BELLEVUE PLANNING COMMISSION
Thursday, March 26, 2020 7:00 PM
Bellevue City Hall
1500 Wall Street
Bellevue, NE 68005

ATTENTION: This will be a virtual meeting using Facebook Live via the City's Facebook page. For those unable to access Facebook Live please contact the Community Relations Department on March 23, 2020 at 402-293-3052 to receive instruction on how to participate.

1. CALL TO ORDER:
    a. Roll Call
    b. The Open Meetings Act location
    c. Approve Minutes of the February 27, 2020 Regular Meeting
    d. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.
2. CONSENT AGENDA/PUBLIC HEARINGS:
3. PUBLIC HEARINGS:
    a. Request for a Conditional Use Permit for Lot 1, Ashford Hollow North, located in the Northwest ¼ of Section 32, and the Southwest ¼ of Section 29, all in T14N, R13E of the 6th P.M., Sarpy County, Nebraska for the purpose of a self-storage facility. Applicant: Stephens & Smith Construction Co. General Location: 11203 South 48th St. Case #: CUP-1812-04.
    b. Request to annex Lots 1 through 3, Ramsey's Addition; Lots 1 and 2, Sedlak Addition; Lots 1 and 2, Sparling Gardens; Lots 1 through 4, Thomsen's Subdivision; Lots 1 and 2, Thomsen's Subdivision II; Tax Lot 4B3; Tax Lot 13A1A; Tax Lots 13A1B and 4B2; Tax Lot 13A2; Tax Lot 13A4; Tax Lots 13B, 25, 26B and 26A2; and Tax Lot 26A1; all located in the Northeast ¼ of Section 20, T14N, R13E of the 6th P.M.; Tax Lot 11A; Tax Lot 12A; Tax Lots 12B1 and 5B2; Tax Lot 12B2B; Tax Lot 12B2C; Tax Lot 18A; Tax Lot 18B; and Tax Lots 21, 22A, 22B, 23, and 24; all located in the Northwest ¼ of Section 20, T14N, R13E of the 6th P.M., Sarpy County, Nebraska; and all abutting county road rights-of-way. Applicant: City of Bellevue
    c. Request to annex Lots 1 through 6, Block 3, Fort Crook City; Lots 20 through 26, Block 3, Fort Crook City; Lot 27, Block 3, Fort Crook City; Tax Lot 5B; Tax Lots 13 and 14 East of Highway 75; and Tax Lot 15; all located in the Southeast ¼ of Section 3, T13N, R13E of the 6th P.M.; Tax Lot A; Lots 4 through 10, Block 1, Zurcher's Subdivision; all located in the Northwest ¼ of Section 2, T13N, R13E of the 6th P.M.; Tax Lot C; Lots 1 through 11, Block 1, Fort Crook City; Lots 1 through 12, Block 4, Fort Crook City; all located in the Southwest ¼ of Section 2, T13N, R13E of the 6th P.M.; Lots 1 through 13, Zurcher's 1st Addition to Fort Crook City; Lots 4 through 15, Block 2, Zurcher's Subdivision; and Lots 6 through 10, Block 3, Zurcher's Subdivision; all located in the Northeast ¼ of Section 3, T13N, R13E of the 6th P.M., Sarpy County, Nebraska; and all abutting county road rights-of-way. Applicant: City of Bellevue.
4. CURRENT BUSINESS
    a. NPZA Appointed Official Award
5. ADJOURNMENT

EXHIBIT
1. d.

MINUTE RECORD

The Bellevue Planning Commission held a regular meeting on Thursday, February 27, 2020 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Cain, Aerni, Ritz, Ackley, Hankins and Jacobson. Absent were Commissioners Perrin and Cutsforth. Also present were Tammi Palm, Planning Department Manager, and Angela Curry, Assistant Planning Manager.

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 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 Ackley, seconded by Casey, to approve the minutes of the January 23, 2020 regular meeting as presented. Upon roll call, Casey, Cain, Aerni, Ritz, Ackley, Hankins and Jacobson voted yes. Motion carried.

Ritz asked if there were any updates or additions to staff reports. Palm advised there were updates on item two and she would update the public at time of the public hearing.

Motion was made by Jacobson, seconded by Hankins, to accept into the record all staff reports, attachments, memos, and handouts regarding each application. Upon roll call, Casey, Cain, Aerni, Ritz, Ackley, Hankins and Jacobson voted yes. Motion carried.

Ritz explained the public hearing procedures.

PUBLIC HEARING was held on a request to amend Sections 5.26 and 5.27, City of Bellevue Zoning Ordinance, regarding indoor recreational facilities as a conditional use in the FX and ML zoning district. Applicant: Bellevue Elite Fastpitch Softball.

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

Palm explained Section 5.27 of the ML Zoning District allows for indoor and outdoor recreational facility as a permitted use. Palm offered an amendment to the request to leave Section 5.27 alone. For Section 5.26 Palm recommended an amendment to allow for indoor and outdoor recreational facilities as a permitted use in the FX Zoning District, to be consistent with how they are listed in the BG, BGH, and ML zoning districts.

Ackley asked Palm to repeat the items in exact language. Palm explained in Section 5.26, indoor and outdoor recreational facilities will be offered as a permitted use rather than a conditional use and will fall under Section 5.26.02 rather than 5.26.03.

MOTION was made by Ackley, seconded by Cain to recommend APPROVAL of the text amendment to Section 5.26.02 subsection 26 to add indoor and outdoor recreational facilities. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on April 7, 2020.

PUBLIC HEARING was held on a request to amend Sections 5.24 and 8.03, City of Bellevue Zoning Ordinance, to allow for the parking of semi-trailers, tractors, or any truck exceeding eight (8) feet in width or twenty-one (21) feet in length, as a conditional use permit in the BGH Zoning district. Applicant: City of Bellevue.

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

Palm provided a brief summary. Palm stated occasionally staff looks at ordinances with regard to the different uses and different zoning districts to see if any updates are needed. Discussion with administration and staff concluded it would make sense to allow a conditional use permit (CUP) in the BGH zoning district to allow for the parking of larger trucks and trailers. This CUP would prove to be beneficial in the BGH Zoning District for uses such as contractor warehouses and wholesale stores. The City would still maintain control over when and how it would be utilized. Currently, any semi-tractor or truck exceeding eight feet in width or 21 feet in length is only allowed in the AG, FX, ML and MH zoning districts. They are expressly prohibited in any other zoning districts.

MINUTE RECORD

Jacobson asked if this is addressing parking only and not utilization. He asked if someone bringing in an oversized mobile concrete plant that is all semi-based, this would allow the equipment be parked but not used. Palm stated that was correct; the use would still have to follow the permitted uses currently allowed in the zoning district. Jacobson asked if the conditional use permit stays with the property and if the zoning changes, does the conditional use permit expire with the zoning change. Palm stated there would need to be a clause in the conditional use permit. If the property were zoned ML or MH it is allowed as a permitted use, but if it is zoned BG it would no longer be allowed as a conditional use.

Aerni stated he wanted to offer an amendment to include the same language from Section 5.24.03, 5. A. requiring conditions such as fencing and landscaping.

Ritz stated his concern with the amendment requiring conditions such as fencing and landscaping. He stated a construction company with a twenty one foot truck, would need a fully screened yard in order to park their truck on the lot. Aerni stated, as of today a vehicle this size cannot park in an area zoned BGH. The amendment would be a compromise, but still keep the integrity of the area. He said since it is a conditional use permit the approval, of the type of screening would be left to the Planning Director.

Ritz asked if language needed to be added regarding the vehicles being operable. Aerni stated he would support that recommendation because it is listed in Section 5.24.03.

Ackley asked if there was a potential applicant regarding this text amendment. Palm stated there would be a potential applicant.

Jacobson asked if Palm agreed to the amendments being made. Cain asked if a motion was needed to discuss the amendments. Palm stated not at this point. Palm agreed the amendment would need to include the operable language and she did not have a strong opinion regarding screening and fencing. Palm stated, we have areas with BGH zoning districts that abut residential zoning districts, so at that point it would make sense require screening, fencing and landscaping in the amendment.

Jacobson asked if trucks hauling wind turbines would be permitted to pull in with several blades and store them for two or three days. Palm stated that would be acceptable.

Ackley asked for examples of where this would be allowed. Palm pointed out several examples along Ft Crook Road which are zoned BGH.

Jacobson asked if the landscaping amendment would only apply under the conditional use permit. Aerni said that's correct as approved, by the Planning Director.

Ackley initiated a discussion regarding reference to the Planning Director in the Zoning Ordinance.

MOTION was made by Jacobson, seconded by Aerni to recommend APPROVAL of a request to amend Sections 5.24 and 8.03, City of Bellevue Zoning Ordinance, to allow for the parking of semi-trailers, tractors, or any truck exceeding eight (8) feet in width or twenty-one (21) feet in length, as a conditional use permit in the BGH Zoning district and including an amendment regarding all vehicles must be in operable condition, and including language that landscaping and fencing be required. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on April 7, 2020.

Meeting adjourned at 7:30 p.m.

Dianna Van Horn

Dianna Van Horn
Planning Secretary

CITY OF BELLEVUE
PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBER: CUP-1812-04

FOR HEARING OF:
REPORT #1: March 26, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Stephens & Smith Construction Co.
Attn: Lance Jordan
5711 South 60th Street, Suite 205
Omaha, NE 68117

B. PROPERTY OWNER:

Rip Inc.
1542 South 1st Street
Lincoln, NE 68502

C. LOCATION:

11203 South 48th Street

D. LEGAL DESCRIPTION:

Lot 1, Ashford Hollow North, located in the Northwest ¼ of Section 32, and the Southwest ¼ of Section 29, all in T14N, R13E, of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

Conditional Use Permit Lot 1, Ashford Hollow North for the purpose of a self-storage facility.

F. EXISTING ZONING AND LAND USE:

FX, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a conditional use permit to allow for the construction of a self-storage facility.

