

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

APPROVE PRELIMINARY PLAT – LINOMA LIGHTHOUSE

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 of Commissioners (County Board); and,

WHEREAS, the County Board has the authority to adopt Subdivision Regulations, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-374 (Reissue 2007); and,

WHEREAS, said Subdivision Regulations require the County Board to approve applications for preliminary plats; and

WHEREAS, the applicant, Linoma Lighthouse LLC has applied for approval of a preliminary plat of a subdivision to be known as Linoma Lighthouse on property generally located at southeast of the intersection of Platte River and Highway 6 with a legal description as follows:

Tax Lot “C1” and Tax Lot “C2” in the S ½ of Section 29, T13 N, R10E of
the 6th P.M., Sarpy County, NE.

WHEREAS, Scott Bovick, Deputy County Administrator has reviewed the application of the preliminary plat of a subdivision to be known as Linoma Lighthouse for compliance with the Subdivision Regulations; and

WHEREAS, the Deputy County Administrator has made a recommendation of approval as noted in Exhibit A, attached hereto and incorporated by reference, which Exhibit A includes the Deputy County Administrator report, the aerial map of the subject property and a copy of the preliminary plat of the subdivision to be known as Linoma Lighthouse.

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

- I. A public hearing regarding the approval of the preliminary plat was held on September 21, 2011 before the Sarpy County Planning Commission. The Planning Commission provided their recommendation to the County Board.

- II. A public hearing regarding the approval of the preliminary plat was held by this County 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.
- IV. The Deputy County Administrator recommends approval.
- V. The proposed preliminary plat of a subdivision to be known as Linoma Lighthouse is in conformity with the Zoning Regulations, the Subdivision Regulations and the Sarpy County Comprehensive Plan;

BE IT FURTHER RESOLVED THAT the preliminary plat of a subdivision to be known as Linoma Lighthouse, as described in the attached Exhibit A is hereby approved.

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 18th day of October, 2011.



Sarpy County Board Chairman





County Clerk

**SARPY COUNTY
COUNTY BOARD
STAFF REPORT
OCTOBER 18, 2011
PRELIMINARY & FINAL PLAT – LINOMA LIGHTHOUSE SUBDIVISION
PP 11-0005 & FP 11-0006**

I. GENERAL INFORMATION

A. APPLICANT: Linoma Lighthouse LLC, David N. Lutton, Manager
1442 Silver Street
Ashland, NE 68003

B. PROPERTY OWNER: Same as Applicant

C. LOCATION: 17106 South 255th Street, southeast of intersection of Platte River and Highway 6.

D. LEGAL DESCRIPTION: Tax Lot “C1” and Tax Lot “C2” in the S ½ of Section 29, T13 N, R10E of the 6th P.M., Sarpy County, NE

E. REQUESTED ACTION: To approve a preliminary plat and final plat of a subdivision of Tax Lots C1 and C2 into three lots to be called Linoma Lighthouse Subdivision.

F. EXISTING ZONING AND LAND USE: BG FP – General Commercial Floodplain, with commercial and recreational uses on the property, all of which are located in the Floodway.

G. SIZE OF SITE: 56.52 acres, more or less.

II. BACKGROUND INFORMATION

A. COMPREHENSIVE PLAN SPECIFICATIONS:

- The Comprehensive Plan shows the area as Greenway and located in Development Plan Policy Tier 9 and the Platte River Environmental Development District (Figures 5.1, 4.5 and 4.6).
- The area will not have urban services, and should maintain open or agricultural integrity. The Platte River Environmental development district projects public open space and public facilities, agriculture, resource extraction with remediation, agricultural and very low density residential with a possibility of comprehensively planned developments designed for resource conservation.
- Highway 6 is classified as a Rural Minor Arterial, projected to be a Major Arterial (Fig. 6.1, 6.3)

B. EXISTING CONDITION OF SITE: There are several structures and uses on the property including a lighthouse, restaurant, recreational vehicles, a lake and various parking areas with multiple accesses off of 255th Street and an access to the lighthouse from Highway 6.

C. GENERAL VICINITY AND LAND USE: The Beacon View lake neighborhood is north, the Thomas Riverside Acres lake neighborhood is south, and a sand pit site is east of 255th Street.

