

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION CHANGE OF ZONE

APPLICANT: GERALD ISKE; CHANGE OF ZONE FROM AG,
AGRICULTURAL TO AGR, AGRICULTURAL RESIDENTIAL

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, Scott Bovick, Deputy County Administrator has reviewed Gerald Iske's application for a Change of Zone from AG, Agricultural to AGR, Agricultural Residential for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as follows:

Tax Lot 5A in the NE ¼ of Section 6, T12N, R11E of the 6th P.M., Sarpy County, Nebraska.

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

- I. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on July 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 Deputy County Administrator has made a recommendation as noted in the attached Exhibit "A", which Exhibit "A" includes the County Board Report and an aerial map of the property.
- 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 AGR, Agricultural Residential on the above described property.

Dated this 9th day of August, 2011.

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

YEAS:

NAYS:

ABSENT:

Rusty Hille

None

None

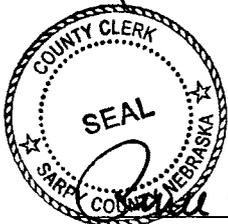
James Warren

John Steg

Tom Richard

ABSTAIN:

None



Randy Lousman
County Clerk Deputy

Exhibit A

Sarpy County Board of Commissioners Report

Staff Report Prepared: July 26, 2011

County Board Meeting Date: August 9, 2011

Subject	Type	By
Change of Zone (CZ) from Agricultural (AG) to Agricultural Residential (AGR) and Preliminary and Final Plat of a subdivision to create one five (5) acre lot off of Tax Lot 5A in the NE ¼ of Section 6, T12N, R11E of the 6 th P.M. in Sarpy County, NE (1/4 mile south of 192 nd and Buffalo Road)	Resolution	Scott Bovick, Deputy County Administrator

- Request
 - This is a request from the Iske family to subdivide a 5.01 acre lot off of Tax Lot 5A.
 - A Change of Zone from AG to AGR, a preliminary plat, and a final plat are required.
 - The subdivision could have been approved administratively except a zoning change was required.

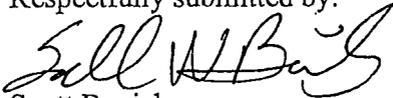
- Comprehensive Development Plan
 - The County Future Land Use Plan designates this area as Long Term Residential Growth.

- Change of Zone
 - The area is designated as the Buffalo South development district which projects large-lot, estate and acreage development.
 - Area is unlikely to have urban services in the foreseeable future, but long-term trends could eventually require completion of municipal wastewater system in the distant future (beyond 50 years). Development designs should encourage future fit to urban services. However, service extensions will probably coincide with a major change in land use patterns, with transition from rural to urban residential densities.
 - 192nd Street is classified as a local road and Buffalo Road is classified as a Rural Major Collector. (Figure 6.1)
 - There is large lot residential development to the north and east, and undeveloped agricultural property to the south and west.
 - The Change of Zone to AGR is in conformance with the land use designation of Long Term Residential Growth

- Preliminary Plat and Final Plat
 - The applicant proposes to split a 5.01 acre lot (Lot 1 Iske Fifth Addition) off of Tax Lot 5A leaving a remainder of 70 acres, plus or minus.
 - Staff received no objections from the County Engineer. Access to Lot 1 will be off of 192nd Street and the owner is dedicating a 50' strip of right-of-way for 192nd Street.
 - The plat indicates the property will be served by a private water well and individual septic system, which are allowed in the Buffalo South Policy Tier (Figure 4.5). Staff requested and the owner agreed to provide a note on the plat indicating the intent to attach to a sewer system in the future should a public sewer system reach the site.
 - Any construction on the property must meet the County's stormwater regulations at the time of building permit application and the owner has agreed to make this notation on the plat.

