

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

APPROVE CHANGE OF ZONE

**APPLICANT: ALBERT MOELLENBECK; CHANGE OF ZONE FROM AG,
AGRICULTURAL DISTRICT TO RE2, RESIDENTIAL ESTATES 2 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 Albert Moellenbeck application for a Change of Zone from AG, Agricultural District to RE2, Residential Estates 2 District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located on the southeast corner of 180th and Pflug Road and legally described as follows:

Tax Lot 3B located in the northwest quarter of Section 28, T13N, R11E of the 6th 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 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.

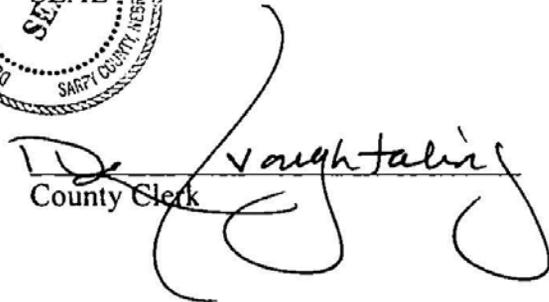
- IV. The Planning Department staff made a recommendation as noted in the attached Exhibit "A", which includes the Planning Department Recommendation Report.
- V. The Change of Zone Application is in compliance with the Comprehensive Development Plan.

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 AG, Agricultural District to RE2, Residential Estates 2 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.


Sarpy County Board Chairman




County Clerk

Subject	Type	By
Applications related to property generally located on the southeast corner of 180 th and Pflug Road, legally described as Tax Lot 3B in the northwest quarter of Section 28, Township 13N, Range 11E of the 6 th P.M. Sarpy County, NE. • Change of Zone: AG to RE2 • Preliminary Plat: Stehlik Acres Subdivision • Final Plat: Stehlik Acres Subdivision	Public Hearings and Resolutions	Donna Lynam Zoning Administrator Planning & Building

➤ **Summary and Purpose of Requests:**

- These applications request the approval of a change of zoning from AG (Agricultural Farming) to RE2 (Residential Estate II District - 2 acre minimum) and both a Preliminary Plat and Final Plat for a two-lot residential subdivision to be known as Stehlik Acres Subdivision.

➤ **Background and Analysis:**

- The detailed staff report on these applications 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 AG (Agricultural Farming) to RE-2 (Residential Estates 2 acre minimum) for the proposed Stehlik Acres Subdivision as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations.
- Staff recommends **APPROVAL** of the proposed Preliminary Plat of a subdivision to be known as Stehlik Acres Subdivision as it meets requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.
- Staff recommends **APPROVAL** of the proposed Final Plat of a subdivision to be known as Stehlik Acres Subdivision as it meets requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.

➤ **Planning Commission Recommendations:**

- On December 20, 2012 the Planning Commission voted to recommend **APPROVAL** of the Change of Zone, Preliminary Plat and Final Plat for Stehlik Acres Subdivision.

MOTION: Vanek moved, seconded by Mohr, to recommend approval of Change of Zone from AG to RE2 with an effective date of the filing of the Final Plat, for the proposed Stehlik Acres Subdivision, 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.**

MOTION: Vanek moved, seconded by Murante, to recommend approval on Preliminary Plat for the subdivision to be known as Stehlik Acres as it meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. Ballot: Ayes - *Stuart, Whitfield, Mohr, Murante, Fenster, and Vanek.* Nays – none. Absent - *Torczon, Lichter, Farrell, Thompson and Bliss.* **Motion carried 6-0-5.**

MOTION: Vanek moved, seconded by Mohr, to recommend approval on Final Plat for the subdivision to be known Stehlik Acres Subdivision as it meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision 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 12-0006)

PRELIMINARY PLAT (PP 12-0006)

FINAL PLAT (FP 12-0006)

APPLICANT: ALBERT MOELLENBECK

PROPOSED TWO LOT SUBDIVISION TO BE KNOWN AS STEHLIK ACRES SUBDIVISION
PLANNING COMMISSION HEARING OF: DECEMBER 20, 2012

I. GENERAL INFORMATION

A. APPLICANT:

Albert Moellenbeck
17915 Pflug Road
Springfield, NE 68059

B. PROPERTY OWNERS:

Jung and Albert Moellenbeck
17915 Pflug Road
Springfield, NE 68059

C. **SUBJECT PROPERTY LOCATION:** Subject property is located on the southeast corner of 180th and Pflug Road.

D. **LEGAL DESCRIPTION:** Tax Lot 3B located in the northwest quarter of Section 28, T.13N, R.11E of the 6th P.M. Sarpy County, Nebraska.

