

PLANNING COMMISSION

January 14, 2023

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 Pam Kabourek, Jim Vandenberg, Robert Hilger, Jim Masek, Greg Aschoff, Alternate Planning Commission member Brian Small, City Clerk Tami Comte, and Deputy City Clerk Lori Matchett.

Also present were Building Inspector Gary Meister, City Council member Bruce Meysenburg, and Don McLaughlin.

Planning Commission member Pam Kabourek made a motion to accept the minutes of the December 10, 2022, meeting as presented. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Robert Hilger: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0

Planning Commission member Jim Masek made a motion to open the public hearing at 8:02 a.m. to consider amending the Official Zoning Map by changing the zoning classification from TA - Transitional Agriculture to I-2 - Heavy Industrial for the real estate as requested by Ag Processing Inc. described as: PART OF THE EAST HALF OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 12, PART OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2631.23 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N00°00'34"W ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 2634.07 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N00°00'34"W ON THE NORTHERLY EXTENSION OF SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 37; THENCE N89°56'25"E ON SAID NORTH RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1233.68 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE S30°24'38"E ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2762.01 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°26'22"W ON SAID EAST LINE, A DISTANCE OF 270.83 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°27'47"W ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2611.99 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE CONTINUING S00°27'47"W ON THE SOUTHERLY EXTENSION OF SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 36; THENCE S88°30'33"W ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2608.32 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 66.02 FEET TO THE POINT OF BEGINNING, CONTAINING 283.02 ACRES, MORE OR LESS. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Robert Hilger: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Jim Masek made a motion to close the public hearing at 8:04 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Robert Hilger: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.



PAID
DEC 19 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:

See Exhibit "A" attached hereto.

DESCRIPTION OF THE PROJECT:

Ag Processing Inc to construct a greenfield soybean processing plant and crude soybean oil degumming facility. Request rezoning from Transitional Agriculture (TA) to Heavy Industrial (I-2).


Applicant's Signature VP-ENGINEERING

FOR CITY USE ONLY

Date received: 12-19-2022 By: Joni Matchett

Fee Paid: Yes Yes \$ 150.00 No

Hearing Date: January 14, 2023

Hearing Notice Published: X Yes _____ No

Adjoining Landowners Notified X Yes _____ No

Action Taken: January 14, 2023 - Planning Commission recommended to the City Council the approval of amending the Official Zoning Map by changing the zoning classification from Transitional Agriculture to Heavy Industrial for parcels 120033159 and 120033187.

