



## 5/7/2024 - PLANNING COMMISSION MEETING

TUESDAY, MAY 07, 2024 at 7:00 PM

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

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# AGENDA

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### 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. [CONSIDER MINUTES OF THE FEBRUARY 5, 2024 PLANNING COMMISSION MEETING FOR APPROVAL](#)

### NEW BUSINESS

2. [CONSIDER ADMINISTRATIVE PLAT/BOUNDARY CORRECTION APPLICATION OF JERRY H. NIEWOHNER, TRUSTEE OF THE DELBERT H. NIEWOHNER FAMILY TRUST](#)

### ITEMS TO BE PUT ON NEXT MEETING AGENDA

3. PUBLIC COMMENT FOR FUTURE CONSIDERATION
4. NEXT MEETING: JUNE 3, 2024 7:00PM

### ADJOURNMENT

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



## 2/5/2024 - PLANNING COMMISSION MEETING

MONDAY, FEBRUARY 05, 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 February 5, 2024 at the Albion City Hall, 420 West Market Street, Albion, NE. The meeting was called to order by Chairman Fick at 7:10 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 Don Thorberg, Bev Dailey, Tom Fick, Steve Gragert, and Todd Wynn. Absent were Brian Nathan, Steven Ruzek and Gale Schafer. City staff present were Secretary Andrew Devine, Economic Development and Housing Director Maggie Smith, and Water Commissioner/Building Inspector Warren Myers.

## APPROVAL OF MINUTES

### 1. CONSIDER THE MINUTES OF THE NOVEMBER 6, 2023 PLANNING COMMISSION MEETING FOR APPROVAL

Commissioner Thorberg made a motion to approve the minutes of the November 6, 2023 Planning Commission meeting; seconded by Dailey. Voting Yea: Gragert, Dailey, Thorberg, Wynn, Fick. Voting Nay: None. Absent: Nathan, Ruzek, Schafer. Motion carried.

## OLD BUSINESS

### 2. None

## NEW BUSINESS

### 3. None

## REPORTS

### 4. REPORT OF BUILDING PERMITS ISSUED IN 2023

A report of 2023 Building and Demo Permits were provided for the commissioners to review. It included a total number of permits issued in 2023 for building and demolition for residential, commercial, and public properties. There were four new home permits issued this year compared to zero issued last year. The value of permits issued in 2023 was almost double the amount compared to 2022. The total value of permits issued in 2023 was \$4,718,311.00. Warren Myers stated the new Levander Funeral Home project and the four new homes were the biggest reasons for the large increase in value of permits. Fick asked Myers if there are more buildings for planned demolition. Myers stated he is looking at possibly 5 - 6 necessary demolitions for this year. He will be focusing on accessory buildings at his next inspection.

### ITEMS TO BE PUT ON NEXT MEETING AGENDA

Secretary Devine commented there aren't as many agenda items for the Planning Commission since the ordinance was passed in 2021 that Administrative Plats, Lot Splits, Boundary Corrections, and Lot Combinations inside City Limits do not need to be reviewed by the Planning Commissioners, but can be approved by administration if all code requirements are met. Devine stated there could possibly be plats to review later this year for the South Park Subdivision. Myers stated there will probably be a Conditional Use Permit to review in the next couple of months for a property within the 1-mile jurisdiction that is planning to install an underground pool.

### 5. PUBLIC COMMENT FOR FUTURE CONSIDERATION

Albion Economic Director, Maggie Smith, reported that the two homes that AEDC are building at 11th and State Streets are on track for completion at the end of May. Fick asked if there were interested parties to purchase the homes. Smith said there has been quite a bit of interest. AEDC is planning to set their sale price for the homes at their February meeting. Also, AEDC is accepting requests for proposals for developing the Lots on the South Park Subdivision, and the Lot on 7th and State Street. They are looking for a developer who can work with the City and put in the necessary infrastructure as well as doing the build-out.

## ADJOURNMENT

At 7:23 p.m. Commissioner Wynn made a motion to adjourn, seconded by Thorberg. Voting Yea: Wynn, Fick, Thorberg, Gragert, Dailey. Voting Nay: None. Absent: Schafer, Nathan, Ruzek. Motion carried.

