

DOUGLAS COUNTY PLANNING COMMISSION
3015 MENKE CIRCLE
OMAHA, NE 68134

September 13, 2006
6:00 p.m.

The meeting was called to order by Chair Hayes at 6:00 p.m. with roll call vote.

Members Present: Bob Boozer, Bob Bruhn, , Michael Gerdes, Barbara Hayes, Joe Roberts, and Milo Vacanti.

Members Absent: Ann Houlihan, Luke Janke, and Dave Lanoha.

Other County Officials and Staff Present: Barb Frohlich and Kent Holm (Douglas County Environmental Services), Bernie Monbouquette (County Attorney Office), Tom Baker, (Douglas County Health Dept.).

Before the meeting started, Chair Hayes made the following statement:

“This meeting is conducted in accordance with the Open Meetings Law of the State of Nebraska and the provisions of the law are posted in the back of the room.”

Motion by Commissioner Vacanti, seconded by Commissioner Bruhn to approve minutes of the August 9th, 2006 meeting.

Voting Yes: Bruhn, Roberts, and Vacanti.

Voting No: None.

Abstain: Boozer, Gerdes, and Hayes.

APPLICATION

Z-3-06

REQUEST: Re-Zone Lot 18 and 5, Shorty's Lakes, and Lot 3, Shorty's Lakes Replat 2 from Single Family-4 to Single Family-1.

LEGAL: Lot 18 and 5, Shorty's Lakes, and Lot 3, Shorty's Lakes Replat 2

LOCATION: 8434 North 250th Court and surrounding lots

APPLICANT: Katie Carlson, 2890 Mary Street, Omaha, NE 68112

Katie Carlson, 8434 N. 250th Court, requested re-zoning of the lots from Single Family-4 to Single Family-1 in order to apply for a conditional use permit.

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

Motion by Commissioner Roberts, seconded by Commissioner Boozer to recommended approval.

Voting Yes: Bruhn, Gerdes, Hayes, Roberts, Vacanti, and Boozer.

Voting No: None.

Abstain: None.

APPLICATION C-5-06

REQUEST: Conditional Use Permit for Private facilities for keeping of horses and 4-H calves

LEGAL: Lot 18 and 5, Shorty's Lakes, and Lot 3, Shorty's Lakes Replat 2

LOCATION: 8434 North 250th Court and surrounding lots

APPLICANT: Katie Carlson, 2890 Mary Street, Omaha, NE 68112

Katie Carlson, 8434 North 250th Court, requested the conditional use permit to allow horses on the property.

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

Motion by Commissioner Roberts to recommend approval with the following findings of fact:

1. That adequate utilities, access roads, drainage and functional supporting facilities are provided.
2. That adequate improvements are provided for ingress and egress designed to minimize traffic congestion in the public street.
3. That the conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses already permitted, nor will substantially diminish and impair property values within the area.
4. That the establishment of the conditional use permit will not impede the normal an orderly development in the surrounding area for uses permitted in the district.
5. That adequate safeguards are provided to minimize the impact or contain objectionable air, water, and noise characteristics.

Commissioner Gerdes seconded the motion.

Voting Yes: Gerdes, Roberts, Vacanti, Boozer, Bruhn, and Hayes.

Voting No: None

Abstain: None

APPLICATION

G-13-06

REQUEST: Revisions to Private, Residential, or Family Swimming Pools

APPLICANT: Douglas County Health Department

Tom Baker, Douglas County Health Department, requested approval of the application to update the regulations to make them consistent throughout the entire county.

Commissioner Roberts asked if the different communities follow the same guidelines as this application. Mr. Baker stated the same ordinance was adopted by the City of Omaha but the requirements for fence height in Sarpy County are different.

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|--------------|---------------|
| Sarpy County | 4½ foot fence |
| Bellevue | 6 foot fence |
| LaVista | 6 foot fence |

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

Motion by Commissionoer Gerdes, seconded by Commissioner Boozer to recommend approval.

