BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA

APPROVE CHANGE OF ZONE

APPLICANT: MWSD, LLC
CHANGE OF ZONE FROM AG, AGRICULTURAL DISTRICT TO RS-72, SINGLE FAMILY RESIDENTIAL DISTRICT (Garden Oaks, Lots 1 – 147 and Outlots A-C)

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 Change of Zone Applications; and

WHEREAS, the Sarpy County Planning Department staff has reviewed the MWSD, LLC application for a Change of Zone from AG, Agricultural District to RS-72, Single Family Residential District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located northwest of 180th and Giles Road and legally described as follows, hereinafter “the Property”:

Part of the W½ of the NE¼, together with a part of the NE¼ of the SE¼, part of the SE¼ of the SE¼ and part of the SW¼ of the SE¼ of Section 17, Township 14N, Range 11E 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. This Change of Zoning application has been submitted concurrently with an application for a Preliminary Plat at Resolution 2016-17.

II. A Preliminary Plat shall become void after 12 months from the date of such approval unless the County Board has approved either (1) all of, or a portion of the Preliminary Plat as a Final Plat, or (2) a 12 month extension of the Preliminary Plat approval. Final Plats and Extension requests for the Preliminary Plat approval must be acted upon by the County Board no later than 12 months from the date of the Resolution approving said Preliminary Plat.
III. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on December 15, 2015 and further, the Planning Commission gave their recommendation.

IV. A public hearing regarding the Change of Zone Application was held by this Board.

V. 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.

VI. The Planning Department staff made a recommendation as noted in the attached Exhibit “A”, which includes the Planning Department Report.

VII. The Change of Zone Application is in compliance with the Comprehensive Development Plan.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the change of zone from AG, Agricultural District to RS-72, Single Family Residential District on the Property legally described above with the following conditions:

1. The Change of Zone shall only take effect on the Property, or with approval of a phased development on a portion of the Property, upon
   (A) the Sarpy County Board’s approval of a Final Plat of the Property or a Final Plat of a portion of the Property and
   (B) the subsequent timely filing of said Final Plat with the Sarpy County Register of Deeds.

2. If a Final Plat of the Property, or a Final Plat of a portion of the Property, is not timely filed with the Sarpy County Register of Deeds, Sarpy County’s approval of the Change of Zone application shall be withdrawn without further action by Sarpy County and the approval for this Resolution 2016-12 shall be void.

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 [12th] day of [Jan 2016].

Sarpy County Board Chairman

County Clerk

Resolution CZ - Garden Oaks - Jan 2016
Change of Zone and Preliminary Plat of a Subdivision to be known as Garden Oaks generally located northwest of 180th and Giles Road, legally described as Part of the W½ of the NE¼, together with a part of the NE¼ of the SE¼, part of the SE¼ of the SE¼ and part of the SW¼ of the SE¼ of Section 17, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska.

### Subject Board Meeting Date: January 12, 2016

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<th>By</th>
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<td>Change of Zone and Preliminary Plat of a Subdivision to be known as Garden Oaks generally located northwest of 180th and Giles Road, legally described as Part of the W½ of the NE¼, together with a part of the NE¼ of the SE¼, part of the SE¼ of the SE¼ and part of the SW¼ of the SE¼ of Section 17, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska.</td>
<td>Public Hearings &amp; Resolutions</td>
<td>Donna Lynam, CFM Assistant Director Planning &amp; Building Dept.</td>
</tr>
</tbody>
</table>

### I. GENERAL INFORMATION

#### A. APPLICANT:

MWSD, LLC
410 South 185th Street
Omaha, NE 68022

#### B. PROPERTY OWNER:

Mary A Kruse Trustee
P O Box 101
Portsmouth, IA 51565

#### C. SUBJECT PROPERTY LOCATION:

Subject property is located northwest of 180th and Giles Road.

#### D. LEGAL DESCRIPTION:

Part of the NE ¼ of the SE ¼, part of the SE ¼ of the SE ¼ and part of the SW ¼ of the SE ¼ of Section 17, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska.

#### E. SUBJECT PROPERTY SIZE:

approximately 85.52 acres

#### F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:

- Future Land Use Designations: Urban Residential and Urban Residential II
- Zoning: AG (Agricultural Farming District).

#### G. REQUESTED ACTION(S):

- Approval of a Change of Zone from AG (Agricultural Farming District) to RS-72 (Single-Family Residential) and a Preliminary Plat of a subdivision to be known as Garden Oaks, Lots 1 – 147 and Outlots A-C.

### II. BACKGROUND INFORMATION

#### A. EXISTING CONDITION OF SITE:

Tillable farm ground with a portion of the area identified as a special flood hazard area (SFHA) on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) near the confluence of the Beadle Creek and the South Papillion Creek.

#### B. GENERAL VICINITY AND LAND USE:

Areas surrounding this project are developed with single-family residential subdivisions with areas to the south being tillable farm ground located in a SFHA.

#### C. RELEVANT CASE INFORMATION:

- The preliminary plat submitted proposes 147 single-family lots and 3 outlots.
- Development will be served with utilities as follows: water by MUD, natural gas by Black Hills Energy, sanitary sewer by City of Gretna, and electrical power by OPPD.
- Proposed outlots are for creek channel, drainage areas, stormwater retention and park amenities.
- Proposed access points are as follows:
  - 180th Street (aligning with proposed Santa Fe Business Park to the east)
  - Giles Road (near the westerly border of the development)
  - Temporary connection to 180th Street, to be closed with 180th Street realignment and converted to cul-de-sac.
  - Two connections to Sun Ridge Subdivision to the north
  - Five connections to River Oaks Subdivision to the northwest
  - One connection to Whitetail Creek Subdivision to the west
D. APPLICABLE REGULATIONS:
- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations
  - Section 15, RS-72 Single-family Residential District
- Sarpy County Subdivision Regulations

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:
The Comprehensive Plan shows the area as Urban Residential and Urban Residential II. The proposed development is consistent with this future land use designation.

B. OTHER AGENCY REVIEW/COMMENTS:
The applications were sent to various jurisdictional agencies and departments within Sarpy County that may have an interest. Sarpy County Public Works forwarded comments which are attached. As of the date this report was prepared, no other comments had been received. Should any additional comments be received, they will be provided to you at the public hearing.

C. GENERAL COMMENTS:

Change of Zone
- All lots appear to be buildable under the RS-72 District regulations.

Preliminary Plat
- The preliminary plat has proposed platted lots that lie within the SFHA area as mapped by FEMA.
- Development of these lots will need to comply with Sarpy County Zoning Regulations, Section 30 Flood Plain Regulations.
- If areas of the SFHA are to be filled, it must be limited to 25% of the SFHA and an approved Flood Plain Development Permit will be required before placing such fill.
- With the latest FEMA Map being published in May of 2010 and the significant development in the area over the past 5 years, an independent study of the current and future flood plain will need to be submitted with the Final Plat.
- Engineer will need to provide verification that the proposed lots on the north side of the creek will meet the requirements of Section 35.10 of the Sarpy County Zoning Regulations for creek setbacks.

35.10.1 No person shall be granted a permit for the construction of any structure, exclusive of bank stabilization structures, poles or sign structures adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum three-to-one slope plus 50 feet between the water’s edge of the stream and the closest point on the structure at grade. As used here, the edge of water of the stream shall be that point constituting the edge of the water during normal flow conditions.

A property shall be exempt from the provision of the above requirement upon a showing by a registered professional engineer that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate erosion control conditions coupled with adequate lateral support so that no portion of said structure adjacent to the stream will be endangered by erosion or lack of lateral support. In the event that the structure is adjacent to any stream which has been channelized or otherwise improved by any agency of government, then such certification providing an exception to the above requirement may take the form of a certification as to the adequacy and protection of the improvements installed by such governmental agency.

