

BELLEVUE PLANNING COMMISSION

Thursday, January 23, 2020 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 December, 19, 2019 Regular Meeting

e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.

2. CONSENT AGENDA/PUBLIC HEARINGS:

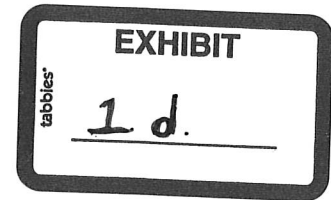
3. PUBLIC HEARINGS:

a. Request to rezone Lot 1, Cascio Addition No.1, from BG-PCO to RG-20 for the purpose of an existing multi family residential building. Applicant: Sheltering Tree Housing Corporation. Location: 1903 Gregg Road. Case #: Z-1912-08.

4. CURRENT BUSINESS

5. ADJOURNMENT

MINUTE RECORD



Bellevue Planning Commission Meeting, December 19, 2019, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, December 19, 2019 at 7:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Casey, Perrin, Cain, Aerni, Ritz, Ackley, Hankins, Cutsforth, and Jacobson. Also present were Tammi Palm, Planning Department Manager, and Angela Curry, Assistant Planning Manager.

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 Casey, seconded by Jacobson, to approve the minutes of the November 21, 2019 regular meeting as presented. Upon roll call, Casey, Perrin, Cain, Aerni, Ritz, Hankins, Cutsforth and Jacobson voted yes. Ackley abstained. Motion carried.

Ritz asked if there were any updates or additions to staff reports. Palm advised there were no updates or additions.

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

Ritz explained the public hearing procedures

PUBLIC HEARING was held on a request to rezone Lots 1 and 2, Whispering Timber Estates Replat 6, being a replat of Lots 103A, 103B, 124A, the West 22 feet of Lot 127, and Lot 128, Whispering Timber Estates; Lots 6, part of Lot 7B, 8A2A, part of Lot 9 except the South 155 feet, and part of Lot 10B1, except the South 30 feet, Fair Hill Addition, from AG, RE and RS-84 to RE and RS-84 for the purpose of existing Single Family Residential; and Small Subdivision Plat Lots 1 and 2, Whispering Timber Estates Replat 6. Applicants: Nick Brim and Megan Crain. Location: 1606 Camp Gifford Road. Case #: Z-1911-07, S-1911-10.

Nick Brim, 1508 Camp Gifford Rd, Bellevue, NE, explained the details of his request. Mr. Brim stated he purchased his home with a storage shed; however, the shed is not presently on his property. The purpose of this request is so his storage shed will be on his property.

Todd Santoro, 1606 Camp Gifford Rd, Bellevue, NE, was in attendance to answer questions.

Rodney Easton, 1320 Camp Gifford Rd, Bellevue, NE, stated he is opposed to the request because he does not want to give up the wilderness area behind his home. He said he "asked the City of Bellevue if he could purchase part of the land and was told no, so he doesn't understand why it was sold to Santoro." Easton stated he knew it was not the plan right now to build houses or apartments, but once it's zoned residential it could be sold to a developer who will build houses behind him instead of having a beautiful wilderness area. He wants it to remain as is.

Charles Reyer, 809 Moore Dr, Bellevue, NE, expressed concerns of losing the wilderness area. He said it is a natural corridor for deer and other wildlife and he cannot imagine having houses built there.

Dave Koukol, 1313 Camp Gifford Rd, Bellevue, NE, felt the materials he received were not adequate to determine the details of the request. He asked the owner or Planning Department to explain what areas the land owners owned and what areas will be affected by the request. Palm showed a GIS map of the area displaying Brim's property and the shed that currently sits on Santoro's property. She stated Santoro has agreed to sell Brim the property where his storage shed currently sits. Palm stated the area is made up of a number of different lots currently owned by Santoro. Palm said in order to facilitate the platting and move property line, there has to be consistent zoning to create lots that conform to our current regulations. The lots currently zoned AG are non-conforming lots, so Santoro will combine all the lots including the one with his home, making it one lot with a RE zoning. The proposed zoning will allow for one single family residence. Brim's lot will be zoned RS-84, which is the current zoning in the surrounding area. Koukol asked how Santoro came to acquire the lots from the City of Bellevue. Palm stated property and sales are handled by Administration and the Public Works Departments. Koukol asked what assurances the Planning Commission could provide that there will be no development on this property. Palm said the current regulations for each zoning district allow for one principal structure on each lot; which at this time already exist. The current zoning regulations that were adopted in 2011 do not allow duplexes or homes to be built on the other portions of the property. Koukol asked what

