

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

**APPROVE CHANGE OF ZONE**

**APPLICANT: LEE SAPP; CHANGE OF ZONE FROM BG, GENERAL BUSINESS**  
**DISTRICT TO IL LIGHT INDUSTRIAL 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, Bruce Fountain, Planning Director has reviewed the Lee Sapp application for a Change of Zone from BG, General Business District to IL, Light Industrial District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located at the northeast corner of Sapp Brothers Drive and 156<sup>th</sup> Street and legally described as follows:

Tax Lot 4A1A1 and 4A2, Section 26, T14N, R11E of the 6<sup>th</sup> P.M. Sarpy County, Nebraska.

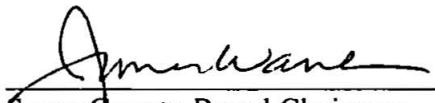
NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on 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.

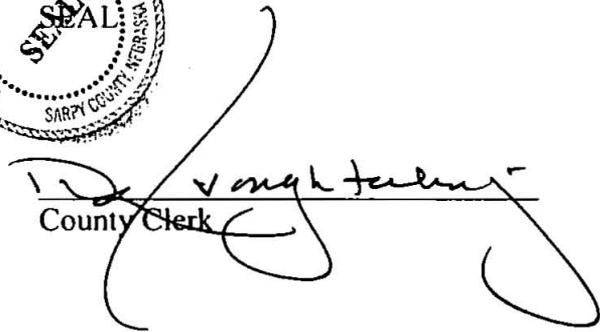
- IV. The Planning Director has made a recommendation as noted in the attached Exhibit "A", which includes the Planning Director Recommendation Report.
- V. The Change of Zone Application is in compliance with the Comprehensive Development Plan.

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 BG, General Business District to IL, Light Industrial 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 8<sup>th</sup> day of January, 2013.

  
Sarpy County Board Chairman



  
County Clerk

Subject	Type	By
<p>Applications related to property generally located at the northeast corner of Sapp Brothers Drive and 156<sup>th</sup> Street, legally described as Tax Lots 4A1A1 and 4A2, Section 26, T14N, R11E of the 6<sup>th</sup> P.M. Sarpy County, Nebraska</p> <ul style="list-style-type: none"> <li>• Change of Zone: BG to IL</li> <li>• Preliminary Plat: Zapata Lots 1 &amp; 2</li> <li>• Final Plat: Zapata Lots 1 &amp; 2</li> </ul>	<p>Public Hearings and Resolutions</p>	<p>Bruce Fountain, AICP, EDFP Director, Planning &amp; Building Dept.</p>

➤ **Summary and Purpose of Requests:**

- These applications request the approval of a change of zoning from BG (General Business) to IL (Light Industrial) and both a Preliminary Plat and Final Plat for a two-lot subdivision to be known as Zapata Lots 1 & 2.

➤ **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 BG (General Business) to IL (Light Industrial) for the proposed Zapata Lots 1 & 2 Subdivision as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations and it is consistent with the surrounding area.
- Staff recommends **APPROVAL** of the proposed Preliminary Plat of a subdivision to be known as Zapata Lots 1 & 2 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 Zapata Lots 1 & 2 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 Zapata Lots 1 & 2 Subdivision.

**MOTION:** Fenster moved, seconded by Whitfield to recommend APPROVAL of the Change of Zone from BG to IL, with the effective date of the filing of the Final Plat, for the proposed subdivision as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations. It is also consistent with the surrounding zoning and uses in the area. Ballot: Ayes – *Stuart, Whitfield, Mohr, Murante, Fenster, and Vanek*. Nays – none. Absent - *Torczon, Lichter, Farrell, Thompson and Bliss*. **Motion carried 6-0-5.**

**MOTION:** Fenster moved, seconded by Whitfield to recommend approval on Preliminary Plat of a Subdivision to be known as Zapata Lots 1 and 2 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:** Fenster moved, seconded by Whitfield to recommend approval on Final Plat of a Subdivision to be known as Zapata Lots 1 and 2 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 12-0005)

PRELIMINARY PLAT (PP 12-0005)

FINAL PLAT (FP 12-0005)

APPLICANT: LEE SAPP

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

### I. GENERAL INFORMATION

#### A. APPLICANT:

Lee Sapp  
14450 Meadows Blvd.  
Omaha, NE 68145

#### B. PROPERTY OWNERS:

SWN Investments, LLC  
14450 Meadows Blvd.  
Omaha, NE 68145

C. **SUBJECT PROPERTY LOCATION:** Subject property is generally located at the northeast corner of Sapp Brothers Drive and 156<sup>th</sup> Street.

