

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

**RESOLUTION CHANGE OF ZONE**

**APPLICANT: HEARTHSTONE HOMES; CHANGE OF ZONE  
FROM RG-35 PTD GENERAL RESIDENTIAL WITH PLANNED  
TOWNHOUSE OVERLAY TO RD-50 TWO FAMILY RESIDENTIAL DISTRICT**

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 Hearthstone Homes' application for a Change of Zone from RG-35 PTD, General Residential with Planned Townhouse Overlay District to RD-50, Two Family Residential District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as follows:

Lots 1-8 inclusive, Meridian Portico located in the NW ¼ of Section 22, T 14N, R11E  
of the 6<sup>th</sup> p.m. of 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 June 16, 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).
- 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 RG-35 PTD, General Residential with Planned Townhouse Overlay District to RD-50, Two Family Residential District on the above described property.

Dated this 28<sup>th</sup> day of September, 2010.

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

YEAS:

Raymond  
Rich Jansen  
Don Albright  
Tom Richards  
\_\_\_\_\_

NAYS:

none  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT:

none  
\_\_\_\_\_  
\_\_\_\_\_

ABSTAIN:

none  
\_\_\_\_\_  
\_\_\_\_\_



Debra J. Houghtaling  
County Clerk

Approved as to form:

[Signature]  
County Attorney

Sarpy County Board of Commissioners Report  
 Staff Report Prepared: September 20, 2010  
 County Board Meeting Date: September 28, 2010

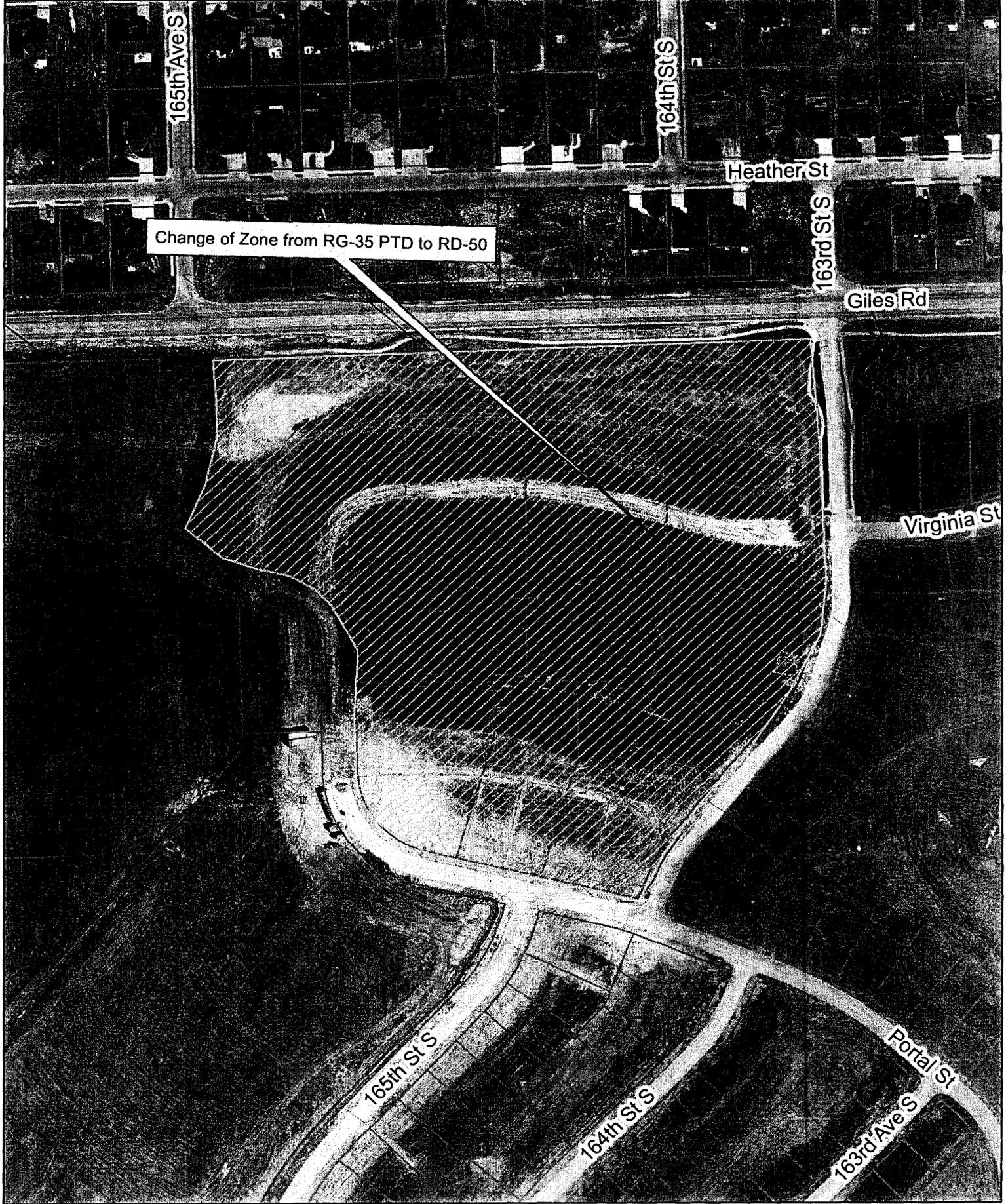
Subject	Type	By
Change of Zone from RG-35 PTD to RD-50 on Lots 1-8 inclusive, Meridian Portico located in the NW ¼ of Section 22, T 14N, R11E of the 6 <sup>th</sup> p.m. of Sarpy County.	Resolution and Public Hearing	Rebecca Horner, AICP Planning Director

