

3.b.

# **CITY OF BELLEVUE PLANNING DEPARTMENT**

## **RECOMMENDATION REPORT #1**

**CASE NUMBERS:** Z-2109-17

**FOR HEARING OF:**

**REPORT #1:** October 28, 2021

### **I. GENERAL INFORMATION**

#### **A. APPLICANT:**

Mark Sanford  
1306 N 162<sup>nd</sup> Street  
Omaha, NE 68118

#### **B. PROPERTY OWNER:**

MFR Partners XVI LLC  
735 Lake Street East  
Wayzata, MN 55391

#### **C. GENERAL LOCATION:**

Hackberry Court and Forest Drive

#### **D. LEGAL DESCRIPTION:**

Lot 2, Fontenelle Replat 1, located in the Southwest  $\frac{1}{4}$  of Section 24, T14N, R13E  
of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

#### **E. REQUESTED ACTIONS:**

Site Plan Approval for Lot 2, Fontenelle Replat 1.

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

RS-120-PS, Multi-Family Residential

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain site plan approval for the purpose of rebuilding an 11-unit apartment building.

**H. SIZE OF SITE:**

The site is approximately 15 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is presently developed as a multi-family residential development.

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

1. **North:** RS-120-PS (Single-family Residential/across West Martin Drive)
2. **East:** RS-120-PS (Single-family Residential/across West Martin Drive)
3. **South:** RS-120-PS (Single-family Residential) and RE (Residential Estates)
4. **West:** RS-120-PS (Single-family Residential) and RE (Residential Estates)

**C. REVELANT CASE HISTORY:**

1. On August 14, 1998, the small subdivision plat of Lots 1 and 2, Fontenelle Replat I, being a replat of Lot 235, part of Lot 221 (A.K.A. Lot 221B) and Lot 236 (A.K.A. Lot 236B), Fontenelle, and all of Tax Lot 24-B in Section 24, and part of Tax Lot 9A2A1 (A.K.A. Tax Lot 9A2A1B), located in Section 25, all in T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, was administratively approved.

**D. APPLICABLE REGULATIONS:**

1. Section 5.08, Zoning Ordinance, regarding RS-120 uses and requirements.
2. Section 5.17, Zoning Ordinance, regarding PS uses and requirements.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan shows this area as multi-family residential.

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data available for this location.
2. The proposed development will have access from Hackberry Court connecting to Forest Drive.

**D. UTILITIES:**

All utilities are available to this property.

**E. ANALYSIS:**

1. Mark Sanford, on behalf of Elevate Living, LLC, has submitted a request for site plan approval for Lot 2, Fontenelle Replat 1, for the purpose of an apartment building.
2. The proposal consists of 11 units in a three-story apartment building. The proposed building would replace an 11-unit apartment building (Building #24) located on the other side of the apartment complex near West Martin and Greenbrier Court destroyed by fire in March 2021.
3. The April 20, 1967 zoning ordinance which approved the Fontenelle Hills development, allowed for this multi-family residential development in an RS-120 zoning district. As such, the applicant will not need to request a change of zone since it is allowed by the original ordinance. The -PS overlay does require site plan approval.
4. The proposed site plan shows the new building will be relocated and placed where the existing basketball court sits. Due to steep hill slopes on the original site of Building #24, the applicant would not meet 5% grade or ADA Egress Guidelines. This new location meets the 5% grade and ADA egress guidelines.
5. Hackberry Court is a private street maintained by the apartment complex. There is an existing ingress-egress easement recorded for this street.
6. The site plan shows twenty-two total parking stalls. Two of the twenty-two are ADA accessible. The ordinance requires a minimum of twenty-two parking stalls.
7. Since the original basketball court is being removed to facilitate construction of the new building, the site plan proposes a new half basketball court adjacent to the pool on the north side, for the recreation of the residents. The previous building location and parking area will be turned into green space.
8. This application was sent out to the following departments for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a

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

Matt Knight, Public Works Engineer, had technical comments pertaining to the site plan. The applicant's engineer has addressed Mr. Knight's concerns.

No other comments were received on this case.

9. The Future Land Use Map of the Comprehensive Plan designates this property as multi-family residential.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon conformance with the Zoning Ordinance and the Comprehensive Plan.

