

**DOUGLAS COUNTY PLANNING COMMISSION  
3015 MENKE CIRCLE  
OMAHA, NE 68134**

**April 11, 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: Bob Boozer, Bob Bruhn, Michael Gerdes, Barbara Hayes, Ann Houlihan, Luke Janke, Joe Roberts and Milo Vacanti.

Member Absent: Dave Lanoha.

Other County Officials and Staff Present: Barbara Frohlich, Kent Holm and Bernie Monbouquette (County Attorney's Office).

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 Janke, seconded by Commissioner Bruhn to approve minutes of the March 14<sup>th</sup> meeting.

Voting Yes: Boozer, Bruhn, Hayes, Houlihan, Janke, Roberts, and Vacanti.

Voting No: None

Abstain: Gerdes.

**APPLICATION                      G-6-07**

REQUEST: Change Land Use Concept Map Designation for D & K Acres, Lot 1 from Mixed Use 1 - Neighborhood Commercial/Residential to Mixed Use 2 -Commercial/Business Park (approval contingent upon approval of application PZ-1-07)

APPLICANT: Douglas County Environmental Services

Ms. Frohlich presented the application with the following statements:

1. The Land Use Concept Map in the County Comprehensive Plan has a list of categories for the designated land uses indicated on the map.
2. The categories are not the same as the zoning districts listed in the Zoning Regulations and the General Industrial District requested in the PZ-1-07 application.

3. The Land Use Concept Map needs to be changed to Mixed Use 2 for Lot 1 so it matches the categories listed on the Concept Map.

Chair Hayes asked if the Mixed Use 2 on the Concept Map was the same as the Mixed Use 2 zoning district. Ms. Frohlich stated it is not the same and that is what makes it confusing. Whenever the map needs to be changed, it will need to be explained so everyone is clear that it is not the same designation.

Chair Hayes stated that may be something that the Planning Commission will want to review; change the language so it is not confusing.

Kent Holm pointed out the area on the Land Concept Use Map mounted on the wall and noted it is designated Mixed Use 1. The re-zoning application requires that the Concept Map be changed to Mixed Use 2 before the property can be rezoned.

Ms. Frohlich stated that any motion to change the Concept Map will always be contingent upon approval of the re-zoning application.

Chair Hayes asked Mr. Monbouquette if a motion was needed on this application, contingent upon the re-zoning application. Mr. Monbouquette stated a motion was needed and as indicated at the beginning of the meeting, all the applications are related.

Chair Hayes opened up the public hearing.

A member of the audience, a land owner to the west, said the purpose of the application was not clear.

Mr. Holm stated there are three different things being considered here. The Concept Map is part of the Comprehensive Plan. The Comprehensive Plan sets out the general guidelines that the County should follow for future development. The Concept Map designates that this particular area should conform to what is called "Mixed Use 1" defined in the Plan as neighborhood commercial/residential use. The re-zoning application on the agenda is to re-zone the property to general industrial zoning district. General industrial zoning district does not fit the Mixed Use 1 designation. State statute requires that the Concept Map be changed to fit the proposed re-zoning district.

A member of audience asked if this would be changing a broad area or changing one parcel?

Kent Holm replied that the change would involve the one lot that is the subject of the rezoning application. Chair Hayes clarified that if the re-zoning request is approved, then the Land Use Concept Map would be changed only for that lot. Ms. Frohlich stated that the map is not changed unless the re-zoning is approved provided that approval of the map change is conditional upon approval of the re-zoning application.

A member of the audience asked how long the re-zoning lasts.

Kent Holm stated that the re-zoning continues but doesn't take place unless the Planning Commission recommends approval of the first application contingent upon approval of the re-zoning.

Tony Bowdino, 20320 High Country Circle, asked the definition of general industrial and the definition of what the zoning is now? Ms. Frohlich stated that is outlined in the zoning regulations. Chair Hayes explained that approval of a motion to change the Land Use Concept Map contingent upon approval of the re-zoning application doesn't mean that the re-zoning application is automatically approved. If the re-zoning application is not approved, then the Land use Concept Map is not changed.