E. **SUBJECT PROPERTY SIZE:** approximately 9.34 acres

F. EXISTING FUTURE LAND USE AND CURRENT ZONING DESIGNATION:

- Future Land Use Designations: Residential w/ Community Systems
- Zoning: AG (Agricultural Farming District)

G. **REQUESTED ACTION(S):** Approval 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 Section 28, T.13N, R.11E of the 6th P.M. Sarpy County, Nebraska.

II. BACKGROUND INFORMATION

A. **EXISTING CONDITION OF SITE:** Site currently has two existing single-family structures, one constructed in 1900 and one constructed in 2003. Each are served with private utilities and access via county roads.

B. GENERAL VICINITY AND LAND USE

- North and West: Open agricultural land with sporadic farmsteads and residential acreages
- South: Buffalo Creek
- East: Open Agricultural land with farm bins and grain storage site about ¼ mile east

C. RELEVANT CASE INFORMATION:

- This property has two existing dwellings, each having an accessory structure
- Water and sewer would be provided by private system

- Access to proposed lots would be served by existing driveways from 180th Street and Pflug Road (property currently have four access points to the county road)
- 50 feet of Right-of-way is being dedicated along 180th Street and Pflug Road

D. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations:
 - Section 12, RE2 Residential Estates
 - Section 43, Amendments and Re-Zoning
- Sarpy County Subdivision Regulations

III. ANALYSIS / STAFF COMMENTS

A. COMPREHENSIVE PLAN:

- The Comprehensive Plan shows the area as future Residential with Community Systems and this proposed development would be considered to be consistent with this designation.

B. TRAFFIC AND ACCESS:

- Each proposed lot currently has access via four existing driveways, 3 from Pflug Road and 1 from 180th Street
- Future road work along Pflug Road and/or 180th Street may require that the western most access driveway on Lot 1 be removed.

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

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

D. GENERAL COMMENTS/CONDITIONS:

- **Change of Zone**
 - Currently zoned AG, Agricultural Farming District
 - Requesting RE2, Residential Estates (2 acre min) District
 - Consistent with Future Land Use Plan
- **Preliminary/Final Plat:**
 - Proposing to subdivide property into two lots, Lot 1 being 4.46 acres and Lot 2 being 3.001 acres
 - Each proposed lot is currently developed with Single-family dwellings and an accessory building
 - Parcels would be served by private utilities for water and sewer, no public utilities available to the area
 - Access to proposed parcels should be limited to the existing access points from Pflug Road and 180th Street
 - The "Dedication" language on the final plat needs to be amended to provide standard verbiage providing for utility easements along the front, side, and rear yard lot lines

IV. STAFF RECOMMENDATIONS:

- Staff recommends **APPROVAL** of the **Change of Zone**, with an effective date of the filing of the Final Plat, for the proposed Stehlik Acres Subdivision as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations.
- Staff recommends **APPROVAL** of the proposed **Preliminary Plat** for the subdivision to be known as Stehlik Acres as it is consistent with the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.
- Staff recommends **APPROVAL** of the proposed **Final Plat** for the subdivision to be known as Stehlik Acres subject to the "Dedication" language being amended to provide standard verbiage for utility easements required along the front, side, and rear yard lot lines. Staff recommends approval of the Final Plat with this condition as it is consistent with the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.

VI. PLANNING COMMISSION RECOMMENDATIONS:

- On December 20, 2012 the Planning Commission voted to recommend **APPROVAL** of the Change of Zone, Preliminary Plat and Final Plat for Stehlik Acres Subdivision.

