

BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA**APPROVE CHANGE OF ZONE****APPLICANT: JAMES BISHOP;
CHANGE OF ZONE FROM RS-72, SINGLE FAMILY RESIDENTIAL DISTRICT TO
RE1, RESIDENTIAL ESTATES DISTRICT**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2012), 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 2012), 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 2012); and,

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

WHEREAS, the Sarpy County Planning Department staff has reviewed the James Bishop application for a Change of Zone from RS-72, Single Family Residential District to RE1, Residential Estates District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property located at 16504 Iske Drive, Bellevue and legally described as follows:

Lot 1, Beranek Subdivision Replat 2 as surveyed, platted and recorded in 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 15, 2014 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 ten (10) days prior to each respective public hearing as required by Neb. Rev. Stat. §23-164 (Reissue 2012), and the proof of publication has been filed in the Office of the Sarpy County Clerk.

- IV. The Planning Department staff made a recommendation as noted in the attached Exhibit "A", which includes the Planning Department Report.
- V. The Change of Zone Application is in compliance with the Comprehensive Development Plan.

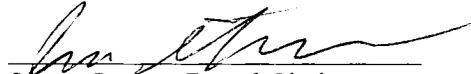
FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the change of zone from RS-72, Single Family Residential District to RE1, Residential Estates District on the property legally described above.

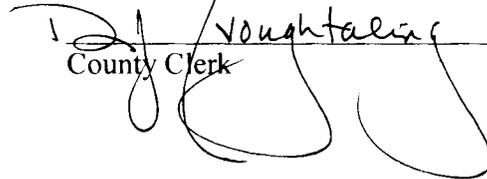
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 13th day of May, 2014.

Attest

SEAL




Sarpy County Board Chairman


County Clerk

Sarpy County Board of Commissioners
 Exhibit "A"
 Planning Department Report
 County Board Meeting Date: May 13, 2014

Subject	Type	By
Applications related to property located at 16504 Iske Drive, Bellevue NE 68123, legally described as Lot 1, Beranek Subdivision Replat 2 as surveyed, platted and recorded in Sarpy County, Nebraska a. <ul style="list-style-type: none"> • Change of Zone: RS-72 to RE1 	Public Hearings & Resolutions	Donna Lynam Zoning Administrator Planning & Building

➤ **Summary and Purpose of Requests:**

- James Bishop, applicant, recently purchased two parcels and combined them into one lot with an Administrative Replat. The Bishops are in the early stages of constructing a new single-family dwelling on the property and wish to construct an accessory building in the near future. The rezoning would allow them to construct a larger accessory building (1.5 times the foot print of the principal structure). With the property being nearly 2 acres in size, the rezoning will make the property more consistent with the zoning regulations.

➤ **Background and Analysis:**

- The property was originally platted in 1971 and the existing home was demolished last year as it was declared a nuisance due to structure debilitation. A number of the properties in this area are considered to be legal non-conforming parcels due to the fact that they contain improvements (structures) that do not meet the required setbacks from property lines as many are built upon multiple parcels. The property was originally platted for smaller parcels but has developed into more acreage type development. A detailed staff report for this submittal was presented to the Planning Commission at their April 15, 2014 meeting and is attached for your review.

➤ **Staff Recommendation:**

- Staff recommends **APPROVAL** of a Change of Zone from RS-72 (Single-family Residential) to RE1 (Residential Estates) on Lot 1 Beranek Subdivision Replat 2 as it meets requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.

➤ **Planning Commission Recommendation:**

- On April 15, 2014 the Planning Commission voted to recommend **APPROVAL** of the Change of Zone for Lot 1 Beranek Subdivision Replat 2.

MOTION: Ackley moved, seconded by Malmquist, to recommend approval of the Change of Zone from RS-72 (Single Family Residential) to RE1 (Residential Estates) on Lot 1, Beranek Subdivision Replat 2. This recommendation is being made as the request is in conformance with the Sarpy County Comprehensive Development Plan and Zoning Regulations. **Ballot:** Ayes – Lichter, Huddleston, Davis, Ackley, Whitfield, Christianson, Malmquist, Fenster and Torczon. Nays: None. Abstain: None. Absent: Bliss and Farrell. **Motion carried.**



