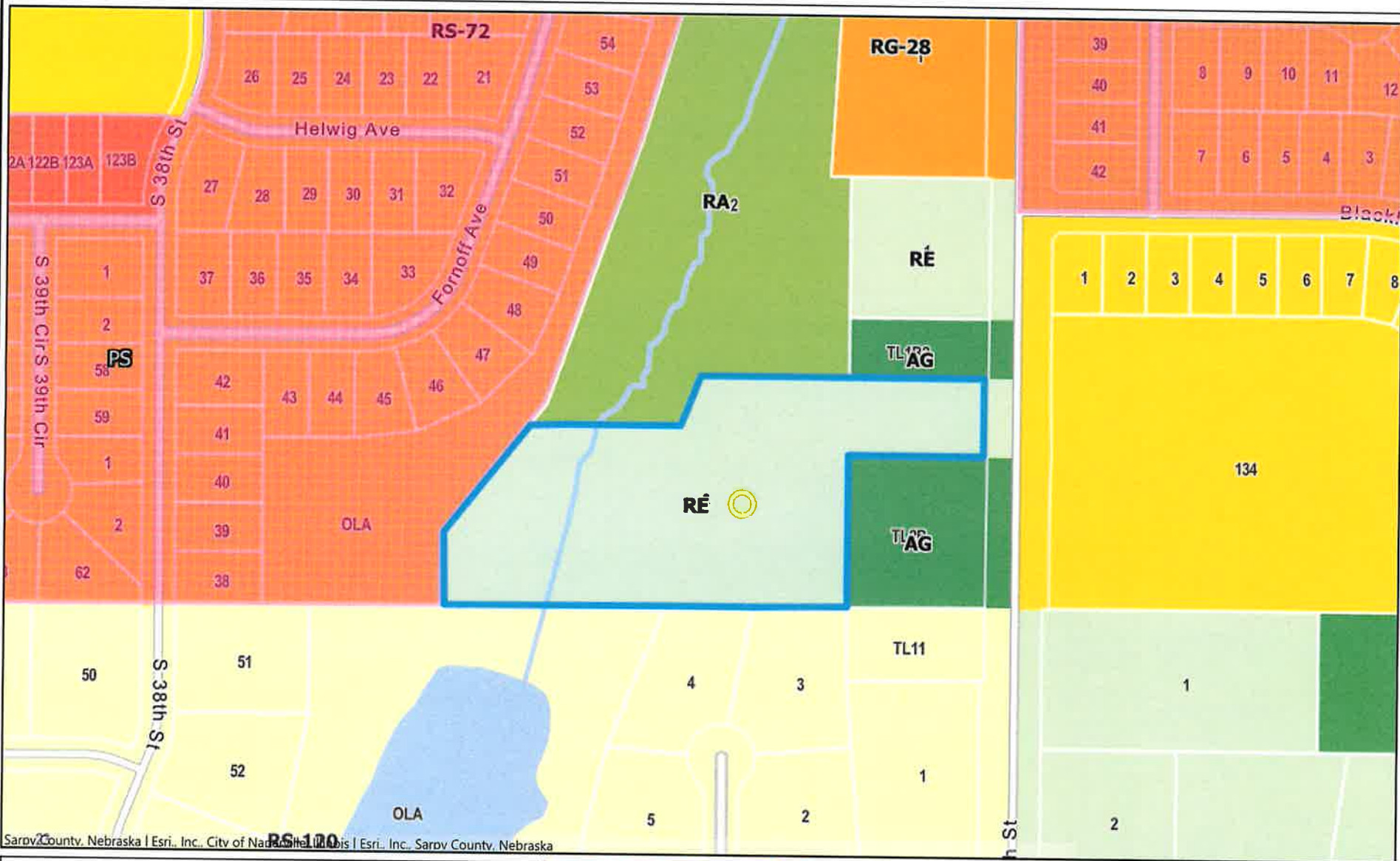
 12/9/21
Assistant Planning Manager

 12/09/21
Planning Manager: Date of Report

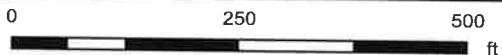


SARPY COUNTY
NEBRASKA

13510 S 36th Street



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



Map Scale 1: 3185

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Notes



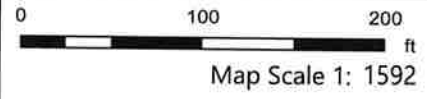


SARPY COUNTY
NEBRASKA

13510 S 36th Street



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



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Notes



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DEC 06 2021

PLANNING DEPT.

AMZ INVESTMENTS, LLC

1230 S 110th Street
Omaha, NE 68144
(402)871-5248

City of Bellevue
Planning Department
1510 Wall Street
Bellevue, NE 68005

RE: LOT 3 OF LGB PROPERTIES, SARPY COUNTY, NE

To Whom It May Concern:

AMZ Investments, LLC is requesting the Planning Commission's approval to rezone the property at 13510 S 36th Street in Bellevue, Nebraska for purposes consistent with approved conditional uses.

The property in question is currently zoned as RE and we would like to request the zoning be changed to RS-120 for the purpose of operating an Alzheimer's/Dementia Care home under the DBA Legato Living at Heartland Hills in the residence. This use is consistent with the conditional use referred to in Section 5.08.03 of the Zoning Ordinance as "Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions".

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- ◆ Our facility will accommodate 10-12 residents and will remain an ADA compliant residential style home.
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Legato Living has a solid reputation in the area of care for Alzheimer's/Dementia patients and is a family centered company who enjoys getting to know our residents and their families in a more intimate manner, which is why we have chosen the residential setting for our model.

We are looking to expand from Omaha into Sarpy county for the purposes of being accessible to more families in the Metro area and providing quality care for individuals in need in the City of Bellevue.

We hope you will consider our request and we look forward to working with you on this venture.

