

BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA

RESOLUTION CHANGE OF ZONE

**CHANGE OF ZONE FROM RS-100, SINGLE FAMILY
RESIDENTIAL TO RD-50 PTD, TWO FAMILY RESIDENTIAL WITH
A PLANNED TOWNHOUSE DEVELOPMENT OVERLAY**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007); and,

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

WHEREAS, the Planning Commission has reviewed the application for a Change of Zone from RS-100, Single Family Residential to RD-50 PTD, Two Family Residential with a Planned Townhouse Development Overlay for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property legally described as follows:

Lots 1-17, Tiburon Replat VIII located in the NW ¼ Section 28, Township 14 N, Range 11 E of the 6th PM, Sarpy County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:
Resolution Change of Zone – Sarpy County June 2011

- I. A public hearing regarding the Change of Zone Application was held before the Sarpy County Planning Commission on May 18, 2011 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding the Change of Zone Application was held by this Board.
- III. Notice of each of the Public Hearings described above was published at least once in the ten (10) day period immediately prior to each respective public hearing as required by Neb. Rev. Stat. §23-164 (Reissue 2007), and the proof of publication has been filed in the Office of the Sarpy County Clerk.
- IV. There is a Memo from Scott Bovick, Deputy Sarpy County Administrator regarding the Change of Zone application in the attached Exhibit "A", which Exhibit "A" includes the Memo.
- 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 RS-100, Single Family Residential to RD-50 PTD, Two Family Residential with a Planned Townhouse Development Overlay on the above described property.

Dated this 7th day of June, 2011.

Moved by Jim Warren seconded by Jim Nekuda, that

the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Russell H

none

none

Jim Nekuda

Jim Warren

Jim Nekuda

Don Vichard

ABSTAIN:

none

Debra L. Houghtaling
County Clerk



Sarpy County Board of Commissioners

1210 GOLDEN GATE DRIVE
PAPILLION, NE 68046-2895
593-4155

www.sarpy.com

ADMINISTRATOR Mark Wayne

DEPUTY ADMINISTRATOR Scott Bovick

FISCAL ADMIN./PURCHASING AGT. Brian Hanson



COMMISSIONERS

Rusty Hike District 1
Jim Thompson District 2
Tom Richards District 3
Jim Nekuda District 4
Jim Warren District 5

MEMO

June 7, 2011

TO: Sarpy County Board of Commissioners

FROM: Scott Bovick, Deputy County Administrator

RE: Public Hearing and Resolution: **Sarpy County Planning Department's request for a Change of Zone from RS-100 to RD-50 with a PTD overlay**, to eliminate non-conforming uses that were legally established while under the City of Gretna's jurisdiction, on properties legally known as Lots 1-17, Tiburon Replat VIII, NW ¼ of Section 28, Township 14 N, Range 11 E of the 6th P.M. Sarpy County, Nebraska (180th and Cornhusker).

Lots 1-17 of Tiburon Replat VIII were previously in the City of Gretna's extraterritorial zoning jurisdiction, but were removed due to a de-annexation and now fall into Sarpy County's jurisdiction.

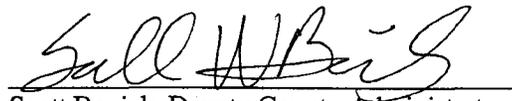
Discrepancies between the City of Gretna and Sarpy County's zoning regulations has led the Sarpy County Planning Department to request a Change of Zone for the lots from RS-100 to RD-50 with a PTD (Planned Townhouse Development). As Rebecca states in her staff report, the Change of Zone will best reflect the current and future use of the property and eliminate non-conforming issues that were caused by the transition from one zoning jurisdiction to the other.

The Planning Commission held a Public Hearing at their May 18, 2011 meeting and there were no comments from the public. Planning Commission action:

Sarpy County requests a Change of Zone from RS-100 to RD-50 with a PTD overlay, to eliminate non-conforming issues that were legally established while under the City of Gretna's jurisdiction, on properties legally known as Lots 1-17, Tiburon Replat VIII, NW ¼ of Section 28, Township 14 N, Range 11 E of the 6th P.M. Sarpy County, Nebraska (180th and Cornhusker). Fenster moved, seconded by Wear to recommend approval of the Consent Agenda items as presented. Ballot: Ayes – Fenster, Mohr, Stuart, torczon, Wear, Vanek and Whitfield. Nays – none. Abstain – Lichter. Absent – Bliss, Labart and Thompson. Motion carried (7-0-1).

Staff recommends approval to the Change of Zone from RS-100 to RD-50 with a PTD overlay for Lots 1-17 of Tiburon Replat VIII.

Please contact me or Nicole O'Keefe if you have any questions. Thank you.


Scott Bovick, Deputy County Administrator

Cc: Deb Houghtaling, Mark Wayne, Nicole O'Keefe, Cindy Gilbert

ADDITIONAL INFORMATION

SARPY COUNTY BOARD OF COMMISSIONERS

June 7, 2011

CHANGE OF ZONE

RS-100 TO RD-50PTD

TIBURON REPLAT 8

SARPY COUNTY

SARPY COUNTY
PLANNING COMMISSION meeting date May 18, 2011
STAFF REPORT prepared May 11, 2011
Change of Zone – 11-0006

I. GENERAL INFORMATION

A. APPLICANT: Sarpy County

B. LOCATION: Southeast corner of 180th and Cornhusker Road

C. LEGAL DESCRIPTION: Lots 1-17, Tiburon Replat VIII located in the NW ¼ of Section 28, Township 14 N, Range 11 E of the 6th P.M. Sarpy County, Nebraska.

D. REQUESTED ACTION: Sarpy County requests a Change of Zone from RS-100 (single family residential) to RD-50 PTD (two-family residential with a planned townhouse development overlay).

E. EXISTING ZONING AND LAND USE: RS-100

F. SIZE OF SITE: The total site area is 3.5 acres, more or less.

II. BACKGROUND INFORMATION

A. COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive plan designates this area as a future Urban Residential (Fig. 5.1)

B. EXISTING CONDITION OF SITE: Residential and undeveloped.

C. GENERAL VICINITY AND LAND USE:

North, RS-100, residential.
South, RS-100, residential.
West, AG Agricultural, farm.
East, RS-100, residential.

D. RELEVANT CASE HISTORY:

The area became part of the City of Gretna zoning jurisdiction due to an annexation.

Tiburon Replat VIII made application to the City of Gretna on April 7, 2005 for a replat of Lot 143 through 153, Tiburon and a rezoning from R-1, low density residential, to R-2, medium density residential. Gretna R-2 zoning district allows for single-family attached dwellings on 6,500 sq ft lots with a minimum lot frontage of 45 feet.

A Public Hearing was held before the Gretna Planning Commission on April 26, 2005 and moved on the Gretna City Council with a favorable recommendation. The City Council held a public hearing on May 17, 2005. The preliminary/final plat and rezoning request were both approved by Resolution 5-05(3) and Ordinance 873.

The area was subsequently removed from the City of Gretna's jurisdiction when the annexation that caused the area to become part of the City of Gretna zoning jurisdiction was de-annexed by court order. Therefore the area once again became part of Sarpy County. Sarpy County reverted

the zoning back to the previous zoning (RS-100), which does not allow single family attached units therefore the existing structures became non-conforming.

Generally speaking when areas become part of a new jurisdiction it is the requirement of state statute that those areas be rezoned to a comparable zoning designation and that there are no loss of zoning rights that were approved by a city/county. Sarpy County is therefore required to preserve legally obtained zoning rights by transferring the zoning of the properties to a comparable zoning. The area already began to develop with single family attached units and the lot owners intend to continue that building scheme in the subdivision.

E. APPLICABLE REGULATIONS: Zoning Regulations and Comprehensive Plan.

III. ANALYSIS AND DEVELOPMENT ALTERNATIVES

STAFF COMMENTS:

A. REQUEST:

1. To approve the Change of Zone from RS-100 to RD-50 with a PTD overlay in order to best reflect the current and future use of the property and eliminate non-conforming uses that were recently legally established under the City of Gretna jurisdiction.

