

## **BELLEVUE PLANNING COMMISSION**

Thursday, September 26, 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 August 22, 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 the Drainage Ditch, and Part of Lot 14, Butterfields Subdivision, except Part for NRD, all located in the Northeast ¼ of Section 10, T13N, R13E of the 6th P.M., Sarpy County Nebraska, for the purpose of a concrete crushing, storage, and batch plant. Applicant: Crushin'-It, Inc. General location: S 13th St. and Capehart Rd. Case #: CUP-2407-01.

b. Request to amend the Redevelopment Plan for Lot 1, Southeast Plaza. Applicant: Marathon Equity, L.L.C. Location: 909 Fort Crook Road North. Case #: ECD: #45

c. Request to rezone Lot 1, Southeast Plaza, from ML to BG for the purpose of an Exercise and Fitness Center. Applicant: Marathon Equity, LLC. General Location: 909 Fort Crook Road N. Case #: Z-2408-08.

d. Request to rezone Lots 1 and 2, Eastern Nebraska Community Action Partnership, being a platting of Tax lots, 15B1A1, 14A2B, 14A2B2, 15B1A2B, 15B1A3B, 15B1A4, 15B1B2, 15B1A2A, AND 15B1A3A, all located in the Southwest ¼ of Section 25, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, from RS-84 to BG and RS-84 for the purpose of a food bank and existing school facilities; and small subdivision plat Lots 1 and 2, Eastern Nebraska Community Action Partnership. Applicant: Eastern Nebraska Community Action Partnership. General Location: 1003 Lincoln Road. Case #'s: Z-2408-09, S-2408-15.

e. Request for site plan approval for Lot 7, Tregaron Towne Centre, for the purpose of a drive-thru coffee restaurant and automobile parts and supply store. Applicant: Batis Dev. – Capehart, LLC. General location: South 25th Street and Towne Centre Dr. Case #: Z-2408-10.

f. Request for a conditional use permit for Lot 7 Dietz Meadows, for the purpose of a specialized assisted living facility for 55+ elderly/disabled adults. Applicant: Abongwa Ndumu, c/o Lauren Grigsby. Location: 3708 Greene Avenue. Case#: CUP-2408-02.

### **4. CURRENT BUSINESS**

### **5. ADJOURNMENT**

# MINUTE RECORD

Bellevue Planning Commission Meeting, August 22, 2024, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, August 22, 2024, at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Sims, Jacobson Taylor-Jones, Aerni, and Bennett. Absent were Commissioners Hankins, Ackley, Lasenburg and Perrin. Also present were Tammi Palm, Planning Director, and Angela Curry Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times and posted in two public places. It was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

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

Aerni asked for a motion to approve the minutes of the July 25, 2024, regular meeting. Palm stated there was an error in the minutes not showing Mr. Aerni as present for the meeting.

Motion was made by Sims, seconded by Taylor-Jones, to approve the minutes of the July 25, 2024, regular meeting as revised. 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 Jacobson, 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.

Aerni explained the public hearing procedures.

PUBLIC HEARING was held on 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 ¼ 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 13<sup>th</sup> St. and Capehart Rd. Case #: CUP-2407-01.

Aerni asked staff for updates. Palm advised the Planning Department staff report recommends continuance to allow the applicant's engineers time to provide information requested by the city and allow staff time to review the information once submitted. Palm stated an email was received from the applicant's engineer, Zachery Scott, TD2 Engineering & Surveying, on behalf of the applicant, requesting a continuance to the September 26, 2024, Planning Commission meeting.

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

MOTION was made by Bennett, seconded by Jacobson, to CONTINUE this request to the September 26, 2024, Planning Commission meeting. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will be CONTINUED to the September 26, 2024, PLANNING COMMISSION meeting.**

Meeting adjourned at 6:09 p.m.



Angela Curry  
Assistant Planning Manager

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 2**

**CASE NUMBERS:** CUP-2407-01

**FOR HEARING OF:**

**REPORT #1:** August 22, 2024

**REPORT #2:** September 26, 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 13<sup>th</sup> 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 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

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

On August 22, 2024, the Planning Commission continued to September 26, 2024, 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 NRD for the purpose of a permanent concrete crushing, storage, and batch plant.

**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 13<sup>th</sup> Street.

**D. UTILITIES:**

Sanitary sewer is available in this area. The applicant's letter states he intends to use a well for water.

**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 13<sup>th</sup> 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. 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 has been accounted for by the applicant’s engineer in their turn lane design. As this area is controlled by the Nebraska Department of Transportation (NDOT), they will have to review and approve the applicant’s engineering documents pertaining to the turn lane prior to any construction commencing.

Based on the traffic study, the city will require construction of the turn lane prior to any operations (temporary or permanent) on site.

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 13<sup>th</sup> 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.

The applicant's engineer has satisfied most of these comments. There continue to be discussions regarding the applicant's drainage plan. Any outstanding items relating to drainage will need to be satisfied prior to this case being placed on a City Council agenda.

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 13<sup>th</sup> Street due to the heavy truck traffic. South 13<sup>th</sup> Street consists of three different surfaces: concrete, asphalt, and gravel. The approach to South 13<sup>th</sup> 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. Since the public hearing on August 22, 2024, discussions have taken place between the applicants' engineer, Bellevue Public Works, as well as NRD regarding the drainage report.

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.

Staff believes the applicant can meet these conditions.

**F. TECHNICAL DEFICIENCIES/ADDITIONAL INFORMATION REQUIRED:**

1. Applicant's engineer needs to provide the additional technical information requested in regards to the drainage report as per John Krager's September 20, 2024, email.

**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; APPROVAL contingent upon completion of the technical deficiency prior to being placed on a City Council agenda.

**V. PLANNING COMMISSION RECOMMENDATION**

Under Review

**VI. ATTACHMENTS TO REPORT**

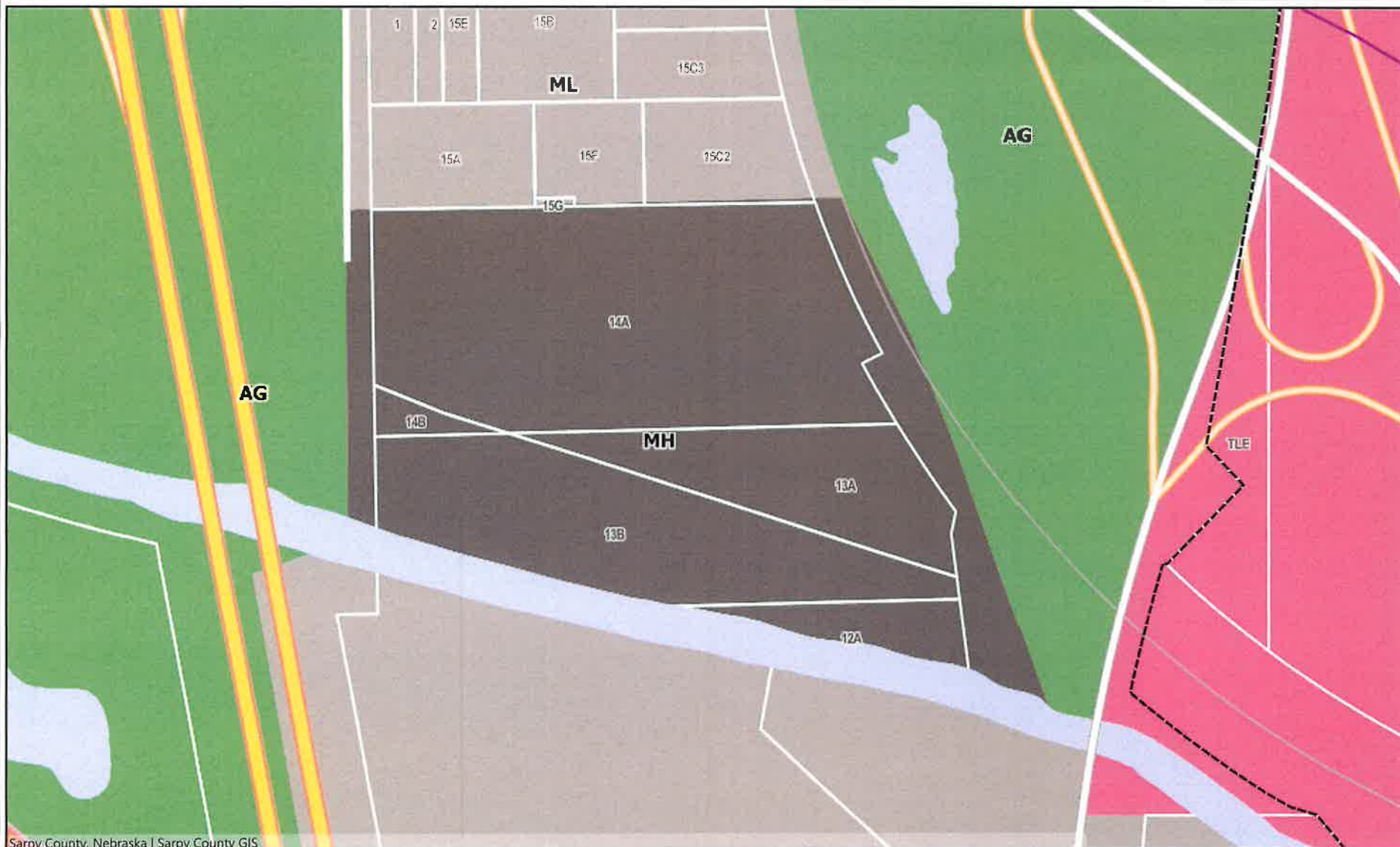
1. Vicinity map/Zoning Map
2. 2024 GIS aerial photo of the property
3. Letter from Platte River Concrete Co. received July 22, 2024
4. Crushin'-It Concrete Recycling Center Operating Statement received July 22, 2024
5. Site Plan received September 4, 2024
6. Paving Exhibit received September 4, 2024
7. 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





Sarpy County, Nebraska



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



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.

View 1: Raw Concrete Pile

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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 6<sup>TH</sup> P.M., SARPY  
COUNTY, NEBRASKA

Conditional Use Permit for Parcel # 010437274 at South 13<sup>th</sup> 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 6<sup>th</sup> 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. Such turn lane shall be constructed prior to any operations on site.
  - 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 Street  
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









We Influence The World!

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

### 3.b.

**To:** Planning Commission  
**From:** Angela Curry, Assistant Planning Manager  
**Date:** September 16, 2024  
**Subject:** Lot 1, Southeast Plaza, Redevelopment Plan

On November 13, 2017, the City Council approved the Redevelopment Plan for Marathon Equity, LLC., located at 909 Fort Crook Road North. The developer is requesting approval of an amendment to the redevelopment plan. As originally submitted and approved, the redevelopment plan proposed an existing building formerly utilized as a No Frills Supermarket would be developed into an extension of their current packaging and processing business for coffee, nut, and popcorn operations.

The developer is proposing to renovate the existing building into an exercise and fitness center. The developer states in his memo “The use of the property as a fitness center would require materially more rehabilitation and upgrading to the property but would ultimately result in a significantly greater taxable value and benefit to the area.”

The applicant states the base year assessed value of the property is \$1,300,000. The applicant states the property’s current assessed value is \$2,692,953 and the estimated final tax assessed value for the project site upon completion of the project is \$7,500,000. In his memo the applicant asserts the redevelopment project as proposed in this amendment will result in a \$6,200,000 increase over the base year assessed valuation and at least a \$4,807,047 increase over the current assessed value under the current redevelopment plan.

A change of zone from BGH (Heavy General Business) to ML (Light Manufacturing) was granted by the City Council November 13, 2017, with the intention of the applicant expanding the existing coffee, nut, and popcorn processing/packaging operations. The applicant is in the process of requesting a change of zone from ML (Light Manufacturing) to BG (General Business), which will support the proposed use. The current Comprehensive Plan designates this area as flex space, which allows for light industrial uses; however, the draft Comprehensive Plan update reflects mixed use development to facilitate the 2040 Fort Crook Road Plan.

Attached for your review and recommendation is a copy of the amendment to the redevelopment plan.

**PLANNING DEPARTMENT RECOMMENDATION:**

The Planning Department recommends approval of the request to amend the Redevelopment Plan of Marathon Equity, LLC based on elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for infill redevelopment.

