

## **BELLEVUE PLANNING COMMISSION**

Thursday, February 26, 2026 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 22, 2026 Regular Meeting

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

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

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

a. Request to rezone Lots 1 and 2, R & L Acres, being a replat of part of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  lying North of La Platte Road, located in Section 29, T13N, R13E of the 6th P.M., Sarpy County, Nebraska, from AG to RA for the purpose of single-family residential development; and small subdivision plat Lots 1 and 2, R & L Acres. Applicants: Kenneth L. & Rhonda L. Gearhart. General Location: 16402 S 36th St. Case #'s: Z-2601-01, S-2601-05.

b. Request to amend Section 2.04, Zoning Ordinance, adding an agritourism definition, and Section 5.05.03, adding agritourism as a conditional use permit in the AG zoning district. Applicant: Tim Colby. Case #190.

### **4. CURRENT BUSINESS**

### **5. ADJOURNMENT**

# MINUTE RECORD

Bellevue Planning Commission Meeting, January 22, 2026, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, January 22, 2026, at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Aerni, Sims, Hankins, Bennett, Ackley, and Taylor-Jones. Absent were Commissioners Perrin and Lasenburg. 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.

Hankins 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 November 20, 2025, regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

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

Motion was made by Aerni, seconded by Lisa 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.

Hankins explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone Lot 1, Roth's Anderson Grove, Replat 1, being a replat of Lot 1, Roth's Anderson Grove, and Tax Lot 18A1B2B Exc Row, located in the Northeast ¼ of Section 5, T13N, R13E of the 6th P.M., Sarpy County, Nebraska, from BN and AG to RG-20 for the purpose of multi-family residential development; and preliminary plat Lot 1, Roth's Anderson Grove. Applicant: Foundations Development, LLC. General Location: NW Corner of S 36th St & Granada Pkwy. Case #'s: Z-2510-09, S-2510-20.

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

Palm stated the request is for a preliminary plat and rezoning of a vacant property, Lot 1, Roth's Anderson Grove. It also includes a parcel with the previous private street that served the adjacent elementary school and was vacated after the South 36<sup>th</sup> Street improvements and the installation of South 37<sup>th</sup> Street and Granada. The applicant is proposing a change of zone to RG-20 (General Residential), which would facilitate a multifamily residential development. He intends to construct a single multi-story building for senior housing, some of which will be affordable and some market-rate. Staff has reviewed this request, and Public Works has also reviewed it. One item of note is that the applicant's access would be taken from South 36<sup>th</sup> Street, which has been coordinated with the Public Works Department. The applicant will continue working with Public Works on access as this case moves through the approval phase. Staff is recommending approval based on conformance with the Zoning Ordinance, Subdivision Regulations, and a lack of perceived negative impact to the neighborhood.

Rob Woodling, 1886 S. 126<sup>th</sup> Street, Omaha, NE, was present on behalf of the applicant. He stated he is with Foundations Development. Woodling explained that, as Palm mentioned, the proposal is for a 38-unit senior apartment building, mixed income, with some affordable units and some market-rate units. The applicant stated obtaining property to the south, previously owned by the Anderson Grove Elementary School, has allowed them to provide a buffer from the surrounding neighborhood. This also allowed for the construction of 38 units without the need to request for a higher zoning density. Woodling stated he was available to answer any questions and would appreciate the Commission's support.

Mary Lou McEvoy, 11724 South 36<sup>th</sup> Street, Bellevue NE, appeared and stated she did not have any opposition and was not in favor either. She explained that approximately three-quarters of the north side where the applicant's land is located had previously been part of an agreement with Roth and Eric Rachwitz (prior landowners) that her driveway would tie in with their driveway. She noted that the applicant appears to be getting a separate driveway. McEvoy expressed concern that, as it stands, a

# MINUTE RECORD

Bellevue Planning Commission Meeting, January 22, 2026, Page 2

fire truck cannot make the turn into her driveway. She thought that with the applicant putting in a driveway, perhaps that it would resolve the issue. She explained that if a fire truck could go over the applicant's land, it could make the turn, but otherwise, it cannot. She stated that so far, they have not had a problem, noting that a fire truck had come once due to a neighbor's carbon monoxide issue, but the firefighters were able to walk up the driveway without needing the truck. McEvoy said this was one concern she had, but since the applicant will have a separate driveway, she was unsure if this would be addressed.

Palm responded that staff is aware of the previous agreement for shared access. She explained that initially, the property was intended for single-family residential use, then it was purchased for a veterinary clinic, which never transpired. Now, the applicant has a different proposal. Palm stated Public Works specifically requested that Woodling not share McEvoy's driveway and instead have a separate driveway, so as not to negatively impact her existing access. Public Works will grant the applicant separate access, so both parties will have their own driveways.

