

SARPY COUNTY
Department of Planning & Building
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September 17, 2003

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 its regular monthly meeting Wednesday, September 17, 2003 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:30 p.m. with the following members present: Chris Boyer, David Fanslau, Tom Hurley, Brenda Kunz, Don Meyer, Alan Wear, Tom Wees and Doug Whitfield. Absent was Don Fenster, Wayne LaBart and Marcia Matthies. Tamra Madsen, Deputy County Attorney was present. Also present were Ken Tex, Planning & Building Coordinator and Cindy Gilbert, Recording Secretary.

Chairman Wear asked for commissioner reports. There were none.

- ▶ *Chairman Wear asked for a motion to approve the agenda as submitted. Wees moved, seconded by Whitfield to approve the agenda as submitted. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*

- ▶ *Chairman Wear asked for a motion to approve the minutes of the August 20, 2003 meeting. A correction was made to the minutes to include Tamra Madsen among those present and exclude Mike Smith. Kunz moved, seconded by Boyer to approve the minutes as corrected. Ballot: Ayes - Boyer, Fanslau, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - Hurley. Absent - Fenster, LaBart and Matthies. Motion carried.*

I. CONSENT AGENDA ITEMS:

None.

II. REGULAR AGENDA ITEMS:

- 1. Tiburon Limited Partnership (Larry Hagewood), 11850 Nicholas Street, Omaha, requests approval of a Final Plat for a subdivision to be known as Tiburon View III on the following described property, to wit: Being a replat of part of Lot 396, Tiburon, located in the SW1/4 of Sec 21, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (175th Circle, north of Cornhusker)**

(1)

Ken Tex stated that this was a Final Plat for a six lot subdivision that is located at 175th and Cornhusker Road. It is the third phase of Tiburon View. It is where the old treatment plant was located. It conforms to the Preliminary Plat.

Public Hearing Closed at 7:36 p.m.

- ▶ *Wees moved, seconded by Whitfield to recommend approval of the Final Plat for Tiburon View III as it meets the subdivision regulations and the comp plan. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*

- 2. **James Amerine, P. O. Box 145 Nebraska City, requests approval of a Change of Zone from AG to RE 2 on the following described property, to wit: A platting of part of Tax Lot 3A1B, located in the SW1/4 of Sec 2, Twp 13N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (155th & Capehart Road)**

Jim Amerine stated he intends to separate approximately 5 acres from the rest of his farm for estate purposes. He said he is trying to divide property between his three children.

When asked what the future land use was in this area, Ken Tex stated it was in a Commercial/Industrial area, but there is already a house there so he isn't creating a new building lot. He indicated this parcel sits right next to two other five acre tax lots that have been there for many years. He also said that Mr. Amerine's lot shows Right-Of-Way dedication.

Public Hearing Closed at 7:40 p.m.

- ▶ *Wees moved, seconded by Boyer to recommend approval of a change to the Comprehensive Development Plan (Future Land Use Map) from Commercial/Industrial to Residential High as it is conducive to the immediate area. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*

- ▶ *Wee moved, seconded by Hurley to recommend approval of a Change of Zone from AG to RE 2 as it meets the amended comp plan. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*

- 3. **James Amerine, P. O. Box 145, Nebraska City, requests approval of a Preliminary/Final Plat for a subdivision to be known as Amerine Subdivision on the following described property to wit: A platting of part of Tax Lot 3A1B, located in the SW1/4 of Sec 2, Twp 13N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (155th & Capehart Road)**

Mr. Amerine had no further comments for this application.

Public Hearing Closed at 7:42 p.m.

- ▶ *Hurley moved, seconded by Fanslau to recommend approval of a Preliminary/Final Plat for a subdivision to be known as Amerine Subdivision as it meets the subdivision regulations. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent -*

Fenster, LaBart and Matthies. Motion carried.

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4. **Kevin and Debra Carlson, 6108 Cedardale Road, Papillion, requests approval of a Change of Zone from AG to AGD on the following described property, to wit: Being a platting of part of Tax Lot 7, located in Sec 31, Twp 13N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (192nd & Buffalo Road)**

Debra Carlson stated their desire to split 18+ acres from their 39 acre parcel.

Ken Tex explained that we had recently approved a 15 acre piece in the same general area for the Eggers. It will require changing the comp plan to Transitional Agriculture. He also added that the remaining 20 acres was not a part of the plat as they do not need to plat anything over 20 acres.

