

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION: SPECIAL USE PERMIT FOR BUCK'S INC.

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, Scott Bovick, Deputy County Administrator has reviewed Buck's Inc's application for a Special Use Permit for Retail Alcohol Sales for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as follows:

Tax Lot 2A, located in Section 24, T14, R11E, of the 6th P.M. in Sarpy County, NE.

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 February 16, 2011 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 Deputy County Administrator has made a recommendation as noted in the attached Exhibit "A", which Exhibit "A" includes his 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 Retail Alcohol Sales on the above described property.

Dated this 12th day of July, 2011.

Moved by Jim Warren seconded by Jim Nekuda, that
the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Jim Warren
Jim Nekuda
Jim Warren
Don Kichner

none

Rusty Hike

ABSTAIN:

none



Debra Houghtaling

Exhibit A

Sarpy County Board of Commissioners Report

Staff Report Prepared: June 28, 2011

County Board Meeting Date: July 12, 2011

Subject	Type	By
Change of Zone (CZ) from Residential Estates II (RE2) to General Business District (BG) and a Special Use Permit (SUP) for the retail sale of alcohol in association with a service station, on property legally known as Tax Lot 2A, located in Section 24, T14, R11E, of the 6 th P.M. in Sarpy County, NE	Resolution	Scott Bovick, Deputy County Administrator

○ Request

- This is a request from Buck's Inc. for a Change of Zone (CZ) from Residential Estates II (RE2) to General Business District (BG) to allow for a 4,800 square foot convenience store/gas station and a 2,300 square foot car wash, and a Special Use Permit (SUP) for the retail sale of alcohol, on property that currently has only a single family dwelling on it, but is surrounded by commercial zoning.

○ Comprehensive Development Plan

- The County Future Land Use Plan designates this area as Business Park – commercial uses.

○ Change of Zone

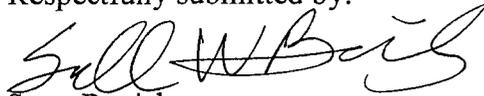
- The current zoning of RE2 – Residential Estates II conflicts with the future land use plan designation of Business Park.
- The property is currently surrounded on three sides by BG – General Business District commercial zoning, and is bounded on the west side by Highway 50.
- The request to change the zoning is in conformance with the future land use plan and BG – General Business District is the preferred zoning for this site, in accordance with the following requirements:
 - Landscaping: The applicant must provide a landscape buffer of 20 feet containing dense plantings along street frontage. The applicant has provided a landscaping plan that meets the regulations.
 - Stormwater: The applicant is aware that they must meet all stormwater regulations, including providing a post-construction stormwater management plan, when they obtain a building permit.
 - Off-Street Parking: The applicant has met the County's off-street parking requirements
 - Highway Corridor Overlay: The building and its orientation must conform to the Highway Corridor Overlay District regulations, which are applied when they apply for a building permit.
- On February 16, 2011 the **Planning Commission voted 7-0 to recommend approval to the Change of Zone**. Vanek moved, seconded by Torczon to recommend approval of the Change of Zone from Residential Estates II to General Business as it meets the Comprehensive Plan with the stipulation they meet the requirements of the Storm Water Regulations. Ballot: Ayes: Fenster, Labart, Lichter, Thompson, Torczon, Vanek and Whitfield. Nays: None. Abstain: None. Absent: Bliss, Dunbar, Stuart and Wear. Motion carried.

- Special Use Permit
 - The BG district allows retail alcohol sales as a Permitted Special Use, so a special use permit is required.
 - The general area is commercial and there are other gas stations nearby with the retail sale of alcohol.
 - On February 16, 2011 the **Planning Commission voted 7-0 to recommend approval of the Special Use Permit**. Lichter moved, seconded by Thompson to recommend approval of the Special Use Permit for the retail sale of alcohol as it meets the Comprehensive Plan and the Zoning Regulations, with the stipulation staff comments are followed. Ballot: Ayes: Fenster, Labart, Lichter, Thompson, Torczon, Vanek and Whitfield. Nays: None. Abstain: None. Absent: Bliss, Dunbar, Stuart and Wear. Motion carried.

- Traffic/Site Access Issues
 - The applicant complied with the Nebraska Department of Roads (NDOR) requests to locate their west side access as far north as possible and their south side access as far east as possible and provide a traffic study showing the impacts on the Cornhusker Road and Highway 50 intersection. After reviewing the traffic study, the NDOR stated they found no basis for requiring a contribution from the developer for intersection improvements.

- Recommendation
 - **Approval to the Change of Zone** from RE2 – Residential Estates II to BG – General Business District as the proposed zoning conforms to the Sarpy County Comprehensive Plan
 - **Approval of a Special Use Permit** for the retail sale of alcohol as it conforms to the Sarpy County Comprehensive Plan and Zoning Regulations.

