

**PLATTSMOUTH PLANNING COMMISSION
DECEMBER 20, 2012**

Meeting convened at 7:30 p.m. on December 20, 2012 at Plattsmouth City Hall, 136 N. 5TH Street, Plattsmouth, Nebraska. A copy of the agenda for the meeting is attached to these minutes. Notice of the meeting, which communicated the availability of the agenda, was published in *The Plattsmouth Journal*, Plattsmouth, Nebraska, on December 6, 2012, with the Affidavit of Printer as proof of publication attached to these minutes. Notice of the meeting and the agenda were provided to all members in advance, and their acknowledgment of receipt is attached hereto. All proceedings were taken while convened with attendance open to the public.

ITEM 1

Chairman Marc Nichols called the meeting to order at 7:30 p.m.

ITEM 2

Nichols announced the location of the Open Meetings Act and of documents pertaining to the planning agenda.

ITEM 3

Answering roll call were Alternate Robert Rice, Richard McKinley, Charles Warga, Billy Hale, Sharon Kief, Jeff Kindig, Karen Weaver, Marc Nichols.

Also present was City Inspector Kevin Larson.

Nichols asked the members of the planning commission if any had ex-parte contact regarding the agenda items. Kief stated she had a phone call regarding special use permit procedures but did not discuss the agenda and that the contact would not impact her actions. McKinley stated he was a member of the Plattsmouth Historic Preservation Committee.

ITEM 4

MOTION BY WEAVER, SECONDED BY KINDIG, TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 2012 MEETING. A voice vote in favor was unanimous, MOTION CARRIED.

ITEM 5

Due to the large crowd in attendance, Nichols asked for a show of hands to see how many people might be testifying on the various agenda items. After explaining the hearing procedure, Nichols said he would be limiting testimony to two minutes for each speaker.

Nichols read from the agenda, "A public hearing regarding a special use permit application by Cheryl Dorff for a stable in a RR (Rural Residential) Zoning District on property located at 18621 Deer Ridge Drive, Plattsmouth, legally described as Lot 23, Swallow Hills Estates, Cass County, Nebraska."

Nichols opened the public hearing at 7:36 p.m.

William Reinsch, Plattsmouth, attorney for the applicant, spoke in favor of the permit saying the proposed horse riding lessons and other activities would be restricted to the applicant's property.

Mary Robbins, Omaha, showed photos of the applicant and her students during riding lessons, and favored the permit.

Linda Grunberg, Omaha, an adult student of the applicant, talked about riding lessons and favored the permit.

Bernadine Muckey, a Swallow Hills resident, opposed the permit, stating it would open the door for other commercial activities in a residential area.

Holly Weeks, Papillion, a riding student, spoke in favor of the permit.

Gary Hicks, a Swallow Hills resident, favored the permit, stating that there have been other businesses in the development, that the proposed business would not tax the water system, would not hurt the roads, and that the area where the riding would take place cannot be seen from the road.

Cheryl Dorff, applicant, spoke in favor of the permit, saying she had been in this business at a different location for 14 years, she has seven acres of land, all activities would take place on her property, she is asking permission for seven horses so she can participate in Humane Society and quarter horse rescue activities, and she will have no employees.

Jann Bergerson, a Swallow Hills resident, opposed the permit, stating concerns for increased traffic, activities altering the natural settings of the area, persistent nuisances, relocation of wildlife, dust, noise, use of the private drives, and concerns over abuse of the area's bridle trails.

Dean Jindra, Papillion, the father of one of the applicant's students, spoke in favor of the permit.

Bruce Dolan, a Swallow Hills resident, was opposed, stating he wanted to maintain the area's peace and quiet.

Kirsten Langel, a student of the applicant, spoke in favor of the permit.

Sheryl Hanssen, a Swallow Hills resident, spoke in favor of the permit, saying it looked like an upscale operation and with a permit in place it could be revoked if there were violations.

Karen Campbell, a Swallow Hills resident, spoke in opposition to the permit stating it would disrupt the area's peace and quiet as well as the area's wildlife.

Derek Johnson, a Swallow Hills resident, spoke in favor as of the application, saying it was more of a home occupation use, would not impact the area, and that traffic would not be a problem.

Jennifer Brockman, a Swallow Hills resident, was opposed to the permit based on an increase of traffic.

Vicki Larsen, a Swallow Hills resident, spoke in favor of the permit, stating that it would be something for kids.

Tim Adkins, a Swallow Hills resident, spoke in favor of the permit, saying there have already been businesses in the area, that the area was designed with horses in mind, and that the applicant had earlier been giving lessons and no one noticed.

