

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

**April 21, 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, April 21, 2004 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:08 p.m. with the following members present: Don Fenster, Tom Hurley, Wayne LaBart, Marcia Matthies, Tom Wees and Alan Wear. Absent was: Brenda Kunz, David Fanslau, Don Meyer and Doug Whitfield. 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 Fenster to approve the agenda as submitted. Ballot: Ayes - Fenster, Hurley, LaBart, Matthies and Wees. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Meyer and Whitfield. Motion carried.*
  
- < *Chairman Wear asked for a motion to approve the minutes of the March 17, 2004 meeting. Cindy Gilbert noted that an error in the motion to approve the agenda had been corrected by changing Hurley and Kunz from being present to absent. Fenster moved, seconded by Wees to approve the minutes as corrected. Ballot: Ayes - Fenster, LaBart, Matthies and Wees. Nays - none. Abstain - Hurley. Absent Fanslau, Kunz, Meyer and Whitfield. Motion carried.*

**I. CONSENT AGENDA ITEMS:**

None.

**II. REGULAR AGENDA ITEMS:**

\*\*Rules for a public hearing were read.\*\*

1. **Paul Erskine, 2056 N 60<sup>th</sup> Ave, 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 26, Carl Schmid Park, located in Sec 28, Twp 13N, Rng 12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (99<sup>th</sup> Street, one mile south of Mitchell Road)**

Ken Tex stated this trailer has been sitting in this location since approximately 1994. Mr. Erskine just

recently purchased it and needed to get the permit changed to his name as the new owner. Ken said these permits are generally issued for three years at a time and are renewable upon a legal publication.

< *Fenster moved, seconded by Hurley to recommend approval of a Special Use Trailer Permit for a period of three years, renewable by publication as it meets the zoning regulations. Ballot: Ayes - Fenster, Hurley, LaBart, Matthies and Wees. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Meyer and Whitfield. Motion carried.*

**2. Keith Howard and Blanche Rasmussen, 16297 S 63<sup>rd</sup> Street, 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 SE1/4 of Sec 24, Twp 13N, Rng 12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (63<sup>rd</sup> Street, approximately 3/4 mile south of Platteview Road)**

Ken Tex explained that this is a one lot 9+-acre subdivision on 63<sup>rd</sup> Street, south of Platteview Road. They had originally asked for an AGD zoning, but, the way the surveyor marked it out, he included the Right-Of-Way dedication in the total acreage. Since we don't include the R.O.W. as part of the lot, we reduced the zoning to an AGR zoning because it falls under the 10-acre minimum that it needs to qualify for an AGD zoning.

Pat Sullivan, Attorney, representing Ms. Rasmussen, stated they had two issues to present. He said they initially asked for an AGD zoning because the platted amount of land was 10 acres. He is requesting the zoning be put back into place. Also, they don't feel that the County has the right to force them to give up a portion of their land as Right-Of-Way in order to receive plat approval.

Tamra Madsen, Deputy County Attorney, was asked if we could do that. Tamra indicated that the County Surveyor is the one who requests the dedication and is not here to comment.

Mr. Sullivan reiterated his previous statement that Government cannot take land without paying for it.

\*Public Hearing Closed at 7:32 p.m.\*

Discussion between Planning Commission members included zoning districts and right-of-way dedications.

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

**3. Keith Howard and Blanche Rasmussen, 16297 S 63<sup>rd</sup> Street, Papillion, requests approval of a Preliminary/Final Plat for a subdivision to be known as Deer Meadows on the following described property, to wit: Being a platting of part of the SE1/4 of Sec 24, Twp 13N, Rng 12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (63<sup>rd</sup> Street, approximately 3/4 mile south of Platteview Road)**

< *Fenster moved, seconded by Wees to recommend approval of a Preliminary/Final Plat for a subdivision to be known as Deer Meadows, with the stipulation a corrected plat showing the road dedication be added to the plat, as it meets the subdivision regulations. Ballot: Ayes - Fenster, Hurley, LaBart, Matthies and Wees. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Meyer and Whitfield. Motion carried.*