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

**APPLICATION FOR ADMINISTRATIVE PLAT:  
LOT SPLIT, LOT COMBINATION, OR BOUNDARY ADJUSTMENT  
CITY JURISDICTION OF ALBION, NEBRASKA**

Application No. \_\_\_\_\_

Address/Legal Description See Attached Exhibit A

Fee \$50.00

Albion, Nebraska April 24, 2024

Under the Provision of Article 3 Section 9 of the Subdivision Regulation the undersigned hereby applies for approval of a lot split, lot combination, and/or boundary adjustment to (describe request including all current legal descriptions of property)

The undersigned requests a lot split of Lot 1 which will also adjust the boundary of Lot 1 on Exhibit A

on property described as lot(s) \_\_\_\_\_, block \_\_\_\_\_, addition \_\_\_\_\_

Three (3) full sized hard copies, two (2) 11 x 17 hard copies and a digital file of a land survey of the lots involved and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed administrative plat is attached to this application.

Property Owner Jerry H. Niewohner, Trustee of the Delbert H. Niewohner Family Trust

DocuSigned by: Jerry Niewohner 2609 190<sup>th</sup> Street, Albion, NE 68620  
951DB326C1D34E8... Address

Applicant's Telephone No. 402-395-6753

**TO BE COMPLETED BY ZONING ADMINISTRATOR**

Date Application Received \_\_\_\_\_

Applicant Complies with all Requirements Specified in Article 3, Section 9

Yes  No \_\_\_\_\_

If No, state reasons \_\_\_\_\_

Inside City Limits or  Outside City Limits and Within City EJT?

If inside City Limits \_\_\_\_\_ Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

If EJT, Recommendation to Planning Commission \_\_\_\_\_ Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Signature \_\_\_\_\_

Placed on Planning Commission Agenda, Date \_\_\_\_\_

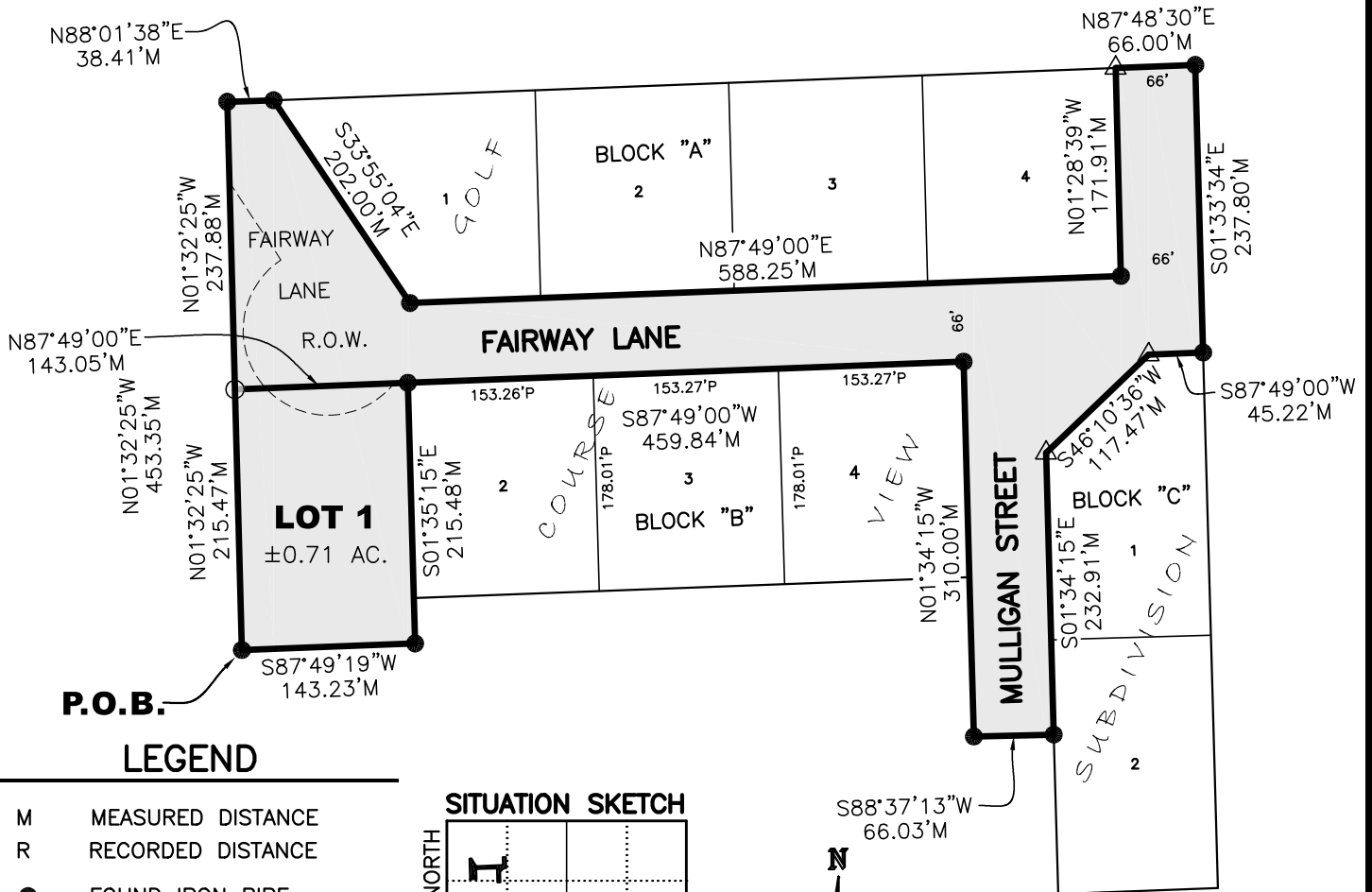
Planning Commission Action \_\_\_\_\_ Approve \_\_\_\_\_ Disapprove \_\_\_\_\_ Date \_\_\_\_\_

