

BELLEVUE PLANNING COMMISSION

Thursday, June 20, 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 May 23, 2019 Regular Meeting
- e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

2. CONSENT AGENDA/PUBLIC HEARINGS:

- a. Request to amend Section 5.20, City of Bellevue Zoning Ordinance, regarding the number of full-time practitioners allowed in a medical clinic in the BN (Neighborhood Business) zoning district.
Applicant: City of Bellevue.

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.
- b. Request to rezone Lot 1, Wood Replat, from RS-72 to RD-60 for the purpose of duplex residential development. Applicant: Paul Pignotti. Location: 7801 South 30th Street. Case #: Z-1905-02.

4. CURRENT BUSINESS

5. ADJOURNMENT



MINUTE RECORD

Bellevue Planning Commission Meeting, May 23, 2019, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, May 23, 2019 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Aerni, Jacobson, Ackley, Cutsforth, Ritz, and Smith. Absent was Commissioner Cain. 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 Cutsforth, seconded by Ritz, to approve the minutes of the April 25, 2019 regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

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

Jacobson explained the public hearing procedures

PUBLIC HEARING was held on a request to rezone 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.

Kelli Pavlish, 12717 South 28th Avenue, Bellevue, NE, was present as the applicant. Pavlish provided a brief description of the request. She stated her medical office has been in Bellevue for the past six years. Pavlish is a nurse practitioner, and practices with another nurse practitioner. She indicated her business desires to relocate on Galvin Road; however, the present BN-PCO of this location does not allow for medical offices with more than two providers. Pavlish questioned the definition of "practitioner" and who would qualify as such. She indicated the number of providers does not dictate how much traffic will be in the area. Pavlish gave an example of a chiropractor she knows, who sees 130 patients per day. She stated she and her partner do not see that many patients per week. Pavlish advised her office would maybe see 20 to 30 patients per day. Pavlish described her practice as "non-traditional," and stated it would not create a lot of additional traffic. She mentioned a lot of her new patients come from Council Bluffs, IA and Elkhorn, NE; therefore, they are creating business for Bellevue. Pavlish stated her clinic is providing good paying jobs. She mentioned they are a fast growing office. Pavlish addressed the parking concerns mentioned in the staff report. She advised parking has been addressed with her contractor. Pavlish stated her contractor believes there is enough room between her two properties to create additional spaces and come into conformance with the zoning regulations.

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

Aerni asked the applicant to estimate the number of vehicle trips per day which would come from her office once full staffed. Pavlish stated the office is close to max capacity with the current space they have to work with. She indicated they are trying to spread appointments out and make more use of non-peak hours (i.e. evenings and Saturdays). Pavlish indicated in addition to herself and the other nurse practitioner, there are counselors, a pain doctor, an esthetician, and a research person who would work from this location. She estimated there would be between 30 to 40 vehicle trips per day maximum. Pavlish indicated they have had up to 42 appointments per day; however, stated 25 appointments per day is more routine for their office.

Jacobson inquired if the applicant's contractor committed to a firm number of parking stalls which could be added. Pavlish stated her contractor believed they could add approximately six parking stalls. Discussion on this topic ensued. Jacobson asked staff if there were concerns due to the pedestrian bridge located near the property and the number of children walking to the nearby elementary school. Shewchuk stated he did not see an issue with traffic as it related to this property and the elementary school. Conversation followed on this matter.

Ritz asked the applicant if she owned the property. Pavlish stated she did. She said they are leasing the space to themselves.

MINUTE RECORD

Bellevue Planning Commission Meeting, May 23, 2019, Page 2

Cutsforth inquired if there were other businesses in the building. Pavlish stated there were four other businesses in the lower portion of the building. She stated the medical office is in the upper level of the building.

