

PLANNING COMMISSION
December 11, 2021
8:00 AM

Chairman Jim Masek opened the meeting at 8:00 a.m. in the meeting room of the City Office Building, 557 4th Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the east wall of the meeting room. Chairman Jim Masek also notified the public that if you wish to speak to the Commission to please state your name and address for the record.

Present: Planning Commission members Jim Vandenberg, Keith Marvin, Jim Masek, Pam Kabourek and Greg Aschoff. Also present were City Administrator Clayton Keller, City Clerk Tami Comte, Deputy City Clerk Lori Matchett, Matt Schumacher, Louise Niemann, Alice Wood, Dr. Victor & Ruth Thoendel. Building Inspector Gary Meister attended via zoom.

Planning Commission member Jim Vandenberg made a motion to accept the minutes of the November 13, 2021 meeting as presented. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Keith Marvin made a motion to combine Agenda Items four and six for the public hearings to consider amending the Future Land Use Plan Map and the Official Zoning Map for the real estate: Lot 9, 10, 11, and 12 of Block 31 Original Town. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chairman Jim Masek made a motion to open the public hearing at 8:02 a.m. to consider amending the Future Land Use Plan Map by changing the zoning classification from I - Industrial to C - Commercial and amending the Official Zoning Map by changing the zoning classification from I-1 – Light Industrial to C-2 – Downtown Commercial for the following real estate: Lot 9, 10, 11 and 12 of Block 31 Original Town. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Matthew Schumacher introduced himself. Matthew said, "I own lot 9. I use that lot for industrial use and also for my auction site which is bidandbuy.auction. (Matthew passed around his business flyer for his auction website) It is a fully functioning site and is registered with the Secretary of State of Nebraska. In order to ask for a rezoning to be rezoned that usually comes from the person that owns the lot. I did not ask for the rezoning. My purpose is for auction site and for storage. I know in the past things have been sitting there for a while, we are going to rotate them now. We will take things in and out so that they are not sitting there for a long time and so forth. It is still a site that I have in my auction and we fully fit within the parameters of the industrial site. I object to rezoning lot 9 from Industrial to Commercial."

City Administrator Clayton Keller introduced himself. Clayton said, "This effort was initiated by the group south of Schumacher's lot. They contacted me and asked me why we hadn't continued moving forward with the Comprehensive Plan and changing all of the downtown area that was Industrial to Downtown Commercial as we state in our Comprehensive Plan. So that was when I brought it to the Planning Commission. Last month we discussed it and decided to put it on the agenda for today. So here we are having a public hearing for it. In the meantime, Mr. Schumacher contacted me and expressed his interest in keeping his lot as Industrial. I informed him that Downtown Commercial could still have an auction lot on it as a conditional

use permit, which I am pretty sure the Planning Commission would be willing to do. That is ultimately your decision to grant that.”

Matthew Schumacher said, “I don’t know if you got the letter from my attorney. I am here to object to Lot 9 being turned into Commercial.”

City Clerk Tami Comte said, “Yes, they have a copy of the letter.”

City Administrator Clayton Keller asked, “Does the Planning Commission have the letter from our city attorney?”

City Clerk Tami Comte said, “Yes.”

City Administrator Clayton Keller added, “Then the Planning Commission understands that because it is in our Comprehensive Plan to do this, we are still within our legal rights to do this. So, we shouldn’t have any issues there. That said, I would recommend that Planning Commission table this for a month. Mr. Schumacher and I have an agreement that he would take care of what many believe to be a nuisance and probably be considered a nuisance because of broken windows and unregistered vehicles. But if he rotates them like he says, maybe we can consider not turning the one lot into Downtown Commercial.”

Matthew Schumacher added, “The reason why there are broken windows is because someone vandalized and took an axe, and it was recorded by the Sheriff’s Department and they took pictures and set up cameras and so forth. I can’t help it that someone took an axe and broke all my windows and so forth. That is out of my control. If you go on this auction site, you can see that we are trying to sell it... I sought Legal counsel and he wrote you a letter. I am not a lawyer.”

