

BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA**APPROVE CHANGE OF ZONE****APPLICANT: RONALD AND SUSAN HOLLINS;**
CHANGE OF ZONE FROM AG, AGRICULTURAL FARMING DISTRICT TO IL,
LIGHT INDUSTRIAL DISTRICT

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2012), 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 2012), 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 2012); and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Change of Zone Applications; and

WHEREAS, the Sarpy County Planning Department staff reviewed the Ronald and Susan Hollins application for a Change of Zone from AG, Agricultural Farming District to IL, Light Industrial District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located at the SW corner of Highway 50 and Schram Road and legally described as follows:

NE ¼ of Section 2, Township 13 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska.

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

- I. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on July 17, 2013 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding the Change of Zone 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 2012), and the proof of publication has been filed in the Office of the Sarpy County Clerk.

- IV. The Planning Department staff made a recommendation as noted in the attached Exhibit "A", which includes the Planning Department Report.
- V. The Change of Zone Application is in compliance with the Comprehensive Development Plan.
- VI. The applicants intend to sell the property and the requested amendments are to accommodate the prospective buyer.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the change of zone from AG, Agricultural Farming District to IL, Light Industrial District on the property legally described above.

BE IT FINALLY RESOLVED THAT this Resolution will be effective upon the condition that the pending sale of the property is finalized no later than October 31, 2013 and further, that the Sarpy County Clerk's Office receive written documentation of the finalized sale by the October 31, 2013 date as well. If the conditions above are not satisfied, these zoning changes shall be void.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 13th day of August, 2013.

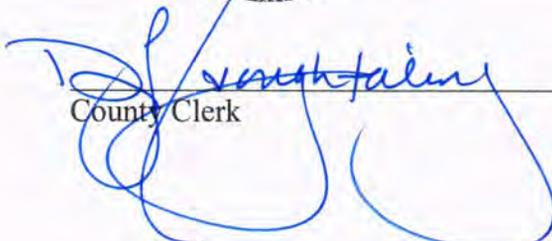
Attest

SEAL





Sarpy County Board Chairman



County Clerk

Sarpy County Board of Commissioners
 Exhibit "A"
 Planning Department Report
 County Board Meeting Date: August 13, 2013

Subject	Type	By
Comprehensive Plan Amendment (Future Land Use Designation) and Change of Zone Applications for the SW corner of Highway 50 and Schram Road	Public Hearings & Resolutions	Bruce Fountain, AICP, EDFP Director, Planning & Building

➤ **Summary and Purpose of Requests:**

This site has been marketed by both the owners and the Sarpy County Economic Development Corporation (SCEDC) for several data center projects in the past few years. A major issue with such projects is timing. These types of projects typically will only consider sites that are "shovel ready" meaning they are properly zoned and ready to go for development. In order to be better prepared for these types of prospects, the owners would like to complete the rezoning process so that it will not become another hurdle to overcome in winning a major data center project or other suitable development. The applications submitted are to change the future land use designation on the subject property from Mixed Use Center, Mixed Use, Urban Residential and Urban Residential II to Business Park (BP) and to rezone the property from AG (Agricultural Farming District) to IL (Light Industrial). Attached is a revised Figure 5.1 Development Structure Plan from the Sarpy County Comprehensive Plan which reflects the proposed future land use designation change to BP (Business Park).

➤ **Background and Analysis:**

The detailed staff report on this application was presented to the Planning Commission at their July 17, 2013 meeting and is attached for your information and review.

➤ **Staff Recommendations:**

The proposed amendment to the Sarpy County Future Land Use Map and rezoning application for this site is consistent with the overall goals and objectives of the County's Comprehensive Plan. This area has been studied extensively by the Sarpy County Economic Development Corporation and is ranked as the best area for the development of a high quality light industrial business park. Its proximity to Highway 50, Highway 370 and Interstate 80, as well as the availability of high capacity electrical power, make it a prime area for data center development along with other quality distribution, office, light industrial uses.

It is also consistent with existing and planned development for the area directly north of the site. This area has already been developed with high quality light industrial uses and has plans to expand to the south in the future. Staff believes that with the coming update to the Comprehensive Plan that this entire Schram Road corridor, from Highway 50 to I-80, should be designated Business Park so that it may accommodate future Light Industrial, Commercial and Office development needs within the County.

The applicant's proposed changes will also support quality economic development in Sarpy County. It will allow the region to be more competitive in attracting data center projects for national companies as well other commercial/light industrial development which will continue to diversify the County tax base and provide services for surrounding residential development. High standards of development quality will be ensured through the Highway Corridor Overlay District designation already in place in this area. Those standards are regulated by the Sarpy County Zoning requirements as well.

- Staff recommends **APPROVAL** of the application to amend the Sarpy County Comprehensive Plan future land use designation from Mixed Use Center, Mixed Use, Urban Residential and Urban Residential II to Business Park (BP).
- If the amendment to the Sarpy County Comprehensive Plan future land use designation is approved, the requested zoning will be in conformance with the Comprehensive Plan; then, staff recommends **APPROVAL** of the application to rezone the subject property from AG (Agricultural Farming District) to IL (Light Industrial).

➤ **Planning Commission Recommendation:**

On July 17, 2013 the Planning Commission voted to recommend **APPROVAL** of the application to amend the Sarpy County Comprehensive Plan future land use designation from Mixed Use Center, Mixed Use, Urban Residential and Urban Residential II to Business Park (BP).

- **MOTION:** Lichter moved, seconded by Ackley to **APPROVE** the application to amend the Sarpy County Comprehensive Plan future land use designation as it is consistent with the County's Comprehensive Plan goals and objectives as well as existing and planned land uses in the surrounding area. **Ballot:** *Ayes – Bliss, Lichter, Stuart, Ackley, Whitfield, Mohr, Malmquist, Fenster and Farrell. Nays – none. Abstain – None. Absent – Murante and Torczon. Motion carried.*

On July 17, 2013 the Planning Commission voted to recommend **APPROVAL** of the application to rezone the subject property from AG (Agricultural Farming District) to IL (Light Industrial).

