

BELLEVUE PLANNING COMMISSION

Thursday, January 26, 2023 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 December 15, 2022 Regular Meeting

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

2. Introduction of new OPPD contact, Dustin Marvel, Government Affairs Strategist.

3. CONSENT AGENDA/PUBLIC HEARINGS:

a. Request to rezone Lots 1 and 2, Compass Hill, being a replat of Tax Lot 8A, located in the Southeast ¼ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, NE, from AG to RD-60 for the purpose of residential development, and small subdivision plat Lots 1 and 2, Compass Hill. Applicant: Habitat for Humanity of Sarpy County. General location: 820 W Avery Rd. Case #'s: Z-2212-13, S-2212-27.

4. PUBLIC HEARINGS:

a. Request to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, for the purpose of multi-family development, with site plan approval. Applicant: Elevate Lofts, LLC. General location: 400 W. 19th Avenue. Case #: Z-2210-12.

b. Request to approve the Redevelopment Plan for Lot 2, Heere and Theree Addition. Applicant: Heere, Theree & Everywhere, LLC. General location: 2306 Lincoln Rd. Case #: ECD-60.

c. Request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of a church in an existing commercial building. Applicant: The Glory Tabernacle Inc. General location: 1620 Wilshire Dr., Ste. 103. Case #: CUP-2212-06.

d. Request for a conditional use permit for Lot 1, First Presbyterian Church of Bellevue, for the purpose of a 165' monopole tower. Applicant: New Cingular Wireless PCS, LLC. General location: 1220 Bellevue Blvd. S. Case #: CUP-2212-07.

5. CURRENT BUSINESS

6. ADJOURNMENT



MINUTE RECORD

Bellevue Planning Commission Meeting, December 15, 2022, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, December 15, 2022 at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Hankins, Aerni, Sims, Cutsforth, Ackley, Bennett, and Jacobson. Absent were Commissioners Ritz, and Perrin. Also present were Tammi Palm, Planning Department Manager, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Gretna Guide and News and posting in two public places and was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

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

Motion was made by Bennett, seconded by Jacobson, to approve the minutes of the November 17, 2022 regular meeting as presented. Upon roll call, Hankins, Sims, Cutsforth, Bennett, and Jacobson voted yes. Ackley, and Aerni abstained. Motion carried.

Cutsforth asked if there were any updates or additions to staff reports. Palm stated an email from Bill Bright was received regarding Agenda Item 3.b. She said the applicant has requested a continuance for this item and the email will be attached to future staff reports.

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

Commissioner Hankins left the chambers at 6:05 p.m.

Cutsforth explained the public hearing procedures.

Commissioner Hankins returned to the chambers at 6:06 p.m.

PUBLIC HEARING was held on a request to declare blighted and substandard Lots 7 and 8, Old Orchard Place located in the Southeast ¼ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, Nebraska. Applicant: Excel Development Group. General location: 1012 Kasper Street. Case #: ECD-59.

Cutsforth asked staff for updates. Palm stated there were no updates but gave a brief summary of the request. She stated the property is located on the northeast corner of South 13th Street and Kasper Street. She said the request for blight and substandard is to facilitate an affordable senior housing project in the future. Palm stated there was a recent blighted and substandard request for the south side of Kasper which was approved by the Planning Commission and City Council. Palm stated staff agrees with the applicant's analysis and is recommending approval of the request. She said the approval of the blighted and substandard designation would allow for TIF (Tax Increment Financing) if the developer chooses to apply for it.

Michael Matejka, 10250 Regency Circle, Ste. 525, Omaha, NE, was present on behalf of the applicant. Matejka stated the blighted and substandard approval would allow for TIF for the development of 18 duplexes of affordable housing for senior citizens. He stated Excel Development headquarters are in Lincoln, NE. but have developed affordable housing projects in 31 communities within the State of Nebraska. Matejka said Excel also has developments in Iowa, Kansas, and Oklahoma. He said this property was platted in 1888 and does not have good access to public streets. He stated the house on the property is over 94 years old and other structures on the property are over 40 years of age and deteriorating. Matejka stated the dense trees and vegetation on the property create opportunities for vandalism and trespassing. He said the lack of a sidewalk on Kasper Street creates a public safety risk.

Karen Albers, 1807 Madison Street, Bellevue, NE, questioned the plans for drainage, sewage, lighting, and other utilities that are not already located on the property. Palm stated this application only has to do with the blighted and substandard so the development of the property will be in the future. She said her question could not be answered at this time.

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

MINUTE RECORD

Bellevue Planning Commission Meeting, December 15, 2022, Page 2

Ackley questioned if the CDBG (Community Development Block Grant) money was contingent on the approval of the blighted and substandard designation.

Connor Menard, 8551 Lexington Ave., Lincoln, NE, stated the DR (Disaster Recovery) funds were the main driver to getting this project funded. Menard stated the CDBG funds are not contingent. He stated the TIF also helps with the project and allows them to be able to charge \$600 to \$800 dollars for a two-bedroom one-bath 1,200 square foot duplex. Ackley inquired if the DR funds are locked in. Menard stated yes, they are working on the due diligence to obtain those funds and they would not be awarded until construction begins. Ackley stated the application mentions two phases will that be nine duplexes in each phase. Menard stated the first phase is the 18 duplexes with 36 units, and the second phase would be another 18 duplexes with 36 units. He stated the LIHTC (Low-Income Housing Tax Credit) are very competitive with Omaha and Lincoln and other large metro areas. Menard stated this project would not be possible without the DR funds so he was happy to see Bellevue putting more resources into affordable housing. Ackley inquired how many months it would take for the LIHTC application. He stated they have been awarded credit of around \$8,000,000 in state and federal tax credits. Menard stated they were hoping to close in June on the project and start construction shortly after that.

MOTION was made by Ackley, seconded by Sims to recommend APPROVAL of a request to declare blighted and substandard Lots 7 and 8, Old Orchard Place located in the Southeast ¼ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, Nebraska. Applicant: Excel Development Group. General location: 1012 Kasper Street. Case #: ECD-59. APPROVAL of the application based upon the analysis that Lots 7 and 8, Old Orchard Place, meet the statutory requirements of blighted and substandard. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON January 17, 2023.

PUBLIC HEARING was held on a request to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, for the purpose of multi-family development, with site plan approval. Applicant: Elevate Lofts, LLC. General location: 400 W. 19th Avenue. Case #: Z-2210-12.

Cutsforth asked staff for updates. Palm stated the applicant has requested a continuance of this item to the January 26th Planning Commission meeting. She stated the applicant is not in attendance and there is no site plan to discuss at this time. Palm said they are requesting the continuance in order to review revisions and engineering of the site plan.

Karen Albers stated she has spoken to many of the neighbors that surround this site. She said they have many concerns regarding this application. Albers stated there has always been issues with water and erosion from this property. She stated they do want to see improvement in Bellevue but are not sure this property owner is the right person to make those improvements.

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

MOTION was made by Aerni, seconded by Hankins to recommend APPROVAL of a request to continue a request to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, for the purpose of multi-family development, with site plan approval to the January 26, 2023 Planning Commission meeting. Applicant: Elevate Lofts, LLC. General location: 400 W. 19th Avenue. Case #: Z-2210-12. Upon roll call, all present voted yes. MOTION carried unanimously.

The Planning Commission discussed the (AHAP) Affordable Housing Action Plan done by Hanna:Keelan Associates, PC.

Palm stated this is Hanna:Keelan Associates area of expertise and also, they had conducted a Sarpy County wide Affordable Housing Study two years ago. She said over the last six months Hanna:Keelan and the city have been working together to compile this plan. Palm said throughout the process there were outreaches to the public, developers, real-estate agents, and some businesses. Palm stated this plan is to comply with State Statute LB866 which requires that the city has an AHAP in place by January 1, 2023.

Jacobson stated he applauds the process because it was so public upfront. Discussion ensued regarding who would oversee the process. Jacobson said the plan refers to land and construction cost being high but it does not reference the comparison area. Discussion ensued regarding the challenges of the high cost of materials and land in the metro area and the possibility of those cost changing in the future.

MINUTE RECORD

Bellevue Planning Commission Meeting, December 15, 2022, Page 3

Discussion ensued regarding the timeline for various steps of the AHAP and changes to the Zoning Ordinance and Comprehensive Plan that would need to be done. Discussion ensued regarding the voucher programs and who would or would not participate.

Meeting adjourned at 6:50 p.m.



Dianna Van Horn
Planning Secretary

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: Z-2212-13
S-2212-27

FOR HEARING OF:
REPORT #1: January 26, 2023

I. GENERAL INFORMATION

A. APPLICANT:

Habitat for Humanity of Sarpy County
8012 Bruin Blvd.
Bellevue, NE 68005

B. PROPERTY OWNER:

David and Constance Reiman
820 West Avery Road
Bellevue, NE 68147

C. GENERAL LOCATION:

820 West Avery Road

D. LEGAL DESCRIPTION:

Lots 1 and 2, Compass Hill, being a replat of Tax Lot 8A, located in the Southeast $\frac{1}{4}$ of Section 22, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lots 1 and 2, Compass Hill, from AG to RD-60.
2. Small Subdivision Plat Lots 1 and 2, Compass Hill.

F. EXISTING ZONING AND LAND USE:

AG, Single Family Residential

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval for a rezoning and small subdivision plat for the purpose of future residential development.

H. SIZE OF SITE:

The site is approximately 2.11 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Proposed Lot 1 is presently developed with a single-family two-story residence built in 1946, a detached garage, and a pole barn. Proposed Lot 2 is currently vacant and covered in vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Agricultural/Vacant, AG
- 2. **East:** Beardmore Dealership, MH
- 3. **South:** Single Family Residential, RD-60
- 4. **West:** Single Family Residential, RD-60

C. RELEVANT CASE HISTORY:

On July 28, 2022, the Planning Commission recommended approval of a request to declare as blighted and substandard Lot 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1 through 3, Old Orchard Place III, Lots 4 and 5, High School View, and Tax Lot 8A. City Council approved the aforementioned request on September 6, 2022.

D. APPLICABLE REGULATIONS:

- 1. Section 5.11, Zoning Ordinance, regarding RD-60 uses and requirements.
- 2. Chapter 5, Subdivision Regulations, regarding Small Subdivisions.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as medium-density residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data available for this location.
2. Proposed Lot 2 will have direct access from South 9th Street. Proposed Lot 1 will have a 30' wide permanent access easement through Lot 2.

D. UTILITIES:

All utilities are available to this development.

E. ANALYSIS:

1. Ken Mar has submitted a request for a small subdivision plat for Lots 1 and 2, Compass Hill for the purpose of single-family residential development.
2. The applicant is also requesting a change of zone from AG to RD-60 (Duplex Residential) for both lots, which is consistent with the adjacent single family residential neighborhood. Proposed Lot 1 contains a house, detached garage, and pole barn, and proposed Lot 2 is currently vacant.

The property is presently zoned AG. The current tax lot is non-conforming due to the fact it is less than 20 acres. The proposed zoning will bring this property into conformance.

The proposed lots are in conformance with the regulations of the RD-60 zoning district.

3. Habitat for Humanity has indicated they are requesting this platting and rezoning to facilitate a land purchase. Habitat for Humanity owns the 13 acre parcel to the north, and is planning on a future subdivision which will also contain Proposed Lot 2 of this small subdivision. Habitat for Humanity plans to purchase Lot 2 once the platting is approved. Habitat for Humanity is focused on finishing other projects at this point and unsure of their development timeline for these parcels.

4. Access to proposed Lot 1 is from a permanent access easement located in proposed Lot 2.

5. 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 Planning, Sarpy County Public Works Department, Sarpy County Deputy Administrator, and the Bellevue Public School District. The cover letter

indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Public Works Engineer Matt Knight had technical comments regarding the small subdivision plat. The applicant's engineer has since satisfied these comments.

No other comments were received on this case.

6. This request is in conformance with the Comprehensive Plan.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

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

V. PLANNING COMMISSION RECOMMENDATION

Under Review.

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2022 GIS aerial photo of the property
3. Letter from the applicant received December 22, 2002
4. Small subdivision plat received January 16, 2023

VII. COPIES OF REPORT TO:

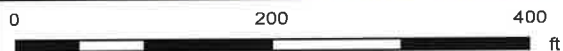
1. Habitat for Humanity (Ken Mar)
2. Olsson, Inc (Aaron Wiese)
3. Woods Aitken, LLP (Michael Matejka)
4. David & Constance Reiman
5. Public Upon Request


Assistant Planning Manager

 01/19/23
Planning Manager Date



Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



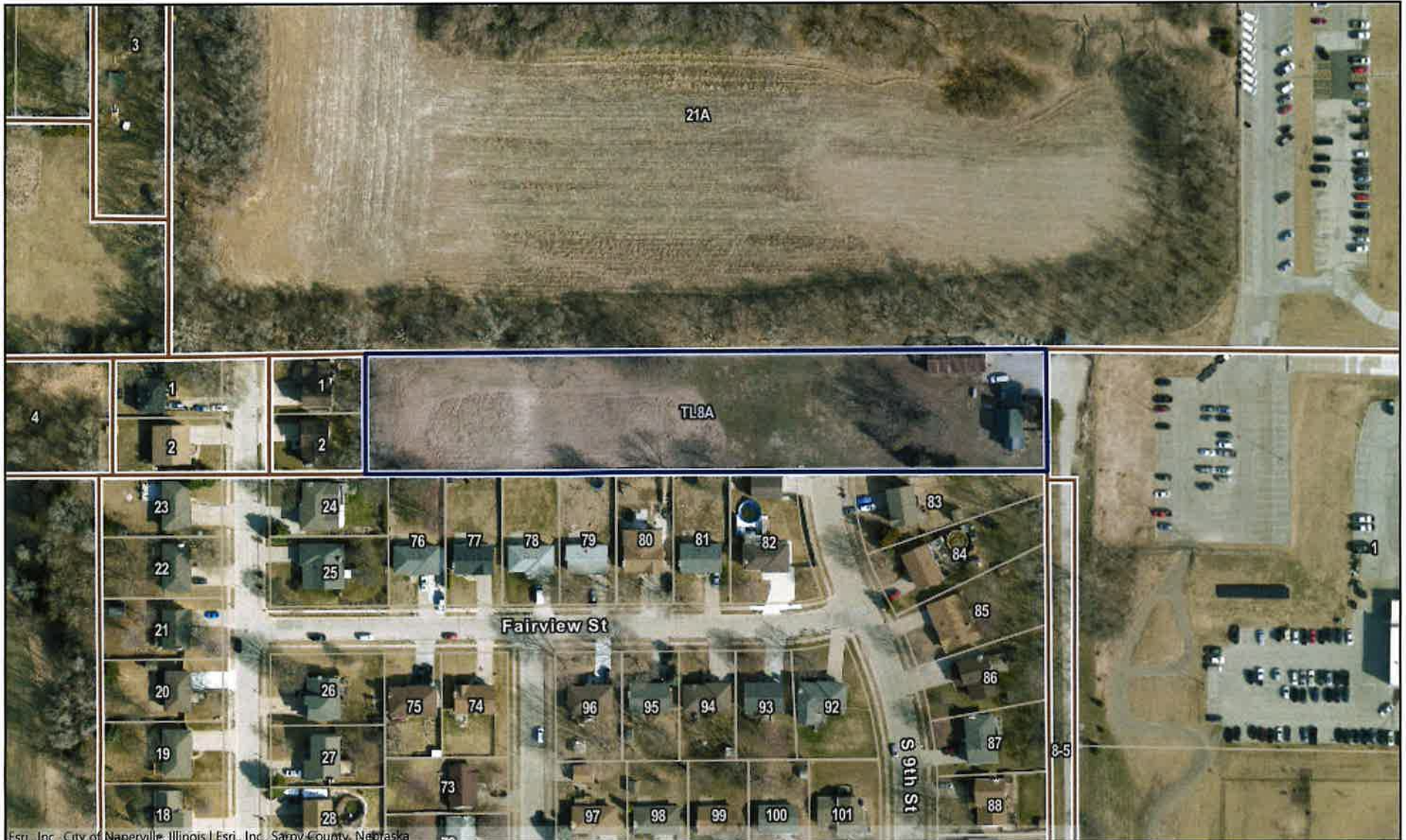
Map Scale 1: 2257

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





Esri, Inc. City of Naperville, Illinois | Esri, Inc. Sarpy County, Nebraska



Map Scale 1: 2257

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Notes





December 21, 2022

Tammi Palm
City of Bellevue Planning Manager
1510 Wall Street
Bellevue, NE 68005

Re: Proposed Compass Hill Subdivision
Change of Zoning Request
Olsson Project Number 021-08042

The existing property (Tax Lot 8A 22-14-13) is zoned AG – Agriculture District and is non-conforming to the zoning regulations for an AG lot, therefore it is requested to be rezoned to RD-60. This zoning is consistent with the surrounding development and is also in compliance with the future land use plan.

