BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA
APPROVE CHANGE OF ZONING

APPLICANT: Divine Shepherd Lutheran Church

CHANGE OF ZONING DESIGNATION FROM AG, AGRICULTURAL DISTRICT TO RE-2,
RESIDENTIAL ESTATES 2 (Divine Shepherd)

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, 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, 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; 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 application for a Change of Zone from AG, Agricultural District to RE-2, Residential Estates 2, for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located northwest of 168th Street and Giles Road and legally described as follows, hereinafter “the Property”:

Part Tax Lot 6 of the S ½ of the SE 1/4 of Section 16, Township 14N, Range 11E, 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. This Change of Zoning application has been submitted concurrently with an application for a Preliminary Plat at Resolution 2018- _____.

II. A Preliminary Plat shall become void after 12 months from the date of such approval unless the County Board has approved either (1) all of, or a portion of the Preliminary Plat as a Final Plat, or (2) a 12 month extension of the Preliminary Plat approval. Final Plats and Extension requests for the Preliminary Plat approval must be acted upon by the County Board no later than 12 months from the date of the Resolution approving said Preliminary Plat.

III. A public hearing regarding the Change of Zoning Application was held before the Sarpy County Planning Commission on August 15, 2017 and further, the Planning Commission gave their recommendation.
IV. A public hearing regarding the Change of Zoning Application was held by this Board.

V. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing and the proof of publication has been filed in the Office of the Sarpy County Clerk.

VI. The Planning Department staff made a recommendation as noted in the attached Exhibit “A”, which includes the Planning Department Report.

VII. The Change of Zoning 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 AG, Agricultural District to RE-2, Residential Estates 2 on the Property legally described above, consistent with the proposed lot designations described herein and in the Planning Department report and consistent with the following conditions:

1. The Change of Zoning shall only take effect on the Property, or with approval of a phased development on a portion of the Property, upon:
   (A) the Sarpy County Board’s approval of a Final Plat of the Property or a Final Plat of a portion of the Property and
   (B) the subsequent timely filing of said Final Plat with the Sarpy County Register of Deeds.

2. If a Final Plat of the Property, or a Final Plat of a portion of the Property, is not timely filed with the Sarpy County Register of Deeds, Sarpy County’s approval of the Change of Zoning application shall be withdrawn without further action by Sarpy County and the approval for this Resolution 2018-112 shall be void.

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 24th day of April, 2018.

Attest

Sarpy County Board Chairman

County Clerk
I. GENERAL INFORMATION

A. APPLICANT: Divine Shepherd Lutheran Church
   15005 Q Street
   Omaha, NE 68137

B. PROPERTY OWNER: Gene and Ila Mackey Family Trust
   8208 S 168th Street
   Omaha, NE 68136

C. SUBJECT PROPERTY LOCATION: Subject property is located northwest of 168th and Giles Road.

D. LEGAL DESCRIPTION: Part Tax Lot 6 of the S ½ of the SE 1/4 of Section 16, Township 14N, Range 11E, of the 6th P.M., Sarpy County, Nebraska.

E. SUBJECT PROPERTY SIZE: approximately 16.84 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   - Future Land Use Designation: Urban Residential
   - Zoning: AG (Agricultural).

G. REQUESTED ACTION(S): Approval of a Change of Zone from AG (Agricultural) to RE2 (Residential Estates – 2 Acres) and a Preliminary and Final Plat of a Subdivision to be known as Divine Shepherd located northwest of 168th and Giles Road.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Tillable farm ground with an existing single-family dwelling and accessory structures.

B. GENERAL VICINITY – FUTURE LAND USE (FLU) AND CURRENT ZONING (CZ)

<table>
<thead>
<tr>
<th>DIRECTION FROM SUBJECT PROPERTY</th>
<th>FUTURE LAND USE DESIGNATION (reference attached map)</th>
<th>CURRENT ZONING DESIGNATION (reference attached map)</th>
<th>SURROUNDING DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>Urban Residential</td>
<td>RS-72</td>
<td>Cedar Ridge Subdivision</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Urban Residential</td>
<td>RE2</td>
<td>Celebration Covenant Church</td>
</tr>
<tr>
<td>EAST</td>
<td>Urban Residential</td>
<td>RS-72</td>
<td>Millard Highlands South</td>
</tr>
<tr>
<td>WEST</td>
<td>Urban Residential</td>
<td>AG</td>
<td>Tillable farm ground</td>
</tr>
</tbody>
</table>

RD-50 = One and Two Family Residential
RE2 = Residential Estates-Two Acre Minimum
AG = Agricultural (20 plus acres)

C. RELEVANT CASE INFORMATION:
The applicant is proposing to subdivide the 16.84 acres into two buildable parcels and dedication of two public roadways with interior improvements including sanitary sewer, storm sewer, concrete streets, water, gas, and power.

