

The Wahoo Planning Commission met in regular session and in accordance with agenda posted at City Hall, Post Office, and First Bank of Nebraska with each board member being notified of the agenda prior to the meeting. Meeting was called to order by Chair Glen Wilcox at 7:01 p.m. and opened with the Pledge of Allegiance. The Chair advised the public of the posted information regarding State Open Meetings Act and Title VI. The following board members were present answering to roll call: Cady, Pfligler, Houfek, Vculek and Meyer. Absent: Blum, Nielson, and Libal. Travis Beavers, Building Inspector/Zoning Administrator, was also present.

Public hearing on conditional use application to allow the display and sale of portable buildings in the NRC-Neighborhood Residential Commercial District on property described as Lots 1-2 & South 55 ½ ft. of lot 3 Block 5 Wahlstroms Addition to the City of Wahoo, Saunders County, Nebraska, commonly known as 951 N Chestnut, as filed by TJ Group Investments, was declared open at 7:01 p.m. The Chair called for comments from the public. Brian Koerwitz, attorney for TJ Group Investments, spoke on behalf of Todd Jansa. Koerwitz explained that the business is a retail store, which is a permitted use in the NRC district, with a main office including desks and phones. The buildings can be purchased on site or a buyer can have one custom built. Koerwitz also stated that the buildings are items for sale, not accessory buildings, and if the structures are treated as accessory buildings, the property is rendered useless, because of the requirements regarding accessory buildings. Jovan Lausterer, city attorney, stated that there are three alternatives for the planning commission to consider: 1) the buildings are considered accessory buildings under a conditional use permit and are thus required to meet regulations for accessory buildings in the NRC district, 2) the business is a retail business therefore the display of goods on the exterior is strictly prohibited, or 3) the business doesn't meet the characteristics of either a permitted or conditional use and therefore is not allowed. A motion was made by Vculek, seconded by Meyer, to close public hearing at 7:33 p.m. Roll call vote: Vculek, yes; Meyer, yes; Cady, yes; Pfligler, yes; Houfek, yes and Wilcox, yes. Absent and not voting: Libal, Nielson, and Blum. Motion carried.

Discussion was held regarding the conditional use application. Cady stated that he believed the buildings to be retail commodities, not accessory structures. Cady and Houfek agreed that there is a need to limit the number of buildings and adhere to some setback requirements for public safety. Wilcox stated that buildings are different than cars and questioned if the business fits under either the list of permitted or conditional uses. Members generally expressed parking concerns. A motion was made by Cady, seconded by Houfek, to table the conditional use request. Roll call vote: Cady, yes; Houfek, yes; Pfligler, yes; Vculek, yes; Wilcox, yes; and Meyer, yes. Absent and not voting: Blum, Nielson, and Libal. Motion carried.

A motion was made by Houfek, seconded by Cady, to take action from the table regarding proposed amendment to Ordinance 1886, the Wahoo Zoning Ordinance, section 7.11 Tower Regulations at 8:05 p.m. Roll call vote: Houfek, yes; Cady, yes; Wilcox, yes; Pfligler, yes; Meyer, yes; and Vculek, yes. Absent and not voting: Nielson, Libal, and Blum. Motion carried.

Public hearing on proposed amendment to Ordinance 1886, the Wahoo Zoning Ordinance, section 7.11 Tower Regulations was declared open at 8:05 p.m. No public comments were offered. A motion was made by Cady, seconded by Meyer, to close public hearing at 8:06 p.m. Roll call vote: Cady, yes; Meyer, yes; Houfek, yes; Wilcox, yes; Vculek, yes; and Pfligler, yes. Absent and not voting: Libal, Blum, and Nielson. Motion carried.

Discussion was held regarding the amendment of section 7.11 Tower Regulations. Beavers presented language regarding setback requirements for communication towers. A motion was made by Cady, seconded by Meyer, to recommend amendment to Ordinance 1886, the Wahoo Zoning Ordinance, section 7.11 Tower regulations by replacing current setback requirements with the following language and changes.

1. Towers shall be located at the following setbacks:

(a) All towers up to fifty (50) feet in height shall be setback on all sides a distance equal to the manufacturers designed fall distance ~~rate~~ **radius**. The height of the tower shall be measured from the floor of the base pad to the top of the tower. Setback requirements shall be measured from the base of the tower to the nearest boundary line of the tract of land on which it is located. Towers, guys, and accessory buildings must satisfy the minimum zoning district setback requirements.

(b) Towers of one hundred fifty (150) feet or less in height located in or adjacent to any residential or commercial district shall be located so that the distance from the base of the tower to any adjoining property line, or occupied structures other than those utilized by the tower owner, is a minimum of one hundred percent (100%) of the height of the tower.

(c) Towers exceeding one hundred fifty (150) feet in height may not be located in any residential district or commercial district, and must be separated from said districts and occupied structures other than those utilized by the tower owner, by a minimum of 300 feet or 100% of the proposed tower, whichever is greater. Towers

with heights greater than one hundred fifty (150) feet shall only be located in an industrial or agriculturally zoned district.

2. Towers must meet the following minimum separation requirements from other towers:

(a) Monopole tower structures shall be separated from all other towers whether monopole, self-supporting lattice or guyed towers by a minimum of seven hundred fifty (750) feet.

(b) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of five thousand (5,000) feet.

Roll call vote: Cady, yes; Meyer, yes; Pfligler, yes; Wilcox, yes; Vculek, yes; and Houfek, yes. Absent and not voting: Blum, Libal, and Nielson. Motion carried.

Meyer was excused at 8:26 p.m.

Discussion was held regarding possible amendment to Ordinance 1886, the Wahoo Zoning Ordinance, section 4.12 Accessory Buildings and Uses, to allow for garages within city limits to be of pole type construction. Beavers explained that in recent weeks there have been several conversations questioning why garages of pole type construction are not allowed within city limits. Members generally agreed, because of improved construction and aesthetics, regulations regarding buildings of pole type construction within city limits would be considered.

Discussion was held regarding regulations for mobile food trucks/trailers. Beavers explained that a local business has expressed interest in the placement of a food trailer behind its building to be used as a kitchen for that business. Members discussed possible regulations regarding mobile food vendors, the rising interest with this type of business, and concerns associated with them. It was agreed that regulations are needed and more research needs to be done.

Beavers reported one new home, Sid Dillon has provided some sight plans for a new building by the expressway, and he has had conversations regarding the construction of a new Subway restaurant at the restaurants current location.

A motion was made by Cady, seconded by Houfek, to approve minutes of the March 5, 2015 meeting. Roll call vote: All yes. Motion carried.

Meeting adjourned at 8:50 p.m.

Approved:

Travis Beavers  
Building Inspector/Zoning Administrator