BELLEVUE PLANNING COMMISSION
Thursday, March 28, 2024 6:00 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 January 25, 2024 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 8.03.06, City of Bellevue Zoning Ordinance, regarding hard surface parking. Applicant: City of Bellevue.
3. PUBLIC HEARINGS:
    a. Request to approve the Redevelopment Plan for Lots, 2, 4, & 5 and Outlots A, D, E & F, Cardinal Commons (Phase II). Applicant: Excel Development Group. General location: 13th Street and Kasper Street. Case #: ECD-63.
    b. Request to rezone Lot 2, Menke's Second Addition, from BG to MU for the purpose of a mixed-use development, with site plan approval. Applicant: Housing Foundation for Sarpy County. General location 2202 Pleasantview Lane. Case#: Z-2401-01.
    c. Request to amend Section 7.04.03 (7), City of Bellevue Zoning Ordinance, regarding billboard signs. Applicant: City of Bellevue.
4. CURRENT BUSINESS
    a. Comprehensive Plan updates from staff
5. ADJOURNMENT

EXHIBIT
tabbies
1.d.

MINUTE RECORD

The Bellevue Planning Commission held a regular meeting on Thursday, January 25, 2024, at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Hankins, Sims, Jacobson, Ackley, Lasenburg, and Perrin. Absent were Commissioners Taylor-Jones, Aerni, and Bennett. Also present were Tammi Palm, Planning Director, and Angela Curry Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times and posted in two public places. It 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.

Jacobson asked for a motion to approve the minutes of the December 21, 2023, regular meeting. Perrin stated there was an error in the minutes showing Mr. Jacobson as closing the public hearing on agenda item 3.a. He stated the public hearing was closed by Aerni.

Motion was made by Perrin, seconded by Ackley, to approve the minutes of the December 21, 2023, regular meeting as revised. Upon roll call, all present voted yes. Motion carried unanimously.

Jacobson asked if there were any updates or additions to staff reports. Palm stated an email was received for agenda item 3.a. from Mr. Dan Bellinger. She stated a copy was given to the Chairperson and members before the meeting and made part of the record.

Motion was made by Hankins, seconded by Sims, to accept into the record all staff reports, attachments, memos, and handouts regarding each application including the additional item regarding agenda item 3.a. Upon roll call, all present voted yes. Motion carried unanimously.

The following items were on the consent agenda.

Request to amend Ordinance No. 4104, City of Bellevue Zoning Ordinance, regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue. Case #:178

Request to amend the City of Bellevue Subdivision Regulations regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue. Case # 179.

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

Motion was made by Ackley, seconded by Perrin, to Approve the Consent Agenda items as presented. Upon roll call, all present voted yes. Motion carried unanimously.

These items will proceed to City Council for PUBLIC HEARING on February 20, 2024.

Jacobson explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone Lots 1 through 116, and Outlots A through E, Cornhusker Creek, being a platting of Tax Lot 30A1 located in the Southeast ¼ of Section 20, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska from RS-72 to RD-60-PS, RG-50-PS, RG-20-PS, MU, and BG for the purpose of residential and commercial development, with site plan approval; and Preliminary Plat Lots 1 through 116, and Outlots A through E, Cornhusker Creek. Applicant: Cornhusker Creek, LLC. General Location: NW Corner of South 36th Street and Cornhusker Road. Case #'s: Z-2307-13, S-2307-12.

Jacobson asked staff for updates. Palm stated an email was received from Mr. Dan Bellinger regarding agenda item 3.a. Palm said Mr. Bellinger stated his opposition to the development and indicated he had concerns regarding traffic, home valuation, the development being outside of the Bellevue School District, and its location to Offutt Airforce Base. Palm gave a brief description of the application. She said the proposed area is just under 60 acres and the applicant is requesting various uses for the property which were shown on the site plan and color-coded to represent each use. These uses include duplexes, smaller single-family residential homes, and multi-family residential. The proposed lot on the corner of S. 36th Street and Cornhusker Road would be zoned MU (Mixed Use) and have a residential building with 15,000 square feet of commercial space. Another small commercial lot would be located along Cornhusker Road. Palm stated there had been interest in developing this property over the years; however it has proven to be difficult to develop due to topography, floodplain, and existing

Omaha Public Power District infrastructure/easements. She said for those reasons and to manage setback issues, the applicant had requested a -PS (Planned Subdivision) overlay. Palm stated the applicant has submitted a specific site plan for the Mixed-Use lot. She said the applicant has presented a conceptual layout for the proposed RG-20-PS lot and would request site plan approval at a later date. This would be developed as a Sanitary and Improvement District. Palm stated the applicant has submitted a Mixed-Use Agreement and Subdivision Agreement. Both documents are currently under review by the City Attorney's office and would be presented as a part of the final plat.

Doug Kellner, 10836 Old Mill Road, Omaha, NE, was present on behalf of the applicant. Kellner stated issues with developing the site would include power and gas easements, sanitary sewer, floodplain, and grading. He said these issues are the reason for requesting the -PS overlay. Kellner stated there were outstanding technical issues that are being worked out with the City.

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

Palm stated there were minor technical revisions needed for this project. She stated the applicant was asked to address the minor revisions to the pavement exhibit for South 36th Street before moving forward to the City Council. Palm stated the traffic study completed for this proposal recommended improvements to South 36th Street and Cornhusker, and signalization at proposed South 38th Street and Cornhusker Road to be completed upon build-out. Palm stated there would be improvements to South 36th Street regarding turn lanes in and out of the development. Palm said the applicant was asked to update the Source and Use of Funds to include the necessary improvements for the lift station. She stated the city has an existing lift station located on South 36th Street near Landings Drive, south of The Landings Apartments. Palm said the proposed sewer would gravity flow down to the existing lift station currently maintained by the city. She stated the applicant's engineer and city staff are collaborating to determine what minor improvements would be needed to the lift station. Cost share would be a part of the proposed subdivision agreement. Palm said the developer and the city would enter an interlocal agreement for cost share on the improvements.

Palm said Mr. Jacobson had concerns about the landscape plan and areas around the OPPD easement. She stated OPPD did not offer comment on the landscaping after their initial review of the proposal. She stated the city has reached out to OPPD again regarding the specific areas of concern to verify that smaller trees and shrubs would be suitable for OPPD. Palm said if OPPD has apprehensions about the proposed trees and shrubs the city would request corrections to the landscape plan before moving forward to the City Council.

Lasenburg asked if the traffic count was completed in 2020. Palm stated the traffic count information is provided through MAPA (Omaha-Council Bluffs Metropolitan Area Planning Agency) and provides 2020 data for this area. She said the traffic study is a more recent count that looks at current and existing conditions, buildout, and future operating conditions. Lasenburg stated he was concerned the 2020 data could be skewed due to COVID and less traffic.

Hankins asked staff for comment on the Offutt flight path because of Mr. Bellinger's email. Staff explained this property lies outside the of Accident Potential Zone. She stated there are strict guidelines regarding development within the crash zones. Palm stated a small portion of the southwest corner of the property lies within one of the noise contours; however, it is not in one of the contours that would completely restrict development. She said Offutt suggested the developer use that portion for detention areas or open spaces and have the developer consider noise mitigation. Palm stated the applicant's site plan showed an outlot and detention system in this area and commented typical construction standards will be sufficient to mitigate noise.

Jacobson asked staff if the proposed mixed-use zoning was consistent with zoning of the surrounding area. Palm stated staff believes the use is compatible with what exists in the area. She stated the mix of residential and commercial space is a good plan for the area and it is overall consistent with the existing neighborhood and Comprehensive Plan.

Ackley asked Mr. Kellner if grading plans for the west side near Outlot B and Outlot E consist of flattening the area and making it more usable for housing. Kellner said the area is tree-lined and they would try to save as many trees as possible; however, they must maintain the east/west grades because of the gas line. Ackley asked if the newly proposed access at Lot 114 would be directly across from Trees Shrubs and More. Kellner said yes, it will match the existing access to the south.

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Ackley asked what was proposed for the BG lot due to its odd shape. Kellner stated it would be something complimentary to the mixed-use housing, possibly a coffee kiosk or something similar.

Jacobson asked staff if the sidewalks and trails in the development would tie in with trails in the area. Palm said yes, it matches the updated Parks Plan and should provide the east-west connection needed to connect to the Papio Trail to the west near South 48th Street and Cornhusker Road at some point in the future.

MOTION was made by Ackley, seconded by Lasenburg, to recommend APPROVAL of a request to rezone Lots 1 through 116, and Outlots A through E, Cornhusker Creek, being a platting of Tax Lot 30A1 located in the Southeast ¼ of Section 20, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska from RS-72 to RD-60-PS, RG-50-PS, RG-20-PS, MU, and BG for the purpose of residential and commercial development, with site plan approval; and Preliminary Plat Lots 1 through 116, and Outlots A through E, Cornhusker Creek. Applicant: Cornhusker Creek, LLC. General Location: NW Corner of South 36th Street and Cornhusker Road. Case #'s: Z-2307-13, S-2307-12. APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations and lack of perceived negative impact upon the surrounding area. APPROVAL also based on completion of the technical deficiencies prior to being placed on the City Council agenda. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING on February 20, 2024.

Meeting adjourned at 6:37 p.m.

Angela Curry

Angela Curry
Assistant Planning Manager

We Influence The World!

City of Bellevue
Planning Department
1510 Wall Street ▪ Bellevue, Nebraska 68005
(402) 293-3026

Agenda Item 2.a.

MEMORANDUM

TO: Planning Commission
FROM: Angela Curry, Assistant Planning Manager
DATE: March 21, 2024
RE: Amend Section 8.03.06, City of Bellevue Zoning Ordinance regarding hard surface parking requirements.

The City of Bellevue is proposing to amend Section 8.03.06, City of Bellevue Zoning Ordinance, regarding hard surface parking in residential areas.

Minor changes to Section 8.03.06, City of Bellevue Zoning Ordinance, are being proposed to make the intent of the current language clearer. This will not change the parking requirements or how the city is enforcing those requirements. Additionally, this amendment will coincide with an amendment to City Code Section 18-76 so the two are consistent.

As such, staff is recommending the following amendments to Section 8.03.06:

8.03.06 Subject to the exception contained in Section 8.03.04, all motor vehicles shall be parked on concrete. In all residential zones, all recreational vehicles, trailers, or boats and boat trailers shall be parked in the following manner:

1. Inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone where located.

2. Outside in the side yard or rear yard on a concrete, asphalt, or other approved hard surface pursuant to Section 8.03.06, provided it is not nearer than two (2) feet to the lot line.

3. Outside on a concrete driveway, provided space is not available outside in the rear

yard or side yard as permitted by subsection (2) of this section, or there is no reasonable access to either the side yard or rear yard; a corner lot is generally deemed to have reasonable access to the rear yard; and a fence is not necessarily deemed to prevent reasonable access.

4. The body of the recreational vehicle, trailer, or boat and boat trailer must be at least thirteen (13) feet from the face of any curb.

5. No part of the recreational vehicle, trailer, or boat and boat trailer may extend over the public sidewalk or public thoroughfare (right-of-way).

6. Parking is permitted only for storage purposes, and any recreational vehicle, trailer, or boat and boat trailer shall not be:

   A. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any one (1) calendar year. Cooking is not permitted at any time.

   B. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries or other purposes.

   C. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

7. Notwithstanding any other provisions, of Section 8.03.06, a recreational vehicle, trailer, or boat and boat trailer may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle, trailer, or boat and boat trailer for use.

8. The recreational vehicle, trailer, or boat and boat trailer shall be owned by the resident on whose property the recreational vehicle, trailer, or boat and boat trailer is parked for storage.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the amendment as presented.

PLANNING COMMISSION RECOMMENDATION:

Under Review.

City of Bellevue
Planning Department
1510 Wall St. • Bellevue, Nebraska • 68005 • 402-293-3026

Agenda Item 3.a.

To: Planning Commission
From: Angela Curry, Assistant Planning Manager
Date: March 21, 2024
Subject: Lots 2, 4, and 5, and Outlots A, D, E, and F Cardinal Commons Addition (Phase II)

Attached for your review and recommendation is the Redevelopment Plan for Cardinal Commons (Phase II). This plan proposes the redevelopment of the vacant property of Lots 2, 4, and 5, and Outlots A, D, E, and F Cardinal Commons Addition. This area was previously designated as blighted and substandard by the City Council. Approval of the Redevelopment Plan is the next step in the redevelopment process.

Cardinal Commons II (Phase II of the proposed Cardinal Commons subdivision) is approximately 5.4 acres in size and consists of several lots generally located on the northeast corner of South 13th Street and Kasper Street. The Cardinal Commons development received final approval by the City Council on September 19, 2023.

The applicant is proposing redevelopment of the property by constructing 13 duplexes consisting of 26 units of affordable senior housing. Each unit will be a two-bedroom, one-bathroom, with approximately 1,034 square feet of living area, 53 square feet of storage space, and a 292 square foot single-car garage, for a total of 1,379 square feet.

The applicant is applying for both federal and state low-income housing tax credits from the Nebraska Investment Finance Authority (NIFA). The project will be subject to a Land Use and Restriction Agreement with NIFA that will require 40% of the units to have overall rents affordable at or below 60% of the applicable median income for a period of 45 years. The applicant is estimating the property's assessed valuation to be $1,380,000 upon completion of the 13 duplexes at Cardinal Commons II.

The Redevelopment Plan states there is approximately $10,103,580 of Tax Increment Financing (TIF) eligible redevelopment costs associated with the project. The applicant is proposing the use of TIF to fund $250,000 of these expenses. The breakdown of costs and

data supporting the payback of TIF expenditures is attached to the Redevelopment Plan for your review.

The City Attorney and Finance Director have reviewed the Plan and found it acceptable concerning legal content and the proposed interest rate.

The Planning Department believes this project will be a benefit to the city through the improvement of a blighted and substandard area with a parcel that has remained vacant and underutilized. The Comprehensive Plan designates this area as medium-density residential. The applicant's proposed development is in conformance with the Comprehensive Plan. The property is currently zoned RG-28-PS (General Residential – Planned Subdivision). The proposed residential development is consistent with the existing uses adjacent to the property and conforms to the city's overall plan for development.

The Redevelopment Plan meets the requirements of Section 18-2111 of Nebraska State Statutes with respect to required plan contents. As required by Nebraska State Statutes, the Planning Department advertised the public hearing on this application twice in local publications and sent notification to the governing bodies of Sarpy County, the Papio-Missouri River NRD, Metropolitan Community College, ESU #3, and the Bellevue Public School District.

PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends approval of the Cardinal Commons II Redevelopment Plan based on conformance with the Comprehensive Plan, elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for infill redevelopment.

TAX INCREMENT FINANCING REDEVELOPMENT PLAN

FOR

CARDINAL COMMONS II

LOTS 2, 4 & 5 AND OUTLOTS A, D, E & F, CARDINAL COMMONS ADDITION

BELLEVUE, NEBRASKA

SUBMITTED: January 31, 2024

Submitted to:

Chairman and Members of the Planning Board

Submitted by:

Applicant: Cardinal Commons II, LLC
Attn: Excel Development Group
8551 Lexington Avenue
Lincoln, NE 68505

Attorney for Applicant: Andrew R. Willis
Cline Williams Wright Johnson & Oldfather, L.L.P.
233 South 13th Street
Suite 1900
Lincoln, NE 68508
(402) 479-7151
awillis@clinewilliams.com

PROJECT DESCRIPTION

Background:

The project site is generally located at the Northeast corner of the intersection of South 13th Street and Kasper Street. The project site consists of Lots 2, 4 & 5, and Outlots A, D, E & F Cardinal Commons Addition, City of Bellevue, Sarpy County Nebraska, and is approximately 5.42 acres.

The project site is designated as a "blighted and substandard" area by the City of Bellevue. Redevelopment of the property will support the City of Bellevue's elimination of blighted and substandard areas within its boundaries as well as provide needed additional affordable housing in the City and is in direct response to the 2019 floods.

