

SARPY COUNTY
Department of Planning & Building
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February 16, 2005

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 February 16, 2005 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: Mechele Burry, Don Fenster, Tom Hurley, Wayne Labart, Courtney Dunbar, Tom Wees, Doug Whitfield and Alan Wear. Absent was Don Meyer, Brenda Kunz and David Fanslau. Tamra Madsen, Deputy County Attorney was present. Also present were Ken Tex, Planning & Building Coordinator and Cindy Gilbert, Recording Secretary.

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

- < *Chairman Wear asked for a motion to approve the agenda as submitted. Wees moved, seconded by Whitfield to approve the agenda as submitted. Ballot: Ayes - Burry, Dunbar, Fenster, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz and Meyer. Motion carried.*
- < *Chairman Wear asked for a motion to approve the minutes of the December 1, 2004 meeting. Hurley moved, seconded by Dunbar to approve the minutes as submitted. Ballot: Ayes - Burry, Dunbar, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - Fenster. Absent - Fanslau, Kunz and Meyer. Motion carried.*
- < *Chairman Wear asked for a motion to approve the minutes of the January 19, 2005 meeting. Wees moved, seconded by Burry to approve the minutes of the January 19, 2005 meeting as submitted. Ballot: Ayes - Burry, Dunbar, Fenster, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz and Meyer. Motion carried.*

I. CONSENT AGENDA ITEMS:

None.

II. REGULAR AGENDA ITEMS:

1. **David Smith, P.O. Box 171, Gretna, 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 46P, Vencils Island, located in Sec 20, Twp 14N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (252nd Street, south of Harrison)**

Ken Tex spoke on behalf of David Smith, who was not in attendance. Mr. Tex explained this trailer already sits on this lot. It is simply a change of ownership. They are generally granted for a period of three years and are renewable upon publication for the current owner.

Public Hearing Closed at 7:07p.m.

- < *Labart moved, seconded by Hurley to recommend approval of a Special Use Trailer Permit to park a single wide mobile home for recreational purposes only for a period of three years, renewable upon publication. Ballot: Ayes - Burry, Dunbar, Fenster, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz and Meyer. Motion carried.*
2. **John Hall, 6417 S. 149th 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 43P, Vencils Island, located in Sec 20, Twp 14N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (252nd Street, south of Harrison)**

Ken Tex stated this was the same situation as the application prior to this one.

Public Hearing Closed at 7:09p.m.

- < *Wees moved, seconded by Burry to recommend approval of a Special Use Trailer Permit to park a single wide mobile home for recreational use only for a period of three years, renewable upon publication. Ballot: Ayes - Burry, Dunbar, Fenster, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz and Meyer. Motion carried.*
3. **RDG Planning & Design requests a recommendation of approval for a preliminary concept to future changes in the Comprehensive Development Plan.**

Marty Shukert, RDG Planning & Design, introduced himself and Amy Haase. Mr. Shukert gave a Power Point presentation that highlighted the changes that have been made since the January meeting. With factors such as water and sewer availability, topography, population projections, he gave 5 different scenarios for guidance on future growth. He touched on his ideas for acreages in relation to individual septic systems and community systems, indicating that under 3 acres per unit, community water and septic systems would be more appropriate. He summarized by noting that the "Hybrid Solution" seemed to be the direction they would encourage. It has an urban scheme which would be to "sewer everything that can be sewered". They will continue to develop a final draft for the Planning Commission to consider sometime in the near future.

- < *Wees moved, seconded by Labart to recommend moving forward with the concept for future land use as presented by RDG Planning & Design (Marty Shukert). Ballot: Ayes - Burry, Dunbar, Fenster, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz and Meyer. Motion carried.*
4. **Wayne Labart, 1411 JFK Drive, Bellevue, requests approval of a Change of Zone from AG to AGD on the following described property, to wit: Being a platting of Tax Lots B and 2B and part of Tax Lot A1, all located in the E1/2 of the NE1/4 of Sec 28, Twp 13N, Rng 13E of the 6th P.M., Sarpy County, Nebraska. (Dyson Hollow Road and LaPlatte Road)**

Wayne Labart excused himself from the room as the following agenda item is his own application

Dave Compton, representing Wayne Labart, stated that Mr. Labart owned about 44 acres in this area and is wishing to split 20 acres of that into 2 10-acre pieces. The intended use will be to build two single family homes. He also stated it meets the County's regulations.

