



## SARPY COUNTY DEPARTMENT OF PLANNING

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REBECCA HORNER, DIRECTOR

### PLANNING COMMISSION MEETING MINUTES

August 19, 2009

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Sarpy County Board of Commissioners  
Sarpy County Courthouse  
1210 Golden Gate Drive  
Papillion, Nebraska 68046

To The Sarpy County Board of Commissioners:

The Sarpy County Planning Commission held a regular meeting on August 19, 2009, in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wees called the meeting to order at 7:00 p.m. with the following members present: Susan Bliss, Don Fenster, Greg Gonzalez, Stacen Gross, Bernie Marquardt, Jerry Torczon, Alan Wear, Tom Wees, and Doug Whitfield. Absent were: Courtney Dunbar, and Gary Stuart. Also in attendance were the staff members: Rebecca Horner, Planning Director, Nicole O'Keefe, Deputy County Attorney and Michelle Alfaro, Planning Assistant.

Chairman Wees asked for Commissioner reports.

None.

Chairman Wees asked for a motion to approve the agenda.

- *Wear moved, seconded by Bliss to adopt the agenda as amended. Ballot: **Ayes:** Bliss, Fenster, Gonzalez, Gross, Marquardt, Torczon, Wear, Wees, and Whitfield. **Nays:** None. **Abstain:** None. **Absent:** Dunbar and Stuart. **Motion carried.**(9-0)*

Chairman Wees asked for a motion to approve the **July 15, 2009**, minutes.

- *Fenster moved, seconded by Marquardt, to approve the minutes of the July 15, 2009, meeting as corrected. Ballot: **Ayes:** Bliss, Fenster, Marquardt, Torczon, Wear, Wees, and Whitfield. **Nays:** None. **Abstain:** Gonzalez, and Gross. **Absent:** Dunbar and Stuart **Motion carried.**(7-0)*

- I. **CONSENT AGENDA ITEMS:** *Note: All consent items are automatically approved when the consent agenda is approved unless removed by a board member. Removed items will be placed under Regular Agenda Items for action by the Planning Commission.*

None.

II. **REGULAR AGENDA ITEMS: Public Hearing and Recommendation – Special Use Permit**

**Agenda amended to address item B first.**

**B. HEIMES CORP, 9144 S. 147<sup>th</sup> Street, requests a special use permit for wind energy systems located on the following described property to wit: Lot 2, Lakeview South #7 Replat 2 in Sec. 23 Twp. 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (147<sup>th</sup> & Meadows Blvd)**

Discussion:

Ms. Horner stated staff received a request from the applicant to table the item to the September meeting.

- *Bliss moved, seconded by Wear to table Item B to the September 16, 2009, Planning Commission meeting. **Ayes:** Bliss, Fenster, Gonzalez, Gross, Marquardt, Torczon, Wear, Wees and Whitfield **Nays:** None **Abstain:** None. **Absent:** Dunbar, and Stuart. **Motion carried.** (9-0)*

**REGULAR AGENDA ITEMS: Public Hearing and Recommendation – Special Use Permit**  
*\*Continued from July 15<sup>th</sup> Planning Commission Meeting\**

**A. JULIE NIELSON, 16410 S. 180<sup>th</sup> Street Springfield, NE requests approval of a Special Use Permit to operate a kennel on the following described property, to wit: Tax Lot 8A in Sec. 29, Twp 13N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, NE (180<sup>th</sup> & Pflug Road)**

Discussion:

Nicole O'Keefe came forward and stated the criminal matter has been dismissed with option to re-file within next 18 months. It was dismissed because the applicant was willing to take classes at the Nebraska Humane Society.

Ms. Horner stated additional information was received today and the applicant's attorney and their attorney could address the items.

Mr. Bruno came forward and stated concerns have been addressed. Mr. Bruno discussed the packet of information for clarification.

Ms. Horner stated her recommendation, which included a revised site plan.

Mr. Bruno came forward and provided a revised site plan which addressed the concerns with facility B.

Ms. Horner recommended that approval be contingent upon the newly received site plan.

**\*Public Hearing opened at 7:21 P.M.\***

Mr. & Mrs. Hofeldt came forward and stated they were the neighbors to the applicant's property stated their concerns regarding proper care of the animals and questioned noise control in regard to the dogs barking as they are unable to sleep with their windows open due to the dogs barking. They were against the approval of the Special Use Permit.

**\*Public Hearing closed at 7:27 P.M.\***

Mr. Bruno came forward and addressed the concerns of the neighbors and how the applicants have attempted to abate noise, by moving the dogs away from the property line and installed meshing to mitigate the noise. Mr. Bruno stated the experts have stated all dogs are healthy and well groomed.

Mr. Marquardt questioned how the applicant will keep the sixteen dogs quiet.

Mr. Bruno stated Mr. Holman came out and stated the dogs were barking because they were three dogs in the same kennel, so they lowered the number to two.

Mr. Wees questioned disease control.

Mr. Glenn stated he and Ms. Nielson, along with assistance from their veterinarian handle disease control.

Ms. Bliss questioned the shifts of the care plan.

Ms. Bliss questioned the total number of animals on the property.

Ms. Nielson stated thirty-seven (37) not including the pigeons.

Ms. Bliss questioned the total number of animals on the property including the pigeons.

