

PLANNING COMMISSION

October 22, 2022

8:00 AM

Chairman Jim Masek opened the meeting at 8:00 a.m. in the meeting room of the City Office Building, 490 E Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the west 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, Pam Kabourek, Jim Masek and Greg Aschoff. Also present were Deputy City Clerk Lori Matchett, Building Inspector Gary Meister, City Council member Kevin Woita and John Sheppard of Marvin Planning Consultants.

Planning Commission Chairman Jim Masek made a motion to accept the minutes of the September 10, 2022, meeting as presented. 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.

Planning Commission member Keith Marvin excused himself from the meeting for the next item on the agenda at 8:01 a.m. due to a conflict of interest.

Planning Commission Chairman Jim Masek made a motion to open the public hearing at 8:01 a.m. for the redevelopment plan for the real estate described as: Point of beginning (POB) is at the centerline of Road 37 and the extended west property line of a lot referred to as 13 15 2 13 15 2 PT NE1/4 114.32 AC thence going southerly along the west property line of said lot to the centerline of Road 36; thence easterly to the intersection of the centerline of Road 36 and Road M; thence northerly along Road M to the northeast property line of BNSF railroad property; thence northwesterly along the northeast property line of said BNSF railroad property to the centerline of Road 37; thence westerly along the centerline of Road 37 to the POB, +/- 277 acres. Plus, the addition of the following area, added by crossing adjacent BNSF railroad property; A parcel of land located in the southeast quarter of section 12, township 15 north, range 2 east of the sixth p.m., Butler County, Nebraska, being described as follows: beginning at the southeast corner of the southeast quarter of said section 12; thence s89°56'25"w (assumed bearing) on the south line of said southeast quarter, a distance of 1396.92 feet to the northeasterly property line of the Burlington northern and Santa Fe railway; thence N30°24'47"W on said northeasterly property line, a distance of 440.34 feet; thence N89°56'25"E parallel with said south line, a distance of 1623.12 feet to the east line of said southeast quarter; thence s00°29'44"W on said east line, a distance of 380.00 feet to the point of beginning, containing 13.17 acres, more or less, which includes 1.32 acres, more or less, of public road right of way. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Abstain, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Abstain:1.

John Sheppard, Senior planner with Marvin Planning Consultants, introduced himself and summarized the blight and substandard study for the Northwest Area. John said, "The study is for the specific part of the city that is intended to give the Planning Commission and then the City Council information that is specified in the Nebraska statutes that the study area is shown

in figure one in the report that it includes all or some of four parcels with four owners. It is generally west of County Road M, north of road 36, two quarter sections and then a small portion to the north. Just a note that there are a couple of typos, the number of owners is four, we get to a section on roads we will check to that it is just over two miles, the existing land use agricultural and a small amount of residential in this area. According to the statute we have to find a certain numbers of contributing factors to blight. First, that we found are structural conditions, there are five structures that are rated poor, three that are rated normal. We also look at the age of the structures. The five structures are about seventy years old and the three structures about nine years old, the average that we found is forty-eight years old. Older than the forty-year minimum required that's part of the findings. As for the streets, the statutes don't have an appreciation of the rural lifestyle, that they consider gravel roads to be obsolete and for a future urban profile, they are, but that's a consideration. Our 2.1 miles of gravel roads are a contributing factor as well as a lack of curbs and gutters, which can be looked at more generally as a need to improve drainage as the area develops. So, from those four factors, there is another factor for insanitary and unsafe conditions. The report calls out some conditions along the railroad right of way, especially the larger regional railroads. They don't tend to maintain the railroad right of way very well and that can lead to danger of wildfire. We don't even go into those factors. Therefore, the report finds the area could be considered blighted by four factors and substandard by two of those conditions. Again, thank you for hearing this report, assuming you make the recommendation, will go to the City Council for their final okay."

No questions were asked to John Sheppard about the Blight and Substandard Study.

Planning Commission Chairman Jim Masek made a motion to close the public hearing at 8:06 a.m. for the redevelopment plan. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Abstain, Jim Masek: Yea, Jim Vandenberg; Yea. Yea: 4, Nay: 0, Abstain: 1.

