RESOLUTION: SPECIAL USE PERMIT FOR COMMERCIAL RECREATIONAL AREA – Tasting event
VALA’S PUMPKIN PATCH; 12102 S 180th Street

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, 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 all amendments thereto; and

WHEREAS, Vala’s Pumpkin Patch has operated under a Special Use Permit since 1993 as a commercial recreation operation, with the most recent updated amendment to the Special Use Permit approved at Resolution 2014-263 which covers Vala’s fall pumpkin patch activities, generally September 1 – 30 each year and a separate Special Use Permit for Vala’s Farm Weddings and Events approved at Resolution 2015-454 which covers weddings and events from May – August each year; and,

WHEREAS, Vala’s Pumpkin Patch has applied for a separate Special Use Permit to allow an annual two day tasting event involving Nebraska grown products on the property generally located southwest of 180th Street and Schram Road and legally described as follows:

Tax Lots 7 and 8 in Section 5, Township 13N, Range 11E of the 6th P.M. Sarpy County, NE.

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 application was held before the Sarpy County Planning Commission on April 17, 2018 and the Planning Commission gave their recommendation.

II. A public hearing regarding the Special Use Permit Application 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 site plan and the dust control map.

V. The Special Use Permit Application is in compliance with the Comprehensive Development Plan and the Zoning Regulations.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the Special Use Permit as described within the Planning Department report and the Operation Plan, on the property described above, subject to the following conditions:

1. A minimum of 90 days prior to the yearly tasting event, Applicant shall provide to the Sarpy County Planning and Building Department a detailed plan for the event each year.

2. Applicant shall reimburse Sarpy County for 100% of the cost for dust control applied for the tasting event.

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 8th day of May, 2018.

Attest

[Signature]
Sarpy County Board Chairman

[Signature]
County Clerk
I. GENERAL INFORMATION

A. APPLICANT: Vala’s Pumpkin Patch
   12102 S 180th Street
   Gretna, NE 68028

B. SUBJECT PROPERTY OWNER: Vala’s Pumpkin Patch
   12102 S 180th Street
   Gretna, NE 68028

C. SUBJECT PROPERTY LOCATION: Southwest of 180th Street and Schram Road.

D. LEGAL DESCRIPTION: Tax Lots 7 and 8 in Section 5, Township 13N, Range 11E of the 6th P.M. Sarpy County, NE.

E. SUBJECT PROPERTY SIZE: approximately 141 +/- acres.

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   ▪ Future Land Use Designation: Agriculture
   ▪ Zoning: AG/HC (Agricultural Farming District w/ Highway Corridor Overlay)

G. REQUESTED ACTION(S): To approve a special use permit to allow for an annual two-day event within a portion of the Vala’s Pumpkin Patch venue. The applicant desires to host Toast Nebraska which is a two-day tasting event coordinated by the Nebraska Winery and Grape Growers Association.

H. PURPOSE OF REQUEST: The applicant currently has two Special Use Permits for Seasonal Commercial Recreational Operations known as Vala’s Pumpkin Patch pursuant to Resolution 2014-263 and Vala’s Farm Weddings pursuant to Resolution 2015-454. Applicant desires approval to host an annual tasting event involving Nebraska grown products each year, providing Sarpy County with a detailed event plan a minimum of 90 days prior to the scheduled date.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The site is currently operated as Vala’s Farm Weddings and Events for up to 450 persons from May to August each year as approved by Resolution 2015-454 and Vala’s Pumpkin Patch from September 1 to November 30 of each year as approved by Resolution 2014-263. Site is developed with various buildings and attractions, parking areas, and growing fields of which all, or a portion of, are used for the operation of the events.
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>Low-Medium Density Residential</td>
<td>AG/AGR</td>
<td>Agricultural, Residential Estate Development (Murrays Rusty Rose Ranchettes)</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Agricultural / General Commercial (south of I-80)</td>
<td>AG</td>
<td>Agricultural Farm Land</td>
</tr>
<tr>
<td>EAST</td>
<td>Low-Medium Density Residential</td>
<td>AG/RE1/RE2</td>
<td>Agricultural Farm Land / Residential Estate Development (Country Estates)</td>
</tr>
<tr>
<td>WEST</td>
<td>Agricultural / Business Park / Low Density Residential (Gretna)</td>
<td>AG/TA (Gretna)</td>
<td>Agricultural Farm Land</td>
</tr>
</tbody>
</table>

AG = Agricultural
AGR = Agricultural Residential
TA = Transitional Agriculture (Gretna)
RE1 = Residential Estates – 1 acre
RE2 = Residential Estates – 2 acres

