

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

**RESOLUTION CHANGE OF ZONE**

**APPLICANT: TERRY AND CARLA TIGHE; CHANGE OF ZONE FROM RS-100,**  
**SINGLE FAMILY RESIDENTIAL TO AG, AGRICULTURAL**

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 Terry and Carla Tighe's application for a Change of Zone from RS-100, Single Family Residential to AG, Agricultural for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as follows:

Tax Lot 3, E of RR, located in the NE ¼ of Section 17, Township 13N, Range 12E 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:

- I. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on April 20, 2011 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 RS-100, Single Family Residential to AG, Agricultural on the above described property.

Dated this 10<sup>th</sup> day of May, 2011.

Moved by Jim Thompson seconded by Jim Warren, that  
the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

[Signature]

none

none

[Signature]  
[Signature]  
[Signature]

ABSTAIN:

none

[Signature]



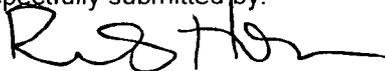
[Signature]  
County Clerk

Sarpy County Board of Commissioners Report  
 Staff Report Prepared: May 2, 2011  
 County Board Meeting Date: May 10, 2011

Subject	Type	By
Terry and Carla Tighe request a Change of Zone on property legally described as Tax Lot 3, E of RR, located in the NE ¼ of Section 17, Township 13 N, Range 12 E of the 6th P.M. Sarpy County, Nebraska (14102 south 108 <sup>th</sup> St.) from RS-100 to AG	Resolution and Public Hearing	Rebecca Horner, AICP Planning Director

- Request
  - The applicant requests a Change of Zone from RS-100 (single family residential) to AG (agricultural)
- Comprehensive Development Plan
  - The Comprehensive plan designates this area as a future Residential with Community Systems (Fig 5 1)
- History
  - Planning Commission heard the request on April 20, 2011 and recommended approval to the request 10-0
    - *Vanek moved, seconded by Labart to recommend approval of the Consent Agenda as amended Ballot: Ayes – Bliss, Mohr, Lichter, Vanek, Thompson, Stuart, Torczon, Wear, Labart and Whitfield. Nays – none. Abstain – none. Absent – Fenster. Motion carried. (10 ayes, 0 nays)*
  - Staff researched the property and found that the area had been zoned many years ago to RS-100, although the property was never subdivided to reflect an RS-100 density pattern or development scheme. Due to the rezoning the existing agricultural use became non-conforming.
  - The property owner plans to establish a permitted use within the AG district. They are unable to fully utilize the existing agricultural use until the property is rezoned to AG
  - The surrounding area is primarily agricultural with some very low density housing
  - This Change of Zone will correct an anomaly that may have been created at the time of Platteview School being built.
- Zoning
  - The requested change of zoning is in conformance with the Comprehensive Plan and re-established the existing use of the property
- Recommendation
  - For the reasons stated above I recommend approval to the **Change of Zone** for Terry and Carla Tighe at 14102 south 108<sup>th</sup> street from RS-100 to AG as it conforms to the amended Comprehensive Plan Subdivision and Zoning Regulations of Sarpy County

Respectfully submitted by:



Rebecca Horner, AICP  
 Planning Director

# ADDITIONAL INFORMATION

**SARPY COUNTY BOARD OF COMMISSIONERS**

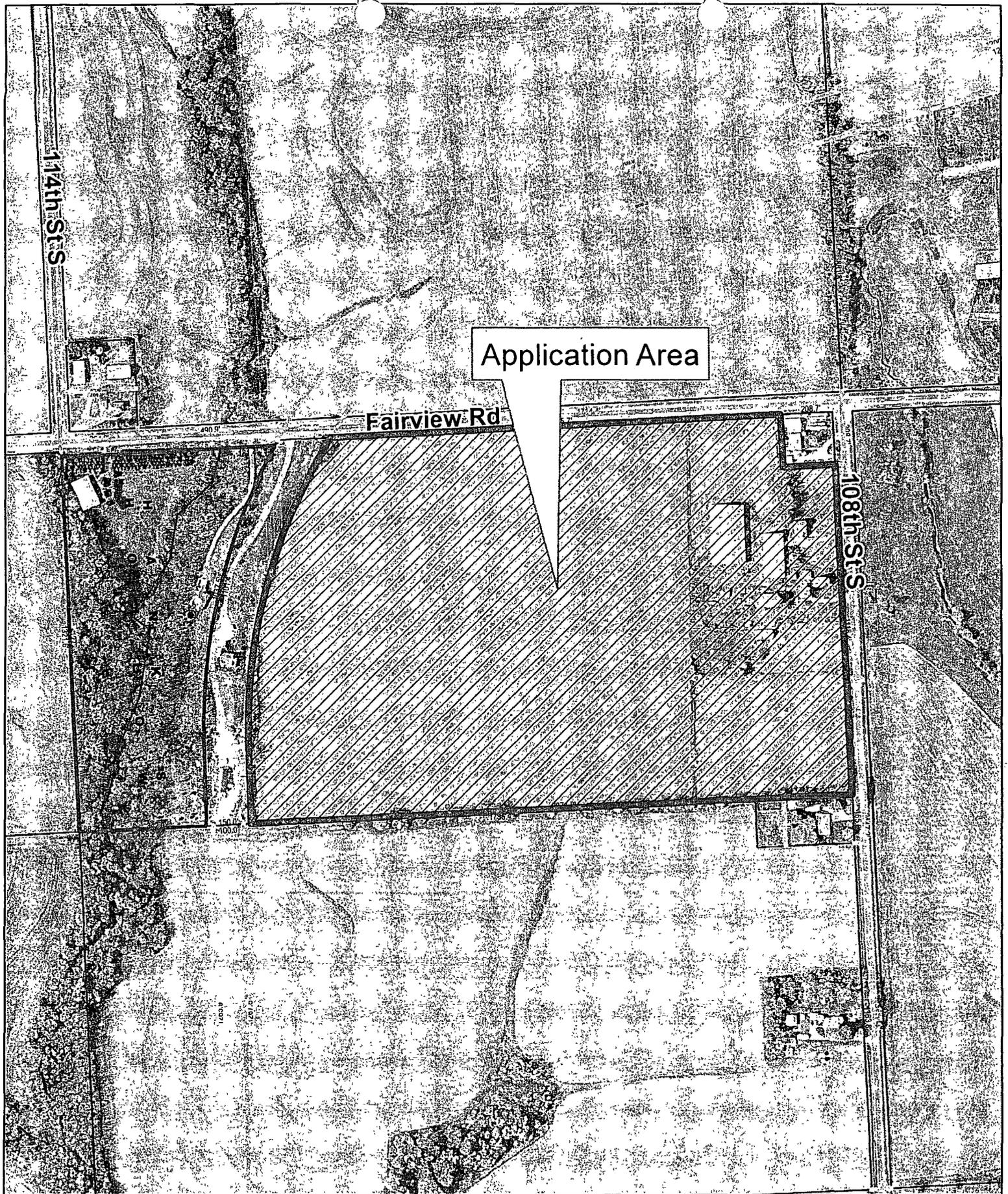
**May 10, 2011**

**CHANGE OF ZONE**

**From RS-100 to AG**

**Terry & Carla Tighe**

**14102 S 108 St**



Terry & Cara Tighe  
14102 S. 108th St.

**SARPY COUNTY**  
**PLANNING COMMISSION meeting date April 20, 2011**  
**STAFF REPORT prepared April 5, 2010**  
**Change of Zone – 11-0004**

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Terry and Carla Tighe  
14102 south 108<sup>th</sup> Street  
Springfield, NE 68059

**B. PROPERTY OWNER:**

Terry and Carla Tighe  
14102 south 108<sup>th</sup> Street  
Springfield, NE 68059

**C. LOCATION:**

Southwest corner of 108<sup>th</sup> and Fairview Road

**D. LEGAL DESCRIPTION:**

Tax Lot 3, E of RR, located in the NE ¼ of Section 17, Township 13 N, Range 12 E of the 6th P.M. Sarpy County, Nebraska.

**E. REQUESTED ACTION:**

The applicant requests a Change of Zone from RS-100 (single family residential) to AG (agricultural).

**F. EXISTING ZONING AND LAND USE:**

RS-100 – currently used for farming

**G. SIZE OF SITE:**

The total site area is 57.07 acres, more or less

**II. BACKGROUND INFORMATION**

**A. COMPREHENSIVE PLAN SPECIFICATIONS:**

The Comprehensive plan designates this area as a future Residential with Community Systems (Fig. 5.1)

**B. EXISTING CONDITION OF SITE:**

The site is currently used for agricultural purposes.

**C. GENERAL VICINITY AND LAND USE:**

North, Agricultural (Papillion's ETJ)  
South, Agricultural  
West, Agricultural Residential  
East, Agricultural

**D. RELEVANT CASE HISTORY:** The applicant met with Planning Department Staff.

**E. APPLICABLE REGULATIONS:**

Zoning Regulations and Comprehensive Plan.

**III. ANALYSIS AND DEVELOPMENT ALTERNATIVES**

**STAFF COMMENTS:**

**A. REQUEST:**

1. To approve the Change of Zone from RS-100 to AG in order to best reflect the current and future use of the property and eliminate a non-conforming use.

**B. LAND USE/COMPREHENSIVE PLAN:**

1. The Comprehensive Plan shows the area as a future Residential with Community Systems (Figure 5.1)

**C. STAFF COMMENTS:**

1. Staff researched the property and found that the area had been zoned many years ago to RS-100, although the property was never subdivided to reflect an RS-100 density pattern or development scheme. Due to the rezoning the existing agricultural use became non-conforming.
2. The property owner plans to establish a permitted use within the AG district. They are unable to fully utilize the existing agricultural use until the property is rezoned to AG.
3. The surrounding area is primarily agricultural with some very low density housing.
4. This Change of Zone will correct an anomaly that may have been created at the time of Platteview School being built.

**IV. RECOMMENDATION:**

Recommend approval to the Change of Zone for Terry and Carla Tighe at 14102 south 108<sup>th</sup> street from RS-100 to AG as it conforms to the amended Comprehensive Plan Subdivision and Zoning Regulations of Sarpy County.

**V. COPIES OF REPORT TO:**

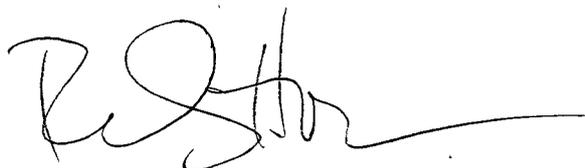
Applicant  
Public upon request

**VI. ATTACHMENTS:**

Application  
Comments  
Aerial map showing adjacent property

Report prepared by:

  
Todd Swirczek  
Planner



Rebecca Horner, AICP  
Planning Director



# SARPY COUNTY PLANNING

• 1210 GOLDEN GATE DRIVE PAPPILLION, NE 68046  
• PHONE: 402-593-1555 • FAX: 402-593-1558 • E-MAIL: [PLANNING@SARPY.COM](mailto:PLANNING@SARPY.COM)

## CHANGE OF ZONE APPLICATION

<p>In order for your application to be considered <b>COMPLETE</b>, please answer all applicable questions and provide the following:</p> <ol style="list-style-type: none"> <li>1 Submit complete Change of Zone Application</li> <li>2 Submit Non-Refundable Fee of \$ <u>200</u> made payable to Sarpy County Treasurer</li> <li>3 Copy of Deed on file with Register of Deeds (showing applicant as owner)</li> <li>4 25 full size site plan drawings (folded)</li> <li>5 1 reduced size sit plan drawing (8.5 x 11)</li> <li>6 Detailed operational plans</li> </ol>	<p><b>PLANNING STAFF USE ONLY:</b></p> <p>APPLICATION NO. <u>CZ 11-0004</u></p> <p>DATE RECEIVED: _____</p> <p>CP DESIGNATION: _____</p> <p>ZONING DESIGNATION: _____</p> <p>FEE: \$ <u>200</u> RECEIPT NO. <u>734139</u></p> <p>RECEIVED BY: <u>Todd</u></p> <p>NOTES: _____</p>
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**APPLICANT INFORMATION:**  CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME TERRY Carla Tighe E-MAIL: tc\_tighe\_578@msn.com

ADDRESS: 14102 So 108<sup>th</sup> St. CITY/STATE/ZIP: Springfield NE 68059

MAILING (IF DIFFERENT) ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_

PHONE 402-593-1835 FAX: \_\_\_\_\_

**PROPERTY OWNER INFORMATION: (if multiple owners, attach separate sheet)**

Please check box if attaching separate sheet with owner information.

NAME: TERRY Carla Tighe E-MAIL tc\_tighe\_578@msn.com

ADDRESS: 14102 So 108<sup>th</sup> St CITY/STATE/ZIP: Springfield NE 68059

MAILING (IF DIFFERENT) ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_

PHONE 402-593-1835 FAX: \_\_\_\_\_

**ENGINEER INFORMATION:**

NAME: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_

MAILING (IF DIFFERENT) ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**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.

Build a new house on property - 2 existing homes and 1 New (3 total) for us & family. Exact location yet to be determined.

**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:** 010406131

**ADDITIONAL PARCEL NUMBERS** \_\_\_\_\_

**LEGAL DESCRIPTION:** (Describe property to wit )

TAX Lot 3, E of RR, 17-13-12

GENERAL PROPERTY LOCATION: 14102 30108<sup>th</sup> Springfield NE

ACRES: 59.05

CURRENT ZONING: R5-100

REQUESTED ZONING: AG

**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.

**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 Change of Zone.
3. All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Change of Zone 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 Change of Zone process as stated above and I authorize County Staff to enter the property for inspection related to the specific request during this process.

Owner Signature (or authorized agent)

Date 3/14/11

Owner Signature (or authorized agent)

Date 3/14/11

## Sandra Logue

---

**From:** John G Miriovsky [jmiriovsky@lincoln.ne.gov]  
**Sent:** Wednesday, March 16, 2011 3:00 PM  
**To:** Sandra Logue  
**Cc:** Jerry G. Obrist  
**Subject:** RE: Change of Zone - Terry & Carla Tighe

We have reviewed the request and have no issues with it.

---

**From:** Jerry G. Obrist  
**Sent:** Wednesday, March 16, 2011 1:22 PM  
**To:** John G. Miriovsky  
**Subject:** FW: Change of Zone - Terry & Carla Tighe

Please review and respond directly. Thank you. Jerry ☺

**From:** Sandra Logue [mailto:slogue@sarpy.com]  
**Sent:** Wednesday, March 16, 2011 11:31 AM  
**To:** Amanda Grint; Brian Craig; Brian Hanson; Chris Shewchuk; Chris Solberg; Denny Wilson; Donna Lynam ; Eric Herbert; Jeff Davis; Jeff Loll; Jerry G. Obrist; Kathleen Gottsch; Lori Laster; Mark Wayne; Nicole O'Keefe; Nikki Lampe; Steven Fanslau; Bill Bowes (bbowes@papillion.org)  
**Subject:** Change of Zone - Terry & Carla Tighe

If you have any questions, please let me know.

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

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**From:** Laster, Lori [llaster@papiionrd.org]  
**Sent:** Wednesday, March 16, 2011 2:26 PM  
**To:** Sandra Logue, Rebecca Horner; Todd Swirczek  
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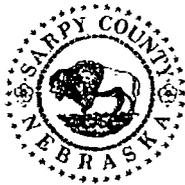
The District has no comments on this application.

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](mailto:llaster@papiionrd.org)

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4. 25 full size site plan drawings (folded)
5. 1 reduced size sit plan drawing (8.5 x 11)
6. Detailed operational plans

### PLANNING STAFF USE ONLY:

APPLICATION NO.: CZ 11-0004  
 DATE RECEIVED: \_\_\_\_\_  
 CP DESIGNATION: \_\_\_\_\_  
 ZONING DESIGNATION: \_\_\_\_\_  
 FEE: \$ 200 RECEIPT NO. 734139  
 RECEIVED BY: Todd  
 NOTES: \_\_\_\_\_

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Tony Lybe  
Owner Signature (or authorized agent)

3/14/11  
Date

[Signature]  
Owner Signature (or authorized agent)

3/14/11  
Date

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

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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@papionrd.org](mailto:llaster@papionrd.org)

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Fax: 402-593-1559  
[slogue@sarpy.com](mailto:slogue@sarpy.com)

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 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, April 27, 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.