Respectfully submitted by:



Scott Bovick

Deputy County Administrator

ADDITIONAL INFORMATION

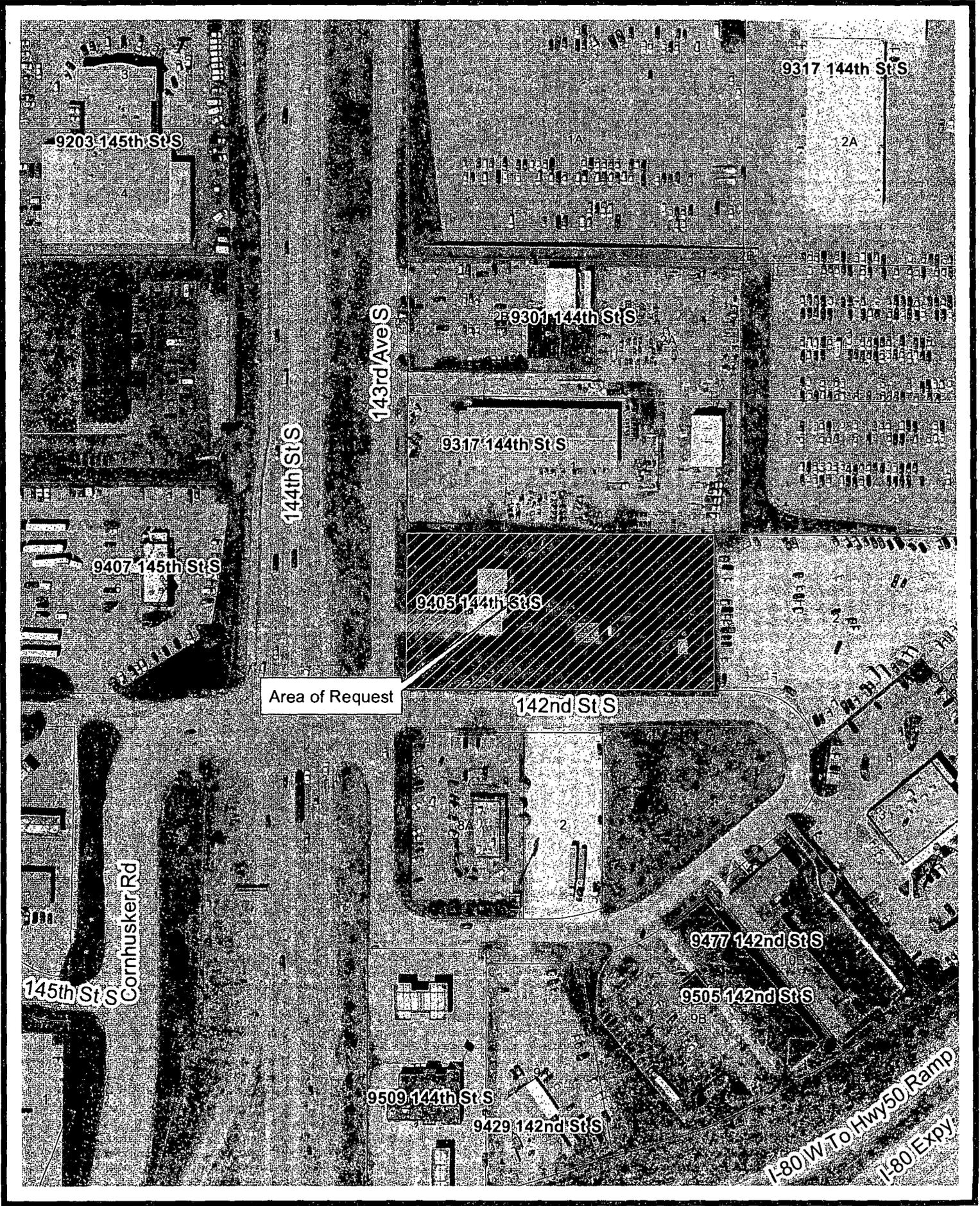
SARPY COUNTY BOARD OF COMMISSIONERS

July 12, 2011

Special Use Permit

For the Retail Sales of Alcohol in Association

With A Service Station/Convenience Store



BUCK'S, INC. 9405 S 144 St
CZ from RE2 to BG & SUP (for alcohol sales)



**SARPY COUNTY
PLANNING COMMISSION
STAFF REPORT
December 15, 2010
CHANGE OF ZONE – CZ 10-0006
SPECIAL USE PERMIT –10-0011**

I. GENERAL INFORMATION

A. APPLICANT:

John Perlebach
4973 Dodge Street
Omaha, NE 68131

B. PROPERTY OWNER:

Buck's Inc.
9405 south 144th Street
Omaha, NE 68138

Mailing Address: same as applicant address

C. LOCATION:

Northeast corner of 143rd Avenue and 142nd street, east of Highway 50, north of Interstate 80.

