

BELLEVUE PLANNING COMMISSION

Thursday, August 22, 2024 6:00 PM

Bellevue City Hall

1500 Wall Street

Bellevue, NE 68005

1. CALL TO ORDER:

a. Pledge of Allegiance

b. Roll Call

c. The Open Meetings Act location

d. Approve Minutes of July 25, 2024 Regular Meeting

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

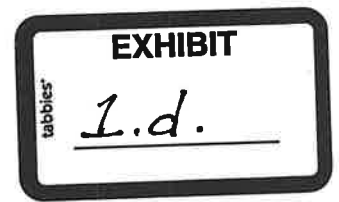
2. CONSENT AGENDA/PUBLIC HEARINGS:

3. PUBLIC HEARINGS:

a. Request for a conditional use permit for Part of Lot 13 North of Drain Ditch and Part of Lot 14, Butterfields Subdivision, except Part for NRD, located in the Northeast $\frac{1}{4}$ of Section 10, T13N, R13E of the 6th P.M., Sarpy County Nebraska, for the purpose of a permanent concrete crushing, storage, and batch plant. Applicant: Crushin'-It, Inc. General location: S 13th St. and Capehart Rd . Case #: CUP-2407-01.

4. CURRENT BUSINESS

5. ADJOURNMENT



MINUTE RECORD

Bellevue Planning Commission Meeting July 25, 2024, Page 1

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

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times and 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.

Aerni 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 Taylor-Jones, to approve the minutes of the June 27, 2024, regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

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

Motion was made by Hankins, seconded by Taylor-Jones, 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.

The following item was on the consent agenda:

Request to annex Tax Lot 11C, located in the Southwest ¼ of Section 33, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska. Applicant: City of Bellevue.

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

Motion was made by Taylor-Jones, seconded by Sims, to Approve the Consent Agenda item as presented. Upon roll call, all present voted yes. Motion carried unanimously.

This item will proceed to City Council for PUBLIC HEARING on September 3, 2024.

Aerni explained the public hearing procedures.

PUBLIC HEARING was held on a request to approve the 2025-2030 Capital Improvement Plan. Applicant: City of Bellevue. Case #: 182.

Aerni asked staff for updates. Palm stated there were no updates and gave a summary of the request. Palm stated the CIP (Capital Improvement Plan) is a community planning and fiscal tool that is used to coordinate the timing and financing of capital improvements of a multi-year period typically five to six years. She stated the document contains major projects and expenditures categorized as \$50,000 dollars or more submitted for each department. Palm said the first year corresponds with the budget that will be presented to the City Council next month. Palm stated the Public Works section is less detailed than in previous years because the department will be doing a one-and six-year street plan that will be approved through City Council. She said an itemized list of those projects is available, but the CIP has them grouped together to make it easier to read and understand.

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

Hankins stated a citizen had asked him who or what were the outside sources of the fifty-six million dollars listed on the first page of the CIP. Palm stated typically those outside sources are grants, state, or federal funding. Hankins inquired why there were renovation costs for the library. Palm stated those are carry over items from last year's CIP which may get paid out after this fiscal year. Hankins stated he was happy to see some of the approved Park Master Plan items being funded.

Aerni noted there is ten million dollars between Public Works and Economic Development for road, utilities, and design for the water park.

Perrin stated the fire department budget for 2024-2025 CIP shows replacing utility "3" and engine "4" trucks for \$1.9 million and shows replacing the same units for the same amount of money again in fiscal years 2028-2029. Palm stated that is possibly error that would be corrected.

MINUTE RECORD

Bellevue Planning Commission Meeting, July 25, 2024, Page 2

MOTION was made by Hankins, seconded by Bennett to recommend APPROVAL of a request to approve the 2025-2030 Capital Improvement Plan. Applicant: City of Bellevue. Case #: 182. APPROVAL as presented. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING on September 3, 2024.

Meeting adjourned at 6:12 p.m.



