

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION: SPECIAL USE PERMIT – Grinch Enterprises, LLC,
15602 Fairview Road, Gretna, NE 68028

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 Special Use Permits; and

WHEREAS, the Planning Department has reviewed the Terry & Gail Hughes/Grinch Enterprises, LLC Special Use Permit application to allow a tree care and composting operation in an AG zoning district generally located at 156th and Fairview Road and legally described as follows:

Tax Lots 1, 2, and 3 in Section 10, T13N, R11E of the 6th PM in 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 amendment to the Special Use Permit was held before the Sarpy County Planning Commission on January 21, 2014 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding the Special Use Permit was held by this Board.
- III. Notice of each of the Public Hearings described above was published at least ten (10) days 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 has made a recommendation as noted in the attached Exhibit "A", which Exhibit "A" includes the Planning Department report, the operation plan, the Site Plan and an aerial view of the subject property.
- V. The zoning at the property described above is AG, Agricultural.

VI. The Special Use Permit application is in compliance with the Comprehensive Development Plan and the Sarpy County Zoning Regulations.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the Special Use Permit application for a tree care and composting operation as described in the Operation Plan for the property legally described in the attached Exhibit "A", subject to the following conditions:

1. The Special Use Permit is granted for a period of 5 years, expiring on February 28, 2019
2. The Operation Plan shall be followed.
3. The applicant reduce the number of driveways accessing Fairview Road from three (3) driveways to two (2) driveways.
4. Applicant submit and follow a Landscape Plan in compliance with Landscape Regulations in Section 37.3.2 of the Sarpy County Zoning Regulations in order to provide screening for future development in the area.

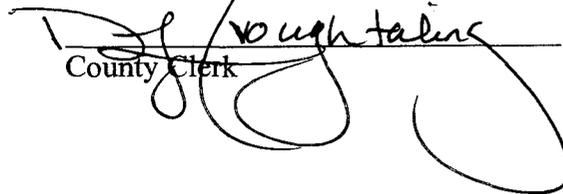
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 11th day of February, 2014.

Attest

SEAL




Sarpy County Board Chairman


County Clerk

Sarpy County Board of Commissioners
Exhibit "A"
Planning Department Report
County Board Meeting Date: February 11, 2014

Subject	Type	By
Application for a Special Use Permit to allow for the operation of a tree care and composting operation in an AG zoning district at 15602 Fairview Road, Gretna, NE 68028 (Tax Lots 1, 2, and 3 in Section 10, T13N, R 11E of the 6 th P.M. Sarpy County, Nebraska)	Public Hearing & Resolution	Donna Lynam Zoning Administrator Planning & Building Dept.

➤ **Summary and Purpose of Requests:**

- Terry and Gail Hughes and Grinch Enterprises have applied for a Special Use Permit (SUP) for their tree care and composting operation in an AG zoning district at 15602 Fairview Road, directly north of the Sarpy County Landfill.

➤ **Background and Analysis:**

- The Hughes have operated their Tree Care Service from this location, which also includes their residence, since the early 1990's but have never had a Special Use Permit.
- They eventually began working with the Landfill to assist in reducing the amount of wood being dumped in the landfill by beginning their mulching and composting operation. With the additional operations they purchased Lots 1 and 2 which once operated as Santa's Village.
- The Hughes recently applied for a building permit for an addition to an existing structure (business office) on Lot 3 and after reviewing the zoning code for compliance it was determined that a Special Use Permit was required for this type of use.
- AG zoning district allows Agricultural Waste Disposal and Storage Sites as a Special Permit Use (Section 9.2.11).
- The detailed staff report on this application was presented to the Planning Commission at their January 21, 2014 meeting and is attached for your information and review.