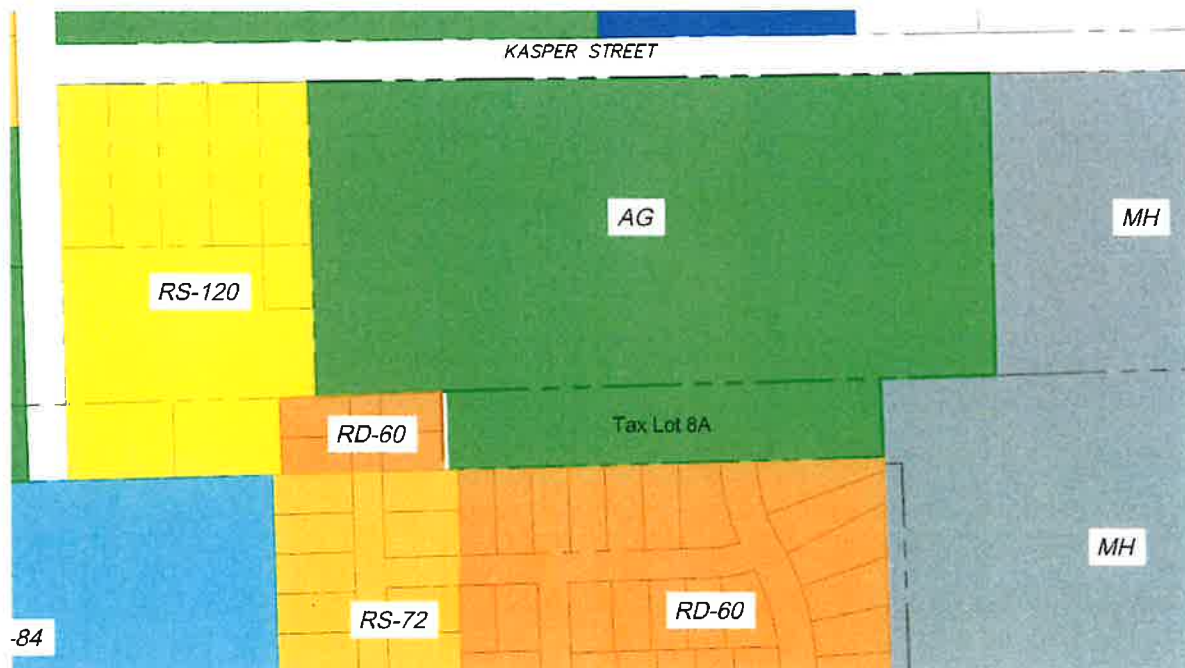


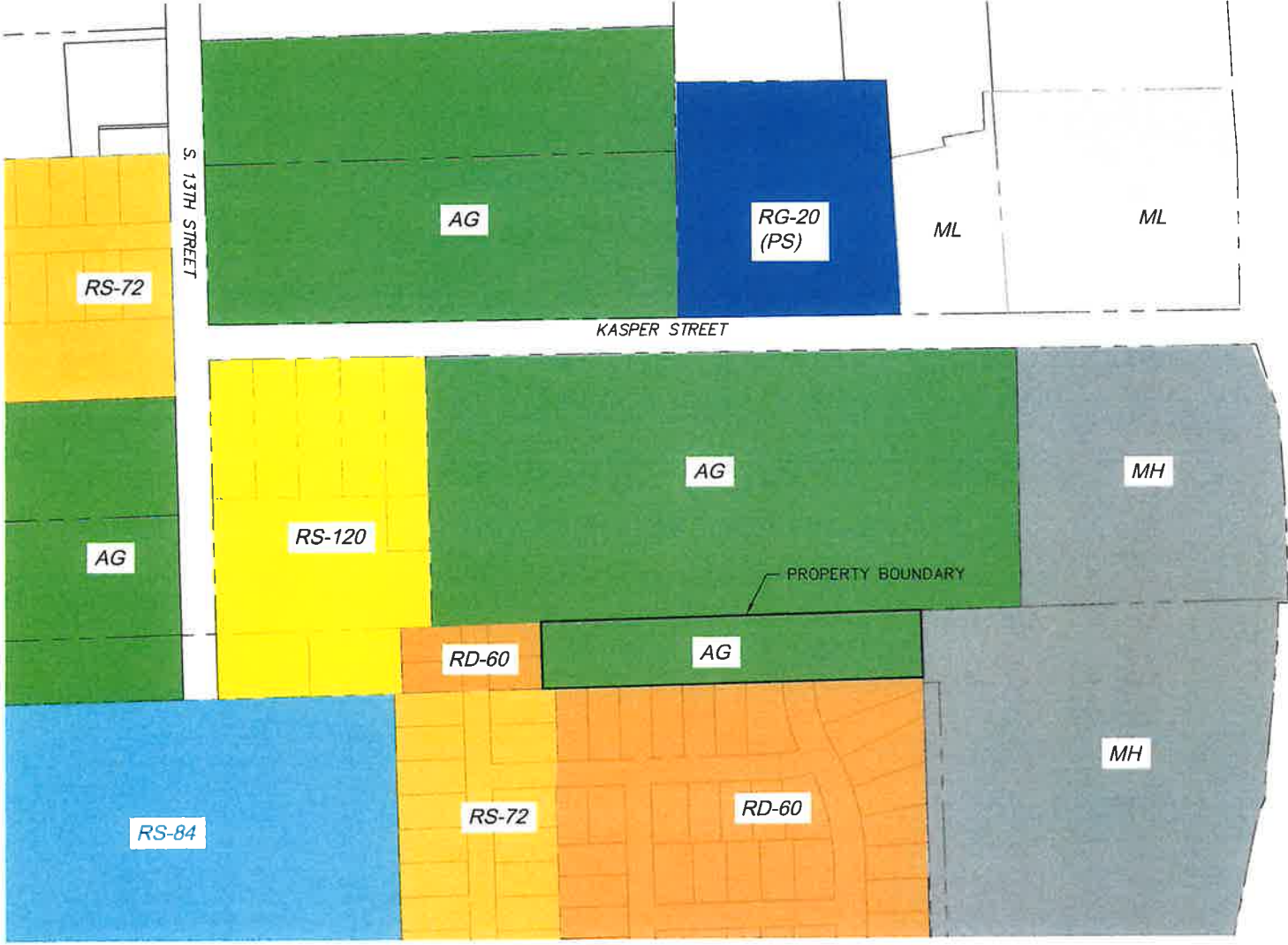
Figure 1. Existing Zoning Map

Sincerely,

Aaron Wiese, PE
Olsson Project Manager

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DWG: F:\2021\08001-08500\021-08042\40-Design\Exhibits\22-08-26_Zoning Map\22-08-26_Existing Zoning Map_021-08042.dwg
DATE: Dec 21, 2022 1:21pm XREFS: C:\XBNID\02108042 USER: jvela



FORT CROOK RD. N.

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PROJECT NO: 021-08042
DRAWN BY: CJR
DATE: 08/26/2022

EXISTING ZONING MAP

olsson

2111 South 67th Street
Suite 200
Omaha, NE 68105
TEL 402.341.1116

EXHIBIT
1

DWG: F:\2021\08001-08500\021-08042\40-Design\Exhibits\22-08-08-26_Zoning Map\22-08-26_Proposed Zoning_021-08042.dwg
DATE: Dec 21, 2022 1:17pm XREFS: C_XBNDY_02108042 USER: jvela



FORT CROOK RD. N.

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PROJECT NO: 021-08042
DRAWN BY: C.JR
DATE: 08/26/2022

PROPOSED ZONING MAP

olsson

2111 South 67th Street,
Suite 200
Omaha, NE 68106
TEL 402.341.1116

EXHIBIT
2



We Influence The World!

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

Agenda Item 4.a.

To: Planning Commission
From: Tammi Palm, Planning Manager
Date: January 19, 2023
Subject: Lot 1, College Apartments Addition

At the December 15, 2022 Planning Commission meeting a request to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, with site plan approval was continued to the January 26, 2023 Planning Commission meeting at the developer's request.

The Planning Department has not received any additional information from the developer as of this date. Subsequently, the Planning Department is recommending this request be continued indefinitely. At such time the developer is ready to come back to the Planning Commission, this request will be advertised, and notices will be sent to property owners within 300 feet of the property.



We Influence The World!

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

Agenda Item 4.b.

To: Planning Commission
From: Tammi Palm, Planning Manager
Date: January 19, 2023
Subject: Lot 2, Heere and Theree Redevelopment Plan

Attached for your review and recommendation is the Redevelopment Plan for Heere, Theree & Everywhere, LLC. This plan proposes the redevelopment of the vacant property of Lot 2, Heere and Theree 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.

The site is approximately 1.18 acres in size and consists of one lot located on the south side of Mission Avenue generally located near 2306 Lincoln Road. The property contains a small vacant building which will be demolished under this plan. The Lincoln Road corridor serves as an entrance to Offutt Airforce Base.

The applicant is proposing redevelopment of the property by constructing nine “over/under” duplex buildings consisting of eighteen two-bedroom/two-bath units, and three “carriage house” buildings consisting of five one-bedroom units, as well as fifteen garages. The proposed development is described as a “mix of missing middle housing” which will be market-rate affordable. The development will also have a central gathering area with a playground for its residents. A new streetscape and landscaping are also proposed as part of this plan.

The applicant is estimating the property’s assessed valuation to be \$5,600,000 upon full build-out of the site. The applicant is using \$100,000 as the base value.

The Redevelopment Plan states there is approximately \$1,100,000 of Tax Increment Financing (TIF) eligible redevelopment costs associated with the project. The applicant is proposing the use of TIF to fund \$1,100,000 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 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 multi-family residential. The site is currently zoned BGM (Metropolitan General Business), which allows for multi-family residential and mixed uses. 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 Heere, Theree, & Everywhere 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 redevelopment along Lincoln Road.

2302 LINCOLN ROAD
REDEVELOPMENT PROJECT PLAN

BELLEVUE, NEBRASKA

December 22, 2022

Submitted by:

Applicant:

HEERE, THEERE & EVERYWHEERE, LLC
5920 S 118th Circle
Omaha, Nebraska 68137

Attorneys for Applicant:

Brent W. Beller
Fullenkamp Jobeun Johnson & Beller LLP
11440 West Center Road, Suite C
Omaha, Nebraska 68144

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Introduction:

The attached redevelopment plan proposes to redevelop a 1.18-acre site on Lincoln Road which will serve as a gateway to Olde Towne Bellevue, generally located at 2302 Lincoln Road, Bellevue, Nebraska 68005, into a new residential area which will include a mix of Missing Middle housing including residential duplex-apartments and carriage houses (market-rate affordable). The plan encompasses all of Lot 2 of Heere and Theere Addition. The redevelopment project site includes all of the abutting and adjacent rights-of-way which will receive improvement as may be required by the City of Bellevue, Nebraska, which plan will include the installation of a more pedestrian oriented streetscape with accompanying landscaping, which will add vibrancy to Lincoln Road and the area which serves as an alternate entrance to Offutt Air Force Base.

Site History:

The proposed redevelopment site is land currently owned by 1st City Development, upon which a vacant retail structure is currently located. The site is bounded by Lincoln Road on the East. The site is bounded on the North by an existing development consisting of multifamily and retail uses, on the South by Offutt Air Force Base housing and Single Family Residential to the West, as further depicted on the Site Plan attached hereto. All buildings and improvements located within the redevelopment site will be demolished. Repurposing the existing building is cost prohibitive, and contrary to the Applicant's revitalization goals for Lincoln Road which serves as a gateway to both Old Towne Bellevue and Offutt's Strategic Air Command Base. Leaving the existing building vacant and unused will cause negative consequences for the site itself, and the many businesses and residential uses that neighbor the site. The costs associated with the demolition, softs costs, and site work for the project will cost approximately \$100,000. The Applicant is receiving the land via a land contribution agreement from an entity 100% owned and controlled by a principal of 1st City Development, LLC. 1st City Development originally acquired the ground in 2022, subdivided and rezoned the land to BGM Zoning for its Future Intended Use.

As depicted on the attached Site Plan attached as Exhibit B (the "Site Plan"), the Applicant proposes to construct nine (9) over/under Duplex buildings consisting of 18 two-bedroom/two bath units around a central courtyard, three Carriage House buildings consisting of five one-bedroom units and 15 garages, which buildings will collectively cost approximately \$3,500,000. Mixed in with the proposed buildings will be a central courtyard serving as a resident gathering area which will connect to the new streetscape that will be installed along the public rights-of-way that borders the redevelopment site. The approximate costs for the new streetscape are \$150,000. The total project costs will be approximately \$5,525,000. Accordingly, the tax increment financing ("TIF") eligible costs are in the amount of \$1,100,000. The itemized breakdown of TIF eligible costs is attached hereto as Exhibit A. The approval of the redevelopment plan will facilitate the rehabilitation and reuse of the proposed project site by creating the opportunity for TIF to be used as a financing mechanism to cover some of the TIF eligible costs. Applicant will use the value of \$100,000 as its base value for purposes of calculating TIF Incremental value. The proposed valuation upon full build-out of the site is expected to be approximately \$6,250,000, Exhibit B is the Site Plan for the proposed redevelopment site, which reflects the boundaries of the site and the current zoning and use of the site (Note: the lot located North of the existing property, as referenced on the Site Plan, is not a part of this Redevelopment Plan.

In its present condition, the site would remain as an economic liability to this area and a detriment to the redevelopment of this area within the City. With the utilization of TIF, new vibrancy will most likely

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DEC 22 2022

PLANNING DEPT.

be brought to this important and historical part of the City of Bellevue. This area of the City has not experienced the level of growth as demonstrated in other areas of the City and will not experience growth unless the City takes an aggressive approach to assist in the redevelopment of the site and area by utilizing all the economic tools available, most notably TIF.

Substandard and Blighted:

The property is located within a community redevelopment area, which has been determined by the City of Bellevue, Nebraska, to be blighted and substandard in accordance with Neb. Rev. Stat. §18-2103.

Land Use/Zoning/Site Redevelopment:

The site is currently zoned Metropolitan General Business (BGM). The Applicant will work with the City Planning Department regarding any and all land use approvals that may be required for the proposed redevelopment. Notwithstanding that the project plans to enhance the streetscape of the public rights-of-ways, the proposed redevelopment will not result in any material modification to the street layout, street levels or grades, or building codes and ordinances of the site.

Utilities/Infrastructure:

Currently, utility services are located in public right-of-ways adjacent to the site and which may be required to be moved in connection with the redevelopment of the site and as required by the City. Additional utility services and public facilities will be added as may be necessary or required by the redevelopment of the site and as required by the City. The Applicant will work with the City regarding any site enhancements which may affect any public rights-of-ways, alleys or sidewalk areas.

The redevelopment provides the mechanism to fund the public improvement costs through the use of TIF. The costs of the redevelopment and public infrastructure improvements are estimated to be \$5,525,000 (See Exhibit A).

TIF Compliance:

The request meets the necessary requirements for consideration under the Nebraska Community Development Law. The project will provide new employment opportunities in the City. It is anticipated that 2 new jobs will be created in connection with the project, and upwards of 50 construction jobs will be created in connection with the project development. The TIF proceeds will be used to cover all public improvement costs with the remaining balance of the TIF to be used for site specific TIF eligible costs. The project will have a positive economic growth to the City of Bellevue. Further, as set forth on Exhibit C attached hereto, the up-front costs associated with the acquisition and rehabilitation of the proposed site would be prohibitively high without TIF. As such, the Applicant requests TIF to help offset these costs such that the proposed redevelopment is feasible.

Financing:

The estimated assessed value of the project upon full build-out is estimated to be \$5,600,000. Accordingly, the project will support the TIF request in the principal amount of \$1,100,000, plus interest at the rate of six (6.75%) percent per annum. The amortization schedule is attached hereto as Exhibit D. The remaining project costs will be paid through equity and debt financing.

