

BELLEVUE PLANNING COMMISSION

Thursday, May 23, 2024 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 April 25, 2024, 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 final plat Lots 1 through 114, and Outlots A through E, Cornhusker Creek, being a platting of Tax Lot 30A, located in the Southeast ¼ of Section 20, T14N, R13E of the 6th P.M., Sarpy County, Nebraska. Applicant: Cornhusker Creek, LLC. Development. General Location: S. 36th Street and Cornhusker Rd. Case #: S-2404-06.

b. Request to rezone Lots 1 and 2, Waldruh Replat No. 7, from RD-60-PS and RS-84-PS to RD-60-PS and RS-84-PS for the purpose of a lot line adjustment; and small subdivision plat Lots 1 and 2, Waldruh Replat No. 7. Applicant: Lawrence T. Butler. General location: 505 Waldruh Drive . Case #'s: Z-2404-02, S-2404-05.

3. PUBLIC HEARINGS:

a. Request to rezone Lot 11, Childs Estates Acres, from RD-60 to RG-28 for the purpose of multi-family residential development. Applicant: Bellevue Housing Authority. General location: 8301 S 9th Street. Case#: Z-2404-03.

4. CURRENT BUSINESS

5. ADJOURNMENT

MINUTE RECORD

Bellevue Planning Commission Meeting, April 25, 2024, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, April 25, 2024, at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Hankins, Sims, Taylor-Jones, Jacobson, Lasenburg, and Bennett. Absent were Commissioners Ackley, Aerni, and Perrin. Also present was Tammi Palm, Planning Director.

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.

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

Motion was made by Sims, seconded by Hankins, to approve the minutes of the March 28, 2024, regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

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

Motion was made by Taylor-Jones, seconded by Sims, 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.

Jacobson explained the public hearing procedures.

PUBLIC HEARING was held on a request to approve the Redevelopment Plan for Lot 2, Bellevue Replat Three. Applicant: Franklin Flats, LLC. General location: 2009 Franklin St. Case #: ECD-64.

Jacobson asked staff for updates. Palm stated there were no updates and gave a brief summary of the request.

Palm stated the project is a vacant building located at 2009 Franklin Street. She stated the applicant is proposing to renovate the existing building which will include adding a second story. Palm stated with this renovation 6,000 square feet of the existing space will be allocated for a daycare and the remaining space will consist of nine two-bedroom apartments. She said seven of those apartments would be located above the daycare and two ADA (Americans with Disability Act) accessible apartments on the ground floor. Palm stated the applicant is estimating the valuation to be over \$2,500,000 dollars upon completion with the current assessed base value of \$197,000. She said the Redevelopment Plan indicates there is approximately \$2,700,000 dollars of TIF (Tax Increment Financing) eligible redevelopment costs. Palm said the applicant is proposing the use of TIF to fund \$491,000 of these expenses. She said staff is recommending approval of the Redevelopment Plan based upon conformance with the Comprehensive Plan, elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for infill development. Palm stated this developer also redeveloped the now completed multi-family housing adjacent to this property.

Nick McCright, 8617 Douglas St., Omaha, NE, stated he was the owner of the property. McCright said with the added second story there will be 18,000 square feet of space with seven apartments on the second floor and two ADA apartment on the main level with the daycare. He stated there are two parties interested in running the daycare center and each apartment will be two-bedrooms, two baths.

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

Hankin asked staff if the TIF amount at 17.7% was typical. Palm stated this is typical for some of the recent requests. She stated the City Attorney reviewed the plan for legal content and the Finance Director reviewed it for the proposed interest rate and both found the plan acceptable.

Lasenburg questioned whether the new development would be sharing parking with the existing multi-family development. McCright stated the project site currently has a 19-stall parking lot as well as off-street parking. He stated the site plan provides for the addition of 7 parking stalls on the south and southeast sides of the building. He said the townhouses have one car garages with a stall in front of the garages.

MINUTE RECORD

Bellevue Planning Commission Meeting, April 25, 2024, Page 2

MOTION was made by Taylor-Jones, seconded by Sims, to recommend APPROVAL of a request to approve the Redevelopment Plan for Lot 2, Bellevue Replat Three. Applicant: Franklin Flats, LLC. General location: 2009 Franklin St. Case #: ECD-64. APPROVAL based upon conformance with the Comprehensive Plan, elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for infill development. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING on May 21, 2024.

Meeting adjourned at 6:11 p.m.



Dianna Van Horn
Planning Secretary

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: S-2404-06

FOR HEARING OF:
REPORT #1: May 23, 2024

I. GENERAL INFORMATION

A. APPLICANT:

Cornhusker Creek, LLC
Attn: Tim Tran
1310 Lambart Drive
Papillion, NE 68046

B. PROPERTY OWNERS:

Cornhusker Creek, LLC
Attn: Tim Tran
1310 Lambart Drive
Papillion, NE 68046

C. GENERAL LOCATION:

South 36th Street and Cornhusker Road

D. LEGAL DESCRIPTION:

Lots 1 through 114, and Outlots A through E, Cornhusker Creek, located in the Southeast ¼ of Section 20, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Final plat Lots 1 through 114, and Outlots A through E, Cornhusker Creek.

F. EXISTING ZONING AND LAND USE:

RS-72, Vacant/Agricultural

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a final plat approval for the purpose of residential and commercial development.

H. SIZE OF SITE:

The site is approximately 59 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is vacant and covered in vegetation. It has most recently been used agriculturally.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** OPPD Substation/Dist. #3 Fire Station, RS-72
- 2. **East:** Single-Family Residential, RS-72 (across S. 36th Street)
- 3. **South:** Commercial/Vacant, BG and AG (across Cornhusker Rd)
- 4. **West:** Vacant, AG

C. REVELANT CASE HISTORY:

- 1. On January 25, 2024, the Planning Commission recommended approval of a request to rezone Lots 1 through 116, and Outlots A through E, Cornhusker Creek, being a platting of Tax Lot 30A1, from RS-72 to RD-60-PS, RG-50-PS, RG-20-PS, MU, and BG and preliminary plat Lots 1 through 116, and Outlots A through E, Cornhusker Creek. City Council approved the aforementioned request on April 2, 2024.

D. APPLICABLE REGULATIONS:

- 1. Chapter 4, Subdivision Regulations, regarding Final Plats.
- 2. Chapter 7, Subdivision Regulations, regarding Capital Improvements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as commercial along Cornhusker Road, with medium-density residential for the remainder of the property.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The 2020 MAPA traffic data indicates 18,219 vehicles per day along Cornhusker Road near the intersection of South 36th Street. The data indicates 6,632 vehicles per day along South 36th Street near the intersection of Cornhusker Road.

2. Access is proposed from three newly created points: Barbara Circle and Tamarac Drive off South 36th Street, and South 38th Street off Cornhusker Road.

D. UTILITIES:

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

E. ANALYSIS:

1. Tim Tran, on behalf of Cornhusker Creek, LLC, has submitted a request to final plat Lots 1 through 114, and Outlots A through E, Cornhusker Creek.

2. RD-60-PS, RG-20-PS, RG-50-PS, MU, and BG were requested for the zoning and will take effect upon filing of the final plat.

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, Sarpy County Public Works, Metropolitan Utilities District, Cox Cable, Black Hills Energy, CenturyLink, Sarpy County GIS/911, OPPD, MAPA, Pappio-Missouri River NRD, 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.

Bellevue Public Works Engineer Matt Knight, and Sarpy County Surveyor Mike Sharp, requested minor technical revisions to the plat. All comments have since been satisfied by the applicant's engineer.

4. The final plat is in general conformance with the approved preliminary plat.

5. The developer owes \$34,491 in park development fees, which must be paid before the filing of the final plat.

6. The Mixed-Use Agreement has been reviewed by the City Attorney and is attached to this report.

7. The Subdivision Agreement is currently under legal review and will be on the City Council agenda with the final plat.

8. The final plat is in general conformance with the approved preliminary plat.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the preliminary plat.

V. PLANNING COMMISSION RECOMMENDATION

Under review.

