

BELLEVUE PLANNING COMMISSION

Thursday, December 21, 2017 7:00 PM
Bellevue City Hall
1500 Wall Street

1. CALL TO ORDER:

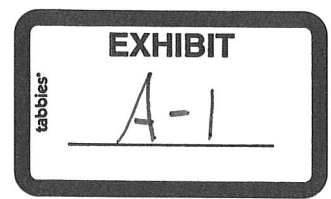
- a. Pledge of Allegiance
- b. Roll Call
- c. The Open Meetings Act location
- d. Approve Minutes of the November 16, 2017
Regular Meeting
- e. Accept into the record all staff reports,
attachments, memos, and handouts regarding
each application.

2. CONSENT AGENDA/PUBLIC HEARINGS:

3. PUBLIC HEARINGS:

- 4. Request to amend Sections 5.22 BG General
Business District, 5.23 BGM Metropolitan
General Business District, and 5.24 BGH Heavy
General Business District, City of Bellevue
Zoning Ordinance, regarding "laundry (self-
service automatic)" as a permitted use.
Applicants: TCH Inc. and City of Bellevue.
- 5. Request to rezone Lots 1 through 227, and Outlots
A through D, Falcon Pointe, being a platting of
the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, excluding Tax
Lot 1, and excluding right-of-way, located in
Section 7, T13N, R13E of the 6th P.M., Sarpy
County, Nebraska from AG to RG-50-PS and RS-72,
for the purpose of single family residential
development; and preliminary plat Lots 1
through 227, and Outlots A through D, Falcon
Pointe. Applicant: Charleston Homes. General
Location: Southwest corner of 48th Street and
Capehart Road. Case #'s: Z-1709-06 and S-1709-
14.

6. CURRENT BUSINESS



MINUTE RECORD

Bellevue Planning Commission Meeting, November 16, 2017, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, November 16, 2017 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Cain, Smith, Baumgartner, Jacobson, Ackley, and Casey. Absent were Commissioners Madden and Ritz. Also present were Chris Shewchuk, Planning Director and Tammi Palm, Land Use Planner.

Notice of this meeting was given in advance thereof by publication in the Bellevue Leader and posting in three 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.

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

Motion was made by Casey, seconded by Smith, to approve the minutes of the October 19, 2017 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Motion was made by Ackley, 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.

Jacobson explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone Lots 22, 23, 26, and 27, Spring Ridge, and Lots 1 and 2, Spring Ridge Replat One, from RS-72 to RD-60 for single family residential development. Applicant: Orchard Valley, Inc. General Location: South 21st Street and Gindy Drive. Case #: Z-1709-05.

Melvin Sudbeck, 16255 Woodland Drive, Omaha, stated the request is to rezone six lots from RS-72 to RD-60. The Spring Ridge project took a couple of years to be finalized, as there were many revisions to the plat. Sudbeck stated the reason for the rezoning request was an oversight on the lot sizes of these six lots. He stated it was his intent these lots be zoned RD-60 from the beginning. The lots are more consistent with the lots to the east, which are zoned RD-60. The RS-72 lots are to the west of 21st Street. Sudbeck explained the six lots were never intended to be zoned RS-72. It was discovered when he applied for a building permit on a house he sold, that the side yard setback did not meet the RS-72 requirement. He explained he had a contractual obligation to build the home. In order to build the home, an administrative plat was done to adjust the lot line by adding a foot and a half to the lot he had sold a house on. This lot is now Lot 2, Spring Ridge Replat One. The six lots he is making the rezoning request for face RD-60 zoned lots. He mentioned from a marketing standpoint, the larger lots will not sell for more money when they are facing smaller lots. He stated the smaller lots would consist of smaller products. He explained the development has two different lot sizes; therefore, two different products will be built in the subdivision.

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

Ackley referred to the last page of the recommendation report. He mentioned the document is dated April 1, 2014. He inquired if this prior draft indicated the six lots which were zoned RS-72. Shewchuk explained the document was submitted as a zoning exhibit with the Spring Ridge preliminary plat. The document indicates the area with the six lots zoned RS-72, and the area to the east of 21st Street zoned RD-60. He explained 21st Street would be the boundary between the two zoning districts. Ackley clarified the initial request for zoning does show the six lots zoned RS-72. Shewchuk replied yes. Ackley inquired if someone came in to develop Tax Lot 13A to the south of this property, would 21st Street continue to the south. Shewchuk replied it would be logical to have 21st Street continue south.

Ackley inquired if the larger setback was enforced, what would be the allowed square footage for the houses. Shewchuk replied he cannot comment on the size of the houses. The issue is with the side yard setback. The RS-72 zoning has a side yard setback of seven feet, with a street side yard setback of 20 feet. The RD-60 zoning has a side yard setback of five feet, with a street side yard setback of 15 feet. Shewchuk stated Lot 26 was platted as non-conforming and it is unbuildable. He explained it only has 60 feet of frontage and is required to have 65 feet. Ackley inquired if the plat was approved with a lot that is not buildable. Shewchuk replied yes. Ackley questioned what can be done with this lot. Shewchuk explained the Planning Department met with Mr. Sudbeck a few months ago. He stated Mr. Sudbeck was advised to replat the six lots into five lots to conform into five buildable lots. Ackley inquired if the lot is zoned RD-60 would it become a buildable lot. Shewchuk replied yes.

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Ackley questioned if there was ever a situation before where a plat was approved and a lot was unbuildable. Shewchuk stated not that he was aware of. Ackley stated it sounds like there were errors on both sides. Shewchuk explained if the original rezoning application was submitted with RD-60 zoning on the west side of 21st Street, the recommendation would have been denial based on staff's desire to have 21st Street be the boundary between the RD-60 and RS-72 zoning districts. He stated it was understood the intent was to have the lots zoned RS-72 on the west side of 21st Street. Ackley inquired if the replat was done for what is currently shown as Lots 1 and 2, Spring Ridge Replat One, so the house could be built to meet the setbacks. Shewchuk explained the house will be built on Lot 2. He explained before the replat was done, the seven-foot side yard setback could not be met. Shewchuk mentioned the lot lines had to be moved in order to meet the setbacks. He stated all the lots are buildable, with the exception of Lot 26. He mentioned there might be difficulty building on Lots 22 and 27 with the 20-foot street side yard requirement. Ackley clarified nothing could be built on Lot 26 because of the 60 foot width. Shewchuk replied that was correct. Jacobson requested clarification if it was not buildable under both the RS-72 zoning and RD-60 zoning. Shewchuk replied it can be buildable under the RD-60 zoning.

Cain inquired if any correspondence was received from neighbors in the area. Shewchuk replied there was nothing received. Cain inquired if the lots adjacent to the six lots are zoned RS-72. Shewchuk explained RD-60 is across the street, and the adjacent lots on the west side of 21st Street are zoned RS-72.

Smith questioned during the Planning approval was it made clear to the developer the zoning on the west side of 21st Street would be RS-72. Shewchuk replied the developer applied for the RS-72 zoning. He pointed out the exhibit in the packet from 2014 is the exhibit submitted by the developer indicating the RS-72 zoning on the west side of 21st Street. Smith referred to Mr. Sudbeck mentioning the six lots are consistent with the lots to the east zoned RD-60. She requested clarification from Mr. Sudbeck on what the nature of the consistency is he is referring too. Sudbeck replied the lot size is consistent, along with the 50-foot wide product to be built. He stated the lots would need to be a minimum width of 60 feet.

Ackley inquired if the zoning were to remain RS-72 and there was a waiver to allow Lot 26 buildable, if a product was available to build on Lot 26. Sudbeck commented with the seven-foot side yard setback there could be a product to fit on the lots. He explained the house would need to be constructed with a two car garage instead of a three car garage. Ackley inquired how Lot 26 could be made buildable. Shewchuk replied there are two options. He explained the first option is the applicant could request a waiver from the Board of Adjustment. It is in his opinion the Board would not grant a waiver since the developer platted the development with the current zoning. Shewchuk explained the second option is to request a rezoning to RS-72-PS. He stated the PS zoning would allow the applicant to request reduced setbacks. He advised if the applicant were to request the RS-72-PS zoning it could not be done at this meeting.

Sudbeck mentioned the RS-72 zoning would not increase the home value on the lots. The RS-72 zoning will force him to build a smaller product on the six lots. He explained the houses built on the RD-60 lots are valued from \$250,000 to \$280,000. Sudbeck stated the houses constructed in the RS-72 zoning on the west side of 21st Street are valued from \$325,000 to \$375,000.

