

ALLIANCE, NEBRASKA
PLANNING COMMISSION REGULAR MEETING
School Board Meeting Room
1604 Sweetwater Avenue
September 11, 2018 - 6:30 p.m.
AGENDA

- **Call to Order**
- **Roll Call**
- **Open Meetings Act Announcement**

For the public's reference a copy of the Open Meetings Act has been posted on the north wall of this room in the audience area. This posting complies with the requirements of the Nebraska Legislature.

- **Pledge of Allegiance**


A. Approval of Meeting Minutes- August 14th, 2018

B. Public Hearing
Preliminary Plat- Ackerman

Now is the date, time, and place to conduct a Public Hearing for the request from Callan and Gina Ackerman for a Preliminary Plat for a Tract of Land in the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska, to be platted as Tract 1, Hauptman Acres Subdivision. The subdivision will subdivide a 4.26 acre of land.

- **Adjournment**

Respectfully submitted,



Brent Kusek
Community Development Director

ALLIANCE PLANNING COMMISSION

REGULAR MEETING, TUESDAY AUGUST 14th, 2018

The Alliance Planning Commission met at their August 14, 2018, Regular Meeting at 6:30 p.m. in the School Board Meeting Room at the School Administration Office, 1604 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on August 8, 2018. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection in the Community Development Office at City Hall; provided the Commissioners could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, had also been delivered to each of the Planning Commission Members. An agenda, kept continuously current, was available for public inspection at the Community Development Office during regular business hours from the publication of the notice to the time of the meeting.

Chairman Davis opened the August 14, 2018 Regular Meeting of the Alliance, Nebraska Planning Commission at 6:30 p.m. Present were Board Members Marcia Buck, Kendra Schott, Stephen Brittan, Wayne Davis, Vickie Mattox, Walter Halle, Ray Hielscher, and Howard Jensen; absent was Alternate Evan Mehne. Also present were Community Development Director Brent Kusek and Recording Secretary Shelbi Matthews.

- A motion was made by Board Member Mattox and seconded by Board Member Hielscher to excuse Alternate Evan Mehne from the meeting.

Roll call with the following results:

Voting Aye: Schott, Buck, Davis, Brittan, Jensen, Hielscher, Halle, and Mattox.

Voting Nay: None.

Abstain: None.

- Chairman Davis announced the Open Meetings Act for the public's reference.
- The first item before the Planning Commission was the approval of the minutes from the July 10, 2018 Regular Meeting.

A motion was made by Board Member Mattox, which was seconded by Board Member Schott to approve the July 10, 2018, minutes as presented.

Roll call vote with the following results:

Voting Aye: Schott, Buck, Davis, Brittan, Jensen, and Mattox.

Voting Nay: None.

Abstain: Halle, and Hielscher.

Motion Carried.

- The next item before the Planning Commission was the request of a rezone from Lee and Elizabeth for a 4.96 acre tract of land located in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., proposed to be platted as Block 1, Fritzler Acres, from A (Agriculture) to M-1 (Light Industrial). The rezone will allow the southern portion of the proposed lot to be located within the same zoning jurisdiction as the northern portion of the proposed lot.

[The City of Alliance was in receipt of an application for a request to rezone a Tract of Land in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., to be platted as Block 1, Fritzler Acres, from A (Agriculture) to M-1 (Light Industrial). Staff provided the following material for the Commissioners review:

1. Rezone Application;
2. Community Development Staff Report;
3. Pictures of Sign Posting;
4. Certificate of Notification; and
5. Returned Notification Petitions.]

Chairman Davis stated now is the date, time, and place to conduct a Public Hearing for the request to rezone a 4.96 acre tract of land located in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., proposed to be platted as Block 1, Fritzler Acres, from A (Agriculture) to M-1 (Light Industrial). The rezone will allow the southern portion of the proposed lot to be located within the same zoning jurisdiction as the northern portion of the proposed lot. The Public Hearing was opened at 6:32 p.m.

