BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA

APPROVE CHANGE OF ZONE

APPLICANT: MWSD, LLC

CHANGE OF ZONE FROM AG, AGRICULTURAL DISTRICT TO BG, GENERAL BUSINESS DISTRICT (Depot 180)

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 BG, Business General District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located north of Giles Road and east of 180th Street, lying southerly of the railroad right-of-way and legally described as follows, hereinafter "the Property":

A tract of land located in part of the SE1/4 of the SE1/4 of Section 17, all located in Township 14, Range 11 East 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 2016-372.

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 September 20, 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 BG, Business General 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 2016-271 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 18th day of October, 2016.

[Signatures]
Sarpy County Board Chairman
County Clerk

Resolution CZ -Depot 180 – October 2016
Sarpy County Board of Commissioners  
Exhibit “A”  
Planning Department Report  
County Board Meeting Date: October 18, 2016

<table>
<thead>
<tr>
<th>Subject</th>
<th>Type</th>
<th>By</th>
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<tbody>
<tr>
<td>Change of Zone from AG (Agricultural) to BG (General Business) and a Preliminary Plat of a Subdivision to be known as Depot 180, Lot 1-2 and Outlot A and B, located north of Giles Road and east of 180th Street, lying southerly of the railroad right-of-way.</td>
<td>Public Hearings and Resolutions</td>
<td>Donna Lynam, CFM Assistant Director, Planning &amp; Building</td>
</tr>
</tbody>
</table>

I. GENERAL INFORMATION

A. APPLICANT:  
MWSD, LLC  
410 South 185th Street  
Omaha, NE 68022

B. PROPERTY OWNER:  
Advantage Investment  
P O Box 311  
Springfield, NE 68059

C. SUBJECT PROPERTY LOCATION:  Subject property is located north of Giles Road and east of 180th Street, lying southerly of the railroad right-of-way.

D. LEGAL DESCRIPTION:  A tract of land located in part of the SE1/4 of the SE1/4 of Section 17, all located in Township 14, Range 11 East of the 6th P.M., Sarpy County, Nebraska.

E. SUBJECT PROPERTY SIZE:  approximately 14.9 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:  
- Future Land Use Designations: Mixed Use Center, Urban Residential and Urban Residential II  
- Zoning: AG (Agricultural).

G. REQUESTED ACTION(S):  Approval of a Change of Zone from AG (Agricultural) to BG (General Business) and a Preliminary Plat of a Subdivision to be known as Depot 180, Lot 1-2 and Outlot A and B.

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  
The property is bordered by railroad right-of-way on the west, proposed light industrial development to the north and open farm ground to the south.

C. RELEVANT CASE INFORMATION:
The uses allowed within the BG (General Business) Zoning District are identified in Section 20 of the Sarpy County Zoning Regulations which is attached for your information.

The Preliminary Plat is proposing two developable lots with two 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.

Property to be access via Giles Road.

D. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations
  - Section 20, BG (General Business) District
- Sarpy County Subdivision Regulations

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:
The Comprehensive Plan shows the area as Mixed Use Center, Urban Residential and Urban Residential II. The proposed zoning 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. Comments received are attached for your review. Should any additional comments be received, they will be provided to you at the public hearing.

C. GENERAL COMMENTS:

Change of Zone:

- Change of Zone to General Business is consistent with the Sarpy County Comprehensive Plan.
- The Principal Permitted Uses listed in Section 20.1 could locate and operate on the proposed buildable lots. Those uses listed in Section 20.2, Permitted Special Uses, would require additional approvals from the County in order to locate and operate such uses.

