

PLANNING COMMISSION
August 14, 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.

Present: Planning Commission members Jim Masek, Keith Marvin, Pam Kabourek, and Jim Vandenberg. Planning Commission member Nicole Gasper was absent. Also, present were City Administrator Clayton Keller, City Clerk Tami Comte, Deputy City Clerk Lori Matchett, and John & Teresa Hermsen.

Planning Commission member Keith Marvin made a motion to approve the minutes of the July 10, 2021 meeting as presented. Pam Kabourek seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Planning Commission member Keith Marvin made a motion to open the public hearings for agenda items four and six together due to their similarity in nature and open the public hearing at 8:03 a.m. for consideration of amending Article 5.06 RA Residential Agriculture District, by amending 5.06.03 Conditional Uses by adding 12. Accessory buildings with metal building material except for those with a pole building construction/foundation, and amending Article 5.07 R-1 Single-Family Residential by amending 5.07.03 Conditional Uses by adding 7. Accessory buildings with metal building material except for those with a pole building construction/foundation and amending Article 5.08 R-2 Two-Family Residential by amending 5.08.03 Conditional Uses by adding 9. Accessory buildings with metal building material except for those with a pole building construction/foundation and amending Article 5.09 R-3 Multi-Family Residential by amending 5.09.03 Conditional Uses by adding 12. Accessory buildings with metal building material except for those with a pole building construction/foundation and amending Article 5.10 R-4 Multi-Family Residential by amending 5.10.03 Conditional Uses by adding 17. Accessory buildings with metal building material except for those with a pole building construction/foundation; and the public hearing to consider the request of John Hermsen for a conditional use permit to erect a metal building on the lot legally described as David City Lots 4 & 5, Block 1, Will Thorpe and Perkins 1st Addition. Pam Kabourek seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Planning Commission member Jim Vandenberg asked, "What are we trying to change from what it is now?"

Chairman Jim Masek said, "Right now, a metal building is not allowed."

Planning Commission member Jim Vandenberg asked, "A metal covering? Or a pole building?"

Planning Commission member Pam Kabourek answered, "It says except for those with pole building construction/foundation."

City Clerk Tami Comte said, "You still can't have a pole building."

Planning Commission member Keith Marvin said, "You would have to come in and have a regular foundation of some sort."

Planning Commission member Jim Vandenberg said, "I didn't know if that is what you were understanding. That it cannot be a building with poles buried in the ground."

John Hermsen, 1081 L Street, David City, NE 68632, introduced himself. John said, "We had never intended to do that anyway."

Planning Commission member Jim Vandenberg said, "But it's going to have a cement foundation?"

John Hermsen answered, "Yes."

City Clerk Tami Comte said, "It would be like a Behlen building on a cement foundation."

Planning Commission member Keith Marvin asked, "How big is this building again?"

John Hermsen answered, "Twenty-six by forty feet."

Planning Commission member Keith Marvin said, "Ok, have those two lots been joined already?"

City Administrator Clayton Keller said, "I don't believe we have gotten the documents from Mr. Hermsen's attorney."

John Hermsen said, "I know that the last time I had contacted Clark Grant, our attorney out of Columbus, he had sent me a message that the requirement was that he would have to have the property surveyed first. I asked him if he would just handle that for me and get that done."

City Clerk Tami Comte said, "That is correct."

City Administrator Clayton Keller said, "Clark and I have talked on the phone, and we are clear on what needs to happen to join the lots."

City Clerk Tami Comte said, "We haven't gotten it yet."

Planning Commission member Pam Kabourek asked, "What is the timeline of getting this started and built?"

John Hermsen said, "They should have been done by now. The thing is, I have been holding off on contacting the company. They had originally given a timeline of a ten-week production time before it was to be built. Which has passed now. I have been hesitant to recontact them in hope that they have had some delays. I don't know if in the fine print any place if I was going to lose out if I didn't meet every requirement that they had."

Planning Commission member Pam Kabourek said, "So, they didn't give you a delivery date or when they would come and start. Are they going to assemble this building?"

John Hermsen answered, "Yes. It is all supposed to go up in one day."

Planning Commission member Jim Vandenberg asked, "That comes up to one thousand forty square feet. And we would be changing that by how much?"

Planning Commission member Keith Marvin said, "We don't have anything in there right now."

