

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, applicant, Jim Mowinkel has an existing Special Use Permit for sales and rental of new and used travel and vacation trailers. The existing Special Use Permit has a term of 5 years, expiring in 2013, and limits the maximum number of units on the property to 15; and,

WHEREAS, Jim Mowinkel has applied to amend the existing Special Use Permit to allow a maximum of 20 units on the property for a term of 10 years; and,

WHEREAS, Bruce Fountain, 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 Mintkens 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 used trailers.

WHEREAS, the Board has previously approved an amendment to the Special Use Permit for Jim Mowinkel, on February 9, 2010 by Resolution No. 2010-044, which Resolution allowed for the removal of two existing buildings and replacement of those two buildings with one larger building on the property.

WHEREAS, the Board has previously approved an amendment to the Special Use Permit for Jim Mowinkel, on May 11, 2010 by Resolution No. 2010-133, which Resolution allowed for the sales and rental of new and used travel and vacation trailers with a limit of 15 units.

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 October 17, 2012 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 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 and the revised business plan.
- V. The Special Use Permit Application is in compliance with the Comprehensive Development Plan and the Zoning Regulations.

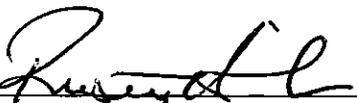
FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the amendment to the Special Use Permit for the sales and rental of travel and vacation trailers, which amendment allows for the sale and rental of new and used travel and vacation trailers with a maximum of 20 units on the property for a period of 10 years, said permit expiring February 1, 2023.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 6th day of November 2012.

Attest

SEAL




Sarpy County Board Chairman

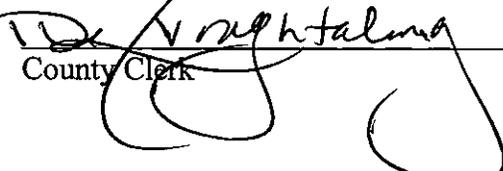

County Clerk

EXHIBIT "A"
Planning Director Report for
Sarpy County Board of Commissioners
Meeting Date: November 6, 2012

Subject	Type	By
Amendment to a Special Use Permit to allow for the rental and sales of recreational vehicles (RVs) - maintaining 8 to 10 RVs on site with a maximum of 20 for a period of 10 years.	Public Hearing & Resolution	Bruce Fountain, AICP, EDFP Director, Planning & Building

➤ **Summary and Purpose of Request:**

- Jim Mowinkel has submitted an application for an amendment to his previously approved Special Use Permit to allow for the rental and sales of recreational vehicles (RVs) to maintain 8 to 10 RVs on site, with a maximum of 20, for a period of 10 years.
- The site is an existing farmstead parcel that is zoned AGD (Agricultural Development) and is currently used as a single-family residence with the customary accessory structures and a 6,000 square foot steel building for use with business.

➤ **Background and Analysis:**

- The detailed staff report on this application was presented to the Planning Commission at their October 17, 2012 meeting and is attached for your information and review.

➤ **Staff Recommendation:**

- Staff recommends **APPROVAL** of the Amended Special Use Permit for Jim Mowinkle to be located on Lot 1, Mintkens Addition to allow a Vacation and travel trailer sales and rental use as described in their Business Plan and application as it conforms to the Comprehensive Plan and Zoning Regulations of Sarpy County.
- Staff recommends, however, that the term of the SUP be approved for a period of five (5) years based on the comments received from the City of Gretna.

➤ **Planning Commission Recommendation:**

- On October 17, 2012 the Planning Commission voted 7-1 to recommend **APPROVAL** of the Special Use Permit application submitted by Jim Mowinkel to allow for the rental and sales of recreational vehicles (RVs) to maintain 8 to 10 RVs on site, with a maximum of 20, for a period of 10 years as specifically described in their Operational Statement and application.