Sandy Brummund, 9150 North 216<sup>th</sup> Street, made the following comments:

1. Asked why application could not be moved to be the third item on agenda, why does it have to be voted on now? Chair Hayes stated that the Planning Commission is required by State Statute to vote on it before they consider the re-zoning application.
2. Asked if this was the end of the public hearing on the land use concept map. Once the vote is taken, will the public hearing be re-opened in case anyone wishes to speak? Chair Hayes stated that a motion is not taken until the public hearing is closed.
3. Wanted everyone to understand that they cannot speak after the public hearing is closed.

Matt Johnson, 11525 N. 211<sup>th</sup> Circle, made the following comments:

1. Stated that he understood the Land Use Concept Plan indicated that commercial development should be clustered around major intersections which is why Mixed Use 2 is close to Highway 275 and Highway 36.
2. Pointed out that if the property is re-zoned to Mixed Use 2, it will not be at major intersections and will be an isolated pocket of this particular zoning.

Chair Hayes asked Mr. Holm if the Land Use Concept Map concept designations are different from the zoning categories? Mr. Holm replied there are two Mixed Use categories on the Land Use Concept Map and both are general categories.

Ms. Frohlich read the General Industrial zoning district (page 4-21) definition:

“The purpose is to provide for a wide range of industrial and manufacturing uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements in Section 9.8 to reduce incompatibility.”

Mr. Bowdino stated that the explanation partially answers his question but it doesn't define what uses can be. Can it be a junk yard, business or whatever?

Chair Hayes stated that there are specified uses in the zoning regulations under general industrial and there are uses that require special use permits under that same category.

Mr. Bowdino said he just wanted it defined as to the possibilities that could happen now or five years from now.

Chair Hayes said that would be read during the application asking for the re-zoning.

Nancy Armburst, 8606 North 216<sup>th</sup> Street, stated that in looking at the map, General Industrial doesn't seem to belong in the middle of all the houses. A development is being constructed across the road and she couldn't understand the Planning Commission putting a tiny pocket of industry in the middle of a residential area.

Richard Mangold, 19747 Bennington Rd., made the following comments:

1. Wondered if this lot was sold in the future would this use stay the same or could it be changed. Chair Hayes stated that the owner of the property could come back in and request a change like this application. She said she wanted everyone to understand that Douglas County is not asking the applicant to change this parcel. The owner of this parcel came to Douglas County Planning. The applicant is Douglas County Environmental Services because that is the way it has to be done by State Statute. The re-zoning change would stay with the land if it is sold but the new owner could request a different zoning.

2. Asked why a stable was not a permitted use in the Mixed Use 1 designation. Chair Hayes replied that the special use permit for the stables is a separate issue from what is being requested for general industrial.

3. Asked why the applicant is requesting the re-zoning. Chair Hayes replied the activity proposed by the applicant for this parcel falls under general industrial in the zoning regulations.

4. Asked what is that activity? Chair Hayes stated she believes it is a construction yard not the stables. A construction yard type of activity requires general industrial zoning and that only fits under Mixed Use 2 on the Land Use Concept Map.

Sandy Brummund, 9150 North 216<sup>th</sup> Street, made the following comments:

1. There is no residential in the Mixed Use 2 concept and just because they said they are going to do one thing doesn't mean that it would only be that one particular business.

2. It can be anything that can be under industrial. Please keep that in mind when the Board is listening to this that industrial mixed in a residential area is tough, it would still be a mixed use 1 but she doesn't think it would fit.

Tim Lowndes, 11505 N. 211<sup>th</sup> Circle, made the following comments:

1. Lives 200' behind this mixed use and doesn't approve of changing the concept map.

2. There are covenants in his neighborhood; his RV has to be in the garage and hidden, and buildings have to be behind the house.

3. That is what he signed up when they paid over \$20,000 per acre to buy his land.

4. Maybe the intentions are good now for what they intend to do with it and maybe it is not so bothersome but developers will come in and buy it and tear it down and do whatever they want once it's general industrial zoning.

5. On that basis, he disapproves going any further beyond approving this application. The re-zoning is coming up but he disapproves of even changing the concept map.