D. LEGAL DESCRIPTION:

Tax Lot 2A, Sect. 24, Township 14N, Range 11E

E. REQUESTED ACTION:

To approve change of zone from Residential Estates II (RE2) to General Business District (BG) to allow for a 4,800 square foot convenience store/gas station and a 2,300 square foot car wash, and a Special Use Permit for the retail sale of alcohol

F. EXISTING ZONING AND LAND USE:

RE2 – Residential Estates II

G. SIZE OF SITE:

Two (2) acres, more or less

II. BACKGROUND INFORMATION

A. COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan shows the area as a Business Park. (Figure 5.1)

The Transportation Plan indicates Highway 50 as a Major Arterial and Interstate 80 as an Interstate. (Figure 6.3, Comprehensive Development Plan)

The MAPA 2025 Long Range Transportation Plan indicates Highway 50 to have 4-lane improvements and the intersection of Highway 50 and Interstate 80 to have interchange and bridge work. (Figure 6.2, Comprehensive Development Plan)

The 2003 Federal Functional Classification indicates Highway 50 north of Interstate 80 as a Rural Principal Arterial. (Figure 6.1, Comprehensive Development Plan) Both Roads are currently improved to their functional classification.

The site is located in the Urban Services Policy District and Development Tier. Therefore, all sites are to be served with urban services. (Figure 4.5, 4.6, Comprehensive Development Plan)

B. EXISTING CONDITION OF SITE: Developed with an existing residential structure, which is proposed to be removed by the new use.

C. GENERAL VICINITY AND LAND USE:

North: Developed commercial zoned BG

South: Developed commercial zoned BGH

East: parking lots zoned BG

West: Highway 50, then developed commercial zoned IL

D. RELEVANT CASE HISTORY: The existing residential structure was built in 1972. Since that time the area has developed commercially. The applicant had a pre-application meeting with department staff in 2010 to ascertain the future land use plan for the property.

E. APPLICABLE REGULATIONS: Zoning Regulations and Comprehensive Plan.

III. ANALYSIS AND DEVELOPMENT ALTERNATIVES

STAFF COMMENTS:

A. GENERAL:

1. Comprehensive Plan:

- a. The existing zoning of REII is presently in conflict with the future land use designation of the property because the future land use is shown as Business Park. Traditionally Business Park has been interpreted to include commercial and/or industrial uses depending on the site.
- b. The request to change the zoning to a Business/Commercial designation is in conformance with the future land use designation of the area.

2. Zoning:

- a. The request is to change the zoning of the property to BG, General Business District. The BG district allows a variety of general commercial uses including customer oriented business, including service stations.
- b. Service Stations are defined as an "occupancy which provides for the servicing of motor vehicles in retail sale of, oil, tires, batteries, and new accessories; and operations including washing, tire changing, repair service, battery service, radiator service, lubrication, brake service, wheel service, and testing or adjusting automotive parts". (page 192, zoning regulations) Gas stations are typically categorized as service stations.
- c. Landscaping is required around the perimeter of the site. A minimum 20' landscaped buffer including one tree and three shrubs for each lineal foot of street frontage is required. The 20' buffer is provided on the site plan but does not address the required plantings. Landscape plantings, in the required minimum amount, need to be shown prior to being scheduled to the County Board.

- d. Stormwater Regulations apply and the applicant needs to address all required stormwater requirements prior to being scheduled onto the County Board. A note may be added to the site plan indicating the stormwater regulations will be met prior to the approval of a building permit.
 - e. Off-street parking is provided. It appears that adequate off street parking is provided to meet the minimum parking stalls required by the Zoning Regulations.
 - f. The Highway Corridor Overlay guidelines apply to the site. The building and building orientation must conform to the Highway Corridor Overlay District. These regulations will be applied at the time of building permit. The site plan provided does not waive and should not give the appearance to waive any of the corridor requirements.
3. Special Permitted Use:
- a. The applicant requests to establish the retail sale of alcohol along with the gas station use.
 - b. The BG district allows Retail Alcohol Sales as a Permitted Special Use, meaning a special use permit is required.
 - c. The Special Use Permit general provisions indicate that the permit may be approved by the County Board if the use is found to "not be detrimental to the health, safety, morals, and general welfare of the area and the special use is in accordance with the intent and purpose of the district in which it is permitted". (page 159, zoning regulations)
 - d. The area is generally commercial. There are similar uses in the area including other gas stations with the retail sale of alcohol.
4. Traffic/Site Access:
- a. The applicant proposes the site be served by two access points on 142nd Street and one along 143rd avenue. This was recommended by the Nebraska Department of Roads after a site plan review of the proposed use.
 - b. The applicant submitted a traffic analysis which was reviewed by the Nebraska Department of Roads. The Nebraska Department of Roads reviewed the traffic analysis and has stated that the applicant has sufficiently responded to all of their questions. The Planning Commission may want to review the comments and make recommendations based on the NDOR comments.
 - c. Sarpy County recommends the applicant participate in their proportionate share of phasing and signal head improvements at 142nd and Highway 50.
5. General Comments:
- a. Comments were received by several other jurisdictions and are included in the packet. No other revisions were requested.