Chairman Davis invites anyone in the audience to speak for or against the rezoning request.

Chairman Davis stated “With no testimony offered, the Public Hearing is closed at 6:33 p.m.”

A motion was made by Board Member Mattox, which was seconded by Board Member Hielscher to recommend to the Alliance City Council approval of the rezone for the 4.96 acre tract of land located in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., proposed to be platted as Block 1, Fritzler Acres, from A (Agriculture) to M-1 (Light Industrial). With the Finding of Fact:

- The rezone will prevent the proposed parcel from sitting in two different zoning districts;
- The plat that will follow this rezone is one of the conditions of the CUP;
- There will not be any nonconforming structures created by the rezone; and

- The lot is adjacent to the West Gateway neighborhood and the proposed zoning and land use is consistent with the other zoning and land uses in the Neighborhood.

Roll call with the following results:

Voting Aye: Schott, Buck, Davis, Brittan, Jensen, Hielscher, Halle, and Mattox.

Voting Nay: None.

Abstain: None.

- The third item before the Planning Commission was the request from Lee and Elizabeth Fritzler for a Final Plat for a Tract of Land in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., to be platted as Block 1, Fritzler Acres. Said subdivision will subdivide 6.07 acres of land.

[The City of Alliance was in receipt of an application for a Preliminary Plat for a Tract of Land in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., to be platted as Block 1, Fritzler Acres. Said subdivision will subdivide 6.07 acres of land. Staff provided the following material for the Commissioners review:

1. Final Plat Application;
2. Final Plat;
3. Community Development Staff Report; and
4. Copies of the Comprehensive Plan.]

Chairman Davis stated now is the date, time, and place to conduct a Public Hearing for the request a Final Plat for a Tract of Land in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., to be platted as Block 1, Fritzler Acres. The Public Hearing was opened at 6:35 p.m.

Chairman Davis invites anyone in the audience to speak for or against the Final Plat.

Chairman Davis stated “With no testimony offered, the Public Hearing is closed at 6:36 p.m.”

A motion was made by Board Member Schott and Seconded by Board Member Buck to recommend the Alliance City Council approval of the of the Final Plat for a Tract of Land in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., to be platted as Block 1, Fritzler Acres. With the findings:

- The plat will fix the irregular subdivision;
- The plat is one of the conditions of the Conditional Use Permit;
- The shop building already exists so there will not be any negative impact on traffic or utility service;
- There will not be any nonconforming structure created by the plat; and

- The lot is adjacent to the West Gateway Neighborhood and the land use is consistent with the other land uses in the Neighborhood.

Roll call with the following results:

Voting Aye: Schott, Buck, Davis, Brittan, Hielscher, Halle, Jensen, and Mattox.

Voting Nay: None.

Abstain: None.

Motion carries.

- The fourth item on the Agenda before the Planning Commission was the petition from Lee and Elizabeth Fritzler requesting the annexation of Block 1, Fritzler Acres to the City of Alliance, Box Butte County Nebraska, and hereafter including it within Corporate City Limits.

[The City of Alliance was in receipt of a petition from Lee and Elizabeth Fritzler requesting the annexation of Block 1, Fritzler Acres to the City of Alliance, Box Butte County Nebraska, and hereafter including it within Corporate City Limits. Staff has provided the following materials for the Planning Commission's review:

1. Letter for Annexation; and
2. Community Development Staff Report.]

Chairman Davis stated now is the date, time, and place to conduct a Public Hearing for the request to annex Block 1, Fritzler Acres to the City of Alliance, Box Butte County, Nebraska, and hereafter including it within Corporate City Limit. The Public Hearing was opened at 6:37 p.m.

Chairman Davis invites anyone in the audience to speak for or against the annexation.

Chairman Davis stated "With no testimony offered, the Public Hearing is closed at 6:38 p.m."

