

**BELLEVUE PLANNING COMMISSION**

Thursday, August 25, 2022 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 July 28, 2022 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 the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE, from AG to ML for the purpose of industrial development. Applicant: HRC Development, LLC. Location: Fort Crook Road and Fairview Road. Case #: Z-2207-09.

b. Request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of auto sales. Applicant: Legion LED Trucks, LLC. Location: 1620 Wilshire Dr., Ste. 300. Case #: CUP-2207-04.

c. Request to amend Section 5.23.02 (12), City of Bellevue Zoning Ordinance, regarding permitted uses in the BGM (Metropolitan General Business) zoning district regarding multi-family residential density. Applicant: Alex Perry. Case #: 173

d. Request to rezone Lot 1, Roca De Salvacion Addition, being replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with half of vacated 37th Street adjacent thereto, from BG and RS-72 to RS-72 for the purpose of a church; and small subdivision plat Lot 1, Roca De Salvacion Addition, being replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with half of vacated 37th Street adjacent thereto. Applicant: Fortino Ramirez. General location: 8806 S 36th Street. Case #'s: Z-2206-08, S-2206-16.

e. Request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church. Applicant: Fortino Ramirez. General Location: 8806 S 36th Street. Case#: CUP-2206-03.

**4. CURRENT BUSINESS**

**5. ADJOURNMENT**

# MINUTE RECORD

Bellevue Planning Commission Meeting, July 28, 2022, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, July 28, 2022 at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Compton, Hankins, Ritz, Aerni, Ackley, Bennett, Perrin, and Jacobson. Absent was Commissioner Cutsforth. 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.

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

Motion was made by Ackley, seconded by Jacobson, to approve the minutes of the June 23, 2022, regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Aerni 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 Ritz, 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.

Aerni explained the public hearing procedures

The following items were on the consent agenda:

Item 2.a.: Request to final plat Lots 1 through 9, Fontenelle Hills Estates, being a replat of Lot 1, Fontenelle Replat 8, Lots 12, 13, 16 17, 19, 55A, 233 and 234, Fontenelle, and 1/2 of vacated Laurel Lane. Applicant: Hawkins & Strom Holdings, LLC. General Location: Martin Dr. and Ridgewood Dr./Martin Dr. and Ridgewood Ct. Case #: S-2206-14.

Item 2.b.: Request to final plat Lots 192 through 266, and Outlot I and J, Lakewood West being a platting of Tax Lot 14, and a replat of Outlot H, Lakewood West, all located in the Southwest ¼ of Section 31, T14N, R13E of the 6th P.M., Sarpy County, Nebraska; and approval of Lakewood West subdivision agreement. Applicant: Woodsonia Lakewood West, LLC. General location: South 60th Street and Hwy 370. Case #: S-2206-15.

There was no one present to speak in favor of, or in opposition to the consent agenda. Subsequently, Aerni closed the public hearing.

MOTION was made by Jacobson, seconded by Hankins, to recommend APPROVAL of the consent agenda items. APPROVAL based upon conformance with the preliminary plats. Upon roll call, Compton, Hankins, Ritz, Aerni, Bennett, Perrin, and Jacobson voted yes, Ackley abstained. Motion carried.

**These items will proceed to City Council for PUBLIC HEARING ON August 16, 2022.**

PUBLIC HEARING was held on a request to declare as blighted and substandard Lot 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1, 2, and 3, Old Orchard Place III, Lots 4 and 5, High School View, and Tax Lot 8A, all located in the Southeast ¼ of Section 22, T14N, R13E, Sarpy County, Nebraska. Applicant: Habitat For Humanity of Sarpy County, Inc. General location: 10th Street and Kasper Street. Case #: ECD-56.

Aerni asked staff for updates. Palm stated there were no updates and gave a summary of the request. She stated the blighted and substandard process is the first step in receiving TIF (Tax Increment Financing). Palm stated the applicant intends to construct affordable housing in this area. She said the area is adjacent to the Fort Crook Road corridor and to property which has already been designated as blighted and substandard. Palm stated staff agrees the area meets the statutory requirements and is supportive of the request. She said if this area is declared blighted and substandard the city is well under the threshold required by statute. Palm stated currently the city is between 9% and 10% total area of the blighted and substandard designation.

Michael Matejka, 10250 Regency Parkway, Omaha, NE was present on behalf of Habitat for Humanity. Matejka stated Habitat does not give these homes away, but rather they sell the homes for appraised

# MINUTE RECORD

Bellevue Planning Commission Meeting, July 28, 2022, Page 2

value and provide long term financing at low interest rates. He stated they also provide a vetting process and training for the homeowners. Matejka stated the homeowners are required to do 350 hours of sweat equity. He said all of this is done to ensure the homeowners can afford and maintain the home. Matejka stated although Habitat for Humanity is a nonprofit organization, they do pay taxes on the land. Matejka said the project will be located on Lot 21A, Old Orchard Place, and a portion of Tax Lot 8A. He stated Habitat for Humanity has spoken to and sent notices to all of property owners in the blighted and substandard designation area. Matejka gave an overview of the blighted and substandard definition and how it applies to this area. He said the area was originally platted in 1887.

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

Ackley stated this is a great infill project. He stated this area was platted in 1887 and has not been developed for many reasons, mostly topographical. He stated TIF is the perfect use for this area because the infrastructure will be costly, and it is consistent with a recent TIF approved at 34<sup>th</sup> Street and Chandler Road.

Ritz questioned if the homes to be built are in conformance with the Future Land Use Map. Palm stated they are in conformance and if approved for TIF they would apply for replatting and rezoning.

MOTION was made by Ackley, seconded by Compton, to recommend APPROVAL of a request to declare as blighted and substandard Lot 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1, 2, and 3, Old Orchard Place III, Lots 4 and 5, High School View, and Tax Lot 8A, all located in the Southeast ¼ of Section 22, T14N, R13E, Sarpy County, Nebraska. Applicant: Habitat For Humanity of Sarpy County, Inc. General location: 10th Street and Kasper Street. Case #: ECD-56. APPROVAL of the application based upon meeting the statutory requirements of a blighted and substandard area. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON September 6, 2022.**

PUBLIC HEARING was held on a request to approve the Redevelopment Plan for Lots 1 and 3, Civic Center Plaza Replat One. Applicant: Mercury Property Management, Inc. General location: Washington Street and Mission Avenue. Case #: ECD-57

Aerni asked staff for updates. Palm said there were no updates and gave a summary of the request. She stated this request is for an area previously owned and occupied by the City of Bellevue. Palm stated the city sold the property and has been anxious for the redevelopment. She stated the Mission Avenue corridor was designated as blighted and substandard a number of years ago. Palm stated the application is for a mixed-use building with the main level being commercial, and the upper floors being multi-family residential. She said the city did an Olde Towne vision plan in 2016 and this was the type of use the city was envisioning. Palm stated staff is recommending approval of the application.

Andrew Willis, 233 S. 13<sup>th</sup> St., Lincoln, NE, was present on behalf of Mercury Property Management, Inc. He stated the project is a four-story building approximately 20,000 square feet with the first floor being commercial/retail and the three upper floors being apartments. Willis stated there will be 53 units consisting of one- and two-bedroom apartments. He said total cost of the project will be \$12.3 million and in order to do the project the owner is requesting TIF assistance. Willis stated typical uses of TIF funding are grading, sanitary storm sewers, streets, and sidewalks. He said this plan conforms with the Comprehensive Plan which designates this area as an Activity Center which allows for mixed use development. Willis stated the anticipated completion value of the project is \$10,425,000 with TIF funds of \$2,468,000.

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

Ackley stated this area has been designated as blighted and substandard for a number of years and is a good use of TIF assistance. He said development would be beneficial in this area.

Aerni questioned staff regarding the 5% interest rate. Palm stated the Finance Director was comfortable with that rate. Aerni questioned the use of TIF funds being used on interior LED lighting and heating, ventilation, and air conditioning (HVAC) upgrades. Willis stated two years ago the Community Development statute was amended to make enhancements for energy efficiency and the cost of those enhancements in the plan are above minimum code. He said there is an additional

# MINUTE RECORD

Bellevue Planning Commission Meeting, July 28, 2022, Page 3

\$350,000 dollars being spent on upgrades for energy efficient lighting and HVAC.

Jacobson asked staff if the project is within the area previously designated as blighted and substandard. Palm stated it is within that area.

MOTION was made by Jacobson, seconded by Ackley to recommend APPROVAL of a request to approve the Redevelopment Plan for Lots 1 and 3, Civic Center Plaza Replat One. Applicant: Mercury Property Management, Inc. General location: Washington Street and Mission Avenue. Case #: ECD-57. 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 in the Olde Towne district. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON September 6, 2022.**

PUBLIC HEARING was held on a request to approve the Fort Crook Road Plan. Applicant: City of Bellevue. Case #: 170.

Palm stated the city originally adopted the Fort Crook Road Plan in 2008. She stated a lot has changed since that time and administration considers Fort Crook Road redevelopment a priority. Palm stated the original consultant HDR was commissioned to review the plan for updates. She stated there are letters of support from MAPA (Metro Area Planning Association), Metro, and the Papio NRD for the updated plan. These agencies will be important partners with the city in the implementation of this plan.

Doug Bisson, 1917 S. 67<sup>th</sup> St., Omaha, NE, was present on behalf of HDR. He stated there were multi-day design workshops that the city staff participated in and provided comments and input throughout the process. Bisson stated the plan is set up in the following three key components; green infrastructure, total mobility system, pedestrian oriented mixed-use environment. He said the benefits to the city would be jobs and retail development. Bisson said the plan is a catalyst for growth and other communities in the metro area are following similar aspects of this plan. He stated the mobility system includes walking, cycling, vehicular, and public transit. Bisson stated Metro and MAPA are incredibly excited about this opportunity. He stated the Fort Crook Road corridor would be divided into two sections north of Hwy 370 and south of Hwy 370. He stated traffic volumes have decrease significantly so north of Hwy 370 all traffic would use the northbound lanes having a lane in each direction with a turn lane and southbound lanes would have two bus rapid transit lanes and one traffic lane. He stated the bus stop would be laid out every half mile to a mile and a half in order for the rapid transit vehicle to maintain its speed. He stated the layout for the stops are Childs Rd., Avery Rd., Herman Dr., Offutt AFB/Kenney Gate, and Fairview Rd. Bisson said a lot of emphasis has been placed on pedestrian crossing and movement. He stated traffic engineers studied the transitions and for the level of service there were no issues at this time but as the project moves forward that would be studied again for any changes needed. Bisson stated there is floodplain within the area so as the plan moves forward there would be a need for further studies done for the impact on each of the stop areas. He stated the idea is to address floodplain concerns through green infrastructure to be as light on the land as possible. Bisson stated in terms of transit-oriented development the goal is to create walkable urbanism, and pedestrian oriented mixed-use neighborhoods at each of the transit stops. He said there are four key design parameters: build to the sidewalk with the primary entrance onto the sidewalk, make building fronts permeable, prohibit parking lots in front of the buildings, and create an interconnected network of mobility options. Bisson presented diagrams of each station and the possibilities of the types of development around each one.

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

Jacobson mentioned in the opening statement of the plan it refers to someone having a cup of coffee in Bellevue and then getting on the bus to go to their job in Omaha. He stated his interest is in someone having a cup of coffee in Omaha and getting on a bus to get to their job in Bellevue. Bisson stated typically residential leads the way and as the city begins to build density at each one of these stations you will begin to pull people into Bellevue. Discussion ensued regarding the importance of mixed-use development around the stations. Jacobson asked staff if Offutt AFB was consulted regarding the Kenney Gate station. Palm stated Offutt AFB was consulted. They do like the idea of a multimodal corridor but with security issues that location may change. Bisson stated HDR recommended Meyers Gate because it is closer to headquarters but during the discussions, Offutt said Kenney Gate was their preferred location. He stated they also had discussions regarding the need for a shuttle system inside Offutt. Jacobson stated Kenney Gate is problematic due to the 42,000 cars on Hwy 370 and as they head east onto the Kennedy Freeway this does not leave them an easy option to use the BRT (Bus

# MINUTE RECORD

Bellevue Planning Commission Meeting, July 28, 2022, Page 4

Rapid Transit). Discussion ensued regarding finding locations that work best for some parts of the population and possible growth areas.

Ritz stated not having a stop on Capehart seems to be a missed opportunity because the city is developing some commercial properties in that area and that location would eliminate traffic issues. Ritz stated he sees this as a spine through Bellevue that could eventually travel east and west into Olde Towne. He said this is a great opportunity for Bellevue. Palm stated this is a high-level plan but over time and working with Metro on the BRT line there might be some shifting of the locations. She said there may be an opportunity to push the Fairview Road transit station further to the south particularly with the city's vision and plans at Hwy 34 and Hwy 75. Bisson stated this plan is setting the city's vision and as you get into the layers of detail you will fine tune those details.

Ackley stated he remembers when the Fort Crook Plan was adopted in 2008, and since that time the Planning Commission and the city have been criticized for not following the plan. He said so when Mr. Bisson says don't get caught up in the details because it will change, if the plan is adopted ultimately when development applications come forward, we will be expected to follow the plan. Bisson stated when it comes to the transit stops, that is where it could shift but the incremental development around those stops should remain rock solid. He said if you stray from that and allow for suburban development on the corridor that will be your detriment. Bisson stated front those buildings onto the corridor and create parking to the rear or side of the development; those types of design elements are critical. Palm stated as zoning changes, with each application a decision will have to be made whether the application is in the best interest of the city and would it fit into the overall vision. She stated if zoning is in place and no site plan approval is necessary then the Planning Department would have to work with the developer to facilitate the plan. She said the Zoning Ordinance would have to be amended to allow for the transit-oriented development and to put in place the specifics of this plan that Mr. Bisson says are critical. Palm stated she is attempting to get funding in the budget to allow for an overhaul of the Comprehensive Plan to align with this plan.

Jacobson inquired if the BRT was necessary to make this plan successful. Bisson stated development follows transit investment so first-class BRT lines are a catalyst for development to occur. He stated development does not follow bus lines so without BRT you will continue to see what you have always seen along the corridor. Jacobson stated he participates in Heartland 2050 and various other groups and in a number of cities who have this type of transportation, though it's impressive, one of the things he notices is the retail tends to be coffee shops or people parking their cars and leaving, which leads to not a lot of money being spent in the area. Bisson stated the challenge is transit is not very good at this time so until additional steps are taken to improve it everyone still needs to own a car. He stated Metro is doing a good job of moving to better transit transportation. Jacobson stated Kennedy Freeway has turned into a huge barrier to tie the city together and it seems this is just another barrier in tying the two parts of east and west Bellevue. Bisson stated the east and west is a challenge but the goal is to bind north and south Bellevue.