Ackley commented there was error on both sides. He mentioned there should not be an unbuildable lot on a zoning request and a plat the Commission approved. He stated the argument of consistency on each side of 21st Street also makes sense. Smith commented there is the argument for the sake of consistency with the adjacent properties the zoning should remain RS-72.

Baumgartner questioned the applicant how he intends on meeting the side yard setback requirements. Sudbeck replied he would have to build a narrower product. Baumgartner inquired if the houses in the RS-72 zoning would have three car garages and two car garages in the RD-60 zoning. Sudbeck replied they would have three car garages in the RD-60 zoning. Baumgartner clarified these are the lots on the east side of 21st Street. Sudbeck replied yes. He explained the houses on the east side of 21st Street are a ranch style product with approximately 1,300 to 1,600 square feet with three car garages. The west side of the street would be a ranch style product with approximately 1,700 to 2,200 square feet with three car garages. Baumgartner inquired if it was the applicant's understanding at the time of the platting, he would only have five buildable lots. Sudbeck replied he believed it was six lots. He stated the RS-72 zoning on the six lots was an oversight on his part. Baumgartner requested clarification these are all going to be single-family homes. Sudbeck replied yes.

Casey inquired if the house that he has already sold and is being built on Lot 2, Spring Ridge Replat

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One, will look considerably different than the other five houses. Sudbeck stated it will be a little wider. Sudbeck mentioned there is a pending contract for a house to be built on Lot 26, however it would require the RD-60 zoning in order to be built.

Smith stated the applicant had mentioned there were lengthy negotiations with other property owners. She commented it seems the understanding of the adjacent property owners is the zoning would be RS-72. She questioned if that were to be changed, the Commissioners may not be acting in the best interest of the property owners. Sudbeck replied he had a conversation with the property owner to the west and the property owner mentioned he had no issues with the rezoning.

Cain stated in previous meetings the neighbors expressed concerns with consistency in appearance and compatibility. She commented she has concerns with how rezoning the lots would affect the neighbors. Sudbeck replied if the lots are to remain RS-72 the neighbors will receive a smaller product; however, if the lots are zoned RD-60 they will receive a larger product. Cain questioned by smaller if that refers to the garage only. Sudbeck replied no. The house will proportionately shrink down to 1,100 to 1,300 square feet with a two-car garage. Shewchuk explained on a 65-foot lot, with seven feet side yard setbacks, you would subtract 14 feet from the width. In the RD-60 zone you would subtract ten feet from the width. He stated if the lot is zoned RD-60, 65 feet wide lot, there would be 55 feet of width to build in. In the RS-72 zoning there is a seven foot side yard setback, therefore there would be 51 feet of width to build in.

Baumgartner inquired if replatting these six lots into five lots is an option. Shewchuk replied it is. He stated the applicant was initially advised to replat the area. Sudbeck explained a replat of the lots would be more difficult now because there is a set of footings on one of the lots. Casey inquired what could be done with the existing lots and how the applicant could recover. Sudbeck replied he would lose a lot. He stated the lot is worth \$40,000 and that will be a loss. Sudbeck mentioned he would not recover that amount from making the two lots next to it any larger.

Baumgartner requested again for her clarification the size of the home on Lot 2. Sudbeck replied the house is 1,500 square feet. Baumgartner inquired if the size is consistent with the home in the RS-72 zoning or RD-60 zoning. Sudbeck stated it is consistent with the homes in the RD-60 zoning. He explained the RD-60 homes are approximately 1,300 to 1,500 square feet. Baumgartner commented she feels the applicant is already establishing a precedence for the size of the six homes by building one that is conforming to the RD-60 zoning district.

Ackley requested an explanation from Mr. Shewchuk how the RS-72-PS zoning would work in order to make Lot 26 a buildable lot. Shewchuk explained the PS is a planned subdivision overlay. He mentioned the PS would allow for a variation in the setbacks. Under the ordinance there are requirements to follow for this type of zoning to be approved. Shewchuk pointed out there are lots in Spring Creek zoned RS-72-PS. Conversation ensued on this topic. Ackley mentioned the applicant should visit with the Planning Department about rezoning to RS-72-PS. Another suggestion is to make a recommendation for denial and the request would be heard by City Council. Ackley expressed he feels there is a way to make Lot 26 buildable from a planning perspective.

Smith commented it seems the goal is to ensure the lots are buildable and the lots are compatible with the adjacent houses on the west side. She stated she is not hearing any suggestions on how to achieve this goal. Shewchuk stated Mr. Sudbeck did mention the product would not change either way. Sudbeck replied the product will change if the property is zoned RS-72, the product would be smaller and in the 1,100 to 1,200 square foot range. Shewchuk stated the difference is due to having a larger side yard setback in RS-72 than RD-60; the houses would then be 14 feet apart rather than 10 feet apart.

Smith questioned if it is more compatible for these lots to have the setbacks with the adjacent RS-72 zoning, or is it more compatible to have the lesser setbacks with larger homes. Sudbeck stated he is not going to build homes on these lots that will be compatible with the other RS-72 lots in the subdivision. Smith inquired if this is based on if the zoning request is denied, or if it is granted. Sudbeck replied if it is granted, then the homes will match what is on the easterly RD-60 lots. If denied, then a smaller product will be constructed. Smith stated then there is really no way to get to lots and homes that are compatible with nearby properties on the west side. Shewchuk replied at this point, probably not since there is a house being constructed on Lot 2, Spring Ridge Replat One. He explained if it was all a blank slate then a replat of the six lots into five lots could have been done.

Ackley questioned Mr. Sudbeck if he had a preference of a motion of denial and the request would move to City Council, or withdraw the request and apply for a request to rezone to RS-72-PS. Sudbeck

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replied he would prefer to build a consistent product with what he has started with. Shewchuk explained if the City Council approved the RD-60 zoning; it would be the same as them approving the RS-72-PS with reduced setbacks on all five lots. There would be no difference between the two requests. Ackley commented the difference is the applicant would receive a recommendation of denial, which the City Council would need to overturn. Ackley questioned Mr. Shewchuk if the applicant came in requesting the lots be rezoned to RS-72-PS, consistent to the lots he pointed out in Spring Creek, would he be in support of the request. Shewchuk replied his initial thought is the rezoning to RS-72-PS would have the same result as rezoning to RD-60, which he is opposed to. Ackley inquired what culpability the city has for approving a plat with a 60 foot frontage that cannot be built upon. Shewchuk replied he does not know. Ackley advised he has an issue with this and there is an equitable argument the city is part of the problem. He commented the city needs to come up with a solution. He mentioned the citizens who bought bonds to support this development, supported this based on the number of lots there. Each lot is worth an amount of money, and each lot that sells supports paying down a certain amount of the bonds. He stated there are bigger ripples than the developer not being able to build on one lot. Shewchuk commented one could also argue if the lots are zoned RS-72 lots they would be bigger lots, with bigger houses on them, and would have more value. Ackley questioned the applicant if he would be willing to hold over the request for one month. Sudbeck replied he does have a pending contract, however he advised his customer until zoning clarification is obtained he cannot sign the contract. Ackley stated he would be willing to make a motion to continue the item for one month. Sudbeck replied he would prefer to move forward with an approval recommendation versus a denial. He stated he could wait one month if there are grounds to move forward in a positive direction.

Jacobson mentioned the setbacks will be the same whether this is a request for RD-60 or RS-72-PS zoning. Ackley mentioned the applicant could withdraw the request and apply for the RS-72-PS. Shewchuk explained if the request is continued for one month, the request would be heard again by the Commission in December. If the applicant withdraws the request and wants to submit a new application, he would need to submit the application the next day for the request to be heard at the December meeting. Discussion followed on this topic.

Smith requested clarification if the RS-72-PS is the same as granting the RD-60 zoning request. Shewchuk replied yes. He explained if the applicant requests the reduced setbacks for the RS-72-PS side yards it would be the same thing as the RD-60 zoning. Jacobson stated if the Commission were to recommend approval of the request to rezone to RD-60 it would move forward to the City Council. Ackley commented the staff's recommendation would remain a denial.

Baumgartner requested clarification the lots to the west of 21st Street are in the ballpark value of \$325,000 to \$375,000. Sudbeck replied yes. She inquired if the homes in the RD-60 zone are valued \$250,000 to \$280,000. Sudbeck replied \$250,000 to \$275,000. He explained the price will vary due to amenities and size. Baumgartner inquired as to the value of the homes he has already received contracts for. Sudbeck responded \$250,000 to \$280,000. Baumgartner commented they are already consistent with the RD-60 zoning then. Sudbeck replied yes.

