BELLEVUE PLANNING COMMISSION
Thursday, October 22, 2026 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 September 24, 2026 Regular Meeting
    e. Accept into the record all staff reports, attachments, memos, and handouts regarding each application.
2. CONSENT AGENDA/PUBLIC HEARINGS:
3. PUBLIC HEARINGS:
    a. Request to small subdivision plat Lots 1 and 2, Southroads Technology Park Replat 1, being a replat of Lot 1, Southroads Technology Park; and site plan approval for Lot 1, Southroads Technology Park Replat 1, for the purpose of a performance training facility. Applicant: Southroads Technology Park Condominium Association, LLC. General location: 1001 Fort Crook Rd N.
    b. Request to amend Sections 2.19, 5.05, 5.26, 5.27, and 5.28, Zoning Ordinance, to add a definition for “Private Utility” and provide for this as a use within the AG, FX, ML, and MH zoning districts. Applicant: Middle Mile Infrastructure.
    c. Request to amend Sections 2.07 and 5.28.02, to add a definition for “Data Center” and to allow as a permitted use within the MH zoning district. Applicant: City of Bellevue
4. CURRENT BUSINESS
    a. Planning Department Updates
    b. Election of Officers
5. ADJOURNMENT

EXHIBIT 1.d

MINUTE RECORD

The Bellevue Planning Commission held a regular meeting on Thursday, September 24, 2026, at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Ackley, Burmeister, Hankins, Yoder, Lasenburg, and Aerni. Absent were Commissioners Herall, Taylor-Jones, and Bennett. Also present was Tammi Palm, Planning Director, and Angela Curry, Assistant Planning Manager.

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

Hankins announced a copy of the Open Meetings Act is posted on the rear wall of the City Council Chambers, and also on the information table just outside the Chambers.

Motion was made by Ackley, seconded by Lasenburg, to approve the minutes of the August 27, 2026, regular meeting as presented. Upon roll call, all present voted yes. Motion carried unanimously.

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

Motion was made by Aerni, seconded by Yoder, 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.

Lisa Taylor-Jones entered the City Council Chambers at 6:02 p.m.

Hankins explained the public hearing procedures.

PUBLIC HEARING was held on a request to approve the Redevelopment Plan for Lot 2, Compass Hill, and Lot 21A, Old Orchard Place. Applicant: Excel Development Group.

Hankins asked staff for updates. Palm stated there were no updates and gave a brief summary of the request. Palm explained the request is for a Tax Increment Financing (TIF) proposal for Orchard Place. The proposed development encompasses approximately 15 acres and would include approximately 140 mixed-income residential dwelling units. The estimated valuation upon buildout is approximately $29 million. The redevelopment plan identifies approximately $9.1 million in eligible TIF redevelopment costs, with the applicant requesting approximately $5.4 million in TIF to fund those expenses. Palm remarked the area would be a great example of infill development and that the proposal conforms with the Comprehensive Plan and the Future Land Use Map. She stated the project would be a great opportunity to provide housing in an area where there is a need for additional housing. As such, staff recommends approval of the request. Palm noted the staff memo identified a slight proofreading error that needed to be corrected by the applicant, and the applicant had already made the correction.

Alison Borer, Cline Williams Wright Johnson & Oldfather, 233 S 13th Street, Lincoln, Nebraska, was present on behalf of the applicant. Borer stated she was also joined by Wayne Mortensen with Excel Development Group and Kirk Rogers from Habitat for Humanity Omaha. She explained they were requesting the Commission's recommendation of approval of the redevelopment plan for Orchard Place. Borer explained the site is currently vacant and undeveloped, with no roads or utilities, and that any development would essentially be starting from scratch, which has been a significant barrier. The site was formally declared blighted and substandard by the City Council in 2022. The site is surrounded by mature development, including an existing neighborhood to the south, and is in close proximity to Bellevue West High School. Borer stated the Orchard Place development would transform the vacant land into a mixed-income residential community with approximately 140 dwelling units. The development would not consist of a single housing product type but would provide a mix of housing types to serve a variety of Bellevue households. The development would include attached single-family homes, detached single-family homes, townhomes, and multifamily units. Borer explained that approximately 60 percent of the units, or roughly 85 units, would be sold to third-party homeowners as owner-occupied housing, with the remaining approximately 40 percent retained as rental housing. The development would serve multiple income levels, including households earning as little as 30 percent of area median income, workforce and middle-income households, and market-rate buyers. The development is anticipated to house approximately 546 residents. In addition to the housing, the development would include a central green space, a playground, a fruit tree orchard, and both formal and natural walking paths throughout the development.

Borer explained a key aspect of the project would be the extension of both 9th and 10th Streets from the south to connect to Kasper Street. There would be two new street entrances from the north, which would improve connectivity to the existing neighborhood to the south. Upon construction, the two streets are planned to be dedicated as public streets. Within the development, the streets would be designed with trees, lawns, sidewalks, and overhead lighting. Borer stated the Orchard Place Homeowners Association, which would be formed as part of the development, would be responsible for maintaining the private streets and sidewalks. She explained the project would include approximately 346 parking spaces to meet City parking requirements through a combination of parking lots, garages, driveways, and on-street parking. Borer also noted the proposed rezoning that would be required as part of the development. Borer stated the applicant plans to move relatively quickly with construction. Construction of infrastructure is anticipated to begin in the spring of 2027, followed by residential development in phases. The development is anticipated to be constructed over approximately three years, with approximately 40 to 50 units constructed each year.

Borer stated the TIF request is approximately $5.4 million, plus accrued interest. She explained that amount represents approximately 12.3 percent of the total estimated project cost, with total project costs estimated to be more than $44 million. Borer explained the TIF amount was calculated using the current base valuation of the site, which is just under $250,000, and the anticipated valuation upon full buildout, which is expected to be just over $29 million. She stated the incremental value generated by the project would be used to capture the TIF. Over the 15-year TIF period, the total estimated TIF to be generated would be just over $9 million. The proposed TIF notes would carry an interest rate of 7.5 percent, resulting in a present value of the TIF revenue stream of approximately $5.4 million. The applicant is also requesting the ability to issue the TIF notes in up to five separate TIF notes to align with the different phases of the project. Borer explained the applicant included an exhibit detailing the TIF-eligible uses for the project. She clarified that the eligible uses total just over $6 million, rather than the approximately $9 million referenced by staff, and stated the eligible uses are approximately $500,000 more than the requested TIF amount. Borer stated the TIF uses are relatively straightforward because the site is an infill site requiring significant investment to extend streets and utilities. She noted that more than $1.1 million is anticipated to be spent on street improvements alone.

Borer stated the project conforms with the Comprehensive Plan and furthers the objectives of the city's Master Plan. She stated the project also directly responds to housing needs identified in the city's housing study. Regarding the "but-for" test, Borer noted the redevelopment plan contains a detailed explanation, but the project would not be economically feasible without TIF assistance. She stated there would be a financing gap of approximately $5.4 million without TIF and the project could not proceed at the proposed affordable price points. Borer noted home prices and rental rates would need to increase by more than 21 percent to cover the gap if TIF were not available, which would eliminate access for all but market-rate buyers and defeat the purpose of the project. The cost-benefit analysis included in the redevelopment plan also supports approval of the project. She stated the analysis identifies benefits related to new infrastructure, job creation during construction, and the addition of new households that would support Bellevue's retail and service businesses. She noted the impact on schools is anticipated to be manageable and noted the Comprehensive Plan identifies anticipated population growth of 5.25 percent, which the school district is likely also anticipating. Borer recommended that the Commission recommend approval of the redevelopment plan to the City Council. She stated the Orchard Place project is the type of project that tax increment financing was designed to support. She explained the site has remained vacant and undeveloped for years because the cost of infrastructure development has made the project financially infeasible. She explained that with TIF, Bellevue would gain approximately 140 new homes and a significant expansion of its tax base over the long term. Borer stated she was available to answer questions.

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

Ackley questioned staff regarding traffic-calming measures. He recalled that when the approximately 30-acre area where the former concrete plant was located was discussed, there had been discussion regarding the existing stub roads leading into the adjacent neighborhood. He noted the proposed development would now extend north of that area and connect the existing stub roads to the new development, which he viewed positively. Ackley asked whether there had been any discussion or consideration of traffic-calming devices to address the connection between the two neighborhoods. Palm clarified that the applicant had submitted a preliminary plat application within the previous week and that traffic calming would be reviewed as part of that application. She stated the issue had been discussed and that Mortensen and his team had participated in several pre-application meetings with staff. Palm added that traffic-calming and connectivity had been considered when the roads were

designed and would continue to be reviewed as connectivity is established. Ackley commented that he thought the project was a great infill project. He stated that, based on the $5.4 million TIF request and approximately 140 units, his calculation was less than $39,000 per unit in TIF. He compared that to a project completed a few years ago involving approximately $75,000 per unit for ten townhomes and stated the Orchard Place request was more within the $35,000 to $40,000 per-unit range the Commission normally sees.

Hankins questioned Palm regarding the discrepancy identified by the applicant between the TIF amount submitted with the application and the TIF amount stated in the staff report. Palm stated she would need to review the figures and acknowledged that the figure may have been incorrect in the staff report. She stated staff typically pulls the amount directly from the application, adding that staff would verify the amount. Borer clarified the number being referenced was the total TIF amount expected to be generated by the project. She explained the number in the staff report represented the total TIF expected to be generated but clarified the eligible uses themselves total just over $6 million.

Burmeister asked whether the infrastructure would be constructed all at once or in phases. Wayne Mortensen, Excel Development Group, 8551 Lexington Avenue, Lincoln, Nebraska, was present and responded that the applicant is attempting to split the TIF proceeds into five separate issuances because the project will likely be phased. He stated the first phase would focus on extending 9th and 10th Streets and the associated utility extensions. He stated the core portion of the development would likely occur during the second phase. Palm added that phasing would be addressed through the platting process. She stated staff would review the phasing and address it through the final plat and associated agreements.

Yoder questioned whether the two public streets would be developed first with the primary utilities extending through them. Palm responded that the timing would depend on the phasing of the development. Yoder then asked whether 10th Street would align with the new development to the north at the same intersection or whether there would be a jogged intersection near South 9th Court. Mortensen responded that South 9th Court would be approximately equidistant between the two street extensions. Palm added that the preliminary plat had only recently been submitted and that all of those details were currently under review.

Aerni commented on the interest rate associated with the TIF. He stated he raises the issue of interest whenever TIF comes before the Commission. Aerni acknowledged that interest rates change and noted some communities in the area use zero percent interest. He stated based on Ackley's earlier calculation, the Commission should consider the full amount that would ultimately be repaid. He stated that of approximately $5.8 million, the total could be approximately $9.2 million when interest is included, which would equate to approximately $65,000 per unit. Aerni questioned Palm regarding how the City accounts for the interest and whether there is a point at which the City would establish a maximum interest rate. He noted previous TIF requests had involved interest rates of approximately 4 percent, 5.5 percent, and 6 percent, while the current request was for 7.5 percent. Palm responded staff defers to the Finance Director regarding the interest rate. She explained the Finance Director reviews each request to determine whether the proposed rate is reasonable given current market conditions and whether it is reasonable for the City based on the redevelopment plan. Palm stated the Finance Director was comfortable with the rate being requested for this project and had indicated he would not want the rate to go much higher. She stated staff reviews TIF requests on a case-by-case basis and defers to Legal and the Finance Director regarding the City's comfort level with the proposed interest rate.

Aerni asked whether the applicant would have to return to the Planning Commission if the project were divided into phases or whether the phasing would be handled administratively. Palm responded that the phasing would be addressed as part of the TIF agreement. She explained if the redevelopment plan is approved by the City Council, the TIF agreement would be structured to allow the project to be phased. Palm stated the City has a similar example involving the 10th and Cornhusker project, also known as Cornhusker Point, which was completed in three different phases. She stated the City has established a precedent for allowing TIF projects to be phased in that manner. Palm explained the phasing would be incorporated into the TIF agreement, and the applicant would not need to return to the Planning Commission unless an amendment to the redevelopment plan were necessary. If an amendment were required, the applicant would return to the Commission.

Aerni asked whether each phase would then trigger its own 15-year TIF period. He referenced an example showing a $29 million valuation in the first year and noted the full $29 million valuation would not occur in the first year. He asked whether each phase would effectively have its own 15-year period. Palm confirmed that each phase would have its own 15-year period. Aerni stated he thought

the project was a great project. He reiterated his concern regarding the interest rate and questioned at what point the government stops providing interest and how that amount is determined. Mortensen responded the interest rate is difficult because a higher interest rate requires more bonds. He stated the project itself does not receive additional money when the interest rate increases because the amount being requested for the project remains the same, but the TIF still has to be financed.

Ackley responded to Aerni that the project could have a zero percent interest rate, but ultimately, if the project generates approximately $9.1 million in increment over time, whether that amount pays principal and interest or only principal, the amounts ultimately balance out. He stated the higher interest rate affects the amount of principal that can be placed on the debt. Aerni clarified that the project does not have approximately $9 million in eligible expenses and that the eligible expenses are only approximately $6 million. He questioned why the applicant could potentially receive up to $9 million. Aerni reiterated that he supported the project.

Yoder added from his perspective, without TIF, a project of this nature, which requires the construction of significant infrastructure, would likely remain vacant. He stated that adding approximately 500 people to the City would have a ripple effect on local restaurants, businesses, and other services. Yoder acknowledged those benefits cannot be calculated in the report but stated they would be significant for the community. He stated he was excited to see the project. Palm added background regarding the length of time the Orchard Place area has remained vacant. She stated that portions of Old Orchard Place have surveys dating back to the 1880s and that portions of the area have therefore remained vacant for more than 100 years. Palm stated the project was a good example of infill development and what can be accomplished through tax increment financing.

