

SARPY COUNTY
Department of Planning & Building
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August 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, August 18, 2004 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:01 p.m. with the following members present: David Fanslau, Don Fenster, Tom Hurley, Brenda Kunz, Marcia Matthies, Alan Wear, Tom Wees and Doug Whitfield. Absent was Wayne LaBart and Don Meyer. 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.

Tamra Madsen, Ken Tex and Cindy Gilbert were introduced as Deputy County Attorney, Planning & Building Coordinator and Planning Secretary, respectively.

< *Chairman Wear noted we would be reversing Agenda Item #2 and #3 and asked for a motion to approve the agenda as amended. Wees moved, seconded by Fenster to approve the agenda as amended. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Wees and Whitfield. Nays - none. Abstain - none. Absent - LaBart and Meyer. Motion carried.*

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

I. CONSENT AGENDA ITEMS:

None.

II. REGULAR AGENDA ITEMS:

- 1. Dee Lahs, 8012 South 167th Street, Omaha, requests approval of a Special Use Permit to operate an in-home beauty salon on the following described property, to wit: Lot 327, Millard Park South, located in Sec 15, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (167th & Briar Street)**

Dee Lahs introduced herself and stated she was looking to start her own business in the basement of her home. She noted she would comply with all the requirements of the ADA (Americans with Disabilities Act). She would only have one chair and this was to be a part-time job.

She answered questions pertaining to driveway size: (4 spaces plus the garage) Street parking: (parking available on both sides of street) Other salons in the area; (One commercial salon and no in-home salons that she is aware of) and, if anyone had approached her because of the zoning sign in her yard; (yes, a couple a neighbors had approached her and when she explained what she was doing, they proceeded to ask if she did children's hair.)

****Public Hearing Closed at 7:11 p.m.****

< *Wees moved, seconded by Fanslau to recommend approval of a Special Use Permit to operate an in-home beauty salon as long as Ms. Lahs owns and operates the shop and does not add another chair. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Wees and Whitfield. Nays - none. Abstain - none. Absent - LaBart and Meyer. Motion carried.*

2. Dodge Land Company, 8701 West Dodge Road, Omaha, requests approval of a Final Plat for a subdivision to be known as Millard Park South on the following described property, to wit: Lots 347-480, inclusive, being a platting of part of the SW1/4 of Sec 15, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (162nd & Giles Road)

Chris Cain, HGM Associates, engineer for Millard Park South, stated this was the third and final phase for Millard Park South. It would contain 134 single family lots and conforms to the preliminary plat.

When asked if "Phase 3" should be a part of the legal description, Ken Tex answered by noting that this was a continuation of the original subdivision and that it would not be necessary to put the phase number in the legal description.

****Public Hearing Closed at 7:15 p.m.****

With no further discussion,

< *Fanslau moved, seconded by Matthies to recommend approval of the final plat for Millard Park South as it meets the subdivision regulations and zoning ordinances. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Wees and Whitfield. Nays - none. Abstain - none. Absent - LaBart and Meyer. Motion carried.*

3. Shirley & Steve Smith, 21209 South Highway 50, Springfield, requests approval of a Change of Zone from AG to BG on the following described property, to wit: Tax Lots 1, 6 & 5A, located in the NW1/4 of Sec 14, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (Highway 50, south of Cornish Road)

Steve Smith stated he was representing his client for a Change of Zone indicating they needed to increase the deck size for the bar and to increase parking availability within the land being used for the business.

Ken Tex located the property on a map and noted that the Papio-Missouri River Natural Resource District (NRD) is in the process of building a bicycle trail that runs along the river under Highway 50 near this business. Ken also explained that the original bar had been owned by someone else and had a small gathering. Mr. Smith has expanded the business by building decks outside and using those as part of the establishment. This is the portion that is considered to be a non-conforming use.

Mr. Smith added that Kirkham-Michael Consulting Engineers had sent him a letter stating the structures they had built would not cause a rise in the flow of water from the river.

Mr. Tex explained that, in order to expand a non-conforming use, the zone must be changed to allow a commercial business.

Mr. Smith noted that the new zoning will allow for parking for up to 200 people. He also said the State intends to add two more lanes to Highway 50 on the west side of the highway.

Ken Tex stated the structures that cause this to be a non-conforming use were built without permits. He did add that fencing can be added around the property. Because it is in the floodway, the fence would have to be designed a little differently than most, such as break-away fencing.

Lieutenant Russ Zeeb, Sarpy County Sheriff's Department, expressed his concerns with the safety of people being so close to the river, parking along Highway 50 and parking on the new trail. He said this, mixed with drinking, is a major safety risk and asked the Planning Commission to deny the change of zone based on the safety to the citizens of Sarpy County.

Mr. Smith, in his rebuttal, stated there is more area available for parking than what Mr. Zeeb indicated. He also feels this is a good area for his business and doesn't feel parking is an issue if he gets his change of zone, so he can put a parking lot on his property.

****Public Hearing Closed at 8:09 p.m.****

After some further discussion,

< *Fenster moved, seconded by Wees to recommend denial of the Change of Zone from AG to BG as it does not comply with the comprehensive development plan. Ballot: Ayes - Fanslau, Fenster, Hurley, Kunz, Matthies, Wees and Whitfield. Nays - none. Abstain - none. Absent - LaBart and Meyer. Motion carried.*

III. CORRESPONDENCE:

Tamra Madsen told the Planning Commission that the County Board did approve the Special Use Permit for a composting facility. The lead fill was not included in their motion. She also stated that RDG Associates had been contracted to update the comprehensive plan and zoning ordinances.

Ms. Madsen stated the litigation is proceeding with the City of Gretna and mentioned they (the City) have put a moratorium on sewer hook-up in the County's jurisdiction.

Discussion took place regarding the comp plan and zoning ordinances. It was decided to ask the County Board to allow the Planning Commission to be fully involved with the up-dating of the comp plan and zoning ordinances. A formal request will be put on the agenda for the September meeting.

Ken Tex mentioned that the Mayor of the City of Papillion has written a letter to Chairman Boyd offering the services of their City Planner to share with the County. He indicated that it will be discussed at the Administrative Briefing on Tuesday, August 24, 2004.

Pete Nielsen voiced a concern about the new bike trail and the traffic down along Highway 50. He feels there is a danger to the bike riders.

IV. ADJOURNMENT:

< *Being no further discussion, Hurley moved, seconded by Wees to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 8:25 p.m.*

Respectfully Submitted,

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