- **MOTION:** Malmquist moved, seconded by Lichter to **APPROVE** the rezoning from AG to IL as it is consistent with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations. **Ballot:** *Ayes – Bliss, Lichter, Stuart, Ackley, Whitfield, Mohr, Malmquist, Fenster and Farrell. Nays – none. Abstain – None. Absent – Murante and Torczon. Motion carried.*



**SARPY COUNTY PLANNING
& BUILDING DEPARTMENT**

**EXECUTIVE SUMMARY
RECOMMENDATION REPORT
FOR
COMPREHENSIVE PLAN AMENDMENT AND CHANGE OF ZONE APPLICATIONS
FOR SW CORNER OF HIGHWAY 50 AND SCHRAM ROAD
FOR PLANNING COMMISSION HEARING OF: JULY 17, 2013**

I. OVERVIEW

A. APPLICANT:

Ronald R. and Susan C. Hollins
Represented by: Jerry Slusky
SGS Law Firm
8712 W. Dodge Road, Suite 400
Omaha, NE 68114

B. SUBJECT PROPERTY OWNER:

Ronald R. and Susan C. Hollins
7606 N. 120th Street
Omaha, NE 68114

C. PROPERTY LOCATION/LEGAL DESCRIPTION: SW corner of Hwy 50 & Schram Rd.
NE ¼ of Section 2, Township 13 North, Range 11 East of the 6th P.M., Sarpy County, NE

D. SUBJECT PROPERTY SIZE: approximately 139.76 acres

E. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS :

- Future Land Use Designations: Mixed Use, Mixed Use Center, Urban Residential, and Urban Residential II (see attached Land Use Map)
- Zoning: AG (Agricultural Farming District)

F. PROPOSED FUTURE LAND USE AND ZONING DESIGNATIONS:

- Future Land Use Designation: BP – Business Park
- Zoning: IL (Light Industrial).

G. PURPOSE OF REQUEST: This site has been marketed by both the owners and the Sarpy County Economic Development Corporation (SCEDC) for several data center projects. A major issue with such projects is timing. These types of projects typically will only consider sites that are “shovel ready” meaning they are properly zoned and ready to go for development. In order to be better prepared for these types of prospects, the owners would like to complete the rezoning process so that it will not become another hurdle to overcome in winning a major data center project or other suitable development.

II. STAFF RECOMMENDATION

Staff has reviewed the submitted applications and found them to be consistent with the County's Comprehensive Plan goals and objectives as well as existing and planned land uses in the surrounding area. Staff recommends APPROVAL of both applications. The background information supporting these recommendations is provided in the attached Detailed Recommendation Report.



**SARPY COUNTY PLANNING
& BUILDING DEPARTMENT**

DETAILED RECOMMENDATION REPORT

- **COMPREHENSIVE PLAN
AMENDMENT – CPA 13-0001**
- **CHANGE OF ZONE – CZ 13-0007**

FOR PLANNING COMMISSION HEARING OF: JULY 17, 2013

I. GENERAL INFORMATION

A. APPLICANT:

Ronald R. and Susan C. Hollins
Represented by: Jerry Slusky
SGS Law Firm
8712 W. Dodge Road, Suite 400
Omaha, NE 68114

B. SUBJECT PROPERTY OWNER:

Ronald R. and Susan C. Hollins
7606 N. 120th Street
Omaha, NE 68114

C. SUBJECT PROPERTY LOCATION:

Southwest corner of Highway 50 (144th Street) and Schram Road

D. LEGAL DESCRIPTION:

NE ¼ of Section 2, Township 13 North, Range 11 East of the 6th P.M., Sarpy County, NE

E. SUBJECT PROPERTY SIZE: approximately 139.76 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS :

- Future Land Use Designations: Mixed Use, Mixed Use Center, Urban Residential, and Urban Residential II (see attached Land Use Map)
- Zoning: AG (Agricultural Farming District)

G. REQUESTED ACTION(S):

1. Amend the Sarpy County Comprehensive Plan future land use designation from Mixed Use Center, Mixed Use, Urban Residential and Urban Residential II to Business Park (BP)
2. Rezone the subject property from AG (Agricultural Farming District) to IL (Light Industrial). The Highway Corridor Overlay District would remain on the eastern half of the property.

- H. **PURPOSE OF REQUEST:** This site has been marketed by both the owners and the Sarpy County Economic Development Corporation (SCEDC) for several data center projects. A major issue with such projects is timing. These types of projects typically will only consider sites that are “shovel ready” meaning they are properly zoned and ready to go for development. In order to be better prepared for these types of prospects, the owners would like to complete the rezoning process so that it will not become another hurdle to overcome in winning a major data center project or other suitable development.

II. BACKGROUND INFORMATION

- A. **EXISTING CONDITION OF SITE:** The entire site is currently being farmed.
- B. **SURROUNDING AREA CURRENT ZONING:**
1. North: AG (Agricultural Farming), IL (Light Industrial)
 2. East: AG (Agricultural Farming)
 3. South: AG (Agricultural Farming)
 4. West: AG (Agricultural Farming)
- C. **SURROUNDING AREA CURRENT LAND USE DESIGNATIONS:**
1. North: Mixed Use and Business Park - existing uses are primarily agricultural farming directly to the north as well as a developed Light Industrial Business Park to the north of the farmland. The land directly to the north is currently being marketed for Light Industrial uses as well.
 2. East: Urban Residential and Urban Residential II – currently undeveloped farmland
 3. South: Mixed Use, Mixed Use Center, Urban Residential, Urban Residential II – currently undeveloped farmland
 4. West: Urban Residential and Urban Residential II – undeveloped farmland

Staff believes that with the coming update to the Comprehensive Plan that this entire Schram Road corridor, from Highway 50 to I-80, should be designated Business Park so that it may accommodate future Light Industrial, Commercial and Office development needs within the County. The SCEDC Site Development Committee has studied this area extensively over the last 2 to 3 years and believes this is the best area to accommodate the need for data center and other light industrial development sites.

- D. **RELEVANT CASE HISTORY:** The Sarpy County Economic Development Corporation has presented this site for a number of major data center projects within the last couple of years. These projects were under tight timelines to begin construction and were very concerned about the time it would take to get through the rezoning process as they needed to begin construction immediately following their site selection decision. The sites in other cities competing for the projects were already zoned and ready for construction giving them an advantage over Sarpy County in the site selection process. In order to overcome this disadvantage, this property owner would like to move forward with the process to have the site properly zoned in order to help expedite the development process for the prospect.

This will put Sarpy County on a more even playing field with other areas we are competing with in the economic development process.