B. LAND USE/COMPREHENSIVE PLAN:

1. The Comprehensive Plan shows the area as a future Urban Residential (Figure 5.1)

C. STAFF COMMENTS:

1. Staff researched the property and found that the area had been zoned by the City of Gretna when the area was within their zoning jurisdiction. Due to the rezoning the existing agricultural use became non-conforming.
2. The subdivider went through a public process to receive zoning rights to allow the construction of single family attached units, known by Sarpy County as townhouses. When the area reverted back to Sarpy County, the zoning was not transferred to a zoning that allows townhouses.
3. Sarpy County allows townhouses only in districts with a PTD overlay.
4. The request is to change the zoning to RD-50 with a PTD overlay to allow the current construction type of townhouses.

IV. RECOMMENDATION:

Recommend approval to the **Change of Zone** for Lots 1-17, Tiburon Replat VIII as it conforms to the Comprehensive Plan and Zoning Regulations of Sarpy County.

V. COPIES OF REPORT TO:

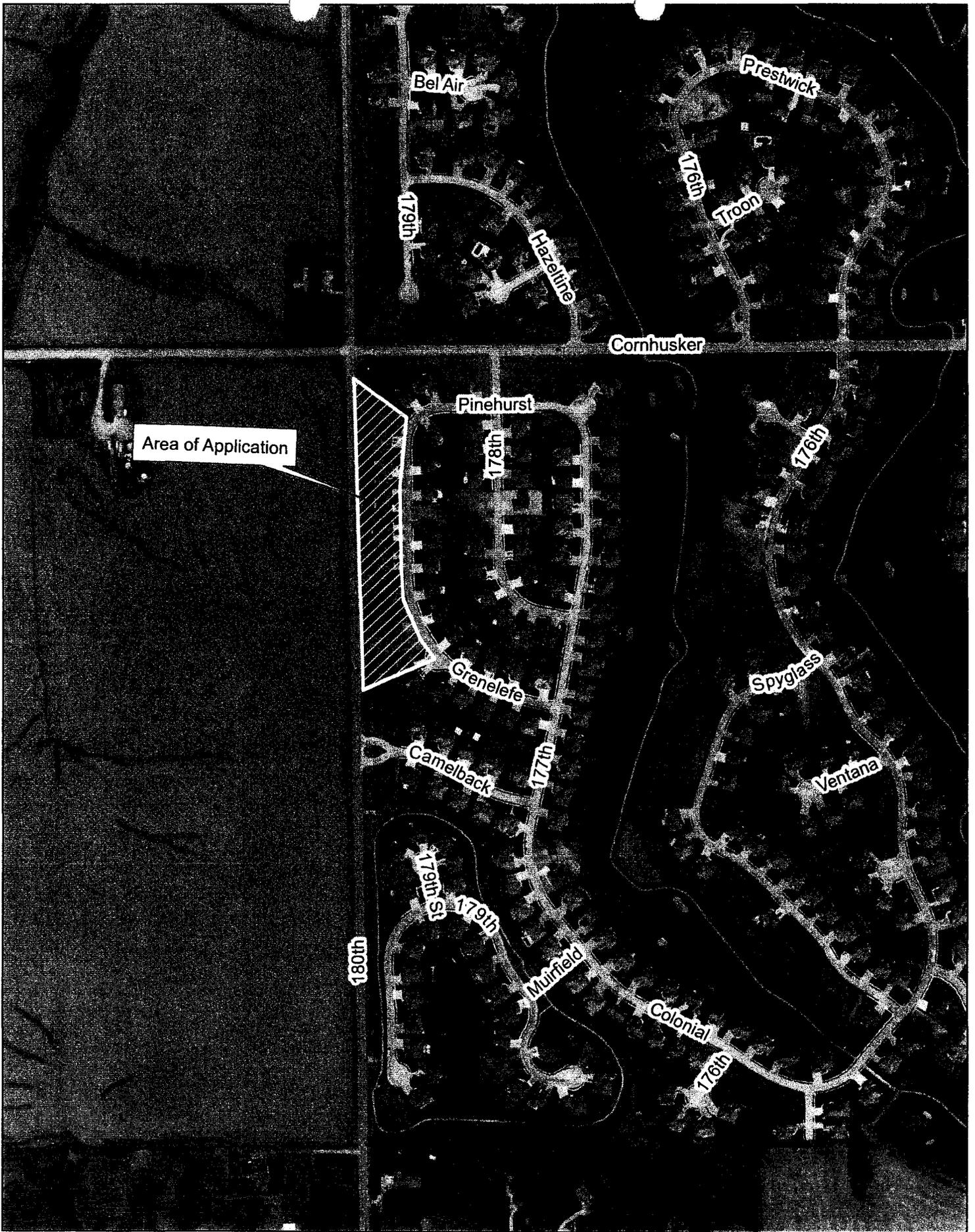
Applicant
Public upon request

VI. ATTACHMENTS:

Application
Comments
Aerial map showing adjacent property

Report prepared by:
Rebecca Horner, AICP
Planning Director





2005-2376Z

CERTIFICATION OF SURVEY

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE PROPERTY DESCRIBED HEREIN, THAT PERMANENT MONUMENTS HAVE BEEN SET ON THE CORNERS AT ALL CORNERS AND THAT ALL TIBURON LOT CORNERS SHALL BE SET UPON COMPLETION OF THE DRAWING, AS DESCRIBED AND SHOWN HEREIN, OF TIBURON REPLAT VIII, A REPLAT OF LOTS 143 THRU 153, TIBURON, LOCATED IN THE NW 1/4, SECTION 28, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6th P.M. SARRY COUNTY, NE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:
 COMMENCING AT THE SW CORNER OF LOT 142, TIBURON, THENCE S09°00'00" E ALONG THE WEST LINE OF SAID LOT 142, WHICH IS ALSO THE EAST RIGHT-OF-WAY LINE OF 179th STREET, A DISTANCE OF 88.56 FEET TO THE POINT OF BEGINNING; THENCE S89°00'00" E ALONG THE SOUTHWESTERLY LINE OF SAID LOT 142, A DISTANCE OF 199.36 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 179th STREET, THENCE CONTAINING SAID WEST RIGHT-OF-WAY LINE, ON A CURVE TO THE LEFT, AN ARC DISTANCE OF 16.86 FEET, THENCE S09°00'00" E CONTAINING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 43.68 FEET, THENCE CONTAINING ALONG SAID WEST RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT AN ARC DISTANCE OF 328.46 FEET, THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 43.68 FEET TO THE NORTHEASTERLY CORNER OF LOT 154, TIBURON; THENCE S77°00'00" W ALONG THE WESTERLY LINE OF SAID LOT 154, A DISTANCE OF 30.47 FEET TO THE NORTHERLY CORNER OF SAID LOT 154, THENCE ALSO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 179th STREET, THENCE S09°00'00" E ALONG SAID EAST RIGHT-OF-WAY LINE 168.96 FEET, TO THE POINT OF BEGINNING.



7-6-05
DATE

DEDICATION:
 KNOW ALL MEN BY THESE PRESENTS THAT TIBURON LIMITED PARTNERSHIP, BEING THE OWNERS OF THE PROPERTY DESCRIBED HEREIN, THE SURVIVORS CERTIFICATE AND GARRAGE WITHIN THIS PLAT HAVE CAUSED SAID LAND TO BE REPLATED INTO LOTS AS SHOWN HEREIN, SAID ADDITION TO BE REPLATED KNOW AS "TIBURON REPLAT VIII", AND WE DO HEREBY WAIVE AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS REPLAT. WE DO FURTHER GRANT A PERPETUAL EASEMENT TO SARR COUNTY, NEBASKA, TO CONVEY AND CONVEY CONSTRUCTION AND ANY COMPANY WHICH HAS BEEN GRANTED A FRACTURE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SERVED, THESE SURRENDERS AND ADDRESS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND REMOVE CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CONVEYING AND TRANSMISSION OF ELECTRIC CURRENT AND LIGHT, HEAT, POWER, AND FOR THE TRANSMISSION OF SIGNALS AND BROADCASTS OF ALL KINDS, INCLUDING BROADCASTS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEIPTION OR OVER, THROUGH, UNDER AND ACROSS A FIVE FOOT (5') WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LINES, AND AN EIGHT (8') WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL LOTS, AND PERMANENT MAINTAINING THERE BOUNDARY WALLS OF LOGS, ROCK SHALL BE PLACED IN THE SAID EASEMENT STRIPS BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, SIDEWALKS, DRIVEWAYS AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE RIGHTS AND USES HEREIN GRANTED, IN WHICH HEREOF WE DO HEREBY SET OUR NAMES.

