

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION: SPECIAL USE PERMIT FOR WATERFALL LOUNGE

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 a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007); and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Special Use Permits; and

WHEREAS, Rebecca Horner, Planning Director has reviewed the Drinking Establishment Special Use Permit application, inclusive of an outdoor seating area (sidewalk café) of the Waterfall Lounge for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located at 10208 S 168th Avenue #A #B and legally described as follows:

Lot 12, Tiburon Village, Sarpy County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the Special Use Permit Application was held before the Sarpy County Planning Commission on July 15, 2009 and further, the Planning Commission gave their recommendation.

- II. A public hearing regarding the Special Use Permit Application 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.
- V. The Special Use Permit 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 Special Use Permit for a Drinking Establishment, inclusive of the outdoor seating area (sidewalk café) on the above described property with the following conditions:

- 1. The applicant use shielded lighting to limit light pollution;
- 2. The applicant have an eight (8) foot rod iron fence with balustrade spacing no more than three (3) inches on center enclosing the outdoor area;
- 3. The applicant not have any noise producing activities (i.e. no outdoor bands, no speakers, etc.) in the outdoor seating area; and

Dated this 21st day of July, 2009.

Moved by Patrick Thomas seconded by Rich Gansen, that

the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

[Signature] _____
[Signature] _____
[Signature] _____
[Signature] _____
Patrick Thomas _____

None

None

ABSTAIN:

None



Debra J. Houghtaling
 County Clerk

Approved as to form:

Kerry A. Schmed
 County Attorney

Sarpy County Board of Commissioners Report
 July 21, 2009

Subject	Type	By
Special Use Permit for Drinking Establishment located on the following described property to wit: Lot 12 Tiburon Village Sarpy County, Nebraska.	Resolution and public hearing	Rebecca Horner, Planning Director

This is a request for approval of a special use permit for a Drinking Establishment in the BG, General Business district at 10208 S. 168th Street, also known as "Waterfall Lounge".

Special Use Permit:

- o The BG district allows for Drinking Establishments as a Permitted Special Use. "On the Rocks" was established in early 2007, prior to the requirement for a special use permit. The request will allow the existing use to become conforming as well as allow for the expansion of the use for an outdoor seating area. The site plan is in conformance with the BG, General Business district zoning regulations.
- o The proposed drinking establishment is to be located in a commercial area as part of a retail strip building in a commercial center. The proposed outdoor beer garden/seating area is to be located at the front of the building partially within an existing oversized sidewalk aisle.
- o The sidewalk aisle is approximately 18' in width. The minimum design standard for sidewalk width is between 4' and 5'. The remaining width of the sidewalk, after the addition of the outdoor seating area is approximately 8'6" in width, which exceeds the minimum required width.
- o The proposed outdoor seating area is set back from the parking lot and it appears that protective bollards would not be necessary in this case. In the past, protective bollards were required when the seating area was in a driving aisle or in a parking lot.
- o The applicant proposes a 42" high aluminum fence to enclose the outdoor seating area/beer garden. At the planning commission hearing the applicant indicated the fence is proposed to be 48", however the site plan drawings indicate 42".
- o The applicant requests to use the outdoor seating area to serve liquor. The Nebraska Liquor Control Commission requires liquor to be contained in an area that will not allow the passage of alcohol under, over or through the area. The applicant requests the outdoor seating area to be fenced with a 42" tall aluminum fence. The liquor control commission occasionally allows sidewalk cafes to have shorter fencing when the architectural design of the area dictates that a shorter fence is more appropriate for the architecture of the area. Typically these types of cafes are in historic districts such as the Old Market. Shadow Lake Towne Center has two sites with similar fence heights.
- o Discussion with Russ Zeeb from the Sheriff's office indicated the request appears to be in conformance with the sidewalk café provision from the Liquor Control Commission.
- o Recently the County Board approved similar outdoor seating areas ranging from six to eight foot height and either solid wood fencing or black wrought iron fencing with balustrade spacing of no more than 3" on center. Both areas included structural bollards spaced no more than 4' on center along the outside of the seating area because the seating areas were in either parking or drive aisle areas. This request is to incorporate the seating area on a portion of a wide sidewalk and structural bollards do not appear to be necessary. If the Planning Commission believes structural bollards are necessary they would be recommended adjacent to the parking lot and spaced 4' on center

- o Existing uses in the building include a variety of uses. There is an unoccupied bay adjacent to Waterfall Lounge. Other tenants in the retail building include a nail salon and coffee shop. Waterfall Lounge is located at the southern end of the retail building. The nearest existing residential is approximately 420' from the location of the proposed outdoor seating area.
- o The outdoor area should be limited from having any speakers, live bands or similar noise producing activities or devices in order to limit negative impacts to surrounding uses. In the past the County Board has restricted all noise producing devices and allowed limited speakers in situations where opaque fencing partially blocked the noise from the speakers. The proposed fencing would not be able to provide noise reduction. Staff recommends that no noise producing devices, live bands or similar uses be allowed in the outdoor seating area.
- o Lighting, if used, should be limited to fixtures with sharp cutoff shields in order to limit light pollution to the adjacent existing residential.
- o The Sheriff's report history is attached.