Planning Commission member Jim Vandenberg made a motion to approve Resolution 3-2022PC for the redevelopment plan blight study and substandard study recommend to Redevelopment Plan Blight and Substandard Study to the City Council. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Keith Marvin: Abstain, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Abstain:1.

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RESOLUTION NO. 3-2022PC

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DAVID CITY, NEBRASKA, RECOMMENDING THE DESIGNATION OF AN AREA OF THE CITY AS BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

WHEREAS, it is desirable and in the public interest that the City of David City, Nebraska (the "City"), a municipal corporation, undertake and carry out urban redevelopment projects in areas that the City determines to be blighted, substandard and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes, as amended, known as the Community Development Law (the "Act"), prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City has duly prepared and approved a general plan for the development of the City known as its "Comprehensive Plan", all as required by section 18-2110 of the Act; and

WHEREAS, section 18-2109 of the Act requires that, prior to the City preparing a redevelopment plan for a redevelopment project, the Planning Commission must find and determine that the area in which the redevelopment plan would operate is a blighted and substandard area and in need of redevelopment as the Act defines; and

WHEREAS, the City contracted with Marvin Planning Consultants to prepare a study of the conditions of the proposed blighted and substandard designated area in accordance with the Act (the "Blight Study"); and

WHEREAS, the Blight Study analyzed an area of the City, herein referred to as the "Northwest Redevelopment Area", and concluded that the Northwest Redevelopment Area qualifies for designation by the City as a blighted and substandard area in need of redevelopment as defined in the Act, and further recommends such designation by the City; and

WHEREAS, the Northwest Redevelopment Area is more particularly described on Exhibit 1, attached hereto and incorporated herein; and

WHEREAS, the question of whether the Northwest Redevelopment Area is blighted and substandard and in need of redevelopment has been submitted to the Planning Commission for its review and recommendation, and the Planning Commission held a duly noticed public hearing on the question on October 22, 2022, all in compliance with the Act; and

WHEREAS, the Planning Commission conducted the public hearing pursuant to the Nebraska Open Meetings Act and afforded all interested parties a reasonable opportunity to express their views respecting the declaration of the Northwest Redevelopment Area as blighted and substandard and in need of redevelopment, and the Planning Commission reviewed and discussed the Blight Study.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. The Planning Commission finds, based on substantial evidence in the Blight Study and in the record of this proceeding and the November 7, 2022, public hearing that the Northwest Redevelopment Area qualifies as blighted, substandard and in need of redevelopment due to the factors set forth in the Blight Study.

Section 2. Based on the foregoing, the Planning Commission hereby recommends that the Mayor and Council of the City adopt the Blight Study and designate the Northwest Redevelopment Area as blighted and substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Northwest Redevelopment Area meeting the criteria in sections 18-2103(3) and 18-2103(31) of the Act.

INTRODUCED BY JIM VANDENBERG

PASSED AND ADOPTED THIS 22ND DAY OF OCTOBER, 2022.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT 1

Northwest Redevelopment Area

Point of beginning (POB) is at the centerline of Road 37 and the extended west property line of a lot referred to as 13 15 2 13 15 2 PT NE1/4 114.32 AC thence going southerly along the west property line of said lot to the centerline of Road 36; thence easterly to the intersection of the centerline of Road 36 and Road M; thence northerly along Road M to the northeast property line of BNSF railroad property; thence northwesterly along the northeast property line of said BNSF railroad property to the centerline of Road 37; thence westerly along the centerline of Road 37 to the POB, +/- 277 acres.

