

BELLEVUE PLANNING COMMISSION

Thursday, September 28, 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 August 24, 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 for site plan approval for Lot 1, Kennedy Town Center Replat Eight being a replat of Lot 75, Kennedy Town Center, and Lots 5 and 6, Kennedy Town Center Replat Three; and small subdivision plat Lots 1 and 2, and Outlot A, Kennedy Town Center Replat Eight.

Applicant: Parviz Atamov. General location: W. Chandler Rd. and S. 22nd Street. Case #'s: Z-2307-14, S-2307-13.

4. CURRENT BUSINESS

a. Planning Department Updates

5. ADJOURNMENT

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Bellevue Planning Commission Meeting, August 24, 2023, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, August 24, 2023 at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Hankins, Sims, Taylor-Jones, Aerni, Ackley, Lasenburg, Bennett, and Perrin. Absent was Commissioner Jacobson. Also present was Tammi Palm, Planning Director, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times 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 Bennett, to approve the minutes of the August 7, 2023, 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.

Motion was made by Ackley, seconded by Taylor-Jones, 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:

2.a. Request to final plat Lots 1 through 6, and Outlots A through F, Cardinal Commons Addition being a replat of Lots 7 and 8, Old Orchard Place, and approval of the Cardinal Commons Subdivision Agreement. Applicant: Excel Development Group. General location: S. 13th Street and Kasper Street. Case #: S-2306-10

2.b. Request to rezone Lot 144, Nob Hill, from BG to RS-84 for the purpose of an existing single-family residence. Applicant: David and Debora Rospierski. Location: 610 Nob Hill Terrace. Case #: Z-2307-15.

Motion was made by Ackley, seconded by Lasenburg, to Approve the Consent Agenda items as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Consent Agenda Items 2.a. and 2.b. will proceed to City Council for PUBLIC HEARING ON September 19, 2023.

PUBLIC HEARING was held on a request for site plan approval for Lot 1, Kennedy Town Center Replat Eight being a replat of Lot 75, Kennedy Town Center, and Lots 5 and 6, Kennedy Town Center Replat Three; and small subdivision plat Lots 1 and 2, and Outlot A, Kennedy Town Center Replat Eight. Applicant: Parviz Atamov. General location: W. Chandler Rd. and S. 22nd Street. Case #'s: Z-2307-14 and S-2307-13.

Aerni asked staff for updates. Palm stated the applicant is requesting a continuance to the September 28, 2023, Planning Commission meeting. She said the applicant and his engineer need additional time to address some technical revisions.

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

MOTION was made by Bennett, seconded by Taylor-Jones, to CONTINUE a request for site plan approval for Lot 1, Kennedy Town Center Replat Eight being a replat of Lot 75, Kennedy Town Center, and Lots 5 and 6, Kennedy Town Center Replat Three; and small subdivision plat Lots 1 and 2, and Outlot A, Kennedy Town Center Replat Eight. Applicant: Parviz Atamov. General location: W. Chandler Rd. and S. 22nd Street. Case #'s: Z-2307-14 and S-2307-13. CONTINUANCE to the September 28, 2023 Planning Commission meeting. Upon roll call, all present voted yes. MOTION carried unanimously.

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

Aerni asked staff for updates. Palm stated there were no updates but gave a summary of the request. Palm stated this property is currently zoned RG-8 (General Residential) which allows high density multi-family residential. She said the applicant is requesting RG-8-PS (General Residential – Planned Subdivision). The -PS overlay allows some flexibility with having multiple buildings on one lot as well as dealing with topography and the uniqueness of the property. She said the request is for 168 apartment units in four buildings. Palm stated historically this site was known as the College Apartments that had buildings constructed in the 1900's. Those buildings were recently demolished, and the property is presently vacant. She said in addition to tonight's request the applicant had TIF (Tax Increment Financing) approved by the City Council last year. Palm stated staff reviewed items such as proposed infrastructure and drainage. Because this is a difficult property to develop, she said not only did the City of Bellevue engineers review this plan, but they also contracted with JEO Consulting Group to ensure the drainage plan was in conformance with the city's code and regulations. Palm stated the Comprehensive Plan designates this area as multi-family residential, so the request is also in conformance with that plan. She said for those reasons staff is recommending approval of this request.

Andrew Koster with TD2, 10836 Old Mill Rd., Omaha, NE was present on behalf of the applicant. He stated the site drains from north to south and it is understood that the site sits above quite a few residential properties. He stated the goal was to manage the storm water run-off on the site in the best way possible. Koster stated the storm sewer and detention basin on the south side of the property was over designed to avoid any downstream issues for the homes that surround this property.