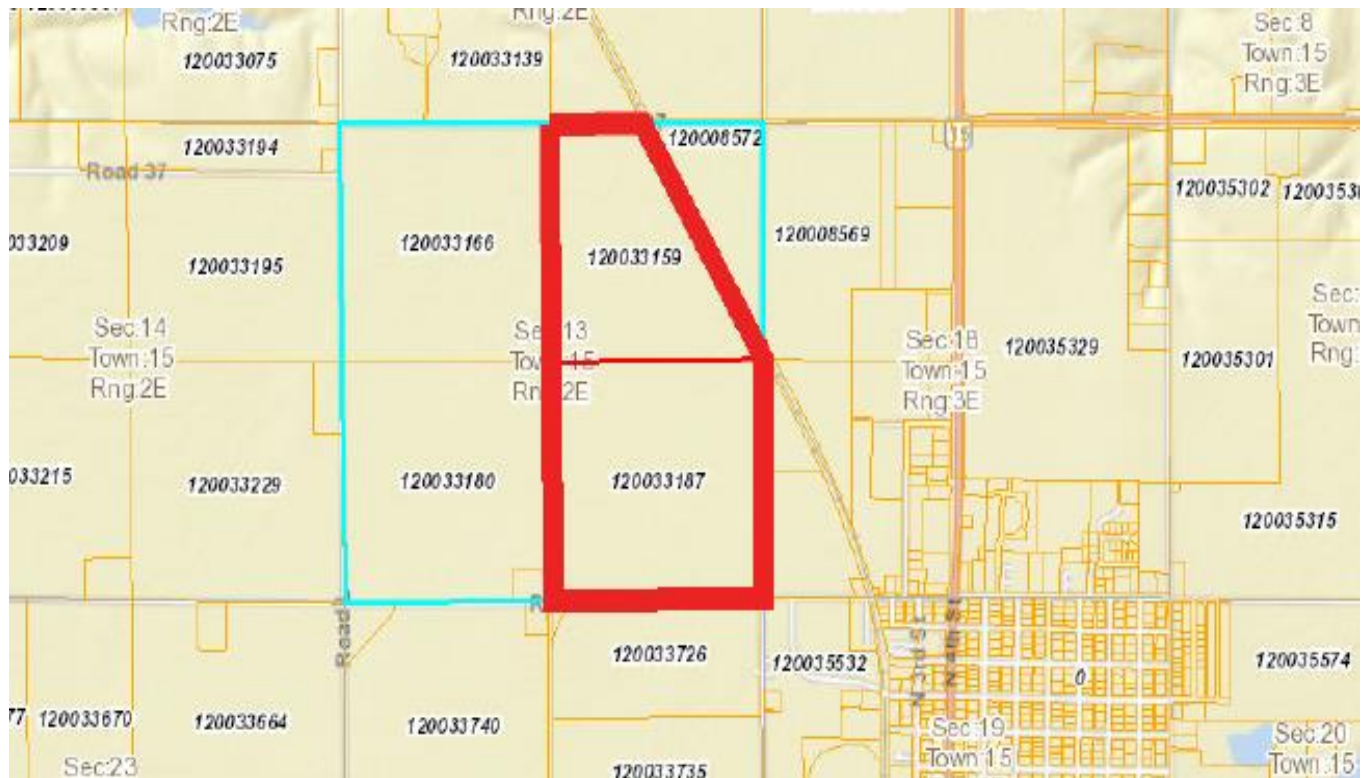
Exhibit "A"

(Formerly Harris-Newsom Property)

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE N89°56'25"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1137.01 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY; THENCE S30°24'47"E ON SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2949.80 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°26'22"W ON SAID EAST LINE, A DISTANCE OF 75.84 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE S89°39'43"W ON THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2629.31 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N00°00'34"W ON THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2634.07 FEET TO THE POINT OF BEGINNING.

(Formerly Ivan Schmid Investments Ltd. Property)

THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA.



Planning Commission member Pam Kabourek made a motion to recommend to the City Council the approval of amending the Official Zoning Map by changing the zoning classification from TA - Transitional Agriculture to I-2 - Heavy Industrial for the property described as : PART OF THE EAST HALF OF SECTION 13, PART OF THE SOUTHEAST QUARTER OF SECTION 12, PART OF THE NORTHEAST QUARTER OF SECTION 24, ALL IN TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., ALL IN BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W (ASSUMED BEARING) ON THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2631.23 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE N00°00'34"W ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 2634.07 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N00°00'34"W ON THE NORTHERLY EXTENSION OF SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY LINE OF COUNTY ROAD 37; THENCE N89°56'25"E ON SAID NORTH RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1233.68 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILWAY; THENCE S30°24'38"E ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2762.01 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°26'22"W ON SAID EAST LINE, A DISTANCE OF 270.83 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°27'47"W ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2611.99 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE CONTINUING S00°27'47"W ON THE SOUTHERLY EXTENSION OF SAID EAST LINE, A DISTANCE OF 33.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 36; THENCE S88°30'33"W ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2608.32 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N00°00'34"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 66.02 FEET TO THE POINT OF BEGINNING, CONTAINING 283.02 ACRES, MORE OR LESS, requested by Ag Processing Inc. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Robert Hilger: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

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 8:05 a.m.

Minutes by Lori Matchett, Deputy City Clerk