

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

APPROVE PRELIMINARY PLAT – OLIVO ESTATES 3

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 of Commissioners (County Board); and,

WHEREAS, the County Board has the authority to adopt Subdivision Regulations, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-374 (Reissue 2007); and,

WHEREAS, said Subdivision Regulations require the County Board to approve applications for preliminary plats; and

WHEREAS, the applicant, Joseph Olivo has applied for approval of a preliminary plat of a subdivision to be known as Olivo Estates 3 on 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.

WHEREAS, Bruce Fountain, Sarpy County Planning Director has reviewed the application of the preliminary plat of a subdivision to be known as Olivo Estates 3 for compliance with the Subdivision Regulations; and

WHEREAS, the Planning Director has made a recommendation of approval as noted in Exhibit A, attached hereto and incorporated by reference, which Exhibit A includes the Planning Director report, the aerial map of the subject property and a copy of the preliminary plat of the subdivision to be known as Olivo Estates 3.

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

- I. A public hearing regarding the approval of the preliminary plat was held on November 14, 2012 before the Sarpy County Planning Commission. The Planning Commission provided their recommendation to the County Board.
- II. A public hearing regarding the approval of the preliminary plat was held by this County 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.

- IV. The Planning Director recommends approval.
- V. The proposed preliminary plat of a subdivision to be known as Olivo Estates 3 is in conformity with the Zoning Regulations, the Subdivision Regulations and the Sarpy County Comprehensive Plan;

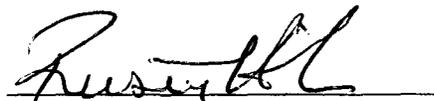
BE IT FURTHER RESOLVED THAT the preliminary plat of a subdivision to be known as Olivo Estates 3, as described in the attached Exhibit A is hereby approved.

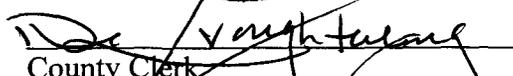
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 4th day of December, 2012.

Attest

SEAL




Sarpy County Board Chairman


County Clerk

Sарy 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 Circle
Lowailan Village
Kauai Dr

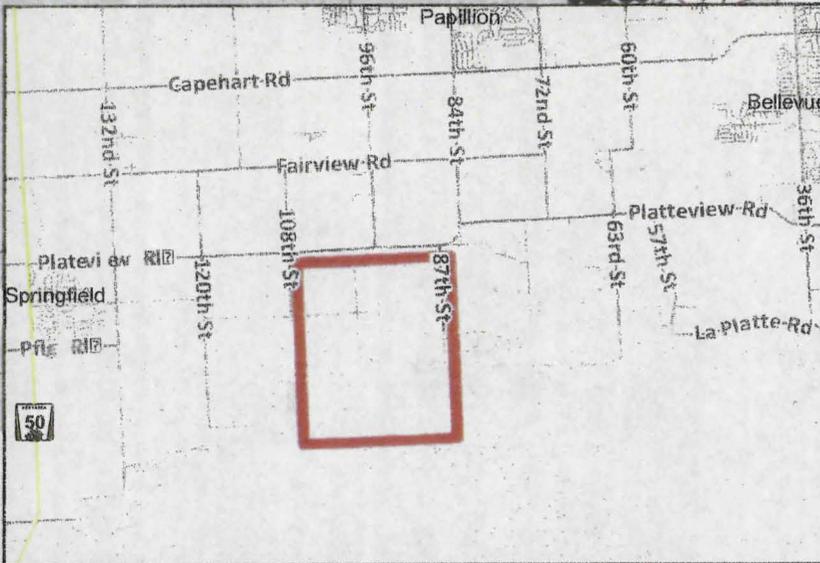
Long Island Lake

AG-FP

Lake Olivo

RD-50-

Schmid

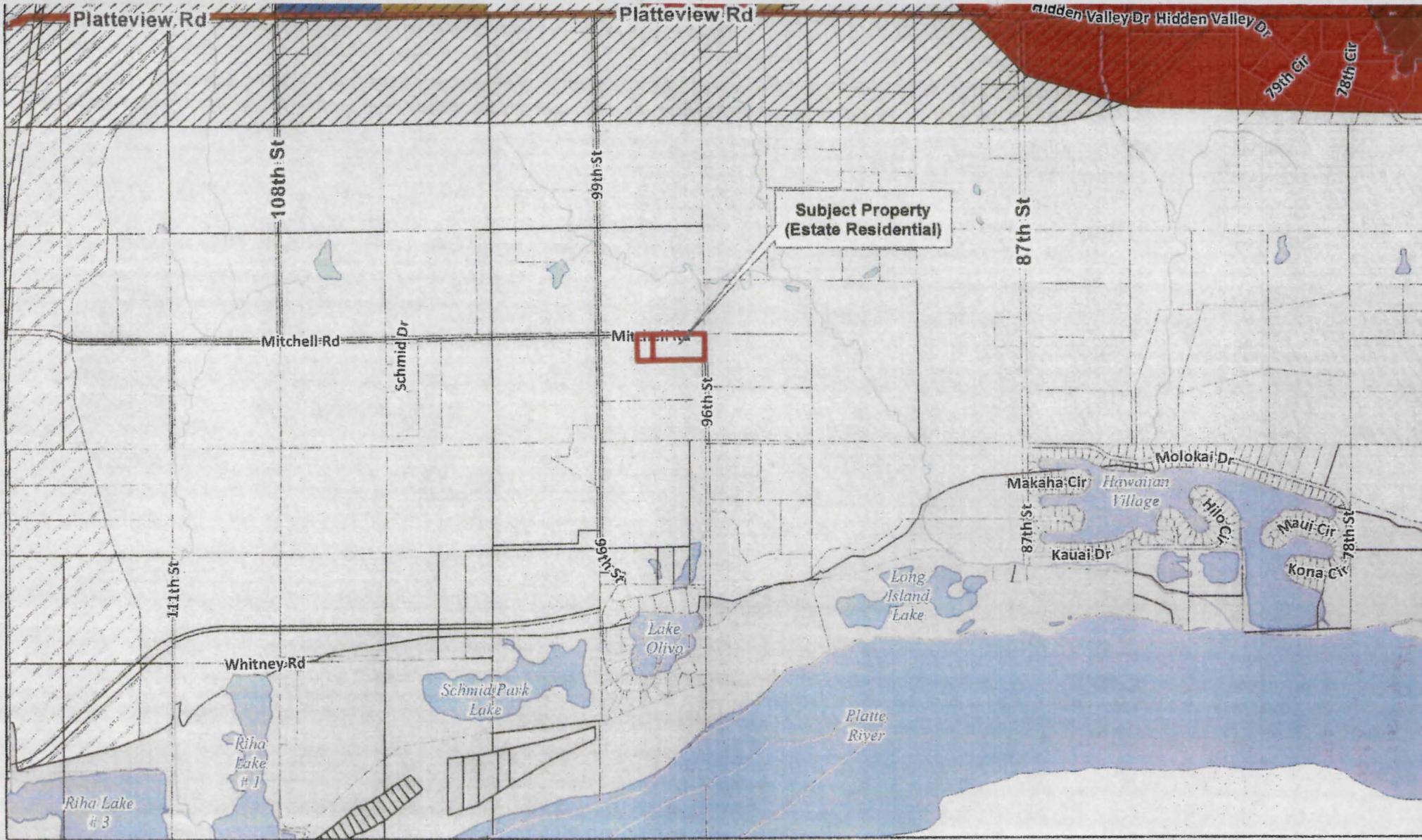


Vicinity Map - Zoning

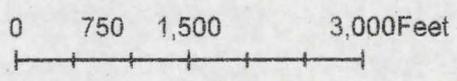
9701 Mitchell Rd

Olivo - Change of Zone & Prelim/Final Plat





Current FLU - Sarpy Co



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 | |



SARPY COUNTY PLANNING

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

PRELIMINARY PLAT APPLICATION

<p>In order for your application to be considered COMPLETE, please answer all applicable questions and provide the following:</p> <ol style="list-style-type: none"> 1. Submit complete-Preliminary-Plat Application 2. Submit Non-Refundable Fee of <u>\$200.00</u> made payable to Sarpy County Treasurer 3. 1 reduced size site plan drawing (8.5 x 11) 4. 1 Electronic copy of the plat drawing (PDF) 5. 25 full sized, folded plat drawings 6. Preliminary Drainage Plan 7. 5 copies proposed Post- Construction Storm Water Management Plan 	<p>PLANNING STAFF USE ONLY:</p> <p>APPLICATION NO.: <u>PP 12-0004</u> DATE RECEIVED: _____ CP DESIGNATION: _____ ZONING DESIGNATION: _____ FEE: <u>\$200.00</u> RECEIPT NO. <u>734291</u> RECEIVED BY: _____ NOTES: _____</p> <p>Please review sections 5 and 6 of the Sarpy County Subdivision Regulations for complete Preliminary Plat process requirements.</p>
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APPLICANT INFORMATION:

NAME: Joe Olivo

E-MAIL: _____

ADDRESS: 9701 Mitchell Rd

CITY/STATE/ZIP: Papillion NE 68046

MAILING (IF DIFFERENT)
ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: 402-510-7656

FAX: _____

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

Please check box if attaching separate sheet with owner information.