4. **Martin Ostransky Farms, Inc., 22401 Harrison Street, Gretna, 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 S1/2 of the NE1/4 of Sec 22, Twp 14N, Rng 10E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (234<sup>th</sup> & Cary Road)**

Martin Ostransky indicated his son had moved away and he wanted to sell this land. He stated he had talked to Tom Lynam, County Surveyor, and the entrance to these lots would be off Prairie Ridge road, which is the subdivision directly south of this one. He also indicated that Rod Buehe, Gretna Fire Chief, had spoken with him and, although he preferred having a street run through from Lincoln Road to Cary Road, he would okay it the way they have it platted.

Ken Tex showed on the plat map where the two new lots for Prairie Ridge Two would be. These two lots would be at the end of the cul-de-sac where the Prairie Ridge Subdivision ends. He said Mr. Buehe had concerns six months ago when Prairie Ridge was being platted about a road running through the property north of Prairie Ridge, which is part of the property being discussed now. According to his letter, his concerns don't seem to be as strong as they were earlier. Ken also noted that there were only eight lots in this cul-de-sac, which is average. He also indicated that if the road was to go through, it would create cut-through traffic in the neighborhood from surrounding subdivisions.

\*Public Hearing was closed at 7:55 p.m.\*

After further discussion of the road,

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

5. **Martin Ostransky Farms, Inc., 22401 Harrison Street, Gretna, requests approval of a Preliminary/Final Plat for a subdivision to be known as Prairie Ridge Two on the following described property, to wit: Being a platting of part of the S1/2 of the NE1/4 of Sec 22, Twp 14N, Rng 10E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (234<sup>th</sup> & Cary Road)**

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

6. **Martin Ostransky Farms, Inc., 22401 Harrison Street, Gretna, 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 S1/2 of the NE1/4 of Sec 22, Twp 14N, Rng 10E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (234<sup>th</sup> & Cary Road)**

Mr. Ostransky said these two lots are directly north of the two lots for Prairie Ridge Two. He indicated he had agreed with Tom Lynam, County Surveyor, to use one common access off Cary Road for these two lots.

When asked, he indicated he had no problem dedicating Right-Of-Way for these subdivisions.

\*Public Hearing Closed at 8:03 p.m.\*

- < *Hurley moved, seconded by Matthies to recommend approval of a Change of Zone from AG to AGR as it meets the comp plan. Ballot: Ayes - Fenster, Hurley, LaBart, Matthies and Wees. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Meyer and Whitfield. Motion carried.*
7. **Martin Ostransky Farms, Inc., 22401 Harrison Street, Gretna, requests approval of a Preliminary/Final Plat for a subdivision to be known as Sunset Ridge Two on the following described property, to wit: Being a platting of part of the S1/2 of the NE1/4 of Sec 22, Twp 14N, Rng 10E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (234<sup>th</sup> & Cary Road)**
- < *Hurley moved, seconded by Matthies to recommend approval of a Preliminary/Final Plat for a subdivision to be known as Sunset Ridge Two as it meets the comp plan and subdivision regulations. Ballot: Ayes - Fenster, Hurley, LaBart, Matthies, and Wees. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Meyer and Whitfield. Motion carried.*
8. **Dowd Grain Company, Inc. (with E & A Consulting Group, Inc.), 8424 West Center Road, Omaha, requests approval of a Change of Zone from AG to RD-50PD, RG-15 and BG on the following described property, to wit: Being a platting of part of the N1/2 of Sec 22, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (SW corner of 156<sup>th</sup> & Giles Road)**

John Fullenkamp, Attorney, representing Landco Development, stated this was a 217 acre parcel located on the south side of Giles Road between 156<sup>th</sup> Street and 168<sup>th</sup> Street. Surrounding subdivisions include Spring Hill, Millard Park South, Cinnamon Estates and Cinnamon Acres. The proposed uses include business, single and multi family housing. The approximate density is 3.1 homes per acre. This will be developed in phases over a period of about five years. He indicated they had met with the Papio-Missouri River Natural Resource District (NRD) concerning the drainage. There will be three permanent retention basins built. He also indicated the developer has been contacted by Millard Public Schools. Mr. Fullenkamp also noted this subdivision should add approximately \$150 million to the Sarpy County tax base.

