City of Bennington
Planning Commission Meeting Agenda
Wednesday, October 29, 2025; 6:00 P.M.
City Office, 15505 Warehouse St.
Bennington, NE
402-238-2375

1. Call to Order – Open Meeting Act – Roll Call

2. Approval of September 24, 2025 Meeting Minutes

3. Consideration of a Conditional Use Permit allowing for a Cross Fit Training Facility in a Highway Commercial Zoning District (C-1) located on Lot 2 McGregor Brae,12758 and 12756 N. 158th Street
    A. Presentation, Staff and Applicant
    B. Public Hearing
    C. Motion

4. Consideration of a Conditional Use Permit allowing for a Motor Vehicle Collision Facility in a Highway Commercial Zoning District (C-1) located on Lot 2, McGregor Brae Replat 1 (address to be determined)
    A. Presentation, Staff and Applicant
    B. Public Hearing
    C. Motion

5. Consideration of a Final Plat in a Highway Commercial Zoning District for a 27.85 acre development to be known as Rainwood Square located at 10102 N. 156th Street
    A. Presentation, Staff and Applicant
    B. Public Hearing
    C. Motion

6. Consideration of a Change of Zoning from Medium Density Residential Zoning District (R-3) to include a Clustered/Mix Use Overlay Zoning District (CMD) and Preliminary Plat for a 7.3 acre development to be known as Prairie Ridge located at Lot 1 Bennington Park Plaza
    A. Presentation, Staff and Applicant
    B. Public Hearing
    C. Motion

7. Adjourn

Planning Commission

9-24-2025 Minutes

City of Bennington
Planning Commission Meeting Minutes
Wednesday, September 24, 2025; 6:00 P.M.
City Office, 15505 Warehouse St.
Bennington, NE
402-238-2375

Call to Order – Open Meeting Act – Roll Call
Planning Commission Chair James Bartles called the meeting to order at 6:00 p.m. The following members were present: James Bartles, Karen Hohman, Anita Ortiz, Mike Valasek and Bob Zaruba. Member Haime Dias was absent. City Treasurer Tina Crawford identified the Open Meetings Act location that is available to the public.

Approval of August 27, 2025 Meeting Minutes
Motion by Zaruba, second by Valasek to approve the minutes as presented. All voted in favor and the motion carried.

Consideration of a Conditional Use Permit allowing for a Hair Salon in a Downtown Commercial District Zoning (C-3) located at 15414 Warehouse Street – Apt. 4
City Engineer Julie Ogden and Applicant Randy King presented the Hair Salon as a Conditional Use.

Bartles opened a public hearing and comments were made regarding business and residential growth in the downtown district.

Motion by Hohman, second by Zaruba to recommend approval of the conditional use with the conditions recommended in the City Engineer's comment letter. All voted in favor and the motion carried.

November and December Meeting Dates Discussion
The November and December Planning Commission meetings will be as follows: Tuesday, November 25 and Wednesday December 17.

Adjourn
Motion by Zaruba, second by Hohman to adjourn the meeting at 6:28 p.m.

Item #3

Conditional Use Permit

Cross Fit Training Facility

October 22, 2025

Bennington Planning Commission & City Council
c/o Mindi Laaker, Clerk
15505 Warehouse Street
Bennington, NE 68007

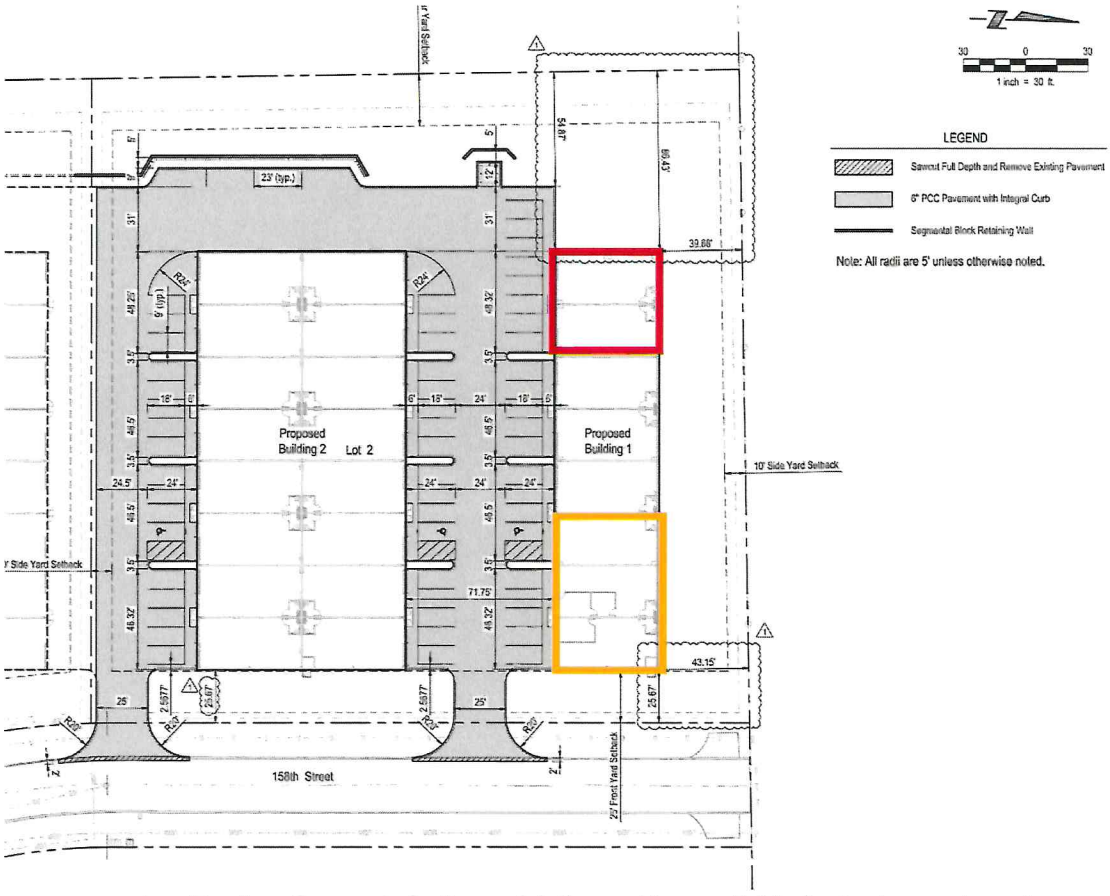
RE: 12756-12758 N 158th Street – Conditional Use Permit, Ascend – Cross Fit
(C-1 Zone with a CUP for Business-Commercial Flex Use)
Bennington, NE
JEO Project No. 090034

Dear Commissioners and Council:

JEO Consulting Group has received a copy of the Conditional Use Permit application and documents for the above referenced property. We have reviewed these documents and would offer the following comments, questions and observations for the Planning Commission's scheduled meeting on October 29, 2025. Based on a review of the submitted documents, all specifications as outlined in Article 6, of the zoning regulations have been met in regard to the submittal documents. Below are our review comments on these documents related to both Article 6 and Section 7.02 (Parking) regulations.

Site & Operation Plan Comments

1. The zoning for the site is C-1 (highway commercial) and has an approved Conditional Use Permit for the Business-Commercial Flex Use. The proposed use (CrossFit) is a mix of the Recreational Establishment and Health Club uses as the facility will provide exercise/training with equipment, health coaching and group classes but will not be open for anytime use by the members.
    a. Recreational Establishments and Health Clubs are conditional uses within the C-1 Zoning district and the uses are not excluded under Section 7.19.05 – Facility Activities (for the Business-Commercial Flex Use). It is my opinion that the proposed CrossFit facility is a combination of these uses as defined in the zoning regulations.
2. The site plan provided (and on next page) shows that building is located on the north end of the lot using two of the bays outlined in RED with 8 parking stall out front but the two bays directly across the way only have three stalls so some of the eight are likely for their use as each bay should have access to two or three stalls. (Orange is the batting cage CUP approved in July)
    a. The required parking for the proposed use should consider both the Recreational Facility requirements and the Health Club requirements to see how they compare to those allocated to the units as part of the Business-Commercial Flex use.
        - Recreational Facilities is based on the licensed capacity of the building including staff. For this use, we will use the capacity allowed for the largest class at 10 people/occupants plus the staff for the class. The requirement is "One space for every four persons". This is a low estimate for this use as most members will drive separately.
          10 people + 2 staff / 4 = 3.0 stall = 3 stalls
        - Health Club is based on the gross floor area and the staff on the largest shift. The gross floor area is 2,500 square feet and with current operational plan there will be one staff member but that may grow to two in the future. The parking requirement is "One space per 200 s.f. of gross floor area, plus one space for each employee on peak shift".
          2500 sf/200 + 2 staff = 14.5 stalls – Call 15 stalls
        - The Business-Commercial Flex use parking requirement is "one stall for every 500 sf of gross floor area". For these two bays that would be:
          2,500 sf/500 = 5 stall provided for these two bays.



b. To allow the use to better match the parking available for the bays, class size would need to be limited to 5 with the single staff member during the hours of 8 am to 6 pm. Outside of those hours class size can increase to 10 with two staff members.

3. The operation plan includes the services with class type/size, employee information and business hours as required.
    a. Hours are 5:30 am to 8 pm Monday to Saturday and closed on Sunday. Classes are generally scheduled before 9 or after 4 but there could be some mid-day classes which would overlap with other business use.
        i. Classes would be staggered to allow one class to leave prior to next class arriving for parking.
    b. Staff at this time is anticipated to be one or two but the plan noted it could grow to four but not all would be on site at the same time.
    c. Maximum class size is planned for 8 to 10 members. An individual coaching session could occur at the same time if scheduling/staffing allows.

Conditional Use Permit (per section 6.06)

The following items must be found to be addressed to issue the conditional use permit.

1. *That the establishment, maintenance, or operation of the use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.*
    a. Engineer's Comment: The proposed use should not endanger public health, safety or general welfare of the community.

2. *That the use will not be injurious to the use and enjoyments of other property in the immediate vicinity for the purpose already permitted, nor substantially diminishes and impair property values within the neighborhood.*
    a. Engineer's Comment: All services will be provided indoors and should not impact adjacent property use.
3. *That the establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.*
    a. Engineer's Comment: This will not impact development of adjacent lots nor adjacent undeveloped property. Parking availability could impact adjacent bay renters.
4. *That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.*
    a. Engineer's Comment: The site is a lot within a newer subdivision and has access to utilities and streets. See prior section 2.a on parking concerns and recommendation.
5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*
    a. Engineer's Comment: The hours of operation are consistent or slightly earlier/later than other potential users but should not impact traffic on the streets. Members can only attend classes or one-on-one coaching sessions and will not have 24 hour access.
6. *The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.*
    a. Engineer's Comment: all services will be provided indoors.
7. *The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.*
    a. Engineer's Comment: Not applicable
8. *The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.*
    a. Engineer's Comment: Not applicable
9. *The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway.*
    a. Engineer's Comment: New building is under construction and has been reviewed/approved by the Design Review Board so this should not impact any adjacent properties.
10. *The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.*
    a. Engineer's Comment: Use as per operational plan should not impact traffic.
11. *The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.*
    a. Engineer's Comment: Not applicable.

I have concerns about the intensity of this use within the development which could be mitigated by the following conditions, if the Conditional Use Permit is recommended for approval:

- Class size be limited to no more than five (5) members with a single staff person between the hours of 8 am and 6 pm. Outside of these hours class size be limited to the 10 noted in the operation plan with two staff.
- Access to business for use by members outside of class or schedule meetings is not allowed.

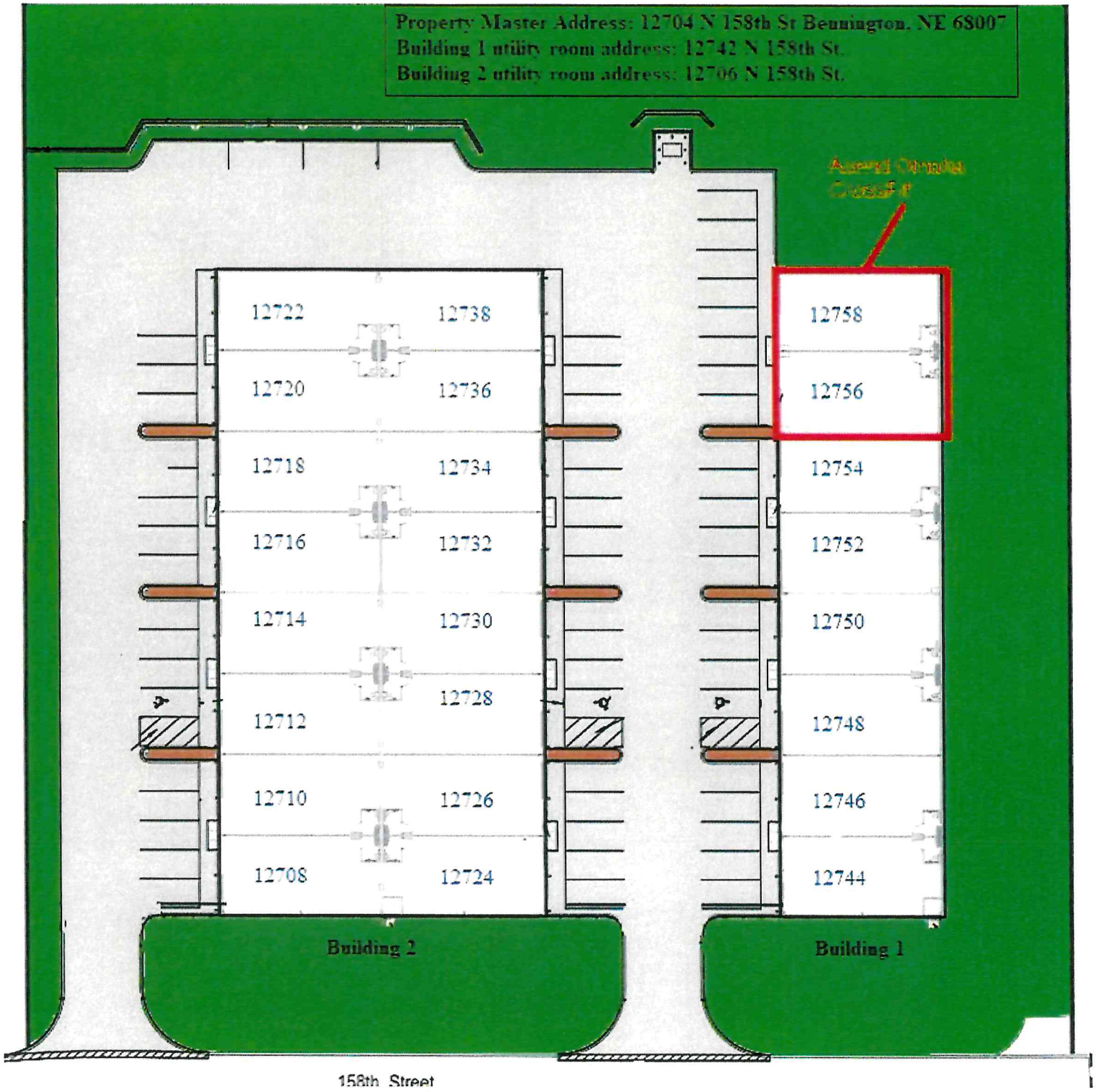
If you have any questions, comments or concerns with any of the statements, please feel free to contact me at 402.443.7483.

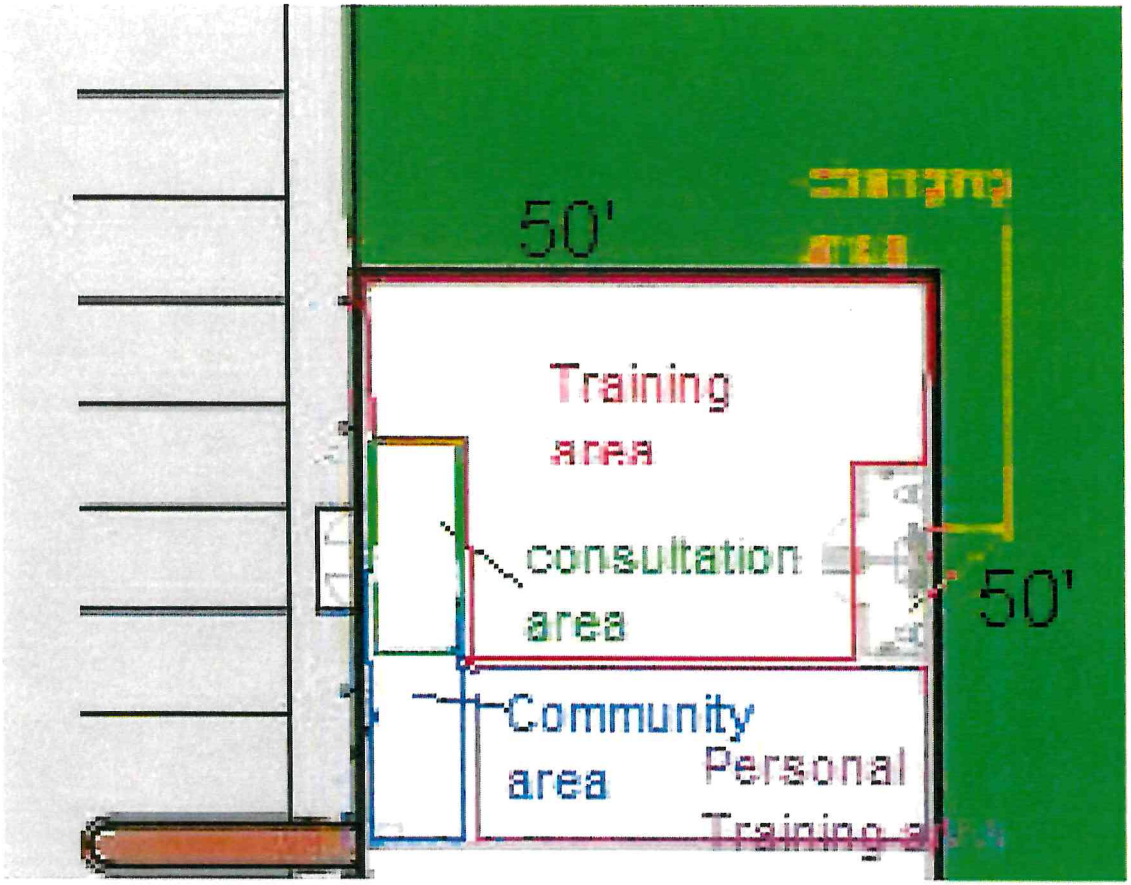
Sincerely,

Julie Ogden, PE
jogden@jeo.com

JAO:jao
Attachment – site map, building plan, operation plan

cc: Mindi Laaker, Bennington City Clerk (PO Box 221, Bennington NE 68007)
Jeff Miller, Young and White Law Offices (8742 Frederick Street, Omaha, NE 68124)
Ben Simons, applicant (ben@ascendomaha.com)
Geoff McGregor, property owner (geoff@mcgregorint.com)


Property Master Address: 12704 N 158th St Bennington, NE 68007
Building 1 utility room address: 12742 N 158th St.
Building 2 utility room address: 12706 N 158th St.
Accord Omaha CrossFit
12722
12738
12720
12736
12718
12734
12716
12732
12714
12730
12728
12712
12710
12726
12708
12724
12758
12756
12754
12752
12750
12748
12746
12744
Building 2
Building 1
158th Street


50'
Training
area
consultation
area
50'
Community
area
Personal

Operations Plan

ASCEND – Fitness and Wellness Recreational Facility
Owner/Founder: Ben Simons

Co-Owner/Coach: Kylie Grause

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1. Facility Overview

ASCEND will operate from a dedicated, leased facility designed for high-performance sports training which is aimed to improve activities such as, as tennis, gymnastics, basketball, track and field, jogging, and swimming and other active recreational activities. The space will include:

- **Training Area**: 1,500sq ft of open-floor layout with CrossFit-standard equipment including barbells, bumper plates, rigs, rowers, bikes, and kettlebells.

- **Personal Training Zone**: 500 sq ft A semi-private area equipped for 1-on-1 coaching and individualized programming.

- **Nutrition & Consultation**:200 sq ft A quiet, professional space for client consultations, progress tracking, and nutrition coaching.

- **Community Area**: 100 sq ft A welcoming space for members to gather pre/post-workout, reinforcing ASCEND's culture of community and accountability.

- **Locker/Changing Area**: 200 sq ft Basic but clean and functional facilities for client convenience.

  Total space = 2,500 square feet.

Facility hours will accommodate both early morning and evening traffic, catering to working professionals, students, and athletes.

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2. Daily Operations Schedule

Time Slot	Activities
5:30 AM – 9:00 AM	Group Classes (2–3 sessions), Personal Training, instructor lead and supervised physical training group classes
9:00 AM – 12:00 PM	Personal Training, Nutrition Consultations, Admin Work
12:00 PM – 4:00 PM	Midday Group Class
4:00 PM – 7:00 PM	Group Classes (3–4 sessions), Personal Training
7:00 PM – 8:00 PM	Facility Clean-Up, Staff Debrief, Member Follow-ups

Operating Days: Monday through Saturday
Closed: Sundays (reserved for equipment maintenance, staff meetings)

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3. Staffing Plan

Phase 1 (Launch – Year 1)

- **Ben Simons – Owner/Head Coach**
    - Primary responsibilities: Class instruction, personal training, nutrition coaching, sales, and daily operations.
- **Kylie Grause Co-Owner/Assistant Coach**
    - Will assist Ben from the start-handles scheduling, billing
    - Assist with group classes and help with member onboarding.

Phase 2 (Years 2–3)

- **Part-Time Coach #2**
    - Support Ben/Kylie in managing a growing member base.
    - Potential focus area: Youth fitness, recovery/mobility, or competition training.
- **In-House Nutrition Coach (Contractor or Part-Time)**
    - Support growth of nutrition service offerings.