Mortensen provided additional background and stated the applicant would be returning before the Commission several times throughout the development process. He thanked the partners at Habitat for Humanity, who he stated had the vision to secure control of the site and ensure it would be developed as a mixed-income, mixed-use neighborhood. Mortensen stated the site is two blocks east of Bellevue West High School and the applicant hopes the development can provide housing for a broad range of community members, from janitors to young teachers to administrators. He stated the development is intended to serve households between approximately 60 percent and 150 percent of area median income. Mortensen stated the applicant believes that range of housing creates a cohesive and socially connected neighborhood. Mortensen also discussed the design of the development and stated the applicant is utilizing a traditional neighborhood development approach. He explained the design attempts to separate cars and pedestrians as much as possible through the use of alleyways and rear-access lots. Mortensen stated the applicant would continue to work through the traffic-calming issues discussed earlier and had provided traffic counts as part of the preliminary plat package. He stated the overall goal is to keep the public realm of the neighborhood focused on children and families and create a vibrant neighborhood.

MOTION was made by Aerni, seconded by Ackley to recommend APPROVAL of a request to approve the Redevelopment Plan for Lot 2, Compass Hill, and Lot 21A, Old Orchard Place. Applicant: Excel Development Group. APPROVAL of the Orchard Place Redevelopment Plan based on conformance with the Comprehensive Plan, elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for infill redevelopment. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING on October 20, 2026.

Meeting adjourned at 6:35 p.m.

Jenna Lance
Jenna Lance
Planning/Permit Technician

CITY OF BELLEVUE
PLANNING DEPARTMENT

RECOMMENDATION REPORT # 1

CASE NUMBERS: S-2609-19
Z-2609-05

FOR HEARING OF:
REPORT #1: October 22, 2026

I. GENERAL INFORMATION

A. APPLICANT:

Southroads Technology Park Condominium Association, LLC
1001 Fort Crook Rd N, STE 140
Bellevue, NE 68005

B. PROPERTY OWNER:

Southroads Technology Park Condominium Association, LLC
1001 Fort Crook Rd N, STE 140
Bellevue, NE 68005

C. GENERAL LOCATION:

1001 Fort Crook Road North

D. LEGAL DESCRIPTION:

Lots 1 and 2, Southroads Technology Park Replat 1, all located in the Southwest ¼ of Section 14, T14N, R13E of the 6th P.M., Sarpy County, NE.

E. REQUESTED ACTIONS:

1. Small subdivision plat Lots 1 and 2, Southroads Technology Park Replat 1.

2. Site plan approval for Lot 1, Southroads Technology Park Replat 1, for the purpose of a performance training facility.

F. EXISTING ZONING AND LAND USE:

BG-PCO, Commercial

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a small subdivision plat of Lots 1 and 2, Southroads Technology Park Replat 1; and approval of a small subdivision plat for the purpose of a performance training facility.

H. SIZE OF SITE:

The site is approximately 25.5 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Proposed Lot 1 is a prior service garage and proposed Lot 2 is the former Southroads Mall building, now known as the Southroads Education and Technology Park. There is also a large parking lot.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Industrial, Commercial, and Single Family Residential; ML, BGH, and RD-60
2. **East:** Single Family Residential, RS-84 and RS-72
3. **South:** Commercial and Multi Family Residential, BG, BG-PCO, and RG-20-PS
4. **West:** Fort Crook Road right-of-way and Forest Station Elementary School (across Fort Crook Road), RG-8

C. REVELANT CASE HISTORY:

1. On August 27, 2020, the Planning Commission recommended approval of a request to rezone Lots 1 and 2, Southroads Technology Park, from BG-PCO to BGH for the purpose of further commercial development. On October 20, 2020, the City Council denied the aforementioned request.

D. APPLICABLE REGULATION:

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

2. Section 5.25, Zoning Ordinance, regarding Planned Center Overlay uses and requirements.

3. Chapter 5, Subdivision Regulations regarding Small Subdivisions.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use designation for this property is Mixed Use.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

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

2. The property has access via drives off Camp Brewster Road, Fort Crook Road, as well as Childs Road.

D. UTILITES:

All utilities are available to this property.

E. ANALYSIS:

1. Bryan Bartels, on behalf of Southroads Technology Park Condominium Association, LLC, has submitted a request to small subdivision plat Lots 1 and 2, Southroads Technology Park Replat 1.

2. The property is currently developed as Southroads Education and Technology Park and is subject to an existing condominium regime. The applicant is proposing to replat the property into two lots: Proposed Lot 1 consists of approximately 0.676 acres, and proposed Lot 2 consists of approximately 24.875 acres. The former Southroads Mall building will be on proposed Lot 2. This building is currently a mix of commercial and office space, a fitness complex, Grace Bible Church, and Cornerstone Christian School.

3. The property is presently zoned BG-PCO (General Business District-Planned Center Overlay). The proposed lots comply with the minimum requirements of the BG district.

4. Along with the small subdivision request, the applicant is requesting site plan approval for Lot 1, Southroads Technology Park Replat 1, for the purpose of a performance training facility. Site plan approval is required for the -PCO zone.

5. The site plan for proposed Lot 1 consists of an existing 29,463 square foot building. Per the applicant, the building will be used for a performance training facility. This training will not be a traditional gym but will be a facility where athletes attend scheduled classes, training sessions, and coaching programs.

6. Per Section 8.03, Zoning Ordinance, the proposed performance training facility must provide approximately 48 off-street parking spaces based on projected construction plans. Proposed Lot 1 does not currently contain sufficient parking spaces to satisfy the minimum parking requirements for the proposed use. The applicant intends to utilize existing parking spaces located on proposed Lot 2 to satisfy the parking requirements for Lot 1 through a shared parking easement. The applicant has submitted a Declaration of Parking Easement establishing a nonexclusive, perpetual easement for shared vehicular parking.

7. The parking exhibit site plan (including shared stalls per the Declaration of Parking Easement) shows 53 standard parking stalls and three handicapped parking stalls for a total of 56 stalls for the use of proposed Lot 1.

8. The applicant has submitted documentation which demonstrates that sufficient parking spaces are available on Lot 2 to satisfy the parking requirements for Lot 1 while maintaining the required parking for the existing uses on Lot 2. Parking spaces used to satisfy the requirements for Lot 1 are appropriately identified and secured through an easement.

9. 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 Omaha 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.

   Shanee Adekunle, Bellevue Public Works Engineer, and Jeremy Bender, Sarpy County Surveyor, requested technical revisions regarding the small subdivision plat. These revisions have since been satisfied by the applicant's surveyor.

   No other comments were received on this case.

10. The applicant has submitted a Declaration of Parking Easement and a Declaration of Driveway and Access Easement in conjunction with the proposed small subdivision plat. These easements are intended to provide shared vehicular parking and access between the proposed lots.

11. The Future Land Use Map of the Comprehensive Plan designates this area as mixed use.

12. A recreational/training facility is a permitted use in the BG (General Business) zoning district. Staff believe this is an appropriate use of the property.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

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

V. PLANNING COMMISSION RECOMMENDATION

Under Review

VI. ATTACHMENTS TO REPORT

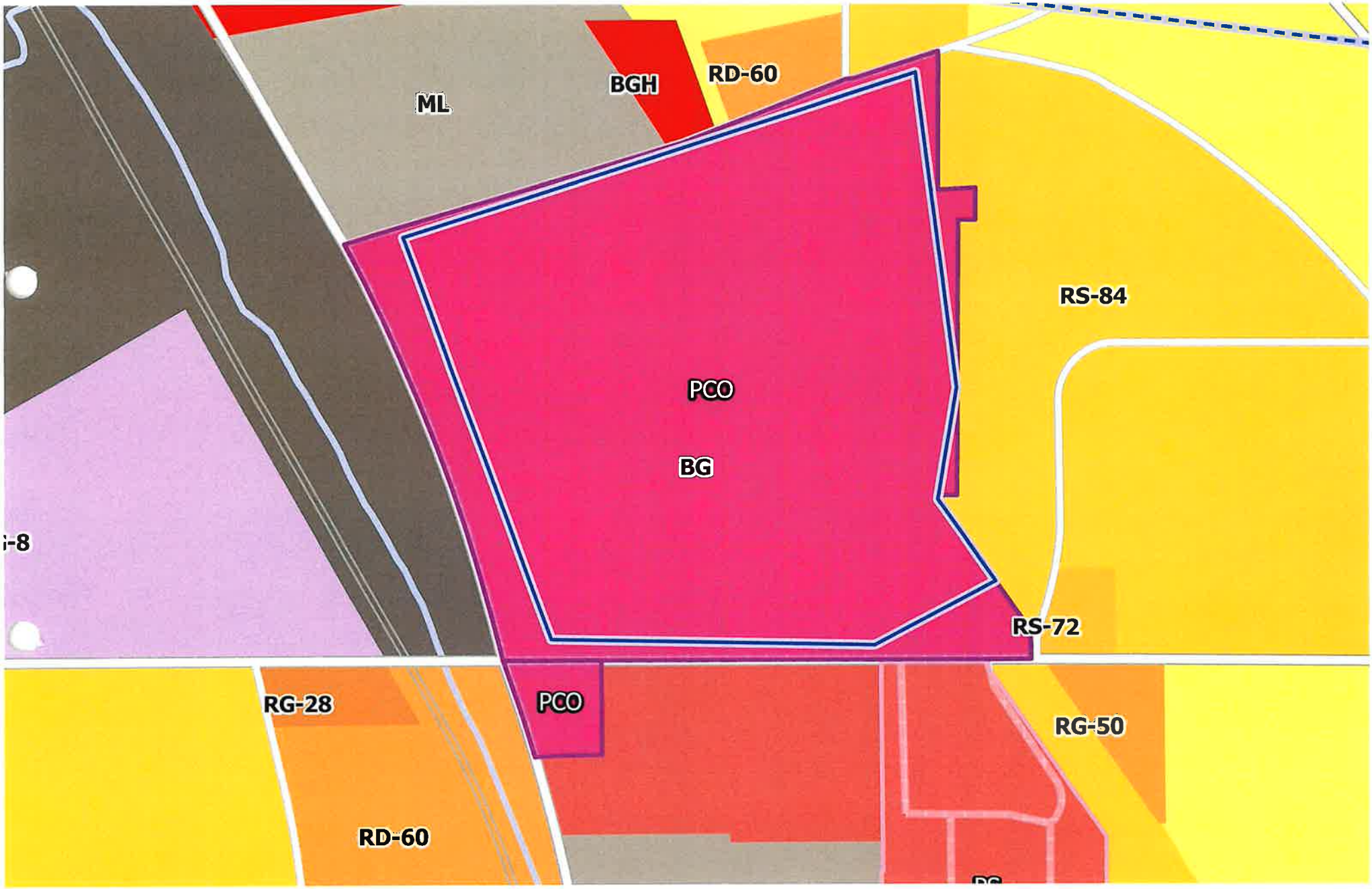
1 Vicinity/Zoning Map
1. 2025 GIS aerial photo of the property
2. Small subdivision plat received October 14, 2026
3. Site plan received October 14, 2026
4. Parking Easement Exhibit received October 14, 2026
5. Site Plan (Parking Stall count to include easement) received October 14, 2026
6. Declaration of Parking Easement received October 14, 2026

VII. COPIES OF REPORT TO:

1. Southroads Technology Park (Bryan Bartels)
2. Lamp Rynearson, Inc. (Todd Whitfield)
3. Public Upon Request

Angela M. Curry
Assistant Planning Manager:

Jammi L Palm 10/16/2026
Planning Director: Date of Report


ML
BGH
RD-60
RS-84
PCO
BG
-8
RS-72
RG-28
PCO
RG-50
RD-60

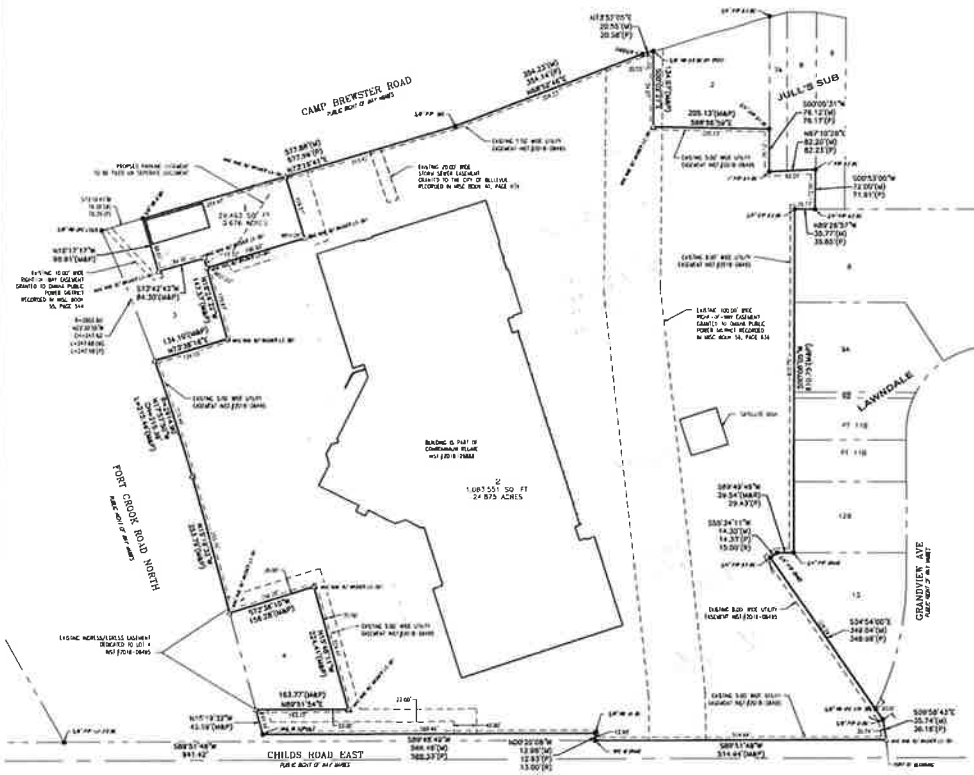

Camp Brewster Rd
Grandview St
Grandview St
Grandview Ave
Grandview Ave
Childs Rd E
Childs Rd E
Rd W
Pottawattamie County, Sarpy County, NE, Vantor