Sincerely,

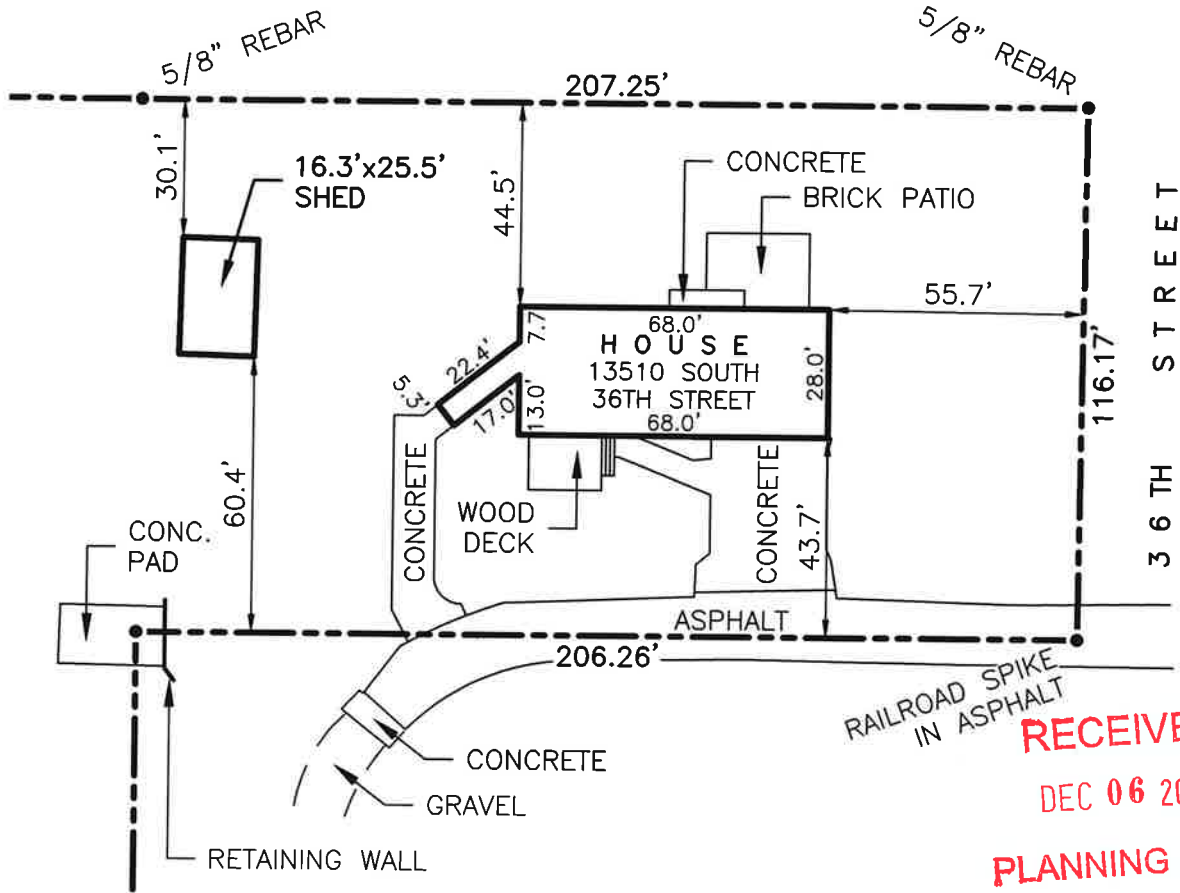


Alicia Zuger
President
AMZ Investments, LLC

Enclosure:

- 1) LHH Proposed Site Plan I
- 2) LHH Proposed Site Plan II
- 3) LHH Proposed Floorplan
- 4) As-Built Survey completed by TD2

THIS DRAWING SHOWS THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS ON PART OF LOT 3, LGB PROPERTIES REPLAT ONE, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.



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PROPERTY IS ZONED RE

REGULATOR	REQUIREMENT
LOT AREA.....	1 ACRES MINIMUM
BUILDING COVERAGE.....	20% MAXIMUM
IMPERVIOUS COVERAGE.....	40% MAXIMUM
FRONT YARD.....	35 FEET MINIMUM
SIDE YARD.....	20 FEET MINIMUM
REAR YARD.....	35 FEET MINIMUM

BUILDING AND SITE INFORMATION

a. TOTAL SITE AREA.....	191,608 SQ. FT.
b. BUILDING COVERAGE.....	2,435 SQ. FT.
c. BUILDING COVERAGE (b+a).....	1 %
d. TOTAL PAVED AREA.....	4,478 SQ. FT.
e. IMPERVIOUS COVERAGE (b+d+a)	4 %



LEGEND

- CORNERS FOUND (3/8" REBAR IN CONC PAD UNLESS NOTED)



Job Number: 200-21-246(AB)
 thompson, dreessen & dornier, inc.
 10836 Old Mill Rd
 Omaha, NE 68154
 p.402.330.8860 f.402.330.5866
 td2co.com

Date: OCTOBER 29, 2021
 Drawn By: BJH
 Reviewed By:
 Revision Date:

AS-BUILT

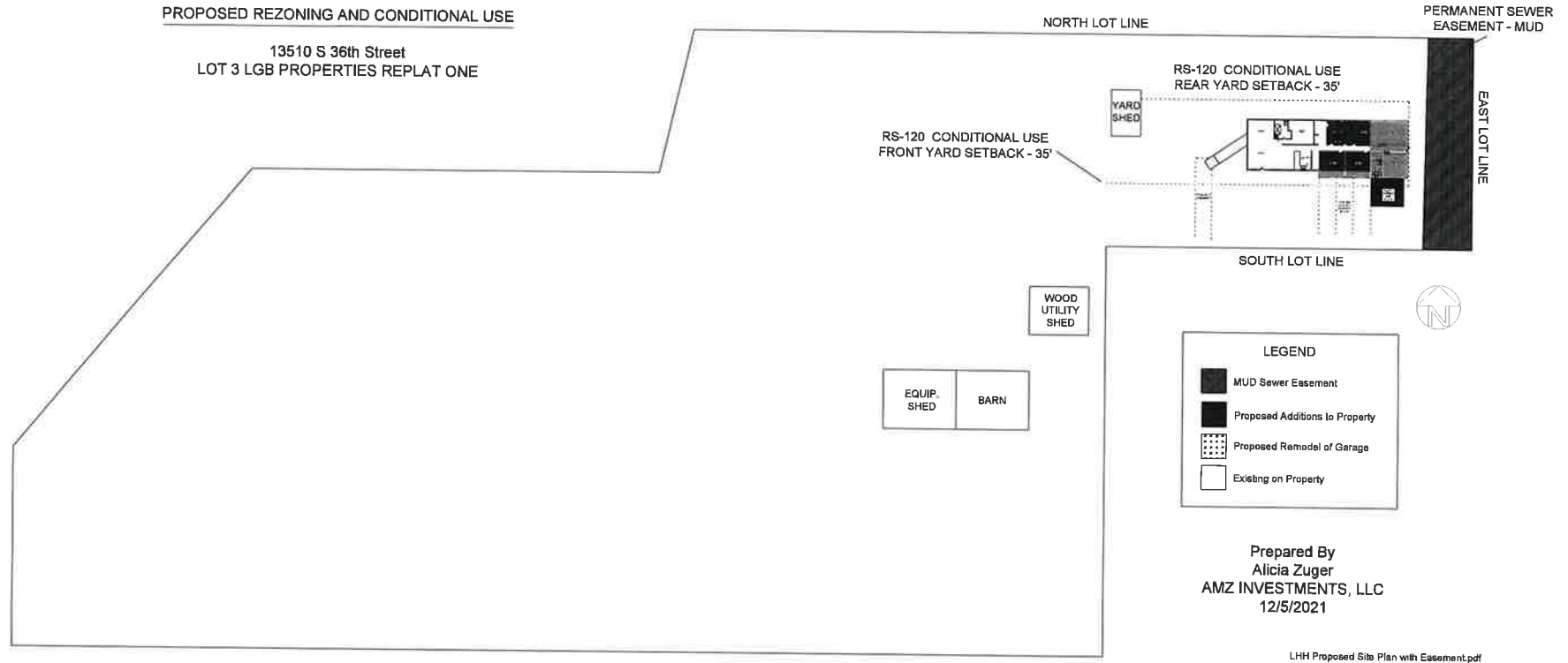
AMZ INVESTMENTS, LLC

Book 21-17
 Pages 34-36

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PLANNING DEPT.

