

**DOUGLAS COUNTY
PLANNING COMMISSION MEETING
3015 MENKE CIRCLE
OMAHA, NEBRASKA 68134
May 9, 2007**

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

Members Present: Bob Boozer, Barbara Hayes, Ann Houlihan, Luke Janke, Dave Lanoha, Joe Roberts and Milo Vacanti.

Member Absent: Bob Bruhn and Michael Gerdes.

Other County Officials and Staff Present: Barbara Frohlich, Kent Holm and Val Toombs (Douglas County Environmental Services), Bernie Monbouquette (County Attorney's Office), Don Nielsen (Douglas County Engineers Office), and Tom Breitreutz (Douglas County Health Department).

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 Boozer to approve April 11, 2007 minutes with correction to add Bernie Monbouquette as attendee.

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

Voting No. None

Abstain. Lanoha.

APPLICATION SPU-1-07(laid over from April 11, 2007)

REQUEST: Special Use Permit, 16.69 acres, RR-2 zoning, for stables.

LEGAL: Part of the W ½ of the NE ¼ of Section 13, Township 16 N, Range 10 E of the 6th P.M.

LOCATION: 20901 Bennington Road

APPLICANT: D & K Leasing, L.L.C (Dennis and Kellie Dimitroff), 20901 Bennington Road, Elkhorn, NE 68022

Ms. Frohlich explained that staff was asked to do research on similar facilities and standards of operation. That material was mailed to Planning Commissioners two weeks

before the meeting. An Operating Plan submitted by Kellie Dimitroff was also forwarded to Planning Commissioners. An on site meeting was held on April 19, 2007 and attended by Barbi Hayes, Dennis & Kellie Dimitroff, Dan Walsh, Barb Frohlich, Mark Ekberg (Douglas County Building Inspector), Les Theisen and Tom Breitreutz (Douglas County Health Department) and Triletty Wade. The staff report provided information regarding what was discussed at the meeting.

Ms. Dimitroff provided an updated Operating Plan and a site plan to the Planning Commissioners prior to the beginning of the meeting. Chair Hayes reviewed the materials.

Kellie Dimitroff, D&K Leasing, 20901 Bennington Board, Elkhorn, NE 68022 made the following comments regarding the map and the operations plan manual:

1. There is a gated entrance with fencing and concrete pillars and security on the premises 24 hours a day, seven days per week. The entrance has a key code that the clients use to gain access to the property.
2. The trainer will live on-site so there will be someone there 24 hours a day in case of an emergency such as a horse getting injured, etc.
3. The trainer and manager of the facility has a degree in Animal Science from the University of Nebraska at Lincoln and was highly recommended by the University.
4. There are several buildings and areas that are worked on a daily basis.
5. The floors in the 3rd building have asphalt surfaces down the alley ways. All of the stalls are dirt floors. It is important that a horse not stand on concrete or any type of solid structures due to being hard on their feet.
6. The alley ways are asphalt surfaces for easy clean up and hose down.
7. Shavings are not used in the stalls like most facilities use. A product from Gentle Touch that is similar to cat litter is used. When it gets wet, it expands and allows the urine and manure to go into that material and then that material clumps together. So the stalls are not deeply cleaned every day. The clumps are removed and the bedding stays fresher and cleaner longer.
8. There is an inside fly spray system that sprays every 15 minutes and has a citrus scent to keep the facility fresh.
9. There are auto waterers in every stall.
10. There is a wash bay area that is completely separate from all the other areas so the owners can take their horses in there to bathe and clean them.
11. There are 3 stalls that are "containment stalls" for use if a horse gets injured and is laid up or has an illness that they could spread to other horses. There are concrete walls around the stall and it has an enclosed ceiling. It is a completely enclosed room and clients will not have access to this area.
12. The hay and grain is stored in the back of the building where there used to be a pool that was used for therapy. This pool area has been filled with concret. The hay and grain and is kept under lock and key.
13. There are only 8 horses on-site at this time. There is not enough manure to fill up a spreader at this time. It takes about a week for the spreader to get full with only 8 horses. This has to be full before it is spread out. The manure is turned every

