BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

APPROVE PRELIMINARY PLAT – 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 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; and,

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

WHEREAS, the applicant, Divine Shepherd Lutheran Church applied for approval of a preliminary plat on 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.

WHEREAS, the Sarpy County Planning Department staff reviewed the application of the preliminary plat of a subdivision to be known as Divine Shepherd (Lots 1-2) for compliance with the Subdivision Regulations and made a recommendation of approval as noted in Exhibit A, attached hereto and incorporated by reference, which Exhibit A includes the Planning Department reports, the aerial map of the Property and a copy of the preliminary plat of the subdivision to be known as Divine Shepherd (Lots 1-2).

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

I. This Preliminary Plat application has been submitted concurrently with an application for a Change of Zoning at Resolution 2018-112. An approved Change of Zoning application only takes effect on the Property, or, in a phased development 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.

II. A public hearing regarding the approval of the preliminary plat was held on August 15, 2017 before the Sarpy County Planning Commission. The Planning Commission provided their recommendation to the County Board.
III. A public hearing regarding the approval of the preliminary plat was held by this County Board.

IV. 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.

V. The Planning Department staff recommends approval with some notations as described in the Planning Department report.

VI. The proposed preliminary plat of a subdivision to be known as Divine Shepherd 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 Divine Shepherd (Lots 1-2) and as further described in the attached Exhibit A is hereby approved subject to the following condition:

1. Without additional action by the County Board, approval of this Resolution 2018-113 shall become void after 12 months from the date of such approval unless either (A) the County Board has approved all of, or a portion of, the Preliminary Plat as a Final Plat, or (B) the County Board approves a twelve 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 this Resolution.

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
SEAL

Sarpy County Board Chairman

County Clerk
Sarpy County Board of Commissioners  
Exhibit “A”  
Planning Department Report  
County Board Meeting Date: April 24, 2018

<table>
<thead>
<tr>
<th>Subject</th>
<th>Type</th>
<th>By</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Public Hearings and Resolutions</td>
<td>Donna Lynam, CFM Assistant Director, Planning &amp; Building</td>
</tr>
</tbody>
</table>

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 two lot subdivision to be known as Divine Shepherd.

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.

**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
Subject Property
(Outlined in red)

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
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 16th 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
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 Pelak 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

Ron Pelak
Executive Editor

Laura Estep-Bronk
Sales Representative

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

Notary Public

NOTICE OF PUBLIC HEARING

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 Tax Lot 6 of the south half of the southeast quarter of Section 18, Township 14N, Range 11E of the 6th P.M., Sarpy County, NE. Generally located northwest of 316th 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.

Printer's Fee $16.76
Customer Number: 40638
Order Number: 0002090260

ELIZABETH M WHITE
My Comm. Exp December 22, 2018

GENERAL NOTARY - STATE OF NEBRASKA