MINUTES OF THE PLANNING AND ZONING COMMISSION

A meeting of the Planning and Zoning Commission was held on the 1st day of August, 2017 at 7:00 p.m. at BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska.

Attending:  Commission members:  Hydo, McGhee, Riha, Robertson, Rodriguez, Scholl, Seckel
Absent:  Commission members:  Fetty, Mayfield, Wright

Vice Chair Rodriguez announced that a copy of the Open Meetings Act is available in the meeting room and is accessible to members of the public and called the meeting to order at 7:00 p.m.

CONSENT AGENDA

a. Approve agenda as submitted.
   b. Receive and place on file all notices pertaining to this meeting.
   c. Receive and place on file all materials having any bearing on this meeting.
   d. Approval of minutes of regular Planning and Zoning Commission meeting on July 18, 2017.

Moved by Hydo, seconded by Robertson, that the public hearing be closed at 7:06 p.m.

Roll Call:  Yea:  Hydo, McGhee, Riha, Robertson, Rodriguez, Scholl, Seckel
         Nay:  None

MOTION CARRIED.

PUBLIC HEARINGS

Public hearing regarding the amendment of Table 4-2 and Table 9-1 of the Zoning Ordinance, Ordinance Number 94-13 relating to day care facilities and parking facilities.

Vice Chair Rodriguez announced that a public hearing would be held regarding the amendment of Table 4-2 and Table 9-1 of the Zoning Ordinance, Ordinance Number 94-13 relating to day care facilities and parking facilities.

City Administrator Tobias Tempelmeyer explained that the previously approved tables contained errors due to using out of date documents when drafting amendments. Tempelmeyer indicated he had reviewed the documents and minutes of previous amendments. The proposed Table 4-2 and Table 9-1 to incorporate the previous decisions of the Commission and City Council.

Moved by Hydo, seconded by Robertson, that the public hearing be closed at 7:06 p.m.

Roll Call:  Yea:  Hydo, McGhee, Riha, Robertson, Rodriguez, Scholl, Seckel
         Nay:  None

MOTION CARRIED.
APPROVAL ITEMS

Review and recommendation to the City Council to approve the Vitosh Addition Final plat application of Vitcel Investments LLC, Tyler Vitosh for property legally known as Lot 45, 46, 47, and 48 South Beatrice, an addition to the City of Beatrice, Gage County Nebraska.

Moved by Scholl, seconded by Riha, to recommend to the City Council the approval of the Vitosh Addition Final plat application of Vitcel Investments LLC, Tyler Vitosh for property legally known as Lot 45, 46, 47, and 48 South Beatrice, an addition to the City of Beatrice, Gage County, Nebraska.

Chief Building Inspector Rob Mierau reviewed the application and plat with the Commission indicating that Vitosh plans to building a commercial building for recreational vehicle storage and would be applying for a Special Use Permit in the near future. Hydo inquired if there were concerns with storm water run-off in this area. City Administrator Tobias Tempelmeyer said this item could be addressed during the Special Use Permit application review and process; at this time, the plat was the only item under review.

Roll Call:  Yea:   Hydo, McGhee, Riha, Robertson, Rodriguez, Scholl, Seckel
Nay:   None       MOTION CARRIED.

Review and recommendation to the City Council of the Janzen First Addition Final plat application of Leroy and Doreen Janzen for property legally known as West 80’ of the East 197.4’ of the South 155’ and the North 85’ of the South 240’ of the East 197.4’ located on the SE ¼ of Section 34, Township 4 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

Moved by Scholl, seconded by McGhee, to recommend to the City Council the approval of the Janzen First Addition Final plat application of Leroy and Doreen Janzen for property legally known as West 80’ of the East 197.4’ of the South 155’ and the North 85’ of the South 240’ of the East 197.4’ located on the SE ¼ of Section 34, Township 4 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

Chief Building Inspector Rob Mierau reviewed the application and plat with the Commission indicating that the applicant, Leroy Janzen was dividing his irregular shaped lot in two lots in order to sell the lot with the residence separately.

Roll Call:  Yea:   Hydo, McGhee, Robertson, Rodriguez, Scholl, Seckel
Nay:   None
Abstain:  Riha       MOTION CARRIED.

ORDINANCES

There were no ordinances.

PUBLIC FORUM

No one appeared at public forum.
DISCUSSION/REPORTS

Review of Article Twelve (12) Nonconforming Development.

The Commission asked Tempelmeyer and Mierau for clarification regarding the limitations and definitions for Article Twelve (12) Nonconforming Development.

Hydo said she felt that hard and fast rules for determining when a property becomes vacant is necessary in order to enforce the Abandonment of Nonconforming Use. Hydo indicated that some people are under the impression that just having their utilities turned on is enough to qualify as occupied. Hydo asked if the rules were written well enough to enforce it.

Tempelmeyer reminded the Commission that according to Section 1205(C)(1) “If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of one year, any subsequent use must conform to all use regulations applicable to the property’s zoning district.” There are several measures for determining when a house becomes vacant such as, condition of the property, nuisance complaints, and reports of utility usage are included.

Riha said he remembers when the five (5) commission members (at the time) voted to rezone the area to commercial and still stands by the decision today. Riha said we need to move forward with the enforcement of these regulations.

Mierau stated he believed it is important for the Commission to remember that they are appointed to help create and enforce regulations in the Zoning Ordinance in order to support the City’s Comprehensive Development Plan. That Plan is to eventually have all commercial activity only along the main corridors to the City.

ADJOURNMENT

The next regular Planning and Zoning meeting is scheduled for August 15, 2017 at 7:00 p.m. in the BPS Administration Building Board Room, Beatrice, Nebraska.

Moved by McGhee, seconded by Robertson, that the meeting be adjourned at 7:42 p.m.

Roll Call:  Yea:   Hydo, McGhee, Riha, Robertson, Rodriguez, Scholl, Seckel
Nay:   None  MOTION CARRIED.

Maria Rodriguez, Vice Chair  Vaughn Wright, Chair