LOCATED IN:
NE 1/4, SW 1/4, SEC 14-14-13
SE 1/4, SW 1/4, SEC 14-14-13
NW 1/4, SW 1/4, SEC 14-14-13
SW 1/4, SW 1/4, SEC 14-14-13

SOUTHROADS TECHNOLOGY PARK REPLAT 1

LOTS 1 & 2

BEING A REPLATTING OF LOT 1, SOUTHROADS TECHNOLOGY PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN THE SOUTHWEST QUARTER OF SECTION 14, T14N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA



SCALE: 1" = 100'
INTERNATIONAL FEET
HORIZONTAL DATUM IS BASED ON THE DOUGLAS/SARPY COUNTY LOW DISTORTION COORDINATE SYSTEM

LEGEND

BOUNDARY LINE
LOT LINE
EXISTING LOT LINE
SECTION LINE
EASEMENT
BUILDING
MONUMENT: SET (5/8" REBAR W/ 1 1/4" YELLOW PLASTIC CAPS STAMPED PLS-561) UNLESS NOTED OTHERWISE
WM WALNUT/MAG NAIL
RB REBAR
PTP PINCHED TOP PIPE
OTP OPEN TOP PIPE
YPC YELLOW PLASTIC CAP
RPC RED PLASTIC CAP
OPC ORANGE PLASTIC CAP
AG AXLE GROOVE
(M) MEASURED DIMENSION
(P) PLAT DIMENSION
(R) RECORD DIMENSION

NOTES

1. ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
2. ALL DISTANCES SHOWN ALONG CURVES ARE ARC DISTANCES, NOT CHORD DISTANCES.
3. ALL ANGLES ARE 90° UNLESS NOTED.
4. ALL EXISTING EASEMENTS ARE NOT BEING RESERVED AND ARE SHOWN FOR REFERENCE ONLY.

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAND SURVEYOR'S REGULATION ACT THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT WAS PERFORMED IN ACCORDANCE WITH THE LAND SURVEYOR'S REGULATION ACT IN EFFECT AT THE TIME OF THE SURVEY AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE AND CORRECT AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT ALL CORNERS, ANGLE POINTS AND ENDS OF CURVES ON THE BOUNDARY ON THE PLAT AND THAT PERMANENT MONUMENTS (5/8" REBAR W/ 1 1/4" YELLOW PLASTIC CAPS STAMPED PLS-561, UNLESS OTHERWISE NOTED) WILL BE PLACED AT ALL CORNERS, ANGLE POINTS AND ENDS OF CURVES ON ALL LOTS AND STREETS WITHIN THE SUBDIVISION TO BE KNOWN AS SOUTHROADS TECHNOLOGY PARK REPLAT 1, LOTS 1 & 2, BEING AN ADMINISTRATIVE REPLATTING OF LOT 1, SOUTHROADS TECHNOLOGY PARK, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE ON THE SOUTH LINE OF SAID LOT 1 THE FOLLOWING THREE (3) COURSES:
1. THENCE SOUTH 89°51'48" WEST (BEARINGS REFERENCED TO THE DOUGLAS/SARPY COUNTY LOW DISTORTION COORDINATE SYSTEM) FOR 514.84 FEET;
2. THENCE NORTH 00°20'08" WEST FOR 12.98 FEET;
3. THENCE SOUTH 89°49'49" WEST FOR 589.45 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;
THENCE ON THE WEST LINE OF SAID LOT 1 THE FOLLOWING TEN (10) COURSES:
1. THENCE NORTH 15°19'32" WEST FOR 45.52 FEET TO THE SOUTHWEST CORNER OF LOT 4, SOUTHROADS TECHNOLOGY PARK;
2. THENCE NORTH 89°51'54" EAST FOR 183.77 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4;
3. THENCE NORTH 15°48'11" WEST FOR 224.41 FEET TO THE NORTHEAST CORNER OF SAID LOT 4;
4. THENCE SOUTH 72°36'10" WEST FOR 156.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 4;
5. THENCE NORTH 15°19'32" WEST FOR 233.78 FEET ON THE WEST LINE OF SAID LOT 1;
6. THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 287.80 FEET AND A LONG CHORD BEARING NORTH 17°37'50" WEST FOR 313.38 FEET) FOR AN ARC LENGTH OF 313.44 FEET CONTINUING ON SAID WEST LINE TO THE SOUTHWEST CORNER OF LOT A, SOUTHROADS TECHNOLOGY PARK;
7. THENCE NORTH 72°38'16" EAST FOR 134.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT A;
8. THENCE NORTH 16°24'22" WEST FOR 143.57 FEET ON THE EAST LINE OF SAID LOT A;
9. THENCE SOUTH 73°42'43" WEST FOR 84.30 FEET CONTINUING ON SAID EAST LINE OF SAID LOT A;
10. THENCE NORTH 16°17'17" WEST FOR 38.81 FEET TO THE NORTHWEST CORNER OF SAID LOT 1;
THENCE NORTH 73°19'41" EAST FOR 577.98 FEET ON THE NORTH LINE OF SAID LOT 1;
THENCE NORTH 68°52'45" EAST FOR 354.23 FEET CONTINUING ON SAID NORTH LINE;
THENCE NORTH 73°52'05" EAST FOR 20.55 FEET TO THE NORTHEAST CORNER THEREOF, AND THE NORTH WEST CORNER OF LOT 2, SOUTHROADS TECHNOLOGY PARK;
THENCE ON THE EAST LINE OF SAID LOT 1 THE FOLLOWING FIVEN (11) COURSES:
1. THENCE SOUTH 03°02'27" EAST FOR 134.07 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;
2. THENCE SOUTH 89°56'59" EAST FOR 205.13 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, AND THE WEST LINE OF LOT 7A, JULL'S SUBDIVISION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA;
3. THENCE SOUTH 03°03'17" WEST FOR 76.12 FEET ON THE WEST LINE OF SAID LOT 7A;
4. THENCE NORTH 87°10'28" EAST FOR 82.20 FEET TO THE WEST LINE OF SAID LOT 9, JULL'S SUBDIVISION;
5. THENCE SOUTH 02°53'30" WEST FOR 72.00 FEET ON SAID WEST LINE, TO THE NORTH LINE OF LOT 8, LAWNDALE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA;
6. THENCE NORTH 89°26'57" WEST FOR 35.77 FEET TO THE NORTHWEST CORNER OF SAID LOT 8;
7. THENCE SOUTH 07°08'05" WEST FOR 610.75 FEET ON THE WEST LINE OF LAWNDALE, TO THE NORTH LINE OF LOT 13, LAWNDALE;
8. THENCE SOUTH 89°49'46" WEST 104.29 FEET ON SAID NORTH LINE;
9. THENCE SOUTH 59°34'11" WEST FOR 14.30 FEET CONTINUING ON SAID NORTH LINE, TO THE NORTHWEST CORNER OF SAID LOT 13;
10. THENCE SOUTH 34°34'03" EAST 104.348.04 FEET ON THE LAWNDALE WEST LINE OF SAID LOT 13;
11. THENCE SOUTH 09°58'43" EAST FOR 35.74 FEET TO THE POINT OF BEGINNING

CONTAINS 23.551 ACRES

TODD E. WHITFIELD, PLS 561

DATE

NEBRASKA PROFESSIONAL LAND SURVEYOR PLS-561 TODD E. WHITFIELD

OWNER & MORTGAGEE'S CERTIFICATION

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE UNDERSIGNED ARE OWNERS AND MORTGAGEES OF THE PROPERTY AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, AND HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN ON THIS PLAT

SOUTHROADS TECHNOLOGY PARK CONDOMINIUM ASSOCIATION, LLC

BRYAN BARTELS, AUTHORIZED REPRESENTATIVE

PREMIER BANK, MORTGAGEE

CHRIS MAHER, CEO/CHAIRMAN OF THE BOARD

SARPY COUNTY TREASURER'S CERTIFICATE

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

_____ DAY OF _____, 20____

SARPY COUNTY TREASURER

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF SOUTHROADS TECHNOLOGY PARK REPLAT 1, LOTS 1 & 2, WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS

_____ DAY OF _____, 20____

SARPY COUNTY SURVEYOR/ENGINEER

APPROVAL OF BELLEVUE PLANNING COMMISSION

THIS PLAT OF SOUTHROADS TECHNOLOGY PARK REPLAT 1, LOTS 1 & 2, WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION

_____ DAY OF _____, 20____

CHAIRMAN

APPROVAL OF BELLEVUE CITY COUNCIL

THIS PLAT OF SOUTHROADS TECHNOLOGY PARK REPLAT 1, LOTS 1 & 2, WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF BELLEVUE, NEBRASKA, THIS

_____ DAY OF _____, 20____

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

MAYOR

ATTEST

CITY CLERK

ACKNOWLEDGEMENT OF NOTARIES

STATE OF NEBRASKA } ss
COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

_____ DAY OF _____, 20____

BY BRYAN BARTELS, AUTHORIZED REPRESENTATIVE OF SOUTHROADS TECHNOLOGY PARK CONDOMINIUM ASSOCIATION, LLC, ON BEHALF OF SAID COMPANY

SIGNATURE OF NOTARY PUBLIC

STATE OF NEBRASKA } ss
COUNTY OF _____ }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

_____ DAY OF _____, 20____

BY CHRIS MAHER, CEO/CHAIRMAN OF THE BOARD OF PREMIER BANK, ON BEHALF OF SAID BANK

SIGNATURE OF NOTARY PUBLIC

RECEIVED
OCT 14 2026
PLANNING DEPT.

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LAMPRYNEARSON.COM
OMAHA, NEBRASKA
FORT COLLINS, COLORADO
KANSAS CITY, MISSOURI

SMALL SUBDIVISION

SOUTHROADS TECHNOLOGY PARK REPLAT 1
LOTS 1 & 2
BELLEVUE, SARPY COUNTY, NEBRASKA

811 Know what's below. Call before you dig.

REVISIONS

DESIGNER / DRAFTER
TODD WHITFIELD / RACHEL REINECKER
DATE
10/8/2026
PROJECT NUMBER
01215.00
BOOK AND PAGE
28-4, 31-34

SHEET
1 OF 1

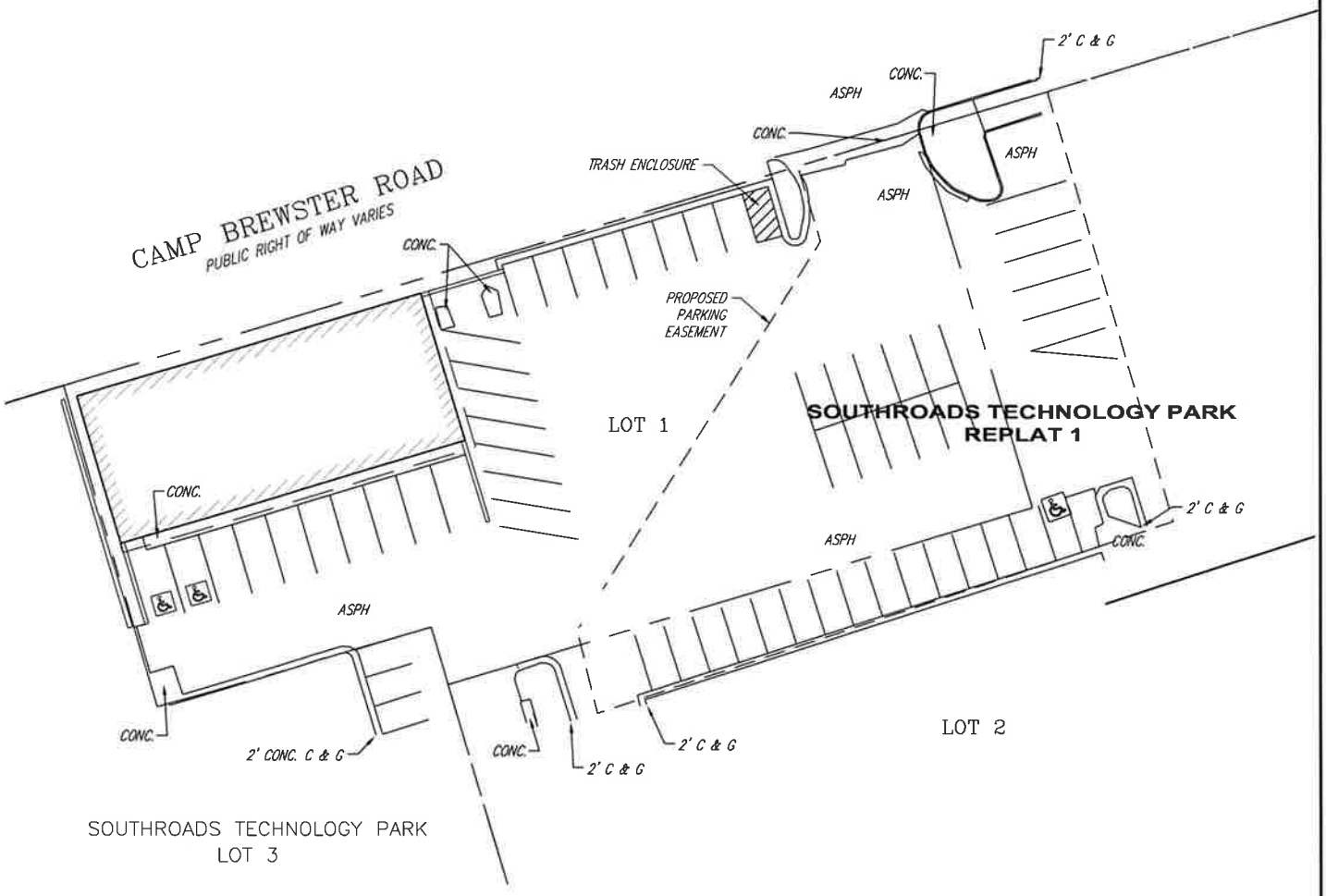
SITE PLAN

PARKING STALL COUNT

HANDICAP STALLS=3
STANDARD STALLS=55
TOTAL=58

0 50'
SCALE: 1"= 50'
INTERNATIONAL FEET

RECEIVED
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14710 W. DODGE RD. STE. 100 (402) 496 2498
NE AUTH. NO. CA0130