Date of Notification to Applicant \_\_\_\_\_

Date Survey filed with Registrar of Deeds \_\_\_\_\_ Form No. \_\_\_\_\_

# 2024 ADMINISTRATIVE REPLAT OF LOT 1, BLOCK "B" GOLF COURSE VIEW SUBDIVISION

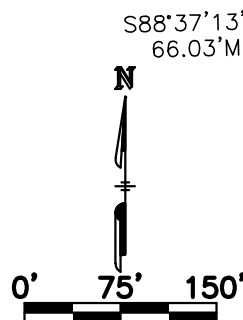
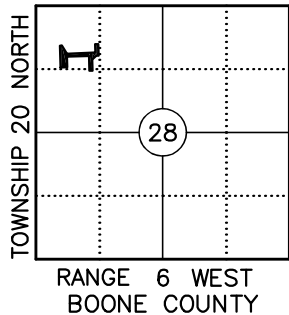
Item 2.



### LEGEND

- M MEASURED DISTANCE
- R RECORDED DISTANCE
- FOUND IRON PIPE
- SET 5/8"x24" REBAR W/YELLOW PLASTIC CAP STAMPED "HAYS L.S.#673"
- ⊕ SECTION CORNER
- △ CALCULATED POINT

### SITUATION SKETCH



**BASIS OF BEARING**  
BEARINGS ARE BASED ON BOONE COUNTY LDP AS DETERMINED BY GPS RTK OBSERVATIONS USING THE DIGIFARM VIRTUAL BASE NETWORK

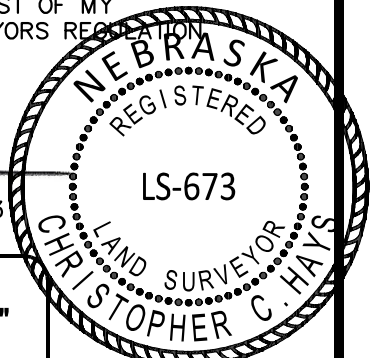
### LEGAL DESCRIPTION:

A TRACT OF LAND COMPRISING A PART OF GOLF COURSE VIEW SUBDIVISION, IN PART OF THE W1/2 OF THE NW1/4 OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M., BOONE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF LOT 1, BLOCK "B", GOLF COURSE VIEW SUBDIVISION; THENCE N01°32'25"W, 453.35 FEET; THENCE N88°01'38"E, 38.41 FEET; THENCE S33°55'04"E, 202.00 FEET; THENCE N87°49'00"E, 588.25 FEET; THENCE N01°28'39"W, 171.91 FEET; THENCE N87°48'30"E, 66.00 FEET; THENCE S01°33'34"E, 237.80 FEET; THENCE S87°49'00"W, 45.22 FEET; THENCE S46°10'36"W, 117.47 FEET; THENCE S01°34'15"E, 232.91 FEET; THENCE S88°37'13"W, 66.03 FEET; THENCE N01°34'15"W, 310.00 FEET; THENCE S87°49'00"W, 459.84 FEET; THENCE S01°35'15"E, 215.48 FEET; THENCE S87°49'19"W, 143.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.10 ACRES MORE OR LESS.

