

Planning Commission Meeting

Monday, August 28, 2023 12:00 PM

City Hall
704 6th Street
St. Paul, NE 68873

Agenda

1. A meeting of the St. Paul Planning Commission was convened in open and public session on the 28th day of August, 2023 at 12:00 p.m. (noon) held in the City Council Chambers, 704 6th Street, St. Paul, Nebraska.
2. Chairman Jerry Woodgate called the meeting to order at ___ p.m. with a statement regarding the Open Meeting Act, which is posted on the west wall of the City Council Chambers. Member roll call: Chairman Jerry Woodgate, Connie Becker, Arvilla Jacobs, Tyler Solko, and Tony Walch, along with Zoning Administrator Matt Helzer and Laura Berthelsen (minutes). The agenda was sent to the Board members prior to the meeting and was posted in four (4) public places.
3. Discuss - Approve / Deny the July 31, 2023 minutes.
4. Ratify the administrative approval of Zoning Permit application:
 - (a) 2023-32 Dustin Anderson - demolish house at 807 Farnum Street
5. Discuss - Approve / Deny Zoning Permit application:
 - (a) 2023-33 Tony Walch - addition to house at 703 9th Street
6. Discuss - Approve / Deny a Waiver of Subdivision of City Lot regarding property at 1302 Paul Street and 1621 Jackson Street [Lot 15, Aleshire's Subdivision].
7. Discussion on allowing a small cabin to be temporarily placed on residential property at 1417 7th Street.
8. Discuss proposed zoning regulation changes for Middle Loup Subdivision.
9. Zoning Administrator Helzer Report
10. Public Comments
11. Chairman Woodgate announces the next Planning Commission meeting.
12. Adjournment

St. Paul Planning Commission
July 31, 2023
Meeting Minutes

A meeting of the St. Paul Planning Commission was convened in open and public session on the 31st day of July, 2023 in the Council Chambers at the City office, 704 6th Street, St. Paul, Nebraska.

Chairman Woodgate called the meeting to order at 12:01 p.m. with a statement regarding the Open Meetings Act; which is posted on the west wall of the City Council chambers. The notice of the meeting was published in the Phonograph Herald, a legal newspaper in Howard County, Nebraska. The agenda was sent to the Commission members prior to the meeting, and was posted in four (4) public places. Commission members present: Chairman Jerry Woodgate, Connie Becker, Arvilla Jacobs, Tyler Solko, and Tony Walch. Commission members absent: None. Also present Zoning Administrator Matt Helzer, Laura Berthelsen (minutes).

Commission member Solko moved to approve the July 26, 2023 meeting minutes. Commission member Becker seconded the motion. Commission members Woodgate, Becker, Jacobs, Solko, and Walch voted aye, nays none. Motion carried 5/0.

Commission member Becker moved to ratify the administrative approval of the following zoning permit:

2023-28 Kelsey Scheer – fence at 1619 Kendall Street

Commission member Jacobs seconded the motion. Commission members Woodgate, Becker, Jacobs, Solko, and Walch voted aye, nays none. Motion carried 5/0.

Zoning Administrator Helzer presented the following zoning permit applications:

- (a) 2023-29 Sean Bradley – chicken coop and run at 911 Wallace Street
- (b) 2023-30 Ann Tuma – addition to existing building/demolish shed at 1116 Nelson Street
- (c) 2023-31 Bill & Kris Fousek – commercial building at 320 O Street

Commission member Walch moved to approve Zoning Permit applications 2023-29 through 2023-31. Commission member Solko seconded the motion. Commission members Woodgate, Solko, Becker, and Walch voted aye. Nays none. Commission member Jacobs abstained. Motion carried 4/0.

Commission member Jacobs moved to approve the Final Plat of Paul's North Subdivision. Commission member Walch seconded the motion. Commission members Solko, Becker, Woodgate, Walch, and Jacobs voted aye. Nays none. Motion carried 5/0. The final plat requires a public hearing before the City Council which is scheduled for Monday, August 7, 2023 at 6:30 p.m. after which it will be up for approval by the City Council.

Tony Walch discussed an issue he was having regarding property at 713 9th Street.