D. RELEVANT CASE HISTORY: Uses and layout of the property has been the same for some time.

E. APPLICABLE REGULATIONS: Zoning and Subdivision Regulations and Comprehensive Plan.

III. ANALYSIS AND DEVELOPMENT ALTERNATIVES

STAFF COMMENTS:

A. REQUEST: This is a request to approve a preliminary plat and final plat.

B. LAND USE/COMPREHENSIVE PLAN: The Comprehensive Plan indicates the area as Greenway

C. GENERAL:

1. Zoning:

- a. The property is currently zoned BG – General Commercial District and the current uses (restaurants, recreational establishments and uses) are permitted in the BG District.
- b. All three lots meet the minimum lot area requirement of 7,200 square feet
- c. The lighthouse on Lot 2 and the “garage” and “cabin” on Lot 1 are legal non-conforming structures (i.e. grandfathered) as they do not currently meet the front yard setback. They will retain their legal non-conforming status after the new subdivision is platted.
- d. Applicant has been notified that they must obtain a special use permit should they decide to operate a drinking establishment or have retail alcohol sales on the property.

2. Preliminary and Final Plat:

- a. The applicant proposes to plat two tax lots into three subdivision lots.
 - i. Lot 1 is 5.19 acres and contains the restaurant, concession stand, cabin, garage, and main public beach with access off of 255th Street.
 - ii. Lot 2 is a 0.33 acre lot with only the lighthouse on it. The property owners are interested in placing the lighthouse on the National Register of Historic Places. The lighthouse lot currently has access from Highway 6, but in case that access should go away in the future, the applicant has provided an access easement from 255th Street over Lot 1 to Lot 2.
 - iii. Lot 3 is 49.16 acres and consists of the majority of the lake and the camping and recreational vehicle area and has a small cabin and small shed on it.
- b. According to Section 30 of Sarpy County’s Flood Plain District regulations, recreational vehicles can only be on the site for less than 180 days unless they are anchored as a “mobile home” and meet the permitting, elevation, and anchoring requirements.
- c. The properties are served by existing private water wells and individual septic systems.
- d. Since the property is in the Floodway and subject to the Floodplain regulations, the owners’ ability to develop future structures is limited. However, the new owners would like to utilize the property to its full potential by restoring the lighthouse, enhancing the restaurant operation, and providing better property management.

IV. RECOMMENDATION:

Planning Commission, September 21, 2011: Bliss moved, seconded by Wear, to **recommend approval of the Preliminary Plat** for Linoma Lighthouse Subdivision as the plat conforms to the Sarpy County Zoning and Subdivision Regulations. Ballot: Ayes – Bliss, Mohr, Fenster, Labart, Lichter, Stuart, Vanek, Torczon, Wear and Whitfield. Nays – none. Abstain – none. Absent – Thompson. Motion carried (10-0)

Planning Commission, September 21, 2011: Bliss moved, seconded by Vanek, to **recommend approval of the Final Plat** for Linoma Lighthouse Subdivision as the plat conforms to the Sarpy County Zoning and Subdivision Regulations. Ballot: Ayes – Bliss, Mohr, Fenster, Labart, Lichter, Stuart, Vanek, Torczon, Wear and Whitfield. Nays – none. Abstain – none. Absent – Thompson. Motion carried (10-0)

Staff recommends approval to the Preliminary Plat and Final Plat of Linoma Lighthouse Subdivision as it conforms to Sarpy County’s Zoning and Subdivision Regulations.

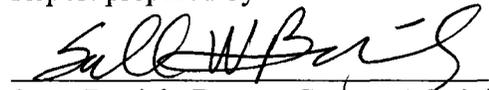
V. COPIES OF REPORT TO:

Applicant and Public upon request

VI. ATTACHMENTS:

Application, Preliminary and Final Plat, and Aerial

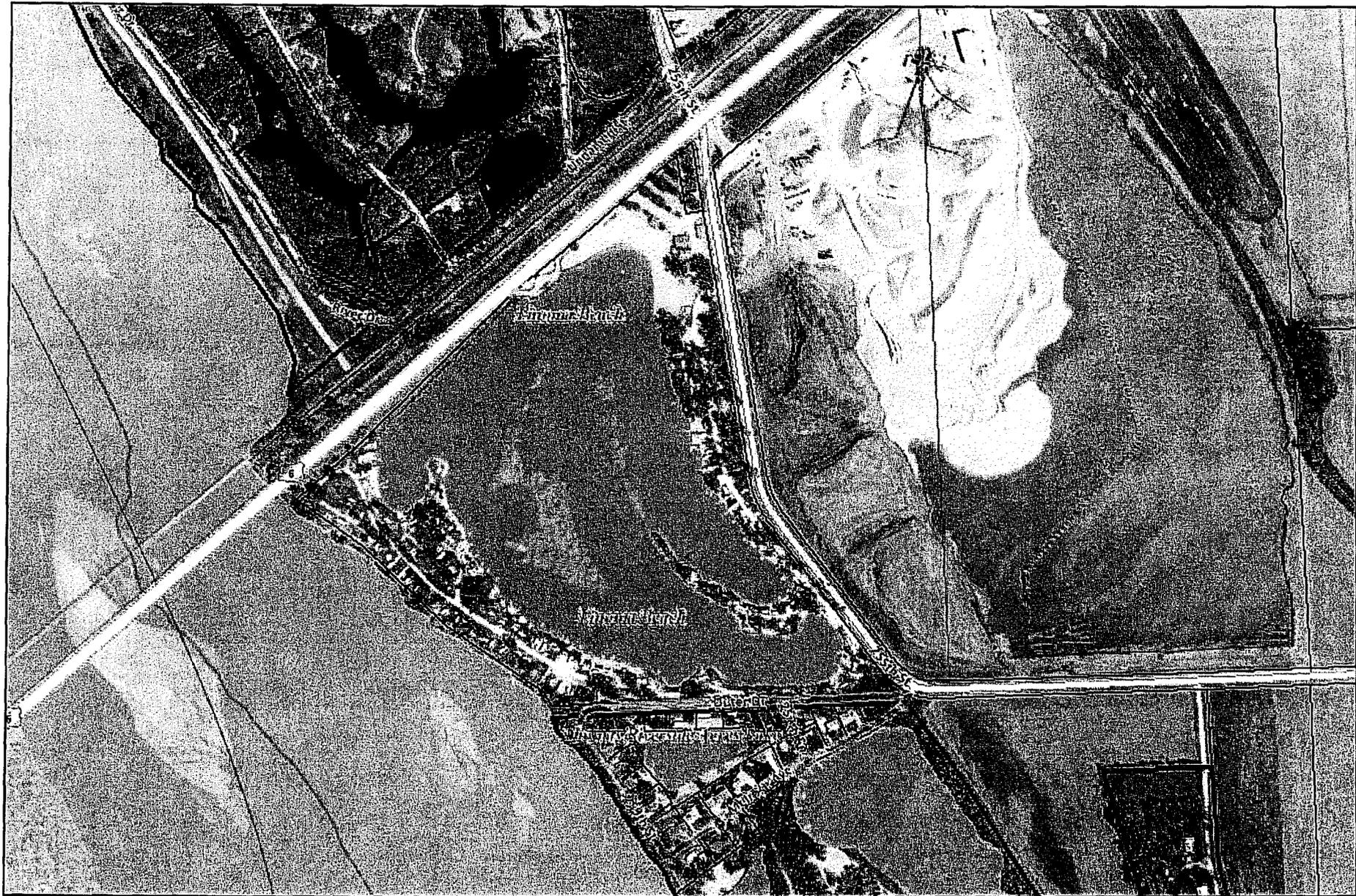
Report prepared by:

A handwritten signature in black ink, appearing to read "Scott Bovick", written over a horizontal line.

Scott Bovick, Deputy County Administrator

Report reviewed by Planning Consultants Steve Jensen and Tom Blair

Sarpy County, Nebraska



Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 511 feet

8/31/2011

PRELIMINARY PLAT "LINOMA LIGHTHOUSE SUBDIVISION"

WATER:
INDIVIDUAL WELLS

SEWAGE:
INDIVIDUAL SEPTIC TANKS

BUILDING SETBACK REQUIREMENTS:
85' FRONT YARD
10' SIDE YARD
85' REAR YARD

◎ LAND CORNER POINT
□ TREE SYMBOL
M = MEASURING DISTANCE



SURVEYOR'S CERTIFICATE
I, JEREMY A. CHARLES, A REGISTERED LAND SURVEYOR IN THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF A SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION. PERMANENT MARKERS HAVE BEEN PLACED ON SET AT ALL CORNERS AS SHOWN ON THE PLAT AND ARE DESCRIBED IN THE LEGEND. ALL BEARINGS SHOWN ON THIS PLAT ARE ASSUMED AND WERE USED FOR DESCRIPTIVE PURPOSES ONLY. THEY SHOULD NOT BE RELIED ON TO DETERMINE CORONAL DIRECTIONS. ALL ANGLES AND DISTANCES WERE MEASURED WITH A HIGH MODEL DISTANCE TOTAL STATION IN ACCORD WITH 20-FOOT NOKIA NIVELAD TAPE.