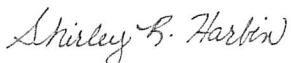
Ackley commented the issue is the lots are smaller; therefore you have to put a smaller product on them. He mentioned both the city and developer platted the lots that way.

MOTION was made by Ackley, seconded by Jacobson, to recommend APPROVAL of a request to rezone Lots 22, 23, 26, and 27, Spring Ridge, and Lots 1 and 2, Spring Ridge Replat One, from RS-72 to RD-60 for single family residential development. APPROVAL based upon the result to rezone to RD-60 would be the same as the result to rezone to RS-72-PS; and based upon the fact there is an unbuildable lot the city approved. Upon roll call, Cain, Smith, Jacobson, Ackley, and Casey voted yes. Baumgartner voted no. MOTION carried.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on December 11, 2017.

Motion made by Ackley, seconded by Casey, to approve the 2018 Uniform Review Schedule with the revision to move the September 27, 2018 meeting to September 20, 2018. Upon roll call, all present voted yes.

Meeting adjourned at 7:50 p.m.



Shirley R. Harbin
Planning Assistant

MEMORANDUM

TO: Planning Commission
 FROM: Tammi Palm, Land Use Planner *tp*
 DATE: December 14, 2017
 RE: Amendment regarding "laundry (self-service automatic)" as a permitted use

The BG (General Business), BGM (Metropolitan General Business), and BGH (Heavy General Business) zoning districts allow for "laundry (self-service automatic) of not more than 30 washing units" as a permitted use. This language was in the original Zoning Ordinance in 1965, and was carried over into the 2011 update.

Todd Harper, on behalf of TCH, Inc., has requested an amendment to the BG zoning district to eliminate the limit on washing machines. In conjunction with this request, staff is also recommending the limit be removed from the BGM and BGH zoning districts.

It is the assumption the 30 washing machine limit was enacted over 50 years ago due to the amount of utilities used by machines of that era. Staff is proposing to leave the 30 machine limit in place in the BN and BNH zoning districts, so as to limit the size of laundry facilities in these restrictive commercial neighborhood zoning districts.

Staff is proposing to amend Sections 5.22, 5.23, and 5.24 to read as follows:

Section 5.22 BG General Business District

5.22.01 Intent. To provide for a wide range of retail and service establishments.

5.22.02 Permitted Uses:

1. Retail and service stores and offices of the following types ranging from small stores to small box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
 - A. Animal hospital.
 - B. Animal specialty services.
 - C. Antique Store.
 - D. Apparel store, tailor shops, dressmaker.
 - E. Art gallery.
 - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
 - G. Automobile parts and supply store.
 - H. Automobile rental store.
 - I. Automotive (light) repair services.
 - J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
 - K. Bank, Savings and Loan Association.
 - L. Barber, beauty shops.
 - M. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
 - N. Book store.
 - O. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
 - P. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
 - Q. Car wash.

- R. Child care center.
- S. Commercial parking lots.
- T. Community Center (*Ord 3802, March 9, 2015*)
- U. Convenient Store with limited fuel sales.
- V. Dairy products sales.
- W. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
- X. Dental clinic.
- Y. Drug or drug-variety store.
- Z. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loud speaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
- AA. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two delivery vehicle outside operation.
- BB. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
- CC. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
- DD. Dry goods store.
- EE. Feed and seed store.
- FF. Florist shop.
- GG. Frame shop.
- HH. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking or smoking on the premises.
- II. Furniture and antique homes and stores including used furniture store.
- JJ. Furniture (specialty) shops.
- KK. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.
- LL. Garden supply, commercial greenhouses, nursery stock sales yards.
- MM. Gasoline stations.
- NN. General office buildings of one or more professional persons engaged in activities which generate a limited amount of contact with the general public, including offices for lawyers, accountants, architects, planners, engineers, and similar professions.
- OO. Gift and card shop.
- PP. Grocery, supermarket.
- QQ. Gunsmith.
- RR. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
- SS. Hobby and craft store.
- TT. Interior design firm.
- UU. Jewelry store.
- VV. Laundry (self-service automatic) ~~of not more than 30 washing units.~~
- WW. Liquor stores.
- XX. Loan office.
- YY. Locksmith.
- ZZ. Machine sales and service (stationery and office).
- AAA. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
- BBB. Marine sales and services, but excluding the storage or salvage of boats.
- CCC. Meat market, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises.
- DDD. Medical clinics.

EEE. Micro breweries and brew pubs.
 FFF. Music store, music studio.
 GGG. News and tobacco store.
 HHH. Outlet retail store.
 III. Paint, wallpaper, drapery and floor covering store.
 JJJ. Pawn shops.
 KKK. Pet shop, provided that all facilities are fully enclosed.
 LLL. Photographer, artist, photo finishing, and camera store.
 MMM. Printing job, when mechanical operation is not visible from a street and employing not over 4 persons.
 NNN. Real estate sales office.
 OOO. Restaurant (Drive-in or fast food).
 PPP. Restaurant (Entertainment).
 QQQ. Restaurant (General).
 RRR. Restaurant (Limited).
 SSS. Second hand stores.
 TTT. Shoe repair shop.
 UUU. Shoe store.
 VVV. Social club and fraternal organizations, not including uses defined under sexually oriented business.
 WWW. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
 XXX. Telephone answering service.
 YYY. Telephone exchange.
 ZZZ. Television, radio and small appliance repair.
 AAAA. Toy and sporting goods store.
 BBBB. Upholstery shops.
 CCCC. Variety store.

2. Call center.
1. Educational Institutions, Business, and Commercial Schools (post secondary) provided they meet the following conditions:
 - A. Lot Standards: All space limits as specified in the BG zone shall be met.
 - B. Site Plan: Each application shall provide a detailed site plan as required by the Planning Director.
2. Governmental Services – administrative Facilities.
3. Logistical center.
4. Mortuaries, funeral homes and funeral chapels.
5. Motel, Hotel.
6. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
7. Radio and television stations, except transmission towers over 35 feet high.
8. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
9. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
10. Sexually Oriented Businesses, as established by the regulations set forth in Chapter 2.5, Sections 2.5-1 through 2.5-20 of the Bellevue Municipal Code.
11. Theater other than drive-in.
(Ord. No. 3716, April 22, 2013)

5.22.03 Conditional Uses:

1. Automobile sales (new and used automobiles).
2. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Governmental Services – Maintenance and Service Facilities.

5. Indoor Firing Range (*Ord. No. 3698, Feb. 11, 2013*)

5.22.04 Permitted Accessory Uses:

1. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
2. Residential and small wind energy systems, subject to Section 8.09.

5.22.05 Space Limits:

1. Minimum lot area for business: None.
2. Minimum width of lot: None for business.
3. Maximum height of building: 75 feet, when abutting a commercial zone. 35 feet, when abutting a residential zone.
4. Minimum front yard: None for business.
5. Minimum rear yard: 10 feet
6. Minimum side yard: 5 feet when abutting any zone requiring a side yard.
7. Minimum side yard on street side of corner: None.
8. Maximum gross floor area ratio: 2.0.
9. Maximum ground coverage including accessory buildings, loading docks, incinerators and vending devices: 95 percent.

5.22.06 Miscellaneous Provisions:

1. Off-street parking and loading shall be provided for all uses established in this zone.
2. All parking and storage of vehicles, boats, campers and trailers shall be in conformance with Sections 8.01-8.03.
3. All signage shall be in conformance with Article 7.
4. All buildings shall conform to building design regulations in Section 8.11.
5. All landscaping shall conform with Article 9.

Section 5.23 BGM Metropolitan General Business District

5.23.01 Intent. This zone is designed to provide a general business zone which will take into account the special characteristics of the Central Commercial Area.

