

SARPY COUNTY
Department of Planning & Building
Sarpy County Courthouse Annex
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Ken Tex, Planning & Zoning Coordinator

February 18, 2004

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 on Wednesday, February 18, 2004 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:02 p.m. with the following members present: David Fanslau, Don Fenster, Tom Hurley, Brenda Kunz, Marcia Matthies, Don Meyer, Tom Wees, Alan Wear and Doug Whitfield. Absent was: Wayne LaBart. Brett Charles, 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.

Election of Officers were held.

Ken Tex asked for nominations for Chairperson.

, *Tom Wees nominated Alan Wear, seconded by Tom Hurley.*

After asking for nominations the required number of times,

, *Fenster moved, seconded by Hurley to close the nominations for Chairperson.*

, *After a count of written ballots, Ken Tex declared Alan Wear as the Chairperson of the Planning Commission for the year 2004.*

Ken Tex asked for nominations for Vice-Chairperson.

, *Hurley nominated Tom Wees, seconded by Don Fenster.*

After asking for nominations the required number of times,

, *Kunz moved, seconded by Whitfield to close the nominations for Vice-Chairperson.*

, *After a count of written ballots, Ken Tex declared Tom Wees as the Vice-Chairperson of the Planning Commission for the year 2004.*

< *Chairman Wear asked for a motion to approve the agenda as submitted. Matthies moved, seconded by Meyer to approve the agenda as submitted. Ballot: Ayes - Fanslau, Fenster, Hurley,*

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

< *Chairman Wear asked for a motion to approve the minutes of the January 21, 2004 meeting. Fenster moved, seconded by Whitfield to approve the minutes as submitted. Ballot: Ayes - Fanslau, Fenster, Kunz, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - Hurley. Absent - LaBart. Motion carried.*

I. CONSENT AGENDA ITEMS:

None.

II. REGULAR AGENDA ITEMS:

- 1. Sprint Spectrum, requests approval of a modification for a change of ownership for a Special Use Permit on an existing telecommunications tower located on the following described property, to wit: Part of Tax Lot D located in Sec 26, Twp 13N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (Highway 50, approximately 1 mile south of Pflug Road)**

Dan Vining, K2 Construction, representing Sprint Spectrum, stated he would answer any questions the Planning Commission might have.

Ken Tex stated this application was for a change of ownership and asked Mr. Vining if the tower would still allow for co-locators.

Mr. Vining said there is room for co-location.

Public Hearing Closed at 7:09 p.m.

< *Wees moved, seconded by Meyer to recommend approval of the Special Use Permit for as long as Sprint Spectrum owns the tower, as it meets the requirements. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - LaBart. Motion carried.*

- 2. Matt and Tracy Hawkins, 17525 Madison Street, Omaha, requests approval of a Final Plat for a subdivision to be known as Red Feather Ridge on the following described property, to wit: Being a platting of the W1/2 of the SW1/4 of the SE1/4 of Sec 34, Twp 14N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (234th & Schram Road)**

Matt Hawkins stated he was subdividing a 20 acre parcel into 4 lots in a 5-acre minimum area. Because of the Right-Of-Way dedication, one of the lots will be under 5 acres.

Ken Tex added that it conforms to the Preliminary Plat.

Public Hearing Closed at 7:14 p.m.

< *Whitfield moved, seconded by Fanslau to recommend approval of a Final Plat for a subdivision to be known as Red Feather Ridge as it meets the zoning and subdivision regulations. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain -*

none. Absent - LaBart. Motion carried.

3. **Gerard Wemhoff, 15010 S. 63rd St., Papillion, requests approval of a Final Plat for a subdivision to be known as Centennial Acres on the following described property, to wit: Being a platting of part of the NE1/4 of the SW1/4 of Sec 23, Twp 14N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (225th & Centennial Road)**

Brad Zach, representing Gerard Wemhoff, stated that they were looking for approval of a Final Plat for seven lots at 225th and Centennial Road.

Ken Tex noted the Final Plat is just like the Preliminary Plat.

Don Meyer questioned the dust control issue.

Mr. Zach said they would put down crushed asphalt on approximately 230 feet of the private drive that ran along their neighbor's yard.

Tom Wees asked if this would set a precedence in making every new subdivision put down some kind of dust control. He stated that living on country roads always causes dust. That should be expected.

