

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 Michael Kleffner at 7:02 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: Brooks, Woita, Vculek, and Wilcox. Absent: Pfligler, Rappl, Houfek, and Gigstad. Melissa Harrell, City Administrator, was also present. Gigstad entered the meeting at 7:04 p.m.

The public hearing on an application for a change of zoning from TA – Transitional Agriculture to LLR – Large Lot Residential on property described as a 6-acre parcel, more or less, in the Northwest Quarter of the Northwest Quarter of Section 33, Township 15 North, Range 7 East of the sixth principal meridian, Saunders County, Nebraska, located south of County Road M and west of property known as 1775 County Road M, as filed by Glenda and Roger Harders, was declared open by Chair Kleffner at 7:02 p.m. Kleffner called for comments from proponents and Roger Harders presented information on his request. He explained his intent with the rezoning is to rezone property that may be used for large lot residential development. Kleffner called for opponents and no objections were presented. A motion was made by Wilcox, seconded by Woita to close the public hearing at 7:13 p.m. Roll call vote: Wilcox, yes; Woita, yes; Brooks, yes; Vculek, yes; Gigstad, yes; and Kleffner, yes. Absent and not voting: Pfligler, Rappl, and Houfek. Motion carried.

A motion was made by Wilcox, seconded by Woita to recommend approval of the requested rezoning of the above described 6-acre parcel from TA – Transitional Ag to LLR – Large Lot Residential to the City Council for action. Roll call vote: Wilcox, yes; Woita, yes; Brooks, yes; Vculek, yes; Gigstad, yes; and Kleffner, yes. Absent and voting: Pfligler, Rappl, and Houfek. Motion carried.

The public hearing on an application for a change of zoning from TA – Transitional Agriculture to LLR – Large Lot Residential on property described as a 6-acre parcel, more or less, in the Northeast Quarter of Section 33, Township 15 North, Range 7 East of the sixth principal meridian, Saunders County, Nebraska, located south of County Road M and east of property known as 1775 County Road M, as filed by Glenda and Roger Harders, was declared open by Chair Kleffner at 7:15 p.m. Kleffner called for comments from proponents. Roger Harders presented information on his request. He explained his intent with the rezoning is to rezone property that may be used for large lot residential development. Kleffner called for opponents and no objects were presented. A motion was made by Wilcox to close the public hearing at 7:17 p.m., seconded by Gigstad. Roll call vote: Wilcox, yes; Gigstad, yes; Vculek, yes; Woita, yes; Brooks, yes; and Kleffner, yes. Absent and voting: Pfligler, Rappl, and Houfek. Motion carried.

A motion was made by Wilcox to recommend approval of the requested rezoning of the above described 6-acre parcel from TA – Transitional Ag to LLR – Large Lot Residential to the City Council for action. Motion seconded by Gigstad. It was stated this rezoning request is in-line with the City's Future Land Use Map. Roll call vote: Wilcox, yes; Gigstad, yes; Brooks, yes; Kleffner, yes; Woita, yes; and Vculek, yes. Absent and voting: Pfligler, Rappl, and Houfek. Motion carried.

The public hearing on an application for a change of zoning from TA – Transitional Agriculture to C-2 Highway Commercial on property described as a 6-acre parcel, more or less, in the Northeast Quarter of Section 33, Township 15 North, Range 7 East of the sixth principal meridian, Saunders County, Nebraska, located south of County Road M and north of property known as 1595 17th Avenue Road, as filed by Glenda and Roger Harders, was declared open at 7:19 p.m. Chair Kleffner called for comments from proponents. Roger Harders was present to explain his request for rezoning. He indicated an adjoining parcel located to the south and southwest of this parcel has already been rezoning to commercial. He also indicated the Future Land Use Map shows calls out this property be highway commercial use. In addition, the property located across the road to the east is shown to be future highway commercial use as well. No other proponents presented information. Kleffner called for comments from opponents. Questions were raised as to why Harders was