City Clerk Tami Comte said, “It is in the Comprehensive Plan that that should be Downtown Commercial.”

Matthew Schumacher said, “My attorney discussed that with me. He wrote you a letter. That is why people seek legal advice, because most people don’t know the legal advice.”

Planning Commission member Pam Kabourek asked, “Can I ask what is it that you need Industrial specifically for?”

Matthew Schumacher answered, “Because I have an auction site.”

Planning Commission member Pam Kabourek asked, “Couldn’t that be Downtown Commercial?”

City Clerk Tami Comte answered, “Yes it can. It would be a conditional use.”

Matthew Schumacher said, “Where I already have it, it is already legally binded. It is allowed in Industrial. That lot has been Industrial since 1920 I believe.”

Planning Commission member Pam Kabourek said, “You can still continue business if we did a conditional use permit.”

Matthew Schumacher said, “As my Attorney stated in the letter...”

Planning Commission member Keith Marvin said, “Regardless of what we do, if we rezone this, Mr. Schumacher as long as you meet two criteria, and I am not speaking as an attorney, but as someone who is involved in the profession of Planning, is as long as your lot and your use is existing and lawful at the time we make the change, you have the right to continue what you are doing. So regardless of what we do, you are going to be able to continue what you are doing at this point of time as long as you meet the laws of the city. I would include that to mean the whole act of being a nuisance versus not being a nuisance as well. Your Attorney has said in his letter that if we change the zone that he anticipates that you will be able to continue what you are doing.”

Planning Commission member Keith Marvin made a motion to close the public hearing at 8:16 a.m. to consider amending the Future Land Use Plan Map by changing the zoning classification from I - Industrial to C – Commercial and amending the Official Zoning Map by changing the zoning classification from I-1 – Light Industrial to C-2 – Downtown Commercial for the following real estate: Lot 9, 10, 11 and 12 of Block 31 Original Town. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chairman Jim Masek said, “Clayton, you were saying you thought we should maybe table this?”

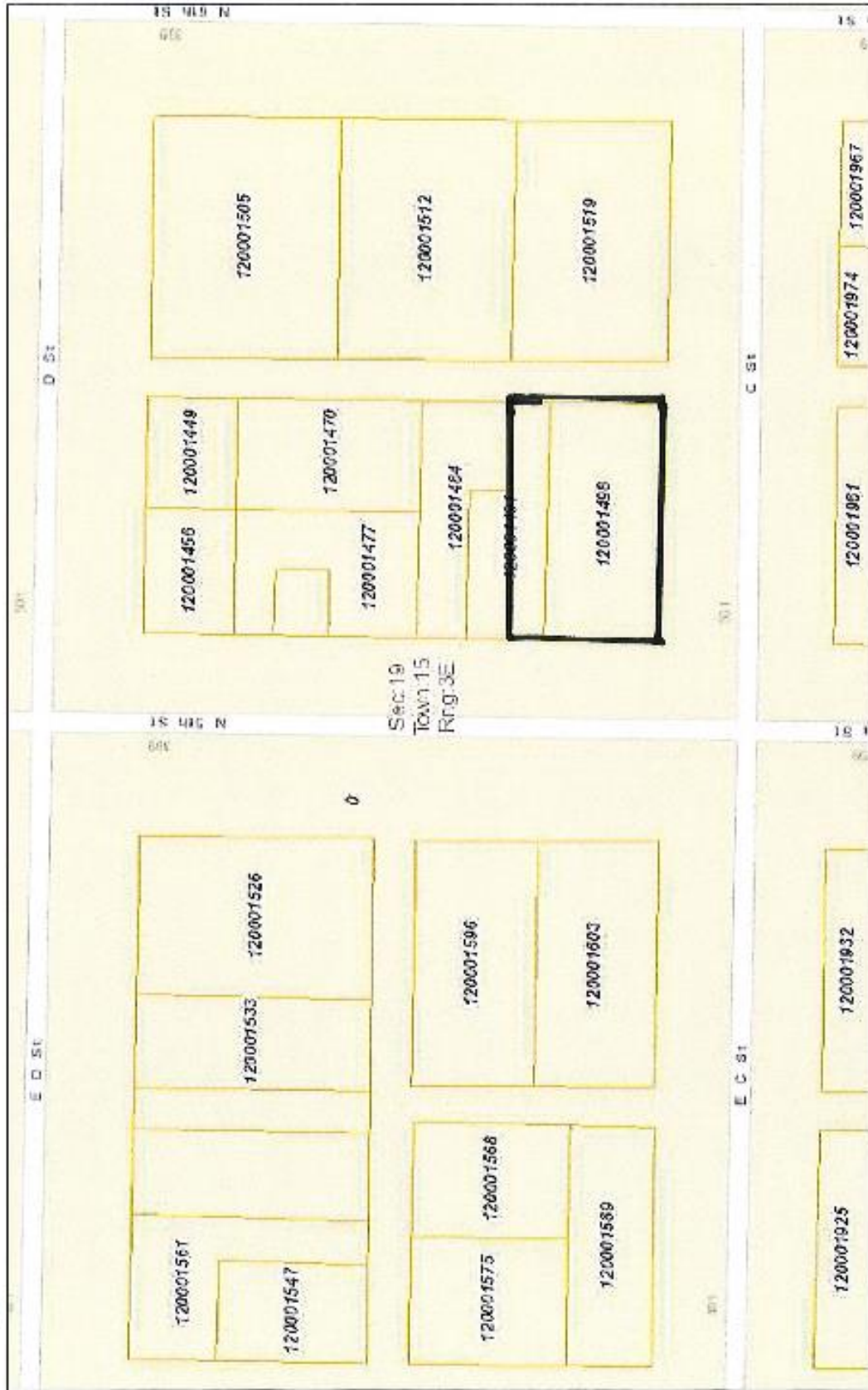
City Administrator Clayton Keller said, “I think we table it for a month. Give Mr. Schumacher the opportunity as he told me.”