JEREMY A. CHARLES, L.S.#14

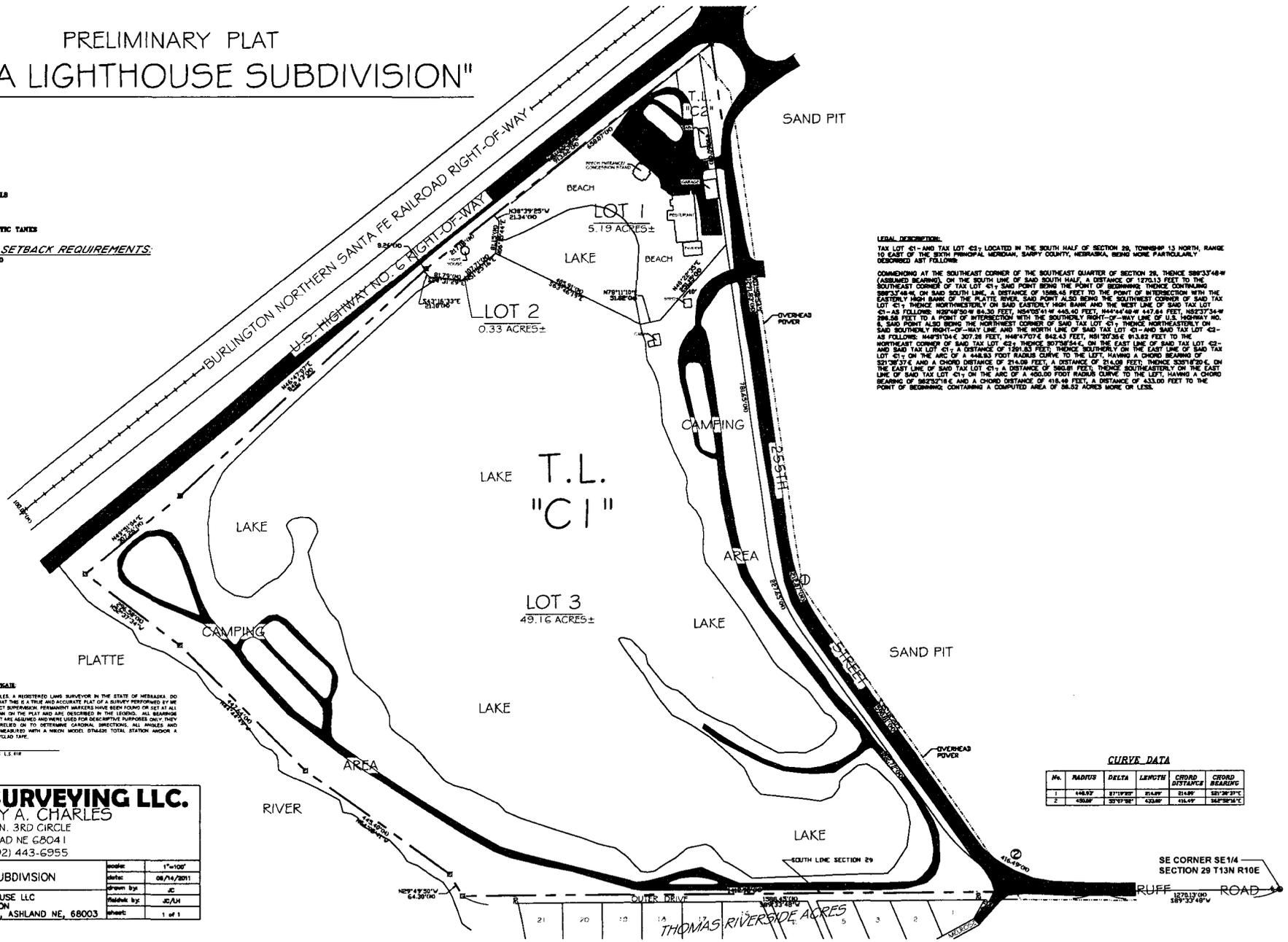
CHARLES SURVEYING LLC.