PROPOSED REZONING AND CONDITIONAL USE

13510 S 36th Street
LOT 3 LGB PROPERTIES REPLAT ONE

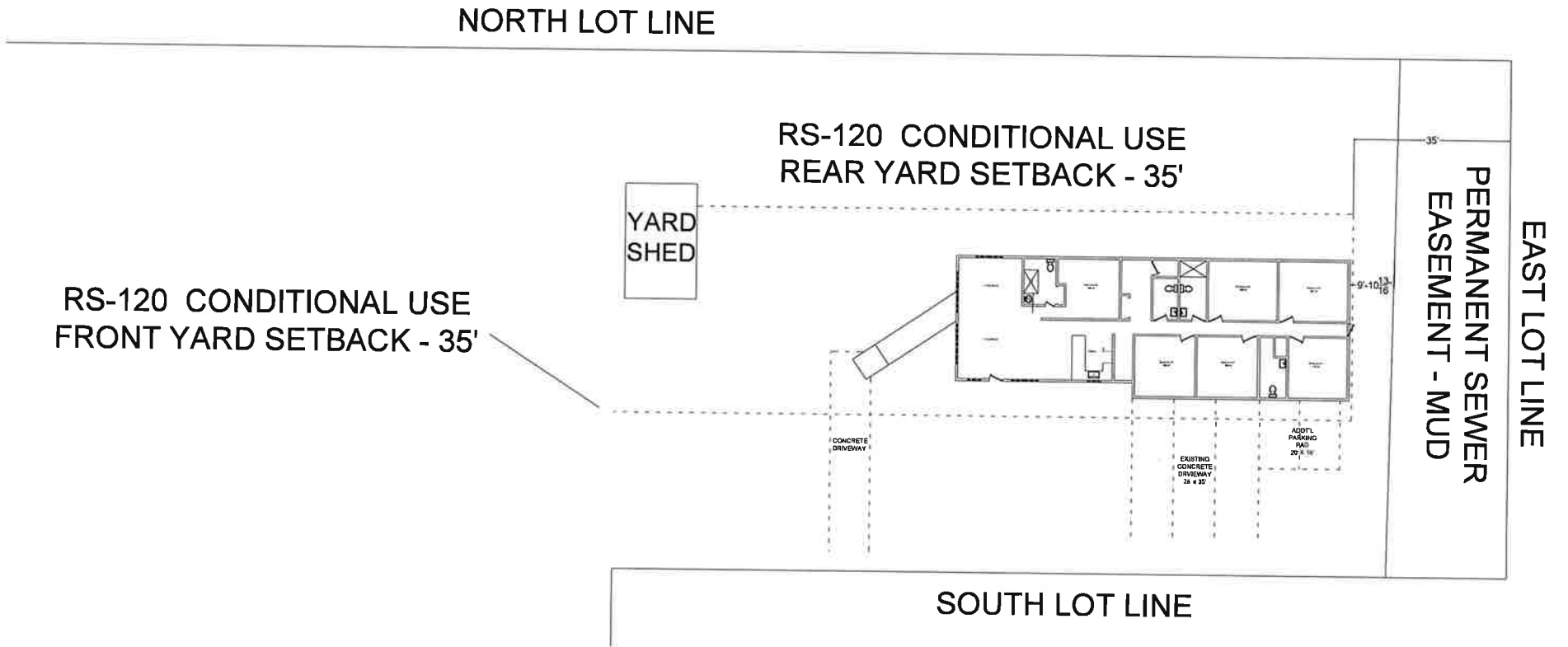


LEGEND

- MUD Sewer Easement
- Proposed Additions to Property
- Proposed Remodel of Garage
- Existing on Property

Prepared By
Alicia Zuger
AMZ INVESTMENTS, LLC
12/5/2021

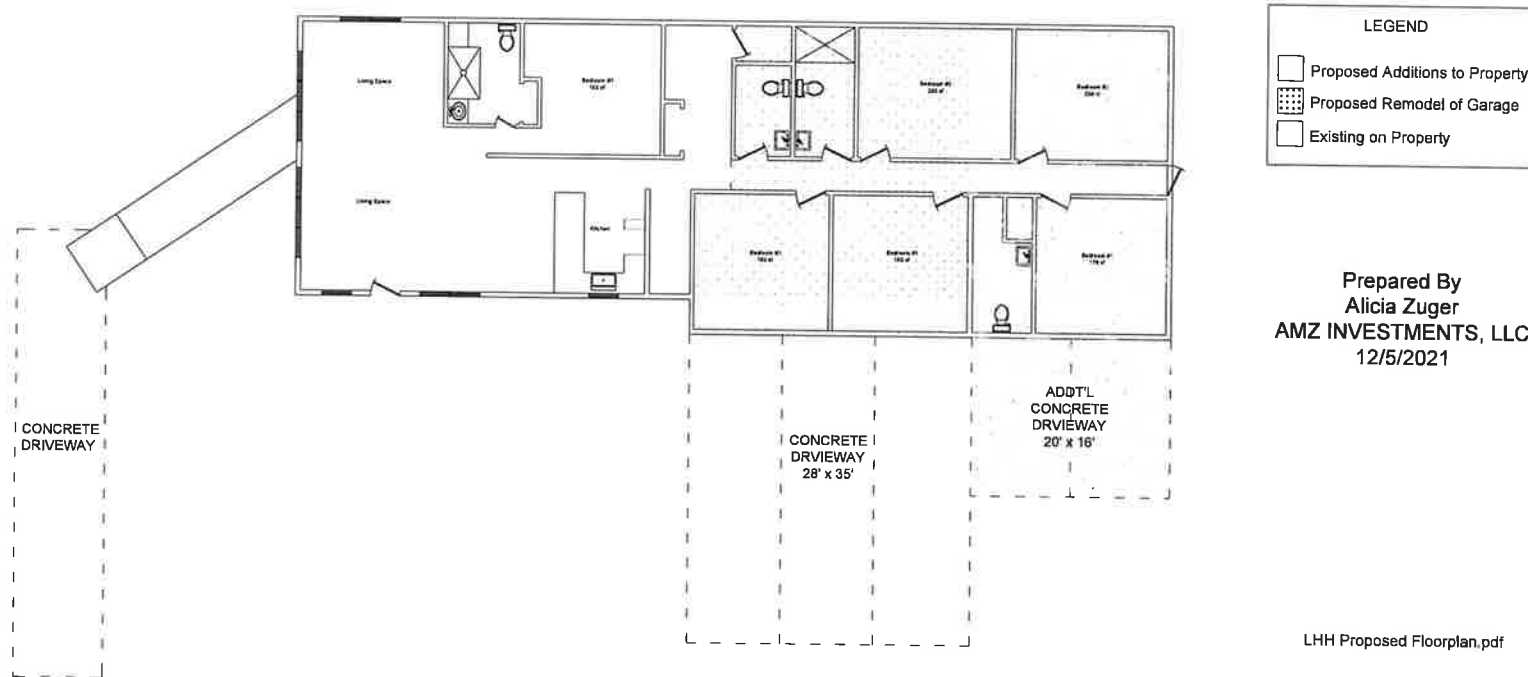
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DEC 08 2021
PLANNING DEPT.



