RESCEIND RESOLUTION 2017-464 AND APPROVE FINAL PLAT – HILLS OF ASPEN CREEK

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 of Commissioners (County Board); and,

WHEREAS, the County Board has the authority to adopt Subdivision Regulations, which shall have the force and effect of law pursuant to Neb. Rev. Stat. ' 23-374; and,

WHEREAS, said Subdivision Regulations require the County Board to approve applications for Final plats; and

WHEREAS, on December 12, 2017, via Resolution 2017-464, the County Board approved a Final Plat for the Hills of Aspen Creek subdivision which included 472 residential lots. However, the Gretna Public Schools Board of Education is currently considering locating an elementary school within the approved Final Plat. As a result, the developer, Richland Homes has modified the Final Plat so that construction can start in the area not effected by the possible school site; and,

WHEREAS, the applicant, Richland Homes applied for approval of a Final Plat on property generally located at the northwest corner of 180th Street and Cornhusker Road and legally described as follows, hereinafter “the Property”:

Part of Tax Lots 1A1 and Tax Lot 1A2 located in the Southeast Quarter of Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska.

WHEREAS, the Sarpy County Planning Department staff reviewed the application of the final plat of a subdivision to be known as Hills of Aspen Creek (Lots 1 – 267, Outlots A – G) for compliance with the Subdivision Regulations and made a recommendation of approval as noted in Exhibit A, attached hereto and incorporated by reference, which Exhibit A includes the Planning Department reports, the aerial map of the Property and a copy of the Final plat of the subdivision to be known as Hills of Aspen Creek (Lots 1 – 267, Outlots A – G).

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

I. A public hearing regarding the approval of the Final plat was held on August 21, 2018 before the Sarpy County Planning Commission. The Planning Commission provided their recommendation to the County Board.
II. A public hearing regarding the approval of the Final plat was held by this County Board.

III. Notice of each of the public hearings described above was published at least ten (10) days prior to each respective public hearing and the proof of publication has been filed in the Office of the Sarpy County Clerk.

IV. The proposed Final plat of a subdivision to be known as Hills of Aspen Creek (Lots 1 – 267, Outlots A – G) is in conformity with the Zoning Regulations, the Subdivision Regulations, and the Sarpy County Comprehensive Plan.

BE IT FURTHER RESOLVED THAT Resolution 2017-464, approving the Final Plat for the subdivision of the Hills of Aspen Creek (Lots 1-472, Outlots A - O) is hereby rescinded.

BE IT FURTHER RESOLVED THAT the Final Plat of a subdivision to be known as Hills of Aspen Creek and as further described in the attached Exhibit A is hereby approved subject to the following condition:

1. The applicant/developer, Richland Homes, LLC and the Sanitary and Improvement District 333 shall both sign a subdivision agreement with Sarpy County.

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 11 day of September, 2018.

Attest

Sarpy County Board Chairman

County Clerk
I. GENERAL INFORMATION

A. APPLICANT: Richland Homes, LLC
   11205 S. 150th Ave., Suite 100
   Omaha, NE 68138

B. PROPERTY OWNERS: Richland Homes, LLC
   11205 S. 150th Ave., Suite 100
   Omaha, NE 68138

C. SUBJECT PROPERTY LOCATION: Subject property is generally located at the northwest corner of 180th Street and Cornhusker Road.

D. LEGAL DESCRIPTION: Part of Tax Lots 1A1 and Tax Lot 1A2 located in the Southeast Quarter of Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska.

E. SUBJECT PROPERTY SIZE: approximately 81.76 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   ▪ Future Land Use Designation: Low to Medium Density Residential/Parks, Recreation & Open Space.
   ▪ Zoning: AG (Agricultural)

G. REQUESTED ACTION(S): Approval of a Revised Final Plat of a subdivision to be known as Hills of Aspen Creek, Lots 1-267 and Outlots A – G inclusive. Phase 1 of a proposed two phased residential development.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Farm ground with row crops.
B. GENERAL VICINITY – FUTURE 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>Business Park</td>
<td>AG</td>
<td>Farm ground with row crops</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Low to Medium Density Residential</td>
<td>AG, RS-72 PD</td>
<td>Recently approved Bridgeport Residential Subdivision</td>
</tr>
<tr>
<td>EAST</td>
<td>Low to Medium Density Residential</td>
<td>AG, RS-100, RS-72</td>
<td>Palisades West Subdivision and Tiburon Residential Subdivision</td>
</tr>
<tr>
<td>WEST</td>
<td>Low to Medium Density Residential &amp; Parks, Recreation, Open Space</td>
<td>AG</td>
<td>Farm ground with row crops and farmstead home/buildings</td>
</tr>
</tbody>
</table>

AG = Agricultural (20 plus acres)
RS-72 = Single-Family Residential (7,200 sq. ft. minimum lot size)
RS-72 PD = Single-Family Residential with Planned Development Overlay (allows for variation in lot size and setbacks on small percentage of lots)
RS-100 = Single-Family Residential (10,000 sq. ft. minimum lot size)