NAME: Joe Olivo

E-MAIL: _____

ADDRESS: 9701 Mitchell Rd

CITY/STATE/ZIP: Papillion NE 68046

MAILING (IF DIFFERENT)
ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: 402-510-7656

FAX: _____

ENGINEER INFORMATION:

NAME: Louis Surveying

E-MAIL: _____

ADDRESS: 7729 Wildwood Ct

CITY/STATE/ZIP: La Vista NE 68128

MAILING (IF DIFFERENT)
ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: 402-331-7982

FAX: _____

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the 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.

Preliminary plat of existing tax lots into two
platted parcels of 1 acre and 3.92 acres.

PLAT 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.

PLAT NAME: Olivo Estates 3

ASSESSOR'S PARCEL NUMBER: 010918892 CURRENT ZONING: AG

ADDITIONAL PARCEL NUMBERS N/A GEN. PROP. LOCATION*: SW Corner
*example 189th & Giles Rd 96th + Mitchell Rd

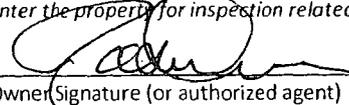
LEGAL DESCRIPTION: (Describe property to wit:)
Tax Lots 5 + 6, in the SE 1/4 of Sec 21, Twp 13N, Rng 12E
of the 6th P.M. Sarpy County Nebraska

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 Preliminary Plat.
3. All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Preliminary Plat applicant or the property owner.

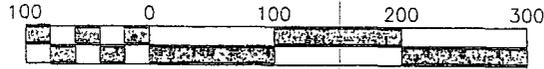
I, the undersigned, understand a sign will be posted on my property and will remain until the public hearing process at the Planning Commission and County Board is complete. I further understand the Preliminary Plat process as stated above and I authorize County Staff to enter the property for inspection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


Owner Signature (or authorized agent)

10-15-17
Date

Owner Signature (or authorized agent)

Date



Scale 1" = 100'

PRELIMINARY PLAT OLIVO ESTATES 3

1/4 OF COMMENCEMENT
CAP #4172

N89°31'03"E
452.14'

3/4" OPEN TOP
POINT OF BEGINNING

3/4" OPEN TOP

MITCHELL ROAD

N89°31'03"E 833.48'

50' DEDICATION

ROCK ROAD

50'

3/4" PINCH TOP
324.00'
N00°22'22"W

3/4" PINCH TOP

3.92 ACRES

EXISTING SINGLE FAMILY

1.00 ACRES

50' DEDICATION
274.00'
S00°22'22"E

ROCK ROAD

S. 96TH STREET

623.48'

833.48'

S89°31'03"W

(40')

160.00'

40 FOOT ACCESS
AND UTILITY EASEMENT
GRANTED TO LOT 1

LEGAL DESCRIPTION

LOTS 1 AND 2, 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 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE ALONG THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, N89°31'03"E, 452.14 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 SOUTHEAST 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 6.20 ACRES.

DEVELOPER

JOE OLIVO
9701 MITCHELL ROAD
PAPILLION; NE 68046
(402) 510-7656

ZONING

EXISTING AG
PROPOSED RE1/RE2

IMPROVEMENTS

NO PROPOSED GRADING, STREETS,
SIDEWALKS OR OTHER PUBLIC
RIGHTS-OF-WAY

EXISTING SEPTIC SANITARY SEWER
AND WATER WELLS

SURVEYOR

LOUIS SURVEYING
7729 WILDWOOD COURT
LA VISTA NE 68128
(402) 334-7982

Louis Surveying
7729 WILDWOOD COURT
LA VISTA, NE 68128 (402-334-7982)



PRELIMINARY PLAT
OLIVO ESTATES 3

Revisions:

Date	SEPT. 20, 2012
Drawn By	L.J.W.
Checked By	L.R.W.
Project #	OLIVO - MITCHELL
Scale	1" = 100'
Property address	9701 MITCHELL RD PAPILLION, NE
Sheet No.	1 OF 1