Plus, the addition of the following area, added by crossing adjacent BNSF railroad property;

A parcel of land located in the southeast quarter of section 12, township 15 north, range 2 east of the sixth p.m., Butler County, Nebraska, being described as follows: beginning at the southeast corner of the southeast quarter of said section 12; thence s89°56'25"w (assumed bearing) on the south line of said southeast quarter, a distance of 1396.92 feet to the northeasterly property line of the Burlington northern and Santa Fe railway; thence n30°24'47"w on said northeasterly property line, a distance of 440.34 feet; thence n89°56'25"e parallel with said south line, a distance of 1623.12 feet to the east line of said southeast quarter; thence s00°29'44"w on said east line, a distance of 380.00 feet to the point of beginning, containing

13.17 acres, more or less, which includes 1.32 acres, more or less, of public road right of way.

Purpose of the Blight and Substandard Study

The purpose of completing this Blight and Substandard study is to examine existing conditions within the study area. This study has been commissioned by the City of David City to analyze the possibility of declaring the study area as blighted and substandard.

The City of David City, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements."

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program; disaster assistance; effect. The statute reads:

"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."

"Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth."

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

"Blighted area means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility,

Blight and Substandard Study – Northwest Study Area

or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"

"Extremely blighted area means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"

"Substandard area means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare; and"

"Workforce housing means:

- (a) Housing that meets the needs of today's working families;*
- (b) Housing that is attractive to new residents considering relocation to a rural community;*
- (c) Owner-occupied housing units that cost not more than three hundred twenty-five thousand dollars to construct or rental housing units that cost not more than two hundred fifty thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;*
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and*
- (e) Upper-story housing."*

This Blight and Substandard Study is for a specified part of the city. The Study is intended to give the David City Planning Commission and David City City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the area and as allowed under Chapter 18, Section 2123.01. Through this process, the city and property owners will be

Blight and Substandard Study – Northwest Study Area

attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Tax Increment Financing Redevelopment Plan will be submitted in the future (provided the developers wants to use tax increment financing) and will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities, and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and;
- A list of the conditions present, which qualify the area as blighted and substandard.

Blight and Substandard Eligibility Study

This study targets a specified part of the community for evaluation. The area is indicated in Figure 1 of this report. The existing uses are agricultural and residential.

Through the redevelopment process, the City of David City can guide projects throughout the area. The use of the Community Redevelopment Act by the city is intended to redevelop and improve areas of the community. Using the Community Redevelopment Act, the City of David City can assist in the elimination of negative conditions and implement different programs/projects identified for the city.

The following is the description of the designated area within the City of David City:

Point of beginning (POB) is at the centerline of Road 37 and the extended west property line of a lot referred to as 13 15 2 13 15 2 PT NE1/4 114.32 AC thence going southerly along the west property line of said lot to the centerline of Road 36; thence easterly to the intersection of the centerline of Road 36 and Road M; thence northerly along the centerline of Road M to the centerline of Road 37; thence westerly along the centerline of Road 37 to the POB, +/- 318 acres.

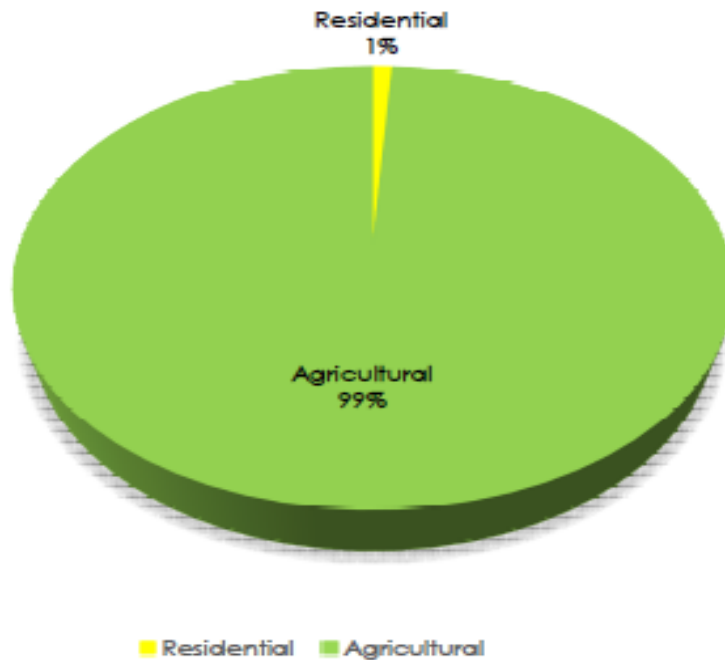
Plus the addition of the following area, added by crossing adjacent BNSF railroad property:

A parcel of land located in the southeast quarter of section 12, township 15 north, range 2 east of the sixth p.m., Butler County, Nebraska, being described as follows: beginning at the southeast corner of the southeast quarter of said section 12; thence s89°56'25" w (assumed bearing) on the south line of said southeast quarter, a distance of 1396.92 feet to the northeasterly property line of the Burlington northern and Santa Fe railway; thence n30°24'47" w on said northeasterly property line, a distance of 440.34 feet; thence n89°56'25" e parallel with said south line, a distance of 1623.12 feet to the east line of said southeast quarter; thence s00°29'44" w on said east line, a distance of 380.00 feet to the point of beginning, containing 13.17 acres, more or less, which includes 1.32 acres, more or less, of public road right of way.

Existing Land Uses

The term “Land Use” refers to the uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community and produce a number of impacts either benefitting or detracting from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the city faces during the course of the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

Figure 3: Existing Land Use Northwest Blight Study Area



Source: Marvin Planning Consultants 2022

Existing Land Use Analysis within Study Area

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Butler County Assessors website. This survey noted the use of each parcel of land within the study area. These data from the survey are analyzed in the following paragraphs. Figure 3 shows the different uses present within the study area. The different uses also have the overall percent of the total area.

Findings of Blight and Substandard Conditions Eligibility Study

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

Contributing Factors

There were a number of conditions examined and evaluated in the field and online. These conditions will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

Deterioration of Site or Other Improvements

Structural Conditions

Structural conditions were evaluated and rated as: Excellent, Very Good, Above Normal, Normal, Below Normal, Poor, or Very Poor. The data came from the Butler County Assessor's database and are the same database used to value properties in the area. According to the data there are 8 structures (2 primary and 6 secondary) in the study area.

Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- 0 (0.00%) structure rated as Excellent
- 0 (0.00%) structure rated as Very Good
- 0 (0.00%) structures rated as Above Normal
- 3 (37.5%) structures rated Normal
- 0 (0.00%) structures rated Below Normal
- 0 (0.00%) structure rated Poor
- 5 (62.5%) structure rated as Very Poor

Based upon these data, an assumption has been made that normal condition and less would constitute the possibility of some or considerable deterioration. It is common for older structures to need more maintenance and upkeep to maintain a good or higher condition. Even a structure rated as normal will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 100.0% of the structures in this study area are considered as normal to very poor and beyond repair. Due to the stated conditions found from a site visit, the condition of the structures is a contributing factor.



Figure 5
Curb and Gutter Conditions



Figure 6
Street Conditions



Curb and Gutter

Curb and Gutters have several direct and indirect roles in communities. Their primary function is to be a barrier to collect and direct water to be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

The curb and gutter were graded as either Excellent, Good, Average, Fair, and Poor or Missing. The study area is entirely considered rural section drainage. Within the study area there is approximately 10,560 lineal feet or 2 miles of curb and gutter possible. After reviewing the conditions in the field, the following is how the curb and gutter conditions break down within the corporate limits:

- 0 (0.0%) lineal feet of Excellent curb and gutter
- 0 (0.00%) lineal feet of Good curb and gutter
- 0 (0.00%) lineal feet of Average curb and gutter
- 0 (0.00%) lineal feet of Fair curb and gutter
- 10,560 (100.00%) lineal feet of Poor or Missing curb and gutter

The study area's streets and drainage have been designed and constructed in a manner referred to as rural section. A rural section street/road is one where water drains directly from the driving surface into ditches paralleling the street. This approach is adequate; however, this design typically sees the ditches begin to silt in and/or have tall grass growing in them. These factors quickly deteriorate the ability of the ditch to adequately drain away water from the driving surface and this typically leads to localized flooding and ponding. Due to the entire study area containing no curb and gutter, the curb and gutter conditions would be a direct contributing factor.

