

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION: AMENDMENT TO SPECIAL USE PERMIT
FOR VALA'S PUMPKIN PATCH

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, Vala's Pumpkin Patch has operated under a Special Use Permit since 1993 as a commercial recreation operation; and,

WHEREAS, Rebecca Horner, Planning Director has reviewed the application to amend the Special Use Permit for an updated site plan for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located at 180th Street south of Highway 370 and legally described as follows:

Tax Lots 7 and 8, Section 5, T13N, R11E of the 6th p.m. of 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 amendment to the Special Use Permit Amendment was held before the Sarpy County Planning Commission on February 16, 2011 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 0227), 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 March 22, 2011 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 updated site plan as described in the Planning Director report.

Dated this 22nd day of March, 2011.

Moved by Jim Warren seconded by Jim Thompson, that

the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Jim Thompson
James L. ...
Jim Warren
Jim ...
Tom Richard

none

none

ABSTAIN:

none



Debra Houghtaling
County Clerk

Exhibit A
 Sarpy County Board of Commissioners Report
 Staff Report Prepared: March 16, 2011
 County Board Meeting Date: March 22, 2011

Subject	Type	By
Special Use Permit, amendment, for a Commercial Recreation use, also known as Vala's Pumpkin Patch located on property legally described as Tax Lots 7 and 8, Section 5, T13N, R11E of the 6 th p.m. of Sarpy County.	Resolution and Public Hearing	Rebecca Horner, AICP Planning Director

This is a request for an amendment to an existing Special Use Permit for Commercial Recreation, operated as Vala's Pumpkin Patch, generally located off 180th Street south of Highway 370.

- Comprehensive Development Plan
 - The Comprehensive plan designates this area as future Mixed Use development (Fig. 5.1)
 - The site is located In Policy Tier 2 (urban services) Policy Tier 2 indicates all development must be provided with urban services. (Figure 4.5, Policy Tiers).
 - Highway 370 is classified as a Major Arterial (Figure 6.3, Transportation Plan), shown for 4-lane improvements (Figure 6.2, MAPA 2025 LRTP) and classified as a Rural Minor Arterial (Figure 6.1, 2003 Federal Functional Classification). Highway 370 is improved as a two lane rural section.
 - 180th Street is classified as a Major Arterial (Figure 6.3, Transportation Plan), shown for 4-lane improvements (Figure 6.2, MAPA 2025 LRTP) and classified as a Local Road (Figure 6.1, 2003 Federal Functional Classification). 180th Street is improved as a two lane rural gravel section.
- History
 - A Special Use Permit for Vala's Commercial Recreation was granted by the Sarpy County Board in 1993 for the following:
 Days of operation: Last week of September through October.
 Hours: Open daily 9am-9pm, allowing private parties to remain until 11pm.
 Dust Control: Applicant to pay 100% the cost of dust control on Schram Rd. 180th St.
 Activities: Hayrack and pony rides, produce and merchandise sales, operate attractions.
 Speed limit signs: Applicant to reimburse county to change speed limit signs.
 - An amendment to the Vala's Special Use Permit for Commercial Recreation was granted by the Sarpy County Board in 1997 for the following:
 Days of operation: First week of September through October.
 Hours of operation: Open daily 9am to 10pm.
 Activities: Expanded to add additional attractions and buildings.
 - An amendment to the Vala's Special Use Permit for Commercial Recreation was granted by the Sarpy County Board in 2000 for the following:
 Activities: Expanded to add additional attractions and buildings.
 - An amendment to the Vala's Special Use Permit for Commercial Recreation was granted by the Sarpy County Board in 2003 for the following:
 Activities: Added 150 passenger diesel powered train and track.
- Special Use Permit
 - The Vala's pumpkin patch has been in existence for 26 years and has routinely amended the Special Use Permit as the operation has expanded.
 - The hours of operation are not requested for amendment. Staff has not received complaints on the hours of operation. The use is not significantly changed because of the requested amendment.
 - The Sarpy County Engineer indicates the applicant should be aware that future improvements will be made to 180th Street in conjunction with an I-80 interchange. The applicant agreed to work with Sarpy County and the NDOR regarding the possible future interstate exchange and adjacent road improvements.