VI. ATTACHMENTS TO REPORT

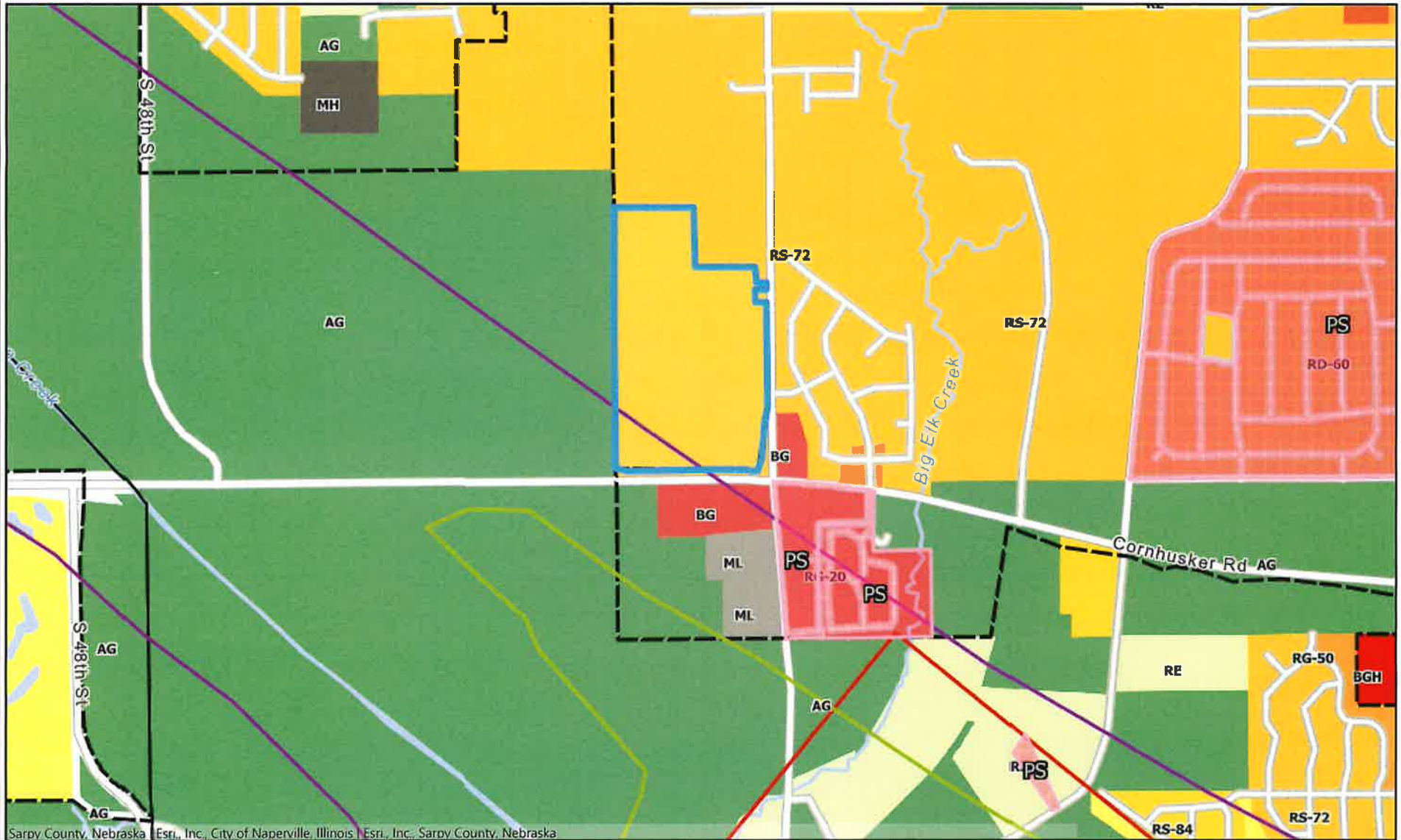
1. Vicinity map/Zoning Map
2. 2022 GIS aerial photo of the property
3. Final plat received May 15, 2024
4. Mixed Use Agreement received May 16, 2024

VII. COPIES OF REPORT TO:

1. Cornhusker Creek, LLC
2. Thompson, Dressen, & Dorner, Inc
3. Croker Huck Law Firm
4. Public Upon Request


Prepared by:


Planning Director Date of Report



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



Map Scale 1: 18056

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.

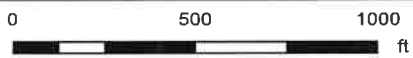


Notes





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



Map Scale 1: 7962

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



CORNHUSKER CREEK

LOTS 1 THROUGH 114, INCLUSIVE AND OUTLOTS "A" THROUGH "E", INCLUSIVE

BEING A PLATTING OF TAX LOT 30A1 IN THE EAST 1/2 OF THE SE 1/4 OF SECTION 20, T14N, R13E OF THE 6th PRINCIPAL MERIDIAN, NEBRASKA, EXCEPT THAT PART GRANTED TO SARY COUNTY FROM CORNHUSKER ROAD RIGHT-OF-WAY RECORDED AS INSTRUMENT NUMBER 90-13251, RECORDS OF SARY COUNTY.

TD2
engineering & surveying

thompson dreesen & danner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p: 402.330.8060 f: 402.330.5656
msmith@td2co.com
ne - TD2 Engineering & Surveying
NE CA-0199

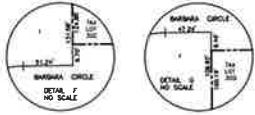
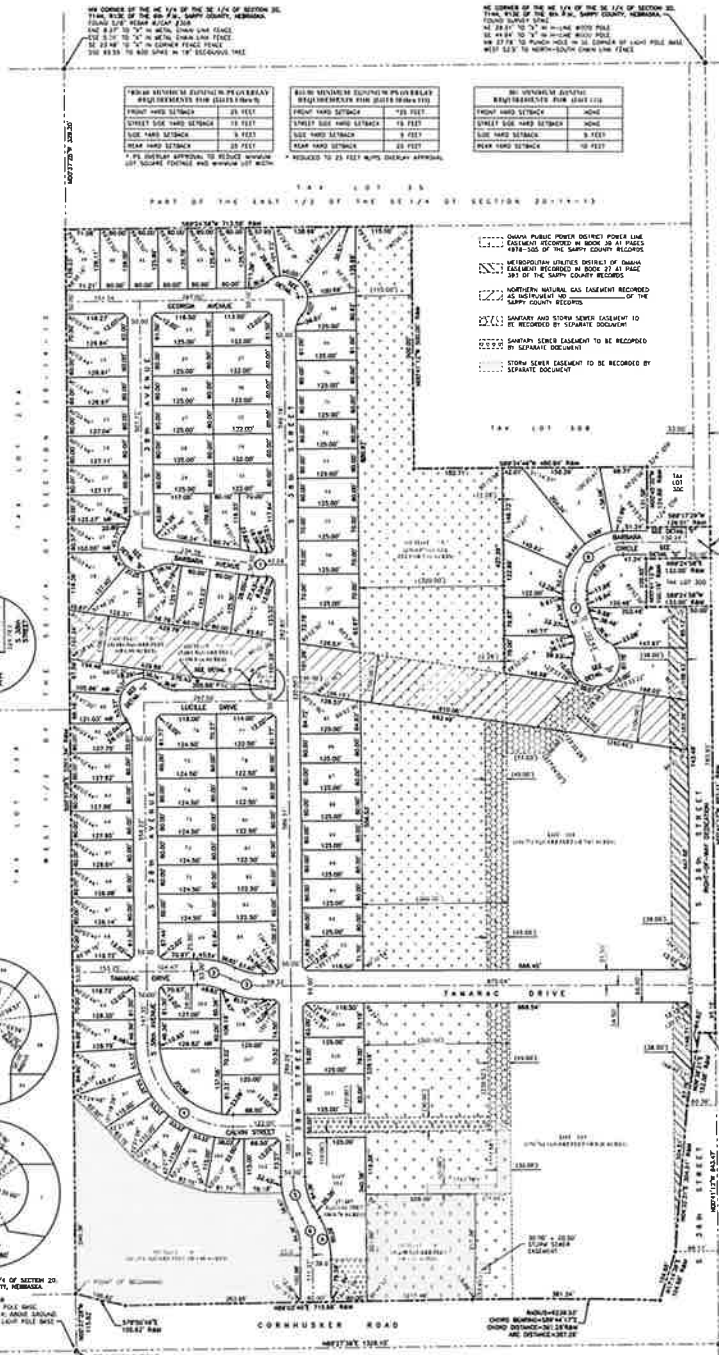
CENTRIC CURVE INFORMATION

CURVE #	BELEN	LENGTH	TANGENT	CHORD
1	20° 15' 00"	12.50	12.50	12.50
2	20° 15' 00"	25.00	25.00	25.00
3	20° 15' 00"	37.50	37.50	37.50
4	20° 15' 00"	50.00	50.00	50.00
5	20° 15' 00"	62.50	62.50	62.50
6	20° 15' 00"	75.00	75.00	75.00
7	20° 15' 00"	87.50	87.50	87.50
8	20° 15' 00"	100.00	100.00	100.00