Dianna Van Horn
Planning Secretary

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 1

CASE NUMBERS: CUP-2407-01

**FOR HEARING OF:
REPORT #1:**

August 22, 2024

I. GENERAL INFORMATION

A. APPLICANT:

Crushin'-It, Inc
Attn: Lance Paulsen
20382 Patton Street
Gretna, NE 68028

B. PROPERTY OWNERS:

Mile High Investments, LLC
Attn: Ryan Petersen
409 Sandy Pointe
Ashland, NE 68003

C. GENERAL LOCATION:

South 13th Street and Capehart Road

D. LEGAL DESCRIPTION:

Part of Lot 13 North of Drainage Ditch, and Part of Lot 14, Butterfield's Subdivision all except part for NRD, located in the Northeast ¼ of Section 10, T13N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Conditional Use Permit for the purpose of a permanent concrete crushing, storage, and a batch plant.

F. EXISTING ZONING AND LAND USE:

MH/Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a Conditional Use Permit for the purpose of a permanent (more than 36 months) concrete crushing, storage, and batch plant.

H. SIZE OF SITE:

The site is approximately 10.08 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant and covered in vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** ML/Light Manufacturing
2. **East:** Fort Crook Road right-of-way/Railroad right-of-way
3. **South:** ML/Vacant (across the Papio Creek)
4. **West:** Highway 75 right-of-way

C. REVELANT CASE HISTORY:

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

D. APPLICABLE REGULATIONS:

1. Section 5.28, Zoning Ordinance, regarding Heavy Manufacturing 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 flex space.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The 2021 MAPA Traffic Flow Chart estimates 15,250 vehicles per day near the Kennedy Freeway ramps and Capehart Road.
2. The proposed development will have access along South 13th Street.

D. UTILITIES:

Sanitary sewer is available in this area. The applicant's letter states he intends to use a well for water; however, this information is not shown on the site plan.

E. ANALYSIS:

1. Lance Paulsen, on behalf of Crushin' -It, Inc., has submitted a request for a conditional use permit for Part of Lot 13 North of Drainage Ditch and Part of Lot 14, Butterfield's Subdivision all except part for the NRD, for the purpose of a permanent concrete crushing, storage, and batch plant.

This property consists of approximately 10.08 acres of land located along South 13th Street, south of Capehart Road.

2. The property is presently zoned MH (Heavy Manufacturing). The MH zoning district allows for both temporary recycling plants for concrete, asphalt, or paving materials not to exceed 36 months of operation and temporary batch plants not to exceed 36 months of operation as permitted uses.

Permanent (longer than 36 months) concrete recycling facilities and batch plants require a conditional use permit.

The applicant desires to operate two permanent facilities on this site: the western portion of the property would be used for the concrete recycling operation while the eastern side of the property would contain the batch plant.

3. The applicant indicates the concrete batch plant site will operate from 5:00 a.m. to 6:00 p.m. Monday through Friday and from 5:00 a.m. to 2:00 p.m. on Saturday and closed on major holidays. The applicant also states hours of operation will vary by season and workload. In Mr. Paulsen's explanation of request for a conditional use permit, he states the concrete batch plant will employ five people working on site daily, not including mixer truck drivers.

The applicant states a water truck will be used for site dust control. Aggregate pile dust control will be maintained with a system of water sprinklers placed on top of the aggregate piles.

The applicant estimates traffic from the concrete batch plant will consist of approximately fifteen mixer trucks entering and exiting the site daily. Daily maximum production is anticipated to be around 2,000 cubic yards per day.

The applicant advised the proposed concrete batch plant will deliver concrete materials to projects currently under construction or planning to be under construction on Offutt Air Force Base and the general and surrounding area.

The applicant states the recycling portion of the development will operate Monday through Friday, 7:00 a.m. to 6 p.m. and Saturday 7:00 a.m. to 12:00 p.m. Closed on major holidays. This will be a year-round operation, weather permitting. The applicant indicated there will be 10-20 trips per day, with a goal to crush 100,000 tons per year, or 2,000 tons per week. There will be 9 employees on site for this part of the operation.