S. Wagoner
 LARRY WAGONER
 GENERAL PARTNER
 TIBURON LIMITED PARTNERSHIP
 7-12-05

ACKNOWLEDGMENT OF NOTARY:
 STATE OF NEBRASKA
 COUNTY OF DEWELP
 ON THIS 12th DAY OF JULY, 2005, BEFORE ME, A NOTARY PUBLIC, DULY QUALIFIED AND COMMISSIONED BY ME FOR THE COUNTY AND STATE, PERSONALLY APPEARED LARRY WAGONER, WHO IS PERSONALLY KNOWN TO ME TO BE THE ESSENTIAL PERSONS WHOSE SIGNATURES AND CONSENTS ARE NECESSARY TO THE EXECUTION OF THE FOREGOING INSTRUMENT, AND HE DO ACKNOWLEDGE THE EXECUTION OF THE FOREGOING INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

Notary Public
 NOTARY PUBLIC

COUNTY DEPARTMENT CERTIFICATION:
 THIS IS TO CERTIFY THAT I FIND NO REASON FOR SPECIAL TAXES DUE ON DEPENDENT ASSESSMENT OF THE PROPERTY DESCRIBED HEREIN, THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.
 DATE ASSESSED AND LEVIED FOR THE 2005 YEAR ARE HEREBY DUE FOR 2005 YEAR.
PUBLIC TREASURERS CERTIFICATION:
 IS ONLY VALID UNTIL DECEMBER 31ST OF THIS YEAR.

RECORD OF SARRY COUNTY SURVEYOR:
 THIS PLAT OF "TIBURON REPLAT VIII" IS HEREBY APPROVED BY THE SARRY COUNTY SURVEYOR THIS 12th DAY OF JULY, 2005.
Surveyor
 SARRY COUNTY SURVEYOR

BUILDING AND ZONING ADMINISTRATOR AND CITY ENGINEER APPROVAL:
 THIS FINAL PLAT OF "TIBURON REPLAT VIII" IS HEREBY APPROVED BY THE CITY ENGINEER, NEBRASKA, ON THIS 12th DAY OF JULY, 2005.
City Engineer
 CITY ENGINEER

CITY OF OGETHA PLANNING BOARD CERTIFICATION:
 THIS PLAT OF "TIBURON REPLAT VIII" IS HEREBY APPROVED BY THE CITY OF OGETHA PLANNING BOARD, ON THIS 12th DAY OF JULY, 2005.
City Planner
 CITY PLANNING BOARD

OGETHA CITY COUNCIL CERTIFICATION:
 THIS PLAT OF "TIBURON REPLAT VIII" IS HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF OGETHA, ON THIS 12th DAY OF JULY, 2005.
City Council
 CITY COUNCIL

TIBURON REPLAT VIII

FINAL PLAT

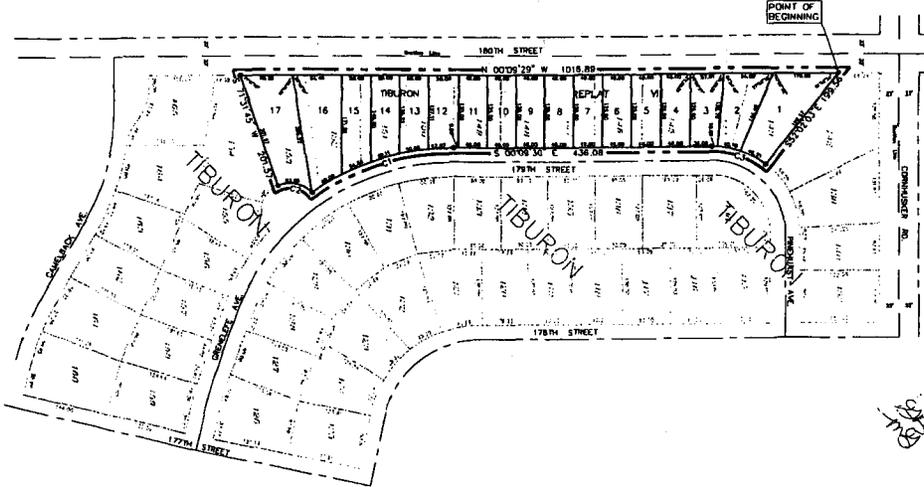
BEING A REPLAT OF LOTS 143 THRU 153, TIBURON, LOCATED IN NW 1/4, SECTION 28, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6th P.M. SARRY COUNTY NEBRASKA.

LOTS 1 THRU 17, INCLUSIVE

DATE: 7-6-05
 SHEET: 1 OF 1

PE/LS, Inc. Surveying
 CIVIL ENGINEERING
 2005-2376Z
 TIBURON REPLAT VIII
 FINAL PLAT
 SHEET NO. 1

LEGEND:
 Δ SET PIN - 3/8" REBAR
 P FOUND PIN - 5/8" REBAR
 P PLATTED DISTANCE
 M MEASURED DISTANCE
 NOTE: ALL CURVE DIMENSIONS ARE ARC DISTANCES

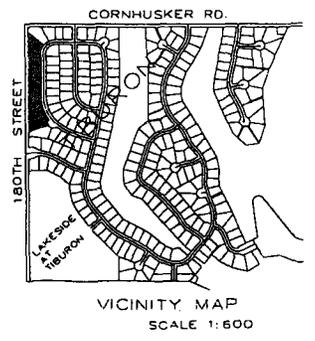


CURVE DATA

CURVE	ARC	DELTA	RADIUS	DEG. CLR.	CHORD	TAN
C1	258.45	35°29'11"	418.90	13°40'40"	755.32	134.04
C2	63.85	73°10'00"	30.30	114°35'26"	39.80	37.11
C3	99.80	36°07'27"	150.00	36°11'49"	97.98	51.63

RD 50
 CALL Andy
 660-2999

NO
 2005
 7-12-05



MAY 12, 2008

PE/LS, Inc. Surveying
 CIVIL ENGINEERING
 2005-2376Z
 TIBURON REPLAT VIII
 FINAL PLAT
 SHEET NO. 1

Sandra Logue

From: Laster, Lori [llaster@pacionrd.org]
Sent: Tuesday, April 19, 2011 4:20 PM
To: Sandra Logue; Rebecca Horner
Subject: RE: Change of Zone Tiburon Replat VIII

The District has no comments on this application.

Lori Ann Laster, CFM
Stormwater Management Engineer
Papio-Missouri River NRD
8901 South 154th Street
Omaha, Nebraska 68138
(402) 444-6222 office
(402) 505-1082 cell
llaster@pacionrd.org

From: Sandra Logue [<mailto:slogue@sarpy.com>]
Sent: Tuesday, April 19, 2011 11:12 AM
To: Grint, Amanda; Brian Craig; Brian Hanson; Chris Shewchuk; Chris Solberg; Debra J. Houghtaling; Denny Wilson; Donna Lynam ; Eric Herbert; Jeff Davis; Jeff Loll; Jerry Obrist; Kathleen Gottsch; Laster, Lori; Mark Wayne; Nicole O'Keefe; Nikki Lampe; Steven Fanslau
Cc: Rebecca Horner; Todd Swirczek; Cindy Gilbert
Subject: Change of Zone Tiburon Replat VIII

If you have any questions, please let me know.

