BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA

APPROVE CHANGE OF ZONE

APPLICANT: RED INVESTMENTS LLC
CHANGE OF ZONE FROM AG, AGRICULTURAL DISTRICT TO IL, LIGHT INDUSTRIAL DISTRICT (Red Addition)

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 RED Investments LLC application for a Change of Zone from AG, Agricultural District to IL, Light Industrial District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located ½ mile south of Giles Road on the east side of 192nd Street and legally described as follows, hereinafter “the Property”:

A portion of the BNSF Railway Company's 150.00 foot wide Yutan to Gretna, Nebraska branch right-of-way, now discontinued; all located in Section 20, 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 2016-34.

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 January 19, 2016 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 IL, Light Industrial 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 2016-25 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 9th day of February, 2016.

[Signature]
Sarpy County Board Chairman

[Signature]
County Clerk
Sarpy County Board of Commissioners
Exhibit “A”
Planning Department Report
County Board Meeting Date: February 9, 2016

I. GENERAL INFORMATION

A. APPLICANT:
   RED Investments LLC
   13951 Valley Ridge Dr
   Omaha, NE 68138

B. PROPERTY OWNERS:
   RED Investments LLC
   13951 Valley Ridge Dr
   Omaha, NE 68138

C. SUBJECT PROPERTY LOCATION: Subject property is located ½ mile south of Giles Road on the east side of S 192nd Street, legally described below.

D. LEGAL DESCRIPTION: Lot 1, Pintail, and Lot 1, Hawkins Addition, as surveyed, platted and recorded in Sarpy County, NE, and together with a portion of the BNSF Railway Company’s 150.00 foot wide Yutan to Gretna, Nebraska branch right-of-way, now discontinued; all located in Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska.

E. SUBJECT PROPERTY SIZE: 11.47 acres.

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   ▪ Future Land Use Designations: Mixed Use Center
   ▪ Zoning: IL (Light Industrial District) and AG (Agricultural Farming District)

G. REQUESTED ACTION(S): Approval of a Change of Zone from AG (Agricultural) to IL (Light Industrial) and a Preliminary and Final Plat of a proposed one-lot subdivision to be known as Red Addition located at ½ mile south of Giles Road on the east side of S 192nd Street, legally described below.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Property is currently made up of two one-lot plattings, Hawkins Addition and Pintail, and a discontinued portion of the BNSF right-of-way. Portions of the property are currently used as a convenience storage facility including outdoor storage which requires a Special Use Permit (SUP). The property is divided by a creek channel, and is bordered by a creek channel on the north and railroad right of way on the south.

B. GENERAL VICINITY AND LAND USE
North, South, East and West: Open farm ground with limited home sites. The area to the north and west of this site is proposed to be a future dam site.

C. RELEVANT CASE INFORMATION:
- Northern portion of property is currently being served by private well and private septic system.
- Portions of this property lies in the Flood Plain.

D. APPLICABLE REGULATIONS:
- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations:
  - Section 23 IL – Light Industrial District
- Sarpy County Subdivision Regulations

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:
- The Comprehensive Plan designates the area as Mixed Use Center.

B. TRAFFIC AND ACCESS:
- One existing access (Hawkins Addition) to the proposed parcel is via 192nd Street.
- Any additional access from 192nd Street will need to be approved by the Sarpy County Public Works Department prior to construction.