Matt Johnson 11525 N. 211<sup>th</sup> Circle, made the following comments:

1. There are two issues on the land use application but he wanted to clarify some of the things that could be general industrial if it's re-zoned to general industrial. Some of these are: warehousing, truck stops, recycling collection processing as well as numerous industrial activities that fall under general industrial with no special use permits required.

2. The first step of the process is changing the land use concept map and he also disapproves.

Chair Hayes closed the public hearing.

Discussion, Questions, Comments:

Commissioner Gerdes asked if a motion was made to make this approval contingent on the other applications, do we need to look at PZ-1-07 and SPU-1-07? Chair Hayes stated that SPU -1-07 is a separate issue. Ms. Frohlich said that special use stands by itself but if the Planning Commission does not approve the subdivision, and then there is no Lot 2 to approve a Special Use Permit for.

Chair Hayes asked Mr. Monbouquette if there could be a motion not to approve the application for Land Use Concept Map change. Mr. Monbouquette stated that if there is no action, no relief is granted. Chair Hayes stated then the next application would not move forward. Mr. Monbouquette said that is correct because he doesn't think it can unless the concept map has been changed.

Mr. Holm asked if the application does not go forward, does the applicant require some type of a decision from this Planning Commission in order to file an appeal. Chair Hayes said that is why she asked the question. Mr. Monbouquette said if there is not a positive motion to approve, then there should be a negative motion to deny; that would allow the applicant to take further action.

Commissioner Roberts made a motion to recommend denial of the application, seconded by Commissioner Houlihan.

Dan Walsh, attorney representing the applicant, requested that the public hearing be reopened so he would have a chance to speak. He stated that he thought that the Planning Commission would get to the substance of the issues tonight and he would like to be heard. He assumed that he would get an opportunity to make a presentation with regard to the substance of issues for the subdivision and the rezoning unless the Planning Commission is inclined to deny him the opportunity to speak.

Chair Hayes stated she understood his assumption but he should never assume that when the Planning Commission has an application prior to your application on how the Board is going to rule.

Mr. Walsh said he understood from staff that the map change would be contingent upon the re-zoning application and he would make his presentation during the re-zoning application.

Chair Hayes stated that there was an open public hearing on comments on the land use concept plan. She asked Mr Monbouquette if she could reopen the public hearing. Mr. Monbouquette stated the public hearing could be re-opened if Commissioner Roberts withdrew his motion temporarily to allow Mr. Walsh to speak, then it could be reopened. Commissioner Roberts withdrew his motion and Commissioner Houlihan withdrew her second.

Chair Hayes re-opened the public hearing.

Dan Walsh apologized for his earlier assumptions and made the following comments:

1. He is an attorney practicing for over 20 years in land use and re-zoning issues.
2. He represents D&K Leasing which has been the owner of the property for over two years.
3. D&K Leasing is a husband and wife operation, Dennis and Kellie Dimitroff.
4. The property was purchased in May 2005 with the intent of moving the Exteriors Plus business to the property.
5. Exteriors Plus is a siding contracting business and the property is currently used to store siding in an existing building.
6. No buildings have been constructed on the site in over two years.
7. Ninety percent of the Exteriors Plus business is out of state and everything is stored in the existing building identified as the office and warehouse building on the preliminary plat on Lot 1.
8. Exteriors Plus has been using that building for two years unbeknownst to these neighbors all of whom are concerned but the use has been there for two years.

Chair Hayes said the use was illegal wasn't it?

Mr. Walsh continued:

9. Mr. Walsh said he was not defending what occurred there but he was saying as a factual matter that it has operated there and no one had complained for 2 years. This room full of people, none of whom even realized that one of the buildings actually used for the business.

Chair Hayes asked Mr. Walsh what his point was.