RECEIVED
DEC 06 2021
PLANNING DEPT.

PROPOSED REZONING AND CONDITIONAL USE

13510 S 36th Street
LOT 3 LGB PROPERTIES REPLAT ONE



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

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 3, LGB PROPERTIES REPLAT ONE, LOCATED IN THE SOUTHEAST ¼ OF
SECTION 8, T13N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA

Conditional Use Permit for AMZ Investments, LLC

This Conditional Use Permit issued this _____ day of January, 2022 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to AMZ Investments, LLC, (“Applicant”), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, AMZ Investments, LLC is the legal owner of Lot 3, LGB Properties Replat One, located in the Southeast ¼ of Section 8, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 4.4 acres, more or less (“Property”). Applicant desires to use the Property for the purpose of an Alzheimer’s/dementia care home; and

WHEREAS, Applicant has applied for a conditional use permit for the purpose of using the Property as described above; and

WHEREAS, the Mayor and City Council of the City of Bellevue are agreeable to the issuance of a conditional use permit to the Applicant for such purpose, subject to certain conditions and agreements as hereinafter provided (the “Permit”).

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Applicant to use the Property for the purpose described above, said use hereinafter being referred to interchangeably as a “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Use:
 - a. A site plan showing the Property’s boundaries, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit “A.”

- b. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A") and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.
 - c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant's Use of the Property.
3. The Applicant's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:
- a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and opportunity to cure in the time and manner described below.
 - b. The Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void.
 - c. The Use shall follow all Nebraska Health and Human Services Licensing requirements regarding health care services. A copy of required licensure shall be provided to the Planning Department.
 - d. The applicant may operate a facility providing Alzheimer's/dementia care on the Property.
 - e. No more than ten (10) to twelve (12) senior residents may be in care at the facility at any one time.
 - f. The applicant may have a staff of five on site at one time to include Certified Nursing assistants, Certified Medical Assistants, Personal Care Assistants, Registered Nurse, and office personnel.
 - g. Approved hours of operation shall be 24 hours, 7 days a week with staff on site.
 - h. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant's expense within twelve (12) months of cessation of the Use of the Property.
 - i. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
 - j. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant's expense.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Applicant's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.
 - c. Applicant's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.

5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the same to be removed at Applicant's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall reimburse the City the costs incurred to remove the same. Applicant hereby irrevocably grants the City, its agents and employees, the rights, provided notice is furnished to the Applicant along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards, nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

6. If any provisions, or any portion thereof, contained in this Permit are held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

7. The conditions and terms of this Permit shall be binding upon Applicant, its successors and assigns.

a. Delay of City to terminate this Permit on account of breach of Applicant of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

b. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Applicant shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Applicant of any breach of this Permit. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section b and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

c. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.

d. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

AMZ Investments, LLC
c/o Alicia Zuger
1230 South 110th Street
Omaha, NE 68144

e. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

The City of Bellevue

By: _____
Rusty Hike, Mayor

ATTEST:

Susan Kluthe, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

The undersigned, a notary public qualified in and for said county, does hereby certify that Rusty Hike and Susan Kluthe, whose names as Mayor and City Clerk respectively, of the City of Bellevue, Nebraska, a municipal corporation, are signed to the foregoing instrument and who are each known to me and known to be such officers, acknowledged before me on this day and they, in their respective capacities as Mayor and City Clerk, executed and delivered said instrument as their voluntary act and deed and voluntary act and deed of such corporation.

Witness my hand and notarial seal this ____ day of _____, 2022.

Notary Public

Alicia Zuger for AMZ Investments, LLC

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

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

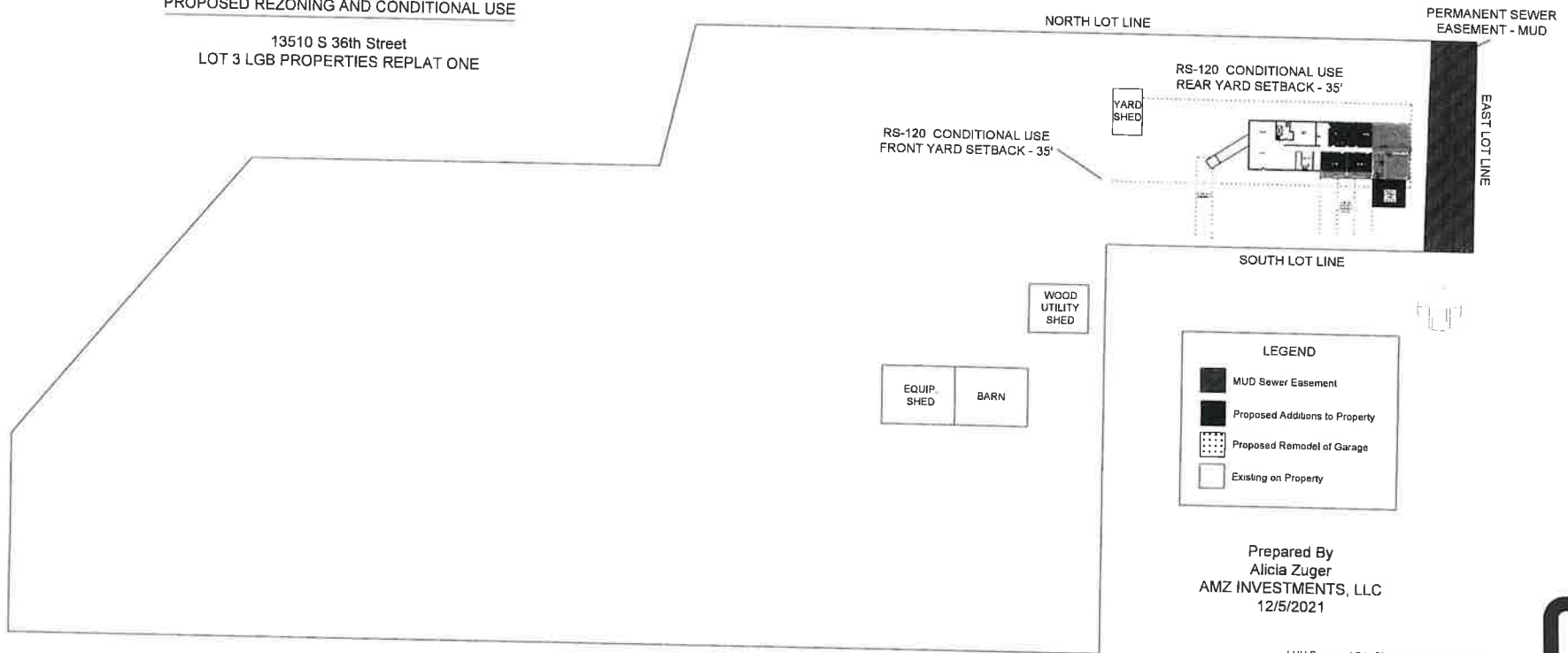
Witness my hand and notarial seal this ____ day of _____, 2022.

