

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

APPROVE CHANGE OF ZONE

APPLICANT: SIGRID HEIMES; CHANGE OF ZONE FROM AGD, AGRICULTURAL DEVELOPMENT DISTRICT TO AGR, AGRICULTURAL 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, the Sarpy County Planning Department staff reviewed the Sigrid Heimes application for a Change of Zone from AGD, Agricultural Development District to AGR, Agricultural Residential District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located just north and west of Highway 31 and Riha Road in a gated community of Meadow Oaks South and legally described as follows:

Lot 8A Meadow Oaks South, 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 December 20, 2012 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 Department staff made a recommendation as noted in the attached Exhibit "A", which includes the Planning Department Recommendation 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 AGD, Agricultural Development District to AGR, Agricultural Residential District on the property legally described above.

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 8th day of January, 2013.



James Mann
Sarpy County Board Chairman

D. Vaughn Talbot
County Clerk

Sarpy County Board of Commissioners Report
 Staff Report Prepared: December 31, 2012
 County Board Date: January 8, 2013

Subject	Type	By
Application relates to parcel located within the Meadow Oaks South subdivision, located at 21186 Riha Road, legally described as Lot 8A Meadow Oaks South as surveyed, platted and recorded in Sarpy County, Nebraska. • Change of Zone: AGD to AGR	Public Hearings and Resolutions	Donna Lynam Zoning Administrator Planning & Building

➤ **Summary and Purpose of Requests:**

- This application requests the approval of a change of zoning from AGD (Agricultural Development) to AGR (Agricultural Residential) for an existing 8.34 acre platted parcel in the Meadow Oaks South Subdivision.

➤ **Background and Analysis:**

- The detailed staff report on this application was presented to the Planning Commission at their December 20, 2012 meeting and is attached for your information and review.

➤ **Staff Recommendations:**

- Staff recommends **APPROVAL** of the Change of Zone from AGD (Agricultural Development) to AGR (Agricultural Residential) for Lot 8A Meadow Oaks South as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations.

➤ **Planning Commission Recommendations:**

- On December 20, 2012 the Planning Commission voted to recommend **APPROVAL** of the Change of Zone from AGD to AGR for Lot 8A Meadow Oaks South.

MOTION: Stuart moved, seconded by Vanek, to recommend approval of Change of Zone from AGD to AGR as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations. Ballot: Ayes – *Stuart, Whitfield, Mohr, Murante, Fenster, and Vanek.* Nays – none. Absent - *Torczon, Lichter, Farrell, Thompson and Bliss.* **Motion carried 6-0-5.**



SARPY COUNTY PLANNING & BUILDING DEPARTMENT

RECOMMENDATION REPORT

CHANGE OF ZONE (CZ 12-0007)

APPLICANT: SIGRID HEIMES

PROPOSED REZONING FROM AGD (AG DEVELOPMENT) TO AGR (AG RESIDENTIAL)
PLANNING COMMISSION HEARING OF: DECEMBER 20, 2012

I. GENERAL INFORMATION

A. APPLICANT:

Sigrid Heimes
21174 Riha Road
Springfield, NE 68059

B. PROPERTY OWNERS:

Lee Van Hoosen, Trustee
9144 S 147th Street
Omaha, NE 68138

C. **SUBJECT PROPERTY LOCATION:** Meadow Oaks South development just north and west of Highway 31 and Riha Road in a gated community

D. **LEGAL DESCRIPTION:** Lot 8A Meadow Oaks South as surveyed, platted and recorded in Sarpy County, Nebraska.

E. **SUBJECT PROPERTY SIZE:** approximately 8.32 acres

F. EXISTING FUTURE LAND USE AND CURRENT ZONING DESIGNATION:

- Future Land Use Designations: Conservation Residential
- Zoning: AGD (Agricultural Development District)

G. **REQUESTED ACTION(S):** Approval of a Change of Zone from AGD (Agricultural Development District) to AGR (Agricultural Residential District) on Lot 8A, Meadow Oaks South as surveyed, platted and recorded in Sarpy County, Nebraska.

