

SARPY COUNTY
Department of Planning & Building
Sarpy County Courthouse Annex
1261 Golden Gate Drive, Suite 2E
Papillion, Nebraska 68046
Phone (402) 593-4169 - Fax (402) 593-4335
Ken Tex, Planning & Zoning Coordinator
Richard A. Houck, AICP, Planning & Building Director

February 15, 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 February 15, 2006 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:01 p.m. with the following members present: Mechele Burry, Don Fenster, Scott Irwin, Wayne Labart, Alan Wear and Tom Wees. Absent were: Courtney Dunbar, David Fanslau, Don Meyer and Doug Whitfield. Brett Charles, Deputy County Attorney, was present. Also present were Rick Houck, Planning & Building Director and Cindy Gilbert, Recording Secretary and were introduced accordingly.

Chairman Wear stated he received a letter of resignation from Commissioner Wayne Labart. He thanked Mr. Labart for his service to the Planning Commission.

Mr. Wear also mention the article that had recently appeared in the Omaha World-Herald and voiced his displeasure regarding comments made by a County Board member. He noted the Planning Commission and Staff had spent many hours working on this plan and considered it an insult considering the County Board had approved the Comprehensive Development Plan.

Don Fenster stated the article was a "slap in the face" to the Planning Commission. He added they have spent at least a year, with no pay, working on this comp plan and the County Board has now chosen to ignore the recommendations by the Planning Commission on a comp plan the County Board approved.

Tom Wees continued by adding he found the article offensive and he will continue to base his recommendations on plans he thinks are good ones.

Election of Officers were held.

Rick Houck, Planning & Building Director asked for nominations for Chairman for the Planning Commission for the year 2006.

* *Don Fenster moved, seconded by Tom Wees to nominate Alan Wear as Chairman.*

* *Tom Wees moved, seconded by Mechele Burry to close the nominations.*

By a 5-1 written ballot, Alan Wear was elected to serve as the Chairman of the Planning Commission for

2006.

- * Fenster moved, seconded by Burry to nominate Tom Wees as Vice Chairman.
- * Wear moved, seconded by Labart to close the nominations.

By a 6-0 written ballot, Tom Wees was elected to serve as the Vice Chairman of the Planning Commission for 2006.

Rick Houck noted Items H. & I. would be pulled from the agenda as the surveyor gave an incorrect legal description of the property and, therefore, could not be heard.

- ▶ Chairman Wear asked for a motion to approve the agenda as revised. Wees moved, seconded by Irwin to approve the agenda as revised. Ballot: Ayes - Burry, Fenster, Irwin, Labart, Wees, and Wear. Nays - none. Abstain - none. Absent - Dunbar, Fanslau, Whitfield and Meyer. Motion carried.
- ▶ Chairman Wear asked for a motion to approve the minutes of the January 18, 2006 meeting. Irwin moved, seconded by Fenster to approve the minutes as submitted. Ballot: Ayes - Fenster, Irwin, Wees, and Wear. Nays - none. Abstain - Burry and Labart. Absent - Dunbar, Fanslau, Whitfield 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.

Cindy Gilbert read into record the rules of the public hearing.

II. REGULAR AGENDA ITEMS:

A. Pat Sullivan, 1246 Golden Gate Drive, Papillion, requests a waiver of Section 7.6 of the Sarpy County Subdivision Regulations that require the Final Plat to be filed within ninety (90) days of the date approved by the County Board of Commissioners.

Rick Houck noted the applicant is looking for a waiver of the deadline to file a Final Plat for Kennebec Estates while they try to obtain an agreement with the City of Papillion to hook onto their water system. He noted other jurisdictions have varying times for filing plats that range from 30 days to 6 months.

Pat Sullivan, Attorney, representing Kennebec Estates, said Kennebec Estates is still working with the City of Papillion to secure water for their subdivision located at 87th Street and Platteview Road. They have requested the regulation that requires the Final Plat to be filed with the Register of Deeds within 90 days of Board approval be waived, as they have not been able to get a written agreement with the City. The City of Papillion is trying to get new wells installed so they can meet all the City's needs. In the interim, it has created a hardship for Kennebec Estates to file their plat. Mr. Sullivan asked that they waive the filing deadline until September 12, 2006.