Casey asked if the adjacent neighbors were notified of the rezoning request. Shewchuk stated property owners within 300 feet were notified. He indicated no neighbors called or contacted the Planning Department with concerns regarding this request. Casey inquired what staff saw as the perceived negative impact with a change of zone to BG. Shewchuk stated additional traffic with a multi-provider office was the main concern. Jacobson pointed out a change of zone would stay with the property. Smith mentioned the BG zoning allows for an unlimited number of practitioners; only limited by the size of the building. Shewchuk stated this was correct. Cutsforth inquired if the required parking was based on the square footage of the building or the zoning. Shewchuk stated it can be both. He indicated a commercial strip retail center requires 4½ parking stalls per 1,000 square feet of gross leasable area.

Ackley stated the applicant was correct in that the Zoning Ordinance does not contain a definition of "practitioner." He asked the applicant how many full-time practitioners her medical office would have at full capacity. Pavlish stated they are looking at three full-time practitioners. She stated logistically, the office could not fit more full-time practitioners than that. Ackley stated if one of the applicant's part-time practitioners went full-time, they would have four full-time practitioners at most. Pavlish said that was correct. She reiterated the office space would not allow for more than that. Ackley suggested perhaps a text amendment for the BN zoning district would be more appropriate in this situation rather than a change of zone. He mentioned a text amendment allowing four practitioners could be a solution. Ackley stated a change of zone opens up the property to a broader list of users, and a more intense zoning district. Discussion followed on this topic.

Aerni stated he was in favor of the request. He stated there are three nearby developments which impact the neighborhood in regards to traffic. Aerni mentioned the Royal Oaks Apartments across the street have approximately 313 parking stalls on their property. He estimated if half of those parking stalls are used, that is 313 vehicular trips per day; one trip leaving the complex, and one trip coming back to the complex. Aerni advised Birchcrest Elementary School has an enrollment of approximately 385 students. He estimated if half of the kids are dropped off and picked up from school, there are 385 vehicular trips per day from that property. Aerni stated Burger King services 11 million customers per day among 13,000 stores. He advised that is 846 guests per store. Aerni conservatively estimated half of that business at the Galvin Road location. He stated that would be 423 guests per day, perhaps two people per car. Aerni mentioned that equals 211 trips per day in and out of that restaurant location. He advised this is all near the applicant's property, who estimates she will have 42 trips per day from her location. Aerni stated the medical office's impact on the neighbors is much less than those of the nearby properties he mentioned. He also pointed out there are several instances of RD-60 zoning abutting BG zoning along the nearby Harlan Drive corridor. Aerni indicated for these reasons, he was in support of the application. Smith pointed out the Commission was not considering the applicant's described use, but rather the permitted uses of the BG zoning district if this application were approved. She stated there is a significant difference between the permitted uses in the BG zoning district versus what the applicant has described.

Jacobson expressed concerns with the additional parking impact on the adjacent businesses and neighborhood. He mentioned this would be an issue with the list of permitted uses allowed in the BG zoning district.

Ritz pointed out the applicant has a non-conforming parking situation no matter what the property is zoned. He stated that should be corrected. Ritz indicated he supported a text amendment to the BN zoning district. He mentioned two practitioners seemed like a low number, and three or four allowed practitioners was more realistic. Ritz expressed concern with the wide range of uses allowed in the BG zoning district. He advised this property is towards the north end of the Galvin Road commercial strip, which dissipates towards the school and more residential areas. Ritz reiterated parking is an issue despite the zoning.

Ackley initiated discussion regarding parking, and whether the applicant could submit a site plan showing additional stalls on the property. Pavlish stated she could provide an updated site plan. Ackley expressed his support for a text amendment to the BN zoning district.

Shewchuk spoke to the applicant's request. He indicated typically you do not have a more intense commercial zoning district sandwiched in between a less intense commercial zoning and a residential use. Ackley asked staff to speak to a text amendment. Shewchuk stated staff would have to look at whether or not a text amendment to the BN zoning would result in an intense use that really belonged

MINUTE RECORD

Bellevue Planning Commission Meeting, May 23, 2019, Page 3

in the BG zoning.