Matthew Schumacher said, “Clayton, I am not going to remove all of them off. That camper is going to stay there until I sell it. But I am taking that boat off and other stuff, I am going to rotate as much as I can and so on and so forth. Moving that big camper, where am I going to put it? I would have to find a rental place. As you can see on the lot, on my website, I’m making an effort to sell it. I am moving that other stuff off. I would have to find places to rent. I might move it away from that building or back or something. I don’t know what, I still want to keep it there because I have no place to put it.”

Planning Commission member Keith Marvin said, “I guess, keeping in mind Mr. Schumacher would become nonconforming and can continue doing what he is doing, I would make a motion to recommend to the City Council changing the Future Land Use Map.”

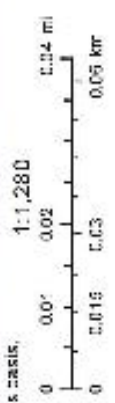
Planning Commission member Keith Marvin made a motion to recommend to the City Council the amending of the Future Land Use Map by changing the zoning classification from I - Industrial to C - Commercial for the following real estate: Lot 9, 10, 11 and 12 of Block 31 Original Town. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Keith Marvin made a motion to recommend to the City Council the amending of the Official Zoning Map by changing the zoning classification from I-1 - Light Industrial to C-2 - Downtown Commercial for the following real estate: Lot 9, 10, 11 and 12 of Block 31 Original Town. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.



November 29, 2021 DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



BLEVENS & DAMMAN



ATTORNEYS AT LAW

129 N. 5TH STREET
P.O. BOX 98
SEWARD, NE 68434
(402) 643-3639

December 7, 2021

City of David City
Planning Commission
557 N. 4th St.
David City, NE 68632

Re: Request to Amend Zoning Map – Lots 9, 10, 11, and 12, Original Town

Dear Planning Commission Members:

I represent Mathew Schumacher, Trustee of the Mathew Schumacher Trust. The Trust is the owner of Lot 9, Original Town of David City, Butler County, Nebraska. Bone Creek Art Museum, Inc., owns the adjacent lots 10, 11, and 12. It is my understanding that Bone Creek Art Museum intends to use their property, purchased just a few months ago, as a museum, but that is not a permitted use in an I-1 Industrial district as the property is currently zoned. Thus, they apparently have requested their lots, and my client's lot, to be re-zoned.

