

BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA**APPLICANT: SARPY COUNTY PLANNING DEPARTMENT;**
CHANGE OF ZONE ON MULTIPLE PARCELS
AMENDED

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2012), 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 2012), 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 2012); and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Change of Zone Applications; and

WHEREAS, the Sarpy County Planning Department proposes to change the zoning designation of approximately twenty-seven parcels of land from Light Industrial (IL) zoning to Agricultural (AG), Agricultural Development (AGD), Agricultural Residential (AGR), Residential Estates I (REI), or Residential Estates II (REII) zoning according to the size and use of the individual properties; and,

WHEREAS, for the properties under consideration, the land ownership, legal description, current zoning, proposed change of zone (Planning Dept AMENDED recommendation), and the Planning Commission recommendations are listed on the attached Exhibit A, which Exhibit A is attached hereto and incorporated by reference and titled "Parcel Information"; and,

WHEREAS, Sarpy County Planning Department staff studied the area and recommends that the County Board change the zoning designation of the properties under consideration as according to the AMENDED recommendations within the attached Exhibit A; and,

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 May 15, 2013 and on June 19, 2013 and further, the Planning Commission gave their recommendation as noted on the attached Exhibit A.
- 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 2012), 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 and Exhibit B, which said Exhibit B includes the Planning Department Report.
- V. The Planning Department staff made an AMENDED recommendation as noted on Exhibit A and as shown on Exhibit C, a map, attached hereto.
- VI. The Change of Zone Application is in compliance with the Comprehensive Development Plan.
- VII. The Change of Zone encourages the most appropriate use of the land.
- VIII. The Change of Zone brings the legal non-conforming uses on the properties into conformance with the Sarpy County Zoning Regulations.
- IX. The current uses of the land are compatible with the area, consistent with the existing Comprehensive Development Plan and the Future Land Use Plan, and consistent with the proposed zoning designations.
- X. The properties described by Map # 15, 19, 20 (20A & B), 22, 23, 24, and 25 do not have non-conforming structures on the properties and further, the owners of Map # 15, 20 (20A & B), 22, 23, 24, and 25 either did not respond or were opposed to the proposed zoning change on their respective properties.

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 on the following properties described by the Map # within Exhibit A, Map #'s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, and 21 wherein said change of zone is according to and consistent with the Planning Department recommendation on said property.

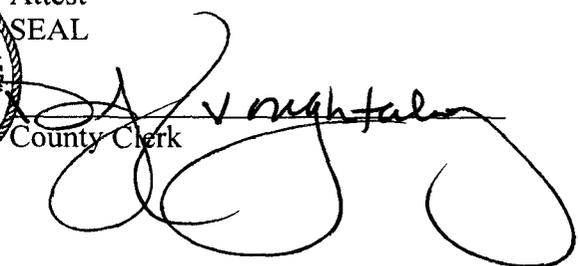
FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, denies the proposed change of zone on the following properties described by the Map # within Exhibit A, Map #'s 15, 19, 20 (20A & B), 22, 23, 24, and 25 because those properties do not have non-conforming structures on them and further, the owners of Map # 15, 20 (20A & B), 22, 23, 24, and 25 either did not respond or were opposed to the proposed zoning change on their respective properties.

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 23rd day of July, 2013.


Sarpy County Board Chairman



Attest
SEAL


County Clerk

PARCEL INFORMATION

Map #	PARCEL ID	CURRENT OWNER	LEGAL	Current Zoning	Planning Dept AMENDED Recommendation /Proposed Zoning	Planning Commission Recommendation	County Board Action
1	011586550	FORAL, EDWARD & DIANE	GOV LOT 2 6-12-12 (35.10 AC)	IL	AG	AG	
2	010381872	FORAL, EDWARD & DIANE	TAX LOT D1 31-13-12 (17.28 AC)	IL	AGD	AGD	
3	011591528	HENRY, CHAD MICHAEL	TAX LOT 4 1-12-11 (5.22 AC)	IL	AGR	AGR	
4	10421122	ASH GROVE LIME & PORTLAND CEMENT CO	GOV LOTS 1, 2 & 6A & GOV LOT 7, S & E OF RR, & ACCRETION THERERO 1-12-11 (337.30 AC)	IL	AG	AG	
4	010421211	ASH GROVE LIME & PORTLAND CEMENT CO	TAX LOT 5B 2-12-11 (24.30 AC)	IL	AG	AG	

Exhibit A

PARCEL INFORMATION

Map #	PARCEL ID	CURRENT OWNER	LEGAL	Current Zoning	Planning Dept AMENDED Recommendation /Proposed Zoning	Planning Commission Recommendation	County Board Action
4	010410392	ASH GROVE LIME & PORTLAND CEMENT CO	ACCRETION & TAX LOTS A & B 12-12-11 (23.10 AC)	IL	AG	AG	
5	010430172	HEITMAN, MICHAEL E & PAULA D	TAX LOT 8A1 36-13-11 (1.12 AC)	IL	RE1	RE1	
6	010430393	PAT JUNGJOHANN	TAXLOTS A, B & 1 36-13-11 (10.48 AC)	IL	AGD	AGD	
7	010430423	PAT JUNGJOHANN	N1/2 NE1/4 36-13-11 (75.85 AC)	IL	AG	AG	
8	010421157	JOSOFF, ROBIN M	GOV LOT 6B 1-12-11 (3.5 AC)	IL	RE2	RE2	
9	010430822	STATE OF NEBRASKA	SE1/4 SE1/4 36-13-11 (40.21 AC)	IL	AG	AG	
10	010430245	GRUBB, MICHAEL M & CYNTHIA A	PT TAX LOTS 12B & 2B2 36-13-11 (20.06 AC)	IL	AG	AG	

Exhibit A

PARCEL INFORMATION

Map #	PARCEL ID	CURRENT OWNER	LEGAL	Current Zoning	Planning Dept AMENDED Recommendation /Proposed Zoning	Planning Commission Recommendation	County Board Action
11	010430261	YONKER, LYLE A	TAX LOT 8B 36-13-11 (8.29 AC)	IL	AGR	AGR	
12	010421149	CARLSON, JAMES A & GAIL M	GOV LOT 2B 1-12-11 (1.75 AC)	IL	RE1	RE1	
13	010430733	DDD & G LUTZ FARM LLP	N1/2 SE1/4, S1/2 NE1/4 & TAX LOTS E & F 36-13-11 (157.98 AC) REFER 10750150, 11100605 & 11100613	IL	AG	AG	
14	010749187	HILLEMAN, EARL F & DOROTHY A	TAX LOTS 9A & C1 36-13- 11 (12.78 AC)	IL	AGD	AGD	
15	010764488	TRUMBLE, DWIGHT & BETTE	TAX LOT 7B 36-13-11 (91.64 AC)	IL	AG NO CHANGE. Property to remain IL	AG	
16	011017147	D & B TRUMBLE LIVING TRUST	TAX LOTS H & I 31-13-12 (188.88 AC)(92 UNITS)	IL	AG	AG	

Exhibit A

PARCEL INFORMATION

Map #	PARCEL ID	CURRENT OWNER	LEGAL	Current Zoning	Planning Dept AMENDED Recommendation /Proposed Zoning	Planning Commission Recommendation	County Board Action
17	011100737	HENGGELER, CHANCE	TAX LOT 1 1-12-11 (1.52 AC)	IL	RE1	RE1	
18	011100648	RAINES, LARRY	TAX LOT D 36-13-11 (1.83 AC)	IL	RE1	RE1	
19	011156678	PAPIO-MISSOURI RIVER NATURAL	TAX LOT R1 36-13-11 (13.08 AC)	IL	AGD NO CHANGE, Property to remain IL	AGD	
20A	011285745	ADVANTAGE INVESTMENTS NEW OWNERSHIP - G & C FARMS LLC	TAX LOTS 2B1 & 12A 36-13-11 (West side of trail) PURCHASED 4/5/2013	IL	AG NO CHANGE, Property to remain IL	No change of zone	
20B	011285745	ADVANTAGE INVESTMENTS NEW OWNERSHIP - G & C FARMS LLC	TAX LOTS 4A, 4B & 5 36-13-11 (East side of trail) PURCHASED 4/5/2013	IL	AG NO CHANGE, Property to remain IL	AG	
21	011571997	PEPEK, WALLY	TAX LOT 3 1-12-11 (5.28 AC)	IL	RE2	RE2	

PARCEL INFORMATION

Map #	PARCEL ID	CURRENT OWNER	LEGAL	Current Zoning	Planning Dept AMENDED Recommendation /Proposed Zoning	Planning Commission Recommendation	County Board Action
22	010764453	SUNDE, GREGORY B	TAXLOTS 3B & 6B 36-13-11 (39.18 AC)	IL	AG NO CHANGE, Property to remain IL	No change of zone	
23	010430350	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 3A 36-13-11 (5 AC)	IL	RE2-NO CHANGE, Property to remain IL	RE2	
24	010764437	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 6A 36-13-11 (.86 AC) SPRINGFIELD	IL	RE1 NO CHANGE, Property to remain IL	RE1	
25	010764445	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 7A 36-13-11 (7.83 AC)	IL	AGR NO CHANGE, Property to remain IL	AGR	

Sarpy County Board of Commissioners
 Exhibit "B"
 Planning Department Report
 County Board Meeting Date: July 9, 2013

Subject	Type	By
Application by Sarpy County Planning Department requesting to change the zoning from IL (Light Industrial) to AG (Agricultural) AGD (Agricultural Development) AGR (Agricultural Residential) RE2 and RE1 (Residential Estates) of 27 parcels in an area lying south of Springfield (17600 block south), east of Hwy 50, north of Platte River, and west of 120 th Street (legal descriptions attached)	Public Hearings & Resolutions	Donna Lynam Zoning Administrator Planning & Building

➤ **Summary and Purpose of Requests:**

The Application before you is a request to change the zoning on 27 parcels of land, totaling just over 1100 acres of ground, which zoning is inconsistent with the Future Land Use Designations pursuant to the Comprehensive Plan and many contain structures and uses that are not in conformance with adopted Sarpy County Zoning Regulations. Reference attached map labeled "Vicinity Map of Subject Parcels"

➤ **Background and Analysis:**

All of the parcels listed on this application have environmental constraints due to the flood plain and are designated as green space or urban residential development in the Future Land Use Map. The Sarpy County Comprehensive Plan, which contains the Future Land Use Designation Map, was adopted by the Sarpy County Board of Commissioners in 2005. Reference attached map labeled "Vicinity Map of Subject Parcels with Flood Zones" and "Vicinity Map of Subject Parcels with Current Future Land Use

While the Flood Plain Regulations regulate issues such as "no rise" in flood elevations, obstructions of flood waters and damage prevention, the intent behind the regulations is to discourage development in those areas prone to flooding.

The location is generally described as the area between 120th Street and Highway 50, from 17600 blocks south, south to the Platte River. Reference attached map labeled "Vicinity Map of Subject Parcels with Current Zoning"

In September of 2012, the Sarpy County Planning Department received an inquiry for a zoning compliance letter from a financial institution on a small parcel of land which was improved with single family residence. The reason for such a request is to ensure that the property and structure are in compliance with current code. With the parcel being zoned Light Industrial, current code does not allow residential structures as a permitted or special use, therefore the property was not in compliance and a favorable zoning compliance letter could not be written. The existing structure is considered a legal non-conforming structure and is allowed to exist so long as no changes are made to the property or the structure/use. If a structure is damaged

over 50% of the market value, code would not allow for it to be rebuilt until such time as the property and structure/use was brought into compliance with current code. This same scenario applies to 13 of the 27 parcels in this application.

The findings above initiated a phone conversation between the Sarpy County Planning Department and the property owner who inquired what this meant for their property, how it came about and how it could be corrected.

What it means –

- ✓ All structures, and their uses, currently located on property zoned Light Industrial must be a permitted use in the current zoning code or they are considered to be a legal non-conforming structure and use.
- ✓ They can legally exist, as is, so long as they do not change the character of the lot, structure, or use.
- ✓ If they increase the degree to which said parcel does not conform to the zoning regulation, they would have to bring the parcel into compliance first which would require a change of zone.
- ✓ If any non-conforming structure/use is destroyed or damaged by any means to the extent exceeding 50% of the market value of such structure/use, it shall not be reconstructed and must be removed unless a change of zone is approved.

How it came about –

- ✓ Pursuant to past zoning maps, these parcels have been zoned light industrial since 1958.
- ✓ Future Land Use Map from 1962 does not include the western half of Sarpy County
- ✓ Future Land Use Map from 1975 designates a large area of Industrial Use south of Springfield, but indicates moderate to severe environmental restraints in the area
- ✓ Future Land Use Map from 1993 has the area designated as Conservation and Resource
- ✓ Current Future Land Use Map, adopted in 2005, has the area designated as green space with a small area of urban residential in the northwest corner of the subject parcels.
- ✓ Sarpy County adopted major amendments or new zoning regulations in 1956, 1959, 1964, 1976, 1986, 1987, and 2005. It was in the 1976 Zoning and Subdivision Regulations that the "pyramid zoning" was no longer in the code.
- ✓ The structures that exist today were allowed to be constructed based on the "pyramid zoning" language.
- ✓ No records were found for an application to change the zoning on any of the subject parcels.
- ✓ 25 out of the 27 parcels are effected by the Flood Plain, with approximately 400 of the 1100 acres being designated Floodway and unbuildable
- ✓ 12 out of the 27 parcels do not have direct access to a publicly dedicated right-of-way (county road)
- ✓ 13 out of 27 parcels have improvements on them

How to correct the issue –

- ✓ In order to correct the situation and bring the parcels, including structures and uses, back into compliance, the zoning needs to be changed to a zoning that is applicable to the

improvements and use of each parcel. Reference attached map labeled "Vicinity Map of Subject Parcels with Proposed Zoning"

Criteria used for determining rezoning of parcels:

- ✓ All parcels in the vicinity zoned IL were considered - omitting those parcels with highway frontage that had access from right-of-way other than state highway
- ✓ Actual Use (Industrial, Agricultural, Residential, etc.)
- ✓ Flood Plain
- ✓ Future Land Use Designation

Of the 27 Parcels (21 Property Owners):

- ✓ 13 are improved with non-conforming structures (1 is uninhabitable),
- ✓ 5 are in the Flood Way,
- ✓ 1 is part of a trail system,
- ✓ 8 have no direct access from publicly dedicated right-of-way,
- ✓ 3 only have access from State Highway
- ✓ 4 of the 27 parcels have no improvements and do not violate any zoning regulation but the use is Agricultural not Industrial

Can a Government Office make application to change the zoning on privately owned property?

Pursuant to Section 43.1.1 of the Sarpy County Zoning Regulations, any proposed amendments, modifications, changes, or repeals may be initiated by the Director of Planning, Planning Commission, Sarpy County Board of Commissioners, or any other County Official.

With the number of parcels involved, Planning Department Staff felt the property owners would be better served by bringing the request for rezoning as one application rather than 27 applications. This would also remove the need for future rezoning with regards to the reconstruction of a structure should it be damaged over 50% of the market value as all of the parcels would be in conformance with the current adopted zoning regulations and future land use plan. This decision was based on factual information gathered, past history, and sound planning principles.

Notification of Property Owners:

- ✓ All property owners of the subject parcels were notified by personal mail of the proposed rezoning change and explanation of such. Letters dated April 11, 2013 were mailed to the property owner of record. Copy of letter template included in packet.
- ✓ Bruce Fountain, Planning Director, and I have visited with many of the property owners, of which two requested to have their properties withdrawn from the application, and many others that either support or are neutral on the request.
- ✓ As with all zoning applications, the property owners within 300 feet of the subject parcels were also notified of the proposed zoning change by mail, as well as the area was posted with signage of the zoning action.

On May 15, 2013 the Sarpy County Planning Commission voted to continue this item to their June 19, 2013 meeting to allow for further communication with the property owners and posting of additional signs.

On May 28, 2013 certified letters were sent to the affected property owners advising them of the action taken by the planning commission as well as requesting that they submit an enclosed ballot with their response on the proposed rezoning. That letter contained a statement that if a response was not received in our office by June 10, 2013, staff would assume that they have no issues with the proposed rezoning of their property. A copy of the letter template is included in the attached packet. On June 6, 2013 additional signs were placed on properties to assure that all parcels that abut a public right of way were posted with a Public Hearing Sign.

Our office received 18 of the 21 certified letter receipts and 11 ballots were returned.

3 supported of the zoning change (Carlson, Hilleman, PMNRD)

5 neutral on the zoning change (Ash Grove (3 parcels) Josoff, Heitman)

3 opposed to the zoning change (G & C Farms (Adv Inv), Sunde, DDD Lutz Farm)

Reference attached map labeled "Vicinity Map of Subject Parcels with Response"

The Sarpy County Planning Department has undertaken an extensive notification process, well beyond what we would typically do for any rezoning request, to be sure all property owners directly affected (as well as those in the area) were notified and understood the purpose for the action being considered. We have spent numerous hours discussing this with property owners in and around the area as well. Everyone has been given several opportunities to respond as being in favor, opposed or neutral on the proposed action and have been well informed of the public hearings.

Additional Relevant Information:

- ✓ Property is located on a major corridor serving as a front door to Sarpy County
- ✓ Environmentally sensitive area due to flood plain – total acres included in this rezoning is approximately 1100 which includes over 600 acres of flood plain and 400 acres of flood way that cannot be improved
- ✓ Area will potentially be developed haphazardly with piece meal industrial projects as property is not a primary site for a planned industrial park. This will create conflicts with adjacent residences and residential developments, of which many were not aware of the IL Zoning in the area.

➤ **Staff Recommendation:**

- Staff recommends **APPROVAL** of the Change of Zone for the proposed rezoning of the 27 parcels listed on the attached application based on sound planning principles, environmental constraints, and consistency with the Sarpy County Zoning Regulations and Sarpy County Comprehensive Plan.

➤ **Planning Commission Recommendations:**

- On May 15, 2013 the Planning Commission voted to **CONTINUE** the agenda item to their June 19, 2013 meeting.

MOTION: Fenster moved, seconded by Lichter, to table this request to the June 19, 2013 Planning Commission meeting to allow for additional posting of properties, and responses from each affected property owner to determine the property owners who want to be included in, or removed from, this rezoning request. **Ballot:** Ayes – Lichter, Stuart, Ackley, Whitfield, Malmquist, Fenster and Farrell. Nays - none. Abstain – none. Absent – Bliss, Murante, Mohr and Torczon. Motion carried 7-0-4.

- ✓ On June 19, 2013 the Planning Commission voted to recommend **APPROVAL** of the Change of Zone application as proposed by staff but excluded parcel 20 and parcel 22 as shown on attached identification map. Reference attached map with Subject Parcels Numbered with Owner Information

MOTION: Malmquist moved, seconded by Bliss, to APPROVE the Change of Zone as proposed by the Planning Department, excluding the west part of parcel 20, and parcel 22 because 1) it encourages the most appropriate use of the land, 2) it brings legal nonconforming uses into conformance with the Sarpy County Zoning Regulations, 3) the current use of the land is compatible with the floodplain/floodway in the area, and 4) the current use is consistent with the Comprehensive Plan and the Future Land Use Map designation. **Ballot:** Ayes – Bliss, Lichter, Malmquist and Farrell. Nays – Ackley, Whitfield and Mohr. Abstain – None. Absent – Stuart, Murante, Fenster and Torczon. **Motion carried 4-3-4.**

Minutes for this agenda item, which includes the staff introduction, public testimony, and discussion among the commission during the May 15, 2013 and June 19, 2013 Public Hearing are attached to the end of this report for your review.

