

PLANNING COMMISSION

March 9, 2024

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. He also notified the public that if they wish to speak to the Commission to please state their name and address for the record.

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

Also, present were Building Inspector Gary Meister, Police Chief Marla Schnell, Bryon & Mary Forney, Nick & Chelsea Sypal, Dan & Jan Sypal, Dan Kouba, Amy Slama, John Kobza and Dick Schmid. City Attorney David Levy joined via Zoom.

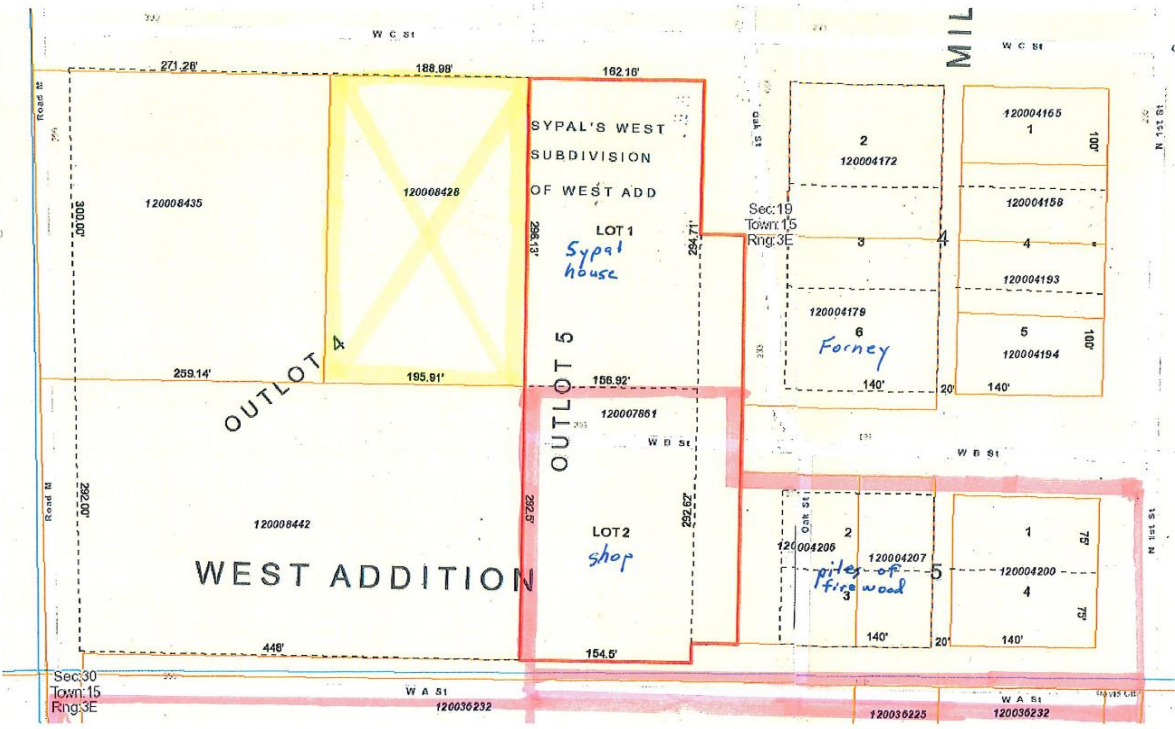
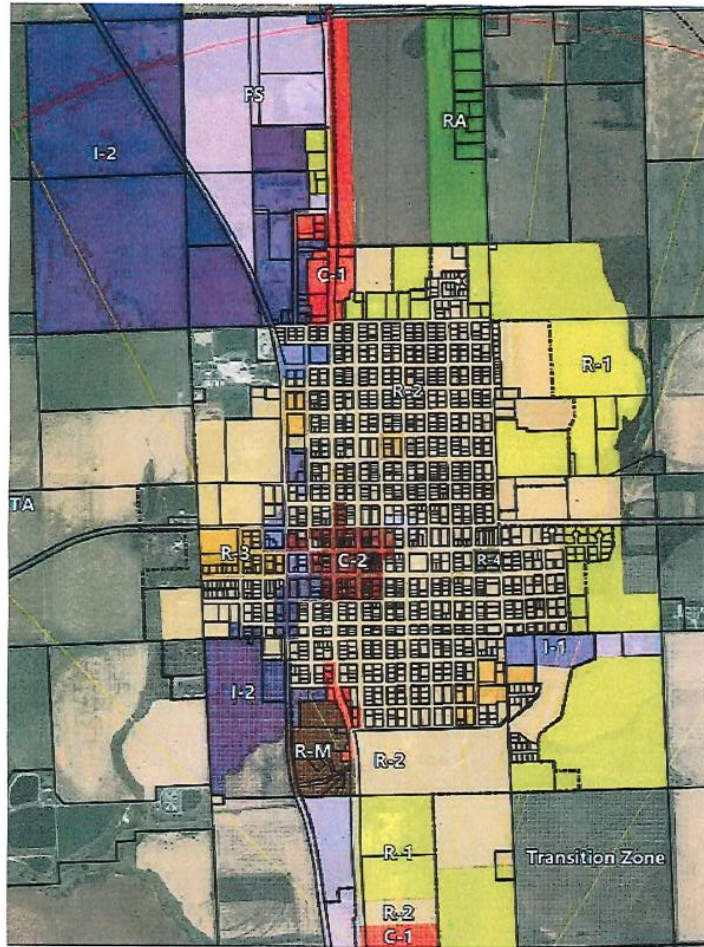
Planning Commission member Pam Kabourek made a motion to accept the minutes of the February 10, 2024, meeting as amended. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Robert Hilger asked Building Inspector Gary Meister for clarification of the property that was up for rezoning since there was some confusion on which property was being discussed. Building Inspector Gary Meister provided the Planning Commission members with a map of the area with the property in question clearly marked.