The applicant will need to comply with National Pollutant Discharge Elimination System (NPDES) requirements.

The applicant states a “Dust Cannon” (picture attached) will be placed on site while crushing is being completed. Per the applicant “The Dust Cannon creates a fine mist produced by pressurizing water through jet nozzles. The fine mist latches onto the dust particles and suppresses the dust thereby keeping it from leaving the site.” The Dust Cannon is mobile and moved around the yard with the crushing equipment.

Please refer to the attached letters from the applicant dated July 22, 2024.

4. Mr. Paulsen states trucks exiting the site will be directed to make a right-hand turn at Capehart Road to help mitigate traffic congestion.
5. A Traffic Impact Analysis was required as part of this request. Felsburg Holt & Ullevig completed a traffic study for the applicant.

Based on the traffic potential for this development, a right-hand turn lane is required along eastbound Capehart Road. The recommended length of the turn lane and taper is 220’ total. The distance between the Highway 75 ramp and South 13th Street is potentially less than the required 220’ length needed and will need to be reviewed by engineering.

This improvement will be the financial responsibility of the developer.

Offutt Air Force Base has a bike lane in this area along Capehart Road, which will have to be accounted for as well.

6. 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 Deputy Administrator, Sarpy Count Public Works, NRD, 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.

Chief Building Official Mike Christensen had comments pertaining to the need for a public restroom, as well as a permanent structure if the site is operational for more than 180 days. The applicant has stated an understanding of this code requirement and submitted a site plan showing offices and restrooms. The structures shown on the site plan will require approval from the US Army Corps of Engineers.

Public Works Engineer John Krager had the following comments:

- Paving Exhibit:
 - Capehart bike lane width needs to be 8'-10' (reference eastbound bike lanes at Capehart Road and Fort Crook Road), and the Traffic Impact Analysis (TIA) recommends an eastbound (right turn) lane on Capehart Road to South 13th Street with a recommended length of 220' total. Full engineering detail is required and has been requested of the applicant's engineer.
- Site Plan:
 - Provide detail how the restrooms/office will be serviced with water and sanitary sewer.
- Post-Construction Stormwater Management Plans: Show Best Management Practice (BMP's) DB-1 and DB-2, show outlets for detention cells, show impact points, show overflow direction, and whether the detained water will need to be treated prior to out letting to the Papillion Creek.

Offutt Air Force Base Community Planner Andrew Martinez commented "project location is not within the Accident Potential Zone or Noise Contours; however, the location is adjacent to multiple flight paths, and any use that produces visually obscuring material (i.e., dust clouds) will be a concern to Offutt Air Force Base. Additionally, the potential of material making its way into the levees and clogging it may impact flood mitigation on the installation and is of interest."

No other comments were received.

7. Public Works has determined road improvements are needed to South 13th Street due to the heavy truck traffic. South 13th Street consists of three different surfaces: concrete, asphalt, and gravel. The approach to South 13th Street from Capehart Road is concrete, which turns into asphalt; however, it does not extend to the site. The remainder of the road is gravel.

Based on its location to the Kennedy Freeway, South 13th Street is within the Nebraska Department of Transportation's (NDOT) right-of-way. City staff has

reached out to NDOT to discuss the necessary improvements. City staff is looking into the costs for improvements. Further discussion on this matter will be required.

8. 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.