C. RELEVANT CASE INFORMATION:

- The Change of Zone and Preliminary Plat of the subject property (approved as Aspen Falls) was approved by County Board on November 14, 2017.
- The applicant changed the name of the subdivision on the Final Plat to Hills of Aspen Creek, a development of 472 residential lots, which was approved by Resolution 2017-464 in December 2017.
- The Gretna Public Schools Board of Education is currently considering a portion of the approved final plat as a possible location for an elementary school. Thus, the developer has decided to plat the development in two phases so building can start in the area not affected by the school site.
- The subdivision will be served with utilities as follows:
  - Water by MUD
  - Sanitary sewer by City of Gretna
  - Gas by Black Hills Energy
  - Electrical power by OPPD

III. APPLICABLE REGULATIONS

A. SARPY COUNTY COMPREHENSIVE PLAN

CHAPTER 3: Land Use & Growth Management

- Future Land Use – Map 12 Future Land Use Map classifies this site as Low to Medium Density Residential and Parks, Recreation and Open Space within the power line easement running through the area. The Low to Medium Density Residential land use area is intended for typical suburban scale residential development densities. This category represents one of the most common residential land use types, and is located in areas that are experiencing growth and have an established transportation network and infrastructure. Generally uses within this area include single-family residential in accordance with appropriate zoning districts, neighborhood commercial, public and quasi-public uses, parks/recreation/open space, and associated accessory uses. Appendix A: Zoning Relationship to the Future Land Use Plan lists the proposed zonings for this site, RS-72 and RD-50, as compatible zoning districts under the Low to Medium Density Residential and Parks, Recreation and Open Space land use designations.
- Future Land Use – Growth Management – *Map 13 Growth Management Zones* designates this site as being within the Urban Development Zone. This zone is intended to provide opportunity for immediate investment and development. These are the areas of the County that are best able to support urban and suburban-scale densities with corresponding infrastructure extensions.

- Development Density – *Figure 19 Residential Development Decision Matrix* allows densities of less than 10,000 square feet per unit up to 1 acre per unit with municipal water and sanitary sewer utilities being provided. The proposed Aspen Falls subdivision meets this criteria.

- Conservation Provisions – *Map 14 Environmentally Sensitive Areas* identifies portions of this site as Environmentally Sensitive. Environmentally sensitive areas include:
  - Water bodies and watercourses
  - Wetlands
  - 100 year floodplains
  - Tree canopy, individual specimen trees, or small stands of significant trees
  - Aquifer recharge areas and areas with highly permeable (“excessively drained”) soils
  - Significant wildlife habitat areas
  - Historic, archaeological or cultural features listed (or eligible to be listed) on the National Register of Historic Places, or on inventories developed by the Nebraska State Historical Society
  - Slopes of a gradient higher than 15%
  - Land with soils that do not support residential development
  - Native or original growth prairie

The area of concern with this site is the watercourse running diagonally in a north-south direction through the site.

- Developments within the Urban Development Zone that are proposed on sites identified on *Map 14 Environmentally Sensitive Areas*, must provide a minimum amount of open space conservation area as follows:
  - 100% of the designated environmentally sensitive areas shall be protected as a platted outlot when the sensitive area comprises 15% or more of the site. Or, subdivisions may designate at least 40% of the total site area as a protected outlot; whichever is less.
  - In order to be exempt from this requirement, the applicant must provide evidence that less than 15% of the site contains environmentally sensitive areas of the nature identified above.
  - This subdivision plan provides 100% of the watercourse area designated as environmentally sensitive to be placed in outlots for drainage and environmental protection.

**CHAPTER 4 – Infrastructure**

- The site of this proposed project is located within MUD’s water service area and the City of Gretna’s sanitary sewer district.

- An approved Wastewater Service Agreement with the City of Gretna must be submitted to the County prior to approval of the Final Plat for the project.

- Wellhead Protection Area – *Map 16 Sarpy County Wellhead Protection Areas* identifies a portion of this site as being within the Sarpy County SID 158 Tiburon Golf Course Wellhead Protection Area. Care needs to be taken to ensure the protection of the wells in this area from possible contamination due to development.

**CHAPTER 5 – Transportation**
- Federal Roadway Functional Classification – Map 17 Sarpy County Federal Roadway Functional Classification identifies Cornhusker Road as a Local Street and 180th Street as a Major Collector.
- Anticipated Full Buildout Street Network – Map 21 Sarpy County Anticipated Full Buildout Street Network shows 180th Street as a 4-lane divided highway with 100’ right-of-way. It shows Cornhusker Road to continue to be a local street.
- Plans are currently under way for the widening of Cornhusker Road to three lanes in conjunction with developments on the south side of the road.

Implement a Through-Route Policy to set standards to allow direct and continuous neighborhood access to adjacent arterial streets. Each mile section should have three through local or collector routes in the north/south and east/west direction generally at the ½ and ¼ mile points.

Local roadways should also be designed to provide connection and access to adjacent developments through subdivision regulations.