MOTION: Vanek moved, seconded by Mohr, to recommend approval of Change of Zone from AG to RE2 with an effective date of the filing of the Final Plat, for the proposed Stehlik Acres Subdivision, 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.**

MOTION: Vanek moved, seconded by Murante, to recommend approval on Preliminary Plat for the subdivision to be known as Stehlik Acres as it meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. Ballot: Ayes - *Stuart, Whitfield, Mohr, Murante, Fenster, and Vanek.* Nays – none. Absent - *Torczon, Lichter, Farrell, Thompson and Bliss.* **Motion carried 6-0-5.**

MOTION: Vanek moved, seconded by Mohr, to recommend approval on Final Plat for the subdivision to be known Stehlik Acres Subdivision as it meets the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations. Ballot: Ayes – *Stuart, Whitfield, Mohr, Murante, Fenster, and Vanek.* Nays – none. Absent - *Torczon, Lichter, Farrell, Thompson and Bliss.* **Motion carried 6-0-5.**

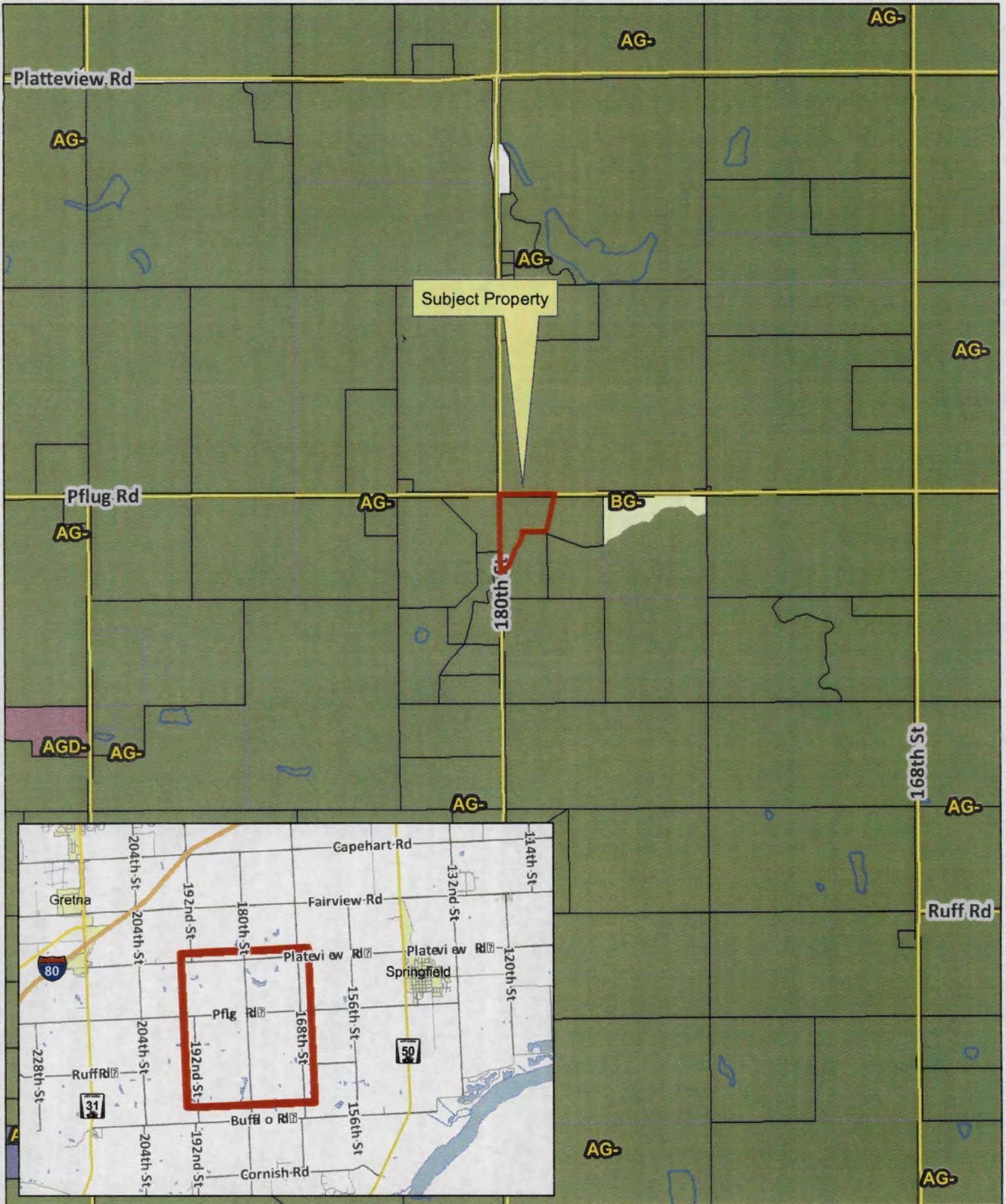
VII. ATTACHMENTS TO REPORT:

