

**SARPY COUNTY**  
**Department of Planning & Building**  
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Ken Tex, Planning & Zoning Coordinator  
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**August 16, 2006**

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

**DRAFT**

To The Sarpy County Board of Commissioners:

The Sarpy County Planning Commission held its regular monthly meeting on August 16, 2006 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:02 p.m. with the following members present: David Fanslau, Don Fenster, Greg Gonzalez, Alan Wear, Tom Wees and Doug Whitfield. Absent were: Don Meyer, Mechele Burry and Courtney Dunbar. Brett Charles, Deputy County Attorney, was present. Also present were Rick Houck, Planning & Building Director and Cindy Gilbert, Recording Secretary. Staff was introduced. Chairman Wear noted that a copy of the Open Meeting Law is posted in the Board Room.

Commissioners reports were heard from David Fanslau and Tom Wees. Both mentioned the zoning sub-committee findings on the Conservation Overlay District and felt it was a workable document and that the majority of the members forwarded a favorable vote for this document.

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

*Wees moved, seconded by Fenster to approve the agenda as submitted. Ballot: Ayes - Fanslau, Fenster, Gonzalez, Whitfield, Wees and Wear. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*

*Fenster moved, seconded by Fanslau to approve the minutes of the July 12, 2006 meeting as submitted. Ballot: Ayes - Fenster, Gonzalez, Whitfield, Wees and Wear. Nays - none. Abstain - Fanslau. Absent - Burry, Dunbar 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. Robert Giese, 13939 S. 60<sup>th</sup> St., Papillion, requests approval of a Change of Zone from AG to AGR & AGR to AG on the following described property, to wit: A replat of part of Lot 1, Giese Addition, together with a portion of the S1/2 of the**

**SW1/4, all located in Sec 7 , Twp 13N, Rng 13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (60<sup>th</sup> & Capehart Road)**

Rick Houck noted the lot was changing shape to accommodate a building that infringed a lot line setback. It is a simple change and still meets the intent of the comp plan and zoning regulations and recommends approval.

The applicant was not available for comment.

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

- ▶ *Fanslau moved, seconded by Wees to recommend approval of a Change of Zone from AG to AGR and AGR to AG it as meets the comp plan and zoning regulations. Ballot: Ayes - Fanslau, Fenster, Gonzalez, Wear, Wees and Whitfield. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*

**B. Robert Giese, 13939 S. 60<sup>th</sup> St., Papillion, requests approval of a Preliminary/Final Plat for a subdivision to be known as Giese Addition Replat 1 on the following described property, to wit: A replat of part of Lot 1, Giese Addition, together with a portion of the S1/2 of the SW1/4, all located in Sec 7 , Twp 13N, Rng 13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (60<sup>th</sup> & Capehart Road)**

- ▶ *Fanslau moved, seconded by Wees to recommend approval of a Preliminary/Final Plat for a subdivision to be known as Giese Addition Replat 1 as it meets the subdivision and zoning regulations. Ballot: Ayes - Fanslau, Fenster, Gonzalez, Wear, Wees and Whitfield. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*

**C. Everett Smith, 15510 S. 63<sup>rd</sup> St., Papillion, requests approval of a Final Plat for a subdivision to be known as Cain Crest on the following described property, to wit: Being a platting of Tax Lot 1, located in Sec 24, Twp 13N, Rng 12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (15510 S. 63<sup>rd</sup> St.)**

Rick Houck stated the Preliminary Plat was approved by the Planning Commission in May and the County Board in June. All conditions that were placed on the subdivision have been met. There have been a couple of minor lot line shifts due to easements, but the Final Plat conforms with the Preliminary Plat and it meets the comp plan. He recommends approval.

Doug Whitfield questioned whether or not we have a “taking” issue by making someone grant access easements?

Brett Charles, Deputy County Attorney, did not feel that was an issue.

Gary Jensen, Hill-Farrell & Associates, Inc., also noted the shifts in lot lines and was willing to answer any questions the Planning Commission had.

Connie Anderson noted there were no contour lines on the plat and asked if storm water control had been addressed? She feels the Planning Commission should be looking at these things.