- With future improvements to 180th Street, the connection from proposed Street A to 180th Street will align with the access to the future Santa Fe Business Park to the east.
- In an effort to reduce the number of access points to Giles Road (designated as an arterial roadway) as well as allow flexibility in the design of the future viaduct over 180th Street, it is recommended that the applicant utilize the platted access located approximately 600 feet to the west in the Whitetail Creek Subdivision.
- As an alternate option, applicant could negotiate with the developer of Whitetail Creek to replat Lots 422-427 and relocate the access to Giles Road to 186th Street or the section line which would keep one access point to an arterial roadway while allowing for separation of the developments.
• Applicant has proposed a large recreational area, including a trail system, on Outlot A with access via Street F. The trail system shall be designed to allow connectivity to existing and future proposed trails in the area.
• Sanitary sewer flow from the proposed development will connect into an existing Interceptor Sewer that currently provides conveyance for upstream developments such as Sugar Creek, Bellbrook and River Oaks which flows into the Gretna Outfall Sewer.
• An approved Wastewater Sewer Agreement with the City of Gretna will be required with the submittal of the Final Plat.
• This development will be subject to the sewer sub basin fee as adopted by Resolution 2014-255 which is payable at the time of building permit.
• The Sarpy County GIS Department has assigned street names for the proposed development. Please see attached map.
• Staff comments following the review of the submittal have been addressed by the applicant’s engineer.
• Sarpy County Public Works (SCPW) commented on the following items:
  1) realignment of 180th Street, additional right-of-way needed for the corridor and redesign/reconfiguration of the culvert crossing;
  2) Multiple accesses to Giles Road and future improvements requiring a grade separated crossing over the railroad within a close proximity to each other. Preferred access would be every 1320 feet with minimum of 660 feet spacing;
  3) Any requests for county contributions to 180th and Giles Road improvements will need to be submitted to SCPW before any contributions are entertained
  4) Existing outfall sanitary sewers and other utilities in the area should be taken into account to address any conflicts with such.
  5) Post Construction Stormwater Basin sizes and elevations may need to be adjusted based upon the vertical and horizontal alignments of 180th and Giles Road. Please see complete comment letter attached.
• Applicant has scheduled a neighborhood meeting on December 9, 2015 to discuss the proposed project with the public. Applicant has stated that invites were mailed to all property owners within 300 feet of the project.

IV. PLANNING COMMISSION RECOMMENDATION:

MOTION: Bliss moved, seconded by Malmquist, to recommend Approval of the proposed Change of Zone from AG (Agricultural) to RS-72 (Single-Family Residential). This recommendation is being made as the proposal is in compliance with the Sarpy County Comprehensive Development Plan and the requirements of the Sarpy County Zoning and Subdivision Regulations. Ballot: Ayes – Bliss, Lichter, Huddleston, Davis, Ackley, Whitfield, Malmquist, Fenster, Torczon and George. Nays: None. Abstain: None. Absent: Sotak. Motion carried 10-0-1.

MOTION: Bliss moved, seconded by Lichter, to recommend Approval of the Preliminary Plat of the subdivision to be known as Garden Oaks, Lots 1 – 147 and Outlots A – C with the following issues being resolved as outlined by Public Works in their comment letter:
  1) Realignment of 180th Street, additional right-of-way needed for the corridor and redesign/reconfiguration of the culvert crossing;
  2) Multiple accesses to Giles Road and future improvements requiring a grade separated crossing over the railroad within a close proximity to each other. The preferred access would be every 1,320 feet with minimum of 660 feet spacing;
  3) Any requests for County contributions to 180th Street and Giles Road improvements will need to be submitted to SCPW before any contributions are entertained;
  4) Existing outfall sanitary sewers and other utilities in the area should be taken into account to address any conflicts with such; and,
  5) Post Construction Storm Water Basin sizes and elevations may need to be adjusted based upon the vertical and horizontal alignments of 180th and Giles Road.

This recommendation is being made as the proposal meets the requirements of the Sarpy County Zoning and Subdivision Regulations. Ballot: Ayes – Bliss, Lichter, Huddleston, Davis, Ackley, Whitfield, Malmquist, Fenster, Torczon and George. Nays: None. Abstain: None. Absent: Sotak. Motion carried 10-0-1.
V. **STAFF RECOMMENDATIONS:**

Staff recommends **APPROVAL** of the proposed Change of Zone from AG (Agricultural) and RS-72 (Single-Family Residential) as the proposal is in compliance with the Sarpy County Comprehensive Development Plan and the requirements of the Sarpy County Zoning and Subdivision Regulations.

Following a meeting with the applicant’s representatives to discuss issues noted in the Planning Commission recommendation, staff recommends **APPROVAL** of the Preliminary Plat of a subdivision to be known as Garden Oaks, Lots 1-147 and Outlots A – C as the proposal meets the Sarpy County Comprehensive Plan with the following notations:

1) Applicants Engineer has reported that the additional right-of-way needed for future roadway improvements on 180th Street will not be a problem and will be shown on the final plat submittal.