McEvoy acknowledged the fire truck issue is a separate concern and asked if it would be addressed. Palm stated she did not know the answer and suggested McEvoy contact the fire department to see if there is a plan in case of an emergency. Palm noted this proposal does not resolve that issue.

McEvoy stated that was just a question she had and hoped the situation would not cause any trouble. She then asked how many stories the building would be. Palm clarified there will be 3 stories. McEvoy stated she had no further questions, noting that she and the applicant had already discussed the required 30-foot landscaping barrier and that she was satisfied.

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

Ackley stated that the South 36<sup>th</sup> Street improvements affected existing homes that previously had direct access to South 36<sup>th</sup> Street. He asked if the issue with the fire truck was due to the street now being southbound only, making it impossible for the truck to make a 180-degree turn. Palm showed a historical photo on the GIS aerial which reflected the changes. Aerni stated the change to the driveway was significant. Ackley added the driveway used to be a more direct shot without a median. Ackley noted the goal of the South 36<sup>th</sup> Street project was to reduce the number of entrances, so when this lot was considered with the current neighbors to the north, one entrance made sense. Palm agreed, noting the project moved the roadway to controlled access. Ackley concluded the fire truck issue seems unrelated to the current application and is more of a city and fire department matter. Palm agreed and offered to connect McEvoy with the appropriate staff at the fire department.

Aerni asked staff whether the applicant's access would be northbound or southbound only and if any lane openings were anticipated. Palm responded that the median would not change the lane configuration and that Public Works specifically requested access from South 36<sup>th</sup> Street rather than through the neighborhood or impacting the school.

Aerni asked if there would be another round of review for final plat or site plan approval. Palm stated site plan approval is not required for RG-20 zoning. She noted the applicant provided a site plan for informational purposes only, as the proposal involves a single building on a single lot. Items such as landscaping and parking have been reviewed in part, but most civil engineering details will be addressed during the building permit process. Palm confirmed the applicant will return with a final plat.

MOTION was made by Ackley, seconded by Yoder to recommend APPROVAL of a request to rezone Lot 1, Roth's Anderson Grove, Replat 1, being a replat of Lot 1, Roth's Anderson Grove, and Tax Lot 18A1B2B Exc Row, located in the Northeast ¼ of Section 5, T13N, R13E of the 6th P.M., Sarpy County, Nebraska, from BN and AG to RG-20 for the purpose of multi-family residential development; and preliminary plat Lot 1, Roth's Anderson Grove. Applicant: Foundations Development, LLC. General Location: NW Corner of S 36th St & Granada Pkwy. Case #'s: Z-2510-09, S-2510-20. APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, and the Comprehensive plans, as well as lack of perceived negative impact upon the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

# MINUTE RECORD

Bellevue Planning Commission Meeting, January 22, 2026, Page 3

**This item will proceed to City Council for PUBLIC HEARING on February 17, 2026.**

Meeting adjourned at 6:19 p.m.



Jenna Lance  
Planning/Permit Technician

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** S-2601-05  
Z-2601-01

**FOR HEARING OF:**  
**REPORT #1:** February 26, 2026

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Rhonda L. and Kenneth L. Gearhart  
Attn: Rhonda L. Gearhart  
16402 S 36<sup>th</sup> St  
Bellevue, NE 68123

**B. PROPERTY OWNER:**

Rhonda L. and Kenneth L. Gearhart  
16402 S 36<sup>th</sup> St  
Bellevue, NE 68123

**C. GENERAL LOCATION:**

16402 S 36<sup>th</sup> St

**D. LEGAL DESCRIPTION:**

Lots 1 and 2, R & L Acres, being a replat of part of the Northeast ¼ of the Northeast ¼ lying North of La Platte Road, located in Section 29, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

1. Rezone Lots 1 & 2, R & L Acres, from AG to RA.
2. Small Subdivision plat Lots 1 & 2, R & L Acres.

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

AG, Single Family Residential

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a change of zone and small subdivision plat to create two single family residential acreage lots.

**H. SIZE OF SITE:**

The entire site is approximately 20.40 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

Proposed Lot 1, R&L Acres is 9.06 acres and presently covered in vegetation, while proposed Lot 2, R&L Acres is 9.06 acres and presently developed with a 720 square foot barn and a 320 square foot wooden grainery; both built in 1920.

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

- 1. **North:** Single Family Residential, RA
- 2. **East:** Single Family Residential, RE
- 3. **South:** Agricultural/Vacant, AG
- 4. **West:** Agricultural/Vacant, AG

**C. RELEVANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.06, Zoning Ordinance, regarding RA uses and requirements.
- 2. Chapter 5, Subdivision Regulations, regarding Small Subdivisions.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan does not designate this area, as it is outside of the projected 10 to 20-year development area.

