RESOLUTION: SPECIAL USE PERMIT – The Cloister on the Platte Foundation
23332 Fishery Road, Sarpy County, Nebraska

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114; and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Special Use Permits; and

WHEREAS, the Planning Department has reviewed the Special Use Permit application to allow for the consumption of alcohol, in conjunction with the principal permitted use of a religious facility, in the AG (Agricultural) Zoning District on property generally located at 23332 Fishery Road and legally described as follows, hereinafter “the Property”:

A portion of the SE¼ lying north of Fishery Road in Sec 3, T12N, R10E; the N1/2 and the SE ¼ of the SW ¼ in Sec 2, T12N, R10 E, the NE ¼ of the NW ¼ including Tax Lot F and G in Sec 11, T12N, R10E; and that portion of the SW ¼ of the SW ¼ lying north of Fishery Road in Sec 2, T12N, R10E of the 6th P.M. Sarpy County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

I. A public hearing regarding the Special Use Permit was held before the Sarpy County Planning Commission on February 20, 2018, and further, the Planning Commission gave their recommendation.

II. A public hearing regarding the Special Use Permit was held by this Board.

III. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing.
IV. The Planning Department has made a recommendation as noted in the attached Exhibit “A”, which Exhibit “A” includes the Planning Department report, the Operational Plan, the Current Zoning Map, and Current Future Land Use Map of the Property.

V. The zoning at the Property is AG, Agricultural District.

VI. The Special Use Permit is in compliance with the Comprehensive Development Plan and the Sarpy County Zoning Regulations.

VII. The performance standards set out at Section 41.5 of the Sarpy County Zoning Regulations have been met.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves a Special Use Permit for The Cloisters on the Platte Foundation consistent with the following:

1. Applicant may provide alcohol for on-site consumption during receptions held for retreat participants each Thursday evening at the retreat center and during meals held in connection with weekly retreats.
2. On-site consumption may be allowed within the designated Special Use Areas at occasional non-retreat events with prior written notice to the Sarpy County Sheriff.
3. The use remains compliant and consistent with the approval set out within this Resolution, the operation plan attached hereto in Exhibit “A”, and as specifically described in the Planning Department Reports.
4. Applicant shall be required to comply with Sarpy County Zoning Regulations in all development or improvements.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 13th day of March, 2018.

Attest

SEAL

Sarpy County Board Chairman

County Clerk
I. GENERAL INFORMATION

A. APPLICANT:
The Cloisters on the Platte Foundation
1395 S Platte River Drive
Denver CO 80223

B. PROPERTY OWNER:
The Cloisters on the Platte Foundation
1395 S Platte River Drive
Denver CO 80223

C. SUBJECT PROPERTY LOCATION: Subject property is located at 23332 Fishery Road, northwest of Highway 31 and Fishery Road.

D. LEGAL DESCRIPTION: A portion of the SE¼ lying north of Fishery Road in Sec 3, T12N, R10E; the N1/2 and the SE ¼ of the SW ¼ in Sec 2, T12N, R10 E, the NE ¼ of the NW ¼ including Tax Lot F and G in Sec 11, T12N, R10E; and that portion of the SW ¼ of the SW ¼ lying north of Fishery Road in Sec 2, T12N, R10E of the 6th P.M. Sarpy County, Nebraska.

E. SUBJECT PROPERTY SIZE: approximately 279.50 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   - Future Land Use Designation: Agricultural
   - Zoning: AG (Agricultural Farming District)

G. REQUESTED ACTION(S):
   - To approve a Special Use Permit to allow the consumption of alcohol in conjunction with the principal permitted use of a religious facility in the AG (Agricultural) Zoning District for the Cloisters on the Platte Foundation at 23332 Fishery Road.

H. PURPOSE OF REQUEST:
   - Pursuant to Sarpy County Zoning Regulations, Section 9.2. Retail alcohol sales for on/off site consumption as an ancillary use to another Principal Permitted Use or approved Permitted Special Use requires approval of a Special Use Permit for such activity.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The site is currently being developed as a religious retreat center.
B. GENERAL VICINITY AND LAND USE (FLU) AND CURRENT ZONING (CZ)

<table>
<thead>
<tr>
<th>DIRECTION FROM SUBJECT PROPERTY</th>
<th>FUTURE LAND USE DESIGNATION (reference attached map)</th>
<th>CURRENT ZONING DESIGNATION (reference attached map)</th>
<th>SURROUNDING DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>Agricultural</td>
<td>AG</td>
<td>Agricultural</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Agricultural</td>
<td>AG</td>
<td>Agricultural/ Platte River</td>
</tr>
<tr>
<td>EAST</td>
<td>Agricultural</td>
<td>AG</td>
<td>Agricultural</td>
</tr>
<tr>
<td>WEST</td>
<td>Agricultural</td>
<td>AG</td>
<td>Agricultural</td>
</tr>
</tbody>
</table>