F. TECHNICAL DEFICIENCIES/ADDITIONAL INFORMATION REQUIRED:

1. Sheet 1 of 1 Paving Exhibit:
 - a. Bike lane width needs to be 8'-10'. See the eastbound bike lanes at Capehart and Ft Crook Rd.
 - b. Right turn lane:
 - i. The FHU TIA (Traffic Impact Analysis) recommends 100' vehicle storage and a taper of 12:1 (120') for a total of 220'. Please revise to meet the TIA recommendations.
 - ii. Provide a detail for review.
2. Sheet C1.0 Site Plan:

- a. How is the Restroom/Office serviced with water and sanitary sewer?
3. Sheet C3.0 PCSMP (Post Construction Stormwater Plans):
 - a. BMP'S DB-1 and DB-2 are not shown.
 - b. How and where do these detention cells outlet?
 - c. Where are the impact points?
 - d. Does the detained water need to be treated prior to out letting?
 - e. Direction of overflow?
 - f. Can the overflow go untreated to the Papillion Creek?
4. Email dated June 18, 2024, by Scott Zachery:
Has the USACoE (U.S. Army Corps of Engineers) responded?

IV. DEPARTMENT RECOMMENDATION

CONTINUATION to the September 26, 2024, Planning Commission meeting based upon the technical deficiencies and additional information required for further review of this application.

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

1. Vicinity map/Zoning Map
2. 2024 GIS aerial photo of the property
3. Letter from Platte River Concrete Co. received July 22, 2024
4. Crushin'-It Concrete Recycling Center Operating Statement received July 22, 2024
5. Site Plan received August 12, 2024
6. Conditional Use Permit Agreement

VII. COPIES OF REPORT TO:

1. Crushin'-It, Inc (Lance Paulsen)
2. TD2 Engineering & Surveying (Doug Kellner)
3. Mile High Investments, LLC (Ryan Petersen)
4. Public Upon Request


 Assistant Planning Manager Date of Report


 Planning Director Date of Report



Sarpy County, Nebraska | Sarpy County GIS



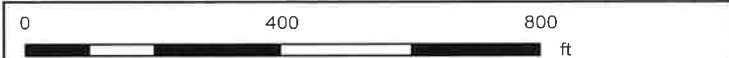
Map Scale 1: 3933

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Notes





Map Scale 1: 4514

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Notes





PLATTE RIVER CONCRETE CO.

DATE: June 20, 2024

TO: City of Bellevue Planning and Zoning Department

RE: STATEMENT OF PROPOSED USE

Platte River Concrete Company requests approval of a Conditional Use Permit (CUP) to operate a Concrete Batch Plant facility located on the Butterfield's Subdivision, Parcel ID:010437274.

Proposed Concrete Batch Plant will deliver concrete materials to projects currently under construction in the general area, as well as projects currently under construction or planning to be under construction on Offutt AFB and surrounding area. Please see attached plant layout drawings and pictures of the proposed plant to be erected on this site. Silo height and proximity to OPPD powerlines has been reviewed and approved by OPPD.

We estimate a maximum of 15 mixers trucks entering and exiting the site daily, truck count will vary based on workload. Anticipated daily maximum production of around 2,000 cubic yards per day. Average daily production is estimated at 500 cubic yards per day. Trucks exiting the site will be directed to make a right-hand turn at Capehart Road to help reduce the possibility of traffic congestion. The proposed batch will have automated dust control equipment for plant load out. Site dust control will be maintained by a water truck. Aggregate pile dust control will be maintained with a system of water sprinklers placed on top of the aggregate piles.

Utilities Required for Operations:

480 3 Phase Power (OPPD) (Required power is available on site and has been discussed with OPPD)
Water (Drilled Well) (Jensen Well)

Hours of Operation:

Monday – Friday 5:00am to 6:00pm

Saturday – 5:00am to 2:00pm

*Year-round operation, weather permitting, non-operating on major holidays

Number of Employees working on site on daily: (5) **Not including Mixer Truck Drivers**

Hours of operation will vary seasonally and be based on workload.

If you have any questions or need any additional information, please let me know.

Sincerely,

Aaron Luth
President



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CRUSHIN'-IT, INC.
Concrete Recycling Center
Operating Statement
June 21, 2024

Statement of Proposed Use

Crushin'-IT, Inc requests approval of a Conditional Use Permit (CUP) for Storage or Processing of Non-Hazardous Materials for a facility located at the Butternuts Property, Sarpy County, Nebraska.