MINUTE RECORD

Bellevue Planning Commission Meeting, December 19, 2019, Page 2

would prevent the applicant from selling a portion of the land that's being changed. Palm explained the applicant would be required to replat, rezone, and go through the same public hearing and notification process; including a legal ad, notifying property owners within 300 feet, and posting a sign. Palm stated the lots are land locked and would be difficult to develop due to lack of access.

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

Santoro stated they were disappointed with how the City of Bellevue was taking care of the property so they purchased it from the City in February. Santoro stated none of the property being discussed will ever be sold for development or be anything other than what it is now. He said the property was purchased purely to make it better, and they are in the process of turning a portion of it into a natural prairie. The purpose of the request is to sell a portion of the property to Brim and not for development.

Aerni asked why lot 2A1 was not included. Palm stated the applicant did not include this lot, and staff didn't request it be included. Aerni asked if a single family dwelling is allowed on a lot zoned AG. Palm stated a single family dwelling and large outbuildings are allowed on a legal non-conforming AG lot.

MOTION was made by Jacobson, seconded by Hankins to recommend APPROVAL of a request to rezone Lots 1 and 2, Whispering Timber Estates Replat 6, being a replat of Lots 103A, 103B, 124A, the West 22 feet of Lot 127, and Lot 128, Whispering Timber Estates; Lots 6, part of Lot 7B, 8A2A, part of Lot 9 except the South 155 feet, and part of Lot 10B1, except the South 30 feet, Fair Hill Addition, from AG, RE and RS-84 to RE and RS-84 for the purpose of existing Single Family Residential; and Small Subdivision Plat Lots 1 and 2, Whispering Timber Estates Replat 6. APPROVAL of the application based upon conformance with the zoning ordinance, subdivision regulations, and lack of perceived negative impact to the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON February 4, 2020.

PUBLIC HEARING was held on a request to rezone Lot 2, Twin Valley Church Replat 1 Addition, from RG-28 to RG-28-PS for the purpose of Multi Family Residential Development, with site plan approval. Applicant: Encompass Design Inc. General Location: Fort Crook Rd and Grenoble Dr. Case #: Z-1906-05.

Kyle Haase with E & A Consulting Group, 10909 Mill Valley Rd, Omaha, NE, was present on behalf of the applicant. Haase stated the property is 11.8 acres, currently zoned RG-28, and vacant. To the north of this property is BGH zoning which includes self-storage, to the east is RG-28-PS which is duplex residential, to the South is agricultural land, and to the west is Highway 75 right-of-way. Haase stated they are currently requesting to rezone from RG-28 to RG-28-PS because RG-28 only allows for one building per lot. The developer's desire is to build eight two-story buildings which would better fit the neighborhood. The site would house seventy-five units and a club house. The RG-28-PS zoning matches the zoning to the east, and is consistent with the City of Bellevue's Future Land Use Map which calls for multi-family residential. Haase stated he met with approximately 30 neighbors at Life Spring Church on July 22, 2019, and also heard from neighbors at the July 25, 2019 Planning Commission meeting. Neighbor concerns included building aesthetics, the retention of the existing trees on the east property line, limited access, and traffic. Haase said the previous design had a two road layout with the parking lot and club house in the middle. He said the request was continued at the July 25, 2019 Planning Commission meeting to try and address the neighbors' comments and concerns. Haase showed examples of the club house, buildings, and interior design. He presented an updated site plan showing a change in layout to include a reduction in roads to pull the building back from the east property line, so as to save some of the trees and create a buffer between the apartment buildings and the existing residents. The club house has been moved to the middle of the site to allow for a play area for the children. Haase stated they met and had several phone calls regarding the one access point. They were informed by the Nebraska Department of Transportation (NDOT) Highway 75 has been reclassified as an express way and for safety and design standards they were no longer able to have direct access to Highway 75. Haase said he understands the City of Bellevue is trying to find development to the south, and if that occurs they would like to include access down to Highway 34. This will provide the secondary access point for the neighbors and the development.

