

## **BELLEVUE PLANNING COMMISSION**

Thursday, March 23, 2023 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 January 26, 2023 Regular Meeting

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

### **2. CONSENT AGENDA/PUBLIC HEARINGS:**

a. Request to rezone Lot 143, Nob Hill, located in the Northwest  $\frac{1}{4}$  of Section 23, T14N, R13E of the 6th P.M., Sarpy County, NE, from BG to RS-84 for the purpose of existing single family residential. Applicant: Chris Lake Properties, LLC. General location: 608 Nob Hill Terrace. Case #: Z-2302-04.

### **3. PUBLIC HEARINGS:**

a. Request to rezone Lot 1D, Pleasant Hill or Martin's Subdivision, from RS-72 to BG for the purpose of a daycare center. Applicant: Twins Daycare, LLC. General location: S. 25th Street and Sautter Avenue. Case #: Z-2302-03.

b. Request for site plan approval for Lot 1, Harvell Center Replat Two, being a replatting of Lots 1 and 3, Harvell Center, together with vacated Harvell Circle lying within said Harvell Center, Lots 1 and 2, Harvell Center Replat 1, Lot 2, Bellevue Crossing Replat 2, Tax Lot 6A10, Tax Lot 9A3A, and Tax Lot 9A3B; all located in the Southwest  $\frac{1}{4}$  of Section 26, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, for the purpose of an Athletic Field House; preliminary plat Lot 1, Harvell Center Replat Two; and final plat Lot 1, Harvell Center Replat Two. Applicant: Bellevue University. General location: 2108 Harvell Circle. Case #'s: S-2301-02, S-2301-03, Z-2301-02.

### **4. CURRENT BUSINESS**

### **5. ADJOURNMENT**

# MINUTE RECORD

Bellevue Planning Commission Meeting, January 26, 2023, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, January 26, 2023 at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Hankins, Ritz, Cutsforth, Ackley, Bennett, Jacobson, and Perrin. Absent were Commissioners Aerni and Sims. Also present was Angela Curry, Assistant Planning Manager.

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

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

Motion was made by Ackley, seconded by Jacobson, to approve the minutes of the December 15, 2022 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Cutsforth asked if there were any updates or additions to staff reports. Curry advised there were letters and emails regarding Item 3.a. on the consent agenda and Item 4.d. on the public hearing agenda. She stated copies of those have been given to the Commissioners.

Motion was made by Bennett, seconded by Perrin, 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.

Dustin Marvel, Government & Community Relations Strategist (Public Affairs) for Omaha Public Power District introduced himself to the Planning Commission.

Cutsforth explained the public hearing procedures.

The following item was on the Consent Agenda:

Item 3.a. Request to rezone Lots 1 and 2, Compass Hill, being a replat of Tax Lot 8A, located in the Southeast ¼ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, NE, from AG to RD-60 for the purpose of residential development, and small subdivision plat Lots 1 and 2, Compass Hill. Applicant: Habitat for Humanity of Sarpy County. General location: 820 W Avery Rd. Case #'s: Z-2212-13, S-2212-27.

Cutsforth asked staff for updates. Curry stated there were no additional updates but gave a brief overview of the application. She stated the property was recently designated blighted and substandard so this is the next step in development.

Dan Brewer, 1701 N 24<sup>th</sup> Street, Omaha, NE, was present on behalf of Habitat for Humanity. He stated the Reimans who currently own the property have agreed to sell Habitat for Humanity a portion which will be split into two lots. Brewer said the Reimans will maintain their current residence on Lot 1 and Lot 2 will be merged into the Compass Hill project to the north of that lot.

Hankins asked for confirmation that the RD-60 Zoning lot size is 6,000 square feet. Curry stated that is correct.

Ackley stated the letters concerning the roads for this project should be addressed. Curry stated those concerns are not relevant to this application and will be addressed when a preliminary plat is submitted.

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

MOTION was made by Jacobson, seconded by Hankins, to recommend APPROVAL of the consent agenda item. APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations, and lack of perceived negative impact to the surrounding area. Upon roll call, all present voted yes. Motion carried unanimously.

**Consent Agenda Item 3.a. will proceed to City Council for PUBLIC HEARING ON February 21, 2023.**

# MINUTE RECORD

Bellevue Planning Commission Meeting, January 26, 2023, Page 2

PUBLIC HEARING was held on a request to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, for the purpose of multi-family development, with site plan approval. Applicant: Elevate Lofts, LLC. General location: 400 W. 19th Avenue. Case #: Z-2210-12.

Cutsforth asked staff for updates. Curry stated there were no new submittals for this application so the Planning Department is recommending this item be continued indefinitely.

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

MOTION was made by Ackley, seconded by Ritz to continue indefinitely a request to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, for the purpose of multi-family development, with site plan approval. Applicant: Elevate Lofts, LLC. General location: 400 W. 19th Avenue. Case #: Z-2210-12. Upon roll call, all present voted yes. MOTION carried unanimously.

PUBLIC HEARING was held to approve the Redevelopment Plan for Lot 2, Heere and Theere Addition. Applicant: Heere, Theere & Everywhere, LLC. General location: 2306 Lincoln Rd. Case #: ECD-60.

Cutsforth asked staff for updates. Curry stated an error in one of the calculations has been corrected in the submitted plan.

Robbie Ryan, 14006 Charles Street, Omaha, NE, was present on behalf of the applicant. He stated the proposal is for Lot 2, Heere and Theere Addition. Ryan said the proposal is for 25 units, 9 over-under duplexes, which are handicap accessible on the first floor. He stated this is a great plan for missing middle housing.

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

Jacobson asked for an explanation of the proposed missing middle housing. Ryan stated this project would cost approximately \$1.33 per square foot for the one bedroom and \$1.17 per square foot for the two bedrooms. He said that would allow for roughly \$1,000.00 rent for the one bedroom and under \$1,200.00 for the two bedrooms. Ryan stated that meets 80% to 120% of the AMI (Average medium income). Jacobson asked if this fills the gap between single family housing and high-rise apartments. Ryan stated that it does.

Jacobson asked staff if the metro area and Bellevue have identified missing middle housing as a priority. Curry stated they have.

Ritz inquired what was the driving factor for the TIF (Tax Increment Financing). Ryan stated the underground utilities will have to be brought in from the south or across the street and that is expensive. He said TIF eligible expenses are demo, site work, utilities, and professional fees. Ritz stated TIF is for development that could not be developed economically without TIF. Discussion ensued regarding costs related to the project. Ritz stated the plan shows a profit for the developer. Ryan stated this is a for profit project and without the TIF there is no profit.

Ritz asked staff if there were safeguards in place to confirm the expenses for the TIF are verified. Curry stated there have been more TIF requests but she is not aware of any safeguards for expense verification. Ryan stated there has only been one TIF fail in 30 years in the state of Nebraska. He stated they have a 15 year note from the city which is amortized over 13- and one-half years. Ryan stated developers do not want to apply for too much because if they don't generate enough taxes it has to be paid back so developers try to be conservative.

MOTION was made by Ritz, seconded by Hankins to recommend APPROVAL of a request to approve the Redevelopment Plan for Lot 2, Heere and Theere Addition. Applicant: Heere, Theere & Everywhere, LLC. General location: 2306 Lincoln Rd. Case #: ECD-60. APPROVAL based upon conformance with the elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for redevelopment along Lincoln Road. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON February 21, 2023.**

# MINUTE RECORD

Bellevue Planning Commission Meeting, January 26, 2023, Page 3

PUBLIC HEARING on a request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of a church in an existing commercial building. Applicant: The Glory Tabernacle Inc. General location: 1620 Wilshire Dr., Ste. 103. Case #: CUP-2212-06.

Cutsforth asked staff for updates. Curry stated there were no updates but gave a brief overview of the request. She stated the request is for a church in an existing commercial building located at 1620 Wilshire Drive. Curry stated services will be held at 10:30 a.m. on Sunday and bible study on Wednesday at 6:30 p.m. so the services will not interfere with parking during normal business hours of the building.

Pastor Clifton Hobbs III, 2910 Sheridan Road, Bellevue, NE, was present on behalf of the applicant.