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TIF Cost Benefit Analysis:

The project provides redevelopment in an area of the City that was once used as a trailer park, but is now ripe for a medium density residential use and filling an ever increasing void of Missing Middle housing, which will add new vibrancy to the area. Accordingly, it is necessary to implement innovative financing approaches to be used to encourage redevelopment and to support the potential growth that will occur because of this and other improvements that are likely to follow within the surrounding area. The following benefits will result from the redevelopment of this area through the use of TIF:

(1) The use of TIF will not result in tax shifts. By using the base value of \$100,000, the various public authorities will gain some level of new property tax valuation, and only the increased value of revenues resulting from the improvements will be applied to the cost of the improvements through the use of TIF.

(2) No community public service needs will be generated as a result of this project. The proposed TIF will be used, in part, to offset public infrastructure costs that are eligible for TIF.

(3) The development of this site will allow for the continued growth of market rate affordable housing in the area and in particular housing which will serve the growing needs of employers in the area. Additionally, the revitalization of the site will have a positive impact on the employers and employees in the immediate area surrounding the site. Specifically, the redevelopment will continue to add viability to the surrounding area, and will make the site more aesthetically pleasing, which will result in a positive impact on the foot traffic of the surrounding businesses. As the Olde Town Bellevue area becomes a destination for the citizens of Bellevue, and the other areas of the Omaha Metropolitan area, to visit and enjoy the redevelopment along Lincoln Road will become an important link in this growth.

(4) The development of this site will be an impetus for further growth and a catalyst to providing the additional goods necessary to serve this part of the City.

(5) The long-term benefits resulting from the elimination of the substandard and blight conditions and the increase in the tax base resulting from the development are other valid justifications for the use of TIF for this project.

The project site meets the requirements of the City's Comprehensive Development Plan and City Ordinances as well as the Nebraska Community Redevelopment Law that establishes the process and requirements for the approval of this Redevelopment Plan.

Based upon the forgoing, the applicant respectfully requests the principal amount of TIF equal to \$1,100,000.

Respectfully Submitted



By: _____
Brent W. Beller on behalf of the Applicant
Fullenkamp, Jobeun, Johnson, & Beller LLP
11440 West Center Road
Omaha, Nebraska 68144
(402) 334-0700

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DEC 22 2022

PLANNING DEPT.

Exhibit A

TIF ELIGIBLE COSTS

Demo	\$100,000.00
Purchase	\$100,000.00
Sidewalks/Streetscape	\$200,000.00
Engineering	\$35,000.00
Grading & Landscaping	\$100,000.00
Sewer & Water	\$250,000.00
Architect	\$315,000.00
Net Costs	\$1,100,000.00

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Exhibit C
PROFORMA

Demo	\$100,000.00			
Purchase	\$100,000.00			
Sidewalks ect.	\$200,000.00			
Engineering	\$35,000.00			
Grading & Landscaping	\$100,000.00			
Sewer & Water	\$250,000.00			
Architect	\$315,000.00			
Net Costs	\$1,100,000.00			
		30 yr @ 6.75%		
Construction	\$4,425,000.00	Without TIF	With TIF	
		\$(2,324.60)	\$4,723.41	Monthly
Total	\$5,525,000.00	\$(27,895.16)	\$56,680.90	Annually

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First Installment Month	3	3/31/2025	TIF Loan Advance Rate	100%
Second Installment Month	7	7/31/2025	TIF Loan Amount	1,098,766
			Interest Rate	6.75%
Current TAV (Current)	103,216		Amortization	15.00
As-Complete TAV	5,592,479		Term	13.50
First Installment Date	7/15/2024		Payment Periods/Yr	2.00
Tax Levy	2.26274%			
Treasurer's Fee	1.0%		Payments/Period	558,809
			Payments/Yr	\$117,619
Discount/Interest Rate	6.75%			
Net Present Value	1,098,766			

0

Exhibit D
 AMORTIZATION SCHEDULE

Year	Date	Total TAV	Less Pre-Dev Base TAV	TIF TAV	Mkt Rate	Gross TIF Tax Revenue	Less Treasurer's Fee	Tax Revenue Available for TIF DS	TIF Loan Beg. Bal.	Principal	Interest	TIF DS PMT	TIF Loan End Bal.	DSCR	
2025	1.0	3/31/2025	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	1,098,766	21,726	37,081	58,809	1,077,040	1.05x
2025	1.0	7/31/2025	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	1,077,040	22,459	36,350	58,809	1,034,581	1.05x
2026	2.0	3/31/2026	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	1,054,581	23,217	35,592	58,809	1,031,383	1.05x
2026	2.0	7/31/2026	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	1,031,383	24,001	34,809	58,809	1,007,382	1.05x
2027	3.0	3/31/2027	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	1,007,382	24,811	33,998	58,809	982,551	1.05x
2027	3.0	7/31/2027	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	982,551	25,648	33,161	58,809	956,903	1.05x
2028	4.0	3/31/2028	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	956,903	26,514	32,295	58,809	930,389	1.05x
2028	4.0	7/31/2028	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	930,389	27,409	31,401	58,809	902,980	1.05x
2029	5.0	3/31/2029	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	902,980	26,334	30,476	58,809	874,647	1.05x
2029	5.0	7/31/2029	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	874,647	29,290	29,519	58,809	845,356	1.05x
2030	6.0	3/31/2030	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	845,356	30,279	28,531	58,809	815,078	1.05x
2030	6.0	7/31/2030	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	815,078	31,301	27,509	58,809	783,777	1.05x
2031	7.0	3/31/2031	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	783,777	32,357	26,452	58,809	751,420	1.05x
2031	7.0	7/31/2031	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	751,420	33,449	25,360	58,809	717,971	1.05x
2032	8.0	3/31/2032	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	717,971	34,578	24,232	58,809	683,393	1.05x
2032	8.0	7/31/2032	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	683,393	35,745	23,065	58,809	647,648	1.05x
2033	9.0	3/31/2033	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	647,648	36,951	21,858	58,809	610,697	1.05x
2033	9.0	7/31/2033	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	610,697	38,198	20,611	58,809	572,499	1.05x
2034	10.0	3/31/2034	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	572,499	39,488	19,322	58,809	533,011	1.05x
2034	10.0	7/31/2034	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	533,011	40,820	17,989	58,809	492,191	1.05x
2035	11.0	3/31/2035	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	492,191	42,198	16,611	58,809	449,993	1.05x
2035	11.0	7/31/2035	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	449,993	43,622	15,187	58,809	406,371	1.05x
2036	12.0	3/31/2036	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	406,371	45,094	13,715	58,809	361,276	1.05x
2036	12.0	7/31/2036	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	361,276	46,618	12,193	58,809	314,660	1.05x
2037	13.0	3/31/2037	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	314,660	48,190	10,620	58,809	266,470	1.05x
2037	13.0	7/31/2037	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	268,470	49,816	8,993	58,809	218,654	1.05x
2038	14.0	3/31/2038	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	216,654	51,497	7,312	58,809	165,157	1.05x
2038	14.0	7/31/2038	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	165,157	53,235	5,574	58,809	111,921	1.05x
2039	15.0	3/31/2039	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	111,921	55,032	3,777	58,809	56,889	1.05x
2039	15.0	7/31/2039	5,592,479	103,216	5,489,263	2.28%	62,653	(627)	62,026	56,889	56,889	1,920	58,809	(0)	1.05x

EXHIBIT
EXISTING SITE PLAN



**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBER: CUP-2212-06

FOR HEARING OF:

REPORT #1: January 26, 2023

I. GENERAL INFORMATION

A. APPLICANT:

The Glory Tabernacle, Inc.
Attn: Pastor Clifton Hobbs III
2214 Lindyview Road
Bellevue, NE 68005

B. PROPERTY OWNERS:

Wilshire Properties, LLC
Attn: Jerry Teeter
11418 South 44th Street
Bellevue, NE 68123

C. LOCATION:

1620 Wilshire Drive

D. LEGAL DESCRIPTION:

Lot 1, Tiller's 5th Addition, located in the Northeast ¼ of Section 35, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTION:

Conditional Use Permit for Lot 1, Tiller's 5th Addition, for the purpose of church assembly.

F. EXISTING ZONING AND LAND USE:

BG, Commercial.

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a conditional use permit to allow for church assembly in a commercial building.

H. SIZE OF SITE:

The site is approximately 2.01 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed with a commercial office building and an adjacent parking lot.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Multi-Family Residential/Senior Living, RG-8-PS
- 2. **East:** Commercial/City Hall, BG
- 3. **South:** Commercial/Vacant, BG
- 4. **West:** Multi-Family Residential/Senior Living, RG-8-PS

C. RELEVANT CASE HISTORY:

On August 25, 2022, the Planning Commission recommended approval of a conditional use permit for Lot 1, Tiller’s 5th Addition, to allow for auto sales. The City Council approved this request on September 20, 2022.

D. APPLICABLE REGULATIONS:

- 1. Section 5.22, Zoning Ordinance, regarding BG uses and requirements.
- 2. Article 6, Zoning Ordinance, regarding Conditional Use Permits.

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. The property has access from both Wilshire Drive and Wall Street.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Pastor Clifton Hobbs III, on behalf of The Glory Tabernacle, Inc. has submitted a request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of religious assembly in a commercial building.
2. This property is currently zoned BG (General Business). The BG zoning district allows for churches, synagogues, chapels, and similar places of worship and instruction of a quiet nature as a conditional use permit when located in a business building or on the same lot as a business building.
3. The applicant has indicated the church has access to 3,600 square feet of space in the business building located at 1620 Wilshire Drive. The applicant states the church intends to meet every Sunday morning at 10:30 a.m. for worship and Wednesday evenings at 6:30 p.m. for Bible study. The applicant has stated there will be a maximum capacity of 60 seats. The church will not hold services or play music Monday through Friday, 8 a.m. to 6 p.m., during normal business hours of the building.
4. A multi-tenant commercial strip building requires 4.5 parking spaces per 1,000 square feet of gross leasable area. The property currently has 150 parking stalls, which exceeds the minimum requirement. Outside of a commercial building, a church requires one space for each five seats in the main assembly area. In this case, twelve parking stalls would be required. Staff believes the parking provided is adequate to serve this request.
5. 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 Administrator, Sarpy County Public Works, Sarpy County Planning, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Mike Christensen, Chief Building Official, commented the church may require a change of occupancy under the current building codes. The

applicant is aware of these requirements and has had discussions with Mr. Christensen. These items will be addressed by the Permits and Inspections Department if this request is approved by City Council.

No other comments were received on this case.

6. Per Section 6.06, the Zoning Ordinance requires no conditional use permit shall be granted unless the Planning Commission or City Council has found:

6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.

6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

The Planning Department believes this application meets the criteria for approval of the Conditional Use Permit.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with Section 6.06, Zoning Ordinance, as well as lack of perceived negative impact upon the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

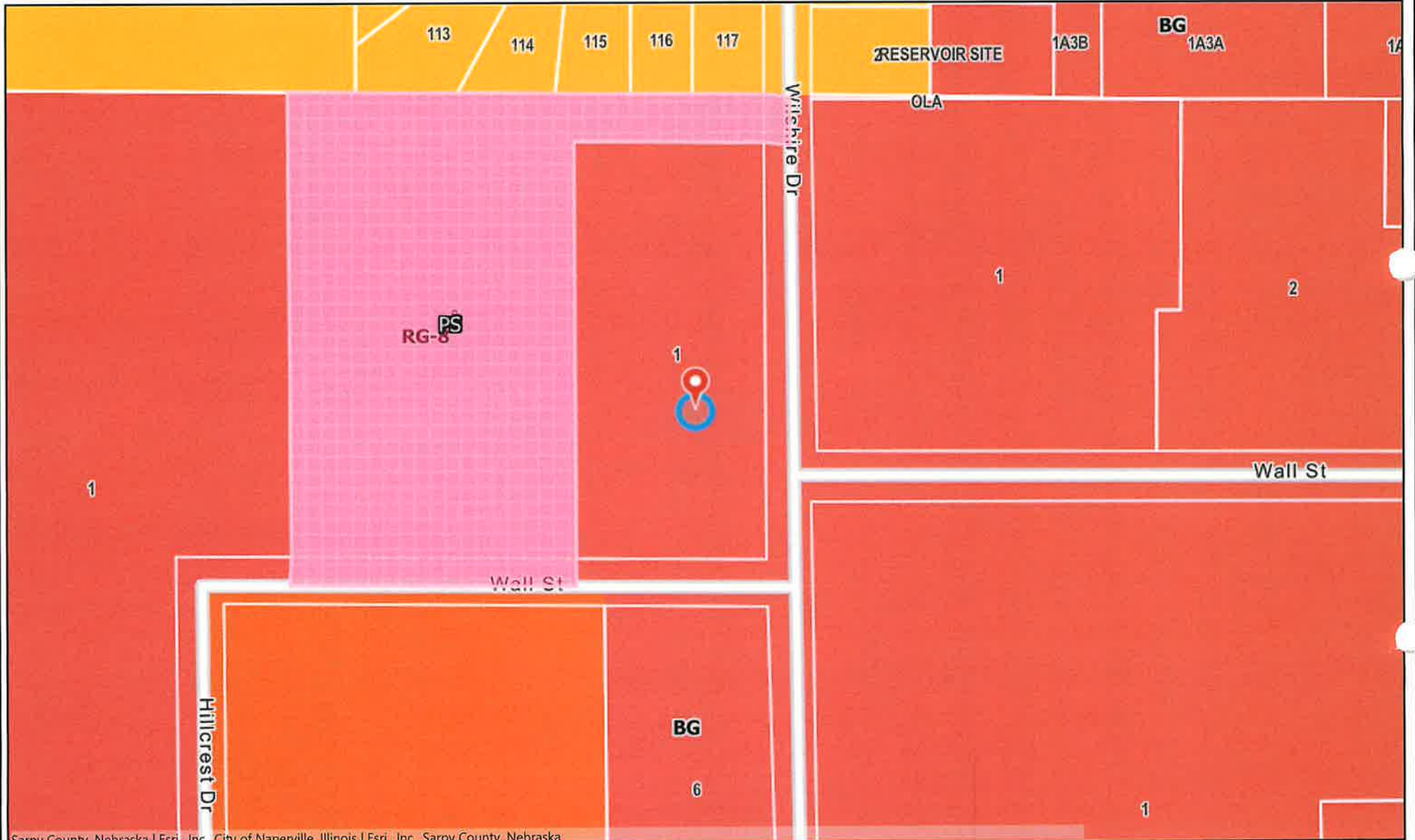
1. Zoning Map
2. 2022 GIS aerial
3. Justification letter from Pastor Hobbs received December 23, 2022
4. Proposed church layout received December 23, 2022
5. Letter from Jerry Teeter received January 6, 2023
6. Parking lot layout received January 6, 2023
7. Conditional Use Permit Agreement

VII. COPIES OF REPORT TO:

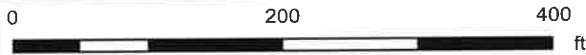
1. The Glory Tabernacle, Inc. (Clifton Hobbs III)
2. Wilshire Properties, LLC (Jerry Teeter)
3. Public Upon Request


Assistant Planning Manager


Planning Manager Date of Report



Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 2257

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.

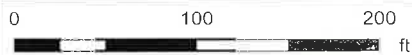


Notes





Esri, Inc. | Sarpy County, Nebraska | Esri, Inc. | City of Naperville, Illinois



Map Scale 1: 1592

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





The Glory Tabernacle

Ministry where you are!

12/21/2022

To the Bellevue Planning Department,

This letter is submitted along with The Glory Tabernacle's CUP application to occupy suite 103 at 1620 Wilshire Dr, Bellevue, NE for religious purposes as our lease at our current location is coming to end in March 2023. The space at 1620 Wilshire has been offered to us by Legion Properties at the same location.

Our services will be held in this space every Sunday Morning at 10:30a.m. – 12:00p.m. and Wednesday evening at 6:30p.m. The space is approx. 3600sqft. At the present moment we will plan to seat about 50-60 chairs within this space.