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data information available for this area.
2. Lot 1 will take access from La Platte Road, while Lot 2 has existing access from South 36<sup>th</sup> Street.

**D. UTILITIES:**

These lots do not have the availability of sanitary sewer or water. These lots will have to utilize wells and septic systems.

**E. ANALYSIS:**

1. Rhonda L. and Kenneth L. Gearhart have submitted a request to small subdivision plat Lots 1 & 2, R & L Acres. In conjunction with the plat, the applicant is requesting a change of zone from AG to RA.

2. The Residential Agriculture (RA) District is an area that is in the process of transitioning agriculture to more urban uses. The district is established for the purpose of preserving agricultural land and resources, during the transitional period, that are compatible with adjacent urban growth and eventual development in other uses pending proper timing for practical and economical provision of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the city preserved. A change of zoning from AG to any other classification shall be in accordance with planning practices established by the City. This district is not intended for commercial feedlot operations for livestock or poultry.

The minimum lot size in the RA zone is 5 acres. Each of the proposed lots meets the minimum zoning requirement.

3. In his justification letter, the applicant stated this tract of land has been in the family since the 1880's and is to be passed onto two of their children, being the 6th generation of ownership. He intends to build a single-family residence on each lot. Each lot will be approximately 9 acres.

The permitted uses of the RA District allow for single-family dwellings.

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 Springfield Platteview 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.

Krista Hoffart, AICP, Offutt Air Force Base, commented this project is not located within the Offutt Air Force Base's Accident Potential Zones or Noise Contours.

Sarpy County Public Works requested technical revisions to the plat. These revisions have since been made by the applicant's surveyor.

No other comments were received on this case.

5. The Future Land Use Map of the Comprehensive Plan does not designate this area, as it is outside of the projected 10- to 20-year development area.

6. This property is located in the urban reserve zone for the Sarpy County and Cities Wastewater Agency. As such, the applicants will be subject to those development fees unless waived by the SCCWWA.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

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

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review.

**VI. ATTACHMENTS TO REPORT**

1. Vicinity map/Zoning Map
2. 2025 GIS aerial photo of the property
3. Zoning justification letter received January 23, 2026
4. Small Subdivision plat received February 9, 2026

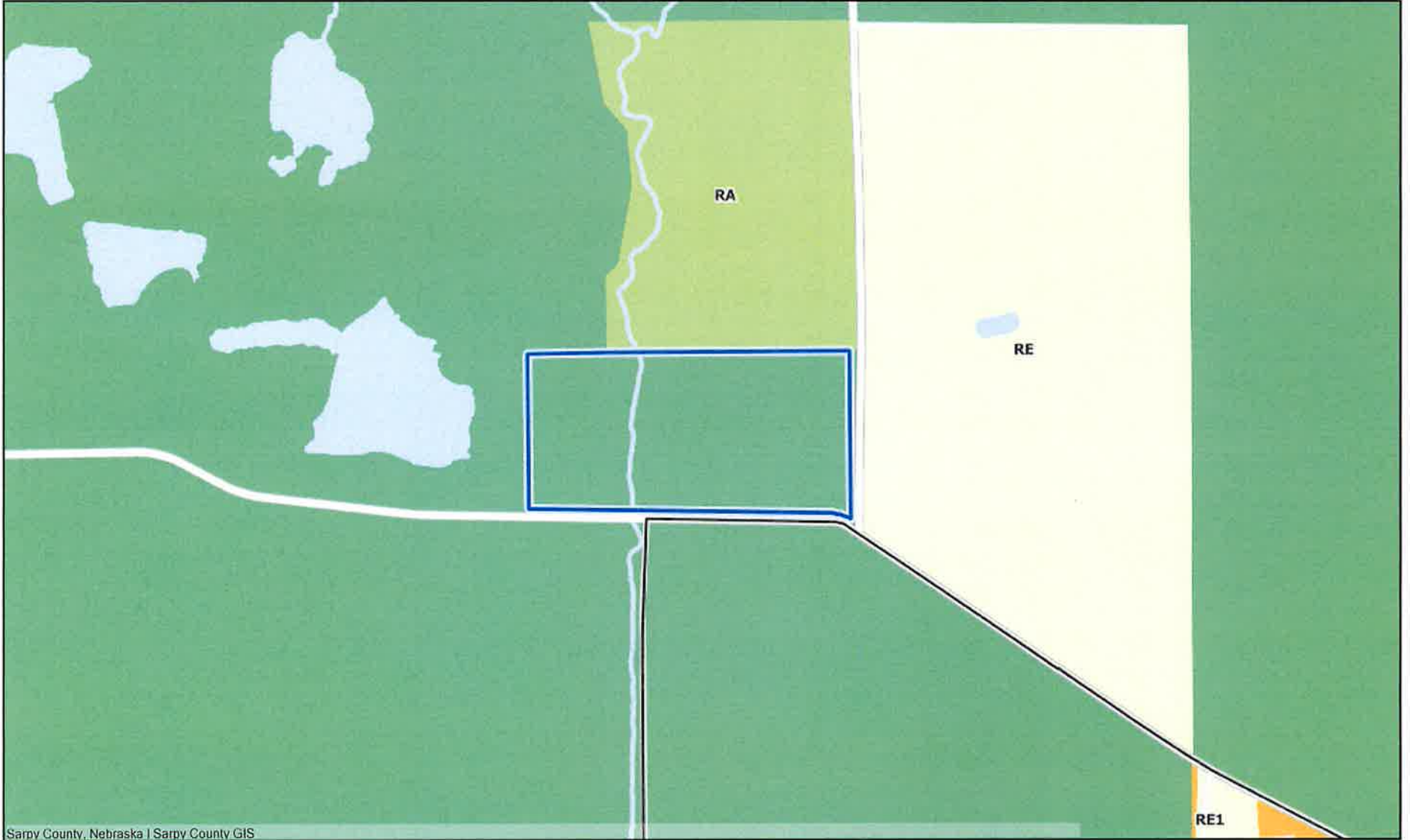
**VII. COPIES OF REPORT TO:**

1. Rhonda L. and Kenneth L. Gearhart
2. DWS Land Surveying (Attn: Denny Whitfield)
3. Public Upon Request

  
Assistant Planning Manager

  
Planning Director

02/20/20  
Date of Report



Sarpy County, Nebraska | Sarpy County GIS



Map Scale 1: 8578

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





SARPY COUNTY  
NEBRASKA

16402 S 36th St



Sarpy County, Nebraska | Sarpy County GIS



Map Scale 1: 3088

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Notes





## Land Surveying

2915 Sheridan Road  
Bellevue, NE 68123-1993

402-292-1221  
dws-services@cox.net

January 23, 2026

Ms. Tammi Palm, Planning Director  
City of Bellevue  
1510 Wall Street  
Bellevue, NE 68005

RE: Proposed "R & L Acres"  
Justification of Zoning Change

Dear Ms. Palm,

Please allow this correspondence to serve as a justification of zoning change.

- Kenneth L. and Rhonda L. Gearhart have requested their land, known as all of the Northeast Quarter of the Northeast Quarter lying North of La Platte Road in Section 29, Township 13 North, Range 13 East of the 6<sup>th</sup> P. M., Sarpy County, Nebraska, be subdivided for Estate purposes. This tract of land has been in the family since the 1880's and is to be passed onto two of their children being the 6<sup>th</sup> Generation of ownership.
- Currently the Tract is 19.4 and is to be subdivided into two new Lots of equal size containing 9.06 Acres.
- Each new Lot is to be used for a residential home and associated uses.
- Zoning being requested is RA in lieu of the current AG.

Please advise should additional questions or concerns need to be addressed.

Best Regards,

For the Owner,  
Dennis L. Whitfield, P.E., L.S.





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City of Bellevue  
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**3.b.**

## MEMORANDUM

TO: Planning Commission  
FROM: Tammi Palm, Planning Director  
DATE: February 20, 2026  
RE: Text Amendment to Sections 2.16 and 5.05.03

Tim Colby has requested an amendment to Sections 2.16 and 5.05.03, City of Bellevue Zoning Ordinance, regarding adding a “multi-purpose agricultural facility” as a definition and a conditional use permit in the AG zoning district.

Mr. Colby is proposing to add the following definition of multi-purpose agricultural facility: a building or group of buildings located on a parcel zoned AG that supports agricultural production, education, and value-added agricultural activities. Such a facility may include a retail farm store, a commercial kitchen, and classroom or instructional space, provided that the facility remains accessory and supportive to agricultural use of the property.

Mr. Colby states the purpose of his amendment is to allow a facility in the AG zoning district which will integrate a retail farm store, commercial kitchen, and classroom/educational space within a single structure or coordinated structures on the same parcel. The applicant indicates that a retail farm store would sell agricultural products grown or produced on-site or locally, including fresh produce, packaged foods, and value-added agricultural goods. The applicant cites the key reasons for this amendment as economic development, allowing flexibility in the AG zoning district, promoting educational opportunities and community well-being and food literacy, and sustainability. The applicant’s submittal is attached for review.

Staff have researched similar regulations throughout our jurisdiction as well as regionally. Cass County defines the term “agritourism” as involving “any agriculture-based operation or activity that brings visitors to a farm, ranch, or acreage. Diversification is one way to maintain a thriving agricultural business model. As more and more farmers try to make ends meet many have looked at different ways of using their land while keeping acreage in farming or ranching and maintaining the rural culture that is so important to Cass County. Some of these opportunities include development of agritourism venues, such as farm store, bed and breakfasts and encouraging farm tour and festivals that celebrate the fruits of our county.”

Lancaster County allows “agricultural attractions” in their AG zoning district. Their ordinance defines this use as meaning “a premises used primarily for agriculture for the purpose of raising and harvesting

crops for sale, but that also includes a limited amount of area devoted to the provisions of entertainment for a period of no more than four months per year. Examples of agricultural attractions include, but are limited to, pumpkin patch, apple orchard, or corn maze where, in addition to agricultural production, there are areas for sale of other goods and entertainment. Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles.”

Stanton County defines agritourism enterprise as “activities conducted on a working farm or ranch and offered to the public for the purpose of recreation, education, or active tourism related involvement in the farm or ranch operation. These activities must be incidental to the primary agricultural operation on the site or related to natural resources present on the property. This term includes farm tours, hayrides, corn mazes, pumpkin patches, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above. An agritourism enterprise does not include accommodations uses or retail sales.” Stanton County allows permanent (more than four months) agritourism enterprise as a conditional use permit on agricultural parcels of more than 35 acres.

The American Planning Association defines agritourism as any activity incidental to the operation of a working farm that brings members of the public to the farm for educational, recreational, or retail purposes.

Staff is supportive of the applicant’s request; however, would recommend using the term “agritourism” rather than the suggested “multi-purpose agricultural facility.” The Planning Department proposes to define agritourism as “Activities conducted incidentally to the operation of a working farm and offered to the public for the purpose of educational, recreational, or retail purposes. Examples of agritourism include, but are not limited to, pumpkin patch, classes related to agricultural products or skills, corn mazes, and picnic and party facilities offered in conjunction with the above. Agritourism does not include mechanical rides other than hayrack and sightseeing vehicles.” Staff agrees agritourism fits as a conditional use permit in the AG zoning district. The applicant was contacted in regards to this suggested definition and is in agreement with this proposal.

As such, staff is recommending the following amendments:

**Section 2.04** **A**

**ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

**ABUT, ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley, but not a public street/road.

**ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this ordinance.

**ACCESSORY LIVING QUARTERS** shall mean living quarters located within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

**ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal

structure. Such structures shall be 750 square feet or 50% of the footprint of the principal structure up to maximum of 1200 square feet, unless otherwise provided herein.

**ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

**ACREAGE** shall mean any tract or parcel of land which does not qualify as a farm or development.

**ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

**ADULT DAY CARE CENTER** shall mean a facility that provides care and an array of social, medical, or other support services for a period of less than 24 consecutive hours to four or more persons who require or request such services due to age or functional impairment.

**ADULT ENTERTAINMENT ESTABLISHMENT** (See "Sexually Oriented Businesses")

**ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure. (See also "Outdoor Advertising" and "Sign")

**AESTHETIC ZONING** shall mean the regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.

**AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of an agricultural operation including but not limited to residence of the operator, residence of employees, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

**AGRICULTURE** shall mean the use of land for agriculture as the primary purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural, aquacultural, floricultural, viticultural, or horticultural use. Agriculture shall not mean the keeping of wild animals including species defined as zoo animals. Agricultural use shall not be construed to include any parcel of land of less than ten acres or any non-agricultural commercial or industrial development.

**AGRITOURISM** shall mean activities conducted incidentally to the operation of a working farm and offered to the public for the purpose of educational, recreational, or retail purposes. Examples of agritourism include, but are not limited to, pumpkin patch, classes related to agricultural products or skills, corn mazes, and picnic and party facilities offered in conjunction with the above. Agritourism does not include mechanical rides other than hayracks and sightseeing vehicles.

**AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, excluding helicopters/helipads at medical facilities, and any appurtenant areas

which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

**AIRPORT HAZARD ZONE** the area of land surrounding an airport in which structures and land uses have the potential to obstruct the airspace required for the flight of an aircraft in landing or taking off at the airport or may be otherwise hazardous to such landing or taking off. This area consists of the required approach zone, turning zone, and transition zones. The outer boundary of this area is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the approach and turning zones.

**ALLEY** shall mean a minor public service street or public right-of-way measuring 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

**ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.

**AMATEUR RADIO** shall mean radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the Code of Federal Regulations (CFR) and which is operated under license by the FCC.

**AMENDMENT** shall mean a change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

**AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

**AMUSEMENT PARK** shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

**ANIMAL HOSPITAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short time boarding and shall be only incidental to such hospital use.

**ANIMAL UNIT** shall mean a unit of measurement to compare various domestic animal types based upon equivalent waste generation. One animal unit equals the following:

One A.U.= One Cow/Calf combination

One A.U.= One Slaughter, Feeder Cattle;

One A.U.= One Horse;

One A.U.= Seven Tenths Mature Dairy Cattle;

One A.U.= Two and One Half Swine (55 pounds or more);

One A.U.= Twenty Five Weaned Pigs (less than 55 pounds);

One A.U.= Two Sows with Litters;

One A.U.= 10 Sheep;

One A.U.= 100 Chickens;

One A.U.= 50 Turkeys;

One A.U.= Five Ducks.

**ANIMALS, DOMESTIC** (See “Household Pet”)

**ANIMAL SPECIALTY SERVICES** shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services; and does not include veterinary services or overnight boarding kennels.

**ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (See also “Tower”)

**ANTIQUÉ STORE** shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.

**APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (See also “Dwelling Unit”)

**APARTMENT HOTEL** shall mean an apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privilege of which are not primarily available to the public. (See also “Dwelling, Multi-family”)

**APPAREL SHOP** shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops.

**APPLIANCE STORE** shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment.

**APPURTENANCES** shall mean the visible, functional objects accessory to and part of buildings.

**ARCHITECTURAL CANOPY SIGN** (See “Sign, Architectural Canopy”)

**ARCHITECTURAL CHARACTER** shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

**ARCHITECTURAL FEATURE** shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **MASS** shall pertain to the volume, bulk of a building or structure.
3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

**ARCHITECTURAL STYLE** shall mean the characteristic form and detail, as of buildings of a particular historic period.

**AREA** shall mean a piece of land capable of being described with such detail that its location may be established, and boundaries definitely ascertained.

**ART GALLERY** shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

**ARTISAN PRODUCTION SHOP** shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three artists or artisans, as either a principal or accessory use.

**ARTIST STUDIO** shall mean a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

**ASSISTED LIVING FACILITY** shall mean any place or facility caring for six or more individuals and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

**ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

**AUCTION SALES** shall mean a building or structure, or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes motor vehicle wholesale sales, including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles.

**AUTOMATED TELLER MACHINE (ATM)** shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

**AUTOMOBILE SALES** shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (See also "Auction Sales")

**AUTOMOTIVE AND ENGINE REPAIR SERVICES** shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, watercraft, small engine equipment (such as snow blowers and lawnmowers), or similar vehicles, including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; painting services; collision services; and tire service and sales. This definition does not include the storage of such vehicles or equipment.

1. **LIGHT AUTO AND ENGINE REPAIR SERVICES** shall mean repair and maintenance of automobiles, motorcycles, light trucks (less than 15,000 pounds gross license weight), trailers, watercraft, small engine equipment, or similar vehicles, including the replacement of minor assemblies or parts; oil change and lubrications; tune-ups; engine repair; tire repair, service and sales; upholstery work; but not including body and fender work, painting, or similar type of work.

2. **HEAVY AUTO AND ENGINE REPAIR SERVICES** shall mean repair and maintenance of automobiles, motorcycles, trucks, trailers, watercraft, small engine equipment, or similar vehicles, including but not limited to body work and painting services.

**AUTOMOBILE SERVICES** shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; paintless dent removal; and minor painting.

**AUTO WRECKING** shall mean the collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

*(Ord No. 3757, April 28, 2014)*

## **Section 5.05 AG Agricultural District**

**5.05.01 Intent:** The Agricultural District is established for the purpose of preserving agricultural resources within the extraterritorial jurisdiction of Bellevue and is unlikely to be compatible with adjacent urban growth within the planning period. However, it is not intended for commercial feedlot operations for livestock or poultry because these uses are 1) not in the identified growth areas for the community, and 2) accommodating very low-density residential development, the district is designed to limit urban sprawl.

### **5.05.02 Permitted Uses:**

The following principal uses are permitted in the AG District.

1. Farming, pasturing, animal husbandry, orchards, greenhouses, and nurseries, including the sale of products raised on the premises, subject to rules and regulations of the Board of Health and NDEQ, provided that no livestock feedlot or yard for more than 25 animals shall be established.
2. Ranch and farm dwellings for the owners and their families, tenants, and employees.
3. Single family dwellings.
4. Bed & Breakfasts.
5. Kennels, stables and riding academies.
6. Public overhead and underground local distribution utilities.
7. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities operated by the City of Bellevue or other political subdivision.