D. **LEGAL DESCRIPTION:** Tax Lots 4A1A1 and 4A2, Section 26, T14N, R11E of the 6<sup>th</sup> P.M. Sarpy County, Nebraska

E. **SUBJECT PROPERTY SIZE:** approximately 21.75 acres total

#### F. EXISTING FUTURE LAND USE AND CURRENT ZONING DESIGNATION:

- Future Land Use Designations: Business Park
- Zoning: BG (General Business) - Highway Corridor Overlay District

G. **REQUESTED ACTION(S):** Approval of a Change of Zone from BG (General Business) to IL (Light Industrial); a Preliminary Plat; and a Final Plat of a Subdivision to be known as Zapata being a platting of Tax Lots 4A1A1 and 4A2, Section 26, T14N, R11E of the 6<sup>th</sup> P.M. Sarpy County, Nebraska.

### II. BACKGROUND INFORMATION

A. **EXISTING CONDITION OF SITE:** Both of these parcels of land are vacant with the exception of a water supply well owned and operated by S.I.D. 48 of Sarpy County. The well is located on an easement in the northwest corner of Tax Lot 4A2.

#### B. GENERAL VICINITY ZONING AND LAND USE

- North: Wehrspann Lake Park – zoned IL (Light Industrial) and AG (Agricultural Farming)
- South: I-80 interchange area
- East: Small businesses and mini-storage facility – zoned IL (Light Industrial)
- West: Nebraska Machinery Corporation facilities – zoned IL (Light Industrial) and BG (General Business)

### **C. RELEVANT CASE INFORMATION:**

- This property currently consists of two vacant tax lots with the exception of a water supply well owned and operated by S.I.D. 48 of Sarpy County. The well is located on an easement in the northwest corner adjacent to the Wehrspann Lake property.
- Water and sewer will be provided by S.I.D. 48 of Sarpy County.
- Additional dedication of right-of-way for 156<sup>th</sup> Street will be applied along the entire west property line.
- The property lies within a designated Highway Corridor Overlay District and any development also will have to comply with the regulations of Section 32 (Highway Corridor Overlay District) of the Sarpy County Zoning Regulations.

### **D. APPLICABLE REGULATIONS:**

- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations:
  - Section 23, Light Industrial District
  - Section 32, Highway Corridor Overlay District
  - Section 43, Amendments and Re-Zoning
- Sarpy County Subdivision Regulations

## **III. ANALYSIS / STAFF COMMENTS**

### **A. COMPREHENSIVE PLAN:**

- The Comprehensive Plan shows the area as Business Park and this proposed development zoning would be considered to be consistent with this designation.

### **B. TRAFFIC AND ACCESS:**

- Access to proposed lots will be off of Sapp Brothers Drive and 156<sup>th</sup> Street.

### **C. OTHER AGENCY REVIEW/COMMENTS:** The applications were sent to the Cities of Gretna, Papillion and La Vista 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** – See attached comments
  - **City of Gretna** – No comments
  - **City of Papillion** – No comments
  - **City of La Vista** – No comments
  - **Other responses** received indicated they had no comments or objections to the application.

### **D. GENERAL COMMENTS:**

- **Change of Zone**
  - Currently zoned BG, General Business District
  - Requesting IL, Light Industrial District zoning
  - Development will also have to adhere to the Highway Corridor Overlay District requirements of the Sarpy County Zoning Regulations
  - Consistent with Future Land Use Plan
  - Will continue to be within Highway Corridor Overlay District as well
- **Preliminary/Final Plat:**
  - Proposing to subdivide property into two lots, Lot 1 being approximately 6.5 acres and Lot 2 being approximately 14.5 acres.
  - Each proposed lot is currently vacant with the exception of a water supply well owned and operated by S.I.D. 48 of Sarpy County located in an easement at the northwest corner of proposed Lot 2.
  - Water and sewer will be provided by S.I.D. 48 of Sarpy County.

- Access to proposed parcels will be from Sapp Brothers Drive and 156<sup>th</sup> Street for Lot 1 and 156<sup>th</sup> Street for Lot 2.
- Includes a 50' right-of-way dedication along 156<sup>th</sup> Street
- Preliminary Drainage Study and Post Construction Stormwater Management Plans have been submitted
- Final Post Construction Stormwater Management Plans will have to be submitted at the time that each lot is developed.