MOTION: Whitfield moved, seconded by Fenster, to recommend approval to amend the existing Special Use Permit to allow a maximum of twenty recreational vehicles or trailers on site at any given time and extend the expiration date of the Special Use Permit to February 1, 2023. ***Ballot:*** Ayes – Torczon, Stuart, Whitfield, Mohr, Murante, Fenster, and Farrell. Nays – Vanek. Abstain – none. Absent – Thompson, Lichter, and Bliss. ***Motion carried 7-1-3***

Respectfully submitted by:
 Bruce Fountain, AICP, EDFP 
 Director, Planning & Building



SARPY COUNTY PLANNING & BUILDING DEPARTMENT

RECOMMENDATION REPORT

**SPECIAL USE PERMIT – AMENDED (SUP 12-0007)
JIM MOWINKEL with LAKESHORE RV RNETALS AND SALES
INTERNET BASED RECREATIONAL VEHICLE RENTAL AND SALES BUSINESS
PLANNING COMMISSION HEARING OF: OCTOBER 17, 2012**

I. GENERAL INFORMATION

A. APPLICANT:

Jim Mowinkel
18806 Capehart Road
Gretna, NE 68028

B. PROPERTY OWNERS:

James and Kimberly Mowinkel
18806 Capehart Road
Gretna, NE 68028

C. SUBJECT PROPERTY LOCATION: Subject property is located just south of the I-80 Corridor generally located just east of 192nd Street on Capehart Road. (Property address is 18806 Capehart Road).

D. LEGAL DESCRIPTION: Lot 1, Mintkens Addition

E. SUBJECT PROPERTY SIZE: approximately 9.52 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:

- Future Land Use Designations: Business Park
- Zoning: AGD (Agricultural Development District)

G. REQUESTED ACTION(S):

- To approve a an amendment to their Special Use Permit to allow for the rental and sales of recreational vehicles while maintaining 8 to 10 campers on site with a maximum of 20 for a period of 10 years.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The site is an existing farmstead parcel that is currently used as a single-family residence with the customary accessory structures and a 6,000 square foot steel building for use with business.

B. GENERAL VICINITY AND LAND USE

- North and West: Interstate 80
- South and East: AG (Agricultural Farming District) which includes a few existing farmsteads and two communication towers just to the southeast.

C. RELEVANT CASE INFORMATION:

- The applicant currently has a valid SUP to operate such use with a maximum of 15 units on site with a term of five (5) years (expires 2013) and he is requesting to increase the number of units allowed on site to twenty (20) and extend the term of the SUP to ten (10) years.
- Walk in traffic would be minimal with the majority of the viewing set up by appointment.
- Applicant delivers recreational trailers to campsites as a part of the service.
- Dealer's sales license will provide the ability to sell new and used inventory at site.
- The business indicated they will have two employees.

D. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Development Plan
- Current Zoning District: Section 10, Zoning Ordinance, regarding the AGD (Agricultural Development) District

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:

- The Comprehensive Plan shows the area as future Business Park use.

B. TRAFFIC AND ACCESS:

- Access to the subject property will be off of Capehart Road. The roadway surface is loose gravel.

C. OTHER AGENCY REVIEW/COMMENTS: The applications were sent to each of the five cities in Sarpy County as well as jurisdictional agencies or departments that may have an interest.

- Comments were received from the City of Gretna regarding the length of the term of the Special Use Permit with regards to their future growth area (see attached).
- Other responses received indicated they had no comments or objections to the application.

D. GENERAL:

- Sales and Rental of vacation and travel trailers is a special permitted use in the AGD (Agricultural Development) zoning district.
- It appears that the use will compatible with adjacent properties.
- Hours of operation are Monday through Friday, 9am to 5 pm.
- The business will employ up to two individuals.

IV. STAFF RECOMMENDATIONS:

Staff recommends **APPROVAL** of the Amended Special Use Permit for Jim Mowinkle to be located on Lot 1, Mintkens Addition to allow a Vacation and travel trailer sales and rental use as described in their Business Plan and application as it conforms to the Comprehensive Plan and Zoning Regulations of Sarpy County.

Staff recommends, however, that the term of the SUP be approved for a period of five (5) years based on the comments received from the City of Gretna

V. PLANNING COMMISSION RECOMMENDATION:

MOTION: *Whitfield moved, seconded by Fenster, to recommend approval to amend the existing Special Use Permit to allow a maximum of twenty recreational vehicles or trailers on site at any given time and extend the expiration date of the Special Use Permit to February 1, 2023* **Ballot:** *Ayes – Torczon, Stuart, Whitfield, Mohr, Murante, Fenster, and Farrell. Nays – Vanek. Abstain – none. Absent – Thompson, Lichter, and Bliss. Motion carried 7-1-3*