2) Reconfiguration and design of culvert crossing on 180th Street will be completed and any request for financial assistance will need to be submitted to Sarpy County Public Works for consideration with final plat submittal.

3) Applicant has been advised and understands that the proposed access to Giles Road at 185th Street will become a right in, right out only at some point in the future when roadway improvements or traffic dictates it as the location does not meet the minimum standards for a full turn intersection or the minimum of 660 feet spacing between intersections which must be noted on the final plat.

4) Any requests for financial assistance with roadway improvements to 180th Street and Giles Road will need to be submitted to SCPW for consideration with final plat submittal.

5) Submittal of an updated study of the current and future flood plain (including all proposed development) for the area will be required with final plat submittal.

VI. **ATTACHMENTS TO REPORT:**

1. Application for Change of Zone and legal exhibit
2. Application for Preliminary Plat and plat exhibit
3. Comments Received
4. Current Zoning Map
5. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)
6. Flood Plain Map with Garden Oaks proposal
In order for your application to be considered **COMPLETE**, please answer all applicable questions and provide the following:

1. Completed Change of Zoning Application
2. Non-Refundable Fee of $500 made payable to Sarpy County (an additional fee of $25.00 is also be required to cover cost of mailing of public notifications)
3. Mailing list labels certified by a Title Company of all property owners within 300 ft. of the subject property.
4. Copy of Deed on file with Register of Deeds or other acceptable proof of ownership
5. Two (2) site plan drawings (folded)
6. One (1) reduced size site plan drawing (8.5 x 11)
7. One (1) electronic copy of site plan drawing in PDF form
8. Site plan drawing should include the following (as applicable)
   a. Legal description with site layout (1”=20’)
   b. Metes and bounds description with lot size
   c. Floodplain/floodway boundaries
   d. Existing easements
   e. General location map (2 mile radius)
   f. Elevations or other supporting materials
9. Detailed operational plans
10. Please review Section 43 of the Sarpy County Zoning Regulations for a complete list of change of zoning process and submittal requirements.

**APPLICATION FILING FEES** – see Sarpy County Master Fee Schedule for the Planning and Building Department

**PLANNING STAFF USE ONLY:**

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**NOTES:**

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**APPLICANT INFORMATION:**

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<tr>
<th>NAME:</th>
<th>MWSD, LLC</th>
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<tbody>
<tr>
<td>ADDRESS:</td>
<td>410 South 185th Street</td>
</tr>
<tr>
<td>E-MAIL:</td>
<td><a href="mailto:tfalcone30@hotmail.com">tfalcone30@hotmail.com</a></td>
</tr>
<tr>
<td>PHONE:</td>
<td>402.981.0727</td>
</tr>
<tr>
<td>CITY/STATE/ZIP:</td>
<td>Omaha, NE 68022</td>
</tr>
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**PROPERTY OWNER INFORMATION:**

<table>
<thead>
<tr>
<th>NAME:</th>
<th>Mary A. Kruse Trustee</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS:</td>
<td>PO Box 101</td>
</tr>
<tr>
<td>CITY/STATE/ZIP:</td>
<td>Portsmouth, IA 5156</td>
</tr>
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</table>

**ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:**

<table>
<thead>
<tr>
<th>NAME:</th>
<th>E &amp; A Consulting Group, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS:</td>
<td>10909 Mill Valley Road, Suite 100</td>
</tr>
<tr>
<td>E-MAIL:</td>
<td><a href="mailto:jthiellen@eacg.com">jthiellen@eacg.com</a></td>
</tr>
<tr>
<td>PHONE:</td>
<td>402.895.4700</td>
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<tr>
<td>CITY/STATE/ZIP:</td>
<td>Omaha, NE 68154</td>
</tr>
<tr>
<td>FAX:</td>
<td>402.895.3599</td>
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PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets if necessary.)

PLEASE NOTE: A detailed project description is essential to the reviewing process of this request.

PROJECT SITE INFORMATION: Complete each section in its entirety. If a question is not applicable to your project, please indicate this to show that each question has been carefully considered.