My client has no objection to Bone Creek's request to re-zone their own property, but we find it highly irregular and improper for the request to include my client's adjacent lot, which has been, and will continue to be, used for outdoor storage, auction sales, and other permitted industrial uses. Therefore, my client strongly objects to any attempt to re-zone his property.

My client's current and past use of his property for industrial purposes is currently a permitted use under Section 5.14.02 of the David City Zoning Ordinance. As you may know, when a rezoning occurs as to property that is currently being used for a permitted use, and that use is not listed as a permitted use in the new zoning district, the rezoning does not prevent the previously-permitted use from continuing. The use merely becomes a "nonconforming use" under Section 4.20 of the zoning ordinance and may continue. Again, if his property is re-zoned, Mr. Schumacher intends to continue using Lot 9 for Industrial purposes and his doing so will be entirely proper and legal.

Sincerely,

Gregory C. Damman

Gcd/se

Lori Matchett

From: Joanna Uden <joannauden@egrbirkel.com>
Sent: Friday, December 10, 2021 3:44 PM
To: Clayton Keller; Lori Matchett
Cc: Tami Comte; ckeller@davidcityne.com
Subject: Re: Zoning Question: Industrial to Downtown Commercial

Clayton,

That's totally fine with me. If they have questions, I'm happy to answer those as well.

Thanks,

Joanna

Get [Outlook for iOS](#)

From: Clayton Keller <ckeller@davidcityne.com>
Sent: Friday, December 10, 2021 11:54:43 AM
To: Joanna Uden <joannauden@egrbirkel.com>; Lori Matchett <lmatchett@davidcityne.com>
Cc: Tami Comte <tcomte@davidcityne.com>; ckeller@davidcityne.com <ckeller@davidcityne.com>
Subject: RE: Zoning Question: Industrial to Downtown Commercial

Thank you Joanna. This is very helpful and concisely stated. Would you mind if I shared this email conversation with the Planning Commission and City Council so that they are clear on what the rules say about this situation?

Thanks,
Clayton

On 12/10/2021 10:21 AM Joanna Uden <joannauden@egrbirkel.com> wrote:

Clayton,

Looking at Neb. Rev. Stat. 19-905 (attached), it appears that it doesn't matter if the owner objects so long as the City follows proper procedure and ¾ of the City Council votes in favor of the change. The statute actually requires more than just an owner disapproving, but for the sake of simplicity, I'll just mention that ¾ approval of the City Council will overcome any owner disapproval. The change does have to be in compliance with the Comprehensive Plan, which you already knew.

I also attached Neb. Rev. Stat. 19-904.01 because it discusses the non-conforming use that Mr. Schumacher's attorney is referencing. There are contingencies to the non-conforming use that the City will want to be aware of in the even that the City is not in favor of the non-conforming use.

Let me know if you'd like me to discuss further.

Thanks,

Joanna M. Uden

Associate Attorney

Egr, Birkel & Wollmer

David City, NE 68632

joannauden@egrbirkel.com

(402) 367-3139

PLEASE NOTE: This message, including any attachments, may include privileged, confidential, and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.

From: Clayton Keller <ckeller@davidcityne.com>
Sent: Tuesday, December 7, 2021 2:41 PM
To: Lori Matchett <lmatchett@davidcityne.com>
Cc: 'Tami Comte' <tcomte@davidcityne.com>; Joanna Uden <joannauden@egrbirkel.com>
Subject: Zoning Question: Industrial to Downtown Commercial

Lori, go ahead and add this letter to the Public Hearing item in the Planning Commission's agenda packet.