Redevelopment of this site is anticipated to begin in the first quarter of 2025. It is anticipated that the construction of the 13 duplexes consisting of 26 units of affordable senior housing for this project will be completed in 2026.

The proposed project will be the second phase of the Cardinal Commons residential development. The redevelopment plan for the first phase (Cardinal Commons I) was approved in 2023.

Existing Land Use and Conditions of the Redevelopment Site:

The Recorded Plat is attached as Exhibit "A-1". The project site will be the land designated as Lots 2, 4 & 5, and Outlots A, D, E & F Cardinal Commons Addition, City of Bellevue, Sarpy County Nebraska on the Recorded Plat (the "Project Site"). Attached as Exhibit "A-2" shows the proposed site plan for the project.

The Project Site is currently owned by Excel Holdings, LLC. Cardinal Commons II, LLC has a binding contract to purchase the Project Site contingent upon funding of affordable housing tax credits from the Nebraska Investment Finance Authority (NIFA) and the approval of tax increment financing.

The Project Site is currently vacant ground. Some initial tree clearing and grading was completed during the first phase development, but all previous work on the Project Site constitutes site demolition and preparation, which is permitted prior to the approval of the redevelopment project pursuant to Neb. Rev. Stat. § 18-2117.03.

The Project Site is currently zoned as RG-28-PS (General Residential).

The Project Site has been declared to be blighted and substandard by the City of Bellevue pursuant to the standards of the Community Development Law, Neb. Rev. Stat.§ 18-2101, et. seq.

Proposed Use and Project Details:

The Recorded Plat and Site Plan is attached as Exhibit "A". The Applicant proposes to construct 13 duplexes consisting of 26 units of affordable senior housing known as Cardinal Commons II. Each unit will have 2 bedrooms and 1 bathroom, and have approximately 1,034 square feet living area, 53 SF storage area, 292 SF single-car garage, total of 1,379 SF. The Project Site is zoned RG-28-PS (General Residential), and the proposed project is a permitted use in this zoning district.

The residential structures will be built by a contractor selected by the Applicant. The architectural plans are being designed by Architectural Design Associates (ADA). Engineering services are provided by REGA Engineering.

Applicant anticipates beginning grading and construction of necessary infrastructure in the first Quarter of 2025, and anticipates completing the construction of the duplexes in 2025. The anticipated base year for TIF purposes is anticipated to be 2025, and the effective date for the division of taxes is anticipated to be January 1, 2026.

Applicant will operate the project as an affordable senior rental project for with at least one qualifying tenant living in the unit being aged 55 or older. The Applicant is applying for both federal and state low-income housing tax credits from the Nebraska Investment Finance Authority (NIFA). The project will be subject to a Land Use and Restriction Agreement with NIFA that will require 40% of the units to have overall rents affordable at or below 60% of the applicable median income for a period of 45 years.

Parking Plan for Proposed Project:

Each residence will have an attached garage and driveway available for parking. There will be parking along the roads within the development as well. There will also be a parking lot available at the community building which is located on the first phase.

ANALYSIS:

The Project Site is located within a Community Redevelopment Area, meets the requirements of the Community Development Law, and qualifies for the submission of an application for the utilization of Tax Increment Financing ("TIF") to cover costs associated with project development as submitted for approval through the TIF process. The project will be in compliance with the City's zoning requirements, the City's Master Plan, and applicable ordinances and development regulations.

This project serves to expand housing availability for persons in Bellevue 55 and older with 80% of the units rented only to residents with incomes below 60% of the applicable medium income. The project also eliminates an area of blight with no recent development. The project will provide the needed site preparation, utilities connections, and infrastructure necessary to develop a location that has stagnated development due to the lack of necessary infrastructure for a comprehensive development. The difficulties and the additional costs involved in installing infrastructure and connecting utilities are challenges that further support the necessity of TIF assistance for this project.

This project would not be feasible without the assistance of TIF. The project's largest source of funds are federal and state low income housing tax credits. These credits are allocated by the Nebraska Investment Finance Authority (NIFA). The project will be subject to a Land Use Restriction Agreement ("LURA") filed by NIFA that will require 40% of the units in the project to have overall rents affordable at or below 60% of the applicable median income for a period of 45 years. This restriction substantially reduces the available income from the project as shown by the calculation on the return on investment with and without TIF funds attached as Exhibit B. The LURA prohibits the owner from increasing the rental amounts charged, thereby keeping the project affordable to low-income tenants. This is an important feature of the LIHTC project and supports the intent of the owner to provide quality affordable housing in Bellevue, but the cap on rental revenue below market-rate rents means that the project has no other means to cover the expensive capital investment to develop the Project Site. A reasonable investor would not find the return

on investment to be sufficient to invest additional equity into the project. In addition, the project is required to have a debt service coverage ratio of at least 1.15. Without TIF, the debt service coverage ratio would only be 1.09 and the project could not go forward. Therefore, the assistance of TIF is absolutely necessary to complete this project.

In addition to the need for TIF to help pay for the eligible public improvement costs, the TIF is also a key component in the overall project financing that will allow the applicant to obtain the tax credit award that will make the project feasible. The application process to receive the tax credits from NIFA is very competitive. Only about 1/3 of projects that apply for the tax credits get funded by NIFA. Cardinal Commons II did not get funded in the last round of 2023. Two projects in Papillion and one in Millard got funded for the metro applications in the last round. Cardinal Commons II is reapplying for tax credits, but it needs to improve the application (based on the application points system) to obtain a tax credit award. Approved TIF will increase the number of points Cardinal Commons II has in NIFA's application process. To get the project over the hump to get funded Cardinal Commons II is applying for TIF now so it can use it as leverage points on its tax credit application for NIFA in May of 2024. The project will not be feasible without both a tax credit award and TIF, but TIF is the necessary first step to support the project and to assist with obtaining a tax credit award from NIFA.

Project Finance Summary

Sources of Funds	**Amounts:**
Federal Tax Credit Equity	$4,416,528
State Tax Credit Equity	$2,038,602
Community Development Block Grant – Disaster Recovery Funds	$2,000,000
Permanent Financing	$988,450
Tax Increment Financing	$250,000
General Partner Equity	$290,000
CDBG- Community Revitalization Funds	$120,000
Total Sources of Funds	**$10,103,580**

Uses of Funds	**Amounts:**
Land	$400,000
Real Prop Development – Offsite	$20,000
On Site Grading, Clearing, Etc.	$1,685,000
Title Recording and Insurance	$30,723
Soils Testing & Concrete Testing	$26,000
Architect & Engineering Fees	$145,600
Architect – Construction Supervision	$5,000
Environmental Study	$5,000
Market Study	$4,500
Federal & State Tax Credit Fees	$152,975
Project Reserves	$393,210
Construction (26 units)	$7,235,572
Total Uses of Funds	**$10,103,580**

Assessed Valuation Discussion

The project will be subject to Section 77-1333 of the Nebraska Revised Statutes which requires the County Assessor to assess the project using the income approach, taking into account the rent and income restrictions that are created and enforced by the LURA. Pursuant to the Section 77-1333 income approach formula, the Applicant estimates the average assessed valuation for each of the 13 duplexes to be $106,153.84 per duplex for a total valuation of $1,380,000 after construction is complete. The preliminary 2024 assessed valuation for the Project Site is $101,295.

Land Use and Zoning

The Project Site is zoned RG-28-PS (General Residential). The project conforms to its current zoning designation and is a permitted use in this zoning district.

Utilities and Public Improvements

The project will require installation of roads, sidewalks, curbing, gutters, hydrants, sewers, and stormwater improvements within the project area and in the public right of way adjacent to the project.

Historical Status

Not applicable.

EVALUATION CRITERIA: MANDATORY CRITERIA

1. **The project must be located within a blighted area or an area eligible for a designation of blighted as required and set forth by Nebraska statute.**

   The Project Site was previously designated by the City of Bellevue as ~~a~~ substandard and blighted in accordance with Community Development Law, Neb. Rev. Stat.§ 18-2101, et. seq.

2. **The project must further the objectives of the City's Master Plan.**

   The project will result in the development of approximately 5.42 acres of underutilized land at the northeast corner of Kasper Street and 13th Street in Bellevue, NE. Once completed the development will offer 26 new duplex units for rental to tenant's 55 and older with 80% of the units having incomes below 60% of the applicable medium income. The project will support the continued growth and housing needs of the Bellevue community. According to the Sarpy County & Communities, Nebraska County-Wide Housing Study with Strategies for Housing Affordability findings a majority of the 399 lost housing units in Sarpy County due to the 2019 disaster, an estimated 340 units, were in areas occupied by low- to moderate-income individuals and families. This includes an estimated 200 manufactured, modular and mobile homes in the City of Bellevue. At least 278 rental units are recommended for very low and low-income Sarpy County households by 2025. An estimated 154 rental housing units should be designated for seniors in the City of Bellevue. Bellevue Affordable Housing Action Plan shows a need for 104 affordable housing units for seniors (55+) and a need for 165 affordable housing units for seniors (55+) by 2032. This residential development conforms to the general plan for the City as a whole because it is consistent

with the residential uses east and south of the Project Site. Additionally, the project furthers the City's goal of adding residential development to the area in a manner that is economically feasible.

3. **The use of TIF for the project will not result in a loss of pre-existing tax revenues to the City and other taxing jurisdictions.**

The Tax Increment Financing request proposes to utilize only the increase in property taxes resulting from the improvements made by the developer. Existing tax revenues will continue to accrue to the benefit of the City of Bellevue and other taxing jurisdictions within which the property lies. This property is currently underdeveloped, and the development of the property will add to the future tax base of the City. The City and other taxing authorities will continue to receive taxes at the current assessed value for the base year and will receive a significant increase in taxes on the increased taxable value upon completion of the TIF payments.

4. **The developer is able to demonstrate that the project would not be economically feasible without the use of Tax Increment Financing. In addition, if the project has site alternatives, the proposal must demonstrate that it would not occur in the area without TIF. Return on investment assists in determining the economic feasibility of the project.**

See Developer's "Return on Investment Analysis" attached hereto as Exhibit "B". This project would not be feasible without the assistance of TIF. The project's largest source of funds will be federal and state low income housing tax credits. These credits are allocated by the Nebraska Investment Finance Authority (NIFA). The project will be subject to a Land Use Restriction Agreement filed by NIFA that will require 40% of the units in the project to have overall rents affordable at or below 60% of the applicable median income for a period of 45 years. This restriction substantially reduces the available income from the project as shown by the calculation on the return on investment with and without TIF funds attached as Exhibit B. In an unrestricted housing development project, the developer would increase rents to ensure that an adequate return on the investment of the development could be achieved. However, with the restricted rents to ensure the project remains affordable to low-income tenants, the developer does not have the ability to raise rents to cover the high cost of construction and needs TIF to pay for the TIF-eligible improvements and make the overall project feasible. A reasonable investor would not find the return on investment to be sufficient to invest additional equity into the project. In addition, the project is required to have a debt service coverage ratio of at least 1.15. Without TIF, the debt service coverage ratio would only be 1.09 and the project could not go forward. Therefore, the assistance of TIF is absolutely necessary to complete this project.

COST-BENEFIT ANALYSIS

1. **Tax shifts resulting from the approval of the use of funds pursuant to section 18-2147 (of the Community Development Law):**
There are no anticipated tax shifts resulting from this project. The current taxing authorities will continue to receive taxes on the property at the current assessed value determined for the base year.

2. **Public infrastructure and community public service needs impacts and local tax impacts arising from projects receiving incentives:**
Public infrastructure currently exists adjacent to the Project Site. The project will provide the necessary infrastructure within the site. There will be two street entrances into the project, from Kasper Street on the south and from both 13th Street on the west. Currently, this site is underutilized contributes to the blight of the area. In the long term, the project will provide a significant increase

in local property tax revenues based upon the increased value of the developed site after repayment of the TIF funds. Because the project will provide 26 new senior housing units to the area, any impact upon the community public services already provided in the area is outweighed by the increased future tax revenue to be provided by the development.

3. **Impacts on employers and employees of firms locating or expanding within the boundaries of the area of redevelopment project:**
During redevelopment and construction, the project will create jobs and local businesses are likely to be patronized by workers. Upon completion of the project, the project will create housing availability for new and existing residents of the Bellevue community. The project will further benefit local businesses by increasing the residents in the area who will be likely to patronize nearby Bellevue businesses.

4. **Impacts on businesses within the area:**
This project will bring 26 additional households to the community of Bellevue. Those residents will support local shops and restaurants. The project will also provide new housing options for tenant's 55 and older in Bellevue. The project will allow seniors in Bellevue to age in place and help prevent Bellevue seniors leaving the community for better options in neighboring communities.

5. **Impacts on students' populations and school districts within the project area:**
Since this the 26 duplex units in this project will be rented to tenants 55 and older, the project is not likely to increase the student population in the school district with the project area.

6. **Any other impacts relevant to the consideration of costs and benefits arising from the development project:**
This project is the second phase of a development effort to bring new housing into an area that has not seen development for many years and will hopefully act as a catalyst for other developments and the revitalization of the surrounding properties. This project is in direct response to the devastating flooding that happened in 2019. Part of the funding source for Cardinal Commons II will be a $2 million Community Development Block Grant – Disaster Recovery (CDBG-DR) grant that's in response to the flooding. The City of Bellevue was one of the hardest hit areas from the record breaking 2019 floods. The project will bring much needed affordable housing to the City of Bellevue, will benefit low- to moderate-income persons, and will increase community resiliency in the face of future natural disasters by adding affordable housing in non-flood zone areas of Bellevue.

TIF REQUEST

The TIF request is for $250,000 plus accrued interest. The TIF amount is 2.47% of the total project cost. TIF will be used to offset TIF eligible costs such as land acquisition, site prep work, architectural and engineering fees, and public improvements as required. The TIF Eligible Expenses are shown in detail on Exhibit C. The total estimated project cost is $10,103,580. The final assessed increased valuation upon completion of the project of $1,380,000 will support the TIF request of $250,000 with interest at the rate of 7.25% per annum as shown by the TIF Projections attached as Exhibit D.

EXHIBIT A-1
RECORDED PLAT

CARDINAL COMMONS ADDITION

LOTS 1-6 INCLUSIVE & OUTLOTS "A"-"F" INCLUSIVE
A REPLAT OF LOTS 7 & 8 , OLD ORCHARD PLACE
SE 1/4 OF SEC. 22, T.14N., R.13E. OF THE 6TH P.M., SARPY COUNTY, NEBRASKA



VICINITY MAP
1"=1000'

FILED SARPY COUNTY, NEBRASKA
INSTRUMENT NUMBER
2023-18307
09/22/2023 03:51:48 PM
Deb Houghtaling
COUNTY CLERK/RE DEPUTY OF DEEDS
Submitter: EXCEL HOLDINGS LLC
Recording fees paid $52.00
Pages: 8
By: sh
PLAT

LEGAL DESCRIPTION OF FINAL PLAT

A PARCEL OF LAND BEING ALL OF LOTS 7 & 8, OLD ORCHARD PLACE, LOCATED IN THE SE 1/4 OF SEC. 22, T. 14 N., R. 13 E. OF THE 6TH P.M., CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7;

THENCE ON THE NORTH LINE OF SAID LOT 7, N87°06'51"E, 894.19 FEET TO THE NORTHEAST CORNER OF SAID LOT 7, ALL BEARINGS HEREON ARE RELATIVE THERETO;

THENCE ON THE EAST LINE OF SAID LOTS 7 & 8, S02°07'54"E, 554.37 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8;

THENCE ON THE SOUTH LINE OF SAID LOT 8, S88°04'24"W, 889.30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8;

THENCE ON THE WEST LINE OF SAID LOTS 7 & 8, N02°38'37"W, 539.44 FEET TO THE **POINT OF BEGINNING.**

CONTAINING A CALCULATED AREA OF 487,683 SQUARE FEET OR 11.20 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION, THAT ANY CHANGES FROM THE DESCRIPTION APPEARING IN THE LAST RECORD TRANSFER OF THE LAND CONTAINED IN THE FINAL PLAT ARE SO INDICATED, THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED OR WILL BE INSTALLED AND THEIR POSITION IS CORRECTLY SHOWN AND THAT ALL DIMENSIONAL AND GEODETIC DATA IS CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYORS REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY.