C. GENERAL COMMENTS:
- Change of Zone
  - Change of zone only applies to a portion of the BNSF Railway Company’s 150.00 foot wide Yutan to Gretna, Nebraska branch right-of-way, now discontinued; all located in Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska as the other properties are already zoned IL.
  - Currently zoned AG - Agricultural Farming District
  - Changing zoning to IL – Light Industrial District

- Preliminary/Final Plat:
  - The proposed subdivision is combining two existing platted parcels and a portion of discontinued BNSF Railroad Right-of-Way into one platted parcel.
  - Existing access will be utilized. Any additional access from S 192nd Street will need to be approved by Sarpy County Public Works Department.
  - Existing private water and waste disposal system cannot be increased in size and no new private waste disposal systems can be constructed without authorization by the City of Gretna.
  - Post construction stormwater management plan will need to be submitted for this project.
  - A Flood Plain Development Permit will be required for this project and any placement of fill will be limited to 25% of the lot.
  - Creek setbacks of 3:1 plus twenty feet must be met pursuant to Sarpy County Stormwater Regulations.
  - A Wastewater Sewer Agreement with the City of Gretna must be submitted to the Sarpy County Planning Department.
  - Pintail currently has an approved Special Use Permit (SUP) allowing for outdoor storage. This SUP will need to be amended to include the new areas. Application
has been made and a Public Hearing will be held before the Planning Commission at their February meeting.

IV. OTHER AGENCY REVIEW/COMMENTS: The applications were sent to various jurisdictional agencies and departments within Sarpy County that may have an interest. Comments were received from Sarpy County Public Works Department, the Papio Missouri Natural Resource District and the City of Gretna. Comments are attached to this staff report for your review.

V. PLANNING DEPARTMENT RECOMMENDATIONS:

- Staff recommends **APPROVAL** of the change of zone from AG (Agricultural Farming District) to IL (Light Industrial District) for a portion of the BNSF Railway Company’s 150.00 foot wide Yutan to Gretna, Nebraska branch right-of-way, now discontinued; all located in Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations.

- Staff recommends **APPROVAL** of the proposed preliminary plat of a subdivision to be known as Red Addition. Staff makes this recommendation as the preliminary plat meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.

- Staff recommends **APPROVAL** of the proposed final plat of a subdivision to be known as Red Addition. Staff makes this recommendation as the final plat meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.

VI. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held public hearings on these applications at their January 19, 2016 meeting and recommended **APPROVAL** to the County Board.

**MOTION:** Malmquist moved, seconded by George, to recommend **APPROVAL** of the change of zone from AG (Agricultural Farming District) to IL (Light Industrial) on the discontinued portion of the BNSF Railroad right-of-way as legally described on the application for the proposed Red Addition. This recommendation is being made as the change of zone is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations. **Ballot:** Ayes – Bliss, Lichter, Huddleston, Ackley, Whitfield, Sotak, Malmquist, Giff and George. Nays: None. Abstain: None. Absent: Davis and Torczon. **Motion carried 9-0-2.**

**MOTION:** Sotak moved, seconded by Malmquist, to recommend **APPROVAL** of the proposed preliminary plat of a subdivision to be known as Red Addition. This recommendation is being made as the preliminary plat meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. **Ballot:** Ayes – Bliss, Lichter, Huddleston, Ackley, Whitfield, Sotak, Malmquist, Giff and George. Nays: None. Abstain: None. Absent: Davis and Torczon. **Motion carried 9-0-2.**

**MOTION:** Sotak moved, seconded by Lichter, to recommend **APPROVAL** of the proposed final plat of a subdivision to be known as Red Addition. This recommendation is being made as the final plat meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. **Ballot:** Ayes – Bliss, Lichter, Huddleston, Ackley, Whitfield, Sotak, Malmquist, Giff and George. Nays: None. Abstain: None. Absent: Davis and Torczon. **Motion carried 9-0-2.**

VII. ATTACHMENTS TO REPORT:

1. Change of Zoning Application and exhibit
2. Preliminary Plat Application and proposed plat exhibit
3. Final Plat Application and proposed plat exhibit
4. Comments Received
5. Current Zoning Map (showing subject property area)
6. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)
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 $300.00 made payable to Sarpy County (an additional fee of $25.00 is also 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 (2) electronic copy of site plan drawing in PDF format
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.

ACCESS TO PUBLIC RECORDS

Other than the above required items, there are no other public record access issues. If there are any public record access issues not covered above please list them below.