Voting Yes: Hayes, Roberts, Vacanti, Boozer, Bruhn, and Gerdes.

Voting No: None

Abstain: None

APPLICATION

RP-1-06

REQUEST: Replat Lots 21, 113, 116, and 117 and vacate a portion of Hamptons Drive and 239th Street

LEGAL: Replat Lots 21, 113, 116, and 117 and vacate a portion of Hamptons Drive and 239th Street, The Hamptons Subdivision

LOCATION: The Hamptons Subdivision, 235th and West Q Road

APPLICANT: The Hamptons Land Development LLC, Boyer Young, 9719 Giles Road, LaVista, NE 68128

Dave Petrochi, representing the applicant made the following comments:

1. Two lots are being replatted due to the right-of-way changing slightly to save more trees and an island was made larger to save a tree in the middle of the street.

2. Lots 116 and 117 are being replatted to be included in Lot 3, Replat 4. These lots are being combined along with the right-of-way for the owner Barry James to build a single family residence.
3. Mr. James did not want an entrance into this property because he already owns property to the west and has an entrance off "Q" Street.

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

Discussion, Questions, Comments:

1. Commissioner Gerdes referred to the staff comments and the recommendation to deny the vacation of the street.
2. Ms. Frohlich stated that staff recommended not vacating the street because a portion of the property to the west is located in the floodplain and could potentially be developed in the future. Vacating the street would cut off access to the property.
3. Bob Doyle, 11440 West Center Road, on behalf of The Hamptons Development Corporation, made the following comments:
 - a. Barry James has purchased all the property to the west and The Hamptons Development Corporation owns the rest of the property that goes down to the river. The area is floodplain and development is not foreseen for that area.
 - b. There is a deed restriction on lot 3, replat 4. The deed restriction states the lot will be used for only one (1) home. If Mr. James decides to build more than one home on the property, the property has to become part of the Sanitary Improvement District for taxes. Mr. James has stated that he does not want to do that.
 - c. Mr. Doyle suggested that Douglas County would deny a request for a second home on the property because of the deed restriction.
 - d. A replat would have to be done to allow more than one home on the property.
 - e. Part of the property is a wetland mitigation area.
4. Mr. Monbouquette asked if that vacated right-of-way is adjacent to lot 3. Mr. Doyle responded that Mr. James owns property on both sides of the right-of-way.
5. Commissioner Bruhn asked if Mr. James owns lots 19 and 20. Mr. Doyle stated Mr. James owns those lots and they are part of the deed restriction.
6. Ms. Frohlich asked Mr. Doyle for a copy of the deed restrictions for the file.

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

Voting Yes: Roberts, Vacanti, Boozer, Bruhn, and Gerdes.

Voting No: None.

Abstain: Hayes.

APPLICATION G-12-06 (laid over from August 9, 2006 meeting)

REQUEST: Cede jurisdiction, proposed Bennington Estates Subdivision

LEGAL: Part of the NE ¼ of Section 8, Township 16 N, Range 11 E of the
6th P.M.

LOCATION: SE corner of 180th and Highway 36

APPLICANT: E&A Consulting, 330 North 117th Street, Omaha, NE 68154

Bob Doyle, 11440 W. Center Road, presented the application with the following comments:

1. The owners of the property are Boyer Young and Charles R. Clatterbuck.
2. This application was laid over from last month. The application is for Douglas County to cede jurisdiction of approximately 40% of the property located south and west of 180th Street and Highway 36 to the City of Bennington.
3. Shiloh Ranches is located to the west of the property.
4. A preliminary plat for the 60% that is located in the City of Bennington's jurisdiction has been approved by the Bennington City Council.
5. The preliminary plat has been revised to coincide with provisions of the Douglas County Comprehensive Plan.
6. An interlocal cooperation agreement is proposed that incorporates the factors which Douglas County was looking for and includes a buffer area along the NRD area.
7. There is one access point to the NRD property. Douglas County wanted two to three access points but the NRD was only willing to allow one access point.
8. The preliminary plat has outlots which will be maintained as natural environmental areas and help the stormwater management of the subdivision.
9. The first draft of the interlocal cooperation agreement included all of the details and the ASIP program. A less detailed interlocal cooperation agreement is proposed with Douglas County signing off on the final plat before it is filed.
10. The following details would be added as notes to the final plat:
 - a. The outlots will be maintained as natural environmental areas and conservation areas basically in accordance with your comprehensive plan.
 - b. The outlots would be taken care of by the homeowner's association and there would also be a note on the final plat that these areas would never, ever be developed.
 - c. There would be anti encroachment type language so that people didn't encroach on the outlots.
 - d. The language on the arterial street program that was initially proposed basically included all of the ASIP language but I think that all we need to say is that certain lots (to be specified) that are within the jurisdiction of Douglas County would be subject to the ASIP. I did run this by the attorney for the City of Bennington and he preferred to have a shorter

version of the interlocal cooperation agreement as well and not have everything spelled out in the agreement and put on the plat and just incorporate the ASIP program into this one by reference.

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

Discussion, Questions, Comments:

1. Chair Hayes pointed out that the attorney for the City of Bennington wanted the interlocal cooperation agreement shortened as opposed to having everything spelled out but she sees nothing wrong with having everything spelled out. She also stated that Mr. Holm has been working on the interlocal agreement and asked if the City of Bennington had responded.
2. Mr. Holm replied that Bennington responded very briefly to him indicating that they recognized that there were some differences between what Mr. Doyle had proposed and what the County had originally proposed and that they were going to withhold comments until more issues were resolved.
3. Mr. Holm further stated that a revised interlocal agreement was not presented tonight because he wanted to see if the revised plat showed some of the provisions that had been discussed and to get direction from the Planning Commission on how to proceed.
4. Chair Hayes asked if comments have been received from the NRD.
5. Mr. Holm stated he got a short email from them saying that they did not want to be a party to the interlocal agreement. They would work out an agreement with the developer in terms of trail access onto their property.
6. Chair Hayes asked if the Commissioners felt that the revised plat incorporates everything required in the Comprehensive Plan.
7. Commissioner Gerdes replied that he felt it does incorporate the low impact developmental needs and is well thought out.
8. Commissioner Vacanti stated he doesn't understand Douglas County releasing their authority.
9. Mr. Doyle explained that Douglas County staff have to sign off on the final plat verifying that it complies with the interlocal cooperation agreement.
10. Commissioner Vacanti asked what the County has now.
11. Mr. Doyle explained that the actual lots that will pay the ASIP fee have to be determined yet. Mr. Holm and Mr. Doyle said those lots would be listed in the interlocal cooperation agreement.
12. Commissioner Roberts asked if having some of the lots paying the ASIP fee and others not paying it will create problems among the property owners.
13. Mr. Doyle replied that the ASIP fee will be paid by the builder when the building permit is obtained. The City of Bennington is probably going to adopt an ASIP fee.

Motion by Commissioner Vacanti, seconded by Commissioner Gerdes to recommend approval of the application to cede jurisdiction to the City of Bennington on the condition

that the lots paying the ASIP fee be identified and contingent upon approval of the interlocal cooperation agreement by the County Board.

Voting Yes: Vacanti, Boozer, Bruhn, Gerdes, and Roberts.

Voting No: None.

Abstain: Hayes.

4. Discussion – Douglas County Regulations Update

Mr. Holm stated that he and Ms. Frohlich continue to go through the draft of the zoning regulations and will try to get a draft to you in September if possible. When it is presented to the Planning Commission, there also needs to be a plan for public involvement and participation.

Chair Hayes asked Mr. Holm if the issue of detasslers camping on property this summer was being addressed in the new regulations. Mr. Holm stated there was already a provision in the new regulations that would control that type of use.

Chair Hayes stated that if anyone at the meeting wanted to discuss that situation with staff or give staff information they should do so.

Meeting adjourned: 6:43pm.

Minutes approved October 11, 2006.