➤ **Staff Recommendation:**

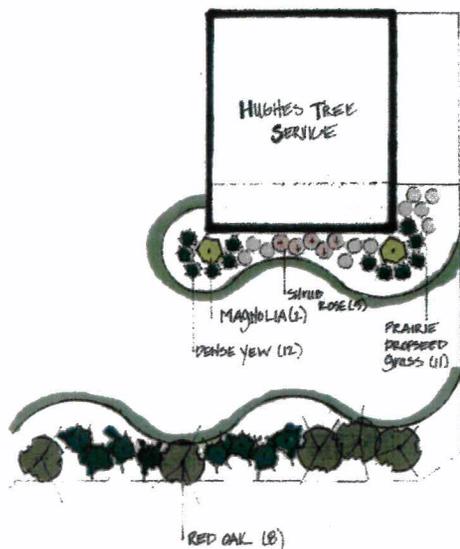
- Staff recommends **APPROVAL** of this Special Use Permit application to continue to operate a tree care and composting operation in an AG zoning district as specifically described in the Application and Operational Plan for a period of **five (5) years** from the date of approval with the following condition:
 - Applicant reduces the number of driveways accessing Fairview Road to two (2), currently has three (3)
 - Applicant begin working on the Landscape Plan as submitted to provide compliance with Section 37.3.2 Landscape Regulations and screening for future development in the area.
- Staff makes this recommendation as the application is in conformance with the Sarpy County Zoning Regulations and current Comprehensive Plan.

➤ **Planning Commission Recommendation:**

- On January 21, 2014 the Planning Commission voted 11-0 to recommend **APPROVAL** of the Special Use Permit for Terry and Gail Hughes and Grinch Enterprise as specifically described in their Operation Plan and application for a period of five (5) years.

MOTION: Lichter moved, seconded by Torczon to recommend approval of the Special Use Permit application to continue the operation of a tree care service and composting operation in an AG zoning district as specifically described in the Application and Operation Plan for a period of five (5) years from the date of approval with the following conditions: 1) Applicant reducing the number of driveways accessing Fairview Road to two (2); 2) Applicant installing landscaping along Fairview Road frontage that will comply with Section 37.3.2 of the Sarpy County Zoning Regulations and provide screening for future development in the area. This recommendation is made as the Special Use Permit is in conformance with the Agricultural Zoning District of the Sarpy County Zoning Regulations and is in compliance with the County's Comprehensive Plan.

Ballot: Ayes – *Bliss, Lichter, Huddleston, Davis, Ackley, Whitfield, Malmquist, Fenster, Torczon and Farrell.* Nays – *None.* Abstain – *None.* Absent – *Mohr.* **Motion carried.**



TERRY HUGHES TREE SERVICE SIGN



TERRY HUGHES
Tree Service
402-558-8198



**SARPY COUNTY PLANNING
& BUILDING DEPARTMENT**

RECOMMENDATION REPORT

**SPECIAL USE PERMIT APPLICATION (SUP 14-0001)
GRINCH ENTERPRISES AND TERRY & GAIL HUGHES**

***TO ALLOW FOR THE OPERATION OF A TREE CARE COMPANY
AND COMPOSTING OPERATION IN AN AG ZONING DISTRICT***

PLANNING COMMISSION HEARING OF: JANUARY 21, 2014

I. GENERAL INFORMATION

A. APPLICANT:

Terry Hughes Tree Service and Hughes Mulch Products
15602 Fairview Road
Gretna, NE 68028

B. PROPERTY OWNER:

Grinch Enterprises and Terry and Gail Hughes
15602 Fairview Road
Gretna, NE 68028

C. SUBJECT PROPERTY LOCATION: Subject property is located northwest of 156th and Fairview Road.

D. LEGAL DESCRIPTION: Tax Lots 1, 2 and 3 in Section 10, Township 13N, Range 11E of the 6th P.M., Sarpy County, NE

E. SUBJECT PROPERTY SIZE: approximately 30 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:

- Future Land Use Designation: Mixed Use and Urban Residential
- Zoning: AG (Agricultural Farming District)

G. REQUESTED ACTION(S):

- To approve a Special Use Permit to all.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The operation is currently being run on all three parcels with various buildings located throughout. The main operation of the business is located on Lots 1 and 2 and the southern half of Lot 3. The Hughes primary residence is located on Lot 3 to the north of all operations.