PUBLIC NOTIFICATION PROCESSING FEES - $25.00 RECEIPT NO. 2496

NOTES: _________________________

APPLICATION FILING FEES - see Sarpy County Master Fee Schedule for the Planning and Building Department
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: Red Addition

GENERAL LOCATION: Southeast of 192nd and Giles

ASSESSOR’S PARCEL NUMBER: 041582755

ADDITIONAL PARCEL NUMBERS: 041582755, 011597660

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

SIZE OF PROPERTY: 3.305 acres

CURRENT ZONING: CB & Q Railroad

REQUESTED ZONING: IL

SOURCE OF UTILITY SERVICES:

- Water -
- Sewer -
- Gas -
- 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

Date

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 Change of Zoning 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

Date

Property Owner Signature

Date
LEGAL DESCRIPTION

THAT PORTION OF THE BNSF RAILWAY COMPANY'S (FORMERLY CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY) 150.0 FOOT WIDE YUTAN TO GRETNA, NEBRASKA BRANCH LINE RIGHT OF WAY, NOW DISCONTINUED, BEING 100.0 FEET WIDE ON THE NORTHERLY SIDE AND 50.0 FEET ON THE SOUTHERLY SIDE OF SAID RAILWAY COMPANY'S MAIN TRACK CENTERLINE, AS ORIGINALLY LOCATED AND CONSTRUCTED UPON, OVER AND ACROSS THE W1/2NW1/4 OF SECTION 20, TOWNSHIP 14 NORTH, RANGE 11 EAST, 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH-WESTERLY CORNER OF LOT 1, PINTAIL, A SUBDIVISION RECORDED ON MARCH 13, 2012 AS INSTRUMENT NUMBER 2012-07571, RECORDS OF SAID COUNTY, SAID CORNER BEING THE INTERSECTION OF THE SOUTHERLY LINE OF SAID 150.0 FOOT WIDE RIGHT OF WAY WITH THE EAST LINE OF 192ND STREET; THENCE EASTERLY, ALONG THE NORTH-EASTERLY BOUNDARY OF SAID LOT 1, BEING THE SOUTHERLY LINE OF SAID 150.0 FOOT WIDE RIGHT OF WAY, AN ARC DISTANCE OF 1030.24 FEET TO THE EASTERLY CORNER OF SAID LOT 1; THENCE NORTHERLY, ALONG A LINE RADIAL TO SAID SOUTHERLY RIGHT OF WAY LINE, 150.0 FEET TO THE NORTHERLY LINE OF SAID 150.0 FOOT WIDE RIGHT OF WAY; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO SAID EAST LINE OF 192ND STREET; THENCE SOUTHERLY, ALONG SAID EAST LINE OF 192ND STREET 152 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION OF SAID HEREBEFORE DESCRIBED TRACT LYING SOUTHEASTERLY OF A LINE PARALLEL WITH AND 100.0 FEET NORMAL DISTANCE NORTHWESTERLY FROM THE CENTERLINE OF THAT CERTAIN TRACT DESIGNATED IN THE RECORDS OF SAID BNSF RAILWAY COMPANY AS THE NEBRASKA DIVISION, OMAHA SUBDIVISION MAIN TRACT, WHICH EXTENDS FROM OREAPOLIS TO ASH-LAND, NEBRASKA.

