

BELLEVUE PLANNING COMMISSION

Thursday, May 23, 2019 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 the April 25, 2019 Regular Meeting
- e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

2. CONSENT AGENDA/PUBLIC HEARINGS:

3. PUBLIC HEARINGS:

- a. Request to rezone Lot 3, Mission Gardens Replat I, from BN-PCO to BG to allow for a multi-provider medical office. Applicant: Remedy Properties, LLC. Location: 1315-1321 Galvin Road South. Case #: Z-1904-01.

4. CURRENT BUSINESS

- a. Discussion of Planning Commission By-Laws

5. ADJOURNMENT



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The Bellevue Planning Commission held a regular meeting on Thursday, April 25, 2019 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Cain, Aerni, Ackley, Cutsforth, Ritz, and Smith. Absent was Jacobson. 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.

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

Motion was made by Ackley, seconded by Casey, to approve the minutes of the March 28, 2019 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

Shewchuk mentioned seven additional letters/emails were received on the various annexation packages after the packets went out to the Commissioners. He stated he would address these letters during the appropriate public hearings.

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

Ritz explained the public hearing procedures.

PUBLIC HEARING was held on a request for a conditional use permit for Tax Lots 9E1, 9E2, and 9F1, all located in the Southwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, Nebraska for the purpose of auto sales. Applicant: Auto Source LLC. Location: 410 Galvin Road North. Case #: CUP-1903-01.

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

Shewchuk advised the applicant was requesting a continuance to the May 23, 2019 Planning Commission meeting.

MOTION was made by Cutsforth, seconded by Cain, to CONTINUE this request to the May 23, 2019 Planning Commission meeting. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will be CONTINUED to the May 23, 2019 PLANNING COMMISSION meeting.

PUBLIC HEARING was held on a request to annex Lots 67, 68, west 122.96' of Lot 69, east 182.04' of Lot 69, 70A, 70B, 71A, 71B, west 100' of north 175' of Lot 72, 73 and south 122' of Lot 72, 74, Lot 75 and west ½ vacated 19th Street, east ½ vacated 19th Street adjacent to Lot 75, 76, 78, 80A, 80B, 80C, 81, 82, 83, 84, south 85' of south 187' Lot 85, north 102' of south 187' of Lot 85, north 110' of Lot 85, 86A2, 86B, 86A1A, 86A1B, 87, Lot 90 and south ½ vacated Cary Street, 97, 98, east ½ of Lot 99, 100A1, 100A2, 100A3, 100B, 100C, 103A, 103B, 106A, 106B, 107A, 107B, 108, 112, Lot 113 and south ½ of vacated Concord Street, Lot 115 and north ½ vacated Cary Street, 116B, and 117, Childs Estate Acres, Lots 1 and 2, Childs Estate Acres Replat IV, Lots 86 and 87, Spring Creek, Lot 1, Bohac Addition, Lot 1, Schram's Estate Acres, Lot 1 and north ½ vacated Cary Street, and 2, Linden Ridge, Lots 1 and 2, Amber Acres, Lots 1 and 2, Crawford's Addition Replat 1, Lot 1, Hunter's Hollow, Lots 1 through 3, Flojoe Holubar Estates, Lots 1 and 2, Dukes Addition, Lots 1 and 2, Proksel's Addition, Lots 1 and 2, Timmerman Acres, South 41' of Lot 1, and Lot 2, Cascio's Thoroughbred Acres, Lots 1, 5, 6, 7A, 7B, and 8 through 27, Caroline Addition, Lot 1, Caroline Addition Replat I, Lot 2, Rancho La Estrella, Tax Lot 3B, irregular part of Tax Lot 12 adjacent to Lot 1, Bohac Addition, part of Tax Lots 12 and 13, irregular 33' x 1279' strip of Tax Lot 13A lying south of Tax Lot 3B, located in Section 22, Township 14 North, Range 13 East of the 6th P.M., and irregular easterly 665' of Tax Lots 12C and 14, except part taken for right of way, Section 15, T14N, R13E of the 6th P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue.

Shewchuk stated two letters were received on this particular annexation area: one from Chad Liechti at 8905 South 25th Street, and one from Michael and Sandra Studelska at 8212 South 19th Street. Both letters stated an opposition to the annexation.

Shewchuk advised he would like to briefly speak on all of the annexation areas being presented. He

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stated Mayor Hike has made annexation a priority. Shewchuk indicated in addition to the parcels already presented, several Sanitary and Improvement Districts (SIDs) would be forthcoming as well. He stated annexation is a revenue source, but also part of the overall natural growth and development of the city. Shewchuk mentioned Mayor Hike is interested in unifying the city by annexing parcels and SIDs which are contiguous to the existing city limits and appropriate for annexation. He stated the city realizes a number of these areas are in need of street improvements and infrastructure. Shewchuk advised upon completion of the annexation, the Public Works Department will comprehensively review these needs, and put forth a plan of action for these items. He cautioned this is something which would take time, and would not happen overnight. Shewchuk indicated the necessary improvements and/or repairs would be made part of the city's Capital Improvement Plan. He further advised the city is aware a number of these properties are on septic systems rather than sanitary sewer. Shewchuk stated the annexation will not require property owners to automatically connect to sanitary sewer. He mentioned as long as a property owner's septic is working properly, it can be maintained. Shewchuk indicated it could also be repaired under current regulations; however, if a septic failed and was unable to be maintained, the house would be deemed uninhabitable. He stated this scenario would be no different whether a property is in the county or whether it is in city limits. Shewchuk advised no one's zoning would be changed as a result of this annexation. He mentioned this area is already in the city's extra-territorial jurisdiction; therefore, currently covered by the city's zoning regulations.

Lynne Sledge, 8605 South 21st Street, Bellevue, NE stated her opposition to this annexation. She questioned what effect this would have on the property owners in the area. Sledge stated annexation would raise taxes, provide a library card, and allow them to vote for mayor. She questioned whether this area would get a representative on the city council. Sledge stated this area has had taxation without representation for years and they have done fine. She mentioned snow removal is superb with the county. Sledge expressed doubt this would be the case with the City of Bellevue since they have so many streets to maintain.

Maximino Leon-Lopez, 6311 South 36th Street, Bellevue, NE stated his opposition to the annexation. He expressed concern the city would not be responsive to his questions. Leon-Lopez stated he owns several properties in the area, totaling approximately five acres. He stated the city provides no services at this time, and does not see how an annexation will change that. Leon-Lopez indicated he sees no benefit and does not want the increased taxes.