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4. Member Onboarding Process

1. **Inquiry Submission (Website/Social Media/Referral)**
2. **Consultation Booking**: Free 15-30 minute fitness & goals assessment.
3. **Trial Class or Intro Package** =
4. **Enrollment into Membership Plan**
5. **Initial Assessment & Goal Setting**
6. **Ongoing Tracking and Quarterly Check-ins**

All members will be added to ASCEND's CRM system for:

- Attendance tracking
- Goal tracking
- Progress photos/logs
- Communication

5. Equipment & Maintenance Plan

Initial Equipment Investment will include:

- Pull-up rigs
- Olympic barbells & bumper plates
- Kettlebells, dumbbells, plyo boxes
- Assault bikes, Concept2 rowers
- Medicine balls, sandbags, sleds
- Mats, whiteboards, jump ropes

6. Compliance & Safety

ASCEND will adhere to all local, state, and industry regulations:

- Liability waivers for all clients
- Certified CPR/AED staff on-site at all times
- Emergency response protocols in place
- Insurance coverage: general liability, property, and professional liability
- Facility safety checks and first aid station accessible at all times

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7. Growth & Scaling Strategy

Year 1 Focus:

- Establish operational routines

- Achieve core active members

Year 2–3 Expansion:

- Add specialty programs (e.g., youth classes, competitive athlete training)
- Hire full-time coach and/or nutritionist
- Explore a secondary service vertical (e.g., recovery services)
- Increase facility hours and class offerings as demand scales

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8. Key Metrics for Operational Success

- **Member Retention Rate**: Target 85%+ annually
- **Monthly Revenue Growth**: 5–10% month-over-month
- **Coach-to-Member Ratio**: Maintain optimal group size (1:8-10)
- **Class Capacity Utilization**: Aim for 70–80% per session
-

9. Parking & Accessibility

A seamless arrival experience is essential to ASCEND's member satisfaction and operational flow. The facility will include **ample and convenient parking** to accommodate both peak class times and personal training sessions.

Parking Details:

- **On-Site Parking**: Average Need of **8-10 parking spaces**.
-
- **Class Schedule:** Outside the Typical 9-5 work schedule, with a majority of the classes in the morning (5:30-9am) and evening (3:00-7:00pm). Classes will be scheduled 15 minutes apart to allow for the earlier class to vacate the parking lot before the next members arrive.

- **Signage**: Clear directional signage will be posted for first-time visitors and new members.

- **Staff Parking**: Staff and coaches will park in designated rear or side spots to prioritize front access for members or as directed by the Landlord.

Parking will be monitored during peak hours to ensure efficient use and quick turnover between class slots. As membership grows, ASCEND will work with property management.

Conclusion

ASCEND's operations will be guided by discipline, community, and performance. The plan balances lean startup principles with scalability, ensuring high service quality while positioning the business for long-term success. As membership grows, so will the coaching staff, programming variety, and technological tools, allowing ASCEND to stay responsive and resilient in a competitive market.

APPLICATION FOR A CONDITIONAL USE PERMIT

City of Bennington, NE

NOTE: Form must be filled out completely before the City will accept this application for processing, please print or type. The Zoning Administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation. All fees are non-refundable. Applicant email: ben@ascendomaha.com

Date: 9/10/25 E-mail address: geoff@mcgregorint.com

Property Owner's Name: Bennington Contractor Bays, LLC Phone Number: 402-334-2123

Property Address: 12758 & 12756 N 158h Street Bennington, NE 68007

Pursuant to the Bennington Zoning Ordinance, application is herby made for the following proposed use of property or structure: Property is zoned C-1 and has a CUP for Business-Commerical Flex currenlty. Applicant is requesting a CUP for Personal Services. To allow for an indoor cross fit training facility.

Applicant is Ben Simons. owner of Ascend Omaha. which will operate out of the address above.

Legal Description of Property Requested: Applicant Phone #: 402-206-9635

MCGREGOR BRAE LOT 2 BLOCK 0 LOT 2 BUilding #1

Area of Property (square feet or acres): 2.243 acres Lot 2 Current Zoning: C-1 with CUP

area of rental bays is 30,000 sf. (two 25'x50' bays) for contractor bay use

Will use in all other respects conform to the applicable regulations of the district in which it is located?

Yes ■ No ☐

Will use conform to all other applicable regulations and laws of any governmental jurisdiction?

Yes ■ No ☐

Will use have adequate water, sewer and drainage facilities? Yes ■ No ☐

Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads?

Yes ■ No ☐

Estimated Cost of Structure? NA

The following exhibits are required with this application.

- site plan
- Easements (if applicable)
- Operation and maintenance plan

Signature of Owner: _____ Applicant Signature: _____

Mailing Address of Owner: 11750 Stonegate Circle Omaha NE 68164

OFFICE USE ONLY:

Permit No. _____ Fee Paid $ 250.00 Check No. no V# - ASCEND Ben Simons

Date _____ Approved ☐

Approved with conditions ☐ _____

Denied ☐ Chair, Bennington Planning Commission

Date _____ Approved ☐

Approved with conditions ☐ _____

Denied ☐ Mayor, City of Bennington

ATTEST: _____ Dated this _____ day of _____, 20____

City Clerk

Supplemental information from Applicant

The space we're considering is ideal — both in terms of layout and location — and has great potential to support a thriving CrossFit training facility.

As someone who competed on a team that came just three spots shy of qualifying for the CrossFit Games, I can confidently say it's one of the most impactful and rewarding sports I've ever been part of. I'd love the opportunity to share that passion and experience with others in our community.

It would be an honor to introduce the Sport of CrossFit to Bennington and help foster a healthy, active community.

Benjamin Simons (Applicant)

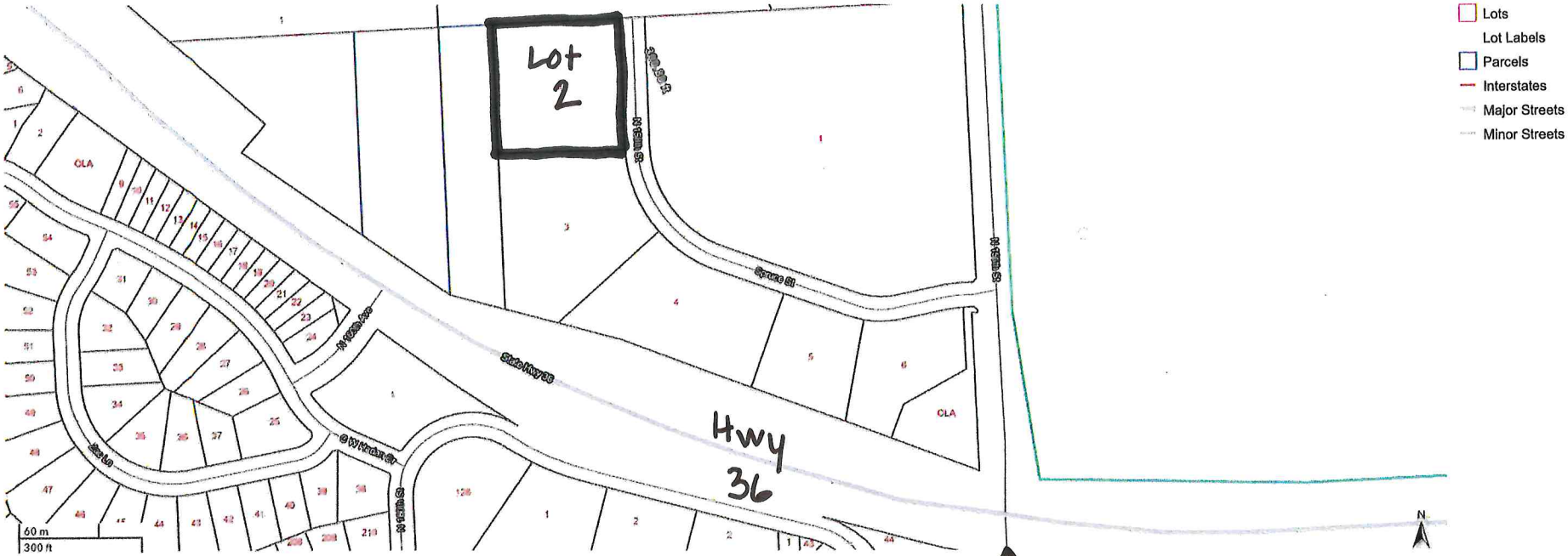
We believe the Health Club definition was intended for businesses such as Anytime Fitness, Genesis Health Clubs, YMCA, or Gold's Gym. These businesses sell memberships that allow patrons to use the facility on their own during all open hours—essentially an "open gym" model—which creates a significantly higher parking demand.

By contrast, a CrossFit is limited to small, scheduled group classes that members must sign up for in advance. This structure inherently manages parking demand, while class times are often held outside of typical 9–5 business hours.

Importantly, CrossFit is a recognized sport. Athletes train in specific movements that overlap with and support multiple sports (including Olympic lifting and gymnastics), but CrossFit itself is a sport with local, regional, national, and international competitions, culminating in the CrossFit Games (https://games.crossfit.com/). While not every sport is listed in the Recreational Facility definition, the examples provided are illustrative, not exhaustive, and should not be interpreted as excluding sports such as CrossFit.

For these reasons, we believe a CrossFit facility clearly aligns with the Recreation Facility category just like Baseball training. We are confident we can address the Board's parking concerns through both the limited class sizes and the scheduling of classes outside of peak business hours.

Beacon™ Douglas County, NE



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SCHNEIDER GEOSPATIAL

Item #4

Conditional Use Permit

Motor Vehicle

Collision Facility

October 22, 2025

Bennington Planning Commission & City Council
c/o Mindi Laaker, Clerk
15505 Warehouse Street
Bennington, NE 68007

RE: Gerber Collision & Glass – Conditional Use Permit, Motor Vehicle Collision Facility
McGregor Brea Replat 1, Lot 2
Bennington, NE
JEO Project No. 090034

Dear Commissioners and Council:

JEO Consulting Group has received a copy of the Conditional Use Permit application and documents for the above referenced property. We have reviewed these documents and would offer the following comments, questions and observations for the Planning Commission's scheduled meeting on October 29, 2025. Based on a review of the submitted documents, all specifications as outlined in Article 6, of the zoning regulations have been met in regard to the submittal documents. Below are our review comments on these documents related to both Article 6, Section 7.02 (parking) regulations and Section 7.09 (landscaping/screening).

Site & Operation Plan Comments

1. The zoning for the site is C-1: Highway Commercial with a HO: Highway Protection Corridor Overlay District and the proposed use (Motor Vehicle Collision Repair Facilities) requires a conditional use as noted in 5.10.03 paragraph F.
2. An Administrative Replat is in process for this development which would adjust the lot lines to match those shown in the application. An initial review and comments have been provided back to the SID/Developer.
    a. The administrative plat will be completed and filed prior to execution of the Conditional Use Permit.
    b. Stormwater detention for this lot is provided by the existing basin on outlot A and no additional detention is required.
3. The site plan provided shows that building is located on McGregor Brea Replat 1, Lot 2 which is apportion of original lots 3 & 4. The building location, size, access, parking and other features are shown on the plan.
    a. The required parking is split between two categories based on the building uses which are Commercial Uses: Body Repair is 4 parking spaces per repair stall and Office Space one space per 200 square feet (gross).
        14 service stalls * 4 spaces per stall = 56 stalls
        1,468 s.f. * 1 stall/200 s.f. = 7.34 stalls – CALL 8 stalls
        Total Stalls required = 64 stalls
        Accessible Stalls required are 3 of which one must be Van Accessible
        - The site plan currently provides 50 parking stalls outside and 14 additional stalls are provided inside (the repair stalls). (the site plan noted calculations using Automotive Repair Services not the body repair noted above).
        - A solid PVC fence is shown in the building concepts as the screening for the parking area where vehicles in the process of repair will be stored. (as required under 5.10.06.C.ii)
    b. Building information/concepts were provided for review with the application, a formal review by the Design Review Board (DRB) will be required prior to issuance of the building permit for the site.
        i. A landscaping plan for the site is required under the Highway Corridor Overlay and must be submitted for review by the DRB.

4. The operation plan includes a history of the business, their hours for repairs (M-F) and pick up only on Saturday with an estimated 15 employees at this location. The plan also describes how vehicles are brought to the site, moved around the site and how the business will operate.

Conditional Use Permit (per section 6.06)
The following items must be found to be addressed to issue the conditional use permit.

1. *That the establishment, maintenance, or operation of the use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.*
   a. Engineer's Comment: The proposed use should not endanger public health, safety or general welfare of the community.
2. *That the use will not be injurious to the use and enjoyments of other property in the immediate vicinity for the purpose already permitted, nor substantially diminishes and impair property values within the neighborhood.*
   a. Engineer's Comment: All services will be provided indoors and should not impact adjacent property use. Any temporary storage of vehicles in the process of repairs shall be screened.
3. *That the establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.*
   a. Engineer's Comment: This will not impact development of adjacent lots nor adjacent undeveloped property.
4. *That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.*
   a. Engineer's Comment: The site is a lot within a newer subdivision and has access to utilities and streets. The site will provide parking as required by Section 7.02 for the Motor Vehicle Body Repair Use.
5. *That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*
   a. Engineer's Comment: The hours of operation for repair work is Monday to Friday. Pick up only may be available on Saturdays.
6. *The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.*
   a. Engineer's Comment: all services will be provided indoors.
7. *The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.*
   a. Engineer's Comment: Not applicable
8. *The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.*
   a. Engineer's Comment: All painting operations will be done within an enclosed area inside the building with appropriate filters on exhaust.
9. *The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway.*
   a. Engineer's Comment: New building will be reviewed/approved by the Design Review Board so this should not impact any adjacent properties.
10. *The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.*
    a. Engineer's Comment: Use as per operational plan should not impact traffic and parking will be provided on site to limit impacts to access.
11. *The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.*
    a. Engineer's Comment: Not applicable.

I would recommended the Conditional Use Permit for approval with the following conditions:

- The administrative plat is completed and recorded prior to execution of the Conditional Use Permit Agreement.
- An access easement, if needed, be provided to Lot 1, McGregor Brea Replat 1 to allow for maintenance of the storm water basin. This should be shown on the administrative plat.
- Landscaping plans are submitted for review prior to the public hearing by the City Council. The fence used for screening of the outdoor parking matches or blends with the finishes approved by the Design Review Board.

If you have any questions, comments or concerns with any of the statements, please feel free to contact me at 402.443.7483.

Sincerely,

Julie Ogden, PE
jogden@jeo.com

JAO:jao
Attachment – site map, building plan concepts, operation plan

cc: Kevin Hand, Bennington City Administrator (PO Box 221, Bennington NE 68007)
Jeff Miller, Young and White Law Offices (8742 Frederick Street, Omaha, NE 68124)
Dave Herbeck, applicant (dave@herbeckdevelopment.com)
Geoff McGregor, Developer (geoff@mcgregorint.com)

BUILDING DATA:

- TOTAL BUILDING AREA: 16,570 SF
- CONSTRUCTION TYPE: II-B
- OCCUPANCY: B, BUSINESS & S-1, MODERATE HAZARD STORAGE

SITE DATA:

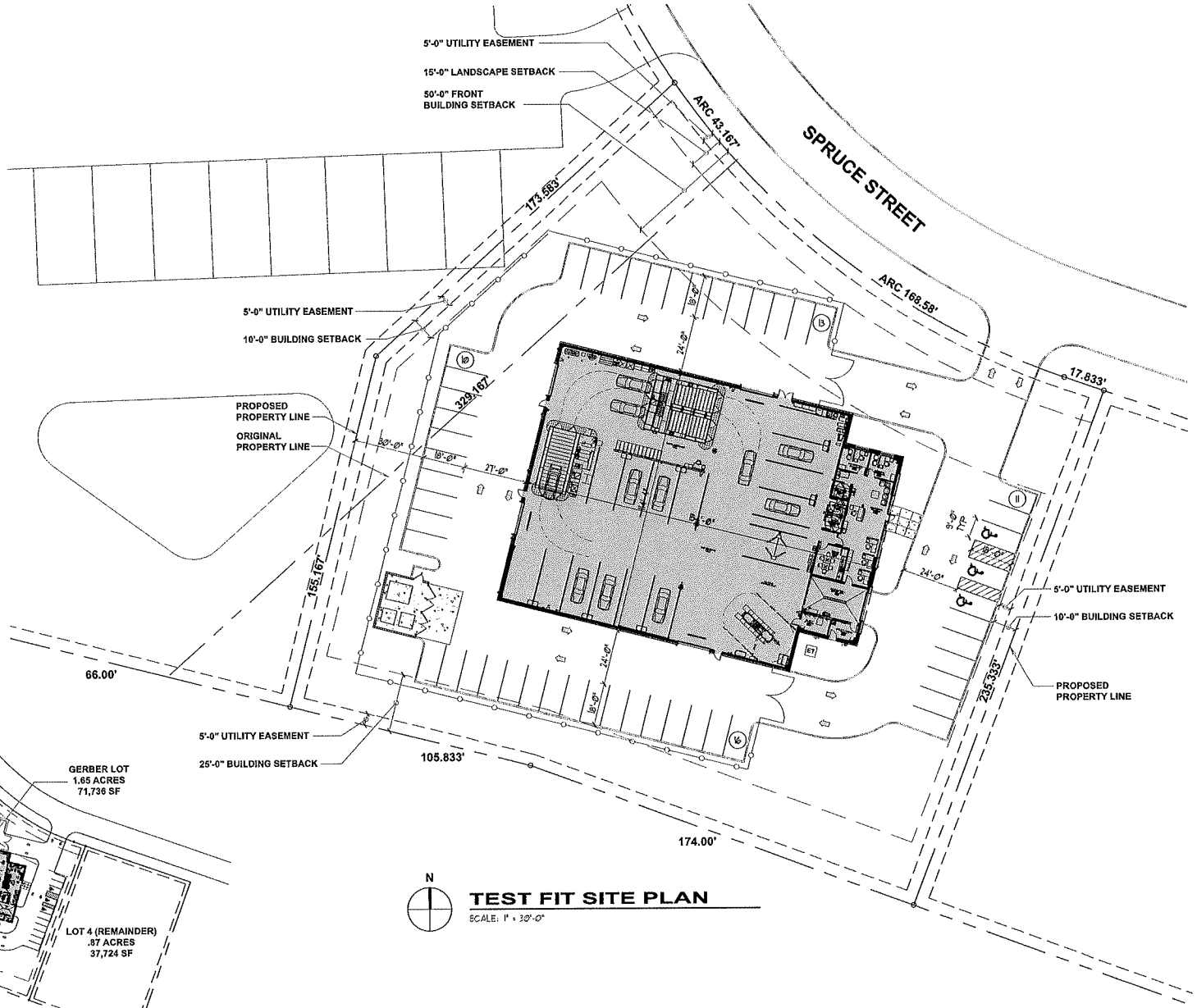
- SITE AREA: 1.65 ACRES (71,736 SF)
- ZONING: C-1 HIGHWAY COMMERCIAL
- ZONING USE: AUTOMOBILE REPAIR

SETBACK REQUIREMENTS

BUILDING
- FRONT: 25'-0" (NO PARKING) 50'-0" (WITH PARKING)
- REAR: 25'-0"
- SIDE: 10'-0"

LANDSCAPE
- FRONT: 15'-0"
- REAR: NONE
- SIDE: NONE

PARKING REQUIREMENTS
- 3 SPACES PER SERVICE BAY = 3 X 14 = 42 PARKING SPACES
- 1/200 SF OFFICE = 1,468 SF / 200 SF = 8 PARKING SPACES
  ** TOTAL PARKING SPACES REQUIRED = 50 SPACES
- PARKING PROVIDED: 50 SPACES (INCLUDING (3) ACCESSIBLE PARKING SPACE)
- TYPICAL PARKING SPACE SIZE: 9'-0" x 18'-0"
- TWO-WAY DRIVE AISLE = 24'-0"



DSDH Development
Gerber Collision & Glass
Spruce Street - Bennington, NE
September 15, 2025 | project 2025-121

charles vincent george
ARCHITECTS
1245 E. Diehl Rd. Suite 101 • Naperville, IL 60563
P: 630.357.2023 • cvgarchitects.com



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Gerber Collision and Glass - Operation Plan

Gerber Collision was founded in 1937 by Chicago native Phil Gerber. Boyd Automotive acquired Gerber in 2004. Nearly 90 years since its inception, the company has now grown from that single Chicago shop to now being a part of 1,000+ locations making it the 2nd largest Collision and Glass business in North America.

Gerber is a body, glass and paint facility offering services including vehicle body repair, frame straightening, fender and bumper repair, vehicle painting, paint repair, in-store and mobile glass repair and replacement, calibration and alignment services and the sale of ancillary vehicle parts and services related to such repairs. Gerber does not offer any services related to engine repair and/or maintenance. All engine repair services are conducted by offsite 3rd party facilities.

This particular unit will average 6 incoming vehicles per day. Nearly all incoming damaged vehicles are delivered via rollback tow trucks. When the vehicles are brought to Gerber, they are immediately dropped behind the screening/security fence. The vehicles are assessed as to the extent of damage with the repair estimate then sent to the corresponding insurance provider. Vehicles brought to Gerber for repair are directed there by an insurance company. If the insurance company deems the vehicle to be a total loss, that vehicle is immediately sent to a salvage yard. No damaged vehicles waiting for repair are stored outside the fence. Customers are never allowed to be in the exterior queuing area.

The typical repair time for a vehicle is 1-7 days. Occasionally a repair will take longer due to the extent of the damage and/or lead time for parts. Gerber does not stock parts inside or outside the building. Damaged parts are taken away by the appropriate recycling vendor. The facility does not store, for instance, tires, bumpers, or any other vehicle parts inside or outside the building. There is no reusing of any damaged parts.

The interior of the building has 14 service stalls along with one paint spray booth and two prep booths. Gerber cannot service vehicles beyond 10,000 pounds or Class 2. Example of 10,000 pounds would be the typical F-250 size truck. Nothing larger. Vehicles enter and exit the building via overhead doors. The doors are only open when vehicles are moving in or out. They are otherwise closed throughout the day to ensure a clean environment for repairs. This also mitigates service noise from escaping. The facility has fire suppression including inside the paint booth. Paint technology has advanced to the point where the paint is now water based thus eliminating the smells of years past. Gerber uses a Garmet USA paint booth which has industry leading filtration ensuring the cleanest possible environment inside and outside. Customers are never allowed in the shop area of the building.