LEGAL DESCRIPTION AS RECORDED IN QUITCLAIM DEED INSTRUMENT NO. 2015-26858
LEGAL DESCRIPTION

THE NORTHWESTERN CORNER OF A TRACT OF LAND LOCATED IN THE TOWNSHIP OF SEVENTH P.M., SARPY COUNTY, NEBRASKA, AND DESIGNATED THEREON AS "UNPLATTED NW1/4 SEC. 20 T14N R11E LOT 1 PINTAIL," TOGETHER WITH THE BNSF RAILWAY COMPANY'S (FORMERLY CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY) 150.0 FOOT WIDE YUTAN TO GRETNA, NEBRASKA BRANCH LINE RIGHT OF WAY, NOW ABANDONED, BEING 100.0 FEET WIDE ON THE NORTHERLY SIDE AND 50.0 FEET ON THE SOUTHERLY SIDE OF SAID RAILWAY COMPANY'S MAIN TRACK CENTERLINE, AS ORIGINALLY LOCATED AND CONSTRUCTED UPON, OVER AND ACROSS THE W1/2 NW1/4 OF SECTION 20, TOWNSHIP 14 NORTH, RANGE 11 EAST, 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 1, PINTAIL, A SUBDIVISION RECORDED ON MARCH 13, 2012 AS INSTRUMENT NUMBER 2012-07571, RECORDS OF SAID COUNTY, SAID CORNER BEING THE INTERSECTION OF THE SOUTHERLY LINE OF SAID 150.0 FOOT WIDE RIGHT OF WAY WITH THE EAST LINE OF 192ND STREET; THENCE EASTERLY, ALONG THE NORTHERLY BOUNDARY OF SAID LOT 1, BEING THE SOUTHERLY LINE OF SAID 150.0 FOOT WIDE RIGHT OF WAY, AN ARC DISTANCE OF 1030.24 FEET TO THE EASTERLY CORNER OF SAID LOT 1; THENCE NORTHERLY, ALONG A LINE RADIAL TO SAID SOUTHERLY RIGHT OF WAY LINE, 150.0 FEET TO THE NORTHERLY LINE OF SAID 150.0 FOOT WIDE RIGHT OF WAY, THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE TO SAID EAST LINE OF 192ND STREET, THENCE SOUTHERLY, ALONG SAID EAST LINE OF 192ND STREET 152 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION OF SAID HEREINABOVE DESCRIBED TRACT LYING SOUTHEASTERLY OF A LINE PARALLEL WITH AND 100.0 FEET NORMALLY DISTANCE NORTHWESTERLY FROM THE CENTERLINE OF THAT CERTAIN TRACT DESIGNATED IN THE RECORDS OF SAID BNSF RAILWAY COMPANY AS THE NEBRASKA DIVISION, OMAHA SUBDIVISION MAIN TRACK, WHICH EXTENDS FROM OMAHA TO ASHLAND, NEBRASKA.

LEGAL DESCRIPTION AS RECORDED IN QUITCLAIM DEED INSTRUMENT NO. 2015-26858

REVISIONS

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LEGEND

- **Boundary Line**
- **Lot Line**
- **Easements**
- **Front Set-Back Line**
- **Section Line**

1 inch = 150 ft.
PRELIMINARY PLAT APPLICATION

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 $10.00 (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

APPLICANT INFORMATION:

NAME: RED Investments LLC
13951 Valley Ridge Dr.
E-MAIL: ryan@precisionenterprise.com

ADDRESS: _____________________________ CITY/STATE/ZIP: Omaha, NE 68138

MAILING ADDRESS: _____________________________ CITY/STATE/ZIP: _____________________________

PHONE: 402.592.3323 FAX: _____________________________

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

NAME: Same as Applicant
E-MAIL: _____________________________

ADDRESS: _____________________________ CITY/STATE/ZIP: _____________________________

MAILING ADDRESS: _____________________________ CITY/STATE/ZIP: _____________________________

PHONE: _____________________________ FAX: _____________________________

ENGINEERING/SURVEYING PROFESSIONAL'S INFORMATION:

NAME: E & A Consulting Group, Inc.
10909 Mill Valley Rd., Suite 100
E-MAIL: jthielllen@eacg.com

ADDRESS: _____________________________ CITY/STATE/ZIP: Omaha, NE 68154-3950

MAILING ADDRESS: _____________________________ CITY/STATE/ZIP: _____________________________

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: Red Addition

ASSESSOR’S PARCEL NUMBER: 011592765 ADDITIONAL PARCEL NUMBERS 011576993, 011597660

GENERAL LOCATION: Southeast of 192nd and Giles (example 189th & Giles Rd)

