Agenda Item # 14a.
Date 2-2-05

MINUTES
DODGE COUNTY PLANNING COMMISSION

Meeting of the Dodge County Planning Commission was called to order by Chairman, Robert Taylor at 7:30 P.M., Tuesday, January 18, 2005 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, Nebraska. The following members were present: Taylor, Benes, Brabec, Cooper, Garber, Gifford, Johnson, Reynolds and Rolf. Absent: None.

The meeting was declared legally convened, due to Public Notice given.

Motion was made by **Brabec** to accept the Minutes of the November 16, 2004 meeting as mailed. Seconded by **Johnson.** Motion carried by voice vote with the following voting yes: Taylor, Benes, Brabec, Cooper, Garber, Gifford, Johnson, Reynolds and Rolf. Absent: None.

PUBLIC HEARING: Consideration of the request of Dean Lux dba Lux Sand & Gravel of P.O. Box 333, North Bend, NE 68649 to obtain a Conditional Use Permit to extract sand and gravel as per Article 20, Section 2. Conditional Uses Section 2.9 located in NE 1/4 Section 11, Township 17 North, Range 5 East in Union Township, Zoning District PR-1, Platte River Corridor.

Motion to open the hearing was made by **Rolf** and seconded by **Garber.** Motion carried by voice vote. Those voting yes: Benes, Brabec, Cooper, Garber, Gifford, Johnson, Reynolds, Rolf and Taylor. Absent: None.

a. Testimony:

For: Dean Lux was present to explain his request. Andrews explained some paper work received Tuesday morning from Meridian Development regarding the conditional use requirements. Motion to enter paper work into the record was made by **Garber** and seconded by **Johnson**. Motion carried by voice vote. Those voting yes: Benes, Brabec, Cooper, Garber, Gifford, Johnson, Reynolds, Rolf and Taylor. Taylor asked Lux if he had any problems with the papers filed. Lux stated no. Brabec asked if there was access into the area. Lux stated there was access into the area from Highway 30 and Railroad crossing in the form of an easement. He was asked how long he would be pumping. Lux stated at least 20 years. Rolf asked how close to the adjoining property where the homes would be located would he be. Lux stated he would be north and west of the Riverview Shores development for a long time.

Against: No one was present and no communication had been received.

Motion to close the hearing was made by **Brabec** and seconded by **Rolf.** Motion carried by voice vote. Those voting yes: Brabec, Cooper, Garber, Gifford, Johnson, Reynolds, Rolf, Taylor and Benes. Absent: None.

b. Possible Action

Motion to approve the conditional use permit request was made by **Brabec** and seconded by **Gifford** based on the proposal met requirements of the zoning regulations. Motion carried by roll call vote. Those voting yes: Cooper, Garber, Gifford, Johnson, Reynolds, Rolf, Taylor, Benes and Brabec. Absent: None.

The applicant was advised the Dodge County Board of Supervisors would hear the item on February 2, 2005 at 9:30 A.M.

Public Hearing: Consideration of the request of Wayne & Linda Stuehmer of 647 County Rd. 18, Hooper, NE 68031 to subdivide a tract of land containing 13.83 acres and to obtain a Conditional Use Permit as per Article 12, Section 2. Conditional Uses, Section 2.1 located in SW1/4 SW 1/4 Section 18, Township 18 North, Range 7 East in Maple Township, Zoning District A-1, Intensive Ag

Motion to open the hearing was made by **Rolf** and seconded by **Garber.** Motion carried by voice vote. Those voting yes: Garber, Gifford, Johnson, Reynolds, Rolf, Taylor, Benes, Brabec and Cooper. Absent: None.

a. Testimony:

For: Ed Olson of Olson and Pearson Real Estate representing Wayne & Linda Stuehmer was present to explain their request. Taylor asked if the bare ground was in CRP. Olson stated the ground on the bluff and that there is acreage to the north for access. The Hasebrock family wanted to buy the 17 acres for housing and the Stuehmer have option on it. The 13 acres comes off of 160 acres. Brabec asked why the irregular shape. Olson stated it is the lay of the land with trees bordering on the north and east and is currently in CRP. Reynolds asked if the office had received any opposition. Andrews stated no.

Against: No communication had been received and no one spoke against the request.