Karen McAndrew, 410 W. 20th Avenue, Bellevue, NE stated this project has a huge problem with density of people and cars. She said Elevate Lofts is asking to build four buildings that will be comprised of 168 units. McAndrew stated to reach 168 units these buildings will need to be three to four stories. She said she believes two-thirds to three-quarters of the units will be rented by a single parent with two children and one car, which accounts for many additional cars and children walking in the neighborhood. She stated no matter which school the children would attend; they are all within walking distance, and the sidewalks throughout the neighborhood are intermittent so these children will end up walking in the streets putting themselves and motorists in danger. McAndrew stated trying to get out of this residential area and on to an arterial road to get to work will be a nightmare. She said every weekday morning will be the equivalent of leaving a football game, airshow, or a parade. McAndrew said the staff report mentions amenities such as a lounge, fitness room, pool, outdoor grills and possibly a dog run but none of those amenities are on the site plan. She questioned where all of these children will play. She said if you don't have a play area be prepared for your building to take the brunt of these children's activities. McAndrew stated these children may play in the storm water basin which is full of green algae, and who knows what bacteria. She said she urges all members of the Planning Commission to visit the site and see exactly what the area looks like.

Karen Albers, 1807 Madison St., Bellevue, NE stated the neighbors would like to see a traffic study done for this project. She said there is a concern regarding the light and noise pollution from the project's parking lots proposed to be along the neighbors' rear yards. Albers stated there are many code violations on this property. She said Mr. Panebianco has gone above and beyond to prove that he is not a good property manager and continues to neglect the property. Albers stated she realized the project will be going forward but neighbors want to be sure it is a manageable size for the neighborhood.

Buddy Whited, 1905 Madison St., Bellevue, NE stated his concern was with the number of units. He said he has two little boys and understands how much energy they have and what they need to do to wear off that energy. Whited said there is not enough space for the children to play. He said the park in the area is useful, but sidewalks are not always available for them to safely walk in the neighborhood. Whited said he sees children walking in the street on his way to work every morning.

Claudia Swarting, 1808 Madison St., Bellevue, NE stated before this project is approved, we would appreciate a traffic study done in the winter months so you can see what the neighborhood deals with.

Tyler Mueller, 406 W. 20th Ave., Bellevue, NE stated his parents live at 406 W. 20th Avenue and he grew up in the area. He said because the hill on Wayne Street is steep there are scooters, bikes and a lot of traffic making it unsafe. Mueller stated his dad wanted to add his concerns regarding the drainage in the area.

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

Palm stated she would address some of the questions and concerns. She stated currently this lot is zoned RG-8, which is designed to allow for very high-density, multi-story apartment development and other uses that are typical and compatible in the operation of apartment houses. Palm said the property has over 182,000 square feet, which in the RG-8 zone allows for a multi-family dwelling unit per every 800 square feet of lot area. Based on the lot area, they could have 219 units under the current zoning. Palm stated the city's Fire Inspector reviewed the plan, and Fire Code allows for one access point for the number of units being proposed. She said the application was also routed to the Bellevue Public Schools and they did not comment but are aware of the potential students this development could bring. Palm stated with regards to the concerns about light pollution, the developer must provide downcast lighting. She said the lighting will be reviewed as part of the building permit process. Palm stated the parking against neighbors' back yards was also taken into consideration, so the applicant has increased the amount of shrubbery and trees along that area that abuts the neighboring property, which is more than what the code requires. Palm said the site does drain from north to south and the city's engineers and JEO are comfortable with the drainage and run-off plan. She said as far as the code violations on the property she cannot speak to those so the applicant or the property owner can address those concerns. Palm stated this will be a mix of studio, one-, and two-bedroom units so these are things taken into consideration when the engineering department decides to require a traffic study. She said they consider density, the existing street layout, collector streets, and arterial roads and they felt comfortable with the density and access being proposed.

Larry Smith, Avant Architects, 8340 W. Dodge Rd., Ste. 200, Omaha, NE was present on behalf of the applicant. Smith stated of the 168 units, 22 of them are loft units approximately 650 square feet, 132 are one-bedroom units approximately 650 to 700 square feet, and 14 two-bedroom units.

Koster stated he understands there have been drainage issues in the past, but the current drainage plan with the concrete parking lot, detention basins and storm sewers will capture 90% of the run-off on the site which will actually improve drainage to the neighboring properties. He said the detention basin is designed to be a dry basin so there should not be any algae or ponding.