Mr. Walsh continued:

10. Mr. Walsh replied that everything is stored in the interior of a building, there is no exterior storage, and there are no external effects. People can't tell that a

- contractor has actually stored materials in there, that's how non-obtrusive this has been.
11. The intent for this entire 16 acres is primarily to isolate the use inside a building. The contractor's use is classified as a construction yard under the zoning regulations. The use may not be appropriate but there has been no exterior usage and no visible problems for the last two years.
  12. The majority of the property is intended to be used as a stable for horse boarding and that's why they proposed to subdivide this property; to allow 13.63 acres out of a total of 16.69 acres to be the continued and historical use for boarding horses.
  13. The applicant does want to build a new building for a riding academy which still falls under the definition of stables. It will be a nice looking new building consistent with the surrounding uses.
  14. Landowners to the west have horses and they board horses so it is not an inconsistent use.
  15. The proposed Mixed Use 2 zoning would be surrounded by RR2 zoned property that creates the kind of buffer that is appropriate for this particular use.
  16. The neighbors are not going to be immediately adjacent to the general industrial use if the re-zoning is approved. The neighbors to the west are actually going to be over 233' away from the building with siding store inside.
  17. The only things you see outside are related to the riding stable. You see a couple of training corrals and buildings that have been there for over 30 years.
  18. The only thing the applicant is proposing new is the indoor riding arena.
  19. The lot for the construction yard is about 3.06 acres and it has an existing building on it that takes up a majority of the land and an existing cell tower. No new structures are proposed for Lot 1.
  20. He shared a similar circumstance in the City of Ralston regarding a construction yard where the applicant was allowed to amend the zoning ordinance to allow a construction yard in a different light zoning district with a special use permit. He suggested that a special use permit with the condition that all storage be inside might be considered for this situation.

Chair Hayes commented that that the issue here is more about general industrial uses as opposed to the activity. It's not the horses that make re-zoning to general industrial necessary. It's the commercial activity. It's not so much that the neighbors or the Planning Commissioners are concerned about that but it is the bigger issue of changing something to general industrial regardless of your client's intent. General industrial opens up a huge Pandora's box.

Mr. Walsh continued:

21. Stated he was concerned that the Planning Commission would not get to the Special Use Permit application. Chair Hayes stated the stable is separate from this issue.
22. He introduced Kellie Dimitroff, the applicant.

Kellie Dimitroff made the following comments:

1. Stated that she owns the facility which was purchased two years because they ran out of room for her husband's business and she wanted to operate a horse stable.
2. Stated that he husband offices out of the building. He travels every day of the week and has one secretary that works at the site.
3. Any traffic to the property is related to the horse facility.
4. Crushed asphalt has been used for driveways.
5. There are three buildings on the property. One of the buildings, over 30 years old, is being renovating with roof repair and replacement of all the stalls.

Chair Hayes said Ms. Dimitroff needs to understand that what is being said is that it would require a re-zoning change to general industrial which opens that up to other uses if you choose to sell the land. Someone could come in and do a whole range of uses that you never intended to do yourself. It's the re-zoning your type of commercial activity that unfortunately falls under general industrial zoning district.

Ms. Dimitroff stated they will own both lots and would not sell one or the other; both would have to be sold together.

Chair Hayes said that doesn't make any difference. She understands what Ms. Dimitroff is saying, they don't intend to sell the property. Once the zoning is changed, circumstances could change and next year you might have to sell it. Because it is zoned general industrial, someone else could have a very general industrial use on the property. That is the concern the Planning Commission has to consider. It is not just the individual that owns the land at the time of application.

Ms. Dimitroff asked why the cell tower was allowed, how come that was not an issue. Chair Hayes stated the tower is not an issue for discussion tonight.

Jeff Weller, 20105 High Country Circle, made the following comments:

1. Asked if they build a residence on the property, then the stable would be allowed. Chair Hayes explained that a residence has nothing to do with the application.
2. Asked if their current zoning didn't allow stable. Ms. Frohlich stated a stable in Rural Residential 2 zoning district requires a special use permit.
3. Asked if they are allowed a business, if they have to build a residence. Ms. Frohlich said a residence has nothing to do with it.

