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**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)
Forward all requests to Sharon Bourke, LC2 Civic Center
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY
BEFORE THE TUESDAY MEETING**

Agenda item: Public Hearings
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)
Date to be on agenda: April 4, 2023

Exact wording to be used for the agenda:

Text amendment to the Douglas County Zoning Regulations to add "Automotive Rental/Sales" as a Special Use in the MU zone district. (Environmental Services)

Action requested: Public hearing and approval of resolution.

Amount requested: _____ Object Code: _____

Is item in current year's budget? Yes _____ No _____

Does this item commit funds in future years? Yes _____ No _____

If yes, explain: _____

If an agreement or contract*, has the County Attorney reviewed and approved? Yes x No _____

**Provide County Clerk with contact info for outside organization*

Previous action taken on this item, if any: The Douglas County Planning Commission conducted a public hearing on March 15, 2023 and recommended approval.

Recommendations and rationale for action: County Board approval is required for changes to the Zoning Regulations. When the Zoning Regulations were updated in 2020, the MU-1, MU-2, and MU-3 mixed use zone districts were consolidated into one mixed use (MU) zone district. In the process of consolidation the Special Use for Automotive Rental/Sales was inadvertently omitted from the MU district. This proposed change adds back the Special Use for Automotive Rental/Sales.

Will anyone speak on behalf of this item, if so, who: Kent Holm, Environmental Services Director

If this is a rush agenda item, please explain why: _____

Submitted by (Name & Dept.): Kent Holm Ext. 6181

Date submitted: March 29, 2023

List Attachments: Resolution; proposed zoning regulations text amendments
(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.) _____

Certified resolutions can be obtained at the County Clerk's website:
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

Completed by receiving office Received in Administrative Office: Date <u>3/30/23</u> Time _____

Revised 4/4/2019

BOARD OF COUNTY COMMISSIONERS

Douglas County, Nebraska

Resolved

WHEREAS, in the most recent update of the County's Zoning Regulations the Mixed Use zone districts MU-1, MU-2, and MU-3 were consolidated into one Mixed Use district (MU); and

WHEREAS, the previous MU-2 zone district designated Automotive Rental/Sales as a Special Use; and

WHEREAS, in the process of consolidating the Mixed Use zone districts this Special Use designation for Automotive Rental/Sales was inadvertently omitted; and

WHEREAS, a public hearing to add Automotive Rental/Sales as a Special Use in the MU zone district was held on March 15, 2023 with the Planning Commission recommending approval on a 6-0 vote; and

WHEREAS, pursuant to a notice published in the Douglas County Daily Record on March 24, 2021 a public hearing was held in the Legislative Chamber, Omaha/Douglas County Civic Center on April 4, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THIS BOARD OF COUNTY COMMISSIONERS, DOUGLAS COUNTY, NEBRASKA that approval be and is hereby given for adding Automotive Rental/Sales as a Special Use in the MU zone district.

Douglas County Planning Commission

DOUGLAS COUNTY, NEBRASKA

Meeting Minutes

Wednesday, March 15, 2023

The Douglas County Planning Commission convened in the Douglas Room, 15335 West Maple Road, Omaha, NE with the meeting called to order by Chair Levy at 6:00pm. Advance notice, containing the time and place of the meeting, was simultaneously transmitted to all members of the Planning Commission and posted on the Douglas County Environmental Services website. In attendance: Commissioners Levy, Hoffman, Brummund, Smith, O'Callaghan, and Bruhn. Attending for staff: Madison Homan, Permits Clerk; Elizabeth O'Connor, Deputy County Attorney; Kent Holm, Environmental Services Director.

Approval of minutes of the Planning Commission meeting held Wednesday, February 15, 2023. Motion by Smith, seconded by Hoffmann. Voting yes: Brummund, Smith, Hoffman, and Bruhn. Levy and O'Callaghan Abstained. Motion approved.

Public Hearings:

1. Nick Wigle, applicant – Special Use Permit to operate a short-term rental in a residence located at 1160 Campanile Rd Waterloo, NE 68069, parcel number 2400670007.

