

SARPY COUNTY
Department of Planning & Building
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Ken Tex, Planning & Zoning Coordinator

November 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 November 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: Dave Fanslau, Don Fenster, Scott Irwin, Wayne Labart, Alan Wear, Tom Wees and Doug Whitfield. Absent were: Mechele Burry, Courtney Dunbar and Don Meyer. Mike Smith, Deputy County Attorney, was present. Also present were Ken Tex, Planning & Building Coordinator and Cindy Gilbert, Recording Secretary.

Ken Tex and Cindy Gilbert and Mike Smith were introduced as Planning & Building Coordinator, Planning Secretary and Deputy County Attorney, respectively. Also introduced was Rick Houck, the new Planning & Building Director of Sarpy County.

- ▶ *Chairman Wear asked for a motion to approve the agenda as submitted. Wees moved, seconded by Labart to approve the agenda as submitted. Ballot: Ayes - Fanslau, Fenster, Irwin, Labart, Wees, Whitfield and Wear. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*
- ▶ *Chairman Wear asked for a motion to approve the minutes of the September 14, 2005 meeting. Labart moved, seconded by Irwin to approve the minutes as submitted. Ballot: Ayes - Fanslau, Fenster, Irwin, Labart and Wear. Nays - none. Abstain - Wees and Whitfield. Absent - Burry, Dunbar and Meyer. Motion carried.*
- ▶ *Chairman Wear asked for a motion to approve the minutes of the October 19, 2005 meeting. Fenster moved, seconded by Fanslau to approve the minutes as submitted. Ballot: Ayes - Fanslau, Fenster, Irwin, Wees, Whitfield, and Wear. Nays - none. Abstain - Labart. Absent - Burry, Dunbar and Meyer. Motion carried.*

Chairman Wear asked for commissioner reports.

Tom Wees reported he had attended the County Board meeting on November 8 to hear discussion on the comprehensive development plan and was pleased with the comments and with so many people in attendance that were in favor of the comp plan.

I. CONSENT AGENDA ITEMS: Note: All consent items are automatically approved when the consent agenda is approved unless removed by a board member. Removed items will be placed under Regular Agenda Items for action by the Planning Commission. None.

Tom Wees left the room

II. REGULAR AGENDA ITEMS:

- 1. Charles & Deborah Korytowski, 20912 S. 204th Street, Gretna, request approval of a**

Change of Zone from AG to AGR on the following described property, to wit: Being a platting of part of Tax Lot “Q”, located in the SE1/4 of Sec 12, Twp 12N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (204th Street, & W. Highway 31)

Agenda Items 1 & 2 were read and discussed together

Ken Tex explained this change of zone and the preliminary/final plat had been tabled from the last meeting due to an error in the legal description of the property. He noted this was a 9+ acre parcel. It falls under the 10 acre minimum by about two-tenths of an acre because of the 17' Right-Of-Way dedication. There is also a 33' road easement along the south side of the property, which will ensure access for future development. The change of zone and the plat comply with the comprehensive development plan.

Doug Whitfield asked if the County was asking for too much Right-Of-Way?

Ken Tex said “No”, because Tom Lynam, County Surveyor, indicated he was not willing to move a County Road that far away.

Public Hearing Closed at 7:13 p.m.

- * Labart moved, seconded by Whitfield to recommend approval of a Change of Zone from AG to AGR as it meets the comp plan. Ballot: Ayes - Fanslau, Fenster, Irwin, Labart, Whitfield, and Wear. Nays - none. Abstain - none. Absent - Burry, Dunbar, Meyer and Wees. Motion carried.*
- 2. Charles & Deborah Korytowski, 20912 S. 204th Street, Gretna, request approval of a Preliminary/Final Plat for a subdivision to be known as Deborah’s 2nd Addition on the following described property, to wit: Being a platting of part of Tax Lot “Q”, located in the SE1/4 of Sec 12, Twp 12N, Rng 10E of the 6th P.M., Sarpy County, Nebraska. (204th Street, & W. Highway 31)**
 - Labart moved, seconded by Irwin to recommend approval of a Preliminary/Final Plat for a subdivision to be known as Deborah’s 2nd Addition as it meets the zoning regulations and the comp plan. Ballot: Ayes - Fanslau, Fenster, Irwin, Labart, Whitfield, and Wear. Nays - none. Abstain - none. Absent - Burry, Dunbar, Meyer and Wees. Motion carried.*

Tom Wees re-entered the room

- 3. Gale Wickersham, 10502 S. 147th Street, Omaha, requests approval of a Final Plat for a subdivision to be known as Wicks Southpointe on the following described property, to wit: Part of the NE1/4 of Sec 34, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (SW corner of Highway 370 & I-80)**

Joe Foley, Lamp, Rynearson & Associates, indicated they brought the Preliminary Plat before the Planning Commission last month. They are looking to get a Final Plat for Lots 1 & 2 and Outlots 1 & 2. Their intent is to final these lots in phases. These lots are consistent with the Preliminary Plat.

Doug Whitfield said he didn’t like the street name because it is not consistent with the street that lines up with it at the entrance on Highway 370.

Ken Tex stated this is one of those unique situations where the name of the street on the other side of Highway 370 identifies the Sapp Brothers area and was named several years ago. Even so, the street in Wicks Southpointe will eventually curve around to intersect with 168th Street and he would rather not see and intersection with two numbered streets.

Public Hearing Closed at 7:20 p.m.