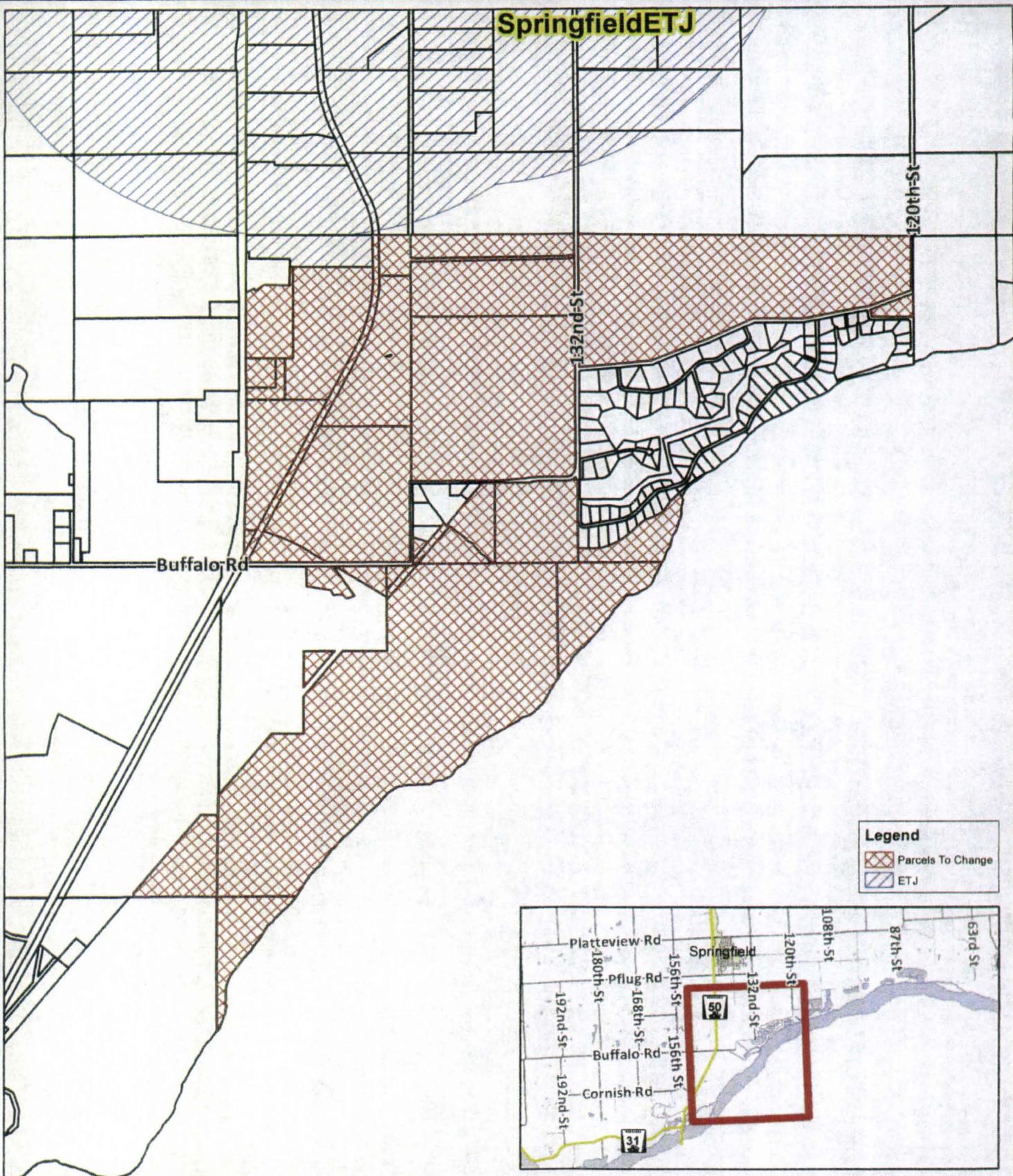
MOTION: Fenster moved, seconded by Lichter, to table this request to the June 19, 2013 Planning Commission meeting to allow for additional posting of properties, and responses from each affected property owner to determine the property owners who want to be included in, or removed from, this rezoning request. **Ballot:** Ayes – Lichter, Stuart, Ackley, Whitfield, Malmquist, Fenster and Farrell. Nays - none. Abstain – none. Absent – Bliss, Murante, Mohr and Torczon. Motion carried 7-0-4.

- ✓ On June 19, 2013 the Planning Commission voted to recommend **APPROVAL** of the Change of Zone application as proposed by staff but excluded parcel 20 and parcel 22 as shown on attached identification map. Reference attached map with Subject Parcels Numbered with Owner Information

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Minutes, which include staff introduction, public testimony, and discussion among the commission during the June 19, 2013 Public Hearing on this agenda item are attached to the end of this report for your review.

FORAL, EDWARD & DIANE - GOV LOT 2 IN SECTION 6, TWP 12N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA AND TAX LOT D1 IN SECTION 31, TWP 13E, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; HENRY, CHAD MICHAEL - TAX LOT 4 IN SECTION 1, TWP 12N, RNG 11 EAST OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; ASH GROVE LIME & PORTLAND CEMENT CO - GOV LOTS 1, 2 & 6A & GOV LOT 7, SOUTH AND EAST OF RAILROAD, AND ACCRETION THERERO ALL IN SECTION 1, TAX LOT 5B IN SECTION 2, ACCRETION AND TAX LOTS A AND B IN SECTION 12, ALL IN TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; HEITMAN, MICHAEL E & PAULA D - TAX LOT 8A1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; PAT JUNGJOHANN - TAXLOTS A, B & 1, AND THE N1/2 OF THE NE1/4 ALL IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; JOSOFF, ROBIN M - GOV LOT 6B IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; STATE OF NEBRASKA - SE1/4 OF THE SE1/4 IN SECTION 36, TWP 13N, RNG 11E 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; GRUBB, MICHAEL M & CYNTHIA A - PART OF TAX LOTS 12B & 2B2 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; YONKER, LYLE A - TAX LOT 8B IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; CARLSON, JAMES A & GAIL M - GOV LOT 2B IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; DDD & G LUTZ FARM LLP - N1/2 OF THE SE1/4, S1/2 OF THE NE1/4 AND TAX LOTS E AND F IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; HILLEMANN, EARL F & DOROTHY A - TAX LOTS 9A & C1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; TRUMBLE, DWIGHT & BETTE - TAX LOT 7B IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; D & B TRUMBLE LIVING TRUST - TAX LOTS H & I IN SECTION 31, TWP 13N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; HENGGELER, CHANCE - TAX LOT 1 IN SECTION 1, TWP12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; RAINES, LARRY - TAX LOT D IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; PAPIO-MISSOURI RIVER NATURAL - TAX LOT R1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; ADVANTAGE INVESTMENT (NEW OWNER G & C FARMS) - TAX LOTS 2B1, 4A, 4B, 5 AND 12A ALL IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; PEPEK, WALLY - TAX LOT 3 IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; SUNDE, GREGORY B - TAXLOTS 3B AND 6B IN SECTION 36, TWP13N RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; TRUMBLE, TIMOTHY JAMES & JULIE A - TAX LOT 3A, 6A, AND 7A IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA.

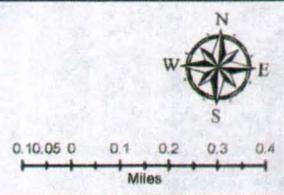


Legend

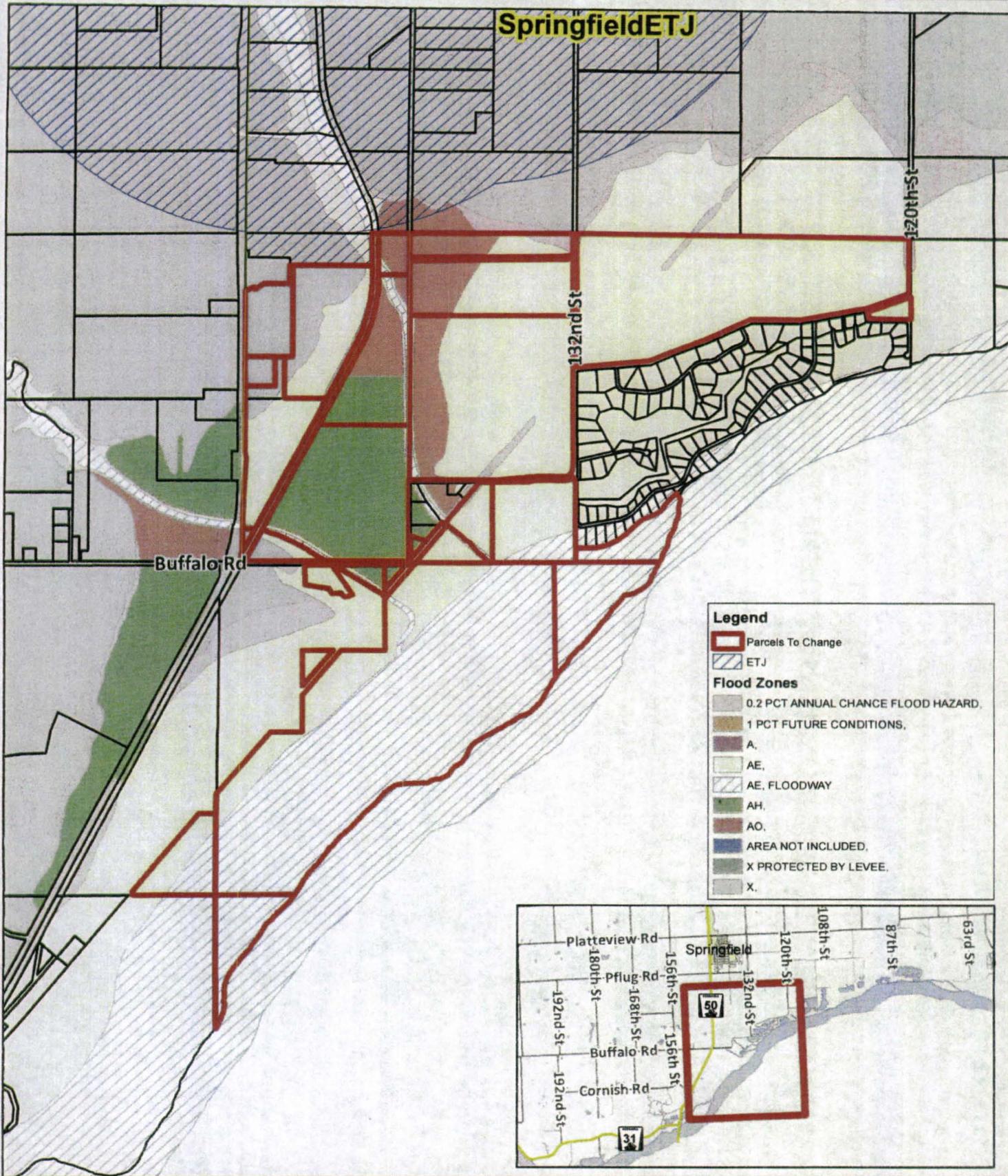
-  Parcels To Change
-  ETJ



Vicinity Map of Subject Parcels



Springfield ETJ

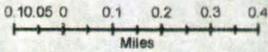


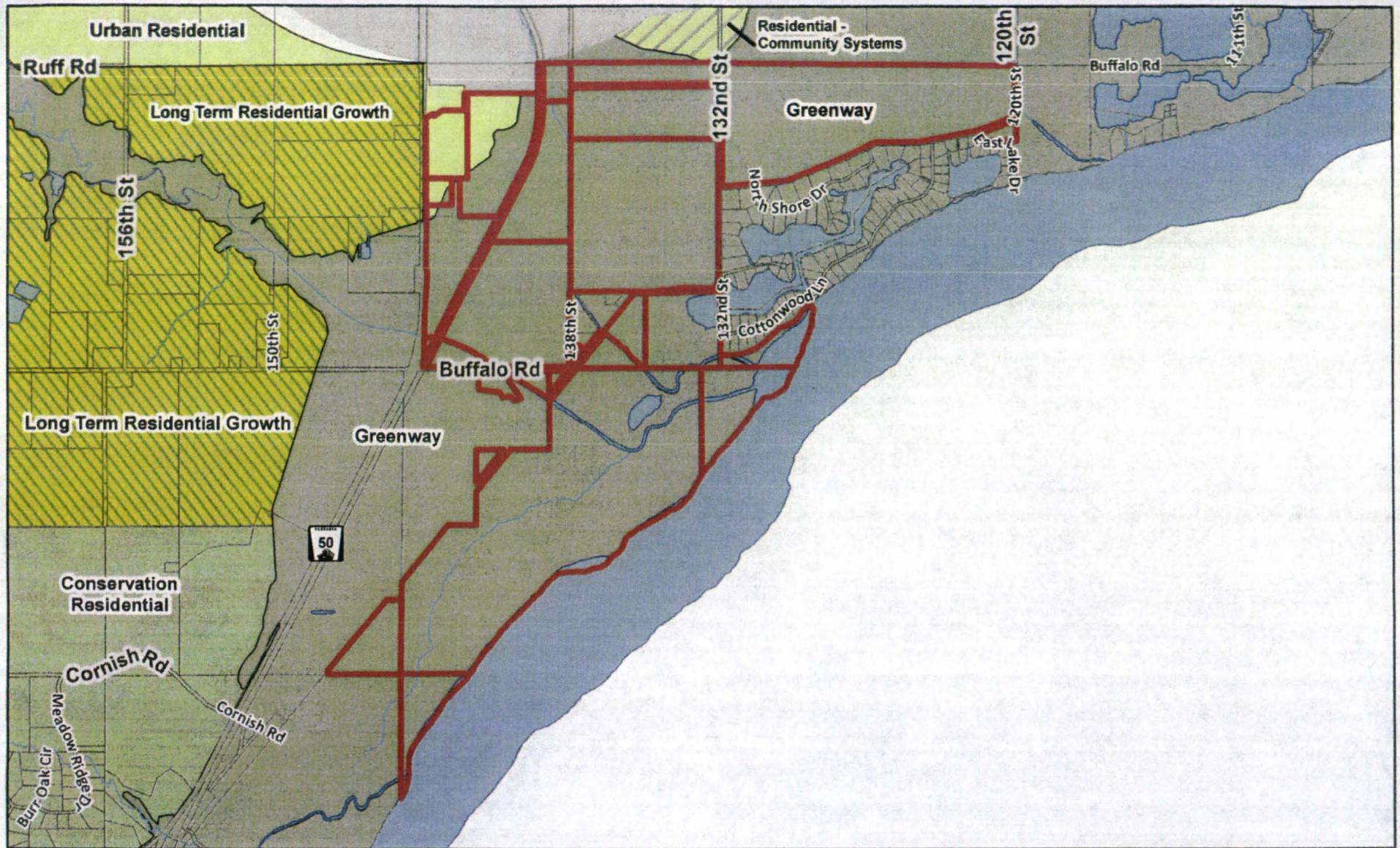
Legend

- Parcels To Change
- ETJ
- Flood Zones**
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD,
 - 1 PCT FUTURE CONDITIONS,
 - A,
 - AE,
 - AE, FLOODWAY
 - AH,
 - AO,
 - AREA NOT INCLUDED,
 - X PROTECTED BY LEVEE.
 - X,

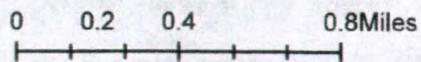


Vicinity Map of Subject Parcels With Flood Zones





Current FLU - Sarpy Co



Vicinity Map of Subject Parcels with Current Future Land Use

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

Legend

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

Springfield ETJ

120th St

132nd St

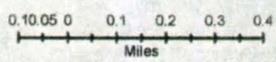
Buffalo Rd

Legend

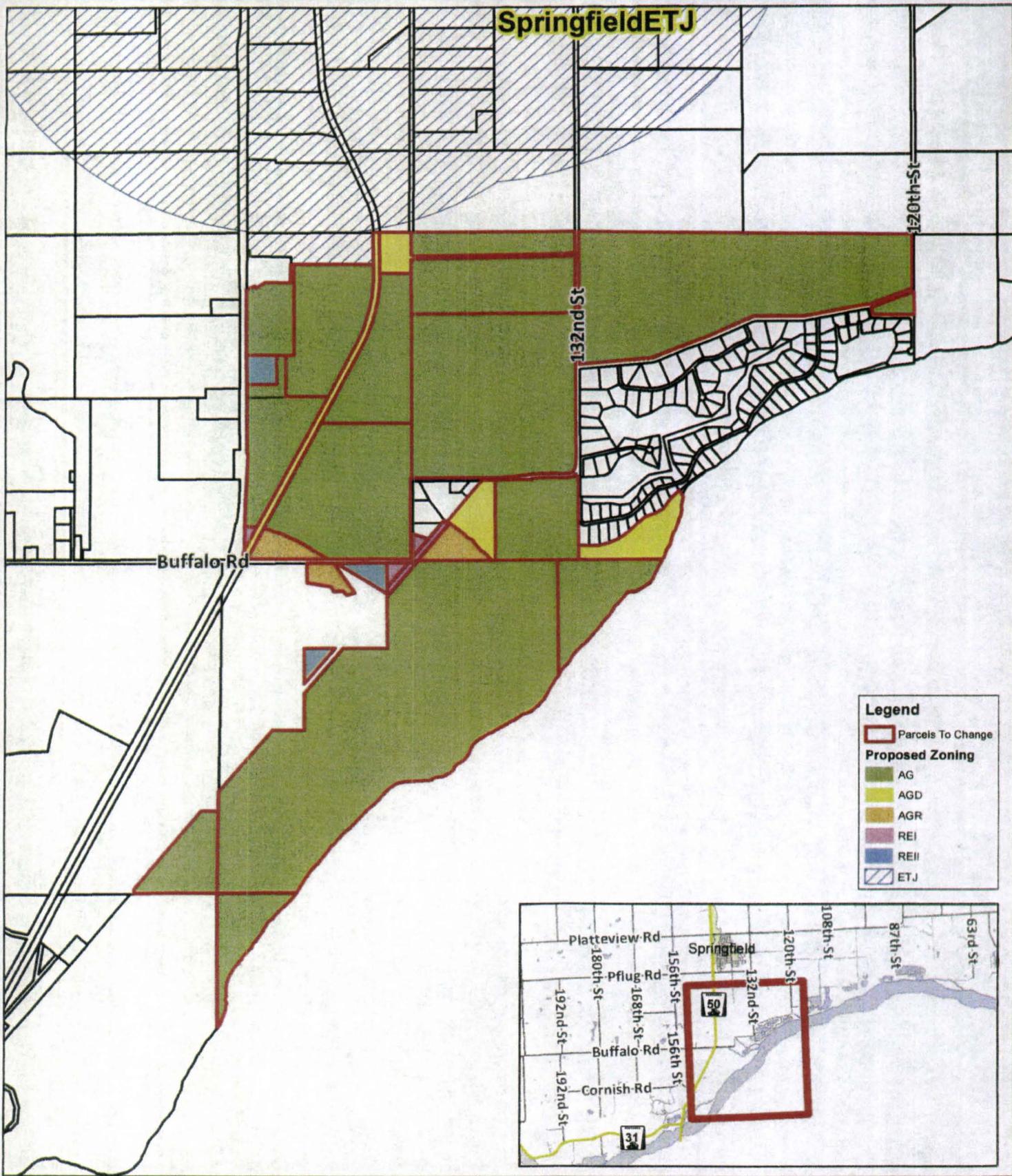
-  Parcels To Change
- Sarpy Co. Zoning**
-  AG
-  AGD
-  AGR
-  RE1
-  RE2
-  IL
-  RD-50
-  RS-100
-  BG
-  ETJ