Jeff Ramold, 4414 N. Branch Dr., made the following comments:

1. His property is adjacent to the bulk of what they are trying to accomplish.
2. As far the commercial use that is being done right now, we do see trailers parked out front.
3. As far as the horses are concerned, he invites that use because it is one of the reasons he bought property there. There are other owners that have horses; there is absolutely no problem with that.
4. The problem he has is that they (Dimitroffs) could have the best of intentions but if it is re-zoned then we are opening up Pandora's box. There will be a lot of problems out there.

Mr. Walsh asked what criteria were used in determining to change this land use map from Mixed Use 1 to Mixed Use 2; he wanted that to be on the record. Mr. Holm stated that for the rationale, you start with the use. In this case, it was determined to be a construction yard. That particular use fits within the general industrial use types which are specified in the use matrix in Article 4 of the zoning regulations. That was how that determination was made. There isn't anything arbitrary about that; that is where it needs to go. Staff made the determination that because the particular use types that are classified as general industrial do not fit within the Mixed Use 1 designation on the land use concept map that the land use concept map should be changed to Mixed Use 2.

Mr. Walsh asked if the John Deere Implement dealership that is on the corner was Mixed Use 1 or Mixed Use 2. Ms. Frohlich stated the John Deere Implement dealership is in the Mixed Use 3 zoning district but it is in the Mixed Use 1 designation on the concept map. It doesn't match the concept map but the re-zoning was approved prior to the concept map.

Mr. Walsh asked if Mixed Use 3 wasn't actually a more intense use. Ms. Frohlich said it is a less intense use because general industrial is a higher intensity use than Mixed Use 3.

Mr. Walsh said he is confused, what is the difference between Mixed Use 3 and Mixed Use 2. Ms. Frohlich that the Mixed Use 2 is a designation from the land use concept map, Mixed Use 3 is a zoning district.

Mr. Walsh asked what the land use designation for the John Deere facility is. Ms. Frohlich said it is Mixed Use 1.

Drew Ramold, 4414 N. Branch Drive asked when the hearing was actually decided on because some people didn't get a notice.

Chair Hayes made the comment to the Planning Commissioners that when this application was submitted, the applicant submitted names of people within 300' as the old regulations required. The zoning regulations now require notices to be sent to people within one mile. Because of the change, it took staff longer to get the names of everyone to comply with the one mile requirement and as such the notices were not sent out until last week and most people did not receive them until Monday or Tuesday which is not adequate time. Ms. Frohlich stated that approximately 150 notices were mailed on this application. Chair Hayes said it is the Planning Commission's option to lay this application over based on that.

Chair Hayes closed the public hearing.

Commissioner Roberts made a motion to recommend denial of application G-6-07 seconded by Commissioner Vacanti.

Commissioner Roberts stated that the motion is nothing against the applicants but he has seen it so many times when land is re-zoned to industrial and people have the best of intentions but they can go broke and have to sell. Then all kinds of things can happen and it is the next person or the person after that because once you designated it industrial, it's there and everybody has to live with it for a long, long time.

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

Voting No: None.

Abstain: None.

Chair Hayes asked Mr. Monbouquette what denial of the application means to application PZ-1-07? Mr. Monbouquette said it could be argued that it becomes moot because the concept map doesn't change.

Mr. Walsh said they would withdraw the application for PZ-1-02 and proceed with SPU - 1-07.

Ms. Frohlich asked Mr. Monbouquette if the Planning Commission can consider SPU-1-07 when it based on Lot 2 that would have been created in PZ-1-07? Mr. Monbouquette stated the question is whether the Special Use Permit would not apply to the entire property or if the remaining parcel of 3.06 acres would remain as it is now.

Mr. Walsh said that the only way that they could proceed would be to amend the application to allow the special use permit for the entire property. Mr. Monbouquette said the Planning Commission could proceed on that basis and as long as notice was given on this application for a special use permit, it is appropriate.

Chair Hayes stated the Planning Commission is proceeding with application SPR-1-07 and it is amended to reflect the entire parcel of 16.69 acres.

