

BELLEVUE PLANNING COMMISSION

Thursday, February 22, 2018 6:00 PM
Bellevue City Hall
1500 Wall Street
Bellevue, NE 68005

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll Call
- c. The Open Meetings Act location
- d. Planning Commission Training on Sparq Software
- e. Approve Minutes of the December 21, 2017
Regular Meeting (Not before 7:00 p.m.)
- f. Accept into the record all staff reports,
attachments, memos, and handouts regarding
each application.

2. CONSENT AGENDA/PUBLIC HEARINGS:

- a. Request to final plat Lots 1 through 228, 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 right-of-way,
located in Section 7, T13N, R13E of the 6th
P.M., Sarpy County, Nebraska. Applicant:
Charleston Homes. General Location:
Southwest corner of 48th Street and Capehart
Road. Case #: S-1801-02.
- b. Request to amend Sections 5.07.04, 5.08.04,
5.09.04, 5.10.04, 5.11.04, 5.12.04, 5.13.04,
5.14.04, and 5.15.04, City of Bellevue
Zoning Ordinance, regarding the keeping of
household pets. Applicant: City of Bellevue.

3. PUBLIC HEARINGS:

- a. Request to rezone Lot 2, Wolf Creek Replat 7,
from BG to RG-20-PS, with site plan
approval, for the purpose of multi-family
residential development. Applicant: Wolf
Creek Apartments, LLC. General Location:
South 15th Street and Cornhusker Road. Case
#: Z-1801-01.

4. CURRENT BUSINESS

MINUTE RECORD

Bellevue Planning Commission Meeting, December 21, 2017, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, December 21, 2017 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Perrin, Cain, Baumgartner, Ackley, Casey, Ritz, and Smith. Absent were Commissioners Madden and Jacobson. Also present was 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 Ritz welcomed Mike Perrin to the Planning Commission.

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 November 16, 2017 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Palm mentioned the Commissioners received an updated park plan that was submitted by the developer and engineer for Item C-2, Falcon Pointe, on December 18, 2017.

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.

Ritz explained the public hearing procedures.

PUBLIC HEARING was held on a 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.

Palm advised a request was made by TCH Inc. to update Section 5.22 BG General Business District, City of Bellevue Zoning Ordinance. Currently the ordinance states a "laundry (self-service automatic)," cannot have more than thirty washing machines; however there is no limit on dryers. The current language dates back to the original 1965 Zoning Ordinance, and was overlooked when the ordinance was updated. Upon looking at the request for amending the BG zoning district, it was determined by staff to update Sections 5.23 BGM and 5.24 BGH to remove the limit of thirty machines. When looking at the BN and BNH zoning districts, it was decided it would be beneficial to maintain a limit of washing machines, as these two zones are more restrictive, neighborhood commercial districts.

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

Smith referred to Section 5.23.07 in the BGM district, regarding parking. The section states it is not desired that each building supply parking for the business and the parking would be off-street parking. She questioned if there are any concerns with a large laundromat not having adequate parking. Palm replied there is not. The BGM zoning district is the only zoning district that does not have a parking requirement for any businesses allowed in the district. There have been no issues not having this requirement.

Ackley inquired how many laundromats are in Bellevue. Palm responded there are at least four that she is aware of.

MOTION was made by Ackley, seconded by Cain, to recommend APPROVAL of a 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. APPROVAL based on the Planning Department's recommendation. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on January 22, 2018.

PUBLIC HEARING was held on a request to rezone Lots 1 through 227, and Outlots A through D, Falcon Pointe, being a platting of the North ½ of the Northeast ¼, 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

MINUTE RECORD

Bellevue Planning Commission Meeting, December 21, 2017, Page 2

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.

Palm stated the Commissioners have been provided an updated park plan. She noted there is a mistake in the report under Section C. General Location. She stated this should read southwest corner, not southeast. She advised this will be corrected prior to the City Council receiving the report.

Mark LaPuzza, 10250 Regency Circle, Omaha, was present on behalf of Charleston Homes. The request includes 227 lots, with 64 of these lots being villa lots for single-family construction.

Theodore (Ted) Hardebeck, 4902 Lake Forest Drive, commented he has a suggestion for a cheaper sewer plan. He stated an alternative plan would be to connect to the sewer to the north to avoid having a lift station.

LaPuzza mentioned in meetings held with the Planning Department there was discussion of connecting the sewer to the east. He did not think the sewer to the north was sized to be feasible for the proposed development.

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

Casey inquired if any comment was received from the homeowners adjacent to the property. Palm replied there was not.

Casey mentioned the 2014 MAPA traffic data indicates less than 2,000 vehicles per day along Capehart Road near 48th Street. He mentioned there has been approximately one thousand lots platted since the MAPA data was released. He inquired if there is any concern with the intersection at 36th Street and Capehart Road. Palm explained the MAPA data is outdated and the next data received from MAPA will be for 2016. She advised the 2016 data will also be outdated because it was done before Capehart Road was paved to 84th Street. She advised a meeting was held with Sarpy County Public Works recently to discuss traffic along Capehart Road and 48th Street. As of right now there are no immediate traffic concerns from Sarpy County or the City of Bellevue Engineers. This is something that will stay on the county's radar. When a traffic signal or improvements are needed at 48th Street and Capehart Road, it will be included in the Subdivision Agreement. The adjacent subdivisions will be required to participate in a portion of those costs. At this time Sarpy County is comfortable with the existing situation, taking into consideration all of the recently platted lots. Discussion followed on planned 36th Street improvements.

Smith questioned if the construction and maintenance of the park and the trail will be included in the Subdivision Agreement. Palm replied yes. She explained the Subdivision Agreement states the outlots will remain the responsibility of the developer or the Home Owner's Association. The park will eventually become the city's responsibility when it is annexed. Until the area is annexed, it will be the developer's responsibility to construct the park and maintain it. Smith referred to the RG-50-PS zoning request. She stated RG-50 allows for two family homes or up to four dwelling units. She commented the proposal is for single-family residential homes. In addition, the comprehensive plan designates the area as medium density residential, as opposed to smaller lot sizes. She inquired if RS-72-PS zoning has been considered. Palm explained the potential lots to be zoned RG-50-PS are not large enough to support anything more than a single-family residential home. LaPuzza agreed with Ms. Palm's comment regarding the RG-50-PS lots.

Baumgartner referred to the concern addressed regarding sewer connection to the north. She inquired what would be involved to pursue connecting to the north. Palm informed her this was explored extensively. She explained the developers met with city staff to discuss the proposed development, to include sewer connection. She explained the initial goal is to use gravity flow over a lift station. After exploring all engineering options, it made more sense to utilize a lift station and connect to the east. Palm stated with Belle Lago under development, the sewer could be sized to handle both developments.

Doug Kellner, 10836 Old Mill Road, was present on behalf of Thompson, Dreessen, and Dorner, Inc. He explained when development began in this area, there was an outfall sewer constructed. Kellner stated in the original sewer study, this area was included in the outfall to the east. By pushing the sewer to the east, it will alleviate capacity issues to the north. This sewer will be stubbed out so it could be tied into in the future if needed. Palm stated there is a lot of development in this area. She mentioned

MINUTE RECORD

Bellevue Planning Commission Meeting, December 21, 2017, Page 3

the city's engineers continue to look at sewer options and capacity in this area as it develops.

Cain clarified Mr. Hardebeck stated connecting to the sewer to the north is cheaper for the homeowner. Hardebeck commented it would be cheaper to use gravity flow rather than a lift station.

Ritz requested clarification from Kellner the sewer would be stubbed out so if the issues to the north were resolved the city could abandon the lift station and tie in. Kellner commented the subdivision still gravity flows to the lowest spot in the subdivision, and will be pumped away. He stated typically if the outfall sewer comes to that location, you can remove the lift station and tie in at that point.

Ackley inquired if there was any consideration to the lot remaining on the corner of 48th and Capehart Road in regards to access. Palm commented this was not discussed as part of the plat. She stated the county does want to have controlled access along Capehart Road. Ackley commented there should be an easement through Outlot A to provide future access. He questioned Mr. Kellner if there will be an easement. Kellner commented there has been conversation about having an easement on Outlot A on the south side of the basin to create future access. Discussion followed. Ackley inquired if an easement could be included a part of the Subdivision Agreement. Palm replied yes.

Ritz questioned if the maintenance of the median will be included in the Subdivision Agreement. Palm replied yes.

Baumgartner inquired if there is a requirement to have sidewalks along the exterior perimeters of developments. Palm explained there was no discussion regarding a trail along Capehart Road; only along 48th Street. She stated there is existing trail along 48th Street. She explained there will be a connection with the Belle Lago development and the church development along Capehart Road. Conversation ensued on this topic.

MOTION was made by Ackley, seconded by Cain, to recommend APPROVAL of a request to rezone Lots 1 through 227, and Outlots A through D, Falcon Pointe, being a platting of the North ½ of the Northeast ¼, 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. APPROVAL based upon conformance with the Zoning Ordinance, Comprehensive Plan, Subdivision Regulations, and compatibility with adjacent residential development; subject to having an easement required on the south side of Outlot A to allow for future access to Tax Lot 1 into the subdivision if the access to either Capehart Road or 48th Street is cut off. Upon roll call, all voted yes. Motion carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on January 22, 2018.

Meeting adjourned at 7:30 p.m.



