

**SARPY COUNTY**  
**Department of Planning & Building**

Sarpy County Courthouse Annex  
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Ken Tex, Planning & Zoning Coordinator

**March 17, 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, March 17, 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, Wayne LaBart, Marcia Matthies, Don Meyer, Tom Wees, Alan Wear and Doug Whitfield. Absent was: Tom Hurley and Brenda Kunz. 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 - 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 February 18, 2004 meeting. Cindy Gilbert noted that Tom Wees had been elected Vice-Chairperson for the upcoming year. The minutes reflected that Alan Wear had been elected to that position. Meyer moved, seconded by Matthies to approve the minutes as corrected. Ballot: Ayes - Fanslau, Fenster, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - LaBart. Absent - Hurley and Kunz. Motion carried.*

**I. CONSENT AGENDA ITEMS:**

None.

**II. REGULAR AGENDA ITEMS:**

1. **Donald & Susan Lerdahl, 2941 S. 159<sup>th</sup> Street, Omaha, requests approval of a Special Use Trailer Permit to park a single wide mobile home for recreational use only on the following described property, to wit: Lot 16, Husker Lake, located in Sec 10, Twp 12N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (Riha Road & State Highway 31)**

Ken Tex stated this was a change of ownership only and the trailer had been there many years. These are permitted to be good for three years with an automatic renewal after a legal publication.

\*Public Hearing Closed at 7:07 p.m.\*

- < *Fenster moved, seconded by LaBart to recommend approval of a Special Use Trailer Permit for three years, renewable by publication. Ballot: Ayes - Fanslau, Fenster, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Hurley and Kunz. Motion carried.*
2. **Sugar Creek, LLC, 11920 Burt Street, Omaha, requests approval of a Final Plat for a subdivision to be known as Sugar Creek Replat 3 on the following described property, to wit: Being a replatting of Lots 31 and 59, Sugar Creek Addition, located in Sec 17, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (189<sup>th</sup> & Edna Street)**

Ken Tex noted that this was a Final Plat. They had originally planned on part of that area for general business, and, when that did not look promising, they decided to turn it into housing. The Final Plat conforms to the Preliminary Plat that was approved in January.

\*Public Hearing Closed at 7:10 p.m.\*

- < *Wees moved, seconded by Whitfield to recommend approval of a Final Plat for a subdivision to be known as Sugar Creek Replat 3 as it meets the comp plan and zoning regulations. Ballot: Ayes - Fanslau, Fenster, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Hurley and Kunz. Motion carried.*
3. **Tiburon Limited Partnership, 17403 LaQuinta Circle, Omaha, requests approval of a Change of Zone from BG to RS-72PD on the following described property, to wit: Being a replat of part of Lot 400A1B1, Tiburon, located in the SW1/4 of Sec 21, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (172<sup>nd</sup> Circle, south of Cornhusker Road)**

Ken Tex explained that the cul-de-sac at the end of 172<sup>nd</sup> Circle was being extended south 100' and that three residential lots would be added on the west side of the cul-de-sac.

Bob Yarwood noted that he lived on that circle and, although, the homeowners association could only accommodate 56 residences, they are pleased to see housing, instead of business. They will be amending their covenants to allow the additional homes to be a part of that association.

\*Public Hearing Closed at 7:16 p.m. on agenda items #3 & 4\*

- < *Whitfield moved, seconded by Fanslau to recommend approval of a Change of Zone from BG to RS-72PD as it meets the comp plan. Ballot: Ayes - Fanslau, Fenster, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Hurley and Kunz. Motion carried.*
4. **Tiburon Limited Partnership, 17403 LaQuinta Circle, Omaha, requests approval of a Preliminary Plat for a subdivision to be known as Fairway Pointe 3 on the following described property, to wit: Being a replat of part of Lot 400A1B1, Tiburon, located in the SW1/4 of Sec 21, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (172<sup>nd</sup> Circle, south of Cornhusker Road)**
- < *Whitfield moved, seconded by Fanslau to recommend approval of a Preliminary Plat for a subdivision to be known as Fairway Pointe 3 as it meets the comp plan and zoning regulations. Ballot: Ayes - Fanslau, Fenster, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Hurley and Kunz. Motion carried.*
5. **Brown Architecture (Agent for Nebraska Christian College), 3624 Farnam St., Omaha, requests approval for a Special Use Permit to locate a college in an AG (Agricultural) Zoning District on**

**the following described property, to wit: The E1/2 of the SW1/4 of Sec 5, Twp 13N, Rng 12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (NW corner of 114<sup>th</sup> & Capehart Road)**

Ernie Cruz, Brown Architecture, stated that the Nebraska Christian College is currently located in Norfolk, Nebraska and is looking to relocate to Sarpy County. They hope to begin construction by July and would like to open in the fall of 2005. This college would be located on an 80-parcel of land at 114<sup>th</sup> Street and Capehart Road. The first phase of this project would be a multi-purpose building with classrooms and on-campus housing for students. The next phase could include an athletic house and chapel. He then introduced the President of the college, Richard Milliken.