City Clerk Tami Comte said, "It's forty percent of the buildable area of your lot. If those lots are joined, he'll meet that with no problem."

Planning Commission member Jim Vandenberg said, "So, then basically we are changing that it is going to be covered with tin."

Planning Commission member Keith Marvin added, "And that it may have a steel frame."

Planning Commission member Jim Vandenberg said, "I don't think that's an issue, is it?"

Planning Commission member Pam Kabourek said, "I don't think so."

Planning Commission member Jim Vandenberg said, "The cement foundation is probably the big thing. If it's presentable and if it's not galvanized, which is where you get your reflection from."

City Clerk Tami Comte added, "Here is the other thing. We are adding it to conditional uses. So, you guys will the final say on what you put in."

Planning Commission member Jim Vandenberg said, "What I wanted to know was basically what are we changing on the accessory building that is going to be presented to the Council. I want to know exactly."

Planning Commission member Keith Marvin said, "Basically, allowing a metal building that is larger than a shed."

Planning Commission member Jim Vandenberg said, "Do you have a definition between a metal building and a shed? Larger than a shed - what's a shed?"

Planning Commission member Keith Marvin said, "Typically, the common thought is that it is one hundred twenty square feet."

Chairman Jim Masek said, "This would be including garages then. Someone would want to put up a metal garage they would be able to?"

Planning Commission member Pam Kabourek said, "They would be able to if they came before the Planning Commission."

City Clerk Tami Comte said, "They would have to get a conditional use permit and come before the Planning Commission."

City Administrator Clayton Keller said, "I had a Council member talk to me earlier this week. He was concerned about how we were going to decide whether we said yes or no to people. He knows we have said no to all metal buildings so far. He wanted to know how this was any different."

Planning Commission member Keith Marvin said, "I think when we do this as it goes through the process, we probably need to define a couple of things in our definitions. What I don't want to see happen is somebody comes in like we saw over on the south end of town where they used a carport and framed inside of it to make it a storage building. I don't want to see that kind of thing happen as a garage."

Planning Commission member Jim Vandenberg said, "So, basically the main thing would be changing the exterior sheeting and the framework."

John Hermsen said, "The building may end up having, eventually, some form of insulation inside. I may end up trying to stick some studs on the inside so we'll have a combination of steel and wood in the future. Right now, I like the idea of steel because I don't have to worry about fire for one thing. If it comes to how hard or easy it would be to someday keep the temperature more consistent in the building, so it is not turning into an oven in the summer and freezer in the winter, I may look at trying to insulate somehow. That is not in the immediate works but something that I've considered."

Planning Commission member Jim Vandenberg said, "Just so you don't change it to residential."

Planning Commission member Pam Kabourek asked, "So a pole building is just a pole stuck in the dirt and there is no cement foundation?"

Planning Commission member Keith Marvin said, "There could be concrete around it."

Planning Commission member Jim Vandenberg said, "Well it is not the total foundation. They do pour some cement; they drill a hole. It's not a cement floor but a cement ring around the outside. They have always pushed the cement ring around the outside for rodents. You set the building on the ground, who's going to be under there? That is one of the reasons for a foundation. I know with some of your sheds there isn't. A building this big, it would be crucial to have a foundation to keep the rodents out."

Planning Commission member Pam Kabourek asked, "You are having a cement floor?"

John Hermsen said, "Oh, definitely. Rodents would be one of my main considerations here."

Planning Commission member Jim Vandenberg said, "And the other thing was the roof. There would be tin on the roof as opposed to asphalt? That would be another change."

Planning Commission member Keith Marvin said, "We do allow some tin on roofs. We have allowed tin on accessory buildings as long as it is non-reflective."

City Clerk Tami Comte said, "It's not tin, it has to be actual roofing material."

Planning Commission member Jim Vandenberg said, "That is where we get more into the definitions. You may have to use something like non-reflective metal roofing material."

Planning Commission members discussed that they need to add definitions to the zoning ordinance for metal buildings, sheds, non-reflective metal roofing material. Members want to make it certain that metal buildings are listed as a conditional use permit and conditional use permits are presented to the Planning Commission to look over before they are approved.

City Administrator Clayton Keller said, "The biggest question that we need to make sure we have clear is how do we say yes, how do we say no, to future requests?"

