



ALBION PLANNING COMMISSION MEETING

MONDAY, JANUARY 06, 2025 at 7:00 PM

COUNCIL CHAMBERS, ALBION CITY HALL, 420 W MARKET ST. ALBION, NE 68620

AGENDA

CALL TO ORDER

A copy of the open meetings act is posted and is provided for the public on the billboard of the Council Chambers

ROLL CALL

APPROVAL OF MINUTES

1. [APPROVAL OF MINUTES OF THE NOVEMBER 4, 2024 PLANNING COMMISSION MEETING](#)

OLD BUSINESS

2. NONE

NEW BUSINESS

3. [PUBLIC HEARING](#)

[CONSIDER APPLICATION NUMBER CU-2025-01 FOR CONDITIONAL USE PERMIT OF TONY LEVANDER FOR PROPERTY LOCATED IN THE C-1 \(GENERAL COMMERCIAL\) ZONING DISTRICT AND LEGALLY DESCRIBED AS LOTS 1, 2, 3, 4, BLOCK 2, MANSFIELD ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA, MORE COMMONLY KNOWN AS 308 WEST MARENGO STREET, ALBION, NEBRAKA.](#)

REPORTS

4. [REPORT FROM ADMINISTRATOR ON CAPTIAL PROJECTS AND COMMUNITY DEVELOPMENT POLICY UPDATES](#)

ITEMS TO BE PUT ON NEXT MEETING AGENDA

5. NEXT MEETING: February 3, 2024 7:00 pm
6. PUBLIC COMMENT FOR FUTURE CONSIDERATION

ADJOURNMENT

[***THE COUNCIL RESERVES THE RIGHT TO ENTER INTO EXECUTIVE SESSION ONLY AS PROVIDED IN R.S.N. 84-1410***](#)



AGENDA MEMO

MEETING NAME: Albion Planning Commission

DATE: January 6, 2025

ITEM NAME: **APPROVAL OF MINUTES OF THE NOVEMBER 4, 2024 PLANNING COMMISSION MEETING**

PRESENTER(S):

BACKGROUND INFORMATION:

Minutes are enclosed for review.

DISCUSSION:

MOTION: To approve the minutes of the November 4, 2024 Planning Commission Meeting

BY:

2ND:

ROLL CALL: Nathan _____ Schafer _____ Thorberg _____ Ruzek _____

Fick _____ Gragert _____ Wynn _____ Vacant _____ Dailey _____

SUMMARY OF DECISION:



11/4/2024 - ALBION PLANNING COMMISSION MEETING

MONDAY, NOVEMBER 04, 2024 at 7:00 PM

COUNCIL CHAMBERS, ALBION CITY HALL, 420 W MARKET ST. ALBION, NE 68620

MINUTES

CALL TO ORDER

A Regular Meeting of the Albion Planning Commission of the City of Albion, Nebraska was convened in open and public session at 7:00 p.m. on November 4, 2024 at the Albion City Hall, 420 West Market Street, Albion, NE. The meeting was called to order by Chairman Fick at 7:00 p.m. Chairman Fick informed the public about the location of the current copy of the Open Meetings Act posted in the Council Chambers. Notice of this meeting along with the agenda was simultaneously given in advance to all members of the Commission. Notice of this meeting was given in advance by publication, a designated method for giving notice; a copy of proof of publication is attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. The meeting was recorded using an audio recording device and such recording is available for inspection at the office of the City Clerk.

ROLL CALL

Commission members present were: Gale Schafer, Tom Fick, Steve Gragert, Don Thorberg, Brian Nathan, Bev Dailey, and Steven Ruzek. Absent was Todd Wynn. City staff present were Secretary Andrew Devine, Building Inspector/Nuisance Code Official Warren Myers, and Economic Development and Housing Director Shelby Wetovick.

APPROVAL OF MINUTES

1. APPROVAL OF MINUTES OF THE AUGUST 5, 2024 PLANNING COMMISSION MEETING

Commissioner Thorberg made a motion to approve the minutes of the August 5, 2024 Planning Commission meeting; seconded by Nathan. Voting Yea: Dailey, Nathan, Schafer, Thorberg, Ruzek, Fick, Gragert. Voting Nay: None. Absent: Todd Wynn.

OLD BUSINESS

2. REPORT ON RECOMMENDATION TO CITY COUNCIL TO RELOCATE THE COMMUNITY BURN SITE

The Planning Commission had reviewed the site plan and discussed the relocation of the community burn site at the July 1, 2024 Planning Commission meeting; and made a recommendation for the City to

initiate plans. The City Council also reviewed and discussed the plan at the July 16, 2024 City Council meeting; and agreed the City should continue moving forward with relocating the community tree and grass sites. Secretary Devine and Building Inspector Warren Myers gave an update report on relocating the community burn site. City staff have prepared a layout of the new site. Bygland Dirt Contracting will review the site plan with city staff as soon as their current project is finished. The driveway to the new site will need to be widened. There will be two burn sites for trees and limbs on the north side; and the grass pile will be in the middle of the circular drive. High-definition cameras will be placed at the site to identify people who might misuse the grass and tree piles. There will be signage placed to slow traffic near the driveway. No action taken.

