

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

APPROVE CHANGE OF ZONE

APPLICANT: JOSEPH OLIVO; CHANGE OF ZONE FROM AG, AGRICULTURAL TO RE1, RESIDENTIAL ESTATES 1 AND RE2, RESIDENTIAL ESTATES 2

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, Bruce Fountain, Planning Director has reviewed the Joseph Olivo application for a Change of Zone from AG, Agricultural to RE1, Residential Estates 1 and RE2, Residential Estates 2 for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located on the southwest corner of 96th Street and Mitchell Road and legally described as follows:

Tax Lots 5 and 6 in the southeast quarter of Section 21, Township 13 North, Range 10 East of the 6th P.M., Sarpy County, Nebraska.

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

- I. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on November 14, 2012 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 includes the Planning Director Recommendation Report.
- V. The Change of Zone Application is in compliance with the Comprehensive Development Plan.

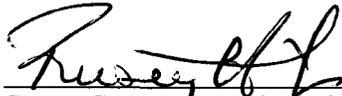
FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the change of zone from AG, Agricultural to RE1, Residential Estates 1 and RE2, Residential Estates 2 on the property legally described above.

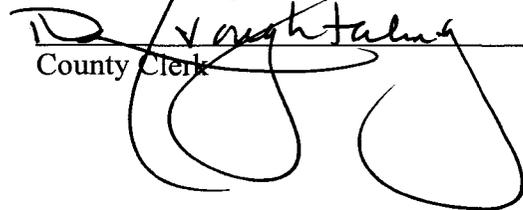
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 4th day of December, 2012.

Attest

SEAL




Sarpy County Board Chairman


County Clerk

Sarpy County Board of Commissioners Report
 Staff Report Prepared: November 29, 2012
 County Board Date: December 4, 2012

Subject	Type	By
Applications related to property generally located on the southwest corner of 96 th and Mitchell Rd., legally described as Tax Lots 5 and 6 in the southeast quarter of Section 21, Township 13N, Range 10E of the 6 th P.M. Sarpy County, NE. <ul style="list-style-type: none"> • Change of Zone: AG to RE1 and RE2 • Preliminary Plat: Olivo Estates 3 • Final Plat: Olivo Estates 3 	Public Hearings and Resolutions	Bruce Fountain, AICP, EDFP Director, Planning & Building

➤ **Summary and Purpose of Requests:**

- These applications are requesting approval of a change of zoning from AG (Agricultural Farming) to RE1 (Residential Estate I District - 1 acre minimum) and RE2 (Residential Estate II District - 2 acre minimum) and both a Preliminary Plat and Final Plat for a two-lot residential subdivision to be known as Olivo Estates 3 Ridge.

➤ **Background and Analysis:**

- The detailed staff report on these applications was presented to the Planning Commission at their November 14, 2012 meeting and is attached for your information and review.

➤ **Staff Recommendations:**

- Staff recommends **APPROVAL** of the Change of Zone from AG from AG (Agricultural Farming) to RE-1 (Residential Estates 1 acre minimum) and RE-2 (Residential Estates 2 acre minimum) for the proposed Olivo Estates 3 subdivision as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations.
- Staff recommends **APPROVAL** of the proposed Preliminary Plat of a subdivision to be known as Olivo Estates 3 as it meets requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.
- Staff recommends **APPROVAL** of the proposed Final Plat of a subdivision to be known as Olivo Estates 3 as it meets requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.

➤ **Planning Commission Recommendations:**

- On November 14, 2012 the Planning Commission voted to recommend **APPROVAL** of the Change of Zone, Preliminary Plat and Final Plat for Olivo Estates 3.