Motion to close the hearing was made by **Johnson** and seconded by **Brabec**. Motion carried by voice vote. Those voting yes: Gifford, Johnson, Reynolds, Rolf, Taylor, Benes, Brabec, Cooper and Garber. Absent: None.

b. Possible Action:

Motion to approve the subdivision and conditional use request was made by **Brabec** and seconded by **Cooper.** The request meets with the subdivision and zoning regulations for the zoning district. Motion carried by roll call vote. Those voting yes: Johnson, Reynolds, Rolf, Taylor, Benes, Brabec, Cooper, Garber and Gifford. Absent: None.

The applicant was advised to appear at the Dodge County Board of Supervisors meeting February 2, 2005 at 9:35 A.M.

Public Hearing: Consideration of the request of Kriete Farms c/o Paul Kriete of 2465 County Rd. H, Hooper, NE 68031 to subdivide a tract of land containing 11 acres and to obtain a Conditional Use Permit as per Article 12, Section 2. Conditional Uses Section 2.1 located in the NE 1/4 Section 30, Township 19 North, Range 9 East in Hooper Township, Zoning District A-1, Intensive Ag.

Motion to open the hearing was made by **Gifford** and seconded by **Rolf**. Motion carried by voice vote. Those voting yes: Reynolds, Rolf, Taylor, Benes, Brabec, Cooper, Garber, Gifford and Johnson. Absent: None.

a. Testimony

For: Paul Kriete was present to explain the request. He stated that presently the ground was in pasture. Andrews was asked if any communication had been received either for or against the proposal. Andrews stated no.

Against: Fred Hagerbaumer was present in opposition. He owns the adjacent ground to the east wanted to know what the side-yard set back was. Andrews stated the minimum setback was 15 feet, but could be further. She added the rear yard was 25 feet and 83 feet back from road center. Mr. Hagerbaumer wanted assurance that his farming operation would not be affected by a new home being built so close to his property. He asked if he could read an agreement he had drafted and wanted the new owner to sign. Taylor stated he could read his agreement. Andrews stated that in order to obtain a conditional use permit to subdivide less than 20 acres was required and part of the conditional use was to have the new owner sign a no-fee residential registration whereby agriculture would be protected from nuisance complaints or the possibility of making trouble for the farm community. Andrews read the county's agreement. Mr. Fitzke was asked if he would construct the new home further than 15 feet from the property line. Fitzke stated he planned on building it more to the west of the property line

approximately 200 feet west of the east property line. Mr. Hagerbaumer stated then he had no problem with the requests.

Motion to close the hearing was made by **Benes** and seconded by **Garber.** Motion carried by voice vote. Those voting yes were: Rolf, Taylor, Benes, Brabec, Cooper, Garber, Gifford, Johnson and Reynolds. Absent: None.

b. Possible Action:

Motion to approve the subdivision and conditional use request was made by **Johnson** and seconded by **Brabec** based on the proposal met with the current subdivision and zoning regulations. Motion carried by roll call vote. Those voting yes were: Taylor, Benes, Brabec, Cooper, Garber Gifford, Johnson, Reynolds and Rolf. Absent: None.

The applicant was advised the Dodge County Board of Supervisors would hear his request at 9:40 A.M. on Wednesday, February 2, 2005.

With no further business, motion was made by **Rolf** and seconded by **Gifford** to adjourn at 7:59 P.M. Motion carried by voice vote. Those voting yes: Benes, Brabec. Cooper, Garber, Gifford, Johnson, Reynolds, Rolf and Taylor. Absent: None. The next scheduled meeting will be **February 15, 2005** at 7:30 P.M. if business arises.

Respectfully submitted,

Jean Andrews

Jean Andrews,
Secretary, Dodge County
Planning Commission

_____
Dodge County
Planning & Zoning Commission

_____
Approval Date

AGENDA
DODGE COUNTY PLANNING COMMISSION

Dodge County Planning Commission, Tuesday, January 18, 2005 at 7:30 P.M., Board of Supervisors Room, 3rd Floor, Courthouse, Fremont, NE.

1. Call to Order at 7:30 P.M. – Roll Call
2. Legality of Meeting – Approval of Agenda
3. Approval of Minutes of November 16, 2004 Meeting

4. **Public Hearing:** Consideration of the request of Dean Lux dba Lux Sand & Gravel of P.O. Box 333, North Bend, NE 68649 to obtain a Conditional Use Permit to extract sand and gravel as per Article 20, Section 2. Conditional Uses Section 2.9 located in NE 1/4 Section 11, Township 17 North, Range 5 East in Union Township, Zoning District PR-1, Platte River Corridor.