Notary Public

RECEIVED
DEC 08 2021
PLANNING DEPT.

PROPOSED REZONING AND CONDITIONAL USE

13510 S 36th Street
LOT 3 LGB PROPERTIES REPLAT ONE

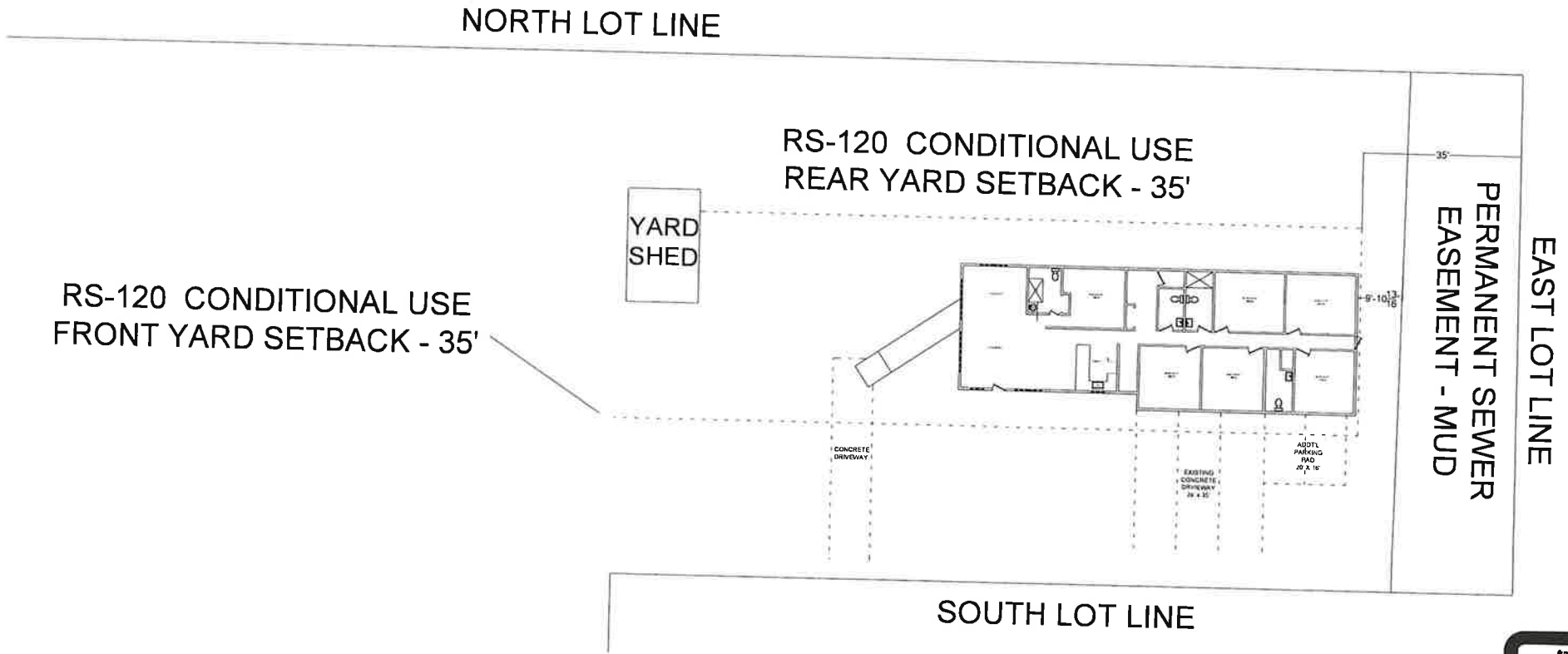


Prepared By
Alicia Zuger
AMZ INVESTMENTS, LLC
12/5/2021

LHH Proposed Site Plan with Easement.pdf



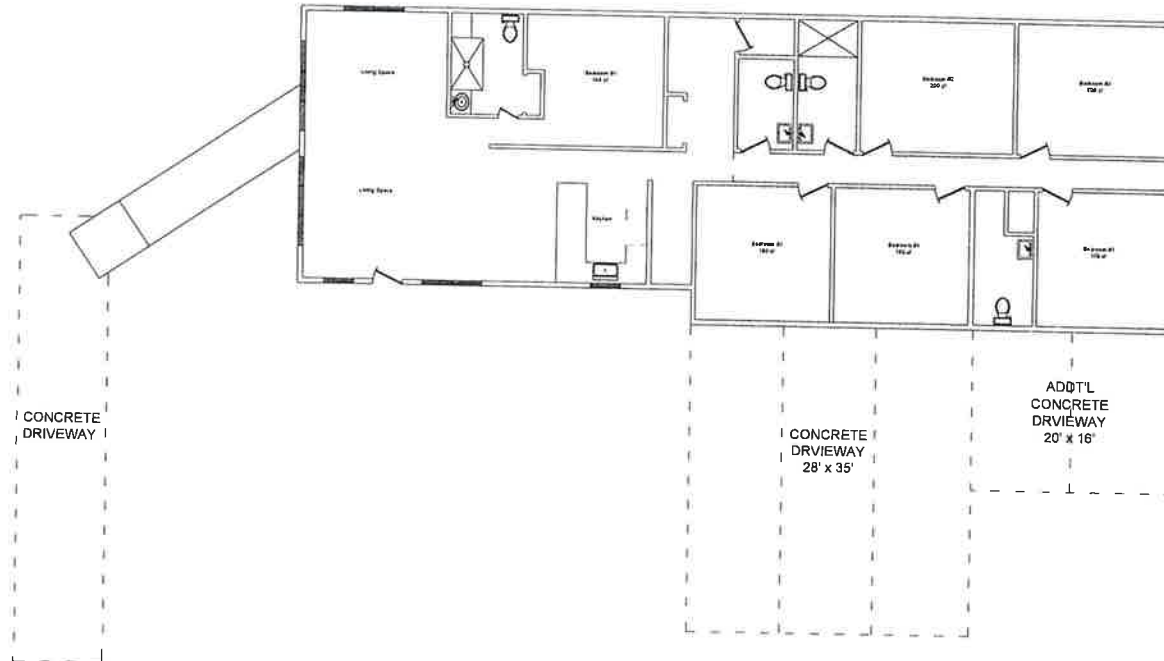
RECEIVED
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PLANNING DEPT.



RECEIVED
DEC 06 2021
PLANNING DEPT.