- *Fanslau moved, seconded by Fenster to recommend approval of a Final Plat for Lots 1 & 2 and Outlots 1 & 2 of Wicks Southpointe as it meets the zoning regulations. Ballot: Ayes - Fanslau, Fenster, Irwin, Labart, Wees, Whitfield, and Wear. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*
4. **Giles Corner, Inc., 16255 Woodland Drive, Omaha, request approval of a Final Plat for a subdivision to be known as Santa Fe Station on the following described property, to wit: Part of Tax Lot 5A, located in Sec 20, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (180th & Giles Road)**

Jim Lang, attorney representing Giles Corner, Inc., stated this application is for a Final Plat for Lots 1 & 2 of Santa Fe Station. He noted the Preliminary Plat was approved by the Planning Commission already. They are looking to final this plat in phases and it does conform to the Preliminary Plat.

Ken Tex added that there is no water or hard surface roads available and that no more development will begin until improvements have been made.

Public Hearing Closed at 7:26 p.m.

- *Wees moved, seconded by Fanslau to recommend approval of Lots 1 & 2 of the Final Plat for Santa Fe Station as it meets the comp plan. Ballot: Ayes - Fanslau, Fenster, Irwin, Labart, Wees, Whitfield, and Wear. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*
5. **Luxa Construction, 925 E. Dixon Road, Blair, NE request approval of a Special Use Permit to operate a concrete and asphalt recycling plant on the following described property, to wit: located in the NE1/4 of the NE1/4 of Sec 11, Twp 13N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (1/4 mile west of Highway 50 on Capehart Road)**

Bill Stephens, Luxa Construction, stated they are wanting to operate a recycling plant to crush concrete and asphalt on Capehart Road, just west of Highway 50. They would also like to bring in concrete from other jobs as well. He added they will also market the product back out. They are requesting the permit for a period of three years.

Ken Tex noted that since this is a temporary use, the zoning will not need to be changed. He stated the area of the permit is centrally located about 2 miles north of Springfield and 2 miles south of Highway 370. There is one farm house within 1/4 to 1/2 mile away.

Bill Stephens also noted the area will be cleaned up properly when they are finished. They will also be putting in silt fencing and maintaining dust control.

Public Hearing Closed at 7:31 p.m.

- *Irwin moved, seconded by Fanslau to recommend approval of the Special Use Permit to operate a concrete and asphalt recycling plant for a period of three years as it meeting the zoning requirements. Ballot: Ayes - Fanslau, Fenster, Irwin, Labart, Wees, Whitfield, and Wear. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*
6. **Amendment to the Sarpy County Zoning Ordinances specifically to adopt the latest flood plain maps, dated December 2, 2005, as recommended by the Federal Emergency Management Agency and the Nebraska Department of Natural Resources.**

Rick Houck, Planning Director, stated that Keith County had recently adopted the flood maps that pertained to their area and referred to the reports written on their behalf. He also indicated that the digital

versions of these maps for Sarpy County would probably be available in the next year or two.

Louis Riha, Sarpy County resident, stated he owns property in a flood plain area near the Highway 50 bridge over the Platte River. He said the elevations have been raised 6 feet in the last twenty years. He thinks that, maybe, the State should buy them out if they are going to use this land around here as a holding pond. He indicated it would cost nearly \$160,000 to put ten feet of fill on ten acres of land and would like this set of maps to be tabled until someone can answer why these elevations keep going up.

Ken Tex said it is up to the land owner to hire an engineer and have their own land surveyed. The engineer then sends the information to FEMA, who can remove all or a portion of the ground from the flood plain. He also added the County or FEMA neither one requires anyone to carry flood insurance. That comes from the lending companies. Ken also noted that the County can be put on probation or cancelled from the program if it doesn't adopt the maps.

Doug Whitfield asked if the maps could be challenged by the County?

Mike Smith, Deputy County Attorney, indicated that they really couldn't. He added that the maps can't be challenged at all if they are not adopted.

Mike Sotak, Olsson & Associates, stated there are various reasons for the differences in the elevations such as the software program they use or the modeling technology used today. He didn't feel the changes made to the bridge on Highway 50 was contributing to the rise in elevations. He noted that individual property owners can hire an engineer or the County could have the affected flood plain areas redone by an engineer.

Ken also indicated that, if we survey one persons property to challenge the maps, we would have to do everyone's property that owns land in the flood plain.

Dan Pleiss, Secretary of Husker Lake, suggested that, by raising the flood plain elevations, it would be impossible to transfer property by owners and the cabin owners wouldn't be able to remodel or add on to their cabins. He also felt property values would be affected.

Alan Wear said he understands their concerns, but indicated the Planning Commission can't help them like the County Board might be able to.

Don Fenster added he feels these challenges need to be made on an individual basis.

Public Hearing Closed at 8:12 p.m.

- *Fenster moved, seconded by Wees to recommend approval of the flood plain maps as presented. Ballot: Ayes - Fanslau, Fenster, Irwin, Labart, Wees, Whitfield, and Wear. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*

III. CORRESPONDENCE.

Chairman Wear presented Ken Tex with a plaque in appreciation for his work with and support of the Planning Commission.

Tom Wees added that he appreciated Ken's willingness to work with the developers to bring in good plans. He noted Ken had helped make the Planning Commissioners decisions easier.

Cindy Gilbert also extended her appreciation, on behalf of the Planning and Building Department, for Ken's leadership and guidance.

IV. ADJOURNMENT.

Being no further discussion, *Fenster moved, seconded by Fanslau to adjourn the meeting. By a*

unanimous oral vote, Chairman Wear declared the meeting adjourned at 8:22 p.m.

Respectfully Submitted,

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