B. GENERAL VICINITY ZONING AND LAND USE

- North: zoned AG (Agricultural Farming District); farm ground in row crops
- South: AG (Agricultural Farming District); Sarpy County Landfill
- East: zoned AG (Agricultural Farming District); farm residences and farm ground in row crops
- West: zoned AG (Agricultural Farming District); farm residence and farm ground in row crops

C. RELEVANT CASE INFORMATION:

- Terry and Gail Hughes have applied for a Special Use Permit (SUP) for their tree care and composting operation located on and around their acreage property at 15602 Fairview Road. (north of the Sarpy County Landfill).
- The Hughes have operated their Tree Care Service from this location since the early 1990's but have never had a Special Use Permit.
- They eventually began working with the Landfill to assist in reducing the amount of wood being dumped by beginning their mulching and composting operation and bought Lots 1 and 2 which once operated as Santa's Village.
- The Hughes recently applied for a building permit for an addition to an existing structure on Lot 3 and after reviewing the zoning code for compliance it was determined that a Special Use Permit was required for this type of use.

D. APPLICABLE REGULATIONS:

- Sarpy County Comprehensive Plan
- Sarpy County Zoning Regulations:
 - Section 9 – AG (Agricultural Farming) District
 - Section 37 – Landscaping Regulations
 - Section 41– Special Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

- The Comprehensive Plan future land use map designates this area as Mixed Use and Urban Residential.

B. TRAFFIC AND ACCESS:

- Access to the site is from Fairview Road. There are currently three points that would allow access to the site and we would request that the property owner look at reducing this to two points.

C. OTHER AGENCY REVIEW/COMMENTS:

- The application was sent to area jurisdictional agencies or departments that may have an interest. The only feedback received is noted below. All other responses received indicated no comments or objections to the application.
 - The City of Springfield inquired about the term of the Special Use Permit. Staff advised the City Clerk that the term of the SUP would be considered by the board. It was noted that a copy of the Staff Report would be sent once prepared.

D. GENERAL INFORMATION:

- The applicant's Operation Plan contains the following information:
 - Two Organizations – Tree Care Company and Composting Operation
 - Two organizations combined employ approximately 30 people
 - Hours of Operation
 - Monday – Friday 7:00 am to 5:30 pm
 - Saturday - 7:00 am to noon (March 15 to November 15 only)
 - They accept tree and yard waste only (NO food, human or animal waste)
 - 30 employees assemble on site at 7:00 am, all but approximately 8 spend the majority of their time at other job sites
- The Planning and Building Department has no record of any complaints being received regarding the property or operation.

IV. STAFF COMMENTS AND RECOMMENDATIONS:

- Staff would recommend that the applicant install landscaping along Fairview Road frontage to be consistent with Landscaping Regulations in Section 37.3.2 of the Sarpy County Zoning Regulations. This will provide screening and reduce potential negative impact from the public right-of-way when future development occurs.
 - *Section 37.3.2 in the County's Landscaping Regulations states:*
"Commercial/Industrial, Office, and Business Developments shall provide a 20' landscaped buffer adjacent to any street or highway and along the entire perimeter of the development.
 - (A) *Plant materials shall include at least one deciduous shade or one ornamental deciduous tree and three shrubs for every forty linear feet of adjacent area.*
 - (B) *A landscaped earth berm not exceeding six feet in height may be used in combination with the plant materials but shall not substitute for trees adjacent to any street or highway."*
- Staff recommends **APPROVAL** of this Special Use Permit application to continue to operate a tree care service and composting operation in an AG zoning district as specifically described in the Application and Operational Plan for a period of five (5) years from the date of approval with the following conditions:
 - Applicant reduce the number of driveways accessing Fairview Road to two (2)
 - Applicant begin working on a Landscape Plan that will comply with Section 37.3.2 of the Sarpy County Zoning Regulations and provide screening for future development in the area.

Staff makes this recommendation as the request is in conformance with the Agricultural Zoning District of the Sarpy County Zoning Regulations and complies with the current Comprehensive Plan

V. PLANNING COMMISSION RECOMMENDATION:

Motion: Lichter moved, seconded by Torczon to recommend approval of the Special Use Permit application to continue the operation of a tree care service and composting operation in an AG zoning district as specifically described in the Application and Operation Plan for a period of five (5) years from the date of approval with the following conditions: 1) Applicant reducing the number of driveways accessing Fairview Road to two (2); 2) Applicant installing landscaping along Fairview Road frontage that will comply with Section 37.3.2 of the Sarpy County Zoning Regulations and provide screening for future development in the area. This recommendation is made as the Special Use Permit is in conformance with the Agricultural Zoning District of the Sarpy County Zoning Regulations and is in compliance with the County's Comprehensive Plan. **Ballot:** Ayes – Bliss, Lichter, Huddleston, Davis, Ackley, Whitfield, Malmquist, Fenster, Torczon and Farrell. Nays – None. Abstain – None. Absent – Mohr. **Motion carried.**