NEW BUSINESS

3. CONSIDER FINAL PLAT APPLICATION OF ALBION DEVELOPMENT COMPANY, INC FOR THE SOUTH PARK SUBDIVISION

Commissioners reviewed the Plat application. Secretary Devine explained that the Planning Commission and City Council had approved the preliminary plat for the South Park Subdivision back in 2017. Since then, the south portion of the property has been purchased by the Albion Development Company, Inc. This Final Plat application is just for the portion of the property that ADC owns. Devine stated that the city has entered into a development agreement for the guarantee for development of water and sewer services, electrical, and paving. With these guarantees in place, the city can approve the Final Plat. When the city runs the water lines to this development we plan to create an additional looped entrance point into the distribution system. We will then have three entry points from our Well sites instead of just two. When the sewer lines are extended to the development, we will also be able to service the north campground expansion with sewer hook ups. The deadline for the city to get the water and sewer mains in is June 1, 2025. ADC then has 1 year to put in all the water and sewer service connections. ADC could potentially have the contractors put in the service connections at the same time they are running the mains for the city. Devine noted that the property had to be platted first for the city to have the right-of-way to put the water and sewer mains in.

Following discussion, Commissioner Schafer made a motion to approve and recommend City Council approval of the South Park Subdivision Final Plat as submitted, seconded by Dailey. Voting Yea: Ruzek, Fick, Gragert, Dailey, Nathan, Schafer, Thorberg. Voting Nay: None. Absent: Wynn.

REPORTS

4. CITY ADMINISTRATOR REPORT ON CAPITAL PROJECTS

***ELI PORTER MEMORIAL PARK PROJECT**

***WATER AND SEWER EXTENSION PROJECT**

***SEWER REHABILITATION PROJECTS**

Secretary Devine reported on the Capital Improvement Projects that are currently underway. Dirt work has recently begun on the Eli Porter Memorial Project. Devine and JoAnn Porter will meet with the contractor this week to go over the layout plan for the 7,000 square foot play area. It will have a poured rubber surface. A paved sidewalk will run in between each play area. The contractor suggested putting a

5' perimeter sidewalk around the whole play area since they must have concrete there anyway to hold the poured rubber surface. He agreed to add this 5' sidewalk without changing the installation price. Concrete work is expected to begin soon, along with the installation of the bases of the equipment. The rubberized material is very temperature sensitive right after it is poured, so it might not be installed until spring.

Water and Sewer extension work has begun on the developed annexed property. Sewer extension has been completed on Old Mill Road and the water main extension on Norco Road. This also helped to solve a shared service line issue, and it will help with fire protection in that area. Water and Sewer main extension work will begin soon on the South Park Subdivision.

Over the last several years the city has been camera inspecting our sewer system. Midland Contracting began rehabilitation work by replacing three peek holes with manholes on Park Street. The peek hole on 9th & Park was almost completely collapsed and causing significant problems. They replaced the peek hole at 7th & Park, which partially collapsed; and also the one at 4th & Park Streets. The addition of manholes will also aid in jetting the sewer lines. Devine stated that a few years ago the city began using GIS Solutions for our infrastructure. He can take the data from them and put it on our GIS mapping, which identifies problems by level of severity. This helps the city to prioritize the need for maintenance.

Secretary Devine reported that AEDC and the City were recently notified that the City of Albion was awarded the full amount of \$1,000,000 Rural Community Recovery Program grant to renovate and expand Clark Street Park; and to link the recreational trail from Fuller Park to Clark Street Park and the Albion Sports Complex. The project was put on this year's Capital Improvement Plan with the idea it would be done if we were awarded the grant. The city plans to expand the Clark Street Park's play equipment, put in a miniature bike trail for young children, expand and improve the basketball court, and put in a pavilion with rest rooms. The other part of the grant would be a second phase of the recreational trail that would link the three parks and provide a safe pedestrian layout to the Sports Complex. Devine noted that AEDC Director, Shelby Wetovick, found the grant and this is reinforcement that hiring a full-time Economic Development and Housing Director is paying dividends!

No action taken.

ITEMS TO BE PUT ON NEXT MEETING AGENDA

The next meeting is scheduled for December 2, 2024 at 7:00 p.m.

5. PUBLIC COMMENT FOR FUTURE CONSIDERATION

Warren Myers reported that he and Devine plan to meet with City Attorney, Darren Wright, later this month to revise the nuisance ordinance.