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

SIZE OF PROPERTY: 11.471 acres CURRENT ZONING: IL and AG REQUESTED ZONING: IL

SOURCE OF UTILITY SERVICES: Water - Sewer -
Gas - 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 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 ________________________________ Date 12/7/15

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 ________________________________ Date 12/7/15

Property Owner Signature ________________________________ Date
LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN ALL OF LOT 1, PINTAIL, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE NW1/4 SECTION 20; TOGETHER WITH ALL OF LOT 1, HAWKINS ADDITION, A SUBDIVISION LOCATED IN PART OF SAID SW1/4 OF THE NW1/4 AND PART OF THE NW1/4 OF THE NW1/4 OF SECTION 20; AND ALSO TOGETHER WITH A PORTION OF THE BNSF RAILWAY COMPANY'S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY) 150.00 FOOT WIDE YUTAN TO GRETNA, NEBRASKA BRANCH RIGHT-OF-WAY, NOW DISCOUNTED; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NW1/4 OF SECTION 20; THENCE N02°28'20"W ALONG THE EAST LINE OF SAID NW1/4 OF SECTION 20, A DISTANCE OF 450.21 FEET; THENCE N87°31'40"E, A DISTANCE OF 104.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, PINTAIL, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF 192ND STREET AND THE NORTHERLY 100.00 FOOT RIGHT-OF-WAY LINE OF BNSF RAILWAY COMPANY'S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF 192ND STREET, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 1, PINTAIL, SAID LINE ALSO BEING THE WESTERLY 150.00 FOOT RIGHT-OF-WAY LINE OF BNSF RAILWAY COMPANY'S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY), SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 1, HAWKINS ADDITION, ON THE FOLLOWING TWO (2) COURSES: (1) THENCE N10°09'35"W, A DISTANCE OF 403.67 FEET; (2) THENCE N02°28'20"W, A DISTANCE OF 673.72 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, HAWKINS ADDITION; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, HAWKINS ADDITION ON THE FOLLOWING SIX (6) COURSES: (1) THENCE S66°42'41"E, A DISTANCE OF 150.35 FEET; (2) THENCE S77°24'14"E, A DISTANCE OF 253.74 FEET; (3) THENCE N87°38'52"E, A DISTANCE OF 40.62 FEET; (4) THENCE S46°12'08"E, A DISTANCE OF 72.40 FEET; (5) THENCE S61°31'22"E, A DISTANCE OF 110.10 FEET, (6) THENCE S80°51'48"E, A DISTANCE OF 69.34 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 1, HAWKINS ADDITION, SAID POINT ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 150.00 FOOT RIGHT-OF-WAY LINE OF THE BNSF RAILWAY COMPANY'S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY); THENCE NORTHEASTERLY ON A CURVE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF SAID 150.00 FOOT RIGHT-OF-WAY LINE OF THE BNSF RAILWAY COMPANY'S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY) TO THE LEFT WITH A RADIUS OF 5629.62 FEET, A DISTANCE OF 305.33 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS N68°55'53"E, A DISTANCE OF 305.30 FEET; THENCE S22°37'21"E, A DISTANCE OF 98.72 FEET; THENCE S55°11'06"W, A DISTANCE OF 222.27 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 1, PINTAIL, SAID POINT ALSO BEING A POINT OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 150.00 FOOT RIGHT-OF-WAY LINE OF THE BNSF RAILWAY COMPANY'S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY); THENCE NORTHEASTERLY ON A CURVE ALONG SAID NORTHERLY LINE OF SAID LOT 1, PINTAIL, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID 150.00 FOOT RIGHT-OF-WAY LINE OF THE BNSF RAILWAY COMPANY'S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY) TO THE RIGHT WITH A RADIUS OF 5779.62 FEET, A DISTANCE OF 217.80 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS N68°27'27"E, A DISTANCE OF 217.79 FEET TO THE POINT OF INTERSECTION OF SAID NORTHERLY LINE OF LOT 1, PINTAIL AND
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SAID TRACT OF LAND CONTAINS 499,690 SQUARE FEET OR 11.471 ACRES, MORE OR LESS.
LEGAL DESCRIPTION:
A TRACT OF LAND MORE FULLY DESCRIBED AS LOT 1, PINTAIL, A SUBDIVISION located in part of the SW 1/4 of the NE 1/4 Section 20, Town 14 North, Range 11 East of the 6th Principal Meridian, Sarpy County, Nebraska; together with all of Lot 1, HAWKINS ADDITION, a subdivision located in part of the SW 1/4 of the NE 1/4 Section 20 and part of the NW 1/4 of Section 20; and also together with a portion of the BNSF RAILWAY COMPANY'S 150.00 Foot WIDE YUTAN TO GRETNA, NEBRASKA BRANCH RIGHT-OF-WAY, now discontinued, all located in Township 14 North, Range 11 East of the 6th Principal Meridian, Sarpy County, Nebraska.