- Planning Commission July 20, 2011
 - **Planning Commission voted 10-0 to recommend approval to the Change of Zone.** Bliss moved, seconded by Vanek to recommend approval of a Change of Zone from AG to AGR as it meets the Comp Plan, Zoning and Subdivision Regulations. Ballot: Ayes – Bliss, Mohr, Fenster, Lichter, Labart, Stuart, Thompson, Torczon, Vanek and Whitfield. Nays – None. Abstain – None. Absent – Wear. Motion carried.
 - **Planning Commission voted 10-0 to recommend approval of the Preliminary Plat.** Bliss moved, seconded by Stuart to recommend approval of a Preliminary Plat as it meets the Comp Plan, Zoning and Subdivision Regulations. Ballot: Ayes – Bliss, Mohr, Fenster, Lichter, Labart, Stuart, Thompson, Torczon, Vanek and Whitfield. Nays – None. Abstain – None. Absent – Wear. Motion carried.
 - **Planning Commission voted 10-0 to recommend approval of the Final Plat.** Bliss moved, seconded by Vanek to recommend approval of a Final Plat as it meets the Comp Plan, Zoning and Subdivision Regulations. Ballot: Ayes – Bliss, Mohr, Fenster, Lichter, Labart, Stuart, Thompson, Torczon, Vanek and Whitfield. Nays – None. Abstain – None. Absent – Wear. Motion carried.
- Recommendation
 - **Approval to the Change of Zone from AG – Agricultural to AGR – Agricultural Residential** as the proposed zoning conforms to the Sarpy County Comprehensive Plan
 - **Approval of a Preliminary Plat and Final Plat of Iske Fifth Addition** as it conforms to the Sarpy County Comprehensive Plan, Zoning Regulations and Subdivision Regulations.

Respectfully submitted by:



Scott Bovick
Deputy County Administrator

Sarpy County, Nebraska



Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 432 feet

5/26/2011

ADDITIONAL INFORMATION

SARPY COUNTY BOARD OF COMMISSIONERS

August 9, 2011

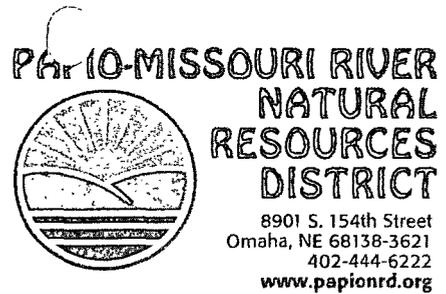
Gerald Iske

17300 South 192nd Street

Change of Zone from AG to AGR

June 13, 2011

Scott Bovick, Deputy County Administrator
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046



RE: Iske Fifth Addition – Preliminary and Final Plat

Dear Mr. Bovick:

The District has reviewed the preliminary and final plat applications for Iske Fifth Addition, located southwest of 192nd Street and Buffalo Road in Sarpy County, Nebraska. This development consists of one lot for residential use. The District offers the following comments on this project:

- The applicant is requesting to zone this property for residential use. The plat submitted does not address sanitary sewers. The plat should be revised to include a sewer plan. The District and the Lower Platte River Corridor Alliance discourages the use of septic systems in the Platte River Basin.

If you have any questions or concerns, please contact me at 444-6222 or at llaster@papionrd.org.

Sincerely,

Lori Ann Laster, CFM
Stormwater Management Engineer

Cc: Marlin Petermann, Amanda Grint, P-MRNRD

Project: 535 Reach: 10-1

JUN 15 2011

SARPY COUNTY
PLANNING DEPARTMENT

**SARPY COUNTY
PLANNING COMMISSION
STAFF REPORT
JULY 20, 2011
CHANGE OF ZONE FROM AG TO AGR
PRELIMINARY & FINAL PLAT – ISKE FIFTH ADDITION
CZ 11-0009, PP 11-0003 & FP 11-0004**

I. GENERAL INFORMATION

A. APPLICANT: Gerald and Marilyn Iske
17300 South 192nd Street
Gretna, NE 68028

B. PROPERTY OWNER: Gerald and Marilyn Iske

C. LOCATION: ¼ mile south of Buffalo Road on 192nd Street

D. LEGAL DESCRIPTION: Tax Lot 5A in the NE ¼ of Section 6, T12 N, R11E of the 6th P.M., Sarpy County, NE

E. REQUESTED ACTION:

- To approve a change of zone from AG to AGR. (Note: the subdivision could have been approved administratively except that a zoning change was required)
- To approve a preliminary plat and final plat to be known as Iske Fifth Addition.

F. EXISTING ZONING AND LAND USE: Undeveloped, AG, Agricultural.

G. SIZE OF SITE: 75 acres, more or less.

II. BACKGROUND INFORMATION

A. COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan shows the area as Long Term Residential Growth.

The area is designated as the Buffalo South development district which projects large-lot, estate and acreage development. Area is unlikely to have urban services in the foreseeable future, but long-term trends could eventually require completion of municipal wastewater system in the distant future (beyond 50 years). Development designs should encourage future fit to urban services. However, service extensions will probably coincide with a major change in land use patterns, with transition from rural to urban residential densities. Conservation standards should be adopted to preserve sensitive landscapes where they occur on specific parcels. (Table 4.3)

192nd Street is classified as a local road and Buffalo Road is classified as a Rural Major Collector. (Figure 6.1)

B. EXISTING CONDITION OF SITE: Undeveloped.

C. GENERAL VICINITY AND LAND USE: Large lot residential to the north and east, undeveloped open space to the south and west.