- This final plat addresses these policies as best as is possible given natural constraints of the property as well as needing to align streets with adjacent developments.
- Proposed access points to the subdivision are as follows:
  ✓ One access point to the east from 180th Street. This street is located just south of the ¼ mile point due to the location of the OPPD substation to the north and to align with Palisades Drive to the east through the Palisades West Subdivision.
  ✓ Two access points to the south from Cornhusker Road (S. 181st St. and S. 184th St.). These streets are aligned with Bridgeport Subdivision to the south and may be restricted to less than full movement in the future due to traffic, safety or other unforeseen issues not currently contemplated. Access restrictions at that time will need to be coordinated with the Bridgeport SID as well.
  ✓ One access point to the north (S. 184th St.) to connect to future development.
  ✓ One access point to the west (Palisades Drive) to connect with future S. 186th St.

Sarpy County should not approve a development or subdivision that is inconsistent with the County’s right-of-way standards, or standards established in long-range transportation corridor plans or studies; or lacking a necessary local paved roads plan to serve the subdivision or development within the Urban Development Zone.

- Future arterial street (180th St. and Cornhusker Rd.) improvements: this development will be responsible for participating in future roadway improvements on both 180th Street and Cornhusker Road. This will include that frontage along Tax Lot 4 and Tax Lot 1B located on the southeast corner of the property and Lot 1 Barkley’s Hilltop located in the southwest corner of the development. Contributions to these improvements may also include future traffic signals as warrants show the need. Details of contributions and plans for these improvements will be addressed in the Subdivision Agreement.

B. SARPY COUNTY ZONING REGULATIONS

SECTION 15, RS-72 (Single-family Residential – 7,200 sq. ft. minimum lot size)
- 15.1.5 – Single family dwellings, as proposed by this application, are a Principal Permitted Use
- 15.4.1 – Single family dwelling development must meet the following minimum requirements, except as provided in Section 35 Supplementary Regulations:
  ✓ Lot Area – 7,200 sq. ft.
  ✓ Lot Width – 60 feet (measured at the front yard setback line)
• Front Yard Setback – 25 feet
• Side Yard Setback – 5 feet
• Side Yard Street Setback – 15 feet
• Rear Yard Setback – 25 feet
• Maximum Height – 35 feet

SECTION 16, RD-50 (Two-family Residential – 5,000 sq. ft. minimum lot size)
- 16.1.4 – Single family dwellings, as proposed by this application, are a Principal Permitted Use
- 16.4.1 – Single family dwelling development must meet the following minimum requirements, except as provided in Section 35 Supplementary Regulations:
  • Lot Area – 5,000 sq. ft.
  • Lot Width – 50 feet (measured at the front yard setback line)
  • Front Yard Setback – 25 feet
  • Side Yard Setback – 5 feet
  • Side Yard Street Setback – 15 feet
  • Rear Yard Setback – 25 feet
  • Maximum Height – 35 feet

SECTION 28, PD (Planned Development District)
- The applicant has requested a PD overlay for 25 lots of the subdivision as identified above and shown on the attached Proposed Zoning Exhibit. The specific request is to allow these lots to have a minimum lot width of 40 feet.
- The applicant is requesting this reduction in width in order to introduce a more affordable housing product to the market. Renderings and floor plans of this proposed housing product are attached for your information.

C. SARPY COUNTY SUBDIVISION REGULATIONS

SECTION 10, MINIMUM DESIGN STANDARDS
- 10.2.13 – The right-of-way widths, pavement widths (back to back of curb), street grades, and the sight-distances for streets and alleys in any subdivision shall not be less than the minimum dimensions nor more than the maximum grades as set forth in the current version, including any revisions or amendments thereto, of the “Nebraska Administrative Code, Title 428, Rules and Regulations of the Board of Public Roads Classifications and Standards.”

- Comments provided by the Public Works Department in a memo dated October 5, 2017 must be fully addressed (see attached Public Works Memo from Pat Dowse attached).

IV. ANALYSIS

A. COMPREHENSIVE PLAN POLICY STATEMENTS: This final plat application, and the requirements placed on it, support the following policies of the Sarpy County Comprehensive Plan (see Comprehensive Plan Chapter 9 Goals & Implementation):

Land Use and Growth Management
- 1.a An Urban Development Zone will be established to facilitate urban scale growth in areas that can be served immediately by public utility extensions prior to, or in conjunction with, new development.

  The Urban Development Zone is to be created to facilitate the urban growth demands of Sarpy County. These zones are established in accordance with the South Sarpy County Sanitary Sewer Study and represent areas currently served by urban services. By guiding urban scale growth to these areas, the County is promoting compact, contiguous growth and the most efficient provision of infrastructure and utilities.

