

DOUGLAS COUNTY PLANNING COMMISSION

3015 MENKE CIRCLE
OMAHA, NE 68134

May 11, 2005
6:00p.m.

The meeting was called to order by Chairperson Hayes with roll call vote.

Members Present: Bob Bruhn, Ron Bucher, Michael Gerdes, Barbara Hayes, Luke Janke, Dave Lanoha, Joe Roberts and Milo Vacanti.

Members Absent: Bob Boozer

Other County Officials and Staff Present: Barb Frohlich and Kent Holm (Douglas County Environmental Services), and Bernie Monbouquette (County Attorney's Office), and Don Nielsen (Engineer's Office).

Ms. Frohlich stated the first page of the March minutes was put on the April minutes in error and that the correct first page was before the Commissioners.

Motion by Commissioner Bucher, seconded by Commissioner Bruhn to approve minutes of the April 13th, 2005 meeting.

Voting Yes: Bruhn, Bucher, Hayes Janke, Roberts Vacanti.

Voting No: None

Abstain: Gerdes and Lanoha (not present at April meeting).

APPLICATION C-4-05

REQUEST: Conditional Use Permit, renewable energy facility.

LEGAL: Section 2, Township 16 N, Range 10 E of the 6th P.M.

LOCATION: Northwest corner of Highway 36 and 216th Street

APPLICANT: Waste Management of Nebraska. Inc., 13305 North 216th Street,
Bennington, NE 68007

John Hartwell, professional engineer licensed in the State of Nebraska, 4314 S. 184th Street, made the following comments as the applicant's representative:

1. Ken Mertl, Division Manager of Waste Management of Nebraska, and Tim Yaeger, Project Engineer for OPPD, are present to answer any questions.

2. The renewable energy generation facility is located approximately 1750 feet north and 250 feet west of the intersection of State Highway 36 and 216th Street; due west of the abutting Pheasant Point Landfill.
3. The permit modification application includes a map and location diagram of the area.
4. In December of 2000 Waste Management applied for a conditional use permit to construct a 3.2 megawatts gas energy facility. The conditional use permit was approved by the County Board in early 2001.
5. A condition of the conditional use permit was that application be made for any expansion of the facility.
6. In the 2000 application, Waste Management anticipated that expansion would be needed in 2006 or 2007.
7. The combined gas production from the recently closed Douglas County Recycling and Disposal Facility and the new Pheasant Point Landfill has the generating facility at near capacity.
8. The generating facility is currently producing enough green electric power for 2,000 households.
9. Waste Management would like to commence the construction and operation of the planned 3.2 megawatts expansion this summer.
10. Renewable energy expansion would be housed in a single story slab on grade masonry structure with a square footage of 3400 square feet and would be 100 foot long in a north/south direction and 34 foot wide in an east/west direction.
11. The expansion will connect to the eastern end of the current facility creating an "L" shape structure.
12. The building will be offset on 216th Street about 198 feet. It will house 4 additional generators sets with the pertinent hardware including the fuel gas compressor, after cooler, and radiator transformer.
13. An additional maintenance shop and storage space will be slightly expanded.

Chair Hayes opened the public hearing.

Mike Falcone, 20010 Military Road, Bennington, NE 68007 commented that very high wattage lights are used on the outbuilding. He would like to see some environmentally friendly lighting at night.

Chair Hayes closed the public hearing.

Questions, Comments, and Discussion among Commissioners:

1. Commissioner Bucher asked why a new driveway was needed for the project. Mr. Hartwell responded that there may only need to be a slight modification in the alignment of the driveway.
2. Commissioner Bucher also asked about the reference in the Executive Summary to gas being directed to a flare. Mr. Hartwell stated that gas is directed to a flare when the amount exceeds the capacity of the generating facility.
3. Commissioner Bucher asked if excess gas was expected with the proposed addition? Mr. Hartwell stated excess gas was not expected with the addition.