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review

**VI. ATTACHMENTS TO REPORT**

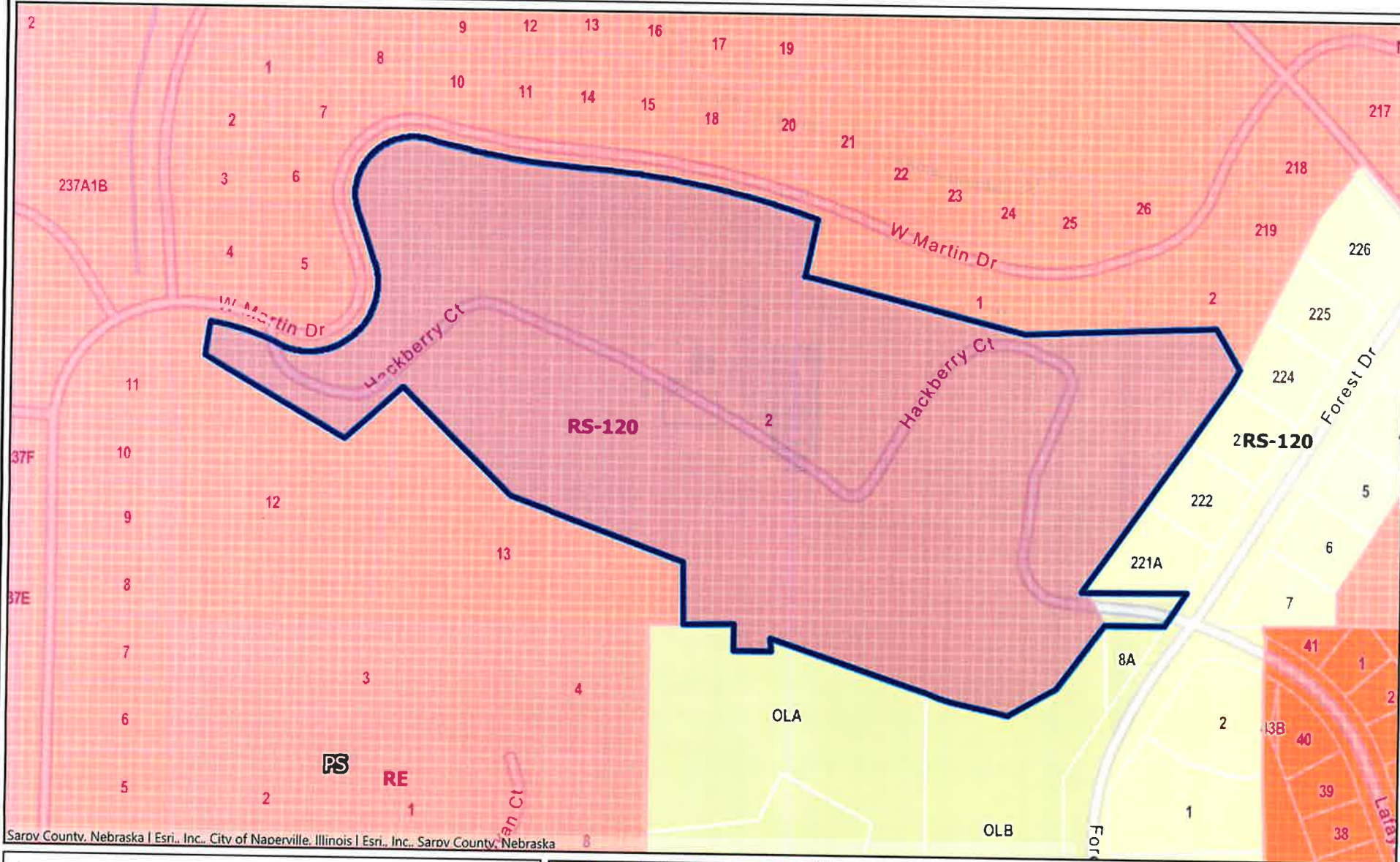
1. Zoning/Vicinity Map
2. 2020 GIS aerial photo of the property
3. Site plan received October 20, 2021
4. Alta Survey received September 24, 2021
5. Letter from Marty & Nancy Giff received October 20, 2021

**VII. COPIES OF REPORT TO:**

1. Mark Sanford
2. Tom Pennington, Elevate Living, LLC
3. Thomas Jizba, Atlas Engineering
4. David Levy
5. Public Upon Request

