

FAIRBURY PLANNING COMMISSION

MINUTES

Meeting
August 28th, 2017
7:30 p.m.

Chairman Bob Brackle read the statement regarding the Open Meetings Act and called the meeting to order at 7:30 p.m. and asked for roll call. Other members present were: Cathy Kleine, Mary Mach, Paul Schramm, Justin Schultis, Karl Hoeting, and Cody Moyer.

1. Next, was the approval of the minutes from the August 14th, 2017 Meeting. Discussion, taking of any necessary or desired action.

Member Mach made the motion to approve the minutes of the August 14th, 2017 Meeting. Member Schramm seconded the motion. By roll call, the vote was: 7 - "yes" (Kleine, Mach, Brackle, Moyer, Schultis, Hoeting and Schramm) / 0 - "no". The motion passed.

2. Next, was **Public Hearing** regarding an application for Sunset Ridge, Second Addition preliminary plat, a plat of a section of land located in tax lot 1 pf the Northwest ¼ excluding a fraction of section 11-2-2, Jefferson County, Nebraska, more fully described below. Discussion, taking of any necessary or desired action.

Chairman Bob Brackle and member Paul Schramm recused themselves from this hearing. Vice Chair Mary Mach opened the hearing at 7:38 pm. Bedlan referred the Commission to their packets and stated that this is the preliminary application of Sunset Ridge, Second Addition. She noted that the packet contains all comments from the reviewing parties and her memo noting that there were 4 items she recommended be presented to the Commission for review by the time the developer submits the final application. Brackle was present to answer any questions about the preliminary plat application, he explained that his intent with this subdivision is only to build a house for himself on 3 acres (he noted that he has already subdivided 3 acres in Sunset Ridge Addition) which will leave 28 acres or 80% for haying. Brackle noted that he believes there is no growth potential in the area and for these reasons feels legally the land is not urban or suburban in nature. There was some discussion regarding the responsibility of maintenance of the road if the City only annexes Sunset Ridge, 2nd Addition. Bedlan explained the additional responsibility for maintenance on that small section of road would be the Citie's however, the City has an agreement with the County to share certain roads for the ease of the operators when grading and plowing and this would be one of those roads so there would be no additional maintenance from a City standpoint. Brackle calls attention to the west side of E street noting that 90% of the lots on that side are developed and 100% of the lots north of 27th between E and H are developed but those areas are not annexed into the City. There was discussion regarding the need to supply the additional information for the preliminary plat which Bedlan stated she would be willing to help with and that she would not expect the developer to provide that information prior to the preliminary hearing at Council on the 5th, however, it would need to be on the plat prior to the final application hearing at planning and zoning. In answer to Moyer's question, Brackle stated that he has had discussion with neighboring property owners and they are aware of and ok with his proposal. The hearing was closed at 7:45 pm. It was noted that the subdivision agreement must be submitted prior to final approval and there was some discussion regarding the need for subdivision agreements; how they can be used to waive certain required items and how they can assure that acceptable improvements will be made to the subdivision in the future. Member Moyer made the motion to recommend the City Council approve the plat of Sunset Ridge Second Addition, noting that staff recommendations will be required for the final application hearing. Member Schultis seconded the motion. By roll call, the vote was: 5 - "yes" (Kleine, Mach, Brackle, Moyer and Hoeting) / 0 - "no". The motion passed.

3. Next, was **Public Hearing** regarding annexation of a plat of a section of land located in tax lot 1 of the Northwest ¼ excluding a fraction of section 11-2-2, Jefferson County, Nebraska. Generally referred to as proposed Sunset Ridge Second Addition. Discussion, taking of any necessary or desired action.

