

## **BELLEVUE PLANNING COMMISSION**

Thursday, September 20, 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 August 23, 2018 Regular Meeting
- e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

### **2. CONSENT AGENDA/PUBLIC HEARINGS:**

#### **3. PUBLIC HEARING**

- a. Request to rezone Tax Lot 1, except right-of-way, located in the Northeast 1/4 of Section 7, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to BN for the purpose of a business office.  
Applicant: Matt Ricchini. Location: 4803 Capehart Road. Case #: Z-1808-04.
- b. Request to rezone Lot 74, Kennedy Town Center, located in the Southwest 1/4 of Section 15, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from BN to BG for the purpose of a convenience store with fuel and liquor sales; and approval of the proposed access.  
Applicant: Casey's Retail Company. Location: 7724 South 22nd Street. Case #: Z-1808-05.
- c. Request to amend Article 7, City of Bellevue Zoning Ordinance, regarding digital signs. Applicant: City of Bellevue.

#### **4. CURRENT BUSINESS**

- a. Planning Chair Updates
  - 1. Metro NPZA tranining
  - 2. Complete Streets Ordinance
  - 3. LB 840

#### **5. ADJOURNMENT**

# MINUTE RECORD

Bellevue Planning Commission Meeting, August 23, 2018, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, August 23, 2018 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners 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 two public places, and was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

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

Motion was made by Smith, seconded by Cain, to approve the minutes of the July 26, 2018 regular meeting as presented.

Casey stated there was an error on the last page of the minutes regarding the continuation of the Comprehensive Plan update to the August 23, 2018 Planning Commission Meeting. He noted the motion states the request is to approve continuation on digital signs, not the Comprehensive Plan.

Motion was made by Casey, seconded by Cain, to approve the minutes of the May 24, 2018 regular meeting as amended. Upon roll call, all presented voted yes. Motion carried unanimously.

Motion was made by Casey, seconded by Baumgartner, to accept into the record all staff reports, attachments, memos, and handouts regarding each application. Upon roll call, all present voted yes. Motion carried unanimously.

Jacobson explained the public hearing procedures.

PUBLIC HEARING was held on a request to approve the 2018 Comprehensive Plan Update. Applicant: City of Bellevue.

Palm explained she provided a memo to summarize the proposed updates. She mentioned there has not been an update to the Comprehensive Plan since 2015. The bulk of the suggested updates are in regards to the short, mid, and long term recommendations. Some things have been completed, some things are in progress, and some things are proposed to be deleted or revised. Also, there were several changes to the Future Land Use map, which are detailed in the memo. Some of the changes were made because of developments that have been approved over the past few years. There are some areas where proposed changes were made to reflect current trends.

There was no one present to speak in favor of, or in opposition to this request.

Smith inquired as to the basis for the deletion of the neighborhood activity center near the intersection of Fort Crook Road and Childs Road. Palm explained this has to do with the changing development over the last five to eight years. This area has seen some light industrial development in recent years, so the deletion of the neighborhood activity center acknowledges these changes.

Smith referred to a statement in the definition of the Comprehensive Plan which indicates the Comprehensive Plan is intended to be used as a guideline and a vision for future development of the City of Bellevue. The Nebraska State Statutes provide that zoning, subdivisions, and all land use shall be in accordance with the Comprehensive Development Plan. She commented it would be helpful to have a philosophical discussion about the purpose of the Comprehensive Plan, in the sense of how it should guide and direct land use decisions in the City of Bellevue. Smith referred to a recent change of zone near Cornhusker Road and 15<sup>th</sup> Street in Wolf Creek Plaza for the development of apartments. The change of zone was inconsistent with the Comprehensive Plan. Neither the Comprehensive Plan nor the Zoning Ordinance reference or address when it is appropriate when making a land use decision to depart from the Comprehensive Plan. Ackley mentioned when he first became a Planning Commissioner there would be two motions made in these types of situations: one of the motions would be to vote on a to change the Comprehensive Plan, and the second would be a motion to vote on the change of zone to fit the plan. He questioned staff if State Statutes require the Comprehensive Plan to be changed first. Smith commented Nebraska State Statute 19-903 states the regulations and restrictions authorized by the sections of the statutes which cover subdivisions and zoning shall be in compliance with the Comprehensive Plan. Smith commented she is concerned with the lack of criteria for departure from the Comprehensive Plan. Shewchuk explained other cities and the City of Bellevue operate under the belief the Comprehensive Plan is a guide. Shewchuk agreed there should be criteria

# MINUTE RECORD

Bellevue Planning Commission Meeting, August 23, 2018, Page 2

for the City Council to follow when they deviate from the guidelines of the Comprehensive Plan. The City Council would have to adopt the criteria. Shewchuk mentioned there isn't anything statutorily that delineates those criteria. He mentioned Mr. Ackley is correct; the Planning Commission used to have two motions when a rezoning request was not in accordance with the Comprehensive Plan. Shewchuk mentioned there could be an application for an amendment to the Comprehensive Plan along with the rezoning application.

Jacobson questioned how often the Comprehensive Plan is updated in its entirety. Palm replied the last time any updates were discussed was in 2015. There is a recommendation the plan should be updated annually. Jacobson commented the tracking of changes to the Comprehensive Plan seems to be better served if the aforementioned process is followed. This would keep the Comprehensive Plan more current. Palm advised the primary concern would be to update the Future Land Use Map if there was an amendment. Smith questioned how much teeth the Comprehensive Plan has. She explained if there is no criteria set when to depart from the plan, then what meaning does the plan really have. Cain questioned if this would be the City Council's responsibility. Shewchuk explained it would be up to the City Council to establish criteria to follow. Cain questioned if the Commission can make that recommendation as part of the motion. Shewchuk replied yes.

Jacobson commented he would like to make an addition to page 111. He mentioned the City of Bellevue has created a Library Steering Committee to move forward with procuring a site for a new library. He believes this should be included in the plan. Baumgartner mentioned she is in agreement of the new library being included in the plan.