II. BACKGROUND INFORMATION

A. **EXISTING CONDITION OF SITE:** Site is an existing platted lot with no improvements.

B. GENERAL VICINITY AND LAND USE

- North: Meadow Oaks Subdivision zoned RE1 and RE2, Residential Estates
- South and West: Heavily timbered and open agricultural land
- East: Residential acreage development zoned AGR, Agricultural Residential

C. RELEVANT CASE INFORMATION:

- Parcel was originally platted as a 9.59 acre parcel approved by the Sarpy County Board in March of 2000.
- An Administrative Lot Line Adjustment was approved by the Sarpy County Building Inspector in June of 2000 reducing the lot size even further to 8.34 acres.

- The lot is considered to be non-conforming as the current zoning of AGD requires a minimum lot size of 10 acres
- Meadow Oaks South is served with ingress/egress easements and is a gated community

D. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations:
 - Section 11, AGR Agricultural Residential
 - Section 43, Amendments and Re-Zoning

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:

- The Comprehensive Plan shows the area as Conservation Residential and the request for a change of zone to AGR is consistent with this designation.

B. TRAFFIC AND ACCESS:

- Existing ingress/egress easements from Riha Road.

C. OTHER AGENCY REVIEW/COMMENTS: The applications were sent to the City of Springfield, as well as jurisdictional agencies and departments that may have an interest, for review and comments.

- Comments were received from:
 - **Sarpy County Public Works** – No notable comments on this application
 - **Sarpy County GIS** – No comments received
 - **Papio Missouri River Natural Resource District** – No comments received
 - **City of Springfield** – No comments received
 - **Other responses** received indicated they had no comments or objections to the application.

D. GENERAL COMMENTS:

- **Change of Zone**
 - Currently zoned AGD, Agricultural Development District
 - Requesting AGR, Agricultural Residential District
 - Consistent with Future Land Use Plan

IV. STAFF RECOMMENDATIONS:

- Staff recommends **APPROVAL** of the Change of Zone from AGD to AGR as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations.

VI. PLANNING COMMISSION RECOMMENDATIONS:

- On December 20, 2012 the Planning Commission voted to recommend **APPROVAL** of the Change of Zone from AGD to AGR for Lot 8A Meadow Oaks South.

MOTION: Stuart moved, seconded by Vanek, to recommend approval of Change of Zone from AGD to AGR as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations. Ballot: Ayes – Stuart, Whitfield, Mohr, Murante, Fenster, and Vanek. Nays – none. Absent - Torczon, Lichter, Farrell, Thompson and Bliss. **Motion carried 6-0-5.**