**SARPY COUNTY PLANNING
& BUILDING DEPARTMENT**

RECOMMENDATION REPORT

**CHANGE OF ZONE (CZ 14-0004)
APPLICANT: JAMES BISHOP**

**CHANGE OF ZONE APPLICATION
LOT 1, BERANEK SUBDIVISION REPLAT 2**

PLANNING COMMISSION HEARING OF: APRIL 15, 2014

I. GENERAL INFORMATION

A. APPLICANT:

James Bishop
2305 Plymouth Rock Road
Bellevue, NE 68123

B. SUBJECT PROPERTY OWNER:

James Bishop
2305 Plymouth Rock Road
Bellevue, NE 68123

C. SUBJECT PROPERTY LOCATION: Generally located southwest of Hwy 75 and Pinecrest Road on Iske Drive.

D. LEGAL DESCRIPTION: Lot 1, Beranek Subdivision Replat 2 as surveyed, platted and recorded in Sarpy County, Nebraska.

E. SUBJECT PROPERTY SIZE: 1.9 +/- acres

F. EXISTING FUTURE LAND USE AND CURRENT ZONING DESIGNATIONS:

- Future Land Use Designations: Bellevue Future Growth Area - see attached Land Use Map
- Zoning: RS-72 (Single-Family Residential) District – see attached Zoning Map

G. REQUESTED ACTION(S): Rezone the subject property from RS-72 (Single-Family Residential) to RE1 (Residential Estates) to zone the property according to its size and use.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The subject parcel is currently being improved with a single-family structure.

B. GENERAL VICINITY CURRENT ZONING AND LAND USE: This area contains a number of single-family dwellings, including accessory buildings of various sizes, many containing multiple lots giving the appearance of acreage development. The area is accessed via a private roadway named as Iske Road. State Highway 75 is located approximately ¼ mile east of this area.

- C. RELEVANT CASE HISTORY:** This property was originally platted in 1971 and the existing home was demolished last year as it was declared a nuisance due to structure debilitation. The property was recently purchased by the Bishop's and they consolidated the two properties into one to bring it into conformance with Sarpy County Regulations. They are currently in the process of constructing a home on the property. A number of the properties in this area are considered to be legal non-conforming parcels due to the fact that they contain improvements (structures) that do not meet the required setbacks from property lines as many are built upon multiple parcels. The property was originally platted for smaller parcels but has developed into more acreage type development. The Bishops are planning to build a new single-family dwelling and an accessory building on the site and the rezoning would allow them to construct a larger accessory building.
- D. APPLICABLE REGULATIONS:**
- Sarpy County Comprehensive Development Plan
 - Sarpy County Zoning Regulations - Section 13, RE1 (Residential Estates)

III. ANALYSIS/STAFF COMMENTS:

- A. COMPREHENSIVE PLAN:** The Sarpy County Comprehensive Plan designates this property as Bellevue Future Growth Area. This application was sent to the City of Bellevue for comment and as of today date, we have received a phone call inquiring as to what the application entailed. We were told that a written response from Bellevue would be drafted and forward but as of today's date, we have not received any correspondence from Bellevue.
- B. TRAFFIC AND ACCESS:** Access to the subject parcels will be from Iske Road. Such roadway is a private roadway according to the Sarpy County Public Works Department.
- C. UTILITIES:**
- Waste Water: This area is served by private systems
 - Water: This area is served by a community well located to the north of the property.
 - Gas: There is not Natural Gas Service to this area, therefore parcels are served by individual propane tanks.
 - Electric: This area is served by Omaha Public Power District (OPPD).

- IV. OTHER AGENCY REVIEW/COMMENTS:** The applications were sent to various jurisdictional agencies and departments within Sarpy County that may have an interest. No comments regarding the applications were received.

V. PLANNING DEPARTMENT RECOMMENDATION:

Staff has reviewed the submitted application and found it to be consistent with the Sarpy County Zoning Regulations, as well as existing land uses in the surrounding area. Staff recommends **APPROVAL** of the Change of Zone Application.

VI. PLANNING COMMISSION RECOMMENDATION:

MOTION: Ackley moved, seconded by Malmquist, to recommend approval of the Change of Zone from RS-72 (Single Family Residential) to RE1 (Residential Estates) on Lot 1, Beranek Subdivision Replat 2. This recommendation is being made as the request is in conformance with the Sarpy County Comprehensive Development Plan

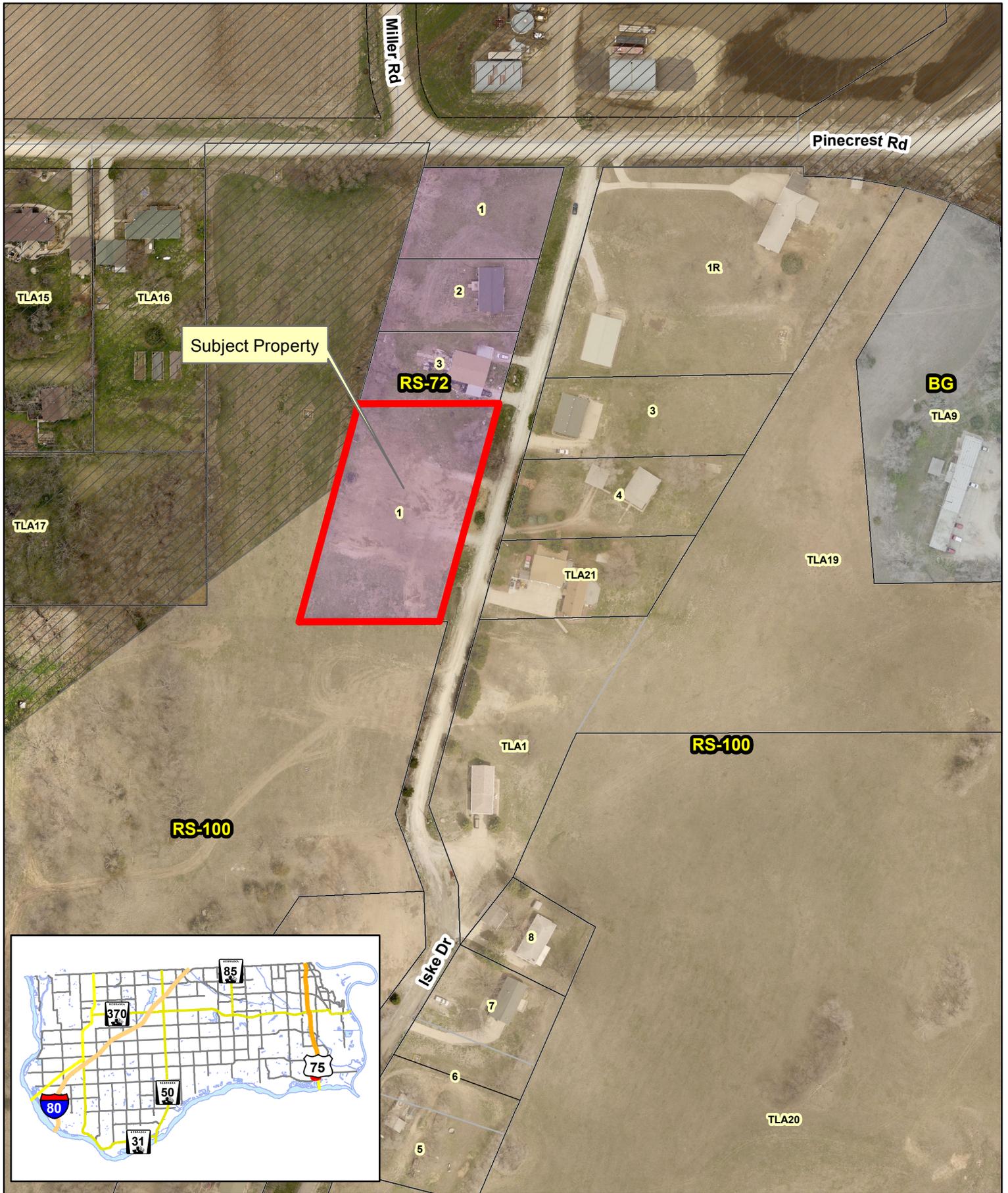
and Zoning Regulations. **Ballot:** *Ayes – Lichter, Huddleston, Davis, Ackley, Whitfield, Christianson, Malmquist, Fenster and Torczon. Nays: None. Abstain: None. Absent: Bliss and Farrell.* **Motion carried.**

VII. ATTACHMENTS TO REPORT:

1. Sarpy County Current Zoning Map
2. Current Development Structure Plan – Figure 5.1 of Sarpy Co. Comprehensive Plan (Future Land Use Map)
3. Request for Comments cover sheet
4. Applications

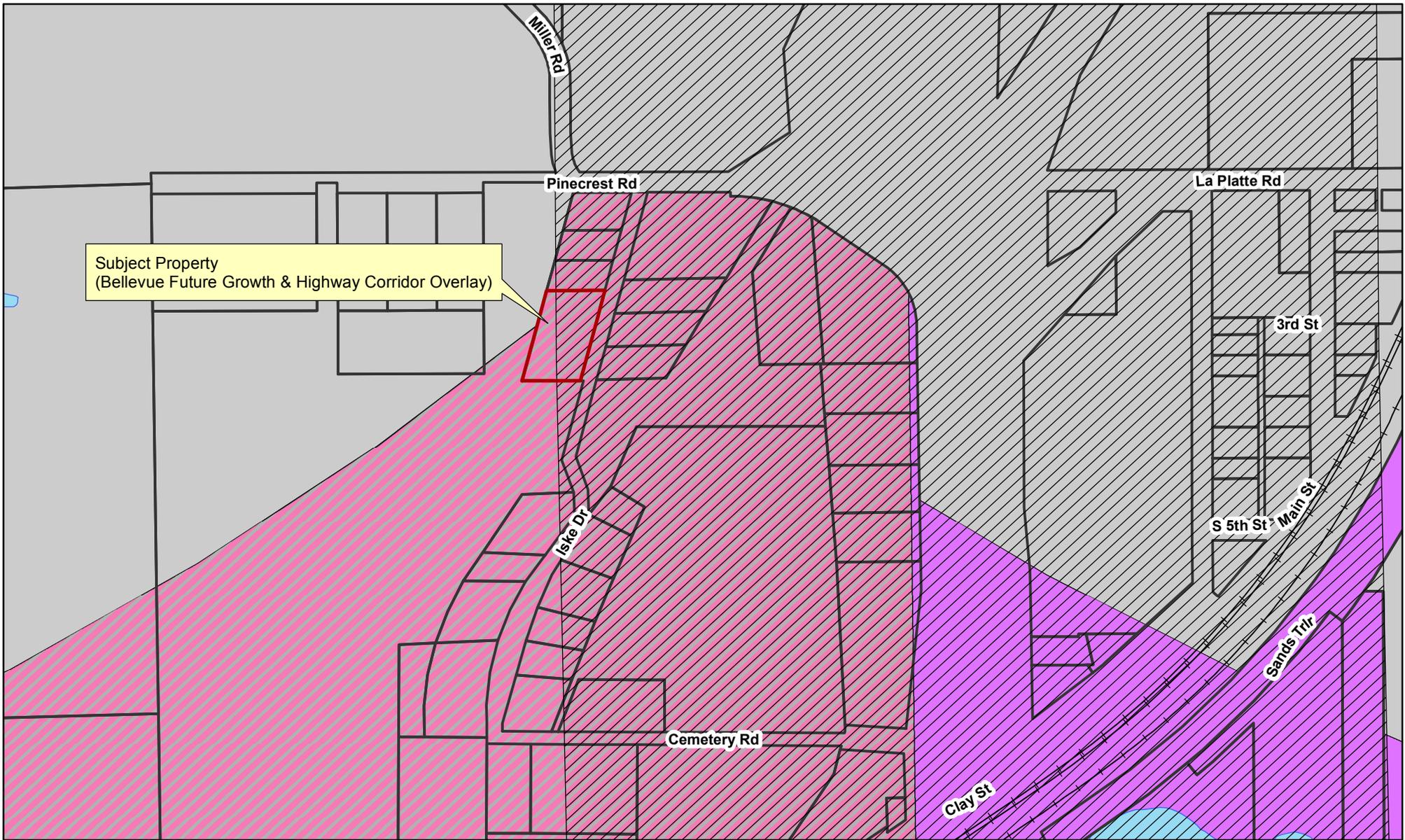
VIII. COPIES OF REPORT SENT TO:

1. James Bishop
2. Public Upon Request

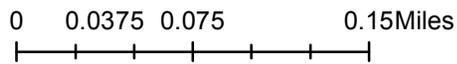


Vicinity Map - Current Zoning
 16504 Iske Dr
 Change of Zone from RS-72 to RE1





Current FLU - Sarpy Co



16504 Iske Dr

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

Legend

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



SARPY COUNTY PLANNING & BUILDING DEPT.

1210 GOLDEN GATE DRIVE, #1240
PAPILLION, NE 68046
PHONE: 402-593-1555 FAX: 402-593-1558
E-MAIL: PLANNING@SARPY.COM

CHANGE OF ZONING APPLICATION

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

1. Completed Change of Zoning Application
2. Non-Refundable Fee of \$ 500 made payable to Sarpy County (an additional fee of \$25.00 is also be required to cover cost of mailing of public notifications)
3. Copy of Deed on file with Register of Deeds or other acceptable proof of ownership
4. Two (2) site plan drawings (folded)
5. One (1) reduced size site plan drawing (8.5 x 11)
6. One (1) electronic copy of site plan drawing in PDF form
7. Site plan drawing should include the following (as applicable)
 - a. Legal description with site layout (1"=20')
 - b. Metes and bounds description with lot size
 - c. Floodplain/floodway boundaries
 - d. Existing easements
 - e. General location map (2 mile radius)
 - f. Elevations or other supporting materials
8. Detailed operational plans
9. **Please review Section 43 of the Sarpy County Zoning Regulations for a complete list of change of zoning process and submittal requirements.**

PLANNING STAFF USE ONLY:

APPLICATION #: CZ 14-0004
 DATE RECEIVED: 2-28-2014
 CP DESIGNATION: BFG Bellevue Future Growth
 CURRENT ZONING DESIGNATION: RS-72
 PROPOSED ZONING DESIGNATION: RE1
 APPLICATION FEE: \$ 500 RECEIPT NO. 2068
 PUBLIC NOTIFICATION PROCESSING FEE: \$ 25.00 RECEIPT NO. 2068
 RECEIVED BY: Lisa Dimly
 NOTES: _____

APPLICATION FILING FEES – see Sarpy County Master Fee Schedule for the Planning and Building Department

APPLICANT INFORMATION: CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: James Bishop E-MAIL: Robin Bishop 4@hotmail.com
 ADDRESS: 2305 Plymouth Rock Rd CITY/STATE/ZIP: Bellevue NE 68123
 MAILING ADDRESS: Same CITY/STATE/ZIP: _____
 (IF DIFFERENT)
 PHONE: 402-981-0830 FAX: 402-334-4855

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

NAME: _____ E-MAIL: _____
 ADDRESS: _____ CITY/STATE/ZIP: _____
 MAILING ADDRESS: _____ CITY/STATE/ZIP: _____
 (IF DIFFERENT)
 PHONE: _____ FAX: _____

ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:

NAME: TDD Engineering E-MAIL: _____
 ADDRESS: 70836 Old Mill Rd CITY/STATE/ZIP: OMAHA NE 68154
 MAILING ADDRESS: Same CITY/STATE/ZIP: _____
 (IF DIFFERENT)
 PHONE: 402-330-8860 FAX: 402-330-5866

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.

Single Family Home with Proposed Detached GARAGE AT FRONT OF PROPERTY. SLOPING LOT FOR WALK OUT BASEMENT.

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.

SUBDIVISION NAME: BERANEK Property Address: 16504 Iske Drive

GENERAL LOCATION: HWY 75 + LAPLATTE
(example 189th & Giles Rd)

ASSESSOR'S PARCEL NUMBER: 011592697 011594631 1A ADDITIONAL PARCEL NUMBERS _____

LEGAL DESCRIPTION: (Describe property to wit:) LOT 1 BERANEK REPLAT 1
Lot 1 Beranek Subdivision Replat 2

SIZE OF PROPERTY: 1.9 acres CURRENT ZONING: RS72 REQUESTED ZONING: RE-1

SOURCE OF UTILITY SERVICES: Water - well Sewer - SEPTIC
Gas - NORTHERN NATURAL Electric - OPPD

PLEASE NOTE THE FOLLOWING PROCEDURES:

- 1. The Planning Department will review the application material along with other appropriate departments and/or agencies and provide a recommendation report to the Planning Commission and County Board.
- 2. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
- 3. The County Board will hold a public hearing and make a final decision on the Change of Zoning application.
- 4. Any necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the applicant or the property owner.

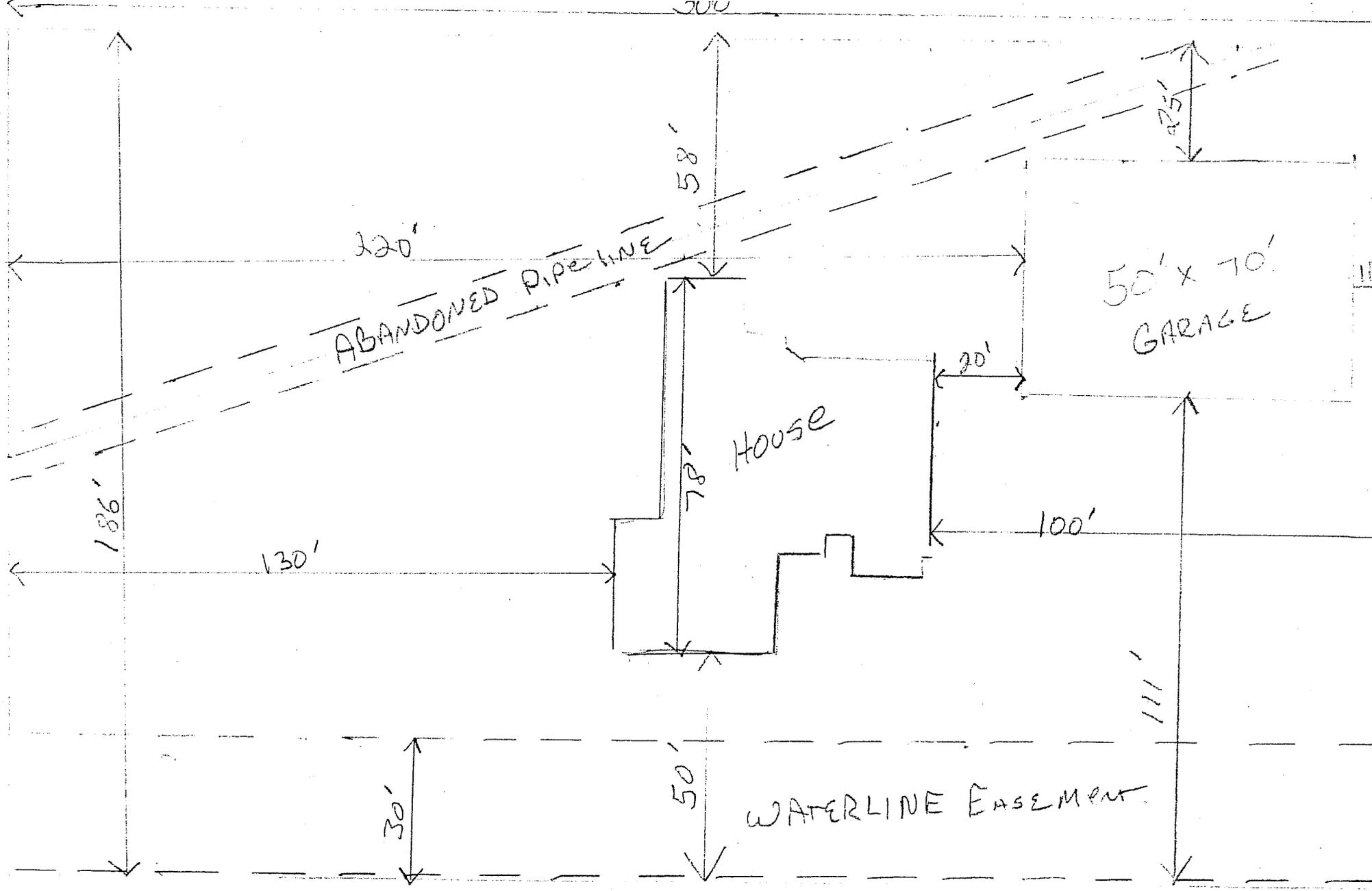
The applicant (or authorized agent) has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Applicant Signature: [Signature] Date: 2-28-14

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

Owner Signature (or authorized agent): [Signature] Date: 2-28-14

Owner Signature (or authorized agent) _____ Date _____



ISKE DR.

Sarpy County Property Information



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 Anne Lee 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 2, 2014

Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

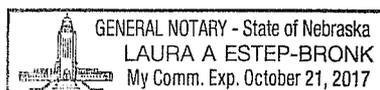
And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Shon Barenklau OR Anne Lee
Publisher Business Manager

Today's Date 04-02-2014

Signed in my presence and sworn to before me:

Notary Public



Printer's Fee \$ 33.54
Customer Number: 40638
Order Number: 0001741284

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 Tuesday, April 15, 2014, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, Nebraska.