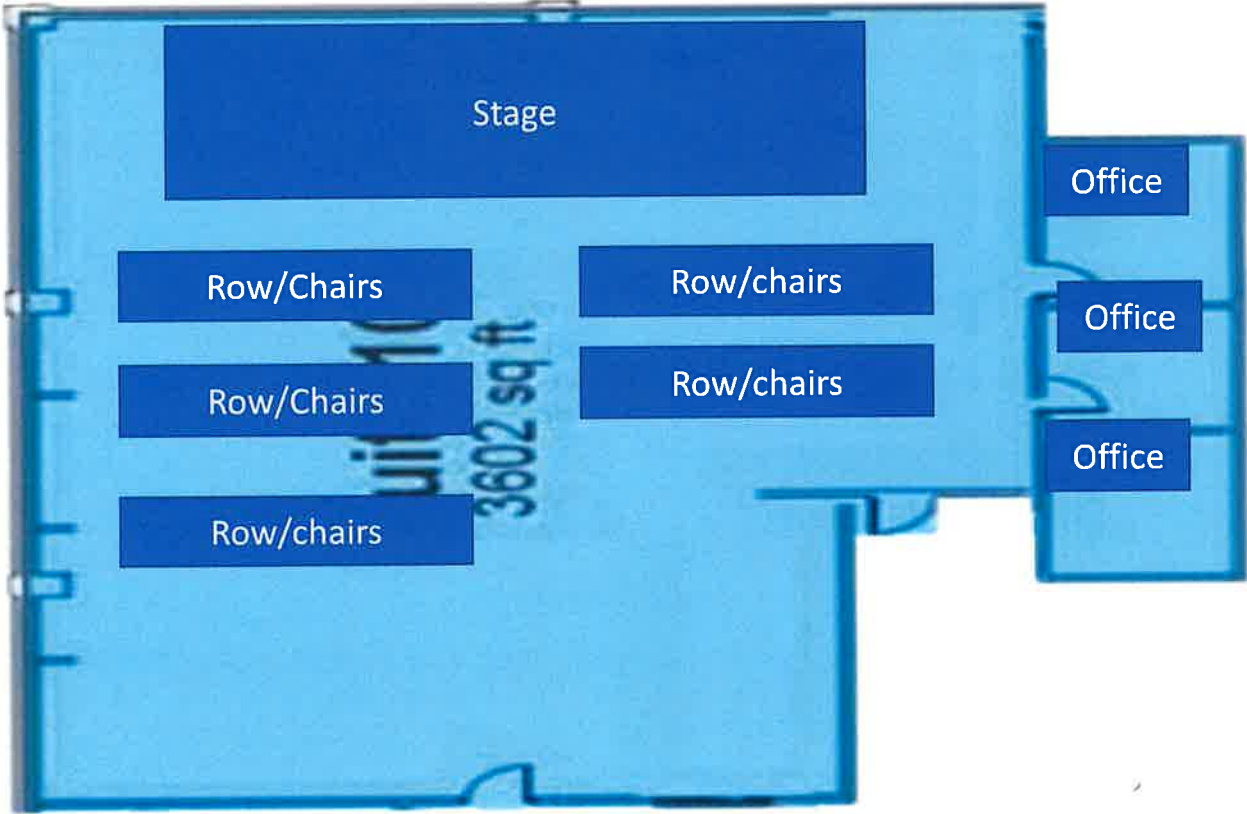
There are two parking lots at this location with ample parking for our congregation as our services will be held after normal business hours, leaving the parking lot open.

We appreciate your time and consideration in this manner, and we look forward to hearing from you soon.

Thank you,
Clifton Hobbs III,
Pastor, The Glory Tabernacle, Inc.

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The Glory Tabernacle Planned Use



RECEIVED
DEC 23 2022
PLANNING DEPT.



JERRY TEETER | CEO
JERRY@LEGIONENTERPRISESINC.COM

OFFICE: 402.403.4097
1620 WILSHIRE DR, SUITE 300
BELLEVUE, NE 68005

January 6, 2023

City of Bellevue Planning Department
Attn: Tammi Palm
1510 Wall St.
Bellevue, NE 68005

RE: Glory Tabernacle CUP for 1620 Wilshire Dr, Suite 103, Bellevue, NE 68005

Ms. Palm-

Per your letter dated January 6, I am replying with the requested information.

Item 2: There are 150 stalls on the property. We have plans to have the parking lot re-stripped in the Spring when the weather warms up. In the mean time, I have done a graphical overlay to represent the 150 stalls. It is below.

Item 3: As of the date of this letter, the following types of businesses occupy the building. Business consultant, multiple Defense Contractors, Counseling services, Attorney, Craft Store, Auto Transport, Billboard Advertising Company (includes mobile billboard sales)

All businesses currently in the building operate normal business hours, Monday thru Friday, 8a-6p. The lease stipulates that Glory Tabernacle can not hold services or play music during these hours. They are limited to Sunday services.

The current tenant roster has been made aware of the church moving in and no one raised any concern.

If there are any further questions, email me at jerry@legionproperties.us or call at 402-880-4101

Thank you.

A handwritten signature in black ink, appearing to read "Jerry Teeter", is written over a white rectangular area.

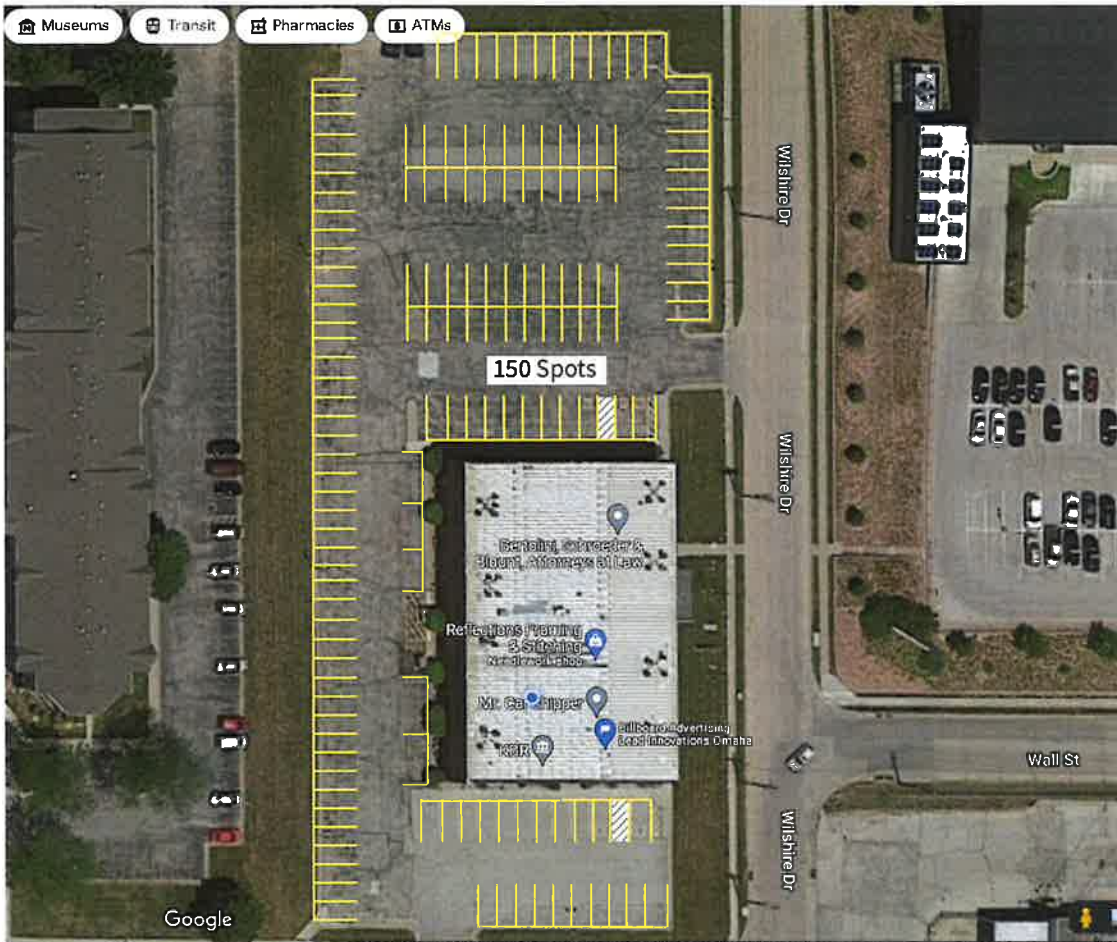
Jerry Teeter, President
Legion Properties, LLC dba Wilshire Properties
1620 Wilshire Dr.
Bellevue, NE 68005

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JAN · 6 2023
PLANNING DEPT.

Tammi Palm

From: Jerry Teeter <jerry@legionenterprisesinc.com>
Sent: Friday, January 6, 2023 10:41 AM
To: Tammi Palm
Cc: Clifton Hobbs III; Angela Curry
Subject: [EXT] Re: CUP revisions letter
Attachments: Planning Commission Info Request 1-6-23.pdf

Hey Tammi- See attached info you requested.



Cell [402-880-4101](tel:402-880-4101)
Office [402-403-4097](tel:402-403-4097)
[View My Online Business Card](#)

On Fri, Jan 6, 2023 at 9:33 AM Tammi Palm <Tammi.Palm@bellevue.net> wrote:

Good morning,

RECEIVED
JAN · 6 2023
PLANNING DEPT.

Record & Return To:
City of Bellevue Planning Department
1510 Wall Street
Bellevue, NE 68005

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 1, TILLER'S 5TH ADDITION,
LOCATED IN THE NORTHEAST ¼ OF SECTION 35, T14N, R13E OF THE 6TH P.M., SARPY
COUNTY, NEBRASKA

Conditional Use Permit for 1620 Wilshire Drive

This Conditional Use Permit issued this 21st day of February, 2023 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska ("City") to The Glory Tabernacle, Inc., ("Applicant"), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Wilshire Properties, LLC, is the legal owner of Lot 1, Tiller's 5th Addition, located in the Northeast ¼ of Section 35, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 2 acres, more or less ("Property"). Applicant desires to use the Property for the purpose of church assembly; and

WHEREAS, Applicant has applied for a conditional use permit for the purpose of using the Property as described above; and

WHEREAS, the Mayor and City Council of the City of Bellevue are agreeable to the issuance of a conditional use permit to the Applicant for such purpose, subject to certain conditions and agreements as hereinafter provided (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Applicant to use the Property for the purpose described above, said use hereinafter being referred to interchangeably as a "Permitted Use" or "Use".

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Use:
 - a. A site plan showing the Property's boundaries, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "A."

- b. The Property shall be developed and maintained in accordance with the site plan (Exhibit “A”) and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.
 - c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant’s Use of the Property.
3. The Applicant’s right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:
- a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and opportunity to cure in the time and manner described below.
 - b. The Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void.
 - c. Church assembly shall be done outside of the hours of Monday through Friday 8:00 a.m.-6:00 p.m., so as not to conflict with the regular business hours of the building.
 - d. There shall be no more than 60 people in the proposed assembly area.
 - e. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant’s expense within twelve (12) months of cessation of the Use of the Property.
 - f. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
 - g. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant’s expense.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Applicant’s abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.
 - c. Applicant’s breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the same to be removed at Applicant’s cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall

reimburse the City the costs incurred to remove the same. Applicant hereby irrevocably grants the City, its agents and employees, the rights, provided notice is furnished to the Applicant along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards, nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

6. If any provisions, or any portion thereof, contained in this Permit are held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

7. The conditions and terms of this Permit shall be binding upon Applicant, its successors and assigns.

a. Delay of City to terminate this Permit on account of breach of Applicant of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

b. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Applicant shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Applicant of any breach of this Permit. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section b and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

c. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.

d. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

The Glory Tabernacle, Inc.
1620 Wilshire Drive, Suite 103
Bellevue, NE 68005

e. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

The City of Bellevue

By: _____
Rusty Hike, Mayor

ATTEST:

Susan Kluthe, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

The undersigned, a notary public qualified in and for said county, does hereby certify that Rusty Hike and Susan Kluthe, whose names as Mayor and City Clerk respectively, of the City of Bellevue, Nebraska, a municipal corporation, are signed to the foregoing instrument and who are each known to me and known to be such officers, acknowledged before me on this day and they, in their respective capacities as Mayor and Deputy City Clerk, executed and delivered said instrument as their voluntary act and deed and voluntary act and deed of such corporation.

Witness my hand and notarial seal this ____ day of _____, 2023.

Notary Public

Jerry Teeter for Wilshire Properties, LLC

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Jerry Teeter signed the foregoing instrument, acknowledged before me on this day and he executed and delivered said instrument as his voluntary act and deed.

Witness my hand and notarial seal this ____ day of _____, 2023.

Notary Public

Clifton Hobbs III for The Glory Tabernacle, Inc.

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Jerry Teeter signed the foregoing instrument, acknowledged before me on this day and he executed and delivered said instrument as his voluntary act and deed.

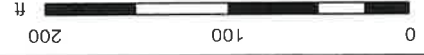
Witness my hand and notarial seal this ____ day of _____, 2023.

Notary Public

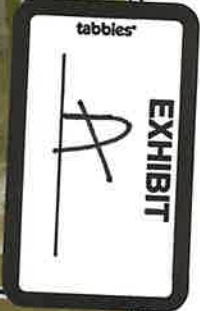


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Map Scale 1: 1592



Notes



**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBER: CUP-2212-07

FOR HEARING OF:

REPORT #1: January 26, 2023

I. GENERAL INFORMATION

A. APPLICANT:

New Cingular Wireless PCS, LLC
15 Park Place Centre
Swansea, IL 62226

B. PROPERTY OWNERS:

First Presbyterian Church of Bellevue
Attn: Marty Davis
1220 Bellevue Blvd South
Bellevue, NE 68005

C. GENERAL LOCATION:

1220 Bellevue Blvd South

D. LEGAL DESCRIPTION:

Lot 1, First Presbyterian Church of Bellevue, located in the Southeast ¼ of Section 25, T14N, R13E of the 6th P.M., Sarpy County Nebraska.

E. REQUESTED ACTIONS:

Request for a conditional use permit for Lot 1, First Presbyterian Church of Bellevue for the purpose of a 165' monopole tower.

F. EXISTING ZONING AND LAND USE:

RS-84, First Presbyterian Church of Bellevue

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval for a conditional use permit to allow for the construction of a 165' monopole tower and 40' x 60' fenced compound.

H. SIZE OF SITE:

The site is approximately 2,400 square feet.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is located on the southeast corner of the parking lot at the First Presbyterian Church of Bellevue.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single Family Residential/RS-84, RS-120 (across Bellevue Blvd S.)
- 2. **East:** Single Family Residential/Vacant, RD-60
- 3. **South:** Single Family Residential, RS-84 (across Harvell Dr.)
- 4. **West:** Single Family Residential/RS-84, RS-120 (across Bellevue Blvd S.)

C. RELEVANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

- 1. Section 5.09, Zoning Ordinance, regarding RS-84 uses and requirements.
- 2. Article 6, Zoning Ordinance regarding Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this property as medium-density residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There are approximately 7,450 vehicles per day near the intersection of Harvell and Freeman Drive per the 2020 MAPA Traffic Count data.
2. The applicant will gain access to the proposed monopole tower by way of a guard rail opening at the southeast corner of the church parking lot.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Steve Ward, on behalf of New Cingular Wireless PCS, LLC, has submitted a request for a conditional use permit for Lot 1, First Presbyterian Church of Bellevue, for the purpose of a wireless telecommunications facility consisting of a 165-foot monopole tower support structure with attendant ground-based 40-foot x 60-foot fenced equipment compound.

The Planning Department has requested the applicant install a privacy fence in place of the opaque chain link fence suggested.

2. The applicant intends to lease a 40-foot x 60-foot parcel from the property owner for the construction of the monopole tower and fenced equipment compound.
3. The site is located in the southeast corner of the church parking lot. A 12-foot-wide access easement is proposed with a 12-foot-wide double swing gate. The compound will be screened with a 6' tall vinyl privacy fence per the proposed site plan.
4. Section 8.05.04 requires the tower be setback 100% of the tower height from neighboring residential zoning districts unless a reduction is granted by the City Council through the conditional use permit process. The applicant requests a reduction of the required setback for the property to the east currently owned by the City of Bellevue. The proposed tower is designed with a fail point so the tower would break and fall within 80' of the center of the tower.

The neighboring property is zoned RD-60, which has a 5-foot side yard setback if it were to develop. The tower would have a minimum setback of 75 feet to the church's property line. This non-buildable area would account for the 80-foot fall zone. Subsequently, staff is supportive of a reduction of the setback.