- 2.a Sarpy County should not approve a development or subdivision that is:
• inconsistent with the County’s adopted Comprehensive Plan, detailed area plans, infrastructure and utility plans, or long-range transportation corridor plans or studies;
• inconsistent with the County’s right-of-way standards, or standards established in long-range transportation corridor plans or studies;
• lacking necessary local paved road plans, approved by the County, to serve the subdivision or development within a timeframe consistent with development, or does not conform to roadway policies;
• lacking adequate sanitary sewer and potable water capabilities;
• lacking adequate storm water drainage, storm water treatment facilities, or storm water management either within the development site or downstream;
• inconsistent with any other standards addressed in adopted zoning regulations, subdivision regulations, or design standards;
• inconsistent with other adopted decision criteria;
• inconsistent with the Comprehensive Plan unless the proposed development or subdivision furthers another more important Comprehensive Plan objective. In which case, the County should, for good planning purposes, allow development that is different than the Comprehensive Plan might call for in certain areas.
• inconsistent with the Comprehensive Plan unless there have been substantial legal, physical, or infrastructure changes that formed the basis for the Comprehensive Plan, in which case the Comprehensive Plan should be amended so as to allow for an support the change.

The County shall maintain clear standards for approval of development and subdivision plans in order to implement the vision of its Comprehensive Plan.

- 3.b Promote land use development within the zoning jurisdictions of municipalities and the Urban Development Zone.

- 3.d The cost of extending infrastructure and increasing capacities should be shared by the development generating the need for such improvements. Funding mechanisms should be established relating to a fee structure of sharing costs proportionately by development(s) that benefit from facility improvements relating to: Parks; Stormwater Management; and Transportation.

The expense of servicing new development should not fall solely on required due to the increase in demand and use of public facilities. Over-builds are often an important policy for staged infrastructure investments, which can be recouped with development fees. Over-building is a phasing process by which a single subdivision will build excess infrastructure capacity to facilitate the development of future subdivisions along the served route. The cost of the excess infrastructure is then reimbursed via a fee or other financial mechanisms, paid by adjacent developments and the County.

- 4.a Sarpy County should enforce conservation provisions established in this Comprehensive Plan to identify and conserve environmentally sensitive areas.

Conservation provisions in this chapter establish criteria for identifying and conserving environmentally sensitive areas in Sarpy County.

- 5. Developments should be built and designed in a manner that contributes to and enhances the quality of life in Sarpy County.

- 5.a Ensure that Sarpy County, along with local jurisdictions within, provide diverse options in relation to lot size, density, and type for all land uses.

Sarpy County and the municipalities located within the county represent a primary area of residential growth for the Omaha-Council Bluffs MSA. However, a public priority lies in preserving the unique environmental resources found in the area, including agriculture production. Offering a range of development options in a managed fashion will result in a more diverse, well-balanced, and prosperous region.
- 5.c Development should be designed in a manner that identifies the infrastructure of adjacent development and provides continuation and connectivity of those facilities throughout the immediate area.

*Coordinating the development of public infrastructure and facilities will enhance the overall connectivity and continuity of public amenities, thereby creating comprehensive systems available throughout the county. The infrastructure and amenity systems that should be connected include:*
  - Trails
  - Parks
  - Roadways and transportation access
  - Utilities
  - Stormwater management

- 5.f County Subdivision Regulations should reflect standards for development and grading along waterways to allow the waterway to meander and erode; or for man-made stabilization techniques to be installed. These standards should allow for a maintenance access easement.

**Transportation**

- 2.c Implement an arterial access policy to set standards for access points along major and minor arterials. The access locations may be allowed to deviate from the ¼ and ½ mile access locations based on physical constraints.

- 2.d Implement a Through-Route Policy to set standards to allow direct and continuous neighborhood access to adjacent arterial streets. Each mile section should have three through local or collector routes in the north/south and east/west direction generally at the ½ and ¼ mile points.

- 2.e Local roadways should also be designed to provide connection and access to adjacent developments through subdivision regulations.

- 2.f Sarpy County should not approve a development or subdivision that is:
  - inconsistent with the County’s right-of-way standards, or standards established in long-range transportation corridor plans or studies;
  - lacking a necessary local paved roads plan to serve the subdivision or development within the Urban Development Zone.

**Environmental Resources and Recreation**

- 1.d Managing storm-water runoff on site will be a requirement of development, implemented through subdivision regulations.

- 1.e Protect all water supplies and aquifers from development activities that may affect the quality and/or quantity of water. Development with the potential for adverse effects on water sources should not be approved.

- 1.f Promote best land management practices through the development of erosion control design standards for subdivision development.

- 3.a Following the Master Trails Plan, regional and county trails should provide a destination experience or connect significant regional facilities.

- 3.b In accordance to land use policies, ensure new developments connect to existing or future public trail systems through the dedication or right-of-way or easements.

**B. OTHER AGENCY REVIEW/COMMENTS:** The applications were sent to various jurisdictional agencies and departments within Sarpy County that may have an interest. All comments received are included for your review. If any additional comments are received, they will be provided to the board at the public hearing.

Staff did receive comments from an adjacent property owner, Mitchell Desoe, with concerns about the future right-of-way for 186th Street as it intersects with Cornhusker
Mr. Desoe feels that the future right-of-way can mirror the 186th Street right-of-way on the south side of Cornhusker and take a smaller amount of his property. Mr. Desoe’s comments are attached.