LYLE L. LOTH, L.S. #314

9/18/2023

OWNERS CERTIFICATION:

WE THE UNDERSIGNED, EXCEL HOLDINGS, LLC OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS CARDINAL COMMONS ADDITION, AN ADDITION TO THE CITY OF BELLEVUE, NEBRASKA. ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN.

LOCATION, USE, AND WIDTH OF ALL REQUIRED EASEMENTS. PERPETUAL EASEMENTS SHALL BE GRANTED TO OMAHA PUBLIC POWER DISTRICT (OPPD), COX COMMUNICATIONS, AND CENTURYLINK ACROSS THE EASEMENTS SHOWN HEREON. THE SUBDIVIDER SHALL GRANT PERPETUAL EASEMENTS TO METROPOLITAN UTILITIES DISTRICT AND/OR BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR, AND RENEW PIPELINES, HYDRANTS, AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER, AND ACROSS A TEN (10) FOOT WIDE STRIP OF LAND ABUTTING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID OR RIGHTS HEREIN GRANTED.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED. ANY ENCUMBRANCES OR SPECIAL ASSESSMENTS ARE EXPLAINED AS FOLLOWS:

EXCEL HOLDINGS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

BRENT D. WILLIAMS, PRESIDENT

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	15.11'	52.50'	16°29'23"	N43° 01' 13"E	15.06'
C2	32.97'	20.00'	94°27'36"	N49° 01' 15"W	29.36'
C3	17.42'	20.00'	49°53'46"	N26° 44' 20"W	16.87'
C4	18.48'	20.00'	52°56'49"	N25° 12' 48"W	17.83'
C5	24.76'	20.00'	70°55'08"	N52° 33' 25"E	23.21'
C6	15.76'	20.00'	45°09'16"	S69° 24' 22"E	15.36'
C7	15.75'	20.00'	45°06'35"	S24° 18' 26"E	15.34'
C8	29.51'	20.00'	84°33'04"	S40° 33' 24"W	26.91'

ACKNOWLEDGE OF NOTARY:

STATE OF NEBRASKA } SS
COUNTY }

ON THIS ___ DAY OF _____, 20__, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME BRENT D. WILLIAMS, PRESIDENT OF EXCEL HOLDINGS, LLC, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION OF THE FOREGOING PLAT AND HE ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID COMPANY.

NOTARY PUBLIC

MY COMMISSION EXPIRES THE 17 DAY OF May 2025

COUNTY TREASURER'S CERTIFICATIONS

THIS IS TO CERTIFY THAT I FOUND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

COUNTY TREASURER — DATE 20 Sept 23

REVIEW OF SARPY COUNTY ENGINEER/SURVEYOR

THIS PLAT OF CARDINAL COMMONS ADDITION WAS REVIEWED BY THE SARPY COUNTY ENGINEER/SURVEYOR'S OFFICE ON THIS 21st DAY OF September 2023

SARPY COUNTY SURVEYOR/ENGINEER

APPROVAL OF THE PLANNING COMMISSION OF BELLEVUE, NEBRASKA

THIS FINAL PLAT OF CARDINAL COMMONS ADDITION WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION THIS 6th DAY OF August 2023

CHAIRPERSON, BELLEVUE PLANNING COMMISSION

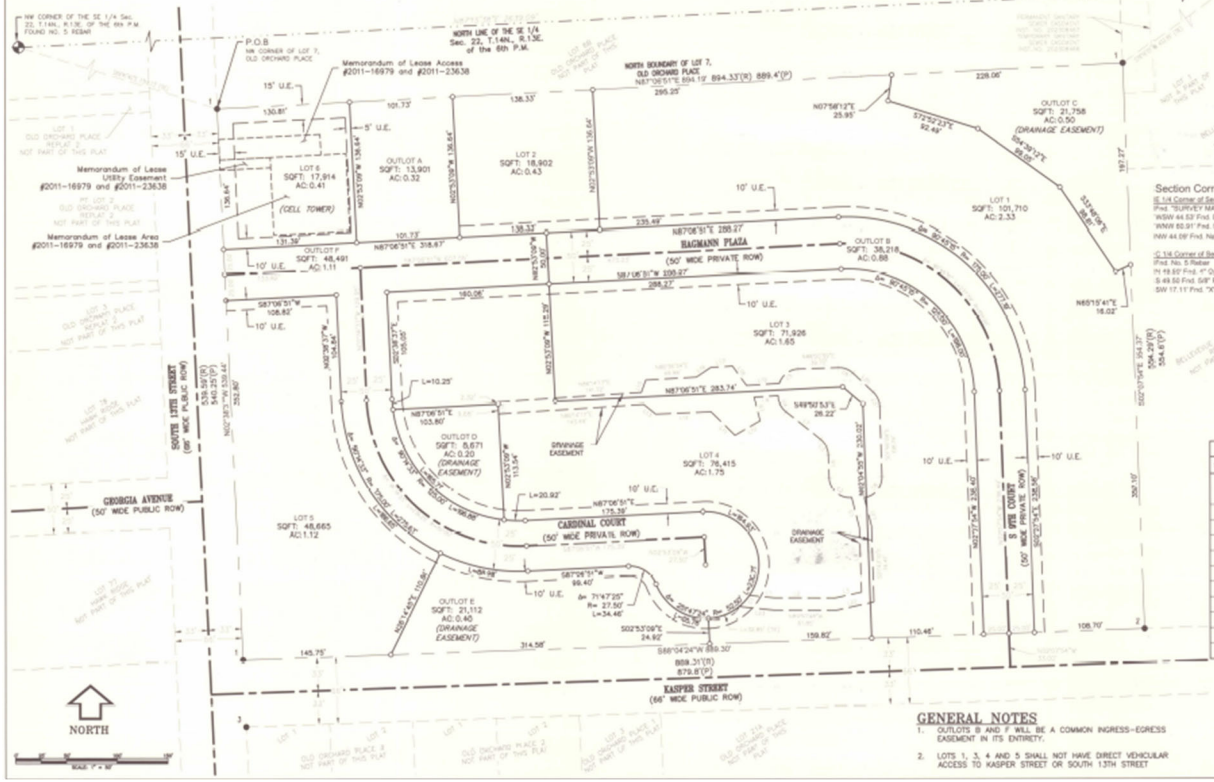
ACCEPTANCE OF THE BELLEVUE CITY COUNCIL

THIS FINAL PLAT OF CARDINAL COMMONS ADDITION WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA ON THIS 19th DAY OF September 2023, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA

THIS PLAT BECOMES NULL AND VOID IF NOT RECORDED WITHIN 90 DAYS OF THE ABOVE DATE.

MAYOR

ATTEST CITY CLERK



Section Corner Ties

SE 1/4 Corner of Sec. 22-T14N-R13E
(Fnd. "SURVEY MARK" Steel Spike in Asphalt, WSW 44.53' Fnd. Drill Hole on East Rim of Manhole, WNW 60.91' Fnd. Nail and Washer in Top of Curb, NW 44.09' Fnd. Nail and Washer in Top of Curb)

C 1/4 Corner of Sec. 22-T14N-R13E
(Fnd. No. 5 Rebar, N 19.83' Fnd. 4" Open Top pipe, S 49.56' Fnd. 5/8" Rebar, SW 17.11' Fnd. "X" Nails in East Face of P.P. 1.0' to A.G.)

Line Table		
Line #	Direction	Length
L1	S04°08'26"E	24.51'
L2	S89°50'48"E	59.95'
L3	N77°41'49"E	26.73'
L4	N01°43'10"W	63.13'
L5	N14°10'07"W	31.15'
L6	N01°47'27"W	22.36'
L7	N51°41'13"W	41.97'
L8	S86°14'17"W	23.89'
L9	S14°06'40"E	24.08'
L10	S86°11'12"W	28.86'
L11	N45°18'28"W	32.99'
L12	S87°30'05"W	54.57'

Line Table		
Line #	Direction	Length
L13	N60°56'18"W	15.25'
L14	N02°53'09"W	12.00'
L15	N19°36'08"E	12.87'
L16	N56°19'27"E	17.13'
L17	N88°31'39"E	21.33'
L18	S35°56'39"E	23.66'
L19	N51°41'13"W	53.83'
L20	S46°48'43"E	27.57'
L21	S14°10'07"E	29.33'
L22	S77°41'48"W	38.01'
L23	N84°08'26"W	34.21'

Total Lots = 6
Total Outlots = 6
Total Acres = 11.20

MONUMENT SYMBOL LEGEND

- SET (3/4"x24" Bar w/ LS 314 Cap)
- FOUND CAPPED REBAR WITH 1-1/4" PLASTIC CAP STAMPED "L3 478"
- FOUND 1-1/2" PIPE
- FOUND 1" PINCHED PIPE

U.E. UTILITY EASEMENT

(R) RECORD PER LAND SURVEYOR'S CERTIFICATE BY NEBRASKA REGISTERED LAND SURVEYOR #478, DATED 03/29/2007. LEGAL DESCRIPTION LEGAL DESCRIPTION LOTS 7 AND 8, OLD ORCHARD PLACE, AS PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA.

(P) RECORD PER OLD ORCHARD PLACE

NOTE: BEARINGS ARE BASED ON THE NORTH LINE OF LOT 7, OLD ORCHARD PLACE

GENERAL NOTES

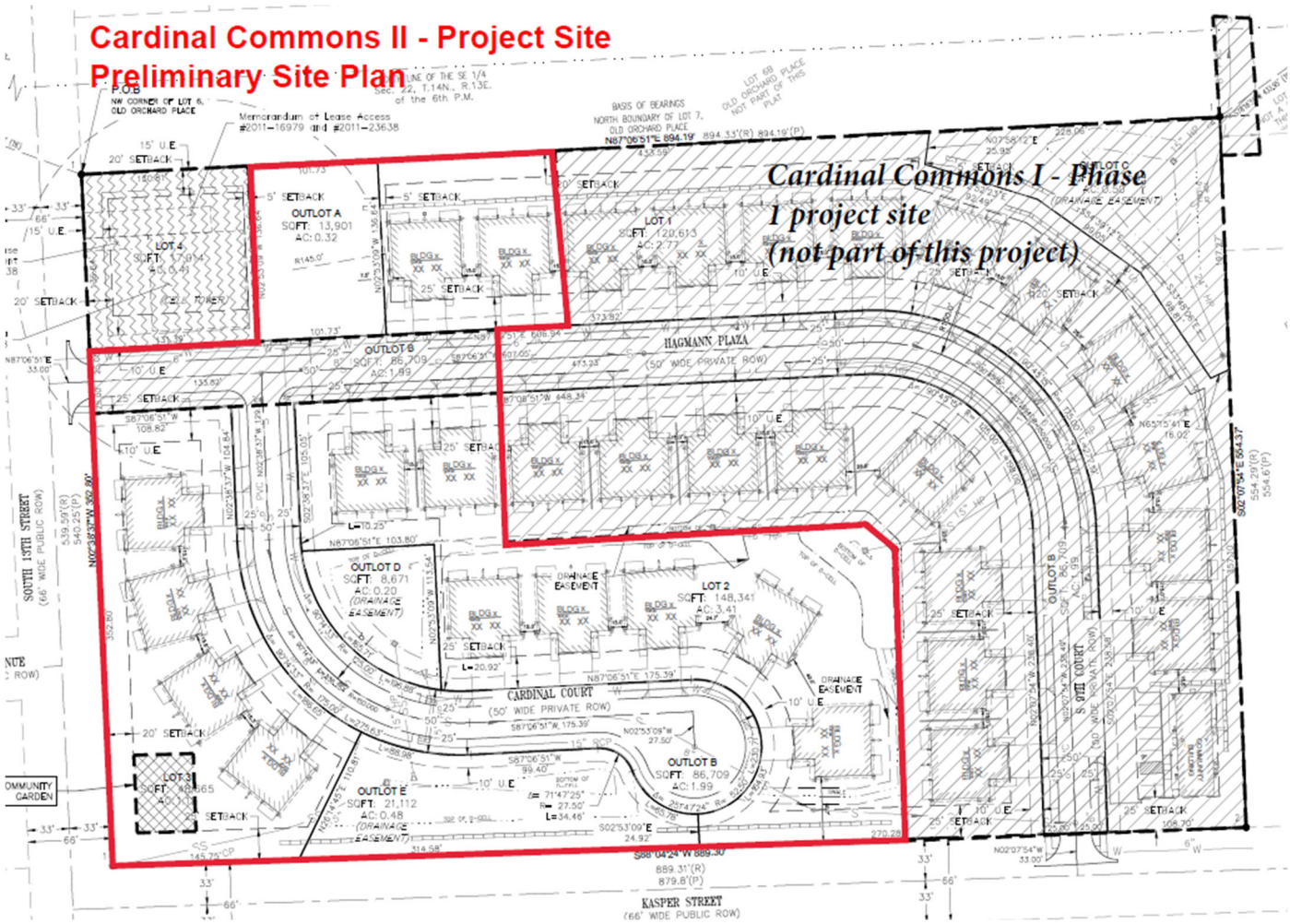
1. OUTLOTS B AND F WILL BE A COMMON INGRESS-EGRESS EASEMENT IN ITS ENTIRETY.
2. LOTS 1, 3, 4 AND 5 SHALL NOT HAVE DIRECT VEHICULAR ACCESS TO KASPER STREET OR SOUTH 13TH STREET

REGA ENGINEERING GROUP, INC.
601 OLD CHENEY RD.
SUITE A
LINCOLN, NE 68512
402.404.7342 OFFICE

REGA ENGINEERING
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402)-404-7342
- CIVIL/ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING
- IRRIGATION

JOB NAME: CARDINAL COMMONS	DRAWN BY: RDR / CHECKED BY: LLL
	SCALE: 1"=50'
	DATE: 06/26/2023
	JOB NUMBER: 221054
LOCATION: BELLEVUE, NEBRASKA	SHEET 1 OF 1

EXHIBIT A-2
SITE PLAN



Preliminary site plan – subject to change.

EXHIBIT B

RETURN ON INVESTMENT ANALYSIS

Project with TIF ROI Analysis

Cardinal Commons II
26 Unit Senior
FORECASTED CASH DISTRIBUTIONS
TO INVESTORS WITH A $ 335,257 Investment (1)
ASSUMING A 28% MARGINAL FEDERAL TAX BRACKET (2)

26-Jan-24

Year	Share Of Earnings (Losses)	Tax Benefit (Expense) (3)	265,443 Tax Credits (3)	Cash Distributions (4)	After Tax Benefits	Capital Contribution (4)	After Tax Cash Flow	Internal Rate of Return: Annual After Tax Return	Internal Rate of Return: After Tax IRR	Internal Rate of Return: Before Tax Equivelent IRR
Pre Open						($335,257)	($335,257)			
1	($20,992)	5,878	26,544	0	32,422	0	$32,422	9.7%		
2	($14,040)	3,931	26,544	0	30,475	0	$30,475	9.1%		
3	($13,977)	3,914	26,544	0	30,458	0	$30,458	9.1%		
4	($13,915)	3,896	26,544	0	30,440	0	$30,440	9.1%		
5	($13,851)	3,878	26,544	0	30,423	0	$30,423	9.1%		
6	($13,787)	3,860	26,544	0	30,405	0	$30,405	9.1%		
7	($13,723)	3,842	26,544	0	30,387	0	$30,387	9.1%		
8	($13,658)	3,824	26,544	0	30,369	0	$30,369	9.1%		
9	($13,592)	3,806	26,544	0	30,350	0	$30,350	9.1%		
10	($13,625)	3,815	26,544	0	30,359	0	$30,359	9.1%		
11	($13,091)	3,665	0	0	3,665	0	$3,665	1.1%		
12	($13,023)	3,646	0	0	3,646	0	$3,646	1.1%		
13	($12,954)	3,627	0	0	3,627	0	$3,627	1.1%		
14	($12,883)	3,607	0	0	3,607	0	$3,607	1.1%		
15	($12,911)	3,615	0	0	3,615	0	$3,615	1.1%		
(5) 15	($48,812)	9,762	0	78,243	88,006	0	$88,006		2.72%	3.78%

(1) A $335,257 investment is 5.00% of the projected $250,000 to be invested as capital.