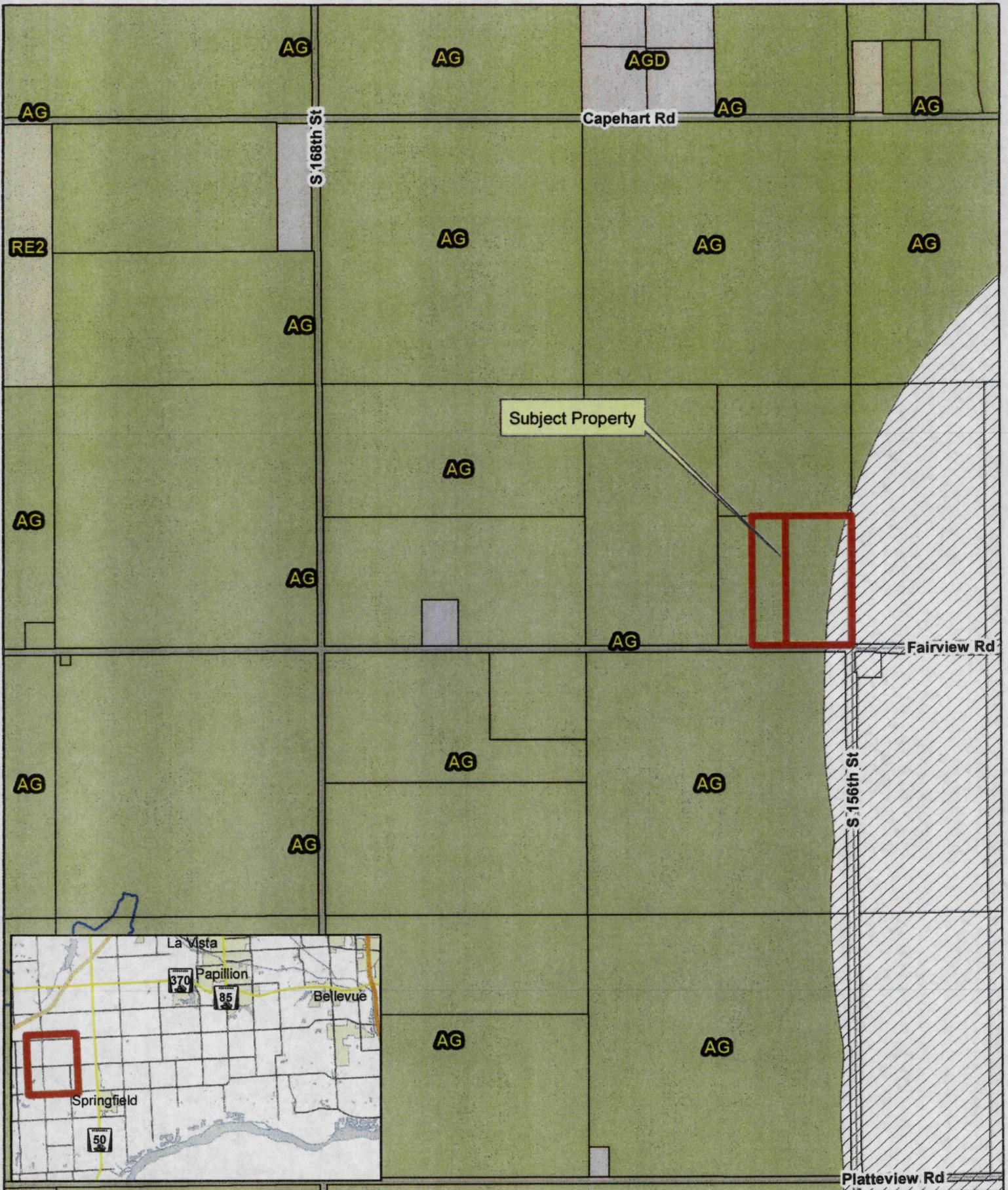
VI. ATTACHMENTS TO REPORT:

1. Sarpy County Current Zoning Map
2. Current Development Structure Plan – Figure 5.1 of Sarpy Co. Comprehensive Plan (Future Land Use Map)
3. SUP Application and Operation Plan