- NOTES**
1. DIMENSIONS AND ANGLES ARE APPROXIMATE TO DIMENSIONS.
 2. DIMENSIONS ARE TO CENTER OF CURVE UNLESS NOTED.
 3. ALL CURVES ARE TO BE CONFORMED TO.
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LOT AREA

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SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAWS IN EFFECT AS OF THE DATE SHOWN HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND THAT A BOND WILL BE POSTED WITHIN THE CITY OF BELLEVUE TO INSURE THAT PERMANENT MARKERS WILL BE SET AT ALL LOT CORNERS, ANGULAR POINTS AND AT THE END OF CURVES WITHIN SAID SUBDIVISION TO BE KNOWN AS CORNHUSKER CREEK, LOTS 1 THROUGH 114, AND OUTLOTS A THROUGH E, BEING A PLATTING OF TAX LOT 30A1 IN THE EAST 1/2 OF THE SE 1/4 OF SECTION 20, T14N, R13E OF THE 6th PRINCIPAL MERIDIAN, NEBRASKA, EXCEPT THAT PART GRANTED TO SARY COUNTY FOR CORNHUSKER ROAD RIGHT-OF-WAY RECORDED AS INSTRUMENT NUMBER 90-13251, RECORDS OF SARY COUNTY. ALL WORK PARTICULARLY DESCRIBED AS FOLLOWS COMMENCING AT THE SOUTHWEST CORNER OF THE EAST 1/2 OF SAID SE 1/4.

THENCE NORTH 27° 28' 28" (ASSUMED BEARING) 115.82 FEET ON THE WEST LINE OF THE EAST 1/2 OF SAID SE 1/4 TO THE POINT OF BEGINNING, THENCE NORTHEASTERLY ON THE NORTH LINE OF SAID CORNHUSKER ROAD ON THE FOLLOWING DESCRIBED SEVEN (7) COURSES, THENCE S70° 50' 49" E 103.62 FEET, THENCE N80° 03' 42" E 713.88 FEET, THENCE EASTERLY ON A 9.2553 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S84° 41' 11" E, CHORD DISTANCE 387.28 FEET, AN ARC DISTANCE OF 387.28 FEET, THENCE N41° 14' 30" E 104.68 FEET, THENCE N04° 33' 31" E 304.51 FEET, THENCE N08° 36' 31" E 152.58 FEET, THENCE N04° 18' 13" E 330.00 FEET TO THE EAST LINE OF SAID SE 1/4, THENCE N04° 12' 28" E 882.11 FEET ON THE EAST LINE OF SAID SE 1/4, THENCE S82° 24' 38" E 133.00 FEET ON THE SOUTH LINE OF TAX LOT 300 AND IS EASTERLY EXTENSION TO THE SOUTHWEST CORNER THEREOF, THENCE N04° 12' 28" E 100.19 FEET ON THE WEST LINE OF SAID TAX LOT 300 TO THE NORTHEAST CORNER THEREOF, THENCE S82° 24' 38" E 133.00 FEET ON THE NORTH LINE OF SAID TAX LOT 300 AND IS EASTERLY EXTENSION TO THE EAST LINE OF SAID SE 1/4, THENCE N04° 12' 28" E 68.48 FEET ON THE EAST LINE OF SAID SE 1/4, THENCE S09° 17' 29" E 129.01 FEET ON THE SOUTH LINE OF TAX LOT 300 AND IS EASTERLY EXTENSION TO THE SOUTHWEST CORNER THEREOF, THENCE N04° 12' 28" E 124.88 FEET ON THE WEST LINE OF SAID TAX LOT 300 TO THE SOUTH LINE OF TAX LOT 300, THENCE S82° 24' 38" E 133.00 FEET ON THE SOUTH LINE OF SAID TAX LOT 300 TO THE SOUTHWEST CORNER THEREOF, THENCE N04° 12' 28" E 100.00 FEET ON THE WEST LINE OF SAID TAX LOT 300 TO THE SOUTH LINE OF A 10.0 ACRE TRACT RECORDED IN DEED BOOK 46 AT PAGE 76, RECORDS OF SARY COUNTY, THENCE S82° 24' 38" E 713.88 FEET ON THE WEST LINE OF SAID 10.0 ACRE TRACT TO THE WEST LINE OF THE EAST 1/2 OF SAID SE 1/4, THENCE S00° 37' 28" E 2,201.34 FEET ON THE WEST LINE OF THE EAST 1/2 OF SAID SE 1/4 TO THE POINT OF BEGINNING.

CONTAINING 5632 ACRES MORE OR LESS

APRIL 10, 2024

DATE

MICHAEL J. SMITH
NEBRASKA REG. #565

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, CORNHUSKER CREEK, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO STREETS, LOTS AND OUTLOTS TO BE NAMED, NUMBERED AND LETTERED AS SHOWN SAID SUBDIVISION TO BE HEREINAFTER KNOWN AS CORNHUSKER CREEK AND WE DO HEREBY RANLY AND IRREVOCABLY AND TO THE EXTENSION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND HEREBY DEDICATE THE PUBLIC FOR PUBLIC USE, THE STREETS AND OUTLOTS TO BE SHOWN HEREON AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT AND ANY SUCCESSORS AND ASSIGNS TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS TO ERECT OPTICAL MASTS, REPAIR AND REPLACE POLES, WIRING CROSSINGS, BURN CABLES AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OF CABLES FOR POWER, CARRIAGE AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEIPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEIPTION ON OWNERS THROUGH UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ADJUTING ALL FRONT AND SIDE BOUNDARY LINES, AN EIGHT (8) FOOT WIDE STRIP OF LAND ADJUTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS, AND A SIXTEEN (16) FOOT WIDE STRIP OF LAND ADJUTING THE OUTER PERIMETER OF THE ABOVE DESCRIBED SUBDIVISION. SAID STRIP (16) FOOT WIDE CASSEMENT WILL BE REDUCED TO AN EIGHT (8) FOOT WIDE STRIP OF LAND WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED. SAID STRIP (16) FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF OCCUPIED BY THE OWNER PERPETUAL CASSEMENTS SHALL BE GRANTED TO METROPOLITAN UTILITIES DISTRICT OF OMAHA AND ANY NATURAL GAS PROVIDER AND THEIR SUCCESSORS AND ASSIGNS TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS, AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON THROUGH UNDER AND ACROSS A FIVE-FOOT WIDE STRIP OF LAND ADJUTING ALL EASE-OF-ACCESS STREETS AND ALONG ALL STREET FRONTS OF ALL LOTS.

NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GRASSING, SOILING, LANDSCAPING, SOAKWAYS, DRAINAGES AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE ADDRESS USES OR RIGHTS THEREIN GRANTED.

CORNHUSKER CREEK, LLC
A NEBRASKA LIMITED LIABILITY COMPANY

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA) This is the _____ day of _____, 2024, by THINH TRAN, MEMBER OF CORNHUSKER CREEK, LLC, A NEBRASKA LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

SARY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS _____ DAY OF _____, 2024.

SARY COUNTY TREASURER

APPROVAL OF BELLEVUE PLANNING COMMISSION

THIS PLAT OF CORNHUSKER CREEK WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION ON THIS _____ DAY OF _____, 2024. THIS PLAT BECOMES NULL AND VOID IF NOT RECORDED WITHIN 90 DAYS OF THE ABOVE DATE.

BELLEVUE PLANNING COMMISSIONER

APPROVAL OF BELLEVUE CITY COUNCIL

THIS PLAT OF CORNHUSKER CREEK WAS APPROVED AND ACCEPTED BY THE BELLEVUE CITY COUNCIL ON THIS _____ DAY OF _____, 2024.

BELLEVUE CITY CLERK

REVIEW BY SARY COUNTY PUBLIC WORKS

THIS PLAT OF CORNHUSKER CREEK WAS REVIEWED BY THE SARY COUNTY SURVEYORS OFFICE THIS _____ DAY OF _____, 2024.

RECEIVED

MAY 15 2024

PLANNING DEPT.

REVISION DATA

No.	Description	DATE

Job No.: A2263-103A
Drawn By: RJR
Reviewed By: MJS
Date: APRIL 10, 2024
Book: 22/21
Pages: 37-39

City of Bellevue
FINAL PLAT

SHEET 1 OF 1

RECEIVED

MAY 16 2024

MIXED-USE DEVELOPMENT AGREEMENT

PLANNING DEPT.

This MIXED USE DEVELOPMENT AGREEMENT (hereinafter Agreement) made pursuant to Section 5.19 of the Zoning Ordinance of the City of Bellevue, made and entered into this _____ day of _____ 2024, by and between THE CITY OF BELLEVUE, NEBRASKA, a Municipal Corporation (hereinafter "City") and CORNHUSKER CREEK, L.L.C. (hereinafter "Developer").

