

## Minutes

November 15, 2022

### Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Plattsmouth Journal, on October 27, 2022. The Vice-Chairman, Ray Althouse, filling in for Chairman Alan Mueller, opened the public meeting at 7:00 pm & stated that the open meetings act is posted on the wall. The Pledge of Allegiance was recited. Roll call for the Planning Commission Members Althouse, Sullivan, Staben, Tesar, Felthousen, Oehlerking, Crofoot and Widick met as advertised. Mueller and Dennis were absent.

#### **Approval of minutes:**

A motion was made by Staben, seconded by Tesar to approve the minutes from October 11<sup>th</sup>, 2022 meeting. A voice vote followed with all voting aye.

A motion was made by Tesar, seconded by Widick to approve the minutes from August 29, 2022 Special Meeting. A voice vote followed with all voting aye.

A motion was made by Sullivan, seconded by Felthousen to approve the minutes from September 26, 2022 Special meeting. A voice vote followed with all voting aye.

A motion was made by Crofoot, seconded by Tesar to approve the minutes from November 1<sup>th</sup>, 2022 Special meeting. A voice vote followed with all voting aye.

Althouse opened with the **first item** on the agenda, Conditional Use Permit # 11462 – Ash Grove Cement – Rickey L. Bond LF EST, owner -10617 Mynard Road, Louisville – parcels 130142557, 130142476 & 130142654 – Legal description: NW1/4, PART OF NE1/4 PART OF SW1/4 33-12-12 – Mining. Since this was tabled at the last meeting, Althouse asked for a motion to bring it from the table. Motion was made by Oehlerking, seconded by Tesar to bring it from the table. A voice vote followed with all voting aye. Althouse then asked Jensen to introduce this item.

#### **Administrator remarks:**

Most of what we had discussed in the last couple of meetings with regards to concerns from the Planning Commission and the public were taken under consideration. Those concerns – most of which has been addressed – has been submitted to our office and distributed to the Planning Commission. One request submitted by Ollson and Associates was that they appear before the County Board on November 22<sup>nd</sup> to discuss paving of the road and those exact specifications that would be required. The Roads Superintendent would be pivotal in that conversation.

At this point, Attorney representing Ash Grove, Jim Lang, came up to speak. He introduced the Ash Grove & the Ollson representatives. He discussed their goal of obtaining a Conditional Use permit to mine the Dakota clay. He mentioned that letters were sent out to the property owners who live along 108<sup>th</sup> street asking if they would like to meet to discuss this project and their concerns. They did meet with two property owners. James Fowler, John Gayle and Eric Beierman with Ollson Associates and Ash Grove were introduced. They talked about the material they were needing to extract and discussed the process. They addressed the concerns from the previous meeting including the route, the groundwater, surface water, 108<sup>th</sup> street and Hwy 66 intersection assessment done with state, hours of operation 6 am – 6 pm M – F, security fencing and screening on property boundaries involving putting in a substantial berm and remediation plan for the end of the project. At this point, Althouse asked if there were any questions from the board. Widick asked if the containment was going to be like a SWIPP (Surface Water Intake Protection Plan) or what is that going to be for contained surface water? The property would be ran in a way that the storm water would not leave the mine site and will be contained in a storm water retention pond. Discussion continued about hard-surfacing the roadway working with the County and the Roads Department Superintendent. The bridge and all of the permitting would all be taken care of by Ash Grove. Althouse asked about the road design – Ash Grove stated that there isn't a final design yet as it just got surveyed two weeks ago. Since this wasn't ready yet, the option to table this until the December meeting was discussed. Althouse asked Jensen when he thought the road paving criteria would be ready to be presented to the Commissioners. Jensen stated it would be going to the Board of Commissioners on November 22 – it could be ready after that meeting. At this point, Althouse made a motion to table this hearing. Seconded by Tesar. A voice vote followed with all voting aye. Motion carried.

The **second item** on the agenda was opened for public hearing by Althouse - Conditional Use Permit # CU-2022-0003 - Street Media Group – Nebraska LLC – Mink Agribusiness LLC, owner – Legal description – NE ¼ N OF INTS EXC 64.49 A DB98 P230 26-12-09 – Billboard Sign.

Althouse asked Jensen to introduce this item.

### **Administrative remarks:**

The location for this proposed sign is zoned Industrial Agricultural (I/A) to be viewed from west bound Interstate 80. Two areas of this application are outside of the regulatory limits, the sign face limit of 500 square feet and the 45' height limit. The Cass County Board of Commissioners has some regulatory latitude to adjust for natural terrain within ¼ mile. The only thing still needed on this application is the approval from the State Department of Roads – Sign Division. Jensen spoke with them and they are expecting the sign permit to be processed by Thursday, November 17<sup>th</sup>. They just didn't have the formal approval yet.