Ken Tex answered the question concerning the 50' future roadway easement by explaining that he spoke to Tom Lynam of the Highway Department and, because Dyson Hollow Road actually runs slightly away from this property because of the ridge, it wasn't likely the road would be widened in that area. They left the easement there just in case.

Public Hearing Closed at 7:50 p.m.

- < *Hurley moved, seconded by Whitfield to recommend approval of a Change of Zone from AG to*

AGD as it meets the comp plan and zoning regulations. Ballot: Ayes - Burry, Dunbar, Fenster, Hurley, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz, Labart and Meyer. Motion carried.

5. **Wayne Labart, 1411 JFK Drive, Bellevue, requests approval of a Preliminary/Final Plat for a subdivision to be known as Dyson Hollow Addition on the following described property, to wit: Being a platting of Tax Lots B and 2B and part of Tax Lot A1, all located in the E1/2 of the NE1/4 of Sec 28, Twp 13N, Rng 13E of the 6th P.M., Sarpy County, Nebraska. (Dyson Hollow Road and LaPlatte Road)**

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

****Wayne Labart returned to the meeting.****

6. **E & A Consulting (on behalf of Celebrity Townhomes), 12001 "Q" Street, Omaha, requests approval of a Change of Zone from RD-50PTD to BG on the following described property, to wit: Being a replatting of Lot 176, Sunridge, a subdivision located in part of the E1/ 2 of the NE1/4 of Sec 17, Twp 14N, Rng 11E of the 6th P.M. Sarpy County, Nebraska. (180th & Harrison Street)**

Bob Doyle, attorney representing Celebrity Townhomes and KVI, Inc., stated this lot was originally supposed to be for the Catholic Church. They chose a different location which left an empty lot. They are now requesting this land be commercial. There is already a commercial area across the street and an industrial area to the east.

Ken Tex noted that the Sunridge SID has already participated in the improvements to Harrison Street and 180th Street.

Mr. Doyle also noted that KVI is a large scale developer of other projects such as Oakbrook Mall.

Public Hearing Closed at 7:58 p.m.

< *Wees moved, seconded by Whitfield to recommend approval of a Change of Zone from RD-50 PTD to BG as it meets the comp plan and zoning regulations. Ballot: Ayes - Burry, Dunbar, Fenster, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz and Meyer. Motion carried.*

7. **E & A Consulting (on behalf of Celebrity Townhomes), 12001 "Q" Street, Omaha, requests approval of a Preliminary Plat on a subdivision to be known as Sunridge Replat Two on the following described property, to wit: Being a replatting of Lot 176, Sunridge, a subdivision located in part of the E1/ 2 of the NE1/4 of Sec 17, Twp 14N, Rng 11E of the 6th P.M. Sarpy County, Nebraska. (180th & Harrison Street)**

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

8. **Young Farms, LLC, 9805 Giles Road, LaVista, requests approval of a Change of Zone from AG to RE 2 on the following described property, to wit: Being a platting of the E1/2 of the SE1/4 of the SE1/4 of Sec 22, Twp 14N, Rng 10E of the 6th P.M. Sarpy County, Nebraska. (232nd Street, north of Lincoln Road)**

Bob Doyle, attorney representing Young Farms, stated this was a 20-acre piece of land located on the north side of Prairie Ridge Estates at 232nd Street and Lincoln Road. Mr. Doyle mentioned the presentation given earlier in the evening by Marty Shukert and feels this would fit into this area. The developer is proposing a community water system and individual waste water systems. He also noted the only access to the property is an easement to Centennial Road and would like to see an access running south to align with the road in Prairie Ridge Estates. He suggested the County condemn the property that runs along the section line to create a 'Section Line Road'. The developer would like to have approval for this subdivision.