H. SIZE OF SITE:

The site is approximately 8.16 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant and covered in vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** AG, Papio Creek
2. **East:** AG/RD-60, Vacant and Single Family Residential
3. **South:** RD-60, Single Family Residential
4. **West:** AG, Vacant/Agricultural (across 48th Street)

C. REVELANT CASE HISTORY:

1. On December 19, 2002, the Planning Commission recommended approval of a request to rezone Lots 1 through 131, inclusive, Twin Creek Estates, being a platting of Tax Lot 3, located in the Northwest ¼ of Section 32, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, from AG to RS-72, RG-50. RG-20-PD and BG for the purpose of a single family, multifamily, and commercial development; preliminary plat Lots 1 through 131, inclusive, Twin Creek Estates; and request for a waiver of Section 6-7 (6). On February 10, 2003, the City Council approved the aforementioned request.

2. On March 20, 2003, the Planning Commission recommended approval of a request to final plat Lots 1 through 145, inclusive, Twin Creek Estates, being a replat of Tax Lot 1A and part of Tax Lot 3, located in the Northwest ¼ of Section 32, T14N, R13E of the 6th P.M., Sarpy County, Nebraska; and approval of the Subdivision Agreement. On April 14, 2003, the City Council approved the aforementioned request.

3. On March 22, 2012, the Planning Commission recommended denial of a request to rezone Lot 1, Twin Creek Estates, located in the Northwest ¼ of Section 32, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from RG-50-PUD to RG-28-PUD for the purpose of multi-family residential development. On April 23, 2012 the applicant withdrew the request.

4. On October 23, 2014 the Planning Commission recommended approval of a request to rezone Lots 1 and 2, Ashford Hollow North, being a replat of Lot 1, Twin Creek Estates; and Tax Lot 12C1B, located in the Southwest ¼ of Section 29, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from AG and RG-50-PUD to RD-60 and FX for the purpose of single family residential and commercial development; and small subdivision plat Lots 1 and 2, Ashford Hollow North. On December 8, 2014, the City Council approved the aforementioned request.

D. APPLICABLE REGULATIONS:

1. Section 5.26, Zoning Ordinance, regarding FX uses and requirements.

2. Article 6, Zoning Ordinance, regarding Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan shows this property as flex space.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no traffic data available for 48th Street near this property.

2. The property will have access from 48th Street via a private drive.

D. UTILITES:

All utilities are available to this property.

E. ANALYSIS:

1. Lance Jordan, on behalf of Stephens & Smith Construction Company, is requesting approval of a conditional use permit for Lot 1, Ashford Hollow North, for the purpose of a self-storage facility.

2. The property is presently vacant and zoned FX (Flex Space).

3. The FX zoning allows for self-storage as a permitted use.

The FX zoning for this property was approved on December 8, 2014. As part of that action, a development agreement was approved. That agreement allows for self-storage as a conditional use permit on this property rather than a permitted use.

4. The applicant is proposing nine storage buildings, totaling 70,250 square feet of indoor storage. No outdoor storage is being proposed.

5. 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, Sarpy County Public Works, Papio-Missouri NRD, U.S. Army Corps of Engineers (Omaha District), and the Papillion LaVista 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.

Chief Building Official Mike Christensen and Fire Inspector Don Gifford made comments pertaining to the International Fire Code (2012) Section (F) 903.2.9 #5 regarding sprinkler requirements of storage facilities housing upholstered furniture or mattresses. This code requirement will be pertinent as part of the building permit review process. The applicant and their engineer were made aware of this comment for that purpose.

Matt Knight, Public Works Engineer, and the Papio-Missouri NRD had initial comments regarding the drainage and grading plan. These comments have been addressed by the applicant's engineer.

A portion of this property lies within the floodplain. The applicant is proposing fill in the floodplain area to raise the finished floor elevation of the storage buildings to 1000.25' or above. The base flood elevation is 998'. As previously mentioned, this application has been reviewed by both the U.S. Army Corps of Engineers and the Papio-Missouri NRD. Additionally, the applicant will obtain the necessary flood plain development permits prior to construction.

No other comments were received on this case.

6. The site plan shows the required 40' bufferyard abutting RD-60 residential zoning district. Additionally, a 15' deep landscaped area is being provided along the South 48th Street right-of-way. A six foot vinyl privacy fence is proposed around the self-storage facility for screening purposes. The proposed landscape plan has been reviewed by staff and meets the requirements of the zoning ordinance.

7. The proposed storage units will be required to meet the design standards guidelines for building materials as outlined in Section 8.11. This will be determined as part of the building permit process.

8. A sidewalk/trail exists along South 48th Street.

9. Per Section 6.06, the Zoning Ordinance requires no conditional use permit shall be granted unless the Planning Commission or City Council has found:

6.06.01 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.
6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

The Planning Department believes this application meets the criteria for approval of the Conditional Use Permit.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL of the conditional use permit based on conformance with the requirements of the zoning ordinance and lack of perceived negative impact on the surrounding neighborhood.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Site plan received February 17, 2020
4. Landscape Plan received March 4, 2020
5. Conditional Use Permit Agreement
6. Email from James Catlett received March 19, 2020

VII. COPIES OF REPORT TO:

1. Stephen & Smith Construction Co./Rip Inc
2. Thompson, Dreeseen, and Dorner, Inc.
3. Public Upon Request

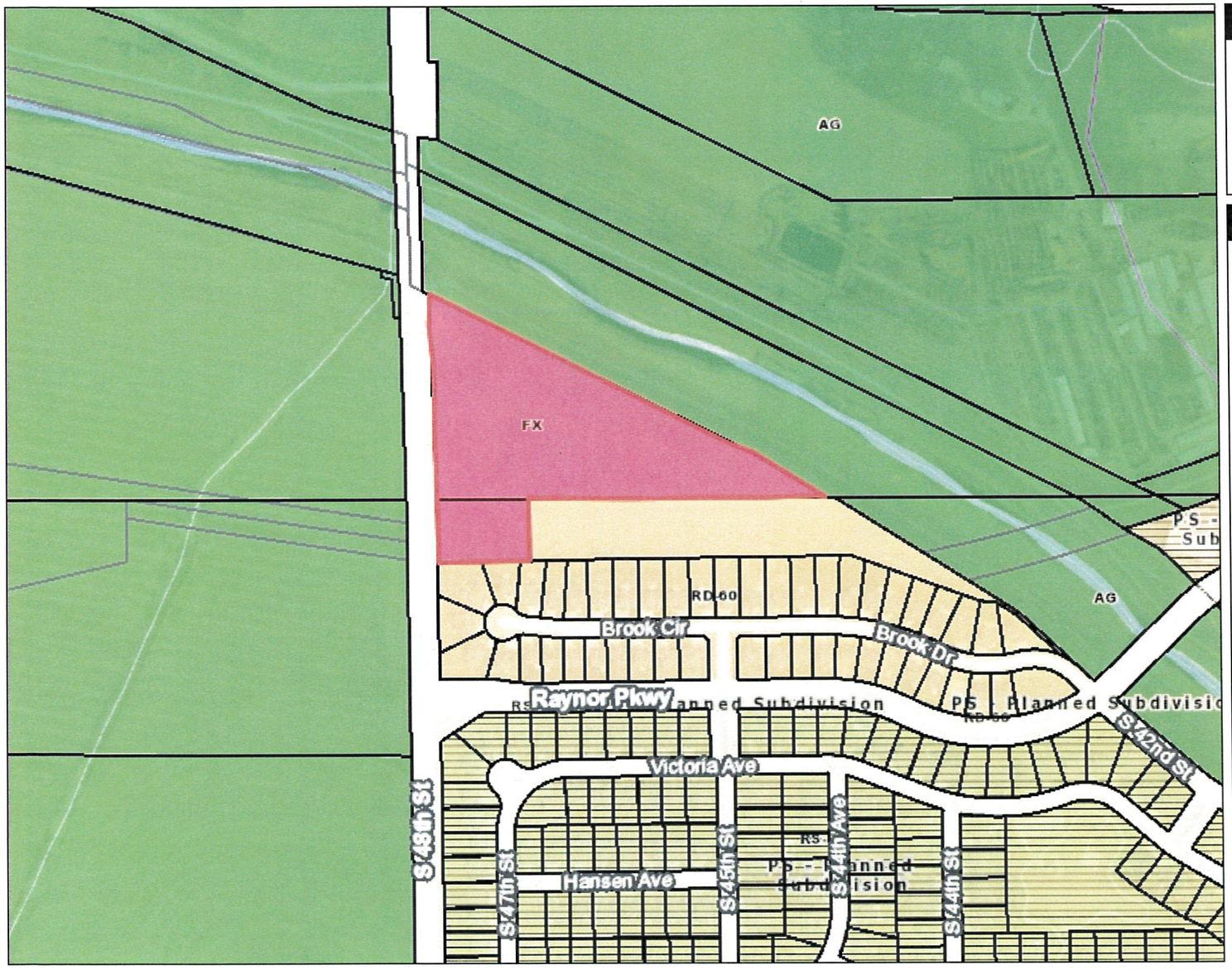
Tammi L Palm

Prepared by:

Tammi L Palm 03/19/2020

Planning Manager Date of Report

Zoning Map



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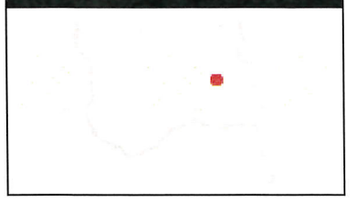