A motion was made by Board Member Mattox, which was seconded by Board Member Schott to recommend to the Alliance City Council approval of the request for annexation of Block, Fritzler Acres to the City of Alliance, Box Butte County, Nebraska, and hereafter including it within Corporate City Limit. With the findings:

- The necessary utilities are in place and no extension is necessary at this time;
- The industrial property proposed to be annexed is not rural in character; and
- The City of Alliance Comprehensive Plan recommends the redevelopment and development of the West Gateway Neighborhood to fill in the sparsely developed properties and create a more attractive entrance to the City. The annexation would support the lands development.

Roll call with the following results:

Voting Aye: Schott, Buck, Davis, Brittan, Hielscher, Halle, Jensen, and Mattox.

Voting Nay: None.

Abstain: None.

Motion carries.

- The final item before the Planning Commission was the request to amend a Conditional Use Permit for the use of a diesel and automotive mechanic shop and tow yard on the property addressed 1319 West Kansas Street. The legal description of the property is a Tract of Land in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., but shall be Block 1, Fritzler Acres to the City of Alliance, Box Butte County, Nebraska, upon approval of their Final Plat.

[The City of Alliance was in receipt of an application to amend a Conditional Use Permit for the use of a diesel and automotive mechanic shop and tow yard on the property addressed 1319 West Kansas Street. The legal description of the property is a Tract of Land in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., but shall be Block 1, Fritzler Acres to the City of Alliance, Box Butte County, Nebraska. The following material has been provide for the Board's review:

1. Conditional Use Permit Application;
2. Community Development Staff Report;
3. Pictures of the Property Posting;
4. Certificate of Notification;
5. Returned Notification Petition;
6. Copies of the Comprehensive Plan; and
7. Maps of Fritzler Acres and Surrounding Properties.]

Chairman Davis stated now is the date, time, and place to conduct a Public Hearing for the request to amend a Conditional Use Permit for the use of a diesel and automotive mechanic shop and tow yard on the property addressed 1319 West Kansas Street. The legal description of the property is a Tract of Land in the NW ¼ of Section 4, Township 24 North, Range 48 West of the 6th P.M., but shall be Block 1, Fritzler Acres to the City of Alliance, Box Butte County, Nebraska. The Public Hearing was opened at 6:40 p.m.

Chairman Davis invites anyone in the audience to speak for or against the annexation.

Chairman Davis stated "With no testimony offered, the Public Hearing is closed at 6:41 p.m."

A motion was made by Board Member Schott, which was seconded by Board Mattox to recommend approval of the amendment to the Conditional Use Permit, finding that it meets the requirements of the City of Alliance Municipal Code Chapter 115-140, for the use of a diesel and automotive mechanic shop and tow yard on the property addressed 1319 West Kansas Street. The legal description of the property is a Tract of Land in the NW ¼ of Section 4, Township 24

North, Range 48 West of the 6th P.M., but shall be Block 1, Fritzler Acres to the City of Alliance, Box Butte County, Nebraska. With the Findings:

- That the property be kept clear of debris and clutter and not allow the accumulation junk and litter; and
- The rezone, final plat, and annexation are approved by Council before approving the CUP.

Roll call with the following results:

Voting Aye: Schott, Buck, Davis, Brittan, Hielscher, Halle, Jensen, and Mattox.

Voting Nay: None.

Abstain: None.

Motion carries.

A motion was made by Board Member Buck, which was seconded by Board Member Mattox to adjourn the August 14th, 2018 Planning Commission Meeting.