8. Public services and publicly owned and operated facilities, including utilities, but not including general offices, material yards or repair shops. Such facilities shall observe yard space rules but shall not be required to provide the full lot size and lot width requirement.
9. Railroads, not including sidings, switching, terminal facilities, freight yards, service repair, or administrative facilities.
10. Personal use of recreational vehicles, limited to one recreational vehicle per lot and provided that use of recreational vehicles located within the 100-year floodplain shall be subject to the regulations of Section 5.30 of this ordinance.

**5.05.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the AG district as recommended by the Planning Commission and approved by the City Council.

1. **Agritourism**
  - A. Any buildings constructed for this use shall be designed to be compatible with surrounding land uses in terms of scale and appearance as determined through the conditional use permit process.
  - B. Adequate off-street parking shall be provided as determined by city staff and shown on an approved site plan.
2. Campgrounds.
3. Cemeteries provided all structures are located at least 100 feet from all property lines.
4. Commercial mines, quarries and sand and gravel pits.
5. Commercial/Utility grade wind energy systems, subject to Section 8.10.
6. Construction batch plants that are temporary in nature.
7. Family Child Care Home II which comply with Nebraska State Statutes.
8. Governmental services – administrative services.
9. Governmental services – maintenance and service facilities.
10. Hospital, nursing homes, assisted living, and convalescent facilities.
11. Indoor/Outdoor Recreation facilities.
12. Private recreation areas and facilities including country clubs and golf courses (but not miniature golf) on at least five acres, and swimming pools.
13. Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural or public service type including colleges.
14. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
15. Recreational camps operated by public, charitable or religious organizations.
16. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.
17. Wastewater treatment facilities.
18. Winery, including subordinate use of microbrewery.

**5.05.04 Permitted Accessory Uses:**

1. Wireless Communication Towers and Antennas, as per Section 8.05.
2. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds, barns, stables, and garages, provided size of the accessory structure is in conformance with these regulations.
3. Family Child Care Home I
4. Guest houses not rented or otherwise conducted as a business.
5. Home based businesses, as per Section 8.04.
6. Incidental public safety uses such as emergency sirens.
7. Living quarters for not more than two persons regularly employed on the premises.
8. Offices incidental to and necessary for conducting a permitted use.

9. Portable Outdoor Storage shall be a permitted accessory uses subject to the following conditions:
  - A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.
  - B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.
  - C. Portable outdoor storage containers shall be placed on an approved hard surface.
  - D. No more than one portable outdoor storage container may be located on a lot at any one time.
10. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
11. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations.
12. Residential and small wind energy systems, subject to Section 8.10.
13. Roadside stands not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises.
14. Signs as provided for in Article 7.
15. Storage or parking of vehicles, boats, campers and trailer, as per Sections 8.01-8.03.
16. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
17. The keeping of dogs, cats, and other household pets.

**5.05.05 Height and Lot Requirements:**

1. The height and minimum lot requirements shall be as follows:

| Uses                 | Lot Area (Acres) | Lot Width (ft) | Front Yard (ft) | Street Side Yard (ft) | Side Yard (ft) | Rear Yard (ft) | Max. Height (ft) |
|----------------------|------------------|----------------|-----------------|-----------------------|----------------|----------------|------------------|
| Residential Dwelling | 20               | 150            | 35 <sup>1</sup> | 25                    | 20             | 35             | 35               |
| Other Permitted Uses | 20               | 150            | 35 <sup>1</sup> | 25                    | 20             | 35             | 35               |
| Conditional Uses     | 20               | 150            | 35 <sup>1</sup> | 25                    | 20             | 35             | 35               |
| Accessory Buildings  | -                | -              | 35 <sup>1</sup> | 25                    | 20             | 20             | 35               |

<sup>1</sup> If along a county road then measured from road right-of-way.

**5.05.06 Miscellaneous Provisions:**

1. The maximum gross floor area ratio is 0.1.
2. The Maximum ground coverage including accessory buildings is 10 percent
3. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. *(Ord. No. 3692, Dec. 10, 2012)*

**PLANNING DEPARTMENT RECOMMENDATION:**

The Planning Department recommends APPROVAL of the amendment as presented

**PLANNING COMMISSION RECOMMENDATION:**

Under Review

# **JUSTIFICATION FOR TEXT AMENDMENT**

## **Purpose of Amendment**

The proposed text amendment will allow the establishment of a **Multi-Purpose Agricultural Facility** in the **Agricultural District (minimum 20 acres)** as a **Conditional Use**. The facility will integrate a **retail farm store, commercial kitchen, and classroom/educational space** within a single, well-regulated structure or coordinated structures on the same parcel.