1. Current Zoning Map
2. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)
3. Applications – Change of Zone, Preliminary Plat, and Final Plat
4. Written comments received by the Planning Department

VIII. COPIES OF REPORT SENT TO:

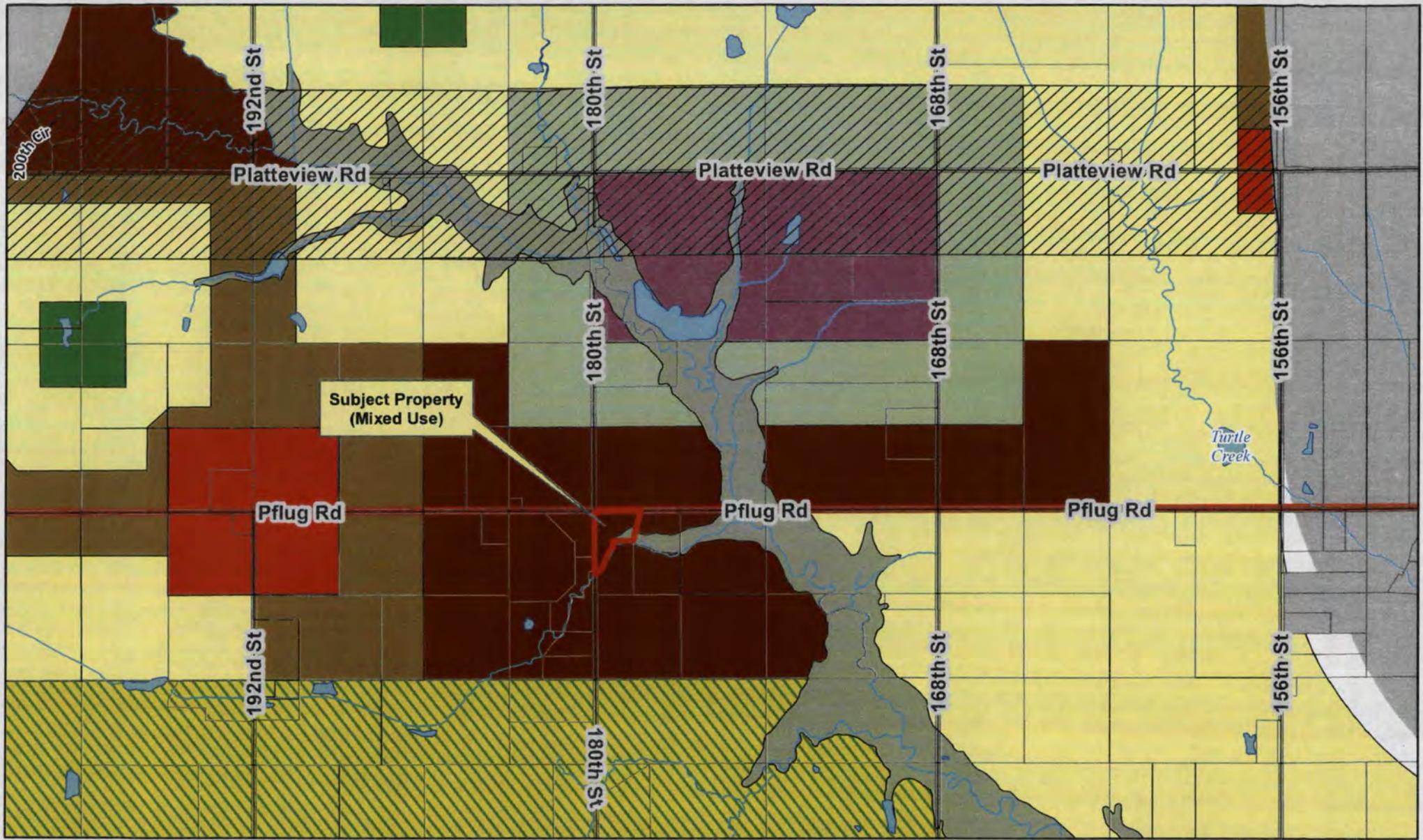
1. Albert Moellenbeck (applicant and owner) – c/o Jo Boyles, applicant agent
2. Public Upon Request