Preliminary Plat

- Public Works is studying the realignment of 180th and 192nd Street from Harrison to HWY 370, which will include grade separation structures in the vicinity of this project. Future grade studies may dictate Right of Way or grading needs within the vicinity of the project.
- Preservation of sufficient right-of-way should be considered during the review process.
- Additional right-of-way may be required for Giles Road and for the future 180th Street Corridor and should be shown on Final Plat.
- Access will be limited to Giles Road only and the proposed platting will require two access points to Giles as the parcels are split by a water way.
- All accesses to this property are subject to becoming right-in, right-out only once final buildout is complete.
- Section 6.2.13 of the Sarpy County Subdivision Regulations require that a draft subdivision agreement be submitted with the application for Preliminary Plat. With future road improvements in the area, a subdivision agreement will be required for this development.
• Section 6.2.14 of the Sarpy County Subdivision Regulations require that a proposed Post-Construction Storm Water Management Plan with proposed implementation be submitted with the application. This will be required to be submitted with Final Plat application.
• A portion of the property is located in a SFHA (Seasonal Flood Hazard Area) of the South Papio Creek pursuant to FEMA (Federal Emergency Management Agency) FIRM (Flood Insurance Rate Maps) and will require approval of Flood Plain Development permits for any activity in such area.
• Activity in the Floodway will require No-Rise Certification.
• Any filling or construction on parcels within the SFHA area as mapped by FEMA will be required to comply with Section 30, Flood Plain, of the Sarpy County Zoning Regulations
• Stream Set-Backs as required by Section 38.24 of the Sarpy County Zoning Regulations must be shown on the Final Plat and no construction is allowed within such setback. (3 to 1 slope plus 50 feet to property line is required on named tributaries)
• The use of Outlots A and B needs to be identified as well as the 30’ easement that runs northeasterly/southwesterly across Lot 2.
• The setback lines are not shown accurately along the property line separating the two parcels.
• A Wastewater Sewer Agreement signed by the City of Gretna will be required to be submitted to the Planning Department office with 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.
• Sources and Uses of Funds information on this development will be required to be submitted with Final Plat.

IV. STAFF RECOMMENDATIONS:

Staff recommends APPROVAL of the Change of Zone from AG (Agricultural) to BG (General Business) of a subdivision to be known as Depot 180, Lots 1-2 and Outlots A and B subject to the general comments as noted in this report, as it is consistent with the Sarpy County Comprehensive Plan and meets the requirements of the Sarpy County Zoning and Subdivision Regulations.

V. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held public hearings on these applications at their September 20, 2016 meeting and recommended APPROVAL to the County Board.

MOTION: Whitfield moved, seconded by Malmquist, to recommend APPROVAL of the Change of Zone from AG (Agricultural) to BG (General Business) for the subdivision to be known as Depot 180, Lots 1 and 2 and Outlots A and B, subject to the general comments as noted in the Planning Department’s Recommendation Report. This recommendation is being made as the Change of Zone is in conformance with the Sarpy County Comprehensive Plan and meets the requirements of the Sarpy County Zoning and Subdivision Regulations. Ballot: Ayes – Korth, Lichter, Huddleston, Davis, Whitfield, Ackley, Sotak, Malmquist, Giff, and Torczon. Nays: None. Abstain: None. Absent: George. Motion carried.

MOTION: Whitfield moved, seconded by Malmquist, to recommend APPROVAL of the Preliminary Plat for the subdivision to be known as Depot 180, Lots 1 and 2 and Outlots A and B, subject to the general comments as noted in the Planning Department’s
Recommendation Report. This recommendation is being made as the Preliminary Plat is in conformance with the Sarpy County Comprehensive Plan and meets the requirements of the Sarpy County Zoning and Subdivision Regulations. **Ballot:** Ayes – Korth, Lichter, Huddleston, Davis, Whitfield, Ackley, Sotak, Malmquist, Giff, and Torczon. Nays: None. Abstain: None. Absent: George. **Motion carried.**

VI. **ATTACHMENTS TO REPORT:**
1. Application for Change of Zone and Exhibit
2. Application for Preliminary Plat and Exhibit
3. Letter to Engineer dated September 14, 2016
4. Comments Received
5. Current Zoning Map
6. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)
7. Section 20 of the Sarpy County Zoning Regulations (BG Zoning District)

VII. **COPIES OF REPORT SENT TO:**
1. MWSD, LLC (Applicant)
2. Advantage Development (Owners)
3. Jeff Elliott (Applicant’s Agent)
5. 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

CHANGE OF ZONING APPLICATION

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 $25.00 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 (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.

