



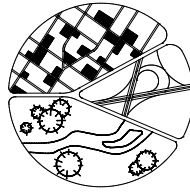
Hall County Regional Planning Commission

**Wednesday, November 4, 2015
Regular Meeting**

Item E1

Meeting Minutes

Staff Contact: Chad Nabity



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN,
NEBRASKA

Minutes
for
October 7, 2015

The meeting of the Regional Planning Commission was held Wednesday, October 7, 2015 in the Council Chambers - City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the "Grand Island Independent" September 26, 2015.

Present: Pat O'Neill	Carla Maurer
Karen Bredthauer	Terry Connick
Les Ruge	Greg Robb
Dean Sears	Dean Kjar
Mark Haskins	Jaye Monter

Absent: Jerry Huismann, Julie Connelly

Other:

Staff: Chad Nabity, Rose Rhoads

Press:

1. Call to order.

Chairman O'Neill called the meeting to order at 6:00 p.m.

O'Neill stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. He noted that the requirements for an open meeting are posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

O'Neill also noted the Planning Commission may vote to go into Closed Session on any Agenda Item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

2. Minutes of September 2, 2015 meeting.

A motion was made by Bredthauer and seconded by Kjar to approve the Minutes of the September 2, 2015 meeting.

The motion carried with 10 members present and 9 voting in favor (O'Neill, Ruge, Connick, Maurer, Sears, Kjar, Robb, Haskins, Bredthauer) and 1 member (Monter) abstaining.

3. Request Time to Speak.

Doug Metzler & Dave Taylor – Grand Island EDC, item #6. Vincent Valentino, Lincoln NE, Scott Berghold, Chattanooga, TN, Item #5.5.

4. Community Beautification Award.

5. Consider/Vote on whether to enter into Executive/Closed Session for the protection of the public interest regarding threat of litigation and legal procedures with legal counsel for the County of Hall and City Of Grand Island.

A motion was made by Ruge at 6:33 p.m. to enter into executive/closed session and was seconded by Monter. The motion carried with 10 members present and voting in favor (Connick, Kjar, Bredthauer, Maurer, Robb, O'Neill, Haskins, Ruge, Monter, Sears) and no member abstaining.

A motion was made by Ruge and seconded by Maurer to return from executive/closed session at 6:47 p.m. The motion carried with 10 members present and voting in favor (Connick, Kjar, Bredthauer, Maurer, Robb, O'Neill, Haskins, Ruge, Monter, Sears) and no member abstaining.

5.5. Public Hearing – Regulation Update – Proposal of Hall County Board of Supervisors regarding possible amendments to the Zoning Regulations of Hall County, Nebraska, pursuant to Article 10, Section 10.01 of the Hall County Nebraska Zoning Resolution #04-0020. The proposed amendments relate to definitional sections and regulations for adult establishments and the land available to adult establishments as a permitted use, in AG-SI Special Agriculture/Industrial Zone, AG-SE Agriculture/Events Zone, LI Light Industrial District, and G-I General Industrial District, as well as harmonizing general penalty provisions in the existing regulations. The proposed amendments would affect Sections 2.03A, 2.03.11 through 2.03.20, 2.03.269, 2.03.389, 2.03.390, 4.06.01, 4.06.02, 4.07.01, 4.07.02, 4.14.01 to 4.14.03 (paragraph 5), 4.15.01 to 4.15.03 (paragraph 13), 6.08, 10.02, 10.03, and 11.01 of the existing regulations, and would add a new Section 3.29 Adult Entertainment Regulations, and a new Section 7.06 Remedies for Violation, Penalties, and Enforcement Generally. (C-01-2016HC)

O'Neill opened the Public Hearing.

The new regulations would expand the amount of land zoned for adult-oriented business use from the current 300 acres in general and light industrial zoned land to nearly 9,000 acres. It added in the AG-SE Agricultural/Events and AG-SI Agriculture/Industrial Zone land that is at the former 20-square mile Cornhusker Army Ammunition Plant west of Grand Island.

The new regulations also make adult-oriented businesses a permitted use in those zoned area, meaning that adult-oriented business owners in those areas will no longer be subject to public hearings and conditional use permits. Their business will simply be allowed.

However, the new regulations give more specificity to regulations adult-oriented businesses must follow. Some of the rules are: Alcohol is prohibited; they must be 1,000 feet away from houses, churches, schools, parks and recreational facilities; they must be closed between midnight and 6 a.m.; full nudity is not allowed; and semi-nude employees must be at least six feet away from all patrons.

The planning commission asked no questions about the proposed new regulations, nor did any member offer any comments.

The commission met in a 10-minute closed door meeting with Lincoln attorney Vince Valentino about pending litigation facing Hall County. The pending lawsuit is one filed in federal court by Lincoln businessman Shane Harrington, alleging that Hall County lacks the amount of land, per capita, needed for adult-oriented businesses.

The commission then heard a public presentation over the phone by Chattanooga, TN attorney, Scott Bergthold about court cases across the country that have determined that cities and counties can regulate adult-oriented businesses to prevent negative secondary affects such as prostitution, traffic problems, litter, burglary and the devaluation of neighboring properties.

O'Neill closed the Public Hearing.

Ruge made the motion to recommend to the County Board that the proposed zoning regulation amendments, as updated, be adopted, and that a report be prepared for the County Board following today's hearing by the Planning Director, to incorporate that the proposed changes are:

- 1) Needed and justified based on the need to regulate the secondary effects of adult establishments;
- 2) The proposed amendments are consistent with the purposed of the general planning program and comprehensive plan, because based upon study and review, they will:
 - A) Protect the tax base;
 - B) Protect property against blight and depreciation;
 - C) Secure economy in governmental expenditures;

- D) Foster the state's industries;
- E) Encourage the most appropriate use of the land in the county.

A motion was made by Ruge and seconded by Bredthauer. The motion carried with 10 members present and voting in favor (Connick, Kjar, Bredthauer, Maurer, Robb, O'Neill, Haskins, Ruge, Monter, Sears) and no member abstaining.

6. Public Hearing – Redevelopment Plan - Public Hearing - Concerning an amendment to the redevelopment plan for CRA, Area 7, for a Site Specific Redevelopment Plan for property located at the southwest corner of the intersection of Schimmer Road and Blaine Street, in Grand Island, Hall County, Nebraska. Resolution No. 2016-01. (C-02-2016GI)

O'Neill opened the Public Hearing.

Nabity briefly spoke about the Netherlands-based company Hendix-ISA and the acquisition of property at the Southwest corner of Schimmer Road and Blaine Street (Approximately 20 Acres) and the subsequent site work, grading, drainage, improvements, engineering, landscaping and parking improvements necessary for constructing a commercial chicken hatchery at this location.

O'Neill closed the Public Hearing.

A motion was made by Bredthauer and seconded by Robb. The motion carried with 10 members present and voting in favor (Connick, Kjar, Bredthauer, Maurer, Robb, O'Neill, Haskins, Ruge, Monter, Sears) and no member abstaining.

7. Public Hearing –Annexation Cairo – (C-03-2016C)

A tract of land in the North ½ of Section 19, Township 12 north, Range 11 West of the 6th P.M. in Hall County. Located north of and including Nebraska Highway 2, west of and including 130th Road and south of and including One R Road. A proposed industrial park for the Village of Cairo.

O'Neill opened the Public Hearing.

Nabity noted there have been no additional changes to the map since its readoption in 2013. The Village Board has initiated action to annex property owned by the village and designated for an industrial park. The annexation of this additional property will result in the extension of the extra-territorial jurisdiction (ETJ) and the need to extend the industrial district to cover this property in a manner consistent with the future land use map of the Village. The property in the ETJ will be rezoned to keep the TA Transitional Agriculture District extending approximately ½ mile around the municipal limits and the AG Agricultural Zone extending from the outer edge of the TA to the edge of the jurisdiction. The Village of Cairo has chosen square off their ETJ at the quarter quarter section boundary. This means that in some places it will not extend the full mile from the municipal limits but will stop at the quarter quarter section line

that is nearest to 1 mile from the municipal limits. This map will be adopted at the completion of the passage of the ordinance for annexation.

ANNEXATIONS

The Village of Cairo will have annexed the industrial park property owned by the Village north of Nebraska Highway 2 and the Burlington Northern Santa Fe (BNSF) rail road tracks, west of 130th Road and south of One R Road as shown.

All of these changes are consistent with the existing uses and the Future Land Use map for the Village of Cairo provided the proposed changes to the future land use map also under consideration are approved. The proposed changes will harmonize the map and make enforcement of the zoning regulations more consistent.

This Public Hearing was considered along with item #8.

O'Neill closed the Public Hearing.

A motion was made by Bredthauer and seconded by Connick. The motion carried with 10 members present and voting in favor (Connick, Kjar, Bredthauer, Maurer, Robb, O'Neill, Haskins, Ruge, Monter, Sears) and no member abstaining.

8. Public Hearing – Adoption of New Zoning Map for Cairo (C-03-2016C)

This map includes changes proposed with the annexation above and extension of the Extraterritorial Zoning Jurisdiction.

This Public Hearing was considered along with item #7.

A motion was made by Bredthauer and seconded by Monter. The motion carried with 10 members present and voting in favor (Connick, Kjar, Bredthauer, Maurer, Robb, O'Neill, Haskins, Ruge, Monter, Sears) and no member abstaining.

9. Final Plat – Concept Third Subdivision – located south 4th Street and east of Taft Ave., in the City of Grand Island, in Hall County, consisting of 3 lots and 12.5469 acres.

10. Final Plat – Cairo Business Park Subdivision – located south of One R Rd and west of 130th Rd., in Hall County, consisting of 20 lots and 90.072 acres.

A motion was made by Bredthauer and seconded by Kjar. The motion carried with 10 members present and voting in favor (Connick, Kjar, Bredthauer, Maurer, Robb, O'Neill, Haskins, Ruge, Monter, Sears) and no member abstaining.

11. Next Meeting October 7, 2015

12. Adjourn

Chairman Pat O'Neill adjourned the meeting at 7:15 p.m.

Leslie Ruge, Secretary
By Rose Rhoads