  
Assistant Planning Manager

  
Planning Manager                      Date of Report 10/21/21

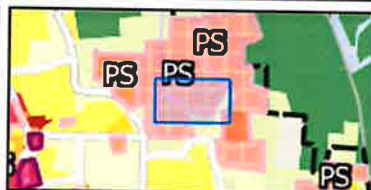


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska

0 250 500  
ft

Map Scale 1: 3185

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

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Map Scale 1: 3185

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Notes





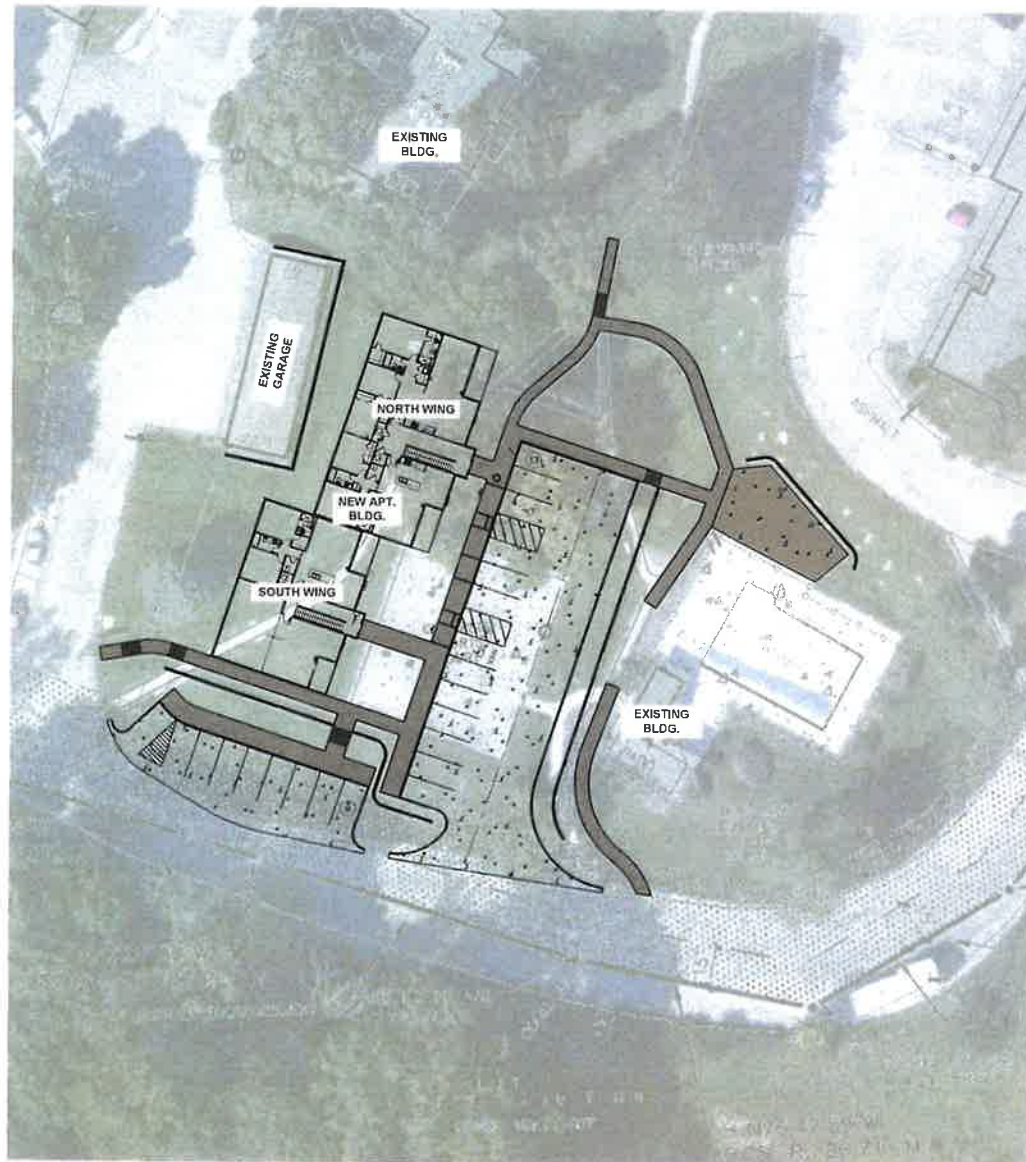
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OCT 20 2021

PLANNING DEPT.

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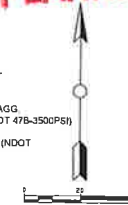
10/19/2021



# SITE LAYOUT LEGEND



PROPOSED 7" CONCRETE (NDOT 47B-3500PSI)  
 PROPOSED 5" CONCRETE W/ 4" AGG. SUBGRADE ATOP GEOGRID (NDOT 47B-3500PSI)  
 PROPOSED 5" CONCRETE WALK (NDOT 47B-3500PSI)  
 CONCRETE INTEGRAL CURB



## PAVING NOTES:

- ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED
- PAVEMENT SUBGRADE TO A DEPTH OF 12 INCHES AND A WIDTH OF 2 FEET OUTSIDE PAVEMENT EDGES SHALL BE COMPACTED AS SPECIFIED IN THE COMPACTION REQUIREMENTS TABLE ON GEOTECHNICAL REPORT
- THE CONTRACTOR SHALL CONTACT THE GEOTECHNICAL ENGINEER TO OBSERVE THE SUBGRADE PRIOR TO PAVEMENT PLACEMENT TO DELINEATE ANY AREAS WHERE SUBGRADE OVEREXCAVATION MAY BE REQUIRED
- SUBGRADE SHALL BE MOIST PRIOR TO THE POURING OF CONCRETE
- AT THE LOCATION OF WHEEL CHAIR RAMPS CONTRACTOR SHALL DROP THE CURB IN ACCORDANCE WITH CITY OF OMAHA STANDARD PLATE 904-01
- THE CONTRACTOR IS REFERENCED TO THE FOLLOWING CITY OF OMAHA STANDARD PLATES:  
 501-01 CONCRETE PAVEMENT JOINTS  
 502-01 CONCRETE CURBS  
 505-01 SEGMENTED RETAINING WALL (NOTE: GEOGRID REINFORCEMENT TO BE INSTALLED EVERY OTHER BLOCK COURSE)  
 905-01 RCC STAIRS
- CONCRETE MIX SHALL BE TYPE I/II TRADITIONAL MIX PER NDOT STANDARD SPECIFICATIONS. CEMENT SHALL BE TYPE I/II. CONCRETE MIX DESIGN SHALL HAVE A MINIMUM OF 30% TYPE I/II AGGREGATE AND AIR CONTENT SHALL BE BETWEEN 5% AND 8%. MAX WATER/CEMENT RATIO SHALL BE 0.45. ALL CONCRETE PAVEMENT SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3,500 PSI WHEN TESTED IN ACCORDANCE WITH ASTM C39 AT 28 DAYS. CONTRACTOR SHALL HAVE FIELD TESTS CONDUCTED AND 3 CONCRETE CYLINDERS COLLECTED BY A QUALIFIED TESTING LAB FOR EVERY 100 CUBIC YARDS OF CONCRETE FOR EACH DAY OF POUR. UNLESS APPROVED OTHERWISE BY OWNER, CONTRACTOR SHALL PROVIDE CONCRETE FIELD AND COMPRESSIVE TEST RESULTS TO THE OWNER
- CURBS SHALL BE TYPE A IN ACCORDANCE WITH CITY OF OMAHA STANDARD PLATE 504-01 UNLESS OTHERWISE NOTED
- CONCRETE PAVEMENT SHALL BE CURED USING A LIQUID MEMBRANE FORMING COMPOUND AT THE CONCENTRATIONS AND APPLICATION RATES RECOMMENDED BY THE MANUFACTURER
- WATER REDUCING ADMIXTURE SHALL BE ADDED TO ALL HAND-PLACED AND FINISHED CONCRETE
- ALL CONCRETE SHALL BE FINISHED WITH A WET BURLAP OR CANVAS DRAG
- CONCRETE PAVEMENT JOINTS SHALL NOT EXCEED 12'-0". ALL PANELS SHOULD BE SQUARE OR NEARLY SO. THE LENGTH OF THE PANEL SHALL NOT EXCEED 1.5 TIMES THE WIDTH
- WHERE APPLICABLE, JOINTS SHALL MATCH EXISTING JOINT PATTERN
- ALL JOINTS SHALL BE SAW-CUT AND SEALED WITH HOT POUR SEALANT TO WITHIN 1/4" OF CONCRETE SURFACE
- CONTRACTOR TO PLACE 1" EXPANSION MATERIAL WHERE CONCRETE ABUTS BUILDING
- THE BARS SHALL BE UTILIZED AT ALL LOCATIONS WHERE PROPOSED CONCRETE IS TYING INTO EXISTING CONCRETE. THE BARS SHALL BE #5 AT 18" IN LENGTH AND PLACED AT 33" O.C. AT MID DEPTH OF THE SLAB
- ALL REBAR SHALL BE EPOXY COATED
- 1" EXPANSION JOINT SHALL BE INSTALLED WHERE DRIVEWAYS AND/OR SIDEWALKS ABUT AND SEALED WITH HOT POUR SEALANT