**PLANNING COMMISSION RECOMMENDATION:**

UNDER REVIEW

**Amendment of Marathon Equity, L.L.C. Redevelopment Plan  
for 909 Fort Crook Road, Bellevue, NE**

To: Chairman and Members of the Planning Board  
From: Marathon Equity, L.L.C., (“Developer”), Applicant  
Date: 8/23/2024

---

**Background**

The project site is Lot 1, Southeast Plaza, an Addition to the City of Bellevue, Sarpy County, NE, which is located at 909 Fort Crook Road, Bellevue, NE (the “Property”). On November 13, 2017, the City approved Developer’s Redevelopment Plan for 909 Fort Crook Road, Bellevue, Nebraska (the “Plan”) by Resolution 2017-22. A copy of the Plan and Resolution 2017-22 are attached hereto and incorporated herein as Exhibit “1.” Developer has determined that it is no longer desirable or feasible to use the Property as originally proposed in the Plan for expansion of its existing business for coffee, nut and popcorn processing/packaging operations.

The Developer has identified a prospective tenant for the Property that would utilize the Property for an exercise and fitness center. The use of the Property as a fitness center would require materially more rehabilitation and upgrading to the Property but would ultimately result in a significantly greater taxable value and benefit to the area. As it currently stands, the Plan is no longer feasible to achieve the Plan’s purpose and will not repay the Redevelopment Promissory Note as planned. Accordingly, Applicant requests a modification to the Plan as follows:

**Land Use/Zoning/Site Redevelopment:**

The site is approximately 5.22 acres in size and contains a vacant 66,930 sq ft commercial building built in 1984. The site is currently zoned ML- Light Manufacturing District. Contemporaneously with this Plan Amendment, Developer is requesting the Property be rezoned to BG- General Business District which will permit the use of the Property as an exercise and fitness center. BG is consistent with the zoning of the neighboring property on the northwest and the zoning immediately north of the Property. The BG zoning is compatible with the surrounding properties/uses.

The proposed project will renovate the existing building into an exercise and fitness center. The base year assessed value of the Property is \$1,300,000. The Property’s current assessed value is \$2,692,953 and the estimated final tax assessed value for the project site upon completion of the project is \$7,500,000. The redevelopment project as proposed in this Amendment will result in a \$6,200,000 increase over the base year assessed valuation and at least a \$4,807,047 increase over the current assessed value under the current redevelopment plan.

The Property is owned by the applicant, Developer. The Developer will continue to own the Property after development and lease the Property for use as an exercise and fitness facility. Developer and the Property tenant will work together to redevelop the Property.

Developer anticipates construction to begin in the winter of 2024/2025 with completion by December 2025.

Renovation of existing structures: Yes

New construction: No new buildings will be constructed.

Number of buildings: 1

Building Height: one story, 22'

**Financing:**

The estimated value of the project upon full build-out is estimated to be \$7,500,000. Accordingly, the project will support an amended TIF request of \$917,949 (original TIF amount of \$438,949 with \$479,000 of additional TIF eligible expenses) with interest continuing at the original rate of 6% per annum. The amended Amortization schedule is attached hereto as Exhibit D. The remaining project costs will be paid through equity and debt financing.

**Project Finance Summary**

<b>Sources of Funds:</b>	<b>Amounts:</b>
Owner Equity	\$4,354,551.00
Bank Loan, Construction	\$2,000,000.00
Tax Increment Financing	\$917,949.00
<b>Total Sources of Funds:</b>	<b>\$7,272,500</b>

<b>Costs and Expenses:</b>	
Land Acquisition	\$1,300,000.00
Previously Completed Exterior Improvements:	\$185,000.00
Previously Completed Interior Improvements:	\$665,000.00
Engineering/Architectural Fees/Contracting for Prior Work:	\$150,000.00
GR/GC- relating to additional work	\$200,000.00
Additional Demolition	\$120,000.00
Concrete/Core & Shell Masonry	\$298,000.00
Metals	\$232,000.00
Woods & Plastics	\$320,000.00
Thermal & Moisture Protection	\$204,500.00
Doors & Windows	\$290,000.00
Finishes	\$1,250,000.00
Specialties	\$57,000.00
Specialty Construction	\$434,500.00
Additional Mechanical Work	\$989,000.00
Additional Electrical	\$525,000.00

Parking Updates	\$40,000.00
Attorney Fees	\$7,500.00
TIF Fees	\$5,000.00
<b>Total Costs and Expenses:</b>	<b>\$7,272,500</b>

**TIF Eligible Costs "Exhibit A":**

The TIF Eligible Costs are amended as reflected on "Amended Exhibit A"

**Site Plan "Exhibit B":**

The site plan is amended as reflected on "Amended Exhibit B"

**Amortization Schedule "Exhibit D":**

The Amortization Schedule is amended as reflected on "Amended Exhibit D"

**Amended TIF Request**

The amended TIF request is for \$917,949 (original TIF amount of \$438,949 amended to include \$479,000 of additional TIF eligible expenses), plus accrued interest. TIF will be used to offset TIF eligible costs such as acquisition, demolition, site work, architectural and engineering fees, and public improvements as required. The TIF Eligible Expenses are shown in detail on Amended Exhibit A. The total estimated project cost is \$7,272,500. The final assessed valuation upon completion of the project of \$7,500,000.00 will support the TIF request with interest at the rate of 6.00% per annum as shown by the Amortization Schedule attached as Amended Exhibit D.

AMENDED EXHIBIT A

TIF ELIGIBLE EXPENSES

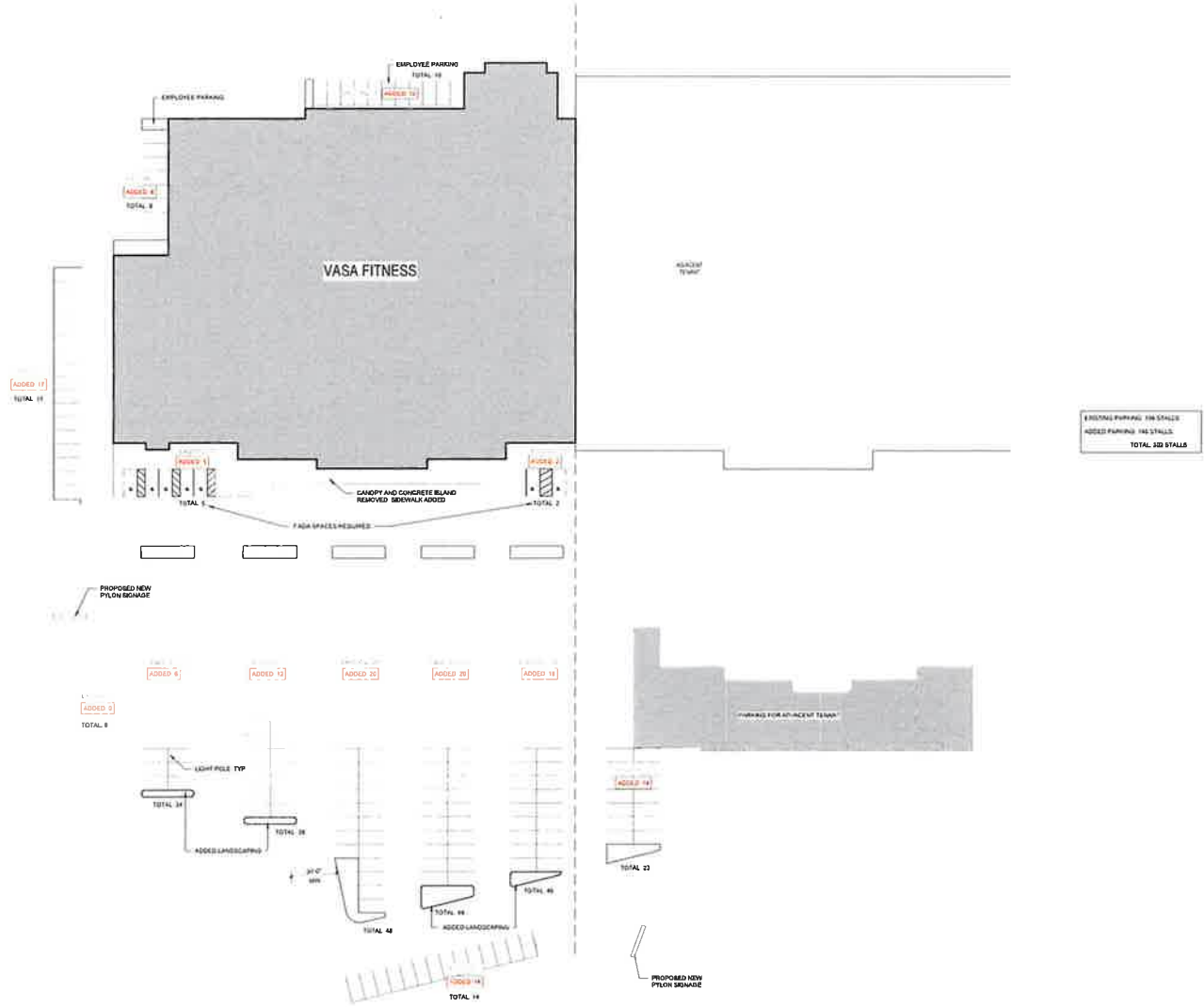
Land Acquisition	\$1,300,000.00
Demolition	\$170,000.00
Landscaping	\$75,000.00
Enclose Covered Drive	\$30,000.00
Paint	\$50,000.00
Roof Repair	\$30,000.00
Fire Protection Updating	\$65,000.00
Engineering/Architectural Costs	\$75,000.00
Concrete/Core & Shell Masonry	\$298,000.00
Electrical Updates	\$675,000.00
HVAC and additional Mechanical Updates	\$1,024,000.00
Parking	\$40,000.00
Attorney Fees	\$7,500
TIF Fees	\$5,000.00
Total:	\$3,844,500

AMENDED EXHIBIT D  
909 Fort Crook Rd, Bellevue, NE  
Marathon Equity, L.L.C.

		<u>Debt Service Payments</u>										
	<u>Year</u>	<u>Total Taxable Valuation</u>	<u>Pre-Development Base</u>	<u>TIF Taxable Valuation</u>	<u>Tax Levy</u>	<u>Gross TIF Tax Revenue</u>	<u>Treasurer's 1% Fee</u>	<u>Tax Revenue Available for TIF DS</u>	<u>Principal</u>	<u>Interest at 6%</u>	<u>TIF DS PMT</u>	<u>Loan Balance</u>
	2021	0	1,300,000	1,300,000								\$ 438,949
April, 22	0.5	1,300,000	1,300,000							\$ 13,168		\$ 452,117
August, 22	1	1,300,000	1,300,000							\$ 13,564		\$ 465,681
April, 23	1.5	1,300,000	1,300,000							\$ 13,970		\$ 479,651
August, 23	2	1,300,000	1,300,000							\$ 14,390		\$ 494,041
April, 24	2.5	2,692,953	1,300,000	1,392,953	2.222882	15,482	155	15,327	\$ 506	\$ 14,821	\$ 15,327	\$ 493,535
August, 24	3	2,692,953	1,300,000	1,392,953	2.222882	15,482	155	15,327	\$ 521	\$ 14,806	\$ 15,327	\$ 493,014
Nov. 24												\$ 479,000
April, 25	3.5	2,692,953	1,300,000	1,392,953	2.222882	15,482	155	15,327	\$ 537	\$ 14,790	\$ 15,327	\$ 971,478
August, 25	4	2,692,953	1,300,000	1,392,953	2.222882	15,482	155	15,327	\$ (13,817)	\$ 29,144	\$ 15,327	\$ 985,295
April, 26	4.5	2,692,953	1,300,000	1,392,953	2.222882	15,482	155	15,327	\$ (14,232)	\$ 29,559	\$ 15,327	\$ 999,527
August, 26	5	2,692,953	1,300,000	1,392,953	2.222882	15,482	155	15,327	\$ (14,659)	\$ 29,986	\$ 15,327	\$ 1,014,185
April, 27	5.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 37,795	\$ 30,426	\$ 68,220	\$ 976,391
August, 27	6	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 38,929	\$ 29,292	\$ 68,220	\$ 937,462
April, 28	6.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 40,096	\$ 28,124	\$ 68,220	\$ 897,366
August, 28	7	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 41,299	\$ 26,921	\$ 68,220	\$ 856,067
April, 29	7.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 42,538	\$ 25,682	\$ 68,220	\$ 813,528
August, 29	8	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 43,814	\$ 24,406	\$ 68,220	\$ 769,714
April, 30	8.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 45,129	\$ 23,091	\$ 68,220	\$ 724,585
August, 30	9	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 46,483	\$ 21,738	\$ 68,220	\$ 678,102
April, 31	9.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 47,877	\$ 20,343	\$ 68,220	\$ 630,225
August, 31	10	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 49,313	\$ 18,907	\$ 68,220	\$ 580,912
April, 32	10.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 50,793	\$ 17,427	\$ 68,220	\$ 530,119
August, 32	11	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 52,317	\$ 15,904	\$ 68,220	\$ 477,802
April, 33	11.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 53,886	\$ 14,334	\$ 68,220	\$ 423,916
August, 33	12	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 55,503	\$ 12,717	\$ 68,220	\$ 368,413
April, 34	12.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 57,168	\$ 11,052	\$ 68,220	\$ 311,245
August, 34	13	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 58,883	\$ 9,337	\$ 68,220	\$ 252,362
April, 35	13.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 60,649	\$ 7,571	\$ 68,220	\$ 191,713
August, 35	14	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 62,469	\$ 5,751	\$ 68,220	\$ 129,244
April, 36	14.5	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 64,343	\$ 3,877	\$ 68,220	\$ 64,901
August, 36	15	7,500,000	1,300,000	6,200,000	2.222882	68,909	689	68,220	\$ 66,273	\$ 1,947	\$ 68,220	\$ (1,372)

Additional TIF Eligible Expense

# Exhibit B



PRECISION  
 NOT FOR CONSTRUCTION



909 F 01 Cook Rd North Bellevue, NE, 68005

DATE	NAME
08/05/2014	DESIGNED
	DRAWN
	REVIEWED

**SITE PLAN**

**A001**

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2408-08

**FOR HEARING OF:**  
**REPORT #1:** September 26, 2024

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Marathon Equity, LLC  
Attn: John Larsen  
901 Fort Crook Road N.  
Bellevue, NE 68005

**B. PROPERTY OWNER:**

Marathon Equity, LLC  
Attn: John Larsen  
901 Fort Crook Road N.  
Bellevue, NE 68005

**C. GENERAL LOCATION:**

909 Fort Crook Road N.

**D. LEGAL DESCRIPTION:**

Lot 1, Southeast Plaza, located in the Northwest ¼ of Section 23, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

Rezone Lot 1, Southeast Plaza, from ML to BG for the purpose of exercise and fitness center.