Thanks,
Sandy Logue
Planning Assistant
Sarpy County Planning Dept.
1210 Golden Gate Dr.
Papillion, NE 68046
402-593-1555
Fax: 402-593-1559
slogue@sarpy.com



SARPY COUNTY
 PLANNING DEPARTMENT
 1210 Golden Gate Drive
 Papillion, NE 68046
 PH: 402-593-1555
 Fax: 402-593-1558

REBECCA HORNER, DIRECTOR
 SANDRA LOGUE, ADMIN. ASST.
 E-MAIL: planning@sarpy.com

April 19, 2011

ORGANIZATION	REVIEW REQUIRED	ORGANIZATION	REVIEW REQUIRED	ORGANIZATION	REVIEW REQUIRED
County Admin – Mark Wayne	X	County Fiscal Admin- Brian Hanson	X	County Attorney – Nicole O’Keefe	X
Sarpy County Engineer– Denny Wilson	X	Sarpy County GIS - Eric Herbert - Nikki Lampe	X	Papio-Missouri – NRD - Amanda Grint - Lori Laster	X
OPPD – Steve Fanslau	X	Sarpy County Sherriff – Jeff Davis	X	MUD – Jeff Loll	X
City of Papillion – Brian Craig	X	City of La Vista – Chris Solberg	X	City of Gretna – Donna Lynam	X
City of Springfield – Kathleen Gottsch	X	City of Bellevue – Chris Shewchuk	X	Fire District –	
School District –		NE Humane Society – Kelli Brown		State Dept. of Ag – Dr. Dennis Hughes	X
File	X	Lincoln Water System – Jerry Obrist	X	Nebraska Dept. of Roads – Tim Weander	X
County Clerk – Deb Houghtaling	X				

PROJECT DESCRIPTION: APPLICATION FOR Change of Zone –for Tiburon Replat VIII. Due to de-annexation of Tiburon Replat VIII from Gretna to Sarpy, the existing Gretna zoning and plat are not in conformance with the Sarpy Regulations. In order to bring the lots into compliance and allow the build out of the approved plat, a change of zone from RS-100 to RD 50 with a PTD overlay is necessary to preserve the rights established under Gretna’s jurisdiction on properties legally known as Lots 1-17, Tiburon Replat VIII, NW ¼ of Section 28, Township 14 N, Range 11E of the 6th P.M. Sarpy County, Nebraska. (SE corner 180th and Cornhusker)

Please provide any comments or recommendations you may have to the Sarpy County Planning Department no later than **Tuesday, May 3, 2011**. You may submit comments using the following:

Mail:

Rebecca Horner, Director
 Sarpy County Planning Dept.
 1210 Golden Gate Drive
 Papillion, NE 68046

Fax:

(402) 593-1558

E-MAIL: (Environmentally Friendly!)

slogue@sarpy.com

If you have any questions or concerns, please contact Sandra Logue at (402) 593-1555.

NO COMMENTS

COMMENTS (SEE ATTACHED)



SARPY COUNTY PLANNING

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

CHANGE OF ZONE APPLICATION

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

1. Submit complete Change of Zone Application
2. Submit Non-Refundable Fee of \$ 200 made payable to Sarpy County Treasurer
3. Copy of Deed on file with Register of Deeds (showing applicant as owner)
4. 25 full size site plan drawings (folded)
5. 1 reduced size sit plan drawing (8.5 x 11)
6. Detailed operational plans

PLANNING STAFF USE ONLY:

APPLICATION NO.: CZ 11-0006
 DATE RECEIVED: 4-8-2011
 CP DESIGNATION: _____
 ZONING DESIGNATION: _____
 FEE: \$ _____ RECEIPT NO. _____
 RECEIVED BY: _____
 NOTES: _____

APPLICANT INFORMATION: CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Sarpy County E-MAIL: _____
 ADDRESS: 1210 Golden Gate CITY/STATE/ZIP: Papillion NE 68046
 MAILING (IF DIFFERENT) CITY/STATE/ZIP: _____
 ADDRESS: _____
 PHONE: 593-1555 FAX: _____

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

Please check box if attaching separate sheet with owner information.

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

APR 8 2011

SARPY COUNTY
PLANNING DEPARTMENT

ENGINEER INFORMATION:

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

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets if necessary.) **PLEASE NOTE:** A detailed project description is essential to the reviewing process of this request.

due to de-annexation of Tiburon VIII from Gretna to Sarpy the existing Gretna Zoning and plat are not in conformance with Sarpy Regulations. In order to bring the lots into compliance and allow the build out of the approved plat, a C2 to R050 with a PTD overlay is necessary to preserve the rights established under Gretna's jurisdiction.

PROJECT SITE INFORMATION: Complete each section in its entirety. If a question is not applicable to your project, please indicate this to show that each question has been carefully considered.

ASSESSOR'S PARCEL NUMBER: _____

ADDITIONAL PARCEL NUMBERS _____

LEGAL DESCRIPTION: (Describe property to-wit:)

Lots 1 – 17, Tiburon Replat VIII
NW 1/4 of Section 28 T14N R11E

GENERAL PROPERTY LOCATION: SE corner 180+ Cornhusker **ACRES:** 3.5 acres, more or less

CURRENT ZONING: RS-100

REQUESTED ZONING: RD-50 PTD

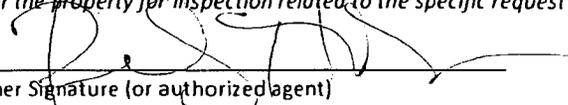
ADDITIONAL INFORMATION: Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. Attach extra sheets if necessary.

APR - 8 2011

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
2. County Board will hold a public hearing and make a final decision on the Change of Zone.
3. All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Change of Zone applicant or the property owner.

I, the undersigned, understand a sign will be posted on my property and will remain until the public hearing process at the Planning Commission and County Board is complete. I further understand the Change of Zone process as stated above and I authorize County Staff to enter the property for inspection related to the specific request during this process.


Owner Signature (or authorized agent)

4.7.11
Date

Owner Signature (or authorized agent)

Date

Sandra Logue

From: John G. Miriovsky [jmiriovsky@lincoln.ne.gov]
Sent: Tuesday, April 19, 2011 1:17 PM
To: Sandra Logue
Cc: Jerry G. Obrist
Subject: RE: Change of Zone Tiburon Replat VIII

We have reviewed the proposed development and find no issues with the proposal.

From: Jerry G. Obrist
Sent: Tuesday, April 19, 2011 11:31 AM
To: John G. Miriovsky
Subject: FW: Change of Zone Tiburon Replat VIII

Please respond directly. thank you. Jerry O.

From: Sandra Logue [mailto:slogue@sarpy.com]
Sent: Tuesday, April 19, 2011 11:12 AM
To: Amanda Grint; Brian Craig; Brian Hanson; Chris Shewchuk; Chris Solberg; Debra J. Houghtaling; Denny Wilson; Donna Lynam ; Eric Herbert; Jeff Davis; Jeff Loll; Jerry G. Obrist; Kathleen Gottsch; Lori Laster; Mark Wayne; Nicole O'Keefe; Nikki Lampe; Steven Fanslau
Cc: Rebecca Horner; Todd Swirczek; Cindy Gilbert
Subject: Change of Zone Tiburon Replat VIII

If you have any questions, please let me know.

*Thanks,
Sandy Logue
Planning Assistant
Sarpy County Planning Dept.
1210 Golden Gate Dr.
Papillion, NE 68046
402-593-1555
Fax: 402-593-1559
slogue@sarpy.com*

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Rebecca Horner

From: Michael A. Smith
Sent: Wednesday, April 06, 2011 3:10 PM
To: Rebecca Horner; Todd Swirczek; Sandra Logue
Cc: Nicole O'Keefe
Subject: RE: Andy H. Tiburon Replat 8

Handwritten note: H. May or June PC.