- day (to be composted). In the future, they would like to compost all the manure and it takes 6-8 weeks to become compost.
14. There are outdoor dry lots and pastures for the outside horses. The dry lots are where the horses come up from the pasture and get grain and hay in the evening. They are then locked into that area and there is a lean-to for shelter. The grass has resting time and the horses don't need to eat in the pasture all the time.
 15. The cleaning of the dry lots is outlined in the operation manual and was not further discussed.
 16. 60 acres are leased and the number of horses for the various pasture lots are as follows:
 - a. 10 acre lot - maximum of 8 horses.
 - b. 5 acre lot - maximum of 3 horses.
 - c. 7 acre - maximum of 5 horses.None of these pastures have horses at this time.
 17. The breakdown of the number horses at the facility are for 70 horses:
 - a. White barn-10 stalls 10 horses total
 - b. West barn – 26 stalls 26 horses total
 - c. Outside pasture 34 horses total
 18. They have first right of refusal to purchase the leased land.
 19. A maximum of 10 trailers will be stored at the facility and they will be stored in front of the cell tower on the north side of the building.
 20. A 6' fence along the north and west side inside the lot line is planned.

Commissioner Vacanti asked who owns the cell tower. Ms. Dimitroff replied that Cingular owns the tower and they lease the land to Cingular. Ms. Frohlich stated a Conditional Use Permit was granted for the cell tower.

Commissioner Vacanti asked Ms. Dimitroff if she has gotten into any fights with the neighbors or has been cited by the inspector or Health Department. Ms. Dimitroff replied no.

Ms. Dimitroff further added that at one time the 60 acres and their property was all one piece of property. She wants to purchase the leased property but can't at this time. She also stated that the wells and septic systems have been located and Mr. Breitkreutz, Douglas County Health Department, was on site today to look at the proposed mobile home site. A perc test still needs to be done.

Chair Hayes opened up the Public Hearing and asked members of the public to only make comments based on the new information.

Jeff Brammels, 4414 Oak Branch Drive (property to the west), made the following comments:

1. Asked for identification of an area on the map. Ms. Dimitroff stated that was where the modular home was to be located but the modular home location has been moved.

2. Asked the location of the manure pile. Kellie Dimitroff stated that on the map it is the flat spot located next to the white building so when you drive in the entrance, it is not seen by anyone. It is completely away from everything behind the white building.
3. Asked the dimensions of the proposed building. Ms. Dimitroff stated the building would be 212 feet by 156 feet with an indoor arena of 100 feet by 200 feet.

Chair Hayes stated that the site plan says “lateral” and asked Ms. Dimitroff to explain. Ms. Dimitroff stated that is where the lateral for the septic systems is located.

Tim Lowndes, 20525 Rawhide Road, made the following comments:

1. Asked about lighting around the building and hopes it won't be excessive. Ms. Dimitroff replied that there is currently a big halogen light on the front of the buildings and that is all that will be put on the front of the proposed building.
2. Asked if there would be lighting on the west side of the building. Ms. Dimitroff stated the lights will be in the center front of the building.

Chair Hayes asked if that is an outside light that would be on at night and if it could be shielded so there wouldn't be light trespass. Ms. Dimitroff said the light would be on all night and it could be shielded.

Chair Hayes closed the public hearing.

Discussion, Questions, Comments:

1. Chair Hayes stated the trainer/manager has a lot of responsibility and asked how much experience does he have? Ms. Dimitroff stated he has 15 years of experience, he has been raised with horses his whole life.
2. Chair Hayes asked how old is he? Ms. Dimitroff replied 23 years of age with a lot of experience.
3. Chair Hayes stated she meant adult experience. Ms. Dimitroff replied that she is there to train him on management skills. He trains the horses, does lessons with the horses, makes sure that the feed and grain is there for feeding, and manages the barn. If there is a problem, then they come to her.
4. Chair Hayes stated the Operating manual discusses cleaning the stalls, etc. Who will be doing that? Ms. Dimitroff replied that she only has 8 horses and when she gets up to 26, another laborer will be hired.
5. Chair Hayes asked who is doing that now. Ms. Dimitroff replied the trainer/manager.
6. Chair Hayes stated that if he is cleaning stalls how can he train horses. Ms. Dimitroff replied that there only has 8 horses on site and not all those horses are to be trained. Three horses are saddled bred horses that don't even leave their stalls because they have special shoes on their feet and those shoes could get