VII. COPIES OF REPORT PROVIDED TO:

1. Harold & Susan Keefer (applicants)
2. Public Upon Request

Report prepared by: Donna Lynam, Zoning Administrator – Planning and Building Department
Reviewed and approved by: Bruce Fountain, Planning Director

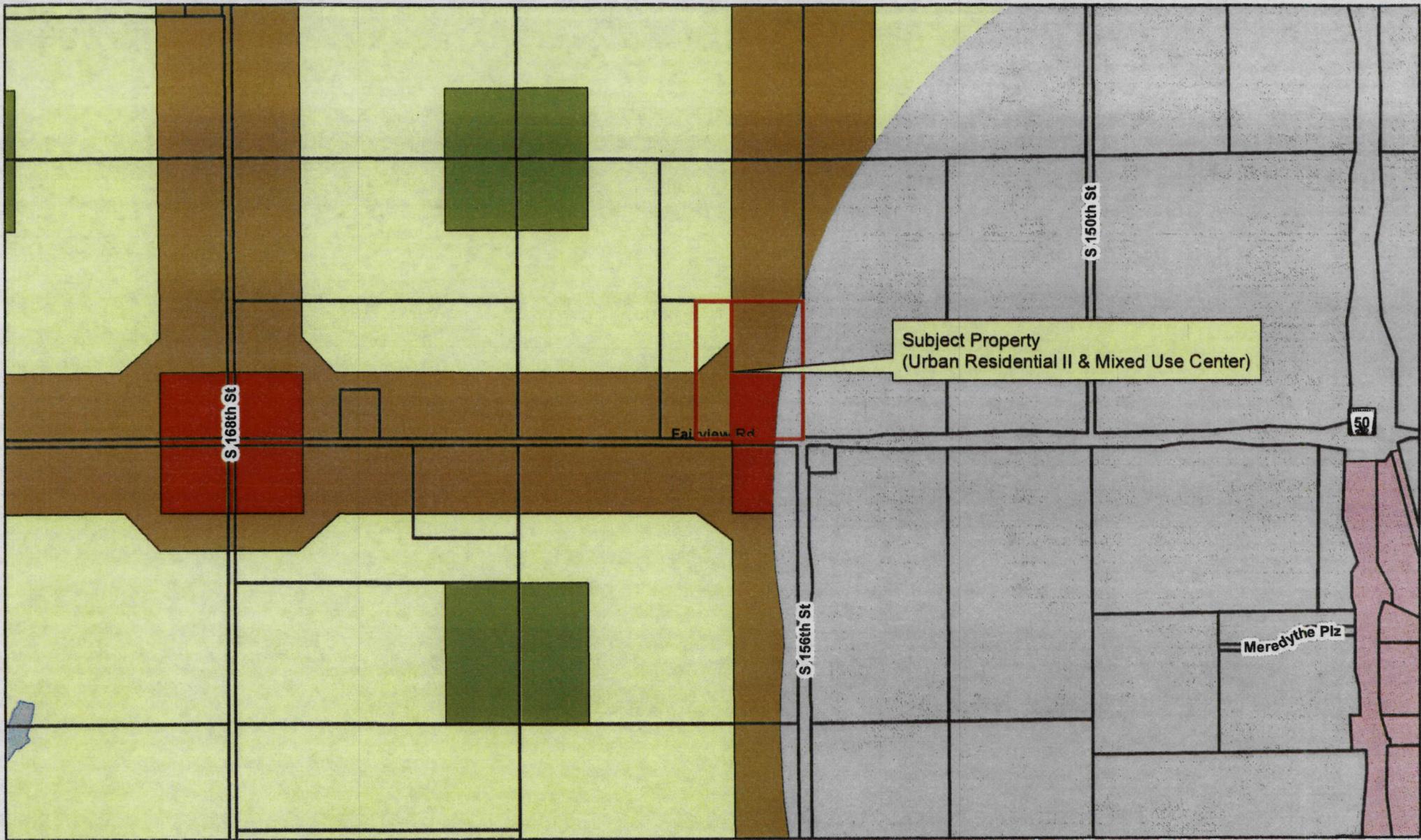


Vicinity Map - Zoning

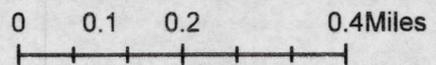
15802 Fairview Rd Parcels 010403590 & 010403868

Special Use Permit - Hughes





Current FLU - Sarpy Co



Hughes - Special Use Permit

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

Legend

- | | | |
|--------------------------|---------------------------------|-----------------------|
| Highway Corridor Overlay | Long Term Residential Growth | Cross County Arterial |
| Land Use Proposed | 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 | | |





SARPY COUNTY PLANNING & BUILDING DEPT.