**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 Zapata Subdivision as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations. It is also consistent with the surrounding zoning and uses in the area.
- Staff recommends **APPROVAL** of the proposed subdivision to be known as Zapata Subdivision as both the Preliminary and the Final Plat meet the requirements of the Sarpy County Comprehensive Development Plan, Zoning Regulations, and Subdivision Regulations.

**VI. PLANNING COMMISSION RECOMMENDATIONS:**

- **MOTION:** Fenster moved, seconded by Whitfield to recommend APPROVAL of the Change of Zone from BG to IL, with the effective date of the filing of the Final Plat, for the proposed subdivision as it is in conformance with the Sarpy County Comprehensive Development Plan and the Sarpy County Zoning Regulations. It is also consistent with the surrounding zoning and uses in the area. Ballot: *Ayes – Stuart, Whitfield, Mohr, Murante, Fenster, and Vanek. Nays – none. Absent - Torczon, Lichter, Farrell, Thompson and Bliss. Motion carried 6-0-5.*
- **MOTION:** Fenster moved, seconded by Whitfield to recommend approval on Preliminary Plat of a Subdivision to be known as Zapata Lots 1 and 2 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:** Fenster moved, seconded by Whitfield to recommend approval on Final Plat of a Subdivision to be known as Zapata Lots 1 and 2 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.*