V. PLANNING COMMISSION RECOMMENDATION
The Planning Commission held public hearings on these applications at their August 21, 2018 meeting and recommended APPROVAL to the County Board by a 10-0 vote.

MOTION: Whitfield moved, seconded by Lichter, to recommend Approval of the application for a Revised Final Plat of a subdivision to be known as Hills of Aspen Creek, Lots 1-267 and Outlots A-G, inclusive (Phase 1) as the proposal is in compliance with the Sarpy County Comprehensive Plan and the requirements of the Sarpy County Zoning and Subdivision Regulations. Ballot: Ayes – Sotak, Davis, George, Whitfield, Ackley, Huddleston, Giff, Korth, Malmquist, and Lichter. Nays: None. Abstain: None. Absent: Torczon. Motion carried.

VI. STAFF COMMENTS AND RECOMMENDATION
Staff recommends APPROVAL of the application for a Final Plat of a subdivision to be known as Hills of Aspen Creek, Lots 1-267 and Outlots A-G, inclusive (Phase 1) as the proposal is in compliance with the Sarpy County Comprehensive Plan and the requirements of the Sarpy County Zoning and Subdivision Regulations.

VII. ATTACHMENTS TO REPORT
1. Final Plat Exhibit
2. Comments Received
3. Current Zoning Map (showing subject property area)
4. Current Future Land Use Map (showing subject property area)

VII. COPIES OF REPORT SENT TO
1. Richland Homes, LLC (applicant)
2. Pat Hillyer, Lamp Rynearson (Applicant’s Engineer)
3. Public Upon Request
Kelly Jeck

From: Steven Perry <SteveP@olmstedperry.com>
Sent: Thursday, August 09, 2018 3:46 PM
To: Kelly Jeck
Subject: RE: Planning Review: Hills of Aspen Creek (Phase 1)

Kelly
The City of Gretna comments are as follows:

1. A Waste Water Service Agreement with the City of Gretna is required.
2. The applicant is required to provide a permanent sanitary sewer easement to the City for the segment of the City’s interceptor sanitary sewer north of Palisades Drive

Thx
Steve

From: Kelly Jeck [mailto:kjeck@sarpy.com]
Sent: Tuesday, August 07, 2018 9:14 AM
To: Dan Hoins; Scott Bovick; Nikki Lampe; Denny Wilson; Pat Dowse; Nicole Spitzenberger; Jeff Davis; Greg London; Lynn Marshall; Steven Perry; Michael Helgerson; Jeff Schovanec - MUD; 'sfanslau@oppd.com' (sfanslau@oppd.com); 'Laster, Lori Ann'; 'agrint@papionrd.org'; 'Williams, Eric'; 'daniel@cityofgretna.com'; 'kriley@gretnadragons.org'; 'Firechief@cityofgretna.com'
Cc: Bruce Fountain; Donna Lynam
Subject: Planning Review: Hills of Aspen Creek (Phase 1)

Richland Homes LLC has submitted an application for consideration of a Revised Final Plat of a subdivision to be known as Hills of Aspen Creek, Lots 1 – 267, inclusive and Outlots A through G, inclusive (Phase I), being a platting of Tax Lots 1A1 and 1A2 located in the Southeast Quarter Section 20, Township 14 North, Range 11 East, of the 6th P.M., Sarpy County, NE. Generally located northwest of 180th Street and Cornhusker Road.

This application is slated for an August 21, 2018 Public Hearing before the Sarpy County Planning Commission, therefore we would like to have any comments back prior to August 10, 2018. Note: If you need additional information to complete your review, please contact our office to request.

Thank you,

Kelly Jeck
Planning & Zoning Assistant
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046
kjeck@sarpy.com
From: Mitch Desoe <mitchdesoe@gmail.com>
Sent: Friday, August 10, 2018 10:26 PM
To: Mitch Desoe <mitchdesoe@gmail.com>; Bruce Fountain <bfountain@sarpy.com>
Subject: Planning Department; The hills of Aspen 8/21/18

Bruce, I would like to have these submitted for the packet as well. Do you happen to know if I will be getting a packet for review? I would like to ensure everything I have previously sent in gets submitted along with this too! I hope this gives somewhat of a good representation of what I am speaking of. Thank you

#1. 192nd N.W. quarter section & 180th N.E quarter sections at the half mile line (186th St.)
This is directly across Cornhusker Rd. from my property and in my opinion shows the equitable split between both property owners which I traced over at scale and mirrored onto my property in the next photo labeled #2. It will be the future continuation of this existing street (186th St.) This street has been approved and currently is in place.
#2. 192nd S.W. quarter section & 180th S.E. quarter section at the half mile line (186th St.)
a.k.a. possible future continuation of 186th St. to the North.

This is a photo depicting the same exact overlay I used from photo #1, just mirrored. The
colored lines represent what I believe show the equitable approach.