FORT COLLINS, COLORADO
4715 INNOVATION DR. STE. 100 (970) 226 0342

KANSAS CITY, MISSOURI
9001 STATE LINE RD. STE. 200 (816) 361 0440
MO AUTH. NO. E-2013011903 | LS-2019043127

DESIGNER / DRAFTER	TLW / RER
REVIEWER	TODD WHITFIELD
PROJECT NUMBER	0126158
DATE	10/9/2026
SURFACE LOCATION	
BOOK AND PAGE	

SITE PLAN

L:\Engineering\0126158 Southroads Replat Deep Well\SURVEY\DRAWINGS\EXHIBITS\0126158-SITE PLAN.dwg, 10/9/2026 9:54:39 AM, RACHEL RENNECKER, LAMP RYNEARSON

EASEMENT EXHIBIT

LEGAL DESCRIPTION

A PERMANENT PARKING EASEMENT OVER THAT PART OF LOTS 1 AND 2, SOUTHROADS TECHNOLOGY PARK REPLAT 1, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1;

THENCE NORTH 73°19'41" EAST (BEARINGS REFERENCED TO THE DOUGLAS/SARPY COUNTY LOW DISTORTION COORDINATE SYSTEM) FOR 39.57 FEET ON THE NORTH LINE OF SAID LOT 2;

THENCE SOUTH 16°29'05" EAST FOR 132.46 FEET;

THENCE SOUTH 71°36'53" WEST FOR 180.23 FEET;

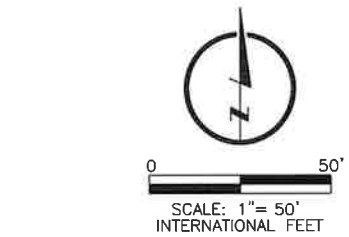
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THENCE NORTH 32°08'13" EAST FOR 135.78 FEET;

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THENCE NORTH 73°19'41" EAST FOR 37.63 FEET TO THE POINT OF BEGINNING.

CONTAINS 17,285 SQUARE FEET.

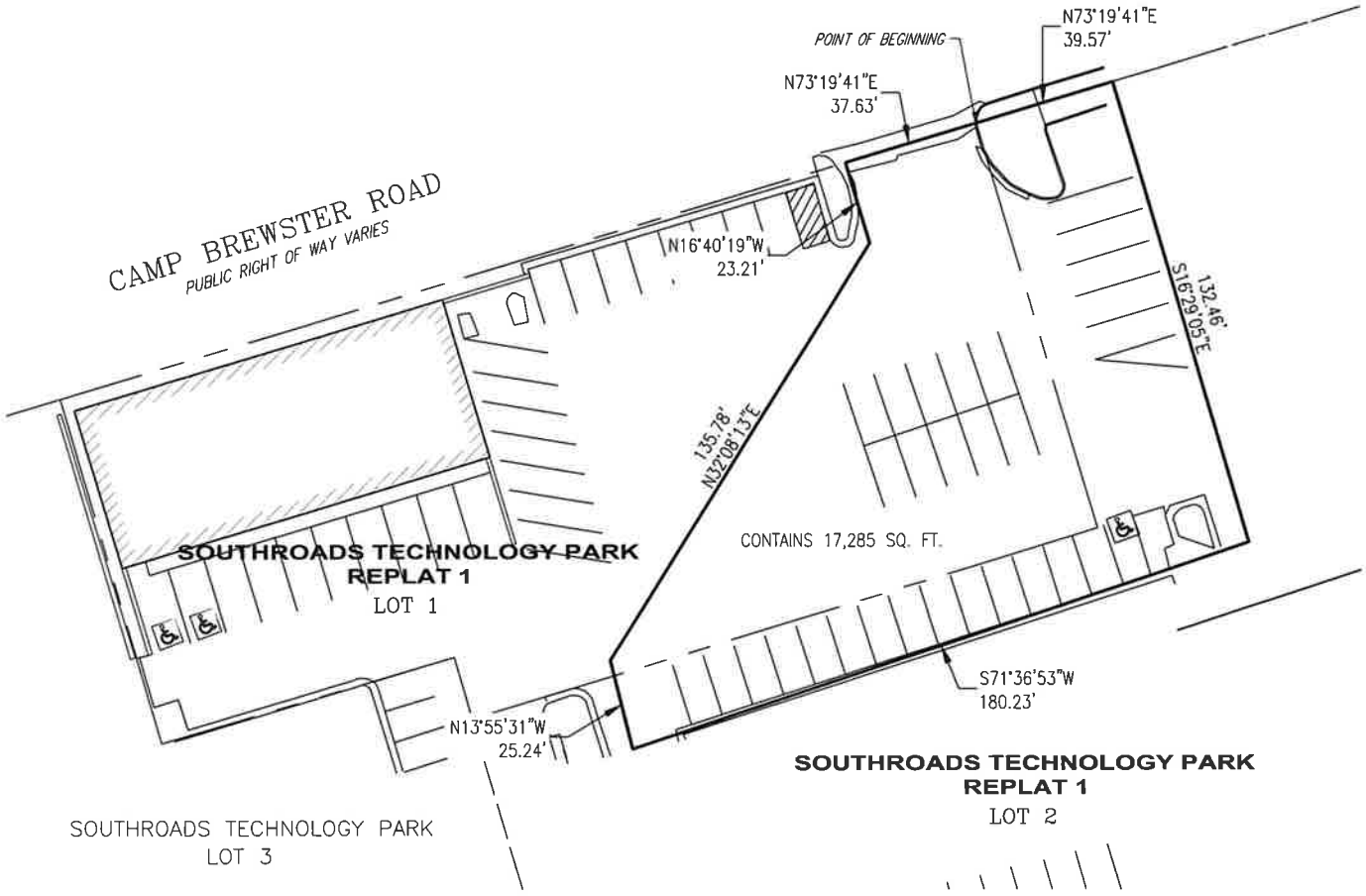


LEGEND

EASEMENT LINE

LOT LINE

RECEIVED
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PLANNING DEPT.



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DESIGNER / DRAFTER	TLW / RER
REVIEWER	TODD WHITFIELD
PROJECT NUMBER	0126158
DATE	10/9/2026
SURFACE LOCATION	
BOOK AND PAGE	

EASEMENT EXHIBIT

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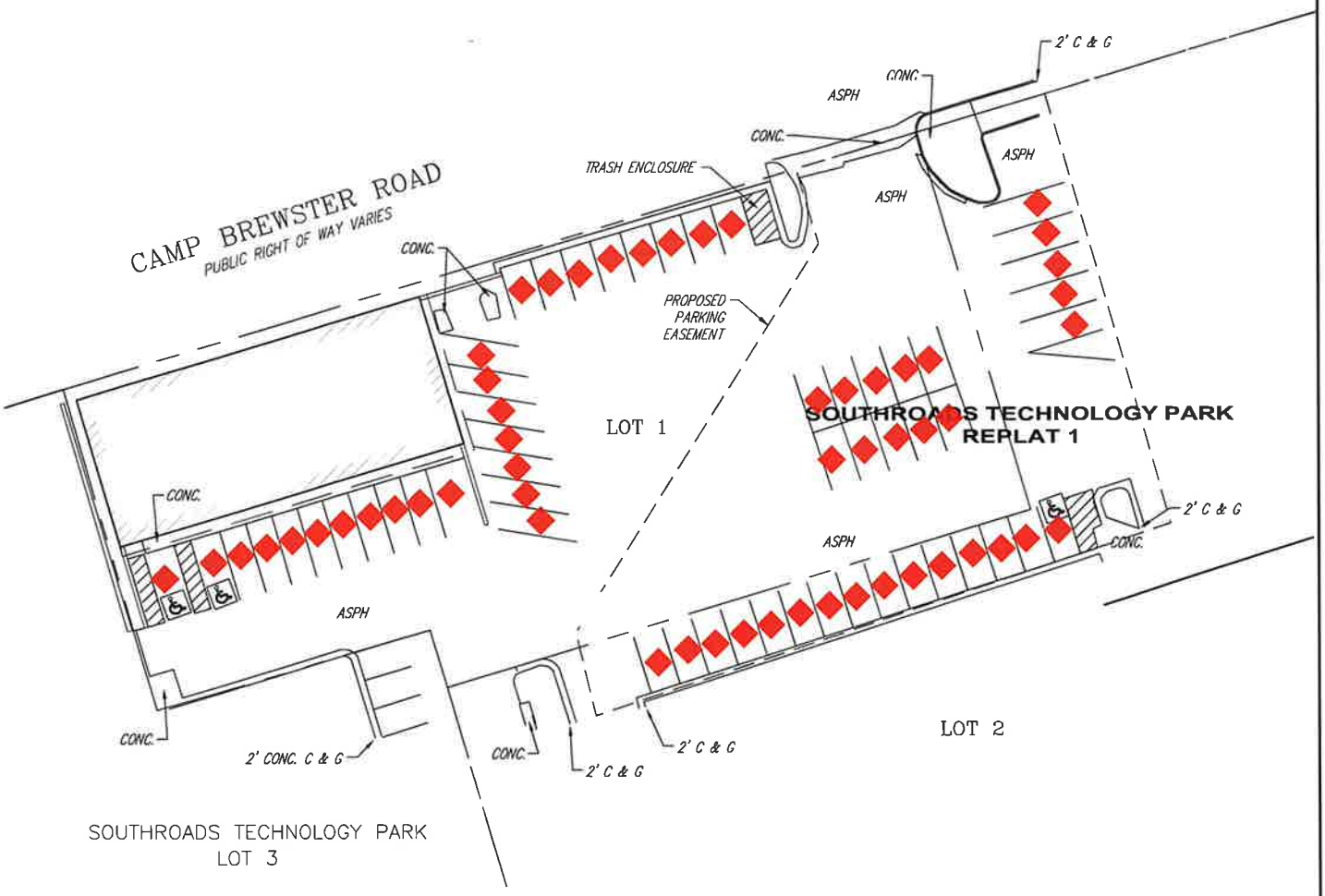
SITE PLAN

RECEIVED
OCT 14 2026
PLANNING DEPT.

PARKING STALL COUNT

HANDICAP STALLS=3
STANDARD STALLS=53
TOTAL=56

0 50'
SCALE: 1"= 50'
INTERNATIONAL FEET



LAMP RYNEARSON
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DATE	10/9/2026
SURFACE LOCATION	
BOOK AND PAGE	

SITE PLAN

L:\Engineering\0126158 Southroads Replat Deep Well\SURVEY\DRAWINGS\EXHIBITS\0126158-SITE PLAN.dwg, 10/14/2026 6:08:52 AM, TODD L. WHITFIELD, LAMP RYNEARSON

RECEIVED
OCT 14 2026
PLANNING DEPT.

Prepared by and Return to:
Michael C. Schilken
Dvorak Law Group, LLC
9500 W Dodge Road, Suite 100
Omaha, Nebraska 68114
(402) 934-4770

DECLARATION OF PARKING EASEMENT

THIS DECLARATION OF PARKING EASEMENTS (this "Easement") is made effective as of June _____, 2026 ("Effective Date"), by Southroads Technology Park Condominium Association, LLC, a Nebraska limited liability company ("Declarant"), pursuant to the terms of that certain Declaration and Master Deed of Southroads Technology Park Condominium Regime, filed as Instrument No. 2018-26868, as recorded in the books and records of the office of the Register of Deeds of Sarpy County, Nebraska (the "Declaration").