4. Commissioner Bucher asked if any complaints had been made regarding operation of the facility. Ms. Frohlich stated there have been no complaints.
5. Chair Hayes asked if anything could be done about the high wattage lights? Mr. Mertl responded that he believed Mr. Falcone was referring to lights at the landfill facility not the gas generating facility. Mr. Mertl stated he could not commit to changing the light at that facility.
6. Commissioner Vacanti asked if there were any other facilities like this in the area. Mr. Hartwell stated that this is the only facility in Nebraska that uses landfill gas to generate electric power.

Motion by Commissioner Bucher to recommend approval of the application with the condition that the applicant attempt to minimize impact from lighting, seconded by Commissioner Lanoha.

Voting Yes: Bucher, Hayes, Janke, Lanoha, Roberts, Vacanti.

Voting No: None

Abstain: Bruhn and Gerdes.

APPLICATION Z-3-05

REQUEST: Re-zoning from SF-2 to AF-2, 10.66 acres.

LEGAL: Section 33, Township 16 N, Range 10 E. of the 6th P.M.

LOCATION: North of King Lake

APPLICANT: Fred William Winkelman & Michael G. Karnish, 1109 South 188th St, Omaha, NE 68144

Fred Winkelman, 1109 South 118th Street, Omaha, NE 68144 made the following comments regarding the application as Mr. Karnish was not in attendance:

1. Mr. Karnish and Mr. Winkelman are business partners.
2. Mr. Karnish operates a nursery in Irvington and their plan is to grow smaller trees for the midsize market to be sold at his nursery in Irvington.
3. A small service building for equipment would be constructed.

Chair Hayes opened the public hearing. No one from the public spoke for or against the application.

Motion by Commissioner Bucher to recommend approval, seconded by Commissioner Roberts.

Voting Yes: Bruhn, Bucher, Gerdes, Hayes, Janke, Lanoha, Roberts and Vacanti.

Voting No: None

Abstain: None.

APPLICATION P-5-05

REQUEST: Approval of preliminary and final plat for Falcone Heights, Lot 1- 6.25 acres, Lot 2- 5.00 acres, Lot 3 – 3.20 acres, zoning to remain AF-1.

LEGAL: NE 1/4 of NW1/4 Section 18, Township 16 N, Range 11 E of the 6th P.M.

LOCATION: 20010 Military Rd.

APPLICANT: Mike & Mary Falcone, 20010 Military Rd, Bennington, NE 68007

Ms. Frohlich stated that the applicant has complied with the recommendation that the frontage for Lot 3 be changed to 300 feet.

Mike Falcone, 20010 Military Rd., Bennington, NE 68007 presented the application with the following comments:

1. My wife and I want to divide our property into three lots. Lot 2 has our existing house on it that we plan to sell. We plan to build a new home on Lot 1 and Lot 3 would be for future sale.
2. Our neighbors to the south, Mr. and Mrs. Armbrust, and to the east, Mr. Mangold, have seen our plans.

Chair Hayes opened the public hearing.

Richard Mangold, 19747 Bennington Road, Bennington, NE 68007, stated he was not opposed to the application and was present to see the plan.

Chair Hayes closed the public hearing.

Questions, Comments, and Discussion among Commissioners:

1. Commissioner Bucher asked if the County Engineer's Office was concerned about three driveway connections onto Military? Mr. Nielsen stated that the 300 foot separation was determined to be acceptable.
2. Commissioner Bucher asked about obtaining more right-of-way for widening Military in the future? Mr. Nielsen stated that Mr. Kutilek indicated the 33 foot right-of-way was acceptable.
3. Commissioner Bucher also asked if each lot would have its own well and septic system. Mr. Falcone stated the Health Department inspected the site and stated individual wells and septic systems were acceptable.

Motion by Commissioner Vacanti to recommend approval, seconded by Commissioner Bucher.

Voting Yes: Bruhn, Bucher, Gerdes, Hayes, Janke, Lanoha, Roberts and Vacanti.