Widick asked – other than being digital – is there anything out of the ordinary with this sign request. Jensen stated that the height and the board itself is a little bit outside of what our limits are. The Board of Commissioners have some latitude regarding that based on site lines and visibility of the natural terrain within ¼ mile. Felthousen asked about the brightness. Jensen stated that the State would review that.

At this point, Gary Young – co-owner of Street Media group came up to speak. He presented their request and addressed the questions from the Planning Board. One of the questions was about illumination. He stated the brightness of the sign is around 500 nits. The face of the sign is built in a "V". It is pointed toward the traffic, not the property around the sign. The light does not and cannot go around to the back of the sign. He also stated the reason they are requesting a larger sign – our code allows 500 square feet – they are requesting the standard measurement of 672 square feet. This is actually safer for the drivers as they can see them better. He mentioned that any advertising for non-profit organizations or the county would be at no cost. Discussion continued about the sign and how it works. These signs have a static message not motion messages. By State law, these signs can't have any motion in them. State law also regulates maintenance and activity of the sign. Althouse asked at this time if there was anyone from the gallery that wished to speak. One person came up with the following question:

- Is this sign going to be facing his house where he will see the lighting 24 hours a day? Also, he had to be 75 feet from the state right of way – does that not apply to a sign? The representative from Street Media came up to respond. He stated that the lights in the sign have a shield around each and every diode. There is absolutely no ambient light spillage from beside or behind the sign – only directly in front of it as it is aimed directly toward the traffic. They stated the regulations for the sign gives them the right to be in the State Right of Way.

At this point, Althouse asked if there were any more comments or questions from the public. Since there were none, he closed the public hearing at 8:03 pm. He then asked if there was any more discussion from the Planning Commission. Tesar seen no issue with raising the sign height because it sits so low. Althouse stated that there are 3 issues that have to be address: square footage, height and State approval. Jensen stated that these items would have to be included in the motion. A motion was made by Oehlerking to approve this sign with the extra height and sign square footage and pending the approval from State. Seconded by Tesar. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Sullivan – aye; Oehlerking – aye; Staben – aye; Felthousen – aye; Widick – aye; Crofoot – aye. Motion carried with 8 to 0 vote. Jensen stated that this would go before the Board of Commissioners on December 21, 2022@ 8 am. **\*This was amended to the correct date, December 20, 2022.\***

The **third item** on the agenda was opened for public hearing by Althouse. Conditional Use Permit # CU-2022-0004 – Scatter Joy Acres – Joy Bartling, owner – 4107 Waverly Road, Murray – parcel 130155330 - Legal description: L3 N1/2 NE1/4 17-11-13 – Special Event Center - Therapeutic Animal Sanctuary. He asked Jensen to introduce this item.

### **Administrator remarks:**

This Special Event Center and Therapeutic Animal Sanctuary is allowed under a Conditional Use Permit in AG Zoning Section 5.07 Line X, Special Event Center. This non-profit utilizes Animal Assisted Intervention (AAI) and Animal Assisted Therapy (AAT) to affect positive change in our community.

Jensen then introduced Joy Bartling, owner. Bartling explained that they moved down here from Omaha and went over their services and who they serve. Last year, they provided services to 614 Behavioral Individuals, 3437 senior visits, 151 Veterans, 202 animal rescues across the country, 5173 Animal Assisted Therapy sessions. They are regulated by the USDA. Also regulated by the Department of Agriculture. Both entrances are gated. She then asked for questions.

Widick asked why they moved. She stated for several reasons – one of them being Habitat for Humanity wanting to buy her property. They have domestic and exotic animals. They did downsize before moving to their new location. Some of the animals are adoptable. Exotics are used for educational purposes. Do they do animal rehabilitation? They can do that under their wildlife permit, but usually refer them to the wildlife rehab in Omaha. How many building do you currently have? Approximately 20. Tesar asked about calculating animal units. Jensen stated that she would have to be mindful of the number she is allowed. Visitors in the summer time average about 120 per day. They do charge to cover their programming which isn't covered by their insurance. They do have school trips and networking with large companies. Althouse then asked if there were any questions from the gallery. Since there were no questions, he closed

the hearing at 8:22 pm. Discussion followed from the Planning Commission about the animal units and temporary rescue animals. Althouse then asked if there was any more discussion. Since there wasn't, he asked for a motion. Tesar made a motion to approve this permit with the permanent animals to meet animal units per code and temporary rescues animals not to be counted. Seconded by Sullivan. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Sullivan – aye; Oehlerking – aye; Staben – aye; Felthousen – aye; Widick – aye; Crofoot – aye. Motion carried with 8 to 0 vote.

Jensen stated that this would go before the Board of Commissioners on December 21, 2022@ 8 am. **\*This was amended to the correct date, December 20, 2022.\***

The final item on the agenda, Election of Officers, was postponed until the January 2023 Planning Commission meeting after discussion about past elections.

Althouse asked if there was any further discussion. Since there wasn't, he declared the meeting adjourned at 8:27 pm.

Linda Brouhard  
Recording Secretary

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