Rusty Snow, Summit Housing Group, 283 W Front St, Missoula, MT, was present to speak on behalf of the applicant. Snow stated they are an apartment-only based development company with most of the developments being built with some sort of federal funds. Snow explained they will not be using their own management or construction companies for the project; they will be using NP Dodge to

MINUTE RECORD

Bellevue Planning Commission Meeting, December 19, 2019, Page 3

manage the project, and will be hiring a local contractors for the build. Each building will have three and four bedroom units with different income ranges. Snow stated they feel this location is a great fit for the project and it will be a family-oriented community.

Dennis Ryan, 841 Bordeaux Ave, Bellevue, NE, stated he is Chairman of SID 67 and is in favor of the development if a second access is constructed through to Highway 34. Ryan expressed concerns with the construction of the project stating there will be semis with construction material, school buses, local residents coming and going to work, and this will cause a great deal of congestion and safety concerns. Ryan stated the SID would be willing to issue bonds to help with the cost of creating a second access out of the neighborhood. Ryan stated there have been issues with emergency vehicles accessing the neighborhood in the past because the south entrance is gated and locked.

Jared Biltoft, 14918 Bordeaux Ave, Bellevue, NE, stated he is opposed to the development because the State Fire Marshall code requires two routes of egress per every five hundred people and the current conditions are one access with over nine hundred people. Biltoft said "the apartments do not fit with the neighborhood and they do not need a builder from Missoula, Mt. running a Section 8 low-income housing development so, further development should be closed until a second access is created."

Matt Ramsey, 822 Bordeaux Ave, Bellevue, NE, stated he is a member of the SID 67 Board, but was not representing the SID. Ramsey said the site does not meet the second exit standards of the International Fire Code and no additional construction should be made in this area until the second egress location is established. Ramsey said with future development to the south, an access road parallel to Highway 75 would put a road in the middle of a residential area and would stifle any further development south of this site.

Marilyn McLaughlin, 15012 Normandy Blvd, Bellevue, NE, asked how many parking spots the site will have. McLaughlin said she was concerned there will not be enough parking and residents of the apartment complex will park on Normandy Blvd and walk between houses to get to their apartment. Palm stated the proposed site plan shows one hundred and fifty two surface parking stalls which is the minimum requirement. McLaughlin stated the congestion on Fairview and Ft Crook Rd is already horrible in the morning and she feels that someone from another state should not be able to make a decision that affects an entire housing community. McLaughlin asked if there would be multiple families living in the units. Ritz said the applicant would answer questions when the public hearing was closed.

David Aderemi, 14914 Bordeaux Ave, Bellevue, NE, stated he was an SID board member and is completely against the development due to the one access point.

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

Snow explained compliance requirements of the program used to build the apartments. Snow stated there is an annual audit conducted by Nebraska Investment Finance Authority (NIFA) to assure they remain in compliance; having multiple families in one unit would be a violation. Snow explained the parking spaces meet Bellevue zoning standards. Haase stated the second access point to Normandy is a locked gate and is considered by the State of Nebraska to be an emergency access point with break-away conditions for emergency vehicles.

Jacobson stated he appreciated the public interest and the applicant's willingness to work with the public on this project. Jacobson asked staff if the lot had been zoned RG-28 since the 1970's. Palm stated the zoning could be traced back to 1985 but she could not trace the zoning beyond that time because Normandy Hills was originally platted and approved under Sarpy County's jurisdiction. She has not been able to obtain the original file from Sarpy County.

Jacobson asked the applicant to give some detail on their construction technic. Snow stated the construction sequence would be hard surface road first, so parking and staging could be done on site, and then begin putting in foundations, with the next step being framers, etc.