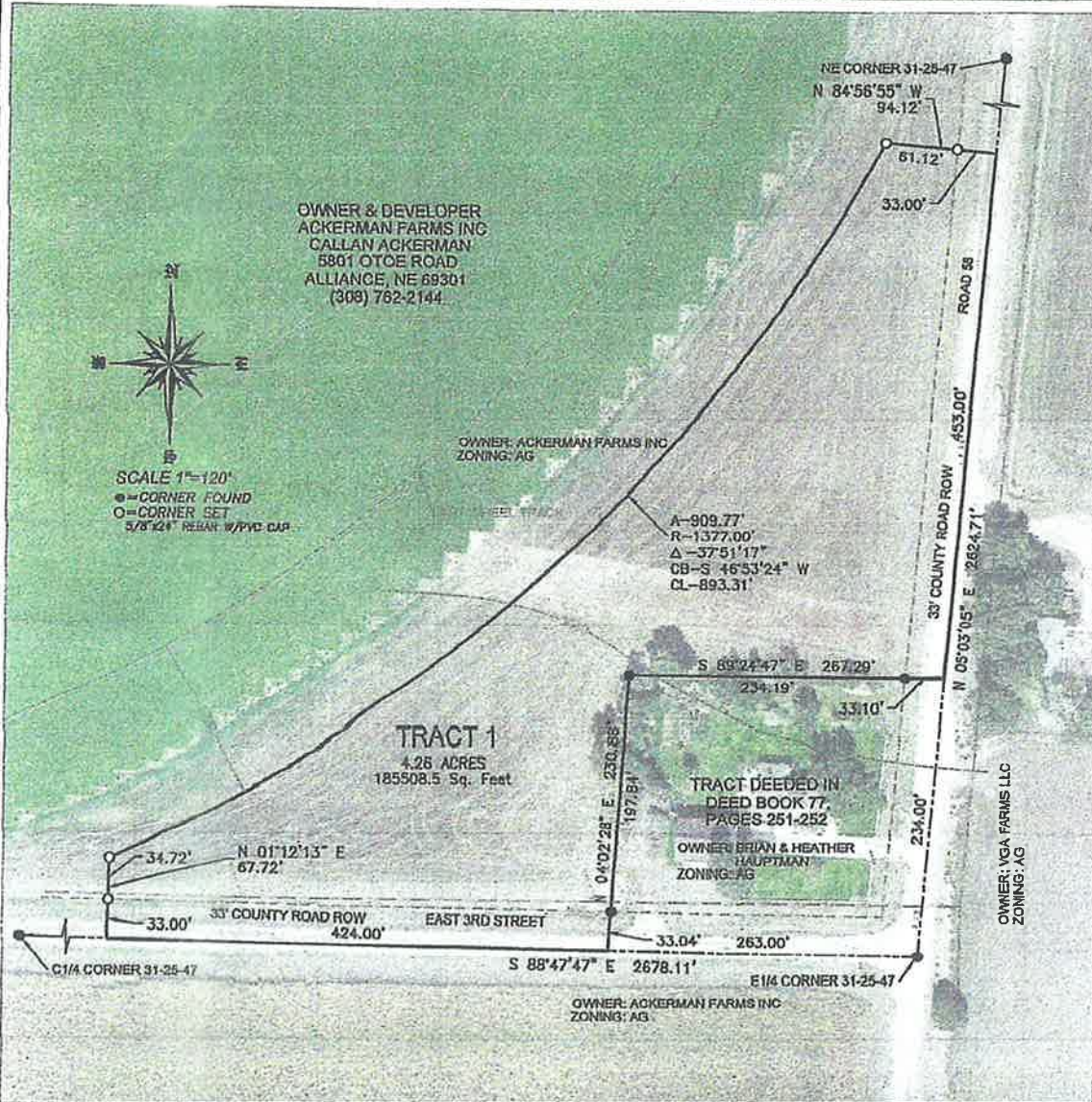
Chairman Davis stated, "There being no further business to come before the Alliance Planning Commission, the meeting is adjourned at 6:43 p.m."

Wayne Davis, Chairman

Brent Kusek, Community Development

PRELIMINARY PLAT

TRACT 1, HAUPTMAN ACRES SUBDIVISION, A SUBDIVISION OF A PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 25 NORTH, RANGE 47 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.



