

# FAIRBURY PLANNING COMMISSION

## MINUTES

Meeting  
May 10<sup>th</sup>, 2021  
6:30 p.m.

Member Bob Brackle read the statement regarding the Open Meetings Act, called the meeting to order at 6:30 p.m. and asked for roll call. Other members present were: Doyle Buchmeier, Cathy Kleine, Thayne Tatro, Peter Renn, Karl Hoeting.

1. Next, was the approval of the minutes from the April 12<sup>th</sup>, 2021 Meeting. Discussion, taking of any necessary or desired action.

Member Buchmeier made the motion to approve the minutes of the April 12<sup>th</sup>, 2021 meeting. Member Kleine seconded the motion. By roll call, the vote was: 6 - "yes" (Buchmeier, Tatro, Hoeting, Brackle, Renn and Kleine) / 0 - "no". The motion passed.

2. **Public Hearing** regarding Conditional Use Permit (CU-2021-002) from Roy Bartels at 622 B 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: West 5 feet of Lot 5 and all of Lot 6, Block 9, Original Town, Fairbury, Jefferson County, Nebraska. Discussion, taking of any necessary or desired action.

Chairman Brackle opened the hearing at 6:36 pm. Bedlan explain the information that was in the packets noting that this is similar to others that have been done in the past and that there appears to be plenty of room on the lot to meet the setback requirements. Mrs. Susan Bartels was present to speak to the commission in regards to this item. She stated that Siempson was building and that it was just being used to house some of their outdoor toys. She clarified that there will be electric, it is metal sided, it is a corner lot, it will have doors on both sides and a short drive where the existing curb cuts are and it will have vegetation on the rest of the lot. Chairman Brackle closed the hearing at 6:43 pm. Chairman Brackle read through the conditional use standards and there were no issues brought up by the commission members. Member Kleine made the motion to recommend council approve Conditional Use Permit CU-2021-002 from Roy Bartels at 622 B Street to allow for the construction of an accessory building on a lot without a primary structure in the R-3 – High density zoning district. Member Hoeting seconded the motion. 6 - "yes" (Buchmeier, Tatro, Hoeting, Brackle, Renn and Kleine) / 0 - "no". The motion passed.

3. **Public Hearing** regarding changes to sections of the Fairbury Zoning Regulations – 2013 Edition. Specifically, section 9.20 and 5.06 regarding Outdoor Storage Containers. Discussion; taking of any necessary or desired action.

Chairman Brackle opened the hearing at 6:47 pm. Bedlan explained that her memo included a redline copy of what was suggested at the last meeting for changes to 9.20 along with a recommendation for anchoring and a recommendation to meet fire code. She further explained that after she wrote the memo, she had some discussion with the state fire marshal in which he explained that although there may be ventilation fire code that should

be met for these structures, they do not typically have a high fire hazard and therefore are not inspected like a regular commercial structure and the recommendation to meet fire code may not be necessary. She went on to inform the commission that 2021 building code plans to address storage containers so she is hoping that in the near future with the adoption of 2021 building code the life, health and safety aspects of these structures will be dealt with. When asked, Administrator Renn noted that there is a desire to make a decision on this quickly so that we can deal with the noncompliant existing containers before another request is made. Brackle owns a couple of these units and noted that he is concerned about the condition of the containers being brought in. He stated that they do have a lot of condensation and he does recommend staking to the ground, he has had them move in high winds before. His personal opinion is that they are not right for the City of Fairbury unless there is a lot of conditions on them. Bedlan summarized the history of the last few meetings regarding storage containers, explained that there are some containers that were built under 2005 zoning which are allowed, some that were built under the 2013 zoning that are noncompliant due to zoning district and some that were built under the 2013 zoning in the correct district and may be compliant depending on if they meet the 9.20 requirements. Then she read through the recommended changes from the last meeting. There was some discussing about the two outright noncompliant property owners and how they would be dealt with. Administrator Renn stated that they would be served a notice of noncompliance because they are in a district that does not allow for storage containers however, the only thing that can be dealt with by the planning commission today are modifications to 9.20 and 5.06. It is clarified that 9.20 only addresses containers used as storage units. Containers to be used as residential units are still not allowed and it is further clarified that the containers installed by the rural fire department are allowed because they are considered accessory governmental structures. Again, districts and the esthetics of entrances into town were discussed along with the desire to support local business. Some options to make the noncompliant container units allowed would either be a district change making one of the entrances into town industrial which is problematic or to allow containers in specific commercial districts with tight conditional use restrictions which was not approved by council when all commercial and the residential commercial flex districts was presented to council previously. Brackle mentioned his concern on how these will be policed? Administrator Renn stated that the purpose of revising 9.20 tonight is to accommodate the compliant business owners in the community. It is noted that the others will need to be dealt with later. The commission discussed the modifications to 9.20 per suggestions from the attorney and from the last meeting. It is noted that the attorney recommended the removal of 4.12 from 9.20 to avoid confusion. Suggested modifications from staff and the previous commission meeting are as follows. No outdoor storage containers in residential districts was added. A limit of one container on a lot with the primary unless a conditional use permit is allowed was added. A half lot setback was added similar to the requirements for accessory on a lot without a primary. Ventilation requirements were added (as recommended by staff). Anchoring requirements were added (as recommended by staff). Screening and buffering requirements were removed. Conditional use permit requirements were removed by staff because they are dealt with under the conditional use section of the code. Chairman Brackle closed the hearing at 7:07 pm. Member Kleine suggested bonding the construction of these units so that they will be kept in good maintenance or the bond will cover removal. There was some discussion regarding limits of units, conditional use permits and allowance of temporary units. It was noted that size of the units does not matter the way the regulations are proposed. Ventilation was discussed and it was determined that it is not necessary to regulate that in zoning however, staking down was considered to be an important requirement. Again, the difficulty of regulating esthetics of these units was discussed. Member Kleine made the motion to recommend council approve the changes to 9.20 and 5.06 as recommended excluding #4 of the recommendations. Member Hoeting seconded the motion. 6 - "yes" (Buchmeier, Tatro, Hoeting, Brackle, Renn and Kleine) / 0 - "no". The motion passed.

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

With no comments from the public on non-agenda items member Tatro made the motion to adjourn. Member Renn seconded the motion. By roll call, the vote was: 6 - "yes" (Buchmeier, Tatro, Hoeting, Brackle, Renn and Kleine) / 0 - "no". The motion passed.

Laura K. Bedlan  
Planning Commission Secretary