Shirley R. Harbin
Planning Assistant

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBER: S-1801-02

FOR HEARING OF:
REPORT #1: February 22, 2018

I. GENERAL INFORMATION

A. APPLICANT:

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

B. PROPERTY OWNERS:

Bonnie Jean Miller Trustee
c/o Diana M. Dohse Trustee
16402 South 75th Street
Papillion, NE 68046

C. GENERAL LOCATION:

Southwest corner of 48th Street and Capehart Road

D. LEGAL DESCRIPTION:

Lots 1 through 228, 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 ACTION:

Final Plat Lots 1 through 228, and Outlots A through D, Falcon Pointe.

F. EXISTING ZONING AND LAND USE:

AG, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain final plat approval to enable single family residential development.

H. SIZE OF SITE:

The site is approximately 77 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
- 2. **South:** Vacant/Ag, AG
- 3. **West:** Vacant/Ag, AG

C. REVELANT CASE HISTORY:

- 1. On December 21, 2017 the Planning Commission recommended approval of a request to rezone Lots 1 through 227, and Outlots A through D, Falcon Pointe, being a platting of the North ½ of the Northeast ¼, 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. The aforementioned request was approved by the City Council on February 12, 2018.

D. APPLICABLE REGULATIONS:

- 1. Chapter 4, Subdivision Regulations, regarding Final Plats.
- 2. 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 2016 traffic data from MAPA indicates less than 2,000 vehicles per day along Capehart Road near South 48th Street.
2. Access is proposed from one point along Capehart Road, as well as one point along 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 final plat Lots 1 through 228, and Outlots A through D, Falcon Pointe.
2. RG-50-PS zoning was requested for Lots 1 through 63, of the development, while RG-72 zoning was requested for Lots 64 through 228. This zoning will take effect upon filing of the final plat.
3. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Offutt Air Force Base, Sarpy County Planning Director, Sarpy County Public Works Director, 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.

Public Works Engineer Matt Knight had minor technical comments pertaining to the plat. The applicant's engineer has since made the necessary revisions.

No other comments were received on this case.

4. The preliminary plat was approved with 227 lots. Due to some minor adjustments in lot lines, the final plat has 228 lots. All of these lots meet the minimum zoning requirements for their respective districts. Subsequently, the final plat is in general conformance with the approved preliminary plat.
5. The applicant submitted a Subdivision Agreement which is being reviewed by the City Attorney. This document will be approved by the City Council.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the preliminary plat.

V. PLANNING COMMISSION RECOMMENDATION


Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2016 GIS aerial photo of the property
3. Final plat received February 15, 2018

VII. COPIES OF REPORT TO:

1. Charleston Homes (Marc Stodola)
2. Thomson, Dreessen, & Dorner, 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

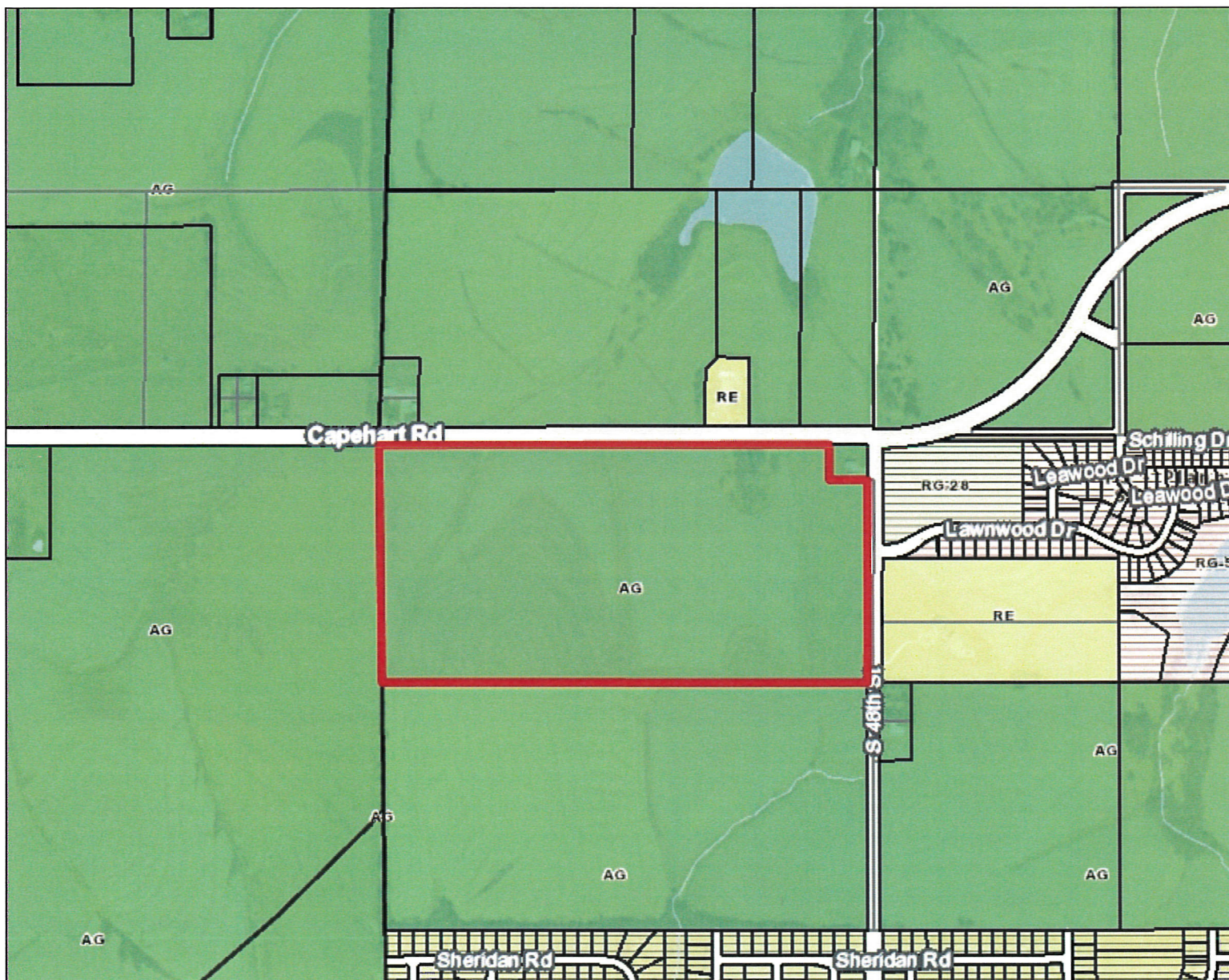


Prepared by:

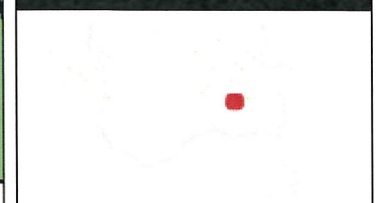

Planning Director

2/15/18
Date of Report

Zoning Map Falcon Pointe

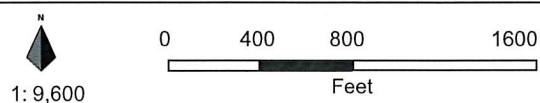


Location



Legend

- Tax Parcels
- Road Centerlines
- 2016 Aerial Photo
- Red: Band_1
- Green: Band_2
- Blue: Band_3



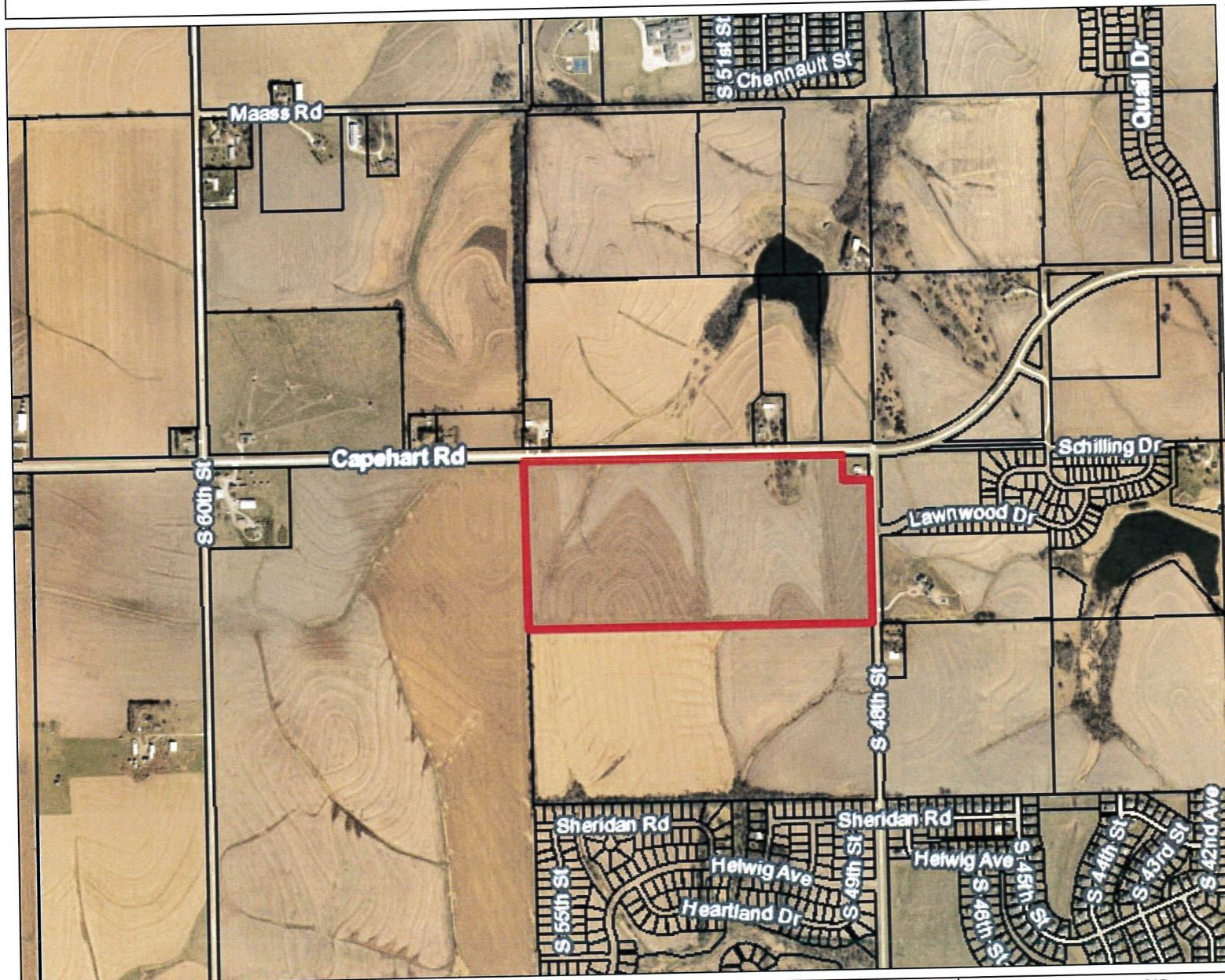
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