Gerber maintains a strong commitment to environmental stewardship across all of the more than 1,000 locations. The company contracts with GMG Envirosafe to perform quarterly audits of each shop to ensure that not only are all federal, state, and local regulations are being met, but also to foster a culture of safety for the employees and the environment. All locations are required to have spill kits. In reality, fluid leaking from a vehicle at a Gerber location is rare. Most fluids associated with a vehicle collision are lost at the accident scene. If an incidental release occurs during routine operations, the spill kits will address the issue. The building also has an oil/water separator. And, the paint booth has internal spill containment. Because Gerber doesn't provide engine service or repair, there simply are only extraordinarily small amounts of fluids on site.

The typical Gerber site is 2 acres or less. The nature of the business requires only a limited amount of parking area for vehicles behind the fence which are in the queue for repairs. Because of the very small number of customer visits, only a few customer parking stalls are needed in front of the building. These aspects limit the amount of needed pavement on the site.

The facility is open Monday – Friday 8:00 am – 5:00 pm. A few locations are open Saturday morning for customer pickup only. Vehicle repair operations are not conducted on Saturday or Sunday. At full capacity there will be 15 employees on site.

APPLICATION FOR A CONDITIONAL USE PERMIT

City of Bennington, NE

NOTE: Form must be filled out completely before the City will accept this application for processing, please print or type. The Zoning Administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation. All fees are non-refundable.

Date: 9-27-25 E-mail address: dave@herbeckdevelopment.com

Property Owner's Name: DSDH GERB, LLC (Property under contract) Phone Number: 920-428-9028

Property Address: Spruce St.

Pursuant to the Bennington Zoning Ordinance, application is herby made for the following proposed use of property or structure: A "Motor Vehicle Collision Facility" offering services including body repair, frame straightening, fender and bumper repair, vehicle painting and paint repair, in store and mobile glass repair and replacement, calibration and alignment, sale of ancillary vehicle parts and services related to such repairs, outdoor storage of damaged vehicles in a repair queue if stored behind a six foot non see through fence. No repair or paint operations shall be conducted outside the building.

Legal Description of Property Requested:
A portion of Lot 3 and a portion of Lot 4 McGregor Brae Plat

Area of Property (square feet or acres): 1.65 acres Current Zoning: C-1

Will use in all other respects conform to the applicable regulations of the district in which it is located?
Yes ■ No ☐
Will use conform to all other applicable regulations and laws of any governmental jurisdiction?
Yes ■ No ☐
Will use have adequate water, sewer and drainage facilities? Yes ■ No ☐
Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads?
Yes ■ No ☐
Estimated Cost of Structure? $2,600,000

The following exhibits are required with this application.

- site plan
- Operation and maintenance plan
- Easements (if applicable)

Signature of Owner: David Herbeck Digitally signed by David Herbeck DN: cn=David Herbeck, o, ou, email=dave.j@herbeckdevelopment.com, c=US Date: 2025.09.27 08:05:15 -05'00'

Mailing Address of Owner: 9251 Willow Ln. Fremont, WI 54940

OFFICE USE ONLY:

Permit No. _____ Fee Paid $ 500.00 Check No. 1210 Slush Fund
Date _____ Approved ☐
Approved with conditions ☐
Denied ☐
_____
Chair, Bennington Planning Commission

Date _____ Approved ☐
Approved with conditions ☐
Denied ☐
_____
Mayor, City of Bennington

ATTEST: _____ Dated this _____ day of _____, 20____
City Clerk

29 CFR 1910.38-1910.39
EMERGENCY ACTION, SPILL RESPONSE, and FIRE PREVENTION PLAN

TABLE OF CONTENTS

I. PURPOSE

II. EMERGENCY ACTION PLAN

III. SPILL RESPONSE PROCEDURE

IV. FIRE PREVENTION PLAN

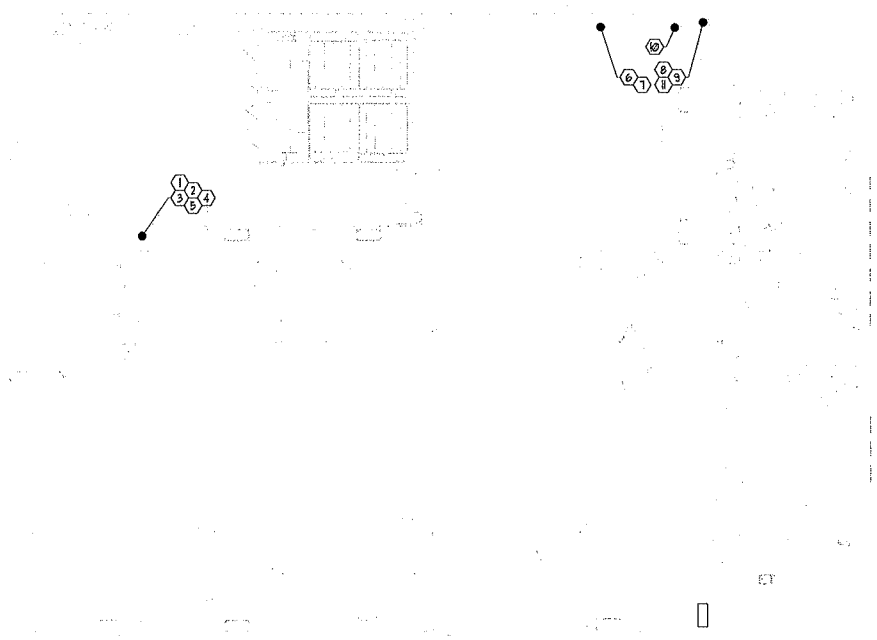
V. TRAINING

VI. RECORDKEEPING

VII. APPENDIX

A. Spill Incident Report

Full document can be provided upon request as its on file with application.



N

HAZARDOUS MATERIALS STORAGE PLAN

SCALE: 1/16" = 1'-0"

HAZARDOUS MATERIALS INVENTORY

TAG	CHEMICAL NAME / COMMON / TRADE NAME	PHYSICAL STATE L = LIQUID S = SOLID G = GAS P = PURE M = MIXTURE	QUANTITY / CONTAINER SIZE LBS = POUNDS GAL = GALLONS CUFT = CUBIC FT	NFPA 704 HEALTH HAZARD 0-4	NFPA 704 FIRE HAZARD 0-4	NFPA 704 REACTIVITY (STABILITY) HAZARD 0-4	NFPA 704 SPECIAL HAZARD 0-4	IFC/IBC HAZARD CLASSIFICATION	SITUATION S = STORAGE U/O = USE-OPEN U/C = USE-CLOSED	CHEMICAL ABSTRACT SERVICE NUMBER (CAS)	LOCATION IN BUILDING	STORAGE CODE: A-R PRESSURE CODE: 1-3 TEMP CODE: 4-6	STORED / USED IN: FSB = FULLY SPRINKLERED BUILDING FSC = FLAMMABLE STORAGE CABINET HMSC = HAZARDOUS MATERIALS STORAGE CABINET HMGC = HAZARDOUS MATERIALS GAS CABINET FSR = FLAMMABLE STORAGE ROOM FSW = FLAMMABLE STORAGE WAREHOUSE FUDR = FLAMMABLE USE & DISPENSING ROOM CA = CONTROL ROOM / AREA
1	PPG ENVIROBASE SOLVENT-BASE PAINT	L, M	25 GAL	3	3	0	N/A	IB FLAMM	U/O	SEE SDS	MIX ROOM	F, 1, 4	FSR
2	PPG ENVIROBASE SOLVENT-BASE PAINT	L, M	5 GAL	2	3	0	N/A	IC FLAMM	U/O	SEE SDS	MIX ROOM	F, 1, 4	FSR
3	PPG ENVIROBASE WATER-BASE PAINT	L, M	5 GAL	3	2	1	N/A	II COMB	U/O	SEE SDS	MIX ROOM	N, 1, 4	FSR
4	PPG ENVIROBASE WATER-BASE PAINT	L, M	45 GAL	2	1	0	N/A	IIIB COMB	U/O	SEE SDS	MIX ROOM	N, 1, 4	FSR
5	LACQUER THINNER	L, P	10 GAL	4	3	0	N/A	IB FLAMM	U/O	SEE SDS	MIX ROOM	F, 1, 4	FSR
6	ANTIFREEZE	L, M	5 GAL	2	1	0	N/A	IIIB COMB	U/O	11-21-1 & 65-85-0	BODY DEPT	N, 1, 4	FSC
7	MOTOR OIL	L, M	5 GAL	1	1	0	N/A	IIIB COMB	U/O	64742-54-7	BODY DEPT	N, 1, 4	FSC
8	ACETYLENE	G, P	250 CUFT	0	4	3	N/A	FLAMM GAS	U/O	74-86-2	BODY DEPT	L, 2, 4	FSB
9	OXYGEN	G, P	250 CUFT	0	0	0	OX	OXIDIZING	U/O	7782-44-7	BODY DEPT	L, 2, 4	FSB
10	ARGON / CO2	G, M	250 CUFT	0	0	0	N/A	NON-FLAMM GAS	U/O	7440-37-1 & 124-38-9	BODY DEPT	L, 2, 4	FSB
11	NITROGEN	G, P	250 CUFT	0	0	0	N/A	NON-FLAMM GAS	U/O	7727-37-9	BODY DEPT	L, 2, 4	FSB

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P: 630.357.2023 • cvgarchitects.com

Beacon™ Douglas County, NE



Date created: 10/7/2025
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SCHNEIDER GEOSPATIAL

Item #5

Final Plat

Rainwood Square

October 22, 2025

Bennington Planning Commission & City Council
c/o Mindi Laaker, Clerk
15505 Warehouse Street
Bennington, NE 68007

RE: Rainwood Square – Final Plat
JEO Project No. 090034

Dear Commission and Council Members:

JEO Consulting Group has received a copy of the final plat documents for the above referenced subdivision. We have reviewed these documents in accordance with Article 3, Section 5 of the subdivision regulations and would offer the following comments, questions and observations for the Planning Commission's scheduled meeting.

Final Plat & Subdivision Agreement

1. The final plat for Rainwood Square is substantially the same as the preliminary plat except that a portion of Rainwood Road ROW was vacated and included in the plat as outlot D for stormwater/drainage conveyance and storage. The plat includes twelve (12) commercial lots and four (4) outlots. The plat includes the required information except as noted below:
    a. Update the signature blocks as noted on the attached final plat. References should be to the City of Bennington, not Omaha or Gretna.
    b. Information (book and page) is needed for all existing easements, even if they will be released. Easements to be recorded under separate document, should be noted as such.
2. The city would like the developer to provide a 10 foot wide pedestrian/trail easement along the south property line of Outlot D where the ROW is 100 feet wide. The attached final plat shows the area I am referring to.
    a. The developer/SID will not be responsible for this future trail construction since it is not currently shown on a park or trail master plan.
3. The lots appear to meet the minimum width and area for the C-1 zoning district. Setbacks noted match that of the district also except that the street side yard setback is the same as the front yard setback.
4. This development is planned to be funded with a new SID. A lot-owners or business owners association will need to be created for maintenance of the outlots and any common facilities.
5. The City Attorney, Jeff Miller, is working on the subdivision agreement.
6. In review of the Source and Use of Funds:
    a. The total general obligation costs are shown at about 4.77%, which is on the higher end but acceptable thus far.
    b. The cost share payments for water main pioneering, sanitary sewer outfall cost share (to Morgan Ridge SID), Rainwood Road cost share (to Douglas County) are included – fees to be updated as the development progresses.
    c. The park fee is not a general obligation cost, it is paid by the developer. Please change the SUF spreadsheet and a column for developers costs.
    d. Property acquisition costs are the responsibility of the developer, including any vacated ROW acquired.

Waiver Request

1. No waivers have been requested with this application.

Re-Zoning

1. This was approved with the preliminary plat to be a C-1, Highway Commercial District.
2. As a reminder, landscape buffers on the proposed development are required against residentially or agriculturally zoned property.
    a. An exhibit showing what will be constructed is required as an attachment to the subdivision agreement.

Utilities (sanitary sewer and water)

1. The water main and natural gas service will be designed and installed by MUD
2. Coordination with the Morgan Ridge Development on the outfall sanitary sewer should continue and that outfall sewer should be extended to the south property line at the Rainwood Road intersection to allow for future extension to the south.
3. The internal sanitary sewer (all 8" centered in streets B, C & D) will connect to the outfall sewer at 156th Street.
4. Construction plans for internal and external sanitary sewer shall be submitted to the City Engineer for review and approval prior to construction.

Streets

1. A traffic impact study was provided for the development, here are our comments:
    a. The traffic study noted that 156th Street Access will be a full movement location and that a future signal at the access point with 156th Street but as per the County comment letter on the preliminary plat (comment #10) this will become a right in right out access point with future improvements. The traffic study should be updated accordingly.
    b. The access to Rainwood Road will remain a full access intersection unless otherwise noted by Douglas County.
    c. On page 10 the study notes other projected traffic volumes and references Hanover Falls, May 2023. This is located at 156th and State Street, how does traffic from it impact this location?
        i. There is a residential development adjacent to Morgan Ridge called Hagen Hills which could be considered.
2. A geotechnical report for the development has been provided which outlines the requirements for grading operations and compaction and subgrade preparation under paving. It did not specifically discuss utility trenches and that should be addressed in the project specifications.
    a. The subgrade recommendations noted proof-rolling the subgrade to review compaction and while that would be an acceptable initial test, the city will require compaction testing to the city of Omaha construction standards on the project.
3. All access points to Rainwood Road and 156th Street shall meet County access rules and will require a permit from the county for the connection. As per the note on the plat no lots would have direct access either Rainwood Road or 156th Street.

4. Construction plans for paving improvements shall be submitted to the City Engineer for review and approval prior to construction.
5. The sidewalk exhibit shows the sidewalks internal to the development. Dimensions as noted should be added to the exhibit for the subdivision agreement.
    a. With the paving plans, the curb ramps should be included in the construction plans so that they meet ADA Standards. The city has had issues with lot owners not constructing them to meet standards.

Drainage/Storm Sewer

1. An updated drainage study was provided addressing comments made on the preliminary plat. The comments JEO has on the drainage study are:
    a. Prior comments on the study have been addressed.
    b. Per the comments at the preliminary plat public hearing, the developer needs to coordinate with the property owner to the north on the storm drainage outlet and flow to the north from the development to make sure that the flow remains in the existing ditch until it reaches the creek.
2. Construction plans for storm sewer and PCSMP Basins shall be submitted to the City Engineer for review and approval prior to construction.

If you have any questions, comments or concerns with any of the statements, please feel free to contact me at 402.443.4661.

Sincerely,

Julie Ogden, PE
jogden@jeo.com

JAO:jao
Enclosures: final plat documents with comments

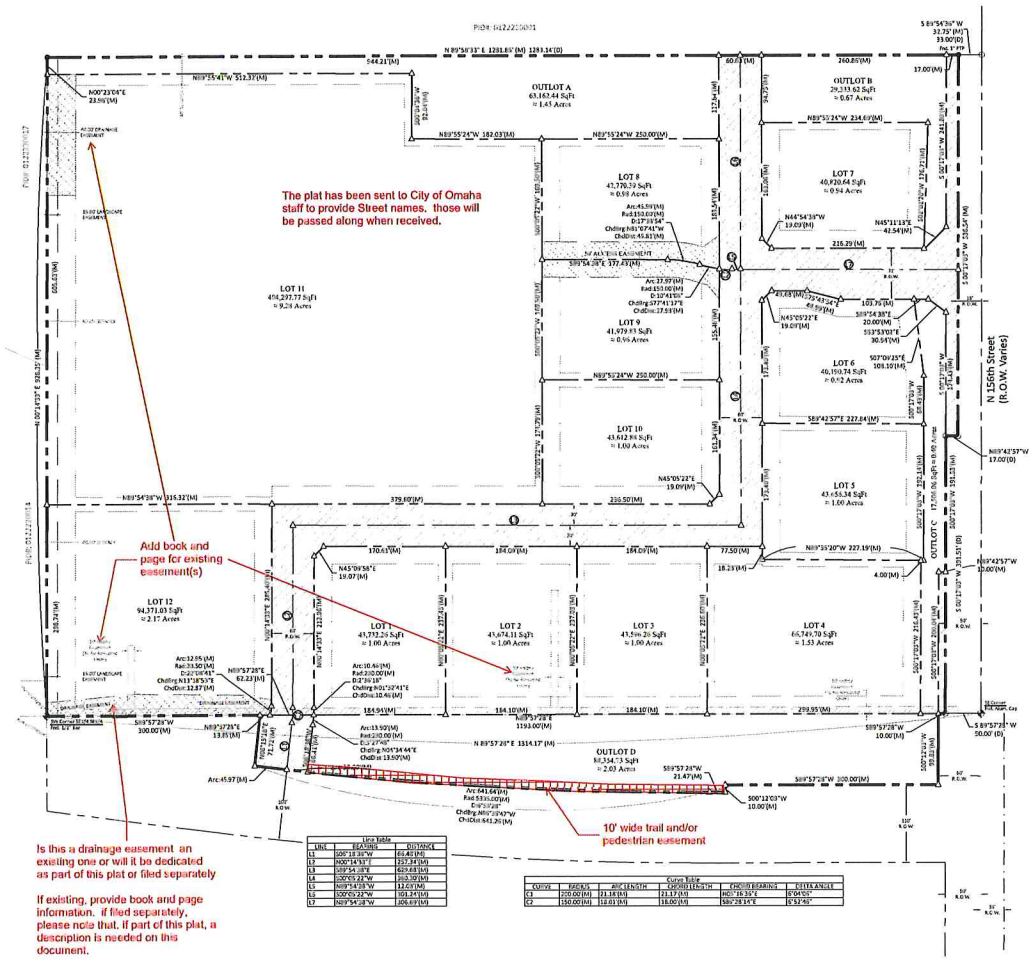
cc: Kevin Hand, Bennington City Administrator (PO Box 221, Bennington NE 68007)
Jeff Miller, Young and White Law Offices (8742 Frederick Street, Omaha, NE 68124)
Brett Shald/Joe Foley, Foley-Shald (14503 Grover Street Ste 102, Omaha, NE 68154)

RAINWOOD SQUARE

LOTS 1 THRU 12 & OUTLOTS "A" THRU "D", FINAL PLAT

IN PART OF THE NW 1/4 OF THE SW 1/4 AND ALSO PART OF THE

SW 1/4 OF THE NW 1/4 OF SECTION 25, T16N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA



Line Table		
LINE	BEARING	DISTANCE
L1	S00°18'30"W	65.40'(M)
L2	N00°14'33"E	237.34'(M)
L3	S89°54'38"E	629.48'(M)
L4	S00°05'22"W	163.39'(M)
L5	N89°54'38"W	12.03'(M)
L6	S00°05'22"W	101.24'(M)
L7	N89°54'38"W	306.69'(M)

Curve Table					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	200.00'(M)	21.18'(M)	21.17'(M)	N07°16'35"E	6°04'05"
C2	150.00'(M)	16.01'(M)	16.00'(M)	S89°28'14"E	6°52'45"

PROPOSED R.O.W.

