BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

APPROVE FINAL PLAT – 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 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, the applicant, MWSD, LLC applied for approval of a Final plat on 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.

WHEREAS, the Sarpy County Planning Department staff reviewed the application of the Final plat of a subdivision to be known as Garden Oaks 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 Garden Oaks.

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 April 19, 2016 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.

Resolution FP Garden Oaks --June 2016
IV. The Planning Department staff recommends approval.

V. The proposed Final plat of a subdivision to be known as Garden Oaks is in conformity with the Zoning Regulations, the Subdivision Regulations, and the Sarpy County Comprehensive Plan.

BE IT FURTHER RESOLVED THAT the Final Plat of a subdivision to be known as Garden Oaks and as further described in the attached Exhibit A is hereby approved.

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 28th day of June, 2016.

Sarpy County Board Chairman

County Clerk
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: RS-72 (Single-Family Residential) as approved by Resolution 2016-16.

G. REQUESTED ACTION(S): Approval of a Final 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
   Surrounding areas to the north and west are single-family residential developments with a light industrial development proposed directly east, and tillable farm ground located in a SFHA to the south.

C. RELEVANT CASE INFORMATION:
   - The final 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, storm water 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 or serve as access to Tax Lot 4 in Sec 17-14-11
- Two connections to Sun Ridge Subdivision to the north
- Five connections to future phases of 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:
Final Plat
- Final Plat is consistent with the Preliminary Plat that was approved by the County Board on January 12, 2016 by Resolution 2016-17.
- Resolutions to issues noted in Letter to Engineer, dated April 4, 2016, have been reviewed with the applicant and will be addressed by the applicant.
- Signed copy of waste water service agreement will need to be submitted prior to the signing and release of the mylars
- 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.

IV. PLANNING COMMISSION RECOMMENDATION:
The Planning Commission held public hearings on these applications at their April 19, 2016 meeting and recommended APPROVAL to the County Board.

MOTION: Huddleston moved, seconded by Torczon, to recommend APPROVAL of the Final Plat of a subdivision to be known as Garden Oaks, Lots 1 – 147 and Outlots A – C subject to the resolution of the items listed in Section C. General Comments of the Planning Department’s Recommendation Report. This recommendation is being made as the final plat is consistent with the approved preliminary plat and meets the requirements of the Sarpy County Zoning and Subdivision Regulations. Ballot: Ayes – Bliss, Lichter, Huddleston, Ackley, Malmquist, Giff, Torczon and George. Nays: None. Abstain: None. Absent: Davis, Whitfield and Giff. Motion carried

V. STAFF RECOMMENDATIONS:
Staff recommends **APPROVAL** of the Final Plat of a subdivision to be known as Garden Oaks, Lots 1-147 and Outlots A – C as it is consistent with the approved preliminary plat and meets the requirements of the Sarpy County Zoning and Subdivision Regulations.

VI. **ATTACHMENTS TO REPORT:**
1. Application for Final Plat and plat exhibit
2. Comments Received
3. Letter to Engineer dated April 4, 2016
4. Current Zoning Map
5. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)

VII. **COPIES OF REPORT SENT TO:**
1. MWSD, LLC (applicant)
2. Mary A. Kruse Trustee (owners)
3. Jason Thiellen, E & A Consulting Group, Inc. (applicant’s engineering consultant)
4. Public Upon Request
FINAL PLAT APPLICATION

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

1. Submit complete Final Plat Application
2. Submit Non-Refundable Fee of $2,000.00, 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 7 and 8 of the Sarpy County Subdivision Regulations for a complete list of Final Plat process and submittal requirements.

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

PLANNING STAFF USE ONLY:

APPLICATION #: FP16-005
DATE RECEIVED: 3/4/16
CP DESIGNATION: Urban Residential II
CURRENT ZONING DESIGNATION: AG
PROPOSED ZONING DESIGNATION: R5-72
APPLICATION FEE: $2,000
RECEIPT NO. 2566
RECEIVED BY: Lisa Daub
RECEIVED

NOTES:________________________

APPLICANT INFORMATION:

NAME: MWSD, LLC
ADDRESS: 410 South 185th Street
CITY/STATE/ZIP: Omaha, NE 68022
E-MAIL: tfalcone30@hotmail.com
PHONE: 402.981.0727
FAX: 402.315.9784

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

NAME: __________________________
ADDRESS: ________________________
CITY/STATE/ZIP: __________________
MAILING ADDRESS: __________________(IF DIFFERENT)
PHONE: __________________________
FAX: __________________________

ENGINEERING/SURVEYING PROFESSIONAL'S INFORMATION:

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

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

ASSESSOR’S PARCEL NUMBER: 010430946 ADDITIONAL PARCEL NUMBERS

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

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

SIZE OF PROPERTY: 85.310 acres CURRENT ZONING: AG REQUESTED ZONING: RS-72

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

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 Final 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. Upon approval of the Final Plat, a certification of approval by the Board shall be endorsed thereon by the County Clerk, and eight (8) copies of the Final Plat shall be filed with the Register of Deeds office within 90 days (3 mylar and 5 paper copies with signatures).
6. If a Change of Zoning application is applied for concurrently with the Preliminary Plat or Final 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 3-1-16

I, the undersigned, understand a sign will be posted on my property and will remain until the public hearing process of the Planning Commission and County Board is complete. I further understand the Final 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 3-1-16
LEGAL DESCRIPTION


