



## *Sarpy County Planning & Building Department*

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### MEMORANDUM

Date: October 7, 2014

To: County Board of Commissioners, County Clerk

From: Bruce Fountain, AICP, Director 

Subject: Withdrawal of Change of Zone Application (CZ 14-0002) – Proposed Resolution #2014-129

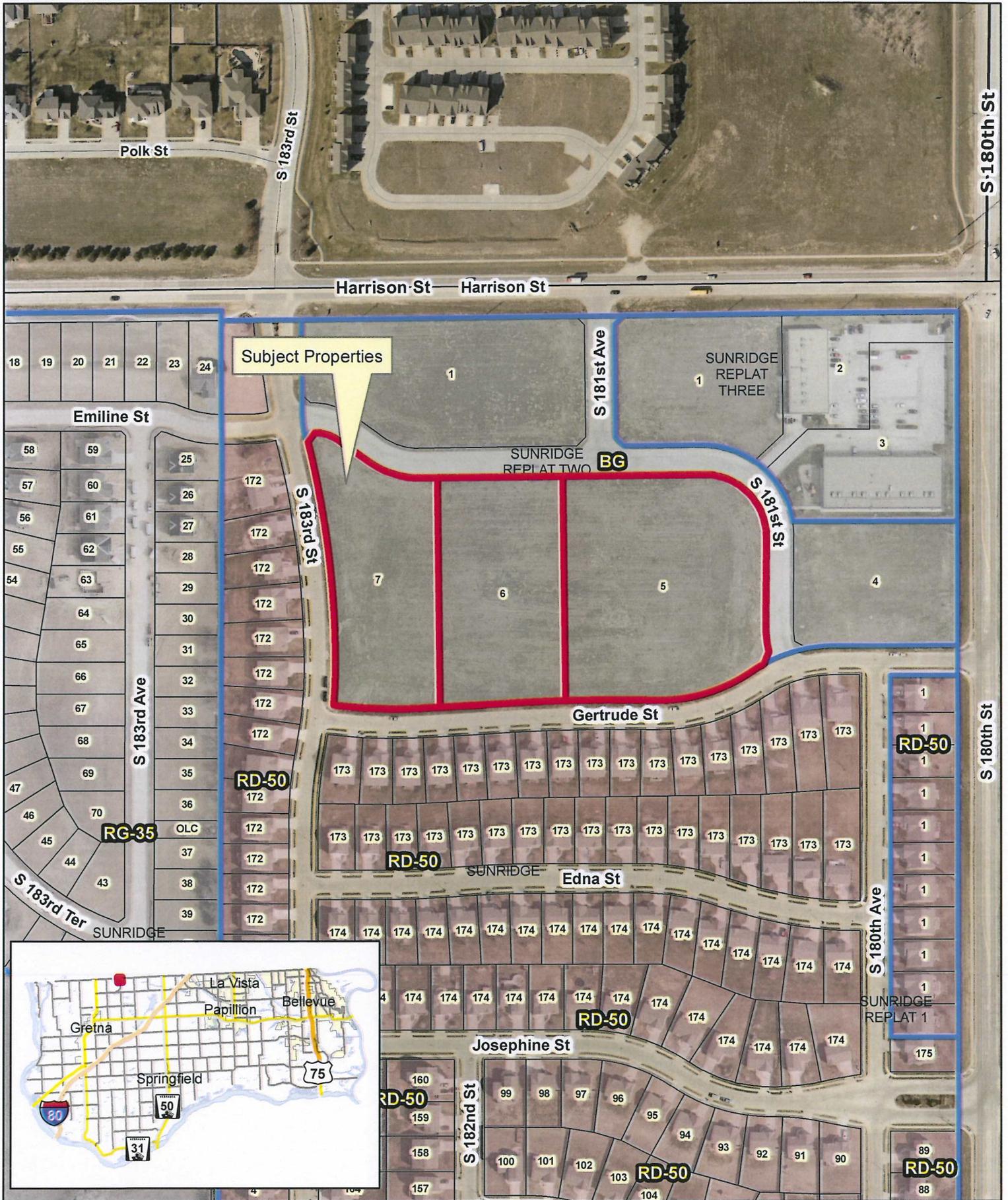
A Change of Zoning application (file # CZ 14-0002) was submitted to the County Planning Department on February 3, 2014 by E & A Consulting Group on behalf of their client, George Venteicher. The application was to rezone property generally located at the northeast corner of 183<sup>rd</sup> and Gertrude Streets, legally described as Lots 5-7, Sunridge Replat Two. A public hearing was held by the Sarpy County Planning Commission on March 18, 2014 at which the Commission recommended approval of the application.

