

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION: AMENDMENT TO SPECIAL USE PERMIT FOR JIM MOWINKEL

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 the application to amend the Special Use Permit for the sales and rental of travel and vacation trailers of Jim Mowinkel for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property located at 18806 Capehart Road, Gretna and legally described as follows:

Lot 1 Miktken's Addition, Sarpy County, Nebraska.

WHEREAS, the Board has previously approved the Special Use Permit application for Jim Mowinkel, on February 12, 2008 by Resolution No. 2008-050, which Resolution authorized the sale and rental of vacation and travel trailers for a period of 5 years and limited to 15 trailers on the property.

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 amendment to the Special Use Permit Application was held before the Sarpy County Planning Commission on January 20, 2010 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding the amendment to 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 dated February 2, 2010 and the site plan.
- V. The Special Use Permit Application is in compliance with the Comprehensive Development Plan and the Zoning Regulations.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the amendment to the Special Use Permit for the sales and rental of travel and vacation trailers, which amendment allows for the removal of two existing buildings and replacing those two buildings with one larger building.

Dated this 9th day of February, 2010.

Moved by Rich Jansen seconded by Rusty Hike, that
the above Resolution be adopted. Carried.

YEAS:

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

NAYS:

none

ABSENT:

Tom Richards

ABSTAIN:

none

[Signature] County Clerk Deputy
County Clerk



Approved as to form:

[Signature]
County Attorney

Sarpy County
 County Board of Commissioners Report
 Meeting Date: February 9, 2010
 Staff Report Prepared: February 2, 2010

Subject	Type	By
Special Permit for an amendment to an existing special use permit for sales & rental of travel and vacation trailers at 18806 Capehart Road, legally described as Lot 1 Mintken's Addition located in Section of the 6 th Prime Meridian., Sarpy County, Nebraska	Resolution and public hearing	Rebecca Horner, AICP Planning Director

This is a request for approval of a special use permit to amend an existing special use permit to remove two existing buildings and replace them with a single larger building.

- Comprehensive Development Plan
 - The Comprehensive Plan shows the area as Business Park. While the area is currently agricultural and not served by urban services, the future use of the property is business park, including commercial uses. (Figure 5.1)
- Zoning
 - The existing zoning is AGD, Agricultural Development. The sale and rental of travel and vacation trailers is a special permitted use in the AGD district.
 - This is a request to amend the existing permit to remove two existing buildings and replace/expand a building for the permitted special use.
 - The AGD, Agricultural Development District allows the Sale and Rental of Vacation and Travel Trailers as a permitted special use which means the use may be granted with a special use permit. The County Board approved the Special Use Permit in 2008 and the property owner established the use.
 - The area is within the boundaries of the Highway Corridor Overlay District, however the area is exempt from the regulations due to meeting the district exemptions as specified in the overlay district since the property was platted prior to the overlay designation.
 - The new building is proposed to be a manufactured metal building.
 - The proposed location of the new building meets all required setbacks and height requirements for the existing zoning district.
 - The allowed signage for Permitted Special Uses in the AGD district is not more than 15 (fifteen) square feet of signage for the use.
- History
 - A special permit to allow sale and rental of vacation and travel trailers was approved by the County Board on February 12, 2008.
 - The County Board determined in 2008 that the requested use was appropriate for the area and granted a permit to the property owner to establish the use.
 - Discussion at the County Board included the extent of the proposed use. The applicant indicated they would only service and sell a small number of trailers.
 - The Planning Commission heard the request on January 20, 2010. Discussion included whether or not to apply the Highway Corridor Overlay Design standards to the new building. The final recommendation was approval as submitted.

- Summary of Request
 - This request is to amend an existing special use permit to increase the storage capacity on site and potentially expand the use. The expanded use does not appear to have a significant impact on existing roads or surrounding land uses.
 - The property is exempt from the Highway Corridor Overlay Design Standards and the applicant proposes a 60' by 100' metal building, replacing two smaller existing buildings.
- Planning Commission Action
- *Wear moved, seconded by Dunbar to approve the amendment to the special use permit for James Mowinkel as it conforms to the Comprehensive Plan and Zoning regulations of Sarpy County. Ayes: Bliss, Dunbar, Fenster, Vanek, Lichter, Stuart, Thompson, Torczon, Wear, Labart and Whitfield. Nays: None. Abstain: None. Absent: None. Motion carried.(11-0)*
- Recommendation

Staff recommends approval to the request based on conformance with the Comprehensive Plan and Zoning Regulations.

Respectfully submitted by:

Rebecca Horner, AICP
Planning Director

100' = 1" (handwritten)



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