

## **Minutes**

**August 12, 2024**

### **Planning Commission Meeting**

The agenda for this meeting was posted in the legal paper of record, the Omaha World Herald, on September 3, 2024.

Chairman Alan Mueller opened the public meeting at 7:00 pm. Pledge of Allegiance was said. Mueller stated that the open meetings act is posted on the wall in the back of the room. Planning Commission members Althouse, Crofoot, Mueller, Tesar, and Felthousen were present. Dennis, Staben, Sullivan and Grotrian were absent.

**Approval of minutes:** A motion was made by Crofoot, seconded by Althouse to approve the minutes from the August 12th meeting. A voice vote followed with all voting aye.

**First item on the agenda – Residential Acreage Development** – Permit ZP 2024-0019 – Applicant/owner Bryan Murdoch – parcel # 130302511 located at 1907 18<sup>th</sup> Street, Union, NE – Legal description – TL 7 SW1/4 NE1/4 (2.39 acres)

**Administrative Remarks** – Zoning Administrator review concludes this application complies Cass County Zoning Regulations. He is splitting off a 12+/- acre parcel.

Mueller asked if there were any questions or comments. Tesar asked if this was for TL11. Jensen stated it was. This will be enlarging TL8 by adding 8.79 acres from parcel 130149446 which would give TL11 a total of 12.37 acres +/- . This will be combining parcel 130393153 with part of parcel 130149446 to make TL11. Mueller asked if there were any comments from the public. Since there were none, he closed the public hearing. He then asked if there was any more questions or comments from the board. Since there were none, he asked for a motion. Felthousen made a motion to amend parcel 130302511 and to approve application # ZP 2024-0019 with the amended correction of parcels involved (parcels 130393153 & 130149446) Seconded by Tesar. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Felthousen – aye; Mueller – aye; Crofoot – aye. Motioned passed with 5 aye and 0 nay votes. This will go to the Board of Commissioner’s meeting on Tuesday, October 8, 2024 at 8 am at the courthouse.

**The second item on the agenda – Residential Acreage Development - ZP 2024-0022** – Applicants/owners Jack Safarik and Carol Schliefert - Parcel # 130137553 located at 6504 66<sup>th</sup> Street, Nehawka– Legal Description – SW1/4 25-11-12 (160 acres)

**Administrative Remarks** – Zoning Administrator review concludes this application meets Cass County Zoning Regulations.

Mueller asked if there were any questions or comments from the public. Since there were none, he closed the public hearing at 7:09 pm. He then asked for comments or questions from the board. Since there were none, he made a motion to approve application # ZP 2024-0022, TL4 as presented. Seconded by Tesar. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Felthousen – aye; Mueller – aye; Crofoot – aye. Motioned passed with 5 aye and 0 nay votes. This will go to the Board of Commissioner’s meeting on Tuesday, October 8, 2024 at 8 am at the courthouse.

**The third item on the agenda – Residential Acreage Development - ZP 2024-0024**– Applicant/owners: Gregory & Michelle Kurtzer & Linda & Gordon Edmison – Parcel # 130118249 located at 29320 Church Road, Murdock - Legal Description – W1/2 SE1/4 EXC HWY 33-12-10 (78.16 acres)

**Administrative Remarks** – Zoning Administrator review concludes this application meets Cass County Zoning Regulations.

Mueller opened the hearing at 7:10 pm and there was anyone that wished to speak. Since there wasn’t, he asked if there were any questions or comments from the board. Since there were none, he closed the public hearing at 7:11 pm. He then asked for questions or comments from the board. Since

there were none, made a motion to approve application # ZP 2024-0024 - TL4 as presented. Seconded by Felthousen. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Felthousen – aye; Mueller – aye; Crofoot – aye. Motioned passed with 5 aye and 0 nay votes. This will go to the Board of Commissioner’s meeting on Tuesday, October 8, 2024 at 8 am at the courthouse.

