

January 8, 2018 Planning Commission Minutes

Chairman Eric Herbert called the regular meeting of the Fort Calhoun Planning Commission to order at 7:03 P.M. Monday, January 8, 2018. Notice of the meeting was given in advance thereof by publication or posting said forms of notice being designated methods for giving notice, an affidavit of publication or a certification of posting being attached to these minutes.

The agenda packets were distributed to the Chair and Board Members on Friday, January 5, 2018. Meetings are open to the public. Chairman Eric Herbert announced a copy of the open meetings law, which is posted continually for public inspection on the wall in the Council Chambers/Library.

The following answered roll call: Chairman Eric Herbert, members Tom Thiem, and Rich Johnson were present. Member's Donald Welchert and Aaron Schrum were absent.

Others Present:

Kevin Anderson (JEO Planning Consultant), Jeff and Kelli Shaner (applicants), Steve Mossman (attorney), Fort Calhoun residents.

Member Johnson made a motion seconded by Thiem to approve the December 4, 2017 minutes as published. Members Herbert, Welchert, Schrum, Thiem, and Johnson voted "Aye".

Public Hearing:

The public hearing to consider the adoption of AN AMENDMENT TO THE ZONING REGULATIONS TO ADD A "LIVESTOCK FEED OPERATION (LFO)" AS A CONDITIONAL USE TO THE TA-1 DISTRICT opened at 7:05 p.m. Attorney Steve Mossman explained that the Shaner's are looking to put in a Livestock Feeding Operation for the Lincoln Premium Poultry Costco Plant. He discussed the amendments they are proposing, which include; the Conditional Use Permit be limited to poultry husbandry, the LFO be conducted in accordance with any applicable federal, state, or local regulations that may govern the operation, that in the event of any conflict or complaint as documented by the complaining party between the LFO and any adjoining land uses, such conflict be resolved through a mediation process, and that the Conditional Use is only allowed in the extra-territorial zoning jurisdiction of the City of Fort Calhoun. Jeff Shaner explained the benefits that a LFO would have on the community, such as, increased employment, increased food supply, tax revenue, and utilities. Dave Genoways, 121 N. 10th, spoke in favor of the LFO and said economic development is critical and this would benefit the community. Rich Gochanour, 704 N. 13th, said he went to Tecumseh, NE and asked the residents about the smell and traffic caused by the LFO. He said 9 out of 10 said there was an odor. Bob Lammers, 120 N. 14th, said that zoning exists for the protection and benefit of the citizens and that putting in a LFO would diminish the city and it would be a disadvantage. The public hearing closed at 7:24 p.m.

The public hearing to consider the adoption of AN APPLICATION FOR CONDITIONAL USE PERMIT FOR A LIVESTOCK FEED OPERATION IN THE TRANSITIONAL AGRICULTURE DISTRICT opened at 7:25 p.m. THE PROPERTY IN QUESTION IS PARCEL IDENTIFICATION NUMBER 890087149. Jeff Shaner gave a presentation explaining the Livestock Feed Operation. Larry McKennan, 6928 Farmers Lane, said he knows someone that has a LFO and he has weddings on his property. He said it's a very clean facility and there is usually not much of an odor. Member Schrum said he went to Tecumseh, NE and he could not smell anything. He said he asked around and some people said occasionally there was a little odor. Ann McPhillips, 3540 Wild Rose Lane, said that Fort Calhoun prides itself on tourism and she is worried that this could have an impact on that. The public hearing closed at 8:01 p.m.

Committee Reports: None

Unfinished Business:

Member Schrum made a motion, seconded by member Thiem to recommend approval for AN AMENDMENT TO THE ZONING REGULATIONS TO ADD A "LIVESTOCK FEED OPERATION (LFO)" AS A CONDITIONAL USE TO THE TA-1 DISTRICT. Member Herbert explained that they hadn't anticipated this type of use in any of the agricultural areas prior to this and that it is kind of a unique proposal, but they wanted to entertain it on a case-by-case basis. Member Thiem said that there are some potential pitfalls with the LFO, but economic growth is a benefit to the city. Member Johnson agreed that it was a unique proposal and they would not be considering the proposal if it were in any other area. Kevin Anderson, JEO Planner, explained that in doing the Comprehensive Plan, this is not something the City had envisioned at that time, but that the Zoning Regulations and Comprehensive Plan are meant to be flexible. The regulations state that a facility like a LFO can exist no closer than a half mile to any residential, commercial, or public uses. Where the buildings will be situated is outside of the half mile zone. With members Johnson, Herbert, Welchert, Schrum, and Thiem voting "Aye", motion carried.

Member Schrum made a motion, seconded by member Johnson to recommend approval for AN APPLICATION FOR CONDITIONAL USE PERMIT FOR A LIVESTOCK FEED OPERATION IN THE TRANSITIONAL AGRICULTURE DISTRICT. THE PROPERTY IN QUESTION IS PARCEL IDENTIFICATION NUMBER 890087149, as proposed. The conditions include: the Conditional Use Permit be granted in perpetuity, applicants must begin construction within one year of approval, and the LFO must be in use within two years of approval. Member Herbert said his two concerns were smell and traffic and both of them were addressed. Member Schrum said that he believes there has been an abundant amount of research done by the applicants. With members Thiem, Johnson, Herbert, Welchert, and Schrum voting "Aye", motion carried.

New Business: None

Permits: Chairman Herbert noted the following permits were issued in December.

Total Issued Permits = 7

Roof/Siding/Gutters = 0; Building – Other = 3; Building – New S/F Res. = 1; Electrical = 2; Mechanical = 1; Plumbing = 0; Local=0

With no further business coming before the commission, Member Thiem made a motion to adjourn, seconded by member Schrum, the meeting adjourned at 8:23 P.M.

Attest: Alicia Koziol
City Clerk