VI. ATTACHMENTS TO REPORT:

1. Application and Business Plan Statement
2. Current Zoning Map
3. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)
4. Comments from the City of Gretna

VII. COPIES OF REPORT SENT TO:

1. Jim Mowinkel (applicant and owner)
2. Public Upon Request

Report prepared by: Donna Lynam, Zoning Administrator
Reviewed & approved by: Bruce Fountain, 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

THIRD AMENDED SPECIAL USE PERMIT APPLICATION

In order for your application to be considered **COMPLETE**, please answer all applicable questions and provide the following:

1. Submit complete Special Use Permit Application
2. Submit Non-Refundable Fee of \$250.00 made payable to Sarpy County Treasurer
3. 1 full sized site plan drawings (Folded)
4. 25 reduced size site plan drawing (8.5 x 11)
5. Detailed operational plans

PLANNING STAFF USE ONLY:

APPLICATION NO.: SUP 12-0007
DATE RECEIVED: 8/22/2012
CP DESIGNATION: _____
ZONING DESIGNATION: _____
FEE: \$ 100.00 RECEIPT NO. _____
RECEIVED BY: _____
NOTES: _____

APPLICANT INFORMATION:

NAME: Jim Mowink

E-MAIL: jimymo@aol.com

ADDRESS: 18806 Capehart Road

CITY/STATE/ZIP: Gretna, NE 68028-5809

MAILING (IF DIFFERENT)
ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: (402) 699-0019

FAX: _____

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

Please check box if attaching separate sheet with owner information.

NAME: James & Kimberly Mowink

E-MAIL: _____

ADDRESS: 18806 Capehart Road

CITY/STATE/ZIP: Gretna, NE 68028-5809

MAILING (IF DIFFERENT)
ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____

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.

This application is to amend the Special Use Permit and its amendments thereto to extend the period of the permit for a period of ten years after the expiration of the original 5 year period and to revise the business plan so as to provide as many as 20 campers on-site

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: 011318201

ADDITIONAL PARCEL NUMBERS

LEGAL DESCRIPTION: (Describe property to wit:)

Lot 1, Mintken Addition, Sarpy County, Nebraska

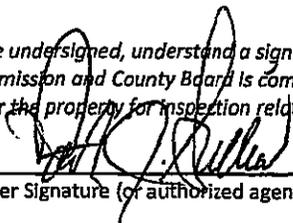
GENERAL PROPERTY LOCATION: 18806 Capehart Road

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 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.


Owner Signature (or authorized agent)

July 21, 2012
Date

Owner Signature (or authorized agent)

Date

LAKESHORE RV RENTALS & SALES

2nd Revised Business Plan:

- 1) Maintain 8 - 10 campers on site, but at times as many as 20
- 2) Walk in traffic will be minimal with the majority of the viewing set up by appointment
- 3) Part of the rental service is to deliver campers to campsites for the customers
- 4) Sales license will provide the ability to sell new and used inventory