Sarpy County GIS



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

Falcon Pointe



Location



Legend

Tax Parcels

Road Centerlines

2016 Aerial Photo

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

1: 13,285

0 554 1107 2214
Feet

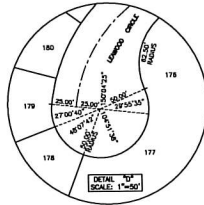
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Sarpy County GIS

sarpycounty
GIS

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

BEING A PLATTING OF PART OF THE NORTH 1/2 OF THE NE 1/4 OF SECTION 7, T13N, R13E OF THE 6th P.M., SARPY COUNTY, NEBRASKA.



DETAIL 1/4" SCALE: 1" = 5'

SHEET 1 OF 1



City of Bellevue

Office of the Planning Department

Agenda item 2b

To: Planning Commission
From: Chris Shewchuk, Planning Director *CWS*
Date: February 15, 2018
Subject: Zoning Ordinance Text Amendment

On January 22, 2018 the City Council approved Ordinance No. 3894 amending the City Code with regard to the number of pets permitted per dwelling unit. The ordinance allows residents to apply for and receive a “Pet Animal Avocation Permit” from the Nebraska Humane Society. Upon approval of such a permit, a resident would be allowed to keep up to five dogs or five cats total and no more than eight total dogs and cats four months of age or older. A copy of the approved ordinance is attached for your review.

Approval of Ordinance No. 3894 created a conflict with the provisions of the zoning ordinance. In each residential zoning district (RE, RS-120, RS-84, RS-72, RD-60, RG-50, RG-28, RG-20, and RG-8), the keeping of dogs, cats, and other household pets is a permitted accessory use, but it is limited to three animals over 6 months of age. In order to bring the zoning ordinance into conformance with the amended City Code, the Planning Department is proposing to amend Sections 5.07.04 (RE), 5.08.04 (RS-120), 5.09.04 (RS-84), 5.10.04 (RS-72), 5.11.04 (RD-60), 5.12.04 (RG-50), 5.13.04 (RG-28), 5.14.04 (RG-20), and 5.15.04 (RG-8), Permitted Accessory Uses as follows:

The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as provided for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the proposed amendment based upon previous action of the City Council.

ORDINANCE RECORD

ORDINANCE NO. 3894

AN ORDINANCE TO AMEND SECTION 6-0 AND TO ADD SECTIONS 6-23 AND 6-47 OF THE BELLEVUE CITY CODE PERTAINING TO "ANIMALS"; TO REPEAL SECTION 6-0 OF THE BELLEVUE CITY CODE AS HERETOFORE EXISTING; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. That Section 6-0 of the Bellevue Municipal Code is hereby added to read as follows:

Sec. 6-0. - Definitions.

As used in this chapter, unless otherwise specified, the following terms mean:

Animal: Any live, vertebrate creature, domestic or wild.

Animal control authority: The entity with which the city contracts for enforcement of this chapter.

Animal Shelter: Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Auctions: Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This paragraph does not apply to individual sales of animals by owners.

Commercial animal establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibit or kennel.

Dog: Any canine animal, male or female, sexed or neutered.

Grooming shop: A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

Humane Officer: Any individual employed, appointed or authorized by an animal control authority with which the City is then under contract for the purpose of aiding in the enforcement of sections 54-617 to 54-624, Reissue Revised Statutes of Nebraska 1943, as amended, or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and shall include any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

Kennel: An entity which a) is engaged in the commercial business of buying, selling, breeding, training for a fee, care or boarding of dogs, or keeps four or more dogs over four months of age; and b) does not possess a valid pet avocation permit nor a valid pet shop permit.

Licensing authority: The City of Bellevue, Nebraska.

Owner: Any person, or in the case of a minor, the minor's parent or other legal guardian; partnership; corporation or other entity owning, possessing, keeping, harboring, maintaining custody over or entrusted with safeguarding and handling at least one animal located within the city's boundaries or within two miles thereof.

Pet: Any licensed animal kept for pleasure rather than utility.

Pet animal avocation: The care, breeding, showing or sale of dogs or cats by a competent adult person who is registered with the animal control authority and who shall own, keep, harbor or maintain four or more dogs or cats, but no more than five dogs or five cats total and no more than eight total dogs and cats four months of age or older on the lot on which he or she resides or on a contiguous lot, which lot or lots are not zoned for business.

Public nuisance: Any animal or animals which:

- (1) Molest passersby or passing vehicles;
- (2) Attack other animals;

ORDINANCE RECORD

- (3) Trespass on school grounds;
- (4) Are repeatedly at large;
- (5) Damage private or public property;
- (6) Bark, whine or howl in an excessive, continuous or untimely fashion; or
- (7) Annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of persons or property within the city's boundaries and within two miles thereof.

Restraint: Any animal secured by a leash or lead or within the real property limits of its owners.

Riding school or stable: Any place that has available for hire, boarding and/or riding instruction any horse, pony, donkey, mule or burro.

Stray animal: Any unlicensed animal found roaming at large, frequenting or remaining on private or public property without the consent of the owner or tenant of said property.

Veterinary hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild animal: Any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous or dangerous snake, poisonous or dangerous insect, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox and wolf.

Wild state: An animal's original, natural condition of living; not domesticated.

Zoological park: Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation or governmental agency.

Section 2. That Section 6-0 of the Bellevue City Code as heretofore existing is hereby repealed in its entirety.

Section 3. That Section 6-23 of the Bellevue Municipal Code is hereby added to read as follows:

Sec. 6-23. - Number restricted.

- (1) It shall be unlawful to own, keep or harbor at any time more than a total of three dogs and/or cats over the age of four months per residential or dwelling unit in the city; provided, however, this section shall not apply to kennels or holders of a pet animal avocation permit.
- (2) The number of animals authorized in section 6-47 shall not be in addition to the total number of animals specified under this section.

Section 4. That Section 6-47 of the Bellevue City Code is hereby added to read as follows:

Sec. 6-47. - Pet animal avocation permit.

- (1) *Permit required.* A permit is required for any person who shall own, keep, harbor or maintain four or more dogs or cats, but no more than five dogs or five cats total and no more than eight total dogs and cats four months of age or older on the lot on which he or she resides or on a contiguous lot, which lot or lots are not zoned for business.
- (2) *Application for permit; issuance; fee:* Any person desiring a pet animal avocation permit shall file an application with the authority for issuance of the permit. The authority shall inspect for and consider the applicant's compliance with this chapter in determining whether to issue the permit. An initial inspection fee of \$100.00 shall be paid at the time of application. In addition, a permit fee of \$50.00 shall be paid by the applicant annually on the anniversary of the issuance date of the permit. The initial inspection fee required under this subparagraph (2) is waived for animal rescues, provided such are otherwise in compliance with this chapter.

ORDINANCE RECORD

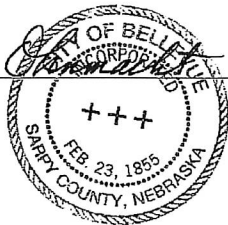
- (3) *License required.* All animals owned, kept, possessed or harbored under a pet animal avocation permit must be licensed as required by section 6-31. Proof of individual license on each pet animal must be provided at the time of inspection.
- (4) *Vaccination required.* All animals owned, kept, possessed or harbored under a pet animal avocation permit must be vaccinated against rabies as required by section 6-31. Proof of individual rabies vaccination on each pet animal must be provided at the time of inspection.
- (5) *Duration; renewal of permit; revocation.* Such permit shall allow the applicant to pursue the avocation for a period of one year unless said permit is revoked. Being found guilty, in a court of law, of any violation of this chapter, may constitute sufficient cause for revocation of such permit. Failure to permit inspection pursuant to subsection (6) of this section shall be grounds for immediate revocation of this permit. Such permit shall be renewed annually.
- (6) *Maintenance and inspection of premises and animals.* A vocational premises shall be maintained in a clean and safe condition at all times. Sanitary methods shall be used to prevent or abate any offensive odors. The authority shall have the right to inspect such premises and the animals therein at reasonable hours to ascertain that the premises are kept in the aforementioned conditions and meet the following operational standards and such other standards as promulgated by the authority.
- (a) Each animal shall at suitable intervals and at least once every 24 hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal;
 - (b) Each animal shall have available at all times an adequate supply of clean, fresh, potable water. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping;
 - (c) Indoor housing shall provide for adequate ventilation, lighting, temperature control, and construction so as to provide for the safety and comfort of the animals;
 - (d) Each animal shall receive care and medical treatment for debilitating injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering;
 - (e) Animals maintained pursuant to a vocational permit shall be predominantly maintained indoors. Premises where a vocational permit includes dogs shall provide a fenced enclosure sufficient to contain any dogs while outside.
 - (f) All areas of the premises inspected for a vocational permit shall be made open and available for inspection by the authority.