Discussion was had regarding the proposed zoning designation for Middle Loup Subdivision. Middle Loup Subdivision is currently zoned as Light Industrial. The St. Paul Development Corporation is attempting to sell lots in the subdivision, however some of the potential uses would

not comply with a Light Industrial zoning district. The Planning Commission was asked to provide guidance (in accordance with the City's Comprehensive Plan and the Future Land Use Map) to determine the best long-term use of the property. It was decided that a workshop would be scheduled with the St. Paul Planning Commission, the St. Paul City Council, and the St. Paul Development Corporation to determine the appropriate zoning designation for the Middle Loup Subdivision property.

The next St. Paul Planning Commission meeting date is scheduled for Monday, August 28, 2023 at 12:00 p.m. (noon)

Zoning Administrator Helzer adjourned the meeting at 12:47 p.m.

Sincerely,

Matthew T. Helzer
Zoning Administrator

Jerry Woodgate
Chairman

Laura Berthelsen
Planning Secretary

Zoning Classification R-2

PERMIT NUMBER 2023-32
FEE \$10.00 CASH _____ CHECK# Credit card 8/8/23

APPLICATION FOR A DEMOLITION PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all required information is furnished.

Property Owner Dustin Anderson Contractor Brian Majerus

Address 803 Farnum Address _____

City, State, Zip St. Paul NE 68873 Phone Number _____

Phone Number 308-750-1755 Cell Phone _____

Complete Legal Description of the Property West 1/2 of Lots 1 and 2 Block 92 OT St. Paul

Address of Demolition Site 807 Farnum St. St. Paul NE 68873

Structure to be demolished House

Approximately when will demolition Start in one month Finish in one week

Asbestos Inspection Conducted? Yes No _____ **Attach inspection report.**

To Whom Should the Improvements be assessed? _____

Contact Utility Superintendent at (308) 754-4483 regarding Inspection. Matt Helzer Date of visit 8-10-23
(Matt Helzer's signature)

Recommendations needed before approval: _____

MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING – CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date.

The signature also indicates permission granted to the Zoning Administrator to inspect the demolition site in which this permit is granted at any time until completed.

Signature of Applicant Dustin Anderson Date 8-8-23

Taxes must be paid in full prior to demolishing/removing any structure. Treasurer's certificate of approval to move or demolish the building MUST be attached.

For Office Use Only:

Permit is Approved Denied _____ Matthew T Helzer Date 8/10/23
Zoning Administrator

Reasons for Denial: _____

2023-32

7-17-23

Mr. Austin Anderson
803 Farnam St.
St. Paul, NE 68973

Eldon's Inspections, LLC
Eldon Kieborz
79094 474 Ave
Loup City, NE 68853
308-745-0298
License # 710

Re: Asbestos inspection

The one story wood house located on
807 Farnam St. contains wood floors,
carpet covered.

Walls and high ceilings are covered
with wall paper. ^{Some} walls are covered
with sheet rock, wall paper and some
paneling.

Above house is uninhabitable therefore
house may be destroyed.

Sincerely,

Eldon Kieborz

Eldon O. Kieborz
79094 474 Avenue
Loup City, Nebraska 68853

License #710

||

Eldon Kieborz

710

2023-32

Treasurer's Certificate

Prior to demolishing or removing any building or structure from property within the City limits, all taxes and liens must be paid on the property. The City of St. Paul requires the Howard County Treasurer to certify that all taxes on the property are paid, and that no liens exist on the property.

Type of Structure(s) to be Demolished / Moved House

Property Address: 807 Farnum St St Paul NE 68873

Legal Description of Property: W 1/2 of lots 1 & 2 Block 92 OT St Paul

I hereby certify that no taxes are due on the above-described property.

Date: 7/21/23

Howard County Treasurer's Office



By: Jan Jones (Printed Name)

2023-32

WARD/LEONARD N & TERESA J
807 FARNUM ST
ST PAUL NE 68873-2044

Tax Year 2022
Statement 00004071

Howard County
Sara Roy, County Treasurer

Receipt 1691
Payment Date 01/30/2023

0470996494	1	1.92597400	48,799	0	Real Estate
W1/2 OF LOTS 1 & 2 BLOCK 92 OT ST PAUL			12/31/2022		939.86
					52.02
807\ FARNUM ST			05/01/2023		0.00
			09/01/2023		887.84
				X	887.84
WARD/LEONARD N & TERESA J					0.00
807 FARNUM ST					0.00
ST PAUL NE 68873-2044					0.00
887.84 Cash		DVORACEK TITLE			887.84
					Paid In Full

