RESOLUTION: SPECIAL USE PERMIT – Sidewalk Café – Angus Burgers and Shakes of Gretna, LLC – 10177 S 168th Ave, #104, Sarpy County NE

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, Angus Burgers and Shakes of Gretna has applied for a Special Use Permit to allow a Sidewalk Café or Restaurant with Outdoor Alcohol Sales in the BG, General Business Zoning District located 10177 S 168th Avenue, #104 and legally described as follows:

Lot 2, Tiburon Pointe, as surveyed and platted in 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 application was held before the Sarpy County Planning Commission on June 19, 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 Operational Plan, and the site plan.

V. The Special Use Permit Application is in compliance with the Comprehensive Development Plan and the Zoning Regulations.
VI. 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 the Special Use Permit as described within the Planning Department report and the Operational Plan on the property described above subject to the following conditions:

1. The use remains compliant and consistent with the Operational Plan attached hereto in Exhibit A and as specifically described above.
2. Hours of operation will be Monday through Friday 11:00 am to 10:00 pm and Saturday and Sunday 10:00 am to 10:00 pm
3. The patio seating area will be approximately 20’ x 25’ will be fenced with rod iron fencing meeting requirement of the Nebraska State Liquor laws.
4. There will be no live music on the patio, but they may have two speakers outside set to a very low volume.

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 10th day of July, 2018.

Attest

Sarpy County Board Chairman

County Clerk
GENERAL INFORMATION

A. APPLICANT:
   Angus Burgers and Shakes of Gretna, LLC
   5325 Cottonwood Road
   Kearney, NE 68848

B. PROPERTY OWNER:
   Angus Burgers and Shakes of Gretna, LLC
   10177 S 168th Avenue, #104
   Omaha, NE 68136

C. SUBJECT PROPERTY LOCATION: Subject property located on 168th Street, south of Cheyenne Road.

D. LEGAL DESCRIPTION: Lot 2, Tiburon Pointe as surveyed, platted and recorded in Sarpy County, NE.

E. SUBJECT PROPERTY SIZE: approximately 1.57 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   - Future Land Use Designations: Low to Medium Density Residential (already developed as Commercial Area).
   - Zoning: BG (General Business)

G. REQUESTED ACTION(S):
   To approve a Special Use Permit to allow for a sidewalk café or restaurant with an outdoor alcohol sales area in the BG (General Business) Zoning District.

H. PURPOSE OF REQUEST:
   Pursuant to Sarpy County Zoning Regulations, Section 20.2.9 a sidewalk café or restaurant having an outdoor area where alcohol will be served and or consumed is required to get a Special Use Permit for such activity. Angus Burgers and Shakes of Gretna LLC will be occupying two bays in a newly constructed building and they will have a 20’x 25’ outdoor seating area.
II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The site is currently being improved with a commercial building and Angus Burgers and Shakes of Gretna LLC is completing a tenant finish on two of the seven bays.

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>Mixed Use Center</td>
<td>BG</td>
<td>Tiburon Village</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Urban Residential</td>
<td>RE1</td>
<td>Tiburon Estates</td>
</tr>
<tr>
<td>EAST</td>
<td>Urban Residential</td>
<td>RS-100</td>
<td>Cheyenne Country Estates</td>
</tr>
<tr>
<td>WEST</td>
<td>Park and School Site</td>
<td>BG/AG</td>
<td>Tiburon Village/Tiburon Driving Range</td>
</tr>
</tbody>
</table>

AG = Agricultural
RE1 = Residential Estates 1 Acre
RS-100 = Single-Family Residential
BG = General Business

C. RELEVANT CASE INFORMATION:
- Angus Burgers and Shakes will be a family restaurant serving food and drinks
- Hours of operation will be Monday through Friday 11:00 am to 10:00 pm
- Saturday and Sunday 10:00 am to 10:00 pm
- Proposed patio seating area approximately 20’ x 25’ will be fenced with rod iron fencing meeting requirement of the Nebraska State Liquor laws.
- There will be no live music on the patio, but they will have two speakers outside set to a very low volume.

D. APPLICABLE REGULATIONS:
- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations:
  - Section 20, General Business District
  - Section 41, Special Use Permits

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:
- The Comprehensive Plan shows the area as Low to Medium Density Residential but is already improved as a commercial retail development area.

B. TRAFFIC AND ACCESS:
- Access to the subject property is from 168th Avenue via Cheyenne Road.

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. GENERAL COMMENTS:
 Applicant has applied to the State of Nebraska for a liquor license but was not aware of the regulations requiring a SUP for outdoor alcohol sales in the BG District.
 Proposed use is allowed by SUP in BG Zoning District.

IV. PLANNING COMMISSION RECOMMENDATION:
The Planning Commission held a public hearing on these applications at their June 19, 2018 meeting. The Commission voted 10-0 to recommend APPROVAL of the Special Use Permit application to the County Board:

MOTION: Lichter moved, seconded by Sotak, to recommend APPROVAL of a Special Use Permit to allow for a sidewalk café or restaurant with outdoor alcohol sales in the BG (General Business) Zoning District pursuant to the Planning Department’s Recommendation Report and the Operational Plan submitted with the application, as the request is consistent with the Sarpy County Zoning Regulations. Ballot: Ayes – Torczon, Sotak, George, Whitfield, Ackley, Huddleston, Giff, Korth, Malmquist, and Lichter. Nays: None. Abstain: None. Absent: Davis. Motion carried.