Charles Botdorf, Omaha, a father of one of the applicant's riding student, spoke in favor of the permit, presented photos of the applicant's riding lessons and said parents of riding students would be careful not to be disruptive.

Jody Distefano, a Swallow Hills resident, spoke in opposition to the permit, presented a petition signed by 42 individuals representing 22 area properties opposed to the permit, and said the Holman property adjoining the Dorff property is zoned Agricultural, not Commercial.

Karen Adkins, a Swallow Hills resident, spoke in favor of the permit, saying people who have been caught speeding in the neighborhood have been residents.

Sandy Sieler, Omaha, spoke in favor of the permit, saying the applicant is a great person and her students love her.

Riley Mitons, Omaha, a student of the applicant, spoke in favor of the permit.

Heather Anschutz, a Swallow Hills resident, spoke in opposition to the permit and presented copies of a statement outlining her opposition, saying all the traffic to the applicants property would pass by her house, the business would be a zoning violation, none of the proposed activities are allowed by law, and that residents of the area would continue to fight the proposed special use permit.

Bill Reinsch, attorney for the applicant, presented a letter received by his client from Swallow Hills resident Robert Curry asking that his name be removed from the petition opposing the permit.

Glenn Imhoff, a Swallow Hills resident, spoke in opposition to the permit, saying the applicant already owns six horses and would ignore the conditions of the permit.

Scott Gourley, a Swallow Hills resident and husband of the applicant, said they currently have four horses on the property, have applied for permits, were operating the business as a home occupation but have ceased operations since a homeowners meeting, and intend to operate by the letter of the law.

Sam Distefano, a Swallow Hills resident, spoke in opposition to a commercial business in the neighborhood.

Marty Hicks, a Swallow Hills resident, spoke in favor of the permit, saying the issue had become too emotional and the applicant should be given a chance.

Stephanie Perez, a student of the applicant, spoke in favor of the permit saying the business would generate very little traffic.

Bill Herek, a Swallow Hills resident, said the water system and roads were not designed to support such an operation, and noted that many of the people who testified were not residents of the area.

Larson entered The Land Development Ordinance for the City of Plattsmouth, August, 2006, into the record.

The hearing was closed at 8:40 p.m.

ITEM 6

Larson read his report.

Following discussion, MOTION BY WEAVER, SECONDED BY RICE, TO LAY OVER THE SPECIAL USE PERMIT APPLICATION BY CHERYL DORFF FOR A STABLE IN A RR (RURAL RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 18621 DEER RIDGE DRIVE, PLATTSMOUTH, LEGALLY DESCRIBED AS LOT 23, SWALLOW HILLS ESTATES, CASS COUNTY NEBRASKA, TO THE JANUARY 17, 2013 MEETING OF THE PLATTSMOUTH PLANNING COMMISSION. On roll call: VOTING YES; MCKINLEY, WARGA, HALE, KIEF, KINDIG, WEAVER, NICHOLS, RICE. VOTING NO; NONE. ABSENT AND NOT VOTING; PRINCE, HURST. MOTION CARRIED.

Nichols moved item 11 to next on the agenda

ITEM 11

Nichols read from the agenda, “Consider a resolution recommending to the Plattsmouth City Council a designation of Blighted and Substandard for the following real estate:

SITE A

Plattsmouth Outlots DB194 P938 SW4 SW4 12-12-13 (including all of adjacent vacated Rubin Drive)

Plattsmouth Outlots fraction of Sublot 2 of Lot 65 DB195 P712 and Tax Lot 128 12-12-13
Plattsmouth Outlots Tax Lot 128