IV. RECOMMENDATION:

Recommend to approval to the Change of Zone from REII, Residential Estates II to BG, General Business provided comments are resolved prior to scheduling the item to the County Board as the proposed zoning conforms with the Comprehensive Plan of Sarpy County.

Recommend approval for a Special Use Permit for the Retail sale of Alcohol, as shown in the attached interior site plan, Bucky's Express, provided comments are resolved prior to scheduling the item to the County Board, as it conforms with the Comprehensive Plan and Zoning Regulations of Sarpy County.

V. COPIES OF REPORT TO:

Applicant
Public upon request

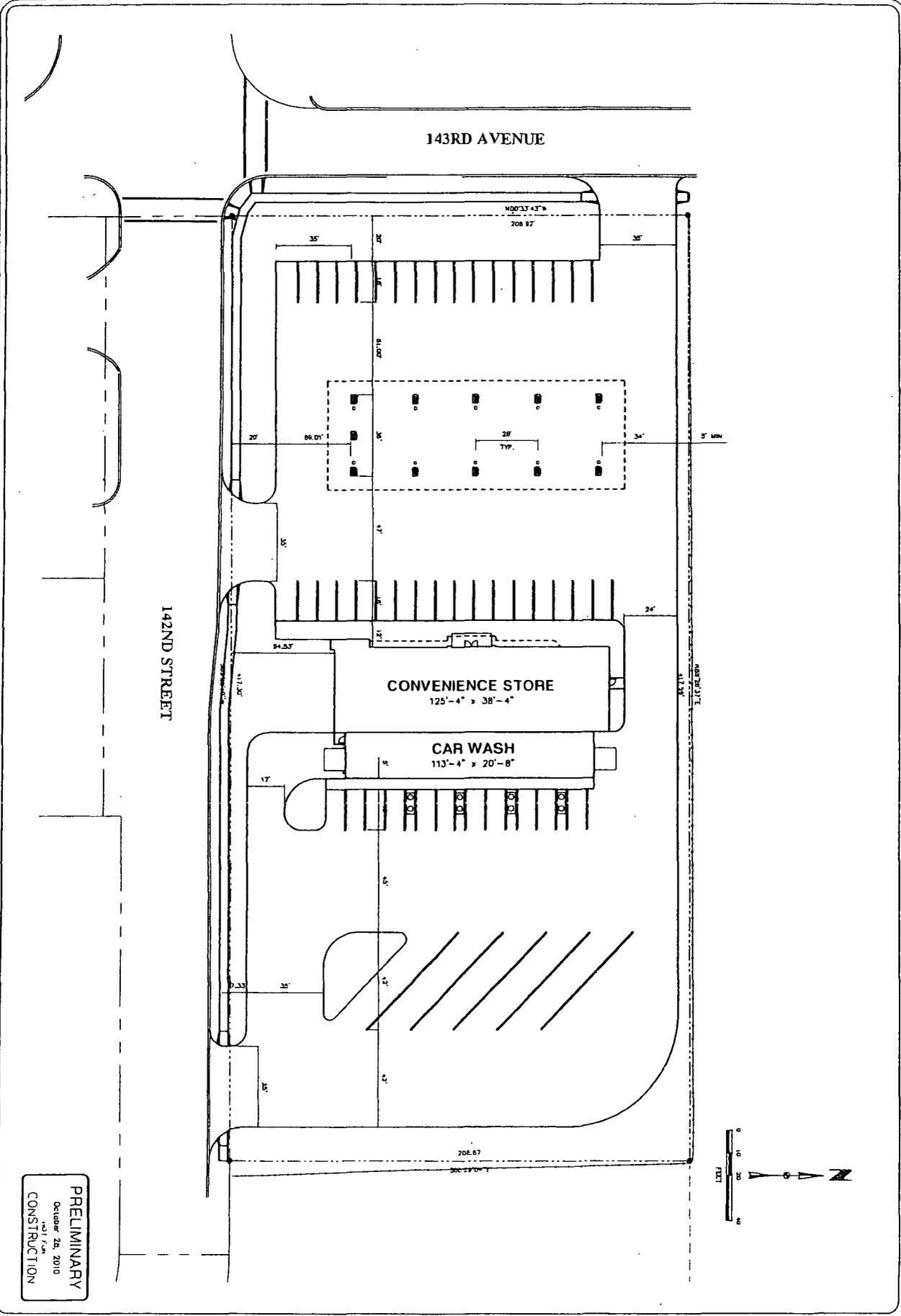
VI. ATTACHMENTS:

Application, including interior site layout
Comments
Aerial map showing adjacent property

Report prepared by:

Todd Swirczek
Planner

Rebecca Horner, AICP
Planning Director



PRELIMINARY
 October 28, 2010
 143RD AVENUE & 142ND STREET
CONSTRUCTION

1 OF 1
 702810
 10/28/10

BUCKY'S EXPRESS
 142ND STREET & 143RD AVENUE, DAVENPORT, IA
 BUCKY'S EXPRESS
PROPOSED SITE LAYOUT

PLI	_____
BLI	_____
WLG	_____
SEP 20	_____

hgm
 ASSOCIATES INC.
 ENGINEERING ARCHITECTURE SURVEYING
 coudé bluffs omaha

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SARPY COUNTY PLANNING

SEP 30 2010

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

SPECIAL USE PERMIT APPLICATION

<p>In order for your application to be considered COMPLETE, please answer all applicable questions and provide the following:</p> <ol style="list-style-type: none"> 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 	<p>PLANNING STAFF USE ONLY:</p> <p>APPLICATION NO.: _____</p> <p>DATE RECEIVED: _____</p> <p>CP DESIGNATION: _____</p> <p>ZONING DESIGNATION: _____</p> <p>FEE: \$ _____ RECEIPT NO. _____</p> <p>RECEIVED BY: _____</p> <p>NOTES: _____</p>
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APPLICANT INFORMATION:

NAME: John Perlebach E-MAIL: jperlebach@buchananenergy.com

ADDRESS: 4973 Dodge St. CITY/STATE/ZIP: Omaha, NE 68131

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

PHONE: 402-558-9860 FAX: 402-558-1669

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

Please check box if attaching separate sheet with owner information.

NAME: Buck's, Inc. E-MAIL: jperlebach@buchananenergy.com

ADDRESS: 9405 S 144th St. CITY/STATE/ZIP: Omaha, NE 68138

MAILING (IF DIFFERENT)
ADDRESS: 4973 Dodge St. CITY/STATE/ZIP: Omaha, NE 68131

PHONE: 402-558-9860 FAX: 402-558-1669

ENGINEER INFORMATION:

NAME: William Glismann-HGM Assoc. E-MAIL: wglismann@hgmonline.com

ADDRESS: 5022 S 114th St. Ste. 200 CITY/STATE/ZIP: Omaha, NE 68137

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

PHONE: 402-346-7559 FAX: 402-346-0224

SEP 30 2010

SARPY COUNTY
PLANNING DEPARTMENT

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets if necessary.) **PLEASE NOTE:** A detailed project description is essential to the reviewing process of this request.

The project will be 4800 SF Convenience Store, a 2300 SF Tunnel Car Wash and 11 Fuel dispensers. There will be 39 parking stalls, 4 with vacuums. The site would be open 24 hours a day, have 12 employees and would anticipate drawing 2000 to 2500 customers a day.

The special use permit is being requested to allow for retail alcohol sales for the convenience store. A change of zoning is also being requested for the property.

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: 010394796

ADDITIONAL PARCEL NUMBERS N/A

LEGAL DESCRIPTION: (Describe property to wit:)

TAX LOT 2A SECTION 24 TOWNSHIP 14 RANGE 11

GENERAL PROPERTY LOCATION: NE Cnr 143 Ave & 142 St

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.

Owner Signature (or authorized agent)

9/29/2010

Date

Owner Signature (or authorized agent)

Date

COMMENTS RECEIVED

Buck's Inc.

Tim Weander – State Dept of Roads
Comments Attached

Chris Solberg – City of LaVista
Use will exacerbate an already poor traffic situation, However, the City has no official objections to this permit

Jeff Loll – Engineering Design – M.U.D.
No Comment

Nicole O'Keefe – Deputy County Attorney
Reminder that they may also need a public amusement license and/or liquor license

Lori Laster – Papio-Missouri River NRD
No Comment

Tom Lynam – County Surveyor's Office
Needed to talk to NE Dept of Road as they have had several discussions about what to do with the intersection of 142nd, Highway 50 and the frontage road called 143 Ave. Many things have been discussed that may change the layout of this Special Use Permit. No further comment received

Todd Swirczek

From: Weander, Tim [Tim.Weander@nebraska.gov]
Sent: Thursday, December 09, 2010 9:39 AM
To: Todd Swirczek; Huff, Ryan
Cc: Rebecca Horner
Subject: RE: December 15 - Sarpy Planning Commission

Todd

Thanks for catching my mistake. We have previously approved the 2 access points along the east-west road.