Public Hearing Closed at 7:46 p.m.

- ▶ *Whitfield moved, seconded by Boyer to recommend a change to the Comprehensive Plan (Future Land Use Map) from Agricultural to Transitional Agricultural as it meets the current land use in the area. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*
 - ▶ *Whitfield moved, seconded by Meyer to recommend a Change of Zone from AG to AGD as it meets the amended comp plan. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*
5. **Kevin and Debra Carlson, 6108 Cedardale Road, Papillion, requests approval of a Preliminary/Final Plat for a subdivision to be known as Carlson Addition on the following described property, to wit: Being a platting of part of Tax Lot 7, located in Sec 31, Twp 13N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (192nd & Buffalo Road)**

With no further comment,

Public Hearing Closed at 7:49 p.m.

- ▶ *Whitfield moved, seconded by Meyer to recommend approval of a Preliminary/Final Plat for a subdivision to be known as Carlson Addition as it meets the subdivision regulations. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*
6. **Celebrity Homes, Inc., P. O. Box 390485, Omaha, requests approval of a Final Plat for a subdivision to be known as Sunridge on the following described property, to wit: Being a platting of part of the E1/2 of the NE1/4 of Sec 17, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (180th & Harrison Street)**

Troy Schaben, E & A Consulting Group, stated that this was Phase 2 of the subdivision, Sunridge, and offered to answer any questions that the Planning Commission might have. He indicated that the Surveyors comments would be agreed to.

Ken Tex stated that the zoning had already been approved and this phase conformed to the Preliminary Plat that had

come before the Planning Commission a couple of months ago.

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Public Hearing Closed at 7:55 p.m.

- ▶ *Whitfield moved, seconded by Fanslau to recommend approval of the Final Plat for Phase 2 of Sunridge as it meets the subdivision regulations. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*
- 7. **Gale Wickersham, 10502 South 147th, Omaha, requests approval of a Preliminary Plat for a subdivision to be known as Wicks on the following described property, to wit: Being a platting of part of the NE1/4 of Sec 34, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (SW corner of Highway 370 and Interstate 80)**

John Fullenkamp, representing Gale Wickersham, stated that this property was located on the southwest corner of Highway 370 and Interstate 80. There will be seven lots. An architectural landscaping plan was shown to the Commissioners. Mr. Fullenkamp said that Mr. Wickersham would agree to honor the requests of the Papio-Missouri River Natural Resource District (NRD). Fire hydrant spacing will be no greater than 450' apart as it states in the zoning ordinances.

Ken Tex mentioned that this development would have a frontage road running parallel to I-80 that would eventually extend back and tie into 168th Street.

Public Hearing Closed at 8:02 p.m.

- ▶ *Wees moved, seconded by Whitfield to recommend approval of the Preliminary Plat for Wicks subdivision with the stipulations that they adhere to the requests of the NRD, put in the road that will run parallel to I-80 and make the fire hydrant spacing no greater than 450' apart, as it meets the subdivision regulations. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*
- 8. **Rosemary Laschansky (with Pat Moore), 12309 S. 124th Avenue, Papillion, requests approval of a Change of Zone from AG to AGR on the following described property, to wit: Being a platting of part of the NE1/4 of Sec 6, Twp 13N, Rng 12E of the 6th P.M., Sarpy County, Nebraska. (124th & Capehart Road)**

Pat Moore introduced himself and explained that he had just purchased a 40 acre piece to divide into 8 five acres lots that is located just north of a ½ mile long dead end road. To the south of this property are 16 five acre parcels. He indicated that he had tried to just buy twenty acres, but the owners wouldn't sell less than 40 acres. He stated that there will be water available for the homes. He also mentioned that he thought some of the homeowners that live on that road will be probably not be happy with the additional traffic, but that he had spoke with most of them and they had no problem with it.

George, a resident of the area, asked if it was legal for him to be able to add on to an easement.

Ken Tex stated he couldn't see why he wouldn't be able to extend that road north.

George stated, that, at the last Road Association meeting, Mr. Moore had basically stated that he would put the road in whether they wanted it or not.

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Public Hearing Closed at 8:15 p.m.

