



SARPY COUNTY DEPARTMENT OF PLANNING

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REBECCA HORNER, DIRECTOR

PLANNING COMMISSION MEETING MINUTES

April 15, 2009

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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 April 15, 2009, in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Wees called the meeting to order at 7:00 p.m. with the following members present: Susan Bliss, Courtney Dunbar, Greg Gonzalez, Stacen Gross, Gary Stuart, Bernie Marquardt, Jerry Torczon, Alan Wear, Tom Wees, and Doug Whitfield. Absent were: Don Fenster. Also in attendance were the staff members: Rebecca Horner, Planning Director, Nicole O'Keefe, Deputy County Attorney and Michelle Alfaro, Planning Assistant.

Chairman Wees asked for Commissioner reports.

None.

Chairman Wees asked for a motion to approve the agenda.

- *Bliss moved, seconded by Wear to adopt the agenda as stated. Ballot: Ayes- Bliss, Dunbar, Gonzalez, Gross, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield. Nays – none. Abstain – None. Absent Don Fenster–. **Motion carried.***

Chairman Wees asked for a motion to approve the **March 18, 2009**, minutes.

- *Bliss moved, seconded by Marquardt, to approve the minutes of the March 18, 2009, meeting as submitted. Ballot: Bliss, Gonzalez, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield. Nays- none. Abstain –Dunbar and Gross. Absent – Don Fenster. **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. **370 Express, 11108 Sapp Bros Drive, requests approval of a Special Use Permit for retail alcohol sales on the following described property, to wit: Tax Lot 11, a tax lot in the SE ¼ of Section 27 Township 14 and Range 11 of the 6th P.M. Sarpy County, Nebraska. (Hwy 370 & Sapp Bros Drive)**

Discussion:

Ms. Horner stated the property owner requested a liquor permit. At that time Planning staff advised that the zoning required a special use permit. The property is zoned BG (General Business) and is located on Hwy 370 and Sapp Bros Drive. It is currently developed with an existing service station. The general land use and vicinity is IL, (Light Industrial) BG (General Business) and some AG (Agricultural) and generally the development is light industrial and open space. Staff recommends approval of special use permit.

Public Hearing closed at 7:04 P.M.

Ms. Bliss questioned if Nicole had sufficient information.

Ms. O’Keefe stated it was significant for the Planning Commission to be aware of the fact that the applicant had applied for a liquor license.

Mr. Whitfield stated these did not come to the Planning Commission until the regulations changed.

Ms. Horner stated ideally the Planning department should receive the Special Use Permit application prior to the application for a liquor license, since the zoning regulations were recently changed requiring a special use permit.

- *Whitfield moved, seconded by Torczon to approve the request for a special use permit for retail alcohol sales due to compatibility with adjacent uses, conforming with the zoning regulations and is consistent with the comprehensive plan of Sarpy County. **Ayes** – Bliss, Dunbar, Gonzalez, Gross, Stuart, Torczon, Wear, Wees, Whitfield **Nays:** Marquardt, **Abstain** – none. **Absent** – Fenster **Motion Carried.***

- B. **Robert E. Bollish, 12760 S 234th Street, requests approval of a Special Use Permit for a private barn for animals on the following described property, to wit: Lot 2 Riverview Acres II and Lot 1 Riverview Acres, all located in the SW ¼ of Section 3 Township 13 and Range 10 of the 6th P.M. Sarpy County, Nebraska. (234th & Capehart Road)**

Discussion:

Ms. Horner stated the request for a Special Use Permit would utilize the newly amended RE2 regulations to allow for private barns to have two horses. There are two lots that each exceed three acres in River View Acres. The general land use in the vicinity is AG (Agricultural) and there does not appear to be any issues with adjacent land. Additional details on the location of the barn and fencing was provided by the applicant after the Planning Commission packets were mailed. The additional information addressed comments in the staff report and is in conformance with the existing comprehensive plan. The Special Use Permit will cover both lots.

Mr. Whitfield questioned if Special Use Permits could go toward a residential use instead of a business.