D. RELEVANT CASE HISTORY: Lot 1 Rosser's First Addition was most likely split off of the 75 acre parcel now owned by Iske.

E. APPLICABLE REGULATIONS: Zoning Regulations, Subdivision Regulations and Comprehensive Plan.

III. ANALYSIS AND DEVELOPMENT ALTERNATIVES
STAFF COMMENTS:

A. REQUEST: This is a request to approve a change of zone, preliminary plat and final plat.

B. LAND USE/COMPREHENSIVE PLAN: The Comprehensive Plan indicates the area as Long Term Residential Growth.

C. GENERAL:

1. **Change of Zone:** The requested zoning of AGR, Agricultural Residential is in conformance with the land use designation of Long Term Residential Growth and the development district designation of large lot residential.
2. **Preliminary and Final Plat:**
 - a. The applicant proposes to split a 5.01 acre lot (Lot 1 Iske Fifth Addition) off of Tax Lot 5A leaving a remainder of 70 acres, plus or minus.
 - b. Staff received no comments from the County Engineer. Access to Lot 1 will be off of 192nd Street. The owner is dedicating a 50' strip of right-of-way for 192nd Street.
 - c. The plat indicates the property will be served by a private water well and individual septic system, which are allowed in the Buffalo South Policy Tier (Figure 4.5). Staff has requested the property owner provide a note on the plat indicating where a potential sewer service could be located in the future should a public sewer system reach the site.
 - d. Any construction on the property must meet the County's stormwater regulations at the time of building permit application. The property owner's representative has agreed to make this notation on the plat before scheduling to the County Board.

IV. RECOMMENDATION: Approval provided notations on the plat regarding the stormwater regulations and potential location of sewer service are completed prior to scheduling the plat to the County Board.

V. COPIES OF REPORT TO:

Applicant
Public upon request

VI. ATTACHMENTS:

Application
Site Plan
Aerial

Report prepared by:



Scott Bovick, Deputy County Administrator



SARPY COUNTY PLANNING

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

CHANGE OF ZONE APPLICATION

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

1. Submit complete Change of Zone Application
2. Submit Non-Refundable Fee of \$ 200 made payable to Sarpy County Treasurer
3. Copy of Deed on file with Register of Deeds (showing applicant as owner)
4. 1 reduced size sit plan drawing (8.5 x 11)
5. Detailed operational plans

PLANNING STAFF USE ONLY:

APPLICATION NO.: CZ 11-0009
 DATE RECEIVED: 6-3-11
 CP DESIGNATION: _____
 ZONING DESIGNATION: _____
 FEE: \$ _____ RECEIPT NO. _____
 RECEIVED BY: Cindy Gilbert
 NOTES: _____

APPLICANT INFORMATION:

CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Gerald Iske

E-MAIL: _____

ADDRESS: 17300 S 192 Street

CITY/STATE/ZIP: GREINA, NE 68028

MAILING (IF DIFFERENT)

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: 402-253-8053

FAX: _____

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

Please check box if attaching separate sheet with owner information.

NAME: Gerald & Marilyn Iske

E-MAIL: _____

ADDRESS: 17300 S 192nd Street

CITY/STATE/ZIP: GREINA, NE 68028

MAILING (IF DIFFERENT)

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: 402-253-8053

FAX: _____

ENGINEER INFORMATION:

NAME: Thompson, Dreessen & Dorner, Inc.

E-MAIL: dneef@td2co.com

ADDRESS: 10836 Old Mill Road

CITY/STATE/ZIP: Omaha, NE 68154

MAILING (IF DIFFERENT)

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: 402-330-8860

FAX: 402-330-5866

JUN 3 2011

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

To create a 5.01 acre lot for residential use

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

ASSESSOR'S PARCEL NUMBER: 010459707

ADDITIONAL PARCEL NUMBERS _____

LEGAL DESCRIPTION: (Describe property to wit:)

PART OF TAX LOT 5A IN THE NE 1/4 OF SECTION 6, T12N, R11E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF ROSSER'S ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA; THENCE S78°18'19"W (ASSUMED BEARING) 554.50 FEET ON THE SOUTH LINE OF SAID ROSSER'S ADDITION TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 391.60 FEET; THENCE EAST 543.00 FEET TO THE EAST LINE OF SAID NE ¼; THENCE NORTH 504.00 FEET ON THE EAST LINE OF SAID NE ¼ TO THE POINT OF BEGINNING. CONTAINING 5.58 ACRES MORE OR LESS.