Chairman Bob Brackle and member Paul Schramm recused themselves from this hearing. Vice Chair Mary Mach opened the hearing at 7:50 pm. Bedlan referred the Commission to their packet information including a memo from the attorney and explained the reason that the Commission is being requested to review this subdivision for annexation is because it is being subdivided and is adjacent to the City limits. She also clarified for the Commission that the only area being reviewed for annexation is the proposed subdivision Sunset Ridge, 2nd Addition. Bedlan directed the Commission to the requirements a property must meet to be annexed and stated that the property in question meets these requirements. It is also noted that the property in question is located in area 12 of the City's annexation plan. There was some discussion regarding area 12, the review process, and if area 12 should be reviewed as a whole. Brackle was present and spoke in regards to the annexation. He believes this is a new regulation and not necessary. He believes the Board needs to be very proactive and very considerate about annexation stating that in the last annexation the City did, all but one of the property owners agreed not to protest the annexation. He stated that he has no intention of subdividing the property any further than the one he has already done and the one he is working on now. Schultis questioned why he is subdividing the property at all then? Brackle states that he would like to be on City water and he believes that if he does not subdivide the property then he will be responsible to pay frontage for the entire 30 acres rather than just the frontage on the 3 acres he is proposing to subdivide. Brackle refers to the requirement that states that the annexation cannot be strip or flag annexation and notes that he believe his property is strip annexation because the short side at approximately 250' by 550' is the adjacent side to the City (actually dimensions are 288' by 570'). The hearing was closed at 8:10 pm. Member Kleine brought to the Commission's attention that the area in question is currently zoned medium density residential because the Commission believed that growth could be expected in that area making, she believes, this area urban and suburban in nature. Her understanding is that the regulation to review adjacent subdivisions at the time of subdivide was intended to make annexation easier for the City and property owners, taking a little at a time. She thinks what the Commission does for this annexation may set a precedent for future adjacent subdivisions. Moyer agrees that they should continue to review adjacent subdivisions. However, he feels that area 12 as a whole should be reviewed for annexation instead of just this one subdivision. Bedlan clarified that her understanding of strip or flag annexation is in reference to a "small" adjacent section of a long strip of property to be annexed (as described in the attorney's memo in *County of Sarpy vs City of Gretna*) and she does not agree that this would be considered strip annexation. She also clarifies that her understanding of urban and suburban in nature have more to do with the potential for property use rather than the current state of the land, noting that this subdivision has a 100% chance of suburban development because Brackle has presented plans to build a house on it. Bedlan also agrees with Kleine, reiterating that cities often review these adjacent subdivisions because it is easier to annex small subdivisions when they are needing to hook up to City utilities rather than going back later after they have all of the services and trying to annex them. Kleine questions if Brackle will have a problem with the Commission annexing all of area 12 because it will take in his 30-acre parcel instead of just his 3-acre parcel. Brackle feels that area 12 is not completely developed and if the Commission looks at annexing any area it should be the area to the north in the Northgate subdivision. There was some discussion regarding the similarities and differences between the subdivisions mentioned and the definition of development. Brackle does not feel you should annex anything until it is completely developed. Bedlan noted that the last annexation was not developed however it was also noted that the area last annexed was industrial and area 12 is residential. Member Moyer noted again that he believes reviewing subdivisions for annexation as they are proposed is a good practice that the Commission should continue. He reiterated that in light of discussion today, he will move to recommend that City Council does not annex Sunset Ridge, Second Addition and that the Commission proceed to review annexation area 12 at the next available meeting. Member Schultis seconded the motion. By roll call, the vote was: 5 - "yes" (Kleine, Mach, Brackle, Moyer and Hoeting) / 0 - "no". The motion passed. Member Schramm questioned how long he would be recused from discussion regarding area 12. Bedlan stated that he would be recused as long as he has

financial interest in the area.

4. Next, was **Public Hearing** regarding an application for Northwind Estates preliminary plat, a replat of McLucas Subdivision, Lot 15 excluding the South 5 feet and South 5 feet of lot 16, Jefferson County, Nebraska. Generally located at 2502 H ST. Discussion, taking of any necessary or desired action.