**F. EXISTING ZONING AND LAND USE:**

ML, former No Frills Supermarket (currently vacant)

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain a rezoning approval to enable an exercise and fitness center.

**H. SIZE OF SITE:**

The site is approximately 5 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site is presently developed with a vacant commercial building constructed in 1984. The remainder of the property is a paved parking lot.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

- 1. **North:** Southroads Technology Park, BG-PCO (across Childs Road)
- 2. **East:** Multi-family residential, RG-20-PS
- 3. **South:** Marathon Ventures, ML
- 4. **West:** Single family residential, RD-60 (across Ft. Crook Road N.)

**C. REVELANT CASE HISTORY:**

- 1. On September 21, 2017, the Planning Commission recommended approval of a request to rezone Lot 1, Southeast Plaza, from BGH to ML for the purpose of industrial use. The Planning Commission recommended approval of this request on September 21, 2017. City Council approved the aforementioned request on November 13, 2017.

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.22, Zoning Ordinance regarding BG uses and requirements.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this area as flex space; however, the draft Comprehensive Plan update reflects mixed use development to facilitate the 2040 Fort Crook Road Plan.

**B. OTHER PLANS:**

The applicant is requesting an amendment to his redevelopment plan for the purpose of Tax Increment Financing for this project.

**C. TRAFFIC AND ACCESS:**

1. The 2021 MAPA Traffic Flow Chart estimates 20,500 vehicles per day through the intersection of Fort Crook Road and Childs Road.
2. The property has access from two points along Childs Road East.

**D. UTILITIES:**

All utilities are available to this property.

**E. ANALYSIS:**

1. John Larsen, on behalf of Marathon Equity, LLC, has submitted a request to rezone Lot 1, Southeast Plaza, from ML (Light Manufacturing) to BG (General Business) for the purpose of an exercise and fitness center. Marathon Ventures desires to repurpose the vacant No Frills Supermarket building for use as an exercise and fitness center.
2. The intent of the BG district is to provide for a wide range of retail and service establishments.
3. The applicant has provided a conceptual site plan showing minor changes to the footprint of the existing building and parking lot.
4. This type of commercial use will not require the need to modify the existing street layout in any way.
5. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

No comments were received on this case.

6. The Future Land Use Map of the Comprehensive Plan designates this area as flex space. Flex space provides for a variety of commercial, retail, and industrial uses. Staff does not recommend amending the Future Land Use Map as the city is

currently undergoing a Comprehensive Plan update and this designation will be reviewed as part of that process.

7. This request is in conformance with the 2040 Fort Crook Road plan, which calls for increased density and a mix of residential and commercial services along the corridor.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon conformance with the Zoning Ordinance, the 2040 Fort Crook Road Plan, as well as lack of perceived negative impact to the surrounding area.

**V. PLANNING COMMISSION RECOMMENDATION**

UNDER REVIEW

**VI. ATTACHMENTS TO REPORT**

1. Vicinity map/Zoning Map
2. GIS aerial photo of the property
3. Justification letter received August 22, 2024
4. Conceptual Site Layout received August 23, 2024

**VII. COPIES OF REPORT TO:**

1. Marathon Equity, LLC (John Larsen)
2. Elizabeth Sevcik
5. Public Upon Request

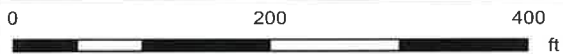
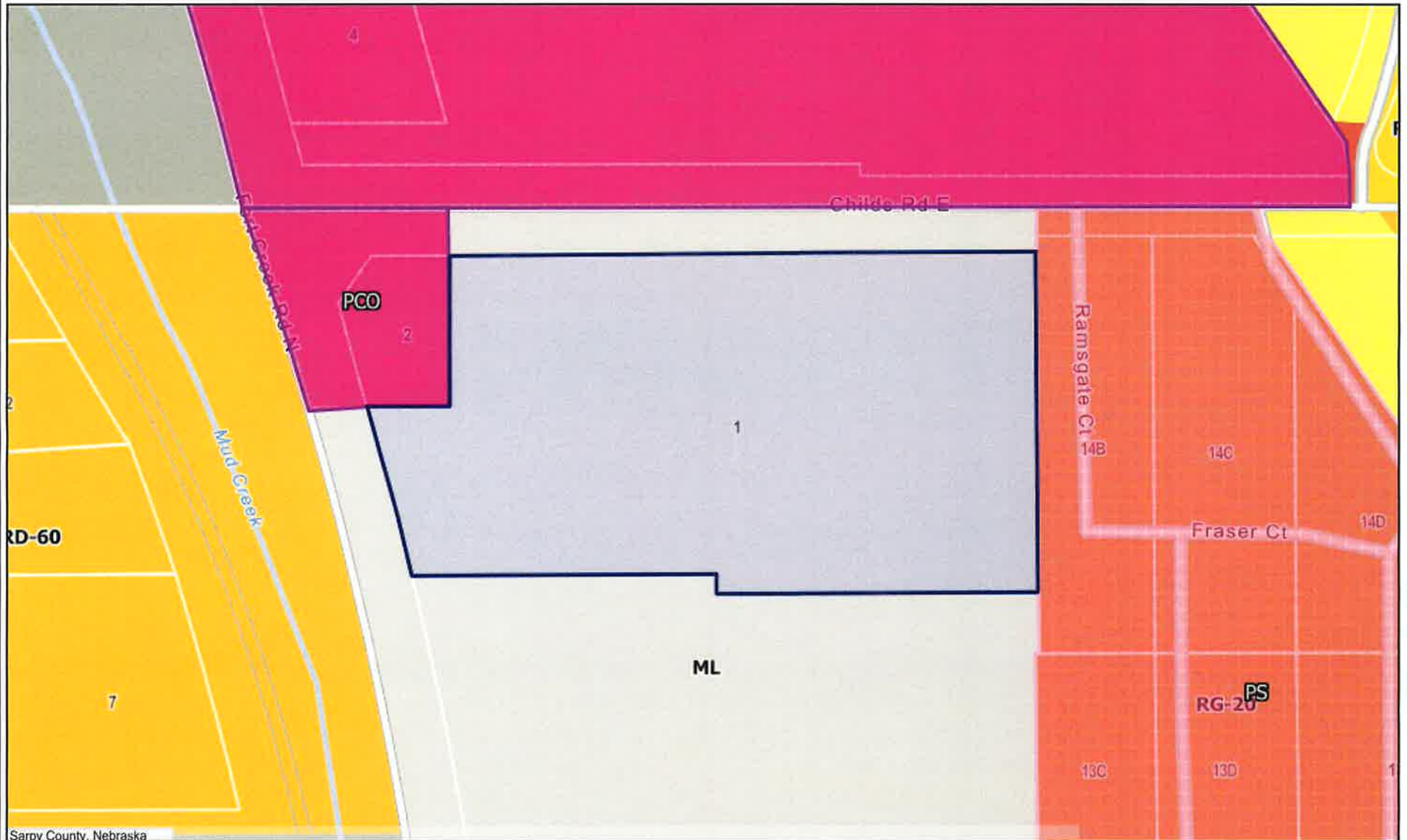
  
Assistant Planning Manager

 09/17/2024  
Planning Director Date of Report



SARPY COUNTY  
NEBRASKA

# 909 Ft Crook Rd N



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



# 909 Ft Crook Rd N



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



**Summary of Request for Rezoning**  
**of 909 Fort Crook Road N, Bellevue, NE**  
**Lot 1, Southeast Plaza**

The subject property is zoned ML- Light Manufacturing District. The property was zoned ML in 2017 in anticipation of Applicant expanding its business for coffee, nut and popcorn processing/packaging operations. Applicant intends to lease the property for use as an exercise and fitness center. Applicant is requesting a rezoning of the property to BG- General Business District, which permits the use of the property as an exercise and fitness center.

The property is bounded by Fort Crook Road N. on the west and by Childs Rd E on the north. The abutting neighboring property on the northwest is zoned BG as are the parcels immediately to the north of the subject property. The properties east and west of the subject property are residential in nature. The BG zoning is a less intensive use than the current zoning and is compatible with the surrounding properties. The intended use of the property as an exercise and fitness center will benefit and serve the residents of the numerous neighborhoods in the surrounding area as well as employs of the businesses located around the subject property. Accordingly, the applicant respectfully requests the subject property be rezoned to BG- General Business District.

**RECEIVED**  
**AUG 22 2024**  
**PLANNING DEPT.**



3.d.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBERS:** Z-2408-09  
S-2408-15

**FOR HEARING OF:**  
**REPORT #1:** September 26, 2024

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Eastern Nebraska Community Action Partnership  
Attn: Aaron Bowen  
2406 Fowler Avenue  
Omaha, NE 68111

**B. PROPERTY OWNERS:**

Eastern Nebraska Community Action Partnership  
Attn: Aaron Bowen  
2406 Fowler Avenue  
Omaha, NE 68111

School District of Bellevue  
2009 Franklin Street  
Bellevue, NE 680045

**C. GENERAL LOCATION:**

1003 Lincoln Road

**D. LEGAL DESCRIPTION:**

Lots 1 and 2, Eastern Nebraska Community Action Partnership, being a platting of Tax Lots 15B1A1, 14A2B, 14A2B2, 15B1A2B, 15B1A3B, 15B1A4, 15B1B2, 15B1B3, 15B1A2A, AND 15B1A3A, all located in the Southwest ¼ of Section 25, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

1. Rezone Lots 1 and 2, Eastern Nebraska Community Action Partnership, from RS-84 to BG and RS-84 for the purpose of a food bank and existing school facilities.
2. Small Subdivision Plat Lots 1 and 2, Eastern Nebraska Community Action Partnership.

**F. EXISTING ZONING AND LAND USE:**

RS-84, Vacated Public Library/Bellevue East HS Baseball Field, Soccer Field, and Tennis Courts

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval for a change of zone and small subdivision plat for the purpose of a food bank and existing school facilities.

**H. SIZE OF SITE:**

The site is approximately 20 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

Proposed Lot 1 is developed with the recently vacated Bellevue Public Library. Proposed Lot 2 is developed with Bellevue East High School's baseball field, soccer field, and tennis courts.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

- C. North:** RE/Vacant, RG-20-PS /Multi Family Residential (across Harvell Drive)
- D. East:** RS-84/Single Family Residential (across Harvell Drive)
- E. South:** RS-84/Bellevue East High School
- F. West:** BN/Commercial-Strip Mall, RS-72/Single Family Residential (across Lincoln Road)

**G. RELEVANT CASE HISTORY:**

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

**H. APPLICABLE REGULATIONS:**

1. Section 5.09 Zoning Ordinance, regarding RS-84 uses and requirements.

2. Section 5.22, Zoning Ordinance, regarding BG uses and requirements.
3. 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. The 2021 MAPA Traffic Flow Chart estimates 15,000 vehicles per day near the intersection of Harvel Drive and Lincoln Road.
2. Both lots have access from Lincoln Road.

**D. UTILITIES:**

All utilities are available to this property.