AG = Agricultural

C. RELEVANT CASE INFORMATION:

- The development known as The Cloisters on the Platte is currently under construction. Structures currently under construction are a chapel, retreat center/main lodge, seven guest lodges, underground parking structure, gatehouse with a retail gift shop, life size stations of the cross and multiple utility structures.
- The Cloisters on the Platte Foundation is a non-for-profit corporation operating as The Cloisters on the Platte. It is a spiritual weekend retreat open to men and women of all faiths that provides an opportunity for its guests to reflect peacefully on their lives and spiritual relationships.
- As a part of the services provided, Cloisters wishes to provide alcoholic beverages for on-site consumption pursuant to their Operational Plan.

D. APPLICABLE REGULATIONS:
Sarpy County Zoning Regulations:
- Section 9 regarding the AG (Agricultural Farming) District uses
- Section 41 regarding Special Use Permits

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:

- The Comprehensive Plan shows the area as Agricultural and the project is compatible with the land use designation.

B. TRAFFIC AND ACCESS:

- Access to the subject property is from Fishery Road, west of Highway 31.

C. OTHER AGENCY REVIEW/COMMENTS: The applications were sent to area jurisdictional agencies or departments that may have an interest. At the time of this staff report, no comments or objections to the application had been received.

D. PUBLIC NOTIFICATION AND COMMENTS:

- Notice of the public hearing for this application was published in area newspapers, notification letters also were sent out to property owners within 300 feet of the subject property and the subject property was posted with a sign indicating a zoning action was pending on it.
E. GENERAL COMMENTS:

- Staff has considered amending the Sarpy County Zoning Regulations to allow smaller special event centers and retail alcohol sales for on/off site consumption as an ancillary use to another Principal Permitted Use or an approved Permitted Special Use for some time. This request prompted the Planning Department to move forward with such text amendment, which is scheduled for a Public Hearing on the February 20, 2018 Planning Commission Agenda.
- Pursuant to the Operational Plan submitted by the applicant, they wish to provide alcoholic beverages for on-site consumption as follows: 1) during receptions held for retreat participants each Thursday evening at the retreat center, 2) during meals held in connection with weekly retreats, and 3) on-site consumption within the designated Special Use Areas at occasional non-retreat events with prior notice to the Sarpy County Sheriff.
- The area in which the Special Use Permit would be approved for is comprised of 279.5 acres.
- Please see attached Operational Plan for more details.

IV. PLANNING COMMISSION RECOMMENDATION:
The Planning Commission held public hearings on these applications at their February 20, 2018 meeting and recommended APPROVAL to the County Board:

MOTION: Lichter moved, seconded by Malmquist to recommend approval of the application for a Special Use Permit to allow for the on-site consumption of alcohol pursuant to the Operational Plan, with compliance of any local, state or federal laws regarding such, and contingent upon the proposed text amendments to Section 9 – Agricultural Farming District of the Sarpy County Zoning Regulations (MISC 18-002) being approved by the County Board. This recommendation is being made as this Special Use Permit is in conformance with the amended Sarpy County Zoning Regulations. Ballot: Ayes – Torczon, Sotak, Davis, George, Whitfield, Ackley, Huddleston, Giff, Korth, Malmquist and Lichter. Nays: None. Abstain: None. Motion carries.

V. STAFF RECOMMENDATION:
Provided that the Zoning Text Amendment to Section 9 of the Sarpy County Zoning Regulations proposed by staff is approved, staff recommends APPROVAL of a Special Use Permit to allow for the on-site consumption of alcohol pursuant to the Operational Plan, with compliance of any local, state or federal laws regarding such, and contingent upon the proposed text amendments to Section 9 – Agricultural Farming District of the Sarpy County Zoning Regulations (MISC 18-002) being approved by the County Board. This recommendation is being made as this Special Use Permit is in conformance with the amended as the request complies with the amended Sarpy County Zoning Regulations.

VI. ATTACHMENTS TO REPORT:
1. Current Zoning Map (showing subject property area)
2. Current Future Land Use Map (showing subject property area)
3. Operational Plan and Exhibits submitted by Applicant

VII. COPIES OF REPORT SENT TO:
1. The Cloisters on the Platte Foundation (applicant)
2. David C. Levy, (applicant’s legal representative)
3. Public Upon Request
The Cloisters on the Platte
Operational Plan

The Cloisters on the Platte ("Cloisters") is a spiritual weekend retreat open to men and women of all faiths that provides an incomparable opportunity for its guests to reflect peacefully on their lives and relationship with God. The retreat facility is located on Fishery Road, between Interstate 80 and Highway 31 in Sarpy County, Nebraska. Cloisters expects to begin hosting retreats at this permanent location in the summer of 2018. Cloisters will be comprised of seven guest lodges, each with ten private bedrooms. The retreat facility also includes a chapel, a retreat center, lakes and walking trails. Please refer to the attached map for all references to the premises and the facilities located thereon.