James & Robin Bishop have submitted an application for a Change of Zone from RS-72 (Single Family Residential District) to RE1 (Residential Estates I District) to allow for a single-family dwelling and detached garage at 16504 Iske Drive, legally described as Lot 1, Beranek Subdivision Replat 2 as surveyed, platted and

recorded in Sarpy County, Nebraska. The property is generally located southwest of Hwy 75 and Pinecrest Road on Iske Drive.

Gerald S. & Gina L. Lofberg have submitted applications for consideration of Preliminary and Final Plats of a subdivision to be known as Little Big Place Addition Replat 1, being a platting of Lot 1, Little Big Place Addition, together with Tax Lot 6A and part of Tax Lot 7B1A located in Section 22, Township 14N, Range 10E of the 6th P.M. in Sarpy County, NE. The property is generally located southeast of 240th Street and Cary Road.

Gerald S. & Gina L. Lofberg have submitted an application for consideration of a Change of Zone from AGD (Agricultural Development District) to AG (Agricultural Farming District) at 9857 South 240th Street, legally described as Lot 1, Little Big

Place Addition, as surveyed, platted and recorded in Sarpy County, NE. The property is generally located southeast of 240th Street and Cary Road.

Douglas S. Dreessen has submitted applications on behalf of Murray Fields-Sapp, LLC for consideration of Preliminary and Final Plat of a subdivision to be known as Murray Sapp, Lots 1 and 2, being a platting of Tax Lots 4A, 4C, 7 and 8, in the SE 1/4 of the SE 1/4 of Section 27, Township 14N, Range 11E of the 6th P.M. in Sarpy County, NE. The property is generally located northeast of Hwy 370 and Sapp Brothers Drive.

Douglas S. Dreessen has submitted an application on behalf of Murray Fields-Sapp, LLC for consideration of a Change of Zone from BHS (Highway Service Business District) to BGH (Heavy General

Business District) on proposed Lot 2, Murray Sapp, as surveyed, platted and recorded in Sarpy County, NE. The property is generally located northeast of Hwy 370 and Sapp Brothers Drive.

Vala's Pumpkin Patch has submitted an application for consideration of a Special Use Permit allowing for the continuation of an existing seasonal commercial operation at 12102 South 180th Street, legally described as Tax Lots 7 and 8, 5-13-11, Sarpy County, NE. The property is generally located southwest of 180th Street and Schram Road.

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

1741284; 4/2

04-03-14P02:50 RCVD

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 Anne Lee 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:

Wednesday, April 30, 2014

Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

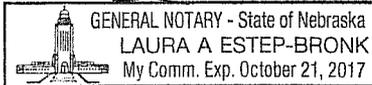
And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Shon Barenklau OR Anne Lee
Publisher Business Manager

Today's Date 04-29-2014

Signed in my presence and sworn to before me:

Notary Public



Printer's Fee \$ 19.78
Customer Number: 40638
Order Number: 0001750847

**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, May 13, 2014, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration Building, 1210 Golden Gate Drive, Papillion, NE.

James & Robin Bishop have submitted an application for a Change of Zone from RS-72 (Single Family Residential District) to RE1 (Residential Estates 1 District) to allow for a single-family dwelling and detached garage at 16504 Iske Drive, legally described as Lot 1, Beranek Subdivision Replat 2 as surveyed, platted and recorded in Sarpy County, Nebraska. The property is generally located southwest of Hwy 75 and Pinecrest Road on Iske Drive.

Gerald S. & Gina L. Lofberg have submitted applications for consideration of Preliminary and Final Plats of a subdivision to be known as Little Big Place Addition Replat 1, being a platting of Lot 1, Little Big Place Addition, together with Tax Lot 6A and part of Tax Lot 7B1A located in Section 22, Township 14N, Range 10E of the 6th P.M. in Sarpy County, NE and an application for consideration of a Change of Zone from AGD (Agricultural Development District) to AG (Agricultural Farming District) at 9857 South 240th Street, legally described as Lot 1, Little Big Place Addition, as surveyed, platted and recorded in Sarpy County, NE. The property is generally located southeast of 240th Street and Cary Road.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE. 1750847; 4/30