- The larger lot on the north side of proposed Birch Street is proposed to be developed with a religious facility and the lot to the south will remain a residential lot for the foreseeable future.
- Both parcels will have access from Birch Street via 168th Street.
- The church parcel will also have access from 170th Street via the Cedar Ridge Subdivision.

D. APPLICABLE REGULATIONS:
- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations
  - Section 12, RE2, Residential Estates-2 acre minimum
- Sarpy County Subdivision Regulations

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:
The Sarpy County Comprehensive Plan shows the area as Urban Residential and the proposed development is consistent with such land use designation.

B. OTHER AGENCY REVIEW/COMMENTS: The applications were sent to various jurisdictional agencies and departments within Sarpy County that may have an interest. Those comments received are noted in the general comments below. All other agencies either had no comments or did not respond. Should any additional comments be received following the preparation of this report, they will be presented at the Public Hearing.

C. GENERAL COMMENTS:
- Change of Zone
  - Change of Zone to Residential Estates – 2 acre (RE2) from Agricultural (AG) is consistent with the Sarpy County Comprehensive Plan.
  - Applicant has agreed that the existing accessory structures, identified as A-F on the attached exhibit must be removed prior to any development. (Staff Comments to Engineer dated July 26, 2017)

- Preliminary/Final Plat
  - The preliminary and final plat proposes a two lot subdivision.
  - This property is proposed to be developed as a religious facility.
  - Sarpy County and the Developer have proposed a Development Agreement which has been submitted to Sarpy County Board of Commissioners for consideration.

IV. STAFF RECOMMENDATIONS:
Staff recommends APPROVAL of the application for a Change of Zone from AG (Agricultural) to RE2 (Residential Estates II) for the proposed subdivision to be known as Divine Shepherd as the proposal is in compliance with the Sarpy County Comprehensive Development Plan and the requirements of the Sarpy County Zoning Regulations.

Staff recommends APPROVAL of the Preliminary Plat of a subdivision to be known as Divine Shepherd, as the proposal meets the requirements of the Sarpy County Zoning and Subdivision Regulations.
Staff recommends **APPROVAL** of the Final Plat of a subdivision to be known as Divine Shepherd, as the proposal meets the requirements of the Sarpy County Zoning and Subdivision Regulations.

V. **PLANNING COMMISSION RECOMMENDATION:**
The Planning Commission held public hearings on these applications at their August 15, 2017 meeting and recommended **APPROVAL** to the County Board.

**MOTION:** Malmquist moved, seconded by Lichter to recommend **APPROVAL** of the Change of Zone from AG (Agricultural Farming District) to RE2 (Residential Estates II District) for the proposed subdivision to be known as Divine Shepherd. This recommendation is being made as the proposal is in conformance with the Sarpy County Comprehensive Plan and the requirements of the Sarpy County Zoning Regulations. **Ballot:** Ayes – George, Whitfield, Ackley, Giff, Korth, Malmquist and Lichter. Nays: None. Absent: Torczon, Sotak, Davis and Huddleston. **Motion carried.**

**MOTION:** Malmquist moved, seconded by Lichter to recommend **APPROVAL** of the Preliminary Plat of a subdivision to be known as Divine Shepherd. This recommendation is being made as the proposal meets the requirements of the Sarpy County Zoning and Subdivision Regulations. **Ballot:** Ayes – George, Whitfield, Ackley, Giff, Korth, Malmquist and Lichter. Nays: None. Absent: Torczon, Sotak, Davis and Huddleston. **Motion carried.**

**MOTION:** Malmquist moved, seconded by Lichter to recommend **APPROVAL** of the Final Plat of a subdivision to be known as Divine Shepherd. This recommendation is being made as the proposal meets the requirements of the Sarpy County Zoning and Subdivision Regulations. **Ballot:** Ayes – George, Whitfield, Ackley, Giff, Korth, Malmquist and Lichter. Nays: None. Absent: Torczon, Sotak, Davis and Huddleston. **Motion carried.**

VI. **ATTACHMENTS TO REPORT:**
1. Preliminary Plat
2. Final Plat
3. Vicinity Map - Current Zoning (showing subject property area)
4. Current Zoning Map (showing subject property area)
5. Future Land Use Map of the Sarpy County Comprehensive Plan (showing subject property area)