SUBDIVISION NAME: Garden Oaks

GENERAL LOCATION: NW Corner of 180th Giles (example 189th & Giles Rd)

ASSESSOR’S PARCEL NUMBER: 010430946

LEGAL DESCRIPTION: (Describe property to wit:) See attached sheet

SIZE OF PROPERTY: 85.518 acres CURRENT ZONING: AG REQUESTED ZONING: RS-72

SOURCE OF UTILITY SERVICES:
Water - MUD
Gas - Black Hills
Sewer - Sarpy County
Electric - OPPD

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. The Planning Department will review the application material along with other appropriate departments and/or agencies and provide a recommendation report to the Planning Commission and County Board.
2. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
3. The County Board will hold a public hearing and make a final decision on the Change of Zoning application.
4. Any necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the applicant or the property owner.

The applicant (or authorized agent) has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Applicant/Property Owner Signature 11-2-15 Date

Property Owner Signature

Property Owner Signature
LEGAL DESCRIPTION:


COMMENCING AT THE SOUTHWEST CORNER OF SAID SE1/4 OF SECTION 17; THENCE N02°13'07"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SE1/4 OF SECTION 17, A DISTANCE OF 33.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GILES ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N02°13'07"W CONTINUING ALONG SAID WEST LINE OF THE SE1/4 OF SECTION 17, SAID LINE ALSO BEING THE EAST LINE OF WHITETAIL CREEK, A SUBDIVISION LOCATED IN SAID SECTION 17, AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 1295.09 FEET TO THE NORTHWEST CORNER OF SAID SW1/4 OF THE SE1/4 OF SECTION 17, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID NW1/4 OF THE SE1/4 OF SECTION 17, AND ALSO BEING THE SOUTHEAST CORNER OF SAID NE1/4 OF THE SE1/4 OF SECTION 17, AND ALSO BEING NORTHEAST CORNER OF SAID NE1/4 OF THE SE1/4 OF SECTION 17; THENCE S02°25'56"W ALONG THE WEST LINE OF SAID NE1/4 OF THE SE1/4 OF SECTION 17, SAID LINE ALSO BEING THE EAST LINE OF SAID NW1/4 OF THE SE1/4 OF SECTION 17, A DISTANCE OF 1327.37 FEET TO THE NORTHWEST CORNER OF SAID NE1/4 OF THE SE1/4 OF SECTION 17, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID NW1/4 OF THE SE1/4 OF SECTION 17; THENCE N87°00'37"E ALONG SAID NORTH LINE OF THE SE1/4 OF SECTION 17, SAID LINE ALSO BEING THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF SECTION 17, A DISTANCE OF 1312.31 FEET TO THE NORTHEAST CORNER OF SAID SW1/4 OF THE SE1/4 OF SECTION 17, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID NE1/4 OF THE SE1/4 OF SECTION 17, AND ALSO BEING NORTHEAST CORNER OF THE SE1/4 OF SECTION 17; THENCE S02°29'27"E, A DISTANCE OF 653.11 FEET; (2) THENCE SOUTHWESTERLY ON A CURVE WITH A RADIUS OF 1393.39 FEET, A DISTANCE OF 1424.44 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S26°47'43"W, A DISTANCE OF 1363.22 FEET; (3) THENCE SOUTHWESTERLY ON A CURVE WITH A RADIUS OF 4341.14 FEET, A DISTANCE OF 988.17 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S33°02'29"W, A DISTANCE OF 448.33 FEET; (4) THENCE S69°07'26"W, A DISTANCE OF 41.70 FEET; (5) THENCE SOUTHWESTERLY ON A CURVE WITH A RADIUS OF 380.62 FEET, A DISTANCE OF 479.39 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S33°02'29"W, A DISTANCE OF 448.33 FEET; (6) THENCE S03°02'27"E, A DISTANCE OF 2.22 FEET TO THE POINT OF INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE OF 180TH STREET AND SAID NORTH RIGHT-OF-WAY LINE OF GILES ROAD; THENCE S86°58'52"W ALONG SAID NORTH RIGHT-OF-WAY LINE OF GILES ROAD, A DISTANCE OF 740.02 FEET

SAID TRACT OF LAND CONTAINS AN AREA OF 3,725,181 SQUARE FEET OR 85.518 ACRES MORE OR LESS.
In order for your application to be considered **COMPLETE**, please answer all applicable questions and provide the following:

1. Completed Preliminary Plat Application
2. Non-Refundable Fee of **$250.00** made payable to Sarpy County
3. Two (2) full sized, folded plat drawings
4. One (1) reduced size site plan drawing (8.5 x 11)
5. One (1) electronic copy of the plat drawing in PDF form
6. One (1) electronic copy in AutoCAD format as required by the County GIS Section (for subdivisions of 20+ lots)
7. Please review Sections 5 and 6 of the Sarpy County Subdivision Regulations for a complete list of Preliminary Plat process and submittal requirements.