Planning Commission Action

- o On July 15, 2009, the Planning Commission voted unanimously (9-0) to recommend approval of the special use permit.
- o *Dunbar moved, seconded by Bliss to approve agenda item A Special Use Permit for the Waterfall Lounge located and 10208 S. 168th Avenue as it complies with the Comprehensive Plan Zoning Code of Sarpy County. **Ayes-** Bliss, Courtney Dunbar, Fenster, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield. **Nays – none. Abstain – None. Absent,** Greg Gonzalez and Stacen Gross –. **Motion carried.** (9-0)*

Recommendation

- o For the above stated reasons, I recommend approval to the Special Use Permit with added conditions that the lighting be shielded to prevent glare on adjacent properties and the outdoor seating area be restricted from having noise producing devices (live bands, speakers, etc) in order to reduce the impact on adjacent residential uses, due to compatibility with the amended Comprehensive Development Plan, Zoning and Subdivision Regulations.
- o If the County Board wishes to revise the proposed fence height, staff recommends the fence be six foot wrought iron with balustrade spacing of no greater than three inches on center.

Respectfully submitted by:

Rebecca Horner
Planning Director



Memorandum

TO: Sarpy County Board of Commissioners
CC: Planning Department
From: Michelle Alfaro, Planning Assistant
Date: 07-17-09
RE: July 15, 2009 Planning Commission Minutes

These are the relevant minutes pertaining to the Special Use Permit application for Waterfall Lounge. A full copy of the minutes will be provided to the Sarpy County Clerk when completed.

Thank you!