APPLICANT INFORMATION: CHECK BOX IF TEXT AMENDMENT APPLICATION

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

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

Advantage Investment
NAME: E-MAIL: 
ADDRESS: PO Box 311 CITY/STATE/ZIP: Springfield NE 68059
MAILING ADDRESS: (IF DIFFERENT)
PHONE: FAX:

ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:

E & A Consulting Group, Inc.
NAME: E-MAIL: jthiellen@eacg.com
ADDRESS: 10909 Mill Valley Road, Suite 100 CITY/STATE/ZIP: Omaha, NE 68154
MAILING ADDRESS: (IF DIFFERENT)
PHONE: 402.895.4700 FAX: 402.895.3599

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: Depot 180

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

ASSessor’s PARCEL NUMBER: 011598118

ADDITIONAL PARCEL NUMBERS: 040430946 01598214

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

SIZE OF PROPERTY: 14.917 acres

CURRENT ZONING: AG

REQUESTED ZONING: BG

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: [Signature]

Date: 8-24-16

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 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: [Signature]

Date: [Date]

Property Owner Signature: [Signature]

Date: [Date]
LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN PART OF THE SE1/4 OF THE SE1/4 OF SECTION 17, ALL LOCATED IN TOWNSHIP 14, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE1/4 OF SECTION 17; THENCE N02°29'27"W (ASSUMED BEARING) ALONG THE EAST LINE OF SAID SE1/4 OF SECTION 17, A DISTANCE OF 33.00 FEET; THENCE S86°58'52"W, A DISTANCE OF 33.00 FEET TO THE A POINT ON THE 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 1541.73 FEET TO A POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE OF GILES ROAD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN RAILROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN RAILROAD ON THE FOLLOWING THREE (3) COURSES: (1) THENCE N57°20'46"E, A DISTANCE OF 620.82 FEET; (2) THENCE 57°45'40"E, A DISTANCE OF 305.11 FEET; (3) THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 5632.23 FEET, A DISTANCE OF 812.53 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS N63°13'31"E, A DISTANCE OF 811.83 FEET TO A POINT THAT IS 33.00 FEET WEST AND PARALLEL TO SAID EAST LINE OF THE SE1/4 OF SECTION 17; THENCE S02°29'27"E ALONG SAID LINE THAT IS 33.00 FEET WEST AND PARALLEL TO SAID EAST LINE OF THE SE1/4 OF SECTION 17, A DISTANCE OF 782.99 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 649,776 SQUARE FEET OR 14.917 ACRES MORE OR LESS.
SURVEYOR'S CERTIFICATE:

A TRACT OF LAND LOCATED IN PART OF THE SE1/4 OF SECTION 17, ALL LOCATED IN TOWNSHIP 14, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE1/4 OF SECTION 17; THENCE N02°29'27"W (ASSUMED BEARING) ALONG THE EAST LINE OF SAID SE1/4 OF SECTION 17, A DISTANCE OF 33.00 FEET; THENCE S86°58'52"W, A DISTANCE OF 33.00 FEET TO THE A POINT ON THE 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 1541.73 FEET TO A POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE OF GILES ROAD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN RAILROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN RAILROAD ON THE FOLLOWING THREE (3) COURSES: (1) THENCE N57°20'46"E, A DISTANCE OF 620.82 FEET; (2) THENCE N57°45'40"E, A DISTANCE OF 305.11 FEET; (3) THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 5632.23 FEET, A DISTANCE OF 812.53 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS N63°13'31"E, A DISTANCE OF 811.83 FEET TO A POINT THAT IS 33.00 FEET WEST AND PARALLEL TO SAID EAST LINE OF THE SE1/4 OF SECTION 17; THENCE S02°29'27"E, A DISTANCE OF 782.99 FEET TO THE POINT OF BEGINNING.