Tax Year 2022
Statement 00004071

Howard County
Sara Roy, County Treasurer

Receipt 1691
Payment Date 01/30/2023

0470996494	1	1.92597400	48,799	0	Real Estate
W1/2 OF LOTS 1 & 2 BLOCK 92 OT ST PAUL			12/31/2022		939.86
					52.02
807\ FARNUM ST			05/01/2023		0.00
			09/01/2023		887.84
				X	887.84
WARD/LEONARD N & TERESA J					0.00
807 FARNUM ST					0.00
ST PAUL NE 68873-2044					0.00
887.84 Cash		DVORACEK TITLE			887.84
					Paid In Full

2023-32



2023-32



ZONING PERMIT

THIS PERMIT # 2023-32 is issued to

Dustin Anderson

For the purpose of
demolishing a house

Located at 807 Farnum Street

This permit is issued subject to the City of St. Paul Planning & Zoning regulations.
Violation of any use or setback regulations may be cause for the revocation of this permit.

This permit will expire on August 10, 2024

Matthew Geyer
Zoning Administrator



Please place this permit in a visible location facing any public street or roadway.

Zoning Classification R-2 Value \$ 10,000 PERMIT NUMBER 2023-33
 Please call 811 before completing form FEE \$25.00 CASH CHECK# 4334
\$25

APPLICATION FOR A RESIDENTIAL ZONING PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all required information is furnished.

Property Owner Tony Welch Contractor Welch
 Address 703 9th Address 921 Howard Ave
 City, State, Zip St Paul Phone Number (308) 750-3849
 Phone Number _____ Cell Phone _____

Complete Legal Description of the Property Lot 1 and East 1/2 of Lot 2 Blocks 1 Military Add St. Paul

Address of Construction Site 703 9th Street

(If none, one must be registered with City of St. Paul) In the Flood plain? No

Proposed Structure Addition to west side of house
Cover Water Line Dimension of Structure 11' x 5'

Distance from ^{North} Front property line 104' Distance from ^{South} Rear Property Line 1'

Distance from ^{East} Side Property Line 44' Distance from ^{West} Second Side Line 17'

Is there a **utility easement** on any side of the property? NO

Approximately when will construction Start 01 Oct 2023 Finish 01 Jan 2024

Contact Utility Superintendent at (308) 754-4483 regarding Set-Back Inspection. Matt Helzer Date of visit 8-10-23
 (Matt Helzer's signature)

Recommendations needed before approval: Proposed Addition does not meet south side setback

(One Mile radius outside city limits) If the structure is a residence on less than 10 acres indicate the date this property was platted as a separate parcel _____ Name of the Lot Split or Subdivision _____

For Office Use Only:

Is the proposed use permitted within this zoning district? YES X NO _____

Does the proposed use meet all the required setback distances? YES _____ NO X

Is a conditional use required for the proposed use? YES _____ NO X

Has a Conditional Use Permit been issued for this proposed use? YES _____ NO X
 If yes, when does it expire? _____

Site Plan Sketch:

North Street Name _____

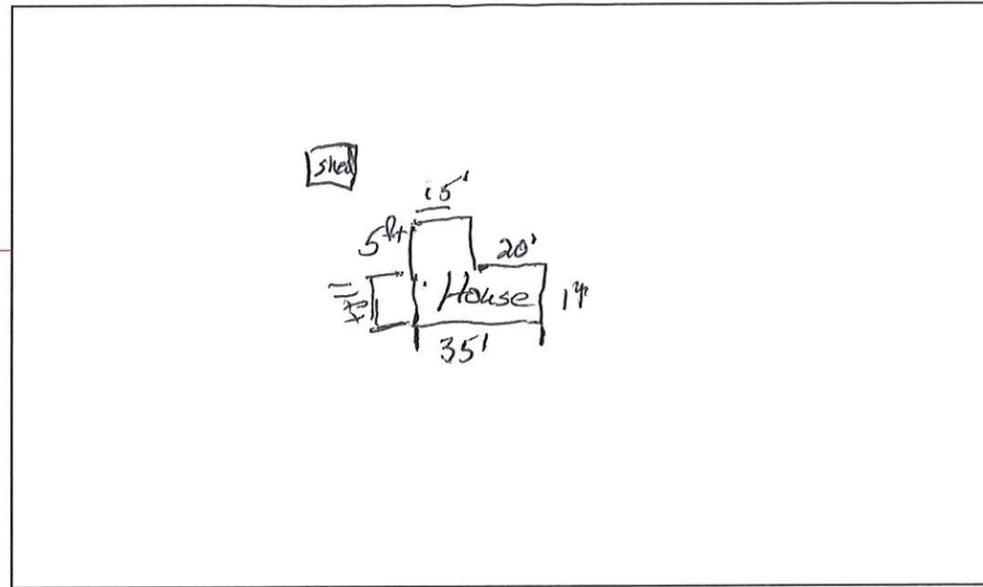
Street Name _____

Street Name _____

9th St

W

E



South Street Name _____

Indicate, by drawing, the shape and dimensions of the land, shape and dimensions of all existing and proposed buildings and structures, and the distances from the proposed building and structures to all lot lines (from road frontages, side and rear lot lines). Show the location of roads fronting the property. **MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING – CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED.**

The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date and work must be started within the first 6 months.

The signature also indicates permission granted to the Zoning Administrator to inspect the construction site in which this permit is granted at any time until construction is completed.

Signature of Applicant [Signature] Date 08 Aug 2023

For Office Use Only:

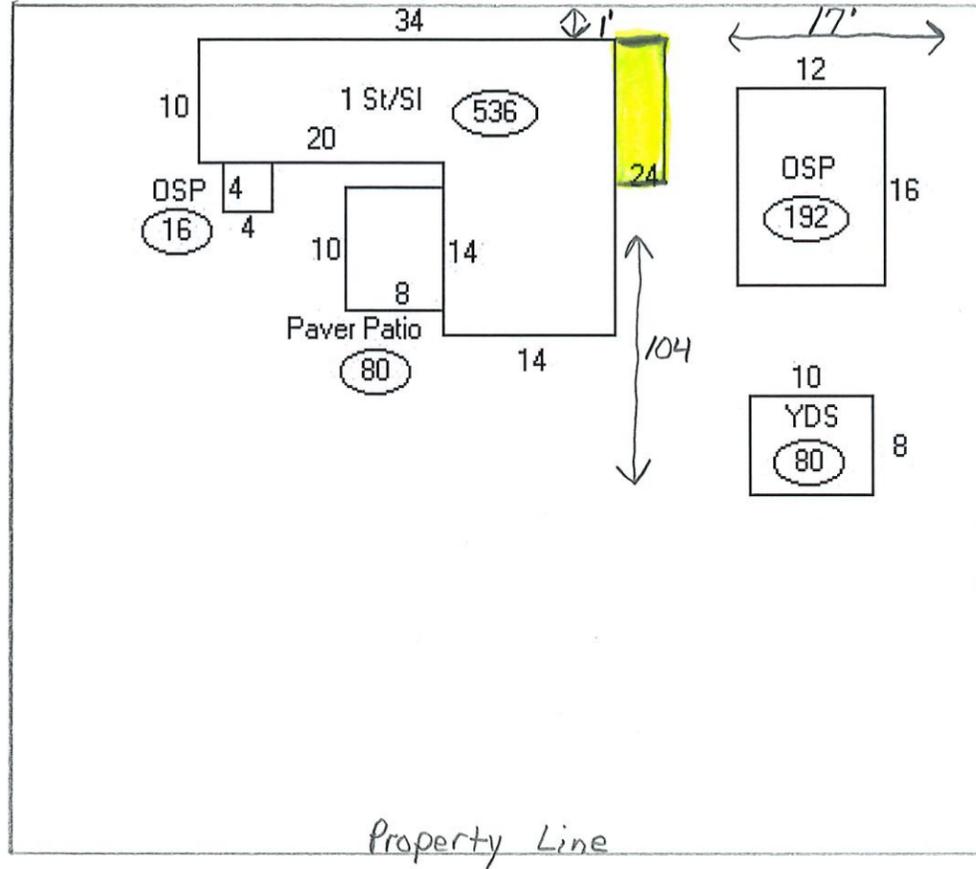
Permit is Approved _____ Denied _____ Date _____
Zoning Administrator Signature