MOTION: Lichter moved, seconded by Mohr, to recommend approval on Change of Zone from AG to RE1 and RE2 as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations. Ballot: Ayes – Lichter, Torczon, Stuart, Whitfield, Mohr, Fenster, Farrell and Vanek. Nays – none. Abstain – none. Absent – Thompson, Murante, and Bliss. **Motion carried 8-0-3.**

MOTION: Lichter moved, seconded by Stuart, to recommend approval on Preliminary Plat of a Subdivision to be known as Olivo Estates 3 as it meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. Ballot: Ayes – Lichter, Torczon, Stuart, Whitfield, Mohr, Fenster, Farrell and Vanek. Nays – none. Abstain – none. Absent – Thompson, Murante, and Bliss. **Motion carried 8-0-3.**

MOTION: Lichter moved, seconded by Whitfield, to recommend approval on Final Plat of a Subdivision to be known as Olivo Estates 3 as it meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. Ballot: Ayes – Lichter, Torczon, Stuart, Whitfield, Mohr, Fenster, Farrell and Vanek. Nays – none. Abstain – none. Absent – Thompson, Murante, and Bliss. **Motion carried 8-0-3.**



SARPY COUNTY PLANNING & BUILDING DEPARTMENT

RECOMMENDATION REPORT

CHANGE OF ZONE (CZ 12-0004)
PRELIMINARY PLAT (PP 12-0004)
FINAL PLAT (FP 12-0004)
APPLICANT: JOSEPH OLIVO

~~PROPOSED TWO LOT SUBDIVISION TO BE KNOWN AS OLIVO ESTATES 3~~
PLANNING COMMISSION HEARING OF: NOVEMBER 14, 2012

I. GENERAL INFORMATION

A. APPLICANT:

Joseph Olivo
9701 Mitchell Road
Papillion, NE 68046

B. PROPERTY OWNERS:

Joseph Olivo
9701 Mitchell Road
Papillion, NE 68046

C. **SUBJECT PROPERTY LOCATION:** Subject property is located on the southwest corner of 96th and Mitchell Road.

D. **LEGAL DESCRIPTION:** Tax Lots 5 and 6 in the southeast quarter of Section 21, Township 13N, Range 10E of the 6th P.M. Sarpy County, Nebraska.

E. **SUBJECT PROPERTY SIZE:** approximately 5.34 acres

F. EXISTING FUTURE LAND USE AND CURRENT ZONING DESIGNATION:

- Future Land Use Designations: Estate Residential
- Zoning: AG (Agricultural Farming District)

G. **REQUESTED ACTION(S):** Approval of a Change of Zone from AG to RE1 and RE2; a Preliminary Plat; and a Final Plat of a Subdivision to be known as Olivo Estates 3 being a platting of Tax Lots 5 and 6 in the southeast quarter of Section 21, Township 13N, Range 10E of the 6th P.M. Sarpy County, Nebraska.

II. BACKGROUND INFORMATION

A. **EXISTING CONDITION OF SITE:** Existing single-family structure on proposed Lot 1

B. GENERAL VICINITY AND LAND USE

- North and West: Open Agricultural Land
- South: Recreational lake area with cabins and Platte River
- East: Residential Acreages mixed with heavily treed undeveloped AG land

C. RELEVANT CASE INFORMATION:

- This property has an existing single-family structure served by an individual septic and well on proposed Lot 1
- Water and sewer would be provided by private system
- Proposed easement crossing the south side of Lot 2 is an existing access road to Lot 1.
- 50 foot of Right-of-way is being dedicated along Mitchell Road and S 96th Street

D. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations:
 - Section 12, RE2 Residential Estates
 - Section 13, RE1 Residential Estates
 - Section 43, Amendments and Re-Zoning
- Sarpy County Subdivision Regulations

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:

- The Comprehensive Plan shows the area as future Estates Residential and this proposed development is consistent with this designation.

B. TRAFFIC AND ACCESS:

- Access would be available to each lot from either Mitchell Road or South 96th Street

C. OTHER AGENCY REVIEW/COMMENTS: The applications were sent to each of the five cities in Sarpy County as well as jurisdictional agencies or departments that may have an interest.

- Comments were received from:
 - **Sarpy County Public Works** – No notable comments at this time
 - **Sarpy County GIS** – No comments
 - **Papio Missouri River Natural Resource District** – No comments
 - **Other responses** received indicated they had no comments or objections to the application.

D. GENERAL COMMENTS:

- **Change of Zone**
 - Currently zoned AG, Agricultural Farming District
 - Requesting RE1 and RE2 zoning.
 - Consistent with Future Land Use Plan
- **Preliminary/Final Plat:**
 - One parcel is already developed with single-family dwelling
 - Parcels would be served by private utilities for water and sewer
 - Property does not lie with in Flood Plain
 - If access to Lot 2 is from 96th Street, staff recommends the use of a common approach with the existing easement for access to the public street.

IV. STAFF RECOMMENDATIONS:

- Staff recommends **APPROVAL** of the Change of Zone, with an effective date of the filing of the Final Plat, for the proposed Olivo Estates 3 development as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations.
- Staff recommends **APPROVAL** of the proposed preliminary and final plat of a subdivision to be known as Olivo Estates 3. Staff makes this recommendation as the Preliminary and the Final Plat meet the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.

VI. PLANNING COMMISSION RECOMMENDATIONS:

- **MOTION:** Lichter moved, seconded by Mohr, to recommend approval on Change of Zone from AG to RE1 and RE2 as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations. Ballot: *Ayes – Lichter, Torczon, Stuart, Whitfield, Mohr, Fenster, Farrell and Vanek. Nays – none. Abstain – none. Absent – Thompson, Murante, and Bliss.*
Motion carried 8-0-3.
- **MOTION:** Lichter moved, seconded by Stuart, to recommend approval on Preliminary Plat of a Subdivision to be known as Olivo Estates 3 as it meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. Ballot: *Ayes – Lichter, Torczon, Stuart, Whitfield, Mohr, Fenster, Farrell and Vanek. Nays – none. Abstain – none. Absent – Thompson, Murante, and Bliss.* **Motion carried 8-0-3.**
- **MOTION:** Lichter moved, seconded by Whitfield, to recommend approval on Final Plat of a Subdivision to be known as Olivo Estates 3 as it meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. Ballot: *Ayes – Lichter, Torczon, Stuart, Whitfield, Mohr, Fenster, Farrell and Vanek. Nays – none. Abstain – none. Absent – Thompson, Murante, and Bliss.* **Motion carried 8-0-3.**

VII. ATTACHMENTS TO REPORT:

1. Applications – Change of Zone, Preliminary Plat, and Final Plat
2. Proposed Preliminary Plat as submitted
3. Proposed Final Plat as submitted
4. Current Zoning Map
5. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)

VIII. COPIES OF REPORT SENT TO:

1. Joseph Olivo (applicant and owner)
2. Public Upon Request

Respectfully Submitted by: Donna Lynam, Zoning Administrator
Reviewed, edited & approved by: Bruce Fountain, Planning Director

RS-100-

99th St

Subject Property

AGR-

AGD-

AG-

AG-

Schmid Dr

Mitchell Rd

Mitchell Rd

99th St

87th St

AG-

99th St

AGD-

AG-FP

AGR-

87th St

Oahu Cir
Hawaiiian
Village
Kauai Dr

Long Island Lake

AG-FP

Lake Oliva

RD-50-

Schmid

Papillon

Capehart Rd

96th St

84th St

72nd St

60th St

Bellevue

Fairview Rd

Platteview Rd

Platteview Rd

La platte Rd

Plateview Rd

120th St

108th St

87th St

63rd St

57th St

36th St

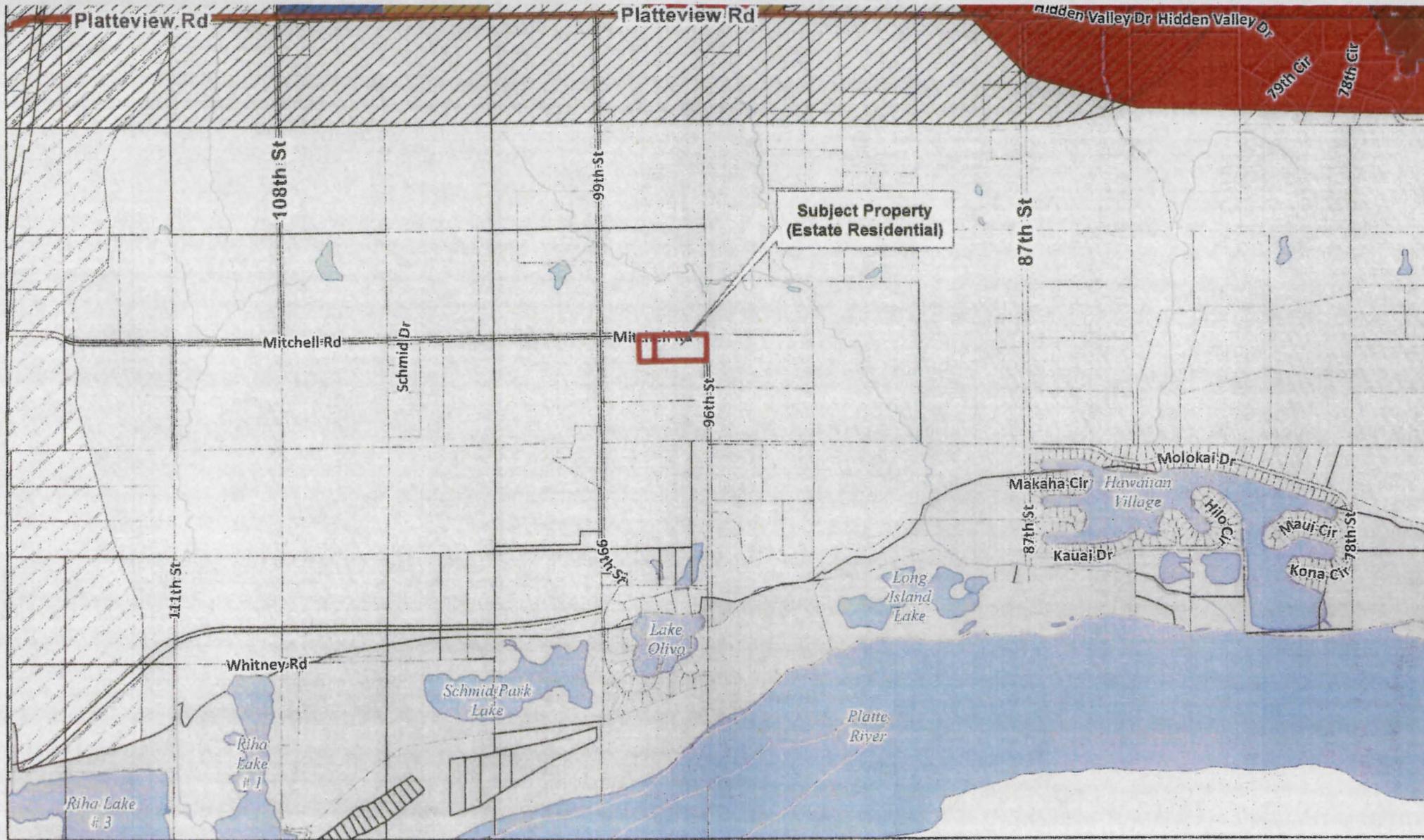
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Vicinity Map - Zoning

9701 Mitchell Rd

Olivo - Change of Zone & Prelim/Final Plat





Current FLU - Sarpy Co

0 750 1,500 3,000 Feet



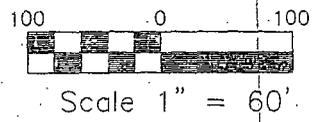
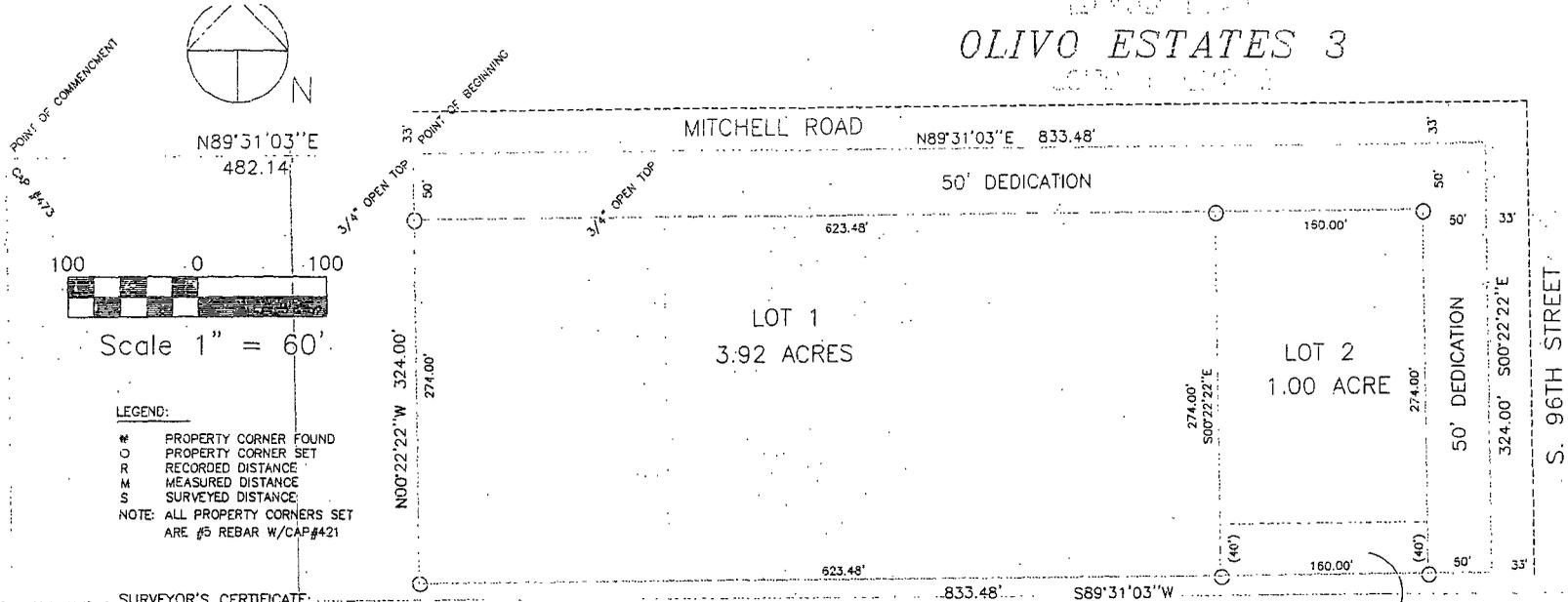
Comprehensive Development Plan
Figure 5.1: Development Structure Plan
 Sarpy County, Nebraska

Legend

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

OLIVO ESTATES 3

OLIVO ESTATES 3
MINOR PLAT



LEGEND:
 # PROPERTY CORNER FOUND
 O PROPERTY CORNER SET
 R RECORDED DISTANCE
 M MEASURED DISTANCE
 S SURVEYED DISTANCE
NOTE: ALL PROPERTY CORNERS SET ARE #5 REBAR W/CAP #421

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I have made a boundary survey of the subdivision herein described and that permanent monuments have been placed at all corners of the boundary and at all corners and angle points on all lots in the subdivision to be known as OLIVO ESTATES 3, Lots 1 and 2, Sarpy County, Nebraska, Douglas County, Nebraska.

LEGAL DESCRIPTION:

LOTS 1 AND 2, OLIVO ESTATES 3, BEING A PLATING OF TAX LOTS 5 AND 8 IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, N89°31'03"E, 482.14 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWESTERLY CORNER OF SAID TAX LOT 5; THENCE CONTINUING ALONG SAID NORTHERLY LINE, N89°31'03"E, 833.48 FEET TO A POINT ON THE EASTERLY LINE OF SAID SOUTHWEST QUARTER AND THE NORTHEAST CORNER OF SAID TAX LOT 6; THENCE ALONG SAID EASTERLY LINE, S00°22'22"E, 324.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TAX LOT 6; THENCE ALONG SAID SOUTHERLY LINE AND THE SOUTHERLY LINE OF TAX LOT 5, S89°31'03"W, 833.48 FEET TO THE SOUTHWESTERLY CORNER OF SAID TAX LOT 5; THENCE ALONG THE WESTERLY LINE OF SAID TAX LOT 5, N00°22'22"W, 324.00 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 8.20 ACRES.