Legend

Road Centerlines

2018 Aerial Photo

- Red: Band_1
- Green: Band_2
- Blue: Band_3

N

1: 4,800

0 200 400 800

Feet

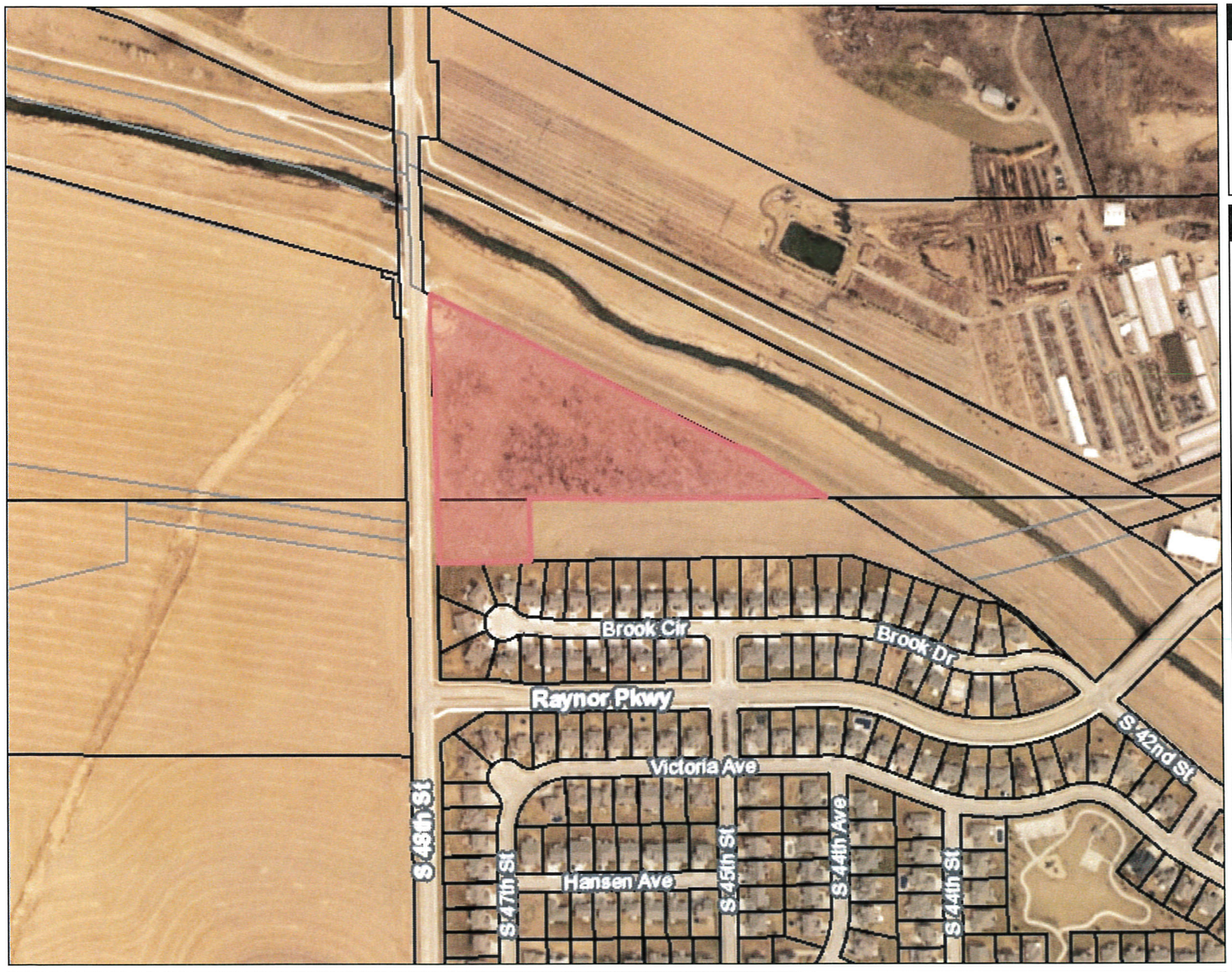
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

Sarpy County GIS

sarpy county GIS

1210 Golden Gate Dr.
Suite 1130
Papillion, NE 68046
maps.sarpy.com

Lot 1, Ashford Hollow North



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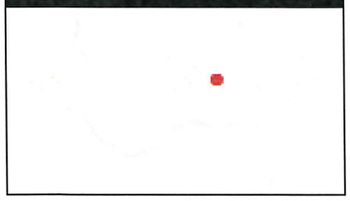

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Sarpy County GIS

sarpy county GIS

1210 Golden Gate Dr.
Suite 1130
Papillion, NE 68046
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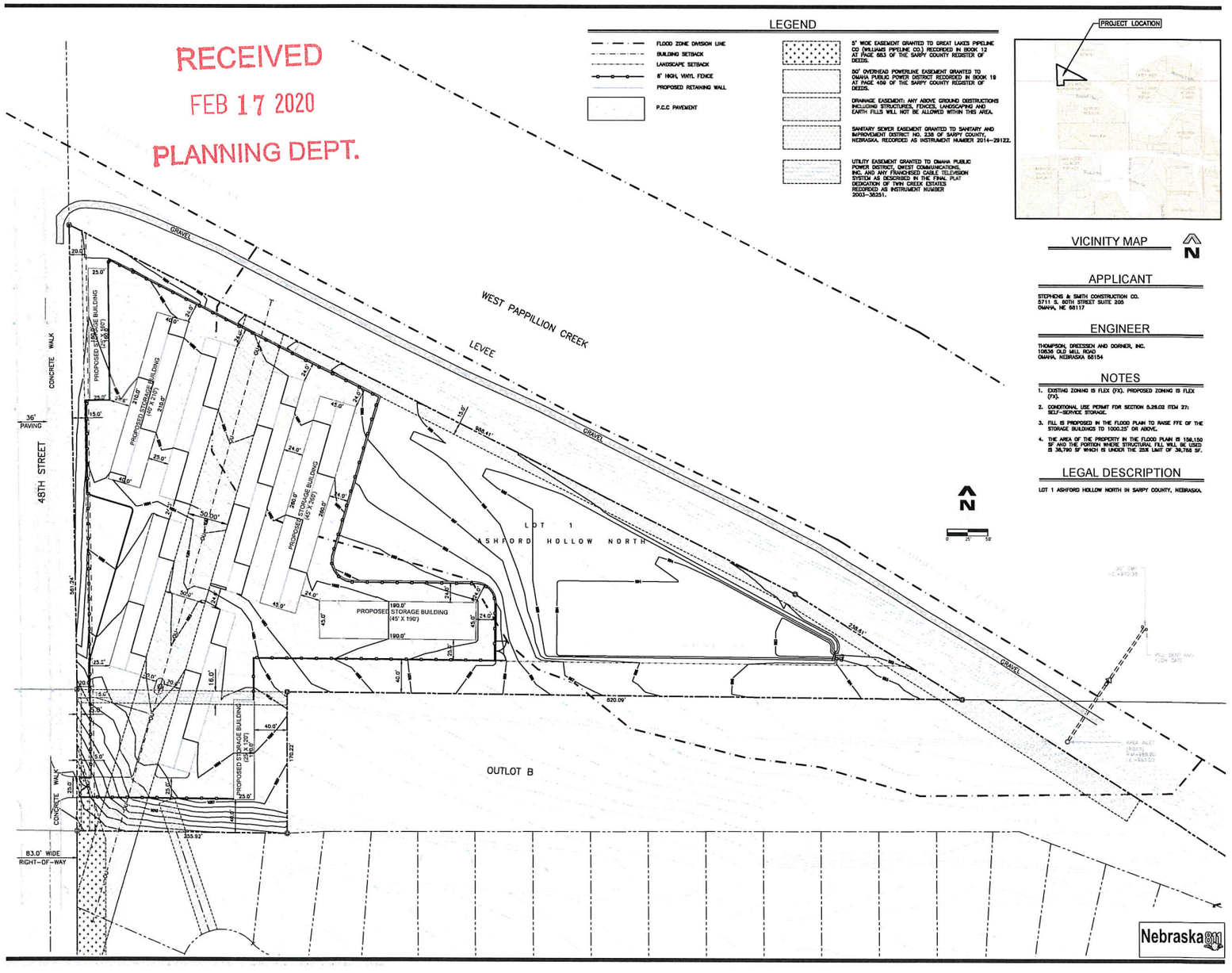
RECEIVED
FEB 17 2020
PLANNING DEPT.



TD2 engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Ashford Hollow Storage

Stephens & Smith Construction Co.

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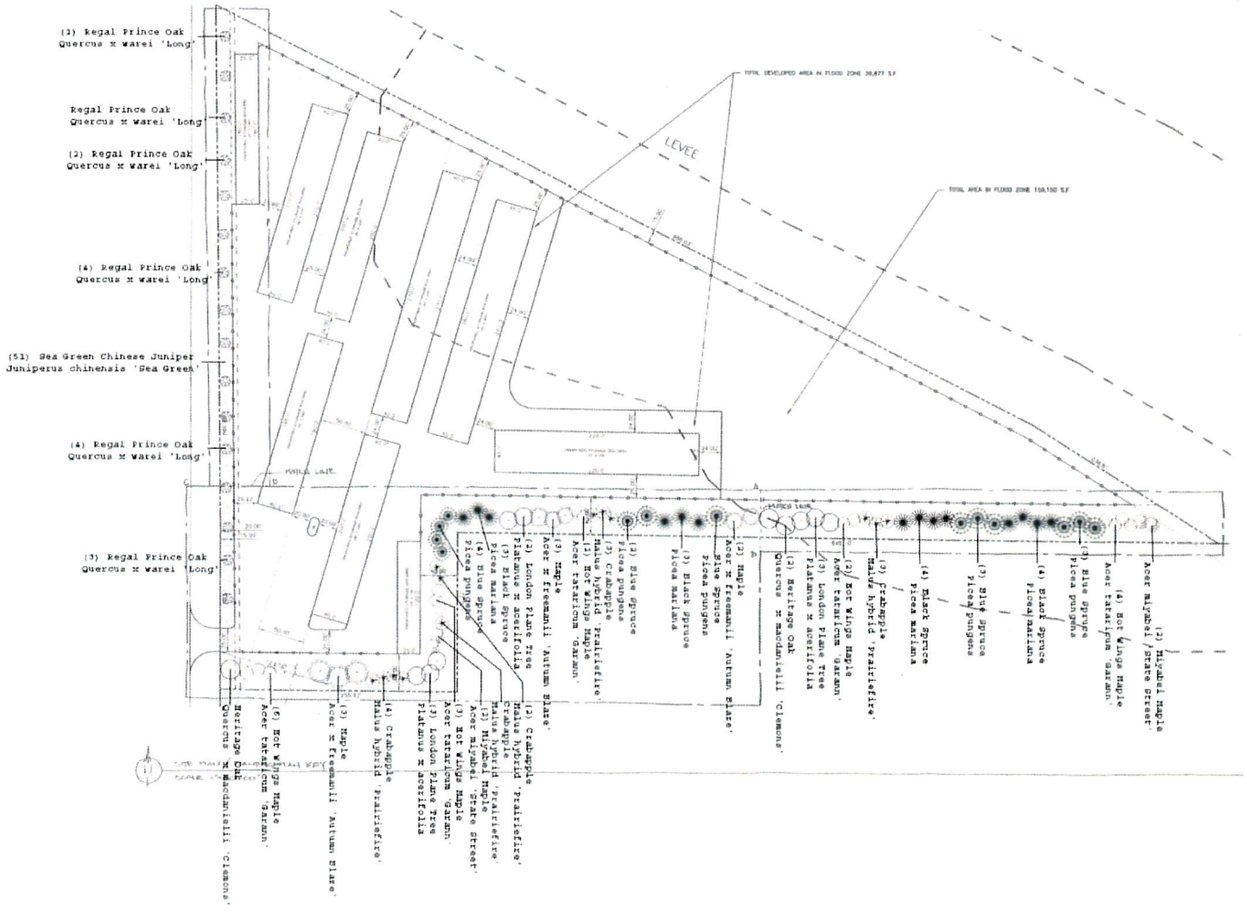
Drawn By: RBR Reviewed By: JAD
Job No.: 2169-101 Date: 02.17.20