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



Vicinity Map - Zoning
 17915 Pflug Rd - Moellenbeck
 Rezoning, Preliminary, and Final Plat





Current FLU - Sarpy Co

0 900 1,800 3,600 Feet



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

Legend

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



17915 Pflug Rd - Moellenbeck Rezone, Prelim & Final Plat

Amended 3-07-2012



SARPY COUNTY PLANNING

1210 GOLDEN GATE DRIVE PAPPILION, 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.: _____

DATE RECEIVED: 11/29/12

CP DESIGNATION: _____

ZONING DESIGNATION: _____

FEES: \$ 200.00 RECEIPT NO. _____

RECEIVED BY: RF

NOTES: 12/19/12 PC

APPLICANT INFORMATION: CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: ALBERT MOELLENBACK

E-MAIL: JO.BOYLES@cbshome.com

ADDRESS: 17915 PFLUG Rd

CITY/STATE/ZIP: SPRINGFIELD, NE 6859

MAILING (IF DIFFERENT) ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____

FAX: _____

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

Please check box if attaching separate sheet with owner information.

NAME: JUNG & ALBERT MOELLENBACK

E-MAIL: _____

ADDRESS: 17915 PFLUG Rd

CITY/STATE/ZIP: SPRINGFIELD, NE 6859

MAILING (IF DIFFERENT) ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____

FAX: _____

11-29-12.

JVD RF

11-29-1

necessary.) PLEASE NOTE: A detailed project description is essential to the reviewing process of this request.

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: 010750592

ADDITIONAL PARCEL NUMBERS _____

LEGAL DESCRIPTION: (Describe property to wit:)
Tax Lot 3B Sec. 28 T13N R11E

GENERAL PROPERTY LOCATION: 150TH & PFLUG ACRES: 7.46 ac

CURRENT ZONING: Ac REQUESTED ZONING: RE2

SOURCE OF SERVICES: Water WELL Sewer SEPTIC
Gas _____ Electric _____

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.

[Signature]
Owner Signature (or authorized agent)

11/29/12
Date

[Signature]
Owner Signature (or authorized agent)

11/29/12
Date

AFFIDAVIT OF PUBLICATION

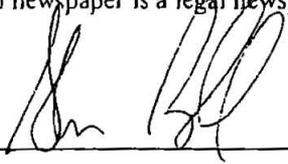
STATE OF NEBRASKA)
) SS.
County of Sarpy)

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 herein; 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 5, 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

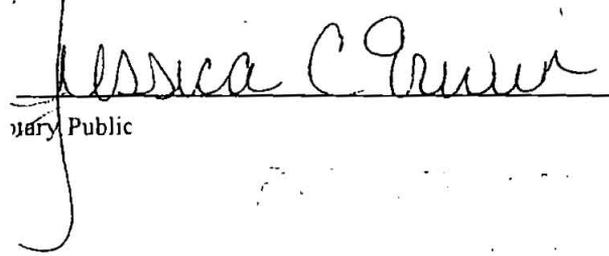
NOTICE OF PUBLIC HEARING
SARPY COUNTY PLANNING
COMMISSION

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Wednesday, December 19, 2012, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

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

Today's Date 12-04-2012

signed in my presence and sworn to before me:



Jary Public

Printer's Fee \$ 19.69
Advertiser Number: 40638
Advertiser Number: 0001587320

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.

1587320: 12/5

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.

[Signature of Kirk Hoffman]
Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

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 J1 and a Preliminary and Final Plat of a subdivision to be known as Zapala 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.

Sigrd Helmes 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

Today's Date 12-27-2012
Signed in my presence and sworn to before me:
[Signature of Notary Public]
Notary Public

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