Section 5. This Ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.

ADOPTED by the Mayor and City Council this 22nd day of January 2018.

ATTEST:

Sabrina
City Clerk



[Signature]
Mayor

APPROVED AS TO FORM:

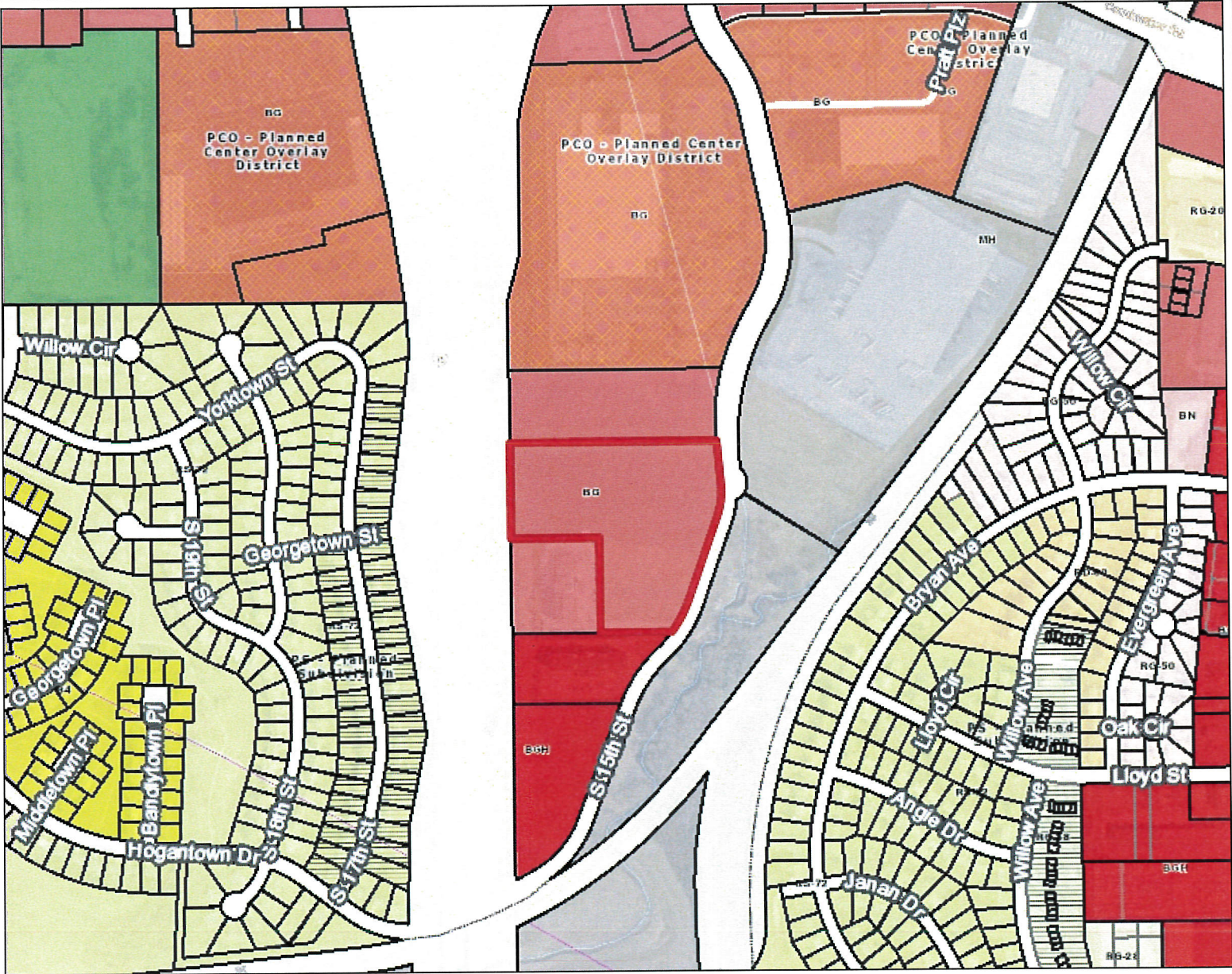
[Signature]
City Attorney

First Reading 12-11-17

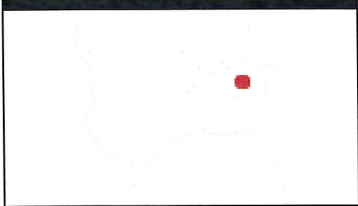
Second Reading 1-8-18

Third Reading 1-22-18

Zoning Map Lot 2, Wolf Creek Replat 7

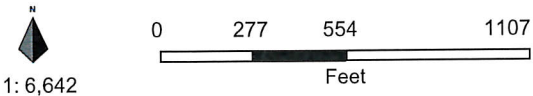


Location



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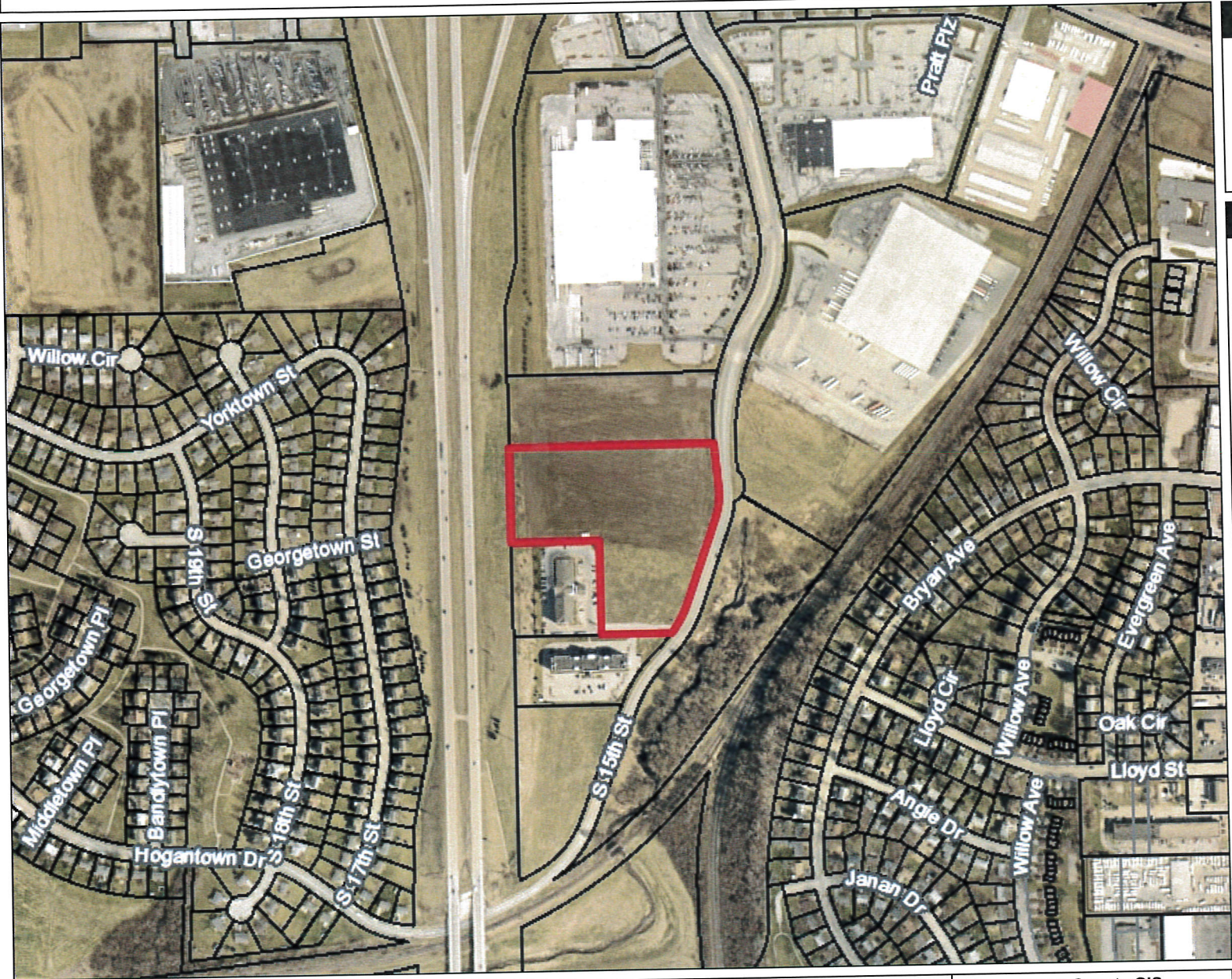
- Tax Parcels
- Road Centerlines
- 2016 Aerial Photo
- Red: Band_1
- Green: Band_2
- Blue: Band_3