Ms. Nielson stated approximately one hundred thirty-seven (137).

- *Wear moved, seconded by Whitfield to approve Special Use Permit for Julie Nielson for a private kennel as stated by Planning Director, including the newly revised site plan, with no increase in animals that are currently on the property consisting of 16 dogs and 7 cats. The permit will be valid for one year from the date of approval with the Building Department performing inspections on a quarterly basis as a proactive measure. **Ayes:** Gonzalez, Gross, Torczon, Wear, and Whitfield. **Nays:** Bliss, Fenster, Marquardt and Wees. **Abstain:** None. **Absent:** Dunbar and Stuart. **Motion carried.** (5-4)*

***Mr. Fenster requested to amend the motion to state six months.***

***Mr. Fenster withdrew his motion to amend.***

#### **REGULAR AGENDA ITEMS: Public Hearing and Recommendation – Special Use Permit**

**C. DCL ENTERPRISES, SCARY ACRES, 17272 Giles Road, Omaha, requests approval of an Amendment to expand the area of Special Use Permit on the following described property, to wit: the SE ¼ of Sec 16, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County Nebraska. (172<sup>nd</sup> & Giles)**

Discussion:

Rebecca discussed permit amendment request and stated that the property is located in the AG district and provides for uses of general agricultural purposes such as farming and the usual buildings and structures; ad, interim uses under special or conditional permits. Scary Acres is classified as a commercial recreational use. Commercial Recreation areas are a permitted special use in the AG district. Scary Acres has operated with a special use permit since 2002. An operational plan was approved with the special use permit that dictated hours and ticket sales. The operational characteristic of the use is to provide outdoor seasonal recreation during the Halloween season through a haunted house, corn maze, and haunted tower attractions. The application

request summarizes the existing use with the revised operational plan showing the amendments. Ms. Horner discussed the requested amendments of the revised operational plan.

Mr. Sullivan came forward and stated went through the history of the SUP and discussed various issues.

**\*Public Hearing opened at 8:01 P.M.\***

Guy Reynolds came forward and expressed concern regarding the request for special use permit.

Mr. Losole came forward to address Mr. Reynolds concerns regarding the request for special use permit.

**\*Public Hearing closed at 8:17 P.M.\***

- *Whitfield moved, seconded by Wear to approve the amendment to special use permit to include the revised operational plan and new site plan showing dimensions prior to scheduling to County Board, as it meets the zoning regulations of Sarpy County. Ayes:* Bliss, Fenster, Gonzalez, Gross, Marquardt, Torczon, Wear, Wees, and Whitfield. *Nays:* None. *Abstain:* None. *Absent:* Dunbar and Stuart. **Motion carried.** (9-0)

**REGULAR AGENDA ITEMS: Public Hearing and Recommendation – Change of Zone**

**D. DOUG STEVENS, 10702 S. 144<sup>th</sup> Street, Omaha, requests approval of a change of zone from IL (Light Industrial) to BGH (Heavy General Business) for automotive sales, including the sales of new or used boats, on the following described property, to wit: Lots 22, 23 & 24B Prairie Corners in the SE ¼ of Sec 26, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (South of Prairie Corners Road and West of 144<sup>th</sup> Street)**

Discussion:

Ms. Horner stated the applicant requested to change the zone in order to establish a new business in the Prairie Corners development. The applicant would like to relocate a boat sales service business to this location. Prairie Corners is an existing light industrial use. Heavy General Business District is defined to “Provide for business establishments closely related to Light Industrial operation.” The previous use on the property included a landscaping contractor yard. The property is currently unused. The visibility to Highway 50 makes it an ideal location for a light industrial use with some retail activity. The BGH district allows for some limited retail activity of uses that are closely related to light industrial uses. The BGH district allows for the following Permitted Uses: Automotive sales, rental and service, including the sale of new or used autos, trucks, boats, vacation trailers and equipment, mobile vacation homes, farm implements and supplies. Typical uses include new and used car dealerships; motorcycle dealerships; and boats trailers, and recreational vehicle dealerships. The proposed zoning district is similar to the surrounding districts and compatible with the Comprehensive Plan designation. Staff recommended approval to the change of zone from IL (Light Industrial) to BGH (Heavy General Business).

Doug Stevens came forward and gave history on Lincoln Marine Omaha.

**\*Public Hearing opened at 8:27 P.M.\***

**\*Public Hearing closed at 8:27 P.M.\***

- *Fenster moved, seconded by Bliss to approve Change of Zone from IL (Light Industrial) to BGH (Heavy General Business) for automotive sales including the sale of new and use boats. Ayes:*

Bliss, Fenster, Gonzalez, Gross, Marquardt, Torczon, Wear, Wees, and Whitfield. **Nays:** None. **Abstain:** None. **Absent:** Dunbar and Stuart. **Motion carried.** (9-0)

III. **CORRESPONDENCE:** The following items were briefly discussed to provide updates to the Planning Commissioners.

A MAPA Brochure was received by mail and distributed to the Planning Commissioners.

IV. **ADJOURNMENT:** Being no further discussion, Wear moved, seconded by Torczon to adjourn the meeting. By a unanimous oral vote, Chairman Wees declared the meeting adjourned at 8:53 p.m.

Respectfully Submitted,

Tom Wees, Chairman  
Michelle Alfaro, Planning Assistant