I have looked this over again, and believe that you have described the best way to approach this anomaly. Coming out of the Gretna annexation case, it was clearly the County's intention to hold the property-owners harmless- the County would respect the actions taken by Gretna during the pendency of the case. Making the necessary modification to our zoning to most closely resemble the Gretna action seems the best way to do this. As part of the final action, we should identify the particular permits issued and ratify the issuance of those permits as conforming to the new zoning.

Michael A. Smith
Deputy County Attorney
Sarpy County, Nebraska
(402) 593-2237

From: Rebecca Horner
Sent: Wednesday, March 30, 2011 5:34 PM
To: Todd Swirczek; Sandra Logue
Cc: Michael A. Smith
Subject: Andy H. Tiburon Replat 8

Update on this project.

I spoke with Mike. He confirmed my thoughts but wants to research a little more on Monday in order to give us a final answer. Mike agrees that the property owners were allotted property rights through the rezoning and replatting process. Through the annexation lawsuit it was agreed that Sarpy County did not want to aggrieve property owners affected by the annexation lawsuit. We know that the property has developed into single family attached (our definition of Townhouse) and the only district that allows townhouse units is a PTD overlay. RD-50 is an appropriate district but needs the PTD overlay appended to the district to allow townhouse units. Mike indicated that we should use a formal process to add the PTD overlay. Knowing that Sarpy County is going to initiate a change of zone for the PTD overlay and that this is the only way to allow the properties to be conforming and to allow them to preserve the townhouse use that was granted to them through the Gretna rezoning process Sarpy County agrees to issue a building permit prior to the completion of the PTD rezoning process, no earlier than Monday April 4, 2011.

I called Andy and gave him an update and we agreed to the following schedule:
Monday he will come in to our office and request a permit for, at a minimum, footings.
Tuesday he will come in for the rest of the permit.
Sarpy County will go forward with a request to rezone the property.

Let me know if you have questions,

Rebecca Horner, AICP
Sarpy County Director of Planning
(402)593-1555

MIKE

APPLICATION FOR CHANGE OF ZONING

Applicants Name: Tiburon Limited Partnership Date: 03-21-05
Address: 11850 Nicholas Street Phone: 402-740-0195
City/State/Zip: Omaha, NE, 681

Owners Name: Tiburon Limited Partnership Date: 03-21-05
Address: 11850 Nicholas Street Phone: 402-740-0195
City/State/Zip: Omaha, NE, 68154

Current Zoning R-1 Requested Zoning R-2
Complete Legal Description: Lots 143 thru 153, Tiburon
General Location: Southeast of 180th St. and Cornhusker Road
Size of Property (square ft./acres) _____
Present Use of the Property: Undeveloped single family lots
Proposed Use of the Property: Single family attached and villa lots

Source of Services: Water SID Sewer SID Gas Aquila
School Arctus Other _____

Adjoining Property North Residential South Residential
Actual Use: East Residential West Unplatted

Describe the reason for the rezoning application, the nature and the operating characteristics of the proposed use;

To allow a more varied type of lot for home buyers.

L. Sugawood
Signature of Applicant

03-21-05
Date

Official Office Use Only

Date Accepted 4-7-05
Amount Paid 200.00

Accepted By 93
Ck No. 16754 Receipt No. 3639

Approved PC 4-26-05
Approved CC 5-17-05

APPLICATION FOR FINAL PLAT

Subdivider: Tiburon Limited Partnership

Date: 03-16-05

Address: 11850 Nicholas Street

Phone: 402-740-0195

City/State/Zip: Omaha, NE, 68154

Owner: Tiburon Limited Partnership

Date: 03-16-05

Address: 11850 Nicholas Street

Phone: 402-740-0195

City/State/Zip: Omaha, NE, 68154

Engineer: PE/LS, Inc.

Date: 03-16-05

Address: 6037 Oakcrest Plaza

Phone: 402-895-5495

City/State/Zip: Omaha, NE, 68137

Name of Final Plat Tiburon Replat VIII No. of Lots or Acres 17

Complete Legal Description See Attached

General Location Southeast Corner 180th St and Cornhusker Road

1. Does the subdivider have any interest in the land surrounding the final plat?
No Yes If yes, explain Remaining Lots

2. Will the final plat require a zoning change, conditional use, vacation or other action to complete the development?
No Yes If yes, explain R-1 to R-2

3. Is the final plat consistent with the preliminary plat?
No Yes If not, please explain the changes and reasons therefore _____

4. Have all improvements required by the preliminary plat been completed?
No Yes If not, which improvements have not been completed _____

L Hayward
Signature of Applicant

03-16-05
Date

Official Office Use Only

Date Accepted 4-7-05 Accepted By [Signature]

Amount Paid 877.50 Ck No. 16754 Receipt No. 3639

Approved PC 4-26-05
Approved CC 5-17-05

UTILITIES AND IMPROVEMENTS

FINANCING PERCENT:

SANITARY IMPROVEMENT DISTRICT

	EXISTING	PROPOSED		FINANCING PERCENT:		
		QUANTITY	COST	PRIVATE	SPECIAL	GEN. OBGL.
SEWERS:						
Sanitary	✓	_____	_____	_____	_____	_____
Storm	✓	_____	_____	_____	_____	_____
PAVING:						
Major		_____	_____	_____	_____	_____
Collector		_____	_____	_____	_____	_____
Minor	✓	_____	_____	_____	_____	_____
Sidewalks		_____	_____	_____	_____	_____
Parks/Open		_____	_____	_____	_____	_____
Rec Facilities		_____	_____	_____	_____	_____
Telephone	✓	_____	_____	_____	_____	_____
Water	✓	_____	_____	_____	_____	_____
Gas	✓	_____	_____	_____	_____	_____
Electricity	✓	_____	_____	_____	_____	_____
Above Ground		_____	_____	_____	_____	_____
Below Ground	✓	_____	_____	_____	_____	_____

Anticipated total taxable valuation: LAND _____ IMPROVEMENTS _____
 COVENANTS FILED

Specific Zoning Information

ZONING	ACRES	LOTS	UNITS	DENSITY
R-2	3.0	17	17	5.6
TOTAL RESIDENTIAL:	3.0	17	17	5.6
TOTAL OTHER:				

APPLICATION FOR PRELIMINARY PLAT

Subdivider: Tiburon Limited Partnership Date: 03-16-05
Address: 11850 Nicholas Street Phone: 402-740-0195
City/State/Zip: Omaha, NE, 68154

Owners Name: Tiburon Limited Partnership Date: 03-16-05
Address: 11850 Nicholas Street Phone: 402-740-0195
City/State/Zip: Omaha, NE, 68154

Engineer: PE/LS, Inc Date: 03-16-05
Address: 6037 Oakcrest Plaza Phone: 402-895-5495
City/State/Zip: Omaha, NE, 68137

Name of Preliminary Plat Tiburon Replat VIII No. of Lots 17
Complete Legal Description See Attached
General Location SE Corner 180ST & Cornhusker Road

1. Does the subdivider have any interest in the land surrounding the preliminary plat?
No _____ Yes If yes, explain Remaining Lots

2. Will the preliminary plat require a zoning change, conditional use, vacation or other action to complete the development?
No _____ Yes If yes, explain R-1 to R-2 for single-family attached

3. Does the preliminary plat deviate from the requirements of the subdivision regulations of the City of Gretna or the City's design standard?
No _____ Yes If yes, explain Require variance on side-yard and minimum lot width

L. Hagerwood Date 03-16-05
Signature of Applicant Date

Official Office Use Only

Date Accepted 4-7-05 Accepted By [Signature]
Amount Paid 1170.00 Ck No. 16754 Receipt No. 3639

*Approved PC
4-26-05
Approved CE
5-17-05*

UTILITIES AND IMPROVEMENTS

FINANCING PERCENT:

	EXISTING	PROPOSED		PRIVATE	SANITARY IMPROVEMENT DISTRICT		
		QUANTITY	COST		SPECIAL	GEN. OBGL.	
<u>SEWERS:</u>							
Sanitary	✓	_____	_____	_____	_____	_____	
Storm	✓	_____	_____	_____	_____	_____	
<u>PAVING:</u>							
Major		_____	_____	_____	_____	_____	
Collector		_____	_____	_____	_____	_____	
Minor	✓	_____	_____	_____	_____	_____	
Sidewalks		_____	_____	_____	_____	_____	
Parks/Open		_____	_____	_____	_____	_____	
Rec Facilities		_____	_____	_____	_____	_____	
Telephone	✓	_____	_____	_____	_____	_____	
Water	✓	_____	_____	_____	_____	_____	
Gas	✓	_____	_____	_____	_____	_____	
Electricity	✓	_____	_____	_____	_____	_____	
Above Ground	_____	_____	_____	_____	_____	_____	
Below Ground	✓	_____	_____	_____	_____	_____	

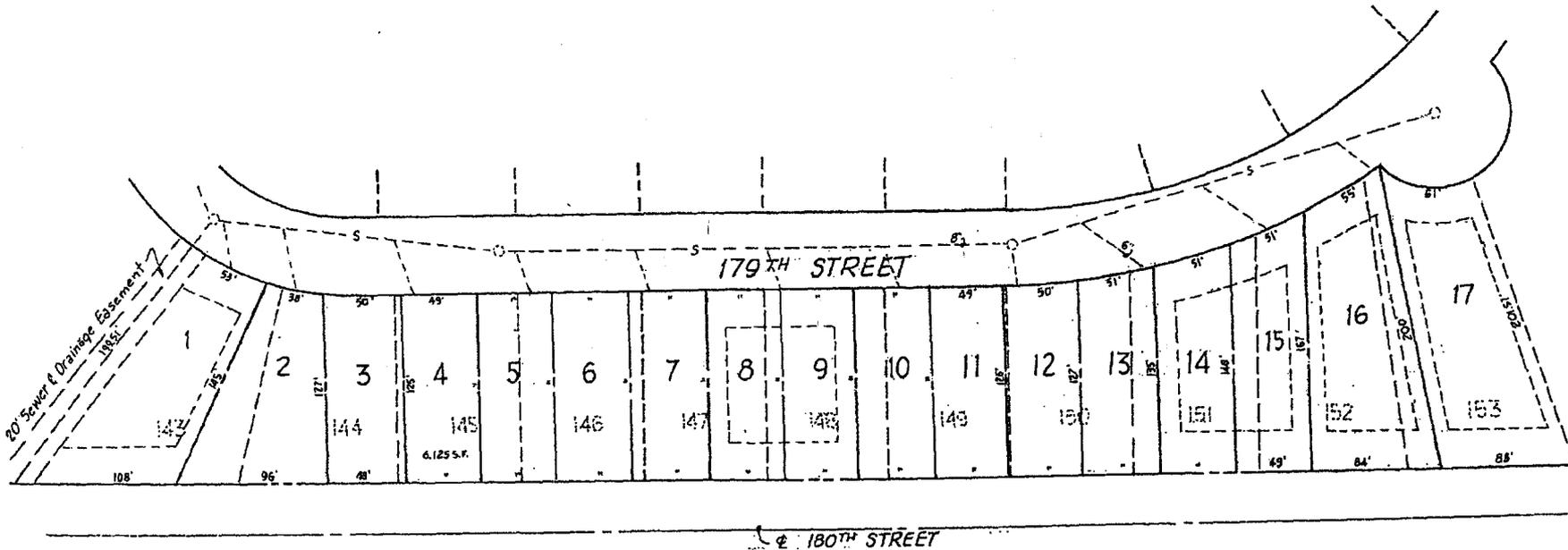
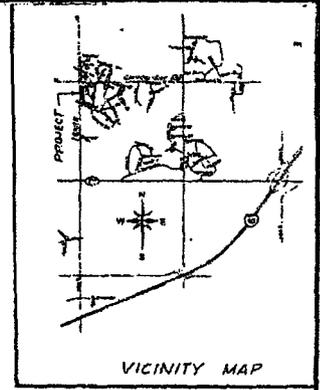
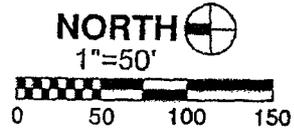
Anticipated total taxable valuation: LAND _____ IMPROVEMENTS _____
 COVENANTS _____ FILED _____

Specific Zoning Information

<u>ZONING</u>	<u>ACRES</u>	<u>LOTS</u>	<u>UNITS</u>	<u>DENSITY</u>
R-2	3.0	17	17	5.6
TOTAL RESIDENTIAL:	3.0	17	17	
TOTAL OTHER:				

PRELIMINARY PLAT TIBURON REPLAT VIII

A REPLAT OF LOTS 143 THRU 153
SARPY COUNTY, NE.



OWNER: TIBURON LIMITED PARTNERSHIP
11860 NICHOLAS STREET
OMAHA, NE., 68154

SITE AREA: 3± ACRES
EXISTING ZONING: R-1

PROPOSED ZONING: R-2

ENGINEER: PE/LS, INC.
6037 OAKCREST PLAZA
OMAHA, NE.,

UTILITY COMPANIES

WATER - SARPY S.J.D. NO 158
SANITARY - SARPY S.I.D. NO. 158
GAS - AQUILA
POWER - O.P.P.D.

TIBURON REPLAT VIII		
SCALE: 1"=50'	APPROVED BY:	DRAWN BY:
DATE: 03-15-05	REVISOR:	
PRELIMINARY PLAT		
PE/LS, INC. 6037 OAKCREST PLAZA		DRAWING NUMBER 1 of 1

PUBLIC HEARING –Tiburon Limited Partnership of 11850 Nichols Street, Omaha, NE 68154
Board of Adjustments April 12, 2005
ALL ADDRESSES AND PROPERTY OWNERS WITHIN 300 FEET

John R & Katie E. Stahlnecker
16610 Polk Street
Omaha NE 68135

Jeffre T. McCaul
DBA McCaul Contracting
11805 Quail Drive
Bellevue NE 68123

Zegers Construction Inc
22501 Ruff Road
Gretna NE 68028

Heavican Homes, Inc
16811 Chandler Rd
Omaha NE 68136

Cobblestone Homes, Inc
P.O. Box 27698
Ralston NE 68127

Angelo R. & Kathleen G. Anzalone
17630 Colonial Ave.
Omaha NE 68136

Dan & Marie Hokens
9810 S 180th Street
Omaha NE 68136

Schewe Farms, Inc.
1753 S 49th Street
West Des Moines, IA 50265

Gretna Hills Farms
10213 S 177th Street
Omaha NE 68136

Barkley Farms, Inc.
18484 Cornhusker Road
Omaha NE 68136

Matthew & Jamie Hoskinson
17804 Camelback Ave.
Omaha NE 68136

Micahel G. & Cynthia Schmid
17812 Pinehurst Ave.
Omaha NE 68136

Patricia A. Andersen
17804 Pinehurst Ave.
Omaha NE 68136

Section 5.10 R-2 Medium Density Residential

5.10.01 Intent: The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.10.02 Permitted Uses:

The following principal uses are permitted in the R-2 District.

1. Single family detached dwellings
2. Single family attached
3. Two-family, duplex, dwellings
4. Public and private schools
5. Publicly owned and operated facilities
6. Public Services
7. Public recreation areas such as parks, country clubs, golf courses, lakes, common areas and swimming pool

5.10.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and City Council and approved by the City Council.

1. Bed and Breakfasts, provided that guest rooms shall be within the principal residential building only and not within an accessory building.
2. Religious institutions
3. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
4. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
5. Child Care Center
6. Family Child Care Home II
7. Congregate housing
8. Emergency Shelters
9. Adult Care Center
10. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.

