

BELLEVUE PLANNING COMMISSION

Thursday, October 24, 2019 7:00 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 September 26, 2019 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 94 through 170, and Outlot B, Liberty, being a replat of part of Outlot B and part of Lot 1, Daniell's Farm Addition. Applicant: Liberty Land, LLC. General Location: Daniell Road and Chennault Street. Case #: S-1910-08.

3. PUBLIC HEARINGS:

a. Request to rezone Lot 2, Twin Valley Church Replat 1 Addition, from RG-28 to RG-28-PS for the purpose of Multi Family Residential Development, with site plan approval.

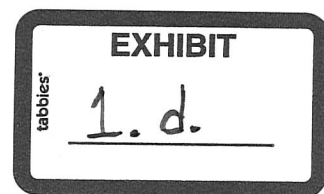
Applicant: Encompass Design Inc. General Location: Ft Crook Rd & Grenoble Dr. Case #: Z-1906-05.

4. CURRENT BUSINESS

a. Election of Officers

b. Planning Department Updates

5. ADJOURNMENT



MINUTE RECORD

Bellevue Planning Commission Meeting, September 26, 2019, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, September 26, 2019 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Cain, Aerni, Ackley, Hankins, Cutsforth and Ritz. Also present were Angela Curry, Planning Assistant, and Dean Dunn, Public Works Engineer.

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

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

Motion was made by Cain, seconded by Cutsforth, to approve the minutes of the August 22, 2019 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Curry advised no additional updates were received by staff.

Motion was made by Casey, seconded by Cain, 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.

Ritz explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, being a replat of Lot 81, and Outlot F, Belle Lago, from RG-50-PS and RG-28-PS, to RG-8-PS for the purpose of multi-family residential development, with site plan approval; preliminary plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1; and final plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1. Applicant: HRC Belle Lago, LLC. General Location: Southeast corner of 48th Street and Capehart Road. Case #'s: Z-1907-06, S-1907-05, S-1907-06.

Larry Jobeun, 11440 West Center Road, Omaha, NE was present on behalf of the applicant. Jobeun stated this to be a replat recorded and approved by City Council as Lot 81 and Outlot F for a 120 unit multi-family apartments. This preliminary plat, final plat and rezoning will provide for 72 single family townhome style residences. All 72 proposed units will sit on their own individual lots. All streets within the development are private and will be maintained by a Home Owners Association. Two different types of unit floor plans will be available. One calls for the units to be 1631 square feet. These are attached four plexes. The two exterior units are expected to be priced at \$213,900 and the two interior units on the larger floor plan is expected to be \$203,900. The other floor plan is expected to be 1515 square feet with the two exterior units costing \$213,900 and interior \$203,900 per unit. He stated they started with 120 multi-family units and are now reduced to 72 units. A reduction in density of 48 units. Jobeun believes, as does the Planning Department, this is consistent with the master plan and compatible with the surrounding area. They reviewed the recommendation report and found the same.

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

Aerni asked for clarification on the number of buildings that will sit on one lot. He also asked that Planning staff take a look at whether or not there should be a zero lot line Aerni asked the applicant to clarify the request to have three foot side yards. He suggested four houses are being slammed together. The applicant stated the four units are attached and the side yards will have a separation of approximately eight feet. Aerni clarified the applicant stated each of the four buildings are to be considered as an individual lot. He asked if the applicant should have a zero lot line between the lots. Jobeun stated a covenant will be in place that will call for a party wall type agreement with this type of construction. He stated these are townhome type units, but each will sit on its own lot. Aerni asked that Planning staff take a look at the three foot side yard to confirm that it should not be zero. Jobeun said he believes the three foot side yard is to represent the space between the four clusters of buildings but he agrees, perhaps it should say zero lot line with respect to the units that are in a cluster. Aerni asked the applicant to assure the 15 foot front yard will allow enough space for proper parking of vehicles so they will not overhang into the street. Jobeun stated there is 20 feet from the garage to the street which will provide enough space to eliminate vehicle overhang into the private roadway. Aerni asked if there should be a request to make an amendment to change the setback to zero. Ackley said there are 4 different units in one building, so the setbacks apply to the building as opposed to an individual unit. Aerni stated each unit is on its own individual lot so there are four individual lots. Ritz said his concern with changing the setbacks for the future is the area will now have a zero lot line if someone would want to come in and change one of the buildings. He suggested it be left as is to be corrected if needed. He believes staff chose this specific zoning type which will allow for the buildings to touch without any

MINUTE RECORD

Bellevue Planning Commission Meeting, September 26, 2019, Page 2

work on the side lots. Ritz noted the technical deficiency regarding street names in item "F", page 5, and asked commissioners to include that language when making the motion.