CUP Site Plan

RECEIVED
MAR 04 2020
PLANNING DEPT.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(51) Sea Green Chinese Juniper
Juniperus chinensis 'Sea Green'
(4) Regal Prince Oak
Quercus x warei 'Long'
(3) Regal Prince Oak
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LEVEE
Heritage Oak
Quercus x macdanielii 'Clemons'
(6) Hot Wings Maple
Acer tataricum 'Garann'
Acer x freemanii 'Autumn Blaze'
(3) Maple
(4) Crabapple
Malus hybrid 'Prairiefire'
Platanus x acerifolia
(3) London Plane Tree
Acer tataricum 'Garann'
(3) Hot Wings Maple
Acer miyabei 'State Street'
(2) Miyabei Maple
Malus hybrid 'Prairiefire'
Picea pungens
(4) Blue Spruce
Picea mariana
(4) Black Spruce
Platanus x acerifolia
(2) London Plane Tree
(2) Crabapple
Malus hybrid 'Prairiefire'
(3) Crabapple
Malus hybrid 'Prairiefire'
(3) Hot Wings Maple
Acer tataricum 'Garann'
(3) Maple
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(2) Blue Spruce
Picea pungens
(3) Black Spruce
Picea mariana
Acer x freemanii 'Autumn Blaze'
(2) Maple
Blue Spruce
Picea pungens
(2) Heritage Oak
Quercus x macdanielii 'Clemons'
(3) London Plane Tree
Platanus x acerifolia
Acer tataricum 'Garann'
(3) Hot Wings Maple
Malus hybrid 'Prairiefire'
(3) Crabapple
(4) Black Spruce
Picea mariana
(3) Blue Spruce
Picea pungens
(4) Black Spruce
Picea mariana
(3) Blue Spruce
Picea pungens
Acer tataricum 'Garann'
(4) Hot Wings Maple
Acer miyabei / State Street
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Record & Return To:
City of Bellevue Planning Department
1510 Wall Street
Bellevue, NE 68005

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 1, ASHFORD HOLLOW NORTH,
LOCATED IN THE NORTHWEST ¼ OF SECTION 32, AND THE SOUTHWEST ¼ OF SECTION 29,
ALL IN T14N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA

Conditional Use Permit for Stephens & Smith Construction Company/Rip Inc.

This Conditional Use Permit issued this _____ day of April, 2020 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska ("City") to Stephens & Smith Construction Company/Rip Inc., ("Applicant"), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Rip Inc., is the legal owner of Lot 1, Ashford Hollow North, located in the Northwest ¼ of Section 32, and the Southwest ¼ of Section 29, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 8.18 acres, more or less ("Property"). Applicant desires to use the Property for the purpose of a self storage facility; and

WHEREAS, Applicant has applied for a conditional use permit for the purpose of using the Property as described above; and

WHEREAS, the Mayor and City Council of the City of Bellevue are agreeable to the issuance of a conditional use permit to the Applicant for such purpose, subject to certain conditions and agreements as hereinafter provided (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Applicant to use the Property for the purpose described above, said use hereinafter being referred to interchangeably as a "Permitted Use" or "Use".

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.

2. In respect to the proposed Use:

a. A site plan showing the Property's boundaries, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "A." A landscape plan is attached as Exhibit "B."

b. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A") and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.

c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant's Use of the Property.

3. The Applicant's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:

a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and opportunity to cure in the time and manner described below.

b. Construction of the Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void.

c. Applicant may maintain a self storage facility on the Property.

d. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant's expense within twelve (12) months of cessation of the Use of the Property.

e. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.

f. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant's expense.

4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:

a. Applicant's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.

b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.

c. Applicant's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.

5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the same to be removed at Applicant's cost (including, but not limited to, the cost of any excavation and

earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall reimburse the City the costs incurred to remove the same. Applicant hereby irrevocably grants the City, its agents and employees, the rights, provided notice is furnished to the Applicant along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards, nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

6. If any provisions, or any portion thereof, contained in this Permit are held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

7. The conditions and terms of this Permit shall be binding upon Applicant, its successors and assigns.

a. Delay of City to terminate this Permit on account of breach of Applicant of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

b. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Applicant shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Applicant of any breach of this Permit. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section b and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

c. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.

d. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

Lance Jordan
Rip Inc.
1542 South 1st Street
Lincoln, NE 68502

e. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

The City of Bellevue

By: _____
Rusty Hike, Mayor

ATTEST:

_____
Susan Kluthe, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

The undersigned, a notary public qualified in and for said county, does hereby certify that Rusty Hike and Susan Kluthe, whose names as Mayor and City Clerk respectively, of the City of Bellevue, Nebraska, a municipal corporation, are signed to the foregoing instrument and who are each known to me and known to be such officers, acknowledged before me on this day and they, in their respective capacities as Mayor and Deputy City Clerk, executed and delivered said instrument as their voluntary act and deed and voluntary act and deed of such corporation.

Witness my hand and notarial seal this ____ day of _____, 2020.

_____
Notary Public

_____
Lance Jordan

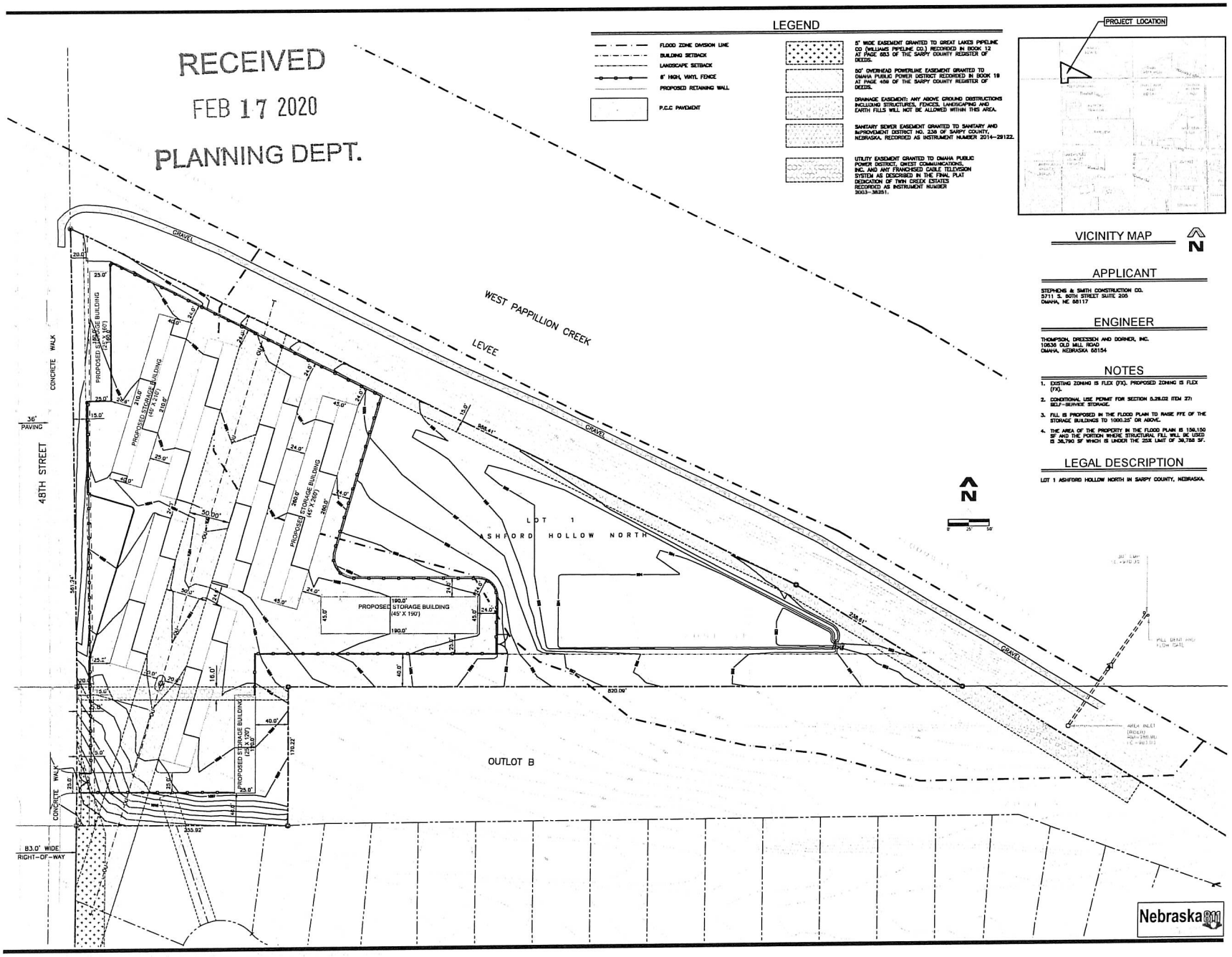
STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Lance Jordan signed the foregoing instrument, acknowledged before me on this day and he executed and delivered said instrument as his voluntary act and deed.

Witness my hand and notarial seal this ____ day of _____, 2020.

_____
Notary Public

RECEIVED
FEB 17 2020
PLANNING DEPT.



TD2 engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Ashford Hollow Storage

Stephens & Smith Construction Co.