Rick Houck noted water from this property would flow towards Zweibel Creek, but the creek was more than 100' south of the property and felt this was not an issue.

Ron Patterson stated he did not hear an answer given on the question of the “taking” issue.

The answer was stated again.

\*Public Hearing Closed at 7:26 p.m.\*

- ▶ *Whitfield moved, seconded by Gonzalez to recommend approval of the Final Plat for a subdivision to be known as Cain Crest as it meets the comp plan and zoning regulations. Ballot: Ayes - Fanslau, Fenster, Gonzalez, Wear, Wees and Whitfield. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*

**D. Kennebec Estates, 87<sup>th</sup> & Platteview Road, Papillion, c/o Patrick Sullivan, Attorney, request approval of a waiver for the filing of the Final Plat with the Register of Deeds Office.**

Rick Houck stated this Plat had received an extension until September 12, 2006. However, the City of Papillion is still being held up by other entities in the application process for new water wells. The City of Papillion is still showing interest in supplying water to this subdivision and he feels we should extend or waive the filing deadline for Kennebec Estates.

When asked how long this could take, Rick replied he wasn't sure and, when he spoke to Mark Stursma of the City of Papillion, he wasn't sure either.

Pat Sullivan noted the developer had originally requested an extension until September 12, 2006. Papillion continues to have problems applying to the State. In the interim, the Papio-Missouri River NRD has made some comments which could cause this process to go through a formal hearing. The City of Papillion has also stated that Kennebec Estates must apply to the City for their plat, making sure it meets their criteria. Mr. Sullivan does not see an early ending to this situation and is requesting another one year extension of the filing deadline that would end on September 12, 2007.

\*Public Hearing Closed at 7:34 p.m.\*

- ▶ *Fenster moved, seconded by Whitfield to recommend approval of an extension of the filing deadline for the Final Plat of Kennebec Estates through September 12, 2007. Ballot: Ayes - Fanslau, Fenster, Gonzalez, Wear, Wees and Whitfield. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*

**E. Proposed amendments to the Sarpy County Zoning Ordinances and the Subdivision Regulations referencing the Stormwater Management Regulations.**

Rick Houck stated the Planning Commission did not receive all the paper work they should have in order to make a recommendation and he would like to table this item until the next regular meeting.

- ▶ *Wees moved, seconded by Fanslau to table the amendments to the Zoning Ordinances and the Subdivision regulations for the Stormwater Management until the September meeting. Ballot: Ayes - Fanslau, Fenster, Gonzalez, Wear, Wees and Whitfield. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*

**F. Proposed addition to the Sarpy County Zoning Ordinances to create a Conservation Development Overlay District.**

Rick Houck said this is generally a workable document. It gives an incentive to do conservation development. He noted that he appreciated the hard work the committee put in and said this committee will continue to work on the zoning ordinances for the County.

Those speaking on the Conservation Development Overlay District were:  
Pat Sullivan, Dave Sands, Ron Patterson, Connie Anderson, Kim Stuhr, John Knapp, Brian Katz, Virginia Miller and Merrilee Hansen.

Discussion centered on the following topics:

- \*Not a perfect document, but a good place to start,
- \*Inappropriate committee members,
- \*Consumer's wants,
- \*Saving farmland,
- \*Back lot easements,
- \*definition of "significant wildlife habitat"
- \*Using "Marty's plan", and,
- \*Needs more public input.

\*Public Hearing Closed at 8:46 p.m.\*

After further discussion by the Planning Commission,

- ▶ *Fenster moved, seconded by Whitfield to recommend approval of the Conservation Development Overlay District as submitted by the Sub-Committee. Ballot: Ayes - Fanslau, Fenster, Gonzalez, Wear, Wees and Whitfield. Nays - none. Abstain - none. Absent - Burry, Dunbar and Meyer. Motion carried.*

### **III. CORRESPONDENCE.**

### **IV. ADJOURNMENT.**

Being no further discussion, *Wees moved, seconded by Fenster to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 8:52 p.m.*

Respectfully Submitted,

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

