

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION CHANGE OF ZONE

APPLICANT: WASTE CONNECTIONS OF NEBRASKA, INC.; CHANGE OF ZONE
FROM AG, AGRICULTURAL TO IGM, GENERAL MANUFACTURING

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

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

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

WHEREAS, Rebecca Horner, Planning Director has reviewed Waste Connections of Nebraska, Inc.'s application for a Change of Zone from AG, Agricultural to IGM, General Manufacturing for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as follows:

Tax Lots 4, 5, and 6 in Section 15, T13N, R11E of the 6th prime meridian, Sarpy County, Nebraska.

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

- I. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on April 20, 2011 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding the Change of Zone Application was held by this Board.
- III. Notice of each of the Public Hearings described above was published at least once in the ten (10) day period immediately prior to each respective public hearing as required by Neb. Rev. Stat. §23-164 (Reissue 2007), and the proof of publication has been filed in the Office of the Sarpy County Clerk.
- IV. The Planning Director has made a recommendation as noted in the attached Exhibit "A", which Exhibit "A" includes the Planning Director report.
- V. The Change of Zone Application is in compliance with the Comprehensive Development Plan.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the change of zone from AG, Agricultural to IGM, General Manufacturing on the above described property.

Dated this 10th day of May, 2011.

Moved by Jim Warren seconded by Rusty Hike, that

the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Rusty Hike

none

none

Tom Richard

James

ABSTAIN:

none



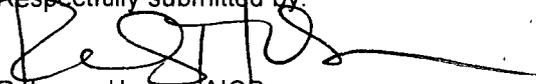
Debra Houghtaling
County Clerk

Sarpy County Board of Commissioners Report
 Staff Report Prepared: May 2, 2011
 County Board Meeting Date: May 10, 2011

Subject	Type	By
Sarpy County requests approval of a Change of Zoning from AG, Agricultural to IGM, General Manufacturing on property legally described as Tax Lots 4, 5 and 6 in Section 15, T13N, R11E of the 6 th Prime Meridian, Sarpy County Nebraska.	Resolution and Public Hearing	Rebecca Horner, AICP Planning Director

- Comprehensive Development Plan
 - The Amended Comprehensive Plan indicates this area as Industrial (Figure 5 1)
- History
 - Planning Commission heard the request on April 20, 2011 and recommended approval to the request 10-0.
 - *Stuart moved, seconded by Bliss to recommend approval of a Change of Zone from Ag to IGM to as it conforms with the amended Comprehensive Plan. Ballot: Ayes – Bliss, Mohr, Lichter, Vanek, Thompson, Stuart, Torczon, Wear, Labart and Whitfield. Nays – none. Abstain – none. Absent – Fenster. Motion carried. (10 ayes,0 nays)*
 - The site has operated as the Sarpy County Landfill for 30 years (verify with Scott) Recognizing the future property is limited to industrial-type uses, Sarpy County requests to rezone the property as IGM, General Manufacturing District. The IGM district is unique because it is the only district in the Sarpy County Zoning Regulations that requires a Special Use Permit for any use of the property. In that way, Sarpy County is able to review every request on a case by case basis for appropriateness.
 - Sarpy County determined the landfill will close in approximately three-four years. The Sarpy County Board negotiated a lease with Waste Connections of Nebraska for use of the site as a transfer station Sarpy County signed the lease agreement on March 1 2011 Loads of trash will be hauled to the transfer station site, transferred into Waste Connection transfer trucks and hauled to the David City Landfill.
- Analysis
 - The site has been utilized for an industrial use for over thirty years Since the site will eventually be decommissioned and because there are applicable environmental standards for reuse, the property will likely remain industrial in perpetuity. For these reasons it is appropriate to change the designation of the property to reflect its current and viable long term use.
 - The future land use of the Sarpy County Landfill is limited by existing environmental constraints. Future use of the property is limited to industrial uses in the near and relatively long term future. For this reason the most appropriate land use is Industrial. Industrial reuse of the property should be limited to uses compatible with adjacent future residential. The best method to achieve land use review and control is to zone the property IGM, which requires public hearing and County Board approval for any use of the property.
- Recommendation
 - For the reasons stated above I recommend Approval to the **Change of Zone** from AG, Agricultural to IGM, General Manufacturing due to a finding of conformance with the Comprehensive Plan and Zoning Regulations.

Respectfully submitted by:


 Rebecca Horner, AICP
 Planning Director

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Wednesday, April 20, 2011, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, 1210 Golden Gate Dr., Papillion, Nebraska 68046.