Manuel Abundis, 1826 Cornelia Street, Bellevue, NE, stated he owns two properties in the annexation area and is opposed to the annexation. He stated he does not want the increase in taxes. Abundis indicated he thought the annexation might mean the area was getting sanitary sewer; however, after hearing there is no immediate plan for that, he is opposed to the annexation.

David Dvorak, 8302 South 21st Street, Bellevue, NE, stated he has lived on his property twenty-one years and moved from Omaha because of increased property taxes. He mentioned he likes the neighborhood and neighbors. Dvorak stated on South 21st Street there are seven homes on sanitary sewer and eight homes on septic. He mentioned South 21st Street is 19' wide, and the neighborhood expressed concerns regarding the road when the Spring Ridge subdivision was previously approved. Dvorak indicated four new houses being built in the neighborhood have caused the street to crack. He questioned whether Spring Ridge would be annexed as well. Ackley stated that development is an SID (Sanitary and Improvement District). Discussion on this matter ensued. Dvorak indicated he cannot see why the city wants everyone to pay more taxes when the newer subdivision to the south of him has more "amenities" than his neighborhood. He expressed concern with the amount he will have to pay in taxes if annexed.

Ted Wiles, 8701 South 25th Street, Bellevue, NE, stated he built his house approximately three years ago. He questioned what benefit he will get out of the annexation. Wiles mentioned he is the one that has made all of the improvements on his property. He stated the city will get more taxes; however, he wanted to know what benefits the homeowners will receive. Wiles stated no one in this area could vote for the current city council or mayor, yet the mayor is stepping in and annexing these areas. He expressed frustration over this situation. Wiles stated he was opposed to the annexation.

Doug Lorence, 8706 South 21st Street, Bellevue, NE, was present to speak on this matter. He stated he built his house in 1980, and put the road in from Virginia Street to his house. Lorence indicated South 21st Street was originally a gravel road until the county put in a hard surface road. He mentioned first responders have had difficulty reaching certain properties on South 21st Street. Lorence stated that is a major problem for the city. He indicated the city would charge residents for sewer and road improvements even though residents had already paid for some of these items already. He stated this would result in residents paying double, which is not fair. Lorence advised he was strongly against the

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annexation. He suggested the city wait to annex their area until the Spring Ridge development was ready for annexation. Lorence indicated his 94-year old mother also lived on South 21st Street and is on a fixed income. He indicated he is retired and on a fixed income as well.

Gina Arbogast, 2201 Childs Road West, Bellevue, NE, stated in listening to all of the testimony, she agreed with what her neighbors were saying. She stated the notice they received from the city did not provide information as to what would change for the residents in an annexation. Arbogast advised the neighbors were assuming they would suffer egregiously due to the tax increase. She stated they were struggling to see what the benefits of annexation would be. Arbogast indicated the county has been outstanding on snow removal. She also mentioned first responders have been exemplary. Arbogast commented the increase in taxes will hit her hard based upon the square footage and current valuation of her home. She stated her opposition to the annexation.

Gene Meinders, 2211 Cornelia Street, Bellevue, NE, indicated the city looked at annexing this area approximately six years ago. He stated after the city assessed the cost of road improvements, it was determined annexing this area was not economically feasible for the area. Meinders questioned what has changed since that time. He further stated a comprehensive street study should be done first; not after the annexation. Meinders advised he was opposed to the annexation.

Reginald Gillispie, 1303 Galvin Road South, Bellevue, NE, stated he owns Lot 97, Childs Estate Acres. He commented he saw his father's and grandfather's properties get annexed, which resulted in poor snow removal and increased property taxes. Gillispie stated he was opposed to the annexation.

Todd Tippery, 9011 South 25th Street, Bellevue, NE, stated it would be alright if taxes were raised to make improvements in the area rather than to rebuild Haworth Park or do something similar. He stated these residents should not be taxed so the city can pay bills they cannot currently pay. Tippery commented he was opposed to the annexation.

Bryan Jones, 9015 South 25th Street, Bellevue, NE, stated his opposition to the annexation. He questioned why the Spring Creek subdivision was not being annexed at this time due to the home valuations there. Jones indicated he saw no value in annexation. He mentioned he is a VFW member, and inquired what would be done about Gilmore Lake Road. Jones advised it was never brought to city standards when Spring Creek was constructed.

Ralph Unstad, 1201 Kasper Street, Bellevue, NE, stated he had been in his house for 45 years. He commented his house was built in 1912. Unstad commented many of the neighbors are longtime residents of the area. He indicated the county has taken care of the roads. Unstad stated he is on septic, which is taken care of by him. He advised the city would not get much benefit to annexing the area. Shewchuk pointed out Mr. Unstad lives in Annexation Area #7, which is the next public hearing.

Michael Nigro, 2009 Cornelia Street, Bellevue, NE, stated he is a longtime Bellevue resident and has seen a lot of changes in the city. He mentioned his wife is in a wheelchair; therefore, they live off of one income. Nigro advised he was opposed to the annexation since it would cost him more money in taxes. He further stated he agreed with what the other residents previously said. Nigro concluded by stating if annexed, he would run for city council.

Jeremy Harper, 8406 South 23rd Street, Bellevue, NE, mentioned he bought his house a few years ago. He indicated he was under the impression South 23rd Street would not connect to the Spring Ridge neighborhood. Harper mentioned the maps displayed suggested otherwise. He indicated he agreed with the comments already made. Harper questioned if street signs, traffic signs, and street lighting would be brought to the neighborhood upon annexation.

Mary Pavel, 8610 South 21st Street, Bellevue, NE, indicated it would have been nice to get more information from the city on annexation. She mentioned she has lived on her property for fifteen years. Pavel indicated she is a nurse, and the county provides excellent snow removal in this area. She also mentioned she did not want South 21st Street to go through to the Spring Ridge neighborhood. Pavel stated she was opposed to the annexation.

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

Shewchuk responded to some of the questions and concerns raised. He stated running for city council and being able to vote in city elections may be one of the biggest benefits to being annexed. Shewchuk indicated these areas would have representation on the city council if annexed. He pointed out this

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area would receive city services if annexed as well. Shewchuk mentioned the city has excellent snow removal service. He indicated the city contracts with Papillion Sanitation for trash. Shewchuk advised Spring Creek is currently an SID. He stated a number of SIDs will be recommended for annexation later this year. Shewchuk commented taxes will increase in these areas if annexed. He stated the city's tax levy is sixty-one cents. Shewchuk stated the fire district taxes drop off, resulting in a net increase of a mil levy of .424217. He stated on a home valued \$150,000, this would add approximately \$636 to the yearly property tax bill.