Reasons for Denial: _____

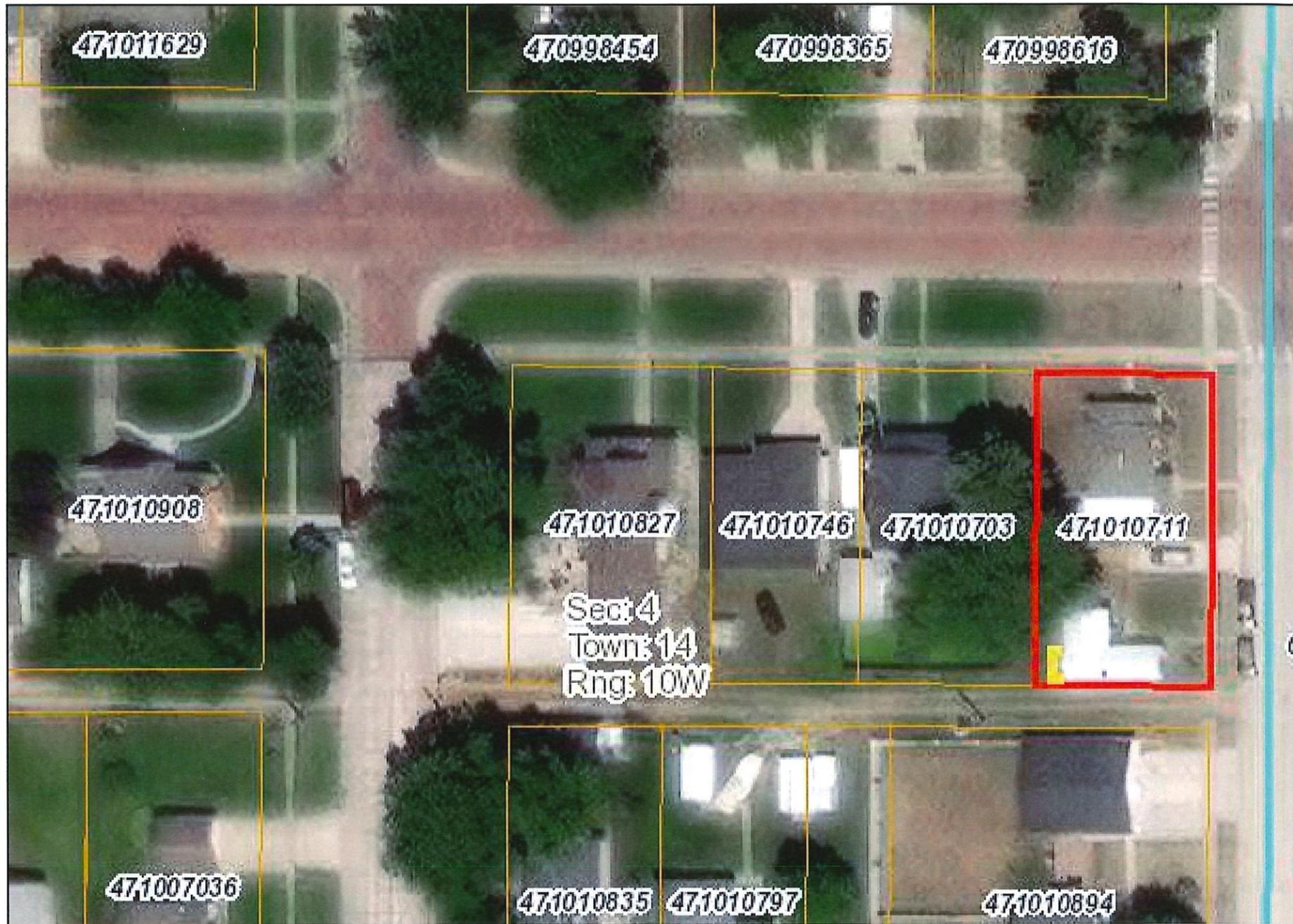
2023-33

Alley

9th Street



Howard Ave.