Timothy W. Weander, P.E.
District 2 Engineer
Nebraska Department of Roads
4425 S. 108th St.
Omaha, Nebraska
(402)-595-2534

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From: Todd Swirczek [mailto:tswirczek@sarpy.com]
Sent: Thursday, December 09, 2010 9:03 AM
To: Weander, Tim; Huff, Ryan
Cc: Rebecca Horner
Subject: RE: December 15 - Sarpy Planning Commission

Tim,

I am a little bit confused about their final plan. The NDOR has approved a final plat with 2 access points along the east-west 142nd street. Will that still be ok if they have these 2 access points after they address your traffic study issues?

Thank you Tim.

Todd Swirczek
Planner
Sarpy County Planning Department
402-593-1557
tswirczek@sarpy.com

From: Weander, Tim [mailto:Tim.Weander@nebraska.gov]
Sent: Wednesday, December 08, 2010 4:53 PM
To: Todd Swirczek; Huff, Ryan
Subject: RE: December 15 - Sarpy Planning Commission

Todd

We will not be able to attend the planning commission meeting due to scheduling conflicts.

We agree the Bucky's needs to be tabled until all the information is received showing the extent of the traffic impacts to N-50 and I-80 based on the existing conditions for the future traffic. NDOR has no plans at this time to improve N-50 to a 6-

lane facility as shown in their site plan, and Sarpy County needs to be aware of the effects of this approval on the existing system.

That being said, if the driveways are located as far as possible from the intersection with one on the north/south frontage road, and one on the east/west frontage road we would agree with the approval of the plat as long as a **requirement to the approval** is submitting an approved Traffic Impact Study to Sarpy County and NDOR per our request.

Timothy W. Weander, P.E.
District 2 Engineer
Nebraska Department of Roads
4425 S. 108th St.
Omaha, Nebraska
(402)-595-2534

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From: Todd Swirczek [<mailto:tswirczek@sarpy.com>]
Sent: Wednesday, December 08, 2010 9:54 AM
To: Huff, Ryan
Cc: Weander, Tim
Subject: December 15 - Sarpy Planning Commission

Tim

Could you possibly send a representative to our Dec 15 Planning Commission. We are going to recommend that Bucky's be tabled until the January meeting due to outstanding issues with NDOR.

However, it may be passed if someone from the NDOR is not there to defend the traffic analysis questions.

Please let me know and thank you,

Todd Swirczek
Planner
Sarpy County Planning Department
402-593-1557
tswirczek@sarpy.com

From: Huff, Ryan [<mailto:ryan.huff@nebraska.gov>]
Sent: Tuesday, December 07, 2010 3:14 PM
To: bglismann@hgmonline.com
Cc: Todd Swirczek; Waddle, Dan; Weander, Tim
Subject: Bucky's Express Traffic Impact Study - N-50 at 142nd/Cornhusker Road

Bill,

The NDOR Traffic Engineering Division has reviewed the most recent update to the Bucky's Express Traffic Impact Study and developed comments (see attached). There are several outstanding issues that are still unaddressed by the study. By incorporating the attached comments, we believe the study will allow Sarpy County decision makers to fully assess the potential issues facing the area and the degree to which the Bucky's gas station affects it all.

If you have questions regarding the comments please let us know. Thanks.

NDOR Traffic Engineering Division Comments

RE: Tech Memo, November 24, 2010 - Traffic Study analysis Highway 50 and 142nd
St/Cornhusker Road, HGM #702810