WITNESSED:

WHEREAS, Developer is the legal owner of the real estate described on the attached Exhibit "A" as Lots 113 and Outlot B, Cornhusker Creek (hereinafter "the Property"), which is incorporated herein by this reference and desires to establish and develop such Property according to the provisions of Section 5.19 of the City Zoning Ordinance for the development of a mixed use project; and

WHEREAS, City, in the interest of maintaining the public health, safety and welfare, desires to assure that such project is developed substantially in accordance with the provisions of Section 5.19, and therefore considers this Agreement to be in the best interests of the City; and

WHEREAS, Developer is willing to commit itself to the development of a project substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the development and therefore considers this Agreement to be in its best interests; and

WHEREAS, the City and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to the Property.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

I. **Definitions.** For the purposes of this Agreement, the definitions in Article 2 of the City of Bellevue Zoning Ordinance, shall apply. In addition, the following words and phrases shall have the following meanings:

A. "Site improvement" shall mean any building, parking, landscaping, signage, fencing or other regulated structure.

II. **Development.** Except as otherwise permitted in this Agreement, the project shall be developed in accordance with the City of Bellevue Zoning and Subdivision regulations, the terms and conditions of this Agreement and the Development Plan ("Plan") a/k/a site plan which is attached hereto as Exhibit "B" and by this reference incorporated herein.

III. **Permitted Uses.** Except as otherwise allowed by this Agreement, the Property shall be developed in accordance with the applicable permitted uses set forth in the provisions of Section 5.19 of the City of Bellevue Zoning Ordinance.

IV. **Site Development Regulations/Bulk of Building/Spacing**

A. It is intended that the Plan is a general schematic of the development indicating the manner in which the Developer intends to meet the requirements of this Agreement. The parties recognize that from time to time, for good and sufficient reasons, it may be necessary for the Developer to alter the location, physical shape or exterior dimensions of any structure shown on the site plans within the boundaries of any platted lot.

B. Either the Developer or any successor owner or assigns of the Property, or any part thereof, may apply for an amendment to this Agreement pursuant to Section 5.19.05 of the City of Bellevue Zoning Ordinance.

C. All building sites shall comply with the Building and Material Criteria as set forth in Section 8.12 of the City of Bellevue Zoning Ordinance and by this reference incorporated herein.

D. Per Section 5.19.02, the Mixed Use District (Lots 113 and Outlot B, Cornhusker Creek) shall contain use types within at least two categories. Use categories shall be limited to residential, civic, office, and commercial uses. No single use category shall account for more than 80% of the building area or net developable land area of the MU District; and, notwithstanding anything herein to the contrary, the CITY finds the Plan's ratio of mixed use satisfactory to achieve the intent of the MU District and approves the ratio of mixed use as shown on the Plan. Net developable land area includes the land area of the Property excluding dedicated public streets, private streets, or other dedicated public land.

V. **Parking.** Parking for the Plan shall be in accordance with the Site Plan, Exhibit "B", attached hereto and made a part hereof. The parking shall meet or exceed the minimum requirements of the provisions of Section 8.02 and 8.03 of the City of Bellevue Zoning Ordinance. As long as the parking design standard regulations are not violated, Developer may alter the location, physical shape or exterior dimensions of any parking area shown on the site plan within the boundaries of any platted lot.

VI. **Landscaping.** Landscaping for the project shall be according to the Landscape Plan, Exhibit "C", attached hereto and made a part hereof, unless otherwise amended in accordance with Section 5.19.05, City of Bellevue Zoning Ordinance. The landscaping shall meet or exceed the minimum requirements of the provisions of Article 9 of the City of Bellevue Zoning Ordinance.

City acknowledges additional right-of-way may be required for the 36th Street widening project adjacent to the Property; therefore installation of the required 15' landscape yard along 36 Street shall not be required until such time as the City has acquired the necessary right-of-way.

VII. **Signage.** The Signage shall meet the minimum requirements of Article 7 of the City of Bellevue Zoning Ordinance, Sign Regulations. All signs will be installed subject to a sign permit from the City of Bellevue. Unless provided for in this Agreement, all other provisions and regulations governing signs in effect at the time of application for a sign permit shall apply.

VIII. **Access.** Access for the project shall be according to Exhibit "B" attached hereto and made a part hereof. Lot 113 shall have a full access drive entrance with Tamarac Drive located approximately 520 feet west of the centerline of 36th Street and shall be constructed during the mixed-use construction of the Cornhusker Creek project and shall serve as the only access until construction of a full access drive with 38th street located approximately 400 feet north of the centerline of Cornhusker Road.

IX. Miscellaneous Provisions

- A. The City Administrator of the City of Bellevue and/or his designee shall have the authority to administer this Agreement on behalf of the City and to exercise discretion with respect to those matters contained herein so long as the development proceeds in general accord with this Agreement and with regard to those matters not fully determined at the date of this Agreement. The provisions of this Agreement shall run with the land in favor of and for the benefit of the City and shall be binding upon present and all successor owners of the real estate described in the attached Exhibit "A".
- B. The City agrees that no plans submitted in accordance with this agreement and no site plan, plat, revised development plan or related documents shall be arbitrarily or unreasonably rejected or disapproved by the City Administrator or the City and will be acted upon as expeditiously as reasonably possible.
- C. The City agrees to issue each building permit as expeditiously as reasonably possible and to grant individual occupancy permits on building spaces as construction is completed, in accordance with local codes. No such occupancy permit shall be issued unless work on portions of such building has been advanced to a point that the individuals using the portions of the building for which the certificate of occupancy is to be issued will not be engaged by construction in progress, and the building is otherwise safe for those to be occupied.
- D. Nondiscrimination. Developer shall not, in the performance of this contract, discriminate or permit discrimination in violation of federal or state laws or local ordinances because of race,

color, sex, age, political or religious opinions, affiliations, or national origin.

- E. Applicable Law. Parties to this contract shall conform with all existing and applicable City ordinances, resolutions, state and federal laws, and all existing and applicable rules and regulations. Nebraska law will govern the terms and the performance under this contract.
- F. Interest to the City. No elected official or any officer or employee of the City of Bellevue shall have a financial interest, direct or indirect, in any City of Bellevue contract. Any violation of this section with the knowledge of the person or corporation contracting with the City of Bellevue shall render the contract voidable by the Mayor or Council.

IN WITNESS WHEREOF, the undersigned have executed this Agreement the day and year first above written.

CITY OF BELLEVUE, NEBRASKA

Rusty Hike, Mayor

Attest:

City Clerk

CORNHUSKER CREEK, LLC,

By: _____
Tim Tran, Managing Member

STATE OF NEBRASKA)
)
COUNTY OF SARPY)

The attached instrument was acknowledged before me this _____ day of _____, 2024 by Tim Tran, Managing Member of Cornhusker Creek, L.L.C.

Witness my hand and notarial seal at _____, Nebraska, in said County, the date aforesaid.

Notary Public

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-2404-02
S-2404-05

FOR HEARING OF:
REPORT #1: May 23, 2024

I. GENERAL INFORMATION

A. APPLICANT:

Lawrence T. Butler
505 Waldruh Drive
Bellevue, NE 68005

B. PROPERTY OWNERS:

Lawrence T. Butler
505 Waldruh Drive
Bellevue, NE 68005

Waldruh Homeowners Association
Attn: Bryan Handlos/Treasurer
504 Waldruh Drive
Bellevue, NE 68005

C. GENERAL LOCATION:

505 Waldruh Drive

D. LEGAL DESCRIPTION:

Lots 1 and 2, Waldruh Replat No. 7, being a patting of Lot 36, Waldruh Replat No. 4, and Lot 2, Waldruh Replat No. 6, located in the Southeast ¼ of Section 25, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lots 1 and 2, Waldruh Replat No. 7, from RD-60-PS and RS-84-PS to RD-60-PS and RS-84-PS.

2. Small Subdivision Plat Lots 1 and 2, Waldruh Replat No. 7.

F. EXISTING ZONING AND LAND USE:

RD-60-PS and RS-84-PS, Single Family Residential/Vacant.

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning and small subdivision plat for a lot line adjustment.