\*The letters from the NRD and Tom Lynam, County Surveyor were read into record.\*

Larry Forman, Attorney for S.I.D. 230 (Cinnamon Acres, Cinnamon Estates and Part of Briarcliff), stated there were three main concerns to the application: 1) density - they feel it is way too dense for the area. 2) drainage - the concern about the storm water runoff to make sure it does not create too much water onto the property owners in this S.I.D. 3) traffic - the amount of cars this subdivision will generate will be too much for 168<sup>th</sup> Street and Cornhusker Road too handle. He also added that Cinnamon Acres paid the pioneering fees for M.U.D. to come into this area.

Steve Mitchell, resident of Cinnamon Acres reiterated the same concerns as Mr. Forman. He said the big issue is the fact that he does not want less valued homes than are already in the area.

Gene Pope, local resident, indicated the traffic is dangerous already and there are no plans to do anything to 168<sup>th</sup> Street in the next six years. He also thought a new school would be an issue. He noted that this subdivision is a dramatic change to what's been there for a long time.

Brad Goldenstein stated he lives on 168<sup>th</sup> Street and already has to wait to get out of his driveway of a morning. He feels this subdivision will devalue his property. He added he would like to see this area stay with acreage lots.

\*Public Hearing Closed at 8:43 p.m.\*

John Fullenkamp's rebuttal included a statement about the pioneering fees indicating that those are paid

back to the original S.I.D. as development comes. He also said a traffic study will be taken. He added that this development is consistent with the Master Plan and the density issue is fairly modest. He noted the drainage will be addressed.

Ken Tex stated that the business zoning could be changed from BG (General Business) to BN (Neighborhood Business) so that certain businesses would have to come before the Planning Commission and County Board with a Special Use Permit. That would give more control to the County for what's allowed to be built there.

After some further discussion,

< *Hurley moved, seconded by Matthies to recommend approval of a Change of Zone from AG to RD-50PD, RG-15 and BN, to include the recommendations of the NRD, County Surveyor and for the drainage plan to be reviewed by the engineers for S.I.D. 230, as it meets the comp plan. Ballot: Ayes - Fenster, Hurley, LaBart, Matthies and Wees. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Meyer and Whitfield. Motion carried.*

**9. Dowd Grain Company, Inc. (with E & A Consulting Group, Inc.), 8424 West Center Road, Omaha, requests approval of a Preliminary Plat for a subdivision to be known as Stonecrest/Meridian Park on the following described property, to wit: Being a platting of part of the N1/2 of Sec 22, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (SW corner of 156<sup>th</sup> & Giles Road)**

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

**10. Schewe Farms, Inc. (with E & A Consulting Group, Inc.), 12289 Stratford Drive, Olive, IA, requests approval of a Change of Zone from AG to RD-50PD, RD-50 and BG on the following described property, to wit: Being a platting of part of the SE1/4 of Sec 21, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (NW corner of 168<sup>th</sup> & Cornhusker Road)**

Bob Doyle, Attorney, representing Palisades, LLC (Boyer Young), stated they are looking to develop 125 acres on the northwest corner of 168<sup>th</sup> Street. They have 441 single family homes platted and a business area slated for the corner of that intersection. He added they have no objection to the BN zoning as requested on the application prior to this one, saying that they plan on a business strip similar to Val Verde in LaVista. They have met with Gretna schools and are currently working on a contract. They are planning approximately \$150,000.00 worth of improvements to the park. He explained there is a gas pipeline running along a portion of the west side of this development and neighbors were concerned that it would not get taken care of properly. This is designated as an outlot that will be maintained by the Home Owners Association. The area that will have townhomes will be a mandatory home owners association. He noted that the price range of homes would be from \$130,000.00 to \$300,000.00+ range. The developer has agreed to install a traffic light and/or turn lanes at the intersection of 168<sup>th</sup> & Cornhusker, if necessary. He concluded by saying that it brings a nice mix, it is well designed and meets the master plan.