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

Hankins stated the owner Jerry Teeter notified other tenants regarding this matter and there were no concerns.

MOTION was made by Jacobson, seconded by Bennett to recommend APPROVAL of a request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of a church in an existing commercial building. Applicant: The Glory Tabernacle Inc. General location: 1620 Wilshire Dr., Ste. 103. Case #: CUP-2212-06. APPROVAL based upon conformance with Section 6.06 of the Zoning Ordinance, as well as lack of perceived negative impact to the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON February 21, 2023.**

PUBLIC HEARING on a request for a conditional use permit for Lot 1, First Presbyterian Church of Bellevue, for the purpose of a 165' monopole tower. Applicant: New Cingular Wireless PCS, LLC. General location: 1220 Bellevue Blvd. S. Case #: CUP-2212-07.

Jacobson stated he attends the First Presbyterian Church but has had no conversations with church staff or the applicant involved in the next item on the agenda. He said he believes he can be impartial in the discussion and voting of this item.

Cutsforth asked staff for updates. Curry stated an email was received from Ed Conoan, 1209 Bellevue Blvd. S., regarding questions for this application. She said this request is for a conditional use permit for 165' monopole located on the south parking lot.

Steve Ward, 15 Park Place, Swanson, IL, was present on behalf of the applicant. He stated the request is for 165' monopole to serve AT & T. He said the site will be designed for multi-users which would hold three to four different carriers. Ward stated they meet all the conditions of the city ordinance. He said the city had asked for the FAA (Federal Aviation Administration) Determination of No Hazard and that is in process. Ward said the city also asked for opaque fencing so they will be working with the church on the fencing and landscaping.

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

Ackley stated some of the poles constructed in recent years have had the pole built into the tower of the church. He asked if that was a possibility for this pole. Ward stated because of the height it would not fit into the steeple or the architecture of this church. Discussion ensued regarding towers in Bellevue.

Ritz asked Ward to address the questions sent in by Mr. Conoan. Ward said the first question was about the level of exposure and if it is safe to be located near a preschool. He stated the cell phone you use every day has a lot more risk than the tower itself. He said typically towers do not tip over and fall out of their foundation. Ward said there is a weak point within the tower but the failure point is at the halfway point and that is the reason for the 80' fall zone. He stated any power lines in the area are approximately 90 feet away so if the tower failed it would not damage those lines. Ward stated a soil exploration will be done to confirm that the site is suitable for the tower. He said typically they will bore past any fill to get to good dirt or bedrock. Ward stated with regards to the sidewalk waiver he feels that Tammi Palm has already addressed that issue with Mr. Conoan in a prior email.

# MINUTE RECORD

Bellevue Planning Commission Meeting, January 26, 2023, Page 4

Curry stated the area is zoned RD-60 (duplex residential – 6,000 square foot zone) the current setback is a 5' side yard and this tower will have an 80' side yard setback. She said there are no concerns for the neighboring properties. Discussion ensued regarding neighboring properties.

Ritz asked for confirmation that Offutt Airforce Base had reviewed this proposal. Curry stated Offutt had looked at it and had no concerns. Ward stated when the FAA review is final a copy will be provided to the city and any recommendations will be followed in the construction of the tower.

MOTION was made by Ritz, seconded by Ackley to recommend APPROVAL of a request for a conditional use permit for Lot 1, First Presbyterian Church of Bellevue, for the purpose of a 165' monopole tower. Applicant: New Cingular Wireless PCS, LLC. General location: 1220 Bellevue Blvd. S. Case #: CUP-2212-07. APPROVAL based upon conformance with Section 6.06 of the Zoning Ordinance, as well as lack of perceived negative impact to the surrounding area; contingent upon receipt of the determination of no hazard from the FAA. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to City Council for PUBLIC HEARING ON February 21, 2023.**

Meeting adjourned at 6:46 p.m.



Dianna Van Horn  
Planning Secretary

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2302-04

**FOR HEARING OF:  
REPORT #1:** March 23, 2023

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Chris Lake Properties, LLC  
1246 Golden Gate Drive, Suite 1  
Papillion, NE 68046

**B. PROPERTY OWNER:**

Chris Lake Properties, LLC  
1246 Golden Gate Drive, Suite 1  
Papillion, NE 68046

**C. GENERAL LOCATION:**

608 Nob Hill Terrace

**D. LEGAL DESCRIPTION:**

Lot 143, Nob Hill, located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, NE.

**E. REQUESTED ACTIONS:**

Rezone Lot 143, Nob Hill, located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, NE., from BG to RS-84.

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

BG, Single Family Residential

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a change of zone to bring a legal nonconforming use into conformance with the Zoning Ordinance.

**H. SIZE OF SITE:**

The site is approximately .23 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is presently developed with a single family residence constructed in 1966.

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

- 1. **North:** Single Family Residential, BG-72
- 2. **East:** Single Family Residential, RS-84
- 3. **South:** Single Family Residential, BG
- 4. **West:** Commercial, BG

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.09, Zoning Ordinance, regarding RS-84 uses and requirements.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

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

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

- 1. There is no MAPA traffic data available for this location.
- 2. This property has access from an existing driveway off Nob Hill Terrace.

**D. UTILITIES:**

All utilities are available to this location.

**E. ANALYSIS:**

1. Chris Lake Properties, LLC has submitted a request to rezone Lot 143, Nob Hill, from BG to RS-84.
2. The property is currently developed with a single family residence. Sarpy County records indicate the house was built in 1966.
3. Based on its age, the present use of a single family residence in a commercial zone is considered a legal nonconforming use. In the prior Zoning Ordinance, single family residential was allowed in BG (General Business) due to pyramid zoning. In the 2011 update pyramid zoning was removed from the Zoning Ordinance. The requested change of zone would bring this property into conformance.
4. The requested RS-84 (Single Family Residential, 8,400 Square Foot) zoning is consistent with the zoning designation of the adjacent residential neighborhood to the east.

The property meets the RS-84 lot requirements.

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

No comments were received on this case.

6. This property is designated for commercial use in the Future Land Use Map of the Comprehensive Plan. Staff believes this was done in error based on its existing zoning. This lot is part of a long-established single family residential neighborhood. The designation will be corrected as part of our upcoming Comprehensive Plan update.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon 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. 2022 GIS aerial photo of the property
3. Justification letter received from Patrick Sullivan on February 16, 2023

**VII. COPIES OF REPORT TO:**

1. Chris Lake Properties, LLC, Attn: Patrick Sullivan
2. Public Upon Request

  
Assistant Planning Manager

  
Planning Manager                      03/16/23  
Date of Report

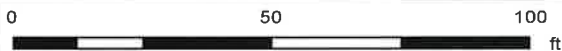


SARPY COUNTY  
NEBRASKA

608 Nob Hill Terrace

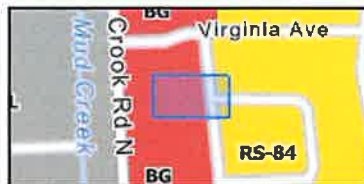


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



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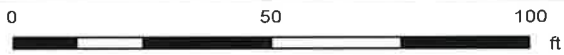


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Notes



## JUSTIFICATION OF THE ZONING CHANGE

### LOT 143 NOB HILL

The property was zoned BG General Business many years ago despite the fact that all of the properties west and adjacent to Nob Hill Terrace has been single-family, residential homes. The zoning of BG at the time allowed for single-family residential due to "pyramid" zoning application. In 2011, the City removed pyramid zoning from its code, literally causing 16 homes to be stripped of compliance and conformity with the zoning code, and became non-conforming lots. Non-conforming lots are subject to a lack of ability to secure lending due to the nonconforming use. The nonconforming use is subject to total removal of the structures if damaged by 60% or more. Banks do not want collateral with this risk. The 60% rules also creates an insurance risk so insurance coverage is more expensive. The City, despite being the one that created this problem, does not want to take it upon itself to resolve this unconscionable consequence. Accordingly, the applicant is justified in its request that it is zoned RS-84.