Vicinity Map of Subject Parcels with Current Zoning

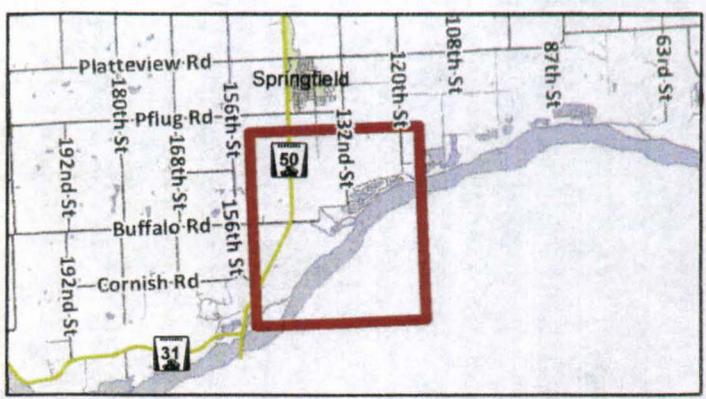


Springfield ETJ

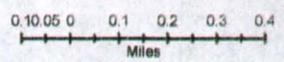


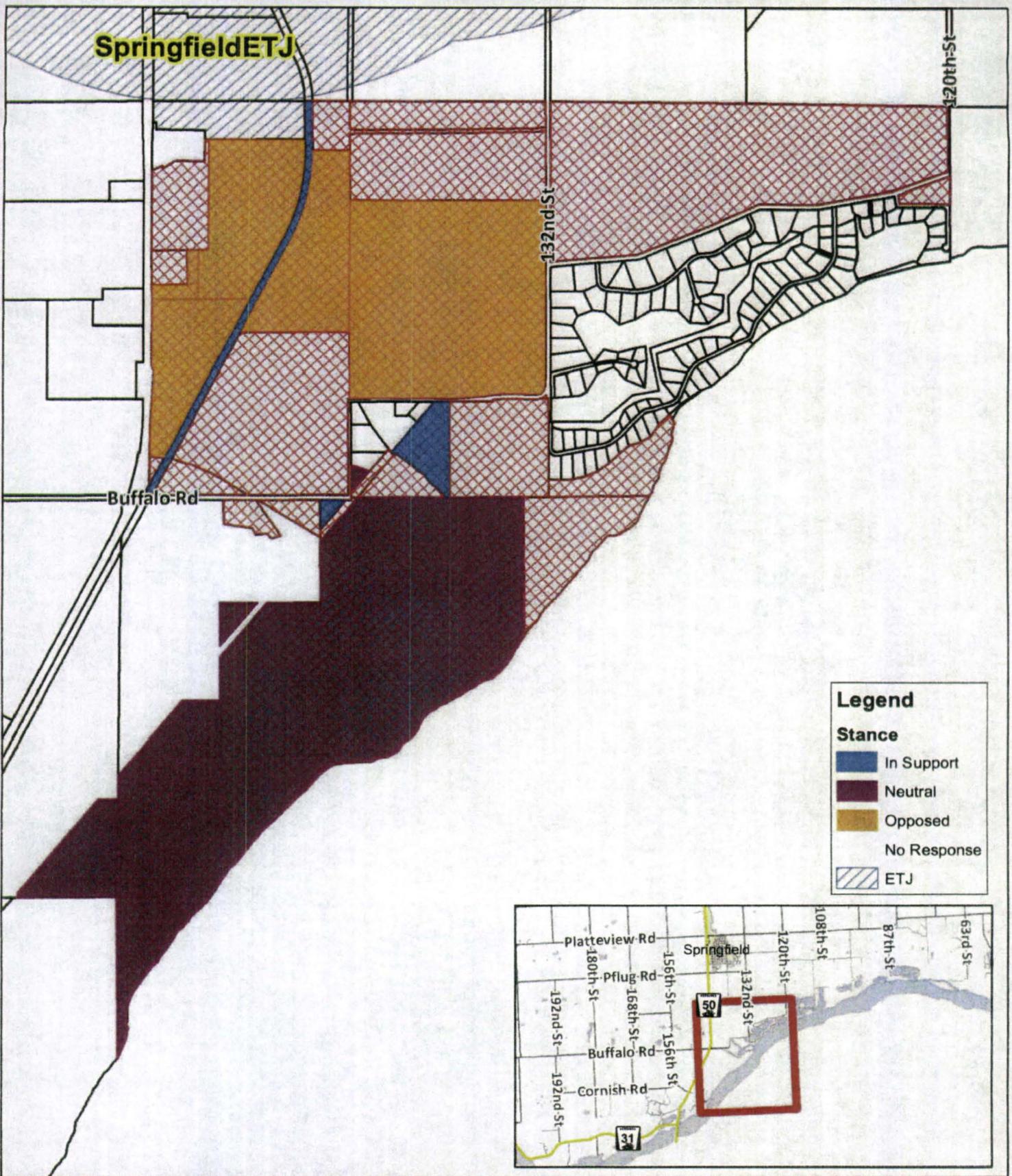
Legend

- Parcels To Change
- Proposed Zoning**
- AG
- AGD
- AGR
- REI
- REII
- ETJ



Vicinity Map of Subject Parcels with Proposed Zoning





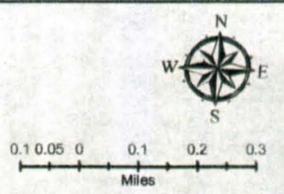
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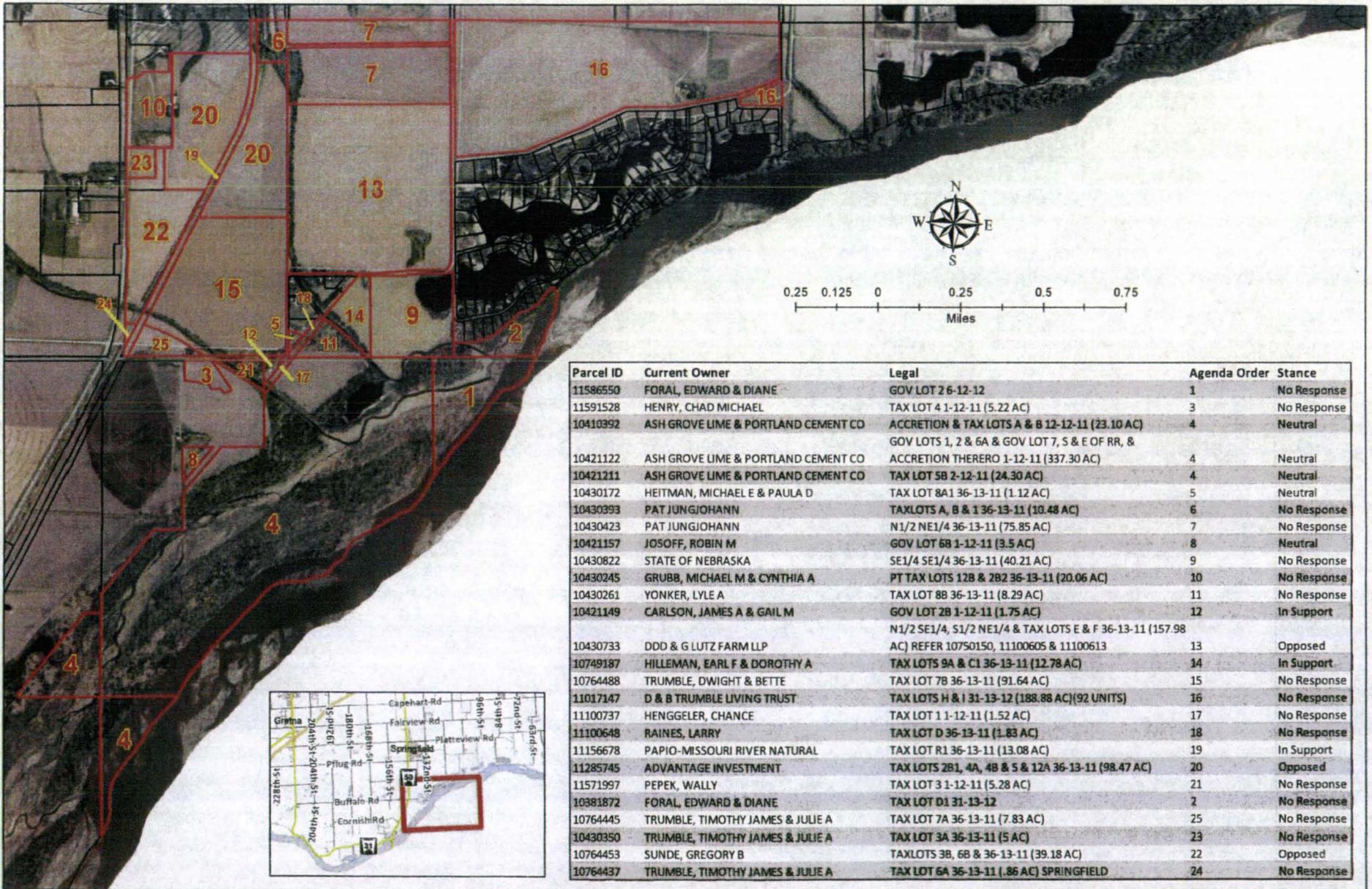
Stance

- In Support
- Neutral
- Opposed
- No Response
- ETJ



Vicinity Map of Subject Parcels Response





Parcel ID	Current Owner	Legal	Agenda Order	Stance
11596550	FORAL, EDWARD & DIANE	GOV LOT 2 6-12-12	1	No Response
11591528	HENRY, CHAD MICHAEL	TAX LOT 4 1-12-11 (5.22 AC)	3	No Response
10410392	ASH GROVE LIME & PORTLAND CEMENT CO	ACCRETION & TAX LOTS A & B 12-12-11 (23.10 AC)	4	Neutral
10421122	ASH GROVE LIME & PORTLAND CEMENT CO	GOV LOTS 1, 2 & 6A & GOV LOT 7, S & E OF RR, & ACCRETION THERERO 1-12-11 (337.30 AC)	4	Neutral
10421211	ASH GROVE LIME & PORTLAND CEMENT CO	TAX LOT 5B 2-12-11 (24.30 AC)	4	Neutral
10430172	HEITMAN, MICHAEL E & PAULA D	TAX LOT 8A1 36-13-11 (1.12 AC)	5	Neutral
10430393	PAT JUNGJOHANN	TAXLOTS A, B & 1 36-13-11 (10.48 AC)	6	No Response
10430423	PAT JUNGJOHANN	N1/2 NE1/4 36-13-11 (75.85 AC)	7	No Response
10421157	JOSOFF, ROBIN M	GOV LOT 6B 1-12-11 (3.5 AC)	8	Neutral
10430822	STATE OF NEBRASKA	SE1/4 SE1/4 36-13-11 (40.21 AC)	9	No Response
10430245	GRUBB, MICHAEL M & CYNTHIA A	PT TAX LOTS 12B & 2B2 36-13-11 (20.06 AC)	10	No Response
10430261	YONKER, LYLE A	TAX LOT 8B 36-13-11 (8.29 AC)	11	No Response
10421149	CARLSON, JAMES A & GAIL M	GOV LOT 2B 1-12-11 (1.75 AC)	12	In Support
10430733	DDD & G LUTZ FARM LLP	N1/2 SE1/4, S1/2 NE1/4 & TAX LOTS E & F 36-13-11 (157.98 AC) REFER 10750150, 11100605 & 11100613	13	Opposed
10749187	HILLEMAN, EARL F & DOROTHY A	TAX LOTS 9A & C1 36-13-11 (12.78 AC)	14	In Support
10764488	TRUMBLE, DWIGHT & BETTE	TAX LOT 7B 36-13-11 (91.64 AC)	15	No Response
11017147	D & B TRUMBLE LIVING TRUST	TAX LOTS H & I 31-13-12 (188.88 AC)(92 UNITS)	16	No Response
11100737	HENGGELER, CHANCE	TAX LOT 1 1-12-11 (1.52 AC)	17	No Response
11100648	RAINES, LARRY	TAX LOT D 36-13-11 (1.83 AC)	18	No Response
11156678	PAPIO-MISSOURI RIVER NATURAL	TAX LOT R1 36-13-11 (13.08 AC)	19	In Support
11285745	ADVANTAGE INVESTMENT	TAX LOTS 2B1, 4A, 4B & S & 12A 36-13-11 (98.47 AC)	20	Opposed
11571997	PEPEK, WALLY	TAX LOT 3 1-12-11 (5.28 AC)	21	No Response
10381872	FORAL, EDWARD & DIANE	TAX LOT D1 31-13-12	2	No Response
10764445	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 7A 36-13-11 (7.83 AC)	25	No Response
10430350	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 3A 36-13-11 (5 AC)	23	No Response
10764453	SUNDE, GREGORY B	TAXLOTS 3B, 6B & 36-13-11 (39.18 AC)	22	Opposed
10764437	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 6A 36-13-11 (.86 AC) SPRINGFIELD	24	No Response

SARPY COUNTY PLANNING COMMISSION

MINUTES OF MEETING

May 15, 2013

FOR SOUTH SARPY ZONING CHANGE

2. **PUBLIC HEARING AND RECOMMENDATION:** Sarpy County has submitted an application on behalf of Property Owners for consideration of a Change of Zone from IL to AG, AGD, AGR, RE1 and RE2 for the following parcels legally described as:

FORAL, EDWARD & DIANE - GOV LOT 2 IN SECTION 6, TWP 12N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA AND TAX LOT D1 IN SECTION 31, TWP 13N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
HENRY, CHAD MICHAEL - TAX LOT 4 IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
ASH GROVE LIME & PORTLAND CEMENT CO - GOV LOTS 1, 2, 6A & 7, SOUTH AND EAST OF RAILROAD, AND ACCRETION THERETO ALL IN SECTION 1, TAX LOT 5B IN SECTION 2, ACCRETION AND TAX LOTS A AND B IN SECTION 12, ALL IN TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
HEITMAN, MICHAEL E & PAULA D - TAX LOT 8A1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
PAT JUNGJOHANN - TAX LOTS A, B & 1, AND THE N1/2 OF THE NE1/4 ALL IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
JOSOFF, ROBIN M - GOV LOT 6B IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
STATE OF NEBRASKA - SE1/4 OF THE SE1/4 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
GRUBB, MICHAEL M & CYNTHIA A - PART OF TAX LOTS 12B & 2B2 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
YONKER, LYLE A - TAX LOT 8B IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
CARLSON, JAMES A & GAIL M - GOV LOT 2B IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
DDD & G LUTZ FARM LLP - N1/2 OF THE SE1/4, S1/2 OF THE NE1/4 AND TAX LOTS E AND F IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
HILLEMANN, EARL F & DOROTHY A - TAX LOTS 9A & C1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
TRUMBLE, DWIGHT & BETTE - TAX LOT 7B IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
D & B TRUMBLE LIVING TRUST - TAX LOTS H & I IN SECTION 31, TWP 13N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
HENGGELER, CHANCE - TAX LOT 1 IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
RAINES, LARRY - TAX LOT D IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT - TAX LOT R1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
*ADVANTAGE INVESTMENT (RECENTLY PURCHASED BY G AND C FARMS LLC) - TAX LOTS 2B1, 4A, 4B, 5 AND 12A ALL IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
PEPEK, WALLY - TAX LOT 3 IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
SUNDE, GREGORY B - TAX LOTS 3B AND 6B IN SECTION 36, TWP 13N RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
TRUMBLE, TIMOTHY JAMES & JULIE A - TAX LOT 3A, 6A, AND 7A IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA.

Subject properties generally located south of City of Springfield between 120th Street and Nebraska State Highway 50.

Donna Lynam, Zoning Administrator, gave the following presentation to the Planning Commission on behalf of Sarpy County on the proposed rezoning:

"The application before you is a request to change the zoning on 27 parcels of land, totaling just over 1,100 acres of ground, which lie within or near the flood plain and are designated as green space or

urban residential development in the Future Land Use Map. The Comprehensive Plan was recommended for approval by this Commission to the Sarpy County Board of Commissioners in 2005.

The area is generally described as the area between 120th Street and Highway 50, from Buffalo Road, south to the Platte River.

In September of 2012, the Sarpy County Planning Department received an inquiry for a zoning compliance letter from a financial institution on a small parcel of land which was improved with single family residence. The reason for such a request is to ensure that the property and the structure are in compliance with current code. With the parcel being zoned Light Industrial, residential structures are not a permitted or special use, therefore the property is not in compliance with the current zoning code, so a zoning compliance letter could not be issued. The existing structure is considered a legal non-conforming structure and is allowed to exist so long as no changes are made to the property or the structure. This same scenario applies to 13 of the 27 parcels before you tonight.

The findings above initiated a phone conversation between the Sarpy County Planning Department and the property owner who inquired what this means for their property, how it came about and how it could be corrected.

Research on this by the Planning Department discovered:

- ✓ All structures, and their uses, currently located on property zoned Light Industrial must be a permitted use in the current zoning code or they are considered to be a legal non-conforming structure and use.
- ✓ They can legally exist, as is, so long as they do not change the character of the lot, structure, or use.
- ✓ If they increase the degree to which said parcel does not conform to the zoning regulation, they would have to bring the parcel into compliance first which would require a change of zone.
- ✓ If any non-conforming structure/use is destroyed or damaged by any means to the extent exceeding 50% of the market value of such structure/use, it shall not be reconstructed and must be removed unless a change of zone is approved.

How it came about:

I reviewed past history and gathered the following facts.

- ✓ Pursuant to past zoning maps, these parcels have been zoned light industrial since 1958.
- ✓ Future Land Use Map from 1962 does not include the western half of Sarpy County.
- ✓ Future Land Use Map from 1975 designates a large area of Industrial Use south of Springfield, but indicates moderate to severe environmental restraints in the area.
- ✓ Future Land Use Map from 1993 has the area designated as Conservation and Resource
- ✓ Current Future Land Use Map, adopted in 2005, has the area designated as green space with a small area of urban residential in the northwest corner of the subject parcels.
- ✓ Sarpy County adopted major amendments or new zoning regulations in 1956, 1959, 1964, 1976, 1986, 1987, and 2005. It was in the 1976 Zoning and Subdivision Regulations that the "pyramid zoning" was no longer in the code.
- ✓ The structures that exist today were allowed to be constructed based on the "pyramid zoning" language.
- ✓ No records were found for an application to change the zoning on any of the subject parcels.
- ✓ 25 out of the 27 parcels are affected by the Flood Plain, with approximately 400 of the 1100 acres being designated Floodway and unbuildable
- ✓ 12 out of the 27 parcels do not have direct access to a public dedicated right-of-way, i.e. a county road
- ✓ 13 out of 27 parcels have improvements on them

In order to correct the situation and bring the parcels, including structures and uses, back into compliance, the zoning needs to be changed to a zoning that is applicable to the improvements and use on each parcel. With the number of parcels involved, we felt the property owners would be better served by bringing the request for rezoning as one application rather than 27 applications. This also removes the need for future rezoning with regards to reconstruction of a structure should it be damaged in any way as all properties would be in conformance with the current adopted zoning regulations and future land use plan.

Pursuant to Section 43.1.1 of the Sarpy County Zoning Regulations, any proposed amendments, modifications, changes, or repeals may be initiated by the Director of Planning, Planning Commission, Sarpy County Board of Commissioners, or any other County Official.

All property owners of the subject parcels were notified by personal mail of the proposed rezoning change and explanation of such. The Planning Director and I have visited with many of the property owners, of which two have requested to have their properties withdrawn from the application, and many others that either support or stand neutral on the request.

As with all zoning applications, the property owners within 300 feet of the subject parcels were also notified of the proposed zoning change by mail, as well as the area was posted with signage of the zoning action.

Letters were received from:

Mike Schram (C & G Farms), requesting that his parcel be withdrawn from the application.

Greg Sunde, requesting that his parcel be withdrawn from the application.

Dorothy & Earl Hilleman, supporting the change of zone.

Ash Grove, standing neutral but would like to discuss possible mining operations in the future.

The Staff has had telephone conversations with the following property owners to further explain the request: Foral, Johnjohann, Josoff, Yonker, Carlson, and many others who did not leave their name. The Staff has personally met with Lyle Younker, Louis Riha, Mike Schram, and Pat Sullivan to discuss this request."

Ms. Lyman presented a map of the subject area depicting parcel numbers and property owner names. She said the Planning Department recommends approval of this request as it is consistent with Future Land Use Plan and Sarpy County Zoning Regulations.

For clarification, Ms. Lyman explained that Pyramid Zoning is when a less intense use is permitted in a more intense zoning district. In this case, residences have been constructed in Limited Industrial zoning district.

Nicole O'Keefe, Deputy Sarpy County Attorney, stated that there is a requirement in the Sarpy County Zoning Regulations that land which is the subject of a change of zone application be posted with signage to notify the public of the zoning action. In this case, there were signs posted on each of the entry roads into the area, however, after additional review of the Zoning Regulations and because the application affects such a large area, it appears that additional signs may be necessary. Ms. O'Keefe said after the public hearing on this application she recommends that the Planning Commission table the application for the change of zone on the 27 parcels until June 19, 2013. There should be an additional public hearing before the Planning Commission at the June 19, 2013 meeting. In the interim, the Planning Department will post additional properties throughout the area. Some of the parcels in this request are landlocked, so signage would be placed on the nearest road adjacent to the subject parcel.

Pat Sullivan, Attorney at Law, appeared on behalf of Louis Riha, an adjacent property owner to the south of the proposed rezoning. He stated that although Mr. Riha's property is not included in this rezoning request, he is concerned that industrial zoning in Sarpy County is in short supply and should be preserved as much as possible.

Referring to the map of the subject area, Mr. Sullivan pointed out that while there are areas to the east of the waterway that are in the floodway, the property west of the waterway to Highway 50 could be built up and developed. If the industrial area to the north continues to develop and grow to the south, rezoning the subject property as proposed would require property owners to request a rezoning back to LI. The concern is that industrial zoning is difficult to get back once it is gone.

Mr. Sullivan said this request is proposing to rezone 1,100 acres of mostly open and vast area to take care of a few structures built in LI. Development in an LI district should be surrounded by other LI zoned property to prevent complaints about noise, pollution etc. He said industrial development is starting to take off in this area and should not be strangled without the protection of IL zoning. Mr. Sullivan said IL zoning should be maintained in this area particularly to the east and north of Mr. Riha's property.

Chairman Whitfield opened the Public Hearing on this request at 7:30 p.m.

Terry Atkins, Lamp, Rynearson & Associates, appearing on behalf of Ash Grove Cement Company, said Ash Grove is neutral to supportive of the proposed rezoning, but would want to retain the right to mine their property in the future without requiring further public hearings.

Jim Carlson, 13801 Buffalo Road, a residential property owner, appeared in favor of this request. Mr. Carlson said with the elimination of Pyramid Zoning he cannot sell or get a loan to refinance his home. He believes that all of the properties that are residential should be changed to a residential or agricultural designation.