**The fourth item on the agenda – Residential Acreage Development - ZP 2024-0021\_**

Applicant/owners: Roxanne Investments LTD – Parcel # 130157651 located at 11219 12<sup>th</sup> Street, Plattsmouth - Legal Description – SW1/4 06-11-14 (159.76 acres)

**Administrative Remarks** – This one is already drawn into the GIS, was brought to his attention by the realtor and needed to go through the process. Zoning Administrator review concludes this application meets Cass County Zoning Regulations.

Mueller opened the hearing at 7:12 pm and asked if there was anyone here that wished to speak on this. Since there was nobody there, he asked the board if there were any questions or comments. Felthousen asked if they were pulling 12.5 acres from the 159.76 acres. Mueller stated that they were. Since there were no more questions or comments, he closed the public hearing at 7:14 pm. He then asked for a motion. Tesar made a motion to approve application # ZP 2024-0021 as presented. Seconded by Felthousen. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Felthousen – aye; Mueller – aye; Crofoot – aye. Motioned passed with 5 aye and 0 nay votes. This will go to the Board of Commissioner’s meeting on October 8, 2024 at 8 am at the courthouse.

**The fifth item on the agenda – Zoning Map Change - ZP 2024-0018\_** Applicant/owners: SK Investment Trust – Parcel # 130101109 located at Hwys 6 & 63, Ashland - Legal Description – E1/2 NE1/4 15-12-09 (47.15 acres).

**Administrative Remarks** – Zoning Administrator review concludes this application meets Cass County Zoning Regulations. This is a change from Transitional Agricultural (TA) to Industrial Agricultural (IA). This is located at the intersections of Hwy 63 and Hwy 6 across from Parker’s Smokehouse. Surrounding properties east of Hwy 6 are Transitional Agricultural, west of Hwy 6 are Agricultural. From Davy Road south and west of the 420 exit are also Industrial Agricultural. Mueller asked if the land in between this parcel and Davy Rd is Agricultural (AG) land – Jensen stated that it is TA (Transitional Agricultural). Althouse asked if that can be done. Jensen stated, that in his opinion, this would not be spot zoning based on it being in Transitional Agricultural and going to another Agricultural use – Industrial Agricultural. There is a sizable chunk of Industrial Agricultural about a mile away from this parcel. At this point, Mueller asked if there was someone there to talk for SK Investment Trust – Scott Stevens came forward to talk. He explained he bought the property in 2017 and would like to put storage units on it for boats and campers. He has access abilities on the deed off Hwy 6 and – this was added into the deed when he purchased the parcel. He would like to use Country Club Road toward the back (south end) of the parcel as access to the two buildings he would like to build on the south end of the parcel. Jensen asked if Country Club Road would be the primary access. Stevens stated it would be the primary access. He stated he would like to put an access off Hwy 63 as it would be a paved access. He wants to be respectable to the surrounding property owners. Althouse asked if he had other storage units elsewhere. Stevens stated he did. Crofoot asked if it would all be enclosed or if it would be open storage. He stated he wants to make it all enclosed but would like the option to have open storage also. Jensen mentioned with a Conditional Use permit – which he would need to apply for when he was ready to do the storage units – he would have to add shielding around the property and directional downward lighting. asked if there was anyone else that wished to speak on the Zoning change. Three members of the gallery came up to speak with the following concerns:

- Access off Hwy 63 approaches have a 4 – 5 inch drop off on them now.
- Dust and traffic would be problematic.
- Security of the facility and how it will be accessed.
- What it would do to the tax base of surrounding parcels.

- Thought Hwy 6 and 63 were limited access highways.