(2) For illustration purposes, a 28% federal tax bracket as of the date of the forecast is used. **A lower tax bracket will decrease the internal rate of return.**

(3) Investors may use net losses and tax credits to offset taxes on $25,000 of ordinary income. Unused losses and tax credits may be carried forward up to 15 years, or carried back three years. Net losses and tax credits may be used to offset any amount of passive income, **however alternative minimum tax rules may apply. It is assumed in this example that the investor has no passive income, is not affected by alternative minimum tax rules, and can use 100% of the tax credits each year. It** assumed that investors are on a cash basis. Interest accrued on investor loans is not deductible. Net income (loss) has been increased for net accrued investor loan interest in calculating tax benefit (expense).

(4) Cash distributions includes interest paid on investor loans. Capital contributions include investor loan advances and principal repayment of investor loans.

(5) Assets sold at end of year. See Calculation of Gain and Cash Proceeds At Sale for method used in calculating sale price. A capital gains tax rate of 20% is applied to the gain on sale in year 15.

(6) The after tax internal rate of return is based on the annual net after tax cash flows including sale of the projects. The internal rate of return is the percentage rate that equates the present value of an expected future series of cash flows to the initial investment.

Project without TIF ROI Analysis

Cardinal Commons II
26 Unit Senior
FORECASTED CASH DISTRIBUTIONS
TO INVESTORS WITH A $ 335,189 Investment (1)
ASSUMING A 28% MARGINAL FEDERAL TAX BRACKET (2)

26-Jan-24

Year	Share Of Earnings (Losses)	Tax Benefit (Expense) (3)	265,388 Tax Credits (3)	Cash Distributions (4)	After Tax Benefits	Capital Contribution (4)	After Tax Cash Flow	Internal Rate of Return: Annual After Tax Return	Internal Rate of Return: After Tax IRR	Internal Rate of Return: Before Tax Equivelent IRR
Pre Open						($335,189)	($335,189)			
1	($22,048)	6,173	26,539	0	32,712	0	$32,712	9.8%		
2	($15,088)	4,225	26,539	0	30,763	0	$30,763	9.2%		
3	($15,017)	4,205	26,539	0	30,744	0	$30,744	9.2%		
4	($14,946)	4,185	26,539	0	30,724	0	$30,724	9.2%		
5	($14,873)	4,164	26,539	0	30,703	0	$30,703	9.2%		
6	($14,799)	4,144	26,539	0	30,682	0	$30,682	9.2%		
7	($14,724)	4,123	26,539	0	30,661	0	$30,661	9.1%		
8	($14,647)	4,101	26,539	0	30,640	0	$30,640	9.1%		
9	($14,569)	4,079	26,539	0	30,618	0	$30,618	9.1%		
10	($14,588)	4,085	26,539	0	30,623	0	$30,623	9.1%		
11	($14,039)	3,931	0	0	3,931	0	$3,931	1.2%		
12	($13,955)	3,908	0	0	3,908	0	$3,908	1.2%		
13	($13,870)	3,884	0	0	3,884	0	$3,884	1.2%		
14	($13,782)	3,859	0	0	3,859	0	$3,859	1.2%		
15	($13,790)	3,861	0	0	3,861	0	$3,861	1.2%		
(5) 15	($50,730)	10,146	0	61,670	71,816	0	$71,816		**2.41%**	**3.34%**

(1) A $335,189 investment is 5.00% of the projected $250,000 to be invested as capital.

(2) For illustration purposes, a 28% federal tax bracket as of the date of the forecast is used. **A lower tax bracket will decrease the internal rate of return.**

(3) Investors may use net losses and tax credits to offset taxes on $25,000 of ordinary income. Unused losses and tax credits may be carried forward up to 15 years, or carried back three years. Net losses and tax credits may be used to offset any amount of passive income, **however alternative minimum tax rules may apply. It is assumed in this example that the investor has no passive income, is not affected by alternative minimum tax rules, and can use 100% of the tax credits each year. It is** assumed that investors are on a cash basis. Interest accrued on investor loans is not deductible. Net income (loss) has been increased for net accrued investor loan interest in calculating tax benefit (expense).

(4) Cash distributions includes interest paid on investor loans. Capital contributions include investor loan advances and principal repayment of investor loans.

(5) Assets sold at end of year. See Calculation of Gain and Cash Proceeds At Sale for method used in calculating sale price. A capital gains tax rate of 20% is applied to the gain on sale in year 15.

(6) The after tax internal rate of return is based on the annual net after tax cash flows including sale of the projects. The internal rate of return is the percentage rate that equates the present value of an expected future series of cash flows to the initial investment.

Debt Service Coverage Ratio (DSCR)

Project with TIF DSCR: 1.459
Project without TIF DSCR: 1.09

Conclusion

Project without TIF would have a -0.31% after tax IRR and a -0.44% before tax equivalent IRR consequence.
Project without TIF would make the DSCR fall to 1.09 which is below the 1.15 minimum requirement.

EXHIBIT C

TIF ELIGIBLE EXPENSES

TIF Eligible Expenses	
Land Acquisition	$400,000
Site Grading	$400,000
Storm Sewer	$133,750
Sanitary Sewer	$250,000
Paving	$300,000
Sidewalk	$83,750
Water	$400,000
Electricity	$117,500
Architecture/Engineering	$145,600
Attorney Fees	$12,500
TIF Application Fees	$3,500
Total:	**$2,246,600**
Requesting:	**$250,000**

Note: the costs of all TIF eligible expenses are preliminary and subject to change upon final design, bides, general market conditions, and other factors.

EXHIBIT D

TIF PROJECTIONS

General Assumptions

Interest Rate	7.25%
Tax Levy	2.222882
TIF Period (years)	15

Project Valuation Assumptions

Base Value	$101,295
Final Value	$1,380,000

TIF Calculations

	Value	Taxes
Pre-Project	$101,295	$2,252
Completed	$1,380,000	$30,676
Increment	$1,278,705	$28,424

Annual TIF	$28,424
Total TIF	$426,362
Present Value	$257,343
Requested TIF	$250,000

CITY OF BELLEVUE
PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2402-01

FOR HEARING OF:
REPORT #1: March 28, 2024

I. GENERAL INFORMATION

A. APPLICANT:

Housing Foundation for Sarpy County
Attn: Carolyn Pospisil
8214 Armstrong Circle
Bellevue, NE 68147

B. PROPERTY OWNERS:

Housing Foundation for Sarpy County
Attn: Carolyn Pospisil
8214 Armstrong Circle
Bellevue, NE 68147

C. GENERAL LOCATION:

2202 Pleasantview Lane

D. LEGAL DESCRIPTION:

Lot 2, Menke's Second Addition, located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lot 2, Menke's Second Addition from BG to MU.

2. Site Plan approval for Lot 2, Menke's Second Addition

F. EXISTING ZONING AND LAND USE:

BG/Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a change of zone with site plan approval for the purpose of a mixed-use development.

H. SIZE OF SITE:

The site is approximately 1.22 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is vacant. The west portion of the property has a hard surface parking area while the eastern portion is covered in vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Residential, BG and BGH
2. **East:** Single-family residential, RS-84
3. **South:** Commercial, BG
4. **West:** Commercial, BG

C. REVELANT CASE HISTORY:

1. On May 17, 2010, the small subdivision plat of Lots 1 and 2, Menke's Second Addition, being a replat of Lot 2, Menke's Addition, Lot 20, Rybin's Subdivision Number 2, and Lot 99C, Lindyview Number 2 Second Replat, all located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, Nebraska was approved administratively.

2. On June 24, 2010, the Planning Commission recommended approval of a request to rezone Lots 1 and 2, Menke's Second Addition, located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from BG and BGH to BG and BGH for the purpose of commercial development.

D. APPLICABLE REGULATIONS:

1. Section 5.19, Zoning Ordinance, regarding MU uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

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

2. Access is proposed from private drives off Pleasantview Lane.

D. UTILITES:

All utilities are available or will be constructed to serve this development.

E. ANALYSIS:

1. Carolyn Pospisil, on behalf of the Housing Foundation for Sarpy County, has submitted a request for a change of zone (with site plan approval) for Lot 2, Menke's Second Addition, for the purpose of mixed-use development.

2. The applicant is requesting a change of zone from BG to MU.

The intent of the MU district is to accommodate projects that combine several compatible land uses into an integrated development and to allow for flexibility in the siting of buildings and the layout of lots. The district permits mixing residential areas with workplaces and services.

The applicant is proposing a mixed-use development with both multi-family residential and commercial space.

3. The proposed development will consist of a 22,484 square foot 4-story building containing 5,352 square feet of commercial space. The residential space will have 24 units consisting of twelve studio, six one-bedroom, and six two-bedroom apartments.

4. The site plan shows a total of 72 parking stalls for the development. Forty-eight stalls are designated for the residential use, and twenty-four parking stalls are provided for the mixed-use retail/commercial space.

The number of parking spaces meets the minimum requirements.

5. The landscape plan for the development has been reviewed by staff and meets the intent of the ordinance.

Onsite detention is also being provided.

6. A draft Mixed-Use Agreement has been submitted and is under review by the City Attorney. A copy of the agreement is attached for reference.

7. As part of the requirements of the MU district, the applicant has provided a building elevation which is attached to this report as part of the Mixed-Use Agreement. The building elevations and proposed materials follow the intent of Section 8.12, Design Standards.

8. This application was sent out to the following departments for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County GIS/911, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and stated if the requested department did not have comments pertaining to the application, no response was needed.

No comments were received on this case.

9. In the applicant's justification statement, it was noted this property is located within the Fort Crook Road Corridor development area. The applicant believes the rezoning of the property to mixed-use aligns with the goals and vision of the Fort Crook Road 2040 Plan and will help to create a unique, mixed-use corridor. Additionally, the mixed-use zoning will create a buffer and fit well between the commercially zoned properties along Fort Crook and the residential neighbors to the east.

Staff agrees this development is compatible with the surrounding area. This development is in conformance with the Fort Crook Road 2040 Plan.

10. This property is designated for commercial use in the Future Land Use Map of the Comprehensive Plan based on its current zoning.

Staff does not recommend amending the Future Land Use Map as the city is currently undergoing a Comprehensive Plan update and this area will be reviewed as part of that process.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL base upon conformance with the Zoning Ordinance, Subdivision Regulations, Fort Crook Road 2040 Plan, as well as 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. 2022 GIS aerial photo of the property
3. Zoning Justification Letter dated March 4, 2024
4. Site plan received February 23, 2024
5. Landscape plan received February 23, 2024
6. Mixed-Use Agreement received February 23, 2024

VII. COPIES OF REPORT TO:

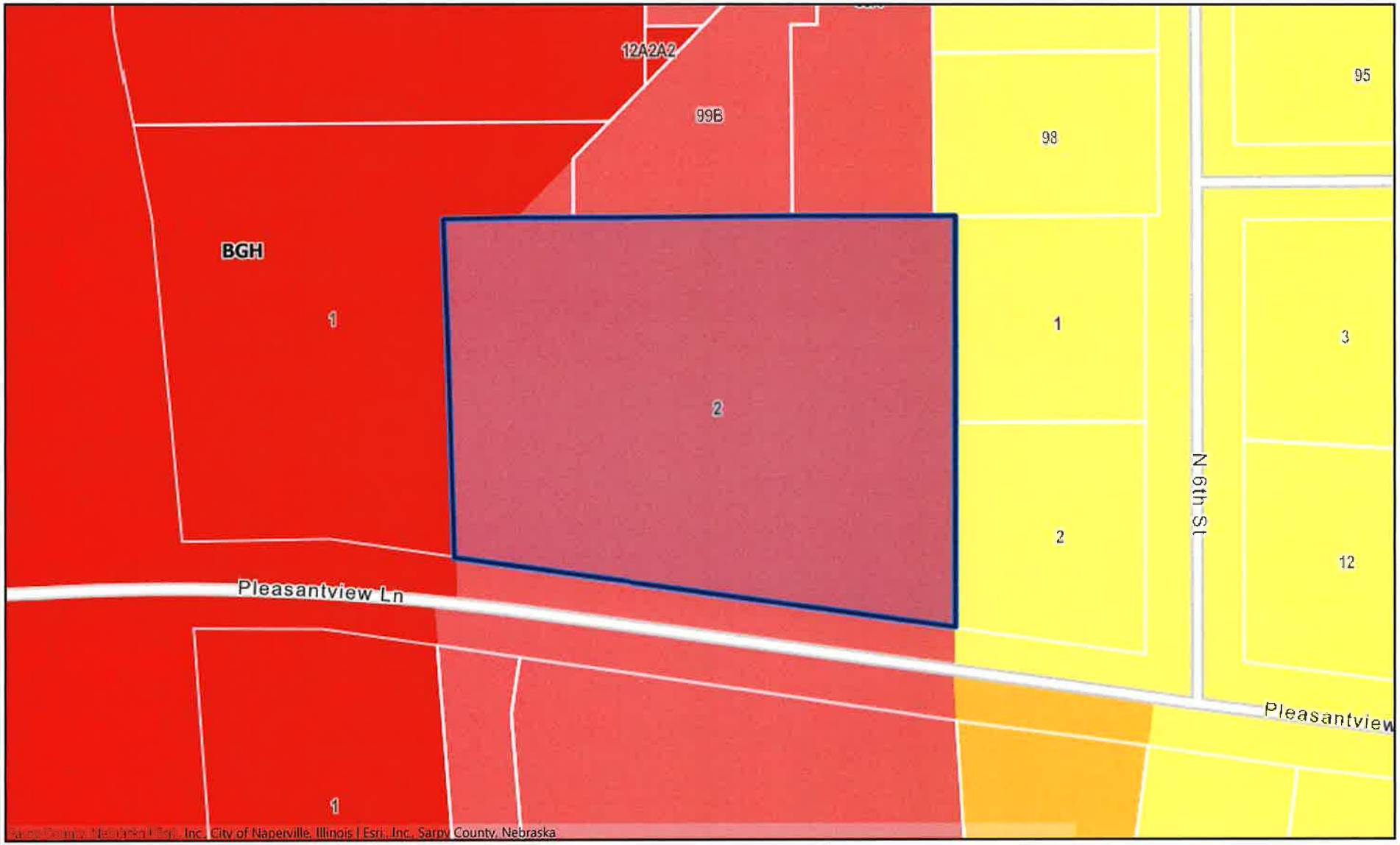
1. Carolyn Pospisil, Housing Foundation for Sarpy County
2. Thompson, Dressen &Dorner, Inc (Trevor Veskrna)
3. Public Upon Request

Assistant Planning Manager

Planning Director Date of Report 03/21/24

SARPY COUNTY
NEBRASKA

2202 Pleasantview Lane



0 100 200 ft

Map Scale 1: 1128

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

SARPY COUNTY
NEBRASKA

GIS

2202 Pleasantview Lane



0 100 200 ft

Map Scale 1: 1128

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

TD2 engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Road
Omaha, NE 68154
402 330 8860

March 4, 2024

City of Bellevue
Attn: Tammi Palm, Planning Director
1510 Wall Street
Bellevue, NE 68005

Sent via Email: Tammi.Palm@bellevue.net

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MAR 04 2024
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RE: Pleasantview Mixed Use Building
2202 Pleasantview Lane
Bellevue, NE 68005
Rezoning Justification Letter

Ms. Palm,

Housing Foundation for Sarpy County is requesting a rezoning of the subject property from BG (general business) to MU (mixed use) to allow for the development of mixed-use commercial and multi-family apartment building. The Future Land Use of the property is listed as commercial. Housing Foundation for Sarpy County is requesting the Future Land Use Map be amended to Mixed Use for the subject property.