### SURVEYOR'S CERTIFICATE:

I, CHRISTOPHER C. HAYS, NEBRASKA REGISTERED LAND SURVEYOR NO. 673, DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, DO HEREBY STATE THAT I HAVE PERFORMED A SURVEY OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT; THAT SAID PLAT IS A TRUE DELINEATION OF SAID SURVEY PERFORMED PERSONALLY OR UNDER MY DIRECT SUPERVISION; THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS MARKED AS SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYORS REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY.

*Christopher C. Hays*  
CHRISTOPHER C. HAYS, L.S. NO. 673



### PROJECT / TITLE

2024 ADMINISTRATIVE REPLAT OF LOT 1, BLOCK "B"  
GOLF COURSE VIEW SUBDIVISION

FIELD WORK COMPLETION DATE: APRIL 12, 2024

SURVEY PLAT COMPLETION DATE: APRIL 16, 2024

### SHEET

1 of 2

THIS SURVEY REQUESTED BY: CALEB POORE

# 2024 ADMINISTRATIVE REPLAT OF LOT 1, BLOCK "B" GOLF COURSE VIEW SUBDIVISION

Item 2.

## OWNER'S CERTIFICATION:

KNOW ALL MEN BY THESE PRESENT: THAT JERRY H. NIEWOHNER, TRUSTEE OF THE DELBERT H. NIEWOHNER TRUST, BEING THE OWNERS OF CERTAIN LAND IN BOONE COUNTY, NEBRASKA, AS SHOWN ON THIS PLAT, HAVE BY THESE PRESENT LAID OUT, PLATTED, AND SUBDIVIDED THE SAME INTO LOTS AS SHOWN ON THIS PLAT, UNDER THE NAME OF 2024 ADMINISTRATIVE REPLAT OF LOT 1, BLOCK "B", GOLF COURSE VIEW SUBDIVISION, AND DO HEREBY GRANT TO THE COUNTY OF BOONE, STATE OF NEBRASKA, FOR THE USE OF THE PUBLIC, THE ALLEYS, AVENUES, STREETS, DRIVES, COURTS, AND PLACES HEREON SHOWN. ALSO THE EASEMENTS ARE RESERVED AS SHOWN, FOR PUBLIC UTILITY PURPOSES, DRAINAGE, INGRESS AND EGRESS.

EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 A.D.

BY: \_\_\_\_\_  
JERRY H. NIEWOHNER, TRUSTEE OF THE DELBERT H. NIEWOHNER TRUST

## ACKNOWLEDGMENT:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ SS.

BE IT REMEMBERED ON THAT JERRY H. NIEWOHNER, TRUSTEE OF THE DELBERT H. NIEWOHNER TRUST, TO ME PERSONALLY KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF SAME TO BE THEIR VOLUNTARY ACT OR DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTORIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

## PLANNING COMMISSION APPROVAL:

THIS PLAT OF 2024 ADMINISTRATIVE REPLAT OF LOT 1, BLOCK "B" GOLF COURSE VIEW, LOCATED WITHIN THE PLANNING JURISDICTION OF THE CITY OF ALBION, BOONE COUNTY, NEBRASKA HAS BEEN SUBMITTED AND APPROVED BY THE ALBION PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
ATTEST: SECRETARY OF PLANNING COMMISSION

## RECORDERS CERTIFICATE:

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE REGISTER OF DEEDS OF BOONE COUNTY AT \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 A.D. IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.

\_\_\_\_\_  
REGISTER OF DEEDS

BY \_\_\_\_\_  
DEPUTY

STATE SURVEYOR



PROJECT / TITLE

2024 ADMINISTRATIVE REPLAT OF LOT 1, BLOCK "B"  
GOLF COURSE VIEW SUBDIVISION

FIELD WORK COMPLETION DATE: APRIL 12, 2024

SURVEY PLAT COMPLETION DATE: APRIL 16, 2024

SHEET

2 of 2

THIS SURVEY REQUESTED BY: CALEB POORE

160 North Polk St., P.O. Box 432, Osceola, NE 68651 (402) 366-7930 www.HLSNE.com