

SARPY COUNTY
DEPARTMENT OF PLANNING & BUILDING
1261 Golden Gate Drive, #2E
Papillion, NE 68046
Phone (402) 593-4169 Fax (402) 593-4335
Richard A. Houck, AICP, Planning & Building Director

May 16, 2007

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 a regular meeting on May 16, 2007 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wear called the meeting to order at 7:06 p.m. with the following members present: Susan Bliss, Courtney Dunbar, Don Fenster, Stacy Gross, Bill Krebs, Alan Wear, Tom Wees and Doug Whitfield. Absent were: Mechele Burry, David Fanslau and Greg Gonzalez. Also in attendance and introduced were the staff members: Brett Charles, Deputy County Attorney, Rick Houck, Planning & Building Director and Cindy Gilbert, Recording Secretary.

Chairman Wear noted that a copy of the Open Meeting Law is posted in the Board Room.

Chairman Wear asked for Commissioners reports. Don Fenster stated he feels that part of the problems the County have been experiencing are a result of the population increase of 16% over the last six years.

Chairman Wear asked for a motion to approve the agenda.

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

Chairman Wear asked for a motion to approve the minutes.

- *Fenster moved, seconded by Wees to approve the minutes as submitted. Ballot: Ayes – Bliss, Fenster, Whitfield, Wear and Wees. Nays – none. Abstain – Dunbar, Gross and Krebs. Absent – Burry, Fanslau and Gonzalez. 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. Natural Materials of Nebraska, LLC & Olivo Enterprises, LLC, request approval of a Special Use Permit to operate a limestone quarrying, crushing and sales operation for a period of five years on the following described property, to wit: Tax Lots B, G, H & I and part of Tax Lots A & E, located in Sec 28, Twp 13N, Rng 12E and part of Government Lot 4, located in Sec 27, Twp 13N, Rng 12E of the 6th P.M., Sarpy County, Nebraska. (east side of 99th Street, south of Mitchell Road)**

Rick Houck stated this was an application for a mining operation. They had met with the Planning Staff and negotiated the time for blasting, reducing it from 8:00 a.m. – 8:00 p.m. to 8:00 a.m. – 5:00 p.m. They have agreed to participate in dust control for the roads. Rick also said it was an appropriate use until residential uses come at a later date.

Gary Daane, Natural Materials, Inc., noted they operate quarries in Iowa and understand the concerns around operations. They try to get along with the neighbors and are committed to treating the roads. The blasting operations are generally non-electric, which makes them more quiet and provides a smoother blast. This land was formerly a quarry many years ago.

Joe Olivo, Olivo Enterprises, Inc., stated he has a lot of expertise in blasting. He lives on the other end of the ground, so is equally concerned about the blasting and its effects.

When asked, Mr. Olivo said the blasting will average 3 to 4 times a week.

Susie Bliss asked when the last time blasting was done in that area?

Joe responded by saying he thought it was in 1979 or 1980.

Mr. Daane also mentioned that mining operations are regulated by the Federal Government.

The question was asked how long this project will last?

Joe stated it mostly depended on the sales side. He added they hoped to do 200,000 ton a year. He also stated it was his intent to re-establish the land as an attractive lake when the mining is complete.

Public comments were taken from Larry & Andrea Luce and Rick Haley. Comments included:

- * live on 96th Street and hadn't seen a map yet
- * concerned about property values
- * concerned about animals
- * who has the liability for houses should the worst happen, ie: disrupts house and foundation
- * doesn't know how intense blasting will be and could it cause structural problems?
- * concerned it will have an affect on an underground cavern

When asked how long the Luce's had lived there, Mr. Luce replied 10 years and they have 30 cows and 4 horses.

Public Hearing Closed at 7:28 p.m.

In his rebuttal, Mr. Daane said he had not seen a negative impact on cattle on other leased land. The noise should not be as loud as Martin Marietta's blasts. They will consider an engineering firm placing a seismograph on the neighbors property.

Mr. Olivo said these blasts will be controlled for everyone's benefit. His own home is in the area and he currently owns a lake where people stay. He realizes they are in tight quarters and will take measures to ensure the blasting is controlled. The end result is property values will increase when the lake is added.

Gary Daane also mentioned the large ridge should help shield some of the noise.

They are committed to getting along with the neighbors and will do seismic monitoring to establish a baseline.

- *Fenster moved, seconded by Wees to recommend approval of a Special Use Permit to operate a quarrying operation for a period of five years with the following conditions: 1) seismograph be placed on two residences for monitoring on a mutually agreed time frame, 2) perform dust*

abatement on the roads, and, 3) work with the County Highway Department on the straightening of 99th Street. Ballot: Ayes – Bliss, Dunbar, Fenster, Gross, Krebs, Wees, Whitfield and Wear. Nays – none. Abstain – none. Absent – Burry, Fanslau and Gonzalez. Motion carried.

