

PLANNING COMMISSION

June 8, 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, please state their name and address.

Present: Planning Commission members Greg Aschoff, Jim Vandenberg, Jim Masek, Robert Hilger, Pam Kabourek, Alternate Brian Small, Deputy Clerk Lori Matchett, and City Administrator Intern Raiko Martinez. City Attorney David Levy attended via Zoom. City Clerk Tami Comte was absent.

Also, present were Building Inspector Gary Meister, Council Members Bruce Meysenburg and Keith Marvin, Dan & Jan Sypal, Alyssa Ledon, and John Dilsaver of Western Oil II, LLC.

Planning Commission member Pam Kabourek made a motion to accept the minutes of the April 13, 2024, meeting as presented. Jim Masek 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.

Chairman Jim Masek made a motion to combined agenda item number four – Public Hearing to consider amending the future land use map and number six – Public Hearing to consider amending the zoning map, together as one item. 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.

Chairman Jim Masek made a motion to open the public hearing at 8:03 a.m. to consider amending the Future Land Use Map by changing the land use classification from Residential to Highway Commercial and the Official Zoning by changing the zoning classification from R1 – Single Family Residential to C1 – Highway Commercial for the following real estate as requested by Western Oil II, LLC; A tract of land being part of Lot 7 and 8, David City Land and Lot Company's Suburban Lots, located in the SW ¼ of the SE ¼ of Section 18, Township 15 North, Range 3, East of the 6th P.M., in Butler County, Nebraska, described as follows: Beginning at the southeast corner of said Lot 8, and assuming the south line of said Lot 8 to have a bearing of N 89°32'24" W; thence N 89°32'24" W, 155.00 feet; thence N 00°20'17" W, 348.83 feet; thence S 89°32'24" E, 84.35 feet, parallel with the south line of said Lot 8; thence N 00°24'47" E, 135.82 feet, parallel with the east line of said lot 8; thence N89°58'34" E, 75.33 feet, parallel with the north line of said Lot 8; thence S00°24'47" W, 36.14 feet on the east line of said Lot 8; thence S89°35'50" E, 131.70 feet; thence S 00°32'08" W, 449.25 feet; thence N 89°32'24" W, 130.74 feet on the south line of said Lot 7, to the point of beginning, containing 2.85 acres, more or less, EXCEPT that portion conveyed by Warranty Deed filed as Instrument No 2018-01663 in the Office of the Butler County Clerk/Register of Deeds on December 28, 2018, and EXCEPT that portion conveyed by Warranty Deed filed as Instrument No. 2022-01244 in the Office of the Butler County Clerk/Register of Deeds on August 15, 2022. 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.

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John Dilsaver of Western Oil II, LLC, introduced himself and presented the commission with photographs of the proposed amendment and a rough handout of what they would like to do with the property. The house on the residential property has been moved to another location in David City. The rough draft of the conceptual layout, this layout was submitted to the USDA for grant funding. Discussion was made about parking, traffic, lighting restrictions, fencing, and barriers between residential and commercial properties.

Alyssa Ledon introduced herself and voiced her concerns about the property being rezoned from residential to commercial. Concerns are with traffic, lighting from the commercial properties, following codes, and placement of a privacy fence between the properties.

Discussion continued.

Chairman Jim Masek made a motion to close the public hearing at 8:28 a.m. to consider amending the Future Land Use Map by changing the land use classification from Residential to Highway Commercial and amending the Official Zoning Map by changing the zoning classification from R-1 – Single Family Residential to C1 – Highway Commercial for the following real estates as requested by Western Oil II, LLC, A tract of land being part of Lot 7 and 8, David City Land and Lot Company's Suburban Lots, located in the SW ¼ of the SE ¼ of Section 18, Township 15 North, Range 3, East of the 6th P.M., in Butler County, Nebraska, described as follows: Beginning at the southeast corner of said Lot 8, and assuming the south line of said Lot 8 to have a bearing of N 89°32'24" W; thence N 89°32'24" W, 155.00 feet; thence N 00°20'17" W, 348.83 feet; thence S 89°32'24" E, 84.35 feet, parallel with the south line of said Lot 8; thence N 00°24'47" E, 135.82 feet, parallel with the east line of said lot 8; thence N89°58'34" E, 75.33 feet, parallel with the north line of said Lot 8; thence S00°24'47" W, 36.14 feet on the east line of said Lot 8; thence S89°35'50" E, 131.70 feet; thence S 00°32'08" W, 449.25 feet; thence N 89°32'24" W, 130.74 feet on the south line of said Lot 7, to the point of beginning, containing 2.85 acres, more or less, EXCEPT that portion conveyed by Warranty Deed filed as Instrument No 2018-01663 in the Office of the Butler County Clerk/Register of Deeds on December 28, 2018, and EXCEPT that portion conveyed by Warranty Deed filed as Instrument No. 2022-01244 in the Office of the Butler County Clerk/Register of Deeds on August 15, 2022. 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.