This Operational Plan relates to an application for Special Use Permit. The application for Special Use Permit pertains to alcohol provision and consumption only and any conditions or limitations provided in this Operational Plan or prescribed by the County Board of Commissioners in conjunction with the Special Use Permit should not apply to nor limit any other permitted or accessory use of the Property.

Cloisters wishes to engage in the provision of alcoholic beverages. Cloisters intends to limit the provision of alcohol as follows: (1) on-site consumption (a) during a reception held for retreat participants each Thursday evening at the retreat center and (b) during evening meals held in connection with each weekly retreat; and (2) on-site consumption within the Special Use Area (defined below) at occasional non-retreat events with prior notice to the Sarpy County Sheriff.

The original total area of Cloisters was approximately 931 acres. However, to ensure that alcohol consumption will not interfere with or be a detriment to the health, safety, morals, use, enjoyment and general welfare of the area, the Cloisters' property was recently divided between two legal entities. As a result, the proposed area permitting alcohol consumption is only the 279.5 acres encompassing the lodging, retreat center and chapel, as shown on the attached map ("Special Use Area"). Cloisters will allow invitees to consume alcohol within the Special Use Area only.

The majority of on-site consumption will occur at the receptions on Thursday evenings. After the reception, the retreat participants will retire to on-site provided housing. Alcohol may also be provided to retreatants with evening meals. The majority of on-site alcohol consumption will occur on the north 80 acres of the property containing the lodges, retreat center and chapel. Accordingly, while Cloisters is seeking the Special Use Permit for the 279.5 acres comprising the Special Use Area, most alcohol consumption will be contained to a smaller area.

Limiting alcohol consumption to a defined area and for the above purposes will allow Cloisters to best comply with its liquor license and uphold all rules and regulations promulgated by the Nebraska Liquor Control Commission. Cloisters' provision of alcohol within the Special Use Area shall conform to the required performance standards in the Sarpy County Zoning Regulations and all local, state and federal rules and regulations governing the on-site consumption of alcohol.
All monitoring and compliance will meet the standards of the Nebraska Liquor Control Commission and Nebraska law for on-site consumption of alcohol. Cloisters employees will take all necessary precautions to ensure that alcohol is consumed in a lawful manner. Although Cloisters does not anticipate the occurrence of unlawful or disorderly conduct, Cloisters stands ready and able to uphold and enforce the liquor laws of the State of Nebraska as against all invitees on the premises. If Cloisters wishes to materially change its operations related to this Operational Plan, Cloisters will first contact the Sarpy County Sheriff for approval.
Vicinity Map - Current Zoning

The Cloisters on the Platte
Northwest of Hwy 31 and Fishery Rd
Special Use Permit

Legend

<table>
<thead>
<tr>
<th>Zoning Classification</th>
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<tbody>
<tr>
<td>HC - Highway Corridor Overlay District</td>
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<tr>
<td>CD - Conservation Development Overlay District</td>
</tr>
</tbody>
</table>
STATE OF NEBRASKA

County of Sarpy

Being duly sworn, upon oath, Raylyn Ramsgard deposes and says that she is the Accounting Manager or Laura Estep-Bronk deposes and says that she is a Sales Representative or Ron Petak deposes and says that he is the Executive Editor of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was

Wednesday, February 7, 2018

Gretta Breeze
Bellevue Leader
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Raylyn Ramsgard
Accounting Manager

Ron Petak
Executive Editor

Today's Date
Signed in my presence and sworn to before me:

Notary Public

Printer's Fee: $52.92
Customer Number: 40638
Order Number: 0002078497
NOTICE OF PUBLIC HEARING  
SARPY COUNTY PLANNING COMMISSION

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Tuesday, February 20, 2018, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration. A Public Hearing will be held on the following applications:

Sarpy County Planning Department requests approval of text amendments to the following sections of the Sarpy County Subdivision Regulations: Section 12 - Standards for Construction Plans and Specifications.

Sarpy County Planning Department requests approval of text amendments to the following sections of the Sarpy County Zoning Regulations: Section 9 - Agricultural Farming District, and Section 10 - Agricultural Development District.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE.