Ackley indicated a citizen mentioned in a prior annexation they knew someone taxed for sewer even though there was no sewer available. He asked Shewchuk to speak on this. Shewchuk commented he could not imagine that being the case. Ackley inquired about Gilmore Lake Road. He mentioned that road improvement was supposed to be split between the Spring Creek SID, Sarpy County, and the city. Ackley asked how the annexation would affect that agreement. Shewchuk stated the annexation will not change anything. He stated the agreement with Spring Creek is no longer valid because of the time lapse. Shewchuk indicated the Spring Ridge development has land near the VFW property which cannot be developed until Gilmore Lake Road is improved. Cain inquired if Gilmore Lake Road was the county's responsibility. Shewchuk stated half of the road is in the county while the other half is in the city.

Casey asked how many properties in this annexation package had greenbelt status. Shewchuk stated nine. Staff provided a map of these properties.

Aerni addressed the comment regarding the Public Works Department assessing the roads ahead of the annexation. He pointed out the Streets Department did provide an overall assessment of the street improvements necessary for this area as part of the annexation package information. Aerni stated the Public Works Department is planning a budget of \$35,000 per year for maintenance in this area. He commented a pre-assessment was undertaken as part of the staff report. Shewchuk mentioned a more complete analysis of necessary street improvements will be done after annexation.

Ackley questioned if the greenbelt lots were actually used for agricultural purposes, as they looked like smaller lots. Conversation on this matter ensued utilizing the maps and aerial photos for reference. Ackley stated he is not typically in favor of annexing greenbelt lots; however the greenbelt lots in this area include smaller lots where agricultural use seems to be in question. He mentioned in this area, he would not be recommending the greenbelt exception he did previously. Ackley stated he would continue to oppose annexing greenbelt properties in later annexation packages which were more agricultural in nature.

Cain stated snow removal was brought up several times as an issue. She mentioned her personal experience is the city's snow removal is excellent. Cain commented the Planning Commission does not control taxation. She stated the Planning Commission is only a recommending body and the final decision is up to the City Council.

MOTION made by Perrin, seconded by Cain, to re-open the public hearing on this request. Upon roll call, Casey, Perrin, Cain, Aerni, Ackley, Cutsforth, and Ritz voted yes. Smith voted no. Motion carried.

Michael Nigro, 2009 Cornelia Street, Bellevue, NE, questioned if the homeowners would be assessed for road improvements. He indicated he did not want the increased taxes in addition to the added expense of a paving district.

Connie Jones, 9015 South 25th Street, Bellevue, NE, inquired if the city's trash service would be an additional cost. She stated she currently picks her provider and bargains with that provider on cost. Jones indicated she would like to see a side-by-side comparison of her current tax rate versus what will happen upon annexation. She commented she is retiring and wants to be prepared since she will be on a fixed income. Jones inquired as to the timing of the annexation. She stated if the city needs additional money, it should come from somewhere other than annexations. Jones commented as to the benefits of annexation. She expressed concern with the additional rules and laws she would have upon annexation.

Maximino Leon-Lopez, 6311 South 36th Street, Bellevue, NE, stated he owns approximately five acres of property in this area and farms three of those acres.

Ritz closed the public hearing.

Shewchuk stated the cost of road improvements has not been determined at this point. He again

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mentioned a comprehensive study would be completed by the Public Works Department at a later date. He indicated the city has not typically assessed property owners for street improvements; however, he stated that would be up to the City Council. Shewchuk advised the city has a trash program and cost is determined by the size of the cart you order. He commented the Wastewater Department could be contacted for more specific information. Shewchuk stated the Planning Commission does not set tax rates. He advised property owners would lose the Eastern Sarpy Fire District taxes. Shewchuk stated the city's tax rate of sixty-one cents would be added, for a net increase of .424217. He commented the city's Zoning Ordinance already applies to this area; however, the area would also be covered by City Code if annexed.

MOTION made by Aerni, seconded by Smith, to recommend APPROVAL of Annexation Area #5 as presented based upon positive financial impact to the city, and the natural growth and development of the city. Upon roll call, all present voted yes. Motion carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on June 4, 2019.

PUBLIC HEARING was held on a request to annex Lots 2, 4, 5, 6A1, 6A2, 7, 8, 9, 10, 12B, 12C, 13A1, 13B1, 14A, 15A, 15B, 15C, 18, 19, and 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1 through 3, Old Orchard Place III, Lots 1 and 2, Old Orchard place Replat I, Lots 4 and 5, High School View, Lots 1 and 2, Vacek Addition, Lots 1 and 2, Vaceks 2nd Addition, Lot 59, except part to road, and Lot 60, except part to road, Childs Estate Acres, Tax Lots 8B1 and 12A1, located in Section 22, T14N, R13E of the 6th P.M., and Tax Lots 11-2A, 11-2B, and east 15' of Tax Lot 16A, located in Section 15, T14N, R13E of the 6th P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue.

Shewchuk stated letters from James Lorence/Lana Lorence/James Lorence III, Ralph Unstad, Laurel Unstad, and Jackie Stover were received in opposition to this annexation and provided to the Planning Commissioners.

Manuel Abundis, 1826 Cornelia Street, Bellevue, NE, stated the Commission does what they want without taking the resident's concerns into consideration. He stated the last annexation area was recommended for approval even though all of the residents who testified opposed it.

Pat Sullivan, 1246 Golden Gate Drive, Suite 1, Papillion, NE, was present on behalf of his client James Vacek, who owns property in this proposed annexation area. He indicated he was here for another client, when he happened to realize Mr. Vacek's property was part of this package also. Sullivan stated Mr. Vacek has had some recent health issues, so this has probably not been on his radar. He advised Mr. Vacek has a working farm; meaning, he lives on, and actively farms the property. Sullivan commented he does not see Mr. Vacek's property being used for anything other than a farm. He provided a brief description of how the greenbelt exemption works, and how properties under this designation are taxed. He concluded by stating his client would be opposed to this annexation.

James Lorence, 9100 South 13th Street, Bellevue, NE, read the letter he provided for the record.

Jim Mruz, 9017 South 13th Street, Bellevue, NE, expressed concerns regarding the extra cost of trash services. He also addressed all of the speeding down South 13th Street. Mruz stated this is an issue because of the traffic from the school and people trying to walk in the area without sidewalks. He asked if Centennial Road would ever go through. Mruz stated he can currently get a burn permit, which will change if annexed. He questioned if his agricultural zoning would change upon annexation. Mruz stated he does not want street lights. He indicated he currently hunts on his property, and requested clarification if this would be allowed to continue if annexed.