5.23.02 Permitted Uses:

1. Retail and service stores and offices of the following types ranging from small stores to small box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
 - A. Animal hospital.
 - B. Animal specialty services.
 - C. Antique Store.
 - D. Apparel store, tailor shops, dressmaker.
 - E. Art gallery.
 - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
 - G. Automobile parts and supply store.
 - H. Automobile rental store.
 - I. Automotive (light) repair services.
 - J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
 - J. Bank, Savings and Loan Association.
 - K. Barber, beauty shops.
 - L. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
 - M. Book store.
 - N. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance

- hall, kiddy parks, skating rinks.
- O. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
 - P. Car wash.
 - Q. Child care center.
 - R. Commercial parking lots.
 - S. Community Center (*Ord. 3802, March 9, 2015*)
 - T. Convenient store with limited fuel sales.
 - U. Dairy products sales.
 - V. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
 - W. Dental clinic.
 - X. Drug or drug-variety store.
 - Y. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loud speaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
 - Z. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two delivery vehicle outside operation.
 - AA. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
 - BB. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
 - CC. Dry goods store.
 - DD. Feed and seed store.
 - EE. Florist shop.
 - FF. Frame shop.
 - GG. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking or smoking on the premises.
 - HH. Furniture and antique homes and stores including used furniture store.
 - II. Furniture (specialty) shops.
 - JJ. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.
 - KK. Garden supply, commercial greenhouses, nursery stock sales yards.
 - LL. Gasoline stations.
 - MM. General office buildings of one or more professional persons engaged in activities which generate a limited amount of contact with the general public, including offices for lawyers, accountants, architects, planners, engineers, and similar professions.
 - NN. Gift and card shop.
 - OO. Grocery, supermarket.
 - PP. Gunsmith.
 - QQ. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
 - RR. Hobby and craft store.
 - SS. Interior design firm.
 - TT. Jewelry store.
 - UU. Laundry (self-service automatic) ~~of not more than 30 washing units.~~
 - VV. Liquor stores.
 - WW. Loan office.
 - XX. Locksmith.
 - YY. Machine sales and service (stationery and office)
 - ZZ. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.

AAA. Meat market, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises.
 BBB. Medical clinics.
 CCC. Micro breweries and brew pubs.
 DDD. Music store, music studio.
 EEE. News and tobacco store.
 FFF. Outlet retail store.
 GGG. Paint, wallpaper, drapery and floor covering store.
 HHH. Pawn shops.
 III. Pet shop, provided that all facilities are fully enclosed.
 JJJ. Photographer, artist, photo finishing, and camera store.
 KKK. Printing job, when mechanical operation is not visible from a street and employing not over 4 persons.
 LLL. Real estate sales office.
 MMM. Restaurant (Drive-in or fast food).
 NNN. Restaurant (Entertainment).
 OOO. Restaurant (General).
 PPP. Restaurant (Limited).
 QQQ. Second hand stores.
 RRR. Shoe repair shop.
 SSS. Shoe store.
 TTT. Social club and fraternal organizations, not including uses defined under sexually oriented business.
 UUU. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
 VVV. Telephone answering service.
 WWW. Telephone exchange.
 XXX. Television, radio and small appliance repair.
 YYY. Toy and sporting goods store.
 ZZZ. Upholstery shops.
 AAAA. Variety store.

2. Call center.
3. Educational Institutions, Business, and Commercial Schools (post secondary) provided they meet the following conditions:
 - A. Lot Standards: All space limits as specified in the BG zone shall be met.
 - B. Site Plan: Each application shall provide a detailed site plan as required by the Planning Director.
4. Governmental Services – administrative Facilities.
5. Logistical center.
6. Mortuaries, funeral homes and funeral chapels.
7. Motel, Hotel.
8. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
9. Radio and television stations, except transmission towers over 35 feet high.
10. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
11. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
12. Residential - Apartment houses, apartment hotels and mixed business and apartment buildings constructed to standards of the RG 8 Zone.
13. Residential - Single family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RG 50 Zone.
14. Theater other than drive-in.

(Ord. No. 3716, April 22, 2013)

5.23.04 Conditional Uses:

1. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
2. Communication Towers meeting the requirements as set forth in Section 8.05.

5.23.05 Permitted Accessory Uses:

1. Accessory uses for residential development shall include those listed under the RG 8 or RG 50 Zone depending upon principle use and shall be established and conducted in accordance with the regulations of that zone.
2. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
3. Residential and small wind energy systems, subject to Section 8.09.

5.23.06 Space Limits:

1. Minimum lot area for business: None.
2. Minimum width of lot: None.
3. Maximum height of building: No restriction except by gross floor area ratio.
4. Minimum front yard: None.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: None.
8. Maximum gross floor area ratio: 12.0
9. Maximum ground coverage: 100 percent.

5.23.07 Miscellaneous Provisions:

1. Off-street loading shall be provided for all new buildings. Off-street parking may be provided by governmental or group action. It is not desired that each building supply parking space to meet its full demands on or adjacent to its site in that such an arrangement would tend to spread the BGM district over too large an area to make pedestrian communication and interchange convenient.
2. All signage shall be in conformance with Article 7.
3. All buildings shall conform to building design regulations in Section 8.11.
4. All landscaping shall conform with Article 9.
5. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 5.24 BGH Heavy General Business District

5.24.01 Intent. This zone is designed to provide for the widest range of retail and service establishments short of actual industrial operations.

5.24.02 Permitted Uses:

1. Retail and service stores and offices of the following types ranging from small stores to large box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
 - A. Animal hospital.
 - B. Animal specialty services.
 - C. Antique Store.
 - D. Apparel store, tailor shops, dressmaker.
 - E. Art gallery.
 - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
 - G. Automobile parts and supply store.

- H. Automobile rental store.
- I. Automotive (light) repair services.
- J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
- K. Bank, Savings and Loan Association.
- L. Barber, beauty shops.
- M. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
- N. Book store.
- O. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
- P. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
- Q. Car wash.
- R. Child care center.
- S. Commercial parking lots.
- T. Convenient store with limited fuel sales.
- U. Dairy products sales.
- V. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
- W. Dental clinic.
- X. Drug or drug-variety store.
- Y. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loud speaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
- Z. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two delivery vehicle outside operation.
- AA. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
- BB. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
- CC. Dry goods store.
- DD. Feed and seed store.
- EE. Florist shop.
- FF. Frame shop.
- GG. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking or smoking on the premises.
- HH. Furniture and antique homes and stores including used furniture store.
- II. Furniture (specialty) shops.
- JJ. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.
- KK. Garden supply, commercial greenhouses, nursery stock sales yards.
- LL. Gasoline stations.
- MM. General office buildings of one or more professional persons engaged in activities which generate a limited amount of contact with the general public, including offices for lawyers, accountants, architects, planners, engineers, and similar professions.
- NN. Gift and card shop.
- OO. Grocery, supermarket.
- PP. Gunsmith.
- QQ. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
- RR. Hobby and craft store.
- SS. Interior design firm.

TT. Jewelry store.
 UU. Laundry (self-service automatic) ~~of not more than 30 washing units.~~
 VV. Liquor stores.
 WW. Loan office.
 XX. Locksmith.
 YY. Machine sales and service (stationery and office)
 ZZ. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
 AAA. Meat market, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises.
 BBB. Medical clinics.
 CCC. Micro breweries and brew pubs.
 DDD. Music store, music studio.
 EEE. News and tobacco store.
 FFF. Outlet retail store.
 GGG. Paint, wallpaper, drapery and floor covering store.
 HHH. Pawn shops.
 III. Pet shop, provided that all facilities are fully enclosed.
 JJJ. Photographer, artist, photo finishing, and camera store.
 KKK. Printing job, when mechanical operation is not visible from a street and employing not over 4 persons.
 LLL. Real estate sales office.
 MMM. Restaurant (Drive-in or fast food).
 NNN. Restaurant (Entertainment).
 OOO. Restaurant (General).
 PPP. Restaurant (Limited).
 QQQ. Second hand stores.
 RRR. Shoe repair shop.
 SSS. Shoe store.
 TTT. Social club and fraternal organizations, not including uses defined under sexually oriented business.
 UUU. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
 VVV. Telephone answering service.
 WWW. Telephone exchange.
 XXX. Television, radio and small appliance repair.
 YYY. Toy and sporting goods store.
 ZZZ. Upholstery shops.
 AAAA. Variety store.

(Ord. No. 3716, April 22, 2013)

2. Automobile sales – New and used automobile, truck, tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers, or machinery not in operable condition or in the process of salvage, or the major parts thereof.
3. Call center.
4. Educational Institutions, Business, and Commercial Schools (post secondary) provided they meet the following conditions:
 - A. Lot Standards: All space limits as specified in the BG zone shall be met.
 - B. Site Plan: Each application shall provide a detailed site plan as required by the Planning Director.
5. Governmental Services – Administrative Facilities.
6. Governmental Services – Maintenance and Service Facilities.
7. Logistical center.
8. Mixed commercial – Combination display store, office, warehouse, and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts.
9. Mortuaries, funeral homes and funeral chapels.

10. Motel, Hotel.
11. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
12. Radio and television stations, except transmission towers over 35 feet high.
13. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
14. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
15. Theater other than drive-in.
16. Wholesale stores, but not establishments operated primarily as a warehouse. A wholesale store shall be distinguished from a warehouse if there is one square foot of office, sales and display space for each square foot of warehousing space, and the building is so arranged as to encourage walk-in trade.