Cutsforth stated there is a great need in the City of Bellevue and Sarpy County for affordable housing and the spring flood exasperated that need. Cutsforth asked staff if information was available regarding potential development that would provide the secondary access. Palm stated she could not share any information publicly at this point but development is being actively pursued. The second access will be a priority as the City pursues development.

MINUTE RECORD

Bellevue Planning Commission Meeting, December 19, 2019, Page 4

Jacobson asked if staff had any information regarding the intersection at Fairview Road and Fort Crook Road South. Palm stated it is currently County and State right-of-way and is being monitored by them.

Casey asked the applicant for a timeline on completion of this project. Snow stated the typical construction period for this type of project is twelve to sixteen months. Casey asked Snow if they would still be interested in this project two years from now when the access road might be completed. Snow said no, due to the tax credits they receive they have to follow a timeframe based on IRS Regulations.

Cain said "it's ironic the State is ignoring the residents of that area by not helping them find another access point to their properties." Cain stated she is bothered by the lack of importance the State has for the residents of this area and feels they should look for elected representatives in those areas and consider who to contact and who to vote for. Palm clarified the State's legal opinion is there are two access points to the subdivision; one being an emergency access.

Jacobson stated this is not the only area with the problem of one access. He sympathizes with the residents but the specific question to be addressed is zoning.

MOTION was made by Jacobson, seconded by Cutsforth to re-open the public hearing. Ritz re-opened the public hearing.

Ramsey stated the 2012 International Fire Code adopted by the City of Bellevue requires the second access road.

Ryan said "the City has adopted the Fire Code and it requires any subdivision with more than thirty homes to have two access points. The second access is for emergency vehicles only, which causes a lot of concern."

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

Ritz expressed his concerns for the one access point, and said once the annexation is resolved there will be a City Councilman who will represent Normandy Hills with this issue. He stated we must focus on the question at hand which is changing zoning from RG-28 to RG28-PS to allow for a change in design of the building. If the Commission denied the request it would not stop the development, it would only change the shape of it. When the developer makes application for permits they will have to be in compliance with all of the codes Bellevue has adopted.

MOTION was made by Jacobson, seconded by Aerni to recommend APPROVAL of a request to rezone Lot 2, Twin Valley Church Replat 1 Addition, from RG-28 to RG28-PS for the purpose of Multi Family Residential Development, with site plan approval. Applicant: Encompass Design Inc. General Location: Fort Crook Rd and Grenoble Dr. Case #: Z-1906-05. APPROVAL based upon conformance with Section 5.17.03, Zoning Ordinance: 1) The proposed modification of the primary district regulations as to platting of lots and space limits will be in the public interest and in harmony with the purpose of this ordinance, and will not adversely affect nearby properties; or 2) The configuration, topography, vegetation, drainage, or other natural feature of the parcel can best be preserved by application of the Planned Subdivision District classification; or 3) The owner will utilize new and innovation planning methods to develop a subdivision of sound character and in the public interest, and the planned subdivision will be superior to a conventional subdivision; or 4) The request for PS, Planned Subdivision District classification not solely for purposes of convenience, profit, or caprice. APPROVAL also based upon conformance with the Zoning Ordinance and Comprehensive Plan, as well as minimal impact to the surrounding neighborhood. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON February 4, 2020.

Meeting adjourned at 8:35 p.m.



Dianna Van Horn
Planning Secretary

3.a.

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT #1

CASE NUMBER: Z-1912-08

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

I. GENERAL INFORMATION

A. APPLICANT:

Sheltering Tree Housing Corporation
c/o Shirley McNally
1323 William Street
Omaha, NE 68108

B. PROPERTY OWNER:

Sheltering Tree Housing Corporation
1323 William Street
Omaha, NE 68108

C. LOCATION:

1903 Gregg Road

D. LEGAL DESCRIPTION:

Lot 1, Cascio Addition No. 1, located in the Northwest ¼ of Section 26, T14N,
R13E of the 6th P.M. Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

Rezone Lot 1, Cascio Subdivision No. 1, from BG-PCO to RG-20

F. EXISTING ZONING AND LAND USE:

BG-PCO, General Business, Planned Center Overlay, Multi Family Residential

G. PURPOSE OF REQUEST:

The purpose of this request is to rezone the property to bring it into conformance with the current zoning regulations.