GENERAL PROPERTY LOCATION: 192nd & Buffalo Road **ACRES:** 5.58

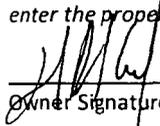
CURRENT ZONING: AG **REQUESTED ZONING:** AG-R

ADDITIONAL INFORMATION: - Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. Attach extra sheets if necessary.

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
2. County Board will hold a public hearing and make a final decision on the Change of Zone.
3. All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Change of Zone applicant or the property owner.

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



Owner Signature (or authorized agent)

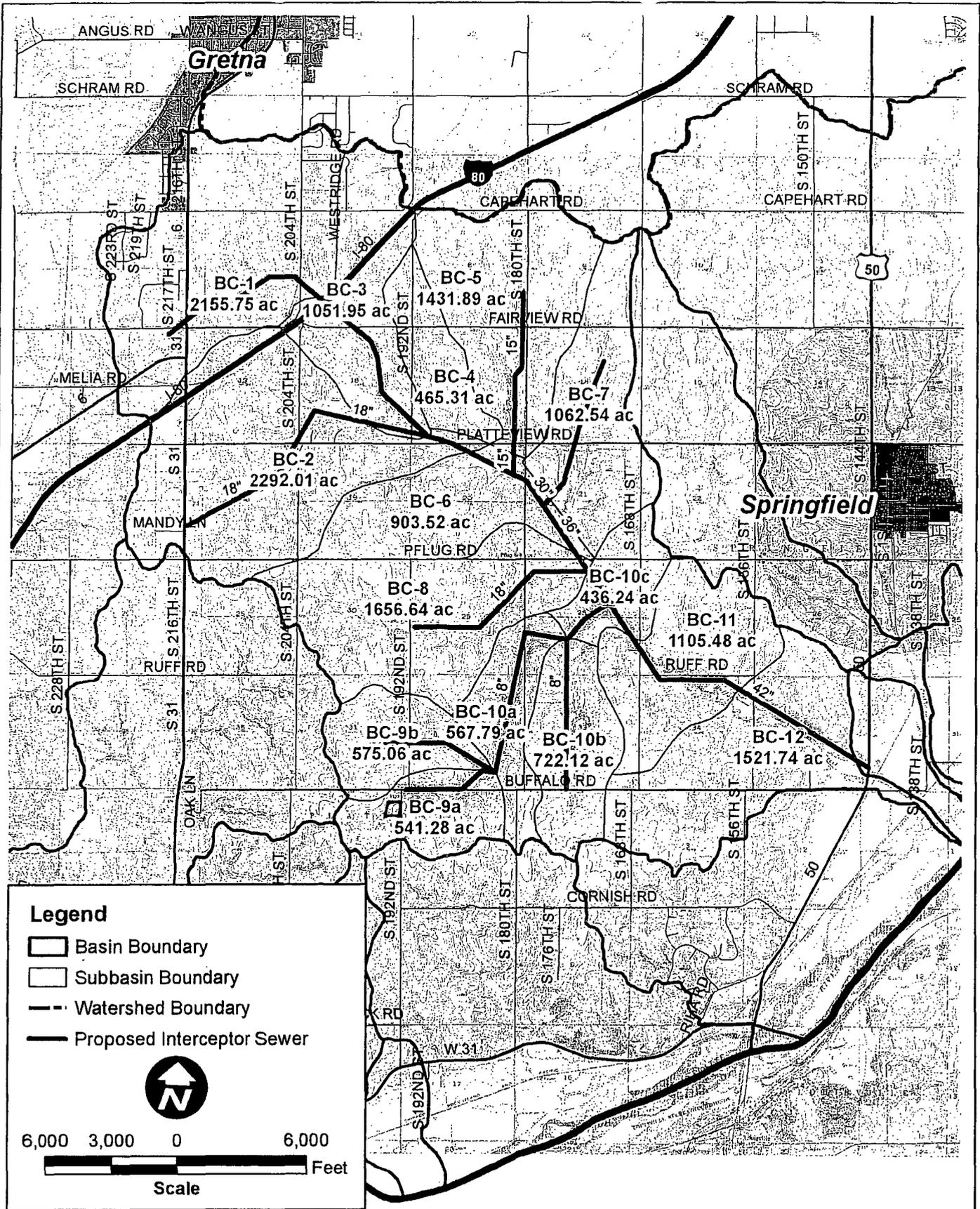
5-27-11

Date

Owner Signature (or authorized agent)