DEVELOPER / OWNER
RED INVESTMENTS LLC
13951 VALLEY RIDGE DR.
OMAHA, NE. 68138

NOTES:
1. TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAN.
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 $510.00 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

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**APPLICANT INFORMATION:**

**NAME:** RED Investments LLC
**ADDRESS:** 13951 Valley Ridge Dr.
**E-MAIL:** ryan@precisionenterprise.com
**CITY/STATE/ZIP:** Omaha, NE 68138

**MAILING ADDRESS:**
(IF DIFFERENT)
**PHONE:** 402.592.3323
**FAX:**

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

**NAME:** Same as applicant
**ADDRESS:**
**E-MAIL:**
**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
**E-MAIL:** jthiellen@eacg.com
**CITY/STATE/ZIP:** Omaha, NE 68154-3950

**MAILING ADDRESS:**
(IF DIFFERENT)
**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: Red Addition

ASSESSOR'S PARCEL NUMBER: 011592765 ADDITIONAL PARCEL NUMBERS 011576993, 011597660

GENERAL LOCATION: Southeast of 192nd and Giles

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

SIZE OF PROPERTY: 11.471 acres CURRENT ZONING: IL and AG REQUESTED ZONING: IL

SOURCE OF UTILITY SERVICES: Water - Sewer -
Gas - 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 12/7/15

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 authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.

Property Owner Signature 12/7/15

Property Owner Signature
LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN ALL OF LOT 1, PINTAIL, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE NW1/4 SECTION 20; TOGETHER WITH ALL OF LOT 1, HAWKINS ADDITION, A SUBDIVISION LOCATED IN PART OF SAID SW1/4 OF THE NW1/4 AND PART OF THE NW1/4 OF THE NW1/4 OF SECTION 20; AND ALSO TOGETHER WITH A PORTION OF THE BNSF RAILWAY COMPANY’S (FORMER CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY) 150.00 FOOT WIDE YUTAN TO GRETNA, NEBRASKA BRANCH RIGHT-OF-WAY, NOW DISCOUNTED; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID TRACT OF LAND CONTAINS 499,890 SQUARE FEET OR 11.471 ACRES, MORE OR LESS.
MEMO

TO: Bruce Fountain, AICP, EDFP, Director

FROM: Patrick M. Dowse, PE, Engineering Manager

DATE: January 7, 2016

RE: Red Addition – Change of Zone, Preliminary Plat and Final Plat

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

**Final Plat:**

See attached redlines.

**192nd Street Access:**
Any access to 192nd Street must be reviewed and approved by Sarpy County Public Works prior to construction.