Ackley stated he likes the first half of the plan but is unsure how it will be paid for. He said his concern is when the plan is adopted it becomes something the city is bound to and as applications are submitted for development some may be rejected because they do not fit the nodes in the plan. Bisson stated this sets the city's vision, and Metro and MAPA think it is critical that the city brings forth a vision. He said once this plan is approved MAPA is ready to fund their mini grant to take the next steps of study. He said it triggers a series of things and then Metro will know that Bellevue is very serious. Bisson said these are necessary to bring in federal funding to pay for the transit investment. He said on the development side there are things you can do like create a small area to be planned around a key stop but developers will not respond until they know that the transit will happen first. Ackley questioned why the plan has to go past page 34. Bisson stated the agencies are going to want to see Bellevue's vision to be sure the transit will succeed so the first and second parts of the plan must be there. He said don't get stuck on the nodes rather focus on making those transits as conducive as possible. Palm stated if the plan is adopted one of the first steps taken would be to place those transit development guidelines into the Zoning Ordinance so whatever development comes in whether it's commercial or residential we have those guidelines in place so even if it didn't develop exactly as the plan shows we at least have the necessary design components in place. Jacobson stated so this is far more than a vision. He said our agenda tonight is to approve this as a plan. Palm stated the plan has no teeth unless it is approved and there is a commitment to the overall vision and design. Discussion ensued regarding funding for the plan.

Jacobson inquired if there has been any public participation in the plan. Bisson stated there was stakeholder participation during the workshop. He stated the approach was an update of the previous plan with the newest component being the BRT.

# MINUTE RECORD

Bellevue Planning Commission Meeting, July 28, 2022, Page 5

Ritz stated limiting Fort Crook Road from six lanes to three in the north is going to bring those neighborhoods together and this plan solves an issue that was presented with the new school built on Childs Road. He said he likes the plan.

Jacobson questioned whether truck traffic would fit into this plan. Bisson stated with any urban development you still need to get goods and make deliveries so lane widths are twelve feet which will accommodate trucks according to the engineers.

Ackley stated he liked the concept of the transportation corridor portion of this plan but he does not like the development half unless specific language is added stating the Commission and city are not bound by the design concept or the plans around the stops. He stated after 2008 the Commission received a lot of criticism for not following a plan that cost the city a lot of money. Ackley said an example would be the Fort Crook Road stop (Fort Crook Road and Cornhusker Road) has been designed for multi-family and it is zoned BG (General Business) and the current owner of the property has plans for commercial development. He said as far as the Herman Drive stop, Bellevue University owns everything north of Herman Drive and everything shown on the plan is not what Bellevue University intends to develop and south of Herman Drive is mostly townhomes. He stated the areas around Fairview Road and Fort Crook Road were recently approved for light industrial and the plan shows a residential development there. Bisson stated that has been noted in the document. Discussion ensued regarding specific language that could be added to the plan.

Aerni stated he thinks Capehart is a more logical place for a stop. He said he travels Fort Crook Road almost daily from Capehart north to Hwy 370 and questioned why north of Hwy 370 the pedestrian and buses were positioned on the opposite side. Bisson stated there are different lane configurations. He said north of Hwy 370 there are six lanes and south of Hwy 370 there are only two lanes so that combined with the decrease in traffic warranted changing those sections. Discussion ensued regarding the traffic congestion south of Hwy 370 with only one lane.

Discussion ensued regarding adding language to the plan.

Ritz asked staff if the plan had been reviewed by the Police Department as far as the multimodal concept of the plan. Palm stated there would be an education component with the BRT line and bike lanes for both law enforcement and citizens. Bisson stated the Police Department and Fire Department were represented at the workshops.

MOTION was made by Jacobson, seconded by Perrin to recommend APPROVAL of a request to approve the Fort Crook Road Plan. Applicant: City of Bellevue. Case #: 170. APPROVAL based upon the plan as presented with additional language to be provided by Commissioner Ackley in regards to implementation prior to the plan moving forward to the City Council. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON August 16, 2022.**

PUBLIC HEARING was held on a request to approve the 2023-2028 Capital Improvement Plan. Applicant: City of Bellevue. Case #: 172.

Aerni asked staff for updates. Palm stated everything shown in this version of the Capital Improvement Plan (CIP) for the 2022-2023 fiscal year is not able to be funded, particularly new vehicles. She stated the city is having issues getting new vehicles so a lot of those request will get shifted to fiscal year 2023-2024. Palm stated the Public Works facility will also get shifted back one year. She said overall the CIP will remain similar as it moves forward to the City Council.

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

Jacobson asked staff about the library renovations and which building these renovations refer to. Palm stated all library renovations pertain to the 2206 Longo Drive, location.

Ackley asked staff if economic development should continue the \$750,000 funding past the three years listed. Palm stated typically this funding has been included every year and may have been an oversight. Ackley asked for it to be included for years 2026, 2027, 2028. Palm stated that could be updated.

Ritz asked staff if the American Heroes Park development plan was reflected in this CIP. Palm stated

# MINUTE RECORD

Bellevue Planning Commission Meeting, July 28, 2022, Page 6

there were no major renovations for the park included in the CIP. Discussion ensued regarding financing for upgrades to American Heroes Park. Ackley stated in 2024 there are funds set aside for America Heroes Park. Palm stated those funds are for a new fountain to replace the existing one.

Ritz asked staff if there was funding for infrastructure in the Olde Towne area due to old sewer and water lines. Palm stated there is an outside engineering firm currently reviewing that and on the August 16<sup>th</sup> City Council agenda there will be an item for an engineering firm to do engineering and design for infrastructure and streetscape along the Mission Avenue corridor. She stated it will also address aging sewers and the need for stormwater detention.

Jacobson asked staff if the budget would include a bike path to American Heroes Park. Palm stated those would be some of the items reviewed in the Olde Towne infrastructure and streetscape plan. She said all modes of transportation would be addressed.

Aerni asked staff if within the next three years all of the 36<sup>th</sup> Street projects would be completed. Palm stated Phase I was scheduled to be complete at the close of the year which is Blaine Avenue to Sheridan Road, and then Phase II Sheridan Road to Platteview Road would begin.

MOTION was made by Ackley, seconded by Ritz to recommend APPROVAL of a request to approve the 2023-2028 Capital Improvement Plan. Applicant: City of Bellevue. Case #: 172. APPROVAL based upon the plan as presented with the addition of \$750,000 economic development funds for years 2026, 2027, 2028. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON August 16, 2022.**

Meeting adjourned at 8:08 p.m.



Dianna Van Horn  
Planning Secretary

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2207-09

**FOR HEARING OF:**

**REPORT #1:** August 25, 2022

**I. GENERAL INFORMATION**

**A. APPLICANT:**

HRC Development, LLC  
9719 Giles Rd.  
LaVista, NE 68128

**B. PROPERTY OWNER:**

JKKC Properties, LLC  
3211 S. 57<sup>th</sup> Circle  
Omaha, NE 68105

**C. GENERAL LOCATION:**

Fort Crook Road and Fairview Road

**D. LEGAL DESCRIPTION:**

The Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE.

**E. REQUESTED ACTIONS:**

1. Rezone the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE, from AG to ML.

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

AG/Vacant

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a change of zone to enable light industrial development.

**H. SIZE OF SITE:**

The site is approximately 55 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is presently being used agriculturally.

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

- 1. **North:** Light Manufacturing/Vacant (across Fairview Rd), ML
- 2. **East:** Agriculture/Vacant, AG
- 3. **South:** Agriculture/Vacant, AG
- 4. **West:** State Right-of-Way

**C. REVELANT CASE HISTORY:**

1. On September 26, 2013, the Planning Commission recommended approval for a request to rezone Lots 1 through 6, Kennedy Business Park, being a platting of part of Tax Lots 11 and 12, located in Section 14, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska from AG to ML for the purpose of light industrial uses; and preliminary plat Lots 1 through 6, Kennedy Business Park. The City Council approved the aforementioned request on November 12, 2013.

2. On July 23, 2020, the Planning Commission recommended approval for a request to rezone the Irregular Westerly 724.67' of Tax Lot 11, Except right-of-way in the NW ¼, located in the NW ¼ of Section 14, T13N, R13E; and the Irregular Tract in the NW corner of Tax Lot 12, Except right-of-way in the SW ¼, located in the SW ¼ of Section 14, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, NE from AG to ML for the purpose of light industrial development. After a number of continuances, the applicant withdrew the request on March 2, 2021, prior to a City Council vote.

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.27, Zoning Ordinance, regarding Light Manufacturing.

### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

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

#### **B. OTHER PLANS:**

None

#### **C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data information available for this area.
2. This property has access from Fairview Road. In addition, the property also has access from Fort Crook Road South.

#### **D. UTILITIES:**

All utilities are available or will be constructed to serve this development.

#### **E. ANALYSIS:**

1. Brian Moffett, on behalf of HRC Development, LLC, has submitted a request to rezone a tract of land described as the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE, from AG to ML.
2. This property is presently zoned AG. The applicant is requesting a zoning change to ML in order to facilitate light industrial development. No platting is being requested at this time.
3. This property abuts the intersection of Fort Crook Road South and Fairview Road. This portion of Fort Crook Road South is state right-of-way. Future access points along Fort Crook Road South will need to be coordinated with the Nebraska Department of Transportation.
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 also 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 further stated, "Due to the location of the parcel, there will be noise associated with flying aircraft, but not considered to be at dangerous levels."

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.

7. In 2013, a preliminary plat and ML rezoning was approved for this property for the purpose of a light industrial park. Mr. Frank Krejci was the applicant at that time. A final plat was never submitted; therefore, a plat was not filed, and the approved ML zoning never went into effect.

**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 received from Andrew Koster on July 22, 2022

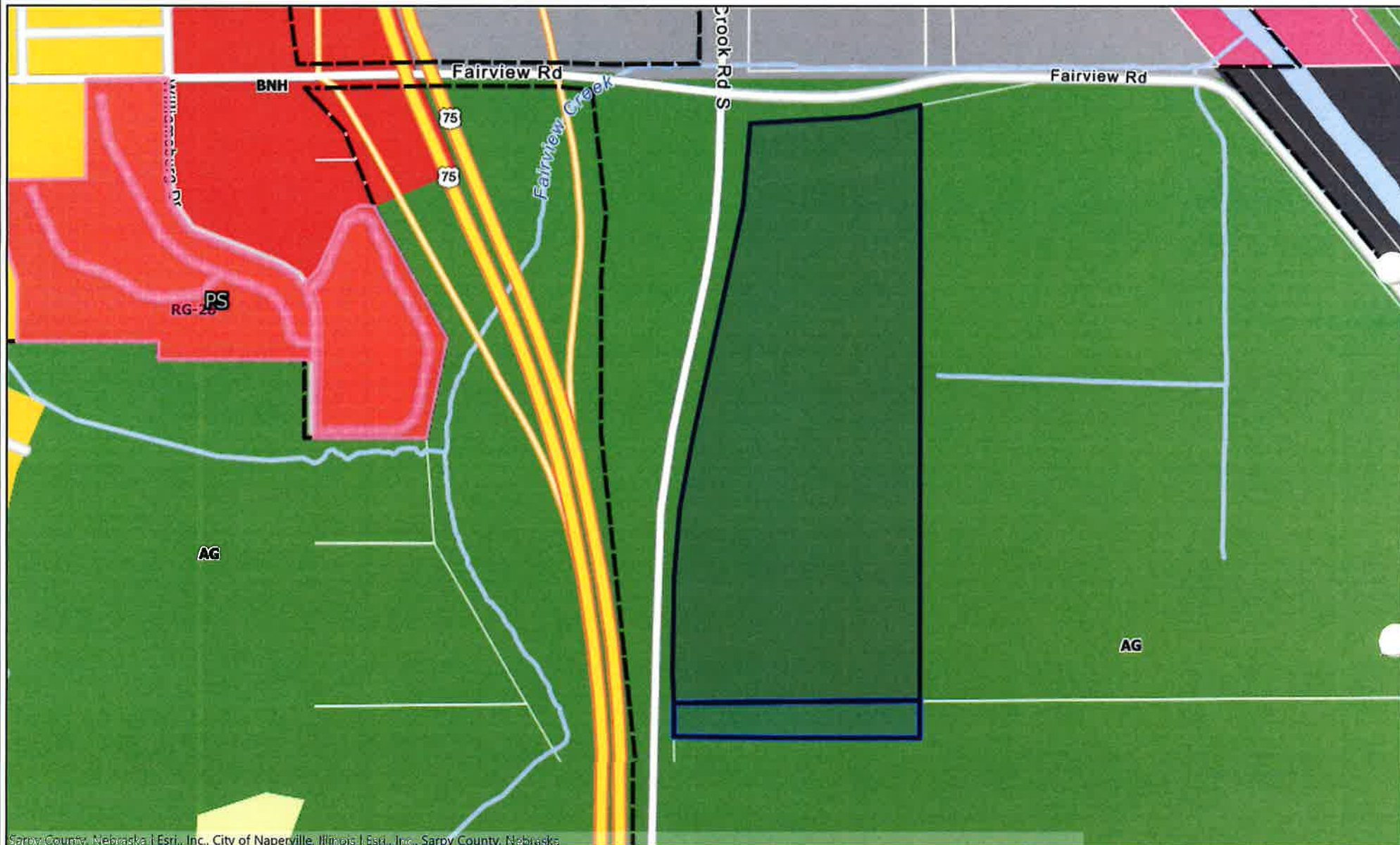
**VII. COPIES OF REPORT TO:**

- 1. HRC Development, LLC
- 2. TD2
- 3. Public Upon Request

*Sammi J. Palm 08/17/22*

Prepared by:  
Planning Manager

Date of Report

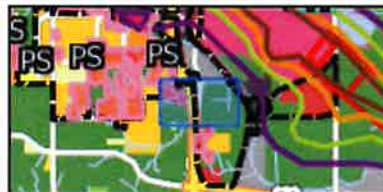


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska

0 500 1000  
ft

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





Esri, Inc. | ArcGIS Online | Esri, Inc. | Sarpy County, Nebraska

0 500 1000  
ft

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



July 22, 2022

Ms. Tammi Palm  
Planning Department  
City of Bellevue  
210 West Mission Avenue  
Bellevue, NE 68005

RE: Southeast Corner Fort Crook Rd and Fairview Rd  
Rezoning Application  
TD2 File No. 2253-108.1

Ms. Palm:

We are submitting to you herewith on behalf of HRC Development, LLC a rezoning application for the property located on the southeast corner of Fort Crook Rd and Fairview Rd (Parcel ID #s 011592519 and 011592518) containing the following items:

1. Executed Rezoning Application form
2. A check for the filing fee of \$525.00 for a property larger than 5 acres. This development is approximately 55 acres.
3. Two (2) full-size copies of the proposed building site plan and layout.

Rezoning is being requested for a change from AG to ML to allow development of this property for light industrial manufacturing buildings and accompanying infrastructure.

This document and attachments have also been submitted electronically via email (tpalm@bellevue.net).