**E. ANALYSIS:**

1. Jeff Stoll, on behalf of Eastern Nebraska Community Action Partnership (ENCAP) has submitted a request to small subdivision plat Lots 1 and 2, Eastern Nebraska Community Action Partnership. In conjunction with the plat, the applicant is requesting a change of zone from RS-84 to BG and RS-84 in order to facilitate the lot line adjustment.
2. Proposed Lot 1 will be zoned BG and proposed Lot 2 will remain RS-84.

The BG (General Business District) is established for the purpose of providing a wide range of retail and service establishments and will support the proposed food bank operation.

3. The recently vacant Bellevue Public Library building currently sits on proposed Lot 1. Lot 2 is the location of the Don Roddy Sports Complex for Bellevue East High School which includes a baseball field, soccer field, and tennis courts.

4. The applicant desires to increase their lot size and facilitated an agreement with Bellevue Public Schools to do so. This plat will not only accomplish that goal but will also clean up all of the unplatted tax lots which currently exist in the area.

5. 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 Planning Director, Sarpy County Deputy Administrator, Sarpy County Public Works Department, 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.

Matt Knight, Public Works Engineer, and Sarpy County Public Works, both requested technical revisions to the plat. The applicant's surveyor has satisfied these requests.

No other comments were received on this case.

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

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

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

**V. PLANNING COMMISSION RECOMMENDATION**

UNDER REVIEW

**VI. ATTACHMENTS TO REPORT**

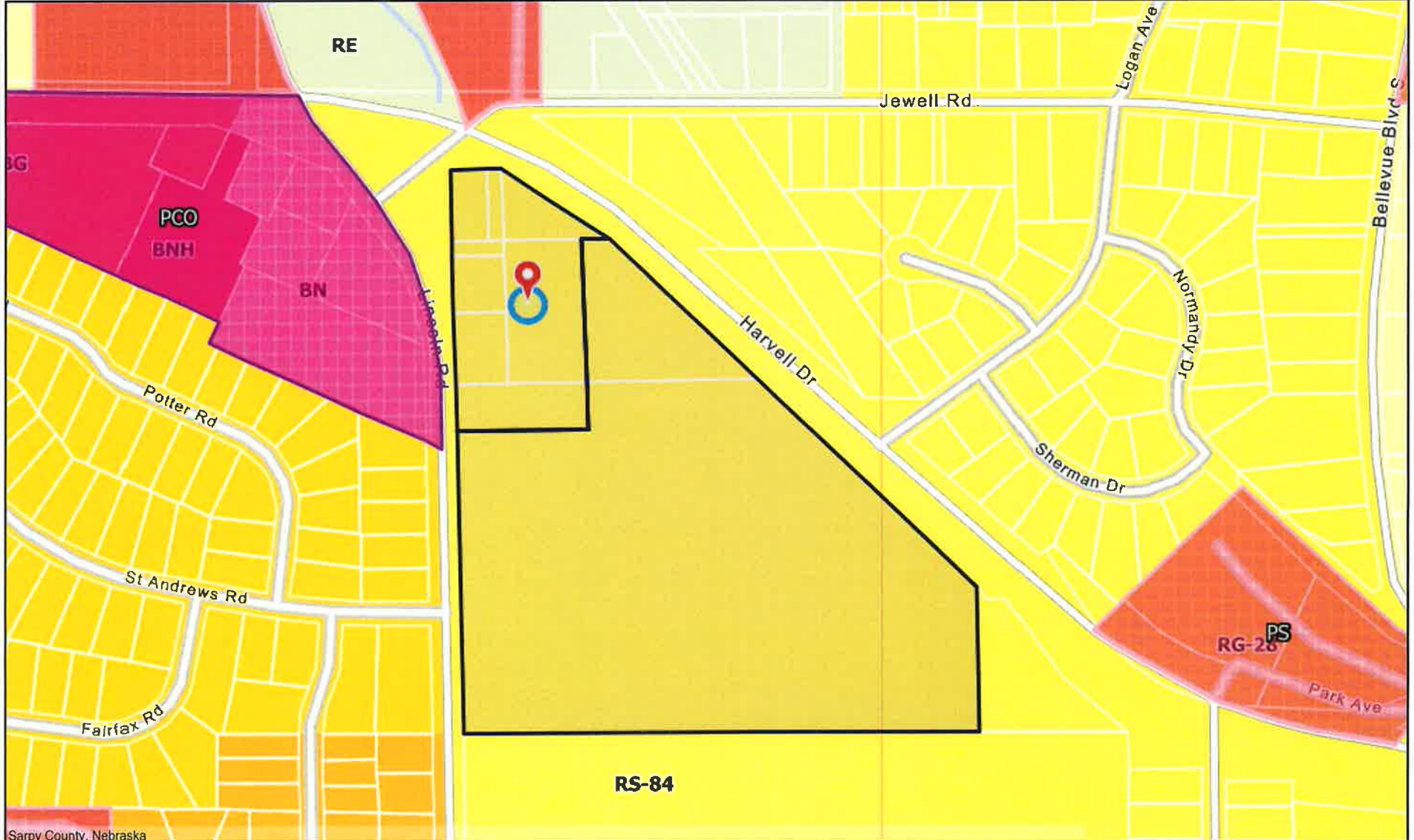
1. Vicinity map/Zoning Map
2. 2022 GIS aerial photo of the property
3. Letter from Jeff Stoll received August 30, 2024
4. Small Subdivision Plat received September 12, 2024
5. As-built plot plan received September 12, 2024

**VII. COPIES OF REPORT TO:**

1. Eastern Nebraska Community Action Partnership (Aaron Bowen)
2. E & A Consulting Group, Inc. (Jeff Stoll)
3. Public Upon Request

  
Assistant Planning Manager

  
Planning Director                      Date of Report



Sarpy County, Nebraska



Map Scale 1: 4514

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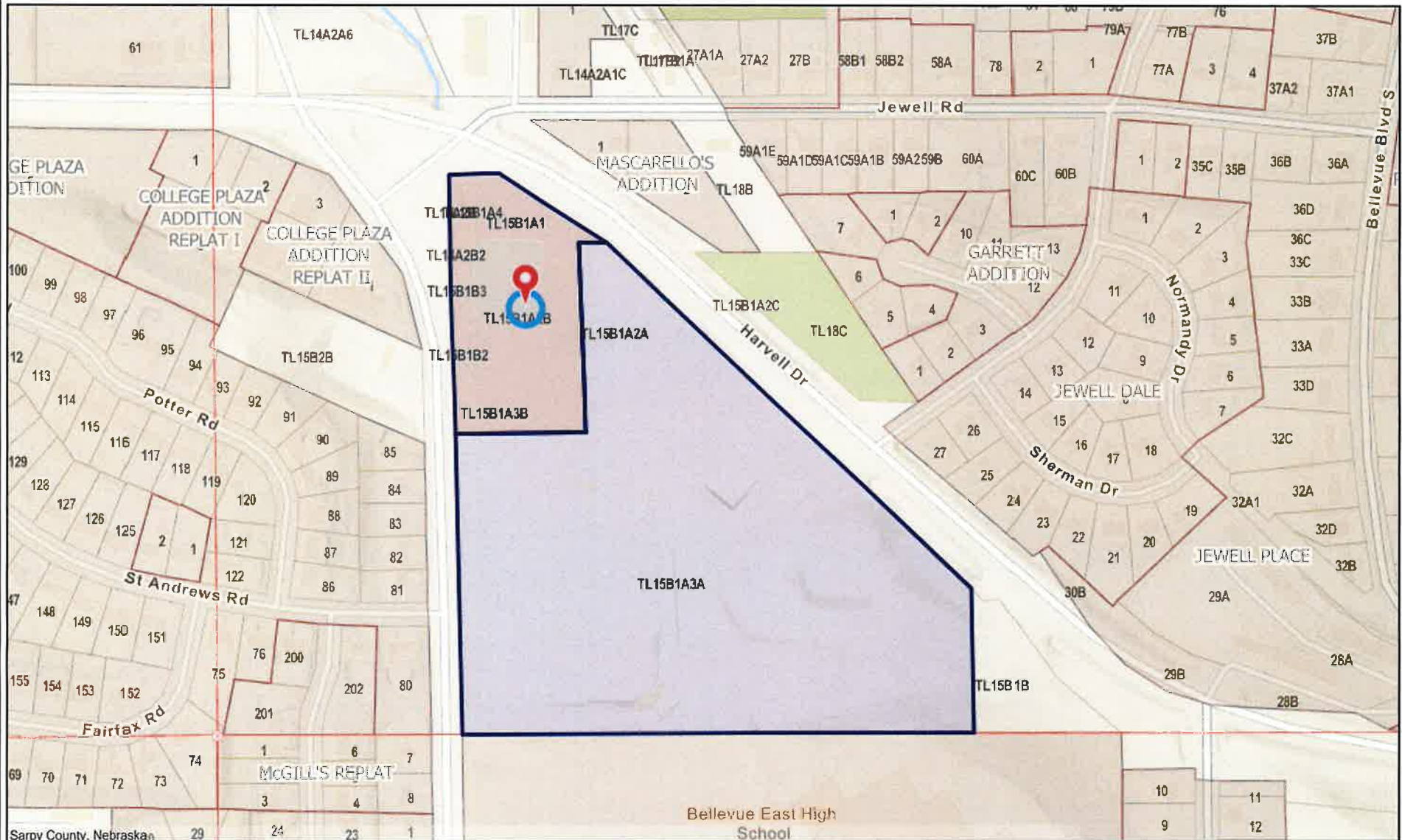


Notes





# 1003 Lincoln Rd



0 400 800  
ft

Map Scale 1: 4514

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Notes



E & A CONSULTING GROUP, INC.

*Engineering Answers*

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154-3950

P 402.895.4700 • F 402.895.3599

www.eacg.com

August 29, 2024

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

RE: Eastern Nebraska Community Action Partnership - Zoning Justification Letter  
E&A File: P2023.103.003

Dear Tammi,

On behalf of our client, Eastern Nebraska Community Action Partnership, we recommend that Lot 1, Eastern Nebraska Community Action Partnership development be rezoned from RS-84 to General Business (BG). We believe that the proposed rezoning request is in line with other developments along Harvell Drive to the West. These developments are zoned as BG, BNH (Heavy Neighborhood Business), and BN (Neighborhood Business). The rezoning request generally complies with the City of Bellevue Comprehensive Plan.

This request will not rezone the Bellevue Public School (BPS) property to the south, that property will remain as RS-84.

If you have any questions regarding this letter, please contact me at 402-895-4700 or by email at [jstoll@eacg.com](mailto:jstoll@eacg.com).

Sincerely,  
E & A Consulting Group, Inc

A handwritten signature in blue ink, appearing to read 'J Stoll', is written over a light blue circular stamp.

Jeff Stoll  
Platting Services Assistant Manager

RECEIVED  
SEP 12 2024  
PLANNING DEPT.







3.e.

**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT #1**

**CASE NUMBERS:** Z-2408-10

**FOR HEARING OF:  
REPORT #1:** September 26, 2024

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Batis Dev. – Capehart, LLC  
Attn: Matt Werner  
2933 SW Woodside Dr., Ste 200  
Topeka, KS 66614

**B. PROPERTY OWNER:**

Mcv1, LLC  
Attn: Charles J. Vacanti, Jr.  
11205 John Galt Blvd  
Omaha, NE 68137

**C. GENERAL LOCATION:**

South 25th Street and Towne Centre Drive

**D. LEGAL DESCRIPTION:**

Lot 7, Tregaron Towne Centre, located in the Northwest ¼ of Section 10, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

**E. REQUESTED ACTIONS:**

Site Plan Approval for Lot 7, Tregaron Towne Centre.

**F. EXISTING ZONING AND LAND USE:**

BG-PCO, Vacant

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain site plan approval to allow for the construction of a drive-thru coffee restaurant and automobile parts and supply store.

**H. SIZE OF SITE:**

The site is approximately 2 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:** Willow Lakes Golf Course (Offutt Air Force Base Property/across Capehart Road)
2. **East:** Commercial/McDonald's Restaurant (under construction), BG-PCO
3. **South:** Commercial/Retail Strip Center, BG-PCO
4. **West:** Ehrling Bergquist Clinic/ (Offutt Air Force Base Property/across Capehart Road)

**C. REVELANT CASE HISTORY:**

1. In December 2002, MCV1, LLC submitted a request to rezone Lots 1 through 12, inclusive, Tregaron Towne Centre, being a replat of Lots 1 and 2, Whitted Creek, Tax Lots 9A1B, 9B, 9C, Lot 3, Tregaron Replat 1, Lot 257, Tregaron, Lot 1, Hardee's Addition, and part of the 25<sup>th</sup> Street and Capehart Road right-of-way, all located in the Norwest ¼ of Section 10, T13N, R13E, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, from BNH, BG, BG-C, and BGH to BG-C; site plan approval for Lots 1 through 12, inclusive, Tregaron Towne Centre; and preliminary plat Lots 1 through 12, inclusive, Tregaron Towne Centre. The Planning Commission recommended approval of this request on January 23, 2003. City Council approved the aforementioned requests on March 10, 2003.