## **Consistency with Community Values**

Bellevue has a history of supporting local agricultural activities and sustainable economic development. Enabling farm-based retail, value-added food production, and agricultural education on larger parcels promotes local food systems, preserves agricultural land, and stimulates local commerce.

## **Land Use Compatibility**

The Agricultural zoning category is designed to preserve agricultural operations and open land while supporting compatible accessory and conditional uses. The proposed facility is inherently linked to agricultural production and will operate secondary to normal farming activities, thereby maintaining the rural and agricultural character of the district.

## **Public Benefit**

This amendment fosters economic diversification, community education on sustainable food systems, and value-added agriculture—priorities that align with Bellevue’s planning objectives and long-term land use goals.

## **Key Points:**

### **Economic Development:**

- Support small business and agricultural enterprises.
- Encourage local jobs and value-added production.

### **Land Use & Agriculture:**

- Preserve agricultural land and rural character.
- Allow flexible and compatible agriculture- related uses.

### **Education & Community:**

- Promote educational opportunities for all ages in community programs.
- Support community well-being and food literacy.

### **Sustainability:**

- Encourage sustainable food systems.
- Support local production and consumption of agricultural products.

This amendment directly supports these common comprehensive plan themes by enabling diversified agricultural uses that benefit the community.

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## **Proposed Amendment to Ag District- Conditional Use-5.05.03**

**Multi-Purpose Agricultural Facility**, subject to the following standards:

### **Allowed Components**

A Multi-Purpose Agricultural Facility may include the following uses within one structure or integrated structures on the same lot:

1. **Retail Farm Store**
  - Sale of agricultural products grown or produced on-site or locally, including fresh produce, packaged foods, and value-added agricultural goods.
  - Limited accessory sales of related items such as seeds, plants, or farm-related merchandise.
2. **Commercial Kitchen**
  - A licensed commercial kitchen used for the preparation, processing, or packaging of food products.
  - Food production may include value-added agricultural products such as preserves, baked goods, sauces, or similar items.
  - Food produced may be sold on-site or distributed off-site, subject to applicable state and local health regulations.
3. **Classroom or Educational Space**
  - Space used for instructional, educational, or training purposes related to agriculture, food production, nutrition, sustainability, or similar topics.
  - May include workshops, demonstrations, or small group classes.

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## **Operational Standards**

The following standards shall apply to all Multi-Purpose Agricultural Facilities:

1. **Primary Use**
  - The facility shall be operated in a manner that supports agricultural, food production, or educational activities as its primary purpose.
2. **Building Design and Scale**
  - The building shall be designed to be compatible with surrounding land uses in terms of scale, appearance, and intensity.
3. **Traffic and Parking**
  - Adequate off-street parking shall be provided to support retail, educational, and staff needs, as determined by the City.
4. **Hours of Operation**

- Hours of operation may be limited as part of site plan approval or conditional use approval to ensure compatibility with surrounding uses.

**5. Noise, Odor, and Waste**

- Operations shall comply with all applicable noise, odor, and waste disposal regulations.
- Commercial kitchen activities shall be conducted indoors.

**6. Licensing and Compliance**

- All applicable local, state, and federal licenses and permits shall be obtained and maintained, including health department approvals.

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*This amendment is intended to promote local agriculture, small business development, food education, and community engagement by allowing integrated facilities that combine retail, food production, and educational uses in a single, well-regulated location.*

**The purpose of this text amendment is to allow greater flexibility for agricultural, educational, and small-scale food production uses by permitting a multi-purpose agricultural facility that combines a retail farm store, a commercial kitchen, and classroom or educational space within a single building, subject to appropriate standards.**

## **PROPOSED TEXT AMENDMENT**

**City of Bellevue, Nebraska – Land Use Code**

### **Section 2: Amendment to Definitions**

**Add the following definition to the Definitions section of the Land Use Code:**

#### **Multi-Purpose Agricultural Facility**

*A building or group of buildings located on a parcel zoned Agricultural District (minimum twenty (20) acres) that supports agricultural production, education, and value-added agricultural activities. Such a facility may include a retail farm store, a commercial kitchen, and classroom or instructional space, provided that the facility remains accessory and supportive to agricultural use of the property.*

### **Proposed New Use Definition**

#### **Multi-Purpose Agricultural Facility**

*A building or group of buildings designed to support agricultural production, education, and direct-to-consumer sales, which may include a retail farm store, a commercial kitchen, and classroom or instructional space. Such facilities are intended to support local agriculture, value-added food production, and community education.*