H. SIZE OF SITE:

The site is approximately 1.9 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

A multi family residential building consisting of 11 units is presently developed on the site. The building was constructed in 2014.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. North:** Single-family residential/RG-20
- 2. East:** Single-family residential/RS-120
- 3. South:** Single-family residential/RS-84
- 4. West:** General (Stella's Restaurant)/BG

C. RELEVANT CASE HISTORY:

- 1. On August 26, 2010 the Planning Commission recommended approval on a request for site plan approval for Lot 1, Cascio Subdivision No. 1, located in the Northwest ¼ of Section 26, T14N, R13E of the 6th P.M., Sarpy County, Nebraska for the purpose of a ten unit housing project for adult persons with developmental disabilities.
- 2. On September 13, 2010, the City Council approved a request for site plan approval for Lot 1, Cascio Subdivision No. 1, located in the Northwest ¼ of Section 26, T14N, R13E of the 6th P.M., Sarpy County, Nebraska for the purpose of an eleven unit housing project for adult persons with developmental disabilities.

D. APPLICABLE REGULATIONS:

- 1. Section 5.14, Zoning Ordinance, regarding RG-20 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:

The applicant has indicated a desire to construct an addition onto the existing structure.

C. TRAFFIC AND ACCESS:

1. There is no traffic data available for this location.
2. The property has access from Gregg Road.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. Shirley McNally, for Sheltering Tree, Inc., has submitted a request to rezone Lot 1, Cascio Subdivision No. 1, from BG-PCO to RG-20.
2. The property is presently developed with an eleven unit multi family residential facility. Sheltering Tree is a housing community for persons with development disabilities.
3. This development received site plan approval from City Council in 2010 under its current zoning designation of BG-PCO. At that time, multi family residences were a permitted use in the BG zoning district, as the previous zoning ordinance utilized a pyramidal zoning concept. In 2011, the Zoning Ordinance was amended. The current zoning ordinance does not allow for multi family residential uses in the BG zoning district. Subsequently, the existing multi family residential use is considered legal non conforming.
4. The City Council has previously approved residential zoning for several legal non-conforming residences in commercial zoning since the 2011 Zoning Ordinance update.

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, 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.

6. The Future Land Use Map of the Comprehensive Plan shows this property as commercial, based on its current zoning. If the Planning Commission desires to recommend approval of this rezoning request, staff recommends the approval also include a motion to amend the Future Land Use Map of the Comprehensive Plan as well.

7. The applicant has indicated she desires to construct an addition onto the existing facility. The requested RG-20 zoning does not require site plan approval. Under this zoning designation, all approvals would be done through the building permit process.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, and lack of perceived negative impact upon the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

