

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION CHANGE OF ZONE

APPLICANT: SWN INVESTMENT LLC; 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 SWN Investment'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:

Lot 1 Lakeview South II Replat I, located in the NE ¼ of Section 23 T14N, R11E of the 6th Prime Meridian., 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 April 21, 2010 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 2007), 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 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 IL, Light Industrial to BGH, Heavy General Business on the above described property.

Dated this 11th day of May, 2010.

Moved by Rich Jansen seconded by Rusty Hoke, 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
 Meeting Date: May 11, 2010
 Staff Report Prepared: May 3, 2010

Subject	Type	By
Change of Zone from IL, Light Industrial to BGH, Heavy General Business at , legally described as Lot 1 Lakeview South II Replat I, located in the NE ¼ of Section 23 T14N, R11E of the 6 th Prime Meridian., Sarpy County, Nebraska	Resolution and public hearing	Rebecca Horner, AICP Planning Director

- Summary of Request
 - This is a request to change the zoning on an existing property from IL, Light Industrial to BGH, Heavy General Business to bring the existing use (bank and office) into conformance and to allow for the establishment of a new use (auto sales).

- History
 - Planning Department staff received a request to determine zoning compliance for a proposed use. It was determined that the proposed use was not allowed and although a similar use had existed on the property at one time, the use had lost its non-conforming status because the use had been discontinued for more than one year. Further, it was found that the existing bank use is non-conforming and no expansion or improvement may occur under the existing non-conforming regulations. The applicant was informed of the situation and discussed options with Planning Department staff.
 - The area is generally a combination of light industrial and commercial land uses with a prevailing zoning designation of IL, Light Industrial. There are a number of existing non-conforming uses that will need to be rezoned to commercial if the land uses are found to be consistent with the land use plan and appropriate for the location.

- Comprehensive Development Plan
 - The Comprehensive Plan in this location indicates Business Park (Figure 5.1). Business Park areas have been historically zoned a combination of industrial and commercial districts, depending on vicinity and adjacent use.
 - The lot is located off 145th Street which is parallel to Highway 50. South 145th is classified as a local commercial road. Highway 50 is classified as a Minor Arterial road in the Functional Road Classification (Figure 6.1)

- Zoning
 - The requested zoning of BGH, Heavy General Business is in conformance with the land use designation of Business Park. The Business Park land use designation allows for both commercial and some light industrial zoning
 - The BGH district allows for Auto Sales as a Permitted Use. Auto Sales operated from the site for many years without incident but the use was discontinued approximately 18 months ago. The Auto Sales use was non-conforming and once the use was discontinued for 12 months, the non-conforming status was lost. The existing bank has also operated from the site for many years. It is presently a non-conforming use.
 - The proposed Auto Sales use is to be located within the existing bank building. There is an existing Auto Sales use immediately to the south of this property. There do not appear to be any adjacency issues with the proposed zoning due to other General Business zoning designations in the vicinity.

- The existing building is in conformance with the BGH, Heavy General Business district zoning regulations. The height and lot requirements are generally the same; however the minimum lot area is slightly decreased in the BGH district which does not impact the existing use.

- Planning Commission Action

- *Bliss moved, seconded by Wear to approve the Change of Zone from Light Industrial (IL) to Heavy General Business (BGH) for SWN Investments as it conforms to the Comprehensive Plan and Zoning Regulations of Sarpy County. Ayes: Bliss, Fenster, Lichter, Vanek, Stuart, Thompson, Torczon, Wear, Labart and Whitfield. Nays: None. Abstain: None. Absent: Dunbar. Motion carried.(10-0)*

- Recommendation

Recommend approval to the Change of Zone from Light Industrial (IL) to Heavy General Business (BGH) for SWN Investments as it conforms to the Comprehensive Plan and Zoning Regulations of Sarpy County.

Respectfully submitted by:
Rebecca Horner, AICP
Planning Director

