RESOLUTION: SPECIAL USE PERMIT FOR UNITED RENTALS, Anthony Robertazzi
Outdoor storage Lot 3 Lakeview South Replat 1

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

WHEREAS, the Planning Department has reviewed United Rentals' application to allow Outdoor Storage as the primary use of the property in the IL Zoning District for the property generally located at 146th and Cornhusker Road and legally described as follows:

Lot 3 Lakeview South Replat 1, 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 was held before the Sarpy County Planning Commission on May 17, 2016 and further, the Planning Commission gave their recommendation.

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

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

IV. The Planning Department has made a recommendation as noted in the attached Exhibit “A”, which Exhibit “A” includes the Planning Department report and the operation plan.

V. The zoning at the property described above is IL, Light Industrial.
VI. The Special Use Permit is in compliance with the Comprehensive Development Plan and the Sarpy County Zoning Regulations.

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

VIII. Applicant agreed to provide a landscape buffer of 10 feet.

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 for United Rentals as described above and subject to the following conditions:

1. The operations remain consistent with the operation plan submitted to the Planning Department.
2. Applicant provide the landscape buffer of 10 feet.

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 4th day of June, 2016.
Sarpy County Board of Commissioners
Exhibit “A”
Planning Department Report
County Board Meeting Date: June 14, 2016

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<thead>
<tr>
<th>Subject</th>
<th>Type</th>
<th>By</th>
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<tbody>
<tr>
<td>Special Use Permit to allow Outdoor Storage as a primary use in the Light Industrial (IL) zoning district on Lot 3, Lakeview South Replat 1, generally located at 146th and Cornhusker Road</td>
<td>Public Hearing and Resolution</td>
<td>Donna Lynam, CFM Assistant Director, Planning &amp; Building</td>
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</tbody>
</table>

I. GENERAL INFORMATION

A. APPLICANT: United Rentals by Anthony Robertazzi
   791 East 64th Avenue
   Denver, CO  80229

B. SUBJECT PROPERTY OWNER: Jalaram, Inc.
   9595 S 145th Street
   Omaha NE 68138

C. SUBJECT PROPERTY LOCATION: Subject property is generally located at 146th and Cornhusker Road.

D. LEGAL DESCRIPTION: Lot 3, Lakeview South Replat 1

E. SUBJECT PROPERTY SIZE: approximately 1.77 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   - Future Land Use Designations: Business Park
   - Zoning: IL (Light Industrial) / HC (Highway Corridor Overlay District)

G. REQUESTED ACTION(S):
   - To approve a Special Use Permit (SUP) to allow for outdoor storage as the primary use in the IL Zoning District.

H. PURPOSE OF REQUEST: The applicant intends to extend the outdoor storage area of their existing equipment rental company (United Rental) that abuts this property on the southwest. While the Light Industrial (IL) zoning district allows for outdoor storage as an accessory use to the Permitted Principal Use, Outdoor Storage as the primary use on the property requires a Special Use Permit (SUP).

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The site is unimproved property located within the Lakeview South Development.
B. SURROUNDING AREA CURRENT ZONING AND LAND USE DESIGNATIONS

- The properties to the north and west of this property are all zoned Light Industrial and the properties on the east side of 144th Street are primarily zoned General Business.

C. RELEVANT CASE HISTORY:

- Applicant has operated from this location for twenty plus years and would like to expand their operations which will include having more equipment onsite for the purposes of renting to the public.

D. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Plan
- Sarpy County Zoning Regulations:
  - Section 23 – IL (Light Industrial) District
  - Section 41 – Special Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

- The proposed project is consistent with the Comprehensive Plan future land use designation of this area as Business Park.

B. TRAFFIC AND ACCESS:

- Access to the site will be from 147th Street and across Lot 2, Lakeview South Replat 2, as the applicant is the owner of record for that property.

