

Minutes – March 10, 2025

Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Omaha World Herald, on February 26, 2025. 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 north wall in the back of the room. Planning Commission members Crofoot, Mueller, Staben, Tesar, Stroy and Rayer met as advertised. Dennis, Sullivan and Felthousen was absent.

Approval of minutes:

A motion was made by Crofoot, seconded by Staben to approve the minutes from the February 10, 2025 meeting. A roll call vote followed with the following votes: Crofoot – aye; Tesar – aye; Staben – aye; Mueller – aye; Rayer – aye; Stroy - aye. Motion carried with 6 ayes and 0 nay.

First item on the agenda – Conditional Use Permit – CU-2024-0004 - parcel 1301101109 – Owner: SK Investment Trust, Scott Stevens – Legal Description: L15 & 16 EXC HWY & PT DB107 P487 E1/2 NE1/4 15-12-09. This property is zoned TA. This falls under Section 5.08 – Permitted Conditional Use, Line K – Indoor Storage Units – within ½ mile of hard surface road. Mueller asked Jensen if he had any comments on this item. Jensen stated this application meets Cass County Zoning Regulations. This is the first phase of a possible multi-phase development dependent upon future Zoning changes. Mueller opened the public hearing at 7:02 pm. Scott Stevens, owner of SK Investment Trust, came up to speak. He stated he was looking to do indoor storage. Questions followed with how it was zoned, the access into the storage facility, the flex storage buildings, closeness to residential homes, screening, possible future access off Hwy. 6, concrete, rock, dust control for Country Club Road, entrance gating, on-site maintenance person and outside lighting. Stevens stated he asked to table this from the previous meeting so he could talk to the Dept of Roads about the access. He was given permission to use the access off Hwy 63. He stated this is indoor storage for boats and campers mostly. Building sizes are 120' X 300'. Bigger buildings will have access off east and west sides. The smaller buildings will have access off the east side. He stated that the flex buildings will be used as indoor storage not as flex buildings. They will only have electric for motion lights or lighting. They are 25' from the fence on the corner property to the east. He stated that access off Hwy. 6 is in the deed. There is currently no reason to use this access until the development expansion deems it necessary. Concrete will be poured for the pads with rock to fill in for the drive. He also stated that he was willing to do dust control as needed. The entrance will be gated with a black steel fence and hopefully in the future be replaced with a power gate with a keypad. There will be motion detecting lighting with lighting on overnight. The place will be well maintained and will have someone on-site as needed. Mueller asked if there were any more questions or comments from the public. Since there were none, he closed public hearing at 7:21 pm. Mueller then asked Jensen how this meets the building density. Jensen stated – as far as square footage per acre – he did not make that calculation. Mueller stated that – according to Section 5.06.01 under building density, the density calculation is 12,000 sf for the first 20 acres, 400 sf per each additional 5 acres. Jensen stated that he believes that is under normal Transitional AG type of activities – not under a Conditional Use activity. That is his interpretation of the regulation. Mueller asked about screening – Jensen stated this would fall under the Conditional Use and what is deemed appropriate. This traditionally has always been required with a Conditional Use permit. Screening will be all sides except the north side. Mueller asked if there were any more questions or comments. Since there were none, he asked for a motion. Mueller mentioned that there were 3 emails of opposition for this Conditional Use application. At this point, Mueller made a motion to approve this Conditional Use application while further stipulating that the building density exceeds the regulation in Section 5.06.01 Density requirements allowing 12,000 sq feet for the first 20 acres and additional 400 sq feet per each additional 5 acres and screening will just be on the south, west and a little on the east side at this time. Seconded by Crofoot. A roll call vote followed with the following votes: Crofoot – aye; Tesar – nay; Staben – nay; Mueller – aye; Rayer – nay; Stroy - aye. Motion tied with 3 ayes and 3 nays. Since there was a tied vote, Mueller asked for a recommendation or another motion. Issues needing addressed are headlights into the homes upon exiting the facility, building too close to home on SE corner, use of Flex Building in applications Business Plan (should be removed), going against density rule, whether a drainage study was done, concrete vs. rock for drainage to south & southeast. Mueller suggested that the

Business Plan should be updated to reflect the removal of “flex building” and add “storage buildings”, update site plan to reflect concrete vs. rock ratio, a drainage study to show drainage of water with a possible water retention plan and a screening plan describing what will be used. A second motion was made by Mueller to table this item until the Business Plan can be updated along with a water detention plan, a screening plan, overall density plan and a new plot plan showing rock/concrete placement. Seconded by Tesar. A roll call vote followed with the following votes: Crofoot – aye; Tesar – aye; Staben – aye; Mueller – aye; Rayer – aye; Stroy - aye. Motion tabled with a 6 to 0 vote.

The next item on the agenda – Old Business, Amendment 2024-05 – Section 4.21 – Fees – Add S; Floodplain Review Fee - \$100.00

Mueller asked Jensen to describe what a floodplain review entails. Jensen stated that it involves a base flood elevation – sometimes through the DNR, vent calculation – timeframe is anywhere between 2 -3 hours. Tesar stated that it should be anywhere between \$200 - \$250 per floodplain review. This is not unreasonable for a \$400,000 home. Mueller asked if anyone could apply for a Floodplain Permit without a Base Flood Elevation certificate. Jensen stated you could apply, but it won't be approved until the Base Flood Elevation is calculated. Tesar feels it should be figured at about \$100 per hour. Based on a flat fee – which would be roughly \$200. Rayer asked how many Floodplain Permit applications we get in a year. Jensen stated about 12. Mueller was concerned about the liability if anything isn't done correctly. Jensen stated that this is all verified through elevation. A certified, licensed surveyor has to give an Elevation Certificate both pre-elevation and post-elevation stating that the lowest floor of the house was actually built to the raised elevation.

A motion was made by Crofoot to approve with a change in the fee to \$250. Seconded by Rayer. A roll call vote followed with the following votes: Crofoot – aye; Tesar – aye; Stroy – aye; Staben – aye; Mueller – aye; Rayer - aye. Motion carried with 6 ayes and 0 nay. This will go before the Board of Commissioners on March 25th at 8:15 am in the Commissioner's Room.

A motion was made by Tesar to adjourn the meeting. Seconded by Crofoot. A voice vote followed with all members voting aye. Meeting closed at 8:08 pm.

Linda Brouhard
Recording Secretary

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