ACCESS EASEMENT

DRAINAGE EASEMENTS

C-1 ZONING SETBACK TABLE

FRONT YARD	: 25 FEET *
SIDE YARD	: 10 FEET **
STREET SIDE YARD	: 25 FEET
REAR YARD	: 25 FEET

*IF PARKING IS PRESENT IN THE FRONT YARD, FRONT YARD SETBACK IS 50 FT
**SIDE YARD ADJACENT TO RESIDENTIAL ZONED PROPERTIES SHALL BE 40 FT FROM JOINT PROPERTY LINE

SECTION CORNER TIES
Sec. 15 T16N R11E

SE Corner Fnd. Alum. Cap W - 33.02' - PK Nail/Washer FP NE - 157.31' - PK Nail/Washer CMP E - 51.55' - PK Nail/Washer FP SE - 114.40' - Copper Plug RCP	SW Corner SE1/4 SE1/4 Fnd. 1/2" Rbr N - 7.53' - PK nail FP E - 125.31' - "X" Mark in FP S - 31.59' - 5/8" Rebar W - 16.92' - 5/8" Rebar

NOTES:

1) ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS OF A FOOT.
2) ALL DISTANCES ON ARCS ARE ARC MEASUREMENTS UNLESS OTHERWISE NOTED.
3) ALL EASEMENTS THAT ARE NOT LABELED WITH ANY RECORDING INFORMATION WILL BE RECORDED BY A SEPARATE DOCUMENT.
4) LOTS 1 THRU 12 ARE ZONED (PROPOSED) C-1 (HIGHWAY COMMERCIAL DISTRICT).
5) OUTLOTS "A", "B", "C", AND "D" ARE FOR STORM WATER MANAGEMENT.
6) HORIZONTAL CONTROL IS BASED ON SARPY/DOUGLAS LDP. VERTICAL CONTROL IS BASED ON NAVD88.
7) DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO N 156TH STREET OR RAINWOOD ROAD FROM ANY LOTS WITH FRONTAGE ALONG SAID ROADWAYS
8) SET MONUMENTS WILL BE A 5/8" X 2' REBAR WITH LSC #502 UNLESS OTHERWISE NOTED
9) STREET * _____ * WILL BE RESTRICTED TO RIGHT-IN/RIGHT-OUT TURNING MOVEMENTS AT THE TIME THAT 156TH STREET IS UPGRADED TO A 4 LANE DIVIDED SECTION WITH RAISED MEDIANS

SURVEYOR'S CERTIFICATE

I, THOMAS B. CATLETT, NEBRASKA REGISTERED LAND SURVEYOR NO. 502 , DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, DO HEREBY STATE THAT I HAVE PERFORMED A SURVEY OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT; THAT SAID PLAT IS A TRUE DELINEATION OF SAID SURVEY PERFORMED PERSONALLY OR UNDER MY DIRECT SUPERVISION; THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS, MARKED AS SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT, AND IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR SURVEYS IN NEBRASKA IN EFFECT AT THE TIME OF THIS SURVEY. I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT ALL CORNERS, ANGLE POINTS AND ENDS OF CURVES ON THE BOUNDARY ON THE PLAT AND THAT PERMANENT MONUMENTS WILL BE PLACED AT ALL CORNERS, ANGLE POINTS AND ENDS OF CURVES ON ALL LOTS AND STREETS WITHIN THE SUBDIVISION TO BE KNOWN AS

RAINWOOD SQUARE, LOTS 1 THRU 12 AND OUTLOT "A" THRU "C", INCLUSIVE, BEING A PLATTING THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4SE1/4) OF SECTION FIFTEEN (15), TOWNSHIP SIXTEEN (16) NORTH, RANGE ELEVEN (11) EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, AND INCLUDING A TRACT OF LAND OF VACATED RAINWOOD ROAD RIGHT OF WAY, LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION TWENTY TWO (22), TOWNSHIP SIXTEEN (16) NORTH, RANGE ELEVEN (11) EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED BELOW;

BEGINNING AT SW CORNER OF SE 1/4 OF SE 1/4 OF SAID SECTION 15, THENCE N00°14'33"E, ON THE WEST LINE OF SAID SE 1/4 OF SE 1/4 OF SECTION 15, FOR A DISTANCE OF 928.35 FEET TO A POINT; THENCE N89°58'33"E, FOR A DISTANCE OF 3281.85 FEET TO A POINT 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SE 1/4 OF SECTION 15; THENCE S00°17'03"E, AND PARALLEL TO THE EAST LINE OF SAID SE 1/4 OF SECTION 15 FOR A DISTANCE OF 536.54 FEET TO A POINT; THENCE N89°42'57"W, FOR A DISTANCE OF 17.00 FEET TO A POINT PARALLEL TO THE EAST LINE OF SAID SE 1/4 OF SECTION 15; THENCE S00°17'03"W, AND PARALLEL TO THE EAST LINE OF SAID SE 1/4 OF SECTION 15, FOR A DISTANCE OF 391.51 FEET TO THE SOUTH LINE OF SAID SE 1/4 OF SECTION 15 ALSO BEING THE NORTH LINE OF SAID NE 1/4 OF SECTION 22; THENCE S89°57'28"W, AND ALONG THE NORTH LINE OF SAID NE 1/4 OF SECTION 22, FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE S00°12'03"W ON A LINE 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4 OF SECTION 22, FOR A DISTANCE OF 59.83 FEET; THENCE S89°53'35"W, AND PARALLEL TO THE NORTH LINE OF SAID NE 1/4 OF SECTION 22, FOR A DISTANCE OF 300.00 FEET; THENCE S00°08'10"W ON A LINE 360.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4 OF SECTION 22, FOR A DISTANCE OF 10.00 FEET; THENCE S89°53'35"W, AND PARALLEL TO THE NORTH LINE OF SAID NE 1/4 OF SECTION 22, FOR A DISTANCE OF 21.47 FEET; THENCE ON A CURVE TURNING TO THE RIGHT HAVING AN ARC LENGTH OF 641.64 FEET, A RADIUS OF 5335.00 FEET, A CHORD BEARING OF N65°39'40"W, AND A CHORD LENGTH OF 641.25 FEET; THENCE N05°11'25"E, FOR A DISTANCE OF 71.72 FEET, TO THE NORTH LINE OF SAID NE 1/4 OF NE 1/4 OF SECTION 22; THENCE S89°57'28"W, ALONG THE SOUTH LINE OF SAID SE 1/4 OF THE SE 1/4 OF SECTION 15 FOR A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

SAID TOTAL PLAT OF **RAINWOOD SQUARE** HAS AN AREA OF 1,276,969.435 SQUARE FEET, OR 29.315 ACRES MORE OR LESS AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SIGNED THIS _____ DAY OF _____, 2025.

_____ L.S. 502
THOMAS B. CATLETT
CATLETT SURVEYING
13650 S. 150TH COURT
BENNET, NE 68317

APPROVAL OF BENNINGTON PLANNING COMMISSION

THIS PLAT OF RAINWOOD SQUARE, LOTS 1 THRU 12 AND OUTLOTS "A" THRU "D", HAS BEEN SUBMITTED AND APPROVED BY THE BENNINGTON PLANNING COMMISSION

THIS _____ DAY OF _____, 20__

_____
CHAIRMAN, OMAHA CITY PLANNING BOARD

Bennington

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR NOR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE LAND SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, THIS

_____ DAY OF _____, 20__

_____
DOUGLAS COUNTY TREASURER

APPROVAL OF BENNINGTON CITY COUNCIL

THIS PLAT OF RAINWOOD SQUARE, LOTS 1 THRU 12 AND OUTLOTS "A" THRU "D", WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF BENNINGTON, NEBRASKA

THIS _____ DAY OF _____, 20__

_____
(MAYOR)

ATTEST:_____
(CITY CLERK)

Bennington, Douglas County

OWNER'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS, THAT **TERRANOVA EQUITIES I, LLC**", THE OWNER(S) OF RECORD OF THE REAL ESTATE SHOWN ON THE ACCOMPANYING PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, REPLATTED AND DESIGNATED AS "**RAINWOOD SQUARE**" (LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND WE DO HEREBY DEDICATE THE STREETS FOR PUBLIC USE THE STREETS, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, IN THE CITY OF GRETNA, SARPY COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, REPLATTING, DESIGNATION AND DEDICATION OF LOTS FOR PUBLIC USE, WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNER. WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT (OPPD), COX COMMUNICATIONS, AND CENTURYLINK ACROSS FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN (16) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION. THE SIXTEEN (16) FOOT WIDE EASEMENT MAY BE REDUCED TO EIGHT (8) FEET WIDE WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED. THE SUBDIVIDER SHALL GRANT PERPETUAL EASEMENTS TO BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS ON, THROUGH, UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID OR RIGHTS HEREIN GRANTED.

IN WITNESS WHEREOF, I HAVE AFFIXED MY SIGNATURE HERETO, ON THIS _____ DAY OF _____, 2025.

OWNER: TERRANOVA EQUITIES I, LLC

_____
GENE GRAVES: MEMBER/MANAGER FOR
TERRANOVA EQUITIES I, LLC

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA }
} SS
COUNTY OF DOUGLAS }

ON THIS _____ DAY OF _____, 2025 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, PERSONALLY CAME TO ME, GENE GRAVES (MEMBER/MANAGER FOR TERRANOVA EQUITIES I, LLC) WHO IS KNOWN TO BE THE IDENTICAL PERSON(S) WHOSE NAME ARE FIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN

_____
NOTARY PUBLIC

LIEN HOLDER CONSENT AND SUBORDINATION

THE UNDERSIGNED, HOLDER OF THAT CERTAIN DEED OF TRUST AGAINST THE REAL PROPERTY DESCRIBED IN THE PLAT KNOWN AS "**RAINWOOD SQUARE**" (HEREINAFTER "PLAT"), SAID DEED OF TRUST BEING RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF SARPY COUNTY, NEBRASKA AS INSTRUMENT NO. _____ (HEREINAFTER "DEED"), DOES HEREBY CONSENT TO THE DEDICATION OF AND SUBORDINATE THE LIEN TO ANY UTILITY EASEMENTS, STREETS, ROADS, ACCESS EASEMENTS, AND RELINQUISHMENTS OF ACCESS DEDICATED TO THE PUBLIC, ALL AS SHOWN ON THE PLAT, BUT NOT OTHERWISE. THE UNDERSIGNED CONFIRMS THAT IT IS THE HOLDER OF THE LIEN AND HAS NOT ASSIGNED THE LIEN TO ANY OTHER PERSON.

FOUNDATION ONE BANK (TRUSTEE AND BUNEFICIARY) :
4141 N. 156TH STREET, SUITE 101
OMAHA, NE 68116-1640

By: _____

(LORI RICKFORD, VICE PRESIDENT - COMMERCIAL LENDING, FOUNDATION ONE BANK)

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA }
} SS
COUNTY OF DOUGLAS }

ON THIS _____ DAY OF _____, 2025 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON BEHALF OF SAID LORI RICKFORD, VICE PRESIDENT - COMMERCIAL LENDING, FOUNDATION ONE BANK

MY COMMISSION EXPIRES THE _____ DAY OF _____, 20____ ; WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN

_____
NOTARY PUBLIC

APPROVAL OF CITY ENGINEER

Bennington City Engineer

reviewed and

THE PLAT OF RAINWOOD SQUARE, LOTS 1 THRU 12 AND OUTLOTS "A" THRU "D", WAS APPROVED BY THE ~~CITY OF BENNINGTON, NEBRASKA~~

Bennington City Engineer

_____ _____
CITY ENGINEER DATE

REVIEW BY DOUGLAS COUNTY ENGINEER

THIS PLAT OF RAINWOOD SQUARE, LOTS 1 THRU 12 AND OUTLOTS "A" THRU "D", WAS REVIEWED BY THE DOUGLAS COUNTY ENGINEER'S OFFICE.

_____ _____
DOUGLAS COUNTY ENGINEER DATE

CATLETT
LAND SURVEYING
BENNET, NEBRASKA 402-274-7525 - 402-217-5816
WWW.MYCATLETTSURVEYOR.COM

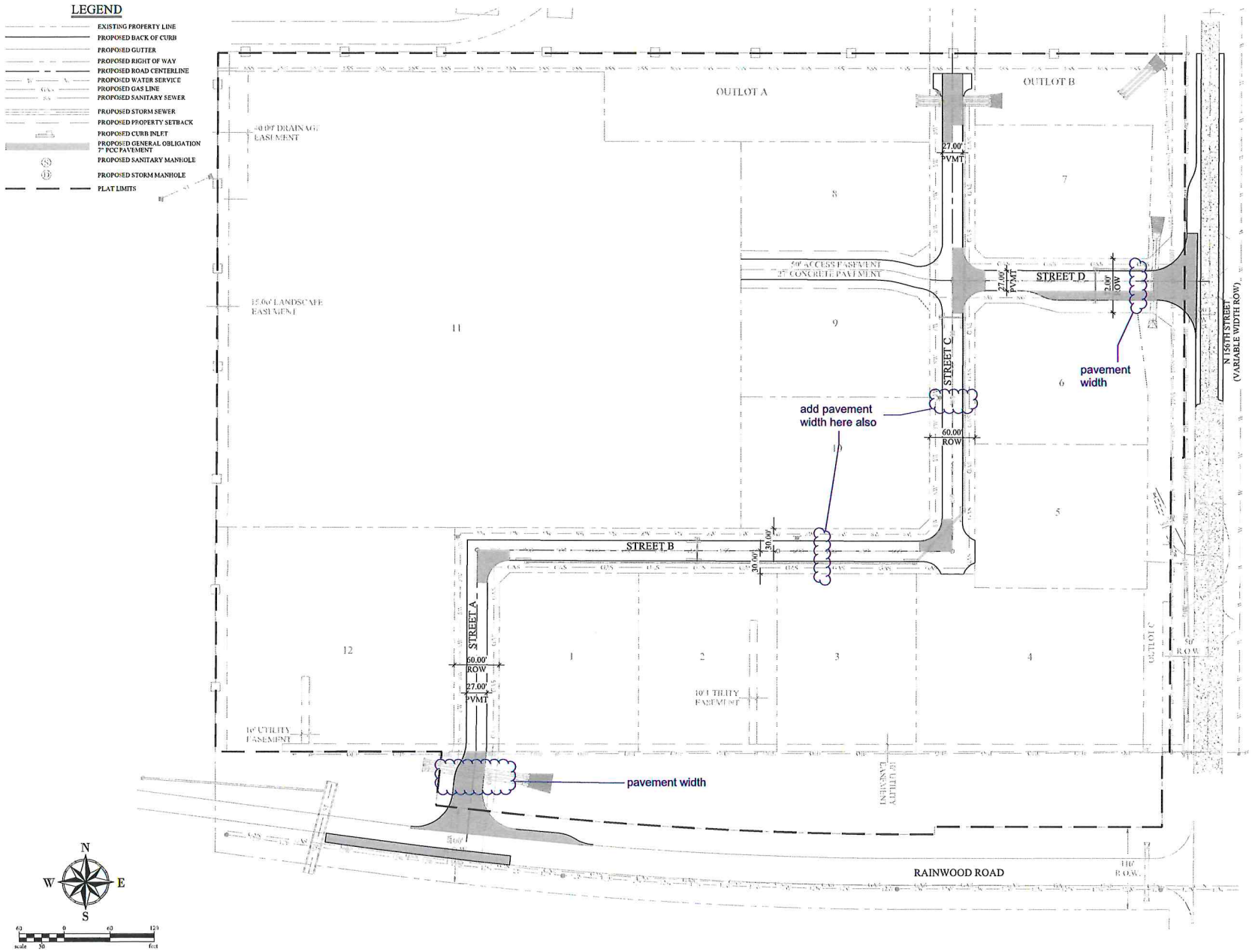
0 80 160

RAINWOOD SQUARE
LOTS 1 THRU 12 & OUTLOTS "A" THRU "D", FINAL PLAT
IN PART OF THE NW 1/4 OF THE SW 1/4 AND ALSO PART OF THE SW 1/4 OF THE NW 1/4 OF
SECTION 25, T16N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA

LEGEND

A - SET 5/8"X24" CAPPED REBAR (LS502) — CTP - CRIMPED TOP PIPE
OTP - OPEN TOP PIPE
◆ - SECTION CORNER (AS NOTED) — M - MEASURED DISTANCE
R - RECORDED DISTANCE
C - CALCULATED DISTANCE
BOUNDARY LINE
SETBACK LINES

Drawn By: PC/JS
Checked By: TC/PC
Job No:
Field:
Drawing: 09/18/25
Re-Date: 09/25/25
Re-Date: 10/24/25
Scale: 1" = 80'
Sheet 1 of 1