12/7/2010

1. Page 3, 1st paragraph: (Optional comment) The paragraph talks about the use of pass-by percentages for use #945, but it does not say why. For the readers benefit, the consultant may want to add a clarifying statement that "through discussion with NDOR, the pass-by percentages for ITE #945 were used...". This way the reader knows that who directed the Consultant to make this assumption.
2. Page 3, third paragraph: The first sentence makes reference to internal trips, but we do not believe internal reductions were applied for the updated study. Please clarify.
3. Page 3, Intersection Operation Analysis: It is our understanding that the intersection analysis included in the report did not examine the affects of adjacent intersections and their timings. That is, the capacity analyses only considered optimization of timings for Cornhusker/142nd Street and N-50 (with no other external influences). This detail is important because it doesn't account for the operations of the intersection within the local system. The spacing of intersections in this area along with the projected traffic volumes will necessitate the careful coordination of timings (which doesn't seem to be accounted for). If this is the case, it is important to notify the reader and decision makers that the study only analyzed the intersection by itself and did not analyze it within the system. Please add a note to this section explaining that all capacity analyses performed for this study did not take into account adjacent signal spacing, timing, or progression and that as a result, the operations reported are probably optimistic. In reality, the NDOR will coordinate and give preference to N-50, which will degrade the side street operations.
4. Page 5, Table 2: How was 200 feet of storage determined for WB lefts and rights? The distance between N-50 and the frontage road is roughly 60-75 feet. The WB queue lengths for all scenarios exceed this distance. As a result, the queue will block access to the frontage road. In fact this already occurs. Trucks and passenger cars exiting N-50 attempt to go north on the frontage road and are stopped by the queue. This results in spillback that affects operations on N-50. Please clarify how the queue length was determined. In addition, the text should note the blocking and spillback issue for any scenario with WB queues exceeding 75 feet.
5. Page 6, first paragraph: The sentence mentions the addition of a southbound and *eastbound* protected-permissive phase. We believe it should say westbound, not eastbound. Please verify.
6. Page 6, Year 2035 Analysis, second and third paragraph: The paragraph describes the need for three lanes on N-50 in year 2035 to accommodate the projected traffic; however MAPA's 2030 Long Range Transportation Plan (LRTP) and year 2035 draft LRTP do not identify any projects to widen the 4 lane section to a 6 lane section (See attached figures). In addition there are recommendations for a dual eastbound right and lengthening of the northbound left turn bay.

Neither of these improvements is programmed for the intersection. That being said, the study should be updated to include the following scenarios:

- a. 2035 no build with 4 lanes on N-50 with no improvements to the side street
- b. 2035 build with 4 lanes on N-50 with no improvements to the side street.

The intent of these scenarios is to show Sarpy County decision makers how bad the system is without any sort of improvements. We understand the overall operations through the area will probably be very bad, but we need verification of this in order to manage expectations.

- *Note: for the 4-lane scenarios, just report the results with no improvements. This includes both the no build and build scenarios. That is, do not show or pursue any sort of mitigating treatments. In the end, the no build and build situations will be compared to show the impact in a worst case scenario.*
 - *Note: the improvements described for the 2011 scenarios may be used in the 2035 4-lane scenario analyses (i.e. SB and WB protected-permissive phases)*
7. General comments regarding a 4-lane scenario (build or no build): Since the operations are expected to be poor (regardless of what is happening at the proposed site) there is a good chance that the 'lack of capacity' will create significant queuing and spillback. This may include impacts to the interstate ramp terminals and possibly the interstate. If the Consultant finds that these issues exist, they should be reported so decisions makers can be aware what the lack of capacity will mean for the study intersection and possibly other adjacent intersections/facilities.
 8. Page 6, year 2035 Analysis: Please continue to include the 6-lane results in the study since it demonstrates an ideal situation. It is good to know what would be needed to affect satisfactory operations at the intersection.
 9. Page 7, last sentence: Please update this to describe the issue listed in comment #4.
 10. Page 8, first paragraph: The NDOR has already proposed various treatments to limit access to 143rd Avenue in order to affect better operations on the east leg of the intersection; however, modification to access was resisted by local businesses and the County when it was last proposed. The statement is good and the recommendation is sound. Please leave the statement as is so the reader can be aware of the benefits you've described. It may also be beneficial to mention that the blocking issue described in #4 would be relocated to Meadows Boulevard.

In general, the study approach is sound, but the requested information should be added to clarify the potential issues within the study area.

shows reductions in queue lengths from the no build to the build scenario. While this, I believe the analysis is sufficient for our needs.

3. The Consultant's analysis found that the NB queue at 142nd/Cornhusker extends south, through the north ramp terminal with I-80 in the NO BUILD scenario (i.e. 4-lane scenario). The addition of the Bucky's gas station does not change this queue significantly.

Overall, the study tells us what we need to know. The Bucky's gas station is anticipated to incrementally increase delay and queues in the area. As a result, they should only be responsible for improvements to the phasing and signal heads at 142nd Street and N-50 (i.e. the SB left and WB left permissive-protected phases). There will still be blocking and spillback issues related to the frontage road. These things already exist and are anticipated to get worse by the addition of the Bucky's. These issues are very hard to quantify/capture in a study. As a result, we cannot hold the developer responsible for mitigation.

Let me know if you need any further review or comment on this study. Also let me know if you have any questions. Thanks.

Ryan Huff, P.E., PTOE

Traffic Analysis Engineer
Traffic Engineering Division
#4764

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From: Bill J. Glismann [mailto:bjglismann@hgmonline.com]
Sent: Wednesday, December 29, 2010 11:05 AM
To: Huff, Ryan
Cc: Waddle, Dan; Weander, Tim; Todd Swirczek
Subject: RE: Bucky's Express Traffic Impact Study - N-50 at 142nd/Cornhusker Road

Hi Ryan,

Attached is the updated Traffic Analysis for your review. Please contact me if you have any further questions.