Exhibit "A"

No.	Description	MM-DD-
-	-	-
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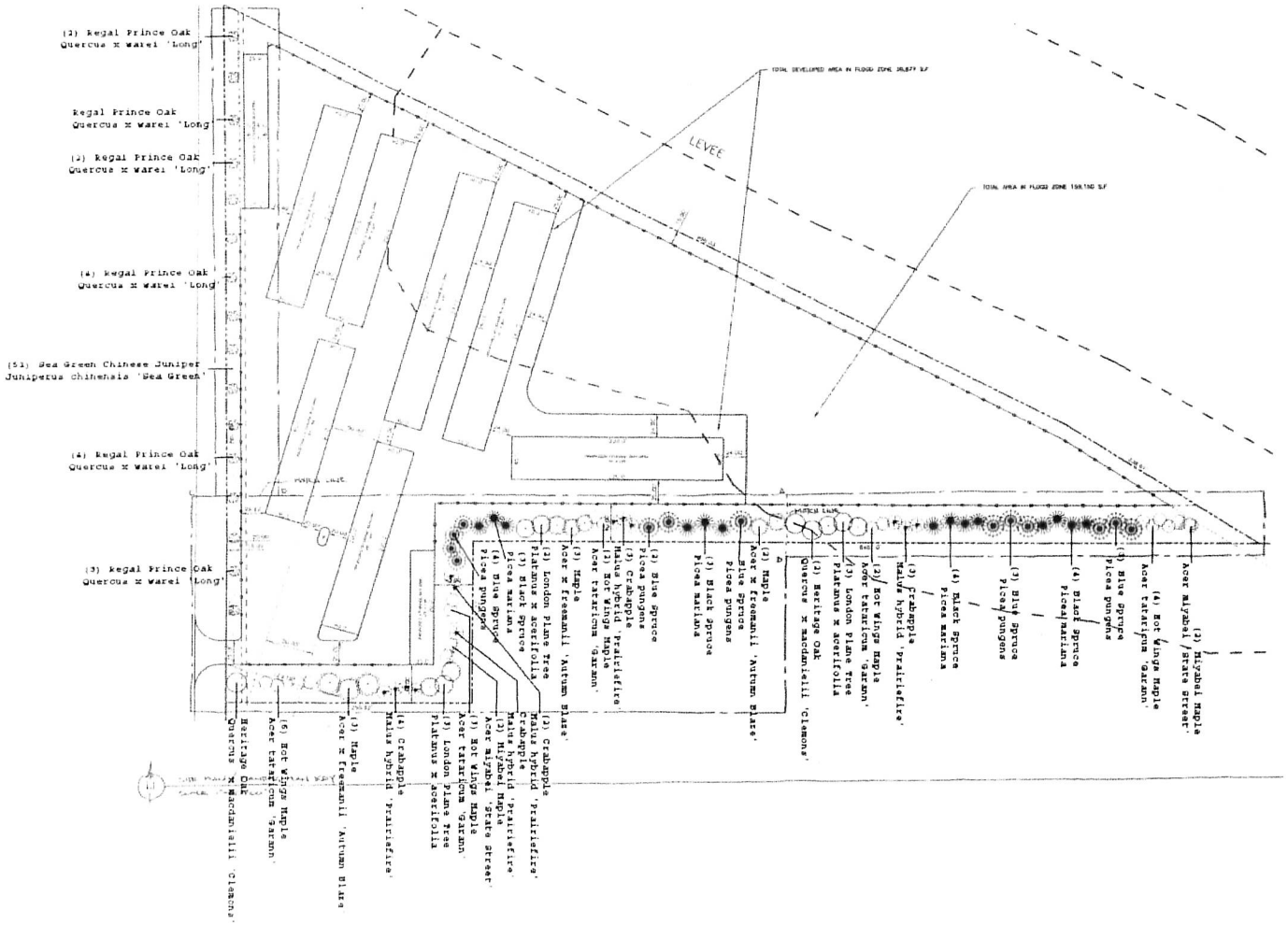
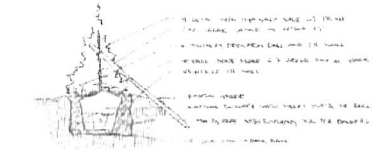
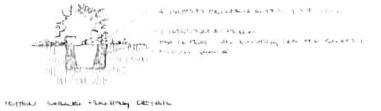
Drawn By RBR Reviewed By JAD
Job No. 2169-101 Date 02.17.20

CUP Site Plan

RECEIVED
MAR 04 2020
PLANNING DEPT.







Plant Legend

Symbol	Qty	Size	Common	Botanical	Spacing
	4	2"	State Street Maple	Acer miyabei 'State Street'	18'
	17	2"	Hot Wings Maple	Acer tataricum 'Garann'	10'
	8	2"	Autumn Blaze Maple	Acer x freemanii 'Autumn Blaze'	18'
	51	2G	Sea Green Chinese Juniper	Juniperus chinensis 'Sea Green'	
	13	2"	Crabapple	Malus hybrid 'Prairiefire'	10'
	14	4'	Black Hills Spruce	Picea glauca	12'
	13	4'	Blue Spruce	Picea pungens	12'
	8	2"	London Plane Tree	Platanus x acerifolia	20'
	3	2"	Heritage Oak	Quercus x macdanielii 'Clemons'	18'
	16	2"	Regal Prince Oak	Quercus x warei 'Long'	

Exhibit "B"

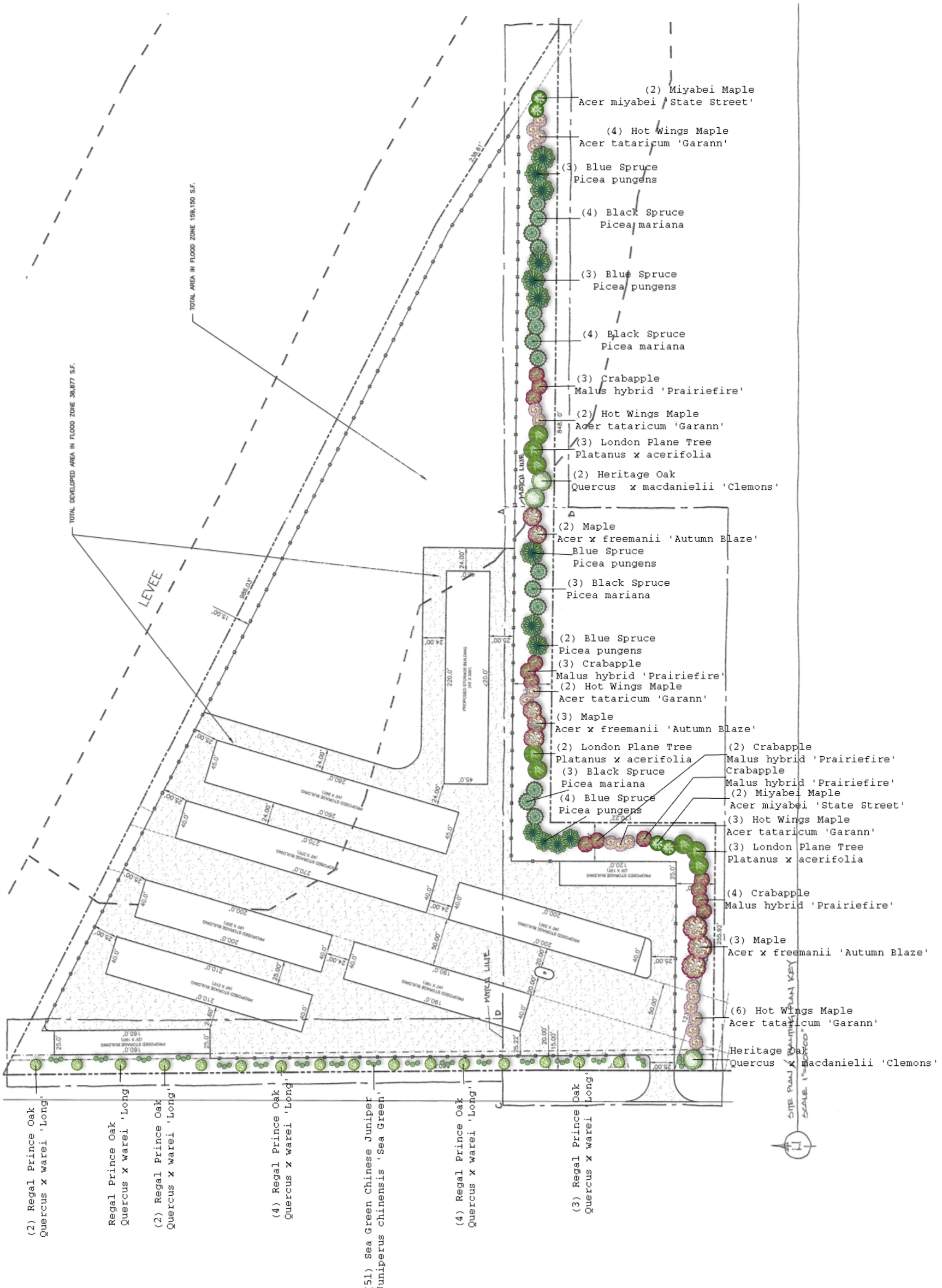
Tammi Palm

From: Catlett, James <JCatlett@anbank.com>
Sent: Thursday, March 19, 2020 1:02 PM
To: Tammi Palm
Cc: catlettcrew5@yahoo.com
Subject: Ashford Hollow North - Self-Storage Facility

I'm uncertain with the current restrictions due to COVID-19 if the public hearing will take place on March 26th, but I wanted to share my thoughts via email.
My wife and I as well as several neighbors were very upset to hear about the plans for the land behind our homes. I know in terms of numbers I am able to speak on behalf of my wife, Lacey, and I... but this storage facility is going to be an eyesore. Before the recommendation for social distancing, our children would convene in the area behind our homes and play games, run from yard to yard with friends and "explore" for frogs and toads. They'd even take out bags with gloves on to pick up litter to keep the area looking nice. The city doesn't mow the land very often, so many for us have taken it upon ourselves to mow a good 20-30 yards past our property lines to keep a nice, manageable area of the kids to play.
There's what I mentioned for the kiddos, but also there's the view! Being able to look out of our back door on a beautiful day and see the creek and the folks riding bikes or walking their dogs on the path just across the creek brings a smile to all of our faces. In the spring and fall, we can look out and see the lights of the Bellevue Berry Farm, we hear music some evenings and smell the bonfires. We have been so happy since moving into the Ashford Hollow North development.
Now, with the building of a facility like this, we'll look out our door and see boats or ski-dos in storage and several isles of self-storage units. This will negatively affect the value of our properties, but more so, it takes away from the beauty of our land and this area. This isn't an industrial-focused part of town and should remain free of such buildings if presented to our city's planning commission.

