

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**

**APPROVE CHANGE OF ZONE**

**APPLICANT: ANSON NOWKA; CHANGE OF ZONE TO IL, LIGHT INDUSTRIAL**

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, the property owned by Sarpy County and proposed to be zoned IL, Light Industrial, currently has no zoning designation as it was previously right-of-way for Lathrop Avenue and was never given a zoning classification. Said right-of-way was vacated on October 4, 2011 by Resolution #2011-335.

WHEREAS, Mr. Nowka is a potential purchaser of the property and Sarpy County Public Works is finalizing negotiations regarding Mr. Nowka's purchase of said property.

WHEREAS, Bruce Fountain, Planning Director has reviewed the application for a Change of Zone from no zoning to IL, Light Industrial for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located near Chandler Road and Lathrop Avenue and described as follows:

A portion of Lathrop Avenue lying Southerly of the 33.00 foot ROW of Chandler Road, as now established and the Northerly ROW of North Railway Street, as platted in the Original Town of Chalco as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows:

Beginning at the intersection of the South ROW line of Chandler Road and the East ROW line of Lathrop Avenue; thence South (an assumed bearing) along East ROW for 78.6 feet ± to the Northerly ROW line of North Railway Street; thence Northwesterly along said Northerly ROW line for 71.5 feet ± to the West ROW line of said Lathrop Avenue; thence North along said ROW line for 63.6 feet ± to the South ROW line of said Chandler Road; thence Easterly along the extension of said South ROW line for 70.0 feet ± to the point of beginning and containing 4,977 sq ft ± or 0.11 acres ±.

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 January 18, 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 to IL, Light Industrial 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 7<sup>th</sup> day of February, 2012.

Attest

SEAL



  
\_\_\_\_\_  
Sarpy County Board Chairman

  
\_\_\_\_\_  
County Clerk



**SARPY COUNTY PLANNING & BUILDING DEPARTMENT**

**RECOMMENDATION REPORT**

CHANGE OF ZONE – CZ 11-0016  
FOR PORTION OF VACATED LATHROP ST. RIGHT-OF-WAY  
FOR COUNTY BOARD OF COMMISSIONERS HEARING OF: February 7, 2012

***SUMMARY OF INFORMATION***

**I. OVERVIEW**

**A. APPLICANT:**

Anson Nowka  
15010 Chandler Road  
Omaha, NE 68138

**B. SUBJECT PROPERTY OWNER:**

Sarpy County  
1210 Golden Gate Drive  
Papillion, NE 68046

The subject property is vacated Lathrop Street right-of-way. The applicant has reached a purchase price agreement with the County Public Works Department subject to approval of the rezoning. The purchase agreement will be taken to the County Board of Commissioners for approval on February 7, 2012 as well.

**C. SUBJECT PROPERTY LOCATION:** A portion of Lathrop Avenue right-of-way which has been vacated south of Chandler Road and north of the railroad tracks

**D. EXISTING ZONING AND FUTURE LAND USE DESIGNATIONS:**

Zoning: not currently zoned; vacated right-of-way land  
Future Land Use Designation: Industrial

**F. REQUESTED ACTION(S):**

1. Zone the subject property IL (Light Industrial). The property currently has no zoning designation as it is vacated right-of-way which was not given a zoning classification in this area.

**G. PURPOSE OF REQUEST:** The applicant and his brother are in the process of purchasing the subject property and intend to combine it with the property they own directly adjacent to the east in order to develop a light industrial warehouse type building.

**II. RECOMMENDATIONS**

**A. PLANNING DEPARTMENT**

- Staff recommends APPROVAL of the application to zone the subject property IL (Light Industrial) which is consistent with the Comprehensive Plan and with the zoning of adjacent properties.

**B. PLANNING COMMISSION**

- Bliss moved, seconded by Vanek, to recommend APPROVAL to Zone a former Right-Of-Way to an IL (Light Industrial) zoning because it is consistent with the adjacent property. Ballot: Ayes – Bliss, Mohr, Fenster, Lichter, Vanek, Stuart, Murante, Farrell and Whitfield. Nays – none. Abstain – none. Absent – Torczon and Thompson. Motion carried. 9-0

## ***DETAILED INFORMATION***

### **I. GENERAL BACKGROUND**

- A. SUBJECT PROPERTY LEGAL DESCRIPTION:** a portion of Lathrop Avenue lying southerly of the 33.00 foot ROW of Chandler Road, as now established and the Northerly ROW of North Railway Street, as platted in the Original Town of Chalco as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows: Beginning at the intersection of the South ROW line of Chandler Road and the East ROW line of Lathrop Avenue; thence South (an assumed bearing) along East ROW for 78.6 feet ± to the Northerly ROW line of North Railway Street; thence Northwesterly along said Northerly ROW line for 71.5 feet ± to the West ROW line of said Lathrop Avenue; thence North along said ROW line for 63.6 feet ± to the South ROW line of said Chandler Road; thence Easterly along the extension of said South ROW line for 70.0 feet ± to the point of beginning and containing approximately 4,977 sq. ft. ± or approximately 0.11 acres ±.
- B. SUBJECT PROPERTY SIZE:** approximately 0.11 acres
- C. EXISTING CONDITION OF SITE:** the subject property is vacant and was previously right-of-way for Lathrop Avenue (vacated on October 4, 2011 by Resolution #2011-335)
- D. SURROUNDING AREA ZONING AND LAND USES:**
1. North: RS-72 (Single-family Residential) and IL (Light Industrial) – existing uses include a mix of single-family homes and light industrial businesses
  2. East: IL (Light Industrial) – existing uses include undeveloped land and light industrial businesses
  3. South: IGM (General Manufacturing District) and RD-50 (Two-family Residential District) – existing uses include vacant land (south of railroad tracks) and residential development.
  4. West: IGM (General Manufacturing District) – existing uses include vacant land and light industrial businesses
- E. RELEVANT CASE HISTORY:** The Sarpy County Board of Commissioners approved the vacation of the Lathrop Avenue right-of-way south of Chandler Road (subject property) on October 4, 2011 and authorized the County Engineer to negotiate a purchase agreement for the property. A purchase price has been agreed upon between the applicant and the County Engineer; however, the applicant would like to assure that the property is properly zoned for the development they are intending.
- F. APPLICABLE REGULATIONS:**
1. Proposed Zoning: Section 23, Zoning Ordinance, regarding the IL (Light Industrial) District

### **II. ANALYSIS**

- A. COMPREHENSIVE PLAN:** The County's Comprehensive Plan shows this area with an Industrial future land use designation. The change of zone application is compatible with this designation.
- B. TRAFFIC AND ACCESS:** The site will be combined with property directly to the east which is already owned by the applicant. Access will be provided off of Chandler Road and details will be worked out when an actual development plan for the site comes forward.
- C. UTILITIES:**
- Waste Water:* waste water service is available with sewer lines located adjacent to the site to the northeast and south.

*Water:* the site is served by Metropolitan Utilities District (MUD)

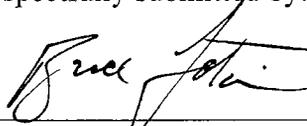
*Gas:* the site is served by Metropolitan Utilities District (MUD)

*Electric:* the site is served by Omaha Public Power District (OPPD)

**III. COPIES OF REPORT SENT TO:**

1. Anson Nowka
2. Public Upon Request

Respectfully submitted by:



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Bruce A. Fountain, AICP, EDFP  
Director, Planning & Building Dept.

# ADDITIONAL INFORMATION

**SARPY COUNTY BOARD OF COMMISSIONERS**

**February 7, 2012**

**CHANGE OF ZONE  
IL (Light Industrial)  
Lathrop Ave and Chandler Street  
Anson Nowka**

## **Attachments:**

**Application with Legal Description**

**General Vicinity Map**

**Current Zoning Map**

**Future Land Use Map**



# SARPY COUNTY PLANNING

• 1210 GOLDEN GATE DRIVE PAPPILLION, NE 68046  
• PHONE: 402-593-1555 • FAX: 402-593-1558 • E-MAIL: [PLANNING@SARPY.COM](mailto:PLANNING@SARPY.COM)

## CHANGE OF ZONE APPLICATION

<p>In order for your application to be considered <b>COMPLETE</b>, please answer all applicable questions and provide the following:</p> <ol style="list-style-type: none"> <li>1. Submit complete Change of Zone Application</li> <li>2. Submit Non-Refundable Fee of \$400.00 made payable to Sarpy County Treasurer</li> <li>3. Copy of Deed on file with Register of Deeds (showing applicant as owner)</li> <li>4. 25 full size site plan drawings (folded)</li> <li>5. 1 reduced size sit plan drawing (8.5 x 11)</li> <li>6. Detailed operational plans</li> </ol>	<p><b>PLANNING STAFF USE ONLY:</b></p> <p>APPLICATION NO.: <u>CZ 11-00110</u>  DATE RECEIVED: _____  CP DESIGNATION: _____  ZONING DESIGNATION: <u>None</u>  FEE: \$ <u>400.00</u> RECEIPT NO. <u>134232</u>  RECEIVED BY: <u>CG</u>  NOTES: <u>There is no <del>zsa</del> current zoning.</u></p>
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**APPLICANT INFORMATION:**  CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Anson Nowka E-MAIL: anowka@morrisseyengineering.com  
ADDRESS: 15010 Chandler Road CITY/STATE/ZIP: Omaha, NE 68138  
MAILING (IF DIFFERENT)  
ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_  
PHONE: 402-215-1077 FAX: \_\_\_\_\_

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

Please check box if attaching separate sheet with owner information.

NAME: Andy Nowka E-MAIL: andynowka@gmail.com  
ADDRESS: 1050 Waverly Way CITY/STATE/ZIP: Kirkland, WA 98033  
MAILING (IF DIFFERENT)  
ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_  
PHONE: 650-575-3949 FAX: \_\_\_\_\_ **DEC 27 2011**

**ENGINEER INFORMATION:**

NAME: Bill Knight E-MAIL: bill.knight@LRA-inc.com  
ADDRESS: 14710 West Dodge Road CITY/STATE/ZIP: Omaha, NE 68154  
Suite 100  
MAILING (IF DIFFERENT)  
ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_  
PHONE: 402-496-2498 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.

Changing zone of recently vacated Lathrop Street Right of Way.

Located near Chandler Road and Lathrop Avenue.

Right of Way doesn't currently have a zoning. This is to convert the previously un-zoned area to existing IL - Light Industrial District of lots 5A & 6A of block 14 to the East of the vacated Right of Way.

**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:** \_\_\_\_\_

**ADDITIONAL PARCEL NUMBERS** \_\_\_\_\_

**LEGAL DESCRIPTION:** (Describe property to wit:)

Vacated Lathrop Avenue R.O.W. West of Lots 5A & 6A of Block 14 Chalco. Quarter NW, Section 14, Township 14, Range 11.

**GENERAL PROPERTY LOCATION:** South of Chandler  
@ Lathrop Avenue

**ACRES:** Vacated Lathrop R.O.W. 0.13+/-

**CURRENT ZONING:** \_\_\_\_\_

**REQUESTED ZONING:** Light Industrial IL

**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 Permit
3. All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Special Use Permit 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 Special Use Permit 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)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner Signature (or authorized agent)

\_\_\_\_\_  
Date

DEC 27 2011

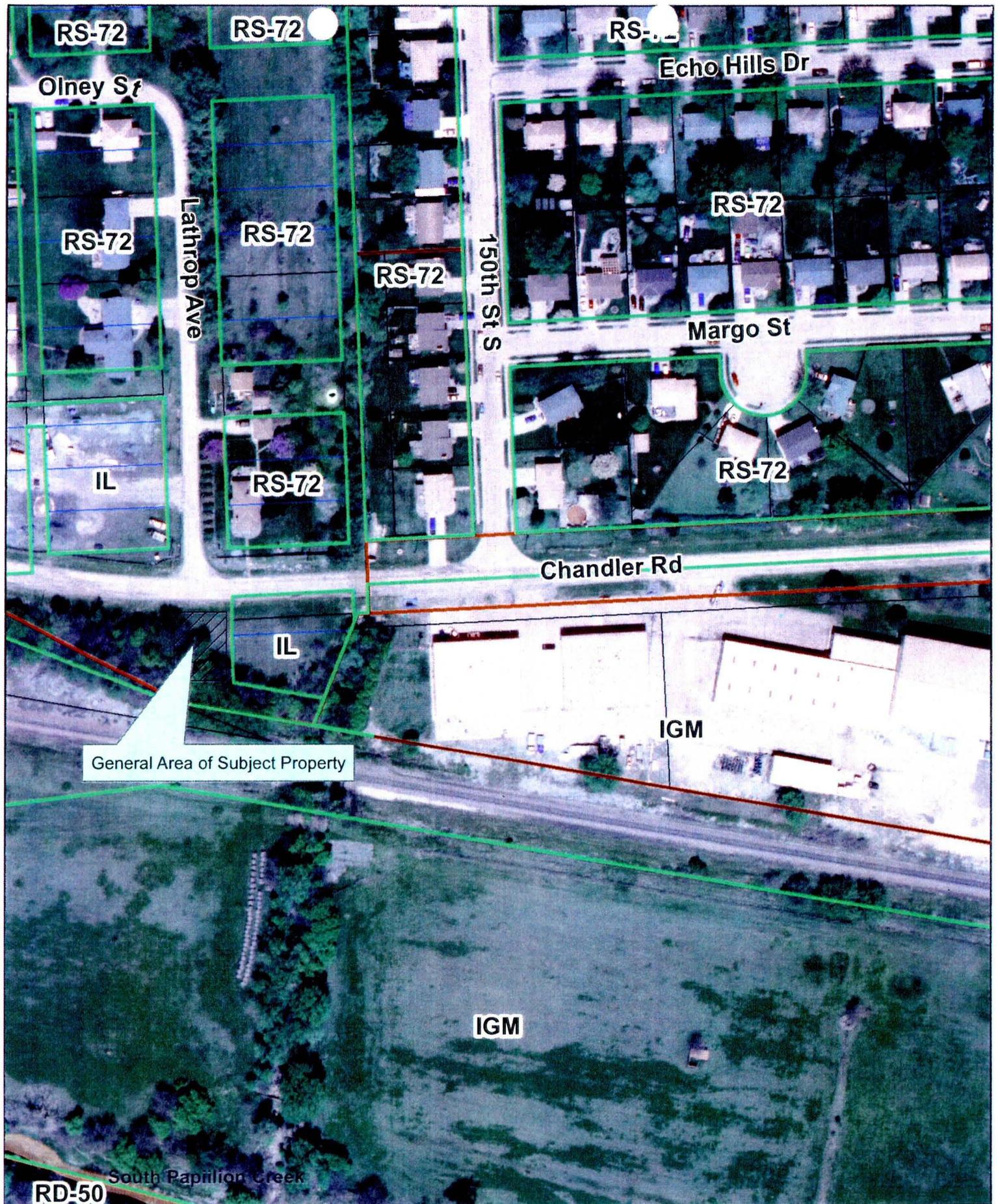
ATTACHMENT #2 - LEGAL DESCRIPTION

A portion of Lathrop Avenue lying Southerly of the 33.00 foot ROW of Chandler Road, as now established and the Northerly ROW of North Railway Street, as platted in the Original Town of Chalco as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows:

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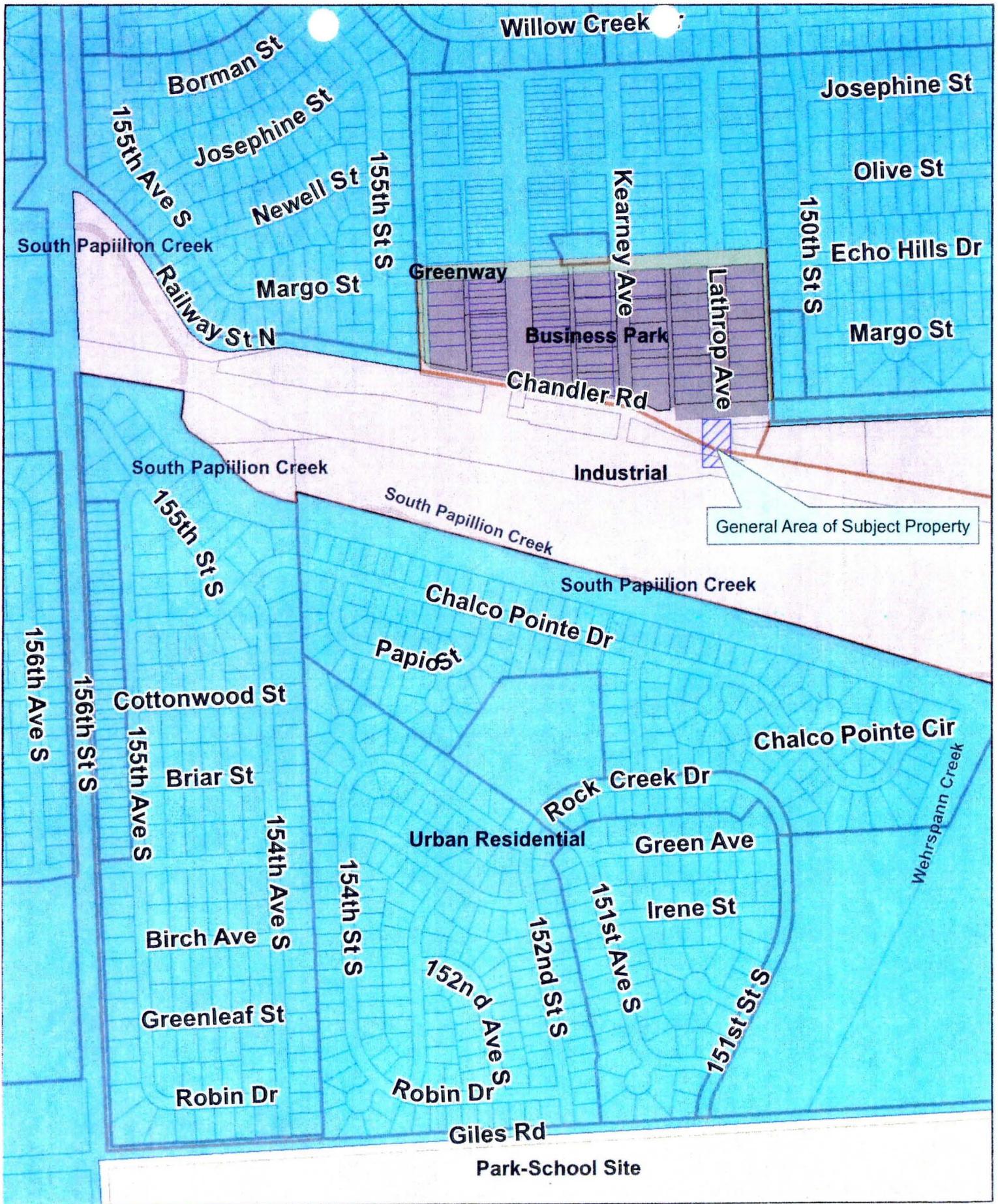


Anson Nowka - Lathrop Ave.  
General Vicinity Map



General Area of Subject Property

Anson Nowka - Lathrop Ave.  
Current Zoning Map



Anson Nowka - Lathrop Ave.  
 Future Land Use

# The Omaha World-Herald Ad Order Confirmation

## Ad Content

### 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, January 18, 2012, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Anson Nowka, 15010 Chandler Road, Omaha, requests approval to Zone a former Right-Of-Way property to IL (Light Industrial) legally known as the vacated portion of Lathrop Avenue lying Southerly of the 33.00 foot Right-Of-Way of Chandler Road, as now established and the Northerly Right-Of-Way of North Railway Street, as platted in the Original Town of Chalco as surveyed, platted and recorded in Sarpy County, Nebraska. (Chandler & Lathrop Ave)

Chris Langpaul, Attorney and representative for Marjovi Properties, LLC, 1820 NW 118th Street #200, Clive, IA, requests an amendment to the Comprehensive Development Plan from Urban Residential and Urban Residential II to Mixed Use Center and a Change of Zone from AG (Agricultural) to BG (General Business) on the property legally known as the N3/4 of the NE1/4, Except the Right-Of-Way of Sec 13, Twp 14N, Rng 10E of the 6th P.M., Sarpy County, Nebraska (204th & Harrison)