It is overlaid on the Hills of Aspen plat & you can see the original black lines to the left of
the colored lines showing what is currently under review for approval.
Please put in file.

From: Mitch Desoe <mitchdesoe@gmail.com>
Sent: Friday, August 10, 2018 3:33 PM
To: Pat C. Hillyer <Pat.Hillyer@LRA-INC.com>
Cc: Jerry Torczon <Jerry@bhicompanies.com>; Dave Wilson <dwilson@cbre-mega.com>; Pat Dowse <pdowse@sarpy.com>; Hills of Aspen Creek FILE <HillsofAspenCreekFILE@lra-inc.com>; Randy Kuszak <Randy.Kuszak@LRA-INC.com>; Patrick Sullivan (sullivan@adamsandsullivan.com) <sullivan@adamsandsullivan.com>; Bruce Fountain <bfountain@sarpy.com>; Denny Wilson <dwilson@sarpy.com>
Subject: Re: ATTN:Planning commission August, 21st 2018: Re: Right of Way dedication for The Hills of Aspen Creek

Please include with my other complaints.

The red lines are a very rough visualization or mirrored image of the approximate dimensions and curvature that were used on 186th street to the south of my property, which is going to be the future continuation of 186th street. I believe the ROW should be more reflective of this to provide an equitable solution. Thank You
Kelly,

Please put this in the file.

Thanks!

Pat, Thank you for the reply! I believe the point I am trying to project is not being fully explained or possible misunderstood. In regard to the 3rd point, why does the point of bending start after the Barkley Hilltop lot and not before? If there is a valid and legal reason for this great, can you please give me a detailed explanation. If the fact is, it belongs to another land owner, this further explains my concern as to why am I taking the brunt of the ROW rather then making it equitable for all properties. By moving the start of bending South, the 85’ that it skips over, it would start the transition of the curve earlier and shift some of my loss incurred to the other properties for a more equitable ROW. Addressing your 1st and 5th point, being it is a continuation of the boulevard from the South and the fact Gretna Public Schools desire a large radii with no sharp turns, why is the curvature to the road drastically reduced and NOT more on par with the road to the South that has already been approved and currently in place? Thank You!

On Aug 9, 2018, at 3:05 PM, Pat C. Hillyer <Pat.Hillyer@LRA-INC.com> wrote:

Mr. Desoe,

We were forwarded your below email in regards to comments on the proposed Right of Way (ROW) for 186th Street. The proposed ROW is shown this way for several reasons noted below:

1. The 77’ ROW width is a continuation of the boulevard from the south
2. The ROW is shown all west of the section line matching the ROW to the south and avoiding the cemetery to the east
3. The curve getting the centerline of the ROW back to the section/property line
began north of the Barkley’s Hilltop lot
4. This development is not dedicating ROW on your property or constructing this road, as that will not happen until your property is developed
5. Gretna Public Schools is looking for property in this area for a future elementary school and desires large radii with no sharp turns

This plat goes to Planning Commission on August 21st. If you have any more questions please let us know.

Personal Regards,

Pat Hillyer, PE, LEED AP®
Senior Project Manager

From: Mitch Desoe <mitchdesoe@gmail.com>
Sent: Thursday, August 9, 2018 11:18 AM
To: dwilson@sarpy.com; pdowse@sarpy.com; Jerry Torczon; Bruce Fountain
Subject: Right of Way dedication for The Hills of Aspen Creek

To Whom It May Concern:

I believe the Right of Way designations to the East of my property at 18606 Cornhusker Rd are unfair and not equitable. Lot #’s 1-7, The Hills of Aspen Creek, do not fully encompass an equitable dedication for both properties. I have just became aware of the plat as of 8/7/18 and wish to get this formally addressed before the final approval. Thank you in advance.

Mitchell DeSoe
32118 N. Chestnut Trail,
San Tan Valley, AZ, 85143
(402) 213-6041
Vicinity Map - Current Zoning

Hills of Aspen Creek, Lots 1 - 267 inclusive and Outlouts A - G (Phase I)
Subject Properties Outlined in blue (Low to Medium Density Residential)

Current FLU - Sarpy Co

Hills of Aspen Creek, Lots 1 - 267 inclusive and Outlouts A - G (Phase I)

Legend

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<td>Business Park</td>
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<tr>
<td>Light Industrial</td>
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<td>Heavy Industrial</td>
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<td>Parks, Recreation, and Open Space</td>
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Future Land Use
Sarpy County, Nebraska

Amended 9-12-2017
2. **PUBLIC HEARING AND RECOMMENDATION:** Richland Homes LLC has submitted an application for consideration of a Revised Final Plat (Phase I) of a subdivision to be known as Hills of Aspen Creek, Lots 1 – 267, inclusive and Outlots A through G, inclusive, being a platting of Tax Lots 1A1 and 1A2 located in the Southeast Quarter of Sec 20, Twp 14 North, Rng 11 East, of the 6th P.M., Sarpy County, NE. Generally located northwest of 180th Street and Cornhusker Road.