D. APPLICABLE REGULATIONS:

1. Sarpy County Comprehensive Development Plan
2. Sarpy County Zoning Regulations - Section 9, AG(Agricultural Farming) District – current zoning designation
3. Sarpy County Zoning Regulations - Section 23, IL (Light Industrial) District – proposed zoning designation
4. Sarpy County Zoning Regulations - Section 32, Highway Corridor Overlay District

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Sarpy County Comprehensive Plan includes a number of goals, policies and statements that are relevant to this application:

Economy and Economic Development Vision Statement: Diversifying and expanding the business and employment base in the county is encouraged. In supporting growth, the county will encourage quality development and the effective use of public resources.

Relevant Goals:

- #1 Establish and support clear policies for land use throughout the County.
- #3 Strive to broaden the tax base with emphasis on support to existing business and industrial activities.

Relevant Development Policies:

- #1.2 Use the land use plan to establish zoning and other development policies and standards that will encourage more business growth relative to housing in the county.
- #1.3 Have the Sarpy County Economic Development Corporation recommend to the Sarpy County Board areas for designation as “prime industrial, commercial, and office park land” that should be reserved for business development and protected from housing development encroachment as an amendment to the Comprehensive Plan.

Land Use Policies Vision Statement: The County uses policy, clear regulation and capital improvements planning to support quality development. Through land use designations and development policies, the county established priorities for various types of development based on natural resources and current public investments.

Relevant Goals:

- #1 Promote the county’s role in providing overall coordination for land use and growth issues.
- #2 Utilize a combination of development policy and regulations to manage future growth and development.
- #3 Guide growth in the most land use efficient and cost effective manner possible.

Relevant Development Policies:

- #1.1 Develop a policy which requires the coordination and review of all planning and zoning activities as they relate to extraterritorial jurisdictions and the unincorporated portion of the county. This policy would require review and comment on the proposed activity by adjacent cities and/or the county before the activity proceeds to the next step.
- #2.1 Establish policy guidelines and regulations to set standards for compatibility and sound transitions among varying land uses.
- #3.3 Support land use guidelines that address compatible transitions between cities; recommend compatible activities along designated transportation corridors.

Basic Plan Principles: These principles provide the guiding assumptions for the development concept and implementing systems presented in the plan's subsequent sections.

Principle 3: Sarpy County will accommodate a wide range of development demands and markets, including high intensity mixed use development, urban residential, large lot and estate residential, and conservation development.

Principle 7: The Sarpy County Plan will meet the demand for significant metropolitan area economic development. Sarpy County will not be a suburban "bedroom" for Omaha, but will accommodate a major share of future metropolitan area industrial and business park growth. This is especially important in view of the limited capacity for industrial development in the western part of the Omaha municipal jurisdiction, created by the prevalence of residential development in these areas. Sarpy's cities each have comprehensive plans that designate a substantial amount of land for industrial and business park development. Major areas in the county jurisdiction will include the Interstate 80 corridor, and emerging mixed use corridors along Highway 50, Highway 370, and Platteview/Pflug Road. All development in these areas should follow design guidelines to enhance their quality as highly visible, civic corridors.

Future Land Use Map of the Comprehensive Plan: The future land use map currently shows four land use categories for this area: *Urban Residential II* (higher density residential) along the Schram Road corridor of the property; *Urban Residential* on the western portion of the property; and *Mixed Use Center* at the intersection of Schram Road and Highway 50; and *Mixed Use* to the south of the intersection along Highway 50.

The Comprehensive Plan states that the development structure presented in Figure 5.1: Development Structure Plan should not be interpreted as a literal land use map such as those typically included in municipal comprehensive plans; and that the large scale of the county and lack of limiting precedents and contexts make such a detailed, lot-by-lot land use plan both inappropriate and meaningless; and that rather it should be viewed as a diagram that illustrates major principals and patterns, and should be used to both design and evaluate individual development proposals.

In this particular proposal, however, it makes sense to designate the entire parcel with one designation to coincide with the actual property lines of this site as the intent is to market the entire property for Business Park type development. In addition, the Highway Corridor Overlay Zone in this area will dictate quality development in the area.

B. TRAFFIC AND ACCESS: The site is bounded by Schram Road on the north, which is currently a gravel road, Highway 50 on the east, and 150th Street on the west which is also a gravel road. Access details will be worked out when an actual development plan for the site comes forward. However, at that time Schram Road will have to be improved to serve the site and any access will be limited to Highway 50 by the Nebraska Department of Roads.

C. UTILITIES:

- *Waste Water:* the site is located in the County's Waste Water Service Area; sewer line will need to be extended approximately 7,400 feet from the northeast (on the west side of the Westmont Subdivision) to serve the site at time of development.
- *Water:* the site is served by Metropolitan Utilities District (MUD); a 24 inch water will need to be extended south down Highway 50 and a 12 inch line would then be extended down Schram Road to serve the site at time of development. A redundant water line can also be extended from the northwest if necessary for the development.
- *Gas:* natural gas service to the site will be provided by Black Hills Energy by extending a 4" line from a location ~~about 1.5 miles to the south~~ north of the property.
- *Electric:* the site is served by Omaha Public Power District (OPPD). Planning has taken place to provide adequate service to accommodate large users such as data center developments with the construction of a new substation at the southeast corner of this site.

IV. OTHER AGENCY REVIEW/COMMENTS: The applications were sent to each of the five cities in Sarpy County as well as jurisdictional agencies or departments that may have an interest. No comments or responses regarding the applications were received from any of these entities.

V. PLANNING DEPARTMENT RECOMMENDATION:

The proposed amendment to the Sarpy County Future Land Use Map and rezoning application for this site is consistent with the overall goals and objectives of the County's Comprehensive Plan. This area has been studied extensively by the Sarpy County Economic Development Corporation and is ranked as the best area for the development of a high quality light industrial business park. Its proximity to Highway 50, Highway 370 and Interstate 80, as well as the availability of high capacity electrical power, make it a prime area for data center development along with other quality distribution, office, light industrial uses.

It is also consistent with existing and planned development for the area directly north of the site. This area has already been developed with high quality light industrial uses and has plans to expand to the south in the future. Staff believes that with the coming update to the Comprehensive Plan that this entire Schram Road corridor, from Highway 50 to I-80,

should be designated Business Park so that it may accommodate future Light Industrial, Commercial and Office development needs within the County.