Crushin'-IT, Inc business consists of the crushing of used concrete to create a recycled aggregate to be used as base material for flat concrete work such as floor slabs, street paving, parking lot paving and driveway paving. The material can be sized to serve other aggregate uses. The material is used on every construction project for track-out pad surfacing. The location will also be used in the storage of raw, broken, or unwanted concrete from various contractors and concrete plants to be recycled at a later date.

Proposed Use – Storage or Processing of Non-Hazardous Materials



View 1: Raw Concrete Pile

This location will accept concrete taken from job sites and stored on the site until crushed. View 1 shows what the concrete piles on site look like. Various contractors and concrete companies utilize this site to dump their excess or broken concrete. Utilizing the site for raw concrete storage is environmentally beneficial as it keeps the material from being dumped within landfills or left on yards with no intention of reusing the material.

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Views 2 and 3 show the crushing operation in use. The many benefits to crushing concrete into reusable aggregate include the following:

- Reduces waste from job sites.
- Reduces unnecessary rubble placed in local landfills.
- Creates a sustainable resource for future projects.
- Reduces the need for mining for new material or
- Reduces construction costs on private and public projects.



View 2: Crushing Operation



View 3: Crushing Operation

There is a current Crushin-IT, Inc. operation in Gretna, and in Omaha, which takes great pride in following all state and local governmental regulations for storm water retention, dust control, and keeping dirt and debris off the local streets. The Gretna facility has operated under an active Industrial Storm Water Discharge Permit (NDPES) since December of 2019. The track-out onto city streets is continuously controlled before, during, and after daily operations. Track-out is cleaned up approximately 1 hour into the start of the operation and approximately 1 hour after operations stop.

Crushing operations have evolved to where they are more environmentally friendly than even a few years ago. The sound emitted from the diesel engines is constant and steady. The actual crushing of the concrete is muffled somewhat by the volume of dirt that is naturally part of the rubble. Readings in and around the crusher average less than the 85 Db allowed in the regulations. The current readings average 65-70 Db at 150 feet. The most noise comes from a dump truck's tailgate.

Dust control is a top priority for the operation. View 4 shows a picture of the Screenpod S45 Dust Cannon purchased and placed on site while crushing is being completed. The Dust Cannon creates a fine mist produced by pressurizing water through jet nozzles. The fine mist latches

onto the dust particles and suppresses the dust thereby keeping it from leaving the site. View 5 shows the Screenpod Dust Cannon on site and operating during the crushing operations.



View 4: Picture of the Screenpod S45 Dust Cannon



View 5: Screenpod S45 Dust Cannon in Operation

The Screenpod Dust Cannon is a mobile piece of equipment and is moved around the yard along with the crushing equipment. This ensures that no dust particles leave the property during and after operations. Crushin-IT, Inc is the only active crushing company in the area that operates a Dust Cannon during operations.

Dust control is also achieved by watering the rubble prior to being placed in the active crushers. This keeps the dust creation to almost nothing. Our employees operate a fire hose and soak the inputs. This process keeps the rubble and dirt associated with it, from creating dust particles during the crushing process and as it comes off the discharge conveyors into the pile.

A street sweeper truck is also deployed to water the equipment traveling areas. This helps to mitigate any dust generated by loaders and trucks that are moving around the crushing site. The sweeper truck will also be utilized to keep any street track out from accumulating on the public travel ways. The streets around our crushing operations are kept clean for every user.

Once the aggregate is created, local contractors, municipalities and state agencies will purchase the recycled aggregate from this operation. The aggregate is loaded into dump trucks and side dump semi-tractor trailers to be hauled to job sites. Views 6 and 7 show examples of trucks. All truck traffic enters from Capehart Road with the entrance one half mile of Highway 75. Once entering the site off 13th Street, all truck traffic is kept internally to the site until exiting right back onto Capehart Road and on to Fort Crook Road.