Terry & Carla Tighe, 14102 S. 108th St. request a Change of Zone from RS-100 (single family residential) to AG (Agricultural) on property legally described as Tax Lot 3, E of RR, located in the NE 1/4 of S17, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

Duane & Rose Ritter, 9211 Platteview Road, request a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential), and Preliminary Plat on property legally described as Tax Lots 5A and Tax Lot 10 in the NW 1/4 of S22, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

William Jones, 11501 Fairview Rd requests a Special Use Permit for recreational vehicle storage on property legally described as NE 1/4 of NW 1/4 of S17, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

Jody and JR Kingery, 16505 Aurora St. request a Special Use Permit for a home based sal on on property legally described as Lot 66 Meridian Park, located NW 1/4 S22, T14 N, R11 E of the 6th P.M. Sarpy County, Nebraska.

Waste Connections of Nebraska, Inc. requests a Special Use Permit for a transfer station on property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, R11 E of the 6th P.M. Sarpy County, Nebraska.

Sarpy County Planning Department requests a Change of Zone from AG (Agricultural) to IGM (General Manufacturing) and a Comprehensive Plan amendment from Urban Residential to Industrial for property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, Range 11 E of the 6th P.M. Sarpy County, Nebraska.

Sarpy County Planning Department requests a text change to Section 44 definitions of the Sarpy County Zoning Regulations and Section 3 of the Sarpy County Subdivision Regulations.

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

Proof of publication

AFFIDAVIT

State of Nebraska, County of Douglas, ss:

Linda Shropshire, being duly sworn, deposes and says that he/she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 7th of April, 2011, and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 153,944 Daily and 188,810 Sunday, in 2011

(Signed) *Linda Shropshire* Title: Account Executive

Subscribed in my presence and sworn to before me this 4th day of May, 2011.

GENERAL NOTARY - State of Nebraska
 MARCIA A. GUSTAFSON
 My Comm. Exp. June 30, 2012

Marcia A. Gustafson
 Notary Public

Printer's Fee \$ _____
 Affidavit _____
 Paid By _____

MAY 5 2011

SARPY COUNTY
 PLANNING DEPARTMENT

AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }

} SS.

County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, April 27, 2011

Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

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

[Signature of Kirk Hoffman]

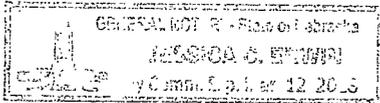
Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

SARPY COUNTY
DEPARTMENT OF PLANNING
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Rebecca Horner, AICP, Director
NOTICE OF PUBLIC HEARING
SARPY COUNTY
BOARD OF COMMISSIONERS

Today's Date 04-28-2011
Signed in my presence and sworn to before me:

[Signature of Notary Public]

Notary Public



Printer's Fee \$ 28 68
Customer Number: 40638
Order Number: 0001368676

MAY 2 2011

SARPY COUNTY
PLANNING DEPARTMENT

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, May 10, 2011, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska. Terry & Carla Tighe, 14102 S. 108th St. request a Change of Zone from RS-100 (single family residential) to AG (Agricultural) on property legally described as Tax Lot 3, E of RR, located in the NE 1/4 of S17, T13, N, R12 E of the 6th P.M. Sarpy County, Nebraska. Duane & Rose Ritter, 9211 Platteview Road, request a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential) and Preliminary Plat on property legally described as Tax Lots 5A and Tax Lot 10 in the NW 1/4 of S22, T13, N, R12 E of the 6th P.M. Sarpy County, Nebraska. Jody and JR Kingery, 16505 Aurora St. request a Special Use Permit for a home based salon on property legally described as Lot 66, Meridian Park, located NW 1/4, S22, T14, N, R11 E of the 6th P.M. Sarpy County, Nebraska. Sarpy County Planning Department requests a text amendment to section 38 of the Sarpy County Zoning Regulations regarding stormwater regulations. Sarpy County Planning Department requests a text amendment to section 12 of the Sarpy County Subdivision Regulations regarding stormwater regulations. Waste Connections, of Nebraska, Inc. requests a Special Use Permit for a transfer station on property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13, N, R11 E of the 6th P.M. Sarpy County, Nebraska. Sarpy County Planning Department requests a Change of Zone from AG (Agricultural) to IGM (General Manufacturing) and a Comprehensive Plan amendment from Urban Residential to Industrial for property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13, N, Range 11 E of the 6th P.M. Sarpy County, Nebraska. An agenda for the meeting kept continually current, is available for inspection at the Sarpy County Planning Department office. 1368676, 4/27