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

1465417: 1/4

**Ad Number** 0001465417-01  
**Sales Rep.** jerwin  
**Order Taker** jerwin  
**Ad Type** SNI Legals  
**Ad Size**  
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**PO Number** Anson Nowka, 150  
**Color** B&W  
**Promo Type**  
**Customer**  
SARPY COUNTY PLANNING DI  
**Customer Account**  
40638  
**Customer Address**  
CINDY GILBERT, 1210 GOLDEN  
PAPILLION NE 68046 USA  
**Customer Phone**  
(402)593-2156  
**Ordered By**  
**Special Pricing**  
None  
**Invoice Text**  
Anson Nowka, 15010 Chandler F  
**Materials**

### Ad Order Notes

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Blind Box</u>
0	0	

<u>Net Amount</u>	<u>Total Amount</u>
\$22.26	\$22.26

### Payment Method

<u>Payment Amount</u>	<u>Amount Due</u>
\$0.00	\$22.26

<u>Product Information</u>	<u>Placement/Classification</u>	<u>Run Dates</u>	<u># Inserts</u>	<u>Cost</u>
SNI Classified::	Bellevue Legals	1/4/2012	1	\$14.47
	SNI Legals Sarpy BL-Sarpy L			
SNI Classified::	Gretna Legals	1/4/2012	1	\$0.00
	SNI Legals Sarpy GB-Sarpy I			
SNI Classified::	Papillion Legals	1/4/2012	1	\$7.79
	SNI Legals Sarpy PT-Sarpy L			
SNI Classified::	Springfield Legals - Springfield	1/4/2012	1	\$0.00
	SNI Legals Sarpy SM-Sarpy I			

# The Omaha World-Herald Ad Order Confirmation

## Ad Content

**NOTICE OF PUBLIC HEARING**  
**SARPY COUNTY BOARD OF COMMISSIONERS**  
 Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, February 7, 2012, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

¶ Anson Nowka, 15010 Chandler Road, Omaha, requests approval to Zone a former Right-Of-Way property to II (Light Industrial) legal-ly known as the vacat-ed portion of Lathrop Avenue lying Southerly of the 33.00 foot Right-Of-way of Chandler Road, as now estab-lished and the Norther-ly Right-Of-way of North Railway Street, as platted in the Origi-nal Town of Chalco as surveyed, platted and recorded in Sarpy County, Nebraska. (Chandler & Lathrop Ave)

¶ Chris Langpaul, Attor-ney and representative for Marjovi Properties, LLC, 1820 NW 118th Street #200, Clive, IA, requests an amend-ment to the Compre-hensive Development Plan from Urban Resi-dential and Urban Resi-dential II to Mixed Use Center and a Change of Zone from AG (Agricul-tural) to BG (General Business) on the prop-erty legally known as the N3/4 of the NE1/4, except the Right-Of-Way of Sec. 13, Twp 14N, Rng 10E of the 6th P.M., Sarpy County, Ne-braska (204th & Harri-son)

An agenda for the meeting, kept contin-u-ally current, is avail-able for inspection at the Sarpy County Plan-ning Department office.

**Ad Number** 0001473400-01  
**Sales Rep.** tthompson  
**Order Taker** tthompson  
**Ad Type** Liner Classified New  
**Ad Size**  
 : 1.0 X 66 Li  
**PO Number**  
**Color** B&W  
**Promo Type**  
**Customer**  
 SARPY COUNTY PLANNING  
**Customer Account**  
 168048  
**Customer Address**  
 1210 GOLDEN GATE DR, CINDY GI  
 PAPILLION NE 68046 USA  
**Customer Phone**  
 (402)593-1555  
**Ordered By**  
**Special Pricing**  
 None  
**Invoice Text**  
**Materials**  
**Ad Order Notes**

<u>Tear Sheets</u>	<u>Proofs</u>	<u>Blind Box</u>
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<b>Net Amount</b>		<b>Total Amount</b>
\$394.12		\$394.12
<b>Payment Method</b>		
<b>Payment Amount</b>	<b>Amount Due</b>	
\$0.00	\$394.12	

<u>Product Information</u>	<u>Placement/Classification</u>	<u>Run Dates</u>	<u># Inserts</u>	<u>Cost</u>
OWH::All Editions	Public Notices - Classified	1/24/2012	1	\$384.12
	0675-Public Notices			
On Line Class::All Editions	Public Notices - Classified	1/24/2012	1	\$10.00
	0675-Public Notices			