Mike Schram, 20002 Crest View Drive, appeared in opposition to this request. Mr. Schram said he understands the issues of the residentially developed properties in the area, but does not understand why that would affect his property. He pointed out that industrial development is occurring to the north. i.e. a fireworks warehouse, the sewage treatment facility, and other industry recently passed by the City of Springfield. He believes it makes sense to keep his property zoned LI as it could one day be developed as industrial development extends into this area from the north.

Mr. Schram said he recently purchased a 20 acre parcel adjacent to his property for the specific purpose of keeping access to the highway as he believes all of his ground has development potential. It is his understanding as well that it is more difficult to rezone property to LI than it is to keep LI zoning

Mr. Schram said he made the investment in the property knowing the property was zoned LI and he believes this rezoning will decrease the value of his property. He noted that the appraisal done for his lender is probably based on the existing LI zoning and the fact that industrial development is occurring to the north. With regard to the floodplain designation on his property, Mr. Schram said a good majority of his property is higher, and he took that into consideration before purchasing the property two months ago.

With no one else appearing in regard to this request, Chairman Whitfield closed the Public Hearing at 7:39 p.m.

Mr. Farrell asked if the Planning Department would have any problem leaving the parcels west of the waterway out of the change of zone.

Bruce Fountain, Planning Director, said the Comprehensive Plan shows this entire area as Green Space and Urban Residential due to the floodplain issues. He said the criteria used by the Planning Department in the selection of parcels in this request dealt with the floodplain, conformance with the Comprehensive Plan, access to the highway and County roads and the natural environment.

In terms of future industrial development in this area, Mr. Fountain said he previously worked on a project for the Sarpy County Economic Development Corporation identifying industrial ground in Sarpy County for potential new business parks and this area was not targeted because of the floodplain and the lack of water and sewer utilities to serve the area. He acknowledged that there have been some small warehouses built to the north of this area, but that development is occurring in an industrial park south of Springfield.

In response to a question by Mr. Lichter with regard to the recent request for an asphalt plant in this area, Mr. Schram stated he does not think that the citizens of Springfield opposed the asphalt plant because of the LI zoning, it was opposed because the residents felt the dust from the use would be harmful to the elderly of the area.

Donna Lyman said approximately 35 parcels were initially reviewed for inclusion in this request, but by using specific criteria the list narrowed to the 27 parcels included in this application. The criteria included the actual use occurring on the property, the parcels affected by the floodplain/floodway, conformance with the Future Land Use Map and property access. This explains why several parcels in the area, including Mr. Riha's property, were not included in this request.

Ms. Lyman added that property owners affected by this rezoning were notified of this request by mail, and all property owners within 300 ft. of the subject properties was notified of this request by mail. As reported in her presentation, the Department heard from a few property owners who requested that their parcel be withdrawn from this application, some were in support, and others neutral in opinion.

Mr. Lichter agreed with the previous comment that there is not enough industrially zoned property in either Douglas or Sarpy Counties.

Mr. Fountain said the Planning Department is not going to take parcels out of industrial zoning that make sense to develop. The areas proposed for rezoning do not lend themselves to industrial development due to access issues, environmental constraints and the fact that LI zoning is not consistent with the Comprehensive Plan designation. Mr. Fountain said there may be some parcels that could logically be removed from this request such as Mr. Schram's or Mr. Sunde's property west of the PMNRD trail because some of that land, although in the flood fringe, is higher and could be developed. Those parcels remained as part of this request due to access issues.

Donna Lyman noted that both the Schram and Sunde parcels are in the floodplain and would require Floodplain Development Permits for any proposed development.

Mr. Fenster suggested rezoning just the residential properties in this area or just the one residential property (Mr. Carlson's)

Donna Lynam said there are 13 parcels in this request that have structures on them that if were to experience damage exceeding over 50% of their value would not be able to be rebuilt without rezoning.

Mr. Fountain pointed out that the 13 parcels are not all in one area, and in his opinion, would not be sound planning to spot zone parcels around this area.

Mr. Ackley said it is not known why each person bought their property where they did and maybe the 13 nonconforming parcels are the only ones with a problem. He said it is possible that some of the 13 property owners may have purchased a house with a nonconforming use hoping that someday they could sell their property zoned LI. Mr. Ackley said he does not like the thought of government affirmatively going out and rezoning property, and requested that if the County wants to move forward with this rezoning that it only move forward with landowners who affirmatively want to be rezoned, for example, Mr. Carlson who wants rezoning so that he can get refinancing. It would then be an application coming not just from the County, but from a property owner that actually wants rezoning. He said if Mr. Schram or others do not want to be part of the rezoning, then they should be allowed to have the zoning that was there when they bought their real estate.

Ms. Malmquist disagreed stating that the Planning Department has put together a proposal for an enlarged area that is defensible rather than rezoning parcels in the area on a piecemeal basis. The Department used set criteria on access issues, floodplain issues and municipal services and, in her opinion, including all parcels together makes it more appropriate for viewing in conjunction with the Comprehensive Plan.

Mr. Ackley said he does not believe the Commission should fix the problem of one property owner and create problems for other property owners. While he appreciates the Comprehensive Plan showing what may be an ideal for this area, he does not think the Commission should force rezoning on properties for the Comprehensive Plan. Mr. Ackley said he does not believe rezoning a property owner into conformance would be considered spot zoning if it is in accordance with the Comprehensive Plan.

Mr. Ackley suggested that this request be held over to next month and in that timeframe determine which landowners want to affirmatively sign up for a rezoning change and the landowners who are definitely opposed to the rezoning and want to be removed from this proposal.

MOTION: Fenster moved, seconded by Lichter, to table this request to the June 19, 2013 Planning Commission meeting to allow for additional posting of properties, and responses from each affected property owner to determine the property owners who want to be included in, or removed from, this rezoning request. **Ballot:** Ayes – Lichter, Stuart, Ackley, Whitfield, Malmquist, Fenster and Farrell. Nays - none. Abstain – none. Absent – Bliss, Murante, Mohr and Torczon. Motion carried 7-0-4.

SARPY COUNTY PLANNING COMMISSION

MINUTES OF MEETING

JUNE 19, 2013

FOR SOUTH SARPY ZONING CHANGE

1. **PUBLIC HEARING AND RECOMMENDATION - Tabled from May 15, 2013 meeting:** Sarpy County has submitted an application on behalf of Property Owners for consideration of a Change of Zone from IL to AG, AGD, AGR, RE1 and RE2 for the following parcels legally described as:

FORAL, EDWARD & DIANE - GOV LOT 2 IN SECTION 6, TWP 12N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA AND TAX LOT D1 IN SECTION 31, TWP 13N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
HENRY, CHAD MICHAEL - TAX LOT 4 IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
ASH GROVE LIME & PORTLAND CEMENT CO - GOV LOTS 1, 2, 6A & 7, SOUTH AND EAST OF RAILROAD, AND ACCRETION THERETO ALL IN SECTION 1, TAX LOT 5B IN SECTION 2, ACCRETION AND TAX LOTS A AND B IN SECTION 12, ALL IN TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
HEITMAN, MICHAEL E & PAULA D - TAX LOT 8A1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
PAT JUNGJOHANN - TAX LOTS A, B & 1, AND THE N1/2 OF THE NE1/4 ALL IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
JOSOFF, ROBIN M - GOV LOT 6B IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
STATE OF NEBRASKA - SE1/4 OF THE SE1/4 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
GRUBB, MICHAEL M & CYNTHIA A - PART OF TAX LOTS 12B & 2B2 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
YONKER, LYLE A - TAX LOT 8B IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
CARLSON, JAMES A & GAIL M - GOV LOT 2B IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
DDD & G LUTZ FARM LLP - N1/2 OF THE SE1/4, S1/2 OF THE NE1/4 AND TAX LOTS E AND F IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
HILLEMAN, EARL F & DOROTHY A - TAX LOTS 9A & C1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
TRUMBLE, DWIGHT & BETTE - TAX LOT 7B IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
D & B TRUMBLE LIVING TRUST - TAX LOTS H & I IN SECTION 31, TWP 13N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
HENGGELER, CHANCE - TAX LOT 1 IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
RAINES, LARRY - TAX LOT D IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT - TAX LOT R1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
***ADVANTAGE INVESTMENT (RECENTLY PURCHASED BY G AND C FARMS LLC)** - TAX LOTS 2B1, 4A, 4B, 5 AND 12A ALL IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
PEPEK, WALLY - TAX LOT 3 IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
SUNDE, GREGORY B - TAX LOTS 3B AND 6B IN SECTION 36, TWP 13N RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA;
TRUMBLE, TIMOTHY JAMES & JULIE A - TAX LOT 3A, 6A, AND 7A IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA.

Subject properties generally located south of City of Springfield between 120th Street and Nebraska State Highway 50.

Donna Lynam, Zoning Administrator, gave the following presentation to the Planning Commission on behalf of Sarpy County on the proposed rezoning:

"The application before you is a request to change the zoning on 27 parcels of land, totaling just over 1,100 acres of ground, which lie within or near the flood plain and are designated as green space or urban residential development in the Future Land Use Map, which was recommended for approval by this Commission to the Sarpy County Board of Commissioners in 2005. While the Flood Plain Regulations regulate issues such as "no rise" in flood elevations, obstructions of flood waters, and damage prevention, the intent behind the regulations is not to encourage it.

The area is generally described as the area between 120th Street and Highway 50, from Buffalo Road, south to the Platte River.

In September of 2012, the Sarpy County Planning Department received a telephone call requesting a zoning compliance letter from a financial institution on a small parcel of land which was improved with a single family residence. The reason for such a request is to ensure that the property and structure are in compliance with current code. With the parcel being zoned Light Industrial, residential structures are not a permitted or special use, therefore, the property is not in compliance with the current zoning code. The existing structure is considered a legal non-conforming structure and is allowed to exist so long as no changes are made to the property or the structure. This same scenario applies to 13 of the 27 parcels before you tonight. The findings above initiated a phone conversation between the Sarpy County Planning Department and the property owner who inquired what this meant for their property, how it came about and how it could be corrected.

What it means:

- ✓ All structures, and their uses, currently located on property zoned Light Industrial must be a permitted use in the current zoning code or they are considered to be a legal non-conforming structure and use.
- ✓ They can legally exist, as is, so long as they do not change the character of the lot, structure, or use.
- ✓ If they increase the degree to which said parcel does not conform to the zoning regulation, they would have to bring the parcel into compliance first which would require a change of zone.
- ✓ If any non-conforming structure/use is destroyed or damaged by any means to the extent exceeding 50% of the market value of such structure/use, it shall not be reconstructed and must be removed unless a change of zone is approved.

How it came about:

I reviewed past history and gathered the following facts.

- ✓ Pursuant to past zoning maps, these parcels have been zoned light industrial since 1958.
- ✓ Future Land Use Map from 1962 does not include the western half of Sarpy County.
- ✓ Future Land Use Map from 1975 designates a large area of Industrial Use south of Springfield, but indicates moderate to severe environmental restraints in the area
- ✓ Future Land Use Map from 1993 has the area designated as Conservation and Resource
- ✓ Current Future Land Use Map, adopted in 2005, has the area designated as green space with a small area of urban residential in the northwest corner of the subject parcels.
- ✓ Sarpy County adopted major amendments or new zoning regulations in 1956, 1959, 1964, 1976, 1986, 1987, and 2005. It was in the 1976 Zoning and Subdivision Regulations that the "pyramid zoning" was no longer in the code.
- ✓ The structures that exist today were allowed to be constructed based on the "pyramid zoning" language.
- ✓ No records were found for an application to change the zoning on any of the subject parcels.
- ✓ 25 out of the 27 parcels are affected by the Flood Plain, with approximately 400 of the 1100 acres being designated Floodway and unbuildable
- ✓ 12 out of the 27 parcels do not have direct access to a public dedicated right-of-way (county road)
- ✓ 13 out of 27 parcels have improvements on them

How to correct the issue:

In order to correct the situation and bring the parcels, including structures and uses, back into compliance, the zoning needs to be changed to a zoning that is applicable to the improvements and use of each parcel. With the number of parcels involved, we felt the property owners would be better served by bringing the request for rezoning as one application rather than 27 applications. This also removes the need for future rezoning with regard to reconstruction of a structure should it be damaged in any way as all properties would be in conformance with the current adopted zoning regulations and future land use plan.

Pursuant to Section 43.1.1 of the Sarpy County Zoning Regulations, any proposed amendments, modifications, changes, or repeals may be initiated by the Director of Planning, Planning Commission, Sarpy County Board of Commissioners, or any other County Official.

All property owners of the subject parcels were notified by personal mail of the proposed rezoning change and explanation of such.

The Planning Director and I have visited with many of the property owners, of which three have requested to have their properties withdrawn from the application, and many others that either support or stand neutral on the request.

As with all zoning applications, the property owners within 300 feet of the subject parcels were also notified of the proposed zoning change by mail, as well as the area was posted with signage of the zoning action.

Last month the Planning Commission voted to continue this item for further communication with the property owners and posting of additional signs. They also requested an interpretation of spot zoning from the Sarpy County Attorney's office.

On June 28, 2013 certified letters were sent to the affected property owners advising them of the action taken by the Planning Commission and requesting that they submit the enclosed form with their response on the proposed rezoning. That letter contained a statement that if a response was not received in our office by June 10, 2013, staff would assume that they have no issues with the proposed rezoning of their property.

On June 6, 2013, all parcels that abut a public right-of-way were posted with a Public Hearing Sign.

The response received from the certified letters is as follows:

- 18 of the 21 certified letters were signed for by the recipient
- Responses were received from the property owners:
 - 3 supported of the zoning change
 - 5 neutral on the zoning change
 - 3 opposed to the zoning change

We have undertaken extensive notification processes, well beyond what we would typically do for a rezoning to be sure all property owners directly affected (as well as those in the area) were notified. We have spent numerous hours discussing this with property owners in and around the area as well. Everyone has been given several opportunities to respond as being in favor, opposed or neutral on the application and have also been informed of the public hearings.

Criteria used for determining rezoning of parcels:

- All parcels in the vicinity zoned IL were considered – we omitting those parcels with highway frontage that had access from right-of-way other than state highway
- Actual Use (Industrial, Agricultural, Residential, etc.)
- Flood Plain
- Future Land Use Designation

Of the 27 Parcels (21 Property Owners)

- o 13 are improved with non-conforming structures (1 is uninhabitable),
- o 5 are in the Flood Way,
- o 1 is part of a trail system,
- o 8 have no direct access from publicly dedicated right-of-way,
- o 3 only have access from State Highway
- o 4 of the 27 parcels have no improvements and do not violate any zoning regulation but the current use is Agricultural not Industrial

Additional Relevant Information:

Property is located on a major corridor serving as a front door to Sarpy County.

This is an environmentally sensitive area due to the flood plain – total acres included in this rezoning is approximately 1,100 which includes over 400 acres of flood way that cannot be improved.

Area will potentially be developed haphazardly with piece meal industrial projects as property is not a primary site for a planned industrial park. This will create conflicts with adjacent residences and residential developments, of which many were not aware of the IL zoning in the area.

The Planning Department is recommending approval of this rezoning based on sound planning principles, environmental constraints and consistency with the Comprehensive Plan.”

Donna Lynam presented a map of the properties included in this request, each identified by a number for ease of discussion, along with the current property owner at the time of application and their response to the certified letters. She noted that the property numbered 20 and shown to be owned by Advantage Development is currently owned by G & C Farms.

Chairman Whitfield opened the Public Hearing on this request at 7:22 p.m.

Dwight Trumble, 12400 Buffalo Road, owner of three parcels in this area, said he is neutral on this request. He said the history of industrial zoning in this area goes back 40 years and at that time the zoning was appropriate because the Rock Island Railroad was still in existence and running through the area. Mr. Trumble reminded the Commission that when Mercedes Benz wanted to come to Sarpy County but could not find industrially zoned property, they were not willing to wait until a site was established and left.

Lloyd Newman, 12502 Cottonwood Lane, Villa Springs, spoke in support of the proposed rezoning. He said Villa Springs is a very nice lake development and he would not care to see industrial development adjacent to the residential area.

Jo Boyles, resident of Villa Springs, appeared in support of this request. Ms. Boyles said most of the Villa Springs residents were not aware that the subject property was zoned IL, but are concerned that industrial development of this area would negatively affect their property values. The residents of Villa Springs were responsible for getting 132nd Street paved from Main Street in Springfield south to Villa Springs. They have helped Sarpy County improve the area for residential purposes not industrial, and believe the area can continue to grow into a nice residential area.

Patrick Sullivan, Attorney at Law, representing G&C Farms and Louis Riha/Sarpy R & R, spoke in opposition to a portion of this zoning change. Mr. Sullivan said despite the fact that there was pyramid zoning and houses were built in IL zoning; this request proposes to rezone all of these properties to resolve issues for some development that probably should not have happened in LI zoning.

Mr. Sullivan suggested that not all of the properties have to be included in this request, pointing out that the properties identified as 9, 14, 11 and 18 could be rezoned and would be contiguous and consistent with Villa Springs without changing the zoning on the additional LI zoned land in the area. He said rezoning the southeast portion of parcel #13 and a portion of #16 where the homesteads are would be contiguous to these properties as well.

Mr. Sullivan said he does not want to criticize the process, but he believes parameters can be set up to fulfill what one wants the end conclusion to be. He said there was discussion that parcel 20 could stay zoned IL on the west side of the creek and trail, but not on the east side because there is not access to the east side of the parcel. From a development standpoint, Mr. Sullivan said there will probably be a deal that gets made between landowners and that parcel will be part of a development with parcels 7 and 13 that do have access to 132nd Street.

Referring to the problem Mercedes Benz encountered of not finding appropriate industrial zoning in Sarpy County, Mr. Sullivan said the issue is that there is an abundance of AG and residentially zoned ground in Sarpy County, but there is an extreme shortage of industrially zoned property. In addition, there is difficulty in trying to rezone AG and residential property to industrial.

Mr. Sullivan said the concern for his client, Mr. Riha, is that when he develops on his industrially zoned property in the area (that is not a part of this request), there may be opposition to that development as it will no longer be adjacent to other industrially zoned property. Mr. Riha does not want to see industrial zoning removed from the subject properties.

Mr. Sullivan noted that Villa Springs was created as a result of an industrial sand and gravel operation on that property.

Mr. Sullivan said his client, G & C Farms, recently purchased the parcel marked 20, understanding that it was zoned IL, paid a price for the property because it is zoned IL, and has had prospects to purchase that property because it is zoned IL. The property is close to the sewage treatment plant and an IL use would be a better use by the sewage treatment plant. He noted that Sarpy County's long term Comprehensive Plan shows the sewage treatment plant to be expanded extensively so to change the zoning on his client's parcel to anything but IL does not make sense.

Mr. Sullivan added that just because property owners did not respond to the Planning Department's letter, it does not mean they approve of the request. He believes many do not really understand the request.

John Knapp, 19010 South 168th Street, indicated that he would hate to see development occur in the floodplain.

Gayle Carlson, 13801 Buffalo Road, spoke in support of this request. Mrs. Carlson reported that the bank would not approve a loan for her property because it is zoned IL, even though they have a letter from Sarpy County dated in 1998 (at the time they purchased their home) stating that their property is zoned Industrial and could be rebuilt 100% if anything happened to the house. Pyramid Zoning ended in 2005, however, and right now she cannot sell or refinance her property with IL zoning. In addition, if her residence would be damaged more than 50% of its value, it could not be rebuilt. She supports this request so that her residence would be in compliance with zoning regulations.

Patrick Gordon, Villa Springs Replat 1, spoke in support of this request. Mr. Gordon said the residential footprint in this area is growing and he would prefer the area remain in good condition. He too did not realize the subject property is zoned IL. Mr. Gordon noted that he received a notice, but actually thought it referred to the asphalt plant trying to move in near the sewage treatment plant in Springfield.

Tamara Torskey, resident of Meadow Oaks, spoke in support of this request.

With no one else appearing in regard to this request, Chairman Whitfield closed the Public Hearing at 8:47 p.m.

Bruce Fountain, Planning Director, stated that the criteria used in formulating this proposal was based on accessibility, floodway, and current use of the property. Parcels having the potential for industrial development were not included. Property in the floodway will not allow development under the Floodplain Development Regulations. Property in the floodplain will require a Floodplain Development Permit and would require any structure to be one foot above the base flood elevation. The current and previous Comprehensive Plans for this area indicated the extreme environmental constraints on the area resulting in the Future Land Use designation of Green space.

Mr. Fountain said the Planning Department is aware of the shortage of industrial development sites in Sarpy County; however, these particular sites are not conducive to that type of development for reasons stated. Mr. Fountain reported that he did converse with the Sarpy County Economic Development Corporation (S.C.E.D.C.) about industrial use prospects for this area. The S.C.E.D.C. is not marketing this area for industrial development due to the flood designation and proximity to residential. Mr. Fountain added that the only way these parcels will develop is if they resolve access issues.