Plattsmouth Outlots PTDB121P320 SW4 SW4 12-12-13

Plattsmouth Outlots Sublot 1 of Lot 75 and .28a Lot 75 NW4 NW4 13-12-13

Plattsmouth Outlots Pt Lot 75 DB96P367 except PT DB105 P402 NW4NW4 13-12-13

All of Story’s Addition

All of Ritchie Place

All of Julies Subdivision

All of Johnson’s Subdivision

All of Winterset Addition

All of Bestmann Addition

All of Westside Commercial Subdivision

Outlots Lot 53 SE4 NW4 13-12-13

Outlots Tax Lot 83 except Sublot 1 of Lot 83 NW4 SW4 13-12-13

Outlots Lot 74 West of Railroad NE4 SW4 13-12-13

Plattsmouth Outlots Lot 84 NW4 SW4 13-12-13

Plattsmouth Outlots fraction part Lot 22 and Sublot 2 S2 SW4 13-12-13

PJ’s 2nd Subdivision Lot F

PJ’s 2nd Subdivision Lot E except Highway

PJ’s 2nd Subdivision Lot D

Oak Terrace Lot 6 except Highway

Oak Terrace Lot 5 except Highway

Oak Terrace Lot 4 except Highway

Oak Terrace W50’ Lot 2 and fraction Lot 3 except Highway

Oak Terrace Lot 1 and 2 except W50’ Lot 2 and Highway

Park Plaza Subdivision Lot 1

Park Plaza Subdivision Lot 2

24-12-13 Highway and shops

24-12-13 Tax Lot 73 SW4 NW4

24-12-13 Tax Lot 74 SW4 NW4

SITE B

Young and Hayes Addition Lot 4 and ½ vacated street except S50’ Block 12

Wedner Subdivision Lot A

Young and Hayes Addition S part Lots1,2 and ½ vacated street and alley Block 12

Young and Hayes Addition Lots1,2 and ½ vacated street and ½ alley Block 11

Wedner Subdivision Lot B

Young and Hayes Addition Lots 3,4 Block 11

Original Town Lot 9 and W1/2 Lot 10 Block 110

Original Town E1/2 Lot 10 and all Lots 11,12 Block 110

Young and Hayes Addition Lots 1,2 Block 20

Original Town Lots 2-4 Block 111

Original Town Lot 1 Block 111

Original Town Lot 6 and 6.5' vacated alley Block 8

Original Town Lot 5 SW of Avenue and 6.5' vacated alley Block 8

Original Town Lots 3,4 and 6.5' vacated alley Block 8

Original Town N parts Lots 1,2 Block 8

Original Town Lots 7-12 Block 8

Original Town all of Lots 5,6 and Lots 7,8 except S 80' Block 22 and Block 23 except S 80' Lots 7-12

Original Town Lot 7 except Avenue and Lot 8 S of Avenue Block 9

Original Town Lots 7,8 Block 21 and Lots 1-4 and 9-12 and vacated streets Block 22

Original Town Lots 9-11 S of Avenue Block 21

Four Us Subdivision replat 1 Lot 4

Four Us Subdivision Lot 3

OC Enterprises Subdivision Lot 2

Four Us Subdivision Lot 1

Four Us Subdivision replat 1 Lot 2

Original Town Lot 8 N of Avenue and all lots 9-12 Block 9

Original Town Lot 4R Block 21

Original Town Lot 3R Block 21

Original Town Lots 1,2 Block 21

Original Town Lots 10-12 N of Washington Ave Block 21

Original Town all Block 26

Original Town all Block 37

Original Town all Block 20

Original Town all Block 27

Original Town all Block 36

Original Town S 1/2 Block 19

Original Town all Block 28

Original Town all Block 35

Original Town all Block 29

Original Town all Block 34

Original Town all Block 30

Original Town all Block 33

Original Town all Block 31

Original Town all Block 32

Plattsmouth Lumber Subdivision Lot 2

SITE C

Outlots Lot 28 except 330' SW4 SE4 13-12-13

Outlots Lot 60 SW4SE4 13-12-13
Outlots Lot 33 SW4SE4 13-12-13
Oakmont Estates 3rd Subdivision Lot 1
Oakmont Estates 2nd Subdivision Lot 5
Oakmont Estates 3rd Subdivision Lot 4
Oakmont Estates 3rd Subdivision Lot 3
Oakmont Estates 3rd Subdivision Lot 2
John Fitzgerald's Addition S83' Lot 5 and N29' Lot 6 and ½ vacated street Block 3
John Fitzgerald's Addition N49' of S93' Lot 6 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition S44' Lot 6 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition N ½ Lot 7 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition W 131.22' S ½ Lot 7 W 131.22' Lot 8 and adjacent vacated
Holdrege Street Block 3
Burris' Subdivision Lots 1-5
Burris' Subdivision Lots 6-8
Outlots Lot 30 NE4 NE4 24-12-13
Outlots Sublot 1 of Lot 30 NE4 NE4 24-12-13
Outlots Lot 56, 57 NE4 NE4 24-12-13
Outlots Lot 58 NE4 NE4 24-12-13
Valley View Addition N 140' Lot 9 Block 5
Valley View Addition S 62' of N 202' Lot 9 Block 5
Kahler's Subdivision Lot 2
Kahler's Subdivision Lot 1
24-12-13 Storm Water Retention Structure SW4 NE4
Outlots Lot 15 SW4 NE4 24-12-13
D&W Subdivision Lot 2
D&W Subdivision Lot 1
D&W Subdivision Lot 3
Outlots Lot 24 and S 86' Sublot 2 of 26 SW4NE4 24-12-13
Barkus Subdivision replat Lot 1
Barkus Subdivision replat Lot 2
Outlots Sublot 2 of 7 SW4 NE4 and Sublot 1 of 8 NW4 SE4 24-12-13
Outlots Sublot 2 of 8 NW4 SE4 24-12-13
Curtis Heights Lot 1 NW4 SE4 24-12-13
Curtis Heights Lot 2A NW4 SE4 24-12-13
Curtis Heights Lot 2B NW4 SE4 24-12-13

Amy Haase of RDG presented the study and Plattsmouth City Administrator Erv Portis spoke about the importance of a blighted and substandard designation as an economic development tool, and that the study was the first step in making such a declaration.