Rick Houck indicated we could just leave the date open.

Mr. Sullivan indicated that September 12, 2006 would suit just fine.

Public Hearing Closed at 7:27 p.m.

- ▶ *Fenster moved, seconded by Wees to recommend approval to waive Section 7.6 of the Sarpy County Subdivision Regulations to file the Final Plat for Kennebec Estates until September 12, 2006. Ballot: Ayes - Burry, Fenster, Irwin, Labart, Wees and Wear. Nays - none. Abstain - none. Absent - Dunbar, Fanslau, Whitfield and Meyer. Motion carried.*

B. Proposed amendment to the Sarpy County Comprehensive Development Plan to allow a higher percentage of environmental constraints in a conventional development, specifically to the property legally described as Part of Tax Lot 1A1A, together with part of vacated Heisner 1st Subdivision, now known as Tax Lot 1A1C, all being located in a part of the NW1/4 of the SE1/4, the SW1/4 of the NE1/4 and the SE1/4 of the NW1/4 of Sec 18, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (196th & W. Highway 31)

Rick Houck stated he had once again re-calculated the tree canopy on the property being discussed and had come up with 15.6% canopy. He explained that in order for it to be considered a tree canopy, the tree branches must be interlinking and the driplines must overlap. He did agree that it is subjective.

John Vandenbrouck, co-owner of the ground, said he feels it fits the area and thinks it falls within the guidelines. He indicated that a cluster development is not what people are looking for. They prefer space.

The following people spoke in opposition to this application:

Ms. Wolfenbarger
Connie Anderson
Jarel Vinduska
John Knapp
Theresa Peterson and,
Mark Stursma

Among the topics of discussion were:

Native animals and grassland
Illegal comprehensive plan
Property rights and,
Environmental constraints

Public Hearing Closed at 8:09 p.m.

After further discussion by the Planning Commission,

- ▶ *Wees moved, seconded by Wear to recommend approval of an amendment to the comp plan to allow a higher percentage of tree canopy on a proposed plat for the Platford Hills subdivision. Ballot: Ayes - Wees and Wear. Nays - Burry, Fenster, Irwin and Labart. Abstain - none. Absent - Dunbar, Fanslau, Whitfield and Meyer. Motion failed.*

Break was taken at 8:20 p.m.

Meeting resumed at 8:26 p.m.

C. John Vandenbroucke, Andy Harpenau and Kenneth Harpenau, P. O. Box 124, Gretna, request approval of a Change of Zone from AG to AGR on the following described property,

to wit: Part of Tax Lot 1A1A, together with part of vacated Heisner 1st Subdivision, now known as Tax Lot 1A1C, all being located in a part of the NW1/4 of the SE1/4, the SW1/4 of the NE1/4 and the SE1/4 of the NW1/4 of Sec 18, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (196th & W. Highway 31) *Tabled from January meeting*****

At the request of the applicant,

- ▶ *Fenster moved, seconded by Burry to table this application until the March 15, 2006 Planning Commission meeting. Ballot: Ayes - Burry, Fenster, Irwin, Labart, Wees and Wear. Nays - none. Abstain - none. Absent - Dunbar, Fanslau, Whitfield and Meyer. Motion carried.*
- D. John Vandembroucke, Andy Harpenau and Kenneth Harpenau, P. O. Box 124, Gretna, request approval of a Preliminary Plat for a subdivision to be known as Platford Hills on the following described property, to wit: Part of Tax Lot 1A1A, together with part of vacated Heisner 1st Subdivision, now known as Tax Lot 1A1C, all being located in a part of the NW1/4 of the SE1/4, the SW1/4 of the NE1/4 and the SE1/4 of the NW1/4 of Sec 18, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (196th & W. Highway 31) ***Tabled from January meeting*****
- ▶ *Fenster moved, seconded by Irwin to table this application until the March 15, 2006 Planning Commission meeting. Ballot: Ayes - Burry, Fenster, Irwin, Labart, Wees and Wear. Nays - none. Abstain - none. Absent - Dunbar, Fanslau, Whitfield and Meyer. Motion carried.*
- E. Hoich 192nd Street, LLC, 5915 S 188th Circle, Omaha, requests approval of a Final Plat for a subdivision to be known as Sugar Creek Neighborhood Center on the following described property, to wit: The NW1/4 of the NW1/4 of Sec 17, Twp 14N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (SE corner of 192nd & Harrison)**