PROPOSED REZONING AND CONDITIONAL USE

13510 S 36th Street
LOT 3 LGB PROPERTIES REPLAT ONE



LEGEND

- Proposed Additions to Property
- Proposed Remodel of Garage
- Existing on Property

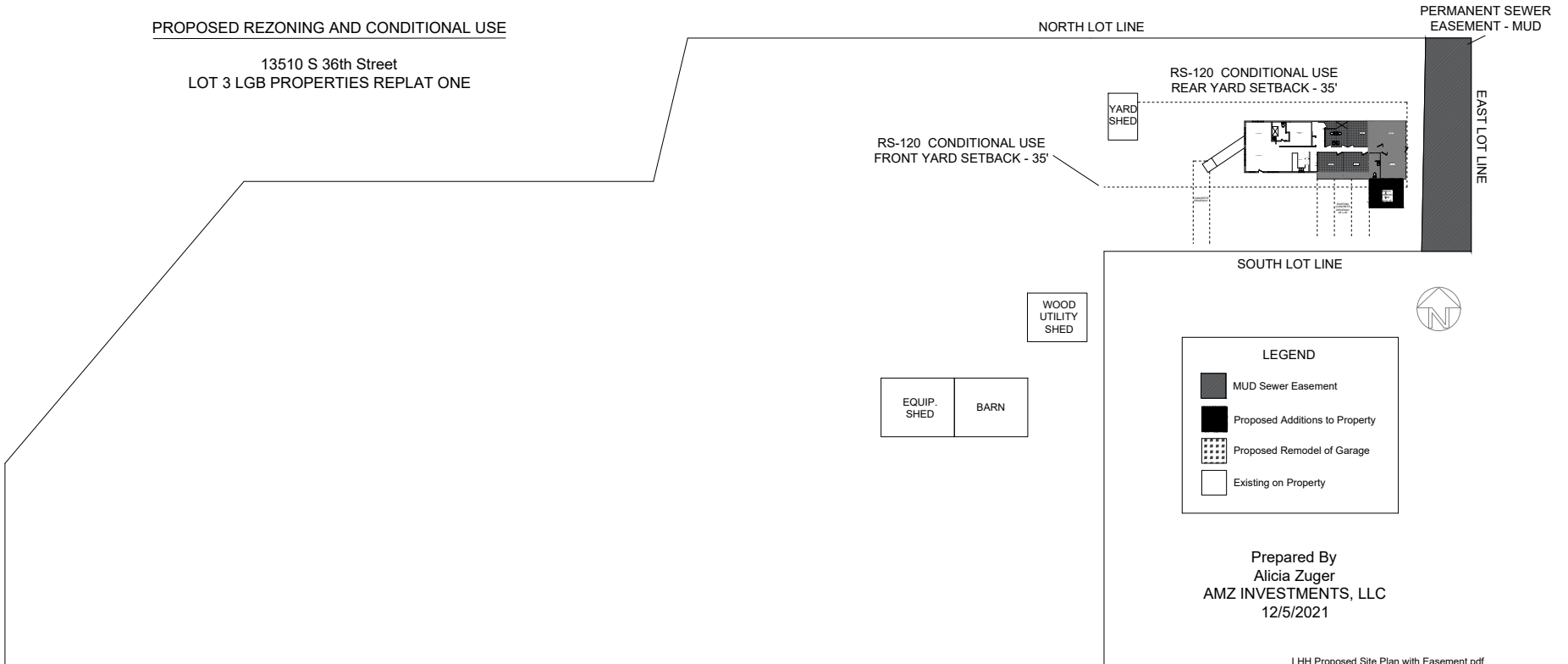
Prepared By
Alicia Zuger
AMZ INVESTMENTS, LLC
12/5/2021

LHH Proposed Floorplan.pdf



PROPOSED REZONING AND CONDITIONAL USE

13510 S 36th Street
LOT 3 LGB PROPERTIES REPLAT ONE



Prepared By
Alicia Zuger
AMZ INVESTMENTS, LLC
12/5/2021

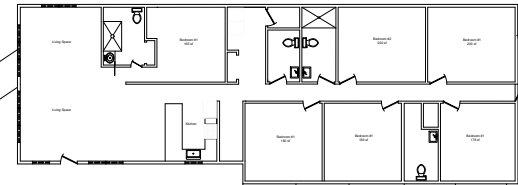
NORTH LOT LINE

RS-120 CONDITIONAL USE
REAR YARD SETBACK - 35'

RS-120 CONDITIONAL USE
FRONT YARD SETBACK - 35'

YARD
SHED

CONCRETE
DRIVEWAY



EXISTING
CONCRETE
DRIVEWAY
28' x 35'

ADDTL
PARKING
PAD
20' x 16'

9'-10¹³/₁₆"

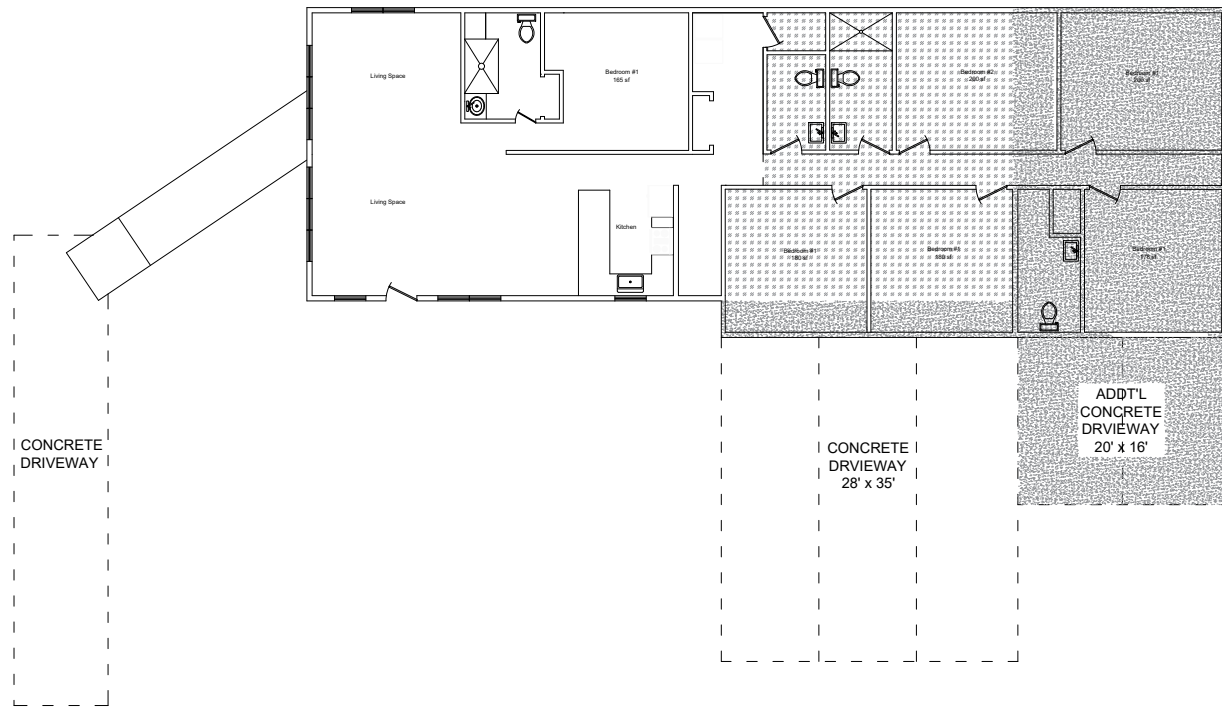
PERMANENT SEWER
EASEMENT - MUD

EAST LOT LINE

SOUTH LOT LINE

PROPOSED REZONING AND CONDITIONAL USE

13510 S 36th Street
LOT 3 LGB PROPERTIES REPLAT ONE



LEGEND

- Proposed Additions to Property
- Proposed Remodel of Garage
- Existing on Property