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E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

10830 181st Road, Suite 100, Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
www.eacg.com

PROJECT SITE

HARRISON STREET

GILES ROAD

CORNHUSKER ROAD

S 180TH STREET

S 168TH STREET

VICINITY MAP

CHANGE OF ZONE

DEPOT 180
SARPY COUNTY, NEBRASKA
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 $____________ 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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**PLANNING STAFF USE ONLY:**

APPLICATION #: PP 16-005

DATE RECEIVED: 8-24-16

CP DESIGNATION: Residential, Urban

CURRENT ZONING DESIGNATION: AG

PROPOSED ZONING DESIGNATION: BC

APPLICATION FEE: $1020 RECEIPT NO. 2546

RECEIVED BY: __________________________

NOTES: ________________________________

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**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

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

NAME: Advantage Investment  
ADDRESS: PO Box 311  
CITY/STATE/ZIP: Springfield NE 68059

E-MAIL:  
PHONE:  
FAX:  

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**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: Depot 180

ASSESSOR'S PARCEL NUMBER: 011598118 ADDITIONAL PARCEL NUMBERS 010430946 011598214

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

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

SIZE OF PROPERTY: 14.917 acres CURRENT ZONING: AG REQUESTED ZONING: BG

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 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.

[Signature] (agent for applicant) 8-24-16

Property Owner/Applicant Signature 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.

[Signature]  Date

Property Owner Signature Date

[Signature]  Date

Property Owner Signature
LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN PART OF THE SE1/4 OF THE SE1/4 OF SECTION 17, ALL LOCATED IN TOWNSHIP 14, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE1/4 OF SECTION 17; THENCE N02°29'27"W (ASSUMED BEARING) ALONG THE EAST LINE OF SAID SE1/4 OF SECTION 17, A DISTANCE OF 33.00 FEET; THENCE S86°58'52"W, A DISTANCE OF 33.00 FEET TO THE A POINT ON THE 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 1541.73 FEET TO A POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE OF GILES ROAD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN RAILROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BURLINGTON NORTHERN RAILROAD ON THE FOLLOWING THREE (3) COURSES: (1) THENCE N57°20'46"E, A DISTANCE OF 620.82 FEET; (2) THENCE 57°45'40"E, A DISTANCE OF 305.11 FEET; (3) THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 5632.23 FEET, A DISTANCE OF 812.53 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS N63°13'31"E, A DISTANCE OF 811.83 FEET TO A POINT THAT IS 33.00 FEET WEST AND PARALLEL TO SAID EAST LINE OF THE SE1/4 OF SECTION 17; THENCE S02°29'27"E ALONG SAID LINE THAT IS 33.00 FEET WEST AND PARALLEL TO SAID EAST LINE OF THE SE1/4 OF SECTION 17, A DISTANCE OF 782.99 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 649,776 SQUARE FEET OR 14.917 ACRES MORE OR LESS.
KGV JHA
1' = 100'
1 inch =        ft.
100 100
100
1120
1122
885
EXIST. MAJOR CONTOURS
EXIST. MINOR CONTOURS
BOUNDARY LINE
LOT LINE
EASEMENTS
FRONT SET-BACK LINE
SECTION LINE
SURVEYOR'S CERTIFICATE:
BEING A TRACT OF LAND LOCATED IN PART OF THE SE1/4 OF THE SE1/4 OF
SECTION 17, ALL LOCATED IN TOWNSHIP 14, RANGE 11 EAST OF THE 6TH P.M.,
SARPY COUNTY, NEBRASKA.
CONTAINING AN AREA OF 14.917 ACRES, MORE OR LESS.
DEVELOPER / OWNER
MIKS, LLC
49 W. 16TH ST
OMAHA, NE. 68122
OWNER
ADVANTAGE INVESTMENT
PO BOX 311
SPRINGFIELD, NE 68059
ZONING:
EXISTING AG
PROPOSED: BG, LOTS 1 & 2, OUTLOTS "A" & "B"
NOTE:
1. TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.
September 14, 2016

