

BELLEVUE PLANNING COMMISSION

Thursday, May 24, 2018 7:00 PM
Bellevue City Hall
1500 Wall Street
Bellevue, NE 68005

1. CALL TO ORDER:

- a. Pledge of Allegiance
- b. Roll Call
- c. The Open Meetings Act location
- d. Approve Minutes of February 22, 2018 Regular Meeting
- e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

2. CONSENT AGENDA/PUBLIC HEARINGS:

- a. Request to rezone Lot 33B1, Pleasant Hill or Martin's Subdivision, from RS-72 to RE for purpose of a 30 x 40 garage addition. Applicant: Michael Belcastro. Location: 8006 South 25th Street. Case #: Z-1804-02.

3. PUBLIC HEARINGS:

- a. Request for a conditional use permit for Lot 1, Saint Matthew The Evangelist Church, for the purpose of a religious assembly/church. Applicant: Saint Matthew. Location: 12330 South 36th Street. Case #: CUP-1804-02.

4. CURRENT BUSINESS

- a. Discussion of Urban Development in Europe (Leland Jacobson)

MINUTE RECORD

Bellevue Planning Commission Meeting, February 22, 2018, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, February 22, 2018 at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Madden, Perrin, Cain, Baumgartner, Jacobson, Ackley, Casey, and Smith. Absent was 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.

The Commissioners participated in Sparq software training facilitated by city staff.

Ritz joined the meeting at 6:15 p.m.

The Commission took a recess at 6:48 p.m., and reconvened at 7:00 p.m.

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

Motion was made by Cain, seconded by Ackley, to approve the minutes of the December 21, 2017 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Motion was made by Madden, seconded by Perrin, 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.

The following items were on the consent agenda:

Item 2a: Request to final plat Lots 1 through 228, and Outlots A through D, Falcon Pointe, being a platting of the North ½ of the Northeast ¼, 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.

Item 2b: 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.

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

MOTION made by Baumgartner, seconded by Perrin, to recommend APPROVAL of the consent agenda items. APPROVAL on agenda item 2a based upon general conformance with the preliminary plat. APPROVAL on agenda item 2b based upon the Planning Department's recommendation. Upon roll call, all present voted yes. Motion carried unanimously.

Item 2a will proceed to CITY COUNCIL for PUBLIC HEARING on March 12, 2018.

Item 2b will proceed to CITY COUNCIL for PUBLIC HEARING on March 26, 2018.

Jacobson explained the public hearing procedures.

PUBLIC HEARING was held on 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.

Jim Buser, Pansing Hogan Law Firm, 10250 Regency Circle, Omaha, NE, was present on behalf of the property owner. Buser discussed the history of the Wolf Creek development. He indicated the Hogan family has had difficulty selling this lot. Buser mentioned a sanitary sewer easement cuts through the property, making it hard to build on. He stated the property owner was happy to have Quantum Real Estate bring this proposal forward. Buser indicated a 4½ acre parcel to the north will hopefully develop as a fitness center. He mentioned the retail environment is not conducive for commercial development on this property.

MINUTE RECORD

Bellevue Planning Commission Meeting, February 22, 2018, Page 2

Scott Brown, Quantum Real Estate, 1925 North 120th Street, Omaha, NE was present. He provided a background and history of Quantum Real Estate's recent projects. Brown mentioned there is a need for multi-family projects throughout the metro area. He stated Quantum switched gears from commercial development to multi-family development in 2012. Brown provided an overview of their recent Titan Springs project in Papillion, NE near 66th Street and Highway 370. He utilized a slideshow presentation to show the Commissioners pictures of the project. Brown described the development process Quantum Real Estate went through with the City of Papillion. He stated the Titan Springs project has several residents who work in Bellevue. Brown advised this spurred Quantum Real Estate to look for property in Bellevue to develop. He stated they wanted an area with retail and shopping adjacent to the development. Brown indicated Quantum Real Estate has been working with Planet Fitness, who is also looking to build in the area. He advised the Wolf Creek property is ideal for multi-family development due to the close proximity of retail and restaurant options. Brown stated the project will have quality apartments with high-end finishes. He mentioned the development will include a clubhouse, pool, and dog wash.

Buser addressed the Planning Department's concerns. He stated a traffic study was required and completed. Buser mentioned the traffic study shows the residential use is a more favorable traffic generator than a commercial use would be. He spoke to staff's concern of a residential zoning adjacent to a heavy industrial zoning. Buser mentioned the developer is perfectly comfortable with the location of this project. In addition, he stated the developer has no concerns being adjacent to the Kennedy Freeway.

Jim Ristow, Bellevue Chamber of Commerce, 1036 Bruin Blvd., Bellevue, NE spoke in favor of the project. He indicated this has been a difficult piece to develop commercially. Ristow stated an area where residents can shop, eat, and play is attractive to tenants. He mentioned this is an ideal location for a mixed use development with the nearby retail and restaurant options. Ristow also mentioned this development would be good for international students attending Bellevue University. He stated developers like the availability of residential development next to commercial development. Ristow concluding by stating the Chamber supports this proposal.

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

Ackley stated he thought the application was a "no-brainer" when he first looked at it. He indicated he does not take staff's recommendation of denial lightly. He stated the two main issues for this proposal are having residential zoning near heavy manufacturing, and traffic concerns. Ackley utilized the GIS mapping site to illustrate his points to the Commission. He pointed out several spots in the immediate vicinity of South 15th Street and Cornhusker which have residential zoning near industrial zoning. Ackley stated this type of rezoning has been done before. He indicated from a pure planning perspective, residential zoning does not mix with industrial zoning; however, there are several examples in the city where this has happened through development over the years and it works out. Ackley pointed out the folks at risk on this proposal are the developer. He stated if Blue Buffalo leaves and the industrial property turns into a less desirable industrial development, the developer is going to be the one stuck with empty apartments. Ackley mentioned 15th Street and Cornhusker is one of the busiest intersections of Bellevue, which makes it attractive to development. He stated he was pleased to hear a fitness facility was looking at locating in Wolf Creek, and was also happy to hear about this development. Ackley acknowledged traffic is bad at 15th Street and Cornhusker Road, but indicated it is not the fault of this property. He pointed out potential development near 10th Street and Cornhusker Road will also impact traffic along Cornhusker Road. He pointed out the traffic study shows traffic at 15th Street and Cornhusker Road will be impacted by any development in Wolf Creek; however, a residential development will have less impact on the intersection than a commercial development. Ackley indicated if a commercial developer was coming in, there would be no discussion on traffic by the Planning Commission because the commercial zoning is already in place. He advised this is actually an application to "down zone" and move to a less intense zoning district than what currently exists. He thanked Jim Ristow of the Bellevue Chamber of Commerce for coming to the public hearing and providing a business perspective. Ackley pointed out this lot has remained undeveloped for twenty plus years, which indicates it is a difficult property to develop. He pointed out the drainage which exists through the Wolf Creek area. Ackley mentioned the Public Works Department sees the need for improvement along Cornhusker Road and is taking steps to find solutions. He stated this development does not compound the traffic problem. Ackley again stated he understands the recommendation of denial from a purely planning perspective; however, reminded the Commissioners this exists throughout the area already. He also reiterated the risk is on the developer.

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Bellevue Planning Commission Meeting, February 22, 2018, Page 3

Smith stated when thinking about planning and zoning, the modern concept is to look at the city as a whole; not on a lot by lot basis, which is what is done with the Comprehensive Plan. She mentioned this zoning request is not consistent with the Comprehensive Plan. Smith stated she realizes there has been a decline for the need for retail, particularly big-box retail. She indicated there is still a need for manufacturing facilities such as Blue Buffalo. She summarized the arguments made so far for the approval of the residential zoning request, as well as the comparisons to the Titan Springs and Shadow Lake developments. Smith addressed the issue of walkability and biking, and indicated she does not see this area as a particularly walkable one. She advised mixed use is a wonderful concept; however it is a concept which needs to be thought about from the beginning of a development, as opposed to an after-thought on an existing development like Wolf Creek. She reiterated to take an existing development like Wolf Creek which has commercial and industrial development, and add residential development on a one lot basis, is not ideal.

Madden thanked Smith for reminding the Commissioners as to what the focus and emphasis of modern planning is. He indicated that is important, and stated he does not take lightly the staff recommendation of denial. Madden mentioned the Comprehensive Plan is an idea of where we think the city will go in the future. He stated at some point, the Comprehensive Plan is just that, and sometimes market forces will need to dictate where development goes. Madden stated it is unwise to ignore that. He understood staff's recommendation from a purely planning perspective; however, he advised sometimes planning principles need to be loosened a little bit. As such, Madden voiced his support for this proposal.

Cain stated she had concerns with this development. She mentioned the staff reports contained comments from Offutt Air Force Base which expressed concern with residential development in this area. Cain questioned whether Offutt would support their personnel residing at this complex and questioned if the applicant had had discussions with Offutt. She mentioned Offutt used to make living recommendations to their personnel. Cain also inquired as to whether or not the applicant had discussed traffic concerns with the Public Works Department. She questioned if the applicant had talked to the adjacent property owners as well. Scott Brown, Quantum Real Estate, indicated he had not had a chance to speak with adjacent neighbors or Offutt. He indicated Quantum is used to enhancing neighborhoods and having support in doing so. Conversation on this topic ensued. Cain stated she frequently hears the citizens of Bellevue voice their desire for more business and retail opportunities and less apartments. She pointed out this proposal is taking away commercial property in favor of a multi-family residential development. Cain stated she was not questioning the quality of Quantum's projects, but mentioned she still had concerns with this request. Brown advised they would speak with Offutt Air Force Base. He also indicated his traffic engineer had communicated with the city's Public Works Department. Cain advised teenaged drivers are much different than experienced drivers. She indicated this is a concern due to the close proximity of Bellevue West High School. Brown advised they have a lot of empty nesters in their developments. He indicated they do not attract many families. Cain stated these residents will use the same streets in the area as the high school students, who are less experienced in following the rules of the road.

Baumgartner stated she found more pros than cons with this development. She indicated she believes this development will be visually appealing from Highway 75. Baumgartner stated the live-walk-play concept is appealing and believes it will be good in this area. She thinks the existing zoning should not impede this process. Baumgartner believes this will be a good location for Bellevue University students. She concluded by stating she supported the request.

Jacobson addressed the traffic study. He inquired if the traffic study included anything regarding walkability. Shewchuk stated it did not. Jacobson mentioned the Bellaire subdivision was heralded as a walkable one when it was originally developed. He stated this was not the case. Jacobson indicated he is equally troubled by this development. He mentioned he has walked Shadow Lake, and stated this proposal is much different. Jacobson advised Shadow Lake was planned to be walkable; Wolf Creek was not. He challenged the concept this is a walkable area, and provided several examples within the development where walkability is an issue. Jacobson stated from a livability standpoint, he believes residents would benefit most by using the adjacent Willow Springs neighborhood for walking and biking opportunities. He indicated he does not see students walking to Bellevue University from Wolf Creek. Jacobson stated he would look to the city to address the walkability issue in this area if this development were approved. He advised this is a concern to him.

Casey stated he deals with traffic issues in his professional life, so his major concern was that of traffic and safety. He stated this is an issue not only at the intersection of 15th Street and Cornhusker Road, but also in Willow Springs. He stated traffic is already a mess in this area. Casey asked the applicant if they had considered land near the intersection of Fort Crook and Cornhusker Roads for residential development instead of the Wolf Creek area. Brown stated he was considering "walkability" to mean

MINUTE RECORD

Bellevue Planning Commission Meeting, February 22, 2018, Page 4

walking to WalMart or Starbucks; not Bellevue University. He mentioned having Planet Fitness next door will also be an opportunity for his residents. Brown stated there is no arrangement with Bellevue University. He stated they did look at the Fort Crook Road and Cornhusker Road property. Brown stated HUD (U.S. Department of Housing and Urban Development) is their partner on this project. He indicated their concerns are not Blue Buffalo or the industrial property at Wolf Creek; however, he believes HUD would have concerns about the railroad tracks at Fort Crook Road and Cornhusker Road.

Smith mentioned she used to work in the real estate department at Union Pacific Railroad. She indicated a number of properties have been sold to developers which are located next to the railroad tracks. Smith provided the example of the south downtown area near the Omaha Old Market which is being developed by Christian Christensen.

Ackley stated he also noticed the comment from Offutt Air Force Base, and wondered why they were commenting, as it will not have an impact on the Base. He addressed the issue of citizens wanting more businesses. Ackley stated this is the last lot in the Wolf Creek development. He indicated there was a reason no one was touching it. Ackley mentioned it was reminiscent of the discussion had recently when commercial property was rezoned for more apartments next to the existing Landings apartment complex. He stated the original intent was for commercial to follow the residential development, but it never transpired that way. Ackley stated apartments are going to go where they are going to go. He reiterated it is the developer taking the risk at this location. Ackley indicated the opportunity cost needs to be addressed. He stated he sees an opportunity for a long vacant piece of ground to be developed by someone willing to take a risk. Cain stated she still had concerns with Offutt's comments and wonders if they will not want their personnel to live there. She stated this is a tough request to make a decision on, and reminded the Commissioners their responsibility is to look out for the health, safety, and welfare of the citizens of Bellevue. Cain also said she could not dispute apartments would bring funds to the City of Bellevue, but questioned whether this was the best use of the property.

Ackley asked if the city could do things at the 15th Street and Cornhusker Road intersection to make this area more walkable and take care of the existing conditions to make it safer. Discussion followed as to the location of existing sidewalks and crosswalks in the area. Shewchuk stated the city will be embarking on a study to look at these issues and how to improve the Cornhusker Road corridor. Further discussion occurred as to the location of a potential crosswalk across 15th Street from the apartment complex to the adjacent retail. Jacobson expressed concerns mixing semi-trucks from the industrial property with pedestrians. He urged the city to consider that impact.

Ritz indicated many of his friends rent rather than own homes. He stated he realizes there is a demand for apartments in the Bellevue area. Ritz indicated traffic is bad at 15th Street and Cornhusker Road. He advised the city realizes that and will be studying the area for a solution. Ritz stated this development should not be denied because there is already a traffic problem in the area. He reiterated a commercial development could come in now without Planning Commission or City Council approval, and the traffic issue would not be debated. Ritz advised he believed adding residential development will help the existing commercial development in the area.

Baumgartner inquired as to the latest apartment complex developed east of Highway 75. Conversation ensued on this topic.

Casey stated there is the traffic issue at 15th Street and Cornhusker Road, but reminded Commissioners there is also a traffic issue through the Willow Springs neighborhood. He indicated there has been a lot of recent discussions about this problem, and stated the city should expect to hear more from those citizens if this development is approved.

Perrin stated there is not a sidewalk shown on the site plan. He inquired if this would be a requirement of the developer. Shewchuk stated it would.

MOTION was made by Ackley, seconded by Ritz, to recommend APPROVAL of 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. APPROVAL based upon compatibility with other residential and heavy manufacturing areas within one mile of this development. APPROVAL of an amendment to the Comprehensive Plan, which will make this request in conformance with the Zoning Ordinance. APPROVAL of the site plan as presented. Upon roll call, Madden, Perrin, Cain, Baumgartner, Jacobson, Ackley, and Ritz voted yes. Casey and Smith voted no. Motion carried.

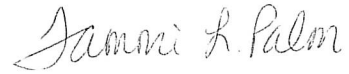
MINUTE RECORD

Bellevue Planning Commission Meeting, February 22, 2018, Page 5

This item will proceed to CITY COUNCIL for PUBLIC HEARING on March 26, 2018.

Ackley thanked the developer for wanting to develop a difficult property.

Meeting adjourned at 8:20 p.m.

A handwritten signature in cursive script, reading "Tammi L. Palm".

Tammi L. Palm
Land Use Planner

2a.

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-1804-02

FOR HEARING OF:
REPORT #1: May 24, 2018

I. GENERAL INFORMATION

A. APPLICANT:

Michael Belcastro
8006 South 25th Street
Bellevue, NE 68147

B. PROPERTY OWNER:

Michael Belcastro
8006 South 25th Street
Bellevue, NE 68147

C. LOCATION:

8006 South 25th Street

D. LEGAL DESCRIPTION:

Lot 33B1, Pleasant Hill or Martin's Subdivision, located in the Southeast ¼ of Section 16, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTION:

Rezone Lot 33B1, Pleasant Hill or Martin's Subdivision, from RS-72 to RE.

F. EXISTING ZONING AND LAND USE:

RS-72, Single Family Residential

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning in order to facilitate the construction of a 30' x 40' garage addition.

H. SIZE OF SITE:

The site is approximately 2.9 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed with a single family residence and existing 30' x 40' garage.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Single Family Residential, RS-72
2. **East:** Single Family Residential, RS-72
3. **South:** Single Family Residential, RS-72
4. **West:** Single Family Residential, RS-72

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

Section 5.07, Zoning Ordinance, regarding RE uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no traffic data available for this area.

2. The property has access from a private drive off of South 25th Street.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Michael Belcastro has submitted a request to rezone Lot 33B1, Pleasant Hill or Martin's Subdivision, for the purpose of facilitating a 30' x 40' garage addition.
2. This property is presently zoned RS-72. The applicant is requesting a change of zone to RE, which requires a minimum lot size of one acre. The applicant's property meets the minimum requirements for the RE zoning district.
3. The applicant has an existing 30' x 40' garage he plans to add on to if his rezoning request is approved. The RE zoning district allows for accessory structures no larger than 3,000 square feet.

Under the current RS-72 and accessory building regulations, the applicant could construct multiple structures up to 1,200 square feet in size. The current zoning would require these structures be six feet apart. The RE zoning designation will afford him the ability to have a single, larger structure up to 3,000 square feet in size.

The applicant desires to add 1,200 square feet onto his existing garage, for a total of 2,400 square feet.

4. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Planning Director, Sarpy County Public Works Department, and the Omaha 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.

No comments were received in this case.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon lack of perceived negative impact upon the surrounding area.