Prepared By
Alicia Zuger
AMZ INVESTMENTS, LLC
12/5/2021

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2111-22
S-2111-27

FOR HEARING OF:
REPORT #1: December 16, 2021

I. GENERAL INFORMATION

A. APPLICANT:

1st City Development, LLC
Attn: John Jungers
101 West Mission Avenue
Bellevue, NE 68005

B. PROPERTY OWNERS:

David and Ruth Heer
1154 South 97th Street
Omaha, NE 68124

C. GENERAL LOCATION:

2304 Lincoln Road

D. LEGAL DESCRIPTION:

Lots 1 and 2, Heer and Theer Addition, being a replat of Tax Lot 6B, and that Part of Tax Lot 6A2, being the north 50' of the west 175' of the east 260' and the south 22' of the east 85' of the east 260' of Tax Lot 6A, together with the south 15' of the west 110' of Lot 1, and the south 15' of the east 65' of Lot 34, Svoboda's Addition to the City of Bellevue, all located in the Southwest ¼ of Section 36, T14N, R13E of the 6th P.M., Sarpy County, Nebraska

E. REQUESTED ACTIONS:

1. Rezone Lots 1 and 2, Heer and Theer Addition, from RG-8-M and BGM to BGM.
2. Small Subdivision plat Lots 1 and 2, Heer and Theer Addition.

F. EXISTING ZONING AND LAND USE:

RG-8-M and BGM, Apartments/Retail

G. PURPOSE OF REQUEST:

The applicant is requesting a change of zone and small subdivision plat to facilitate commercial development.

H. SIZE OF SITE:

The site is approximately 2.42 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Proposed Lot 1 is presently developed with three buildings: one to the northwest with 4 apartments and 7 attached garages, one southwest with 14 apartments, and one building southeast with 2 apartments in the rear and a beauty and barber shop in the front.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Single Family Residential, RS-72, BGM
2. **East:** Commercial/Retail/Office, BGM-OTO and BGH-OTO
3. **South:** Offutt Air Force Base
4. **West:** Offutt Air Force Base

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

1. Section 5.23, Zoning Ordinance, regarding BGM 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 these properties as commercial and multi-family residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The MAPA Traffic Flow Data estimates 7,300 vehicles per day along the south leg of Lincoln Road, south of the intersection of Lincoln Road and West Mission Avenue.
2. The property has access from Lincoln Road.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. John Jungers, on behalf of 1st city Development LLC, has submitted a request to small subdivision plat Lots 1 and 2, Heer and Theer Addition.
2. The applicant is also requesting to rezone Lots 1 and 2, Heer and Theer Addition, Replat One from RG-8-M and BGM to BGM.
3. The applicant wishes to facilitate commercial development along the Lincoln Road Corridor.
4. The requested BGM zoning for the plat accommodates the existing development on proposed Lot 1, as well as any future commercial development on proposed Lot 2.
5. The proposed plat is in conformance with the BGM requirements.
6. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Planning Director, Sarpy County Public Works Department, Sarpy County Deputy County Administrator, 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.

Krista Hoffart, Offutt Air Force Base Community Planner, noted that with the proximity to the Air Force Base, there may be noise associated with the active runway.

Public Works Engineering Manager Dean Dunn requested minor technical revisions to the plat. These revisions have since been made by the applicant's surveyor.

No other comments were received in this case.

7. The Future Land Use Map of the Comprehensive Plan designates this area as commercial along the northern boundary of the property, and multi-family residential for the southern half of the property. An amendment to the Future Land Use Map should be included with a request to approve a change of zone and small subdivision plat. Staff recommends the entire property be reflected as commercial.

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

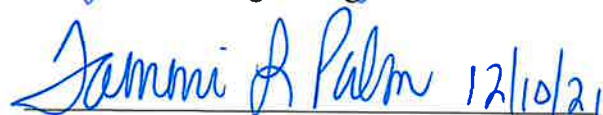
VI. ATTACHMENTS TO REPORT

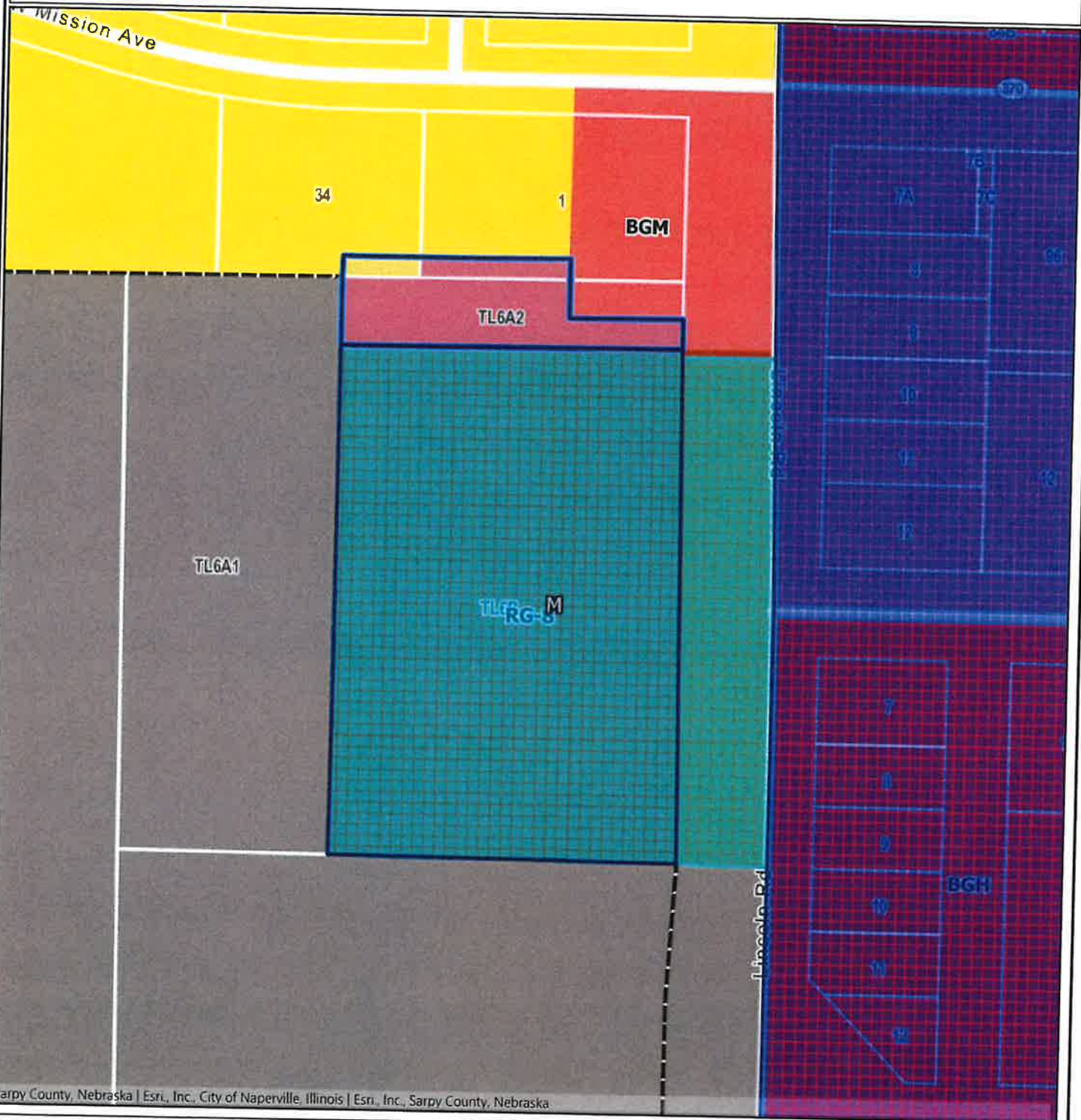
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Email from John Jungers received November 15, 2021
4. Small Subdivision plat received December 7, 2021
5. As Built Survey received November 29, 2021

