



SARPY COUNTY DEPARTMENT OF PLANNING

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REBECCA HORNER, DIRECTOR

PLANNING COMMISSION MEETING MINUTES
SEPTEMBER 17, 2008

September 17, 2008

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 September 17, 2008 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wees called the meeting to order at 7:02 p.m. with the following members present: Susie Bliss, Don Fenster, Greg Gonzalez, Stacen Gross, Bill Krebs, Jerry Torczon, Thomas Wees, and Doug Whitfield. Absent were: Courtney Dunbar, Bernie Marquardt, and Alan Wear. Also in attendance and introduced were the staff members: Rebecca Horner, Planning Director, Nicole O'Keefe, Deputy County Attorney and Michelle Alfaro, Planning Assistant.

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

Chairman Wees asked for a motion to approve to agenda.

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

Chairman Wees asked for a motion to approve the July 16, 2008, minutes.

*Bliss moved, seconded by Krebs, to approve the minutes of the July 16, 2008, meeting as submitted. Ballot: Ayes- Bliss, Fenster, Gonzalez, Krebs, Torczon, Wees, Whitfield. Nays- none. Abstain - Gross. Absent - Dunbar, Marquardt, Wear. **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. DCL Enterprises, (Scary Acres), 17272 Giles Road, Omaha, requests approval of an amendment to the Special Use Permit on the following described property, to wit: The SE1/4 of Section 16, Township 14 North, Range 11 East of the 6th P.M., Sarpy County Nebraska. (172nd and Giles)

Discussion:

Rebecca Horner requested approval as submitted to the planning department to amend the Special Use Permit.

Mr. Don Losole approached and requested to amend the hours to stop selling tickets at 12:00 midnight with customers off the property no later than 12:45 A.M. Mr. Losole requested that the selling of tickets end at 10:00 P.M. during the weekdays with customers off the property no later than 10:30 P.M. On October 20, 2008, Scary Acres will host an entertainment festival for the Boy Scouts only beginning at 6:30 P.M. and ending at 9:00 P.M. Mr. Losole requested permission to add to his schedule as it does not currently reflect the entertainment festival.

Mr. Losole provided a handout of the Dark Forrest to the Planning Commissioners and Planning Assistant. Mr. Losole stated that he suffered a 15-30k loss from tornado. He stated that his operation will be in business during the Halloween season for approximately 150 hours for 35 nights. Mr. Losole has purchased a noise meter to test and make sure they are in compliance with the zoning code. All chainsaws will be inside the structure to help prevent noise.

Guy Renyolds approached and stated major concern is noise. Mr. Renyolds concurs with recommendation from Planning Department to operate at 50 decibel level. Mr. Renyolds posed a question to the Planning Director asking which was approved first, the residential neighborhood, or the Special Use Permit for Scary Acres.

Ms. Rebecca Horner clarified that the residential neighborhood was approved prior to the Scary Acres Use Permit.

Mr. Renyolds stated that the zoning documentation is not clear and does not capture everything from tonight and should be passed to the County Board to make amendments to the zoning regulations.

Public Hearing closed at 7:23 P.M.

Mr. Ken Tex, Sarpy County Building Inspector, came forward to testify that he went out with Mr. Mark Wayne, Commissioner Paul Cook, and Mr. Russ Zeeb of the Sheriff Department with a noise meter and the findings were between 53-58 decibels.

Motion

- * *Gross moved, seconded by Bliss to approve as recommended by Planning Staff. No tickets after 12:00 Midnight on weekends (Friday and Saturday) with customers off the premises by 1:00 A.M., and 10:00 PM on weekdays. Adopt Mr. Losole's amended site plan the Dark Forest. Scary Acres is not to exceed the limit of 50 decibels after 10:00 PM as measured at the property line of the premises. Ballot: Ayes – Bliss, Gonzalez, Gross, Krebs, Torczon, Wees. Nays – Fenster, Whitfield. Abstain – none. Absent – Dunbar, Marquardt, Wear. **Motion carried.***

- B. John and William Walz, (317 Juniper Drive, Bismark, ND, 58503) requests approval of a Conservation and Preservation Easement on the following described property, to wit: Tax Lot 2 in the NW1/4 of the NE1/4, Tax Lot B in the Southeast Quarter of the NE1/4 and the NE1/4 of the SE1/4, Government Lot 2A in the SW1/4 of the NE1/4 and in the NW1/4 of the SE 1/4, Government Lot 3 in the Southeast Quarter of the NW1/4 and all accretions thereto in Section 11, Township 12 North, Range 10 East of the 6th P.M., Sarpy County, Nebraska**

Discussion:

Rebecca Horner recommends approval as submitted to the Planning Department as the request to adopt the Conservation & Preservation Easement is in conformance with the Sarpy County Comprehensive Plan.

