

Revised

Wahoo Planning Commission

February 7, 2013

The Wahoo Planning Commission met in regular session and in accordance with agenda posted at City Hall, Post Office, and First National Bank with each board member being notified of the agenda prior to the meeting. Meeting was called to order by acting Chair Scott Nielson at 7:04 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: Pfligler, Phelps, Cady, Wiebold, and Nielson. Absent: Blum, Wilcox, Libal and Vculek. Travis Beavers, Building Inspector/Zoning Administrator, was also present.

Public hearing opened at 7:05 p.m. for change of zoning on property described as: Lots 1 and 2 and part of lots 3, 10, 11, 12 and the vacated alley lying contiguous with the aforesaid lots, all in block 115, and also part of vacated elm street, all in county addition to the City of Wahoo, Saunders County, Nebraska, from R-2 Residential to NRC Neighborhood Residential Commercial as filed by Lee Chipperfield. Several public comments were offered. Those speaking in opposition were Jeff Long, George Welton, Thomas Cajka, Robert Hall, Dorothy Niedfelt, Lori Kuhfahl, Amy Falke and Derek Betka. A letter from Russell and Carrie Barry was also presented. Comments were against the rezoning because it is a residential area, commercial does not fit, commercial uses could cause a lot of additional traffic and the value of properties could also be decreased. Thomas Cajka stated that the rezoning would go against the comprehensive plan. Rezoning the property to NRC would be spot zoning since everything around it is residential. Beavers spoke on Lee's behalf. Mr. Chipperfield lives just east of the property that he would like to rezone. Chipperfield purchased the property to do a lot split. The reason for the lot split was to eliminate the problem of a shared driveway. Chipperfield had tried to work with the previous owner on a lot split agreement. When that failed he decided to purchase the property, do the lot split and put it back on the market. Since the building is not a residence, Chipperfield is requesting the rezoning to make the building more useable and sellable. Beavers stated although NRC does allow some commercial uses, they are conditional and the city council can restrict those uses. Beavers also stated since Chipperfield shares a lot line with the property, he doesn't see a business coming in that lowers property values. Betka questioned if spot zoning has occurred in other locations. Nielson stated that a lot of things took place prior to zoning regulations, so to have a building in an area that doesn't really fit is not uncommon.

Wilcox entered at 7:28 p.m.

Mike Lawver stated that spot zoning has happened in the past. Lawver stated he understands where neighbors are coming from but the building was built prior to regulations therefore sometimes there is a building left unusable and that will hurt values too. Moved by Wilcox, seconded by Cady to close the public hearing at 7:38 p.m. Roll call vote: Wilcox, yes; Cady, yes; Phelps, yes; Pfligler, yes; Wiebold, yes; and Nielson, yes. Absent and not voting: Blum, Libal and Vculek. Motion carried.

Discussion was held on the change of zoning. Nielson stated that there is a 144 bed federal prison next to his house and his property value has actually gone up. Having commercial property next to residential is not always a negative thing but in this case he doesn't see any reason to change. Cady stated that there are too many deteriorating properties but in this case there are plenty of alternatives without the zoning change. Moved by Cady, seconded by Wilcox to not recommend the change of zoning from R-2 to NRC. Roll call vote: Cady, yes; Wilcox, yes; Nielson, yes; Phelps, yes; Pfligler, yes; and Wiebold, yes. Absent and not voting: Blum, Vculek, and Libal. Motion carried.

Public hearing opened at 7:44 p.m. for conditional use request to operate a truck parts and service facility at SW ¼ SW ¼ Section 34, Township 15 North, Range 7 East of the 6<sup>th</sup> P.M. City of Wahoo, Saunders County, better known as 1768 N Chestnut, in a NRC zoning. Bryan Banghart was present. Banghart stated that the business was started two years ago. At that time it was a one man operation and now there are four of them. The business has grown and is in need of more room. There is a lot of business that comes from Omaha and Lincoln so it is a central location. The building is big enough to keep vehicles inside and there aren't houses in the immediate area. Customers want him to stay in town and he wants to stay as well. Moved by Cady, seconded by Wilcox, to close

public hearing at 7:50 p.m. Roll call vote: Cady, yes; Wilcox, yes; Pfligler, yes; Wiebold, yes; Nielson, yes; and Phelps, yes. Absent and not voting: Vculek, Blum, and Libal. Motion carried.

Discussion was held on the conditional use. Cady stated the property would have to be kept clean and any outside storage would have to be screened. Beavers stated that the parking requirements are met as presented but could be changed if necessary. Wilcox stated that he would like to see a one year review. Moved by Wilcox, seconded by Phelps to recommend the conditional use with no outside storage of parts, property is to be kept clean and any storage that does happen must be screened. The property shall have a one year review and parking shall be done as presented. Roll call: Wilcox, yes; Phelps, yes; Nielson, yes; Wiebold, yes; Pfligler, yes; and Cady, yes. Absent and not voting: Libal, Vculek, and Blum. Motion carried.

Discussion was held regarding Transitional Agricultural zoning. Our TA zoning states that 20 acres are required to be considered TA. It was discovered during a recent lot split that under state statute, when the smallest parcel created is more than ten acres, the division of land shall not be considered to be a subdivision. Therefore the lot split can take place without us knowing making it hard to stop the split or require a rezone. Wilcox stated we should look towards council for guidance. Nielson questioned how we can avoid this in the future.

Beavers presented his January building report, and discussed current projects: New house started at Heritage Heights and several ongoing projects.

Miscellaneous and correspondence:  
NPZA Conference in Kearney March 27-29.

A motion was made by Wilcox, seconded by Cady, to approve the minutes of the January 8, 2013 meeting as presented. Roll call vote: Wilcox, yes; Cady, yes; Nielson, yes; Wiebold, yes; Pfligler, yes; and Phelps, yes. Absent and not voting: Libal, Blum, and Vculek.

Meeting adjourned at 8:31 p.m.

Travis Beavers, Building/Zoning Administrator

Approved: