

**DOUGLAS COUNTY
PLANNING COMMISSION MEETING
3015 MENKE CIRCLE
OMAHA, NEBRASKA 68134
May 12, 2010**

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

Members Present: Bob Bruhn, Luke Janke, Dave Lanoha, Milo Vacanti, and Murray McArdle.

Members Absent: Bob Boozer, Anne Houlihan, Michael Gerdes, and Bill Julien.

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

Before the meeting started, Chair Lanoha 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 Lanoha to approve March 10, 2010 minutes.

Voting Yes: Janke, Lanoha, McArdle and Vacanti.

Voting No. None.

Abstain: Bruhn.

**PUBLIC HEARINGS
APPLICATION**

RP-1-10

REQUEST: Replat Gardiner Acres, Outlot A to combine with Lot 2 of Boom Estate Subdivision (application PZ-2-10)

LEGAL: Parcel 1140200030, Gardiner Acres, Outlot A

LOCATION: 21011 Bennington Road

APPLICANT: Tim Heinzen, 17005 Poppleton Ave., Omaha, NE 68130

Ms. Frohlich commented that this application if recommended for approval should be made conditional upon approval of application PZ-2-10 since the two applications are related.

David Boom, 21215 Bennington Road, stated he lives on Lot 1 of the proposed Boom Estates Subdivision and made the following comments regarding the application:

1. Several years ago, we were considering ideas for selling one of the 10 acre lots that we owned. We met with Ms. Frohlich at that time and talked about creating three acre lots. She told us we would have to do a lot of different things so we decided that probably was not going to work.
2. Instead we looked at keeping it the way it was and purchasing Outlot A of Gardiner Acres so we could use that for access. At that time, Ms. Frohlich said there was no problem with that and that we could make that work. A permit would have to be issued to build a house.
3. It has been on the market for a several years and it has been sold. The new owner would like to build on that property and we found out there have been changes in the rules and that it is now parcels less than 20 acres have to be subdivided. Mr. Heinzen is here that now owns that property.

Chair Lanoha opened the public hearing.

Glen Carl, 20939 Bennington Road, asked how the application affects the driveway that accesses Lot 2 because the notice stated it could be a future County road. Wondered if the County could actually make a road there and concerned that a county road would take 30' of his property for 500' where a lot of trees have been planted.

Chair Lanoha asked Mr. Holm if he knew anything about this.

Mr. Holm stated that his understanding is that Outlot A was designated for a future road and that designation would stay in place regardless of what happens with this application. The County at some point could come in and do something with a road there.

Chair Lanoha commented that this application does not change the fact that the County still has that option but believes it is a long shot.

Pat Lichter, 9913 South 176th Street, stated that he wanted to clarify a couple of items. When Gardiner Acres was created, Outlot A was designated for a future road and again there is no difference there. There was a misunderstanding back several years ago and we are just asking for assistance in getting it straightened out.

Chair Lanoha closed the public hearing.

Commissioner McArdle stated he was familiar with the property and clarified that Mr. Boom owned a 20 acre parcel with his driveway coming down one side and the driveway for Lot 2 comes down the other so driveways are not shared. Mr. Boom stated that was correct.

Motion by Commissioner McArdle, seconded by Commissioner Vacanti to recommend approval of the application conditional upon approval of application PZ-2-10.

Voting Yes: Janke, Lanoha, McArdle, Vacanti, and Bruhn.

Voting No. None.

Abstain: None.

APPLICATION

PZ-2-10

REQUEST: Preliminary and Final Plat, Boom Estates Subdivision, Lot 1- 11.10 acres and Lot 2- 11.02 acres, RR-2 zoning, access to Bennington Road for Lot 2 to be reserved for future street (on half section line or quarter section line), waiver of lot width requirement of 100' for Lot 1 and Lot 2

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

LOCATION: Lot 1 21215 Bennington Road and Lot 2 21011 Bennington Road

APPLICANT: David Boom, 21215 Bennington Road, Elkhorn, NE 68022
Tim Heinzen, 17005 Poppleton Ave., Omaha, NE 68130

Mr. Boom stated the County requested that the driveways be combined with the 10 acre parcels.

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

Motion by Commissioner Vacanti, seconded by Commissioner Bruhn to recommend approval of the application PZ-2-10 with waiver for the 100' lot width requirement.

Voting Yes: Lanoha, McArdle, Vacanti, Bruhn and Janke.

Voting No. None.
Abstain: None.

APPLICATION SPU-2-10

REQUEST: Special Use Permit for commercial recreation area, 11 acres, AG zoning.
Conditional Use Permit approved by County Board on June 20, 2000 to expire
June 20, 2010.

LEGAL: SE 1/4 of Section 19, T 16 N, Range 10 E of the 6th P.M.

LOCATION: 22829 Elk City Drive.