Hearing was opened at 8:20 pm. Tim McCarthy of Kirkham Michael was present and spoke in regards to the preliminary plat application for Northwind Estates. He stated that they are proposing 12 single family lots and 2 duplex lots on north H Street. He noted that the proposed plat presented today is essentially unchanged from when it was presented previously, prior to the ownership change. Bedlan referred the Commission to their packet information and her memorandum which calls out a few items missing from the preliminary plat which she would be willing to accept at the final plat hearing. Bedlan notes that the City is currently designing improvements for the H street project in that area and it will be important for the City engineer and Northwind estates engineer to be kept informed on each project as they will affect each other. Moyer questions why the sidewalk and traffic plan have been requested to be waived. Bedlan stated that there are sidewalks in the cul-de-sac and sidewalks are part of the H street project so the waive is for sidewalks along H Street. Her understanding is that the traffic plan waive is just a carryover from when the project was previously proposed. It is noted that the duplexes are going to be built first but the plat is for the entire area and they expect the street to be built when the City is constructing the H street project. Kleine notes that the utilities list Norris Public Power and it should be City of Fairbury Light and Water. There was some discussion regarding storm water runoff and it is noted that there is no storm sewer in the proposed subdivision. The hearing was closed at 8:30 pm. Member Schultis made the motion to recommend council approve preliminary application for Northwind Estates, noting that the staff recommendations will be required for the final application hearing. Member Mach seconded the motion. By roll call, the vote was: 7 - "yes" (Kleine, Mach, Brackle, Moyer, Schultis, Hoeting and Schramm) / 0 - "no". The motion passed.

5. Next, was **Public Hearing** regarding Conditional Use Permit (CU-2017-005) from HNM Cat Adoption Center. To allow for an Animal Shelter in the C-1 – Downtown Commercial zoning district as provided for in Article 5, Section 5.13.04, and Article 6.01 of the Zoning Ordinance of the City of Fairbury, Nebraska – 2013 Edition. The legal description of the property is described as: a fraction of lots 16 through 18, Block 24, Original Town, Jefferson County, Nebraska.

The hearing was opened at 8:35 pm. Gina Grone was present and spoke on behalf of HNM Cat Adoption Center. She stated that they are a 501 C, no kill cat rescue that provides spay and neutering, medical care and placement opportunities for the local cat population. She continues to explain that their Board now has an opportunity to purchase a facility at 311 4th street that will provide the essentials for animal care and improve the interior environment for the animals and people. She also notes that the state inspector has already been contacted and visited the site for a pre-inspection. He has recommended minimal improvements that will be taken care of prior to their move to the new facility and his full inspection. Some of the items Grone mentions are coating the flooring and installing laminate on the walls for easier and more sanitary cleaning, separating the cats into smaller more manageable groups, painting and wall repairs which they hope to have done by their projected move date of October 1st. She explained that currently the plan is to continue to use the north most building as rented storage and the middle building will be used for business storage while the south most building will be used for the cat rescue. Grone goes on to explain that this property is better suited for the rescue because it will have hot water to better clean and sanitize, sealed floors and heating and cooling for the building itself which they don't currently have. She also notes that there will be an installed HVAC system. She believes that the adoption center is a good addition to the downtown area and Fairbury in general; it helps the animals, residents, volunteers and brings people from out of town. Member Moyer notes that the intact HVAC system for the site is a great addition for both the animals and residents. He does however question, the facilities plans for handling animal waste. Grone states that they will have metal sealed cans and/or can increase their number of pickups or get a sealed dumpster if necessary. Hearing was closed at 8:45 pm. The Commission reviewed the

conditional use permit standards and agreed with the staff's findings regarding these standards. Additionally, it was determined that the proposed sanitary plan and HVAC system for the facility will address any odor concerns. Member Moyer made the motion to recommend City Council approve Conditional Use Permit (CU-2017-005) from HNM Cat Adoption Center. To allow for an Animal Shelter in the C-1 – Downtown Commercial zoning district at 311 4th Street. Member Schultis seconded the motion. By roll call, the vote was: 7 - "yes" (Kleine, Mach, Brackle, Moyer, Schultis, Hoeting and Schramm) / 0 - "no". The motion passed.

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

There was some discussion regarding the need to have the discussion about annexation as soon as possible to comply with county voting requirements. Bedlan stated that she would look into this requirement for the Commission. With no other comments from the public on non-agenda items Member Schultis made the motion to adjourn. Member Moyer seconded the motion. By roll call, the vote was: 7 - "yes" (Kleine, Mach, Brackle, Moyer, Schultis, Hoeting and Schramm) / 0 - "no". The motion passed.

Laura K. Bedlan
Planning Commission Secretary