H. SIZE OF SITE:

Lot 8, Replat Childs Estate Acres, is .28 acres and Lot 23, Childs Estate Acres, is 0.24 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Lot 36 is presently developed with a single-family residence built in 1991. Lot 2 is vacant and covered with vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single Family Residential/Vacant, RD-60-PS and RS-84-PS
- 2. **East:** Single Family Residential/Vacant, RS-84-PS
- 3. **South:** Single Family Residential, RD-60-PS
- 4. **West:** Single Family Residential, RD-60-PS

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.
- 2. Section 5.11, Zoning Ordinance, regarding RG-60 uses and requirements.
- 3. Section 5.17, Zoning Ordinance, regarding -PS uses and requirements.
- 4. 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.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.
2. The property presently has access from a private driveway off Waldruh Drive.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. Lawrence Butler is requesting approval of a rezoning and small subdivision plat for Lots 1 and 2, Waldruh Replat No. 7, for the purpose of a lot line adjustment.

2. Mr. Butler desires to add a covered porch onto the rear of his existing residence. He is unable to accomplish this due to lack of space for the required rear yard setback. With approval of the proposed small subdivision plat, Mr. Butler would meet the required rear yard setback.

3. This request would not change the zoning designations already existing. Proposed Lot 1 will remain RD-60-PS and Lot 2 will remain RS-84-PS.

The previously approved setbacks for Lot 1 under the -PS designation are as follows:

- 17.5' Front Yard
- 5' Side Yard
- 15' Rear Yard

4. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Planning Director, Sarpy County Public Works Department, and the Bellevue Public School District. The cover letter

indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Matt Knight, Public Works Engineer, and Mike Sharp, Sarpy County Surveyor, requested minor technical revisions regarding the small subdivision plat. The applicant's surveyor has made the requested revisions.

5. The Future Land Use Map of the Comprehensive Plan shows this area as medium-density residential. The applicant's request is in conformance with the Comprehensive Plan.

6. The small subdivision plat and rezoning do not impact the existing land use or change the character of the neighborhood.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon lack of perceived negative impact to the surrounding neighborhood, and conformance with the Zoning Ordinance and Comprehensive Plan.

V. PLANNING COMMISSION RECOMMENDATION

Under Review.


VI. ATTACHMENTS TO REPORT

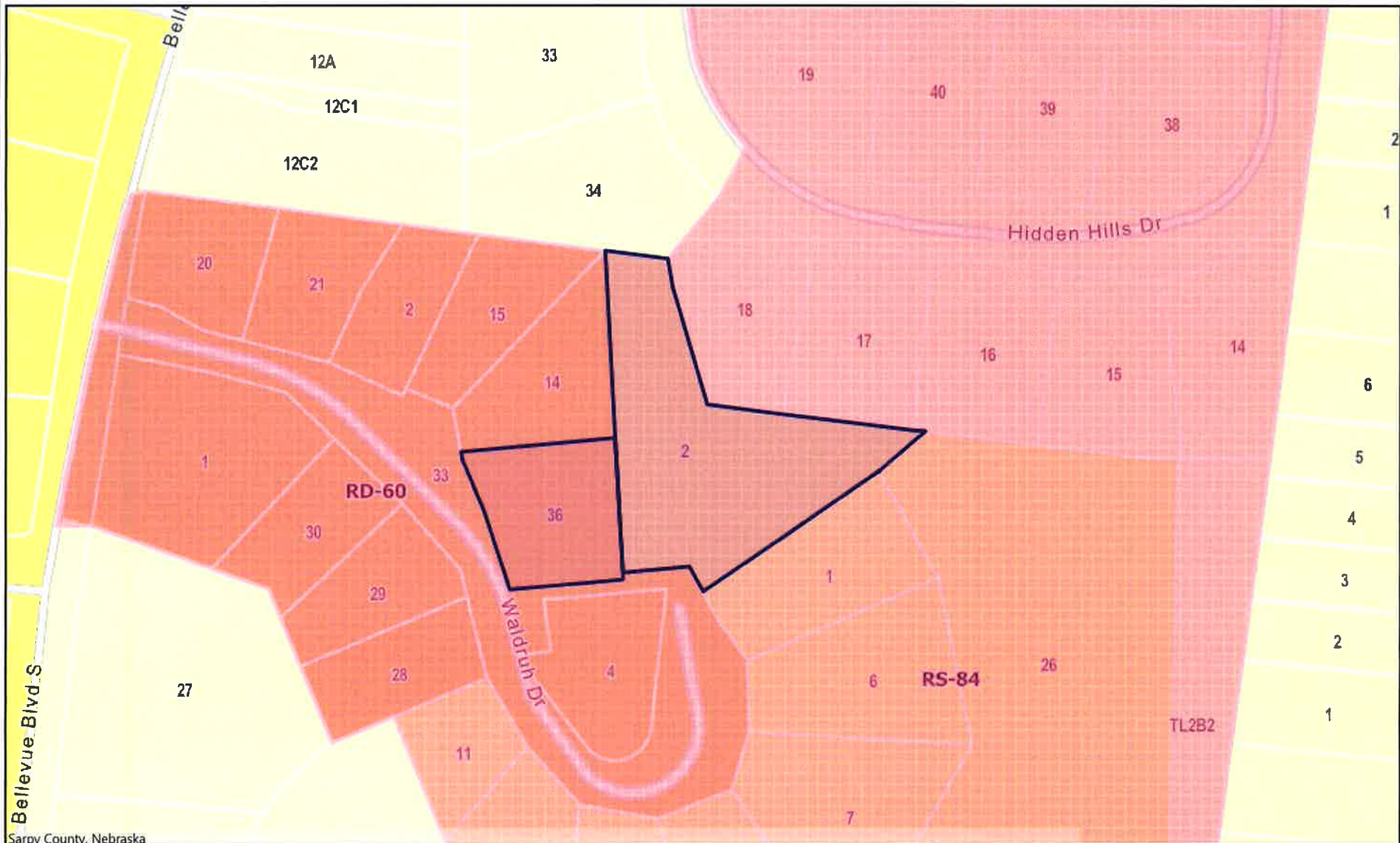
1. Vicinity map/Zoning Map
2. 2022 GIS aerial photo of the property
3. Small subdivision plat received May 14, 2024
4. As-built plot plan received April 19, 2024
5. Letter from the applicant received April 19, 2024

VII. COPIES OF REPORT TO:

1. Applicant (Lawrence T. Butler)
2. Waldruh Homeowners Association
3. Fine Line Surveying, LLC (Karen Brightenburg)
4. Public Upon Request


Assistant Planning Manager

 05/16/24
Planning Director Date of Report



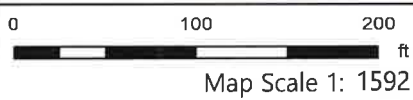
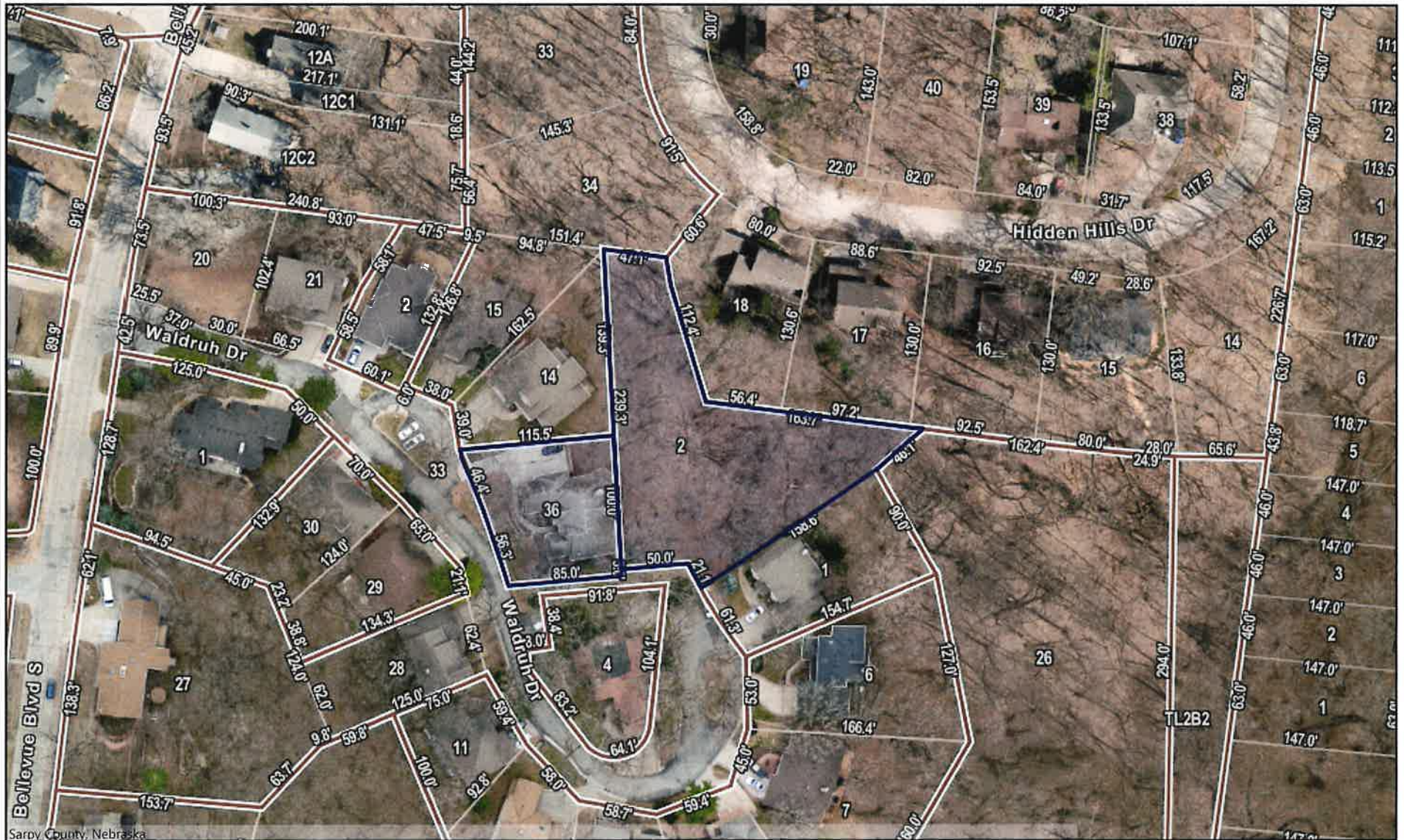
Map Scale 1: 1592