Andrew Panebianco, 1910 S. 44th St., Omaha, NE, stated one of the code violations on the property was a tree that needed to be removed, but before they could get bids to remove it the city had it removed. He said they want to be a good neighbor and the goal is to improve the property as well as the drainage. Panebianco stated they have worked very hard to ensure there are things in place that are not required but are going to be better for the neighborhood. He said there will be additional bushes, and a fence surrounding the property and a larger buffer on the back of the lot. Panebianco stated this project is geared toward young professionals and will fill a need for housing in Bellevue.

Hankins asked to see the site plan for the proposed sidewalks. Palm stated there are interior sidewalks and a sidewalk along West 19th Avenue that will connect to Wayne Street. Discussion ensued regarding city regulations for sidewalks. Hankins questioned how many units were on the property previously. Palm stated there were three buildings and 42 units per the Sarpy County Assessor's information.

Lasenburg questioned if the homeowners have been contacted regarding the need to connect the sewer between existing homes. Koster said there is a permanent and temporary easement in place from the homeowner whose lot they intend to bore through. He stated he has also talked to the other owner Mr. Mueller to go through the process and answer his questions.

Ackley asked staff to explain to the public when the city does or does not require an on-site park or playground. Palm stated there are no specific park or playground requirements for multi-family developments. She said typically that is left up to the developer to provide what they believe will be necessary to serve the development. Palm stated in this case they are proposing a fitness room, and lounge or gathering room. She said in cases of three- and four-bedroom apartments that are more geared for families, the developers have provided playgrounds on site. She said items mentioned such as a pool, outdoor grill, and dog run are not shown on the site plan so those items will not be required at this time. Discussion ensued regarding requirements for sidewalks throughout the city. Ackley asked if there was a plan for snow removal on the site. Koster stated the basin would probably be the best place for the snow, but they had not given that a lot of thought.

Lasenburg questioned what if any precautions have been taken to ensure proper drainage. Koster stated the basin is designed to contain a 100-year storm. He said they have also designed an overflow spillway on the west end of the property so run-off would overflow there instead of the south end near

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the adjacent homes. Palm stated the city is part of the Papio Watershed, so any development that is proposed has the same regulations. The developer cannot negatively impact the neighbors. She said the neighbors take on a certain amount of water now and this development cannot negatively impact what is happening at this time. Palm stated the basin must capture the first half inch of rain and the basin must slowly release it over a 24-hour period.

Taylor-Jones questioned where the lounge and fitness rooms would be housed. Palm stated those would be part of one of the proposed buildings.

Sims asked staff if the rezoning is approved does the applicant have to come back to the Planning Commission for site plan approval. Palm stated this is the site plan approval. Discussion ensued regarding approval of the site plan.

Aerni asked staff how many parking stalls are required. Palm stated the Zoning Ordinance requires two stalls per unit but with this site plan there is some flexibility to approve the applicant's request of one and a half per unit. She said typically if this was all three- or four-bedroom units, the one and half stalls per unit would not be acceptable to staff. Aerni asked Ms. Albers if the tax lot behind her house belonged to her or the developer. Albers stated that was an addition to her property. Aerni stated so not only do you have the 30-foot buffer from the developer you also have an extra 20-foot buffer and because of that additional buffer he was not as concerned about the light pollution.

Ackley stated the three items of concern are: 1) safety of children, 2) traffic, and 3) drainage. He said based on the units there will be minimal children living in this development and the city engineers have studied the traffic impact and decided there was no need for a traffic study. Ackley stated with the drainage he feels confident with the proposed engineering the drainage problem should improve. He said per the Zoning Ordinance, the Commissioners' job is to approve the request based upon the application and current regulations. Ackley stated the neighbors can bring their concerns to the City Council regarding the traffic study.

MOTION was made by Hankins, seconded by Lasenburg, to recommend APPROVAL of a request to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, with site plan approval, for the purpose of multi-family development. Applicant: Elevate Lofts, LLC. General location: 400 W. 19th Avenue. Case #: Z-2210-12. APPROVAL based upon conformance with the Zoning Ordinance and Comprehensive Plan, as well as minimal 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 September 19, 2023.

Meeting adjourned at 6:56 p.m.



Dianna Van Horn
Planning Secretary



We Influence The World!

City of Bellevue
Planning Department
1510 Wall St. • Bellevue, Nebraska • 68005 • 402-293-3026

Agenda Item 3.a.

To: Planning Commission
From: Tammi Palm, Planning Director
Date: September 22, 2023
Subject: Kennedy Town Center Replat 8

The applicant is requesting a continuance. Staff is supportive of this request and would recommend the item be continued indefinitely. At such time the applicant is ready to bring this item forward, the Uniform Review Schedule will be followed. Additionally, the item would be re-advertised and notice would once again be given to property owners within 300 feet of the proposed development.