Public Hearing Closed at 7:26 p.m.

< *Fenster moved, seconded by Hurley to recommend approval of a Final Plat for a subdivision to be known as Centennial Acres as it meets the subdivision regulations and the comp plan. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - LaBart. Motion carried.*

4. **Hulda Schmid (with David and Lois Thies), 16104 Schmid Drive, Papillion, requests approval of a Change of Zone from AGR to AGD (Lot 3 only) on the following described property, to wit: Being a replat of Thies' Addition Replat One, a subdivision located in the SE1/4 of the SW1/4 of Sec 21; and also part of Tax Lot 2, a tax lot located in said SE1/4 of the SW1/4 of Sec 21; all located in Twp 13N, Rng 12E of the 6th P.M., Sarpy County, Nebraska. (108th & Mitchell Road)**

****Withdrawn****

5. **Hulda Schmid (with David and Lois Thies), 16104 Schmid Drive, Papillion, requests approval of a Preliminary/Final Plat for a subdivision to be known as Schmid's Third Addition on the following described property, to wit: Being a replat of Thies' Addition Replat One, a subdivision located in the SE1/4 of the SW1/4 of Sec 21; and also part of Tax Lot 2, a tax lot located in said SE1/4 of the SW1/4 of Sec 21; all located in Twp 13N, Rng 12E of the 6th P.M., Sarpy County, Nebraska. (108th & Mitchell Road)**

****Withdrawn****

6. **BHD, LLC, 10822 Old Mill Road, Omaha, requests approval of a Change of Zone from AG to RS-72 on the following described property, to wit: Being a platting of a tract of land located in the E1/2 of the NE1/4 of Sec 18, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (192nd & Chandler St.)**

Robert Dean, representing the applicant, stated they wanted a 10 acre plat to build an elementary school for Millard Public Schools. It is generally located at 192nd & Harrison. Access to the school will be off Chandler Road.

Brenda Kunz asked if they would try to subdivide this property at a later date.

Mr. Dean indicated the school would not be subdividing as they would need all the space for the school, including parking, athletic fields and playgrounds, etc.

Doug Whitfield asked about the RS-72 zoning.

Ken Tex explained that a school is allowed in a residential zoning. In any other zoning district, it would have run under a Special Use Permit so this was the best way to aid the school in getting as quick a start as possible in building. He indicated they would like to be able to open the school in the fall of 2005.

< *Wees moved, seconded by Fenster to recommend approval of a Change of Zone from AG to RS-72 as it meets the comp plan and zoning regulations. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - LaBart. Motion carried.*

7. BHD, LLC, 10822 Old Mill Road, Omaha, requests approval of a Preliminary/Final Plat for a subdivision to be known as Bellbrook on the following described property, to wit: Being a platting of a tract of land located in the E1/2 of the NE1/4 of Sec 18, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (192nd & Chandler St.)

With no further discussion,

< *Fanslau moved, seconded by Hurley to recommend approval of a Preliminary/Final Plat to be known as Bellbrook as it meets the comp plan and subdivision regulations. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - LaBart. Motion carried.*

8. 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 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., said he was representing East Homes, Inc. and would like to request a zone change and preliminary plat. He indicated this was the same plat presented to the Planning Commission a few months ago with only some minor changes. He added that there will be two entrances off Platteview Road. They took out a cul-de-sac. They also have an outlot that will accommodate the possible realignment of Platteview Road. He then turned the presentation over to Bob Dreessen.

Bob Dreessen, Thompson, Dreessen & Dorner, Inc. stated he felt the concerns of the Planning Commission last time had very little to do with the quality of the neighborhood. He added there are many people who are looking for less than the 5 acre minimums, in part because it is difficult to maintain. East Acres would be an urban subdivision as they access onto a paved road. None of the individual lots would access onto Platteview Road. The first objective was concern over the alignment of Platteview Road. He feels, as an engineer, they have planned well for that possibility and the second objective was to wait until the Comprehensive Plan has been redone. He indicated that demand for smaller lots is here now and may

never be as strong as it is right now. He noted that we can't urbanize Sarpy County with 5 acre minimum lot sizes. He feels this is the highest and best use for this piece of ground and it is logical timing and also feels they have made substantial efforts to accommodate the earlier concerns.

Mr. Beccard was asked to address the septic system. He indicated that there are three types of treatment. They don't know which system they will be using, but they have guidelines from the Nebraska Department of Environmental Quality and will design the best system for this project.