Joyce Mruz, 9005 South 13th Street, Bellevue, NE, expressed her concerns regarding farm animals in the area, and if residents would be allowed to keep their animals. She mentioned Mr. Vacek farms his ground. Mruz mentioned she sees no benefit to annexation; therefore, stated her opposition to the annexation.

Laurel Unstad, 1201 Kasper Street, Bellevue, NE, stated her grandchildren are the sixth generation to come into her house. She indicated her neighbors enjoy hobby farming and the wildlife in the area. Unstad mentioned the greenspaces need to be maintained. She advised residents did not wish to have their taxes raised to force them to let go of their land for the city's benefit. Unstad stated the city needs to plan for the future. She expressed her opposition to the annexation.

Aaron Beltz, 1203 Kasper Street, Bellevue, NE, stated the annexation is happening due to the mayor

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being a realtor and the desire for additional land. He indicated rather than raising taxes, the city could give the residents a grant and they will continue to take care of themselves like they do now. Beltz stated they do not need city services. He mentioned all of the wildlife in the area, which contributes to a sense of freedom and peace in the neighborhood. Beltz stated he has lived in his house 14 months, and does not see the need to pay the increased taxes. He expressed his belief again this annexation is for real estate reasons and not for the natural expansion of the city. Beltz mentioned there are other areas for the city to expand without taking this area. He indicated if annexed, he would run for city council and try to get rid of the individuals responsible for this annexation. Beltz stated he bought the house so he would not have neighbors close by and could reside in a quiet neighborhood. He advised he would rather take care of the street himself than pay the increase in taxes.

Kathy Zach, 1205 Kasper Street, Bellevue, NE, stated she has lived in her home for 25 years. She advised she bought the home because it had a well and septic system. Zach advised she has a one-half acre, with lots of wildlife. She questioned where this wildlife would go with city all around them. Zach stated she opposed the annexation.

Linda Hagmann Lee, 1012 Kasper Street, Bellevue, NE, stated her property was previously a horse farm. She stated her parents raised, bred, and boarded horses on the property. Lee indicated she pastures horses on the property currently. She advised the property has been sold twice; however, the sales never went through. Lee stated she has not been able to sell the property because she has been told it is not good for development, and also due to the fact she is protective of the land. She stated Bellevue used to be the place to live in the 1960's. Lee advised since that time, there has been poor planning on the city's part, as well as a reduction in personnel at Offutt Air Force Base, and Bellevue has gone down. She stated now the city needs additional money, and annexation is what they are turning to for funding. Lee mentioned the city has not followed through on any of the development plans they have put forth.

Patricia Rupp, 9014 South 13th Street, Bellevue, NE, indicated she also owns 9010 South 13th Street. She mentioned her father-in-law owned the land and gave them one acre to raise their children. Rupp indicated they now have grandchildren. She advised they have an orchard on the land. Rupp commented she knows the city needs to plan and grow. She questioned how the annexation would affect homeowners and when it would go into effect. Rupp stated residents would need time to make adjustments as necessary. She inquired who she would call to report speeding along South 13th Street. Rupp stated Sarpy County Sheriff's Department currently responds as needed. She indicated they built their house in 2012 and realized annexation would happen at some point. Rupp questioned if city code would change how they do things on their property.

Don Rupp, 9014 South 13th Street, Bellevue, NE, stated he did not have much to say because he could tell this was a "done deal." He stated a disbelief in that the Planning Commission did not have anything to do with residents' taxes. Rupp stated an opposition to the annexation.

Jackie Stover, 8910 South 13th Street, Bellevue, NE, stated she sent an email to the Planning Department addressing her concerns. She indicated she agreed with everyone else's comments. Stover advised she was disheartened to read a recent article in the Bellevue Leader regarding the Mayor's Forum. She stated she read Mayor Hike bragging about the amount of money and people he was going to bring in with these annexations. Stover stated residents could voice their concern all they wanted; however, she knew what was ultimately going to happen since it was in black and white it was a "done deal."

Larry Cain, 8910 South 13th Street, Bellevue, NE, stated nobody wants their taxes increased. He stated he is retired, and on a fixed income. Cain mentioned Hawk Ridge encompasses much of this area. He questioned why the city would not wait until it annexed Hawk Ridge to annex these properties at the same time. Cain mentioned the City of Bellevue does not have a good record of taking care of their people. He commented he does not believe the city spends their money wisely. Cain stated speeding is a problem along South 13th Street, which creates a dangerous situation for the neighborhood. He closed by pointing out not a single person had spoken in favor of the annexation.

Carolyn Pospisil, 1207 Kasper Street, Bellevue, NE, stated the greenbelt properties in this area are being used agriculturally. She mentioned she does not own a greenbelt property; however, she wanted to point this issue out to the Planning Commission prior to their vote.

Ralph Unstad, 1201 Kasper Street, Bellevue, NE, thanked the Commissioners for being respectful and listening to everyone's concerns. He stated these people are the roots of the county and are trying to keep their neighborhood intact.

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Linda Hagmann Lee, 1012 Kasper Street, Bellevue, NE, inquired if she would be able to keep the horses on her property. Shewchuk stated she would be able to.

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

Shewchuk addressed some of the concerns. He stated there are no plans to extend Centennial Road. He stated hunting is not allowed in the city; however, the city regularly approves hunting waivers. Shewchuk mentioned hunting waivers are processed through the Police Department. He commented individual property owners pay for trash removal. Shewchuk advised the city contracts with Papillion Sanitation, and residents are billed on their monthly Metropolitan Utilities District bill. He stated anyone with agricultural animals would be allowed to keep them, as no zoning was going to change as part of the annexation. Shewchuk advised an annexation would not affect the wildlife.

Ritz clarified someone mentioned they would have to pay an extra \$636 per month; that is actually an estimated yearly increase, not monthly increase. He said a lot of residents also inquired about getting more information on the annexation. Shewchuk advised specific questions should be addressed to specific departments. He commented the city has general answers on their website, www.bellevue.net. Ritz stated he believed residents could opt of the city's trash program. Shewchuk stated residents could keep their own trash service, but would still have to pay for the city's service as well. Ritz stated there was a question about meeting minutes. He indicated the minutes would be posted to the city's website, as well as a video of the meeting.