Chairman Jim Masek made a motion to recommend to the City Council the denial for amending the Future Land Use Map by changing the land use classification from residential to industrial heavy for the following real estate as requested by Nick Sypal. Parcel # 120008428 - Legal description Out Lot 4, West David City additions as platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15, North, Range 3 East, with a physical address of 273 West C Street. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Nay, Robert Hilger: Nay, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 2.

Chairman Jim Masek made a motion to recommend to the City Council the denial for amending the Official Zoning Map by changing the zoning classification from R-2 - Two-Family Residential to I-2 - Heavy Industrial for the real estate as requested by Nick Sypal. Parcel # 120008428 - Legal Description Out Lot 4, West David City additions as platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15, North, Range 3 East, with a physical address of 273 West C Street. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Nay, Robert Hilger: Nay, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 2.

(Space Intentionally Left Blank)





PAID
JAN - 5 2023

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:

273 W. C. Street

DESCRIPTION OF THE PROJECT:

We are looking to rezone this property to (I2)
Our shop location Sypal's Tree Service LLC is zoned I2
already, so joining the property to the west of us (Van Kouba)
and going north (273 W. C. Street) would keep it from being
spot zoned.
[Signature] 1/5/24
 Applicant's Signature

FOR CITY USE ONLY

Date received: 1-5-24 By: [Signature]
 Fee Paid: Yes \$ 150.00 No
 Hearing Date: February 10, 2024
 Hearing Notice Published: Yes No
 Adjoining Landowners Notified Yes No

Action Taken: Per Planning Commission meeting on March 9, 2024, recommended to the City Council the denial for amending the Future Land Use Map and Official Zoning Map by changing the land use and zoning classifications for Parcel # 120008428 Legal Description Out Lot 4, West David City additions as platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15, Range 3 East, with a physical address of 273 West C Street. Motion Carried.

Future Land Use Map - Denial - Greg Aschoff, Nay, Robert Hilger: Nay, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 2.
 Official Zoning Map - Denial - Greg Aschoff: Nay, Robert Hilger: Nay, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 2.
 Forwarded to City Council Meeting.