The photos below showcase the rural section in the study area.



Streets

Streets within a community are essential to moving people and vehicles from place to place. Their condition and construction have an impact on the appearance of a community, which leads directly to how a community is perceived by the outside world.

Within the study area there is approximately 10,560 lineal feet or 2 miles of street possible. After reviewing the conditions in the field, the following is how the street conditions breakdown within the corporate limits:

- 0 (0.00%) lineal feet of Excellent streets
- 0 (0.00%) lineal feet of Good streets
- 0 (0.00%) lineal feet of Average streets
- 0 (0.00%) lineal feet of Fair streets
- 10,560 (100.00%) lineal feet of Poor streets

All streets in the study area are unpaved. Any streets currently dirt or gravel are considered to be of a poor condition. Being paved with an obsolete material like dirt or gravel is obsolete for an urban area. The photos below represent poor and unpaved streets and alleys in the study area.



Age of Structure

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs and pages document the structural age of the structures within the Study Area. Note: the age of structure was determined from the Register of Deeds.

TABLE 1: AVERAGE STRUCTURAL AGE, BY METHOD – 2022

Number	Year Built	Age	Cumulative Age	Running Total
3	2013	9	27	27
5	1950	72	360	387
8			Average	48.4

Source: Register of Deeds and Marvin Planning Consultants 2022

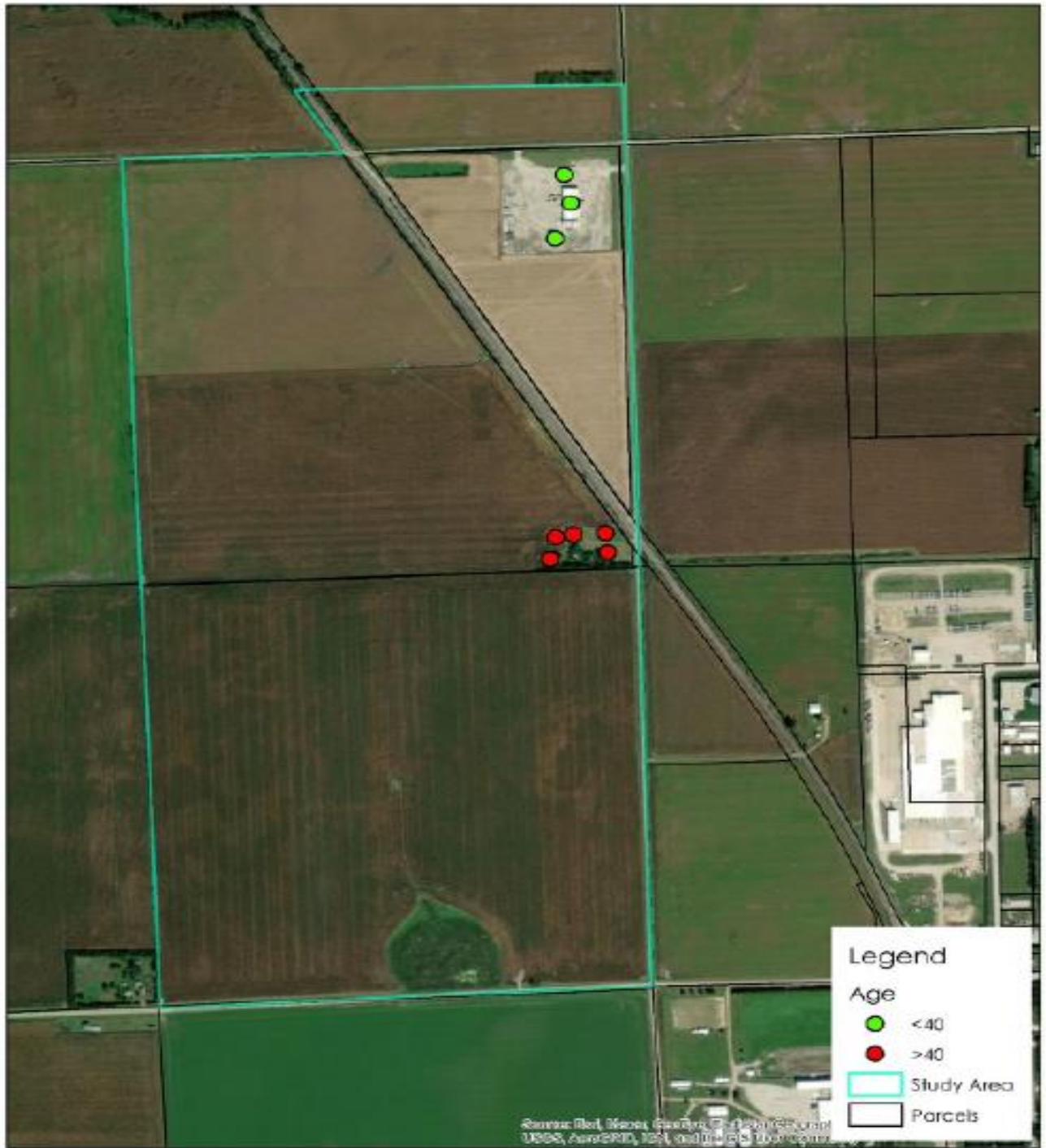
Age of Structure

Within the study area there are 8 structures. After researching the structural age at the Register of Deeds office, the following breakdown was determined:

- 5 (62.5%) units were determined to be 40 years of age or older.
- 3 (37.5%) units were determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 1 the average age of the primary structures is equal to 48.4 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Figure 7
Age of Structures



Blighting Summary

These conditions are contributing to the blighted conditions of the Study Area.

- **Deterioration of site or other improvements**
 - All structures in the study area are dilapidated and beyond repair.
 - Curb and gutter are missing throughout the study area.
 - Streets throughout the study area were of a poor condition and obsolete for an urban area.
- **Diversity of Ownership**
 - There are four different property owners within the study area.
 - The diversity of ownership may be a barrier to future development.
- **Insanitary and Unsafe Conditions**
 - Overgrown brush and vegetation in the study area could become a breeding ground for communicable diseases or become a fire hazard. The presence of the BSNF railroad also poses a hazard as derailments could occur within the study area. Grass fires in overgrown brush and vegetation along the Railroad ROW also poses a considerable threat. Photos below showcase these conditions.