**D. APPLICABLE REGULATIONS:**

1. Section 5.22, Zoning Ordinance, regarding BG uses and requirements.
2. Section 5.25, Zoning Ordinance, regarding PCO uses and requirements.

### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

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

#### **B. OTHER PLANS:**

None

#### **C. TRAFFIC AND ACCESS:**

1. The 2021 MAPA Traffic Flow Chart estimates 21,550 vehicles per day along Capehart Road, near the intersection of Capehart Road and 25<sup>th</sup> Street.

2. The proposed development will have access from Towne Centre Drive.

#### **D. UTILITIES:**

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

#### **E. ANALYSIS:**

1. Matthew Werner, on behalf of Batis Dev.–Capehart, LLC, has submitted a request for site plan approval for Lot 7, Tregaron Towne Centre, for the purpose of a drive-thru coffee restaurant and auto parts and supply store. The site is zoned BG-PCO. Site plan approval is required for the -PCO zone.

2. Upon approval of the site plan, the applicant intends to submit an administrative small subdivision plat to split existing Lot 7, Tregaron Towne Centre, into two lots.

The proposed site plan shows Lot 1, to the east, as the drive-thru coffee restaurant, and Lot 2, to the west, as the proposed auto parts and supply store.

3. The site layout plan shows a total of 24 standard parking stalls and two ADA parking stalls for a total of 26 parking stalls for the drive-thru coffee restaurant. The ordinance requires one stall for every two and one-half (2.5) seats for a minimum requirement of 24 parking stalls.

The site plan shows a total of 24 standard parking stalls and one ADA parking stall for a total of 25 parking stalls for the auto parts and supply store. The ordinance requires one stall per 400 square feet (7,300 square foot building proposed) for a minimum of 19 parking stalls.

4. 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 Public Works, GIS Specialist, 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.

Andrew Martinez, Offutt Air Force Base stated “The site is partially located within the imaginary surfaces, so there are height restrictions. At this distance, building height can go to the maximum of 500’ per UFC 3-260-01. The entire site is also located within the 65-decibel noise level, so be advised of the noise activity. Offutt AFB sees no need for concern with the proposed activities.”

No other comments were received on this case.

5. The applicant has submitted a landscape plan for the drive-thru coffee restaurant as part of the site plan materials. The landscape plan has been reviewed by staff and meets the minimum requirements of the zoning ordinance.

6. Upon submittal of a building permit request, the applicant will be required to submit a landscape plan for the auto parts and supply store. The landscape plan must meet minimum requirements and will be reviewed for compliance as part of the building permit process.

7. Building permit approval for both lots will be contingent upon submittal and approval of the small subdivision plat.

8. The applicant will also be required to meet the regulations of Section 8.11, Zoning Ordinance, for design standards for the drive-thru restaurant and auto parts and supply store.

9. A drive-thru restaurant and an auto parts and supply store are both permitted uses in the BG (General Business) zoning district. Staff believes this is an appropriate use of the property.

10. This request is in conformance with the Future Land Use Map of the Comprehensive Plan.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon conformance with the Zoning Ordinance and the Comprehensive Plan.

V. **PLANNING COMMISSION RECOMMENDATION**

Under Review.

VI. **ATTACHMENTS TO REPORT**

1. Zoning/Vicinity Map
2. 2022 GIS aerial photo of the property
3. Site plan received August 23, 2024
4. Landscaping plan received August 23, 2024

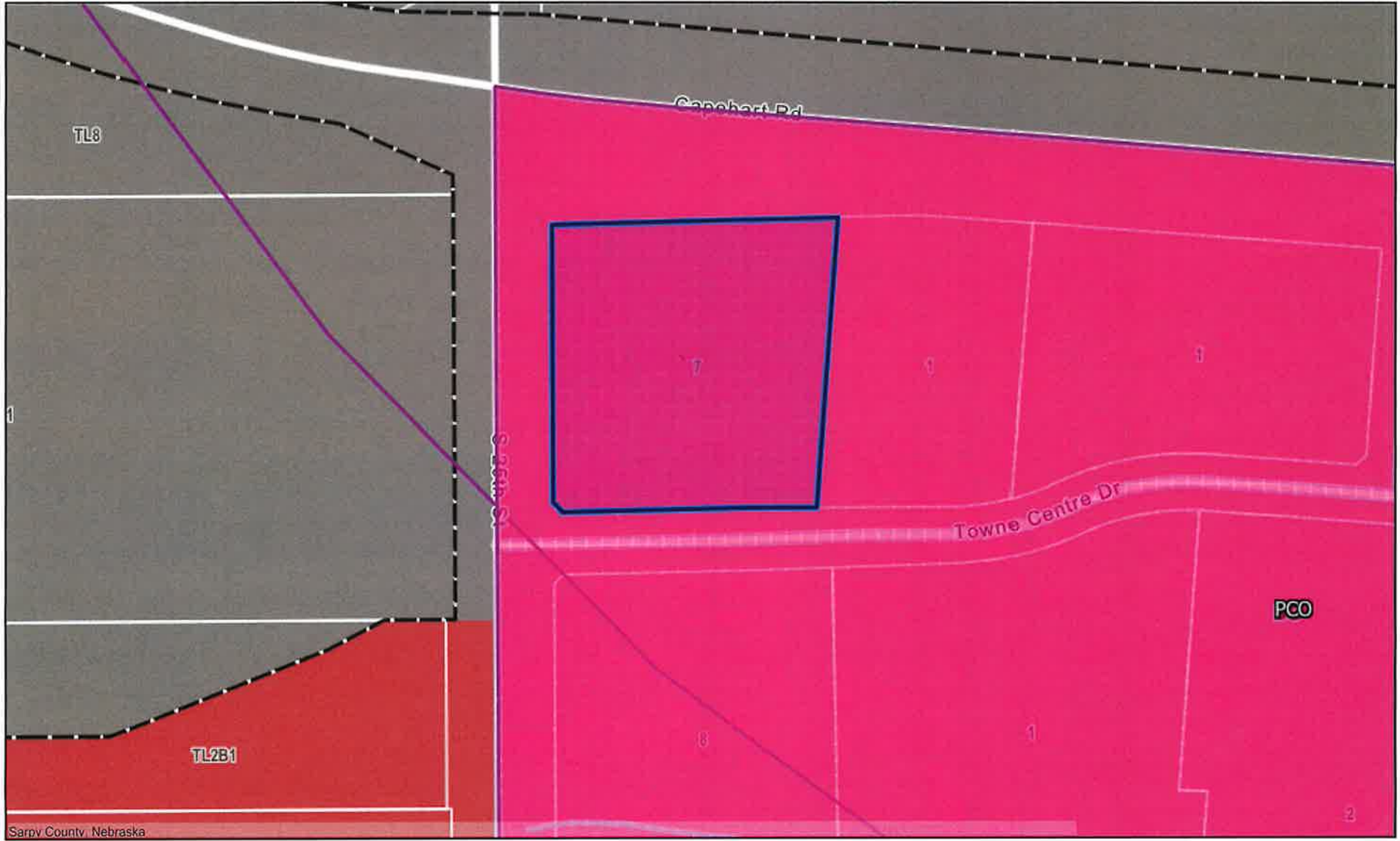
VII. **COPIES OF REPORT TO:**

1. Batis Dev. – Capehart, LLC (Matthew Werner)
2. Olsson, Inc. (Aaron Wiese.)
3. MCV1, LLC (Charles Vacanti, Jr.)
4. Public Upon Request

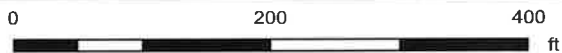
  
Assistant Planning Manager

 09/18/2024  
Planning Director                      Date of Report

# S. 25th St. and Towne Centre Dr

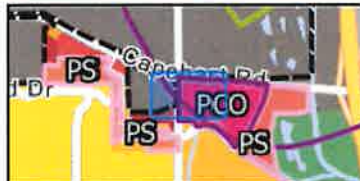


Sarpy County, Nebraska



Map Scale 1: 2257

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Notes



# S. 25th St. and Towne Centre Dr



Sarpy County, Nebraska



Map Scale 1: 2257

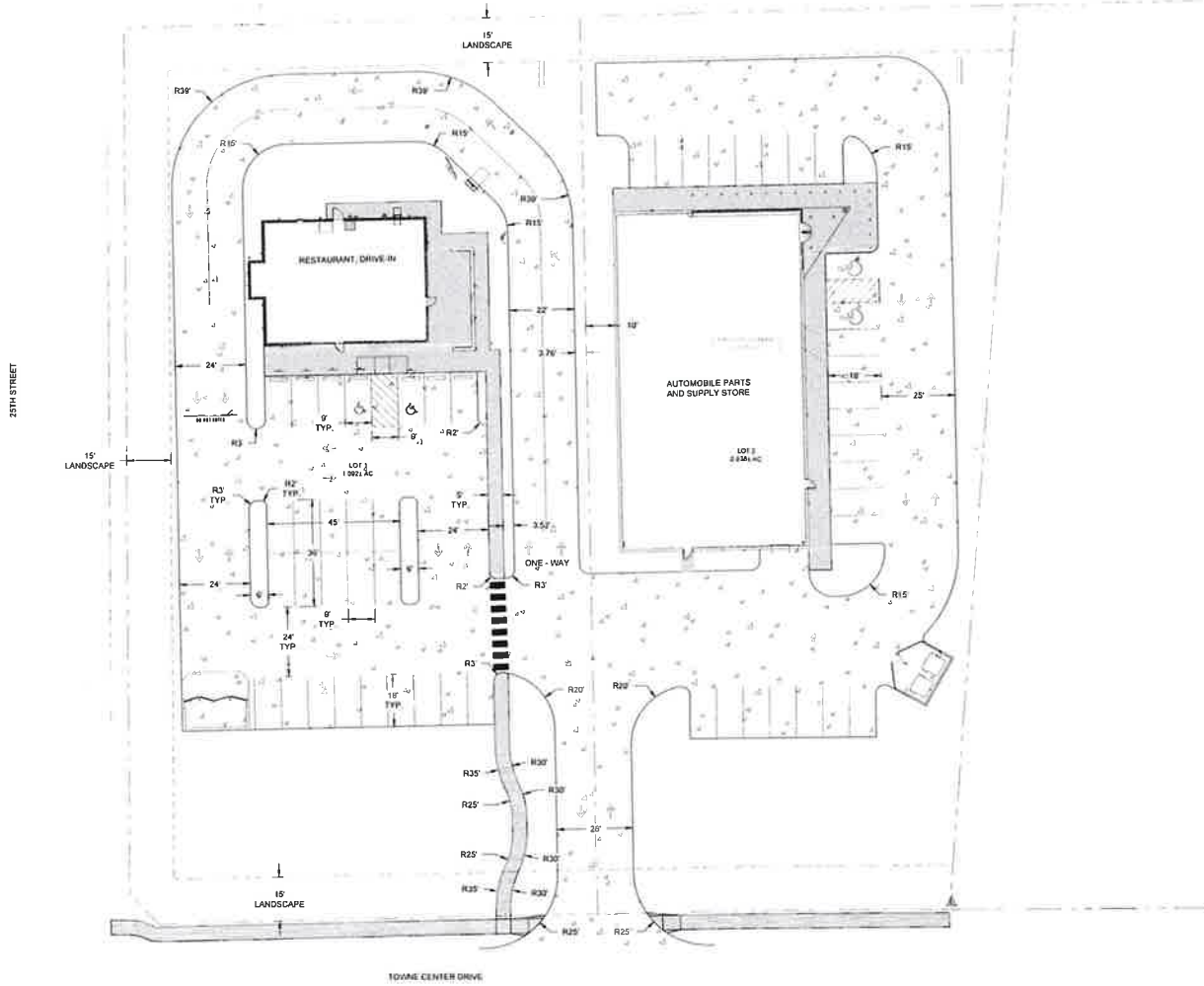
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Notes



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 DATE: Aug 23, 2024 4:21pm - USER: j...