JEREMY A. CHARLES
21 N. 3RD CIRCLE
MEAD NE 68041
(402) 443-6955

LINOMA LIGHTHOUSE SUBDIVISION

SUBDIVIDER: LINOMA LIGHTHOUSE LLC
C/O DAVE LUITON
1442 SILVER ST., ASHLAND NE, 68003

Scale:	1"=100'
Date:	08/14/2011
Drawn by:	JC
Checked by:	JAC/AM
Sheet:	1 of 1



LEGAL DESCRIPTION:

TAX LOT 41- AND TAX LOT 42- LOCATED IN THE SOUTH HALF OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE 5TH PRINCIPAL MERIDIAN, SHERIDAN COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 29, THENCE S89°37'48"W (AS SHOWN BEARING) ON THE SOUTH LINE OF SAID SOUTH HALF, A DISTANCE OF 1770.13 FEET TO THE SOUTHEAST CORNER OF TAX LOT 41- SAND POINT BEING THE POINT OF BEGINNING; THENCE CONTAINING S89°37'48"W ON SAID SOUTH LINE, A DISTANCE OF 1588.45 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY HIGH BANK OF THE PLATTE RIVER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TAX LOT 41- THENCE NORTHWESTERLY ON SAID EASTERLY HIGH BANK AND THE WEST LINE OF SAID TAX LOT 41- AS FOLLOWS: N02°46'50"W 84.30 FEET, N64°54'41"W 445.40 FEET, N44°44'42"W 447.84 FEET, N52°27'34"W 288.88 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 6, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID TAX LOT 41- THENCE NORTHWESTERLY ON SAID SOUTHERLY RIGHT-OF-WAY LINE AND THE NORTH LINE OF SAID TAX LOT 41- AND SAID TAX LOT 42- AS FOLLOWS: N41°05'50"W 84.30 FEET, N44°44'42"W 447.84 FEET, N52°27'34"W 288.88 FEET TO THE NORTHEAST CORNER OF SAID TAX LOT 42- THENCE S07°08'54"E ON THE EAST LINE OF SAID TAX LOT 42- AND SAID TAX LOT 41- A DISTANCE OF 1704.58 FEET; THENCE SOUTHWESTERLY ON THE EAST LINE OF SAID TAX LOT 41- ON THE ARC OF A 448.83 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING OF S17°05'18"E AND A CHORD DISTANCE OF 214.09 FEET; A DISTANCE OF 214.09 FEET, THENCE S20°12'02"E ON THE EAST LINE OF SAID TAX LOT 41- A DISTANCE OF 580.81 FEET; THENCE SOUTHWESTERLY ON THE EAST LINE OF SAID TAX LOT 41- ON THE ARC OF A 448.83 FOOT RADIUS CURVE TO THE LEFT, HAVING A CHORD BEARING OF S07°27'18"E AND A CHORD DISTANCE OF 418.46 FEET, A DISTANCE OF 433.00 FEET TO THE POINT OF BEGINNING, CONTAINING A COMPUTED AREA OF 58.52 ACRES MORE OR LESS.

CURVE DATA

No.	RADIUS	DELTA	LENGTH	CHORD DISTANCE	CHORD BEARING
1	448.83	87°09'21"	214.09	214.09	S17°05'18"E
2	448.83	87°09'21"	418.46	418.46	S07°27'18"E

SE CORNER SE1/4
SECTION 29 T13N R10E

12713.00
589.37'± W

THOMAS RIVERSIDE ACRES

ADDITIONAL INFORMATION

SARPY COUNTY BOARD OF COMMISSIONERS

October 18, 2011

PRELIMINARY PLAT

LINOMA LIGHTHOUSE

17106 S 255TH STREET-Tax Lots C1 and C2 in 29-13-10

Southeast of intersection of Platte River and Hwy 6

Linoma Lighthouse, LLC



SARPY COUNTY PLANNING

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

PRELIMINARY PLAT APPLICATION

<p>In order for your application to be considered COMPLETE, please answer all applicable questions and provide the following:</p> <ol style="list-style-type: none"> 1. Submit complete Preliminary Plat Application 2. Submit Non-Refundable Fee of \$ <u>200</u> made payable to Sarpy County Treasurer 3. 1 reduced size site plan drawing (8.5 x 11) 4. 1 Electronic copy of the plat drawing (PDF) 5. 25 full sized, folded plat drawings 6. Preliminary Drainage Plan 7. 5 copies proposed Post- Construction Storm Water Management Plan 	<p>PLANNING STAFF USE ONLY:</p> <p>APPLICATION NO.: _____ DATE RECEIVED: _____ CP DESIGNATION: _____ ZONING DESIGNATION: _____ FEE: \$ _____ RECEIPT NO. _____ RECEIVED BY: _____ NOTES: _____</p> <p><u>Please review sections 5 and 6 of the Sarpy County Subdivision Regulations for complete Preliminary Plat process requirements.</u></p>
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APPLICANT INFORMATION: DAVID N Lutton Manager