Bruce Fountain, Planning Director, provided the following information from the Planning Department’s Recommendation Report:

- The Change of Zone and Preliminary Plat of the subject property (approved as Aspen Falls) was approved by County Board on November 14, 2017.
- The applicant changed the name of the subdivision on the Final Plat to Hills of Aspen Creek, a development of 472 residential lots, which received approval in December 2017 by Resolution 2017-464.
- The Gretna Public Schools Board of Education is currently considering a portion of the approved final plat as a possible location for an elementary school. Thus, the developer has decided to plat the development in two phases so building can start in the area not effected by the school site.
- Proposed access points to the subdivision are as follows:
  - One access point to the east from 180th Street. This street is located just south of the ¼ mile point due to the location of the OPPD substation to the north and to align with Palisades Drive to the east through the Palisades West Subdivision.
  - Two access points to the south from Cornhusker Road (S. 181st St. and S. 184th St.). These streets align with the streets in the Bridgeport Subdivision to the south and may be restricted to less than full movement in the future due to traffic, safety or other unforeseen issues not currently contemplated. Access restrictions at that time will need to be coordinated with the Bridgeport SID as well.
  - One access point to the north (S. 184th St.) to connect to future development.
  - One access point to the west (Palisades Drive) to connect with future S. 186th Street.
- The subdivision will be served with utilities as follows:
  - Water by MUD
  - Sanitary sewer by City of Gretna
  - Gas by Black Hills Energy
  - Electrical power by OPPD

Mr. Fountain reported that staff did receive comments from an adjacent property owner, Mitchell DeSoe, with concerns about the future right-of-way for 186th Street as it intersects with Cornhusker Road. Mr. DeSoe feels that the future right-of-way north of Cornhusker Road can mirror the 186th Street right-of-way on the south side of Cornhusker Road and take a smaller amount of his property. Mr. DeSoe’s comments are attached to the Recommendation Report.

Mr. Fountain stated that a particular alignment for 186th Street is not being approved in this final plat, but there is right-of-area being designated in some of the lots for future alignment. Mr. Fountain pointed out that there is a historic cemetery and a farmstead in that area which are not part of this plat. Normally a road alignment would line up half on each side of the section line, but the alignment of 186th Street shown is to try to avoid the cemetery and line up with 186th Street to the south.

Mr. Fountain noted that comments were received from the City of Gretna as follows:
1. A Waste Water Service Agreement with the City of Gretna is required.
2. The applicant is required to provide a permanent sanitary sewer easement to the City of Gretna for the segment of the City’s interceptor sanitary sewer north of Palisades Drive.

Mr. Fountain said the Planning Department recommends approval of the application for a Revised Final Plat of a subdivision to be known as Hills of Aspen Creek, Lots 1-267 and Outlots
A-G, inclusive (Phase 1) as the proposal is in compliance with the Sarpy County Comprehensive Plan and the requirements of the Sarpy County Zoning and Subdivision Regulations.

Pat Sullivan, Attorney representing the applicant, spoke in support of this application to plat the Hills of Aspen Creek as a phased development instead of filing the final plat for the whole subdivision at the same time.

Chairman Ackley opened the Public Hearing on this request at 8:40 p.m.

Cheryl DeSoe, representing her son Mitchell DeSoe, stated that her son has lived in Arizona for the past 10 years, and he received no notification of the proposed plans for the adjacent property. She read the following letter submitted by Mitchell DeSoe:

"Attention Sarpy County Planning Board and Commissioner’s:

After several conversations and email correspondence with the Sarpy county planning department, Public works department and the applicants senior engineer at Lamp Rynearson, I still have not received what I believe to be an appropriate explanation to the inequitable split of land that lies between my property and the applicants property for the future designated right of way.

I ask, why do I potentially stand to lose 43,000 square feet +/- on my side of the section line but only 8,000 square feet +/- are potentially forfeited on the applicants side? I am fully aware the need to go around the cemetery, but to be equitable, it should balance out somehow, someway between both parcels. A great example of this balance is just across Cornhusker Rd. 100 feet to the south where this all started. The land jogged back and forth on the section line giving up equal amounts of land by both adjacent property owners. I believe this to be the fair solution and it was deliberately done to start the transition of the road to go around the cemetery. Please look at pictures #1 and #2 in the packet provided to give a rough visualization of what I am speaking of.

As far as the curvature of the road, why does it ever so slightly, transition from my side to just barely on the applicants side? I have been told, Gretna Schools wants very little curve to the road for future schools, so I ask, when does Gretna Schools dictate road curvature on land they have not obtained? Furthermore, why are they ok with the curvature used just 200 feet to the south that is already been approved and in place? My property is the future continuation of that road, if developed, so why couldn’t the same road curvature be used?

Another issue, why does the point of beginning or bending, start 85 feet after the stretch of land, Lot 1 Barkley hill top, instead of before. By including that 85’ in the future ROW, the transition to even things up would start earlier.

If you simply look to the future and see that whomever develops on my side of the section line will be responsible for roughly 80% of the ROW and future road improvement and the applicant only responsible for roughly 20%, you will see the unfairness. I am just asking for fairness and nothing more! Thank you for your time!"