**PROJECT TEAM CONTACTS**

**DEVELOPER/OWNER**  
 BATHS DEVELOPMENT  
 2933 SW WOODSIDE DR. SUITE 200  
 TOPEKA KANSAS 66614  
 CONTACT: KIM McCLAGHRY  
 PHONE: 785-272-4400

**ENGINEER**  
 OLSSON  
 2111 S. 67TH STREET, SUITE 200  
 OMAHA, NE 68108  
 CONTACT: AARON WESE  
 PHONE: 402 341 1116

**SURVEYOR**  
 OLSSON  
 2111 S. 67TH STREET, SUITE 200  
 OMAHA, NE 68108  
 CONTACT: TERRY ROTHANZL  
 PHONE: 402 341 1116

**LEGEND**

- BOUNDARY LINE
- PROPERTY LINE
- SIDEWALK
- CONCRETE PAVEMENT

**SITE INFORMATION TABLE**

LOT #	LOT 1	LOT 2
USE	RESTAURANT, DRIVE-IN	AUTOMOBILE PARTS & SUPPLY
PARKING REQUIREMENT	1 STALL PER 2.5 SEATS; 58 SEATS (30 INSIDE, 28 OUTSIDE) 24 STALLS REQUIRED	1 STALL PER 400 SF (7300 SF) 18 STALLS REQUIRED
PARKING PROVIDED	26 STALLS (2 ADA SPACES)	25 STALLS (1 ADA SPACE)



**olsson**  
 2111 South 67th Street  
 Suite 200  
 Omaha, NE 68106  
 olsson.com  
 TEL: 402.341.1116  
 FAX: 402.341.5995  
 Civilian - Engineering  
 Nebraska CEA #CA-0638

NO.	DATE	DESCRIPTION	BY

PRELIMINARY SITE PLAN  
 BELLEVUE STARBUCKS  
 PRELIMINARY PLANNING  
 BELLEVUE, NE  
 2024

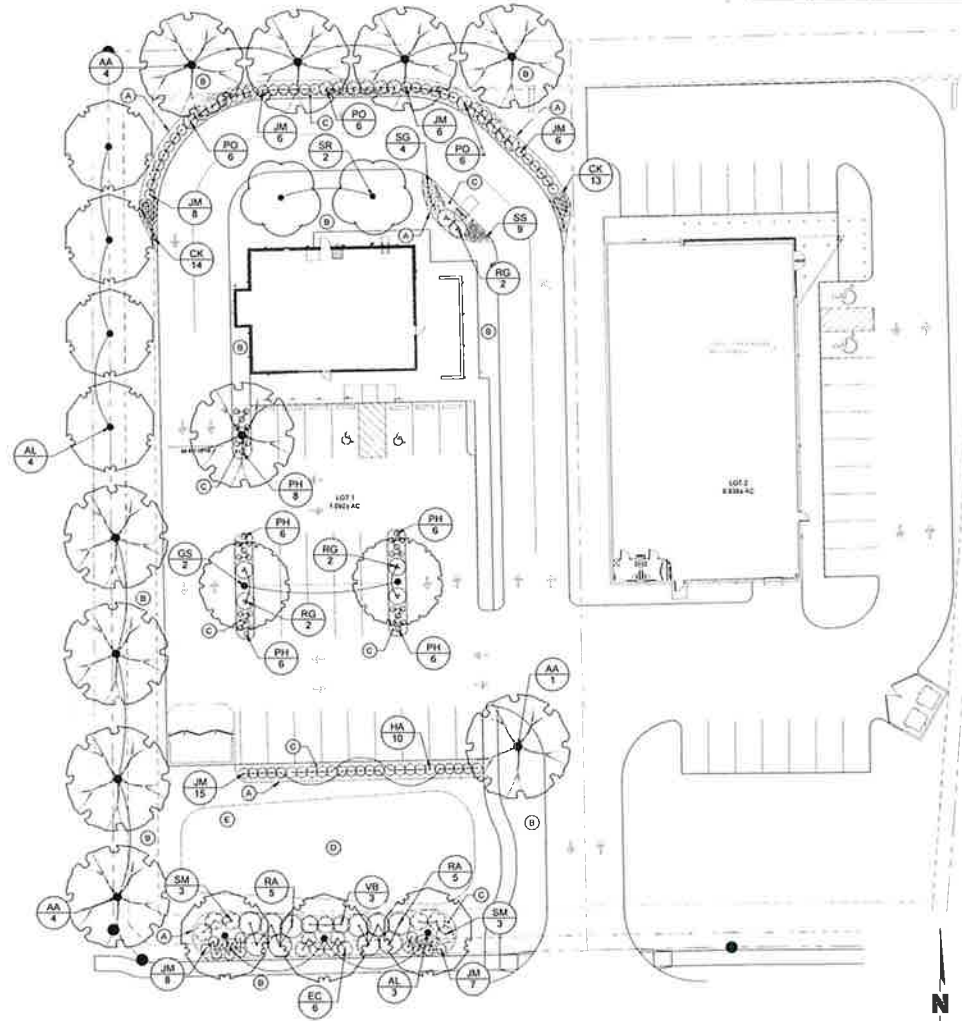
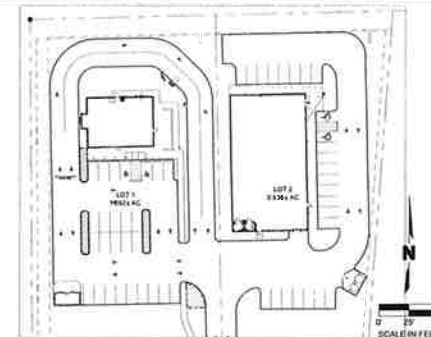
Drawn by: SAM  
 Designed by: JAW  
 Project no: 0665067  
 Date: 8/23/24

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 AUG 23 2024  
 PLANNING DEPT.

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 DATE: Aug 22, 2024 11:33am USER: wshah

LANDSCAPE KEY NOTES	
(A)	CULTIVATED LANDSCAPE EDGE. REFER TO LANDSCAPE DETAILS
(B)	INSTALL TURF-TYPE FESCUE SOG - TURF IRRIGATION
(C)	INSTALL HARD WOOD MULCH
(D)	INSTALL UNITED SEEDS FLOODPLAIN MIXTURE
(E)	INSTALL UNITED SEEDS LOW GROW GRASS MIXTURE



**STREET YARD LANDSCAPING CALCULATION      PARKING LOT LANDSCAPE AREA CALCULATION**

STIPULATION	REQUIRED	PROVIDED	PARKING STALLS	26
STREET YARD LENGTH	611 LF	611 LF	REQ'D 18 SF. OF LANDSCAPE AREA/PARKING STALL	484 SF.
MINIMUM STREET YARD DEPTH	15 FT	15 FT	REQ'D 1 TREE/20 SF LANDSCAPE AREA	2
1 TREE/40 LF	15	15	PROVIDED INTERIOR PARKING LOT TREES	3
3 SHRUBS/40 LF	45	46		

**PLANT SCHEDULE**

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CAULT	CONTAINER	PLNT HT.	M. HT.	M. SPR.
<b>TREES</b>								
	AL	7	ACER SACCCHARUM 'LORDY' LORDY SUGAR MAPLE	2" CAL.	8.88	6'	50'	35'
	AA	10	ACER X FREEMANI 'JETSSED TM' AUTUMN GLAZE FREEMAN MAPLE	2" CAL.	8.88		45'	35'
	CC	2	QUERCUS BRACANTHOS INERVIS SHADEMASTER HONEY LOCUST	2" CAL.	8.88	6'	50'	10'
	TH	2	SYRINGA RETICULATA JAPANESE TREE LILAC	2" CAL.	8.88	6'	32'	30'

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	M. HT.	M. SPR.	PLNT HT.
<b>SHRUBS</b>							
	EC	8	EUCHORIS ALATUS 'COMPACTUS' COMPACT BURNING BUSH	3 GAL.	7"	5"	2'
	HA	10	HYDRANGEA ARBORESCENS 'ANNABELLE' ANNABELLE HYDRANGEA	3 GAL.	4"	4"	2'
	JM	56	JAPANESE CHERRY BLOSSOM MANY STAR	3 GAL.	4"	4"	2'
	PO	23	PHYTOCAMPUS OPULIFOLIUS 'DART'S GOLD' DART'S GOLD HIBISCUS	3 GAL.	5"	5"	2'
	RA	13	RHUS ARBORESCENS FRAGRANT SUMAC	3 GAL.	4"	10"	2'
	RC	8	RHUS ARBORESCENS 'GR0-LOW' GR0-LOW FRAGRANT SUMAC	3 GAL.	3"	5"	2'
	SG	4	SORBARIA B. B. MANICA SOLDFLAME	3 GAL.	3"	5"	2'
	SH	8	SYRINGA VILLOSA 'MILBURNI' DWARF KOREAN LILAC	3 GAL.	4"	4"	2'
	VS	3	VIBURNUM X BURKWOODI BURKWOOD VIBURNUM	3 GAL.	8"	8"	3'
<b>ORNAMENTAL GRASSES</b>							
	GH	23	CALAMAGROSTIS X ACHILLEA KARL FOELSTER	1 GAL.	5"	2"	2'
	PH	32	KARL FOELSTER FEATHER REED GRASS PENNSYLVANIA ALOPECUROIDES 'HAMELN' HAMELN FOUNTAIN GRASS	1 GAL.	2"	2"	2'
<b>PERENNIALS</b>							
	SS	9	SEDUM SEDUM VARIETY	1 GAL.	2"	2"	12"
<b>MULCHES</b>							
	C	3,710 SF	MULCH MULCH SHREDED HARD WOOD WOOD MULCH				
	E	1,935 SF	SEEDING MIX UNITED SEEDS LOW GROW GRASS MIX	SEED			
	D	1,241 SF	SEEDING MIX UNITED SEEDS FLOODPLAIN MIXTURE	SEED			
	B	16,447 SF	TURF 500 EDWARDS TOLENTANT FESCUE BLEND	500			

RECEIVED

AUG 23 2024

PLANNING DEPT.

2111 South 87th Street  
Suite 200  
Omaha, NE 68106

olsson.com  
TEL: 402.341.1116  
FAX: 402.341.5095  
Olsson - Engineering  
Nebraska CCA #CA 0638

PRELIMINARY LANDSCAPE PLAN

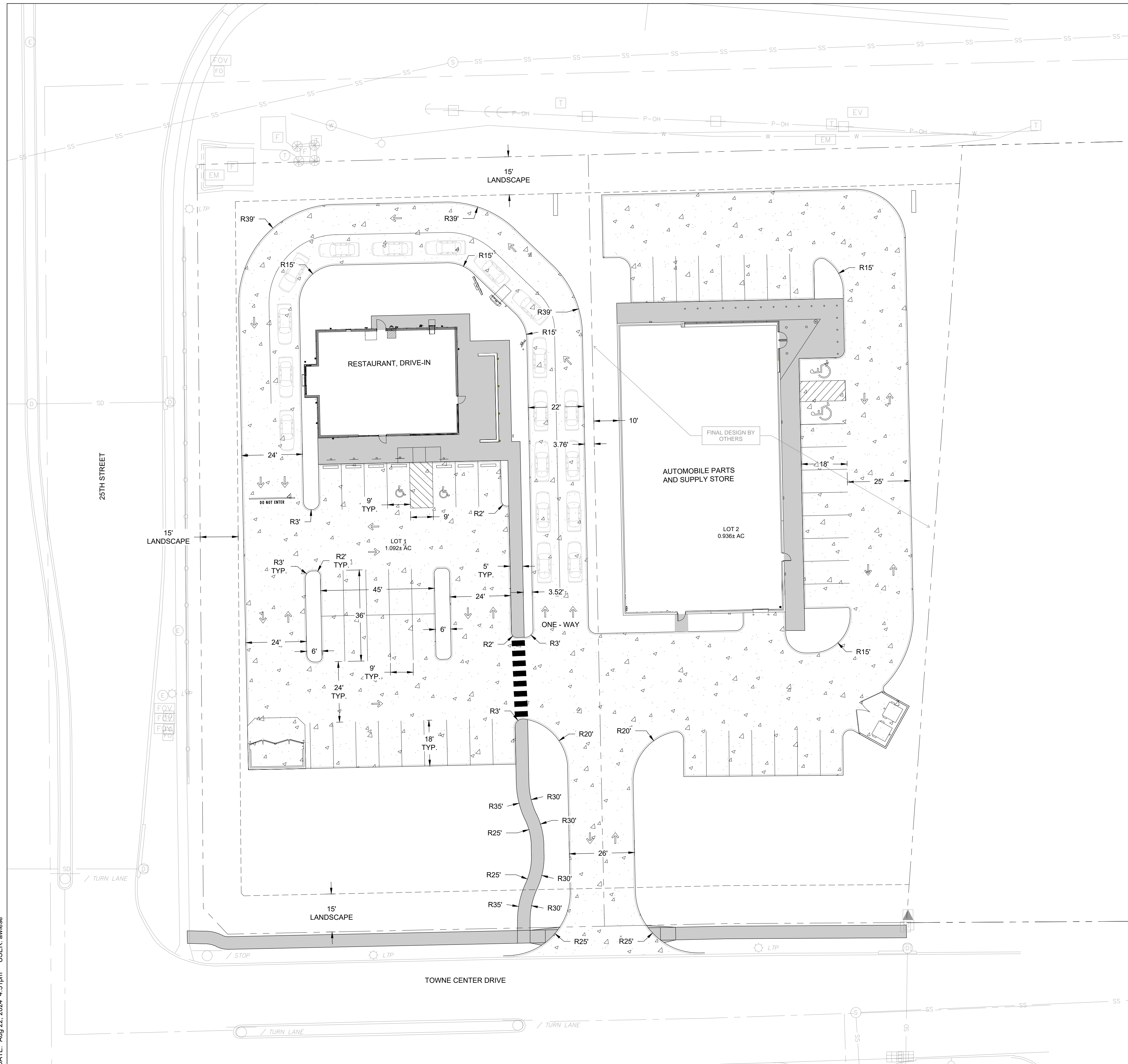
BELLEUE STARBUCKS  
PRELIMINARY PLANNING