Cindy Gilbert read the correspondence from the Gretna Fire Chief into record.

Jeff Elliott, Engineer for E & A Consulting Group, stated there was a sufficient supply of water for those 10 lots, in addition to the lots already there.

Tim Young reiterated the fact that an extensive test field was done at 232nd Street and "Q" Street in Omaha, which is in the same aquifer as the aforementioned property. He also maintained this development would assist in road maintenance.

A question in the zoning classification was determined to be a relatively easy fix, but that access was still the main concern.

Jim Alvarez is the owner of the property to the west of this one and is opposed to this subdivision because of the access problems.

Mike Kivet, attorney representing a group of homeowners east of this property. The private roadway adjacent to this property has a separate maintenance agreement. The developers option is to condemn this roadway and Mr. Kivet's clients oppose this application as submitted. Mr. Kivet indicated this is not the proper use for the area and would not meet with the proposed concept on the comprehensive development plan.

Steve Huber, Apex Group, stated that he and Curt Hofer developed Prairie Ridge Estates. He indicated they had originally come to the Planning Commission with 2 to 3 acre sites for Prairie Ridge and it was voted down by the Planning Commission and the County Board. This is why their lots now average 5-acres in size. The new proposed subdivision wouldn't fit very well with the area as most of the developed lots are a minimum of 5 acres in size. Mr. Huber also explained that the lot that Mr. Young wants to build the road through into Prairie Ridge is currently owned by an individual who he does not think wishes to split his lot for a road. He noted that Mr. Young was aware of how the property was accessed when he purchased this acreage.

Public Hearing Closed at 8:35 p.m.

Tim Young, in his rebuttal, agreed he knew about the access when he purchased the property, but can still look at other options. He also noted the Gretna Fire Department has the same concerns as far as one access. The nearest fire hydrant is only 1 ½ miles away. He indicated the private road is in very poor condition. He made mention that Prairie Ridge Estates also has some 3-acre lots, noting that buyers are wanting this type of product. He doesn't think 5-acre lots are the best use as buyers want smaller lots.

Tamra Madsen, Deputy County Attorney, responded to the question of S.I.D.'s being able to condemn land for streets by stating that it was possible, but the judge would likely look at other factors as well.

Courtney Dunbar, Planning Commissioner, wanted to make sure the audience understood that all opinions on any application are considered equally.

After further discussion by the Planning Commission regarding issues of access and road improvements,

< *Fenster moved, seconded by Wees to deny the Change of Zone as it does not meet the current or proposed comp plan and does not provide adequate access. Ballot: Ayes - Burry, Dunbar,*

Fenster, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz and Meyer. Motion carried.

9. **Young Farms, LLC, 9805 Giles Road, LaVista, requests approval of a Preliminary Plat for a subdivision to be known as Prairie View Estates on the following described property, to wit: Being a platting of the E1/2 of the SE1/4 of the SE1/4 of Sec 22, Twp 14N, Rng 10E of the 6th P.M. Sarpy County, Nebraska. (232nd Street, north of Lincoln Road)**

< *Fenster moved, seconded by Wees to deny the Preliminary Plat as it does not meet the current or proposed comp plan and does not provide adequate access. Ballot: Ayes - Burry, Dunbar, Fenster, Hurley, Labart, Wees and Whitfield. Nays - none. Abstain - none. Absent - Fanslau, Kunz and Meyer. Motion carried.*

III. **CORRESPONDENCE:**

Cindy Gilbert asked the Planning Commissioners to let her know if they would like to attend the NPZA (Nebraska Planning & Zoning Association) conference in April. She said she would take care of the registration and room reservations for them.

Tamra Madsen noted the Gretna Fire Chief was mistaken in his belief that the County Board requires a minimum of two accesses in each subdivision. She noted it was presented to the Board, but they declined stating it was better to decide on a case-by-case basis what kind of access would be necessary.

IV. **ADJOURNMENT:**

< *Being no further discussion, Dunbar moved, seconded by Burry to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 9:04 p.m.*

Respectfully Submitted,

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