V. **PLANNING COMMISSION RECOMMENDATION**

Under Review

VI. **ATTACHMENTS TO REPORT**


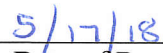
1. Zoning Map
2. 2016 GIS aerial photo of the property
3. Justification letter received April 18, 2018
4. Site plan received April 18, 2018

VII. **COPIES OF REPORT TO:**

1. Michael Belcastro
2. File

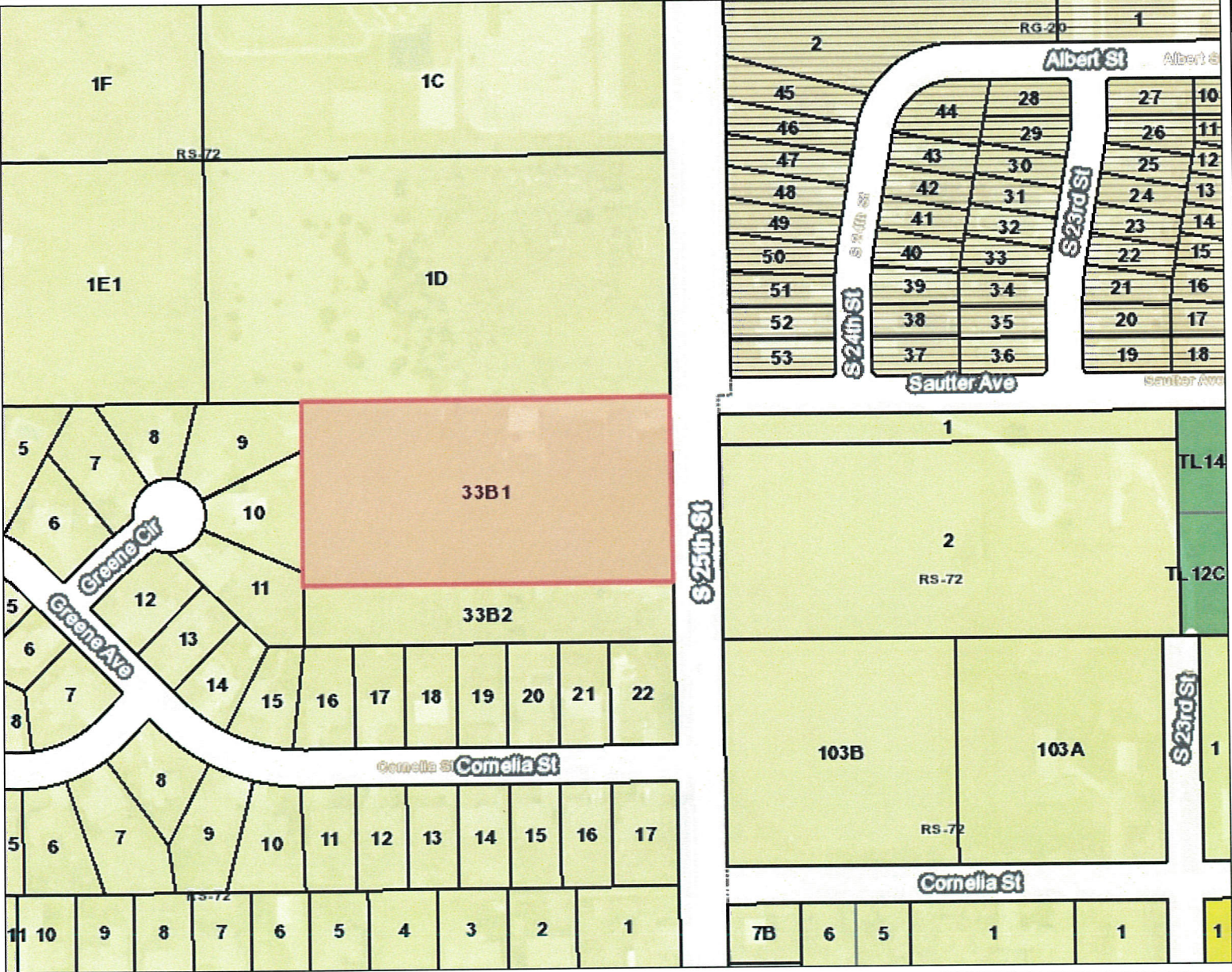


Prepared by:

Planning Director Date of Report

8006 South 25th Street

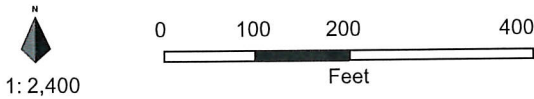


Location



Legend

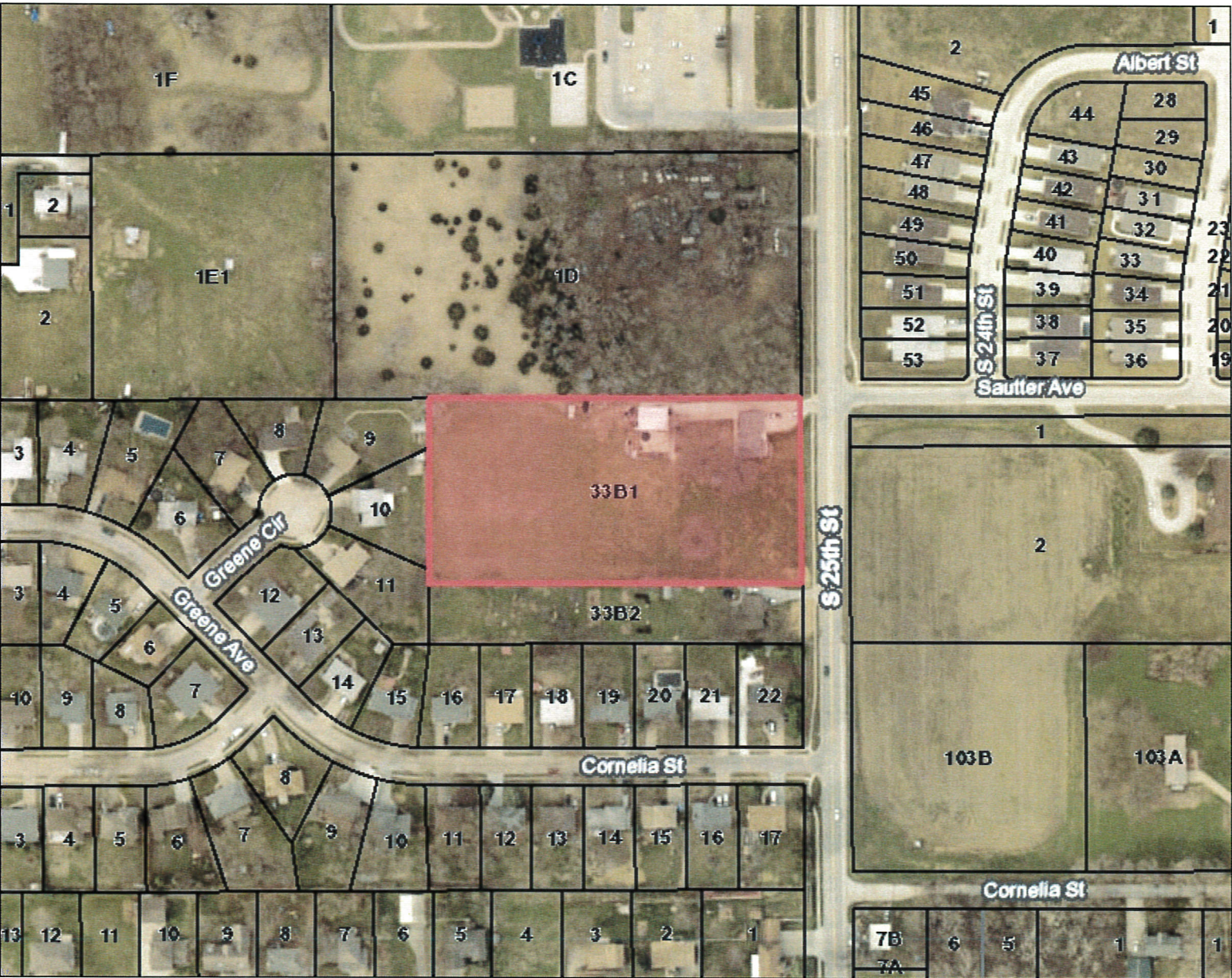
- Road Centerlines
2016 Aerial Photo
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



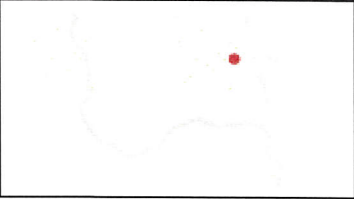
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Suite 1130
Papillion, NE 68046
maps.sarpy.com

8006 South 25th Street

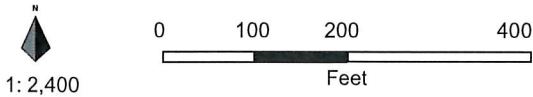


Location



Legend

- Road Centerlines
2016 Aerial Photo
- Red: Band_1
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Papillion, NE 68046
maps.sarpy.com

City of Bellevue
1510 Wall Street
Bellevue, NE 68005
(402) 293-3026

To Whom It May Concern,

I am writing this justification letter to request that my 2.9 acre property be rezoned from Single-Family Residential (RS-72) to Residential Estates (RE). I am requesting such a change in order to comply with the zoning ordinance in my desired construction of a second adjoining pole barn, which will be 30' wide x 40' deep to match the existing building.