Jacobson inquired if staff had concerns with a change of zone as it pertained to the Comprehensive Plan. Shewchuk stated he did not. He advised the Comprehensive Plan shows this area as "commercial;" however does not specify which commercial zoning district.

Ackley asked about the timing of a text amendment and whether or not staff would be supportive of this solution. Shewchuk stated staff would consider it. He mentioned the other uses would have to be considered. Ackley pointed out dental clinics are allowed in the BN zoning district with no restriction as to the number of dentists. Conversation ensued on this topic.

MOTION was made by Ackley, seconded by Smith, to CONTINUE to the June 20, 2019 Planning Commission 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. Additionally, recommendation that staff look at a text amendment to increase the number of allowed medical practitioners in the BN zoning district to four practitioners. Upon roll call, Casey, Perrin, Jacobson, Ackley, Cutsforth, Ritz, and Smith voted yes. Aerni voted no. MOTION carried.

This item will be CONTINUED to PLANNING COMMISSION for PUBLIC HEARING on June 20, 2019.

The Commission discussed its current by-laws. It was agreed no changes were necessary at this time.

Meeting adjourned at 7:52 p.m.



Tammi L. Palm
Land Use Planner



City of Bellevue

Office of the Planning Department

2.a.

MEMORANDUM

TO: Planning Commission
FROM: Tammi Palm, Land Use Planner
DATE: June 13, 2019
RE: Amendment to Section 5.20, BN Zoning District

Section 5.20 of the BN (Neighborhood Business) zoning district allows for medical clinics limited to two practitioners in any one building. This regulation was discussed at the May 23, 2019 Planning Commission meeting as part of a rezoning request for Remedy Health. During that discussion, there was an overall consensus the language should be amended to allow for four medical practitioners in any one clinic. This was largely due to the fact dental clinics are allowed in the BN zoning district with an unlimited amount of practitioners.

As a result of that conversation, staff is recommending the following amendment to Section 5.20:

EE. Medical clinics established to provide service to the inhabitants of the local neighborhood and limited to ~~two~~ **four full-time** practitioners in any one building.

This amendment would not regulate part-time practitioners; focusing only on full-time practitioners.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the amendment as presented.



City of Bellevue

Office of the Planning Department

3.a.

MEMORANDUM

TO: Planning Commission
FROM: Tammi Palm, Land Use Planner
DATE: June 13, 2019
RE: Remedy Health Rezoning Request
Lot 1, Mission Gardens Replat I

Kelli Pavlish, on behalf of Remedy Properties, LLC had requested a change of zone from BN-PCO to BG for the purpose of her medical clinic located at 1315-1321 Galvin Road South. The initial public hearing on this request was held at the May 23, 2019 Planning Commission meeting. At that meeting, the request was continued to the June 20, 2019 Planning Commission meeting for the purpose of staff preparing a text amendment for the BN zoning district. That amendment is on our June 20, 2019 Planning Commission agenda. As such, staff is recommending this request be continued indefinitely. If the text amendment is successful, Remedy Properties, LLC can withdraw their rezoning request. Otherwise, we will bring the rezoning request back to the Planning Commission at a later date.

PLANNING DEPARTMENT RECOMMENDATION:

CONTINUE indefinitely.

3.b.

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBER: Z-1905-02

FOR HEARING OF:
REPORT #1: June 20, 2019

I. GENERAL INFORMATION

A. APPLICANT:

Paul Pignotti
3701 Joann Avenue
Bellevue, NE 68123

B. PROPERTY OWNER:

Classic Refrigeration
c/o Paul Pignotti
P.O. Box 818
Bellevue, NE 68005

C. GENERAL LOCATION:

7801 South 30th Street

D. LEGAL DESCRIPTION:

Lot 1, Wood Replat, located in the Southeast ¼ of Section 16, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTION:

Rezone Lot 1, Wood Replat, from RS-72 to RD-60.

F. EXISTING ZONING AND LAND USE:

RS-72, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a rezoning to allow for the construction of a duplex.

