

SARPY COUNTY
Department of Planning & Building
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December 1, 2004

Sarpy County Board of Commissioners
Sarpy County Courthouse
1210 Golden Gate Drive
Papillion, Nebraska 68046

To The Sarpy County Board of Commissioners:

Due to no quorum, the Sarpy County Planning Commission held its November 17, 2004 monthly meeting on Wednesday, December 1, 2004 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:00 p.m. with the following members present: David Fanslau, Tom Hurley, Brenda Kunz, Marcia Matthies, Alan Wear, and Doug Whitfield. Absent was Don Fenster, Wayne LaBart, Don Meyer and Tom Wees. 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.

Ken Tex and Cindy Gilbert were introduced as Planning & Building Coordinator and Planning Secretary, respectively.

- < *Chairman Wear asked for a motion to approve the agenda as submitted. Matthies moved, seconded by Kunz to approve the agenda as submitted. Ballot: Ayes - Fanslau, Hurley, Kunz, Matthies, Wear and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart, Meyer and Wees. Motion carried.*
- < *Chairman Wear asked for a motion to approve the minutes of the September 15, 2004 meeting. Hurley moved, seconded by Matthies to approve the minutes as submitted. Ballot: Ayes - Fanslau, Hurley, Kunz, Matthies, Wear and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart, Meyer and Wees. Motion carried.*

I. CONSENT AGENDA ITEMS:

None.

II. REGULAR AGENDA ITEMS:

1. **Wayne & Shari Lewis, 12390 S. 234th Street, Gretna requests approval of a Change of Zone from RE to BG on the following described property, to wit: Lot 5, Schnack Acres, located in part of Sec 3, Twp 13N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (234th Street, ½ mile south of Schram)**

Wayne Lewis asked to change the zone to a business zone. He currently runs a business out of his shop. He wants to make his shop larger so he can expand his business. He said that there are generally about two semi-trucks in and out each week.

When asked what kind of business he runs, he indicated it was pet bedding and horse bedding. It is brought in bulk, screened, bagged and shipped out.

Ken explained that this is not considered a home occupation and this business is not allowed in a residential development.

Public Hearing Closed at 7:10 p.m.

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

2. Ronald & Carol Patterson, 22202 Armbrust Lane, Gretna requests approval of a Change of Zone from AG to RE 2 on the following described property, to wit: Being a replat of part of Tax Lot 4, located in the NE1/4 of Sec 2, Twp 12N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (Highway 31 & Buffalo Road)

Ronald Patterson noted that he had spoken with Ken Tex prior to bringing this to the Planning Commission. He indicated that this land can't be used for farming because there is too much creek. A County road divides this 6 acres from the rest of his property. Mr. Patterson also indicated he was looking to get a variance from the Board of Adjustment for the setback for the house they want to build.

Ken noted the setback didn't really have anything to do with zoning and platting of this land. He also stated the 33' dedication instead of 50' was sufficient according to Tom Lynam. Mr. Lynam stated to Ken that Armbrust lane won't be a four-lane road. The homes at the end of the lane are about the only use this road gets.

Public Hearing Closed at 7:25 p.m.

< *Hurley moved, seconded by Fanslau to recommend approval of a Change of Zone from AG to RE 2 as it meets the comp plan and zoning regulations. Ballot: Ayes - Fanslau, Hurley, Kunz, Matthies, Wear and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart, Meyer and Wees. Motion carried.*

3. Ronald & Carol Patterson, 22202 Armbrust Lane, Gretna requests approval of a Preliminary/Final Plat for a subdivision to be known as Deer Hollow on the following described property, to wit: Being a replat of part of Tax Lot 4, located in the NE1/4 of Sec 2, Twp 12N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (Highway 31 & Buffalo Road)

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

4. Graves Development Resources, 11920 Burt Street, Suite 165, Omaha requests approval of a Final Plat for a subdivision to be known as Bellbrook on the following described property, to wit: Part of the SW1/4 of the NE1/4 and part of the E1/2 of the NW1/4, all in Sec 18, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (192nd Street & Harrison)

Bob Dean, RD Engineering, asked for a final plat for Phase 2 of Bellbrook, located at 192nd Street and Harrison Street, noting it conforms to the Preliminary Plat. He stated there would be 148 single family lots in this phase.