Site Characteristics and History
The property is owned by the Housing Foundation for Sarpy County and is currently zoned BG for general business. In 2010, the property was replatted as Lot 2, Menke's Second Addition and contains 53,109 square feet, or approximately 1.22 acres. In addition, the property is located within the Fort Crook Road Corridor.

Surrounding Uses
North: Osborn Property Group LLC
Zone: BG

East: Single family homes
Zone: RS-84

South: NKP Property Rental LLC
Zone: BG

West: Fett's Property
Zone: BGH

Justification of Request

The proposed development is located within the Fort Crook Road Corridor. Bellevue has created a development plan along this corridor that aims to transform the Fort Crook area into a unique and exciting corridor that is punctuated by lively, mixed-use, and pedestrian oriented districts. As mentioned in the Fort Crook Road Plan, the existing Fort Crook Corridor has taken on the characteristics of an aging commercial strip, which matches the current property zoning. We believe the rezoning of the property to mixed-use aligns with the goals and vision of the Fort Crook Road Plan and helps to create a unique and mixed-use corridor. Additionally, the mixed-use zoning will create a buffer and fit well between the commercially zoned properties along Fort Crook and the residential neighbor to the east.

For these reasons, the applicant requests that the property be rezoned from BG to MU.

Respectfully,

THOMPSON, DREESSEN & DORNER, INC.

Trevor Veskrna, P.E.

TDV/slh

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MIXED USE DEVELOPMENT AGREEMENT

THIS MIXED USE DEVELOPMENT AGREEMENT (hereinafter "Agreement") made pursuant to Article 5.19 of the Zoning Ordinances of the City of Bellevue, made and entered into this _____ day of _____, 20____, by and between THE CITY OF BELLEVUE, NEBRASKA, a municipal corporation, (hereinafter "City") and BANYAN HOMES, INC., a Limited Liability Company, (hereinafter "Developer").

WITNESSED:

WHEREAS, Developer is the legal owner of the real estate described on the attached Exhibit "A", which is incorporated herein by this reference and desires to establish and develop such property according to the provisions of Article 5.19 of the City Zoning Ordinances for the development of the Pleasantview Mixed Use Project;

WHEREAS, Developer desires to establish and develop such Property according to the provisions of Article 5.19 of the City Zoning Ordinances for the development of the Pleasantview Mixed Use Project (hereinafter the "Project");

WHEREAS, in accordance with the requirements of the City Code, Developer has presented a site plan attached hereto as Exhibit "B" and incorporated herein by this reference (hereinafter the "Development Plan");

WHEREAS, City, in the interest of maintaining the public health, safety and welfare, desires to assure that the Project is developed substantially in accordance with the Development Plan and therefore considers this Agreement to be in the best interests of the City;

WHEREAS, Developer is willing to commit itself to the development of the Project substantially in accordance with the Development Plan and desires to have a reasonable amount of flexibility to carry out the Project and therefore considers this Agreement to be in its best interests; and

WHEREAS, the City and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to the Project.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

Section 1
Definitions

For the purposes of this Agreement, the definitions in the Bellevue Municipal Code, shall apply. In addition, "site improvement" shall mean any building, parking, landscaping, signage, fencing, or other regulated structures.

Section 2
Development Plan

A. Except as otherwise permitted in this Agreement, the Project shall be developed in accordance with the City of Bellevue Comprehensive Plan, the City of Bellevue Zoning and Subdivision regulations, the terms and conditions of this Agreement, the Development Plan, and the specific design criteria, including elevations (the "Design Criteria"), which is attached hereto as Exhibit "C" and by this reference incorporated herein.

B. It is intended that this Development Plan be a general schematic of the development indicating the manner in which the Developer intends to meet the requirements of this Agreement. All parties recognize that from time to time for good and sufficient reasons it may be necessary for the Developer to alter the size, location, use, or type of the buildings or other site improvements.

C. Developer reserves the right to modify the Development Plan by minor amendment provided that such modifications conform to the provisions of Section 5.19.05 of the Bellevue Zoning Ordinance. All changes relating to waiver or reduction of regulatory standards or Permitted Uses shall be considered major amendments to be reviewed by the Planning Commission and approved by the City Council. All other changes shall be considered minor. The City Administrative Official is authorized at his/her discretion to approve amendments to this Agreement; provided that:

   1. A written request is filed with the Planning Director, along with information specifying the exact nature of the proposed amendment;

   2. The amendment is consistent with the provisions of Bellevue Zoning Ordinance Section 5.19.05; and;

   3. The amendment does not alter the approved site regulations of the Development Plan or this Agreement and does not materially alter other aspects of the Development Plan, including traffic circulation, mixture of use types and physical design.

D. In the event there is a conflict between the dimensions shown on the Development Plan and the regulatory terms of this Agreement relating to site development, parking, landscaping or signage regulations, the more restrictive standard shall apply, unless such discrepancy is specifically agreed to in this Agreement or the Exhibits attached hereto.

Section 3
Installation of Public and Private Improvements

A. Developer agrees to commence the timely and orderly installation of all public improvements not being installed by the City following execution of this Agreement pursuant to appropriate provisions of the City of Bellevue Code. The installation of such public improvements may occur concurrently with private improvements, but the site-specific private improvements shall be completed prior to an occupancy certificate being issued for such lot unless otherwise provided by the terms of this Agreement, pursuant to Development Plan.

B. Prior to the commencement of the construction of the public improvements, Developer shall submit to the Public Works Department plans and specifications for such improvements, adequate liability insurance and indemnity in favor of the City, and adequate material and labor bonds. All plans shall be prepared by an approved licensed professional engineer and shall be subject to review and approval by the Public Works Director.

Section 4
Permitted Uses

Lot 2, Menke's Second Addition shall be developed and used in accordance with the applicable permitted uses set forth in Exhibit "E" attached hereto and incorporated herein.

Section 5
Site Development Regulations

A. Except as otherwise permitted in this Agreement, the Project shall be developed in accordance with the applicable site development regulations of the General Business (BG) District except as modified by the terms of this Agreement, including the exhibits hereto.

B. As long as the site development regulations are not violated, Developer may alter the location, physical shape or exterior dimensions of any structure shown on the Development Plan, within the boundaries of any platted lot subject to the following limitations:

   1. The changes shall be consistent with the Design Criteria established for the area.

   2. Any changes determined by the Planning Manager to be inconsistent with the design criteria shall be considered a major amendment to this Agreement and will require review by the Planning Commission and approval by the City Council.

C. In addition to the above site development regulations, the provisions of the Bellevue Comprehensive Plan and Bellevue Zoning Code relating to mixed use development areas, as amended or adopted from time to time, shall also apply.

D. So long as the site development regulations or design criteria are not violated (except for any side yard set-back or landscape buffering requirements which may be modified in the event of a lot revision, combination or division), Developer may reduce or increase the number of lots as shown on the Plan by revising lot lines, combining, or dividing lots.

   1. The City may, by administrative subdivision, grant any such revisions, combinations or divisions as necessary to carry out the Development Plan, subject to approval of City Planning Manager.

   2. An application for an administrative subdivision to make such changes shall include as an attachment a revision to the Development Plan and Design Criteria.

Section 6
Parking

A. Parking for the Project shall be in accordance with the Development Plan.

B. As long as the parking design standard regulations are not violated, Developer may alter the location, physical shape or exterior dimensions of any parking area shown on the Development Plan, within the boundaries of the property.

Section 7
Landscaping and Screening

A. Landscaping for the Project shall be according to the Design Criteria (Exhibit "C"), the Landscape Plan (Exhibit "F"), attached hereto and made a part hereof. Minor modifications may be made consistent with the standards established in the Development Plan without prior approval of the Planning Manager.

B. The development in its entirety shall not exceed an impervious coverage of ninety percent (90%).

Section 8
Signage

A. Signage for the project shall be in accordance with Article 7 of the City of Bellevue Zoning Ordinance, except as modified by the Design Criteria (Exhibit "C") attached hereto and made a part hereof. Minor modifications may be made by the Developer consistent with the standards established in the Development Plan without prior approval. The signage shall meet the minimum requirements of the Bellevue City Code for the General Business District except as modified by this Agreement, including the exhibits hereto.

B. The Project may have no more than the two (2) monument signs as identified in Exhibit "C", which shall be included in the total sign budget. The location of the monument signs shall be in conformance with Exhibit "B". All monument signage may be double sided and angled to face the street frontage(s). Digital signage may be doubled sided with no maximum refresh rate.

C. Subject to Sections A and B above, all other signage will be limited to wall signs or projecting signs, all as defined in the City of Bellevue Code.

D. A sign budget for the Project is 800 SF.

E. All signs will be installed subject to a sign permit from the City of Bellevue. Unless provided for in this Agreement, all other provisions and regulations governing signs in effect at the time of application for a sign permit shall apply.

Section 9
Miscellaneous Provisions

A. Administration. The City Administrator of the City of Bellevue or his or her designee, shall have the authority to administer this Agreement on behalf of the City and to exercise discretion with respect to those matters contained herein so long as the development proceeds in general accord with the Development Plan and with regard to those matters not fully determined at the date of this Agreement. The provisions of this Agreement shall run with the land in favor of and for the benefit of the City and shall be binding upon present and all successor owners of the real estate described in the attached Exhibit "A".

B. Nondiscrimination. Developer shall not, in the performance of this contract, discriminate or permit discrimination in violation of federal or state laws or local ordinances because of race, color, sex, age, political or religious opinions, affiliations, or national origin.

C. Applicable Law. All parties to this Agreement shall comply with all existing and applicable City ordinances, resolutions, state and federal laws, and all existing and applicable rules and regulations. Nebraska law will govern the terms and the performance under this contract.

D. Amendments/Invalidity. Except as outlined in paragraph C of "Development Plan" above, all major amendments to this Agreement shall require the approval of the City Council of the City of Bellevue and the Developer and/or its successors. The provision shall not abrogate any legal remedies available to the City Council of the City of Bellevue or the City Administrator or Planning Manager of the City of Bellevue. If any provision of this Agreement is held invalid, such provisions shall be deemed to be exercised therefrom and the invalidity thereof shall not affect any of the other provisions contained herein.

E. Exhibits. The following Exhibits are made a part of this Agreement and have been attached to this Agreement prior to its execution.

Exhibit "A"	- Legal Description
Exhibit "B"	- MUA Site Plan – Parking Layout
Exhibit "C"	- Architectural and Site Design Guidelines
Exhibit "E"	- Permitted Uses
Exhibit "F"	- Landscape Plan

F. Appendices. The following Appendices are made a part of this Agreement and have been attached to this Agreement prior to its execution.

Appendix "A"	- Building Elevations
Appendix "B"	- Building Materials and Color Palette
Appendix "C"	- Site Furnishings

IN WITNESS WHEREOF, the undersigned have executed this Agreement on or before the day and year first above written.

CITY OF BELLEVUE, NEBRASKA

By_____
_____, Mayor

Attest:

By_____
_____, City Clerk

DEVELOPER:

BAYAN HOMES, LLC

By: _____
_____, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

On this _____ day of _____ 20____, before me, the undersigned, a Notary Public duly commissioned and qualified for said county, personally came _____, Manager of _____, known to me to the identical person who executed the above instrument and acknowledged the execution thereof be his voluntary act and deed on behalf of said Company.

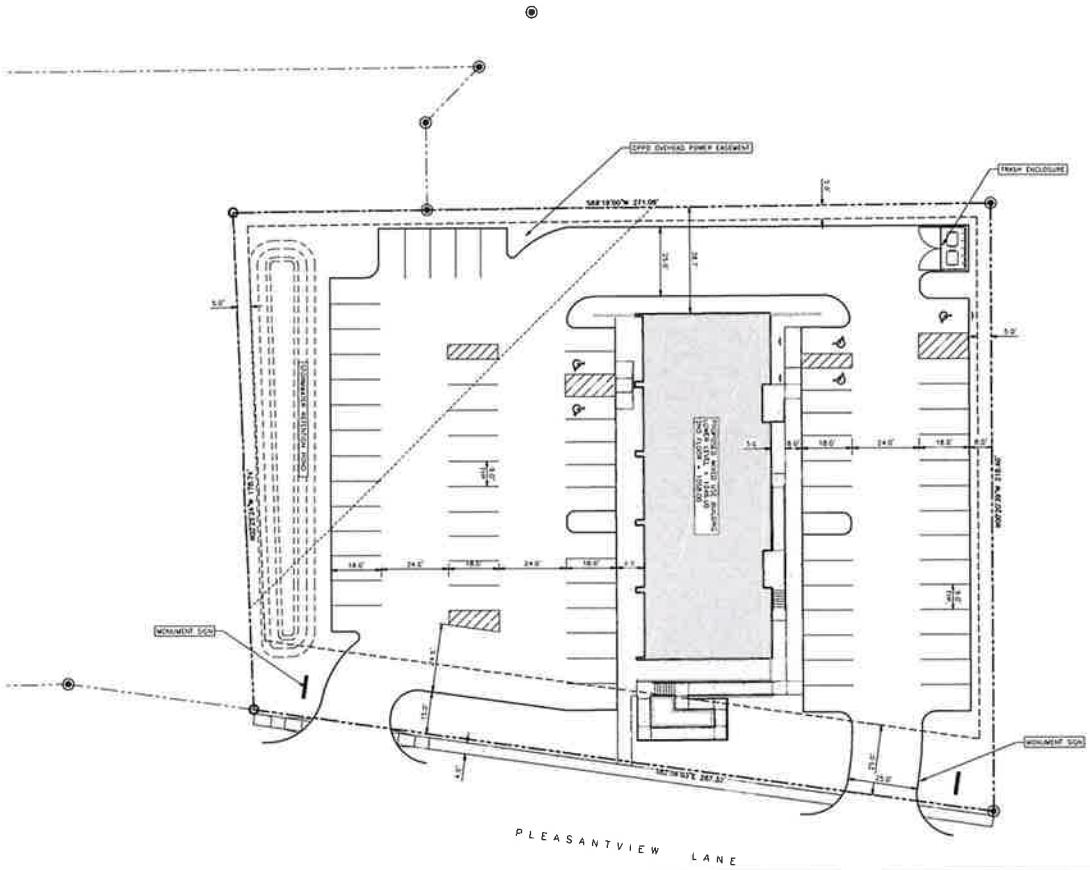
Witness my hand and notarial seal on the day and year last above written.

_____
Notary Public

Exhibit "A"
Legal Description (DRAFT)

LOT 2, MENKE'S SECOND ADDITION, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SE CORNER OF SAID LOT 2; THENCE N02°25'24"W 178.74 FEET; THENCE S89°19'00"W 271.08 FEET; THENCE N00°20'39"W 218.40 FEET; THENCE S82°08'03"E 267.33 FEET TO THE POINT OF BEGINNING.





VICINITY MAP

ENGINEER

THOMPSON, DREESSEN & DORNER
10836 OLD MILL ROAD
OMAHA, NEBRASKA 68154
PHONE 402-330-8860

NOTES

1. EXISTING ZONING IS CB (GENERAL BUSINESS) PROPOSED ZONING IS MU (MIXED USE)
2. OVERHEAD POWER LINES CROSS THE SITE EASEMENT LOCATION IS ASSUMED
3. WATER AND GAS TO BE PROVIDED BY MUD
4. POWER TO BE PROVIDED BY OPPD

SITE LEGEND

PROPOSED P.C.C. PAVEMENT

PROPOSED P.C.C. SIDEWALK

OVERHEAD UTILITY LINE

BUILDING SETBACK LINE

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SITE STATISTICS

LOT NUMBER	PROPOSED ZONING	LOT SIZE (SF/AC)	BUILDING COVERAGE (SF)	BUILDING COVERAGE (%)	GROSS FLOOR (SF)	FLOOR AREA RATIO	PAVEMENT AREA (SF)	TOTAL IMPERVIOUS (SF)	TOTAL IMPERVIOUS (%)	OPEN SPACE (SF)	TOTAL OPEN SPACE (%)

PARKING STATISTICS

PARAMETERS	REQUIRED STALLS	PROVIDED STALLS

SETBACK REQUIREMENTS

	REQUIRED	PROPOSED

BUILDING STATISTICS

STORIES	HEIGHT	COMMERCIAL SPACE (SF)	UNITS	BEDROOMS	FLOOR AREA (SF)	DENSITY (UNITS/AC.)