5.24.03 Conditional Uses:

1. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
2. Communication Towers meeting the requirements as set forth in Section 8.05.
3. Self-storage facilities, provided they meet the following restrictions:
 - A. Lot Standards: All space limits as specified in the BGH Zone shall be followed, however, the maximum height for any structure within the facility shall be twenty (20) feet.
 - B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.
 - C. Access to Buildings: No storage building may be open into required side or rear yards, if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide fire access from one storage bay to another.
 - D. Storage Restrictions: all storage on the site must be within enclosed buildings. The storage of hazardous materials on the site is prohibited.
 - E. Parking/Loading: Parking: Two parking spaces shall be provided at the rental office or 1.5 parking spaces per employee whichever is greater.
Loading: Loading docks shall be prohibited, all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.
 - F. Drive Lanes: Minimum drive lane width shall be twenty four (24) feet.
 - G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning Director. All fencing shall be located on the interior side of the required bufferyards.
 - H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning Director.
4. Indoor Firing Range (*Ord. No. 3698, Feb. 11, 2013*)

5.24.04 Permitted Accessory Uses:

1. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
2. Residential and small wind energy systems, subject to Section 8.09.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of Sections 5.22, 5.23 and 5.24 as presented.

PLANNING COMMISSION RECOMMENDATION:

Under Review

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-1709-06
S-1709-04

FOR HEARING OF:
REPORT #1: December 21, 2017

I. GENERAL INFORMATION

A. APPLICANT:

Charleston Homes
Attn: Marc Stodola
3803 N. 153rd Street
Omaha, NE 68116

B. PROPERTY OWNERS:

Bonnie Jean Miller Trustee
Attn: Diana M. Dohse Trustee
16402 South 75th Street
Papillion, NE 68046

C. GENERAL LOCATION:

Southeast corner of 48th Street and Capehart Road

D. LEGAL DESCRIPTION:

Lots 1 through 227, and Outlots A through D, Falcon Pointe, being a platting of the North ½ of the Northwest ¼, excluding Tax Lot 1, and excluding right-of-way, located in Section 7, T13N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lots 1 through 227, and Outlots A through D, Falcon Pointe, from AG to RG-50-PS and RS-72 for the purpose of single family residential development.
2. Preliminary Plat Lots 1 through 227, and Outlots A through F, Falcon Pointe.

F. EXISTING ZONING AND LAND USE:

AG, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a change of zone and preliminary plat to enable single family residential development.

H. SIZE OF SITE:

The site is approximately 76.5 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site was most recently used agriculturally.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Vacant/Ag and Single Family Residential, AG and RE
- 2. **East:** Vacant and Single Family Residential, RE, RG-28, and RG-50-PS (proposed Belle Lago Subdivision zoning)
- 2. **South:** Vacant/Ag, AG
- 3. **West:** Vacant/Ag, AG

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

- 1. Section 5.10, Zoning Ordinance, regarding RS-72 uses and requirements.
- 2. Section 5.14, Zoning Ordinance, regarding RG-50 uses and requirements.
- 3. Section 5.17, Zoning Ordinance, regarding Planned Subdivision District.
- 4. Chapter 6, Subdivision Regulations, regarding Minimum Design Standards.
- 5. Chapter 7, Subdivision Regulations, regarding Capital Improvements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as medium density residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The 2014 traffic data from MAPA indicates less than 2,000 vehicles per day along Capehart Road near South 48th Street.
2. Access is proposed from Capehart Road as well as South 48th Street.

D. UTILITIES:

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

E. ANALYSIS:

1. Marc Stadola, on behalf of Charleston Homes, has submitted a request to preliminary plat Lots 1 through 227, and Outlots A through D, Falcon Pointe, for the purpose of single family residential development.
2. The applicant is requesting a change in zone from AG to RS-72 (Single-Family Residential, 7,200 Square Foot Zone) for Lots 64 through 227, and Outlots A through D, Falcon Pointe.

The applicant is also requesting a change in zone from AG to RG-50-PS (General Residence, 5,000 Square Foot Zone – Planned Subdivision) for Lots 1 through 63, Falcon Pointe.

The –PS designation is being requested for the purpose of the following building setbacks:

Front Yard	25 feet
Rear Yard	25 feet
Side Yard	5 feet
Street Side Yard	15 feet

The setbacks in a traditional RG-50 zone are as follows:

Front Yard	35 feet
Rear Yard	25 feet
Side Yard	5 feet
Street Side Yard	15 feet

The requested -PS designation will allow the front yard setback to be 25 feet, which is the same front yard setback as the proposed RS-72 lots in the rest of the development.

All of the lots conform to the minimum requirements of the requested zoning districts.

3. The applicant has indicated the southeast portion of this development will consist of single-family residential villas, similar to the proposed Belle Lago development to the east. The remainder of the development will be single family residences on medium density lots.

4. This application was sent out to the following departments/individuals for review: Public Works (to include the Street Superintendent and Parks Superintendent), Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Planning Director, Sarpy County Public Works Department, Sarpy County IS/GIS/Public Safety, Metro Area Planning Agency, Metropolitan Utilities District, CenturyLink, Omaha Public Power District, Black Hills Energy, Cox Communications, Papio-Missouri NRD, and the Springfield Platteview 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.

Sarpy County GIS/911 had comments pertaining to the proposed street names. The applicant's engineer has made all of the suggested revisions. The Public Works Department requested technical revisions to the preliminary plat and drainage report. The applicant's engineer has since satisfied these comments.

5. The Public Works Engineering Manager has reviewed the grading and drainage plans for this proposed development and found them to be acceptable.

6. The Planning and Public Works Departments recently met with the Sarpy County Public Works Department to discuss traffic and future road improvements along Capehart Road and 48th Street. No improvements are needed at this time or likely in the near future; however, Sarpy County Public Works will continue to monitor these roadways. Language will be added to the Falcon Pointe Subdivision Agreement regarding their cost participation in future signalization at the intersection of Capehart Road and South 48th Street if/when signalization is required.

7. This plat will be developed as a Sanitary and Improvement District. A draft copy of the Subdivision Agreement has been submitted by the applicant for staff's review.

8. A park is being proposed on Lot 150. Playground equipment, a covered seating area, benches, a basketball court, and a 10' wide trail are shown on the park plan. An 8' wide trail will also be constructed along South 48th Street. This trail will eventually connect with developments to the south; thus, completing a trail along South 48th Street south of Capehart Road.

9. Based upon the number of acres, this development will require a contribution to the Park Fund in the amount of \$42,080.50

10. Staff believes this development is compatible with the existing single family residential development in the neighborhood.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, Comprehensive Plan, Subdivision Regulations, and compatibility with adjacent residential developments.

V. PLANNING COMMISSION RECOMMENDATION


Under Review


VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2016 GIS aerial photo of the property
3. Preliminary plat received December 12, 2017
4. Zoning Map exhibit received December 12, 2017
5. Park plan exhibit received December 13, 2017
6. Letter from Marc Stodola, Charleston Homes, received October 2, 2017
7. Letter from Mark LaPuzza received November 27, 2017