- ruined so they can't be turned out. They are trained by the owner themselves. Two other horses boarded there are trained by the owners themselves.
7. Commissioner Vacanti asked what the 23 year old trainer's name was. Ms. Dimitroff replied Micah Hansen.
 8. Commissioner Vacanti asked what his qualifications have to do with the Planning Commission. Chair Hayes replied that she wants to make sure that if the Board approves a Special Use Permit to this facility, that it can be run properly.

Motion by Commissioner Lanoha to recommend approval of the application, seconded by Commissioner Houlihan.

Chair Hayes asked if the County Health Department had any comments. She is concerned about the practice of just manure spreading when the number of horses gets larger. Mr. Breitkruetz, County Health Department, stated that Les Theisen discussed that with Ms. Dimitroff and hoped the number of horses would be kept in the 60's range. Chair Hayes asked if County Health is good with that particular number. Mr. Breitkruetz replied yes.

Chair Hayes stated she would like to amend the motion to include no light trespass from the lights on the building onto the neighbors and have the operations manual be attached to the Special Use Permit as another condition.

Commissioner Lanoha stated that was not part of his motion and a business should have the right to change their operations.

Commissioner Lanoha amended the motion to recommend approval with the condition for no light trespass to the neighbors and Commissioner Houlihan concurred with the amendment to the motion.

Second Commissioner Houlihan.

Voting Yes: Boozer, Houlihan, Janke, Lanoha, Roberts, and Vacanti.

Voting No. Hayes.

Abstain. None

APPLICATION FLS-1-07

REQUEST: Preliminary and Final Plat for Farmstead Lot Split, Mangold Acres, Lot 1 -3.01 acres and Lot 2 – 3.01 acres, original parcel size is 80 acres, zoning is Agricultural

LEGAL: Part of the NW ¼ of the NE ¼ of Section 18, Township 16 N, Range 11 E

LOCATION: Lot 1 – 19747 Bennington Road and Lot 2 – 19718 Military Road

APPLICANT: Richard Mangold, 19747 Bennington Road, Bennington, NE
68007

Dan Stoller, 1908 Binfield Street, Elkhorn, NE, attorney representing Mr. Mangold, stated the application was to split two existing farmsteads from the property. Each proposed lot is 3.01 acres in size.

Chair Hayes opened the public hearing.

Richard Mangold, 19747 Bennington Road, stated he wanted to split the two farmsteads from the property according to the changes in the regulations that allow more than one farmstead split.

The public hearing was closed.

Motion by Commissioner Janke to recommend approval, seconded by Commissioner Boozer.

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

Voting No: None.

Abstain: None

APPLICATION G-9-07

REQUEST: Proposed Changes to Comprehensive Development Plan, Land Use
Concept Map,
Mixed Use 1 - Neighborhood Commercial/Residential to
Neighborhood Commercial/Residential
Mixed Use 2 – Commercial/Business Park to Commercial
Business Park

APPLICANT: Douglas County Environmental Services (Note: These changes are
only to differentiate the zoning district names from the
designations on the Land Use Concept Map.

Mr. Holm explained these proposed changes are a result of the last meeting that considered a re-zoning request. There was confusion because the names on the Land Use Concept map and some of the zoning districts are so similar. This will clarify the terminology so there will not be confusion between the Land Use Concept map and the zoning districts.

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

Motion to approve by Commissioner Roberts, seconded by Commissioner Boozer.

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

Voting No: None

Abstain: None

Announcements:

Mr. Holm stated the County Board of Commissioners received the inaugural Green Leaf Award from Omaha by Design for their leadership in updating the Comprehensive Plan and the Zoning Regulations. Chair Hayes stated that this award is the one Commissioner Hutchings received and he sent it to the Environmental Services office as recognition to the Planning Commissioners for their efforts in updating the Comprehensive Plan and Zoning Regulations.

Meeting adjourned at 6:40 p.m.

Minutes approved June 13, 2007.