On April 8, 2014, a public hearing was scheduled on the application before the County Board of Commissioners and a Resolution was drafted (Resolution #2014-129). At that meeting, the applicant requested that the Board table the hearing to July 8, 2014 as the owner was now discussing a use of the property with potential buyers that would not require a change in the current zoning. The County Board voted to table the matter to their July 8, 2014 meeting.

Resolution 2014-129 was then put on the County Board's July 8<sup>th</sup> agenda for consideration again. At that meeting, the applicant indicated that talks with potential buyers were still underway and that they were still unclear on whether the rezoning would be necessary at that point. The applicant requested that the action on the application be tabled again for 90 days. The County Board agreed and voted to table the item for 90 days.

As the 90 day time frame for scheduling another hearing was drawing close, staff contacted the applicant's agent to see if they wanted to proceed with application to rezone the property. They indicated that it appeared that the owner was going to withdraw the application to rezone the property and leave it zoned BG (General Business District). At that time, staff requested that the applicant submit a formal request in writing to withdraw the rezoning application. Staff received that written request on October 7, 2014, and has attached a copy for your information.

Since the applicant has requested that the application be withdrawn, no further action is necessary by the County Board.



**Vicinity Map - Zoning**  
 Sunridge Replat Two, Lots 5-7  
 Change of Zone





*Engineering Answers*

**E & A CONSULTING GROUP, INC.**

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October 7, 2014

Sarpy County Planning Department  
Bruce Fountain  
Planning Director  
1210 Golden Gate Drive  
Papillion, NE 68046

RE: Sunridge Rezoning Request  
Withdraw of Rezoning Request from BG to RG – 15  
E&A Job# P2013.521.002

Dear Bruce,

On behalf of our client, George Venteicher, we hereby request to withdraw our rezoning application for Lots 5, 6, and 7 of Sunridge Replat Two submitted on February 31, 2014. We appreciate you and the Board of Commissioners allowing the time necessary to determine if the change of zone was appropriate for the site. As it turns out, the change of zone is not warranted at this time as we do not have enough interest for multifamily at this time on the site. Please let me know if you have any questions regarding this request.

Sincerely,

E & A CONSULTING GROUP, INC.

A handwritten signature in blue ink, appearing to read 'Jason Thiellen', written over a light blue horizontal line.

Jason Thiellen  
Planning Dept. Manager

14-10-07P02:44 RCVD

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

**APPROVE CHANGE OF ZONE**

**APPLICANT: GEORGE VENTEICHER;**  
**CHANGE OF ZONE FROM BG, GENERAL BUSINESS DISTRICT TO RG-15,**  
**GENERAL RESIDENTIAL DISTRICT**  
**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 staff has reviewed the George Venteicher application for a Change of Zone from BG, General Business District to RG-15, General Residential District for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located northeast of 183<sup>rd</sup> and Gertrude Street and legally described as follows:

Lots 5-7 Sunridge Replat Two, Sarpy County Nebraska.

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

- I. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on March 18, 2014 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding the Change of Zone Application was held by this Board.
- III. Notice of each of the Public Hearings described above was published at least ten (10) days 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", which includes the Planning Department Report.

- V. The Change of Zone Application is in compliance with the Comprehensive Development Plan.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the change of zone from BG, General Business District to RG-15, General Residential District on the property legally described above.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the \_\_\_\_ day of ~~April~~, 2014

*July*

Attest

SEAL

\_\_\_\_\_  
Sarpy County Board Chairman

\_\_\_\_\_  
County Clerk