Please let me know if you have any questions.
RED ADDITION
LOT 1

LEGAL DESCRIPTION
A TRACT OF LAND COMPRISING ALL OF LOT 1, PARCEL A, SUBDIVISION LOCATED IN PART OF THE
NORTHWESTERLY 1/4 OF THE SOUTHWESTERLY 1/4 OF SECTION 20, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE
6TH P.M., SARPY COUNTY, NEBRASKA, MORE OR LESS.

ACCREDITATION OF NOTARY
SAID TRACT OF LAND CONTAINS 499,690 SQUARE FEET OR 11.471 ACRES, MORE OR LESS.

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6TH P.M., SARPY COUNTY, NEBRASKA, MORE OR LESS.
February 3, 2016

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

RE: Red Addition – Change of Zone, Preliminary and Final Plat, Special Use Permit Applications

Dear Mr. Fountain:

The District has reviewed the preliminary and final plats, as well as the change of zone and special use permit applications for Red Addition, located at 8787 South 192nd Street in Sarpy County and offers the following comments:

- A post construction stormwater management plan demonstrating on-site control of the first one-half inch of stormwater runoff and no-net increase in peak runoff from a 2-year storm event must be submitted for this project.
- This property is located in the Zone AE floodplain of Crystal Creek. A floodplain development permit is required for this project.
- As this property is located in the Zone AE floodplain of Crystal Creek, all structures built on this parcel will be required to meet current floodplain ordinances. Placement of fill on this property will be limited to 25 percent of the plan area located in the floodplain.
- Creek setbacks of 3:1 from normal water surface elevation plus 20 feet must be met for all construction on this property as stated in Sarpy County Stormwater Management regulations.
- The special use permit application shows an area designated for new outdoor storage. Sarpy County Zoning Regulations Section 30.8 (E) states: “1. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. 2. Storage of other material or equipment may be allowed if not subject to damage by floods and firmly anchored to prevent floatation, or if readily removable from the area within the time available after flood warning.”
- A detailed plan for the outdoor storage area should be submitted prior to approval of the special use permit.

If you have any questions or concerns, I can be contacted at 444-6222 or at llaster@papionrd.org.

Sincerely,

[Signature]

Lori Ann Laster, CFM
Stormwater Management Engineer

Cc: Marlin Petermann, Amanda Grint, P-MRNDRD
February 5, 2016

Sarpy County Planning Department
Mr. Bruce Fountain, Director
Sarpy County Administration Offices
1210 Golden Gate Drive #1240
Papillion, NE 68046

Via Email: bfountain@sarpy.com

RE: Red Addition Lot 1
192nd Street and Giles Road
Change of Zoning, Preliminary and Final Plats, and Special Use Permit

Dear Mr. Fountain:

Our law office serves as the duly appointed City Attorney for the City of Gretna, and in that capacity we are respectfully writing to you about the above-referenced matter and the interests and concerns of the City of Gretna.

First, this letter replaces my previous letter to you about this matter dated February 3, 2016.

Second, since the portion of the property within Gretna’s extraterritorial zoning jurisdiction is a small triangular area of approximately 164 square feet which is undevelopable considering setback requirements, Gretna is in agreement to process these applications through Sarpy County and will not require a separate submittal through Gretna. We trust, however, that in similar circumstances in the future that Sarpy County will similarly agree.

Third, the entire subject property is within Gretna’s wastewater service area as designated in the Agreement For Wastewater Service dated September 18, 2013 between Omaha, Gretna, and Sarpy County, and before this final plat for Red Addition Lot 1 can be released by your Department an Agreement For Interceptor Connection And Wastewater Service between Gretna
and the owner is required, along with the payment of Gretna’s applicable sewer fees. Gretna had previously deferred payment of its sewer fees in 2006 and 2014 for the portion of this property platted as Lot 1 Hawkins Addition, but the last deferral was subject to (1) those fees being due and paid when any new facilities on Lot 1 Pintail were to be constructed, and (2) removal of the septic system on Lot 1 Hawkins Addition and connection to Gretna’s sanitary sewer when any new facilities on Lot 1 Pintail were to be constructed.