C. OPERATIONS

- The property will be fenced on all sides except for the side that connects to Lot 2 Lakeview South Replat 2 which is owned by the applicant.
- Hours of operation are proposed to be:
  - General Facilities
    - a. Monday thru Friday: 9 am – 5 pm
- Green space will be provided on the east and north sides of the lot with a bio-retention pond on the west.
- This property is exempt from the Landscape Buffer requirement of 20 feet adjacent to any street frontage as more than 40% of the platted lots already have landscape areas of less than 20 feet. The applicant has stated that they will provide a landscape buffer of 10 feet.

D. OTHER AGENCY REVIEW/COMMENTS:

- The application was sent to area jurisdictional agencies or departments that may have an interest to allow them to comment. All responses received indicated no comments or objections to the application.

E. GENERAL PUBLIC COMMENTS:

- Notice of the public hearing for this application was published in area newspapers, notification letters also were sent out to property owners within 300 feet of the subject property and the subject property was posted with a sign indicating a zoning action was pending on it.
  - At the time of this staff report, no inquires had been received.
IV. **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of this Special Use Permit at their May 17, 2016 meeting.

**MOTION:** Bliss moved, seconded by Lichter, to recommend **APPROVAL** of the Special Use Permit application to allow outdoor storage as the primary use of the property in the IL zoning district as specifically described in the Application and Operational Plan submitted by the applicant, subject to appropriate screening as required by the Sarpy County Zoning Regulations. This recommendation is being made as the application is consistent with the Sarpy County Comprehensive Plan and Zoning Regulations. **Ballot:** Ayes – Bliss, Lichter, Huddleston, Davis, Ackley, Sotak, Malmquist, Giff, Torczon and George. Nays: None. Abstain: None. Absent: Whitfield. **Motion carried.**

V. **STAFF COMMENTS AND RECOMMENDATIONS:**

Staff recommends **APPROVAL** of this Special Use Permit application to allow outdoor storage as the primary use of the property in the IL zoning district as specifically described in the Application and Operational Plan submitted by the applicant subject to appropriate screening as required by the Sarpy County Zoning Regulations. Staff makes this recommendation as the application is consistent with the Sarpy County Comprehensive Plan and Zoning Regulations.

VI. **ATTACHMENTS TO REPORT:**

1. Application/Business Operation Summary
2. Preliminary Draft Site Plan
3. Current Zoning Map
4. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan

VII. **COPIES OF REPORT SENT TO:**

1. Anthony Robertazzi, United Rentals (applicant)
2. Ben Drews, TD2 (applicant’s engineer)
3. Jalaram, Inc. (property owner)
4. Public Upon Request
**SARPY COUNTY PLANNING & BUILDING DEPT.**

1210 GOLDEN GATE DRIVE, #1240
PAPILLION, NE 68046

PHONE: 402-593-1555  FAX: 402-593-1558  E-MAIL: PLANNING@sarpy.com

**SPECIAL USE PERMIT APPLICATION**

In order for your application to be considered **COMPLETE**, please answer all applicable questions and provide the following:

1. Completed Special Use Permit Application
2. Non-Refundable Fee of **$300** 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. Two (2) site plan drawings and/or other such plans and data showing the dimensions, arrangements, description, data, and other material which shall constitute a record essential to the understanding of the proposed use.
5. One (1) reduced size site plan drawing or other material provided above (8.5 x 11)
6. One (1) electronic copy of site plan drawing or other material provided above (in PDF form)
7. A detailed operational plan for propose use
8. Other Information as deemed necessary by Sarpy County Planning Department
9. Please review Section 41 of the Sarpy County Zoning Regulations for complete information, processes and submittal requirements for Special Use Permits.