VII. COPIES OF REPORT TO:

1. 1st City Development, LLC - John Jungers
2. Hill-Farrell Associatees, Inc. - Doug Hill
3. David and Ruth Heer
4. Public Upon Request

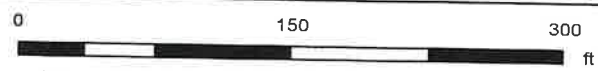

Assistant Planning Manager


Planning Manager: Date of Report



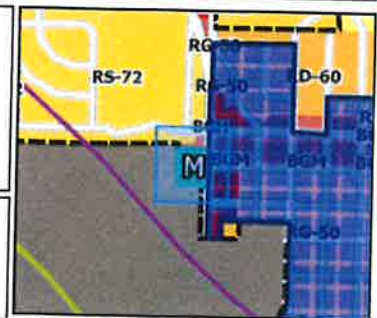
Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska

Notes



Map Scale 1: 1592

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.





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

Notes



Map Scale 1: 1592

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.



Dianna VanHorn

From: John Jungers <johnjungers@gmail.com>
Sent: Monday, November 15, 2021 2:43 PM
To: Tammi Palm; Dianna VanHorn
Subject: Rezoning

We are seeing rezoning on the Lincoln Rd property in hopes of facilitating commercial development along the Lincoln Rd corridor.

Respectfully,

John Jungers
1st City Development LLC

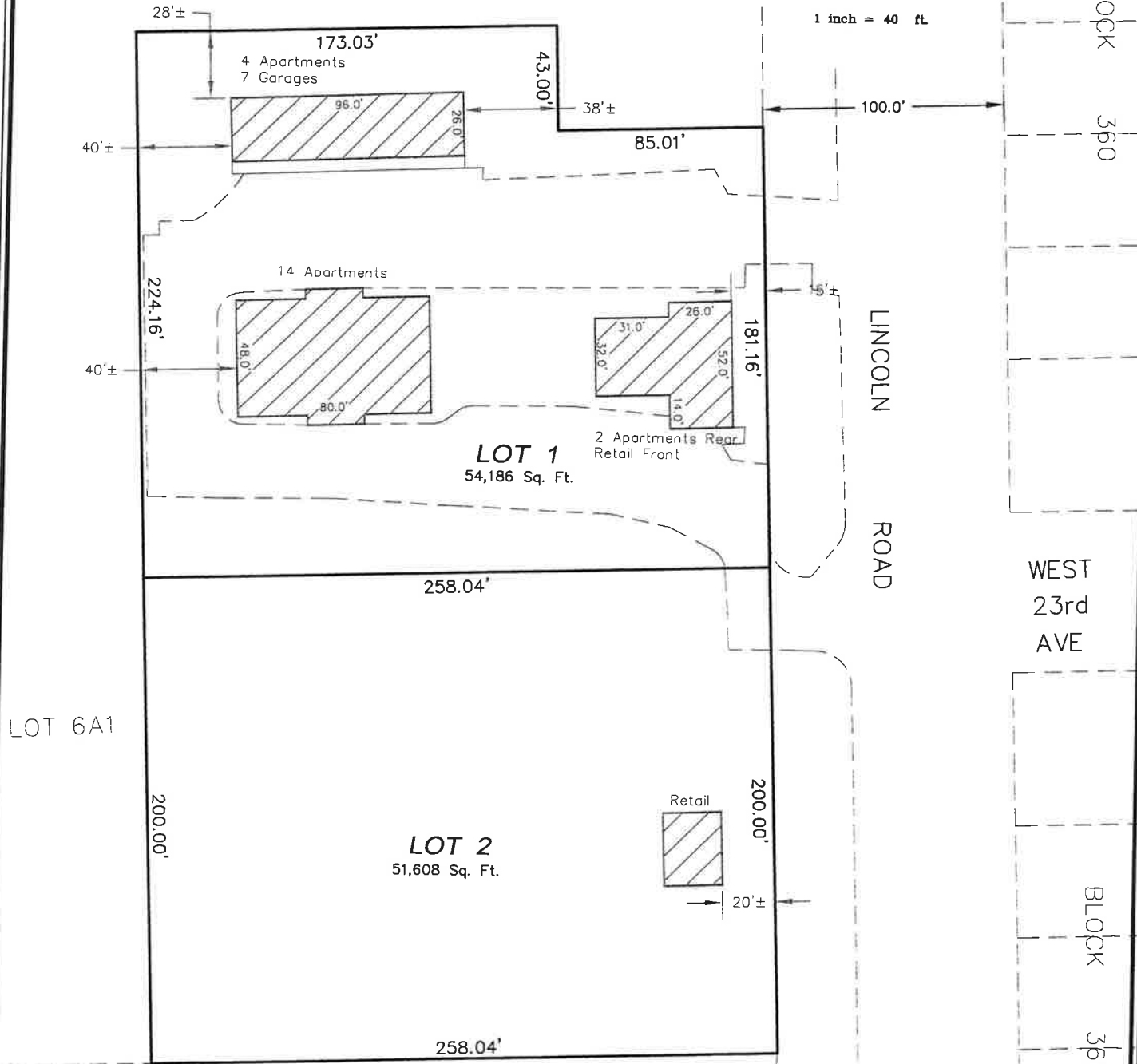
Sent from my iPhone

RECEIVED

NOV 29 2021

PLANNING DEPT

LINCOLN PLACE ADD. AS BUILT - EXISTING BUILDINGS 2302 and 2304 LINCOLN ROAD



DRAWN: RDH

DATE: 11/28/2021 PROJECT NO. LINCOLN PLACE ADD.



HILL-FARRELL ASSOCIATES, INC.
Land Surveyors
Bellevue, NE 68005 (402) 291-6100