Casey addressed the concern regarding speeding along South 13th Street. He stated if this area is annexed, there is a Bellevue Police Department resource officer at Bellevue West. Casey commented a license plate turned in to this officer would make it easy for that officer to deal with if South 13th Street was a city street.

Ackley requested to see the greenbelt properties map. Discussion ensued regarding the size of the greenbelt properties. Ackley stated he was unsure as to how Lots 59 and 60, Childs Estate Acres, qualified for greenbelt due to their small size. He inquired if the owner was present. Shewchuk stated the owner lives in Colorado. Palm pointed out Mr. Kulhanek sent an email, which was provided to the Planning Commission. Shewchuk stated there was no crops planted on the property. One of the neighbors stated the property was cut for hay. Ackley stated his recollection was that property owners needed a minimum of 10 acres of ground, and had to show some sort of agricultural use on the property. He stated he would support removing the larger greenbelt properties from the annexation package. Conversation ensued on this topic. Aerni stated it is not the Planning Commission's job to decide what qualifies for greenbelt, as that has already been established by the County Assessor. He advised in his opinion, a motion should include either all greenbelt properties or no greenbelt properties. As such, he was prepared to make two separate motions; one including non-greenbelt properties, and one for the greenbelt properties. Casey inquired if greenbelt status is required to be renewed annually. Shewchuk stated that was his understanding. Discussion followed on this matter.

MOTION made by Aerni, seconded by Casey, to recommend APPROVAL of a request to annex Lots 4, 5, 6A1, 6A2, 10, 12B, 12C, 13A1, 13B1, 14A, 15A, 15B, 15C, 18, 19, and 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1 through 3, Old Orchard Place III, Lots 1 and 2, Old Orchard place Replat I, Lots 4 and 5, High School View, Lot 2, Vacek Addition, Lot 2, Vaceks 2nd Addition, Lot 59, except part to road, and Lot 60, except part to road, Childs Estate Acres, Tax Lots 8B1 and 12A1, located in Section 22, T14N, R13E of the 6th P.M., and Tax Lots 11-2A, 11-2B, and east 15' of Tax Lot 16A, located in Section 15, T14N, R13E of the 6th P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue. This recommendation exempts the lots with greenbelt status. Upon roll call, all present voted yes. Motion carried unanimously.

MOTION made by Aerni, seconded by Cutsforth, to recommend APPROVAL of a request to annex Lots 2, 7, 8, and 9, Old Orchard Place, Lot 1, Vacek Addition, and Lot 1, Vaceks 2nd Addition; and all abutting county road rights-of-way. Applicant: City of Bellevue. These lots represent ones with greenbelt status.

Aerni explained he was opposed to "donut zoning." He stated this area is surrounded by the city limits and has been hanging out there for decades. Aerni explained if these greenbelt lots are once again excluded from annexation, this problem will persist for future generations. He asked Pat Sullivan to address the Planning Commission regarding greenbelt status. Aerni indicated at the April 22, 2019 City Council meeting, Sullivan stated the client he was representing would see a 61% tax increase. He

MINUTE RECORD

Bellevue Planning Commission Meeting, April 25, 2019, Page 8

advised that was represented as a \$3700-\$6,000 approximate increase. Aerni stated that while a large increase in percentage, it was not necessarily a large dollar amount. Sullivan indicated that could be misleading when factoring in a property's valuation. He stated this valuation would likely increase significantly over time. Sullivan stated if only a portion of the property can be farmed, a property owner could be in a deficit alone by virtue of the taxes. He clarified the minimum 10 acre rule on greenbelt properties has been gone a long time. Sullivan stated Statute 77-1359 requires commercial production of any plant or animal product, with the property primarily used for that purpose.

Ackley indicated in upcoming annexation packages there are large tracts of nothing but agricultural land. He questioned Aerni if the "donut" principal applied there as well. Aerni stated he did not oppose removing greenbelt properties from an annexation package last month because those properties were on the edge of the city limits. He stated he may look at others the same way.

Upon roll call, Aerni and Cutsforth voted yes. Casey, Perrin, Cain, Ackley, Ritz, and Smith voted no. Motion failed.

Shewchuk stated it would be appropriate for another motion to be made to approve excluding the greenbelt properties. He indicated this should be done so that a recommendation can be made to the City Council.

MOTION made by Ackley, seconded by Cain, to recommend APPROVAL of a request to exclude Lots 2, 7, 8, and 9, Old Orchard Place, Lot 1, Vacek Addition, and Lot 1, Vaceks 2nd Addition; and all abutting county road rights-of-way from the annexation package. Applicant: City of Bellevue. These lots represent ones with greenbelt status. Upon roll call, Casey, Perrin, Cain, Ackley, Ritz, and Smith voted yes. Aerni and Cutsforth voted no. Motion carried.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on June 4, 2019.

PUBLIC HEARING was held on a request to annex Lots 1, 2, 3, 11, and 12, Dvorsky's Industrial Subdivision, Lots 1 and 2, Dvorsky's Industrial Sub. Replat I, Lots 1 and 2, T and L Addition, the southeast corner of Tax Lot 4, located in Section 12, T13N, R13E of the 6th P.M., Tax Lot K, part of Tax Lot J, Tax Lot Z, located in Section 6, T13N, R13E of the 6th P.M., Tax Lot 26, and part of Tax Lot 28 adjacent, located in Section 1, T13N, R13E of the 6th P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue.

Pat Sullivan, 1246 Golden Gate Drive, Suite 1, Papillion, NE, provided a handout to the Commissioners regarding his client's property, Tax Lot 26 and part of Tax Lot 28. He walked the Commissioners through the handout. Sullivan provided a map showing how his client's property is situated within the AICUZ (Air Installation Compatible Use Zone). The property sits within the noise contours of the AICUZ, which has specific regulations attached to it. Sullivan indicated if he came to the Planning Department with a plan to develop the property with housing, the Offutt Air Force Base Civil Engineer would object based on the property's proximity to the runway. He stated housing is discouraged in the Ldn 65-70, and strongly discouraged in Ldn 70-75. As a result, Sullivan advised it was highly unlikely the property would ever be developed. He noted for Commissioner Aerni that this property is on the edge of town, and has greenbelt status. Sullivan indicated about 70% of the over ninety acre property is farmed with row crops. He referred to Map 3-4 in his handout, which was taken from the Comprehensive Plan. Sullivan stated this annexation map does not give his client's property a designation. He mentioned this property was annexed in 2004. At the time, the city did not realize the annexation triggered the loss of the greenbelt. Sullivan stated he went back and petitioned the city to de-annex the property based on the same information he presented tonight. He indicated the property was de-annexed, and provided a copy of this resolution on the last page of his handout. Sullivan concluded this property is a farm, and based on its proximity to Offutt Air Force Base and the AICUZ, it will not be anything other than a farm. He requested this property not be annexed into the city.

