

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

**RESOLUTION: SPECIAL USE PERMIT**  
**DONALD W. GRAY; LOT 15 VILLA SPRINGS**

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 Special Use Permits; and

WHEREAS, Rebecca Horner, Planning Director has reviewed Donald W. Gray's application for a Special Use Permit for recreational vehicle storage and a single family residence on the property legally described as follows:

Lot 15, Villa Springs in the Southwest Quarter of Section 31, Township 13N, Range 12E of the 6<sup>th</sup> P.M., Sarpy County.

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 Special Use Permit Application was held before the Sarpy County Planning Commission on April 15, 2009 and further, the Planning Commission gave their recommendation.

- II. A public hearing regarding the Special Use Permit 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 as noted in the attached Exhibit "A", which Exhibit "A" includes the Planning Director report.
- V. The Special Use Permit 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 Special Use Permit for recreational vehicle storage and a single family residence on the above described property.

Dated this 21st day of April, 2009.

Moved by Tom Richards seconded by Rich Jansen, 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 Board of Commissioners Report  
April 21, 2008

Exhibit A

Subject	Type	By
This is a request for a Special Use Permit for recreational vehicle storage and a single family residence in conjunction with a principal use on property legally described as Lot 15, Villa Springs in the Southwest Quarter of Section 31, Township 13N, Range 12E of the 6 <sup>th</sup> P.M., Sarpy County	Resolution and public hearing	Rebecca Horner, Planning Director

This is a request for approval of Special Use Permit for recreational vehicle storage and a residence in conjunction with a primary use generally located east of 132<sup>nd</sup> Street south of Buffalo Road in Villa Springs in order to bring the existing non-conforming uses into conformance.

- History of Request
  - The existing Residence and storage building built in 1987. Additional storage buildings were constructed in 1991 and 2004.
  - A request for a flood plain development permit was submitted for an additional storage building. It was determined by the Planning Department that the existing uses are non-conforming uses. The applicant was contacted and made aware of the situation and options were discussed with the owner.
- Comprehensive Development Plan & Zoning
  - The Comprehensive Plan shows the area as Greenway. (Figure 5.1)
  - The existing zoning is BG, General Business
- Special Use Permit
  - The area is developed with an existing single family residence, two storage buildings and a garage. The lot is part of the Villa Springs lakefront development. The applicant indicated the existing storage is used by the adjacent lakefront property owners for storage of recreational vehicles such as boats.
  - The existing use is located on a lot that is on the edge of the Villa Springs neighborhood and takes access to 132<sup>nd</sup> Street south of Buffalo Road.
  - The BG district allows for the following Permitted Special Uses:
    - Motorcycle and boat sales and service;
    - Residences in conjunction with the principal use.
    - The definition of motorcycle sales, rental and service is divided into several parts, one of which is equipment rental and sales. Equipment rental and sale includes storage.
  - The existing use has been operating at since 1987 and has expanded several times. There are two existing storage buildings, a garage and a residence on the property. Lot coverage may not exceed 70% and the proposed addition is within the allowed area for the use however the site appears to be maximized if the proposed addition is approved.
  - The existing residence is intended to be used by a caretaker for the principal use.
  - Staff is unaware of adjacency issues with the existing neighborhood.
- Planning Commission Action
  - The Planning Commission voted unanimously (10-0) to recommend approval of the special use permit on April 15, 2009
- *Dunbar moved, seconded by Gonzalez to approve the request for a Special Use Permit for the property located at 18201 S 132<sup>nd</sup> Street as it meets the comprehensive plan and zoning regulations. Ayes – Bliss, Dunbar, Gonzalez, Gross, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield Nays: None Abstain – none. Absent – Fenster. Motion Carried.*
- Recommendation
  - I recommend approval to the special use permit for storage of recreational vehicles and a residence in conjunction with a principal use due to compatibility with the Comprehensive Plan and Zoning Regulations.