Mr. Milliken indicated this college is a small, religious, training bible college. They currently have an enrollment of approximately 160 students and anticipate growth of up to 300+ students. The college feels this area would give the students more opportunity to broaden their ministry teachings in area churches. He also reiterated the desire to begin construction this summer.

Ken Tex added that this location was in the Walnut Creek Watershed and would be gravity fed to the north. He also noted that the college has already looked into cost sharing in road improvements to 114<sup>th</sup> Street.

\*Comments from the City of Papillion were read into record\*

Mr. Milliken indicated they had met with City Officials concerning water and sewer issues and felt they had a favorable meeting.

\*Public Hearing Closed at 7:31 p.m.\*

After further discussion by Planning Commission members,

< *Fenster moved, seconded by Wees to recommend approval of a Special Use Permit to allow Nebraska Christian College to build and operate a school on Agricultural land as long as they own the property. Ballot: Ayes - Fanslau, Fenster, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Hurley and Kunz. Motion carried.*

**6. Cheyenne Country Estates, LLC, 17809 Pacific Street, Omaha, requests approval of a Final Plat for a subdivision to be known as Cheyenne Country Estates on the following described property, to wit: The N1/2 of the NW1/4 of Sec 27, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (SE corner of 168<sup>th</sup> Street and Cornhusker Road)**

\*Comments from Larry Forman, Attorney for SID 230 were read into record\*

Ken Pollard, Lamp, Rynearson & Associates, representing Cheyenne Country Estates, LLC, stated that minor lot line adjustments had been made since the Preliminary Plat, but there are still the same amount of lots and streets are still in the same place. In response to Mr. Forman's letter, he indicated that he did tell them he would get a drainage plan to their engineer, but it took much longer that he had anticipated.

Ken Tex stated that he had spoken to Gerry Bowen of the Papio-Missouri River Natural Resource District (NRD), and Mr. Bowen said, unofficially, it appeared they were retaining more water than what is required. He had not had an opportunity to go over the plan thoroughly, but felt it would work.

Ken Pollard felt once everyone had reviewed the plan, it would be approved.

\*Public Hearing Closed at 7:46 p.m.\*

Ken Tex noted that they would not take this to the County Board until they had an approval from the NRD. Ken reminded the Planning Commission that the County Board of Commissioners will take the recommendation of the NRD.

When asked about road improvements, Ken Pollard said he had spoken with Tom Lynam again and Mr. Lynam indicated that the County would not cost share in this fiscal year. They would have to take that upon themselves, at least, for now. If they make an interlocal agreement, then future reimbursement would be made.

When asked if the County is required to cost share in road improvements, Tamra Madsen, Deputy County Attorney, responded by saying the County is not required by Statute to build roads.

< *Wees moved, seconded by Whitfield to recommend approval of the Final Plat for Cheyenne Country Estates as it meets the zoning regulations. Ballot: Ayes - Fanslau, Fenster, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Hurley and Kunz. Motion carried.*

**7. Lyman-Richey Corporation, 4315 Cuming Street, Omaha, requests approval of an amendment to Section 2.2.2 and Section 3.4 of the Sarpy County Zoning Ordinances pertaining to Temporary Uses.**

Norman Nelson, Lyman-Richey Corporation, gave a slide presentation of several different divisions of the company. He then asked the Planning Commission to approve the request for amendments to the zoning ordinances and indicated he would be happy to answer any questions.

Don Meyer asked Ken Tex if there had been any problems with batch plants.

Ken indicated there had not been any problems, adding that we rarely issue one.

After a brief discussion,

< *Fenster moved, seconded by Fanslau to recommend denial of the proposed amendments to the zoning ordinances because our current ones are adequate. Ballot: Ayes - Fanslau, Fenster, LaBart, Matthies, Meyer, Wees and Whitfield. Nays - none. Abstain - none. Absent - Hurley and Kunz. Motion carried.*

**III. CORRESPONDENCE:**

Alan Wear stated that Tom Wees, Don Meyer and himself had gone before the County Board as individuals to ask their opinion on zoning issues facing the county. As a result, a joint meeting of the Planning Commission and the County Board will be held on March 25, 2004.

Tamra Madsen stated the County Board had approved everything at their last meeting with the exception of East Acres and Platteford Hills subdivisions, tabling them until March 30, 2004. She also indicated she had some other things to discuss, but decided to wait until all commissioners could be in attendance.

Don Meyer said he had been doing some research and discovered that the State Statute says any land over 10 acres can be subdivided without going through the platting process. Sarpy County's regulation on that is 20 acres. He wondered if that was okay.

Ken Tex explained that we are allowed to be more restrictive than the State.

**IV. ADJOURNMENT:**

< Being no further discussion, *Fenster moved, seconded by Wees to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 9:00 p.m.*

Respectfully Submitted,

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