Mr. Walsh made the following comments regarding this application:

1. The historical use for this property has been a stable.
2. When the county adopted new zoning regulations, a special use permit is required in RR2 for stable use
3. The main purpose is to build a riding academy, a building for an indoor riding arena.
4. The facility now has outside horse pens, training corrals and three buildings. One building includes an inside arena and one is an office type building that has storage in it.
5. Thinks the stable use is consistent with the surrounding uses and is consistent with how the property has been used for over 30 years and respectfully requests that the special use permit be approved.
6. Also requested time for rebuttal.

Chair Hayes opened the public hearing.

Michael Pregler, 21141 Bennington Rd, made the following comments:

1. He lives on the old farm place that has been developed by Don Gardiner and was approved a couple of years ago.
2. Has no opposition to the horse stables as a matter of fact he would like to see them put up a new riding stable.
3. However, he is not happy that they snuck in with their business which they claim nobody knows about and curious about what is going to happen with that now.

Chair Hayes that is not going to be addressed right now.

Matt Johnson, 11525 N. 211<sup>th</sup> Circle, stated he also has no opposition to the riding stable or horse park plan use.

Richard Mangold, 19747 Bennington Road, made the following comments: During the construction of this new building, however long it may take to build this building, can siding be continued to be stored on the property

Mr. Monbouquette responded that the use of all property is subject to review by the building inspectors for compliance with the zoning regulations; it is an ongoing process.

Ms. Frohlich addressed zoning compliance policies by reading a portion of the staff report which stated:

“An electrical permit was issued on June 7, 2005 for 350 amp electrical service. Building Inspector Jim Secord and myself inspected that building during the summer of 2005 and advised Mr. Dimitroff at that time that zoning for the property did not allow operation of a commercial business.”

We were assured by Mr. Dimitroff that was not what was going on there. We then received a complaint in July of 2006 and a letter was sent to the owner of the property indicating there was a zoning violation and this application is a result of that complaint and the owners attempt to comply with zoning regulations.

Chair Hayes said she believes their question is what happens to the business if the zoning doesn't go through?

Ms. Frohlich said they would not be in compliance with the zoning regulations and the staff will follow through with the procedures. If they are not in zoning compliance, the sheriff issues a ticket for noncompliance of the zoning regulations. That's the standard procedure that is followed.

Tim Lowndes, 11505 N. 211<sup>th</sup> Circle, stated they have no problem with the horses, we enjoy the horses, but was wondering about codes for the proposed building. Ms. Frohlich said the building permit has to comply with the building permit regulations. The plan was shown to the public.

Mr. Walsh showed the proposed building plan to the audience and pointed out the proposed location. It would be in the southwest corner of the property. He also pointed out the existing buildings and their uses. The front building has an office and part of it is a warehouse. The middle part is an existing area and the remainder is stables and storage.

Kellie Dimitroff stated the new building will be 146' x 214'. The arena will be 100' x 200' and will have 14 horse stalls on each side. There will be 14 stalls on the east side that will have runouts attached to them and the 14 on the west side will not have runouts because of the heat. She wants to put a skybox above the arena, restrooms, two offices and a lounge for her clients.

Matt Johnson, 11525 N. 211<sup>th</sup> Circle, asked how many horses would be on the property?

Ms. Dimitroff said at the time she is able to hold 36 horses in stalls and with the outside pasture up to 50.

Chair Hayes asked if she pastured 50 horses on 16 acres. Ms. Dimitroff said she leases 60 acres of pasture around her.

Chair Hayes asked if she pastured them on the 60 acres. Ms. Dimitroff stated yes and the rest of the facility is dry lots.

Chair Hayes asked what the maximum number of horses will be. Ms. Dimitroff stated 50 in the outside pasture and that she can't board more than 90 horses out there.

Chair Hayes commented that is pretty intense and asked how the manure was handled? Ms. Dimitroff replied that right now the manure is spread on the open fields and open pastures.

Chair Hayes asked if they had a permit for that. Ms. Dimitroff stated she was not aware a permit was needed. If it gets to the point where there is a problem with the manure, she has checked with Waste Management and dumpster companies about disposal.

Matt Johnson, 11525 N. 211<sup>th</sup> Circle, asked if there are a number of maximum horses allowed under zoning regulations.

Chair Hayes closed the public hearing.