Under Review


VI. ATTACHMENTS TO REPORT

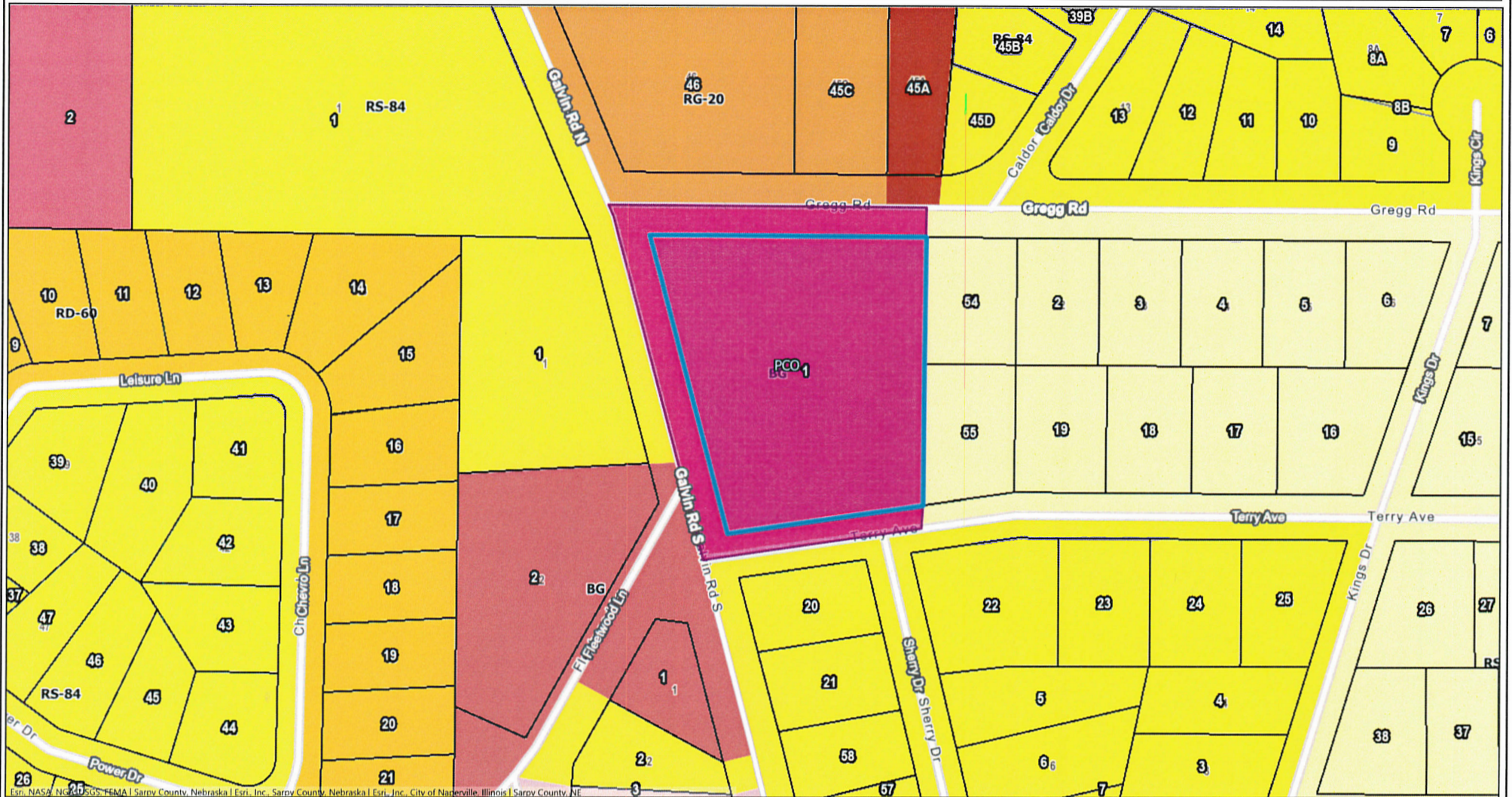
1. Vicinity map/Zoning Map
2. 2018 GIS aerial
3. Letter from Shirley McNally received December 18, 2019