H. SIZE OF SITE:

The site is approximately .29 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant. Previously, there was a single family residence on the property. This residence was torn down by the city after being destroyed by fire.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

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

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

Section 5.11, Zoning Ordinance, regarding RD-60 uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this property as single family residential.

B. OTHER PLANS:

This property is large enough to be replatted into two lots if rezoned to the RD-60 zoning district.

C. TRAFFIC AND ACCESS:

1. There is no traffic data available for this area.
2. The property could have access from either South 30th Street or McCorkindale Avenue.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Paul Pignotti has submitted a request to rezone Lot 1, Wood Replat, for the purpose of allowing a duplex.
2. This property is presently zoned RS-72. The intent of the RS-72 zoning district is to permit single family residential developments on medium sized lots, while the intent of the RD-60 zoning district is to permit single family and two family residential developments on smaller sized lots.
3. The applicant desires to sell the property to a buyer who wants to construct a duplex. This buyer has indicated they would subdivide the property into two lots if the requested change of zone is approved.
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 Omaha Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

No comments were received on this case.

5. The Future Land Use Map of the Comprehensive Plan designates this area as single family residential.
6. The applicant has provided several addresses of existing duplexes nearby. They are as follows:

- 2803-2807 Irene Street
- 2717 Irene Street
- 2802-2804 Sandra Street
- 2713 Bonnie Street
- 8004 Sarpy Avenue

The addresses on Irene Street and Sandra Street are part of an RG-50 zoning district, where duplexes are a permitted use. Please refer to the attached zoning map to view these duplexes in relation to the applicant's property.

The duplexes located at 2713 Bonnie Street and 8004 Sarpy Avenue are considered legal non-conforming. They are both zoned RS-72, and were constructed in 1969. These duplexes were likely constructed while this area was under Sarpy County's jurisdiction.

7. Staff does not believe the requested RD-60 zoning is compatible with the immediate neighborhood. This property is presently surrounded by RS-72 zoning and single family residences. Rezoning this particular lot would be considered spot zoning, which is not desirable planning practice.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

DENIAL of the change of zone based upon the incompatibility with the existing single family residential development.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Letter from the applicant received May 10, 2019
4. Zoning Map showing nearest RG-50 zoning
5. Letter received June 12, 2019 from Dana Olson in opposition


VII. COPIES OF REPORT TO:

1. Remedy Properties, LLC
2. Public Upon Request



Prepared by:


Planning Director


Date of Report

Lot 1 Wood Replat Zoning Map



Location



Legend

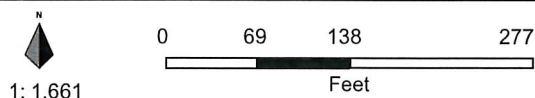
Road Centerlines

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

Lot 1 Wood Replat Zoning Map



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.
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2

I am currently in the process of trying to sell my lot located at 7801 S 30th Street. I am requesting re-zoning of this lot to Multi-Family because I believe it is well suited for a duplex. The lot measures 125.5' X approximately 105.4, which gives it a total of at least 13,227 (13,278 by county records, see attached) well above the 12,000 sq. ft. required for a duplex.