Respectfully submitted by:

Rebecca Horner, Planning Director



# Additional Information

**SARPY COUNTY BOARD OF COMMISSIONERS**

**APRIL 21, 2009**

**SPECIAL USE PERMIT**

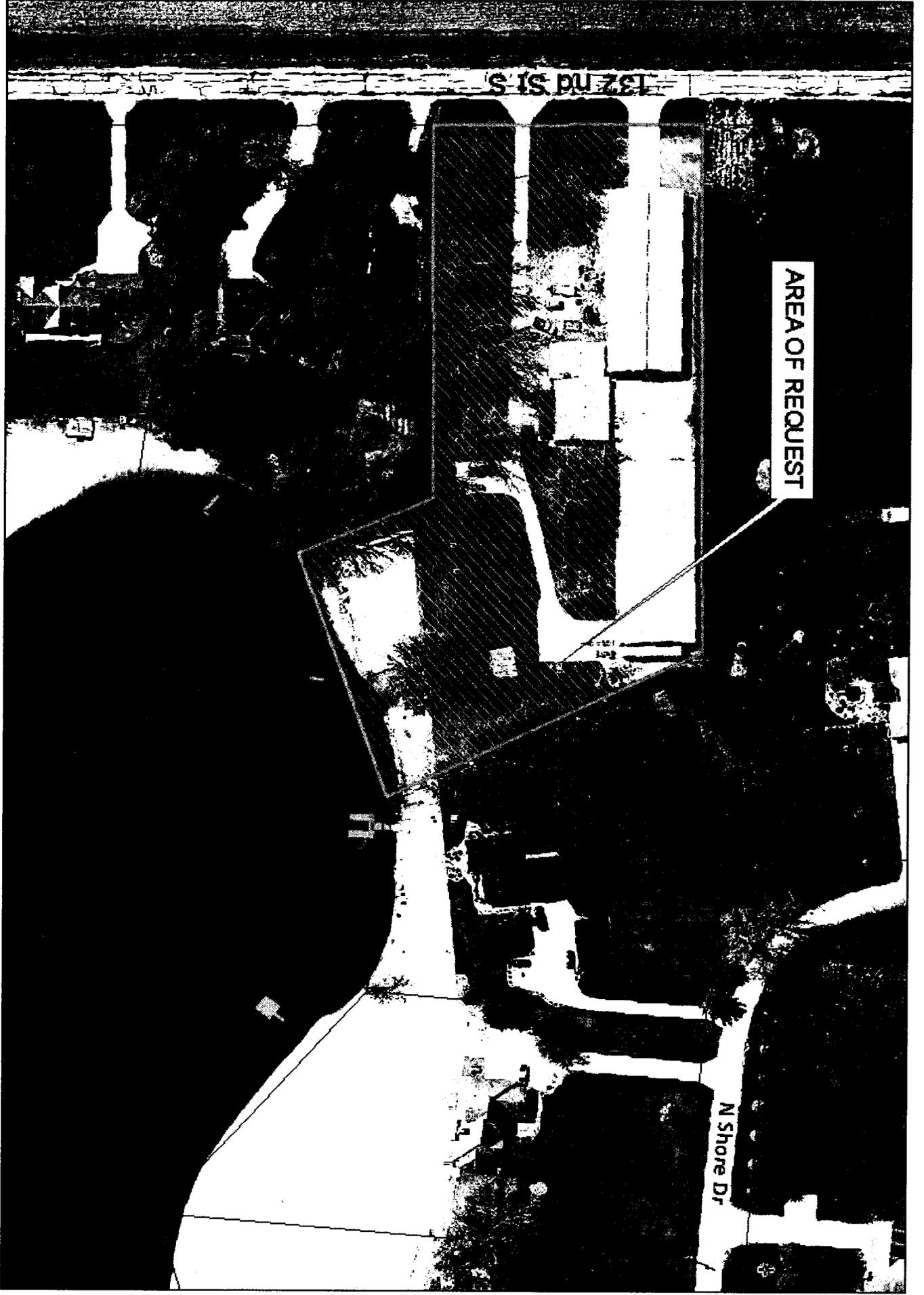
**DONALD GRAY**

AREA OF REQUEST

N Shore Dr

132nd St S

**DONALD W. GRAY**  
18201 S 132nd Street  
Special Use Permit



18201 So. 132nd

Villa Springs  
Lot # 15

N  
+  
E  
S

213'

310'

Driveway

283'

496'

220'

113'

40'

38'

garage

Office

40'

50'

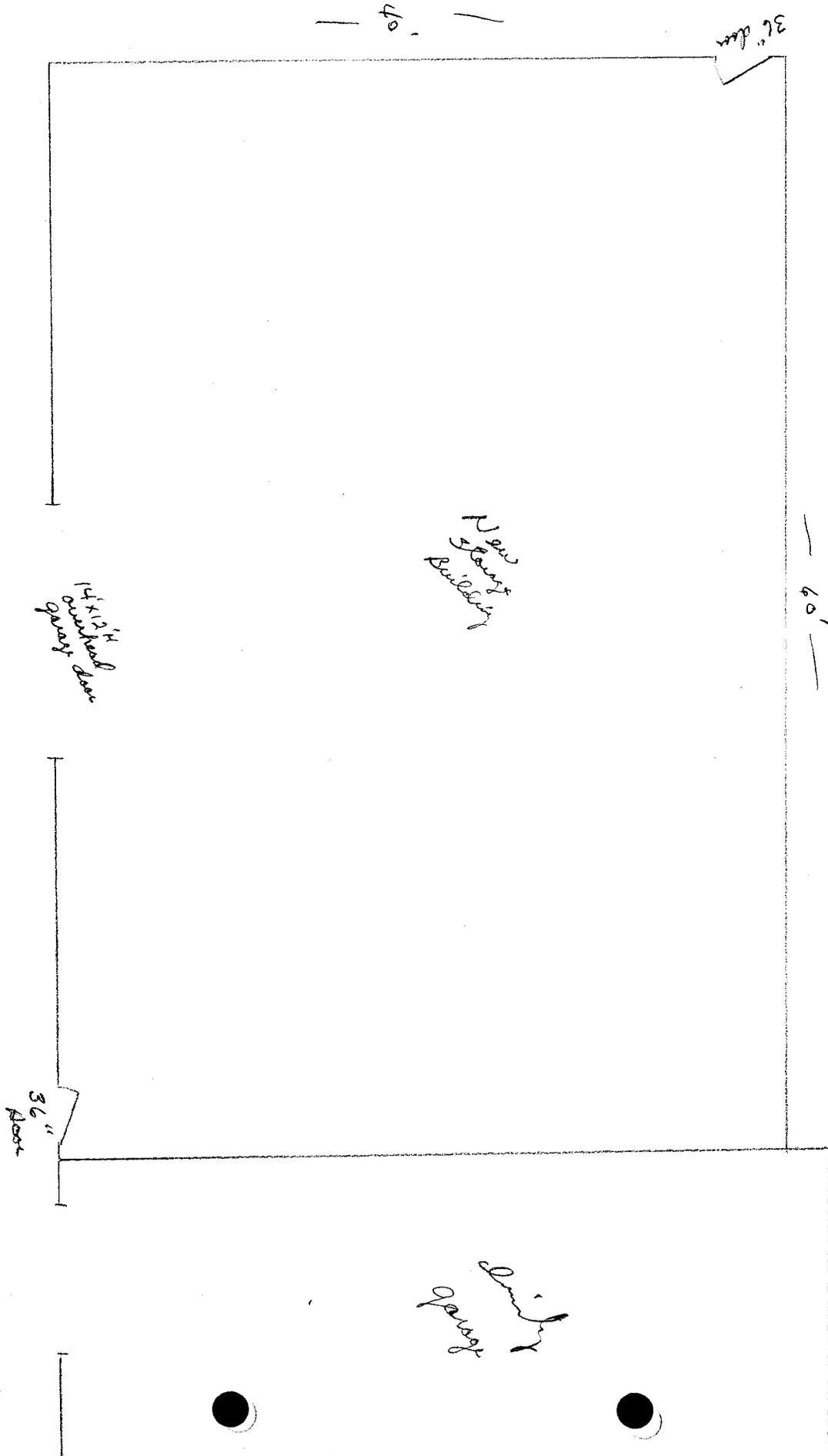
New Storage Building

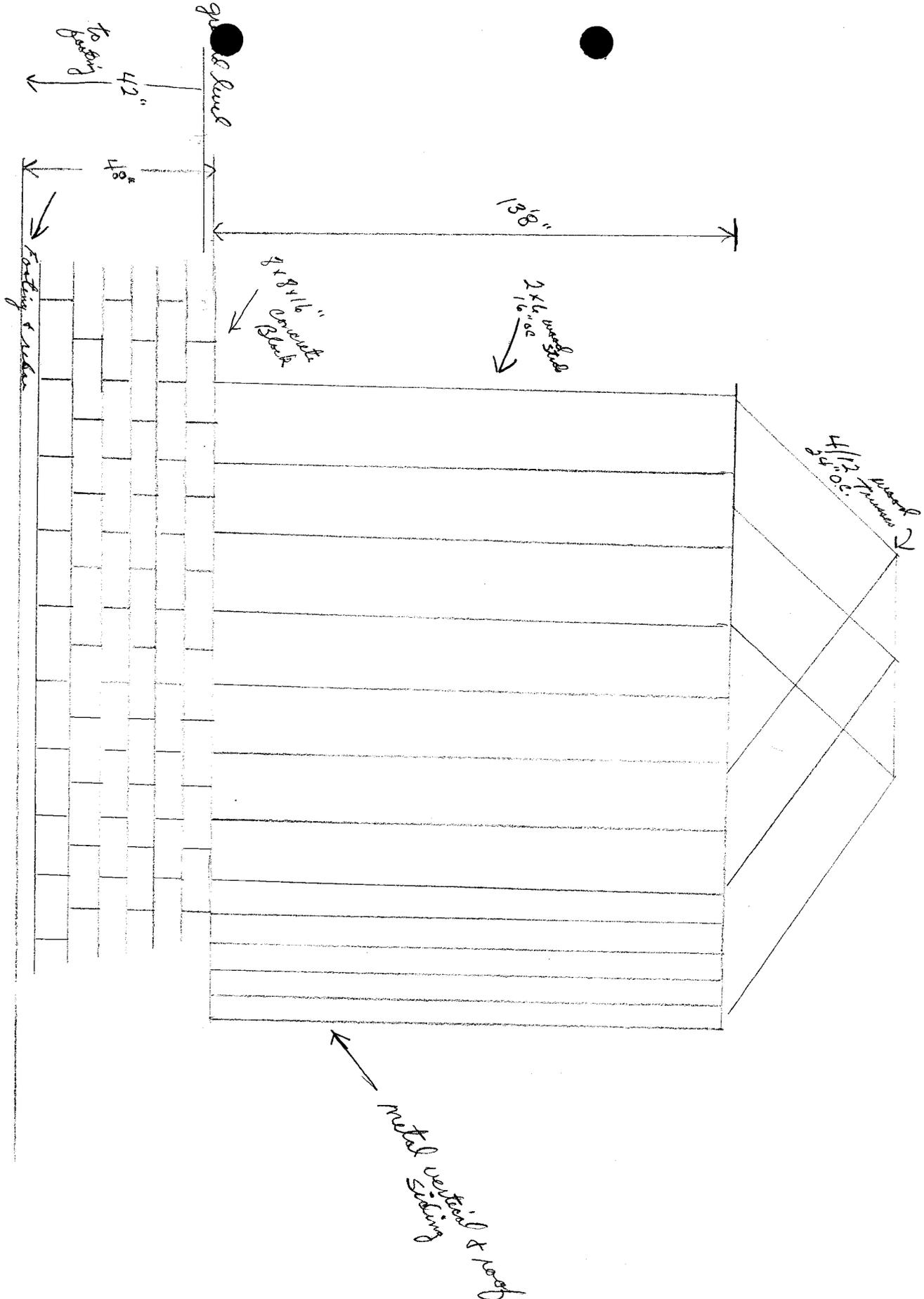
60'

60' x 150'  
pole barn

40' x 150'  
pole barn

Driveway







# 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)

MAR 25 2009

## SPECIAL USE PERMIT APPLICATION

SARPY COUNTY  
PLANNING DEPARTMENT

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

1. Submit complete Special Use Permit Application
2. Submit Non-Refundable Fee of \$250.00 made payable to Sarpy County Treasurer
3. 25 full sized site plan drawings (Folded)
4. 1 reduced size site plan drawing (8.5 x 11)
5. Detailed operational plans

### PLANNING STAFF USE ONLY:

APPLICATION NO.: SUP 09-0004  
 DATE RECEIVED: 3/25/09  
 CP DESIGNATION: Greenway  
 ZONING DESIGNATION: B5-FP  
 FEE: \$ 250.00 RECEIPT NO. /  
 RECEIVED BY: RH

NOTES:  
use site plan from FPD-

### APPLICANT INFORMATION:

NAME: DONALD W GRAY

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

ADDRESS: 18201 S. 132nd St  
Springfield, Ne 68059

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

MAILING (IF DIFFERENT)  
ADDRESS: 18102 N. Howe Dr  
Springfield Ne 68059

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

PHONE: 402 253 2855  
cell 402 699-0045

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.

2022 & 2026 Adding storage to store boats, RV and  
Pontoon Boats,

**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:)

Lot 59, Villa Springs, Sarpy County

**GENERAL PROPERTY LOCATION:** 132nd & Buffalo Road

**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 Special Use 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.

Donald W. Gray  
Owner Signature (or authorized agent)

3-25-9  
Date

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

\_\_\_\_\_  
Date

**SARPY COUNTY  
PLANNING COMMISSION  
STAFF REPORT  
APRIL 15, 2009  
SPECIAL USE PERMIT  
DONALD GRAY  
SUP 09-0004**

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Donald Gray  
18201 S. 132<sup>nd</sup> Street  
Springfield, NE 68059

**B. PROPERTY OWNER:**

Donald Gray  
18201 S. 132<sup>nd</sup> Street  
Springfield, NE 68059

**C. LOCATION:**

132<sup>nd</sup> & Buffalo Road

**D. LEGAL DESCRIPTION:**

Lot 15 Villa Springs located in the SW ¼ of Section 31 Township 13 and Range 12 of the 6<sup>th</sup> P.M. Sarpy County, Nebraska.

**E. REQUESTED ACTION:**

- To approve a Special Use Permit to add a new storage building to store boats, RV's and pontoon boats and to continue an existing residence in conjunction with a primary use.

**F. EXISTING ZONING AND LAND USE:**

BG, General Business in the Flood Plain District

**G. SIZE OF SITE:**

2.87 acres, more or less.

**II. BACKGROUND INFORMATION**

**A. COMPREHENSIVE PLAN SPECIFICATIONS:**

The Comprehensive Plan shows the area as Greenway. (Figure 5.1)

**B. EXISTING CONDITION OF SITE:** Developed with an existing single family residential and storage buildings.

**C. GENERAL VICINITY AND LAND USE:** Developed with seasonal and single family homes at the Villa Springs Lake to the north, east, and south. Undeveloped IL, Light Industrial to the north and west.

**D. RELEVANT CASE HISTORY:**

Residence and storage building built in 1987. Additional storage buildings added in 1991 and 2004.

A request for a flood plain development permit was submitted for an additional storage building. It was determined by the Planning Department that the existing uses are non-conforming uses. The applicant was contacted and made aware of the situation and options were discussed with the owner.

**E. APPLICABLE REGULATIONS:**

Zoning Regulations and Comprehensive Plan.

**III. ANALYSIS AND DEVELOPMENT ALTERNATIVES  
STAFF COMMENTS:**

**A. REQUEST:** This is a request to approve a special use permit to allow storage of boats and similar recreational vehicles as well as permit the existing single family residence in conjunction with a primary use to continue.

**B. LAND USE/COMPREHENSIVE PLAN:** The Comprehensive Plan indicates the area as Greenway. (Figure 5.1) 132<sup>nd</sup> Street and Buffalo Road are classified as local roads in the Functional Road Classification. (Figure 6.1)

**C. GENERAL:**

1. The applicant indicated the existing storage is used by the adjacent lakefront property owners for storage of recreational vehicles such as boats. The applicant indicated there is an existing residence used in conjunction with the storage use.
2. The existing use is located on a lot that is on the edge of the Villa Springs neighborhood and takes access to 132<sup>nd</sup> Street south of Buffalo Road.
3. The BG district allows for the following Permitted Special Uses:
  - a. Motorcycle and boat sales and service;
  - b. Residences in conjunction with the principal use.
4. The definition of motorcycle sales, rental and service is divided into several parts, one of which is equipment rental and sales. Equipment rental and sale includes storage.
5. The proposed use may be defined in two ways; warehousing or as part of the special use permit to allow for some storage as part of the sales and service definition. The proposed use does not presently rent any recreational vehicles.

6. The existing use has been operating at since 1987 and has expanded several times. There are two existing storage buildings, a garage and a residence on the property. Lot coverage may not exceed 70% and the proposed addition is within the allowed area for the use however the site appears to be maximized if the proposed addition is approved.
7. The existing residence is intended to be used by a caretaker for the principal use. It appears the property owner has a different mailing address than the property address and needs to verify that the existing residence is used as a caretaker's residence.
8. Staff is unaware of adjacency issues with the existing neighborhood. Staff received one call from the homeowner's association representative but has not received comments in writing. If there have been adjacency issues in the past staff does not support the expansion of the existing non-conforming use.

**IV. RECOMMENDATION:** Approval to the Special Use Permit for storage of recreational vehicles and a residence in conjunction with a principal use.

**V. COPIES OF REPORT TO:**

Applicant  
Public upon request

**VI. ATTACHMENTS:**

Application  
Site Plan  
Aerial

Report prepared by:



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Rebecca Horner, Planning Director

**Michelle Alfaro**

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**From:** Tom Lynam  
**Sent:** Thursday, March 26, 2009 10:45 AM  
**To:** Michelle Alfaro  
**Subject:** RE: Zoning Review - Special Use Permit - Donald Gray

Michelle:

No comment on this Special Use Permit

MAR 26 2009

SARPY COUNTY  
PLANNING DEPARTMENT

Tom Lynam

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**From:** Michelle Alfaro  
**Sent:** Thursday, March 26, 2009 9:34 AM  
**To:** Mark Wayne; Scott Bovick; Brian Hanson; Nicole O'Keefe; Tom Lynam; Eric Herbert; Nikki Lampe; Grint, Amanda; Laster, Lori; Jeff Davis; Acers, Thomas; jeff\_loll@mudnebr.com; Mark Stursma; Michelle Wehenkel; 'MBaker@ci.la-vista.ne.us'; 'donna@cityofgretna.com'; 'kathleencityofspringfield@yahoo.com'; Shewchuk, Chris; Jason Lutz (lutzrepair402@msn.com); South Sarpy School District (cchevalier@esu3.org)  
**Cc:** Michelle Alfaro  
**Subject:** Zoning Review - Special Use Permit - Donald Gray

Hello,

Please review the attached request for a special use permit and provide comments no later than **Friday April 3, 2009**.

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

 Please don't print this e-mail unless it is necessary

**Michelle Alfaro**

---

**From:** Donna Lynam [Donna@cityofgretna.com]  
**Sent:** Thursday, March 26, 2009 11:14 AM  
**To:** Planning Department  
**Subject:** Donald Gray Lot 59 Villa Springs

The City of Gretna has no comment on this application.

MAR 26 2009

SARPY COUNTY  
PLANNING DEPARTMENT

*Donna Lynam*  
**Zoning Admin/Building Insp**  
**City of Gretna**  
**P O Box 69**  
**Gretna, NE 68028**  
**(402)332-3336 x202**  
**donna@cityofgretna.com**

C10

March 11, 2009

Rebecca Horner, Director  
Sarpy County Planning Department  
1210 Golden Gate Drive  
Papillion, NE 68046

APR 8 2009

SARPY COUNTY  
PLANNING DEPARTMENT



RE: Donald Gray-18201 S. 132<sup>nd</sup> St. Application for Special Use Permit

Dear Ms. Horner:

The District received an application for a Special Use Permit, dated March 25, 2009 on Lot 15 in Villa Springs located at 18201 S. 132<sup>nd</sup> Street in Springfield, Nebraska to store boats and recreational vehicles. The District has no objections to this application.

If you have any questions or concerns, please contact me at 444-6222 or at [llaster@papionrd.org](mailto:llaster@papionrd.org).

Sincerely,

Lori Ann Laster  
Stormwater Management Engineer

Cc: Donald Gray, Applicant, 18102 North Shore Drive, Springfield, NE 68059  
Amanda Grint, PMRNRD

Z:\laster\My Documents\Permit-Zoning Reviews\Sarpy County\Plat 884\18201 S. 132nd St. Special Use Permit.docx  
Plat: 884

# AFFIDAVIT OF PUBLICATION

State of Nebraska}

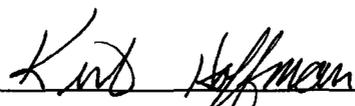
ss.

