

DOUGLAS COUNTY PLANNING COMMISSION
3015 MENKE CIRCLE
OMAHA, NE 68134

February 14, 2007
6:00 p.m.

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

Members Present: Michael Gerdes, Barbara Hayes, Ann Houlihan, Luke Janke, and Joe Roberts.

Member Absent: Bob Boozer, Dave Lanoha, and Milo Vacanti.

Other County Officials and Staff Present: Barbara Frohlich, and Kent Holm.

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 Gerdes, seconded by Commissioner Houlihan to approve minutes of the January 10, 2007 meeting.

Voting Yes: Bruhn, Gerdes, Hayes, Houlihan, and Janke.

Voting No: None

Abstain: Roberts.

APPLICATION

G-1-07 (laid over from January 10, 2007)

REQUEST: Proposed Douglas County Zoning Regulations and Zoning Map.
(Action can be taken tonight.)

APPLICANT: Douglas County Environmental Services

Chair Hayes stated that the application was laid over from January's meeting mainly due to the cell tower regulations and because the regulations should be complete before submission to the County Board. Chair Hayes stated that the County Board entered into a contract with the Center for Municipal Solutions who will provide consulting services for this regulation and review applications for cell tower facilities.

Chair Hayes reviewed the changes proposed to the November 6th draft of the zoning regulations:

Article 1 – No changes.

Article 2 – Two definition changes: amended definition of imperious coverage, and added a definition for pervious pavement.

Article 3 – Section 3.09, subsection E, amended definition of general industry; subsection I amended definition of resource extraction, and subsection D amended definition of a construction batch plant.

Article 4 – Ag District, RR1 District, and RR2 District: Changes regard building coverage. RR2 zoning district: delete the number of maximum lots because all the other criteria basically limits the maximum number of lots. GI zoning district – height exemption for construction batch plants. Clarification of conventional development and conservation developments.

Article 5

Section 5.06 Supplemental Use Regulations-Industrial Use: Amended the language and clarified the intent of the comprehensive plan.

Section 5.08 – Wind Energy Conservation Systems: Clarifies language regarding setbacks.

Section 5.09 - Wireless Telecommunications Facilities: The language is consistent with the recommendations made by the Center for Municipal Solutions.

Section E - Specific policies and goals are outlined for Special Use Permits and defining and implanting the process of review, promoting and encouraging co-locations and promoting and utilizing stealth technology and the latest technology to make these facilities as least intrusive as possible.

Section F, 1 – Section G should be referenced instead of Section 7.

Section H – Outlines application requirements.

Section I – This section outlines location priorities and lays out a hierarchy of how we look at new tower locations.

Section K - Height has been an issue with cell towers, a limitation of 120 feet is specified unless relief is granted pursuant to Section 28 which should be corrected to Section BB.

Section P - Defines the County hiring a consultant and the fees paid by the applicant are deposited in an escrow account to pay for the consultant services.

Section 5.16, Supplemental Use Regulations: Temporary Uses, 9. Construction Batch Plants – Changes recommended are: Providing extension of the distance from the job

site, hours of operation are defined, duration of plant operation and specific violations. Number 10 should have been separate and not part of the batch plant section.

Article 7 –

Section 7.04, B: Chair Hayes recommended that proposed language “up to a maximum requirement of 50%” be deleted because she is uncomfortable with a maximum but believes a minimum is appropriate. Chair Hayes further explained with an example of a potential applicant with 100 acres whose engineer was having difficulty applying the new zoning. As a result we realized there are other criteria that are a disincentive for acreages so this language is not necessary.

Section 7.04, B.3: The reference to liens placed by a homeowner’s association was deleted.

Section 7.05, A: The formula was simplified to total area divided by whatever the respective zone district regulator is in terms of minimum site area. This provides the developer greater density but still has all the protections.

Chair Hayes stated that the definition of pervious pavement was added in Article 2 and it specifically stated that anything that was pervious was not to be included in that calculation. It was purposely excluded from the definition of impervious coverage.

Article 8, 9, 10, 11 & 12 – No changes.

Article 13

13.03, Site Plan Review Procedure, Section G - Most of the language in this section is covered in the previous section so it is recommended that this section be deleted.

13.03, Site Plan Review Procedure, Subsection I: clarifies that approval pursuant to the section shall run with the land unless an expiration date of such approval is specified at the time of approval

13.04, Special Use Permit Procedure: Special Use Permits will run with the land unless there is a specific provision for a time limitation.

13.04, Special Use Permit Procedure, I: Defines the required notice of publication and notices will be sent to property owners within one (1) mile of the subject property.

13.05, Amendment Procedures, E: Also defines the required notice of publication and notices will be sent to property owners within one (1) mile of the subject property.

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

Commissioners - Comments, Questions.

1. Ms. Frohlich commented on the draft zoning map. She stated she went through each parcel, first considered the size, and second considered if it had individual water and septic. For commercial and industrial uses, matched the use to the new zoning regulations.
2. Commissioner Gerdes asked approximately how many square miles are in the county jurisdiction. Mr. Holm replied about "70" at this point.
3. Ms. Frohlich stated that the majority of parcels are Agricultural or Rural Residential -2.
4. Chair Hayes stated this is the package that will be forwarded to the County Board.

Motion made by Commissioner Roberts, seconded by Commissioner Bruhn to recommend approval of the proposed zoning regulations with the noted changes.

Voting Yes: Gerdes, Hayes, Houlihan, Janke, Roberts, and Bruhn.

Voting No: None.

Chair Hayes thanked the Commissioners for their time reviewing the proposed draft document. Commissioner Roberts also thanked Mr. Holm and Ms. Hayes for their time.

Ms. Frohlich stated the County Board would consider the regulations on February 27th, 2007.

4. Discussion - Chair Hayes stated there is an LID workshop coming up. The response was great and it was broken into 2 days. Mr. Holm stated that 50 spots were available on Wednesday and Thursday and that a few spots remained if anyone was interested in attending. Mr. Holm also stated a session on Tuesday evening is open to the public. Conservation Design Forum consultants will be presenting the workshop.

5. Announcements

Ms. Frohlich stated that in March it is planned to bring some proposed revisions to some of the supplemental sections that were removed from the zoning regulations.

Meeting adjourned at 6:33 p.m.

Minutes approved March 14, 2007.