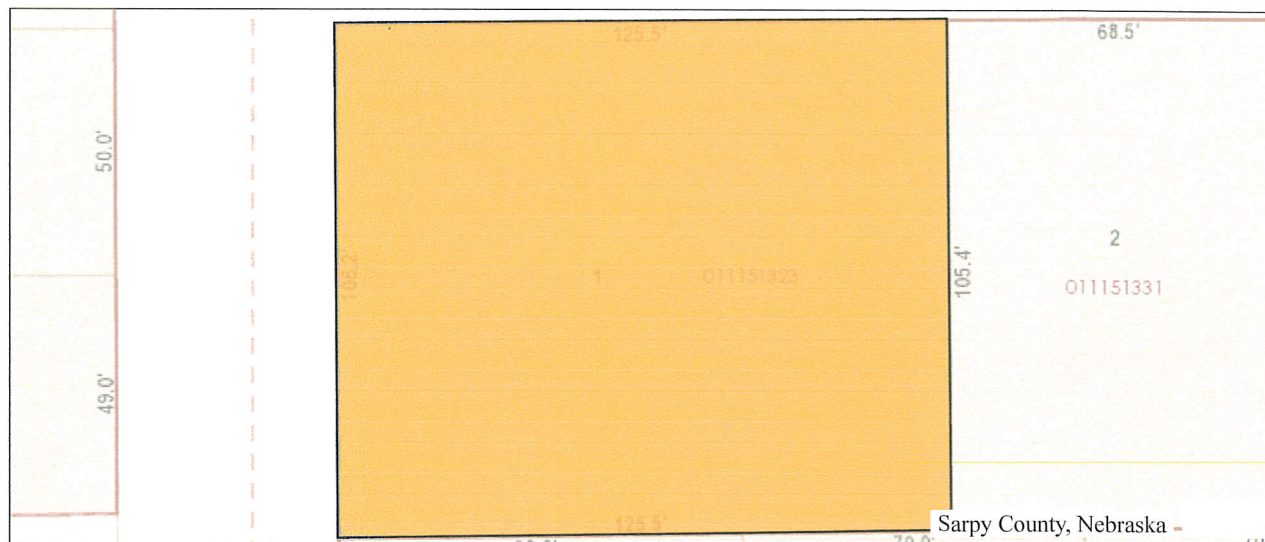
Before the new power poles/lines were installed last year, I had some interested parties for the lot for single family residence, but since then, most inquiries have been interested in building a residential duplex on the site. I feel a duplex or dual occupancy type of home would fit well on this lot and be an improvement to the surrounding neighborhood.

RECEIVED

MAY 10 2019

PLANNING DEPT.

GIS Information



Voting Information

Voting Precinct: 18	US House of Representatives: District 1
State Senate: District 3	County Commissioner: District 3
City Ward: Bellevue Ward 5	Nebraska Supreme Court: District 4
Public Service Commission: District 3	Papio NRD: District 11
OPPD: District 3	MUD: MUD
Metro Community College: District 5	Board of Education: District 4
Board of Regents: District 4	School District: Omaha, District 8
Learning Community: District 5	

Levy Information

Levy Information 2018
[View Past Levy Information](#)