WAIVER OF SUBDIVISION REQUIREMENT

COMES NOW the City Council of the City of St. Paul, Howard County, Nebraska, and acknowledges receipt of a NOTICE of Subdivision of Real Estate regarding the following described real estate: **The North Half of the East Half (N½E½) of Lot Fifteen (15), Aleshire's Subdivision to St. Paul, Howard County, Nebraska.**

The NOTICE states that the owners of this real estate plan to subdivide the lot and by doing so the conveyance fails to comply with the requirements relating to subdivision approval and creates a defect in the title to the property. Nebraska Revised Statute 23-372 states that "subdivision shall mean the division of a lot, tract, or parcel of land into two or more sites";

The current owner of the property is John O. Gebhardt, Trustee of the John O. Gebhardt Trust, of St. Paul, Nebraska. The anticipated division of the lot by the current owner will allow the current owner to sell to Larry Lange and Rhonda Lange, husband and wife, the following real property:

**The South Fifteen (15) feet of the North Half of the East Half (N½E½) of Lot Fifteen (15),
Aleshire's Subdivision to St. Paul, Howard County, Nebraska**

The City Council of the City of St. Paul, the undersigned, is the governmental authority having jurisdiction of subdivision approval over the real estate described above.

The City Council of the City of St. Paul now waives the need to file the Notice of Subdivision of Real Estate and the Affidavit in the Howard County Register of Deeds Office.

The City Council of the City of St. Paul now waives the statutory 120 day objection period to the proposed conveyance which divides a lot into two or more tracts, resulting in a subdivision. Neb. Rev. Stat. 76-2,110 (2)

In waiving the filing of the Notice and Affidavit in the Register of Deeds Office and waiving the 120 day objection period, the City Council of the City of St. Paul has no objection to the subdivision of this lot and agrees that the conveyance is now fully validated.

DATED : _____, 2023.

THE CITY OF ST. PAUL

By: _____
Mayor

ATTEST: _____
City Clerk

- Layers
- Basemap

Log In Help

Search Address, Owner, PID, STR, GIS Layer

471027487

471027215

Sec 33
Town 15
Rng 10W

471005831

471008024

471007869

471008113

1302

471008199

471008202

471008091

Paul Street

471006071

471014261

471006064

471005955

471006412

Sec 4
Town 14
Rng 10W

471006676

471006083

471006048

471005963

471005726

471009322



Lat: 41.220413 Long: -98.463204
Site Last Updated: 8/21/2023

NOTICE REGARDING SUBDIVISION OF REAL PROPERTY

TO: THE CITY OF ST. PAUL, Howard County, Nebraska, you are hereby notified as follows:

1. The undersigned (John O. Gebhardt, Trustee of the John O. Gebhardt Trust) claims an interest in the following described real property in Howard County, Nebraska:

The North Half of the East Half (N $\frac{1}{2}$ E $\frac{1}{2}$) of Lot Fifteen (15), Aleshire's Subdivision to St. Paul, Howard County, Nebraska.

2. That a conveyance by deed is anticipated to be recorded in the Office of the Register of Deeds of Howard County, Nebraska conveying:

The South 15 feet of the North Half of the East Half (N $\frac{1}{2}$ E $\frac{1}{2}$) of Lot Fifteen (15), Aleshire's Subdivision to St. Paul, Howard County, Nebraska, to Larry Lange and Rhonda Lange.

3. That the conveyance will subdivide the original real estate into two or more tracts; and

4. That the anticipated conveyance will fail to comply with one or more of the requirements relating to subdivision approval as provided in Neb. Rev. Stat. 23-372.

5. That you shall have 120 days to record an objection to the subdivision in the office of the Register of Deeds in the county in which the real estate is situated, or such conveyance shall be fully valid. The objection shall be in the form of a resolution adopted after public hearing.

Dated: July 19, 2023

By:


John O. Gebhardt, Trustee of the
John O. Gebhardt Trust, Claimant

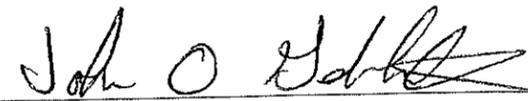
AFFIDAVIT REGARDING SUBDIVISION OF CITY LOT

STATE OF NEBRASKA)
) SS.
COUNTY OF HOWARD)

The undersigned, John O. Gebhardt, Trustee of the John O. Gebhardt Trust, claimant herein, after first being duly sworn upon oath, deposes and says that:

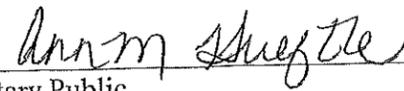
- 1) this affidavit is made pursuant to Neb. Rev. Stat. 76-2,110(2)
- 2) Affiant has an interest in the real property described above
- 3) the owner/claimant proposes to subdivide the real property,
- 4) by subdividing the real property it will fail to comply with the requirements relating to subdivision approval;
- 5) that this Notice has been filed with the Register of Deeds of Howard County, Nebraska.
- 6) that written notice of this defect has been given to the governmental authority having jurisdiction over subdivision approval of the real property described above.