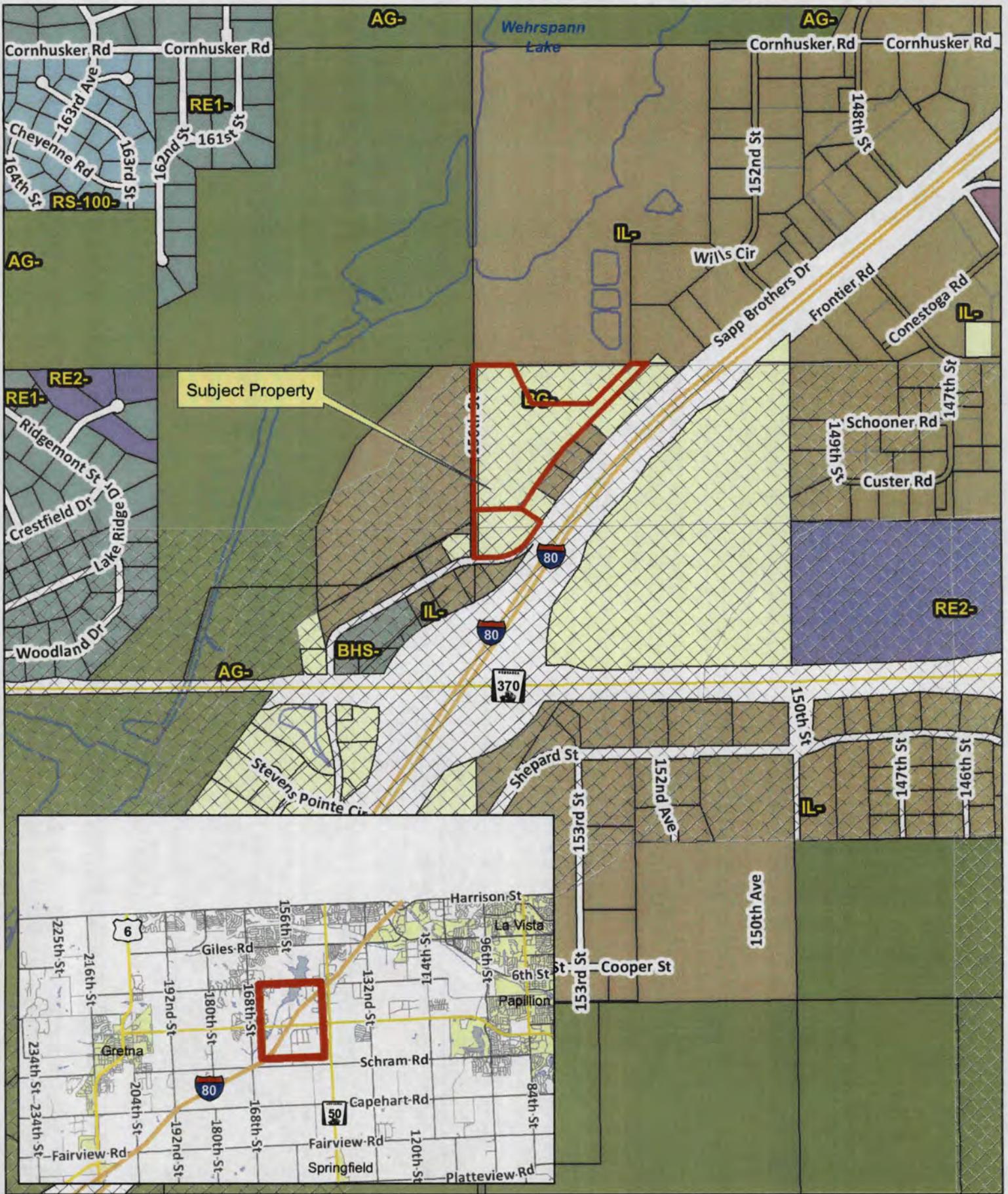
**VII. ATTACHMENTS TO REPORT:**

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. Lee Sapp (applicant and owner)
2. Dean Jaeger, Thompson, Dreesen & Dorner, Inc. (applicant's engineer)
3. Baltazar Saucedo (contract purchaser)
4. Public Upon Request