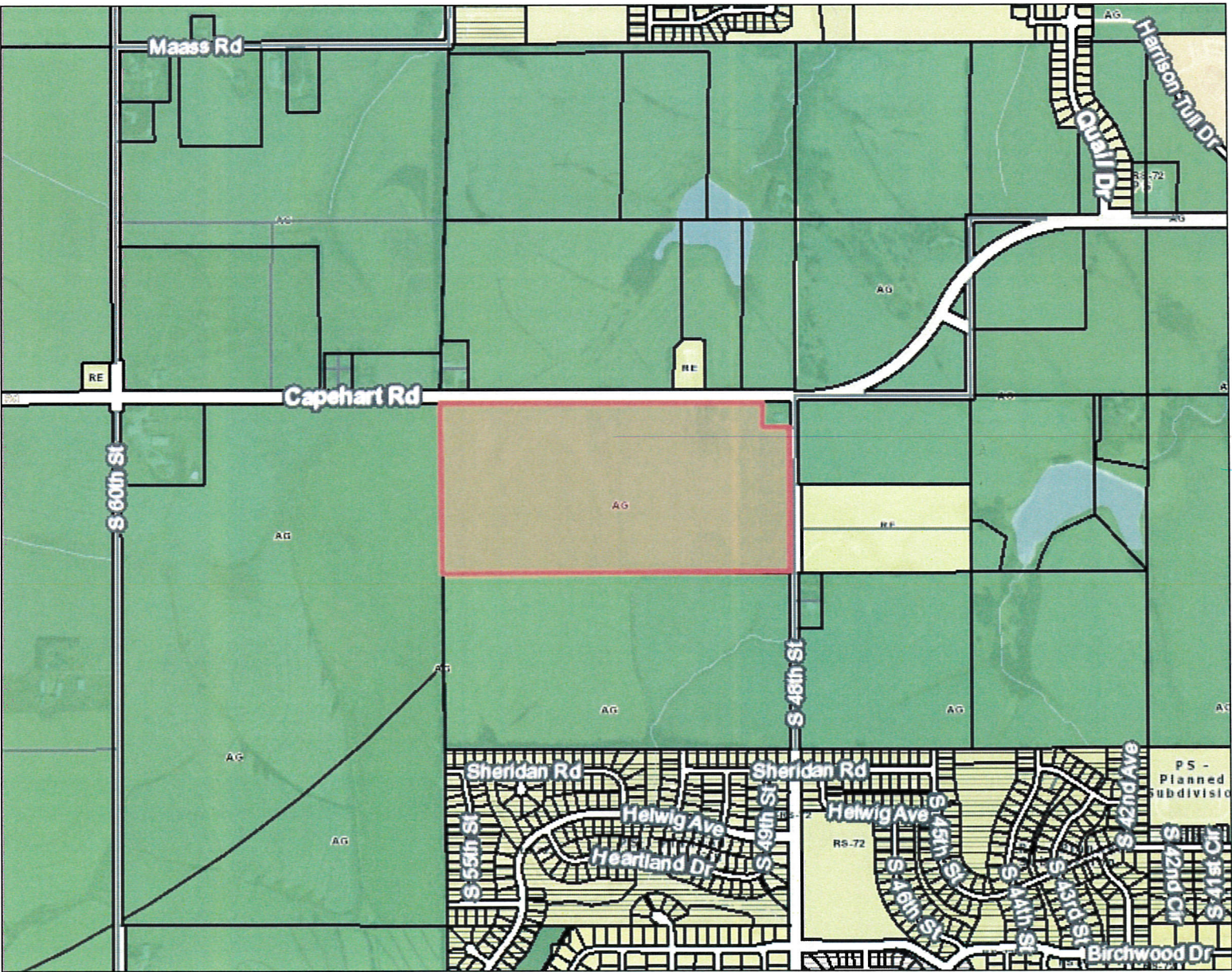
VII. COPIES OF REPORT TO:

1. Charleston Homes (Marc Stodola)
2. Thomson, Dreesen, & Dörner, Inc. (Doug Kellner)
3. Pansing Hogan Ernst and Bachman, LLP (Mark LaPuzza)
4. Bonnie Jean Miller Trustee (Diana M. Dohse Trustee)
5. Public Upon Request

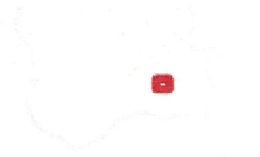

Prepared by:

 12/14/17
Planning Director Date of Report

Zoning Map Falcon Pointe



Location



Legend

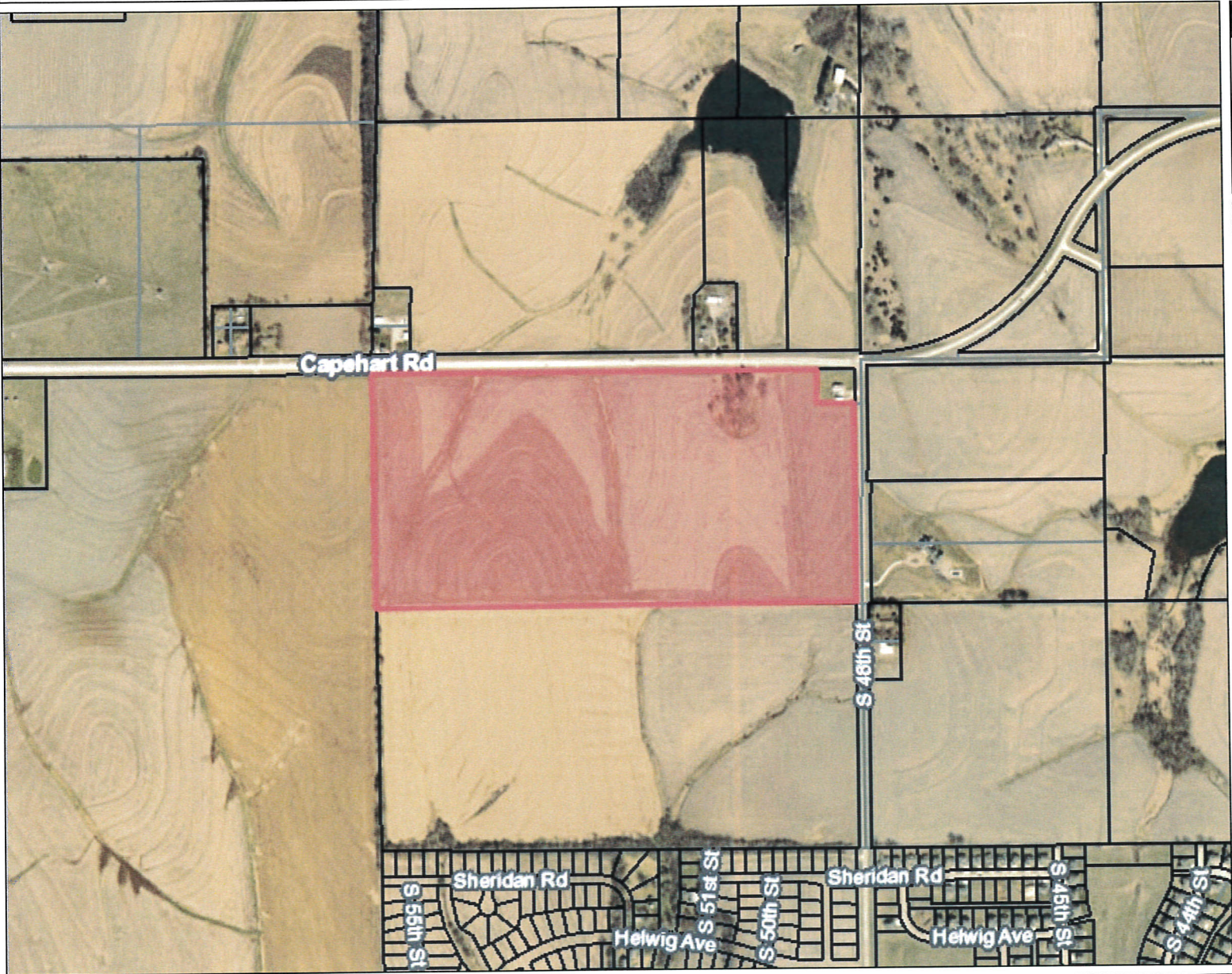
Road Centerlines



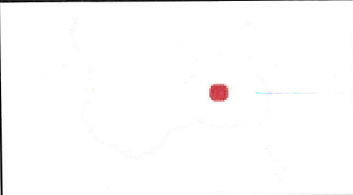
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

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

Falcon Pointe

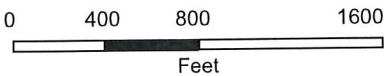


Location



Legend

Road Centerlines



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Sarpy County GIS
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LEGEND

EXISTING CONTOURS

PROPOSED CONTOURS

PROPOSED STORM SEWER

PROPOSED SANITARY SEWER

PROPOSED PAVEMENT

PROPOSED SIDEWALK

PROPOSED SEWER AND DRAINAGE EASEMENT

PROPOSED DRAINAGE EASEMENT

PROPOSED SEWER EASEMENT

PHASE LINE

NOTES

1. EXISTING ZONING IS A-2. PROPOSED ZONING IS RC-50-PB AND RS 72.

2. EXISTING AND PROPOSED CONTOURS ARE SHOWN AT 2' INTERVALS.

3. WATER AND GAS SHALL BE PROVIDED BY THE METROPOLITAN UTILITIES DISTRICT.

4. POWER SHALL BE PROVIDED FROM THE OMAHA PUBLIC POWER DISTRICT.

5. TYPICAL UTILITY SERVICES WILL BE LOCATED WITHIN THE FINAL 54' PAVEMENT FOR ALL STREETS EXCEPT 52ND STREET SHALL BE 25' WIDE, 7'-INCH THICK P.C.C. PAVEMENT. 52ND STREET SHALL BE 32' WIDE, 8'-INCH THICK P.C.C. PAVEMENT.

6. NO DIRECT ACCESS TO 48TH STREET OR CAPEHART ROAD SHALL BE PERMITTED BY ANY LOTS OR OUTLOTS.

7. OUTLOTS A, C AND D WILL PROVIDE SEWER AND DRAINAGE SERVICE FOR THE DEVELOPMENT AND WILL BE OWNED AND MAINTAINED BY FALCON POINT HOMEOWNERS ASSOCIATION.