FURTHER CLAIMANT SAYETH NOT.



 John O. Gebhardt, Trustee
 of the John O. Gebhardt Trust, Claimant

SUBSCRIBED AND SWORN to before me on July 19, 2023, by John O. Gebhardt, Trustee of the John O. Gebhardt Trust, Claimant herein.



 Notary Public



CONSOLIDATION WARRANTY DEED

Larry Lange and Rhonda Lange, GRANTORS, to consolidate properties and for estate planning purposes, conveys to GRANTEES

Larry Lange and Rhonda Lange, husband and wife,
as joint tenants and not as tenants in common,

the following described real estate (as defined in Neb. Rev. Stat. 76-201):

The South Half of the East Half (S $\frac{1}{2}$ E $\frac{1}{2}$) of Lot Fifteen (15) in Aleshire's Addition also known as D. Aleshire's Addition also known as Allshire's Addition to St. Paul, Howard County, Nebraska.

AND

The South 15' of the North Half of the East Half (N $\frac{1}{2}$ E $\frac{1}{2}$) of Lot 15, Aleshire's Subdivision to St. Paul, Howard County, Nebraska.

GRANTORS covenant jointly and severally, with GRANTEES that GRANTORS:

1. are lawfully seized of such real estate and that it is free from encumbrances;
2. have legal power and lawful authority to convey the same;
3. warrant and will defend title to the real estate against the lawful claims of all persons.

Executed: _____, 2023.

Larry Lange

Rhonda Lange

STATE OF NEBRASKA)
) SS.
COUNTY OF HOWARD)

The foregoing instrument was acknowledged before me on _____, 2023, by
Larry Lange and Rhonda Lange, husband and wife, GRANTORS.

Notary Public

Wroblewski & Gawrych

Law Office LLC

P.O. Box 23 - 617 Howard Ave.
St. Paul, Nebraska 68873-0023
Phone: (308) 754-4442
Fax: (308) 754-4444
E-mail: barbwroblewski@hotmail.com

Barbara A. Wroblewski
Julie K.W. Gawrych
Attorneys at Law

August 2, 2023

City of St. Paul
704 6th St.
St. Paul NE 68873
(hand delivered)