I have included my wife as a CC reference on this email. This email is being sent on my personal behalf and does not represent an organization or business.
Thank you for your time and consideration. Take care and be safe during this time!
Sincerely,

James E. Catlett
(402)639-8511
4474 Brook Dr
Bellevue, NE 68123


(2) Miyabei Maple
Acer miyabei 'State Street'
(4) Hot Wings Maple
Acer tataricum 'Garann'
(3) Blue Spruce
Picea pungens
(4) Black Spruce
Picea mariana
(3) Blue Spruce
Picea pungens
(4) Black Spruce
Picea mariana
(3) Crabapple
Malus hybrid 'Prairiefire'
(2) Hot Wings Maple
Acer tataricum 'Garann'
(3) London Plane Tree
Platanus x acerifolia
(2) Heritage Oak
Quercus x macdanielii 'Clemons'
(2) Maple
Acer x freemanii 'Autumn Blaze'
Blue Spruce
Picea pungens
(3) Black Spruce
Picea mariana
(2) Blue Spruce
Picea pungens
(3) Crabapple
Malus hybrid 'Prairiefire'
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Picea pungens
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Crabapple
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(2) Miyabei Maple
Acer miyabei 'State Street'
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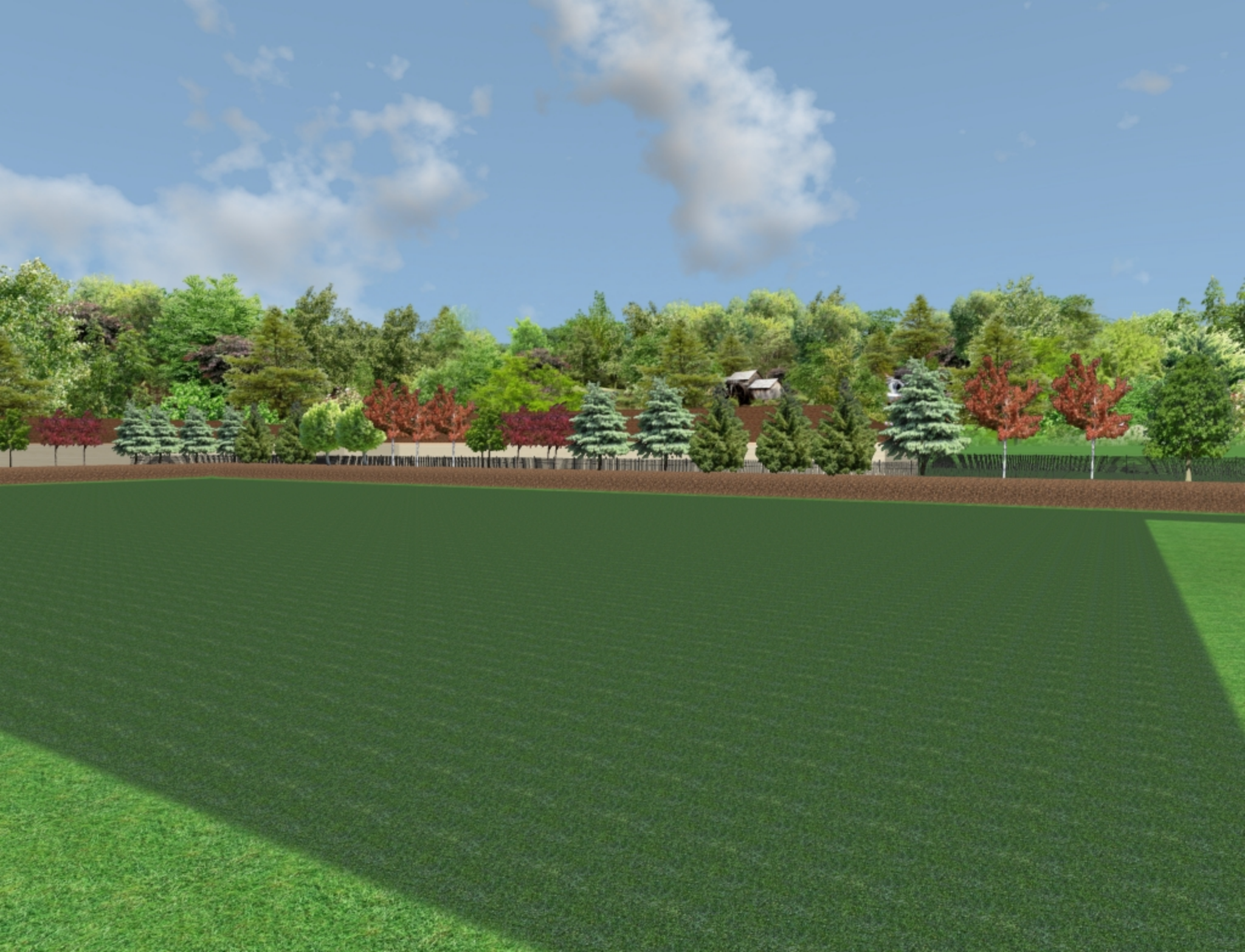
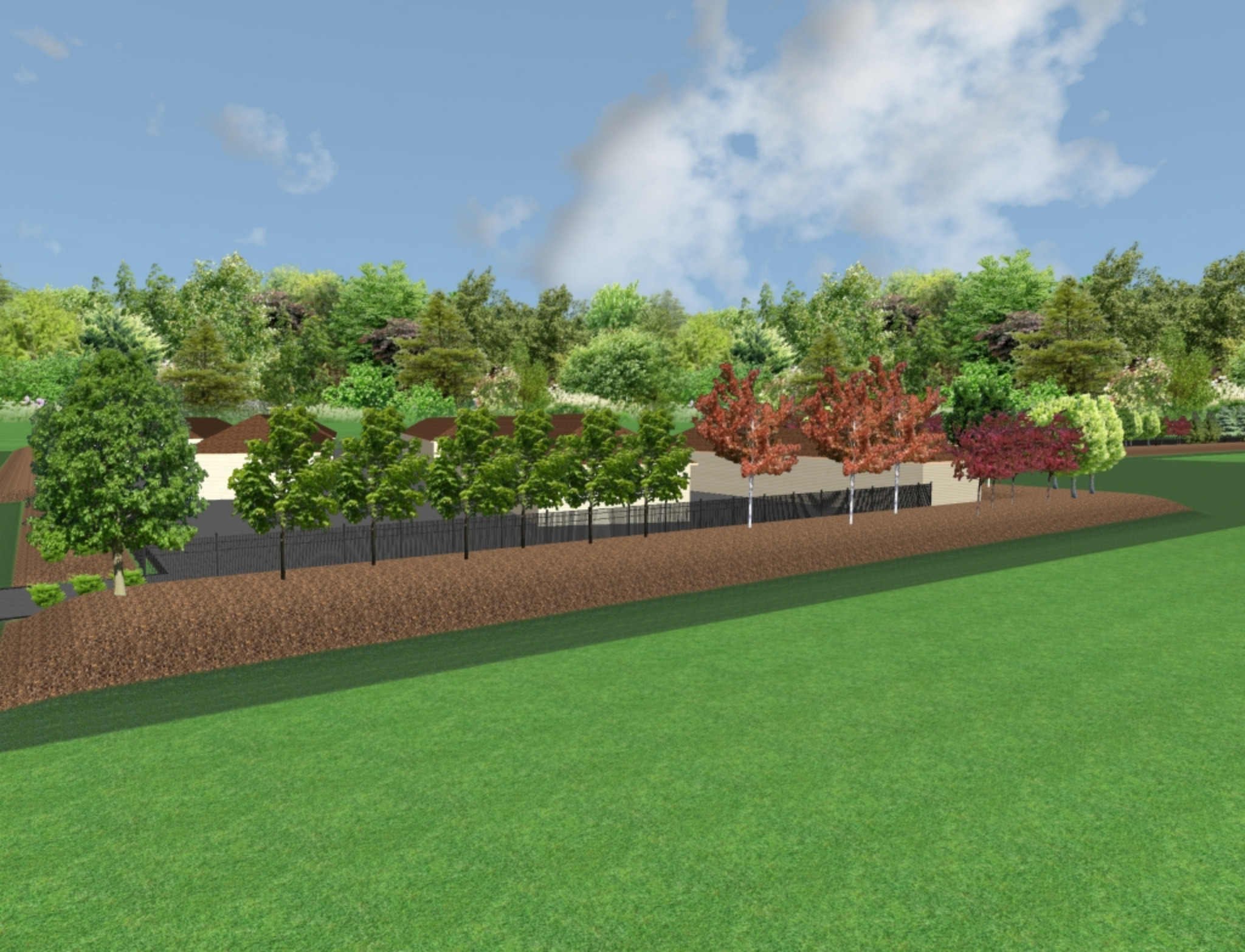
Acer tataricum 'Garann'
(3) London Plane Tree
Platanus x acerifolia
(4) Crabapple
Malus hybrid 'Prairiefire'
(3) Maple
Acer x freemanii 'Autumn Blaze'
(6) Hot Wings Maple
Acer tataricum 'Garann'
Heritage Oak
Quercus x macdanielii 'Clemons'
(2) Regal Prince Oak
Quercus x warei 'Long'
Regal Prince Oak
Quercus x warei 'Long'
(2) Regal Prince Oak
Quercus x warei 'Long'
(4) Regal Prince Oak
Quercus x warei 'Long'
(51) Sea Green Chinese Juniper
Juniperus chinensis 'Sea Green'
(4) Regal Prince Oak
Quercus x warei 'Long'
(3) Regal Prince Oak
Quercus x warei
LEVEE
TOTAL AREA IN FLOOD ZONE 159,150 S.F.
TOTAL DEVELOPED AREA IN FLOOD ZONE 38,877 S.F.
PROPOSED STORAGE BUILDING
MATCH LINE
SITE PLAN / PLANTING PLAN KEY
SCALE 1"=60'-0"





City of Bellevue
Planning Department
1510 Wall Street ▪ Bellevue, Nebraska 68005
(402) 293-3026

Agenda Items 3.b. and 3.c.

