

**SARPY COUNTY**  
**Department of Planning & Building**  
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**July 12, 2006**

**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 July 12, 2006 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:03 p.m. with the following members present: Courtney Dunbar, David Fanslau, Don Fenster, Alan Wear, Tom Wees and Doug Whitfield. Absent were: Don Meyer, Mechele Burry and Greg Gonzales. Brett Charles, Deputy County Attorney, was present. Also present were Rick Houck, Planning & Building Director and Cindy Gilbert, Recording Secretary. Staff was introduced.

Read into record were the rules of the public hearing portion of the meeting.

Rick Houck stated that Agenda Item **B** would be tabled at the verbal request of the applicant and Agenda Item **K** would be tabled at the request of the Planning Director.

Chairman Wear stated the need to amend the agenda to immediately table those two Agenda Items.

*Wees moved, seconded by Fanslau to amend the agenda to allow two items to be tabled until the next regular meeting. Ballot: Ayes - Dunbar, Fanslau, Fenster, Whitfield, Wees and Wear. Nays - none. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

*Wees moved, seconded by Fanslau to table Agenda Items #B and K until the next regular meeting. Ballot: Ayes - Dunbar, Fanslau, Fenster, Whitfield, Wees and Wear. Nays - none. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

*Fenster moved, seconded by Dunbar to approve the minutes of the May 17, 2006 meeting as submitted. Ballot: Ayes - Dunbar, Fenster, Whitfield, Wees and Wear. Nays - none. Abstain - Fanslau. Absent - Burry, Gonzales and Meyer. Motion carried.*

**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.

## **II. REGULAR AGENDA ITEMS:**

- A. Raymond & Sandra Hunter, Kevin & Lori Rice & Kenneth & Stephanie Tex, 17406 Cornish Road, Springfield, request approval of a Final Plat for a subdivision to be known as Cornish Acres on the following described property, to wit: The E1/2 of the SE1/4 of the SW1/4, together with the SW1/4 of the SE1/4 of Sec 4, Twp 12N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (174<sup>th</sup> & Cornish Road)**

Rick Houck made comments on this applicant regarding the Board of Adjustment and noted this application was pending in the court system, but, based on the State Statute, indicated the Planning Commission could move forward on this application if they chose to.

Ken Tex stated he was available if the Planning Commission had any questions.

Public comments were taken from: John Knapp, Jarel Vinduska and Kim Stuhr and included concerns of traffic congestion, non-compliance with the Comprehensive Development Plan and an interest in knowing each Commissioner's individual fact of finding.

*Fenster moved, seconded by Wees to recommend approval of a Final Plat for Cornish Acres as it meets the comp plan and all regulations. Ballot: Ayes - Dunbar, Fanslau, Fenster, Whitfield, Wees and Wear. Nays - none. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

- B. Don & Sandra Spicer, 16101 South 87<sup>th</sup> Street, Papillion, request approval of a Final Plat for a subdivision to be known as Stonegate on the following described property, to wit: Being a platting of Tax Lot 4, located in the SW1/4 of Sec 23, Twp 13N, Rng 12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (87<sup>th</sup> Street, 1/2 mile south of Platteview)**

*This application was tabled at the verbal request of the land owner. (See earlier motion)*

- C. John O'Malley, 3606 S. 82<sup>nd</sup> 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: Site 6E, Carl Schmid Park, located in Sec 28, Twp 13N, Rng 12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (South 99<sup>th</sup> Street at the Platte River)**

Rick Houck explained this was a new owner on a trailer that has been parked in Schmid Park for several years. He noted that, if the owner wants to make any improvements to the property, he would need to come apply for a building permit under the zoning regulations.

**\*\*Public Hearing Closed at 7:28 p.m.\*\***

*Fanslau moved, seconded by Dunbar to recommend approval of a Special Use Trailer Permit to park a single wide mobile home for recreational use only with the condition that any structural change must be processed through the Flood plain regulations for a period of three years, renewable upon publication. Ballot: Ayes - Dunbar, Fanslau, Fenster, Whitfield, Wees and Wear. Nays - none. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

- D. Gerard & Marcella Wemhoff, 10510 S. 63<sup>rd</sup> St., Papillion, request approval of a Final Plat for a subdivision to be known as Deer Crossing on the following described property, to wit: Being a platting of the NE1/4 of the NE1/4 and part of the SE1/4 of the NE1/4 of Sec 30, Twp 13N, Rng 13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (50<sup>th</sup> & LaPlatte Road)**

Rick Houck noted the location and the number of lots being platted. He also stated it met the requirements of the zoning and subdivision regulations and recommended its approval.

Gerard Wemhoff, owner of the property, said he had eliminated the upper 5 lots. Each lot would be on individual wells and septic systems and that M.U.D. (Metropolitan Utilities District) was located about 3/4 mile away for a possible emergency water source. He also said he would answer any questions.

Public comments from Connie Anderson included questioning whether they would meet storm water regulations.

**\*\*Public Hearing closed at 7:37 p.m.\*\***

When asked, Rick Houck said we don't have storm water regulations as of yet and he didn't think it was a pressing issue on acreage situations.