Planning Commission member Pam Kabourek made a motion to recommend to the City Council the approval of amending the Future Land Use Map by changing the land use classification from Residential to Highway Commercial as requested by Western Oil II, LLC. Jim Masek 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 recommend to the City Council the approval of amending the Official Zoning Map by changing the zoning classification from R-1 – Single Family Residential to C1 – Highway Commercial. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Jim Masek: Yea, Jim Vandenberg: Yea, Yea: 5, Nay: 0.



PAID
MAY 10 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:

See attachment

DESCRIPTION OF THE PROJECT:

Would like to change from residential to commercial to build a new convenience store. Property is next to convenience store that new convenience store will replace

R1 to C1

[Signature]
Applicant's Signature

FOR CITY USE ONLY

Date received: May 10, 2024 By: [Signature]

Fee Paid: Yes \$ 150.00 No

Hearing Date: June 8, 2024

Hearing Notice Published: Yes No

Adjoining Landowners Notified Yes No

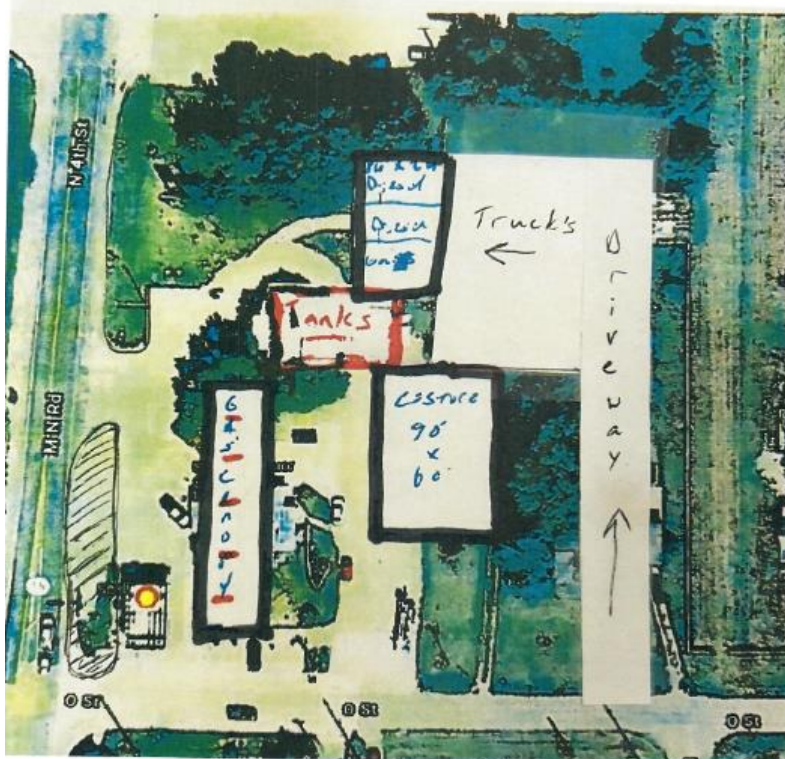
Action Taken: Recommended to City Council the amending of the Future Land Use Map and Zoning Map by changing the land use classification and zoning classification of the property described in the attached real estate. Motion made by Pam Kabourek seconds by Jim Masek. Motion Carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea, Yea: 5, Nay: 0.

EXHIBIT A

A tract of land being part of Lots 7 and 8, David City Land and Lot Company's Suburban Lots, located in the SW ¼ of the SE ¼ of Section 18, Township 15 North, Range 3, East of the 6th P.M., in Butler County, Nebraska, described as follows: Beginning at the southeast corner of said Lot 8, and assuming the south line of said Lot 8 to have a bearing of N 89°32'24" W; thence N 89°32'24" W, 155.00 feet; thence N 00°20'17" W, 348.83 feet; thence S 89°32'24" E, 84.35 feet, parallel with the south line of said Lot 8; thence N 00°24'47" E, 135.82 feet, parallel with the east line of said lot 8; thence N 89°58'34" E, 75.33 feet, parallel with the north line of said Lot 8; thence S 00°24'47" W, 36.14 feet on the east line of said Lot 8; thence S 89°35'50" E, 131.70 feet; thence S 00° 32'08" W, 449.25 feet; thence N 89°32'24" W, 130.74 feet on the south line of said Lot 7, to the point of beginning, containing 2.85 acres, more or less

EXCEPT that portion conveyed by Warranty Deed filed as Instrument No. 2018-01663 in the Office of the Butler County Clerk/Register of Deeds on December 28, 2018, and EXCEPT that portion conveyed by Warranty Deed filed as Instrument No. 2022-01244 in the Office of the Butler County Clerk/Register of Deeds on August 15, 2022.







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Planning Commission members discussed moving the July 13, 2024, Planning Commission meeting to June 29, 2024. The Next Planning Commission meeting will be on July 13, 2024.

There being no further business to come before the Planning Commission, Planning Commission Chairman Jim Masek made a motion to adjourn the meeting at 8:45 a.m. 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.

Minutes by Lori Matchett, Deputy City Clerk