While the current zoning of my property allows for the construction of a second, detached building, I believe that a detached building would not satisfy my needs. The concrete pad that is already in existence on my property, upon which I wish to construct my second building, has a downhill slope that would result in water runoff pooling against the wall of my existing building. I fear that such a gap between the existing building and the proposed one would result in the freezing and melting of standing water in this area, causing structural damage to the existing building. Further, standing water in this location would inevitably result in an increase of mosquitoes on my property during the summer time, as well as an increase in required snow removal in the winter time. All of these troubles would certainly be avoided if my property were rezoned to permit the construction of the second building directly adjacent to the existing building.

I hope to construct this second building to house both my lawn care and snow removal equipment and avoid any potential code violations from having to leave this machinery out on my property. Further, this secondary connected storage building would allow me to continue cleaning up my property and avoid any further rusting or weathering of my equipment.

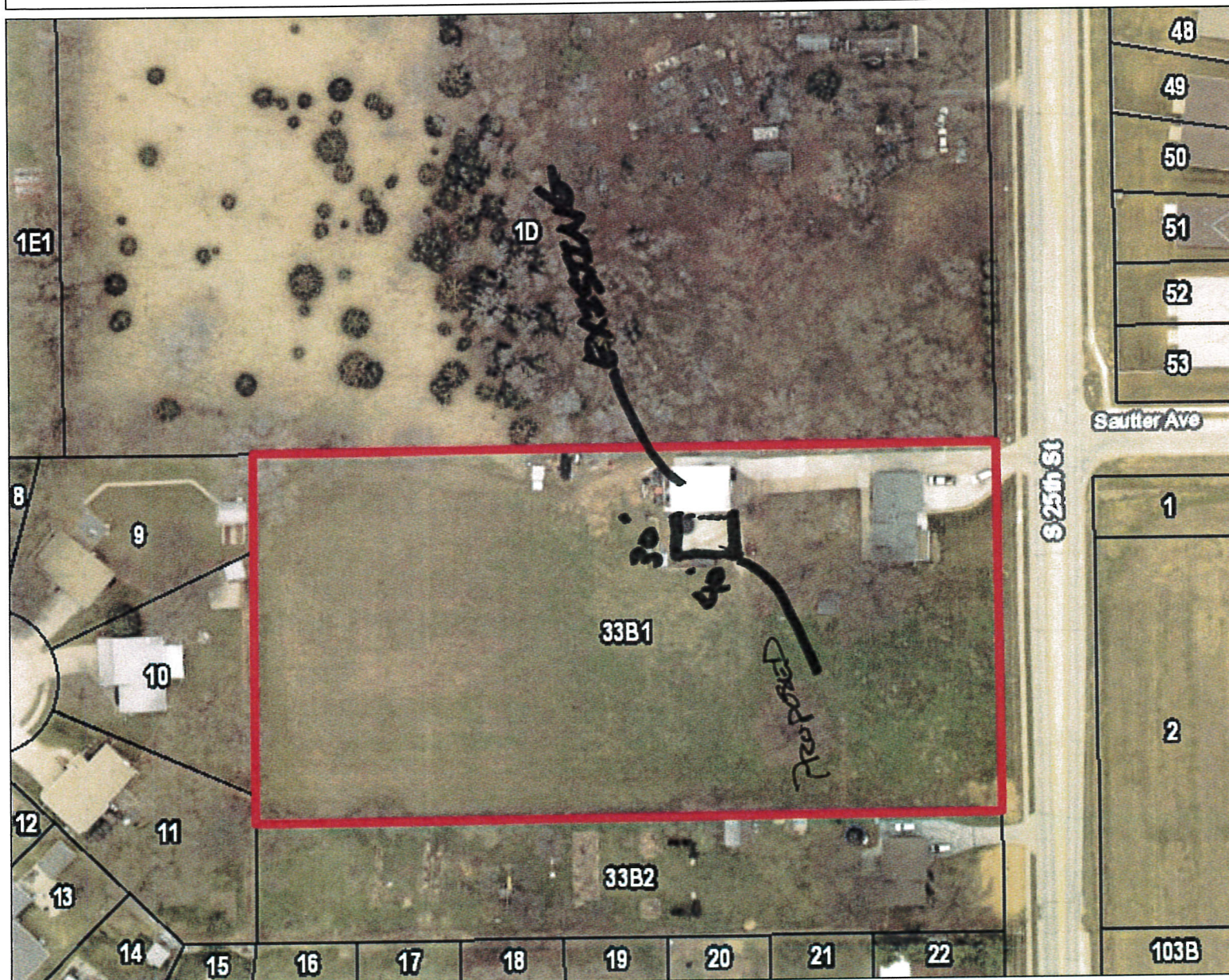
Thank you very much for the consideration of my application.

Respectfully Submitted,

Michael E Belcastro
Property Owner
8006 S 25th Street
Bellevue, NE 68147

RECEIVED
APR 18 2018
PLANNING DEPT.

8006 South 25th Street



Location



Legend

Road Centerlines
2016 Aerial Photo

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

RECEIVED
APR 18 2018
PLANNING DEPT.



1: 1,200

0 50 100 200
Feet

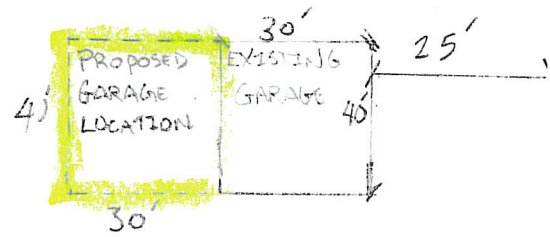
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Sarpy County GIS



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

270.2



168'



RECEIVED
APR 18 2018
PLANNING DEPT.

~ SOUTH 25TH ST (60' R/W)

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBER: CUP-1804-02

FOR HEARING OF:
REPORT #1: May 24, 2018

I. GENERAL INFORMATION

A. APPLICANT:

Saint Matthew
Attn: Father Leo Rigatuso
12210 South 36th Street
Bellevue, NE 68123

B. PROPERTY OWNER:

Saint Matthew
Attn: Father Leo Rigatuso
12210 South 36th Street
Bellevue, NE 68123

C. LOCATION:

12330 South 36th Street

D. LEGAL DESCRIPTION:

Lot 1, Saint Matthew The Evangelist Church, located in the Southeast ¼ of Section 5, T13N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

Conditional Use Permit for Lot 1, Saint Matthew The Evangelist Church, for the purpose of a religious assembly/church.

F. EXISTING ZONING AND LAND USE:

RS-84

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a conditional use permit to allow for the construction of a church.

H. SIZE OF SITE:

The site is approximately 20 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed with structures that function as Saint Matthew's School and current church facility.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single Family Residential, RE
- 2. **East:** Residential – Offutt Housing
- 3. **South:** Multi-family Residential, MU
- 4. **West:** Vacant, AG

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

- 1. Section 5.09, Zoning Ordinance, regarding RS-84 uses and requirements.
- 2. Article 6, Zoning Ordinance, regarding Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as Public and Semi Public.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The 2016 MAPA Traffic Flow Map estimates approximately 16,100 vehicles per day near the intersection of 36th Street and Capehart Road.
2. Saint Matthew will utilize its existing drive along South 36th Street. This drive will be full access. In addition, the church will share an access point to the south with Chadwick Apartments.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. Father Leo Rigatuso, on behalf of Saint Matthew, has submitted a request for a conditional use permit for Lot 1, Saint Matthew The Evangelist Church Addition, for the purpose of a religious assembly/church.
2. The property is presently developed with structures that function as Saint Matthew's School and current church facility. Those existing structures will remain.
3. The applicant has submitted a site plan showing the church's proposed parking, which meets the Zoning Ordinance requirements. Based on projected seating requirements in the main assembly area, 210 parking stalls are required. The site plan shows 294 stalls, with a future plan to add an additional 52 stalls.
4. Saint Matthew will keep its existing full access drive. In addition, a secondary access will be shared with Chadwick Apartments to the south.
5. This application was sent out to the following departments for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Public Works, 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.

Public Works Engineer Matt Knight had comments regarding the proposed access and how it pertained to the 36th Street widening project. The applicant's engineer has been working with the Public Works Department and Chadwick Apartments on this matter.

No other comments were received on this case.

6. A landscape plan was submitted as part of the site plan. The proposed landscape plan meets the minimum zoning ordinance requirements. It is the city's desire no

6. A landscape plan was submitted as part of the site plan. The proposed landscape plan meets the minimum zoning ordinance requirements. It is the city's desire no street landscaping be put in until the 36th Street widening project is complete. The landscape plan does note this at the city's request.

7. Saint Matthew has an older sign in the city's right-of-way. This sign was supposed to be removed when the church received a permit for their newer sign. The Planning Department has added language to the conditional use permit agreement indicating the sign in the right-of-way shall be removed.

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

6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.

6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

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

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon compliance with the requirements of the zoning ordinance and lack of perceived negative impact to the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION


Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2016 GIS aerial photo of the property
3. Statement from Father Leo Rigatuso received April 25, 2018
4. Site plan received April 20, 2018
5. Landscape plan received May 16, 2018.
6. Conditional Use Permit Agreement

VII. COPIES OF REPORT TO:

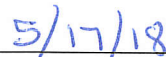
1. Saint Matthew (Father Leo Rigatuso)
2. TD2 (Ben Drews)
3. Public Upon Request



Prepared by:

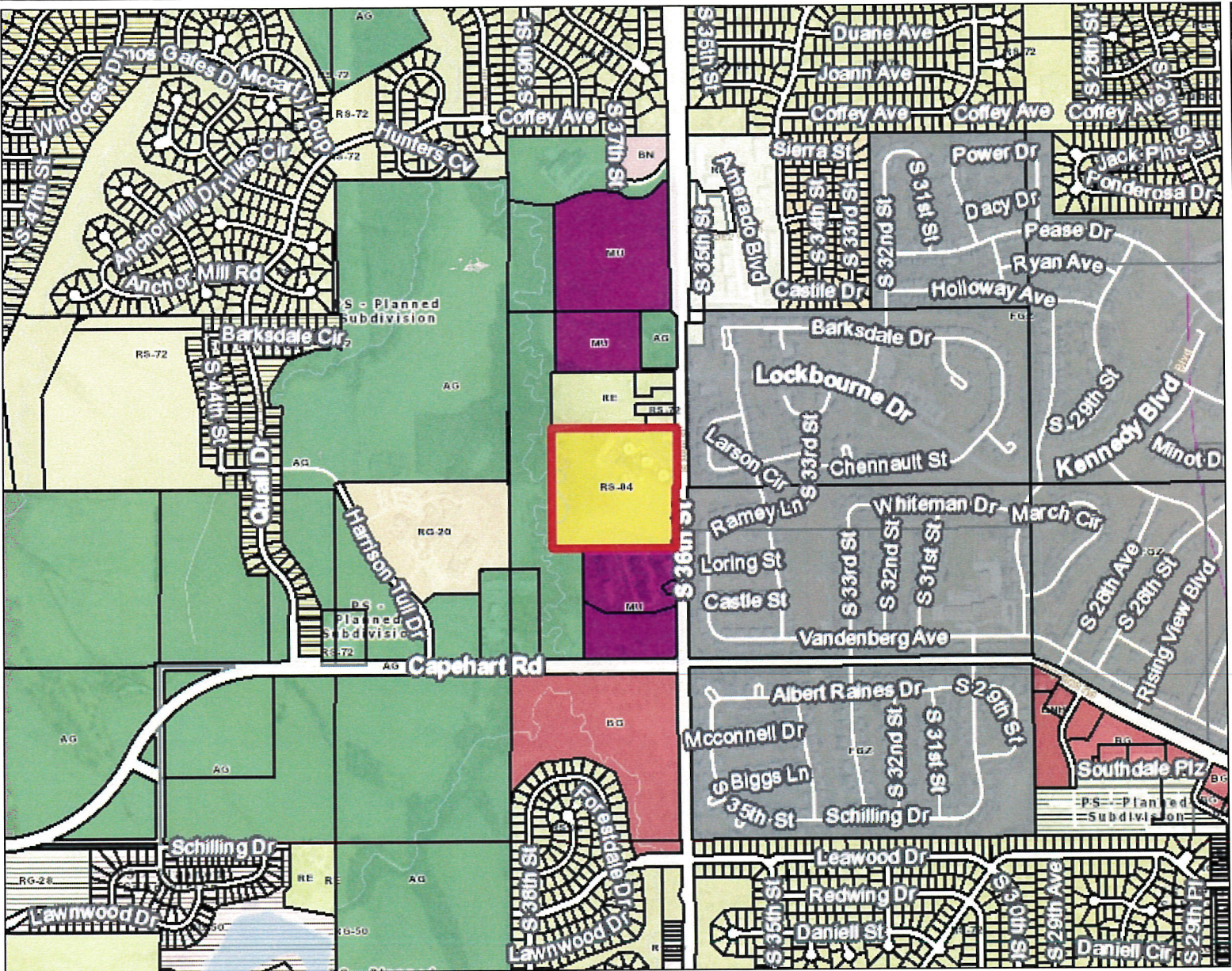


Planning Director

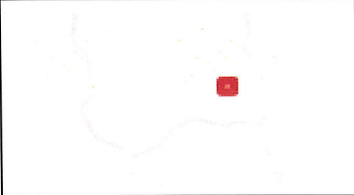


Date of Report

Zoning Map 12330 South 36th Street

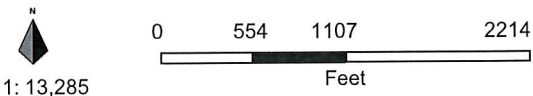


Location



Legend

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



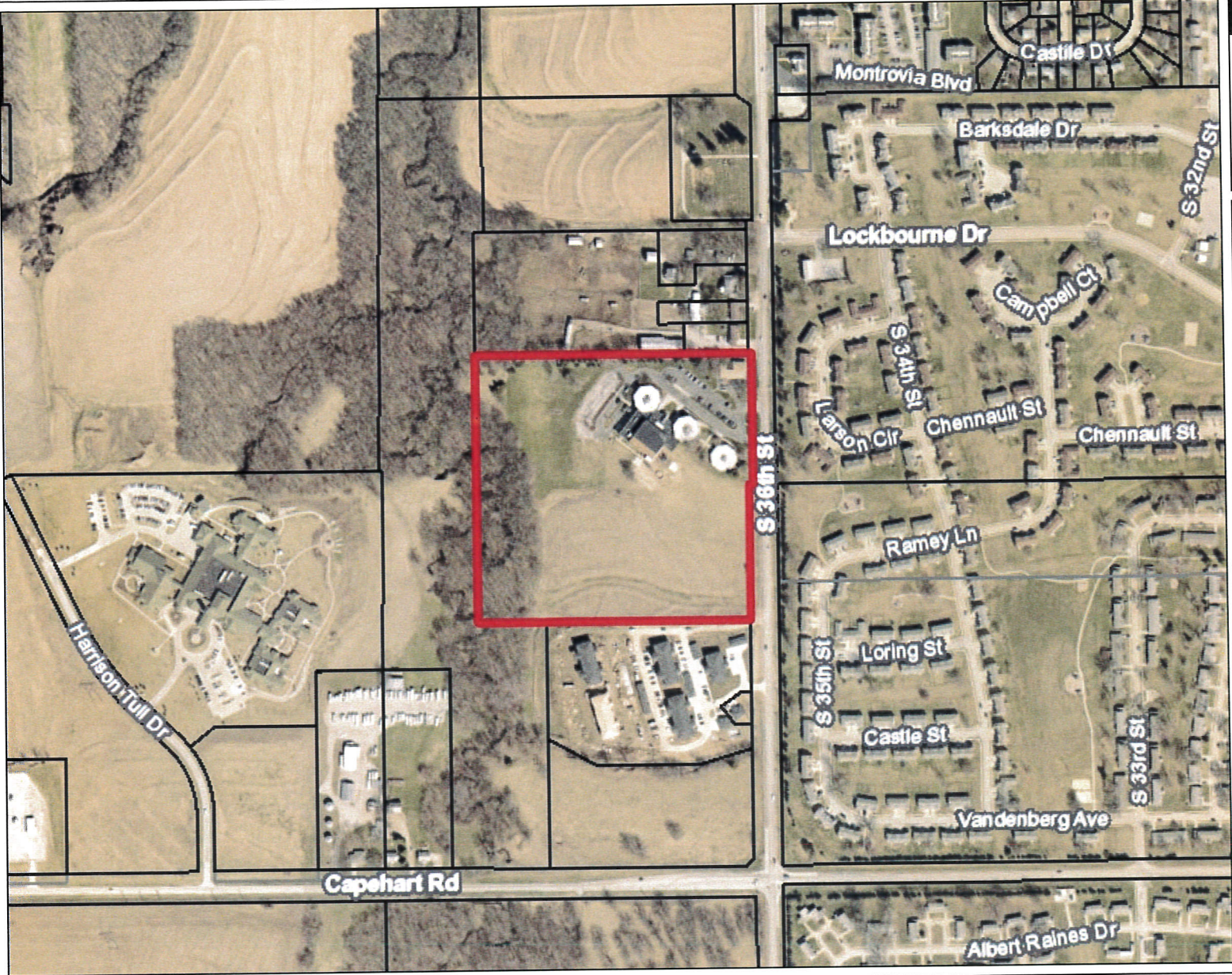
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

Sarpy County GIS

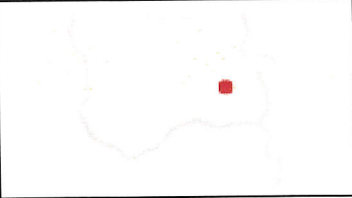


1210 Golden Gate Dr.
Suite 1130
Papillion, NE 68046
maps.sarpy.com

12330 South 36th Street

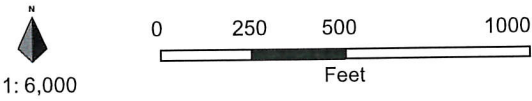


Location



Legend

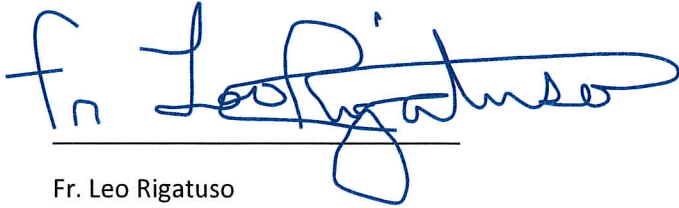
- Road Centerlines
2016 Aerial Photo
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



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

On behalf of St Matthew Catholic Community, I am requesting a Conditional Use Permit to build a new church on Lot 1 Saint Matthew the Evangelist Church Addition.



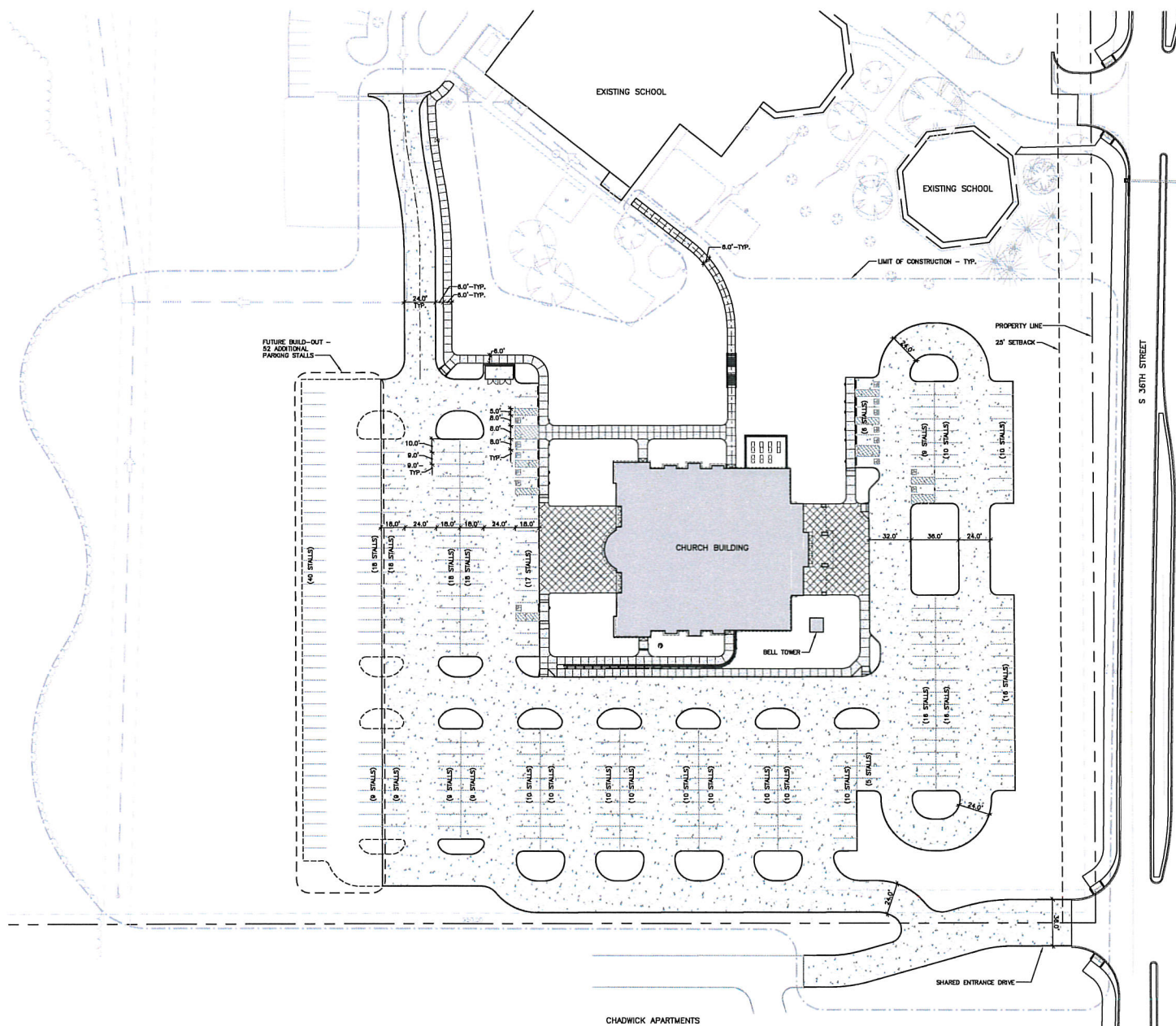
Fr. Leo Rigatuso

12210 S 36th ST
Bellevue NE 68123

RECEIVED

APR 25 2018

PLANNING DEPT.



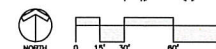
LAYOUT LEGEND

- LIMIT OF CONSTRUCTION
- CONCRETE WALK PAVEMENT - 5" PCC
- CONCRETE DRIVE PAVEMENT - 7" PCC

SITE CALCULATIONS

BELLEVUE PARKING REQUIREMENTS =
 1 STALL PER 4 SEATS IN MAIN ASSEMBLY AREA
 TOTAL PARKING REQUIRED = 233 PARKING STALLS
 TOTAL PARKING PROVIDED = 204 PARKING STALLS
 FUTURE ADDITIONAL PARKING = 52 PARKING STALLS
 TOTAL ACCESSIBLE STALLS PROVIDED = 14 STALLS

1 SITE LAYOUT PLAN
 SCALE: 1" = 30'-0"



RECEIVED
 APR 20 2018
 PLANNING DEPT.

BIG MUDDY
 Workshop
 INCORPORATED
 12713 SOUTH 34th STREET
 SUITE 100
 TOLSON, WA 98058
 206.884.8111
 206.884.8112
 www.bigmuddyworkshop.com

PRELIMINARY
 NOT FOR
 CONSTRUCTION

CONSULTANTS



**JACKSON - JACKSON
 & ASSOCIATES, INC.**
 4012 South 17th Street, Suite 100, Tacoma, WA 98404
 253.833.1111
 www.jackson-jackson.com

DATE: 04/18/2018
 DRAWN: JAC
 CHECKED: JAC
 BY: JAC

ST. MATTHEW CATHOLIC COMMUNITY
 NEW CHURCH
 12713 SOUTH 34th STREET
 TOLSON, WA 98058
 SITE LAYOUT PLAN

C1.2

Record & Return To:
Adams & Sullivan, P.C., L.L.O.
1246 Golden Gate Drive, Suite 1
Papillion, NE 68046

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 1, SAINT MATTHEW THE EVANGELIST CHURCH ADDITION,
LOCATED IN THE SOUTHEAST ¼ OF SECTION 5, T13N, R13E OF THE 6TH P.M., SARPY
COUNTY, NEBRASKA

Conditional Use Permit for Saint Matthew

This Conditional Use Permit issued this _____ day of June, 2018 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska ("City") to Saint Matthew, ("Applicant"), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Saint Matthew, is the legal owner of Lot 1, Saint Matthew The Evangelist Church Addition, located in the Southeast ¼ of Section 5, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 20 acres, more or less ("Property"). Applicant desires to use the Property for the purpose of a church; and

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

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

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

Conditions of Permit

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

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Use:
 - a. A site plan showing the Property's boundaries, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "A." A landscape plan is attached hereto and incorporated herein as Exhibit "B."

- b. The Property shall be developed and maintained in accordance with the site plan (Exhibit “A”) and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.
 - c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant’s Use of the Property.
3. The Applicant’s right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:
- a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and opportunity to cure in the time and manner described below.
 - b. Construction of the Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void unless an extension is granted by the City Council.
 - c. Applicant may maintain a church on the Property.
 - d. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant’s expense within twelve (12) months of cessation of the Use of the Property.
 - e. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance. Saint Matthew sign in the city’s right-of-way shall be removed per Exhibit “C,” which is attached hereto and incorporated herein
 - f. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant’s expense.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Applicant’s abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.
 - c. Applicant’s breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the same to be removed at Applicant’s cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall

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

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

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

- a. Delay of City to terminate this Permit on account of breach of Applicant of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
- b. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Applicant shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Applicant of any breach of this Permit. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section b and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.
- c. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.
- d. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

Saint Matthew
12210 South 36th Street
Bellevue, NE 68123

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

Effective Date:

This Permit shall take effect upon the filing hereof with the Register of Deeds a signed original hereof.

The City of Bellevue

By: _____
Rita Sanders, Mayor

ATTEST:

Sabrina Ohnmacht, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

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

Witness my hand and notarial seal this ____ day of _____, 2018.

Notary Public

Father Leo Rigatuso, Saint Matthew

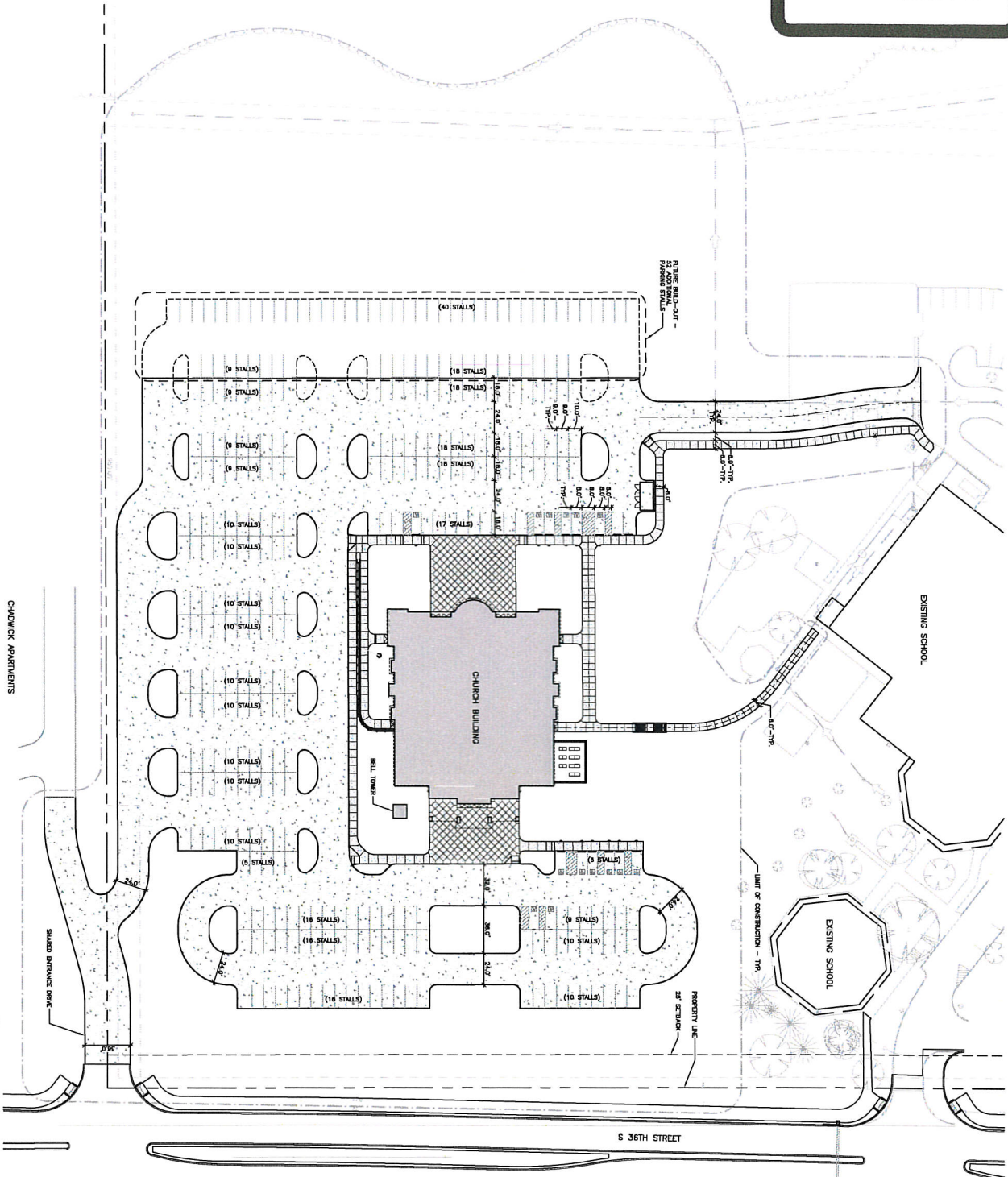
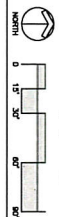
STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

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

Witness my hand and notarial seal this ____ day of _____, 2018.

Notary Public

1 SITE LAYOUT PLAN
C1.2 SCALE: 1" = 30'-0"



LAYOUT LEGEND

	CONCRETE WALK PAVEMENT - 5" FPC
	CONCRETE DRIVE PAVEMENT - 7" FPC

SITE CALCULATIONS

RELATIVE PARKING REQUIREMENTS -
TOTAL PARKING PROVIDED - 284 PARKING STALLS
TOTAL PARKING REQUIRED - 284 PARKING STALLS
TOTAL ACCESSIBLE STALLS PROVIDED - 14 STALLS

CONSULTANTS

PRELIMINARY
NOT FOR
CONSTRUCTION

ST. MATTHEW CATHOLIC COMMUNITY
NEW CHURCH
BELLEVUE, NEBRASKA

SITE LAYOUT PLAN

FOR NO. 2114
DATE: 04/22/18
BY: J.P.B.
CHECKED: J.P.B.
REV: 02.0
REV:

JACKSON - JACKSON
& ASSOCIATES, INC.

402.351-5399

4112 North 9th Circle Suite 1 Omaha, Nebraska 68122

http://www.jackson-jackson.com

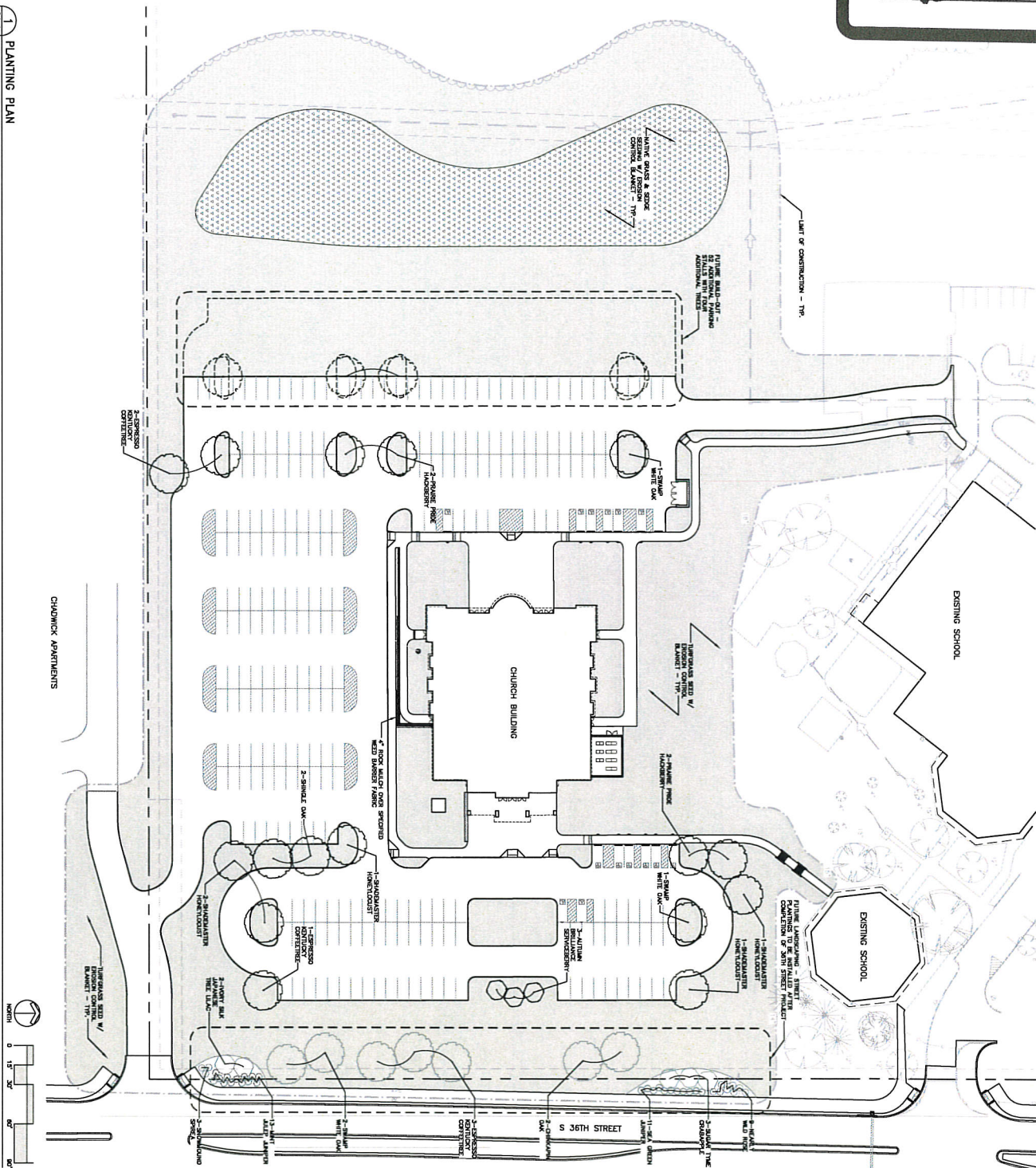
SCHEIDT & ARCHITECTS



BIG MUDDY
Workshop
BIG MUDDY
Workshop
BIG MUDDY
Workshop

12215 150th Street
Omaha, NE 68144
402.351-5399
www.jackson-jackson.com

1 PLANTING PLAN
C1.4 SCALE: 1" = 30'-0"



PABLO J. LITLAND

Planting List Landscaping Required: 3,256 / S.F.
(19 S.F. per planting stall x 293 stalls)
Planting List Landscaping Provided: 7,800 S.F.

5

Shade Trees Required: 18 Ea.
(Parking Lot Landscaping 0.067 S.F. / 300 S.F. per tree)
Shade Trees Provided: 18 Ea.

REQUIREMENTS: Provide a minimum 15-foot deep landscaped area adjacent to any public or private street, running the entire length of the lot.

turn
up

of the development. Provide one shade or ornamental tree three shades for every 40 linear feet of street frontage.