LOUIS WHISOMANT LS #421

DATE:

DEDICATION:

Know all men by these presents that we, Joe Olivo & Helena Olivo, owner of the property described in the Surveyor's Certificate and embraced within the plat, have caused said land to be subdivided into the lots to be numbered as shown, said subdivision to be hereinafter known as OLIVO ESTATES 3, and we do hereby ratify and approve of the disposition of this property as shown on the plat. We do hereby grant to the public for public use, the streets as shown on this plat and we do hereby grant easements as shown on this plan, we do further grant a perpetual easement to the Omaha Public Power District, Centralink Communications and any company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, to erect, operate, maintain, repair and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over, through, under and across a five-foot (5') wide strip of land abutting all front and side boundary lot lines on eight-foot (8') wide strip of land abutting the rear boundary lines.

By: JOE OLIVO

By: HELENE OLIVO

NOTARY ACKNOWLEDGMENT

STATE OF NEBRASKA)
 COUNTY OF SARPY)

On this _____ day of _____, 2012, before me a Notary Public in and for said County and State personally came Joe Olivo & Helena Olivo to be personally known to me to be the identical persons whose names are affixed to the above and they have acknowledged the execution thereof to be their voluntary act and deed

Witness my hand and official seal the last date aforesaid.

Notary Public
 My commission expires on the _____ day of _____, 2012.

SARPY 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 Surveyor's Certificate and embraced in this plat, as shown by the records of this office, this _____ day of _____, 2012.

SARPY COUNTY TREASURER

REVIEWED BY THE SARPY COUNTY PUBLIC WORKS:

This plat of OLIVO ESTATES 3, was reviewed by the Sarpy County Surveyors Office on this _____ day of _____, 2012.

COUNTY ENGINEER/ SURVEYOR

APPROVAL OF SARPY COUNTY PLANNING DIRECTOR

This plat of OLIVO ESTATES 3, was approved by the Sarpy County Planning Director on this _____ day of _____, 2012.

SARPY COUNTY PLANNING DIRECTOR

APPROVAL OF SARPY COUNTY BUILDING INSPECTOR

This plat of OLIVO ESTATES 3, was approved by the Sarpy County Building Inspector on this _____ day of _____, 2012.

SARPY COUNTY BUILDING INSPECTOR

APPROVAL OF SARPY COUNTY BOARD OF COMMISSIONERS

This plat of OLIVO ESTATES 3, was approved by the Sarpy County Board of Commissioners on this _____ day of _____, 2012.

SARPY COUNTY PLANNING DIRECTOR

40 FOOT ACCESS AND UTILITY EASEMENT GRANTED TO LOT 1



Louis Whisomant
 Surveying
 1720 W. 10th St., Omaha, NE 68128 (402-334-7982)

Revisions:

Date: OCTOBER 8, 2012

Drawn By: L.J.W.

Checked By: L.R.W.

Scale: 1" = 60'

PROPERTY ADDRESS: 1701 W. 10th St. P.O. Box 11111, OMAHA, NEBRASKA

Sheet No. 1 OF 1

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 herein; 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:

Vednesday, October 31, 2012 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.

[Handwritten signature of Shon Barenklau]

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
Bruce Fountain, AICP, Director

NOTICE OF PUBLIC HEARING SARPY COUNTY PLANNING COMMISSION

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Wednesday, November 14, 2012, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska. Joseph Olivo of 9701 Mitchell Road, Papillion, NE 68046 requests of a change of Zone from AG to RE1/RE2 and a Preliminary and Final Plat of a subdivision to be known as Olivo Estates 3 being a platting of Tax Lots 5 and 6 in the southeast quarter of the southeast quarter of Section 21, Township 13, Range 12 east of the 6th P.M. Sarpy county, Nebraska. Leisure Village LLC, 11718 Nicholas Street, #101, Omaha, NE 68154 requests approval of an Amendment to an existing Special Use Permit allowing a commercial recreational area to be known as Leisure Village, on property legally described as Lot 1, Leisure Village as surveyed, platted and recorded in Sarpy County, Nebraska.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.
1576159; 10/31

Subscribed and sworn to before me:
Date 10-30-2012

[Handwritten signature of Notary Public]

Notary Public

Printer's Fee \$ 17.97
Customer Number: 40638
Order Number: 0001576159