MOTION: Malmquist moved to APPROVE the Change of Zone as proposed by the Planning Department as it encourages the most appropriate use of the land, it brings legal nonconforming uses into conformance with the Sarpy County Zoning Regulations, the current use of the land is compatible with the floodplain/floodway in the area, and the current use is consistent with the Comprehensive Plan and the Future Land Use Map designation. Mr. Lichter seconded the motion, but reserved the right to speak before the vote is called.

Mr. Lichter said he is strongly opposed to taking property out of industrial zoning, however, he believes this is an instance that deserves the review and approval by the Planning Commission. Mr. Lichter strongly recommended that future review of the Comprehensive Plan provide for good industrial locations within Sarpy County.

Mr. Ackley said he is not a proponent of government rezoning property without the property owner making the application. While he can appreciate the County's ability to do certain things, having the ability does not mean you should do it. In his opinion, a zoning change is very unique to land ownership and should be requested by a landowner. If the request is consistent with the Comprehensive Plan, then that consideration is made.

Mr. Ackley said the reason these landowners purchased the property that they did is not known. Mr. Schram specifically said that he purchased his property (marked 20 on map) because it was zoned IL and that he may someday want to develop it. Again, Mr. Schram is not asking for a property zone change so to impose a rezoning of his property would be taking a right away from him without compensation.

Mr. Ackley said the property owners of the parcels marked 13, 20 and 22 have been asked if they want their property rezoned and have specifically asked to be removed from this application and left IL, and most certainly should not be included. Regarding other property owners, just because they did not respond does not mean that they agree with this application. He noted that the Commission heard testimony that property owners thought the notice received from the Planning Department dealt with the asphalt plant proposed in Springfield.

Mr. Ackley said he will vote against the motion as it stands because he does not believe the County should change zoning on a property without the property owner affirmatively making the application.

Ms. Bliss noted that the Planning Commission has considered other zoning "cleanup" issues like this, although not quite to this magnitude.

MOTION: Whitfield moved, seconded by Ackley, to AMEND the motion by Malmquist to exclude parcels 6, 7, 10, 23, 20, 19, 22, 24, 25, 15, 13 and 16. He said the parcels he is proposing to exclude are all contiguous and, in his opinion, are the most likely to be developed into future industrial areas.

Nicole O'Keefe, Assistant County Attorney, stated that there were 3 property owners who responded in support of this request: 12, 14 and 19; three were neutral: 4, 5 and 8, and three in opposition: 13, 20 and 22. She clarified that the parcel identified as 19 responded in support and Mr. Whitfield's motion is to remove that parcel from the original motion.

Ms. O'Keefe said the Planning Commission will first need to vote on whether to amend the motion by Malmquist. If the motion carries, then the motion by Malmquist is then a motion to approve except for the parcels listed by Chairman Whitfield.

Ballot: Ayes – Ackley, Whitfield, Mohr, and Farrell. Nays – Bliss, Malmquist and Lichter. Abstain – None. Absent – Stuart, Murante, Fenster and Torczon. **Motion to Amend the Motion by Malmquist carried 4-3-4.**

Ms. O'Keefe said the Planning Commission will now vote on the amended motion:

MOTION AS AMENDED: Malmquist moved, seconded by Lichter, to APPROVE the Change of Zone as proposed by the Planning Department, excluding parcels 6, 7, 10, 23, 20, 19, 22, 24, 25, 15, 13 and 16. **Ballot:** Ayes – Ackley, Whitfield, and Mohr. Nays – Bliss, Malmquist and Lichter and Farrell. Abstain – None. Absent – Stuart, Murante, Fenster and Torczon. **Motion failed 3-4-4.**

MOTION: Ackley moved to APPROVE the Change of Zone on only the parcels the landowners replied in the affirmative: 14, 19, and 12 in accordance with the zoning proposed by the Planning Department. This motion is based on the zoning encouraging the most appropriate use of the land; it brings nonconforming uses into conformance with the Sarpy County Zoning Regulations making the lots compatible with each other within the area, and is consistent with the Comprehensive Development Plan and FLU plan designation. **Motion failed for lack of a second.**

MOTION: Malmquist moved, seconded by Bliss, to APPROVE the Change of Zone as proposed by the Planning Department, excluding the west part of parcel 20, and parcel 22 as it encourages the most appropriate use of the land, it brings legal nonconforming uses into conformance with the Sarpy County Zoning Regulations, the current use of the land is compatible with the floodplain/floodway in the area, and the current use is consistent with the Comprehensive Plan and the Future Land Use Map designation. **Ballot:** Ayes – Bliss, Lichter, Malmquist and Farrell. Nays – Ackley, Whitfield and Mohr. Abstain – None. Absent – Stuart, Murante, Fenster and Torczon. **Motion carried 4-3-4.**



SARPY COUNTY PLANNING & BUILDING DEPARTMENT

RECOMMENDATION REPORT

CHANGE OF ZONE (CZ 12-0007)

APPLICANT: SARPY COUNTY ON BEHALF OF PROPERTY OWNERS
PROPOSED REZONING FROM IL (LIGHT INDUSTRIAL) TO AG (AGRICULTURAL), AGD
(AG DEVELOPMENT), AGR (AG RESIDENTIAL), RE2 (RESIDENTIAL ESTATES 2 ACRE),
OR RE1 (RESIDENTIAL ESTATES 1 ACRE)

PLANNING COMMISSION HEARING OF: CONTINUED FROM MAY 15, 2013

I. GENERAL INFORMATION

A. APPLICANT:

Sarpy County on behalf of property owners
1210 Golden Gate Drive
Papillion, NE 68046

B. PROPERTY OWNERS:

See Attached List

C. **SUBJECT PROPERTY LOCATION:** Area lying south of Buffalo Road, west of 120th Street, east of Hwy 50, and north of the Platte River.

D. **LEGAL DESCRIPTION:** See Attached List

E. **SUBJECT PROPERTY SIZE:** Parcels vary from just under 1 acre to 188 areas

F. EXISTING FUTURE LAND USE AND CURRENT ZONING DESIGNATION:

- Future Land Use Designations: Green Space and Residential
- Zoning: IL (Light Industrial)

G. **REQUESTED ACTION(S):** Approval of a Change of Zone from IL (Light Industrial) to AG (Agricultural), AGD (Ag Development), AGR (Ag Residential), RE2 (Residential Estates 2 acres), and RE1 (Residential Estates 1 acre), whichever zoning is applicable to the size and use of the individual property (see attached Proposed Zoning Map).

II. BACKGROUND INFORMATION

A. **EXISTING CONDITION OF SITE:** All parcels are Agricultural and/or Residential in nature and use. All parcels included in the proposed rezoning are affected by the Flood Plain in some manner, including some that lay 100% within the Floodway.

B. GENERAL VICINITY AND LAND USE

- North: Agricultural, City of Springfield Wastewater Treatment Facility, City of Springfield
- South: Agricultural, Platte River, Floodway
- West: Agricultural, Nebraska State Highway 50, Flood Plain
- East: Villa Springs Residential Developmental, Agricultural, Flood Plain

C. RELEVANT CASE INFORMATION:

- Many of the parcels within this area are improved with single-family dwellings which, by the current Sarpy County Zoning Regulations, are not permitted uses in the IL (Light Industrial) Zoning District.
- Many of the properties in this area were improved with homes, accessory buildings, farm structures, etc. under retired zoning codes that permitted "Pyramid Zoning," which allowed homes and accessory buildings to be constructed in the IL District at that time.
- Current Sarpy County Zoning Regulations do not allow for "Pyramid Zoning," therefore, the parcels are no longer in compliance with the zoning regulations and are considered to be "Legal, non-conforming."
- Sarpy County Zoning Regulations allow for lawfully existing non-conforming uses to remain so long as the property is not altered in any way, but the regulations limit what improvements can be made to a lawfully existing building or structure when the property is not properly zoned. Routine maintenance, repairs and interior alterations may be made, however, additions, enlargements, or repair of damage exceeding 50% of the market value of the structure would not be allowed until such time as the parcel was brought into compliance.
- Research has found that the zoning on the subject parcels dates back to 1958 although Future Land Use Plans dating back to 1960 designate the area as Medium to Urban Residential.
- The current Future Land Use Map designates the area as Greenway and Urban Residential.
- FIRM (Flood Insurance Rate Map) identifies a significant portion of this area as a Flood Hazard Area
- This has become a problem for many property/home owners in the area due to issues with financing. The problem was brought to our attention several months ago when property owners were unable to obtain approval for refinancing their mortgages from financial institutions. They are being denied as the use (single-family residential) is not a permitted use in the IL Zoning District and is therefore considered legal, non-conforming and brings up the issues as discussed above.

D. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Development Plan
- Sarpy County Zoning Regulations:
 - Section 4, Non-Conforming Uses
 - Section 9, AG Agricultural
 - Section 10, AGD Agricultural Development
 - Section 11, AGR Agricultural Residential
 - Section 12, Residential Estates 2
 - Section 13, Residential Estates 1
 - Section 43, Amendments and Re-Zoning

III. ANALYSIS / COMMENTS

A. COMPREHENSIVE PLAN:

- The Comprehensive Plan shows the area as Greenway with some Urban Residential in the northwest portion of the area and the proposal for rezoning is consistent with this designation. This area lies within Policy Tier 9 in Sarpy County Plan (Comprehensive Plan) which indicates that environmental constraints are high, primarily related to floodway/floodplains and wetlands. It further adds that

policy should maintain open or agricultural integrity, while exercising flexibility when considering large scale, master planned developments.

B. TRAFFIC AND ACCESS:

- The area is served by County Road Right-of-Ways known as Buffalo Road, 138th Street, 132nd Street, 120th Street, and Nebraska State Highway 50.

C. OTHER AGENCY REVIEW/COMMENTS: Do to the complexity of this application, the "Request for Review and Comments" was sent to the City of Springfield and other jurisdictional agencies/departments with the complete Staff Report attached. Should any comments be received, they will be presented to you at the Public Hearing. Dan Pittman, Sarpy County Assessor, commented that while the new zoning would likely improve the marketability of the parcels in question, he did not anticipate any immediate impact on the corresponding property taxes.

D. PUBLIC COMMENTS: Letters were sent to all property owners within a 300 foot radius of the area subject to this application and the area was posted with signs indicating a pending zoning request. Staff received a number of phone calls from citizens and property owners in the area inquiring as to the details of the request. After explaining the situation to them, the majority of the callers were supportive of the request and indicated no opposition.

Staff has received requests from two property owners affected by the proposed change of zone who oppose it for their properties. They have requested that their properties be removed from the application and left as IL (Light Industrial). Those requests are attached for your information.

E. Letters were sent to all property owners within a 300 foot radius of the area subject to this application and the area was posted with signs indicating a pending zoning request. Staff received a number of phone calls from citizens and property owners in the area inquiring as to the details of the request. After explaining the situation to them, the majority of the calls were supportive of the request and indicated no opposition.

Staff has received requests from two property owners affected by the proposed change of zone who oppose it for their properties. They have requested that their properties be removed from the application and left as IL (Light Industrial). Those requests are attached for your information.

F. Planning Commission held Public Hearing on May 15, 2013 but continued the public hearing to the June 19, 2013 Planning Commission meeting for additional notification and posting. On May 29, 2013, all affected property owners were contacted by certified mail regarding the action taken by the Planning Commission at the May 15th meeting. (please see template letter attached) Each property owner was asked to complete a form indicating their position on the issue and return it to our office in the self-addressed stamped envelope. As of June 11th our office has received 17 of the 21 Certified Receipts back and 10 responses with their positions noted. Those responses received so far include 3 in support, 4 stand neutral, and 3 are opposed. Additional signs were placed on all parcels that were adjacent to public right-of-way. Please see additional staff comments and correspondence included with this this packet

G. SUMMARY COMMENTS:

- **Change of Zone**
 - Currently zoned IL, Light Industrial District

- Requesting AG, AGD, AGR, RE2, or RE1 whichever is applicable to subject parcel as shown on attached map
- Consistent with Future Land Use Plan
- Brings legal, non-conforming uses into conformance with today's zoning regulations relate to use.

IV. STAFF RECOMMENDATIONS:

▪ Staff recommends APPROVAL of the following Change of Zone proposals:

1. Edward and Diane Foral – IL (Light Industrial) to AG (Agricultural) on Gov Lot 2 In Section 6, TWP 12N, RNG 12E of the 6th P.M. Sarpy County, Nebraska
2. Edward and Diane Foral - IL (Light Industrial) to AGD (Agricultural Development) on Tax Lot D1 in Section 31, TWP 13N, RNG 12E of the 6th P.M. Sarpy County, Nebraska;
3. Chad Michael Henry – IL (Light Industrial) to AGR (Ag Residential) on Tax Lot 4 in Section 1, TWP 12N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
4. Ash Grove Lime and Portland Cement Co - IL (Light Industrial) to AG (Agricultural) Gov Lots 1, 2, 6A & 7, South and East of Railroad, and Accretion thereto, all in Section 1, Tax Lot 5B in Section 2, Accretion and Tax Lots A and B in Section 12, all in TWP 12N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
5. Michael E and Paula D Heitman - IL (Light Industrial) to RE1 (Residential Estates 1 Acre) on Tax Lot 8A1 in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
6. Pat Jungjohann – IL (Light Industrial) to AGD (Agricultural Development) on Tax Lots A, B & 1, in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
7. Pat Jungjohann – IL (Light Industrial) to AG (Agricultural) on the N1/2 of the NE1/4 all in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
8. Robin M Josoff - IL (Light Industrial) to RE2 (Residential Estates 2 acres) on Gov Lot 6B in Section 1, TWP 12N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
9. State of Nebraska - IL (Light Industrial) to AG (Agricultural) on the SE1/4 of the SE1/4 in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
10. Michael M and Cynthia A Grubb – IL (Light Industrial) to AG (Agricultural) on part of Tax Lots 12B & 2B2 in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
11. Lyle A Yonker - IL (Light Industrial) to AGR (Agricultural Residential) on Tax Lot 8B in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
12. James A and Gail M Carlson – IL (Light Industrial) to RE1 (Residential Estates 1 Acre) Gov Lot 2B in Section 1, TWP 12N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
13. DDD & G Lutz Farm LLP - IL (Light Industrial) to AG (Agricultural) on the N1/2 of the SE1/4, S1/2 of the NE1/4 and Tax Lots E and F in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
14. Earl F and Dorothy A Hilleman – IL (Light Industrial) to AGD (Agricultural Development) on Tax Lots 9A & C1 in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;

15. Dwight and Bette Trumble - IL (Light Industrial) to AG (Agricultural) on Tax Lot 7B in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
16. D & B Trumble Living Trust - IL (Light Industrial) to AG (Agricultural) on Tax Lots H & I in Section 31, TWP 13N, RNG 12E of the 6th P.M. Sarpy County, Nebraska;
17. Chance Hengglar - IL (Light Industrial) to RE1 (Residential Estates 1 Acre) on Tax Lot 1 in Section 1, TWP 12N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
18. Larry Raines - IL (Light Industrial) to RE1 (Residential Estates 1 Acre) on Tax Lot D in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
19. Papio-Missouri River Natural Resources District - (Light Industrial) to AGD (Agricultural Development) on Tax Lot R1 in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
20. Advantage Investment (Recently purchased by G and C Farms LLC) - IL (Light Industrial) to AG (Agricultural) on Tax Lots 2B1, 4A, 4B, 5 and 12A all in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
21. Wally Pepek – IL (Light Industrial) to RE2 (Residential Estates 2 Acres) on Tax Lot 3 in Section 1, TWP 12N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
22. Gregory B Sunde – IL (Light Industrial) to AG (Agricultural) on Tax Lots 3B and 6B in Section 36, TWP 13N RNG 11E of the 6th P.M. Sarpy County, Nebraska;
23. Timothy James and Julie A Trumble – IL (Light Industrial) to RE2 (Residential Estates 2 Acres) on Tax Lot 3A in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;
24. Timothy James and Julie A Trumble - IL (Light Industrial) to RE1 (Residential Estates 1 Acre) on Tax Lot 6A in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska,
25. Timothy James and Julie A Trumble - IL (Light Industrial) to AGR (Agricultural Residential) on Tax Lot 7A in Section 36, TWP 13N, RNG 11E of the 6th P.M. Sarpy County, Nebraska;

VI. PLANNING COMMISSION RECOMMENDATIONS:

Motion by Planning Commission on Proposed Change of Zone

VII. ATTACHMENTS TO REPORT:

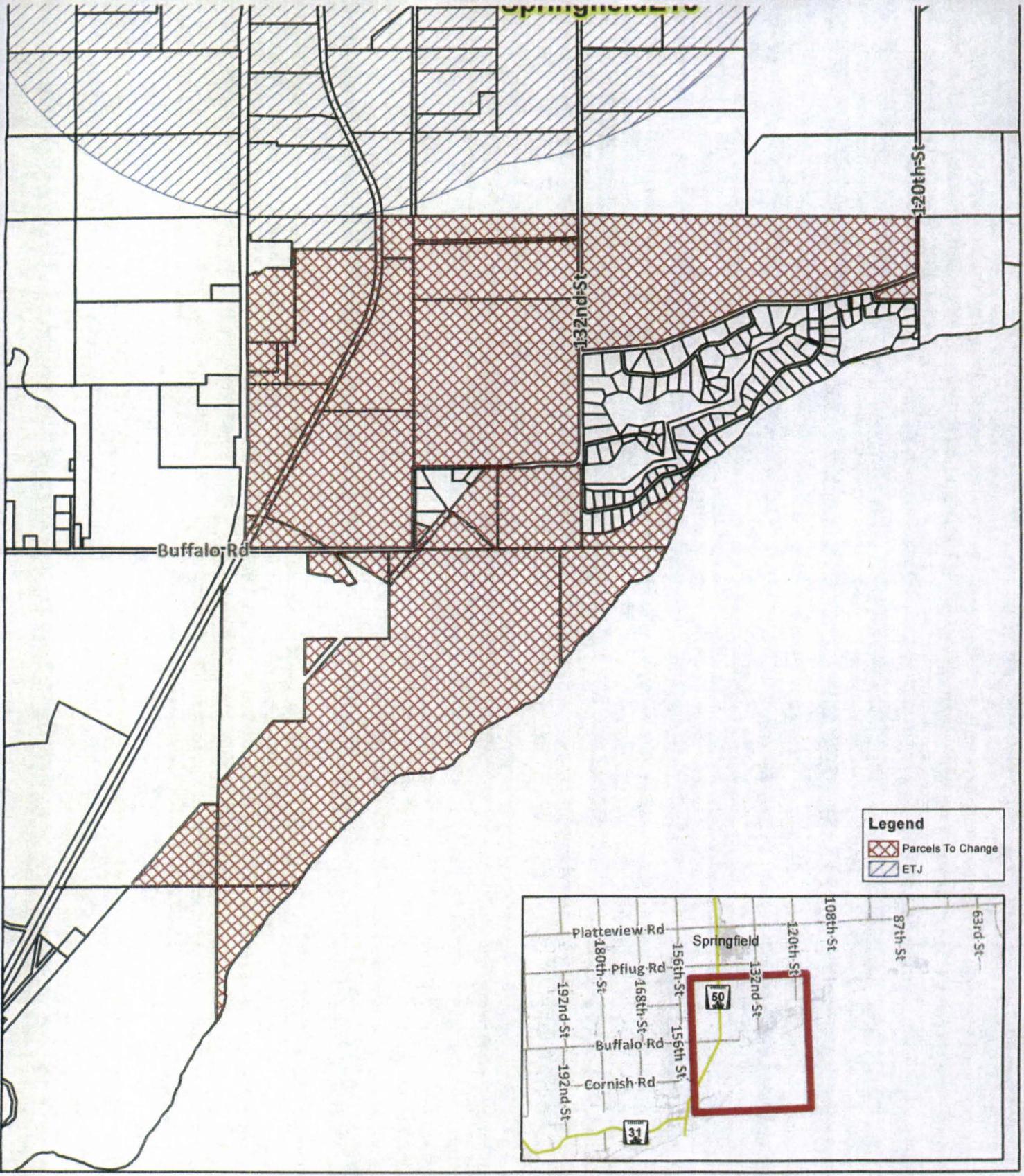
1. Map of Subject Parcels
2. Current Zoning Map
3. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)
4. Application – Change of Zone
5. Map of Proposed Zoning