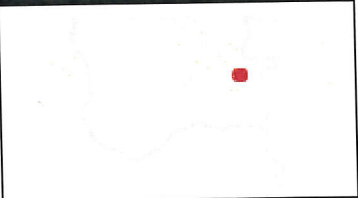
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Sarpy County GIS
1210 Golden Gate Dr.
Suite 1130
Papillion, NE 68046
maps.sarpy.com

Lot 2, Wolf Creek Replat 7

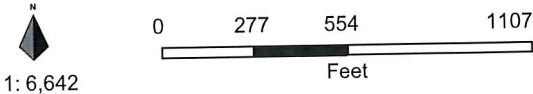


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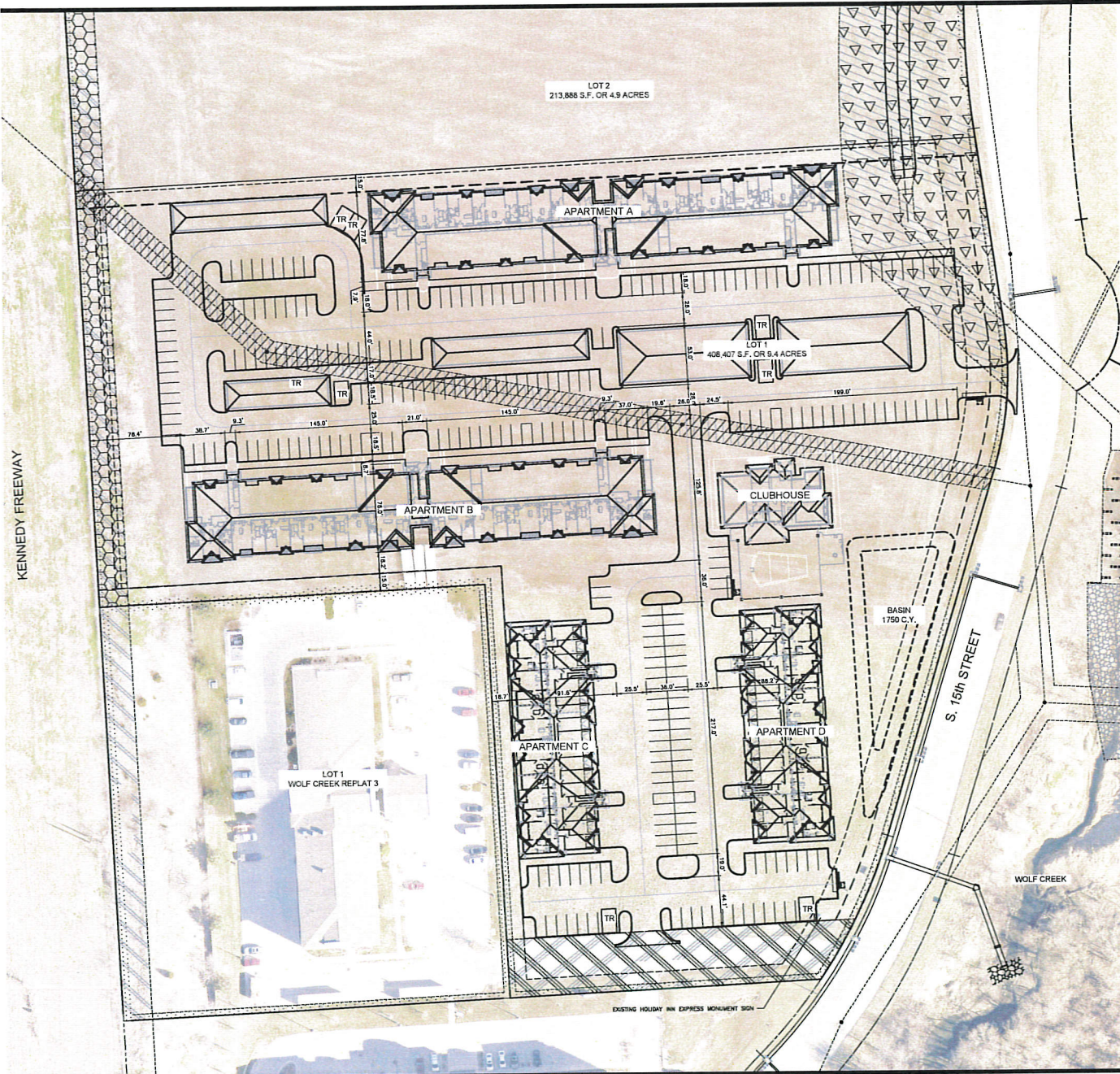
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- Tax Parcels
Road Centerlines
2016 Aerial Photo
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



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Suite 1130
Papillion, NE 68046
maps.sarpy.com



SITE SUMMARY		
EXISTING ZONING: BG PROPOSED ZONING: RG-20-P5		
SITE DATA	REQUIRED	PROVIDED
TOTAL SITE SIZE	-	9.38 AC. (408,407 S.F.)
SETBACKS	FRONTYARD - 35' REARYARD - 10' SIDEYARD - 5' STREET YARD - 10'	-
SITE AREA/UNIT	2,000	2,002
FAR	3.0 MAX	0.5
BUILDING COVERAGE	60% MAX.	27%
IMPERVIOUS COVERAGE	80% MAX.	67%
BUILDING HEIGHT	75' MAX.	42'-8" MAX

APARTMENT BUILDING SUMMARY		
BUILDING NO.	TYPE	UNITS
BUILDING A	72 PLEX	144
BUILDING B	72 PLEX	144
BUILDING C	30 PLEX	60
BUILDING D	30 PLEX	60
TOTAL		204

PARKING SUMMARY	
STALL TYPE	STALLS
STANDARD SURFACE STALLS	276
TANDEM STALLS	30
ATTACHED GARAGES	30
DETACHED GARAGES	72
TOTAL STALLS	408
TOTAL REQUIRED PARKING = 408	

EASEMENT LEGEND

	25.00 FOOT WIDE EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT RECORDED AS INSTRUMENT NUMBER 1945-24-15 OF THE SAPPY COUNTY RECORDS.
	30.00 FOOT WIDE EASEMENT GRANTED TO SANITARY AND IMPROVEMENT DISTRICT NO. 145 OF SAPPY COUNTY RECORDED AS INSTRUMENT NUMBER 2000-33565 OF THE SAPPY COUNTY RECORDS.
	55.00 FOOT WIDE EGRESS & EGRESS AND UTILITY EASEMENT AS SHOWN ON THE FINAL PLAT OF WOLF CREEK REFLAT 3 RECORDED AS INSTRUMENT NUMBER 2004-44187 OF THE SAPPY COUNTY RECORDS.
	30.00 FOOT WIDE SANITARY SEWER EASEMENT AS SHOWN ON THE FINAL PLAT OF WOLF CREEK REFLAT 1 RECORDED AS INSTRUMENT NUMBER 2000-05660 OF THE SAPPY COUNTY RECORDS.
	DRAINAGE EASEMENT AS SHOWN ON THE FINAL PLAT OF WOLF CREEK REFLAT 1 RECORDED AS INSTRUMENT NUMBER 2000-05660 OF THE SAPPY COUNTY RECORDS.



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

Wolf Creek
Apartments

Wolf Creek
Apartments, L.L.C.

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PLANNING DEPT

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Drawn By: RTM Reviewed By: DEK
Job No.: 1431-107 Date: 02-01-18