The applicant's proposed changes will also support quality economic development in Sarpy County. It will allow the region to be more competitive in attracting data center projects for national companies as well other commercial/light industrial development which will continue to diversify the County tax base and provide services for surrounding residential development. High standards of development quality will be ensured through the Highway Corridor Overlay District designation already in place in this area. Those standards are regulated by the Sarpy County Zoning requirements as well.

- Staff recommends **APPROVAL** of the application to amend the Sarpy County Comprehensive Plan future land use designation from Mixed Use Center, Mixed Use, Urban Residential and Urban Residential II to Business Park (BP)
- If the amendment to the Sarpy County Comprehensive Plan future land use designation is approved, the requested zoning will be in conformance with the Comprehensive Plan; then, staff recommends **APPROVAL** of the application to rezone the subject property from AG (Agricultural Farming District) to IL (Light Industrial).

VI. PLANNING COMMISSION RECOMMENDATION:

MOTION: Lichter moved, seconded by Ackley to **APPROVE** the application to amend the Sarpy County Comprehensive Plan future land use designation as it is consistent with the County's Comprehensive Plan goals and objectives as well as existing and planned land uses in the surrounding area. **Ballot:** *Ayes – Bliss, Lichter, Stuart, Ackley, Whitfield, Mohr, Malmquist, Fenster and Farrell. Nays – none. Abstain – None. Absent – Murante and Torczon. Motion carried.*

MOTION: Malmquist moved, seconded by Lichter to **APPROVE** the rezoning from AG to IL as it is consistent with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations. **Ballot:** *Ayes – Bliss, Lichter, Stuart, Ackley, Whitfield, Mohr, Malmquist, Fenster and Farrell. Nays – none. Abstain – None. Absent – Murante and Torczon. Motion carried.*

VII. ATTACHMENTS TO REPORT:

1. Sarpy County Current Zoning Map
2. Sarpy County Future Land Use Map
3. Applications
4. Letter from Sarpy County Economic Development Corporation

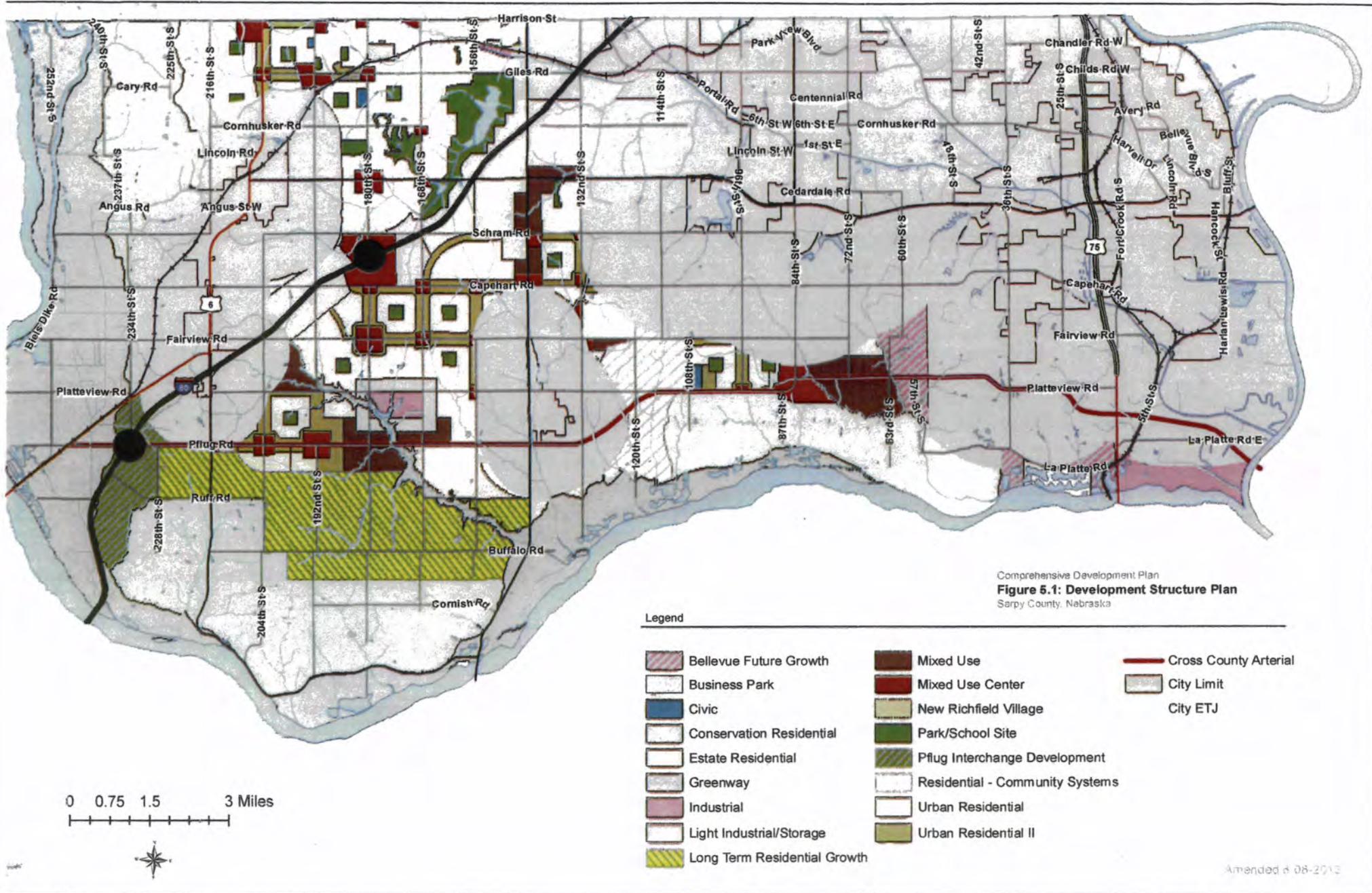
VIII. COPIES OF REPORT SENT TO:

1. Jerry Slusky, SGS Law Firm, agent for owner/applicants
2. Public Upon Request

Respectfully submitted by:

Bruce A. Fountain, AICP, EDFP
Director, Planning & Building Dept.