SHEET
1 OF 1

PROJECT:
TRACT 1, HAUPTMAN ACRES
ACKERMAN FARMS INC
ALLIANCE, NEBRASKA

ACCUSTAR SURVEYING
30801 COUNTY ROAD 17
PHONE: (308) 625-0197

MITCHELL, NE 69357
CELL: (308) 631-0737

Scale 1"=120'
Date APRIL 22, 2018
Drawn By JMB
REVISION:

Community Development Staff Report- Brent Kusek

Applicant: Ackerman Farms Inc.
5801 Otoe Rd
Alliance, NE 69301

Property Owner: Same as Applicant

Surveyor: Accustar Surveying
Scott Bosse
30601 County Road 17
Mitchell, NE 69357

Proposal: The Preliminary Plat of Tract 1, Hauptman Acres, A Subdivision of a Part of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska.

Project Location: The property to be subdivided is located approximately one half mile east of the intersection of East 3rd Street and Sunshine Avenue.

Analysis:

Zoning: The land is currently zoned A, Agriculture. It is surrounded by A, Agriculture. A rezone to R-R will be required before approval of the Final Plat as the proposed tract is under 10 acres. The minimum lot size in A zoning is 10 acres and the minimum size in R-R is 2.5 acres.

Land Use: The property is the corner of a circle pivot and is fallow.

Lot Size/Area: The proposed tract being subdivided from the ag lands is 4.26 acres leaving approximately 215 acres. The minimum lot size in A zoning is 10 acres so a rezone will be required.

Setbacks: The plat will not create any new nonconforming yards or structures. The rezone to R-R will change the setbacks as follows: the front and side street setbacks will remain 50', the rear will be 50' and the side will go from 10' to 15'.

Easements: There isn't any easement proposed with this addition.

Comprehensive Plan: The City of Alliance Comprehensive Plan does not provide much guidance for the development or zoning of property in the Extraterritorial Zoning Jurisdiction. It does not identify this area as a priority for subdivision or annexation.

Comments:

Community Development provided the School District and the Box Butte County Planning Administrator with a copy of the preliminary plat. As of September 10th, the City had not received any comments back.

Staff Comments:

The property adjacent to the proposed tract has a single family residence and it sits on a deeded tract. It has never been subdivided even though it is under 10 acres. Staff believes that the deed predates the City enforcement of its subdivision and zoning regulations in the Extraterritorial Zoning Jurisdiction so it was “grandfathered in”. With the proposal to sell the 4.26 acres behind the deeded property to the deeded property owner, it is preferred that said deeded property be included in the 4.26 acre tract of land so that there is only 1 tract as opposed to 2.

Public Works Elements:

The plat does not include any dedication of right of way and the infrastructure is in place to service the properties. There aren’t any submittal documents for public works elements for this plat.

Findings of Fact may include:

To recommend:

- There will not be any nonconforming structures created by the plat.
- The use of this property is allowed in the zoning district.

To not recommend:

- The Comprehensive plan does not provide guidance for development on this site.

Staff Recommendation:

Staff recommends the approval of the Preliminary Plat for Tract 1, Hauptman Acres, A Subdivision of a Part of the Northeast Quarter of Section 31, Township 25 North, Range 47 West of the 6th P.M., Box Butte County, Nebraska provided that the plat is amended to include the tract that the house is on; combining proposed Tract 1 with the house tract.

Certificate for a Preliminary Plat Notification

To: Alliance Planning Commission

Alliance City Council

THE UNDERSIGNED HEREBY certifies that the property owners or occupants listed below were hand delivered Notification Petitions in accordance with City of Alliance Municipal Code Section 115-41, for the request of a Preliminary Plat for a Tract of Land in the NE ¼ of Section 31, Township 25 North, Range 47 West of the 6th P.M., to be platted as Tract 1, Hauptman Acres. Said subdivision will subdivide 4.26 acres of land.

Name	Address	City/State/Zip
Box Butte County	515 Box Butte Avenue	Alliance, NE 69301
Alliance Public Schools	1604 Sweetwater Avenue	Alliance, NE 69301

August 28, 2018


Shelbi Matthews, Recording Secretary