V. STAFF RECOMMENDATIONS:
Staff recommends APPROVAL of the Special Use Permit to allow for a sidewalk café or restaurant with outdoor alcohol sales in the BG (General Business) Zoning District pursuant to the staff report and operational plan submitted. Staff makes this recommendation as the request is consistent with the Sarpy County Zoning Regulations.

VI. ATTACHMENTS TO REPORT:
1. Site Plan
2. Operational Plan
3. Current Zoning Map
4. Future Land Use Map of Sarpy County Comprehensive Plan (showing subject property area)

VII. COPIES OF REPORT SENT TO:
1. Angus Burgers and Shakes of Gretna, LLC (applicant)
2. Tiburon Point – Lynch LLC (owner)
3. Public Upon Request
Angus Burgers & Shakes of Gretna, LLC d/b/a
Angus Burgers & Shakes Operation Plan

• Angus Burgers & Shakes of Gretna located at Tiburon Point will be a family restaurant serving food and drinks.

• Our hours of operation will be Monday through Friday 11:00 a.m. until 10:00 p.m., and Saturday and Sunday 10:00 a.m. until 10:00 p.m.

• There will be a patio seating area, approximately 20' by 25'. The patio will be fenced in with a permanent rod iron fence.

• There will be 2 speakers outside set to very low volume.

• There will be no live music played.
Subject to SUP for Angus Burgers & Shakes

BUILDING I: 13,600 SF

BUILDING II: 13,600 SF
Vicinity Map - Current Zoning

10177 S 168th Avenue – Lot 2, Tiburon Point
Special Use Permit
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 Petek 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, June 6, 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.

[Signature]

Ron Petek
Executive Editor

[Signature]

Laura Estep-Bronk
Sales Representative

NOTICE OF PUBLIC HEARING

STATE OF NEBRASKA

Sarpy County Planning Commission

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be on Tuesday, June 19, 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:

Derrick Reinhart, representing Dogtopia, has submitted an application for a Special Use Permit in a BG Zoning District, to allow a dog daycare with outdoor runs and boarding at 18920 Edna Street, legally described as Lot 1, Sugar Creek Neighborhood Center, as surveyed, platted and recorded in Sarpy County, NE. General location: Southwest of 189th and Harrison Streets.

Angus Burgers & Shakes of Gretna, LLC has submitted an application for a Special Use Permit to allow a sidewalk café with outdoor alcohol sales in a BS Zoning District, at 10177 S 188th Avenue, legally described as Lot 2, Tiburon Point, as surveyed, platted and recorded in Sarpy County, NE. General location: Southwest of 188th Street and Cheyenne Road.

Geoff McGregor, representing Lockbox Storage, has submitted an application for a Special Use Permit in the BG Zoning District, to allow mini-storage on a property legally described as Lot 95 exc HWY ROW, Lake Ridge Estates, as surveyed, platted and recorded in Sarpy County, NE. General location: Northeast corner of 168th Street and Highway 370.

SAHA LLC has submitted an application for an Amendment to a Special Use Permit in the AG Zoning District, to allow a Commercial Recreational Area (Haunted Attraction known as Scary Acres) at 17272 Giles Road, legally described as Part of Tax Lot 6 west of Tiburon Creek except road, in Sec 16, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, NE. General location: Northwest of 168th Street and Giles Road.

Alan Hans has submitted an application for a Final Plat of a subdivision to be known as River Ranch, Lots 1 - 9 and Outlot A, being a platting of Tax Lot 12 in the NW1/4 together with Tax Lot 7A in the SW1/4 of Section 11, Township 12N, Range 11E, also together with Tax Lot 13A in the SE1/4 of Section 10, Township 12N, Range 11E, of the 6th P.M., Sarpy County, NE. Generally located northwest of Highway 50 and Ruth Road.

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 6806381.
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, June 27, 2018
Gretna Breeze
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

Laura Estep-Bronk
Sales Representative

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

Notary Public

Elizabert M. White
Notary Public - State of Nebraska

Printer's Fee $32.20
Customer Number: 40638
Order Number: 0002105191

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, July 10, 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:

Darrick Reinhart, representing Dogtopia, has submitted an application for a Special Use Permit in a BG Zoning District, to allow a dog daycare with outdoor runs and boarding at 18920 Edna Street, legally described as Lot 1, Sugar Creek Neighborhood Center, as surveyed, platted and recorded in Sarpy County, NE. General location: Southwest of 186th and Harrison Streets.

Angus Burgers & Shakes of Gretna, LLC has submitted an application for a Special Use Permit to allow a sidewalk cafe with outdoor alcohol sales in a BG Zoning District, at 10177 S 168th Avenue, legally described as Lot 2, Tiberon Point, as surveyed, platted and recorded in Sarpy County, NE. General location: Southwest of 168th Street and Cheyenne Road.

Geoff McGregor, representing Lockbox Storage, has submitted an application for a Special Use Permit in the BG Zoning District, to allow mini-storage on a property legally described as Lot 95 exc Hwy ROW, Lake Ridge Estates, as surveyed, platted and recorded, Sarpy County, NE. General location: Northeast corner of 168th Street and Highway 370.

SAHA LLC has submitted an application for an Amendment to a Special Use Permit in the AG Zoning District, to allow a Commercial Recreational Area (Haunted Attraction known as Scary Acres) at 17272 Giles Road, legally described as Part of Tax Lot 6 west of Tiburon Creek except road, in Sec 16, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, NE. General location: Northwest of 168th Street and Giles Road.

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

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.
2105191; 6/27