



SARPY COUNTY DEPARTMENT OF PLANNING

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PLANNING COMMISSION MEETING MINUTES November 17, 2010

November 17, 2010

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 November 17, 2010, in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Vice-Chairman Fenster called the meeting to order at 7:04 p.m. with the following members present: Susan Bliss, Donald Fenster, Pat Lichter, John Thompson, Jerry Torczon, Wayne Labart, Gary Stuart and Dennis Vanek. Absent were: Courtney Dunbar, Alan Wear and Doug Whitfield. Also in attendance were the staff members: Todd Swirczek, Planner, Nicole O'Keefe, Deputy County Attorney and Cindy Gilbert, Recording Secretary.

Vice-Chairman Fenster gave notice of the Open Meeting Law.

Vice-Chairman Fenster asked for Commissioner's reports.

- Don Fenster congratulated John Thompson on his election bid for the Omaha Public Power Board.

Chairman Whitfield joined the commissioners at 7:06 p.m.

- Cindy Gilbert introduced Todd Swirczek as the Planner. He joined the Planning Department on October 12, 2010.

Chairman Whitfield asked for a motion to approve the agenda.

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

Chairman Whitfield asked for a motion to approve the **August 18, 2010** minutes.

- *Bliss moved, seconded by Torczon, to approve the minutes of the August 18, 2010 meeting as submitted. Ballot: **Ayes:** Bliss, Fenster, Vanek, Labart, Lichter, Stuart, Torczon and Whitfield. **Nays:** None. **Abstain:** Thompson. **Absent:** Dunbar and 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. Public Hearing & Recommendation: Conservation and Preservation Easement

Fedde Farm Conservation Easement requests a Conservation and Preservation Easement on property legally known as Tax Lot 5, located in the SW Quarter of Section One, Township 12N, Range 10E, of the 6th P.M. Sarpy County, Nebraska.

Introduction:

Mr. Swirczek stated the requested action was for a Conservation and Preservation Easement on approximately 157 acres of the Fedde's farm. He noted the approximate location of the farm and indicated it is in conformance with the Comprehensive Development Plan. He said the request to dedicate the easement was made by the owners. They have negotiated the terms of this easement with Nebraska Land Trust. He also indicated the Easement will be in an area of the County that has several unique environmental and cultural features. Todd also noted the Easement restricts the construction of new structures and does not allow logging or clearing and prohibits commercial or industrial uses. It also prohibits commercial wind energy and solar power generation along with other uses that could deteriorate the quality of the preserved land. He stated the County Attorney's office had reviewed the document.

Applicant Presentation:

Wayne Fedde introduced himself as one of the owners of the farm and indicated they were third generation farmers of this land. He felt it was a good opportunity to preserve the family farm and the natural resources.

****Public Hearing Opened at 7:15 p.m.****

Discussion:

Dave Sands, Nebraska Land Trust, stated he was available to answer any questions.

John Thompson asked if there were any other conservation areas adjoining this land.

Mr. Sands indicated a portion of this land abuts Schramm State Park. There is privately owned property to the east and noted there would not be any impact on privately owned land in the future.

Gary Stuart asked if this would create a larger problem with the deer population.

Mr. Sands indicated it would not as hunting would be allowed on this property.

****Public Hearing Closed at 7:18 p.m.****

Nicole O'Keefe responded to the question concerning building any buildings on the homestead by reading a portion of Article IV of the Conservation and Preservation Easement document. It stated there was a building envelope consisting of 4.43 acres that, improvements such as barns, sheds, grain bins and other buildings as necessary for agricultural uses.

- *Bliss moved, seconded by Stuart, to recommend approval of the Conservation and Preservation Easement as it conforms to the Comprehensive Development Plan. Ballot: **Ayes:** Bliss, Fenster, Lichter, Vanek, Thompson, Stuart, Torczon, Labart and Whitfield. **Nays:** none. **Abstain:** none. **Absent:** Dunbar and Wear. **Motion Carried.***

B. Public Hearing & Recommendation: Final Plat

CR Investments, Inc., Loren Johnson, requests a Final Plat for Whitetail Creek on property legally known as Tax Lots 8 and 9, located in SW Quarter of Section 17, Township 14 N, Range 11E of the 6th P.M. Sarpy County, Nebraska. (NE of 192nd and Giles).

Introduction:

Todd Swirczek explained the applicants request for a final plat for Whitetail Creek. He said it will be 107 lots including a school and park. He stated there was approximately 75 acres, the zoning is currently RD-50 and it

conforms to the Comprehensive Development Plan. He noted a few minor issues to be addressed. They are: street names need to be revised, lots must be identified in table, setbacks listed, zoning indicated and setback shown on triple frontage lots. He also indicated the Staff recommends approval for this final plat provided staff comments are resolved prior to scheduling the item to the County Board.

Applicant Presentation:

Brian Doyle, Attorney, said he was available for any questions the Commissioners might have.

Terry Atkins, Engineer, Lamp, Ryneerson and Associates made himself available for answering questions.

Discussion:

Susan Bliss asked Mr. Doyle if the Staff comments had any issues that were a cause for concern?

Mr. Doyle indicated there were no concerns and that any issues would be resolved.

****Public Hearing Opened at 7:25 p.m.****

As there was no public comment, the

****Public Hearing Closed at 7:25 p.m.****

- *Fenster moved, seconded by Bliss, to recommend approval of the Final Plat for Whitetail Creek providing Staff Comments were resolved as it meets the Comprehensive Plan, Zoning Regulations and Subdivision Regulations. Ballot: **Ayes:** Bliss, Fenster, Lichter, Vanek, Thompson, Stuart, Torczon, Labart and Whitfield. **Nays:** none. **Abstain:** none. **Absent:** Dunbar and Wear. **Motion carried.***

C. Public Hearing & Recommendation: Change of Zone and Special Use Permit
(Applicant has requested to table until December meeting)

Buck's Inc., requests a Change of Zone from Residential Estates II (RE2) to Heavy General Business District (BGH) and a Special Use Permit for the retail sale of alcohol in association with a service station, on property legally known as Tax Lot 2A, located in Section 24, Township 14, Range 11 of the 6th P.M. Sarpy County, Nebraska. (NE corner of 143rd Ave and 142nd St.)

In a letter dated November 4, 2010, the applicant requested permission to table the public hearing for a change of zone and a special use permit until December 15, 2010.

- *Fenster moved, seconded by Whitfield, to table the application for a change of zone and a special use permit until December 15, 2010. Ballot: **Ayes:** Bliss, Fenster, Lichter, Thompson, Stuart. **Motion carried.***

III. CORRESPONDENCE

None.

IV. ADJOURNMENT: Being no further discussion, *Lichter moved, seconded by Torczon to adjourn the meeting.* Motion carried by a unanimous oral vote. Chairman Whitfield declared the meeting adjourned at 7:34p.m.

Respectfully Submitted,

Doug Whitfield, Chairman
Cindy Gilbert, Recording Secretary