Thanks,
Bill Glismann

HGM Associates Inc.
5022 S. 114th Street, Ste 200
Omaha, NE 68137-2330

Phone (402) 346-7559
Fax: (402) 346-0224

wjglismann@hgmonline.com

From: Huff, Ryan [mailto:ryan.huff@nebraska.gov]
Sent: Tuesday, December 07, 2010 3:14 PM
To: Bill J. Glismann
Cc: tswirczek@sarpy.com; Waddle, Dan; Weander, Tim
Subject: Bucky's Express Traffic Impact Study - N-50 at 142nd/Cornhusker Road

Bill,

The NDOR Traffic Engineering Division has reviewed the most recent update to the Bucky's Express Traffic Impact Study and developed comments (see attached). There are several outstanding issues that are still unaddressed by the study.

By incorporating the attached comments, we believe the study will allow Sarpy County decision makers to fully assess the potential issues facing the area and the degree to which the Bucky's gas station affects it all.

If you have questions regarding the comments please let us know. Thanks.

Ryan Huff, P.E., PTOE
Traffic Analysis Engineer
Nebraska Department of Roads
1500 Highway 2
Lincoln, NE 68502
Phone #: 402.479.4594
Fax #: 402.479.3606
ryan.huff@nebraska.gov

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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, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, June 29, 2011

Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

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

Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

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, AICP, 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 12, 2011, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

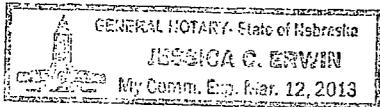
Buck's, Inc. requests a Change of Zone from Residential Estates II (RE2) to General Business District (BG) and a Special Use Permit for the retail sale of alcohol in association with a service station, on property legally known as Tax Lot 2A, located in Section 24, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (NE corner of 143rd Ave and 142nd St.)

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.
1394032; 6/29

Today's Date 06-28-2011

Signed in my presence and sworn to before me:

Notary Public



Printer's Fee \$ 14.98
Customer Number: 40638
Order Number: 0001394032

JUL 7 2011

SARPY COUNTY
PLANNING DEPARTMENT

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 that he is the Business Office Manager of the PAPILLION TIMES, a legal newspaper of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, that the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

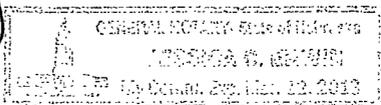
Thursday, December 2nd 2010

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, Publisher
Or
Kirk Hoffman, Business Manager

Today's Date 1-25-2011
Subscribed in my presence and sworn to before me:

Jessica Cawein
Notary Public



Printers Fee: \$ 9.89
Customer Number: 168048
Order Number: 1316606

JAN 31 2011

SARPY COUNTY
PLANNING DEPARTMENT

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, December 15, 2010, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Advantage Development, Inc. requests a Preliminary Plat and Change of Zone from AG to RE2 with a conservation development overlay for River Ranch on property legally known as Tax Lot 13A located in Section 10, T2 and P3 located in Section 11, Township 12 N, Range 11 E of the 6th P.M. Sarpy County, Nebraska. (Hwy 50 & Rina Road)

Beacon View Inc. requests a Final Plat for Beacon View 2nd Addition on property legally known as Tax Lot D1 located in SW Section 29 and Outlot 6 - Beacon View Lot 27 Addition, located in NW Section 29, all of Township 13, Range 10 of the 6th P.M. Sarpy County, Nebraska. (255th & Highway 6)

Western Sand & Gravel Company, requests a Special Use Permit and Flood Plain Development Permit for an existing sand mining operation located on Gov. Lot 1, Tax Lot A, S of RR & Tax Lot 1, Tax Lot A, N of RR, Tax Lot 1A2-Exc Pt for Mopack Trail, Tax Lot 1B, Tax Lot B, Gov. Lot 5 S of RR & PT of SE 1/4, Section 18, Township 12, Range 11 of the 6th P.M. Sarpy County, Nebraska. (South 189th St. W Hwy 31 & 1961 Fishery Rd)

Renee Johnson, requests a Special Use Permit for a kernel with an outdoor run on property legally known as Lot 2, Sunridge Replat 3, NE Sec. 17, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (7001 S 181st St.)

Buck's Inc. requests a Change of Zone from Residential Estates II (RE2) to General Business District (BG) and a Special Use Permit for the retail sale of alcohol in association with a service station, on property legally known as Tax Lot 2A, located in Section 24, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (NE corner of 143rd Ave and 142nd St.)

An agenda for the meeting, kept continually current, is available for inspection at the