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Notes





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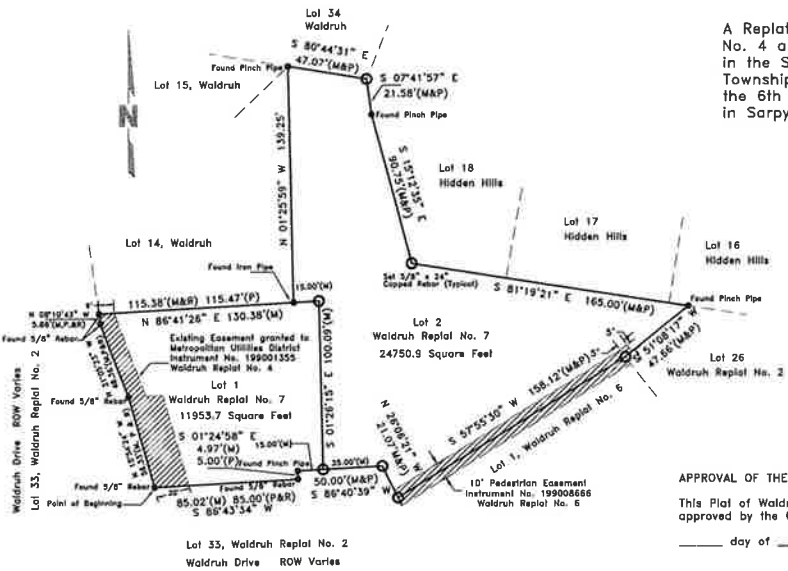
Notes



WALDRUH REPLAT NO. 7

Lots 1 and 2

A Replatting of Lot 36, Waldruh Replat No. 4 and Lot 2, Waldruh Replat No. 6 in the Southeast Quarter of Section 25, Township 14 North, Range 13 East of the 6th P.M. as Surveyed and Recorded in Sarpy County, Nebraska



LEGEND

- = Section Corner
- = Corner Found
- = Corner Set - 5/8" x 24" Rebar (unless otherwise noted)
- △ = Temporary Point
- (D) = Deeded Distance
- (M) = Measured Distance
- (P) = Platted Distance
- (R) = Recorded Distance
- N.T.S. = Not to Scale

Scale In Feet

0' 25' 50' 100'

DEDICATION

Know all men by these presents that we, Lawrence T. and Tanya K. Buller, owners of Lot 36, Waldruh Replat No. 4 and Waldruh Homeowners Association, owners of Lot 2, Waldruh Replat No. 6, as described in the Surveyors' Certificate and embraced within the Plat, have caused said land to be subdivided into lots to be numbered as shown, said subdivision hereinafter to be known as Waldruh Replat No. 7 Lots 1 and 2, and we do hereby ratify and approve properly the disposition of our property as shown on the Plat. Perpetual easements shall be granted to the Omaha Public Power District and any telecommunications entity or other corporation transmitting signals authorized to use City streets, to erect, operate, maintain, repair and renew, poles, wires, cables, conduits and other related facilities and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across a (5') five foot wide strip of land abutting all front and side boundary lot lines and an (8') eight foot wide strip of land abutting all rear boundary lot lines of all interior lots and a (16') sixteen foot wide strip of land abutting the rear boundary lot lines of all exterior lots. The term "exterior lots" is herein defined as those lots forming the outer perimeter of the above described addition. Said (16') sixteen foot wide easement will be reduced to an (8') eight foot wide easement when the adjacent land is surveyed, platted and recorded. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not interfere with the aforesaid uses or rights herein granted.

In Witness Hereof, we do set our hands

Lawrence T. and Tanya K. Buller

Lawrence T. Buller, Owner

Tanya K. Buller, Owner

Bryan Handlos, Treasurer
Waldruh Homeowners Association

APPROVAL OF THE BELLEVUE CITY COUNCIL

This Plat of Waldruh Replat 7 Lots 1 and 2 was approved by the City Council of Bellevue on this _____ day of _____, 2024.

Mayor
Attest
City Clerk

SARPY COUNTY TREASURER'S CERTIFICATE

This is to certify that I find no regular nor special taxes due or delinquent against the property as described in the Surveyors Certificate and embraced in this plat as shown by the records of this office.

On this _____ day of _____, 2024.

Sarpy County Treasurer

REVIEW BY SARPY COUNTY PUBLIC WORKS

This Plat of Waldruh Replat 7 Lots 1 and 2 was reviewed by the Sarpy County Surveyor's Office

On this _____ day of _____, 2024.

County Surveyor/Engineer

APPROVAL OF THE BELLEVUE CITY PLANNING COMMISSION

This Plat of Waldruh Replat 7 Lots 1 and 2 was approved by the Bellevue City Planning Commission

On this _____ day of _____, 2024.

Chairman

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA §
COUNTY OF SARPY §

On this _____ day of _____, 2024, before me, a Notary Public, duly commissioned and qualified for said County and State, personally appeared Lawrence T. Buller, who is personally known to me to be the identical person whose name is affixed to the above Instrument as an individual and he acknowledged the signing of the same to be his voluntary act and deed.

Notary Public

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA §
COUNTY OF SARPY §

On this _____ day of _____, 2024, before me, a Notary Public, duly commissioned and qualified for said County and State, personally appeared Tanya K. Buller, who is personally known to me to be the identical person whose name is affixed to the above Instrument as an individual and she acknowledged the signing of the same to be her voluntary act and deed.

Notary Public

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA §
COUNTY OF SARPY §

On this _____ day of _____, 2024, before me, a Notary Public, duly commissioned and qualified for said County and State, personally appeared Bryan Handlos, representative for Waldruh Homeowners Association, who is personally known to me to be the identical person whose name is affixed to the above Instrument as an individual and he acknowledged the signing of the same to be his voluntary act and deed and the voluntary act and deed of said organization.

Notary Public

SURVEYORS CERTIFICATE & LEGAL DESCRIPTION

I hereby certify that I have accurately surveyed the subdivision to be known as WALDRUH REPLAT 7, a replatting of Lot 36, Waldruh Replat No. 4 and of Lot 2, Waldruh Replat No. 6 all located in the Southeast Quarter of Section 25, T14N, R13E Bellevue, Sarpy County, Nebraska, more particularly described as follows:

Beginning at the Southwest corner of Lot 36, Waldruh Replat No. 4; Thence: N 15°54'24" W, same as the bearing on the original survey, a distance of 56.33 feet; Thence: N 21°05'23" W, a distance of 48.36 feet; Thence: N 08°10'43" W, a distance of 5.86 feet; Thence: N 86°41'26" E, a distance of 115.38 feet; Thence: N 01°25'59" W, a distance of 139.25 feet; Thence: S 80°44'31" E, a distance of 47.07 feet; Thence: S 07°41'57" E, a distance of 21.58 feet; Thence: S 15°12'35" E, a distance of 90.75 feet; Thence: S 81°19'21" E, a distance of 165.00 feet; Thence: S 51°08'17" W, a distance of 47.66 feet; Thence: S 57°55'30" W, a distance of 158.12 feet; Thence: N 26°06'21" W, a distance of 21.07 feet; Thence: S 86°40'39" W, a distance of 50.00 feet; Thence: S 01°24'58" E, a distance of 4.97 feet; Thence: S 86°43'34" W, a distance of 85.02 feet to the Point of Beginning and containing 36704.6 Square Feet (0.843 Acre) of land, more or less. All corners were calculated by angle and distance of the survey of Waldruh Replat No. 6.

