BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION APPROVING AMENDMENT TO
COMPREHENSIVE DEVELOPMENT PLAN

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), 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 (Reissue 2007), 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 and amend the County's Comprehensive Development Plan pursuant to Neb. Rev. Stats. §§ 23-174.05 and 23-174.06 (Reissue 2007); and,

WHEREAS, Rebecca Horner, Planning Director has reviewed Andrew Nowka's application for a Comprehensive Plan Amendment from Urban Residential to Business Park and Greenway on the property legally described as follows:

Lots 1,2,3,6 & 7 & South 30' of vacated Pitman Street, Block 13, Chalco subdivision located in the NW ¼ of Section 14, Township 14, Range 11 and lots 5A & 6A, Block 14, Chalco subdivision located in the SW ¼ of Section 14, Township 14, Range 11 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. A public hearing regarding the Comprehensive Plan Amendment was held before the Sarpy County Planning Commission on February 18, 2009 and further, the Planning Commission gave their recommendation.

II. A public hearing regarding the Comprehensive Plan Amendment was held by this Board.

III. Notice of each of the Public Hearings described above was published at least once in the ten (10) day period immediately prior to each respective public hearing as required by Neb. Rev. Stat. §23-164 (Reissue 1997), and the proof of publication has been filed in the Office of the Sarpy County Clerk.

IV. The Planning Director has made a recommendation as noted in the attached Exhibit "A", which Exhibit "A" includes the Planning Director report.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the Comprehensive Plan Amendment Urban Residential to Business Park and Greenway on the above described property and the Sarpy County Comprehensive Development Plan is hereby amended.

Dated this 17th day of March, 2009.

Moved by Tom Richards seconded by Rich Jansen, that the above Resolution be adopted. Carried.

YEAS:	NAYS:	ABSENT:
	none	none

ABSTAIN:

none

SEAL

DEBRA J. HOUGHTALING, COUNTY CLERK
SARPY COUNTY, NEBRASKA

County Clerk

Approved as to form:

County Attorney

Exhibit A

Sarpy County Board of Commissioners Report
March 17, 2009

Subject	Type	By
Comprehensive Plan Amendment in Chalco and Change of Zone on Lots 1,2,3,6 & 7 & South 30' of vacated Pitman Street, Block 13, Chalco subdivision located in the NW ¼ of Section 14, Township 14, Range 11 and lots 5A & 6A, Block 14, Chalco subdivision located in the SW ¼ of Section 14, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska.	Resolution and public hearing	Rebecca Horner, Planning Director

This is a request for approval of a Comprehensive Plan Amendment and Change of Zone in Chalco located at approximately 155th and Chandler Road.

- **Comprehensive Plan Amendment**
  - The property owner requests an amendment to the Comprehensive Development Structure Plan to reflect the existing land use pattern in the Chalco area. The Development Structure Plan indicates the area as Urban Residential. The applicant proposes an Industrial land use designation along Chandler Road with a greenway as a buffer between the existing urban residential designations.
  - An existing active railroad is located south of Chandler Road. The active railroad led to an industrial land use pattern south of Chandler that has expanded north of Chandler in the areas of requested change.
  - A portion of the Chalco area has been rezoned to IL, Light Industrial and BG, General Business. There is an existing non-conforming use north of the proposed lot for rezoning. It appears to contain outdoor storage and may be a nuisance, though a formal complaint has not been made.
  - There are existing single family residential uses within the Chalco area.
  - There are two stub streets connecting the existing single family residential from the west and north into the Chalco area. One of the stub streets is constructed and the other appears to be grass. Both are dedicated right of ways connecting into existing Chalco right of ways.
  - The proposal designates a portion of the Chalco area adjacent to Chandler Road as Business Park/Industrial. The applicant proposes to buffer the Business Park/Industrial with Greenway. It is assumed that future Urban Residential uses will access through the two stub streets into the existing single family residential neighborhoods and future Business Park uses would access from their local streets to Chandler Road.
  - The Comprehensive Plan Amendment proposes to change only the land use designation in the Comprehensive Plan and does not impact the existing zoning of the site. Permitted uses in existing districts remain conforming.
  - Due to existing parceling patterns the long term solution may be to designate a portion of the adjacent lots along Chandler as Business Park/Light Industrial as proposed. The proximity to the Railroad creates a scenario ideal for light industrial uses; however industrial is generally incompatible with residential. If the land use designation remains residential the long term designation implies relocation of existing non-residential uses. This does not seem feasible due to the current activity of the railroad.
- **Change of Zone**
  - The applicant requests to approve a change of zone from RS-72, Single Family Residential, to IL, Light Industrial on Lots 1-3,6 & 7 & South 30' of vacated Pitman Street, Block 13, Chalco and lots 5A & 6A, Block 14, Chalco.
  - If the associated Comprehensive Plan Amendment is approved, the requested zoning is in conformance with the Comprehensive Plan Development Structure Plan.
- **Planning Commission Action**
  - *Wear moved, seconded by Bliss to approve the Comprehensive Plan Amendment from Urban Residential to Business Park/Greenway as it fits with the use in the area. Ayes -Bliss, Fenster, Torczon, Wear, and Wees. Nays – Whifield.* ***Motion Carried (5-1)***
  - *Wear moved, seconded by Bliss, to approve the Change of Zone from RS-72 (Single Family Residential) to IL Light Industrial as it conforms with the amended Comprehensive Plan. Ayes – Bliss, Fenster, Torczon, Wear, and Wees. Nays – Whitfield.* ***Motion Carried (5-1)***
- **Recommendation**
  - I recommend approval to the Change of Zone contingent upon approval of the Comprehensive Plan Amendment.

Respectfully submitted by: Rebecca Horner

Rebecca Horner, Planning Director

SARPY COUNTY DEPARTMENT OF PLANNING
1210 GOLDEN GATE DRIVE, PAPILLION, NE 68046
PHONE: (402) 593-1555 FAX: (402) 593-1558
REBECCA HORNER, DIRECTOR

PLANNING COMMISSION MEETING MINUTES
February 18, 2009

February 18, 2009

Sarpy County Board of Commissioners
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046

To The Sarpy County Board of Commissioners:

The Sarpy County Planning Commission held a regular meeting on February 18, 2009, in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wees called the meeting to order at 7:15 p.m. with the following members present: Susan Bliss, Donald Fenster, Jerry Torczon, Alan Wear, Tom Wees, and Doug Whitfield. Absent were: Courtney Dunbar, Greg Gonzalez, Stacen Gross, and Bernie Marquardt. Also in attendance were the staff members: Rebecca Horner, Planning Director, Nicole O'Keefe, Deputy County Attorney and Michelle Alfaro, Planning Assistant.

Chairman Wees noted that a copy of the Open Meeting Law is posted in the Board Room.

Chairman Wees asked for a motion to approve to agenda.

- *Wear moved, seconded by Fenster to amend the agenda to move Elections from Item No. 3 in Correspondence to take place after the adoption of the December 17, 2008 minute. Ballot: Ayes-* Susan Bliss, Donald Fenster, Jerry Torczon, Alan Wear, Tom Wees, and Doug Whitfield. *Nays – none. Abstain – None. Absent* Courtney Dunbar, Greg Gonzalez, Stacen Gross, and Bernie Marquardt –. ***Motion carried.***

Chairman Wees asked for a motion to approve the **December 17, 2008**, minutes.

- *Bliss moved, seconded by Wear, to approve the minutes of the December 17, 2008, meeting as submitted. Ballot: Ayes-* Susan Bliss, Donald Fenster, Jerry Torczon, Alan Wear, Tom Wees, and Doug Whitfield. *Nays- none. Abstain –None. Absent – Absent* Courtney Dunbar, Greg Gonzalez, Stacen Gross, and Bernie Marquardt. ***Motion carried.***

Election of Officers:

- *Fenster moved, seconded by Bliss, to nominate Tom Wees for Chairman of the Sarpy County Planning Commission.*
- *Wear moved, seconded by Bliss, to close the nominations for Chairman.*

  A ballot vote was taken and Tom Wees was elected 6-0 for Chairman of the Sarpy County Planning Commission.

- *Wear moved, seconded by Fenster, to nominate Doug Whitfield for Vice Chairman of the Sarpy County Planning Commission.*
- *Fenster moved, seconded by Bliss, to close the nominations for Vice Chairman.*

A ballot vote was taken and Doug Whitfield was elected 6-0 for Vice Chairman of the Sarpy County Planning Commission.

I. **CONSENT AGENDA ITEMS**: *Note: All consent items are automatically approved when the consent agenda is approved unless removed by a board member. Removed items will be placed under Regular Agenda Items for action by the Planning Commission.*

None.

II. **REGULAR AGENDA ITEMS:**

A. Hoich 192nd LLC., 4418 S. 180th Street, requests approval of a Change of Zone from RG-35 (General Residential) to RG-15 (General Residential) on the following described property to wit: Lot 2, Sugar Creek Neighborhood Center Replat 1, located in the NW ¼ of Section 17, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (192nd & Harrison)

Discussion:

Ms. Alfaro informed Commissioners of additional correspondence received from residents of the Sugar Creek Neighborhood and a petition signed by approximately 230 residents of the Sugar Creek Neighborhood requesting the Planning Commission deny the request for change of zone.

Ms. Alfaro stated the rules for public hearing.

Mr. John Hoich came forward to speak on the item. Mr. Hoich stated John the proposal was to add approximately 64 more units to the original zoning that was done approximately 5-7 years ago. John stated the project over the last five years has gone slow to slower and Albertsons pulled out of the contract and then went out of business completely in the Omaha area. Mr. Hoich spent approximately .5 million dollars to put in streets, sewers and grading. Mr. Hoich stated a daycare has been built and a doggy daycare will be up in the spring. Mr. Hoich stated he has done everything he can with with the ten acres. Mr. Hoich stated apartments would be the least profitable option. Not about money would try to keep it at highest income possibly at retail. Mr. Hoich stated 186 units would economically work with parking ratios for consideration. Mr. Hoich stated he attempted change the zone to RG-25 but it was no longer available. RG-15 would allow for 216 units but it was not his intention to build that many. Mr. Hoich stated he would be glad to be held to a stipulation placed by the County Board not to exceed 186 units.

Mr. John Ming-Frecker, E & A Consulting, came forward and stated that they anticipated questions that may arise from the neighborhood. Mr. Ming-Frecker commented on traffic increase and stated a traffic engineer at E & A Consulting did a study and looked at the increase in traffic for the number of units to go from RG-35 to RG-15. Mr. Ming-Frecker stated the increase in the morning would be approximately 31 cars more per hour and 35 cars more per hour in the afternoon hour. Mr. Ming-Frecker stated a congestion problem should not be an issue as there is a lot of space on 189th street and Harrison as 30 cars can fit in turning right and 11 cars in to turn left. Mr. Ming-Frecker stated the most cars experiencing stacking are 7 or 8.

Mr. Ming-Frecker addressed if the neighborhood would become unsafe because of the apartments and stated the apartments would be, high class, nice apartments. Mr. Ming-Frecker stated more people will be managing the apartments, leasing staff, managers, and will have concern for the apartments and the neighborhood.

Ms. Bliss requested an updated copy of the traffic study from Mr. Ming-Frecker.

Mr. Ming-Frecker stated he could provide an updated traffic study at a later date.

Mr. Ming Frecker addressed if will noise would be a problem and stated that the noise will not be any greater, than the existing neighborhood. Mr. Ming-Frecker stated there will be standard vehicle traffic and children mutual living activity and will generate less noise than the adjacent business district.

Mr. Ming-Frecker addressed if lighting would be a problem and stated that the apartments would be in an area with covenants, so lighting and architectural review would be considered with design and smaller medium heighth lamp posts will be used in the parking lot and around the building, which would add to the safety and attractiveness of the apartments.

Mr. Wees questioned if any architectural drawings were available.

Mr. Ming-Frecker stated that there are no architectural drawings, but would be the next step if the rezone was granted. Mr. Ming-Frecker stated the developer was working with an architect to ensure the buildings would be attractive and the most visible side of the apartments would be seen by 189th Street. Mr. Ming-Frecker stated 189th Street is on the east and there are three natural buffers along the apartments, a large hill on back side, a creek on west side, and commercial area on the north side. The only area really seen from the neighborhood would be on 189th Street. Mr. Hoich has assured the public that there will be a buffer and good landscaping provided.

Mr. Ming-Frecker addressed if the view from properties on Josephine Street would be effected and stated that there are six or seven homes and the rest are empty lots. Mr. Ming-Frecker stated the lots are a higher density than the rest of Sugar Creek. Mr. Ming-Frecker stated this contributed to the transitional zoning of Sarpy County in the zoning plan has used the commercial area as a business district, medium density multi-family between the commercial district and the residential district and a multi-family use was proposed.

Mr. Ming-Frecker made up a cross section which showed what the slope would look like from the back of the apartments. He stated people on Josephine Street would be looking over roof tops, not into windows, and their view would not be encroached upon. Most of the apartment buildings run perpendicular to Josephine Street and there would only be one tall building that would be between Josephine Street and the view to the north.

Mr. Ming-Frecker showed the Commissioners the cross section drawn between Josephine Street and the commercial area down below. Mr. Ming-Frecker stated the view would be looking over the apartment complex. Mr. Ming-Frecker stated the drawing illustrated that all apartments would be three story buildings but would not block the view from Josephine Street and the buffers around the building the apartments would not be that viewable except from 189th Street.

Mr. Wees questioned if a retaining wall would be involved in holding the bank.

Mr. Ming-Frecker stated a short wall may be provided as the back of the garages and would be the retaining wall. There would not be a tall wall that anyone would see it would just be the backs of the garages.

Mr. Wees and Mr. Fenster questioned what would hold the 50 foot bank. Mr. Wees stated it was a huge difference in elevation.

Mr. Ming-Frecker stated that would be part of the advantage for the homeowners since the apartments sit downhill.

Mr. Whitfield questioned the slope of the bank.

Mr. Torczon questioned if a homeowners meeting was held.

Mr. Ming-Frecker stated a homeowners meeting was held on Monday, but only one person attended.

Ms. Bliss questioned were Mr. Ming-Frecker's proposed questioned came from.

Mr. Ming-Frecker stated some of the questions were asked by Darrell.

Mr. Ming-Frecker addressed if home values would go down in the Sugar Creek neighborhood. Mr. Ming-Frecker stated that apartments will contribute to the prosperity of the neighborhood, SID receive taxation from improvement, SID increase $135,000 annually because of improvement on the now empty lot.

Mr. Steve Champoux stated that increase of approximately 35 cars in the peak hour we have three entrances and can hopefully divide traffic evenly and the other half will go to 192nd Street and the other half to 189th Street and should only increase 17 cars per hour and with that effort traffic would be minimalized and would avoid going through the neighborhood. Mr. Champoux questioned if the Commission received the two letters of support from Synergy and Charleston Homes.

Mr. Wees confirmed that the letters were received.

Mr. Fenster questioned how many apartments were proposed.

Mr. Champoux stated 186 apartments.

Mr. Fenster questioned how many bedrooms in the apartments.

Mr. Champoux stated 1 and 2 bedroom apartments. Mr. Champoux stated they anticipate mostly single parents that would like to take advantage of the Millard school district and be in a nice area.

Mr. Torczon questioned if the lot was originally commercial.

John Hoich stated he came back and tried to do with townhomes and that died completely and this was the only alternative for 1-10 years instead of leaving as a blank lot.

Mr. Torczon questioned how long ago was the lot changed from commercial to residential.

Mr. Hoich stated five years ago made the decision to change it and did all to find someone to develop it.

Ms. Bliss asked if could add about the increase in apartments.

Mr. Hoich stated the only reason for the additional was because of the size of the ground doing 112 units would have too much ground to do normal a complex.

Mr. Wees opened the public meeting.

Mr. Darrel Swenson came forward and stated the agenda lists the proposed area as lot two and he understood it to be lot 9.

Ms. Horner confirmed the lot in question was lot number 2. Ms. Horner clarified the difference between the two plats in question by stating one was for lot 2 Sugar Creek Neighborhood Center Replat 1 and the other was lot 2 Sugar Creek Neighborhood Center, which are two different plats.

Mr. Swenson stated the neighborhood has concerns regarding higher density housing. The roads were a concern. There is a creek going through neighborhood which would cause traffic to dump out onto 189th and Harrison. In December the planning department stated the traffic would increase a 1000 cars a day and there is already considerable traffic congestion.

Two proposed exchanges, the 189th winds between Edna and Josephine and traffic cable placed there to slow traffic already and south entrance would be mostly a blind entrance due to landscaping and fences from adjacent lots. Mr. Swenson stated it was already difficult to see oncoming traffic.

Mr. Swenson stated a number of residents with grade school students expressed concern regarding the impact on neighborhood schools. Both of the Millard grade schools are using temporary outside classrooms. With two hundred additional students residents are concerned with the impact it will have on the schools.

Mr. Swenson stated the concern about re-zoning and changing the rules after the majority of the neighborhood has purchased their homes. Mr. Swenson stated when he purchased his home he expected the Sugar Creek Neighborhood Center would be developed for commercial business. In December of 2005, in a compromise with the developer, the neighbors and the board agreed to RG-35 with the understanding that the lot would be developed for townhomes, condominiums, and duplexes. Neighbors that purchased their homes since December 2005 did so in belief the area would be developed for commercial business and townhomes, not apartments. Mr. Swenson stated many homeowners invested their life savings in houses in a rural suburban setting to live in a less densely populated more rural area. Mr. Swenson stated the neighborhood does not feel it is fair to change the zoning now. Mr. Swenson stated there is not a shortage of apartments in the area. Mr. Swenson stated the property was zoned for commercial business, not residential when he purchased it . After the neighborhood compromised with the developer three years ago the remaining residents bought their residences in good faith understanding the lot was for townhomes and the rest for commercial development. Mr. Swenson respectfully requested the Planning Commission to deny change of zone request.

Ms. Tajchman, came forward and stated that information in the staff report was incorrect. She stated that it is not a four lane road with a center turn lane but instead is a two lanes east and west bound with one center turn lane. Ms. Tajchman stated the calculations may be incorrect information as they could be based on a four lane road. Ms. Tajchman stated that an increase in traffic could exist during rush hour times such as school let outs. Ms. Tajchman requested review of that information prior to considering approval of the item. Ms. Tajchman looked at the history to decide future and looking into this, Hoich was a City Commissioner Extra Territorial Jurisdiction and County Board, and owns multiple properties and in documents and disclosure. Ms. Tajchman stated she reviewed Pacific West Apartments at 144th and looked at ratings and find that the ratings had less than 45% approval rating of its tenants. Ms. Tajchman stated that some of incidences reported in the complaints were fear of breaking into apartments, and ten people, or three families, living in one apartment. Ms. Tajchman questioned what regulations are there that would prevent that and are the tenants legal citizens. Ms. Tahchman stated reports of cars broken into, breaking and entering, thefts, and alleged prostitutions. Ms. Tajchman stated she did not want to see the neighborhood go down due to not being regulated. Ms. Tajchman requested for the Commission to make sure the community is protected and not to bring in transient type of people which could potentially turn into section 8. Ms. Tajchman requested the Commission to please deny this request.

Mr. Kurt Krugerud came forward and expressed concerns with potential apartments being built. He stated over excessive traffic especially on 189th street is the major entrance and exit would like to point out that east of 189th street is a play ground that is used by the neighborhood children, most of which walk or ride their bikes. He stated that could potentially be problematic and dangerous. A sidewalk runs parallel to that street. On the Lot 5 side there is a daycare that has been built and will add to an increase in the amount of traffic in that area prohibiting apartment people from going that

way to avoid traffic; therefore, funneling traffic toward the 189th Street. Mr. Krugerud stated as a homeowner he bought house in 2005 with the understanding it be upscale commercial development if apartments were mentioned, and research was conducted prior, he would not have purchased in Sugar Creek.

Ms. Nancy Grice came forward stated the apartment units if half of the units have the proverbial 2.5 children that would be another 233 children in the schools. Ms. Grice stated she has three children attending elementary school and each child has 23-25 children in each class. She stated the schools are already over burdened. Ms. Grice disagreed with the comment regarding property values going up. Ms Grice stated in her opinion Charleston Homes was not welcome when they felt that they did not have to abide by all the covenants. Ms. Grice stated she cannot imagine apartments being filled and staying as upscale as they were told they would be. Ms. Grice respectfully requested the Commission to deny this request.

Mr. Gale Jeseritz, came forward and stated if an apartment complex is put in the traffic will dump onto 189th Street and will intersect with Chandler which is a direct shot over the school and will dump into the neighborhood and into school. Mr. Jeseritz stated there is already high speed issue with speed bumps, children riding bikes and going to parks, and it would only get worse. Mr. Jeseritz stated the presentation that apartments will be nice, he staed no rent amount was given, nothing stated, just guessed. Mr. Jeseritz requested for the Planning Commission to vote no and please deny the request.

Ms. Susan Pizzo came forward and stated that the home owners were not asked for a meeting. Ms. Pizzo stated the meeting Mr. Ming-Frecker referred to was an annual meeting put on by GDR Synergy and they were not informed what was to be discussed.

Mr. Dennis Rookstool came forward and stated the reason for confusion on the lot, the assessor's parcel number was re-platted since that was put on the application. Mr. Rookstool pointed out that medium density is necessary to make project financially viable. Mr. Rookstool stated there is no such thing as bad development for government. Mr. Rookstool stated not to be a government for the tax dollars, be a government for the people and what they want.

Mr. Jeremy Falke, came forward and clarified a few points in presentation. Mr. Falke stated the RG-15 the project was proposed but does allow up to 260 units and no assurances of anything that goes with that except that it could result in 260 units. The concept plan submitted was only a concept plan. Mr. Falke stated as a homeowner that the current SID is one of the healthier SID's in the area and would be great for property value, as a homeowner that notice from SID talking about the final bond issuance for debt to convert long term and would be a very attractive SID for developer to develop in. Mr. Falke clarified in the agenda Kay Liang, City Planner, from City of Papillion, point four stated that potential traffic impact from the increase in density on 189th, Edna Street and 192nd needs to be addressed. Mr. Falke stated three concepts that are important are, diligence, commitment, and compromise. Mr. Hoich as a property owner, had the opportunity to his due diligence, and from that a commitment was made to purchase the property based on diligence that was performed. Mr. Falke stated that in December 2005 Mr. Hoich asked to consider rezoning and as a group, along with Commission, it was decided to compromise, which speaks volumes of this community and everyone had fair chance to do their diligence. Mr. Falke respectfully requested the Commission to deny the request.

Ms. Trina Conte came forward and stated she lives in Sugar Creek the traffic has been mentioned, but all kids that attend Reader do not have bussing service to school. A lot of them walk, and a lot of them are small. Ms. Conte respectfully requested the Commission to deny the request.

Ms. Terra Seng, came forward and stated she lives at the house at peak of that drawing and backs straight into the retail area. Ms. Seng stated they moved across town to basically get away from apartments across street with three children, and now they have five and do not want to move them

again, but cannot imagine having three story apartments behind home. Walking them to the park is hard, they are on bikes and adding traffic to a neighborhood to raise kids. Ms. Seng stated that the vegetated land referenced was noxious weeds and once mowed it is a dust cloud of pollen. Ms. Seng requested the Commission deny the request.

Mr. Mike Flannigan came forward and stated the complex mentioned on 180th and Harrison. There is not a need for complexes as those cannot be filled. Some of those have not been completely built. The developer brought in dirt and it would look like a four story complex and would be a big eye sore and bring down property value quite a bit. Mr. Flannigan requested the Commission deny the request.

Mr. John Hoich, came forward and stated Pacific West not owned by him, he was an investor in the property and no longer an investor, it was 55 year old property and those comments were not in regard to him. Mr. Hoich stated if we put 112 apartments would it make any difference to that compromise. It could have been an Albertson's grocery store with major lights, semi-trucks from Midnight to the morning. The compromise was a goal to do apartments or townhomes and that was clear that is what they would want if they didn't have a grocery store. Mr. Hoich stated he will not exceed the 186 units. Mr. Hoich stated that the architectural drawings would cost a ¼ million dollars to do this and economically without knowing the outcome of the vote and did not want to spend that money at this time without knowing the vote.

Bliss stated a drawing of proposal would have been helpful so she could see what property owners would look at.

Don Fenster questioned if Mr. Hoich would keep it at 112 units.

Mr. Hoich stated 112 units does not work for the piece of ground. Because of parking it would be impossible to do over 200 apartments. There is not a zoning in the middle of RG-15 and RG-34 there is no other alternative other than to go to RG-15. Mr. Hoich agreed that he would not exceed at 186 units.

Mr. Steve Champoux commented on the exits and believed the traffic could be less problematic by being spreadout. There townhomes to the east at 180th and Harrison they are not apartments. Rent is anticipated to be $700 to $950 per month. They will be a nice market rent. Mr. Champoux stated the housing market was there is a more active apartment need as the credit is tightened down and credit standards so more people will be forced to go into apartment complexes until they have enough savings to purchase a home.

Mr. Ming-Frecker commented on the current zoning which allows for apartments and five years ago it was compromised. Mr. Ming-Frecker stated everyone should realize given good deal to go to apartments then instead of having a commercial business district. Apartments are allowed by current zoning and the difference between 112 apartments versus 186 apartments. Mr. Ming-Frecker addressed the traffic counts on Harrison being a four lane road. He stated the traffic counts were not based on a four lane road. These counts are not from a traffic study, the traffic count was based on number of apartments what the typical counts from national ratings and traffic engineering would create.

Mr. Wees clarified that the numbers provided were estimated and not a traffic study.

Mr. Ming-Frecker stated the numbers provided were an estimate.

Mr. Ming-Frecker stated there is plenty of room for the additional traffic. Mr. Ming-Frecker addressed the concern of 2.5 children per unit and stated that was unlikely since they are one bedroom apartments.

Ms. Bliss questioned if all apartments would be one bedroom.

Mr. Ming-Frecker stated they would be one or two bedroom apartments.

Mr. Wees questioned the ration of 1 and 2 bedroom apartments.

Mr. Champoux stated it would be approximately half and half.

Mr. Ming-Frecker stated the taxes may go down. He stated the way an SID works the more debt paid down then the valuation for the people within the SID the taxes go down.

Mr. Ming-Frecker stated the landscaping will nicely developed by Hoich Landscaping.

Mr. Fenster stated there are no design standards, no schematic drawings, increasing the density by and is not in favor of this project.

Public Hearing closed at 8:36 P.M.

Ms. Bliss stated she shared Mr. Fenster's concerns.

Mr. Torczon question Ms. Horner regarding the site plan will be amended for walking trails.

Ms. Horner stated she recommended that if the request was approved that it be contingent upon including an internal pedestrian circulation plan and also add sidewalks along the arterial roads. This would be something the applicant would need to amend and submit for review.

Mr. Torczon stated that number 8 of the staff report.

Ms. Horner stated the packet was sent to the Highway Department and Mr. Lynam provided comments which stated strike a center turn lane at Edna.

Mr. Wees read Mr. Lynam's comments.

Ms. Bliss questioned if those were the only comments received.

Ms. Horner confirmed those were the only comments received from Mr. Lynam.

Mr. Whitfield questioned if the applicant could provide traffic counts if the lot would have been developed into an Albertson's at a peak hour.

Mr. Ming-Frecker stated he did not have that information available, but could have his traffic engineer provide the information at a later date.

Mr. Whitfield stated it was a hypothetical question.

Mr. Ming-Frecker stated you would see a higher number of truck traffic for delivery which may not be desirable to the neighborhood.

- *Fenster moved, seconded by Bliss to deny the zoning change fromRG-35 (General Residential) to RG-15 (General Residential). Ayes – Bliss, Fenster, Wear, Wees.. Nays –Torczon and Whitfield. Abstain – none. Absent –Dunbar, Gonzalez, Gross, and Marquardt.* ***Motion Denied.***

The Planning Commission took a break at 8:41 and returned at 8:48 p.m.

B. Andrew Nowka request a Comprehensive Plan Amendment and Change of Zone from RS-72 (Single Family Residential) to IL (Light Industrial), on the following described property to wit: Lots 1,2,3,6 & 7 & South 30' of vacated Pitman Street, Block 13, Chalco subdivision located in the NW ¼ of Section 14, Township 14, Range 11 and Lots 5A & 6A, Block 14, Chalco subdivision, located in the SW ¼ of Section 14, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (151st & Chandler Road)

Ms. Alfaro provided Commissioner additional comments that were submitted.

Discussion:

Andrew Nowka came forward the property owner requesting and lives in Mountain View California. Mr. Nowka showed slides to highlight what other properties are zoned. Mr.Nowka would like to rezone from residential to light industrial but requires a comprehensive plan amendment as the comprehensive plan only allows for residential. Mr. Nowka stated the Comprehensive Plan that omits the all of the industrial property that has been developed but nothing shows up in the comprehensive plan. The amendment recommendation was that the existing residential property, roughly 22 acres remain planned residential property. The proposed change to the comprehensive plan would be changed to light industrial as a significant portion of that property was business use and would provide a buffer between future residential property and the industrial property that is already developed. Chandler road is being repaved as a Sarpy County project later this year. The new road may be available to handle increased traffic for this change of zone. Mr. Nowka has owned 6 of the 14 acres for five years and no development has been done, can't sell it for residential use as heavy industrial to south and industrial to the north, so there is nobody that will buy land next to train tracks, busy streets, and businesses. A Landscaping business would be a good fit in the existing neighborhood.

Ms. Bliss questioned areas on map provided in staff report.

Mr. Nowka stated it was owned by the business owner, Jerry Stark. Mr. Nowka pointed out what properties were owned by Mr. Stark.

Mr. Wees opened the public meeting.

Mr. Bill Stark came forward and stated he was a partial owner and pretty much owned most of town and his concern with light industrial was that he did not want a pole barn or storage garages. He would like it to be a nice building. Mr. Stark stated may have problem getting out on road and Chandler was like the interstate and those people can't even get out with their trucks and people do not drive 25mph. Mr. Stark questioned if anything could be built on light industrial.

Mr. Wees stated that any proposal would have to come through the Planning Department first.

Mr. Fenster questioned what design standards are there to prevent pole barns from being placed in the proposed area.

Ms. Horner stated there are no building design standards for this area.

Mr. Anson Nowka came forward and stated he owns the property across the street, and he knew four years ago, that the vacant field would be developed. Mr. Nowka stated he was in favor of the re-zoning and comprehensive plan amendment.

Mr. Luke Snyder came forward and showed a draft concept plan. He stated the main thing is to create a nice buffer zone in the area to show off the business and screen it in using plants and shrubs.

Mr. Wees inquired about building material.

Mr. Snyder stated the building material was not yet decided, probably metal with some stone. Mr. Snyder stated there would be a bunker storage space out back tostore rock and or mulch etc. There is not a specific amount of space to buffer yet, but will go off of recommendations as to what will br necessary need and possibly will possibly put a water feature along Lathrop.

Public Hearing closed at 9:08 P.M.

Mr. Whitfield questioned if there was any way to go to BG and a Special Use Permit.

Ms. Horner stated that this use would not be permitted in the BG district. Ms. Horner worked extensively with the applicant on the business plan to fully understand which use classification it should be and IL was the only district that would permit this use.

Mr. Whitfield stated he was not comfortable approving IL. He would prefer to have two separate items.

Mr. Torczon stated he drove the area and questioned if the county should look at the big picture and control the design and the covenants because currently there are none.

Mr. Wees questioned where in Sarpy County could put a heavy industrial usage.

Mr. Nowka stated IGM is the heavy industrial and showed the Commissioners where the IGM was zoned in the area.

Mr. Wees asked for Ms. Horner's recommendation.

Ms. Horner stated the staff report indicated the existing condition and what the comprehensive plan states for this area which was not entirely clear. Ms. Horner stated there are several mitigating circumstances with the existing residential. The applicant was intending to address the mitigating circumstances with their comprehensive plan amendment. Ms. Horner believed that if the Commission approved the Comprehensive Plan Amendment it would not be considered spot zoning as it would then conform with the Comprehensive Plan. The Comprehensive Plan does not specifically address the situation proposed and it shows Chalco as Urban Residential which does not reflect some of the existing uses that have been there for a long period of time. Ms. Horner stated that the Comprehensive Plan from 1993 indicated this area as a high density residential.

Mr. Wear confirmed it was the county that stated the area should be high density residential.

Ms. Horner stated that was her understanding.

- *Wear moved, seconded by Bliss to approve the Comprehensive Plan Amendment from Urban Residential to Business Park /Greenway as it fits with the use in the area. Ayes –Bliss, Fenster, Torczon, Wear, Wees Nays –Whitfield. Abstain – none. Absent –Dunbar, Gonzalez, Gross, Marquardt.* ***Motion carried.***

- *Wear moved, seconded by Bliss to approve the Change of Zone from RS-72 (Single Family Residential) to IL (Light Industrial) as it conforms with the amended Comprehensive Plan. Ayes –Bliss, Fenster, Torczon, Wear, Wees Nays –Whitfield. Abstain – none. Absent –Dunbar, Gonzalez, Gross, Marquardt.* ***Motion carried.***

III. CORRESPONDENCE:

Discussion of APA Conference, Sarpy County Chamber of Commerce, and SCEDC Annual Meeting

Discussion of ARC Legal Letter of Opinion

Discussion of NPZA Conference

IV. ADJOURNMENT:

Being no further discussion, *Wear moved, seconded by Bliss to adjourn the meeting.* By a unanimous oral vote, Chairman Wees declared the meeting adjourned at 9:43 p.m.

Respectfully Submitted,

Tom Wees, Chairman
Michelle Alfaro, Planning Assistant

Additional Information

SARPY COUNTY BOARD OF COMMISSIONERS

MARCH 17, 2009

COMPREHENSIVE PLAN AMENDMENT

ANDREW NOWKA

SARPY COUNTY
PLANNING COMMISSION
STAFF REPORT
FEBRUARY 18, 2009

COMPREHENSIVE PLAN AMENDMENT AND CHANGE OF ZONE – ANDREW NOWKA – LOTS 1-3, 6 & 7 BLOCK 13 CHALCO SUBDIVISION AND LOTS 5A AND 6A BLOCK 14 CHALCO SUBDIVISION

I. GENERAL INFORMATION

a. APPLICANT:

Andrew Nowka
3370 Brower Avenue
Mountain View, CA 94040

b. LEGAL DESCRIPTION:

Lots 1,2,3,6 & 7 & South 30' of vacated Pitman Street, Block 13, Chalco Subdivision located in the NW ¼ of Section 14, Township 14, Range 11 and lots 5A and 6A, Block 14, Chalco subdivision located in the SW ¼ of Section 14, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska.

c. REQUESTED ACTIONS:

To approve a Comprehensive Plan Amendment from Urban Residential to Business Park and Greenway.

To approve a change of zone from RS-72, Single Family Residential, to IL, Light Industrial.

d. EXISTING ZONING AND LAND USE:

Undeveloped, RS-72, Single Family Residential

e. SIZE OF SITE:

Change of Zone: Approximately 1 acre, more or less.
Comprehensive Plan Amendment: Approximately 40 acres, more or less.

II. BACKGROUND INFORMATION

a. COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan indicates the entire area as Urban Residential (Figure 5.1)

b. EXISTING CONDITION OF SITE:

Developed with commercial, industrial and single family residential.

c. GENERAL VICINITY AND LAND USE:

Zoned RD-50, Two-Family Residential and residential to the north, east and west. Zoned IGM, General Manufacturing and RD-50 to the south.

There is an existing active railroad south of Chandler Road.

d. RELEVANT CASE HISTORY:
The applicant had a pre-application meeting with the Planning Department staff to discuss the requested Comprehensive Plan Amendment.
Staff met with City of La Vista regarding the Nowka request in February, 2009.

Lot 5A and 6A, Block 14 Chalco requested a change of Zone from RS-72 to IL, however the request was withdrawn by the applicant in August 2002.

Lots 16-21, Block 12, Chalco were rezoned from RS-72 to BG on June 10, 2003.

Chalco was originally platted in 1887.

e. APPLICABLE REGULATIONS:
Zoning Regulations, Subdivision Regulations and Comprehensive Plan.

III. ANALYSIS AND DEVELOPMENT ALTERNATIVES

REQUEST: This is a request to amend the land use designation in the Comprehensive Plan and change the zoning designation for Andrew Nowka.

a. COMPREHENSIVE PLAN AMENDMENT:

i. The Chalco area is indicated entirely as Urban Residential in the Comprehensive Plan. There is an existing pocket of partially developed land within Chalco that is surrounded by existing single family residential.

ii. There are a number of existing single family residential uses within the Chalco area.

iii. There are two stub streets connecting the existing single family residential from the west and north into the Chalco area. One of the stub streets is constructed and the other appears to be grass. Both are dedicated right-of-ways connecting existing Chalco right-of-ways.

iv. A portion of the Chalco area has been rezoned to IL, Light Industrial and BG, General Business. There is an existing non-conforming use north of the proposed lot for rezoning. It appears to

contain outdoor storage and may be a nuisance, though a formal complaint has not been made.

v. The applicant proposes to amend the Comprehensive Plan land use designation from Urban Residential to Business Park and Greenway. (See attached Comprehensive Plan Amendment exhibit).

vi. The proposal designates a portion of the Chalco area adjacent to Chandler Road as Business Park. Business Park has been defined to include commercial and industrial zoning districts. The applicant proposes to buffer the Business Park with Greenway. Future residential uses may access through the two stub streets into the existing single family residential neighborhoods and future Business Park uses may access Chandler Road from adjacent local streets.

vii. The Comprehensive Plan Amendment is proposed to change only the land use designation in the Comprehensive plan and does not impact the existing zoning of the site. Permitted residential uses in residential districts remain conforming.

viii. Staff recognizes the complicated nature of the site. The applicant's solution is to designate a portion of the adjacent lots along Chandler as Business Park or Light Industrial. The proximity to the Railroad creates a scenario ideal for light industrial uses; however, existing residential uses bear the brunt of the impacts from manufacturing and industries.

ix. The applicant proposes to amend the Comprehensive Plan designation for parcels south of Chandler Road to Industrial. Due to the proximity to the railroad and existing industrial uses, staff supports the requested change to industrial

b. CHANGE OF ZONE:

i. The applicant proposes to rezone two areas to Light Industrial.

1. The first request includes changing the zoning from RS-72 to IL on Lots 1-3, 6 and 7, Block 13 north of Chandler Road. The zoning surrounding the request is RS-72 with one residential use and one non-conforming industrial use to the north. Existing residential is located to the east and west. If the zoning is changed there may be a conflict of use types. The proposed use on Lots 1-3, 6 and 7, Block 13 is a landscaping contractor business; however any permitted IL use may occur in the district if the zoning change is

approved. Other permitted IL uses include but are not limited to: automotive repair, bakery and dairy products manufacturing, dying and cleaning establishments, fabrication, manufacture and treatment of lumber, mini-storage, railroad yards, and truck and freight terminals. Many of the permitted uses in the IL district are not appropriate directly adjacent to residential.

2. The second request proposes to change the zoning from RS-72 to IL on Lots 5A and 6A, Block14 south of Chandler Road. These lots back onto the existing railroad and are adjacent to existing industrial uses. The most appropriate zoning for Lots 5A and 6A, Block 14 appears to be industrial. The proposed use on Lots 5A and 6A is a warehouse for personal storage items. (See attached zoning exhibit for both areas)

ii. Screening is required where a more intense use is located adjacent to a less intense use. Landscaping may screen the view; however it will not provide a noise barrier.

iii. Should the requested Comprehensive Plan Amendment be approved and the land use designation is changed to Business Park or Light Industrial and Industrial, staff recommends approval of the requested change of zones due to conformity with the Comprehensive Plan. Should the Comprehensive Plan Amendment not be approved, staff recommends the requested change of zone be denied due to non-conformity with the Comprehensive Plan.

IV. GENERAL:

a. City of LaVista is opposed to the requested changes. Full comments are attached.

V. COPIES OF REPORT TO:

Applicant
Public Upon Request

VI. ATTACHMENTS:

Application
Associated Materials
Site Plans
Aerial

Report prepared by: Rebecca Horner

Rebecca Horner, Planning Director

SARPY COUNTY PLANNING

• 1210 GOLDEN GATE DRIVE PAPILLION, NE 68046
•PHONE: 402-593-1555 •FAX: 402-593-1558 • E-MAIL: PLANNING@SARPY.COM

DEC 3 ... 3

SARPY COUNTY
PLANNING DEPARTMENT

CHANGE OF ZONE APPLICATION

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

1. Submit complete Change of Zone Application
2. Submit Non-Refundable Fee of $_____ made payable to Sarpy County Treasurer
3. Copy of Deed on file with Register of Deeds (showing applicant as owner)
4. 25 full size site plan drawings (folded)
5. 1 reduced size sit plan drawing (8.5 x 11)
6. Detailed operational plans

PLANNING STAFF USE ONLY:

APPLICATION NO.: CZ 08 - 0059
DATE RECEIVED: 12/3/08
CP DESIGNATION: _____
ZONING DESIGNATION: RS-72
FEE: $400 RECEIPT NO. 6233
RECEIVED BY: MA
NOTES: _____

APPLICANT INFORMATION: ☐ CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Andy Nowka E-MAIL: andynowka@gmail.com

ADDRESS: 3370 Brower Ave. CITY/STATE/ZIP: Mountain View, CA 94040

MAILING (IF DIFFERENT)
ADDRESS: _____ CITY/STATE/ZIP: _____

PHONE: _____ FAX: _____

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

☐ **Please check box if attaching separate sheet with owner information.**

NAME: Andy Nowka E-MAIL: andynowka@gmail.com

ADDRESS: 3370 Brower Ave. CITY/STATE/ZIP: Mountain View, CA 94040

MAILING (IF DIFFERENT)
ADDRESS: _____ CITY/STATE/ZIP: _____

PHONE: _____ FAX: _____

ENGINEER INFORMATION:

NAME: _____ E-MAIL: _____

ADDRESS: _____ CITY/STATE/ZIP: _____

MAILING (IF DIFFERENT)
ADDRESS: _____ CITY/STATE/ZIP: _____

PHONE: _____ FAX: _____

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.*

See Attached Sheets for information.

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.*

ASSESSOR'S PARCEL NUMBER: 010332529

ADDITIONAL PARCEL NUMBERS 010332510 010332561

LEGAL DESRCIPTION: *(Describe property to wit:)*

Lots 1,2,3,6 & 7 & South 30' of vacated Pitman Street Block 13 Chalco Lots 5A & 6A of Block 14 Chalco. Quarter NW,Section 14,Township 14,Range 11.

GENERAL PROPERTY LOCATION: 151st & Chandler Road **ACRES:** North of Chandler 1.08+/- South of Chandler 0.36+/-

CURRENT ZONING: Residential RS-72 **REQUESTED ZONING:** Light Industrial

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

Please see the attached plans and images show in "Chalco Rezoning Proposal."

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. **The Planning Commission will hold a public hearing and make a recommendation to the County Board.**
2. **County Board will hold a public hearing and make a final decision on the Change of Zone Permit**
3. **All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Special Use Permit applicant or the property owner.**

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 Special Use Permit process as stated above and I authorize County Staff to enter the property for inspection related to the specific request during this process.

Owner Signature (or authorized agent) Date

Owner Signature (or authorized agent) Date

Sarpy County Comprehensive Plan amendment for Chalco property.

REQUEST

Amend Sarpy County Comprehensive Development Plan "5.1 Structure Development Plan" in the area of Old Town Chalco. The amendment will change the current structure development plan for the South-half of the NW Quarter, of Section 14, Township 14, Range 11, (NW-14-14-11) also know as the old town of Chalco from Urban Residential to General Business with a greenway separating both the future and existing residential housing. Property along railroad tracks to remain as General Manufacturing and existing Urban Residential along railroad tracks to be rezoned to Light Industrial.

RATIONALE

1. Comprehensive Development Plan ignore Burlington Northern Railroad tracks that run through Sarpy County adjacent to Chandler Road through the town of Chalco.
2. Existing property use plan (Sarpy GIS website) indicates General Manufacturing and Light Industrial along existing rail road tracks.
3. Current Development Structure Plan doesn't account for existing industrial property along railroad tracks and Chandler Road or the commercial spot zoning throughout Chalco.
4. Business Park zoning with Green way will buffer existing residential around the perimeter of Chalco from the Industrial zoning along Chandler Road and railroad tracks.
5. As homes in Chalco get near the end of their useful life (some homes 100+ years old) with adjacent commercial zoned property, it may be less desirable and in many cases a sub-optimal financial decision to keep their property residential.
6. Chandler Road with existing commercial on properties including property East of 150th Street and South of Chandler Road, which has a current tax assessed value of $2.5 million dollars for 3 existing buildings. Commercial likely to stay due to high value.

FEB 6 2009

SARPY COUNTY
PLANNING DEPARTMENT

PAPIO-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT
8901 S. 154th Street
Omaha, NE 68138-3621
402-444-6222
www.papionrd.org

February 10, 2009

Ms. Rebecca Horner, Director
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, Nebraska 68046

RE: Chalco Subdivision Change of Zone Review

Dear Ms. Horner:

The District has reviewed the Application for Comprehensive Plan Amendment and Change of Zone application for the Chalco Subdivision dated February 6, 2009 and offers the following comment:

- According to the FIRM for Sarpy County, Panel 31153C 0050 G, dated December 2, 2005, portions of this project area are located in Flood Zone A of the South Papillion Creek . New flood maps are expected to be effective November 2009 and a small portion of this project will then be located in the Future 100 year floodplain. A Floodplain development permit will be necessary prior to development in this area.

The District has no objections to the Change of Zone application.

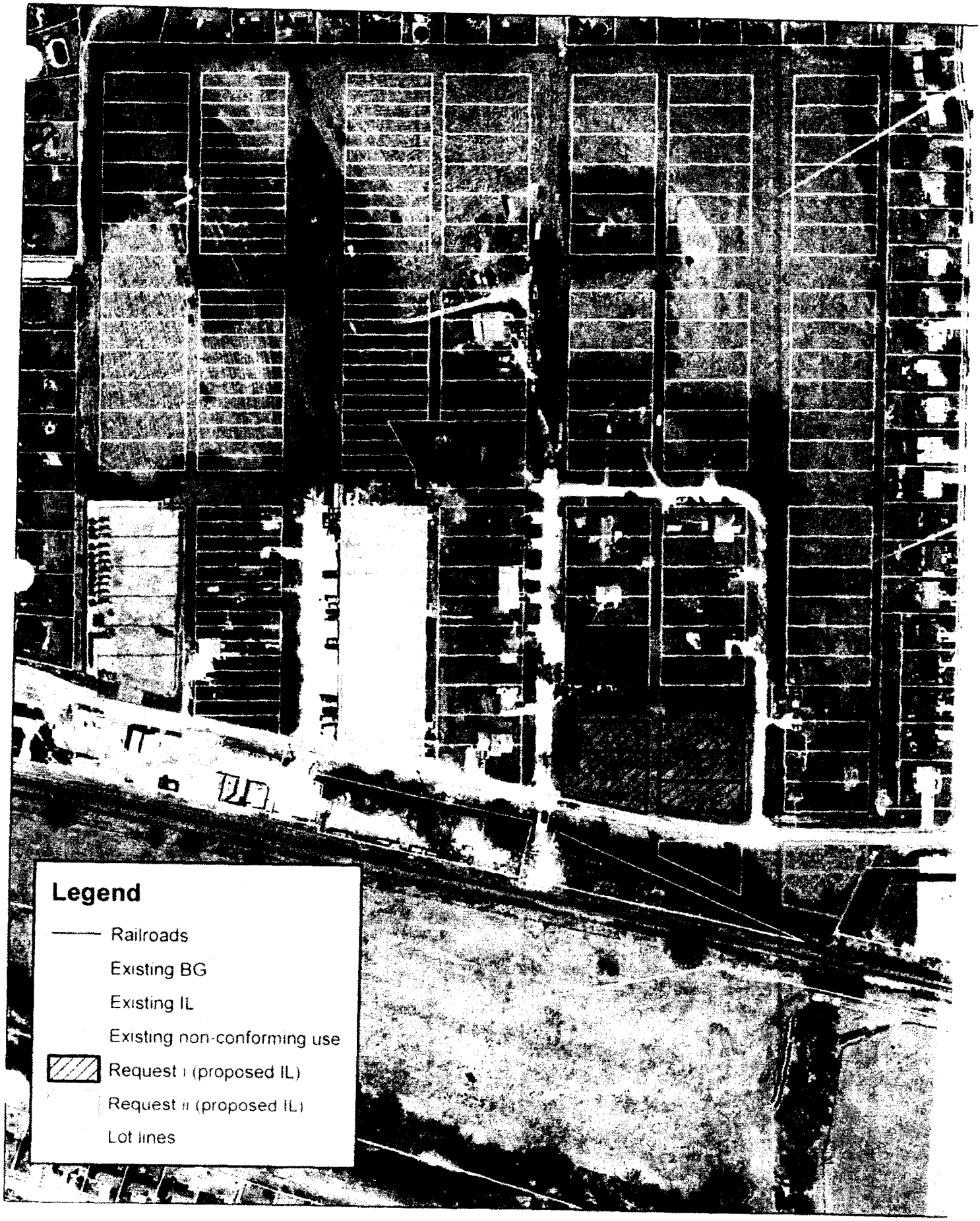
If you have any questions or concerns, I can be contacted at 444-6222 or at llaster@papionrd.org.

Sincerely,

Lori Ann Laster
Stormwater Management Engineer

Cc: Andy Nowka, Applicant, 3370 Brower Ave., Mountain View, CA 94040
Amanda Grint, PMRNRD

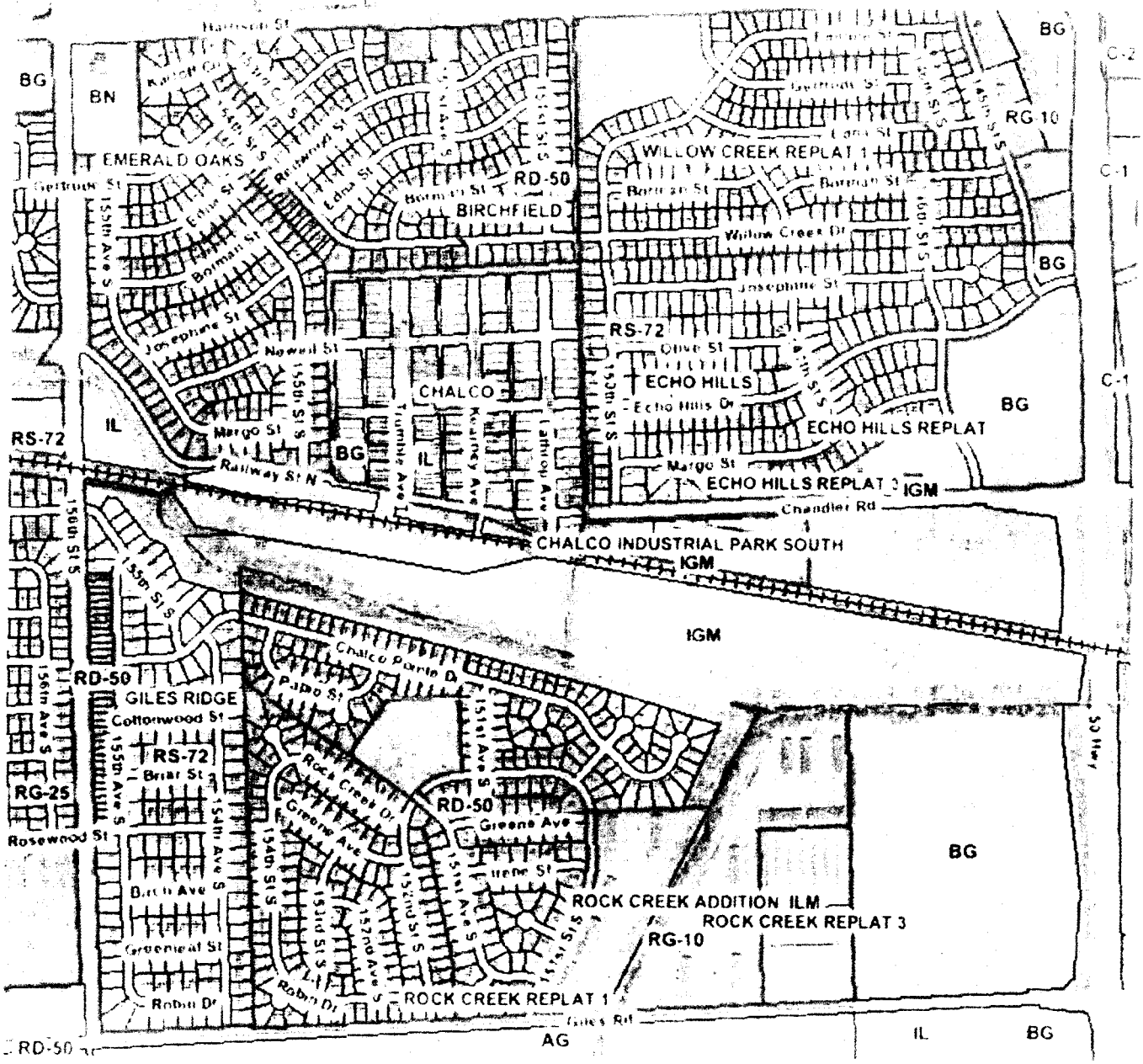
Z:\llaster\My Documents\Permit-Zoning Reviews\Sarpy County\Reach 8-11\Chalco.doc Reach: 8-11