RECITALS

WHEREAS, by and through Declarant, the property owners identified on Exhibit A attached hereto and incorporated herein by this reference (the "Owners"), desire to grant, memorialize, and create a non-exclusive perpetual easement for shared vehicular parking for the benefit of the property identified on Exhibit B attached hereto and incorporated herein by this reference (the "Property"), over the easement area shown on Exhibit C attached hereto and incorporated herein by this reference (the "Easement Area"), and to apportion the costs for maintaining the Easement Area for the benefit of the Declarant, the Owners, and the owner of the Property, and all of its and their successors in interest;

WHEREAS, by virtue of the recording of this Easement, the Property shall be owned, held, transferred, sold, leased, conveyed, developed, used, occupied, operated, improved, and mortgaged or otherwise encumbered subject to the provisions of this Easement and every grantee of any interest in the Property or any portion thereof, by acceptance of a deed or other conveyance of such interest, and every owner of the Property or any portion thereof, whether or not such deed or other conveyance of such interest shall be signed by such person and whether or not such person shall otherwise consent in writing, shall own and take subject to the provisions of this Easement and shall be deemed to have consented to the terms hereof;

WHEREAS, Declarant does hereby specify, agree, designate, and direct that this Easement and all of its provisions shall be, and hereby are, covenants to run with the Property and shall be binding on the present owner(s) of the Property or any portion thereof and all of its and their successors and assigns and

all subsequent owners of the Property, together with their grantees, successors, heirs, executors, administrators, devisees, and assigns; and

WHEREAS, the terms of the Declaration are incorporated herein by this reference.

NOW, THEREFORE, Declarant hereby memorializes and creates this Easement subject to the terms and conditions hereinafter set forth, which shall run with the equitable and legal title to the Property and shall be for the benefit or burden, as the case may be, of the owners and occupants of the Property or any portion thereof, their respective heirs, legal representatives, successors, and assigns, and any mortgagees:

1. Easement. Declarant hereby declares and reserves for its own use and benefit, and for the use and benefit of all future Owners, occupants, and mortgagees of the Property, and their respective officers, directors, members, partners, employees, tenants, agents, contractors, customers, invitees, visitors, service providers, licensees, permittees, vendors, subtenants, and concessionaires (collectively, "Permittees"), a non-exclusive, perpetual easement in, over, upon and across the Easement Area, for the purpose of providing shared vehicular parking, solely in the parking spaces identified within the Easement Area (as the same may be amended by Declarant from time to time). Nothing contained in this Easement shall be deemed to create any implied easements not otherwise expressly provided for herein.

2. Appurtenances. Declarant and its successors and assigns shall permit the placement of additional appurtenances within the Easement Area which are needed to support the construction and maintenance of the parking spaces. These items may include but are not limited to paving, curbs, earthen fill material, retaining walls, retaining wall support systems (including the use of geotextiles and/or other components for mechanically stabilized earth walls), street lights, underground electric cabling for street lights, drainage systems including the installation of inlets and storm sewers or surface installed conveyance channels, sidewalks, signage, and any other components necessary to specifically support the use of the parking spaces and other appurtenances as approved by Declarant.

3. Easement for Construction and Maintenance. To allow construction, repair, and if necessary, reconstruction of the parking spaces within the Easement Areas, Declarant hereby reserves for its own use and benefit, and for the use and benefit of all future Owners, occupants, mortgagees, and owners of the Property, and their respective Permittees, a construction easement on the Easement Area to the extent necessary, as determined in the commercially reasonable discretion of the Declarant, for the specific purpose of construction and maintenance of such parking.

4. Construction and Maintenance Obligations. Subject to the terms of the Declaration, the Declarant and the owner of the Property shall share equally in the cost of any construction, maintenance, repair, or replacement of any portion of the Easement Area pursuant to Section 3 above, which such construction, maintenance, repair, or replacement shall be determined in the commercially reasonable discretion of the Declarant. Any amounts owed by the owner of the Property pursuant to the terms of this Section 4 shall be promptly paid to Declarant upon prior written request by Declarant.

5. Restrictions. Unless otherwise approved by Declarant, no barricades, fences, or other dividers will be constructed, and nothing will be done to prohibit or discourage the free and uninterrupted flow of pedestrian or vehicular traffic on and over the Easement Area. The easement established and granted hereby shall be used and enjoyed by Declarant, the Owners, and the owner of the Property, and each of its and their Permittees in such a manner as not to unreasonably interfere with, obstruct, or delay the conduct and operations of the business of Declarant, the Owners, or the owner of the Property, or each of its and their Permittees at any time.

6. Default; Remedies. Except as otherwise set forth in this Easement, in the event of a default by any party hereunder, such defaulting party shall have fifteen (15) days after it receives written notice of such default from a non-defaulting party to remedy the same; provided, however, that if the default is of such nature (i.e., non-monetary) that it cannot be remedied within said 15-day period, then such defaulting party shall have such additional period of time as is reasonably necessary, but not to exceed thirty (30) days from the date of such notice from any non-defaulting party, in order to remedy such default, provided such defaulting party commences the remedy within such 15-day period and thereafter diligently prosecutes same to completion. If the defaulting party fails to cure the default within the time period set forth above, the non-defaulting party shall be entitled to enforce any one or more of the following remedies set forth in this Section 6 or any other rights or remedies to which such non-defaulting party may be entitled under this Easement, or by law or equity, whether or not set forth herein, on account of such default. All remedies provided herein or available by law or equity shall be cumulative and not mutually exclusive.

6.1 Damages; Declaratory Relief. Any party hereto may bring a suit for damages for any compensable breach of any of the covenants and restrictions contained herein, or for declaratory relief to determine enforceability of any of the provisions of this Easement.

6.2 Equity. It is recognized that a breach by a party of one or more of the obligations contained herein may cause material injury or damage not compensable by money and that any party hereto shall be entitled to bring an action in equity or otherwise for specific performance to enforce compliance with such obligations, or for an injunction to enjoin the continuance of any such breach thereof.

7. Effect of Covenants. Declarant, the Owners, and the owner of the Property, and its and their successors and assigns, by the acceptance of a deed of conveyance, accept the same subject to all restrictions, conditions, covenants, reservations, options, liens, and charges, and the jurisdiction, rights, and powers granted or reserved by this Easement or to which this Easement is subject, and all rights, benefits, and privileges of every character hereby granted, created, reserved, or declared and all impositions and obligations hereby imposed shall be deemed and taken to be covenants running with the land and shall bind any person or entity having at any time any class interest of estate in such property, and shall inure to the benefit of such property owners in like manner as though the provisions, terms and restrictions of this Easement were received and stipulated at length in each and every deed of conveyance.

8. Indemnity. The owner of the Property, and its successors and assigns, shall hold Declarant and Owners, and its and their successors and assigns, harmless for, from, and against, any and all damage, loss, liability, lawsuit, claim, or proceeding, threatened against or suffered by Declarant and Owners, and its and their successors and assigns arising out of the injury to persons or property in connection with the use of the Easement Area by owner of the Property, its successors, assigns, tenants, contractors, employees, agents, and representatives.

9. Waiver. No covenant, restriction, condition, or provision of this Easement shall be deemed to have been abrogated or waived by reason on any failure to enforce the same at any time, irrespective of the number of violations or breaches which may occur.

10. Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Easement Area to the general public, or for any public use or purpose whatsoever. Except as herein specifically provided, no right, privileges, or immunities of any party hereto shall inure to the benefit of any third-party person, nor shall any third-party person be deemed to be a beneficiary of any of the provisions contained herein.

11. Savings Clause. The invalidity of any covenant, restriction, condition, limitation, or any other provision of this Easement herein contained, as the case may be, shall not render the remainder of the

Easement invalid, nor any other part therein contained.

12. Amendment, Modification. This Easement or any provisions hereof, may be terminated, modified, or amended with respect to all or any portion of the Property by the terms of a recorded document executed by the Declarant and the then-current owner of the Property; provided, however, that Declarant may unilaterally amend Exhibit C to this Easement.

13. Governing Law. This Easement shall be governed by and construed in accordance with the laws of the State of Nebraska.

[Remainder of Page Intentionally Left Blank; Signature Page Follows.]

IN WITNESS WHEREOF, Declarant has executed this Easement as of the Effective Date.

DECLARANT:

Southroads Technology Park Condominium Association, LLC, a Nebraska limited liability company

By: _____
Name: BRYAN K BARTELS
Title: OWNER / REPRESENTATIVE

STATE OF NEBRASKA)
) ss.
COUNTY OF Sarpy)

The foregoing instrument was acknowledged before me as of ~~June~~ September 14th, 2026 by Bryan Bartels, as Owner / Representative of Southroads Technology Park Condominium Association, LLC, a Nebraska limited liability company.

ISIS URIBE
General Notary - State of Nebraska
My Commission Expires May 29, 2028

_____
Notary Public

EXHIBIT A
PROPERTY OWNERS

1. Deep Well, a Nebraska nonprofit corporation. Owner of Condominium Units 2 and 4 under the Master Deed.

2. South Bell Realty LLC, a Nebraska limited liability corporation. Owner of Condominium Units 1,3,5, and 6 under the Master Deed.

Attached is Instrument no 2018-26868 – the "DECLARATION AND MASTER DEED OF SOUTHROADS TECHNOLOGY PARK CONDOMINIUM REGIME."
Instrument no. 2023-12615 has application to ownership of the common elements of Lot 1, as the granting of the security interest under 2023-12615 only relates to "Units 1,3,5, and 6" – which are the units under the Master Deed which are owned by South Bell Realty, LLC (which are leased to Tierpoint Properties, LLC).

Under the Master Deed (first WHEREAS paragraph under the recitals), Southroads Shopping Center Limited Liability Company transferred all of its interest in Lot 1 to Southroads Technology Park Condominium Association, LLC, to be subject to the Master Deed either as "units" (Units 1 through 6), or Common Elements (the remainder of the property which includes the area which is subject to the replat). South Bell Realty LLC, owns the units referenced above, and Deep Well owns the remainder of the units. Under Section 3.2 of the Master Deed, the owners of each unit own an undivided interest in the Common Elements as a tenant-in-common. In this regard, Southroads Technology Park Condominium Association, LLC owns the Common Elements, and each unit owner owns an undivided interest as tenants-in-common in both Southroads Technology Park Condominium Association, LLC, and the Common Elements.

EXHIBIT B

PROPERTY LEGAL DESCRIPTION

Lot 1, Southroads Technology Park as platted and recorded in Sarpy County, Nebraska.

EASEMENT EXHIBIT

LEGAL DESCRIPTION

A PERMANENT PARKING EASEMENT OVER THAT PART OF LOTS 1 AND 2, SOUTHROADS TECHNOLOGY PARK REPLAT 1, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1;

THENCE NORTH 73°19'41" EAST (BEARINGS REFERENCED TO THE DOUGLAS/SARPY COUNTY LOW DISTORTION COORDINATE SYSTEM) FOR 39.57 FEET ON THE NORTH LINE OF SAID LOT 2;

THENCE SOUTH 16°29'05" EAST FOR 132.46 FEET;

THENCE SOUTH 71°36'53" WEST FOR 180.23 FEET;

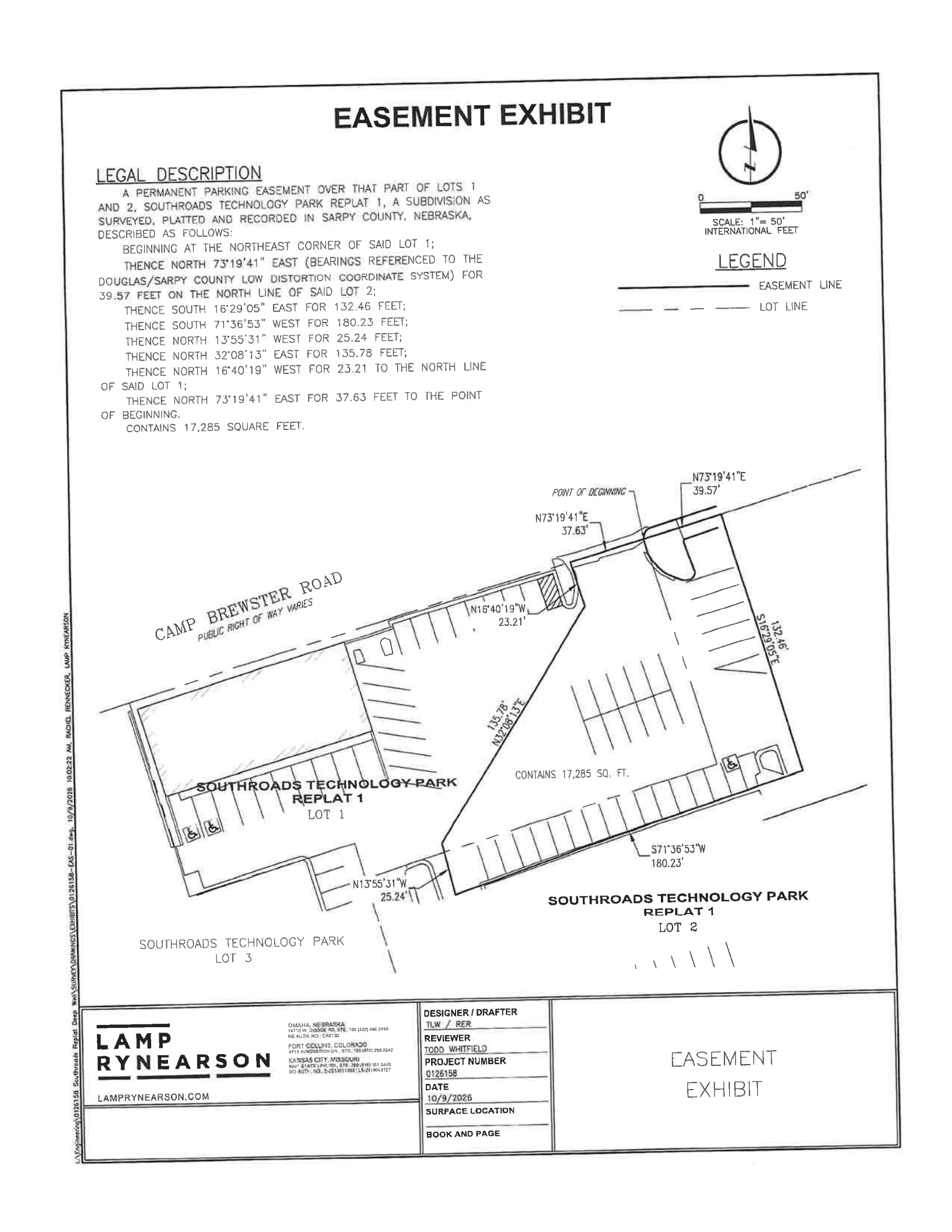
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THENCE NORTH 73°19'41" EAST FOR 37.63 FEET TO THE POINT OF BEGINNING.