*Fenster moved, seconded by Whitfield to recommend approval of the Final Plat for Deer Crossing as it meets the comp plan and all other requirements. Ballot: Ayes - Dunbar, Fanslau, Fenster, Whitfield, Wees and Wear. Nays - none. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

- E. D & D, Ltd., P. O. Box 288, Omaha, requests approval of a Change of Zone from BG & IL to BG & IL on the following described property, to wit: Being a replatting of Lots 1 thru 6, inclusive, Hwy. 31 & I-80 Business Park, a subdivision located in the SW1/4 of Sec 13, and also being a replat of the included street right-of-way of Pat Circle located in said SW1/4 of Sec 13, all located in Twp 13N, Rng 10E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska (East side of Hwy 31, north of Platteview)**

Rick Houck read excerpts from his Director's Report touching on Right of Way easements and sewer capabilities. He noted problems with the sewer systems available and recommended they defer their decision until further information becomes available.

Jeff Elliott, E & A Consulting Group, Inc., speaking on behalf of his client, stated he can produce the documents pertaining to the Right of Way supposedly owned by the State Department of Roads. This particular developer does not have any current buyers for his land, but is trying to help make access to the property to the east of him for another owner. Mr. Elliott's client is willing to participate in the development of the road that runs through his property to the adjoining property.

Public comments were made by John Knapp and Connie Anderson that included addressing the sewer issues prior to approval and questioning the storm water regulations.

**\*\*Public Hearing closed at 7:52 p.m.\*\***

Rick Houck stated the NDEQ (Nebraska Department of Environmental Quality) will be involved if there is a package treatment plant put in. The County is looking at having a further study done on the sewer in this area.

Jeff Elliott noted the fact that individual septic systems are allowed out here and doesn't feel it makes sense to put in a lift-station.

*Whitfield moved, seconded by Fanslau to recommend approval of a Change of Zone from BG & IL to BG & IL as it meets the regulations. Ballot: Ayes - Fanslau, Whitfield, Wees and Wear. Nays - Dunbar and Fenster. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

**F. D & D, Ltd., P. O. Box 288, Omaha, requests approval of a Preliminary Plat for a subdivision to be known as Hwy. 31 & I-80 Business Park Replat 1 on the following described property, to wit: Being a replatting of Lots 1 thru 6, inclusive, Hwy. 31 & I-80 Business Park, a subdivision located in the SW1/4 of Sec 13, and also being a replat of the included street right-of-way of Pat Circle located in said SW1/4 of Sec 13, all located in Twp 13N, Rng 10E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska (East side of Hwy 31, north of Platteview)**

*Whitfield moved, seconded by Fanslau to recommend approval of a Preliminary Plat for a subdivision to be known as Hwy 31 & I-80 Business Park Replat 1 as it meets the subdivision regulations and the comp plan. Ballot: Ayes - Fanslau, Whitfield, Wees and Wear. Nays - Dunbar and Fenster. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

**G. Brian & Debbie Katz, 9515 Spencer Street, Omaha, request approval of a Change of Zone from AG to AGR & RE 2 on the following described property, to wit: Being a platting of all of Tax Lot 5 in the NW1/4 of the NE1/4 and all of the E1/2 of the NE1/4 of the NW1/4 of Sec 9, Twp 12N Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (176<sup>th</sup> & Cornish Road)**

Rick Houck read from his report noting that new information made available to him revealed there were more constraints than what had been originally figured by Mr. Katz' engineer. The figures varied from 14.9% to 24.4%. Rick's opinion was that the property had 15.2% constraints overall. He also recommended some changes be made by adding some easements that couldn't be built on.

Brian Katz, owner, stated he was not made aware of the newest recommendation by Mr. Houck, but explained these added constraints included man-made terraces, which are not a factor according to the

comp plan. He said he would be talking to the NRD (Papio-Missouri River Natural Resource District) to possibly help him build up the current dam which would help tremendously with water run-off.

Public comments were taken from Jarel Vinduska, Judy Citta, Kim Stuhr, Connie Anderson and John Knapp. Concerns were given regarding non-compliance with the comprehensive plan, disturbing scenery, conservation development and wildlife endangerment. It was also noted that Mark Wayne, County Administrator, was to explain to Rick Houck how the comp plan was to be interpreted.

**\*\*Public Hearing closed at 8:58 p.m.\*\***

In his rebuttal, Brian Katz stated the property will have more scenic value once development has started because trees and grasses will be planted where bare farm ground is now.