Submitted by:

THOMPSON, DREESSEN & DORNER, INC.



Andrew A. Koster, P.E.

Enclosures

RECEIVED  
JUL 22 2022  
PLANNING DEPT.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** CUP-2207-04

**FOR HEARING OF:**

**REPORT #1:** August 25, 2022

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Legion LED Trucks, LLC  
Jerry Teeter  
1620 Wilshire Drive, Ste. 300  
Bellevue, NE 68005

**B. PROPERTY OWNERS:**

Wilshire Properties, LLC  
11418 S 44<sup>th</sup> Street  
Bellevue, NE 68123

**C. GENERAL LOCATION:**

1620 Wilshire Drive

**D. LEGAL DESCRIPTION:**

Lot 1, Tiller's 5<sup>th</sup> Addition, located in the Northeast ¼ of Section 35, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

1. Conditional use permit for Lot 1, Tiller's 5<sup>th</sup> Addition, for the purpose of auto sales.

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

BG/Commercial

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain a Conditional Use Permit to enable auto sales for Legion LED trucks on the property.

**H. SIZE OF SITE:**

The site is approximately 2 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is presently developed with an office building constructed in 1988.

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

- 1. **North:** Multifamily Residential/ RG-8-PS
- 2. **East:** City Hall Campus/BG
- 3. **South:** Family Fare Grocery Store/BG
- 4. **West:** Multifamily Residential/ RG-8-PS

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.22, Zoning Ordinance, regarding BG 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 area as commercial.

**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 Wilshire Drive as well as Wall Street.

**D. UTILITIES:**

All utilities are available to this property.

**E. ANALYSIS:**

1. Jerry Teeter, on behalf of Legion LED Trucks, LLC, has submitted a request for a conditional use permit for Lot 1, Tiller's 5<sup>th</sup> Addition, for the purpose of automobile sales.

Mr. Teeter owns Legion LED Trucks, which manufactures LED advertising trucks for their franchise system. The applicant states he also helps other operators sell their used LED trucks on consignment on occasion.

Mr. Teeter indicates he will not be operating a traditional car dealership at this location. He states all his sales will be "one-to-one" transactions and his units will be stored in an indoor warehouse at another location. Based on Nebraska licensing, Mr. Teeter must meet the same requirements as any other auto dealership.

Please refer to the applicant's attached letter. A photo of a LED advertising truck is also attached for reference.

2. The property is zoned BG (General Business). Section 5.22.03, Zoning Ordinance, allows auto sales as a conditional use in this zoning district.

3. The property is developed with a commercial office building and parking lot. Mr. Teeter would like to designate ten parking stalls for use of sales.

4. The applicant has submitted a site plan showing his proposed location for staging of the trucks, which meets the Zoning Ordinance requirements. Per the proposed conditional use permit agreement, these vehicles will be displayed in the specified area only. The proposed parking stalls to be utilized for auto sales do not occupy parking required for the commercial building.

5. This application was sent out to the following departments for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Engineer, Sarpy 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.

No comments were received on this case.

6. 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.

7. The proposed conditional use permit agreement is specific to allow for the sales of the LED advertising trucks only on the property.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon compliance with the requirements of the zoning ordinance and lack of perceived negative impact to the surrounding area.

**V. PLANNING COMMISSION RECOMMENDATION**


Under Review

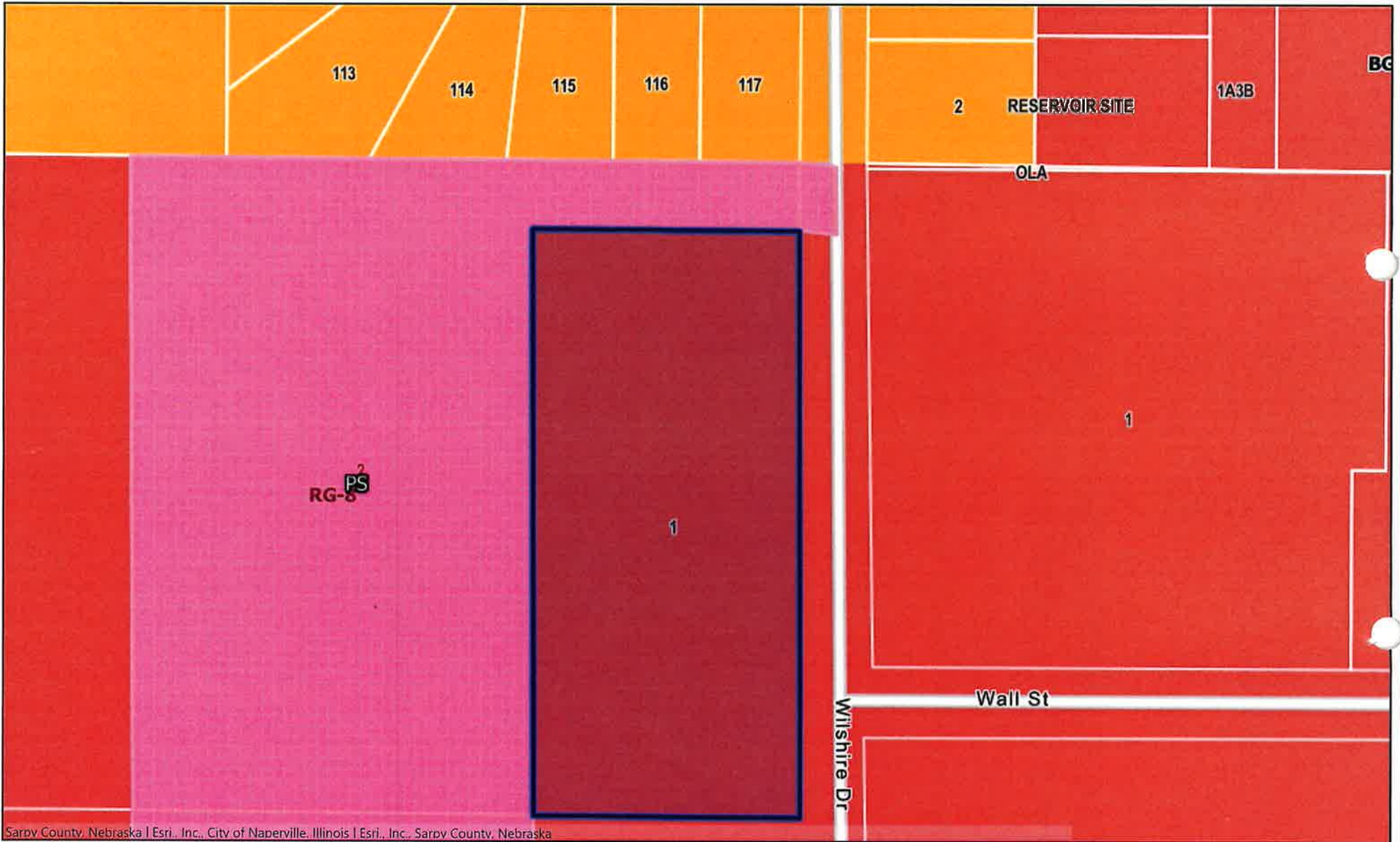
**VI. ATTACHMENTS TO REPORT**

1. Vicinity map/Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter received from Jerry Teeter on July 26, 2022
4. Site plan showing proposed stalls for auto sales received July 22, 2022
5. Photo of a LED advertising truck received August 18, 2022
6. Conditional Use Permit Agreement

**VII. COPIES OF REPORT TO:**

1. Jerry Teeter
2. Public Upon Request

 08/18/22  
Prepared by: \_\_\_\_\_ Date of Report  
Planning Manager

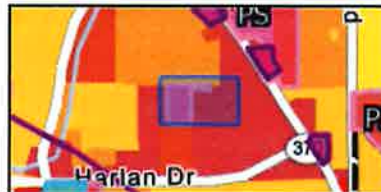


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



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.

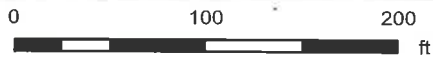


Notes





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



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.



Notes



**Conditional Permit Request for Auto Sales**  
**1620 Wilshire Dr., Bellevue, NE 68005**  
Zoning: BG

July 22, 2022

City of Bellevue Planning Department  
Attn: Tammi Palm  
1500 Wall St  
Bellevue, NE 68005

Ms. Palm-

Per our conversation, I am requesting a Conditional Use Permit for Auto Sales for the above mentioned address. My company, Legion LED Trucks, manufactures LED advertising trucks for our franchise system and I also help other operators around the country sell their used LED trucks on consignment from time to time. I am quickly approaching the threshold of volume that the State of Nebraska requires we obtain a Auto Dealers License.

I want to be upfront and state that we will NOT be operating a normal car dealership with inventory and the traditional streamers and gimmicks of some car dealers. Our sales are one-to-one transactions and our units are stored in an indoor secure warehouse on another property. Because the Nebraska statutes do not have different "types" of dealers, they require we meet all of the same requirements of any other auto dealer.

I have been a Bellevue based business owner since 2014, employing multiple people and contributing to the growth of this city. We have also owned 3 different commercial properties in that time, drastically improving the esthetic look of each one. I feel like we have proven ourselves to be good, honest business owners who will not abuse the ability to use this property to have a auto dealers license.

Your expedited approval of this Conditional Use Permit will help me continue growing my businesses, which will bring positive economic impact to the City of Bellevue through sales taxes and payroll taxes.

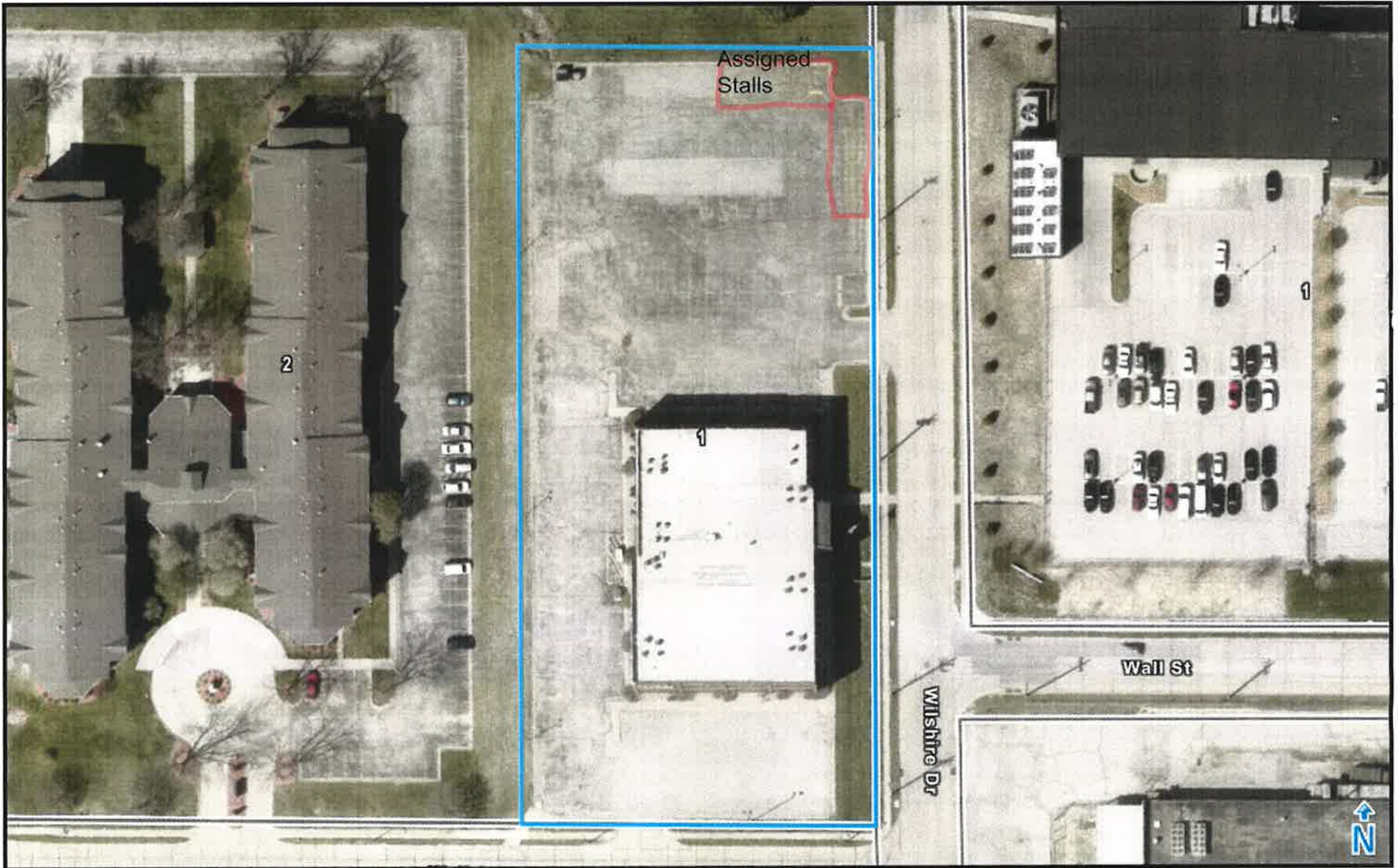
Thank you for your consideration. If you have any questions, please call me at 402-880-4101 or email me at [jerry@legiondigital.com](mailto:jerry@legiondigital.com)

Sincerely,



Jerry Teeter, CEO  
Legion LED Trucks / Lead Innovations

**RECEIVED**  
**JUL 26 2022**  
**PLANNING DEPT.**



PIN: 011137061  
Approximate Acreage: 2.01 ac.  
Tax District: 10002  
Land Value: \$263,316  
Total Taxable Value: \$1,400,000

Property Address: 1620 WILSHIRE DR, STE 300 BELLEVUE NE  
68005  
Legal Description: LOT 1 TILLER'S 5TH ADDITION

Owner Info: WILSHIRE PROPERTIES LLC  
11418 S 44TH ST  
BELLEVUE, NE 68123

**RECEIVED**  
**JUL 22 2022**  
**PLANNING DEPT.**



RECEIVED

AUG 18 2022

PLANNING DEPT.