This application was routed to OPPD for review, and they have no concerns with the proposed fall zone.

5. No additional landscape is being required based on the existing topography and the mature trees along the site. The monopole will be located at the top of a steep hill away from residential areas. There is an approximate 40' drop from the area where the tower will be located to Harvell Drive.
6. The applicant has filed for a determination of No Hazard to Air Navigation from the FAA and expects to have a response within 60 days. A permit will not be granted until such time the city is in receipt of this approval.
7. A copy of the applicant's letter detailing his requests is attached to this report for reference.
8. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Administrator, Sarpy County Public Works, Sarpy County Planning Department, 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.

Battalion Chief Donald Gifford commented a permit would be required for installation of the generator fuel tank. This has been communicated with the applicant.

Offutt Air Force Base expressed no concerns with this application.

9. Per Section 6.06, the Zoning Ordinance requires no conditional use permit shall be granted unless the Planning Commission or City Council has found:
 - 6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
 - 6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
 - 6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
 - 6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
 - 6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - 6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

The Planning Department believes this application meets the criteria for approval of the Conditional Use Permit.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with Section 6.06, Zoning Ordinance, as well as lack of perceived negative impact to the surrounding area; contingent upon receipt of the determination of no hazard from the FAA.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2022 GIS aerial photo of the property
3. Application for Conditional Use Permit Telecommunications Tower Site New Cingular Wireless PCS, LLC AT&T received January 17, 2023
4. Site plan received January 17, 2023
5. Enlarged Site Plan received January 17, 2023
6. Tower Elevation received January 17, 2023
7. Conditional Use Permit Agreement

VII. COPIES OF REPORT TO:

1. New Cingular Wireless PCS, LLC (Steve Ward)
2. First Presbyterian Church of Bellevue (Marty Davis)
3. Public Upon Request


Assistant Planning Manager


Planning Manager Date of Report

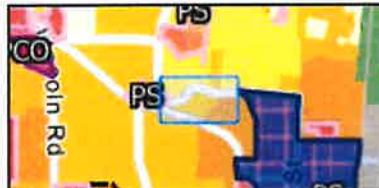


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 2257

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Notes





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Notes



RECEIVED
JAN 17 2023
PLANNING DEPT.

APPLICATION FOR CONDITIONAL USE PERMIT

TELECOMMUNICATIONS TOWER SITE

**NEW CINGULAR WIRELESS PCS, LLC
AT&T**

**NEL01282
Bellevue E**

City of Bellevue

**Respectfully Submitted
Ward Development Services, LLC
December 2022**

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- A. **Application for Conditional Use with Bellevue**
- B. **Narrative Statement by Applicant's Representative**
- C. **Compliance with Ordinance**
- D. **Exhibits:**
 - 1. **Vicinity Maps of the Area**
 - 2. **Aerial Maps**
 - 3. **PIN Sheet associated with the Parent Parcel**
 - 4. **TOPO Map**
 - 5. **Flood and Wetlands Maps**
 - 6. **Zoning Map**
- E. **Zoning Drawings.**

A. APPLICATION FOR CONDITIONAL USE PERMIT



CITY OF BELLEVUE CONDITIONAL USE PERMIT APPLICATION

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

Applicant's Name: New Cingular Wireless PCS, LLC Contact: Steve Ward

Address: 15 Park Place Centre City: Swansea State/Zip: IL/62226

Phone: 314-503-4444 Email: steve@ward-development.com

Owner's Name (if different from applicant): First Presbyterian Church Contact: Marty Davis

Address: 1220 Bellevue S Boulevard City: Bellevue State/Zip: NE/68005

Phone: 402-291-1104 Email: jmarty909@yahoo.com

Zoning: RS-84

Legal Description of Property:

Lot One (1), First Presbyterian Church of Bellevue, an Addition to the City of Bellevue, in Sarpy County, Nebraska

Street Address of Property or Approximate Location:

1220 Bellevue Boulevard S, Bellevue, NE 68005
41.147169, -95.897342

Purpose of Conditional Use:

Construction of a 165' monopole tower and 40' x 60' fenced compound on land leased from the First Presbyterian Church

Conditional Use Fee:

1 Acre or Less \$175
More than 1 acre \$325

The following must be submitted at the time of application: 1) Application Fee, 2) Site Plan, and 3) Explanation of Request for Conditional Use Permit emailed to the City/Planning Manager. * WHEN SUBMITTING THE APPLICATION ELECTRONICALLY MAIL THE ORIGINAL SIGNED APPLICATION AND PAYMENT TO THE ADDRESS LISTED ABOVE. *

I/We the undersigned do hereby acknowledge that I/We do fully understand and agree to comply with the provisions of Chapter 5 of the City of Bellevue Zoning Ordinance No. 3619. I/We the undersigned do hereby agree to allow the City of Bellevue employees or agent working for the City of Bellevue, to enter the above referenced property as it pertains to this application.

Rev. Dr. Michael S. Elliott
Signature of Owner

[Signature]
Signature of Applicant

Planning Department Use Only
Date Submitted: _____
Case Number: _____
Filing Fee: _____
Accepted By: _____ Plat Page: _____
***Revised February 2020**

NOTICE OF POSTING

NOTICE TO THE APPLICANT/OWNER

The application you submitted to the City of Bellevue is required by State Statute 19-905 to have a notice posted in a conspicuous place on or near the property on which the action is pending. The posted notice shall be placed upon the property so that it is easily visible from the street nearest the property, and shall be posted at least ten days prior to the date of the hearing.

A City employee will post such notice on the property a minimum of ten days prior to the Planning Commission meeting. Such notice shall remain on the property and easily visible from the street nearest the property until after final action by the City Council.

State Statute 19-901 reads, in part, as follows: "It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor." As the legal owner of the property upon which the action is pending, you are responsible to insure such notice remains upon the property until final action by the City Council. If you observe the notice has been removed, mutilated, destroyed, or changed prior to the Board of Adjustment hearing, Planning Commission hearing, or the City Council hearing, please notify the Planning Department at (402) 293-3026, and the necessary action will be taken to re-post the property.

As stated above, the posting of said property is required by State Statute; therefore it is in your best interest to insure the notice remains visible during the entire process. If the notice is removed, mutilated, destroyed, or changed prior to final action by the City Council, this could cause a delay in holding the public hearing and the necessity of rescheduling the hearing.

After the final action by the Board of Adjustment or City Council, a City employee will remove the notice from the property within a reasonable time frame. If you have any questions regarding your application or the posting of your property, please contact the Planning Department at (402) 293-3026.

I/WE, THE UNDERSIGNED, DO HEREBY ACKNOWLEDGE THAT I/WE DO FULLY UNDERSTAND AND AGREE WITH THE PROVISIONS AS DESCRIBED ABOVE.

Rev. Dr. Michael S. Elliott
Signature of Owner/Owners

***PLEASE NOTE THE NOTICE OF PUBLIC HEARING SIGN WILL BE REMOVED BY CITY PERSONNEL. THE PROPERTY OWNER IS NOT TO REMOVE THE SIGN FROM THE PROPERTY.**

NEXIUS SOLUTIONS INC.
2595 DALLAS PKWY., STE. 300
FRISCO, TX 75034-8630

04/20

310228

DATE 12/14/2022

21-10/R30
5686
CHECK AMOUNT

PAY TO THE ORDER OF

City of Bellevue

\$ 325.00

Three hundred twenty five 00/100

DOLLARS



PNC BANK

PNC Bank, N.A. 050

Kristen Adams

FOR

⑆310228⑆ ⑆083000108⑆ 3009082583⑆

B. NARRATIVE STATEMENT

December 12, 2022 (Rev. 1/16/2023)

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

RE: NEL01282 Bellevue E CUP application

Re: Submittal of Application for a conditional use permit by New Cingular Wireless PCS, LLC (AT&T) to allow for the construction, operation, and maintenance of a wireless telecommunications facility consisting of a 165' monopole tower support structure with attendant ground-based equipment compound on the property leased by the applicant on a tract of land located at 1220 Bellevue S Boulevard, home of the First Presbyterian Church of Bellevue.

Dear Ms. Palm,

I write regarding the above-referenced project to supplement the Application for conditional use permit that is being concurrently filed. This letter is submitted on behalf of the owners of the property in conjunction with AT&T. AT&T is applying for this request for to construct, operate and maintain a communication property on land owned by the First Presbyterian Church of Bellevue. This letter provides a general overview of the project, including the need for the site and its design parameters.

With the filing of this Application, AT&T requests your support and a written determination that AT&T has met the criteria in the Bellevue Code of Ordinances. We also request this Application and supporting documentation be entered as part of the official records of this proceeding.

Applicant:
New Cingular Wireless PCS, LLC
7900 Xerxes Avenue S
Bloomington, MN 55435

Property Owner:
First Presbyterian Church
1220 Bellevue S Boulevard
Bellevue, NE 68005

Agents for Applicant and Property Owner:
Steven K. Ward
Ward Development Services, LLC
15 Park Place Centre
Swansea, IL 62226
(314) 503-4444 Phone
(866) 655-2853 (Facsimile)

I. Location and description of property

AT&T is proposing to provide service to the area of east Bellevue, traffic along S Harvell Dr, and the surrounding area of Sarpy County. The proposal is for AT&T to construct a 165-foot monopole tower as an antenna support structure on agriculturally used property. The site, when completed, will become part of AT&T's network that will provide continued and improved coverage to the current service area that presently in this portion of Sarpy County.

The primary objective for AT&T to place a facility at this location is to provide adequate coverage to the residents in this area of Bellevue, and vehicular traffic in all directions of the proposed site. This geographic area is part of an existing coverage area in AT&T's network. The site will provide for the newest equipment to be installed and provide citizens with additional choices for their communication needs. The site will dramatically improve AT&T in-building coverage as customers continue to use their wireless devices as their principal form of communication. Local Police and Fire departments report that about 75% of 911 calls originate from wireless devices.

II. Why and how this location was chosen

AT&T strives to enhance its network and deliver additional services and coverage to our customers. This area is currently underserved and customers in homes, businesses and cars find themselves experiencing dropped calls and capacity deficiencies. We also will provide this location to the FirstNet network for first responders.

Site Acquisition Contractors, such as Ward Development Services, are instructed by AT&T's management to target existing cell sites, rooftops, towers, and to utilize any existing structures to collocate equipment on within the Search Ring first, in order to minimize new construction, expedite improved coverage, and to meet the spirit and intent of local zoning regulations, which typically encourage collocation. There are sites in the area that were reviewed as part of our work.

1. Black Hills Electric Corp. This is a 100' monopole at 1400 Little John Way. This site does not have the elevation needed and does not meet the coverage objective
2. City of Bellevue 1025365. This is a 100' SST tower on Little John Way near water reservoirs. . This site does not have the elevation needed and does not meet the coverage objective
3. City of Bellevue 1025365. This is a 145' monopole tower on Little John Way near water reservoirs. This site has multiple antenna attachments and the elevation available is too low and does not meet the coverage objective
4. ATS tower 1717 Wayne St behind the Mustaine Apartments. This is a 120' SST Tower. This location is too far south and does not offer the elevation needed fo the network.

The above considerations and processes were followed in selecting the site that is the subject of this Application.

AT&T's objective in placing a facility on the Subject Property is to improve continued service in the area. The Federal Communications Commission ("FCC") restricts the power output on all telecommunications antennae, requiring additional sites to fill in gaps in the network. The number of wireless communications facilities correlates to the size, terrain, and amount of customer traffic in a specific area. While AT&T endeavors to collocate on existing structures wherever possible, the lack of existing structures requires a new wireless communications facility to be built. AT&T's service is limited by (Radio Frequency) coverage, which propagates from antennae located on towers. There is no other possible way to cover this area without building a new tower, as there are no co-locatable structures available in the area that meets the objectives of the Radio Frequency Engineer's criteria. AT&T consistently seeks to increase or supplement their coverage footprint so that they may serve their growing customer base. Due to the present and anticipated growth of cell phone use, complaints from existing AT&T customers losing their signal while driving in the area or while using their devices in their homes necessitate the additional coverage that will be provided by this tower. As there are no existing structures in the area, our search was to locate a property that met the intent of the requirements for a Height Variance.

This location offers good elevation, an existing access off the public street. The site is located on a vacant area away from residential uses.

I hope that by supplying you with this overview of the project that you will agree to the need for this facility and that you will be able to support our Application to provide wireless telecommunications services to the citizens of the City.

Please contact me if you have any questions or if additional information is required.

Thank you very much.

Sincerely,

Steven K Ward

Steven K. Ward,
Ward Development Services, LLC
Authorized Agent for AT&T

C. COMPLIANCE WITH ORDINANCE

Section 8.05 Wireless Communication Towers and Antennas

8.05.01 Purposes

1. This Conditional Use Permit procedure provides for the review and discretionary approval of communication towers and building and rooftop mounted antennas. These uses have site development or operating characteristics that require special consideration.
2. To encourage public review of proposed projects which would be regulated under the provisions of this ordinance.
3. To provide a procedure which allows communication towers to operate according to certain conditions without requiring a rezoning to a higher intensity district, which may not conform to the objectives of the Comprehensive Plan.
4. To maximize the use of any existing or new communication tower to reduce the number of towers needed in the community.

8.05.02 Definition of Terms

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

“Antenna” - any exterior apparatus designed for telephonic, radio, data, Internet, or video communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for cellular, enhanced specialized mobile radio, specialized mobile radio and personal communications services, telecommunications services, and its attendant base station.

“Communication tower” – A structure principally intended to support transmitting and/or receiving antennas and accessory equipment related to telecommunications

“Height of tower” – The vertical distance between the highest point of the tower structure including the antenna, and the natural grade directly below this point.

8.05.03 Applicability

1. Communication towers which may or may not exceed the height limit of the zoning district, but with a maximum height limit of two hundred (200) feet, and accessory facilities are permitted for the following uses, subject to the requirements of Sections 8.05.04, 8.05.05, and 8.05.06:

- A. Cable television
- B. Two-way radio
- C. Common carriers and private carriers
- D. Cellular telephone
- E. Fixed-point microwave
- F. FM/AM Radio
- G. Television

2. Building and rooftop mounted antennas, subject to the requirements of Section 8.05.04, 8.05.05, and 8.05.06.

3. Accessory facilities including, but not limited to, offices, long-term vehicle storage, other outdoor storage, broadcast studios, or other uses not needed to send or receive transmissions, are not permitted unless such facility is a permitted use in the zoning district.

4. An antenna and supporting structure for the following uses are exempt from the requirements of this ordinance and are permitted in any zoning district if accessory to a permitted use and if they comply with applicable regulations of that zone:

- A. Amateur radios licensed by the FCC
- C. Citizens band radios
- D. Home satellite receive-only antennas
- E. UHF or VHF television antennas
- F. Conventional home television antennas

5. Towers for police, fire, and emergency communications, or other municipal communications, are exempt from the requirements of this ordinance.

6. Towers for military radars which are used for the purpose of defense or aircraft safety are exempt from the requirements of this ordinance.

7. Towers which have painting or lighting requirements due to the requirements of the Federal Aviation Administration or the Nebraska Department of Aeronautics are declared incompatible due to their potential hazard to navigation and are hereby expressly excluded.

8.05.04 Conditions for Approval

Conditional use permits for the purpose of installing communication towers shall be evaluated based on the following information:

1. The purpose of the tower as listed in Section 8.05.03 (1) and information pertaining to the operational need or demand for the tower.

2. The type of tower proposed; either monopole, self-supporting, or guyed mast type, and accessory facilities or structures.

The proposed tower is a monopole design.

3. The height of the proposed tower, and a determination of the minimum height necessary to accommodate the communication equipment.

A 160' antenna elevation is the optimum design for the network at this location

4. Minimum setback from all adjoining property equal to:

A. One hundred (100) percent of the tower height from the base of the tower, not including guy anchors, to any adjoining lot zoned residential.

This setback is met to the north, south and west. The site is located in the southeast corner of the church property so as to minimize the impact to parking, snow removal etc. the property to the east is a vacant tract owned by the City of Bellevue and we ask a reduction in the setback to this property. The tower will be set back from the property line a distance of 75'. The underlying setback distance for the side yard in the neighboring RD-60 district is 5 feet. This means no structure will be built within 80' of the proposed tower. A fall letter signed by a Nebraska structural

engineer will be provided demonstrating that a fail point will be designed into the tower so that the tower would break and fall within 80' of the center of the tower.