NAME: LINOMA Lighthouse LLC E-MAIL: luttonlaw@yahoo.com
ADDRESS: 1442 Silver St CITY/STATE/ZIP: ASHLAND, NE 68003

MAILING (IF DIFFERENT) ADDRESS: _____ CITY/STATE/ZIP: _____
PHONE: 402 944 3383 FAX: 402 944 2211

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

Please check box if attaching separate sheet with owner information. SAME AS ABOVE

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

ENGINEER INFORMATION:

NAME: Jerry Charles Surveyor E-MAIL: _____
ADDRESS: 21 N 3rd CITY/STATE/ZIP: Wahoo, NE 68066
MAILING (IF DIFFERENT) ADDRESS: _____ CITY/STATE/ZIP: _____
PHONE: 402-443-6955 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.

Subdividing Linoma Property To set ASIDE Lighthouse
To Transfer To Non Profit Corporation AND Beach for
Liability Purposes

PLAT 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.

PLAT NAME: Linoma Lighthouse Subdivision

ASSESSOR'S PARCEL NUMBER: 011077875

CURRENT ZONING: _____

ADDITIONAL PARCEL NUMBERS 010398473

GEN. PROP. LOCATION*: 17106 S 255th S
*example 189th & Giles Rd Gnotna, NE 68023

LEGAL DESCRIPTION: (Describe property to wit:)
tax lot C1 & C2 in the S 1/2 29-13-10
Sarpy City, NE

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.

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 Preliminary Plat.
3. All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Preliminary Plat 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 Preliminary Plat process as stated above and I authorize County Staff to enter the property for inspection related to the specific request during this process.

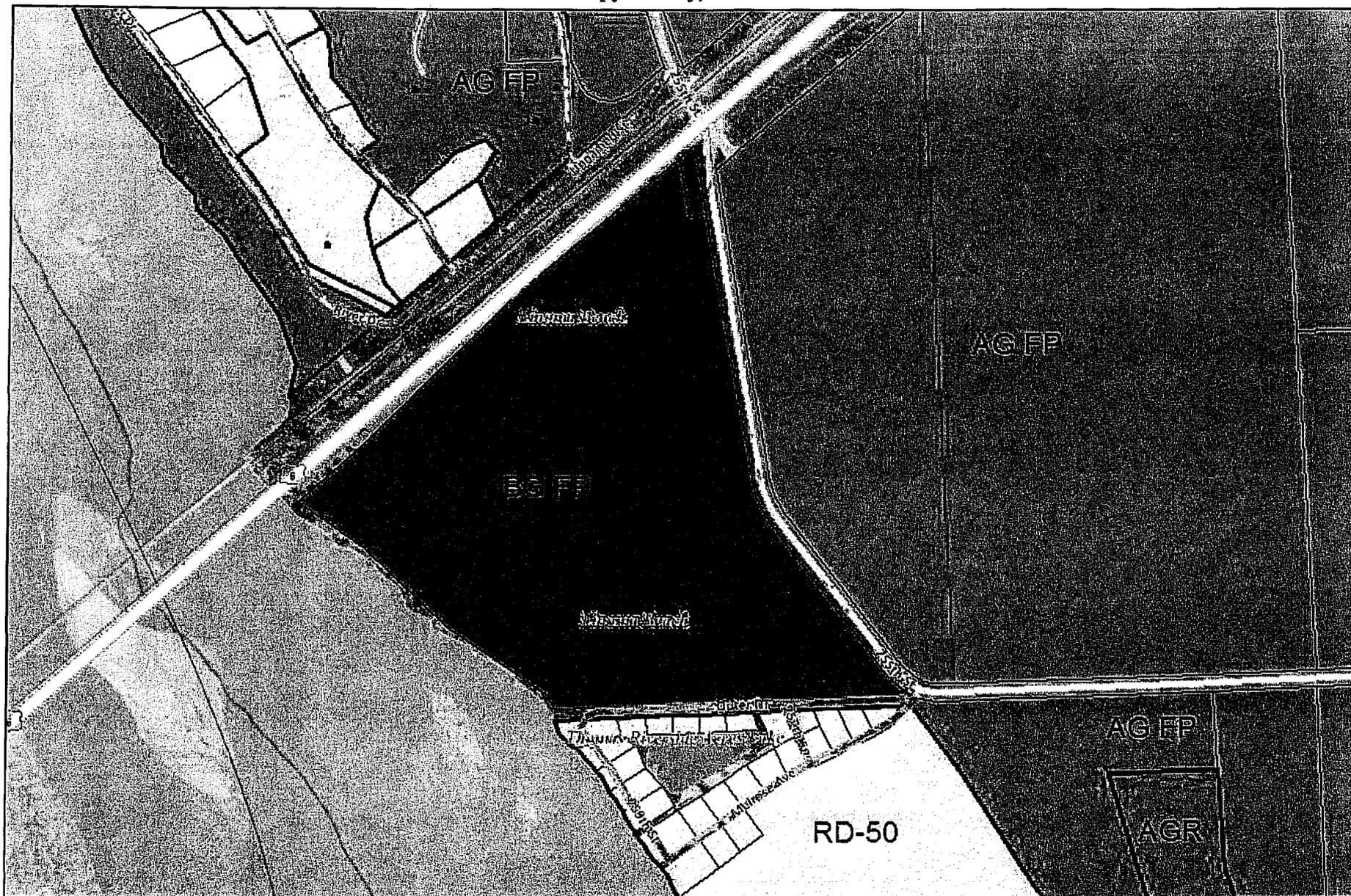
[Signature]
Owner Signature (or authorized agent)