Joanna, I wanted to loop you in so that you were aware of the letter and issue at hand. The attached letter does a good job of summarizing much of what we've already discussed with Mr. Schumacher. In addition to what the letter summarizes, I have tried explaining to Mat that the Downtown Commercial Zone would still allow him to have an auction lot as a Conditional Use permit, but he didn't seem satisfied with that response. He is fighting this based on principal—that government or big dollar institutions shouldn't be allowed to change someone's zoning classification without their approval, as he put it (and I'm paraphrasing here). I also explained to Mat that the City's 2005 Comprehensive Plan spells out the City's intention to zone this area as Downtown Commercial (page 39 of comp plan). Since cities in Nebraska cannot have zoning regulations without first adopting a Comprehensive Plan, I take this to mean that zoning should be consistent with the Comprehensive Plan. Therefore, the Comp Plan gives the City authority to change the zoning of Lot 9 from I-1 Industrial to Downtown Commercial.

I guess the only question at this point is if the City is within its legal rights to change the zoning despite the landowner objecting to it. Let me know what you think.

Thanks,

Clayton Keller
City Administrator
City of David City
557 4th Street, P.O. Box 191
David City, NE 68632
402.367.3135



ELECTED OFFICIALS: A "Reply to All" on this e-mail could lead to violations of the Nebraska Open Meetings Act. Please reply only to the sender.

The information in this e-mail and any files attached are for the sole use of the intended recipient and may contain confidential or privileged material or work product. If you have received this in error, please notify the sender by return e-mail. Any interception, review, re-transmission, dissemination, or other use of this information by those other than the intended recipient is expressly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

12/10/21, 10:19 AM

<https://nebraskalegislature.gov/laws/statutes.php?statute=19-904.01&print=true>

19-904.01. Zoning regulations; nonconforming use; continuation; termination.

The use of a building, structure, or land, existing and lawful at the time of the adoption of a zoning regulation, or at the time of an amendment of a regulation, may, except as provided in this section, be continued, although such use does not conform with provisions of such regulation or amendment. Such use may be extended throughout the same building if no structural alteration of such building is proposed or made for the purpose of such extension. If such nonconforming use is in fact discontinued for a period of twelve months, such right to the nonconforming use shall be forfeited and any future use of the building and premises shall conform to the regulation. The city council or village board of trustees may provide in any zoning regulation for the restoration, reconstruction, extension, or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning regulations. The city council or village board of trustees may, in any zoning regulation, provide for the termination of nonconforming uses, either by specifying the period or periods in which nonconforming uses shall be required to cease, or by providing a formula whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery of amortization of the investment in the nonconformance, except that in the case of a legally erected outdoor advertising sign, display, or device, no amortization schedule shall be used.

Source: Laws 1967, c. 92, § 4, p. 285; Laws 1975, LB 410, § 14; Laws 1981, LB 241, § 3; Laws 2019, LB193, § 71.

Annotations

Where a zoning law provides for the termination of a legal, nonconforming use after it has been “discontinued” for a reasonable period, there is no requirement to show intent to abandon the nonconforming use. *Rodehorst Bros. v. City of Norfolk Bd. of Adjustment*, 287 Neb. 779, 844 N.W.2d 755 (2014).

12/10/21, 10:19 AM

<https://nebraskalegislature.gov/laws/statutes.php?statute=19-905&print=true>

19-905. Zoning regulations; changes; protest; notice; publication; posting; mailing; personal service; when not applicable.

Regulations, restrictions, and boundaries authorized to be created pursuant to sections 19-901 to 19-915 may from time to time be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred feet therefrom, and of those directly opposite thereto extending three hundred feet from the street frontage of such opposite lots, and such change is not in accordance with the comprehensive development plan, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council or village board of trustees of such municipality. The provisions of section 19-904 relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice as provided in section 19-904, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor punishable as provided in section 19-913. If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing. At the option of the city council or village board of trustees of the municipality, in place of the posted notice provided in this section, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within three hundred feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least ten days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located. When such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least ten days prior to such hearing. The provisions of this section in reference to notice shall not apply (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality, but only the requirements of section 19-904 shall be applicable.

