

**ORDINANCE NO. 785**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE VILLAGE OF WATERLOO, DOUGLAS COUNTY, NEBRASKA; FINDING THAT THE PLANNING BOARD DULY RECOMMENDED THE ADOPTION OF THE AMENDMENT; FINDING THAT NOTICE OF HEARING ON SUCH AMENDMENT WAS DULY GIVEN PRIOR TO THE HEARING AS PROVIDED BY LAW AND THAT PUBLIC HEARING WAS HAD THEREON; FINDING THAT THE ZONING MAP OF WATERLOO, DOUGLAS COUNTY, NEBRASKA, BE AMENDED BY REZONING THE REAL PROPERTY COMMONLY KNOWN AS 800 N. FRONT STREET IN WATERLOO, AND LEGALLY DESCRIBED HEREIN, FROM THE R-1 RESIDENTIAL DISTRICT TO THE BC BUSINESS AND COMMERCIAL DISTRICT SUBJECT TO THE DEVELOPMENT AGREEMENT; APPROVING THE DEVELOPMENT AGREEMENT PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF WATERLOO, DOUGLAS COUNTY, NEBRASKA, AS FOLLOWS:**

**Section 1.** The owners of the real property described herein requested the herein described amendment (the "Amendment") to the Zoning Map of the Village of Waterloo, which proposed Amendment was duly submitted to the Planning Board of the Village Waterloo for its recommendation; and that following a public hearing the Planning Board recommended that the proposed Amendment be adopted.

**Section 2.** A public hearing on the proposed Amendment was held by the Board of Trustees of the Village of Waterloo.

**Section 3.** Notices of such public hearings before both the Planning Board and Board of Trustees, respectively, on the proposed Amendment were duly given by posting and publication at least ten (10) days prior to said public hearings as provided by law.

**Section 4.** The Zoning Map of the Village of Waterloo, Douglas County, Nebraska, be, and hereby is, amended, as follows:

THAT THE FOLLOWING REAL PROPERTY BE, AND HEREBY IS, REZONED FROM THE R-1 RESIDENTIAL DISTRICT TO THE BC BUSINESS AND COMMERCIAL DISTRICT SUBJECT TO THE CONDITIONS OF THE ATTACHED DEVELOPMENT AGREEMENT, TO-WIT:

THE REAL PROPERTY COMMONLY KNOWN AS 800 N. FRONT STREET IN WATERLOO, AND LEGALLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF.

**Section 5.** The Development Agreement, a copy of which is attached hereto as Exhibit "A" and made a part hereof, between the owner of the property described herein, Thrive Space, LLC., and the Village of Waterloo, is hereby approved.

Ordinance 785-Amend Zoning Regulations

**Section 6.** All ordinances or parts thereof in conflict herewith, as written prior to the effective date of this Ordinance, are hereby repealed.

**Section 7.** This Ordinance shall take effect and be in full force fifteen days from and after the date of its passage.

**PASSED** this 13 day of February, 2018.

ATTEST:

Village of Waterloo

Melissa Johnson  
Melissa Johnson  
Village Clerk



Bill Rotert  
Travis Harlow Bill Rotert  
Chairperson

Return filed document to:  
Charles K. Bunger, Esq.  
18313 Dewey Avenue  
Elkhorn, NE 68022

## DEVELOPMENT AGREEMENT

**THIS DEVELOPMENT AGREEMENT** (hereinafter "Agreement") made and entered into this 13 day of FEBRUARY 2018, by and between the Village of Waterloo, Nebraska, a Nebraska municipal corporation, (hereinafter "Village") and Thrive Space, L.L.C., a Nebraska limited liability company (hereinafter "Developer").

WHEREAS, the Developer is the legal owner of the real estate described on the attached Exhibit "A"(hereinafter, the "Site"), which is incorporated herein by this reference, and desires to develop such Site as a Business and Commercial project pursuant to the provisions of the Waterloo Zoning Regulations (specifically, but not exclusively, Section 901 BC Business and Commercial District; and

WHEREAS, the Village, in the interest of maintaining the public health, safety and welfare, desires to assure that the Site is developed in accordance with the covenants contained herein and therefore considers this Agreement to be in the best interests of the Village; and

WHEREAS, the Developer is willing to commit itself to the development of the Site substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the development, and therefore, considers this Agreement to be in its best interests; and



NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Developer shall provide a copy of this Agreement to any future tenants in this development. As a minimum it should be included as part of the disclosure of restrictions in any sales or lease agreement. This will avoid confusion and loss of time for the tenant during the permit review process.
2. Except as otherwise provided in this Agreement, the Site shall be developed in accordance with the applicable regulations in Section 901.
3. The following uses are not permitted on the Site, to wit:  
Automobile repairing, overhauling, rebuilding and painting  
Bus depots and Transit Stations  
Mobile homes sales and service  
Mortuaries  
Electrical distribution substations  
Carnivals, circuses or other transient enterprises  
Gentlemen's club or X rated novelties  
Junk yards
4. This Agreement shall be binding upon the Developer's successors and assigns, and shall run with the land described in Exhibit "A", attached hereto, to the benefit of the Village.

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