Public Hearing Closed at 7:30 p.m.

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

5. **Gene & Ila Mackey, 8202 S. 168th Street, Omaha requests approval of a Change of Zone from AG to RE 2 on the following described property, to wit: Being a platting of part of the S1/2 of the SE1/4 of Sec 16, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (168th & Giles Road)**

Doug Ferguson, Pastor, Celebration Covenant Church, indicated their plans to start with a multi-purpose area and family life center. It could be used as a gym for walking, etc. He presented the Planning Commission with some architectural drawings on how they would like to see the church built. He said they also intend to provide some recreational space for a possible soccer field and a prayer garden.

Ken Tex indicated they had talked about participating in road improvements on Giles Road.

Public Hearing Closed at 7:38 p.m.

< *Whitfield moved, seconded by Matthies to recommend approval of a Change of Zone from AG to RE 2 as it meets the comp plan and zoning regulations. Ballot: Ayes - Fanslau, Hurley, Kunz, Matthies, Wear and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart, Meyer and Wees. Motion carried.*

6. **Gene & Ila Mackey, 8202 S. 168th Street, Omaha requests approval of a Preliminary/Final Plat for a subdivision to be known as Celebration on the following described property, to wit: Being a platting of part of the S1/2 of the SE1/4 of Sec 16, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (168th & Giles Road)**

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

7. **Shirley Smith, 21215 S. 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 Sec 14, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (Highway 50, south of Cornish Road)**

Stephen Smith asked for a Change of Zone from AG to BG for the purpose of putting additional parking for their bar. He stated his business has increased the property tax on that land. Much of the revenue from his business comes from Cass County, which he says benefits Sarpy County.

Shirley Smith added they want the additional parking on their ground to keep people from parking on Highway 50.

When asked if there were any significant changes made since the last time they applied for this zoning change, Stephen Smith replied by stating that the bike path made by the Papio-Missouri River Natural Resource District (NRD) is the most significant change. He also stated that Highway 50 would be re-located at some point in time. He added they would like to have 50 to 60 additional parking stalls. They also do not want to put up a fence facing the water as it obstructs the view. He indicated they still have a license for the beer garden and have been running the business for two years.

Ken Tex stated the issue is not parking, but expanding a non-conforming use.

Russ Zeeb, Sarpy County Sheriff's Department, stated that Heron Bay's liquor license to operate a beer garden had been revoked. He still believes there are safety concerns with patrons drinking near the water and with traffic. He asked that approval from the NRD be sought before allowing this use to expand.

Stephen Smith, in his rebuttal, doesn't think the water is a danger. He also thinks turning off Highway 50

will not cause any problems once the State has re-done the Highway.

Public Hearing Closed at 8:15 p.m.

After brief discussion,

< *Fanslau moved, seconded by Hurley to deny approval of the Change of Zone as it does not meet Section 1.5 of Sarpy County Zoning Ordinances pertaining to the health, safety and welfare of the citizens of the County. Ballot: Ayes - Fanslau, Hurley, Kunz, Matthies, Wear and Whitfield. Nays - none. Abstain - none. Absent - Fenster, LaBart, Meyer and Wees. Motion carried.*

III. CORRESPONDENCE:

Tamra Madsen noted the County Board went with the Planning Commission's recommendations at their last meeting. She also introduced Paul Cook as the newest County Commissioner.

Discussion was held on the status of the revised comprehensive plan. Alan Wear stated the first meeting was basically a fact finding mission and gathering of information. Dave Fanslau said the second meeting was about the same, but they did a presentation on the growth projections for the entire metro area. Ken Tex indicated the largest area of concern still remains the size of lots.

IV. ADJOURNMENT:

< *Being no further discussion, Hurley moved, seconded by Fanslau to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 8:28 p.m.*

Respectfully Submitted,

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