RECEIVED

FEB 16 2023

PLANNING DEPT.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2302-03

**FOR HEARING OF:**

**REPORT #1:** March 23, 2023

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Twins Daycare, LLC  
2402 N Street  
Omaha, NE 68107

**B. PROPERTY OWNER:**

Raccoon LLC  
2209 Erin Circle  
Papillion, NE 68048

**C. GENERAL LOCATION:**

7952 South 25<sup>th</sup> Street

**D. LEGAL DESCRIPTION:**

Lot 1D, Pleasant Hill or Martin's Subdivision, located in the Southeast ¼ of Section 16, T14N, R13E of the 6th P.M., Sarpy County, NE.

**E. REQUESTED ACTIONS:**

Rezone Lot 1D, Pleasant Hill or Martin's Subdivision, located in the Southeast ¼ of Section 16, T14N, R13E of the 6th P.M., Sarpy County, NE, from RS-72 to BG.

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

RS-72/Vacant

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a change of zone to facilitate construction of a daycare center and preschool facility.

**H. SIZE OF SITE:**

The site is approximately 4.81 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is presently vacant and covered in vegetation.

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

1. **North:** Chandler View Elementary School, RS-72
2. **East:** General Residential (across South 25<sup>th</sup> Street), RG-20-PS
3. **South:** Residential Estates, RE
4. **West:** Single Family Residential (ATS Mobile Telephone Tower), RS-72

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

1. Section 5.22, Zoning Ordinance, regarding General Business District.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

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

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. The 2020 MAPA Traffic Flow Chart estimates 4,505 vehicles per day along South 25<sup>th</sup> Street, south of the intersection of South 25<sup>th</sup> Street and West Chandler Road.

2. This property has access from South 25<sup>th</sup> Street.

**D. UTILITIES:**

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

**E. ANALYSIS:**

1. Merlyn Menjivar, on behalf of Twins Daycare, LLC, has submitted a request to rezone Lot 1D, Pleasant Hill or Martin's Subdivision, for the purpose of constructing a daycare center and preschool facility.
2. This property is presently zoned RS-72 (Single-family Residential, 7,200 Square Foot Minimum). The applicant is requesting a change of zone to BG (General Business) which allows for a wide range of retail and service establishments. No platting is being requested at this time.
3. 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 Omaha Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Matt Knight, Public Works Engineer, commented, "Given the wide range of uses permitted under a BG zoning district, Public Works would be concerned with the potential traffic impacts associated with this 5-acre lot under this type of zoning. The high volume of traffic that could be generated by certain uses (e.g., fast food restaurant, gasoline station-both permitted uses) would likely be problematic, particularly with this lot's proximity to Chandler View Elementary School."

No other comments were received on this case.

4. The intent of the BG district is to provide for a wide range of retail and service establishments.

The requested BG zoning would remain with the land, thereby allowing for permitted uses such as the following: carwash, convenience store with fuel sales, grocery store, microbrewery, restaurant, service garage, and hotel.

5. The Future Land Use Map of the Comprehensive Plan designates this area as medium density residential. This request goes against the Comprehensive Plan.
6. Staff believes the more intense BG (General Business) zoning district is not appropriate for this particular lot based on the existing character of the

neighborhood and potential traffic impacts. In Staff's opinion this would be considered spot zoning. Spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property, and to the detriment of other owners. Staff does not believe this intense zoning district would be compatible with the adjacent RS-72, RG-20-PS, and RE zoned properties.

7. Due to its size of approximately 5 acres, this property could be subdivided into several lots once rezoned commercial, which would create additional density that could be used for more intense purposes and cause further negative impact to the surrounding area.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

DENIAL of the change of zone based upon the incompatibility with the existing residential zoning, the perceived negative impact on the surrounding area, and lack of conformance with the Comprehensive Plan.

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review.

**VI. ATTACHMENTS TO REPORT**

1. Vicinity map/Zoning Map
2. 2022 GIS aerial photo of the property
3. Justification letter received from Merlyn Menjivar on February 13, 2023

**VII. COPIES OF REPORT TO:**

1. Twins Daycare, LLC, Attn: Merlyn Menjivar
2. Nebraska Management & Construction
3. Ryan S. Galer
4. Racoon, LLC, Attn: Timothy P. Engler
5. Public Upon Request

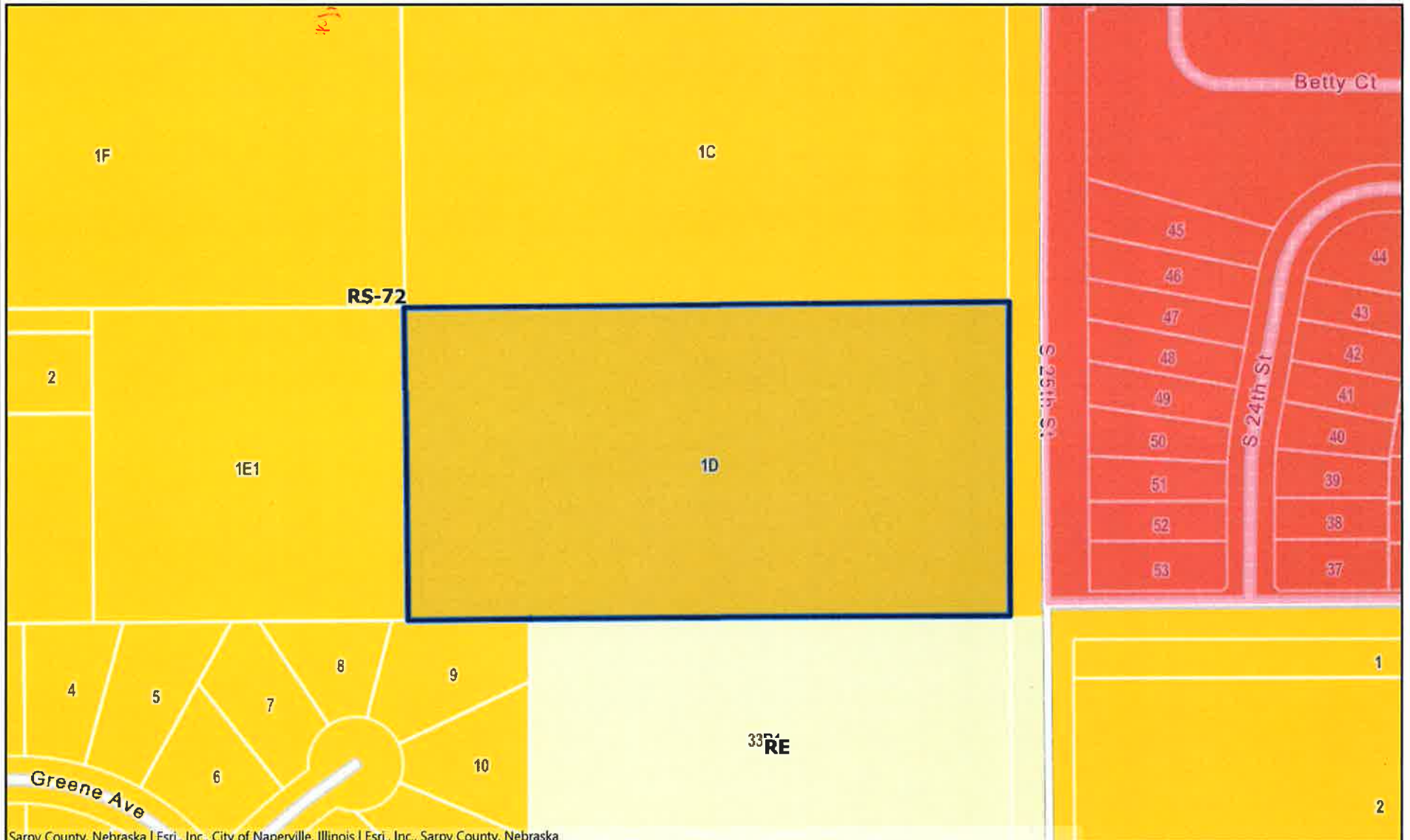
  
Assistant Planning Manager

  
Planning Manager      03/16/23  
Date of Report

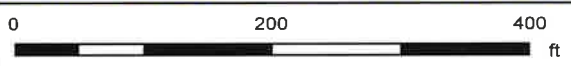


SARPY COUNTY  
NEBRASKA

7952 S 25th Street

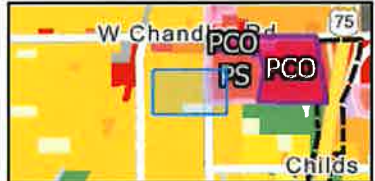


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 2257

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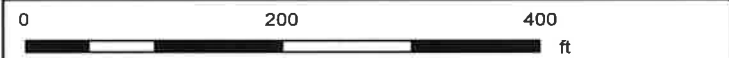


SARPY COUNTY  
NEBRASKA

7952 S 25th Street



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Notes



**JUSTIFICATION LETTER**

February 14, 2023

From: Twins Daycare LLC.  
% Merlyn Menjivar  
2402 "N" Street  
Omaha, NE 68107  
402-884-2402  
E-Mail: [twinsdaycare2014@gmail.com](mailto:twinsdaycare2014@gmail.com)

To: Tammi L. Palm - Planning Manager  
City of Bellevue  
1510 Wall Street  
Bellevue, NE 68005  
402-293-3026  
E-Mail: [tammi.palm@bellevue.net](mailto:tammi.palm@bellevue.net)

Subject: Justification letter

The reason for requesting rezoning from residential zoning to BG Commercial zoning is the need of Childcare and Preschool facility in the working community.

This parcel # 010424539 location is 5.1 Acres and large enough to accommodate a state of the arts Daycare Center and Preschool to fill the needs of working parents. The parcel is large enough to have a variety of activities and a safe traffic flow of dropping and picking up of children and staff.

Thank you,

Merlyn Menjivar

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PLANNING DEPT.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2301-02  
S-2301-02  
S-2301-03

**FOR HEARING OF:**  
**REPORT #1:** March 23, 2023

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Bellevue University  
1000 Galvin Rd. S.  
Bellevue, NE 68005

**B. PROPERTY OWNER:**

Bellevue University  
Attn: Mary Hawkins  
1000 Galvin Rd. S.  
Bellevue, NE 68005

**C. GENERAL LOCATION:**

2108 Harvell Circle

**D. LEGAL DESCRIPTION:**

Lot 1, Harvell Center Replat Two, being a replatting of Lots 1 and 3, Harvell Center, together with vacated Harvell Circle lying within said Harvell Center, Lots 1 and 2, Harvell Center Replat 1, Lot 2, Bellevue Crossing Replat 2, Tax Lot 6A10, Tax Lot 9A3A, and Tax Lot 9A3B; all located in the Southwest ¼ of Section 26, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

1. Site Plan approval for Lot 1, Harvell Center Replat Two
2. Preliminary plat Lot 1, Harvell Center Replat Two
3. Final Plat Lot 1, Harvell Center Replat Two

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

BG-PCO/Bellevue University Campus

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a preliminary plat, final plat and site plan approval to enable the construction of an athletic field house for Bellevue University.

**H. SIZE OF SITE:**

The site is approximately 16.165 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is currently part of the Bellevue University campus. There are two existing buildings east of vacated Harvell Circle; the Bellevue University Wellness Center and the Rotert Building/Military Veterans Services Center. Additionally, there is a small brick commercial building constructed in 1950 and a single family residence constructed in 1954 along the Fort Crook Road frontage. Only the Rotert Building/Military Veterans Services Center building will remain under the proposed site plan.

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

- 1. **North:** Commercial (across Harvell Drive), BG
- 2. **East:** Commercial (across Harvell Drive), BG
- 3. **South:** Commercial/Vacant (across Herman Drive), BG
- 4. **West:** Vacant, BG-PCO

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

- 1. Chapter 3, Subdivision Regulations, regarding Preliminary Plats.
- 2. Chapter 4, Subdivision Regulations, regarding Final Plats.
- 3. Chapter 6, Subdivision Regulations, regarding Minimum Design Standards.
- 4. Section 5.22, Zoning Ordinance, regarding BG uses and requirements.

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

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

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

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. The 2020 MAPA Traffic Flow Chart estimates 17,311 vehicles per day along Harvell Drive east of the Fort Crook Road intersection. There are 12,236 vehicles per day estimated along Fort Crook Road south of Cornhusker Road.

2. Access is proposed at two points along Herman Drive.

**D. UTILITIES:**

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

**E. ANALYSIS:**

1. Dr. Mary Hawkins, on behalf of Bellevue University, has submitted a request to preliminary plat and final plat Lot 1, Harvell Center Replat Two, for the purpose of an athletic field house.

Proposed Lot 1, Harvell Center Replat Two, consists of several platted lots, as well as unplatted tax lots and recently vacated right-of-way currently owned by Bellevue University.

2. The applicant is also requesting site plan approval based on the existing BG-PCO (General Business – Planned Center Overlay). The -PCO designation requires site plan approval.

3. The property currently contains two Bellevue University buildings (the Bellevue University Wellness Center and the Rotert Building/Military Veterans Services Center), along with an older commercial building and single-family residence. As part of this proposal, only the Rotert Building/Military Veterans Services Center will remain. All other buildings will be demolished.

4. The approximately 72,000 square foot athletic field house is a two-level building which will include multiple competition and practice courts for basketball and volleyball, a weight room, locker rooms, press room, as well as meeting and storage space.

5. Bellevue University is providing two parking lots on the property. There will be 135 standard stalls, 7 handicapped accessible stalls, and 14 stalls for bus parking. Additionally, the University is providing 200 overflow parking spaces across the street at 812 Bruin Boulevard. The zoning ordinance bases required parking on the size of the assembly area for this type of use. Per the zoning ordinance 219 stalls are required. Section 8.03.13 allows the required parking to be within 660 feet of the use, allowing for the overflow parking across the street. The University is providing 356 stalls, exceeding the minimum requirement.

A crosswalk with signage and striping will be provided. A pedestrian refuge island is part of the crosswalk design. Pedestrian crossing signs with a rapid rectangular flashing beacon (RRFB) will be used per the site plan.

6. A Traffic Impact Study (TIS) was requested by the city and provided by the University. The TIS was conducted by Felsburg Holt & Ullevig. Recommendations from this study have been implemented into the site plan design.

The TIS also makes event management recommendations to include:

- Pre-event, a parking lot attendant be on-site close to Harvell Circle and the site parking drive once these lots have reached capacity, forcing traffic to park to the Administration overflow lot. The full lots can be closed using traffic cones.
- Post-event it is recommended the access be limited to Harvell Circle and the site parking drive to southbound right out only and Bruin Boulevard to northbound right out only. These access restrictions can be completed using traffic cones.
- If the Administration overflow parking lot is utilized, it is recommended traffic be controlled by the rapid rectangular flashing beacon on signage, University staff, and/or the Bellevue Police Department at the intersection of Harvell Circle and Bruin Boulevard to stop vehicle traffic and allow for pedestrian crossing. FHU states the installation of the rectangular rapid flashing beacon at the crossing would suffice traffic control for the majority of the events at the field house, but for highly attended events, University staff and/or police should also be present.

Bellevue University is aware of these recommendations and stated they agree to these recommendations. Staff is recommending the University enter into a Memorandum of Understanding or similar document with the city prior to the issuance of any building permits to clarify roles and responsibilities of these recommendations.

7. The landscape plan has been reviewed by staff and meets the minimum requirements of the Zoning Ordinance.

8. Per Section 8.11, Zoning Ordinance, the athletic field house will need to meet the city's design standards. Compliance with these regulations will be reviewed as part of the building permit process.

9. 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, Bellevue Public School District, Sarpy County Public Works Department, Sarpy County Administrator, Metropolitan Utilities District, Sarpy County GIS/Public Safety, Metro Area Planning Agency (MAPA), Century Link, Omaha Public Power District, Black Hills Energy, Cox Communications, and the Papio-Missouri River NRD. 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.

Bellevue Public Works Engineer Matt Knight requested technical revisions to the site plan, preliminary plat, and final plat. These revisions have since been made by the applicant's engineer. Additionally, Mr. Knight is comfortable with the applicant's plan for drainage.