RE: Gebhardt / Lange

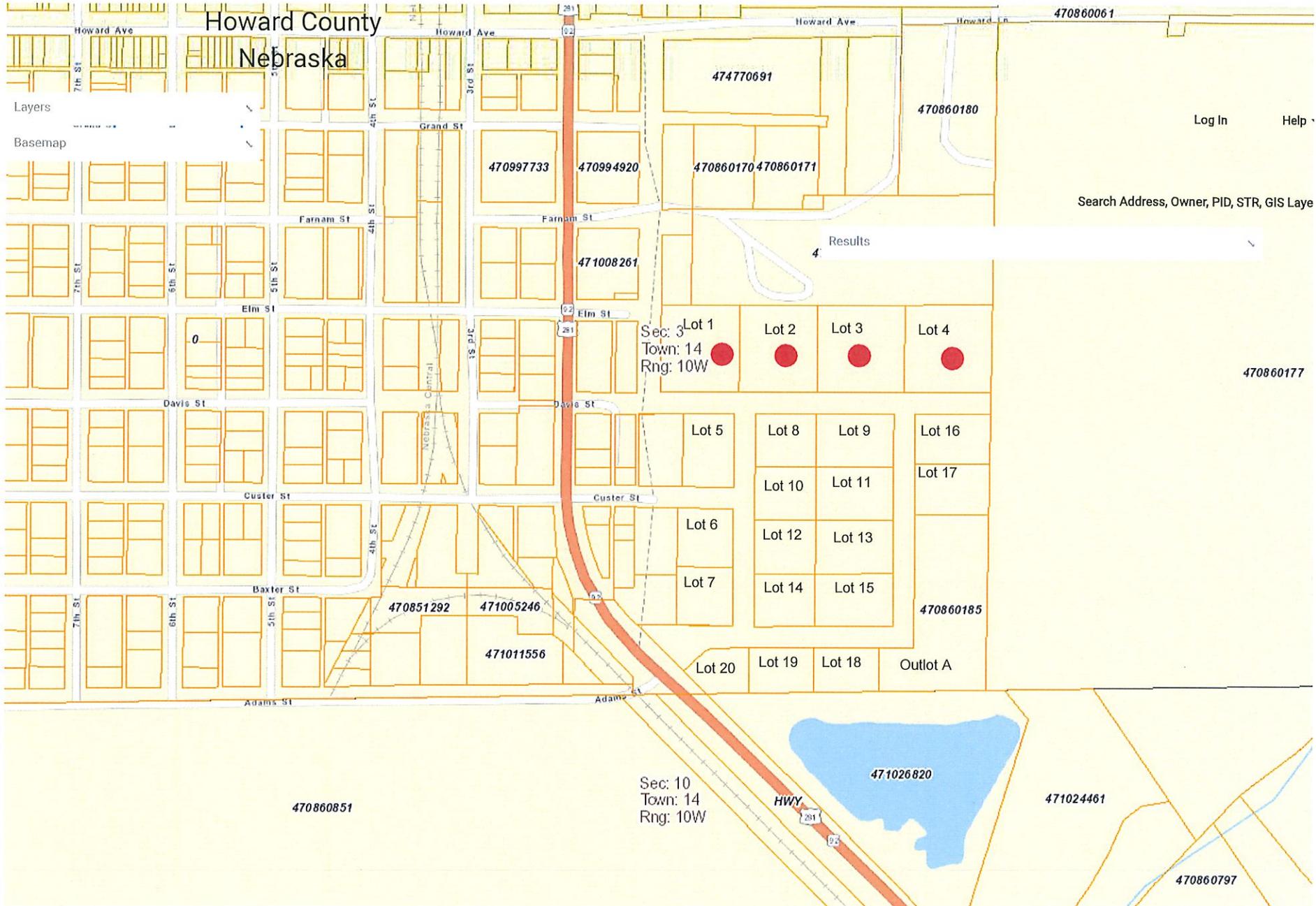
DOCUMENTS ENCLOSED:

- Notice of Subdivision or Real Property
- Affidavit Regarding Subdivision of City Lot
- Waiver of Subdivision Requirement
- Consolidated Warranty Deed

If you have any questions, please contact my office.

Barbara A. Wroblewski

BAW/tw



● Proposed Multi-family housing or potential hotel via Conditional Use Permit

Lots 1-4, 9, 11, 13, 15-20, and Outlot A to remain I-1 Light Industrial Zoning District

Lots 5-8, 10, 12, and 14 to be changed from I-1 Light Industrial to HC - Highway Commercial Zoning District

Lat: 41.209426 Long: -98.450001

Site Last Updated: 8/21/2023



ARTICLE 6 – CONDITIONAL USE PERMIT

6.1 GENERAL

The City Council may authorize by conditional use permit after public hearing, any of the buildings or uses designated in this Ordinance as permitted conditional uses.

6.2 PROCEDURES

Such application shall be in writing, filed in the zoning office, state the proposed location and use of the property, and such other relevant matters as may be requested by the Planning Commission. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the City Council, within thirty (30) days. Upon hearing, the City Council may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. No conditional use permit shall become effective until after separate public hearings are held by both the Planning Commission and the City Council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the City one time at least ten (10) days prior to such hearing.

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing. A written notice of such hearing shall be distributed to record title owners of property located within three hundred (300) feet of the property line of the property requesting the conditional use permit in incorporated areas and up to one (1) mile of the property line of the property requesting the conditional use permit in unincorporated areas and 300 feet of the property line if adjacent to the corporate limits. Addresses certified by a registered title abstractor of such record title holders shall be provided to the city by the applicant.

Except as otherwise provided herein, no conditional use permit shall be granted by the City Council, without an affirmative vote of a majority of all members of the City Council and providing the proposed use is found to comply with the following guidelines:

1. Be compatible with and similar to the use permitted in the district
2. Not be a matter which should require re-zoning of the property
3. Not be detrimental to adjacent property
4. Not tend to depreciate the value of the surrounding structures or property

5. Be compatible with the stated intended use of the district
6. Not change the character of the district
7. Be in accordance with the Comprehensive Plan

In case of protest against such conditional use permit, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending one hundred (100) feet, there from, and of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such conditional use permit shall not become effective except by the favorable vote of two-thirds of all members of the City Council.