**PLANNING STAFF USE ONLY:**

<table>
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<tr>
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<th>SUP 16-003</th>
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<tr>
<td>DATE RECEIVED:</td>
<td>4-6-2016</td>
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<tr>
<td>CP DESIGNATION:</td>
<td>Business Park</td>
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<td>CURRENT ZONING DESIGNATION:</td>
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<td>RECEIVED BY:</td>
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</tbody>
</table>

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

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**APPLICANT INFORMATION:**

**NAME:** United Rentals- Anthony Robertazzi

**ADDRESS:** 791 East 64th Avenue

**PHONE:** 720-618-8912

**E-MAIL:** arobertazz@ur.com

**CITY/STATE/ZIP:** Denver, CO 80229

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

**NAME:** Jalaram, Inc.

**ADDRESS:** 9595 S 145th St

**PHONE:** 402-617-6306

**E-MAIL:** aamin1955@gmail.com

**CITY/STATE/ZIP:** Omaha, NE 68138

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

**NAME:** Thompson, Drews and Denner, Inc. — Douglas S. Thompson, P.E.

**ADDRESS:** 10836 Old Mill Road

**PHONE:** 402-330-8860

**E-MAIL:** BDrews@td2co.com

**CITY/STATE/ZIP:** Omaha, NE 68154
OPERATION PLAN / PROJECT DESCRIPTION: Describe the project in detail, including proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, other operational details, etc. — Attach as separate document entitled “Operation Plan.” 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 (if applicable): Lakeview South

ASSessor's PARCEL NUMBER: 011254793

ADDITIONAL PARCEL NUMBERS

GENERAL LOCATION: Approximately 146th and Cornhusker

LEGAL DESCRIPTION: (Describe property to wit:)

LOT 3 LAKEVIEW SOUTH REPLAT 1 (1.77 AC)

SIZE OF PROPERTY: 1.77 AC

CURRENT ZONING: IL

REQUESTED ZONING (if applicable): IL

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.

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 Special Use Permit 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.

Property Owner/Applicant Signature  

Date: 4.8.16

I, the undersigned, understand the Special Use Permit process as stated above and authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.

Property Owner Signature  

Date: 4.5.2016

Owner Signature

Date: 4.5.2016
Operations Statement for Special Use Permit:

United Rentals is requesting a special use permit to allow outdoor storage of rental equipment for Lot 3 Lakeview South Replat 1. The lot will be an expansion of the neighboring property owned by United Rentals. The property will be fenced around all sides except at the connection point between Lot 3 Lakeview South Replat 1 and Lot 2 Lakeview South Replat 2.

United Rentals is a large equipment rental company with hours of operation from 9-5 on Monday – Friday. Rental lengths vary, but the typical duration is several months. While the equipment is out for rental, the space it occupied will be vacant. The access to the site will be across the lot line of Lot 2 Lakeview South Replat 2, who are the lessee’s of Lot 3 Lakeview South Replat 1.

Lots 1 & 2 Lakeview South Replat 1 are owned by Jalaram, Inc, with an Econo Lodge Inn & Suites on the site. Jalaram, Inc. is also the land owner of Lot 3 Lakeview South Replat 1. There are no bufferyard requirements, because all adjacent properties are also zoned IL. The number of employees that will be present is expected to be 15. The properties to the west are a concrete factory and concrete truck storage owned by Gear Land LLC.

The lot will have green space on the east and north side, with a bio-retention basin on the west, and the gravel parking lot extending along the southwest property line. The bio-retention basin drains into an area inlet on the southwest property line. No sanitary sewer connection will be required.

Based on section 37.3.3 Landscaping buffer requirements are exempt because more than 40% off the platted lots have landscaped areas of less than 20’ and 10’ of green space will be provided.
Vicinity Map - Current Zoning

Lot 3, Lakeview South Replat 1
United Rentals Parking Expansion
Subject Property Outlined in Blue (Business Park I)

Current FLU - Sarpy Co

Lot 3, Lakeview South Replat 1
United Rentals Parking Expansion

Legend

Comprehensive Development Plan
Figure 5.1: Development Structure Plan
Sarpy County, Nebraska

Amended 6-11-2015
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, May 4, 2016

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
Publisher

Ron Petak
Executive Editor

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

Notary Public

Printer's Fee $12.35
Customer Number: 40638
Order Number: 0001946374
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }
} ss.
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, June 1, 2016
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: June 1, 2016
Signed in my presence and sworn to before me:

Notary Public

Printer's Fee: $12.79
Customer Number: 40638
Order Number: 0001952271