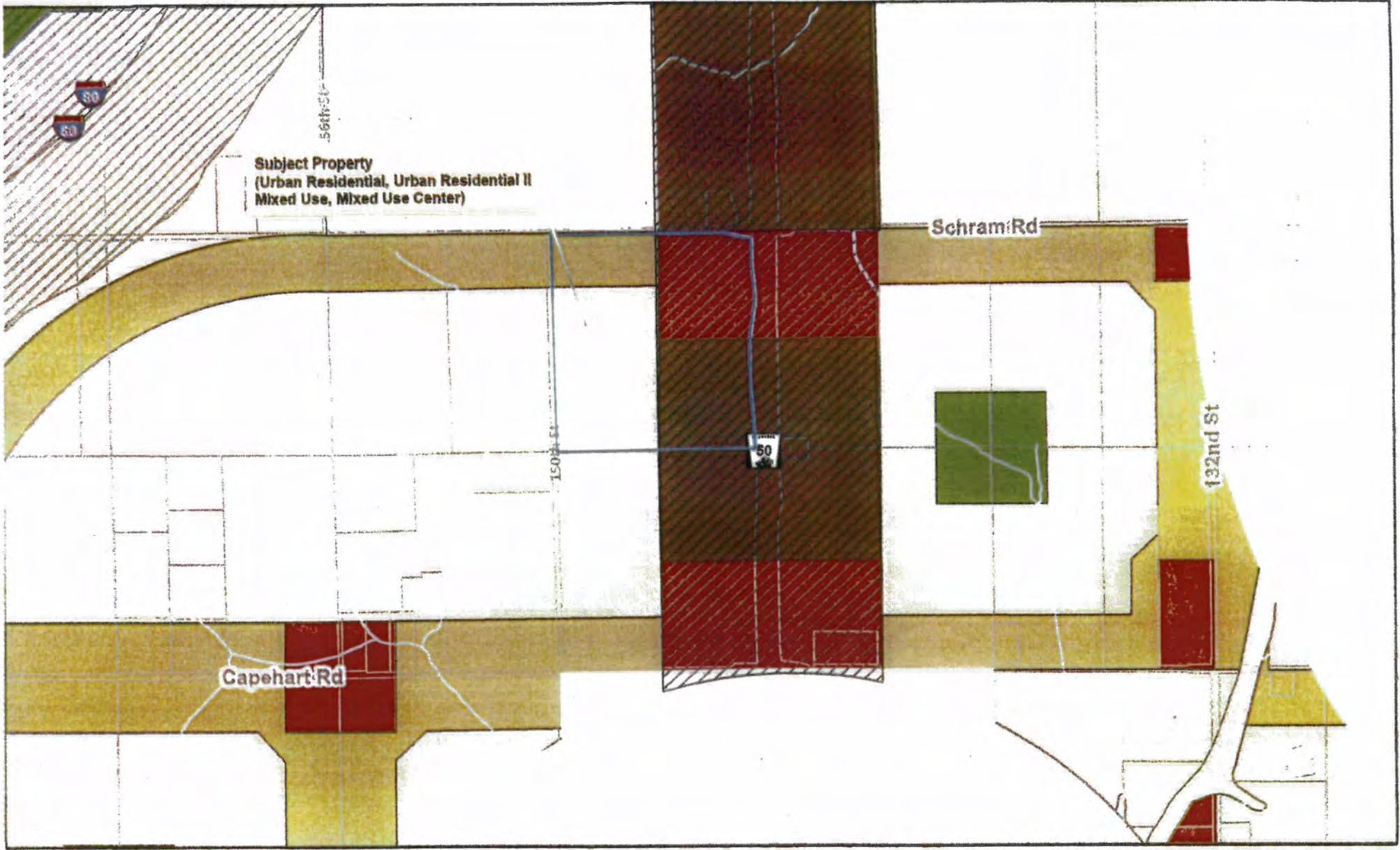
FIGURE 5.1 DEVELOPMENT STRUCTURE PLAN - REVISED



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

Legend

- | | | |
|------------------------------|---------------------------------|-----------------------|
| Bellevue Future Growth | Mixed Use | Cross County Arterial |
| Business Park | Mixed Use Center | City Limit |
| Civic | New Richfield Village | City ETJ |
| Conservation Residential | Park/School Site | |
| Estate Residential | Pflug Interchange Development | |
| Greenway | Residential - Community Systems | |
| Industrial | Urban Residential | |
| Light Industrial/Storage | Urban Residential II | |
| Long Term Residential Growth | | |



Subject Property
 (Urban Residential, Urban Residential II
 Mixed Use, Mixed Use Center)