After further discussion,

*Whitfield moved, seconded by Fenster to approve the Change of Zone from AG to AGR & RE 2 as it complies with the zoning regulations and the comp plan. Ballot: Ayes - Dunbar, Fenster, Whitfield, Wees and Wear. Nays - Fanslau. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

- H. Brian & Debbie Katz, 9515 Spencer Street, Omaha, request approval of a Preliminary Plat for a subdivision to be known as Lynn Estates on the following described property, to wit: Being a platting of all of Tax Lot 5 in the NW1/4 of the NE1/4 and all of the E1/2 of the NE1/4 of the NW1/4 of Sec 9, Twp 12N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (176<sup>th</sup> & Cornish Road)**

*Whitfield moved, seconded by Wees to recommend approval of the Preliminary Plat for Lynn Estates as submitted. Ballot: Ayes - Wees, Whitfield and Wear. Nays - Dunbar, Fanslau and Fenster. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion failed.*

*Fenster moved, seconded by Wear to recommend approval of the Preliminary Plat for Lynn Estates with the following conditions: 1) Show front yard setbacks for all lots per Section 6.2.10 of the Sarpy County Subdivision Regulations, 2) Show and indicate the Section Corners, Section Lines and Half Section Lines per Sarpy County Subdivision Regulations, 3) Relinquish direct access to Cornish Road either by note or in the dedication, and, 4) Provide the lake, stream and slope areas over Lots 1, 6, 7, 8, and 9 as shown on the map presented at the Planning Commission meeting as it meets the comp plan and subdivision regulations. Ballot: Ayes - Dunbar, Fenster, Wees, Whitfield and Wear. Nays - Fanslau. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

- I. John & Sherri Larkin, 4814 Douglas St., Omaha, request approval of a Final Plat for a subdivision to be known as Little Prairie on the following described property, to wit: Being a platting of Lots 1-11, inclusive and Outlot A, Little Prairie, located in**

**part of the NE1/4 of Sec 7, Twp 12N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska (192<sup>nd</sup> & Cornish Road)**

Rick Houck noted the points he had made in his report and listed the recommended conditions for approval.

John Larkin, owner, stated it is his intent to preserve certain areas, particularly the ones that are currently in native prairie grasses. He commented he had already planted 400 trees on the property, noting that the dry weather has caused some to die. He also added that there should be plenty of area for the wildlife.

Public comments were given by Jarel Vinduska, Connie Anderson, John Knapp, Judy Citta, Bernie Citta and Ron Patterson. Concerns and comments included non-compliance with the comprehensive plan, does not meet what is intended as a conservation development, easements being on individual lots, does not comply with the Preliminary Plat, etc.

Brett Charles, Deputy County Attorney, wanted to clarify the conditions for approval if that's the course the Planning Commission chose to take. They are: 1) Conservation easements, in general, and including the holder or future holder, must be approved by the Office of the County Attorney, 2) Documentation of easements must have been accepted by holder, and, 3) The conservation easements need to be combined with the declaration of covenants and restrictions.

*Wees moved, seconded by Dunbar to recommend approval of a Final Plat for Little Prairie as submitted, with the exception of Lot 1, which the easements will be removed and with the conditions noted by the Deputy County Attorney as follows: 1) Conservation easements, in general, and including the holder or future holder, must be approved by the Office of the County Attorney, 2) Documentation of easements must have been accepted by holder, and, 3) The conservation easements need to be combined with the declaration of covenants and restrictions. Ballot: Ayes - Dunbar, Fanslau, Fenster, Whitfield, Wees and Wear. Nays - none. Abstain - none. Absent - Burry, Gonzales and Meyer. Motion carried.*

**J. Proposed resolution to create a document referencing the City of Omaha's Storm Water Design Manual and an amendment to the Sarpy County Zoning Ordinances referencing the Storm Water resolution.**

Rick Houck briefed the Commissioners on the Manual and added this was a mandatory document per Federal Regulations. He noted this would not be included as a part of the Sarpy County Zoning Ordinances. Instead, it would be a "Stand Alone Document". This document covers the Papillion Watershed only, but could be expanded in the future to include the rest of the County.

Public comment was taken from John Knapp who stated that problems with water run-off have occurred as a result of bad planning and now the EPA (Environmental Protection Agency) has to intervene to fix the problems.

David Fanslau asked the Deputy County Attorney if he felt there was a conflict of interest since he works for the City of Omaha as a Planner and has participated in creating this document?

Mr. Charles stated that, if the appearance of a conflict existed, he advised an abstention from voting.

After further discussion,

*Fenster moved, seconded by Wees to recommend approval of a Storm Water Management Resolution as a "Stand Alone Document". Ballot: Ayes - Dunbar, Fenster, Whitfield, Wees and Wear. Nays - none. Abstain - Fanslau. Absent - Burry, Gonzales and Meyer. Motion carried.*

**K. Proposed addition to the Sarpy County Zoning Ordinances to create a Conservation District.**

*This item was tabled at the request of the Planning Director in an earlier motion.*

**III. CORRESPONDENCE.**

Rick Houck stated the County Board was looking to include in the next year's budget enough money to pay the Planning Commissioners for the meetings they attend. The maximum payment, according to State Statute is \$15.00 per meeting. Rick said he would keep them informed.

Don Fenster stated with what he heard tonight about Mark Wayne instructing our Planner on how to interpret the Comprehensive Plan, he took great objection to that. He added he does not think it is Mark Wayne's business to be telling the Planning Commission or the Planner how to interpret planning. He did ask that his comments be made "for the record".

**IV. ADJOURNMENT.**

*Being no further discussion, Whitfield moved, seconded by Dunbar to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 10:22 p.m.*

Respectfully Submitted,

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