APPLICANT: Travis Smith, representative for Deer Ridge Properties LLC, 4432 McKinley
Street, Omaha NE 68112

Travis Smith, 22849 Elk City Drive, representative for Deer Ridge Properties, made the following presentation for this application:

1. This is a conditional use permit that was granted 10 years ago and had a 10 year time limitation to come back in and reapply.
2. The Elk City Church and Townhall were originally located in what is now the unincorporated town of Elk City.
3. For many years the buildings sat vacant, the Church did not have a congregation and the Townhall was basically in shambles.
4. Lee Grasko bought these two buildings with his sister, Roxann Tucker. He has since bought her out so the owner is now Deer Ridge Properties.
5. Both of the buildings were located in town, the Church was built in 1888 and the Townhall was built shortly thereafter. Neither one was built with a restroom or any running water or any of the amenities that we have today.
6. Mr. Grasko has lived in this town for many years and did not want to see these building just fade away like much of the rest of the town has.
7. The intent was to remodel these buildings where they were located. After talking with the Health Department and some other folks, that was not an option. The lot sizes were too small; we could not fit septic systems and wells on these small lots.
8. They decided to move these buildings about one half mile down the road because the original church was actually located on the property the buildings were moved to. The church built in 1888 replaced the original church that was destroyed by fire.
9. Ten years ago this was really a big deal for the people of the surrounding area.
10. When we applied, we initially asked for the 160 acres to be for the conditional use permit. That caught the neighbors by surprise more so than anything and through a series of meetings, we shrunk the size from 160 acres to 11 acres.
11. We also had a town meeting in Elk City to address the concerns of the people at the time. They were concerned that we would move these buildings and basically leave them in shambles just as a place to have wild parties and things of that nature. At time there was an awful lot of cemetery vandalism going on in the United States and we are so close to the cemetery so there was concern that people would get drunk at these things and go down and vandalize the cemetery. Also at the time, I didn't live near the area so people didn't know who I was and didn't have a lot of faith in what I was telling them. Since then, I have moved to the area and am about the third closest house to this property. I built my house on the same property where these buildings sit.
12. In the last 10 years, I have no knowledge of any complaints about anything that we have done. We have never had the Sheriff called and we have never had anything happen that I am aware of nor is anybody else that is on the list of contacts aware of any problems. In fact, since I have moved to Elk City I have met 99% of the people that were against this project and most of them are absolutely thrilled with the way it turned out.

13. Submitted some before and after pictures of the buildings and explained that they decided to install a white picket fence with trees around it to catch any debris.
14. Believes the neighborhood is very pleased with what has happened. We have had numerous people from around town use these buildings. At the time we had talked about donating these buildings for various events. Cub Scout Pack 375 out of Westridge in Elkhorn used the buildings for meetings, badge ceremonies, camp out, pine wood derby races, and things of that nature. St. Patrick's Catholic School has had several benefits there for fundraising purposes. The Elkhorn Public Schools Foundation has had award ceremonies and dinners for donors, Alcoholics Anonymous has held meetings there. At the Church, there have been funeral services, various wedding photo shoots, and Methodist Church services organized by a group of folks out of Arlington. Also there was a photo shoot for a movie company that wanted to come and use the buildings in a documentary.
15. Ten years ago this was approved and everything has gone better than expected. The town was so upset when we decided to do this that this room was filled with people. It was in the World Herald, everybody was concerned. I think the fact that we have had no complaints for the last 10 years says a lot about what we have done here and there doesn't appear to be anyone here to oppose the application.
16. Our conditional use permit had some limitations on it. We have no intention of changing our hours of operation which was limited from 8:00 am to 1:00 am for inside and outside activities. It said youth camping was allowed 24 hours a day.
17. Liquor laws are changing. I don't know that they have changed yet but I have heard that some municipalities will be able to vote whether or not they want to be able to serve until 2:00 am. We don't have a desire to do that but if we could take that 1:00 am stipulation out of there and just comply with what the current liquor laws are, I would like to do that. If we can't do that, not a deal killer either way but rather than specifying one am, specify whatever the current liquor laws allow.
18. Buildings, roads, and parking lots shall be installed according to site plan. I think you can tell by the picture that you have seen, a pretty good job has been done there.
19. The list of contact persons, Lee Graske, Rick Graske, and Jamie Leahy. Those are all the same as before.
20. The uses of the building to include functions customary to social hall and churches. That is what we have been doing.
21. The period of ten years and renewable according to County Zoning Regulations. I would like to see that requirement dropped because that requirement was added for no other reason than the neighbors were so upset and they wanted a chance to come back and give their opinion if we were doing something wrong. I think our record will show you that over a decade that we have appeased everybody and I would like to get that limitation off of there if I could. I don't see any reason for it.

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

Ms. Frohlich commented that the proposed conditions state hours of operation from 8:00 am to 1:00 am and then liquor consumption until 1 am. If we are going to change one time, we probably need to change them both to be consistent. We have not had to my knowledge one complaint or a call about a concern.

Chair Lanoha stated that if there is a problem in the future, the application could always be called back before the Planning Commission.

Motion by Commissioner Vacanti, seconded by Commissioner Bruhn to recommend approval of the application conditional upon approval of application PZ-2-10 with the proposed conditions:

1. Hours of operation shall be 8 a.m. to hour allowed by current liquor laws. Hours of operation for youth camping shall be 24 hours per day. A period from 1:00 a.m. to 2:30 a.m. shall be allowed for cleanup.

2. Buildings, roads, and parking shall be installed and maintained according to the attached site plan.
3. Emergency contact persons are:
 - a) 1. Rick Graske, 12318 North 225th St., Valley, NE 68064 478-4301
 - b) 2. Lee Graske, 23020 Deer Ridge Road, Valley, NE 68064 779-4960
 - c) 3. Jamie Leahy, 22909 Elk City Drive Valley, NE 68064 779-3190
- d) Uses of buildings to include functions customary to a social hall and church such as baby showers, wedding receptions, baptisms, class reunions, family reunions, card parties, birthday parties, dances, and outside activities including camping and sports activities such as volleyball and basketball.

Voting Yes: McArdle, Vacanti, Bruhn, Janke, and Lanoha.
Voting No. None.
Abstain: None.

Announcements

Meeting next month will consider the Highway Plan.

Meeting adjourned at 6:25 p.m.

Minutes approved June 9, 2010.