requesting commercial and he indicated his request is in-line with the Future Land Use Map. Mike Urlacher who owns a residence in Wagon Train Subdivision presented an objection to this property being rezoned commercial. His desire is for this area to remain residential. Dana Hurt, who owns the residence located to the south of this property, 1595 17th Avenue Road, also expressed concern about traffic and access off of 17th Avenue Road needed for commercial use of this property and would like to see this property (north of his residence) be residential as well. A motion was made Wilcox, seconded by Woita, to close the public hearing at 7:30 p.m. Roll call vote: Wilcox, yes; Woita, yes; Brooks, yes; Gigstad, yes; Vculek, yes; and Kleffner, yes. Absent and voting: Pfligler, Rappl, and Houfek. Motion carried.

Members discussed the potential commercial activities that could take place in this area with the requested rezoning, as well as the fact that residential would be located to the south and the west of this property, and that this rezoning may not be the most appropriate use of the property. Concerns about access to this property off of either County Road M and 17th Avenue Road were discussed. Harders indicated that he would not object to LLR zoning on this property at some point, but at this point he is requesting rezoning to C-2 Highway Commercial.

A motion was made by Wilcox to recommend approval of the requested rezoning to the City Council for action. Motion died for lack of second.

A motion was made by Woita to not recommend approval of the requested rezoning to the City Council for action. Motion seconded by Gigstad. No discussion was held, but it was stated that a vote “yes” for this action would be to not recommend approval, and a vote “no” for this action would fail this motion and result in taking no action. Roll call vote: Woita, yes; Gigstad, yes; Brooks, no; Vculek, yes; Kleffner, yes; and Wilcox, no. Absent and voting: Pfligler, Rappl, and Houfek. Motion carried on a vote of 4-2 to not recommend the property to be rezoned as requested. (Note: Woita’s vote on this action was later thrown out by declaration of the Chair due to a potential conflict of interest). Final result on the voting with this removal was a 3-2 vote.

A motion was made by Wilcox to recommend approval of the final plat for Lot 1 and Lot 2, Heritage Heights, a replat of Lots 70, 71, and 72, Heritage Heights Addition to Wahoo, Saunders County, Nebraska. Motion seconded by Gigstad. Woita expressed concern that the east/west lot line proposed between Lot 1 and 2 does not line up with the lots directly to the east. Harrell reminded the members the lot sizes are in line with the requirements of R-1 zoning. Roll call vote: Wilcox, yes; Gigstad, yes; Brooks, yes; Kleffner, yes; Vculek, yes; and Woita, yes. Absent and voting: Pfligler, Rappl, and Houfek. Motion carried.

Roger Harders returned to the meeting to express concern to the members that Ahren Woita should have disqualified himself from voting because of a potential conflict of interest that came about due to a conversation outside of the meeting.

Wilcox suggested the appropriate order of action would be (whether there was in fact a conflict or not) to throw out the vote by Woita on the requested rezoning of property from TA – Transitional Ag to C-2 Highway Commercial. Kleffner declared the vote by Woita on the rezoning action to not recommend rezoning to C-2 be removed from the record. The declaration changed the voting result on the action to 3 votes in favor, 2 votes against.

Harrell presented information on a potential request for an amendment to zoning regulations to address container houses. It was pointed out that we have building code in place, and so long as any construction, regardless of materials, meets the building code requirements, it should be acceptable.

Discussion was briefly held on rezoning along Chestnut Street from C-1 Commercial and it was agreed staff should put together a proposal for the Commission’s consideration.

A motion was made by Brooks, seconded by Woita, to approve the minutes of the September meeting as presented. Roll call vote: Brooks, yes; Woita, yes; Vculek, yes; Kleffner, yes; Gigstad, yes; and Wilcox, yes. Absent and voting: Pfligler, Rappl, and Houfek. Motion carried.

Meeting adjourned at 8:13 p.m.

Approved:

Melissa Harrell
City Administrator/Treasurer