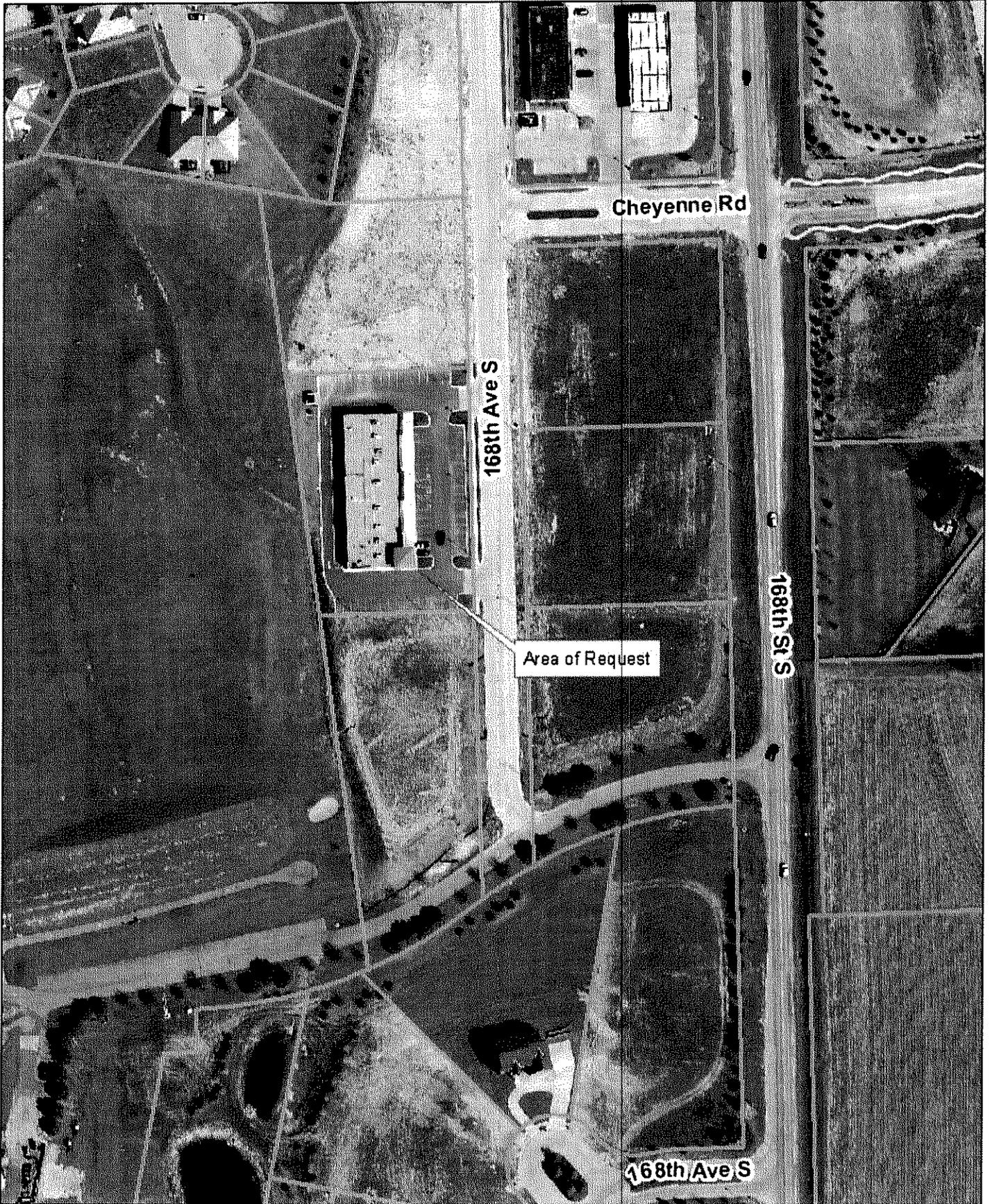
ADDITIONAL INFORMATION

SARPY COUNTY BOARD OF COMMISSIONERS

JULY 21, 2009

SPECIAL USE PERMIT

WATERFALL LOUNGE



Waterfall Lounge
Special Use Permit - Drinking Establishment

1 inch = 150 feet



**SARPY COUNTY
PLANNING COMMISSION
STAFF REPORT
JULY 15, 2009
SPECIAL USE PERMIT
SUP 09-0012**

I. GENERAL INFORMATION

A. APPLICANT:

Waterfall Lounge
10208 S. 168th Avenue
Suites A & B
Omaha, NE 68136

John & Lori Bargstadt
11078 Lake Ridge Drive
Omaha, NE 68136

B. PROPERTY OWNER:

Dial Tiburon Village
c/o. Small Shops LLC
11506 Nicholas Ste 200
Omaha, NE 68154

C. LOCATION:

10208 S. 168th Avenue, South of Cheyenne Road.

D. LEGAL DESCRIPTION:

Lot 12 Tiburon Village, Sarpy County Nebraska.

E. REQUESTED ACTION:

To approve a Special Use Permit to for a drinking establishment, including an outdoor seating area for one bay in an existing strip retail building.

F. EXISTING ZONING AND LAND USE:

BG, General Business improved with retail, including an existing drinking establishment.

G. SIZE OF SITE:

1.3 acres, more or less.

II. BACKGROUND INFORMATION

Waterfall Lounge was established prior to a 2007 amendment to the Sarpy County Zoning Regulations which made drinking establishments a permitted special use. The existing use is a legally non-conforming use.

A. COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan shows the area as Park/School. (Figure 5.1)

B. EXISTING CONDITION OF SITE:

The site is currently being used as a drinking establishment.

C. GENERAL VICINITY AND LAND USE:

BG, General Business, and RD-50, two family residential to the north;
BG, General Business and RS-100, Residential to the east;
AG, Agricultural with a golf course to the west; and
BG, General Business, and RE, Residential Estates to the south.

D. RELEVANT CASE HISTORY:

The drinking establishment has operated at this site since 2006.

The applicant requested an expansion of the existing liquor permit with the Liquor Control Commission. The request will be scheduled to the County Board at the same time as the request for the Special Use Permit.

E. APPLICABLE REGULATIONS:

Zoning Regulations, Subdivision Regulations and Comprehensive Plan.

III. ANALYSIS AND DEVELOPMENT ALTERNATIVES

STAFF COMMENTS:

A. REQUEST:

1. The request for a drinking establishment both brings the existing non-conforming use into conformance with the zoning regulations and requests an addition for an outdoor seating area.

B. LAND USE/COMPREHENSIVE PLAN:

1. The existing zoning of BG, General Business is not in conformance with the land use designation of Mixed Use Center, however the area was rezoned to BG, General Business and the use type is allowed in the BG district.

C. GENERAL:

1. The BG district allows for Drinking Establishments as a Permitted Special Use.

2. The proposed drinking establishment is to be located in a commercial area as part of a retail strip building in a commercial center. The proposed outdoor seating area is to be located at the front of the building partially within an existing sidewalk.

3. The existing sidewalk is shown on the site plan as 18' wide. The proposed seating area is 9'6" which is shown on the site plan to leave 8'6" remaining.

4. The minimum design standards for sidewalk width indicate a required minimum width of 4' in most areas, with 5' sidewalk width in the Highway Corridor Overlay district. The proposed remaining sidewalk exceeds the minimum design standards for sidewalk width.

5. The applicant requests to use the outdoor seating area to serve liquor. The Nebraska Liquor Control Commission requires liquor to be contained in an area that will not allow the passage of alcohol under, over or through the area. The applicant requests the outdoor seating area to be fenced with a 42" tall aluminum fence. The liquor control commission occasionally allows sidewalk cafes to have shorter fencing when the architectural design of the area dictates that a shorter fence is more appropriate for the architecture of the area. Typically these types of cafes are in historic districts such as the Old Market.

6. Recently the County Board approved similar outdoor seating areas ranging from six to eight foot height and either solid wood fencing or black wrought iron fencing with balustrade spacing of no more than 3" on center. Both areas included structural bollards spaced no more than 4' on center along the outside of the seating area because the seating areas were in either parking or drive aisle areas. This request is to incorporate the seating area on a portion of a wide sidewalk and structural bollards do not appear to be necessary. If the Planning Commission believes structural bollards are necessary they would be recommended adjacent to the parking lot and spaced 4' on center.

7. The architectural design of the area does not limit the design of the fencing. There does not appear to be any other fencing in the district that establishes a clear design for fencing.

8. The outdoor area should be limited from having any speakers, live bands or similar noise producing activities or devices in order to limit negative impacts to surrounding uses. In the past the County Board has restricted all noise producing devices and allowed limited speakers in situations where opaque fencing partially blocked the noise from the speakers. The proposed fencing would not be able to provide noise reduction. Staff recommends that no noise producing devices, live bands or similar uses be allowed in the outdoor seating area.

9. Existing uses in the building include a variety of uses. There is an unoccupied bay adjacent to Waterfall Lounge. Other tenants in the retail building include a nail salon and coffee shop. Waterfall Lounge is located at the southern end of the retail building. The nearest existing residential is approximately 420' from the location of the proposed outdoor seating area.

10. Lighting, if used, should be limited to fixtures with sharp cutoff shields in order to limit light pollution to the adjacent existing residential.

