

PLANNING COMMISSION
September 7, 2021
5:00 PM

Chairman Jim Masek opened the meeting at 5:00 p.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 Vandenberg, Keith Marvin, Pam Kabourek, and Jim Masek. Planning Commission member Nicole Gasper was absent. Also present were City Administrator Clayton Keller, City Clerk Tami Comte, Deputy City Clerk Lori Matchett, Rex Rehmer, and Tony Novak.

Planning Commission member Pam Kabourek made a motion to approve the minutes of the August 14, 2021 meeting as presented. Jim Vandenberg 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.

The Planning Commission discussed the requirements to approve conditional use permits for metal buildings in the residential areas.

City Administrator Clayton Keller said, "So this is where you guys decide the requirements that you will consider when approving or not approving a conditional use permit. How are you going to say yes? How are you going to say no? That is what this discussion is."

Chairman Jim Masek asked, "Do any other cities have anything that we may compare to or go by?"

Planning Commission member Keith Marvin answered, "Not really. They are either like us or just allowing them."

Planning Commission member Pam Kabourek asked, "Do we know, is there a percentage of cities or number of cities that are like us versus not like us? Are we rare, odd, or normal?"

Planning Commission member Keith Marvin said, "I have been looking as I drive, and it is just all over the place."

Planning Commission member Jim Vandenberg said, "You almost have to think of some definition of what is a metal building. What type of structure? Does it have a substructure? Is it covered in metal? We know we do not want pole buildings."

City Administrator Clayton Keller said, "Ok, so requirement one is that it's got to be a cement foundation?"

Planning Commission member Jim Vandenberg answered, "Yes."

Planning Commission member Pam Kabourek asked, "Ok, so when we start with number one of Section 4.14 Accessory Building and Uses, it says 'it shall be

constructed of new, grade stamped materials unless approved in advance by the Building Inspector.' Grade stamped materials?"

Chairman Jim Masek asked, "Could that be metal?"

Tony Novak of T. Novak Construction introduced himself. Tony said, "All lumber we get is grade stamped."

Planning Commission member Pam Kabourek asked, "Is metal at all grade stamped?"

Tony Novak said, "There is no stamp on it when you receive it. You have to specify gauging for metal. If an inspector walks in and looks at it, I can't tell if it is twenty-nine gauge or thirty-one gauge, unless I can get to the edge. And how would an inspector know either?"

Planning Commission member Jim Vandenberg said, "This is part of what we are trying to come up with for a definition of a metal building."

City Clerk Tami Comte asked, "So a Behlen building doesn't have wood supports or anything, does it?"

Planning Commission member Jim Vandenberg responded, "No, I think if you are getting to something like that, it's getting a little far out for residential. There are some of these metals that don't look too bad anymore. A lot of it, especially if it is horizontal sheeting, then it doesn't look that bad. Vertical looks more like a machine shed. We need to have something to go by when we are doing the conditional use. Keith, you didn't think there was anybody that has much for definitions?"

Planning Commission member Keith Marvin said, "Not really. This is like I said, all over the place. A couple of things that I am thinking is, under "A" number 1 where it talks about grade stamped, thinking that that probably needs to be specific to wood."

Planning Commission member Pam Kabourek added, "Yeah, because you don't even get the word wood until you get way down here to "E". The word wood isn't even mentioned."

Planning Commission member Jim Vandenberg said, "I would suppose then, and I don't know because I am not a builder, what gauge would you want. And then it makes a lot of difference, is the structure of the accessory building going to be a wood-frame structure?"

Planning Commission member Keith Marvin added, "I think the size, the way we are talking about anchoring it, and the wind rating are going to speak a lot to how that metal building is designed. With gauge and everything else, it's got to meet a 110-mph wind. So, that is going to dictate on a metal building and a lot on how it's done with the materials..."

Planning Commission member Jim Vandenberg said, "That will probably mean a lot as far as framing, wouldn't you say Tony?"

Tony Novak replied, "Yeah, I don't know how you guys figure that out, because what if somebody has an old existing garage and they want to put metal siding on it? Are you going to say it's residential?"

City Clerk Tami Comte stated, "Metal siding is allowed as long as it is non-reflective."

Tony Novak asked, "So even if it's vertical like a pole building would have?"

City Clerk Tami Comte answered, "I believe so."

Chairman Jim Masek said, "What we're concerned about is people putting up the metal frame rather than a wood frame."

Planning Commission member Keith Marvin said, "The other thing we can look at real quickly is that all metal buildings shall have vertical sidewalls and shall have a pitched roof. So, that would get us away from the Quonset, huts, and such. We don't define metal building anywhere. So, that leads us to a point that we could really define this thing and even throw a picture in there to show what we are talking about. I think most of these that I am looking at is about a one and a half to one two-pitch roof that I am seeing in here on the framing. And just say that it has to have a minimum of that. Some of them have a gambrel, which looks like a barn, so that is fine too. I can come up with a definition of a metal building."

City Administrator Clayton Keller asked, "Are there things that we do want to see or don't want to see in this definition?"