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

CITY OF BELLEVUE  
CONDITIONAL USE PERMIT  
LOT 1, TILLER'S 5<sup>TH</sup> ADDITION,  
LOCATED IN THE NORTHEAST ¼ OF SECTION 35, T14N, R13E OF THE 6<sup>TH</sup> P.M., SARPY  
COUNTY, NEBRASKA

Conditional Use Permit for 1620 Wilshire Drive

This Conditional Use Permit issued this 20th day of September, 2022 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska ("City") to Legion LED Trucks, LLC, ("Applicant"), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Wilshire Properties, LLC, is the legal owner of Lot 1, Tiller's 5<sup>th</sup> Addition, located in the Northeast ¼ of Section 35, Township 14 North, Range 13 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, consisting of approximately 2 acres, more or less ("Property"). Applicant desires to use the Property for the purpose of auto sales of LED advertising trucks; 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 be in compliance with all State of Nebraska regulations regarding the sale of automobiles. A copy of required license shall be provided to the Planning Department.
  - d. No more than ten LED advertising trucks shall be for sale on the property at any one time.
  - e. 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.
  - f. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
  - g. 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:

Legion LED Trucks, LLC  
Jerry Teeter  
1620 Wilshire Drive, Suite 300  
Bellevue, NE 68005

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

Effective Date:

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

The City of Bellevue

By: \_\_\_\_\_  
Rusty Hike, Mayor

ATTEST:

\_\_\_\_\_  
Susan Kluthe, City Clerk

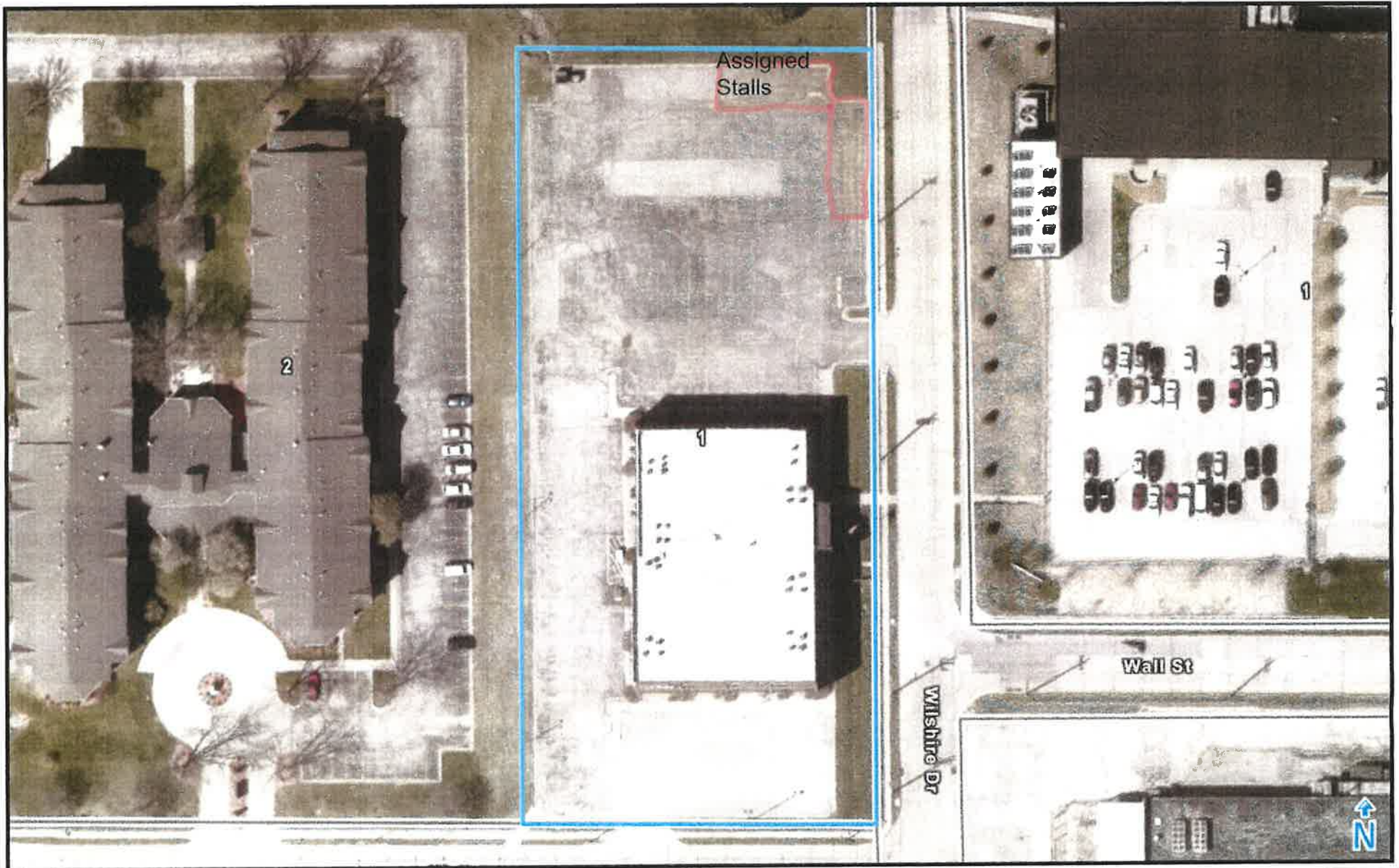
STATE OF NEBRASKA     )  
                                  )SS:  
COUNTY OF SARPY     )

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

Witness my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 2022.

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



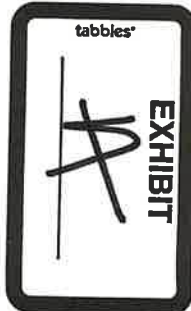


PIN: 011137061  
Approximate Acreage: 2.01 ac.  
Tax District: 10002  
Land Value: \$263,316  
Total Taxable Value: \$1,400,000

Property Address: 1620 WILSHIRE DR, STE 300 BELLEVUE NE 68005  
Owner Info: WILSHIRE PROPERTIES LLC  
11418 S 44TH ST  
BELLEVUE, NE 68123

Legal Description: LOT 1 TILLER'S 5TH ADDITION

**RECEIVED**  
**JUL 22 2022**  
**PLANNING DEPT.**





We Influence The World!

## City of Bellevue

1500 Wall St • Bellevue, Nebraska • 68005 • 402-293-3000

**3.c.**

### MEMORANDUM

TO: Planning Commission  
FROM: Tammi Palm, Planning Manager  
DATE: August 18, 2022  
RE: Text Amendment to BGM Zoning District

Alex Perry has requested an amendment to Section 5.23.02 (12), City of Bellevue Zoning Ordinance, regarding the allowable multifamily residential density.

The applicant states the purpose of the request is “to allow for a minimal increase in multifamily density in the BGM/Olde Towne corridor,” which will help facilitate redevelopment of the city’s core area.

The ordinance currently allows residential uses such as “apartment houses, apartment hotels and mixed business and apartment buildings constructed to the standards of the RG 8 zone.” The RG 8 zoning district allows a multifamily dwelling density of 2,500 square feet of lot area per unit for the first four units, after which the minimum lot area may be 800 square feet per unit. The applicant is requesting this be amended to allow a density of 600 square feet of lot area per unit outside of the first four units.

The Planning Department researched allowed multifamily density in surrounding cities and jurisdictions:

- The City of Papillion has a R-4 multifamily zoning district which is defined as 3 or more units. The first four units require 3,000 square feet of lot area per unit, with 1,500 square feet of lot area required after that. The minimum required lot area is 10,000 square feet.
- LaVista has a R-3 zoning district which is defined as allowing high density residential in areas providing all public facilities and supporting facilities to maintain a sound environment for inhabitants. This zoning district requires 3,000 square feet of lot area for the first 4 units, and 1,500 square feet of lot area for each additional unit. The maximum building coverage in this zoning district is 40%.
- Sarpy County utilizes an RG-15 zoning district which allows for multifamily residential buildings at a density of 1,500 square feet of lot area per unit, with a minimum lot area of 10,000 square feet.
- The City of Omaha has several multifamily zoning districts, to include R-WRN (Walkable Residential Neighborhood District), R-6, R-7, and R-8. The R-7 zoning district allows 40 units

per acre and has a minimum lot size of 1,000 square feet. The R-8 zoning district is a high-density multifamily district “most appropriate in centrally located areas near supporting urban services” and near major institutional, employment, and community centers. This district requires a minimum of 500 square feet of lot area per unit, with a 5,000 square foot minimum lot area.

The BGM zoning district is unique to the Olde Towne area, and generally encompasses the Mission Avenue corridor from Lincoln Road to Main Street, and generally one block to the north and south. The BGM zoning is also carried along Franklin Street from Mission Avenue to West 19<sup>th</sup> Avenue. The intent of this zoning district is to “provide a general business zone which will take into account the special characteristics of the Central Commercial Area.” A text amendment would only apply to this area of the city.

Olde Towne represents Bellevue’s original core and has a variety of uses on smaller lots. A text amendment to allow higher density would be beneficial to assist in the redevelopment of the corridor. Staff would only be supportive of the decrease in density if it were contingent upon the availability of necessary infrastructure. With any high-density development situation, it is important for the city to make sure infrastructure needs will be met.

As such, staff is recommending the following amendment to Sections 5.23.02 (12):

### **Section 5.23 BGM Metropolitan General Business District**

**5.23.01 Intent.** This zone is designed to provide a general business zone which will take into account the special characteristics of the Central Commercial Area.

#### **5.23.02 Permitted Uses:**

1. Retail and service stores and offices of the following types ranging from small stores to small box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
  - A. Animal hospital.
  - B. Animal specialty services.
  - C. Antique Store.
  - D. Apparel store, tailor shops, dressmaker.
  - E. Art gallery.
  - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
  - G. Automobile parts and supply store.
  - H. Automobile rental store.
  - I. Automotive (light) repair services.
  - J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
  - J. Bank, Savings and Loan Association.
  - K. Barber, beauty shops.
  - L. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
  - M. Book store.
  - N. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
  - O. Candy, ice cream store including manufacture, if all production is sold at retail

- on the premises or as retail custom orders for delivery.
- P. Car wash.
  - Q. Childcare center.
  - R. Commercial parking lots.
  - S. Community Center (*Ord. 3802, March 9, 2015*)
  - T. Convenient store with limited fuel sales.
  - U. Dairy products sales.
  - V. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
  - W. Dental clinic.
  - X. Drug or drug-variety store.
  - Y. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loudspeaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
  - Z. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two-delivery vehicle outside operation.
  - AA. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
  - BB. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
  - CC. Dry goods store.
  - DD. Exercise, Fitness, and Tanning Spa. (*Ord. No. 3911, September 10, 2018*)
  - EE. Feed and seed store.
  - FF. Florist shop.
  - GG. Frame shop.
  - HH. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking, or smoking on the premises.
  - II. Furniture and antique homes and stores including used furniture store.
  - JJ. Furniture (specialty) shops.
  - KK. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.
  - LL. Garden supply, commercial greenhouses, nursery stock sales yards.
  - MM. Gasoline stations.
  - NN. General office uses. (*Ord. No. 3984, December 3, 2019*)
  - OO. Gift and card shop.
  - PP. Grocery, supermarket.
  - QQ. Gunsmith.
  - RR. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
  - SS. Hobby and craft store.
  - TT. Interior design firm.
  - UU. Jewelry store.
  - VV. Laundry (self-service automatic) of not more than 30 washing units.
  - WW. Laundry (self-service automatic) of not more than 50 washing units, provided two loading and unloading spaces are provided. (*Ord. No. 3899, February 12,*

2018)

- XX. Liquor stores.
  - YY. Loan office.
  - ZZ. Locksmith.
  - AAA. Machine sales and service (stationery and office)
  - BBB. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
  - CCC. Meat market, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises.
  - DDD. Medical clinics.
  - EEE. Microbreweries and brew pubs.
  - FFF. Music store, music studio.
  - GGG. News and tobacco store.
  - HHH. Outlet retail store.
  - III. Paint, wallpaper, drapery, and floor covering store.
  - JJJ. Pawn shops.
  - KKK. Pet shop, provided that all facilities are fully enclosed.
  - LLL. Photographer, artist, photo finishing, and camera store.
  - MMM. Printing job, when mechanical operation is not visible from a street and employing not over 4 persons.
  - NNN. Real estate sales office.
  - OOO. Restaurant (Drive-in or fast food).
  - PPP. Restaurant (Entertainment).
  - QQQ. Restaurant (General).
  - RRR. Restaurant (Limited).
  - SSS. Secondhand stores.
  - TTT. Shoe repair shop.
  - UUU. Shoe store.
  - VVV. Social club and fraternal organizations, not including uses defined under sexually oriented business.
  - WWW. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
  - XXX. Telephone answering service.
  - YYY. Telephone exchange.
  - ZZZ. Television, radio and small appliance repair.
  - AAAA. Toy and sporting goods store.
  - BBBB. Upholstery shops.
  - CCCC. Variety store.
2. Call center.
  3. Educational Institutions, Business, and Commercial Schools (post-secondary) provided they meet the following conditions:
    - A. Lot Standards: All space limits as specified in the BG zone shall be met.
    - B. Site Plan: Each application shall provide a detailed site plan as required by the Planning Manager.
  4. Governmental Services – administrative Facilities.
  5. Logistical center.
  6. Mortuaries, funeral homes, and funeral chapels.
  7. Motel, Hotel.
  8. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

9. Radio and television stations, except transmission towers over 35 feet high.
10. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
11. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
12. Residential - Apartment houses, apartment hotels and mixed business and apartment buildings constructed to ~~standards of the RG 8 Zone~~ **the minimum density of 600 square feet of lot area per unit outside of the first four units, provided all necessary infrastructure is available as determined by city staff. All other standards of the RG 8 zoning district shall apply.**
13. Residential - Single family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RG 50 Zone.
14. Theater other than drive-in.  
*(Ord. No. 3716, April 22, 2013)*

**5.23.03 Conditional Uses:**

1. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
2. Communication Towers meeting the requirements as set forth in Section 8.05.

**5.23.04 Permitted Accessory Uses:**

1. Accessory uses for residential development shall include those listed under the RG 8 or RG 50 Zone depending upon principle use and shall be established and conducted in accordance with the regulations of that zone.
2. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
3. Residential and small wind energy systems, subject to Section 8.10.

**5.23.05 Space Limits:**

1. Minimum lot area for business: None.
2. Minimum width of lot: None.
3. Maximum height of building: No restriction except by gross floor area ratio.
4. Minimum front yard: None.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: None.
8. Maximum gross floor area ratio: 12.0
9. Maximum ground coverage: 100 percent.

**5.23.06 Miscellaneous Provisions:**

1. Off-street loading shall be provided for all new buildings. Off-street parking may be provided by governmental or group action. It is not desired that each building supply parking space to meet its full demands on or adjacent to its site in that such an arrangement would tend to spread the BGM district over too large an area to make pedestrian communication and interchange convenient.
2. All signage shall be in conformance with Article 7.
3. All buildings shall conform to building design regulations in Section 8.12.
4. All landscaping shall conform with Article 9.
5. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

**PLANNING DEPARTMENT RECOMMENDATION:**

APPROVAL of the amendment as presented.

**ATTACHMENTS:**

Letter from Alex Perry received July 29, 2022



July 22, 2022

Attn: City of Bellevue – Planning Department  
1510 Wall Street  
Bellevue, Nebraska 68005

Re: Text Amendment to 5.23.02 (12) (Permitted Uses in the BGM District)

This letter is to provide additional written justification for the attached Text Amendment Application. The requested amendment will allow for greater flexibility for the redevelopment of the BGM/Old Towne Corridor. Bellevue's original core will benefit from this amendment in a variety of ways.