B. Proposed amendments, revisions and/or deletions to the Sarpy County Zoning Ordinances, specifically the AG related districts and the MU (Mixed Use District) that were tabled from the previous meeting.

Rick Houck stated this portion of the zoning had been tabled mostly because of the concern of the 10 acre lot size. The MU (Mixed Use) District includes more regulations this time, which is what was asked for.

Comments from Planning Commissioners, Pat Sullivan, Brett Charles and Jarel Vinduska included:

- * Statute that was brought up last month can be ruled out; it refers to a specific area
- * You can go any number of ways starting with a minimum of ten acres – even through zoning, you can regulate use on any size area
- * There is a problem with the ten acres in not complying with the conservation regulations.

****Courtney Dunbar left the meeting at 8:15 p.m.****

- * Doug Whitfield confirmed with Brett Charles that it doesn't matter one way or the other if they choose ten acres as a minimum or twenty acres
- * Pat Sullivan confirmed with Doug Whitfield that he preferred the ten acre minimum because it is consistent with the subdivision regulations
- * Storm water is another issue – part of the benefit of conservation development is low impact Design and interconnectivity of area – lose ability to manage storm water on smaller pieces – Counterproductive to go down to ten acres – orderly growth happens from edge of city outward – would be a disaster in the Schramm Park area

****Public Hearing Closed at 8:45 p.m.****

- *Whitfield moved, seconded by Wees to divide the zoning into four sections for voting purposes. Ballot: Ayes – Bliss, Fenster, Gross, Krebs, Wees, Whitfield and Wear. Nays – none. Abstain – none. Absent – Burry, Dunbar, Fanslau and Gonzalez. Motion carried.*
- *Whitfield moved, seconded by Wees to recommend approval of the AG (Agricultural District) as submitted and include “Outside Storage of Recreational Vehicles” as a special permitted use. Ballot: Ayes – Fenster, Krebs, Wees and Whitfield. Nays – Bliss, Gross and Wear. Abstain – none. Absent – Burry, Dunbar, Fanslau and Gonzalez. Motion carried.*
- *Whitfield moved, seconded by Krebs to recommend approval of the Deletion of AGD (Agricultural Development District) in its entirety. Ballot: Ayes – Fenster, Krebs, Whitfield and Wees. Nays – Bliss, Gross and Wear. Abstain – none. Absent – Burry, Dunbar, Fanslau and Gonzalez. Motion carried.*
- *Whitfield moved, seconded by Wear to recommend approval of the AGR (Agricultural Residential District), RE 2 (Residential Estates 2) and RE 1 (Residential Estates 1) as submitted. Ballot: Ayes – Bliss, Fenster, Gross, Krebs, Wees, Whitfield and Wear. Nays – none. Abstain – none. Absent – Burry, Dunbar, Fanslau and Gonzalez. Motion carried.*
- *Whitfield moved, seconded by Krebs to recommend approval of the MU (Mixed Use District) as submitted. Ballot: Ayes – Bliss, Fenster, Gross, Krebs, Wees, Whitfield and Wear. Nays – none. Abstain – none. Absent – Burry, Dunbar, Fanslau and Gonzalez. Motion carried.*
- *Whitfield moved, seconded by Bliss to recommend approval of the “Establishment of Districts” as*

submitted. Bliss withdrew her “second”.

- *Whitfield moved, seconded by Fenster to recommend approval of the “Establishment of Districts” as submitted. Ballot: Ayes – Fenster, Krebs, Wear, Wees and Whitfield. Nays – Bliss and Gross. Abstain – none. Absent – Burry, Dunbar, Fanslau and Gonzalez. Motion carried.*

III. CORRESPONDENCE:

Rick Houck stated is trying to get the zoning map in an electronic form and wants the G.I.S. (Geographic Information Systems) to be the official Repository of the map. He also noted the Highway Corridor Overlay District was approved as recommended by the Planning Commission and the Board is looking at putting a moratorium on building in many areas of the County until the build-through district has been added to the zoning ordinances.

Brett Charles indicated he had been contacted by Tom Wees wanting to know what authority the NRD (Papio-Missouri River Natural Resource District) had. Brett said, technically, they don't have any authority. They serve as an advisory group.

Tom Wees doesn't think the NRD has the engineering staff to review the plans being sent to them and that is part of the hold up on getting responses so slowly.

IV. ADJOURNMENT.

Being no further discussion, *Wees moved, seconded by Bliss to adjourn the meeting.* By a unanimous oral vote, *Chairman Wear declared the meeting adjourned at 9:16 p.m.*

Respectfully Submitted,

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