



# Otoe County Board Minutes



## OTOE COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES

MAY 18, 2017

496 5TH STREET

SYRACUSE CITY LIBRARY, SYRACUSE, NEBRASKA

7:00 P.M.

Meeting called to order by Chairman Daniel Hodges: All hearings were published in the Nebraska City News Press. Meeting commenced at 7:03 P.M. and answering to roll call were: Daniel Hodges, Howard Bebout, William Umland and Cheri Wirthele. Absent was Stephanie Shrader and Loreen Haupt. Other attendees of the meeting were Zoning Administrator David Schmitz, Jeff Elliott of PEC, LLC, Darrin Loftus of North Wind, LLC, Linda and Orlin Kunz, Mike and Deb Wismer, Brett Gay, Mark and Kasey Olson, Doug and Sarah Krueger, Mike Elbracht, Jack Elbracht, Mike Hays of Burr Oak LLC, Kent Seacrest of Seacrest and Kalkowski, Dan Lightbody of Olsson & Associates, and Brian and Sheila Sutter.

Chairman Hodges asked if there were any changes to the minutes of the April 20, 2017, meeting and if none, for a motion to approve. Wirthele made the motion, second by Bebout, with Hodges, Bebout, Umland and Wirthele voting aye. Abstaining was Richard Warner. Motion approved.

A Public Hearing was held to approve/deny the preliminary plat of North Wind Subdivision, a 20.1 +- acre tract located in the North  $\frac{1}{2}$  of the N.W.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Section 17, T.9N, R.9E of the 6th P.M. as requested by Darren Loftus of North Wind, LLC. Site is located @ intersection of 2<sup>nd</sup> & C Roads, Eagle. Schmitz handed out copies of the preliminary plat to the planning commission and set out copies for the public. The \$950.00 application fee was paid. Jeff Elliott of PEC, LLC, and Darren Loftus were present to present the plat and answer any questions.

Elliott explained that there would be one drive access off of C Road on the top of the hill for access to five of the proposed lots on a and then there will be a proposed 66' frontage road paralleling C Road. The other lot would be accessed off of 2<sup>nd</sup> Road. John Brinkman met with the developers and approved the one access off of C Road. They have six water hookups reserved with Lancaster water of which they will need to bring a receipt for the hookups before the final plat can be approved. Adjacent landowners thought there could be a problem where the proposed access drive is due to horrible dust condition and the speed of the public as they drive by this area. The neighbors stated that accidents have occurred in this area and was afraid of school buses stopping there due to the traffic and dust. One of the adjacent landowners wants to see the frontage road be off the intersection of 2<sup>nd</sup> & C Roads. Elliott stated that the driveway access was approved by the County Lead Foreman and thought there could be the same problem if everybody was turning off of 2<sup>nd</sup> Road. Most of the board members were relying on the Lead Foreman's recommendation to allow one access of C Road. Bebout wants to see the access entirely off of 2<sup>nd</sup> Road. Bebout asked how the maintenance of the frontage road would be handled and Elliott said there would be a homeowner's association to deal with the maintenance after the completion of the road is built and rocked. Schmitz recommended to the landowners present to get on the agenda with the commissioners to address the speed of the traffic, and unless a treatment is put on road, the County really can't do much about the dust.

After more discussion, Hodges asked for a motion to approve, with Umland making the motion to approve, seconded by Wirthele with Hodges, Warner, Umland and Wirthele aye. Bebout voted no. Preliminary plat approved.

The preliminary plat will now go to the County Commissioners for approval or denial on May 23, 2017, @ 8:45 A.M at the Otoe County Courthouse County Courtroom.

2<sup>nd</sup> Public Hearing is to approve/deny a conditional use for a nursery with retail sales in the RR-1 district located on a 15 acre tract on Parcel B in the N.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  of Section 18, T.9N, R.9E, of the 6th P.M, as requested by Mark Charipar. Site located @1269 N. 2<sup>nd</sup> Road. Mark Charipar was



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present to discuss the conditional use to allow sales on the property. Schmitz handed out copies of his application to the board members and had some extra copies for those attending the meeting. The nursery was allowed under the previous regulations and a lot of money was invested in this property. Mark had spoken with Schmitz about two years ago about the nursery but never followed thru with the conditional use for sales which would probably have passed quite easily. Hodges stated that in the RR-1 District that retail sales are not permitted and cannot be approved with a conditional use in the regulations as now written. Schmitz brought it forward as a conditional use because he thought the non-conforming use of the property would allow approval. Hodges stated unless there is a change in the regulations for a commercial greenhouse that the Board cannot approve the sales.

Mark had six letters of support from adjacent landowners and even the developers to the east with six lots seemed to approve. Wirthele made a motion to deny the conditional use, second by Umland, without a vote being taken as more discussion followed. The Board would really like to approve it but cannot at this time.