CONTAINS 17,285 SQUARE FEET.



LAMP RYNEARSON

LAMPRYNEARSON.COM

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MO AUTY. NO.: 2-2010011068 | LS-2019043127

DESIGNER / DRAFTER	TLW / RER
REVIEWER	TODD WHITFIELD
PROJECT NUMBER	0126158
DATE	10/9/2026
SURFACE LOCATION	
BOOK AND PAGE	

EASEMENT EXHIBIT

L:\Engineering\0126158 Southroads Replat Dasp Well\SURVEY\DRAWINGS\EXHIBITS\0126158-EAS-01.dwg, 10/9/2026 10:02:22 AM, RACHEL RENNECKER, LAMP RYNEARSON

EXHIBIT C
EASEMENT AREA

PARKING SUMMARY
CORNERSTONE PARKING – 7 STALLS (IDENTIFIED AS STALLS 49-55)
ADDITIONAL CORNERSTONE PARKING AVAILABLE ON EAST SIDE OF LOT 1

EASEMENT EXHIBIT C

LEGAL DESCRIPTION

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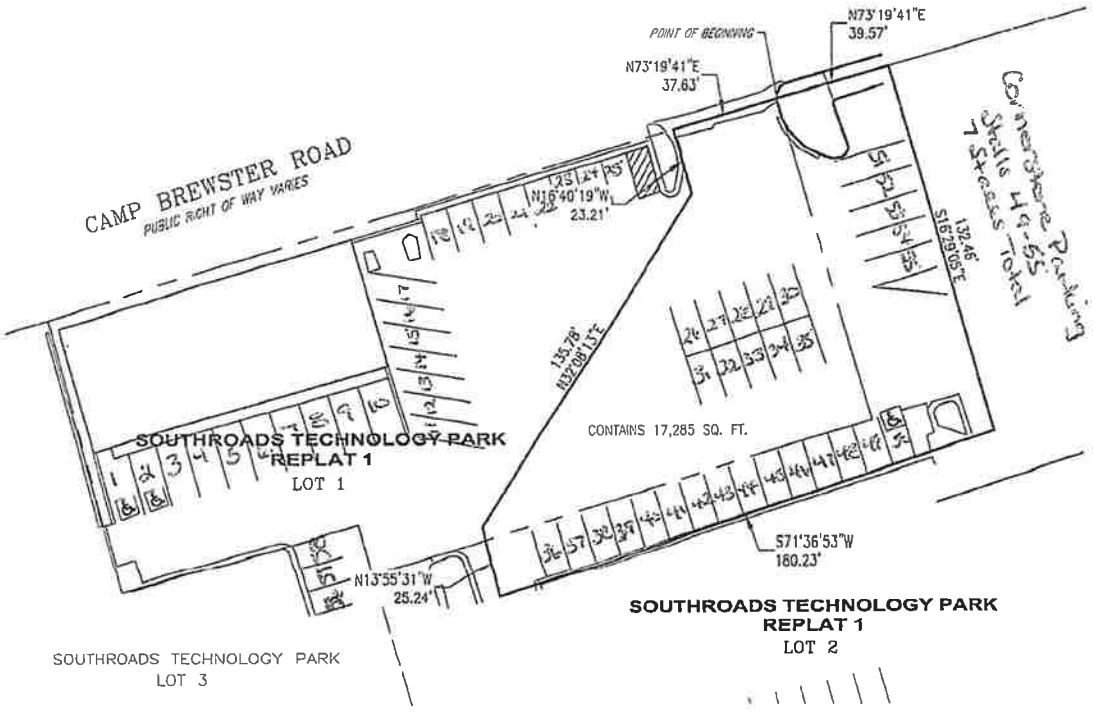
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CONTAINS 17,285 SQUARE FEET.

0 50'
SCALE: 1"= 50'
INTERNATIONAL FEET

LEGEND
EASEMENT LINE
LOT LINE



LAMP RYNEARSON
LAMPRYNEARSON.COM
OMAHA, NEBRASKA
FORT COLLINS, COLORADO
KANSAS CITY, MISSOURI

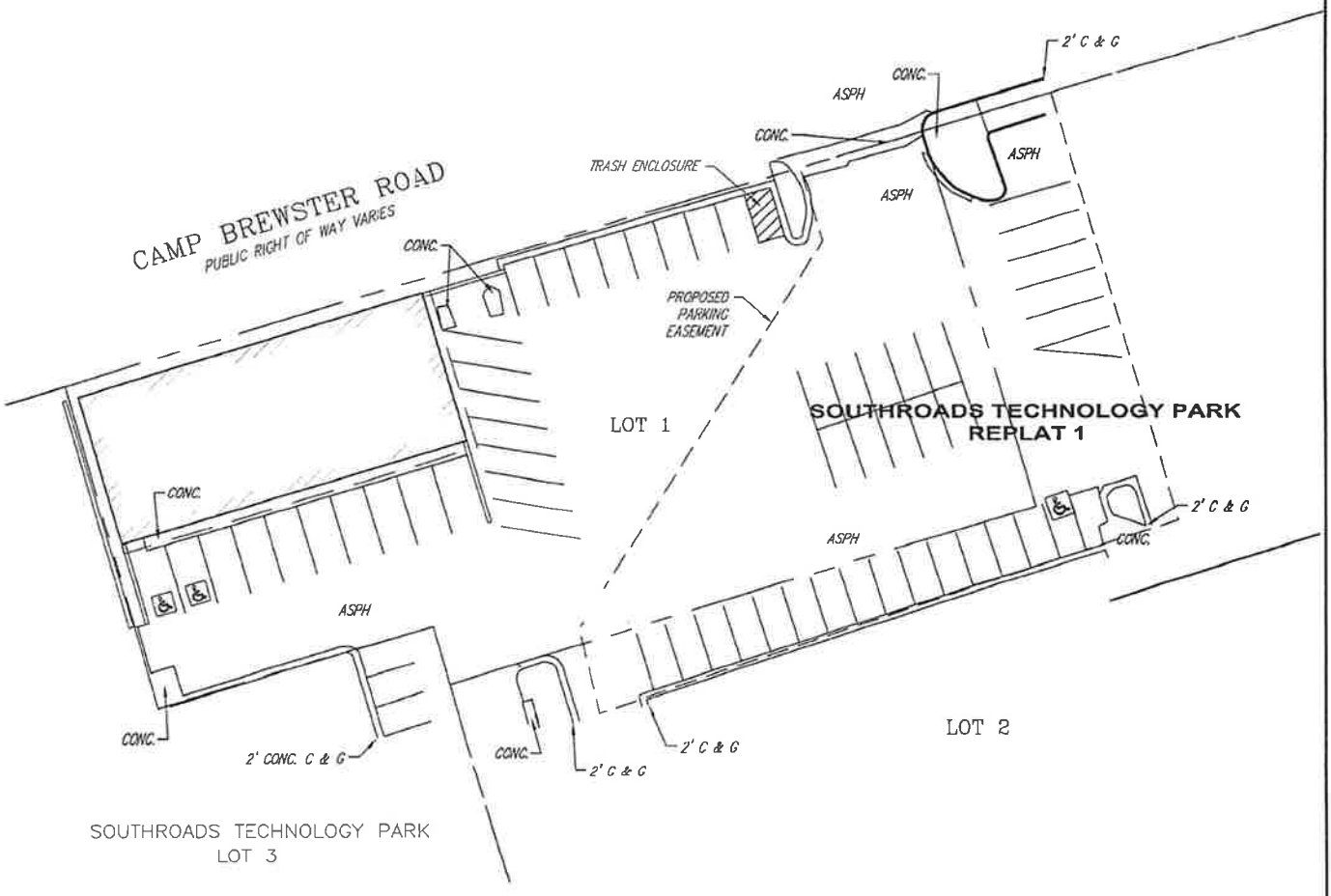
DESIGNER / DRAFTER	TLW / RER
REVIEWER	TODD WHITFIELD
PROJECT NUMBER	0126158
DATE	10/9/2026
SURFACE LOCATION	
BOOK AND PAGE	

EASEMENT EXHIBIT

SITE PLAN

PARKING STALL COUNT
HANDICAP STALLS=3
STANDARD STALLS=55
TOTAL=58

0 50'
SCALE: 1"= 50'
INTERNATIONAL FEET



LAMP RYNEARSON

LAMPRYNEARSON.COM

OMAHA, NEBRASKA
14710 W. DODGE RD., STE. 100 (402) 496 2498
NE AUTH. NO.: CA0* 30

FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970) 226 0342

KANSAS CITY, MISSOURI
3961 STATE LINE RD., STE. 200 (816) 361 6440
MO AUTH. NO.: E-2013011903 LS-2019043127

DESIGNER / DRAFTER	TLW / RER
REVIEWER	TODD WHITFIELD
PROJECT NUMBER	0126158
DATE	10/9/2026
SURFACE LOCATION	
BOOK AND PAGE	

SITE PLAN

L:\Engineering\0126158 Southroads Replat Dsgn Wsh\SURVEY\DRAWINGS\EXHIBITS\0126158-SITE PLAN.dwg, 10/9/2026 9:54:39 AM, RACHEL RENNICKER, LAMP RYNEARSON

City of Bellevue
1500 Wall St • Bellevue, Nebraska • 68005 • 402-293-3000

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3.b.

MEMORANDUM

TO: Planning Commission
FROM: Angela Curry, Assistant Planning Manager
DATE: October 16, 2026
RE: Text Amendment to Sections 2.19, 5.05, 5.26, 5.27, and 5.28, Zoning Ordinance

Lauren Hunt on behalf of Middle Mile Infrastructure, is requesting an amendment to Sections 2.19, 5.05, 5.26, 5.27, and 5.28, City of Bellevue Zoning Ordinance to add a definition for "Private Utility" and to add "Private Utility" as a permitted use in the AG (Agriculture), FX (Flex), ML (Light Manufacturing), and MH (Heavy Manufacturing) zoning districts. The applicant's proposed definition of private utility is:

> Private Utility shall mean a building, structure, or facility owned or operated by a private utility or service provider and used for the transmission, distribution, operation, or support of communications utility services. Such facilities include, but are not limited to, utility equipment buildings, communications facilities, fiber amplification huts, and similar communications utility facilities. Private communications utility facilities are generally unstaffed or do not have regular on-site employees and typically generate minimal traffic and other off-site impacts.

The applicant states the Zoning Ordinance recognizes public utility transmission facilities and associated infrastructure but does not clearly classify comparable privately owned or operated facilities. Examples identified in the justification letter include electrical substations, gas regulator stations, water and wastewater pumping facilities, utility equipment buildings, communications facilities, and fiber amplification huts. According to the applicant, these facilities typically have few or no regular on-site employees and limited daily traffic, with visits primarily for inspection, maintenance, and repair. Communication from the applicant, to include pictures, is attached to this memo for reference.

Staff reviewed the regulations of nearby cities, as well as regionally and nationally. The cities of Papillion, La Vista, Gretna, Grant, Nebraska, Sarpy County, and Cedar Rapids, Iowa, are a few examples of those regulations researched regarding private utility facilities. Most regulations reviewed identify public utility facilities but do not specifically identify or provide a separate classification for privately owned or operated utility facilities of the type described in the applicant's request. The applicant proposes to define these facilities as privately owned or operated buildings, structures, and associated infrastructure used for the transmission, distribution, operation, or support of utility services. Such facilities may include, but are not limited to, electrical substations, gas regulator stations, water and wastewater pumping facilities, utility equipment buildings, communications facilities, fiber amplification huts, and other similar utility infrastructure.

The Planning Department supports establishing a clear land-use classification for private utility but recommends narrowing this definition to communications utilities and allowing it as a conditional use within the AG (Agriculture), FX (Flex), ML (Light Manufacturing), and MH (Heavy Manufacturing) zoning districts rather than a permitted use. Unlike traditional commercial or industrial development, these facilities generally provide limited economic development benefits to the City, particularly in terms of employment opportunities, commercial activity, and the productive use of developable land. As such, allowing private utility by right would limit the City's ability to regulate their location and concentration within these zoning districts. This approach is similar to the the city's treatment of wireless communication towers and associated equipment, which are subject to conditional use review in applicable districts.

