



## SARPY COUNTY DEPARTMENT OF PLANNING

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**REBECCA HORNER, DIRECTOR**

### PLANNING COMMISSION MEETING MINUTES

August 18, 2010

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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 August 18, 2010, in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Chairman Whitfield called the meeting to order at 7:07 p.m. with the following members present: Susan Bliss, Courtney Dunbar, Donald Fenster, Jerry Torczon, Wayne Labart, Pat Lichter, Gary Stuart, Dennis Vanek, and Doug Whitfield. Absent were: John Thompson and Alan Wear. Also in attendance were the staff members: Rebecca Horner, Planning Director, Nicole O'Keefe, Deputy County Attorney and Cindy Gilbert, Recording Secretary.

Chairman Whitfield gave notice of the Open Meeting Law.

Chairman Whitfield asked for Commissioner reports. There were none.

Chairman Whitfield asked for a motion to approve the agenda.

- *Bliss moved, seconded by Labart to approve the amended agenda as submitted. Ballot: Ayes: Bliss, Fenster, Vanek, Labart, Lichter, Stuart, Torczon, and Whitfield. Nays: None. Abstain: None. Absent: Dunbar, Thompson and Wear. Motion carried.(8-0)*

Chairman Whitfield asked for a motion to approve the **June 16, 2010** minutes.

- *Fenster moved, seconded by Torczon, to approve the minutes of the June 16, 2010 meeting as submitted. Ballot: Ayes: Bliss, Fenster, Vanek, Labart, Lichter, Torczon, and Whitfield. Nays: None. Abstain: Stuart. Absent: Dunbar and Thompson and Wear. Motion carried.(7-0-1)*

- 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. **Public Hearing & Recommendation: Special Use Permit**

*Wal-Mart Inc., Bentonville, AR, requests a Special Use Permit for Retail Alcohol Sales on the following property: Lot 1, Wicks Southpointe 1<sup>st</sup> Addition, formerly known as Lot 8, Wicks Southpointe in the NE ¼ of Sec. 34, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska (south of Highway 370 and Wickersham Boulevard)*

Introduction:

Rebecca Horner stated the Clerk's Office had received a request for a liquor permit. It was determined that a special use permit was required to operate a retail alcohol sales. The land is zoned BG (General Business). That district allows for Retail Alcohol Sales as a Permitted Special Use. There does not appear to be any adjacency issues with the proposed use. The Comprehensive Development Plan show this area as being "Business Park" and is compatible with the Comp Plan and Zoning Regulations.

Applicant Presentation:

Bob Huck, Attorney for the applicant, reiterated Ms. Horner's statements and added the Staff Report recommends approval of this Special Use Permit. He also noted there were no objections from other property owners in the subdivision.

Discussion:

Commissioner Whitfield asked if there would be a time limit on this particular permit as other Special Use Permits generally have some kind of time constraint.

Ms. Horner indicated a time constraint on this permit was unnecessary.

**\*Public Hearing opened at 7:14 P.M.\***

None came forward.

**\*Public Hearing closed at 7:15 P.M.\***

- *Fenster moved, seconded by Bliss to approve the Special Use Permit for Retail Alcohol Sales as it is in conformance with the adjacent uses, Zoning Regulations and the Comprehensive Development Plan. Ballot: **Ayes:** Bliss, Fenster, Lichter, Stuart, Vanek, Labart, Torczon and Whitfield. **Nays:** None. **Abstain:** None. **Absent:** Dunbar, Thompson and Wear. **Motion carried.**(8-0)*

B. **Public Hearing & Recommendation: Special Use Permit**

*JULIE NIELSON, 16410 S 180<sup>th</sup> St., Springfield, NE 68059 requests approval of a Special Use Permit to operate a kennel on the following described property, to wit: Tax Lot 8A in Sec. 29, Twp 13N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska (180<sup>th</sup> & Pflug Road)*

Introduction:

Ms. Horner indicated this applicant was requesting a renewal of a Special Use Permit for a private kennel granted last year by the County Board. The kennel will have 14 dogs and 7 cats for duration of the natural lifespan with two indoor existing kennel areas and three outdoor kennel areas. There

will be no employees, hours of operation, customers or business purposes associated with the kennel. The Nebraska Humane Society submitted an Investigative Report noting the overall conditions were found to be satisfactory. Ms. Horner also noted a staff recommendation for approval of the permit provided the applicant continues to work with the Nebraska Humane Society for a period of one year.

Discussion:

Jason Bruno, Attorney for the applicant mentioned there had been no complaints by neighbors and that discussion had been held with the concerned neighbor from last year and had been resolved. The Humane Society had performed an inspection and submitted a report as well as their veterinarian who also submitted a report indicated the animals were healthy and well cared for. He did ask the Planning Commissioners to consider a lengthier time frame for the Special Use Permit.

\*Courtney Dunbar joined the meeting at 7:21 p.m.\*

**Public Hearing Opened at 7:21 p.m.**

There was no public participation.

**Public Hearing Closed at 7:22 p.m.**

Don Fenster asked if the time on the permit could be extended and wondered if they had to pay the permit fee every year to re-submit?

The answer by Ms. Horner was, "Yes".

Wayne Labart agreed with Mr. Fenster that this permit shouldn't be done every year and noted that if there was a problem, the County could call them back in for a review of the permit.

Gary Stuart questioned the monitoring of the site and who, besides the Humane Society would be overseeing the animals on the property? He also commended them for getting the site cleaned up and passing inspections.

Nicole O'Keefe, Deputy County Attorney suggested the Planning Commission state in their motion exactly what they wanted to happen as far as time and inspections, etc.

- *Fenster moved, seconded by Torczon to approve the Special Use Permit to operate a kennel for 13 dogs and seven cats for a period of three years as long as they continue to work with the Nebraska Humane Society. Ballot: **Ayes:** Bliss, Dunbar, Fenster, Lichter, Stuart, Vanek, Labart, Torczon and Whitfield. **Nays:** None. **Abstain:** None. **Absent:** Thompson and Wear. **Motion carried.**(9-0)*

**C. DISCUSSION:**

Don Fenster suggested that the payments to the Planning Commissioners be calculated by the Planning Department and sent only for a signature if necessary.

Ms. Horner explained that some of the Commissioners utilize the allowances given to them by State Statute, i.e. mileage for site visits and to and from meetings, meeting preparation and the meeting itself. Not everyone takes all that is offered, but the Department will try to accommodate the wishes of the Commissioners. She did note that the Department is short-staffed at this time, but interviews are being conducted and we will try to assist in the preparation of expense sheets filled out as much as possible for them.

Doug Whitfield asked the status of Leisure Village.

Ms. Horner said they are working on a subdivision agreement and have a few other details to work out prior to going before the County Board. She also noted Sheriff Davis had a “fly over” done at the site and was happy to announce that the actual pad sites did not take on any water during the recent flooding. Evacuation plans were still being finalized. She anticipates going to the County Board sometime within the next six weeks.

When Don Fenster asked the same of Belle Lago, Ms. Horner stated they were basically in the same situation with development agreements and evacuations plans in addition to satisfying some state requirements and issues.

**III. CORRESPONDENCE:**

Ms. Horner again stated the Department was involved with interviews for an Administrative Assistant and would start reviewing applications for a Planner. She indicated staff is very busy and is looking forward to adding two new people to the department.

**IV. ADJOURNMENT:** Being no further discussion, *Stuart moved, seconded by Labart to adjourn the meeting.* Motion carried by a unanimous oral vote. Chairman Whitfield declared the meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Doug Whitfield, Chairman  
Cindy Gilbert, Recording Secretary