B. Twenty (20) feet from the base of the tower, not including guy anchors, to any adjoining lot zoned nonresidential.

Not Applicable. All property is residential

C. Tower guy anchors must meet the minimum setback requirements of the zoning district.

Not applicable. Monopole tower is the design

D. The City Council may grant a reduction in the required setbacks upon a determination that such reduction will not adversely affect adjacent properties and is consistent with the intent of this ordinance.

We ask a reduction in the setback to the City property to the east. Please see 8.05.04 (A)

5. Proximity to the nearest existing tower and information to demonstrate that an existing tower cannot accommodate the communication equipment planned for the proposed tower.

This response is in the narrative section. Existing towers were reviewed and found to not meet our needs

6. The landscaping and other buffers proposed to screen the base of the tower from adjacent residential or commercial uses, streets, parks, or other public property.

The site is to be screened with an opaque fence of chain link with privacy slats. There are existing trees in the area of the tower and the tower sits on top of a grade from the roadway which prevents view of the site from the streets

7. Other proposed measures to minimize adverse visual effects on adjacent properties including the design of the tower and accessory buildings, avoidance of artificial lighting, non-interference with television and radio reception, and any other factors.

There is no lighting of the compound proposed. AT&T operates within its licensed frequencies and will not interfere with television, radio or other licensed wireless uses

The Planning Director may issue an administrative permit approving an application to locate a building mounted or rooftop mounted antenna if the application does not exceed the permitted height in the zoning district in which it is located, and will have minimal adverse effect on the surrounding property. Administrative permits will be allowed only in commercial and industrial zones. Permits for the purpose of installing building and rooftop mounted antennas shall be evaluated based on the following information:

- (1) The proposal shall demonstrate the antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.
- (2) Antenna attached to the wall of an existing building shall be mounted in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is attached.
- (3) The antenna shall be designed and located so as to minimize any aesthetic impact. The antennas shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

(4) If accessory equipment or structures are present, they must blend with the surrounding buildings in architectural character and color.

(5) Rooftop mounted antenna and any related equipment shall be completely screened from view as visible from the property line by materials that are consistent and compatible with the design, color, and materials of the building.

(6) Antenna attached to the roof of a building must be either:

- A. _____ Omnidirectional or whip antenna no more than seven inches in diameter; or
- B. _____ Panel antenna no more than two feet wide and eight feet long.

(7) The fee for the administrative permit shall be in accordance with the Master Fee Schedule.

~~Within 30 days of receiving a complete application, the Planning Director shall act on the request for an administrative permit. If a request for an administrative permit is not acted upon within 30 days, or is denied, or the conditions imposed thereon are unacceptable to the applicant, then the applicant may, by written notice to the Planning Director, convert the request for an administrative permit to an application for a conditional use permit through the public hearing process.~~

8.05.05 Application Requirements

An application for a Conditional Use Permit may be submitted by the property owner or their authorized representative. The application shall be filed with the Planning Department and include at least the following information:

1. A site plan showing all existing and proposed structures located within the property, total acreage of the parcel, distance to the property line and distance to structures which are adjacent to the property, scale of the drawing, north arrow and date of the drawing.

See attached plans

2. A landscape plan submitted in accordance with the Landscaping, Buffering, and Screening regulations, although additional buffering and screening may be required as a provision of the Conditional Use Permit.

3. Engineering information pertaining to tower design, building materials, equipment to be attached to the tower, accessory structures, non-interference with television and radio reception, the safety and stability of the structure, and a description of the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity.

The tower will be designed to the current EIA-222 code and will be a monopole with a galvanized finish. The tower will be inside a 38' x 55' compound and surrounded by a opaque fence of chain link with privacy slats. The tower will have the capacity to hold AT&T and at least two other carriers. Each carrier uses between 6 and 9 antennas and will have remote radio heads on the platform by he antennas

4. Correspondence with the Federal Aviation Administration, Federal Communications Commission, and the Nebraska Department of Aeronautics to demonstrate progress in compliance with their requirements.

FAA form 7460 will be filed and an FAA review will be performed. We ask that our zoning be approved, and any building issuance will be conditioned on the submittal of the FAA approvals

5. A survey of existing towers including type and location, and a statement which demonstrates the need for the new tower.

This is included in the attached plans

8.05.06 Duration of Conditional Use Permit

1. A Conditional Use Permit and administrative permit shall become void two (2) years after the date of approval unless the applicant has obtained a building permit and is in the process of or has completed construction of the communication tower or antennas.

Undersotod

2. Within sixty (60) days of the completion of the construction of the tower, the applicant is required to submit an inspection certification from a registered professional engineer demonstrating compliance with the minimum criteria for specifying and designing steel antenna towers and antenna supporting structures. Certification of structural integrity must also be provided to the City every three (3) years thereafter.

We ask this be adjusted to the current ELA standard for tower inspections for monopoles at 5-year intervals.

Section 6.06 Standards

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.

The proposed tower will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.

6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

The tower is at the rear of a large property used as a church. The property has mature trees and the site sites on top of a hill that prevents view from travelers to the south. There is no negative impact to property values

6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

The surrounding properties are developed

6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

Adequate utilities are available for the facility

6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The site is visited about once every three weeks using the existing parking lot and drives

6.06.06 The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

The site produces minimal noise. There will be a backup generator and the times of its maintenance can be adjusted to accommodate any required schedule

6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

There is no air pollution caused by the facility

6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

The facility does not use gas

6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

There will be no reflected light or glare from the facility

6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

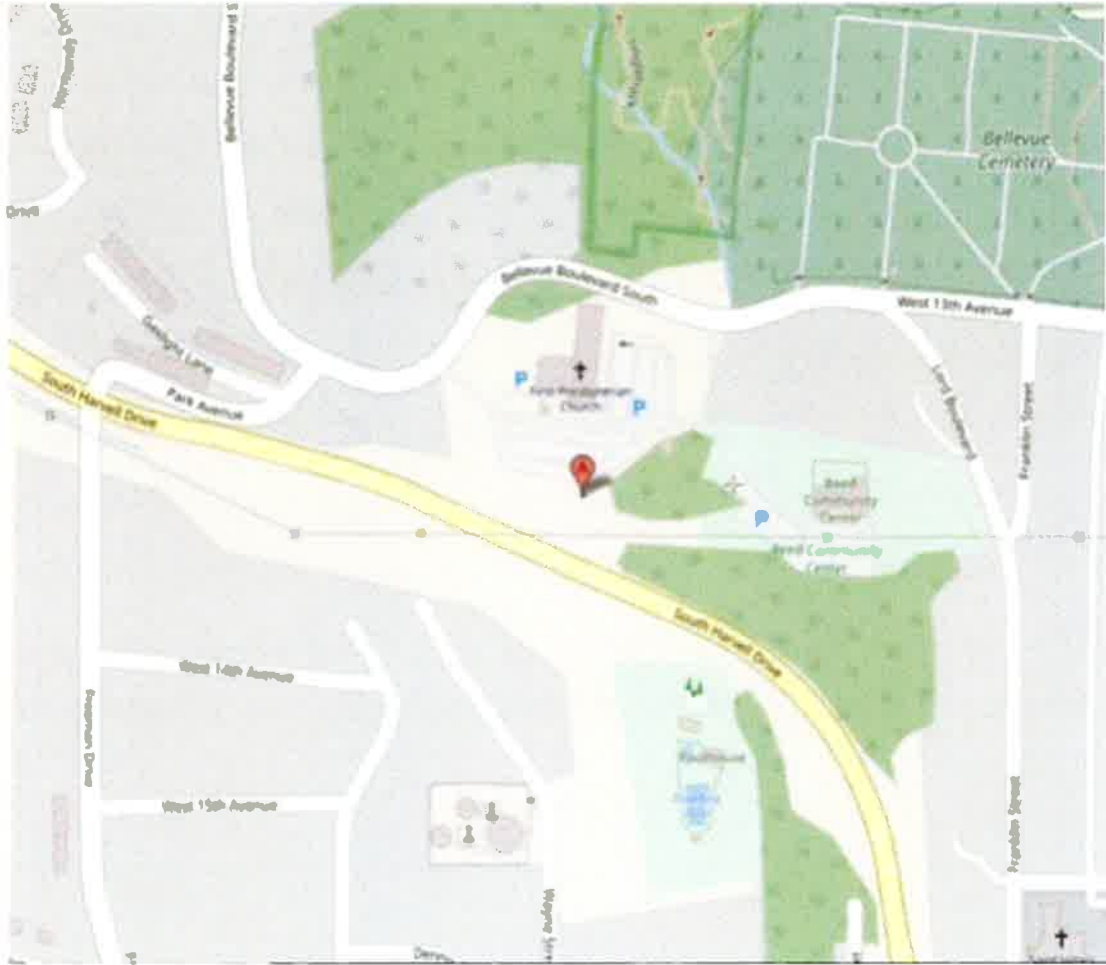
The site is visited about once every three weeks using the existing parking lot and drives

6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

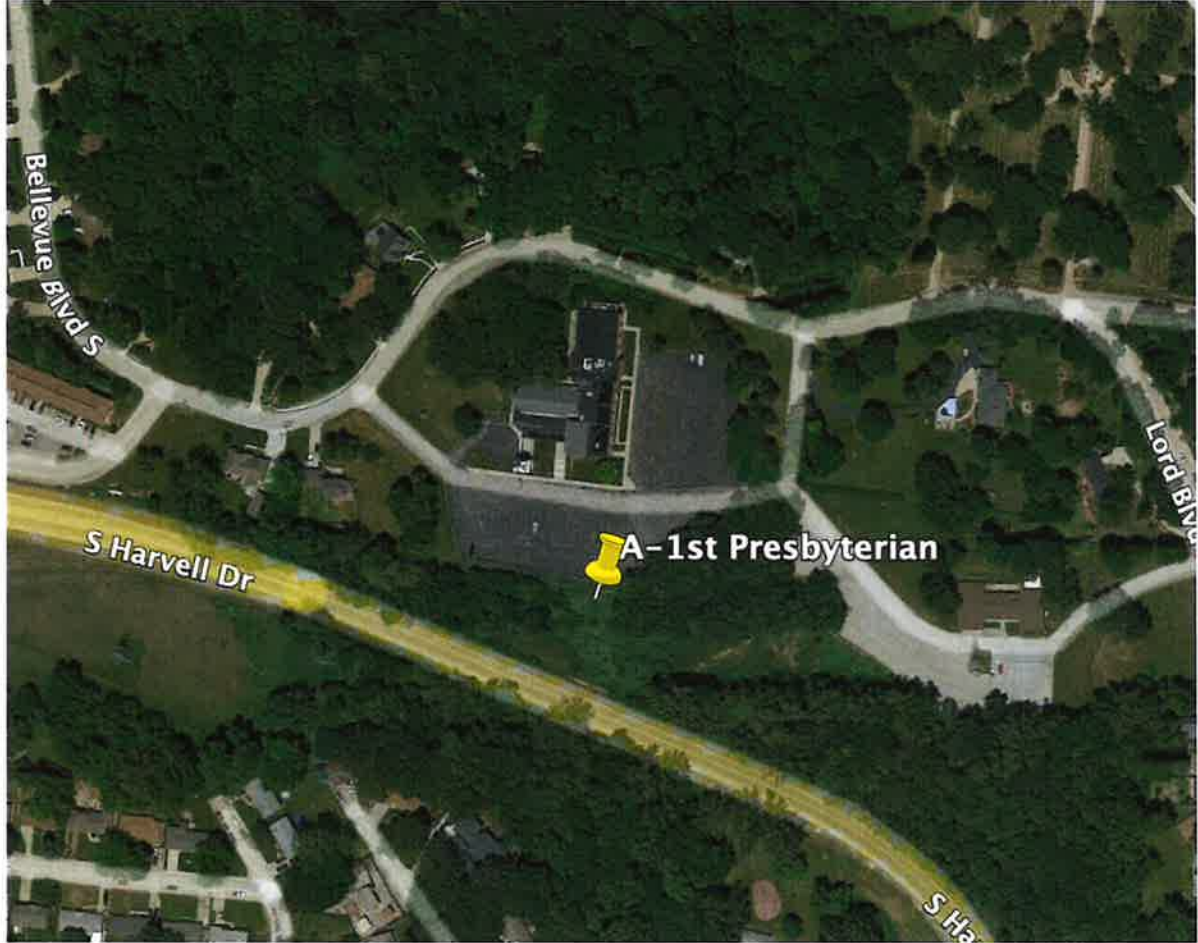
The site uses only electricity and fiber

D. EXHIBITS

1. VICINITY MAPS OF AREA



2. AERIAL MAPS



3. PIN SHEET

Property Detail Report

Parcel ID: 011254513



Parcel Information

Situs: 1220 Bellevue Blvd S Bellevue NE 68005

Owner: First Presbyterian Church
Of Bellevue
1220 Bellevue Blvd S
Bellevue, NE 68005

Legal: Lot 1 First Presbyterian Church Of
Bellevue (5.234 ac)
Subdivision: First Presbyterian Church Of
Bellevue (10410)
Tax District: 10002
Approx. Size: 5.23 ac
PLSS: SE-25-14-13
City: City of Bellevue



Services

School District: Bellevue
Fire District: Bellevue Fire
Law: Bellevue Police
Electricity: OPPD
Water/Gas: MUD
Wastewater: Bellevue

Environmental

Basin(s): Missouri River -100.0%
Floodway: n/a
Flood Zone(s):
Area of Minimal Flood Hazard -100.0%



Zoning

Zoning:
RS-84 - Single Family Residence - 8,400 Sq Feet (Bellevue) -98.2%
Future Land Use:
MDR - Med Density Residential (Bellevue) -98.2%

4. TOPO MAP

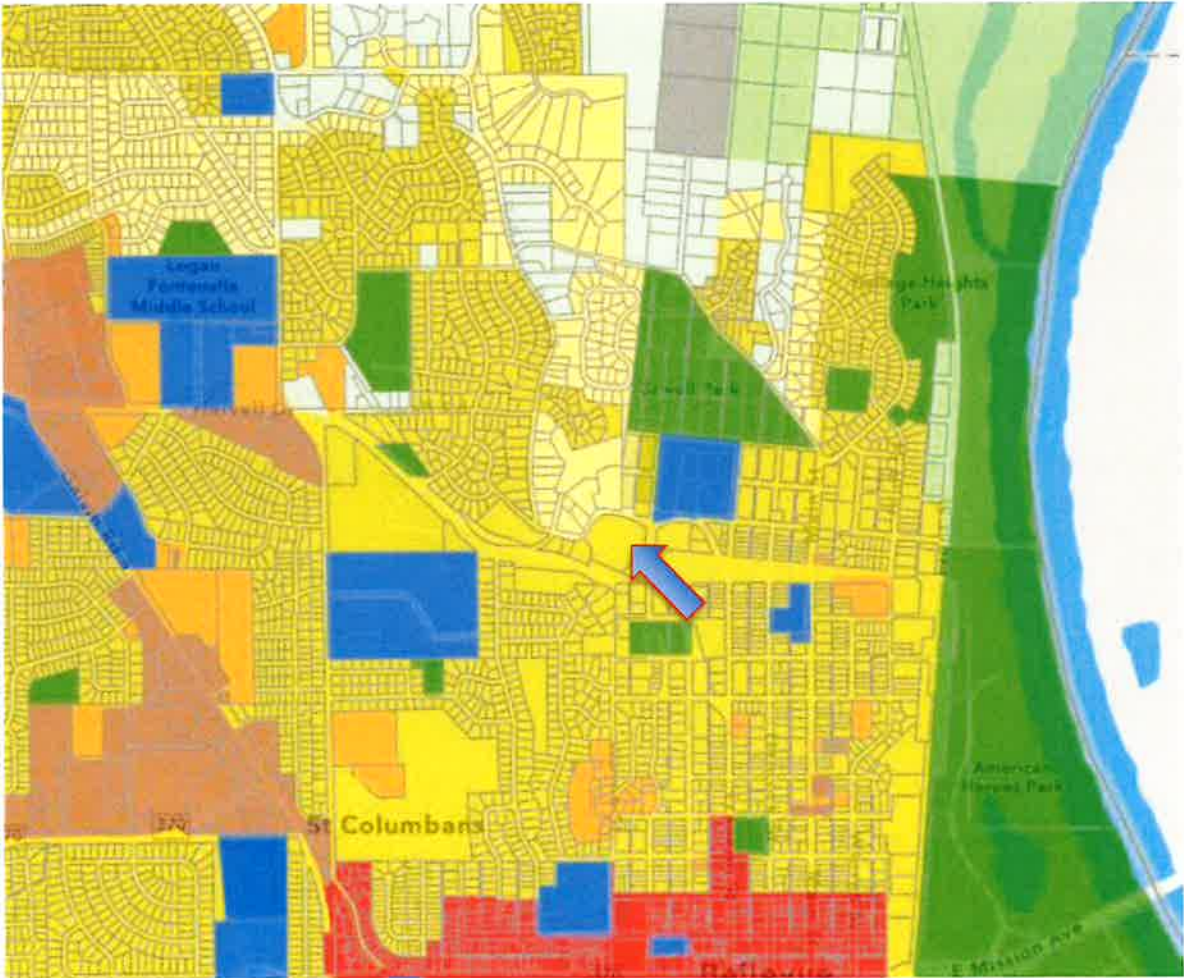


B.