Requiring a conditional use permit would provide the city with greater oversight through the Planning Commission and City Council review and approval process. This approach would allow the city to evaluate each request on a case-by-case basis, considering the proposed location, compatibility with surrounding land uses, the number and concentration of similar facilities, and potential impacts on future development opportunities. Staff believe this additional level of review is necessary to ensure that the private communications utility is appropriately located and does not unnecessarily limit land available for uses that provide greater economic development opportunities for the city.

Staff is recommending the following amendments:

Definitions:

Section 2.19 P

PAINTBALL shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.

PAINTBALL COURSE, COMMERCIAL shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit-by-visit basis that allows individuals to participate in paintball activities.

PAR-3 GOLF COURSE shall mean a golf course other than a miniature golf course and other than a golf course defined herein and having greens similar to a golf course and fairways of not less than 50 yards in length. A par-3 golf course may not be lighted unless so specified as permitted in the text of this ordinance.

PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING AREA, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

PARKING AREA, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than 9 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

PARKWAY shall mean an arterial or collector roadway with full or partial control of access and located within a park or ribbon of park like development.

PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

PERMANENT FOUNDATION shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

PERMANENTLY ATTACHED shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Bellevue, Nebraska.

PET HEALTH SERVICE (See "Animal Hospital")

PET SHOP shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.

PLANNED UNIT DEVELOPMENT shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

PLANNING COMMISSION shall mean the Planning Commission of Bellevue, Nebraska.

PLANNING DIRECTOR shall mean the person authorized and empowered by the City to interpret, administer, and enforce the requirements of this Ordinance.

PLANT MATERIALS shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

POLICY shall mean a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

PORTABLE OUTDOOR STORAGE shall mean storage which does not take place within a building and typically includes the use of land/sea containers which are normally stored in the open and used for shipping purposes on large cargo ships, freight trains, and/or semi-trailer trucks.

POSTAL STATION shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

POULTRY shall mean domestic fowl, chickens, ducks, geese, and similar fowl, but specifically excluding turkeys and guinea fowl.

PRESCHOOL shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

PRIMARY ZONE shall mean a zoning classification which can stand alone as a classification of a parcel of property.

PRINCIPAL PERMITTED USE shall mean that use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

PRIVATE COMMUNICATIONS UTILITY shall mean a privately owned or operated building, structure, or facility primarily used for the transmission, distribution, operation, or support of communications utility services. Such facilities may include fiber optic amplification huts, communications equipment shelters, and similar supporting infrastructure.

PROHIBITED USE shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.

PROMOTIONAL DEVICE shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind.

National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

PROPORTION shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

PROTECTED ZONE shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

PUBLIC SERVICES/USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

PUBLIC UTILITY shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

PUBLIC WATER SUPPLY shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

Section 5.05 AG Agricultural District

5.05.03 Conditional Uses:
The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the AG district as recommended by the Planning Commission and approved by the City Council.

1. Agritourism
   A. Any buildings constructed for this use shall be designed to be compatible with surrounding land uses in terms of scale and appearance as determined through the conditional use permit process.
   B. Adequate off-street parking shall be provided as determined by city staff and shown on an approved site plan.
2. Campgrounds.
3. Cemeteries provided all structures are located at least 100 feet from all property lines.
4. Commercial mines, quarries and sand and gravel pits.

5. Commercial/Utility grade wind energy systems, subject to Section 8.10.
6. Construction batch plants that are temporary in nature.
7. Family Child Care Home II which comply with Nebraska State Statutes.
8. Governmental services – administrative services.
9. Governmental services – maintenance and service facilities.
10. Hospital, nursing homes, assisted living, and convalescent facilities.
11. Indoor/Outdoor Recreation facilities.
12. Private Communications Utility
    A. Landscaping shall be provided in accordance with the landscape regulations in Article 9.
    B. The perimeter of each area shall be enclosed by fencing or screening walls. All fencing/screening walls shall be located on the interior side of any required landscaping.
13. Private recreation areas and facilities including country clubs and golf courses (but not miniature golf) on at least five acres, and swimming pools.
14. Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural, or public service type including colleges.
15. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
16. Recreational camps operated by public, charitable or religious organizations.
17. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.
18. Wastewater treatment facilities.
19. Winery, including subordinate use of microbrewery.

Section 5.26 FX Flex Space District

5.26.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the FX District as recommended by the Planning Commission and approved by the City Council.

1. Amusement parks.
2. Auction Sales.
3. Automotive rental / leasing and other heavy equipment rental.
4. Automotive sales and repair service, including recreational vehicles such as boats and campers
5. Bowling center.
6. Cabinetry millwork
7. Commercial greenhouse.
8. Construction and heavy equipment sales and service.
9. Farm implement sales and service.
10. Fertilizer transmission lines.
11. Home Improvement Center; provided that the following minimum standards are present:
    A. All lumber shall be enclosed with the primary structure.
    B. All year-round landscaping materials shall be enclosed within the primary structure.
12. Hotels and Motels
13. Kennels and stables
14. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary, as an accessory to permitted use
15. Mail order services.
16. Microbreweries and brew pubs.
17. Outdoor storage, subject to the following requirements:

A. A landscape buffer shall be provided subject to the approval of the zoning administrator.
B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
C. All outdoor storage areas shall be screened by a fence or wall or a combination of both and shall be located to the rear of the landscape buffer.

18. Private Communications Utility
A. Landscaping shall be provided in accordance with the landscape regulations in Article 9.
B. The perimeter of each storage area shall be enclosed by fencing or screening walls. All fencing/screening walls shall be located on the interior side of any required landscaping.
19. Radio, television and communication towers and transmitters, as per Section 8.05.
20. Recreational establishments.
21. Recycling collection and processing facilities, both public and private.
22. Research facilities.
23. Self-service storage facilities, provided they meet the following restrictions:
A. Lot Standards: All space limits as specified in the FX Zone shall be followed.
B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.
C. Access to Buildings: No storage building may open into required side or rear yards, if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide access from one storage bay to another.
D. Storage Restrictions: All storage on the site must be within Storage Restrictions: All storage on the site must be within enclosed buildings. The storage of hazardous materials on the site is prohibited.
E. Parking/Loading:
Parking: Two parking spaces shall be provided at the rental office of 1.5 parking spaces per employee, whichever is greater.
Loading: Loading docks shall be prohibited, all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.
F. Drive Lanes: Minimum drive lane width shall be twenty-four (24) feet.
G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning Director. All fencing shall be located on the interior side of the required buffer yards.
H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning Director.
I. Special and vocational educational and training facilities.
(Ord. No. 4216, June 2, 2026)
24. Truck Stops.
25. Utility substations, terminal facilities, and reservoirs.

Section 5.27 ML Light Manufacturing District

5.27.02 Conditional Uses:

1. Commercial/Utility grade wind energy systems, subject to Section **8.11**.
2. Commercial/Utility grade SCS, subject to Section 8.07. ***(Ord No. 4055, Oct 5, 2021)***

3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Indoor Firing Range ***(Ord. No. 3698, Feb. 11, 2013)***
5. Private Communications Utility

   A. Landscaping shall be provided in accordance with the landscape regulations in Article 9.

   B. The perimeter of each storage area shall be enclosed by fencing or screening walls. All fencing/screening walls shall be located on the interior side of any required landscaping.
6. Self-service storage facilities, provided they meet the following restrictions :

   A. Lot Standards: All space limits as specified in the ML Zone shall be followed,

   B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.

   C. Access to Buildings: No storage building may open into required side or rear yards if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means, which would provide access from one storage bay to another.

   D. Storage Restrictions: All storage on the site must be within enclosed buildings, with the exception of automobiles, boats, and recreational vehicles in operable condition. The storage of hazardous materials on the site is prohibited.

   E. Parking/Loading:

   F. Parking: Two parking spaces shall be provided at the rental office or 1.5 parking spaces per employee, whichever is greater.

   G. Loading: Loading docks shall be prohibited; all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.

   H. Drive Lanes: Minimum drive land width shall be twenty-four (24) feet.

   I. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning Director. All fencing shall be located on the interior side of the required buffer yards.

   J. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning Director. ***(Ord. No. 3888, Dec. 11, 2017)***
   (Ord. No. 4216, June 2, 2026)

Section 5.28 MH Heavy Manufacturing District

5.28.02 Conditional Uses:

1. Commercial/Utility grade wind energy systems, subject to Section 8.11.
2. Commercial/Utility grade SCS, subject to Section 8.07 ***(Ord. No. 4055, Oct 5, 2021)***
3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Meat packing, slaughtering, eviscerating, and skinning.
5. Permanent batch plants for concrete, asphalt, or paving material.
6. Permanent recycling plant for concrete, asphalt, or paving material. ***(Ord. No. 4027, March 2, 2021).***
7. Poultry killing, plucking, and dressing when such operations are such size as to employ in excess of 3 persons.

8. Private Communications Utility
   A. Landscaping shall be provided in accordance with the landscape regulations in Article 9.
   B. The perimeter of each storage area shall be enclosed by fencing or screening walls. All fencing/screening walls shall be located on the interior side of any required landscaping.
9. Recreational facilities and uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with that efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the City Council.
10. Rendering of by-products of slaughtering and killing of animals or poultry.
11. Self-service storage facilities provided they meet the following restrictions:
    A. Lot Standards: All space limits as specified in the MH Zone shall be followed,
    B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.
    C. Access to Buildings: No storage building may open into required side or rear yards if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide access from one storage bay to another.
    D. Storage Restrictions: All storage on the site must be within enclosed buildings. The storage of hazardous materials on the site is prohibited.
    E. Parking/Loading:
    Parking: Two parking spaces shall be provided at the rental office of 1.5 parking spaces per employee, whichever is greater.
    Loading: Loading docks shall be prohibited; all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.
    F. Drive Lanes: Minimum drive land width shall be twenty-four (24) feet.
    G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning Director. All fencing shall be located on the interior side of the required buffer yards.
    H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning Director. ***(Ord. No. 3888, Dec. 11, 2017)***
    (Ord. No. 4216, June 2, 2026)
12. Special and vocational educational and training facilities.
13. The bulk storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature.
14. The bulk storage of flammable or noxious gasses above or below ground.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVED as amended, with the definition of "private utility" specific to communications, and to allow this as a conditional use rather than permitted use in the AG, FX, ML, and MH zoning districts.

PLANNING COMMISSION RECOMMENDATION:

Under Review

Synopsis/ Purpose

- Company: Middle Mile Infrastructure, a private company to use the fiber personally or wholesale the capacity to other private or public network providers at the local and/or regional scale
- The fiber amplification hut (In-Line Amplifying (ILA) hut) is a protective structure that houses telecommunications and fiber optic interface equipment
- In-Line Amplifying (ILA) hut to energize the fiber optics lines every 50-60 miles as the fiber will lose bandwidth without being recharge
- Buried fiber optic cable is transferred above ground to connect with transceiver devices to boost and enhance data signals
- Inside of the hut looks like:
  - 
- A footprint of approximately 120 x 120 with a perimeter security fence and a gravel lot
- Perimeter security fence is typically chain-link with barbed wire; however, it can be changed to solid wood, Trex, CMU wall, or rod iron depending on zoning code
  - 

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- 
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- Typically, do a paved entrance into a gravel lot
- Gravel is ASTM 57 Stone - 3/4" Crushed Stone with no fines and all rocks are 3/4" or greater

- 
- The ILA huts themselves are 24' x 36' prefabricated concrete buildings, roughly 12-15' tall
- Attached to the huts are 2-4 HVAC units that continuously run
- Each hut comes with a generator
- Generator will run for 5-15 minutes every 3 months for maintenance purposes and during the duration of any power outage
- These huts are unmanned structures, serviced only for facility maintenance
- Minimal traffic generated
- No water/sewer required
- Outside of the secured permitter fence can include landscaping and meet buffer requirements

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

RE: Written Letter of Justification – Text Amendment for Private Utility Facility

To Whom It May Concern,

This text amendment is being requested to establish a clear zoning classification for Private Utility uses within the City's zoning ordinance. The proposed definition would apply to privately owned or operated buildings, structures, and facilities used for the transmission, distribution, operation, or support of utility services. These facilities may include electrical substations, gas regulator stations, water or wastewater pumping facilities, utility equipment buildings, communications facilities, fiber amplification huts, and other similar utility infrastructure.

The current zoning ordinance does not clearly establish a classification for privately owned utility facilities or identify the zoning districts in which these uses may be located. Establishing a defined Private Utility use and corresponding zoning provisions would provide a clear and consistent framework for reviewing this type of infrastructure.

Private Utility facilities generally function as supporting infrastructure rather than customer-facing or high-activity land uses. These facilities typically have few, if any, regular on-site employees and generate limited vehicle traffic, deliveries, and other off-site impacts. Site visits are generally associated with periodic inspection, maintenance, repair, or equipment servicing.

The proposed amendment would allow Private Utility uses as permitted uses within the AG, FX, ML, and MH zoning districts. These districts provide appropriate locations for utility infrastructure while allowing the facilities to remain subject to the applicable development standards of each district.

Creating a defined Private Utility classification would also provide the City with a more adaptable framework for reviewing similar infrastructure in the future. Utility systems and supporting technologies continue to evolve, and having an established category for privately operated utility facilities would reduce the need to determine a new or unrelated classification each time a similar use is proposed. The proposed amendment would therefore provide greater clarity and consistency for City staff, property owners, and applicants while giving the zoning ordinance a defined category that can accommodate both existing and future forms of private utility infrastructure.

For these reasons, we respectfully request approval of the proposed text amendment establishing the Private Utility definition and permitting the use within the AG, FX, ML, and MH zoning districts.

