

Minutes  
April 10, 2023  
Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Sarpy County Times, on March 29, 2023. The Chairman, Alan Mueller, opened the public meeting at 7:00 pm & stated that the open meetings act is posted on the wall in the back of the room. Pledge of Allegiance was said. Roll call for the Planning Commission Members Althouse, Tesar, Dennis, Felthousen, Mueller, Crofoot, Staben and Grotrian met as advertised. Sullivan was absent.

**Approval of minutes:** A motion was made by Felthousen, seconded by Crofoot to approve the minutes from March 13, 2023 meeting. A voice vote followed with all voting aye.

Mueller then asked Mike Jensen, Cass County Zoning Administrator, to introduce the first item on the agenda. Jensen stated that the first item is Conditional Use Permit # CU-2023-0004 - Street Media Group – Nebraska LLC – Mink Agribusiness LLC, owner – Legal description – NE ¼ N OF INTS EXC 64.49 A DB98 P230 26-12-09 – Billboard Sign

**Parcel Involved:** 130395470

**Zoning:** Owners parcel – Industrial Agricultural  
North – Transitional Agricultural                      East – Transitional Agricultural  
South – Transitional Agricultural                      West - Industrial Agricultural

**Administrator Remarks:**

This application is to request a new height of 80 feet to a sign application that was approved in November for 35 feet. This additional height is being requested to overcome the visual obstruction of the 250<sup>th</sup> street overpass. A letter from the State of Nebraska is included in your packet stating they have no objection to the height requested. Mueller opened the public hearing for this item on the agenda. Mueller then invited the representative for Street Media Group - Gary Young - up to speak. Young went over the reasons they were requesting the new height of the sign – originally started at 35 feet, requested 80 feet with this application, but after some research, decided that the height of 65 feet from the ground would be sufficient. Troy Hammons, Young’s partner along with colleague Brad Johnson and Lori Sealer from the screen manufacturing company were also with him to speak on this application. Hammons came up to speak about the sign height. The elevation on the south side of the interstate is 1153 while the elevation on the north side is 1130, which is a 23 feet difference. Felthousen asked why the height change. The 65 feet will work to bring the sign up to the same height as the one on the north side of the interstate. He stated that there were actually no homes in the viewing cone – only a barn. Staben asked about a “halo” glow from the sign. Hammons stated there would be none. Crofoot asked about moving the sign about ½ mile to the west to get away from the overpass. Hammons stated that Nebraska has very limited sign availability to get a NDOT permit and there are no other sites on that side of the road in Cass County. Hammons then introduced Lori Sealer. She mentioned the light analysis that was sent with their packets. She equated the sign to the gray screen that is shown when you shut off your television at night. The existing static face sign with the 3 halogen lights on it – those shine upward to the sign face. These are a .12 foot lbs. as it hits the interstate. Since the property owners are a concern, they requested going out further to see what that light shed would be. It’s really less than the equivalent of a standard yard light. A yard light would be more impactful based upon the distance. The proposed lights are only directional to the targeted audience traveling on the interstate. She explained how different lights work in different environments depending on where they are located. Tesar asked about the effect on the drivers on 250<sup>th</sup> Street. Sealer stated that it will roughly be about 3 foot candles. This is at night. During the daytime, the displays don’t run at full brightness, either. The technology has change a lot over the years. Felthousen asked how many of these signs have been installed over the country. Sealer stated that it’s fairly new, so less than 20 have been installed. She then asked if anyone had any more questions. Since there were none, Hammons came back up to speak. He stated that with the technology in addition to the trees, this should keep the light from the signs out of the view of the property owners. They closed with a video of a digital sign in Utah that was replaced after many complaints from the affected neighborhood with the newer technology. The neighbors were extremely happy with the new sign. Mueller asked if the board had any questions. Since there were none, he opened up the public hearing at 7:45 pm.

Nine members from the gallery came up to speak and several came back up again with the following concerns/comments:

- The sign height is not allowed in Cass County per the regulations – the limit is 35 feet.
- The face of the sign is bigger than allowed in Cass County regulations.
- One regulation requirement is it cannot interfere with the use and enjoyment of the property.
- Another regulation stated that the operation of the billboard shall not be detrimental to endanger the health, safety and welfare of the county.
- Nobody wants to live by one of these signs.
- Pitch black darkness that they are used to will not be possible.
- Will affect property values.
- Simple pleasures will be taken away.
- Will affect enjoyment.
- View of night sky will be destroyed.
- Nobody was told that this was a digital billboard.
- These kind of signs are outlawed in Sweden.
- They do not show these signs in complete darkness to know the effect they have.
- Nebraska is a drive-thru state. Nobody cares about Cass County events.
- One minute of advertising per year on the billboard for Cass County will meet their obligation.
- More accidents possible due to distracted drivers. **No NDOT studies supporting this claim.**
- Trees will only block the light out 5 months out of the year.
- Environment impact on deer, monarch butterflies, bees, owls and hummingbirds. **Never heard of any issues with the signs and animals.**
- The property she owns has not even been mentioned as it's surrounded by trees.
- No benefit to the County or property owners.
- Currently 6 – 10 accidents in that area per year.
- Light from sign will blind drivers on 250<sup>th</sup> Street.

Crofoot asked one of the speakers if he had a yard light in his yard. He stated that he did. Mueller then asked if anyone else wished to speak. Since nobody came forward, he asked Hammons to come back up and address some of the issues presented. He stated that it is possible to shut the signs off at night – from evening to early morning. They are open to that idea. He stated that there were a couple of homes that they were unaware of as they didn't drive in the area but looked at the aerial maps. He asked if there were any questions that he could answer. They are above in red. Staben asked about the original application that was approved. They now want to amend it to the taller sign. Jensen stated that this is correct. Crofoot asked about the sign being passive on one side and digital on the other side. With the new application, they are requesting having both sides digital. Jensen stated that this did go to the Board of Adjustment for the larger sign face. Tesar asked if it also went before the Board of Adjustment for the sign height and addition of a digital face on the other side of the sign. Jensen stated that it did not. However, if this new sign doesn't get approved, they will still be able to do the sign they originally asked for. Crofoot asked who controls the content of the sign and where is it controlled from. Sealer stated there is a chip in the sign that is controlled by a scheduling software on a computer. She also stated that these signs do contribute to the County in the form of Amber Alerts, tornado warnings, fire warnings and other ways to get out messages. The artwork for the signs can either be done by them or the County can do it themselves. There are also ways of adjusting the light cones if they tend to be bothersome. Mueller asked if there were any other questions or comments. Since there were none, he closed the hearing at 8:22 pm. They then asked anyone that wanted to see how the lighted sign operates to come to the back of the room where it was set up. Lights were turned off to give some idea of how it affects the area around the light. Mueller asked Jensen if they would have to go back to the Board of Adjustment for the increased height and the digital face on the other side of the sign. Jensen stated that – according to the County Attorney, Chris Perrone's recommendation – he suggested they go ahead and send this back to the Planning Board, then back to the County Board to see where it's landed – to see if they wanted to make an interpretation or not – then it could go on to the Board of Adjustment. County Board can override them. As the application is presented it does not meet the regulations of height. They would have to prove an unnecessary hardship due to conditions unique to the property and no harm to the public interest. Jensen stated that this would be the standard that they would have to meet. Mueller asked if there was any more discussion from the board. He asked if anyone wished to make a motion. A motion was made by Tesar to approve Conditional Use permit CU-2023-0004. No second was made. The motion died for lack of a second.

A new motion was made by Felthousen to deny Conditional Use permit CU-2023-0004 as it doesn't comply with the County regulations based on the size and the height and it was initially approved in November 2022 as one-sided and he believes that the first application fits best for Cass County. Seconded by Crofoot. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Mueller – aye; Felthousen - aye; Dennis – aye; Staben – aye; Crofoot – aye; Grotrian - aye. Motion to deny carried with an 8 to 0 vote.

The hearing will go before the Cass County Board of Commissioners on Tuesday, May 9<sup>th</sup> at 8 am.

A motion was made by Crofoot to close the meeting. Seconded by Mueller. A voice vote followed with all members voting aye. Meeting closed at 8:33 pm.

Linda Brouhard  
Recording Secretary

\*These minutes will not be approved until the next Planning Commission Meeting and are subject to change.