Planning Commission Minutes

March 9, 2024

Page # 4

Chairman Jim Masek made a motion to open the public hearing at 8:18 a.m. for the consideration of the conditional use permit request from Jan Schmid to covert the property at Lot 8, 1993 Replat of Lots 1, 2, 3, 4, and 5, Block 3, Schmid's Addition to the City of David City, Butler County, Nebraska and pt of the SW 1/4 of Section 18 T15N R3E of the 6th P.m. Butler County NE into a truck repair shop. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

John Kobza introduced himself. He stated that the Schmid's and himself bought the old John Deere building and are in the process of dividing the property. Dick and Jan Schmid are looking to use the old repair shop on the property as a repair shop for their business. They are asking that they can continue to use the existing building as a repair shop.

Chairman Jim Masek made a motion to close the public hearing at 8:25 a.m. for the consideration of the conditional use permit from Jan Schmid to convert the property at Lot 8, 1993 Replat of Lots 1, 2, 3, 4, and 5, Block 3, Schmid's Addition to the City of David City, Butler County, Nebraska and PT of the SW 1/4 of Section 18 T15N R3E of the 6th P.M. Butler County, NE into a truck repair shop. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Pam Kabourek made a motion to approve the request for a conditional use permit at the property of Lot 8, 1993 Replat of lots 1, 2, 3, 4, and 5, Block 3, Schmid's Addition to the City of David City, Butler County, Nebraska and pt of the SW 1/4 of Section 18 T15N R3E of the 6th P.M. Butler County into a truck repair shop. Robert Hilger seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

(Space Intentionally Left Blank)



PAID
FEB 12 2024
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:

Lot 8 1993 Replat of Lots 1, 2, 3, 4 and 5 Block 3.
Schmid's Addition to the City of David City
Butler County Nebraska and pt. of the SW 1/4 of
Section 18 T15N R3E of the 6th PM Butler County NE.

DESCRIPTION OF THE PROJECT:

To divide the former John Deere Buildings and land
between Kobza Kustom LLC DBA, Kobza Online Auctions LLC
and DJ Farms LLC DBA Schmid and Sons Truck Shop
so that Schmid & Sons can repair trucks and run as a
truck Center in the newer Building on the North end of John Deere lot

Applicant's Signature

Jim Schmid member

FOR CITY USE ONLY

Date received: 2-12-24 By: AM

Fee Paid: Yes \$ 100.00 No

Hearing Date: March 9, 2024

Hearing Notice Published: Yes No

Adjoining Landowners Notified Yes No

Action Taken: Planning Commission member Pam Kabourek made a motion to approve the request for a
conditional use permit at the property of Lot 8, 1993 Replat of Lots 1, 2, 3, 4, and 5, Block 3,
Schmid's Addition to the City of David City, Butler County, Nebraska and Pt of the SW 1/4 of Section

18 T15N R3E of the 6th P.M. Butler County into a truck repair shop. Robert Hilger seconded the
motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea,
Jim Vandenberg: Yea, Yea: 5, Nay: 0.

Planning Commission Minutes

March 9, 2024

Page # 6

Planning Commission member Jim Vandenberg stepped away from his Planning Commission seat at 8:27 a.m. and joined the Public for the next item on the agenda which was a wellhead permit application.

Jim Vandenberg introduced himself and explained to the Planning Commission that he is asking to get a wellhead permit to get a replacement domestic well on his property. This would replace his existing well and meet all setbacks. He explained that his current domestic services come from a water line through the City and that the property that his current water line runs through is in the process of being sold. Jim also mentioned that he has checked with the NRD and it will be less than fifty gallons a minute therefore he does not need a permit from the State of Nebraska but from the Planning Commission. The driller will complete registration with the State of Nebraska after the well is built.

Planning Commission member Robert Hilger made a motion to approve the request of James Vandenberg for a Wellhead Permit for a replacement of his domestic well at SE 1/4 Section 20 15 3 Franklin Township with the requirements that the old well be decommissioned and the new well registered with the State of Nebraska upon completion. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea. Yea: 5, Nay: 0.