C. RELEVANT CASE HISTORY:

- The property/venue has operated under a Special Use Permit (SUP) as a seasonal commercial recreational business since 1991 with a number of amendments due to permit expirations, changes in the operational plan, and expansion of attractions/buildings.
- The SUP approved by Resolution 2014-263, allows for the operation of a Seasonal Commercial Recreational Area being operated as Vala’s Pumpkin Patch under the following provisions:
  1) Operational dates from September 1 to November 30 each year;
  2) Operational hours: Sunday through Thursday 9AM to 9PM and Friday; through Saturday 9AM to 10PM with all guests off the property by 11PM;
  3) Parking limited to 4,964 vehicles;
  4) Uses and Structures compatible with existing uses and structures and only located within the Future Phase 1 and 2 areas;
  5) 100% reimbursement to Sarpy County for applied dust control;
  6) Verification of exemption to regulations or approval by Nebraska Department of Environmental Quality Control, Nebraska Department of Health and Human Services, Gretna Fire Department and State Fire Marshall;
  7) Permit valid for as long as Tim Vala, Jan Vala, or one of the daughters owns and operates the business as Vala’s Pumpkin Patch and Farm and Fall Festival, Inc.
- An additional SUP, approved by Resolution 2015-454, allowed the applicant to expand their business to operate as Vala’s Farm Weddings and Events during spring and summer months beginning in 2016 for as long as Tim Vala, Jan Vala, or their daughters own and operate the business. The Operational Plan submitted by the applicant at that time included the following:
  o Events will be booked with a starting time as early as 9AM and run as late as 1AM from May through August.
  o A maximum of two events occurring simultaneously, potentially twice a day
Events to take place in existing buildings now known as the Pie Barn, the Pavilion and the Country Bakery. Restrooms will also be utilized.

- Maximum number of guests to be 150 for the Pie Barn and 250 for the Pavilion which includes outdoor spaces.
- Approval given to open some attractions if requested by the parties, such as the train, jumping pillows, hayrack rides, the Bid Slide Ride and the ball throw.
- Music to stop at 12:00 midnight with all guests off the property by 1AM
- Events to be catered by Vala’s or by an outside caterer.
- Vala’s to obtain a liquor license and each party will be responsible for hiring a responsible bartender. No outside alcohol to be permitted.
- Access and exit road to be improved from Schram Road and the 180th Street gate to be closed.
- Existing parking facilities to be utilized and no additional parking being added. Parking lot to be staffed when attendance is over 100 guests.
- For evening events, any parking lot lighting to face west away from the adjacent nearest neighbors.
- Security to be staffed for every 100 guests on the property.
- Four part-time employees to be responsible for booking and preparing for the events with additional employees assisting with catering and clean-up.
- Emergency equipment access to be the same as what is established for the fall season.

D. APPLICABLE REGULATIONS:
- Sarpy County Comprehensive Plan
- Sarpy County Zoning Regulations:
  - Section 9 – AG (Agricultural) District
  - Section 41 – Special Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:
- The proposed project is consistent with the Comprehensive Plan as the Future Land Use Designation for this area is Agricultural. The proposed use is consistent with this designation.

B. TRAFFIC AND ACCESS:
- Access to the subject property is from Schram Road, 500 feet west of 180th Street intersection. Applicant plans to improve an existing exit and access road alongside the main entrance road on Schram Road. All traffic will enter and exit along Schram Road. The exit gate along 180th Street will be gated.

C. OTHER AGENCY REVIEW/COMMENTS:
- The application was sent to area jurisdictional agencies or departments that may have an interest to allow them to comment. No comments have been received at the time of this report.

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:
- The applicant has submitted an operation plan for the annual two-day hosting event which includes the following:
Event dates for 2018 are June 8 and 9. Future dates for this event will be provided to Sarpy County a minimum of 90 days prior to event occurrence.

Hours the event will be open to the public will be from 1 pm to 9 pm. Hours for future events will be provided to Sarpy County a minimum of 90 days prior to event occurrence.

Nebraska Winery and Grape Growers Association (NWGGA), along with a committee, will plan the event.

The goals of the event are to promote and sell Nebraska Wines, expand the exposure and market of metro consumers, and be a fundraiser for the NWGGA.

Expected attendance will be 1500 to 2000 customers over the two-day period.

An admission fee will be charged by NWGGA for this 21 years and older event.

NWGGA will apply for all required licensing.

Venue, parking, security, trash removal, power, lighting, internet access, fire pits, water, restrooms (inc portable facilities), and indoor educational space will be provided by Vala’s.

IV. PLANNING COMMISSION RECOMMENDATION:
The Planning Commission held a public hearing on these applications at their April 17, 2018 meeting. The Commission voted 9-0 to recommend APPROVAL of the Special Use Permit application to the County Board:

MOTION: Davis moved, seconded by Whitfield, to recommend APPROVAL of this Special Use Permit application to allow the applicant to host an annual tasting event involving Nebraska grown products each year, with the provision that Sarpy County receive a detailed plan for the event each year, a minimum of 90 days prior to the scheduled date, and subject to 100% reimbursement to Sarpy County for dust control, if application is necessary. Ballot: Ayes – Torczon, Davis, George, Whitfield, Ackley, Huddleston, Korth, Malmquist, and Lichter. Nays: None. Abstain: None. Absent: Sotak and Giff. Motion carries.