**APPLICATION FILING FEES** – see Sarpy County Master Fee Schedule for the Planning and Building Department

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<td><strong>APPLICATION FEE:</strong> $250.00</td>
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**RECEIVED BY:**

| NOTES: ______________ |

**APPLICANT INFORMATION:**

| NAME: MWSD, LLC |
| E-MAIL: tfalcone30@hotmail.com |
| ADDRESS: 410 South 185th Street |
| CITY/STATE/ZIP: Omaha, NE 68022 |

| MAILING ADDRESS: |
| PHONE: 402.981.0727 |
| FAX: 402.315.9784 |

**PROPERTY OWNER INFORMATION:** (If multiple owners, please attach separate sheet)

| NAME: Mary A. Kruse Trustee |
| E-MAIL: |
| ADDRESS: PO Box 101 |
| CITY/STATE/ZIP: Portsmouth, IA 51565 |

| MAILING ADDRESS: |
| PHONE: |
| FAX: |

**ENGINEERING/SURVEYING PROFESSIONAL’S INFORMATION:**

| NAME: E & A Consulting Group, Inc. |
| E-MAIL: jthiellen@eacg.com |
| ADDRESS: 10909 Mill Valley Road, Suite 100 |
| CITY/STATE/ZIP: Omaha, NE 68154 |

| MAILING ADDRESS: |
| PHONE: 402.895.4700 |
| FAX: 402.895.3599 |
**PROJECT DESCRIPTION**: Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. - Attach additional sheets if necessary.

**PLEASE NOTE**: A detailed project description is essential to the reviewing process of this request.

| Lots 1 - 147 and Lots A-C |

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**PLAT INFORMATION**: Complete each section in its entirety. If a question is not applicable to your project, please indicate this to show that each question has been carefully considered.

**PLAT NAME**: Garden Oaks

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<th>ASSESSOR’S PARCEL NUMBER: 010430946</th>
<th>ADDITIONAL PARCEL NUMBERS</th>
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**GENERAL LOCATION**: NW Corner of 180th Giles

(example 189th & Giles Rd)

**LEGAL DESCRIPTION**: (Describe property to wit:) See attached sheet

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<th>REQUESTED ZONING: RS-72</th>
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**SOURCE OF UTILITY SERVICES**: Water - MUD  
Gas - Black Hills  
Sewer - Sarpy County  
Electric - OPPD

**ADDITIONAL INFORMATION**: Please use this space to provide any other information you feel is appropriate for Sarpy County to consider during review of your application. Attach extra sheets if necessary.

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**PLEASE NOTE THE FOLLOWING PROCEDURES**:

1. The Planning Department will review the application material along with other appropriate departments and/or agencies and provide a recommendation report to the Planning Commission and County Board.
2. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
3. The County Board will hold a public hearing and make a final decision on the Preliminary Plat application.
4. All necessary agreements/drawings are to be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the applicant or the property owner.
5. If a Change of Zoning application is applied for concurrently with the Preliminary Plat, the conditional approval of the plat also allows for conditional approval of the rezoning request; however, the rezoning does NOT become official until the Final Plat is approved and filed with the Register of Deeds office.

The applicant (or authorized agent) has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

**Property Owner/Applicant Signature**

11-2-15

Date

I, the undersigned, understand a sign will be posted on my property and will remain until the public hearing process at the Planning Commission and County Board is complete. I further understand the Preliminary Plat process as stated above and I authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.

**Property Owner Signature**

11-2-15

Date
November 18, 2015

Mr. Bruce Fountain
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046

RE: GARDEN OAKS
PRELIMINARY PLAT APPLICATION
S1/2, SE1/4 & NE1/4, SE1/4 - 17-14-11
180TH AND GILES ROAD

Mr. Fountain:

I, Mary A. Kruse, am the owner of the referenced property. I give my permission to pursue the platting
and rezoning of my property by the developer Tom Falcone.