11. The County Surveyor and Sheriff had no comment on the request.

12. The site plan is in conformance with the BG, General Business district zoning regulations.

13. The Sherriff's report history is attached.

IV. RECOMMENDATION:

1. Recommend approval to the request for a Special Use Permit for a drinking establishment due to compatibility with adjacent zoning/uses, conformance with zoning and subdivision regulations and consistent with the Comprehensive Development Structure Plan contingent upon resolution of staff comments related to noise producing devises within the outdoor area and lighting.

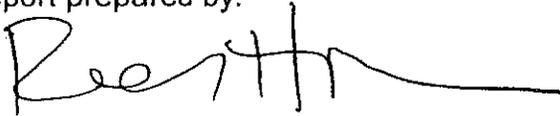
V. COPIES OF REPORT TO:

Applicant
Public upon request

VI. ATTACHMENTS:

Application
Site Plan
Aerial

Report prepared by:

A handwritten signature in black ink, appearing to read 'Rebecca Horner', with a long horizontal flourish extending to the right.

Rebecca Horner, Planning Director



SARPY COUNTY PLANNING

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

MAY 18 2009

SPECIAL USE PERMIT APPLICATION

SARPY COUNTY
PLANNING DEPARTMENT

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

1. Submit complete Special Use Permit Application
2. Submit Non-Refundable Fee of \$250.00 made payable to Sarpy County Treasurer
3. 1 full sized site plan drawings (Folded)
4. 25 reduced size site plan drawing (8.5 x 11)
5. Detailed operational plans

PLANNING STAFF USE ONLY:

APPLICATION NO.: SUP 09-0012
 DATE RECEIVED: 5/18/09
 CP DESIGNATION: Park/School Site
 ZONING DESIGNATION: 1B6
 FEE: \$250.00 RECEIPT NO. 6250
 RECEIVED BY: RH
 NOTES: _____

APPLICANT INFORMATION:

NAME: Waterfall Lounge

E-MAIL: L.Bergstadt@cox.net

ADDRESS: 10208 S 116th Ave #A #B

CITY/STATE/ZIP: Omaha NE 68136

MAILING (IF DIFFERENT)

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: (402) 991-8001

FAX: _____

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

Please check box if attaching separate sheet with owner information.

NAME: John & Lori Bergstadt

E-MAIL: L.Bergstadt@cox.net

ADDRESS: 11578 Lake Ridge Dr

CITY/STATE/ZIP: Omaha NE 68136

MAILING (IF DIFFERENT)

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: (402) 861-1617

Cell: (402) 699-9506
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.

We are adding an outside eating area approx 18' X 8' estimated seating of 20 people. The operating hours will be the same as the structure it is attached to which are Monday thru Sunday 11 am to 7 am. The Area will be fenced off by an aluminum # fence.

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: NA

ADDITIONAL PARCEL NUMBERS NA

LEGAL DESCRIPTION: (Describe property to wit:)

GENERAL PROPERTY LOCATION: 10208 S 116th AVE # A / # B

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 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 Special Use 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.

[Signature]
Owner Signature (or authorized agent)

5/14/09
Date

[Signature]
Owner Signature (or authorized agent)

5/14/09
Date

Michelle Alfaro

From: lbargstadt@cox.net
Sent: Wednesday, May 20, 2009 1:24 PM
To: Michelle Alfaro
Cc: Rebecca Horner
Subject: Re: Special Use Permit Application & Regulations

Hi,
I am sending you this email to give you my legal address for the Waterfall Lounge.
It is Lot 12 Tiburon Village (1.31 AC)
Let me know if there is anything else you need Thanks Lori Bargstadt

----- Michelle Alfaro <malfaro@sarpy.com> wrote:

> Ms. Bargstadt,

>

> I have attached a special use permit and regulations for your review and completion. Please turn in the application, along with the \$250.00 fee made payable to the Sarpy County Treasurer, by Wednesday May 20th, so I can attempt to expedite this request and get it on the June 17th Planning Commission Meeting.

>

> I'd like to reiterate, as per our discussion, that starting construction prior to the approval of the Special Use Permit is not recommended, but as I stated I have included Rebecca Horner, Planning Director, on this e-mail for you to send her correspondence regarding your unique situation.

>

> If I can be of further assistance please let me know.