FoleyShald ENGINEERING
3930 S. 147TH STREET, SUITE 200 | OMAHA, NE 68144

REVISIONS

NUMBER	DATE	DESCRIPTION

Rainwood Square

Bennington, NE

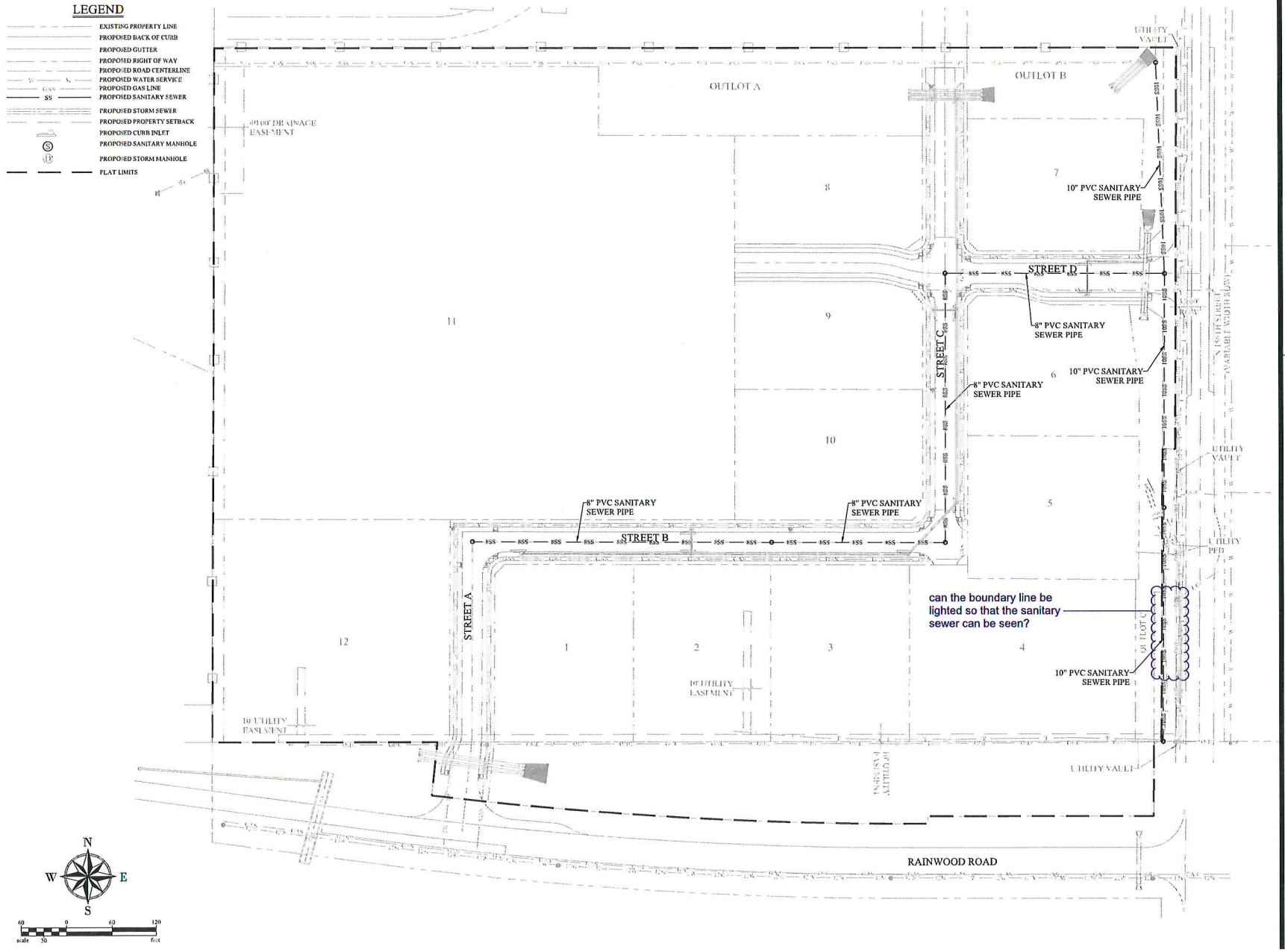
FSE: CA-4197
FSE #: 115.001

September 22, 2025

PRELIMINARY
NOT FOR CONSTRUCTION

Paving Plan

Exhibit C



FoleyShald ENGINEERING
3930 S. 147TH STREET, SUITE 200 | OMAHA, NE 68144

REVISIONS

NUMBER	DATE	DESCRIPTION

Rainwood Square

Bennington, NE

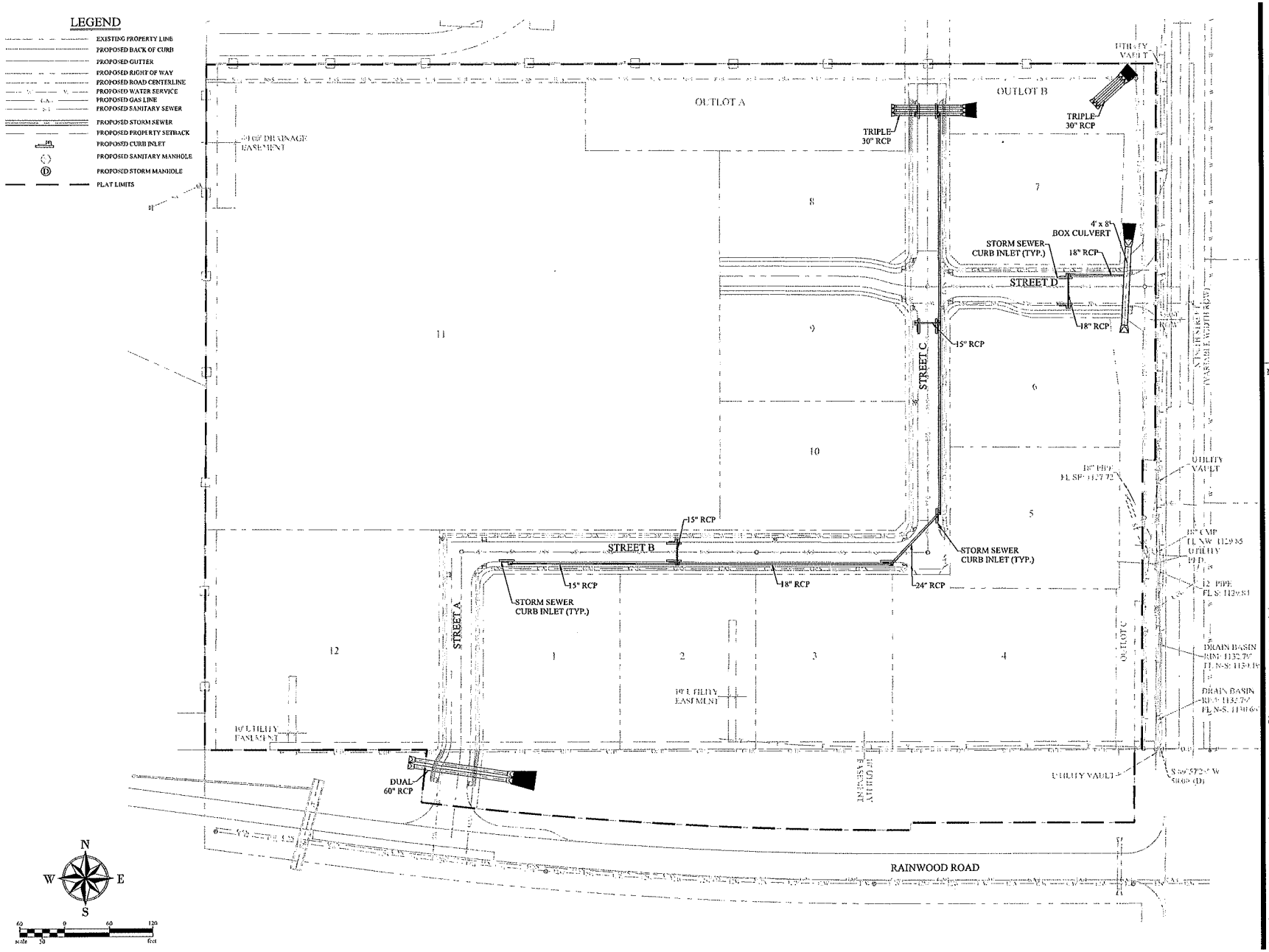
FSE: CA-4197
FSE #: 115.001

September 22, 2025

PRELIMINARY
NOT FOR CONSTRUCTION

Sanitary Sewer Plan

Exhibit D



FoleyShald ENGINEERING
3930 S. 147TH STREET, SUITE 200 | OMAHA, NE 68144

REVISIONS

NUMBER	DATE	DESCRIPTION

Rainwood Square

Bennington, NE

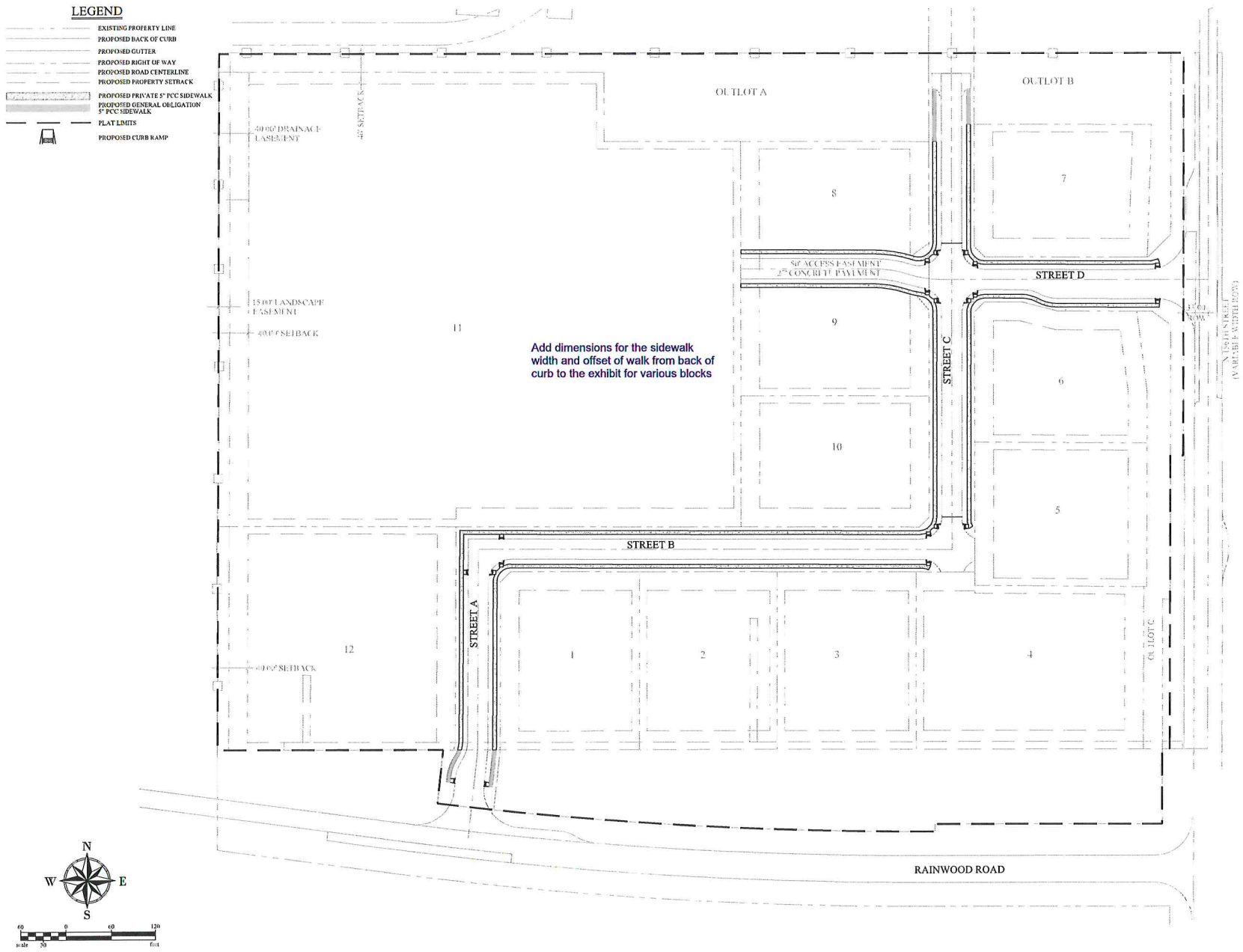
FSE: CA-4197
FSE #: 115.001

September 22, 2025

PRELIMINARY
NOT FOR CONSTRUCTION

Storm Sewer Plan

Exhibit E



FoleyShald ENGINEERING
3930 S. 147TH STREET, SUITE 200 | OMAHA, NE 68144

REVISIONS

NUMBER	DATE	DESCRIPTION

Rainwood Square

Bennington, NE

FSE: CA-4197
FSE #: 115.001

September 22, 2025

PRELIMINARY
NOT FOR CONSTRUCTION

Sidewalk Plan

Exhibit F

APPLICATION FOR A FINAL PLAT

City of Bennington, NE

NOTE: Form must be filled out completely before the City will accept this application for processing, please print or type.

OFFICE USE ONLY:
Receipt Number: #1001
Fee Paid $ 697.75
Final Plat #: 9-30-25

Date: 09/29/2025

SUBDIVIDER:
Name: Terranova Equities I, LLC
Address: 3803 N 153rd Street, suite 201, Omaha, NE

Phone Number: 402-614-9100
E-Mail: gene.graves@gravesdevelopment.com

OWNER:
Name: Terranova Equities I, LLC
Address: 3803 N 153rd Street, suite 201, Omaha, NE

Phone Number: 402-614-9100
E-Mail: gene.graves@gravesdevelopment.com

AGENT (Authorized to act on behalf of Subdivider):
Name:
Address:

Phone Number:
E-Mail:

ANY OTHER ASSOCIATES:
Name:
Address:

Phone Number:
E-Mail:

LEGAL DESCRIPTION & GENERAL LOCATION:

NW 156th and Rainwood Road

NAME OF FINAL PLAT Rainwood Square NUMBER OF LOTS: 12 + 4 outlots

1. Does the subdivider have any interest in the land surrounding the final plat? Yes ☐ No ■
   If yes, please describe the nature of such interest:

2. Will the final plat require any zoning or other action (rezoning, planned development, conditional use or vacations) to complete the development? Yes ■ No ☐ If yes, please describe the nature of such action:
   Rezoning to C1
3. The final plat is based upon the preliminary plat for Rainwood Square approved by the City Council on _____
4. Is the final plat consistent with the approved preliminary plat? Yes ■ No ☐ If not, please explain the proposed change(s) and the reasons for the change:

5. Have all the improvements required by the preliminary plat approval been completed? Yes ■ No ☐ (Please check the Planning Commission's letter indicating the approval of the preliminary plat) If not, which improvements have not been completed:

Signature of Owner or Agent: Eugene J Graves Date: 9/30/25

FoleyShald Engineering

3930 S 147th Street, Suite 200
Omaha, NE 68144
T:402.804.3993

August 5, 2025

JEO - Consulting
City of Bennington – Consulting Engineer
15505 Warehouse Street
Bennington, Nebraska 68007

Re: Rainwood Square
Preliminary Plat – Comment Response
FSE #: 115.001

Dear Ms. Ogden:

We are responding to the review comments provided for the Rainwood Square Preliminary Plat submittal on 05/27/2025. We are submitting revised plans to address comment prior to submittal of the final plat documents:

Below are responses to the numbered comments that were provided by the city:

1.The preliminary plat for Rainwood Square includes twelve (12) commercial lots and three (3) outlots. The plat includes the required information except as noted below:

a. Legal description of the boundary of property included in plat.

b. Street side yard set back is the same as the front yard. Correct the setback table accordingly.

Street side yard has been updated per comment

2. The lots appear to meet the minimum width and area for the C-1 zoning district. Setbacks noted match that of the district also except that the street side yard setback is the same as the front yard setback.

Street side yard updated per comment

3. The access road between lots 8 and 9 is on an easement. Consideration should be made to have this roadway be placed in row (private road) or created as an alley as the easement reduces the usable width for lot 9 to be less than the minimum lot width.

a. Setbacks for the lots should also provide some separation between the access road and the lot improvements.

Easement has been updated to 50' to increase allowable distance from drive

4. This development is planned to be funded with a new SID. A lot-owners or business owners association will need to be created for maintenance of the outlots and any common facilities.

understood

5. The City Attorney, Jeff Miller, will be working on a draft copy of the subdivision agreement for the final plat submittal.

understood

6. In review of the Source and Use of Funds:

a. The total general obligation costs are shown at about 3.8%, which is acceptable thus far.

b. It appears that the cost share reimbursements for water main pioneering, sanitary sewer outfall cost share (to Morgan Ridge SID), Rainwood Road cost share (to Douglas County) are included – fees to be updated as the development progresses.

c. There is a utility relocation fee – what is that for?

This is for probable utility relocations along 156th street, likely power pole relocations.

d. Park fee for commercial property is $1,754 per acre. The amount shown in the SUF document does not appear to be correct – this is paid by the developer and not the SID so it should not impact the viability of the SID.

Park fee has been updated per comment

Re-Zoning

1. The Developer is requesting to re-zone the property C-1, Highway Commercial District.

2. The property is currently outside of the corporate limits and is zoned TA-Transitional Agriculture. The Future Land Use Map, as recently updated, within the City's Comprehensive Plan, designates this parcel as Commercial with some residential on the northwest portion. Zoning the entre property to commercial does not conflict with the city's future vision for the area.

3. The property to the west is zoned R-3 (medium density residential) and the property to the north is TA (transitional agriculture). Both properties are being used for residential purposes. That will require landscape buffers on the proposed development.

a. Section 4.09.05 of zoning regulations requires that lot setbacks for commercial or industrial property adjacent to residential property be increased to 40 feet and include a landscaped buffer. The fence requirement in this section appears to only apply to industrial property. This increased setback applies to Lots 11 & 12.

Increased setback has been added along the west and north lines, setback is from the existing property line.

b. Landscaping plans, meeting the requirements of Section 7.09 of the zoning regulations will be required with the final plat submittal.

Landscape plan will be included with the final plat submittal

Grading & Erosion Control

1. *The grading plan does not show creating building pad sites for the lots and additional grading will be required upon improvement of each lot.*
   Correct
2. *How will the steep slope along the western boundary be stabilized?*
   Erosion control plans will be finalized during grading design, but the preliminary erosion control plan for the plat, exhibit F, calls for straw erosion blanket and seeding to stabilize the slope.
   a. *Do these grades coordinate with the post development grades for Morgan Ridge?*
      Both projects tie-in with existing grades along the shared boundary line. Rainwood road grades and location were received from coordination with E&A. proposed grades in the north west corner account for a short drainage easement to carry flow from the Morgan ridge detention outlet structure to the drainage swale along the north property line.

3. A wetland delineation study has been provided for the development.

a. There are drainage paths across the property but they do not meet with requirements for a waterway that is under the jurisdiction of the US Army Corps of Engineers.

b. The wetland review did not find any wetlands on the property which included both a desktop review as well as a field visit in April 2025.

4. Erosion Control Plans for the construction phase of the development are included in submittal. Continue development of these plans and provide updates with the final plat.

a. Additional temporary silt basins may be needed.

This design will be finalized with grading design and permitting

b. Show locations of the concrete wash out.

Concrete washout added to preliminary erosion control plan, however, this design will be finalized with grading design and permitting

c. Will top soils be stockpiled on the site and re-used? If so, show that on the final plan.

Topsoil will be stockpiled on site and location is typically determined by grading contractor. However, final grading plans have topsoil stockpile requirements that will be met for erosion control.

d. The construction entrance was not shown, and please add label to the SWPPP sign location as if shown, I could not locate it.

Construction entrance was added along with SWPPP sign location to this preliminary plan, however, this design will be finalized with grading design and permitting

Utilities (sanitary sewer and water)

1. The water main shall be looped with connections to mains in Rainwood Road and 156th Street. An 8" main is currently proposed within the development. Coordinate size with MUD.

a. A flushing hydrant will be needed at the dead end near lot 8/outlot A.

noted, however, MUD does all water main design, including flushing hydrant locations

b. Fire hydrant locations (even if preliminary) should be shown on the exhibit for the final plat.

MUD does all water main design, including hydrant locations. However, some potential hydrant locations have been added to the exhibit.

2. Design calculations for sizing of sanitary sewer mains and outfall was provided and we had a few comments on the calculations.

a. The sanitary sewer through the development could be extended to Rainwood Road and provide service to the property to the south. This may require an increase in pipe size though the development but would eliminate the need for a sewer main along Rainwood Road.

Based on proposed grades of Rainwood Road filling in the ditch area 15-20', with our street tie-in at rainwood also being 15-20' above existing grade, it is unlikely that this sewer through the site would be an option. Likely the sewer will have to run down Rainwood to 156th or follow along the new ditch adjacent to Rainwood to 156th.

b. Is the peaking factor in the table based on the equation from Section 3.2.9 of the Omaha Wastewater Collection System Design Manual?

Yes

c. The peak flow shown on this sheet is less than that from the design calculations from the Morgan Ridge Development, who is designing and installing the outfall sewer which confirms that the outfall should have

the capacity to serve this development. Their estimate was for all residential lots which estimates higher flows than residential.

3. An outfall sewer along 156th Street will be required and tie into that being constructed by the Morgan Ridge Development. The sizing of this outfall sewer shall provide the appropriate capacity to serve the property further south per the City of Bennington Comprehensive Plan. The outfall shall be constructed along all 156th Street frontage to allow for future connections to the south.

Sewer along 156th has been extended to the south property line of project.

3. *The outfall will require an easement or permit for construction and maintenance from Douglas County as it appears to be located in the Right of Way for 156th Street.*

understood

5. The internal sanitary sewer (all 8" centered in streets B, C & D) will connect to the outfall sewer at 156th Street.

Streets

A traffic impact study and geotechnical report are required for this development and they shall be submitted for review prior to the final plat.

Both are included in this response submittal. Paving layout and estimate have been updated to reflect the requirements of the traffic study.

a. The city can provide a copy of the Morgan Ridge Traffic impact study which is the last one (4-6-2022) for the area that includes the 156th Street and Rainwood Road.

2. All access points to Rainwood Road and 156th Street shall meet County access rules and will require a permit from the county for the connection.

Understood

a. Lots that abut either Rainwood Road or 156th Street will not have access to these roads. This note should be added to the plat.

Note has been added to the preliminary plat sheet

4. *The proposed roadway is 27 feet wide, with curb and gutter, will this provide enough width to allow for appropriate movements by the commercial truck traffic?*

This is per city of Bennington local street requirements. The Omaha metro typically uses 50' ROW with 25' street for commercial area local classified streets, so 27' should be adequate.

4. Design speeds are noted as follows:

a. Interior streets – 30 mph (signed for 25 mph)

Understood

5. Intersection radii are now shown on the plans. The general requirements are:

a. County roads should probably be 50 feet but could be less if appropriate.

Updated from 30' to the requested 50'radii

b. Interior streets are usually 25 feet but commercial truck movements should be reviewed and radii increase as needed to avoid damage to curbs and walks.

Proposed interior streets are shown at 30' radii

5. *Provide profile for access road between lots 8 & 9.*

Profile of street D has been extended to show access road.

6. *A typical section for the roadway should be provided and it should include sidewalk locations and subgrade preparation information with the pavement thickness.*

Typical section has been added.

7. *An exhibit showing sidewalk locations shall be provided for both interior and exterior walks. Walks adjacent to lots shall be constructed by the lot owner with building construction. Exterior walks, where required should be constructed with other public improvements.*

Sidewalk has been added to the paving and storm sewer exhibit

Drainage/Storm Sewer

1. The City recently updated the subdivision regulations which included changing the storm water detention requirements to require a no net increase for both the 10-year and 100-year events.

2. There is continued coordination needed between the Morgan Ridge Development and the proposed development on the flows leaving the basin on Outlot L. This will be worked out prior to the final plat submittal.

3. The comments JEO has on the drainage study are:

a. The study shows Street D as being overtopped with the 100 year event with a peak elevation of 1127.04. If this overtopping is allowed, it can not encroach upon the 156th Street paving and confirmation of this should be provided in the report.

This has been addressed in the drainage report, and the elevation of 156th street is above the 100 year elevation.

b. The 156th Street ditch flow has a 9.3 foot per second of velocity per the study. What is the plan for erosion control?

Options are included in the drainage study, but could include check dams or Turf reinforcement matting, etc

c. Provide the flow velocity for the north ditch that goes to the northeast pond and also address erosion control plans in the study.

Sections and calculations are included on the grading and drainage sheet. Options are included in the drainage study, but could include check dams or Turf reinforcement matting, etc

Sheet 1of1:

- *Add note #5 to general notes* – note added
- *Add note for street side yard being same as front yard*– note added
- *Add/update lot dimensions*– updated
- *Provide outline of buildings/improvements on adjacent lots*– offsite buildings added
- *Add label to title for lots and outlots* – label added
- *Should this be a private alley instead? Between lots 8 and 9*– this is going to remain in a 50' easement
- *Minimum lot width is 150 feet for C-1 zoning. Building setbacks should be shown from edge of easement* – minimum lot width is not measured from setbacks or easement, lots meet the 150' minimum. Setback removed up to easement line.
- *Will any of the existing easement be vacated with improvements?* – yes, existing easement will be removed, discussions have been started with OPPD to vacate with final plat approval.

- *Add ROW dimension on street B* – note added
- *Add "douglas county" label*– note added
- *Show ROW and property lines on east side of 156th street*–added
- ***4.09.05*** *Any yard for a commercial or industrial use, which is adjacent to any residential use or district, shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening. Included in the increased yard, a solid or semi-solid fence or wall at least six feet, but not more than eight feet high shall be provided adjacent to an adjoining residential district unless the adjacent residential district and industrial district are separated by a street right-of-way. The owner or owners of the property in the Industrial District shall maintain said fence or wall in good condition. Said fencing shall be constructed of commercially available fencing.* – 40' setback added from plat boundary lines as requested.

Exhibit B:

- *Add flow arrows* – note added
- *Add basin outfall label from Morgan Ridge*– note added

Exhibit D:

- *Extend alignment for Street D for the access road between lots 8 and 9* – alignment extended for access road

Sanitary Sewer 1 of 1:

- *Update table for increased area* – table updated to address comment
- *Extend interior sewer to the south property line* – interior sewer is not being extended as interior streets have to meet raised rainwood road elevation and would likely not be adequate depth to pick up these sewers, if they happen to be at the lower elevation. off site sewer is likely to follow rainwood road or the proposed adjacent drainage ditch and tie-in to 156th sewer.
- *Potentially upsize interior sewer for offsite flow*– see above comment
- *Extend 156th street sewer to south lot line*– sewer extended to south lot line

Below are responses to the numbered comments that were provided by the county:

1. *Right of way dedication meets county standards. Additional ROW will be needed along 156th.*

2. *Proposed site grades along the southern and eastern boundaries of the platting, adjacent to 156th Street and Rainwood Road, must be coordinated with the future improvement of those roadways. The consultant will be required to submit cross section information, for review purposes, that shows the relationship of the proposed site grading to the existing and future 156th Street and Rain wood Road improvements. Certification of the grade coordination will be required prior to the City of Bennington's approval of the final plat.*
   – grading coordination set has been submitted to douglas county for review.
3. *It should be noted on the plat that direct access to 156th Street or Rainwood Road, from the adjacent lots or outlots, will not be permitted*
   – note added
4. *If Rainwood Square will not be located in a Sanitary Improvement District, a maintenance agreement will be required before Douglas County will provide routine maintenance of publicstreets or request street lights on behalf of the Developer. If not located in a Sanitary Improvement District, major maintenance activities are the responsibility of the adjacent property owner.*
   – a SID is proposed for this development
5. *Vacation of public right of way on north side of Rainwood road would need to follow state statutes and the drainage area put into SID an outlot will be required.*
   – this is being coordinated with douglas county, vacation exhibit is finalized. New outlot will be added to final plat.

6. *Storm sewer design computations and final plans must be submitted to this office for review that relate to the handling of roadway and site drainage along the development boundary adjacent to 156th Street and Rainwood Road.*
   – Drainage study has been sent to Douglas county.
7. *The proposed street connections from the development to 156th Street and Rain wood Road will require permits from this office and must meet proper sight distance criteria and incorporate intersection improvements as required by current City/County Access Policy. The cost of the roadway improvements for the street connections, if required, will be the responsibility of the developer. The sight distance criteria to be used in the evaluation, of the driveway connections, will be AASHTO Stopping Sight Distance for 50 MPH design (425').*
   – understood. Street profiles are included in the grading coordination and site distance is noted out to 425'
8. *CAD files for the preliminary plat and final plat shall be submitted to the Douglas County Engineer's Office for review.*
   – preliminary and final plat cad files have been sent to douglas county
9. *Any grading, sewer or utility work, sidewalk, landscaping, ADA curb ramps or any other improvements carried out in conjunction with this development, in 156th Street and Rainwood Road right-of-ways, will require a permit(s) from this office.*
   – understood
10. *It should be noted on the plat that street "D", to 156th street from the site will be restricted to right-in/right-out vehicular movements at the time that 156th street is upgraded to a 4 lane section with raised medians.*
    – note added
11. *An interlocal agreement with douglas county will be needed for the necessary improvements of rainwood road and 156th street, prior to signing for the final plat.*
    – understood.

The following documents are attached:

- Rainwood Square – Preliminary Plat Sheet Set
- Rainwood Square – Updated Drainage Study
- Rainwood Square – Updated Traffic Study
- Rainwood Square – Geotechnical Report

Please let me know if you should have any questions or require additional information.