ADJOURNMENT

At 7:31 p.m. Commissioner Ruzek made a motion to adjourn, seconded by Schafer. Voting Yea: Nathan, Schafer, Dailey, Gragert, Thorberg, Ruzek, Fick. Voting Nay: None. Absent: Wynn

*****THE COUNCIL RESERVES THE RIGHT TO ENTER INTO EXECUTIVE SESSION ONLY AS PROVIDED IN R.S.N. 84-1410*****



AGENDA MEMO

MEETING NAME: Albion Planning Commission

DATE: January 6, 2025

ITEM NAME: PUBLIC HEARING

CONSIDER APPLICATION NUMBER CU-2025-01 FOR CONDITIONAL USE PERMIT OF TONY LEVANDER FOR PROPERTY LOCATED IN THE C-1 (GENERAL COMMERCIAL) ZONING DISTRICT AND LEGALLY DESCRIBED AS LOTS 1, 2, 3, 4, BLOCK 2, MANSFIELD ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA, MORE COMMONLY KNOWN AS 308 WEST MARENGO STREET, ALBION, NEBRASKA.

PRESENTER(S):

BACKGROUND INFORMATION:

Tony Levander is requesting a Conditional Use Permit in order to use the existing structure for Multi-Family Housing.

This conditional use is permitted in the C-1 district, following recommendation by the Planning Commission and approval of the City Council.

DISCUSSION:

MOTION: To recommend _____ of Conditional Use Permit Application #CU-2025-01

BY:

2ND:

ROLL CALL: Thorberg _____ Dailey _____ Nathan _____ Ruzek _____

Gragert _____ Schafer _____ Wynn _____ Fick _____ Vacant _____

SUMMARY OF DECISION:

File No.: CUP-25-01

ALBION, NEBRASKA

REQUEST FOR CONDITIONAL USE PERMIT

Applicant Tony Levander Date 11/19/2024
 Applicant Address 308 W. Marengo St. Phone 402.741.5054
Albion, NE 68620

Hereby requests to a Conditional Use Permit for the following Use: Apartment/Multi-Family Housing

The Conditional Use Permit is for the property legally described as (attach separate page if necessary): ALBION LOT 1, 2, 3, 4 BLOCK 2 MANSFIELD ADDITION L 1, 2- 50' X 132; L 3, 4- 50' X 132'

The current Zoning of said Property is C-1

Is the request Conditional Use allowable in the current Zoning District? yes no
If the answer is no, then a Change of Zoning Request shall be processed prior to any Conditional Use being submitted.

APPLICATION REQUIREMENTS (Submit information and fee with application)

- Complete legal description (including address)
- Existing zoning
- Existing use of property
- Proposed use consistent with zoning district

OFFICE USE ONLY:
 Application Fee: \$100.00
 Notice of Hearing: _____
 Date to PC: _____
 PC Action: _____
 Date to City Council: _____
 Action: _____

Additional Conditions placed upon use and property, if any, as determined by the Planning Commission and/or City Council:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

I hereby certify that all required information and materials are herewith attached and said materials are true and accurate to the best of my knowledge.

11/19/2024
Date


Applicant

ALBION, NEBRASKA

SUPPLEMENTAL INFORMATION FOR: REQUEST FOR CONDITIONAL USE PERMIT

The following conditions represent MINIMAL requirements for the granting of any Conditional Use Permit. There may be additional requirements placed upon the applicant's request by either the Planning Commission and/or the City Council. The granting of said Conditional Use Permit does not constitute permanent use of the property in this fashion. *Failure to accept or adhere to these conditions may result in the denial or rescinding of any application.*

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

- A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- B. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- C. That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- G. The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- H. The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- I. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
- J. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- K. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

CONDITIONAL USE CHECKLIST

ITEMS I THROUGH XIV SHOULD BE FILLED OUT BY CITY STAFF OR A COMMITTEE OF THE PLANNING COMMISSION AND THE COMPLETED CHECKLIST FORWARDED TO EACH PLANNING COMMISSION MEMBER PRIOR TO THE PUBLIC HEARING DATE FOR THE APPLICATION.