80

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DRY

011590301

WASTE

DRY

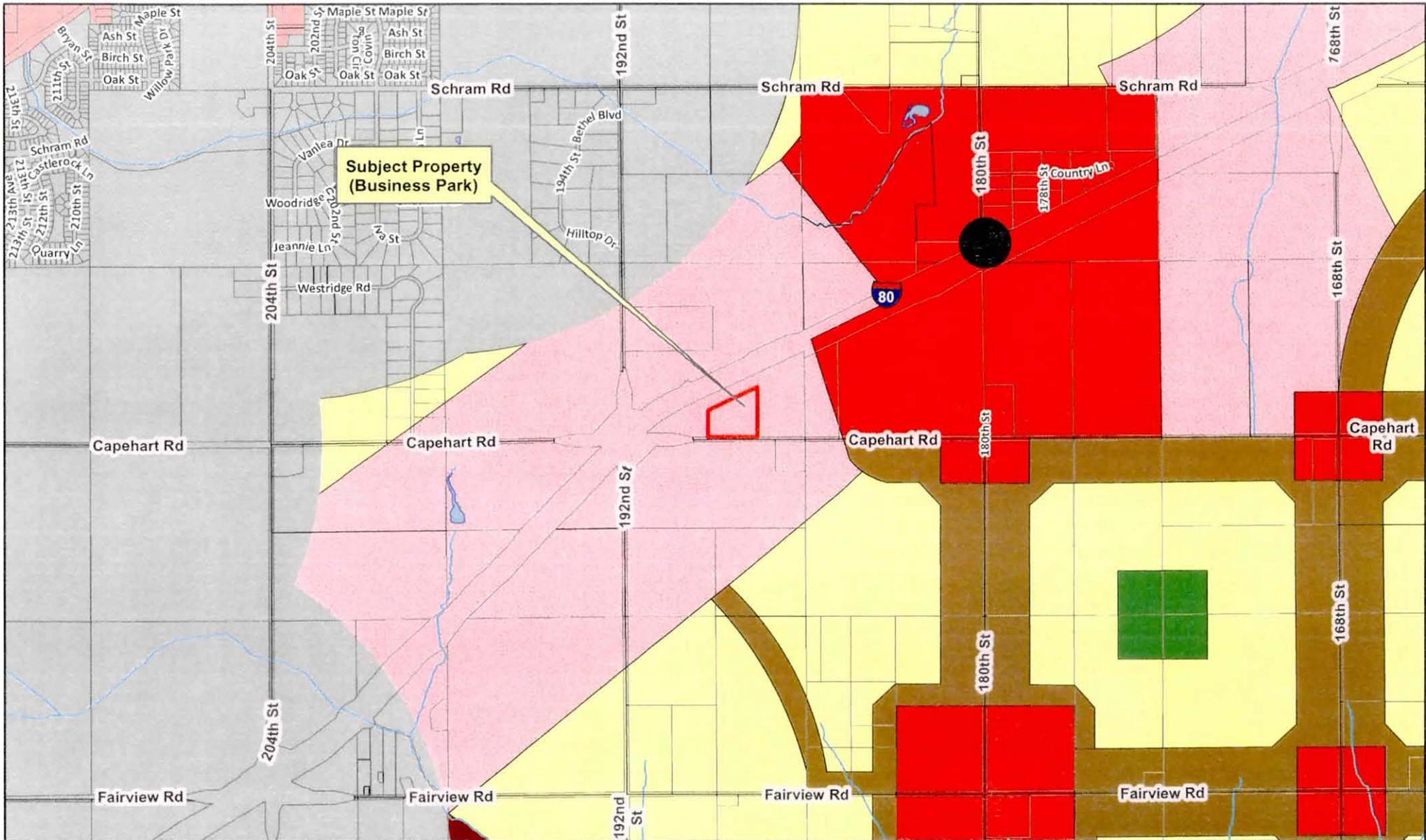
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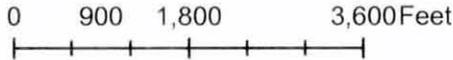
SITE