>

> Sincerely,

>

> Michelle Alfaro, Planning Assistant

> Sarpy County Planning Department

> 1210 Golden Gate Drive,

> Papillion, NE 68046

> Office: 402-593-1555

> Fax: 402-593-1558

> P Please don't print this e-mail unless it is necessary

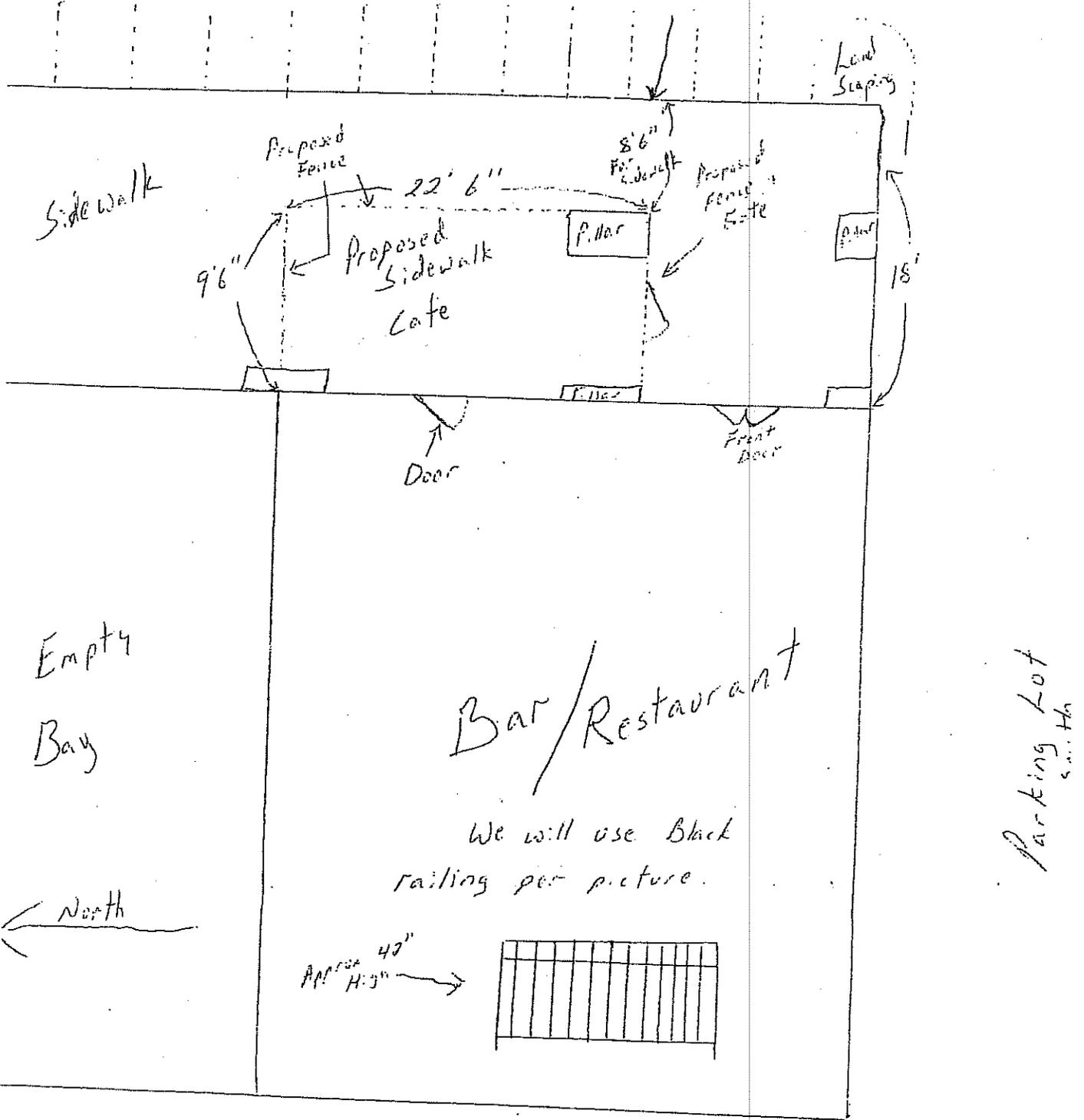
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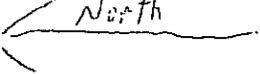
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North 

Parking Lot East

Exhibit "A"



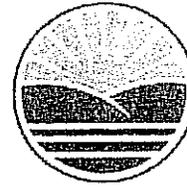
North 

Rear of Building
west

May 27, 2009

Rebecca Horner, Director
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046

PAPION-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT



8901 S. 154th Street
Omaha, NE 68138-3621
402-444-6222
www.papionrd.org

RE: Waterfall Lounge-10208 S. 168th Ave. Application for Special Use Permit

Dear Ms. Horner:

The District received an application for a Special Use Permit, dated May 18, 2009 at for the Waterfall Lounge located at 10208 S. 168th Avenue in Omaha, Nebraska for an outside dining area. The District has no comments on this application.

If you have any questions or concerns, please contact me at 444-6222 or at llaster@papionrd.org.

Sincerely,



Lori Ann Laster
Stormwater Management Engineer

Cc: John & Lori Bargstadt, Applicant, 11078 Lake Ridge Dr., Omaha, NE 68136
Marlin Petermann, Amanda Grint, PMRNRD

Z:\laster\My Documents\Permit-Zoning Reviews\Sarpy County\Plat 693\10208 S 168th Ave Special Use Permit.docx
Plat: 693

Cindy Gilbert

From: Rebecca Horner
Sent: Monday, June 01, 2009 4:44 PM
To: Cindy Gilbert
Subject: FW: Zoning Review - Special Use Permit - Waterfall Lounge

For the file

Rebecca Horner
Sarpy County Director of Planning

(402)593-1555

From: Michelle Alfaro
Sent: Monday, June 01, 2009 11:49 AM
To: Rebecca Horner
Subject: FW: Zoning Review - Special Use Permit - Waterfall Lounge

Gretna Fire comments.

From: Gretna Firechief [Firechief@cityofgretna.com]
Sent: Thursday, May 28, 2009 5:40 PM
To: Michelle Alfaro
Subject: RE: Zoning Review - Special Use Permit - Waterfall Lounge

Gretna Fire Department has no objections as long as no means of egress are blocked.