Criteria under Part B of the Blight Definition

- The average age of the residential or commercial units in the area is at least forty years.
 - 5 (62.5%) units were determined to be 40 years of age or older.
 - 3 (37.5%) units were determined to be less than 40 years of age
 - The Average Age is 72 years
- Dangerous conditions to life or property due to fire or other causes.
 - The presence of the railroad in the study area poses a considerable threat due to overgrown brush along Railroad ROW, as overgrown brush could lead to grass fires. The potential for derailment exists as well.

These other criteria for Blight were either not examined or not present in the area:

- Factors Which Are Impairing And/or Arresting Sound Growth, including:
 - o Faulty lot layout.
 - o Improper subdivision or obsolete platting.
 - o Tax or special assessment delinquency exceeding fair value of the land.
 - o Defective or unusual condition of title.
 - o Unemployment in the designated area is at least 120% of the state or national average.
 - o One-half of unimproved property is over 40 years old.
 - o The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

Age of Structure

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs and pages document the structural age of the structures within the Study Area. Note: the age of structure was determined from the Register of Deeds.

TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD – 2022

Number	Year Built	Age	Cumulative Age	Running Total
3	2013	9	27	27
5	1950	72	360	387
8			Average	48.4

Source: Register of Deeds and Marvin Planning Consultants 2022

Age of Structure

Within the study area there are 8 structures. After researching the structural age at the Register of Deeds office, the following breakdown was determined:

- 5 (62.5%) units were determined to be 40 years of age or older.
- 3 (37.5%) units were determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 2 the average age of the primary structures is equal to 48.4 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Substandard Summary

Nebraska State Statute requires that "...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"

The Northwest Study Area meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

Findings for the Northwest Study Area

The Northwest Study Area has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

- Deterioration of site or other improvements
- Diversity of Ownership
- Average age of the residential or commercial units in the area is at least forty years
- Insanitary and Unsafe Conditions

Substandard Conditions

- Average age of the structures in the area is at least forty years
- Dangerous conditions to life or property due to fire or other causes.

