

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

**RESOLUTION CHANGE OF ZONE**

**APPLICANT: ANN E. HIERONYMUS; CHANGE OF ZONE FROM**  
**BG, GENERAL BUSINESS TO RE2, RESIDENTIAL ESTATES II**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 1997), 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 1997), 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 (2004 Cum. Supp); and,

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

WHEREAS, Rebecca Horner, Planning Director has reviewed Ann E. Hieronymus's application for a Change of Zone from BG, General Business to RE2, Residential Estates II, for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as Tax Lot 7, located in Section 21, T13N R12 E 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 December 17, 2008 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 1997), and the proof of publication has been filed in the Office of the Sarpy County Clerk.
- IV. The Planning Director has made a recommendation of approval as noted in the attached Exhibit "A", which Exhibit "A" includes the Planning Director report and the Site Map of the subject property
- 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 BG, General Business to RE2, Residential Estates II on the above described property.

Dated this 13<sup>th</sup> day of January, 2009.

Moved by Rich Jansen seconded by Pat Thomas, that

the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

none

none

ABSTAIN:

none



[Signature]  
County Clerk

Approved as to form:

[Signature]  
County Attorney

Sarpy County  
County Board of Commissioners Report  
January 13, 2009

Subject	Type	By
Change of Zone from BG, General Business to RE2, Residential Estates on Tax Lot 7, located in Section 21, T13N R12E in Sarpy County Nebraska.	Resolution and public hearing	Rebecca Horner, Planning Director.

Synopsis

This is a request for approval of a change of zone at 15201 S. 108<sup>th</sup> Street generally located at 108<sup>th</sup> and Platteview Road.

- Comprehensive Development Plan
  - The Sarpy County Development Structure Plan indicates this area as Conservation Residential. (Figure 5.1). Projected land uses are identified as large-lot, estate, and acreage development.
- Zoning
  - The area is currently zone BG, General Business.
  - The existing use is currently a non-conforming use, meaning that if the use is discontinued or more than 50% of the market value is destroyed the use cannot be re-established.
  - The requested zone, RE2, Residential Estates, is in conformance with the Comprehensive Development Structure Plan.
  - The existing lot meets the minimum requirements of the RE2 zoning district. There are two existing accessory structures that currently do not meet the setback requirements of the BG zone. These would also be non-conforming structures since the structures do not meet the minimum setback requirements; however the impetus to the request was that the property owner desires to improve the accessory structures which would bring them into compliance.
- Planning Commission
  - Planning Commission voted unanimously (8-0) on December 17, 2008.