Following discussion,

MOTION BY WEAVER, SECONDED BY KINDIG TO APPROVE A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLATTSMOUTH, NEBRASKA. TO RECOMMEND THAT THE CITY COUNCIL OF THE CITY OF

PLATTSMOUTH DECLARE THE DESCRIBED PROPERTY AS BLIGHTED AND SUBSTANDARD.

On roll call: VOTING YES, WARGA, HALE, KEIF, KINDIG, WEAVER, NICHOLS, RICE, MCKINLEY. VOTING NO; NONE. ABSENT AND NOT VOTING; PRINCE, HURST. MOTION CARRIED.

ITEM 7

Nichols read from the agenda, “A public hearing regarding a proposed ordinance of the City of Plattsmouth, Nebraska, enacting 5-6.1 of the Land Development Ordinance, creating the Downtown Plattsmouth Historic District; establishing supportive overlay zoning within the Plattsmouth Land Development Ordinance, amending the Plattsmouth Zoning Map; allowing for severability of provisions.”

Nichols opened the public hearing at 9:12 p.m.

Erv Portis spoke in favor and explained the history behind the ordinance.
Charles Jones spoke in favor, saying it would protect the historic area.
Harlan Seifert spoke in favor.

The hearing was closed at 9:23 p.m.

ITEM 8

Nichols read from the agenda, “Consider a recommendation to the Plattsmouth City Council regarding a proposed ordinance of the City of Plattsmouth, Nebraska, enacting 5-6.1 of the Land Development Ordinance, creating the Downtown Plattsmouth Historic District; establishing supportive overlay zoning within the Plattsmouth Land Development Ordinance; amending the Plattsmouth Zoning Map; allowing for severability of provisions; to repeal all ordinances in conflict; to provide for publication in pamphlet form; and to provide an effective date.”

Following discussion,

MOTION BY RICE, SECONDED BY WEAVER TO RECOMMEND TO THE PLATTSMOUTH CITY COUNCIL ADOPTION OF A PROPOSED ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, ENACTING 5-6.1 OF THE LAND DEVELOPMENT ORDINANCE, CREATING THE DOWNTOWN PLATTSMOUTH HISTORIC DISTRICT; ESTABLISHING SUPPORTIVE OVERLAY ZONING WITH THE PLATTSMOUTH LAND DEVELOPMENT ORDINANCE; AMENDING THE PLATTSMOUTH ZONING MAP; ALLOWING FOR SEVERABILITY OF PROVISION; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FOR; AND TO PROVIDE AN EFFECTIVE DATE.

On roll call: VOTING YES, HALE, KIEF, KINDIG, WEAVER, NICHOLS, RICE, MCKINLEY, WARGA. VOTING NO; NONE. ABSENT AND NOT VOTING; PRINCE, HURST. MOTION CARRIED.

ITEM 9

Nichols read from the agenda, "A public hearing regarding the annexation of land to the City of Plattsmouth, legally described as:

- (A) A parcel of land being situate in part of the Northwest (NW1/4) of the Northwest (NW1/4) of Section 13, Township 12 North, Range 13 East of the 6th Principal Meridian, Cass County, Nebraska being more particularly described as follows: Commencing at the southwest corner of Tax Lot 86 being the point of beginning; thence N00°00'00"E a distance of 462.26 feet along west line of said Tax Lot 86; thence S89°36'08"W a distance of 121.00 feet along line of said Tax Lot 86; thence N0°00'00"E a distance of 505.65 feet along the west line of said Tax Lot 86; thence N89°47'32"E a distance of 593.80 feet along the north line of said Tax Lot 86 to a point on the westerly right-of-way line of State Highway 75; thence southerly along the westerly right-of-way line of State Highway 75 to the northwest corner of Sublot 4 of Tax Lot 36 (replatted), thence continuing south along the east line of said Sublot 4 to the northeast corner of Bestmann Addition, thence continuing south along the east line of Bestmann Addition to the southeast corner of said addition, thence west along the south line of said addition to the southwest corner of Bestmann Addition, thence S89°36'13"W a distance of 124.83 feet along the south line of said Tax Lot 86 to the point of beginning. Said parcel contains 12.3 acres, more or less.
- (B) A parcel of land being situate in part of the Southeast (SE1/4) of the Northeast (NE1/4) and the Northeast (NE1/4) of the Southeast (SE1/4) of Section 14, Township 12 North, Range 13 East of the 6th Principal Meridian, Cass County, Nebraska being more particularly described as follows: Commencing at the southeast corner of Tax Lot 1 being the point of beginning; thence south along the east line of Tax Lot 1 to the southeast corner of Tax Lot 1, thence continuing south along the east line of Tax Lot 15 (NE1/4,SE1/4) a distance of 594 feet, thence west along and parallel to the north line of Tax Lot 15, 990 feet; thence north along and parallel to the east line of Tax Lot 15 a distance of 594 feet to the southwest corner of Tax Lot 14 thence north along the west line of Tax Lot 14 to the northwest corner of Tax Lot 14, thence east along the north line of Tax Lots 1, 11, and 14 to the point of beginning. Said parcel contains 43.5 acres, more or less.

Nichols opened the public hearing at 9:28 p.m.

Erv Portis explained the reasoning behind the proposed annexation, saying city services have been extended to the Bestmann area, and the cemetery is city-owned and the annexation will extend the police department's jurisdiction to the property.

Mary Peters, a property owner in the area, expressed concerns about drainage, maintenance of Bestmann Drive, and street lighting.

The hearing was closed at 9:36 p.m.

ITEM 10

Following discussion,

MOTION BY RICE, SECONDED BY WARGA TO RECOMMEND TO THE PLATTSMOUTH CITY COUNCIL THE ANNEXATION OF LAND LEGALLY DESCRIBED AS;

- (A) A parcel of land being situate in part of the Northwest (NW1/4) of the Northwest (NW1/4) of Section 13, Township 12 North, Range 13 East of the 6th Principal Meridian, Cass County, Nebraska being more particularly described as follows: Commencing at the southwest corner of Tax Lot 86 being the point of beginning; thence N00°00'00"E a distance of 462.26 feet along west line of said Tax Lot 86; thence S89°36'08"W a distance of 121.00 feet along line of said Tax Lot 86; thence N0°00'00"E a distance of 505.65 feet along the west line of said Tax Lot 86; thence N89°47'32"E a distance of 593.80 feet along the north line of said Tax Lot 86 to a point on the westerly right-of-way line of State Highway 75; thence southerly along the westerly right-of-way line of State Highway 75 to the northwest corner of Sublot 4 of Tax Lot 36 (replatted), thence continuing south along the east line of said Sublot 4 to the northeast corner of Bestmann Addition, thence continuing south along the east line of Bestmann Addition to the southeast corner of said addition, thence west along the south line of said addition to the southwest corner of Bestmann Addition, thence S89°36'13"W a distance of 124.83 feet along the south line of said Tax Lot 86 to the point of beginning. Said parcel contains 12.3 acres, more or less.
- (B) A parcel of land being situate in part of the Southeast (SE1/4) of the Northeast (NE1/4) and the Northeast (NE1/4) of the Southeast (SE1/4) of Section 14, Township 12 North, Range 13 East of the 6th Principal Meridian, Cass County, Nebraska being more particularly described as follows: Commencing at the southeast corner of Tax Lot 1 being the point of beginning; thence south along the east line of Tax Lot 1 to the southeast corner of Tax Lot 1, thence continuing south along the east line of Tax Lot 15 (NE1/4,SE1/4) a distance of 594 feet, thence west along and parallel to the north line of Tax Lot 15, 990 feet; thence north along and parallel to the east line of Tax Lot 15 a distance of 594 feet to the southwest corner of Tax Lot 14 thence north along the west line of Tax Lot 14 to the northwest corner of Tax Lot 14, thence east along the north line of Tax Lots 1, 11, and 14 to the point of beginning. Said parcel contains 43.5 acres, more or less.

On roll call: VOTING YES, KIEF, KINDIG, WEAVER, NICHOLS, RICE,

MCKINLEY, WARGA, HALE.VOTING NO; NONE. ABSENT AND NOT VOTING;
PRINCE, HURST. MOTION CARRIED.

ITEM 12

MOTION BY HALE, SECONDED BY RICE, TO ADJOURN. A voice vote in favor
was unanimous, MOTION CARRIED. Meeting adjourned at 9:41 p.m.

Charles Warga
Secretary

Minutes recorded and typed by Kevin Larson