Ron Hunter, Attorney, representing the residents of Tiburon and Tiburon South, indicated the density was higher than what is currently in the area. He noted that Tiburon and Tiburon South take up an entire section and doesn't believe the density is acceptable for this area. He also talked about Tiburon having

hard surfaced 168<sup>th</sup> Street and 180<sup>th</sup> Street. He also felt traffic was a great concern for the area.

Larry Forman, Attorney for S.I.D. 230, also had concerns about traffic and storm water runoff. He would like to see larger lots on the corner. He would also like to see them get rid of the smaller lots and the business area and replace them with larger single family lots.

Gene Pope commented on not needing any more commercial business, traffic on 168<sup>th</sup> Street, and feels the development shouldn't be so dense.

Joe Davis gave a 'Point of Order' (per Roberts Rules of Order) on Agenda Items #8 & 9, questioning the fact that Ken Tex was allowed to speak after the public hearing had closed.

Tamra Madsen, Deputy County Attorney, stated that, since Mr. Tex is the Planning Coordinator for the County, it is part of his job to comment on the applications.

Robert John, resident of Tiburon, stated he built his house six years ago. He indicated there is already too much traffic. He feels the timing for a new subdivision isn't right. He thinks the infrastructure should come first.

Randy Folkerts, area resident, says storm water runoff would cause more problems to an area that already has drainage problems.

\*Public Hearing Closed at 9:39 p.m.\*

Bob Doyle rebutted by stating that the actual total acreage they were platting was 157 acres, not 125 acres as he had originally stated, which would bring the density down. He also stated that Boyer-Young would develop this land and have 10 to 15 builders constructing the homes. Water problems will be addressed and the business lot isn't very big because of the sediment pond.

\*The letter from the NRD was read into record.\*

Mark Wayne said that Tom Lynam would determine priority to increase need based on the traffic study for 168<sup>th</sup> Street, but that we still have to rely on the State to widen Highway 370.

Discussion was held on lot sizes, sewer availability, future land use map, etc.

< *Hurley moved, seconded by Matthies to recommend approval of a Change of Zone from AG to RD-50, RD-50PD and BN as it meets the comp plan. Ballot: Ayes - Fenster, Hurley, LaBart, Matthies and Wees. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Meyer and Whitfield. Motion carried.*

**11. Schewe Farms, Inc. (with E & A Consulting Group, Inc.), 12289 Stratford Drive, Olive, IA, requests approval of a Preliminary Plat for a subdivision to be known as Palisades on the following described property, to wit: Being a platting of part of the SE1/4 of Sec 21, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (NW corner of 168<sup>th</sup> & Cornhusker Road)**

< *Hurley moved, seconded by Matthies to recommend approval of a Preliminary Plat for a subdivision to be known as Palisades as it meets the comp plan and subdivision regulations to include the County Surveyor's comments. Ballot: Ayes - Fenster, Hurley, LaBart, Matthies and Wees. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Meyer and Whitfield. Motion*

*carried.*

### **III. CORRESPONDENCE:**

Don Fenster said the NPZA Conference he attended the end of March was a good one.

Tom Wees added he enjoyed it also, but wished they had more open sessions because that's where so many questions get answered.

Tamra Madsen stated the County Board had voted in agreement with the Planning Commissions recommendations. She added that they had denied East Acres and Platteford Hills subdivisions they had originally held over. She also indicated the County was waiting on the Supreme Court to make a decision on the annexation of Gretna.

### **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 10:09 p.m.*

Respectfully Submitted,

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