The crushing operation is only somewhat seasonal. As winter weather sets in our operations are curtailed by the temperatures. We will not start the equipment when it is too cold to operate. Watering is more difficult, so the volumes handled are much less and at a reduced pace. The natural moisture from frost or snow assists with dust suppression.

The Crushin-IT, Inc operation will provide local jobs, sales tax, and recycled material used by local contractors, businesses and various municipalities.

Hours of Operation:

Monday – Friday 7:00 a.m. to 6 p.m.

Saturday – 7:00 a.m. to 12:00 p.m.

*Year around operation, weather permitting, non-operating on major holidays

Number of Employees at this location: Nine (9)

Number of Clients (daily trips):

10-20 trips per day, dump trucks and side dump semi-tractor trailers

Monthly Volume Projections:

The goal is to crush a total of 100,000 tons per year which is approximately 2,000 tons per week.



View 6: Side Dump Semi Tractor Trailer



View 7: Dump Truck

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

CITY OF BELLEVUE
CONDITIONAL USE PERMIT

Part of Lot 13 North of Drainage Ditch and Part of Lot 14, Butterfields Subdivision, all except part for
NRD

LOCATED IN THE NORTHEAST ¼ OF SECTION 10, T13N, R13E OF THE 6TH P.M., SARPY
COUNTY, NEBRASKA

Conditional Use Permit for Parcel # 010437274 at South 13th Street and Capehart Road

This Conditional Use Permit issued this _____ day of _____, 2024 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Crushin’-It, Inc., (“Applicant”), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Mile High Investments, LLC, is the legal owner of Part of Lot 13 North of Drainage Ditch and Part of Lot 14, Butterfield’s Subdivision all except part for NRD, located in the Northeast ¼ of Section 10, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 10.08 acres, more or less (“Property”). Applicant desires to use the Property for the purpose of permanent (longer than 36 months) concrete crushing, storage, and batch plant; 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. The Use shall meet all state and federal requirements for air quality control.
 - d. The applicant may operate two permanent facilities on the site: concrete recycling operation on the western portion and batch plant on the eastern portion.
 - e. Trucks exiting the site shall make a right-hand turn at Capehart Road to help mitigate traffic congestion.
 - f. The applicant shall construct a right-hand turn lane along eastbound Capehart Road, per the Traffic Impact Analysis and subject to city approval, at applicant's cost.
 - g. The applicant shall comply with all drainage and watershed regulations and permitting per the City of Bellevue, Papio Missouri-River NRD, and the US Army Corps of Engineers.
 - h. The applicant agrees to use all measures necessary to mitigate dust control as monitored by the City of Bellevue and/or Offutt Air Force Base.
 - i. The concrete batch plant site can operate from 5:00 a.m. to 6:00 p.m. Monday through Friday and from 5:00 a.m. to 2:00 p.m. on Saturday. The concrete recycling facility can operate Monday through Friday 7:00 a.m. to 6:00 p.m. and Saturday 7:00 a.m. to 12:00 p.m. Changes to these hours shall be approved by the Bellevue City Council.
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 seven (7) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 7 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:

Crushin'-It, Inc.
20382 Patton Stret
Gretna, NE 68028

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 _____, 2024.

Notary Public

Lance Paulsen for Crushin'-It, Inc.

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Lance Paulsen 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 _____, 2024.