1 inch = 200 feet

GRAPHIC PLANNING

Existing Zoning Plan Image from Sup GIS website

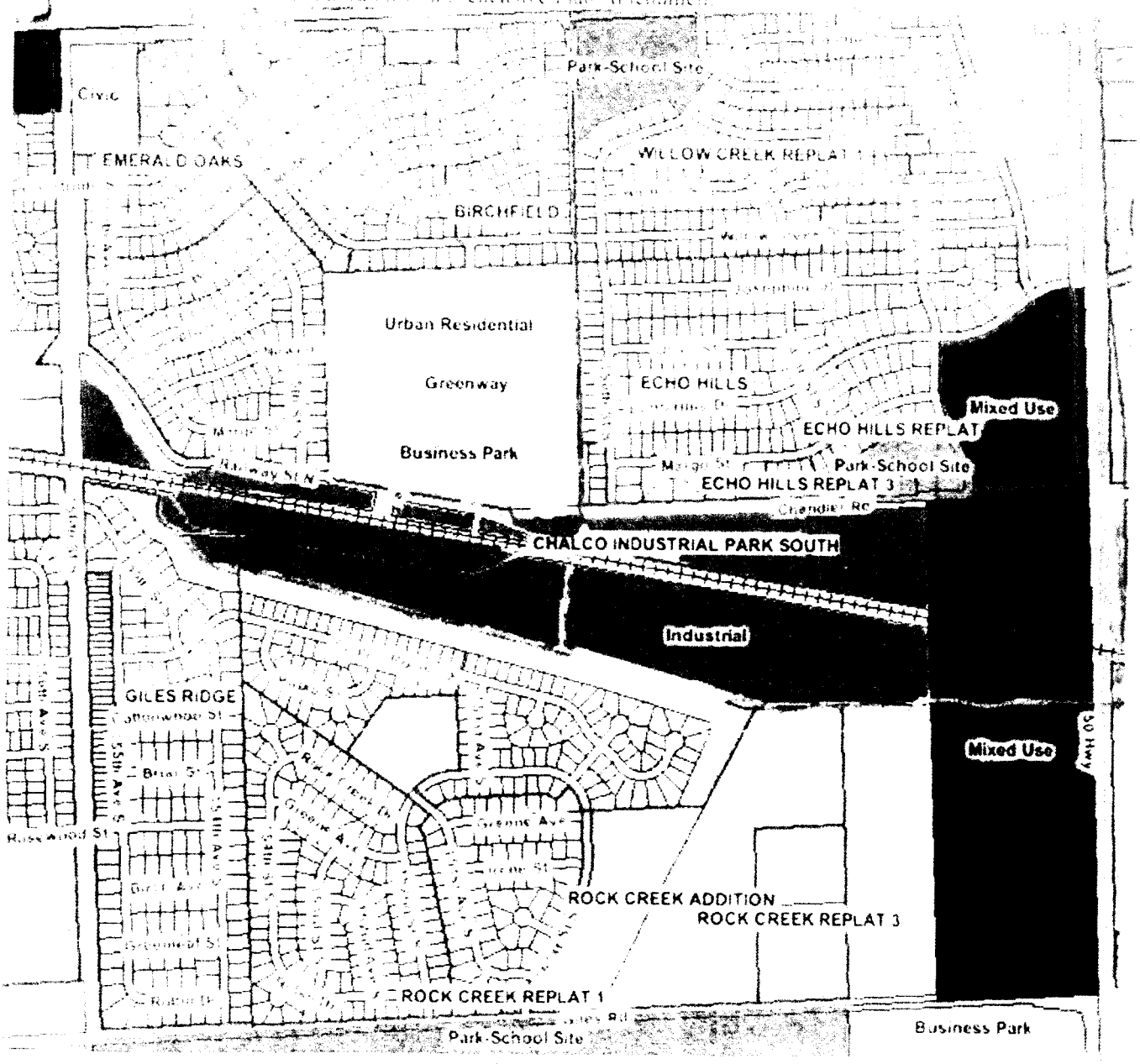


B9

Existing Future Land Use Map (FLNM) Map

B10

Proposed Future Land Use Plan based on Comprehensive Plan Amendment

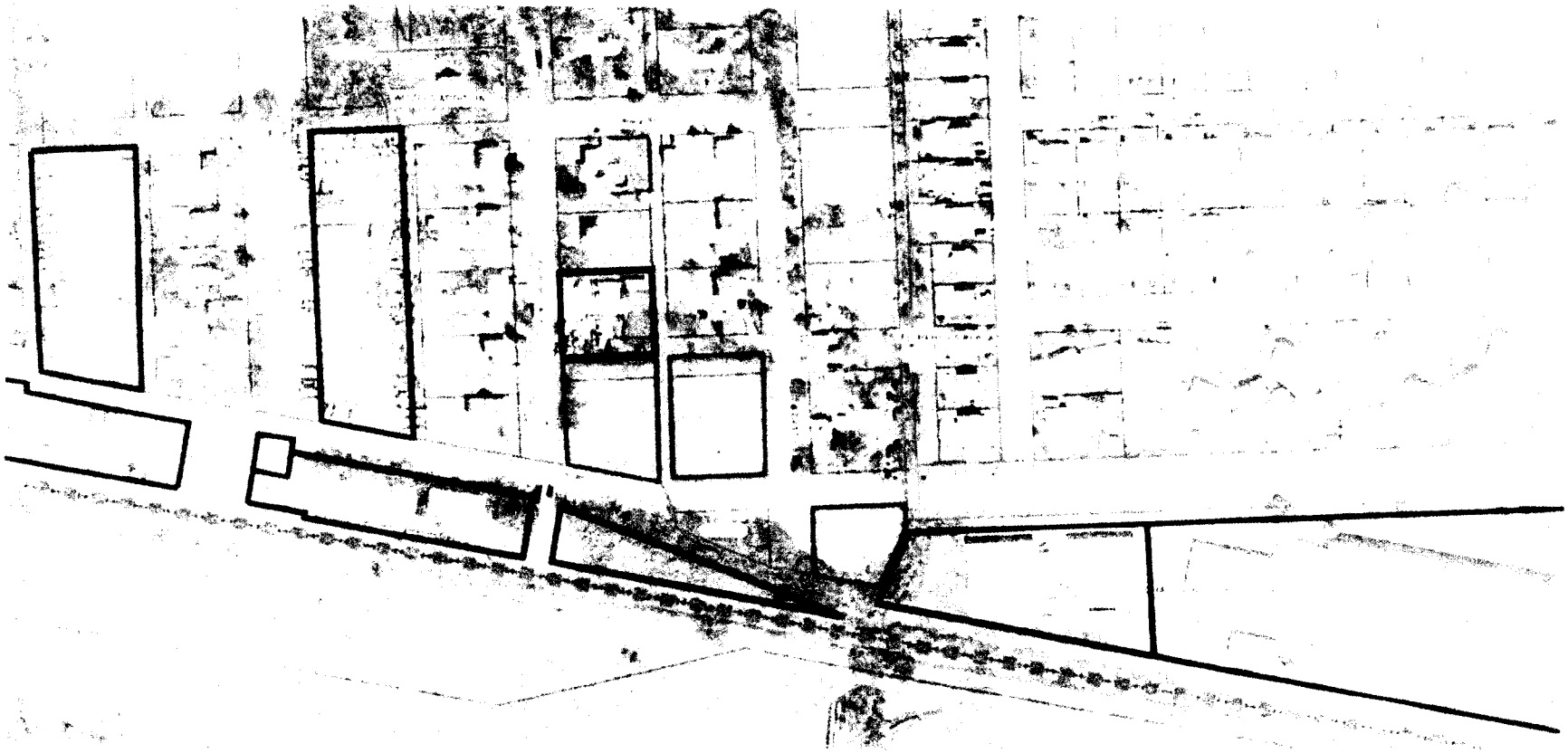


B11

Chandler Road has significant existing light industrial & general commercial zoning

County Project C-77(99-4) - Chandler Road improvements will increase traffic volume & speed