Most importantly, this amendment will increase the allowable density in a responsible manner, that allows for slightly greater density, while not stressing exiting or planned parking or infrastructure. The redevelopment of the Old Towne Corridor will mostly occur on smaller sized lots. This slight increase to allowable density will provide potential developers with a higher chance of making redevelopment projects feasible.

This small increase to allowable density helps create a redevelopment where more people can live, work, and play within short distance of their home. These additional residents are then able to more frequently visit businesses within the walkable corridor area. This helps the retail, food and beverage establishments, and local service businesses be even more successful. Thus, creating a snowball effect, leading to additional redevelopment and investment into Bellevue's original corridor.

Lastly, this amendment allows for additional density to help provide additional workforce housing for Offut, and other surrounding businesses. Part of the redevelopment of the Old Towne Corridor should be focused on helping locals businesses to continue to attract and retain quality employees.

Sincerely,

  
Alex Perry  
Perry Reid Properties

RECEIVED  
JUL 29 2022  
PLANNING DEPT.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**3.d.**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2206-08  
S-2206-16

**FOR HEARING OF:**  
**REPORT #1:** August 25, 2022

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Fortino Ramirez  
2858 Sprague Street  
Omaha, NE 68108

**B. PROPERTY OWNERS:**

Salvacion/Iglesia  
8806 S. 36<sup>th</sup> Street  
Bellevue, NE 68147

**C. GENERAL LOCATION:**

8806 S 36<sup>th</sup> Street

**D. LEGAL DESCRIPTION:**

Lot 1, Roca De Salvacion Addition, being replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with ½ of vacated 37th Street adjacent thereto, all located in the Northeast ¼ of Section 20, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

1. Rezone Lot 1, Roca De Salvacion Addition, from BG and RS-72 to RS-72.
2. Small subdivision plat Lot 1, Roca De Salvacion Addition

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

BG and RS-72, Single-Family Residential/Vacant

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain a change of zone and small subdivision plat approval to facilitate a conditional use permit request to allow for the construction of a church.

**H. SIZE OF SITE:**

The site is approximately 4.88 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

Lot 3, Block 1, Vey’s Hill Haven Addition, is developed with a single family residence and outbuildings. The remainder of the property is vacant and covered in vegetation.

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

- 1. **North:** Single Family Residential/RS-72 (across Marie Street)
- 2. **East:** Single Family Residential/ RS-72 (across S. 36<sup>th</sup> Street)
- 3. **South:** OPPD Substation/RS-72
- 4. **West:** Vacant (OPPD property)/RS-72

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.10, Zoning Ordinance, regarding RS-72 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 area as medium density residential and commercial.

**B. OTHER PLANS:**

If the applicant’s zoning and platting is approved, he is requesting a conditional use permit for the purpose of a church on the property.

**C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data information available for this area.
2. The property currently has access from a private driveway off South 36<sup>th</sup> Street.

**D. UTILITIES:**

All utilities are available or will be constructed to serve this development.

**E. ANALYSIS:**

1. Fortino Ramirez, on behalf of Salvacion/Iglesia is requesting approval of a rezoning and small subdivision plat for Lot 1, Roca De Salvacion Addition, from BG and RS-72 to RS-72. The applicant is requesting the RS-72 zoning to remain consistent with the adjacent neighborhood and to facilitate a conditional use permit for the construction of a church. Section 5.10.03 allows churches as a conditional use permit in the RS-72 zoning district.
2. Lots 3, Block 1, Vey's Hill Addition, is a non-conforming BG (General Business) zoned lot developed with a single family residence and outbuildings. The remainder of the property is currently vacant.
3. The applicant is requesting a change of zone from BG and RS-72 to RS-72. This zoning is consistent with the adjacent single family residential neighborhood as well as Omaha Public Power District's (OPPD) property.
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, Sarpy County Public Works Department, Sarpy County Administrator, and the Omaha 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.

Public Works Engineer Matt Knight requested technical revisions to the small subdivision plat. The applicant's surveyor has since satisfied these comments.

No other comments were received in this case.

5. The Future Land Use Map of the Comprehensive Plan shows these properties as commercial and medium density residential based on its current zoning.
6. Staff believes this zoning request is compatible with the surrounding neighborhoods.

**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. Vicinity map/Zoning Map
2. 2020 GIS aerial photo of the property
3. Justification letter received June 24, 2022
4. Small Subdivision Plat received August 5, 2022

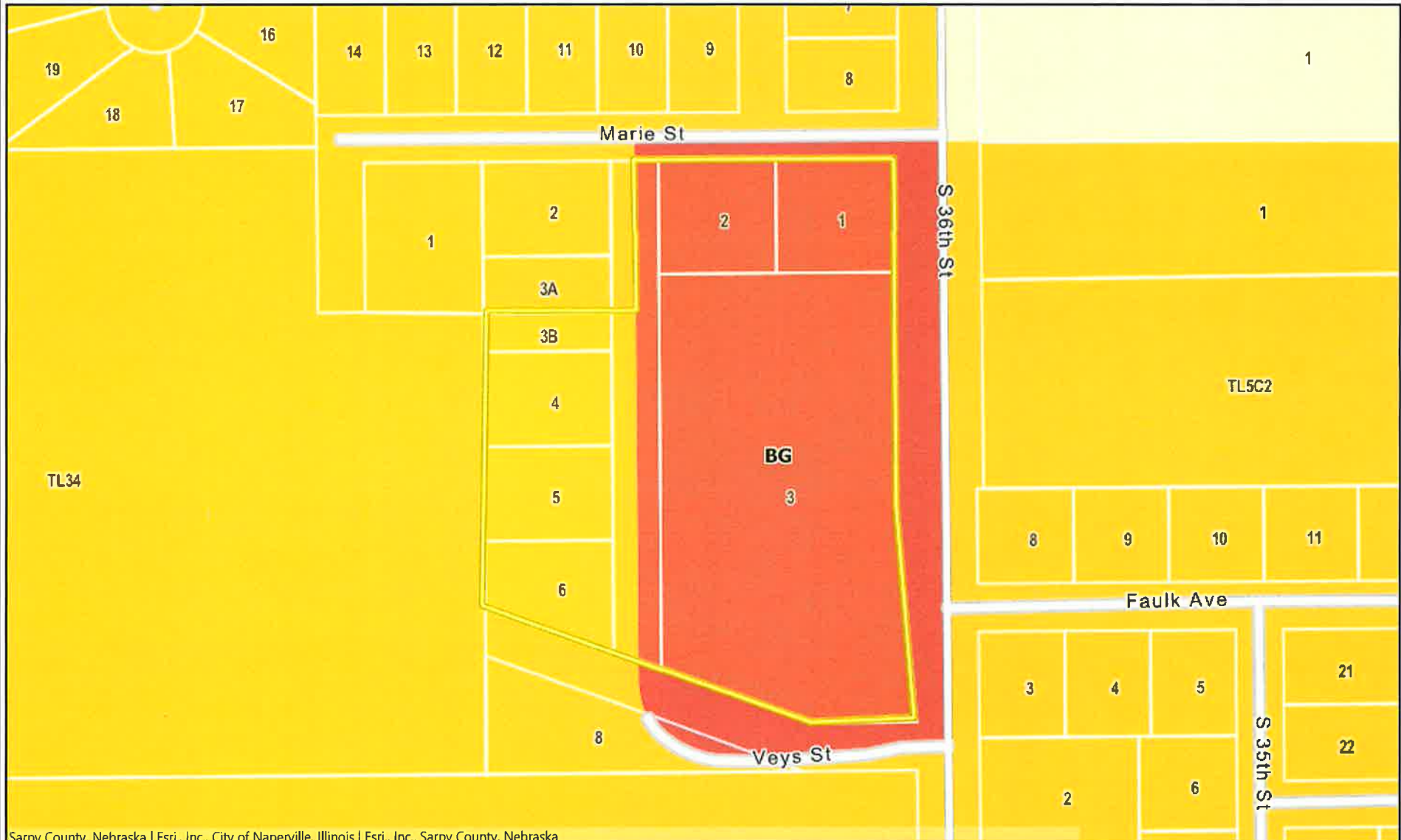
**VII. COPIES OF REPORT TO:**

1. Fortino Ramirez
2. Salvacion/Iglesia – Otoniel Garcia
3. Dennis Whitfield
4. Public Upon Request

 08/18/22

Prepared by:  
Planning Manager

Date of Report



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



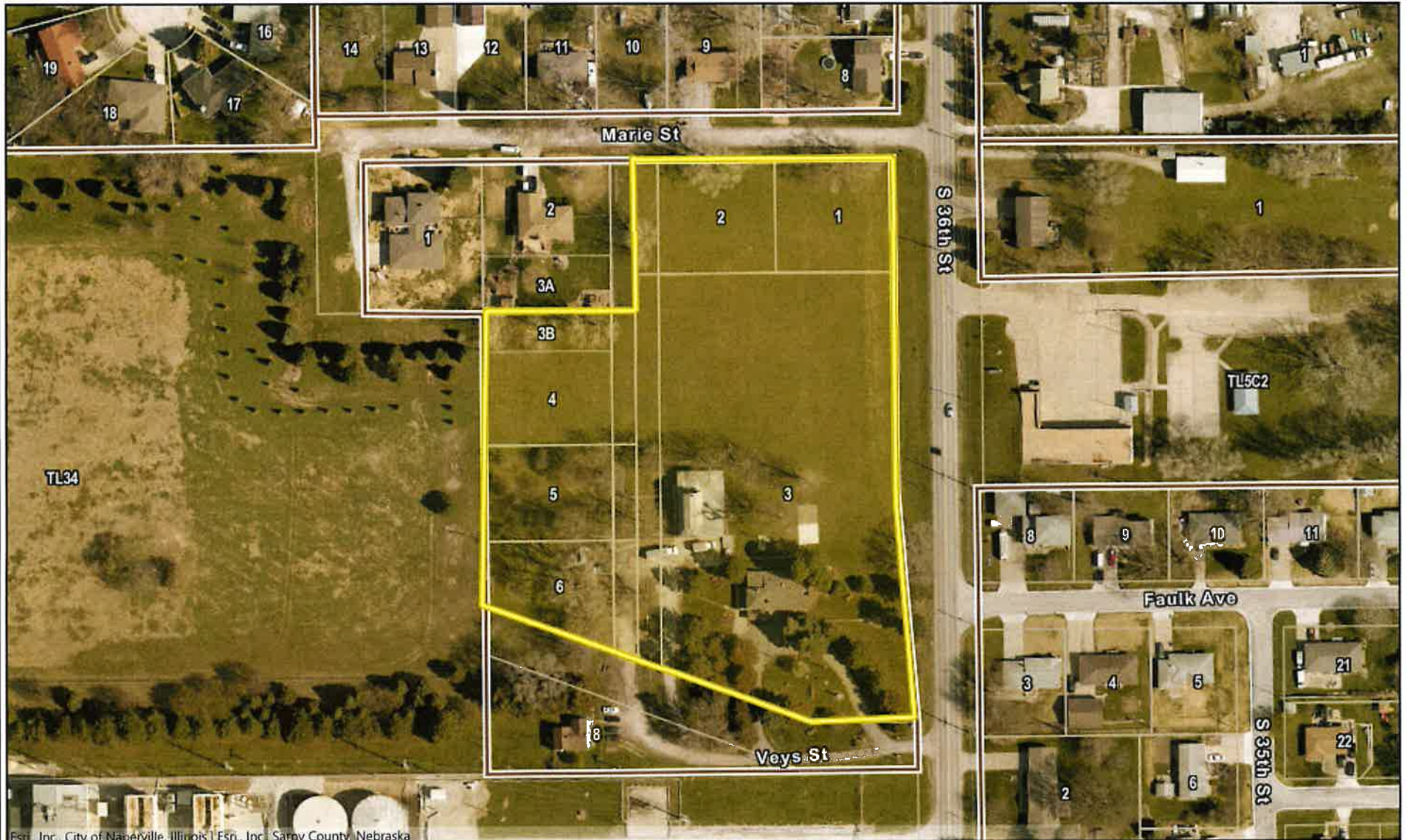
Map Scale 1: 2257

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

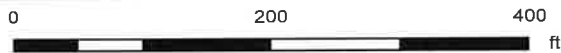


Notes





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



Map Scale 1: 2257

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



Notes





June 24, 2022

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

**Re: Lots 1, 2 & 3 of Block 1 Vey's Hill Haven Addition, City of Bellevue, NE – Request for Rezone Justification Letter**

To whom it may concern:

This letter is in support of the application to rezone Lots 1, 2 and 3 of Block 1 within Vey's Hill Haven Addition from the existing zoning BG, General Business District to RS-72, Single-Family Residential.

Located at the southwest corner of the 36<sup>th</sup> and Marie Street intersection, the currently zoned BG lots are surrounded by RS-72 and RE (Residential Estates) zoning. As currently permitted under the RS-72 district provided a conditional use permit; the current owner, Iglesia Pentecostes Roca de Salvacion, a local Christian religious group, intends to rezone to complement adjacent lots and request a conditional use permit to construct a new building that will be used together with (2) existing structures (1 barn, 1 residential home) for church related activities.

It is also the intent of the owner to combine in a replat the currently zoned BG lots with adjacent RS-72 lots, 3B, 4, 5 and 6 of Block 2, Vey's Hills Addition, into one single lot zoned RS-72. The combination of lots and rezoning is required to provide sufficient space to construct the proposed building together with supporting driveways, parking lots, landscaping, utilities, and stormwater mitigation.

For this reason, in addition to a submitted rezoning application that is consistent with Zoning Ordinance No. 3619 of the City of Bellevue, we respectfully request the rezoning is approved as submitted.

Should you need additional information, please do not hesitate to contact me by e-mail at [framirez@trekkdesigngroup.com](mailto:framirez@trekkdesigngroup.com) or by phone (402) 216-7716.

Sincerely,  
**TREKK Design Group, LLC**

A handwritten signature in black ink that reads "Fortino Ramirez". The signature is written in a cursive, slightly stylized font.

Fortino Ramirez, PE  
Project Manager



**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**3.e.**

**RECOMMENDATION REPORT # 2**

**CASE NUMBER:** CUP-2206-03

**FOR HEARING OF:**

**REPORT #1:** August 25, 2022

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Fortino Ramirez  
2858 Sprague Street  
Omaha, NE 68111

**B. PROPERTY OWNERS:**

Salvacion/Iglesia  
Attn: Otoniel Garcia  
8806 South 36<sup>th</sup> Street  
Bellevue, NE 68147

**C. GENERAL LOCATION:**

8806 South 36<sup>th</sup> Street

**D. LEGAL DESCRIPTION:**

Lot 1, Roca De Salvacion Addition, located in the Northeast ¼ of Section 20, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County Nebraska.

**E. REQUESTED ACTIONS:**

Request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church.

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

BG and RS-72, Single-Family Residential/Vacant

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a conditional use permit to allow for the construction of a church.

**H. SIZE OF SITE:**

The site is approximately 4.88 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

A single-family residence and outbuildings are presently developed on the site.

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

- 1. **North:** Single Family Residential/RS-72 (across Marie Street)
- 2. **East:** Single Family Residential, RS-72 (across S. 36<sup>th</sup> Street)
- 3. **South:** OPPD Substation/RS-72
- 4. **West:** Vacant (OPPD Property), RS-72

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.10, Zoning Ordinance, regarding RS-72 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 medium density residential and commercial.

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

- 1. There is no MAPA traffic data information for this area.

2. The property has access from a private driveway off South 36<sup>th</sup> Street.

**D. UTILITIES:**

All utilities are available or will be constructed to serve this property.

**E. ANALYSIS:**

1. Fortino Ramirez, on behalf of Salvacion/Iglesia, has submitted a request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church.

2. The applicant has also submitted a rezoning request from BG and RS-72 to RS-72. The RS-72 zoning district lists “religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction when located in a substantial structure and on a site of at least two acres” as a conditional use.

3. The applicant has submitted a site plan showing the proposed location for the church facility. The main assembly hall will seat 324 people. Based on this projected seating, 81 parking stalls are required. The site plan shows 95 stalls.

4. The site plan shows a church building consisting of a main assembly area, fellowship hall, classrooms/library, and a club/organizational hall. The existing single family residence will be used as a parsonage and the barn will be used for church related activities.

A copy of the applicant’s letter detailing his request is attached to this report for reference.

5. A landscape plan was submitted as part of the site plan. The proposed landscape plan meets the minimum zoning requirements.

6. The applicant will have to meet the minimum requirements of Section 8.12, Zoning Ordinance, for design standards as part of the building permit process.

7. 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 Administrator, Sarpy County Public Works, and the Omaha 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.

Public Works Engineer Matt Knight had comments pertaining to technical revisions to the site plan, sanitary sewer plan, and the preliminary grading and utilities plan. The applicant’s engineer has since satisfied these comments.

8. The property will maintain its current access to South 36<sup>th</sup> Street along the southern boundary. An additional access is also proposed to South 36<sup>th</sup> Street near the middle of the property. There will be no access to Marie Street into the existing single family residential neighborhood. The Public Works Department has reviewed these access points and have found them to be acceptable.

9. The area west of South 36<sup>th</sup> Street is not currently served by sanitary sewer. As part of this development, the applicant plans to extend an 8-inch sanitary sewer line from the north (near 36<sup>th</sup> and Barretts Drive) to this property. This will provide additional opportunities for future connections in this area.

10. The applicant has provided a drainage plan for this development. The Public Works Department has found this proposed plan to be acceptable. Further review will occur at time of permitting.

11. 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.

**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 June 24, 2022
4. Site plan received August 18, 2022
5. Landscape plan received August 16, 2022
6. Sanitary Sewer plan received August 16, 2022
7. Conditional Use Permit Agreement

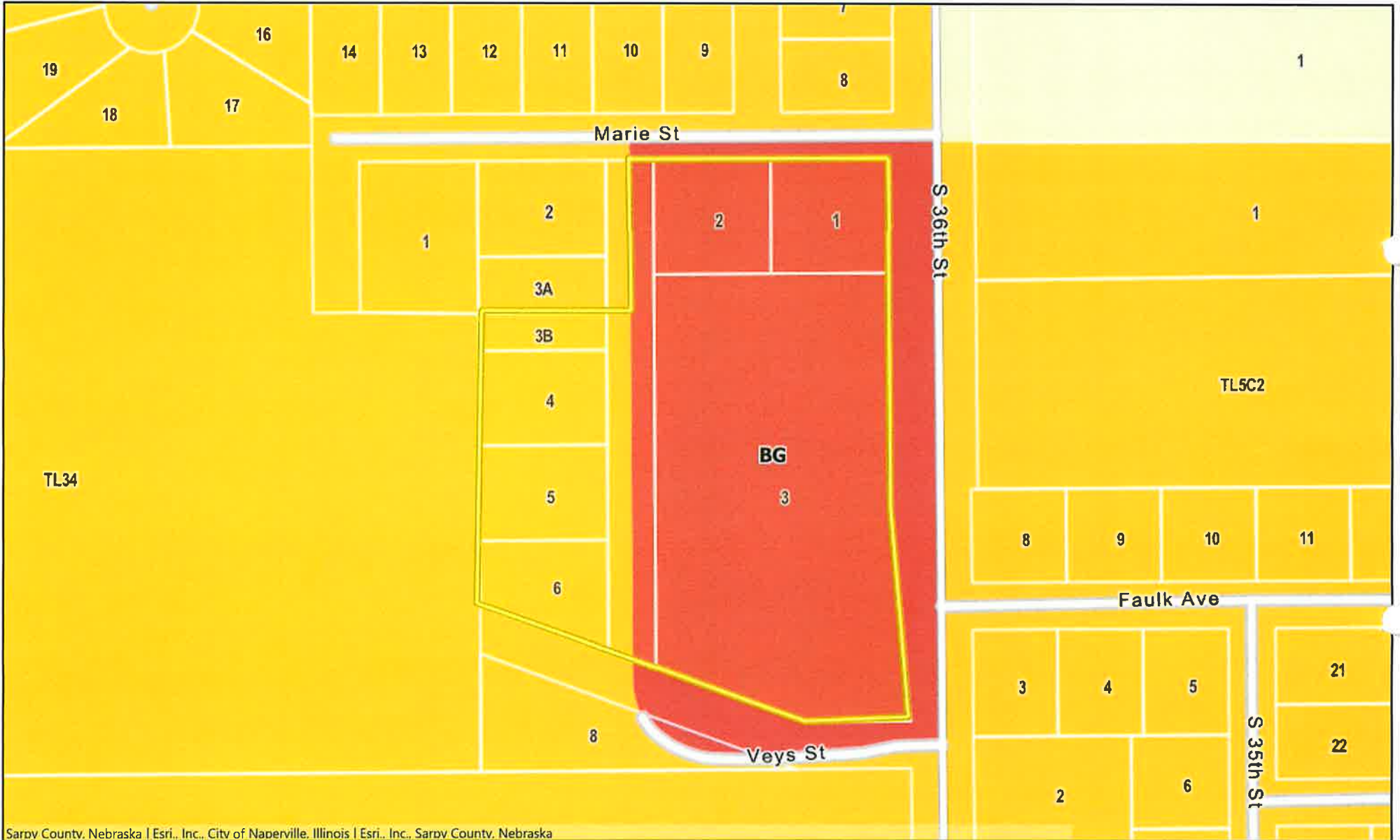
**VII. COPIES OF REPORT TO:**

1. Fortino Ramirez
2. Salvacion/Iglesia, Otoniel Garcia
3. Dennis Whitfield
4. Public Upon Request

 Jamoni R. Palm 08/18/22

Prepared By:  
Planning Manager

Date of Report



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



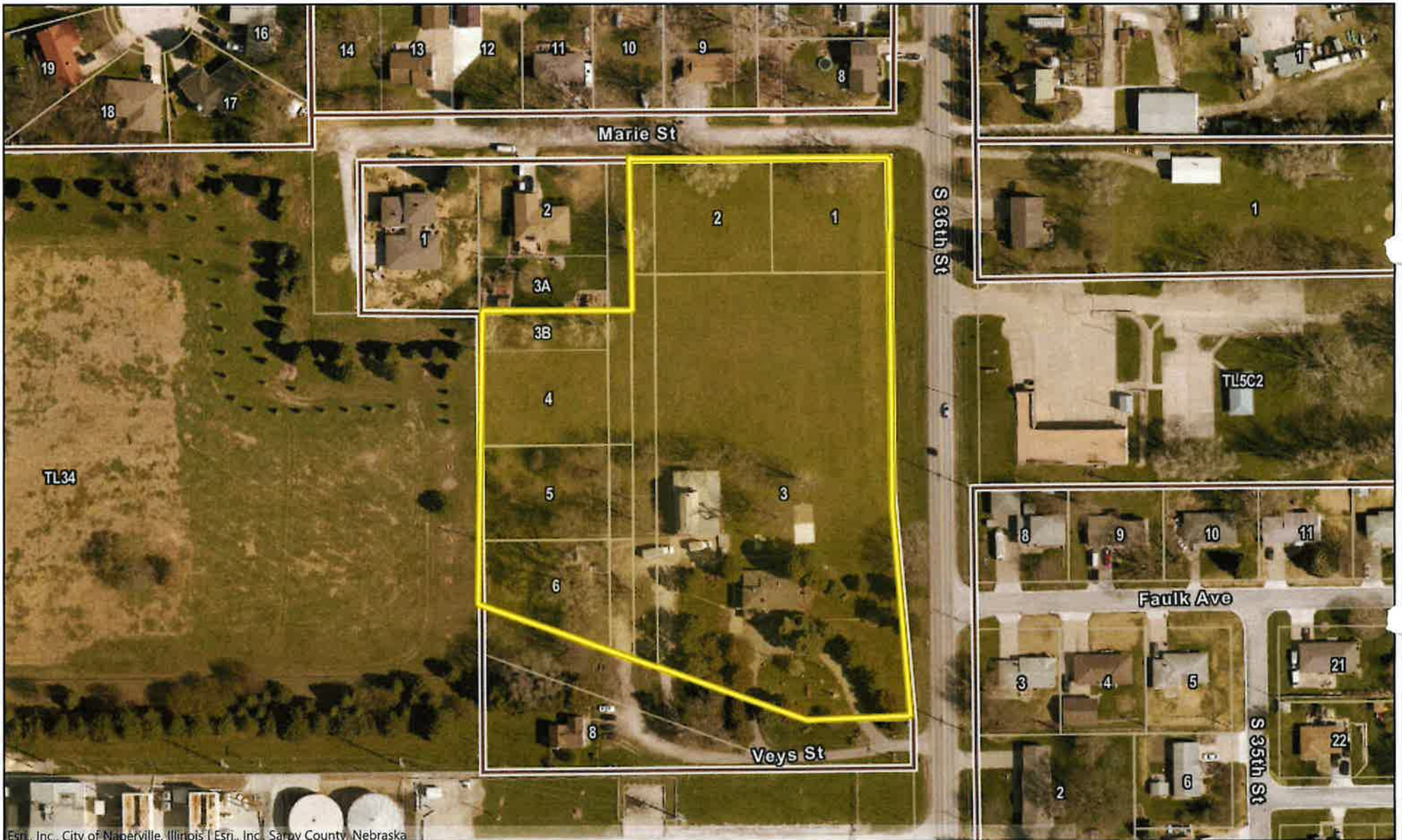
Map Scale 1: 2257

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



Notes





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



Map Scale 1: 2257

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



Notes





June 24, 2022

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

**Re: All inclusive, Lots 1 through 3 of Block 1 and Lots 3B, plus 4 through 6 of Block 2 of Vey's Hill Haven Addition, City of Bellevue, NE – Explanation of Request for Conditional Use Permit (CUP)**

To whom it may concern,

This letter is in support of the submitted conditional use permit application to allow the subject mentioned lots to be used for religious worship and instruction as accepted under Section 5.10.03, Conditional Uses for RS-72 Single Family Residential Zoning District.

Located at the southwest corner of the 36<sup>th</sup> and Marie Street intersection, the subject mentioned lots currently have a mix of BG, General Business and RS-72 zoned lots. Rezoning and small subdivision plat applications have been submitted concurrently with this request to rezone and combine all lots into one comprehensive lot zoned RS-72. We believe this zoning is more comprehensive to the surrounding single-family residential neighborhood and would provide a less intensive zone compared to the permitted usages under the current BG zoning.

The current owner, Iglesia Pentecostes Roca de Salvacion, a local Christian religious group, intends to construct a new church building with a main assembly hall designed to seat approximately 300 members. The intent is to use the new building together with (2) existing structures (1 barn, 1 residential home) for church related activities. Currently the existing usage of the lots and structures is minimal to none. The lots are currently grass covered and lay vacant. While the structures are used for miscellaneous activities that cannot be performed at their current location of 4757 N 24<sup>th</sup> St Omaha, NE 68110.

To provide the neighborhood an orderly addition of a new church the project plans to incorporate the following:

- Construction of a new private driveway and sufficient parking to keep vehicles away from Marie Street. We believe it is important to not disturb the existing neighbors.
- Coordinate and install buffer landscapes to provide privacy and screening for the adjacent properties. We have spoken to Dan Riha located at 3703 Marie Street, who has requested a "windbreaker" type of screening using evergreen trees. We have also added ornamental trees to beautify the frontage of the property against 36<sup>th</sup> Street. Please reference our submitted landscaping plan for details.
- Construction of stormwater mitigation appurtenances. As required, we plan to provide appurtenances to improve the quality of stormwater runoff and not increase runoff volumes.

- Extension of an 8-inch sanitary sewer line from approximately Barrett Dr. and 36<sup>th</sup> Street to 36<sup>th</sup> Street and Marie Street. This will provide the adjacent owners the opportunity to tie-into public sanitary sewer who are otherwise currently on septic systems.
- Usage and conservation of existing buildings and structures. The Church plans to keep existing buildings and incorporate them into what is intended to be a campus of facilities used for church activities.

For this reason, in addition to a submitted CUP application that is consistent with Zoning Ordinance No. 3619 of the City of Bellevue, we respectfully request the CUP is approved as submitted.

Should you need additional information, please do not hesitate to contact me by e-mail at [framirez@trekkdesigngroup.com](mailto:framirez@trekkdesigngroup.com) or by phone (402) 216-7716.

Sincerely,  
**TREKK Design Group, LLC**

A handwritten signature in black ink that reads "FORTINO RAMIREZ". The signature is written in a cursive style with the first name "FORTINO" in all caps and the last name "RAMIREZ" in all caps.

Fortino Ramirez, PE  
Project Manager



RECEIVED

AUG 16 2022

PLANNING DEPT.