Baumgartner referred to page 56. She stated this page addresses migration patterns and the migration rate. She inquired what year the statistic was taken from. Palm advised it is from the original text of the Comprehensive Plan, which was approved in 2009. Baumgartner requested this statistic be updated as part of the recommendation.

Baumgartner referred to page 110. She stated this mentions a survey taken in the community where most respondents mentioned they would like park space within walking distance of their neighborhood. There is a footnote in the Comprehensive Plan mentioning the city is moving away from smaller parks and into larger area parks. She inquired if another survey will be administered to the community to address this issue. Palm explained that is not the plan. She stated rather than putting a one acre park in every separate neighborhood, the idea is to connect several neighborhoods to a larger park area with more amenities. Baumgartner stated the plan mentions a park space should be within  $\frac{1}{4}$  of a mile from the center of the community. She has concerns with people being able to ride their bikes or walk to a park area. Palm replied she cannot speak to the exact spacing of what has been approved lately, however there has been an emphasis put on connectivity and the amenities provided to the neighbors. Shewchuk explained many of the new developments have been in 80 acre parcels. By placing the green space in the middle of the development, the parks are within a  $\frac{1}{4}$  mile of the neighborhoods.

Jacobson referred to page 110. The document mentions Olde Towne Redevelopment and Fort Crook Road Development. He suggests looking at Galvin Road also. Cain requested clarification if Jacobson was looking for revitalization of Galvin Road. Jacobson replied revitalization or redevelopment mainly in terms of consistency. Jacobson mentioned in looking at both the Olde Towne Vision Plan and the Fort Crook Road Redevelopment Plan, Galvin Road connects the two, and should be considered also. Shewchuk explained a portion of Lincoln Road and Galvin Road has been declared blighted and substandard. This area would be eligible for Tax Increment Financing with a redevelopment plan, so that tool is already in place. There has been some discussion regarding the realignment of the Lincoln Road and Mission Avenue intersection to make it more of a through movement. Baumgartner mentioned a vision statement to that area would be beneficial, especially because it is the entrance to Olde Towne.

Baumgartner mentioned she does not see a vision statement for the Southroads Mall area. She inquired if there is a plan or a vision for the Southroads Mall area. Ackley commented it is included in the Fort Crook Road Redevelopment Plan. Palm explained there has been discussion over the last several years amongst Commissioners about the plan being updated because of the redevelopment and the rezonings which have occurred in that area.

Baumgartner requested clarification on page 114 regarding no desire to establish design standards for residential uses and what that was referring to. Palm explained in 2008, there was a group of individuals who worked with the city to come up with comprehensive design standards for commercial, multi-family, and industrial developments. At that time, there was a not a strong desire to move design standards into the single family residential arena. This has carried over through the years. Nobody

# MINUTE RECORD

Bellevue Planning Commission Meeting, August 23, 2018, Page 3

wants to tell single family residential owners what their house has to look like. This has been left to individual Home Owner's Associations and covenants.

Ackley suggested the items discussed should be included in the motion.

Smith suggested the City Council develop criteria for when it is appropriate to depart from the Comprehensive Plan.

MOTION was made by Jacobson, seconded by Cain, to recommend APPROVAL of a request to approve the 2018 Comprehensive Plan Update as amended. Applicant: City of Bellevue. APPROVAL based upon the Comprehensive Plan including the following: criteria for deviating from the Comprehensive Plan as defined by the City Council, consideration of the Public Library Steering Committee and the planning for a library on page 111, updating the migration rate, and including a vision statement for Galvin Road. Upon roll call, all present voted yes. MOTION carried unanimously.

Shewchuk mentioned one item to consider is a procedural item for planning is to look at the process for amendments prior to applications.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING on September 24, 2018.**

PUBLIC HEARING was held on a request to approve the Fiscal Year 2019 – 2024 Capital Improvement Plan. Applicant: City of Bellevue.

Shewchuk mentioned he provided a revised copy of the Capital Improvement Plan (CIP) to the Commissioners. The CIP is for the City of Bellevue for Fiscal Years 2019 – 2024. The first year of the plan is what has been presented to the City Council for inclusion in the budget. The out years are years two through six. These requests are from the city's departments in regards to the capital improvements to be completed in those years. The total for the coming year is \$12,902,792 with about \$10.8 million of that being funded by the city, and approximately \$2 million being funded from outside sources. The total cost for all improvements shown in the six years is about \$125.7 million with about \$94 million of that being funded by the city, and approximately \$31.6 million being funded from outside sources. The plan includes several major projects. The city is looking at a new library which is estimated at \$15 million, a new aquatic center in the southwest area of Bellevue for approximately \$10 million, and a new Public Works/Streets facility, with the cost unknown at this point. Significant road improvement projects within the plan include 36<sup>th</sup> Street from Highway 370 to Platteview Road, 36<sup>th</sup> Street between Cornhusker Road and Highway 370, and 25<sup>th</sup> Street between Cornhusker and Gilmore Roads. Most of the funds will be city dollars. Major road projects are funded 80% by the Department of Transportation, with the city contributing 20% on those projects. Some of these projects may require a vote of the citizens to issue bonds for such things as the library or the aquatic center. These items will be up to future City Council members to be placed on an appropriate election ballot. There is the possibility of significant private involvement or investment in both the aquatic center and the library. The library could be another area where there could be significant private funds. In regards to the LB 840 area, last year's CIP included \$250,000 for the LB 840 fund. After hearing from the public, the City Council changed that amount to \$750,000, which was the entire amount authorized by the voters several years ago. This year the administration is recommending \$250,000 in expenditures as the budgeted amount for possible infrastructure improvements in the CIP. There have been no specific projects identified at this time. Shewchuk mentioned he is anticipating the Planning Commission may make a motion to increase the funding or to fund the full amount of the LB 840 plan. If that is the Commission's wishes, it will be passed along to the City Council.

There was no one present to speak in favor of, or in opposition to this request.

Ackley inquired what the total budgeted amount is that has been proposed to go to City Council on August 27, 2018. Shewchuk replied approximately \$75 million. Ackley referred to the last sentence of the memo provided. It states the amount shown represents budgeted expenditures, not allocations to the LB 840 Fund. He questioned if the 2018 – 2019 budget showed \$250,000 for capital improvements and \$500,000 otherwise funded, or is the city proposing to only fund \$250,000. Shewchuk replied the proposed budget does not include an additional allocation to the fund. The proposed expenditures of \$250,000 are coming out of previous allocations to the fund.

Ackley referred to Section 3.2, Preferred Development Concept, City of Bellevue Comprehensive Plan, which goes through the various types of development in the city. Page 54 of this section addresses industrial development, which includes an amendment to specifically reference Highway 34. Proposed industrial development includes "a large industrial complex, containing both light industrial land use and



# MINUTE RECORD

Bellevue Planning Commission Meeting, August 23, 2018, Page 4

heavy industrial land use, is suggested for the southern boundary of Bellevue, along the new Highway 34 Corridor. Bellevue currently lacks a prominent industrial site, and as a result, has difficulty recruiting industrial tenants. This area, which is relatively isolated from Bellevue's population and future growth coupled with easy and convenient rail and highway access, is an ideal location for industrial use." The Comprehensive Plan states the city wants industrial development and specifically references the Highway 34 Corridor.

In terms of LB 840, the CIP should include \$750,000 every year or it will be forgotten. In 2012, the city wanted a LB 840 program. They wanted the ability to have this tool. Ackley referenced page 2 of the Proposed Bellevue, Nebraska Economic Development Program: "Nebraska's voters enacted a constitutional amendment in November 1990 granting cities and villages the power to use local sources of revenue for economic or industrial projects and programs. In 1991, the Unicameral implemented this amendment with the passage of Legislative Bill 840, the Local Option Municipal Economic Development Act. The Local Option Municipal Economic Development Act is based on the premise that communities should use their tax dollars in ways that best meet local needs. While ongoing planning processes in many cities and villages have identified development, job creation, and increased economic opportunity as their highest priority for the future, a variety of constitutional and legislative prohibitions kept them from investing local public funds in development programs. The removal of these limitations gives municipalities' greater latitude in determining and acting upon local needs." Ackley explained what this means is you can't use normal general taxes in your general fund for economic development. You can't give general revenue for private development. However, in 1991 with LB 840, the legislature recognized we have constitutional restrictions; therefore, let's set up a program where you can do that. LB 840 allows certain tax dollars that you can use for economic development if the voters approve it.

In 2014, the voters approved LB 840 for this specific 5,000 acre area, south of Offutt Air Force Base and along the new Highway 34 Corridor. Ackley referred to "Eligible Activities" of page 4 of the Proposed Bellevue, Nebraska Economic Development Program: "The eligible economic activities of the Economic Development Program are those activities within the Highway 34 Corridor District from time to time permitted by Nebraska statute or authorized by the Mayor and City Council, including, but not limited to, the following activities: direct loans or grants to qualifying businesses, including loans and grants for fixed assets or working capital or both; loan guarantees for qualifying businesses; expenditures or grants for public works improvements, site development and infrastructure improvements which are essential to the location or expansion of, or the provision of new services by, qualifying businesses, the construction of buildings to be leased or sold to said businesses, or the development of public facilities; the purchase of, or obtaining, renewing or extending options to purchase, real estate, including commercial, industrial and public sites; grants or loans for job training; and the issuance of bonds as provided for in the Act." Ackley commented you cannot do these things with regular tax dollars. You can only do them if you are funding them through the LB 840 program. The reason the program is so important is because it allows you to use tax dollars you can't otherwise use in this manner.

Page 7 of the program adopts "Source of Local Option Funds: The City of Bellevue's source of public funds for this Economic Development Program will be the existing local option City Sales and Use Tax, Lodging Tax, Occupancy Tax and Real Estate Tax." Ackley explained this is saying the city can use part of the money as authorized by the voters, which was up to \$750,000 a year to promote economic development. From a program perspective, the city states on page 3: "The City of Bellevue recognizes that the attraction of new business and industry to a community, or the expansion of existing business or industry, takes place in a very competitive market place. In order to keep Bellevue as competitive as possible in that market place, the community will strive to use financial and human resources available in a partnership with federal, state, municipal and private sources. Ackley stressed if the city is not putting money into this fund the city is not striving. He explained this is like a piggy bank. Every year \$750,000 can be put in the bank and can be used for future development. If the money is not put in the bank every year, when you finally need it, it is not there. The city is shooting itself in the foot if they do not fund the full amount every year. Ackley stated he is not in agreement with the idea if it is not going to be used for infrastructure, which qualifies as a capital improvement, then it shouldn't be put into the plan. It will be forgotten about.

Page 3 of the program is a list of specific things that the goal was, which the city approved: "The Economic Development Program to occur within the Highway 34 Corridor District shall have the following purpose and goals: Create new jobs within the Highway 34 Corridor District, generate employment opportunities within the Highway 34 Corridor District, attract a variety of new businesses within the Highway 34 Corridor District, attract new capital investment within the Highway 34 Corridor District, broaden the tax base within the Highway 34 Corridor District, and expand the labor market

# MINUTE RECORD

Bellevue Planning Commission Meeting, August 23, 2018, Page 5

within the Highway 34 Corridor District". Ackley mentioned out of all of those things for the city he respectfully requests broadening the tax base. The fact of the matter is if the city does not broaden the tax base by bringing in new businesses and new employees and new people to pay taxes, the city will continue to run short. To put \$750,000 a year into the LB 840 is to put less than 1% of the city's annual budget. Ultimately, the question for the decision makers is how much is it worth to prime the pump and to bring economic development to the city. For the fourth year in a row, the city administration does not put LB 840 in the budget as a priority. Economic development cannot be ignored to expand the tax base in the future.

Perrin requested information on where the \$250,000 came from and if there is a minimum amount which can be placed in the budget. Shewchuk replied there is not a minimum to put in. This is the amount past administration has decided to put in the budget.

Jacobson inquired what type of businesses are covered under LB 840. Shewchuk replied it is focused on the area versus certain type of businesses.

MOTION was made by Ackley, seconded by Cain, to recommend APPROVAL of the Fiscal Year 2019 – 2024 Capital Improvement Plan. Applicant: City of Bellevue. APPROVAL based upon the plan as presented, with the exception of including the funding of \$750,000 every year for LB 840 infrastructure. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will be proceed to CITY COUNCIL for PUBLIC HEARING on September 10, 2018.**

Chairman Jacobson provided updates on the Library Steering Committee in regards to potential sites and the building of a new library, the NPZA Metro Training, repealing of the Complete Streets Ordinance, and the Heartland 2050 Steering Committee.

Chairman Jacobson announced the September Planning Commission meeting will be held on September 20, 2018.

Meeting adjourned at 8:00 p.m.



Shirley R. Harbin  
Planning Assistant

**3.a.**

# **CITY OF BELLEVUE PLANNING DEPARTMENT**

## **RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-1808-04

**FOR HEARING OF:**

**REPORT #1:**

September 20, 2018

### **I. GENERAL INFORMATION**

#### **A. APPLICANT:**

Matt Ricchini  
2211 Capehart Road  
Suite 106  
Bellevue, NE 68123

#### **B. PROPERTY OWNER:**

Kevin and Cheryl Mills  
4803 Capehart Road  
Papillion, NE 68133

#### **C. LOCATION:**

4803 Capehart Road

#### **D. LEGAL DESCRIPTION:**

Tax Lot 1, Except Right-of-Way, located in the Northeast  $\frac{1}{4}$  of Section 7, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

#### **E. REQUESTED ACTION:**

Rezone Tax Lot 1, Except Right-of-Way, from AG to BN.

#### **F. EXISTING ZONING AND LAND USE:**

AG, Single Family Residential

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a rezoning for a business office.

**H. SIZE OF SITE:**

The site is approximately .91 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is presently developed with a single family residence constructed in 1991 and a 1,200 square foot pole building.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

1. **North:** Vacant/Agricultural, AG
2. **East:** Vacant (newly platted Belle Lago subdivision), RG-28
3. **South:** Vacant (newly platted Falcon Pointe subdivision), RS-72
4. **West:** Vacant (newly platted Falcon Pointe subdivision), RS-72

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

Section 5.20, Zoning Ordinance, regarding BN uses and requirements.

**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. There is no traffic data available for this area.
2. The property has access from a private drive off of South 48<sup>th</sup> Street.

#### **D. UTILITIES:**

With the residential development happening adjacent to this property, all utilities will be available to serve the area.

#### **E. ANALYSIS:**

1. Matt Ricchini has submitted a request to rezone Tax Lot 1, except right-of-way, located in the Northeast ¼ of Section 7, T13n, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, from AG to BN for the purpose of a business office.
2. This property is presently a non-conforming Agricultural zoned lot. The property is less than one acre, while the minimum lot size for AG lots is 20 acres.
3. The applicant has indicated he would like to operate his State Farm Insurance business on the property. He intends to use the existing single family residence for this purpose if the requested change of zone is approved.
4. The intent of the BN district is to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity.
5. The area immediately south of the Capehart Road and 48<sup>th</sup> Street interchange is being developed residentially. In the past year, approximately 140 acres adjacent to this property have been platted as residential properties and are in the process of being developed. There have been 280 single family residential lots platted, as well as one multi family residential lot.
6. This property has access from S. 48<sup>th</sup> Street. Due to controlled access along Capehart Road, this property will not have access to Capehart Road in the future. It is also safe to assume at some point in the future, improvements will need to be made to 48<sup>th</sup> Street as well which will limit the full access this property currently has. An access easement was provided for on the adjacent Outlot A, Falcon Pointe, for the purpose of this property taking access through the Falcon Pointe subdivision in the future.
7. The Future Land Use Map of the Comprehensive Plan identifies this area as medium density residential. With the residential development presently occurring adjacent to this property, there will not be other commercial properties along the south side of Capehart Road at 48<sup>th</sup> Street. Subsequently, staff views the rezoning of this small parcel as spot zoning and not suitable for the area.

Short term, the proposed use could work with the surrounding residential development; however, long range planning suggests spot zoning this parcel as commercial is not appropriate. The zoning will run with the land, and remain after the applicant moves on from the property. Once the insurance office has closed,

this small lot will not likely be desirable for commercial businesses. This will be due to the residential nature of the area, as well as the likely future restricted access.

There are several large properties near 36<sup>th</sup> Street and Capehart Road which are zoned commercially and remain undeveloped. As such, staff believes this will be the future commercial center which services the area.

8. 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 Springfield Platteview 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.

Mike Christensen, Chief Building Official, commented a change of occupancy from residential to commercial will require the entire building to be brought into code compliance with the new occupancy. This would include ADA compliance.

No other comments were received in this case.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

DENIAL based upon lack of conformance with the Comprehensive Plan, and lack of long range compatibility with the surrounding residential developments.

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review

**VI. ATTACHMENTS TO REPORT**

1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Justification letter received August 15, 2018



**VII. COPIES OF REPORT TO:**

1. Matt Ricchini
2. Kevin and Cheryl Mills
3. Public Upon Request



Prepared by:

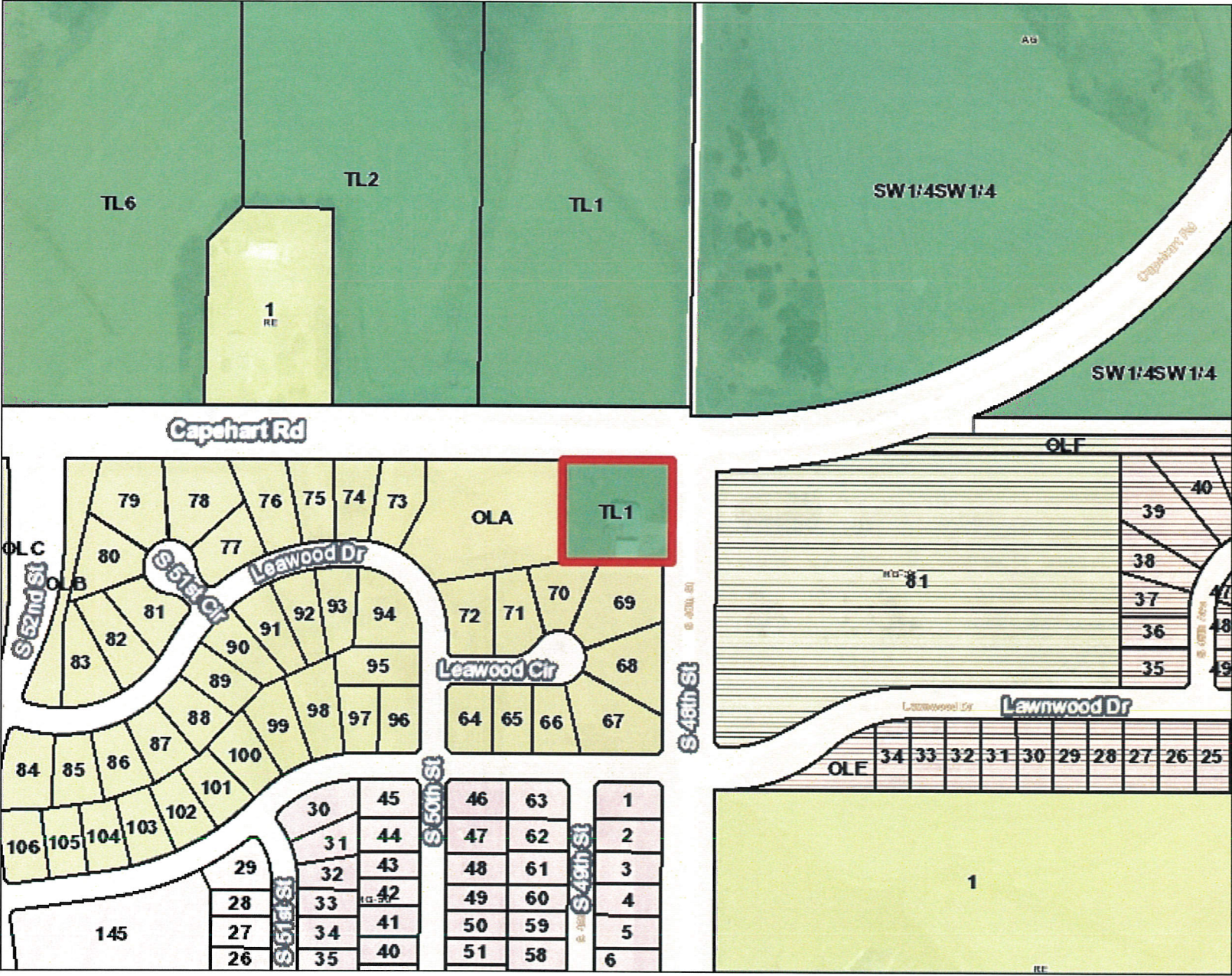


Planning Director

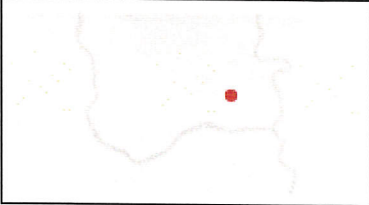


Date of Report

Zoning Map 4803 Capehart Road

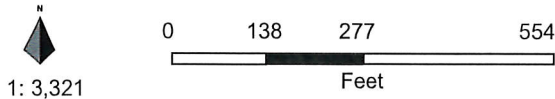


Location



Legend

- Road Centerlines  
2018 Aerial Photo
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

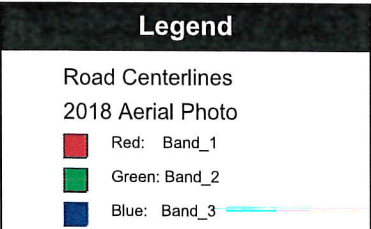
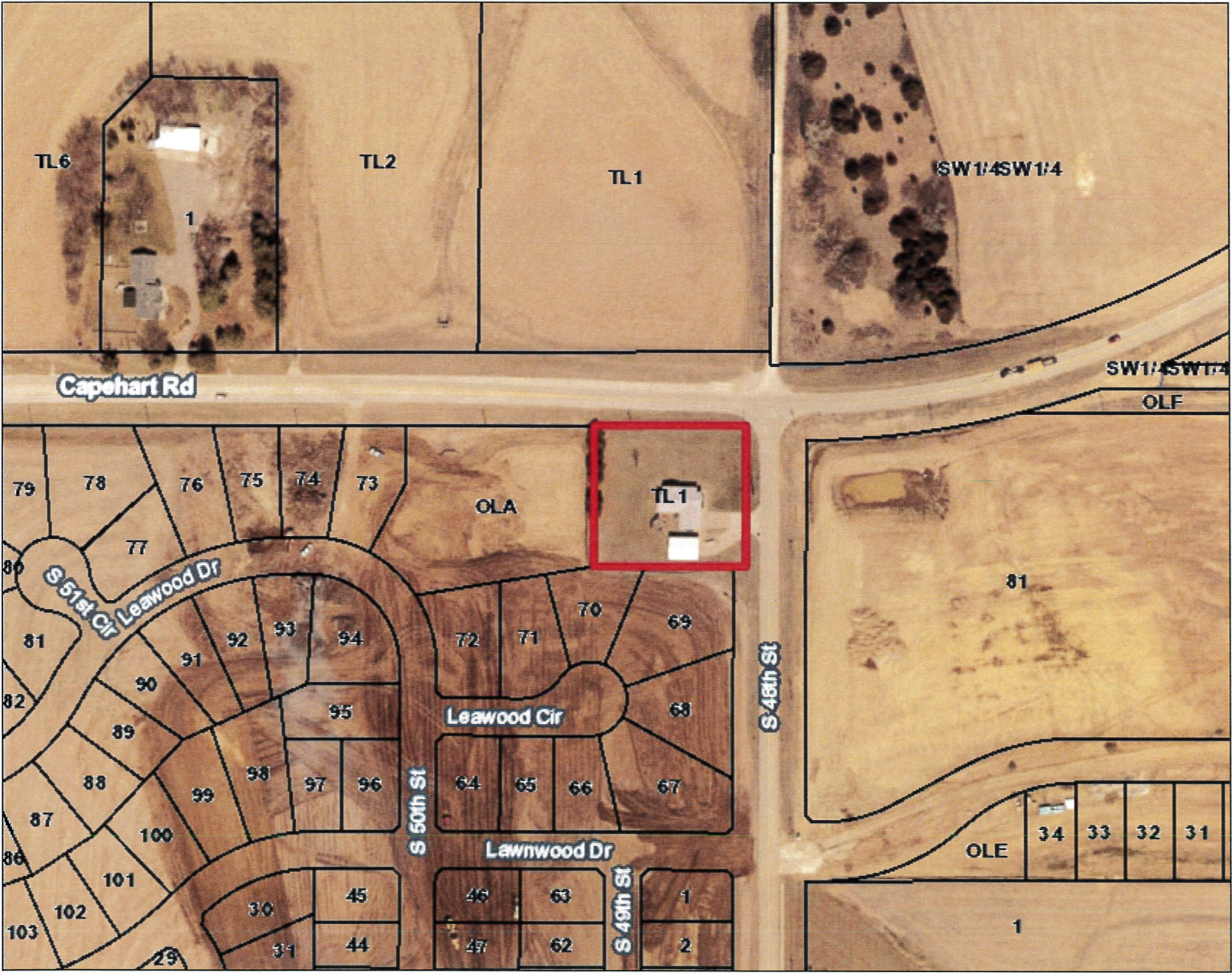


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**Sarpy County GIS**  
1210 Golden Gate Dr.  
Suite 1130  
Papillion, NE 68046  
maps.sarpy.com



4803 Capehart Road





Matt Ricchini, Agent RICP  
2211 Capehart Rd. Suite 106  
Bellevue, NE 68123  
Bus. 402-292-1900  
Fax 402-292-1901  
matt.ricchini.qwn2@statefarm.com

 **State Farm**<sup>TM</sup>  
Team Ricchini



August 15, 2018

To: Bellevue Planning Dept.

Re: Written justification of the zoning change

Dear members of the Bellevue Planning Department,

I am asking to have this location rezoned to business use so I can make productive use of the land in the operation of my State Farm Insurance Business. The use of a residential property for a State Farm office has been done in many other cities across the county and has even been done in the past by one of my predecessors, Bob Dragos.

This is a good change of use, as the use for State Farm business does not present a significant change of traffic, modifications to the building, or use that normally comes with an increase in trash, odors, or deliveries trucks bringing goods or inventories. As a member of this business community for the last 13 years, I intend to run my business for the next twenty years and I'd like to keep the business in Bellevue. This location allows me to address my long term goals without disrupting what will be a residential neighborhood.

I would be happy to field any questions or concerns. I can be reached on my personal cell phone at 402-660-2430.

Matt Ricchini  
State Farm Agent/Owner

RECEIVED  
AUG 15 2018  
PLANNING DEPT.

3.b.

# **CITY OF BELLEVUE PLANNING DEPARTMENT**

## **RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-1808-05

**FOR HEARING OF:**

**REPORT #1:**

September 20, 2018

### **I. GENERAL INFORMATION**

#### **A. APPLICANT:**

Casey's Retail Company  
Attn: Katie DeRouchey  
One SE Convenience Blvd.  
Ankeny, IA 50021

#### **B. PROPERTY OWNER:**

West Dodge Place LLC  
17950 Burt Street  
Omaha, NE 68118

#### **C. GENERAL LOCATION:**

7724 South 22<sup>nd</sup> Street

#### **D. LEGAL DESCRIPTION:**

Lot 74, Kennedy Town Center, located in the Southwest  $\frac{1}{4}$  of Section 15, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

#### **E. REQUESTED ACTION:**

Rezone Lot 74, Kennedy Town Center from BN to BG.

#### **F. EXISTING ZONING AND LAND USE:**

BN, Vacant

## **G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a rezoning to enable the construction of a convenience store with fuel sales.

## **H. SIZE OF SITE:**

The site is approximately 1.91 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:** Commercial, BG and BGH (across Chandler Road)
2. **East:** Vacant, BG (across S. 22<sup>nd</sup> Street)
3. **South:** Senior Multi Family Residential, RG-20-PS
4. **West:** Vacant, RG-20-PS

### **C. REVELANT CASE HISTORY:**

1. On April 27, 2006, the Planning Commission recommended approval of a request to rezone Lots 1 through 84, Kennedy Town Center, being a replat of Lots 1 through 16, and Outlots 1 and 2, Kennedy Center Replat, located in the Southwest  $\frac{1}{4}$  of Section 15, T14N, R13E, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska from BG-C to BG-C, BN, and RG-20-PD for the purpose of commercial and residential development; site plan approval for Lots 1 through 84, Kennedy Town Center; preliminary plat Lots 1 through 84, Kennedy Town Center; and waiver of Section 6-4, and Section 6-7 (4) and (7), Subdivision Regulations. The City Council approved the aforementioned requests on May 22, 2006.

2. On June 22, 2006, the Planning Commission recommended approval of a request to final plat Lots 1 through 84, Kennedy Town Center, being a replat of Lots 1 through 16, and Outlots 1 and 2, Kennedy Town Center Replat, located in the Southwest  $\frac{1}{4}$  of Section 15, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska; and approval of the Kennedy Town Center Subdivision Agreement. The City Council approved the aforementioned request on August 14, 2006.

### **D. APPLICABLE REGULATIONS:**

Section 5.22, Zoning Ordinance, regarding BG uses and requirements.



### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this property as commercial.

#### **B. OTHER PLANS:**

None

#### **C. TRAFFIC AND ACCESS:**

1. The 2016 MAPA Traffic Flow Map estimates approximately 16,800 vehicles per day near the intersection of 25<sup>th</sup> Street and Chandler Road
2. The property will have access from both Chandler Road and South 22<sup>nd</sup> Street. The access point along Chandler Road will be a restricted access, allowing right-in right-out movements only.

#### **D. UTILITIES:**

All utilities are available to this property.

#### **E. ANALYSIS:**

1. Casey's Retail Company has submitted a request to rezone Lot 74, Kennedy Town Center for the purpose of constructing a convenience store with fuel sales.
2. This property is presently zoned BN. The intent of the BN zoning district is to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity, while the intent of the BG zoning district is to provide for a wide range of retail and service establishments. The BN zoning district allows for a convenience store without fuel sales, while the BG district allows for fuel sales in addition to the storefront.
3. Although site plan approval is not required as part of this request, the applicant has provided a preliminary site plan which is attached to this report. A building permit has been submitted and is under review by the city. The building permit will be issued only subsequent to approval of the change of zone request.
4. The Kennedy Town Center plat does not currently allow Lot 74, Kennedy Town Center, to take access from Chandler Road. The Public Works Department is agreeable to a restricted right-in right-out access point. As such, an access agreement is in the process of being drafted by the City Attorney and will be presented to the City Council as part of the rezoning request. Although the

agreement has not been finalized in time for the Planning Commission public hearing, staff would like to acknowledge the plan for access and include this item as part of the rezoning process. The attached site plan depicts the access points to Chandler Road and South 22<sup>nd</sup> Street which have been agreed upon with the Public Works Department.

5. 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.

Traci Stites, Offutt Air Force Base, expressed concerns with the close proximity of the proposed store to Chandler View Elementary School and the fact the store will sell alcohol and fuel. She stated if there happened to be a fuel leak or explosion, the school could be in harm's way. [Note: The school is approximately 800 feet away from the fuel storage tanks, considerable further away than either Central Elementary School or Mission Middle School are from the Kwik Shop on Mission Avenue.]

Casey's will need to follow all applicable state and local laws in order to obtain a liquor license.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL of the change of zone and access points based upon lack of perceived negative impact upon the surrounding area, conformance with the Comprehensive Plan, and recommendation from the Public Works Department.

**V. PLANNING COMMISSION RECOMMENDATION**

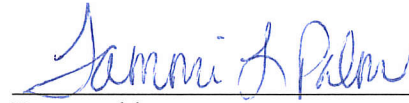
Under Review

**VI. ATTACHMENTS TO REPORT**

1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Justification letter received August 17, 2018
4. Site plan received August 17, 2018

**VII. COPIES OF REPORT TO:**

1. Casey's Retail Company
2. West Dodge Place LLC
3. Public Upon Request



Prepared by:



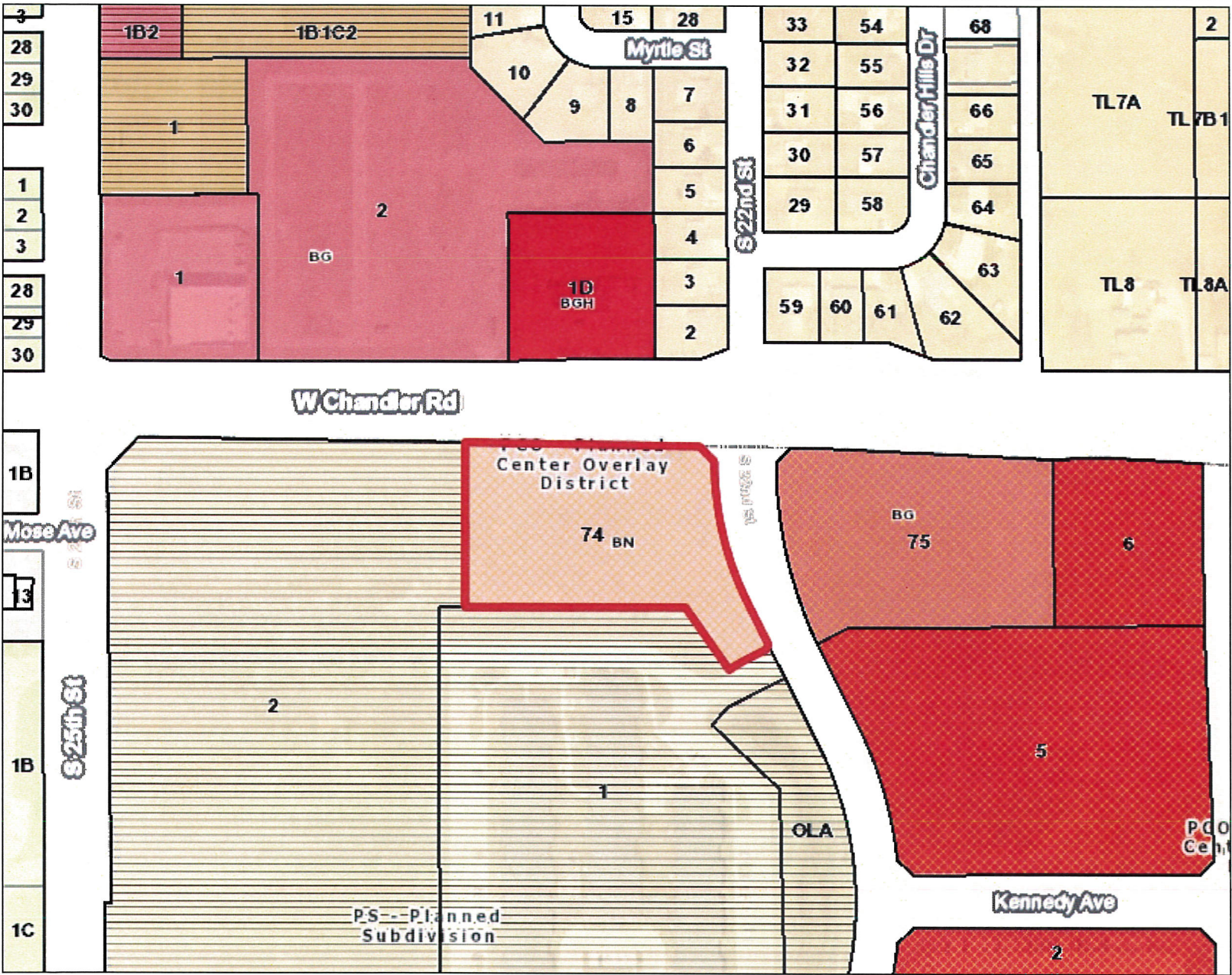
Planning Director



Date of Report



Lot 74 Kennedy Town Center

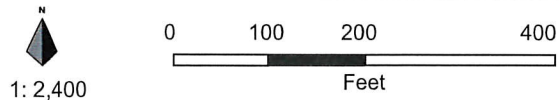


Location



Legend

- Road Centerlines  
2018 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









*Design with Purpose. Build with Confidence.*

August 17, 2018

City of Bellevue  
Planning Department  
1510 Wall Street  
Bellevue, NE 68005

Re: Casey's Retail Company  
Lot 74, Kennedy Town Center  
Written Justification of the Zoning Change  
Schemmer Project No. 06754.041

To Whom It May Concern:

This letter is to inform you of the intentions of the developer of Lot 74, Kennedy Town Center regarding the attached application for a zoning change.

The property owner is proposing to rezone the lot from BN, Neighborhood Business to BG, General Business. The proposed development for the site consists of a 4,700 square foot convenience store with fuel sales and the sale of liquor and is a permitted use in the BG zoning district. The development would also include driveways, parking lots, grading, and utilities to serve the proposed building. Please see the attached site plan for a graphical representation of the proposed improvements.

Construction of these improvements is proposed to begin in the spring of 2019, with a proposed completion date in the summer of 2019.

Given the attached application and documentation, the applicant respectfully requests a zoning change for this property.

Please submit all questions and comments to my attention at [rduvall@schemmer.com](mailto:rduvall@schemmer.com) or by phone at 402-431-6369.

Sincerely,

THE SCHEMMER ASSOCIATES INC.

Robert DuVall, PE  
Professional Civil Engineer

RECEIVED

AUG 17 2018

PLANNING DEPT.

PHONE 402.493.4800  
FAX 402.493.7951

1044 North 115th Street, Suite 300  
Omaha, Nebraska 68154-4436

SCHEMMER.COM







## City of Bellevue

Office of the Planning Department

### AGENDA ITEM 3c

**To:** Planning Commission  
**From:** Chris Shewchuk, Planning Director *CWS*  
**Date:** September 13, 2018  
**Subject:** Amendment to Article 7 Zoning Ordinance, Sign Regulations

Article 7 of the Zoning Ordinance, regarding Sign Regulations, addresses digital billboards and provides specific guidelines for their use. These guidelines are not written anywhere so as to apply to digital signs that are not billboards, although those guidelines have been given to sign installers when digital signs have been permitted. In addition to the regulations pertaining to digital signs, we are proposing changes to the zoning districts where such signs are allowed.

The proposed amendments are shown below in Table 7F of the Zoning Ordinance:

**TABLE 7F PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT**

	RE RS	RA AG	RG	INS(a)	M	BN BNH	BG BGH	BGM	FX	ML MH
Animated/ Digital(c)	N	N	N	<del>N</del> <u>S</u>	N	<del>N</del> <u>S</u>	S	S	S	S
Changeable Copy	N	N	N	<del>P</del> <u>S</u>	N	<del>N</del> <u>S</u>	S	S	S	S
Illumination, Internal	N	N	N	<del>P(b)</del> <u>S</u>	N	<del>S(b)</del>	S	S	S	S
Illumination, External	N	N	<del>P</del> <u>S</u>	<del>P(b)</del> <u>S</u>	PS	<del>S(b)</del>	S	S	S	S

P = Allowed without sign permit  
 S = Allowed only with sign permit  
 N = Not allowed

a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, school, funeral homes, and cemeteries.

b. For any sign, no direct light or significant glare from the sign shall be cast on to any adjacent zone lot this is zoned and used for residential purposes.

c. ~~Signs shall not change panels or messages within at least 15 seconds and flashing lights or brightness of signs may be regulated based on vehicular traffic safety.~~

c. The following regulations shall apply to animated and digital signs:

--The image displayed on the sign shall not change more frequently than every 15 seconds.

--The image shall remain static during its display period (no movement or motion shall be permitted).

--Signs shall be equipped with a sensor or other device to automatically adjust the day/night light intensity to a level not exceeding 0.3 foot candles over ambient lighting when measured in accordance with International Sign Association criteria.

--The City reserves the right to further regulate individual signs based on vehicular traffic safety.

In order to make the regulations regarding digital billboards and other digital signs consistent, the following amendment to Paragraph 7D of Section 7.04.03 of Article 7 is proposed:

#### **D. Digital billboards.**

Digital billboards shall comply with all requirements of this ordinance, plus the following specific requirements:

i. The image displayed on the sign shall not change more frequently than every 105 seconds.

ii. The image shall remain static during its display period (no movement or motion shall be permitted).

iii. Digital billboard signs shall be equipped with a sensor or other device to automatically adjust the day/night light intensity to a level of no greater than 5,000 nits during daylight hours and no greater than 750 nits during nighttime hours not exceeding 0.3 foot candles over ambient lighting when measured in accordance with International Sign Association criteria.

#### **PLANNING DEPARTMENT RECOMMENDATION:**

APPROVAL of the proposed amendment to Article 7, City of Bellevue Zoning Ordinance.