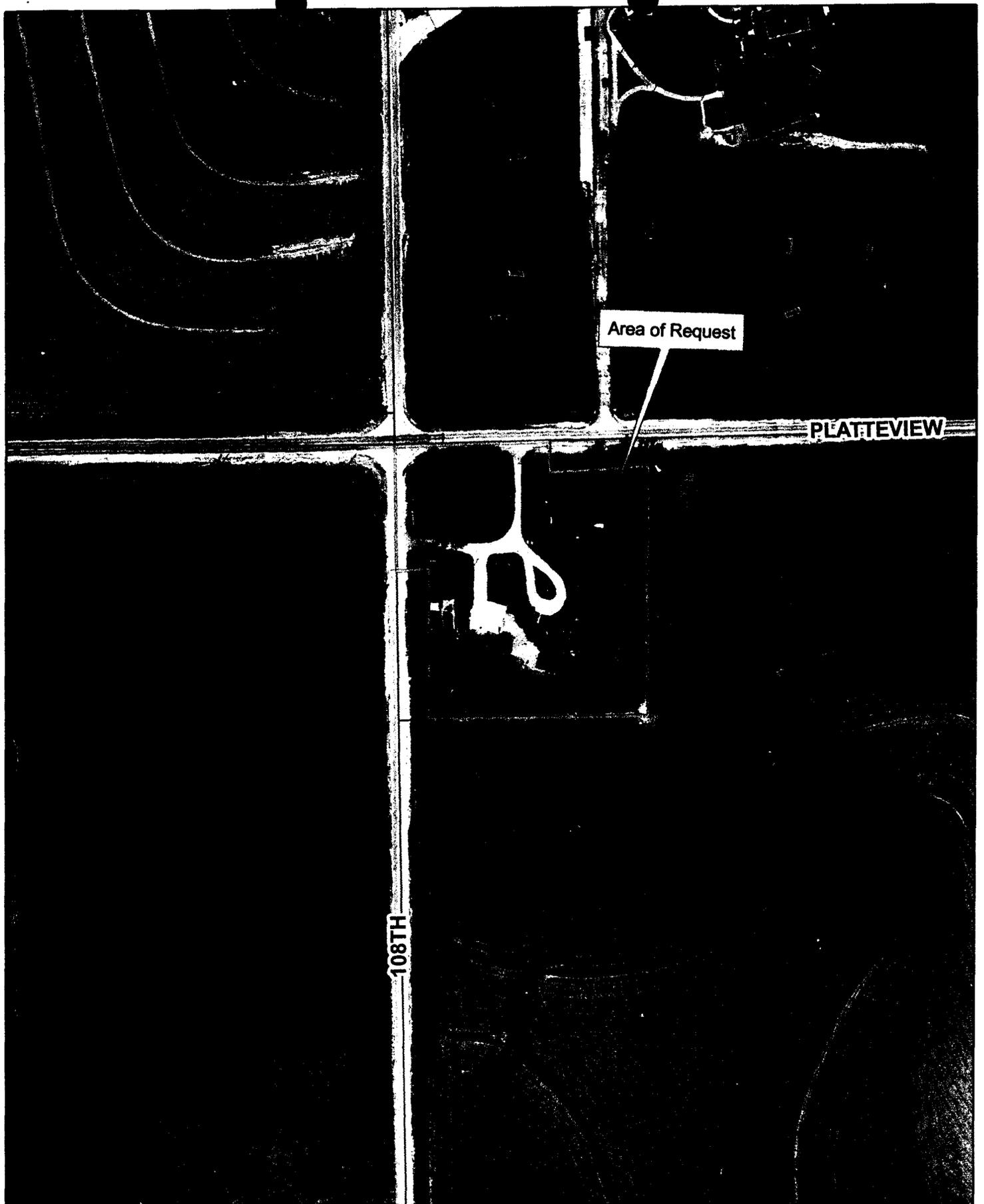
*Whitfield moved, seconded by Bliss to approve the zoning change from BG (General Business) to RE2 (Residential Estates II) as it conforms with the comprehensive plan of Sarpy County. Ayes – Bliss, Fenster, Gross, Krebs, Torczon, Wear, Wees, and Whitfield. Nays – None. Abstain – None. Absent – Dunbar, Gonzalez and Marquardt.*
- Planning Director Recommendation
  - Recommend approval due to compliance with the Comprehensive Plan.

Respectfully submitted by



Rebecca Horner  
Planning Director

Attachments: Exhibits



Change of Zone from BG to RE2  
Ann Hieronymus



1 inch = 200 feet

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SARPY COUNTY DEPARTMENT OF PLANNING

1210 GOLDEN GATE DRIVE, PAPIILLION, NE 68046  
PHONE: (402) 593-1555 FAX: (402) 593-1558  
REBECCA HORNER, DIRECTOR

PLANNING COMMISSION MEETING MINUTES

December 17, 2008

December 17, 2008

Sarpy County Board of Commissioners  
Sarpy County Courthouse  
1210 Golden Gate Drive  
Papillion, Nebraska 68046

To The Sarpy County Board of Commissioners:

The Sarpy County Planning Commission held a regular meeting on December 17, 2008, in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wees called the meeting to order at **7:00** p.m. with the following members present: Susan Bliss, Donald Fenster, Stacen Gross, Bill Krebs, Jerry Torczon, Alan Wear, Thomas Wees, and Doug Whitfield. Absent were: Courtney Dunbar, Greg Gonzalez, and Bernie Marquardt. Also in attendance were the staff members: Rebecca Horner, Planning Director, Michael Smith, Deputy County Attorney and Michelle Alfaro, Planning Assistant.

Chairman Wees noted that a copy of the Open Meeting Law is posted in the Board Room.

Chairman Wees asked for a motion to approve to agenda.

- *Bliss moved, seconded by Wear to adopt the agenda as stated. Ballot: Ayes- Bliss, Fenster, Gross, Krebs, Torczon, Wear, Wees, and Whitfield. Nays – none. Abstain – None. Absent – Dunbar, Gonzalez, and Marquardt. Motion carried.*

Chairman Wees asked for a motion to approve the November 19, 2008, minutes.

- *Wear moved, seconded by Bliss, to approve the minutes of the November 19, 2008, meeting as submitted, with the Planning Assistant to review Nicole O'Keefe's comment on page 10 and remove "direct staff to move forward" from Mr. Whitfield's motion to deny on page 10. Ballot: Ayes- Bliss, Gross, Krebs, Wear, Wees and Whitfield. Nays- none. Abstain –Fenster and Torczon. Absent – Dunbar, Gonzalez, and Marquardt. Motion carried.*

- I. **CONSENT AGENDA ITEMS:** *Note: All consent items are automatically approved when the consent agenda is approved unless removed by a board member. Removed items will be placed under Regular Agenda Items for action by the Planning Commission.*

*None.*

- II. **REGULAR AGENDA ITEMS:**

- A. **Ann Hieronymus**, 15201 S. 108<sup>th</sup> Street, requests approval for a Change of Zone from BG (General Business) to RE2 (Residential Estates), on the following described property, to wit: Tax Lot 7 located in the NW ¼ of Section 21, Township 13, Range 12 of the 6<sup>th</sup> P.M. Sarpy County, Nebraska. (108<sup>th</sup> & Platteview)

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Discussion:

Ms. Hieronymus, the property owner, came forward and asked the Commissioners if they had any questions.

Mr. Wees asked Ms. Horner for her comments.

Ms. Horner stated it was a request to change the zone from a General Business to Residential Estates. The applicant has an existing residence at the location and is a non-conforming use. The Comprehensive Plan calls for Conservation Residential, which was consistent with Residential Estates zoning. Ms. Horner stated the staff met with the applicant and determined the zoning most conforming with the comprehensive plan was the Residential Estates 2. The applicant submitted the request and it was brought forward for consideration.

Mr. Whitfield questioned if research was conducted to determine why it was zoned General Business.

Ms. Horner stated research was done, but there was not information found in regard to the history of the property. Ms. Horner stated that some time in the past there may have been some sweeping zoning changes by the Planning and Building Director at the time.

Ms. Hieronymus stated she has lived at the residence for thirty years.

**\*Public Hearing closed at 7:15 P.M.\***

- *Whitfield moved, seconded by Bliss to approve the zoning change from BG(General Business) to RE2 (Residential Estates II) as it conforms with the comprehensive plan of Sarpy County. Ayes – Bliss, Fenster, Gross, Krebs, Torczon, Wear, Wees, and Whitfield. Nays –None. Abstain – none. Absent –Dunbar, Gonzalez, and Marquardt. **Motion carried.***

**III. CORRESPONDENCE:**

**Discussion of updated Zoning/Subdivision Regulations**

Ms. Alfaro provided the Commissioners with the amended zoning and subdivision regulations that were adopted by the County Board on 12-09-2008. Section 6 of the Subdivision Regulations, Preliminary Plat and Supplemental Data did not contain the minor language change that the County Board approved and will be supplied to the Planning Commissioners by mail.

**Discussion of Planning Commission Pay Roll**

Ms. Alfaro discussed the pay claim process and what the commissioners were entitled to per state statute.

Mr. Fenster stated there should be uniformity and consistency in the submittal of pay claims.

Mr. Wees questioned the history behind pay claims.

Ms. Alfaro stated the research that Brian Hanson conducted in 2007 and what the County Board approved by resolution in 2007.

Mr. Wees stated someone could potentially take advantage of the system.

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Ms. Alfaro stated the state set a limit of \$1,000 as a maximum earning per year and the County Board set a maximum of three days per month, at \$15.00 per day, which is under the \$1,000.00 maximum.

Mr. Fenster questioned if the NPZA conference was included in the \$1,000.00 maximum.

Ms. Alfaro stated that the NPZA conference was included in a different budget and would not be included in the \$1,000.00 maximum.

Ms. Horner confirmed it comes from a different budget.

Ms. Alfaro requested the pay claims from the Commissioners for processing.

**IV. ADJOURNMENT:**

Being no further discussion, *Wear moved, seconded by Bliss to adjourn the meeting.* By a unanimous oral vote, Chairman Wees declared the meeting adjourned at 7:28 p.m.

Respectfully Submitted,

Tom Wees, Chairman  
Michelle Alfaro, Planning Assistant

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**SHERIFF COUNTY BOARD OF COMMISSIONERS**

**JANUARY 13, 2009**

**CHANGE OF ZONE APPLICATION FROM R2 TO R12 - TAX LOT 7  
LOCATED IN THE NW 1/4 OF SECTION 21, TOWNSHIP 13, RANGE  
12 - ANN ARBOR TOWNSHIP, 15201 S ANN STREET  
(APPROXIMATELY 100' x PLATENEWING)**



# SARPY COUNTY PLANNING

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

## CHANGE OF ZONE APPLICATION

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

1. Submit complete Change of Zone Application
2. Submit Non-Refundable Fee of \$ 200.00 made payable to Sarpy County Treasurer
3. Copy of Deed on file with Register of Deeds (showing applicant as owner)

N/A A. 25 full size site plan drawings (folded)  
 N/A B. 1 reduced size sit plan drawing (8.5 x 11)  
 N/A B. Detailed operational plans

### PLANNING STAFF USE ONLY:

APPLICATION NO.: CZ 08-0054  
 DATE RECEIVED: 10/29/08  
 CP DESIGNATION: Estate Residential  
 ZONING DESIGNATION: B6  
 FEE: \$200.00 RECEIPT NO. 0016229  
 RECEIVED BY: Michelle M

NOTES:  
 - received app  
 - Chk  
 - Need Deed

### APPLICANT INFORMATION:

CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Ann Hieronymus

E-MAIL: \_\_\_\_\_

ADDRESS: 15201 S. 108th St.

CITY/STATE/ZIP: Springfield, NE 68059

MAILING (IF DIFFERENT)

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: 402-592-3286

FAX: \_\_\_\_\_

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

Please check box if attaching separate sheet with owner information.

NAME: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

MAILING (IF DIFFERENT)

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

### ENGINEER INFORMATION:

NAME: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

MAILING (IF DIFFERENT)

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_

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.

Property is currently zoned BG but is residential use.

**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:** 010945202

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

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

TAX LOT 7 S-T-R 21-13-12

**GENERAL PROPERTY LOCATION:** 108th & Platteview **ACRES:** 3.55

**CURRENT ZONING:** BG **REQUESTED ZONING:** RETI

**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.

Ann E. Hieronymus  
Owner Signature (or authorized agent)

10-29-08  
Date

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

\_\_\_\_\_  
Date

**SARPY COUNTY  
PLANNING COMMISSION  
STAFF REPORT  
DECEMBER 17, 2008 AGENDA  
CHANGE OF ZONE – ANN HIERONYMUS 15201 S. 108<sup>TH</sup> STREET**

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Ann Hieronymus  
15201 S. 108<sup>th</sup> Street  
Springfield, NE 68059

**B. LEGAL DESCRIPTION:**

Tax Lot 7, located in Section 21, T13N R12E located in Sarpy County Nebraska. Generally located on the southeast corner of 108<sup>th</sup> and Platteview Road.

**C. REQUESTED ACTION:**

Change the zone from BG, General Business to RE2, Residential Estates.

**II. BACKGROUND INFORMATION**

**A. COMPREHENSIVE PLAN SPECIFICATIONS:**

The Comprehensive Plan indicates the future land use as Conservation Residential. (Figure 5.1)

Conservation development is applied to the protection of sensitive environments or the preservation of open space. The potential yield of a parcel is determined by the underlying densities permitted by the zoning district. Features on the site that are most sensitive are preserved as open space, while development is clustered in areas that are relatively less sensitive. (page 52)

The lot is located in the Platteview South development district (Figure 4.6). Projected land uses are identified as large-lot, estate, and acreage development. Some areas may remain in open and agricultural uses. Special environmental review is required of individual and community wastewater systems because of proximity to the Platte River and presence of hydric soils. (Table 4.3)

**B. EXISTING CONDITION OF SITE:** Existing estate residential.

**C. GENERAL VICINITY AND LAND USE:**

Platteview High School zoned AG, Agricultural to the north.  
Undeveloped, zoned to the south.

Undeveloped, zoned RS-100, Residential and BG, General Business to the east.  
Undeveloped, zoned RS-100, Residential and BG, General Business to the west.

**D. RELEVANT CASE HISTORY:**

The property owner met with Planning Department staff regarding the movement of accessory buildings on the lot. The existing use was determined to be non-

conforming since residences are not a permitted use in the BG district. The property owner decided to request a change of zone to REII in order to bring the use into compliance with the zoning district.