Voting No: None

Abstain: None

APPLICATION P-6-05

REQUEST: Approval of final plat for Gardiner Acres, Lot 1- 5.126 acres, Lot 2 - 5.118 acres, Lot 3 – 7.502 acres, Lot 4 –7.554 acres, and Lot 5 – 6.316 acres.

LEGAL: NE ¼ of NW ¼ of Section 13, Township 16 N, Range 10 E of the 6th P.M.

LOCATION: 211th and Bennington Road

APPLICANT: MRP, Inc. (c/o Lil Smith), 414 North Molley, Bennington, NE 68007 (Donald Gardiner, representative)

Mark Westergard, E&A Consulting Group, 12001 “Q” St., Omaha, NE made the following comments as the applicant’s representative:

1. This is the final plat for a five lot subdivision.
2. Right-of-way was provided for a future street on the eastern boundary of the property.
3. Easements for future public water system and public sewer are provided along lot lines.
4. Provided an additional easement along side of the right-of-way along the cul-de-sac street to accommodate drainage for the rural street.
5. The sanitary systems will be septic systems and as the Commissioners requested there will be a common well on the property.
6. Don Gardiner, owner and developer, provided a letter from Mid America Drilling Corp. regarding the drawdown that was tested. The letter stated that drawdown should not affect surrounding wells in the area.
7. Chair Hayes opened the public hearing.

Richard Mangold, 19747 Bennington Road, asked about the size of the community well. Commissioner Bucher stated the letter indicated the well was drilled 315 feet deep, the static water level is 200 feet, and the projected pumping level is 275 feet at 70 gallons per minute. It also stated they do not believe it will affect the water levels of the surrounding wells.

Mr. Nielsen stated that it needed to be clarified that the public water supply would meet MUD specifications. Mr. Westergard stated the water mains would meet MUD standards.

Mr. Monbouquette pointed out that the subdivision agreement refers to an agreement between the County and the District but should be between the County and Mr. Gardiner. Mr. Westergard stated they would clarify the subdivision agreement to be presented to the County Board.

Chair Hayes closed the public hearing.

Motion by Commissioner Lanoha to recommend approval with submission of the corrected subdivision agreement, seconded by Commissioner Gerdes.

Commissioner Bucher stated that he was going to vote against the application because he has trouble with large acreage developments because they are extremely difficult to bring into the city and end up being an island that causes problems.

Voting Yes: Bruhn, Gerdes, Hayes, Janke, Lanoha, Robets, and Vacanti.

Voting No: Bucher

Abstain: None

APPLICATION

G-6-05

REQUEST: Amendments to Douglas County Zoning Regulations- Wireless Telecommunications Facilities (Specific proposed amendment language is available at 3015 Menke Circle.)

APPLICANT: Douglas County Environmental Services
Continued on reverse side

Commissioner Bucher asked if any changes had been made since the April 13, 2005 meeting. Ms. Frohlich stated no changes had been made and that Chair Hayes was to send additional information to Planning Commissioners

Chair Hayes stated that she had provided additional information to Planning Commissioners and Mr. Monbouquette.

Chair Hayes stated she had asked to layover the application to make sure that everything had been reviewed.

Mr. Monbouquette commented that the information provided was very good and the story it told is that the Federal Law of 1996 encourages the use of these facilities so any attempt by us to prohibit the towers would be dealt with severely and we wouldn't be successful at that. The information did provide all the considerations that we can use when we are considering a conditional use permit application. Most of the cases cited in the information are on the East Coast but their rules can be of use to us.

Commissioner Bucher asked Ms. Frohlich to identify the page that co-location preference is referenced. Ms. Frohlich stated it is in the Site Analysis on page 6.

Commissioner Bucher suggested adding language that requires an engineering analysis of an existing structure to make sure it can safely accommodate additional antennae.

Mr. Monbquette and Ms. Frohlich referred to language on page 7 and 8, Design Criteria and General Requirements.