## PAVEMENT MARKING NOTES:

- PAVEMENT MARKINGS SHALL BE 4" WHITE PIGMENTED PAVEMENT MARKING PAINT. APPLY PER MANUFACTURER'S RECOMMENDATIONS
- PERMANENT PAVEMENT MARKING PAINT SHALL BE IN ACCORDANCE WITH CITY OF OMAHA STD. SPECIFICATION SECTION 905.02(A) OR APPROVED EQUIVALENT
- HANDICAP MARKINGS SHALL BE PER MUTCD STANDARDS

## SIDEWALK NOTES:

- SIDEWALK SUBGRADE TO A DEPTH OF 8 INCHES AND TO A WIDTH OF 6 INCHES OUTSIDE OF THE SIDEWALK EDGES SHALL BE COMPACTED AS SPECIFIED IN THE COMPACTION REQUIREMENTS TABLE OR THE GEOTECHNICAL REPORT
- THE CONTRACTOR IS REFERRED TO THE FOLLOWING CITY OF OMAHA STANDARD PLATES:  
 504-01 SIDEWALK  
 504-01 CONCRETE CURB RAMP
- ALL SIDEWALKS SHALL BE CONSTRUCTED WITH 1.5% MAX CROSS SLOPE AND 4.5% MAX RUNNING SLOPE. UNLESS PARALLELING AND MATCHING EXISTING STREET GRADE
- SIDEWALK JOINT SHALL BE SQUARE NO LARGER THAN 7'x7' PANELS
- CONCRETE PAVEMENT SHALL BE CURED USING A LIQUID MEMBRANE FORMING COMPOUND AT THE CONCENTRATIONS AND APPLICATION RATES RECOMMENDED BY THE MANUFACTURER
- WATER REDUCING ADMIXTURE SHALL BE ADDED TO ALL HAND-PLACED AND FINISHED CONCRETE
- WHERE SHOWN ON PLANS CURB RAMPS SHALL INCLUDE CAST IRON REPLACEABLE DETECTABLE WARNING PANELS (TRUNCATED CONES) WHICH COMPLY WITH THE AMERICAN WITH DISABILITIES ACT. APPROVED TYPES ARE:  
 IRON CONE BY ADA SOLUTIONS INC.  
 DETECTABLE WARNING PLATE 408A BY DEETER FOUNDRY INC.  
 DURABLE DETECTABLE WARNING PLATE BY EAST JORDAN IRON WORKS  
 TUFFLE CAST IRON TILES BY TUFFLE, INC.  
 ADVANTAGE TACTILE CAST IRON DETECTABLE WARNINGS
- DETECTABLE WARNING PANELS SHALL BE "BRICK" COLOR OR APPROVED EQUAL

### General Notes

#### GENERAL NOTES

- ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF OMAHA STANDARD SPECIFICATIONS, LATEST EDITION UNLESS NOTED OTHERWISE ON PLAN
- MECHANICAL, ELECTRICAL, AND ARCHITECTURAL ELEMENTS SHOWN ON THE CIVIL PLANS ARE FOR INFORMATION ONLY. REFER TO THE APPROPRIATE DISCIPLINE DRAWINGS FOR DETAILS ON THESE ITEMS
- ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE HAULED OFF-SITE AND DISPOSED OF PROPERLY AT THE CONTRACTOR'S EXPENSE
- THE CONTRACTOR SHALL PAY ALL PERMIT AND OTHER ASSOCIATED FEES AND COSTS REQUIRED BY LOCAL, STATE AND FEDERAL AGENCIES
- CONTRACTOR SHALL FIELD VERIFY ALL EXISTING ELEVATIONS AND HORIZONTALS PRIOR TO ANY CONSTRUCTION AND IF EITHER VARY SIGNIFICANTLY FROM THOSE SHOWN, CONTACT THE ENGINEER IMMEDIATELY
- CONTRACTOR SHALL COORDINATE WITH THE UTILITY COMPANIES FOR ANY RELOCATION OF EXISTING UTILITIES
- THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH A CONSTRUCTION RECORD SET OF DRAWINGS SHOWING TIES AND DEPTHS OF ALL STRUCTURES, BENDS, AND FITTINGS