Jeff Elliott
13131 W Dodge Road, Suite 200
Omaha, NE 68154

RE: DEPOT 180 CHANGE OF ZONE & PRELIMINARY PLAT SUBMITTAL

Mr. Elliott:

The application for consideration of a Change of Zone and a Preliminary Plat of the Depot 180 proposal has been reviewed by Planning Department staff and we have the following comments:

- Section 6.2.13 of the Sarpy County Subdivision Regulations require that a draft subdivision agreement be submitted with the application for Preliminary Plat. With future road improvements in the area, a subdivision agreement will be required for this development.
- Section 6.2.14 of the Sarpy County Subdivision Regulations require that a proposed Post-Construction Storm Water Management Plan with proposed implementation be submitted with the application. This will be required to be submitted with Final Plat application.
- Section 38.24 of the Sarpy County Zoning Regulations require all new developments to provide a creek setback of 3:1 plus fifty feet along all streams identified in the Papillion Creek Watershed Management Plan of which the South Papillion Creek is identified.
- Identify what the use of the proposed Outlots A and B will be in the Notes.
- Identify what the 30’ wide easement that runs northeasterly/southwesterly across Lot 2.
- The setback lines are not shown accurately along the property line separating the two parcels.
- Please note that a Wastewater Sewer Agreement signed by the City of Gretna will be required to be submitted to our office with the Final Plat.
- Sarpy County would be interested in seeing the Source and Use of Fund information on this development is available. It will be required to be submitted with Final Plat.

This application will be heard by the Sarpy County Planning Commission on September 20, 2016 and it is recommended that you have responses to the above noted issues prior to this meeting.

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

Respectfully,

Donna Lynam, CFM
Assistant Director
Sarpy County Planning

cc File
TO:       Bruce Fountain, AICP, EDFP, Director  
FROM:    Patrick M. Dowse, PE, Engineering Manager  
DATE:    September 14, 2016  
RE:      Depot 180 – Change of Zone and Preliminary Plat  

Sarpy County Public Works has reviewed the above referenced submittal documents and has the following comments:

**180th/192nd Corridor:**

Public Works is studying the realignment of 180th and 192nd Street from Harrison to HWY 370, which will include grade separation structures in the vicinity of this project. Future grade studies may dictate Right of Way or grading needs within the vicinity of the project.

**Access Management**

As the aces may be within the vicinity of a signalized intersection, accesses may be limited from full at the final buildout of the 180th and Giles intersection.

Please let me know if you have any questions.
September 6, 2016

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

RE:  Depot 180 –Change of Zone and Preliminary Plat Applications

Dear Mr. Fountain:

The District has reviewed the change of zone and preliminary plat applications for Depot 180, located northwest of 180th Street and Giles Road 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.
• A portion of this property is located in the Zone AE floodplain and floodway of South Papio Creek. A floodplain development permit is required for any development activities in the floodplain area. A no-rise certification is required for any activities in the floodway.
• Stream setbacks are not shown on any of the drawings provided for review. These areas must be shown and no construction may take place within the stream setback.

If you have any questions or concerns, I can be contacted at (402) 315-1773 or at llaster@papionrd.org.

Sincerely,

Lori Ann Laster, CFM
Stormwater Management Engineer

Cc:  Marlin Petermann, Amanda Grint, P-MRNDRD
MEMORANDUM

Date: August 26, 2016

To: Kelly Jeck

From: Michael Felschow, MAPA Transportation and Data Manager

Re: Advantage Investment Platt

With regard to the Advantage Investment Platt at 180th and Giles, please note that 180th street is slated to 4 lane divided road. This transportation improvement is anticipated between the years 2031 and 2035 depending on funding. In the coming decades, higher traffic volumes are anticipated around 180th street, 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.
Vicinity Map - Zoning
North of Giles Rd. and East of S 180th Street lying southerly of railroad right-of-way
Depot 180
Current FLU - Sarpy Co

North of Giles Rd. and East of S 180th Street lying southerly of railroad right-of-way Depot 180

Legend

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

Amended 6-11-2015
Vicinity Map - Flood Zones
North of Giles Rd. and East of S 180th St.
Lying southerly of railroad right-of-way
Depot 180
SECTION 20 - BG GENERAL BUSINESS DISTRICT

This zoning district is created to provide business and service establishments serving the common and recurring needs of the residents in the vicinity.

20.1 PRINCIPAL PERMITTED USES

The following principal uses are permitted in the General Business District (BG):

20.1.1 Assembly halls, auditoriums, and civic centers.
20.1.2 Business services.
20.1.3 Clothing services.
20.1.4 Cleaning establishments using nonflammable solvents.
20.1.5 Commercial parking structures or lots.
20.1.6 Commercial Sports and Recreation Facilities (Controlled Impact).
20.1.7 Convenience Stores with fuel sales.
20.1.8 Equipment sales and service.
20.1.9 Child Care Facility.
20.1.10 Garden and lawn centers.
20.1.11 Medical and dental clinics.
20.1.12 Mortuaries, funeral homes, and funeral chapels.
20.1.13 Motels and hotels.
20.1.14 Offices, Corporate
20.1.15 Offices, General.
20.1.16 Offices, Professional.
20.1.17 Personal services.
20.1.18 Retail Alcohol Sales
20.1.19 Retail stores.
20.1.20 Restaurants, (including drive-ins) with no outdoor alcohol sales areas.
20.1.21 Service stations.
20.1.22 Transportation depots.
20.1.23 Veterinary clinics, and hospitals, and animal daycare. (Outdoor runs and boarding are not permitted.)
20.2 PERMITTED SPECIAL USES

The following special uses are permitted in the General Business District (BG) with the issuance of a special use permit:

20.2.1 Automotive sales, rental, and service. (Body and fender repair, major mechanical repair, and painting are not permitted).

20.2.2 Motorcycle and boat sales and service. (Body and fender repair, major mechanical repair and painting are not permitted).

20.2.3 Commercial Sports and Recreation Facilities (High Impact).

20.2.4 Data Centers.

20.2.5 Drinking Establishments.

20.2.6 Mini-Storage.

20.2.7 Residences in conjunction with the principal use.

20.2.8 Radio, television, and communication towers and transmitters.

20.2.9 Sidewalk cafes or restaurants with outdoor alcohol sales areas.

20.2.10 Veterinary clinics, and hospitals, and animal daycare. (With outdoor runs and boarding).

20.2.11 Wind Energy Generation Systems.

20.3 HEIGHT AND LOT REQUIREMENTS

20.3.1 The height and minimum lot requirements shall be as follows, except as provided in Section 35:

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Lot Area</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,200 sq ft</td>
<td>25’</td>
<td>10’</td>
<td>20’</td>
<td>45’</td>
<td></td>
</tr>
</tbody>
</table>
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, Papillon 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, September 7, 2016
Bellevue Leader
Gretna Breeze
Papillon 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: 9-7-2016
Signed in my presence and sworn to before me:

Notary Public

Printer's Fee: $33.52
Customer Number: 40638
Order Number: 0001975486
STATE OF NEBRASKA

County of Sarpy

Being duly sworn, upon oath, Michael Harrington deposes and says that he is the Accounting Manager 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

Wednesday, October 5, 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.

Michael Harrington
Accounting Manager

Ron Petak
Executive Editor

Notary Public

Printer's Fee $ 26.02
Customer Number: 40638
Order Number: 0001981871