2-7-18

THE DAILY RECORD  
OF OMAHA

LYNDA K. HENNINGSSEN, Publisher

PROOF OF PUBLICATION

UNITED STATES OF AMERICA,
The State of Nebraska,
District of Nebraska,
County of Douglas,
City of Omaha,

J. BOYD

being duly sworn, deposes and says that she is

LEGAL EDITOR

of THE DAILY RECORD, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in Omaha, in said County of Douglas, for more than fifty-two weeks last past; that the printed notice hereto attached was published in THE DAILY RECORD of Omaha on February 7, 2018.

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska.

Subscribed in my presence and sworn to before me this 7th day of February 18 20

Notary Public in and for Douglas County, State of Nebraska
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA    )
                     ) SS.
County of Sarpy     )

Being duly sworn, upon oath, Raylyn Ramsgard deposes and says that she is the Accounting Manager or Laura Estep-Bronk deposes and says that she is a Sales Representative or Ron Petak deposes and says that he is the Executive Editor of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was

Wednesday, February 28, 2018
Gretna Breeze
Bellevue Leader
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska.
The above facts are within my personal knowledge.

Raylyn Ramsgard OR Ron Petak OR Laura Estep-Bronk
Accounting Manager Executive Editor Sales Representative

Today's Date
Signed in my presence and sworn to before me:

Notary Public

Printer's Fee: $37.49
Customer Number: 40638
Order Number: 0002082018

NOTICE OF PUBLIC HEARING
SARPY COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, March 13, 2018, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration Building, 1210 Golden Gate Drive, Papillion, NE. A Public Hearing will be held on the following:

Sarpy County Planning Department requests approval of text amendments to the following sections of the Sarpy County Zoning Regulations: Section 9 - Agricultural Planning District; and Section 10 - Agricultural Development District.

Chalco Hills Animal Hospital c/o Heather Kneager, DVM, has submitted an application for consideration of a Revised Special Use Permit to allow non-medical boarding of animals in conjunction with a Veterinary Hospital/Clinic in the BG General Business District at 10268 S 168th Avenue, legally described as Lot 12, Tiburon Village, as surveyed, platted and recorded in Sarpy County, NE. Generally located southwest of 16th Street and Cheyenne Road. Vencil Island Landowners Association has submitted an application for consideration of a Revised Special Use Permit to allow a commercial camping area in the AG Agricultural Farming District on the property commonly known as Vencil Island, and legally described to wit: 1) Gov Lots 1, 4A, 4B, 5A, 5B, 8A & 8B exc ROW in NE ¼ of Sec 20, T14N, R10E; 2) Gov Lot 15 in NE ¼ of Sec 20, T14N, R10E; 3) That part of Tax Lot 13A lying W of 252nd Street in NW ¼ of Sec 23, T14N, R10E; 4) That part of Tax Lot 13A lying E of 252nd Street in NW ¼ of Sec 28, T14N, R10E; 5) Tax Lot 13 exc irreg. line tract & Tax Lot 14 exc irreg. E 305.90 ft. together with the parts of Tax Lots 15 & 16 lying N & E of 252nd Street in SW ¼ of Sec 21, T14N, R10E; and 6) That part of Tax Lots 15 & 16 lying S & W of 252nd Street in SW ¼ of Sec 21, T14N, R10E, all located in Sarpy County, NE. Generally located south of Harrison Street and 252nd Street. The Chalco Hills Animal Hospital/Clinic has submitted an application for consideration of a Special Use Permit to allow alcohol sales in the AG Agricultural Farming District on the following legally described property, to wit: A portion of the SE ¼ lying north of Fishery Road in Sec 3, T12N, R10E; the N1/2 and the SE ¼ of the SW ¼ in Sec 2, T12N, R10E, the NE ¼ of the NW ¼ including Tax Lot F and G in Sec 11, T12N, R10E; and that portion of the SW ¼ of the SW ¼ lying north of Fishery Road in Sec 2, T12N, R10E of the 6th P.M. Sarpy County, Nebraska. Generally located northwest of Highway 31 and Fishery Road.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE. 2082018: 928.
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Sarpy County Planning Department requests approval of text amendments to the following sections of the Sarpy County Zoning Regulations: Section 9 – Agricultural Farming District; and Section 18 – Agricultural Development District.
An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE.
2-28-18

THE DAILY RECORD
OF OMAHA
LYNDA K. HENNINGSSEN, Publisher
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UNITED STATES OF AMERICA,
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That said Newspaper during that time was regularly published and
in general circulation in the County of Douglas, said State of Nebraska.

20.30
Publisher's Fee $  
20.30
Additional Copies $  
Total $ 20.30

Notary Public in and for Douglas County,
State of Nebraska

28th day of February 2018

Subscribed in my presence and sworn to before me this 18th day of February 2018.

Ellen Freeman
Notary Public
State of Nebraska
My Comm. Exp. December 31, 2021