Planning Commission member Keith Marvin rejoined the Planning Commission meeting at 8:08 a.m.

Planning Commission Chairman Jim Masek made a motion to open the public hearing at 8:09 a.m. to consider amending Zoning Ordinance Article 5, Zoning Districts by amending section 5.17 AH Airport Hazard (Overlay District). 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.

Chairman Jim Masek explained to the Planning Commission that it looked like the only change that was being made to the Zoning Ordinance, Section 5.17 for Airport Hazard was adding in a height restriction item that says unless the applicant has obtained a permit specific to the proposed construction pursuant to Section 5.17.01.

ARTICLE 5: ZONING DISTRICTS of the Zoning Ordinance such that SECTION 5.17.02(3) shall read as follows:

3. *Height Restrictions.*

Unless the applicant has obtained a permit specific to the proposed construction pursuant to Section 5.17.04, no building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow:

- a. In Inner Areas of Approach Zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50, and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing strip) to said structure or object;*
- b. In the Outer Area of Approach Zones and in Turning Zones to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing strip;*
- c. In the Transition Zones to a height above the planes forming the transition slopes; and*
- d. In the existing or proposed Operation Zones to a height above the existing or proposed finished grade of said runways or landing strips or surface of the ground.*

Planning Commission member Keith Marvin made a motion to close the public hearing at 8:12 a.m. to consider the amending the Zoning Ordinance, Article 5 Zoning Districts by amending Section 5.17 AH Airport Hazard (Overlay District). 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 the amending of Zoning Ordinance, Article 5 Zoning Districts by amending Section 5.17 AH Airport Hazard (Overlay District). 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 open the public hearing at 8:13 a.m. to consider amending the Official Zoning Map by changing the zoning classification from R-2 – Two-Family Residential to R-4 – High Density Residential for the following real

estate: Point of beginning is the intersection of the centerlines of 10th Street and "D" Street; thence northerly along the centerline of 10th Street to the intersection of the centerline of 10th Street and the centerline of "E" Street; thence easterly along the centerline of "E" Street to the intersection with the centerline of 11th Street; thence southerly along the centerline of 11th Street to the intersection with the centerline of "D" Street; thence, westerly along the centerline to the point of beginning. 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 explained to the Planning Commission members what Bob Wright was wanting to do with his property. Bob Wright currently owns a duplex and a garage on Lot 6, Block 4, Miles 3rd Addition, he plans on leaving the duplex alone, but add a smaller garage behind his current garage and then converting the current garage into one apartment. To do this the zoning would need to be R-4 Multi Family, which has smaller lot requirements. The Future Land Use Map has already been changed prior to the acceptance of the Comprehensive Plan. The minimum for R-4 zoning is one whole city block.

Planning Commission member Keith Marvin made a motion to close the public hearing at 8:18 a.m. for the consideration of amending the Official Zoning Map by changing the zoning classification from R-2 - Two-Family Residential to R-4 - High Density Residential for the following real estate: Point of beginning is the intersection of the centerlines of 10th Street and "D" Street; thence northerly along the centerline of 10th Street to the intersection of the centerline of 10th Street and the centerline of "E" Street; thence easterly along the centerline of "E" Street to the intersection with the centerline of 11th Street; thence southerly along the centerline of 11th Street to the intersection with the centerline of "D" Street; thence, westerly along the centerline to the point of beginning. 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 Jim Vandenberg made a motion to recommend to the City Council the amendment to the Official Zoning Map by changing the zoning classification from R-2 - Two-Family Residential to R-4 - High Density Residential for the following real estate: Point of beginning is the intersection of the centerlines of 10th Street and "D" Street; thence northerly along the centerline of 10th Street to the intersection of the centerline of 10th Street and the centerline of "E" Street; thence easterly along the centerline of "E" Street to the intersection with the centerline of 11th Street; thence southerly along the centerline of 11th Street to the intersection with the centerline of "D" Street; thence, westerly along the centerline to the point of beginning. 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.