- Planning Commission on February 16, 2011 made the following recommendation:
Fenster moved, seconded by **Torczon** to recommend approval of the Special Use Permit as it meets the Comp Plan, Zoning Regulations and Subdivision Regulations. Ballot: **Ayes:** *Fenster, Labart, Lichter, Thompson, Torczon, Vanek and Whitfield.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Bliss, Dunbar, Stuart and Wear.* Motion carried

- Recommendation
 - For the reasons stated above I recommend approval to the request for Special Use Permit, amendment, for a Commercial Recreation use, also known as Vala's Pumpkin Patch located on property legally described as Tax Lots 7 and 8, Section 5, T13N, R11E of the 6th p.m. of Sarpy County.

Respectfully submitted by:



Rebecca Horner, AICP
Planning Director

Application Area

180th St S

Schram Rd

Country Ln

I-80 Expy

I-80 Expy



Vala's Pumpkin Patch
12102 S. 180th St.

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.

Renewal and update of site plan of existing special use permit

business use - unchanged refer to existing special use permit

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: on file

ADDITIONAL PARCEL NUMBERS on file

LEGAL DESCRIPTION: (Describe property to wit:)

on file

GENERAL PROPERTY LOCATION: Intersection of So 180th St & Schram Rd, GRETA

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.

No changes - continuation of special use permit for business operational at this site for 26 years

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.

Charles A. [Signature]
Owner Signature (or authorized agent)

12-21-2010
Date

Owner Signature (or authorized agent)

Date

B. EXISTING CONDITION OF SITE:

The site is currently a pumpkin patch and commercial recreation center that has been in operation for 26 years. The site currently consists of gravel parking lots, a small train track, several activity buildings, many accessory sheds, a large pond and a pumpkin patch.

C. GENERAL VICINITY AND LAND USE:

North & West – AG agricultural, farm
East – RE1 & RE2 residential, acreages
South – Interstate 80

D. RELEVANT CASE HISTORY:

A Special Use Permit for Vala’s Commercial Recreation was granted by the Sarpy County Board in 1993 for the following:

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- Activities: Expanded to add additional attractions and buildings.

An amendment to the Vala’s Special Use Permit for Commercial Recreation was granted by the Sarpy County Board in 2003 for the following:

- Activities: Added 150 passenger diesel powered train and track.

E. APPLICABLE REGULATIONS: Zoning Regulations and Comprehensive Plan.

III. ANALYSIS AND DEVELOPMENT ALTERNATIVES

STAFF COMMENTS:

A. REQUEST:

1. To approve the updated SUP for the expansion of an existing operation. This expansion includes the addition of several attractions, concession areas and storage buildings.

B. LAND USE/COMPREHENSIVE PLAN:

1. The Comprehensive Plan shows the area as future Mixed Use development (Figure 5.1)
2. The Comprehensive Plan indicates a major mixed use node will be located at 180th and Interstate 80. Mixed use centers should incorporate the following features:
 - a. Pedestrian and bicycle connections.
 - b. Street landscaping.

Building description Key

1	48x49	Grain bin/barn	63	10x56	Wooden Walk Bridge
2	20.5x40.7	Wooden shed	64	20x29	Concession Stand
3	25.3x103	Pole Shed	65	12x18	Covered Wooden Deck
4	8x10	Shed	66	12x20	Wooden Concession Building
5	10'	Hexagon wooden shed	67	10x14	Covered Wooden Deck 3 sides enclosed
6	10x14	Wooden Shed	68	14x24	Wooden Shed
7	20x37.5	Wooden Shed	69	10x12	Wooden Shed
8	30x40	Wooden Barn	70	20x76	Wooden Pole Shed
9	40.4x54.4	Barn	71	10x24	Wooden Shed
10	5x10	Feeder	72	12x16.5	Wooden Shed
11	20x20.4	Wooden shed	73	10x16.5	Wooden Shed
12	10x14	Wooden shed	74	12x20	Wooden Shed - swine shed
13	22.5x29	Pole Shed	75	4x5	Wooden Shed
14	44x45	Barn	76		removed
15	8x12	Wooden shed	77		removed
16	12x20	Wooden structure	78		removed
17	6x12	Gingerbread House	79		removed
18	8x8	Wooden shed	80	4x4	Shed
19	14x26	Display Area	81	7x4	abandoned concrete pad
20	15'	Diameter Corn Crib	82	32x20	Wooden Structure - food barn
21	12x17	wooden deck w6x8 shed	83	40x60	Metal Building
22	8x22	wooden boat	84	12x30	Registration Building
23	24.3x43.3	Wooden Shed - concessions	85	42x57	Restrooms
24	10x14	Wooden Shed	86	6x8	Wash Station
25	8x8	Wooden Shed	87	56x128	Livestock Pen & Pony Rides
26	38.4x52	House	88	16x24	Wooden Shed -Potato cooking)
27	8x10	Wooden Shed	89	30'	diameter Ring
28	6x6	Wooden Shed	90	8x12	Wooden Shed
29	5x6	Outhouse	91	12x12	Wooden Shed
30	10.7x13.6	School house	92	12x12	Wooden Shed
31	33.5x55.5	Produce Barn	93	8x10	Wooden Shed
32	24x40	Pole Barn	94	8x14	Wooden Shed
33	20x20.5	Admissions Batn w/2nd storey	95	8x4	Wooden Shed
34	24x40	Pole Barn	96	54x14	Wooden Barn
35	8x8	Wooden Shed	97	16x8	Wooden Shed
36	4x4	Wooden Shed	98	12x8	Wooden Shed
37	7x7	Wooden Shed	99	16x80	Pole Barn
38	36x43.5	Metal Shed	100	40x70	Wooden Building
39	3.5x8	Wooden Shed	101	12x16.5	Wooden Shed
40	6x14	Wooden Shed	102	7x4	conceret pad & fuel tanks
41	18.3'	Octagon building	103	10x12	Wooden Shelter
42	16x30	Barn	104	10x12	Wooden Shelter
43	8x12.5	Wooden Shed	105	20x20	Wooden Shelter
44	5x5	Outhouse	106	4x24	Wooden Shelter
45	30x30	Slide & play area	107	24x24	Wooden Shed
46	32x46	Wooden Building	108	50x60	Wooden Pavillion -(proposed)
47	26.5x91	Wooden Barn	109	4x6	Wooden shed
48	18'	diameter wood & cornstalk teepee	110	12x12	Covered Wooden Deck
49	8x12	Wooden Shed	111	20x77	Wooden Train Depot
50	14x24	Wooden Shed	112	14x130	Wooden Train Tunnel
51	40x45	Wooden Barn	113	12x192	Wooden Ghost Town
52	34x58	Metal Pole Barn	114	5x30	Wooden Shed
53	5x10	wooden shed	A		Graveyard
54	25x40	Wooden Barn	B		Clock
55	9x19	Concrete Tunnel	C		Humpty Dumpty
56	60x100	Metal Building	D		Water Wheel
57	24x120	Wooden Pole Barn	E		Stockades
58	28x56	Wooden Pole Barn	F	36'	diameter Bunny Ring
59	13x21	Wooden Building	G		push-peddle Carts
60	69x113.5	Country Bakery Barn	H		push-peddle Carts
61	61x66	Wooden / metal Building	I		Tricycle Track
62	11x50.5	Stable - pole barn	J	40x60	Jumping Pillows (3)
			K		Mining Sluce

Sandra Logue

From: Tom Lynam
Sent: Monday, January 03, 2011 12:09 PM
To: Sandra Logue
Subject: RE: Vala's Pumpkin Patch - Amend Existing Permit

Sandra;

I think that Vala's should make some kind of contribution to the road way improvements . this should be discussed further with Denny Wilson when he takes Office.

Tom Lynam
Sarpy County Surveyor

From: Sandra Logue
Sent: Wednesday, December 22, 2010 1:28 PM
To: Amanda Grint; Brian Craig; Brian Hanson; Chris Shewchuk; Chris Solberg; Donna Lynam ; Eric Herbert; Jeff Davis; Jeff Loll; Jerry Obrist; Kathleen Gottsch; Lori Laster; Mark Wayne; Nicole O'Keefe; Nikki Lampe; Rod Buethe; Steven Fanslau; Tom Lynam; Todd Swirczek; Rebecca Horner
Subject: Vala's Pumpkin Patch - Amend Existing Permit

*Thanks,
Sandy Logue
Administrative Assistant
Sarpy County Planning Dept.
1210 Golden Gate Dr.
Papillion, NE 68046
402-593-1555
Fax: 402-593-1559
slogue@sarpy.com*

Sandra Logue

From: Laster, Lori [llaster@papiionrd.org]
Sent: Thursday, December 23, 2010 9:51 AM
To: Sandra Logue; Rebecca Horner; Todd Swirczek
Cc: Grint, Amanda
Subject: RE: Vala's Pumpkin Patch - Amend Existing Permit

The District has no comments on this application.