County of Sarpy}

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager 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, April 8, 2009**

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 Kirk Hoffman  
Publisher Business Manager

Today's Date 04-06-2009  
Signed in my presence and sworn to before me:

  
\_\_\_\_\_  
Notary Public

**KIMBERLY A. DICKMAN**  
General Notary  
State of Nebraska  
My Commission Expires Mar 27, 2012

Printer's Fee \$ 24.82  
Customer Number: 000947  
Order Number: 11991760

**SARPY COUNTY  
DEPARTMENT OF PLANNING**  
Sarpy County Courthouse  
1210 Golden Gate Drive  
Papillion, Nebraska 68046  
Phone (402) 593-1555 - Fax (402)  
593-1558  
Rebecca Homer, 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, April 21, 2009, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.  
**370 Express, 11108 Sapp Bros Drive,** requests approval of a Special Use Permit for retail alcohol sales on the following described property, to wit: Tax Lot 11, a tax lot in the SE 1/4 of Section 27 Township 14 and Range 11 of the 6th P.M. Sarpy County, Nebraska. (Hwy 370 & Sapp Bros Drive)  
**Robert E. Bollish, 12760 S 234th Street,** requests approval of a Special Use Permit for a private barn for animals on the following described property, to wit: Lot 2 Riverview Acres II and Lot 1 Riverview Acres, all located in the SW 1/4 of Section 3 Township 13 and Range 10 of the 6th P.M. Sarpy County, Nebraska. (234th & Capehart Road)  
**Donald W. Gray, 18201 S. 132nd Street,** requests approval of a Special Use Permit for a residence and recreational vehicle sales and service on the following described property, to wit: Lot 15, Villa Springs in the SW 1/4 of Section 31 Township 13 and Range 12 of the 6th P.M. Sarpy County, Nebraska. (132nd & Buffalo Rd)  
**Ray Anderson, 9501 S. 145th Street,** requests approval of a Change of Zone from IL (Light Industrial) to BG

County Zoning Regulations.  
11991760. 4/8

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 Kirk Hoffman deposes and says that he is the Business Manager 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, April 1, 2009

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above knowledge.

[Handwritten signature of Kirk Hoffman]

Shon Barenklau  
Publisher

OR Kirk Hoffman  
Business Manager

Today's Date 03-31-2009

Signed in my presence and sworn to before me:

[Handwritten signature of Kimberly A. Dickman]

Notary Public

KIMBERLY A. DICKMAN  
General Notary  
State of Nebraska  
My Commission Expires Mar 27, 2012

Printer's Fee \$ 29.10

Customer Number: 000947

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, April 15, 2009, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.  
370 Express, 11108 Sapp Bros Drive, requests approval of a Special Use Permit for retail alcohol sales on the following described property, to wit: Tax Lot 11, a tax lot in the SE 1/4 of Section 27 Township 14 and Range 11 of the 6th P.M. Sarpy County, Nebraska. (Hwy 370 & Sapp Bros Drive)  
Robert E. Bollish, 12760 S 234th Street, requests approval of a Special Use Permit for a private barn for animals on the following described property, to wit: Lot 2 Riverview Acres II and Lot 1 Riverview Acres, all located in the SW 1/4 of Section 3 Township 13 and Range 10 of the 6th P.M. Sarpy County, Nebraska. (234th & Capehart Road)  
Donald W. Gray, 18201 S. 132nd Street, requests approval of a Special Use Permit for a residence and recreational vehicle sales and service on the following described property, to wit: Lot 15, Villa Springs in the SW 1/4 of Section 31 Township 13 and Range 12 of the 6th P.M. Sarpy County, Nebraska. (132nd & Buffalo Rd)  
Ray Anderson, 9501 S. 145th Street, requests approval of a Change of Zone from IL (Light Industrial) to BG (General Business) and a Special Use Permit for retail alcohol sales on the following described property, to wit: Lot 7 Lakeview South, in the SE 1/4 of Section 23 Township 14 and Range 11 of the 6th P.M. Sarpy County, Nebraska. (I-80 & Hwy 50)  
Shawn M. Schmidt, 812 Tipperary Drive, requests approval of a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential), a Preliminary and Final Plat to be known as Olivo Estates II located on the following described property, to wit: Government Lot 4, located in the NW 1/4 of Section 27 Township 13 Range 12 of the 6th P.M. Sarpy County, Nebraska. (96th & Mitchell Road)  
Sarpy County requests a Text Amendment to Section 40, Signs, of the Sarpy County Zoning Regulations.  
1199118; 411