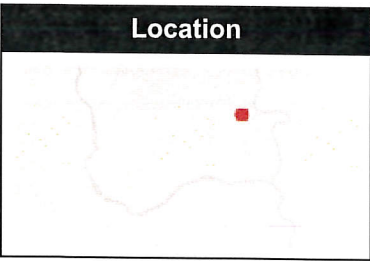
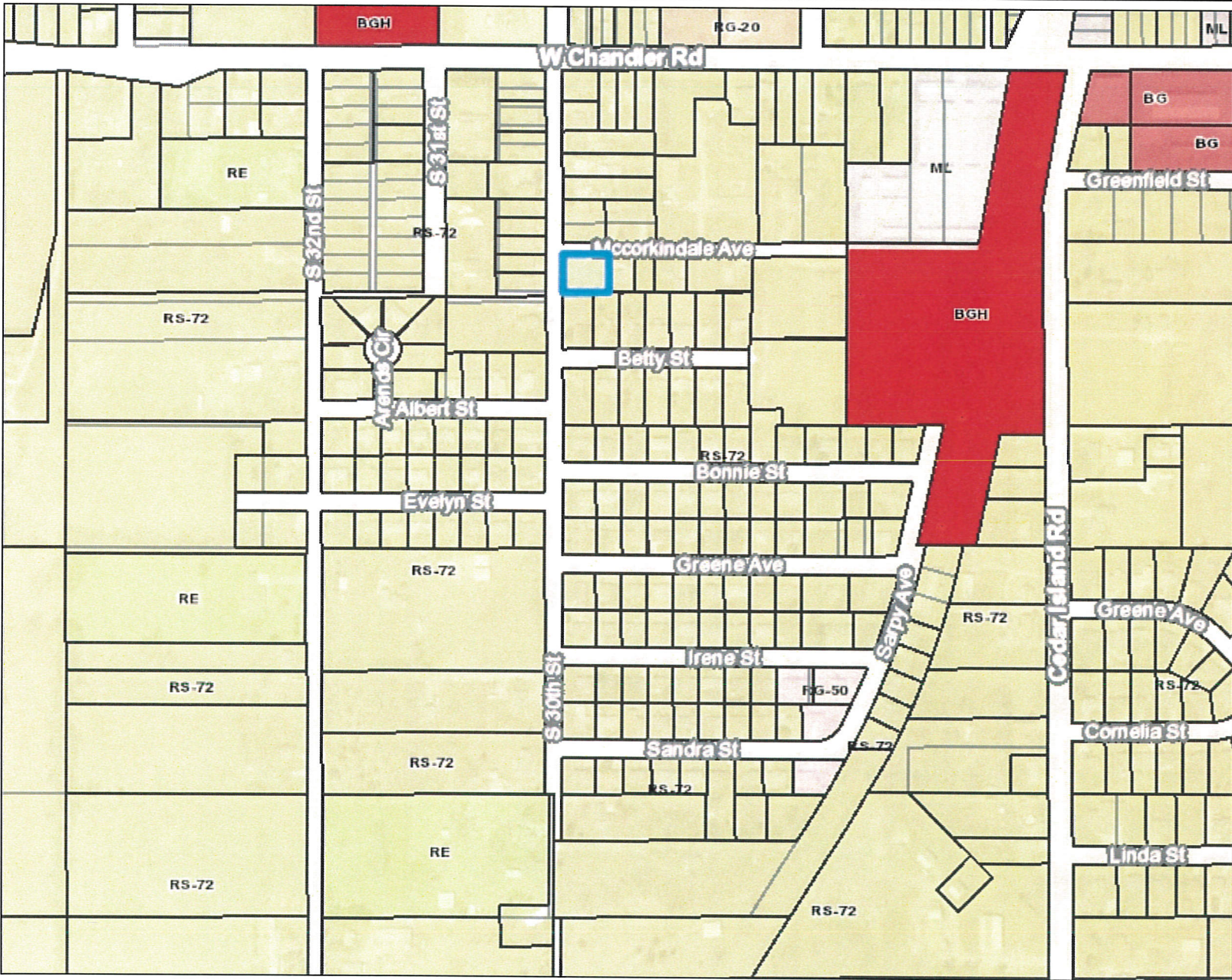
Fund	Description	Levy
1	COUNTY LEVY	0.2969
102	OMAHA SCHOOL DIST-01	1.082526
104	OMAHA SCH-01 BOND	0.162483
202	LEARN COM-ELEM LEARNING	0.01625
401	BELLEVUE CITY	0.418553
402	BELLEVUE CITY BOND	0.191447
501	PAPIO NATURAL RESRCE	0.030852
502	PAPIO NRD BOND	0.006742
701	MUD	0
801	METRO COMMUNITY COLL	0.095
901	AGRICULTURAL SOCIETY	0.002742
1019	ED SERVICE UNIT 19	0.015
	Total Levy	2.318495

RECEIVED

MAY 10 2019

PLANNING DEPT.

Zoning Map showing nearest RG-50 zoning

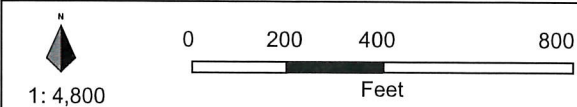


Legend

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
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I received a letter in the mail
Today about to rezone a lot at
7801 South 30th St. I am against
rezoning the lot for a duplex. The
lot looks like its too small, also
The house next door would be too
close to the duplex. I don't want
it across the street from my
house, There is enough traffic on
the street already.

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JUN 12 2019

PLANNING DEPT.

Dana L. Olson

7736 South 30th St,

Bellevue NE 68147