Notary Public

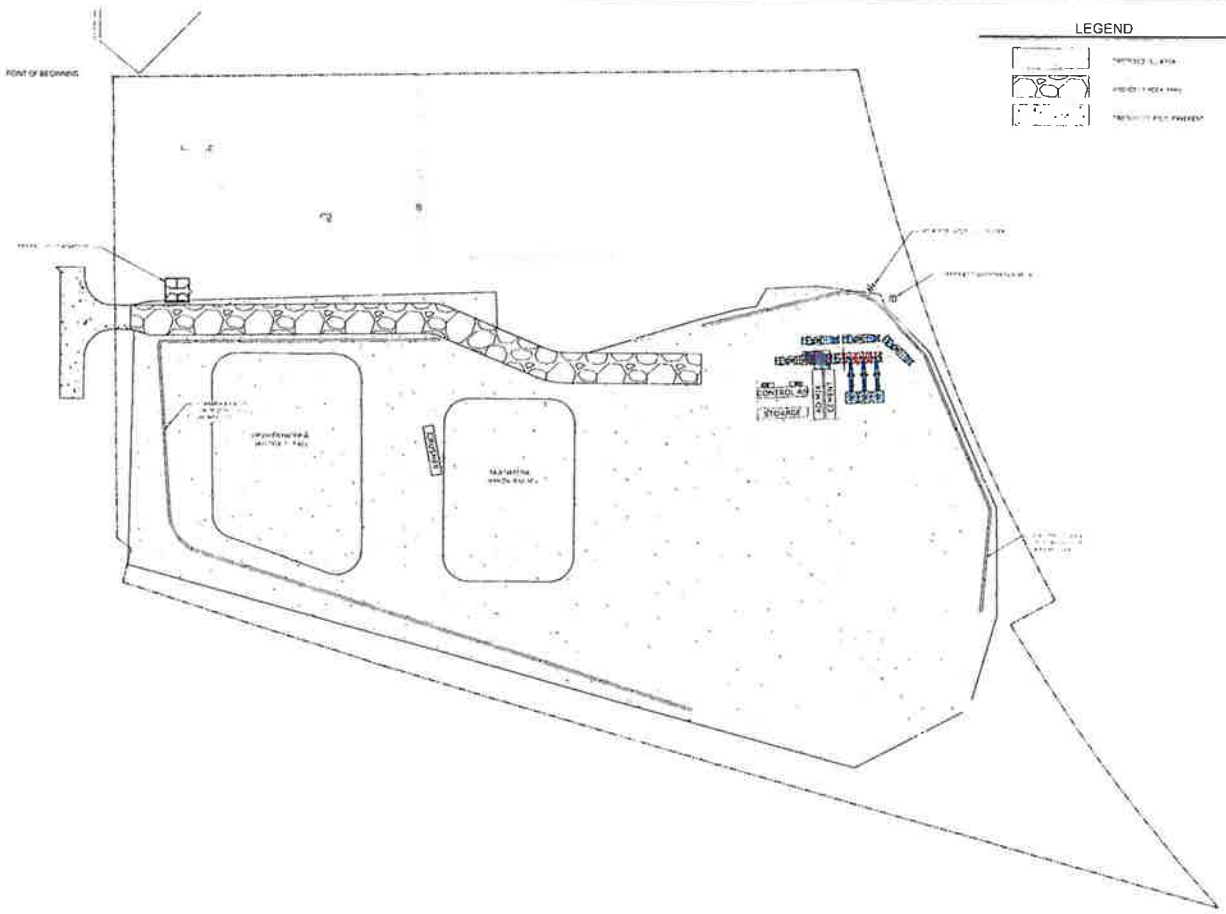
Ryan Petersen for Mile High Investments, LLC

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Ryan Petersen 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 _____, 2024.

Notary Public



RECEIVED
 AUG 12 2024
 PLANNING DEPT.



Thompson, Craswell & Demer, Inc.
 10836 Old Mill Rd
 Omaha, NE 68154
 p. 402.330.8860 www.td2en.com
 aka TD2 Engineering and Surveying
 NE, CA 0198

Marsh Creek
 Concrete -
 Temporary Site

13077 S 13th Street
 Bellevue, NE 68123

Marsh Creek
 Concrete



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	08/12/24	GRK
2	ISSUED FOR CONSTRUCTION	08/12/24	GRK

Drawn By: ZAS
 Job No: 2428 (M)
 Reviewed By: GRK
 Date: 08/12/24

Site Plan

C1.0