V. STAFF COMMENTS AND RECOMMENDATIONS
Staff recommends APPROVAL of this Special Use Permit application to allow the applicant to host an annual tasting event involving Nebraska grown products each year, with the provision that Sarpy County receive a detailed plan for such event a minimum of 90 days prior to the scheduled date.

VI. ATTACHMENTS TO REPORT:
1. Operational Plan
2. Site Map
3. Comments Received
4. Current Zoning Map
5. Future Land Use Map of Sarpy County Comprehensive Plan

VII. COPIES OF REPORT SENT TO:
1. Vala’s Pumpkin Patch – Jan Vala (Applicant)
2. Public Upon Request
Vala's would like to apply for a Special Use Permit that would allow us to host a 2-day annual Agriculture Tasting Event in May and/or June. On June 8th and 9th of 2018, Vala's would love to host Toast Nebraska at our venue, open to the public from 1pm-9pm. For future events, Vala's will notify the county within 90 days of the event.

Toast is a 2-day Ag Tasting Event put together by the Nebraska Winery and Grape Growers Association. The event features Nebraska wines, as well as artisan vendors, food and live music. The event will draw customers from throughout the state. The concept is that each winery has their own tasting experience tent where guests will sample and learn about wines, visit with the winemakers and find new favorites. Other vendors will also be present in order to enhance the experience and to create an additional revenue stream. Entertainment and education sessions will further enhance the experience. The event will be planned by the NWGGA Executive Director along with a committee. The goals of this event are to promote and sell Nebraska Wines, expand the exposure and market of metro consumers, be a fundraiser for the NWGGA, and be profitable for wineries. We expect that this will draw 1,500-2,000 customers in a 2-day period. If this becomes an annual event, we expect attendance may grow in future years. The NWGGA will be charging an admission fee for this 21+ event hosted at Vala’s.

**LICENSING**

The NWGGA will apply for an SDL (as a non-profit) through the county and the state for the venue as a whole. Each individual winery would also apply for an individual SDL so that they could serve and sell wine in each tent. NWGGA will coordinate all SDL applications.

**AS A HOST, VALA’S WILL PROVIDE:**

- Specific festival space, entrance and parking
- EMS/Security
- Trash removal
- Internet Access
- Power
- 20 Fire Pits
- Clean indoor bathrooms, plus additional portable facilities as needed
- Indoor space for education session – The County Bakery
- Covered space for other vendors – The Pavilion
- Access to potable water
- Seating and tables in immediate festival area
- Lighting
Vicinity Map - Current Zoning

12102 S 180th Street – Tax Lots 7 & 8, 5-13-11
Vala’s Pumpkin Patch – Special Use Permit

Legend
Zoning Classification

HC - Highway Corridor Overlay District
AFFIDAVIT OF PUBLICATION

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, April 4, 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
Accounting Manager

Ron Petak
Executive Editor

Laura Estep-Bronk
Sales Representative

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

Notary Public

Printer’s Fee $31.75
Customer Number: 40638
Order Number: 0002086987
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, April 25, 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
Accounting Manager

OR

Ron Petak
Executive Editor

OR

Laura Estep-Bronk
Sales Representative

Today’s Date: 4/25/2018
Signed in my presence and sworn to before me:

Notary Public

$33.08
Customer Number: 40638
Order Number: 0002092884

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, May 8, 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:

Donald & Joyce Krack have submitted applications for consideration of a Preliminary Plat and Final Plat of a subdivision to be known as Krack Hoppy Acres, Lot 1, being a platting of Part of Tax Lot 68 and Tax Lot 782 in part of the SW ¼ of the SW ¼ in Section 22, together with Tax Lot 1A1, and Tax Lot K in part of the W ½ of the N ½ in Section 27, all in Township 14N, Range 11E of the 5th P.M., Sarpy County, NE. Generally located northwest of 240th Street and Lincoln Road.

Vala’s Pumpkin Patch has submitted an application for consideration of a Special Use Permit in AG to allow a 2-day annual event to be known as Agriculture Tasting Event, at 12102 S 180th Street, legally described as Tax Lots 7 and 8, in Section 5, Township 13N and Range 11E of the 5th P.M., Sarpy County, NE. Generally located southwest of 180th Street and Schramm Road.

Donald Story has submitted an application for consideration of a Special Use Permit to allow mini-storage in BG at 16612 S Hwy 75, legally described Lots 1 and 2 Savich’s 2nd Subdivision, as surveyed, platted and recorded in Sarpy County, NE. Generally located northwest of Highway 75 and La Platte Road.

Beyer-Young Equities XIV, LLC has submitted applications for consideration of a Change of Zone from AG to RS-72, and a Preliminary Plat for Remington Ridge, Lots 305 - 380 and Outlots J - L (Phase V), for tract of land being part of the W ½ of the SE ¼ of Section 18, Township 14 North, Range 11 East, of the 6th P.M., Sarpy County, NE. Generally located northwest of 192nd Street and Giles 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 2082884; 4/25