5. FLOOD AND WETLANDS MAP



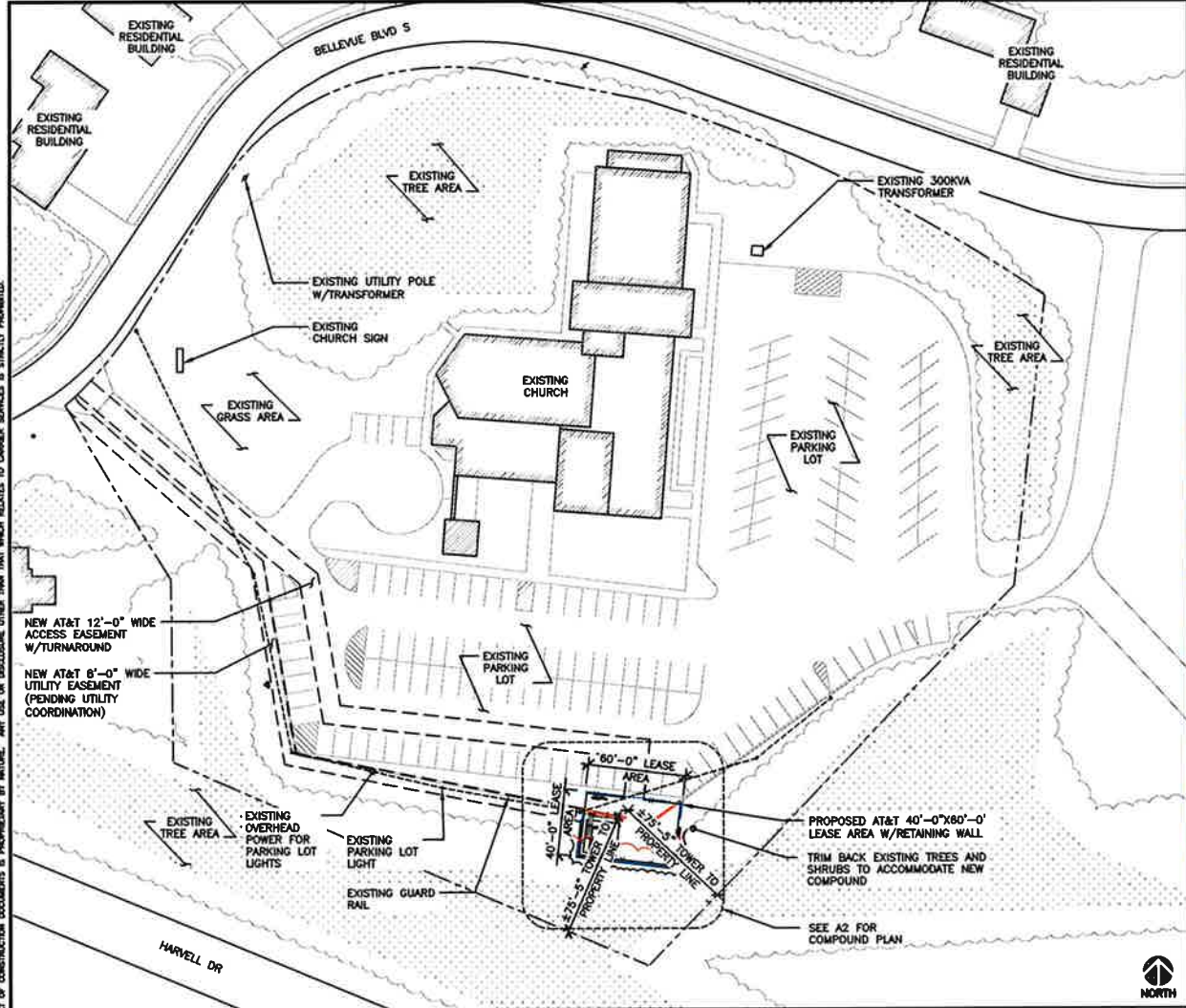
6. ZONING MAP



E. ZONING DRAWINGS

Attached

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FA #: 15796368
 PTN #: 3525A13C1N
 PACE #: MRUMW051411

JAN 17 2023

PLANNING DEPT.



ENLARGED SITE PLAN

SCALE: 1"=75'-0" (1:1875)
 (AS SHOWN ON SHEET 2)

2 AERIAL

SCALE: 1"=150'-0" (1:3960)
 1

AT&T
 600 NATIONAL PARKWAY
 BOSTON, MA 02115

NEXIUS
 CHERISA SMALL
 SITE ACQUISITION SPECIALIST
 PHONE: 650-440-9781
 CHERISA.SMALL@NEXIUS.COM

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 604 FOX GLEN
 BARRINGTON, IL 60010
 TELEPHONE: 847.277.8670
 FAX: 847.277.0080
 ac@westchesterservices.com

NSB
 15796368/NEL01282
 FIRST PRESBYTERIAN
 1220 BELLEVUE BLVD S
 BELLEVUE, NE 68005

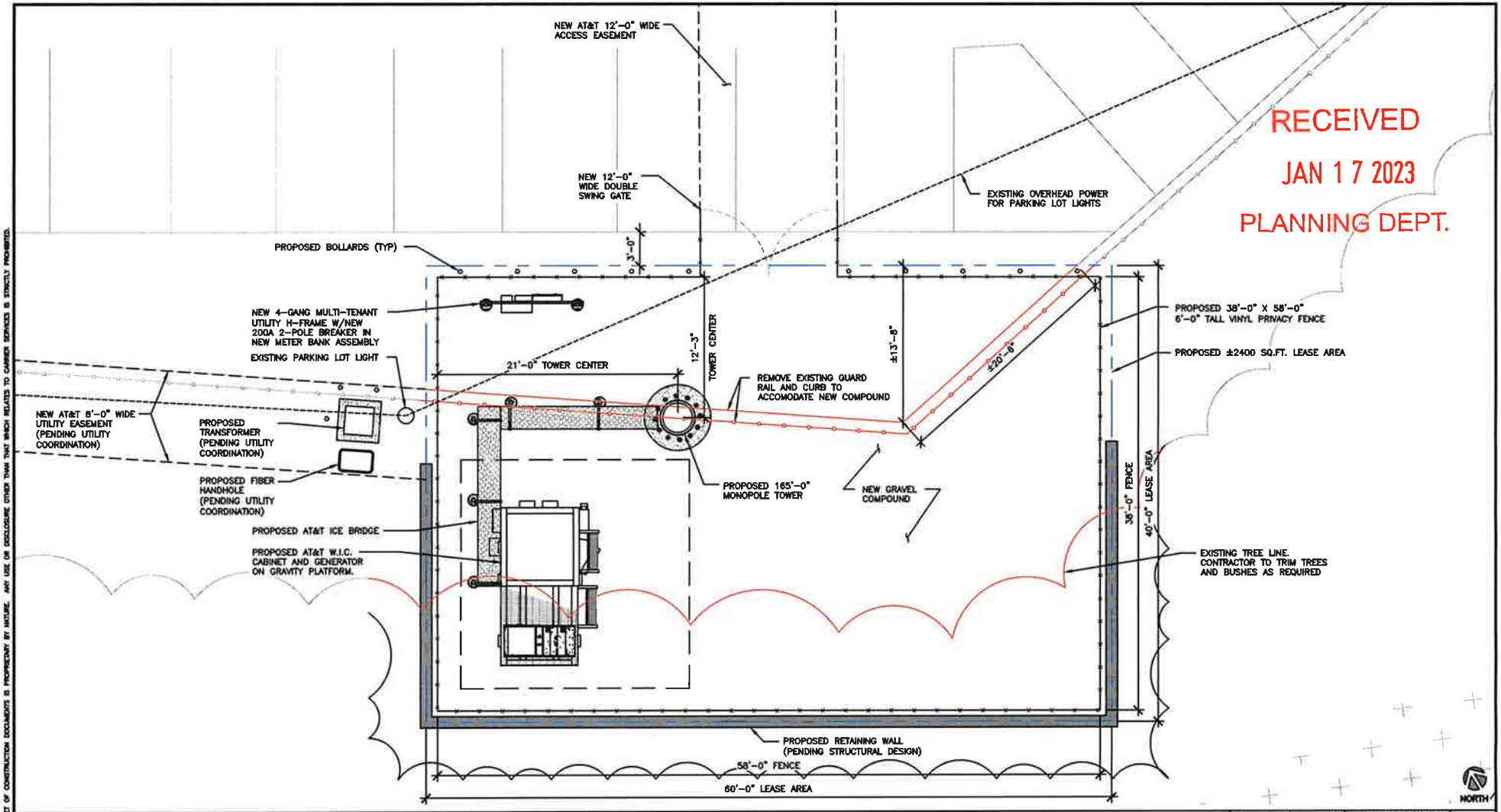
REV.	DATE	DESCRIPTION	BY
0	01/17/23	REVISED LEASE COORDINATE	NSM
B	12/14/22	REVISED LEASE COORDINATE	NSM
A	08/18/22	LEASE COORDINATE	JR

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SHEET TITLE
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ENLARGED PLAN

SCALE: 1/8"=1'-0" (11x17)
 (OR) 1/16"=1'-0" (22x34) 1

AT&T
 810 NATIONAL PARKWAY
 ECHOLS/BURO, IL 60173

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 CHERISA SMALL
 SITE ACQUISITION SPECIALIST
 PHONE: 847.277.0141
 CHERISAS.MALL@NEXIUS.COM

WESTCHESTER
 SERVICES LLC
 654 POK GLEN
 BARRINGTON, IL 60010
 TELEPHONE: 847.277.0070
 FAX: 847.277.0088
 www.westchesterservices.com

NSB
 15796368/NELO1282
 FIRST PRESBYTERIAN
 1220 BELLEVUE BLVD S
 BELLEVUE, NE 68005

REVISIONS				
REV.	DATE	DESCRIPTION	BY	CHKD.
0	01/17/23	REVISED LEASE EXHIBIT	NSM	
B	12/14/22	REVISED LEASE EXHIBIT	NSM	
A	06/14/22	LEASE EXHIBIT	JS	

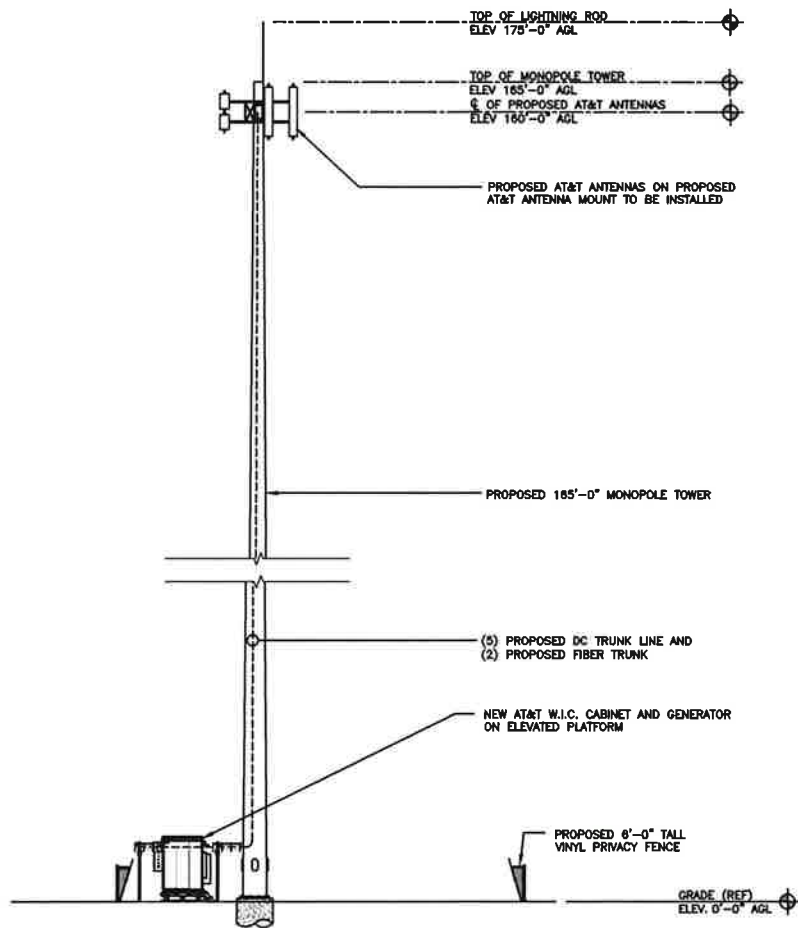
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SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
LE-2



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JAN 17 2023
PLANNING DEPT.

TOWER ELEVATION

SCALE: 1"=20'-0" (11x17)
(OR 1"=20'-0" (22x34))

1



NEXIUS
CHERISA SMALL
SITE ACQUISITION & SPECIALIST
PHONE: 830-666-7741
CHERISA.SMALL@NEXIUS.COM

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604 PLYM CLENS
BARRINGTON, IL 60010
TELEPHONE: 847.277.0870
FAX: 847.277.0880
we@westcheaterservices.com

NSB
15796368/NELO1282
FIRST PRESBYTERIAN
1220 BELLEVUE BLVD S
BELLEVUE, NE 68005

REV.	DATE	DESCRIPTION	BY
0	01/17/23	REVISED LEASE EXHIBIT	RSB
B	12/14/22	REVISED LEASE EXHIBIT	RSB
A	08/18/22	LEASE EXHIBIT	JB

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SHEET TITLE
TOWER ELEVATION

SHEET NUMBER
LE-3

Record & Return To:
City of Bellevue Planning Department
1510 Wall Street
Bellevue, NE 68005

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 1, FIRST PRESBYTERIAN CHURCH OF BELLEVUE,
LOCATED IN THE SOUTHEAST ¼ OF SECTION 25, T14N, R13E OF THE 6TH P.M., SARPY
COUNTY, NEBRASKA

Conditional Use Permit for New Cingular Wireless PCS, LLC

This Conditional Use Permit issued this 21st day of February, 2023 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to New Cingular Wireless PCS, LLC, (“Applicant”), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, First Presbyterian Church of Bellevue, is the legal owner of Lot 1, First Presbyterian Church of Bellevue, located in the Southeast ¼ of Section 25, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 5.23 acres (“Property”). Applicant desires to use a portion of the Property for the construction of a 165’ monopole wireless communication tower and 40 foot by 60 foot fenced compound; and

WHEREAS, Applicant has applied for a conditional use permit for the purpose of using the Property as described above; and

WHEREAS, the Mayor and City Council of the City of Bellevue are agreeable to the issuance of a conditional use permit to the Applicant for such purpose, subject to certain conditions and agreements as hereinafter provided (the “Permit”).