Rich Arab spoke in favor of this development stating he intends to purchase a lot in this kind of neighborhood.

Steve Haffke thinks, although this is a great idea, he feels its here before its time. He is concerned about their community well being so close to his property and where the liability lies if he should experience an anhydrous spill on his property and it contaminates their water system. He added that they should not develop if they can't keep their water safe.

Public Hearing Closed at 8:12 p.m.

Bob Dreessen stated, in his rebuttal, that they follow the regulations of the State of Nebraska, and everyone needs to be responsible for their own actions.

Doug Whitfield asked about spot zoning.

Brett Charles, Deputy County Attorney, relayed the message from Tamra Madsen indicating she felt this was spot zoning.

Discussion took place on the comp plan, lot sizes, reducing the acreages on the Future Land Use Map, spot zoning, etc.

< *Fanslau moved, seconded by Fenster to deny the request for a Change of Zone as it does not meet the comp plan. Ballot: Ayes - Fanslau, Fenster, Hurley and Kunz. Nays - Matthies, Meyer and Wees. Abstain - Whitfield. Absent - LaBart. Motion carried.*

9. 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 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)

< *Fanslau moved, seconded by Fenster to deny the request for a Preliminary Plat as it does not meet the comp plan. Ballot: Ayes - Fanslau, Fenster, Hurley and Kunz. Nays - Matthies, Meyer and Wees. Abstain - Whitfield. Absent - LaBart. Motion carried.*

A five minute break was taken at 8:45 p.m. and the meeting resumed at 8:50 p.m.

10. Ken Harpenau (with Andy Harpenau and John Vandenbroucke), 1040 County Road 17, Wahoo, requests approval of a Change of Zone from AG to AGR & RE 2 on the following described property, to wit: Being a platting of Tax Lot 1A1A, together with Heisner 1st Subdivision, located in part of Sec 18, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (196th & State Highway 31)

John Vandenbroucke introduced himself and stated he, along with Ken and Andy Harpenau, are

proposing a planned subdivision at approximately 196th Street and State Highway 31. He noted, on the Future Land Use Map, that this was a 20 acre minimum area and requested a change in land use. There would be 21 lots having access off a paved road. He added that he understood that the Planning Commission was going on a case-by-case basis when it involved reducing the minimum acreage allowed.

Ken Harpenau added that this is what is right for the County. He talked about the difference in taxes, saying that the County would benefit from the development. He noted there would be no burden to the County and feels this is the highest and best use for this land.

Public Hearing Closed at 9:05 p.m.

Discussion between Planning Commissioners included spot zoning, size of lots, land use map, water, sewer, location of future sewer, etc.

< *Fanslau moved, seconded by Kunz to recommend denial of a Change of Zone as it does not meet the comp plan. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Meyer and Whitfield. Nays - Matthies and Wees. Abstain - none. Absent - LaBart. Motion carried.*

11. Ken Harpenau (with Andy Harpenau and John Vandenbroucke), 1040 County Road 17, Wahoo, requests approval of a Preliminary Plat for a subdivision to be known as Platteford Hills on the following described property, to wit: Being a platting of Tax Lot 1A1A, together with Heisner 1st Subdivision, located in part of Sec 18, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (196th & State Highway 31)

< *Fenster moved, seconded by Hurley to recommend denial of the Preliminary Plat as it does not meet the comp plan or subdivision regulations. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Meyer and Whitfield. Nays - Matthies and Wees. Abstain - none. Absent - LaBart. Motion carried.*

III. CORRESPONDENCE:

Ken Tex encouraged the Planning Commissioners to attend the NPZA (Nebraska Planning & Zoning Association) seminar being held March 31 - April 2.

Mr. Tex also talked about the RFP (Request for Proposal) being drawn up by Mark Wayne, County Administrator, to get bids for the updating of the County's Comprehensive Development Plan and Zoning and Subdivision Regulations. He said if any of the Commissioners had any ideas they wanted in the proposal request to call Mr. Wayne and let him know.

IV. ADJOURNMENT:

< *Being no further discussion, Matthies moved, seconded by Meyer to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 9:43 p.m.*

Respectfully Submitted,

Sarpy County Planning Commission

Alan Wear, Chairman
Cindy Gilbert, Recording Secretary