**E. APPLICABLE REGULATIONS:**

Zoning Regulations and Comprehensive Plan.

**III. ANALYSIS AND DEVELOPMENT ALTERNATIVES**

**A. STAFF COMMENTS:**

- a. This is a request to change the zone from BG, General Business to RE2, Residential Estates in order to make the existing use in conformance with the Zoning Regulations.
- b. Planning Department staff researched the property but was unable to find the change of zone that caused the zoning to change from residential to business. It appears from the existing zoning that the zoning was changed to business along the Platteview Road corridor.
- c. The requested RE2 zoning is in conformance with the designated future land use of the Comprehensive Plan.
- d. The existing lot meets the minimum requirements of the RE2 zoning district. There are two existing accessory structures that currently do not meet the setback requirements of the BG zone. These would also be non-conforming structures since the structures do not meet the minimum setback requirements; however the impetus to the request was that the property owner desires to improve the accessory structures which would bring them into compliance.
- e. While new development would need to evaluate community wastewater and well systems, this is an established use with existing wastewater and well systems.
- f. No comments were received by the County Surveyor or the Papio-Missouri River Natural Resources District.

**III. RECOMMENDATION**

Approval due to finding the request in conformance with the Comprehensive Plan.

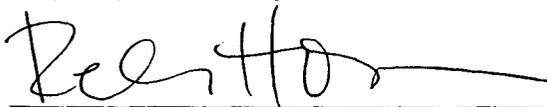
**IV. COPIES OF REPORT TO:**

Applicant  
Public upon request

**V. ATTACHMENTS:**

Application  
Aerial

Report prepared by:



Rebecca Horner, Planning Director

**Michelle Alfaro**

---

**From:** Nicole O'Keefe  
**Sent:** Monday, November 24, 2008 9:54 AM  
**To:** Michelle Alfaro  
**Subject:** RE: Zoning Review - Change of Zone Application

Hi Michelle,

I see no legal issues at this time.

Regards,

Nicole O'Keefe  
Deputy County Attorney, Sarpy County  
1210 Golden Gate Drive  
Papillion, NE 68046  
Phone: 402-593-2230  
Fax: 402-593-4359  
[nokeefe@sarpy.com](mailto:nokeefe@sarpy.com)

NOV 24 2008

SARPY COUNTY  
PLANNING DEPARTMENT

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**From:** Michelle Alfaro  
**Sent:** Monday, November 17, 2008 10:08 AM  
**To:** Michelle Alfaro  
**Subject:** Zoning Review - Change of Zone Application

Please review the attached change of zone application and submit any comments you may have no later than **Wednesday November 26, 2008.**

Thank you,

*Michelle Alfaro*  
Planning Assistant  
Sarpy County Planning Department  
1210 Golden Gate Drive,  
Papillion, NE 68046  
Office: 402-593-1555  
Fax: 402-593-1558





# 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 Paul Swanson deposes and says that he is the Marketing Director of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, a legal newspaper with a bonafided circulation of 300 copies published in Bellevue, Papillion, Gretna and Springfield, Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice: that said publications are of general circulations: that the attached notice was published 1 times on:

**Wednesday, December 31, 2008**

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  
Publisher

OR

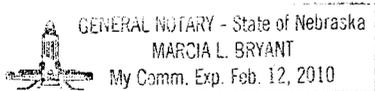
Paul Swanson  
Marketing Director

Today's Date 12-29-2008

Signed in my presence and sworn to before me:



Notary Public



## SARPY COUNTY DEPARTMENT OF PLANNING

Sarpy County Courthouse  
1210 Golden Gate Drive  
Papillion, Nebraska 68046  
Phone (402) 593-1555  
Fax (402) 593-1558  
Rebecca Horner, Director

## 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, January 13, 2008, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Ann Hieronymus, 15201 S. 108th Street, requests approval for a Change of Zone from BG, (General Business) to RE2, (Residential Estates), on the following described property, to wit: Tax Lot 7 located in the NW 1/4 of Section 21, Township 13, Range 12 of the 6th P.M. Sarpy County, Nebraska. (108th & Platteview)  
11982537-12/31

Printer's Fee \$ 12.41

Customer Number: 0003985

Order Number: 11982537