

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

**RESOLUTION CHANGE OF ZONE**

**APPLICANT: DOUG STEVENS; CHANGE OF ZONE FROM IL, LIGHT**  
**INDUSTRIAL TO BGH, HEAVY GENERAL BUSINESS**

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 Change of Zone Applications; and

WHEREAS, Rebecca Horner, Planning Director has reviewed Doug Steven's application for a Change of Zone from IL, Light Industrial to BGH, Heavy General Business for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as follows:

Lots 22, 23 & 24B Prairie Corners in the SE ¼ of Sec. 26, Twp 14N, Range 11E of the 6<sup>th</sup> 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:

Dated this 25<sup>th</sup> day of August, 2009.

Moved by Rusty Hike seconded by Rich Jansen, that

the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Rusty Hike  
Rich Jansen  
Tom Jones  
Tom Richard  
Satrick J. Thomas

None

None

ABSTAIN:

None



Debra J. Houghtaling  
County Clerk

Approved as to form:

[Signature]  
County Attorney

Sarpy County Board of Commissioners Report  
 Date of Meeting: August 25, 2009

Subject	Type	By
Change of Zone from IL, Light Industrial to BGH, Heavy General Business, at 10702 South 144 <sup>th</sup> Street, on the following described property, to wit: Lots 22, 23 & 24B Prairie Corners in the SE ¼ of Sec. 26, Twp 14N, Range 11E of the 6 <sup>th</sup> P.M., Sarpy County, Nebraska. generally located south of Prairie Corners Road and west of 144 <sup>th</sup> Street.	Resolution and public hearing	Rebecca Horner, Planning Director

- To approve a change of zone from IL (Light Industrial) to BGH (Heavy General Business) for automotive sales, including the sales of new or used boats. The applicant requests the change of zoning in order to establish a new business in the Prairie Corners development. The applicant would like to relocate a boat sales and service business to this location.
- Change of Zoning
  - The Comprehensive Plan shows the area as Business Park. (Figure 5.1)
  - The existing zoning is IL, Light Industrial.
  - The proposed zoning is BGH, Heavy General Business. The BGH district allows for the following Permitted Uses:
    - Automotive sales, rental, and service, including the sale of new or used autos, trucks, boats, vacation trailers and equipment, mobile vacation homes, farm implements and supplies. Typical uses include new and used car dealerships; motorcycles dealerships; and boat, trailer, and recreational vehicle dealerships.
  - Prairie Corners is an existing light industrial uses. Heavy General Business District is defined to "Provide for business establishments closely related to light industrial operation".
  - The previous use on the property included a landscaping contractor yard. The property is currently unused. The visibility to Highway 50 makes it an ideal location for a light industrial use with some retail activity. The BGH district allows for some limited retail activity of uses that are closely related to light industrial uses.
  - The Prairie Corners development is established with light industrial and heavy business. Staff is unaware of adjacency issues with the existing development.
  - The development is served with established municipal services and an industrial road system.
  - The proposed zoning district is similar to the surrounding districts and compatible with the Comprehensive Plan designation.
- Planning Commission Action
  - The Planning Commission voted unanimously (9-0) to recommend approval of the Change of Zone, from IL (Light Industrial) to BGH (Heavy General Business) on August 19, 2009.

*Fenster moved, seconded by Bliss to approve the Change of Zone from IL (Light Industrial) to BGH (Heavy General Business) for automotive sales including the sale of new and used boats. **Ayes:** Bliss, Fenster, Gonzalez, Gross, Marquardt, Torczon, Wear, Wees and Whitfield. **Nays:** None. **Abstain:** None. **Absent:** Courtney Dunbar and Gary Stuart. **Motion Carried (9-0)***
- Recommendation
  - For the above stated reasons, I recommend approval to the change of zone from IL, Light Industrial to BGH, Heavy General Business due to compatibility with the Comprehensive Development Plan.

Respectfully submitted by:



Rebecca Horner, Planning Director