VII. **COPIES OF REPORT SENT TO:**
1. Divine Shepherd Lutheran Church (applicant)
2. Gene and Ila Mackey Family Trust (Owner)
3. Public Upon Request
Vicinity Map - Current Zoning

Part Taxlot 6 of the S1/2 of the SE1/4 of 16-14N-11E
Divine Shepherd
Current FLU - Sarpy Co

Part Taxlot 6 of the S1/2 of the SE1/4 of 16-14N-11E
Divine Shepherd

Legend

Land Use Proposed

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Color</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellevue Future Growth</td>
<td>Dark Red</td>
</tr>
<tr>
<td>Civic</td>
<td>Medium Red</td>
</tr>
<tr>
<td>Business Park</td>
<td>Light Red</td>
</tr>
<tr>
<td>Long Term Residential Growth</td>
<td>Medium Green</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Dark Green</td>
</tr>
<tr>
<td>Mixed Use Center</td>
<td>Light Green</td>
</tr>
<tr>
<td>New Richfield Village</td>
<td>Dark Blue</td>
</tr>
<tr>
<td>Park/School Site</td>
<td>Light Blue</td>
</tr>
<tr>
<td>Pflug Interchange Development</td>
<td>Dark Brown</td>
</tr>
<tr>
<td>Residential - Community Systems</td>
<td>Light Brown</td>
</tr>
<tr>
<td>Urban Residential</td>
<td>Dark Purple</td>
</tr>
<tr>
<td>Urban Residential II</td>
<td>Light Purple</td>
</tr>
<tr>
<td>Light Industrial/Storage</td>
<td>Light Gray</td>
</tr>
<tr>
<td>Cross County Arterial</td>
<td>Dark Gray</td>
</tr>
<tr>
<td>City Limit</td>
<td>Light Gray</td>
</tr>
<tr>
<td>City ETJ</td>
<td>Dark Gray</td>
</tr>
<tr>
<td>Highway Corridor Overlay</td>
<td>Light Gray</td>
</tr>
</tbody>
</table>

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

Amended 6-11-2015
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, August 15, 2017, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration Building, 1210 Golden Gate Drive, Papillion NE. A Public Hearing will be held on the following application:

Divine Shepherd Lutheran Church has submitted applications for consideration of a Change of Zone from AG to RE2, Preliminary Plat and Final Plat of a subdivision to be known as Divine Shepherd, Lots 1 and 2, being a platting of part Taxlot 6 of the south half of the southeast quarter of Section 16, Township 14N, Range 11E of the 6th P.M., Sarpy County, NE. Generally located northwest of S 16Btti Street and Giles Road.

Sarpy County Planning Department requests approval of text amendments to the following section of the Sarpy County Zoning Regulations: Section 36 - Wireless Tower Regulations.

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

8-2-17

THE DAILY RECORD
OF OMAHA
LYNDA K. HENNINGSSEN, Publisher
PROOF OF PUBLICATION

UNITED STATES OF AMERICA,
The State of Nebraska,
District of Nebraska,
County of Douglas,
City of Omaha,

J. BOYD

being duly sworn, deposes and says that she is
LEGAL EDITOR
of THE DAILY RECORD, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in Omaha, in said County of Douglas, for more than fifty-two weeks last past; that the printed notice hereto attached was published in THE DAILY RECORD, of Omaha, on August 2, 2017.

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska.

Additional Copies $ ______
Total $25.70

Notary Public in and for Douglas County,
State of Nebraska
STATE OF NEBRASKA  
County of Sarpy  

Being duly sworn, upon oath, Raylyn Ramsgard deposes and says that she is the Accounting Manager or Laura Estep-Bronk deposes and says that she is a Sales Representative or Ron Petak deposes and says that he is the Executive Editor 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

Wednesday, April 11, 2018
Gretna Breeze
Bellevue Leader
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.

Raylyn Ramsgard
Accounting Manager

OR

Ron Petak
Executive Editor

OR

Laura Estep-Bronk
Sales Representative

Today's Date
Signed in my presence and sworn to before me:

Notary Public

Printed Fee $16.76
Customer Number: 40638
Order Number: 0002090260

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, April 24, 2018, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration Building, 1210 Golden Gate Drive, Papillion, NE. A Public Hearing will be held on the following:

Divine Shepherd Lutheran Church has submitted applications for consideration of a Change of Zone from AG to RE2, Preliminary Plat, Final Plat of a subdivision to be known as Divine Shepherd, Lots 1 and 2, being a platting of part Taxlot 6 of the south half of the southeast quarter of Section 16, Township 14N, Range 11E of the 6th P.M., Sarpy County, NE. Generally located northwest of S 168th Street and Giles 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. 2390260; 4/11