To: Planning Commission
From: Angela Curry, Assistant Planning Manager
Date: March 11, 2020
Subject: City of Bellevue annexation proposal

The City is taking the position that it is in its best interest to annex areas adjacent to the existing city limits; it is also part of the natural growth and development of a city. We are proposing the annexation of several unincorporated lots adjacent or close to the existing city limits. The overall annexation package consists of two different areas which have been labeled as Areas 1 and 2. The Planning Commission will hold a public meeting on these areas at its March 26, 2020 meeting.

Unlike with the annexation of Sanitary and Improvement Districts, the City does not assume any debt with the annexation of these unincorporated areas. The City will, however, begin receiving property tax revenue from these areas beginning in 2021. The current assessed value of the properties in this annexation proposal is $6,712,266. Based upon the City's current levy, the increase in property tax receipts for the City would be approximately $41,000; this figure will change in the future based upon changes in assessed valuation and the City's property tax rate. In addition to property tax revenue, the City will receive an additional $8,070.00 in State Highway Allocation funding, plus other revenue including such things as sales taxes on items delivered to these areas. Estimates of these amounts are not available.

The properties involved in this annexation will see an increase in their tax levy in future years as a result of the City's levy being added to the tax bill; annexation will also result in the elimination of the levy assessed by the Good Luck Rural Fire Department. Based upon current property tax levies, the net effect of the change in levy will be a levy increase of 0.46736 beginning with taxes payable in 2021. This levy increase will result in a property tax increase of $701.04 on a property assessed at $150,000.

Upon the effective date of the annexation residents will begin receiving City services. In some cases, residents are already receiving the benefits of city services, such as snow removal and fire protection; in other cases, the City is restricted in providing needed services, such as Code Enforcement, to areas that are outside the city limits. This annexation proposal was distributed to other departments for review with a request to determine what additional resources they would require, in terms of manpower and equipment, to deliver services to the residents of these areas. Most departments indicated the ability to serve these areas with existing resources, however, the Street Department indicated a need for an additional maintenance budget of approximately $60,000; to be disbursed in increments of $15,000 over the course of four years.

The City recognizes the need for infrastructure improvements in some of these areas. Discussions with the City Administrator and Public Works Director indicate that after final action by the Council on the annexation proposals, the City will undertake a comprehensive review of infrastructure needs and develop a long-term plan to address these needs.

The financial aspects of this annexation proposal have been discussed with the City Administrator and Finance Director and both agreed the financial impacts of the annexation are within the City's budgetary means.

DEPARTMENT RECOMMENDATION

APPROVAL based upon the positive financial impact on the City and the natural growth and development of the City.

City of Bellevue
Street Department
206 Industrial Dr • Bellevue, Nebraska 68005 • (402) 293-3126

MEMORANDUM

To: Tammi Palm Planning Manager
From: Bobby Riggs BR Street Superintendent

Subject: March 2020 Annexation Package Review;
03/26/2020 Planning Commission Meeting

Date: March 18, 2020

I. MANPOWER NEEDS

Minimal, no impact to operations.

II. EQUIPMENT NEEDS

Minimal, no impact to operations.

III. DEPARTMENT OPERATIONAL BUDGET

Due to the existing conditions of the roadway along s 42nd St, the department will need to prioritize asphalt patching or sectional roadway replacement over the next 3-4 fiscal years. While patching will not greatly impact year 1 needs, moving forward, maintenance funds would need to increase in years 2 through 5 by $15,000 per year, over and above current funding level needs, to perform full-depth roadway replacement on 42nd St to the new corporate limits.

IV. HIGHWAY ALLOCATION

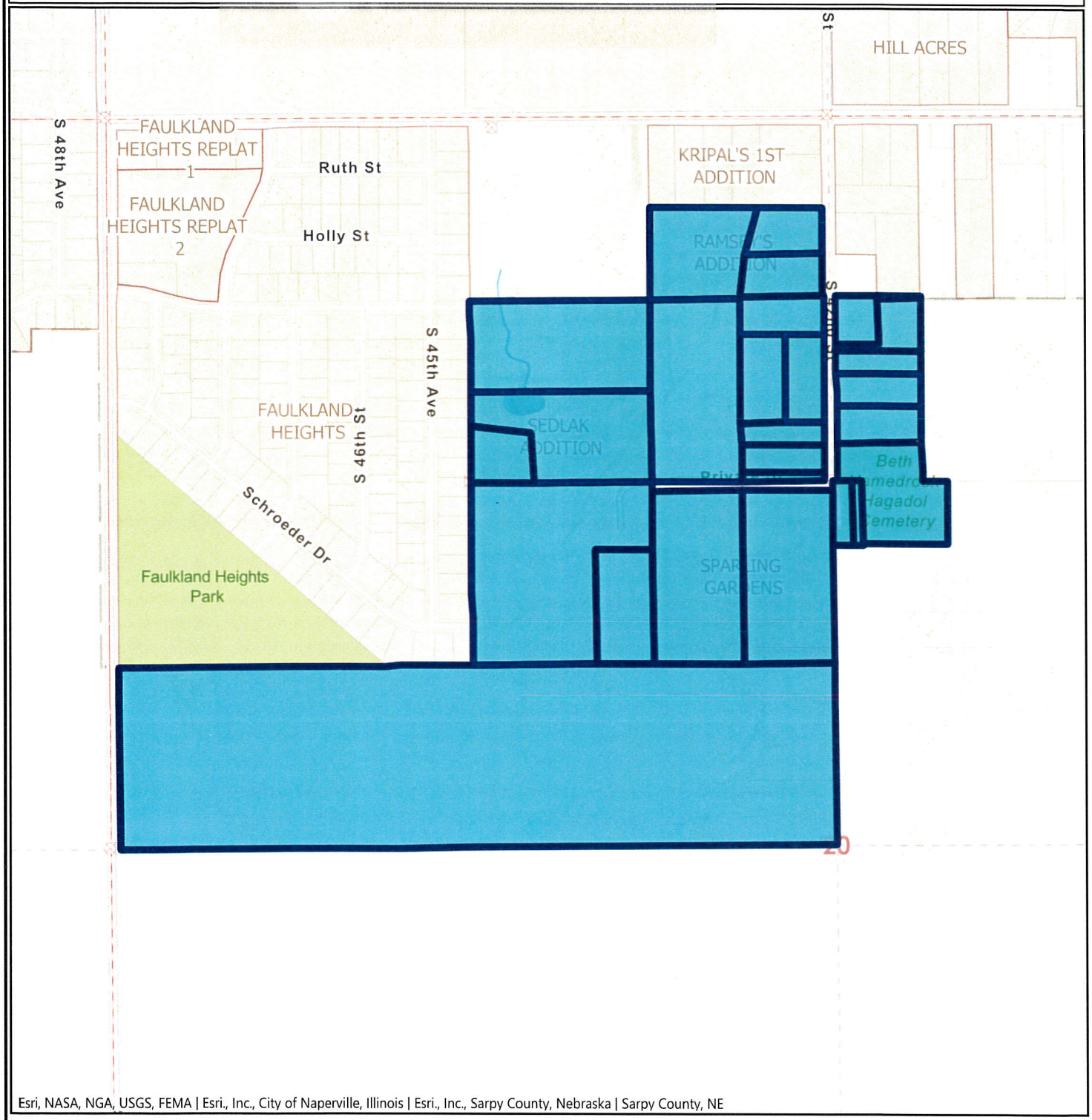
Highway Allocation funding is somewhat fluid and subject to change with revenue fluctuation.
Revenue projections in this report are based solely on fiscal 2018-19 budget projections reduced to a per lane mile estimate. Fiscal 2019-20 budget – $5,373,380 for 2019 lane mile levels. This budget forecast factors to $8,070 per lane mile in revenue from the Highway Trust fund on an annual fiscal basis.

Annexation package – 0.26 lane miles, S 42nd St. (Area 1)

12-month anticipated increase to Highway Allocation revenue levels - $2,098.20.

SARPY COUNTY
NEBRASKA

Annexation Area # 1



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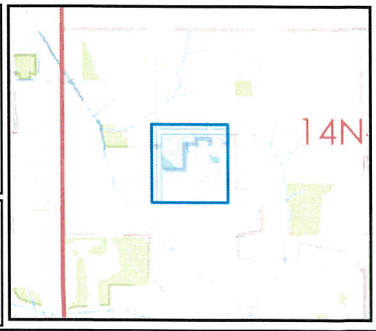

