

PLANNING COMMISSION

August 12, 2023

8:00 a.m.

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, Pam Kabourek, Jim Masek, Alternate Brian Small, and Deputy City Clerk Lori Matchett. City Attorney David Levy attended via zoom. Planning Commission member Jim Vandenberg and City Clerk Tami Comte were absent.

Also present were Building Inspector Gary Meister, City Council member and Liaison Keith Marvin, Michael & Jill Morgan, Nathan Palensky, Ray Kobza, Mary Lou Smith, and Marvin Pelan.

Planning Commission member Pam Kabourek made a motion to accept the minutes of the July 22, 2023, meeting as presented. Robert Hilger seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Absent. Yea: 5, Nay: 0, Absent: 1.

Chairman Jim Masek stated that the Planning Commission is resuming the recessed public hearing at 8:01 a.m. to consider the request from Michael Morgan for a conditional use permit to erect a metal garage located on the property legally described as David City Lots 8 & 9, Block 4, Original Town with a physical address of 719 5th Street.

Chairman Jim Masek stated to Michael Morgan that one of the problems that is an issue with the metal building is that in the zoning regulations for metal accessory buildings it states that all metal accessory buildings shall be finished similarly to the principal structure, which includes color and appearance.

Michael Morgan introduced himself, he said that the principal structure itself needs repainted and their intention was to have both structures match in color.

Jill Morgan introduced herself and agreed what their intent was to paint the main structure and have the garage match.

Nathan Palensky introduced himself and asked what the procedure was and why the procedure was not followed correctly to build this garage and how this is going to be corrected.

City Attorney David Levy reminded the Planning Commission that the item on the agenda is the conditional use permit for the metal building, not the zoning, and that no two conditional use permits are the same.

Chairman Jim Masek asked about maintaining the alley and snow removal. Michael Morgan said that he hires the snow removal out and is done the morning of the snow and that they will continue to do the snow removal for his tenants.

Mary Lou Smith introduced herself and voiced her issue with the metal building and the color of the metal building.

Marvin Pelan introduced himself and voiced his concern about metal buildings.

Discussion continued.

Chairman Jim Masek made a motion to close the public hearing at 8:47 a.m. to consider the request from Michael Morgan for a conditional use permit to erect a metal garage located on the property legally described as David City Lots 8 & 9, Block 4, Original Town, David City with a physical address of 719 5th Street. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Absent. Yea: 5, Nay: 0, Absent: 1.

Planning Commission member Greg Aschoff made a motion to approve the conditional use permit for Michael Morgan to erect a metal garage provided that the primary structure will be painted, so that the buildings match, within 12 months from August 12, 2023. Robert Hilger seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Nay, Jim Vandenberg: Absent. Yea: 4, Nay: 1, Absent: 1.

CONDITIONAL USE PERMIT

This conditional use permit shall run with the title of the land.

DATE : AUGUST 12, 2023

APPLICANT : MICHAEL MORGAN

LOCATION 719 5TH STREET, DAVID CITY, NE 68632
LEGAL DESCRIPTION : DAVID CITY LOTS 8 & 9 BLOCK 4 ORIGINAL TOWN

Motion to approve the conditional use permit for Michael Morgan to erect a metal garage provided that the primary structure will be painted, so that the buildings match, within 12 months of August 12, 2023.

PASSED & APPROVED BY THE PLANNING COMMISSION ON AUGUST 12, 2023


CITY CLERK / DEPUTY CLERK





PAID
JUN 20 2023
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:

719 5th Street D.C.
David City lots 8 & 9 Block 4 Original Town

DESCRIPTION OF THE PROJECT:

Garage (metal)


 Applicant's Signature

FOR CITY USE ONLY

Date received: 6-20-23 By: Elizabeth Paker
 Fee Paid: X Yes \$ 100.00 No
 Hearing Date: July 22, 2023
 Hearing Notice Published: X Yes No
 Adjoining Landowners Notified Yes X No

Action Taken: Motion to approve the conditional use permit for Michael Morgan to erect a metal garage provided that the primary structure will be painted, so that the buildings match, within 12 months from August 12, 2023.
Approved by Planning Commission on August 12, 2023.

Chairman Jim Masek made a motion to open the public hearing at 8:52 a.m. to consider the request of Ray Kobza, on behalf of St. Mary's Cemetery, for a conditional use permit to erect a metal garage located on the property legally described as David City 29 15 3 PT SW ¼ NW ¼ 5.69 AC Annex with a physical address of 2452 N Road, David City. Greg Aschoff

seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Absent. Yea: 5, Nay: 0, Absent: 1.

Ray Kobza introduced himself and stated that they wanted to have a garage built on the cemetery property to store tools and items. They decided to make the building a metal building. To follow through with the proper rules and regulations they asked for a conditional use permit since a metal building needs a conditional use permit in residential zoning.

Chairman Jim Masek made a motion to close the public hearing at 8:56 a.m. to consider the request of Ray Kobza, on behalf of St. Mary's Cemetery, for a conditional use permit to erect a metal garage located on the property legally described as David City 29 15 3 PT SW ¼ NW ¼ 5.69 AC Annex with a physical address of 2452 N Road, David City. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Absent. Yea: 5, Nay: 0, Absent: 1.

Planning Commission member Greg Aschoff made a motion to approve the conditional use permit for St. Mary's Cemetery to erect a metal garage located on the property legally described as David City 29 15 3 PT SW ¼ NW ¼ 5.69 AC Annex with a physical address of 2452 N Road, David City. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Absent. Yea: 5, Nay: 0, Absent: 1.

CONDITIONAL USE PERMIT

This conditional use permit shall run with the title of the land.

DATE : AUGUST 12, 2023

APPLICANT : ST. MARY'S CEMENTARY

LOCATION 2452 N ROAD, DAVID CITY, NE 68632

LEGAL DESCRIPTION : DAVID CITY 29 15 3 PT SW ¼ NW ¼ 5.69 AC ANNEX

Motion to approve the conditional use permit to erect a metal building on the property.

PASSED & APPROVED BY THE PLANNING COMMISSION ON AUGUST 12, 2023


CITY CLERK / DEPUTY CLERK





PAID

JUL 11 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:

2452 N Rd David city ne 68632

DESCRIPTION OF THE PROJECT:

24x32' garage
metal roof + siding

[Signature]
Applicant's Signature

FOR CITY USE ONLY

Date received: 7/11/23 By: Elizabeth

Fee Paid: \$100 Yes \$ ✓ No Credit due to being overcharged on Building permit

Hearing Date: August 12, 2023

Hearing Notice Published: X Yes No

Adjoining Landowners Notified Yes X No

Action Taken: Motion to approve the conditional use permit to erect a metal building on the property legally described as David City 29 15 3 PT SW 1/4 NW 1/4 5.69 AC Annex with a physical address of 2452 N Road, David City.

Approved by the Planning Commission on August 12, 2023.

Chairman Jim Masek stated that the next item on the agenda was discussion concerning making Nebraska Street between 10th Street and 11th Street a through street.

Nebraska Street is currently open to the north of David Place to the alley and with 10th Street between Iowa Street and Witter's clinic being possibly vacated, it would be nice to have Nebraska Street open all the way from 10th Street to 11th Street. The City or David Place would need to acquire the land that would continue Nebraska Street. Planning Commission members thought it would be a good idea to look at opening Nebraska Street from 10th Street to 11th Street.

There being no further business to come before the Planning Commission, Planning Commission Chairman Jim Masek made a motion to adjourn the meeting at 9:05 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Absent. Yea: 5, Nay: 0, Absent: 1.

Minutes by Lori Matchett, Deputy City Clerk