Schram Rd

132nd St

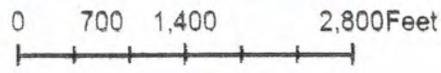
Capehart Rd

60

150th St

56th St

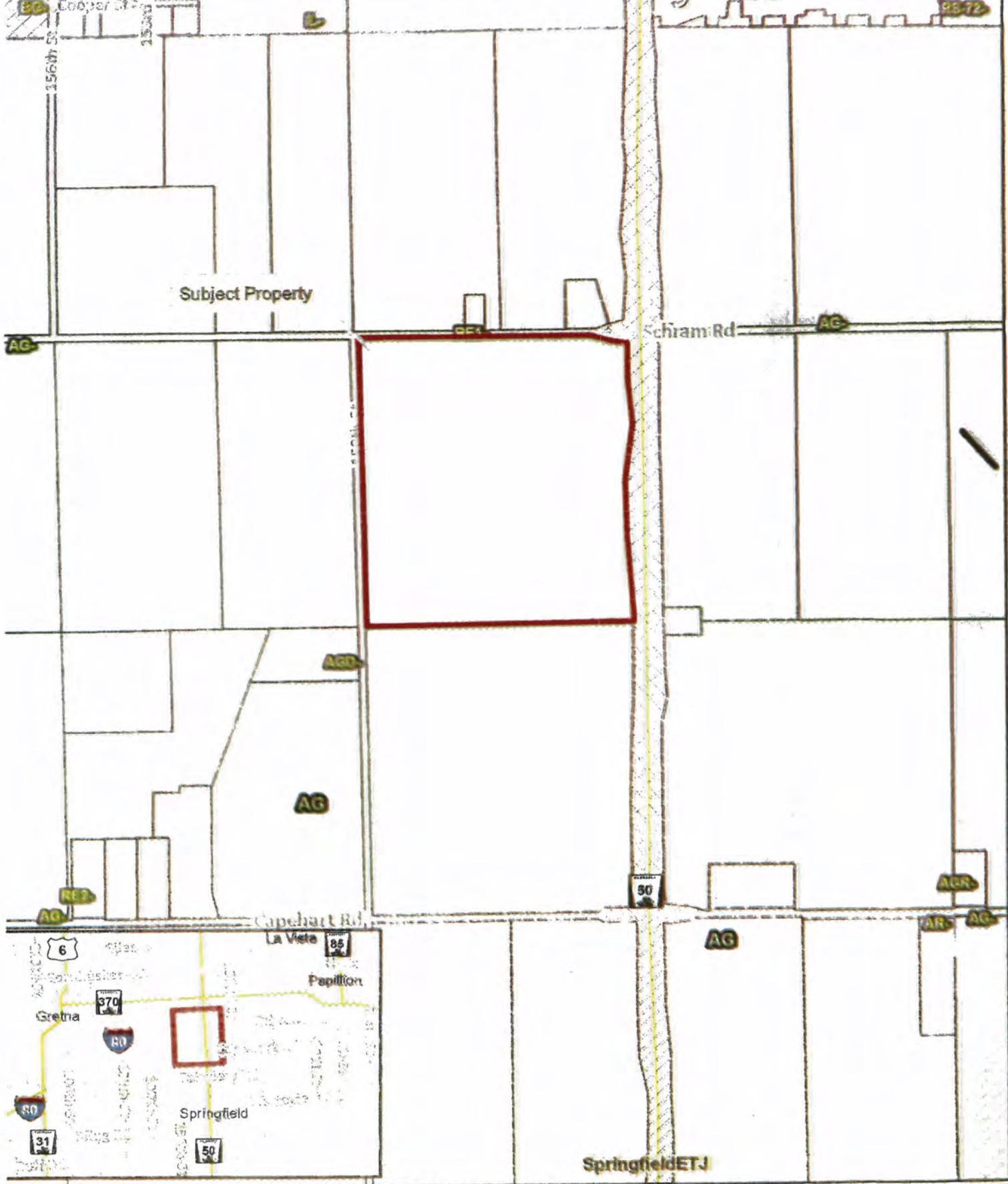
Current FLU - Sarpy Co



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

Legend

- | | | |
|--------------------------|---------------------------------|-----------------------|
| Highway Corridor Overlay | Long Term Residential Growth | Cross-County Arterial |
| Bellevue Future Growth | Mixed Use | City Limit |
| Business Park | Mixed Use Center | City ETJ |
| Civic | New Richfield Village | |
| Conservation Residential | Park/School Site | |
| Estate Residential | Plug Interchange Development | |
| Greenway | Residential - Community Systems | |
| Industrial | Urban Residential | |



Vicinity Map - Zoning

12202 S 144th St
 Collins, Ronald R & Susan C

 Sarpy Highway Corridor Overlay





SARPY COUNTY PLANNING & BUILDING DEPT.

1210 GOLDEN GATE DRIVE PAPPILLION, NE 68046

PHONE: 402-593-1555 FAX: 402-593-1558

E-MAIL: PLANNING@SARPY.COM

CHANGE OF ZONING APPLICATION

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

1. Completed Change of Zoning Application
2. Non-Refundable Fee of \$ 400 made payable to Sarpy County Treasurer (additional fees may also be required to cover cost of mailing of public notifications)
3. Copy of Deed on file with Register of Deeds or other acceptable proof of ownership
4. Two (2) site plan drawings (folded)
5. One (1) reduced size site plan drawing (8.5 x 11)
6. One (1) electronic copy of site plan drawing in PDF form
7. Site plan drawing should include the following (as applicable)
 - a. Legal description with site layout (1"=20')
 - b. Metes and bounds description with lot size
 - c. Floodplain/floodway boundaries
 - d. Existing easements
 - e. General location map (2 mile radius)
 - f. Elevations or other supporting materials
8. Detailed operational plans
9. Please review Section 43 of the Sarpy County Zoning Regulations for a complete list of change of zoning process and submittal requirements.

PLANNING STAFF USE ONLY:

APPLICATION #: 02-13-0007
05-31-13P03:16 RCVD

DATE RECEIVED: _____

CP DESIGNATION: application CPA-13-0001 to change to BP

CURRENT ZONING DESIGNATION: AG

PROPOSED ZONING DESIGNATION: FL

APPLICATION FEE: \$ 400.⁰⁰ RECEIPT NO. 2000
05 5885

PUBLIC NOTIFICATION PROCESSING FEE: \$ _____ RECEIPT NO. _____

RECEIVED BY: [Signature]

NOTES: in conjunction with CPA-13-0001 application

APPLICATION FILING FEES (does NOT include public notification fee)

- Agricultural Zoning Districts (AG, AGD, AGR) - \$200
- Residential Zoning Districts (RS-100 through RMH) - \$200
- All other Zoning Districts - \$400

APPLICANT INFORMATION: CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Ronald R. and Susan C. Hollins E-MAIL: JSlusky@lawsgs.com

ADDRESS: c/o Jerry Slusky, SGS Law Firm CITY/STATE/ZIP: Omaha, NE 68114

MAILING ADDRESS: 8712 W. Dodge Road, Ste 400 CITY/STATE/ZIP: Omaha, NE 68114
 (IF DIFFERENT)

PHONE: 402-392-0101 FAX: _____

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

NAME: Ronald R. and Susan C. Hollins E-MAIL: _____

ADDRESS: 12202 S. 144th Street CITY/STATE/ZIP: Omaha, NE 68138

MAILING ADDRESS: 7606 N. 120th Street CITY/STATE/ZIP: Omaha, NE 68114
 (IF DIFFERENT)

PHONE: _____ FAX: _____

ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:

NAME: Jerry Slusky E-MAIL: JSlusky@lawsgs.com

ADDRESS: 8712 W. Dodge Road, Suite 400 CITY/STATE/ZIP: Omaha, NE 68114

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

PHONE: 402-392-0101 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.

In order to make this site marketable for development prospects, we have been working with the SCEDC to get the property as "shovel ready" as possible. This includes taking the steps to obtain the proper zoning for data center developments and/or high-end flex business park space similar to the development to the north of the site along Highway 370. SCEDC has indicated that prospective companies are unable to wait for sites to go through this process due to their aggressive development timelines and the County loses out on quality projects due to sites not being ready to go with the proper zoning, etc. In order to proceed with the application for Light Industrial zoning to accommodate such projects, the Future Land Use designation of the site must be amended first to better reflect today's market and the general land use planned for the area.