Rezoning Submittal
Site Plan

C1.0

X. PHOTOGRAPHS OF PROPERTY



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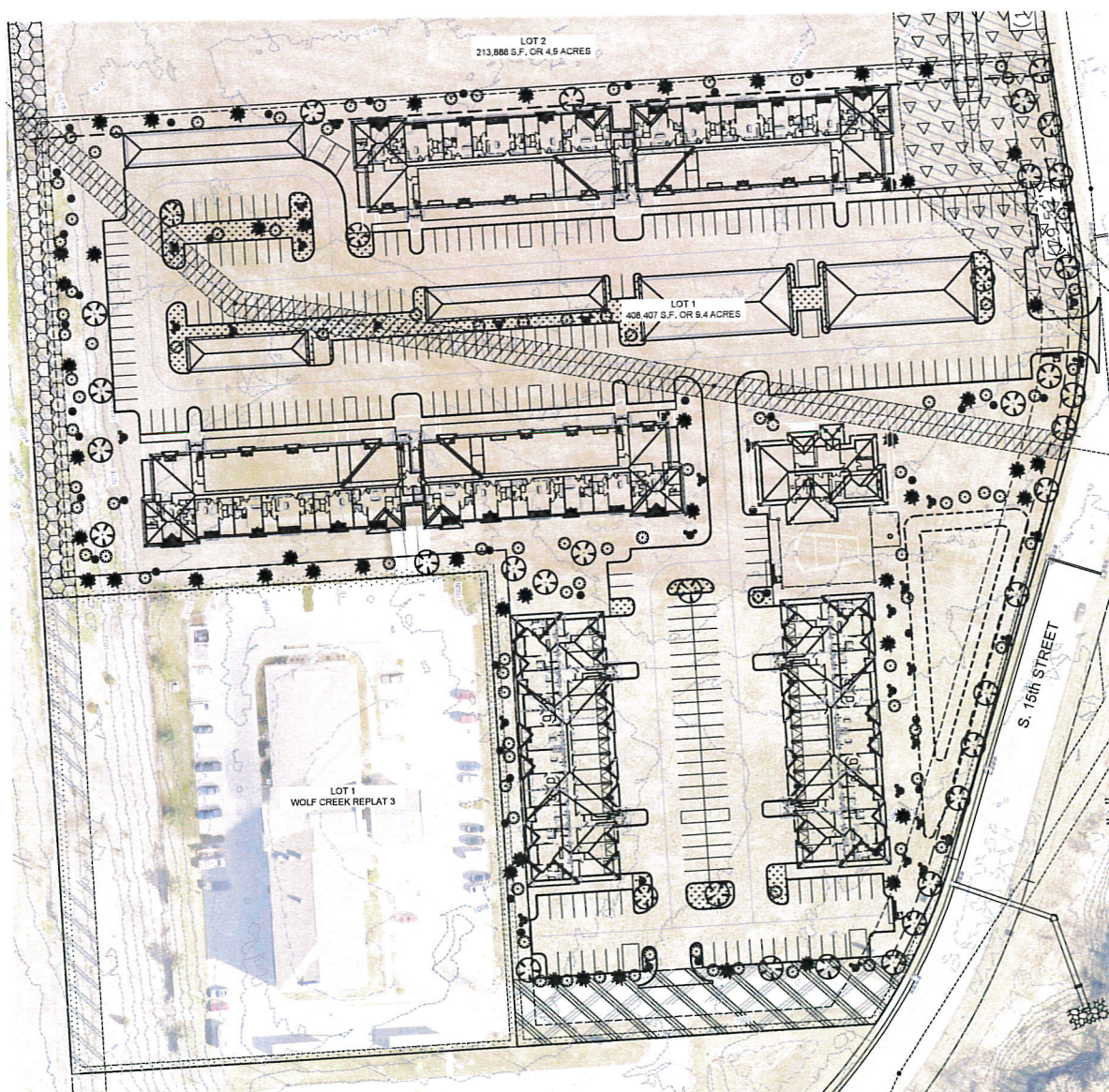
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REQUIRED LANDSCAPE TREES		
SECTION 8.11.6 (B) MULTI-FAMILY PER UNIT REQUIREMENT (1 TREE PER 2 UNITS)		
TREE TYPE	REQUIRED	PROVIDED
DECIDUOUS SHADE	-	9
CONIFEROUS/EVERGREEN	50	50
ORNAMENTAL	-	86
SHRUB	-	129
TOTAL	-	274
SECTION 8.11.6 (9A) 1 TREE PER 40 L.F. OF FRONTAGE		
DECIDUOUS SHADE	-	14
ORNAMENTAL	-	6
SHRUBS	-	18
TOTAL	-	48
SECTION 8.11.6 (10A & B) PARKING LANDSCAPING (19 S.F. LANDSCAPED PER PARKING STALL AND 1 TREE PER 300 S.F. REQUIRED LANDSCAPING)		
DECIDUOUS TREE	13	13
INTERIOR LANDSCAPING		12,700 S.F.

LANDSCAPE TREE SCHEDULE							
QTY.	BOTANICAL NAME	COMMON NAME	PLANTING METHOD	SIZE @ PLANTING	SPACING	MATURE SPREAD	MATURE HEIGHT
OVERSTORY DECIDUOUS TREES							
12	ACER RUBRUM 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	B&B	2" CAL.	AS SHOWN	35'	45'
12	ACER SACCHARUM 'LEGACY'	LEGACY SUGAR MAPLE	B&B	2" CAL.	AS SHOWN	420'	50'
12	QUERCUS RUBUR	RED OAK	B&B	2" CAL.	AS SHOWN	50'	60'
UNDERSTORY/ORNAMENTAL							
31	ACER GINNALA	AMUR MAPLE	B&B	1.5" CAL.	AS SHOWN	20'	20'
31	AMELANCHIER ARBOREA	DOWNY SERVICEBERRY	B&B	1.5" CAL.	AS SHOWN	15'	30'
30	KOELREUTERIA PANICULATA	GOLDEN RAIN TREE	B&B	1.5" CAL.	AS SHOWN	30'	30'
CONIFEROUS TREE							
14	PICEA PUNGENS 'GLAUCA'	COLORADO BLUE SPRUCE	B&B	6' HT.	AS SHOWN	15'	25'
14	PICEA GLAUCA DENSATA	BLACKHILLS SPRUCE	B&B	6' HT.	AS SHOWN	25'	50'
12	PINUS FLEXUS FLEXILIS	LIMBER PINE	B&B	6' HT.	AS SHOWN	25'	40'
10	PINUS HEIDREICHII	BOSNIAN PINE	B&B	6' HT.	AS SHOWN	20'	40'
DECIDUOUS SHRUBS							
18	ARONIA ARBUTIFOLIA 'BRILLIANTISSIMA'	RED CHOKEBERRY	CONT.	#5	AS SHOWN	3'	7'
18	AMELANCHIER ALNIFOLIA 'REGENT'	REGENT SERVICEBERRY	CONT.	#3	AS SHOWN	5'	5'
18	RHUS AROMATICA 'GRO LOW'	FRAGRANT SUMAC	CONT.	#3	60" O.C.	5'	3'
18	SPIRAEA BETULIFOLIA 'TOR'	BIRCHLEAF SPIREA	CONT.	#3	36" O.C.	3'	3'
EVERGREEN SHRUBS							
18	JUNIPERUS SPITZERIANA 'SEA GREEN'	SEE GREEN JUNIPER	CONT.	#3	6' O.C.	7'	4'
18	JUNIPERUS CHINENSIS 'MANEY'	MANEY JUNIPER	CONT.	#3	6' O.C.	6'	3'
19	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	BLUE CHIP JUNIPER	CONT.	#3	6' O.C.	5'	1'
20	JUNIPERUS PROCUMBENS 'NANA'	JAPGARDEN JUNIPER	CONT.	#3	6' O.C.	5'	1'

TD2
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& surveying

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Wolf Creek
Apartments

Wolf Creek
Apartments, L.L.C.

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Drawn By: RTM
Job No.: 1431-107

Reviewed By: DEK
Date: 02-01-18

Rezoning Submittal
Landscaping Plan

C3.0



Mr. Chris Shewchuk
Bellevue Planning Director
1510 Wall Street
Bellevue, NE 68005

Re: Rezoning Request Lot 2, Wolf Creek Replat 7

Dear Chris:

This letter serves as a supplement to the application to rezone the approximate 9.37 +/- acre property legally described as Lot 2, Wolf Creek Replat 7 located in the Wolf Creek subdivision in Bellevue, Nebraska (the "Property") from its existing BG zoning to RG-20-PS. The Property is currently surrounded by hotels to the south and west, a vacant outlot and railroad tracks to the east, Kennedy Freeway to the west, and commercial to the north. The rezoning of the Property is necessary to accomplish several key benefits for the City of Bellevue.

The applicant is proposing to develop six (6) three (3) story multi-family buildings along with a clubhouse and pool. Despite the difficulties in layout due to a sewer line running diagonally from the northwest corner to the southeast portion of the lot which contains a no build easement of twenty (20) feet, we believe we have put together a project that will benefit the current and future residents of Bellevue, the commercial owners, and the City of Bellevue.

1. Lack of Marketability for the Land

The property has been in a finished developed condition for over 20 years and yet the owner has had no interest from any commercial users for the land. The retail market is currently saturated with empty space. Locally, Hancock Fabric and Gordmans left over 100,000 sq. ft. of empty space at the corner of 15th Street & Cornhusker. The retail landscape has also shifted with less retailers looking to expand, and instead, retailers are more likely to reduce the size of their stores or eliminate the underperforming stores. Furthermore, the Property is not well suited for a retail development with the sewer line running through the middle of the property as users are limited to the location of the buildings and consequently, reduced visibility from Kennedy Freeway.

2. Multi-family housing needed in Mixed Use areas

The applicant had a market study prepared which showed the need for 204 multi-family units to serve the needs of the community, especially Bellevue University and Offutt Air Force Base. Shopping centers today are being developed with multi-family communities either near or part of the shopping center to support the retailers. These types of mixed used developments are commonplace in the Douglas and Sarpy county marketplaces. In our case, the Bellevue retailers located at 15th & Cornhusker would benefit from the proposed 204 multi-family units due to its close proximity to the multi-family dwellings

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and the residents would benefit from being able to walk to the stores and purchase goods and services. The walkability between the shopping center and the multi-family units is consistent with current planning models. It is also what people are asking and looking for when determining a place to live.

3. Reduction of traffic

We understand 15th & Cornhusker is one of the busiest intersections in Bellevue. The applicant had a traffic study completed on November 3, 2017, by Felsburg, Hot & Ullevig. The study found that traffic would be reduced daily by approximately 4,414 cars due to changing the zoning from BG to RG-20-PS. More importantly, peak hour traffic would be significantly reduced by 228 cars in the morning and 365 cars in the evening.

Change In Trips by Land Use

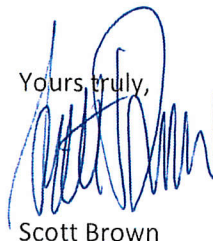
Facility	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Wolf Creek Land Use Total	1,502	22	72	94	72	42	114
Commercial Land Use Total	5,916	193	129	322	245	234	479
Difference in Generated Traffic (Commercial - Proposed)	+4,414	+171	+57	+228	+173	+192	+365

4. Assessed Valuation

The land was valued at \$406,981 in 2012 and since increased to \$946,468 in 2016. The applicant is proposing an apartment project with clubhouse and pool that may increase the property valuation to over Ten Million Dollars (\$10,000,000). That is a 956.6% potential increase in property valuation.