VIII. COPIES OF REPORT SENT TO:

1. Public Upon Request

Respectfully Submitted by: Donna Lynam, Zoning Administrator

Reviewed, edited & approved by: Bruce Fountain, Planning Director

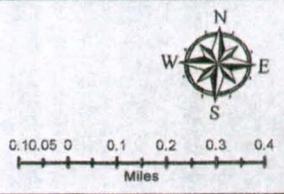


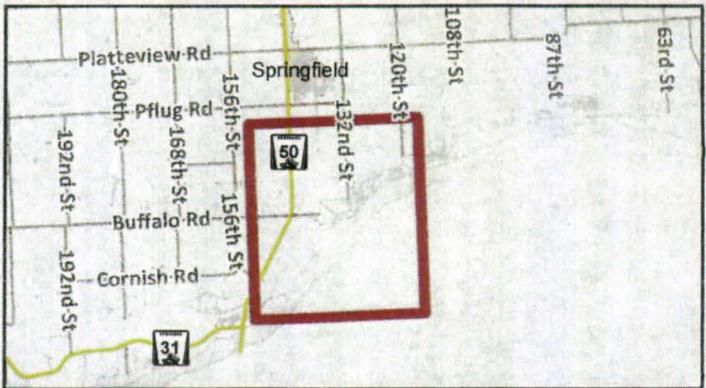
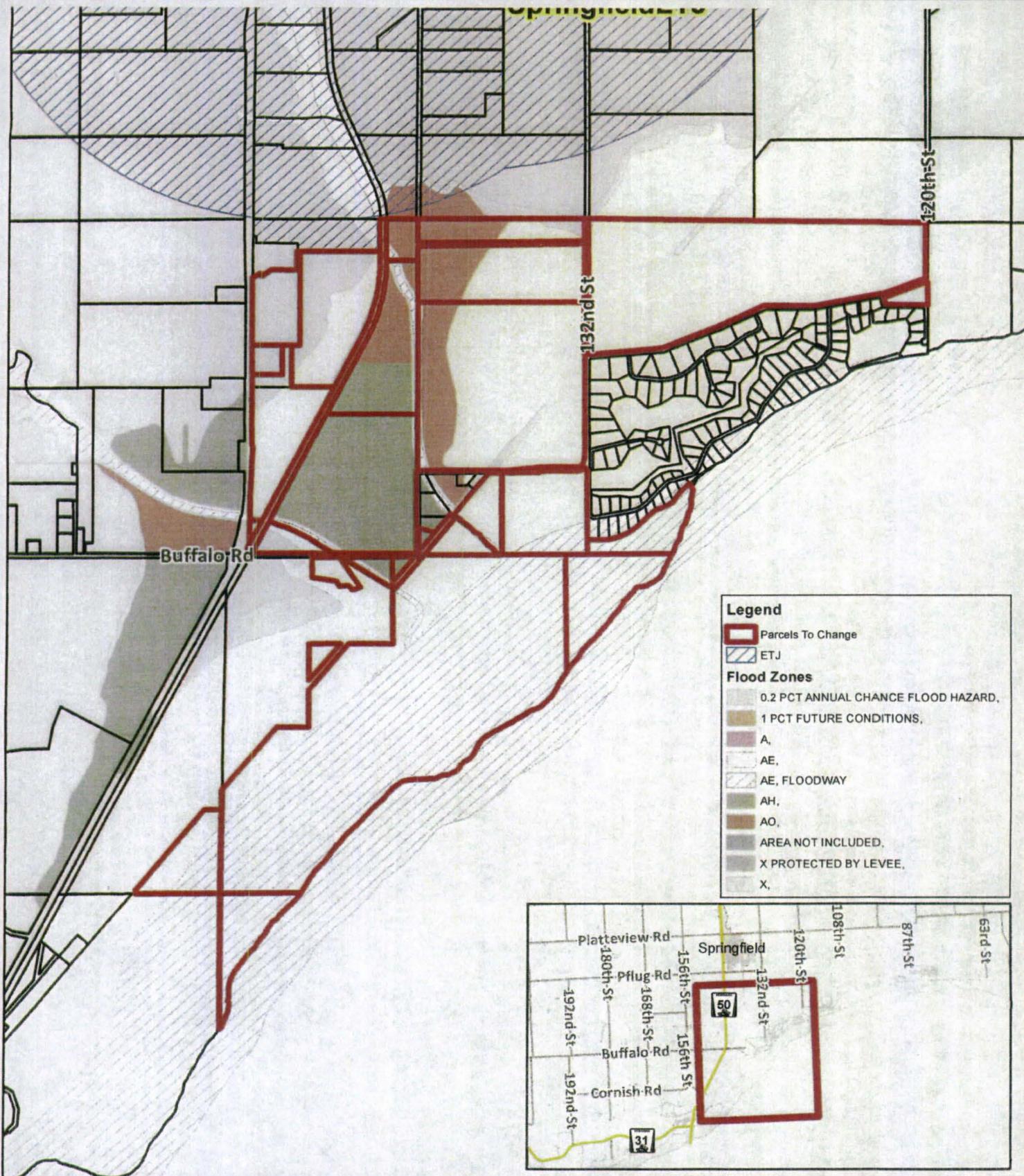
Legend

-  Parcels To Change
-  ETJ

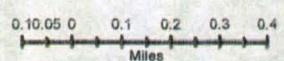


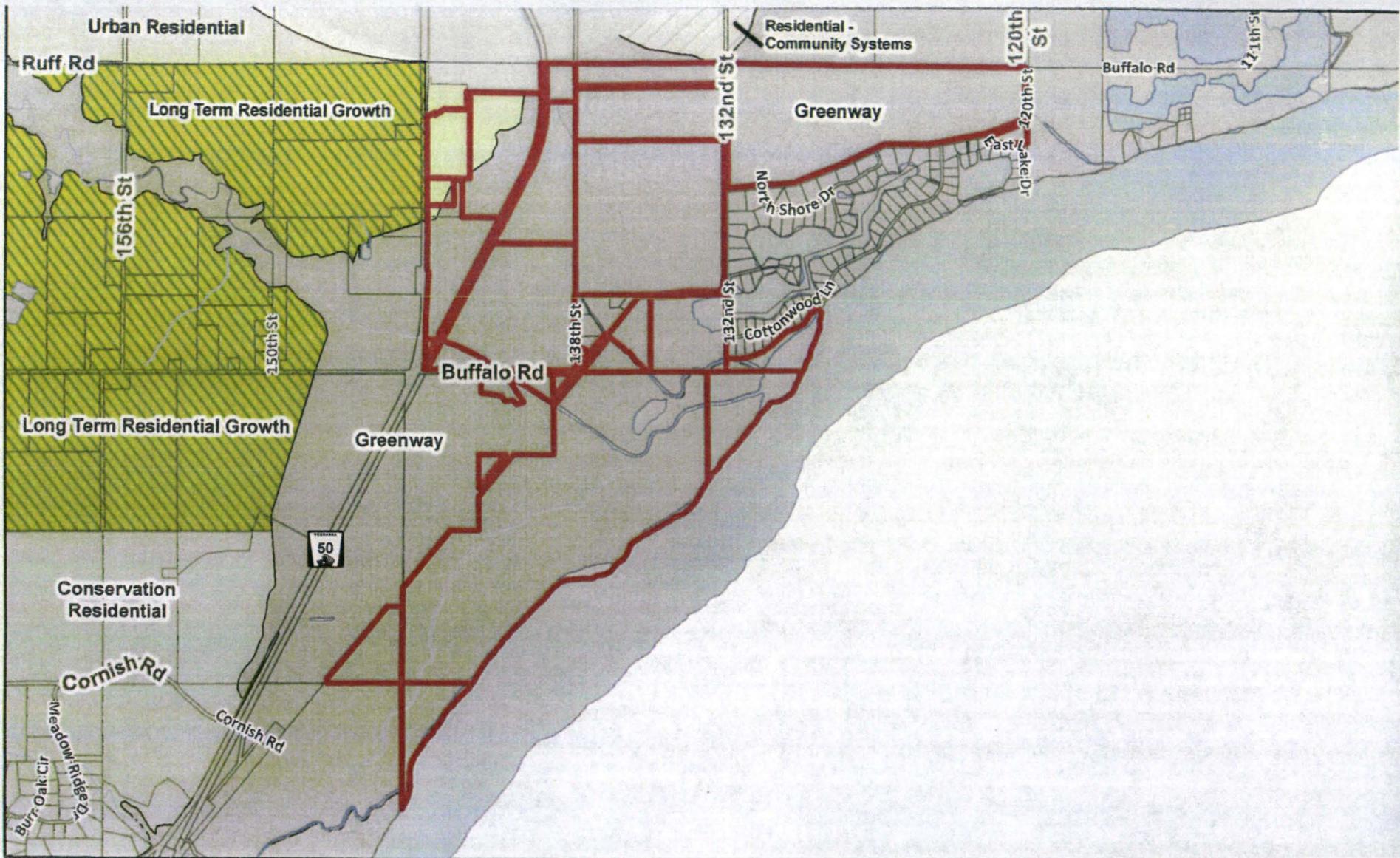
Vicinity Map of Subject Parcels



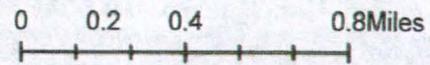


Vicinity Map of Subject Parcels With Flood Zones





Current FLU - Sarpy Co



Vicinity Map of Subject Parcels with Current Future Land Use

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

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





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

CHANGE OF ZONING APPLICATION

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

1. Completed Change of Zoning Application
2. Non-Refundable Fee of \$ _____ made payable to Sarpy County Treasurer (additional fees may also be required to cover cost of mailing of public notifications)
3. Copy of Deed on file with Register of Deeds or other acceptable proof of ownership
4. Two (2) site plan drawings (folded)
5. One (1) reduced size site plan drawing (8.5 x 11)
6. One (1) electronic copy of site plan drawing in PDF form
7. Site plan drawing should include the following (as 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
8. Detailed operational plans
9. **Please review Section 43 of the Sarpy County Zoning Regulations for a complete list of change of zoning process and submittal requirements.**

PLANNING STAFF USE ONLY:

APPLICATION #: CZ 13-0006
 DATE RECEIVED: 4/11/2013
 CP DESIGNATION: _____
 CURRENT ZONING DESIGNATION: IL
AG, AGD, AGR,
 PROPOSED ZONING DESIGNATION: RE1, RE2
 APPLICATION FEE: \$ _____ RECEIPT NO. _____
 PUBLIC NOTIFICATION
 PROCESSING FEE: \$ _____ RECEIPT NO. _____
 RECEIVED BY: _____
 NOTES: _____

APPLICATION FILING FEES (does NOT include public notification fee)
 • Agricultural Zoning Districts (AG, AGD, AGR) - \$200
 • Residential Zoning Districts (RS-100 through RMH) - \$200
 • All other Zoning Districts - \$400

APPLICANT INFORMATION: CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Sarpy County on behalf of Property Owners E-MAIL: _____
 ADDRESS: 1210 Golden Gate Drive CITY/STATE/ZIP: Papillion, NE 68046
 MAILING ADDRESS: _____ CITY/STATE/ZIP: _____
 (IF DIFFERENT)
 PHONE: _____ FAX: _____

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

NAME: See Attached List E-MAIL: _____
 ADDRESS: _____ CITY/STATE/ZIP: _____
 MAILING ADDRESS: _____ CITY/STATE/ZIP: _____
 (IF DIFFERENT)
 PHONE: _____ FAX: _____

ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:

NAME: N/A E-MAIL: _____
 ADDRESS: _____ CITY/STATE/ZIP: _____
 MAILING ADDRESS: _____ CITY/STATE/ZIP: _____
 (IF DIFFERENT)
 PHONE: _____ FAX: _____

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.

Rezoning of multiple parcels (see attached list and map) in the area south of Springfield, East of Villa Springs, and West of State Highway 50, to bring parcels into compliance with Zoning Code currently adopted by Sarpy County Board of Commissioners. Current zoning of parcels is IL (Light Industrial) and proposed zonings are AG (Agricultural), AGD (Agricultural Development), AGR (Agricultural Residential), RE1 (Residential Estates less than 1 acre) and RE2 (Residential Estates less than 5 acres) to be consistent with current uses of Agricultural and Residential Acreages

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.

SUBDIVISION NAME: _____

GENERAL LOCATION: South of Springfield, East of Villa Springs, West of State Highway 50
(example 189th & Giles Rd)

ASSESSOR'S PARCEL NUMBER: List Attached ADDITIONAL PARCEL NUMBERS _____

LEGAL DESCRIPTION: (Describe property to wit:) List Attached

SIZE OF PROPERTY: _____ acres CURRENT ZONING: IL REQUESTED ZONING: AG/AGD/AGR/RE1/RE2

SOURCE OF UTILITY SERVICES: Water - Private Sewer - Private
Gas - Propane Electric - OPPD

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. The Planning Department will review the application material along with other appropriate departments and/or agencies and provide a recommendation report to the Planning Commission and County Board.
2. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
3. The County Board will hold a public hearing and make a final decision on the Change of Zoning application.
4. Any necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the applicant or the property owner.

The applicant (or authorized agent) has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Applicant Signature

Date

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 Zoning process as stated above and I authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.

Application being made by Sarpy County on behalf of property owners

Owner Signature (or authorized agent)

Date



4/11/13

Owner Signature (or authorized agent)

Date

FORAL, EDWARD & DIANE - GOV LOT 2 IN SECTION 6, TWP 12N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA AND TAX LOT D1 IN SECTION 31, TWP 13E, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; HENRY, CHAD MICHAEL - TAX LOT 4 IN SECTION 1, TWP 12N, RNG 11 EAST OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; ASH GROVE LIME & PORTLAND CEMENT CO - GOV LOTS 1, 2 & 6A & GOV LOT 7, SOUTH AND EAST OF RAILROAD, AND ACCRETION THERERO ALL IN SECTION 1, TAX LOT 5B IN SECTION 2, ACCRETION AND TAX LOTS A AND B IN SECTION 12, ALL IN TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; HEITMAN, MICHAEL E & PAULA D - TAX LOT 8A1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; PAT JUNGJOHANN - TAXLOTS A, B & 1, AND THE N1/2 OF THE NE1/4 ALL IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; JOSOFF, ROBIN M - GOV LOT 6B IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; STATE OF NEBRASKA - SE1/4 OF THE SE1/4 IN SECTION 36, TWP 13N, RNG 11E 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; GRUBB, MICHAEL M & CYNTHIA A - PART OF TAX LOTS 12B & 2B2 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; YONKER, LYLE A - TAX LOT 8B IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; CARLSON, JAMES A & GAIL M - GOV LOT 2B IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; DDD & G LUTZ FARM LLP - N1/2 OF THE SE1/4, S1/2 OF THE NE1/4 AND TAX LOTS E AND F IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; HILLEMANN, EARL F & DOROTHY A - TAX LOTS 9A & C1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; TRUMBLE, DWIGHT & BETTE - TAX LOT 7B IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; D & B TRUMBLE LIVING TRUST - TAX LOTS H & I IN SECTION 31, TWP 13N, RNG 12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; HENGGELER, CHANCE - TAX LOT 1 IN SECTION 1, TWP12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; RAINES, LARRY - TAX LOT D IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; PAPIO-MISSOURI RIVER NATURAL - TAX LOT R1 IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; ADVANTAGE INVESTMENT (NEW OWNER G & C FARMS) - TAX LOTS 2B1, 4A, 4B, 5 AND 12A ALL IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; PEPEK, WALLY - TAX LOT 3 IN SECTION 1, TWP 12N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; SUNDE, GREGORY B - TAXLOTS 3B AND 6B IN SECTION 36, TWP13N RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA; TRUMBLE, TIMOTHY JAMES & JULIE A - TAX LOT 3A, 6A, AND 7A IN SECTION 36, TWP 13N, RNG 11E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA.

	PARCEL ID	CURRENT_OW	LEGAL	MAILING ADDRESS
1	011586550	FORAL, EDWARD & DIANE	GOV LOT 2 6-12-12 (35.10 AC)	12611 COTTONWOOD LN SPRINGFIELD NE 68059
2	010381872	FORAL, EDWARD & DIANE	TAX LOT D1 31-13-12 (17.28 AC)	12611 COTTONWOOD LN SPRINGFIELD NE 68059
3	011591528	HENRY, CHAD MICHAEL	TAX LOT 4 1-12-11 (5.22 AC)	P O BOX 2988 FT WORTH TX 76112
4	010421122	ASH GROVE LIME & PORTLAND CEMENT CO	GOV LOTS 1, 2 & 6A & GOV LOT 7, S & E OF RR, & ACCRETION THERERO 1-12-11 (337.30 AC)	PO BOX 25900 OVERLAND PARK KS 66225
4	010421211	ASH GROVE LIME & PORTLAND CEMENT CO	TAX LOT 5B 2-12-11 (24.30 AC)	PO BOX 25900 OVERLAND PARK KS 66225
4	010410392	ASH GROVE LIME & PORTLAND CEMENT CO	ACCRETION & TAX LOTS A & B 12-12-11 (23.10 AC)	PO BOX 25900 OVERLAND PARK KS 66225
5	010430172	HEITMAN, MICHAEL E & PAULA D	TAX LOT 8A1 36-13-11 (1.12 AC)	18701 S 138TH ST SPRINGFIELD NE 68059
6	010430393	PAT JUNGJOHANN	TAXLOTS A, B & 1 36-13-11 (10.48 AC)	19650 N CAMINO DEL SOL SUN CITY WEST AZ 85375
7	010430423	PAT JUNGJOHANN	N1/2 NE1/4 36-13-11 (75.85 AC)	19650 N CAMINO DEL SOL SUN CITY WEST AZ 85375
8	010421157	JOSOFF, ROBIN M	GOV LOT 6B 1-12-11 (3.5 AC)	14015 BUFFALO RD SPRINGFIELD NE 68059
9	010430822	STATE OF NEBRASKA	SE1/4 SE1/4 36-13-11 (40.21 AC)	555 N COTNER BLVD LINCOLN NE 68505
10	010430245	GRUBB, MICHAEL M & CYNTHIA A	PT TAX LOTS 12B & 2B2 36-13-11 (20.06 AC)	17951 S HWY 50 SPRINGFIELD NE 68059
11	010430261	YONKER, LYLE A	TAX LOT 8B 36-13-11 (8.29 AC)	18709 S 138TH ST SPRINGFIELD NE 68059
12	010421149	CARLSON, JAMES A & GAIL M	GOV LOT 2B 1-12-11 (1.75 AC)	13801 BUFFALO RD SPRINGFIELD NE 68059
13	010430733	DDD & G LUTZ FARM LLP	N1/2 SE1/4, S1/2 NE1/4 & TAX LOTS E & F 36-13-11 (157.98 AC) REFER 10750150, 11100605 & 11100613	13030 S 132ND ST SPRINGFIELD NE 68059
14	010749187	HILLEMANN, EARL F & DOROTHY A	TAX LOTS 9A & C1 36-13-11 (12.78 AC)	13501 BUFFALO RD SPRINGFIELD NE 68059
15	010764488	TRUMBLE, DWIGHT & BETTE	TAX LOT 7B 36-13-11 (91.64 AC)	12400 BUFFALO ROAD SPRINGFIELD NE 68059
16	011017147	D & B TRUMBLE LIVING TRUST	TAX LOTS H & I 31-13-12 (188.88 AC)(92 UNITS)	12400 BUFFALO RD SPRINGFIELD NE 68059
17	011100737	HENGGELER, CHANCE	TAX LOT 1 1-12-11 (1.52 AC)	5027 S 39TH ST OMAHA NE 68107
18	011100648	RAINES, LARRY	TAX LOT D 36-13-11 (1.83 AC)	5027 S 39TH ST OMAHA NE 68107
19	011156678	PAPIO-MISSOURI RIVER NATURAL	TAX LOT R1 36-13-11 (13.08 AC)	8901 S 154TH ST OMAHA NE 68138
20	011285745	ADVANTAGE INVESTMENTS NEW OWNERSHIP - G & C FARMS LLC	TAX LOTS 2B1, 4A, 4B & 5 & 12A 36-13-11 (98.47 AC) PURCHASED 4/5/2013	18215 SANDY POINT SPRINGFIELD NE 68059 20002 CREST VIEW DR SPRINGFIELD NE 68059
21	011571997	PEPEK, WALLY	TAX LOT 3 1-12-11 (5.28 AC)	5515 S 185TH ST OMAHA NE 68135
22	010764453	SUNDE, GREGORY B	TAXLOTS 3B & 6B 36-13-11 (39.18 AC)	7980 S 264TH ST VALLEY NE 68064
23	010430350	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 3A 36-13-11 (5 AC)	870 N 2ND ST SPRINGFIELD NE 68059
24	010764437	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 6A 36-13-11 (.86 AC) SPRINGFIELD	870 N 2ND ST SPRINGFIELD NE 68059
25	010764445	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 7A 36-13-11 (7.83 AC)	870 N 2ND ST SPRINGFIELD NE 68059