Planning Commission member Keith Marvin answered, "The beauty of a conditional use permit is that we can take something like this and we can have discretion based upon the location of the application."

Planning Commission member Jim Vandenberg said, "There is some of that but we have got to have the basics in the change that we are talking about now."

Planning Commission member Keith Marvin said, "I think the basic is no pole building."

Planning Commission member Jim Vandenberg said, "And clarification on that."

Planning Commission member Pam Kabourek said, "I guess maybe this yes/no thing you need a more detailed plan with a timeline of when this is going to be done."

Planning Commission member Keith Marvin said, "What I would recommend is that we put on our next agenda an item in September on a discussion over minimum requirements that we want to look at when we want to approve one of these. We are working off of John's application. So, there is a comfort level there."

City Clerk Tami Comte asked, "Does that have to be a public hearing?"

Planning Commission member Keith Marvin responded, "Not until we decide, we can have discussion and kind of a working meeting to work through it."

City Clerk Tami Comte said, "And then once you decided what you want...."

Planning Commission member Keith Marvin added, "Then we will have a public hearing."

Discussion continued.

Planning Commission members all agreed that Section 4.14 needs to be looked at, at the next Planning Commission meeting and possibly updated.

Planning Commission member Keith Marvin made a motion to close the public hearings at 8:33 a.m. to consider amending Article 5.06 RA Residential Agriculture District, by amending 5.06.03 Conditional Uses by adding 12. Accessory buildings with metal building material except for those with a pole building construction/foundation, and amending Article 5.07 R-1 Single-Family Residential by amending 5.07.03 Conditional Uses by adding 7. Accessory buildings with metal building material except for those with a pole building construction/foundation and amending Article 5.08 R-2 Two-Family Residential by amending 5.08.03 Conditional Uses by adding 9. Accessory buildings with metal building material except for those with a pole building construction/foundation and amending Article 5.09 R-3 Multi-Family Residential by

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Planning Commission member Jim Masek made a motion to recommend to the City Council the amending of Article 5.06 RA Residential Agriculture District, by amending 5.06.03 Conditional Uses by adding 12. Accessory buildings with metal building material except for those with a pole building construction/foundation, and amending Article 5.07 R-1 Single-Family Residential by amending 5.07.03 Conditional Uses by adding 7. Accessory buildings with metal building material except for those with a pole building construction/foundation and amending Article 5.08 R-2 Two-Family Residential by amending 5.08.03 Conditional Uses by adding 9. Accessory buildings with metal building material except for those with a pole building construction/foundation and amending Article 5.09 R-3 Multi-Family Residential by amending 5.09.03 Conditional Uses by adding 12. Accessory buildings with metal building material except for those with a pole building construction/foundation and amending Article 5.10 R-4 Multi-Family Residential by amending 5.10.03 Conditional Uses by adding 17. Accessory buildings with metal building material except for those with a pole building construction/foundation; Pam Kabourek seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Planning Commission member Keith Marvin made a motion to approve the conditional use permit contingent upon the City Council approving the changes in the Zoning Ordinance and that the lots are combined. Jim Masek seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

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PAID

JUL 12 2021

CITY OF DAVID CITY
DAVID CITY UTILITIES

DAVID CITY PLANNING COMMISSION

TYPE OF ACTION REQUESTED


- Conditional Use \$100.00 Vacate request: alley, street, etc. \$50.00
 Rezoning/Zoning Amendment \$150.00

LEGAL DESCRIPTION OF THE PROPERTY:

19 15 3 David City Lots 4 & 5, Block 1, Will Thorpe & Perkins
1st Addition

DESCRIPTION OF THE PROJECT:

Stone gray metal building 26' x 40'


Applicant's Signature

FOR CITY USE ONLY

Date received: 7-12-21 By: Jami

Fee Paid: \$100⁰⁰ Yes \$ 100⁰⁰ 480 No

Hearing Date: Aug. 14, 2021

Hearing Notice Published: Yes No

Adjoining Landowners Notified Yes No

Action Taken: A motion was made to approve the conditional use permit contingent upon the City Council approving the changes in the Zoning Ordinance and that the lots are combined.

There being no further business to come before the Planning Commission, Planning Commission member Keith Marvin made a motion to adjourn and Chairman Jim Masek declared the meeting adjourned at 8:41 a.m.

Minutes by Lori Matchett, Deputy City Clerk