Speaking to This Item:

Kent Holm, Environmental Services Director, spoke to the Commission and gave them some information on the Special Use Permit.

Nick Wigle, Owner and Applicant, 1160 Campanile Road, Waterloo NE 68069, spoke to the commission on his plans for the property as a short-term rental.

Carey Trowbridge, Neighbor, 2920 S 187th Plaza #414 Omaha, NE 68130, spoke in support of the applicant and the special use permit.

Carol Thompson, Neighbor, 1202 Campanile Road Waterloo, NE 68069, spoke with concerns about the applicant using the property as a short-term rental.

Michael Negley, Neighbor, 23428 Denton Street Waterloo, NE 68069, spoke with concerns about the applicant using the property as a short-term rental.

Nick Wigle, Owner and Applicant, 1160 Campanile Road, Waterloo NE 68069, spoke again to answer neighbors concerns.

Motion to consider recommending approval of the special use permit with conditions as follows; maximum occupancy at any time is 10 people, No camping allowed for Airbnb guests, Recreational access only- no airboat or gas-powered water craft use for Airbnb guests, Initial inspection of home, and the special use permit will expire should the owner sell the property, by Hoffman, seconded by Smith.

Voting Yes: Levy, Hoffman, Smith, Brummund, O'Callaghan, and Bruhn. Motion Approved.

2. Text amendment to the Zoning Regulations to add "Automotive Rental/Sales" as a Special Use in the MU zone district. (Environmental Services)

Speaking to this Item:

Kent Holm, Environmental Services Director, spoke to the Commission and gave them information as to why this was brought to them.

Carey Trowbridge, Property Owner, 2920 S 187th Plaza #414 Omaha, NE 68130, spoke in support of the text amendment.

Motion to consider recommending approval of Text amendment to the Zoning Regulations to add "Automotive Rental/Sales" as a Special Use in the MU zone district by Hoffman, seconded by O'Callaghan.

Voting yes: Levy, Hoffman, Smith, Brummund, O'Callaghan, and Bruhn. Motion passed.

3. Text amendments to the Zoning Regulations relating to Landscape Businesses.

Speaking to this item:

Kent Holm, Environmental Services Director, spoke to the Commission and gave them updated information on the text amendment.

Motion to consider recommending approval of Text amendments to the Zoning Regulations relating to Landscape Businesses by Smith, seconded by Bruhn.

Voting yes: Levy, Hoffman, Smith, Brummund, O'Callaghan, and Bruhn. Motion passed.

Discussion

Kent Holm, Environmental Services Director, updated the commission of the schedule for the remaining land use issues.

Kent Holm, Environmental Services Director, updated the commission on the proposed process for the special use permits for landscape property owners.

Announcements from staff:

Motion to adjourn by Hoffman, seconded by Smith. Voting yes: Levy, Hoffman, Brummund, O'Callaghan, Smith, and Bruhn.

Meeting adjourned at 7:12 PM.

Article 4 - Zoning Districts

TABLE 4.1 - PERMITTED USES BY ZONING DISTRICT

Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations
Commercial Uses									
Agricultural Sales / Services	S						S	S	
Automotive Equipment Services							S	S	
Automotive Rental / Sales							S	P	5.05
Automobile Auction Lots								P	
Auto Services								P	5.05
Body Repair								P	5.05
Equipment Rental / Sales								P	5.05
Equipment Repair								P	5.05
Short-Term Lodging Establishment	S	S	S	S	S	S	P		
Business Support Services							P	P	
Business / Trade Schools		P	P	P	P	P	P		
Business Center		S	S	S	S		P	P	
Campground	S	S				S			5.05
Cocktail Lounge							S	P	
Commercial Recreation (Controlled Impact)	S	S						P	
Commercial Recreation (High Impact)	S	S						P	
Use Types	AG	RR	R-1	R-2	R-3	MH	MU	ID	Supplemental Regulations

P = Uses that are permitted by right.

S = Uses subject to approval of a Special Use Permit following the procedures in Section 13.4

Some uses may require additional Site Plan Review per Section 13.03