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

Ackley initiated conversation regarding greenbelt properties in this area. Shewchuk advised this was the only parcel in this annexation package which had greenbelt status.

MOTION made by Ackley, seconded by Casey, to recommend APPROVAL of a request to annex Lots 1, 2, 3, 11, and 12, Dvorsky's Industrial Subdivision, Lots 1 and 2, Dvorsky's Industrial Sub. Replat I, Lots 1 and 2, T and L Addition, the southeast corner of Tax Lot 4, located in Section 12, T13N, R13E of the 6th P.M., Tax Lot K, part of Tax Lot J, and Tax Lot Z, located in Section 6, T13N, R13E of the 6th

MINUTE RECORD

Bellevue Planning Commission Meeting, April 25, 2019, Page 9

P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue. This recommendation specifically excludes the property with greenbelt status. APPROVAL based upon conformance with the Comprehensive Plan and the benefit of the city.

Discussion on the motion ensued.

Upon roll call, all present voted yes. Motion carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on June 4, 2019.

PUBLIC HEARING was held on a request to annex part of Lot 10A east of relocated Mopac railroad and south of drainage ditch, part of Lot 10A west of relocated Mopac railroad and south of drainage ditch, part of Lot 10B south and west of drainage ditch, Palmtag's Subdivision, abandoned railroad right-of-way adjacent and Lot 5 and part of Lot 6, part of Lot 7 and vacated street adjacent Lots 5, 6, and 7, Butterfield's Subdivision, Tax Lot E in northwest ¼, located in Section 11, T13N, R13E of the 6th P.M., Tax Lots 1 and 2A, and parts of Tax Lot 2 and Tax Lot 6, east of railroad and abandoned railroad (parcel #010614230), Tax Lot 2B, part of Tax Lot 6 and part of Tax Lot 1, irregular westerly 724.67' of Tax Lot 11, except right-of-way in northwest ¼, Tax Lot 11 except west 51.42 acres and except road right-of-way, irregular tract in northwest corner of Tax Lot 12 except right-of-way, southwest ¼, Tax Lot 12 except right-of-way and tract in northwest corner and easterly tract all in south ½, irregular easterly 148' of Tax Lot 12 in southeast ¼, located in Section 14, T13N, R13E of the 6th P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue.

Shewchuk stated a letter was received from Mr. Jim Lang, who represents property owner Frank Krejci.

Jim Lang, 8526 F Street, Omaha, NE, was present on behalf of Frank Krejci. He stated Mr. Krejci owns a 55 acre parcel near the southeast corner of Fairview Road and Fort Crook Road. Lang advised there are no improvements on the property and it is being farmed. He stated Statute 16-117 requires three conditions for a City of the First Class to annex property: 1) it must be contiguous, 2) it must be urban/suburban in character, and 3) the city cannot annex agricultural land which is rural in nature. Lang stated his client's property is not contiguous, is not urban or suburban in character, and the property is agricultural land. He advised this property has had greenbelt status since 1995. Lang stated this property is being farmed, and will be farmed in the future. Subsequently, he requested his client's property be excluded from the annexation.

Ritz closed the public hearing.

Cutsforth inquired if Mr. Krejci's property was in the city's extra-territorial jurisdiction. Shewchuk stated it was. He mentioned if the rest of the annexation package is annexed, Mr. Krejci's property will be contiguous to the city. Shewchuk stated there could be an argument made for the property being urban/suburban in character since it is so close to the city. He told Mr. Lang to use Statute 16-130 for future reference. Cutsforth questioned if this property was part of the Highway 34 corridor. Shewchuk stated it was not. Conversation on this matter followed utilizing the maps. Ackley clarified the only developed area in this annexation package was the Darling plant. Shewchuk stated that was correct. Smith indicated the land south of the Darling plant is agricultural as well. Discussion regarding the agricultural properties in the annexation package ensued.

MOTION made by Ackley, seconded by Smith, to recommend APPROVAL of a request to annex part of Lot 10A east of relocated Mopac railroad and south of drainage ditch, part of Lot 10A west of relocated Mopac railroad and south of drainage ditch, part of Lot 10B south and west of drainage ditch, Palmtag's Subdivision, abandoned railroad right-of-way adjacent and Lot 5 and part of Lot 6, part of Lot 7 and vacated street adjacent Lots 5, 6, and 7, Butterfield's Subdivision, Tax Lot E in northwest ¼, located in Section 11, T13N, R13E of the 6th P.M., Tax Lots 1 and 2A, and parts of Tax Lot 2 and Tax Lot 6, east of railroad and abandoned railroad (parcel #010614230), Tax Lot 2B, part of Tax Lot 6 and part of Tax Lot 1, located in Section 14, T13N, R13E of the 6th P.M.; and all abutting county road rights-of-way. Applicant: City of Bellevue. This recommendation specifically excludes the properties with greenbelt status.

Aerni commented this annexation package is on the edge of the city and has the potential to grow Bellevue's extra-territorial jurisdiction. He asked staff to address this. Shewchuk stated the extra-territorial jurisdiction (ETJ) does not grow automatically with an annexation; the city has to pass an ordinance to change it. He stated the city would look at where the ETJ could possibly grow. Shewchuk provided a summary of the city's current ETJ in the LaPlatte area. Conversation followed regarding the ETJ using the maps provided.

MINUTE RECORD

Bellevue Planning Commission Meeting, April 25, 2019, Page 10

Upon roll call, all present voted yes. Motion carried unanimously.

This item will proceed to CITY COUNCIL for PUBLIC HEARING on June 4, 2019.

Meeting adjourned at 10:01 p.m.



Tammi L. Palm
Land Use Planner

3.a.

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-1904-01

FOR HEARING OF:
REPORT #1: May 23, 2019

I. GENERAL INFORMATION

A. APPLICANT:

Remedy Properties, LLC
1721 North 212th Street
Elkhorn, NE 68022

B. PROPERTY OWNER:

Remedy Properties, LLC
1721 North 212th Street, LLC
Elkhorn, NE 68022

C. GENERAL LOCATION:

1315-1321 Galvin Road South

D. LEGAL DESCRIPTION:

Lot 3, Mission Gardens Replat I, located in the Northeast $\frac{1}{4}$ of Section 35, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTION:

Rezone Lot 3, Mission Gardens Replat I, from BN-PCO to BG.