TD2 engineering & surveying
thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com
dba TD2 Engineering & Surveying
NE CA-0199

Pleasantview Mixed Use Building

2202 Pleasantview Lane
Bellevue, NE 68005

Banyan Homes, Inc.

PROGRESS PRINT
NOT TO BE USED FOR CONSTRUCTION
DATE PRINTED February 23, 2024

No.	Description	MM-DD-YY

Drawn By TDV Reviewed By DSD
Job No.: 1270-104 Date 01-17-23

MUA Site Plan
Parking Layout

Exhibit B

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Exhibit "C"
ARCHITECTURAL AND SITE DESIGN GUIDELINES

1. INTRODUCTION

The City of Bellevue, Nebraska, desires to create a visually attractive and functional multi-use project within the City of Bellevue along Pleasant View Lane and Fort Crook Road. All projects along these roads will project an image of high-quality construction and design commensurate with an importance of this heavily traveled corridor.

The Owners of this property propose these Development Guidelines as the basis of design and construction of all individual lots within the Mixed Use Development Area. These guidelines deal with the design of the site, buildings and structures, plantings, signs, and other items that may be visible to the public.

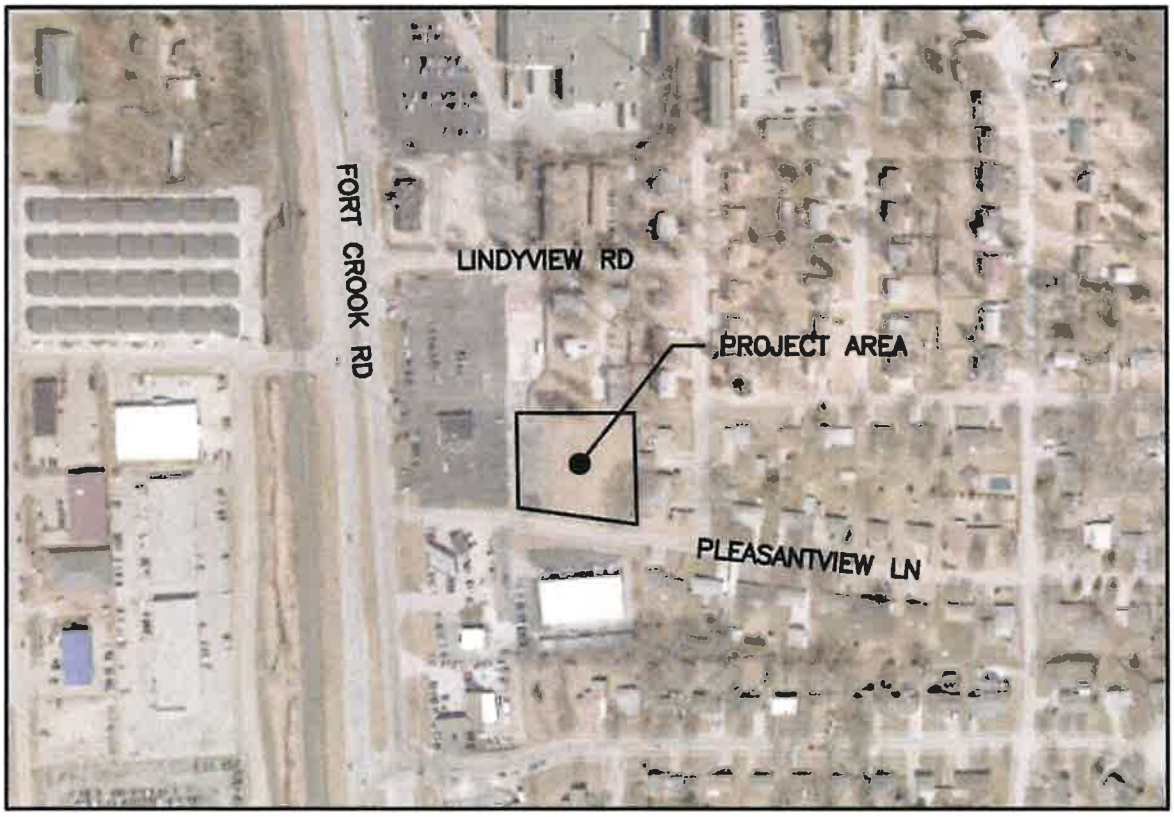
The criteria contained herein are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles that can result in appropriate solutions that will develop a compatible visual appearance within this development and neighboring developments, preserve taxable values, and promote the public health, safety, and welfare.

2. GEOGRAPHIC AREA

The project is generally located northeast of Fort Crook Road and Pleasantview Lane. The project is legally described as:

Lot 2, Menke's Second Addition

See Exhibit "A" for metes and bounds



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3. DEFINITIONS

Appearance. The outward aspect visible to the public.

Appropriate. Sympathetic, or fitting, to the context of the site and the whole community.

Architectural feature. A prominent or significant part or element of a building, structure, or site.

Architectural Grade Metal Panel. Metal panel system using concealed fasteners.

Attractive. Having qualities that arouse interest or pleasure in the observer.

Berm. A raised form of earth to provide screening or to improve the aesthetic character.

Burnished Face Masonry. A concrete masonry unit that is mechanically ground or polished to a smooth finish at the exterior face.

City. City of Bellevue.

Code. The Municipal Code of the City of Bellevue.

Compatibility. Harmony in the appearance of two or more external design features in the same vicinity.

Composite Polymer Siding. Siding with the appearance of wood made from polymer.

E.I.F.S. Exterior Insulation and Finish Systems, also called synthetic stucco, and refers to any similar multi-layered exterior finish.

Exterior building component. An essential and visible part of the exterior or a building.

External design feature. The general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the type of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to the public view from any street, place, or way.

Fiber Cement Board Panel. Flat board of 4'x8' or larger dimensions of cellulose composite material.

Fiber Cement Lap Siding. Lapped horizontal siding of a fiber and cellulose composite material.

Glazed Block Masonry. A concrete masonry unit with a permanent smooth resinous tile facing applied during manufacture.

Graphic element. A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

Landscape. Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

Light cut-off angle. An angle form vertical, external downward from a luminary, which defines the maximum illumination outward at the ground plane.

Masonry. Shall include brick, cast stone, and decorative masonry units. Concrete wall form liners may be approved by the Planning Director if it is determined they adequately simulate approved masonry materials.

Mechanical equipment. Equipment, devices and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Miscellaneous structures. Structures, other than buildings, visible from public ways. Examples are: memorials, staging, antennas, fences and walls, transformers, drive-up facilities.

Standing Seam Metal Roof. Concealed fastener metal panel roof system.

4. VISION

It is anticipated that this development shall be built out with the following project types:

-Commercial Space
-Civic Space
-Office Space
-Multi-Family Residential

As a Mixed-Use Project to the surrounding Neighborhood, it is important to pull the diverse project types listed above together into a development that has a sense of place and visual continuity created by common:

-Style
-Site Elements
-Building Materials
-Color Palettes

Each of the unifying elements listed above are discussed in more detail within their respective sections of this document.

5. STYLE

All Buildings

A. All façades must be designed to be architecturally interesting through the use of massing and horizontal plane changes to create shadows and depth. Building elements such as covered arcades, stepping the facade or receded entries are suggested to create these building massing requirements. Building facades not visible from public right of ways may provide less interesting design. The use of towers may be approved by the Planning Director to satisfy this requirement.

Commercial, Office, and Residential Buildings

A. Building Materials:
   1. Not less than 50% shall be clay-fired brick, decorative or architectural stone, glass, tile, architectural grade metal panel, glazed block masonry, or burnished face masonry; and
   2. Not more than 40% may be synthetic stucco (E.I.F.S), Precast Concrete, Fiber Cement Board Panel, Fiber Cement Lap Siding, or other similar material. EIFS or similar material shall not be used at the bottom four feet of any exterior building façade, measured from the base of the façade. Planning Director may approve minor adjustments to this requirement for portions of a façade that are not adjacent to a pedestrian walkway, do not contain an entrance, and where the percentage of accent materials (masonry and clear or tinted glass) on the façade exceeds the maximum amount required; and
   3. Up to 10% of the street-facing facades may be coordinating material that is not listed above in the previous material list.
   4. The deck railings will be made of metal, coated metal, glass, or material consistent with the building.

B. Building Elevations: The building elevations are attached hereto as Appendix "A".

C. Roofs: Buildings may have flat roofs with a slope of not less than ¼" per foot, sloped roofs using asphalt shingles, or standing seam metal roofing. The roof must have a parapet to hide the ballasting from public view.

D. The window treatment awnings must consist of canvas or other "non-plastic" material.

E. Detached Garages and Unattached Structures: These structures shall use the same materials and proportions as the primary residential structure.

F. Except as otherwise defined in this Agreement, the residential buildings shall comply with the Multi-Family Design Guidelines (Article 8.12 of the Bellevue Zoning Ordinance).

6. SITE ELEMENTS

I. SITE REQUIREMENTS

A. Sidewalks.
   1. All buildings within the development must have pedestrian walkways and public walks connecting the buildings to the perimeter.

B. Buffering
   1. A five (5') foot wide landscape buffer shall be provided along the perimeter of the site.
   2. Planning Manager may waive or adjust screening standards found in Section 9.06 of Bellevue City Code where circumstances, such as distance and elevation change, warrant.

C. Parking Lots:
   1. The Street Landscape Border shall be ten feet (10') for all lots.
   2. Parking lots shall provide a minimum ten feet (10') peripheral landscape area along all edges of the parking lot that are within or adjacent to a front or street side yard.
   3. A five (5') foot wide landscape buffer shall be provided along the perimeter of the parking lot.
   4. All other parking lot landscaping requirements shall be landscaped per City of Bellevue requirements.

D. Plant Materials
   1. Plant materials shall meet City of Bellevue's size standards.
   2. Landscaping shall be installed consistent with the Landscape Plan (Exhibit "F").

E. Roof Top Mechanical Screens. All roof top mechanical units shall be not less than 75% screened from view from public rights-of-way through the use of permanent architectural screens that are integrated with the overall design of the building.
   1. The screen shall be constructed from the following:
      a. Building Materials listed for the building's project type.
      b. Pitched roof elements comprised of standing seam or asphalt shingles.

F. Ground Level Mechanical Screens. All ground level mechanical units shall be screened from view from the public rights-of-way. Acceptable materials include:
   1. Fences in compliance with Section 9.06.02
   2. Evergreen landscaping that meets screening requirements of Section 9.06.02.
   3. Berms in compliance with Section 9.06.02

G. Refuse Screening. All trash or refuse receptacles shall be screened from view from public rights-of-way through the use of trash enclosures that are integrated with the overall design of adjacent building(s).
   1. The enclosure shall be constructed of building materials listed for the building's project type. Plastic fencing and chain link fencing are not acceptable materials.
   2. Enclosures must have gates constructed of a steel frame with wood or decorative metal facing.
   3. Landscaping should be used to screen trash enclosures, to the extent possible.
   4. If the refuse container is integrated within the dock area, then the dock screening shall be sufficient.
   5. Pedestrian access/openings shall be exempt from screening requirements.

H. Site Lightings
   1. All exterior parking lot lighting shall be as shown on Appendix "B". Other manufactures of equal or greater quality may be approved by Planning Manager.
   2. Any lighting used to illuminate an off-street parking area, sign or other structure will be arranged as to deflect light away from any adjoining property and from public streets through fixture type and optics. Exposed lenses are not permitted. All lighting must have recessed lenses.
   3. Exterior lighting of buildings will be limited to low level incandescent spotlights, floodlights and similar illuminating devices hooded in such a manner that the direct beam of any light source will not glare upon public property. (All site lighting shall be screened from adjacent properties to avoid spillage and glare.)
   4. The maximum height for all lighting shall be 25'.

5. Building Lighting. All buildings within the property shall be significantly lit at night with lighting that reduces glare, improves visibility and optimizes efficiency. The lighting shall be done in such a way that it blends with the surrounding environment while providing controlled illumination to enhance entrances, corners, and other architectural features.

I. Outdoor Storage.
   1. Outdoor storage is prohibited in any front yard or street side yard.
   2. Outdoor storage shall be enclosed within a perimeter fence that meets the following requirements:
      a. Is 80% opaque.
      b. Is constructed of steel, vinyl, aluminum, wood, masonry, or similar material approved by the Planning Manager. Chain link fence is not permitted.
      c. An exception to the opaque and material requirements may be granted by the Planning Manager where sufficient landscape buffering is provided and visibility from a public right-of-way is limited.
   3. Commercial vehicles parked for more than 72 hours shall be considered outdoor storage.

J. Parking. As indicated on Exhibit "B-1".

K. Outdoor Intercom. No outdoor intercom or paging systems are allowed with the exception that one on one communication systems are allowed for permitted drive-through services and Muzak type sound systems.

L. Music and entertainment sounds systems shall be allowed in conjunction with businesses and recreational areas.

M. Site Furnishings. Site Furnishings shall be manufactured as specified herein and shown on Appendix "C". The Planning Manager may administratively approve alternate site furnishings provided that the quality is equal to or exceeds that of the identified design. Site furnishings shall be provided as follows;
   1. Bicycle Racks – Huntco "Staple" Style – The number of bicycle racks shall comply with the requirements of Section 5.19.
   2. Trash/Waste Bins – Huntco "Wenatchee" – At least (1) trash/waste bin shall be located outside of each building.
   3. Benches – Huntco "Willamette" – At least (1) bench shall be located outside each building.

N. Multi-Family Residential. The Multi-Family Residential shall comply with Section 8.12 (Multi-Family Design Guidelines).

O. Setbacks for Structures. The Front Yard, Rear Yard, and Street Side Yard setbacks shall be as indicated on Exhibit "B".

7. SIGNAGE

Signage requirements specific to the Pleasantview Mixed Use Development are as follows:

A. Sign material shall be consistent with the overall design of the buildings.

B. Monument signs, instead of pole signs, shall be used for all lots in development, except for vehicular and pedestrian directional/way finding signage.

General Signage Design Criteria
Project signage is paramount in developing the overall design quality and character of the Pleasantview Mixed Use Project. The following are guidelines that will be followed to ensure a pedestrian friendly and inviting atmosphere.

Content on Signs:
Signage may include to trade name, Tenant use or other signage relative to Tenant's branding strategy or logo, as approved. Signage shall not include any language or imagery generally considered to be offensive or lewd. City of Bellevue Planning Manager shall have the ability to approve variations in signage content based on consistency with the objectives of this Development Agreement.

Mounting of Signs:
Signs attached to non-residential units shall be integral with the storefronts. No exterior sign or sign panel will be permitted to extend above any roof line.

- All signage shall be pin mounted on building facade. Internally illuminated signage shall be pin mounted a minimum of 1/2" and maximum of 1" from building face.
- Raceways maybe permitted if they are recessed and painted to match the building exterior.

Lighting of Signs:

- Sign illumination shall be internal or reverse channel illumination.
- All electric signs and installation methods must meet UL standards and contain a UL label. UL label shall not be visible from public view.
- Signs may be illuminated by direct lighting through the use of landscape lighting.

Sign Treatments Not Permitted:

- Poor quality materials, i.e. plastic appliqué letters, non-fade resistant materials, etc.
- Flashing, moving, audible or odor making signs.
- Cluttered signs.
- Advertising or promotional signs on parked vehicles.
- No exposed conduit, ballast boxes, transformers, tubing, conductors, transformers and other equipment will be permitted.