- ▶ *Fanslau moved, seconded by Meyer to recommend approval of a Change of Zone from AG to AGR as it meets the comp plan. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*
9. **Rosemary Laschansky (with Pat Moore), 12309 S. 124th Avenue, Papillion, requests approval of a Preliminary Plat for a subdivision to be known as Moore's 2nd Addition on the following described property, to wit: Being a platting of part of the NE1/4 of Sec 6, Twp 13N, Rng 12E of the 6th P.M., Sarpy County, Nebraska. (124th & Capehart Road)**

Public Hearing Closed at 8:17 p.m.

- ▶ *Fanslau moved, seconded by Meyer to recommend approval of a Preliminary Plat for a subdivision to be known as Moore's 2nd Addition as it meets the subdivision regulations. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*
10. **Helen Timm (with East Homes, Inc.), 8908 Platteview Road, Papillion, requests approval of a Change of Zone from AG to RE 1 on the following described property, to wit: Being a platting of part of the W1/2 of the SE1/4 of Sec 15, Twp 13N, Rng 12E of the 6th P.M., Sarpy County, Nebraska. (89th & Platteview Road)**

Art Beccard, Thompson, Dreessen & Dorner, Inc., stated he was representing East Homes, Inc. and indicated they had been in a month earlier regarding development of 43 one and one-half acre lots at 89th & Platteview Road. He stated there would be concrete streets, central water and sewer systems and that the development was shaped to accommodate a future change to Platteview Road.

When asked, he stated he had talked to the City of Papillion informally about hooking on to the city water supply, but had not pursued it. They have already done six test holes and have found that there is an ample water supply for the development.

Mr. Beccard noted that there are four possible sites for wells. They will need three sites; two for demand and one for backup or for servicing. They will try to choose sites to avoid conflict with neighbors.

He also noted that the lot on the south of the property by Platteview Road is an outlot to allow for the possible changes to Platteview Road.

Dennis Nichols introduced himself as a former Planning Commission member and stated that the future land use in this area still calls for a minimum of 5 acres, which he thinks is more reasonable. He explained that he is the Water Commissioner for Cinnamon Acres and that the States minimum requirements for community wells are less than adequate when everyone is wanting to water their lawns. The State has rules incompatible with the uses of land.

Steve Haffke, property owner on the north side of the land in question stated that the setback requirements for a

community well from a septic is 500' and if they are intending to put one of the wells on the north property line, it will keep him from being able to develop his property in the future. He feels the County

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should create some ordinance that would protect neighboring properties from being infringed on by State standards for setback requirements.

Mark Wayne, County Administrator, stated that this development does not meet the current comp plan. He added that we should be protecting the Platteview Road corridor and doesn't think it is prudent to have many homes along Platteview Road before the changes come. There are plans to do a study on sewer in that area.

Art Beccard stated, in response to Mr. Nichols, that the water demand will be able to be met with the size of the system. The size of the wells will be satisfactory. He indicates that they will be pumping 150 gallons per minute. He views this development as economically viable. Five acre parcels are too large for many people and hard to maintain. One and one-half acre lots are plenty large for a nice home and outbuildings, yet small enough to be easily maintained.

Doug Whitfield asked if anyone had looked at the curvature on Platteview.

Bob Dreessen noted he had spoke with Tom Lynam about the alignment of Platteview Road and how it will tie into 84th Street. It will change the curve, but it should be a gentle curve. The likely design speed will be at 55 mph and that was the basis for the area on this platting that has been reserved.

Mr. Dreessen reiterated Mr. Beccard's statement that five acres is too big to live on and too difficult to take care of for many people.

Ken Tex noted that he had spoke to Tom Lynam and Bill Herr from the Surveyor's Office saying that the County projects the curve will start back further east of 84th Street, which will make for a more gradual curve as opposed to a sharper one.

When asked if East Homes had looked into a sewer treatment facility that other developments could hook onto, they indicated they had not looked into that prospect.

Tom Wees stated he was uncomfortable with building homes in an area that is supposed to be protected with a highway corridor and also with the uncertainty of where a bridge will cross the Missouri River and how that will affect Platteview Road in the future.

Don Meyer asked Tamra Madsen if, in her legal opinion, this would be considered 'spot zoning'.

Tamra felt that, according to her interpretation of 'spot zoning', this would fall into that category.

Doug Whitfield thinks we would be putting the "cart before the horse" and feels we should look at the comp plan first. He feels this is a very good layout and believes there is a need for this size lot, but wants to wait.

Tom Hurley agreed with Mr. Whitfield about the good layout, but also thinks it is premature to approve this before they have had an opportunity to look at the comp plan as a whole.