<https://nebraskalegislature.gov/laws/statutes.php?statute=19-905&print=true>

12/10/21, 10:19 AM

<https://nebraskalegislature.gov/laws/statutes.php?statute=19-905&print=true>

Source: Laws 1927, c. 43, § 5, p. 183; C.S.1929, § 19-905; R.S.1943, § 19-905; Laws 1957, c. 45, § 2, p. 221; Laws 1967, c. 94, § 1, p. 290; Laws 1975, LB 410, § 15; Laws 2005, LB 161, § 8; Laws 2019, LB193, § 72.

Annotations

The fact that a person is entitled to notice of an administrative hearing because he or she owns property adjacent or very close to the property in issue supports the conclusion that such a person would have standing in a corresponding zoning case. *Smith v. City of Papillion*, 270 Neb. 607, 705 N.W.2d 584 (2005).

Approval of a conditional use permit in nature of special exception use is ordinarily subject to statutory requirement of a favorable three-fourths majority vote if requisite protests are made against change or supplement of regulations or restrictions. *Stec v. Countryside of Hastings, Inc.*, 190 Neb. 733, 212 N.W.2d 561 (1973).

Amendment of zoning ordinance must be made in accordance with comprehensive plan. *Weber v. City of Grand Island*, 165 Neb. 827, 87 N.W.2d 575 (1958).

Planning Commission member Keith Marvin made a motion to combine Agenda Items eight and ten for the public hearings to consider amending the Future Land Use Plan Map and the Official Zoning Map for an area described as: Point of beginning is the intersection of the centerlines of West "D" Street and the centerline of the BNSF railroad R.O.W.; thence westerly along the centerline of West "D" Street to the intersection with the centerline of County Road M; thence, northerly along said centerline of County Road M to the intersection with the centerline of the Nebraska Central Railroad R.O.W.; thence, easterly along said centerline of the Nebraska Central Railroad R.O.W. to the intersection with the centerline of 1st Street; thence, southerly along said centerline to the intersection with the centerline of West "E" Street; thence, easterly along the centerline of West "E" Street to the intersection with the BNSF R.O.W.; thence, southerly along the centerline the BNSF R.O.W. to the POB . Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chairman Jim Masek made a motion to open the public hearings at 8:23 a.m. to consider amending the Future Land Use Plan Map by changing the zoning classification from MDR - Medium Density Residential to HDR - High Density Residential and amending the Official Zoning Map by changing the zoning classification from R-2 – Residential Two-Family to R-3 Residential Multi Family for an area described as: Point of beginning is the intersection of the centerlines of West "D" Street and the centerline of the BNSF railroad R.O.W.; thence westerly along the centerline of West "D" Street to the intersection with the centerline of County Road M; thence, northerly along said centerline of County Road M to the intersection with the centerline of the Nebraska Central Railroad R.O.W.; thence, easterly along said centerline of the Nebraska Central Railroad R.O.W. to the intersection with the centerline of 1st Street; thence, southerly along said centerline to the intersection with the centerline of West "E" Street; thence, easterly along the centerline of West "E" Street to the intersection with the BNSF R.O.W.; thence, southerly along the centerline the BNSF R.O.W. to the POB. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Keith Marvin said, "Clayton and I talked, and we got Tami drug into this. The property that the school owns that is over by the tracks that was originally owned by Mr. Janak, somebody was actually looking at that property to do an apartment facility. I don't know if that is going to move forward anymore, but to rezone just that property would be considered spot zoning. The three of us chatting, the city has acquired the old Grubaugh Auction site other than the pieces that have already been sold off. So, what we did was devise a legal that we would go down "D" Street out to the county road, up to the tracks and around and come back so that what is left of the Grubaugh site and what is left on the tracks that the school owns would be open for the ability to do apartments or multi-family of some sort, where the R-2 District would not allow that, R-3 will."

City Clerk Tami Comte added, "The only thing that I would say is that if you have a single-family dwelling in that area, that change would not affect that."

Planning Commission member Keith Marvin added, "Single-families are allowed in R-2 and R-3."

Chairman Jim Masek said, "I think this would be a pretty good change. We have stated in the last couple of meetings that we are short of housing."