Handwritten signature of Kirk Hoffman
Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

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

Today's Date 04-28-2011
Signed in my presence and sworn to before me:

Handwritten signature of Notary Public
Notary Public
GENERAL NOTARY State of Nebraska
KATHY S. EDWIN
Comm. Exp. Mar. 12, 2013

Printer's Fee \$ 28.68
Customer Number: 40638
Order Number: 0001368676

MAY 2 2011
SARPY COUNTY PLANNING DEPARTMENT

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, May 10, 2011, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.
Terry & Carla Tighe, 14102 S. 108th St., request a Change of Zone from RS-100 (single family residential) to AG (Agricultural) on property legally described as Tax Lot 3, E of RR, located in the NE 1/4 of S17, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.
Duane & Rose Ritter, 9211 Platteview Road, request a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential) and Preliminary Plat on property legally described as Tax Lots 5A and Tax Lot 10 in the NW 1/4 of S22, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.
Jody and JR Kingery, 16505 Aurora St., request a Special Use Permit for a home based salon on property legally described as Lot 66, Mendian Park, located NW 1/4 S22, T14 N, R11 E of the 6th P.M. Sarpy County, Nebraska.
Sarpy County Planning Department requests a text amendment to section 38 of the Sarpy County Zoning Regulations regarding stormwater regulations.
Sarpy County Planning Department requests a text amendment to section 12 of the Sarpy County Subdivision Regulations regarding stormwater regulations.
Waste Connections of Nebraska, Inc., requests a Special Use Permit for a transfer station on property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, R11 E of the 6th P.M. Sarpy County, Nebraska.
Sarpy County Planning Department requests a Change of Zone from AG (Agricultural) to GM (General Manufacturing) and a Comprehensive Plan amendment from Urban Residential to Industrial for property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, Range 11 E of the 6th P.M. Sarpy County, Nebraska.
An agenda for the meeting kept continually current, is available for inspection at the Sarpy County Planning Department office, 1368676, 4/27.

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Wednesday, April 20, 2011, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, 1210 Golden Gate Dr., Papillion, Nebraska 68046.

Terry & Carla Tighe, 14102 S. 108th St., request a Change of Zone from RS-100 (single family residential) to AG (Agricultural) on property legally described as Tax Lot 3, E of RR, located in the NE 1/4 of S17, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

Duane & Rose Ritter, 9211 Platteview Road, request a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential) and Preliminary Plat on property legally described as Tax Lots 5A and Tax Lot 10 in the NW 1/4 of S22, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

William Jones, 11501 Fairview Rd, requests a Special Use Permit for recreational vehicle storage on property legally described as NE 1/4 of NW 1/4 of S17, T13 N, R12 E of the 6th P.M. Sarpy County, Nebraska.

Jody and JR Kingery, 16505 Aurora St, request a Special Use Permit for a home based sal on on property legally described as Lot 66, Meridian Park, located NW 1/4 S22, T14 N, R11 E of the 6th P.M. Sarpy County, Nebraska.

Waste Connections of Nebraska, Inc. requests a Special Use Permit for a transfer station on property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, R11 E of the 6th P.M. Sarpy County, Nebraska.

Sarpy County Planning Department requests a Change of Zone from AG (Agricultural) to IGM (General Manufacturing) and a Comprehensive Plan amendment from Urban Residential to Industrial for property legally described as Tax Lots 4, 5, 6, the NE 1/4 of S15, T13 N, Range 11 E of the 6th P.M. Sarpy County, Nebraska.

Sarpy County Planning Department requests a text change to Section 44 definitions of the Sarpy County Zoning Regulations and Section 3 of the Sarpy County Subdivision Regulations.

An agenda for the meeting kept continually current is available for inspection at the Sarpy County Planning Department office.

**Proof of publication**

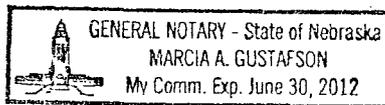
**AFFIDAVIT**

State of Nebraska, County of Douglas, ss:

Linda Shropshire, being duly sworn, deposes and says that he/she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 7<sup>th</sup> of April, 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. The Omaha World-Herald has an average circulation of 153,944 Daily and 188,810 Sunday, in 2011

(Signed) Linda Shropshire title: Account Executive

Subscribed in my presence and sworn to before me this 4<sup>th</sup> day of May, 2011.



Marcia A. Gustafson  
Notary Public

Printer's Fee \$ \_\_\_\_\_  
Affidavit \_\_\_\_\_  
Paid By \_\_\_\_\_

MAY 5 2011

SARPY COUNTY  
PLANNING DEPARTMENT