Planning Commission member Keith Marvin said, "My first thought, is that it's got to have a pitched roof of at least a one and a half and a two of either a hipped, gable, or gambrel. So, it can't be flat. Can't be a Quonset. One of the biggest things right now is Quonset homes. There are some really nice homes built out of Quonsets. I think we have most of the stuff in here beyond the definition that we could use to build on. I mean a 110-mph wind."

Planning Commission member Jim Vandenberg added, "They're going to have to have a frame of some sort, whether it is metal or wood."

Planning Commission member Keith Marvin said, "With wind loading, it is going to have to be anchored if it is going to withstand 110-mph winds."

Planning Commission member Jim Vandenberg said, "What I mean is like the sidewalls will have to possibly be metal frame."

Planning Commission member Keith Marvin said, "The biggest thing is we don't tell them how to design it because then we become liable. We just set the minimum standards that we want to see as far as the wind loading and all that. Under Section 4.14 would we want to take and add a letter "K" and say metal accessory buildings and copy those things down from letter "A"?"

Chairman Jim Masek said, "I think that would be a great idea because if we are supposed to individually approve or not approve each conditional use, we could say in

“K,” it says this and this and you didn’t do this, so we can’t approve it. If they do everything that is said in “K”, that would make our job easier as far as approving or not approving.”

Planning Commission member Jim Vandenberg added, “Well, that pretty much gives up your control over any metal buildings. If you say “K” is your conditional use definitions.”

Planning Commission member Keith Marvin added, “I think we can do a “K.” I don’t like copying stuff and reusing it because it gives us issues potentially down the road, but we are talking about a specific style of building.”

Planning Commission member Jim Vandenberg asked, “It would pertain to the conditional use?”

Planning Commission member Keith Marvin answered, “Yes. And then we could actually put in there that it can’t be a pole building. We can define pole building too.”

Planning Commission member Keith Marvin is going to work on definitions for metal buildings and pole building, along with updating Section 4.14 by adding “K” for metal buildings listing the requirements.

Planning Commission members then discussed the height requirements of accessory buildings in residential areas.

Rex Rehmer, 1138 9th Street, David City, NE, introduced himself. Rex said, “I would like to build an addition to my garage so that I can store items under a roof. I have motorcycles and cars that I would like to work on and want to have a shop that I can put a lift in, and that requires a certain amount of ceiling height. Not only a lift, just so that I can work under it, but a four-post lift, not a commercial lift, with the possibility of putting three of them in there if I want. My building is thirty-two by forty. Don Hilger poured the cement for me; the cement has been there for eleven years. It has footing and everything for building because that was the plan. Our building is going to be just about the same height as my house.”

Planning Commission member Pam Kabourek asked, “So, how tall is that?”

Tony Novak responded, “22 feet 6 inches”

Rex Rehmer added, “To the peak. It’s a fourteen-foot sidewall and a six-twelve pitch. What we are trying to do is under the first eighteen feet from the alley, the first eighteen feet will have an attic in it that I can access. That gives us a six-foot attic in there. Twenty-two feet of it will be open and have a cathedral ceiling, so that gives us the maximum amount of headroom. If we have to cut it down, I will lose attic space, I want to make sure I have enough headroom for that lift... We decided that that was probably the best for height requirements, especially for the attic. Fourteen-foot sidewalls, that of course puts us about the same size, right at what my house is. It will be sided and shingled. It will look just like my house. It will be insulated and heated. It’s going to be a really nice building.”

Discussion continued.

City Administrator Clayton Keller said, “If you get a big enough — I don’t know if it is square footage or if it is cubic footage — then you have to bring in an engineer’s signature, architecture’s signature, because of the state law. I think that is what Mike Payne had referenced. I would like us to make sure we consider that when we allow them to build higher, we may run into those laws. Some of these rules are in place so that we don’t have to mess with that at all. So, if you allow them bigger buildings some of them are going to run into that, where they have to get an architecture’s stamp or engineer’s stamp.”

‘Nebraska state law requires that any building or structure that will exceed the square footages defined in the E&A Regulation Act and the Board’s Rules must be designed by an architect and/or professional engineer.’ (Neb. Rev. Stat. §81-3449 and §81-3453, and Board Rule 10.3) (This information comes from the State of Nebraska Board of Engineers and Architects pamphlet Revised Winter 2018.

Planning Commission member Jim Vandenberg said, “Well if that is state law then that is what we have to go by.”

Discussion continued.

Planning Commission member Keith Marvin said, “If we go to a sidewall of seventeen feet, we will have to raise the maximum height to about twenty-five feet.”

A public hearing will need to be held to make changes to Section 4.14 Accessory Buildings and Uses. Planning Commission members discussed holding a public hearing on Tuesday, September 28, 2021, at 8 a.m. at the City Office instead of Saturday, October 9, 2021.

There being no further business to come before the Planning Commission, Chairman Jim Masek made a motion to adjourn and declared the meeting adjourned at 6:07 p.m.

Minutes by Lori Matchett, Deputy City Clerk