Planning Commission member Jim Vandenberg agreed and said, "And we sure don't want any industrial to go in those areas; No commercial would. I don't think that there would be a problem. I don't think that there would be much of a traffic issue as far as more vehicles for apartment houses because it is located quite close to Fourth Street and the other one has access from the county road."

Planning Commission member Keith Marvin said, "The school property would be ideal for housing for fifty-five and above because it is very walkable to the downtown area."

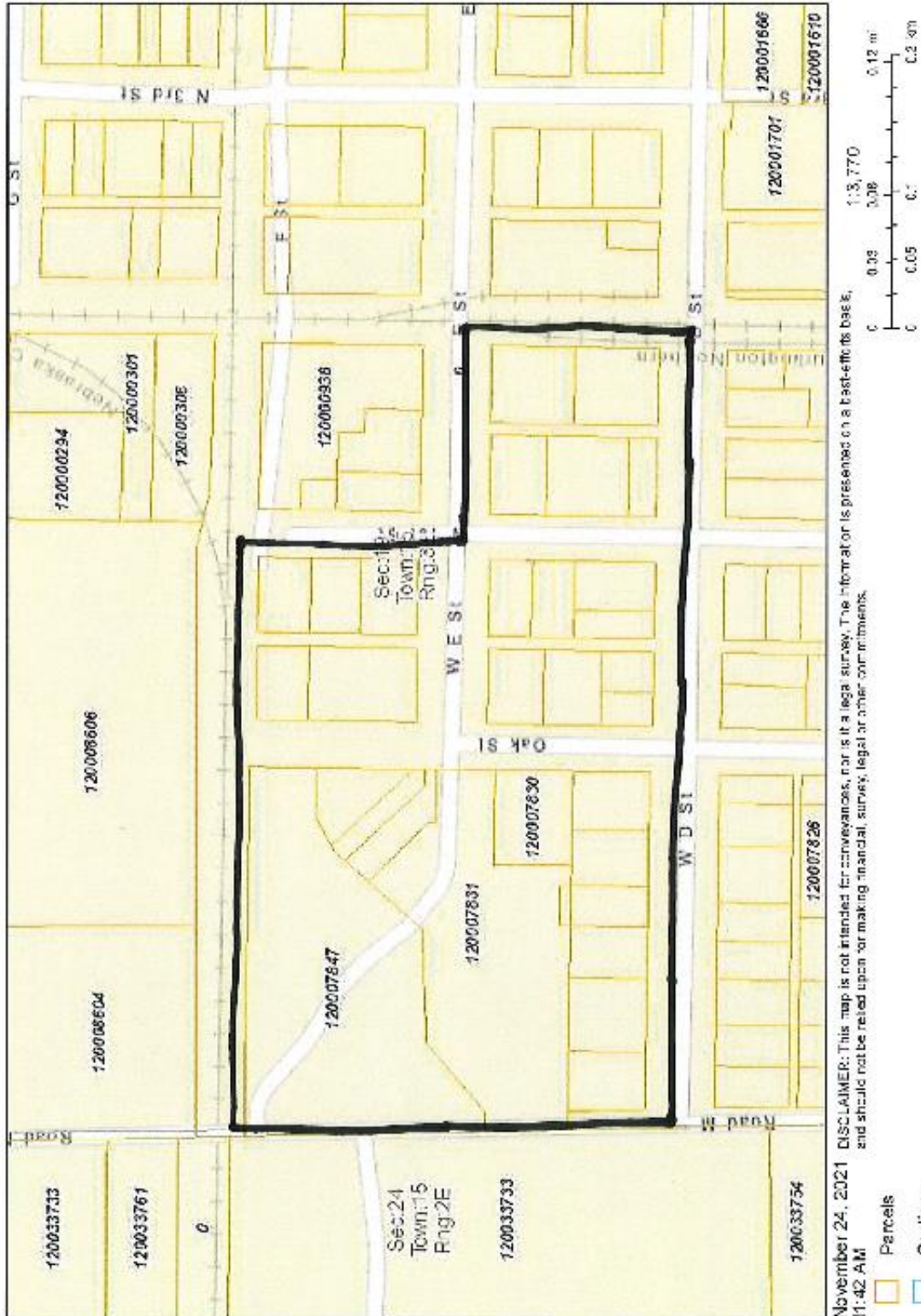
Planning Commission member Jim Vandenberg said, "I can't see any problems in rezoning this."

Chairman Jim Masek made a motion to close the public hearing at 8:28 a.m. to consider amending the Future Land Use Plan Map by changing the zoning classification from MDR - Medium Density Residential to HDR - High Density Residential and amending the Official Zoning Map by changing the zoning classification from R-2 – Residential Two-Family to R-3 – Residential Multi Family for an area described as: Point of beginning is the intersection of the centerlines of West "D" Street and the centerline of the BNSF railroad R.O.W.; thence westerly along the centerline of West "D" Street to the intersection with the centerline of County Road M; thence, northerly along said centerline of County Road M to the intersection with the centerline of the Nebraska Central Railroad R.O.W.; thence, easterly along said centerline of the Nebraska Central Railroad R.O.W. to the intersection with the centerline of 1st Street; thence, southerly along said centerline to the intersection with the centerline of West "E" Street; thence, easterly along the centerline of West "E" Street to the intersection with the BNSF R.O.W.; thence, southerly along the centerline the BNSF R.O.W. to the POB. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Keith Marvin made a motion to recommend to the City Council to amend the Future Land Use Plan Map by changing the zoning classification from MDR - Medium Density Residential to HDR - High Density Residential for an area described as: Point of beginning is the intersection of the centerlines of West "D" Street and the centerline of the BNSF railroad R.O.W.; thence westerly along the centerline of West "D" Street to the intersection with the centerline of County Road M; thence, northerly along said centerline of County Road M to the intersection with the centerline of the Nebraska Central Railroad R.O.W.; thence, easterly along said centerline of the Nebraska Central Railroad R.O.W. to the intersection with the centerline of 1st Street; thence, southerly along said centerline to the intersection with the centerline of West "E" Street; thence, easterly along the centerline of West "E" Street to the intersection with the BNSF R.O.W.; thence, southerly along the centerline the BNSF R.O.W. to the POB. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Keith Marvin made a motion to recommend to the City Council to amend the Official Zoning Map by changing the zoning classification from R-2 - Residential Two-Family to R-3 - Residential Multi Family for an area described as: Point of beginning is the intersection of the centerlines of West "D" Street and the centerline of the BNSF railroad R.O.W.; thence westerly along the centerline of West "D" Street to the intersection with the centerline of County Road M; thence, northerly along said centerline of County Road M to the intersection with the centerline of the Nebraska Central Railroad R.O.W.; thence, easterly along said centerline of the Nebraska Central Railroad R.O.W. to the

intersection with the centerline of 1st Street; thence, southerly along said centerline to the intersection with the centerline of West "E" Street; thence, easterly along the centerline of West "E" Street to the intersection with the BNSF R.O.W.; thence, southerly along the centerline the BNSF R.O.W. to the POB. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.



November 24, 2021 11:42 AM
 DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections

Planning Commission member Keith Marvin made a motion to table the discussion concerning regulations and guidelines for conditional use on accessory dwellings units until the January 8, 2022 meeting. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0

Chairman Jim Masek made a motion to approve meeting dates for 2022. Keith Marvin seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

2022 Planning Commission Meeting Dates

January 8, 2022	July 9, 2022
February 12, 2022	August 13, 2022
March 12, 2022	September 10, 2022
April 9, 2022	October 8, 2022
May 14, 2022	November 12, 2022
June 11, 2022	December 10, 2022

Planning Commission member Jim Vandenberg made a motion to nominate Jim Masek as Chairman, Keith Marvin as Vice-Chairman and Pam Kabourek as Secretary. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

2022 Planning Commission Officers

Chairman – James Masek
Vice Chairman – Keith Marvin
Secretary – Pam Kabourek

There being no further business to come before the Planning Commission, Planning Commission member Keith Marvin made a motion to adjourn. Chairman Jim Masek declared the meeting adjourned at 8:34 a.m.

Minutes by Lori Matchett, Deputy City Clerk