Carlos Morales, MAPA, commented the recently adopted Fort Crook Road plan "envisions the area adjacent to Fort Crook Road to be transit oriented, sustainable, and walkable." He stated the proposed field house development does not align with this vision. Mr. Morales commented that the field house "is an amenity valuable to the university and greater Bellevue community. However, this preliminary plat does not integrate the proposed land use with the goals and intent of materializing a mixed-use, walkable development within the direct vicinity of Fort Crook Road." Mr. Morales further offered comments pertaining to the proposed circulation being confusing, having more separation of the walking promenade and drop off area, as well as placement of a second crosswalk to help distribute pedestrians more evenly.

Bellevue University is aware of MAPA's comments. In response, the applicant's engineer stated "Additional renderings prepared by HDR, who originally prepared the Fort Crook Rd 2040 plan, have been included with this submittal to show the future site and give an illustration of the walkability of the site. HDR has helped develop the master plan for Bellevue University and the Fieldhouse."

In regards to MAPA's concerns about circulation, design, and the additional crosswalk, the applicant's engineer offered the following:

- "The idea behind locating the bus drop off inside the west parking lot was to pull the busses off Herman Drive and create a separate space for them to

safely drop off passengers at the Fieldhouse. Busses will not drop off passengers in the plaza area.”

- “The bus drop off area is located in the west parking lot. During events, these stalls will be blocked off to allow for the busses to drop off passengers. The plaza area is a shared space between pedestrians and vehicles, design to slow vehicle traffic down with the narrow travel lanes, raised landscaping beds, and parallel parking.”
- “The singular crosswalk across Herman Drive allows for pedestrians to be concentrated in one location, rather than spreading them across multiple crossings. This also allows for the refuge island and the RRFB to be installed at this crossing, furthering pedestrian safety.”
- “The site plan review sheet, SPR.1 shows the location of the bicycle parking, pedestrian scale lighting, and the RRFB.”

No other comments were received in this case.

10. This area is identified as an activity center in the Future Land Use Map of the Comprehensive Plan. Activity centers are defined as areas of mixed land use to include residential, retail and commercial, office, and public areas all in close proximity. This development is in conformance with the Comprehensive Plan.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, and the Comprehensive Plan, as well as lack of perceived negative impact upon the surrounding area. APPROVAL based upon the positive impact of the development for Bellevue University and the community as a whole; contingent upon a formal agreement for traffic control being entered into with the University and the city prior to issuance of building permits.

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review

**VI. ATTACHMENTS TO REPORT**

1. Vicinity map/Zoning Map
2. GIS aerial photo of the property
3. Preliminary Plat received March 13, 2023

4. Final plat received March 13, 2023
5. Site Plan received March 13, 2023
6. Landscape Plan received March 13, 2023
7. HDR renderings received March 13, 2023

**VII. COPIES OF REPORT TO:**

1. Bellevue University
2. Thompson, Dreesen & Dorner, Inc.
3. Public Upon Request

  
Assistant Planning Manager

  
Planning Manager                      Date of Report



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



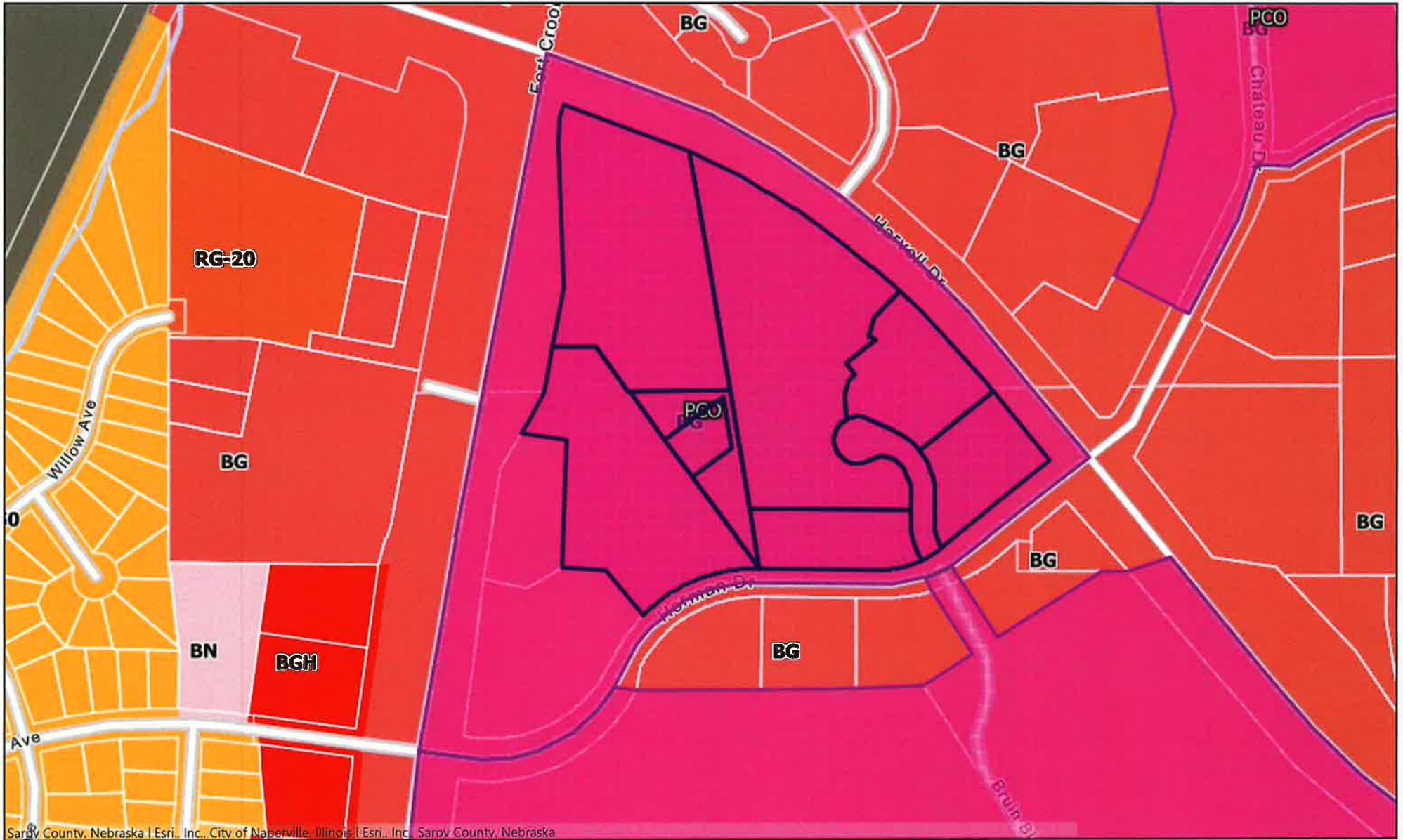
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Notes



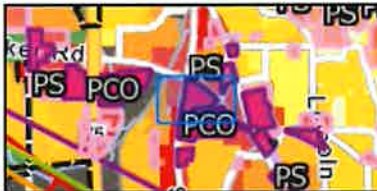


Sarpy County, Nebraska | Esri, Inc. | City of Naperville, Illinois | Esri, Inc. | Sarpy County, Nebraska



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Notes











**PLANT SCHEDULE**

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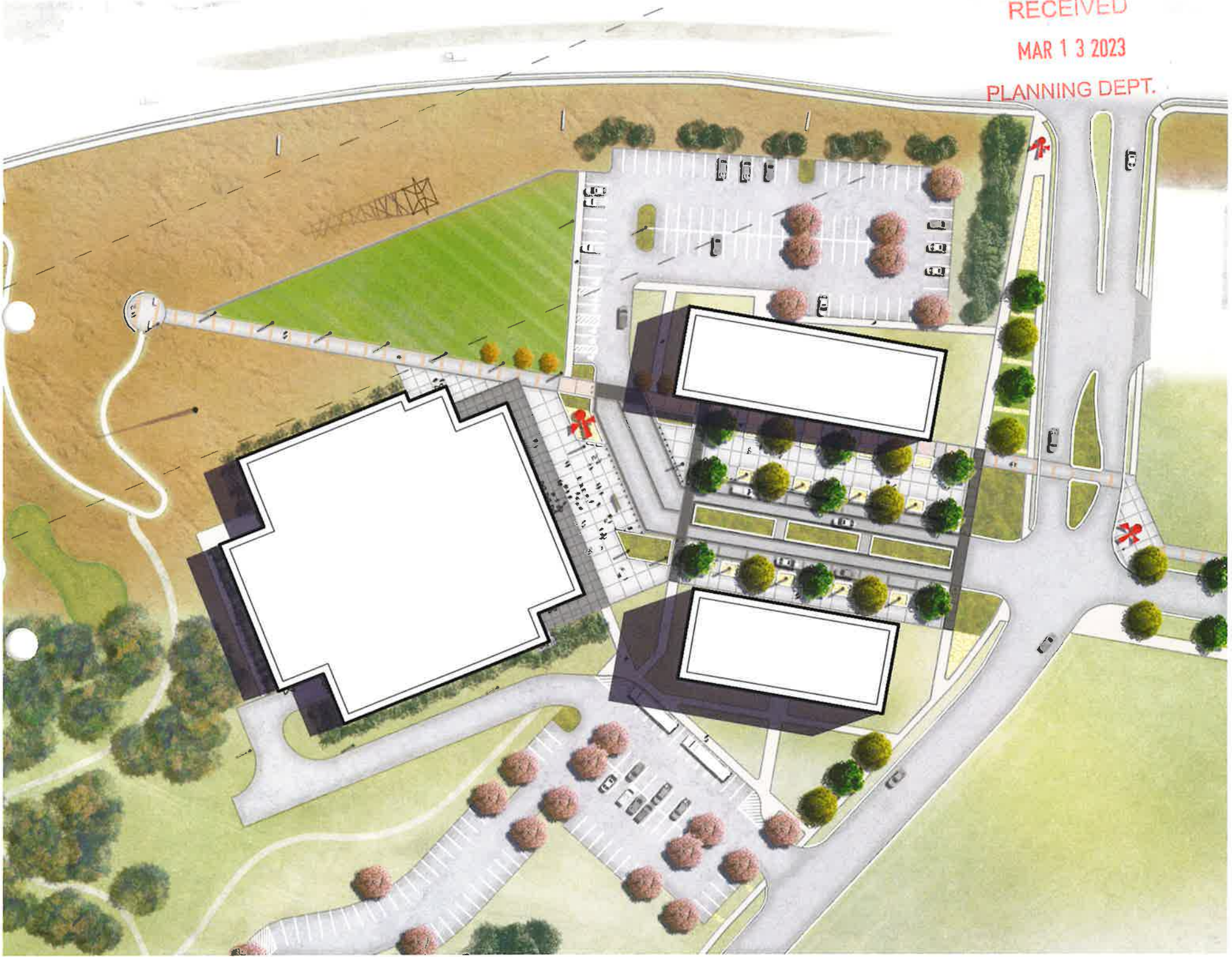
**FOUNDATION PLANTINGS - LOW HEIGHT SHRUBS**

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**FOUNDATION PLANTINGS - MID HEIGHT SHRUBS**

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# HARVELL CENTER REPLAT TWO LOT 1



## VICINITY MAP



## SUBDIVIDER

BELLEVUE UNIVERSITY  
1000 GALVIN ROAD SOUTH  
BELLEVUE, NE 68154

## ENGINEER

THOMPSON, DREESSEN & DORNER, INC.  
10836 OLD MILL ROAD  
OMAHA, NE 68154

## NOTES

- EXISTING ZONING IS B6 (PCO OVERLAY). PROPOSED ZONING IS B6 (PCO OVERLAY).
- ALL REQUIRED UTILITIES EXIST.
- PROPOSED LOT IS 18.185 ACRES (704,156 S.F.).
- SEE HARVELL CENTER REPLAT TWO, LOT 1, FINAL PLAT FOR EASEMENT LOCATIONS AND DESCRIPTIONS.

## LEGEND

- PROPOSED 8" P.C.C. PAVEMENT (9" P.C.C. IN R.O.W.)
- PROPOSED 4" P.C.C. SIDEWALK (5" P.C.C. IN R.O.W., TRAIL, AND PLAZA AREAS)
- PROPOSED 5" P.C.C. PAVEMENT WITH ACID WASH FINISH (8" P.C.C. IN VEHICLE TRAFFIC AREAS)
- PROPOSED GRASS PAVERS
- LANDSCAPE SETBACK
- EXISTING P.C.C. SIDEWALK
- EXISTING OVERHEAD POWER EASEMENT

## SITE KEY NOTES

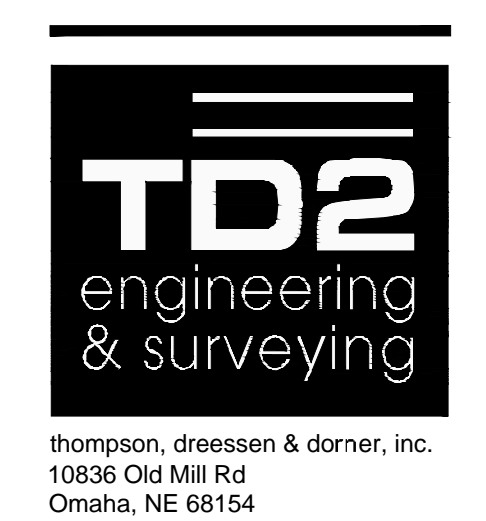
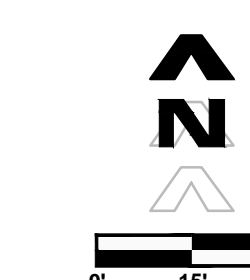
- PROPOSED 8" P.C.C. PAVEMENT.
- PROPOSED 5" P.C.C. SIDEWALK.
- PROPOSED ROLL-OVER CURB LOCATED IN MEDIAN AREA.
- PROPOSED TRANSFORMER, CONDENSER AND GENERATOR LOCATION.
- PROPOSED PARALLEL PARKING STALLS IN PLAZA AREA.
- PROPOSED MANAGEMENT SIGN LOCATION.
- BOLLARD LOCATION: BOLLARDS SHALL BE LOCATED TO SEPARATE PEDESTRIAN AND VEHICULAR AREAS.
- PROPOSED TRASH ENCLOSURE LOCATION.
- PROPOSED PLANTER BED WITH RAISED CURB.
- 8" THICK, 2' WIDE P.C.C. STRIP WITH ACID WASH FINISH.
- 8" THICK P.C.C. PEDESTRIAN CROSSING WITH ACID WASH FINISH.
- 5" THICK P.C.C. WITH ACID WASH FINISH.
- PROPOSED LIGHT POLE LOCATION, TYP.
- BUS DROP-OFF AND PARKING AREA. DURING SPORTING EVENTS AND OTHER EVENTS REQUIRING BUS DROP-OFF, PARKING STALLS SHALL BE BLOCKED OFF BY UNIVERSITY STAFF FOR BUS PARKING AND DROP-OFF. STALLS SHALL BE AVAILABLE FOR PARKING AT ALL OTHER TIMES.
- TEN (10) U-FRAME BIKE RACKS
- PROPOSED ART PEDESTAL LOCATED IN PLANTER BED.
- FIELDHOUSE SIGNAGE WALL
- PROPOSED BENCH LOCATION
- PEDESTRIAN REFUGE ISLAND AND CROSSING WITH PEDESTRIAN CROSSING SIGN AND STRIPING.
- STORM WATER DETENTION BASIN
- MOWED CROSS COUNTRY TRAIL
- PROPOSED GRASS PAVERS
- PROPOSED 4" P.C.C. SIDEWALK
- SEE SHEET SPR.3 FOR SIDEWALK CONTINUATION ON HERMAN DRIVE
- LANDING AREA FOR FUTURE ADA RAMP.
- PEDESTRIAN CROSSING SIGN WITH RAPID RECTANGULAR FLASHING BEACON.

## PARKING SUMMARY

STALL TYPE	STALLS
STANDARD SURFACE STALL	135
ADA SURFACE STALLS	7
BUS AREA PARKING STALLS	14
OVERFLOW PARKING AT 812 BRUN BLVD.	200
TOTAL PARKING	356

## REQUIRED PARKING SUMMARY

USE TYPE	REQUIREMENT	STALLS REQUIRED	STALLS PROVIDED
ASSEMBLY AREA	1 STALL PER 5 SEATS	219	356
ACCESSIBLE SPACES	201 TO 300 SPACES	7	7



SITE PLAN REVIEW - SITE PLAN

**stanley j how**  
 ARCHITECTS  
 11685 CALIFORNIA ST  
 OMAHA, NE 68154  
 402.964.9000



JOB NO. 2022-09  
 DATE 02/16/2023

BELLEVUE UNIVERSITY - FIELDHOUSE

BELLEVUE, NEBRASKA

1000 GALVIN ROAD SOUTH

SHEET SPR.1

BELLEVUE UNIVERSITY TECHNOLOGICAL SERVICES, 775-144-0400  
 11/20/2022 10:14:54 AM

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PLANT SCHEDULE

Table with columns: KEY, BOTANICAL NAME, COMMON NAME, SIZE, COND., MATURE HEIGHT, MATURE SPREAD, TOTAL QUANTITY. Lists various tree and shrub species like Skyline Honeylocust, Summer Elm, etc.

NOTE: PLANT SCHEDULE IS APPROXIMATE AND SUBJECT TO CHANGE; HOWEVER, ANY CHANGES MUST BE IN ACCORDANCE WITH THE CITY OF BELLEVUE'S LANDSCAPE ORDINANCES AND REGULATIONS.

FOUNDATION PLANTINGS - LOW HEIGHT SHRUBS

Table with columns: KEY, BOTANICAL NAME, COMMON NAME, SIZE, COND., MATURE HEIGHT, MATURE SPREAD, SPACING. Lists shrubs like Dwarf-leafed Spirea, Andromeda Juniper, etc.

FOUNDATION PLANTINGS - MID HEIGHT SHRUBS

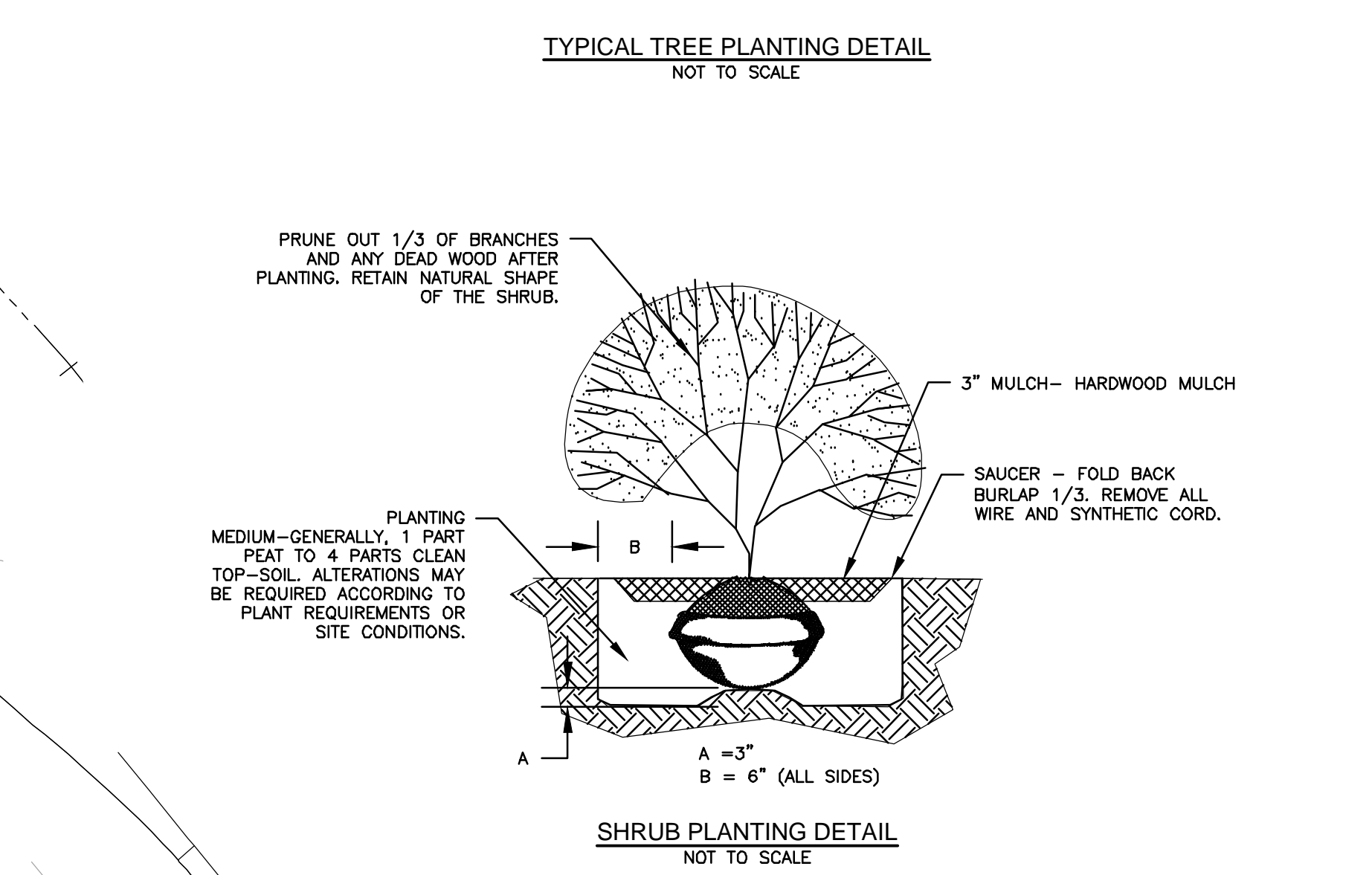
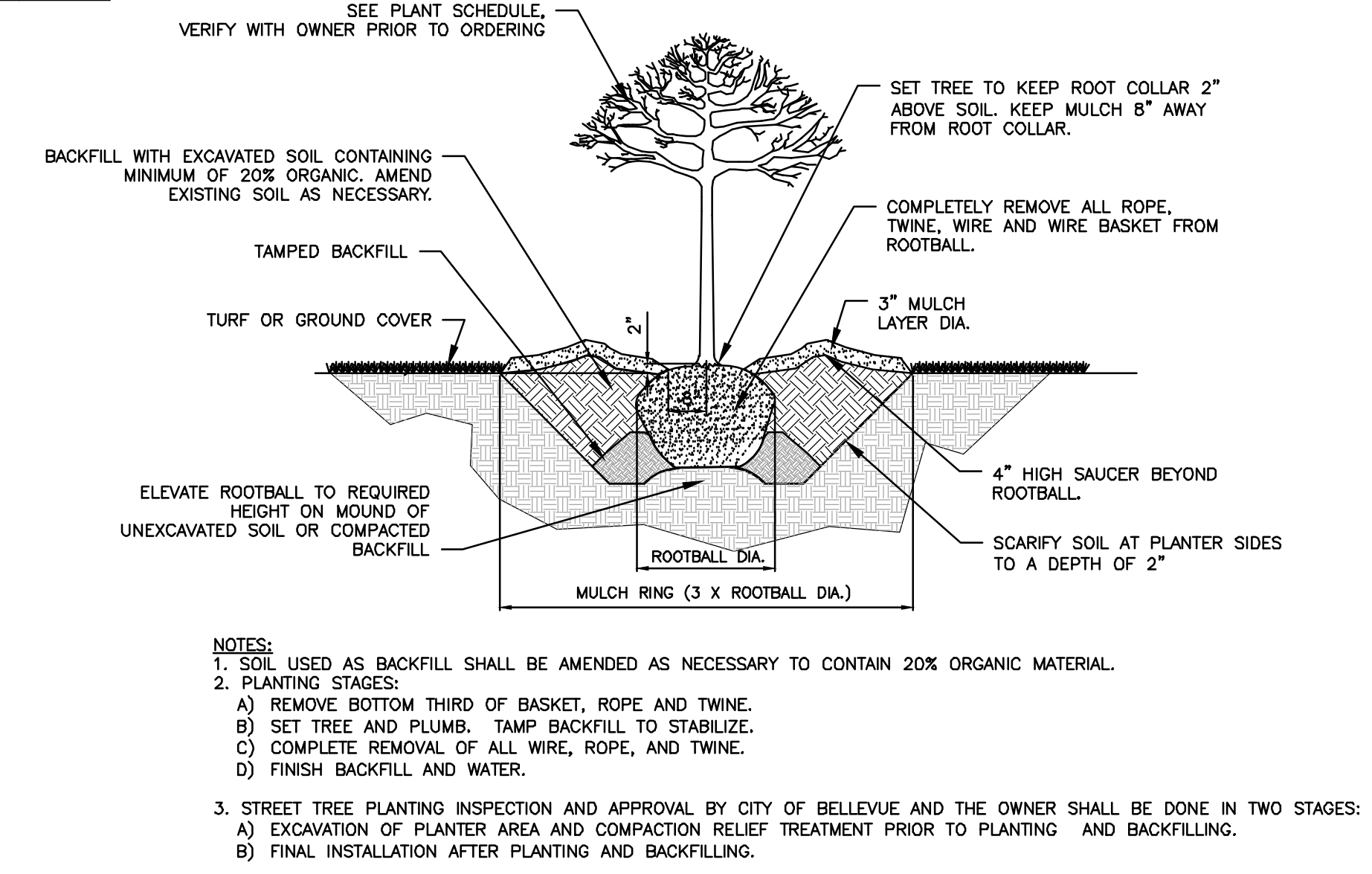
Table with columns: KEY, BOTANICAL NAME, COMMON NAME, SIZE, COND., MATURE HEIGHT, MATURE SPREAD, SPACING. Lists shrubs like Arrowwood Viburnum, Black Chokecherry, etc.