#### REMOVAL NOTES:

- NO TREES SHALL BE REMOVED WITHOUT APPROVAL OF THE ENGINEER. TREES SHALL BE REMOVED ONLY WHERE THEY INTERFERE WITH CONSTRUCTION OF THE PROJECT
- PAVEMENT REMOVAL ALONG PAVEMENT THAT IS TO REMAIN SHALL BE SAW CUT FULL DEPTH. SAWCUTTING SHALL BE CONSIDERED SUBSIDIARY
- CONTRACTOR IS RESPONSIBLE FOR LAWFUL REMOVAL & DISPOSAL OF ALL ITEMS
- CONTRACTOR SHALL FIELD VERIFY EXISTING WATER AND SANITARY SERVICE LOCATIONS

REV	DESCRIPTION	DATE
1	CBPW - RESPONSE COMMENTS	10/19/21
2	REVISIONS	DATE



Fontenelle Hill's Relocation & Re-Building of Fire Damaged Building #24 Located at 902 Hackberry Court Elevate Living Mgmt, LLC

Project Name	Sheet
NEW SITE PLAN	C100
Date	10/19/2021
Scale	1" = 20'



SEP 24 2021

### LEGAL DESCRIPTION

**Both Original & Proposed New Bldg  
#24 Site are Located within  
Parcel/Lot 2 Tract 3.**

**Proposed New Bldg #24 Site Meets 5% Grade and ADA-Egress Guidelines.**  
**A Building Address has NOT yet been Assigned for the New Site Location**

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MARCH 7, 2003  
DATE  
REVISION DATE 4/6/01  
REVISION DATE 6/15/05  
REVISION DATE 6/27/05 TO REVISE  
CERTIFICATION, LEGAL DESCRIPTION  
& TITLE COMMITMENT NOTE AND SA

VICINITY MAP

**SHEET 2 OF 2**

TD2REFERENCE NO 200-287-61  
BOOK: 01/11 PAGES 6 THRU 11

ALTA/ASCM LAND TITLE SURVEY

**2 THOMPSON, DREESSEN & DORNER, INC.**  
Consulting Engineers & Land Surveyors  
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154  
TEL: (402)330-4860 FAX: (402)330-5890  
EMAIL: TDMAIL@TD2CO.COM WEB: WWW.TD2CO.COM

200-334-131

200334131AL.DWG





## Giff Property Services

2211 Thurston Circle, Bellevue, NE 68005 402-557-5999

October 20, 2021

City of Bellevue, Nebraska  
Planning Department & Planning Commission  
1510 Wall Street  
Bellevue, NE 68005

Re: Site Plan Approval  
Lot 2, Fontenelle Replat 1  
Fontenelle Hills Apartments  
Case #Z-2109-17

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OCT 20 2021

PLANNING DEPT.

Planning Department & Commission Members,

I am writing to voice my firm OPPOSITION for the site plan approval to construct an 11-unit apartment structure on the portion of the Fontenelle Hills Apartments that is currently used as it's recreation and pool area for the following reasons:

1. The original approval to zone and develop the Fontenelle Hills Apartment property was based on an approved site plan. That plan included a recreational area for the apartments near Forest Drive and Hackberry Court. The requested site plan modification relocates a structure destroyed by fire 750 feet from the original foundation, infringes on the recreation area, and eliminates the basketball court. It does not mirror the original plan or the original use intent.
2. The reason for the site plan modification was indicated to be accessibility concerns for a new structure. The Fontenelle Hills Apartment are built on rolling hillsides. Accessibility has, and will always be an issue. The property owner acquired the complex with these site grade and accessibility issues. Having to deal with the pre-existing issues for construction of a new structure is not justification for site plan modification. It has been overcome with construction of the last two apartment structures, one of which is still being built.
3. The complex was originally locally owned and a signature property in the community. It has changed ownership three times since I built my home and is currently owned by a Minnesota entity that is profit driven. Thus the complex is in below average condition. Maintenance is done with "cosmetic bandaids" rather than actual repairs, apparently to reduce expenses and increase profits. I do not desire these under-maintained improvements any closer to my home.
4. The southeast driveway to the apartments off Forest Drive is only possible because of a recorded "ingress-egress" easement. Approximately half of their driveway is on my property abutting on the south. The complex has insufficient parking as it currently exists with trees, stairways, walls and trash cans interrupting any chance of an orderly parking plan. The 22 parking stalls will not be sufficient for the residents and guests of the proposed 11 apartments. The result will be parking on my half of the easement driveway. The easement does not allow "parking".