- ▶ *Hurley moved, seconded by Boyer to recommend denial of the Change of Zone from AG to RE 1 as it does not meet the comp plan and is considered spot zoning. Ballot: Ayes - Boyer, Fanslau, Hurley,*

Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.

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11. **Helen Timm (with East Homes, Inc.), 8908 Platteview Road, Papillion, requests approval of a Preliminary Plat for a subdivision to be known as East Acres on the following described property, to wit: Being a platting of part of the W1/2 of the SE1/4 of Sec 15, Twp 13N, Rng 12E of the 6th P.M., Sarpy County, Nebraska. (89th & Platteview Road)**

Public Hearing Closed at 8:47 p.m.

- ▶ *Hurley moved, seconded by Boyer to recommend denial of the Preliminary Plat for a subdivision to be known as East Acres as it does not meet the comp plan and is considered spot zoning. Ballot: Ayes - Boyer, Fanslau, Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart and Matthies. Motion carried.*

12. **Proposed amendments to the Sarpy County Comprehensive Plan specifically to change the Future Land Use Map along a portion of Highway 370 and Highway 50.**

These items were read together and discussed together - Discussion follows Agenda Item #13

Christina Boyer stated she would have to abstain from any discussion or voting on these agenda items

13. **Proposed amendments to the Sarpy County Zoning Ordinance to add a landscaping ordinance and create an Overlay District for a portion of Highway 370 and Highway 50 that includes a minimum design standard for building.**

Mark Wayne, County Administrator, gave a slide presentation of Industrial Parks located in Sarpy County and other areas as well. It was intended to show the Planning Commissioners the differences in areas that have landscaping and building design criteria and ones that have little or no regulations.

Mr. Wayne explained that this is a concept to improve development along Highway 370. He noted that several people had been taken on a tour of West Des Moines to look at a new business park being developed in that area that has strict regulations on what and how buildings and grounds can look.

He went on to note that over the last several months, many meetings had taken place among individuals, developers, attorney's, engineers and city and county officials to discuss what they wanted the Highway 370 Corridor to look like. There have been many changes and 5 or 6 revisions based on the input Steve Miller, Olson & Associates, have received. The County's portion of this plan begins from about 120th Street and runs west to I-80. He has taken into account that the County's area does not have as many residential areas as Papillion, so he was able to reduce or relax some of the regulations to help accommodate Stakeholders concerns.

Mr. Wayne added that if we don't have a plan in place, we will end up with what the developers give us, and that might not be enough. He said that places like Werner and Shopko could add on to their buildings and be grandfathered, but new developments would follow the new regulations. Landscaping would be required. The current zoning won't change, but all new buildings would be required to follow any new regulations put in place, including landscaping requirements.

“It’s time to get something put into place, because it leaves us vulnerable.”

He also indicated he prefers not to see any more industrial coming toward Papillion.

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He further noted that a special meeting conducted by the Papillion City Council will be held Tuesday, September 30 to hear further testimony by land owners and anyone else with concerns about the Highway 370 Corridor. That meeting will be held at the library in the City of Papillion.

Among the speakers were John Fullenkamp, Richard Reiser, Jerry Torczon, Steve Reeder, Duane Dowd, Jim Crofoot, Pat Sullivan, Nancy Dworak, Planning Commissioners, Mark Wayne, Ken Tex and others. Included in the discussion were buffers, other drafts, regulations vs. guidelines, comprehensive development plan, landscaping ordinances, design review boards, design criteria, legal dilemma for the things already in place and other related topics.

Dick Reiser, Legal Counsel for Werner Enterprises, highlighted the letter written to the Planning Commission written by him on behalf of Werner.

Chairman Wear reminded the attendees that no action would be taken on these items this evening and closed the public hearing portion of this meeting at 11:00 p.m.

It was suggested that legal counsel and staff put together a formal landscaping plan by the next regular meeting to be presented to the Planning Commission.

III. CORRESPONDENCE:

Tamra Madsen noted that the County Board had agreed with all the recommendations from the Planning Commission except the Special Use Trailer Permit which was allowed a one year extension with no renewal.

IV. ADJOURNMENT:

- ▶ Being no further discussion, *Wees moved, seconded by Kunz, to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 11:18 p.m.*

Respectfully Submitted,

Sarpy County Planning Commission
Alan Wear, Chairman
Cindy Gilbert, Recording Secretary

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