Mr. Dave Sands approached and provided a handout to the Planning Commission and Planning Assistant. A grant was received and the current landowners are donating 32% of the funds required for the conservation easement. The location of the easement is near Schramm State Park. The easement will protect natural habitat and prevent subdivision and development. This easement will leave the option for a building envelope. Four fishing cabins currently exist which are in the floodway, they are grandfathered.

Mr. Sands stated that in the future they may wish to move the four cabins and create a bed and breakfast, which may bring some eco-tourism into the area.

Connie Anderson, a representative of SAVE Schramm Association, came forward. She applauds the landowners in foresight for continued preservation of the area. It is important for habitat, flood control and keeping water in the Platte River clean.

Nicole O'Keefe, Deputy District Attorney, came forward to inform the Planning Commission, that the agreement was revised to include Tom Lynam's comments/concerns.

Public Hearing Closed at 7:54 p.m.

Motion

- * *Fenster moved, seconded by Bliss to recommend approval of the Walz Conservation Easement as it conforms with Sarpy County Comprehensive Plan. Ballot: Bliss, Fenster, Gonzalez, Gross, Krebs, Torczon, Wees, Whitfield. Nays – none. Abstain – none. Absent – Dunbar, Marquardt, Wear.*
Motion Carried

- C. Western Land Company, LLC (Gale Wickersham), 10580 S 147th Street, Omaha, requests approval of a Final Plat to be known as Wicks Southpointe, Tax Lot 10 of the NW 1/4 and SE 1/4 together with part of north 1/2 of the SW 1/4 all located in Section 34, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska**

Discussion:

Ms. Rebecca Horner recommends to layover the hearing the request to Final Plat two lots to the October meeting. Information was missing when Planning received the application submittal.

Larry Jobeun came forward showing support in delaying the process to October's Planning Commission meeting.

Susan Bliss made a comment that the Traffic Study was not included as promised in the Preliminary Plat hearing.

Mr. Jobeun stated that he and his clients would prefer to have all the information together to present to the Planning Commission with the completed items and move forward.

Ms. Horner stated that comments were provided from the Nebraska Department of also requesting additional information from the applicant.

Ms. Michelle Alfaro provided a hard copy of the comments from Nebraska Department of Roads to all commissioners.

Motion

- * *Gonzalez moved, seconded by Torczon to recommend to table until the October meeting. Ballot: Ayes – Bliss, Fenster, Gonzalez, Gross, Krebs, Torczon, Wees, Whitfield. Nays – none. Abstain – none. Absent – Dunbar, Marquardt, Wear.* **Motion carried.**

- D. Amendments to the Zoning Regulations related to height, uses, signs, definitions and related sections throughout the text.**

Discussion:

Ms. Rebecca Horner discussed amendments to Zoning Regulations in detail covering each section individually requesting amendments to several areas to account for uses that are currently not allowed,

typos, and items that are inconsistent with the general regulations of the region and nation. Ms. Horner requested to include the right to amend generalities for typos and missed words in the motion.

8:56 P.M. Mr. Greg Gonzalez left the meeting

Motion

* *Fenster* moved, seconded by *Whitfield* to recommend approval of the proposed text amendments as submitted – to include fixing obvious typos such as departmental terminology, Planning & Building Director that did not get changed to Planning Director and/or the removal of Ordinance and replacing with Regulations. Ballot: Ayes – Bliss, Fenster, Gross, Krebs, Torczon, Wees, Whitfield. Nays – none. Abstain – none. Absent – Dunbar, Gonzalez, Marquardt, Wear. **Motion carried.**

Public Hearing Closed at 9:26 p.m.

E. Amendments to the Subdivision Regulations related to plats, terms and definitions used throughout the text.

Discussion:

Ms. Rebecca Horner reports that terminology was changed as requested by the County Board regarding the departmental terminology such as replacing Planning & Building Director with the appropriate title of Planning Director and replacing the term Ordinance with Regulations.

Public Hearing Closed at 9:23 p.m.

* *Whitfield* moved, seconded by *Bliss* to recommend approval of the Subdivision Regulations Text Amendments as submitted by the Planning Staff. Ballot: Ayes – Bliss, Fenster, Gross, Krebs, Torczon, Wees, Whitefield. Nays – none. Abstain – none. Absent – Dunbar, Gonzalez, Marquardt, Wear. **Motion carried.**

III. CORRESPONDENCE:

Ms. Rebecca Horner requested that the October Planning Commission date be moved from October 22, 2008 to October 29, 2008.

Presentation of plaque to Cindy Gilbert celebrating 10 years of dedication to the Planning Commission.

IV. ADJOURNMENT:

Being no further discussion, *Bliss* moved, seconded by *Wees* to adjourn the meeting. By a unanimous oral vote, Chairman Wees declared the meeting adjourned at 9:31p.m.

Respectfully Submitted,

Tom Wees, Chairman
Michelle Alfaro, Planning Assistant