Rod Buethe - Fire Chief

From: Michelle Alfaro [mailto:malfaro@sarpy.com]
Sent: Monday, May 25, 2009 8:55 PM
To: Mark Wayne; Brian Hanson; Nicole O'Keefe; Tom Lynam; Eric Herbert; Nikki Lampe; Grint, Amanda; Laster, Lori; Jeff Davis; Acers, Thomas; jeff_loll@mudnebr.com; Mark Stursma; Michelle Wehenkel; Donna Lynam; 'kathleencityofspringfield@yahoo.com'; Shewchuk, Chris; Gretna Firechief; sproarty@esu3.org; Michelle Alfaro
Cc: Rebecca Horner; Cindy Gilbert
Subject: Zoning Review - Special Use Permit - Waterfall Lounge

Hello! Please review the attached request for a Special Use Permit.

PROJECT DESCRIPTION: APPLICATION FOR SPECIAL USE PERMIT- WATERFALL LOUNGE, requests a special use permit for an outdoor drinking establishment located on the following property, Lot 12 Tiburon Village, Sarpy County, Nebraska. (168th Avenue South , South of Cheyenne Road)

Please provide any comments or recommendations you may have to the Sarpy County Planning Department no later than **Tuesday June 9, 2009**

Michelle Alfaro, Planning Assistant
Sarpy County Planning Department
1210 Golden Gate Drive,
Papillion, NE 68046

Michelle Alfaro

From: Tom Lynam
Sent: Tuesday, May 26, 2009 9:41 AM
To: Michelle Alfaro
Subject: RE: Zoning Review - Special Use Permit - Waterfall Lounge

Michelle:

I have no comment on this Special Use Permit .

Tom Lynam

From: Michelle Alfaro
Sent: Monday, May 25, 2009 8:55 PM
To: Mark Wayne; Brian Hanson; Nicole O'Keefe; Tom Lynam; Eric Herbert; Nikki Lampe; Grint, Amanda; Laster, Lori; Jeff Davis; Acers, Thomas; jeff_loll@mudnebr.com; Mark Stursma; Michelle Wehenkel; Donna Lynam; 'kathleencityofspringfield@yahoo.com'; Shewchuk, Chris; Gretna Firechief; sroarty@esu3.org; Michelle Alfaro
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Please provide any comments or recommendations you may have to the Sarpy County Planning Department no later than **Tuesday June 9, 2009**

Michelle Alfaro, Planning Assistant
Sarpy County Planning Department
1210 Golden Gate Drive,
Papillion, NE 68046
Office: 402-593-1555
Fax: 402-593-1558

 Please don't print this e-mail unless it is necessary

Michelle Alfaro

From: Nicole O'Keefe
Sent: Tuesday, May 26, 2009 8:52 AM
To: Michelle Alfaro; Rebecca Horner
Subject: RE: Zoning Review - Special Use Permit - Waterfall Lounge

Applicant will be required to get a liquor license for the sidewalk café; otherwise, I see no legal issues at this time.

Nicole O'Keefe
Deputy County Attorney, Sarpy County
1210 Golden Gate Drive
Papillion, NE 68046
Phone: 402-593-2230
Fax: 402-593-4359
nokeefe@sarpy.com

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From: Michelle Alfaro
Sent: Monday, May 25, 2009 8:55 PM
To: Mark Wayne; Brian Hanson; Nicole O'Keefe; Tom Lynam; Eric Herbert; Nikki Lampe; Grint, Amanda; Laster, Lori; Jeff Davis; Acers, Thomas; jeff_loll@mudnebr.com; Mark Stursma; Michelle Wehenkel; Donna Lynam; ['kathleencityofspringfield@yahoo.com'](mailto:kathleencityofspringfield@yahoo.com); Shewchuk, Chris; Gretna Firechief; sroarty@esu3.org; Michelle Alfaro
Cc: Rebecca Horner; Cindy Gilbert
Subject: Zoning Review - Special Use Permit - Waterfall Lounge

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Please provide any comments or recommendations you may have to the Sarpy County Planning Department no later than **Tuesday June 9, 2009**

Michelle Alfaro, Planning Assistant
Sarpy County Planning Department
1210 Golden Gate Drive,
Papillion, NE 68046
Office: 402-593-1555
Fax: 402-593-1558

 Please don't print this e-mail unless it is necessary

Michelle Alfaro

From: Rebecca Horner
Sent: Monday, July 06, 2009 8:19 AM
To: Michelle Alfaro
Subject: FW: Waterfall Bar

For the file

Rebecca Horner
Sarpy County Director of Planning
(402)593-1555

From: Mark Wayne
Sent: Monday, July 06, 2009 8:18 AM
To: 'Bob Lembke'
Cc: Rebecca Horner
Subject: RE: Waterfall Bar

Bob:
They have applied for a Special Use Permit which will be on the August 18th Planning Commission agenda for action. It then would go to the County Board for action the next week. It is not for a band but for the smoking patrons of the bar. This is becoming common since the smoking ban went into effect. A Special Use Permit gives the County Board the ability to place requirements on the bar such as noise and time of operation. If it is violated the Permit can be revoked. Neighbor's comments and concerns do play a role in the Boards decision and the requirements they place on the permit. I am also forwarding your concerns o Rebecca Horner the County Planning Director.
Mark Wayne

From: Bob Lembke [mailto:blembke@cox.net]
Sent: Monday, July 06, 2009 6:16 AM
To: Mark Wayne
Subject: Waterfall Bar

Mark –

Last year some time I wrote to my county commissioner about the "outdoor liquor license" that the Waterfall Bar on 168th obtained and the loud band that played "under" that permit. You responded on behalf of the board indicating that they had discovered a "loop hole" in the law that automatically allowed them to have the outdoor band under this permit. It sounded as though the board would not let this type of disturbance occur again.