TREKK

BERION GROUP, LLC  
1441 E 104th St, Suite 100  
Kansas City, MO 64131  
Tel (816) 374-4855  
Fax (816) 374-4875

PROFESSIONAL ENGINEER

PRELIMINARY  
NOT APPROVED FOR CONSTRUCTION

IGLESIA PENTECOSTES  
ROCA DE SALVACION  
36TH ST & MARIE ST  
BELLEVUE, NE  
SARPY COUNTY

REVISIONS	DATE	DESCRIPTION

DIGITAL ID: \_\_\_\_\_  
 PROJECT NO: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 SHEET TITLE: LANDSCAPE PLAN  
 SHEET NO: 01 of 01

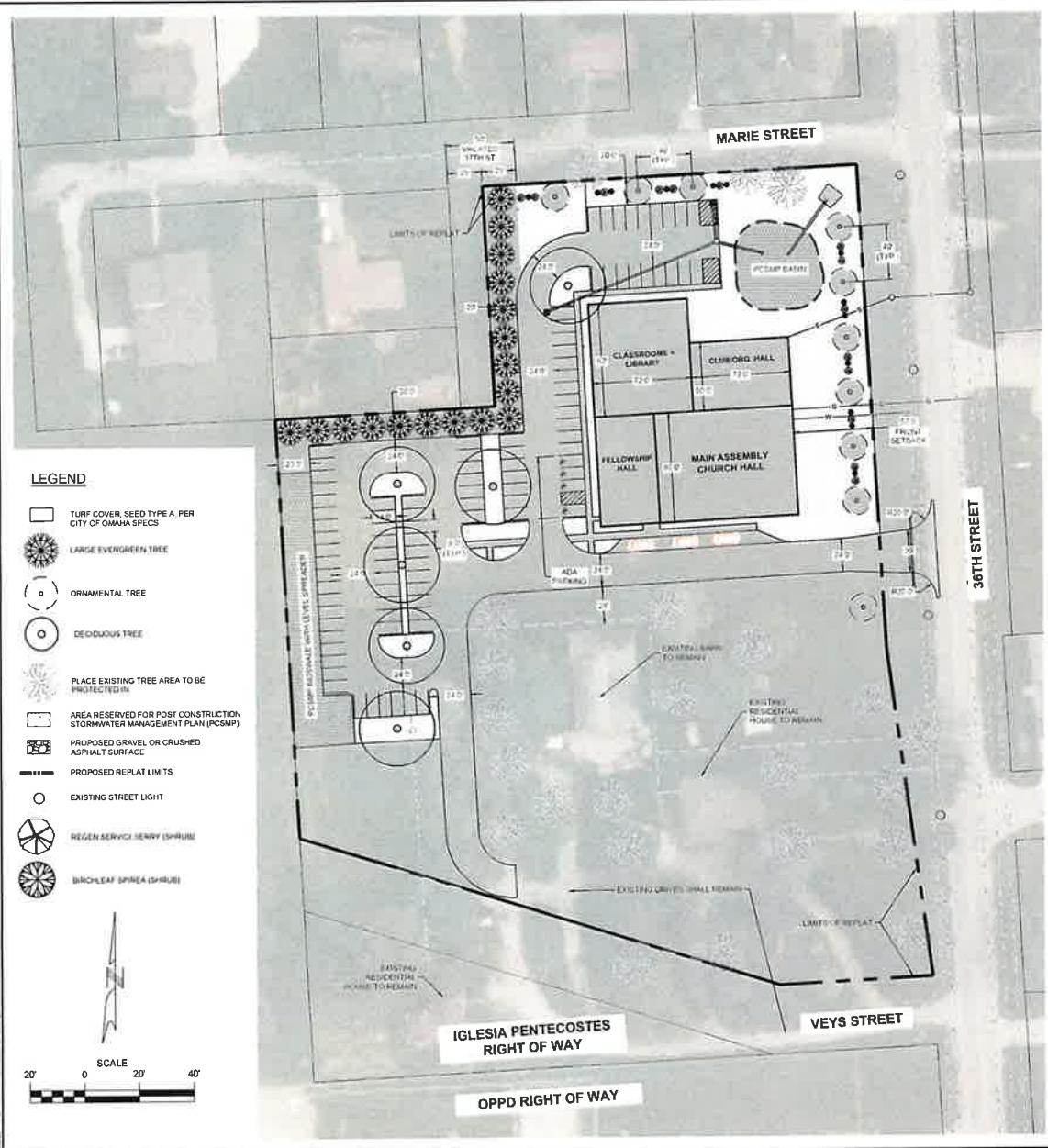
ZONING ORDINANCE 8.12.24 LANDSCAPING CRITERIA

1. 15SF OF LANDSCAPING PER PARKING STALL
2. 1 SHADE TREE FOR EVERY 300SF OF REQ. LANDSCAPED AREA
3. MINIMUM SIZE FOR ALL SHADE TREES SHALL BE 2-INCH CALIPER AS MEASURED 12-INCHES ABOVE GROUND SURFACE
4. MINIMUM SIZE FOR ALL EVERGREEN TREES SHALL BE 4FT HIGH
5. MINIMUM SIZE FOR ALL SHRUBS SHALL BE TWO GALLON SIZE CONTAINER
6. PROVIDE 15FT OF LANDSCAPED YARD ADJACENT TO ANY PUBLIC STREET RUNNING THE ENTIRE LENGTH
- 6.1 PLANT MATERIALS SHALL INCLUDE AT LEAST ONE DECIDUOUS SHADE OR ONE ORNAMENTAL TREE AND THREE SHRUBS FOR EVERY 40LF OF STREET FRONTAGE
- 6.2 LANDSCAPED EARTH BERM 6FT HIGH MAY BE USED IN COMBINATION WITH PLANT MATERIALS

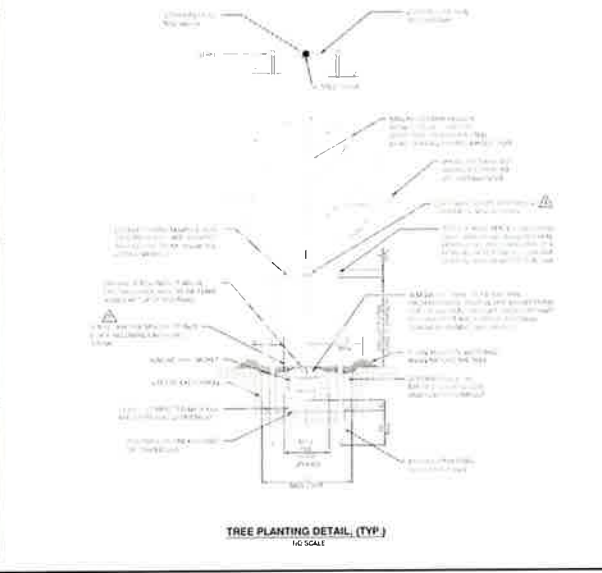
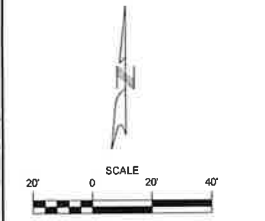
REQUIRED LANDSCAPING CALCULATIONS

PROVIDED PARKING STALLS = 97 SPACES  
 REQ. LANDSCAPING = 15SF X 97 SPACES = 1,453 SF  
 REQ. SHADE TREES = 1,453 SF / 300 SF = 4.8 TREES  
 PROVIDED LANDSCAPING = 5,980 SF  
 PROVIDED SHADE TREES = 6 TREES

LANDSCAPE SCHEDULE							
QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE AT TIME OF PLANTING	PLANTING METHOD	SPACING	MATURE SPREAD	MATURE HEIGHT
LARGE EVERGREEN TREE OPTIONS							
17	PICIA PUGIENSIS VAR. GLAUCA	EDWARDS BLUE SPRUCE VARIETIES "HIDPIS" OR "ISEU FOXTAIL"	4FT TALL	B&B	20' O.C.	30'	>25'
DECIDUOUS TREE OPTIONS							
6	GLEDITSIA TRICANTHOS VAR. INERMIS	THORNLESS HONEYLOCUST	2" CALIPER	B&B	PER PLAN	55'	>45'
	GYMNOCLADUS DIOICUS	KENTUCKY CONFEE TREE	2" CALIPER	B&B	PER PLAN	55'	>45'
ORNAMENTAL TREE OPTIONS							
10	POPULUS TREMULOIDES	PRAIRIE GOLDEN ASPEN	2" CALIPER	B&B	PER PLAN	20'	<40'
	PYRUS CALLERYANA	CLEVELAND SELECT PEAR	2" CALIPER	B&B	PER PLAN	15'	<30'
DECIDUOUS SHRUBS							
14	AMELANCHIER ALNIFOLIA 'RESIST'	REGENT SERVICEBERRY	2 GAL.	CONT.	36" O.C.	3'	3'
13	SPIRAEA BETULIFOLIA 'TOR'	BIRCHLEAF SPIREA	2 GAL.	CONT.	36" O.C.	3'	3'



- LEGEND**
- TURF COVER, SEED TYPE A PER CITY OF OMAHA SPECS
  - LARGE EVERGREEN TREE
  - ORNAMENTAL TREE
  - DECIDUOUS TREE
  - PLACE EXISTING TREE AREA TO BE PROTECTED IN
  - AREA RESERVED FOR POST CONSTRUCTION STORMWATER MANAGEMENT PLAN (PCSPM)
  - PROPOSED GRAVEL OR CRUSHED ASPHALT SURFACE
  - PROPOSED REPLANT LIMITS
  - EXISTING STREET LIGHT
  - REGENT SERVICEBERRY (SHRUB)
  - BIRCHLEAF SPIREA (SHRUB)