Ms. O'Keefe stated that yes it was fine.

Public Hearing closed at 7:12P.M.

- *Bliss* moved, seconded by *Gross* to approve the special use permit for a private barn for animals as outlined in agenda item 2b as it conforms with the zoning regulations and comprehensive plan of Sarpy County. **Ayes** – Bliss, Dunbar, Gonzalez, Gross, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield **Nays**– none. **Absent** –Fenster. **Motion Carried.**

C. Donald W. Gray, 18201 S. 132nd Street, requests approval of a Special Use Permit for a residence and recreational vehicle sales and service on the following described property, to wit: Lot 15, Villa Springs in the SW ¼ of Section 31 Township 13 and Range 12 of the 6th P.M. Sarpy County, Nebraska. (132nd & Buffalo Rd)

Discussion:

Ms. Horner stated this was a request for a Special Use Permit to add a new storage building on site and continue the use of an existing residence in conjunction with the primary use. The current use is BG (General Business) and is adjacent to Villa Springs Lake. The comprehensive plan shows the area as Greenway and has an existing single family residence, as well as, some storage buildings that store recreational vehicles owned by people that have residences at the lake. The residence and storage building were built in 1987 and additional storage buildings were added in 1991 and 2004. The applicant requested a Flood Plain Development Permit and Planning staff determined it was a non-conforming use and needed a special use permit to conform. The expansion continuance and the primary use would be the recreational storage.

Ms. Horner stated there were two requests, one for a special permit to allow the recreational storage and the second to allow the continuance of the existing residence which is allowed when in conjunction with the primary use, which was recreational storage. Ms. Horner stated the applicant needed to verify that the existing residence was utilized as a care takers residence. No comments were received in writing from any opponents or proponents of the project and for this reason Ms. Horner recommended approval.

Mr. Gray came forward and stated his intention was to store vehicles, boats and cars. He confirmed his son lives on the property.

Mr. Wees questioned if the building would match the existing building.

Mr. Gray stated that yes.

Ms. Bliss questioned if Mr. Gray received feedback or input from surrounding neighbors.

Mr. Gray stated no comments had been received.

Mr. Gonzalez questioned if everything would be stored inside.

Mr. Gray stated that nothing will be stored outside including his things when the permit was approved.

Mr. Marquardt questioned where it would be built.

Ms. Horner clarified the building was approximately 113 feet from the lot line.

Public Hearing closed at 7:21 P.M.

Ms. Dunbar questioned the classification of Special Use Permit.

Ms. Horner stated that the resolution would be structured to the specific request.

- *Dunbar moved, seconded by Gonzalez to approve the request for a Special Use Permit for the property located at 18201 S 132nd Street as it meets the comprehensive plan and zoning regulations. Ayes – Bliss, Dunbar, Gonzalez, Gross, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield Nays: None Abstain – none. Absent – Fenster. **Motion Carried.***
- D. Ray Anderson, 9501 S. 145th Street, requests approval of a Change of Zone from IL (Light Industrial) to BG (General Business) and a Special Use Permit for retail alcohol sales on the following described property, to wit: Lot 7 Lakeview South, in the SE ¼ of Section 23 Township 14 and Range 11 of the 6th P.M. Sarpy County, Nebraska. (I-80 & Hwy 50)**

Discussion:

Ms. Horner stated the request was for change of zone and a special use permit for retail alcohol sales. The property owner requested a liquor permit and at that time it was noted that the existing use was a non-conforming use. They have an existing liquor permit but the applicant requested an expansion of the liquor permit which would not be allowed under the existing non-conforming statute. The Comprehensive Plan shows the area as business park and BG (General Business) conforms with the comprehensive Plan. The vicinity is light industrial or commercial, primarily zoned light industrial. Andy's Amoco has operated here since 1988. Planning staff recommended approval to both the change of zone and the request for a special use permit for retail alcohol sales.

Mr. Anderson came forward and asked if the Commissioners had any questions.

The Commission did not have any questions for the applicant.

Public Hearing closed at 7:28 P.M.