Stevens came back up to state that he would start with just indoor storage. If he decided to do outdoor storage, he would put in a security gate. Tesar asked if he would have to come back for a second permit if he did it this way. Jensen explained how he would have to apply for the Conditional Use permit. If he decides he wants to outdoor storage also, he should add that in with his Business Plan when he applies. What may be required if the access is off of Country Club Road he highly recommends that it be improved. Stevens stated that in the future he would like to have access off Hwy 6 & 63, but until that time, Country Club Road would be his primary access. Mueller asked if there were any more questions or comments. Since there were none, he closed the public hearing at 7:36 pm. He then asked if there was any more questions or comments from the board. Tesar expressed concern that it would be considered spot zoning. He didn't know if this was ever done or if there were any precedence or if it would be considered spot zoning. Felthousen mentioned that this issue had been discussed before – changing a zoning district - being a lot by itself. Didn't he say that it had to be contiguous with another zoning district. Jensen stated that typically, if you were looking at a small lot - which the statute doesn't specify – how it was traditionally handled is it has to be contiguous with another zoning district. In this case, we're talking about 40 acres or more, there's Industrial Ag right down the road and this is a popular corridor prime for future development. Mueller stated that there was a 1-½ miles from the south core of that property. That seems to be quite a jump. Felthousen stated that as future development grows in that area, Industrial Ag is the next step up from Transitional Ag. It's not like he's trying to jump from Ag to Industrial Ag. Jensen stated that he would draw the line at any attempt to jump from Transitional Ag to Commercial. Felthousen stated that Stevens can do what he wants to do today and leave it at Transitional Ag. Jensen stated that we have to remember that Transitional Ag says it all – it's Transitional. The purpose is to eventually transition into other zoning districts. Tesar stated that this is still spot zoning, and we are setting a precedence that we are going to allow this without treating it like spot zoning. Especially with it being 1-1/2 miles away. He can still do what he wants to do as Transitional Ag. Jensen stated – in his opinion – that if going from one type of Ag to another, if they were to wait until the special moments where it's already abutting Industrial Ag, he doesn't believe they will ever see any changes. It could be 10 – 15 years down the road or more. Mueller stated that this corridor was on the list of changes that they had tried to implement previously, and the Board of Commissioners shot it down. Jensen stated that we have got to start doing some transitioning to other districts – this is an intersection of two State Highways – prime for future development. It has to start somewhere. Jensen stated that 10 – 20 years down the road, if this exit is ever served by another rural water district, or they get the utilities there that are needed, we are going to need to be on top of this as far as making the types of zoning changes that are going to encourage development. Mueller asked if there was any more questions or comments from the board. Since there were none, he asked for a motion. Mueller made a motion to deny application # ZP 2024-0018 as presented as it was too far of a jump at 1-1/2 miles from Transitional Agricultural to Industrial Agricultural. Seconded by Althouse. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Felthousen – aye; Mueller – aye; Crofoot – nay. Motioned passed with 4 aye and 1 nay votes. This will go to the Board of Commissioner's meeting on Tuesday, October 8, 2024 at 8 am at the courthouse.

**The item on the agenda – Discussion/action:**

Cass County Planning Commission by-laws.

**Administrator Remarks:** There was concern at the last meeting about some of the language. The changes were noted and changed. The final draft has been provided as requested.

**Discussion:**

Mueller asked if there was any more questions or discussion on the by-laws. Althouse mentioned how they appoint the members of the Planning Commission. He suggested that each commissioner appoint one member and the other 4 would be at large. Mueller stated how hard it was to get people to serve on these commissions. He stated that they have to approve this anyway, if they want to do that, they can change it and tell us how to proceed. A motion was made by Crofoot to approve the by-

laws as submitted. Seconded by Tesar. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Felthousen – aye; Mueller – aye; Crofoot – aye. Motioned passed with 5 aye and 0 nay votes.

**Old Business:**

Regulations amendments – which were tabled for 90 days at the June 3, 2024 meeting.

Tesar stated that he still had an issue with adding Accessory Dwellings because of financing and selling. Jensen stated that he didn't consider these issues. He has many property owners wanting to add additional dwelling units for their aging parents or adult children. Tesar stated that the possibility of renting the unit out after the aging parents pass or the adult child moves on will cause issues. Mueller asked if these were the same changes that were presented at the last meeting. Jensen stated that they were. Mueller stated that he wanted to table these until the issues get worked out with the Commissioners. Jensen asked – since these are individual amendments – would they be opposed to voting on them individually? Mueller stated that since they weren't on the agenda, they couldn't do any action on them anyway.

A motion was made by Crofoot to close the meeting. Seconded by Mueller. A voice vote followed with all members voting aye. Meeting closed at 8:04 pm.

Linda Brouhard  
Recording Secretary

\*These minutes will not be approved until the next Planning Commission Meeting and are subject to change.