Sincerely,

Mary A. Kruse

11/19/2015
LEGAL DESCRIPTION:


COMMENCING AT THE SOUTHWEST CORNER OF SAID SE1/4 OF SECTION 17; THENCE N02°13'07"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SE1/4 OF SECTION 17, A DISTANCE OF 33.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GILES ROAD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N02°13'07"W CONTINUING ALONG SAID WEST LINE OF THE SE1/4 OF SECTION 17, SAID LINE ALSO BEING THE EAST LINE OF WHITETAIL CREEK, A SUBDIVISION LOCATED IN SAID SECTION 17, AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 1295.09 FEET TO THE NORTHWEST CORNER OF SAID SW1/4 OF THE SE1/4 OF SECTION 17, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID NW1/4 OF THE SE1/4 OF SECTION 17, AND ALSO BEING THE SOUTHEAST CORNER OF SAID NE1/4 OF SE1/4 OF SECTION 17, AND ALSO BEING THE NORTHWEST CORNER OF SAID NW1/4 OF THE SE1/4 OF SECTION 17; THENCE N02°25'56"W ALONG THE WEST LINE OF SAID NE1/4 OF THE SE1/4 OF SECTION 17, SAID LINE ALSO BEING THE EAST LINE OF SAID NW1/4 OF THE SE1/4 OF SECTION 17, SAID LINE ALSO BEING THE NORTH LINE OF SAID SW1/4 OF THE SE1/4 OF SECTION 17, SAID LINE ALSO BEING THE SOUTH LINE OF SAID NW1/4 OF THE SE1/4 OF SECTION 17, SAID LINE ALSO BEING THE SOUTH LINE OF SUN RIDGE, A SUBDIVISION LOCATED IN SAID SECTION 21, AND THE WESTERLY EXTENSION, THEREOF, A DISTANCE OF 1281.55 FEET TO A POINT ON W ESTERLY RIGHT-OF-WAY LINE OF 180TH STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF 180TH STREET ON THE FOLLOWING SIX (6) COURSES: (1) THENCE S02°29'27"E, A DISTANCE OF 653.11 FEET; (2) THENCE SOUTHWESTERLY ON A CURVE WITH A RADIUS OF 1393.39 FEET, A DISTANCE OF 1424.44 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S26°47'43"W, A DISTANCE OF 1363.22 FEET; (3) THENCE SOUTHWESTERLY ON A CURVE WITH A RADIUS OF 4341.14 FEET, A DISTANCE OF 986.17 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S33°02'29"W, A DISTANCE OF 986.04 FEET; (4) THENCE S69°07'26"W, A DISTANCE OF 41.70 FEET; (5) THENCE SOUTHWESTERLY ON A CURVE WITH A RADIUS OF 380.62 FEET, A DISTANCE OF 479.39 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S33°02'29"W, A DISTANCE OF 448.33 FEET; (6) THENCE S03°02'27"E, A DISTANCE OF 2.22 FEET TO THE POINT OF INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE OF 180TH STREET AND SAID NORTH RIGHT-OF-WAY LINE OF GILES ROAD; THENCE S86°58'52"W ALONG SAID NORTH RIGHT-OF-WAY LINE OF GILES ROAD, A DISTANCE OF 740.02 FEET

SAID TRACT OF LAND CONTAINS AN AREA OF 3,725,181 SQUARE FEET OR 85.518 ACRES MORE OR LESS.
SARPY COUNTY

MEMO

TO: Bruce Fountain, AICP, EDFP, Director
FROM: Patrick M. Dowse, PE, Engineering Manager
DATE: December 7, 2015
RE: Garden Oaks – Change of Zone and Preliminary Plat

Sarpy County Public Works has reviewed the Change of Zone and Preliminary Plat submittal, and has the following comments:

**180th Street Roadway:**
Sarpy County has amended the current Comprehensive Plan via Sarpy County Board of Commissioners Resolution 2015-456 whereas Figure 5.1, Development Structure Plan and Figure 6.3 Transportation Plan, have been amended to reflect the preferred alignment of 180th/192nd Street. The preferred alignment reflects the obliteration of 180th Street north of Giles Road to a point near the section line, to be realigned east to include a grade separated structure to span both the South Papillion Creek and the BNSF Railroad. The study shows 120 feet of Right-of-Way is necessary through most of the corridor, with 130 feet of Right-of-Way preferred at major intersections. It would appear no preliminary street profiles were created for 180th Street nor was a paving thickness determined. Right-of-Way dedication to 60 feet from section line should be required to accommodate corridor needs.