We are sincerely looking forward to working with the City of Bellevue on the development of the Property. We see this project as a win for all parties involved and the current and future residents of the City of Bellevue. Should you or anyone else require or desire any additional information, please do not hesitate to ask.

Yours truly,



Scott Brown



City of Bellevue
Public Works Administration
1510 Wall Street • Bellevue, Nebraska 68005 • (402) 293-3025

MEMO TO: Tammi Palm

FROM: Dean Dunn

DAD

DATE: February 15, 2018

SUBJECT: REZONING REVIEW – LOT 2 OF WOLF CREEK REPLAT 7

Public Works has reviewed FHU's response memo and its revised traffic impact analysis dated 2/12/2018 and 2/13/2018 respectively. The memo and revised traffic impact analysis were in response to Public Work's request for additional information or clarification on the following items:

1. Clarify why traffic through Willow Springs is expected to maintain the same trip distribution regardless of how bad the intersection delay/level of service and queuing at 15th & Cornhusker Road becomes.
2. Clarify why impacts to 10th & Cornhusker, Wolf Creek Drive, and cut-through traffic behind Wolf Creek Plaza was not addressed in the report.
3. The comparison between the possible future residential and commercial development did not continue in the discussion of future conditions. To adequately understand the consequences of selecting one type of development over another, all information should be presented. In this case, provide counterpart analysis for the commercial development scenario.
4. Clarify how signal optimization at 15th & Cornhusker will affect traffic/intersections east and west (Fort Crook Road to 25th Street) and whether additional traffic studies have been completed, are underway, or are required.

Public Works still has concerns regarding the degree of impact Willow Springs may face under the two scenarios. Under the FHU response regarding the trip distribution through Willow Springs, it was stated that *"Traffic using Hogantown Drive and Lewis and Clark Road through the Willow Springs neighborhood would be expected to increase 3 to 4 times under the commercial scenario."* This statement is slightly misleading and should be clarified by stating it is based on comparing only the trips generated by each of the two scenarios (residential vs. commercial). A similar misrepresentation occurs with the response comment explaining *"With a less intense land use on the site, traffic through the Willow Springs neighborhood would be lessened"* and should be clarified by mentioning it is when compared to the commercial scenario.

To provide a better understanding, on following page, Table PW-1 may help illustrate the overall anticipated change in peak hour traffic volume based on the current study's assumptions.

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City of Bellevue

Public Works Administration

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TABLE PW-1. TOTAL PEAK HOUR TRAFFIC VOLUMES

15 TH Street to Willow Springs								
Scenario	FROM Willow Springs		TO Willow Springs		Total		% Increase vs. Existing	
	AM	PM	AM	PM	AM	PM	AM	PM
2017 Existing	258	87	3	148	261	235	---	---
2022 Residential	259	91	7	150	266	241	1.9%	2.6%
2022 Commercial	268	99	9	160	277	259	6.1%	10.2%

The FHU report and response appears to contradict itself when maintaining their 5% trip distribution assumption while stating, *"the commercial scenario will cause significantly higher delay and longer queues compared to the residential scenario"* and *"traffic would need to experience significant delays for drivers to alter their route"*. Given these statements, it would seem that the potential impacts to Willow Springs may be understated.

With respect to the impacts to 10th and Cornhusker being ignored to provide a conservative analysis at 15th and Cornhusker, it stands to reason that the analysis of the traffic impacts at 15th and Cornhusker may be overstated based on the previously mentioned statement that *"traffic would need to experience significant delays for drivers to alter their route."*

In comparing the impacts between the residential versus the commercial scenarios on the 15th and Cornhusker intersection, both scenarios appear to negatively impact the surrounding traffic as summarized by *"both the commercial and residential scenarios will increase delay and queueing at the intersection of S. 15th Street with Cornhusker Road. However, the commercial scenario will cause significantly higher delay and longer queues compared to the residential scenario."*

The Public Works Department understands there is a need to improve the Cornhusker Road corridor from Fort Crook Road and 25th Street. While a feasibility study is not yet being contracted, Public Works will be pursuing a study to determine the needed modifications. Once the study is completed, the necessary steps will be taken to program, design, and construct the necessary modifications to improve the efficiency of the corridor which includes the intersection at 15th Street.

With this in mind, the only recommendation made involving improvements to the intersection was to optimize signal timings. In absence of any recommendations involving immediate major reconstruction, the question becomes one of the degree of impact the City of Bellevue is willing to accept versus the opportunity costs involved. The degree of impact is summarized in the report's Table 9 (Lane Group Delay Build Comparison) and Table 10 (95% Queue Lengths Build Comparison). The opportunity costs to be considered are having the land left undeveloped, having the land developed to produce higher property taxes, or having the land developed to produce higher property taxes and sales tax revenue.

3a.

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-1801-01

FOR HEARING OF:
REPORT #1: February 22, 2018

I. GENERAL INFORMATION

A. APPLICANT:

Wolf Creek Apartments, LLC
Scott Brown
1925 North 120th Street
Omaha, NE 68154

B. PROPERTY OWNER:

Hogan Wolf Creek North, LLC
c/o: Jim Buser
10250 Regency Circle, Suite 300
Omaha, NE 68114

C. GENERAL LOCATION:

South 15th Street and Cornhusker Road

D. LEGAL DESCRIPTION:

Lot 2, Wolf Creek Replat 7, located in the Southeast ¼ of Section 27, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lot 2, Wolf Creek Replat 7, from BG to RG-20-PS with site plan approval.

F. EXISTING ZONING AND LAND USE:

BG, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning and site plan for the construction of a 204 unit multi-family residential development.

H. SIZE OF SITE:

The site is approximately 9.37 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:** Vacant/Commercial
2. **East:** Blue Buffalo Warehouse and Distribution Center/MH
3. **South:** Commercial/BGH
4. **West:** Highway 75 right-of-way

C. REVELANT CASE HISTORY:

1. On December 28, 2017, an administrative plat was approved for Lots 1 and 2, Wolf Creek Replat 7, being a replat of Lot 2, Wolf Creek Replat 3.

D. APPLICABLE REGULATIONS:

1. Section 5.14, Zoning Ordinance, regarding RG-20 uses and requirements.
2. Section 5.17, Zoning Ordinance, regarding Planned Subdivision District.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan shows this area as commercial.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The 2016 MAPA Traffic Flow Chart estimates 14,200 vehicles per day along 15th Street South and Cornhusker Road.
2. The property has access from two points along South 15th Street.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Scott Brown, on behalf of Wolf Creek Apartments, LLC has submitted a request for a rezoning for Lot 2, Wolf Creek Replat 7, from BG to RG-20-PS for the purpose of a multi-family residential development.
2. Staff does not believe this proposed residential development is compatible with the surrounding neighborhood. The adjacent zonings include BG (General Business), BGH (Heavy General Business), and MH (Heavy Manufacturing). The intent of these adjacent zonings is to provide for a wide range of retail and service establishments, as well as the widest range of industrial operations permitted in the city. Furthermore, the intent of the MH zone goes on to state "It is the zone for location of those industries which have not reached a technical stage in processing which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance free manner." While the current distribution center across the street from the proposed development may not be offensive to most residents, this existing zoning district allows for permitted uses such as temporary batch plants, livestock yards, and junk yards with auto parts salvage and auto wreckage; none of which are compatible with a residential development.
3. In conjunction with the change of zone, the applicant is also requesting site plan approval for the apartment buildings.
4. The proposal consists of 204 units in three buildings. The buildings are a mix of studio, one-, two-, and three-bedroom units. The applicant has indicated the apartments will range in size from 500 square feet (studio) to in excess of 1,300 square feet (three-bedroom). Additionally, five detached garaged structures are proposed.
5. The site plan shows 306 surface parking stalls for the development, in addition to 102 garage spaces (attached and detached), for a total of 408 parking spaces. The ordinance requires a minimum of 408 parking stalls.

6. The applicant is proposing a clubhouse with a private 24-hour fitness center and a heated saltwater pool with a sundeck as recreational opportunities for residents. Additionally, the applicant indicates some of the project's amenities will include two buildings with elevators, an onsite pet bathing station, enclosed dog area for pet exercise, a social room in the clubhouse, as well as the convenience of the surrounding Wolf Creek commercial area.
7. The landscape plan has been reviewed by staff and meets the minimum requirements of the zoning ordinance.
8. The applicant has submitted building elevations. These elevations will need to be revised to meet the city's required design standards. This information has been conveyed to the applicant and his architect.
9. The site plan shows an existing monument sign for the adjacent Holiday Inn Express on proposed parking stalls. This has been brought to the applicant's attention and will need to be addressed if the site plan is approved.
10. A traffic study was required by staff and submitted with this application. This study has been reviewed by the Public Works Department.

The traffic study indicates that the overall current level of service (LOS) for the intersection of 15th Street and Cornhusker Road is "D" during the AM peak hour and "E" during the PM peak hour, although some movements are at LOS "F" during this time. As a result of either residential or commercial development at this site, the proposed 2022 level of service would remain at "D" during the AM peak hour and at "E" during the PM peak hour, but delay times on some movements would increase significantly.