8/11/11
Date

Owner Signature (or authorized agent)

Date

Sarpy County, Nebraska



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Map Scale
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8/31/2011

Sarpy County, Nebraska

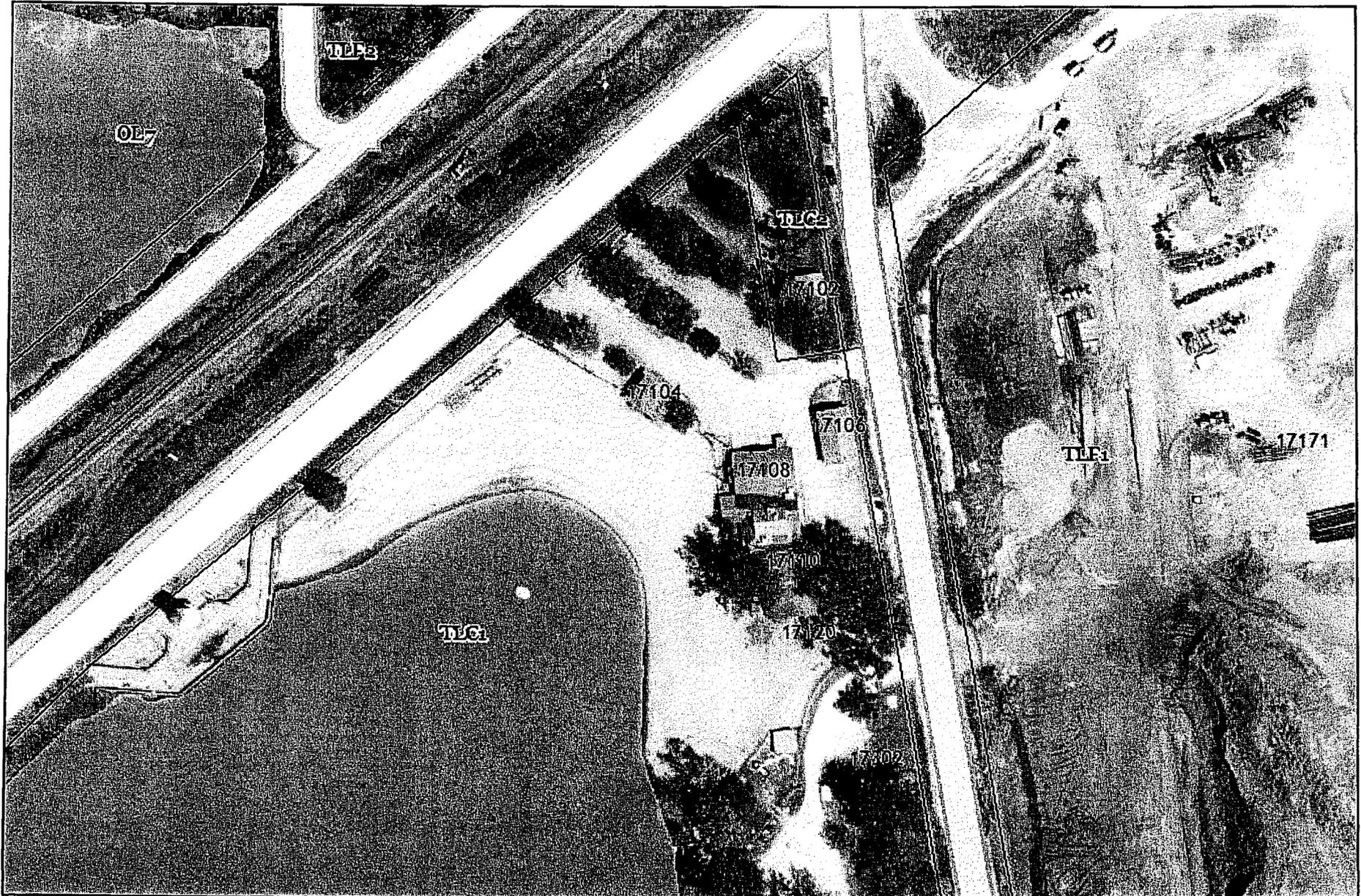


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Sarpy County, Nebraska



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Map Scale
1 inch = 128 feet

8/31/2011

August 22, 2011

Scott Bovick, Deputy County Administrator
Sarpy County Planning Department
1210 Golden Gate Drive
Papillion, NE 68046



RE: Linoma Lighthouse Subdivision – Preliminary and Final Plat

Dear Mr. Bovick:

The District has reviewed the preliminary and final plat applications for Linoma Lighthouse Subdivision, located south of Highway 6 on the Platte River in Sarpy County, Nebraska. The plat entails subdividing the existing lot to separate the lighthouse and beach areas for liability purposes. The District offers the following comments on this project:

- According to the FEMA Digital Flood Insurance Rate Map (DFIRM) for Sarpy County, Panel 31153 C 0150 G, effective December 2, 2005, this property is located wholly within the floodway of the Platte River. Any future projects on this site must conform to all current floodway development standards as set forth in Sarpy County Zoning Regulations.

If you have any questions or concerns, please contact me at 444-6222 or at llaster@papionrd.org.

Sincerely,

Lori Ann Laster, CFM
Stormwater Management Engineer

Cc: Marlin Petermann, Amanda Grint, P-MRNRD

Project: 535 Reach: 10-1

AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }
 } SS.
County of Sarpy }

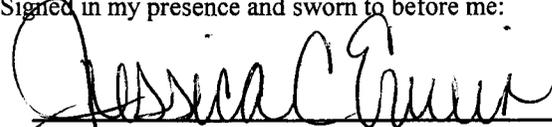
Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, legal newspapers of general circulation in Sarpy County, Nebraska, 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:

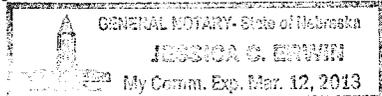
Wednesday, September 7, 2011
Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

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

Today's Date 09-06-2011
Signed in my presence and sworn to before me:


Notary Public


Printer's Fee \$ 25.68
Customer Number: 40638
Order Number: 0001422847

SEP 15 2011

SARPY COUNTY
PLANNING DEPARTMENT

SARPY COUNTY DEPARTMENT OF PLANNING
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046
Phone (402) 593-1555
Fax (402) 593-1558
Scott Bovick, Deputy County Administrator

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

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Wednesday, September 21, 2011, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

NS-Hwy 370, LLC, 6336 Renshing Drive, Omaha, requests approval of a Change of Zone from RG-25 to RG-15 on the property legally described as Lot 1, Ballena Replat 1, located in Section 28, T14N, R11E of the 6th P.M., Sarpy County, Nebraska.

Linoma Lighthouse, LLC, 1442 Silver St, Ashland, Nebraska, requests approval of a Preliminary and Final Plat for a subdivision to be known as Linoma Lighthouse Subdivision on property legally described as Tax Lot "C1" and Tax Lot "C2" in the S1/2 of Section 29, T13N, R10E of the 6th P.M., Sarpy County, Nebraska.

CR Investments, Inc., 14002 L Street, Omaha, request approval of a Revised Preliminary and Final Plat for a subdivision to be known as Sunridge West on property legally described as the NW1/4 of the NE1/4 of Sec 17, T14N, R11E of the 6th P.M., Sarpy County, Nebraska.

Rogers Development, Inc., 8250 Grover St, Omaha, requests approval of a Change of Zone from AG to BG (General Business) and RG-15 (General Residential) and a Preliminary Plat for a subdivision to be known as Pebbleprooke on property legally described as Tax Lot 10A except right-of-way in Part of the NE1/4 of Section 33, T14N, R11E of the 6th P.M., Sarpy County, Nebraska.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.
1422847: 9/7