PROJECT SITE INFORMATION: Complete each section in its entirety. If a question is not applicable to your project, please indicate this to show that each question has been carefully considered.

SUBDIVISION NAME: Not Applicable

GENERAL LOCATION: Parcel is located southwest of the intersection of State Highway 50 and Schram Road.
(example 189th & Giles Rd)

ASSESSOR'S PARCEL NUMBER: 010380671 **ADDITIONAL PARCEL NUMBERS:** _____

LEGAL DESCRIPTION: (Describe property to wit:)

NE 1/4 of Section 2, Township 13, North, Range 11 East of the 6th P.M., in Sarpy County, Nebraska.

SIZE OF PROPERTY: 139.76 *acres* **CURRENT ZONING:** AG **REQUESTED ZONING:** IL (LIGHT INDUSTRIAL)

SOURCE OF UTILITY SERVICES: Water - 24" M.U.D main, 1 mile N of Site Sewer - Sarpy County sewer, 1.5 miles N of site
Gas - M.U.D Electric - O.P.P.D

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. The Planning Department will review the application material along with other appropriate departments and/or agencies and provide a recommendation report to the Planning Commission and County Board.
2. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
3. The County Board will hold a public hearing and make a final decision on the Change of Zoning application.
4. Any necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the applicant or the property owner.

The applicant (or authorized agent) has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

[Signature]
Applicant Signature

5.30.13
Date

I, the undersigned, understand a sign will be posted on my property and will remain until the public hearing process at the Planning Commission and County Board is complete. I further understand the Change of Zoning process as stated above and I authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.

[Signature]
Owner Signature (or authorized agent)

5.30.13
Date

[Signature]
Owner Signature (or authorized agent)

5.30.13
Date

COUNTER PM
VERIFY PM
FEES \$ 10.50
CHG SFILE
SUBMITTED SPENCE TITLE SERVICES - TITLE

NEBRASKA DOCUMENTARY
STAMP TAX
Dec 29, 2011
\$4050.00 BY PM

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2011-33364
2011 Dec 29 10:24:43 AM
Sheryl J. Dowling
REGISTER OF DEEDS



WARRANTY DEED

Return: TitleCore, LLC, Spence title division, 1905 Hamey Street, Suite 210, Omaha, Nebraska 68102

BARGAR, PATTERSON, WINTERS FARM L.L.C., a Nebraska limited liability company, GRANTOR, in consideration of TWO DOLLARS and other good and valuable consideration received from GRANTEE, RONALD R. HOLLINS AND SUSAN C HOLLINS, Husband and Wife, as Joint Tenants with rights of survivorship, and not as tenants in common, conveys to GRANTEE, the following described real estate, (as defined in Neb. Rev. Stat. § 76-201):

SEE ATTACHED EXHIBIT "A"

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR

1. is lawfully seized of such real estate and that it is free from encumbrances, except easements, reservations, covenants and restrictions of record;
2. has legal power and lawful authority to convey the same; and
3. warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: December 15, 2011

BARGAR, PATTERSON, WINTERS FARM L.L.C.
a Nebraska limited liability company

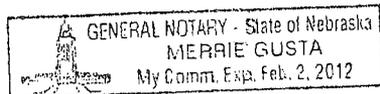
By: *Tom Bargar*
Tom Bargar, Manager

State of Nebraska)
County of Douglas) -- ss.

The foregoing Warranty Deed was acknowledged before me on December 15, 2011, by Tom Bargar, as the Manager of Bargar, Patterson Winters Farm L.L.C., a Nebraska limited liability company, for and on behalf of the company.

Merrie Gusta
Notary Public

My commission expires: 2/2/2012



(ST) 11-700382S

EXHIBIT "A"
LEGAL DESCRIPTION

The Northeast Quarter (NE¼) of Section 2, Township 13 North, Range 11 East of the 6th P.M., in Sarpy County, Nebraska, EXCEPT that part thereof described as follows:

Beginning at the Southeast corner of the Northeast Quarter of said Section 2; thence Northerly, along the East line of said Northeast Quarter, a distance of 2,586.38 feet, to the Northeast corner of said Northeast Quarter; thence Westerly, deflecting 91°01'26" left, along the North line of said Northeast Quarter, a distance of 543.08 feet; thence Southerly, deflecting 89°58'09" left, a distance of 33.00 feet, to the existing Southerly county road right-of-way line; thence Easterly, deflecting 74°57'44" left, a distance of 200.07 feet; thence Easterly, deflecting 07°59'53" left, a distance of 146.37 feet; thence Southerly, deflecting 83°57'54" right, a distance of 315.16 feet; thence Southerly, deflecting 06°06'27" left, a distance of 401.12 feet; thence Southerly, deflecting 13°14'09" right, a distance of 504.70 feet; thence Southerly, deflecting 09°01'17" left, a distance of 500.03 feet; thence Southerly, deflecting 03°08'31" left, a distance of 771.68 feet, to the South line of said Northeast Quarter; thence Easterly, deflecting 86°26'19" left, along the South line of said Northeast Quarter, a distance of 74.93 feet, to the existing Westerly right-of-way line of Highway 50; thence continuing Easterly, deflecting 00°00'00", along the South line of said Northeast Quarter, a distance of 64.10 feet, to the Point of Beginning;

Subject to public roads and/or highways.



July 10, 2013

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

Dear Mr. Fountain:

The Sarpy County Economic Development Corporation supports the rezoning of the site located at Highway 50 & Schram Road (SW corner) also identified as Sarpy County Tax Parcel #010380671 and the legal description NE ¼ of Section 2, Township 13, North, Range 11 East of the 6th P.M., in Sarpy County, Nebraska (140 acres) from Agriculture (AG) to General Business (LI).

SCEDC in conjunction with the Greater Omaha Economic Development Corporation has spent the past two years researching the location of "Power Parks" for data center locations within Sarpy County.

The number of data center inquiries has significantly increased over the past three years because of our recruitment of data centers for Yahoo!, Google, Fidelity, Cabela's, and the expansion of existing data centers such as Scott Technology Center, First Data Resources and CoSentry. The Omaha metro is positioned for continued growth of data centers because of very competitive electrical rates, abundant and low cost water, technical and educated workforce and experienced vendors.