5.10.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Decks, elevated patios either attached or detached
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Signs as provided for in Section 7.01 through 7.04.
5. Parking as provided for in Section 8.01 through 8.06.
6. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
7. Family Child Care Home I
8. Home Occupations as per Section 8.07.
9. Landscaping as required by Section 9.03.
10. Incidental public safety uses such as emergency sirens
11. Amateur radio towers and associated facilities, per Section 8.08

5.10.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width (ft)	Front Yard (ft)	Side Yard ³ (ft)	Rear Yard (ft)	Street Side Yd. (ft)	Max. Height (ft)	Max. Lot Coverage Building/Imperv ⁴ Area (%)
Single-family Dwelling ²	8,000	70	25	7.5	25	15	35	40/55
Single-family Dwelling (future development) ²	8,000	70	25	7.5	25	25	35	35/55
Two-family Dwelling ²	12,000	80	25	7.5	25	15	35	40/55
Single-family attached ²	6,000 per unit	45 per unit	25	10 ³	25	15	35	40/55
Other Permitted and Conditional Uses ²	8,000	70	25	7.5	25	15	35	30/55
Accessory Buildings	-	-	35	5	8	15	17 ⁴	10 ¹

1 Provide total area of accessory structure for single family does not exceed 720 sq. ft. and the total lot coverage of all buildings does not exceed 50%.

2 On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

3 The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

4 The height may be increased to 20 feet with 12 ft. sidewalls based on a 2-story house as principle structure.

CITY OF GRETNA, NEBRASKA

RESOLUTION 5-05 (3)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRETNA, NEBRASKA,
APPROVING THE FINAL PLAT OF TIBURON REPLAT VIII.**

WHEREAS, the owners of record of following described real property have submitted an application for approval of final plat, namely:

Tiburon Replat VIII, being a replat of Lots 143 thru 153, Tiburon as surveyed, platted, and recorded in Sarpy County, Nebraska. (180th and Cornhusker)

WHEREAS, Chapter 12, Subdivision Regulations of the Municipal Code require compliance with the subdivision regulations prior to the time that the City Council may approve or reject a municipal subdivision; and

WHEREAS, the owners of record of the above-described real property have submitted a final plat which conforms to the municipal subdivision regulations; have submitted a Subdivision Agreement for the development of the property, which agreement has been approved by the City Attorney; and have agreed to execute the Interlocal Cooperation Agreement for the maintenance and operation of the utilities, and

WHEREAS, Planning Board approval has been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Gretna, Nebraska, that the final plat of the afore-described real property known as Tiburon Replat VIII Lots 1 through 17 inclusive, is approved and may be filed with the Register of Deeds of Sarpy County, Nebraska.

PASSED AND APPROVED this 17th day of May 2005.

CITY OF GRETNA, NEBRASKA

Timothy J. Gilligan, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

RES0505(3)

CITY OF GRETNA, NEBRASKA
City Council
May 17, 2005

The Regular Meeting of the Mayor and the City Council of the City of Gretna, Nebraska, was held in said City at 7:00 o'clock p.m. on May 17, 2005. Mayor Tim Gilligan called the meeting to order. Present were, Council Members Charles Brewer, Sally McGuire, and Doug Clark. There is one vacancy on the Council at this time. Engineer, Steve Perry, Attorney John Green, City Clerk, Pam Buethe, and Zoning Administrator Donna Stigge were also in attendance. Fire Chief Rod Buethe was absent. Notice of the meeting was given in advance thereof to the Mayor and City Council, published in the Gretna Guide and News and posted in at least three Public places as shown by the Certificate of Posting Notice attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the Public.

Motion by Clark, second by McGuire, to approve the agenda as presented. Voting aye: McGuire, Brewer, and Clark. Voting nay: None. Motion carried.

RECOMMENDED ACTIONS:

- A). Approval of Consent Agenda
- 1). Approval of City Council Minutes, May 03, 2005
 - 2). Acceptance of Arbor Society Minutes, May 10, 2005
 - 3). Acceptance of Treasurer's Report, April 2005
 - 4). Acceptance of Cash Flow Report, April 2005
 - 5). Acceptance of Tax Collection Report, April 2005
 - 6). Acceptance of Water/Wastewater Report, April 2005
 - 7). Acceptance of Water/Wastewater Billing Report, April 2005
 - 8). Acceptance of Building Permit Report, April 2005

Motion by McGuire, second by Brewer, to approve the consent agenda with the exception of the Treasurer's Report and Tax Collection Report. Voting aye: Brewer, McGuire, and Clark. Voting nay: None. Motion carried.

PRESENTATION:

1st Quarter Report – John Yochum – SCEDC

John Yochum represented the Sarpy County Economic Development Corporation presented the 1st Quarter Report to the Mayor and Council.

POLICE REPORT:

Monthly police report – Lt. Russ Zeeb – SCSO

Lieutenant Russ Zeeb with the Sarpy County Sheriffs Office gave a report regarding the CNN visit to do a story regarding the incident by the Platte River earlier in the year. He also

CITY OF GRETNA, NEBRASKA
City Council
May 17, 2005

gave and update on current arrests and thanked the neighborhood watch program for being alert and informing the Sheriff's office of any suspicious activities.

PUBLIC HEARINGS:

- A). Tiburon Limited Partnership of 11850 Nichols Street, Omaha, NE 68154 requests approval of a Preliminary/Final Plat of a subdivision to be known as Tiburon Replat VIII, being a replat of Lots 143 thru 153, Tiburon as surveyed, platted, and recorded in Sarpy County, Nebraska. (180th and Cornhusker)
 - 1). **Resolution 5-05(3)** – Approval of Preliminary/Final Plat

- B). Tiburon Limited Partnership of 11850 Nichols Street, Omaha, NE 68154 requests approval of a Change of Zone from R-1 to R-2 on the property to be known as Lots 1 thru 17, Tiburon Replat VIII as surveyed, platted, and recorded in Sarpy County, Nebraska. (180th and Cornhusker)
 - 1). Ordinance 873 – First reading - Approval to amend the Official Zoning Map of the City of Gretna

Mayor Gilligan opened the public hearing for items A and B Larry Hagewood and Keith Brown representing Tiburon Limited Partnership and NP Dodge were present to answer any questions regarding the Plat or Change of Zone. There being no public comment, motion by McGuire, second by Clark to close the public hearing. Voting aye: McGuire, Brewer, and Clark. Voting nay: None. Motion carried.

Resolution 5-05(3) – Approval of Preliminary/Final Plat

Attorney Green read Resolution 05-05 (3) as follows:

CITY OF GRETNA, NEBRASKA

RESOLUTION 5-05 (3)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRETNA, NEBRASKA, APPROVING THE FINAL PLAT OF TIBURON REPLAT VIII.

WHEREAS, the owners of record of following described real property have submitted an application for approval of final plat, namely:

Tiburon Replat VIII, being a replat of Lots 143 thru 153, Tiburon as surveyed,

CITY OF GRETNA, NEBRASKA
City Council
May 17, 2005

platted, and recorded in Sarpy County, Nebraska. (180th and Cornhusker)

WHEREAS, Chapter 12, Subdivision Regulations of the Municipal Code require compliance with the subdivision regulations prior to the time that the City Council may approve or reject a municipal subdivision; and

WHEREAS, the owners of record of the above-described real property have submitted a final plat which conforms to the municipal subdivision regulations; have submitted a Subdivision Agreement for the development of the property, which agreement has been approved by the City Attorney; and have agreed to execute the Interlocal Cooperation Agreement for the maintenance and operation of the utilities, and

WHEREAS, Planning Board approval has been received.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Gretna, Nebraska, that the final plat of the afore-described real property known as Tiburon Replat VIII Lots 1 through 17 inclusive, is approved and may be filed with the Register of Deeds of Sarpy County, Nebraska.

PASSED AND APPROVED this 17th day of May 2005.

CITY OF GRETNA, NEBRASKA

Timothy J. Gilligan, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Motion by McGuire, second by Clark to approve Resolution 5-05 (3) as presented. Discussion was held regarding future large subdivisions and the amount of traffic that is being created on the local highways. Council member Clark stated that, until the widening happens on these highways, the Council needs to be aware of traffic issues being created by the new development. There being no further discussion, Mayor Gilligan called for the vote. Voting aye: Brewer, McGuire, and Clark. Voting nay: None. Motion carried.

CITY OF GRETNA, NEBRASKA
City Council
May 17, 2005

Ordinance 873 – First reading - Approval to amend the Official Zoning Map of the City of Gretna

Attorney Green read first reading of Ordinance 873 in title only as follows:

CITY OF GRETNA, NEBRASKA
ORDINANCE 873

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF GRETNA, NEBRASKA; TO REZONE A SPECIFIC PARCEL OF REAL PROPERTY; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Motion by Clark, second by McGuire to introduce and approve first reading of Ordinance 873 as presented. Voting aye: Clark, Brewer, and McGuire. Voting nay: None. Motion carried.

ORDINANCES AND RESOLUTIONS:

- A). Ordinance 871 - Final Reading - De-Annexation of Lot 2, Fenton Addition Replat 2

Attorney Green read Ordinance 871 – final reading – in title only as follows:

CITY OF GRETNA, NEBRASKA
ORDINANCE NO. 871

AN ORDINANCE REDUCING THE LIMITS OF THE CITY OF GRETNA, NEBRASKA, OVER CERTAIN LAND IN SARPY COUNTY, NEBRASKA, AND DE-ANNEXING SAME FROM THE CITY OF GRETNA, AND TO PROVIDE THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF GRETNA, SARPY COUNTY, NEBRASKA:

Section 1. That the corporate limits of the City of Gretna be reduced and that there be excluded and de-annexed therein the following described lands in Sarpy County, Nebraska, which presently are within the city limits of the City of Gretna, as it now exists:

Lot 2, Fenton Addition Replat 2, City of Gretna, Sarpy County, Nebraska, as surveyed, platted and recorded.

The said territory upon taking effect of this ordinance shall be de-annexed and removed from the corporate limits of the City of Gretna, Nebraska, and no longer subject to the jurisdiction thereof and its laws and ordinances except those that apply to extraterritorial areas.

CITY OF GRETNA, NEBRASKA
City Council
May 17, 2005

Section 2. This ordinance shall be in full force and take effect after its passage, approval and publication or posting as required by law.

Section 3. That any other ordinance passed or approved prior to the passage, approval or publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

PASSED AND APPROVED this 17th day of May, 2005.

CITY OF GRETNA, NEBRASKA

Timothy J. Gilligan, Mayor

ATTEST:

Pamela A. Buehe, CMC
City Clerk

Motion by McGuire, second by Clark to approve final reading of Ordinance 871 as presented. Voting aye: Brewer, Clark, and McGuire. Voting nay: None. Motion carried.

- B). Resolution 5-05 (4) Amendment to personnel policies manual, Section 5-7 Personal Leave

Attorney Green read Resolution 5-05 (4) as follows:

CITY OF GRETNA, NEBRASKA
RESOLUTION 5-05 (4)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRETNA, NEBRASKA, AMENDING THE PERSONNEL POLICIES MANUAL, SECTION 5-7 PERSONAL LEAVE, FOR THE CITY OF GRETNA.

WHEREAS, the original Personnel Policies Manual was put into effect on March 10, 1986, as a result of Resolution 3-86 (1), and REVISED IN ITS ENTIRETY BY Resolution 3-00 (1); and amended by Resolution 5-01 (3) on May 15, 2001; Resolution 7-03 (2) on July 15, 2003; and Resolution 10-03 (3) on October 07, 2003; and Resolution 4-04 (1) on April 20, 2004.

WHEREAS, the Personnel Policies Manual, is not intended to be a contract and will not and is not intended to alter the employment of employees of the Municipality, to serve as a set of rules and obligations as might be defined in a legal contract, and

WHEREAS, the purpose of the policy is as follows:

- a). to establish an efficient, functional system of salary schedules based on merit principles;
- b). to fairly compensate employees and give recognition for efficient service; and
- c). to guide employees; advancement within their classifications as set in the

CITY OF GRETNA, NEBRASKA
City Council
May 17, 2005

Personnel Policies Manual,

WHEREAS, the City wishes to amend Section 5-7, Personal Leave to read as follows:

Eligibility: All full-time employees shall be eligible for three (3) paid personal leave days per calendar year. Regular part-time employees shall be eligible for three (3) paid personal leave days per calendar year on a pro-rata basis according to the hours worked.

Use: Use of accrued personal leave shall be limited by the following:

- a). Personal leave may be used after one (1) year of employment. New hire probationary employees are ineligible for personal leave.
- b). Pay may be granted in lieu of paid personal leave, and personal leave may be carried over from year-to year.
- c). Payment of personal leave shall be in increments of one (1) hour.
- d). Forfeiture: Employees may forfeit their right to receive personal leave benefits when their employment is terminated if they fail to provide two weeks' notice of voluntary resignation (personal leave may not be used in lieu of notice)

BE IT HEREBY RESOLVED by the Mayor and the City Council that the City, by this Resolution, adopts and places into effect as of May 17, 2005 the amended Personal Leave section of the Personnel Manual, to provide useful information which hopefully will contribute to the harmonious and efficient operation of the City, but is not a contract and is not intended to be a set of binding rules and obligations as might be defined in a legal contract, nor is said Personal Leave for Gretna, Nebraska, intended to alter the employment at will status of its employees. The Personnel Policies Manual for Gretna, Nebraska, may be modified from time to time by Resolution of the City of Gretna.

PASSED AND APPROVED this 17th day of May 2005.

CITY OF GRETNA, NEBRASKA

ATTEST:

Timothy J. Gilligan, Mayor

Pamela A. Buethe, CMC
City Clerk

Motion by McGuire, second by Clark to approve Resolution 5-05 (4) as presented.
Voting aye: McGuire, Brewer, and Clark. Voting nay: None. Motion carried.

AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }

} SS.

County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, May 4, 2011

Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.



Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

**SARPY COUNTY
DEPARTMENT OF PLANNING**
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Rebecca Homer, Director

**NOTICE OF PUBLIC HEARING
SARPY COUNTY
PLANNING COMMISSION**

Today's Date 05-03-2011

Signed in my presence and sworn to before me:

Notice is hereby given that a regular meeting of the Sarpy County Planning

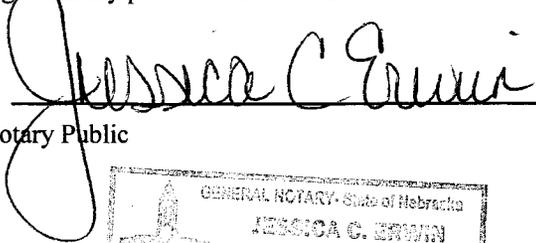
Commission will be held on Wednesday, May 18, 2011 at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Dwayne & Linda Lutz, 16202 S. 168th St. requests a Change of Zone from AG to AGD on property legally known as Tax Lot 1, EXC RD Row, SE 1/4 of Section 21, Township 13N, Range 11E of the 6th P.M. Sarpy County, Nebraska. (168 and Pflug)

Michael & Andrea Schomaker, 18203 Buffalo Rd. request a Change of Zone from AG to REII, Preliminary Plat 2 lots, and Final Plat 2 lots on the following property, NE 1/4, Section 5, Township 12N, Range 11E of the 6th P.M. Sarpy County, Nebraska. (18203 Buffalo Rd.)

Sarpy County requests a change of zone from RS-100 to RD 50 with a PTD overlay on properties legally known as Lots 1-17, Tiburon Replat VIII, NW 1/4 of Section 28, Township 14N, Range 11E of the 6th P.M. Sarpy County, Nebraska. (180 and Comhusker)

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.
1372248; 5/4



Notary Public

GENERAL NOTARY - State of Nebraska
JESSICA C. ERWIN
My Comm. Exp. Mar. 12, 2013

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SARPY COUNTY
PLANNING DEPARTMENT