8. OUTLOT B SHALL BE USED AS GREEN SPACE AND WILL BE OWNED AND MAINTAINED BY FALCON POINT HOMEOWNERS ASSOCIATION.

9. EXISTING WELLS SHALL BE DECOMMISSIONED AND REMOVED IN ACCORDANCE WITH DNR AND NEDD RULES AND REGULATIONS.

SUBDIVIDER

CHARLESTON HOMES, LLC
10200 RESISTANCE CIRCLE, SUITE 300
OMAHA, NE 68114
PHONE: 402-397-5500

ENGINEER

THOMPSON, DRESSSEN & DORNER
10836 OLD MILL ROAD
OMAHA, NE 68154
PHONE: 402-330-8860

FALCON POINTE

LOTS 1 THROUGH 227 AND OUTLOTS A THROUGH D

SARPY COUNTY, NEBRASKA

BELLEVUE PUBLIC WORKS

GENERAL NOTES

1. ALL TRAILS SHALL BE A MINIMUM OF 8' WIDE P.C.C. PAVEMENT.

2. LED STREET LIGHTS SHALL BE PROVIDED WITHIN THE SUBDIVISION AND AT SUBDIVISION ENTRANCES AT CAPEHART ROAD AND 48TH STREET.

3. INTERIOR SIGNAGE SHALL BE PROVIDED AND INSTALLED PER SARPY COUNTY AND CITY OF BELLEVUE REQUIREMENTS. SIGNS SHALL INCLUDE REGULATORY SIGNS (SPEED LIMIT, STOP SIGNS), STREET NAME SIGNS (FOR CITY OF OMAHA STANDARD PLATE W/ "100 BLOCK" REPRODUCTION), NO PARKING SIGNS AND ANY OTHER REQUIRED SIGNS BY SARPY COUNTY AND THE CITY OF BELLEVUE.

LEGAL DESCRIPTION

LOTS 1 THROUGH 227 AND OUTLOTS A-D, BEING A PLATTING OF THE N 1/2 OF THE NE 1/4, EXCLUDING TAX LOT 1 OF SECTION 7, T13N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

Curve Table: Alignments

CURVE #	RADIUS	LENGTH	DELTA	TANGENT
C1	800.00'	186.45'	21° 42' 34"	95.88'
C2	800.00'	254.83'	29° 12' 00"	130.24'
C3	750.00'	99.48'	7° 38' 02"	49.82'
C4	180.00'	236.29'	80° 18' 22"	150.87'
C5	350.00'	276.18'	81° 34' 20"	256.56'
C6	250.00'	263.43'	83° 17' 29"	222.33'
C7	250.00'	81.92'	31° 04' 26"	48.20'
C8	250.00'	196.68'	42° 47' 02"	87.83'
C9	180.00'	218.01'	82° 38' 29"	134.25'
C10	150.00'	108.60'	41° 53' 44"	57.42'

Curve Table: Alignments

CURVE #	RADIUS	LENGTH	DELTA	TANGENT
C11	150.00'	238.00'	80° 06' 47"	150.36'
C12	525.00'	343.33'	37° 21' 36"	177.50'
C13	250.00'	188.82'	45° 06' 28"	103.83'
C14	450.00'	294.86'	50° 18' 28"	211.15'
C15	900.00'	118.26'	7° 38' 02"	58.75'
C16	875.00'	303.96'	35° 11' 22"	183.26'
C17	300.00'	158.07'	32° 11' 22"	80.82'
C18	378.00'	187.56'	32° 11' 22"	101.18'
C19	500.00'	283.45'	30° 11' 22"	134.86'
C20	150.00'	79.04'	30° 11' 22"	40.48'

PROJECT SITE

VICINITY MAP

TD2

engineering & surveying

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

PHASE 2

PHASE 1

CAPEHART ROAD

LYNWOOD DRIVE

OUTLOT A

OUTLOT B

OUTLOT C

OUTLOT D

LOT 150 4.2 ACRES

LOT 1 GLENN MILLER ADDITION

LOT 2 GLENN MILLER ADDITION

LOT 3 GLENN MILLER ADDITION

LOT 4 GLENN MILLER ADDITION

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FALCON POINTE
LOTS 1 THROUGH 227 AND OUTLOTS A THROUGH D
SARPY COUNTY, NEBRASKA

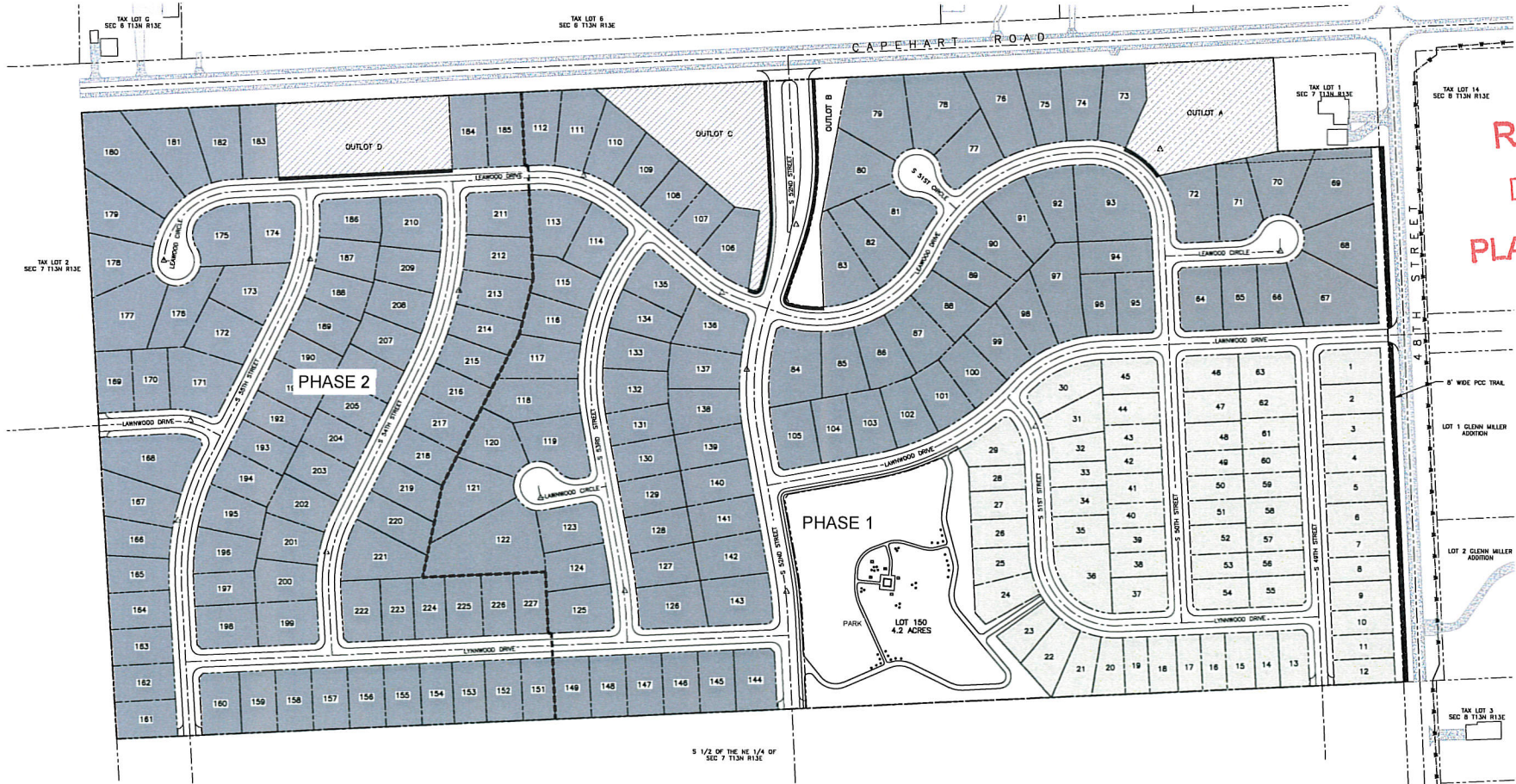
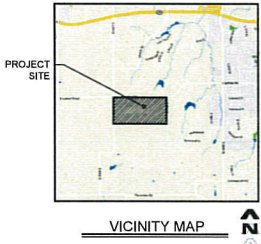
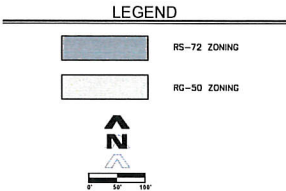
SUBDIVISION SUMMARY			
TYPE	ZONING	LOTS	ACRES
Residential	RS-72	163	42.48
Residential	RG-50	63	10.07
Park		1	4.22
Outlots (w/o Park)		4	4.30
ROW			15.44
Total		231	76.51