Respectfully Submitted by:  
Bruce Fountain, Planning Director

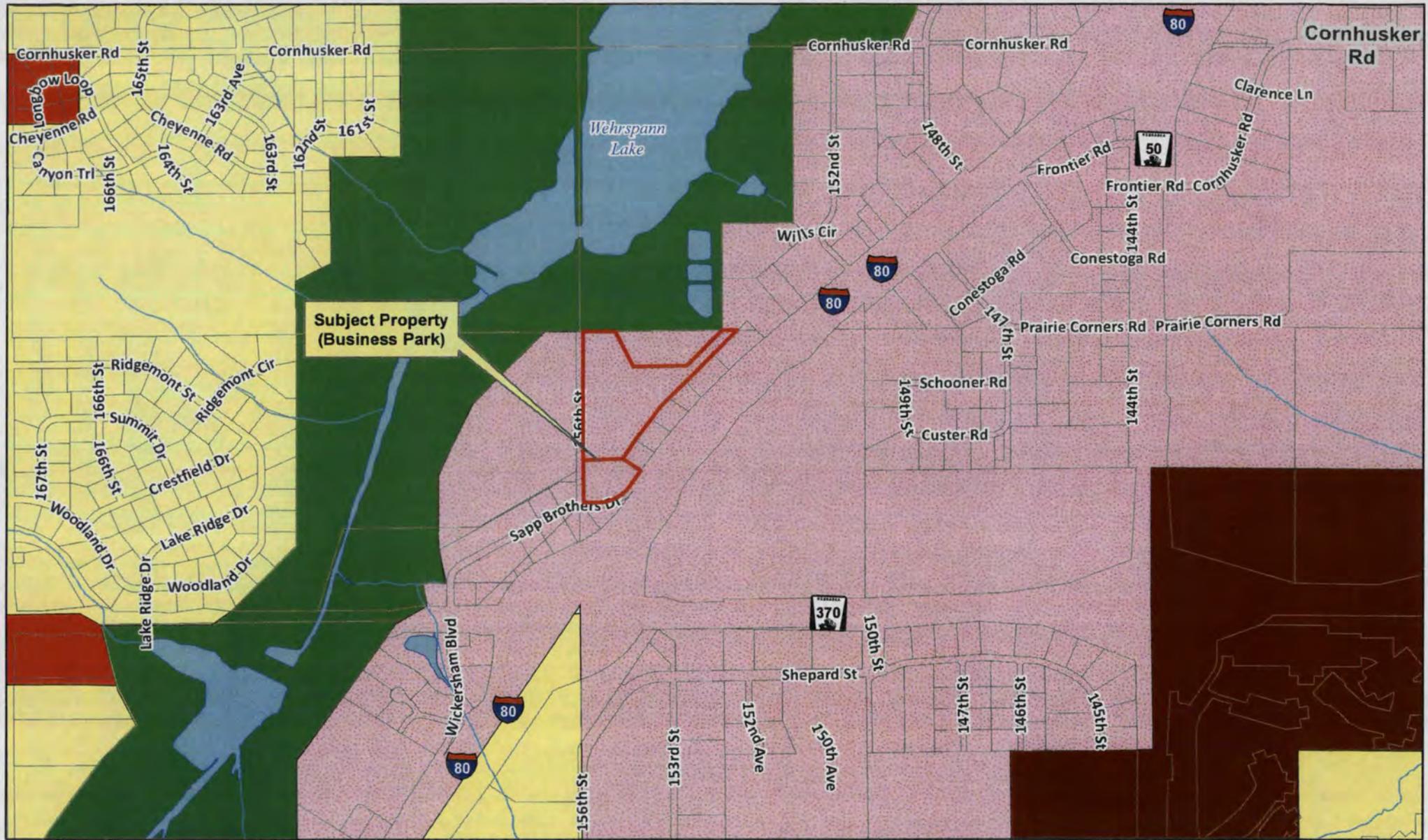


**Vicinity Map - Zoning**  
**TL 4A2 & TL 4A1A - SWN Investments**  
**Rezone, Prelim & Final Plat**

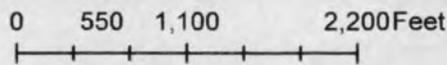


Sarpy Highway Corridor Overlay





**Current FLU - Sarpy Co**



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

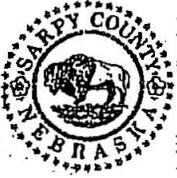
**Legend**

- |                              |                                 |                       |
|------------------------------|---------------------------------|-----------------------|
| 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           | Pflug Interchange Development   |                       |
| Greenway                     | Residential - Community Systems |                       |
| Industrial                   | Urban Residential               |                       |
| Light Industrial/Storage     | Urban Residential II            |                       |
| Long Term Residential Growth |                                 |                       |



TL 4A2 & TL A1A1 26-14-11 Rezone, Prelim & Final Plat

Amended 3-07-2012



# SARPY COUNTY PLANNING

1210 GOLDEN GATE DRIVE PAPPILLION, NE 68046  
PHONE: 402-593-1555 FAX: 402-593-1558 E-MAIL: 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. Completed Change of Zone Application</li> <li>2. Non-Refundable Fee of \$400.00 made payable to Sarpy County Treasurer</li> <li>3. Copy of Deed on file with Register of Deeds</li> <li>4. 2 Site plan drawings (folded) and 25 reduced size (11" x 17") and 1 digital copy including: (if applicable)             <ol style="list-style-type: none"> <li>a. Legal description with site layout (1"=20')</li> <li>b. Metes and bounds description with lot size</li> <li>c. Floodplain/floodway boundaries</li> <li>d. Existing easements</li> <li>e. General location map (2 mile radius)</li> <li>f. Elevations or other supporting materials</li> </ol> </li> <li>5. Detailed operational plans</li> <li>6. Contact information for consultants, i.e. engineer, surveyor, attorney, etc.</li> </ol>	<p><b>PLANNING STAFF USE ONLY:</b></p> <p>APPLICATION NO.: _____</p> <p>DATE RECEIVED: _____</p> <p>CP DESIGNATION: _____</p> <p>ZONING DESIGNATION: _____</p> <p>FEE: \$ _____ RECEIPT NO. _____</p> <p>RECEIVED BY: _____</p> <p>NOTES: _____</p>
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**APPLICANT INFORMATION:**  CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Lee Sapp E-MAIL: \_\_\_\_\_

ADDRESS: 14450 Meadows Blvd. CITY/STATE/ZIP: Omaha, NE 68145

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

PHONE: (402) 895-3113 FAX: (402) 895-9581

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

Please check box if attaching separate sheet with owner information.

NAME: SWN Investments, LLC E-MAIL: \_\_\_\_\_

ADDRESS: 14450 Meadows Blvd. CITY/STATE/ZIP: Omaha, NE 68145

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

PHONE: (402) 895-3113 FAX: (402) 895-9581

**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.

Tax Lot 4A2 26-14-11 (17.66 Ac) together with Tax Lot 4A1A1 26-14-11 (4.09 Ac). Both tracts are vacant with the exception of a Water Supply Well owned and operated by S.I.D. 48 of Sarpy County. The well is located on an easement in the northwest corner of Tax Lot 4A2.

**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:** Tax Lot 4A2 - 017049357

**ADDITIONAL PARCEL NUMBERS** Tax Lot 4A1A1 - 011017198

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

See Attached

**GENERAL PROPERTY LOCATION:** 156th & Sapp Bros Dr **ACRES:** 21.75 Acres

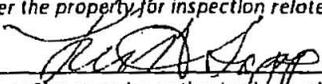
**CURRENT ZONING:** BG **REQUESTED ZONING:** IL

**SOURCE OF SERVICES:** Water SID 48 Sewer SID 48  
Gas Black Hills Energy 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.

  
Owner Signature (or authorized agent)

11-14-12  
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 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.

[Handwritten signatures of Shon Barenklau and Kirk Hoffman]

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:

[Handwritten signature of Jessica Cramer]
Notary Public

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