I, Karen D. Brightenburt, do hereby certify that I am a duly registered surveyor under the Nebraska Land Surveyors Regulation Act and that I have performed a boundary survey of the subdivision herein and that permanent monuments have been placed (capped 3/8" x 24" Rebar) or found as noted herein at all Lot and Boundary corners in the subdivision to be known as Waldruh Replat No. 7. Said Plat is a true delineation of said survey performed by me personally; that said survey was made with reference to known and recorded monuments; and to the best of my knowledge and belief is true, correct and in accordance with the Nebraska Land Surveyors Regulation Act in effect at the time of this survey.

Dated: April 11, 2024

By: Karen D. Brightenburt, Nebraska RLS 611
Fine Line Land Surveying
PO Box 53
Valparaiso, NE 68065

RECEIVED
MAY 14 2024
PLANNING DEPT.

Plot Plan

Bellevue, Sarpy County, Nebraska

Job No: 241892

Sheet: 1 of 1

Legal Description

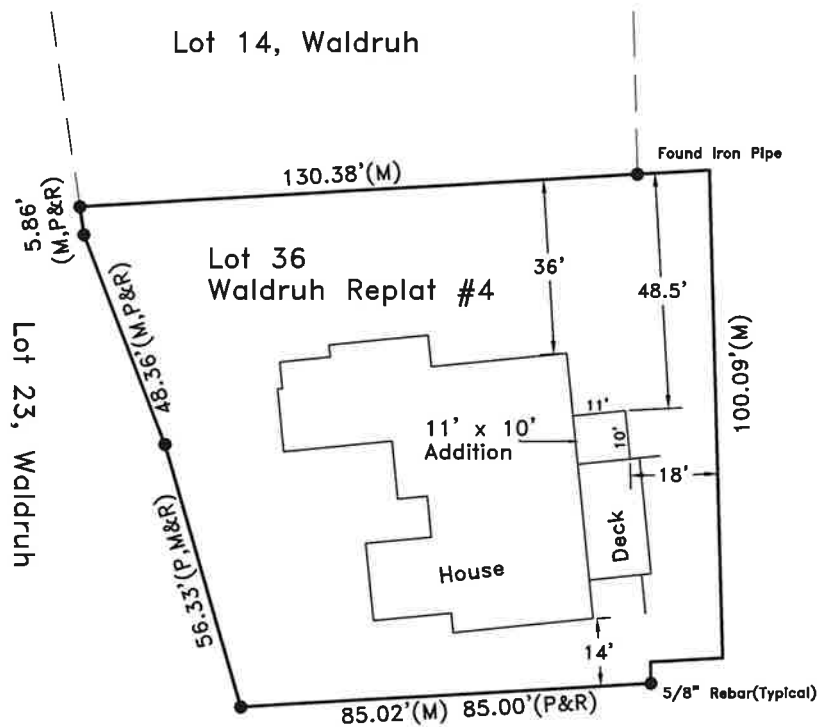
Boundary survey of Lot 36, Waldruh
Replat Number 4 located in the NW $\frac{1}{4}$,
Section 31, T. 5 N., R. 12 E. of the 6th
PM, Lincoln, Sarpy County, Nebraska.
Also known as 805 North 18th Street.



LEGEND

- = Section Corner
- = Corner Found
- = Corner Set - 5/8" x 30"
Rebar (unless otherwise noted)
- △ = Temporary Point
- (D) = Deeded Distance
- (M) = Measured Distance
- (P) = Platted Distance
- (R) = Recorded Distance
- N.T.S. = Not to Scale

SCALE: 1" = 30'



RECEIVED

APR 19 2024

PLANNING DEPT.

April 20, 2024

I am rezoning my property to add additional square footage in order to construct a covered porch.

Lawrence T. Butler
Lawrence T. Butler

RECEIVED
APR 19 2024
PLANNING DEPT.

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2404-03

FOR HEARING OF:
REPORT #1: May 23, 2024

I. GENERAL INFORMATION

A. APPLICANT:

Bellevue Housing Authority
Attn: Carolyn Pospisil
8214 Armstrong Circle
Bellevue, NE 68147

B. PROPERTY OWNERS:

Bellevue Housing Authority
Attn: Carolyn Pospisil
8214 Armstrong Circle
Bellevue, NE 68147

C. GENERAL LOCATION:

8301 South 9th Street

D. LEGAL DESCRIPTION:

Lot 11, Childs Estate Acres, located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lot 11, Childs Estate Acres from RD-60 to RG-28.

F. EXISTING ZONING AND LAND USE:

RD-60/Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a change of zone for the purpose of multi-family residential development.

H. SIZE OF SITE:

The site is approximately .71 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is vacant. A portion of the hard surface parking belonging to the residences to the south is located on this property.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Forest Station Elementary School, RG-8 (across Childs Rd. W.)
- 2. **East:** Railroad Right-of-Way
- 3. **South:** Duplex residential, RD-60
- 4. **West:** Single-family residential, RS-84

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

- 1. Section 5.13, Zoning Ordinance, regarding RG-28 uses and requirements.

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. There is no MAPA traffic data information available for this area.

2. This property has access from South 9th Street.

D. UTILITIES:

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

E. ANALYSIS:

1. Carolyn Pospisil, on behalf of the Bellevue Housing Authority, has submitted a request for a change of zone for Lot 11, Childs Estate Acres, for the purpose of multi-family residential development.

2. The applicant is requesting a change of zone from RD-60 to RG-28. Presently the lot is zoned for duplex residential.

The intent of the RG-28 district is to permit medium-density, low-rise development that will be compatible when located near and among lower-density types of housing, including single-family and two-family on small lots.

3. 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 stated if the requested department did not have comments pertaining to the application, no response was needed.

No comments were received on this case.

4. The applicant desires to construct a multi-family residential building on the property. Per their attached zoning justification letter, the property's proximity to schools, express bus route, restaurants, and Bellevue University make it an attractive location for a multi-family development. The applicant also points out this land is within the Fort Crook Road corridor development area. The applicant believes rezoning the property to allow for more density aligns with the goals and vision of the Fort Crook Road 2040 Plan.

5. Staff believes the RG-28 request is appropriate based on its location and will be compatible with the surrounding neighborhood.

6. This property is designated for medium-density residential use in the Future Land Use Map of the Comprehensive Plan. The requested RG-28 zoning is in conformance with the Comprehensive Plan.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, Fort Crook Road 2040 Plan, as well as lack of perceived negative impact upon the surrounding area.