MOTION was made by Ackley, seconded by Hankins, to recommend APPROVAL of a request to rezone Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, being a replat of Lot 81, and Outlot F, Belle Lago, from RG-50-PS and RG-28-PS, to RG-8-PS for the purpose of multi-family residential development, with site plan approval; preliminary plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1; and final plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1. Applicant: HRC Belle Lago, LLC. General Location: Southeast corner of 48th Street and Capehart Road. Case #'s: Z-1907-06, S-1907-05, S-1907-06. APPROVAL of the application based upon conformance with the zoning ordinance, subdivision regulations, and lack of perceived negative impact to the surrounding area, contingent however upon the satisfaction of the technical deficiency referenced in item F on page 5 of the application summary. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on November 05, 2019.

PUBLIC HEARING was held on a request to rezone Lot 1, South Woods Replat 3, being a replat of Lot 2, Pendleton, and Lots 7 and 8, South Woods, from MH, BGH, and RG-8 to RG-8 for the purpose of an elementary school; conditional use permit for Lot 1, South Woods Replat 3; and small subdivision plat Lot 1, South Woods Replat 3. Applicant: Kenneth Hahn Architects. General Location: Fort Crook Rd & Childs Rd West. Case #'s: Z-1906-04, S-1906-03, CUP-1906-02.

Planning Commission vice Chair, Eric Ritz recused himself and left chambers at 7:20 p.m. Ackley chaired the meeting.

David Kramer, Attorney, Baird Holm Law firm, 1700 Farnam Street, Suite 1500, Omaha, NE 68102 was present on behalf of the applicant Kenneth Hahn Architects and Omaha Public Schools. Kramer stated, over the past several months there have been multiple discussions regarding the property for the proposed elementary school. He said, the applicant worked with the city's legal department to address the concerns made by the Commission, and those concerns have been incorporated into the conditional use permit. Kramer asked that the project be approved so the applicant can move forward. He indicated Kenneth Hahn, architect, and Lisa Sterba, Omaha Public School District were also available to answer questions.

Ackley asked Kramer to highlight the changes from the last hearing. Kramer said the most significant change is in regards to stacking of buses over the railroad tracks. He said they re-planned the entry and exit of buses for student pick up and drop off. Kramer stated transportation will be provided to students who live on the east side of Fort Crook Road. He addressed the discussion on sidewalks and stated the school district made a commitment to add one sidewalk, however, in agreement with the City, the sidewalk that goes in the direction of the railroad tracks will not be installed as to eliminate the encouragement of students to walk towards the railroad tracks. He stated the site plan map shows the sidewalk that will be installed on OPS property to facilitate the students that will walk to school.

John Whiteing, 1001 Childs Road West, Bellevue, NE 68147 was present to speak on this matter. Whiteing stated he lives directly opposite of the school and both he and his neighbors east and west are in favor of the school.

There was no one else present to speak for, or against this request. Subsequently, Ritz closed the public hearing.

Casey commended the school district on their design of the school and willingness to work with the Commission, but expressed his concerns and reservations on location and safety of the children. Casey stated putting in sidewalks across Fort Crook Road may encourage students to cross eight lanes of traffic. Ackley reminded the applicant of prior discussions on infrastructure needed to support the site. He asked the applicant if they have a plan for additional infrastructure beyond the school site for children walking to school. Kramer stated there is currently one planned entrance to the school and the sidewalks are designed to have the children enter through that access point. Kramer stated no one is more concerned about student safety than the school district and it is a responsibility they take very seriously. He stated the cost to transport students from the east side will be more than \$108,000 per year. Kramer stated parents must also take responsibility to ensure the students arrive to school safely. He said for over two months they have attempted to address, from an infrastructure perspective, the resolutions suggested by staff that will create a workable balance for both the applicant and the Commission. Kramer believes the changes made to date will significantly address the concerns of the Commission. He stated his staff and the school are cognizant of areas that carry potential safety issues