- *Dunbar moved, seconded by Bliss to approve the request for the change of zone from IL (Light Industrial) to BG (General Business) as it conforms with the zoning regulations and the comprehensive plan of Sarpy County . Ayes – Bliss, Dunbar, Gonzalez, Gross, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield. Nays: None Abstain – none. Absent – Fenster. **Motion Carried.***
 - *Dunbar moved, seconded by Bliss to approve the special use permit for Ray Anderson, 9501 S 145th or business located at I-80 and Hwy 50, for the purpose of retail alcohol sales as it meets the zoning regulations and comprehensive plan of Sarpy County. Ayes – Bliss, Dunbar, Gonzalez, Gross, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield Nays: None Abstain – none. Absent – Fenster. **Motion Carried.***
- E. Shawn M. Schmidt, 812 Tipperary Drive, requests approval of a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential), a Preliminary and Final Plat to be known as Olivo Estates II located on the following described property, to wit: Government Lot 4, located in the NW ¼ of Section 27 Township 13 Range 12 of the 6th P.M. Sarpy County, Nebraska. (96th & Mitchell Road)**

Discussion:

Ms. Horner stated the request will divide government lot four into three lots ranging in size from 5 to 19 acres. The comprehensive plan shows the area as estate residential and is designated within Platteview South Development District which projects large lot estates and acreage development. The proposed lot is consistent with this designation. The comprehensive plan notes that some areas may remain open to agricultural uses depending upon whether or not wastewater services, septic, are available. The Comprehensive Plan notes that community and individual waste water systems are acceptable to serve large lot estate and agricultural development but that special environmental review is required. The general condition of the site is undeveloped. Large lot residential is to the north, Lake Olivo development is to the west, Papillion well field is to the south and additional acreages are to the east.

Ms. Horner stated the county surveyor currently maintains 96th Street to the north of the property and there was dedicated Right of Way of 96th Street to the northern edge of the proposed plat. Although the improvement of 96th Street does not extend to this plat and is not a road the county surveyor improves or maintains, the proposed lots provide access to lot 3 by extending a common access easement south to the northern edge of lot 3 and a common access easement east to reach across lot 1 to reach lot 2. The County surveyor provided comments that requested right-of-way extension of 96th street instead of a common access easement. Staff comments include extending the access easement to lot 2 all the way to the eastern edge of lot 2 to provide access for future development to provide access to the east. Since the eastern area is dedicated as Estate Residential in the comprehensive plan there could be development pressure to the east for additional large lot acreages. Secondary access needs to be provided to those lots. Staff comments also included revising the classification of the easement from private access easement to public access easement which would be similar to a private roadway. It would be a named access easement that anyone could enter including emergency personnel. When the land to the east develops into large lot acreages as indicated in the comprehensive plan it would be a secondary access for those properties across from the public access easement. The plat information included D & K Excavation percolation testing and staff recommended that the proposed septic location be noted on the plat to help provide information to verify that the septic will work in the location as proposed, as indicated in the comprehensive plan, to complete environmental review and make sure the septic will work in the area. The building department will review the location to confirm that conceptually the location will work.

Staff requested verification that ground water is available in the area. Staff recommendation was approval provided the staff comments are resolved prior to scheduling to the County Board.

Mr. Schmidt came forward and stated the intent was to build a residence on the property.

Ms. Horner illustrated the intention of the County Surveyor's comments.

Mr. Wear, Mr. Stuart, Mr. Wees, & Mr. Whitfield asked questions related to the environmental review requirements of the comprehensive plan.

Ms. Dunbar left the meeting at 7:45 p.m.

Mr. Bovick came forward and provided comments supporting the planning staff recommendation.

Public Hearing closed at 7:58 P.M.

- *Whitfield moved, seconded by Wear to approve the change of zone from AG (Agricultural) to AGR (Agricultural Residential) as it is in conformance with the comprehensive plan and zoning regulations of Sarpy County. Ayes – Bliss, Gonzalez, Gross, Stuart, Marquardt, Torczon, Wear, Wees, Whitfield. Abstain – none. Absent –Dunbar and Fenster. **Motion Carried.***
- *Whitfield moved, seconded by Stuart to approve the Preliminary Plat as submitted by the applicant as it conforms with the comprehensive plan and zoning regulations of Sarpy County. **No vote taken, a motion to amend this motion was made. See below.***
- *Mr. Whitfield moved, seconded by Stuart to amend the original motion to approve the Preliminary Plat for Olivo Estates II as submitted by the applicant with the following changes: A: that the 50 foot ingress egress easement running along 96th Street to lot 3 be converted to public right-of-way in a north and south direction. B: that all environmental requirements as outlined in the comprehensive master plan for this area be met. Ayes – Stuart, Wear, Wees, Whitfield. Nays: Bliss, Gonzalez, Gross, Marquardt, Torczon. Abstain – none. Absent –Dunbar and Fenster. **Motion does not carry.***
- *Back to original motion.*
- *Whitfield moved, seconded by Stuart to approve the Preliminary Plat as submitted by the applicant as it conforms with the comprehensive plan and zoning regulations of Sarpy County. Ayes – Gonzalez, Stuart, Wear, Wees, Whitfield. Nays: Bliss, Gross, Marquardt, Torczon. Abstain – none. Absent –Dunbar and Fenster. **Motion Carried.***
- *Whitfield moved, seconded by Wear to approve the final plat to be known as Olivo Estates II as submitted by the applicant with the following changes A. the 50 foot ingress egress easement running parallel with 96th to the north edge of lot three be converted to public right of way. B. That the environmental requirements as stated in the comprehensive master plan of this area be met to the Planning Department's submitted recommendation as it complies with the Sarpy County Comprehensive plan and Zoning Regulations Ayes – Gonzalez, Stuart, Wear, Wees, Whitfield. Nays: Bliss, Gross, Marquardt, Torczon. Abstain – none. Absent –Dunbar and Fenster. **Motion Carried.***

F. Sarpy County requests a Text Amendment to Section 40, Signs, of the Sarpy County Zoning Regulations.

Discussion:

Ms. Horner stated there are two parts to this request. Recently the planning staff received a request from Holy Family Shrine property and through the research staff determined that religious symbols were exempt from sign regulations, but needed to make it clear in the text. The proposal was to amend exempt signs to include public flags and religious symbols provided they meet the required sign setback of the district. The second part of request is an amendment to signage for schools. There was request for an elementary school and through that review process Sarpy County sign regulations for schools allow for a 20 square foot sign. The research of other jurisdictions it was found that they allow 32 square feet of sign area. Planning staff recommended an increase in sign area for religious assembly or school sign usage. Planning staff recognized there may be some religious uses and some secondary and high schools that may require more than the 32 feet. The special use permit provision will allow review on a case by case basis for the uses that require more than the 32 feet.

Mr. Whitfield asked if there was a definition of religious symbols.

Ms. Horner stated there was not a definition of religious symbols.

Ms. Horner stated she researched religious symbols in other jurisdictions and they are not considered signs and they are exempt due to first amendment rights and reasonable accommodations.

Public Hearing closed at 8:55 P.M.

- *Whitfield moved, seconded by Gonzalez to approve the text amendment to section 40, Signs, as submitted. Ayes – Bliss, Fenster, Gonzalez, Stuart, Marquardt, Torczon, Whitfield. Nays: Wear, Wees Abstain – none. Absent – Dunbar, and Gross. Motion Carried.*

G. Discussion: Planning Commission Meeting Rules & By-Laws

Discussion took place on the draft of the Planning Commission Rules and By-laws.

III. CORRESPONDENCE: The following items were briefly discussed to provide updates to the Planning Commissioners.

IV. ADJOURNMENT: Being no further discussion, *Bliss moved, seconded by Wear to adjourn the meeting.* By a unanimous oral vote, Chairman Wees declared the meeting adjourned at 9:41 p.m.

Respectfully Submitted,

Tom Wees, Chairman
Michelle Alfaro, Planning Assistant