(Space Intentionally left blank)

CITY OF DAVID CITY, NEBRASKA



PAID

FEB 20 2024

CITY OF DAVID CITY
DAVID CITY UTILITIES

WELLHEAD STRUCTURE OR ACTIVITY PERMIT APPLICATION

IMPORTANT NOTICE: Applicants and property owners are solely responsible for the information submitted on the application. Information which is incorrect or inaccurate may be cause for rejection of the application. Officials of the City of David City are not authorized to practice engineering, surveying or architecture. Review of applications by the City of David City is not to be construed as a substitute for architectural, engineering, surveying or contractors services. Applicants are encouraged to consult with a professional architect, engineer, surveyor or contractor when in doubt. Applicants are solely responsible for all applicable state building, electrical and plumbing codes. Applicants are solely responsible to comply with all zoning codes of the General Plan and all ordinances of the City of David City and are cautioned to consult with an attorney when in doubt. No construction shall be started without an approved Wellhead Permit. Applicants are encouraged to obtain certification from a Nebraska licensed surveyor to document compliance with zoning regulations. The City of David City may seek recommendations of the Natural Resources District, the Nebraska Department of Environmental Quality or any other party or agency in evaluating the impact of the proposed structure or activity on the municipal water supply or ground water.

The City of David City shall not be liable for any and all liability that may arise as a result of the proposed construction.

Date of Application 2-16-2024 zone Transitional Ag.

Type of Construction or Activity

(describe the activity or operation, etc.): _____

Estimated Cost \$40,000.00

Intended Use Farm operation

Property Owner:

Name JMV Farms Inc
James Vandenberg

Address 1460 35th Rd
David City, NE 68632

Phone 402-641-9045

Location of Work:

Owner JMV Farms Inc
James Vandenberg

Address 1460 35th Rd
David City, NE 68632

Zone _____

Legal Description of Work Site: SE 1/4 Sec 20-15-3 Franklin Twp.

Description of Work- Describe the project or activity and why approval would not adversely impact municipal water supply and groundwater (use a separate sheet if necessary):

Drill a replacement Domestic well on the
Farm yard. water will be used for the
Farming operations. This will be to replace an existing well

General Contractor:

Name Earnest Well Drilling

Address 2796 W. Milford Rd Phone: 402-475-3276

Electrician: Milford, NE

Name _____

Address _____ Phone: _____

Plumber:

Name Earnest Well Drilling

Address 2796 W. Milford Rd Phone: 402-475-3276

Milford, NE

This section to be completed by the city

Permit Fee \$25.00 Date Paid 2-20-24 Rec'd by YMW

Date Plans Submitted _____ Date Survey Submitted _____

ACTION:

SUBMITTED TO PLANNING COMMISSION Date 2-29-2024

DENIED Reason _____ Date _____

APPROVED Date March 9, 2024

PLANNING COMMISSION FINDINGS Planning Commission member Robert Hilger made a motion to approve the request of James Vandenberg for a Wellhead Permit for a replacement of his domestic well at SE 1/4 Section 20 15 3 Franklin Township with the requirements that the old well be decommissioned and the new well registered with the State of Nebraska upon completion.

Jim Masek seconded the motion. The Motion Carried. Greg Aschoff: Yea, Robert Hilger: Yea,

Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea. Yea: 5, Nay: 0.

PERMIT ISSUED Date March 9, 2024 Number 2024-1

WELLHEAD STRUCTURE AND ACTIVITY PERMIT

PERMIT NO. 2024 - 1 **DATE** 3/9/2024

PROPERTY OWNER: JMV Farms – James Vandenberg

LOCATION OF WORK: 1460 35th Road

DESCRIPTION OF WORK: Drill a replacement domestic well on the farmyard, water to be used for the farming operation, replacing an existing well. Approved by the Planning Commission on March 9, 2024, with the requirements that the old well be decommissioned and the new well registered with the State of Nebraska upon completion.

GENERAL CONTRACTOR: Earnest Well Drilling

AUTHORIZED SIGNATURE *Jami J. Lomte*

Permit holder shall call 402-367-3135 for inspection before covering any work, and also upon completion of any permitted work described above.

Planning Commission Minutes

March 9, 2024

Page # 10

Jim Vandenberg rejoined the Planning Commission at 8:30 a.m.

There being no further business to come before the Planning Commission, Planning Commission Chairman Jim Masek made a motion to adjourn the meeting at 8:31 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Minutes by Lori Matchett, Deputy City Clerk