2024

BELLEUE, NE

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 DATE: Aug 22, 2024 4:31pm USER: awiese



**PROJECT TEAM CONTACTS**

**DEVELOPER/OWNER**  
 BATIS DEVELOPMENT  
 2933 SW WOODSIDE DR., SUITE 200  
 TOPEKA, KANSAS 66614  
 CONTACT: AMY MCCLAUGHRY  
 PHONE: 785.272.4400

**ENGINEER**  
 OLSSON  
 2111 S. 67TH STREET, SUITE 200  
 OMAHA, NE 68106  
 CONTACT: AARON WIESE  
 PHONE: 402.341.1116

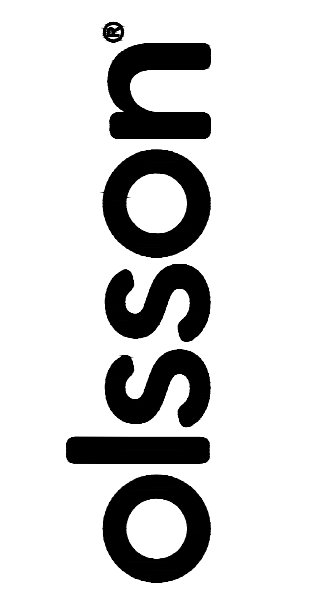
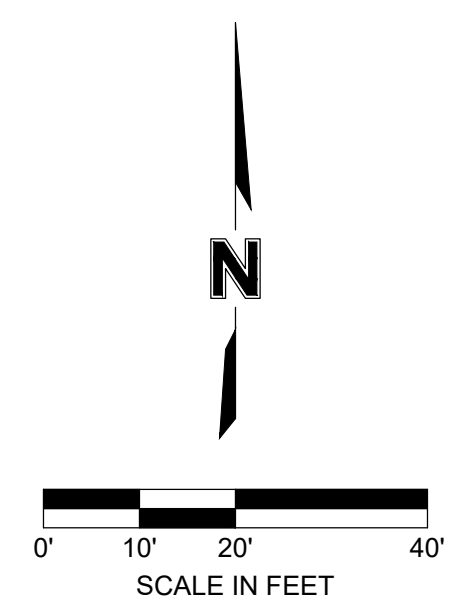
**SURVEYOR**  
 OLSSON  
 2111 S. 67TH STREET, SUITE 200  
 OMAHA, NE 68106  
 CONTACT: TERRY ROTHANZL  
 PHONE: 402.341.1116

**LEGEND**

- BOUNDARY LINE
- PROPERTY LINE
- SIDEWALK
- CONCRETE PAVEMENT

**SITE INFORMATION TABLE**

LOT ID:	LOT 1	LOT 2
USE:	RESTAURANT, DRIVE-IN	AUTOMOBILE PARTS & SUPPLY
PARKING REQUIREMENTS:	1 STALL PER 2.5 SEATS; 58 SEATS (30 INSIDE, 28 OUTSIDE) 24 STALLS REQUIRED	1 STALL PER 400 SF (7300 SF) 19 STALLS REQUIRED
PARKING PROVIDED:	26 STALLS (2 ADA SPACES)	25 STALLS (1 ADA SPACE)



2111 South 67th Street  
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 Omaha, NE 68106  
 olsson.com  
 TEL 402.341.1116  
 FAX 402.341.5895  
 Olsson - Engineering  
 Nebraska COA #CA-0638

REV. NO.	DATE	DESCRIPTION	BY

PRELIMINARY SITE PLAN  
 BELLEVUE STARBUCKS  
 PRELIMINARY PLANNING  
 BELLEVUE, NE  
 2024

drawn by: SMK  
 designed by: ALW  
 project no.: 024-02457  
 date: 8.22.2024

**SHEET  
 C1.0**



**CITY OF BELLEVUE  
PLANNING DEPARTMENT**

**RECOMMENDATION REPORT # 1**

**CASE NUMBER:** CUP-2408-02

**FOR HEARING OF:**  
**REPORT 1#:** September 26, 2024

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Abongwa Ndumu  
c/o Lauren Grigsby  
8212 S 88<sup>th</sup> Plaza #08  
LaVista, NE 68128

**B. PROPERTY OWNER:**

Janet Ndumu Onya  
12235 Apache Tears Circle  
Laurel, MD 20708

**C. GENERAL LOCATION:**

3708 Greene Avenue

**D. LEGAL DESCRIPTION:**

Lot 7, Dietz Meadows, located in the Southeast  $\frac{1}{4}$  of Section 17, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, NE

**E. REQUESTED ACTION:**

Request for a conditional use permit for Lot 7, Dietz Meadows, for the purpose of a specialized assisted living facility for 55+ elderly/disabled adults.

**F. EXISTING ZONING AND LAND USE:**

RS-72, Single Family Residential

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a conditional use permit to facilitate a specialized assisted living facility for 55+ elderly/disabled adults.

**H. SIZE OF SITE:**

The site is approximately 0.24 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

This property is presently developed with a single-family residence.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

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

**C. REVELANT CASE HISTORY:**

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

**D. APPLICABLE REGULATIONS:**

- 1. Section 5.09.03, Zoning Ordinance, regarding conditional uses in the RS-84 zoning district.
- 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 Medium Density Residential.

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data available for this location.
2. This property has access from a private driveway off Greene Avenue.

**D. UTILITIES:**

All utilities are available to this location.

**E. ANALYSIS:**

1. Lauren Grigsby is requesting a conditional use permit to provide a specialized assisted living facility for 55+ elderly/disabled adults.

2. The applicant states the facility will provide 24-hour care for elderly/disabled adults aged 55 years and older, needing additional assistance with personal and oral hygiene, bathing, dressing, meal preparation, laundry, and transportation to doctor's appointments for those who require or request such services due to age, illness, or physical disabilities. The applicant has stated this facility will not provide Alzheimer's/Dementia care. The existing single-family residence has four bedrooms.

The applicant states the facility will accommodate a maximum four residents.

3. The applicant has stated the hours of operation will be 24 hours per day/7 days per week, with a minimum of two to three staff on-site during daytime hours, and one to two staff members present during the overnight hours. A Certified Medical Assistant (CMA) will be one of the staff members on site. The applicant indicates that all CMAs are trained to perform the same duties as a Certified Nursing Assistant (CNA).

A copy of the applicant's letter detailing her request is attached to this report.

4. Ms. Grigsby has completed the required training and is registered to operate this type of facility, as an administrator, in the State of Nebraska.

In addition to the zoning ordinance requirements, the applicant will be required to comply with all licensure requirements of the State of Nebraska Department of Health and Human Services (DHHS).

5. The property is located along Greene Avenue, a local street with a total width of 50', and on-street parking allowed only on the south side of the street. The property has a driveway from Greene Avenue. The applicant intends to use the existing 10' x 42' driveway for staff and visitor parking. The existing driveway would likely be able to accommodate no more than 4 vehicles at a time including

one vehicle parked in the one-car garage. Aldersgate United Methodist Church is across the street and to the south of this property. Since the church has an adequate parking lot on their property, on-street parking is minimal along this particular section of Greene Avenue.

6. 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, Omaha Public School District, Sarpy County Administrator, Sarpy County Engineer, Sarpy County Public Works. 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.

John Krager, Public Works Engineer, and Zach Hergenrader, Sarpy County Engineer, had questions regarding parking requirements.

Mike Christensen, Chief Building Official, commented the facility must meet and pass all requirements of the Americans with Disabilities Act (ADA) before it can be used as an assisted living group home. The applicant is aware of this requirement.

Captain Donald Gifford, Battalion Chief, commented the facility will need to comply with NFPA 101 Life Safety Code 2012 Edition Chapter 32, NFPA 1 Fire Code 2012 Edition, and IFC 2021 before it can be used as an assisted living group home. The applicant is aware of these requirements and understands she will need to pass inspection prior to any state licensing or licensing renewal.

No other comments were received on this case.

7. 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**

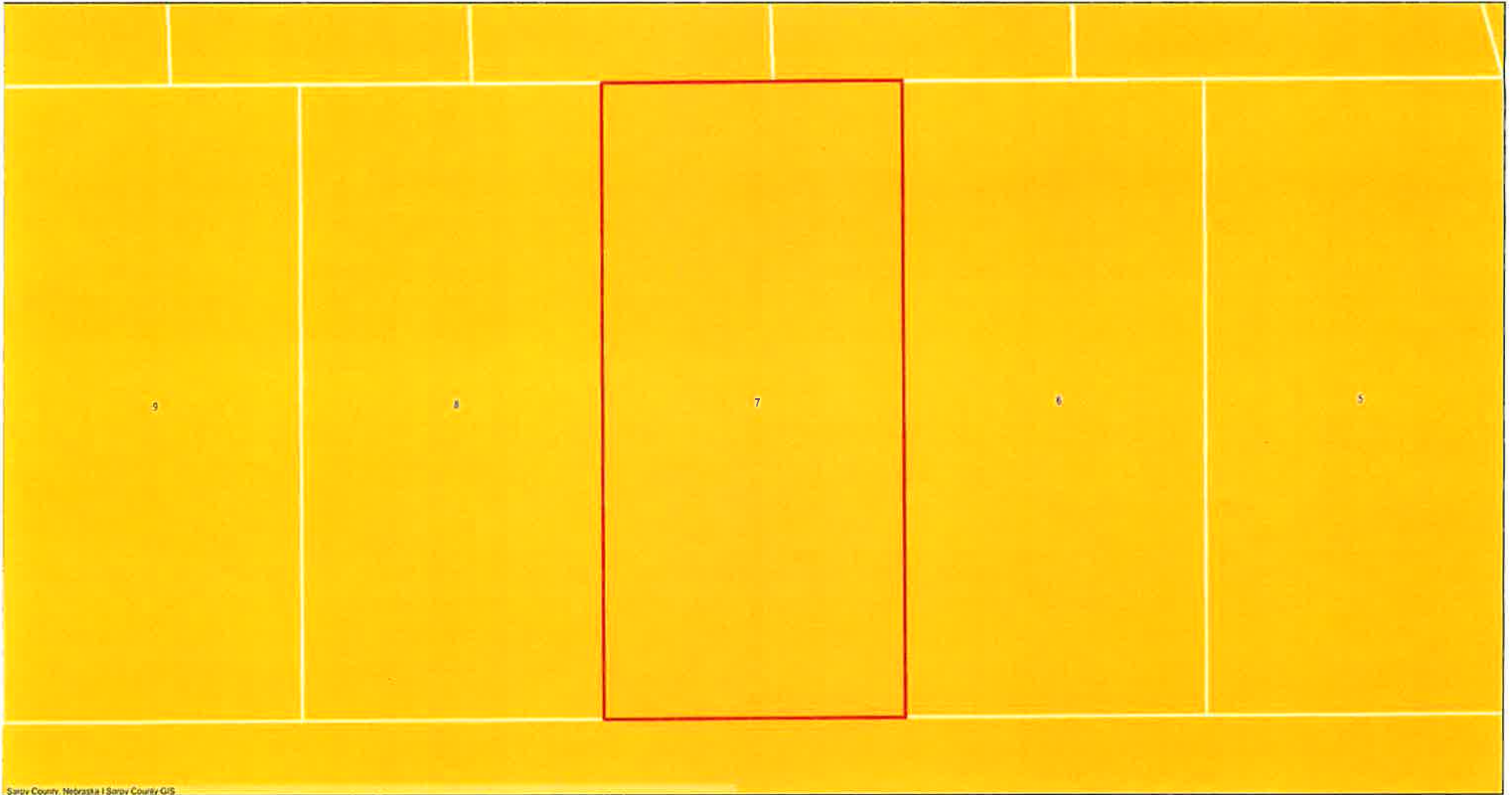
1. Zoning Map
2. 2024 GIS aerial photo of the property
3. Letter from Abongwa Ndumu received August 5, 2024.
4. Letter from Lauren Grigsby and Abongwa Ndumu received September 4, 2024
5. Conditional Use Permit Agreement