The 120" diameter culvert crossing under 180th Street and adjoining Outlot “A” will also need to be redesigned/reconfigured for the roadway realignment, and designed to pass a 50 Year Storm, no overtopping in a 100 Year storm. The City of Gretna outfall sanitary sewer runs over top of the existing CMP culvert, which will need to remain in service for the duration of the culvert reconstruction or replacement.

**Giles Road Access and Alignment:**
The study findings in the amended Comprehensive Plan show Giles Road to be grade separated over the BNSF Railroad, which would require the profile elevation of Giles Road to be significantly increased to accommodate the separation. The proposed grading of the development does not appear to sufficiently account for the change in grade. It would appear no preliminary street profiles were created for Giles Road, nor
was a paving thickness determined.

There appears to be several full accesses in proximity to each other along Giles Road, which can cause issues if any intersection were ever to be signalized. Preferred full access would be every 1,320 feet, with minimum spacing at 660 feet.

**Source and Use of Funds (SUF):**
The SUF may not adequately reflect the rough order of magnitude costs for the improvements to both Giles Road and 180th Street (Exterior) given the potential for greater costs of bridges for grade separation and the drainage structure on 180th Street. Any requests for County contributions to the exterior roadway and structures will need to be formally submitted to Public Works before any contributions are entertained.

**Existing Utilities:**
Developer may want to take into account the various outfall sanitary sewers within the vicinity of the project to ensure the in-situ conditions and alignments have been accounted for to address any conflicts with the proposed utilities.

**PCSWP:**
Basin sizes and elevations may need to be adjusted based upon the vertical and horizontal alignments of 180th Street and Giles Road. Basin outfalls draining to County road Right-of-Way will also need to be delineated and analyzed to ensure existing and/or proposed roadway drainage conveyances have adequate capacity and minimal erosion potential.

Please let me know of you have any questions.
A tract of land located in Pt. of NE1/4 of SE1/4, Pt. of SE1/4 of SE1/4 and Pt. of SW1/4 of SE1/4 of 17-14-11. Garden Oaks
Current FLU – Sarpy County
A tract of land located in Pt. of NE1/4 of SE1/4, Pt. of SE1/4 of SE1/4 and Pt. of SW1/4 of SE1/4 of 17-14-11.
Garden Oaks

Subject Properties Outlined in Blue
(Urban Residential & Urban Residential II)
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA  
County of Sarpy

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher 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, December 2, 2015  
Bellevue Leader  
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.

Shon Barenklau  OR  Ron Petak  
Publisher  OR  Executive Editor

Today's Date 12/2/2015
Signed in my presence and sworn to before me:

Notary Public

GENERAL NOTARY - State of Nebraska  
ELIZABETH M WHITE  
My Comm. Exp. December 22, 2018

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, December 15, 2015, at 7:00 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 application:

MWSO, LLC has submitted applications for consideration of a Change of Zone from AG to RS-72 and a Preliminary Plat of a subdivision to be known as Garden Oaks Lots 1-147 and Outlots A - C being a platting of a tract of land located in part of the NE ¼ of the SE ¼ of the SE ½ of the SW ¼ of the SE ¼ of Section 17, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska. Generally located northwest of 180th Street and Giles 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.

1910533; 12/2
STATE OF NEBRASKA  
County of Sarpy

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher 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, December 30, 2015

Bellevue Leader
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.

Shon Barenklau  OR  Ron Petak  
Publisher  Executive Editor

Today's Date  12-30-2015

Signed in my presence and sworn to before me:

Notary Public

Printer's Fee  $13.23
Customer Number: 40638
Order Number: 0001917035

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, January 12, 2016, 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:

MWSD, LLC has submitted applications for consideration of a Change of Zone from AG to RS-72 and a Preliminary Plat of a subdivision to be known as Garden Oaks Lots 1-147 and Outlots A - C being a platting of a tract of land located in part of the NE ¼ of the SE ¼ of the SE ¼ of the SE ¼ and Part of the SW ¼ of the SE ¾ of Section 17, Township 14N, Range 11E, of the 6th P.M., Sarpy County, Nebraska. Generally located northeast of 160th Street and Gilles 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.