100 Ga



Current FLU - Sarpy Co



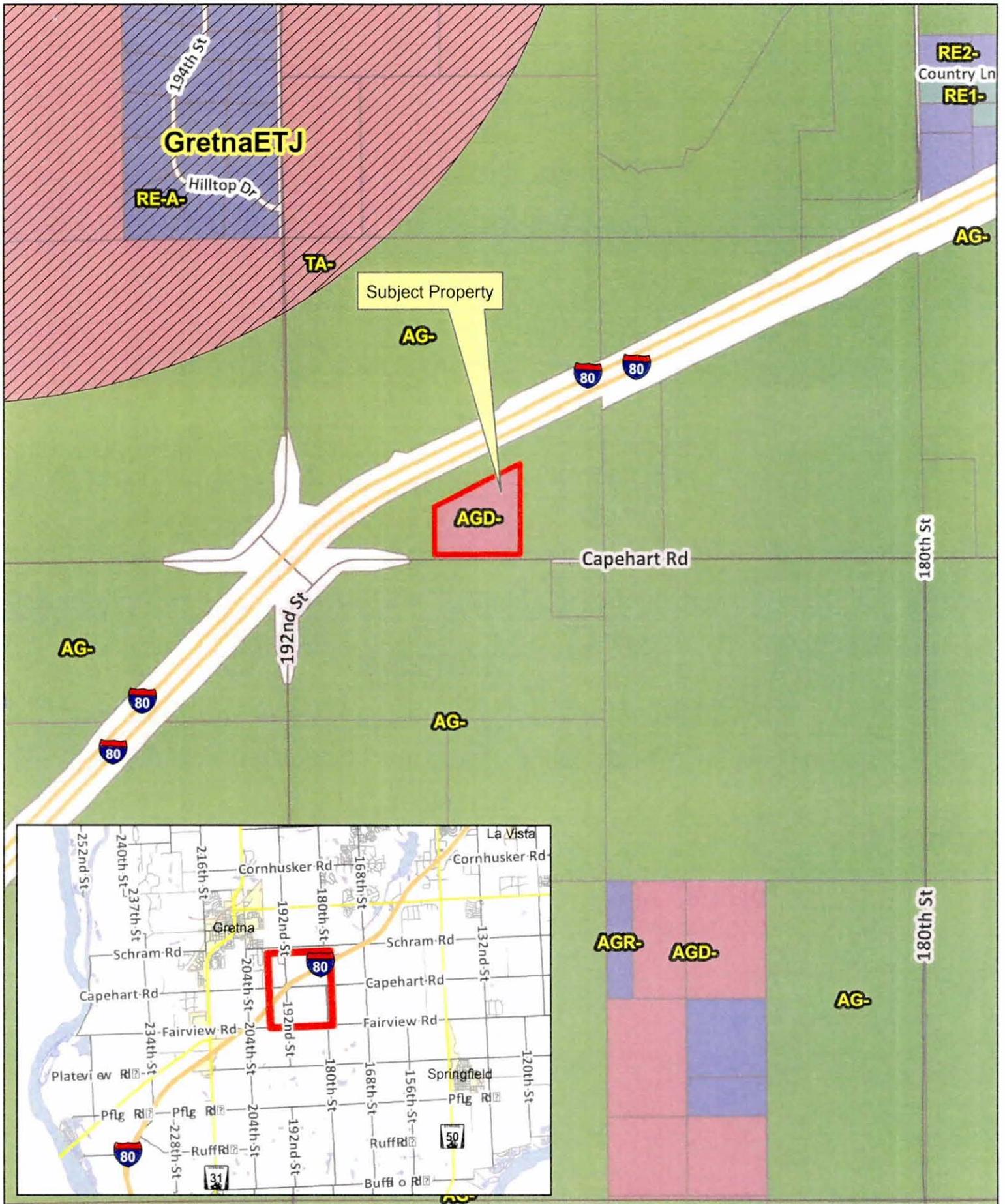
Mowinkle Special Use Permit

Comprehensive Development Plan
Figure 5.1: Development Structure Plan
 Sarpy County, Nebraska

Legend

- | | | |
|------------------------------|---------------------------------|-----------------------|
| Bellevue Future Growth | Mixed Use | Cross County Arterial |
| Business Park | Mixed Use Center | City Limit |
| Civic | New Richfield Village | City ETJ |
| Conservation Residential | Park/School Site | |
| Estate Residential | Plug Interchange Development | |
| Greenway | Residential - Community Systems | |
| Industrial | Urban Residential | |
| Light Industrial/Storage | Urban Residential II | |
| Long Term Residential Growth | | |





Vicinity Map - Zoning

18806 Capehart Rd - Lot 1 Mintken Addition
Mowinkle - Special Use Permit





From the Desk of:
Tammy Tisdall
City Clerk
204 N. McKenna Ave
P.O. Box 69
Gretna, NE 68028

September 26, 2012

Donna Lynam, Zoning Administrator
Sarpy County Planning
1210 Golden Gate Drive
Papillion, NE 68046

RE: Application by Jim Mowinkle for Special Use Permit (Amendment and Extension)

In reviewing the proposal to amend and extend the special use permit as requested by Mr. Mowinkle, the City of Gretna would like Sarpy County to take the following concerns and comments into consideration.

The location of this property lies in the future growth area for the City of Gretna. With the growth that Gretna is currently experiencing, it is expected that the City of Gretna will declare itself as a first class city pursuant to State Statute within the next five years. This will extend our Extra Territorial Zoning Jurisdiction to two (2) miles which will include the proposed property. This property also falls within the I-80 Corridor and the City of Gretna has specific design standards that would apply to a proposed new construction.

The City of Gretna would appreciate the Sarpy County Planning Commission and Sarpy County Board of Commissioners consider a Special Use Permit with a maximum of a five (5) year term.

Thank you for your time and consideration,

A handwritten signature in cursive script that reads "Tammy Tisdall".

Tammy Tisdall
Gretna City Clerk