Facade Signage
Facade signs are intended for immediate recognition of the Tenant's premises by the public. It is recommended that the signage be designed for day and night-time visibility.

- Signs shall consist of individually mounted, internally illuminated or reverse channel letters. Exception may be approved by the Planning Manager for alternative sign designs that are consistent with the objectives of this Agreement.
- Attached signs shall not exceed 100 SF and 20% of street facade.

Monument Signs

- Monument signs are limited to two signs.
- Business Center Identification Signs shall not exceed 150 SF in area and 15' in height.
- The residential signs shall not exceed 100 SF in area and 10' in height.
- Monument signs shall be generally located as shown on Exhibit "B-1".
- The Planning Manager may administratively approve minor changes to sign location and design provided that such changes are consistent with the goals of the Mixed Use Development Agreement.
- Monument signs may be double sided and angled to face the street frontage(s).
- Digital signage may be double sided with no maximum refresh rate.

Sign Budget

	Lot Frontage (LF)	Multiplier	Allowed per Use	Maximum Permitted Area of Signs (SF)
Lot 2	267	3	Res. = 150 S.F., other = 650 S.F.	800

Exhibit "E"
Pleasantview Mixed Use
Permitted Uses List

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Residential Use Types

A. Condominium
B. Apartments and Multiple-family residential
C. Clubhouse, Facilities and Service-facilities for Multi-family

Commercial, Office, Civic Use Types

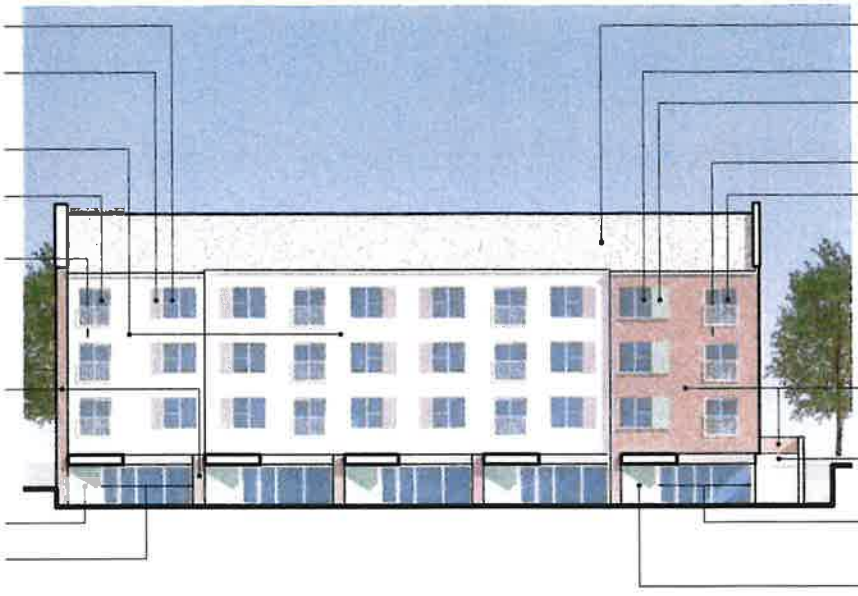
A. Animal hospital
B. Animal specialty services
C. Antique store
D. Apparel store, tailor shops, dressmaker
E. Art gallery
F. Automobile parts and supply store
G. Bakery, custom
H. Bank, Savings and Loan Association
I. Barber, beauty shops
J. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles
K. Book store
L. Candy, ice cream store including manufacture
M. Childcare center
N. Community center
O. Convenience store with limited fuel sales
P. Dairy products sales
Q. Dancing studios and schools including group instruction
R. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two-delivery vehicle outside operation
S. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units
T. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises
U. Exercise, fitness, and tanning spa
V. Florist shop
W. Furniture and antique homes and store including used furniture store
X. Furniture (specialty) shops
Y. General office uses
Z. Gift and card shop
AA. Hardware and appliance store
BB. Hobby and craft store
CC. Interior design firm
DD. Jewelry store
EE. Liquor sales
FF. Loan office
GG. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services
HH. Medical clinics
II. Microbreweries and brew pubs
JJ. Mustic store, music studio
KK. Paint, wallpaper, drapery, and floor covering store
LL. Pet shop, provided all facilities are fully enclosed
MM. Photographer, artist, photo finishing, and camera store
NN. Real estate sales office
OO. Restaurant (fast food)
PP. Restaurant (general)
QQ. Restaurant (limited)
RR. Second-hand stores
SS. Shoe store
TT. Social club

UU. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge
VV. Toy and sporting goods store

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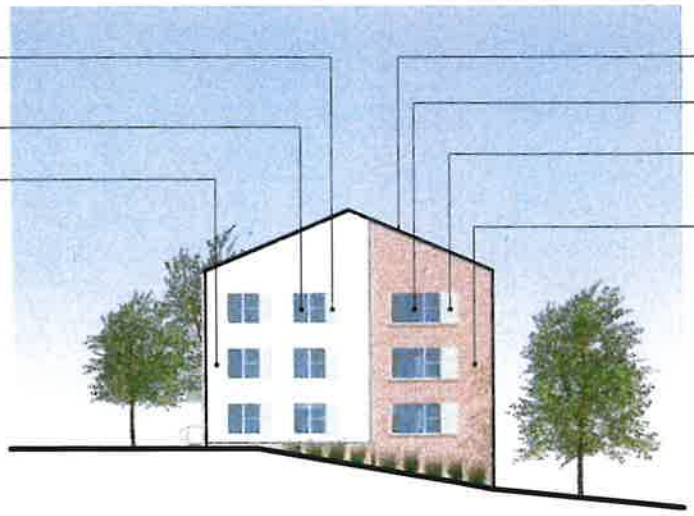
Appendix "A"
Pleasantview Mixed Use
Building Elevations

Material Percentages
Brick and Glass 50%
Fiber Cement Board Panel 50%



11 West Building Elevation
Scale: 1/32" = 1'-0"

Material Percentages
Brick and Glass 50%
Fiber Cement Board Panel 50%



21 North Building Elevation
Scale: 1/32" = 1'-0"

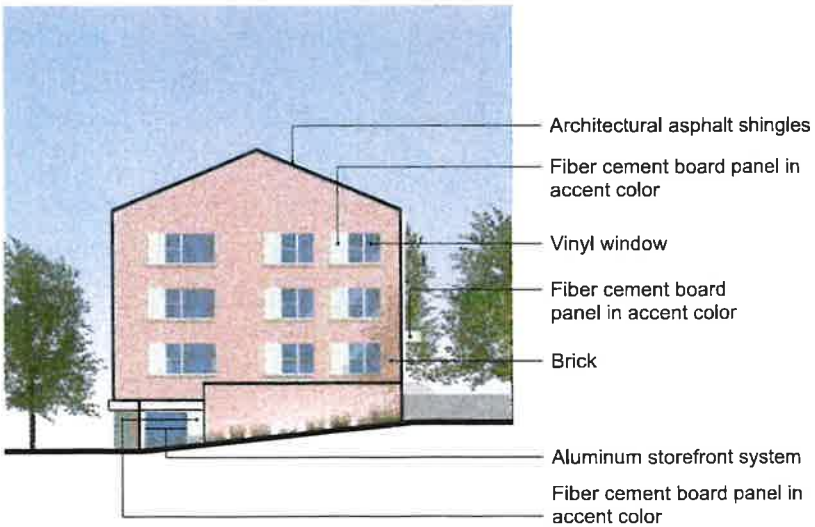
daa
deold andersen architecture llc

Material Percentages
Brick and Glass 50%
Fiber Cement Board Panel 50%



11 East Building Elevation
Scale: 1/32" = 1'-0"

Material Percentages
Brick and Glass 89%
Fiber Cement Board Panel 11%



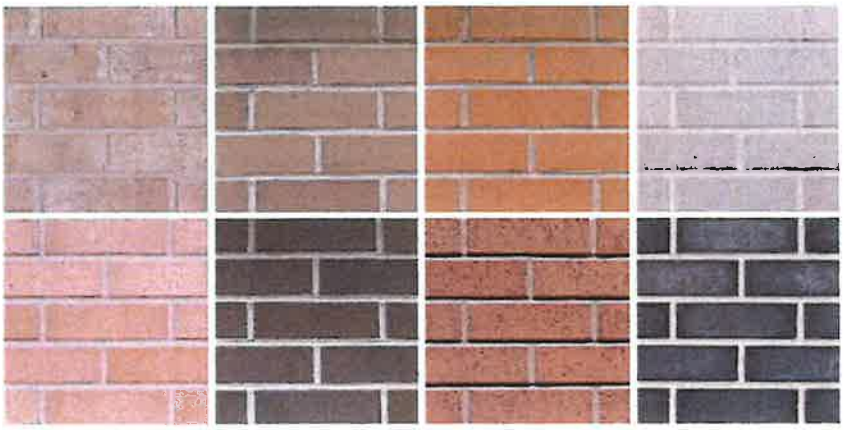
21 South Building Elevation
Scale: 1/32" = 1'-0"

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Appendix "B"
Pleasantview Mixed Use
Building Material and Color Palette

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PRIMARY MATERIALS



BRICK



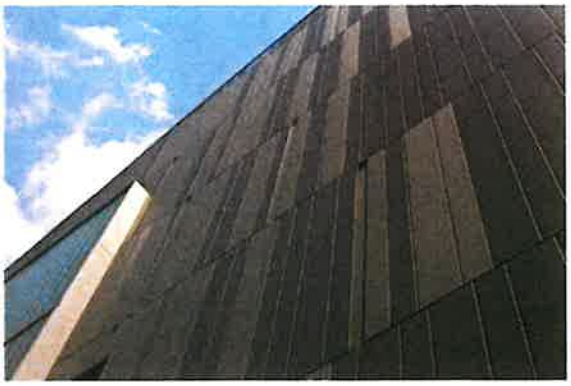






GLAZED BLOCK MASONRY

BURNISHED FACE MASONRY







ARCHITECTURAL GRADE METAL PANEL

PRIMARY MATERIALS



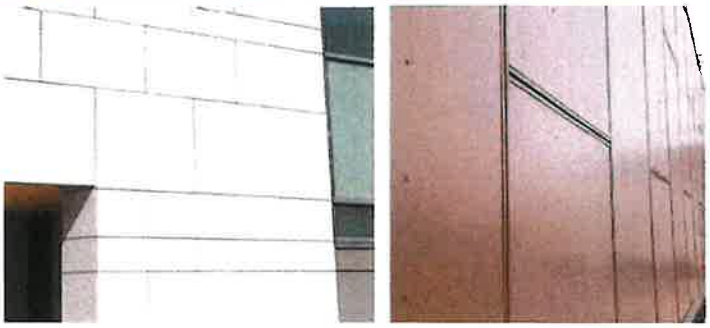



ALUMINUM OR FIBERGLASS INSULATED GLASS STOREFRONT, VINYL WINDOWS

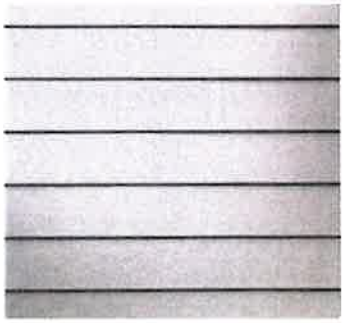




EIFS



FIBER CEMENT BOARD PANEL



FIBER CEMENT LAP SIDING

ACCENT MATERIALS



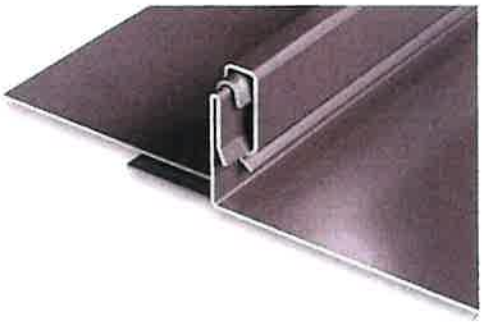
COMPOSITE POLYMER SIDING

ROOFING



ARCHITECTURAL ASPHALT SHINGLES







STANDING SEAM METAL ROOF

Appendix "C"
Pleasantview Mixed Use
Site Furnishings

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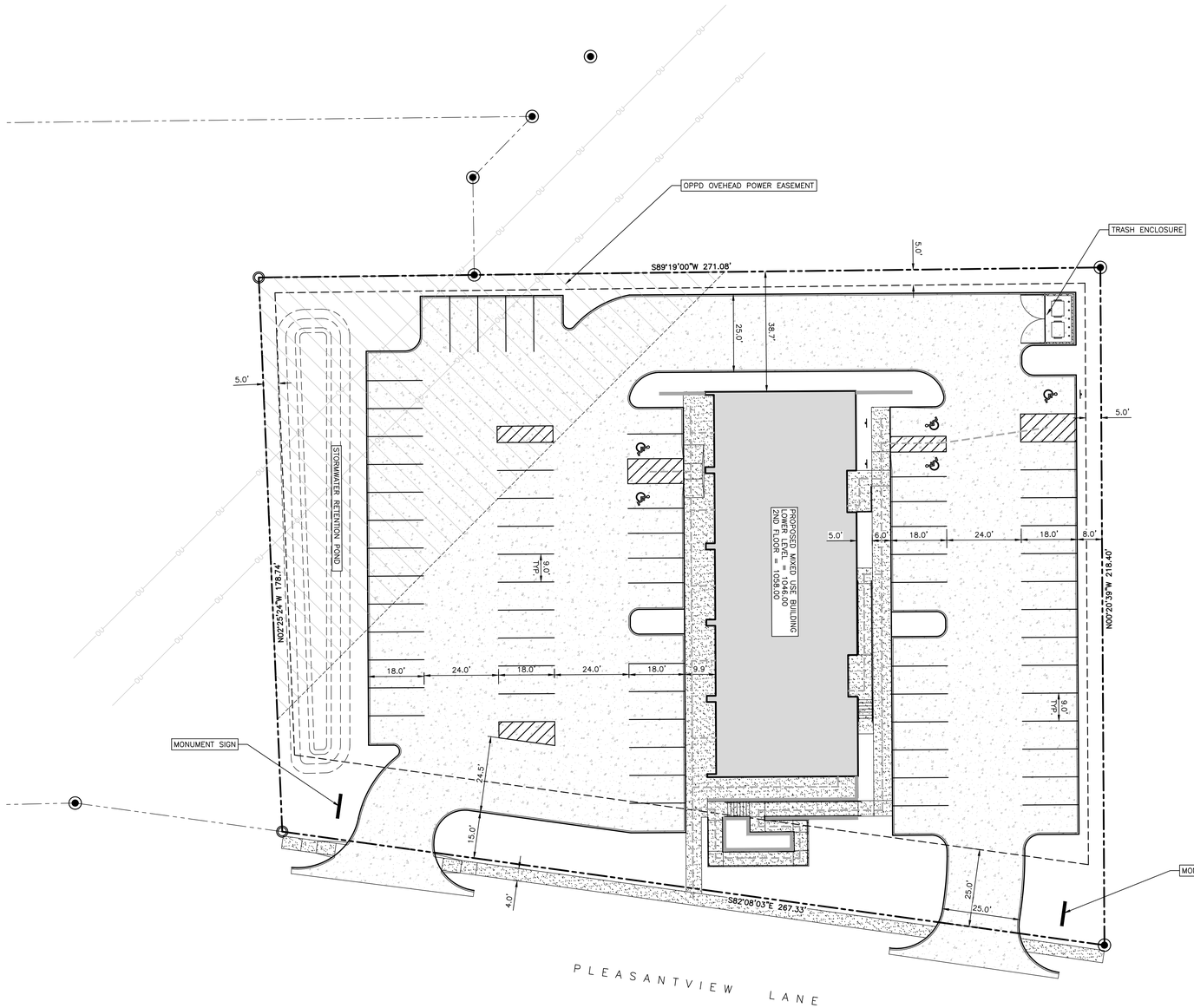
Bench: Huntco "Willamette"



Bike rack: Huntco "Staple"



Receptacle: Huntco "Wenatchee"





VICINITY MAP

ENGINEER

THOMPSON, DREESSEN & DORNER
10836 OLD MILL ROAD
OMAHA, NEBRASKA 68154
PHONE: 402-330-8860

NOTES

1. EXISTING ZONING IS BG (GENERAL BUSINESS). PROPOSED ZONING IS MU (MIXED USE).
2. OVERHEAD POWER LINES CROSS THE SITE. EASEMENT LOCATION IS ASSUMED.
3. WATER AND GAS TO BE PROVIDED BY M.U.D.
4. POWER TO BE PROVIDED BY O.P.P.D.

