

SARPY COUNTY
Department of Planning & Building

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October 15, 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, October 15, 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: Don Fenster, Tom Hurley, Brenda Kunz, Wayne LaBart, Marcia Matthies, Don Meyer, Alan Wear, Tom Wees and Doug Whitfield. Absent was Christina Boyer and David Fanslau. 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 Meyer to approve the agenda as submitted. Ballot: Ayes - Fenster, Hurley, Kunz, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Boyer and Fanslau. Motion carried.*

- < *Chairman Wear asked for a motion to approve the minutes of the September 17, 2003 meeting. Doug Whitfield asked the recording secretary to review the tape for the wording of a motion to approve a Preliminary Plat for Wicks Subdivision. Hurley moved, seconded by Wees to approve the minutes pending review of the tape*. Ballot: Ayes - Hurley, Kunz, Meyer, Wees and Whitfield. Nays - none. Abstain - Fenster, LaBart and Matthies. Absent - Boyer and Fanslau. Motion carried. (*After review of the tape, the minutes stand approved as submitted.*)*

I. CONSENT AGENDA ITEMS:

None.

II. REGULAR AGENDA ITEMS:

1. **American Tower Corporation (Mark Holm), agent for A T & T Wireless, 11600 96th Avenue North, Maple Grove, Minnesota requests approval of a Special Use Permit to erect a 145' monopole communications tower on the following described property, to wit: A tract of land located in the S1/2 of the S1/2 of the NE1/4 of Sec 15, Twp 13N, Rng 12E of the 6th P.M., Sarpy County, Nebraska. (84th Street, approximately one mile south of Fairview Road)**

Chairman Wear noted that a letter had been received by Mark Holm, American Tower Corporation,

representing A T & T Wireless, requesting to withdraw their current application for a monopole tower because development plans have been put on hold until 2004 for the area south of Omaha, Nebraska.

2. **Charles and Sharon Barkley, 18484 Cornhusker Road, Gretna requests approval of a Change of Zone from AG to IL on the following described property to wit: Part of the SW1/4 of Section 34, Twp 14N, Rng 11E, together with part of the SE1/4 of Section 34, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska (NE of 168th and Schram Road)**

John Fullenkamp, Attorney, introduced Gale Wickersham, the client he was representing, and Ken Pollard, E & A Consulting Group, indicating they would answer any questions that might arise. Mr. Fullenkamp explained that Wicks Subdivision was approved for a Preliminary Plat at last months meeting and this new subdivision will also be developed by Mr. Wickersham. As requested by the Planning Commission last month, the road that will run parallel to I-80 will also run through this subdivision. He stated the land use map already shows this area as industrial.

Public Hearing Closed at 7:42 p.m.

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

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

Ken Tex showed on the map the portion of the Overlay District that lies within the County's zoning jurisdiction. He indicated that there was only about 400 or so acres that were still zoned AG (Agriculture).

Mark Wayne, County Administrator, stated we already have light industrial zoning throughout most of the area. The reason for changing the Future Land Use Map is to define specifics on what kinds of businesses we want. He also indicated that we should keep the industrial closer to the Interstate and not bring it any closer towards Papillion.

Discussion began on the Overlay District as a whole including design criteria.

Ken Tex suggested that the Planning Commission take a look at the Future Land Use Map along the Corridor's boundaries before they decide what text they want within the Overlay District.

Chairman Wear asked for a motion to reverse agenda items #3 and #4.

< *Meyer moved, seconded by Whitfield to reverse the order of Agenda Items #3 and #4 to discuss the Future Land Use Map first. Ballot: Ayes - Fenster, Hurley, Kunz, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Boyer and Fanslau. Motion carried.*

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

Pat Sullivan, attorney representing Werner Enterprises, stated that Werner had a twenty year plan of their own when they started developing the land they had purchased. To make the restrictions the Planning Commission is looking at right now will cause a significant expense for Werner. Mr. Sullivan asked the Planning Commission to consider leaving Highway 50 out of the corridor plan.

Dick Reiser, attorney representing Werner Enterprises, showed an aerial map of the businesses currently in the same area as Werner noting that they are all built under the current zoning regulations and asked the Planning Commission to leave the remaining ground owned by Werner out of the proposed new regulations.

Other identified speakers were John Fullenkamp and Jim Crofoot.

Topics of discussion were: where the boundaries should be, changing the comp plan to accommodate new zoning classifications, leaving the current comp plan alone, making the area more or less restrictive and enforcement of design criteria.

After consideration, Agenda Item #4 was acted on as follows:

< *Meyer moved, seconded by Whitfield to deny the proposed amendment to the Future Land Use Map as it is too restrictive. Ballot: Ayes - Fenster, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - Hurley and Kunz. Abstain - none. Absent - Boyer and Fanslau. Motion carried.*

Tom Hurley excused himself from the meeting.

Chairman Wear called for a break at 10:00 p.m.

Meeting resumed at 10:10 p.m.

After changing some wording for the Overlay District, including the boundary, the Planning Commission acted on Agenda Item #3 as follows:

< *Matthies moved, seconded by LaBart to recommend approval of the Overlay District as revised. (Approved copy attached to minutes as "Exhibit A"). Ballot: Ayes - Fenster, Kunz, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Boyer, Fanslau and Hurley. Motion carried.*

5. Proposed amendments to the Sarpy County Zoning Ordinance to add a landscaping ordinance.

The Planning Commission made minor revisions to the proposed 'Landscaping Ordinance' as Chairman Wear guided them through each sub-section of the text.

< *Wees moved, seconded by LaBart to recommend approval of a Landscaping Ordinance as revised. Ballot: Ayes - Fenster, Kunz, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Boyer, Fanslau and Hurley. Motion carried.*

6. Proposed amendments to the Sarpy County Comprehensive Plan specifically to the Future Land Use Map.

Ken Tex showed an older Land Use Map and explained that, at one time, the County had smaller acreages available and noted the differences between the old map and the current one. He stated that smaller acreages could be required to have community water and sewer.

The topics of discussion included areas to be reduced, highest and best use, the need to go to lower lot sizes, community water and sewer, rural water, topography, difficulty in maintaining five acres or more, spot zoning, municipal water and sewer hook-ons and location of smaller lot sizes in relationship to paved roads.

Speakers on this proposal included Mark Wayne, Art Beccard, Pat Sullivan, Doug Dreessen, Jim Crofoot and Ken Tex.

< *It was unanimously decided to carry this public hearing over to the next regular meeting for continued*

discussion.

III. CORRESPONDENCE:

Upon suggestion, the Planning Commission decided to move their meeting time up to 7:00 p.m., beginning at the November 19, 2003 meeting.

Brenda Kunz asked about the letter she received from the State of Nebraska concerning a feed lot in Sarpy County.

Ken Tex replied by saying that it was only an informative letter stating the feed lot was upgrading their Livestock Waste Control Facility and had made application to the Department of Environmental Quality in accordance with State Statutes.

Tamra Madsen noted that the County Board had agreed with all the recommendations from the Planning Commission and that East Homes had withdrawn their application.

Clayton Reeves distributed a letter to the Planning Commission addressing some concerns he had about a neighbor running a business at his home.

IV. ADJOURNMENT:

< Being no further discussion, *Wees moved, seconded by LaBart, to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 12:15 a.m.*

Respectfully Submitted,

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