Best use of this property on Chandler Road is Light Industrial or Commercial



Existing Chalco Light Industrial & General Commercial Zoning

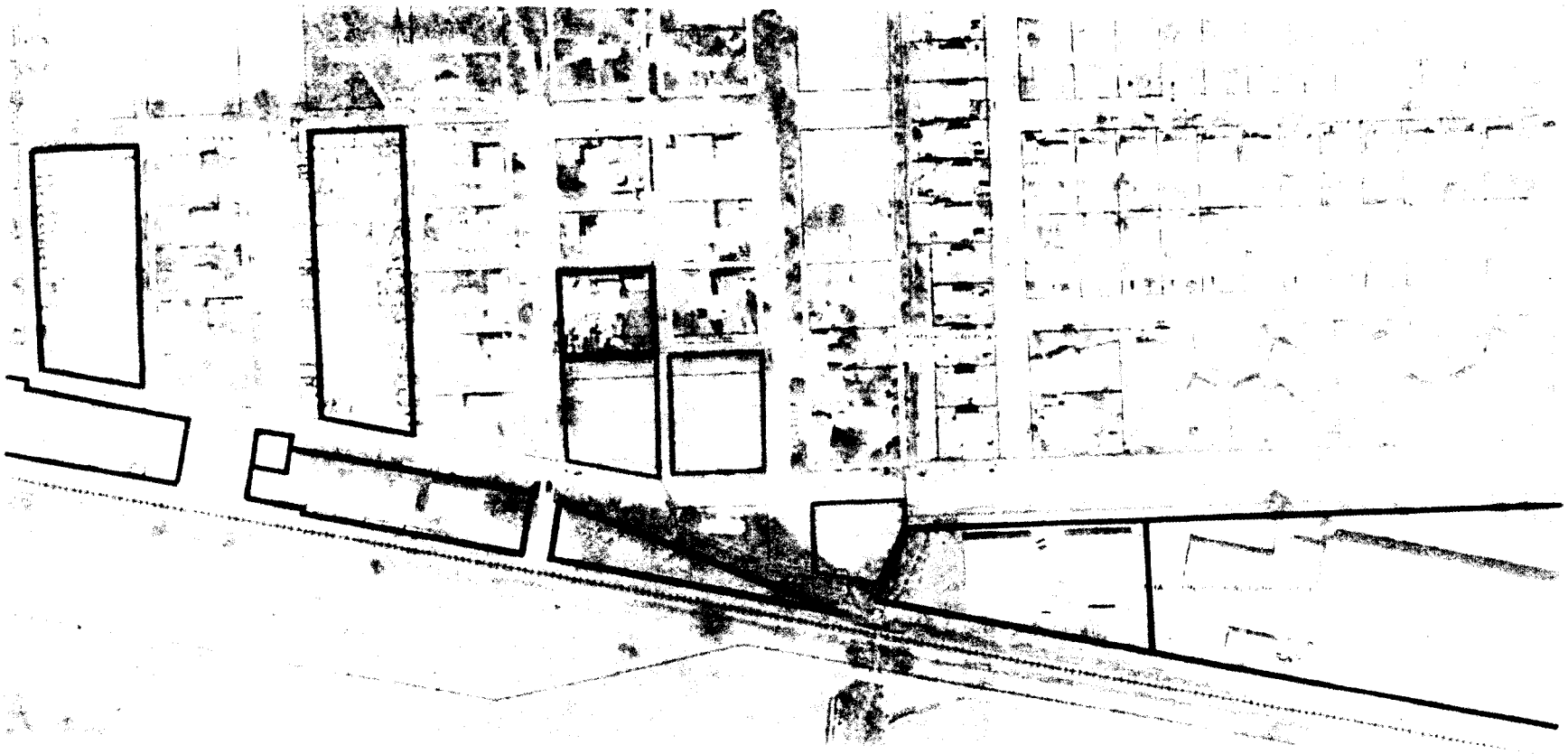
Proposed Light Industrial Re-Zoning

Burlington Northern Railroad

There is a precedent of allowing mixed residential and light industrial throughout Chalco

12 of 17 (70%) homes in Chalco are currently adjacent to Industrial zoned property

The proposed re-zoning will increase the homes adjacent to Industrial property to 13 of 17 (76%)



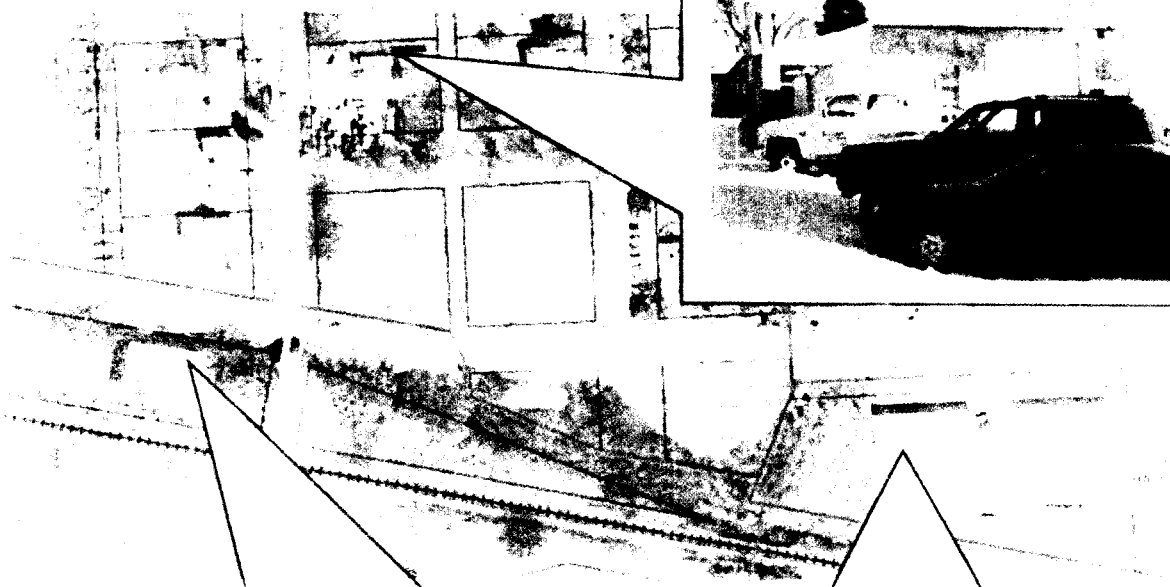
Chalco Light Industrial & General Commercial Zoning

Proposed Light Industrial Re-Zoning

Homes in Chalco

Adjacent Industrial Property Pictures -

7511 Kearney Ave



15109 N Railway

14901 Chandler Road

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 Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, a legal newspaper with a bonafided circulation of 300 copies published in Bellevue, Papillion, Gretna and Springfield, Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice: that said publications are of general circulations: that the attached notice was published 1 times on:

Wednesday, March 4, 2009

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Kirk Hoffman

Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 03-02-2009
Signed in my presence and sworn to before me:

Kimberly A. Dickman

Notary Public

KIMBERLY A. DICKMAN
General Notary
State of Nebraska
My Commission Expires Mar 27, 2012

Printer's Fee $ 14.98
Customer Number: 000947
Order Number: 11988763

SARPY COUNTY
DEPARTMENT OF PLANNING

Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Rebecca Horner, Director

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, March 17, 2009, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Andrew Nowka requests Comprehensive Plan Amendment and Change of Zone from RS-72 (Single Family Residential) to IL (Light Industrial), on the following described property to wit: Lots 1,2,3,6 & 7 & South 30' of vacated Pitman Street, Block 13, Chalco subdivision located in the NW ¼ of Section 14, Township 14, Range 11 and Lots 5A & 6A, Block 14, Chalco subdivision located in the SW ¼ of Section 14, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (151st & Chandler Road)

11988763; 3/4

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 Paul Swanson deposes and says that he is the Marketing Director of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, a legal newspaper with a bonafided circulation of 300 copies published in Bellevue, Papillion, Gretna and Springfield, Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice: that said publications are of general circulations: that the attached notice was published 1 times on:

Wednesday, February 4, 2009

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 Paul Swanson
Publisher Marketing Director

Today's Date 02-03-2009
Signed in my presence and sworn to before me:

Notary Public

GENERAL NOTARY - State of Nebraska
MARCIA L. BRYANT
My Comm. Exp. Feb. 12, 2010

Printer's Fee $ 18.40
Customer Number: 000947

SARPY COUNTY
DEPARTMENT OF PLANNING

Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Rebecca Horner, Director

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 Wednesday, February 18, 2009, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Hoich 192nd LLC, 4418 S. 180th Street, requests approval of a Change of Zone from RG-35 (General Residential) to RG-15 (General Residential) on the following described property to wit: Lot 2, Sugar Creek Neighborhood Center Replat 1, located in the NW ¼ of Section 17, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (192nd & Harrison)

Andrew Nowka requests Comprehensive Plan Amendment and Change of Zone from RS-72 (Single Family Residential) to IL (Light Industrial), on the following described property to wit: Lots 1,2,3,6 & 7, & South 30' of vacated Pitman Street, Block 13, Chalco subdivision located in the NW ¼ of Section 14, Township 14, Range 11 and Lots 5A & 6A, Block 14, Chalco subdivision located in the SW ¼ of Section 14, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (151st & Chandler Road)

11986111—2/4