Springfield Rd

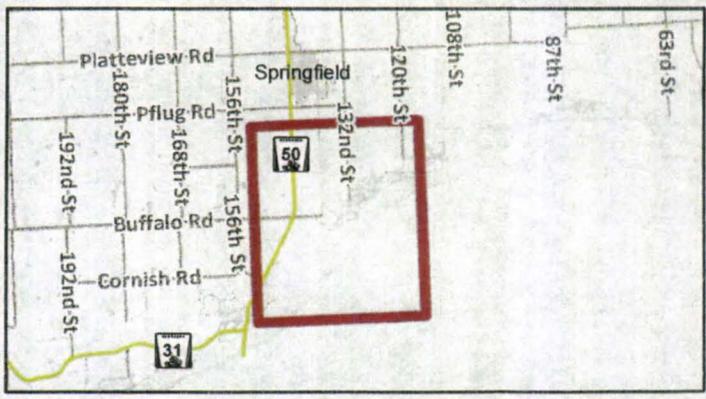
120th St

132nd St

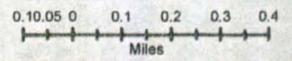
Buffalo Rd

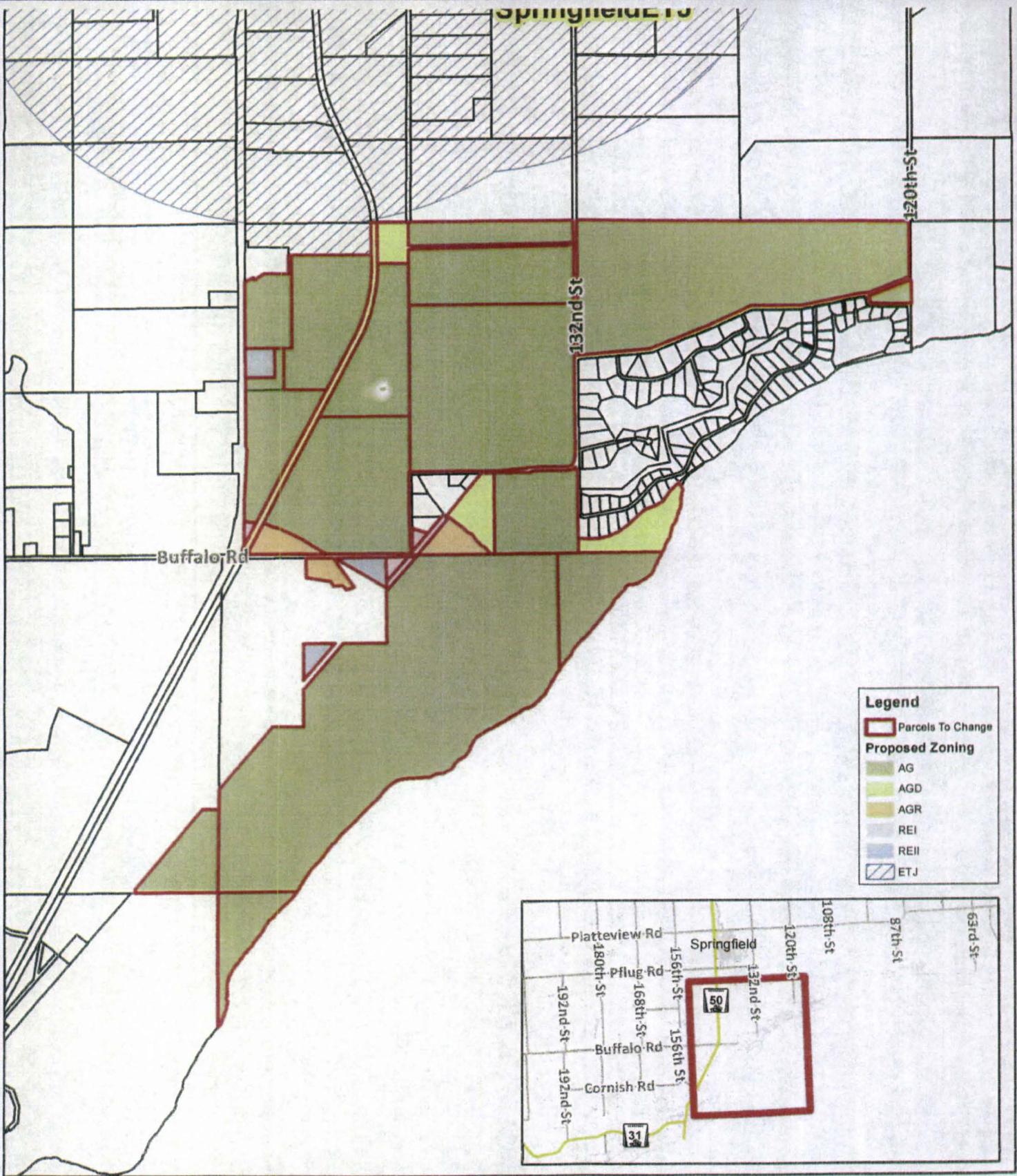
Legend

-  Parcels To Change
- Sarpy Co. Zoning**
- Current Zoning**
-  AG
-  AGD
-  AGR
-  RE1
-  RE2
-  IL
-  RD-50
-  RS-100
-  BG
-  ETJ



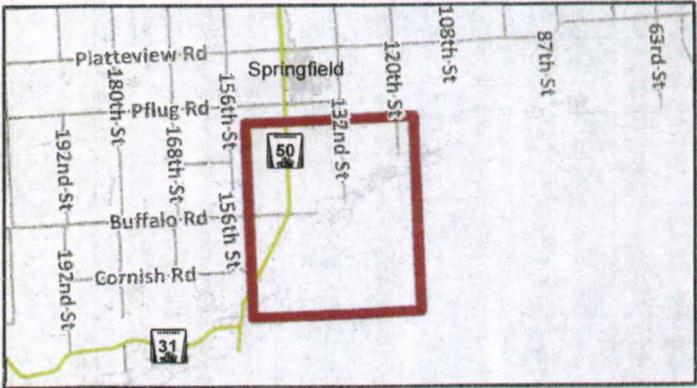
Vicinity Map of Subject Parcels with Current Zoning





Legend

- Parcels To Change
- Proposed Zoning**
- AG
- AGD
- AGR
- REI
- REII
- ETJ



Vicinity Map of Subject Parcels with Proposed Zoning



Sarpy County Assessor

1210 Golden Gate Drive

Fax: 402-593-5911

Papillion, Nebraska 68046-2894

Telephone: 402-593-2122 Website: www.sarpy.com

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

April 16, 2013

Regarding: Multi-parcel zoning south of the City of Springfield

Donna,

This letter is in response to your e-mail message of April 15th regarding the influence of zoning on the assessed value of the parcels concerned. It is my understanding that there are 27 parcels in question that are currently zoned Light Industrial (IL). Some parcels contain legal, non-conforming structures which may be restricted as to what can rebuilt if a structure should be considerably damaged. As a remedy to the historic zoning and the non-conforming uses situation Sarpy County is proposing to change the zoning of the 27 parcels to more closely reflect the current use of the majority of the parcels.

Assessors are concerned primarily with value in exchange because this value reflects the behavior of buyers, sellers, and investors. Zoning, as a limit on the use of property, may prevent construction of certain improvements. The effect on property values can be substantial as our value estimates are based on existing zoning requirements.¹ It appears that the change of the current zoning to the zoning districts proposed in your e-mail message will improve the property rights of the owners as it will permit, "... additions, enlargements, or repair of damage exceeding 50% of the market value of the structure...".

So, the new zoning would likely improve the marketability of the parcels in question. Future sales of these parcels will determine if the market values will increase. However, I anticipate no immediate impact on the market values and the corresponding property taxes.

Sincerely,



Dan Pittman
Sarpy County Assessor

¹ The International Association of Assessing Officers, *Property Appraisal and Assessment Administration*, 1990, pgs. 35 & 37



Sarpy County Planning & Building Department

Bruce Fountain, AICP, EDFP – Director
Phone: (402)593-1555 Fax: (402) 593-1558

April 11, 2013

Property Owner of Record
Address of Record for Property Owner
Address of Record for Property Owner

RE: PROPOSAL TO REZONE PROPERTY FROM LIGHT INDUSTRIAL TO AGRICULTURAL

Dear Property Owner:

The Sarpy County Planning Department has received an inquiry regarding the current zoning of a parcel of land within your area of Sarpy County. This inquiry has brought to our attention that many parcels in this area, as generally shown on the attached map, are not in compliance with current Sarpy County Zoning Regulations. Your property, and many others, are currently zoned Light Industrial (IL) which allows for commercial and industrial uses, not agricultural and residential uses.

Many of the properties in this area were improved with homes, accessory buildings, farm structures, etc. under retired zoning codes that permitted Pyramid Zoning, which allowed homes and accessory buildings to be constructed in the IL District. Current Sarpy County Zoning Regulations do not allow for "Pyramid Zoning" and, therefore, your property is out of compliance and considered to be "Legal, non-conforming".

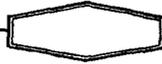
Section 4 of the Sarpy County Zoning Regulations provides for the regulation of non-conforming uses (see attached copy). These regulations limit what improvements can be made to a lawfully existing building or structure when the property is not properly zoned. Routine maintenance, repairs and interior alterations may be made, however, additions, enlargements, or repair of damage exceeding 50% of the market value of the structure would not be allowed until such time as the parcel was brought into compliance. This situation creates major issues for property owners when applying for financing or re-financing with financial institutions.

The Sarpy County Planning Department has completed a review of department records and has found that your property and many surrounding properties were zoned IL dating as far back as 1958. During our research, we found copies of Future Land Use Plans dating back to 1960 that designate this area to be medium to urban residential. The most recently adopted Sarpy County Comprehensive Plan designates this area as greenway (please refer to the attached Future Land Use Map).

With the review now complete, it has been determined by the Planning Department Staff to propose rezoning several parcels in the area, including your property as described below, from the current IL Zoning District to a zoning district that is applicable to the current size and use of the parcel. Those zoning districts which allow for residential structures and accessory buildings are described as follows:

- Agricultural (AG) more than 20 acres,
- Agricultural Development District (AGD) more than 10 acres but less than 20 acres,

ASH GROVE CEMENT COMPANY



11011 CODY STREET
OVERLAND PARK, KANSAS 66210
PHONE 913 / 451-8900

May 10, 2013

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

RE: Proposal to Rezone from Light Industrial to Agricultural

Dear Donna:

We received your April 11th, 2013 letter indicating that the Sarpy County Planning Department would like to rezone several parcels of our property from Light Industrial (LI) to Agricultural (AG). While we did not request this rezoning, we understand your request after Terry Atkins further discussed this proposed rezoning with you.

Ash Grove is considering a sand and gravel mining operation on this property in the future. The LI zoning allows us to mine and process material as an allowable use and we would not have to obtain a special use permit. Once the property is zoned AG, we would need a special use permit to perform this operation.

We are not opposed to the rezoning; however we would like to meet with the County to discuss options that would allow sand and gravel mining and a processing operation on this property in the future without requiring further public hearings.

We would like to meet prior to the final rezoning to discuss what options are available to meet both our needs.

If you have any questions, feel free to contact me or Terry Atkins (402-496-2498).

Sincerely,

Bob Ralls
Ash Grove Cement Company
Exploration & Land Acquisition Mgr.

cc: Terry Atkins, Lamp, Ryneerson & Associates

Donna Lynam

From: Mike Schram <schram00@hotmail.com>
Sent: Friday, May 03, 2013 6:00 PM
To: Planning & Building Department
Subject: Proposed Property Rezoning

Donna,

I am asking that the property I recently purchased from Advantage Properties be withdrawn from the subject for rezoning. My property is parcel #011285745. Tax lots: 2B14A4B5 and 12A36-13-11. (G & C Farms L.L.C.) I believe this is a fair request due to the fact that there is currently light industry near this property both the north and the south, with more expected to go in adjacent to the north. It is all located on the east side of Hwy. 50.

Thank you for your cooperation. I will try to attend the hearing May 15th. Please let me know if there is more I can do.

Mike Schram
(402)658-3902

Donna Lynam

From: Greg n Becky SUNDE <gbsunde@msn.com>
Sent: Thursday, May 09, 2013 10:24 AM
To: Donna Lynam; greg 5857
Subject: Planning Commission Letter 5/15/2013

Dear Sarpy County Planning Commission,

I am the owner of property located south of Springfield on the east side of Hwy 50, just north of Buffalo Rd. This property has about 2000 ft of Hwy frontage, it has been in my family for many years and has been farmed for as long as I know.

I have no improvements or buildings on this property, the east side of our property abuts the NRD MO/PAC trail.

I feel that the Hwy. frontage could be a good selling point if the property was to ever come up for sale.

I have noticed that Springfield is beginning to grow to the south along Hwy 50, and that growth includes commercial type buildings.

I see no reason to change the zoning from its present IL designation, and feel that doing so may adversely effect the value of our property.

In my discussion with the Zoning Administrator I was told that if the zoning is changed, I could always apply later if I wanted to change the use of our property. I don't feel this is in our best interest, and could cause undo expense down the road.

I understand that a lot of the property in the area is acreage and housing, if the Commission wants to change the zoning in those areas, so be it. However, I feel that the property on Hwy 50 is a little different, and zoning should be left as is.

I regret that I am unable to attend this hearing.

Thank You,

Greg Sunde, Valley Ne.



SARPY COUNTY PLANNING & BUILDING DEPARTMENT

STAFF COMMENTS FOLLOWING CONTINUATION OF MAY 15, 2013 PUBLIC HEARING

CHANGE OF ZONE (CZ 12-0007)

**APPLICANT: SARPY COUNTY ON BEHALF OF PROPERTY OWNERS
PROPOSED REZONING FROM IL (LIGHT INDUSTRIAL) TO AG (AGRICULTURAL), AGD
(AG DEVELOPMENT), AGR (AG RESIDENTIAL), RE2 (RESIDENTIAL ESTATES 2 ACRE),
OR RE1 (RESIDENTIAL ESTATES 1 ACRE)**

PLANNING COMMISSION HEARING OF: June 19, 2013

Criteria used for determining rezoning of parcels:

- All parcels in the vicinity zoned IL were considered - omitting those parcels with highway frontage that had access from right-of-way other than state highway
- Actual Use (Industrial, Agricultural, Residential, etc.)
- Flood Plain
- Future Land Use Designation

Certified letters dated June 28, 2013 were sent to the affected Property Owners that included a self-addressed stamped envelope for them to return a prepared letter indicating their preference of supporting, opposing or standing neutral on the rezoning. The results are as follows:

- 17 of the 21 certified letters were signed for by the recipient
- 11 responses were received from the property owners
 - 3 in support of the zoning change
 - 5 neutral on the zoning change
 - 3 opposed to the zoning change

Of the 27 Parcels (21 Property Owners)

- 13 are improved with non-conforming structures (1 is uninhabitable),
- 5 are in the Flood Way,
- 1 is part of a trail system,
- 8 have no direct access from publicly dedicated right-of-way,
- 3 only have access from State Highway
- 4 of the 27 parcels have no improvements and do not violate any zoning regulation but the use is Agricultural not Industrial

Additional Relevant Information

Property is located on a major corridor serving as a front door to Sarpy County

Environmentally sensitive area due to flood plain – total acres included in this rezoning is approximately 1100 which includes over 400 acres of flood way that cannot be improved

Area will potentially be developed haphazardly with piece meal industrial projects as property is not a primary site for a planned industrial park. This will create conflicts with adjacent residences and residential developments, of which many were not aware of the IL Zoning in the area.

Staff is recommending approval of this rezoning based on sound planning principles, environmental constraints and consistency with the Comprehensive Plan.

Please see attached correspondence received since May 15, 2013.



May 29, 2013

Mr. Bruce Fountain, AICP, EDFP
Director, Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046

Dear Bruce:

The Greater Omaha Economic Development Partnership's site technical committee has spent the last two to three years investigating various potential light industrial business park locations in the Omaha region and after a great deal of research has recommended three general areas for the development of industrial sites/business parks in Sarpy County.

Those areas are: along the new Hwy 34 Corridor south of Bellevue (rail-served industrial sites); the Hwy 50 Corridor from Hwy 370 south to Fairview Road (non-rail served Power Park sites); and the I-80 & Hwy 6 & 31 Interchange NW/SE/SW (non-rail light industrial flex space).

The area along Hwy 50 south of Springfield was not considered because of the existing land uses, the location of the floodplain in the area, the distance to I-80, the lack of water & sewer utilities and costs to provide them, and the future land use designation of the area.

For those reasons, I would not actively market that area as a green-acre industrial site. I believe that we have better industrial sites in the County such as those mentioned above.

If you have any questions regarding our site technical committee's research, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Toby S. Churchill". The signature is written in a cursive, slightly slanted style.

Toby S. Churchill
Executive Director

Donna Lynam

From: Kathleen Gottsch <kathleencityofspringfield@yahoo.com>
Sent: Monday, May 13, 2013 9:41 AM
To: Donna Lynam
Cc: Bruce Fountain
Subject: Re: Request for Zoning Change

Donna,

Good morning. David Potter with JEO Consulting Group reviewed this request on behalf of the City of Springfield and has the following comments:

1. Application should state location of rezoning to be East of Hwy 50 (and maybe west of Villa Springs).

I don't see any issues with the proposed change of zoning as it appears to be consistent with the County's Future Land Use Plan and does not seem to affect the zoning or development of Springfield's one-mile jurisdiction. Additional jurisdiction and land use planning taken by the City in the future would likely be consistent with what the county has in place. I don't see any further expansion of the industrial zoned areas further away from the city limits.

A map of the area with the proposed zoning on the individual properties would be helpful.

Please let me know if you have any questions. Thank you!

Kathleen R. Gottsch, CMC
City Clerk/Treasurer
City of Springfield
P.O. Box 189
170 North 3rd Street
Springfield, NE 68059
(402) 253-2204 phone/fax
kathleencityofspringfield@yahoo.com
springfieldne.org

From: Donna Lynam <dlynam@sarpy.com>
To: Mark Wayne <markw@sarpy.com>; Scott Bovick <sbovick@sarpy.com>; Brian Hanson <bhanon@sarpy.com>; Eric Herbert <eric@sarpy.com>; Nikki Lampe <nicole@sarpy.com>; Dan Pittman <dan@sarpy.com>; Nicole O'Keefe <nokeefe@sarpy.com>; Denny Wilson <dwilson@sarpy.com>; Pat Dowse <pdowse@sarpy.com>; "sfanslau@oppd.com" (sfanslau@oppd.com) <sfanslau@oppd.com>; "llaster@papiionrd.org" <llaster@papiionrd.org>; "Grint, Amanda" <agrint@papiionrd.org>; "Kathleen Fauver (kathleencityofspringfield@yahoo.com)" <kathleencityofspringfield@yahoo.com>; "jlutzfire1@msn.com" <jlutzfire1@msn.com>
Cc: Kelly Jeck <kjeck@sarpy.com>; Bruce Fountain <bfountain@sarpy.com>
Sent: Wednesday, May 8, 2013 5:50 PM
Subject: Request for Zoning Change

Sarpy County Planning Department has made application on behalf of property owners for consideration of a change of zone from IL to AG, AGD, AGR, RE1 and RE2 for multiple parcels in the area South of Springfield,



Sарpy County Planning & Building Department

Bruce Fountain, AICP, EDP – Director
Phone: (402)593-1555 Fax: (402) 593-1558

May 28, 2013

Property Owner of Record
Address of Record for Property Owner
Address of Record for Property Owner

RE: PROPOSAL TO REZONE PROPERTY FROM LIGHT INDUSTRIAL TO AGRICULTURAL

Dear Property Owner:

On April 11, 2013 we sent you a letter explaining that the Sarpy County Planning Department was making application to rezone your property from the current zoning of Light Industrial (IL) to a zoning district applicable to the use and size of the parcel.

On May 15, 2013, the Sarpy County Planning Department held a Public Hearing on the matter. After hearing testimony given by the public, the Planning Commission made a motion to continue the matter to allow for additional posting of properties and responses from affected property owners.

With this direction, we are again notifying that your property has been included in a group rezoning application as stipulated below.