The traffic study recommends "that signal timings be optimized at the signalized intersection of S. 15th Street with Cornhusker Road. With optimized timings, the intersection is anticipated to operate at LOS D in both the AM and PM peak periods under 2022 Wolf Creek build traffic conditions."

The applicant states based on the traffic study completed by Felsburg Holt & Ullevig, traffic would be reduced significantly during peak hours by changing the zoning from BG to RG-20-PS. The Public Works Department has pointed out the traffic study compares trips generated by each of the two scenarios (residential versus commercial). The claim of a reduction in peak-hour traffic in the traffic study and by the applicant is misleading; both the proposed residential development and a potential commercial development would cause increases in peak-hour traffic, however, the increase resulting from residential development would be less than that resulting from commercial development.

Dean Dunn, Public Works Engineering Manager, expressed traffic concerns relating to the impact at 15th Street and Cornhusker Road, 10th Street and

Cornhusker Road, as well as increased traffic through the Willow Springs neighborhood. Mr. Dunn stated in comparing the impacts between the residential versus the commercial scenarios on the 15th and Cornhusker intersection, both scenarios appear to negatively impact the surrounding traffic as summarized by the traffic study: “both the commercial and residential scenarios will increase delay and queuing at the intersection of S. 15th Street with Cornhusker Road. However, the commercial scenario will cause significantly higher delay and longer queues compared to the residential scenario.”

The Planning Department was particularly concerned about the impact of this development through the Willow Springs neighborhood. Based upon current trip distribution patterns, both the residential and commercial development would have minimal impacts on Willow Springs as shown on the memo from Dean Dunn. The traffic study also points out that increased delays at 15th and Cornhusker may cause drivers to alter their routes to avoid the increased delays.

Mr. Dunn commented the Public Works Department understands there is a need to improve the Cornhusker Road corridor from Fort Crook Road to 25th Street. He mentioned the Public Works Department will be pursuing a study to determine the needed modifications. Once this is completed, Mr. Dunn stated “the necessary steps will be taken to program, design, and construct the necessary modifications to improve the efficiency of the corridor which includes the intersection at 15th Street. Mr. Dunn stated the only apparent recommendation from the traffic study was to optimize signal timings. Subsequently, he further commented “In absence of any recommendations involving immediate major reconstruction, the question becomes one of the degree of impact the City of Bellevue is willing to accept versus the opportunity costs involved.” He concluded by stating “The opportunity costs to be considered are having the land left undeveloped, having the land developed to produce higher property taxes, or having the land developed to produce higher property taxes and sales tax revenue.”

11. This application was sent out to the following departments for review: Public Works, Streets Department, Permits and Inspections, Acting Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Traci Stites, Offutt Air Force Base, stated she was surprised the city would consider this request in this particular location. She questioned how the proposed development fits into the city’s masterplan. Ms. Stites indicated this does not seem a desirable location for residential development given it backs up to Highway 75 and is across the street from an industrial facility.

David Stukenholtz, Acting Chief of Police, expressed traffic concerns. Captain Stukenholtz stated, “Although it will add significant vehicular traffic to Cornhusker at both 15th St. and 10th St. during peak hours my greater concern is the Willow

Springs area. The Cornhusker Road intersections are controlled by traffic signals so traffic may need to wait through an additional cycle. The Willow Springs subdivision only has stop signs and speed bumps so I am fearful that since the proposed units are near the Southern end of 15th St. more traffic may attempt to get out of the area through the south exit. The Willow Springs area has been a point of emphasis on the enforcement side of things for several years.”

Dean Dunn, Public Works Engineer, had technical comments pertaining to the traffic study.

No other comments were received on this case.

12. The Future Land Use Map of the Comprehensive Plan shows this area as commercial.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

DENIAL based upon incompatibility with the surrounding neighborhood and lack of conformance with the Comprehensive Plan. If the Planning Commission or City Council votes to approve the change of zone, the Planning Department would recommend approval to the site plan for multi-family development.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. GIS aerial photo of the property
3. Site plan received February 13, 2018
4. Exterior and interior photos of proposed apartments received January 19, 2018
5. Landscape plan received February 13, 2018
6. Justification letter received February 14, 2018
7. Traffic Study review memo from Dean Dunn, dated February 15, 2018

VII. COPIES OF REPORT TO:

1. Wolf Creek Apartments, LLC
2. Hogan Wolf Creek North, LLC
3. Thompson, Dreessen & Dorner, Inc.
4. Public Upon Request

Jammi Palm

Prepared by:

[Signature]

Planning Director

2/16/18

Date of Report



1925 N 120th Street
Omaha, NE 68154
(402) 934-4029
Quantumomaha.com



Apartment Developments Under Construction – Antler View – 384 units with clubhouse / pool / work out facility



Titan Springs – 66th & Highway 370 – Aerial Prior to Project –
Purchased in 2006



2007 Mixed Use Plan



AERIAL VIEW TOWARDS NORTHEAST

TITAN SPRINGS

PRELIMINARY ELEVATIONS, SUBJECT TO MIXED USE AGREEMENT



randy brown ARCHITECTS
design/build

2015 Approved Mixed Use Site Plan



BUILDING	S.F.
APARTMENT	31200
GAS STATION	4780
STRIP MALL	13200

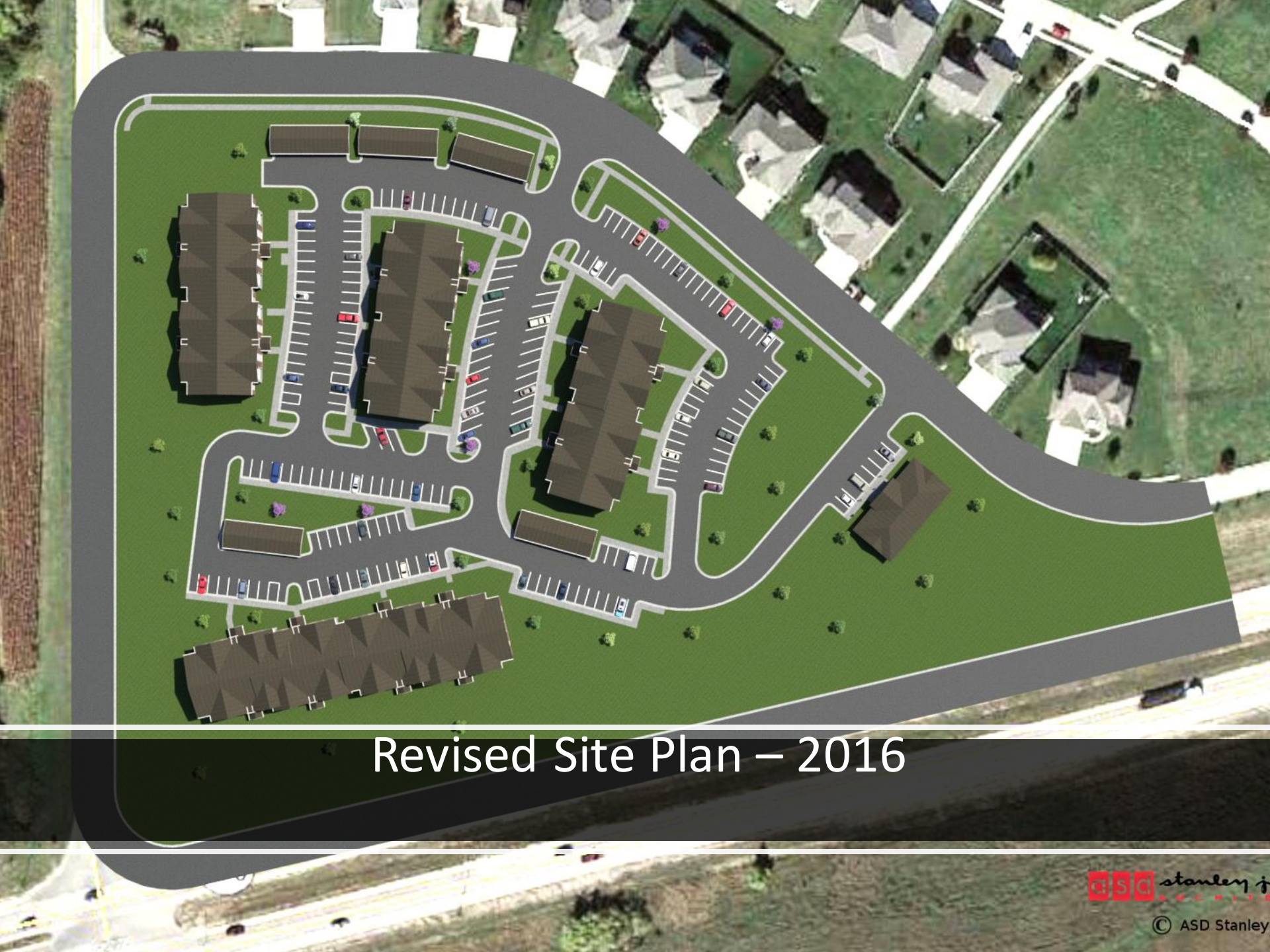
STALL TYPE	STALLS
APARTMENT PARKING	150
APARTMENT GARAGES	44
GAS STATION PARKING	13
MIXED USE PARKING	181
TOTAL	340

Titan Springs Mixed Use 



Thompson, Dossman & Dwyer, Inc.
10000 Oak Hill Rd.
Omaha, NE 68154
p: 402.336.0000 www.tddinc.com

112 Drawing & scan date: 08/08/2015



Revised Site Plan – 2016



