VII. ATTACHMENTS TO REPORT:

1. Current Zoning Map
2. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)
3. Application – Change of Zone

VIII. COPIES OF REPORT SENT TO:

1. Sigrid Heimes (applicant)
2. Public Upon Request

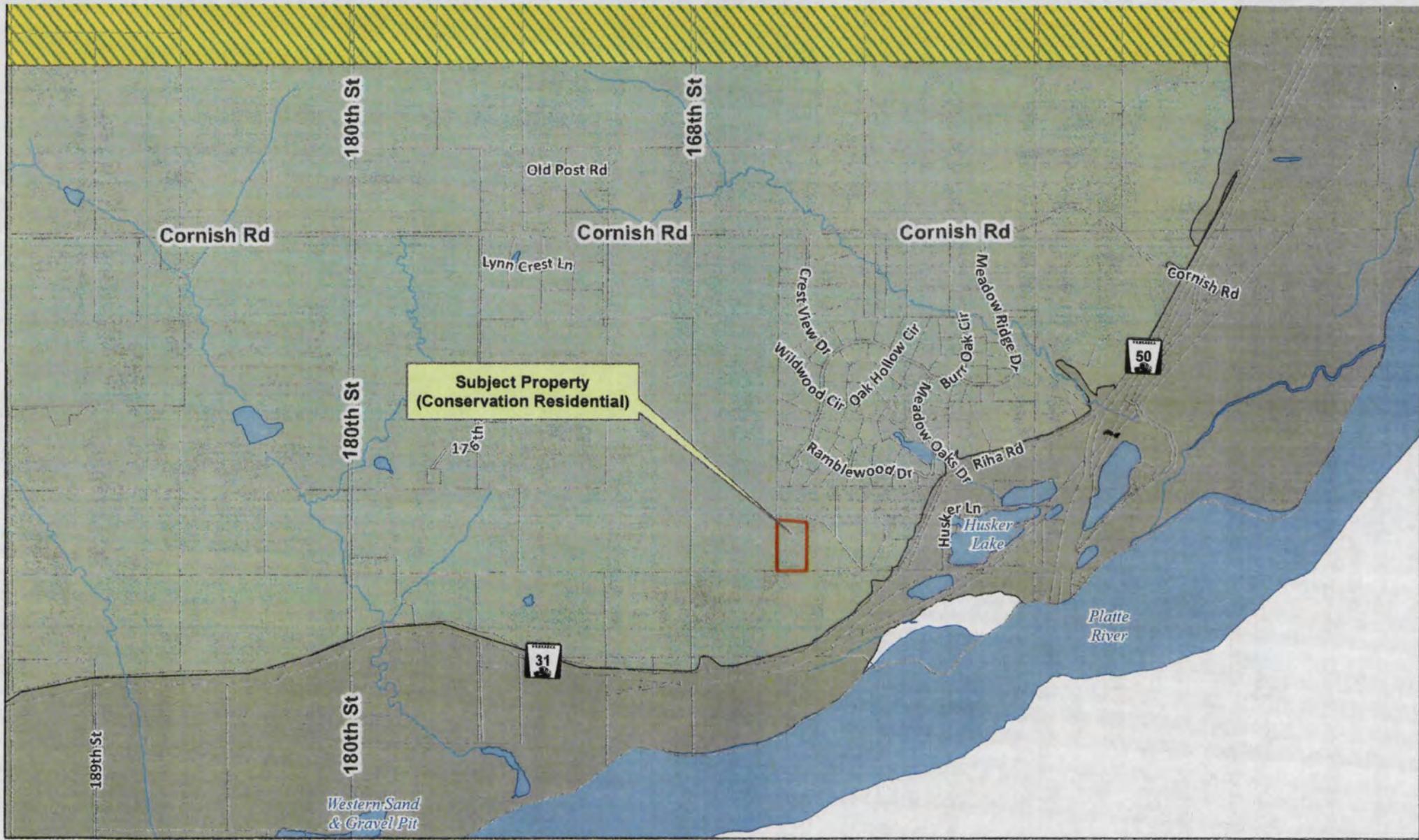
Respectfully Submitted by: Donna Lynam, Zoning Administrator
Reviewed, edited & approved by: Bruce Fountain, Planning Director



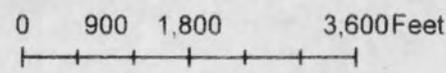
Vicinity Map - Zoning

Lot 8A Meadow Oaks South - Van Hoosen Rezoning





Current FLU - Sarpy Co



Lot 8A Meadow Oaks South - Rezoning

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 | | |



SARPY COUNTY PLANNING

1210 GOLDEN GATE DRIVE PAPILLION, NE 68046
PHONE: 402-593-1555 FAX: 402-593-1558 E-MAIL: PLANNING@SARPY.COM

CHANGE OF ZONE APPLICATION

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

1. Completed Change of Zone Application
2. Non-Refundable Fee of \$ _____ made payable to Sarpy County Treasurer
3. Copy of Deed on file with Register of Deeds
4. 2 Site plan drawings (folded) and 25 reduced size (11" x 17") and 1 digital copy including: (if applicable)
 - a. Legal description with site layout (1"=20')
 - b. Metes and bounds description with lot size
 - c. Floodplain/floodway boundaries
 - d. Existing easements
 - e. General location map (2 mile radius)
 - f. Elevations or other supporting materials
5. Detailed operational plans
6. Contact information for consultants, i.e. engineer, surveyor, attorney, etc.