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Applicant to use the Property for the purpose described above, said use hereinafter being referred to interchangeably as a “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Use:

- a. A site plan showing the Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "A".
 - b. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A" and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.
 - c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant's Use of the Property.
3. The Applicant's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:
 - a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and the opportunity to cure in the time and manner described below.
 - b. The Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void.
 - c. The applicant may maintain a 165' monopole wireless communication tower and 40' x 60' fenced compound on the property.
 - d. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant's expense within twelve (12) months of cessation of the Use of the Property.
 - e. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
 - f. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant's expense.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
 - a. Applicant's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.
 - c. Applicant's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the

same to be removed at Applicant's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall reimburse the City the costs incurred to remove the same. Applicant hereby irrevocably grants the City, its agents and employees, the rights, provided notice is furnished to the Applicant along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards, nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

6. If any provisions, or any portion thereof, contained in this Permit are held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

7. The conditions and terms of this Permit shall be binding upon Applicant, its successors and assigns.

a. Delay of City to terminate this Permit on account of breach of Applicant of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

b. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Applicant shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Applicant of any breach of this Permit. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section b and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

c. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.

d. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

New Cingular Wireless PCS, LLC
15 Park Place Centre
Swansea, IL 62226

e. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

The City of Bellevue

By: _____
Rusty Hike, Mayor

ATTEST:

Susan Kluthe, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

The undersigned, a notary public qualified in and for said county, does hereby certify that Rusty Hike and Susan Kluthe, whose names as Mayor and City Clerk respectively, of the City of Bellevue, Nebraska, a municipal corporation, are signed to the foregoing instrument and who are each known to me and known to be such officers, acknowledged before me on this day and they, in their respective capacities as Mayor and Deputy City Clerk, executed and delivered said instrument as their voluntary act and deed and voluntary act and deed of such corporation.

Witness my hand and notarial seal this ____ day of _____, 2023.

Notary Public

Steve Ward for New Cingular Wireless PCS, LLC

STATE OF ILLINOIS)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Steve Ward signed the foregoing instrument, acknowledged before me on this day and he executed and delivered said instrument as his voluntary act and deed.

Witness my hand and notarial seal this ____ day of _____, 2023.

Notary Public

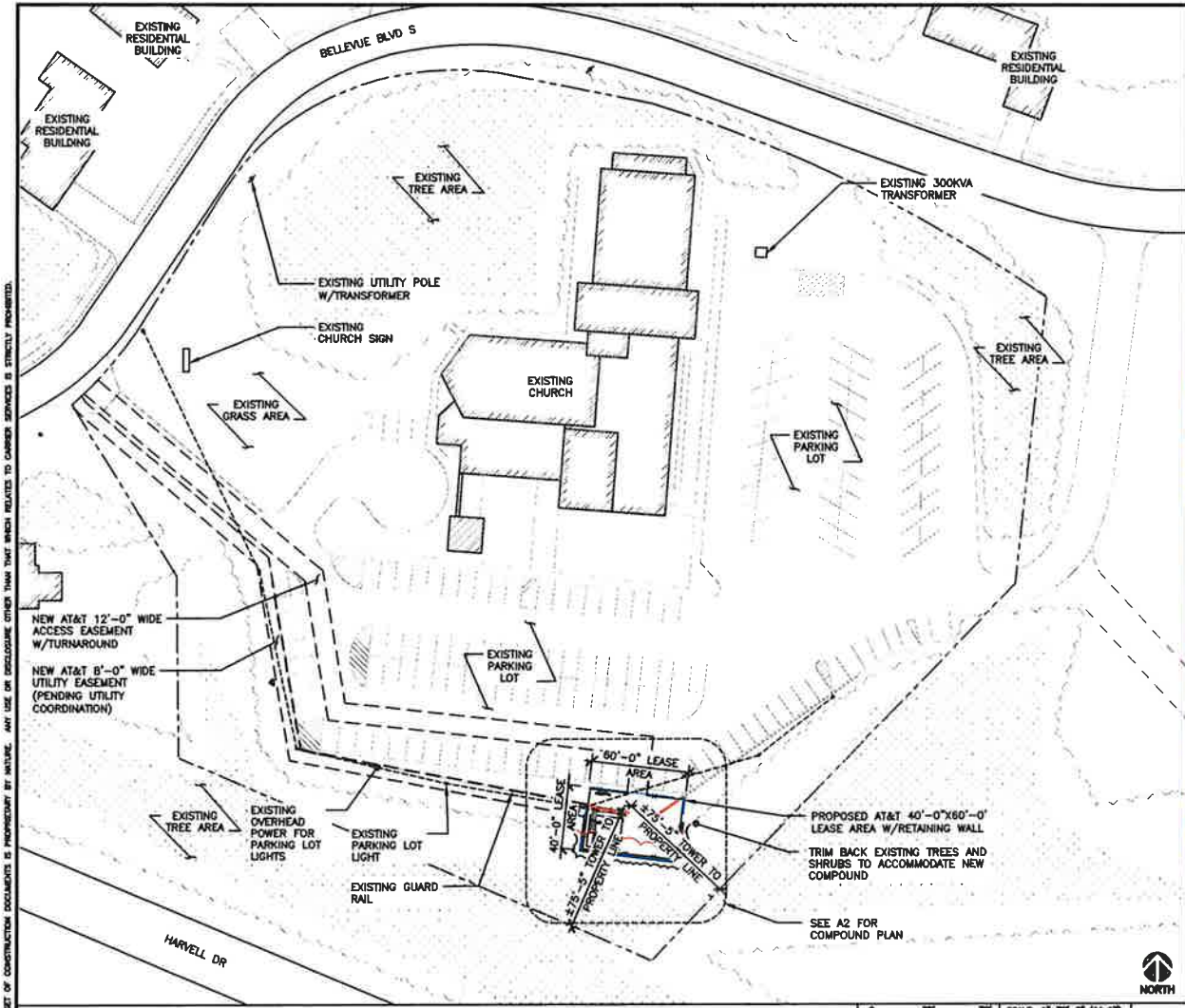
Marty Davis for First Presbyterian Church of Bellevue

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Marty Davis signed the foregoing instrument, acknowledged before me on this day and he executed and delivered said instrument as his voluntary act and deed.

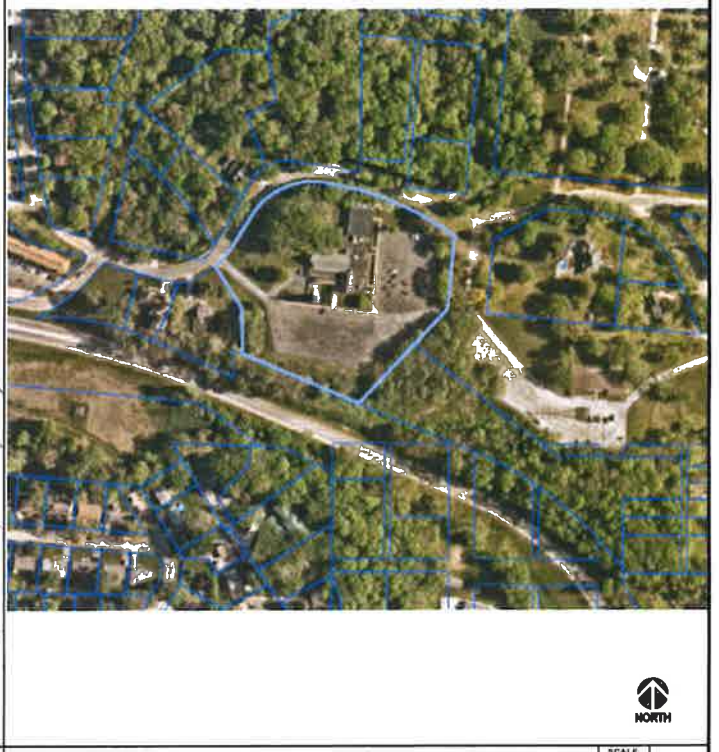
Witness my hand and notarial seal this ____ day of _____, 2023.

Notary Public



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JAN 17 2023
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FA # : 15796368
PTN # : 3525A13C1N
PACE # : MRUMW051411



ENLARGED SITE PLAN SCALE 1"=75'-0" (1:1875) (SEE 2"=300'-0" (1:2250)) 2 AERIAL SCALE 1"=150'-0" (1:13125) 1

300 NATIONAL PARKWAY
CHAUNOYBURG, IL 61813

NEXIUS

CHERISA SMALL
SITE ACQUISITION SPECIALIST
PHONE: 847-466-7141
CHERISA.SMALL@NEXIUS.COM

WESTCHESTER SERVICES LLC

404 PINE CREST
HARRINGTON, IL 60018
TEL: 815/318-8470 FAX: 815/318-8470
www.westchesterservices.com

NSB
15796368/NEL01282
FIRST PRESBYTERIAN
1220 BELLEVUE BLVD S
BELLEVUE, NE 68005

NO.	DATE	REVISION	BY
0	01/17/23	REVISED LEASE DOWNSH	NSB
B	12/14/22	REVISED LEASE DOWNSH	NSB
A	08/18/22	LEASE DOWNSH	JB

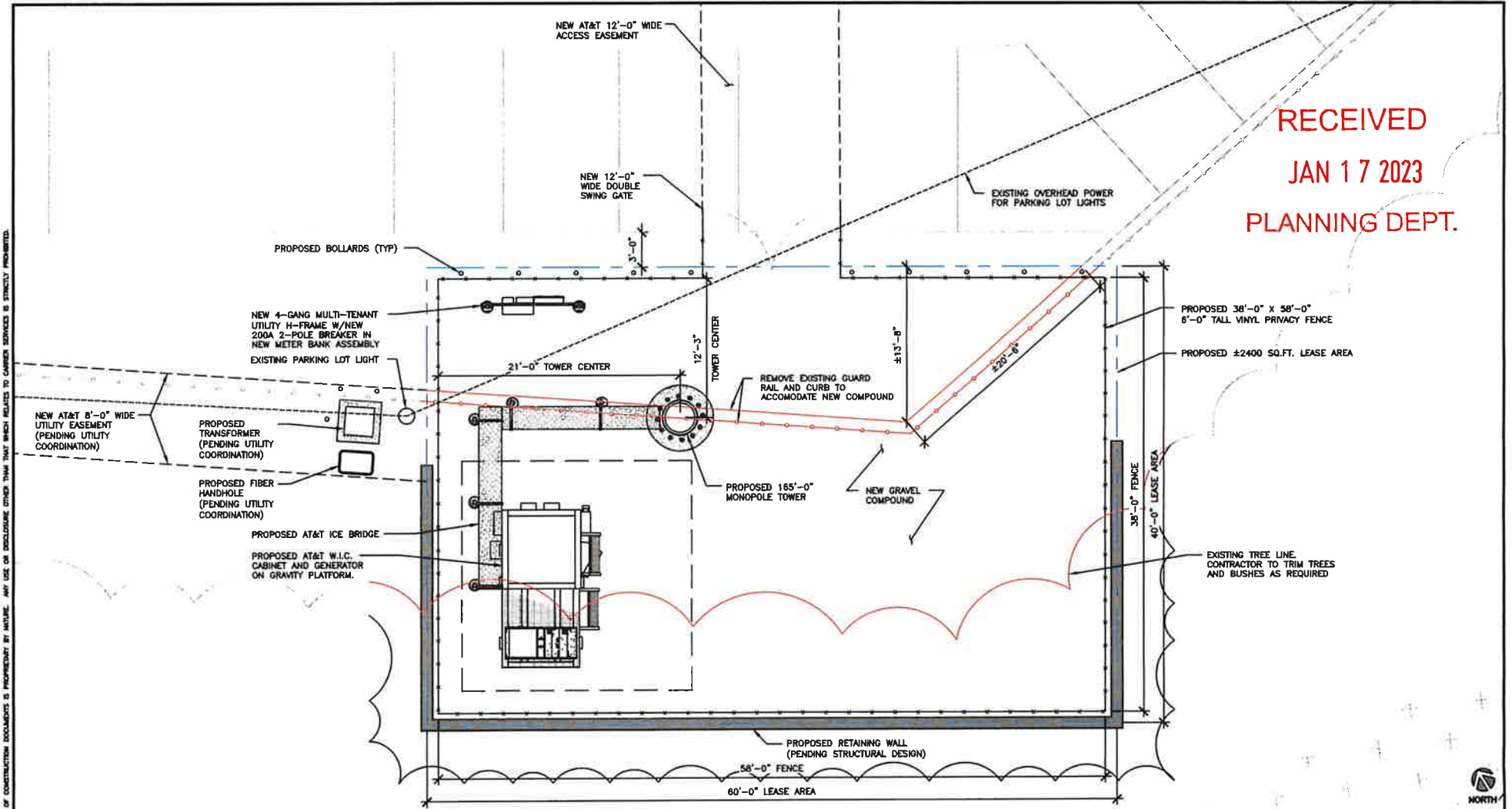
NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET

SHEET TITLE
OVERALL SITE PLAN & AERIAL

SHEET NUMBER
LE-1

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ENLARGED PLAN

SCALE 1/8"=1'-0" (11x17)
 (OR) 1/16"=1'-0" (24x36) 1

AT&T

533 NATIONAL PARKWAY
 SCHENECTADY, NY 12317

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CHERISA SMALL
 SITE ACQUISITION SPECIALIST
 PHONE: 847.277.0070
 CHERISA.SMALL@NEXIUS.COM

WESTCHESTER SERVICES LLC

604 POUX CT SW
 BARRINGTON, IL 60010
 TELEPHONE: 847.277.0070
 FAX: 847.277.0080
 w@westchesterservices.com

NSB
 15796368/NEL01282
 FIRST PRESBYTERIAN
 1220 BELLEVUE BLVD S
 BELLEVUE, NE 68005

REV.	DATE	DESCRIPTION	BY	CHKD
0	01/17/23	REVISED LEASE EXHIBIT	RM	
1	12/14/22	REVISED LEASE EXHIBIT	RM	
A	08/18/22	LEASE EXHIBIT	JS	

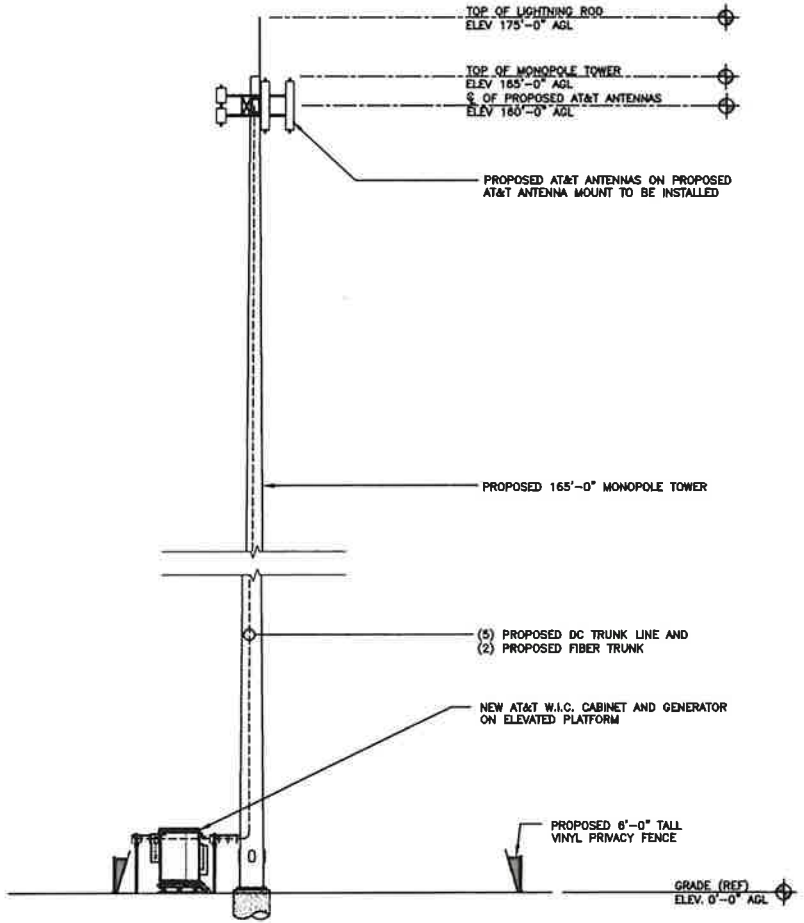
NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET

SHEET TITLE

ENLARGED SITE PLAN

SHEET NUMBER

LE-2



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TOWER ELEVATION

SCALE: 1"=30'-0" (11x17)
 (OR) 1"=20'-0" (22x36) 1



NSB
 15796368/NELO1282
 FIRST PRESBYTERIAN
 1220 BELLEVUE BLVD S
 BELLEVUE, NE 68005

REV.	DATE	DESCRIPTION	BY	CHKD
0	01/17/23	REVISED LEASE EXHIBIT	NSB	
B	12/14/22	REVISED LEASE EXHIBIT	NSB	
A	08/18/22	LEASE EXHIBIT	JL	

NOT FOR CONSTRUCTION UNLESS LABELED AS CONSTRUCTION SET

SHEET TITLE
 TOWER ELEVATION

SHEET NUMBER
 LE-3