One of the top three sites in Sarpy County that was identified through the analysis of over 35 site location factors is the site identified above. Within the last year this site was in the running for a 240,000 square foot, \$230 million data center that would have created 50 new jobs. Because several of our competing Nebraska and Iowa communities provided "shovel-ready" sites, we were eliminated from this project. This project was predicated on a very short timetable and thus the need for a "shovel-ready" site was extremely important. "Shovel-Ready" sites include ownership, grading, zoning and utility extensions.

We are encouraging each owner of these sites to rezone their properties in order to satisfy one the "shovel-ready" requirements to prepare these sites for future projects.

In addition to supporting the rezoning, SCEDC also supports the Comprehensive Plan Future Land Use Map Amendment. SCEDC is excited about researching the opportunity to create a large

industrial/business/power park area from Highway 370 to Springfield, west of Highway 370. This site located in the center of this future development could be the catalyst.

Sarpy County Economic Development Corporation is a non-profit corporation founded in 1975 whose mission is to grow and diversify Sarpy County through the recruitment, expansion and development of industrial and service enterprises - creating new employment opportunities, capital investment and a broader tax base.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby S. Churchill". The signature is written in a cursive, slightly slanted style.

Toby S. Churchill, Executive Director
Sarpy County EDC

COUNTER PM
VERIFY PM
FEES \$ 22.00
CHG SFILE
SUBMITTED FIRST AMERICAN NCS MINNEAPOLIS

NEBRASKA DOCUMENTARY
STAMP TAX
Sep 19, 2013
\$10280.25 By PM

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2013-29774
2013 Sep 19 01:41:58 PM
Sheryl J. Dowling
REGISTER OF DEEDS



(Above Space Reserved for Register of Deeds)

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Ronald R. Hollins and Susan C. Hollins, husband and wife, as joint tenants with rights of survivorship (collectively, "Grantors"), in consideration of One Dollar in hand paid by The Travelers Indemnity Company, a Connecticut corporation ("Grantee"), does hereby grant, bargain, sell and convey unto Grantee, the following described Real Estate (as defined in Neb. Rev. Stat. §76-201):

The Northeast Quarter (NE ¼) of Section 2, Township 13 North, Range 11 East of the 6th P.M., in Sarpy County, Nebraska, EXCEPT that part thereof described as follows:

Beginning at the Southeast corner of the Northeast Quarter of said Section 2; thence Northerly, along the East line of said Northeast Quarter, a distance of 2,586.38 feet, to the Northeast corner of said Northeast Quarter; thence Westerly, deflecting 91 degrees 01 minutes 26 seconds left, along the North line of said Northeast Quarter, a distance of 543.08 feet; thence Southerly, deflecting 89 degrees 58 minutes 09 seconds left, a distance of 33.00 feet, to the existing Southerly County road right of way line; thence Easterly, deflecting 74 degrees 57 minutes 44 seconds left, a distance of 200.07 feet; thence Easterly, deflecting 07 degrees 59 minutes 53 seconds left, a distance of 146.37 feet; thence Southerly, deflecting 83 degrees 57 minutes 54 seconds right, a distance of 315.16 feet; thence Southerly, deflecting 06 degrees 06 minutes 27 seconds left, a distance of 401.12 feet; thence Southerly, deflecting 13 degrees 14 minutes 09 seconds right, a distance of 504.70 feet; thence Southerly, deflecting 09 degrees 01 minutes 17 seconds left, a distance of 500.03 feet; thence Southerly, deflecting 03 degrees 08 minutes 31 seconds left, a distance of 771.68 feet, to the South line of said Northeast Quarter; thence Easterly, deflecting 86 degrees 26 minutes 19 seconds left, along the South line of said Northeast Quarter, a distance of 74.93 feet, to the existing Westerly right of way line of Highway 50; thence continuing Easterly, deflecting 00 degrees 00 minutes 00 seconds, along the South line of said Northeast Quarter, a distance of 64.10 feet, to the point of beginning.

Together with all the tenements, hereditaments, and appurtenances thereunto belonging, and all the estate, right, title, interest, claim or demand whatsoever of Grantors of, in, or to the same, or any part thereof (the ("Property")).

TO HAVE AND TO HOLD the Property unto Grantee and to its successors and assigns forever; and Grantors hereby covenant that the Property is free and clear of all liens and encumbrances, except those as identified on **Exhibit A** attached hereto, and Grantors do hereby covenant to WARRANT AND DEFEND the Property against the lawful claims and demands of all persons claiming by, through, or under it, and against no other claims or demands.

IN WITNESS WHEREOF we have hereunto set our hand this 5 day of Sept, 2013.

GRANTORS:

Ronald R. Hollins

Ronald R. Hollins
Susan C. Hollins

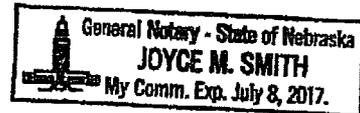
Susan C. Hollins

NCS-100005-MPL (441)

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

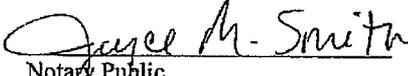
The foregoing instrument was acknowledged before me on 9-5-2013,
2013 by Ronald R. Hollins known to be the identical person whose name is affixed to the
foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.


Notary Public
My commission expires 8-8-2017



STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on 9-5-2013,
2013 by Susan C. Hollins known to be the identical person whose name is affixed to the
foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed.


Notary Public
My commission expires 8-8-2017

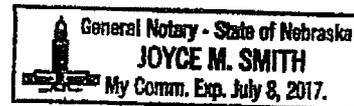


EXHIBIT A

1. Right of Way Easement granted to Loup River Public Power District by instrument filed April 30, 1956 in Book 20 at Page 262, Miscellaneous Records, Sarpy County, Nebraska. Easement assigned to Nebraska Public Power District by Assignment filed December 23, 1970 in Book 43 at Page 485, Miscellaneous Records, Sarpy County, Nebraska. Easement further assigned to Omaha Public Power District by Assignment filed April 2, 1982 in Book 55 at Page 220, Miscellaneous Records, Sarpy County, Nebraska.
2. Easements conveyed to Nebraska Public Power District by Corporation Real Estate Deed filed December 23, 1970 in Book 145 at Page 2260, Deed Records, Sarpy County, Nebraska.
3. Limitations of access contained in the Warranty Deed filed September 15, 2004 as Instrument No. 2004-35579, Records, Sarpy County, Nebraska. Deed of Correction filed August 10, 2006 as Instrument No. 2006-27551, Records, Sarpy County, Nebraska.

4836-8874-3957, v. 1