Schmitz then came up with the idea of a temporary use as found in the Zoning regulations on page 40 of Definitions which states: (A use intended for limited duration to be located in a zoning district not permitting such use). Schmitz stated that he could grant a temporary use permit but it would have to be limited to this season. Hodges stated that Schmitz and he would like to meet with Keith Marvin, our zoning consultant, to discuss this change or relaxation of the regulations. Schmitz said that the RR-1 district is 36 miles square and conflicts will happen quite often unless some adjustments are made. Hodges then asked Mark what date he would like to end this season's permit and he said November 15, 2017. Hodges then asked for a motion to approve the temporary use permit, with Wirthele making the motion to approve, seconded by Umland, with Hodges, Warner, Umland, Wirthele, and Bebout voting aye. Motions approved.

Schmitz then stated that a motion was still out there on the floor to deny the conditional use and that a vote needed to be taken. Bebout made the motion to deny the conditional use due to sales not being allowed in the district, second by Warner, with Umland, Wirthele, Bebout, Warner and Hodges voting to deny the approval of the conditional use.

The conditional use approval/denial will now go to the County Commissioners for approval on May 23, 2017, @ 8:45 A.M at the Otoe County Courthouse County Courtroom.

**3<sup>rd</sup> Public Hearing is to approve/deny a conditional use as a modification to a conditional use permit granted in 2007 for an accessory barn/storage building with fuel storage and height variance located on an adjacent 101.65+- acre tract described Parcel # 2 in the S.E ¼ of the N.W. ¼ of Section 8, T.9N, R.9E of the 6th P.M, as requested by Kent Seacrest of Seacrest and Kalkowski, PC, LLO, attorney for Burr Oak Lodge, LLC. Doyle R. Neemann and Anne L. Neemann, husband and wife. Site located on North 3<sup>rd</sup> Road ¾ mile north of C Road, Eagle.**

Kent Seacrest and Mike Hays were present to give a presentation for the conditional use. Schmitz handed out the application which showed four items consisting of a barn/storage building would be an accessory use under the RR-1 district. The above barn is not to be used for commercial purposes. # 2 is for the maximum height of a building in the RR-1 district is 25'. The proposed building will be at a height of 28' with the lowest sidewalls to be 12', walls on the center are 26' and the ridge is 28'. # 3 is for the addition of the south driveway which the County Lead foreman has not approved, just the north drive has been approved by the County. # 4 is for an above ground 100 gallon fuel storage tank. It is not to be used for Commercial Use. The above ground storage tank will have an environmental spill containment system as requested by the Zoning Administrator. Burr Oak Lodge will also apply for Permit to install Aboveground Petroleum Storage Tanks. It will be permitted and inspected by the State Fire Marshall. A flood plain study was also conducted by Olsson & Associates which shows the building area to not be in a flood zone. Mike Hays stated that the building is for family and friends taking care of the grounds on his property. Hodges and Bebout stated that in the RR-1 district that no mention of a size requirement is listed, just that a fuel tank is not permitted. Hodges noted that a 100 gallon tank should not be a problem and agreed by Bebout. Schmitz stated that he had them list the tank as part of the conditional use since it stated fuel tanks, dispensing as not being allowed as found in Land Use Categories, Page 64, of the Zoning Regulations. Schmitz made a note to confer with our zoning consultant on identifying what size of fuel tank would not be allowed.



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Hodges asked for a motion to approve, with Bebout making a motion to approve to allow the barn/storage building as an accessory use with a height of 28', the south side driveway to be allowed if a permit is secured and the County Lead Foreman approves, and that the 100 gallon tank does not fit the requirement of the non-permitted use because of its size, seconded by Wirthele, with Hodges, Warner, Umland, Wirthele, and voting aye. Conditional use approved. The conditional use permit will now go to the County Commissioners for approval/denial on May 23, 2017. @ 8:45 A.M at the Otoe County Courthouse County Courtroom.

**OLD BUSINESS: None**

**NEW BUSINESS:**

**DISCUSSION:** Schmitz handed out a survey showing a 16.7 acres tract on the south side of Arbor Road and Hwy # 43. This area had two previous plats turned down due to water availability and sewer septic systems. Two acre lots would not work in this area. The prospective buyer wants to buy 5 acres which would allow a lagoon. He would still have to get a rural water hookup before we could approve the lot. The Board agreed with this with the only other questions being the permanent easement known as Arbor Road and if there is any maintenance agreement on the roadway among the six neighbors. Schmitz stated that it is a recorded easement that the buyer could use for access.

**ADJOURN:**

There being no further business, Chairman Hodges requested a motion to adjourn, with Umland making the motion, second by Wirthele, with Hodges, Bebout, Umland, Wirthele, and Warner voting aye. Motion carried. Meeting adjourned at 9:40 P.M.

The next regularly scheduled meeting will be June 15, 2017 @ 7:00 P.M.

Minutes taken by County Zoning Administrator David Schmitz