- NOTES
- EXISTING ZONING IS AS SHOWN ON THE PREVIOUS PLAT. PROPOSED ZONING IS RS-32-PS AND RS-72.
 - WATER AND GAS SHALL BE PROVIDED BY THE METROPOLITAN UTILITIES DISTRICT.
 - POWER SHALL BE PROVIDED FROM THE OMAHA PUBLIC POWER DISTRICT.
 - TYPICAL UTILITY RETRAKES WILL BE DEDICATED WITH THE FINAL PLAT.
 - PAVEMENT FOR ALL STREETS EXCEPT S 32ND STREET SHALL BE 32" WIDE, 7-INCH THICK P.C.C. PAVEMENT. S 32ND STREET SHALL BE 32" WIDE, 8-INCH THICK P.C.C. PAVEMENT.
 - NO DIRECT ACCESS TO 46TH STREET OR CAPEHART ROAD SHALL BE PERMITTED BY ANY LOTS OR OUTLOTS.
 - OUTLOTS A, C AND D WILL PROVIDE SEWER AND DRAINAGE SERVICE FOR THE DEVELOPMENT AND WILL BE OWNED AND MAINTAINED BY FALCON POINTE HOMEOWNERS ASSOCIATION.
 - OUTLOT B SHALL BE USED AS GREEN SPACE AND WILL BE OWNED AND MAINTAINED BY FALCON POINTE HOMEOWNERS ASSOCIATION.

SUBDIVIDER
CHARLESTON HOMES, LLC
10830 OLD MILL ROAD, SUITE 300
OMAHA, NE 68154
PHONE: 402-330-8860

ENGINEER
THOMPSON, DRESSSEN & DORNER
10830 OLD MILL ROAD
OMAHA, NEBRASKA 68154
PHONE: 402-330-8860

LEGAL DESCRIPTION
LOTS 1 THROUGH 227 AND OUTLOTS A-D, BEING A PLATTING OF THE N 1/2 OF THE NE 1/4, EXCLUDING TAX LOT 1 OF SECTION 7, T13N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



Charleston Homes
RECEIVED
DEC 12 2017
PLANNING DEPT.

No.	Description	MM-DD-YY
1	LOT 1 GLENN MILLER ADDITION	
2	LOT 2 GLENN MILLER ADDITION	
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Drawn By: MEM
Job No.: 1522-114
Reviewed By: DEK
Date: 12-12-17

Zoning Map

Exhibit H

FALCON POINTE
LOTS 1 THROUGH 227 AND OUTLOTS A THROUGH D
SARPY COUNTY, NEBRASKA

NOTES

1. EXISTING ZONING IS A-1. PROPOSED ZONING IS RS-50-PB AND RS-12.
2. WATER AND GAS SHALL BE PROVIDED BY THE METROPOLITAN UTILITIES DISTRICT.
3. POWER SHALL BE PROVIDED FROM THE OMAHA PUBLIC POWER DISTRICT.
4. TYPICAL UTILITY SETBACKS WILL BE DEDICATED WITH THE FINAL PLAT.
5. PAVEMENT FOR ALL STREETS EXCEPT S 32ND STREET SHALL BE 23' WIDE, 7-INCH THICK P.C.C. PAVEMENT. S 32ND STREET SHALL BE 32' WIDE, 8-INCH THICK P.C.C. PAVEMENT.
6. NO DIRECT ACCESS TO 48TH STREET OR CAPEHART ROAD SHALL BE PERMITTED BY ANY LOTS OR OUTLOTS.
7. OUTLOTS A, C AND D WILL PROVIDE SEWER AND DRAINAGE SERVICE FOR THE DEVELOPMENT AND WILL BE OWNED AND MAINTAINED BY FALCON POINTE HOMEOWNERS ASSOCIATION.
8. OUTLOT B SHALL BE USED AS GREEN SPACE AND WILL BE OWNED AND MAINTAINED BY FALCON POINTE HOMEOWNERS ASSOCIATION.
9. PARK FEATURES SHALL BE IN COMPLIANCE.

SUBDIVIDER

CHARLESTON HOMES, LLC
10250 REGENCY CIRCLE, SUITE 300
OMAHA, NE 68114
PHONE: 402-337-5300

ENGINEER

THOMPSON, DREESSEN & DORNER
10836 OLD MILL ROAD
OMAHA, NEBRASKA 68134
PHONE: 402-330-8860

LEGAL DESCRIPTION

LOTS 1 THROUGH 227 AND OUTLOTS A-D, BEING A PLATTING OF THE N 1/2 OF THE NE 1/4, EXCLUDING THE LOT 1 OF SECTION 7, 11N, R13E OF THE 8TH P.M., SARPY COUNTY, NEBRASKA.

PROJECT
SITE



VICINITY MAP



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DEC 13 2017
PLANNING DEPT.

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Drawn By: MEM
Job No.: 1522-114
Reviewed By: DEK
Date: 12-12-17

Park Plan

Exhibit G

THE LAW OFFICES OF



10250 Regency Circle, Suite 300
Omaha, Nebraska 68114-3728
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Fax (402) 397-4853
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Amanda M. Forker*
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Jessica E. Thomas*
Benjamin C. Deaver

Edward D. Hotz - Of Counsel

Harry B. Otis (1920-2003)

*Also Admitted In Iowa

November 27, 2017

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NOV 27 2017

PLANNING DEPT.

VIA E-MAIL

City of Bellevue

Planning Department

ATTN: Tammi Palm

Tammi.Palm@bellevue.net

Re: Falcon Pointe
Supplemental Plat Information

Dear Tammi:

In follow up of our previous discussion, I am writing on behalf of Charleston Homes, LLC ("Charleston"), with respect to the Falcon Pointe development located at approximately 48th Street and Capehart Road.

For the reasons set forth in this letter, Charleston requests that the front yard set back for Lots 1-63 in Falcon Pointe be reduced from thirty-five (35) feet to twenty-five (25) feet. Such request requires classification of such Lots 1-63 under a PS, Planned Subdivision District classification, in accordance with section 5.17.01 et seq.

In support of this request, Charleston notes that the remaining 164 Lots in the Falcon Pointe development have a 25-foot front yard setback in accordance with RS-72 Single-Family Residential zoning standards. Lots 1-63 of Falcon Pointe are intended to be developed as villas, while Lots 64-227 will be traditional single-family homes. Requiring a significant additional setback for the villas will negatively impact the uniformity and harmony of appearance of homes in the Falcon Pointe development.

Additionally, as Lots 1-63 are intended to be constructed as villas, affordability to homeowners is a significant consideration. A 35-foot setback requirement for Lots 1-63 would limit design choices and increase construction expenses, resulting in greater costs o home buyers.

Tammi Palm
November 27, 2017
Page 2 of 2

Charleston offers that such circumstances support a finding by the Bellevue Planning board and Bellevue City Council that the application is appropriate under Bellevue City Code Section 5.17.03(1). For this reason, Charleston requests that the Planning Department accept this correspondence in supplement of the preliminary plat for Falcon Pointe as a request to reduce the front yard setback requirement for Lots 1-63 to twenty-five (25) feet.

Thank you for your assistance in considering these matters. If you have any questions regarding this correspondence, please let me know.

Very truly yours,

A handwritten signature in black ink, reading "Mark J. LaPuzza". The signature is written in a cursive, flowing style with a large initial "M".

Mark J. LaPuzza

MJL:jmw



October 2, 2017

Ms. Tammi Palm
Land Use Planner
City of Bellevue Planning Department
1510 Wall Street
Bellevue, NE 68005

RE: Falcon Pointe
Rezoning Justification
TD2 File No. 1522-114.2

Ms. Palm:

We believe the rezoning request from AG to RS-72 and RG-50 is justified because this proposed development will be compatible with, and complementary to, existing and planned developments that are east and south of this project. The existing and planned developments to the east and south are single family and multi-family residential developments. The proposed plat meets the zoning requirements for RS-72 and RG-50.

Please contact us with further questions, comments or if additional information is required.

Respectfully submitted,

CHARLESTON HOMES, LLC

Marc Stodola

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OCT 02 2017

PLANNING DEPT.

Charleston Homes, LLC
3803 N. 153rd Street
Suite 200
Omaha, NE 68116

PHONE	(402) 933-7224
FAX	(402) 933-7257
WEB	www.charlestonhomesomaha.com