**VII. COPIES OF REPORT TO:**

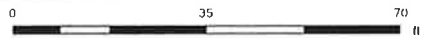
1. Abongwa Ndumu (c/o Lauren Grigsby)
2. Janet Ndumu
2. Public Upon Request

  
Assistant Planning Manager

  
Planning Director                      Date of Report



Sarpy County, Nebraska | Sarpy County GIS

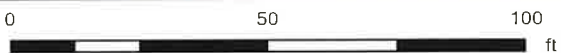
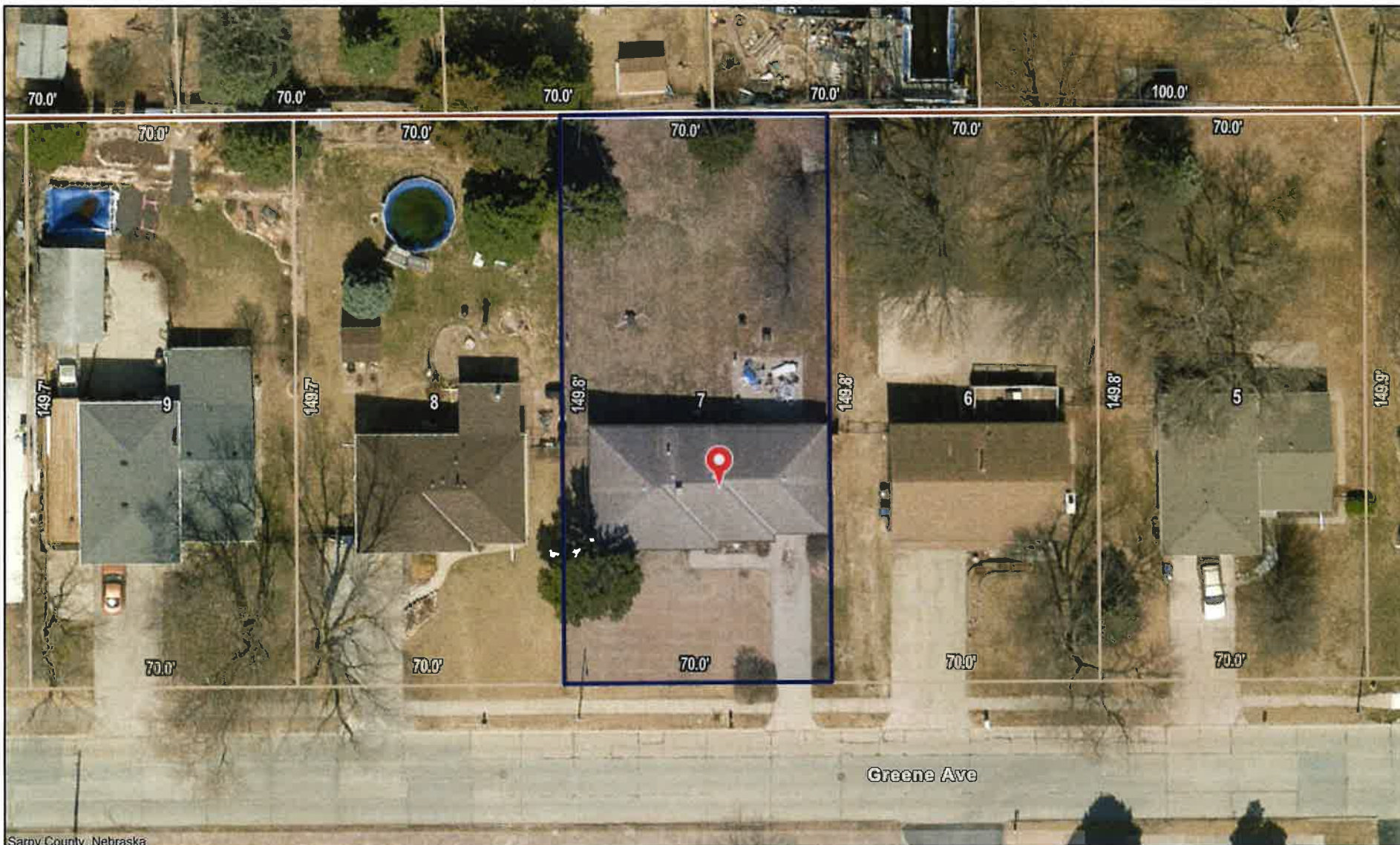


Map Scale 1: 340

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Notes



Map Scale 1: 564

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Notes



Abongwa K. Ndumu

8212 S 88<sup>th</sup> Plaza #08  
La Vista  
Nebraska 68128

Email: [abongwa@gmail.com](mailto:abongwa@gmail.com)  
Cel: 531 777 5071

**Attn:** City of Bellevue  
Planning Department  
1510 Wall St  
Bellevue NE 68005

August 2nd, 2024

**Subject: Conditional Use Permit**

Dear Sir/Madame,

It is an honor to put forward to you, our request for a, Conditional Use Permit, to operate an Assisted Living Group Home facility... at 3708 Greene Ave, Bellevue, NE 68147.

It is a 4 bed house, for which we intend to;  
- Care for elderly and disabled persons

We would appreciate your utmost consideration and cooperation in our endeavour to serve our community.

Faithfully

  
Abongwa K Ndumu  
Applicant

RECEIVED

AUG 05 2024

PLANNING DEPT.

Lauren Grigsby, Abongwa Ndumu

[Your Name]

8212 S 88 Plaza #08 LaVista Nebraska 68128, [City, ST Zip  
Code]



531-218-4903



Laurengrigsby@gmail.com



9/5/2024

Tammy Palm,  
City of Bellevue Planning Department  
1510 Wall St  
Bellevue Nebraska 68005 402-293-3026

## To Planning Department

Re: Conditional Use permit for 3708 Greene Ave Bellevue 68147

1. There will be 1 –2 staff per 12 hour shift. 2 shifts per day.
2. There is adequate parking for 4 cars in driveway and garage.
3. We intend to serve 4 residents.
4. We intend to care for 55+ elderly/disabled adults. It is an Assisted Living Group Home
5. We have a four bedroom home
6. We have reached out To the fire department Donald Gifford. No response yet.

Sincerely,

RECEIVED  
SEP 04 2024  
PLANNING DEPT.

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

CITY OF BELLEVUE  
CONDITIONAL USE PERMIT  
LOT 7, Dietz Meadows, LOCATED IN THE SOUTHEAST ¼ OF SECTION 17, T14N, R13E  
OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA

Conditional Use Permit for Americam, LLC.

This Conditional Use Permit issued this 15th day of October 2024 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Abongwa Ndumu, (“Applicant”), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Janet Ndumu is the legal owner of Lot 7, Dietz Meadows, located in the Southeast ¼ of Section 17, Township 14 North, Range 13 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, consisting of approximately 0.24 acres, more or less (“Property”). Applicant desires to use the Property for the purpose of a specialized assisted living facility for 55+ elderly/disabled adults; 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 applicant may operate a facility providing specialized assisted living facility for 55+ elderly/disabled adults on the Property.
  - d. The Use shall follow all required Nebraska Department of Health and Human Services and/or any other state licensing regarding health care services. A copy of required licensure shall be provided to the Planning Department
  - e. No more than four (4) senior residents may be in care at the facility at any one time.
  - f. The applicant may have a staff of three on site at any one time to include Certified Medical Assistants, Registered Nurse, and office personnel.
  - g. Approved hours of operation shall be 24 hours, 7 days a week with staff on site.
  - h. 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.
  - i. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
  - j. 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 (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:

Americam LLC  
c/o Abongwa Ndumu  
8212 S. 88<sup>th</sup> Plaza #08  
La Vista, NE 68128

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 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

\_\_\_\_\_  
Abongwa Ndumu for Americam, LLC

STATE OF NEBRASKA        )  
  )SS:  
COUNTY OF \_\_\_\_\_)

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

Witness my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

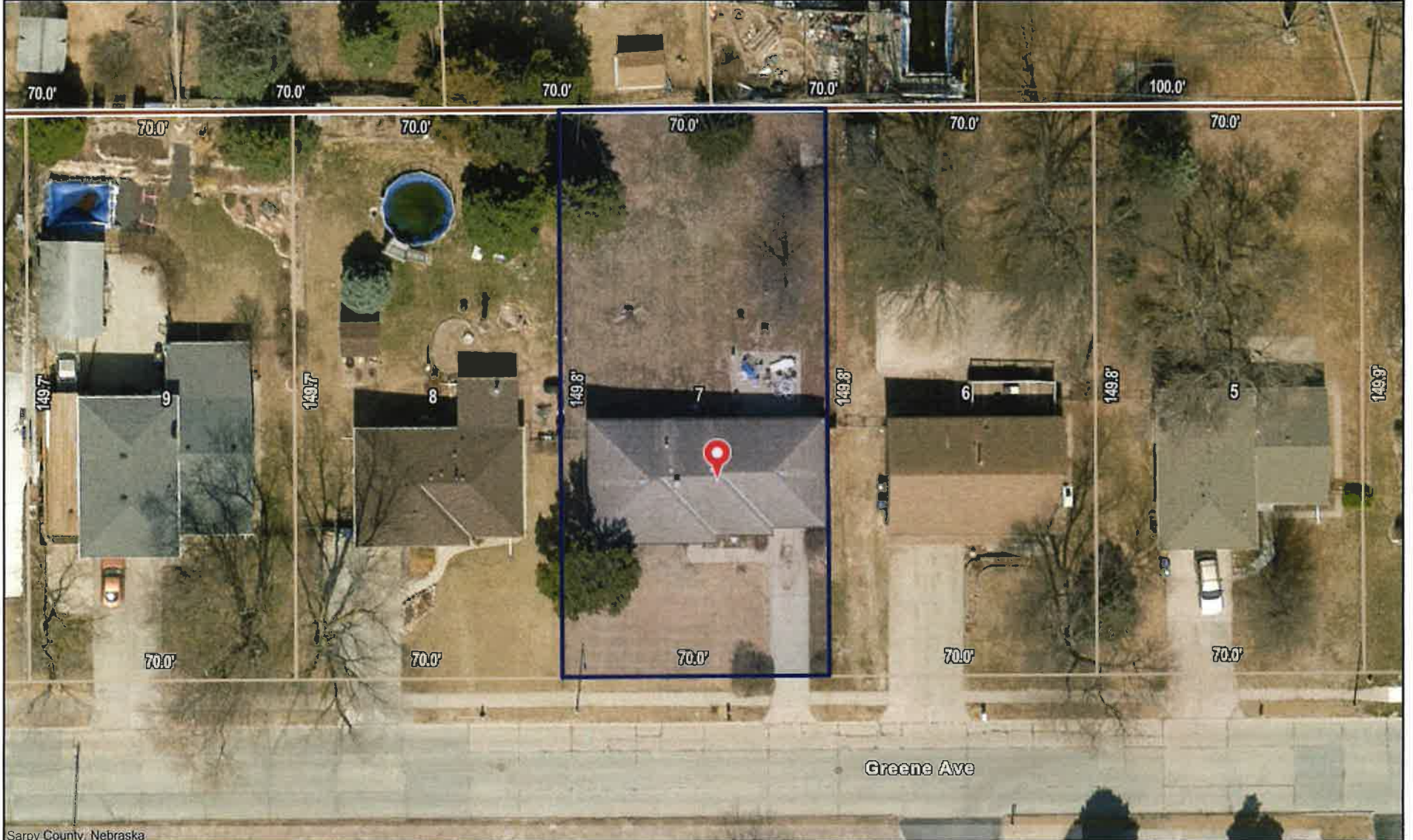
\_\_\_\_\_  
Janet Ndumu, Owner

STATE OF NEBRASKA        )  
  )SS:  
COUNTY OF \_\_\_\_\_)

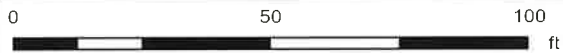
The undersigned, a notary public qualified in and for said county, does hereby certify that Janet Ndumu (owner) signed the foregoing instrument, acknowledged before me on this day and he/she executed and delivered said instrument as his/her voluntary act and deed.

Witness my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public



Sarpy County, Nebraska



Map Scale 1: 564

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Notes