Rick Houck noted several items on his report that needed to be taken care of. He also noted the sewer fees connected to this property. He added that it does conform to the Preliminary Plat.

Mike Sexton, RD Engineering, stated the Final Plat conforms to the Preliminary Plat and noted the landscaping was being worked on.

Public Hearing Closed at 8:40 p.m.

- ▶ *Labart moved, seconded by Fenster to recommend approval of a Final Plat for a subdivision to be known as Sugar Creek Neighborhood Center subject to meeting conditions A thru D as listed on Rick Houck's report as it meets the comp plan and zoning regulations. Ballot: Ayes - Burry, Fenster, Irwin, Labart, Wees and Wear. Nays - none. Abstain - none. Absent - Dunbar, Fanslau, Whitfield and Meyer. Motion carried.*
- F. Gerard & Marcella Wemhoff, 10510 S 63rd St, Papillion, request approval of a Change of Zone from AG to AGR 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 6th P.M., Sarpy County, Nebraska. (50th & LaPlatte Road)**

Rick Houck commented there would be a community well to serve 5 lots on the north side of LaPlatte Road. He indicated there are several waivers needed necessary for approval of the plat. The covenants will ensure there is minimum tree removal for building houses and roads. He noted the County Surveyor's comments about all lots taking access from interior roads.

Gerard Wemhoff, applicant, stated they were requesting a zone change from AG to AGR. He said the location of the land is about 3/4 mile west of the M.U.D. water treatment facility. There is 30 acres on the north and the south side of LaPlatte road. Currently the south side of the road is farmland and the north side is treed. Hydrants exist for fire use about 3/4 mile away. Lots 2 & 6 will not enter from LaPlatte Road.

Aquila was contacted about natural gas. The Papio-Missouri River Natural Resource District (NRD) requires an erosion control plan that will be sent to them. Lot 4 is in the flood plain and will adhere to any regulations necessary to build.

Michael Sandine, resident west of this property, stated the road in this project is steep and will erode.

Public Hearing Closed at 8:52 p.m.

Rick Houck noted he had checked with M.U.D. and they have no issues with the development.

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

G. Gerard & Marcella Wemhoff, 10510 S 63rd St, Papillion, request approval of a Preliminary 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 6th P.M., Sarpy County, Nebraska. (50th & LaPlatte Road)

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

H. John & Sherri Larkin, 4814 Douglas Street, Omaha, request approval of a Change of Zone from AG to AGR & RE 2 on the following described property, to wit: Part of the E1/2 of the NE1/4 of Sec 7, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (192nd & Cornish Road)

I. John & Sherri Larkin, 4814 Douglas Street, Omaha, request approval of a Preliminary Plat for a subdivision to be known as Little Prairie on the following described property, to wit: Part of the E1/2 of the NE1/4 of Sec 7, Twp 12N, Rng 11E of the 6th P.M., Sarpy County, Nebraska. (192nd & Cornish Road)

- Items H & I were pulled from the agenda because of an incorrect legal description.*

III. CORRESPONDENCE.

Rick Houck indicated there had been a meeting regarding a revision of the zoning regulations. He stated a copy would be sent to the Planning Commission for their review as soon as possible. He also noted the County Board had instructed him to look at the Schramm Park area again for possible revisions.

IV. ADJOURNMENT.

Being no further discussion, *Wees moved, seconded by Labart to adjourn the meeting. By a unanimous oral vote, Chairman Wear declared the meeting adjourned at 9:10 p.m.*

Respectfully Submitted,

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