Ms. Frohlich suggested adding language under Permits Required, such that, “applicant has to prove tower structural integrity before antennae are added to a tower.”

Commissioner Bucher concurred with that language.

Ms. Frohlich asked if the time frame on page 4 of 15 years was appropriate.

Commissioner Bucher stated he didn’t have a problem with 15 years

Chair Hayes stated that many times the land is leased for 20 years. Commissioner Lanoha concurred.

Chair Hayes opened the public hearing.

Richard Mangold, 19747 Bennington Road, asked when the regulations would go into effect. Ms. Frohlich stated it would be the day the County Board approves the application.

Mr. Monbouquette stated that if someone applies for a conditional use permit before the regulations are approved by the County Board that the Planning Commission could use all the information in the proposed regulations as recommended conditions.

Chair Hayes closed the public hearing.

Motion by Commission Bucher to recommend approval with the addition of language as discussed, seconded by Commissioner Vacanti.

Voting Yes: Bruhn, Bucher, Gerdes, Hayes, Janke, Lanoha, Roberts, and Vacanti.

Voting No: None

Abstain: None

APPLICATION

G-5-05

- REQUEST: Amendments to Douglas County Zoning Regulations (Specific proposed amendment language is available at 3015 Menke Circle.)
- ◆ Addition of Building Coverage language for the following sections: Section 7, Agricultural Farming – 1 (AF-1), Section 8, Agricultural Farming – 2 (AF-2), Section 9, Single Family –

1 (SF-1), Section 10, Single Family – 2 (SF-2), Section 11, Single Family - 3 (SF-3), Section 12, Single Family - 4 (SF-4), Section 13, Multiple Family (MF

- ◆ Language changing requirements for building permits for accessory buildings and deleting size requirements: Section 24. Administration and Enforcement, B. Building Permit Required; Section 18, Supplementary Regulations, E. Accessory Buildings

APPLICANT: Douglas County Environmental Services

Ms. Frohlich explained that this application was on the agenda for Commissioners to review the final language before the application is presented to the County Board for approval.

Chair Hayes opened the public hearing. No one from the public spoke for or against the application. Chair Hayes closed the public hearing.

Motion by Commissioner Bucher to recommend approval, seconded by Commissioner Lanoha.

Voting Yes: Bruhn, Bucher, Gerdes, Hayes, Janke, Lanoha, Roberts and Vacanti.

Voting No: None.

Abstain: None.

Discussion:

Comprehensive Plan Update:

Mr. Holm made the following comments:

1. The County Board approved the contract with RDG.
2. An initial meeting is scheduled for May 16, 2005 at 1:30 p.m. to go over the schedule for meetings and timelines. Data gathering will also be discussed.

Commissioner Bucher asked the final cost of the contract. Mr. Holm stated it was \$70,000 plus up to \$2,000 for reimbursable expenses like printing, mileage, etc.

Commissioner Bucher asked what the previous cost had been? Mr. Holm stated it was in the neighborhood of \$40,000 last time. He also emphasized that the contract this time includes reviewing the regulations and providing recommendations for updates.

Chair Hayes stated for the record that she opposes the \$72,000 contract.

Commissioner Bucher commented that there are fewer square miles but reviewing the regulations will be cumbersome so I don't know if it is worth another \$30,000.

Chair Hayes stated that she didn't feel it was worth another \$30,000.

Commissioner Vacanti asked who voted on the contract. Chair Hayes and Commissioner Bucher answered that the County Board voted on the contract.

Mr. Holm stated that committee members would be notified soon of the meeting schedule.

Announcements

Ms. Frohlich stated there will be review of the by-laws and election of officers at the June meeting. She also stated that revocation of Mr. Iske's conditional use permit will be on the agenda.

Commissioner Roberts thanked Ron Bucher for his ten years of service and devotion to the Planning Commission.

Meeting adjourned at 6:52p.m.

Minutes approved June 8, 2005.