VII. COPIES OF REPORT TO:

1. Sheltering Tree, Inc.
2. Kyle Haase, E & A Consulting Group, Inc.
3. Public Upon Request


Assistant Planning Manager

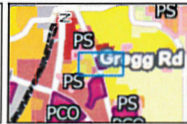

Planning Manager Date of Report



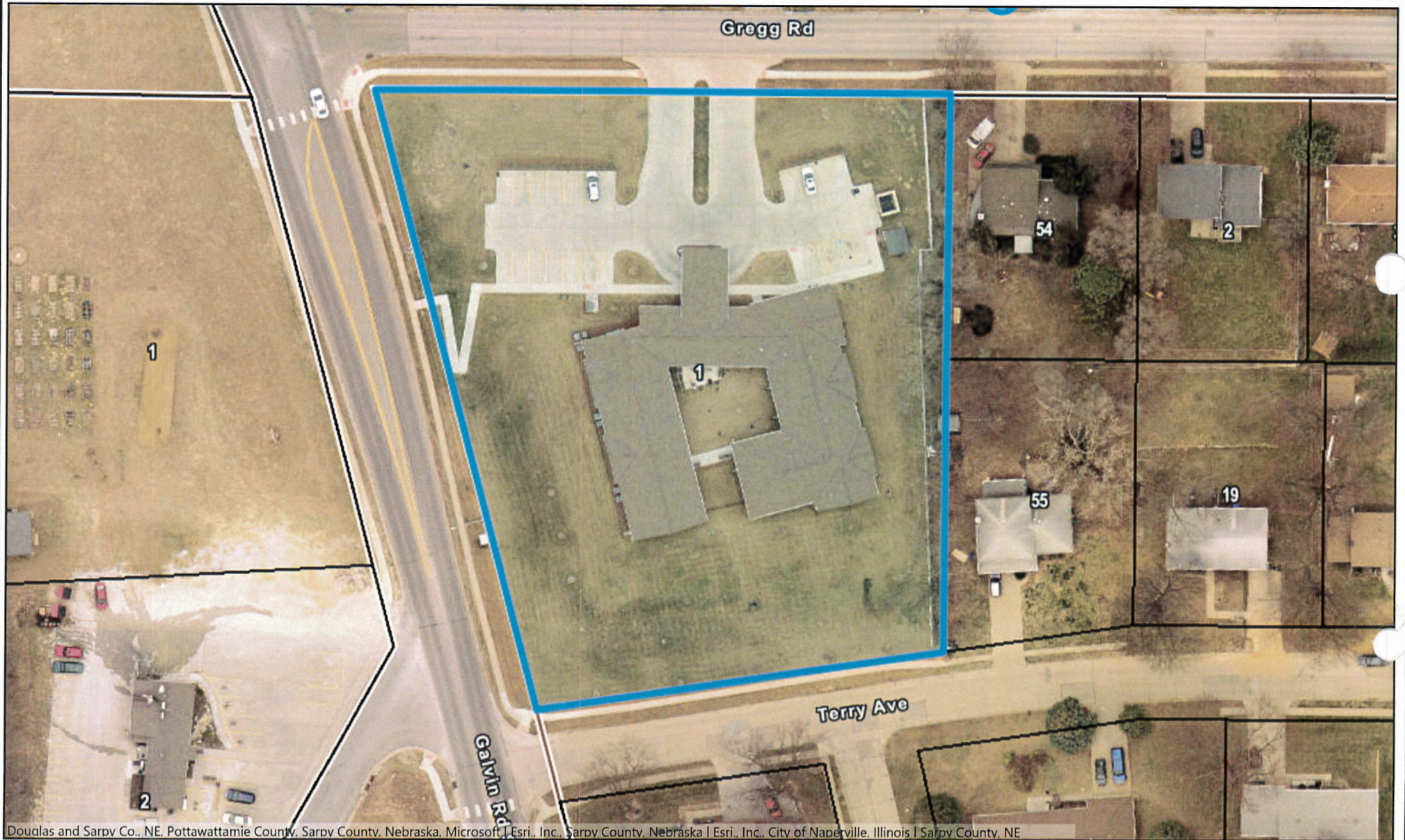
0 100 200
ft



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.



Notes



Douglas and Sarpy Co., NE, Pottawattamie County, Sarpy County, Nebraska, Microsoft | Esri, Inc., Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Sarpy County, NE

0 100 200
ft

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.



Notes



Sheltering Tree Housing Corporation
1323 William Street
Omaha, Ne 68108

Ms. Tammi Palm
Planning Director
City of Bellevue
Planning Department
1510 Wall Street
Bellevue, NE 68005

Re: Rezoning of Site at 1903 Gregg Road, Bellevue, Ne 68005

Dear Ms. Palm:

The Sheltering Tree Housing Corporation requests a change in zoning for the above address. The City of Bellevue changed the zoning designations since this project was built. We want to come into compliance with the new zoning designation. Thank you.

Sincerely,



Shirley McNally
402-679-4444

RECEIVED
DEC 18 2019
PLANNING DEPT.