Sincerely,

Lauren Hunt

Lauren Hunt, AICP

10 Patewood Drive
Building 6, Suite 500
Greenville, SC 29615
lauren.hunt@aecom.com

City of Bellevue
1500 Wall St • Bellevue, Nebraska • 68005 • 402-293-3000

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3.c.

MEMORANDUM

TO: Planning Commission
FROM: Tammi Palm, Planning Director
DATE: October 16, 2026
RE: Text Amendment to Sections 2.07 and 5.28, Zoning Ordinance

The City of Bellevue is requesting an amendment to Sections 2.07 and 5.28, City of Bellevue Zoning Ordinance, to add a definition for "data center" and to allow for data centers within the MH zoning district as a permitted use.

Staff researched similar regulations throughout the metro area, as well as regionally. The Cities of Papillion and Springfield have several large data center campuses along their Highway 50 corridor, south of Highway 370 and north of Fairview Road. Meta, Google, Gemini, and Traveler's have all developed data centers in that area.

Papillion allows data centers as a permitted use in their General Commercial, Limited Industrial, and General Industrial zoning districts. Data centers are permitted as a special use or by development agreement in their Office and Mixed Use districts. Springfield allows data centers as a permitted use in their Light Industrial district, and as a conditional use in their Highway Corridor Overlay district.

The City of Council Bluffs has data center development as well. Council Bluffs allows data centers as a permitted use in their Planned Industrial and General Industrial zones. The City of Kearney recently enacted zoning to allow data centers. In Kearney, data centers are defined as a "commercial use," and are allowed under specific supplemental regulations to include items such as maximum noise levels.

I communicated with some of our local Planning Directors to get feedback on their data center regulations and experience with data center development.

Staff is recommending data centers be a permitted use in the MH (Heavy Manufacturing) district. By allowing them in the MH district this will limit data centers near existing residential neighborhoods. Most of our larger, developable, existing MH zoning districts are located near the Highway 34 corridor. Additionally, an MH zoning designation would not be recommended adjacent to residential development. Currently, the city has performance standards for industrial development in Section 8.08, Zoning Ordinance. Staff is not recommending an amendment to the performance standards at this time. It is anticipated that these standards will be updated when a comprehensive zoning ordinance update is done in 2027. Section 8.08 does contain measurable maximum noise and vibration levels. Development of a data

center would have to comply with all applicable rules and regulations set forth in the Zoning Ordinance, such as space limitations and landscaping. The proposed definition of data center is modeled after the City of Papillion, as staff found that definition to be the most comprehensive in our research.

Staff is recommending the following amendments:

Section 2.07 D

DATA CENTER shall mean a centralized repository for the storage, management, processing, conversion, and dissemination of data and information which may also house equipment that supports communications network infrastructure without being part of the physical network. A data center may house equipment that includes, but is not limited to, computers, servers, data storage devices, and related equipment. A data center may include, but shall not be limited to, accessory uses that include offices for data center staff and accessory structures that include water storage tanks, cooling towers, network systems, fuel storage tanks, guardhouses and security offices, storage, chillers, electrical transformers, and engine generators. Accessory uses shall not include retail sales, telephone call centers, or customer service operations. Typical uses include data processing centers and server farms.

DENSITY shall mean the number of dwelling units per gross acre of land.

DETENTION BASIN shall mean a facility for the temporary storage of storm water runoff.

DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

DEVELOPMENT shall mean any unnatural change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.

DEVELOPMENT CONCEPT PLAN shall mean a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, building, major landscape features (both natural and man-made), and depending on requirements, the locations of proposed utility lines.

DEVELOPMENT REVIEW shall mean the review, by the City of subdivision plats, site plans, rezoning requests, or permit review.

DISABILITY or HANDICAP shall mean the following but shall not include current, illegal use of or addiction to a controlled substance:

1. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. A record of having such an impairment; or
3. Being regarded as having such impairment.

DOG KENNEL (See "Kennel, commercial" and "Kennel, private")

DOMESTIC ANIMALS shall mean the same as household pet and shall not include any type of exotic animal listed in this ordinance.

DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

DRAINAGE shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.

DRAINAGEWAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided that in the event of doubt as to whether a depression is a watercourse or drainage way, it shall be presumed to be a watercourse.

DRIVE-IN may be used as a noun or adjective and shall refer to a business which is designed to serve patrons while they are reposed in vehicles or by means of service windows with the intent that products be consumed in automobiles such as drive-in bank windows, post office drop boxes or laundry or cleaning drop boxes.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

DUMP shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

DUPLEX shall mean the same as "Dwelling, Two Family".

DWELLING shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including single family dwellings, two family dwellings, multi-family dwellings and group dwellings; provided however that the following are not dwellings:

1. Hotels, motels, tourist courts and cabins;
2. In a building that contains one or more dwelling units or lodging rooms in addition to one or more non-residential uses, except when accessory to the residential uses;
3. Used for the institutional care of people such as hospitals, rest homes, orphanages, and homes for the aged.

DWELLING, ATTACHED (ROW) shall mean a multi-family dwelling in which each dwelling unit has a separate outdoor entrance and is either

1. joined to one other dwelling unit at one side by one party wall or
2. joined to two other dwelling units by one party wall on each side

DWELLING, DETACHED shall mean a dwelling that is completely surrounded by open space on the same lot.

DWELLING, GROUP shall mean a structure other than a hotel or motel inhabited by more or less permanent occupants in excess of 4, living independently in quarters other than dwelling units.

DWELLING, MANUFACTURED HOME shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.

DWELLING, MOBILE HOME shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

1. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance with manufacturers recommendations.
2. Permanent Foundation: Based on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

DWELLING, MODULAR shall mean any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular dwelling it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567, Nebr. R.R.S., 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home.



DWELLING, MULTI-FAMILY shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

DWELLING, SINGLE FAMILY shall mean a building having one dwelling unit and accommodations for or occupied exclusively by one family which meet all the following standards:

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
2. The home shall have no less than an 18-foot exterior width;
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;

6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed; and
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
8. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

DWELLING, SINGLE-FAMILY (ATTACHED) shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.

DWELLING, SINGLE-FAMILY (DETACHED) shall mean a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.

DWELLING, TWO FAMILY shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING UNIT shall mean one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities for one family only.

Section 5.28 MH Heavy Manufacturing District

5.28.01 **Intent.** This zone provides for the widest range of industrial operations permitted in the city. It is the zone for location of those industries, which have not reached a technical stage in processing, which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance free manner.

5.28.02 Permitted Uses:

1. Automobile rental store.
2. Brewery.
3. Building materials yards with enclosed and screened storage areas.
4. Car wash.
5. Combination display store, office, warehouse, and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts.
6. Commercial Kennels
7. Data Center
8. Dry cleaning, laundry, and dying plants.
9. Feed and seed store.
10. Garages for the storage of automobiles.
11. Garden supply including nursery stock.
12. Gasoline stations.
13. Governmental services – administrative facilities.
14. Governmental services – maintenance and service facilities.

15. Greenhouses, commercial; nursery stock sales yards.
16. Heavy auto repair services.
17. Highway maintenance yards or buildings.
18. Junk yards, auto parts salvage and auto wrecking yards when such operations are obscured from any street or from any adjacent property in another zone by a sturdy, sight obscuring fence in good repair, and under the condition that any burning operations be carried on in any enclosed structure provided with such super-heating devices designed to assure complete combustion as may be approved by the Building Inspector.
19. Laboratories.
20. Light auto repair services.
21. Light manufacturing; assembly, fabrication, and processing of products inside an enclosed building, except hazardous or combustible materials.
22. Manufacture and assembly of electrical and electronic appliances.
23. Manufacture of light sheet metal products including heating and ventilation equipment.
24. Manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities.
25. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
26. Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components.
27. Manufacturing of food and kindred products, such as bakery items, dairy products, sugar and confectionary products, and beverages.
28. Marine sales and services but excluding the storage or salvage of boats.
29. New and used automobile, truck, tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers, or machinery not in operable condition or in the process of salvage, or the major parts thereof.
30. Outdoor storage of automobiles, boats, and recreational vehicles in operable condition.
31. Pipeline Transfer Facility
32. Portable Outdoor Storage and the storage of such containers shall be a Permitted Use, subject to the following conditions:
    A. All minimum setback requirements of the zoning district shall be met. Additionally, no storage container (whether used for storage or as business inventory) may be located between a front or street side property line and any building on the lot.
    B. No stacking of containers shall be permitted.
    C. Containers shall not be permitted to be located within any required parking area, as determined by the Zoning Ordinance. In no event may the use obstruct the circulation of traffic within the zoning lot.
    D. Containers may not encroach into a drainage way or required landscaped area.
    E. No container may open into a required side or rear yard if the site directly abuts a residential zoning district. Containers shall not be located in such a manner which will preclude access to the container, surrounded by other containers, except when empty containers are being used as business inventory, rather than for actual storage.
    F. An approved hard surface will be required for access to and the placement of all containers. Additionally, areas intended for this use shall be marked to distinguish them from required off-street parking

areas.

G. All containers shall remain locked at all times, when not being attended to, whether empty or full.

H. Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each storage area shall be enclosed by fencing or screening walls, as approved by the Planning Director. All fencing/screening walls shall be located on the interior side of any required landscaping.

I. The storage of hazardous materials within such containers is permitted to the extent that it is listed as a principal permitted use and/or it meets the performance standards of the zoning district. Containers shall be labeled if combustible materials are being stored.

33. Printing services when mechanical operation is not visible from a street.
34. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
35. Radio and television stations, except transmission towers over 35 feet high.
36. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities.
37. Recycling Collection and processing facilities, both public and private. ***(Ord. No. 4053, Oct 5, 2021)***
38. Stone and monument work.
39. Temporary recycling plant for concrete, asphalt, or paving materials not to exceed 36 months of operation. ***(Ord. No. 4027, March 2, 2021)***
40. Temporary batch plants, not to exceed 36 months of operation. ***(Ord. No. 4027, March 2, 2021)***
41. Truck wash.
42. Trucking terminals containing in excess of four loading or transfer bays.
43. Veterinary Services, including livestock.
44. Warehouses and storage of non-hazardous goods, provided storage is inside building.
45. Yards for the sale, transfer, and temporary holding of livestock. ***(Ord. No. 3840, Feb.8, 2016)***

5.28.02 Conditional Uses:

1. Commercial/Utility grade wind energy systems, subject to Section 8.11.
2. Commercial/Utility grade SCS, subject to Section 8.07 ***(Ord. No. 4055, Oct 5, 2021)***
3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Meat packing, slaughtering, eviscerating, and skinning.
5. Permanent batch plants for concrete, asphalt, or paving material.
6. Permanent recycling plant for concrete, asphalt, or paving material. ***(Ord. No. 4027, March 2, 2021).***
7. Poultry killing, plucking, and dressing when such operations are such size as to employ in excess of 3 persons.
8. Recreational facilities and uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with that efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the City Council.
9. Rendering of by-products of slaughtering and killing of animals or poultry.
10. Self-service storage facilities provided they meet the following restrictions:
    A. Lot Standards: All space limits as specified in the MH Zone shall be followed,
    B. Limitation of Activities: No activity other than the rental of storage

space and the administration of the facility shall be permitted.

C. Access to Buildings: No storage building may open into required side or rear yards if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide access from one storage bay to another.

D. Storage Restrictions: All storage on the site must be within enclosed buildings. The storage of hazardous materials on the site is prohibited.

E. Parking/Loading:
Parking: Two parking spaces shall be provided at the rental office of 1.5 parking spaces per employee, whichever is greater.
Loading: Loading docks shall be prohibited; all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.

F. Drive Lanes: Minimum drive land width shall be twenty-four (24) feet.

G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning Director. All fencing shall be located on the interior side of the required buffer yards.

H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning Director. ***(Ord. No. 3888, Dec. 11, 2017)***
(Ord. No. 4216, June 2, 2026)

11. Special and vocational educational and training facilities.
12. The bulk storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature.
13. The bulk storage of flammable or noxious gasses above or below ground.

5.28.04 Specifically Excluded Uses:

1. The following uses are hereby declared incompatible with the purpose of the MH Zone and are hereby expressly excluded:
   A. Any use which cannot meet the performance standards set forth herein.
   B. Dwellings except caretaker and watchmen quarters as set forth in the provisions of the MH Zone.
   C. Schools and colleges, except trade schools.
   D. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted.
   E. Motels, hotels and mobile home parks.
   F. Churches, synagogues, chapels, and similar places of religious worship and instruction.

5.28.05 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Residential and small wind energy systems, subject to Section 8.10.
3. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.

5.28.06 Space Limits:

1. Minimum lot area for business or industry: 10,000 square feet.
2. Minimum width of lot: 50 feet.
3. Maximum building height: No restriction except as limited by gross floor area ratio and by

any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.

4. Minimum front yard: 20 feet.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: 10 feet.
8. Maximum gross floor area ratio: 1.0
9. Maximum ground coverage: 50 percent.

5.28.07 Miscellaneous Provisions:

1. Buildings and uses customarily incidental to the permitted uses
2. Parking as required by Sections 8.01-8.03.
3. Signs as permitted in Article 7.
4. Landscaping as required by Article 9
5. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
6. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.

7. Physical Appearance: All operation shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.
8. Performance standards shall conform to Section 8.08 of the Supplemental Regulations.

PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends APPROVAL of the amendment as presented

PLANNING COMMISSION RECOMMENDATION:

Under Review