PLANNING STAFF USE ONLY:

APPLICATION NO.: CZ 12-0007
 DATE RECEIVED: _____
 CP DESIGNATION: _____
 ZONING DESIGNATION: _____
 FEE: \$ _____ RECEIPT NO. _____
 RECEIVED BY: _____
 NOTES: _____

APPLICANT INFORMATION: CHECK BOX IF TEXT AMENDMENT APPLICATION.

NAME: Sigrid Heimes E-MAIL: Sigridana1@cox.net
 ADDRESS: 21174 Riba Road CITY/STATE/ZIP: Springfield NE 68059
 MAILING (IF DIFFERENT) ADDRESS: _____ CITY/STATE/ZIP: _____
 PHONE: 402-320-1241 FAX: _____

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

Please check box if attaching separate sheet with owner information.

NAME: Lee Van Hoesen Trustee E-MAIL: lee@heimescorp.com
 ADDRESS: 9144 S 147th Street CITY/STATE/ZIP: Omaha NE 68138
 MAILING (IF DIFFERENT) ADDRESS: _____ CITY/STATE/ZIP: _____
 PHONE: 402-894-1000 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.

The proposed change of zone from AGD to AGR will bring the existing platted lot into compliance with the minimum lot size required for the zoning district. The lot configuration and dimensions will remain the same.

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: 011572143

ADDITIONAL PARCEL NUMBERS N/A N/A

LEGAL DESCRIPTION: (Describe property to wit:)

Lot 8A, Meadow Oaks South as surveyed, platted, and recorded in Sarpy County, Nebraska

GENERAL PROPERTY LOCATION: 21186 Riva Road **ACRES:** 8.32

CURRENT ZONING: AGD **REQUESTED ZONING:** AGR

SOURCE OF SERVICES: Water Private Sewer Private
Gas N/A Electric OPPD

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.

X S. C. Heines
Owner Signature (or authorized agent)

X 12-2-12
Date

Owner Signature (or authorized agent)

Date

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, December 26, 2012

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.



Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 12-27-2012

Signed in my presence and sworn to before me:



Notary Public

Printer's Fee \$ 19.78
Customer Number: 40638
Order Number: 0001592876

NOTICE OF PUBLIC HEARING SARPY COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, January 8, 2013, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration,

Lee Sapp of 14450 Meadows Boulevard, Omaha, NE 68145 requests a Change of Zone from BG to IL and a Preliminary and Final Plat of a subdivision to be known as Zapata Lots 1 and 2 being a platting of part of Tax Lot 4A1A1 and Tax Lot 4A2 all in Section 26, Township 14N, Range 11E east of the 6th P.M. Sarpy County, Nebraska. General property location is NE of 156th & Sapp Brothers Dr.

Albert Moellenbeck III and Jung Moellenbeck, 17915 Pflug Road, have submitted applications for consideration of a Change of Zone from AG to RE2, a Preliminary Plat and a Final Plat of a subdivision to be known as Stehlik Acres Subdivision being a platting of Tax Lot 3B, located in the northwest quarter of the northwest quarter of Section 28, Township 13N, Range 11E, of the 6th P.M., Sarpy County, NE. General location SE corner of 180th & Pflug Road.

Sigrid Heimes of 21174 Riha Road, Springfield, NE and Lee Van Hoosen, Trustee, request approval of a Rezoning from AGD (agricultural development) to AGR (agricultural residential) on the Lot 8A, Meadow Oaks South as surveyed, platted and recorded in Sarpy County, Nebraska. Property address is 21186 Riha Road.

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

1592876; 12/26