PARKING LOT & PLAZA PLANTING BEDS

Table with columns: KEY, BOTANICAL NAME, COMMON NAME, SIZE, COND., MATURE HEIGHT, MATURE SPREAD, SPACING. Lists plants like Little Henry Sweetspine, Carex pensylvanica, etc.

LANDSCAPE CALCULATIONS

STREET YARD LANDSCAPING (SEC. 8.12.06) REQUIREMENTS: MINIMUM 15 FT DEEP LANDSCAPED YARD PROVIDED: 15 FT. PARKING LOT LANDSCAPING (SEC. 8.12.06) REQUIREMENTS: INTERIOR LANDSCAPING: 19 S.F. PER PARKING STALL...

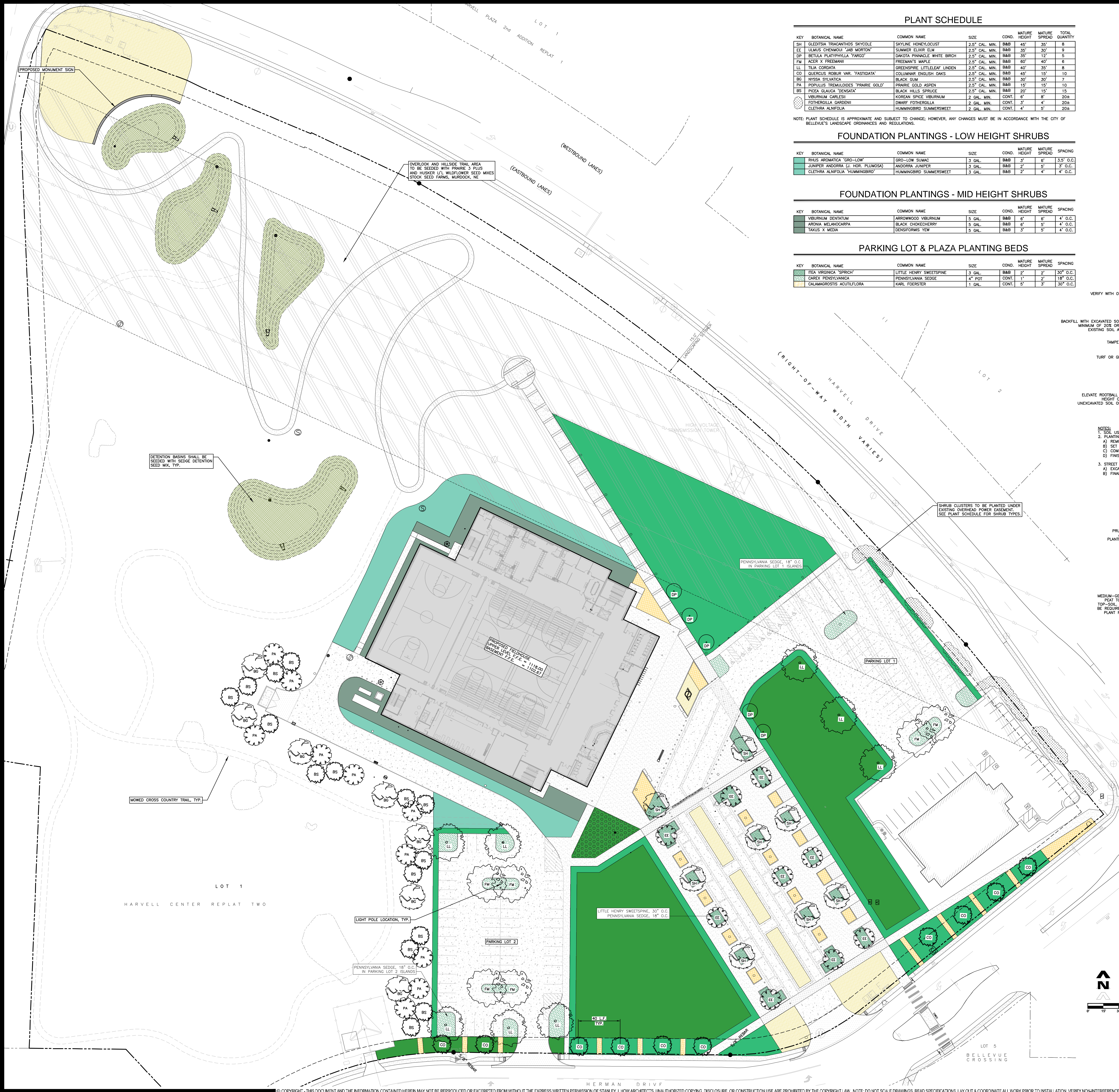


LEGEND

- LANDSCAPE SETBACK
KARL FOERSTER PLANTING BEDS
NATIVE GRASS AND PERENNIAL MIX (AUTUMN MOOR GRASS, NATIVE PERENNIALS)
STRUCTURED PLANTING BEDS (SEE PLANT SCHEDULE)
PARKING LOT ISLAND BEDS (SEE PLANT SCHEDULE)
FACT SEED MIX, UNITED STATES SEDGE DETENTION SEED MIX
RTF TURF SEED
RTF TURF SOIL
GRASS PAVERS
FOUNDATION MID-HEIGHT SHRUBS (SEE PLANT SCHEDULE)
FOUNDATION LOW-HEIGHT SHRUBS (SEE PLANT SCHEDULE)
SHRUB CLUSTERS (SEE PLANT SCHEDULE)
EXISTING OVERHEAD POWER EASEMENT

LANDSCAPE NOTES

- 1. ALL DISTURBED AREAS NOT SHOWN AS BUILDING, PCD, PAVEMENT, LANDSCAPING, OR SIDEWALK SHALL BE SEEDED AND WAITED WITH RTF TURF SEED OR RECEIVE RTF SOO.
2. ALL LANDSCAPING MATERIALS & CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BELLEVUE'S LANDSCAPE ORDINANCES AND REGULATIONS.
3. PRIOR TO CONSTRUCTION (& ORDERING LANDSCAPE MATERIALS) THE CONTRACTOR SHALL VERIFY ALL PROPOSED MATERIALS & LOCATIONS WITH THE OWNER. ALL LANDSCAPING MATERIALS & CONSTRUCTION SHALL BE APPROVED BY THE OWNER.



DATE PLOTTED: 02/16/2023 10:58:14 AM BY: TD2



thompson, dressen & dornet, inc. 10036 Old Mill Rd Omaha, NE 68154 402.330.8860 www.td2co.com