1210 GOLDEN GATE DRIVE, #1240
PAPILLION, NE 68046
PHONE: 402-593-1555 FAX: 402-593-1558
E-MAIL: PLANNING@SARPY.COM

SPECIAL USE PERMIT APPLICATION

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

1. Completed Special Use Permit Application
2. Non-Refundable Fee of \$_____ made payable to Sarpy County (an additional fee of **\$25.00** is also be required to cover cost of mailing of public notifications)
3. Two (2) site plan drawings and/or other such plans and data showing the dimensions, arrangements, description, data, and other material which shall constitute a record essential to the understanding of the proposed use.
4. One (1) reduced size site plan drawing or other material provided above (8.5 x 11)
5. One (1) electronic copy of site plan drawing or other material provided above (in PDF form)
6. A detailed operational plan for propose use
7. Other information as deemed necessary by Sarpy County Planning Department
8. **Please review Section 41 of the Sarpy County Zoning Regulations for complete information, processes and submittal requirements for Special Use Permits.**

PLANNING STAFF USE ONLY:

APPLICATION #: SUP 14-0001
 DATE RECEIVED: 10-29-13
 CP DESIGNATION: Urban Residential & M. Use
 CURRENT ZONING DESIGNATION: AG
 PROPOSED ZONING DESIGNATION: -
 APPLICATION FEE: \$ 500⁰⁰ RECEIPT NO. 2014
 PUBLIC NOTIFICATION PROCESSING FEE: \$25.00 RECEIPT NO. 2014
 RECEIVED BY: BF
 NOTES: _____

APPLICATION FILING FEES – see Sarpy County Master Fee Schedule for the Planning and Building Department

APPLICANT INFORMATION:

NAME: Terry Hughes Tree/Hughes Mulch Products E-MAIL: stacy@hughestree.com
 ADDRESS: 15602 Fairview Rd CITY/STATE/ZIP: Gretna, NE 68028
 MAILING ADDRESS: 15802 Fairview Rd CITY/STATE/ZIP: Gretna, NE 68028
 (IF DIFFERENT)
 PHONE: 402-306-1903 FAX: 402-253-2331

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

NAME: GrinchEnterprises E-MAIL: stacy@hughestree.com
 ADDRESS: 15802 Fairview Rd CITY/STATE/ZIP: Gretna, NE 68028
 MAILING ADDRESS: _____ CITY/STATE/ZIP: _____
 (IF DIFFERENT)
 PHONE: _____ FAX: _____

ENGINEERING/SURVEYING OR OTHER CONSULTING PROFESSIONAL'S INFORMATION:

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

OPERATION PLAN / PROJECT DESCRIPTION: Describe the project in detail, including proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, other operational details, etc. – Attach as separate document entitled "Operation Plan." **PLEASE NOTE:** A detailed project description is essential to the reviewing process of this request.

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 (if applicable): _____

ASSESSOR'S PARCEL NUMBER: 010403590 ADDITIONAL PARCEL NUMBERS 010403868

GENERAL LOCATION: 156th & Fairview Rd
(example 189th & Giles Rd)

LEGAL DESCRIPTION: (Describe property to wit:) Tax lots 1 & 2 10-13-11
Tax lot 3 10-13-11

SIZE OF PROPERTY: 20 + 10 acres CURRENT ZONING: Ag REQUESTED ZONING (if applicable): _____

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

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 Special Use Permit 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.

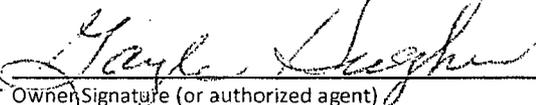


Applicant Signature

10/29/13

Date

I, the undersigned, understand the Special Use Permit process as stated above and I authorize Sarpy County staff to enter the property for inspection related to the specific request during this process.



Owner Signature (or authorized agent)

10/29/13

Date

Owner Signature (or authorized agent)

Date

Additional Property Owner Information:

Terry and Gail Hughes

15802 Fairview Road

Gretna, NE 68028

Operational Plan: Terry Hughes Tree Service/ Hughes Mulch Products

At 15600 Fairview Road, across from Sarpy County Landfill; we operate a tree care company and composting operation.

The two organizations combine to employ approximately 30 people.

Our hours of operation are 7:00AM to 5:30PM Monday through Friday. We are open from March 15 to November 15 on Saturdays from 7:00 AM to Noon.

We recycle tree and yard waste for mulch and compost. We do not accept any food, human or animal waste.

Although 30 people assemble at 7:00 AM, all but approximately 8 of the people spend the majority of their time at other job sites.

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 Anne Lee 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, January 29, 2014

Bellevue Leader
Gretna Breeze
Papillion Times
Springfield Monitor

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

Handwritten signatures of Shon Barenklau and Anne Lee.

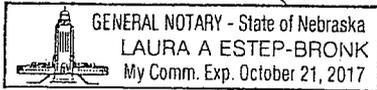
Shon Barenklau OR Anne Lee
Publisher Business Manager

Today's Date 01-28-2014

Signed in my presence and sworn to before me:

Handwritten signature of Notary Public.

Notary Public



Printer's Fee \$ 24.51
Customer Number: 40638
Order Number: 0001721183

NOTICE OF PUBLIC HEARING
SARPY COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, February 11, 2014, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration Building, 1210 Golden Gate Drive, Papillion, NE.

Richard & Donna Krambeck have submitted an application for consideration of a Change of Zone from AG (Agricultural) to IL (Light Industrial) on property legally described as Tax Lot 8 in Section 35, Township 14N, Range 11E of the 6th P.M. Sarpy County, NE. Generally located northeast of 156th Street and Schram Road.

Richard & Donna Krambeck have submitted an application for consideration of a Change of Zone from AG (Agricultural) to IL (Light Industrial) on property legally described as the Irregular south 14.9 feet and the west 999.76 feet located in the Northwest 1/4 of Section 35, Township 14N, Range 11E of the 6th P.M. Sarpy County, Nebraska. Generally located northeast of 156th Street and Schram Road.

Terry Hughes Tree Service/Hughes Mulch Products has submitted an application for consideration of a Special Use Permit to allow a tree care company and composting operation on Tax Lots 1 & 2 and Tax Lot 3 in Section 10, Township 13N, Range 11E of the 6th P.M., Sarpy County, NE. Generally located northwest of 156th and Fairview Road.

LKM Investments, LLC has submitted applications for consideration of a Change of Zone from BG (General Business District) to BG & RG-15 (General Residential District) and a Revised Preliminary Plat of a subdivision to be known as Plambeck Addition Replat 1 being a platting of Lots 1 and 2, Plambeck Addition as surveyed, platted and recorded in Sarpy County, NE. Generally located at the southeast corner of 180th & Harrison Streets.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE. 1721183; 1/29

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1-29-14

**THE DAILY RECORD
OF OMAHA**

**LYNDA K. HENNINGSEN, Publisher
PROOF OF PUBLICATION**

UNITED STATES OF AMERICA, }
The State of Nebraska, } ss.
District of Nebraska, }
County of Douglas, }
City of Omaha, }

J. BOYD

being duly sworn, deposes and says that she is

LEGAL EDITOR

of **THE DAILY RECORD**, of Omaha, a legal newspaper, printed and published daily in the English language, having a bona fide paid circulation in Douglas County in excess of 300 copies, printed in Omaha, in said County of Douglas, for more than fifty-two weeks last past; that the printed notice hereto attached was published in **THE DAILY RECORD**, of Omaha, on

January 29, 2014

That said Newspaper during that time was regularly published and in general circulation in the County of Douglas, and State of Nebraska.



GENERAL NOTARY - State of Nebraska

ELLEN FREEMAN

My Comm. Exp. Dec 11, 2017

Publisher's Fee \$ 37.10

Additional Copies \$

Total \$ 37.10

Subscribed in my presence and sworn to before

me this 29th day of January 2014

**Notary Public in and for Douglas County,
State of Nebraska**