SAID TRACT OF LAND CONTAINS AN AREA OF 3,716,122 SQUARE FEET OR 85.310 ACRE.
April 4, 2016

E & A Consulting Group, Inc.
Jason Thiellen
10909 Mill Valley Road, Suite 100
Omaha NE 68154

RE: GARDEN OAKS FINAL PLAT SUBMITTAL

Mr. Thiellen:

The application for consideration of a Final Plat of the Garden Oaks Subdivision has been reviewed and we have the following comments:

- Sarpy County GIS Department has requested that Robin Drive east of 185th Street be changed to Robin Circle as the access to 180th Street will be terminated in the future.
- A signed copy of the Wastewater Service Agreement with the City of Gretna needs to be submitted to our office for permanent record in our files.
- The required Creek Setback of 3 to 1 plus 50 must be shown on the plat.
- Add a Plat Note regarding access to Giles Road at 185th Street regarding restricted access in the future due to Giles Road improvements.
- Additional right-of-way needs to be dedicated to align with the Comprehensive Plan Amendment Resolution 2015-456 where the 180th/192nd Street corridor right-of-way width was increased to 120 feet and right-of-way dedication along Giles Road shall be from the section line, for a total of 50 feet. See attached Redlines from Sarpy County Public Works.
- Please provide documentation clarifying which lots will be impacted by the flood plain after grading is complete.
- Please elaborate on the drainage path of the water quality basin at 185th Street and Giles Road pursuant to Sarpy County Public Works Comments attached.
- Please provide cost estimates in greater detail for culvert crossing and dust control pursuant to Sarpy County Public Works comments.

Please forward your response to the above comments to dlynam@sarpy.com at your earliest convenience so we can amend our comments before sending out our staff reports to the Planning Commission.

Please contact Bruce Fountain, Planning Director, or myself at 402-593-1555 if you have any questions.

Respectfully,

Donna Lynam
Assistant Director
Sarpy County Planning

cc File
MEMO

TO: Bruce Fountain, AICP, EDFP, Director
FROM: Patrick M. Dowse, PE, Engineering Manager
DATE: March 25, 2016
RE: Garden Oaks – Final Plat

Sarpy County Public Works has reviewed the Final Plat submittal documents and has the following comments:

**Final Plat:**

See attached redlines. An additional 10 feet of Right of Way should be dedicated to align with the Comprehensive Plan Amendment Resolution 2015- where the 180th/192nd corridor Right of Way width should be a total of 120 feet. Right of Way dedication along Giles Road shall be from the section line, for a total of 50 feet.

A Plat Note should be added to note that access at 185th Street along Giles will be restricted in future improvements to Giles Road.

**Storm Sewer Exhibit:**

Please elaborate on the drainage path of the water quality basin at 185th Street and Giles Road. The vertical profile of Giles Road will be elevated in the future to grade separate the railroad crossing.

**Cost Estimate:**

Cost estimate does not appear to reflect any improvements to the culvert crossing on 180th Street south of 180th Avenue. The current culvert crossing needs to be upsized to handle flows in the interim until the ultimate alignment of 180th Street is constructed.

Please provide the cost estimate in greater detail. Material prices and labor rates are generally trending upwards, and a more conservative estimate may need to be contemplated.
The cost estimate does not necessarily reflect the cost incurred for dust control treatment of the 180th Street portion that is not being paved as part of the roadway improvements. Please clarify where this operations/maintenance expense is being accounted for.

**Flood Plain Development Exhibit:**

Please clarify if lots will be impacted by the flood plain after grading has been completed.

Please let me know if you have any questions.
MEMORANDUM

Date: March 15, 2016

To: Kelly Jeck

From: Michael Felschow, MAPA Program Director

Re: Garden Oaks

MAPA has reviewed 180th Street and Giles Road. With regards to this development please note that in the 2040 Long-Range Transportation Plan 180th Street has been identified for future development to a 6 lane divided road between 2031 and 2035.

MAPA recommends the need for future transportation system improvements, such as the preservation of sufficient right-of-way, be considered during the review process for this development.

If you have any questions, please contact me at 402-444-6866 ext. 229.
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
Vicinity Map - Flood Zones

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
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }  
County of Sarpy  

Being duly sworn, upon oath, Shon Barrenklau deposes and says that he is the Publisher and 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, April 6, 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 Barrenklau OR Ron Petek
Publisher Executive Editor

Today's Date 4-6-2016
Signed in my presence and sworn to before me:

Notary Public

Printers Fee $ 15.44
Customer Number: 40638
Order Number: 0001939396

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, April 19, 2016, 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:

MWSD, LLC has submitted an application for consideration of a Final Plat of a subdivision to be known as Garden Oaks Lots 1-147 and Outside A, B & C being a platting of a tract of land located in part of the NE 1/4 of the SE 1/4, part of the SE 1/4 of the SW 1/4 of Section 17, Township 14N, Range 1E of the 6th P.M., Sarpy County, Nebraska. Generally located northwest of 180th Street and Gilles Road.

Sarpy County Planning Department requests approval of a text amendment to the following section of the Sarpy County Zoning Regulations: Section 11 - AGR Agricultural Residential District, Height and Lot Requirements.

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.

1939396; 406

APR. 11 2016
AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA
County of Sarpy

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher 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 hereeto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, June 15, 2016
Bellevue Leader
Papillion Times
Gretna Breeze
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: 6.15.2016
Signed in my presence and sworn to before me:

Notary Public

Printers’ Fee: $13.23
Customer Number: 40638
Order Number: 0001956198