I understand that the bar is again attempting to obtain an outdoor permit – I heard that directly from the owner last night while trying to park to watch the fireworks – she ran us out of "her parking lot" since we weren't going to buy anything from her!

Anyway, can you tell me what is happening with this permit – have they applied for one? Will they be given the ability to have a loud band again? Will they be allowed to keep the whole neighborhood awake until they close, regardless of whether they have a band – if they have outdoor drinking they'll be loud!!

Thanks.

Bob Lembke
A Cinnamon Acres Resident

Sarpy County Communications Center
Address Search Report by Agency
 LSO, FBF, LBP, FLF, LLP, LPP, FPF, FGF, FSF
 7/1/2007 To 7/12/2009

<u>IR#</u>	<u>Time</u>	<u>Type</u>	<u>Disposition 1</u>	<u>Disposition 2</u>
10205 S 168 AV			Total of IR#s:	1
SO				
LSO080721029504	2:41 am	ALARM:BUSINESS	FALSE ALARM	
10208 S 168 AV			Total of IR#s:	29
GF				
FGF081011000459	5:52 pm	RESCUE CALL	NO TRANSPORT	
SO				
LSO070706025872	7:22 pm	DISTURBANCE	NO REPORT	
LSO070729029028	3:51 pm	FRAUD COMPLAINT	NO REPORT	
LSO070801029427	11:06 am	FOLLOW UP	FOLLOW-UP	
LSO071015039314	3:21 am	ABANDONED VEH	SECURE	
LSO071205046196	12:40 am	ALARM:BUSINESS	FALSE ALARM	
LSO071222048479	4:24 am	BUSINESS CHECK	NO REPORT	
LSO071229049335	7:16 am	BUSINESS CHECK	SECURE	
LSO080101000013	5:32 am	ALARM:BUSINESS	NOT NEEDED	FALSE ALARM
LSO080130003817	3:59 am	BUSINESS CHECK	NO REPORT	
LSO080323012008	12:13 pm	ALARM:BUSINESS	FALSE ALARM	
LSO080613024608	10:11 pm	LOUD NOISE COMPLAINT	VERBAL WARNING	
LSO080613024612	10:51 pm	LOUD NOISE COMPLAINT	VERBAL WARNING	
LSO080620025377	8:36 am	ALARM:BUSINESS	FALSE ALARM	
LSO080815032753	3:09 pm	FOLLOW UP	FOLLOW-UP	
LSO080817033015	4:01 pm	PHONE CALLS:THREATS	NO REPORT	
LSO080928038542	12:30 am	DISTURBANCE	ARREST-STREET RELEA	
LSO080928038641	6:44 pm	FOLLOW UP	FOLLOW-UP	
LSO081011040402	6:05 am	ALARM:BUSINESS	FALSE ALARM	
LSO081011040448	5:52 pm	ASSIST:FD W/RESCUE	GONE ON ARRIVAL	
LSO081011040449	6:13 pm	BUSINESS CHECK	NO REPORT	
LSO081015040956	6:56 pm	FOLLOW UP	FOLLOW-UP	
LSO081019041572	11:35 pm	AUTO THEFT:RPT COLD	REPORT TAKEN	
LSO081020041577	1:14 am	FOLLOW UP	FOLLOW-UP	
LSO081030042944	10:04 pm	PD ACCIDENT:HIT&RUN	NO CONTACT	REPORT TAKEN
LSO081225049982	12:43 pm	BUSINESS CHECK	NO REPORT	
LSO081228050255	7:35 am	ALARM:BUSINESS	FALSE ALARM	SECURE
LSO090121003094	7:07 pm	TRAFFIC STOP:SARPY	WRITTEN WARNING	
LSO090501018446	2:02 am	SUSP ACT/PERSON/VEH	NO REPORT	