#### Discussion, Comments:

1. Ms. Frohlich pointed out that a special use permit is the same as the previous conditional use permit and the Planning Commission can put any conditions that they feel are appropriate on the special use permit such as operating hours, outside storage, landscaping, waste disposal, and building coverage. It can be for a

- certain number of years as has been done in the past and have it come back for review.
2. Commissioner Gerdes suggested that outdoor lighting also is addressed.
  3. Chair Hayes Ms. Dimitroff is they are on septic systems? Ms. Dimitroff said yes.
  4. Ms. Frohlich asked if the Planning Commission needed a recommendation from the Health Department as to the number of horses they feel is acceptable.
  5. Chair Hayes stated she is not comfortable after hearing how intense this is. When she first saw stables, she thought it was a little less intense. I'd like more information before the Planning Commission rules on this.
  6. Commissioner Houlihan stated she feels that the Planning Commission needs some other expert opinions on the number of horses per acre.
  7. Commissioner Boozer agreed.
  8. Chair Hayes stated it concerns her. She knows Mrs. Dimitroff said she has 60 acres to pasture the horses but she doesn't own those 60 acres. Those 60 acres could go away and then what happens.
  9. Ms. Dimitroff said if the 60 acres went away she would not board and pasture horse; she would only board in the stalls that she has in the buildings.
  10. Chair Hayes asked if that would be the same number of horses. Ms. Dimitroff said no because she would lose the pastureland. Suggested checking other horse facilities in Omaha such as American Legacy and Pine Ridge to what their surrounding areas are and how they are boarding their horses.
  11. Mr. Walsh suggested the Planning Commission recommend approval of the request with a condition stating that the applicant will comply with all environmental and health requirements of the Douglas County.
  12. Chair Hayes stated she was uncomfortable with carte blanche like that.
  13. Someone from the audience commented about making a statement since it was an open forum.
  14. Chair Hayes stated it was not an open forum and that the public hearing had been closed.

Motion by Commissioner Vacanti to recommend approval of the special use permit on the 16.69 acres subject to the following conditions: the applicant has to obtain a permit from the Health Department, there has to be time limit on outside lights, no sales to be allowed on the property, and anything else that the Commissioners want to add. Motion failed for lack of a second.

Commissioner Houlihan made the motion to lay the application over until the May meeting in order to have more information, seconded by Commissioner Gerdes.

Seconded by Commissioner Gerdes.

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

Voting No: Vacanti.

Abstain: None.

Chair Hayes asked staff to get some information for the Planning Commission on number of horses, what other stables are doing and mail it out in two weeks before the May meeting for review by the Planning Commissioners. She also asked Planning Commissioners to contact staff with any questions to be researched.

**APPLICATION G-7-07**

REQUEST: Dedication of Street.

LEGAL: Tract of land located in N ½ of NW ¼ of Section 10, Township 14 N, Range 10 E of the 6<sup>th</sup> P.M.

LOCATION: 238<sup>th</sup> and West Q Road

APPLICANT: South Hamptons Land Development LLC., 9805 Giles Road, LaVista, NE

Ms. Frohlich stated South Hamptons representatives were was not present so she presented the application. The dedication of this street was not included in the final plat for South Hamptons because the South Hamptons Land Development Company had not finalized the purchase of the land necessary for the extension of 238<sup>th</sup> Street from “Q” down to the development.

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

Discussion, Questions, Comments:

Motion by Commissioner Vacanti to recommend approval of the application, seconded by Commissioner Boozer.

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

Voting No: None

Abstain: None

**APPLICATION G-8-07**

REQUEST: Amend Douglas County Zoning Regulations, Flood Plain/Floodway Overlay District, Article 8.05, C3a, E1, and H1 – change December 2, 2005 to March 19, 2007.

APPLICANT: Douglas County Environmental Services

Ms. Frohlich stated FEMA changed the effective date of the flood map and requested that Douglas County Floodplain Regulations be amended to reflect the new date.

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Motion by Commissioner Vacanti to recommend approval of the application, seconded by Commissioner Gerdes.

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

Meeting adjourned: 7:20 p.m.

Minutes approved May 9, 2007.