5. There is no identified place for commercial trash containers for the new building. The existing trash containment at the complex is sickening. Commercial trash removal for the complex is normally about 4.00 am. Trash trucks , dumpster doors slamming, and dropped dumpsters are very loud and wakening. I do not want to see the trash dumpsters nor hear these interruptions any nearer to my home.
6. As existing, I have ongoing issues with mischievous and possible illegal activities happening along the easement driveway. Noise, dumping, questionable late night transactions, etc. are ongoing. Residents of the apartments are constantly trespassing on my property. Moving the apartment population closer to my property will likely cause these issues to increase.
7. Bellevue police, fire and rescue are constantly called to the Fontenelle Hills Apartments. Horns, sirens, and emergency lights are a weekly occurrence. I do not need these interruptions any nearer to my home.
8. Existing apartment structure along the south side of the complex are built into the sloping site. They have a garden level mostly below grade, and two stories above. The proposed structure will be three stories, all above grade elevation.
9. The new structure is proposed to be built on an upslope. The grade level of the proposed structure at 1169 feet is 10 feet above the current driveway elevation at 1159 feet. The three story apartment structure will have 32 foot tall walls and a roof peak height of about 42 feet. In total the structure will be about 52 feet above the driveway **towering to an elevation of 1211 feet** (1169' structure grade level + 42' structure height).

I located, positioned and constructed my home on a ridge top 60 feet above the easement driveway so it would have less negative impact from the apartment complex below. My main level is at an elevation 1215 feet. My walkout basement that overlooks the apartment recreation area is at an elevation of **1205 feet**. The proposed development will result in the apartments being above by basement floor level. This will ruin the solstice of the wildlife sanctuary for which my property serves, and it will destroy the views and privacy for which I have invested greatly.

10. A request by the prior property owner of my property at 106 Forest Drive to construct an apartment in about 1997 was rejected because it did not conform to the neighborhood.

### **CONCLUSION & REQUEST**

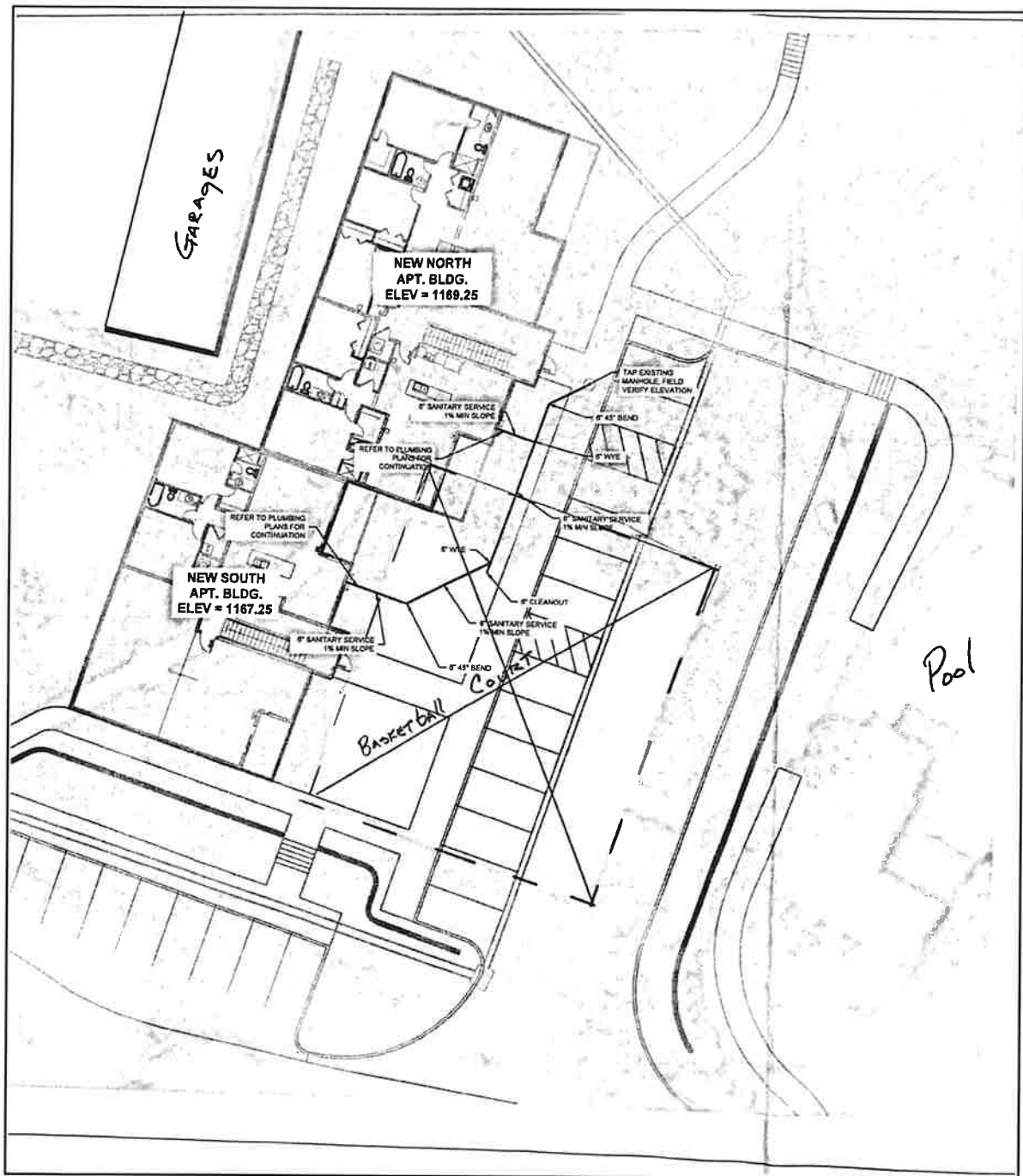
I ask the Planning Board Members to NOT APPROVE the site plan requested.

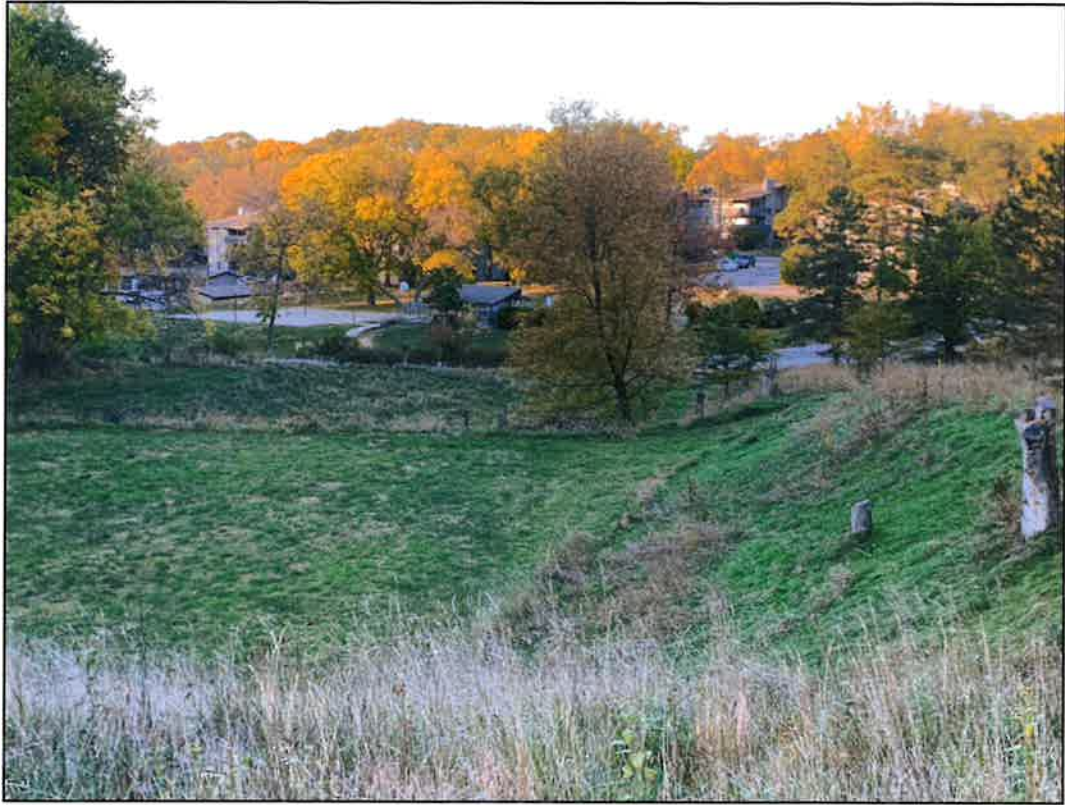
Thank your for your consideration,

Marty & Nancy Giff  
106 Forest Drive  
Bellevue, NE

(attached photos of area and complex)







Current View from my front yard



Future View from my front yard





Easement drive (only right 50% is apartment property)



Apartment dumpsters obstruct traffic & trash



Storm debris remaining 10/20/21 after summer wind storm



Poor garage maintenance





Brush dump



Concrete dump



## Photo Gallery



Share

Fontenelle Hills website photo





## Photo Gallery



Share

Fontenelle Hills website photo