10/2022 - 11/2022 - 12/2022 - 1/2023 - 2/2023 - 3/2023 - 4/2023 - 5/2023 - 6/2023 - 7/2023 - 8/2023 - 9/2023 - 10/2023 - 11/2023 - 12/2023 - 1/2024 - 2/2024 - 3/2024 - 4/2024 - 5/2024 - 6/2024 - 7/2024 - 8/2024 - 9/2024 - 10/2024 - 11/2024 - 12/2024 - 1/2025 - 2/2025 - 3/2025 - 4/2025 - 5/2025 - 6/2025 - 7/2025 - 8/2025 - 9/2025 - 10/2025 - 11/2025 - 12/2025 - 1/2026 - 2/2026 - 3/2026 - 4/2026 - 5/2026 - 6/2026 - 7/2026 - 8/2026 - 9/2026 - 10/2026 - 11/2026 - 12/2026 - 1/2027 - 2/2027 - 3/2027 - 4/2027 - 5/2027 - 6/2027 - 7/2027 - 8/2027 - 9/2027 - 10/2027 - 11/2027 - 12/2027 - 1/2028 - 2/2028 - 3/2028 - 4/2028 - 5/2028 - 6/2028 - 7/2028 - 8/2028 - 9/2028 - 10/2028 - 11/2028 - 12/2028 - 1/2029 - 2/2029 - 3/2029 - 4/2029 - 5/2029 - 6/2029 - 7/2029 - 8/2029 - 9/2029 - 10/2029 - 11/2029 - 12/2029 - 1/2030 - 2/2030 - 3/2030 - 4/2030 - 5/2030 - 6/2030 - 7/2030 - 8/2030 - 9/2030 - 10/2030 - 11/2030 - 12/2030 - 1/2031 - 2/2031 - 3/2031 - 4/2031 - 5/2031 - 6/2031 - 7/2031 - 8/2031 - 9/2031 - 10/2031 - 11/2031 - 12/2031 - 1/2032 - 2/2032 - 3/2032 - 4/2032 - 5/2032 - 6/2032 - 7/2032 - 8/2032 - 9/2032 - 10/2032 - 11/2032 - 12/2032 - 1/2033 - 2/2033 - 3/2033 - 4/2033 - 5/2033 - 6/2033 - 7/2033 - 8/2033 - 9/2033 - 10/2033 - 11/2033 - 12/2033 - 1/2034 - 2/2034 - 3/2034 - 4/2034 - 5/2034 - 6/2034 - 7/2034 - 8/2034 - 9/2034 - 10/2034 - 11/2034 - 12/2034 - 1/2035 - 2/2035 - 3/2035 - 4/2035 - 5/2035 - 6/2035 - 7/2035 - 8/2035 - 9/2035 - 10/2035 - 11/2035 - 12/2035 - 1/2036 - 2/2036 - 3/2036 - 4/2036 - 5/2036 - 6/2036 - 7/2036 - 8/2036 - 9/2036 - 10/2036 - 11/2036 - 12/2036 - 1/2037 - 2/2037 - 3/2037 - 4/2037 - 5/2037 - 6/2037 - 7/2037 - 8/2037 - 9/2037 - 10/2037 - 11/2037 - 12/2037 - 1/2038 - 2/2038 - 3/2038 - 4/2038 - 5/2038 - 6/2038 - 7/2038 - 8/2038 - 9/2038 - 10/2038 - 11/2038 - 12/2038 - 1/2039 - 2/2039 - 3/2039 - 4/2039 - 5/2039 - 6/2039 - 7/2039 - 8/2039 - 9/2039 - 10/2039 - 11/2039 - 12/2039 - 1/2040 - 2/2040 - 3/2040 - 4/2040 - 5/2040 - 6/2040 - 7/2040 - 8/2040 - 9/2040 - 10/2040 - 11/2040 - 12/2040 - 1/2041 - 2/2041 - 3/2041 - 4/2041 - 5/2041 - 6/2041 - 7/2041 - 8/2041 - 9/2041 - 10/2041 - 11/2041 - 12/2041 - 1/2042 - 2/2042 - 3/2042 - 4/2042 - 5/2042 - 6/2042 - 7/2042 - 8/2042 - 9/2042 - 10/2042 - 11/2042 - 12/2042 - 1/2043 - 2/2043 - 3/2043 - 4/2043 - 5/2043 - 6/2043 - 7/2043 - 8/2043 - 9/2043 - 10/2043 - 11/2043 - 12/2043 - 1/2044 - 2/2044 - 3/2044 - 4/2044 - 5/2044 - 6/2044 - 7/2044 - 8/2044 - 9/2044 - 10/2044 - 11/2044 - 12/2044 - 1/2045 - 2/2045 - 3/2045 - 4/2045 - 5/2045 - 6/2045 - 7/2045 - 8/2045 - 9/2045 - 10/2045 - 11/2045 - 12/2045 - 1/2046 - 2/2046 - 3/2046 - 4/2046 - 5/2046 - 6/2046 - 7/2046 - 8/2046 - 9/2046 - 10/2046 - 11/2046 - 12/2046 - 1/2047 - 2/2047 - 3/2047 - 4/2047 - 5/2047 - 6/2047 - 7/2047 - 8/2047 - 9/2047 - 10/2047 - 11/2047 - 12/2047 - 1/2048 - 2/2048 - 3/2048 - 4/2048 - 5/2048 - 6/2048 - 7/2048 - 8/2048 - 9/2048 - 10/2048 - 11/2048 - 12/2048 - 1/2049 - 2/2049 - 3/2049 - 4/2049 - 5/2049 - 6/2049 - 7/2049 - 8/2049 - 9/2049 - 10/2049 - 11/2049 - 12/2049 - 1/2050 - 2/2050 - 3/2050 - 4/2050 - 5/2050 - 6/2050 - 7/2050 - 8/2050 - 9/2050 - 10/2050 - 11/2050 - 12/2050 - 1/2051 - 2/2051 - 3/2051 - 4/2051 - 5/2051 - 6/2051 - 7/2051 - 8/2051 - 9/2051 - 10/2051 - 11/2051 - 12/2051 - 1/2052 - 2/2052 - 3/2052 - 4/2052 - 5/2052 - 6/2052 - 7/2052 - 8/2052 - 9/2052 - 10/2052 - 11/2052 - 12/2052 - 1/2053 - 2/2053 - 3/2053 - 4/2053 - 5/2053 - 6/2053 - 7/2053 - 8/2053 - 9/2053 - 10/2053 - 11/2053 - 12/2053 - 1/2054 - 2/2054 - 3/2054 - 4/2054 - 5/2054 - 6/2054 - 7/2054 - 8/2054 - 9/2054 - 10/2054 - 11/2054 - 12/2054 - 1/2055 - 2/2055 - 3/2055 - 4/2055 - 5/2055 - 6/2055 - 7/2055 - 8/2055 - 9/2055 - 10/2055 - 11/2055 - 12/2055 - 1/2056 - 2/2056 - 3/2056 - 4/2056 - 5/2056 - 6/2056 - 7/2056 - 8/2056 - 9/2056 - 10/2056 - 11/2056 - 12/2056 - 1/2057 - 2/2057 - 3/2057 - 4/2057 - 5/2057 - 6/2057 - 7/2057 - 8/2057 - 9/2057 - 10/2057 - 11/2057 - 12/2057 - 1/2058 - 2/2058 - 3/2058 - 4/2058 - 5/2058 - 6/2058 - 7/2058 - 8/2058 - 9/2058 - 10/2058 - 11/2058 - 12/2058 - 1/2059 - 2/2059 - 3/2059 - 4/2059 - 5/2059 - 6/2059 - 7/2059 - 8/2059 - 9/2059 - 10/2059 - 11/2059 - 12/2059 - 1/2060 - 2/2060 - 3/2060 - 4/2060 - 5/2060 - 6/2060 - 7/2060 - 8/2060 - 9/2060 - 10/2060 - 11/2060 - 12/2060 - 1/2061 - 2/2061 - 3/2061 - 4/2061 - 5/2061 - 6/2061 - 7/2061 - 8/2061 - 9/2061 - 10/2061 - 11/2061 - 12/2061 - 1/2062 - 2/2062 - 3/2062 - 4/2062 - 5/2062 - 6/2062 - 7/2062 - 8/2062 - 9/2062 - 10/2062 - 11/2062 - 12/2062 - 1/2063 - 2/2063 - 3/2063 - 4/2063 - 5/2063 - 6/2063 - 7/2063 - 8/2063 - 9/2063 - 10/2063 - 11/2063 - 12/2063 - 1/2064 - 2/2064 - 3/2064 - 4/2064 - 5/2064 - 6/2064 - 7/2064 - 8/2064 - 9/2064 - 10/2064 - 11/2064 - 12/2064 - 1/2065 - 2/2065 - 3/2065 - 4/2065 - 5/2065 - 6/2065 - 7/2065 - 8/2065 - 9/2065 - 10/2065 - 11/2065 - 12/2065 - 1/2066 - 2/2066 - 3/2066 - 4/2066 - 5/2066 - 6/2066 - 7/2066 - 8/2066 - 9/2066 - 10/2066 - 11/2066 - 12/2066 - 1/2067 - 2/2067 - 3/2067 - 4/2067 - 5/2067 - 6/2067 - 7/2067 - 8/2067 - 9/2067 - 10/2067 - 11/2067 - 12/2067 - 1/2068 - 2/2068 - 3/2068 - 4/2068 - 5/2068 - 6/2068 - 7/2068 - 8/2068 - 9/2068 - 10/2068 - 11/2068 - 12/2068 - 1/2069 - 2/2069 - 3/2069 - 4/2069 - 5/2069 - 6/2069 - 7/2069 - 8/2069 - 9/2069 - 10/2069 - 11/2069 - 12/2069 - 1/2070 - 2/2070 - 3/2070 - 4/2070 - 5/2070 - 6/2070 - 7/2070 - 8/2070 - 9/2070 - 10/2070 - 11/2070 - 12/2070 - 1/2071 - 2/2071 - 3/2071 - 4/2071 - 5/2071 - 6/2071 - 7/2071 - 8/2071 - 9/2071 - 10/2071 - 11/2071 - 12/2071 - 1/2072 - 2/2072 - 3/2072 - 4/2072 - 5/2072 - 6/2072 - 7/2072 - 8/2072 - 9/2072 - 10/2072 - 11/2072 - 12/2072 - 1/2073 - 2/2073 - 3/2073 - 4/2073 - 5/2073 - 6/2073 - 7/2073 - 8/2073 - 9/2073 - 10/2073 - 11/2073 - 12/2073 - 1/2074 - 2/2074 - 3/2074 - 4/2074 - 5/2074 - 6/2074 - 7/2074 - 8/2074 - 9/2074 - 10/2074 - 11/2074 - 12/2074 - 1/2075 - 2/2075 - 3/2075 - 4/2075 - 5/2075 - 6/2075 - 7/2075 - 8/2075 - 9/2075 - 10/2075 - 11/2075 - 12/2075 - 1/2076 - 2/2076 - 3/2076 - 4/2076 - 5/2076 - 6/2076 - 7/2076 - 8/2076 - 9/2076 - 10/2076 - 11/2076 - 12/2076 - 1/2077 - 2/2077 - 3/2077 - 4/2077 - 5/2077 - 6/2077 - 7/2077 - 8/2077 - 9/2077 - 10/2077 - 11/2077 - 12/2077 - 1/2078 - 2/2078 - 3/2078 - 4/2078 - 5/2078 - 6/2078 - 7/2078 - 8/2078 - 9/2078 - 10/2078 - 11/2078 - 12/2078 - 1/2079 - 2/2079 - 3/2079 - 4/2079 - 5/2079 - 6/2079 - 7/2079 - 8/2079 - 9/2079 - 10/2079 - 11/2079 - 12/2079 - 1/2080 - 2/2080 - 3/2080 - 4/2080 - 5/2080 - 6/2080 - 7/2080 - 8/2080 - 9/2080 - 10/2080 - 11/2080 - 12/2080 - 1/2081 - 2/2081 - 3/2081 - 4/2081 - 5/2081 - 6/2081 - 7/2081 - 8/2081 - 9/2081 - 10/2081 - 11/2081 - 12/2081 - 1/2082 - 2/2082 - 3/2082 - 4/2082 - 5/2082 - 6/2082 - 7/2082 - 8/2082 - 9/2082 - 10/2082 - 11/2082 - 12/2082 - 1/2083 - 2/2083 - 3/2083 - 4/2083 - 5/2083 - 6/2083 - 7/2083 - 8/2083 - 9/2083 - 10/2083 - 11/2083 - 12/2083 - 1/2084 - 2/2084 - 3/2084 - 4/2084 - 5/2084 - 6/2084 - 7/2084 - 8/2084 - 9/2084 - 10/2084 - 11/2084 - 12/2084 - 1/2085 - 2/2085 - 3/2085 - 4/2085 - 5/2085 - 6/2085 - 7/2085 - 8/2085 - 9/2085 - 10/2085 - 11/2085 - 12/2085 - 1/2086 - 2/2086 - 3/2086 - 4/2086 - 5/2086 - 6/2086 - 7/2086 - 8/2086 - 9/2086 - 10/2086 - 11/2086 - 12/2086 - 1/2087 - 2/2087 - 3/2087 - 4/2087 - 5/2087 - 6/2087 - 7/2087 - 8/2087 - 9/2087 - 10/2087 - 11/2087 - 12/2087 - 1/2088 - 2/2088 - 3/2088 - 4/2088 - 5/2088 - 6/2088 - 7/2088 - 8/2088 - 9/2088 - 10/2088 - 11/2088 - 12/2088 - 1/2089 - 2/2089 - 3/2089 - 4/2089 - 5/2089 - 6/2089 - 7/2089 - 8/2089 - 9/2089 - 10/2089 - 11/2089 - 12/2089 - 1/2090 - 2/2090 - 3/2090 - 4/2090 - 5/2090 - 6/2090 - 7/2090 - 8/2090 - 9/2090 - 10/2090 - 11/2090 - 12/2090 - 1/2091 - 2/2091 - 3/2091 - 4/2091 - 5/2091 - 6/2091 - 7/2091 - 8/2091 - 9/2091 - 10/2091 - 11/2091 - 12/2091 - 1/2092 - 2/2092 - 3/2092 - 4/2092 - 5/2092 - 6/2092 - 7/2092 - 8/2092 - 9/2092 - 10/2092 - 11/2092 - 12/2092 - 1/2093 - 2/2093 - 3/2093 - 4/2093 - 5/2093 - 6/2093 - 7/2093 - 8/2093 - 9/2093 - 10/2093 - 11/2093 - 12/2093 - 1/2094 - 2/2094 - 3/2094 - 4/2094 - 5/2094 - 6/2094 - 7/2094 - 8/2094 - 9/2094 - 10/2094 - 11/2094 - 12/2094 - 1/2095 - 2/2095 - 3/2095 - 4/2095 - 5/2095 - 6/2095 - 7/2095 - 8/2095 - 9/2095 - 10/2095 - 11/2095 - 12/2095 - 1/2096 - 2/2096 - 3/2096 - 4/2096 - 5/2096 - 6/2096 - 7/2096 - 8/2096 - 9/2096 - 10/2096 - 11/2096 - 12/2096 - 1/2097 - 2/2097 - 3/2097 - 4/2097 - 5/2097 - 6/2097 - 7/2097 - 8/2097 - 9/2097 - 10/2097 - 11/2097 - 12/2097 - 1/2098 - 2/2098 - 3/2098 - 4/2098 - 5/2098 - 6/2098 - 7/2098 - 8/2098 - 9/2098 - 10/2098 - 11/2098 - 12/2098 - 1/2099 - 2/2099 - 3/2099 - 4/2099 - 5/2099 - 6/2099 - 7/2099 - 8/2099 - 9/2099 - 10/2099 - 11/2099 - 12/2099 - 1/2100 - 2/2100 - 3/2100 - 4/2100 - 5/2100 - 6/2100 - 7/2100 - 8/2100 - 9/2100 - 10/2100 - 11/2100 - 12/2100 - 1/2101 - 2/2101 - 3/2101 - 4/2101 - 5/2101 - 6/2101 - 7/2101 - 8/2101 - 9/2101 - 10/2101 - 11/2101 - 12/2101 - 1/2102 - 2/2102 - 3/2102 - 4/2102 - 5/2102 - 6/2102 - 7/2102 - 8/2102 - 9/2102 - 10/2102 - 11/2102 - 12/2102 - 1/2103 - 2/2103 - 3/2103 - 4/2103 - 5/2103 - 6/2103 - 7/2103 - 8/2103 - 9/2103 - 10/2103 - 11/2103 - 12/2103 - 1/2104 - 2/2104 - 3/2104 - 4/2104 - 5/2104 - 6/2104 - 7/2104 - 8/2104 - 9/2104 - 10/2104 - 11/2104 - 12/2104 - 1/2105 - 2/2105 - 3/2105 - 4/2105 - 5/2105 - 6/2105 - 7/2105 - 8/2105 - 9/2105 - 10/2105 - 11/2105 - 12/2105 - 1/2106 - 2/2106 - 3/2106 - 4/2106 - 5/2106 - 6/2106 - 7/2106 - 8/2106 - 9/2106 - 10/2106 - 11/2106 - 12/2106 - 1/2107 - 2/2107 - 3/2107 - 4/2107 - 5/2107 - 6/2107 - 7/2107 - 8/2107 - 9/2107 - 10/2107 - 11/2107 - 12/2107 - 1/2108 - 2/2108 - 3/2108 - 4/2108 - 5/2108 - 6/2108 - 7/2108 - 8/2108 - 9/2108 - 10/2108 - 11/2108 - 12/2108 - 1/2109 - 2/2109 - 3/2109 - 4/2109 - 5/2109 - 6/2109 - 7/2109 - 8/2109 - 9/2109 - 10/2109 - 11/2109 - 12/2109 - 1/2110 - 2/2110 - 3/2110 - 4/2110 - 5/2110 - 6/2110 - 7/2110 - 8/2110 - 9/2110 - 10/2110 - 11/2110 - 12/2110 - 1/2111 - 2/2111 - 3/2111 - 4/2111 - 5/2111 - 6/2111 - 7/2111 - 8/2111 - 9/2111 - 10/2111 - 11/2111 - 12/2111 - 1/2112 - 2/2112 - 3/2112 - 4/2112 - 5/2112 - 6/2112 - 7/2112 - 8/2112 - 9/2112 - 10/2112 - 11/2112 - 12/2112 - 1/2113 - 2/2113 - 3/2113 - 4/2113 - 5/2113 - 6/2113 - 7/2113 - 8/2113 - 9/2113 - 10/2113 - 11/2113 - 12/2113 - 1/2114 - 2/2114 - 3/2114 - 4/2114 - 5/2114 - 6/2114 - 7/2114 - 8/2114 - 9/2114 - 10/2114 - 11/2114 - 12/2114 - 1/2115 - 2/2115 - 3/2115 - 4/2115 - 5/2115 - 6/2115 - 7/2115 - 8/2115 - 9/2115 - 10/2115 - 11/2115 - 12/2115 - 1/2116 - 2/2116 - 3/2116 - 4/2116 - 5/2116 - 6/2116 - 7/2116 - 8/2116 - 9/2116 - 10/2116 - 11/2116 - 12/2116 - 1/2117 - 2/2117 - 3/2117 - 4/2117 - 5/2117 - 6/2117 - 7/2117 - 8/2117 - 9/2117 - 10/2117 - 11/2117 - 12/2117 - 1/2118 - 2/2118 - 3/2118 - 4/2118 - 5/2118 - 6/2118 - 7/2118 - 8/2118 - 9/2118 - 10/2118 - 11/2118 - 12/2118 - 1/2119 - 2/2119 - 3/2119 - 4/2119 - 5/2119 - 6/2119 - 7/2119 - 8/2119 - 9/2119 - 10/2119 - 11/2119 - 12/2119 - 1/2120 - 2/2120 - 3/21



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

CITY OF BELLEVUE  
CONDITIONAL USE PERMIT  
LOT 1, ROCA DE SALVACION ADDITION, LOCATED IN THE NORTHEAST ¼ OF  
SECTION 20, T13N, R13E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA

Conditional Use Permit for Salvacion/Iglesia

This Conditional Use Permit issued this 4th day of October, 2022 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Salvacion/Iglesia, (“Applicant”), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Salvacion/Iglesia is the legal owner of Lot 1, Roca De Salvacion Addition, located in the Northeast ¼ of Section 20, Township 14 North, Range 13 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, consisting of approximately 4.88 acres, more or less (“Property”). Applicant desires to use the Property for the purpose of a church; 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. A building permit for the construction of 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 applicant may operate a church facility on the Property.
  - d. 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.
  - e. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
  - f. 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:

Salvacion/Iglesia  
c/o Otoniel Garcia  
8806 S. 36<sup>th</sup> Street  
Bellevue, NE 68147

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