SITE LEGEND

- PROPOSED P.C.C. PAVEMENT
- PROPOSED P.C.C. SIDEWALK
- OVERHEAD UTILITY LINE
- BUILDING SETBACK LINE
- ADA ROUTE

SITE STATISTICS

LOT NUMBER	PROPOSED ZONING	LOT SIZE (SF/AC)	BUILDING COVERAGE (SF)	BUILDING COVERAGE (%)	GROSS FLOOR (SF)	FLOOR AREA RATIO	PAVEMENT AREA (SF)	TOTAL IMPERVIOUS (SF)	TOTAL IMPERVIOUS (%)	OPEN SPACE (SF)	TOTAL OPEN SPACE (%)
LOT 2	MIXED USE (MU)	53,101 SF 1.22 AC	5,621	10.5	22,484	0.42	32,750	38,371	72	14,730	28

PARKING STATISTICS

PARAMETERS	REQUIRED STALLS	PROVIDED STALLS
4.5 STALLS PER 1,000 S.F. OF LEASABLE MULTI-TENANT SPACE	(5,352 / 1000)*4.5=24	24
2 STALLS PER DWELLING UNIT	24 UNITS * 2 = 48 STALLS	48
TOTAL	72 STALLS	72 STALLS

SETBACK REQUIREMENTS

MU	REQUIRED	PROPOSED
FRONT YARD	N/A	25'
SIDE YARD	N/A	5'
REAR YARD	N/A	5'

BUILDING STATISTICS

STORIES	HEIGHT	COMMERCIAL SPACE (SF)	UNITS	BEDROOMS	FLOOR AREA (SF)	DENSITY (UNITS/AC.)
4	43'-10"	5,352	24	30	22,484	19.67

N

0' 10' 20'

TD2 engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com
dba: TD2 Engineering & Surveying
NE CA-0199

Project Name

Pleasantview Mixed Use Building

Project Location

2202 Pleasantview Lane
Bellevue, NE 68005

Client Name

Banyan Homes, Inc.

Professional Seal

Revision Dates

No.	Description	MM-DD-YY
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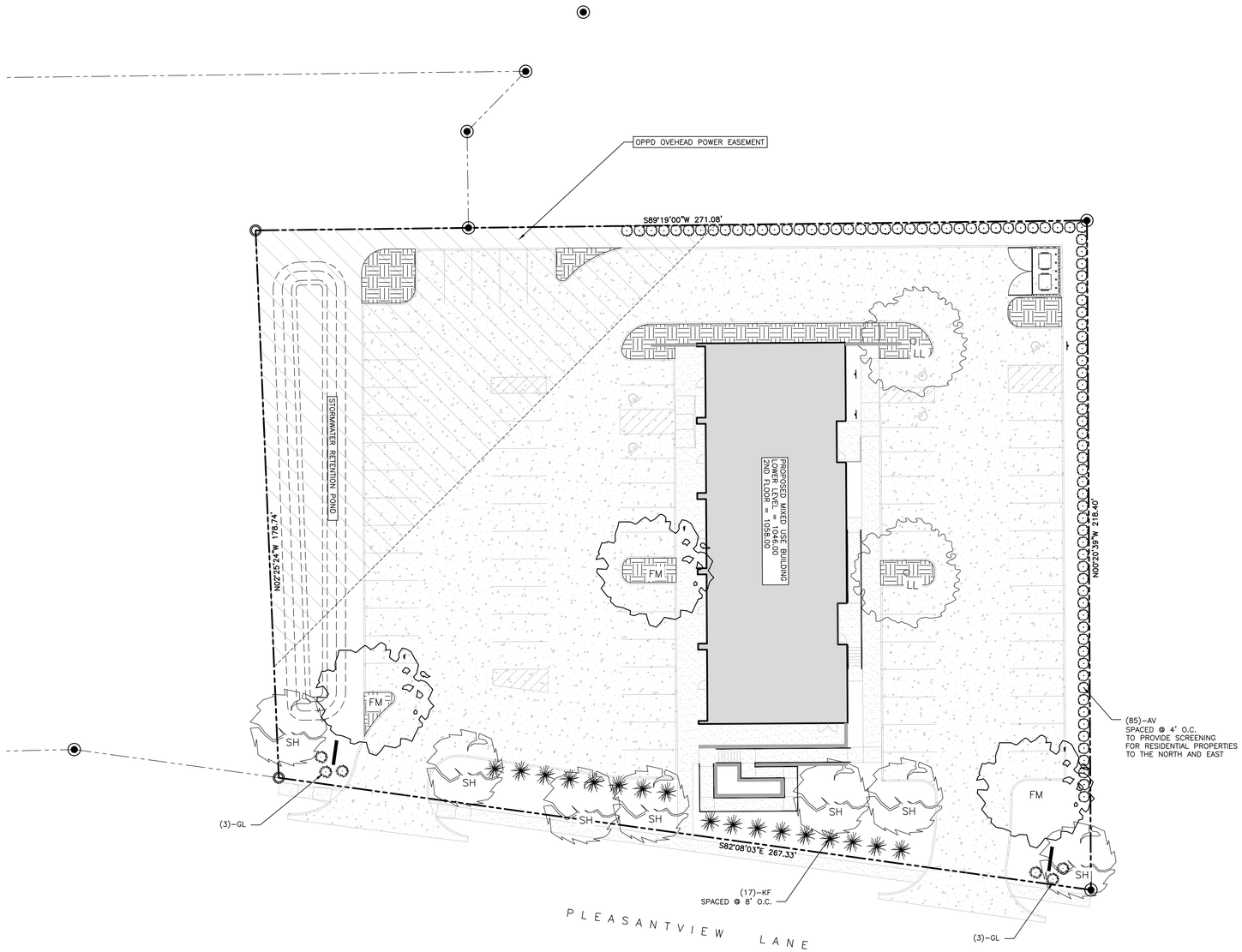
Drawn By: TDV Reviewed By: DSD
Job No.: 1270-104 Date: 01-17-23

Sheet Title

SPR Site Plan

Sheet Number

C1.0





VICINITY MAP

ENGINEER

THOMPSON, DREESSEN & DORNER
10836 OLD MILL ROAD
OMAHA, NEBRASKA 68154
PHONE: 402-330-8860

NOTES

1. EXISTING ZONING IS GB (GENERAL BUSINESS). PROPOSED ZONING IS MU (MIXED USE).
2. OVERHEAD POWER LINES CROSS THE SITE. EASEMENT LOCATION IS ASSUMED.
3. WATER AND GAS TO BE PROVIDED BY M.U.D.
4. POWER TO BE PROVIDED BY O.P.P.D.

SITE LEGEND

PROPOSED P.C.C. PAVEMENT

PROPOSED P.C.C. SIDEWALK

PARKING LOT LANDSCAPE AREA
NATIVE GRASSES, LOW LYING SHRUBS

LANDSCAPE CALCULATIONS

STREET YARD LANDSCAPING (SEC. 8.12.06)

REQUIREMENT
- MINIMUM 15 FT DEEP LANDSCAPED YARD

PROVIDED
- 15 FT

PARKING LOT LANDSCAPING (SEC. 8.12.06)
REQUIREMENTS:
- INTERIOR LANDSCAPING: 19 S.F. PER PARKING STALL
  TOTAL PARKING STALLS IN PARKING LOT = 72 STALLS
  72 STALLS * 19 S.F. / STALL = 1,368 S.F.

PROVIDED:
- INTERIOR LANDSCAPING IN PARKING LOT = 1,679 S.F.

TREE REQUIREMENTS (SEC. 8.12.06)

STREET YARD AREA:
- ONE DECIDUOUS SHADE OR ONE ORNAMENTAL TREE AND THREE SHRUBS FOR EVERY 40 L.F. OF STREET FRONTAGE

  267 L.F. OF FRONTAGE / 40 = 6.67 TREES
  NEED 7 TREES
  NEED 21 SHRUBS

  PROVIDED:
  7 STREET TREES
  23 SHRUBS

PARKING LOT INTERIOR TREES:
  PARKING LOT: 1,368 S.F. / 300 S.F. = 4.56
  NEED 5 TREES

PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	COND.	MATURE HEIGHT	MATURE SPREAD	TOTAL QUANTITY
SH	GLEDITSIA TRIACANTHOS SKYCOLE	SKYLINE HONEYLOCUST	2.5" CAL. MIN.	B&B	45'	35'	7
FM	ACER X FREEMANII	FREEMAN'S MAPLE	2.5" CAL. MIN.	B&B	60'	40'	3
LL	TILIA CORDATA	GREENSPIRE LITTLELEAF LINDEN	2.5" CAL. MIN.	B&B	40'	35'	2
AV	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	2 GAL. MIN.	CONT.	6'	6'	85
GL	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	2 GAL. MIN.	CONT.	3'	6'	6
KF	CALAMAGROSTIS ACUTILFLORA	KARL FOERSTER	2 GAL. MIN.	CONT.	5'	3'	17

NOTE: PLANT SCHEDULE IS APPROXIMATE AND SUBJECT TO CHANGE; HOWEVER, ANY CHANGES MUST BE IN ACCORDANCE WITH THE CITY OF BELLEVUE'S LANDSCAPE ORDINANCES AND REGULATIONS.

N

0' 10' 20'

TD2 engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com
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Bellevue, NE 68005

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Banyan Homes, Inc.

Professional Seal

Revision Dates

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Drawn By: TDV Reviewed By: DSD
Job No.: 1270-104 Date: 01-17-23

Sheet Title

SPR Landscape Plan

Sheet Number

C3.0

We Influence The World!

City of Bellevue
Planning Department
1510 Wall Street • Bellevue, Nebraska 68005
(402) 293-3026

Agenda Item 3.c.

MEMORANDUM

TO: Planning Commission
FROM: Angela Curry, Assistant Planning Manager
DATE: March 21, 2024
RE: Amend Section 7.04.03 (7), City of Bellevue Zoning Ordinance regarding billboard signs.

The City of Bellevue is proposing to amend Section 7.04.03 (7), City of Bellevue Zoning Ordinance, regarding billboard signs.

Section 7.04.03 (7.A.ix.), City of Bellevue Zoning Ordinance, currently reads, "No billboard sign shall be located within a 150-foot radius of any residential zone measured from the portion of the sign face closest to any residential zone." We are proposing to change the language to read as such "No billboard sign shall be located within a 150-foot radius of any residential ~~zone~~ use measured from the portion of the sign face closest to any residential ~~zone~~ use."

Billboard signs may only be located on a lot zoned BG, BGH, ML, and MH, or on a lot zoned MU or FX if specifically approved with the required site plan for the property. Billboard signs are not allowed in residential districts, and as the ordinance currently reads, "no sign shall be located within a 150-foot radius of any residential zone measured from the portion of the sign face closest to any residential zone." Residential development is not a permitted use in an area zoned commercial, however, several non-conforming residential properties exist in established residential neighborhoods along the city's commercial corridors, such as Fort Crook Road, Galvin Road, and Harlan Drive. The 150-foot radius rule is not applicable if Section 7.04.03 (7.A.ix.) is not amended. Staff believes the language as currently written creates a conflict with the intent of the ordinance.

As such, staff is recommending the following amendments to Section 7.04.03 (7):

7. Billboard Signs.

Billboard signs are exempt from the restrictions of Tables 7B, 7C, 7D, and 7E of this ordinance, and are subject to the following provisions:

A. General Provisions.

i. Billboard signs shall not be established in any location having principal frontage on any street within a 150 feet radius of any lot, parcel, or other property which is used for a public park, school, church, courthouse, city hall, or public museum having principal frontage on the same street.

ii. Setbacks:
   a. Front Yard. The greater of 15 feet from the property line or 50 feet from the center line of the fronting street.
   b. Street Side Yard. The greater of 15 feet from the property line or 50 feet from the center line of the fronting street.
   c. Interior Side Yard. No requirements.
   d. Rear Yard. 15 feet.

iii. Height: The maximum height of any billboard sign shall be fifty-five (55) feet, with an additional five (5) feet permitted for extensions beyond the sign face. The height of a sign is measured from the normal grade level (as defined in Section 7.03.03) below the sign to the topmost point of the sign structure.

iv. Character: No billboard sign shall be constructed which resembles any official marker erected by the City, state, or governmental body, or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

v. Code: All billboard signs shall be constructed in accordance with the code.

vi. Sign Maintenance: All billboard signs shall be continuously maintained to good and safe structural conditions. The painted portions of billboard signs shall be periodically repainted and kept in good condition.

vii. Consent: No billboard sign or part thereof or overhang thereof shall be located on any lot, parcel, or other property designation without the consent of the Property Owner.

viii. Lot Maintenance: The general area in the vicinity of any undeveloped property must be kept free and clear of materials, weeds, debris, trash, and other refuse.

ix. Location: No billboard sign shall be located within a 150-foot radius of any residential ~~zone~~ use measured from the portion of the sign face closest to any residential ~~zone~~ use.

x. Animation and Motion: Billboard signs shall not be animated signs. Billboard signs shall not revolve or rotate. Slow or continuous motion or rotating within a portion of the sign face shall be permitted.

xi. Zoning: Billboard signs may only be located on a lot zoned BG, BGH, ML, or MH; such signs may be located on a lot zoned MU or FX if specifically approved with the required site plan for the property.

B. Sign Size

i. Billboard signs up to 300 square feet on their face are permitted in the following zones: BG (General Business Zone) and MU (Mixed Use Zone).
ii. Billboard signs up to 400 square feet on their face are permitted in the following zones: BGH (Heavy General Business Zone), FX (Flex Space Zone), and ML (Light Manufacturing Zone).
iii. Billboard signs up to 672 square feet on their face are permitted in the following zone: MH (Heavy Manufacturing Zone).

C. Spacing.

i. Kennedy Freeway and Highway 34: Any billboard sign along the Kennedy Freeway or Highway 34 shall be spaced a minimum of 1500 feet apart from the closest billboard sign measured in a straight line along the center line of the Kennedy Freeway or Highway 34, as appropriate. The distance shall be measured from the portion of the sign face closest to Kennedy Freeway or Highway 34, as appropriate.
ii. On all other streets and highways within the jurisdiction of the City pursuant to the provisions of this ordinance, no billboard sign may be established within an 850-foot radius of any other billboard sign. The distance shall be measured from the portion of the sign faces which are closest to each other.
iii. On-premise and off-premise signs shall not be counted nor shall measurements be made from them for the purpose of determining compliance with these spacing requirements.

D. Digital billboards.

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

i. The image displayed on the sign shall not change more frequently than every 10 seconds.
ii. The image shall remain static during its display period (no movement or motion shall be permitted).
iii. Digital billboard signs shall be equipped with a sensor or other device to automatically adjust the day/night light intensity to a level of no greater than 5,000 nits during daylight hours and no greater than 750 nits during nighttime hours.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the amendment as presented.

PLANNING COMMISSION RECOMMENDATION:

Under Review.

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OUR FUTURE VIEW

Bellevue's Comprehensive
+ Transportation Plan

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bellevuecompplan.com

Wednesday April 10th
5:30 PM to 7:30 PM
Bellevue Volunteer Firefighter Hall
2108 Franklin Street
Bellevue, NE 68005