MINUTE RECORD

Bellevue Planning Commission Meeting, September 26, 2019, Page 3

and therefore, the school will post staff to monitor those areas. Ackley said his continual concern is with infrastructure impacted by the development. He said the lack of shoulders and sidewalks along Child's Road where children will possibly walk is concerning and asked the applicant about their plans to install sidewalks a block away from the school. Kramer said it is unusual to ask a developer to make improvements blocks away from their property; properties that the City has jurisdiction over and has not made improvements on. Kramer said the developments immediately adjacent to the school should be required to add the kind of infrastructure on their properties that will be necessary to meet the broader needs of the school district. He said it would be unreasonable to request the school district install sidewalks a block or two from its own property. Kramer said, to suggest they have an obligation to add sidewalks to properties in areas developed and undeveloped, may be beyond the reach of the Commission. Ackley asked how many students will attend the school and how many parents will be dropping off and picking up students daily. Kramer stated approximately 600 students will attend the school and roughly a third of the students may be driven by parents. Ackley stated it is common for new developments to make improvements to support their use. Kramer stated they are making significant accommodations on their property to address the concerns of staff and the Commission, and believe they provided something that offers an appropriate balance between the interest of the school district and the City. Mr. Ackley asked the applicant for his thoughts on crosswalks going across Fort Crook Road and the railroad. Kramer said their focus is to discourage the use of crosswalks on Fort Crook Road due to safety, and part of their solution is staffing, setting of ingress and egress, and changing bus routes so students will not have to cross eight lanes of traffic. Ackley asked if there were any discussions with the railroad; if they had concerns with placement of the school, and if they could offer any safety measures. Kramer said they did not speak with the railroad.

Ackley said the package provided to Planning Commissioners, Recommendation Report #3, gave a summary of items to look at. In particular, page 5 #9, zoning ordinance Section 6.06 Standards, Item 6.06.01 which reads; No conditional use permit shall be granted unless the Planning Commission or City Council has found: That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community. He concluded with he believes the site is great but in the wrong place because of two active railroad lines and a 6 lane highway. Kramer disagreed with Ackley and said there are limited options to place a school in Bellevue. He said they want to put a school in Bellevue to ensure the students served will not have to sit on a bus for an extended length of time. Kramer also mentioned a proposed option to build a school across the street, but he believes this will create the same issues for students on the west side of Fort Crook, issues they are trying to resolve for students on the east side. Kramer believes the chosen site is ideal for students in the surrounding area and, it will provide an opportunity for growth. He said the applicant's efforts in working with the Planning Commission and the City are to make it as safe as possible.

Cain addressed passage across Fort Crook Road and the railroad tracks. She proposed building a passageway similar to one at Birchcrest Elementary. Kramer stated due to current standards an overpass is cost-prohibitive to build and he believes concerns for safety have been addressed by offering transportation to not just some, but all students who live east of Fort Crook Road. Cain strongly stated safety of students should be met regardless of extreme cost or another site should be considered.

Cutsforth asked Kramer if a discussion was had with the city on placement of sidewalks. Kramer said the City agreed placing crosswalks and walkways across Fort Crook Road may increase the likelihood of students going in that direction. Dean Dunn, Bellevue Public Works, said City staff discouraged putting a crossing across Fort Crook Road, a six lane road, because it will provide a false sense of security. He said based on past experience, the railroad will not agree to a pedestrian crossing going across the tracks. Dunn said Public Works discussed completing a sidewalk along city owned property to the northwest as well as a section on the north side of Childs Road which will be evaluated in the future.

Ackley asked for factual clarification that 90% of the students who live east of Fort Crook Road will be bused. Kramer said there are 90 students that live east of Fort Crook Road, not 90% of the students, and all will be provided transportation. Lisa Sterba, Chief Operations Officer, Omaha Public Schools, 3215 Cuming Street, Omaha, NE said all students east of Fort Crook Road will receive transportation. Ackley asked how many of the potential students are located east of Fort Crook Road. Sterba stated more than 50% live east of Fort Crook Road and all will be provided transportation; even those who live less than a mile from the school. Ackley stated, for clarification, students from the west side living within a mile of the school will not receive transportation. Sterba said that is correct. Sterba said Kenneth Hahn of Hahn Architects will provide sidewalks to the north out of the neighborhood to the front door of the school in an effort to divert students from Childs Road. She said both students and parents will be educated to call the school if a student misses the bus and someone will provide