- Request
  - This is a request for a change of zone from RG-35 PTD to RD-50 in association with Meridian Park Replat Three Preliminary Plat.
- Comprehensive Development Plan
  - The Sarpy County Development Structure Plan indicates this area as urban residential.
- History
  - The existing zoning of RG-35 PTD, Meridian Portico, comprising of eight lots that were each planned to have a four-unit multiple family structure, was approved March 11, 2008. Previously the site was zoned RD-50 with the original plat, Meridian Park, in April 2005.
  - The property owner had a pre-application meeting with department staff and indicated a desire to return to single family lots. The applicant submitted the proposal and was heard by the Planning Commission on June 16, 2010.
- Change of Zone
  - The area is shown in the Comprehensive Plan as Urban Residential. Urban Residential represents residential densities that are consistent with a range of housing types design in an urban or suburban setting. Typical lots sizes range from 5,000-14,000 square feet.
  - The RD-50 district requires a minimum 5,000 square foot lot area and average minimum lot width of 50'.
  - The existing zoning of RG-35 is of a higher density than the requested zoning. The request to change the zoning from RG-35 to RD-50 is a downzone to a more restrictive residential zoning.
  - The applicant's request for RD-50 zoning will revise the zoning back to the originally approved zoning designation and is consistent with the adjacent zoning designations.
  - The requested zoning designation is in conformance with the Comprehensive Plan.
- Planning Commission
  - Planning Commission recommended unanimous approval (9-0) on June 16, 2010.  
*Bliss moved, seconded by Vanek to approve the Change of Zone from RG-35 to RD-50 as it meets the Comp Plan and Zoning Regulations. Ballot: Ayes: Bliss, Fenster, Stuart, Vanek, Labart, Wear, Torczon, Thompson and Whitfield. Nays: None. Abstain: None. Absent: Dunbar and Stuart. Motion carried. (9-0)*
- Recommendation
  - For the reasons stated above I recommend approval to the request to Change of Zone from RG-35 PTD to RD-50 on Lots 1-8 inclusive, Meridian Portico located in the NW ¼ of Section 22, T 14N, R11E of the 6<sup>th</sup> p.m. of Sarpy County.

Respectfully submitted by:



Rebecca Horner, AICP  
 Planning Director



Change of Zone from RG-35 PTD to RD-50

165th Ave S

164th St S

Heather St

163rd St S

Giles Rd

Virginia St

165th St S

164th St S

Portal St  
163rd Ave S



Change of Zone Meridian Park Replat Three  
From RG-35 PTD to RD-50