Lori Ann Laster, CFM
Stormwater Management Engineer
Papio-Missouri River NRD
8901 South 154th Street
Omaha, Nebraska 68138
(402) 444-6222 office
(402) 505-1082 cell
llaster@papiionrd.org

From: Sandra Logue [<mailto:slogue@sarpy.com>]
Sent: Wednesday, December 22, 2010 1:28 PM
To: Grint, Amanda; Brian Craig; Brian Hanson; Chris Shewchuk; Chris Solberg; Donna Lynam ; Eric Herbert; Jeff Davis; Jeff Loll; Jerry Obrist; Kathleen Gottsch; Laster, Lori; Mark Wayne; Nicole O'Keefe; Nikki Lampe; Rod Buethe; Steven Fanslau; Tom Lynam; Todd Swirczek; Rebecca Horner
Subject: Vala's Pumpkin Patch - Amend Existing Permit

Thanks,
Sandy Logue
Administrative Assistant
Sarpy County Planning Dept.
1210 Golden Gate Dr.
Papillion, NE 68046
402-593-1555
Fax: 402-593-1559
slogue@sarpy.com

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**, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, March 9, 2011

Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Kirk Hoffman

Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 03-08-2011
Signed in my presence and sworn to before me:

Jessica C. Erwin

Notary Public

Printer's Fee \$ 34.66
Customer Number: 40638
Order Number: 0001349853

MAR 11 2011

SARPY COUNTY
PLANNING DEPARTMENT

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 that he is the Business Office Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze Springfield Monitor and Ralston Recorder**, a legal newspaper of general circulation in Douglas County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, that the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, February 2nd 2011

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Kirk Hoffman

Shon Barenklau, Publisher
Or
Kirk Hoffman, Business Manager

Today's Date: 3-22-2011
Subscribed in my presence and sworn to before me:
Jessica C. Erwin

Notary Public

Printer's Fee \$17.12
Customer #40638
Order# 1337552

SARPY COUNTY
DEPARTMENT OF PLANNING
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Rebecca Horner, AICP, Director

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, February 16, 2011, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Patterson Farms, requests a Conservation and Preservation Easement on property legally known as Tax Lot 7A, located in the NE Quarter of Section 35, Township 13N, Range 10E, of the 6th P.M., Sarpy County, Nebraska, (22305 Ruff Rd., S 1/2 S. of I-80 on Hwy. 31).

Vala's Pumpkin Patch, requests a Special Use Permit for an amendment to the existing special use permit for commercial recreation on property legally known as Tax Lots 7 & 8, located in Section 5, Township 13, Range 11 of the 6th P.M., Sarpy County, Nebraska, (12102 S. 180th St.)

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.
1337552; 2/2

SARPY COUNTY
DEPARTMENT OF PLANNING
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Rebecca Horner, AICP, Director

NOTICE OF PUBLIC HEARING
SARPY COUNTY BOARD OF
COMMISSIONERS

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.
1349853; 3/9

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, March 22, 2011, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Patterson Farms, requests a Conservation and Preservation Easement on property legally known as:
Parcel 1:
The Northeast Quarter of Section 35, Township 13 North, Range 10 East of the 6th P.M., Sarpy County, Nebraska; EXCEPT that part deeded to the State of Nebraska, Department of Roads by Warranty Deed dated April 25, 1984, recorded August 20, 1984, in Book 159, Page 2318 in the records of Sarpy County, Nebraska more particularly described as follows: Beginning at the Northeast corner of said Quarter Section; thence Southerly a distance of 2,645.04 feet along the East line of said Quarter Section; thence Westerly deflecting 89 degrees 23 minutes 32 seconds right, a distance of 35.85 feet; thence Northerly deflecting 85 degrees 03 minutes 47 seconds right, a distance of 433.23 feet; thence Northerly deflecting 05 degrees 46 minutes 44 seconds right, a distance of 2,131.01 feet; thence Westery deflecting 72 degrees 00 minutes 40 seconds left, a distance of 258.99 feet to a point on the North line of said Quarter Section; thence Easterly deflecting 161 degrees 22 minutes 18 seconds right, a distance of 315.00 feet along the North line of said Quarter Section to the point of beginning.

Parcel 2:
Tax lot 7a excluding ROW in Section 35, Township 13 North, Range 10 East of the 6th PM in Sarpy County, NE, totaling 25.13 acres.

Vala's Pumpkin Patch, requests a Special Use Permit for expansion of the site plan and additional buildings, on property legally known as Tax Lots 7 & 8, located in Section 5, Township 13, Range 11 of the 6th P.M. Sarpy County, Nebraska (12102 S. 180th St.)

CR Investments, Inc., requests a Final Plat for Whitetail Creek, a subdivi-