SPECIFIC INFORMATION ON YOUR PROPERTY

Your parcel number ***** legally described as Legal Description as per Sarpy County Records- is detailed as:

Current Size	** Acres
Current Use	Description
Current Zoning	Description
Proposed Zoning	Description

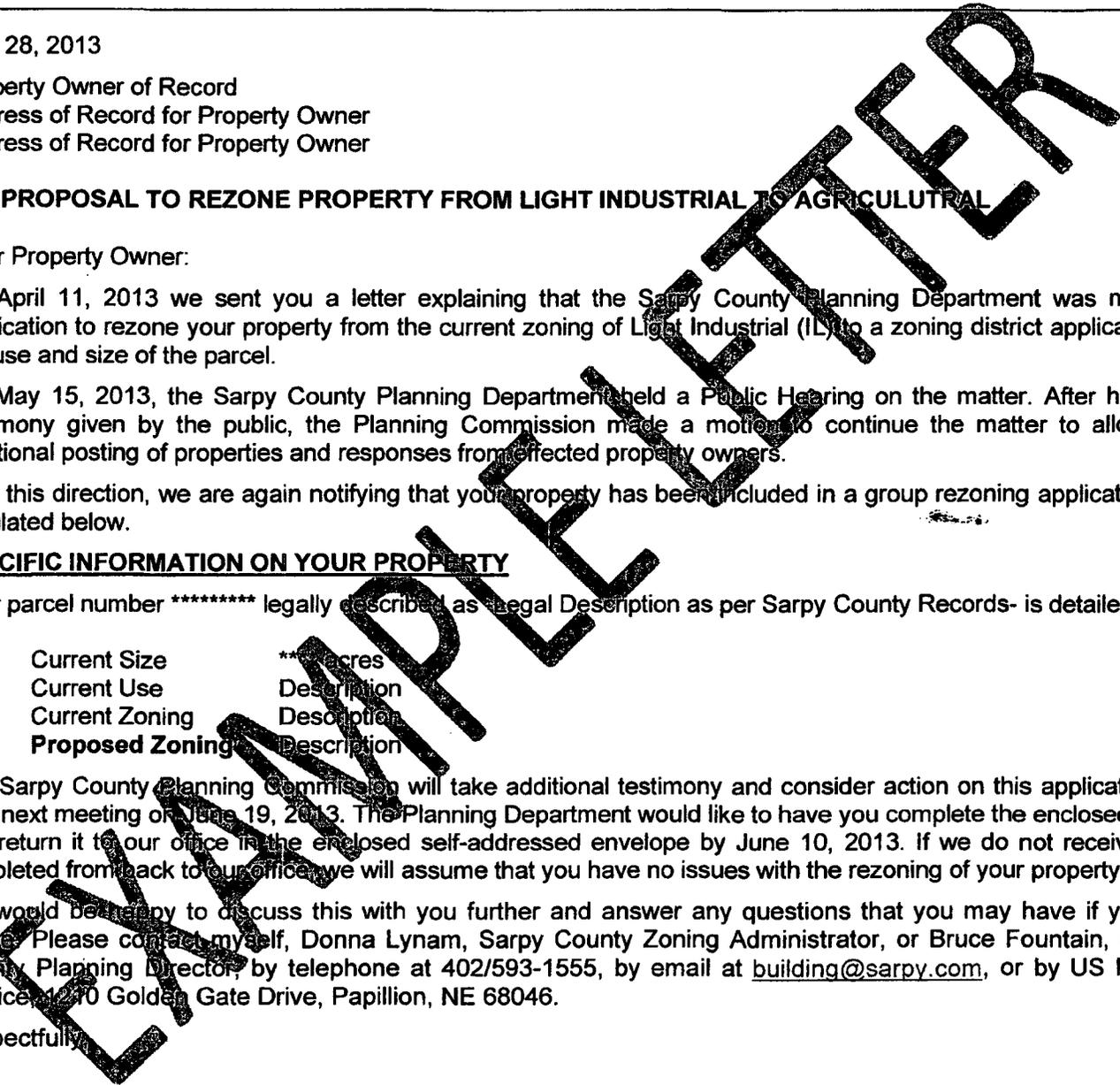
The Sarpy County Planning Commission will take additional testimony and consider action on this application at their next meeting on June 19, 2013. The Planning Department would like to have you complete the enclosed form and return it to our office in the enclosed self-addressed envelope by June 10, 2013. If we do not receive the completed form back to our office, we will assume that you have no issues with the rezoning of your property.

We would be happy to discuss this with you further and answer any questions that you may have if you so desire. Please contact myself, Donna Lynam, Sarpy County Zoning Administrator, or Bruce Fountain, Sarpy County Planning Director, by telephone at 402/593-1555, by email at building@sarpy.com, or by US Postal Service, 1210 Golden Gate Drive, Papillion, NE 68046.

Respectfully,

Donna Lynam
Zoning Administrator
Sarpy County Planning Department

Sарpy County Administration Offices
1210 Golden Gate Drive
Papillion, NE 68046



COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

Earl and Dorothy Hilleman
13501 Buffalo Road
Springfield, NE 68059

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 010749187 legally described as Tax Lot 9A & C1 in Section 1-12-11 is detailed as:

Current Size	12.78 acres
Current Use	Agricultural/Residential
Current Zoning	IL/FP - Light Industrial/Floodplain
Proposed Zoning	AGD/FP – Agricultural Development/Floodplain

Support Opposed Neutral

Earl F. Hilleman
Property Owner/Representative Signature

EARL F. HILLEMANN
Print Name

5-31-2013
Date

Dorothy A. Hilleman
Property Owner/Representative Signature

DOROTHY A. HILLEMANN
Print Name

6-7-2013
Date

Contact Phone

Contact Email

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

Papio Missouri River Natural Resource District
8901 S 154th Street
Omaha NE 68138

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 011156678 legally described as Tax Lot 11 in Section 36-13-11 is detailed as:

Current Size	13.08 acres
Current Use	Recreational/Trail
Current Zoning	IL/FP - Light Industrial/Floodplain
Proposed Zoning	AG/FP - Agricultural/Floodplain

Support Opposed Neutral



Property Owner/Representative Signature

John Wrutler

Print Name

16-3-13

Date

Property Owner/Representative Signature

Print Name

Date

Contact Phone

Contact Email

06-04-13A10:37 RCVD

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

Robin Josoff
14015 Buffalo Road
Springfield, NE 68059

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

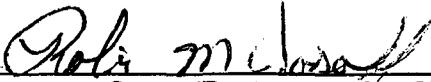
Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 010421157 legally described as Gov Lot 6B in Section 1-12-11 is detailed as:

Current Size	3.19 acres
Current Use	Residential - Floodway
Current Zoning	IL/FP - Light Industrial/Floodplain
Proposed Zoning	RE2/FP – Residential Estates 2/Floodplain

Support Opposed Neutral


Property Owner/Representative Signature

Robin M. Josoff
Print Name

6/30/13
Date

Property Owner/Representative Signature

Print Name

Date

402-744-7915
Contact Phone

robin.josoff@springfieldne.com
Contact Email

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

Ash Grove Lime and Portland and Cement Company
P O Box 25900
Overland Park, KS 66225

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 010410392 legally described as Accretion and Tax Lot A & B in Section 12-12-11 is detailed as:

Current Size 23.08 acres
Current Use Unimproved - Floodway
Current Zoning IL/FP - Light Industrial/Floodplain
Proposed Zoning **AG/FP – Agricultural/Floodplain**

Support Opposed Neutral

Parcel Number 010421122 legally described as Gov Lots 1, 2, and 6A and Gov Lot 7, South and East of Railroad and accretion thereto in Section 1-12-11 is detailed as:

Current Size 17.28 acres
Current Use Unimproved - Floodway
Current Zoning IL/FP - Light Industrial/Floodplain
Proposed Zoning **AG/FP – Agricultural/Floodplain**

Support Opposed Neutral

Parcel Number 010421211 legally described as Tax Lot 5B in Section 2-12-11 is detailed as:

Current Size 24.28 acres
Current Use Unimproved - Floodway
Current Zoning IL/FP - Light Industrial/Floodplain
Proposed Zoning **AG/FP – Agricultural/Floodplain**

Support Opposed Neutral

Robert S Ralls
Property Owner/Representative Signature

Robert S Ralls
Print Name

6/8/13
Date

Property Owner/Representative Signature

Print Name

Date

913-319-6056
Contact Phone

bob.RALLS@ashgrove.com
Contact Email

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

G & C Farms LLC
20002 Crest View Drive
Springfield, NE 68059

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 011285745 legally described as Tax Lot 2B1, 4A, 4B, 5 & 12A in Section 36-13-11 is detailed as:

Current Size	98.47 acres
Current Use	Agricultural
Current Zoning	IL/FP - Light Industrial/Floodplain
Proposed Zoning	AG/FP – Agricultural/Floodplain

Support

Opposed

Neutral


Property Owner/Representative Signature

Michael S. Schreier
Print Name

6/5/13
Date

(402) 658-3902
Contact Phone

Schreier MS@netmail.com
Contact Email

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

DDD & G Lutz Farm LLP
13030 S 132nd St
Springfield, NE 68059

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

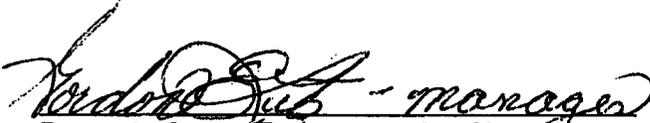
Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 010430733 legally described as N ½ SE ¼, S ½ NE ¼ and Tax Lot E & F in Section 36-13-11 is detailed as:

Current Size	156.83 acres
Current Use	Agricultural
Current Zoning	IL/FP - Light Industrial/Floodplain
Proposed Zoning	AG/FP – Agricultural/Floodplain

Support Opposed Neutral


Property Owner/Representative Signature

Gordon E Lutz
Print Name

6-8-13
Date

Property Owner/Representative Signature

Print Name

Date

402-253-2727
Contact Phone

Contact Email

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

Gregory Sunde
7980 N 264th Street
Valley NE 68064

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 010764453 legally described as Tax Lot 3B & 6B in Section 36-13-11 is detailed as:

Current Size 39.18 acres
Current Use Agricultural
Current Zoning IL/FP - Light Industrial/Floodplain
Proposed Zoning AG/FP - Agricultural/Floodplain

Support Opposed Neutral

I do not understand why our property is out of compliance, when it is bare ground with no structures or improvement. I feel that property that has Hwy 50 frontage should be left as is IL.

Thank you

Greg Sunde
Property Owner/Representative Signature

GREG SUNDE
Print Name

6-3-13
Date

Property Owner/Representative Signature

Print Name

Date

402-670-9073
Contact Phone

greg5857@yahoo.com
Contact Email

Springfield ETJ

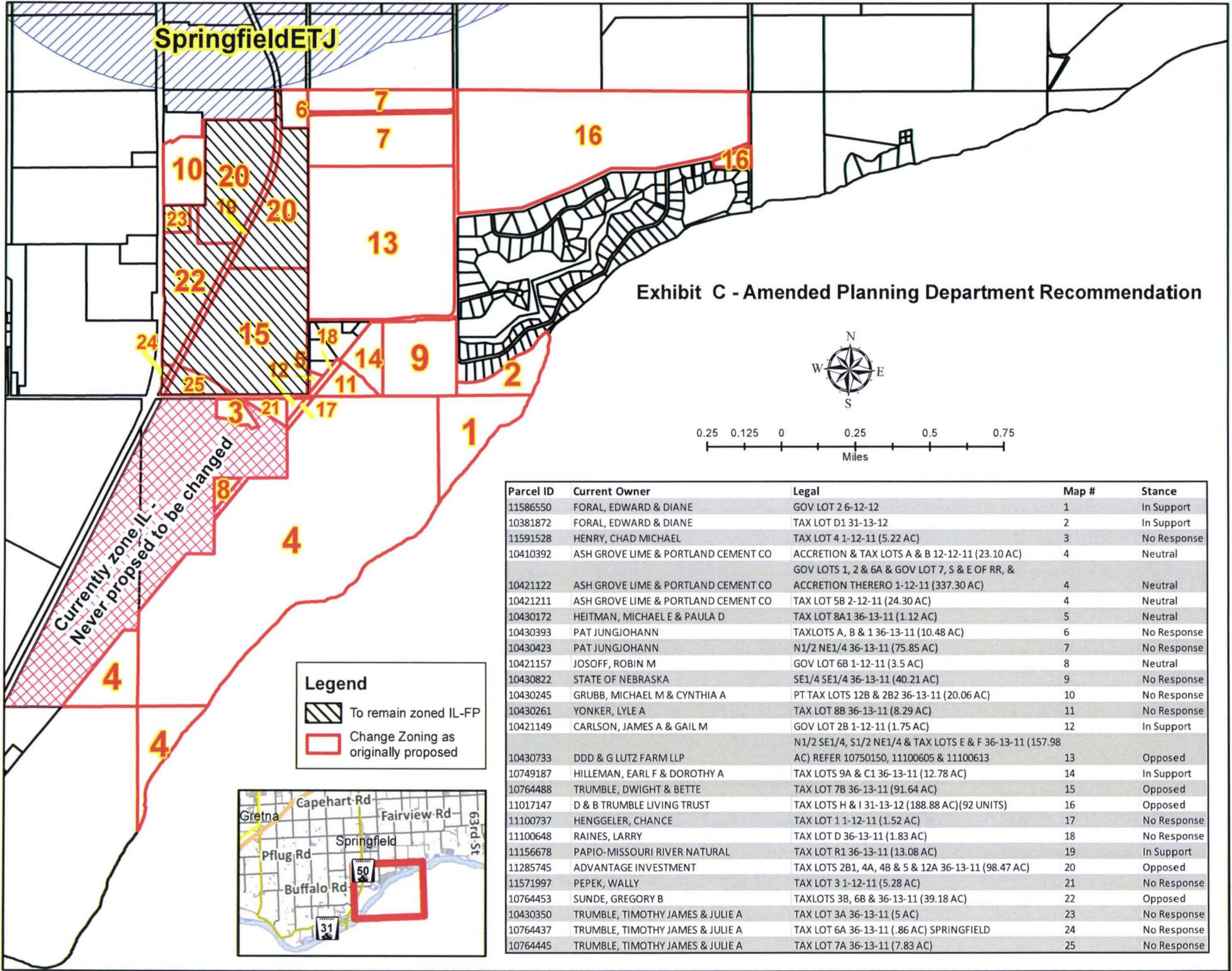
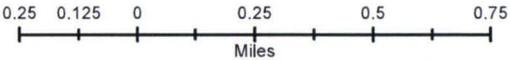


Exhibit C - Amended Planning Department Recommendation



Legend

- To remain zoned IL-FP
- Change Zoning as originally proposed



Parcel ID	Current Owner	Legal	Map #	Stance
11586550	FORAL, EDWARD & DIANE	GOV LOT 2 6-12-12	1	In Support
10381872	FORAL, EDWARD & DIANE	TAX LOT D1 31-13-12	2	In Support
11591528	HENRY, CHAD MICHAEL	TAX LOT 4 1-12-11 (5.22 AC)	3	No Response
10410392	ASH GROVE LIME & PORTLAND CEMENT CO	ACCRETION & TAX LOTS A & B 12-12-11 (23.10 AC)	4	Neutral
10421122	ASH GROVE LIME & PORTLAND CEMENT CO	ACCRETION THERERO 1-12-11 (337.30 AC)	4	Neutral
10421211	ASH GROVE LIME & PORTLAND CEMENT CO	TAX LOT 5B 2-12-11 (24.30 AC)	4	Neutral
10430172	HEITMAN, MICHAEL E & PAULA D	TAX LOT 8A1 36-13-11 (1.12 AC)	5	Neutral
10430393	PAT JUNGJOHANN	TAXLOTS A, B & 1 36-13-11 (10.48 AC)	6	No Response
10430423	PAT JUNGJOHANN	N1/2 NE1/4 36-13-11 (75.85 AC)	7	No Response
10421157	JOSOFF, ROBIN M	GOV LOT 6B 1-12-11 (3.5 AC)	8	Neutral
10430822	STATE OF NEBRASKA	SE1/4 SE1/4 36-13-11 (40.21 AC)	9	No Response
10430245	GRUBB, MICHAEL M & CYNTHIA A	PT TAX LOTS 12B & 2B2 36-13-11 (20.06 AC)	10	No Response
10430261	YONKER, LYLE A	TAX LOT 8B 36-13-11 (8.29 AC)	11	No Response
10421149	CARLSON, JAMES A & GAIL M	GOV LOT 2B 1-12-11 (1.75 AC)	12	In Support
10430733	DDD & G LUTZ FARM LLP	N1/2 SE1/4, S1/2 NE1/4 & TAX LOTS E & F 36-13-11 (157.98 AC) REFER 10750150, 11100605 & 11100613	13	Opposed
10749187	HILLEMAN, EARL F & DOROTHY A	TAX LOTS 9A & C1 36-13-11 (12.78 AC)	14	In Support
10764488	TRUMBLE, DWIGHT & BETTE	TAX LOT 7B 36-13-11 (91.64 AC)	15	Opposed
11017147	D & B TRUMBLE LIVING TRUST	TAX LOTS H & I 31-13-12 (188.88 AC)(92 UNITS)	16	Opposed
11100737	HENGGELER, CHANCE	TAX LOT 1 1-12-11 (1.52 AC)	17	No Response
11100648	RAINES, LARRY	TAX LOT D 36-13-11 (1.83 AC)	18	No Response
11156678	PAPIO-MISSOURI RIVER NATURAL	TAX LOT R1 36-13-11 (13.08 AC)	19	In Support
11285745	ADVANTAGE INVESTMENT	TAX LOTS 2B1, 4A, 4B & 5 & 12A 36-13-11 (98.47 AC)	20	Opposed
11571997	PEPEK, WALLY	TAX LOT 3 1-12-11 (5.28 AC)	21	No Response
10764453	SUNDE, GREGORY B	TAXLOTS 3B, 6B & 36-13-11 (39.18 AC)	22	Opposed
10430350	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 3A 36-13-11 (5 AC)	23	No Response
10764437	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 6A 36-13-11 (.86 AC) SPRINGFIELD	24	No Response
10764445	TRUMBLE, TIMOTHY JAMES & JULIE A	TAX LOT 7A 36-13-11 (7.83 AC)	25	No Response

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

Edward & Diane Foral
12611 Cottonwood Lane
Springfield, NE 68059

Parcels 1 & 2

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 011586550 legally described as Gov Lot 2 in Section 6-12-12 is detailed as:

Current Size 35.11 acres
Current Use Unimproved - Floodway
Current Zoning IL/FP - Light Industrial/Floodplain
Proposed Zoning AG/FP - Agricultural/Floodplain



Support Opposed Neutral

Parcel Number 010381872 legally described as Tax Lot D1 in Section 31-13-12 is detailed as:

Current Size 17.28 acres
Current Use Unimproved - Floodway
Current Zoning IL/FP - Light Industrial/Floodplain
Proposed Zoning AG/FP - Agricultural/Floodplain

Support Opposed Neutral

Edward J. Foral
Property Owner/Representative Signature
Diane J. Foral
Property Owner/Representative Signature
(402) 253-2113
Contact Phone

Edward J. Foral
Print Name
DIANA FORAL
Print Name

Contact Email

7-11-13
Date
7-11-13
Date

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

Dwight and Bette Trumble
12400 Buffalo Road
Springfield, NE 68059

Parcel #15

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

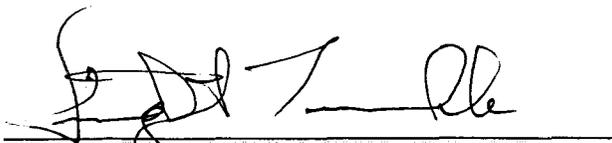
Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 010764488 legally described as Tax Lot 7B in Section 36-13-11 is detailed as:

Current Size 91.64 acres
Current Use Agricultural
Current Zoning IL/FP - Light Industrial/Floodplain
Proposed Zoning AG/FP – Agricultural/Floodplain

Support **Opposed** Neutral



Property Owner/Representative Signature

DWIGHT TRUMBLE
Print Name

7/11/13
Date

Property Owner/Representative Signature
402 253-2588
Contact Phone

Print Name

Contact Email

Date

COMPLETE, SIGN, and RETURN TO OUR OFFICE IN THE ENVELOPE PROVIDED BY JUNE 10th

D & B Trumble Living Trust
12400 Buffalo Road
Springfield, NE 68059

Sarpy County Planning Commission
Sarpy County Board of Commissioners
1210 Golden Gate Drive
Papillion, NE 68046

Parcel #16

Dear Commission Members and County Board of Commissioners:

Please be advised that we have received written notification that the Sarpy County Planning Department is requesting to rezone the following parcel(s) that are currently under our ownership and we have indicated our preference for below.

Parcel Number 011017147 legally described as Tax Lot H & I in Section 31-13-12 is detailed as:

Current Size 188.90 acres
Current Use Agricultural
Current Zoning IL/FP - Light Industrial/Floodplain
Proposed Zoning AG/FP – Agricultural/Floodplain

Support Opposed Neutral



Property Owner/Representative Signature

DWIGHT TRUMBLE

Print Name

7/11/13

Date

Property Owner/Representative Signature

Print Name

Date

Contact Phone

Contact Email