Denny Wilson, Sarpy County Engineer, said he spoke with Mr. DeSoe and mentioned to him that he would talk to the subject at this meeting. Mr. Wilson said this is a very unusual situation with the location of the cemetery and thinks the engineer has done a good job of putting in a smooth curve for that location. Mr. Wilson said he does not know that there is a lot that can be done about the location of the right-of-way given the location of the cemetery, but believes the subdivision agreement for the Hills of Aspen creek will require this subdivision to pay for half of the 186th Street right-of-way.
Mr. Sullivan confirmed that in the subdivision agreement for Hills of Aspen Creek it is the responsibility of this subdivision to pay for half of the road.

With no one else coming forward, Chairman Ackley closed the Public Hearing at 8:47 p.m.

Pat Hillyer, Lamp, Rynearson & Associates, stated that in the current alignment the center line matches the existing 186th Street right-of-way on the south side of Cornhusker Road where it comes from Aspen Creek North, and they are matching the radius that was used adjacent to the school site near Aspen Creek which is a quarter mile south.

In discussion between Sotak and Mr. Hillyer, it was clarified that what Mr. DeSoe is asking is that the curved alignment for 186th Street start further back (at the north edge of the cemetery property) and have a sharper radius. However, the property known as Barkley’s Hilltop and Mr. DeSoe’s property are not a part of this final plat.

Mr. Fountain noted that Mr. DeSoe’s correspondence provides an alignment that he believes to be more 50-50.

Giff said this final plat is not designing that road and is only dedicating the right-of-way on the back portion of the lots within this subdivision. In his opinion, if the layout of the road changes in the future, it can be accommodated by acquiring a few feet of the back part of the lots and the west part of Barkley’s Hilltop without affecting the cemetery.

Mr. Fountain pointed out that there might be houses built on those lots in this subdivision and that could affect the setbacks of those structures.

From a subdivision agreement standpoint, Ackley questioned to whom a property owner would seek reimbursement from to the extent the road would ever shift from what is currently planned, the SID or the County?

Denny Wilson, Sarpy County Engineer, said whether or not the County would take ownership of the road would depend on what the character of the road is when it is developed.

Mr. Fountain addressed the comment made by Mrs. DeSoe that her son did not receive notification. He said the Planning Department did mail a notification on the Change of Zone of the property as required, a sign was placed on the site and the request was advertised in the newspaper. Mr. Fountain said the notification sent in the mail is not required to be sent certified, but department records show that Mr. DeSoe’s name and address were on the list that the notice of the Change of Zone was mailed to. He added that mailings are not required for final plats.

In response to a question by Mr. Whitfield, Mr. Sullivan stated that all the applicant is doing is taking a final plat that has already received approval by the County Board and cutting it into two phases.

**MOTION:** Whitfield moved, seconded by Lichter, to recommend Approval of the application for a Revised Final Plat of a subdivision to be known as Hills of Aspen Creek, Lots 1-267 and Outlots A-G, inclusive (Phase 1) as the proposal is in compliance with the Sarpy County Comprehensive Plan and the requirements of the Sarpy County Zoning and Subdivision Regulations. **Ballot:** Ayes – Sotak, Davis, George, Whitfield, Ackley, Huddleston, Giff, Korth, Malmquist, and Lichter. Nays: None. Abstain: None. Absent: Torczon. **Motion carried.**

Mr. Fountain added that as a courtesy, the Planning Department will inform Mr. De Soe by email of the date when this application will go before the County Board.
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA

County of Sarpy

Being duly sworn, upon oath, 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 printed in the said newspaper once each week, the first insertion having been on:

Wednesday, August 8, 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.

Ron Petak
Executive Editor
OR
Laura Estep-Bronk
Sales Representative

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

Notary Public

Printer’s Fee
Customer Number:
Order Number:
$30.43
40638
0002112814
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA
County of Sarpy

Being duly sworn, upon oath, 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 printed in the said newspaper once each week, the first insertion having been on:

Wednesday, August 29, 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.

Ron Petak OR Laura Estep-Bronk
Executive Editor Sales Representative

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

Notary Public

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, September 11, 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:

Ronald and Carol Patterson have submitted an application for consideration of an Amendment to an existing Conservation and Preservation Easement to add an adjacent 6.41 acre parcel legally described as Lot 1, Deer Hollow, as surveyed, platted and recorded in Sarpy County, Nebraska. Generally located southwest of Highway 31 and Buffalo Road.

Richard Homes LLC has submitted an application for consideration of a Revised Final Plat (Phase I) of a subdivision to be known as Hills of Aspen Creek, Lots 1 – 267, inclusive and Outlots A through G, inclusive, being a platting of Tax Lots 1A1 and 1A2 located in the Southeast Quarter of Sec 20, Twp 14 North, Rng 11 East, of the 6th P.M., Sarpy County, NE. Generally located northwest of 180th Street and Cornhusker 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. 21177220; 8/29