

FAIRBURY PLANNING COMMISSION

MINUTES

Hearing
March 13th, 2017
7:00 p.m.

Chairperson Brackle read the statement regarding the Open Meetings Act and called the meeting to order at 7:00 p.m. and asked for roll call. Other members present were: Cathy Kleine, Karl Hoeting, Kip Chappell, Paul Schramm and Ron Schacht.

1. Next, was the approval of the minutes from the February 13th, 2017 Hearing. Discussion, taking of any necessary or desired action.

Member Schacht made the motion to approve the minutes of the February 13th, 2017 Hearing and member Kleine seconded the motion. By roll call, the vote was: 6 - "yes" (Chappell, Hoeting, Kleine, Schacht, Schramm and Brackle) / 0 - "no". The motion passed.

2. Next, was **Public Hearing** regarding Conditional Use Permit (CU-2017-002) from Randy Mees at 517 7th Street, Fairbury, Nebraska. The request is to allow for the construction of an accessory building on a lot without a primary structure in the R-3 – High density zoning district as provided for in Article 4, Section 4.12 and Article 6, Section 6.01 of the Zoning Ordinance of the City of Fairbury, Nebraska – 2013 Edition. The legal description of the property is described as: S 41' of W 47.6' of lot 1, Block 3, Original Town, Fairbury, Jefferson County, Nebraska. Discussion, taking of any necessary or desired action.

Chairman Brackle opened the hearing at 7:03 pm. Assistant Street Superintendent Bedlan referred the commission to information in their packets. Randy Mees was present and spoke in regards to this permit. He noted that he is not building anything rather, he is just altering the existing building by putting garage doors in. It is noted that the lot size is not very big, approximately 50' x 70' and it would be difficult to do anything else with it. It is noted that he does not plan on using the water at this location however, it has had adequate utilities for all of the past uses. Chairman Brackle closed the hearing at 7:06 pm. The committee reviewed the conditional use permit standards and agreed with the staffs findings regarding these standards. Member Schacht made the motion to recommend the City Council approve Conditional Use Permit CU-2017-002 from Randy Mees to allow for an accessory building on a lot without a primary structure located at 517 7th St. in the R-3 – High density Residential zoning district. Member Schramm seconded the motion. By roll call, the vote was: 6 - "yes" (Chappell, Hoeting, Kleine, Schacht, Schramm and Brackle) / 0 - "no". The motion passed.

3. Next, was **Public Hearing** regarding Conditional Use Permit (CU-2017-003) from David Lange at 422 4th Street and 317 E Street, Fairbury, Nebraska. The request is to allow for multi-family dwelling located in the C-1, Downtown Commercial zoning district as provided for in Article 5, Section 5.06, Section 5.13 and Article 6, Section 6.01 of the Zoning Ordinance of the City of Fairbury, Nebraska – 2013 Edition. The legal description of the property is described as: Lot 1, Block 32, Original Town, Fairbury, Jefferson County, Nebraska. Discussion, taking of any necessary or desired action

Chairman Brackle opened the hearing at 7:07 pm. Assistant Street Superintendent Bedlan

referred the commission to information in their packets and noted that this application does not come with a building permit because the owner is not making any changes to the structure that would require a building permit application. The owner David Lange was present and spoke to the commission regarding this application. He gave a little history on the structure noting that the building was originally a multiuse structure but because the building has been vacant for an extended period of time and because he plans to put residential spaces on the ground floor he is required to get a permit. It is noted that there are two address at the location and in the past, there have been several. There was some discussion regarding the current condition of the structure and it was noted that the roof was redone by the city in 2004 so that they did not have to demo the property. Lange clarified that currently he is only looking to remodel the main floor with two properties. He would like to have commercial retail and/or residential property on the main floor facing north and a residential property on the main floor facing east. He noted that it is difficult to find commercial businesses willing to rent in Fairbury right now so he would like to open the north address to both commercial or residential. Zoning administrator Bedlan referred the commission to number two in the conditional use permit standards and stated that in the past the commission has required that any residential property in the downtown and historic district must keep at least 25% of the front of the structure commercial in nature to keep the downtown historic district store fronts looking commercial. She notes that this is not a requirement in zoning but it is something that has been required of similar conditional use permits in the past. Lange states that his timeline is to possibly rent within a month and he explained to the commission that most of the damage was to the back of the building where he tuckpointed and replaced floor joists. He believes the main floor is structurally sound. The exterior brick and cornices were discussed. Lange stated that he removed the cornice and tuckpointed up to 20' from the top of the structure. Kleine notes that the typical use for the downtown district as stated in the comprehensive plan is for residential living on the upper floors so as to maintain the integrity of the district. Lange reiterates that it is difficult to get businesses in the downtown buildings and the property facing north does not have the big storefront window so he does not think it will affect the character of the district if it becomes residential. Lange notes that he would like to do the upper floors later but needs to rent the lower floors to cashflow the work on the upper floors. Lang also points out that he is trying to keep with the historic integrity of the structure. The commission had some discussion regarding fire hazards. Lange notes that he does have firewalls between the units and brick between his structure and the connected business to the west. Along with that he has also provided two egresses for each unit. Councilman Kelly Davis was also present and questioned if fire sprinklers were required for this type of structure. Bedlan explained that for the fire marshal to review plans on an apartment complex there needs to be three or more units in the complex so there is not requirement for Lange to submit his plan to the fire marshal for approval and the city does not currently have a building inspector. Davis stated that he has concerns about fire safety, the integrity of the roof and the structural integrity of the building as a whole. Lange reiterated that his mission is to get the building reoccupied so that he can fix it up more. He noted that he has spent 10's of 1,000's on the building thus far and plans to continue if he can generate some cashflow to do so. Again, the structural integrity of the building was discussed and it was noted that the structural integrity of the building has not been assessed by an outside party, however it is not the responsibility of this committee to review the condition of the building only to determine if the proposed use will fit with the comprehensive plan. It is noted that Lang could currently lease the building commercially and he would not need a permit. Lang also stated that all of the wiring and plumbing has been replaced. Chairman Brackle closed the hearing at 7:36 pm. The committee reviewed the conditional use permit standards stating that in response to requirement number one although they are concerned about the integrity of the structure of the building the integrity of the use is not in question. Administrator Bielser stated that it is always in the Cities best interest to make sure that any habitable unit is safe and secure and that if and when Mr. Lang decides to rent that unit the city will seriously consider the safety of the structure. The committee agrees with the recommendation to keep 25% of the storefront of the unit as business as they have done in the past. Member Schacht made the motion to

table this item for further review. Member Hoeting seconded the motion. By roll call, the vote was: 6 - "yes" (Chappell, Hoeting, Kleine, Schacht, Schramm and Brackle) / 0 - "no". The motion passed.

4. Next, were comments from the public on non-agenda items.

Bedlan passed out a pre-application plan for Northwind estates located at 2502 H Street for review by the planning commission at their next meeting. With no comments from the public on non-agenda items Member Schramm made the motion to adjourn. Member Kleine seconded the motion. By roll call, the vote was: 6 - "yes" (Chappell, Hoeting, Kleine, Schacht, Schramm and Brackle) / 0 - "no". The motion passed.

Laura K. Bedlan
Planning Commission Secretary