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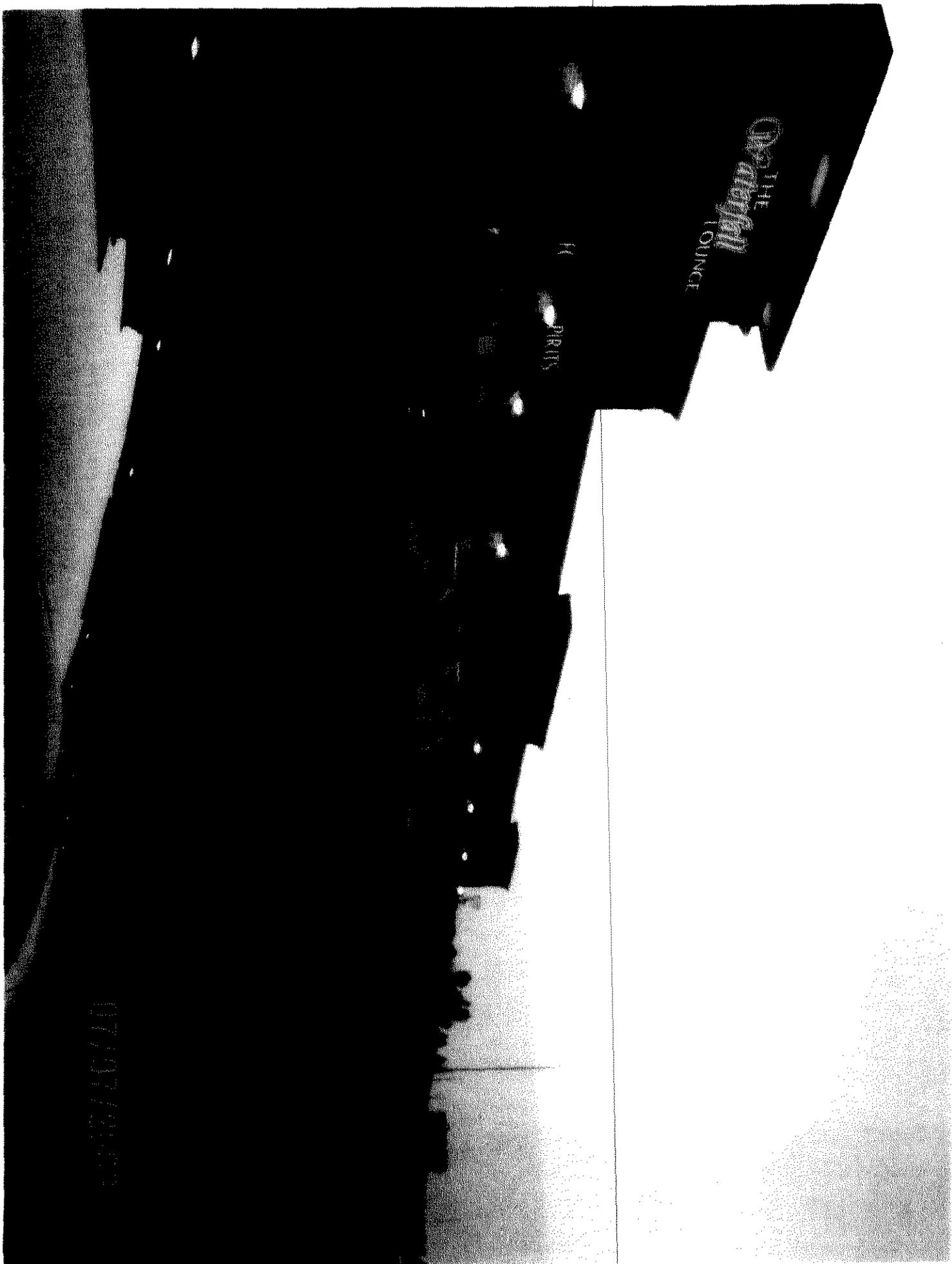
FOO

07/11/2011

THE
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LOUNGE

PIRMS

07/07/2009



THE
LOUNGE

PIRITS

THE LOUNGE

AFFIDAVIT OF PUBLICATION

State of Nebraska}

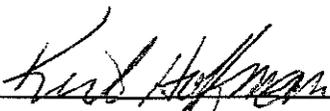
ss.

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, July 1, 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.



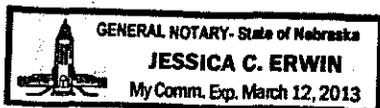
Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 06-30-2009

Signed in my presence and sworn to before me:



Notary Public



**SARPY COUNTY
DEPARTMENT OF PLANNING**
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555-Fax(402) 593-1558
Rebecca Homer, 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, July 15, 2009, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

WATERFALL LOUNGE, 10208 S. 168th Ave. Suites A and B, Omaha, NE 68136 request approval of a Special Use Permit to operate a drinking establishment on the following described property, to wit: Lot 12 Tiburon Village, Sarpy County, Nebraska (168th Avenue, south of Cheyenne Road)

JULIE NIELSON, 16410 S 180th St., Springfield, NE 68059 requests approval of a Special Use Permit to operate a kennel on the following described property, to wit: Tax Lot 8A in Sec. 29, Twp 13N, Rng 11E of the 6th P.M., Sarpy County, Nebraska (180th & Pflug Road)

PROPOSED AMENDMENTS to the Sarpy County Zoning Regulations to add regulations for Wind Energy Systems.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.

11999184; 7/1

Printer's Fee \$ 18.83

Customer Number: 000947

Order Number: 11999184



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:

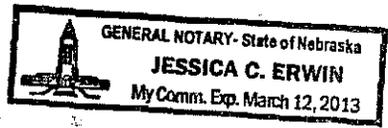
Wednesday, July 8, 2009

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 Kirk Hoffman
Publisher Business Manager

Today's Date 07-08-2009
Signed in my presence and sworn to before me:

Notary Public



Printer's Fee \$ 14.98
Customer Number: 000947
Order Number: 11999580

SARPY COUNTY DEPARTMENT OF PLANNING

Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Rebecca Homer, 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, July 21, 2009, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

WATERFALL LOUNGE, 10208 S. 168th Ave. Sultes A and B, Omaha, NE 68136 request approval of a Special Use Permit to operate a drinking establishment on the following described property, to wit: Lot 12 Tiburon Village, Sarpy County, Nebraska (168th Avenue, south of Cheyenne Road)
11999580; 7/8