Date

JUN 3 2011



Buffalo Creek Interceptor Sewer



Study Report on Water Quality Issues Related to Regional Water and Wastewater Systems for Sarpy County

DATE
April 2006

FIGURE
5-11

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, July 20, 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 Shon Barenklau or Kirk Hoffman
Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 07-20-2011
Signed in my presence and sworn to before me:

Signature of Notary Public
Notary Public
GENERAL NOTARY - State of Nebraska
JESSICA R. ERWIN
My Comm. Exp. Mar. 12, 2013

Printer's Fee \$ 19.69
Customer Number: 40638
Order Number: 0001397523

SARPY COUNTY DEPARTMENT OF PLANNING
SARPY COUNTY PLANNING COMMISSION
Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Wednesday, July 20, 2011 at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.
Gerald Iske (Iske Fifth Addition) 17300 S. 192nd Street requests a Change of Zone from AG to AGR, a Preliminary Plat and Final Plat to create a 5.01-acre lot for residential use on property legally known as Tax Lot 5A, NE 1/4 of Section 6, Township 12N, Range 11E of the 6th P.M. Sarpy County, Nebraska (192nd and Buffalo Rd.)
David Gigerich (Columbus Metal Industries, LLC) 3440 15th Street East requests a Change of Zone from IL to IGM and a Special Use Permit to build a facility to receive, unload, store, and separate scrap metal and scrap material outside of the existing building, located on property legally known as Lot 4 & 5, B-4 Corners No. 5, NW 1/4 of Section 26, Township 14N, Range, 11E of the 6th P.M. Sarpy County, Nebraska (North of 152nd St. and Sapp Bro. Dr.)
An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.
1397523-7/20

JUL 26 2011

SARPY COUNTY
PLANNING DEPARTMENT

Deb Houghtaling

Fred Uhe
Chief Deputy

Sarpy County Clerk

Renee Lansman
Assistant Chief Deputy

1210 Golden Gate Drive • Papillion, Nebraska 68046-2895
Phone: 402-593-2105 • Fax: 402-593-4471 • Website www.Sarpy.com • Email: Clerk@sarpy.com

August 11, 2011

Gerald Iske
17300 S. 192nd Street
Gretna, NE 68028

Dear Mr. Iske,

Action by the Sarpy County Board of Commissioners on August 9, 2011 is as follows:

Public Hearing and Resolution 2011-258: Change of Zone from AG to AGR, Gerald Iske - Iske's 5th Addition, 192nd & Buffalo Road. Scott Bovick, Deputy County Administrator

MOTION: After a public hearing, Warren resolved, seconded by Hike, to approve the resolution for a change of zone from AG, Agricultural to AGR, Agricultural Residential for Iske's 5th Addition. Ayes: Hike, Thompson, Richards, Nekuda & Warren. Nays: None.

Public Hearing and Resolution 2011-259: Preliminary Plat, Gerald Iske - Iske's 5th Addition, 192nd & Buffalo Road. Scott Bovick, Deputy County Administrator

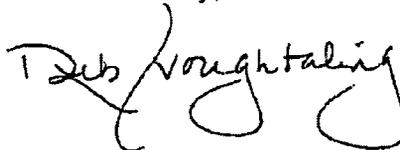
MOTION: After a public hearing, Thompson resolved, seconded by Nekuda, to approve the resolution for Iske's 5th Addition Preliminary Plat. Ayes: Hike, Thompson, Richards, Nekuda & Warren. Nays: None.

Public Hearing and Resolution 2011-260: Final Plat, Gerald Iske - Iske's 5th Addition, 192nd& Buffalo Road. Scott Bovick, Deputy County Administrator

MOTION: After a public hearing, Warren resolved, seconded by Hike, to approve the resolution for Iske's 5th Addition Final Plat. Ayes: Hike, Thompson, Richards, Nekuda & Warren. Nays: None.

Attached are the above referenced resolution copies for your files.

Sincerely,



Deb Houghtaling
Sarpy County Clerk

Enclosure
DH/sm