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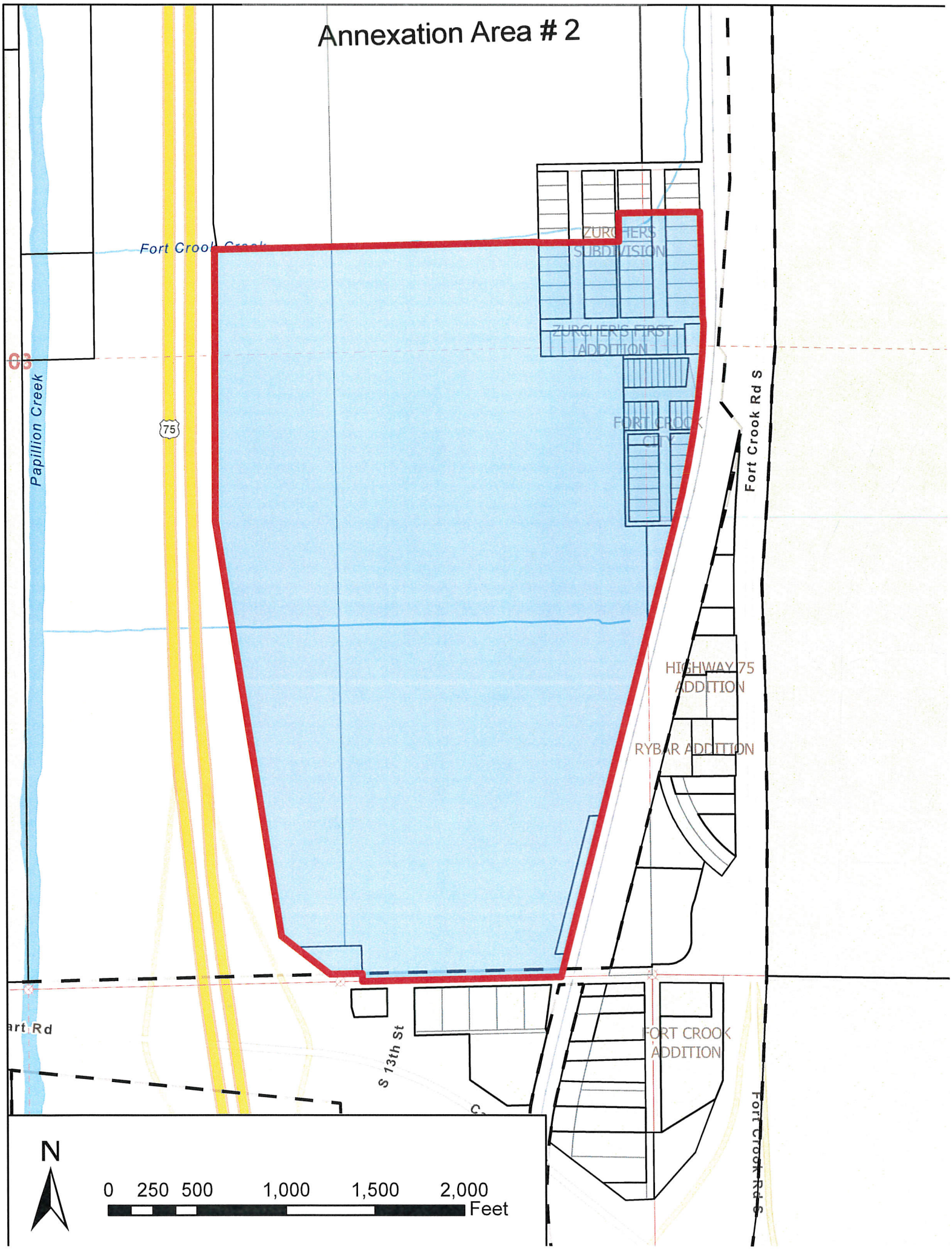
Annexation Area # 2



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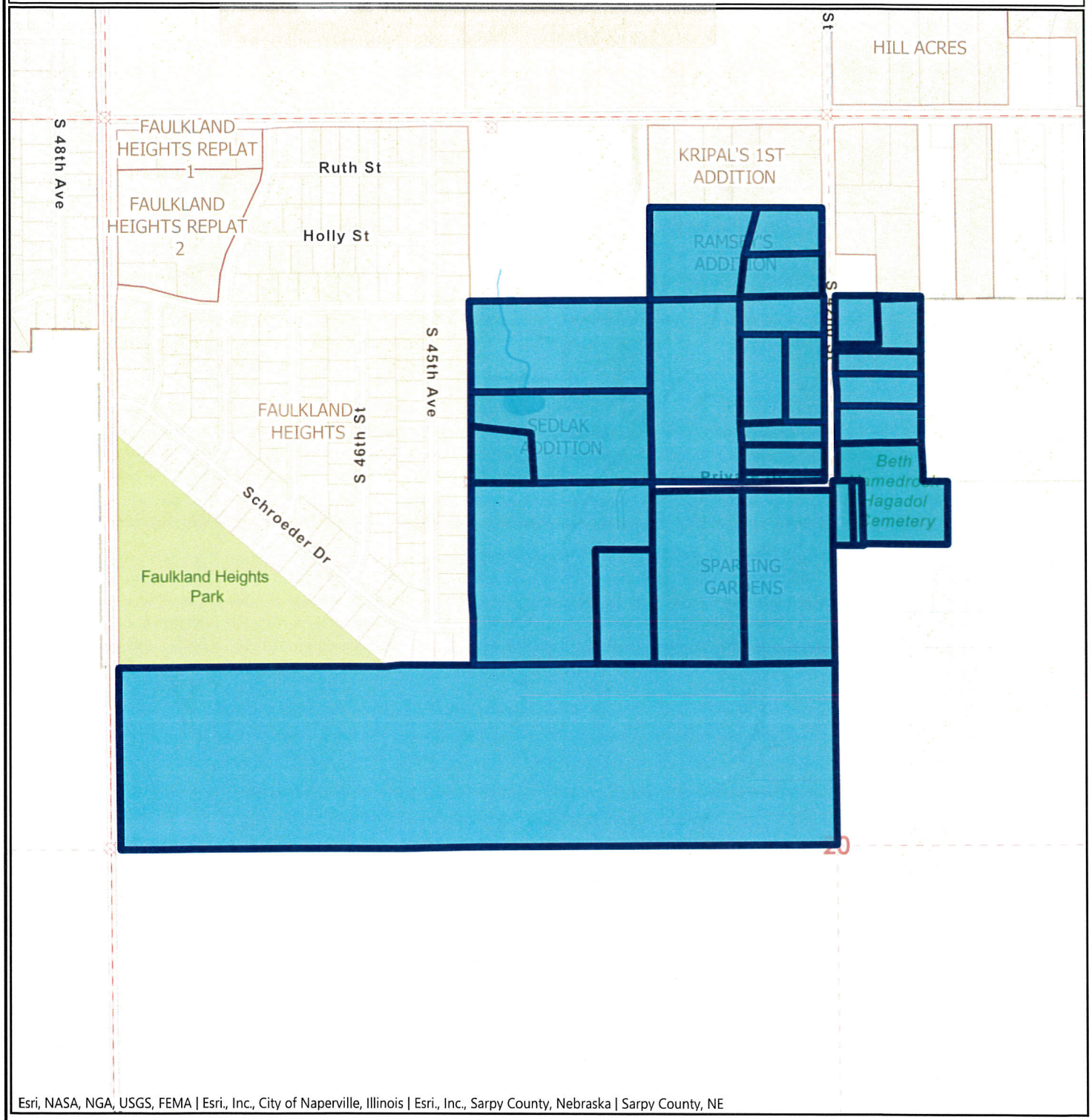

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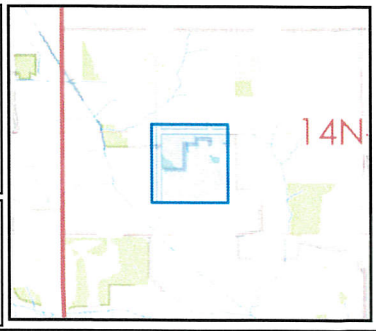

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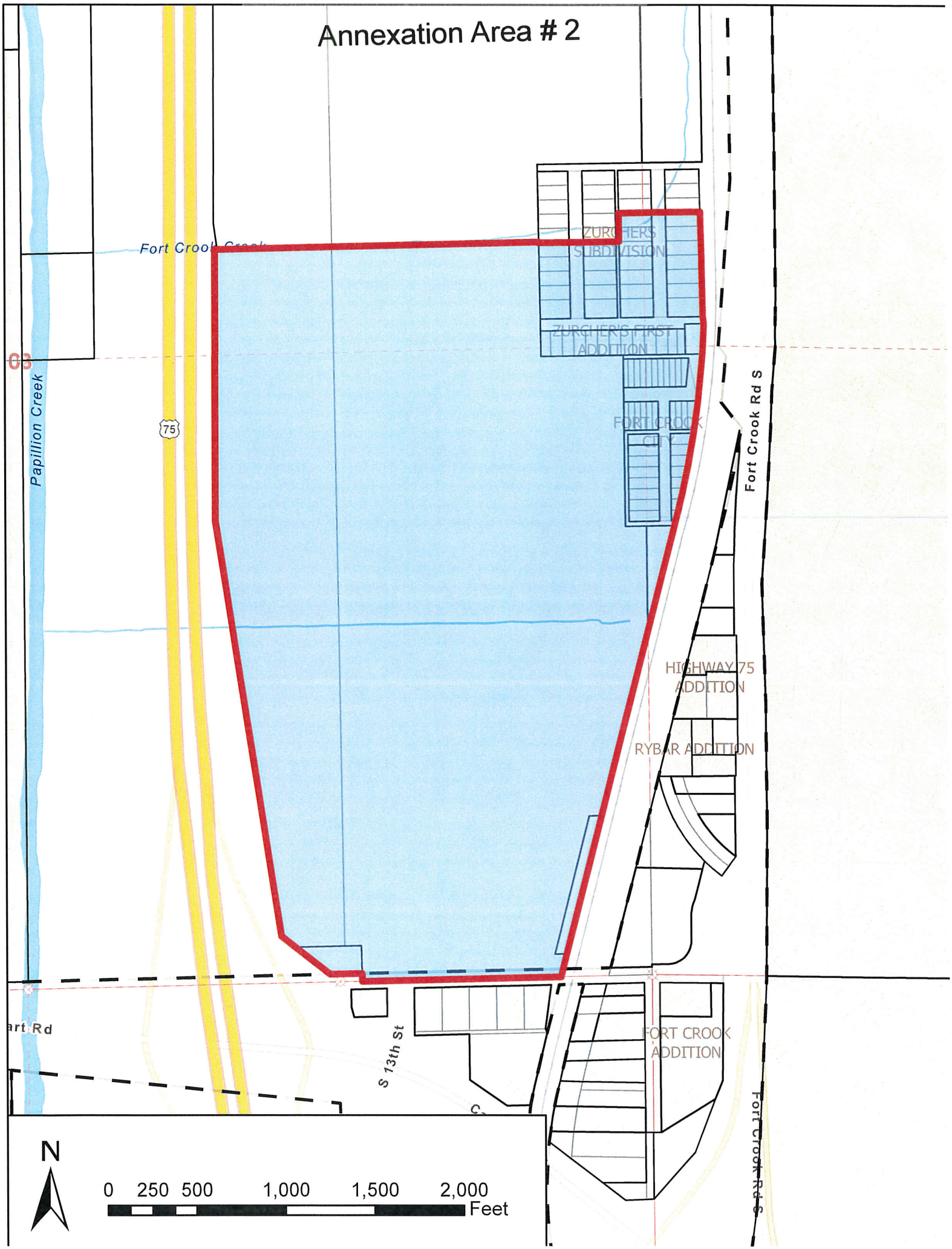
Annexation Area # 2