Gretna will not again defer the payment of its sewer fees and nor will Gretna agree to any deferral of the removal of the septic system. Accordingly, and just like any other new plat in Gretna’s wastewater service area, this final plat should not be released to the owner for recording, until our office provides your Department with the required Agreement For Interceptor Connection And Wastewater Service and the owner pays to your Department the applicable sewer fees of Gretna.

Finally, with regard to the special use permit to allow outdoor storage in conjunction with a mini storage facility, Gretna originally opposed the use of Lot 1 Hawkins Addition for mini storage and outdoor storage uses, and Gretna likewise opposes the expansion of those uses on to Lot 1 Pintail. Those uses are not appropriate for the area, especially with NRD Dam Site #19 being planned immediately adjacent to this property to the west. Allowing the expansion of those inappropriate uses on the very edge of future NRD Dam Site #19 readily seems in conflict with and detrimental to future Dam Site #19 and the public safety and recreational purposes that it will serve.

Your cooperation in this matter is greatly appreciated. Please call so as to expedite matters if there are any questions or concerns.

Sincerely,

Jeff C. Miller

cc: Donna Lynam Via Email: dlynam@sarpy.com
    Kris Faris, City of Gretna Public Works Director
    Jeff Kooistra, City of Gretna City Administrator
Vicinity Map - Zoning
Lot 1 Hawkins Addition, a discontinued portion of BNSF Railway Co. right-of-way, and Lot 1 Pintail Red Addition
Lot 1 Hawkins Addition, a discontinued portion of BNSF Railway Co. right-of-way, and Lot 1 Pintail Red Addition
Vicinity Map - Flood Zones

Lot 1 Hawkins Addition, a discontinued portion of BNSF Railway Co. right-of-way, and Lot 1 Pintail Red Addition
STATE OF NEBRASKA  

County of Sarpy  

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the  
Publisher of 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, January 6, 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  
Publisher  

OR  

Ron Petak  
Executive Editor  

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

Notary Public  

[Signature]  

Printer's Fce  
Customer Number: 40638  
Order Number: 0001917854  

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, January 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:  

RED Investments LLC has submitted applications for consideration of a Change of Zone from AG to IL for a discontinued portion of BNSF Railway Company right-of-way, located in the W1/2 NW1/4 of Section 20, Township 14N, Range 11E, of the 6th P.M. Sarpy County, NE, and a Preliminary Plat and Final Plat of a subdivision to be known as Red Addition, Lot 1, being a replat of a tract of land located in all of Lot 1, Pintail, and Lot 1, Hawkins Addition, as surveyed, platted and recorded in Sarpy County, NE, and together with a portion of the BNSF Railway Company's 150.00 foot wide Yutan to Gretna, Nebraska branch right-of-way, now discontinued; all located in Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, NE. Generally located southwest of 102nd Street and Gilbert Road. 

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office, Sarpy County Administration 8th fl., 1210 Golden Gate Drive, Papillion, NE.  

JAN 11 2016
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, January 27, 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: 1/27/2016
Signed in my presence and sworn to before me:

[Signature]

Notary Public

[Notary Seal]

FEB - 4 2016

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, February 9, 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:

RED Investments LLC has submitted applications for consideration of a Change of Zone from AG to IL for a discontinued portion of BNSF Railway Company right-of-way located in the W1/2 NW1/4 of Section 20, Township 14N, Range 11E, of the 6th P.M., Sarpy County, NE, and a Preliminary Plat and Final Plat of a subdivision to be known as Red Addition, Lot 1, being a replat of a tract of land located in all of Lot 1, Pottawattamie County, and Lot 1, Hawkins Addition, as surveyed, platted and recorded in Sarpy County, NE, and together with a portion of the BNSF Railway Company's 150.00 foot wide Yutan to Gretna, Nebraska branch right-of-way, now discontinued, all located in Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, NE. Generally located southeast of 192nd Street and Giles 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.

Printer's Fee: $ 16.76
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