La

(400 L.F. / 40 L.F. per tree)
Shade Trees Provided: 7 Ea.
Ornamental Trees Provided: 5 Ea.

Shrubs Required: 30 Ea. (400 L.F. / 40 L.F. x 3 shrubs)
Shrubs Provided: 30 Ea.

Requirement: At least one-third of the trees and shrubs in the stand must be coniferous or evergreen species.

COMMON NAME

FISH SPECIES	GENUS	SPECIES	UNIT	COLLECTION YEARS	
				1 st	2 nd
Golden Shiner	<i>Notropis</i>	<i>Golden Shiner</i>	4	2 nd Col.	BA3
Blackchin Shiner	<i>Notropis</i>	<i>Blackchin Shiner</i>	4	2 nd Col.	BA3
Whitechin Shiner	<i>Notropis</i>	<i>Whitechin Shiner</i>	3	2 nd Col.	BA3
Yellow Perch	<i>Perca</i>	<i>Yellow Perch</i>	5	2 nd Col.	BA3
Rock Bass	<i>Ambloplites</i>	<i>Rock Bass</i>	3	2 nd Col.	BA3
Common Carp	<i>Cyprinus</i>	<i>Common Carp</i>	2	2 nd Col.	BA3
Channel Catfish	<i>Ictalurus</i>	<i>Channel Catfish</i>	2	2 nd Col.	BA3
Bluegill	<i>Lepomis</i>	<i>Bluegill</i>	2	2 nd Col.	BA3
Striped Bass	<i>Morone</i>	<i>Striped Bass</i>	3	2 nd Col.	BA3
Atlantic Salmon	<i>Salmo</i>	<i>Atlantic Salmon</i>	3	2 nd Col.	BA3
Brook Trout	<i>Salvelinus</i>	<i>Brook Trout</i>	3	2 nd Col.	BA3
Arctic Char	<i>Salvelinus</i>	<i>Arctic Char</i>	3	2 nd Col.	BA3

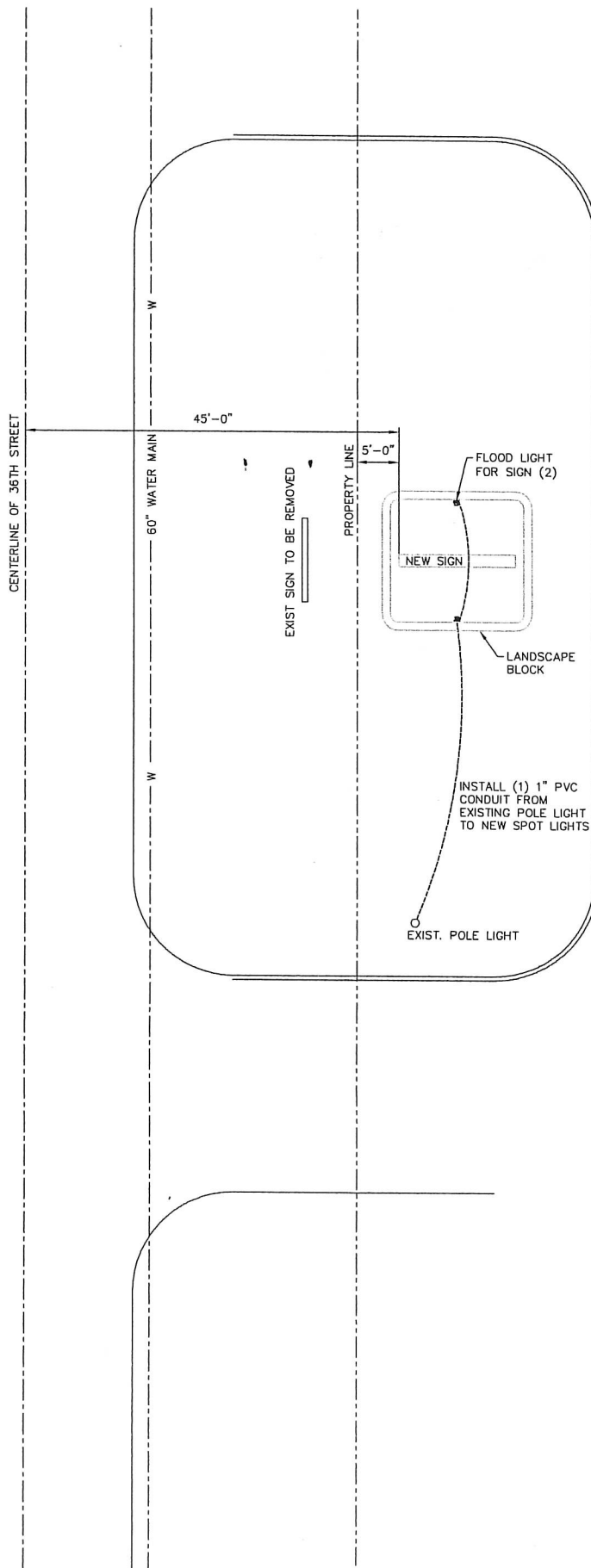
COMMON NAME	BOTANICAL
-------------	-----------

[illegible]

The diagram illustrates a forest stand with several distinct components:

- Top Right:** A large, irregularly shaped tree canopy labeled "PROPOSED DECIDUOUS CANOPY TREES".
- Bottom Right:** A smaller, more rounded tree canopy labeled "PROPOSED UNDERSTORY TREE".
- Center:** A cluster of three small, circular tree canopies labeled "PROPOSED CONIFEROUS SHRUB".
- Bottom Center:** A rectangular area labeled "TERRACE BEDS w/ EROSION CONTROL, BARRIER".
- Bottom Left:** A rectangular area labeled "NATIVE GRASSES & FORGE SEEDING w/ EROSION CONTROL, BARRIER".
- Far Left:** A rectangular area labeled "ROCK MULCH".
- Far Right:** A large, irregularly shaped tree canopy labeled "EXISTING DECIDUOUS TREE TO REMAIN".
- Far Right (Below):** A smaller, more rounded tree canopy labeled "EXISTING CONIFEROUS TREE TO REMAIN".

NORTH
↓



Planning Observations

by

Leland Jacobson

5/24/2018

Green!



Bicycles and Ride Share Starts Out



Bike Less Ride Share



And less used rides...



Becomes Orderly Ride Share



Or Not!



The Family That Texts Together on a Motorcycle does what next?



Alternative Vehicle Styles...



And Parking Styles

Higher Density Parking... or Lack of Parking Spaces Results in...



Electric Car Sharing...



Sidewalk design...



Issues from American Influence...



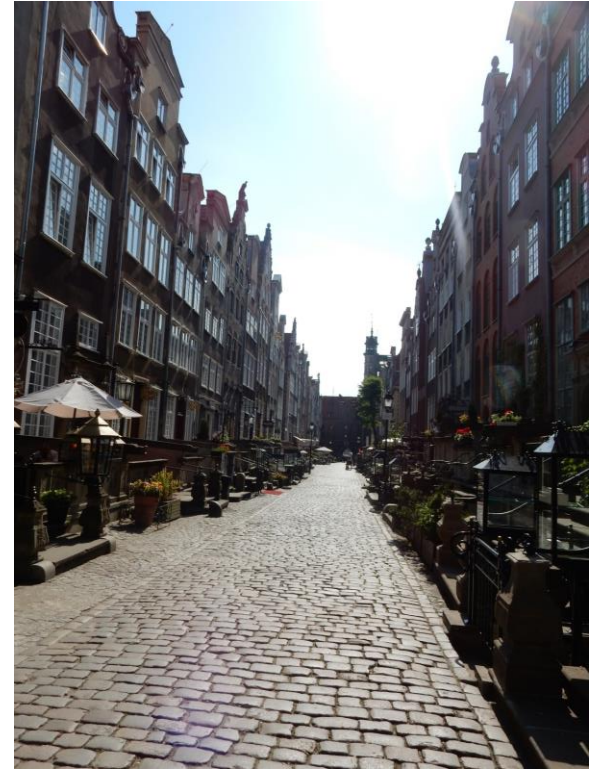
LED Street Lighting in Italy...



Everyone wants Green Spaces...

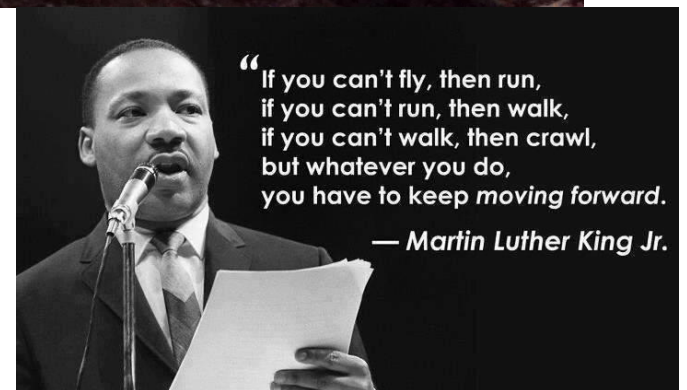


Really Old Towne?





Plan!



“If you can't fly, then run,
if you can't run, then walk,
if you can't walk, then crawl,
but whatever you do,
you have to keep moving forward.

— Martin Luther King Jr.