F. EXISTING ZONING AND LAND USE:

BN-PCO, Commercial

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning to allow for a multi-provider medical office.

H. SIZE OF SITE:

The site is approximately .38 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed with a two-story office building constructed in 1974.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. North:** Commercial, BN-PCO
- 2. East:** Commercial, BN-PCO
- 3. South:** Commercial and Multi-Family Residential, BG and RG-20 (across Englewood Drive)
- 4. West:** Single Family Residential, RD-60

C. REVELANT CASE HISTORY:

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

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 most recent traffic data from MAPA estimates approximately 12,900 vehicles per day along southbound Galvin Road South, and 14,300 vehicles per day along northbound Galvin Road South near this property.
2. The property has access from two drives along Englewood Drive.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Kelli Pavlish, on behalf of Remedy Properties, LLC has submitted a request to rezone Lot 3, Mission Gardens Replat I, for the purpose of allowing a multi-provider medical office.

2. This property is presently zoned BN-PCO. 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 medical clinics limited to two practitioners in any one building, while the BG district allows for medical clinics with no restrictions on the number of allowed practitioners.

3. The applicant has indicated the practice currently has two full-time nurse practitioners, along with a part-time nurse practitioner, mental health practitioner, and doctor. The practice plans to add three additional part-time providers. The applicant's justification statement is attached to this report.

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, 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.

No comments were received on this case.

5. For a multi-tenant strip commercial building, 4½ parking stalls are required per 1,000 square feet of gross leasable area. The required parking stalls can be within 660 feet of the building. This building requires 28 parking stalls based on its size. There are 17 stalls presently striped on the property. Remedy Properties, LLC owns an adjacent commercial building/lot. While that property has enough spaces for its

required parking, there are not enough spaces to cover both properties. A total of 57 stalls would be needed for both buildings. There are a total of 51 striped stalls on the two properties combined.

The existing parking condition would be considered legal non-conforming based on the age of the commercial buildings. Staff believes adding additional practitioners to this business will make a legal non-conforming parking situation worse.

6. This property is part of a commercial area zoned BN-PCO (Neighborhood Business – Planned Center Overlay). Staff believes the more intense BG (General Business) zoning district is not appropriate for this particular lot given the current overlay, and would be considered spot zoning. Staff does not believe a more intense zoning district would be compatible with the adjacent RD-60 or BN-PCO zoned properties.

F. TECHNICAL DEFICIENCIES:

G.

None

IV. DEPARTMENT RECOMMENDATION

DENIAL of the change of zone based upon the perceived negative impact upon the surrounding area, as well as the lack of required parking.

V. PLANNING COMMISSION RECOMMENDATION

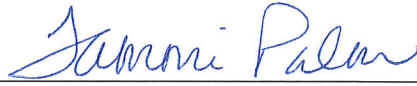
Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Justification email received April 16, 2019

VII. COPIES OF REPORT TO:

1. Remedy Properties, LLC
2. Public Upon Request

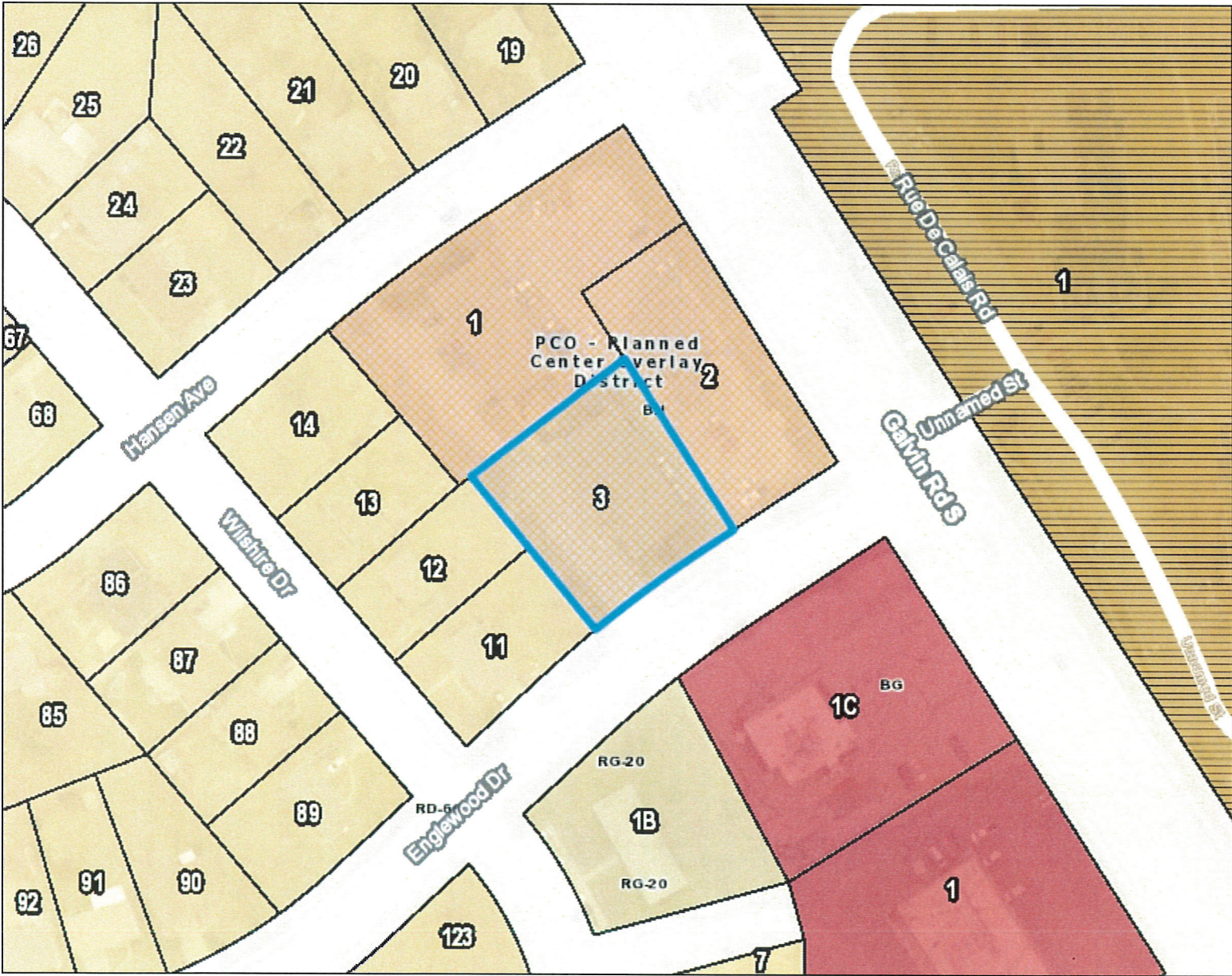


Prepared by:



Planning Director Date of Report

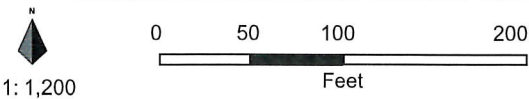
1315-1321 Galvin Road South



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

1315-1321 Galvin Road South

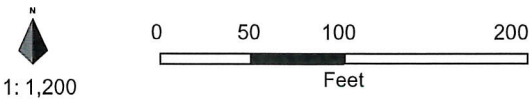


Location



Legend

- Road Centerlines
2018 Aerial Photo
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3



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Suite 1130
Papillion, NE 68046
maps.sarpy.com

Tammi Palm

From: Kelli Pavlish <kelli.pavlish@remedyhealth.net>
Sent: Tuesday, April 16, 2019 10:34 AM
To: Tammi Palm
Subject: Re: rezoning application for 1304 Galvin Rd S

Thank you for the email.

Currently, we have two Nurse Practitioners that practice full time at our location. We have another Nurse Practitioner and an MD that work very part time, approximately 8 hours per month. We also have a Licensed Independent Mental Health Practitioner who practices with us part time, around 4 hours per week. We foresee another 1 or 2 part time providers joining us in the next year. We'll also have an MD there off and on overseeing the research. Thus, we need to expand from the "2 provider" zoning that Business Neighborhood entails. We do not think that the space will be overloaded with clients/patients or traffic what-so-ever. Our goal is to get our patients/clients healthy, off of prescription medication when able. We're excited to have an opportunity for a bigger, more beautiful space, in a busier neighborhood.

Thank you and please let me know if there is anything else you need Tammi,
Kelli Pavlish

On Apr 16, 2019, at 9:35 AM, Tammi Palm <Tammi.Palm@bellevue.net> wrote:

Hi Kelli,

I received your application and fee in the mail yesterday. Please submit a written justification as well. If you want to just send a quick email summarizing your plans, that would be great.

I will need this to complete the application process.

Best regards,

Tammi Palm

Land Use Planner
City of Bellevue
1510 Wall Street
Bellevue, NE 68005
(402) 293-3038

BY-LAWS
OF THE
PLANNING COMMISSION
BELLEVUE, NEBRASKA

ARTICLE I: Objectives

The objectives and purposes of the Planning Commission of the City of Bellevue, Nebraska are as set forth in the Nebraska State Statutes, Sections 19-924 through 19-929 and amendments and duties delegated to the Planning Commission by the Code of the City of Bellevue, Chapter 26 Article II, and in accordance with the enabling law.

ARTICLE II: Officers and Their Duties

Section 1. The officers of the Planning Commission shall be a Chairperson and Vice Chairperson.

Section 2. The Chairperson shall preside at all meetings and hearings of the Planning Commission, and shall have the following additional duties:

- a. Appoint standing and special committees.
- b. Call special meetings when required.
- c. Sign plats and other documents as required.
- d. Such other duties normally conferred by parliamentary usage.

Section 3. The Chairperson shall have the privilege of discussing all matters before the Commission and of voting thereon.

Section 4. The Vice Chairperson shall act for the Chairperson in his/her absence.

ARTICLE III: Election of Officers

Section 1. The election of officers shall be held at the regularly scheduled meeting in October of each year.

Section 2. Nomination of candidates shall be made from the floor. The election for each office shall follow immediately after closing the nominations for that office. Election shall be by written ballot. A candidate receiving (5) votes shall be declared elected.

Section 3. Officers shall serve a term of one year or until their successors shall take office beginning with the conclusion of the regularly scheduled meeting in October. A member may serve only three consecutive terms in the same office.

Section 4. A vacancy in office shall be filled at the next regularly scheduled meeting by the regular election procedure. Members shall be so notified two weeks prior to any special election.

ARTICLE IV: Meetings

Section 1. At least one meeting shall be held each month unless otherwise cancelled by the Chairperson. The day, time, and location for regular meetings shall be as determined by majority vote of the Commission.

Section 2. A quorum shall be a majority of the membership (five members) present and voting.

Section 3. A record of votes cast by individual members shall be kept as a part of the minutes. A majority vote of those present shall be required for the passage of any motion, with the additional requirements that at least four votes shall be required for approval of any request for platting or rezoning. An affirmative vote shall be required before any motion is deemed to be a recommendation by the Commission. A tie vote shall not be deemed to be an affirmative vote whether recommending either approval or denial.

Motion to Approve Motion to Deny Disposition

Vote	5 - 3	5 - 3	OK
Vote	4 - 4	4 - 4	Vote Over Not a recommendation
Vote	3 - 5	3 - 5	Vote Over Not an affirmative vote

Section 4. Special meetings may be called by the Chairperson upon his/her determination that such a meeting is required. It shall be the duty of the Chairperson to call a special meeting when so requested in writing by a majority of the members of the Commission. The notice of a special meeting shall specify the purpose of the meeting, and no other business may be considered except by unanimous consent. The Planning Department shall notify all members of the Commission not less than three days in advance of such special meeting.

Section 5. All meetings of the Commission shall be conducted in accordance with the Nebraska Open Meetings Act.

Section 6. Planning Commissioners are bound to follow the American Institute of Certified Planners (AICP) Code Ethics and Professional Conduct.

ARTICLE V:

Rules

Section 1.

The Commission shall adopt such procedural rules as are necessary for the orderly conduct of business.

ARTICLE VI:

Committees

Section 1.

Special or standing committees may be appointed by the Chairperson for purposes and terms which the Commission approves.

ARTICLE VII:

Hearings

Section 1.

In addition to those hearings required in response to applications or otherwise required by the State Statutes, the Commission may, at its discretion, hold public hearings when it determines that such hearings will be in the public interest. Notice of such hearings shall be made as required by law.

Section 2.

At all public hearings, subject to the procedural rules of the Commission all parties in interest shall have privileges on floor. The minutes shall include a record of those speaking before the Commission.

ARTICLE VIII:

Amendments

An amendment to these By-Laws shall require six (6) affirmative votes. One week notice shall be given for any vote on amendment.