   a. Testimony
      For:
      Against:
   b. Possible Action

5. **Public Hearing:** Consideration of the request of Wayne & Linda Stuehmer of 647 County Rd. 18, Hooper, NE 68031 to subdivide a tract of land containing 13.83 acres and to obtain a Conditional Use Permit as per Article 12, Section 2. Conditional Uses, Section 2.1 located in SW1/4 SW 1/4 Section 18, Township 18 North, Range 7 East in Maple Township, Zoning District A-1, Intensive Ag.

   a. Testimony
      For:
      Against:
   b. Possible Action

6. **Public Hearing:** Consideration of the request of Kriete Farms c/o Paul Kriete of 2465 County Rd. H, Hooper, NE 68031 to subdivide a tract of land containing 11 acres and to obtain a Conditional Use Permit as per Article 12, Section 2. Conditional Uses Section 2.1 located in the NE 1/4 Section 30, Township 19 North, Range 9 East in Hooper Township, Zoning District A-1, Intensive Ag.

   a. Testimony
      For:
      Against:
   b. Possible Action:

7. Other business (by published addendum only)

8. Adjournment

AGENDA POSTED AND KEPT CONTINUALLY CURRENT AT THE DODGE COUNTY COURTHOUSE AND DISTRIBUTED TO THE PLANNING COMMISSION ON JANUARY 7, 2005. COPIES AVAILABLE AT THE OFFICE OF THE COUNTY ZONING ADMINISTRATOR.

NOTICE
PUBLIC MEETING AND HEARINGS
DODGE COUNTY PLANNING COMMISSION
AND
DODGE COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN, that public hearings of the Dodge County Planning Commission will be held during their regularly scheduled meeting, January 18, 2005 at 7:30 P.M. and with the Dodge County Board of Supervisors during their regularly scheduled meeting on Wednesday, February 2, 2005 at 9:00 A.M. Both meetings will be held in the Dodge County Board of Supervisors Rm., 3rd floor of the Courthouse, Fremont, NE for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for the following items:

1. Consideration of the request of Dean Lux dba Lux Sand & Gravel of P.O. Box 333, North Bend, NE 68649 to obtain a Conditional Use Permit to extract sand and gravel as per Article 20, Section 2. Conditional Uses Section 2.9 located in NE 1/4 Section 11, Township 17 North, Range 5 East in Union Township, Zoning District PR-1, Platte River Corridor.

2. Consideration of the request of Wayne & Linda Stuehmer of 647 County Rd. 18, Hooper, NE 68031 to subdivide a tract of land containing 13.83 acres and to obtain a Conditional Use Permit as per Article 12, Section 2. Conditional Uses, Section 2.1 located in SW1/4 SW 1/4 Section 18, Township 18 North, Range 7 East in Maple Township, Zoning District A-1, Intensive Ag.

3. Consideration of the request of Kriete Farms c/o Paul Kriete of 2465 County Rd. H, Hooper, NE 68031 to subdivide a tract of land containing 11 acres and to obtain a Conditional Use Permit as per Article 12, Section 2. Conditional Uses Section 2.1 located in the NE 1/4 Section 30, Township 19 North, Range 9 East in Hooper Township, Zoning District A-1, Intensive Ag.

Questions or comments concerning the public hearings and proposed requests should be directed to the Zoning Administrator at (402) 727-2724 and Dodge County Clerk at (402) 727-2767. All interested parties may offer oral comments at the public hearing and/or may file written comments with the Zoning Administrator or County Clerk concerning the petition and such comments shall be considered by the Board, provided such written comments are received prior to the public hearing dates.

STAFF REPORT
Dodge County Bldg. Insp. & Zoning Dept.
Meeting of January 18, 2005

Zoning Signs were placed on the properties January 11, 2005.

Dean Lux, Jr. dba Lux Sand & Gravel

This property is located on the south side of Highway 30 approximately 1 3/4 miles west of North Bend. The property is just west of Riverview Shores development, which is approximately 80 acres. It has its own access off of Hwy 30.

Wayne & Linda Stuehmer:

The property lies on the east side of Road 13 1/2 mile north of P Blvd. It is presently pasture ground on a hill with evergreen trees running along the north and east side of the property. Presently is bare ground with access off of Road 13.

Kriete Farms c/o Paul Kriete:

Presently, this is a bare 11 acres of pasture just west of the Washington County line on Road 24 approximately 1 mile south of Road J east of Winslow. The property lies on a hill, has its access and would make a great place to build a new home.

Respectfully submitted,

Jean Andrews

Jean Andrews,
Dodge County Zoning Administrator