Sincerely,



Brett D Shald, PE

Design Services Manager

Beacon™ Douglas County, NE



Date created: 6/12/2025
Last Data Uploaded: 6/12/2025 3:55:32 AM
Developed by
SCHNEIDER GEOSPATIAL

Item #6

Change of Zoning

Preliminary Plat

Prairie Ridge

October 22, 2025

Bennington Planning Commission & City Council
c/o Mindi Laaker, Clerk
15505 Warehouse Street
Bennington, NE 68007

RE: Prairie Ridge (Lots 1 - 54 and Outlots A - G) – REVISED Preliminary Plat and Rezoning Review
Bennington, NE
JEO Project No. 090034

Dear Commissioners and Council:

JEO Consulting Group has received a copy of the REVISED preliminary plat documents and re-zoning request for the above referenced subdivision. Based on a review of the preliminary plat, all specifications as outlined in Article 3, Section 3 of the subdivision regulations have been met in regard to the submittal documents except as noted below. We have reviewed these documents and would offer the following comments, questions and observations for the Planning Commission's scheduled meeting in October 2025.

Site History
This property had an approved final plat from June 2023. That has since expired and the current application has revised the layout of the development. The previously approved layout included townhomes are no longer part of the plan and all buildings will be a duplex style units that can be sold separately (considered singe family attached in the regulations). The proposed zoning is still R-3 with a CMD overlay and all interior improvements will be private (streets, storm and sanitary).

The original application for this lot was in June 2022, with a change in layout in January 2023. The original layout included duplexes against the existing residences with a multi-family lot on the balance of the property. The change 2023 relates to the prior multi-family lot which is now lots for single family attached homes (townhomes). The layout of streets is essentially the same however the access between the lots and CW Haden will not be a one-way access. All prior comment letters no longer apply and only the comments noted below need to be addressed.

Preliminary Plat & Associated Agreements

1. The preliminary plat for Prairie Ridge has been revised to be 54 single family attached structure lots (only two units are attached) and 7 outlots. The plat includes the required information.
2. The plat shows encroachments on the lot from adjacent properties (drive-thru for Runza, gravel access or parking for gas station). Per the pre-application meeting discussion, this is going to be allowed to remain and if so, an easement shall be included for these items on the final plat to the owner of that property.
3. Note #1 indicates the access to CW Haden Drive shall be reserved for single access or emergency vehicle movement only which does not meet the minimum City of Bennington access requirements (two points of access).
4. This development is within the Corporate Limits of Bennington and will be privately financed.
    a. The developer has indicated that they would like to work with the city on Tax Increment Financing. There is not a current TIF district/plan in place for this area and the City can not guarantee that upon completion of the required study will allow the City to create one.
5. Upon preliminary plat approval, the City Attorney will begin working on a draft copy of the subdivision agreement.

6. Outlot A is for roadway access to lots 1 – 54 (two unit single family attached) and utilities, Outlot B is for stormwater detention and storm drainage and Outlots C to G are the green space as required as part of the CMD zoning. A subdivision sign could be placed on Outlot D or G, if desired.

Zoning and Cluster Mixed Used Overlay (CMD) Request

1. The property is currently zoned R-3 Medium Density Residential. The Developer is requesting to re-zone the entire property to R-3 with a CMD Overlay.
2. The Future Land Use Map, within the City's Comprehensive Plan, designates this parcel as Medium Density Residential. The proposed use fits with that designation.
3. The CMD overlay district requires a MINIMUM of 20% net of the residential area to be designated as Common Area. Common Areas shall be defined as playgrounds, street medians, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other. Outlots C to G are designated as said Common Area for the proposed CMD.
   a. What improvements are planned in these areas?
   b. Calculation of required green space is:

Lot(s)	In calculation?	Area	20% Required	Credit Allowed
1 to 54	Yes	3.962 Ac	0.7924 Ac	NA
Outlot A	No	1.856 Ac	NA	NA
Outlot B	No	0.335 Ac	NA	NA
Outlot C	No	0.182 Ac	NA	0.182 Ac
Outlot D	No	0.068 Ac	NA	*
Outlot E	No	0.115 Ac	NA	*
Outlot F	No	0.075 Ac	NA	*
Outlot G	No	0.707 Ac	NA	0.707 Ac
	Total Required		0.7924 Ac	0.889 Ac (22%)

*Outlots D, E, & F may be too small and/or too irregularly shaped to be considered green space by the definition. If a plan to make them into common spaces, please provide that with the final plat submittal.

4. The CMD is proposing to reduce the setbacks and lot sizes for Lot 1 to 54 of the proposed development. All lots will be set up more like duplex buildings but each half can be sold separately. The proposed changes/adjustments and R-3 standards are summarized in the following table:

Lot Requirement	Proposed R-3 with CMD	R-3 (two-family dwelling)
Lot Area	2,900 sf	4,000 sf
Lot Width	27 feet (1)	37.5 feet
Front Yard	15 feet	25 feet
Side Yard	5 feet	7 feet
Street Side Yard	15 feet	25 feet
Rear Yard	15 feet	25 feet
Max. Lot Coverage	50%	40%
Impervious Surface	65%	55%

NOTE: 1. This is measured at setback line for non-square lots. Measurements adjusted for actual lot measurements, rounded down to the nearest foot.

5. Building Elevations were provided with the submittal, which included both Ranch and Two-Story options. Will the finishes/colors of each be coordinated across the development or will each owner be able to select their own colors?

Waiver Requests

1. Article 4; Scheule A: Minimum Street Standards – Private Street (Classification) Minimum Centerline Radius. Allow less than 50 feet of street ROW and 100 foot radii at center of private streets.
    a. Developers Justification: Based on existing topography, the shape of the property, and the two access points provided, the development is requesting a waiver to the 100-foot minimum centerline radius requirement. As part of the design of the development, no on-street parking will be allowed. The general shape of the property presents some challenges to maintain the 100-foot centerline radii as required in code.
    b. Engineer's Recommendation: This could be allowed as the road is a private street and the site is challenging to achieve current design standards as one of the access points would not allow a road to meet this standard.
2. Article 4; Section 14 Design Standards, Sidewalks & Trails and eliminate the requirement to have a walk on both sides of the street.
    a. Developers Justification: Due to the existing conditions of the site, with only one main access point to the west, and the existing grades of the site. Because of the CMD overlay, we have adequate pedestrian movement throughout the site. With this being a private street, we are requesting to waive the City requirement for sidewalks on both sides of the street. We believe the internal loop sidewalk system created for this site provides enough pedestrian movement throughout the street.
    b. Engineer's Recommendation: Two access points are required and appear to be provided per the pavement exhibit. With the limited number of lots and narrower ROW and street with the CMD, a sidewalk on one side of the street is acceptable in this situation. Connections to N 160th Street, CW Haden Drive and N 4th Street are required as part of this waiver.
        i. If a sidewalk can not be located along the vehicular access to CW Haden Drive, a walk between the two commercial buildings may be possible (it was considered as part of a prior concept).

Grading

1. The grading plans show a slope that goes onto adjacent property outside the development property. An easement from those property owners will be required. It appears that slope would be close to 3:1 which is on the steep end of mowing and may not be acceptable to them. Slopes should be at least 4:1 so they can be more easily maintained.
    a. Please provide information on the coordination with this property owner related to the easement needed and the grading provided.
    b. Please note who will be responsible for maintaining this slope if built as noted.
2. The slope on Outlot B adjacent to the basin appears to be about a 3:1 slope which is a concern as it is harder to mow and maintain. Slopes should be at least 4:1 so they can be more easily maintained. If changes can not be made, please indicate how this would be taken care of. The slope should not become any steeper during construction.
3. The slope on Outlot G is between 4:1 and 5:1 which is a maintainable (mowable) slope.

Utilities (sanitary sewer and water)

1. The proposed sanitary sewer will connect to the City of Bennington system at an existing manhole located north of the lot line between Lot 1 Bennington Park Replat 3 and Lot 1 Bennington Park Replat 1. The interior line will be considered a private system and maintained by the HOA.

2. The water mains are connected to existing mains at the Bruning/160th Street Intersection and at the CW Haden Drive intersection. The mains are then looped around the development providing redundancy of the system.
    a. The water main will be designed by MUD.

Streets

1. A traffic impact study for the original concept was provided and reviewed by JEO. Those comments were previously provided. A revised study will be required with the change in concept/lot layout with the final plat.
2. All streets in the development are private. The private streets are 25 feet wide with curb and gutter. Outlot A is for the street and is 50 feet wide at its connection to 160th Street and CW Haden Drive but narrows to 40 feet wide inside of the development. This layout is discussed under Waiver Request #1.
3. A 5 foot sidewalk is included along one side of the streets only as noted in waiver request #2. As part of the waiver connections to N 160th Street, CW Haden Drive and N 4th Street are required.
4. The roadway is considered a marginal access road (frontage road-no parking) for design standard review. The horizontal curves for the roadway in Outlot A shall be a minimum of 100' radii on the centerline. As noted in waiver request #1, there are four (4) curves that do not meet this standard. The curve information should be shown on the paving exhibit not just the preliminary plat.
    a. With the reduced width, no on street parking will be allowed. The developer has provided a parking concept for each lot. The development meets the required parking stalls for this residential use.
5. The street profiles include labels for existing or proposed street connections. The vertical curves meet minimum design standards for a public street.

Drainage/Storm Sewer

1. The Control Number for the existing site from the prior approved study was row crop with crop residue (CN = 82), with this study it is just Row Crop (CN = 85) but the past few years, it has not been farmed and is mostly grass – only mowed when notice is sent by city. This CN likely needs to be updated to reflect current conditions. The other existing areas B, C & D are more grass in good condition than anything else and CN's should be adjusted or weighted accordingly.
2. The Control Number for the lots was used as the 1/8 acre or smaller lots with an estimated impervious coverage of 65%. Since the CUP is requesting the lots to be at 65% when you add in the street/sidewalk in outlot A at 75%, the assumption seems a bit low. For this development, I feel a calculated CN should be done using actual maximum coverages not the residential district estimates.
3. It appears that a small part of the 100 year event will overflow the spillway of the basin. This is not preferred and we would like for other options for keeping in the storm system to be considered if at all possible.
    a. A description of how water flows in this event between the existing residences would be helpful – noting any changes from how it does today.
    b. Adverse downstream impacts are not allowed.
4. The storm sewer will be a private system and owned/maintained by the lot owners. Since it is not a public system, if the developer wishes to use alternate materials (other than RCP), they could. The city only requires RCP within City Street ROW.

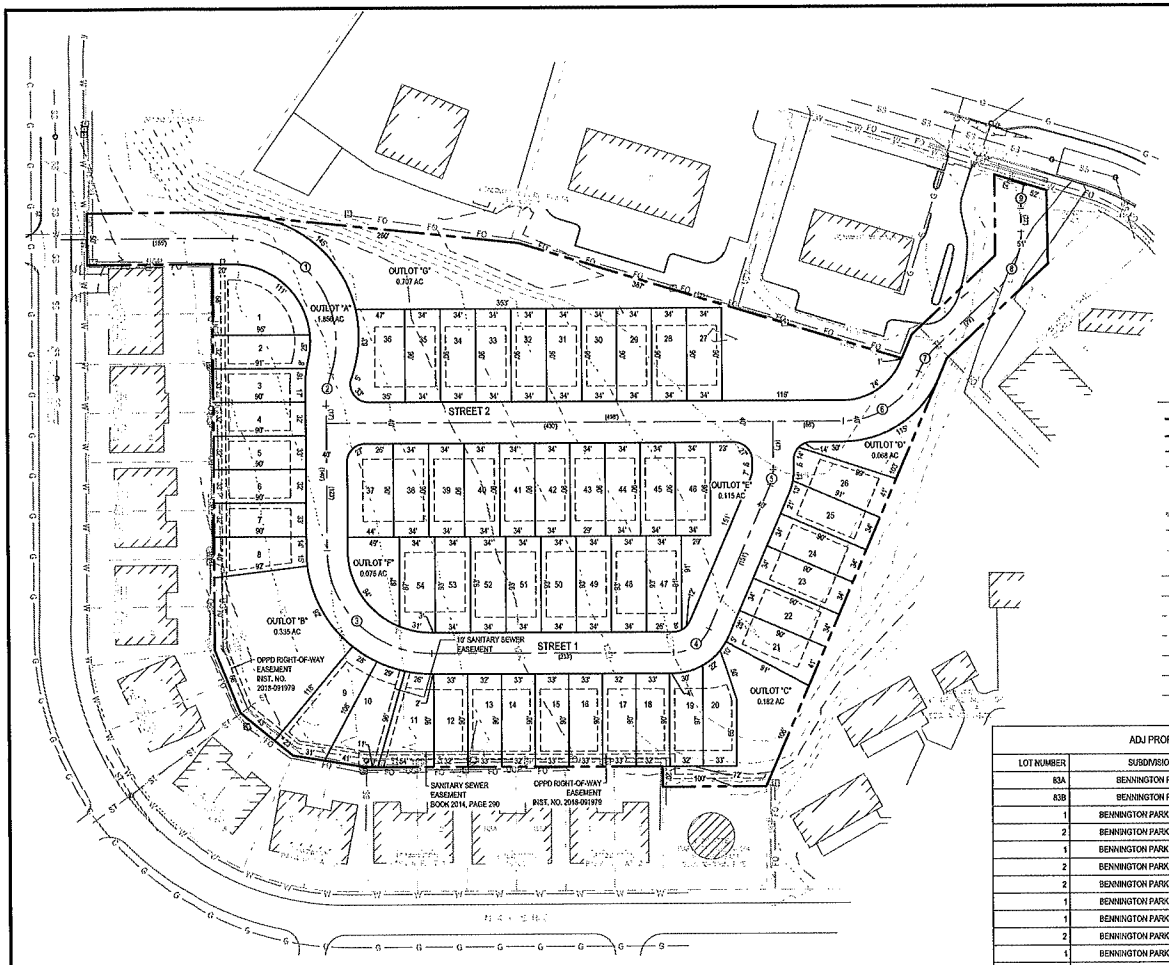
If you have any questions, comments or concerns with any of the statements, please feel free to contact me at 402.443.4661.

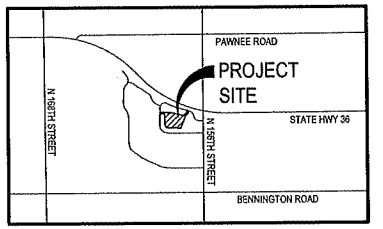
Sincerely,

Julie Ogden, PE
jogden@jeo.com

JAO:jao
Enclosures

cc: Mindi Laaker, Bennington City Clerk (PO Box 221, Bennington NE 68007)
Jeff Miller, Young and White Law Offices (8742 Frederick Street, Omaha, NE 68124)
Jeff Stoll, E&A Consulting Group (10909 Mill Valley Rd, Omaha, NE 68154)
Ryan Schwarz, BPW Smart Development (ryanschwarz3@icloud.com)





VICINITY MAP

60 0 60
1 inch = 60 ft.

LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENTS
- SETBACK LINE
- EXIST. BUILDING
- EXIST. MAJOR CONTOURS
- EXIST. MINOR CONTOURS
- G — G — GAS LINE
- W — W — WATER LINE
- OHP — OHP — POWER LINE (OVERHEAD)
- UGP — UGP — POWER LINE (UNDER GROUND)
- SS — SS — SANITARY SEWER LINE
- ST — ST — STORM SEWER LINE
- FO — FO — FIBER OPTICS LINE

PRAIRIE RIDGE

LOTS 1 THRU 54 & OUTLOTS "A" THRU "G" INCLUSIVE

BEING A REPLATTING OF ALL OF LOT 1, BENNINGTON PARK PLAZA, A SUBDIVISION LOCATED IN THE NE1/4 OF THE SE1/4 OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA.

LEGAL DESCRIPTION

BEING A REPLATTING OF ALL OF LOT 1, BENNINGTON PARK PLAZA, A SUBDIVISION LOCATED IN THE NE1/4 OF THE SE1/4 OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA.

SAID TRACT OF LAND CONTAINS 317,980 SQUARE FEET OR 7.300 ACRES, MORE OR LESS.

DEVELOPER/OWNER
BPW SMART DEVELOPMENT, LLC
331 VILLAGE POINTE PLAZA, SUITE 101
OMAHA, NE 68118

ENGINEER
E & A CONSULTING GROUP, INC
C/O JEFF STOLL
10909 MILL VALLEY RD, SUITE 100
OMAHA, NE 68154

ZONING:

EXISTING: R-3
PROPOSED: R-3 CMD, LOTS 1 THRU 54 — 3.962 AC
R-3 CMD, OUTLOTS "A" THRU "G" — 3.338 AC
TOTAL — 7.300 AC

GAS: METROPOLITAN UTILITIES DISTRICT
7350 WORLD COMMUNICATIONS DRIVE
OMAHA, NE 68122

POWER: OMAHA PUBLIC POWER DISTRICT
444 S 16TH STREET MALL
OMAHA, NE 68102

WATER: METROPOLITAN UTILITIES DISTRICT
7350 WORLD COMMUNICATIONS DRIVE
OMAHA, NE 68122

NOTES:

1. OUTLOT "A" CONNECTION TO N 160TH STREET SHALL BE RESERVED FOR FULL ACCESS. OUTLOT "A" CONNECTION TO C W HADAN DRIVE SHALL BE RESERVED FOR SINGLE ACCESS OR EMERGENCY VEHICLE MOVEMENT ONLY.
2. TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.
3. OUTLOT "A" SHALL BE RESERVED FOR A PUBLIC ACCESS AND UTILITY EASEMENT RESERVED FOR LOTS 1 THRU 54, OUTLOT "B" THRU "G". OUTLOT "A" WILL BE OWNED AND MAINTAINED BY THE DEVELOPER OR HOMEOWNERS ASSOCIATION.
4. OUTLOT "B" SHALL BE RESERVED FOR PERMANENT POST CONSTRUCTION STORM WATER MANAGEMENT BASINS. A STORM SEWER AND DRAINAGE EASEMENT IS GRANTED OVER ALL OF OUTLOT "B".
5. OUTLOTS "C", "D", "E", "F", & "G" SHALL BE RESERVED FOR GREEN SPACE.

APPROVAL OF CITY OF BENNINGTON PLANNING COMMISSION

THIS PLAT OF PRAIRIE RIDGE (LOTS NUMBERED AS SHOWN) HAS BEEN SUBMITTED TO AND APPROVED BY THE BENNINGTON PLANNING COMMISSION THIS _____ DAY OF _____ 20_____.

_____
CHAIR, PLANNING COMMISSION

ATTEST _____
SECRETARY OF PLANNING COMMISSION

LOT AREAS	
LOT NO.	SQ. FOOTAGE
1	5,290
2	3,050
3	2,931
4	2,925
5	2,925
6	2,925
7	2,925
8	3,082
9	4,566
10	4,017
11	3,717
12	2,925
13	2,925
14	2,925
15	2,925

LOT AREAS	
LOT NO.	SQ. FOOTAGE
16	2,925
17	2,925
18	2,925
19	2,994
20	3,132
21	3,330
22	3,050
23	3,050
24	3,050
25	3,066
26	3,520
27	3,050
28	3,050
29	3,050
30	3,050

LOT AREAS	
LOT NO.	SQ. FOOTAGE
31	3,050
32	3,050
33	3,050
34	3,050
35	3,050
36	4,211
37	3,905
38	3,069
40	3,068
41	3,069
42	3,068
43	3,069
44	3,069
45	3,068

LOT AREAS	
LOT NO.	SQ. FOOTAGE
46	3,069
47	3,165
48	3,168
49	3,166
50	3,165
51	3,163
52	3,161
53	3,160
54	3,097

CENTERLINE CURVE TABLE	
CURVE	RADIUS
1	100.00'
2	100.00'
3	100.00'
4	37.50'
5	37.50'
6	81.00'
7	75.00'
8	75.00'
9	75.00'

R-3 CMD ZONING SETBACK TABLE (LOTS 1 THRU 54 AND OUTLOTS "A" THRU "G")	
FRONT YARD	15'
SIDE YARD	0' OR 5'
STREET SIDE YARD	15'
REAR YARD	15'

*INTERIOR SIDE YARD ALONG A COMMON WALL CAN BE SET A ZERO-LOT SETBACK AS LONG AS THE OPPOSITE SIDE YARD IS AT THE NORMAL SIDE YARD SETBACK REQUIREMENT.

ADJ PROPERTY OWNERS

LOT NUMBER	SUBDIVISION	OWNER
83A	BENNINGTON PARK	MEHURON KELSEY MAE
83B	BENNINGTON PARK	MELIA TUHY LLC
1	BENNINGTON PARK REPLAT 1	DECKER AUDREY E
2	BENNINGTON PARK REPLAT 1	FRYE SANDRA J
1	BENNINGTON PARK REPLAT 2	BETTY PRUESS IRREV TRUST ETAL
2	BENNINGTON PARK REPLAT 2	MARILYN & GERALD BEAM RE
2	BENNINGTON PARK REPLAT 3	ROBERTS JIM
1	BENNINGTON PARK REPLAT 3	LOGEMANN JULI
1	BENNINGTON PARK REPLAT 4	BARTLETT ETAL TR CHERIE
2	BENNINGTON PARK REPLAT 4	FEYERHERM JOHN
1	BENNINGTON PARK REPLAT 5	CLARK TIMOTHY L
2	BENNINGTON PARK REPLAT 5	ODDO BRIAN C
2	BENNINGTON PARK REPLAT 6	DEBBAN CLINT
1	BENNINGTON PARK REPLAT 6	BOTOS STEPHEN P
1	BENNINGTON PARK REPLAT 7	LEHAN TYLER
2	BENNINGTON PARK REPLAT 7	JAEKE PATRICK M
1	BENNINGTON PARK REPLAT 8	BLANKENSHIP DONNA
2	BENNINGTON PARK REPLAT 8	MESKE RODNEY M
2	BENNINGTON PARK REPLAT 11	FIELDS RICHARD C
1	BENNINGTON PARK REPLAT 11	SASS MARVIN
	UNPLATTED PART OF THE NE1/4 OF THE SE1/4, SECTION 10-T16N-R11E	VILLAGE OF BENNINGTON
	UNPLATTED PART OF THE NE1/4 OF THE SE1/4, SECTION 10-T16N-R11E	DOUGLAS COUNTY HOUSE AUTH
1	BENNINGTON HEIGHTS COMMERCIAL	PEM HOLDING COMPANY LLC
43	BENNINGTON HEIGHTS	BENNINGTON JAYCEES
2	BENNINGTON PARK PLAZA REPLAT 1	SECONDARY EQUITIES
1	BENNINGTON PARK PLAZA REPLAT 1	CHALK PROPERTIES LLC
2	BENNINGTON PARK PLAZA	SECONDARY EQUITIES
128	BENNINGTON PARK	BRUNING ROBERT

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
www.eacg.com

E & A CONSULTING GROUP, INC.
Engineering Answers

PRAIRIE RIDGE
LOTS 1 THRU 54 & OUTLOTS "A" THRU "G" INCLUSIVE
BENNINGTON, NEBRASKA

PRELIMINARY PLAT

No.	Revisions	Date	Description
1			

Proj No: P2021.380.007
Date: 09/29/2025 JRS
Designed By: JRS
Drawn By: TRH
Scale: 1" = 60'
Sheet: 1 of 1

PARKING STATISTICS TABLE

LOT NO.	BUILDING TYPE	BUILDING SIZE	REQUIRED PARKING	PROVIDED PARKING	PARKING RATIO
1-20	2-STORY TWO FAMILY DWELLING	20 - 4 BED UNITS	40 STALLS	40 GARAGES + 40 STALLS = 80 STALLS	4.0 STALLS / UNIT
21-54	1-STORY TWO FAMILY DWELLING	34 - 3 BED UNITS	68 STALLS	68 GARAGES + 68 STALLS = 136 STALLS	4.0 STALLS / UNIT
		54 UNITS	108 STALLS	216 STALLS	4.0 STALLS / UNIT

PRAIRIE RIDGE COMPUTATIONS

COMMON AREA COMPUTATION

LOT NUMBER	USE	LOT AREA
OUTLOT "C"	GREENSPACE	0.182 ACRES
OUTLOT "D"	GREENSPACE	0.068 ACRES
OUTLOT "E"	GREENSPACE	0.115 ACRES
OUTLOT "F"	GREENSPACE	0.075 ACRES
OUTLOT "G"	GREENSPACE	0.707 ACRES
	TOTAL COMMON AREA =	1.147 ACRES
	TOTAL CMD AREA (LOTS 1-54) =	3.962 ACRES
	PERCENTAGE OF COMMON AREA =	29.0% (20% REQ'D)

RESIDENTIAL UNIT DENSITY COMPUTATION

TOTAL RESIDENTIAL UNITS =	54 UNITS
RESIDENTIAL UNITS PER ACRE =	13.6 UNITS / ACRE

BUILDING & IMPERVIOUS COVERAGE COMPUTATION

UNITS	USE	BLDG COVERAGE
54 - LOTS 1 THRU 54	TOTAL BUILDING COVERAGE =	75,460 S.F.
	TOTAL PAVED AREA =	22,523 S.F.
	TOTAL CMD AREA =	3.962 ACRES = 172,566 S.F.
	PERCENTAGE BLDG COVERAGE =	43.7% (60% MAX. ALLOWED)
	PERCENTAGE IMPERVIOUS COVERAGE =	56.8%

*WAIVERS REQUESTED

SEC. 5.08.05 - LOT AREA - TWO FAMILY DWELLING
REQUIRED = 8,000 SF (MIN.)
REQUESTED = 2,900 SF

SEC. 5.08.05 - LOT WIDTH - TWO FAMILY DWELLING
REQUIRED = 75' (MIN.)
REQUESTED = 22'

SEC. 5.08.05 - TWO FAMILY DWELLING FRONT YARD
REQUIRED = 25' (MIN.)
FRONT YARD REQUESTED = 15'

SEC. 5.08.05 - TWO FAMILY DWELLING SIDE YARD
REQUIRED = 7' (MIN.)
SIDE YARD REQUESTED = 5'

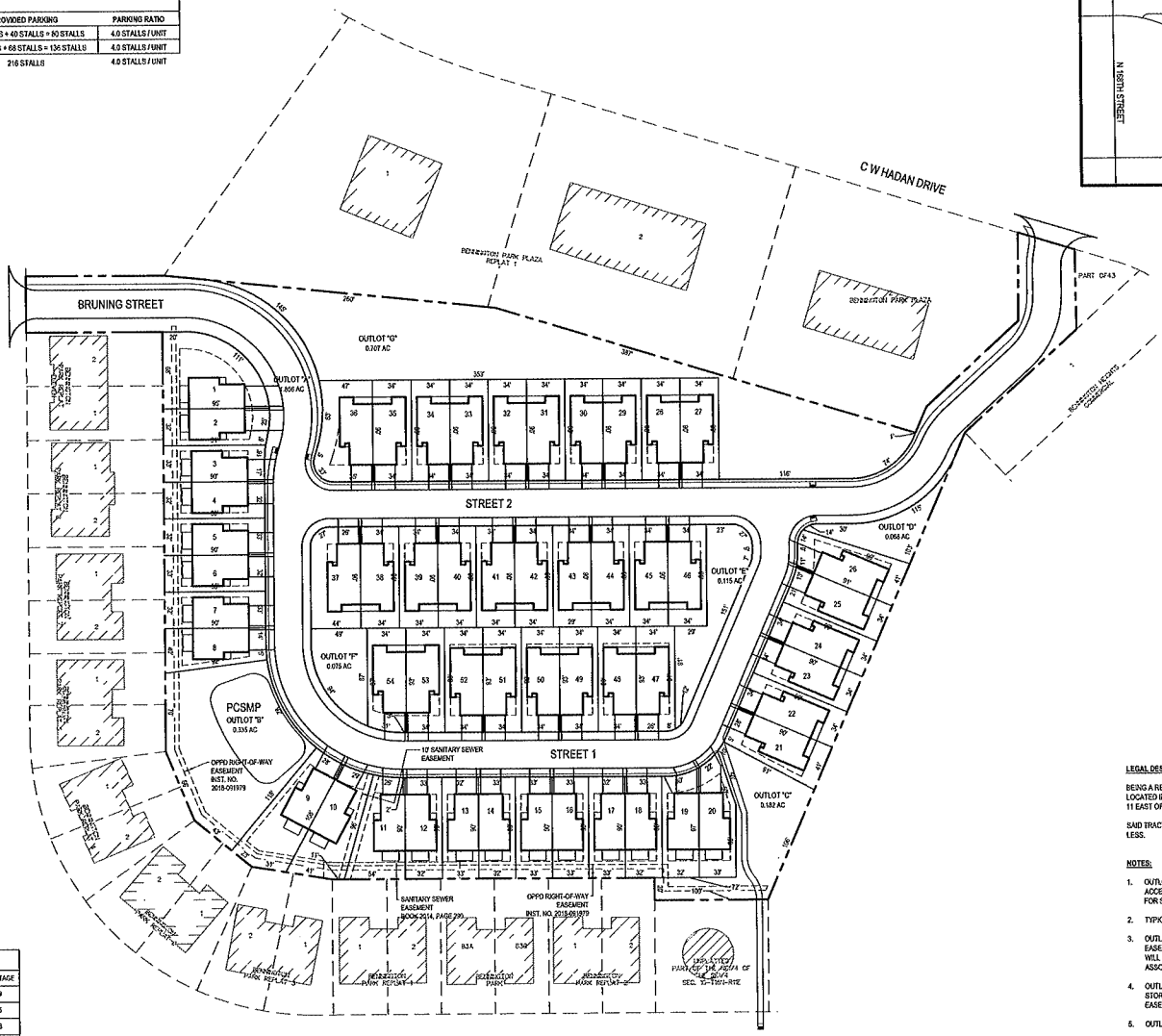
SEC. 5.08.05 - TWO FAMILY DWELLING
REAR YARD REQUIRED = 25' (MIN.)
REAR YARD REQUESTED = 15'

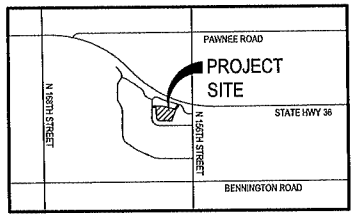
SEC. 5.08.05 - TWO FAMILY DWELLING
MAX. BUILDING COVERAGE REQUIRED = 40% (MIN.)
MAX. BUILDING COVERAGE REQUESTED = 50%

SEC. 5.08.05 - TWO FAMILY DWELLING
MAX. IMPERVIOUS COVERAGE REQUIRED = 65% (MIN.)
MAX. IMPERVIOUS COVERAGE REQUESTED = 65%

TWO FAMILY DWELLING
SIDEWALK ON BOTH SIDES OF STREET REQUIRED
SIDEWALK ON ONE SIDE ONLY REQUESTED

LOT AREAS		LOT AREAS		LOT AREAS		LOT AREAS	
LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE
1	5,290	16	2,925	31	3,060	46	3,059
2	3,050	17	2,925	32	3,060	47	3,165
3	3,031	18	2,925	33	3,060	48	3,165
4	2,925	19	2,994	34	3,060	49	3,166
5	2,925	20	3,172	35	3,060	50	3,165
6	2,925	21	3,330	36	4,211	51	3,163
7	2,925	22	3,060	37	3,905	52	3,161
8	3,062	23	3,060	38	3,059	53	3,160
9	4,566	24	3,060	39	3,060	54	3,057
10	4,017	25	3,066	40	3,066		
11	3,717	26	3,520	41	3,060		
12	2,925	27	3,060	42	3,066		
13	2,925	28	3,060	43	3,060		
14	2,925	29	3,060	44	3,060		
15	2,925	30	3,060	45	3,066		





VICINITY MAP

N

50 0 50
1 inch = 50 ft.

LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- SETBACK

R-3 CMD ZONING SETBACK TABLE (LOTS 1 THRU 54 AND OUTLOTS "A" THRU "F")	
FRONT YARD	15'
SIDE YARD	0' OR 5'*
STREET SIDE YARD	15'
REAR YARD	15'

*INTERIOR SIDE YARD ALONG A COMMON WALL CAN BE SET A ZERO-LOT SETBACK AS LONG AS THE OPPOSITE SIDE YARD IS AT THE NORMAL SIDE YARD SETBACK REQUIREMENT.

LEGAL DESCRIPTION

BEING A REPLATTING OF ALL OF LOT 1, BENNINGTON PARK PLAZA, A SUBDIVISION LOCATED IN THE NE1/4 OF THE SE1/4 OF SECTION 10, TOWNSHIP 15 NORTH, RANGE 11 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA.

SAID TRACT OF LAND CONTAINS 317,960 SQUARE FEET OR 7.300 ACRES, MORE OR LESS.

NOTES:

1. OUTLOT "A" CONNECTION TO N 156TH STREET SHALL BE RESERVED FOR FULL ACCESS. OUTLOT "A" CONNECTION TO C W HADAN DRIVE SHALL BE RESERVED FOR SINGLE ACCESS OR EMERGENCY VEHICLE MOVEMENT ONLY.
2. TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.
3. OUTLOT "A" SHALL BE RESERVED FOR A PUBLIC ACCESS AND UTILITY EASEMENT RESERVED FOR LOTS 1 THRU 74, OUTLOT "B" THRU "E". OUTLOT "A" WILL BE OWNED AND MAINTAINED BY THE DEVELOPER OR HOMEOWNERS ASSOCIATION.
4. OUTLOT "B" SHALL BE RESERVED FOR PERMANENT POST CONSTRUCTION STORM WATER MANAGEMENT BASINS. A STORM SEWER AND DRAINAGE EASEMENT IS GRANTED OVER ALL OF OUTLOT "B".
5. OUTLOTS "C", "D" & "E" SHALL BE RESERVED FOR GREEN SPACE.

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
www.eacg.com

E & A CONSULTING GROUP, INC. Engineering Answers

PRAIRIE RIDGE
BENNINGTON, NEBRASKA

CMD SITE PLAN

Revisions		
No.	Date	Description
1	05/23/2025	

Proj No: P2021.236107
Date: 05/23/2025
Designed By: JS
Drawn By: MMH
Scale: 1" = 50'

dotloop signature verification: dtlp.us/DvUH-XlwH-8srg

APPLICATION FOR A PRELIMINARY PLAT

City of Bennington, NE

NOTE: Form must be filled out completely before the City will accept this application for processing, please print or type.

OFFICE USE ONLY:
Receipt Number: _____
Fee Paid $_____
Preliminary Plat #: _____

Date: 09/29/2025

SUBDIVIDER:
Name: BPW SMART DEVELOPMENT LLC
Address: 331 VILLAGE POINTE PLZ, Suite 101
Omaha, NE 68130
Phone Number: 402.740.8949
E-Mail: ryanschwarz3@icloud.com

AGENT (Authorized to act on behalf of Subdivider):
Name: E & A Consulting Group, INC. (C/O Jeff Stoll)
Address: 10909 Mill Valley Road, Suite 100
Omaha, NE 68154
Phone Number: 402.895.4700
E-Mail: jstoll@eacg.com

OWNER:
Name: Same as Subdivider
Address: _____
Phone Number: _____
E-Mail: _____

ANY OTHER ASSOCIATES:
Name: _____
Address: _____
Phone Number: _____
E-Mail: _____

LEGAL DESCRIPTION & GENERAL LOCATION:

Lot 1, Bennington Park Plaza

NAME OF PRELIMINARY PLAT Prairie Ridge NUMBER OF LOTS: 61

1. Does the subdivider have any interest in the land surrounding the preliminary plat? Yes ☐ No ■
   If yes, please describe the nature of such interest:

2. Will the preliminary plat require any zoning or other action (rezoning, planned development, conditional use or vacations) to complete the development? Yes ■ No ☐ If yes, please describe the nature of such action:
   Zoning the property to include the CMD Overlay District
3. Does the preliminary plat deviate from the requirements of the Zoning Regulations of the City of Bennington or the City's Subdivision Regulations? Yes ■ No ☐ If yes, please state each deviation, how the proposal meets the intent of the these regulations and why the proposal should be accepted (attach additional sheets as needed):

   See attached Waiver Letter

4. Is any part of the land within the preliminary plat within a flood plain? Yes ☐ No ■
   If yes, please include the following information on attached sheets:
   - Hydrological and grade information to determine frequency and extent of inundation of flood waters
   - Location of proposed use and type of use, areas of habitation and employment to include location, size and floor elevation of any structures, location and elevation of parking areas, use and location /elevation of all open space
   - All plans and other information shall conform to the City's Zoning and Subdivision Regulations
   - Limits of the flood plain
   - Amount of fill material brought into the flood plain
   - A certificate that grading will not result in any increase in the flood plain

Signature of Owner or Agent: Ryan Schwarz dotloop verified 09/26/25 1:58 PM CDT 2FGN-XKRA-EWKK-00GA Date: 09/26/2025

dotloop signature verification: dtlp.us/u4yP-46D6-xBvU

APPLICATION FOR A CHANGE OF ZONING

City of Bennington, NE

NOTE: Form must be filled out completely before the City will accept this application for processing, please print or type.

Date: 09/29/2025 Email Address: ryanschwarz3@icloud.com

Applicant's Name: BPW Smart Development, LLC Phone Number: (402)740-8949

Applicant's Address: 331 Village Pointe Plaza, Suite 101 Omaha, NE 68118

Present Use of Subject Property: Agricultural Lands

Proposed Use of Subject Property: Residential

Current Zoning: R-3 Proposed Zoning: R-3-CMD

Legal Description of Property Requested to be Rezoned: Lot 1, Bennington Park Plaza

Area of Subject Property (square feet or acres): 7.300 AC

How are Adjoining Properties used (actual use):

North: Commercial East: Commercial

South: Residential West: Residential

If exhibits are furnished, please describe and number on attached page.

- furnish site plan showing existing and proposed structures, easements, water courses, curb cuts, etc.

JUSTIFICATION:

The rezoning request must be justified. Please answer questions 1 to 4 on a separate page and attach to this application.

1. What is the general character of the area?
2. Can soil conditions support the types of development in the proposed zoning district? What is the soil classification of the area?
3. What type of sewer and water system will be used?
4. How will the proposed zoning district affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be?

The Zoning Administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

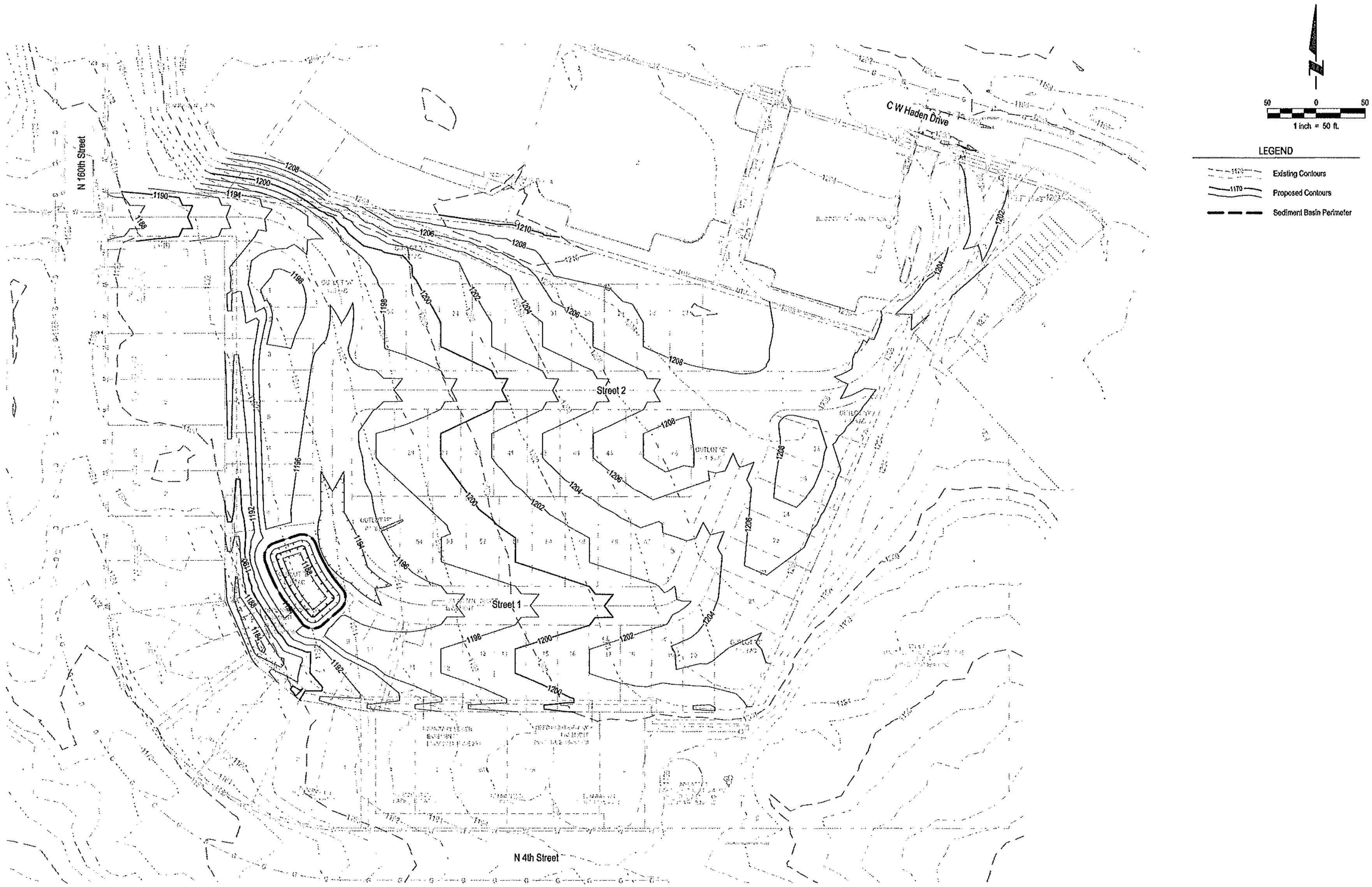
Signature of Owner or Agent: Ryan Schwarz dotloop verified 09/26/25 1:58 PM CDT ZYKG-AYNI-F2DS-DRSD

OFFICE USE ONLY:

Permit No. _____ Fee Paid $_____ Check No. _____

Date _____ Approved ☐ Denied ☐ _____ Chair, Bennington Planning Commission

Date _____ Approved ☐ Denied ☐ _____ Mayor, City of Bennington



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

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
www.eacg.com
State of NE Certificate of Authorization #CA0008

E & A CONSULTING GROUP, INC.
Engineering Answers

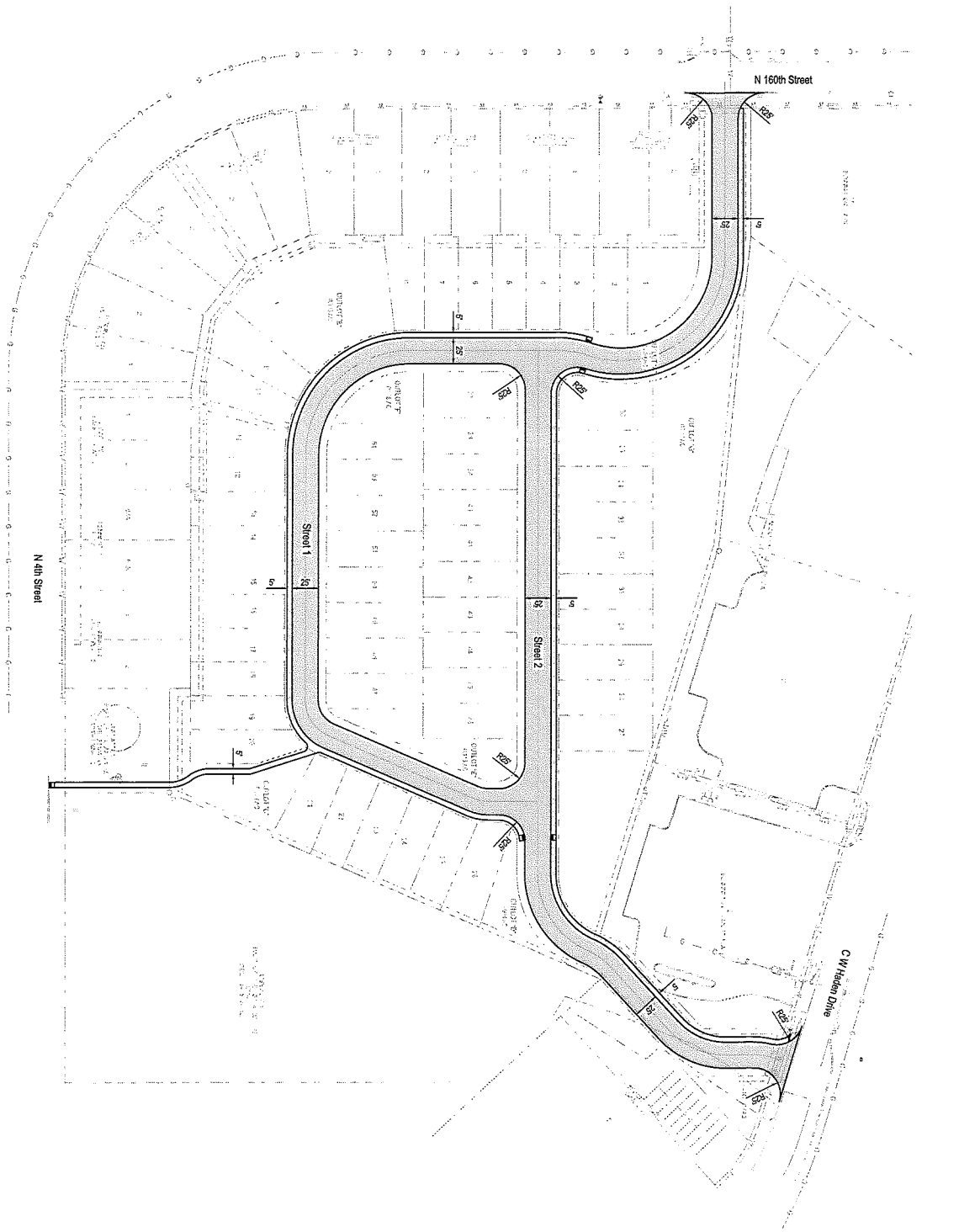
PRAIRIE RIDGE
LOTS 1 THRU 54 & OUTLOTS "A" THRU "G" INCLUSIVE
BENNINGTON, NEBRASKA

PRELIMINARY GRADING EXHIBIT

Revisions		
△	Date	Description

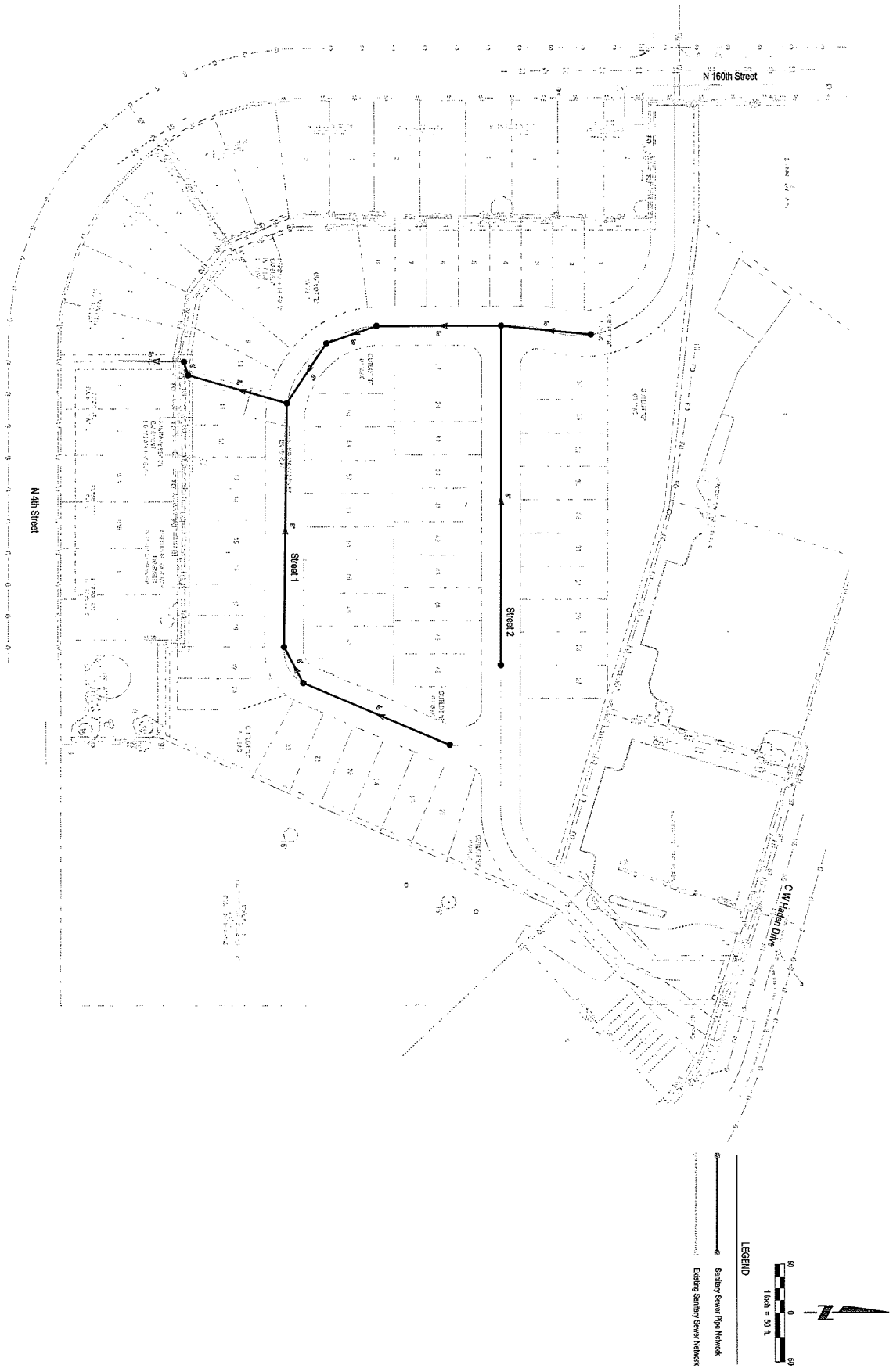
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Date: 9/29/2025
Designed By: CWB
Drawn By: ASB
Scale: AS SHOWN
Sheet: 1 of 1

Dylan L. Seitz 9/29/2025 10:15 AM



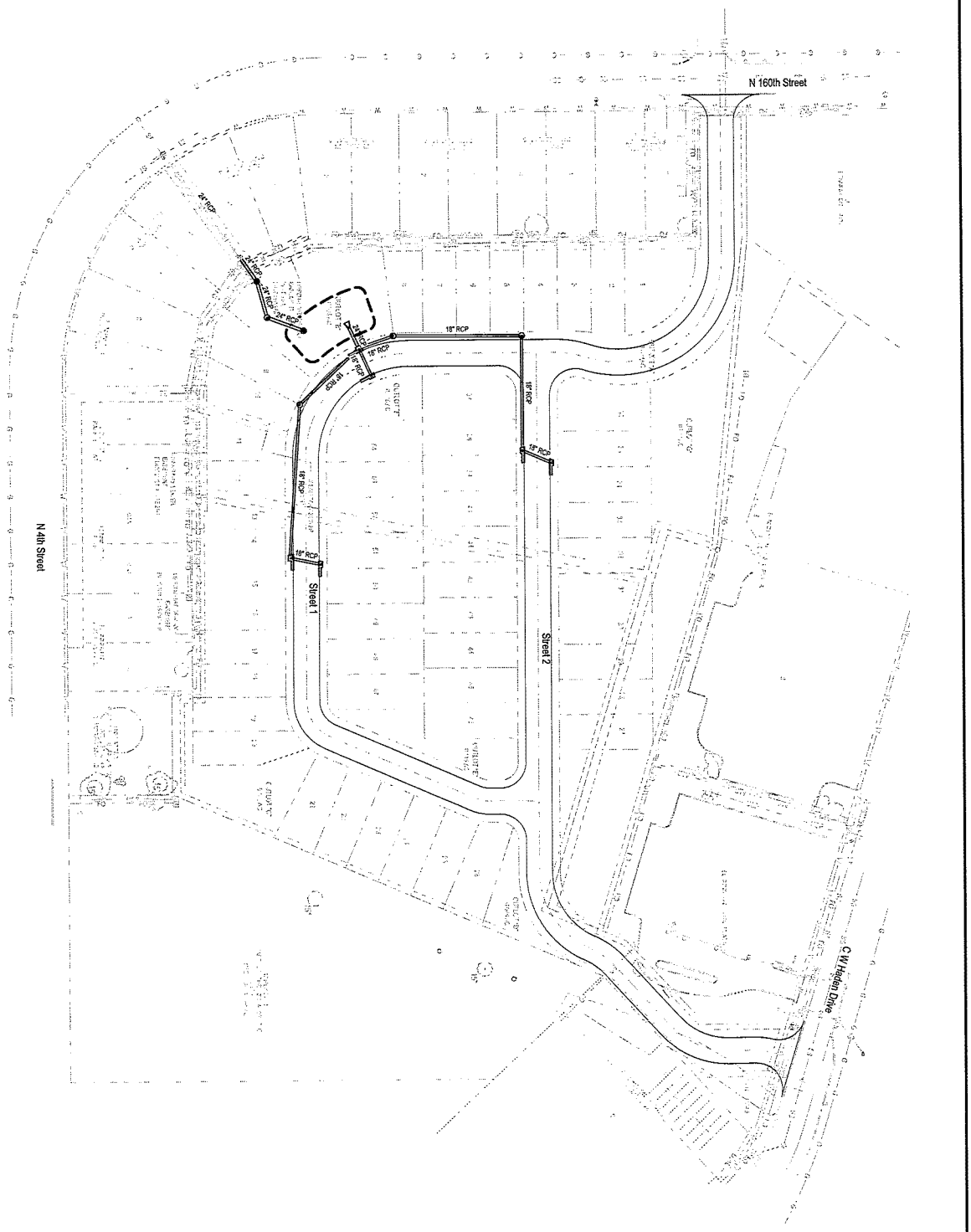
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Dylan L. Schiltz 9/29/2025 10:30 AM K:\Projects\2021\380\07\Engineering\CAD Files\Plat Exhibits\Prelim Plat\Paving Exhibit - 000.dwg



Proj No: P2021.390.007 Date: 9/29/2025 Designed By: CWS Drawn By: ASB Scale: AS SHOWN Sheet: 1 of 1	Revisions Date / Description	PRELIMINARY SANITARY SEWER EXHIBIT	PRAIRIE RIDGE LOTS 1 THRU 54 & OUTLOTS "A" THRU "G" INCLUSIVE BENNINGTON, NEBRASKA	E & A CONSULTING GROUP, INC. Engineering Answers	E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services 10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599 www.eacg.com State of NE Certificate of Authorization #CA0008	

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Date:	9/29/2025
Designed By:	CWB
Drawn By:	ASB
Scale:	AS SHOWN
Sheet:	1 of 1

Revisions		
	Date	Description

PRELIMINARY STORM SEWER EXHIBIT

PRAIRIE RIDGE
LOTS 1 THRU 54 & OUTLOTS "A" THRU "G" INCLUSIVE
BENNINGTON, NEBRASKA

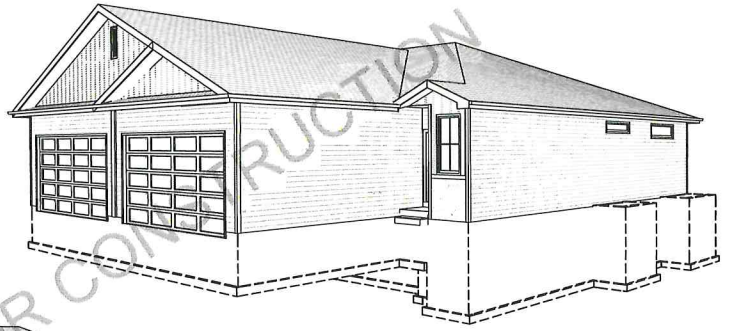
E & A CONSULTING GROUP, INC.
Engineering Answers

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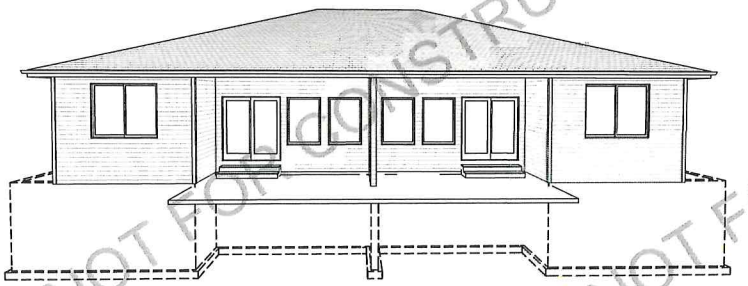
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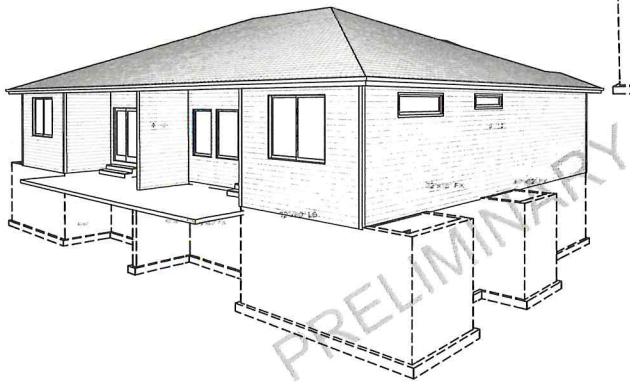

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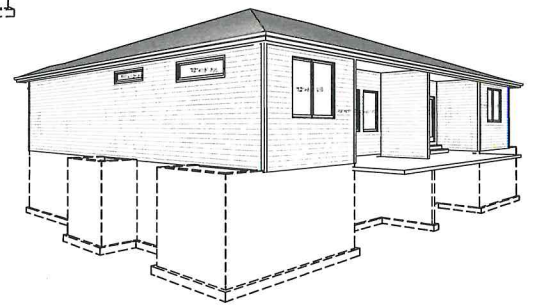












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REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

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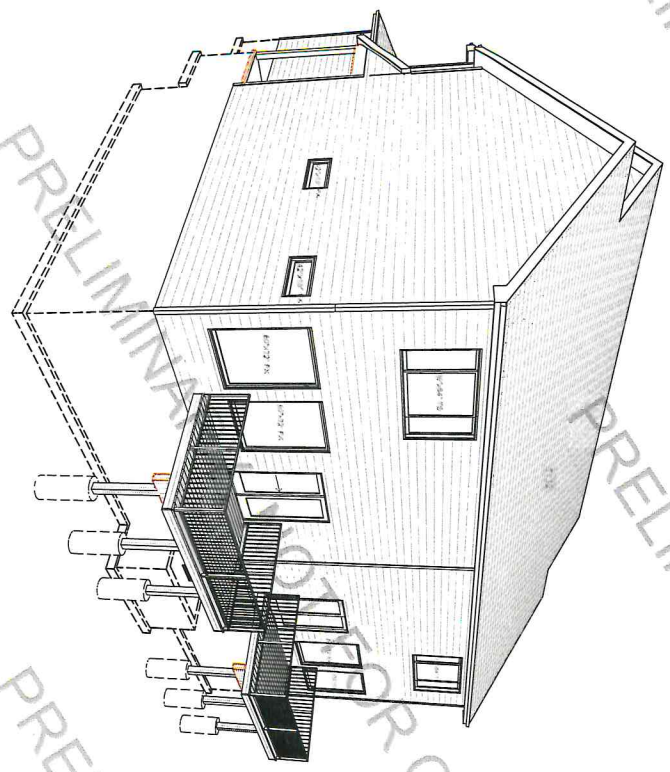
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EVOLVED STRUCTURES
TOWNHOME RANCH TWIN
EVOLVEDSTRUCTURES@GMAIL.COM

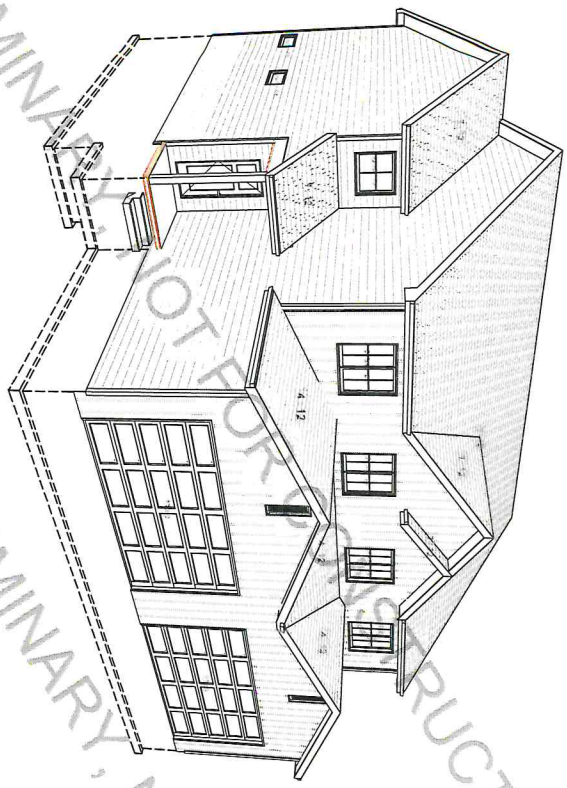
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9/25/2025

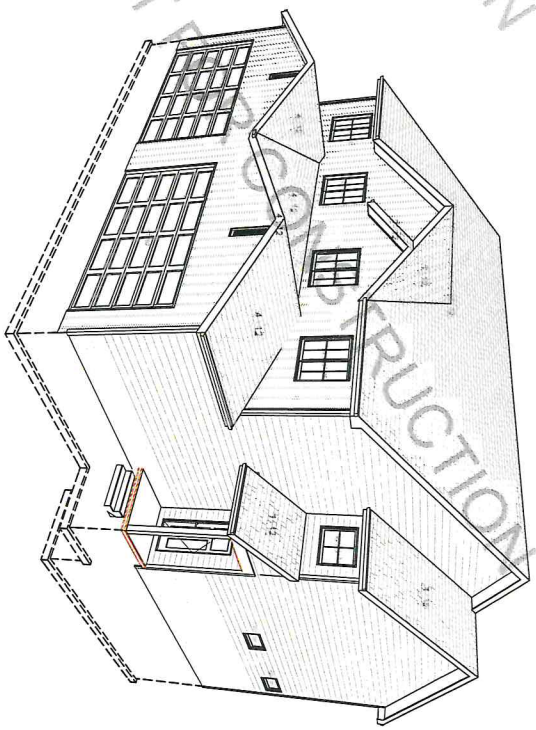
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DATE:	9/25/2025
SHEET:	5 OF 10

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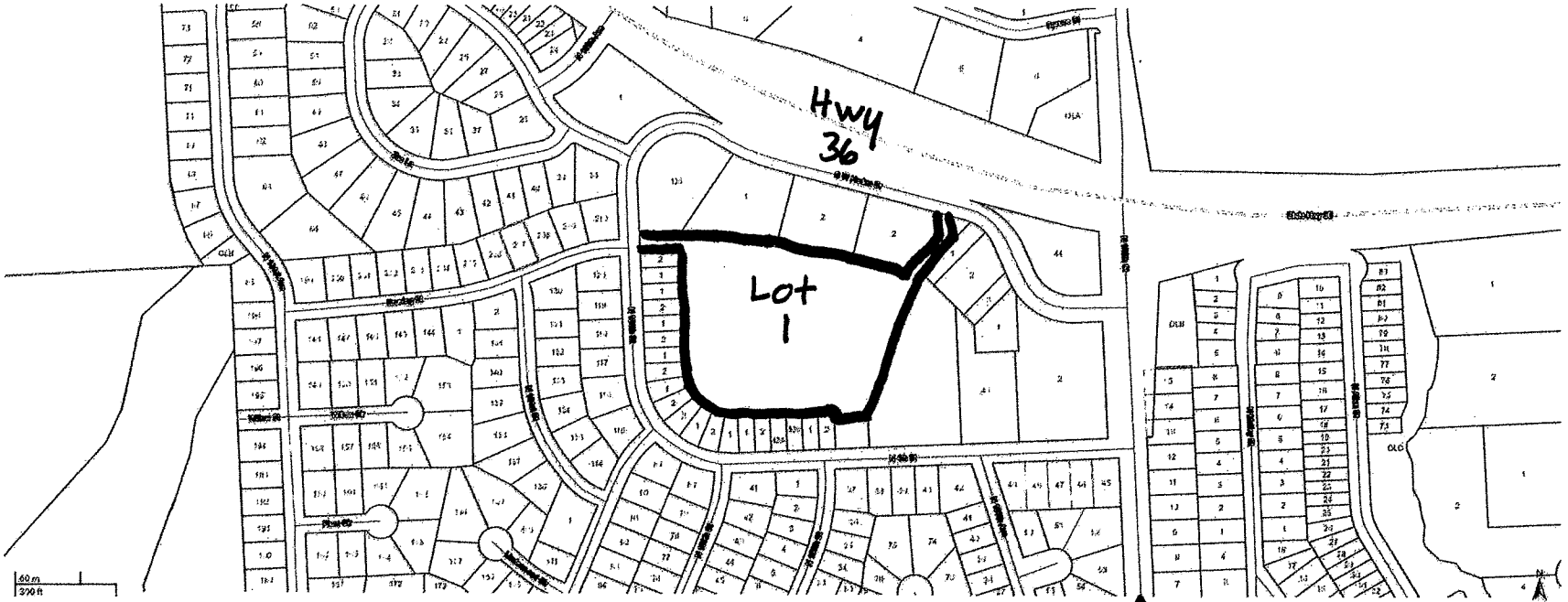
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EVOLVED STRUCTURES
TOWNHOME 2 STORY TWIN
314.581.2142

PROJECT LOCATION:
ADDRESS TBD
PROJECT PRAIRIE RIDGE

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