PAID

SEP 27 2022

DAVID CITY PLANNING COMMISSION

CITY OF DAVID CITY
DAVID CITY UTILITIES

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 LOT 6 BLK 4 MILES 3RD ADD
ZONED R2

DESCRIPTION OF THE PROJECT:

SHOP CONVERSION TO APARTMENTS
REQUEST R4 ZONING


Applicant's Signature

FOR CITY USE ONLY

Date received: 9-27-22 By: sm

Fee Paid: Yes \$ 150.00 No

Hearing Date: October 22, 2022

Hearing Notice Published: Yes No October 6, 2022

Adjoining Landowners Notified Yes No

Action Taken: Planning Commission recommended to City Council to Amend the Official Zoning Map by changing the zoning classification from R-2 - Two-Family Residential to R-4 High Density Residential.

Planning Commission member Jim Masek made a motion to open the public hearing at 8:19 a.m. to consider the request of Gary Meister for a conditional use permit to have a studio apartment in his already existing tri-plex located on Lot 1 and North 10' of Lot 4, Block 8, Litty's 1st Addition, David City. 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.

Gary Meister introduced himself and stated that he wanted to convert the current space that he has in his apartment complex to a studio apartment. It is approximately 500 sq. feet, with a full bathroom. Gary explained to the Planning Commission that this unit has already been approved by the Fire Marshall and was on all of the Fire Marshalls plans. Gary was not aware at the time when he built his tri-plex that the studio apartment did not conform to R-2 zoning without a conditional use permit. Gary informed the commission that there is a demand for housing.

Planning Commission member Jim Vandenberg asked, "One of my questions is parking?"

Gary Meister explained to the Commission that he currently has three tenants with only two garages being used, he stated that he will add another parking stall for this studio unit. He has three parking spaces in the front of the tri-plex.

Planning Commission member Jim Vandenberg asked "Could we clarify the conditional use permit that he would have to have? Then would that go with the property itself if Gary were to sell the property?"

Planning Commission Member Keith Marvin said, "Yes, it would stay with the property. If Gary sold the property, then the new owners would have to follow all of the conditions that Gary agreed to. Now, Jim addressed parking, my only other concern is addressing from the standpoint of fire and rescue?"

Gary Meister said, "I think that is an excellent point and my solution to it is that that apartment, in my mind, should have a fifth street address and a mailbox to the east. The entrance is from the east."

Discussion continued.

Planning Commission member Jim Masek made a motion to close the public hearing at 8:28 a.m. for the consideration of the request of Gary Meister for a conditional use permit to have a studio apartment in his already existing tri-plex located on Lot 1 and North 10' of Lot 4, Block 8, Litty's 1st Addition, David City. 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.

Planning Commission member Pam Kabourek made a motion to approve the conditional use permit request of Gary Meister with the understanding that Gary provides additional parking spaces, changes the address to be a Fifth Street address and provides the local fire department a tour of the complex for emergency purposes. 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.



PAID

SEP 28 2022

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:

David City Lot 1 and North 10' of lot 4 Block 8
Littys 1st Addition

DESCRIPTION OF THE PROJECT:

3 plex on 5th & I with a studio apartment

Gary Meister
Applicant's Signature

FOR CITY USE ONLY

Date received: 9-28-22 By: sm
Fee Paid: Yes \$ 100.00 No
Hearing Date: October 22, 2022
Hearing Notice Published: Yes No October 6, 2022
Adjoining Landowners Notified Yes No

Action Taken: Planning Commission approved the conditional use permit request of Gary Meister with the understanding that Gary provides additional parking spaces, changes the address to be a Fifth Street address and provides the local fire department a tour of the complex for emergency purposes.



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 8:32 a.m.

Minutes by Lori Matchett, Deputy City Clerk