V. ATTACHMENTS TO REPORT

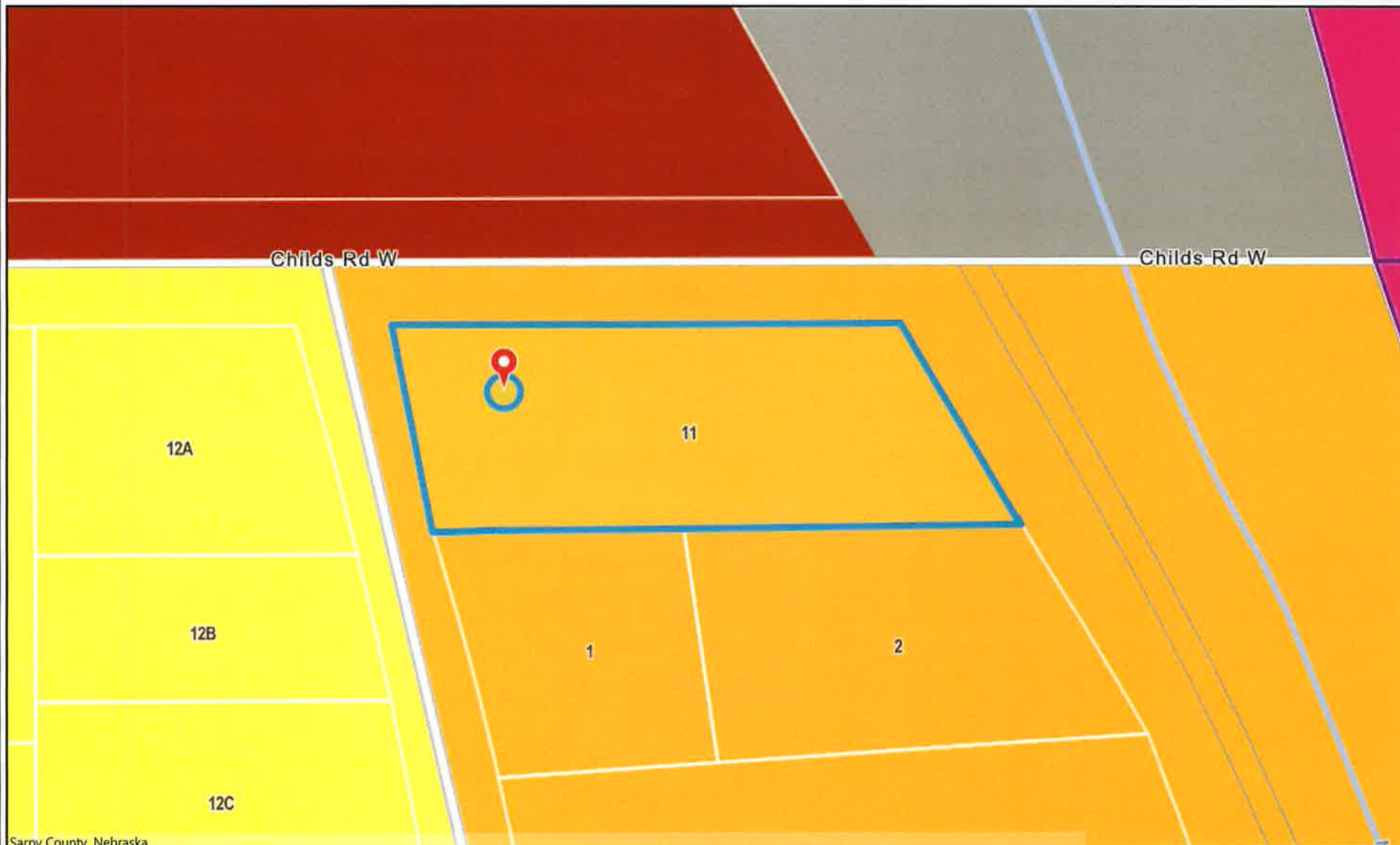
1. Vicinity map/Zoning Map
2. 2022 GIS aerial photo of the property
3. Zoning Justification Letter dated April 19, 2024

VI. COPIES OF REPORT TO:

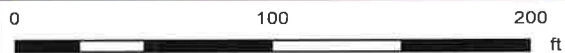
1. Carolyn Pospisil, Bellevue Housing Authority
2. Public Upon Request


Assistant Planning Manager


Planning Director Date of Report



Sarpy County, Nebraska



Map Scale 1: 1128

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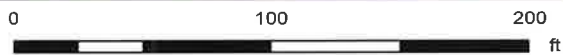


Notes





Sarpy County, Nebraska



Map Scale 1: 1128

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Notes



Rezoning Application Justification Statement

8301 S 9th Street, Bellevue, NE 68147
LOT 11 CHILDS ESTATE ACRES

4/17/24

Request

The Bellevue Housing Authority is requesting to rezone the subject property from RD-60 (Residential Duplex - 6,000 sq ft) to RG-28 (General Residential) to allow the development of a multi-family residential project.

Site Characteristics & History

The property is 0.789 acres in size, and is currently owned by the Bellevue Housing Authority. In 2013, a building permit (#SG2434B) was approved for demolition of a dwelling and garage located on the property. Currently, the property is vacant.

This project is proposing to rezone the property to RD-60 to allow for the development of a multi-family residence.

Surrounding Uses

North: Forest Station Elementary School
Zoned: RG-8

South: Childs Estate Acres (Duplex Residences)
Zoned: RD-60

East: Railway & Mud Creek
Zoned: RD-60

West: Childs Estate Acres (Single Family Residences)
Zoned: RS-84

Justification of Request

The Comprehensive Plan states its objectives are to encourage and promote quality development and utilize existing infrastructure and City services. We believe this project meets these objectives.

While the property is zoned Residential Duplex, we believe it would be better suited to be zoned General Residential, in order to develop a multi-family residence that can house multiple residents. This project will encourage greater housing diversity and styles within the neighborhood, giving residents more options when finding a home in Bellevue. The

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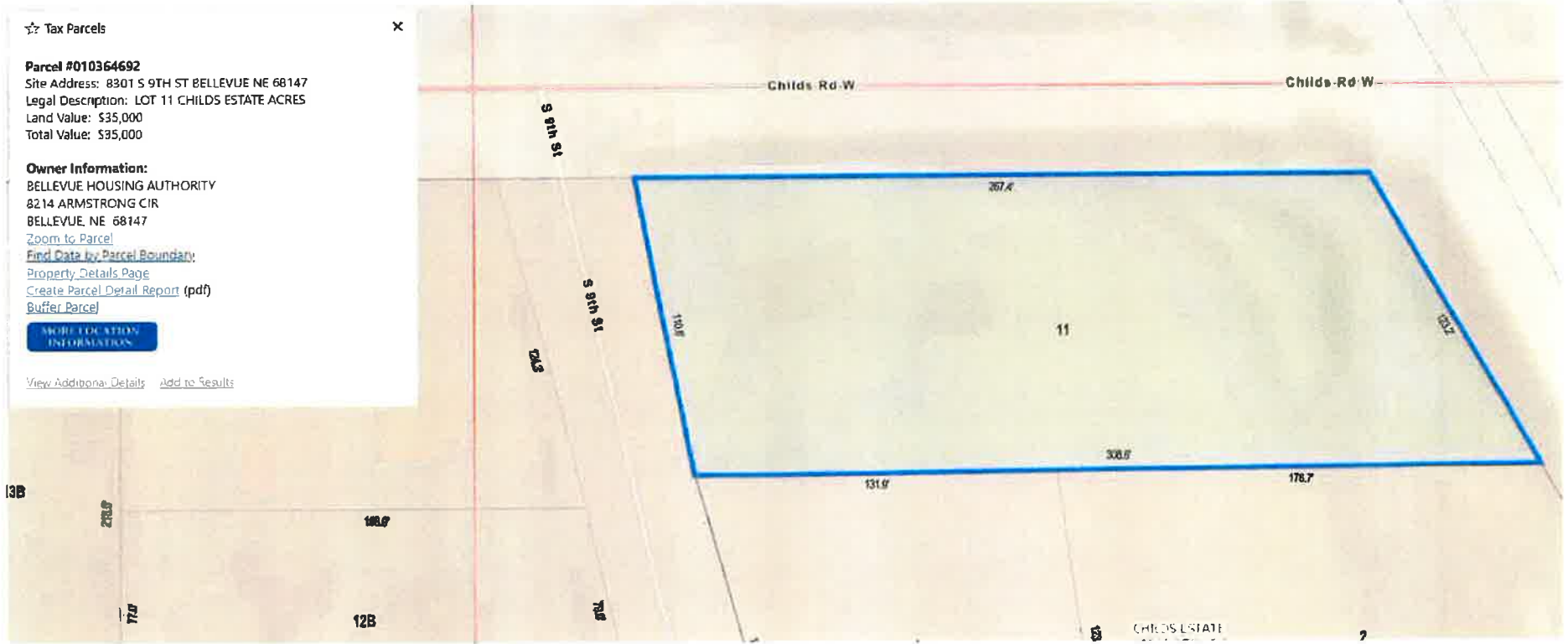
Comprehensive Plan suggests a need for medium-density residential dwellings throughout Bellevue, and this project would help fill that need along the Fort Crook corridor.

Some of the existing infrastructure and City services the project will benefit from are as follows:

- Located in Forest Station Elementary, Logan Fontenelle Middle, and Bellevue West High School districts.
- Located on Metro Route 95 Bellevue Express, which includes an existing stop located at Marathon Ventures Inc. at Southroads Mall.
- Located 1.61 miles from Bellevue University. Existing Metro bus stop location.
- Restaurants within 1.0 miles include Roma Italian Restaurant, The Special Restaurant, Romeo's Mexican Food & Pizza, Golden Bowl Chinese Restaurant, and Stella's Bar & Grill.
- The proposed use is compatible with the Fort Crook 2040 Plan, which aims to create a functional and attractive corridor punctuated by mixed-use, pedestrian oriented development.

Based upon the above information, the Bellevue Housing Authority respectfully requests approval of this Rezoning.

Carolyn Pospisil
Bellevue Housing Authority
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