- I. Case No. CU-2025-01 Filing Fee Paid \$ 100.00
- II. Date Filed 11/19/2024
- III. Date Advertised for Planning Commission Hearing 12/25/2024
- IV. Date Notice Sent to Property Owners 12/17/2024
- V. Date Notice and Copy of Application Sent to Board of Education X
- VI. Date Property was Posted 12/17/2024
- VII. Public Hearing Date 01/06/2025
- VIII. Applicant's Name Tony Levander
- IX. Location of Property (Address) 308 W Marengo Street
- X. Description of Property Lots 1-4, Block 2, Mansfield Addition, Albion, Boone County, Nebraska
- XI. Present Use of Property Vacant Mortuary Building
- XII. Present Zoning C-1 (General Commercial)
- XIII. Character of the Surrounding Area:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	<u>Church / Commercial</u>	<u>C-1</u>
South	<u>Residential</u>	<u>R-2</u>
East	<u>Commercial</u>	<u>C-1</u>
West	<u>Residential</u>	<u>R-2</u>
- XIV. Conditional Use Requested Multi-Family Housing

XV. The proposed conditional use does or does not meet the following standards:

- | | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| A. The proposed conditional use complies with all applicable provisions of these regulations, including Intensity of use regulations, yard regulations, and use limitations. | <u>X</u> | <u> </u> |
| B. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public. | <u>X</u> | <u> </u> |
| C. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. | <u>X</u> | <u> </u> |
| D. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to: | | |
| 1. The location, nature and height of buildings, structures, walls, and fences on the site, and | <u>X</u> | |
| 2. The nature and extent of landscaping and screening proposed or already on the site. | <u>X</u> | |
| E. Off-street parking and loading areas will be provided in accordance with the standards set forth in the Zoning Regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect. | <u>X</u> | <u> </u> |
| F. Adequate utility, drainage, and other such necessary facilities have been or will be provided. | <u>X</u> | <u> </u> |
| G. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. | <u>X</u> | <u> </u> |

XVI. Planning Commission Action: _____ Date: _____

XVII. Reasons for Recommendation: _____

XVIII. Date Advertised for City Council Hearing _____

XIX. Protest Petitions Filed: (Yes) (No)
If yes, the percent of protest by land area _____.

XX. City Council Action: _____ Date: _____
Conditions, if any: _____

Vote: _____

XXI. If approved, date of publication: _____
Ordinance No. _____

XXII. If approved, posting of maps:

1. Original Mylars, Date: _____
2. City Clerk's Office, Date: _____

Water & Sewer

Warren and Amber completed the EPA required lead service line inventory report and map. Now have moved toward the required notification letters that must be delivered to all property owners with lead, galvanized, or UNKNOWN material service lines. This is a very large task that staff are working together on. **NOTE: There has been come confusion on this issue. THERE IS NOTHING WRONG WITH THE CITY'S WATER. This is part of the EPA's requirement for identifying the material of the CONSUMER's water service line and providing them notice of the same. Most CONSUMER-owned water service line materials are unknown. The city has purchased a hydro-vac machine to identify ALL water service lines. This will be a multi-year project.**

Pumps at Sewer Plant and at the Firehall Lift Station have been replaced.

Obrist Construction has slated South Park Subdivision water and sewer improvements to be next on the multi-location water/sewer improvement projects.

Streets

Work on alley paving improvements continue – reminder that these are funded by capital improvement sales tax funds. Next on the this is the east-west alley by Pizza Hut, Schalks, Gragert's.

Park

Eli Porter Project is underway – the major structure is up. Crews are working on concrete sidewalks and containment for the rubberized surfacing to be installed this Spring.

The City has received a \$1,000,000 grant to support it's housing program by installing/upgrading public features that enhance and encourage neighborhood revitalization and development.

*The approved activities from the grant application are expansion/renovation of the Park on Clark Street AND expansion of the trail to link the Clark Street Park neighborhood with Fuller Park and the Sports Complex. We will be getting more information regarding the required procurement process and then preparing an RFP (Request for Proposals) soon.

General Administration / Other:

Tire-Amnesty Collection Grant – if funded – will be held in 2025 – likely in the Fall.

Warren Myers has been reviewing nuisance ordinance of other communities and has asked me and City Attorney Wright to review our ordinance in order to simplify and clarify some provisions. This may be presented to council for consideration in the near future following our review. **Warren, Darren, and I met – Darren to work on drafting changes to present to City Council this Winter.**

Warren anticipates that the State of Nebraska will be updating the Building Code standard to ICC 2024 this year so we will be reviewing our building codes and may present a draft ordinance this winter to update to the ICC 2024 series of codes.

Planning Commission Vacancy

There is still one (1) vacancy.

***Please direct any interested parties to City Hall or to the Mayor.**

Attached is the current month Sales Tax Report – showing the monthly trend of sales tax receipts.

Also attached is an unaudited Treasurer's Report/Budget Performance Report and an unaudited Balance Sheet Comparison Report.



AGENDA MEMO

MEETING NAME: Albion Planning Commission

DATE: January 6, 2025

ITEM NAME:

PRESENTER(S):

BACKGROUND INFORMATION:

DISCUSSION:

MOTION: At _____ PM Commission Member _____ made a motion to adjourn the meeting.

BY:

2ND:

ROLL CALL: Gragert _____ Ruzek _____ Dailey _____ Fick _____ Schafer _____

Thorberg _____ Wynn _____ Nathan _____ Vacant _____

SUMMARY OF DECISION: